

Service Appeal No. 11467/2020

06.02.2023

Nemo for appellant. Muhammad Adeel Butt learned Additional Advocate General for respondents present.

Case was called time and again but none appeared on behalf of appellant till rising of the Bench. As such the instant service appeal stands dismissed in default for non-prosecution. No order as to costs. File be consigned to the record room.

Announced
06.02.2023

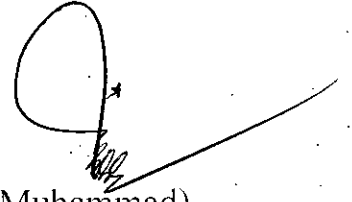

(Rozina Rehman)
Member (J)

16.11.2022

Clerk of learned counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Reply/comments on behalf of respondents not submitted. Learned Additional Advocate General seeks time to contact the respondents for submission of reply/comments. To come up for reply/comments on 19.12.2022 before S.B.

SCANNED
KP3T
Peshawar



(Mian Muhammad)
Member (E)

19.12.2022

Learned counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present and sought further time for submission of reply/comments. Last opportunity given. To come up for submission of reply/comments on 06.02.2023 before the S.B.

SCANNED
KP3T
Peshawar



(Salah-Ud-Din)
Member (J)


25.07.2022

Nemo for appellant.

Appellant Deposited
Security & Process Fee

1-8-22


Security and process fee still awaited. Notice be issued to appellant/counsel for depositing security and process fee within 3 days of the receipt of notices, positively. Where-after, notices be issued to respondents for submission of reply/comments for 11.10.2022 before S.B.


(Rozina Rehman)
Member (J)

11.10.2022

Clerk of counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for respondents present.

Written reply on behalf of respondents not submitted. Learned Additional AG seeks time to contact the respondents for submission of written reply. Adjourned. To come up for written reply/comments on 16.11.2022 before S.B.


(Fareeha Paul)
Member (E)

Continued
11.05.2022

Later on, learned counsel for appellant attended the Tribunal, preliminary arguments heard and record perused.

Points raised need consideration. Instant appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notice be issued to respondents for submission of written reply/comments. To come up for reply/comments on 15.07.2022 before S.B.


(Rozina Rehman)
Member (J)

15.07.2022

Learned counsel for the appellant present and submitted application for extension of time to deposit security and process fee. Application is allowed and learned counsel for the appellant is directed to deposit security and process fee within 03 days, thereafter, notice be issued to the respondents for submission of reply/comments. Adjourned. To come up for reply/comments on 16.09.2022 before S.B.


(MIAN MUHAMMAD)
MEMBER (E)

SCANNED
KPST
Peshawar

18.10.2021

None for the appellant present.

Due to general strike of the Bar, the case is adjourned. Notices be issued to the appellant and his counsel. To come up for preliminary hearing before the S.B on 21.12.2021.

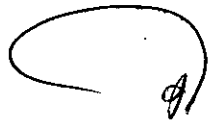


(MIAN MUHAMMAD)
MEMBER (E)

21.12.2021

Appellant present through representative.

Lawyers are on general strike, therefore, case is adjourned to 16.02.2022 for preliminary hearing before S.B.



(Rozina Rehman)
Member (J)

16.02.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 11.05.2022 for the same as before.



Reader

11.05.2022

Nemo for appellant.

Notice be issued to appellant/counsel for 15.07.2022 for preliminary hearing before S.B.



(Rozina Rehman)
Member (J)

02.02.2021

Mr. Waqar Ahmad Advocate on behalf of counsel for the appellant present.

Requests for adjournment due to non-availability of learned senior counsel today. . Adjourned to 20.05.2021 for hearing before S.B.


Chairman

20.05.2021

Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 02.09.2021 for the same as before.


Reader

02.09.2021

Junior of counsel for the appellant present.

Junior of learned counsel for the appellant requested for adjournment on the ground that the learned counsel for the appellant is not available today. Adjourned. To come up for preliminary hearing before the S.B on 18.10.2021.

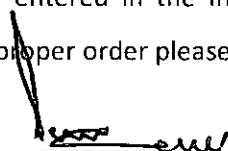



(MIAN MUHAMMAD)
MEMBER (E)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 11467 /2020

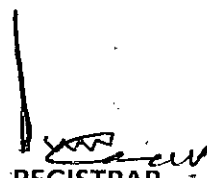
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	01/10/2020	<p>The appeal of Mr. Tasbih Ullah resubmitted today by Mr. Muhammad Inam Yousafzai Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>2-</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>16/11/2020</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> <p>16.11.2020</p> <p>Due to third day of mourning the demise of Honourable Chief Justice, Peshawar High Court, the members of the Bar are not appearing before the courts today. The matter is, therefore, adjourned to 02.02.2021 before S.B.</p> <p style="text-align: right;"> Chairman</p>

The appeal of Mr. Tasbihullah Ex-Head Constable Police District Swabi received today i.e. on 16.09.2020 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Memorandum of appeal may be got signed by the appellant.
- 2- Annexures of the appeal may be attested.
- 3- Annexures of the appeal may be flagged.

No. 2688 /S.T,

Dt. 17/09 /2020


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. M.Inam Yousafzai Adv. Pesh.

①

BEFORE THE HON'BLE SERVICE TRIBUNAL KHYBER PAKHYUNKHWA PESHAWAR

Service Appeal No. _____ -P/2020

Tasbih Ullah

VERSUS

DIG Mardan Police

**SCANNED
KPST
Peshawar**

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Dated: 16/09/2020

Appellant
Through
Zia-Ud-Din Khan
Advocate High Court
Attested
ZIA-UD-DIN KHAN
Waqar Ahmed Advocate
High Court Federal Sharia
Court of Peshawar

**Office: INSAF LAW CHAMBER Flat No. 34-B, Super Market Phase-1 Hayatabad
Township Peshawar City, Khyber Pakhtunkhwa Province the Islamic Republic
of Pakistan.**

Cell. No. 0345-9110368/0303-5893180

E-mail: Ziakhan_12@yahoo.com

②

BEFORE THE HON'BLE SERVICE TRIBUNAL KHYBER PAKHYUNKHWA PESHAWAR

Service Appeal No. 11467/P/2020

Tasbih Ullah Ex-Head Constable (BPS-07) Police District Swabi
Khyber Pakhtunkhwa.

Khyber Pakhtunkhwa
Service Tribunal

[Appellant] Diary No. 10368

Dated 16/9/2020

VERSUS

- 1) The Deputy Inspector General (DIG) of Police Mardan Region, Central Police Lines District Mardan Khyber Pakhtunkhwa.
- 2) The Regional Police Officer (RPO) Mardan Region, Central Police Lines District Mardan Khyber Pakhtunkhwa.
- 3) The District Police Officer (DPO) District Swabi, District Headquarter of Police Swabi Khyber Pakhtunkhwa.
- 4) The Govt of Khyber Pakhtunkhwa through Chief Secretary Central Civil Secretariat Peshawar.

[Respondents]

.....

**APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL ACT 1974**

AGAINST THE IMPUDGNE OFFICE ORDER NO. 2063-68/PA, DATED SWABI, THE 24/09/2019, WHEREBY MAJOR PENALTY OF DISMISSAL FROM SERVICE HAS BEEN IMPOSED ON THE APPELLANT BY THE RESPONDENT NO. 3/THE DISTRICT POLICE OFFICER SWABI. WHILE, THE APPELLATE AUTHORITY THE RESPONDENT NO. 2/THE REGIONAL POLICE OFFICER (RPO) THROUGH OFFICE ORDER NO. 5126-/ES/DATED MARDAN THE 24 - 08 - 2020, WHEREBY THE DEPARTMENTAL APPEAL DATED: 10/07/2020 OF THE APPELLANT WAS REJECTED.

Respectfully Sheweth;

BRIEF FACTS

- 1) That the Appellant is a respectable Law-abiding citizen of Pakistan and belongs to a respectable family. Moreover, the appellant was initially appointed/recruited as a 'Constable (BPS -05)' in the Khyber Pakhtunkhwa Police in 2007 at his dwelling District Mardan where he render his services with honesty, zeal and zest to the entire satisfaction of his superiors (respondents). While, later on the appellant was promoted as 'Head-Constable (BPS-07)'.

Filed to-day

Registrar
16/9/2020

Submitted to-day
and filed.

Registrar
01/10/2020

2) That the 'Respondent No. 3/the District Police Officer (DPO)' imposed major penalty of 'Dismissal from Service' on the appellant whereby the present appellant was dismissed from service dated 24/09/2019 on the ground of willful and intentional absence from duty.

{Copy of Dismissal Order dated 24/09/2019 annexed Annexure- A}

3) It is pertinent to mention here that the Respondents neither served any 'Show-Cause Notice' to the present appellant nor informed about any inquiry proceedings or report of whatever nature has been conducted despite the fact that it was mandatory under the Law for the respondent to oblige.

4) That the Respondents haven't conducted/initiated any departmental inquiry/proceedings against the appellant and neither any 'Charge Sheet/Statement' of allegations was served upon the appellant. The respondent's allegation of absence from duty against the appellant is not true because the reason of appellant absence from duty was his serious illness (TB). While, the appellant in his 'Departmental Appeal' before the 'Respondent No. 1/the Deputy Inspector General (DIG) of Police' also put of the same plea.

{Copy of Departmental Appeal annexed Annexure- B}

5) That the Respondents didn't communicated and served any Show-Cause Notice to the appellant which was mandatory for the respondents under the Rules and neither the appellant was informed through any source of communication or through any publish 'Advertisement' etc in any reputed News Paper. It is further averred that the respondents neither conducted/initiated any departmental inquiry/proceedings against the appellant to probe into the matter as per modus operandi. Hence, this act of the respondents is against the famous principle that 'none could be condemned unheard'.

6) It is also important to be noted that the reason behind the Appellant absence from duty was his serious illness and the appellant also informed the concerned officials regarding his illness. But unfortunately, the same wasn't considered positively. Reliance could be made on the judgment of the Hon'ble Lahore High Court (2016 PLC (C.S 296)) clearly stated that;

'Whenever any discretion was given to an authority it had to be exercised not arbitrarily, but honestly, justly and fairly in consonance with the spirit of law after application of judicious mind and for

substantial reasons---Discretion had to be exercised with due care and caution keeping in mind the principles of natural justice, fair trial and transparency---Authority should record reasons with regard to dispensing with regular inquiry---Where recording of evidence was necessary to establish charge then departure from regular inquiry would amount to condemned unheard---Serving of Show-Cause notice and reply thereto in denial of allegations would not amount to affording the employee reasonable opportunity of showing cause'.

{Copies of Medical Certificates annexed Annexure- C}

7) Likewise, in the Civil Appeals No.1122, 1123, 1107 of 2013 & 173 and 174 of 2015, the Honorable Supreme Court of Pakistan further clarified that;

'For reasons to be recorded later these appeals are partially allowed and the impugned judgments of the High Court are set aside to the extent of setting aside the order of dismissal of the respondents by the Commandant Frontier Constabulary. However, since the procedure laid down in Rule 18 of the NWFP Frontier Constabulary Rules, 1958 had not been followed during the inquiry conducted against the respondents, a denovo inquiry according to the said Rule may be conducted against the respondents. In order to hold the inquiry the respondents have to be reinstated. Since three inquiries have already been held, the fresh inquiry shall be concluded within a period of four months'.

8) The Appellant refuted the allegations of absentee put up by the respondent in the subject matter case. While, it is pertinent to mention here that this Hon'ble Court/Tribunal as well as the Superior Judiciary frequently directed that no one should be condemned unheard and the case should be decided in its true letter and spirit according on merit. Reliance could be made on the judgment of the Hon'ble Peshawar High Court (PLD 2011 Page 47) wherein the Principle of Natural Justice elucidates that;

'Order passed by an authority against the interest of a person without providing him opportunity of hearing would be an illegal order'.

9) That being aggrieved by the said unlawful acts of the respondents and finding no other alternate remedy, the appellant had left with no other option but approach this Hon'ble Court/Tribunal through the appeal in hand inter-alia on the following grounds:

5

GROUNDNS

- A) That the impugned Office Order No. 2063-68/PA, Dated Swabi the 25/09/2019 which is issued by the 'Respondent No. 3/the District Police Officer (DPO)' whereby the appellant has been dismissed from service is not only based on their malafide intention, ill-will, unlawful and trying to deprive the appellant of his Fundamental Constitutional Right but also against the Law, Rules and Principles of Natural Justice.
- B) That the Appellant has not been treated in accordance with Law, nor he has been granted any proper, fair and meaningful opportunity of self-defense and thus the alleged charges of absence against the appellant are false, baseless and devoid of merits, hence not tenable in the eyes of Law. The Hon'ble Supreme Court of Pakistan in the case of Muhammad Naeem Akhtar Vs Managing Director Water and Sanitation Agency LDA, Lahore and Others (2017 SCMR, Page 356), further elucidates that;
- 'Inefficiency---Major Penalty---Dispensation of regular enquiry---Legality---Fact finding enquiry--- Supreme Court observed that it would be lawful, appropriate and fair that a regular enquiry was conducted to the extent of responsibility of the appellant for his alleged misconduct and if culpable, the lawful penalty that may be imposed on him---Supreme Court set-aside the major penalty of dismissal from service imposed on the appellant and remanded his case to the department for holding regular enquiry after giving him full opportunity of representation in accordance with Law'.
- C) That the 'Departmental Appeal' of the present appellant was rejected by the Respondent No (1)/the Regional Police Officer (RPO) through vide Office Order No. 15868-69/Legal/1134, dated 24/08/2020. Reliance could be made on the Hon'ble Supreme Court of Pakistan in the case of Inspector General of Police, Police Headquarters Office Karachi others Vs Shafqat Mehmood (2003 SCMR, Page 207), wherein it has been precisely stated that;
- 'Natural Justice, principles of---Applicability---Opportunity of defence to civil servant---Scope---Proper inquiry is to be conducted wherein Government servant is to be provided an opportunity of defence and personal hearing and if regular inquiry is proved then action against the public servant is to be taken'.

- 6
- D) That the Appellant has been condemned unheard and has not been treated in accordance with Law. No opportunity of personal hearing and personal defense has been provided to the appellant which is against the Law, hence the impugned order is void and illegal. Similarly, the appellant being a low paid Government Servant, having no other alternate source of income and deserving to be treated leniently. Therefore, the impugned order being harsh and vindictive liable to be Set-aside.
- E) It is further averred that Constitutional Provisions containing fundamental rights and the powers of the Courts to enforce them also received a broader interpretation after the Benazir Bhutto judgment. In the widely celebrated case in 'Shehla Zia Vs Wapda', the concept of right to life was not allowed to be confined to mere vegetal existence but was held to include the right to enjoy all decent comforts of life including the right to live in a pollution free environment.
- F) That the Appellant shall be allowed to add any other ground(s) at the time of arguments.

PRAYER IN APPEAL

- i) On acceptance of this Appeal, the impugned Office Order No. 2063-68/PA, Dated Swabi, The 25/09/2019 of the 'Respondent No. 3/the District Police Officer (DPO)' regarding the Appellant dismissal from service is illegal and unlawful, may please be Set-aside and the appellant shall be 'Re-instated' to service with all back benefits.
- ii) On acceptance of the appeal in hand, the inquiry proceedings conducted by the respondents against the appellant in Ex-Parte shall be declared null and void as the same against the Law and Principles of Natural Justice and the case of the appellant shall be referred for a 'Denovo Inquiry'.
- iii) Any other relief deems proper in the circumstances of this case may also be granted in favor of the appellant.

Dated: 16/07/2019

Bebeel
Appellant

Through

Zia-Ud-Din Khan
Advocate High Court
&
Advocate
Federal Sharia
Waqar Ahmed Advocate

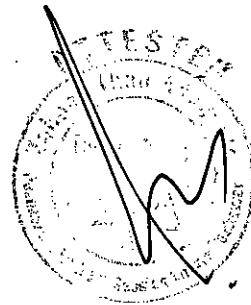
AFFIDAVIT

I, Tasbih Ullah Ex-Head Constable (BPS-07) Police District Swabi Khyber Pakhtunkhwa, do hereby solemnly affirm and declare on oath that the contents of this 'Appeal' are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Tribunal/Court.

Tasbih Ullah
DEPONENT

Tasbih Ullah

16101-0184672-1



Service Appeal No. _____ -P/2020

Tasbih Ullah

VERSUS

DIG Mardan Police

APPLICATION FOR CONDONATION OF DELAY

Respectfully Sheweth:

- 1) That the above titled case has been filed by the applicant wherein no date for hearing has yet been fixed.
- 2) That the reason behind delay in filing of the 'Departmental Appeal' before the 'Appellate Authority' was the serious illness of the applicant/appellant. (Copies of Medical Certificates have been annexed with main Appeal).
- 3) That the delay in filing of the above title appeal is neither willful, nor intentional, but due to the above stated reason.
- 4) There are plethora of judgments of the Superior Courts that cases must be decided on merits and technicalities should be avoided. The applicant is diligently pursuing his case therefore; the case deserves to be decided on merits.

It is therefore, most humbly prayed that on acceptance of this application, the delay in filing the above mentioned 'Departmental Appeal' may kindly be condoned in the best interest of justice.

Dated: 16/09/2020

Appellant
Through
Zia-Ud-Din Khan
Attested
Advocate High Court
ZIA-UD-DIN KHAN
Advocate
High Court Federal Sharia
Court of Pakistan

AFFIDAVIT

I, Tasbih Ullah Ex-Head Constable (BPS-07) Police, District Swabi Khyber Pakhtunkhwa, do hereby solemnly affirm and declare on oath that the contents of the accompanying 'Application for Condonation' are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Tribunal/Court.


DEPONENT

Annex 'A'

615



9

OFFICE OF THE DISTRICT POLICE OFFICER, SWABI.

ORDER.

Head Constable Tasbih Ullah No.615, while posted to Police Post Azam Abad, absented himself from duty with effect from 08.04.2019 till date without any leave/prior permission of the competent authority, which is against the discipline and amounts to gross mis-conduct. Therefore, he was issued with Show Cause Notice and directed to receive but the directions fell on deaf ears and he did not bother to receive. Therefore, he was issued with Charge Sheet and Summary of Allegations and DSP, Swabi was appointed to conduct departmental enquiry against him. The officer conducted enquiry, recorded statements of all concerned, collected evidence and submitted his findings wherein he found Head Constable Tasbih Ullah No.615, guilty for the mis-conduct and recommended him for major punishment. The undersigned perused the enquiry papers, findings of the Enquiry Officer and by agreeing with him served Head Constable Tasbih Ullah No.615 with Final Show Cause Notice through local Police on 6.9.2019. He was clearly directed to submit his reply within 7 days of the receipt of the notice, otherwise, ex-parte action will be taken but he did not submit his reply. However, it was decided to give him an opportunity of personal hearing and directed to appear in Orderly Room, but he did not, which means that he has nothing to offer in his defence and deserves ex-parte action.

Certified to be True Copy.

Therefore, I, Syed Khalid Hamdani, PSP, QPM, District Police Officer, Swabi, in exercise of the powers vested in me under Khyber Pakhtunkhwa Police Rules 1975, hereby award Head Constable Tasbih Ullah No.615, Major Punishment of dismissal from service, from the date of his absence i.e 8.4.2019.

O.B No. 772
Dated 24/09 /2019.

(SYED KHALID HAMDANI) PSP, QPM
District Police Officer, Swabi.

OFFICE OF THE DISTRICT POLICE OFFICER, SWABI.

No. 2068-68 /PA, dated Swabi, the 25/09/ /2019.

Copies to the: -

1. DSP, Razzar.
2. Pay Officer.
3. Establishment Clerk.
4. Fauji Missal Clerk.
5. Official concerned

Attested to be true copy.

ATTESTED

District Police Officer, Swabi.

Name of Applicant: Rashid Ali
 Date of Completion: 22-6-2020
 Date of Delivery of Copy: 22-6-2020

بخدمت جناب DIG صاحب مردان ریجن مردان

اپیل برخلاف حکم محررہ 25-09-2019 ڈی۔ پی۔ او صاحب صوابی

جناب عالی!

- 1- یہ کہ سائل بطور ہیڈ کنسٹیبل نمبر 615 پولیس پوسٹ اعظم آباد میں ڈیوٹی انجام دے رہا تھا۔
- 2- یہ کہ اپریل 2019 میں سائل شدید بیمار ہوا۔ اور بوجہ بیماری ڈیوٹی پر نہ آسکا۔ (میڈیکل کاغذات لف ہیں)۔
- 3- یہ کہ میں جب بمورخہ 20-06-2020 کو جب ڈیوٹی کیلئے گیا۔ تو وہاں ان لوگوں نے کہا کہ آپ DPO صوابی صاحب کے دفتر سے آپ معلومات کرے۔ تو اسکے بعد مجھے پتہ چلا کہ میں Dismiss ہوا ہو۔ تو اسلئے مجھے 22-06-2020 کو Dismiss آدر ملا۔

- 4- یہ کہ بدوران بیماری سائل کئی ماہ تک بستر پر پڑا رہا۔ اور چلنے پھرنے کا قابل نہ تھا۔
- 5- یہ کہ سائل کو حال ہی میں پتہ چلا کہ DPO صاحب صوابی نے اپنے عہدے سے برطرف کر دیا ہے۔
- 6- یہ کہ سائل کے حکم مندرجہ بالا یکطرفہ ہے۔ اور سائل کو شنوائی کا موقع نہیں دیا گیا۔
- 7- یہ کہ سائل کے خلاف تمام کارروائی کے دوران سائل کو کوئی نوٹس وغیرہ نہیں دیا گیا۔ اور ساری کارروائی کا سائل کو کوئی علم نہ تھا۔

- 8- یہ کہ سائل اپنے خاندان کا واحد کفیل ہے۔ اور سائل کی آمدنی کا اور کوئی ذریعہ نہیں ہے۔
 - 9- یہ کہ سائل کی غیر حاضری قصداً عمدانہ ہے۔ بلکہ بوجہ بیماری ہے۔
 - 10- یہ کہ سائل کو اپنے زیر سایہ خدمت کا آخری موقع دیا جائے تو بڑی مہربانی ہوگی۔
- لہذا استدعا ہے کہ حکم محررہ 25-09-2019 جناب ڈی۔ پی۔ او صوابی منسوخ فرما کر سائل کو اپنے عہدے پر بحال کرنے کے احکام صادر فرمائی جائے۔

Pedestal
allah

تبیح اللہ
HC No-615

10/07/2020

Asst. Secy
HC No-615

Annex - 'C' (11-19)

11

Dr. Waqar Ahmad

MBBS, Diap Diabetes
Registrar Medical "A" Ward
Incharge Diabetic O.P.D
Mardan Medical Complex Mardan



ڈاکٹر وقار احمد

ایم بی بی ایس، ڈی آئی اے پی ڈی ڈیابٹیس
رجسٹر اریسڈیکل "اے" وارڈ
انچارج ڈیابٹیس او پی ڈی
مردان میڈیکل کمپلیکس مردان

Pt's Name تبیحی اللہ Age 37 Sex M Date 4/4/18

Clinical Record

Rx

Pure TB

1 TB myambutol forte

1 TB vit 6

66

1 TB H 2000

1 TB Dil 4/4

Exp: Rata Exp

Wt 42 kg

MEDICAL OFFICER
Mardan Medical Complex
Mardan

Mob: 0333-9178914

کلینک: مین روڈ نزد سٹی ہل مردان

Attended

[Signature]

Dr. Waqar Ahmad



ڈاکٹر وقار احمد

MBBS, Diap Diabetes
Registrar Medical "A" Ward
Incharge Diabetic O.P.D
Mardan Medical Complex Mardan

ایم بی بی ایس، ڈی آئی اے پی ڈی ایف
رجسٹرار میڈیکل "اے" وارڈ
انچارج ڈیابٹیس او پی ڈی
مردان میڈیکل کمپلیکس مردان

Pt's Name Taqi Ahmad Age 47 Sex m Date 4/5/18

Clinical Record

Rx

Pa. FB

Sup. AB

Rc

SB mym of fmk

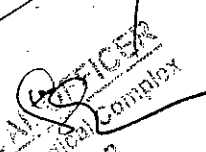
SB IB of fmk

A.B

Cap. Esso
SB. Di 2V

49.49 K8

Hylixia



Mob: 0333-9178914

مردان میں واقع ڈیابٹیس وارڈ کی ڈاکٹر وقار احمد

Assessed

[Handwritten signature]

CALL FOR CONSULTATION

Dated: 5/7/19 Time: _____ Bed No. MAD

Call To: Pt. - Tasbeek Wilson, Age 31 yrs.

Hx by Pulm TB (on ATT), pt. improved. E. Tx.
Advised to complete Tx & Diet Control.

lx

Stb signs of fever is

Stb vitals

Wt 55 kg

Bp 140/80

Sign: [Signature]

Doctor Name: _____

Sign: _____

Attested

[Signature]

Call Attended by: _____

Designation: _____

Dated: _____

Sign: _____

Dr. Waqar Ahmad



ڈاکٹر وقار احمد

MBBS, Diap Diabetes
Registrar Medical "A" Ward
Incharge Diabetic O.P.D
Mardan Medical Complex Mardan

ایم بی بی ایس، ڈی آئی ڈی ڈی ایس
ریسٹرار میڈیکل "اے" وارڈ
انچارج ڈیابٹیس او پی ڈی
مردان میڈیکل کمپلیکس مردان

Pt's Name سید علی اللہ Age 37 Sex M Date 4/8/18

Clinical Record

Rx

Pr. TB CPT. improved
T+D
of mild wheeze
Continue ATT
- 1st line dox
- Cap: Espira
- ...

4/8/18

[Signature]
کیا گیا ہے میں روڈ نور عثمانی پل مردان

Mob: 0333-9178914

Assessed
[Signature]

Dr. Waqar Ahmad

MBBS, Diap Diabetes
Registrar Medical "A" Ward
Incharge Diabetic O.P.D
Mardan Medical Complex Mardan.



ڈاکٹر وقار احمد

ایم بی بی ایس، ڈی آئی ڈی پی ایس
رجسٹرڈ میڈیکل "اے" وارڈ
انچارج ڈیابٹک او پی ڈی
مردان میڈیکل کمپلیکس مردان

Pt. Name Tirbeet 44/21 Age 32 Sex M Date 7/1/18

Clinical Record

Rx

P-11 TB

an mycobact factor

5.6

midly improm

CP →

[Signature]

Attested

[Signature]

Dr. Waqar Ahmad

MBBS, Diap Diabetes
Registrar Medical "A" Ward
Incharge Diabetic O.P.D
Mardan Medical Complex Mardan.



ڈاکٹر وقار احمد

ایئر لی بی ایس، ڈی آئی اے بی ڈی ایس
رہنما روڈ، پیکل ۳۳، وارڈ ۳
انچارج ڈیابٹیس او پی ڈی
مردان میڈیکل کمپلیکس مردان

Pt. Name Tubach ullah Age 32 Sex M Date 9/12/18

Clinical Record

R_x

P-419 TB

(in regular contact)

kg 70kg

(86)

Diabetes (5)
Vascular neuropathy

[Signature]
Mardan Medical Complex

Mob: 0333-9178914

کلینک: مین روڈ نزد ہسپتال مردان

Assessed

[Signature]

Dr. Waqar Ahmad

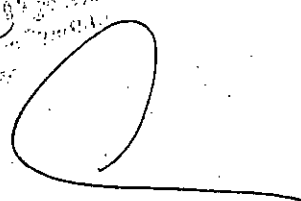
MBBS, Diap Diabetes
Registrar Medical "A" Ward
Incharge Diabetic O.P.D
Mardan Medical Complex Mardan.



ڈاکٹر وقار احمد

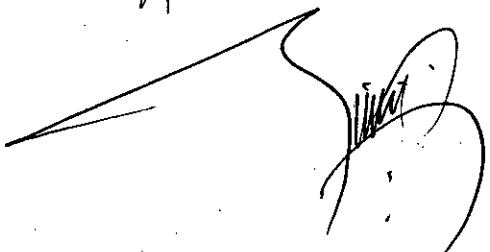
ایم بی بی ایس، دی آئی ایس ایف ڈی پی ایس
رجسٹرار میڈیکل "اے" وارڈ
انچارج ڈیابٹیس او پی ڈی
مردان میڈیکل کمپلیکس مردان

Pt. Name سید سعید احمد Age 35 Sex M Date 17/2/20

Clinical Record	Rx
<p><u>P. TB - (L. TB)</u></p> <p>Pt. improve →</p> <p>stop epitax vices</p>	<p>12 NCT → 600</p> <p>sup cbc w/ cp</p> <p>for MNTK 100</p> <p>cp hys</p> 

Mob: 0333-9178914

کلینک: مین روڈ نزد ہسپتال پل مردان

Attested


Dr. Waqar Ahmad

MBBS, Diap Diabetes
Registrar Medical "A" Ward
Incharge Diabetic O.P.D
Mardan Medical Complex Mardan.



ڈاکٹر وقار احمد

ایم بی بی ایس، دیابٹیس
ریجنل رجسٹرار "اے" وارڈ
انچارج ڈیابٹیس او پی ڈی
مردان میڈیکل کمپلکس مردان

Pt. Name سیح / بی Age 38 Sex M Date 6/4/20

Clinical Record

Rx

on ATP

on 40 mg

Ca lesmo

[Faint, illegible text]

Assessed

[Signature]

Dr. Waqar Ahmad

MBBS, Diap Diabetes
Registrar Medical "A" Ward
Incharge Diabetic O.P.D
Mardan Medical Complex Mardan.



ڈاکٹر وقار احمد

ایم بی بی ایس، ڈی آئی ایس
رجسٹرڈ ڈیپٹیس سائیکل ۳۳ وارڈ
انچارج ڈیپٹیس او پی ڈی
مردان میڈیکل کمپلیکس مردان

Pt. Name

سید سعید علی

Age

32 years

Sex

M

Date

8/8/20

Clinical Record

Rx

ATT Complete ✓

Pt. improved
Ho. mg Complete ✓

IB. Subst. at - 2 ✓

[Signature]
1547-1514
Mardan Medical Complex
Mardan

Mob: 0333-9178914

کلینک: مین روڈ نزد ہائی پل مردان

[Signature]
Attested

Annex-D' (20-21)

ORDER

This order will dispose-off the departmental appeal preferred by Ex-Head Constable Tashih Ullah No. 615 of Swabi District Police against the order of District Police Officer, Swabi, whereby he was awarded major punishment of dismissal from service vide OB No. 772 dated 24.09.2019. The appellant was proceeded against departmentally on the allegations that he while posted at Police Post Azam Abad absented himself from his lawful duty with effect from 08.04.2019 till date of his dismissal without any leave/prior permission of the competent authority.

He was issued Show Cause Notice and directed time and again to receive the same but to no avail. Hence, proper departmental enquiry proceedings were initiated against him. He was issued Charge Sheet alongwith Statement of Allegations and Sub Divisional Police Officer (SDPO) Swabi was nominated as Enquiry Officer. The Enquiry Officer after fulfilling codal formalities, submitted his findings wherein he recommended the appellant for awarding major punishment.

He was issued Final Show Cause Notice on 06.09.2019 with the directions to submit his reply within seven days of the receipt of the notice. But he did not bother to submit his reply. Besides, he was also provided right of self defense by summoning him in Orderly Room, but this time too he failed to appear before the competent authority. Therefore, ex-parte action was taken against him and he was awarded major punishment of dismissal from service from the date of absence i.e 08.04.019 by the District Police Officer, Swabi vide OB: No. 772 dated 24.09.2019.

Feeling aggrieved from the order of District Police Officer, Swabi the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in his office on 11.08.2020.

From the perusal of the enquiry file and service record of the appellant, it has been found that the appellant during the course of enquiry did not bother to join enquiry proceedings. Moreover, he also failed to appear before the competent authority in Orderly Room which clearly depicted that he had nothing to justify his absence. It is pertinent to mention here that prior to this, the appellant had been dismissed on the same allegations who was later on re-instated into service vide this office order endorsement No. 9276/ES dated 22.12.2017. But he failed to mend his ways. It is worthwhile

Attested
[Signature]

that the appellant approached this forum at a belated stage without advancing any cogent reason regarding the delay. Hence, order passed by the competent authority does not warrant any interference.

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

Order Announced.




**Regional Police Officer,
Mardan.**

No. 5126 /ES, Dated Mardan the 24-8- /2020.

Copy forwarded to District Police Officer, Swabi for information and necessary action w/r to his office Memo: No. 98/Insp: Legal dated 28.07.2020. His Service Record is returned herewith.

(*****)

Attested



BEFORE THE HON'BLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR

Tasbiullah

VERSUS

D.I.G Mardan Police

APPLICATION FOR DEPOSIT OF
SECURITY AMOUNT

Respectfully Sheweth,

1. That the above mention service Appeal is pending adjudicating before the Hon'ble Court which is fixed for today.
2. That the applicant/appellate shall be allowed to deposit the requisite security amount.

It is, therefore, most humbly prayed that on acceptance of this application the applicant/appellate shall be allowed to deposit the requisites security amount.

Dated: 15/07/2022

Applicant/Appellate

Through

Zia Ud Din Khan
Advocate, High Court
Peshawar.

