

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

**SERVICE APPEAL NO. 55/2019**

Date of institution ... 10.01.2019  
Date of judgment ... 10.11.2021

Aman Ullah S/O Inam Ullah R/O Khari Qillah Stop Mera Musazai, Tehsil  
& District Peshawar. ... (Appellant)

**VERSUS**

Deputy Commandant FRP, Peshawar.

... (Respondents)

**Present:**

Mian Sibhat Ullah Shah,  
Advocate

... For appellant.

Mr. Kabirullah Khattak,  
Additional Advocate General

... For respondents.

Mian Muhammad  
Rozina Rehman

... Member (Executive)  
... Member (Judicial)

**JUDGEMENT**

**MIAN MUHAMMAD, MEMBER (E):-** The original order of respondent No.1 dated 21.02.2017 whereby the appellant was discharged from service, appellate order of respondent No.2 dated 01.11.2018 as well as order of respondent No.3 on revision petition dated 28.12.2018 have been challenged and are placed for adjudication before us.

2. Brief facts leading to the instant service appeal are that the appellant was appointed as Constable No. 477 in Frontier Reserve Police (FRP) in 2015. While posted at FRP Headquarter Peshawar, he was proceeded against under the Police Rules on account of willful

absence for six (06) months and 27 days and discharged from service vide original impugned order dated 21.02.2017. His departmental appeal was turned down on 01.11.2018 where-after he submitted revision petition which was also declined on 28.12.2018, hence, the instant service appeal was filed in the Service Tribunal on 10.01.2019.

3. Parties were issued notices to which their written reply/parawise comments submitted. Learned counsel for appellant as well as learned Additional Advocate General were heard and available record perused thoroughly with their assistance.

4. Learned counsel for the appellant contended that appellant was initially on two months leave duly sanctioned by the authority. The impugned order dated 21.02.2017 has been issued on the back of appellant as no opportunity of defense provided to the appellant and the entire proceedings have been conducted in a hasty manner. No charge sheet/statement of allegations or show cause notice issued to him. No proper/ regular enquiry was conducted and no prescribed procedure was followed as required under the provisions of Police Rules 1975. The appellant has neither been heard in person before the impugned order dated 21.02.2017 was passed nor at the time of decision on his department appeal by the appellate authority before appellate order was passed on 01.11.2018 and even on order of revision petition dated 28.12.2018. All the impugned orders have been issued illegally, are void ab-initio and against the principle of natural justice. The entire proceedings are based on malafide

intention, ill will, personal bias, personal whims in violation of his fundamental rights and undue influence to penalize the appellant on a mere score of absentia hence, are not maintainable and effective in the eyes of law. The penalty is harsh and the respondents were obligated to have conducted a regular and a proper enquiry in the prescribed manner before passing order of the major penalty against the appellant. The action on part of the respondents is not commensurate to the dictates and principles set out in judgement of the superior courts. To strengthen his arguments, he relied on judgement of the Service Tribunal dated 07.03.2018 in Service Appeal No. 694/2014 titled Nasir Khan S/O Kartaz Ali-vs-Police Department and another judgement dated 08.07.2021 in service appeal No. 663/2019 titled Ameer Shah-vs-Police Department.

5. Learned Additional Advocate General, on the other hand contended that the instant service appeal is not maintainable under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974 because the appellant after lapse of two years has applied on 22.04.2019 to get copy of the dismissal order dated 21.02.2017 apparently trying to cover up the period of limitation. Moreover, willful absence of the appellant is evident from record and proved against him. He was provided opportunity of defense but he opted not to appear before the enquiry officer. He did not apply for leave and remained absent without sanction of leave by the competent authority. The appellant being personnel of disciplined force committed gross misconduct on account of willful absence. Since all codal formalities have been observed and followed by the

respondents before awarding him major penalty of discharge from service, the service appeal being devoid of merit may graciously be dismissed.

06. Perusal of record reveals that the appellant joined the respondent-department in 2015 and just after rendering two years service, he remained absent from duty w.e.f 24.07.2016. Respondent No.1 in his capacity as competent authority ordered inquiry under Rule-5 (3) of the Police Rules, 1975 and appointed DSP FRP/Headquarter as inquiry officer on 19.08.2016. The inquiry officer submitted the report on 25.10.2016. According to the enquiry report, charge sheet and summery of allegations was served upon the brother of appellant and the appellant failed to submit written reply in his defense, therefore, ex-parte action was recommended to the Authority. Final show cause notice was issued to the appellant which stands received by his cousin (Rooh Ullah S/O Ihsan Ullah) as is evident from record. His departmental appeal preferred against the impugned order dated 21.02.2017 was rejected by the appellate authority on 01.11.2018 on the ground being "badly time barred and meritless". He also availed the opportunity of revision petition but the same did not find favourable response and was turned down on 28.12.2018 "being badly time barred"

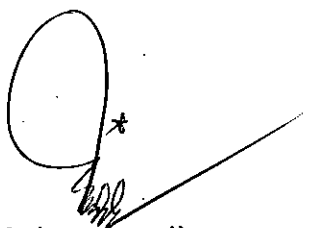
07. It is not disputed that the appellant had proceeded to United States of America without sanction of ex-Pakistan leave and NOC of the Competent Authority. He was taken in custody on Washington DC Airport, remained confined in lockup for 22/23 days, then released by

Immigration judge on 21.03.2017 and finally deported/departed on 04.07.2018. The appellant admits to be an educated person but did not know the norms of service to seek prior permission/sanction of leave from the Competent Authority. In this sense, ignorance of law is no excuse and absence of even one day constitutes misconduct. Since the appellant was belonging to disciplined force who remained absent unauthorizedly and that too when he proceeded abroad without leave and NOC, the department fulfilled all codal formalities before to discharge him from service. So much so that notice was published in Daily "AJ" on 01.01.2017 directing him to submit arrival report and join his duty, despite the fact that there is no such provision in Police Rules 1975.

08. As a sequel to what has been discussed in the proceeding paras, we find no irregularity or legal lacunae to interfere with the order of Authority dated 21.02.2017, order of Appellate Authority dated 01.11.2018 and order on revision petition dated 28.02.2018. The service appeal being devoid of merit is therefore, dismissed. Parties are left to bear their own costs. File be consigned to the record room

ANNOUNCED  
10.11.2021

  
(Rozina Rehman)  
Member (Judicial)

  
(Mian Muhammad)  
Member (Executive)

**ORDER**

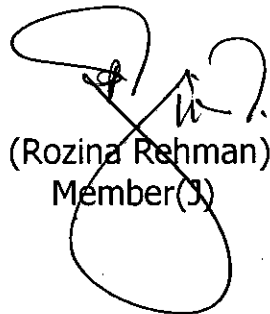
10.11.2021

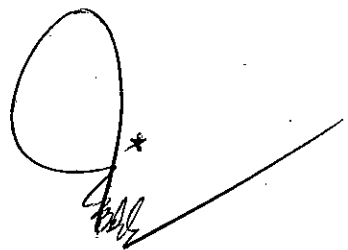
Learned counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for respondents present. Arguments heard and record perused.

Vide our detailed judgement of today placed on file, we find no irregularity or legal lacunae to interfere with the order of Authority dated 21.02.2017, order of Appellate Authority dated 01.11.2018 and order on revision petition dated 28.02.2018. The service appeal being devoid of merit is therefore, dismissed. Parties are left to bear their own cost. File be consigned to the record room.

Announced:

10.11.2021

  
(Rozina Rehman)  
Member(J)

  
(Mian Muhammad)  
Member(E)

Aman  
24 July 2016

27 دن سے

آرڈر 2/2/17

کسی 27 دن سے آرڈر

24.7.16  
عزیز

24.9.16  
جی ایس

24.7

24.9.16

2018

AAEC

~~2/2/2~~

appeal

S. appeal

Revision

Left

NOC  
no

formalities

with

country

no  
permission

time based

is completed  
rejected

without

leave

applied



24.05.2021

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

  
Reader

02.09.2021

Due to summer vacations, the case is adjourned to 10.11.2021 for the same as before.

  
READER

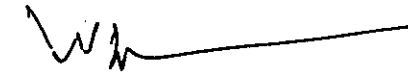
06.08.2020 Due to summer vacation case to come up for the same on  
26.10.2020 before D.B.



Reader

26.10.2020 Appellant in person and Addl. AG for the  
respondents present.

The Bar is observing general strike, therefore, the  
matter is adjourned to 30.12.2020 for hearing before the  
D.B.



(Atiq-ur-Rehman Wazir)  
Member



Chairman

30.12.2020 Due to summer vacation, case is adjourned to  
01.04.2021 for the same as before.




Reader


01.04.2021 Appellant present through counsel.

Riaz Khan Paindakheil learned Assistant Advocate  
General for respondents present.

Former made a request for adjournment; granted. To  
come up for arguments on 24/05/2021 before D.B.



(Atiq ur Rehman Wazir)  
Member (E)



(Rozina Rehman)  
Member (J)

Service Appeal No. 55/2019

18.02.2020

Appellant in person and Mr. Kabirullah Khattak, Additional AG for the respondents present. Neither written reply on behalf of respondents submitted nor representative of the department is present, therefore, notices be issued to the respondents with the direction to direct the representative to attend the court and submit written reply on the next date positively. Last chance is given to the respondents to furnish written reply/comments. Adjourned to 12.03.2020 for written reply/comments before S.B.

  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

12.03.2020

Appellant alongwith his counsel and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Ihsanullah, S.I for the respondents present. Written reply on behalf of respondents No. 1 to 3 submitted. The same is placed on record. To come up for rejoinder, if any, and arguments on 30.04.2020 before D.B.

  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

30.04.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 06.08.2020 before D.B.

  
Reader

15.10.2019

Counsel for the appellant present.

Learned counsel has submitted an application for extension of time to deposit the security and process fee which has not been deposited in stipulated time due to incapability of appellant.

Application is accepted and the appellant is allowed to deposit the requisite security and process fee within further three workings from today. After such deposit notices be issued to the respondents for submission of reply/comments on 19.11.2019 before S.B.

Appellant Deposited  
Security Process Fee

15/10/19

  
Chairman

19.11.2019

Counsel for the appellant and Addl. AG alongwith Ihsanullah, ASI for the respondents present.

Representative of respondents seeks adjournment to furnish the reply/comments. Adjourned to 02.01.2020 on which date the requisite reply/comments shall positively be submitted.

Chairman 

02.01.2020

Counsel for the appellant and Addl. AG alongwith Ihsanullah, ASI for the respondents present.

Representative of respondents seeks time to furnish reply/comments. Adjourned to 18.02.2020 on which date the requisite reply/comments shall positively be submitted.


Chairman 

21.08.2019

Appellant alongwith his counsel and Mr. Kabirullah Khattak, Additional AG for the respondents present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was dismissed from service vide order dated 21.02.2017 on the allegation of absence from duty. It was further contended that the appellant filed departmental appeal but the same was rejected vide order dated 01.11.2018 thereafter, the appellant filed revision petition before the Inspector General of Police but the same was also rejected vide order dated 28.12.2018 hence, the present service appeal. Learned counsel for the appellant further contended that the appellant was granted leave by the respondent-department but the respondent-department has ignored the said leave of the appellant. It was further contended that when the appellant gone abroad, he was arrested and was detained to jail for a period of long time. It was further contended that when the appellant was released from jail and came back to Pakistan, he immediately filed departmental appeal etc. It was further contended that the impugned order was not communicated to the appellant therefore, the impugned order is illegal and liable to be set-aside. Learned counsel for the appellant also submitted some additional documents, which are placed on record.

On the other hand, learned Additional AG for the respondents opposed the contention of learned counsel for the appellant and contended that the departmental appeal as well as revision petition and service appeal of the appellant is time barred therefore, the present service appeal is not maintainable.

Record reveals that the appellant was dismissed from service on the allegation of absence from duty however, the plea of the appellant is that he was granted leave by the respondent-department, therefore, at this stage the contention raised by learned counsel for the appellant needs consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is direction to deposit security and process fee within 10 days, thereafter, notices be issued to the respondents for written reply/comments for 15.10.2019 before S.B.

  
(Muhammad Amin Khan Kundi)  
Member

13.05.2019

Appellant with counsel present. Learned counsel for the appellant submitted copy of original impugned order placed on file. Preliminary arguments heard.

The appellant has filed the present service appeal u/s 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the original impugned order dated 21.02.2017 whereby the appellant was discharged from service on the ground of absence from duty. The appellant has also challenged the order dated 01.11.2018 through which the appellate authority rejected and filed his departmental appeal being badly time barred and meritless. The appellant has also assailed the order dated 28.12.2018 whereby the Review Petition of the appellant against the punishment order of discharge from service was filed being badly time bared.

As per departmental appeal of the appellant, he proceeded abroad to USA. Pre-admission notice be issued to the respondents for reply alongwith IBMS (Passport) Travel History of the appellant for 01.07.2019 before S.B.



Member

01.07.2019

Counsel for the appellant present. Neither representative of the department is present nor the record mentioned in order sheet dated 13.05.2019 has been produced by the respondents therefore, notice be issued to the respondents with the direction to direct the representative to attend the court and submit record on the next date positively. Adjourned to 21.08.2019 for record and preliminary hearing before S.B.

  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

26.02.2019

Counsel for the appellant present.

Learned counsel for the appellant requests for further time to prepare the brief. Adjourned to 28.02.2019 before S.B.



Chairman

28.02.2019

Due to general strike of the bar, the case is adjourned. To come up for preliminary hearing on 09.04.2019 before S.B.



Member

09.04.2019

Appellant in person present.

An application for adjournment has been submitted on the ground of indisposition of learned counsel for the appellant. Adjourned to 13.05.2019 before S.B.


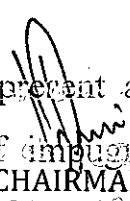
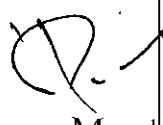


Chairman

**Form- A**  
**FORM OF ORDER SHEET**

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

Case No. 55/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	11/1/2019	<p>The appeal of Mr. Amanullah resubmitted today by Mian Sibhat Ullah 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 11/1/19</p>
2-	16-1-19  13.02.2019	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>13-2-19</u>.</p> <p>Learned counsel for the petitioner present and seeks adjournment to furnish original copy of impugned order dated 21.02.2017. Adjourn to come up for submission of original impugned order and preliminary hearing on 26.02.2019 before S.B.</p> <p style="text-align: right;"> CHAIRMAN</p>
13.02.2019		<p>Learned counsel for the petitioner present and seeks adjournment to furnish original copy of impugned order dated 21.02.2017. Adjourn. To come up for submission of original impugned order and preliminary hearing on 26.02.2019 before S.B.</p> <p style="text-align: right;"> Member</p>



26.02.2019

Counsel for the appellant present.

Learned counsel for the appellant requests for further time to prepare the brief. Adjourned to 28.02.2019 10:00 AM.


Chairman

The appeal of Mr. Amanullah son of Inam Ullah r/o Khari Qillah Stop Mera Musazai Tehsil District Peshawar received today i.e. on 10.01.2019 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

Copy of impugned termination order and review petition mentioned in the memo of appeal is not attached with the appeal which may be placed on it.

No. 68 /S.T,

Dt. 10/1 /2019.

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mian Sibhatullah Shah Adv. Pesh.

Sir /

For your kind information it is stated that as per information furnished by my client / Appellant the original order of termination is not given / furnished to him (Appellant) and only through oral sayings the appellant was go away and this thing has been mentioned into memo of appeal.

Kindly may please put up the case appeal as per law/rules.

Dated 11.02.2019.



11.02.2019.

Mian Sibhatullah Shah  
Advocate High Court Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL

PESHAWAR

Services Appeal No. 55 /2019

Aman Ullah

VERSUS

Deputy Commandant FRP and others

INDEX

S.No.	Description	Annexure	Pages
1.	Services Appeal	—	01-06
2.	Application for condonation of delay		07-08
3.	Addresses of parties		-09-
4.	Affidavit		-10-
5.	Copy of the CNIC	A	11
6.	Copies of the departmental appeal as well as the departmental order no.10903-904/EC, dated 01/11/2018	B & C	12-13 w -14-
7.	Copy of the order on review petition no.5008-09/18 dated 28/12/2018	D	-15-
8.	Wakalat Nama		-16-

Dated: 10/02/2019

Through

Appellant

*Mian Sibhat Ullah Shah*  
10.01.2019

MIAN SIBHAT ULLAH SHAH,

Advocate, High Court Peshawar

Cell No. 03459202309

- 01 :-

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

Services Appeal No. 55 /2019

Aman Ullah S/o Inam Ullah R/o Khari Qillah Stop Mera Musazai,  
Tehsil & District Peshawar.

**VERSUS**

... (APPELLANT)  
Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 46

Dated 10-1-2019

1. Deputy Commandant FRP, Peshawar
2. Commandant FRP, Peshawar.
3. Inspector General of Police, Khyber Pakhtunkhwa,  
Peshawar.

**.. RESPONDENTS**

APPEAL UNDER SECTION 4 OF THE SERVICES  
TRIBUNAL ACT 1974, AGAINST THE ORIGINAL ORDER  
DATED 21/02/2017 OF THE RESPONDENT NO.01,  
THE DEPARTMENTAL APPEAL ORDER DATED  
01/11/2018 OF THE RESPONDENT NO.02, CONVEYED  
TO THE APPELLANT VERY LATE AND REVIEW  
PETITION ORDER DATED 28/12/2018 OF  
RESPONDENT NO.03

Prayer:

ON ACCEPTANCE OF THE INSTANT APPEAL THE  
TERMINATION ORDER OF THE APPELLANT DATED  
21/02/2017 OF THE RESPONDENT NO.01 FROM  
THE SERVICE AND ALSO DECLARED THE

Filed to-day

Registrar

10/1/19

Re-submitted to -day  
and filed.

Registrar

11/1/19

DEPARTMENTAL APPEAL ORDER AND REVIEW  
PETITION ORDERS OF RESPONDENT NO.02 AND 03  
AGAINST THE LAW AND NATURAL JUSTICE  
ALSO MAY AWARD BACK BENEFIT FROM THE DATE  
OF TERMINATION I.E. 21/02/2017 TILL THE FINAL  
DISPOSAL OF THE INSTANT APPEAL IF THIS  
HONORUABLE TRIBUNAL DEEMS FIT TO MEET THE  
ENDS OF NATURAL JUSTICE AND EQUITY INTO  
TRUE SENSE

Respectfully Sheweth,

The appellant states as under, inter alia: -

1. That the appellant belongs from the area of Khari Qillah Stop Mera Musazai Tehsil & District Peshawar.  
(Copy of the CNIC is attached as annexure "A").
2. That the appellant who was appointed as constable # 477 in Frontier Reserve Police (FRP) in 2015 was terminated and dismissed from the Service on the score of absentia from the service on 21/02/2017 and the said order was willfully concealed / not conveyed to appellant till to date.
3. That appellant being aggrieved from the oral order filed a departmental appeal with the respondent no.02, which was declined on 01/11/2018 and once again the respondent no.01 did not conveyed the order within the prescribed time of an appeal before this Honourable Tribunal or for review before respondent no.03.

(Copies of the departmental appeal as well as the departmental order no.10903-904/EC, dated 01/11/2018 are attached as annexure "B" & "C")

4. That the review petition was being filed by the appellant before the respondent no.03 which was filed / declined on 28/12/2018.

(Copy of the order on review petition no.5008-09/18 dated 28/12/2018 is annexure "D").

5. Now being aggrieved from the original order appellate order, review petition order dated 21/02/2017, 01/11/2018 and 28/12/2018, the appellant prefers the instant appeal before this Honourable Tribunal with the given below solid and comprehensive grounds inter alia:-

Grounds: -

A. That the original order and review orders of the respondents against the appellant has no force in the eyes of law and natural justice, hence not effective.

B. That no chance of proper defence i.e. of personal hearing, parawise replied and other basic formalities were given to appellant from the date of termination till to date.

C. That all the proceedings were made into hasty manner just to preclude appellant from the original fundamental rights already guaranteed by the constitution / law.

- D. That all the legal and basic formalities as are required were not followed and obeyed.
- E. That no proper and suitable opportunity was given to appellant to know about his own case and thus the parameters of natural justice and equity willfully violated.
- F. That the appellant's fundamental rights to know about charge sheet and allegations of absentia against the appellant and to reply of it personally or through counsel but appellant was prevented from such basic and fundamental rights guaranteed to him by constitution of 1973 and other law concerning the subject matter, nor any proper chance / opportunity of personal hearing were provided to the appellant from initial stage till to end.
- G. That all proceedings against the appellant were made upon the malafide intentions, ill will, personal biased personal whims and undue influence, which is not permissible into the eyes of law and justice.
- H. That the mere score of absentia allegations against the appellant cannot justify and validate the termination/dismissal orders / major penalty upon the appellant respondents no.01, 02 and 03 side.

- I. That every order will be reasonable, speaking one, otherwise will be null and void in the eyes of law and justice, here the matter is totally reverse, based upon personal bias, favour and disfavor attitude.
- J. That lately conveying tactics and not providing the original order dated 21/02/2017 to the appellant is also focus a light on ill will, malafide intention, clearly upon the respondents specially respondent no.01.
- K. That norms, parameters of law, rules, natural justice, equity, willfully, and intentionally have not been only violated, but the basic rights of every citizen which has been safeguarded / protected from any kind of discrimination by the constitution of 1973 are also suppressed and ignored.
- L. That one way traffic policy / procedure was being adopted, no chance of defence, opportunity was given nor any parameters of justice were adopted.
- M. That the was bas badly encroached, not only but all the services procedures were violated and self made law / procedure was introduced from initial stage till the departmental and review stage / forum.
- N. That any other ground would be raised at the time of arguments with the prior permission of this Honourable Tribunal.



Prayer:

Keeping in view the above facts, grounds, the original order of respondent no. 01 dated 21/02/2017 about the dismissal of appellant from services may be set aside and appellant may be re-instated into services and also declared that the departmental order of respondent no.02 dated 01/11/2018 and the review petition order dated 28/12/2018 have no force of law / rules.

Also award back benefits to the appellant from the date of dismissal i.e. 21/02/2017 till to the final disposal of the instant appeal to meet the ends of justice and equity into true sense.

Dated: 10/01/2019

*[Handwritten signature]*

Appellant

Through

*[Handwritten signature]*  
10.01.2019

MIAN SIBHAT ULLAH SHAH,  
Advocate, High Court Peshawar  
Cell No. 03459202309

Certificate:

Certified that as per instruction of my client no such like appeal has earlier been filed.

*[Handwritten signature]*  
10.01.2019  
Advocate

07:-

**BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL**

**PESHAWAR**

Misc. Application No. \_\_\_\_\_/2019

Services Appeal No. \_\_\_\_\_/2019

Aman Ullah

**VERSUS**

Deputy Commandant FRP and others

**MISCELLANEOUS APPLICATION FOR CONDONATION  
OF DELAY IF ANY FOR FILING THE INSTANT SERVICE  
APPEAL**

RESPECTFULLY SHEWETH,

The appellant / applicant states as under inter alia: -

1. That the appellant has filed a services appeal before this Honourable Tribunal for re-instatement into services.
2. That the original order dated 21/02/2017 was not given / furnished by respondent no.01, nor the departmental appeal order dated 01/11/2018 was conveyed / given to appellant within time.
3. That the main objective of respondent no.01 was that to preclude the appellant to file the appeal or make a review within the prescribed time for filing any appeal / review petition.


4. That the orders of the respondents are not based on law, facts and procedure, hence void into the light of the judgment of the supreme court of Pakistan.

Therefore, it is, humbly prayed that on acceptance of the said miscellaneous application if any delay into filing of the instant service appeal, may be condoned for the ends of natural justice and equity.

Dated: 10/01/2019

Through

Applicant/ Appellant

  
10.01.2019

**MIAN SIBHAT ULLAH SHAH,**

Advocate, High Court Peshawar

Cell No. 03459202309

**BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL**

**PESHAWAR**

Services Appeal No. \_\_\_\_\_/2019

Aman Ullah

**VERSUS**

Deputy Commandant FRP and others

**ADDRESSES OF PARTIES**

**ADDRESS OF APPELLANT:**

Aman Ullah S/o Inam Ullah R/o Khari Qillah Stop Mera Musazai,  
Tehsil & District Peshawar.

**ADDRESSES OF RESPONDENTS: -**

1. Deputy Commandant FRP, Peshawar
2. Commandant FRP, Peshawar.
3. Inspector General of Police, Khyber Pakhtunkhwa,  
Peshawar.

Dated: 10/01/2019

Through

Appellant



10. 01. 2019

**MIAN SIBHAT ULLAH SHAH,**

Advocate, High Court Peshawar

Cell No. 03459202309

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

Services Appeal No. \_\_\_\_\_/2019

Aman Ullah

**VERSUS**

Deputy Commandant FRP and others

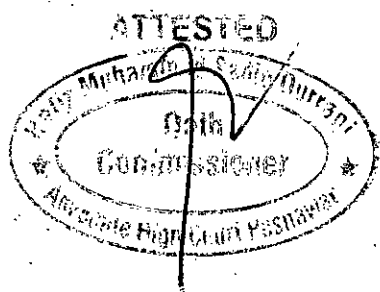
**AFFIDAVIT**

I, Mian Sibghat Ullah Shah, Advocate / Counsel for appellant do hereby solemnly affirm and declare on oath that as per information furnished to me by my client the contents of the instant appeal and application for condonation of delay are true and correct to the best of my knowledge and nothing has been concealed from this Honourable Tribunal.

*Sibghat*  
10.01.2019  
ADVOCATE

MIAN SIBGHAT ULLAH SHAH  
ADVOCATE, HIGH COURT PESHAWAR

10 JAN 2019



احقرت منہ کیا برہنہ ہے

عنوان - ایس

منہ

ایس بیفرو حکم میں

کی جائے

ایس کے گروڈ ڈیل میں

Attested to Be True Copy

Minh

10.07.2019

Advocate

① یہ کہ مسائل جو کہ پولیس میں بھیجے گئے اور تقریباً (2) سال سے حل نہیں ہو سکے

② یہ کہ مسائل ایک بڑے سائیکالوجسٹ کے ساتھ ہونے کے باوجود حل نہیں ہو سکے

③ یہ کہ پولیس کے پاس ثبوت کے دوران درجہ اولیٰ کی ضرورت ہے

④ یہ کہ پچھلے زمانہ کے علم میں نہیں تھا کہ ملک سے باہر جاتے ہوئے لوگوں کو پاسپورٹ کی ضرورت ہے

اور ان بارہ سے اجازت کی ضرورت پڑتی ہے کہ وہ ملک سے باہر جاسکیں

یہ اجازت لینا اور بعض کے پاس پاسپورٹ لینا

⑤ یہ کہ میرا غیر حاضر کا سبب لائسنس کی عدم موجودگی ہے

⑥ یہ کہ میں امریکہ میں گئے تھا اور میرے پاس پاسپورٹ تھا

میں نے اس کو گم کر دیا ہے اور امریکہ کے آئیے اور پاسپورٹ

زیورڈیا کے پاس امریکہ میں گئے تھے

میں نے اس کے بارے میں پولیس کے پاس ڈیپانڈ کیا ہے

⑦ یہ کہ میرا غیر حاضر کا سبب اس کی بیوی کی عدم موجودگی ہے

یہ کہ میں نے اس کے بارے میں پولیس کے پاس ڈیپانڈ کیا ہے

میں نے اس کے بارے میں پولیس کے پاس ڈیپانڈ کیا ہے

⑤ یہ کہ مجھے لبریشن کے حکم سے علیحدہ کیا گیا

⑥ یہ کہ میں اپنے گھر پر لٹیاں بولتا ہوں۔

مگر میں جوں کا توں رہا اور تریسٹ ہاؤس

بہانے کی بناء پر علیحدگی کا حکم دینا شروع کیا

خاکر مجھے چھ ماہوں تک دیا جا رہا ہے تاکہ میں دوسرا مکان

نمبر 477 دارالافتاء کے سربراہ

FRP/HB

عقلمند و شاعر لکھنؤ

FRP لکھنؤ  
HB

3344-9090201  
←————→

Attested To Be  
True Copy

*Mish*

10.01.2019.

Advocate -

**ORDER**

✓ P-16

C-14-

امان اللہ

This order will dispose of the departmental appeal preferred by ex-constable Aman Ullah No. 477 of FRP HQrs; Peshawar, against the order passed by Deputy Commandant FRP Peshawar, vide Order Endst; No. 232-36/PA, dated 21.02.2017. The applicant was proceeded against on the allegations that he absented himself from lawful duty with effect from 24.07.2016 till the date of discharged from service i.e 21.02.2017 for a total period of 06 months and 27 days without any leave permission from his seniors.

In this regard proper departmental enquiry was initiated against him. He was issued Charge Sheet and Statement of Allegations and DSP FRP HQrs: Peshawar was nominated as Enquiry Officer to conduct enquiry against him. After completion of proper enquiry, the Enquiry Officer submitted his findings, stating therein that the delinquent constable failed to submit reply in response to the Charge Sheet within stipulated period and recommended for major punishment.

Upon the findings of Enquiry Office he was issued Final Show Cause Notice which was received by his cousin namely Rooh Ullah S/O Ihsan Ullah, but he failed to submit any reply in response to the Final Show Cause Notice. He was called in Orderly Room for personal hearing, but he failed to do so. Besides a notice was also published in the daily newspaper "AAJ" with directions to join his duty, but he did not turn up.

In the light of recommendation of the Enquiry Officer and other material available on record, he was awarded major punishment of discharged from service vide Order Endst; No. 232-36, dated 21.02.2017.

Feeling aggrieved against the impugned order of Deputy Commandant FRP, KP, Peshawar, the applicant preferred the instant appeal. The applicant was summoned and heard in person in Orderly Room held on 24.10.2018.

During the course of personal hearing, the applicant failed to present any justification regarding his prolonged absence. The enquiry file of the applicant was also perused and found that all the due codal formalities have been fulfilled during the course of enquiry and a correct/speaking order of removal from service of the applicant has been passed by the competent authority.

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

Order Announced.

Attested to Be  
True Copy

*[Signature]*  
10.07.2019  
Advocate

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

No. 16903-904 /EC, dated Peshawar the 01/11/2018.

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

1. Deputy Commandant FRP, KP, Peshawar. His service record alongwith D file sent herewith.
2. Ex-constable Aman Ullah No. 477 S/O Inam Ullah, Police Station Badhaber, Village Mera Musa Zai, District Peshawar.



D-15



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

No. S/ 5008-09 /18, dated Peshawar the 28/12 /2018.

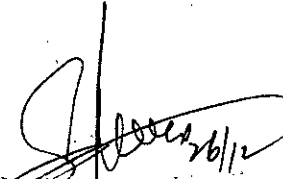
To : The Commandant,  
Frontier Reserve Police,  
Khyber Pakhtunkhwa, Peshawar.

Subject: REVIEW PETITION.

Memo:

The Competent Authority has examined and filed the review petition submitted by Ex-Constable Aman Ullah No. 477 of FRP HQrs: Peshawar against the punishment of discharge from service awarded by Deputy Commandant, FRP, Khyber Pakhtunkhwa, Peshawar vide order Endst: No. 232-36/PA, dated 21.02.2017, being badly time barred.

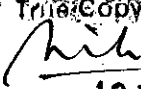
The applicant may please be informed accordingly.

  
(SYED ANIS-UL-HASSAN)  
Registrar,  
For Inspector General of Police,  
Khyber Pakhtunkhwa,  
Peshawar.

Cc.

✓ Ex-FC Aman Ullah No. 477 of FRP HQrs: Peshawar (0344-9090201).

Attested To Be  
True Copy

  
10.01.2019.  
Advocate

قیمت 50 روپے  
 اینڈویٹ: 60624  
 21-12-2018  
 بار کونسل ایسوسی ایشن نمبر: - No Need -  
 رابطہ نمبر: 0345-9202309

پشاور بار ایسوسی ایشن، خیبر پختونخواہ



(16)

بعدالت جناب: جسٹس شوکت عزیز، سرسبز ٹرسٹ، لکھنؤ

مخاطب: آمان اللہ ولد انعام اللہ	دعویٰ: سرسبز ٹرسٹ
آمان اللہ	علت نمبر: Service appeal
بنام	against the orders
حکومت (رولوں KP)	of the Respondents
	تھانہ: 01/02/2018

**باعت تحریر آئکہ**

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ  
 آج مقام لکھنؤ کے لیے آمان صہبت اللہ شاہ اور دیگر کے وکیل کو پیش کر کے  
 کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کمال اختیار ہوگا، نیز وکیل صاحب کو  
 راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق  
 زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری کی طرف سے یا اپیل کی برآمدگی اور منسوخی، نیز  
 دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی  
 کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب  
 مقرر شدہ کو وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا  
 دوران مقدمہ میں جو خرچہ ہر جائزہ التوائے مقدمہ کے سبب سے ہوگا کوئی تاریخ پیشی مقام دورہ یا حد سے  
 باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے  
 المرقوم: 21-12-2018

ESHAWAR BAR ASSOCIATION  
 KHYBER

مقام لکھنؤ

ایڈووکیٹ  
 عین اللہ ولد انعام اللہ شاہ  
 CNIC # 17301-6433459-3



نوٹ: اس وکالت نامہ کی فونو کالی ناقابل قبول ہوگی۔

Not listed & accepted.

اینڈویٹ: 60624  
 21-12-2018  
 Advocate High Court  
 0345-9202309

بخصوص حساب والا نشان ڈیٹا کی کمانڈرٹ FRP پولیس لیکچر

درخواست ملبرو مسائل کی بظرفی حکم المعروف 21-02-2017 کی مستند رقم کاپی کی فراہمی

جانعلی

مسائل حسب ذیل غرض سوال ہے

1. یہاں مسائل جناب حکم FRP پولیس میں ملانے رہ چکے۔

2. یہاں مسائل کو رقم فراہم مسائل کو پیش اختیار اور بغیر کسی قانونی کارہ جی کے صرف غلامی

کی بنیاد پر کو رقم فراہم کرنے کی رقم 21-2-17 کو بظرف ملانے

3. یہاں مسائل کو پیش بظرف حکم المعروف 21-2-17 کو رقم فراہم کیا گیا اور اس کے بارے میں

درج ذیل

گینڈا انفراسٹرکچر مسائل کو مستند رقم فراہم کرنے کی رقم 21-02-17 کی فراہمی کے بارے میں 5-4-17

الحمد لله

امان اللہ ولد امان اللہ

کنٹرولنگ آفیسر ضلعی قلعہ سہیل شاہ

0344-9090201

بسم الله الرحمن الرحيم  
الحمد لله رب العالمين  
والصلاة والسلام على  
سيدنا محمد وآله الطيبين  
الطاهرين

عنوان  
امان اللہ (بہ) حکومت  
\_\_\_\_\_ + \_\_\_\_\_

درخواست  
\_\_\_\_\_ + \_\_\_\_\_

آپ کے لئے دعا ہے کہ اللہ تعالیٰ آپ کو  
تمام کاموں میں کامیاب کرے۔ آمین

①  
میں نے اپنے عنوان پر عدالت لٹور سے  
کامیابی کے لئے درخواست کی ہے۔  
2019ء 4  
مقام

②  
میں نے اپنے عنوان پر عدالت لٹور سے  
کامیابی کے لئے درخواست کی ہے۔  
مقام

③  
میں نے اپنے عنوان پر عدالت لٹور سے  
کامیابی کے لئے درخواست کی ہے۔  
مقام

میں نے اپنے عنوان پر عدالت لٹور سے  
کامیابی کے لئے درخواست کی ہے۔  
مقام

**O.R.D.E.R.**

This order shall dispose off on the Departmental Enquiry against Constable Aman Ullah No. 477 of FRP/HQrs; Peshawar.

Brief facts of the case are that Constable Aman Ullah No. 477 of FRP HQrs; Peshawar absented himself from duty with effect from 24.07.2016 till-date i.e for a total period of **06 months and 27 days** without any leave/permission of the Competent Authority.

In this regard formal departmental proceedings were initiated against him and DSP FRP/HQrs; was nominated as Enquiry Officer. After proper enquiry, the EO submitted his findings, stating therein that defaulter was failed to submit reply in response to the Charge Sheet within stipulated period and at the end recommended for ex-parte action. Upon the findings of Enquiry Officer he was issued Final Show Cause Notice, which was received by his cousin namely Rooh Ullah s/o Ihsan Ullah but he failed to submit any reply in response to the Final Show Cause Notice. He was called for personal hearing, but failed to do so. Besides he informed through daily newspaper to join duty but in-vain.

Keeping in view the recommendations of the Enquiry Officer and other materials available on record it has come crystal clear that the said constable has deliberately absented himself from law full duty without any leave/information of his seniors and still at large. He has neither reply in response to the Show Cause Notice nor appear in Orderly Room to produce any cogent reason regarding his prolong absence. He has no interest to serve in Police Department. There is no likely hood of becoming his good Police in future. Therefore, Constable Aman Ullah No. 477 of FRP HQrs; Peshawar is hereby discharged from service under Police Rules 12.21 from the date of his absence i.e 24.07.2016 and the period of absence treated as leave without pay.

Order announced:

*[Signature]*  
Deputy Commandant,  
Frontier Reserve Police  
Khyber Pakhtunkhwa Peshawar

No. 232-36 /PA dated Peshawar, the 12/1 /2017.

Copy of the above is forwarded for information & n/action to the:-

1. Commandant, FRP, Khyber Pakhtunkhwa for favour of information please.
2. Accountant /FRP/HQrs; Peshawar.
3. SRC/OASI/FRP HQrs; Peshawar.
5. FMC/ FRP/HQrs; Peshawar with original Enquiry file.

*Enc (08) files in original.*

U.S. DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
IMMIGRATION COURT  
1623 EAST J STREET SUITE 3  
TACOMA, WA 98421

IN THE MATTER OF:

FILE: A209-758-826

ULLAH, AMAN

Docket: TACOMA, WA

RESPONDENT

IN REMOVAL PROCEEDINGS

CUSTODY ORDER OF THE IMMIGRATION JUDGE

Request having been made for a change in the custody status of the respondent pursuant to 8 C.F.R. Part 236 and having considered the representations of the Immigration and Customs Enforcement and the respondent, it is HEREBY ORDERED that:

No Action

ORDERED No Jurisdiction:

- Arriving Alien.
- Mandatory Detention under 236(c).
- Reinstated Order of Removal / Final Order of Removal
- Withholding Only Proceedings
- Does not meet the 180 day requirement.

ORDERED that the request for a change in custody status be denied.

Bond to remain at \$ \_\_\_\_\_ OR REMAINS AT NO BOND.

ORDERED that the request be granted and that respondent be released from custody under bond of \$ \_\_\_\_\_

Danger to Community / Flight Risk.

OTHER: Conditional release is: granted / denied / was not requested.

John C. Odell  
Immigration Judge  
Date: March 21, 2017

Appeal: WAIVED / RESERVED (A / I / B)

IF RESERVED - APPEAL IS DUE BY: APRIL 20, 2017

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL (M) PERSONAL SERVICE (P) FAX (F)

TO: [ ] ALIEN [ ] ALIEN c/o Custodial Officer [ ] Alien's ATT/REP [ ] ICE

DATE: 3/21/2017

BY: COURT STAFF rh

Attachments: [ ] EOIR-33 [ ] EOIR-28 [ ] Legal Services List [ ] Other

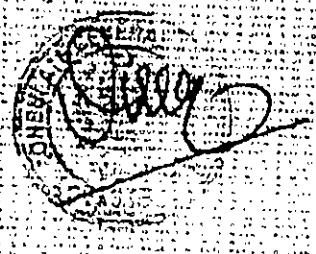


حکومت پاکستان  
GOVERNMENT OF PAKISTAN  
GOUVERNEMENT DU PAKISTAN

پاکستان کے لیے  
EMERGENCY PASSPORT  
PASSEPORT D'URGENCE

مصدقہ  
Valid for a single journey  
Valable pour un seul voyage

Number  
Numéro SS170214



Name of bearer  
Nom du titulaire

Mr. Aman Ullah

Name of husband's name  
Nom du mari

Mr. Inam Ullah

National status declared  
Nationalité déclarée

PAKISTANI

Country of destination  
Pays de destination

PAKISTAN

Mode of transport  
Mode de transport

BY AIR

Number, date and place of issue of pass-  
port, if any, held and whether it is valid  
or has expired or has been cancelled/lost.

His CNIC No. 17301-6433649-3  
got verified from NADRA Office,  
Parep Toronto.

En cas de possession d'un passeport,  
numéro, date et lieu de délivrance,  
préciser s'il est valide ou non, annulé  
ou perdu.

His appeal for further stay in the US was  
declined.

Print Name for Identification  
Nom imprimé pour l'identification

US Government

Signature

A.T.O.

7. ترويض ضمانت كعدم بئج كالأل كئب ناس ككئبئب  
 بيان ضمانة مالملة ان وئبئب  
 Description of security deposit, if any.  
 En cas de depôt d'une caution, en faire la description.

NIL

8. تاريخ اللئبارة  
 Date of departure  
 Date de départ

Within three months of issuance  
 of this Document.

9. بئبئب بئبئب بئبئب بئبئب  
 بئبئب بئبئب بئبئب بئبئب  
 This emergency passport expires on :  
 Ce passeport d'urgence expire le :

4 July, 2018

اصف صامل الءواء  
 PARTICULARS OF BEARER  
 SIGNALEMENT

1. مءبءبئب مءان الءواء  
 Place of Birth  
 Lieu de naissance

Distt. Peshawar

2. بئبئبئب بئبئب الءواء  
 Date of birth  
 Date de naissance

3 April, 1995

3. العنءوان الءام فئ بءكئبئب  
 Permanent address in Pakistan  
 Adresse permanente au Pakistan.

Village Khari Qala, Mera Mosazai, Tehsil &  
 Peshawar, KPK.

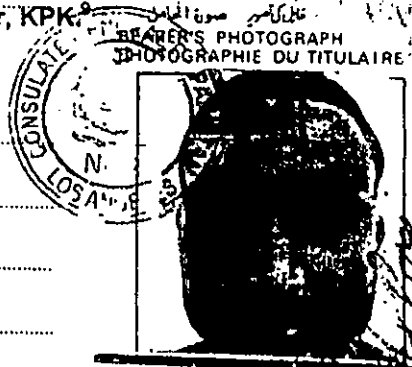
4. الء الطءول  
 Height  
 Taille

5. لون الشعر  
 Colour of hair  
 Couleur des cheveux

6. لون العئنبئب  
 Colour of eyes  
 Couleur des yeux

7. بئبئب المءبنة  
 Profession

8. بئبئب الءواء بئبئب بئبئب  
 Signature or thumb impression of the  
 bearer.  
 Signature ou empreinte digitale du  
 titulaire.



1. بئبئب بئبئب بئبئب بئبئب بئبئب  
 Note: This emergency passport should be surrendered to the immigration  
 its holder in Pakistan.

La délivrance de ce passeport d'urgence ne constitue pas une preuve probante  
 de sa nationalité Pakistanaise

2. بئبئب بئبئب بئبئب بئبئب بئبئب  
 The issue of this emergency passport is not the conclusive evidence that its holder is, in fact, a  
 citizen of Pakistan.

La délivrance de ce passeport d'urgence n'est pas l'evidence concluante que son titulaire  
 est, de fait, un citizen du Pakistan.

مءان الءبءار  
 Place of issue  
 Lieu de délivrance

Los Angeles (USA)

بئبئبئب بئبئبئب بئبئبئب  
 Signature of the issuing authority  
 Signature de l'autorité qui a délivré le passeport.

(الءام)  
 Seal  
 Sceau  
 Ilyas Khan  
 Consuldar Attache  
 Consulate General of Pakistan  
 Los Angeles

5 April, 2018





**"B"**

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.**  
JUDICIAL COMPLEX (OLD), KHYBER ROAD,  
PESHAWAR.

No.

55  
Appeal No. .... of 20 19  
Aman Ullah

Appellant/Petitioner

Deputy Commandant FRP vs  
Versus

Respondent

Deputy Commandant FRP, Peshawar  
Respondent No. ....

Notice to: —

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on.....at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated..... 25/10

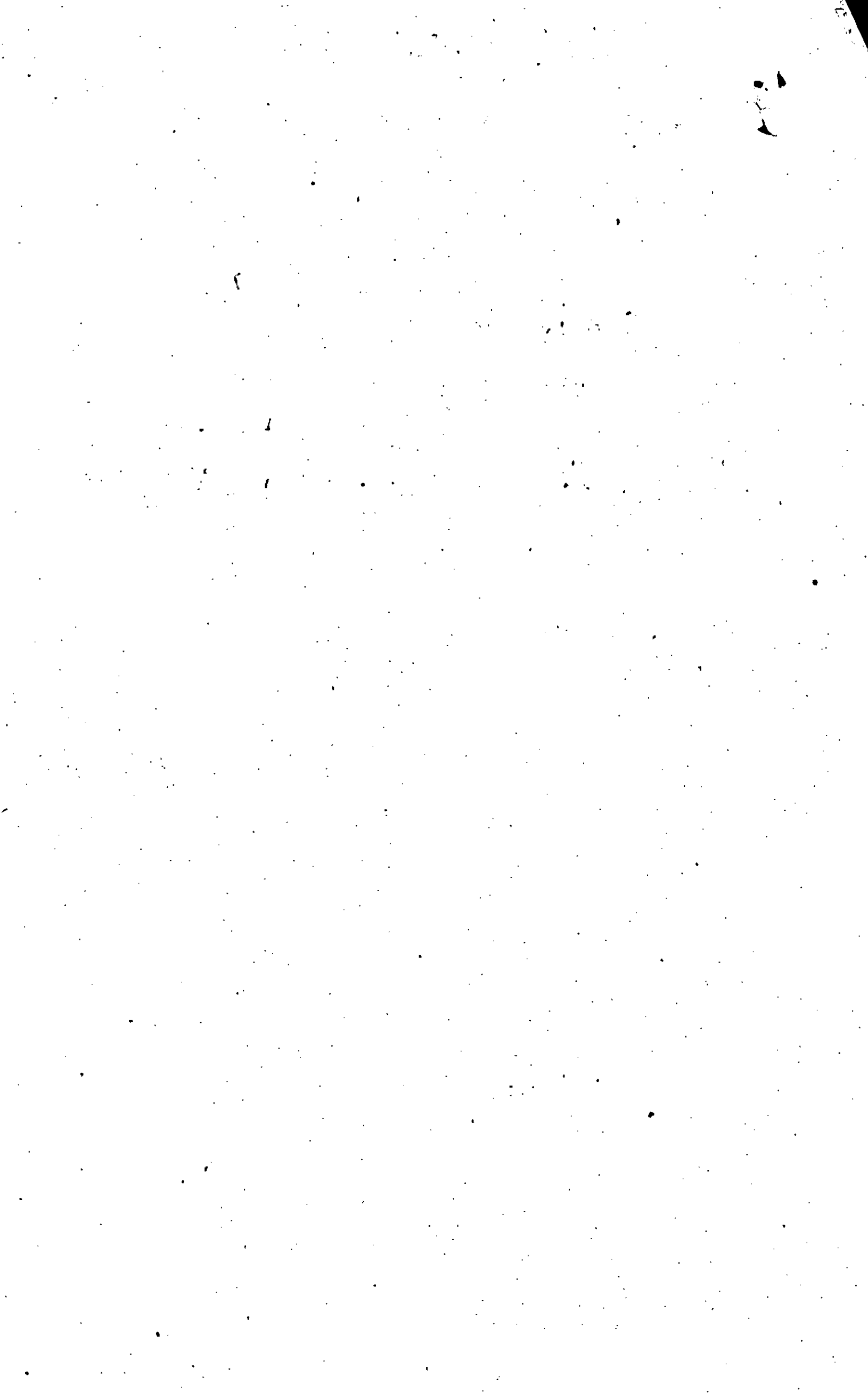
Given under my hand and the seal of this Court, at Peshawar this.....

Day of.....20

30/10 012

M.A. J. Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.  
2. Always quote Case No. While making any correspondence.



26/12/16

**FINAL SHOW CAUSE NOTICE UNDER POLICE RULES 1975.**

I, Deputy Commandant, FRP, KPK as competent authority do hereby serve you Constable Aman No.477 of FRP/HQrs, Peshawar.

(1) i- That consequent upon the completion of enquiry conducted against you by DSP, FRP/HQrs: for which you were given full opportunity of hearing.

ii- On going through the findings/recommendations of the Enquiry Officer, the material available on record and other connected papers I, am satisfied that you have committed the following acts/omissions per Police Rules 1975.

Whereas you Constable Aman No.477 of FRP/HQRS; Peshawar remained absent from duty w.e. from 24.07.2016 till to date without any leave/permission of the competent authority.

(2) Therefore, I, Deputy Commandant, FRP, KPK as competent authority has tentatively decided to impose upon you Major/Minor penalty including dismissal from service under the said Rules.

(3) You are, therefore, required to Show Cause as to why not the aforesaid penalty should not be imposed upon you.

(4) If no reply to this Final Show Cause Notice is received within the 14 days of it delivery in the normal course of circumstances, it shall be presumed that you have no defence to put in and consequently ex-parte action shall be taken against you.

**Deputy Commandant,  
Frontier Reserve Police,  
Khyber Pakhtunkhwa, Peshawar.**

Handwritten notes in Urdu: "میں نے اس پر جواب دیا ہے" (I have responded to this), "02/12/16", "9390393".

Handwritten signature and notes in Urdu: "میں نے اس پر جواب دیا ہے" (I have responded to this), "Jel", and other illegible Urdu text.

Enquiry Report

Constable Aman No 477 of FRP/HQrs: Peshawar was absented w. e. from 24.07.2016 till to date without taking any leave permission from the competent authority. He was issued charge sheet and summary of allegation by the Worthy Deputy Commandant of FRP Khyber Pakhtunkhwa, which was duly served upon the brother of the said constable namely Rooh Ullah on 10.09.2016 by the DHC Shakir Ullah. The undersigned was nominated as enquiry officer.

Finding Report.

Being an enquiry officer it has come to light that the said constable absented w. e. from 24.07.2016 till to date. In this connection MHC FRP/HQrs produced a written statement on 25.10.2016 wherein he said that said constable is still absent w. e. from 24.07.2016. The said constable failed to submit any written reply in his defense during stipulated period, According to FMC FRP/HQrs he was enlisted on 26.11.2014, his past service is clear.

Keeping in view the above facts the said constable absented himself from duty w. e. from 24.07.2016 till to date, is recommended for ex parte action.

Submitted for the favor of perusal and order please.

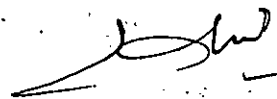
**DSP/FRP/HQrs: Peshawar**

(Signature)

No.163 /R dated Peshawar the. 25/10/2016.

Enclosed (05 pages)

ISSUE FSCN

  
Dy. Commandant

**ORDER**

**UNDER SUB-SECTION-3 & SECTION 5 POLICE RULES, 1975**

I, Deputy Commandant FRP, Khyber Pakhtunkhwa Peshawar as Competent Authority Charge Constable Aman No.477 of FRP HQrs: is prima facie guilty of the following acts to be dealt with u/s 5 (3) of Police Rules, 1975.

While posted at FRP/HQrs, remained absent from duty w.e from 24.07.2016 till to date without taking any leave/permission competent authority.


The act of delinquent Official falls within the ambit of gross misconduct and is liable to be proceeded under Police Rule 1975.

For the purpose of scrutinizing the conduct of the said accused with reference to the above allegations. I, Deputy Commandant FRP, Khyber Pakhtunkhwa, being authorized officer hereby nominate enquiry officer as below to enquire into the charges within the meaning of 2(iii) under Police Rules 1975.


**DSP, FRP/HQrs:**

The enquiry officer after completing all enquiry proceedings should submit findings to the undersigned within stipulated period of (10) days per u/s 6(5) of the Rules.

Charge Sheet and Statement of Allegations are issued against the accused officer separately. Reply should be submitted before the Enquiry officer within the period of (07) days from the date of receipt

  
Deputy Commandant,  
Frontier Reserve Police,  
Khyber Pakhtunkhwa, Peshawar.

No. 732 /PA, dated Peshawar the

19 / 08 / 2016. 

Encl: Papers (3 ) in Original

از دستگیری  
H.Q.

نمبر 26 روزنامه 07/16  
5361/R  
8-8-16

در وقت 18:15 در روز 07/16 در نزد سربازان جوان  
کمان 1883 (477) وقت 10:00 در سبیل 461 وقت 30  
وقت 47/16 وقت 10:00 در 4512 وقت 30 در 10:00  
دولت بستی - کمان 1883 - کمان 477

جایگاه  
نقل و حرکت  
P. P. P.  
کمان 1883

Recommended for pay stoppage  
and disciplinary proceedings  
against constable (Kaman no 477)

Forwarded  
M.C.  
2-8-16

pay stopped  
issue charge sheet  
DSP / H.Q. as E.O.

Forwarded  
RESERVE INSPECTOR  
F.R.P. 8-16  
PESHAWAR

Deputy Commandant  
Frontier Reserve Police  
AFK Peshawar  
16-8-16

DSP

**CHARGE SHEET U/S 6(1) (A) POLICE RULES 1975**

You Constable Aman No.477 Posted at FRP/ HQrs: Peshawar is hereby charged for committing the following omission/commissions.

You Constable Aman No.477 while posted at FRP/HQrs, you remained absent from duty 24.07.2016 till to date without taking any leave of the competent authority.

You are hereby called upon to submit your written defense against the above charges before the enquiry officer.

Your reply should reach the Enquiry Officer within seven (7) days from date of receipt of this Charge Sheet, failing which ex-parte action shall be taken against you.

Summary of allegations is enclosed herewith.

*[Signature]*  
**Deputy Commandant  
Frontier Reserve Police  
Khyber Pakhtunkhwa Peshawar**

*[Signature]*

Your ...

کتاب کا

مذکورہ پیش کار کا نام اور پتہ درج ہے۔  
اس کی ترقی و ترقی کے لئے اس کی ضرورت ہے۔  
اس کے لئے اس کا نام اور پتہ درج ہے۔

کتاب کا  
اس کے لئے اس کا نام اور پتہ درج ہے۔  
اس کے لئے اس کا نام اور پتہ درج ہے۔  
2009790383

109  
10/6  
*[Signature]*  
اس کے لئے اس کا نام اور پتہ درج ہے۔

تفصیلاً انار کھنڈ آمان اللہ 477/480

نیشنل سائبر جوائنٹ کمیٹی

NIL NIL NIL

2) ملٹی میڈیا کیلئے NIL

3) رائٹ کیلئے 60 روپے

جنا ابھی  
تو اس وقت تک عدویہ میں انڈیکس  
بنا کر کھنڈ آمان اللہ 477/480  
فارم میں ارسال کر دیا ہے

10-11-2016



صواب عالی

مخصوصاً کہ جن کی آمدن 477 روپے

روزانہ سے 24/16 روپے سے پیشتر ہو

- 2/6

انور علی

25-10-16

(۴۸)

پشاور ایبٹ آباد اور اسلام آباد سے بیک وقت شائع ہونے والا کثیر الاشاعت قومی روزنامہ

روشن گل کی ضمانت، آج کا نصب العین

روزنامہ

ایڈیٹر  
عبدالواحد یوسفی

پشاور  
پاکستان

36 صفحات

جلد 27 اتریکہ جنوری 2017ء رجب الثانی 1433 ہجرت 20 ہجری۔ یو۔ پی۔ ای۔ ڈی۔ 352



**اطلاع عام**

آپ کے تھیلے میں نظر نمبر 477 ایف آر پی بیٹا گاوڑ پشاور پولیس لائن سے مورچہ 24-07-2016 سے دستور غیر حاضر ہونے پر شیٹ دسرمن آف الیمین اٹاکل ٹوکاز فٹنس ایٹو ہو کر آپ کے گھر کے پتہ پر ڈرو۔ DFC میں چاہا گیا کہ آپ کے مجاز اور بھائی عام روح اظہر اللہ انساں اللہ نے بدست خود وصول کرے لیکن آپ نے ابھی تک کوئی جواب نہیں دیا۔

آپ کو بذریعہ ایشہ رڈ مطلع کیا جا تا ہے کہ وہ دن کے اندر اندر اپنی حاضری / تحریری بیان پیش کریں ورنہ آپ کے خلاف پشاور پولیس لائن میں لائی جائے گی۔

**محکم ڈپٹی کمشنر ایف آر پی خیبر پختونخوا پشاور**

INF (P) 7846 www.khyberpakhtunkhwa.gcv.pk

۴۸ جنوری ۲۰۱۷ء

۱۰۴



**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 55/2019.

Aman Ullah S/o Inam Ullah R/o Khari Qillah Stop Mera Musazai, Tehsil & District Peshawar..... **Appellant.**

**VERSUS**

1. Deputy Commandant FRP,  
Khyber Pakhtunkhwa, Peshawar
2. Commandant FRP,  
Khyber Pakhtunkhwa, Peshawar.
3. Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar..... **Respondents.**

**PRELIMINARY OBJECTIONS**

1. That the appeal is badly time barred.
2. That the appeal is not maintainable in the present form.
3. That the appeal is bad for mis-joinder and non-joinder of necessary parties.
4. That the appellant has no cause of action to file the instant appeal.
5. That the appellant has not come to this Honorable Tribunal with clean hands.
6. That the appellant is estopped due to his own conduct to file the instant Service Appeal.
7. That the appellant is trying to conceal material facts from this Honorable Tribunal.

**WRITTEN REPLY ON BEHALF OF RESPONDENTS.**

**RESPECTED SHEWETH.**

**FACTS:-**

1. Pertain to the appellant record, needs no comments.
2. Incorrect and denied. the appellant was absented himself from lawful duty for a long period of 06 months 27 days, without any leave or prior permission of the competent authority and after conducting proper departmental enquiry he was dismissed form service and after laps of more than 02 years now he desired for reinstatement in service.
3. Incorrect and denied, that departmental appeal of the appellant was thoroughly examined and rejected on sound grounds a copy of rejection order has already been conveyed to the appellant on his home address vide this officer order Endst; No. 10903-904/EC, dated 01.11.2018.
4. The review petition submitted by the appellant was thoroughly examined and filed/rejected by the appellant Board on the ground of time barred.
5. The appellant has no cause of action to file the instant appeal and the same may kindly be dismissed on the following grounds.

**GROUND:-**

- A. Incorrect and denied. All orders passed by the respondents are legally justified and in accordance to law.
- B. Incorrect and denied. On the allegations of willful absence the appellant was issued Charge Sheet alongwith Summary of Allegations. The Charge Sheet was served upon his cousin namely Rooh Ullah on his home address, through


special messenger, by the Enquiry Officer, but the appellant failed to submit his reply or appeared before the Enquiry Officer despite the facts the appellant was summoned time and again. (Copy of Charge Sheet alongwith Summary of Allegations are attached herewith as annexure "A").


- C. Incorrect and denied. Proper departmental enquiry was initiated against the appellant under the relevant law. During the course of enquiry the Enquiry Officer found him guilty of the charges leveled against him and recommended for major punishment. After receiving the findings of Enquiry Officer the appellant was issued Final Show Cause Notice and served upon his cousin on his home address and his signature was obtained as a token its receipt, but the appellant did not bother to reply of Final Show Cause Notice. The appellant was summoned for personal hearing time and again to depend himself, but he failed to do so. Besides, during the course of enquiry a notice in the daily news paper AAj dated 01.01.2017 was also published with directions to join his duty within 10 days positively, but he did not turn up. (Copies of Enquiry Report, Final Show Cause Notice and cutting of newspaper are attached as annexure "B" C & D").
- D. Incorrect and denied. All codal formalities have been fulfilled during the course of enquiry, as explained above.
- E. Incorrect and denied. The appellant was will known regarding to the enquiry proceedings and it is evident from Charge Sheet & Show Cause Notice. Moreover, he was also informed through daily newspaper, but he deliberately failed to make his report arrival within stipulated period by meaning thereby that the appellant has no more interest in service of Police Department.
- F. Incorrect and denied. The Charge Sheet was served upon his cousin namely Rooh Ullah and his signature was obtained on its photocopy as a token of receipt. After receiving the findings of Enquiry Officer the appellant was issued Final Show Cause Notice and properly served upon his cousin on the home address, but he failed to submit his reply within stipulated period. He was called for personal hearing time and again, but he failed to appear before the competent authority. In the light of natural justice he was informed/called through a reliable newspaper, but he did not turn up.
- G. Incorrect and denied. The allegations are false and baseless. Proper departmental proceedings were initiated against the appellant under the law as explained in the preceding Paras above.
- H. Incorrect and denied. On the allegations of absence the appellant was proceeded against proper departmentally and during the course of Enquiry the allegations were fully established by the Enquiry Officer, against the appellant. After fulfillment of all codal formalities the appellant was awarded major punishment of dismissal form service, which is commensurate with the gravity of his gross misconduct. The departmental appeal and subsequently mercy petition submitted by the appellant was thoroughly examined by the respondents No. 2 & 3 and rejected on sound grounds

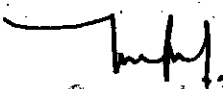
- I. Incorrect and denied. All the orders passed by the respondents are legally justified and in accordance to law/rules. The Enquiry Officer fully established the allegations leveled against the appellant and after fulfillment of all codal formalities required as per law, a reasonable and speaking orders have been passed by the respondents. Moreover, the contention of personal dispute and disfavor attitude of the appellant is a propounded story.
- J. Incorrect and denied. The allegations are false and baseless. After laps of more than 02 years the appellant was submitted an application on 22.04.2019 for obtaining of dismissal order dated 22.02.2017, which was provided to the appellant on the same day. (copy of his application is attached herewith as annexure "D")
- K. Incorrect and denied. The allegations of violation of law/rules/natural justice etc mentioned by the appellant in the Para to misleading this Honorable Tribunal. In facts the appellant was absented himself from lawful duty for a long period of 06 months 27 days, and after fulfillment of all codal formalities he was dismissed form service and after laps of more than 02 years now he desired for reinstatement in service. It is settled proposition of law, that law helps the diligent not the indolent.
- L. Incorrect and denied. The sufficient opportunity of personal hearing has already been provided to the appellant, but he intentionally failed to avail the such opportunity.
- M. Incorrect and denied. As explained in the preceding Paras the appellant was proceeded against the relevant law i.e Police Rules 1975 amended in 2014, and the allegations leveled against the appellant has fully established agasint. In all proceedings he failed to present any justification before the respondents, regarding to his innocence.
- N. The respondents may also be permitted to create additional grounds at the time of arguments.

**PRAYERS:-**

It is therefore, most humbly prayed that in the light of aforesaid facts/submission, the service appeal may kindly be dismissed with cost.

  
Deputy Commandant FRP,  
Khyber Pakhtunkhwa, Peshawar  
(Respondent No. 1)

  
Commandant FRP,  
Khyber Pakhtunkhwa, Peshawar  
(Respondent No. 2)

  
Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar  
(Respondent No. 3)

A 2

DSP

**CHARGE SHEET U/S 6(I) (A) POLICE RULES 1975**

You Constable Aman No.477. Posted at FRP/ HQrs: Peshawar is hereby charged for committing the following omission/commissions.

You Constable Aman No.477 while posted at FRP/HQrs, you remained absent from duty 24.07.2016 till to date without taking any leave of the competent authority.

You are hereby called upon to submit your written defense against the above charges before the enquiry officer.

Your reply should reach the Enquiry Officer within seven (7) days from date of receipt of this Charge Sheet, failing which ex-parte actions shall be taken against you.

Summary of allegations is enclosed herewith.

**Deputy Commandant  
Frontier Reserve Police  
Khyber Pakhtunkhwa Peshawar**

مذکورہ

مذکورہ پیش کیے گئے ہیں اور ان کے لیے پوری کاپی فراہم کی جا رہی ہے۔  
مذکورہ کی تصدیق اور عمل درآمد کے لیے ضروری اقدامات کیے جائیں گے۔  
مذکورہ کی تصدیق اور عمل درآمد کے لیے ضروری اقدامات کیے جائیں گے۔

مذکورہ

مذکورہ کی تصدیق اور عمل درآمد کے لیے ضروری اقدامات کیے جائیں گے۔  
مذکورہ کی تصدیق اور عمل درآمد کے لیے ضروری اقدامات کیے جائیں گے۔  
مذکورہ کی تصدیق اور عمل درآمد کے لیے ضروری اقدامات کیے جائیں گے۔

10/9  
مذکورہ کی تصدیق اور عمل درآمد کے لیے ضروری اقدامات کیے جائیں گے۔

N B 2

**Enquiry Report**

Constable Aman No 477 of FRP/HQrs: Peshawar was absented w. e. from 24.07.2016 till to date without taking any leave permission from the competent authority. He was issued charge sheet and summary of allegation by the Worthy Deputy Commandant of FRP Khyber Pakhtunkhwa, which was duly served upon the brother of the said constable namely Rooh Ullah on 10.09.2015 by the DHC Shakir Ullah. The undersigned was nominated as enquiry officer.

**Finding Report.**

Being an enquiry officer it has come to light that the said constable absented w. e. from 24.07.2016 till to date. In this connection MHC FRP/HQrs produced a written statement on 25.10.2016 wherein he said that said constable is still absent w. e. from 24.07.2016. The said constable failed to submit any written reply in his defense during stipulated period, According to FMC FRP/HQrs he was enlisted on 26.11.2014, his past service is clear.

Keeping in view the above facts the said constable absented himself from duty w. e. from 24.07.2016 till to date, is recommended for ex parte action.


Submitted for the favor of perusal and order please.

**DSP/FRP/HQrs: Peshawar**

(Signature)

ISSUE FSCN.

No.163 /R dated Peshawar the. 25/10/2016.  
Enclosed (05 pages)

  
Dy: Commandant



26/3/16

2024

**FINAL SHOW CAUSE NOTICE UNDER POLICE RULES 1975.**

I, Deputy Commandant, FRP, KPK as competent authority do hereby serve you Constable Aman No.477 of FRP/HQrs, Peshawar.

(1) i- That consequent upon the completion of enquiry conducted against you by **DSP, FRP/HQrs:** for which you were given full opportunity of hearing.


ii- On going through the findings/recommendations of the Enquiry Officer, the material available on record and other connected papers I, am satisfied that you have committed the following acts/omissions per Police Rules 1975.


Whereas you Constable Aman No.477 of FRP/HQRS; Peshawar remained absent from duty w.e. from 24.07.2016 till to date without any leave/permission of the competent authority.


(2) Therefore, I, Deputy Commandant, FRP, KPK as competent authority has tentatively decided to impose upon you Major/Minor penalty including dismissal from service under the said Rules.

(3) You are, therefore, required to Show Cause as to why not the aforesaid penalty should not be imposed upon you.

(4) If no reply to this Final Show Cause Notice is received within the 14 days of it delivery in the normal course of circumstances, it shall be presumed that you have no defence to put in and consequently ex-parte action shall be taken against you.

  
Deputy Commandant,  
Frontier Reserve Police,  
Khyber Pakhtunkhwa, Peshawar.

  
02/12/016  
03009390393

  
توہ کی رہنمائی  
03009390393

پشاور آئیٹ آباد اور اسلام آباد سے بیک وقت شائع ہونے والا کثیر الاشاعت قومی روزنامہ

رشی کمال کی خدمات آج کا نائب امین

روزنامہ

پشاور

پاکستان

ایڈیٹر  
عبدالواحد ریونی

36 صفحات

27 جنوری 2017ء جمعہ 1438ھ قیمت 20 روپے - پوسٹل ایڈریس 352 شاہراہ



**اطلاع عام**

آپ کیسٹیشن ایمان اللہ نمبر 477 ایف آر پی ہیڈ کوارٹر پشاور پولیس لائن سے مورچہ 24-07-2016 سے بدستور غیر حاضر ہو چارچ شیٹ دسر کی آف الیکشن فائل شکاڈولس لٹو کر آپ کے گھر کے پتہ پر ڈیوٹی DFC بھیجا جا کر آپ کے چچا زاد بھائی عام روح اللہ ولد احسان اللہ نے بدست خود وصول کیا ہے لیکن آپ نے ابھی تک کوئی جواب نہیں دیا۔

آپ کو ذریعہ اشتہار ذرا مطلع کیا جاتا ہے کہ جس دن کے اندر اندر اپنی حاضری تحریری بیان پیش کریں ورنہ آپ کے خلاف کیلبرز کارروائی عمل میں لائی جائے گی۔

حکومت پنجاب کمانڈنٹ ایف آر پی خیبر پختونخوا پشاور

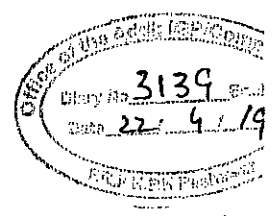
INF (P) 7846 www.khyberpakhtunkhwa.gov.pk

1st جنوری 2017

E

بصورتی والا شان ایچا صاحب FRP ایشام

درخواستی بلدیہ عظیمی متعلقہ نواہت حکیم برفی سائل الموعود 22-02-2019



جانب عالی  
سائل صاحب ذیل اعتراضات

1۔ سائل حکیم برفی FRP سے کاشمیر کے طور پر الموعود 22-02-2019 کو رجسٹر

نظم خان کی جانب سے رجسٹرڈ نہ ہونے پر فریضہ ہے۔

2۔ سائل کو کمالی FRP واپس نہ لے کر دیا گیا ہے۔

3۔ سائل کو مذکورہ برفی حکیم الموعود 22-02-2019 سے رجسٹر

ہو گیا ہے۔ استدعا ہے کہ سائل کو برفی حکیم الموعود 22-02-2019 سے رجسٹر

فرام کر کے مشکور فرماویں۔ الموعود 22-04-2019

آمان اللہ ولد انعام اللہ

کنڈھاری قلعہ شہاب پورہ موگاڑ موگاڑ تحصیل ضلع گجرات

CNIC # 17301-6433459-3

Cell # 0344-9090201

Si/legat

for signature

Si/legat  
Provision as per rules  
[Handwritten signature]

[Handwritten signature]

Com,

the copy of Dismissal order may be provided to the appellant PI.

Si/legat

**O.R.D.E.R.**

This order shall dispose off on the Departmental Enquiry against Constable Aman Ullah No. 477 of FRP/HQrs: Peshawar.

Brief facts of the case are that Constable Aman Ullah No. 477 of FRP HQrs: Peshawar ~~absent~~ himself from duty with effect from 24.07.2016 till-date i.e for a total period of 06 month and 27 days without any leave/permission of the Competent Authority.

In his regard formal ~~departmental~~ proceedings were initiated against him and DSP FRP HQ was nominated as Enquiry Officer. After proper enquiry, the EO submitted his findings, stating that in that defaulter was failed to submit reply in response to the Charge Sheet within stipulated period and at the end recommended for ex-parte action. Upon the findings of Enquiry Officer he was issued Final Show Cause Notice, which was received by his cousin namely Rooh Ullah ~~son~~ Ullah but he failed to submit any reply in response to the Final Show Cause Notice. He was called for personal hearing, but failed to do so. Besides he informed through daily newspaper to join duty but in-vain.

Keeping in view the recommendations of the Enquiry Officer and other materials available on record it has come crystal clear that the said constable has deliberately absented himself from law full duty without any leave/information of his seniors and still at large. He has neither reply in response to the Show Cause Notice nor appear in Orderly Room to produce any cogent reason regarding his prolong absence. He has no interest to serve in Police Department. There is no likely hood of becoming his good Police in future. Therefore, Constable Aman Ullah No. 477 of FRP HQrs: Peshawar is hereby discharged from service under Police Rules 12.21 from the date of his absence i.e 24.07.2016 and the period of absence treated as leave without pay.

Order announced.

Deputy Commandant,  
Frontier Reserve Police  
Khyber Pakhtunkhwa Peshawar

No. 232-36 /PA dated Peshawar, the 12/1 /2017.

Copy of the above is forwarded for information & n/action to the:-

1. Commandant, FRP, Khyber Pakhtunkhwa for favour of information please.
2. Accountant /FRP/HQrs: Peshawar.
3. SRC/OASI/FRP HQrs: Peshawar.
5. FMC/ FRP/HQrs: Peshawar with original Enquiry file.

Enc (08) files in original

(Not Sent)

nd  
discharge

08/11-18/1  
No. 22-217

26/12/16

**FINAL SHOW CAUSE NOTICE UNDER POLICE RULES 1975.**

I, Deputy Commandant, FRP, KPK as competent authority do hereby serve you Constable Aman No 477 of FRP/HQrs,

(1) i- That consequent to the completion of inquiry conducted against you by **DSP, FRP/HQrs:** for violation of discipline given opportunity of being heard.

ii- On going through the findings and recommendations of the Enquiry Officer, the material available on record and other connected material, I am satisfied that you have committed the following offences/offences under Police Rules 1975.

Whereas you Constable Aman No. 477 of FRP/HQRS; Peshawar remained absent from duty w.e. from 24 2016 till 24 2016 without any leave/permission of the competent authority.

(2) Therefore, I, Deputy Commandant, FRP, KPK as competent authority has tentatively decided to impose upon you Major/Minor penalty including dismissal from service under the said Rules.

(3) You are, therefore, required to Show Cause as to why not the aforesaid penalty should not be imposed upon you.

(4) If no reply to this Final Show Cause Notice is received within the 14 days of its delivery in the normal course of circumstances, it shall be presumed that you have no defence to put in and consequently ex-parte action shall be taken against you.

**Deputy Commandant,  
Frontier Reserve Police,  
Khyber Pakhtunkhwa, Peshawar.**

Handwritten notes and signatures in the bottom left corner, including a date "02/12/16" and a number "9390393".

Handwritten notes and signatures in the bottom right corner, including a signature and some illegible text.

## Enquiry Report

Constable Aman No 477 of FRP/HQrs: Peshawar was absented w. e. from 24.07.2016 till to date without to have permission from the competent authority. He was issued a notice and summary of allegation by the Worthy Deputy Commandant of F. Khyber Pakhtunkhwa, which was duly served upon the brother of the said constable namely Rooh Ullah on 10.09.2016 by the DHC Shakir Ullah. The said constable is nominated as enquiry officer.

## Finding Report.

Being an enquiry officer it has come to light that the said constable absented w. e. from 24.07.2016 till to date. In this connection MHC FRP/HQrs produced a written statement on 25.10.2016 wherein he said that said constable is still absent w. e. from 24.07.2016. The said constable failed to submit any written reply in his defense during stipulated period, According to FMC FRP/HQrs he was enlisted on 26.11.2014, his past service is clear.

Keeping in view the above facts the said constable absented himself from duty w. e. from 24.07.2016 till to date, is recommended for ex parte action.

Submitted for the favor of perusal and order please.

**DSP/FRP/HQrs: Peshawar**

(Signature)

No.163 /R dated Peshawar the. 25/10/2016.

Enclosed (05 pages)

ISSUE FSC N.



Dy. Commandant

**ORDER**

**UNDER SUB-SECTION-3 & SECTION 5 POLICE RULES, 1975**

I, Deputy Commandant FRP, Peshawar as Competent Authority Charge Constable A No.4 of FRP is prima facie guilty of the following acts to be read u/s (3) of Police Rules, 1975.

While posted at FRP/HQs, Peshawar on duty w.e from 24.07.2016 till to date without taking any leave or permission competent authority.

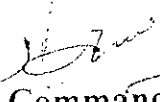
The act of delinquent official is a violation of article 19 of the constitution of Pakistan and is liable to be proceeded under Police Rules 1975.

For the purpose of scrutinizing the conduct of said accused with reference to the above allegations, I, Deputy Commandant FRP, Khyber Pakhtunkhwa, being authorized officer hereby nominate the following officer as below to enquire into the charges with the meaning of 2 under Police Rules 1975.

**DSP, FRP/Enquiry:**

The enquiry officer after completing all enquiry proceedings should submit findings to the undersigned within stipulated period of (10) days per u/s 6(5) of the Rules.

Charge Sheet and Statement of Allegations are issued against the accused officer separately. Reply should be submitted before the Enquiry officer within the period of (07) days from the date of receipt.

  
**Deputy Commandant,  
Frontier Reserve Police,  
Khyber Pakhtunkhwa, Peshawar.**

No. 732 /PA, dated Peshawar the 19/08/2016.

Encl: Papers (3) in Original.

111  
HQ

5361/R. 24/07/16  
8-8-16

18150 = وقت (18150) 24/07/16  
471 (11/11) 1883  
4512 وقت 30  
47/16

در  
شرف  
Rafiq  
20/8/16

In  
Recommendation for pay stoppage  
and departmental proceedings  
against Constable (Armed) 473

Sd/-  
Forwarded

DSP  
HQ  
18/8/16

Signature  
#

pay stopped  
Issue charge sheet  
DSP/Hors as E.O.

Sd/-  
Forwarded

18/8/16

Deputy Commandant  
Frontier Reserve Police  
RPK Peshawar  
16-8-16

RESERVE INSPECTOR  
2-8-16  
PESHAWAR



DSK  
67

CHARGE SHEET U/S 6(1) (A) POLICE RULES 1975

You Constable Aman No.477 Posted at FRP/ HQrs: Peshawar is hereby charged for committing the following omission/commissions.

You Constable Aman No.477 while posted at FRP/HQrs, you remained absent from duty 24.07.2016 till to date without taking any leave of the competent authority.

You are hereby called upon to submit your written defense against the above charges before the enquiry officer.

Your reply should reach the Enquiry Officer within seven (7) days from date of receipt of this Charge Sheet, failing which ex-parte action shall be taken against you.

Summary of allegations is enclosed herewith.

*[Signature]*  
Deputy-Commandant  
Frontier Reserve Police  
Khyber Pakhtunkhwa Peshawar

*[Signature]*

*[Handwritten Urdu text]*

10/9  
*[Signature]*

*[Handwritten Urdu notes]*  
0200 97 90 39 3

کتابخانه کتب آجودانیه ۴۷۷  
۴۷۵

نویسنده: سید علی حسینی  
موضوع: ...  
NIL N ۱۰۱

② عدد صفحات: ۱۰۱  
NIL

③ کتابت: ۱۰۱  
۶۵

چاپ: ...  
تألیف: ...  
کتابخانه آجودانیه ۴۷۷  
۴۷۵


۱۰-۱۰-۲۰۱۶

صواب عالی

مقررہ کاروں کے لئے  
پانچ لاکھ روپے

مبلغ 477 روپے  
24/16 سے پیشکش

انجمن کے لئے

  
25-10-16

پشاور اینٹ آباد اور اسلام آباد سے بیک وقت شائع ہونے والا کثیر الاشاعت قومی روزنامہ

روشن گل کی صاف، آج کا صاب آئین

پشاور پاکستان

ایڈیٹر عبدالواحد یوسفی

36 صفحات

27 جنوری 2017ء بروز آٹن 1438ھ 20 جولائی 1977ء سے ای 1 ذمہ شمارہ 352



**اطلاع عام**

آپ کے سٹیل انان انڈسٹری 1477 ایف آر پی ایڈیٹر کوہاٹ پشاور پولیس لائن سے مورچہ 24-07-2016 سے بدستور غیر حاضر ہو چاہے شیت دوسری آفس الیکٹرانکس ٹرانس ایکشن ہو کہ آپ کے گھر کے پتے پر بذریعہ DFC بھیجا جا کر آپ کے پاس نہ پہنچا اور ہماری تمام ذمہ داریاں اٹھانے کے بعد خود وصول کیا ہے لیکن آپ نے ابھی تک کوئی جواب نہیں دیا۔

آپ کو بذریعہ اشتہار بذمہ داریاں کیا جاتا ہے کہ وہ دن کے اندر اندر اپنی تمام ذمہ داریاں تحریری بیان پیش کریں ورنہ آپ کے خلاف کارروائی میں لائی جائے گی۔

محکم ذمہ داری کا دفتر ایف آر پی خیبر پختونخوا پشاور

INF (P) 7846 www.khyberpakhtunkhwa.gov.pk

1st جنوری 2017

اپیل نمبر 694/14 نام خان بنام SSP و غیرہ  
DCT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR

SERVICE APPEAL NO. 694/2014

7/3/2018

Date of institution ... 14.05.2014

Date of judgment ... 07.03.2018

Nasir Khan S/o Kartaz Ali R/o Bazid Khel Kaul Khan Tehsil  
and District Swabi, Ex-Police Constable No. 377.

... (Appellant)

VERSUS

1. Superintendent of Police Peshawar. DCT-Special Branch, Peshawar.
2. Chief Capital City Police Officer CCCPO, Peshawar, Police Lines, Peshawar.
3. Inspector General of Police (Provincial Chief) CPO, Central Police Office,  
Peshawar.

... (Respondents)

SERVICE APPEAL UNDER SECTION-4 OF THE SERVICE  
TRIBUNAL ACT, 1974 AGAINST THE INITIAL ORDER OF  
DISCHARGE OF APPELLANT FROM POLICE SERVICE ON  
21.10.2010 AND FINAL ORDER DATED 30.05.2011 FROM  
REMOVAL FROM SERVICE BY RESPONDENT NO. 1 THROUGH  
NOMINAL AND BASELESS INQUIRY AND AGAINST THE ORDER  
OF REJECTION ON 06.03.2014 ON THE DEPARTMENTAL APPEAL  
TO RESPONDENT NO. 03 AND 02, WITHOUT ASSIGNING ANY  
SOLID OR COMPREHENSIVE REASON.

Mr. Mian Sibghat Ullah Shah , Advocate.

Mr. Riaz Ahmed Painsa Kheil, Assistant Advocate General

.. For appellant.

.. For respondents.

Mr. MUHAMMAD AMIN KHAN KUNDI

MR. MUHAMMAD HAMID MUGHAL

.. MEMBER (JUDICIAL)

.. MEMBER (JUDICIAL)

JUDGMENT

MUHAMMAD AMIN KHAN KUNDI, MEMBER: - Learned counsel for the  
appellant present. Mr. Riaz Ahmed Painsa Kheil, Assistant Advocate General for the  
official respondents also present. Arguments heard and file perused.

2. Brief facts of the case as per appeal are that the appellant was serving in  
Police Department and during service he was removed from service on the allegation

M. Amin  
7.3.2018

of absence from duty vide order dated 30.05.2011. the appellant filed departmental appeal which was rejected on 06.03.2014 hence, the present service appeal.

3. Respondents were summoned who contested the appeal by filing written reply/comments.

4. Learned counsel for the appellant contended that the appellant was serving in Police Department and during service he became seriously ill therefore, due to illness the appellant could not attend the duty. It was further contended that the absence was not willful but due to illness the appellant was unable to attend the duty. It was further contended that neither proper inquiry was conducted nor opportunity of hearing was provided to the appellant therefore, the impugned order is illegal and liable to be set-aside.

5. On the other hand, learned Assistant Advocate General for the respondents opposed the contention of learned counsel for the appellant and contended that the appellant was habitually absentee and all the codal formalities were fulfilled therefore, the appellant was rightly removed from service and prayed for dismissal of appeal.

6. Perusal of the record reveals that the appellant was serving in Police Department and he was discharged from service on the allegation of absence by the competent authority. However, he filed departmental appeal which was accepted and the appellant was reinstated in service due to lacuna. De-novo inquiry was initiated and after conducting de-novo inquiry, the appellant was again removed from service vide order dated 30.05.2011 retrospectively i.e from the date of absence and it is also well settled law that the retrospective order of removal is void. Reference in this regard is made to 1985 SCMR 1178. As such limitation does not run against the void order. Moreover, the competent authority has mentioned in the impugned order dated 30.05.2011 that the appellant was absent from 24.02.2011 to 28.02.2011, 28.02.2011 to 11.03.2011 and 16.03.2011 till impugned order of removal from service. Meaning

M. Amin  
7.3.2018

thereby that the absence period of the appellant was not so prolong therefore, the punishment in the impugned order regarding removal from service of the appellant is not in commensurate with the charge level against him and the penalty of removal from service appear to be very harsh. As such we partially accept the appeal, set aside the impugned order and convert the penalty of removal from service into penalty of withholding of two increments for a period of three years. The absence period as well as the intervening period is treated as extra-ordinary leave without pay. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED

07.03.2018

*Hamid*

(MUHAMMAD HAMID MUGHAL)  
MEMBER

*Muhammad Amin*  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

ایمیر شاہ بنام IGP و دیگر

ایڈیل نمبر 663/19

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR**

Service Appeal No.663/2019

8/7/2021

Date of Institution ..... 21.05.2019  
Date of Decision ..... 08.07.2021

Ajmeer Shah , Ex-F.C No.837, Police Lines, Swabi.

(Appellant)

VERSUS

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

(Respondents)

Akhunzada Asad Iqbal,  
Advocate

... For appellant.

Javid Ullah,  
Assistant Advocate General

... For respondents.

AHMAD SULTAN TAREEN  
ROZINA REHMAN

... CHAIRMAN  
... MEMBER (J)

JUDGMENT

ROZINA REHMAN, MEMBER : The relevant facts leading to the filing of the instant appeal are that appellant was appointed as Foot Constable in 2009. He was seriously ill in September, 2015 and was advised complete bed rest by Medical Officer. He joined his duty after recovery from ailment, however, he fell ill once again, therefore, he was once again, advised bed rest. He applied for leave on each occasion. After recovery, he reported for duty but he was proceeded departmentally for absence from duty. He appeared before the Inquiry Officer and produced his medical record but was dismissed from service vide order dated 14.06.2016. He filed departmental appeal which was rejected.

08/7/21

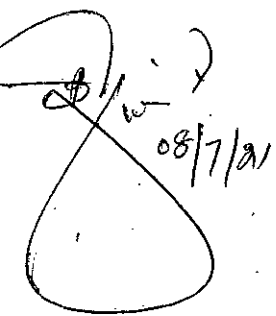


2. We have heard Akhunzada Asad Iqbal Advocate learned counsel for appellant and Javid Ullah learned Assistant Advocate General for the respondents and have gone through the record and the proceedings of the case in minute particulars.

3. Akhunzada Asad Iqbal Advocate appearing on behalf of appellant, inter-alia, contended that the appellant was not treated in accordance with law and his rights were badly violated. He submitted that he was not served with any charge sheet and statement of allegations nor any regular inquiry was conducted in order to dig out the real facts before passing the impugned order. He argued that the appellant was not provided with proper opportunity of personal hearing before awarding him the penalty and that he was condemned unheard. He submitted that his absence was never willful but due to his prolonged illness which forced him to remain away from his duty. He contended that he has a spotless service career at his credit and the penalty imposed upon him is harsh.

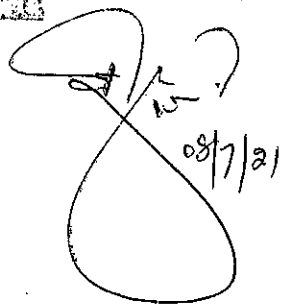
4. Conversely, learned A.A.G submitted that appellant absented himself from duty without any permission of the competent authority, therefore, he was proceeded against departmentally in accordance with the provisions of disciplinary rules. He argued that appellant was associated with inquiry and proper opportunity of personal hearing was provided with. He was also served with final show cause notice but he failed to submit reply.

5. Perusal of record would reveal that two different inquiries were initiated against the appellant. He was issued charge sheet and statement of allegation for his alleged absence from 08.09.2015 to

 08/7/21

13.10.2015 and Izhar Shah Khan D.S.P Lahor was appointed as Inquiry Officer to conduct inquiry against him on 02.12.2015. Similarly, charge sheet and statement of allegations were issued on 14.04.2016 for his absence from 19.01.2016 to 14.02.2016 and one Haider Ali D.S.P Headquarters Swabi was appointed as Inquiry Officer vide order dated 14.04.2016 of District Police Officer, Swabi. Reply was submitted by the appellant. Two different inquiry reports have been annexed by the respondents with their comments as "Annexure-G" and "Annexure-H". Inquiry for his absence from 08.09.2015 to 13.10.2015 was conducted by one Pasham Gul Khan S.D.P.O Lahor, whereas, the record shows that one Izhar Shah, D.S.P had been appointed as Inquiry Officer. As per findings of the inquiry report dated 20.04.2016, the appellant was not held willful absentee as he produced Medical Certificates which were duly verified from the concerned Hospitals and he was recommended for suitable punishment. The other inquiry report submitted by the D.S.P Headquarters Swabi on 13.05.2016 shows that ailment of the appellant was not denied, however, it was held that being cops of the disciplined force, he was supposed to take prior permission from the competent authority which he did not, therefore, the Inquiry Officer recommended absence period of 26 days to be treated as leave without pay.

6. From the record, it is evident that two different inquiries were initiated against the appellant in respect of his willful absence for different periods. The inquiry conducted by Pasham Gul Khan S.D.P.O Lahor clearly shows that the medical record produced by the appellant during inquiry proceedings, was duly verified from the concerned hospital which means that ailment of the appellant was admitted and considered,

 08/7/21

therefore, it was recommended by the Inquiry Officer in view of the submissions that suitable punishment may be awarded. The inquiry conducted by the D.S.P Headquarter Swabi shows that he too, admitted his illness but being cops of the disciplined force, his period of absence of 26 days was recommended to be treated as leave without pay. After getting the inquiry reports by the District Police Officer, the impugned order of dismissal from service was passed.

7. The competent authority while not agreeing with the recommendations of the inquiry report, failed to take mandatory steps in accordance with law and rules by virtue of which, the competent authority was required to record the reasons in writing either to remand the inquiry to the inquiry officer or the inquiry committee, as the case may be, with such directions, as the competent authority may like to give or may order a de-novo inquiry through different inquiry officer or different inquiry committee, but in the instant case, the competent authority skipped and violated such provision of law. We also did not find on record any other ground or material in support of overweening approach of the competent authority to dissent with the findings of the inquiry officers. Departure from the said pattern and that too without a cogent reason in the present case caused irreparable damage to the appellant at the cost of substantial justice.

8. From the record, it is crystal clear that the absence of appellant was not deliberate. His absence was not regularized. His illness coupled with medical record was not taken into consideration despite the fact that the entire medical record was fully verified from the concerned hospital. Punishments are always used as deterrence and with a view to reform,

10-2  
08/7/21

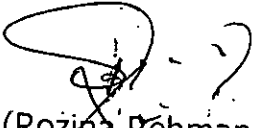
the delinquent officials. An employee having rendered more than six years regular service was not treated according to law and rules in order to ensure substantial justice, there is strong justification for modification of penalty referred to above.

9. Keeping in view the above discussion, the instant appeal is partially accepted. Appellant is reinstated into service. The penalty of dismissal from service is modified and converted into withholding of two increments and entire absence be treated as leave without pay. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED.

08.07.2021

  
(Ahmad Sultan Tareen)  
Chairman

  
(Rozina Rehman)  
Member (J)

## Absentia according to The Respondents

06 months 27 days = 207 days -

- 1 - From: 24.07.2016 to 23.03.2017.
- 2 - order of Inquiry - 19.08.2016.
- 3 - Recommendation for departmental action. 16.8.2016.
- 4 - Charge Sheet: 10.9.2016  
conveyed.
- 5 - Appellant Service/ Leave Rpt: 10.10.2016.
- 6 - Discharge from Service: 21.02.2017.
7. Appellate order 1.11.2018
8. Order on Revision Petition 28.12.2018
9. Service appeal in SF. 10.01.2019.

بعدالت جناب جلد میں ہے سروس ٹریبونل لٹھارہ

سروس ایپل فیکر 55/2019

آسان اللہ بنام یو ایس (ٹھارہ)

دفعہ استعلاج 9 اکی 2021  
28 مارچ 2021

صنایا گیا  
ایڈوائس حسب ذیل لکھا گیا ہے

1- ایک ایڈوائس کا سروس ایپل فیکر 55/2019 لکھنؤ سال 2021 کے ٹریبونل لٹھارہ  
24-05-2021

2- ایک ٹریبونل لٹھارہ میں جج صاحب نے ایک نوٹ لکھا ہے کہ  
Note Reader  
تعمیر کے لیے 09 اکی 2021 کے ٹریبونل لٹھارہ اور اس کے بعد اس کے خلاف  
"Delay Defeat the ends of Justice"

3- ایک نوٹ لکھا ہے کہ Early Hearing کے دوران میں لکھا ہے کہ ایک ایپل لٹھارہ  
9 اکی 2021  
28 مارچ 2021

لکھنؤ لٹھارہ کے ایپل لٹھارہ 09 اکی 2021 کو ایک نوٹ لکھا ہے کہ  
24-05-2021  
آسان اللہ

آسان اللہ ولد انعام اللہ سکن محلہ کلاں تھانہ سید پور لٹھارہ  
17302 6433 459-3  
0344-9090201