

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 16157/2020

Date of Institution ... 16.12.2020

Date of Decision ... 01.02.2022

Mr. Asif Iqbal, Ex-Constable No. 1774, Police Lines Peshawar, District Peshawar.  
... (Appellant)

VERSUS

The Inspector General of Police, Khyber Pakhtunkhwa Peshawar and two others.  
... (Respondents)

Afrasiab Khan Wazir,  
Advocate

... For Appellant

Kabirullah Khattak,  
Additional Advocate General

... For respondents

**AHMAD SULTAN TAREEN**  
**ATIQU-UR-REHMAN WAZIR**

...

...

**CHAIRMAN**  
**MEMBER (EXECUTIVE)**

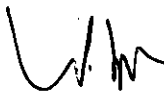
**JUDGMENT**

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

Brief facts of the case

are that the appellant was appointed as Constable in the police department vide order dated 16.02.2002. During the course of his service, the appellant was proceeded against on the charges of absence from duty and was dismissed from service vide order dated 01.11.2018 w.e.f. 10.04.2018. The appellant filed departmental appeal on 06.03.2019 which was rejected vide order dated 05.04.2019, thereafter, the appellant filed revision/mercy petition on 09.10.2020 which was also rejected vide order dated 23.10.2020, hence the appellant filed the instant service appeal with prayers that the impugned orders dated 01-11-2018, 05-04-2019 and 23-10-2020 may be set aside and the appellant may be re-instated in service with all back benefits.

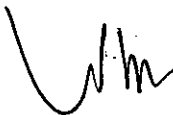
02 Learned counsel for the appellant has contended that the impugned orders are against law, facts and norms of natural justice and material on record, hence liable to be set aside; that the appellant has not been treated in accordance with law and rule on the subject as such violated Article-4 and 25 of the Constitution; that no charge sheet/statement of allegations or show cause notice was issued to the appellant; that no proper enquiry was conducted nor the appellant was afforded any opportunity of personal hearing to defend himself, which were mandatory before passing the impugned order; that absence of the appellant was not willful but was due to illness of his family members; that the impugned order was not communicated to the appellant and when he attended the office in order to resume duty, it came to his knowledge that he has been dismissed from service vide impugned order dated 01.11.2018. Learned counsel for the appellant prayed that on acceptance of the appeal, the impugned order may be set aside and the appellant may be reinstated into service with all back benefits.

 03. Learned Additional Advocate General for the respondents has contended that the appellant remained absent from duty w.e.f. 10.04.2018 without any leave or prior permission of the competent authority; that the appellant was issued charge sheet/statement of allegation and inquiry was conducted into the matter; that the appellant was summoned for personal appearance to join inquiry proceedings but he failed to join the inquiry proceedings; that final show cause notice was issued to him but he failed to submit the reply; that the impugned order was rightly passed against the appellant. On the point of limitation, learned AAG stated that against the order dated 01.11.2018, departmental appeal was preferred on 06.03.2019, after lapse of period of more than four months which is badly time barred and is liable to be dismissed on this score alone.

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

05. Record reveals that the appellant remained absent from duty from 10.04.2018 to 01.11.2018 without any prior permission of the competent authority. The appellant

was proceeded against ex-parte without serving charge sheet/statement of allegations, nor any show cause was served upon him. The appellant was also not associated with proceedings of the departmental inquiry due to the reason that he did not turn up inspite of repeated calls. In a situation, it was expedient to follow general law relating to absence from duty as contained in Rule-9 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, which however was not done in case of the appellant, which shows that the appellant was not treated in accordance with law. The impugned order would suggest that the appellant was proceeded against on the ground of absence for the mentioned period, however the authority has treated the mentioned period as leave without pay, as such the very ground, on the basis of which the appellant was proceeded against, has vanished away. Wisdom in this respect derived from the judgment of the august supreme court of Pakistan, reported as 2006 SCMR 434 and 2012 TD (Services) 348.

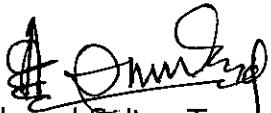
 We have observed that absence of the appellant was not willful, but he availed such leave without permission due to compelling reasons of illness of his family, which stance was taken by the appellant in his departmental appeal, but which was not taken into consideration. It has been held by the apex court in its judgment reported as 2008 SCMR 214 that leave on medical grounds without permission does not constitute gross misconduct entailing major penalty of dismissal, but the respondents did not consider his case on compassionate ground and was dismissed in an arbitrary manner, which was not warranted. We are also mindful of the question of limitation as the appellant preferred his departmental appeal with some delay, but since the impugned order was passed in violation of mandatory provisions of law, hence no limitation would run for challenging such order. Reliance is placed on 2007 SCMR 834. We have also noted that the respondents have no case on merit except limitation and the august Supreme Court of Pakistan in its judgment reported as PLD 2002 Supreme Court 84 has held that where on merits the respondents has no case, then limitation would not be hurdle in the way of appellant for getting justice. Supreme Court has observed that the court should not be reluctant in condoning the

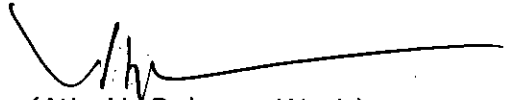
delay depending upon facts of the case under consideration. We are of the considered opinion that though the appellant was absent from duty, but his absence was due to ailment of his family, hence he deserve to be treated on humanitarian grounds.

06. We have observed that charge against the appellant was not so grave as to propose penalty of dismissal from service, such penalty appears to be harsh, which does not commensurate with nature of the charge. In view of the foregoing discussion, impugned order of dismissal from service is converted into minor penalty of stoppage of two annual increments for two years without cumulative effect. The appeal is accepted in the above terms. Parties are left to bear their own costs. File be consigned to the record.

ANNOUNCED

01.02.2022

  
(Ahmad Sultan Tareen)  
Chairman

  
(Atiq-Ur-Rehman Wazir)  
Member (E)

ORDER


01.02.2022

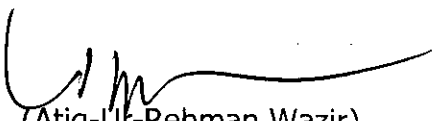
Appellant alongwith his counsel present. Mr. Kabirullah Khattak, Additional Advocate General for respondents present. Arguments heard and record perused.

Vide our detailed judgment of today, separately placed on file, the impugned order of dismissal from service is converted into minor penalty of stoppage of two annual increments for two years without cumulative effect. The appeal is accepted in the above terms. Parties are left to bear their own costs. File be consigned to the record.

ANNOUNCED

01.02.2022

  
(Ahmad Sultan Tareer)  
Chairman

  
(Atiq-Ul-Rehman Wazir)  
Member (E)


31.03.2021

Junior to counsel for the appellant present.

Addl: AG alongwith for respondents present.

Written reply/comments not submitted. Learned AAG seeks time to contact the respondents for submission of written reply/comments.

Adjourned to 01.06.2021 before S.B.

  
(Atiq Ur Rehman Wa  
Member(E)

01.06.2021

Appellant with counsel and Mr. Noor Zaman Khan District Attorney alongwith Muhammad Raziq, H.C for respondents present.

Representative of the respondents seeks further time to furnish reply/comments. Respondents are required to furnish written reply/comments in office within 10 days. If written reply/comments are not submitted within the stipulated time, the office is directed to submit the file with a report of non-compliance. File to come up for arguments on 28.09.2021 before the D.B.

  
Chairman

P.S

11.06.2021

Learned Addl. A.G be reminded about the omission and for submission of reply within extended time of 10 days.

  
Chairman

28.9.21

DB is on Toub case to come up?  
For the same on Dated. 1-2-22

R

*Stipulated time has passed and reply has not been submitted.*

*[Handwritten mark]*

16157/2020

01.02.2021

Counsel for the appellant present.

Learned counsel argued that the impugned order of major penalty was passed against the appellant without involving him in the departmental proceedings. Similarly, the requisite procedure for the purpose was not adopted by the respondents rendering the act on their part as against Article 10-A of the Constitution. It was also argued that through the impugned order, the appellant was not only dismissed from service but was also burdened with conversion of his absence period as "without pay". He was thereby put in double jeopardy.

In view of arguments of learned counsel and available record, instant appeal is admitted to regular hearing subject to all just exceptions more particularly regarding the delay in submission of departmental/service appeal. Appellant is required to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments on 31.03.2021 before S.B.

Appellant Deposited  
Security & Process Fee

8/2/21

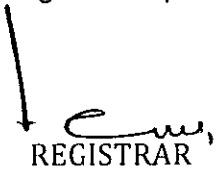
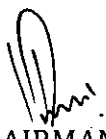
  
Chairman

Form- A

FORM OF ORDER SHEET

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

Case No.- 16157 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	18/12/2020	<p>The appeal of Mr. Asif Iqbal resubmitted today by Mr. Afrasia Wazir Advocate may be entered in the Institution Register and put up Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-		<p>This case is entrusted to S. Bench for preliminary hearing to up there on <u>01/02/2021</u></p> <p style="text-align: right;"> CHAIRMAN</p>



01.02.2021

Counsel for the appellant present.

Learned counsel argued that the impugned order of major penalty was passed against the appellant without involving him in the departmental proceedings. Similarly, the requisite procedure for the purpose was not adopted by the respondents rendering the act on their part as against Article 10-A of the Constitution. It was also argued that through the impugned order, the appellant was not only dismissed from service but was also burdened with conversion of his absence period as "without pay". He was thereby put in double jeopardy.

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*more particulars regarding the delay in submission of deptt/ S. appeal*

*Retyped & Printed on prepage*

Chairman

The appeal of Mr. Asif Iqbal Ex-Constable no. 1774 Police Line Peshawar received today on 16.12.2020 is incomplete on the following score which is returned to the counsel for appellant for completion and resubmission within 15 days.

Copy of impugned order dated 01.11.2018 is illegible which may be replaced legible/better one.

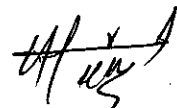
No. 4087 /S.T,

Dt. 17/12/2020

  
REGISTRAR

SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Afrasiab Khan Wazir Adv. Pesh.

Note: objection is removed by placing better copy of Annex-C-17. Thus re-submitted today dated 18-12-2020  


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

APPEAL NO. \_\_\_\_\_/2020

ASIF IQBAL

VS

POLICE DEPTT:

**INDEX**

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4	Impuged Order dated 01.11.2018	C	17.
5	Departmental appeal & Rejection Order	D & E	18-19.
6	Revision Petition & Rejection Order	F & G	20-21-22.
7	Vakalat.nama	.....	.

**APPELLANT**

**THROUGH:**

  
**AFRASIAB KHAN WAZIR**  
**ADVOCATE**

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

APPEAL NO. 16150 / 2020

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 16564

Dated 16/12/20

MR. Asif Iqbal, Ex-Constable No.1774,  
Police Lines Peshawar, District Peshawar.....**APPELLANT**

**VERSUS**

- 1- The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
- 2- The Chief Capital City Police Officer, Peshawar.
- 3- The Superintendent of Police, Headquarters, Peshawar.

.....**RESPONDENTS.**

**APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 01.11.2018 WHEREBY THE APPELLANT HAS BEEN AWARDED MAJOR PUNISHMENT OF DISMISAL FROM SERVICE AND AGAINST THE APPELLATE ORDER DATED 23.10.2020 COMMUNICATED TO THE APPELLANT ON 30.11.2020 WHEREBY REVISION PETITION OF THE APPELLANT HAS BEEN REJECTED ON NO GOOD GROUNDS.**

**PRAYER:-**

That on acceptance of this appeal the impugned orders date **01.11.2018, 05.04.2019 and 23.10.2020** may very kindly be **Filed to-day** set aside and the appellant be re-instated into service with all back benefits. And any other remedy which this August Tribunal deems fit that may also be awarded in favor of the appellant.

**R/SHEWETH:**

**ON FACTS:**

*Brief facts giving rise to the present appeal are as under*

- 1- That the appellant was appointed in the respondent department Constable vide order date 16.02.2002 and right from appointment the appellant performed his duties quiet efficiently and up to the entire satisfaction of his superiors. Copy of the appointment order attached as annexure.....**A**

Registrar  
16/12/2020

Re-submitted to-day  
and filed.  
Registrar  
18/12/20

- 2- That appellant while performing his duty at the concerned station the family members of the appellant was suffered from chronic diseases and in such situation the appellant was unable to perform his duty. Copy of the medical certificates are attached as annexure.....**B.**
- 3- That when a little bit recovered the family members from the said diseases, the appellant came for joining his duty, but surprisingly the respondent department handed over the dismissal order dated 01.11.2018 to the appellant without fulfilling the codal formalities. Copy of the impugned order dated is attached as annexure.....**C.**
- 4- That appellant feeling aggrieved from the impugned order dated 01.11.2018 preferred departmental appeal to the appellate authority but the same has been rejected vide order dated 05.04.2019. Copy of the departmental appeal and rejection order are attached as annexure.....**D & E**
- 5- That appellant further aggrieved from the appellate order dated 05.04.2019 filed revision/mercy petition before the respondent No. but the same has also been rejected vide order 23.10.2020 which was communicated to the appellant on 30.11.2020. Copies of the revision petition and rejection order are attached as annexure.....**F & G**
- 6- That the appellant feeling aggrieved and having no other remedy left to file the instant appeal on the following grounds amongst others.

**GROUND:**

- A- That the impugned orders dated 01.11.2018, 05.04.2019 and 23.10.2020 communicated to the appellant on 30.11.2020 by the respondent No. are against the law, facts, norms of natural justice and material on record hence liable to be set aside.
- B- That the appellant has not been treated by the respondent department in accordance with law and rules on the subject noted above and such violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan.

C- That the respondent department acted in arbitrary and mala fide manner while issuing the impugned order dated 01.11.2018 hence liable to be set aside.

D- That no statement of allegation and charge sheet has been served upon the appellant by the respondent department before issuing the impugned order dated 01.11.2018 hence liable to be set aside.

E- That no show cause notice has been served upon the appellant by the respondent department before issuing the impugned order dated 01.11.2018.

F- That no regular inquiry has been conducted by the respondent department before issuing the impugned order dated 01.11.2018.

G- That no chance of personal/defense has been provided to the appellant before issuing the impugned orders dated 01.11.2018, 05.04.2019 and 23.10.2020.

A- That the appellant seeks permission to advance any other proof and ground at the time of regular hearing.

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

Dated: \_\_\_/\_\_\_/2020.

**APPELLANT**

**ASIF IQBAL**

**THROUGH:**

**AFRASIAB KHAN WAZIR**

**&**

  
**HAIDER ALI**  
**ADVOCATES**


ENLISTMENT ORDER.

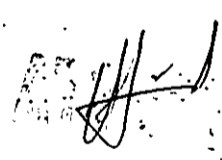
Candidate: Mr. Asif Jabbal  
S/o Abdul Raut resident of Vill: Babi Tadeed  
Police Station Pabbi Teh: Nowshera Distt: Nowshera  
enlisted as Constable in BPS-5 i.e. (Rs. 2100-100-5100) w.e.f. 16/2/02  
and allotted Constabulary No. 712.

He is enlisted merely on temporary basis and service would be liable in to terminate any time without any notice under Police Rules 12-21.

Height 5-10" Chest 34"  
Age \_\_\_\_\_ Education 10th  
Date of Birth 14-3-1981

OB NO. 87  
Dated 16/2 2002

  
COMMANDANT,  
FRONTIER RESERVE POLICE  
PESHAWAR.



DR. KHOLA JABEEN  
M.B., B.S., D.M.R.D.

RADIOLOGIST,  
Khyber Teaching Hospital,  
University Road, Peshawar.



Not valid for medico legal purposes.

B-5  
الٹراساؤنڈ سپیشلسٹ  
خولہ جبین  
ڈی. ایم. آر. ڈی  
خیبر ٹیچنگ ہسپتال پشاور

Ref No: \_\_\_\_\_ Name: Abida - Age: \_\_\_\_\_ Date: 29

## OBSTETRICAL ULTRASOUND

Real time Trans-abdominal Doppler Ultrasound study reveals SINGLE fetus, with positive cardiac activity, cephalic presentation

### FETAL BIOMETRY:

B.P.D: 82 mm... 33 Wks 1 d

F.L: 63mm ... 32 Wks 4 d

A.C: 289mm 33 Wks 0 d

E.F.B.W: 2092 gm.

F.HEART RATE: Seen. 140 /min

P.O.G: 33 WKS 0 D

E.D.D: 17.02.2015

PLACENTAL POSITION: Fundo Posterior.

AMNIOTIC FLUID: Adequate.

Scar thickness is 04 & 06 mm.

IMPRESSION: Single pregnancy of 33 Wks 0 D with cephalic presentation.

Dr. Khola Jabeen

Radiologist.

ATTACHED

Impression does not mean definite diagnosis. In case of any doubt, Repeat scan will be highly appropriate.

کلینک: فرسٹ فلور، منظور ہسپتال، 6-8 پارک ایونیو، یونیورسٹی ٹاؤن، نزد ایمر جنسی گیٹ، خیبر ٹیچنگ ہسپتال پشاور  
فون: 091-5851138 موبائل: 0314-9192776



GYNAECOLOGIST

6

Dr. Abida Ibrar

MBBS, FCPS

دہ ابرار

ایف سی پی ایس

بی یونٹ

پشاور

ASSISTANT PROFESSOR

Gynae Unit K.T.H. Peshawar.

Patient Name Abida

Age

Date

Address:

Rx

43 R Pres 24h

Pain hypognot

B

35

no scar tenderness

34/02  
legentle supm gm  
Pm ei

- USG + BPP  
+ Scar thickening  
unre km

- HB3A  
antibio for cildas

① Yes and a  
WP &

② Gramua  
پاک کر کے  
جوان

APPROVED

Clinic: Monday to Friday

Doctors Diagnostic Hospital & Research Centre

Sector 19/P 1 Street 14, Phase 4 Near

Police Center, Hayatabad Peshawar,

پشاور

پشاور

Mob:

0314-9824169

0344-9098723

پشاور

پشاور

U.S. Sponza

WSP 10

Refu d gnd  
— CT4.

\_\_\_\_\_

\_\_\_\_\_



# SHAMS MARKETING SERVICES

PH.# : 091-221016  
:091-255382  
Fax # :091-256295

38-karachi.Market, Khyber Bazar Peshawar  
House Of Quality Vaccines & Immunoglobulins

B.No. 643

M/S Muhammad Saad

Date: 9/3/14

Description	Qty.	Rate	Amount	
			Rs.	Ps.
1V1G SXX sup	02	1200/-	24000/-	
Total Rs.			24000/-	

### FORM 2A (See Rules 19 & 30)

I Shams-ur-Rahman S/O Shams-ul-Qamar being a person resident in Peshawar and carrying on business at 38-Karachi market Khyber Bazar Peshawar under the name of M/S. Shams Marketing Services do hereby give this warranty that the drugs here. Under described as sold/indicated by Me/specified and contained in the bill of lading or other document describing the goods referred to heren in do not contravence in any way the provisions of section 23 of the drug Act 1976.

*[Signature]*  
Registrar  
Peshawar  
Children's Hospital

Signature

*[Handwritten signature]*

8



# ADVANCED NEUROLOGY CENTER

**Dr. Muhammad Subhan**

MBBS(Pesh), FCPS  
NEUROLOGIST & NEUROPHYSIOLOGIST  
Associate Professor  
Peshawar Medical College

Dated 6.3.2014

No 612

Received with thanks from \_\_\_\_\_

the sum of Rupees 4000/-

on account of \_\_\_\_\_

Rs. 4000/-

Aman Hospital Dabgari Garden Peshawar

Registered  
Children A Unit  
Community Reading Hospital  
Peshawar  
Dr. Muhammad Subhan  
MBBS(Pesh), FCPS  
NEUROLOGIST & NEUROPHYSIOLOGIST  
Associate Professor  
Peshawar Medical College  
Peshawar Pesh.

**ATTACHED**

9

**KTH, Khyber Teaching Hospital Peshawar**

University Road, Peshawar. Phone: +92-91-9224400. Fax: --  
Email: info@kth.gov.pk, Website: http://www.kth.gov.pk

**PARCHI INVOICE OPD\_KTH**

140

**ORTHOPAEDIC - OPD Token# 150**

Appointment Time : 11:30:00

M. No: **K0300001381451**

Invoice # : K03180600108

Name : **KASHIF IQBAL**

Receipt # : K03180546020

Gender : **Male**

Amount Paid : **10.00**

Age : **33 Year(s)**

Date : **04-APR-18**

History

Physical Examination

OH Pain & Swelling  
Ankle  
MRI

new case  
X-ray (L)  
Knee AP  
L

Provisional Diagnosis

Tab Aceme 100mg

Investigations

Tab. Esso 20mg  
Tab. Esso - 121  
Tab. Esso - 121  
Tab. Esso - 121

ATTN: [Signature]

Endowment  
Fund KTH

APR 2018  
received cash

**JUNIOR REGISTRAR**  
Orthopaedics & Traumatology PG Unit  
Khyber Teaching Hospital, Peshawar

[Signature]



# CT / MRI ENDOWMENT FUND PROJECT

10



Radiology Department Phone: 9224400-6 Ex: 2046

Patient's Name: Kashif Iqbal  
 Age: 35 Years  
 Sex: Male  
 Dated: 05 April, 2018  
 Ref. By: Khyber Teaching Hospital Peshawar

## MRI OF LEFT KNEE

### Comments:

Multiplanar imaging done through left knee acquiring T1 /T2 weighted images.

- Horizontal high signal are seen in the posterior horn of medial meniscus reaching the inferior articular surface suggesting grade III tear.
- High signals are seen in the medial collateral ligament suggesting oedema / partial tear.
- Minimal effusion seen in the retropatellar bursa and joint space.
- Lateral meniscus, lateral collateral and cruciate ligaments appear normal.
- Inviewed bones and muscle reveal normal signals.

### Conclusion:

Horizontal grade III tear posterior horn of medial meniscus with contusion / partial tear of medial collateral ligament.

~~ATTACHED~~

Asso. Prof. Dr. Hina Gul

Asst. Prof. Dr. Kalsoom Nawab

Asst. Prof. Dr. Mehnood Akhtar

Asst. Prof. Dr. Humaira Anjum





Start Time: \_\_\_\_\_

### OPERATION NOTES

End Time: \_\_\_\_\_

Patient Name: M. A. Khan / 97/101 FHI Name: 97/101

Age: 35 Gender: Male Date: 13/04/10

Pre-Operation Diagnosis: \_\_\_\_\_

Operation: Posterior Meniscectomy

Team: Dr. A. I. Bage, Sr. Assistant Surgeon

Surgeon: M. A. Khan Anesthesia: GA

Findings: Posterior horn of medial meniscus  
was torn.  
Lateral meniscus and anterior  
intact.

Procedures: performed

Completion

Dr. A. I. Bage

Dr. M. A. Khan

Blood Transfusion: \_\_\_\_\_

Diagnosis: \_\_\_\_\_

Handwritten signature and scribbles at the top right.

12

ORTHOPAEDIC - OPD Token# 050

Appointment Time : 09:42:00

M.R. No: K0300001480025

Invoice #: K03180766387

Name: KASHIF IQBAL

Receipt #: K03180696232

Gender: Male

Amount Paid: 10.00

Age: 33 Year(s)

Date: 28-APR-18

History

Clinical Examination

Provisional Diagnosis

Investigations

P/O  
Knee  
Partial meniscectomy  
02/12  
wound

Adm. Complete Bed rest for 14 days  
Fav. 8/20

Tab Acenac 100  
w/ 12/1

Tab nuberol forte  
12/1

JUNIOR REGISTRAR  
Orthopaedics & Traumatology "B" Unit  
Khyber Teaching Hospital, Peshawar

SENIOR REGISTRAR  
Orthopaedics & Traumatology "B" Unit  
Khyber Teaching Hospital, Peshawar

ATTACHED  
Handwritten notes and signatures in a box at the bottom left.



*(Handwritten signature)*

*(13)*

ORTHOPAEDIC - OPD Token# 125

Appointment Time : 12:30:00

M.R. No : K0300001543503  
Name : KASHIF IQBAL  
Gender : Male  
Age : 33 Year(s)

Invoice # : K03180893660  
Receipt # : K03180812433  
Amount Paid : 10.00  
Date : 16-MAY-18

History

Clinical Examination

Provisional Diagnosis

Investigations

*F/U*  
*(L) Knee Arthroscopy*  
*(Partial Meniscectomy*  
*Post. horn*  
*MM)*

*R*  
*Tab. Aceonac 100mg*  
*(3) - w/c*  
*Tab. Nuberox forte*  
*(3) - w/c*

*Refer to Physiotherapy for*  
*full ROM knee exercises.*

*Handwritten notes:*  
*sed not for*  
*03 w/c*  
*Jan 1, 1988*

*Tab. Risedu 40mg*  
*(3) - w/c*

*Tab. Melolin 500mcg*  
*(3) -*

**MINOR REGISTRAR**  
Orthopaedics & Traumatology Unit  
Khyber Teaching Hospital Peshawar  
**ATTACHED**

INVOICE RECEIPT

DATE: 16-MAY-19 11

SS CODE:

IN TYPE: REGULAR

PER: GRAL

Qty Rate Amt

1 45 45

45 45

50.00

ASH 90.00

9

*F. J. Duman*  
*Rain Fall*  
*Exercise*  
*03 month*

**ATTACHED**

86

PARCHI INVOICE OPD KTH

ORTHOPAEDIC OPD Token# 089

15

Appointment Time : 22:40:00

M.R.N: K0300001578887  
Name: KASHIF IQBAL  
Gender: Male  
Age: 33 Year(s)

Invoice #: K03181020600  
Receipt #: K03180927771  
Amount Paid: 10.00  
Date: 09-JUN-18

History

Clinical Examination

Provisional Diagnosis

Investigations

PLU  
2

Arthroscopy -

Tab. Acenac 100mg  
121

Tab. Duragesic forte  
121

Tab. Morotepa 40mg  
121

Adm  
Complete  
Red  
Q leave  
med  
for

Arthroscopy 2  
3

JUNIOR REGISTRAR  
Orthopaedics & Traumatology - B Unit  
Khyber Teaching Hospital, Peshawar

[Signature]



ORTHOPAEDIC - OPD Token# 203

16

Appointment Time : 16:25:00

M.R.N. : K0300001716486

Invoice # : K03181571589

Name : KASHIF IQBAL

Receipt # : K03181327660

Gender : Male

Amount Paid : 10.00

Age : 33 Year(s)

Date : 15-AUG-18

History

*P/V*  
*L*  
*Hand*  
*Hand*

Clinical Examination

- Tab: Nasonal Forte  
- 1-0,

Provisional Diagnosis

(14)

- Tab: Mecobanlin  
- 1-0,

Investigations

o/d

- Tab: Vit D  
- 1-0,

(14)

- Froben gel  
L & R.

- cap. Pink gel



*L*  
*R*

*[Signature]*

Better Copy of Annexure: C-17

**ORDER**

This office order relates to the disposal of former departmental enquiry against the Constable Asif.No1774 on the allegation/charge that he while posted at police line, Peshawar absented himself from lawful duty w.e.f 10.04.2018-till date without taking permission or leave.

In this regard, he was issued charge sheet and summary of allegation. Inspector Niaz Muhammad (Police Line) was appointed as E.O. He conducted the enquiry & submitted enquiry report that the alleged official is no more interested in his police job. The E.O further recommended major punishment by taking ex-parte decision for defaulter official.

Upon the finding of E.O, he was issued final show cause notice and delivered to him on home address through DPO Nowshera, but he failed to submit reply to the said notice within stipulated period or appear before this office yet.

In light of the recommendation of E.Os & other material available on record, the undersigned came to the conclusion that alleged official found guilty of prolong absence. Therefore, he is hereby dismissed from service under Police & Disciplinary Rules-1975 with immediate effect. Hence the period he remained absent from 10.04.2018 till date treated as without pay.

**SUPERINTENDENT OF POLICE  
HEADQUARTER, PESHAWAR**

No.2632-38/SP dated Peshawar the **01.11.2018.**

**ATTESTED**

C-17

5763  
2-11-2018

**ORDER**

This office order relates to the disposal of formal departmental enquiry against Constable Asif No. 1724 on the allegations/charges that he while posted at Police Lines, Peshawar absented himself from lawful duty w.e.f. 12.04.2018 till etc without taking permission or leave.

In this regard, a charge sheet & summary of allegation. Inspector Niaz Muhammad (Police Lines) was appointed as E.O. He conducted the enquiry & submitted his report/finding that the alleged official is no more interested in his Police job. The E.O further recommended major punishment by taking ex-parte decision for defaulter official.

Upon the finding of E.C, he was issued final show cause notice and delivered to him on home address through D-0 Nowshera but he failed to submit reply of the said notice within stipulated period or appear before this office as yet.

In the light of recommendation of E.Os & other material available on record, the undersigned came to conclusion that the alleged official found guilty of prolong absence. Therefore he is hereby dismissed from service under Police & Disciplinary Rules-1975 with immediate effect. Hence, the period he remained absent from duty will be treated as unpaid leave.

*[Signature]*  
SUPERINTENDENT OF POLICE  
HEADQUARTERS, PESHAWAR

OB. NO. 3305 Dated 11/11/2018  
No. 2632-38 VSP/dated Peshawar the 11/11/2018

Copy of above is forwarded for information & in/action to:

- ✓ The Capital City Police Officer, Peshawar.
- ✓ DSP/HQrs, Peshawar
- ✓ Budget Officer
- ✓ OAST, CRC & FMC along-with complete departmental file.
- ✓ Official concerned.

- CCRO
- SSP/C
- SSPA
- SP/Cent
- SP/City
- SP/Rural
- SP/Sec
- SP/HQ
- SP/TO
- SP/T.HQ
- DSP/...
- P.O./C.C.
- PA/EC-II
- SS/...

**ATTACHED**

C. P. 2/11/18

محترم نائب صاحب جیف لیٹلے سٹی پولیس لیٹاور،

(18)

(درخواست نمبر اجمالی)

جناب عالی۔

No. 338  
06.05-19  
Incl.

No 49-LB  
070319

بنیاد فہدناہ گزشتہ گزشتہ گزشتہ، یہ سائل

2002 کا لبرٹی سٹڈی ہے۔ جناب سیرا تعلق

بنیاد عزیز والدان سے تعلق ہے۔ جناب عالی

میں عزیز مامری لبرٹی سٹڈی اور سیرا تعلق

وہ ہے، یہ اپنے والدان کا واحد کفیل ہے۔

سائل کی 8 سال سروس ہے۔ سائل بہت مشکل

ترین حالات سے گزر رہا ہے۔ جناب عالی یہی

آپ سے التجا کرتا ہوں کہ میری عزیز مامری کو

جھٹی یا سبڈیکل ہی شاد کیا جائے۔ سائل ایچا

ساری عمر دعاگو رہے گا۔ اور نو ذریعہ پر بحال کیا جائے

جناب عالی مجھ اور سیرا والدان پر رقم کٹا کر میرا مستقبل

محفوظ رکھو اور یہی میری ادبیت سے سروس منت

گزارتا ہوں۔

الحقاری

المترجم

63/19

ایچا ایڈوارڈ Ex لنٹل آف امبال >>> لیٹاور ڈسٹرکٹ

DSP/L

For Comments

pl.

6/3

موبائل نمبر 9818922-0333

ATTACHED



E-19

**OFFICE OF THE  
CAPITAL CITY POLICE OFFICER,  
PESHAWAR**

Phone No. 091-9210989  
Fax No. 091-9212597

**ORDER.**

This order will dispose of the departmental appeal preferred by Ex-Constable Asif Iqbal No.1774 who was awarded the major punishment of "Dismissal from service" by SP/HQr: Peshawar vide OB No.3355, dated 01-11-2018.

- 2- The allegations leveled against him were that he while posted at Police Lines Peshawar absented himself from his lawful duty w.e.f 10.04.2018 till the date of dismissal i.e 01.11.2018 without any leave or permission from his seniors. (06 months and 21 days).
- 3- He was issued Charge Sheet and Statement of allegations by SP/HQr: Peshawar and Inspector Niaz Muhammad of Police Lines Peshawar was appointed as enquiry officer. The enquiry officer after conducting proper departmental enquiry submitted his findings, recommended him for major punishment. The competent authority after examining the findings of the enquiry officer issued him Final Show Cause Notice but he failed to submit his reply within the stipulated period. Hence in the inlight of the recommendations of the enquiry officer the competent authority awarded him the above major punishment of dismissal from service.
- 4- He was heard in person in O.R. The relevant record perused along with his explanation. His service record shows that in the year 2008 he was dismissed from service on the grounds of absence and then again in the year 2009 he was removed from service on the grounds of absence. Similarly in the year 2008, 2016 and 2017, his 01 year increments were stopped during each year on the grounds of absence. His service record containing further 23 bad entries which shows his disinterest in the discharge of his official duties. Furthermore he also failed to submit any plausible explanation in his defence to prove his innocence in the present case. Therefore, his appeal for reinstatement in service is hereby rejected /dismissed being also time bared for 04 months.

*[Handwritten signature]*

*[Handwritten signature]*  
(QAZI JAMIL UR REHMAN)PSP  
CAPITAL CITY POLICE OFFICER,  
PESHAWAR

No. 566-71 /PA dated Peshawar the 05-04-2019

Copies for information and n/a to the:-

1. SP/HQr: Peshawar.
2. BO/OASI/CRC for making necessary entry in his S.Roll.
- ✓ 3. FMC along with FM
4. Official concerned.



# رحم اپیل پولیس رولز 16.32

F-20

جناب عالی

گزارش کی جاتی ہے کہ سائل 2002ء کا بھرتی ہے 18 سال نوکری نہایت خوش اسلوبی اور ایمانداری سے انجام دی ہے اور غریب خاندان سے تعلق رکھتا ہے اور سائل کے بیوی اور چھوٹے بچے ہیں کئی وجوہات کے بنا برڈیوٹی سے چھ (6) مہینے غیر حاضر ہوا ہے۔ اور آفسران بالالانے برخاست کیا ہے سائل نے پہلے بھی اپیل کی ہے جو کہ ہمراہ لف ہے۔

اس لیے استدعا کی جاتی ہے کہ سائل اور ان کے اہل و عیال پر رحم کر کے مجھے دوبارہ نوکری پر بحال کرنے کا حکم صادر فرما کر سائل اور سائل کے

بچے عمر بھر دعا گو رہینگے۔

العرض

آپکا تابع فرمان EX کنشیل آصف اقبال نمبر 1774 سی سی پی پشاور

ASIF

9/10/2020

ATTESTED



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

No. S/ 423 /20, dated Peshawar the 23/10 /2020.

To: The Capital City Police Officer,  
Peshawar.

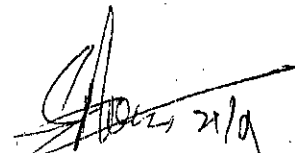
Subject: MERCY PETITION.

Memo:

In continuation of this office Memo: No. S/2565/19, dated 16.07.2020 and No. S/3313/19, dated 18.09.2019.

The Competent Authority has examined in the light of Police Rule 16.32 and filed the mercy petition submitted by Ex-FC Asif Iqbal No. 1774 of Peshawar district Police against the punishment of dismissal from service awarded by SP/HQrs, Peshawar vide OB No. 3355, dated 01.11.2018, being badly time barred.

The applicant may please be informed accordingly.

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

30/11/2020  
Jr

حقوق عدالت، سیکرٹری جنرل آف لو سس، صدر عدالتوں کو الیز

(22)

درخواست برائے عطا کئے گئے حکم نامہ

عدالت عظمیٰ

میں ضروری دستاویز پیش کرنا

کہ اس کے عدالت CCPO کے حکم نامہ مورخہ 05/4/2019

مخلاف آپ کے حکم نامہ کے دو سو رقم اس میں جمع کیا گیا ہے  
میں ضروری کو شہادتیں پیش کرنا اور یہ پتہ عدالت  
پہنچا کہ عدالت میں اس کے آپ کے حکم نامہ خارج کر دیا ہے

گذا دیا ہے کہ عدالت میں خارج کر دیا ہے اس کے اطمینان  
میں ضروری ہے۔

الموجود 30/11/200

القاری

Handwritten signature

Handwritten signature  
1774  
سیکریٹری جنرل آف لو سس

**VAKALATNAMA**

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

\_\_\_\_\_ OF 2020

ASIF IQBAL

(Appellant)  
(Plaintiff)  
(Petitioner)

**VERSUS**

POLICE DEPTT

(Respondents)  
(Defendent)

I/We ASIF IQBAL

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

Dated. \_\_\_\_/\_\_\_\_/2020



**CLIENT**

**ACCEPTED**

  
**AFRASIAB KHAN WAZIR**

  
**MIR ZAMAN SAFI**

&  
  
**HAIDER ALI  
ADVOCATES**

OFFICE:

Flat No.4, 2<sup>nd</sup> Floor, Juma Khan  
Plaza, near FATA Secretariat,  
Warsak Road, Peshawar.  
Mobile No.0345-9383141

28/09

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

**Service Appeal No.16157/2020.**

Ex- Constable Asif Iqbal No.1774 of CCP, Peshawar.....Appellant.

**VERSUS**

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

**REPLY BY RESPONDENTS NO. 1, 2, &3.**

Respectfully Sheweth:-



**PRELIMINARY OBJECTIONS:-**

1. That the appeal is badly barred by law & limitation.
2. That the appeal is bad for mis-joinder and non-joinder of necessary and proper parties.
3. That the appellant has not come to Hon'able Tribunal with clean hands.
4. That the appellant has no cause of action and locus standi.
5. That the appellant is estopped by his own conduct to file the instant appeal.
6. That the appellant has concealed the material facts from Honorable Tribunal.
7. That the appeal is not maintainable being devoid of any merit.

**REPLY ON FACTS:-**

- (1) Correct to the extent that the appellant was appointed as Driver constable in the year 2002 in the respondent department. The appellant is a habitual absentee and not interested in his official duty. He has not a clean service record and contains 23 bad entries and 03 Minor and 02 major punishments on the charges of absence on different occasions in his service. (Copy of list as annexure A)
- (2) Incorrect. The appellant while posted at Police Lines Peshawar absented himself from official and lawful duty w. e. from 10.04.2018 till the date of dismissal from service i.e 01.11.2018 (total 06 months and 21 Days) without prior permission or leave from the competent authority. In this regard he was issued charge sheet with statement of allegations. Inspector Niaz Muhammad was appointed as enquiry officer. The enquiry officer repeatedly summoned the appellant and was also contacted on his personal Mobile cell to attend the enquiry proceedings, but he did not turn up. The enquiry officers finalized the enquiry and submitted findings report, wherein the allegations of wilful absence were proved against him. After receipt of the findings report, Final Show Cause Notice was issued to him and sent him on home address, but he avoided to appear and defend himself. After observing all codal formalities, he was awarded major punishment of dismissal from service.(copy of

charge sheet, statement of allegations, enquiry report, Final Show Cause Notice are annexure as B,C,D,E)

- (3) Incorrect. Infact the appellant willfully absented himself from lawful duty without any prior permission or leave. The appellant is a habitual absentee and not interested in official duty and enjoying his long absence period without any leave permission. After fulfilling all the codal formalities, he was awarded the major punishment of dismissal from service vide order dated 01.11.2018. Detail reply is given in supra para No.02.(punishment order is annexure as F)
- (4) Incorrect. The appellant preferred time barred departmental appeal on 06.03.2019 against order dated 01.11.2018 after inordinate delay of about 04 months, meaning thereby that he was not interested and his departmental appeal was filed/ rejected on the grounds of facts and limitation vide order dated 05.04.2019.(departmental rejection order is annexure as G)
- (5) Incorrect. The appellant preferred mercy petition before the appellate authority, which after due consideration was also filed/rejected being time barred vide order dated 23.10.2020.(annexure as H)
- (6) That appeal of the appellant being devoid of merits and limitation may be dismissed on the following grounds.

**REPLY ON GROUNDS:-**

- A- Incorrect. The punishment orders passed by the competent authority are in accordance with law/rules and liable to be upheld.
- B- Incorrect. The appellant was treated as per law/rules and no violation of the Constitution of Pakistan 1973 has been done by the respondents department.
- C- Incorrect. Being a member of a disciplined force, the appellant was well aware about the proceedings. However he deliberately absented from his lawful duty without leave /permission. Therefore, the punishment order was passed by competent authority in pursuance of his long absence period which is not tolerable in the disciplined force.
- D- Incorrect. Proper charge sheet with statement of allegations was issued to the appellant. Departmental enquiry was conducted against him. The enquiry officer during the course of enquiry repeatedly summoned the appellant and was also contacted on his personal cell phone, but to no avail. After fulfilling all the codal formalities he was awarded the major punishment.
- E- Incorrect. After completion of the enquiry proceedings, the appellant was issued final show cause notice and delivered to him on his home address, but he avoided to appear/ submit his written reply.


- F- Incorrect. Proper departmental enquiry was conducted against appellant. He was called time and again to appear before the enquiry officer and defend himself but he failed to appear before the enquiry officer.
- G- Incorrect. The competent authority before imposing the major punishment had completed all codal formalities and an ample opportunity of self defense was provided, but appellant being not interested in his official duty remained continuously absented from lawful duty for long period without any leave.
- A- Respondents also seek permission of this Honorable Tribunal to raise additional grounds at the time of arguments.

**Prayers:-**

Keeping in view the above stated facts & reasons it is, most humbly prayed that the appeal of the appellant being devoid of merits and limitation, may kindly be dismissed with costs please.

  
Provincial Police Officer,  
Khyber Pakhtunkhwa, Peshawar.

  
Capital City Police Officer,  
Peshawar.

  
Superintendent of Police,  
HQrs: Peshawar.

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

**Service Appeal No.16157/2020.**

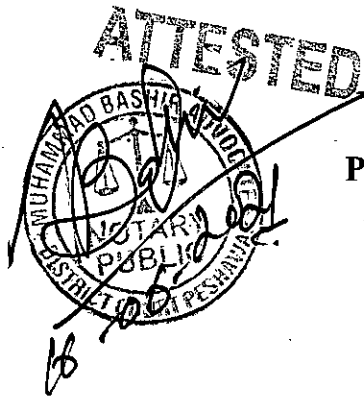
Ex- Constable Asif Iqbal No.1774 of CCP, Peshawar.....Appellant.


**VERSUS**


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


**AFFIDAVIT.**

We respondents 1, 2 and 3 do hereby solemnly affirm and declare that the contents of the written reply are true and correct to the best of our knowledge and belief and nothing has concealed/kept secret from this Honorable Tribunal.



  
Provincial Police Officer,  
Khyber Pakhtunkhwa,  
Peshawar.

  
Capital City Police Officer,  
Peshawar.

  
Superintendent of Police,  
HQrs, Peshawar.



A

1

**Name of Official** ASIF IQBAL No.1774 S/O ABDUR UR RAUF  
**R/O** Vill: Babi Jadeed PS PS Pabbi Nowshera Distt: Nowshera

2. **Date of Birth** 14.03.1981  
3. **Date of enlistment** 16.02.2002  
4. **Education** 10<sup>th</sup>  
5. **Courses Passed** Nil  
6. **Total qualifying service** 14 years, 09 months & 06 days.  
7. **Good Entries** Nil  
8. **Punishment (previous)**

**Bad Entries (L.W.O Pay, E/Drill & Warning)**

1. 03 days leave without pay vide OB No.132 dt: 03.02.2005
2. 01 day leave without pay vide OB No.247 dt: 12.03.2005.
3. 01 day leave without pay vide OB No.1236 dt: 28.12.2005
4. 4 days leave without pay vide OB No.147 dt: 05.07.2004
5. 01 day leave without pay vide OB No.43 dt: 06.03.2004
6. 02 days leave without pay vide OB No.131 dt: 20.02.2006
7. 04 days leave without pay vide OB No.1036 dt: 14.12.2005
8. 03 days leave without pay vide OB No.949 dt: 17.10.2006
9. 03 days leave without pay vide OB No.2870 dt: 05.10.2007
10. 01 day leave without pay vide OB No.3590 dt: 17.11.2008
11. 01 day leave without pay vide OB No.3963 dt: 22.12.2008
12. 06 days leave without pay vide OB No.3919 dt: 17.12.2008
13. 03 days leave without pay vide OB No.399 dt: 17.02.2008
14. 64 days leave without pay vide OB No.2166 dt: 07.07.2009
15. 03 days leave without pay vide OB No.2355 dt: 28.07.2009
16. 1 day E/drill vide OB No.2774 dt: 19.07.2012
17. 02 days leave without pay vide OB No.4736 dt: 30.12.2011
18. 05 days leave without pay vide OB No.874 dt: 06.03.2013
19. 02 days leave without pay vide OB No.821 dt: 28.02.2008
20. 02 days E/drill vide OB No.193 dt: 12.01.2018
21. 01 day E/drill vide OB No.742 dt: 21.02.2018
22. 02 days leave without pay vide OB No.4313 dt: 25.04.2011
23. 01 day E/drill vide OB No.3525 dt: 17.09.2015

**Minor Punishment**

1. Stoppage of annual increment for the period of 01 year with cumulative effect vide OB No.216 dt: 30.01.2008.
2. Stoppage of annual increment of the period of 01 year without cumulative effect vide OB No.3502 dt: 20.10.2016
3. Stoppage of annual increment of the period of 01 year without cumulative effect vide OB No.2465 dt: 20.06.2017

**Major Punishment**

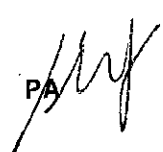
1. Dismissed from service on the charge of absence w.e.f 11.08.2008 to 05.09.2008 total 25 days vide OB No.2704 dt: 09.09.2008 by SSP/Operation Peshawar. And he was re-instated in service the period of absence is out of service vide OB No.2998 dt: 30.09.2008 by CCPO Peshawar.
2. Remove from service on the charge of absence w.e.f 06.09.2009 to till date (09 months & 18 days) is converted in to without pay vide OB No.2567 dt: 21.04.2010 and he wa re-instated in service, the period of absence (09 months and 19 days) is treated as leave without pay vide OB No.4368 dt: 30.11.2011 by SP/HQrs Peshawar


**09. Punishment (Current)**

2. Awarded major punishment of dismissed from service on the charge of absence 10.04.2018 to ti dated. Hence, the period he remained absent from 10.04.2018 to till date is treated without pay v OB No.3355 dt: 01.11.2018 by SP/HQr Peshawar

**10. Leave Account**

<u>Total leave at his credit</u>	<u>Availed leaves</u>	<u>Balance</u>
708 days	60	648 Days

PA 

  
CRC 21-3

B

9

**CHARGE SHEET**

I, Superintendent of Police, Headquarters, Capital City Police Peshawar, as a competent authority, hereby, charge that Constable Asif No.1774 of Capital City Police Peshawar with the following irregularities.


"That you Constable Asif No.1774 while posted at Police Lines, Peshawar were absent from duty w.e.f 10.04.2018 till date without taking permission or leave. This amounts to gross misconduct on your part and is against the discipline of the force."

You are, therefore, required to submit your written defence within seven days of the receipt of this charge sheet to the Enquiry Officer committee, as the case may be.

Your written defence, if any, should reach the Enquiry Officer/Committee within the specified period, failing which it shall be presumed that have no defence to put in and in that case ex-parte action shall follow against you.

Intimate whether you desire to be heard in person.

A statement of allegation is enclosed.

  
SUPERINTENDENT OF POLICE,  
HEADQUARTERS, PESHAWAR

C

8

**DISCIPLINARY ACTION**


I, Superintendent of Police, Headquarters, Capital City Police Peshawar as a competent authority, am of the opinion that Constable Asif No.1774 has rendered him-self liable to be proceeded against under the provision of Police Disciplinary Rules-1975

**STATEMENT OF ALLEGATION**

"That Constable Asif No.1774 while posted at Police Lines, Peshawar was absent from duty w.e.f 10.04.2018 till date without taking permission or leave. This amounts to gross misconduct on his part and is against the discipline of the force."

For the purpose of scrutinizing the conduct of said accused with reference to the above allegations an enquiry is ordered and Insp. N.197 Mohd. Ghouse is appointed as Enquiry Officer.

2. The Enquiry Officer shall, in accordance with the provisions of the Police Disciplinary Rules, 1975, provide reasonable opportunity of hearing to the accused officer, record his finding within 30 days of the receipt of this order, make recommendations as to punishment or other appropriate action against the accused.
3. The accused shall join the proceeding on the date time and place fixed by the Enquiry Officer.

  
SUPERINTENDENT OF POLICE,  
HEADQUARTERS, PESHAWAR

No. 117 /E/PA, dated Peshawar the 29 /06 /2018.

1. Insp. Miaz M is directed to finalize the aforementioned departmental proceeding within stipulated period under the provision of Police Rules-1975.
2. Official concerned

**REFERENCE ATTACHED**

Subject: **ENQUIRY AGAINST FC ASIF NO.1774**

Please refer to the attached enquiry papers received from your good office vide: No.117/PA, dated 22.06.2018 against FC Asif No.1774 on the allegations;

**ALLEGATION**

"That he while posted at Police Lines, Peshawar absented from his duty w.e.f **10.04.2018 till date** without taking permission or leave.

**PROCEEDINGS**

In order to dig-out the real facts, he was summoned, to receive charge sheet & summary of allegation but he did not turn up before the undersigned as yet. On 17.07.2018, he was also contacted on his cell No.301-5933502 but he did not attend the phone. On 18.07.2018, he was summoned time and again to join the enquiry proceeding but he failed.

On 27.08.2018, a fresh DD report obtained from MM Police Lines which revealed that the alleged official is still absent from 10.04.2018 till date. It seems that the alleged official is no more interested in his Police job.

**RECOMMENDATIONS**

In view of the above circumstances, the alleged FC Asif No.1774 is still absent from his duty. His prolong and wilful absence is against the norms of disciplined force. Therefore, he is hereby recommended for major punishment by taking ex-parte decision, if agreed please.

(NIAZ MUHAMMAD)  
INSPECTOR POLICE LINES  
CCP PESHAWAR

*Handwritten signature and date: 13/9/18*

**W/SP-HQrs**

*Issue paid  
show cause notice*

Superintendent of Police  
HQrs: CCP Peshawar

*Handwritten signature and date: 3/9/18*

**FINAL SHOW CAUSE NOTICE**

4

I Superintendent of Police, Headquarters, Capital City Police Peshawar, as competent authority, under the provision of Police Disciplinary Rules 1975 do hereby serve upon you, Constable Asif No.1774 the final show cause notice.

The Enquiry Officer, Inspector Niaz Muhammad (Police Lines), after completion of departmental proceedings, has recommended you for major punishment for the charges/allegations leveled against you in the charge sheet/statement of allegations.

And whereas, the undersigned is satisfied that you Constable Asif No.1774 deserve the punishment in the light of the above said enquiry reports.

And as competent authority, has decided to impose upon you the penalty of minor/major punishment under Police Disciplinary Rules 1975.

1. You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.
2. If no reply to this notice is received within 7 days of its receipt, in normal course of circumstances, it shall, be presumed that you have no defence to put in and in that case as ex-parte action shall be taken against you.

*[Signature]*  
SUPERINTENDENT OF POLICE,  
HEADQUARTERS, PESHAWAR

No. 135/4 /PA, SP/HQrs: dated Peshawar the 05/9 /2018.

Copy to official concerned

Capital City Police  
3463  
2.11.2018

**ORDER**

This office order relates to the disposal of formal departmental enquiry against Constable Asif No.1774 on the allegations/charges that he while posted at Police Lines, Peshawar absented himself from lawful duty w.e.f 10.04.218 till date without taking permission or leave.

In this regard, he was issued charge sheet & summary of allegation. Inspector Niaz Muhammad (Police Lines) was appointed as E.O. He conducted the enquiry & submitted his report/findings that the alleged official is no more interested in his Police job. The E.O further recommended major punishment by taking ex-parte decision for defaulter official.

Upon the finding of E.C, he was issued final show cause notice and delivered to him on home address through DPO Nowshera but he failed to submit reply of the said notice within stipulated period or appear before this office as yet

In the light of recommendation of E.Os & other material available on record, the undersigned came to conclusion that the alleged official found guilty of prolong absence. Therefore, he is hereby dismissed from service under Police & Disciplinary Rules-1975 with immediate effect. Hence, the period he remained absent from 10.04.2018 till date is treated without pay.

*B. Khan*  
**SUPERINTENDENT OF POLICE  
HEADQUARTERS, PESHAWAR**

OB. NO. 3355 / Dated 01/11/2018

No 2632-38 /PA/SP/dated Peshawar the 1/11/2018

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

The Capital City Police Officer, Peshawar.

DSP/HQrs, Peshawar.

Budget Officer

GAST, CRC & FMC along-with complete departmental file.

Official concerned

- C.C.P.O. \_\_\_\_\_
- SSP/O \_\_\_\_\_
- SSP/I \_\_\_\_\_
- SP/Cantt \_\_\_\_\_
- SP/City \_\_\_\_\_
- SP/Rural \_\_\_\_\_
- SP/Sec \_\_\_\_\_
- SP/HQ \_\_\_\_\_
- SP/T.O \_\_\_\_\_
- SP/T. HQ \_\_\_\_\_
- DSP/L/OS \_\_\_\_\_
- P.O./C.C. \_\_\_\_\_
- PA/EC-II \_\_\_\_\_
- AS./C.Cell \_\_\_\_\_

*C. R.* 2/11/18





**OFFICE OF THE  
CAPITAL CITY POLICE OFFICER,  
PESHAWAR**

Phone No. 091-9210989  
Fax No. 091-9212597


**ORDER.**

This order will dispose of the departmental appeal preferred by **Ex-Constable Asif Iqbal No.1774** who was awarded the major punishment of "**Dismissal from service**" by SP/HQr: Peshawar vide OB No.3355, dated 01-11-2018.

2- The allegations leveled against him were that he while posted at Police Lines Peshawar absented himself from his lawful duty w.e.f 10.04.2018 till the date of dismissal i.e 01.11.2018 without any leave or permission from his seniors. **(06 months and 21 days)**.

3- He was issued Charge Sheet and Statement of allegations by SP/HQr: Peshawar and Inspector Niaz Muhammad of Police Lines Peshawar was appointed as enquiry officer. The enquiry officer after conducting proper departmental enquiry submitted his findings, recommended him for major punishment. The competent authority after examining the findings of the enquiry officer issued him Final Show Casue Notice but he failed to submit his reply within the stipulated period. Hence in the inlight of the recommendations of the enquiry officer the competent authority awarded him the above major punishment of dismissal from service.

4- He was heard in person in O.R. The relevant record perused along with his explanation. His service record shows that in the year 2008 he was dismissed from service on the grounds of absence and then again in the year 2009 he was removed from service on the grounds of absence. Similarly in the year 2008, 2016 and 2017, his 01 year increments were stopped during each year on the grounds of absence. His service record containing further 23 bad entries which shows his disinterest in the discharge of his official duties. Furthermore he also failed to submit any plausible explanation in his defence to prove his innocence in the present case. **Therefore, his appeal for reinstatement in service is hereby rejected /dismissed being also time bared for 04 months.**

  
(QAZI JAMIL UR REHMAN)PSP  
CAPITAL CITY POLICE OFFICER,  
PESHAWAR

No. 566-71 /PA dated Peshawar the 05-04-2019

Copies for information and n/a to the:-

1. SP/HQr: Peshawar.
2. BO/OASI/CRC for making necessary entry in his S.Roll.
- ✓ 3. FMC along with FM
4. Official concerned.