

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR
AT CAMP COURT, SWAT
Service Appeal No.199/2019

Date of Institution ... 13.02.2019
Date of Decision ... 07.12.2021

Hamid Gul (Police Constable No.632) R/O Village Ambela Tehsil
Mandarn District Buner.

... (Appellant)

VERSUS

District Police Officer, Buner and two others.

... (Respondents)

Shamsul Hadi,
Advocate

... For appellant.

Muhammad Riaz Khan Paindakhel,
Assistant Advocate General

... For respondents.

Rozina Rehman
Atiq ur Rehman Wazir

... Member (J)
... Member (E)

JUDGMENT

Rozina Rehman, Member(J): Brief facts of the case are that appellant was appointed as Constable. He was proceeded against departmentally on the allegations of absence and was removed from service on 26.08.2008. He filed departmental appeal which was not responded to, hence, the present service appeal.

2. We have heard Shamsul Hadi Advocate learned counsel for appellant and Muhammad Riaz Khan Paindakheil, learned Assistant Advocate General for the respondents and have gone through the record and the proceedings of the case in minute particulars.

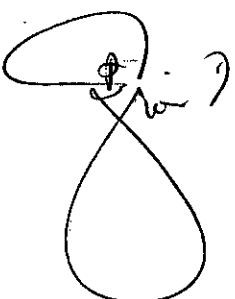
3. Shamsul Hadi Advocate, learned counsel for appellant submitted that the impugned order is illegal, against law and facts as the appellant was not treated according to law and rules. That the appellant has been discriminated and given step motherly treatment



as he was condemned unheard; that no charge sheet and show cause notice were communicated to the appellant and no proper inquiry was conducted in the matter. He, therefore, requested for reinstatement of the appellant into service with all back benefits.

4. Conversely, learned AAG submitted that the appellant was enlisted on 26.07.2007 as Constable and in his initial stage of service, he absented himself from his lawful duty time and again. He contended that the appellant remained absent without any leave or prior permission of his senior, therefore, notice was issued to make sure his presence but he failed to appear and was rightly removed from service vide order dated 26.08.2008. He further contended that he filed departmental appeal in the year 2012 which was dismissed being badly time barred.

5. From the record it is evident that the appellant was enlisted as Constable on 26.07.2007. He absented himself from his lawful duty vide D.D No.7 dated 13.08.2008, therefore, was informed and directed to assume duty but fiasco. He was informed through a written notice again on 20.08.2008 which was properly served upon appellant. Copy whereof is available on file which clearly shows personal service upon appellant but he failed to appear, therefore, he was proceeded against departmentally and was removed from service under the Khyber Pakhtunkhwa Removal from Service (Special Powers) Ordinance, 2000 vide order of DPO Buner dated 26.08.2008. Although the departmental appeal filed by the appellant in the year 2012 is not available on file, however, order of the appellate authority dated 26.09.2012 is available on file addressed to DIG Malakand Region clearly shows that application of the present appellant for reinstatement in service was filed being time barred. The appellant failed to file service appeal after



the disposal of his appeal by the appellate authority and it was on 07.11.2018 when he filed another appeal/application to DIG Malakand which was not responded to and he filed the instant service appeal on 13.02.2019 which is badly time barred.

6. It is well-entrenched legal proposition that when an appeal before departmental authority is time barred, the appeal before Service Tribunal would be incompetent. In this regard reference can be made to cases titled Anwarul Haq v. Federation of Pakistan reported in 1995 SCMR 1505, Chairman, PIAC v. Nasim Malik reported in PLD 1990 SC 951 and State Bank of Pakistan v. Khyber Zaman & others reported in 2004 SCMR 1426.


7. Having considered the matter from all angles in the light of material available on file, we do not find any merit in the instant service appeal which is hereby dismissed. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED.

07.12.2021



(Atiq ur Rehman Wazir)
Member (E)
Camp Court, Swat



(Rozina Rehman)
Member (J)
Camp Court, Swat

Order

07.12.2021

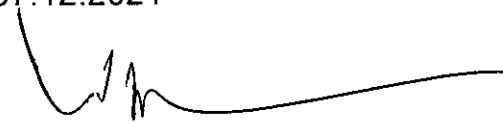
Appellant present through counsel.

Muhammad Rasheed learned Deputy District Attorney
for respondents present.

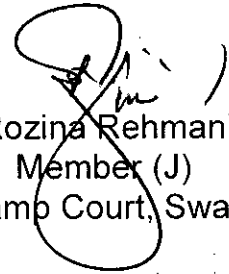
Vide our judgment of today of this Tribunal placed on
file, we do not find any merit in the instant service appeal
which is hereby dismissed. Parties are left to bear their own
costs. File be consigned to the record room.

Announced.

07.12.2021



(Atiq ur Rehman Wazir)
Member (E)
Camp Court, Swat.



(Rozina Rehman)
Member (J)
Camp Court, Swat

07/04/2021

Due to COVID-19, the case is adjourned to

09/06/2021 for the same.


READER

09/06/2021 Due to non availability of the bench
the case is adjourned to 07/12/2021



Reader

02.03.2021

Appellant in person present. Mr. Noor Zaman, District Attorney alongwith Mr. Inam Ul Haq, SI for respondents present.

Representative of the respondents submitted written reply/comments which is placed on file.

Adjourned to 07.04.2021 for arguments before D.B at camp court Swat. g

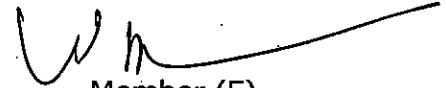


(Mian Muhammad)
Member(E)
Camp Court Swat

02.11.2020

Brother of appellant present and submitted application for extension of time to deposit Security & Process fee. Application is allowed. Appellant is directed to deposit Security & Process fee within (07) days. Thereafter notice be issued to respondents for written reply/comments. To come up for written reply/comments on 07.12.2020 before S.B at Camp Court, Swat.

Appellant Deposited
Security & Process Fee



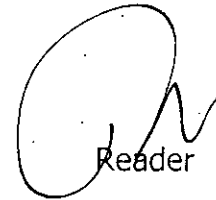
Member (E)
Camp Court, Swat

07.12.2020

Due to COVID-19, case is adjourned to 01.02.2021 for the same as before.

01.02.2021

Counsel for the appellant present:

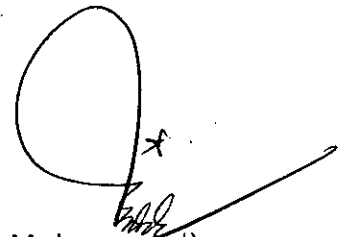


Reader

Muhammad Riaz Khan Paindakhel, Assistant Advocate General for respondents is present.

As the case was adjourned previously on the Reader note, therefore, notices be issued to the respondents for written reply/comments.

Adjourned to 02.03.2021 before S.B at camp court Swat.



(Mian Muhammad)
Member(E)
Camp Court Swat

04.06.2020 Due to Covid-19, the case is adjourned. To come up for the same on 08.07.2020, at camp court Swat.



Reader


08.07.2020 Bench is incomplete. Therefore, the case is adjourned. To come up for the same on 10.09.2020, at camp court Swat.



Reader

10.09.2020 Appellant alongwith counsel present. Preliminary arguments heard. File perused.

Points raised need consideration. Admitted to regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to respondents for written reply/comments. To come up for written reply/comments on 02.11.2020 before S.B



Member (J)
Camp Court, Swat

05.12.2019

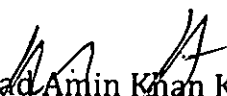
Appellant in person present and seeks adjournment on the ground that his counsel is not in attendance. Adjourn. To come up for preliminary hearing including hearing on the issue of limitation on 09.01.2020 before S.B at Camp Court, Swat.



Member
Camp Court, Swat

09.01.2020

Appellant in person present and requested for adjournment on the ground that his counsel is not available today due to general strike of Khyber Pakhtunkhwa Bar Council. Adjourned to 05.03.2020 for preliminary hearing including hearing on the issue of limitation before S.B at Camp Court Swat.



(Muhammad Amin Khan Kundi)
Member
Camp Court Swat

05.03.2020

Learned counsel for the appellant present and seeks adjournment. Adjourn. To come up for preliminary hearing on 07.05.2020 before S.B at Camp Court, Swat.




Member
Camp Court, Swat.

Due to corona virus tour
to camp court Swat has
been cancelled. To come
up for the same on 04/06/2020
Reader.


04.09.2019

Imdad Ullah Advocate appeared on behalf of Learned counsel for the appellant and requested for adjournment. Adjourn. To come up for preliminary hearing including hearing on the issue of limitation on 09.10.2019 before S.B at Camp Court, Swat.


Member
Camp Court, Swat.


09.10.2019

Clerk of counsel for the appellant present and requested for adjournment on the ground that learned counsel for the appellant is busy before the Hon'ble Dar-ul-Qaza. Adjourned to 07.11.2019 for preliminary hearing including hearing on the issue of limitation before S.B at Camp Court Swat.


(Muhammad Amin Khan Kundi)
Member
Camp Court Swat

07.11.2019

Counsel for the appellant present and requested for adjournment. Adjourned to 05.12.2019 for preliminary hearing including hearing on the issue of limitation before S.B at Camp Court Swat.


(Muhammad Amin Khan Kundi)
Member
Camp Court Swat

12.06.2019

Learned counsel for the appellant present.

Heard.

In view of the judgment reported in 1998 SCMR page 1890, learned counsel for the appellant could not make out his case on the point of limitation. Learned counsel for the appellant seeks adjournment for further preliminary arguments. Adjourn. To come up for preliminary arguments including arguments on the issue of limitation, on 03.07.2019 before S.B at Camp Court, Swat.



Member
Camp Court, Swat.

02.07.2019

Clerk to counsel for the appellant present and submitted application for adjournment. Application allowed. Adjourn. To come up for preliminary arguments including arguments on the issue of limitation on 04.09.2019 before S.B at Camp Court, Swat.



Member
Camp Court, Swat.

08.04.2019

Learned counsel for the appellant present. Heard.

The original impugned order regarding imposition of major penalty of removal from service was issued on 26.08.2008. The present service appeal was filed on 13.02.2019 for the purpose of reinstatement of appellant into service. The appellant submitted departmental appeal on 07.11.2018.

In view of above, the present appeal was found barred by limitation and not competent. Learned counsel for the appellant was also confronted with the judgment reported in 1998 SCMR page 1890. Learned counsel for the appellant seeks adjournment for proper assistance. Adjourn. To come up for preliminary hearing on 08.05.2019 before S.B at Camp Court Swat.



Member
Camp Court, Swat.

08.05.2019

Imdad Ullah Advocate present on behalf of learned counsel for the appellant and requested for adjournment on the ground that learned counsel for the appellant is not available. Adjourn. To come up for preliminary hearing including hearing on the issue of limitation, on 12.06.2019 before S.B at Camp Court Swat.





Member
Camp Court, Swat.

Form-A
FORM OF ORDER SHEET

Court of _____

Case No. 199/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	13/2/2019	<p>The appeal of Mr. Hamid Gul presented today by Mr. Shams-ul-Hadi Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR 13/2/19</p>
2-	15-2-19	<p>This case is entrusted to touring S. Bench at Swat for preliminary hearing to be put up there on <u>05-04-2019</u>.</p> <p> CHAIRMAN</p>

**BEFORE THE HON'BLE KHYBER PAKHTOON KHWA SERVICE
TRIBUNAL, PESHAWAR.**

Service Appeal No. 199 /2019.

Hamid Gul.....Appellant

V E R S U S

District Police Officer Bunir and others.....Respondents

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Appellant

Through



Shams ul Hadi

Advocate, Peshawar.

Dated: 11/02/2018.

Office: Near Al-Falah Mosque, Hayat
Abad, Mingora.

Cell No. 0347-4773440.

1

**BEFORE THE KHYBER PAKHTOON KHWA SERVICES
TRIBUNAL, PESHAWAR**

Service Appeal No. 199 /2019.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 183

Dated 13-2-2019

Hamid Gul (Police Constable No.632)

R/O Village Ambela Tehsil Mandanr District Buner.....Appellant

V E R S U S

1. District Police Officer, Buner.
2. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
3. Deputy Inspector General of Police, Malakand Region,
Saïdu Sharif, Swat..... Respondents

**APPEAL UNDER SECTION 4 OF KHYBER
PUKHTUNKHWA SERVICES TRIBUNAL ACT
1974 AGAINST THE IMPUGNED OFFICE
ORDERS DATED: 26.08.2008.**

PRAYER IN APPEAL:

On acceptance of this appeal the impugned Orders dated: 26.08.2008 regarding major penalty i-e Removal from service of appellant may kindly be set aside and the appellant may kindly be re-instated to his service with all back benefits of service.

Respectfully Sheweth:

1. That initially the appellant joined the respondent/department since long and as such performed his duties with zeal and zest.

Filed to-day

Registrar

13/2/19

2. That in the year 2008, the appellant due militancy in the area could not continued his services because due to personal enmity with some local militants it was quite difficult for appellant to perform his service and as such the appellant remained absent from service for a short period.

3. That thereafter without observing legal formalities, the appellant was dismissed from through impugned order

dated:26.08.2008 and as such the appellant was retrospectively dismissed from service from the date of his absence.(Copies of impugned office order dated:26.08 2008 is annexure-A)

4. That when the respondents re-instated some of his colleagues in similar circumstances so against the said removal order, the appellant filed departmental appeal before the Resp No.3 but the same was not decided within statutory period.(Copy of Departmental appeal and judgments are annexure-B)

That being aggrieved from the impugned orders, the appellant approached this Hon'ble Tribunal on the following grounds amongst other inter alia:

GROUND:


- A. That the impugned office orders are against the facts, law and procedure, hence, untenable being unjust and unfair.
- B. That the appellant was removed from service retrospectively which is a void order and now it is settled proposition of law that no limitation runs against void order nor the same has any legal sanctity. (Copy of recent judgment passed by this august court is annexure-C)
- C. That in similar circumstances other colleagues of the appellant were re-instated by the respondents and this august court too re-instated such like others police officials by allowing their appeals hence the appellant deserve for same treatment.
- D. That the whole departmental proceedings against the appellant was based on personal ill will and with ill intention a harsh and illegal penalty was imposed on the appellant.

- E. That no opportunity in shape of personal hearing was afforded to the appellant and nor statement of allegation and show cause notices were communicated to the appellant, So legal formalities were ignored by the respondents and a harsh penalty was imposed upon appellant.
- F. That any other ground may be adduced during the course of argument, with the kind permission of this Hon'ble Court.

It is, therefore, most humbly prayed that On acceptance of this appeal, impugned Orders dated: 26.08.2008 regarding major penalty i-e Removal from service of appellant may kindly be set aside and the appellant may kindly be re-instated to his service with all back benefits of service.

Appellant


Hameed Gul

Through 

Shams ul Hadi

Dated: 11/02/2019

Advocate, Peshawar.

**BEFORE THE HON'BLE KHYBER PAKHTOON KHWA SERVICE
TRIBUNAL, PESHAWAR**

Service Appeal No. _____/2019.

Hamid Gul.....Appellant

V E R S U S

District Police Officer Bunir and others.....Respondents

AFFIDAVIT

I, **Shams ul Hadi**, Advocate, Peshawar do hereby as per information conveyed to me by my client solemnly affirm and declare that the contents of the **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.



ADVOCATE

5

**BEFORE THE HON'BLE KHYBER PAKHTOON KHWA SERVICE
TRIBUNAL, PESHAWAR.**

Service Appeal No. _____/2019.

Hamid Gul.....Appellant

V E R S U S

District Police Officer Bunir and others.....Respondents

ADDRESSES OF THE PARTIES

APPELLANT:

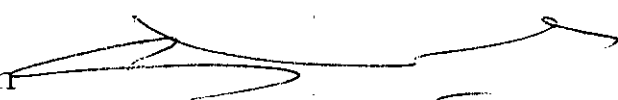
Hamid Gul (Police Constable No.632)

R/O Village Ambela Tehsil Mandanr District Buner
Cell No.

RESPONDENTS:

1. District Police Officer, Buner.
2. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
3. Deputy Inspector General of Police, Malakand Region,
Saidu Sharif, Swat

Appellant

Through 

Shams ul Hadi

Advocate, Peshawar.

Dated: 11/02/2018

ORDER

6. Anwar + A.S.

Whereas you Const: Hamid Gul NO. 632 was posted at Police Lines. According to the report received in this office you absented your self from lawful duty vide D.D.No. 7 dated 13.2.2008 Daily Dairy Police Line and remain absent till this date.

You were informed and directed to assume your duty immediately and report to your place of duty but you deliberately did not report your arrival and remain absent. Again on 20.3.2008 you were informed through a written notice the directions to join your duty but again you failed to report.

Your this act is highly irresponsible and indiscipline and misconduct on your part which is liable U/s 5 Sub Section (4) of the Removal from Service (Special Power) Ordinance 2000 (Amendment) Ordinance 2001.

Now I have come to the conclusion that you escaped from the operational duty during the war against terrorism. Your this act is cowardice and shameful. You are not fit for Police Service.

I, as competent authority, am, therefore, satisfied to proceed under Section 5 of Sub Section (4) of the Removal from Service (Special Powers) Ordinance 2000(Amendment) Ordinance 2001 and dispense with the enquiry proceedings as laid down in the said ordinance and am further satisfied that there is no need of holding departmental enquiry. Since the accused Police Official Const: Hamid Gul NO. 632 has been found guilty of gross misconduct as defined in the said Ordinance, I Muhammad Khalid D.P.O. Buner as competent authority, therefore impose major penalty by removing him from service from the date of his absence.

Signature

District Police Officer,
Buner.

OB No. 89
Dated 26/3/08 2008.

By Israr Buner

C.A.C.
Signature

(7)

خفا کا عالمی

26/2/2018

آرٹیکل لکھنے کے بارے میں

کو خفیہ لوگس ضلع لوئیس میں لکھ کر لیا گیا۔ سٹرکٹورل
 ہے ملاحظہ فرمائیں کہ کالان کی صورت سے حالات
 عرب سورت کے قواعد میں لکھ کر کالان کے لئے
 وہ کالان شروع ہوئے۔ لکھ کر کالان کے لئے
 (کالان شروع ہوئے۔ لکھ کر کالان کے لئے
 ڈرائنگ لکھ کر کالان کے لئے۔ اب کالان کے لئے
 کہ کالان کے لئے لکھ کر کالان کے لئے
 دوبارہ کالان کے لئے لکھ کر کالان کے لئے
 لکھ کر کالان کے لئے لکھ کر کالان کے لئے
 کہ دوبارہ کالان کے لئے لکھ کر کالان کے لئے
 سے لکھ کر کالان کے لئے لکھ کر کالان کے لئے

العارض

Forwarded
 To D.I.G Office
 for further review
 for [unclear] details

Sa/Fc 632

لکھ کر

11

7/2/18

c.t.c

[Signature]

بعدالت کسروس لبریبونل شاور ضیبر کتو کتو

کورت فیس قیمت ایک روپیہ

مورخہ

مقدمہ

دعویٰ

جرم

نام ڈی پی او لبریبونل
کسروس لبریبونل
۱۱ زردی ۲۰۱۹ منجانب

باعث تحریر آنکہ

مقدمہ مندرجہ بالا میں اپنی طرف سے واسطے پیروی وجواب دہی وکل کاروائی متعلقہ آن مقام کسروس لبریبونل کسروس لبریبونل کو مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیاط ہوگا۔ نیز وکیل صاحب کو راضی نامہ و تقرر ثالث و فیصلہ پر حلف دینے جواب دی اور اقبال دعویٰ اور درخواست ہر قسم کی تصدیق زراس پر دستخط کرنے کا اختیار ہوگا نیز بصورت عدم پیروی یا ڈگری ایک طرف یا اپیل کی برآمد ہوگی اور منسوخ ڈائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ بصورت ضرورت مذکور کے نسل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنی ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی جملہ مذکورہ بالا اختیارات حاصل ہونگے اور اسکا ساختہ برواختہ منظور و قبول ہوگا اور دوران مقدمہ میں جو خرچہ دہر جانہ التوائے مقدمہ کے سبب سے ہاگا اسکے مستحق وکیل صاحب ہونگے۔ نیز بقایا خرچہ کی وصولی کرتے وقت کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام دورہ ہر ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہونگے کی پیروی مقدمہ مذکور لہذا وکالت نامہ لکھ دیا ک سند ہے

۲۰۱۹

فروری

المرقوم

العبد گواہ شدہ العبد

کے لئے منظور ہے

Attested and accepted by Shams-ul-Hadi Adhvi

بعدالت جناب سروس ٹریبونل جج صاحب کمپ کورٹ بمقام گلکدہ ضلع سوات

حمید گل بنام حکومت وغیرہ

درخواست بمراد جمع کرنے خرچہ خورا کہ طلبیدہ گواہان

جناب عالی! حسب ذیل عرض ہے۔

۱۔ یہ کہ مقدمہ عنوان بالا عدالت حضور میں زیر سماعت ہے جس میں آج تاریخ پیشی

مورخہ 02/11/2020 مقرر ہے۔

۲۔ یہ کہ سائل حسب الحکم عدالت حضور طلبیدہ گواہان کیلئے خرچہ خورا کہ جمع کرنا چاہتا ہے۔

لہذا استدعا ہے کہ بمنظوری درخواست ہذا، سائل کو خرچہ خورا کہ

طلبیدہ گواہان جمع کرنیکا حکم صادر فرمایا جائے۔

عریضہ

حمید گل (سائل) بذریعہ مختار خاص ہنزگل

حضرت جناب محمد صاحب کتب کورٹ سول سروس ٹریبونل

سروس ایڈیشن ۱۹۹/۱۹

گنڈا گل پیام محلہ لوہیہ وٹنڈہ

درخواست لبرار تبدیل تاریخ

جناب عالی

یہ کہ مقدمہ غواذ مالہ ۲۰۷ فقہریہ
یہ کہ مسائل کا وکیل ۲۰۲ سیاہ پانچ کورٹ سیاہ
سب معروف ہے

لذا اللہ تعالیٰ کہ تاریخ تبدیل کرے
فتوہ فرطاً میں

المرقوم ۱۹/۱۱/۳

الکافی

عزیز خورشید

(Handwritten signature)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Service Appeal No. 199/2019

Hamid Gul (Ex- Police Constable No. 632)

R/O Village Ambila Tehsil Mandanr District Buner

.....Appellant

VERSUS

1. The District Police Officer, Buner.
2. The Provincial Police Officer, Khyber Pakhtunkhwa Peshawar.
3. The Deputy Inspector General of Police, Malakand Saidu Sharif Swat.

..... Respondents

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5.	Copies of written notice and removal order	"B, C"	16, 17
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**DISTRICT POLICE OFFICER,
BUNER.**

(Respondent No. 01)

①

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Service Appeal No. 199/2019

Hamid Gul (Ex- Police Constable No. 632)

R/O Village Ambila Tehsil Mandanr District BunerAppellant

VERSUS

1. The District Police Officer, Buner.
2. The Provincial Police Officer, Khyber Pakhtunkhwa Peshawar.
3. The Deputy Inspector General of Police, Malakand Saidu Sharif Swat.

..... Respondents

PARA-WISE COMMENTS BY RESPONDENTS.

Respectfully sheweth:

Preliminary Objections:-

1. That the service appeal is badly barred by law & limitation.
2. That the service appeal is not maintainable in its present form.
3. That the appellant has not come to this Honorable Tribunal with clean hands.
4. That the service appeal is bad due to mis-joinder and non-joinder of necessary parties.
5. That the appellant has concealed the material facts from this Honorable Tribunal.
6. That the appellant has got no cause of action and locus standi to file instant appeal.
7. That the appellant has been estopped due to his own conduct.

ON FACTS:

1. Correct to the extent. That the appellant was enlisted on 26.07.2007 in the respondent department as constable and in his initial stage of service he was himself absented from his lawful duty for several times . **Copies of absence DD reports as (Annexure "A").**
2. Incorrect. That the appellant has absented from his lawful duty on 13.08.2008 without any leave or prior permission of his senior thus he was issued written notice

to make ensure his presence otherwise ex-parte action will be taken against him, in which he will be dismissed from service. On 22.08.2008 notice was served upon appellant but neither he made his presence on lawful duty nor explained his compulsion and showed cowardice against the war of terrorism, so he was rightly removed from service vide office order dated 26.08.2008. **(Copies of written notice and removal order as annexure "B" and "C")**.

3. Incorrect. As explained in the above para No. 02, the appellant absented on 13.08.2008 from his lawful duty. He was issued written notice to make ensure his presence on duty but he neither appeared for lawful duty nor explained his compulsion therefore after fulfillment of codal formalities he was rightly removed from service on 26.08.2008 and the office order is based on real facts & justices and in accordance with rules.
4. Correct to the extent that the appellant had submitted an application in year 2012 for his reinstatement in service which was rejected by the respondent No. 02 on the ground "being time barred". **(Copy of office letter No. 2919/Legal, dated 26.09.2012 as annexure "D")**.

That the appeal of the appellant is liable to be dismissed on the following grounds.

GROUNDS


- A. Incorrect. Order was passed in accordance with facts Justices Law & Rules.
- B. Incorrect. Appellant was removed from service after observing all codal formalities under the rules as he was absented from his lawful duty without any leave or prior permission of competent authority.
- C. Facts & circumstances of appellant case is different with the other Police officials.
- D. Incorrect. The whole departmental preceding was conducted in accordance with facts i.e willful absences of appellant from duty without leave / permission & law / rules. The respondents have no ill will or malafied intension toward the appellant.


3


- E. Incorrect. As explained in the above paras, the appellant absented from his lawful duty and he was issued written notice to make ensure his presence for lawful duty but neither he made his presence for lawful duty nor he submitted his compulsion therefore after fulfillment of codal formalities he was awarded punishment in accordance with existing rules.
- F. Respondents may be allowed to raise other grounds at the time of hearing of appeal.

✓ **PRAYER:**

✓
In view of the above stated facts & reasons, it is prayed that the service appeal of the appellant being barred by law & limitation may graciously be dismissed with cost, please.


**PROVINCIAL POLICE OFFICER,
KHYBER PAKHTUNKHWA PESHAWAR
(Respondent No. 02)**


**Regional Police Officer,
Malakand Region
DEPUTY INSPECTOR GENERAL OF POLICE,
MALAKAND REGION SAIDU SHARIF SWAT
(Respondent No. 03)**


**DISTRICT POLICE OFFICER,
BUNER.
(Respondent No. 01)**

4

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Service Appeal No. 199/2019

**Hamid Gul (Ex- Police Constable No. 632)
R/O Village Ambila Tehsil Mandanr District Buner**

.....Appellant


VERSUS

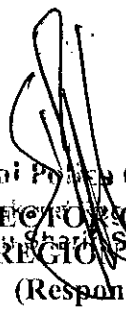
1. The District Police Officer, Buner.
2. The Provincial Police Officer, Khyber Pakhtunkhwa Peshawar.
3. The Deputy Inspector General of Police, Malakand Saidu Sharif Swat.


..... Respondents

AFFIDAVIT

We the above respondents do hereby solemnly affirm and state on oath that the whole contents of the accompany Para-wise comments are correct and true to the best of our knowledge and belief and nothing has been concealed from this Honorable Court.


**PROVINCIAL POLICE OFFICER,
 KHYBER PAKHTUNKHWA PESHAWAR
 (Respondent No. 02)**


**Regional Police Officer,
 DEPUTY INSPECTOR GENERAL OF POLICE,
 MALAKAND REGION SAIDU SHARIF SWAT
 (Respondent No. 03)**


**DISTRICT POLICE OFFICER,
 BUNER.
 (Respondent No. 01)**

5

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Service Appeal No. 199/2019

**Hamid Gul (Ex- Police Constable No. 632)
R/O Village Ambila Tehsil Mandanr District Buner**

.....Appellant

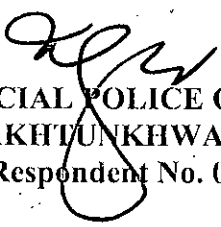
VERSUS

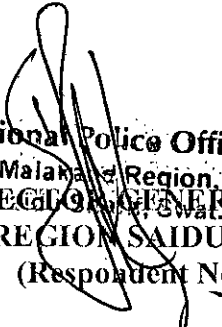
1. The District Police Officer, Buner.
2. The Provincial Police Officer, Khyber Pakhtunkhwa Peshawar.
3. The Deputy Inspector General of Police, Malakand Saidu Sharif Swat.

..... Respondents

AUTHORITY LETTER

We the above respondents do hereby authorize and allow Mr. Nowsherwan Inspector Legal District Buner to file the accompany Para wise comments before the Honorable Court, on our behalf and do whatever is needed in the court.


**PROVINCIAL POLICE OFFICER,
KHYBER PAKHTUNKHWA PESHAWAR
(Respondent No. 02)**


**Regional Police Officer,
Malakand Region
DEPUTY INSPECTOR GENERAL OF POLICE,
MALAKAND REGION SAIDU SHARIF SWAT
(Respondent No. 03)**


**DISTRICT POLICE OFFICER,
BUNER.
(Respondent No. 01)**

فصل دوم

(6)

Annexure

دولت ان دنگ
A

تاریخ 18 روزیہ 2/3

در 18 روز غیر حاضری نہ وقت 18:30 بجے 2/3 اس وقت کنسٹبل

عیدگل 682 کوڈکا سہرا، ایکٹیکہ 2 ملاب لیا گیا مگر حدود

لاہور کنسٹیبلان کیسٹ بیان عدم وجود لیا گیا مذکورہ 11

کنسٹبل اختلاف روٹ غیر حاضری در 2 روزیہ پورے آدوہ مفصل

بیان لیا جائیگا

مستحق

فصل کتابت اہل دستہ

M.M. PL. Dargor

30.03.08

تقدیر ۱۹ روزہ نامی ۴ ³/_{۵۸}

۱۹ جانشین ملا وقت ۱۰:۵۵ بجے ۴ ³/_{۵۸} اس وقت گورنمنٹ 682

جانشین ملا وقت ۱۸ روزہ نامی ۲ ³/_{۵۸} جانشین ملا وقت ۱۸

گورنمنٹ ایجوکیشن ڈپارٹمنٹ، دہلی۔

جانشین ملا وقت ۱۸ روزہ نامی ۲ ³/_{۵۸} جانشین ملا وقت ۱۸

دہلی

جانشین

گورنمنٹ ایجوکیشن ڈپارٹمنٹ

تقدیر ۱۹ روزہ نامی ۴ ³/_{۵۸}

M.M. P. Daggan

۳۰ - ۵۸ - ۵۸

۲۵ - ۱۶ - ۵۵

۱۶ - ۲۵ - ۵۵

گورنمنٹ ایجوکیشن ڈپارٹمنٹ

گورنمنٹ ایجوکیشن ڈپارٹمنٹ

M.M. P. Daggan

ضلع و نواح

5

فلمد 32 نانہ 24 $\frac{3}{08}$

در 32 پوٹے حاضر ہوا وقت 10:19 بجے 24 $\frac{3}{08}$ دس بجے لیس

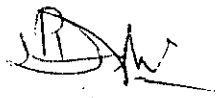
درد گل 632 بجے 22 $\frac{3}{08}$ کو $\frac{2}{2}$ لیا وقت پر گئے آئے کر رہے

کنیل جی والسی مفلو لئی۔ لیکن تاحال والسی لیس آیا۔ دس بجے کر رہے

کنیل کنخلاف پوٹے حاضر ہوا دس بجے ٹامی جو کر رہے فصل یا لیا حاضر

میں غالی!

کل بجائی و نامی اصل سے



M. M. M. Daggan.

25-4-08

کلمہ - 27 تا 25

27 حافظ صاحب وقت 16:15 بجے 25/3/82 کو استقبالیہ کراچی میں منعقد ہوئی۔
 بحوالہ نمبر 32 تا 24 تا 24/3/82 حافظ صاحب نے سنی مسائل پر تقریریں کی جو
 تمام مدرسین اور طلبہ کو بہت پسند ہوئی۔ اس موقع پر حافظ صاحب نے
 دستخطیہ لکھ کر ایس کے دفتر کو بھیج دیا۔

انتہائی مخلص اور سچے

میں عالی

ایک - دو - تین

5 - 21 - 5

کمال عظیمی اہل سنت سے

سید

M.M. Ph. Dageer

25-4-88

جانب عالی، دفتر افسانہ دوران غزاف کراچی

بیمار کی بیماری میں سزا کا شکر ہے

دعا ہے کہ بیمار کو تندرستی نصیب ہو

سزا کی سزا میں سزا

M. M. Ph. Dageer
 25/4/88

صاحب عالی مرتبت سے

کراچی 26/7/87

شکر ہے۔ تمام سزا

3 نومبر 1987

صاحب عالی مرتبت سے

درجہ آغاز لکھنؤ ڈویژن 26/3 2007-08 سے 2008-09 تک کے دوران میں
 پولیس ڈپٹی کمشنر
 ان کے دوران میں لکھنؤ ڈویژن کے پولیس ڈپٹی کمشنر کے طور پر خدمات انجام دی گئیں اور ان کے
 پرائمری گرانٹ میں 10% اضافہ کیا گیا، جبکہ کیسٹلنگ میں 632
 پرائمری گرانٹ میں 10% اضافہ کیا گیا، جبکہ کیسٹلنگ میں 632
 درجہ ڈویژن پولیس ڈپٹی کمشنر کے طور پر خدمات انجام دی گئیں اور ان کے
 پرائمری گرانٹ میں 10% اضافہ کیا گیا، جبکہ کیسٹلنگ میں 632

حنا علیہ

لکھنؤ ڈویژن پولیس ڈپٹی کمشنر

Handwritten signature

M.M. P. Nagar

27-4-08

تقدیر 18 روزی 3/08

قد 18 حاضری
 صلا وقت 10:50 بجے مورخہ 26/3/08 استقبالیہ عید گل 632 غیر حاضری
 سندھ بحوالہ مدرسہ روزنامیہ بنڈا سندھ حاضری اگر یہاں سے پہلے میں پورے مہینے
 ہفتے سے غیر حاضری ہوئی اب حاضری آئی ہے۔ حاضری کیجاویں دستاویز
 انگریزی میں مذکورہ فی حاضری درج روزنامیہ میں نقلدات اندراجی باللا
 مرسل ہوگی۔

جیتا فالی

تخل بمطابق تاریخ ارسال ہے۔

ایم۔	کتے۔	سٹ
x	3	20

M. M. Ph. Daggan.

M. M. Ph. Daggan.

27-4-08

خدا علی

مدعوہ سے رپورٹ سے روزہ والے طور پر فراہم جس میں
 ایسٹریڈل یا کو اسٹریڈل کے ساتھ ساتھ

M. M. Ph. Daggan.
 M. M. Ph. Daggan.
 27/04/08

تعداد 30 - شماره 28

آغاز برید

مدت 3 روز و 3 شب غیر تعطیلی

ملازمین برکت به اسلحه لقمه در روزهای اینها 362 برید گمرانند

برید سیرع لقمه میرا سیل 632 برید می نمود اما کلا

تا حدی در این غیر حاضر لقمه بود اما در سیمیل بیان با احتیاط

مناجاتی

تقلید از انوار شامی

Dr

M.M. P.L. Duggar

27. 4. 58

10/3/08 حاضری کا وقت 09:20 بجے مورخہ 28/3/08 اس وقت انسپشن سمیٹل 632 غیر حاضر سٹورہ کو

10/3/08 روزنامہ بڈ سٹورہ سے حاضر آکر بیان دیکھ میں دوران ہیریڈ ہیمار تھا۔ بڑوں اور غیر جاہ
رہ چکا ہوں اب حاضر آیا ہوں۔ حاضر آجی اور سے منتظر آکر نیزی پس حسب آفٹہ روز گورہ
انسپشن کی حاضری دینے روزنامہ ہو کر نقلیہات حاضر ہوں و غیر حاضر ہوں مناسب کارروائی
آفٹہ ان بالا فرسٹ ہوئی۔

جناب عالی

نقلیہ بھٹان روزنامہ اصل میں

M.M. P. Daggan

M.M. P. Daggan

27-4-08

آئی ایم - آئی - 50

50 - 5 - 50

منقولہ ہیریڈ سے دورہ ڈائریہ طور پر
میں آج ہیریڈ اور ڈائریہ کے

منقولہ کوئی نہ

M.M. P. Daggan

27/04/08

33 رپورٹ غیر حاضری 54 وقت 18:10 اس وقت سٹیبل نمبر 632 کو ڈیوٹی سٹیبل ظاہر
 کیے گیا لیکن بارکٹ سٹیبل ان حدود ڈائری میں عدم موجود پایا گیا، جنہے خلاف رپورٹ
 غیر حاضری درج روزنامہ ہو کر آمد پر مفصل بیان لیا جائیگا۔

جناب عالی

نقل بمطابق روزنامہ اصل ہے۔

M.M. P.L. Dey
 M.M. - P.L. - Dey
 22-4-58

صد 14 حاضری 5 وقت 16.05 بجے صدف 30/3 اس وقت محمد علی 632 غیر حاضر شدہ
 بحوالہ صد 38 روزنامہ 29/3 حاضری دربیالی سیکڑ میں وجہ غزوری کام غیر حاضر ہو گیا ہے
 آب حاضری آباہوں حاضری بیجاوین دستخط آفیسری بیس مذکورہ می حاضری درج
 روزنامہ پٹی

جناب عالی

نقل بمطابق روزنامہ اصل سے

(Signature)
 Mr. PL-Daffar
 27-4-08

ضلع لوہاڑہ
 محمد علی 632 غیر حاضر شدہ
 مذکورہ 55 - 21 غیر حاضر
 اوقات غیر کاروبار میں شکرانہ اور انگریز آرڈر

رقم	کھنڈ	میت
5	21	55

مزاد پانچ سہارن کھنڈ
Milani
 20/3/08

نوٹس برائے حاضرین

بنام:- کنستبل محمد گل 632 سکنہ 1 محلہ تھانہ ساہو گنج

تم کو بذریعہ نوٹس ہذا مطلع کیا جاتا ہے۔ کہ تم پولیس اسٹیشن میں تعینات تھے۔ بدوران ایمر جنسی ڈیوٹی مورخہ 13/8/2008 کو از خود بلاوجہ تعمیر زائر ہو کر بدستور حاضر ہوئے تمہیں بار بار مطلع کرنے کے باوجود تم نے ابھی تک اپنی حاضری کی رپورٹ نہیں کی۔

اس لئے تمہیں بذریعہ نوٹس ہذا آخری بار مطلع کیا جاتا ہے۔ کہ تم پانچ دن کے اندر اندر اپنی حاضری کی رپورٹ پولیس اسٹیشن میں کریں۔ بصورت دیگر تمہارا برخلاف اس طریقہ کار روائی عمل میں لائی جائیگی اور تمہیں ملازمت سے برطرف کیا جائیگا۔

ضلعی پولیس آفیسر

بونیر

چوٹی ڈیپارٹمنٹ

نوٹس جاری کیے گئے ہیں

SHO Nowogon
21-8-08

نگی نواز خان 387

نوٹس ہذا کی جواباً

سید رشید

si. m. subhan

22-8-08

جناب عالی

لوٹس عدالتی تفصیل سے ملتا ہے اس پر
بعد از تفصیل گزارش ارسال فرمادے

گ

L.H.C. P.P. Amblela

22-8-08

۱۰۰

تعمیر و مرعمہ کے لئے

فوتی

Si.P.P. Amblela
24/8/08

جناب عالی

لوٹس عدالتی تفصیل سے ملتا ہے

Def

632
FC

تعمیر و مرعمہ کے لئے

22-8-08

جناب عالی

لوٹس عدالتی تفصیل سے ملتا ہے
بعد از تفصیل گزارش ارسال فرمادے

Si.P.P. Amblela

Si.P.P. Amblela

23-8-08

ORDER

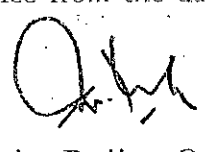
Whereas you Const: Hamid Gul NO. 632 was posted at Police Lines. According to the report received in this office you absented your self from lawful duty vide D.D.No. 7 dated 13.8.2008 Daily Dairy Police Line and remain absent till this date.

You were informed and directed to assume your duty immediately and report to your place of duty but you deliberately did not report your arrival and remain absent. Again on 20.8.2008 you were informed through a written notice the directions to join your duty but again you fail to report.

Your this act is highly irresponsible and indiscipline and misconduct on your part which is liable U/s 5 Sub Section (4) of the Removal from Service (Special Power) Ordinance 2000 (Amendment) Ordinance 2001.

Now I have come to the conclusion that you escaped from the operational duty during the war against terrorism. Your this act is cowardice and shameful. You are not fit for Police Service.

I, as competent authority, am, therefore, satisfied to proceed under Section 5 of Sub Section (4) of the Removal from Service (Special Powers) Ordinance 2000(Amendment) Ordinance 2001 and dispense with the enquiry proceedings as laid down in the said ordinance and am further satisfied that there is no need of holding departmental enquiry. Since the accused Police Official Const: Hamid Gul NO. 632 has been found guilty of gross misconduct as defined in the said Ordinance, I Muhammad Khalid D.P.O Buner as competent authority, therefore impose major penalty by removing him from service from the date of his absence.

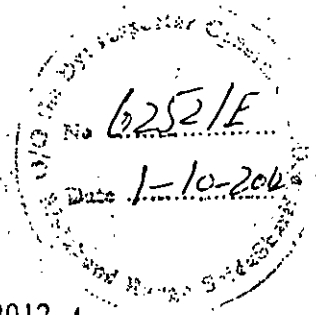

District Police Officer,
Buner.

OB No. 89
Dated 26/8 /2008.

By Israr Buner!

18

Annexure D



From: - The Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.
To: - The Deputy Inspector General of Police,
Malakand Region, Swat.

No. 2519 / Legal Dated Peshawar the, 26/09 / 2012.

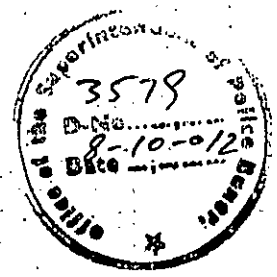
Subject:- REINSTATEMENT IN SERVICE.

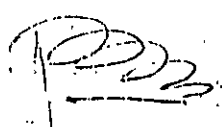
Memo:-

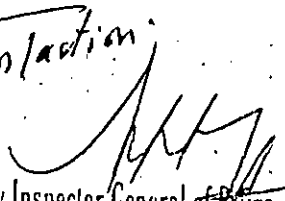
Please refer to your office letter No. 6036/E, dated 10.09.2012 on the case noted above in the subject.

Application of ex-constable Hamid Gul No. 632 of Buner District for re-instatement in service was examined by the competent authority and filed being time barred. He was required to have preferred an appeal against the order of his dismissal from service within 15 days to the appellate authority but he failed to do so.

His Service Book is sent herewith being no more required by this office.



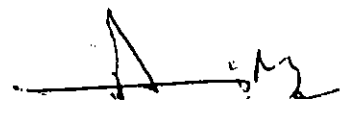

(MOHAMMAD FAYAZ KHAN)
AIG/LEGAL,
For Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.

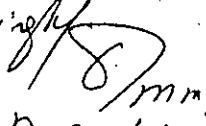
EC
For action

Deputy Inspector General of Police
Malakand Region, Baidi Sharif Swat.

No. 6445 / E Di 3-10 / 2012

Registered

Copy of above along with
S.R. of ex-constable Hamid Gul
No. 632 of Buner District is sent
herewith to DPs Buner for the
information and further M.A.
This is ref to your office No. 6036
- 1.0.11



EC
Inform the official
dealing with

DPO/Buner
8/10/2012
- 1.0.11

ORDER

MR. Hamed Gull S/O Sami Gull
R/O Ambela P/S: Nawagai

District Buner is hereby enlisted as Constable in BPS-5 against the newly allotted vacancies with effect from 26/7/2007. (F.N) and constabulary No. 632 allotted to him.

DISTRICT POLICE OFFICER,
BUNER.

OB. No. 86

Dated: 26 7 /2007.

تقدیر دریا پور 13/8

در 7 جون اطلاع / اوردر سے منبر جاہلی ما وقت 08:30 بجے
 13/8 اس وقت رات 9:00 بجے حکیم سناہ خان نے بندلوں
 اطلاع دیا کہ کینیل صبر گل 637 جو کہ صبرہ سالہہ ہے
 جس کے مانی کام کے لیے کل عوض 12/8 سے کھی پس پیش
 بھیجا ہے لہذا مذکورہ کینیل کو روزانہ ہذا میں غور کیا
 گیا ہے جس سے اطلاع 7 جون کینیل مذکورہ کو روزانہ ہذا
 میں غور کیا ہے اور یہ کہ اس کے مفضل بہانہ لیا جائیگا

منبر عالی

کفل منبر عالی دریا پور اطلاع

(Signature)
 27-8-08

No. 1
Date of order/proceeding 5/7

Order or other proceedings with signature of Judge or Magistrate

3



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

Service Appeal No. 264/2012

Date of Institution ... 21.02.2012
Date of Decision ... 06.10.2017

Amanat Khan Ex-Constable No. 145/E/C, District Buner

Appellant

Versus

1. The Deputy Inspector General of Police, Malakand Region Saidu Sharif, Swat.
2. The District Police Officer, Buner.

Respondents

JUDGMENT

MUHAMMAD HAMID MUGHAL, MEMBER: - Appellant

present. Learned counsel for the appellant and Mr. Kabir Ullah Khattak, Assistant Advocate General for the respondents present.

2. The appellant Amanat Khan Ex-Constable, who was recruited in the year 2007, has filed the present appeal u/s 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the respondents and challenged therein the impugned order dated 26.08.2008 passed by respondent No. 2 whereby the appellant was awarded major penalty of removal of service on the ground of absence from duty/misconduct. The appellant has also made impugned the order

06.10.2017

ATTESTED

Khyber Pakhtunkhwa
Service Tribunal,
Peshawar


dated 20.08.2012 whereby his application for reinstatement in service was filed by respondent No. 1 being time barred.

3. Learned counsel for the appellant contended that before the issuance of impugned order of removal from service neither any charge sheet and statement of allegations were drafted, nor inquiry conducted, nor opportunity of defense was afforded nor final show cause notice and opportunity of personal hearing was given to the appellant. Further argued that no limitation runs against the illegal/void order. Further argued that the appellant has not been treated in accordance with law as such the impugned orders are liable to be set aside and the appellant be reinstated in service.

4. Learned Assistant Advocate General while opposing the present appeal argued that the present appeal is time barred. Further argued that the appellant was reported to have gone abroad without securing ex-Pakistan leave and the competent authority was satisfied with the dispensing with the inquiry proceeding against the appellant as provided in Removal from Service (Special Power) Ordinance 2000 (Amendment) 2001. Further argued that the appellant was disinterested towards his duties and escaped there from. Further argued the impugned orders were validly passed and doesn't warrant any interference.

5. Arguments heard. File perused.

ATTESTED


 ATTESTED
 Khayab Khan
 Service Tribunal,
 Peshawar


(10)

6. Perusal of the record shows that the appellant was removed from his service vide order dated 26.08.2008 and after a deep slumber he preferred appeal/representation on 08.04.2011 which was dismissed by the respondent No. 1 vide order dated 14.05.2011. The appellant then filed another application before respondent No. 1 for his reinstatement which application was regrettably being time barred.

7. Apparently the present appeal of the appellant is badly time barred, which fact also shows volumes about the conduct of the appellant that he was not at all interested to join the service. However the fact cannot be lost sight of that serious irregularities/illegalities were committed by the respondent in the impugned order and in the proceeding culminating in the passage of the impugned order which go to the roots of the matter. No proper show cause notice was served upon the appellant prior to the issuance of the impugned order of Removal from Service. Similarly the appellant was awarded punishment of Removal from service with retrospective effect. Consequently the impugned order of Removal from Service is set aside and the appellant is reinstated. As the present appeal is decided on technical grounds more so while keeping in view the conduct of the appellant, he shall not be entitled to any back benefit hence the absence period as well as the intervening period during which the appellant has not performed

DOMIN

ATTESTED


 J. S. SINGH
 Chairman
 Service Tribunal,
 Patna

duty shall be treated as extra ordinary leave without pay. The department is at liberty to conduct de-novo proceeding/inquiry against the appellant in accordance with law. The present appeal is decided in the above terms. Parties are left to bear their own costs. File be consigned to the record room after its completion.

SD/-
(ALIMAD HASSAN)
MEMBER

SD/-
(MUIHAMMAD HAMID MUGHAL)
MEMBER

ANNOUNCED
08.10.2017

Certified true copy
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

ORDER

304
Date: 4/3/16

د. سید علی احمد

This order is hereby passed to dispose of departmental appeal under Rule
Pakhtunkhwa Police Rules 1975, submitted by Ex-Constable Imran
of FRP Malakand Range, against the order of the SP, FRP Kohat Range in
which the applicant was removed from service.

Ex-Constable Imran Khan No: 4279 of FRP Malakand Range was enlisted on
while posted to platoon No. 72 Gut Kadda district Swat, absented himself from
duty from 06.10.2008 till to the date his removal from service i.e. 21-02-2009 without
or permission of the competent authority for the period of 04 months and 14

He was issued charge sheet along with summary of allegations vide SP FRP
Swat Order Endst: No. 775/EC, dated 16-12-2008, but neither he reported for
duty nor he submitted reply to the charge sheet in the stipulated period. He was also issued Urdu
order to perform his duty but he failed to submit reply in the response of the same within
the stipulated period. Therefore the defaulter Constable was recommended for removal from service
by the enquiry committee.

After completion of the enquiry the enquiry committee submitted the
report recommending him for major punishment. In the light of recommendation of
the committee he was removed from service vide office order Endst: No. 312/EC, dated 21-

The enquiry file of the applicant was perused and found that the applicant has
not participated in the departmental proceedings as he was not participated with the enquiry
and he was dismissed from service with slipshod manner.

He was also heard in person, during the course of hearing he advanced cogent reasons
and his plea was found plausible and satisfactory.

In view of the above and as well as his poor family back ground I take a
sympathetic view. (Ex-Constable Imran Khan No. 4279 of FRP Malakand Range) is hereby re-
instated from the date of removal from service. However, the period of absence and
period from service are treated as extra ordinary leave without pay.

OB No 123
7.3.2016

OB/GSI/EC/PA
For n/a

SP FRP SWAT
04/03/16

Imran Khan
Commandant
Frontier Reserve Police
Khyber Pakhtunkhwa, Peshawar.

announced.

dated Peshawar the 03/03/2016

Copy of above is forwarded for information and necessary action to the SP, FRP
Swat with R/O his office memo No. 3175/EC, dated 02.12.2015 His Service
file sent herewith.

ORDER

This order is hereby passed to dispose of departmental appeal under rule Pakhtunkhwa police rules 1975, submitted by ex-constable Imran FRP, malakand Range, against the order of the SP, FRP/Kohat range in cant was removed from service.

Ex-constable Imran khan No. 4279 of FRP Malakand Range was enlisted on while posted to platoon No.72 Gul Kadda District Swat, absented himself from 06.10.2008 till the till to the date his removal from service i.e. 21-02-2009 without or permission of the competent authority for the period of 04 months and 14 days.

He was issued charge sheet along with summary of allegations vide SP FRP swat order endst: No. 775/EC, dated 16-12-2008, but neither he reported for reply to the charge sheet in the stipulated period. He was also issued Urdu me his duty he failed to submit reply in the response of the same within therefore the defaulter constable was recommended for removal from service committee.

After completion of the enquiry committee submitted the recommending him for major punishment in the light of recommendation of fee was removal from service vide office order Endst No. 312/EC, dated 21-02-2009.

The enquiry for of the applicant was perused and found that the applicant has roper departmental proceeding as he was not participate with the enquiry he was dismissed from service with slipshod manner.

Is also heard in person during the course of hearing he advanced cogent reasons peas was found plausible and satisfactory.

In view of and as well as his poor family back ground I take a (Ex-constable Imran Khan No. 4279 of FRP Malakand Range) is hereby from the date of removal from service. However the period of absence and period from service are treated extra ordinary leave without pay.

Announce.

Commandant
Frontier Reserve Police,
Khyber Pakhtunkhwa Peshawar.

Dated Peshawar the 03/03/2016

Copy of above forwarded for information and necessary action to the SP FRP swat with R/o his office memo No. 2175/EC, dated 02.12.2015 his service sent herewith.

ORDER

This order is hereby passed to dispose of departmental appeal under Rule 11- of Khyber Pakhtunkhwa Police Rules 1975, submitted by Ex-Constable Khalil-ur-Rehman No.4289 of FRP Malakand Range, against the order of the SP, FRP/Malakand Range, Swat in which the applicant was removed from service.

Brief facts of the case are that Ex-Constable Khalil-ur-Rehman No.4289 of FRP Malakand Range was enlisted on 11-05-2006. He while posted to platoon No.78 district Swat, absented himself from lawful duty w.e.f. 02.12.2008 till to the date of his removal from service i.e. 21-02-2009 without any leave or prior permission of the competent authority for the period of 02 months and 20 days.

He was issued charge sheet along with summary of allegations vide SP FRP Malakand Range Swat office order Endst: No.775/EC, dated 16-12-2008, but neither he reported for duty nor submitted reply to the charge sheet in the stipulated period. He was also issued Urdu parwana to resume his duty but he failed to submit reply in the response of the same within stipulated period, therefore the delinquent Constable was recommended for removal from service by the enquiry Committee.

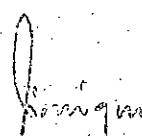
In the light of recommendation of enquiry Committee he was removed from service vide office order OB: No.23, dated 21-02-2009.

The enquiry file of the applicant was perused and found that the applicant has not dealt with proper departmental proceedings as he was not participated with the enquiry proceedings while he was removed from service unheard.

He was also heard in person, during the course of hearing he advanced cogent reasons in his defense his plea was found plausible and satisfactory.

Keeping in view the above and as well as his poor family back ground I, take a lenient view, he (Ex-Constable Khalil-ur-Rehman No.4289 of FRP Malakand Range) is hereby re-instated in service from the date of removal from service. However, the period of absence and the intervening period from service are treated as extra ordinary leave without pay.

Order announced:


Commandant
Frontier Reserve Police
Khyber Pakhtunkhwa, Peshawar.

2388
No. 2388/EC, dated Peshawar the 18/03/2016

Copy of above is forwarded for information and necessary action to the SP, FRP, Malakand Range Swat with R/O his office memo No. 190/EC, dated 04.02.2016. His Service Roll and D/File sent herewith.

ε
s/Record
alongwith B/papers

OB No 163
22/3/2016

ORDER

This order is hereby passed to dispose of departmental appeal under rule Pakhtunkhwa police rules 1975, submitted by ex-constable Khalil Ur Rahman No. 4289 of FRP, malakand Range, against the order of the SP, FRP/Kohat range in cant was removed from service.

Brief facts was the case are that Ex-Constable Khalil-Ur-Rahman No. 4289 of FRP Malakand range was enlisted on 11-05-2006. He while posted to platoon No. 78 district swat absented himself from lawful duty w.e.f. 02/12/2008 till to the date of his removal from service i.e. 21-02-2009 without any prior permission of the competent authority for the period of 02 months and 20days.

He was issued charge sheet along with summary of allegations vide SP FRP Malakand Range swat office order Ensdst: No. 775/EC, dated 16-12-2008, but neither he reported for duty nor is duty but he failed to submit reply in the response of the same within stipulated period, therefore the defaulter constable was recommended for removal from service by the enquiry committee.

In the light of recommendation of enquiry committee he was removed from service vide office order OB: No. 23 dated 21-02-2009.

The enquiry file of the applicant was perused and found that the applicant has not default with proper departmental proceedings as he was not participated with the enquiry/proceedings while he was removed from service unheard.

He was also heard in person during the course of hearing he advanced cogent reasons in his defense his plea was found plausible and satisfactory.

Keeping in view of the above and as well as his poor family back ground I take a lenient view he (Ex-Constable Khalil-ur-rahman No. 4289 of FRP Malakand Range) is hereby re-instated in service from the date of removal from service. However the period of absence and the intervening period from service are treated as extra ordinary leave without pay.

Order announced.

Commandant
Frontier Reserve Police,
Khyber Pakhtunkhwa Peshawar.

No. 2388/EC, Dated Peshawar the 18/03/2016

Copy of above forwarded for information and necessary action to the SP FRP swat with R/o his office memo No. 190/EC, dated 04/02/2016 his service sent herewith.

ORDER

This order shall dispose off the departmental appeal of Ex-Constable Zameen Khan No. 4842 of FRP/Malakand Range.

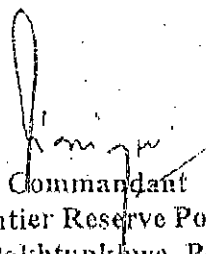
Brief facts of the case are that Ex- Constable Zameen Khan No. 4842 of FRP/Malakand Range, absented himself from lawful duties w. e. from 07.08.2008 till the date of dismissal i.e. 14.11.2008 for a total period of (98) days without any leave/permission of the competent authority.

In this connection he was issued charge sheet and statement of allegations, but neither he neither reported his arrival nor submitted his reply of charge sheet. After that he was issued final show cause notice but he again failed to submit his reply. The Enquiry committee recomnended him for major punishment. Resultantly he was removed from service vide SP/FRP Malakand Range Swat office OB No.151, dated 14.11.2008.

After going through the available record and also haring the applicant in person in orderly room held in this office on 04.01.2016 it has pointed out that the applicant was not proceeded according to law as he was neither participated with proceedings nor he was provided the opportunity of personal hearing.

Keeping in view the above facts as well as his poor family background, which he explained during the course of personal hearing, I take a lenient view, the Ex-Constable Muhammad Zameen Khan No. 4842 of FRP/Malakand Range is hereby Re-instated in service from the date of dismissal from service. However his absence period and the intervening period from service are hereby treated as extraordinary leave without pay.

Order announced.


Commandant
Frontier Reserve Police
Khyber Pakhtunkhwa, Peshawar.

No: 914 /EC, dated Peshawar the 29/ 01 /2016.

Copy of the above is forwarded for information and necessary action to SP/FRP/Malakand Range Swat with R/O his office No. 2210/EC, dated 08.12.2015. His service record alongwith enquiry file sent herewith.

ORDER

This order is hereby passed to dispose of departmental appeal under rule Pakhtunkhwa police rules 1975, submitted by ex-constable Zameen khan No. 4842 of FRP, malakand Range, against the order of the SP, FRP/Kohat range in cant was removed from service.

Brief facts was the case are that Ex-Constable Khalil-Ur-Rahman No. 4289 of FRP Malakand range was enlisted on 11-05-2006. He while posted to platoon No. 78 district swat absented himself from lawful duty w.e.f. 02/12/2008 till to the date of his removal from service i.e. 14.11.2008 without any prior permission of the competent authority for the period of 98days.

He was issued charge sheet along with summary of allegations but neither he reported for duty nor is duty but he failed to submit reply in the response of the same within stipulated period, therefore the defaulter constable was recommended him for major punishment. Resultantly he was removed from service vide |SP FRP Malakand reange swat office OB No. 151, dated 14.11.2008.

After going through the available record and also hearing the applicant in person in orderly room held in this office on 04.01.2016 It has pointed out that the applicant was not proceeded according to law as he was neither participated with proceedings nor he was provided the opportunity of personnel hearing.

Keeping in view of the above and as well as his poor family back ground I take a lenient view he (Ex-Constable Muhammad zameen khan No. 4242 of FRP Malakand Range) is hereby re-instated in service from the date of removal from service. However the period of absence and the intervening period from service are treated as extra ordinary leave without pay.

Order announced.

Commandant
Frontier Reserve Police,
Khyber Pakhtunkhwa Peshawar.

No. 914/EC, Dated Peshawar the 29/01/2016

Copy of above forwarded for information and necessary action to the SP FRP swat with R/o his office memo No. 2210/EC, dated 08/12/2015 his service sent herewith.

ORDER

This order is hereby passed to dispose of departmental appeal under rule 11-a. of Khyber Pakhtunkhwa Police Rules 1975, submitted by Ex-Constable Bshir Khan No. 4837/7457 of FRP Malakand Range against the order of the SP/FRP, Malakand Range Swat, in which the applicant was removed from service.

The facts of the case are that Ex-Constable Bshir Khan No. 4837/7457 of FRP Malakand Range was enlisted in Police Department on 26.07.2007. While he was posted in Platoon No. 85 FRP/Swat absented himself from lawful duty w. e. from 27.06.2008 till the date of his removal from service i.e. 10.10.2008. He was issued charge sheet and summary allegation vide SP/FRP/Malakand Range Swat office order Endst: No. 501/EC, dated 08.07.2008, but neither he reported his arrival for duty nor replied to charge sheet in the stipulated period. He was also issued final show cause notice vide this office Endst: No. 504/EC, dated 015.07.2008, but his reply was not received in the stipulated period. The said Constable was recommended for removal from service by the enquiry committee.

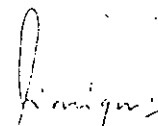
In the light of recommendation of the enquiry committee he was removed from service vide SP/FRP/Swat Range office Endst: No. 138 dated 10.10.2008.

The enquiry file of the applicant was perused and found that the applicant has not complied with proper departmental proceedings as he was not participated with the enquiry proceedings while he was removed from service with slipshod manner.

The applicant was also heard in person, during the course of hearing he advanced cogent reasons in his defence his plea was found plausible and satisfactory.

Keeping in view the above and as well as his poor family back ground I, take into account view he (Ex-Constable Bshir Khan No. 4837/7457 of FRP Malakand Range Swat) be hereby re-instated in service from the date of removal from service. However, the period of absence and the intervening period from service are treated as extra ordinary leave without pay.

Order announced.


Commandant
Frontier Reserve Police
Khyber Pakhtunkhwa, Peshawar.

117/EC, dated Peshawar the 04/03/2016

Copy of above is forwarded for information and necessary action to the SP/FRP, Malakand Range Swat with R/O his office memo No. 115/EC, dated 19.01.2016, along with the record and other relevant papers sent herewith.

ORDER

This order is hereby passed to dispose of departmental appeal under rule Pakhtunkhwa police rules 1975, submitted by ex-constable Bashir Khan No. 4837/7457 of FRP, malakand Range, against the order of the SP, FRP/Kohat range in cant was removed from service.

Brief facts was the case are that Ex-Constable Khalil-Ur-Rahman No. 4289 of FRP Malakand range was enlisted on 26.07.2007. He while posted to platoon No. 85 district swat absented himself from lawful duty w.e.f. 26.06.2008 till to the date of his removal from service i.e. 10.10.2008 without any prior permission of the competent authority for the period of 02 months and 20days.

He was issued charge sheet along with summary of allegations vide SP FRP Malakand Range swat office order Ensdst: No. 501/EC, dated 08.07.2008, but neither he reported for duty nor is duty but he failed to submit reply in the response of the same within stipulated period, therefore the defaulter constable was recommended for removal from service by the enquiry committee.

In the light of recommendation of enquiry committee he was removed from service vide office order OB: No. 138 dated 10.10.2008.

The enquiry file of the applicant was perused and found that the applicant has not default with proper departmental proceedings as he was not participated with the enquiry/proceedings while he was removed from service unheard.

He was also heard in person during the course of hearing he advanced cogent reasons in his defense his plea was found plausible and satisfactory.

Keeping in view of the above and as well as his poor family back ground I take a lenient view he (Ex-Constable bashir Khan No. 4837/7457 of FRP Malakand Range) is hereby re-instated in service from the date of removal from service. However the period of absence and the intervening period from service are treated as extra ordinary leave without pay.

Order announced.

Commandant
Frontier Reserve Police,
Khyber Pakhtunkhwa Peshawar.

No. 177/EC, Dated Peshawar the 04/03/2016

Copy of above forwarded for information and necessary action to the SP FRP swat with R/o his office memo No. 115/EC, dated 19.01.2016 along with record and other relevant papers sent herewith.