


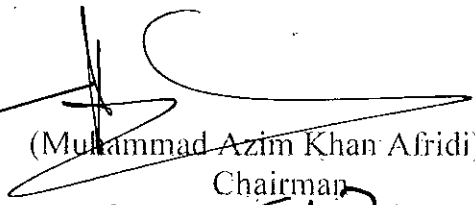
Sr. No	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3
	03.05.2017	<p style="text-align: center;"><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR</u></p> <p style="text-align: center;">Appeal No. 425/2015</p> <p>Faiz-ur-Rehman Versus the Inspector General of Police, Khyber Pakhtunkhwa, Peshawar and 3 others.</p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p style="text-align: center;"><u>MUHAMMAD AZIM KHAN AFRIDI, CHAIRMAN:-</u></p> <p>Counsel for the appellant and Mr. Muhammad Jan, Government Pleader for respondents present.</p> <p>2. Mr. Faiz-ur-Rahman hereinafter referred to as the appellant has preferred the instant service appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against original order dated 26.08.2014 vide which he was dismissed from service and where-against his departmental appeal was rejected on 29.04.2015 constraining him to prefer the instant service appeal on 11.05.2015.</p> <p>3. Brief facts of the case of the appellant are that while posted as P.S Hayatabad he remained absent from duty w.e.f. 25.07.2013 upto 08.07.2014 and, on the strength of the said absence, dismissed from service with immediate effect and treating his absence period as without pay.</p>

*[Handwritten signature]*  
03-05-17

4. We have heard arguments of learned counsel for the appellant as well as learned Government Pleader for respondents and perused the record.

5. We are of the considered view that once the absence period is considered as leave without pay then another punishment cannot be awarded. Learned Government Pleader made an attempt to convince us otherwise as the word "leave" is not mentioned in the said original order impugned before us. It seems that the omission of the said word is a clerical mistake and we therefore cannot agree with the proposition of the learned Government Pleader and, therefore, constrained to accept the present appeal, set aside the impugned order to the extent of dismissal of the appellant from service. The appellant is reinstated in service however, his absence period from service till date is considered as leave of the kind due. Parties are left to bear their own costs. File be consigned to the record room.

  
(Ahmad Hassan)  
Member

  
(Muhammad Azim Khan Afridi)  
Chairman  
03-05-17

ANNOUNCED  
03.05.2017

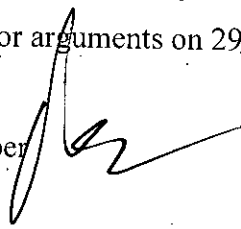
28.1.2016


Counsel for the appellant and Mr. Hayat Muhammad, Reader alongwith Assistant AG for respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing for 16.5.2016.

  
Chairman

16.05.2016

Counsel for the appellant and Mr. Muhammad Jan, GP for respondents present. Counsel for the appellant submitted Wakalat Nama as well as rejoinder copy of which is placed on file. To come up for arguments on 29.8.2016.

Member 

  
Member

29.08.2016

Counsel for the appellant and Additional AG for respondents present. Learned counsel for the appellant seeks adjournment. Adjourned for final hearing to 26.12.2016 before D.B.

  
Member

  
Chairman

26.12.2016

Clerk to counsel for the appellant and Mr. Muhammad Raziq, HC alongwith Mr. Muhammad Jan, GP for respondents present. Arguments could not be heard due to incomplete bench. Case adjourned to 03.05.2017 for arguments before D.B.

  
Chairman

15.05.2015

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was serving as Constable in Police Department since 2008. That vide impugned order dated 25.8.2014 he was dismissed from service on the allegations of willful absence regarding which he preferred departmental appeal on 29.4.2014 which was rejected on 29.4.2015 and hence the instant service appeal on 11.5.2015.

That no opportunity of hearing was afforded to the appellant and nor the inquiry was conducted in the prescribed manners.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for 12.8.2015 before S.B.

Appellant Deposited  
Security & Process Fee

  
Chairman

12.8.2015

Appellant with counsel and Assistant A.G for respondents present. Requested for adjournment. To come up for written reply/comments on 26.10.2015 before S.B.

  
Chairman

26.10.2015



Appellant in person and Mr. Hayat Muhammad, Reader alongwith Addl: A.G for respondents present. Written reply not submitted. Requested for further adjournment. Last opportunity granted. To come up for written reply/comments on 28.01.2016 before S.B.

  
Chairman

Form- A  
FORM OF ORDER SHEET

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

Case No. 425 /2015

S.No:	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	11.05.2015	<p>The appeal of Mr. Faiz-ur-Rehman presented today by Mr. Javed Ali Mohammadzai Advocate, may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"> REGISTRAR - 11/5/15</p>
2	13-5-15.	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>15-5-2015</u></p> <p style="text-align: right;"> CHAIRMAN</p>

**BEFORE THE HONOURABLE**  
**SERVICE TRIBUNAL, KPK, PESHAWAR**

Service Appeal No. 425 /2015

**Faiz-ur-Rehman**

(Petitioner)

**V E R S U S**

The Inspector General of Police, KPK and others

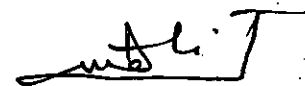
(Respondents)

**I N D E X**

S. No.	Documents	Annexure	Page No.
1	Appeal along with Affidavit		1-4
2	Copy of the punishment order dated 25.08.2014	A	5
3	Copy of departmental appeal	B	6
4	Copy of impugned order dated 29.04.2015	C	7
5	Copies of doctors prescriptions	D	8-18
6	Copy of the verification of hospital	E	19
7	Wakalat Nam		

Appellant

Through



**Javed Ali Mohammadzai**  
Advocate, High Court,  
Peshawar

Dated: 11.05.2015

①

**BEFORE THE HONOURABLE**  
**SERVICE TRIBUNAL, KPK, PESHAWAR**

Service Appeal No. 425 /2015

A.W.F. Province  
Service Tribunal  
Disty No. 473  
Dated 11-5-2015

**Faiz-ur-Rehman** (Ex-Constable) No. 5209/CCP son of Muhammad  
Rehman R/o Gul Abad, Serdheri, Tehsil & District Charsadda

\_\_\_\_\_(Petitioner)

**V E R S U S**

- 1) The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar
- 2) Capital City Police Officer, Peshawar
- 3) Superintendent of Police Cantt, Peshawar
- 4) SHO, Police Station, Hayatabad, Peshawar

\_\_\_\_\_(Respondents)

**Appeal Under Section 4, of Khyber Pakhtunkhwa  
Service Tribunal Act, 1974, against the order No.  
2294-99/PA dated 29.04.2015 of the capital City  
Police Officer, Peshawar / respondent No. 2,  
whereby the departmental appeal of the  
appellant against the punishment Order OB No.  
1576 dated 25.08.2014 was rejected.**

Filed to-417  
Registrar  
11/8/15

**Prayer:**

**On acceptance of the instant appeal, the  
impugned order dated 29.04.2015 as well  
punishment order dated 26.08.2014 may kindly**

**be set aside and the appellant may be reinstated  
in his service with all back benefits.**

**Respectfully Sheweth,**

Brief facts leading to the instant appeal are as below:

- 1) That the appellant was appointed as Constable in the year 2008 in Capital City Police, Peshawar i.e. respondent / department.
- 2) That the appellant performed his duty as such with zeal and dedication and never provided a single opportunity of complaint to his superiors.
- 3) That vide order No. 2576 dated 25.08.2014 the appellant was illegally dismissed from his service by Superintendent of Police Cantt, Peshawar / respondent No. 3. (Copy of the punishment order dated 25.08.2014 is annexed as Annexure A)
- 4) That on 29.08.2014 the appellant preferred departmental appeal against the above mentioned punishment order before the Capital Police Officer, Peshawar / respondent No. 2. (Copy of departmental appeal is annexed as Annexure B)
- 5) That on 29.04.2015 vide impugned order, the appellant authority / respondent No. 2 without good reasons rejected the departmental appeal of the appellant. (Copy of impugned order dated 29.04.2015 is annexed as annexure C)



- 6) That being aggrieved, the appellant through instant approach this honourable tribunal for setting aside the impugned orders on following grounds amongst others.

**GROUND**

- a) That the impugned order dated 29.04.2015 as well as punishment order dated 25.08.2014 are illegal, against the law and rules on subject.
- b) That the appellant has been condemned unheard. All the proceedings in so called inquiry was conducted at back of the appellant. The appellant was never served with any sort of charge sheet, statement of allegation and show cause notice before passing the punishment order.
- c) That the impugned order as well as punishment order are passed in sheer violation of the Police Rules, 1975.
- d) That during his posting at Police Station Hayatabad, the appellant became ill and the doctors diagnosed his disease as Hepatitis and advised the appellant to take complete bed rest till his recovery. The appellant duly informed the respondent No. 4 in this respect and requested him through various applications for grant of leave. (Copies of doctors prescriptions are annexed as Annexure D)
- e) That even the appellate authority has verified these prescriptions for the concerned doctor of Police Hospital. (Copy of the verification of hospital is annexed as Annexure E)

(4)

- f) That already the competent authority have converted the absence (not intentional) of appellant as leave without pay. Therefore the impugned punishment order is not warranted under law.

It is, therefore, humbly requested that on acceptance of this appeal, the impugned appellate order 29.04.2015 as well as the punishment order dated 25.08.2014 may kindly be set aside and appellant may be reinstated in his service with all back benefits.

*Faz*  
Appellant

Through

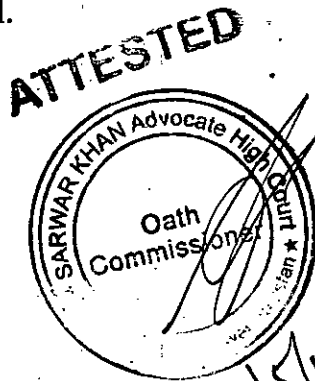
*Ali*

Javed Ali Mohammadzai  
Advocate, High Court,  
Peshawar

Dated: 11.05.2015

### AFFIDAVIT

I, **Faiz-ur-Rehman** (appellant), do hereby solemnly affirm and declare on Oath that the contents of this appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this honourable tribunal.



*Faz*  
ADVOCATE *Deppment*

ORDER

5

Ann — (A)

This office order will dispose off the departmental proceedings against Constable Faiz ur Rehman No. 5209 who while posted at Police Station Hayatabad, remained absent from his lawful duty w.e.f 25.07.2013 to 08.07.2014 (approximately one year) without any leave or permission from his senior.

He was charge sheeted alongwith summary of allegation under Police & disciplinary rules 1975, SDPO Town was appointed as enquiry officer to scrutinize the conduct of the alleged Constable Faiz ur Rehman No. 5209.

The enquiry officer submitted finding and recommended that the alleged constable in no more interested in his official duty an ex-parte decision regarding awarding of punishment may be taken, vide enquiry No. 20-E/S dated 13.02.2014.

Subsequently, he was issued Final Show Cause Notice which was served upon him. On 10.04.2014 he reply to the final show cause notice and produce two medical rest/certificates. In the first medical certificate the MS has given him four week rest which was issued on 25.07.2013 and the second medical certificate which was also given by MS Police Services Hospital Peshawar of 1 month from 26.08.2013. Both the certificates has been sent to the Police Services Hospital Peshawar for further verification/confirmation vide this office memo No. 734/PA dated 08.07.2014 & reminder No. 819/PA dated 07.08.2014. The two months medical rest/certificate did not cover his long tenure of absentee of one year. Hence, his reply is not satisfactory.

In light of the findings of E.Os, and other material available on record, the undersigned came to conclusion that the alleged official found guilty of the charges for his prolong continuous absence. Therefore, he is hereby dismissed from service under Police and Disciplinary Rules-1975 with immediate effect. Hence, the period he remained absence from 25.07.2013 to 08.07.2014 is treated without pay.

O. B No: 2576

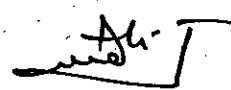
Date: 28-8-2014

No. 907-15 /SP/Cantt: dated Peshawar, the 26/08/2014.

  
SUPERINTENDENT OF POLICE,  
CANTT: PESHAWAR.

Copy for information and necessary action to the:-

1. The SSP, Operation, Peshawar.
2. The SP HQrs: Peshawar.
3. SDPO/Town (E.O).
4. Pay Officer.
5. CRC,
6. OSI branch.
7. Fuji Missal branch with enquiry file for record.
8. Official concerned.

  
ATTESTED

Town Sub-Division, Peshawar.

در خصوص اشکالات و بارها ملازمت کشیت

جناح عالی

مورد یادگذاشته شد در خصوص اشکالات و بارها ملازمت کشیت

مستند به صورت ملازمت و توفیق بنایت ایجاب داری سے ایام دی سے مستند

پیرائے مستند و توفیق بنایت ایجاب داری سے ایام دی سے مستند

مورد ملازمت و توفیق بنایت ایجاب داری سے ایام دی سے مستند

علاج مرقا و باج صحت و باج صحت و باج صحت و باج صحت

مستند به صورت ملازمت و توفیق بنایت ایجاب داری سے ایام دی سے مستند

چونکہ مستند به صورت ملازمت و توفیق بنایت ایجاب داری سے ایام دی سے مستند

مورد ملازمت و توفیق بنایت ایجاب داری سے ایام دی سے مستند

مستند به صورت ملازمت و توفیق بنایت ایجاب داری سے ایام دی سے مستند

مورد ملازمت و توفیق بنایت ایجاب داری سے ایام دی سے مستند

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مورد ملازمت و توفیق بنایت ایجاب داری سے ایام دی سے مستند

مستند به صورت ملازمت و توفیق بنایت ایجاب داری سے ایام دی سے مستند

29 - 4 / 2014 = 25

کتابت حساب ۱۰۰/۲۰۰۰۰۰۰۰

Attest

ATTESTED

ORDER

7

Ann - (C)

This order will dispose off departmental appeal of ex-constable **Faiz-Ur-Rahman No. 5209** who was awarded the major punishment of **Dismissal** from service under PR-1975 vide OB No: 2576 dated 26.8.2014 by SP/Cantt: Peshawar, on the charge of deliberate absence for a long time from lawful duty w.e.f. 25.7.2013 to 8.7.2014 (**Total 11-months and 13-days**) from PS Hayatabad.

Proper departmental proceedings were initiated against him and SDPO/Town was appointed as the E.O. The Enquiry Officer repeatedly summoned the appellant but he did not turn up to defend himself. On receipt of the findings of the E.O. the Competent Authority issued him SCN to which he replied but the same was found unsatisfactory. Hence the Competent Authority awarded him the above major punishment.

The relevant record was perused along with his explanation. He was also heard in person in OR on 24/4/2015. He could not defend himself. The allegations stand proved against him. He deserves no leniency. The order of SP-Cantt: is upheld and his appeal for re-instatement in service is rejected/filed.

  
**CAPITAL CITY POLICE OFFICER,  
PESHAWAR.**

No. 2294-99 /PA dated Peshawar the 29 / 4 / 15

Copies for information and n/a to the :-

- 1/ SP-Cantt: Peshawar
- 2/ PO/OASI
- 3/ CRC along with S.Roll for making n/entry.
- 4/ FMC along with FM.
- 5/ Official concerned.

  
**ATTESTED**

Name: فیضان الرحمان 1/8/13

EX Assistant Prof.  
**Dr. Abdus Sattar**  
MBBS, RMP, PMDC,  
M. Phil, Radiology (Course)  
General Physician & Neuro  
Chief Medical Officer  
Sifat Ghayur Hospital  
Peshawar.

(10)

g.  
Evion 600mg  
Sildenafil  
Folijon

Go ↓ appetite.  
Bright colored  
urine.  
↑ yellowish color  
from eye m.  
Lum f.  
Spleen n.

D. P. Hepatolm

Advised complete  
bed rest for one  
month

DR. ABDUL SATTAR  
MBBS RMP PMDC  
M. Phil (Radiology) Course  
Chief Medical Officer  
Sifat Ghayur Memorial  
Hospital Peshawar

ATTESTED

سابقہ اسٹنٹ پروفیسر  
**ڈاکٹر عبدالستار**  
ایم بی بی ایس، آر ایم پی، پی ایم ڈی سی  
ایم فل، ریڈیالوجی (کورس)  
جنرل فزیشن اینڈ نیورول  
چیف میڈیکل آفیسر صفت خیور ہسپتال پشاور  
دوبارہ معائنہ کیلئے

HRA /500/R PR/GP/95PMDC 293-N

رابطہ نمبر: 0314-9955070 چھٹی بروز اتوار ٹائم: صبح 8 بجے سے شام 5 بجے تک

اتوفان بلا رہہ ڈیگری گارڈن پشاور

# THE PERFECT MEDICAL LABORATORY // HISTOPATH SPECIMEN COLLECTION POINT

Consultant Pathologist:

Prof. Dr. Noor Khan Lakhnana  
Westridge Laboratory  
Rawalpindi (Histopathologist)



11

Dr. Irfan Ullah  
MBBS (Pesh)  
Pathology Department  
Khyber Medical College  
Peshawar (Clinical Pathologist)

G-61, Auqaf Plaza, Dabgari Garden, Peshawar.

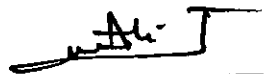
Kifayat Ali  
DMLT (Pathology)  
Khyber Teaching Hospital  
Peshawar

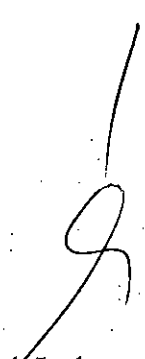
NAME : FAZUR RAHMAN  
SEX : MALE  
AGE : ?  
SPECIMEN : BLOOD  
TEST REQUIRED : LIVER FUNCTION TEST

DATE : 01/09/2013  
TIME : 12:16:12  
REPORT # : 3722  
REFERRED BY : DR. ABDUL SATAR

## RESULT

TEST	RESULT	UNITS	NORMAL RANGE
LIVER FUNCTION TEST			
Bilirubin Total	4.8	mg/dl	00 -----1.0
SGPT (ALT)	288	U/L	10 ----- 40
Alkaline Phosphatase	480	U/L	Adult < 258 Child < 727

  
ATTESTED

  
Lab Incharge

IMMUNOASSAY AUTOMATION ELISA ( MEIA & FPIA ) FACILITIES ARE ALSO PROVIDED FOR DIAGNOSIS

فون: 091-2211055

دی پرفیکٹ میڈیکل لیبارٹری، G-61، اوقاف پلازہ، ڈبگری گارڈن، پشاور۔

Name: منیر الرحمان 1/11/13

(14)

Acupuncture

(2)

Evim 404

(1)

Silver

(1)

Optical 109

(1)

*[Signature]*

ATTESTED

Acupuncture complete

had rest for one month

*[Signature]*

Medical & Neuro Physician  
DR. ABDUL SATTAR  
RMP PMDC  
M Phil (Neurology) Course  
Chief Medical Officer  
Govt. Sifat Ghayur Memorial  
Hospital Peshawar

HRA /500/R PR/GP/95PMD 293-N

رابطہ نمبر: 0314-9955070 چھٹی بروز اتوار ٹائم: صبح 8 بجے سے شام 5 بجے تک

Prof.  
**Abus Sattar**  
PMDC,  
Radiology (Course)  
Medical Physician & Neuro  
Chief Medical Officer  
Sifat Ghayur Hospital  
Peshawar.

85 Cere  
PUP  
SM: Janjira  
SBR 2.5  
SPT 65

سابقہ اسٹنٹ پروفیسر

**ڈاکٹر عبدالستار**

ایم بی بی ایس، آرا ایم پی، پی ایم ڈی سی

ایم فل، ریڈیالوجی (کورس)

جنرل فزیشن اینڈ نیورہ

چیف میڈیکل آفیسر صفت غیور ہسپتال پشاور

دوبارہ معاہدہ کیلئے بعد شرف لائیں

انعام بلاروہ و گمرکی کاروان پشاور



# THE PERFECT MEDICAL LABORATORY / HISTOPATH SPECIMEN COLLECTION POINT

Consultant Pathologist:

Prof. Dr. Noor Khan Lakhnana  
Westridge Laboratory  
Rawalpindi (Histopathologist)



15

Dr. Irfan Ullah  
MBBS (Pesh)  
Pathology Department  
Khyber Medical College  
Peshawar (Clinical Pathologist)

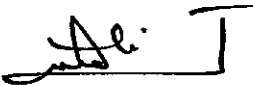
Kifayat Ali  
DMLT (Pathology)  
Khyber Teaching Hospital  
Peshawar


G-61, Auqaf Plaza, Dabgari Garden, Peshawar.

NAME : FAZUR RAHMAN  
SEX : MALE  
AGE : ?  
SPECIMEN : BLOOD  
TEST REQUIRED : LIVER FUNCTION TEST  
DATE : 01/11/2013  
TIME : 12:17:48  
REPORT # : 3722  
REFERRED BY : DR. ABDUL SATAR

## RESULT

TEST	RESULT	UNITS	NORMAL RANGE
LIVER FUNCTION TEST			
Bilirubin Total	0.8	mg/dl	00 -----1.0
SGPT (ALT)	42	U/L	10 ----- 40
Alkaline Phosphatase	216	U/L	Adult < 258 Child < 727

  
ATTESTED

  
Lab Incharge

IMMUNOASSAY AUTOMATION ELISA ( MEIA & FPIA ) FACILITIES ARE ALSO PROVIDED FOR DIAG

فون: 091-2211055

دی پرفیکٹ میڈیکل لیبارٹری، G-61، اوقاف پلازہ، ڈبگری گارڈن، پشاور۔

M KHALIL UR REHMAN

MBBS, FCPS, MACG (USA)

Member of American college of Gastroenterology

Member of European Association of Liver Diseases

Member of Asian Pacific Association of Liver Diseases

Member of Pakistan Society of Gastroenterology

MEDICAL SPECIALIST

HEPATOLOGIST

GASTROENTROLOGIST

هو الشافى  
Consultation  
On Appointment

16

HI TECH DIAGNOSTIC CENTER  
OPP: Grid Station Hospital Road Tangi  
Distt Charsadda  
KPK Pakistan.  
Postal Code 24540  
Ph:0092-91-6555815  
Email:mkhalilrahman@yahoo.com

ترجمہ اور جب میں بیمار ہوں تو وہی (اللہ) مجھے شفا دیتا ہے

NOT VALID IN COURT

01.3.2014

Faiz ur Rehman  
20/3/2014

*[Handwritten signature]*

*[Handwritten notes in Urdu]*  
MORNING  
TO VISIT ME  
TO THE HOSPITAL  
FOR THERAPY  
10/3

A kind request for  
one month and  
can resume his duty  
wef 01-4-2014

*[Handwritten signature]*  
ATTESTED

*[Handwritten signature]*  
Dr. M. Khalil-ur-Rahman  
MBBS, FCPS, MACG (USA)  
Medical Specialist  
Gastroenterologist Hepatologist  
Hi Tech Diagnostic Centre  
Tangi Charsadda

کلینک:  
حالی ٹیک ڈائگنوسٹک سنٹر  
بالقابل گروڈ ٹیشن: نزد تحصیل ہیڈ کوارٹر ہسپتال تنگی چارسدہ  
فون: 091-6555815 091-5006085  
0303-2555508

چھٹی بروز اتوار

ڈاکٹر ایم خلیل الرحمان  
میڈیکل سپیشلسٹ  
گسٹرو انٹرو ہسٹ (ماہر امراض منہ و آنت)  
ہیپاٹالوجسٹ (ماہر امراض جگر - پتھان)

17

صوالشانی

Consultation

On Appointment

HI TECH DIAGNOSTIC CENTER  
OPP: Grid Station Hospital Road Tangi  
Distt Charsadda  
KPK Pakistan.  
Postal Code 24540  
Ph:0092-91-6555815  
Email:mkhalilrahman@yahoo.com

Dr. M KHALIL UR REHMAN

MBBS, FCPS, MACG (USA)

Member of American college of Gastroenterology

Member of European Association of Liver Diseases

Member of Asian Pacific Association of Liver Diseases

Member of Pakistan Society of Gastroenterology

ترجمہ: اور جب میں بیمار ہوتا ہوں تو وہی (اللہ) مجھے شفا دیتا ہے

MEDICAL SPECIALIST

HEPATOLOGIST

GASTROENTROLOGIST

NOT VALID IN COURT

01-02-2014

Fazil ur Rahman

گزارش نمبر 267

Success

*(Handwritten signature)*

Handwritten notes in Urdu:  
C-TB report  
for patient  
C.P. Rahman  
to Success  
in

Printed text:  
A Print report  
for our use

Attest  
ATTESTED

*(Signature)*  
Dr. M. Khalil-ur-Rahman  
MBBS, FCPS, MACG (USA)  
Medical Specialist  
Gastroenterologist Hepatologist  
Hi Tech Diagnostic Centre  
Tangi Charsadda

کلینک:  
حالی ٹیک ڈائیکنا سٹک سنٹر  
بالقابل گروڈ شیشین نزد تحصیل ہیڈ کوارٹر ہسپتال سٹی ضلع چارسدہ  
فون: 091-6555815 091-5006085  
0303-2555508

چھٹی بروز اتوار

ڈاکٹر ایم خلیل الرحمان  
میڈیکل سپیشلسٹ  
کمپوز ڈائگنوسٹک (ماہر امراض معدہ، آنت)  
ہی ٹیچ ڈائگنوسٹک سینٹر (چارسدہ)

Dr. M KHALIL UR REHMAN

MBBS, FCPS, MACG (USA)

Member of American college of Gastroenterology

Member of European Association of Liver Diseases

Member of Asian Pacific Association of Liver Diseases

Member of Pakistan Society of Gastroenterology

MEDICAL SPECIALIST

HEPATOLOGIST

GASTROENTROLOGIST

NOT VALID IN COURT

01-01-2014

Balkh...

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کے پاس پرواز 500
فہم اس وقت ہے
فہم بنی دات
تو آپ اس کو
مک

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for am mar

ATTESTED stamp

Dr. M. Khalil-ur-Rahman
MBBS, FCPS, MACG (USA)
Medical Specialist
Gastroenterologist Hepatologist
Hi-Tech Diagnostic Centre
Lungi Charsadda

هو الشانی
Consultation
On Appointment

(18)

HI TECH DIAGNOSTIC CENTER
OPP: Grid Station Hospital Road Tangi
Distt Charsadda
KPK Pakistan.
Postal Code 24540
Ph:0092-91-6555815
Email:mkhalilrahman@yahoo.com

ترجمہ اور جب میں بیمار ہوتا ہوں تو وہی (اللہ) مجھے شفا دیتا ہے

Faiz us Rehman
Handwritten signature

کلینک:
صافی ٹیک ڈائگنوسٹک سنٹر
بالتقابلہ گروڈیشن نزد تحصیل ہیڈ کوارٹر ہسپتال لنگی ضلع چارسدہ
فون: 091-6555815 091-5006085
0303-2555508

چھٹی بروز اتوار

ڈاکٹر ایم خلیل الرحمان
منیجر نیکل سپیشلسٹ
کیمسٹری ڈائگنوسٹک (ہیڈ آفس) لنگی (مدرہ آت)
چارسدہ (ہیڈ آفس) لنگی (مدرہ آت)

(19)

Ann — (E)



**OFFICE OF THE  
MEDICAL SUPERINTENDANT  
SERVICES HOSPITAL, PESHAWAR**

Phone: (Off) 091 9210509 (Exch) 091 9223472 Fax: 091 9210543

No. 3752 /MS/Admn/2014-15

Dated: 07/08/2014

Superintendent of Police  
Cantt Peshawar.

Subject: - VERIFICATION OF MEDICAL LEAVE.

Memo:-

With reference to your office letter No. 734/PA dated 08-07-2014, regarding verification of Medical leave in respect of Constable Faiz Ur Rehman No. 5209.

The Medical leave issued by this hospital in the name of above mentioned official are verified and found correct.

*Amir*  
*07/8/2014*  
Medical Superintendent  
Services Hospital  
Peshawar.

*Attested*  
**ATTESTED**

8

Ann - (D)

No.

Rs

OUT-PATIENTS DEPARTMENT

NAME ..... علی علی ..... BN No. 5209

YEARLY No. .... 33704 .....

DATE ..... 26-8-2013 .....

DISEASE .....

PAGE VALUE SHEET

C/Memo No. 17101-542540  
Invald  
on leave

Bach Para

COUNTERSIGNED BY:

[Signature]  
MEDICAL SUPERINTENDENT  
POLICE & SERVICES HOSPITAL  
PESHAWAR

[Signature]  
AP/Net  
ATTESTED

① 1/2 Tranapor

② 1/2 Tripural 25%  
8/11 [Signature]

③ 1/2 Printed  
61 months [Signature]  
Physician  
Police/Services Hospital

(9)

OUT-PATIENTS DEPARTMENT

NAME..... ضیفی.....

YEARLY No..... 29649.....

DATE..... 25/7/2012.....

DISEASE.....

Chubgo  
Schistocera

CNIC No: 17101-5985498-17  
REGISTERED BY: PAST VALON MEEA  
MEEA SUPERINTENDENT  
POLICE SERVICES HEADQUARTERS  
PESHAWAR

① Tab Buxari

② ~~Tab~~ 531A Partidurof

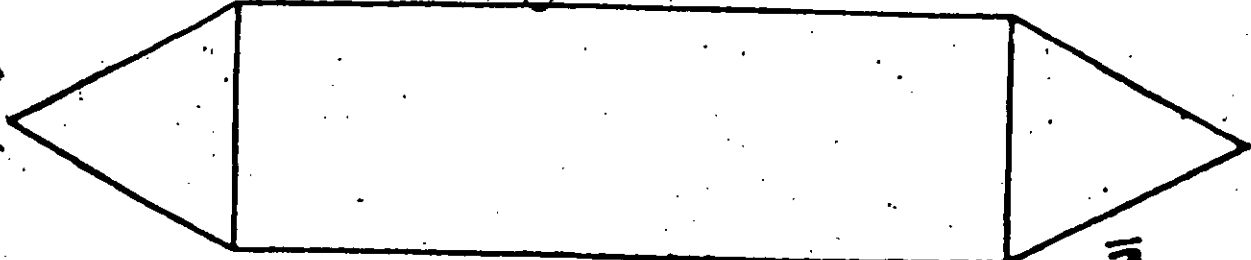
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2321

④ 04 weeks  
Schistocera  
Peshawar Services Hospital,  
Peshawar

ATTESTED

Ali

بعد الت منروسن لکھنؤ جوہ خیر بخشوں خوا اللہ



تاریخ 7 مئی 2015ء پنجاب - ایڈمنسٹریٹو  
مقدمہ فیض الرحمن سیم حکومت بنام  
دعویٰ سرکاری دہلی  
جیم

### باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پروردی جواب دی وی دیکل  
کارروائی متعلقہ آن مقام لکھنؤ کے لئے جی او ڈی جی محمد زکی اور ڈی ڈی کے  
مقررہ کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا نیز  
دیکل صاحب کو کرنے راضی نامہ و تقررات و فیصلہ برطرف دیے جواب دی اور اقبال دعویٰ اور  
بصورت دیگر کی کرنے اجراء اور وصولی چیک و روپیہ اور مرضی دعویٰ اور درخواست برتیم کی تصدیق  
ذرا میں پر دستخط کرنے کا اختیار ہوگا۔ نیز بصورت عدم پروردی یا دیگر کیفر یا اپیل کی برآمدگی اور سزا  
نیز دائر کرنے اپیل ٹکرائی و نظر ثانی و پروردی کرنے کا اختیار ہوگا۔ اور بصورت ضرورت مقدمہ مذکور  
کے کل یا جزوی کارروائی کے واسطے اور دیکل یا مشاورت قانونی کو اپنے ہمراہ یا اپنی بجائے تقرر کا اختیار  
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جلد مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ  
پداختہ منظور و قبول ہوگا و دوران مقدمہ میں جو خرچہ و ہرجانہ اتوائے مقدمہ کے سبب سے ہوگا۔  
اسکے مستحق دیکل صاحب موصوف ہوں گے۔ نیز بقایا و خرچہ کی ذمہ داری کرنے کا بھی اختیار ہوگا۔ اگر  
کوئی تاریخ پیشی مقام دورہ پر ہو یا عد سے باہر ہو تو دیکل صاحب پابند نہیں ہوں گے۔ کہ پروردی  
مذکورہ کریں۔ لہذا ذاکات نامہ لکھنؤ یا کہ مستند رہے۔

المترجم 7 مئی 2015ء

Attached & accepted  
[Signature]

بقام لکھنؤ کے لئے منظور ہے۔

ایڈمنسٹریٹو  
فیض الرحمن



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

**Service Appeal No.425/2015.**

Faiz-Ur-Rehman Ex- Constable No.5209 CCP Peshawar.....Appellant.

**VERSUS.**

1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Capital City Police Officer, Peshawar.
3. Superintendent of Police, Cantt, Peshawar.
4. SHO PS Hayatabad, Peshawar .....Respondents.

**Reply on behalf of Respondents No. 1, 2, 3&4.**

**Respectfully Sheweth:-**

**PRELIMINARY OBJECTIONS.**

1. That the appeal is badly time barred.
2. That the appeal is bad for mis-joinder and non-joinder of necessary parties.
3. That the appellant has not come to this Hon'able Tribunal with clean hands.
4. That the appellant has no cause of action.
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 this Hon'ble tribunal has no jurisdiction to entertain the appeal.

**FACTS:-**

- (1) Para No.1 pertains to record. Hence needs no comments.
- (2) Para No.2 is incorrect. He is a habitual absentee from his lawful duty and does not take interest in his duties.
- (3) Para No.3 is correct to the extent that the appellant while posted at PS Hayatabad willfully absented himself from his lawful duty w.e.f 25.07.2013 to 08.07.2014 (total 11 months and 13 days) without any leave or permission from his seniors. He was preceded departmentally under PR 1975. He was issued charge sheet and summary of allegations. The appellant was called time and again to appear before the E.O and defend himself but he did not turned up. Hence he was recommended for ex-parte action. As the charges of deliberate absence were stand proved against him .Hence he was awarded major punishment of dismissal from service vide OB No.2576 dated 25.08.2014 under PR 1975.
- (4) Para No.4 pertains to record hence no comments.
- (5) Para No. 5 is correct to the extent that the appellant preferred a departmental appeal but after due consideration was rejected/filed because the appellant is a habitual absentee and does not deserve any leniency.
- (6) That the punishment order is in accordance with law / rules, hence liable to be upheld.

**GROUNDS:-**

- a) Incorrect .The punishment order is in accordance with law and rules.
- b) Incorrect. The appellant was issued charge sheet along with summary of allegation. He was called time and again to defend the charges leveled against him but he did not turned up. He was also heard in person in OR on 24.04.2015, but he failed to defend himself.
- c) Incorrect. Being a member of a disciplined force the appellant was proceeded in accordance PR 1975.
- d) Incorrect. The appellant did not informed his seniors and absentee himself wilfully without taking permission /leave.
- e) Para pertains to record. Hence needs no comment. However the appellant did not adopted proper procedure for taking leave/permission.
- f) Incorrect. The punishment order is legal and per the law/rules.

**PRAYER:-**

It is therefore most humbly prayed that in light of above facts and submissions, the appeal of the appellant may kindly be dismissed with cost.

  
**Provincial Police Officer,  
Khyber Pakhtunkhwa,  
Peshawar.**

  
**Capital City Police Officer  
Peshawar.**

  
**Superintendent of Police  
Cantt, Peshawar.**

  
**Station House Officer,  
Hayatabad, Peshawar.**

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

**Service Appeal No.425/2015.**

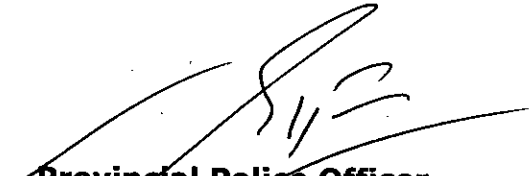
Faiz-Ur-Rehman Ex- Constable No.5209 CCP Peshawar.....Appellant.

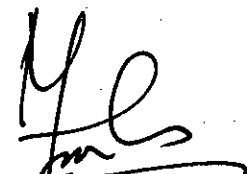
**VERSUS.**

1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Capital City Police Officer, Peshawar.
3. Superintendent of Police, Cantt, Peshawar.
4. SHO PS Hayatabad, Peshawar .....Respondents.


**AFFIDAVIT**

We respondents No. 1 ,2, 3 & 4 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  
Cantt, Peshawar.**

  
**Station House Officer,  
Hayatabad, Peshawar.**

# بعدالت سروک لزبول لشار



2016ء منجانب فضل الرحمان

فیض الرحمان بنام PPO وسیرہ

سروک لس

مورخہ  
مقدمہ  
دعویٰ  
جرم

## باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن مقام لشار کے لیے لفصل شاہ سمند الیڈ وکسٹ سپریم کورٹ مقرر کر کے اجراء کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے وہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

فیض الرحمان ولد فضل رحمان

سید

2016

16 ماہ مہی -

المرقوم

Attested

Accepted

العبد گواہ العبد

کے لئے منظور ہے۔

لسفاور

مقام

**BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR.**

Service Appeal No 425/2015.

Faiz-Ur-Rehman .....Appellant.

**VERSUS**

PPO & Others.....Respondents

**REPLICATION ON BEHALF OF THE APPELLANT.**

**REPLY TO PRELIMINARY OBJECTIONS.**

All the preliminary objections raised by the respondents are incorrect and as such denied. Instant appeal is well within time, in which all the necessary parties have been impleaded and the appellant has got a valid cause of action to file the instant appeal. Appellant has come to this honorable Tribunal with clean hands, the appellant is not stopped by his conduct to bring instant appeal, he has concealed nothing from this honorable Tribunal and this honorable Tribunal has got jurisdiction to entertain and adjudicate upon the matter.

**RELY TO FACTS/GROUNDS.**

Comments of the respondents are full of contradictions and are based on malafide. Respondents have failed to deny the version of the appellant regarding the illness and treatment through the Police and services hospital. Even the Medical chits were duly verified by the authority which was found correct; as such the impugned order is not maintainable in the eyes of law. Even as per the dictums of the August Supreme Court of Pakistan availing medical leave without permission could not be termed as act of misconduct. Even otherwise the absence from duty was not willful and deliberate rather the same was due to his severe illness and thus the appellant did nothing that would amount to misconduct. Exparte action has been taken against the appellant, and he has been condemned unheard. No charge sheet and show cause notice was communicated to the appellant, and similarly no inquiry in the matter was conducted to had found out the true facts and circumstances and the reasons behind his absence.

In the circumstances the appellant has been punished without any omission or commission on his part and he has not committed any misconduct and he has been condemned unheard in violation of law and rules. The period of absence has been regularized by treating the same as leave without pay, thus the appellant could not be punished on this ground again. It is also important to mention here that the impugned order is void being passed by an officer who is not the

competent authority thus the action taken is not maintainable in the eyes of law and liable to be struck down on this score alone. Respondents have also failed to substantiate their version and bring anything on record in support of their version; as such the impugned order is not maintainable in the eyes of law.

It is therefore prayed that appeal of the appellant may kindly be accepted as prayed for in the heading of the appeal.

Dated:-16-05-2016

*Prof.*  
Appellant

Through

*Fazal*  
Fazal Shah Mohmand  
Advocate Peshawar

## AFFIDAVIT

I, Faiz-Ur-Rehman Ex Constable No 5209 Capital City Police Peshawar (The Appellant), do hereby solemnly affirm and declare on oath that the contents of this **Replication** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal. *Prof.*

Identified by

*Fazal*  
Fazal Shah Mohmand

Advocate Peshawar.

DEPONENT

