

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL SHAWAR**

Service Appeal No.8828/2020

**SCANNED  
KPST  
Peshawar**

Date of Institution ... 05.08.2020

Date of Decision ... 10.01.2023

Sardar Munir, Ex Constable No. 1859, District Police Peshawar.

... (Appellant)

**VERSUS**

1. Capital City Police Officer, Peshawar.
2. Superintendent of Police, Cantt. Peshawar.
3. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.

... (Respondents)

Fazal Shah Mohmand  
Advocate

... For appellant.

Naseer Ud Din Shah,  
Assistant Advocate General

... For respondents.

Mrs. Rozina Rehman  
Miss. Fareeha Paul

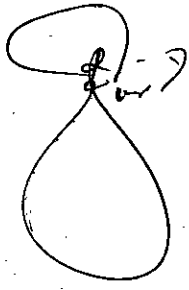
... Member (J)

... Member (E)

**JUDGMENT**

**ROZINA REHMAN, MEMBER:** The appellant has invoked the jurisdiction of this Tribunal through above titled appeal with the prayer as copied below:

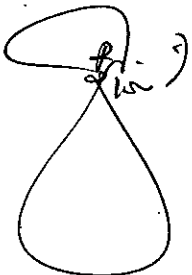
“On acceptance of this appeal, the impugned order dated 24.07.2020 of respondent No.1 and order dated 18.02.2020 of respondent No. 2 may kindly be set aside and the appellant may kindly be ordered to be reinstated in service with all back benefits.”



2. Brief facts of the case are that appellant joined the police department as constable in the year 1991. During service, while posted at PS Tatarā Peshawar, he fell ill and was unable to perform his duties. He, therefore, informed SHO concerned and visited different doctors. After recovery, he reported for duty on 17.03.2020 but due to Covid-19 and lockdown, offices were closed and no one was allowed to move or enter into offices. The appellant was informed regarding his dismissal from service on 15.06.2020. He then filed departmental appeal which was also rejected; hence the present service appeal.

3. We have heard Fazal Shah Mohmand, Advocate learned counsel for the appellant and Naseer Ud Din Shah, learned Assistant Advocate General for respondents and have gone through the record and the proceedings of the case in minute particulars.

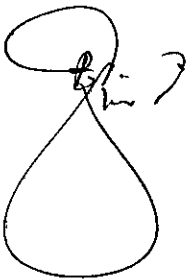
4. Fazal Shah Mohmand Advocate, learned counsel for appellant submitted that impugned orders were wrong, illegal, against law and facts as mandatory provisions of law and rules were badly violated by the respondents and appellant was not treated in accordance with law and rules. He argued that no charge sheet and show cause notice was issued and communicated to the appellant and as such impugned orders were not maintainable in the eyes of law. He further submitted that no proper inquiry was conducted in order to unearth the hidden facts and that no witness was examined in the presence of the appellant. It was contended that the appellant was not given any opportunity of personal hearing and absence on the part of appellant was neither willful nor

A handwritten signature or mark, possibly a stylized 'S' or 'F', with some illegible characters and a small arrow pointing to the right.

deliberate rather the same was due to circumstances compelling in nature and were beyond the control of the<sup>s</sup> appellant. He therefore, requested for acceptance of the appeal.

5. Conversely, learned AAG submitted that appellant while posted at PS Mechani Gate Peshawar absented from his official duty with effect from 26.05.2019 to 04.07.2019 and 09.12.2019 to 18.02.2020 without proper permission from the competent authority. In that regard he was issued charge sheet alongwith statement of allegations and SDPO Hayatabad was appointed as inquiry officer. During the course of inquiry he was summoned time and again but he did not turn up. The inquiry officer submitted his report and after fulfillment of all codal formalities he was awarded major punishment of dismissal form service.


6. From the record it is evident that the appellant was departmentally proceeded against on the allegation of absence. He, while posted at PS Mechani Gate absented himself from lawful duty w.e.f 26.05.2019 to 04.07.2019 and 09.12.2019 till the date of dismissal from service i.e 19.12.2020. He was charge sheeted on 23.07.2019 and for the purpose of scrutinizing his conduct, DSP Town was appointed as inquiry officer. He was summoned by the inquiry officer but he failed to attend his office. There is difference in respect of his absence in the impugned order as well as in the inquiry report. The dismissal order dated 19.02.2020 would reveal that he was shown absent for 109 days, while the inquiry report submitted by DSP would reveal his absence w.e.f 26.05.2019 to 04.07.2019 (for 39 days). The competent authority clearly

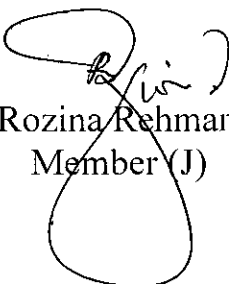


mentioned his absence from Mechani. Gate w.e.f 26.05.2019 to 04.07.2019 for (39 days), while the inquiry officer reported his absence from PS Hayatabad. There is no inquiry regarding his absence from 09.12.2019 to 19.02.2020. Speaking about the apparent delay occurring by submission of departmental appeal it was stated that appellant had fallen ill (necessary medical record provided) and on the other hand conditions prevailing due to lock down because of covid-19 and closure of offices caused such delay. So in view of the available record delay is condoned. Keeping in view the last request of the learned counsel for appellant and without touching other merits of the case, we are of the view that since the appellant has put in considerable regular service, it would be appropriate, keeping in view the circumstances of the case, to convert major penalty awarded in the shape of dismissal from service into that of compulsory retirement from service. As such, we convert the said penalty into that of compulsory retirement. Absence period is treated as leave without pay. Order accordingly. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED

10.01.2023

  
(Fareeha Paul)  
Member (E)

  
(Rozina Rehman)  
Member (J)

**ORDER**

10.01.2023

Fazal Shah Mohmand, Advocate for appellant present.

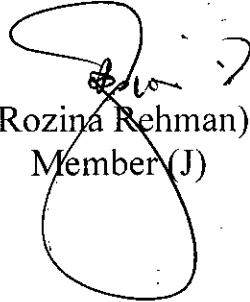
Naseer Ud Din Shah, learned Assistant Advocate General  
for respondents present.

Vide our detailed judgment of today placed on file,  
keeping in view the circumstances of the case it would be  
appropriate to convert major penalty awarded in the shape of  
dismissal from service into that of compulsory retirement  
from service. As such, we convert the said penalty into that  
of compulsory retirement. Absence period is treated as leave  
without pay. Order accordingly. Parties are left to bear their  
own costs. File be consigned to record room.

**ANNOUNCED**

10.01.2023

  
(Farsheha Paul)  
Member (E)

  
(Rozina Rehman)  
Member (J)

09.01.2023

Appellant present thorough counsel.

Muhammad Riaz Khan Pinadakhel learned  
Assistant Advocate General for respondents present.

Arguments heard. To come up for order on  
10.01.2023 before D.B.


Fareeha Paul)  
Member (E)


  
(Rozina Rehman)  
Member (J)

19<sup>th</sup> Oct., 2022

Junior to counsel for the appellant present. Mr. Kabirullah Khattak, Addl. AG for the respondents present.

Request for adjournment was made on behalf of learned counsel for the appellant due to his engagement in Honourable Peshawar High Court today. Last opportunity is granted To come up for arguments on 10.11.2022 before the D.B.

  
(Fareeha Paul)  
Member (E)

  
(Kalim Arshad Khan)  
Chairman


10.11.2022


Junior to counsel for the appellant present.

Mr. Muhammad Adeel Butt, learned Additional Advocate General for the respondents present.

Former requested for adjournment due to engagement of learned senior counsel for the appellant in august Supreme Court of Pakistan. Adjourned. To come up for arguments on 09.01.2023 before the D.B.

SCANNED  
KPST  
Peshawar

  
(Fareeha Paul)  
Member (E)

  
(Rozina Rehman)  
Member (J)

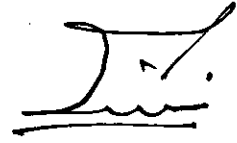
30.03.2022

Learned counsel for the appellant present.

Mr. Ahmad Jan S.I (Legal) alongwith Mr. Asif Masood Ali Shah, learned Deputy District Attorney for the respondents present and submitted copies of inquiry record consisting of 8 sheets. Copies of the same also handed over to the learned counsel for appellant who sought adjournment on the ground that she has not gone through the aforementioned record. Adjourned. To come up for arguments on 13.05.2022 before D.B.



(Rozina Rehman)  
Member (J)



(Salah-Ud-Din)  
Member (J)

13-5-22

Proper DB not available in case of  
adjourned on 9-6-22

9.6.22

Proper DB is an <sup>of</sup> ~~an~~ <sup>Reader</sup> ~~is~~ <sup>is</sup> ~~therefore~~ <sup>therefore</sup> ~~the~~ <sup>the</sup> ~~case~~ <sup>case</sup>  
is adjourned to 9-8-22 for ~~same~~.

9-8-2022

Due to the Public holiday the case  
is adjourned to 19-10-2022

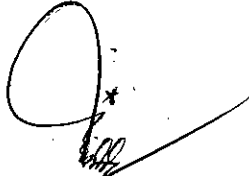
  
Reader



07.10.2021

Junior to counsel for the appellant and Mr. Muhammad Adeel Butt, Addl. AG alongwith Aziz Shah, H.C for the respondents present.

Learned counsel for the appellant is stated to be busy before the august Supreme Court of Pakistan and request for adjournment is made on his behalf. Request is accorded. To come up for arguments on 06.12.2021 before the D.B.

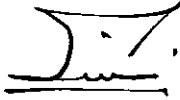
  
(Mian Muhammad)  
Member(Executive)

  
Chairman

06.12.2021

Counsel for the appellant and Mr. Noor Zaman, District Attorney alongwith Aziz Shah, H.C for the respondents present.

Counsel for the appellant seeks adjournment in order to further prepare the brief. Request is accepted. To come up for arguments before the D.B on 20.01.2022.

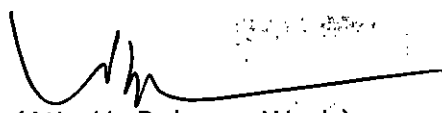
  
(Salah-ud-Din)  
Member(J)

  
Chairman

20.01.2022

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

Clerk to counsel for the appellant requested for adjournment on the ground that his counsel is not available today due to general strike of the bar. Adjourned. To come up for arguments before the D.B on 30.03.2022.

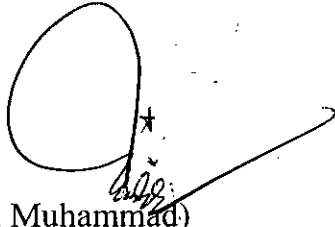
  
(Atiq-Ur-Rehman Wazir)  
Member (E)

  
Chairman

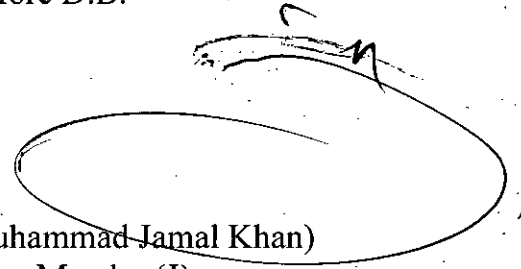
08.02.2021

Appellant with counsel present. Mr. Kabirullah Khattak, Addl: AG alongwith Mr. Aziz Shah, Reader for respondents present.

Appellant submitted rejoinder which is palced on file. Requested for adjournment was made for addressing the arguments. The request is acceded to and the appeal is adjourned 08.04.2021 for arguments before D.B.



(Mian Muhammad)  
Member (E)



(Muhammad Jamal Khan)  
Member(J)

08.04.2021

Due to absence of learned Chairman, Tribunal is defunct, therefore, case is adjourned to 26.7.21 for the same as before



Reader

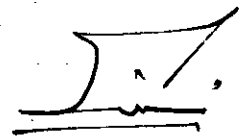
26.07.2021

Appellant in person present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Appellant requested for adjournment on the ground that his counsel is not available today. Adjourned. To come up for arguments before the D.B on 07.10.2021.



(ATIQU-UR-REHMAN WAZIR)  
MEMBER (EXECUTIVE)



(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

18.09.2020

Counsel for the appellant present.

Contentends that the impugned order dated 19.02.2019 was passed against the appellant without conducting proper/regular enquiry. The so-called proceedings culminated into passing of major penalty of dismissal from service against the appellant. Further, no statement of allegations or charge sheet was communicated to the appellant during the departmental proceedings which was also violative of the relevant rules. Speaking about apparent delay occurring in submission of departmental appeal, learned counsel stated that on one hand the appellant had fallen ill (necessary medical record provided) and on the other the conditions prevailing due to lock down because of COVID 19 and closure of offices, caused such delay. In peculiar circumstances the same could be disregarded, it was added.

Subject to all just exceptions, instant appeal is admitted to regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 16.11.2020 before S.B.

Appellant Deposited  
Security & Process Fee

SCANNED  
KPST  
Peshawar

  
Chairman

16.11.2020

Junior to counsel for the appellant and Addl. AG alongwith Aziz Shah Reader for respondents present.

Representative of the respondents has furnished reply/comments. Placed on record. The matter is assigned to D.B for arguments on 08.02.2021. The appellant may furnish rejoinder within a fortnight, if so advised.

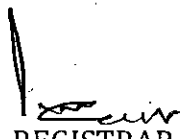

  
Chairman

Form- A

# FORM OF ORDER SHEET

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

Case No.- 8828/2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge		
1	2	3		
1-	05/08/2020	<p>The appeal of Mr. Sardar Munir presented today by Mr. Fazal Shah Mohmand Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>2-</p>		<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>18/09/2020</u></p> <p style="text-align: right;"> CHAIRMAN</p>

**BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR**

Service Appeal No 8828 /2020

SCANNED  
KPST

Sardar Munir.....Appellant Peshawar

**V E R S U S**

CCP and Others.....Respondents

**I N D E X**

S.No	Description of Documents	Annexure	Pages
1.	Service Appeal		1-4
2.	Copies of Medical Chits	A	5-15
3.	Copy of Order dated 18-02-2020, Departmental Appeal & Order dated 24-07-2020	B, C & D	16-18
4.	Copy of Letter dated 10-07-2020	E	19.
5.	Vakalat Nama		20

Dated:-04-08-2020

  
Appellant  
Through (Sardar Munir)

  
Fazal Shah Mohmand  
Advocate,  
Supreme Court of Pakistan.

**OFFICE:-** Cantonment Plaza Flat 3/B Khyber Bazar Peshawar Cell# 0301 8804841  
**Email:-** fazalshahmohmand@gmail.com

**BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR**

Service Appeal No 8328 /2020

Sardar Munir Ex Constable No 1859, District Police Peshawar.

.....Appellant

**V E R S U S**

Khyber Pakhtunkhwa  
Service Tribunal

Diary No 8240

Dated 05/8/2020

1. Capital City Police Officer Peshawar
2. Superintendent of Police, Cantt. Peshawar.
3. Provincial Police Officer KPK Peshawar. ....Respondents

**APPEAL U/S 4 OF THE KPK SERVICE TRIBUNAL ACT 1974 AGAINST THE ORDER DATED 24-07-2020 PASSED BY RESPONDENT NO 1 WHERE BY DEPARTMENTAL APPEAL OF THE APPELLANT FILED AGAINST THE ORDER DATED 18-02-2020 OF RESPONDENT NO 2 HAS BEEN REJECTED/DISMISSED.**

**PRAYER:-**

On acceptance of this appeal the impugned Order dated 24-07-2020 of respondent No 1 and Order dated 18-02-2020 of respondent No 2 may kindly be set aside and the appellant may kindly be ordered to be reinstated in service with all back benefits.

**Respectfully Submitted:-**

1. That the appellant joined the respondent Department as Constable in the year 1991 remained posted to various Police Stations and since enlistment he performed his duties with honesty and full devotion.
2. That the appellant while lastly posted to Police Station Tatara Peshawar fell ill during duty and was unable to have performed his duties, so informed the SHO concerned and thus time and again visited the Doctors who advised him medicines and bed rest. **(Copies of Medical Chits are enclosed as Annexure A).**
3. That after recovery the appellant reported for duty on 17-03-2020 but due to Covid-19 and Lockdown the offices were closed and no one was allowed to move or enter the offices, and finally after about three months of Lockdown when easing the Lockdown on 15-06-2020 the appellant was told that he has been dismissed from service by respondent No 2 vide order dated 18-02-2020, the appellant obtained copy of his dismissal order at the same time and filed departmental appeal before respondent No 1 which was also rejected/dismissed vide Order

**Filed to-day**

**Registrar**

5/8/2020

dated 24-07-2020 on the ground of limitation. **(Copy of Order dated 18-02-2020, departmental Appeal & Order dated 24-07-2020 is enclosed as Annexure B, C & D).**

4. That the impugned order dated 24--07-2020 of respondent No 1 and order dated 18-02-2020 of respondent No 2 are against the law, facts and principles of justice on grounds inter alia as follows:-

**GROUND S:-**

- A. That the impugned orders are illegal and void ab-initio.
- B. That mandatory provisions of law and rules have badly been violated by the respondents and the appellant has not been treated according to law and rules and the appellant did nothing that amounts to misconduct.
- C. That the impugned order is void being issued by incompetent authority and as such time factor becomes irrelevant in such eventuality.
- D. That no Charge Sheet and Show Cause Notice was communicated to the appellant and as such the impugned orders are not void and maintainable in the eyes of law.
- E. That no proper inquiry was conducted in presence of appellant to find out the true facts and circumstances, no one was examined in presence of the appellant, thus too the impugned order is void.
- F. That ex-parte action has been taken against the appellant and was never associated with proceedings.
- G. That the appellant was not provided opportunity of personal hearing.
- H. That even no proceedings under the law in case of absence were taken.
- I. That even otherwise the absence from duty was not willful and deliberate rather the same was due to circumstances compelling in nature and were beyond the control of the appellant as well.
- J. That malafide is proved from the letter dated 10-07-2019 which was addressed to the DPO Mardan and on the same very letter before the issuance of Show Cause Notice the appellant was dismissed from service. **(Copy of letter dated 10-07-2019 is enclosed as Annexure E).**

**K.** That the appellant has about 30 years of service with unblemished service record and is jobless since his illegal dismissal from service.

**L.** That the appellant seeks the permission of this honorable tribunal for further/additional grounds at the time of arguments.

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

**Dated:-04-08-2020**

  
**Appellant**  
**Through (Sardar Munir)**

  
**Fazal Shah Mohmand**  
**Advocate,**  
**Supreme Court of Pakistan**



**BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR**

Service Appeal No \_\_\_\_\_/2020

Sardar Munir.....Appellant

**V E R S U S**

CCP and Others.....Respondents

**Application for condonation of delay if any**

**Respectfully Submitted:-**

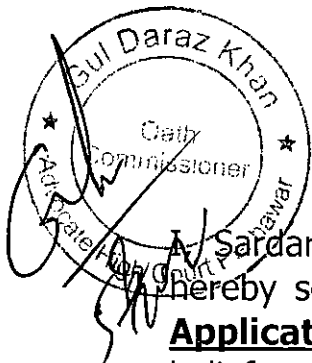
1. That the accompanying appeal is being filed today in which no date of hearing has been fixed so far.
2. That the grounds of appeal may be considered as integralPart of this application.
3. That ex-parte action has been taken against the appealing, impugned order has been issued by incompetent authority, furthermore due to Covide-19 and Lockdown the offices were closed and no one was allowed to move or enter the offices, and finally after about three months of Lockdown when easing the Lockdown on 15-06-2020 the appellant was told that he has been dismissed from service by respondent No 2 vide order dated 18-02-2020, the appellant obtained copy of his dismissal order at the same time and filed departmental appeal before respondent No 1, hence not only time factor becomes irrelevant in such eventuality rather as per law the appellant soon after coming to know of the impugned order filed departmental appeal on the same very day, the departmental appeal was well within time.
4. That the law as well as the dictums of the superior Courts also favors decisions of cases on merit.

**It is therefore prayed that on acceptance of this application, the delay if any in filing of appeal may kindly be condoned.**

**Dated:-04-08-2020**

Through  Appellant  
(Sardar Munir)

**ATTESTED**



  
**Fazal Shah Mohmand**  
**Advocate,**  
**Supreme Court of Pakistan**

**AFFIDAVIT**

I, Sardar Munir Ex Constable No 1859, District Police Peshawar, do hereby solemnly affirm and declare on oath that the contents of this **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.

DEPONENT 

Assistant Professor

Dr. Tariq Ahmad

MBBS (Pesh), FCPS (Urology)

Clinical fellowship Paediatric urology (SIUT)

Bachā Khan Medical College Mardan

Consultant Urologist & Incharge Urology Unit

Mardan Medical Complex

Member Pakistan Urological Association

Patient Name:

Sardar Muneer

Age

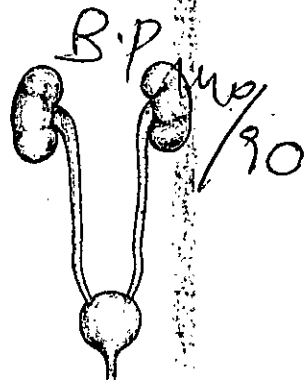
47 yrs

Date

24/5/2019

Nausea, vomiting  
epigastric pain  
vertigo + fever.

pass 10 Litr



Inj. Probas 10 stat

Inj. Toradol 10 stat

Inj. Nospas 40mg 10 stat

Inj. Nelim 40mg 10 stat

Inj. Onset 8mg 10 stat

Inj. Obedol 2gm x 100ml Dext.

Tab Nospas 40mg  
1-1

- Cap Nelim 40mg  
1-1

- Syg Paracetamol  
11 mg

027 - Syg Paracetamol  
11 mg

023 - Tab Moxidect 200mg  
1-1

20  
Twenty days Bed Rest

ڈاکٹر طارق احمد

24/5/2019 - 29/6/2019

ایم بی بی ایس (نشانہ)، ایف سی پی ایس (یورالوجی)

کلینیکل فیلو جیلڈرن یورالوجی (ایس آئی یو)

اسٹنٹ پروفیسر ماردان میڈیکل کالج

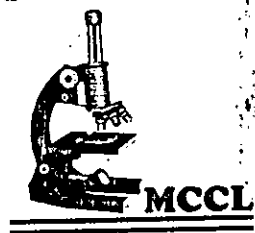
گروہ، نشانہ، پتھری، پراسٹریٹ

Ade  
ALT  
Bilirubin  
S/Amylase  
Uric A/E

مردان کلینک: خیبر ہسپتال  
شہری روڈ ماردان  
موبائل: 0313-5702052 فون: 0937-871991-92  
0937-866165

ATTENDED

# MEDI-CARE



## CLINICAL LABORATORY

Medical Record No: 1439-08-019

Patient Name; SARDAR MUNEER

Registration Date: 24 ,,,,05 ,,,2019

Father/Husband Name: ?

Age/Sex: Yrs/ FE MALE

Reference.; SELF  
Specimen: Urine

### URINE R/E

TEST	RESULT
------	--------

#### Physical Examination.

Color	:	P. YELLOW
Appearance	:	CLEAR
Blood	:	NIL

#### Chemical Examination.

Sugar Test	:	NIL
Albumin	:	(+)
pH	:	NIL

#### Microscopic Examination.

Pus Cells	:	NUMROUS
RBC's Cells	:	02....04
EPitelial cells	:	NIL
MUCOUS Threads	:	NIL
A Urats	:	(+ +)
c-oxalate	:	NIL
CRYSTAL	:	NIL

REAL TIME PCR HISTOPATHOLOGY, MICROBIOLOGY, HAEMATOLOGY, CHEMICAL PATHOLOGY, IMMUNOLOGY, VIRAL MARKERS MONITORING.

**NOT VALID COURT PURPOSE.**

**DR. SAID UL ABRAR**  
*MBBS*  
*M.PHIL and Phd public health.*

**DR. ILYAS Khan**  
*Bs microbiology*  
*M.PHIL and phd microbiology*

**NOOR UL HUSSAIN**  
*BS Pathology*  
*DMLT*

**AWAL GUL**  
**Laboratory**  
**Tecnician.**

**ADD; JAMSHEER PLAZA SHOP(3) OPP EMERGENCY GATE MMC MARDAN**

# MEDI-CARE

## CLINICAL LABORATORY



- 7 -

Medical Record No: 1767

Patient Name: SARDAR MUNEER

Father/Husband Name: ?

Age/Sex: Yrs/ MALE

Registration Date; 24<sup>5</sup> -06-2019

Reference ; SELF  
Specimen: BLOOD

### BIO-CHEMISTRY REPORT

TEST	NORMALE VALUE	UNIT	Result
• SGPT (ALT)	Up to 42	U/L	45

### BIO-CHEMISTRY REPORT.

TEST	NOMALE VALUE	UNIT	RESULT
• S.AMYLASE	UP TO 96	U/L	198

REAL TIME PCR HISTOPATHOLOGY, MICROBIOLOGY, HAEMATOLOGY, CHEMICAL PATHOLOGY, IMMUNOLOGY, VIRAL MARKERS MONITORING.

**NOT VALID COURT PURPOSE.**

**DR. SAID UL ABRAR**  
MBBS  
M.PHIL and Phd public health.

**DR. ILYAS Khan**  
Bs microbiology  
M.PHIL and phd microbiology

**NOOR UL HUSSAIN**  
BS Pathology  
DMLT

**AWAL GUL**  
Laboratory  
Tecnician.

**ADD; JAMSHEER PLAZA SHOP(3) OPP EMERGENCY GATE MMC MARDAN**



Assistant Professor

Dr. Tariq Ahmad

MBBS (Pesh), FCPS (Urology)

Clinical fellowship Paediatric urology (SIUT)

Bacha Khan Medical College Mardan

Consultant Urologist & Incharge Urology Unit

Mardan Medical Complex

Member Pakistan Urological Association

Patient Name:

Sardar Muneer

Age

47y

Date

28-06-2019

- Fever
- Nausea vomiting
- vertigo
- Chills
- Renal colic

pass urine

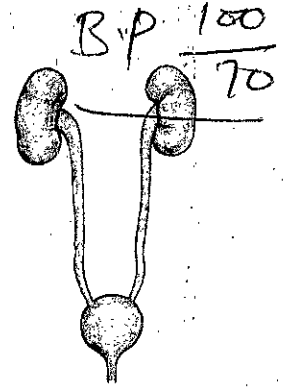
Uj Transabdominal USG

- Uj ESSO hydroureter

- Uj Tended ureter

- Uj sound ureter

- Uj Foley ureter



Tab Tramalpas

- Cap ESSO hydroureter

- Cap ureter hydroureter

- Clean cut sacche

Uj ureter

8m days Bed Rest

28-06-2019 To 5-07-2019

یورالوجسٹ

ڈاکٹر طارق احمد

ایم بی بی ایس (پشاور)، ایف سی پی ایس (یورالوجی)

کلینیکل فیلو جلد رن یورالوجی (ایس آئی یوٹی)

اسٹنٹ پروفیسر مردان میڈیکل کالج

مردان

گروہ، مٹانہ، چٹھری، پراسٹریٹ

ATTESTED

# MEDI-CARE



## CLINICAL LABORATORY

Medical Record No: 1439-08-019

Patient Name; SARDAR MUNEEER

Registration Date: 28 / 06 / 2019

Father/Husband Name: ?

Age/Sex: Yrs/ MALE

Reference.; SELF

Specimen: Urine

### URINE R/E

TEST	RESULT
------	--------

#### Physical Examination.

Color	:	P. YELLOW
Appearance	:	CLEAR
Blood	:	NIL

#### Chemical Examination.

Sugar Test	:	NIL
Albumin	:	(+)
pH	:	NIL

#### Microscopic Examination.

Pus Cells	:	10....12
RBC's Cells	:	02....04
EPitelial cells	:	NIL
Mucous Threads	:	N
A Urats	:	(+ +)
c-oxalate	:	NIL
CRYSTAL	:	NIL

REAL TIME PCR HISTOPATHOLOGY, MICROBIOLOGY, HAEMATOLOGY, CHEMICAL PATHOLOGY, IMMUNOLOGY, VIRAL MARKERS MONITORING.

**NOT VALID COURT PURPOSE.**

**DR. SAID UL ABRAR**

MBBS

M.PHIL and Phd public health.

**DR. ILYAS Khan**

BS microbiology

M.PHIL and phd microbiology

**NOOR UL HUSSAIN**

BS Pathology

DMLT

**AWAL GUL**

Laboratory

Tecnician.

**ADD; JAMSHEER PLAZA SHOP(3) OPP EMERGENCY GATE MMC MARDAN**

ATTENDED

Assistant Professor

Dr. Tariq Ahmad

MBBS (Pesh), FCPS (Urology)

Clinical fellowship Paediatric urology (SIUT)

Bacha Khan Medical College Mardan

Consultant Urologist & Incharge Urology Unit

Mardan Medical Complex

Member Pakistan Urological Association

Patient Name:

Zardas Muneer

Age

47 yrs

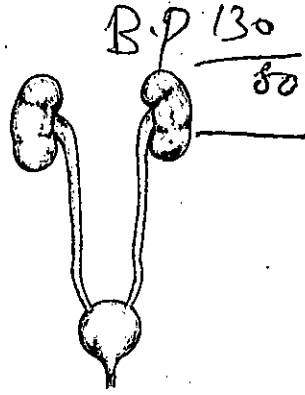
Date

31-06-2019

Heat Burn  
Resistis  
Nausea, vomiting  
High grade fever. 103 F

pass urine

Inj Flagyl No Stat  
Inj Moxifloxacin No Stat  
Inj Relispa 4mg No Stat  
RLD wound No Stat  
Inj Probas No Stat



Tab Flagyl 400mg  
1-1  
Tab Cipraloxone  
1-1  
Tab Spodix  
1-1  
OEM ORS

Ade

S / electrolytes

EBC

MP

Tymollet

Twenty Seven days Full Bed Rest.  
31-06-19 TO 26-06-2019.

یورالوجسٹ

ڈاکٹر طارق احمد

ایم بی بی ایس (پشاور)، ایف سی پی ایس (یورالوجی)

کلینیکل فیلو چلڈرن یورالوجی (ایس آئی یوٹی)

اسٹنٹ پروفیسر مردان میڈیکل کالج

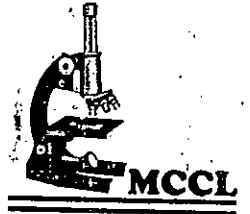
اہل اسرار

گروہ، مٹانہ، پتھری، پراسٹریٹ

Signature

مردان کلینک: خیر ہسپتال  
شہری روڈ مردان  
موبائل: 0313-5702052 فون: 0937-871991-92  
0937-866165

# MEDI-CARE



## CLINICAL LABORATORY

Medical Record No: 1936-08-0 19

Patient Name: SARDAR MUNEER

Father/Husband Name: ?

Age/Sex: Yrs/ 47MALE

Registration Date: 31,06,2019

Reference;; MMC

Specimen: BLOOD

### BIO-CHEMISTRY REPORT (SERUM ELECTROLYTES)

TEST	NOMALE VALUE	UNIT	RESULT
Potassium (K <sup>+</sup> )	3.50—5.50	mmol/L	2.40
Sodium (Na)	135---150	mmol/L	139.2
Chloride (Cl)	96----110	mmol/L	99.3

**Potassium**, Raised in shock or circulatory failure, too rapid parental administration of solution containing potassium, orally excess administration of K<sup>+</sup> salts failure of adequate administration activity ↑  
Lowered in excessive loss of K<sup>+</sup> from the gut & from kidney, of extra cellular fluids by fluids containing inadequate K<sup>+</sup> during dehydration etc ↓

**Sodium**, Raised in loss of water & excess of salt in take, excess of circulating adrenal mineral corticosteroid ↑  
Lowered in loss of Na<sup>+</sup> from the gut, loss of Na<sup>+</sup> from kidney water intoxication etc ↓

**Chloride**, Raised in uretero - sigmoid anastomosis prolonged sweating, diabetes insipidus, renal failure with gross dehydration etc ↑  
Lower in loss of chlorides by vomiting, chronic renal failure, adrenocortical deficiency, water intoxication ↓

REAL TIME PCR HISTOPATHOLOGY, MICROBIOLOGY, HAEMATOLOGY, CHEMICAL PATHOLOGY, IMMUNOLOGY, VIRAL MARKERS MONITORING.

**NOT VALID COURT PURPOSE.**

**DR. SAID UL ABRAR**

MBBS

M.PHIL and Phd public health.

**DR. ILYAS Khan**

Bs microbiology

M.PHIL and phd microbiology

**NOOR UL HUSSAIN**

BS Pathology

DMLT

**AWAL GUL**

Laboratory

Tecnician.

**ADD; JAMSHEER PLAZA SHOP(3) OPP EMERGENCY GATE MMC MARDAN**



# MEDI-CARE MCCL

## CLINICAL LABORATORY

Medical Record No: 1439-06-020  
Patient Name; SARDAR MUNEER  
Father/Husband Name: ?  
Age/Sex: Yrs/MALE

Registration Date: 31,06,2019

Reference.; MMC  
Specimen: BLOOD

CNIC:

### HEMATOLOGY REPORT

TEST	RESULT	NORMALE
TLC	15.000	(4000 - 11000/cmm)
Hb% Test	12.7g/dl	(12 - 16 g/dl)
Platelets	2.30,000 /cmm	(150000 - 400000 /cmm)

### Differential Leucocytes Count,

Neutrophils	79%	48 - 73%
Lymphocytes	15%	18 - 48%
Monocytes	05 %	02 - 09%
Eosinophils	01 %	00 - 05%
Basophils	00 %	00 - 02%

**NOT VALID COURT PURPOSE.**

DR. SAID UL ABRAR  
MBBS  
M.PHIL and Phd public health.


DR. ILYAS Khan  
Bs microbiology  
M.PHIL and phd microbiology

Shehzad Ali  
BS Pathology

NOOR UL HUSSAIN  
BS Pathology  
DMLT

AWAL GUL  
Laboratory  
Tecnician.

ADD; JAMSHEER PLAZA SHOP(3) OPP EMERGENCY GATE MMC MARDAN.

  
ANALYST

- LISA
- Ev, Hbs, Hiv, pylori.
- Pcr (Qualitative Quantitative Genotype)
- HBV (Profile)
- Coagulation profile Pt, Aptt, INR, FDPs, BT, CT...
- G6PD
- HBIAc
- Culture/ Sensitivity
- TFTs (TSH, T3, T4)
- Hormones Profile (Lh, FSH, Prolectien, Estrogen, ...)
- Lipid (Profile)
- Beta HCG
- Alpha feto Protien
- Sputum AFB
- Torch Profile
- BIOPSY
- SERUM Electrolyte
- D.DIMER
- Vitamin D
- Anti (CCP)
- CORTISOL (AM., PM)
- S. (Ferritin)
- (HB Electrophoresis)
- (P S A)
- CA (125)
- (CPK)



# MEDI-CARE

## CLINICAL LABORATORY

Medical Record No: 1736-10-019

Patient Name; SARDAR MUNEER

Father/Husband Name: ?

Age/Sex: Yr MALE

Registration Date: 31/06/2019

Reference: SELF  
Specimen: BLOOD

### IMMUNOLOGICAL REPORT

TEST	RESULT
TYPHIDOT IgG	POSITIVE (+, VE)
TYPHIDOT IgM	POSITIVE (+ VE)
H.PYLORI	POSITIVE (+VE)
MP (ICT)	NEGATIVE (- VE)

REAL TIME PCR HISTOPATHOLOGY, MICROBIOLOGY, HAEMATOLOGY, CHEMICAL PATHOLOGY, IMMUNOLOGY, VIRAL MARKERS MONITORING.

**NOT VALID COURT PURPOSE.**

**DR. SAID UL ABRAR**  
*MBBS*  
*M.PHIL and Phd public health.*

**DR. ILYAS Khan**  
*BS microbiology*  
*M.PHIL and phd microbiology*

**NOOR UL HUSSAIN**  
*BS Pathology*  
*DMLT*

**AWAL GUL**  
*Laboratory*  
*Tecnician.*

**ADD; JAMSHEER PLAZA SHOP(3) OPP EMERGENCY GATE MMC MARDAN.**

ATTENDED

Assistant Professor

Dr. Tariq Ahmad

MBBS (Pesh), FCPS (Urology)

Clinical fellowship Paediatric urology (SIUT)

Bacha Khan Medical College Mardan

Consultant Urologist & Incharge Urology Unit

Mardan Medical Complex

Member Pakistan Urological Association

Patient Name:

Jardar Mumtaz

Age

42yrs

Date

11-12-2019

Weakness

Heart Burn

Constipation

Tab Gurbet-2

پکڑے نیر (1)

Cap Riset 40mg

نیر (2)

Syp Timentin

نیر (1)

Tab Motiget 40mg

پکڑے نیر (1)

Sylbari Del

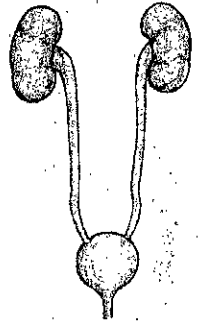
پکڑے نیر (1)

- Full Bed Rest

11-12-2019 to 29-12-2019

مردان

گردہ، مثانہ، پتھری، پراسٹریٹ



یورا لوجسٹ

ڈاکٹر طارق احمد

ایم بی بی ایس (پشاور)، ایف سی پی ایس (یورا لوجی)

کلینیکل فیلو جیلڈرن یورا لوجی (ایس آئی یو بی)

اسٹنٹ پروفیسر مردان میڈیکل کالج

سٹریٹ روڈ مردان  
0937-871991-92  
0937-866165

مردان کلینک: خیبر ہسپتال

موبائل: 0313-5702052 فون

ATTESTED



Assistant Professor

Dr. Tariq Ahmad

Urology

Clinical fellowship Paediatric urology (SIUT)

Bacha Khan Medical College Mardan  
Consultant Urologist & Incharge Urology Unit  
Mardan Medical Complex  
Member Pakistan Urological Association

-15-

Patient Name:

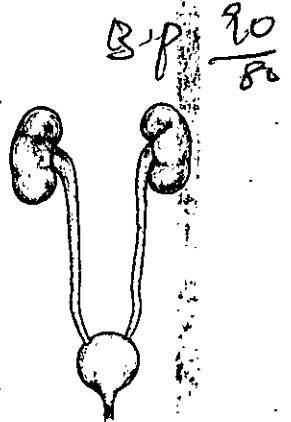
Sardar Muneer

Age 47 yrs

Date 02-01-2020

Epigastrikan + Bleeding  
Fever

Pass urine



Tab Tilen 2gm No. 50

Tab Dloxex No. 5

3 دن تک روزانہ

Tab Ciprokin 500mg

1-1

Tab Klit 500mg

1-1

Sup Meneid Post  
1-1

Full days Bed

02-01-2020

امراض

گروہ، مشانہ، چٹھری، پراسٹریٹ

یورالوجسٹ  
ڈاکٹر طارق احمد

ایم بی بی ایس (بٹلور)، ایف سی پی ایس (یورالوجی)

کلینیکل فیلو جلد دن یورالوجی (ایس آئی یوٹی)

اسٹنٹ پروفیسر مردان میڈیکل کالج

مردان کلینک: خیبر ہسپتال  
شہری روڈ مردان  
موبائل: 0313-5702052 فون: 0937-871991-92  
0937-866165

ADMITTED

ORDER

-16- "B"

This office order will dispose off the departmental proceedings against Constable Sardar Munir, No. 1859 who while posted at Police Station Gate absented himself from his lawful duty with effect from 26.05.2019 to 04.07.2019 & 09.12.2019 to till date.

Under Police Rules 1975 (amended 2014) proper charge sheet alongwith summary of allegation were issued against Constable Sardar Munir No. 1859 and SDPO Hayatabad was appointed as enquiry officer to scrutinize the conduct of Constable Sardar Munir No. 1859.

The enquiry officer submitted finding and stated that the allegations leveled against him is proved. Hence, he was issued final show cause notice, and sent to the alleged constable to his home address through DPO Mardan vide memo no. 88/PA dated 10.01.2019. But he did not submit reply nor appear before the undersigned within specified period. This shows his lack of interest in official duty and shows negligence. He is neither joined enquiry/parade nor appeared before the undersigned.

P-19

Keeping in view of the above and recommendation of the undersigned, I, Tassawar Iqbal (PSP), SP Cantt, Peshawar being a competent authority, agree with the recommendation of the enquiry officer. Therefore, under Police Disciplinary Rules 1975, Constable Sardar Munir No. 1859 is hereby awarded major punishment of dismissal from service, with immediate effect.

No: 647 PA  
Dt: 21/02/2020  
Senior Superintendent of Police

Date 18-2-2020

(TASSAWAR IQBAL) PSP  
SUPERINTENDENT OF POLICE,  
CANTT. PESHAWAR

No. 647 /SP/Cantt: dated Peshawar, the 21/2/2020.

Copy for information and necessary action to the:-

1. The Sr. Superintendent of Police, Operation, Peshawar.
2. The Superintendent of Police-Headquarter: Peshawar.
3. SDPO Town enquiry officer.
4. Pay Officer.
5. CRC,
6. GASI branch.
7. Fauji Missal branch with enquiry file for record.
8. Official concerned.

Hos/osi/kee  
aw cut cr.

Senior Superintendent of Police  
Operations, Peshawar

f

محبت جناب کونسل سٹی پولیس امیر صاحبہ پشاور  
میں۔ ٹھکانہ اسلیم پیر خلاف حکم جاری نہ رہا۔ اعلیٰ جناب DSP کونسل  
پشاور جسکی بنا پر سائل کو مللزلت سے برخواست کیا گیا ہے۔

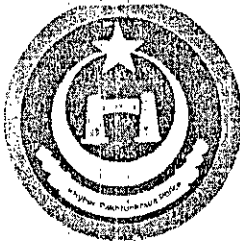
جناب عالی! موٹا نم گزراؤں کے سائل سال 1991ء کو حکم پولیس میں رجسٹریشن  
جوئی ہو کر رطوبت میں آئے۔ ریکورڈ کے سائل ضلع پشاور کے مختلف  
تھانہ حیات اور پولیس میں حسب الگ امڈان بالترتیب ریکورڈ داغ مللزلت  
انجاری۔ اور حکم پولیس میں تقریباً 30/31 سال مللزلت انجاری ہے۔

جناب عالی! سائل ڈوٹی سے غیر حاضری قصداً ملتا نہیں تھی۔ بلکہ دوران ڈوٹی  
سخت بیمار ہو کر مختلف ڈاکٹران کے حکم لاکر علاج معالجہ میں سائل  
ڈوٹی سے ماضی رہا۔ اور زندگی اور موت کی کشمکش میں گزاری۔ تھوڑا جتنا سہارا  
حاضر کر کے روئے گا۔ سہارا لیکن خدا کے فضل پر اس سے صحت ہو۔

مللزلہ ازمیں سائل کا پراہانی بخت منیر کنسٹبل نمبر 3302 جو کہ تمام حیات ابار میں  
تھا 14 اگست 2015ء کو نامعلوم شخص سینڈروں کی فائرنگ سے لگا کر شدید زخم  
(FIR گالی پوراہ رف ہے) جس کے جواب الٹہ 10 لڑکے اور ایک سائل کی لگانے  
اور نگرانی بھی سائل نے بنی۔ جس سے سائل اب بھی پریشان حال ہے۔

سائل اب صحت الٹہ میں مبتلا ہو چکا ہے۔ اور جسمانی طور پر بھی کمزور ہے۔  
حکم میں 30/31 سال کے داغ مللزلت، پراہانی کی شہادت اور موجودہ سہارا کو  
عدالت کو ریکورڈ کے سائل کو مللزلت پر بحال کرنے کا حکم صادر فرما کر فوری طور پر  
سائل کو انڈیا میں سماعت کا موقع ہی نہیں دیا گیا ہے۔ اور سائل کو سہارا  
کا اب پتہ چلا ہے۔

سرکار منیر نمبر 1859 حال ڈسٹریکٹ  
FC کنسٹبل سرکار منیر  
0346-9746570  
P.T.O.  
Dsp sabbag  
By comments  
pl. f...  
1576



-18-

"D"

OFFICE OF THE  
CAPITAL CITY POLICE OFFICER  
PESHAWAR

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

ORDER.

This order will dispose of the departmental appeal preferred by Ex-Constable Sargun Munir No.1859 who was awarded the major punishment of "Dismissal from service" by SP/Cantt Peshawar vide OB No.554, dated 18-02-2020.

2- The allegations leveled against him were that he while posted at Police Station Mehani gate absented himself from his lawful duty w.e. from 26-05-2019 to 04-07-2019 (28 days) and 09-12-2019 till the date of dismissal i.e 18-02-2020 (69 days) for a total period of 107 days without leave or permission from the competent authority.

3- He was served Charge Sheet and Summary of allegations by SP/Cantt: Peshawar. SDPO Hayatabad Peshawar was appointed as enquiry officer to scrutinize the conduct of delinquent official. The enquiry officer after conducting proper enquiry submitted his findings and stated that the allegations stands proved. The competent authority i.e SP/Cantt: Peshawar after perusal of enquiry report issued him Final Show Cause Notice but failed to submit his reply to the Final Show Cause Notice. He neither joined enquiry/ proceedings nor appeared before the competent authority, hence awarded the above major punishment.

4- He was heard in person in O.R. The relevant record along with his explanation was perused. He has not a clean service record and contains 49 bad entries all on account of absences. During personal hearing the appellant failed to produce any plausible explanation in his defence. Therefore, keeping in view his record, his appeal to set aside the punishment order awarded to him by SP/Cantt: Peshawar vide OB No.554, dated 18-02-2020 is hereby rejected /dismissed being also time barred for 03 months and 27 days.

(MUHAMMAD ALI KHAN) PS  
CAPITAL CITY POLICE OFFICER  
PESHAWAR.

No. 864-69 /PA dated Peshawar the 24-07-2020

Copies for information and n/a to the:-

1. SP/Cantt: Peshawar.
2. Pay Officer/ CRC, OASI
3. FMC along with FM
4. Official concerned.

ATTESTED



OFFICE OF THE  
SUPERINTENDENT OF POLICE  
CANTT: PESHAWAR



No. 88 /P.A dated 10/07/2019.

To The District Police Officer,  
Mardan.

Subject: DEPARTMENTAL INQUIRY AGAINST CONSTABLE SARDAR  
MUNAIR NO. 1859 S/O SHER KHAN R/O KATLANG MARDAN

Memo: -

It is submitted that Constable Sardar Munair No. 1859 ~~has~~ absented himself from his lawful duty w.e.f 26.05.2019 to 04.07.2019, (total 39 days) and 19.12.2019 till date from PS Tatara. He is living in Katlang Mardan. His departmental inquiry is still pending in this office.

It is therefore, requested that final show cause notice (duplicate) may please be served to Constable Sardar Munair No. 1859 and the same may be returned if no longer required please.

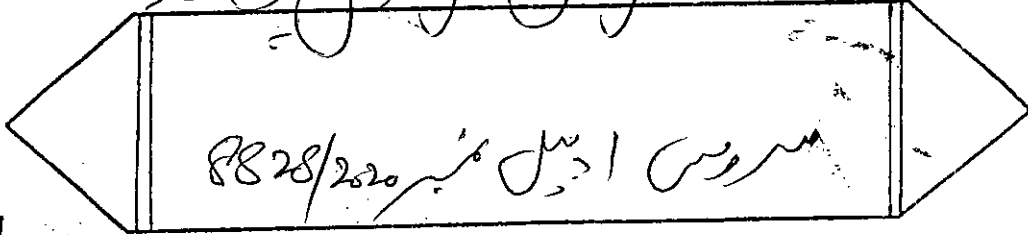
(TASSAWAR IQBAL) PSP  
SUPERINTENDENT OF POLICE  
CANTT: PESHAWAR

Dismiss  
SUPERINTENDENT OF POLICE CANTT  
CANTT: PESHAWAR

ATTESTED



# بعدالت لروس ٹریڈونل رٹاؤ



لروس اڈیل نمبر 2020/2888

2020ء پنجاب لٹریچر کمیشن  
لٹریچر کمیشن بنام  
CCP وغیرہ

موزخہ  
مقدمہ  
دعویٰ  
جرم

## باعث تحریر آنکھ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ  
آن مقام لٹریچر اور لٹریچر کمیٹی کے فیصلے کے تحت لٹریچر کمیشن A.S.C اور لٹریچر ایڈوائز  
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز  
وکیل صاحب کو راضی نامہ کرنے و تقریرتالہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور  
بصورت ڈگری کرنے اجراء اور وصولی چیک 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 برادگی اور منسوخی  
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار 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  
پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جائد التوائے مقدمہ کے سبب سے ہوگا۔  
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی  
مذکورہ کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

لٹریچر کمیٹی

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المرقوم 4 ماہ اگست 2020

Accepted  
Accepted

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Accepted  
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بمقام لٹریچر

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

**Service Appeal No.8828/2020**

FILED  
KPST  
Peshawar

Ex- Constable Sardar Munir No.1859 of CCP, Peshawar.....Appellant.

**VERSUS.**

1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Capital City Police Officer, Peshawar.
3. Superintendent of Police Cantt., Peshawar.....**Respondents.**

**Reply by Respondents No. 1, 2, &3.**

**Respectfully Sheweth:-**

**PRELIMINARY OBJECTIONS.**

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

**FACTS:-**

- (1) First part of para is correct to the extent that the appellant was appointed as constable in the year 1991 in the respondent department, while rest of para is denied on the ground that the appellant has not a clean service record and contains 49 bad entries on the charges of absence on different occasions in his service.
- (2) Incorrect. The appellant while posted at PS Mechani Gate Peshawar absented from official and lawful duty w. e. from 26.05.2019 to 04.072019 and 09.12.2019 to 18.02.2020 without prior permission or leave from the competent authority. In this regard he was issued charge sheet with statement of allegations. SDPO Hayatabad Peshawar was appointed as enquiry officer. During the course of enquiry he was summoned time and again, but he did not turn up. The enquiry officer finalized the enquiry and submitted findings report wherein allegations were proved against the appellant. After observing all codal formalities, he was awarded major punishment of dismissal from service.
- (3) Para is totally incorrect. In fact during the period of lock down of Covide-19 police carried out matchless duty with great devotion and achieved targeted results, despite the fact that numbers of Police officers/officials were affected by Covide-19. The appellant is giving wrong picture just to save his skin of willful absence of lawful

duty. Departmental appeal of the appellant was dismissed on the grounds that it was badly time barred for 03 months and 27 days.


- (4) Incorrect. The orders of the respondents are based on facts, justice and in accordance with law/rules. Appeal of the appellant being devoid of merits may liable to be dismissed on the following grounds.


**GROUND:-**

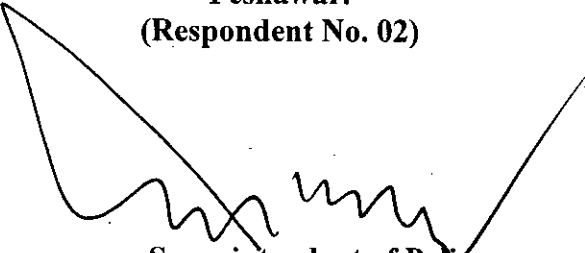
- A. Incorrect. The orders are legal lawful and passed in accordance with facts and law/rules.
- B. Incorrect. The appellant was treated as per law/rules and no violation of law has been done by the replying respondent.
- C. Incorrect. The orders have been passed by the competent authority in accordance with facts and law/rules.
- D. Incorrect. Proper charge sheet with statement of allegations was issued to appellant, but he failed to submit his reply.
- E. Incorrect. Proper departmental enquiry was conducted against the appellant. The enquiry officer called time and again but he did not turn up. The allegations were proved against him; hence he was awarded appropriate punishment in accordance with facts and rules.
- F. Incorrect. Proper departmental enquiry was conducted against appellant. He was called time and again to appear before the enquiry officer and defend himself but he failed to appear before the enquiry officer.
- G. Incorrect. The appellant willfully absented from duty and enquiry proceedings despite repeated summon/notice.
- H. Incorrect. The appellant is a habitual absentee. He earned 49 bad entries on the charges of absence on different occasions in his service.
- I. The appellant is a habitual absentee and appellant deliberately absented himself from his lawful duty without taking leave/permission.
- J. Incorrect. The respondents have treated the appellant in accordance with law/rules and never acted in malafide manners.
- K. Incorrect. The appellant has a blemish service record. The appellant himself is responsible for the situation by committing gross misconduct.
- L. Respondents also seek permission of this Honorable Tribunal to raise additional grounds at the time of arguments.

**PRAYERS:-**

In view of the above, and keeping in view the gravity of slackness, willful negligence and misconduct of appellant, it is prayed that appeal being devoid of merit may kindly be dismissed with cost please.

  
Provincial Police Officer,  
Khyber Pakhtunkhwa, Peshawar.  
(Respondent No. 01)

  
Capital City Police Officer,  
Peshawar.  
(Respondent No. 02)

  
Superintendent of Police,  
Cantt: Peshawar.  
(Respondent No. 03)

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

**Service Appeal No.8828/2020**

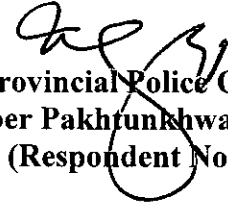
Ex- Constable Sardar Munir No.1859 of CCP, Peshawar.....Appellant.

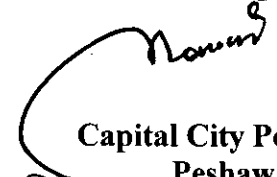
**VERSUS.**

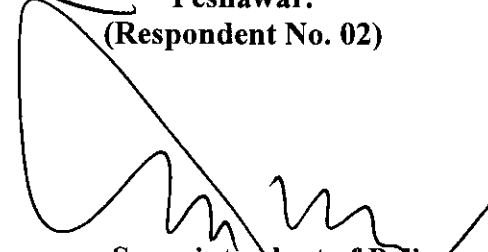
1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Capital City Police Officer, Peshawar.
3. Superintendent of Police Cantt:, Peshawar.....Respondents.

**AFFIDAVIT**

We respondents No. 1 ,2 & 3 do hereby solemnly affirm and declare that the contents of the written reply are true and correct to the best of our knowledge and belief and nothing has concealed/kept secret from this Honorable Tribunal.

  
Provincial Police Officer,  
Khyber Pakhtunkhwa, Peshawar.  
(Respondent No. 01)

  
Capital City Police Officer,  
Peshawar.  
(Respondent No. 02)

  
Superintendent of Police,  
Cantt: Peshawar.  
(Respondent No. 03)

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.**

Service Appeal No 8828/2020

Sardar Munir.....**Appellant.**

**V E R S U S**

CCPO & Others.....**Respondents.**

**REPLICATION ON BEHALF OF THE APPELLANT.**

**REPLY TO PRELIMINARY OBJECTIONS.**

All the objections raised by the respondents are incorrect and as such denied. The appellant has got a valid cause of action and locus standi to bring the present appeal, the appellant has approached this honorable tribunal with clean hands and has concealed nothing from this honorable tribunal. The appellant has come to this honorable tribunal having case based on law and facts, the appellant is not estopped by his conduct to file instant appeal and this honorable tribunal has got the jurisdiction to entertain and adjudicate upon the matter.

**REPLY TO FACTS/GROUNDS:**

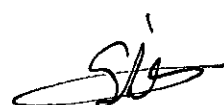
Comments of the respondents are full of contradictions, rather amounts to admissions and are based on malafide. Respondents have failed to show that the version of the appellant is incorrect. Even respondents have failed to show and substantiate their version referring to any law and rules. In the circumstances the appellant has been deprived of his rights without any omission or commission on his part and he has been deprived of his rights guaranteed by the Constitution and law of the land. All offices were sealed/closed due to Covid-19 and lock down /due to circumstances compelling in nature and were beyond the control of the appellant as well. No charge sheet, Show Cause Notice was issued to him. An Ex-Parte action has been taken against the appellant and has been condemned unheard

Instead, told to be dismissed from service. In the month of June when easing lockdown, the appellant obtained a copy of dismissal order at the same time and filed departmental appeal well within time which was rejected by respondents too. Hence, the malafide proved from the letter addressed to appellant on dated 10-07-2019 which placed on file as Annexure E, and as such too the impugned order being void issued by incompetent authority and as such time factor becomes irrelevant in such eventuality hence, the impugned order liable to be struck down.

Respondents have tried to twist the facts, and tried to cover their, omissions, commissions and lacunas. The valuable rights of the appellant are involved from which he cannot be deprived. The appellant could not be made to suffer for the fault of others as no one could be punished for the fault of others. In the circumstances the appellant has not been treated according to law and rules being his fundamental right.

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

**Dated:-08-02-2021**



**Appellant**

**Through**



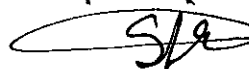
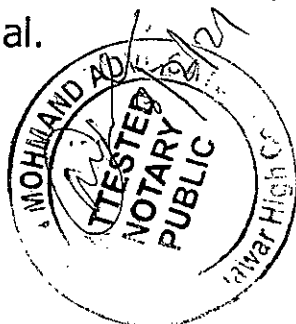
**Fazal Shah Mohmand**

Advocate,

Supreme Court of Pakistan.

**AFFIDAVIT**

I, Sardar Munir, Ex Constable No. 1859, District 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.



**DEPONENT**

**DISCIPLINARY ACTION**

I, Superintendent of Police, Cantt., Capital City Police Peshawar as a competent authority, am of the opinion that **FC Sardar Munir No. 1859** has rendered him-self liable to be proceeded against under the provision of Police Disciplinary Rules-1975.

OFFICE OF SDPO  
Town Circle Peshawar.  
Dairy No: 51/E  
Dated: 25-7-2019

**STATEMENT OF ALLEGATION**

"That **FC Sardar Munir No. 1859** while posted to PS Hayatabad remained absent from his lawful duty w.e.f **26.05.2019 to 04.07.2019 (total 39 days)**. This amounts to gross misconduct on his part and against the discipline of the force.

For the purpose of scrutinizing the conduct of said accused with reference to the above allegations an enquiry is ordered and **DSP Jouni** is appointed as Enquiry Officer.

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

*Munir*  
**MOHAMMAD ASHFAQ**  
SUPERINTENDENT OF POLICE,  
CANTT, PESHAWAR

No. 185 /E/PA, dated Peshawar the 23/7 /2019.

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

DA  
Prd

*Munir*  
**DY SUPDT. OF POLICE**  
Town Circle Peshawar  
22/7/2019



Town Sub-Division

Capital City Police.

To: Superintendent of Police,  
Peshawar Cantt.  
From: - Deputy: Superintendent of Police,  
Town Peshawar.

No. 51-E /PA  
Dated.05 September: 2019

Subject:- Departmental Inquiry against FC Sardar Munir#1859

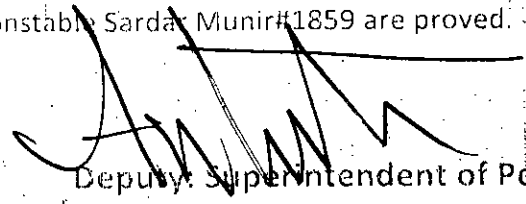
Memo:

Reference to departmental enquiry against FC Sardar Munir#1859, who remained absent from his duty w.e.f 26/05/2019 to 04/07/2019 for 39-days from Police Station Hayatabad. He was issued charge sheet and summary of allegations. The undersigned was nominated enquiry officer to scrutinize the conducted of the said Constable.

FC Sardar#1859.was repeatedly summoned to the office. But the said Constable did not bother to attend this office for inquiry process. As per statement of allegations the said constable became absent from PS Hayatabad from his duty for a period of 39-days as mentioned above.

From perusal of the record and enquiry conducted, it revealed that as per statement of allegations the said constable remained absent from his duty w.e.f 26/05/2019 to 04/07/2019 for a period of 39-days. The said constable did not appear before the undersigned and thus his statement could not be recorded.

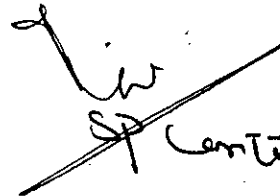
In the light of the above circumstances, I, the undersigned as enquiry officer, recommend that allegations levelled against Constable Sardar Munir#1859 are proved.

  
Deputy: Superintendent of Police,  
Town Sub-Division Peshawar.

encl(09)

Agreed  
P.A

Issue final show  
cause notice

  
SP Cantt

**FINAL SHOW CAUSE NOTICE**

I Superintendent of Police, Cantt, Capital City Police, Peshawar as competent authority, under the provision of Police Disciplinary Rules 1975 do hereby serve you **FC Sardar Munir No. 1859** of Capital City Police, Peshawar as follows.

1 (a) That consequent upon the completion of enquiry conducted against you by the enquiry officer for which you were given opportunity of hearing.

(a) On going through the findings and recommendation of the enquiry Officer, the material on record and other connected papers produced before the E.O.

I am satisfied that you have committed the following acts/omissions specified in Police Disciplinary Rules 1975 of the said Ordinance.

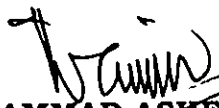
"That you **FC Sardar Munir No. 1859** while posted at PS Hayatabad, Peshawar were absented from **26.05.2019 to 04.07.2019 (total 39 days)** without taking permission or leave. This act amounts to gross misconduct on your part and against the discipline of the force"

2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you the penalty of major punishment under Police Disciplinary Rules 1975 for absence willfully performing duty away from place of posting.

3. You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.

4. If no reply to this notice is received within 7 days of its delivery, in normal course of circumstances, it shall, be presumed that you have no defence to put in and in that case as ex-parte action be taken against you.

5. The copy of the finding of the enquiry officer is enclosed.

  
(MOHAMMAD ASHFAQ)  
SUPERINTENDENT OF POLICE,  
CANTT. PESHAWAR

No. 1708 /PA, SP/Cantt: dated Peshawar the 18/5 /2019.

Copy to official concerned

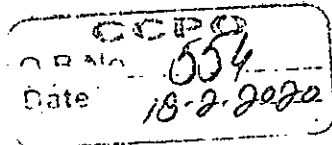
ORDER

This office order will dispose off the departmental proceedings against Constable Sardar Munir No. 1859 who while posted at Police Station Gate absented himself from his lawful duty with effect from 26.05.2019 to 04.07.2019 & 09.12.2019 to till date.

Under Police Rules 1975 (amended 2014) proper charge sheet alongwith summary of allegation were issued against Constable Sardar Munir No. 1859 and SDPO Hayatabad was appointed as enquiry officer to scrutinize the conduct of Constable Sardar Munir No. 1859.

The enquiry officer submitted finding and stated that the allegations leveled against him is proved. Hence, he was issued final show cause notice, and sent to the alleged constable to his home address through DPO Mardan vide memo no. 88/PA dated 10.01.2019. But he did not submit reply nor appear before the undersigned within specified period. This shows his lack of interest in official duty and shows negligence. He is neither joined enquiry/proceedings nor appeared before the undersigned.

Keeping in view of the above and recommendation of Enquiry Officer, I, Tassawar Iqbal (PSP), SP Cantt, Peshawar being a competent authority, agreed with the recommendation of the enquiry officer. Therefore, under **Police Disciplinary Rules 1975, Constable Sardar Munir No. 1859 is hereby awarded major punishment of dismissal from service, with immediate effect.**



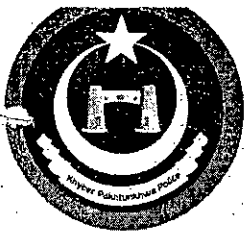
(TASSAWAR IQBAL) PSP  
SUPERINTENDENT OF POLICE  
CANTT: PESHAWAR

No. 485 / SP / Cantt: dated Peshawar, the <sup>19</sup> 8 / 2 / 2020.

Copy for information and necessary action to the:-

1. The Sr: Superintendent of Police, Operation, Peshawar.
2. The Superintendent of Police Headquarter: Peshawar.
3. SDPO Town enquiry officer.
4. Pay Officer.
5. CRC,
6. OASI branch.
7. Fauji Missal branch with enquiry file for record.
8. Official concerned.

⇒  
(20)



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

Phone No. 091-9210989

Fax No. 091-9212597

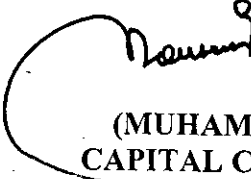
**ORDER.**

This order will dispose of the departmental appeal preferred by **Ex-Constable Sardar Munir No.1859** who was awarded the major punishment of "**Dismissal from service**" by SP/Cantt: Peshawar vide OB No.554, dated 18-02-2020.

2- The allegations leveled against him were that he while posted at Police Station Mechani gate absented himself from his lawful duty w.e.from 26-05-2019 to 04-07-2019 (28 days) and 09-12-2019 till the date of dismissal i.e 18-02-2020 (69 days) for a total period of 107 days without leave or permission from the competent authority.

3- He was served Charge Sheet and Summary of allegations by SP/Cantt: Peshawar and SDPO Hayatabad Peshawar was appointed as enquiry officer to scrutinize the conduct of delinquent official. The enquiry officer after conducting proper enquiry submitted his findings and stated that the allegations stands proved. The competent authority i.e SP/Cantt: Peshawar after perusal of enquiry report issued him Final Show Cause Notice but failed to submit his reply to the Final Show Cause Notice. He neither joined enquiry/ proceedings nor appeared before the competent authority, hence awarded the above major punishment.

4- He was heard in person in O.R. The relevant record along with his explanations perused. He has not a clean service record and contains 49 bad entries all on account of absence. During personal hearing the appellant failed to produce any plausible explanation in his defence. **Therefore, keeping in view his record, his appeal to set aside the punishment order awarded to him by SP/Cantt: Peshawar vide OB No.554, dated 18-02-2020 is hereby rejected /dismissed being also time barred for 03 months and 27 days.**

  
(MUHAMMAD ALI KHAN)PSP  
CAPITAL CITY POLICE OFFICER  
PESHAWAR.

No. 864-69 /PA dated Peshawar the 24-07 - 2020

Copies for information and n/a to the:-

1. SP/Cantt: Peshawar.
2. Pay Officer/ CRC, OASI
- ✓ 3. FMC along with FM
4. Official concerned.

خدمت جناب کیشیل سٹی پولیس انسپر صاحب سوات  
مضون حکمانہ اسل پر خلاف حکم جاری ہونے کی اطلاع جناب SP کیشیل  
سوات کو جسکی بنا پر سائل کو ملالزمت سے برخواست کیا گیا ہے

جناب عالی! فوجدانہ گزارش ہے کہ سائل سال 1991ء کو محکم پولیس میں پولیس کیشیل  
مضون ہو کر رہا جس نے ریکورڈ کیشیل سوات میں ضلع سوات کے مختلف  
محکمات اور پولیس میں حسب الحکم افسران بالذمہ عنایت ہو کر بے داغ ملالزمت  
دیکھ کر رہا۔ اور محکم پولیس میں تقریباً 30/31 سال ملالزمت انجام دی ہے۔

جناب عالی! سائل ڈیوٹی سے غیر حاضری قصداً ملتا نہیں تھی۔ بلکہ دوران ڈیوٹی  
سخت بیمار ہو کر مختلف ڈاکٹروں کے حکم لاکر علاج صحیح میں سائل  
ڈیوٹی سے ماضی رہا۔ اور زندگی اور موت کی کشمکش میں گزاری۔ تھوڑا عرصہ ہو گیا  
حاضر آ کر روئے گا۔ شکار ہو گا لیکن خدا نے فضل باری سے حکمت ہو گی۔

ملازمہ ازمن سائل کا پتہ اعلیٰ محنت منیر کیشیل فہر 3302 جو کہ تمام حیات ابار میں سہارا  
کا 14 اگست 2015ء کو نامعلوم مشہور سبیل کی فائرنگ سے لگا کر شہید ہو گیا  
(FIR گاچی پورہ 2) جس کے حوالہ الٹرا 10 لڑکھ اور ایک سبیل کی گرفتاری  
اور نگرانی بھی سائل نے کی۔ جس سے سائل اب بھی پریشان حال ہے۔

سائل اب صحت الہی میں مبتلا ہو چکا ہے۔ اور جسمانی طور پر بھی کمزور ہے۔  
محکم میں 30/31 سال بے داغ ملالزمت اعلیٰ کی شہادت اور موجودہ بیمار ہونے کو  
قدر نظر رکھو کہ سائل کو ملالزمت پر کمال کرنے کا حکم صادر ہوا ہے اور اس کے نفع  
سائل کو اکتوانہ میں سماعت کا موقع ہی نہیں دیا گیا ہے۔ اور سائل کو ملالزمت  
کا اب نتیجہ جلیج ہے۔

سید دارین  
سر دارین فہر 1859 حال ڈس جس سوات  
FC  
0346-9746570  
Dsp  
for com  
pl. 199

22 C.P.1881/2020 (Service/Removal from Service) Tilawat Khan v. Chairman Board of Governors, Khyber Teaching Hospital & others Mr. Mir Adam Khan, AOR (Enr#185) (Pesh) Mr. Fazal Shah, ASC (Enr#4555) (Pesh)

(D.B.)  
[T.B.]

Friday, 08-Oct-2021

1	Crl.P.952/2021 (Bail After Arrest) [S.302/148/149 PPC]	Muhammad Ramzan v. The State thr. P.G. Punjab and another	Mr. Ahmed Nawaz Chaudhry, AOR (Enr#243) Mr. James Joseph, ASC (Enr#4241) Mr. Muhammad Ramzan Ch., Sr. (Lhr) ASC (Enr#300) Additional Prosecutor General, Punjab
	(S.J.) (C.O.)		
2	Crl.P.1142-L/2021 (Bail After Arrest) [S.302/148/149/201 PPC]	Ahsan Shahid v. The State, etc	Mian Ghulam Hussain, AOR (Lhr) (Enr#228) Mr. Shamim-ur-Rehman Malik, AS (Lhr) (Enr#3551) Additional Prosecutor General, Punjab Mian Liaquat Ali, AOR (Enr#269) (Lhr) Mr. M. Abid Hussain Saqi, ASC (Lhr) (Enr#2632)
	(S.J.) (Video Link)		
3	C.M.A.1359-L/2021 IN C.P.NILL/2021 (Permission to file and argue)	Asia Bibi v. Zahida Bibi, etc	Syed Fayyaz Ahmed Sherazi, AOR (Lhr) (Enr#221) Mian Shah Abbas, ASC (Enr#2695) (Lhr)
	(S.J.) (Ch.O.)		
4	C.M.A.5141/2021 (Transfer of family suit) (Transfer of family suit from The Judge Family Court, Lahore (Punjab) to The Judge Family Court, Karachi (Sindh))	Saba Naz, etc v. Atif Anjum	Mr. Shaukat Ali Mahr, AOR (Lhr) (Enr#224) Mr. Rafiq Javed Butt, ASC (Lhr) (Enr#1566)
5	C.M.A.5986/2021 (Transfer of family suit) (Transfer of case from Family Court/Guardian Judge Lahore (Punjab) to The District & Sessions Judge (West) Karachi.)*	Amir Jameel v. Mehwish Muzaffar	A - In Person
6	C.M.A.6111/2021 (Transfer of family suit) (For transfer of the case from Senior Judge Family Court, Rawalpindi to Family Court, Korangi Town, Karachi)	Mst. Nadia Rafique and another v. Hanif ur Rehman	Mr. Muhammad Sharif Janjua, AOR (Rwp) (Enr#254)
7	C.M.A.7415/2021 (Transfer of family suit) (Transfer of case from The Civil/Family Judge, 1st Class, Islamabad (West) (ICT) to The Court of Judge Family Court at Attock (Province of Punjab))	Hifza Ishtiaq v. Muhammad Usama	A - In Person

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.**

Service Appeal No 8828/2020

Sardar Munir.....**Appellant.**

**V E R S U S**

CCPO & Others.....**Respondents.**

**REPLICATION ON BEHALF OF THE APPELLANT.**

**REPLY TO PRELIMINARY OBJECTIONS.**

All the objections raised by the respondents are incorrect and as such denied. The appellant has got a valid cause of action and locus standi to bring the present appeal, the appellant has approached this honorable tribunal with clean hands and has concealed nothing from this honorable tribunal. The appellant has come to this honorable tribunal having case based on law and facts, the appellant is not estopped by his conduct to file instant appeal and this honorable tribunal has got the jurisdiction to entertain and adjudicate upon the matter.

**REPLY TO FACTS/GROUNDS:**

Comments of the respondents are full of contradictions, rather amounts to admissions and are based on malafide. Respondents have failed to show that the version of the appellant is incorrect. Even respondents have failed to show and substantiate their version referring to any law and rules. In the circumstances the appellant has been deprived of his rights without any omission or commission on his part and he has been deprived of his rights guaranteed by the Constitution and law of the land. All offices were sealed/closed due to Covid-19 and lock down /due to circumstances compelling in nature and were beyond the control of the appellant as well. No charge sheet, Show Cause Notice was issued to him. An Ex-Parte action has been taken against the appellant and has been condemned unheard

instead, told to be dismissed from service. In the month of June when easing lockdown, the appellant obtained a copy of dismissal order at the same time and filed departmental appeal well within time which was rejected by respondents too. Hence, the malafide proved from the letter addressed to appellant on dated 10-07-2019 which placed on file as Annexure E, and as such too the impugned order being void issued by incompetent authority and as such time factor becomes irrelevant in such eventuality hence, the impugned order liable to be struck down.

Respondents have tried to twist the facts, and tried to cover their, omissions, commissions and lacunas. The valuable rights of the appellant are involved from which he cannot be deprived. The appellant could not be made to suffer for the fault of others as no one could be punished for the fault of others. In the circumstances the appellant has not been treated according to law and rules being his fundamental right.

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

**Dated:-08-02-2021**



**Appellant**

**Through**



**Fazal Shah Mohmand**

Advocate,

Supreme Court of Pakistan.

**AFFIDAVIT**

I, Sardar Munir, Ex Constable No. 1859, District 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.



**DEPONENT**



**Name of Official**

SARDAR MUNIR NO. 1859 S/O SHARAKY  
R/O Kohi Barmol Tehsil & District Mardan.

2. **Date of Birth** 24.08.1973
3. **Date of enlistment** 02.09.1991
4. **Education** 10<sup>th</sup>
5. **Courses Passed** Recruit
6. **Total qualifying service** 26 years, 02 months & 05 days.
7. **Good Entries** Nil
8. **Punishment (previous)**

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

1. 08 days leave without pay vide OB No.3823 dt: 16.10.2011
2. 15 days leave without pay vide OB No.4129 dt: 16.12.2013
3. 04 days leave without pay vide OB No.4035 dt: 13.12.2010
4. 04 days leave without pay vide OB No.554 dt: 23.02.2009
5. 09 days leave without pay vide OB No.2741 dt: 06.08.2010
6. 09 days leave without pay vide OB No.2221 dt: 25.06.2010
7. 04 days leave without pay vide OB No.554 dt: 23.02.2009
8. 20 days leave without pay vide OB No.883 dt: 13.03.2010
9. 36 days leave without pay vide OB No.2964 dt: 26.09.2008
10. 10 days leave without pay vide OB No.2113 dt: 25.01.2007
11. 02 days leave without pay vide OB No.109 dt: 17.01.2007
12. 01 days E/Drill vide OB No.3381 dt: 30.12.2006
13. 07 days leave without pay vide OB No.3195 dt: 03.11.2004
14. 24 days leave without pay vide OB No.2210 dt: 13.07.2008
15. 01 day leave without pay vide OB No.485 dt: 28.05.2008
16. 07 days leave without pay vide OB No.3145 dt: 06.11.2007
17. 05 days leave without pay vide OB No.209 dt: 02.02.2007
18. 03 days leave without pay vide OB No.2012 dt: 05.07.2002
19. 06 days leave without pay vide OB No.1371 dt: 03.04.2001
20. 05 days Leave without pay vide OB No.5202 dt: 29.11.2000
21. 03 days Leave without pay vide OB No. 4319 dt: 06.10.2000
22. 02 days Leave without pay vide OB No.1167. dt: 20.03.2000
23. 02 days Leave without pay vide OB No.433 dt: 11.03.1997
24. 01 E/drill vide OB No.324 dt: 19.2.1997
25. 05 days E/drill vide OB No.1817 dt: 09.10.1996
26. 24 days leave without pay vide OB. No.45 dt: 05.01.2011
27. 03 days leave without pay vide OB.No 548 dt: 27.05.1994
28. 01 day Leave without pay vide OB No, 308 dt: 13.04.1994
29. Warning be care full in future vide OB No.233 dt: 20.03.1994
30. 15 days Leave without pay vide OB No. 2635 dt: 14.07.2011
31. 01 days leave without pay vide OB No. 139 dt: 08.2.1994
32. 01 days leave without pay vide OB No, 02 dt: 01.01.1994
33. 01 day E/drill vide OB No. 897 dt: 08.12.1993
34. 02 days E/drill vide OB No. 888 dt: 06.12.1993
35. 02 days E/drill vide OB No. 765 dt: 30.10.1993
36. 09 days leave without pay vide OB No. 3411 dt: 15.09.2011
37. 12 days leave without pay vide OB No. 663 dt: 21.02.2011
38. 15 days leave without pay vide OB No.3201 dt: 17.10.2008
39. 03 days leave without pay vide OB No.4035. dt. 13.12.2010
40. 04 days leave without pay vide OB No. 554.dt. 23.02.2009
41. 02 days leave without pay vide OB No.316.dt.22.01.2011
42. 09 days leave without pay vide OB No.3411.dt.15.19.2011
43. 07 days leave without pay vide OB No.3188 dt.24.08.2011
44. 06 days leave without pay vide OB No.2051 dt,31.05.2011
45. 32 days leave without pay vide OB No.1478.dt.22.04.2013
46. 30 days leave without pay vide OB No.1635.dt.28.04.2011
47. 15 days leave without pay vide OB No.2708.dt.12.08.2013
48. 25 days leave without pay vide OB No.2310 dt: 13.06.2012
49. 02 days Extra E/drill vide OB NO. 436.dt 30.01.2013

**Minor Punishment**

- 01. Censured 15 days without pay 4129. dt 16.12.2013.
- 02. 02 days quarter guard leave without pay vide OB No.2980 dt: 12.08.2003
- 03. Censured vide OB No.3346 dt: 06.08.2001
- 04. Censured 09 days leave without pay vide OB No.3188 dt: 03.11.2006

**Major Punishment**

- 01. Time Scale form one (1) Year.OB No. 2150 dt.23.05.2017

**09. Punishment (Current)**

- Awarded major punishment of dismissed from service on the charges of absence w.e.f 30.07.2019 to 07.07.2019 & 09.12.2019 to till date vide OB No.554 dated 18.02.2020 by SP/Cantt: Peshawar.

**10. Leave Account**

Total leave at his credit  
1256 days

Availed leaves  
180

Balance  
1076 Days

FA *[Signature]* 21/7

*[Signature]*  
CRC 20/07/2020

W/CCPO

**CHARGE SHEET**

I, Superintendent of Police, Cantt., Capital City Police Peshawar, as a competent authority, hereby, charge that **FC Sardar Munir No. 1859** of Capital City Police Peshawar with the following allegations.


"You **FC Sardar Munir No. 1859** remained absent from lawful duty w.e.f **26.05.2019 to 04.07.2019 (total 39 days)** without permission from your senior. This amounts to gross misconduct on your part and against the discipline of the force."

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

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

Intimate whether you desire to be heard in person.

A statement of allegation is enclosed.

  
**MUHAMMAD ASHFAQ**  
SUPERINTENDENT OF POLICE,  
CANTT, PESHAWAR

**DISCIPLINARY ACTION**

I, Superintendent of Police, Cantt., Capital City Police Peshawar as a competent authority, am of the opinion that **FC Sardar Munir No. 1859** has rendered him-self liable to be proceeded against under the provision of Police Disciplinary Rules-1975.

OFFICE OF SDPO  
Town Circle Peshawar  
Dairy No: 515  
Dated: 25-7-2019

**STATEMENT OF ALLEGATION**

"That **FC Sardar Munir No. 1859** while posted to PS Hayatabad remained absent from his lawful duty w.e.f **26.05.2019 to 04.07.2019 (total 39 days)**. This amounts to gross misconduct on his part and against the discipline of the force.

For the purpose of scrutinizing the conduct of said accused with reference to the above allegations an enquiry is ordered and **DSP [Signature]** is appointed as Enquiry Officer.

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

**[Signature]**  
**MOHAMMAD ASHFAQ**  
SUPERINTENDENT OF POLICE,  
CANTT, PESHAWAR

No. 189 /E/PA, dated Peshawar the 23/7 /2019.

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

**DA**  
**[Signature]**  
**[Signature]**  
DY: SUPD. OF POLICE  
Town Circle Peshawar  
23/7/2019

Town Sub-Division

4  
Capital City Police.

To: Superintendent of Police,  
Peshawar Cantt.

From: - Deputy: Superintendent of Police,  
Town Peshawar.

No. 51-E /PA

Dated 05 September: 2019

Subject: - Departmental Inquiry against FC Sardar Munir#1859

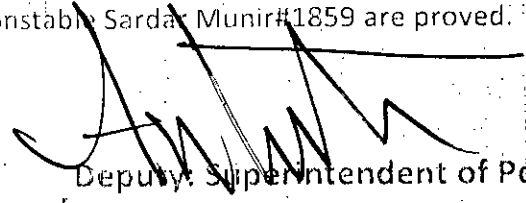
Memo:

Reference to departmental enquiry against FC Sardar Munir#1859, who remained absent from his duty w.e.f 26/05/2019 to 04/07/2019 for 39-days from Police Station Hayatabad. He was issued charge sheet and summary of allegations. The undersigned was nominated enquiry officer to scrutinize the conduct of the said Constable.

FC Sardar#1859 was repeatedly summoned to the office. But the said Constable did not bother to attend this office for inquiry process. As per statement of allegations the said constable became absent from PS Hayatabad from his duty for a period of 39-days as mentioned above.

From perusal of the record and enquiry conducted, it revealed that as per statement of allegations the said constable remained absent from his duty w.e.f 26/05/2019 to 04/07/2019 for a period of 39-days. The said constable did not appear before the undersigned and thus his statement could not be recorded.


In the light of the above circumstances, I, the undersigned as enquiry officer, recommend that allegations levelled against Constable Sardar Munir#1859 are proved.

  
Deputy: Superintendent of Police,  
Town Sub-Division Peshawar.

encl (09)

Agreed  
P.A

Issue final show  
cause notice

  
SP Cantt

5

**FINAL SHOW CAUSE NOTICE**

I **Superintendent** of Police, Cantt, Capital City Police, Peshawar as **competent authority**, under the provision of Police Disciplinary Rules 1975 do hereby serve you **FC Sardar Munir No. 1859** of Capital City Police, Peshawar as follows.

1 (a) That consequent upon the completion of enquiry conducted against you by the enquiry officer for which you were given opportunity of hearing.

(a) On going through the findings and recommendation of the enquiry Officer, the material on record and other connected papers produced before the E.O.

I am satisfied that you have committed the following acts/omissions specified in Police Disciplinary Rules 1975 of the said Ordinance.


"That you **FC Sardar Munir No. 1859** while posted at PS Hayatabad, Peshawar were absented from **26.05.2019 to 04.07.2019 (total 39 days)** without taking permission or leave. This act amounts to gross misconduct on your part and against the discipline of the force"

2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you the penalty of major punishment under Police Disciplinary Rules 1975 for absence willfully performing duty away from place of posting.

3. You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.

4. If no reply to this notice is received within 7 days of its delivery, in normal course of circumstances, it shall, be presumed that you have no defence to put in and in that case as ex-parte action be taken against you.

5. The copy of the finding of the enquiry officer is enclosed.

  
(**MOHAMMAD ASHFAQ**)  
SUPERINTENDENT OF POLICE,  
CANTT: PESHAWAR

No. 1708 /PA, SP/Cantt: dated Peshawar the 18/5 /2019.

Copy to official concerned

ORDER

6

This office order will dispose off the departmental proceedings against Constable Sardar Munir No. 1859 who while posted at Police Station Gate absented himself from his lawful duty with effect from 26.05.2019 to 04.07.2019 & 09.12.2019 to till date.

Under Police Rules 1975 (amended 2014) proper charge sheet alongwith summary of allegation were issued against Constable Sardar Munir No. 1859 and SDPO Hayatabad was appointed as enquiry officer to scrutinize the conduct of Constable Sardar Munir No. 1859.

The enquiry officer submitted finding and stated that the allegations leveled against him is proved. Hence, he was issued final show cause notice, and sent to the alleged constable to his home address through DPO Mardan vide memo no. 88/PA dated 10.01.2019. But he did not submit reply nor appear before the undersigned within specified period. This shows his lack of interest in official duty and shows negligence. He is neither joined enquiry/proceedings nor appeared before the undersigned.

Keeping in view of the above and recommendation of Enquiry Officer, I, Tassawar Iqbal (PSP), SP Cantt, Peshawar being a competent authority, agreed with the recommendation of the enquiry officer. Therefore, under Police Disciplinary Rules 1975, Constable Sardar Munir No. 1859 is hereby awarded major punishment of dismissal from service, with immediate effect.

CCFO  
CR No. 654  
Date 13-2-2020

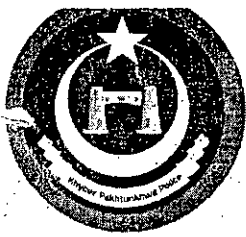
(TASSAWAR IQBAL) PSP  
SUPERINTENDENT OF POLICE  
CANTT: PESHAWAR

No. 485 / SP / Cantt: dated Peshawar, the 13 / 2 / 2020.

Copy for information and necessary action to the:-

1. The Sr: Superintendent of Police, Operation, Peshawar.
2. The Superintendent of Police Headquarter: Peshawar.
3. SDPO Town enquiry officer.
4. Pay Officer.
5. CRC,
6. OASI branch.
7. Fauji Missal branch with enquiry file for record.
8. Official concerned.

(20)



OFFICE OF THE 7  
CAPITAL CITY POLICE OFFICER  
PESHAWAR

Phone No. 091-9210989

Fax No. 091-9212597

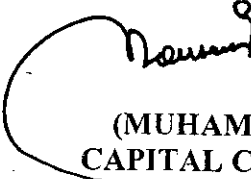
**ORDER.**

This order will dispose of the departmental appeal preferred by **Ex-Constable Sardar Munir No.1859** who was awarded the major punishment of "**Dismissal from service**" by SP/Cantt: Peshawar vide OB No.554, dated 18-02-2020.

2- The allegations leveled against him were that he while posted at Police Station Mechani gate absented himself from his lawful duty w.e.from 26-05-2019 to 04-07-2019 (28 days) and 09-12-2019 till the date of dismissal i.e 18-02-2020 (69 days) for a total period of 107 days without leave or permission from the competent authority.

3- He was served Charge Sheet and Summary of allegations by SP/Cantt: Peshawar and SDPO Hayatabad Peshawar was appointed as enquiry officer to scrutinize the conduct of delinquent official. The enquiry officer after conducting proper enquiry submitted his findings and stated that the allegations stands proved. The competent authority i.e SP/Cantt: Peshawar after perusal of enquiry report issued him Final Show Cause Notice but failed to submit his reply to the Final Show Cause Notice. He neither joined enquiry/ proceedings nor appeared before the competent authority, hence awarded the above major punishment.

4- He was heard in person in O.R. The relevant record along with his explanations perused. He has not a clean service record and contains 49 bad entries all on account of absence. During personal hearing the appellant failed to produce any plausible explanation in his defence. **Therefore, keeping in view his record, his appeal to set aside the punishment order awarded to him by SP/Cantt: Peshawar vide OB No.554, dated 18-02-2020 is hereby rejected /dismissed being also time barred for 03 months and 27 days.**

  
(MUHAMMAD ALI KHAN)PSP  
CAPITAL CITY POLICE OFFICER  
PESHAWAR.

No. 864-69 /PA dated Peshawar the 24-07 - 2020

Copies for information and n/a to the:-

1. SP/Cantt: Peshawar.
2. Pay Officer/ CRC, OASI.
- ✓ 3. FMC along with FM
4. Official concerned.



587  
15-06-2020

8 No 00-18  
15/6/2020

خدمت جناب کونسل سٹی پولیس انصاف پشاور  
محکمہ اسلیم بر خلاف حکم جاریہ زیر دستگی صواب پ کی کاپی  
پشاور جسٹس ہائی کورٹ کے ملزمت سے درخواست کیا گیا ہے

جناب عالی! خود گواہی کے سلسلے میں 1991ء کو محکمہ پولیس میں ریکورڈ کٹ  
مقرر ہو کر رہا جس کے ریکورڈ کٹوں میں مختلف ضلع پشاور کے مختلف  
محکمہ صحت اور پولیس میں حسب الحکم ارسال بالذمہ دیا گیا ہے اور کاپی داغ ملزمت  
دیا گیا ہے۔ اور حکم پولیس میں تقریباً 30/31 سال ملزمت انجام رہی ہے۔

جناب عالی! سائل ڈیوٹی سے غیر حاضری قضیہ اظہار نہیں تھی۔ بلکہ دوران ڈیوٹی  
سبقت ہمارے ہو کر مختلف ڈاکٹروں کے حکم لاکر علاج معالجہ میں سائل  
ڈیوٹی سے ماضی رہا۔ اور زندگی اور موت کی کشمکش میں گزاری۔ غوراً گہرا  
حاضر کر اور دیکھا گیا کہ سائل خدا کے فضل و کرم سے بچ گیا ہے۔

ملازمہ ازین سائل کا بڑا بھائی محبت غیر کنسٹبل نمبر 3302 جو تمام حالات ابار میں  
کا 14 اگست 2015ء کو نامعلوم شہر سندھ کی قاتلہ زندگی لگا کر شہید ہو گیا  
(FIR کاپی پیوست ہے) جس کے حوالہ لہر 10 لڑکھانہ اور ایک بیٹا کی لگاتار  
اور نگرانی بھی سائل نے کی۔ جس سے سائل اب بھی پریشان حال ہے۔

سائل اب صحت الہری میں مبتلا ہو گیا ہے۔ اور جسمانی طور پر بھی کمزور ہوا ہے۔  
محکمہ میں 30/31 سال داغ ملزمت بھائی کی شہادت اور موجودہ سبھی کا  
عدالت کو ریکورڈ کٹوں کو ملزمت پر بحال کرنے کا حکم صادر فرما کر فوری طور پر  
سائل کو انکوائری میں سماعت کا موقع ہی نہیں دیا گیا ہے۔ اور سائل کے خلاف  
کاپی پیوست ہے۔

سر دار تھیں  
سر دار تھیں 1859 حال ڈسٹریکشن پشاور  
سر دار کنسٹبل سر دار تھیں FC  
0346-9746570  
Dsp  
for com  
pl. 19

**FINAL SHOW CAUSE NOTIC**

I Superintendent of Police, Cantt, Capital Peshawar as  
competent authority, under the provision of Police I rules 1975 do  
hereby serve you **FC Sardar Munir No. 1859** of Ca ice, Peshawar  
as follows.

1 (i) That consequent upon the completion of enquiry conducted against you by the enquiry officer for which you were given opportunity of hearing.

(ii) On going through the findings and recommendation of the enquiry Officer, the material on record and other connected papers produced before the E.O.

I am satisfied that you have committed the following acts/omissions specified in Police Disciplinary Rules 1975 of the said Ordinance.

"That you **FC Sardar Munir No. 1859** while posted at PS Michni Gate, Peshawar were absented from **08.07.2015 to 17.09.2015 (total 59 days)** without taking permission or leave. This act amounts to gross misconduct on your part and against the discipline of the force"

2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you the penalty of major punishment under Police Disciplinary Rules 1975 for absence willfully performing duty away from place of posting.

3. You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.

4. If no reply to this notice is received within 7 days of its delivery, in normal course of circumstances, it shall, be presumed that you have no defence to put in and in that case as ex-parte action be taken against you.

5. The copy of the finding of the enquiry officer is enclosed.

Diary No. 533 /PA

Dated 24.02 /2020

SP Cantt. Peshawar (5)

**(TASSAWAR IQBAL) PSP**  
SUPERINTENDENT OF POLICE,  
CANTT: PESHAWAR

No. 66 /PA, SP/Cantt: dated Peshawar the \_\_\_\_\_/2020

Copy to official concerned

P.A/RMC  
For record

He has already been dismissed

SP Cantt

PA

2014 S C M R 1199

[Supreme Court of Pakistan]

Present: Nasir-ul-Mulk, Sarmad Jalal Osmany and Amir Hani Muslim, JJ

QAISER ZAMAN---Appellant

Versus

FEDERAL BOARD OF REVENUE, ISLAMABAD and others---Respondents

Civil Appeal No.962 of 2012, decided on 9th April, 2014.

(On appeal against order dated 28-5-2011 of the Federal Service Tribunal, Islamabad, passed in Appeal No.525(R) CS/2010)

**(a) Civil service---**

---Resignation from Government service, process of---Delay by concerned officials in approving resignation---Resignation of civil servant not processed by concerned officials for 2-1/2 years and instead issuing him a show notice for absence from duty, and consequently dismissing him from service---Legality---Income tax officer (appellant) applied for leave to pursue further studies---Competent authority did not sanction the leave---Appellant tendered his resignation from service on 31-3-2006, which remained unprocessed---On 13-11-2008 a show cause notice was issued to the appellant on the ground of his absence from duty under the provisions of Removal from Service (Special Powers) Ordinance, 2000---Appellant submitted his reply to the show cause notice, but no response was received by him---On 17-1-2009 appellant received a notification entailing penalty of his dismissal from service---Departmental appeal filed by appellant against his dismissal from service was also dismissed as time barred---Federal Service Tribunal also dismissed appellant's appeal as being time barred---Plea of department that resignation of appellant could not be processed in time as his file had been misplaced---Validity---Concerned officials under the law/rules/regulations were responsible for expediting the process of resignation of civil servants well in time---Department could not justify issuance of show cause notice to the appellant after inordinate delay of 2-1/2 years---After tendering his resignation case of appellant was not processed for 2-1/2 years on the ground that his personal file went missing---Department instead of processing the case of resignation of appellant opted to proceed against him departmentally for absence of duty---Was not understandable as to how the department could sit over the resignation once it was tendered---In case the personal file of the appellant went missing the head of the department should have ordered enquiry and should have proceeded against the delinquent officers found responsible for misplacing the personal file of the appellant---Supreme Court directed Secretaries, Establishment Division and Cabinet Division to ensure that the resignation cases of civil servants should be processed immediately and the concerned civil servant should also be informed about its fate forthwith as per the rules; that delinquent officers/officials who caused delay in processing resignation cases should be made accountable and proceeded against departmentally---Appeal was allowed accordingly and orders passed by departmental authority and Federal Service Tribunal were set aside.

**(b) Civil service---**

---Resignation from Government service, approval of---Concerned officials under the law/rules/regulations were responsible for expediting the process of resignation of civil servants well in time.

Ch. Abdul Rab, Advocate Supreme Court for Appellant.

M.D. Shehzad Feroz, Advocate Supreme Court for Respondents Nos.1 and 2.

Ibrar Ahmed, Advocate Supreme Court for Respondents Nos.3 and 4.

Date of hearing: 9th April, 2014.

**JUDGMENT****AMIR HANI MUSLIM, J.**---This appeal, by leave of the Court, is directed against order dated 28-5-2011.

para-3 23 3370 barrist DA

Para-2-Terminated 17-1-09 8/17/09

Para-3 DA 9-9-09  
DA dismissed under 9/10

Para-10-CA allowed

nt  
sed by the Federal Service Tribunal, Islamabad, whereby appeal filed by the appellant was dismissed as barred by  
ne.

2. The facts material for the decision of the present appeal are that on 4-4-2005 the appellant was appointed as Income Tax Officer. He applied for leave to prosecute studies for LLM degree. The competent authority did not sanction the leave. Having left with no option, on 31-3-2006 the appellant tendered his resignation from service, which statedly was not processed despite efforts made by the appellant for acceptance of the same. On 13-11-2008 a show cause notice was issued to the appellant on the ground of his absence from duty under the provisions of Removal From Service (Special Powers) Ordinance, 2000, which was received by the appellant on 14-11-2008. On 20-11-2008, the appellant submitted his reply to the show cause notice, but no response was received to the appellant, therefore, on 21-7-2009, he sent a reminder to the Competent Authority for decision on the reply to show cause notice. As per pleadings, on 17-8-2009, the appellant received a copy of Notification dated 17-1-2009, entailing penalty of his dismissal from service.

3. On 9-9-2009, the appellant filed departmental appeal, which was not responded to. The appellant preferred Writ Petition No.1123 of 2011 before the learned Lahore High Court, which was disposed of with the direction to the Competent Authority to decide the departmental Appeal of the appellant expeditiously, preferably within a period of one month. After the direction of the learned Lahore High Court, the Competent Authority passed order dated 9-3-2010 dismissing the Departmental Appeal of the appellant as time barred, which order was received by the appellant on 2-3-2010.

4. The appellant challenged the findings of the Appellate Authority dated 9-3-2010 before the Federal Service Tribunal. This Appeal of the appellant was dismissed by the learned Tribunal, being hopelessly barred by time, vide impugned order dated 28-5-2011. Hence this Appeal.

5. The learned Counsel for the appellant has contended that once the department refused the leave to the appellant to proceed abroad for higher education, the appellant immediately tendered resignation from service on 31-3-2006 and waited for its acceptance. He submitted that under SI.No.14 Esta Code (P-466) on receipt of resignation, the department concerned is required to forward it immediately to the Competent Authority and ask the Civil Servant concerned to wait until resignation is accepted. In this case, the department willfully avoided to process the case, in defiance of the instructions contained in Esta Code at SI.No.16 (P-467), which required the Ministry/Department to forward the case of acceptance or otherwise of the resignation of a Civil Servant well in time.

6. It is next contended by the learned Counsel that on account of the impugned order of the Tribunal the future of the appellant is stigmatized for no fault on his part. He submitted that after tendering the resignation, the appellant waited for a long time and on 13-11-2008 the appellant received a show cause notice from the department after more than two and half years of his tendering resignation. The learned Counsel next contended that the appellant was not intimated by the Department about the fate of his resignation instead the appellant was served with a show cause notice with unexplained inordinate delay, whereafter the appellant was dismissed from service though he was a probationer and could have been discharged from service instead of being awarded major penalty of dismissal from service.

7. The learned Counsel for the respondents has submitted that under the Esta Code, a Civil Servant who absents himself after tendering resignation, can be proceeded against and awarded major penalty. He, however, could not offer any plausible explanation for not processing the case of resignation of the appellant except that the personal file of the appellant was misplaced.

8. We have heard the learned Counsel for the parties and have perused the record. We inquired from the learned Counsel for the respondents to justify issuance of show cause notice after inordinate delay of 2-1/2 years and directed him to place before us the original record. Today, the original record was placed before us and we had noticed that on 31-3-2006 the appellant tendered his resignation but his case was not processed for 2-1/2 years on the ground that his personal file was missing. Thereafter, the department instead of processing the case of resignation of the appellant opted to proceed against him departmentally for absence from duty. We have failed to understand as to how the department can sit over the resignation of the appellant once it was tendered. In case the personal file of the appellant was missing the Head of the department should have ordered enquiry and should have proceeded against the delinquent officers/officials found responsible for misplacing the personal file of the appellant.

9. We inquired from the learned Counsel for the respondents as to the action that has been taken against the officers/officials who were responsible for misplacing the personal file of the appellant. We were informed that one Additional Commissioner was responsible for it and his explanation was sought. We record our displeasure over the inaction against the Additional Commissioner who was found responsible for misplacing personal file of appellant. It

It appears that the concerned quarters do not proceed against officers/officials, who under the Law/Rules/Regulations are responsible for expediting the process of resignations of the Civil Servants well in time and are left free for such lapses to the disadvantage of the persons like appellant.

10. For the aforesaid reasons, we in the given circumstances, do not find any justifiable reasons to maintain the findings of the departmental authority and or the order of the learned Tribunal passed on the ground of limitation, which orders have adverse effect on the career of the appellant, who is a young man of 32 years and has a long way ahead.

11. We, therefore, direct the Secretaries, Establishment Division and Cabinet Division to ensure that the resignation cases of the Civil Servants be immediately processed and the concerned Civil Servant be also informed about its fate forthwith as per Rules. The delinquent officers/officials who caused delay in processing such cases be made accountable and proceeded against departmentally. This Appeal is allowed with the above direction.

MWA/Q-1/SC

Appeal allowed.

1. **Name of Official** SARDAR MUNIR NO. 1859 S/O SHARAKY  
R/O Kohi Barmol Tehsil & District Mardan.
2. **Date of Birth** 24.08.1973
3. **Date of enlistment** 02.09.1991
4. **Education** 10<sup>th</sup>
5. **Courses Passed** Recruit
6. **Total qualifying service** 26 years, 02 months & 05 days.
7. **Good Entries** Nil
8. **Punishment (previous)**

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

1. 08 days leave without pay vide OB No.3823 dt: 16.10.2011
2. 15 days leave without pay vide OB No.4129 dt: 16.12.2013
3. 04 days leave without pay vide OB No.4035 dt: 13.12.2010
4. 04 days leave without pay vide OB No.554 dt: 23.02.2009
5. 09 days leave without pay vide OB No.2741 dt: 06.08.2010
6. 09 days leave without pay vide OB No.2221 dt: 25.06.2010
7. 04 days leave without pay vide OB No.554 dt: 23.02.2009
8. 20 days leave without pay vide OB No.883 dt: 13.03.2010
9. 36 days leave without pay vide OB No.2964 dt: 26.09.2008
10. 10 days leave without pay vide OB No.2113 dt: 25.01.2007
11. 02 days leave without pay vide OB No.109 dt: 17.01.2007
12. 01 days E/Drill vide OB No.3381 dt: 30.12.2006
13. 07 days leave without pay vide OB No.3195 dt: 03.11.2004
14. 24 days leave without pay vide OB No.2210 dt: 13.07.2008
15. 01 day leave without pay vide OB No.485 dt: 28.05.2008
16. 07 days leave without pay vide OB No.3145 dt: 06.11.2007
17. 05 days leave without pay vide OB No.209 dt: 02.02.2007
18. 03 days leave without pay vide OB No.2012 dt: 05.07.2002
19. 06 days leave without pay vide OB No.1371 dt: 03.04.2001
20. 05 days Leave without pay vide OB No.5202 dt: 29.11.2000
21. 03 days Leave without pay vide OB No. 4319 dt: 06.10.2000
22. 02 days Leave without pay vide OB No.1167. dt: 20.03.2000
23. 02 days Leave without pay vide OB No.433 dt: 11.03.1997
24. 01 E/drill vide OB No.324 dt: 19.2.1997
25. 05 days E/drill vide OB No.1817 dt; 09.10.1996
26. 24 days leave without pay vide OB. No.45 dt; 05.01.2011
27. 03 days leave without pay vide OB.No 548 dt; 27.05.1994
28. 01 day Leave without pay vide OB No, 308 dt; 13.04.1994
29. Warning be care full in future vide OB No.233 dt: 20.03.1994
30. 15 days Leave without pay vide OB No. 2635 dt; 14.07.2011
31. 01 days leave without pay vide OB No: 139 dt; 08.2.1994
32. 01 days leave without pay vide OB No, 02 dt; 01.01.1994
33. 01 day E/drill vide OB No. 897 dt; 08.12.1993
34. 02 days E/drill vide OB No. 888 dt; 06.12.1993
35. 02 days E/drill vide OB No. 765 dt; 30.10.1993
36. 09 days leave without pay vide OB No. 3411 dt; 15.09.2011
37. 12 days leave without pay vide OB No. 663 dt; 21.02.2011
38. 15 days leave without pay vide OB No.3201 dt; 17.10.2008
39. 03 days leave without pay vide OB No.4035. dt. 13.12.2010
40. 04 days leave without pay vide OB No. 554.dt. 23.02.2009
41. 02 days leave without pay vide OB No.316.dt.22.01.2011
42. 09 days leave without pay vide OB No.3411.dt.15.19.2011
43. 07 days leave without pay vide OB No.3188 dt.24.08.2011
44. 06 days leave without pay vide OB No.2051 dt,31.05.2011
45. 32 days leave without pay vide OB No.1478.dt.22.04.2013
46. 30 days leave without pay vide OB No.1635.dt.28.04.2011
47. 15 days leave without pay vide OB No.2708.dt.12.08.2013
48. 25 days leave without pay vide OB No.2310 dt: 13.06.2012
49. 02 days Extra E/drill vide OB NO. 436.dt 30.01.2013

**Minor Punishment**

- 01. Censured 15 days without pay 4129. dt 16.12.2013.
- 02. 02 days quarter guard leave without pay vide OB No.2980 dt: 12.08.2003
- 03. Censured vide OB No.3346 dt: 06.08.2001
- 04. Censured 09 days leave without pay vide OB No.3188 dt: 03.11.2006

**Major Punishment**

- 01. Time Scale form one (1) Year. OB No. 2150 dt.23.05.2017

**09. Punishment (Current)**

- Awarded major punishment of dismissed from service on the charges of absence w.e.f 30.07.2019 to 0.07.2019 & 09.12.2019 to till date vide OB No.554 dated 18.02.2020 by SP/Cantt: Peshawar.

**10. Leave Account**

Total leave at his credit  
1256 days

Availed leaves  
180

Balance  
1076 Days.

FA *[Signature]* 21/7

*[Signature]*  
CRC 20/07/2020

W/CCPO

**CHARGE SHEET**

I, Superintendent of Police, Cantt., Capital City Police Peshawar, as a competent authority, hereby, charge that **FC Sardar Munir No. 1859** of Capital City Police Peshawar with the following allegations.

“You **FC Sardar Munir No. 1859** remained absent from lawful duty w.e.f **26.05.2019 to 04.07.2019 (total 39 days)** without permission from your senior. This amounts to gross misconduct on your part and against the discipline of the force.”

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

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

Intimate whether you desire to be heard in person.

A statement of allegation is enclosed.

  
**MUHAMMAD ASHFAQ**  
SUPERINTENDENT OF POLICE,  
CANTT, PESHAWAR