

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

SERVICE APPEAL NO. 829/2015

Date of Institution ... 30.06.2015

Date of Judgment ... 03.02.2017

Nazir Ahmad, Ex-Constable No. 3100,
District Police Mardan.

... (Appellant)

VERSUS

1. Deputy Inspector General of Police Mardan Region-1 Mardan.
2. District Police Officer Mardan.
3. Provincial Police Officer Khyber Pakhtunkhwa Peshawar.

... (Respondents)

APPEAL UNDER SECTION-4 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974, AGAINST THE ORDER DATED 02.03.2015 PASSED BY RESPONDENT NO.1 WHERE BY DEPARTMENTAL APPEAL OF THE APPELLANT FILED AGAINST THE ORDER ISSUED VIDE O.B. NO. 7 DATED 02.01.2015 OF RESPONDENT NO.2 HAS BEEN REJECTED/FILED.

Mr. Fazal Shah Mohmand, Advocate.

.. For appellant.

Mr. Muhammad Jan, Government Pleader

.. For respondents.

MR. MUHAMAMD AAMIR NAZIR

.. MEMBER (JUDICIAL)

MR. ASHFAQUE TAJ

.. MEMBER (JUDICIAL)

JUDGMENT

MUHAMMAD AAMIR NAZIR, MEMBER: Nazir Ahmad, ex-constable No.3100,

hereinafter referred to as appellant, through the instant appeal under section-4 of Khyber Pakhtunkhwa Service Tribunal Act 1974, has impugned order dated 02.01.2015 vide which appellant was awarded major penalty of dismissal from service while his absence period was counted as leave without pay. Against the impugned order appellant filed departmental appeal on 06.01.2015 which was rejected vide order dated 02.03.2015.

2. Brief facts of the case giving rise to the instant appeal are that the appellant joined Police department District Mardan in the year 2009. That on 09.07.2014, the appellant while

03.02.17

posted to Police Station City Mrdan fell ill and was unable to have performed his duties; therefore informed the SHO and Moharir and he remained under treatment for a long time. That the appellant was issued charge sheet alongwith statement of allegations on 01.09.2014 which was replied by the appellant. That after recovery the appellant reported for duty on 22.12.2014 in Police Station City Mardan and was directed to report in PS Rustam vide Naqal Mad No.20 dated 24.12.2014 and was performing his duties there till 02.01.2015. Thereafter was informed that vide Naqal Mad No.32 dated 02.01.2015 he has been dismissed from Service. That the appellant has preferred departmental appeal on 06.01.2015 which was rejected vide order dated 02.03.2015 copy of which was communicated to the appellant on 29.05.2015, hence the instant appeal.

3. Learned counsel for the appellant argued before the court that mandatory provisions of law and rules have badly been violated by the respondents and the appellant has not been treated in according to law and rules. That no chance of personal hearing was given to the appellant before passing the impugned order. That no regular enquiry was conducted by the respondents-department which was mandatory requirement of the law. That since the impugned order is illegal and without any justification, hence the same be set aside.

4. In rebuttal, learned Government Pleader argued before the court that since the appellant has willfully absented himself without any leave, hence he was rightly proceeded and was dismissed from service vide impugned order dated 02.01.2015. That the instant appeal is without any substance, hence be dismissed.

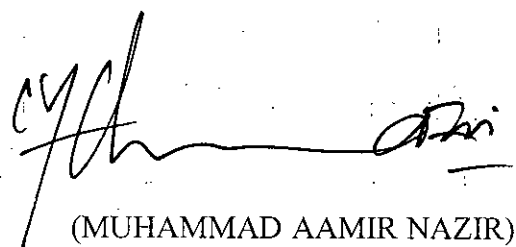
5. We have heard arguments of learned counsel for the appellant and learned Government Pleader for the respondents and have gone through the record available on file.

6. Perusal of the case file reveals that the appellant while serving as a constable was served charge sheet alongwith statement of allegations to the effect that he has deliberately absented himself from lawful duty ~~and~~ without any leave or permission of the competent

Handwritten signature
08.02.17

authority. In response to the charge sheet, the appellant submitted detail reply wherein he stated that during the absence period he remained ill and was under treatment in PIMS, Islamabad. However, enquiry proceedings were initiated and the enquiry officer without affording the appellant any chance to cross examine the witness and without taking into consideration a valid plea of illness of the appellant, recommended him guilty of misconduct. Enquiry officer in enquiry report has admitted that the appellant has produced before him medical prescription of Pakistan Institute of Medical Sciences(PIMS), Islamabad wherein it was stated that the appellant was suffering from bone pain(knee and joint) even then this plea of the appellant was overlooked on the ground that the doctor has not advised him bed rest. Similarly, the enquiry officer recorded the statement of MASI, P.S City, however no right of cross examination was provided to the appellant, hence mandatory provisions of law on the subject were violated and the provision of Article 10-A of Constitution of Islamic Republic of Pakistan has also been violated. Resultantly, we are inclined to set aside the impugned orders dated 02.01.2015 and dated 02.03.2015, reinstate the appellant into service. Respondents are however, at liberty to conduct *de-novo* enquiry by providing the appellant full opportunity to associate himself in the enquiry proceedings and to produce all the relevant record. The competent authority should consider the plea of illness of the appellant in accordance with law and pass an appropriate order. Enquiry shall be completed within a period of three months after receipt of this judgment. Parties are however left to bear their own costs. File be consigned to the record room .


(ASHFAQUE TAJ)
MEMBER


(MUHAMMAD AAMIR NAZIR)
MEMBER

ANNOUNCED
03.02.2017

03.02.2017

Counsel for the appellant and Mr. Muhammad Jan, GP
alongwith Mr. Khalid Mehmood, H.C for respondents present.

Vide our detailed judgment of today consists of three pages placed on file, we are inclined to set aside the impugned orders dated 02.01.2015 and dated 02.03.2015, reinstate the appellant into service and directing the respondents to conduct de-novo enquiry by providing the appellant full opportunity to associate himself in the enquiry proceedings and to produce all the relevant record. The competent authority should consider the plea of illness of the appellant in accordance with law and pass an appropriate order. Enquiry shall be completed within a period of three months after receipt of this judgment. Parties are left, however, left to bear their own costs. File be consigned to the record room.


(ASHFAQUE TAJ)
MEMBER


(MUHAMMAD AAMIR NAZIR)
MEMBER

Announced
03.02.2017

19.5.2016

Appellant in person and Mr. Muhammad Ghani, SI alongwith Addl. AG for respondents present. Rejoinder submitted whereof copy which is handed over to the learned GP. To come up for arguments on 13.10.2016.

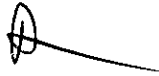
Member

Member

Handwritten notes in Urdu: "پڑھ کر دیکھو" and "ممبر"

13.10.2016

Clerk to counsel for the appellant and Mr. Khalid Mehmood, Naib Court alongwith Mr. Muhammad Jan, GP for respondents present. Clerk to counsel for the appellant requested for adjournment as counsel for the appellant was not available. To come up for arguments on 03.02.2017.

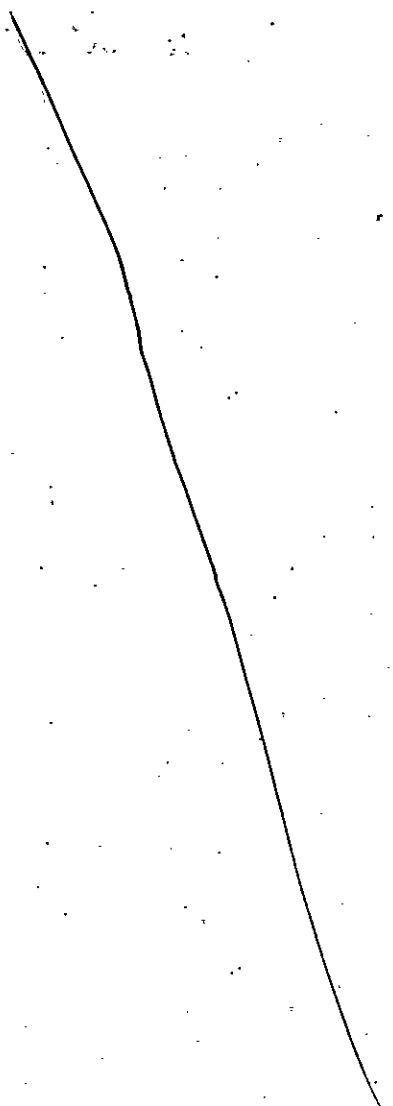


(ABDUL LATIF)
MEMBER



(PIR BAKHSH SHAH)
MEMBER

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29.07.2015

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was serving as Constable when subjected to inquiry on the allegations of wilful absence from duty and removed from service vide impugned order dated 2.1.2015 regarding which he preferred departmental appeal on 6.1.2015 which was rejected on 2.3.2015 copy whereof supplied to appellant on 29.5.2015 and hence the instant service appeal on 30.6.2015.

That the inquiry was not conducted in the prescribed manners and, moreover, the period of absence was treated as leave without pay and hence the major penalty of removal from service was unwarranted.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 27.10.2015 before S.B.

Appellant Deposited
Security & Process Fee



71-5-15


Chairman

27.10.2015

Appellant in person and Mr. Muhammad Ghani, S.I alongwith Addl: A.G for respondents present. Requested for adjournment. To come up for written reply/comments on 9.02.2016 before S.B.


Chairman

09.02.2016



Appellant with counsel and Mr. Muhammad Ghani, S.I alongwith Addl: A.G for respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing for 19.5.2016.


Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 829/2015

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	22.07.2015	<p>The appeal of Mr. Nazir Ahmad resubmitted today by Mr. Fazal Shah Mohmand Advocate may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"> REGISTRAR</p>
2	28-7-15	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>29-7-15</u></p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Nazeer Ahmad ex-constable No. 3100 received to-day i.e. on 30.06.2015 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copy of reply to the charge sheet mentioned in the memo of appeal (Annexure-D) is not attached with the appeal which may be placed on it.
- 2- Page no. 15 of the appeal is illegible which may be replaced by legible/better one.

No. 1023 /S.T,

Dt. 30/6 /2015

Nazeer Ahmad
REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Fazal Shah Mohmand Adv. Pesh.

Resubmitted after completion

(Signature)
22/7/15

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No 889 /2015

Nazir Ahmad.....Appellant

V E R S U S

DIG & Others.....Respondents

I N D E X

S.No	Description of Documents	Annexure	Pages
1.	Service appeal with affidavit		1-4
2.	Application for condonation of delay with affidavit		5-6
3.	Copy of Naqal Mad No 68 dated 09-07-2014 and Medical Chits	A & B	7-13
4.	Copy of charge sheet and reply	C & D	14-15
5.	Copy of Naqal Mad No 29 dated 22-12-2014, Naqal Mad No 20 dated 24-12-2014 & Naqal Mad No 32 dated 02-01-2015	E, F & G	16-19
6.	Copy of the order	H	20
7.	Copy of departmental appeal and order dated 02-03-2015	I & J	21-22
8.	Wakalat Nama		23

Dated:-24-06-2015


Appellant

Through



Fazal Shah Mohmand
Advocate Peshawar.

OFFICE:- Cantonment Plaza Flat 3/B Khyber Bazar Peshawar
Cell# 0301 8804841

1

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No 829 /2015

A.W.F Province
Service Tribunal

Diary No 753

Nazir Ahmad Ex Constable No 3100, District Police Mardan.

Dated 30-6-2015

.....Appellant

V E R S U S

1. Deputy Inspector General of Police Mardan Region-1 Mardan.
2. District Police Officer Mardan.
3. Provincial Police Officer KPK Peshawar.....Respondents

**APPEAL U/S 4 OF THE KPK SERVICE TRIBUNAL ACT 1974
AGAINST THE ORDER DATED 02-03-2015 PASSED BY
RESPONDENT NO 1 WHERE BY DEPARTMENTAL
APPEAL OF THE APPELLANT FILED AGAINST THE ORDER
ISSUED VIDE O.B. NO 7 DATED 02-01-2015 OF
RESPONDENT NO 2 HAS BEEN REJECTED/FILED.**

PRAYER:-

On acceptance of this appeal the impugned order dated 02-03-2015 of respondent No 1 and Order dated 02-01-2015 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 in District Police Mardan in the year 2009 remained posted to various Police Stations and since then he performed his duties with honesty and full devotion.
2. That on 09-07-2014, the appellant while posted to Police Station City Mardan fell ill and was unable to have performed his duties, therefore informed the SHO and Moharrir and time and again visited the Medical Officers where he remained under treatment for a long time. (Copy of Naqal Mad No 68

Filed to-day
Registrar
30/6/15

re-submitted to-day
and filed:
Registrar
22/7/15

dated 09-07-2014 and Medical Chits are enclosed as Annexure A & B).

3. That the appellant was issued Charge sheet with statement of allegations on 01-09-2014, which was replied by the appellant explaining the true position. **(Copy of charge sheet and reply are enclosed as Annexure C & D).**
4. That after recovery the appellant reported for duty vide Naqal Mad No 29 dated 22-12-2014 in Police Station City Mardan and was directed to report in Police Station Rustam being transferred there, the appellant accordingly reported in PS Rustam vide Naqal Mad No. 20 dated 24-12-2014 and was performing his duties there till 02-01-2015 and was informed that vide Naqal Mad No 32 dated 02-01-2015 he has been dismissed from service. **(Copy of Naqal Mad No 29 dated 22-12-2014, Naqal Mad No 20 dated 24-12-2014 & Naqal Mad No 32 dated 02-01-2015 is enclosed as Annexure E, F & G).**
5. That the appellant was dismissed from service under Police Rules 1975, by respondent No 2 vide order dated 02-01-2015. **(Copy of the order is enclosed as Annexure H).**
6. That the appellant filed Departmental appeal before respondent No 1 on 06-01-2015 which was rejected/filed vide order dated 02-03-2015, copy of which was communicate to the appellant on 29-05-2015. **(Copy of departmental appeal and order dated 02-03-2015 are enclosed as Annexure I & J).**
7. That the impugned order dated 02-03-2015 of respondent No 1 and order dated 02-01-2015 of respondent No 2 are against the law, facts and principles of justice on grounds inter alia as follows:-

G R O U N D S :-

- A. That the impugned orders are illegal and void abinitio.

- 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 show cause notice was not issued to the appellant.
- D.** That no inquiry was conducted to find out the true facts and circumstances, and no one was examined during inquiry.
- E.** That the impugned order is not a speaking order and thus not tenable in the eyes of law.
- F.** That there is misapplication of law as the law mentioned in the order of respondent No 1 is not applicable in case of the appellant.
- G.** That the appellant was not provided the opportunity of personal hearing and the impugned order is defective as well.
- H.** That even otherwise the period of absence has been regularized by treating the same as leave without pay, thus the appellant could not be punished on this ground again.
- I.** That the appellant has about 6 years of service with unblemished service record and is jobless since his illegal dismissal from service.
- J.** 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.

4

Dated:-24-06-2015

Through

[Signature]
Appellant

[Signature]

Fazal Shah Mohmand
Advocate, Peshawar.

AFFIDAVIT

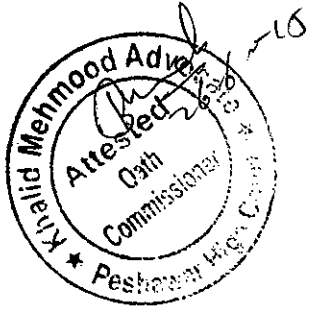
I, Nazir Ahmad Ex Constable No 3100, District Police Mardan, do hereby solemnly affirm and declare on oath that the contents of this **Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.

Identified by *[Signature]*

Fazal Shah Mohmand
Advocate Peshawar

[Signature]

DEPONENT



5

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No _____/2015

Nazir Ahmad.....Appellant

V E R S U S

DIG & Others.....Respondents

APPLICATION FOR THE 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 integral part of this application.
3. That the impugned order being void abinitio, illegal and time factor becomes irrelevant in such cases, furthermore copy of impugned order was communicated to the appellant on and the appeal is as such 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:-24-06-2015


Appellant

Through


Fazal Shah Mohmand,
Advocate, Peshawar

6

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No _____/2015

Nazir Ahmad.....Appellant

V E R S U S

DIG & Others.....Respondents

A F F I D A V I T

I, Nazir Ahmad Ex Constable No 3100, District Police Mardan, 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.

Identified by



Fazal Shah Mohmand
Advocate Peshawar


DEPONENT



PCN : P-12/14-38484 OPD # : 305/14/12/13842 OPD Visit # : 1
 OPD Name : Emergency Date : 09/07/2014 11:15:30 AM
 Patient Name : NAZIR MUHAMMAD PIN : WAZIR MUHAMMAD
 Age : 28 year(s) 11 month(s) 18 day(s) old Visit Unit :
 Weight : Sex : Male
 Address : City : ISLAMABAD
 Payment Type : General (LAC)

7

29-1

یہ کلیمٹس کے سرورٹ - یہ منیجمنٹ اور میڈیکل پرنسپل کے پاس ہے۔
 نوٹ - ڈاکٹر کے مشورے کے بعد ہسپتال میں موجود ادویات حاصل کرنے کے لیے فارمیسی سے رابطہ کریں۔

Complaint / Diagnosis :

Treatment

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PAKISTAN INSTITUTE OF MEDICAL SCIENCES ISLAMABAD

Islamabad Hospital

Rs. 5

PC# : P-12/14-38484

OPD # : 305/14/12/13842

OPD Visit # : 1

OPD Name : Emergency

Date : 25/07/2014

02:45:55PM

8

Patient Name : NAZIR MUHAMMAD

F/N : WAZIR MUHAMMAD

Age : 28 year(s) 11 month(s) 18 day(s) old

Visit Unit :

Weight :

Sex : Male

Address :

Treatment type: General (A/C)

City : ISLAMABAD

29.4

یہ کلینک کتبہ اول نمبر ہے۔ یہ منجیل کورڈیشن اور مزید ہسپتال آئے پر اپنی سائنچر لائیں۔
نوٹ: ڈاکٹر سے مشورے کے بعد ہسپتال میں موجود ادویات حاصل کرنے کیلئے فارمیسی سے رابطہ کریں۔

Complaint / Diagnosis :

Treatment :

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Altered
case
Adv

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ice

Wound Dress 46
ice



PAKISTAN INSTITUTE OF MEDICAL SCIENCES ISLAMABAD

Islamabad Hospital

Rs. 5

PIN : P-12/14-38484

OPD # : 303/14/12/13842

OPD Visit # : 1

OPD Name : Emergency

Date : 05/08/2014

Q1: 30:45:30

Patient Name : NAZIR MUHAMMAD

PIN : WAZIR MUHAMMAD

9

Age : 28 year(s) 11 month(s) 18 day(s) old.

Visit Unit :

Weight :

Sex : Male

Address :

Payment Type : General (EAC)

City : ISLAMABAD

294

یہ کلینکٹ کنٹرول نمبر ہے۔ یہ ہسپتال اور زمینوں پر ہر وقت آئے پر اپنے ساتھ لائیں۔
نوٹ۔ ڈاکٹر کے شورے کے بعد ہسپتال میں موجود ادویات حاصل کرنے کے لیے فارمی سے رابطہ کریں۔

Complaint / Diagnosis :

Treatment

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Wd As the tea

Wd As the tea

Wd As the tea



PCN: P-12/14-38484

OPD# 303111213842 OPD Visit 1

OPD Name: Emergency

Date: 12/09/2014 12:00:31PM

Patient Name: NAZIR MUHAMMAD

FN: WAZIR MUHAMMAD

Age: 18 years (11 months) 18 day(s) old.

Visit Unit:

Weight:

Sex: Male

Address:

City: ISLAMABAD

Payment Type: General (CAC)

10

294

پاکستان انسٹیٹیوٹ آف میڈیکل سائنس اسلام آباد ہسپتال کے ایمرجنسی وارڈ میں
نوشہ دیا گیا۔

Complaint / Diagnosis:

Treatment

Tad
Syr. Pim co uer
mud and H.C.V.

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Tad Ceftriaxone 500
1ml

Tad Aspirin D 8
200
100

Tad P. 800

Allesid
Eel
Ad

Syr. Pepsoral
1cc
Abecul pla
C.



PCN : P-12/14-38484

OPD # : 303/14/12/13842

OPD Visit # : 1

OPD Name : Emergency

Date : 17/10/2014

01:45:30 PM

Patient Name : NAZIR MUHAMMAD

FN : WAZIR MUHAMMAD

(11)

Age : 28 year(s) 11 month(s) 18 day(s) old

Visit Unit :

Weight :

Sex : Male

Address :

Admission Type : General (EAC)

City : ISLAMABAD

294

یہ 12/14-38484 آپ کی طبیعت کے لئے ہے۔ یہ منجانب سے اور ہمیشہ ہر روز ہسپتال آئے پراسپیکٹو ساتھ لائیں۔
نوٹ۔ ڈاکٹر نے شو روم کے بعد ہسپتال میں موجود آیات حاصل کرنے کیلئے فارمیسی سے رابطہ کریں۔

Complaint / Diagnosis :

Treatment

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Tad 1.01

Tad 1.01

Attended
Call
Ado

Tad 1.01
④

Cap 1.01
④



PAKISTAN INSTITUTE OF MEDICAL SCIENCES ISLAMABAD

Islamabad Hospital

Rs. 5

PCN : P-12/14-38484
 OPD Name : Emergency
 Patient Name : WAZIR MUHAMMAD
 Age : 28 years 11 month(s) 18 day(s) old.
 Weight :
 Address :
 Payment Type : General (EAC)
 OPD # : 305/14/12/138-12
 Date : 02/11/2014
 OPD Visit # : 1
 Time : 02:00:10 PM
 EN : WAZIR MUHAMMAD
 Visit Unit :
 Sex : Male
 City : ISLAMABAD

12

294

یہ کاپیشنٹ کنٹرول نمبر ہے۔ یہ سفیال کرکٹیں اور نیشہ پر ہونے والے حادثات کے لیے ہسپتال کے لیے فراہم کیے گئے ہیں۔
 نوٹ: ڈاکٹر سے مشورے کے بعد ہسپتال میں موجود دوا یا علاج حاصل کرنے کے لیے فارمیسی سے فراہم کریں۔

Complaint / Diagnosis:

Treatment

R

Tub Amoxicillin

Tub of folic acid

or

Cap Cefazolin

Cap Benzylpenicillin

صالح دان

نقلہ 68 روزنامہ 7/9/14

نشان ملی

(B)

68
 13
 اور پٹنہ صوبہ کی بادشاہان کی وقت 1705ء اور 7/9 درج حکمہ
 الوقت جو صوبہ اسی کے لئے لکھا گیا ہے اس کے خارج از
 پٹنہ کے علاوہ ان کے تمام میں موجود دیگر حکمہ کی شکل
 نہ ہے اور 3100 کے لئے موجود دیگر حکمہ صرف اور پٹنہ
 صوبہ صوبہ کی درج روزنامہ 7/9 کے نقلہ لغزین
 ضابطہ کے کارروائی کیلئے طرفت اسرار بالادار سال
 ہو گیا۔

صالح عالی

نقل عطا لیا اہل 9/9

MM P.S. city

18-12-2014

14


CHARGE SHEET UNDER NWFP POLICE RULES 1975

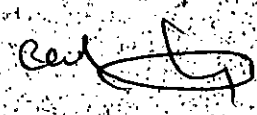
I, Gul Arzal Khan District Police Officer, Mardan as competent authority hereby charge you Constable Nazeer Ahmed No: 3100 as follows

That you Constable, while posted at Police Station City Mardan, deliberately absented yourself from the lawful duty vide DD No.68 dated 09.07.2014 to date without any leave / permission of the competent authority. You are recommended for departmental action by DSP/City Mardan vide his office letter No. 122, dated 25.07.2014.

This amounts to grave misconduct on your part, warranting departmental action against you, as defined in section - 6 (1) (a) of the NWFP Police Rules 1975.

1. By reason of the above, you appear to be guilty of misconduct under section - 02 (iii) of the NWFP Police Rules 1975 and has rendered yourself liable to all or any of the penalties as specified in section - 04 (i) a & b of the said Rules.
2. You are therefore, directed to submit your written defense within seven days of the receipt of this charge sheet to the enquiry officer.
3. Your written defence, if any, should reach to the enquiry officer within the specified period, failing which, it shall be presumed that you have no defense to put in and in that case, an ex-parte action shall follow against you.
4. Intimate whether you desired to be heard in persons.


 (GUL ARZAL KHAN)
 District Police Officer,
 Q Mardan

Attested

 JDU

Better copy

بیان ازاد کانٹریبل نذیر احمد نمبر 3100

(15)

حوالہ جاریہ شیٹ نمبر 699 مورخہ 14/09/01 موضوع یہو

کہ مسائل مقامہ سے جس کیفیت منقول ڈیوٹی پر تھا اور تیب ہاشی
 پر خورد گم کیا ہوا تھا کہ دوران رخصت سائل کو بدست ریٹرن کی پڑی
 جس تعلق سے علاج شروع کیا گیا مگر افاقیہ نہیں ہوا اس کے بعد
 میڈیکل کمپلین اسکا آپارٹمنٹ سے علاج شروع کیا گیا اس کے بعد
 سائل جناب DP صاحب ایڈیٹل Hs صاحب کو پیش ہوا تھا اس
 کے علاوہ سائل ایک دفعہ جناب DP صاحب کو پیش ہوا تھا اور
 علم میڈیکل کالڈزات مقامہ سے محرر کو حوالہ دیا گیا کہ یہ لہذا
 استدعا ہے کہ سائل کا علاج غیر فاضلی رخصت میں شمار کر کے اور
 جاریہ شیٹ بلا کسی کارروائی داخل رخصت فرمائی جائے۔
 بیت میڈیاں ہوگی۔ (نوٹ میڈیکل کالڈزات لف ۶)

آج کل جامع سرطان کا کنٹریبل نذیر احمد نمبر 3100 مقامہ سے حیران

22/12/01

سید اللہ
 Add

ساز آذوقه مائیل نزییر احمد

بجملہ احادیث و روایات 699 موقوفہ 1-9 مہر و سونے

اساتیل سوانہ ندرشی معین بکشنہ بحیرل ڈیپوٹی ڈسٹرکٹ سب ڈیپوٹی

نیشنل مائیلی نیر کھوجہ دیہات سدا دوران ریاست سندھ مائیل او کلا

سر ریست مائیل ریگولیشن ریگولیشن ریگولیشن ریگولیشن

محلہ 6 شتر غم ندرشی و اولادہ شتر غم و اسر ریگولیشن

مکمل سرائیہ اسلام آباد سے محلہ شتر غم ندرشی مائیل او کلا

محلہ دیہات مائیل باضاب 5 ریگولیشن ریگولیشن ریگولیشن

محلہ دیہات مائیل او کلا مائیل او کلا مائیل او کلا

محلہ دیہات مائیل او کلا مائیل او کلا مائیل او کلا

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آئی ایم ایم مائیل نزییر احمد محلہ 3100 حقانہ شتر غم

11-11-11

~~MAA~~

22/12/2014

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(16) (46)

OFFICE OF THE DISTRICT POLICE OFFICER, MARDAN

No. 679 /D.A-P.R-1975.

Dated 1-9- /2014

DISCIPLINARY ACTION UNDER NWFP POLICE RULES - 1975

I, **Gul Afzal Khan** District Police Officer, Mardan as competent authority am of the opinion that Constable **Nazeer Ahmad** No. 3100, rendered himself liable to be proceeded against as he committed the following acts/omission within the meaning of section-02 (iii) of NWFP Police Rules 1975.

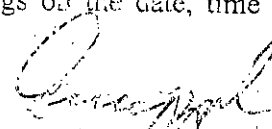
STATEMENT OF ALLEGATIONS

1. That Constable **Nazeer Ahmad** No. 3100, while posted at Police Station City Mardan, deliberately absented himself from the lawful duty vide DO No.68 dated 09.07.2014 to-date without any leave / permission of the competent authority. He is recommended for departmental action by DSP/City Mardan vide office order No. 122, dated 25.07.2014.

2. For the purpose of scrutinizing the conduct of the said official with reference to the above allegations **Kamran Mumtaz ASP/SMT Mardan** is appointed as Enquiry Officer.

3. The enquiry officer shall conduct proceedings in accordance with provisions of Police Rules 1975 and shall provide reasonable opportunity of defense and hearing to the accused official, record its findings and make within twenty five (25) days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused officer.

4. The accused officer shall join the proceedings on the date, time and place fixed by the Enquiry Officer.


(GUL AFZAL KHAN)
District Police Officer,
Mardan

OFFICE OF THE DISTRICT POLICE OFFICER, MARDAN

No. 699 /R dated Mardan the 1-9- 2014.

Copy of above is forwarded to the

- Almal*
Sal
Ad
1. ASP/SMT Mardan for initiating proceedings against the accused official / Officer namely Constable **Nazeer Ahmad** No. 3100, under Police Rules, 1975.
 2. Constable **Nazeer Ahmad** No. 3100, with the directions to appear before the Enquiry Officer on the date, time and place fixed by the enquiry officer for the purpose of enquiry proceedings.

***** !!! *****

16/A

BETTER COPY

OFFICE OF THE DISTRICT POLICE OFFICE, MARDAN.

No.699/D.A.P.R. 1975

Dated 1.9.2014

DISCIPLINARY ACTION UNDER NWFP POLICE RULES 1975

I, Gul Afzal Khan District police Office, Mardan as competent authority am of the opinion that Constable Nazeer Ahmad No.3100 rendered himself liable to be proceeded against as he committed the following acts/ omission within the meaning of section 02 (iii) of NWFP Rules, 1975.

STATEMENT OF ALLEGATION

The Constable Nazeer Ahmad No.3100, while posted at Police Station City Mardan, deliberately absented himself from the lawful duty vide DD NO.68 dated 09.07.2014 to-date without any leave/ permission of the competent authority. He is recommended for departmental action by DSP/ City Mardan vide office order No.122, dated 25.07.2014.

2. For the purpose of scrutinizing the conduct of the said official with reference to the above allegations Kaman Mumtaz ASP/ SMT Mardan is appointed as Enquiry Officer.

3. The enquiry officer shall conduct proceedings in accordance with provisions of Police Rules, 1975 and shall provide reasonable opportunity of defense and hearing to the accused official, record its findings and make within twenty five (25) days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused officer.

4. The accused officer shall join the proceedings on the date, time and place fixed by the Enquiry Officer.

(GUL AZAM KHAN)
District Police Officer,
Mardan

OFFICE OF THE DISTRICT POLICE OFFICER, MARDAN No.699 /E dated Mardan the 1.9.2014

Copy of above is forwarded to the:

1. ASP/SMT Mardan for initiating proceedings against the accused official/ officer namely Constable Nazeer Ahmad No.3100 under Police Rules, 1975.
2. Constable Nazeer Ahmad No.3100, with the directions to appear before the Enquiry Officer on the date, time and place fixed by the enquiry officer for the purpose of enquiry proceedings.

Attested
Car [Signature] Ad

صفا علی

29 12/14

صفا علی

29 صفا علی و صفا علی 22 12/14 صفا علی 3100
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پولیس

نقل عد 20 نینا 314 24¹²

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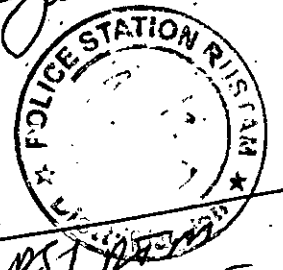
F
کتاب

ن 20 بری طرح و اس ماسی سے 10:00 بجے 24¹² الیہ نقل
نڈر (نمبر 3100) سے سادہ مع ساکن نئی سرکاف
کتاب سے کتاب کو لایا گیا ہے۔

کا کاپی

نقل کتاب سے

Handwritten signature



mm/ps
23/6/2015

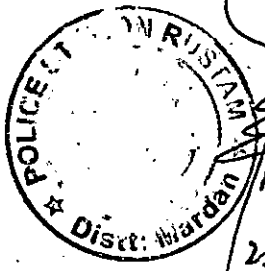
(9) (19)
کھانہ

میں

نقل درجہ 32 بعد نماز 01/05/02

01
درجہ 32 پولیس کانسٹیبل برائے ضلع راجستھان ایک وقت 15:15 بجے جمع 05:02 لاہور
ضلع راجستھان ایک وقت 07:07 B 05:07 لاہور درجہ 3100
عزیز صاحبہ کی حکمت سے طرف ہو گیا ہے پولیس کانسٹیبل
بعد نماز جمعہ کو لاہور میں عرض اظہار کیا گیا ہے کہ
کہ آفیسر کی والدہ کی صحت میں بہت سہولت ہو گئی ہے اور
کو لاہور میں رہنے کے لئے بھیج دیا گیا ہے۔

نقل حکم نامہ حاصل ہے



mm/ps/Rustan
23/06/2015

20 H

ORDER

Constable Nazeer Ahmad No. 3100, while posted at Police Station City Mardan committed the following act, which is gross misconduct on his part as defined in Rules 02 (iii) Police Rules 1975.

Brief facts are that Constable Nazeer Ahmad No. 3100, Police Station City Mardan, deliberately absented himself from the lawful duty vide DD No. 68 dated 09.07.2014 to-date.

In this connection, Constable Nazeer Ahmad No. 3100, was charged sheeted vide this office No. 699/R, dated 01.09.2014 and he was also proceeded against departmentally through Mr: **Imtaiz Gul DSP/Legal: Mardan**, who after fulfilling necessary process, submitted his findings to the undersigned vide his office endorsement No. 2008/LB, dated 31.12.2014, in which the allegations have been established against him.


After going through inquiry file the undersigned agree with the findings of enquiry officer and the alleged **Constable Nazeer Ahmad No. 3100**, is not interested in Service. So, he is hereby **dismissed from service** while his absence period counted as leave without pay, in exercise of the power vested in me under Police Rules 1975.

Order announced

O.B No. 07



Dated 1/1/2015

No. 10-751 dated Mardan the 02-01/2014


(Gul Afzal Afridi)
District Police Officer,
Mardan.

Copy for information and necessary action to:-

1. The Deputy Inspector General of Police Mardan Region-1, Mardan.
2. The S.P Operations, Mardan.
3. The DSP/HQrs Mardan.
4. The Pay Officer (DPO) Mardan.
5. The E.C (DPO) Mardan.
6. The OASI (DPO) Mardan.

Attested



بیماری لا حق صورتی آس وقت سائل کی پوشش تھانہ سٹی صبران میں لئی
 سائل صبا - DPO صبر صبران کے ساتھ پیش ہو کر صبا - DPO
 نے صبر کے لئے Free-Medical کیسے قائم دیریا اور ساتھ ساتھ طبی لپی
 عطا فرمائیں اور من سائل DHQ ہسپتال صبران صبران لودہ فتح سہیل
 ہسپتال اسلام آباد ریفر کیا گیا اس دوران سائل صبا - SP اپریشن
 کے لئے ساتھ پیش ہوا اور نئی عام صبران ملنے کے لئے کانگریس
 میں دوبارہ ہسپتال صبران اس دوران میں وقتاً فوقتاً صبران
 ہسپتال میں صبران کے لئے تھانہ کو کھینچا رہا لیکن یہ قسمی سے
 فتح غیر حاضر کیا گیا تھا فتح قطعاً علم نہ تھا اور آخر کار فورز 2015-1-1-1 کو
 صبا - DPO صبران نے من سائل کو نوکری سے برخواست کیا
 صبران کے لئے کو show-cause نوٹس ملے اور نہ ہی فتح کو اطلاع
 دی گئی تھی۔

اللہ اس دعا کو سائل کو دوبارہ ملازمت کا حال کرے گا حکم جاری
 فرمایا جائے گا - سائل تاحیات رہنا چاہیگا۔

فورز 2015-01-6
 الکابری

نذیر احمد 3100 سابقہ کنسٹیبل فتح دھرم پورے بابا
 0315-9424304
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 eueh An

① (22) J

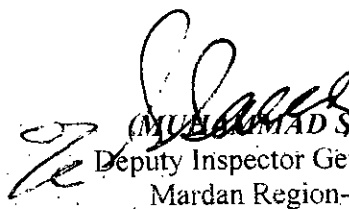
ORDER.

This order will dispose-off the appeal preferred by Ex-Constable Nazeer Ahmad No. 3100 of Mardan District Police against the order of District Police Officer, Mardan, wherein he was dismissed from service vide District Police Officer, Mardan OB No. 07 dated 01.01.2015.

Brief facts of the case are that he while posted at Police Station City, deliberately absented himself from the lawful duty vide daily diary No. 68 dated 09.07.2014 to the date of dismissal. In this connection he was charge sheeted and was also proceeded against departmentally through Deputy Superintendent of Police Legal, Mardan, who after fulfilling necessary processes, submitted his findings to District Police Officer, Mardan, in which the allegations have been established against him. After going through inquiry file District Police Officer, Mardan agreed with the findings of enquiry Officer, as the alleged Constable is not more interested in service, therefore he was dismissed from service.

I have perused the record and also heard the appellant in Orderly Room held in this office on 18.02.2015, but he failed to justify his absence period and could not produce any cogent reason about his absence. Therefore, I **MUHAMMAD SAEED** Deputy Inspector General of Police, Mardan Region-I, Mardan in exercise of the powers conferred upon me reject the appeal and do not interfere in the order passed by the competent authority, thus the appeal is filed forthwith.

ORDER ANNOUNCED.


(**MUHAMMAD SAEED**)PSP
Deputy Inspector General of Police,
Mardan Region-I, Mardan.

No. 1340 /ES, Dated Mardan the 02-03- /2015.

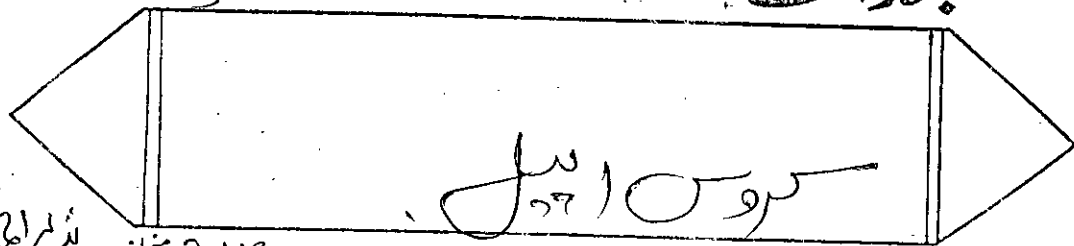
Copy to District Police Officer, Mardan for information and necessary action w/r to his office Memo: No. 199/LB dated 12.02.2015. His service roll is returned herewith.

(*****)

Attested

 Adh

بعدالت جناب سروس لٹریچر لاء



2019ء جناب لڈ لٹریچر

لڈ لٹریچر بنام 019 وٹو

موزخہ
مقدمہ
دعوی
جزم

باعث تحریر آئنگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ
آن مقام لڈ لٹریچر کیلئے فصل خاصہ کے
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثتہ فیصلہ بر حلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور وصولی چیک درو پیہ از مرضی دعویٰ اور درخواست ہر قسم کی تصدیق
زر میں 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 کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو کبھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ
پر داخستہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانب 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
مذکور کریں۔ لہذا ادکالت نامہ لکھ دیا کہ سندر ہے۔

المرقوم 26، ماہ 03، 2019

العبد العبد العبد

بمقام لڈ لٹریچر کے لئے منظور ہے۔

Attested & Accepted

Qal [Signature]

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No 6 /2015

Nazir Ahmad.....Appellant

V E R S U S

DIG & Others.....Respondents

I N D E X

S.No	Description of Documents	Annexure	Pages
1.	Service appeal with affidavit		1-4
2.	Application for condonation of delay with affidavit		5-6
3.	Copy of Naqal Mad No 68 dated 09-07-2014 and Medical Chits	A & B	7-13
4.	Copy of charge sheet and reply	C & D	14-
5.	Copy of Naqal Mad No 29 dated 22-12-2014, Naqal Mad No 20 dated 24-12-2014 & Naqal Mad No 32 dated 02-01-2015	E, F & G	17-19
6.	Copy of the order	H	20
7.	Copy of departmental appeal and order dated 02-03-2015	I & J	21-22
8.	Wakalat Nama		23

Dated:-24-06-2015


Appellant

Through



Fazal Shah Mohmand
Advocate Peshawar.

OFFICE:- Cantonment Plaza Flat 3/B Khyber Bazar Peshawar
Cell# 0301 8804841

(1)

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No _____/2015

Nazir Ahmad Ex Constable No 3100, District Police Mardan.

.....Appellant

V E R S U S

1. Deputy Inspector General of Police Mardan Region-1 Mardan.
2. District Police Officer Mardan.
3. Provincial Police Officer KPK Peshawar.....Respondents

**APPEAL U/S 4 OF THE KPK SERVICE TRIBUNAL ACT 1974
AGAINST THE ORDER DATED 02-03-2015 PASSED BY
RESPONDENT NO 1 WHERE BY DEPARTMENTAL
APPEAL OF THE APPELLANT FILED AGAINST THE ORDER
ISSUED VIDE O.B. NO 7 DATED 02-01-2015 OF
RESPONDENT NO 2 HAS BEEN REJECTED/FILED.**

PRAYER:-

On acceptance of this appeal the impugned order dated 02-03-2015 of respondent No 1 and Order dated 02-01-2015 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 in District Police Mardan in the year 2009 remained posted to various Police Stations and since then he performed his duties with honesty and full devotion.
2. That on 09-07-2014, the appellant while posted to Police Station City Mardan fell ill and was unable to have performed his duties, therefore informed the SHO and Moharrir and time and again visited the Medical Officers where he remained under treatment for a long time. (Copy of Naqal Mad No 68

2

dated 09-07-2014 and Medical Chits are enclosed as Annexure A & B).

3. That the appellant was issued Charge sheet with statement of allegations on 01-09-2014, which was replied by the appellant explaining the true position. (Copy of charge sheet and reply are enclosed as Annexure C & D).
4. That after recovery the appellant reported for duty vide Naqal Mad No 29 dated 22-12-2014 in Police Station City Mardan and was directed to report in Police Station Rustam being transferred there, the appellant accordingly reported in PS Rustam vide Naqal Mad No 20 dated 24-12-2014 and was informed performing his duties there till 02-01-2015 and has been that vide Naqal Mad No 32 dated 02-01-2015 he has been dismissed from service. (Copy of Naqal Mad No 29 dated 22-12-2014, Naqal Mad No 20 dated 24-12-2014 & Naqal Mad No 32 dated 02-01-2015 is enclosed as Annexure E, F & G).
5. That the appellant was dismissed from service under Police Rules 1975, by respondent No 2 vide order dated 02-01-2015. (Copy of the order is enclosed as Annexure H).
6. That the appellant filed Departmental appeal before respondent No 1 on 06-01-2015 which was rejected/filed vide order dated 02-03-2015, copy of which was communicate to the appellant on 29-05-2015. (Copy of departmental appeal and order dated 02-03-2015 are enclosed as Annexure I & J).
7. That the impugned order dated 02-03-2015 of respondent No 1 and order dated 02-01-2015 of respondent No 2 are against the law, facts and principles of justice on grounds inter alia as follows:-

GRUNDS:-

- A. That the impugned orders are illegal and void abinitio.

- 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 show cause notice was not issued to the appellant.
- D. That no inquiry was conducted to find out the true facts and circumstances, and no one was examined during inquiry.
- E. That the impugned order is not a speaking order and thus not tenable in the eyes of law.
- F. That there is misapplication of law as the law mentioned in the order of respondent No 1 is not applicable in case of the appellant.
- G. That the appellant was not provided the opportunity of personal hearing and the impugned order is defective as well.
- H. That even otherwise the period of absence has been regularized by treating the same as leave without pay, thus the appellant could not be punished on this ground again.
- I. That the appellant has about 6 years of service with unblemished service record and is jobless since his illegal dismissal from service.
- J. 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.

4

Dated:-24-06-2015

Through


Appellant

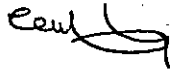


Fazal Shah Mohmand
Advocate, Peshawar.

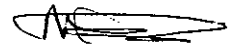
AFFIDAVIT

I, Nazir Ahmad Ex Constable No 3100, District Police Mardan, do hereby solemnly affirm and declare on oath that the contents of this Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.

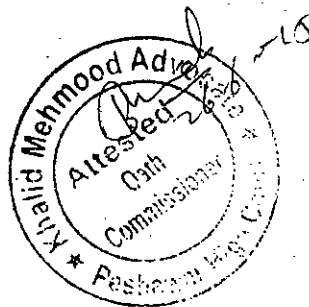
Identified by



Fazal Shah Mohmand
Advocate Peshawar



DEPONENT



5

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No _____/2015

Nazir Ahmad.....Appellant

V E R S U S

DIG & Others.....Respondents

APPLICATION FOR THE 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 integral part of this application.
3. That the impugned order being void abinitio, illegal and time factor becomes irrelevant in such cases, furthermore copy of impugned order was communicated to the appellant on and the appeal is as such 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:-24-06-2015


Appellant

Through 
Fazal Shah Mohmand,
Advocate, Peshawar

6

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No _____/2015

Nazir Ahmad.....Appellant

V E R S U S

DIG & Others.....Respondents

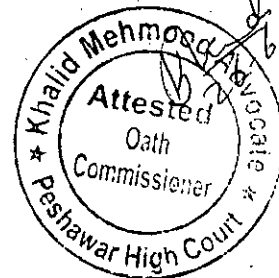
A F F I D A V I T

I, Nazir Ahmad Ex Constable No 3100, District Police Mardan, 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.

Identified by



Fazal Shah Mohmand
Advocate Peshawar


DEPONENT



PCN : P-12/14-38484
 OPD Name : Emergency
 Patient Name : NAZIR MUHAMMAD
 Age : 28 year(s) 11 month(s) 18 day(s) old.
 Weight :
 Address :
 Payment Type : General (I.A.C)

OPD # : 30314/12/13842 OPD Visit # : 1
 Date : 09/07/2014 11:15:30 AM
 FN : WAZIR MUHAMMAD
 Visit Unit :
 Sex : Male
 City : ISLAMABAD

7

294

یہ کلینک مشورہ کیلئے ہے۔ یہ نیشنل ایمرجنسی اور ایڈوانسڈ ہیرالڈ ہسپتال کے پراسپیکٹس کے ساتھ ہے۔
 نوٹ: ڈاکٹر مشورہ کے بعد ہسپتال میں موجود طبی عملے سے رابطہ کریں۔

Complaint / Diagnosis :

Treatment

R

Tab Rotenone ac
 140-0

Tab Dabedip
 D.

Tab Costumal
 24

Attested
 Cash
 Ach

PAKISTAN INSTITUTE OF MEDICAL SCIENCES ISLAMABAD

Islamabad Hospital

Rs. 5

ID: P-12/14-38484
 OPD Name: Emergency
 Patient Name: NAZIR MUHAMMAD
 Age: 28 year(s) 11 month(s) 18 day(s) old.
 Weight:
 Address:
 Payment type: General (A.W.)

OPD #: 303/14/12/13842
 OPD Visit #: 1
 Date: 25/07/2014
 Time: 02:45:55 AM
 FN: WAZIR MUHAMMAD
 Visit Unit:
 Sex: Male
 City: ISLAMABAD

8

294

یہ کیلینک آپ کلائینک کنٹرول ریموٹ ہے۔ یہ منجیل کمر ٹیمیں اور ایڈیٹس ہر روز ہسپتال آتے ہیں۔ پتہ: سائبر ایئر۔
 فونٹ: ڈاکٹر سے مشورے کے بعد ہسپتال میں موجود ادویات حاصل کرنے کیلئے فارمیسی سے رابطہ کریں۔

Complaint / Diagnosis:

Treatment

2nd Wound dress
 1cc

2nd ~~Wound~~ dress
 1cc

Attended

Case

Adv

2nd Wound
 1cc

2nd ~~Wound~~ dress
 1cc



PAKISTAN INSTITUTE OF MEDICAL SCIENCES ISLAMABAD

Islamabad Hospital

Rs. 5

PC# : P-12/14-38484 OPD # : 303/14/12/13812 OPD Visit # : 1
 OPD Name : Emergency Date : 05/08/2014 01:30:47PM
 Patient Name : NAZIR MUHAMMAD I/N : WAZIR MUHAMMAD
 Age : 28 years (11 month(s) 18 day(s) old. Visit Unit :
 Weight : Sex : Male
 Address : City : ISLAMABAD
 Payment Type : General (IAC)

9

294

یہ کلینکٹ کنٹرول ہے۔ یہ مریض اور ہمیشہ ہر ہفتہ ہسپتال آئے پراپن ساتھ آئیں۔
 نوٹ۔ ڈاکٹر کے ہسپتال میں موجوداویات حاصل کرنے کیلئے فارمی سے رابطہ کریں۔

Complaint / Diagnosis :

Treatment

Ru

Wd As the tea

Wd Adp...

Wd Dul...

Wd S...



PCT P-12/14-38484

OPD # : 303141213842

OPD Visit # 1

OPD Name : Emergency

Date : 12/09/2014 12:00:31PM

Patient Name : NAZIR MUHAMMAD

FN : WAZIR MUHAMMAD

10

Age : 8 years (41 months) 18 day(s) old.

Visit Unit

Weight

Sex : Male

Address

Payment Type : General (IAC)

City : ISLAMABAD

294

پاکستان انسٹیٹیوٹ آف میڈیکل سائنسز اسلام آباد ہسپتال، اسلام آباد

Complaint / Diagnosis

Treatment

Tad
Syr Pin ab uen
mud and HCV

Tad Ceftriaxone 500
1 cc

Tad Azithromycin D3
200
1 cc

Tad Paracetamol

Allested
Ear
ad

Syr. Pepsin
1 cc
Abecul Plus
C.



PAKISTAN INSTITUTE OF MEDICAL SCIENCES ISLAMABAD

Islamabad Hospital

Rs. 5

TCN : P-12/14-38484

OPD # : 303/14/12/13842

OPD Visit # 1

OPD Name : Emergency

Date : 17/10/2014

Time : 05:30 PM

Patient Name : NAZIR MUHAMMAD

FN : WAZIR MUHAMMAD

(11)

Age : 28 year(s) 11 month(s) 18 day(s) old

Visit Unit :

Weight :

Sex : Male

Address :

Payment Type : General (EAC)

City : ISLAMABAD

294

یہ کلینک کے لئے درخواست ہے۔ یہ طبیالی اور تشخیصی ہر دو ہتال آنے پر اپنے ساتھ لائیں۔

نوٹ: ڈاکٹر نے نمونوں کے بعد ہتال میں دوا دیات حاصل کرنے کیلئے فارم سے رابطہ کریں۔

Complaint / Diagnosis :

Treatment

[Handwritten signature]

Tad Zenture

100

Tad Leib spray

Tad Mupitazul

100

Attended
Case
Ado

Tad Roz

10

(4)

Cap Indocarb

(10)



PCN : P-12/11-38484

OPD # : 303/11/12/13842

OPD Visit # : 1

OPD Name : Emergency

Date : 02/11/2014

QD: 00: 10:17

Patient Name : NAZIR MUHAMMAD

P.N. : WAZIR MUHAMMAD

Age : 28 years) 11 month(s) 18 day(s) old.

Visit Unit :

Weight :

Sex : Male

Address :

Payment Type : General (IAC)

City : ISLAMABAD

12

294

یہ کیپیڈٹ کسٹروبولی ہے۔ یہ مریض کو ریجنل اور میڈیکل ہسپتال آئے پر اپنے ساتھ لائیں۔
نوٹ: ڈاکٹر کے مشورے کے بعد ہسپتال میں موجود ایس ایم ایس کے کیمپ فارمیسی سے دوا لیں۔

Complaint / Diagnosis :

Treatment

R

Tub Amoxicillin
QD

Tub ofloxacin
BID

Cap Cefixime

Cap Erythromycin
QD

کھانہ لکھی

(B)

نقلہ 68 روزنامہ 7/9/14

صلوات

68

(13)

اگرچہ علیہ صبریہ ماریٹا کے ساتھ ان کی وقت 1705 اور 7/14/9 درج حکمہ
 الوقت جو علیہ صبریہ ماریٹا کے ساتھ ہے تاریخ از
 ڈیڑھ گھنٹہ اور ان کے ساتھ میں موجود ہے اس کے ساتھ
 نہ اس کے ساتھ 3100 کے ساتھ ہے اس کے ساتھ اور
 علیہ صبریہ ماریٹا درج روزنامہ 7/9/14 نقلہ لکھی
 صبر سے کاروائی کیلئے ضرورت اس کے ساتھ بالادار سال
 ہوگی۔

عناں عالی

نقل عطا الحق اہل حق

MM P.S. city

18-12-2014

(14)

CHARGE SHEET UNDER NWFP POLICE RULES 1975

I, Gul Afzal Khan District Police Officer, Mardan as competent authority hereby charge you Constable Nazeer Ahmad No. 3100 as follows

That you Constable, while posted at Police Station, City Mardan, deliberately absented yourself from the lawful duty vide DD No. 68 dated 09.07.2014 to date without any leave / permission of the competent authority. You are recommended for departmental action by DSP/City Mardan vide his office letter No. 122, dated 25.07.2014.

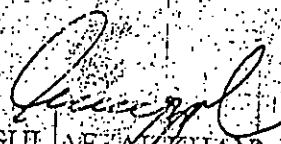
This amounts to grave misconduct on your part, warranting departmental action against you as defined in section 6(1)(a) of the NWFP Police Rules 1975.

By reason of the above, you appear to be guilty of misconduct under section - 02 (iii) of the NWFP Police Rules 1975 and have rendered yourself liable to all or any of the penalties as specified in section - 04 (r) a & b of the said Rules.

2. You are therefore, directed to submit your written defence within seven days of the receipt of this charge sheet to the enquiry officer.

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

4. Intimate whether you desired to be heard in person.


(GUL AFZAL KHAN)
District Police Officer,
Mardan

Attested



sd/-

***** !!! *****

Proceedings to be fixed by the

OFFICE OF THE DISTRICT POLICE OFFICER, MARDAN

15

No. 699 /R/D.A-P.R-1975.

Dated 1-9- /2014.

DISCIPLINARY ACTION UNDER NWFP POLICE RULES - 1975

I, Gul Afzal Khan District Police Officer, Mardan as competent authority am of the opinion that Constable Nazzer Ahmad No. 3100, rendered himself liable to be proceeded against as he committed the following acts/omission within the meaning of section-02 (iii) of NWFP Police Rules 1975.

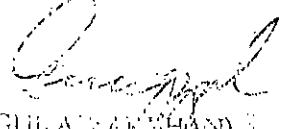
STATEMENT OF ALLEGATIONS

The Constable Nazzer Ahmad No. 3100, while posted at Police Station City Mardan, deliberately absented himself from the lawful duty vide DO No.68 dated 09.07.2014 to-date without any leave / permission of the competent authority. He is recommended for departmental action by DSP/City Mardan vide an office letter No. 122, dated 25.07.2014.

2. For the purpose of scrutinizing the conduct of the said official with reference to the above allegations Kamran Mumtaz A-2/SMT Mardan is appointed as Enquiry Officer.

3. The enquiry officer shall conduct proceedings in accordance with provisions of Police Rules 1975 and shall provide reasonable opportunity of defense and hearing to the accused official, record its findings and make within twenty five (25) days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused officer.

4. The accused officer shall join the proceedings on the date, time and place fixed by the Enquiry Officer.

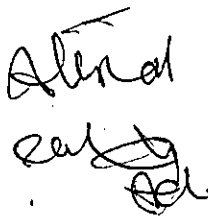

(GUL AFZAL KHAN)
District Police Officer,
Mardan

OFFICE OF THE DISTRICT POLICE OFFICER, MARDAN

No. 699 /R dated Mardan the 1-9- /2014.

Copy of above is forwarded to the

1. ASP/SMT Mardan for initiating proceedings against the accused official / Officer namely Constable Nazzer Ahmad No. 3100, under Police Rules, 1975.
2. Constable Nazzer Ahmad No. 3100, with the directions to appear before the Enquiry Officer on the date, time and place fixed by the enquiry officer for the purpose of enquiry proceedings.



***** !!! *****

Better copy

بیان از کاٹیل نذیر احمد نمبر 3100

(15)

حوالہ چارج شیٹ نمبر 699 مورخہ $\frac{09}{14}$ 1959ء موضوع سو

کہ مسائل حقانہ سنی میں بحیثیت منول ڈیوٹی پرنسپل اور تائب باقی
 پرنسپل کو لیا ہوا حقانہ دوران رخصت نائل کو بدست ریٹرن کی پڑی
 میں تالیف بیوی علاج شروع کیا مگر افامہ میں ہوا اس کے بعد
 میڈیکل کیمیکس اسکا آپارٹمنٹ علاج شروع کیا $\frac{09}{14}$ اس کے بعد
 نائل صاحب DP صاحب ایڈوکیٹ صاحب کو پیش ہوا تھا اس
 کے علاوہ نائل ایک دفعہ صاحب DP صاحب کو پیش ہوا تھا اور
 علم میری فعل کاغذات حقانہ سنی مقرر کو حوالہ $\frac{09}{14}$ کیے ہیں لہذا
 استدعا ہے کہ نائل کا عمر عد غیر ماضی رخصت میں شمار کر کے اور
 چارج شیٹ بلا کسی کاروائی داخل رخصت فرمائی جائے۔
 بیت عدیدان ہوگی۔ (نوٹ میڈیکل کاغذات لف ۶)

آبجیکٹس خیرین کا ڈیل نذیر احمد نمبر 3100 حقانہ سنی دوران

22 $\frac{12}{014}$

محمد علی
 Ad.

داد آردن مايل نيزه آردن

بچه چار شيبه 1996 موفه 1-9 موفه
 لاس انل سونا ندرسي معر بچهدر منزل دلا 30 رتبه
 شيبه ماشي بر کچه تود دبا نقدا دوران رتبه منزل
 سر دست نامل رتبه دت بچهدر بچهدر
 عدله شير غم ندر و اولقارتش تود اسر
 کيدلس اسلم آندا در بجله شير غم نامل
 دنگ در سان نامل باضاب ام بچهدر بچهدر
 دنگ رتبه اسلم نامل اسلم باضاب ام بچهدر
 دنگ رتبه اسلم نامل اسلم باضاب ام بچهدر
 لندر بچهدر نامل باضاب ام بچهدر
 رتبه اسلم نامل اسلم باضاب ام بچهدر
 اسلم نامل اسلم باضاب ام بچهدر

آردن مايل نيزه آردن 3150 موفه 22/12/2014

22/12/2014

Alla

(16) (46)

OFFICE OF THE DISTRICT POLICE OFFICER, MARDAN

No. 679 /R/D.A-P.R-1975.

Dated 1-9-2014

DISCIPLINARY ACTION UNDER NWFP POLICE RULES - 1975

I, Gul Afzal Khan District Police Officer, Mardan as competent authority am of the opinion that Constable Nazeer Ahmad No. 3100, rendered himself liable to be proceeded against as he committed the following acts/omission within the meaning of section-02 (iii) of NWFP Police Rules 1975.

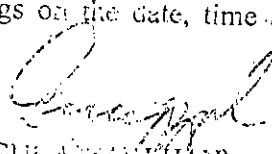
STATEMENT OF ALLEGATIONS

That Constable Nazeer Ahmad No. 3100, while posted at Police Station City Mardan, deliberately absented himself from the lawful duty vide DO No. 68 dated 09.07.2014 to-date without any leave / permission of the competent authority. He is recommended for departmental action by DSP/City Mardan vide my office order No. 122, dated 25.07.2014.

2. For the purpose of scrutinizing the conduct of the said official with reference to the above allegations Kamran Mumtaz ASP/SMT Mardan is appointed as Enquiry Officer.

3. The enquiry officer shall conduct proceedings in accordance with provisions of Police Rules 1975 and shall provide reasonable opportunity of defense and hearing to the accused official, record its findings and make within twenty five (25) days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused officer.

4. The accused officer shall join the proceedings on the date, time and place fixed by the Enquiry Officer.


(GUL AFZAL KHAN)
District Police Officer,
Mardan

OFFICE OF THE DISTRICT POLICE OFFICER, MARDAN

No. 699 /R dated Mardan the 1-9-2014.

Copy of above is forwarded to the

- Almal
Rafiq
Sul
1. ASP/SMT Mardan for initiating proceedings against the accused official / Officer namely Constable Nazeer Ahmad No. 3100, under Police Rules, 1975.
 2. Constable Nazeer Ahmad No. 3100, with the directions to appear before the Enquiry Officer on the date, time and place fixed by the enquiry officer for the purpose of enquiry proceedings.

***** !!! *****

16/A

BETTER COPY

OFFICE OF THE DISTRICT POLICE OFFICE, MARDAN.

No.699/D.A.P.R. 1975

Dated 1.9.2014

DISCIPLINARY ACTION UNDER NWFP POLICE RULES 1975

I, Gul Afzal Khan District police Office, Mardan as competent authority am of the opinion that Constable Nazeer Ahmad No.3100 rendered himself liable to be proceeded against as he committed the following acts/ omission within the meaning of section 02 (iii) of NWFP Rules, 1975.

STATEMENT OF ALLEGATION

The Constable Nazeer Ahmad No.3100, while posted at Police Station City Mardan, deliberately absented himself from the lawful duty vide DD NO.68 dated 09.07.2014 to-date without any leave/ permission of the competent authority. He is recommended for departmental action by DSP/ City Mardan vide office order No.122, dated 25.07.2014.

2. For the purpose of scrutinizing the conduct of the said official with reference to the above allegations Kaman Mumtaz ASP/ SMT Mardan is appointed as Enquiry Officer.

3. The enquiry officer shall conduct proceedings in accordance with provisions of Police Rules, 1975 and shall provide reasonable opportunity of defense and hearing to the accused official, record its findings and make within twenty five (25) days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused officer.

4. The accused officer shall join the proceedings on the date, time and place fixed by the Enquiry Officer.

(GUL AZAM KHAN)
District Police Officer,
Mardan

OFFICE OF THE DISTRICT POLICE OFFICER, MARDAN No.699 /E dated
Mardan the 1.9.2014

Copy of above is forwarded to the:

1. ASP/SMT Mardan for initiating proceedings against the accused official/ officer namely Constable Nazeer Ahmad No.3100 under Police Rules, 1975.
2. Constable Nazeer Ahmad No.3100, with the directions to appear before the Enquiry Officer on the date, time and place fixed by the enquiry officer for the purpose of enquiry proceedings.

Alleged
Car
Ad

صلوات

29 12/14

قطار

29 حاجری وکالتیہ 29 12/14 59000 رتف 4 حج 22 12/14 3100
 حاجریہ لالم 68 رتف 29 12/14 917114 حاجریہ میان لالم
 بیارویں - میں 4 حج 29 12/14 3100 حاجریہ میان لالم
 رتف 29 12/14 3100 حاجریہ میان لالم
 لکھنؤ - میان لالم 29 12/14 3100 حاجریہ میان لالم
 رتف 29 12/14 3100 حاجریہ میان لالم
 میان لالم 29 12/14 3100 حاجریہ میان لالم
 میان لالم 29 12/14 3100 حاجریہ میان لالم

میر تقی میر

mm/city 22 12/14

Attest
eu [Signature]

(18)

F. کاسم

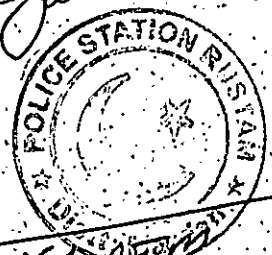
نقل در 20 روز 314/24¹²

صلح حلل

در 20 شهریور ماه 1385 ساعت 10:00 بجای در 24¹² الوقت نقل
در 3100 متر ارتفاع سادله مع ساحان کجی کاسم
کاسم سے مقام حلا کاسم آتا۔

صالح علی

نقل کاسم ص 1



Handwritten signature

23/6/2005

POLICE

(19) (C)
کھانہ

نقل عدد 32 عدد 1 01
02 05

میلنگ

01
نقل عدد 32 بطور کثرت برائے ضمان ایک وقت 15:15 بجے جمع 05 02 لاہور
حد تک 07 08 07
1-1-15
عمر صاحبزادی حکیم سے حطوفہ پوکھو پوکھو لاہور سے
نقل نامہ پوکھو پوکھو لاہور سے
کرے آفدراں مالدار کی صورت میں ارسال ہو گئی تھی مذکورہ
کو سولہ چوبیس دنوں کے لئے کٹا گیا ہے
نقل کھانہ حاصل ہے



mm/ps/Rustam
23/06/2015

20 H

ORDER

Constable Nazeer Ahmad No. 3100, while posted at Police Station City Mardan committed the following act, which is gross misconduct on his part as defined in Rules 02 (iii) Police Rules 1975.

Brief facts are that Constable Nazeer Ahmad No. 3100, Police Station City Mardan, deliberately absented himself from the lawful duty vide DD No. 68 dated 09.07.2014 to-date.


In this connection, Constable Nazeer Ahmad No. 3100, was charged sheeted vide this office No. 699/R, dated 01.09.2014 and he was also proceeded against departmentally through Mr: Imtaiz Gul DSP/Legal: Mardan, who after fulfilling necessary process, submitted his findings to the undersigned vide his office endorsement No. 2008/LB, dated 31.12.2014, in which the allegations have been established against him.

After going through inquiry file the undersigned agree with the findings of enquiry officer and the alleged Constable Nazeer Ahmad No. 3100, is not interested in Service So, he is hereby dismissed from service while his absence period counted as leave without pay, in exercise of the power vested in me under Police Rules 1975.

Order announced

O.B No. 07


Dated 11/1 /2015

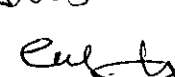

(Gul Afzal Afridi)
District Police Officer,
Mardan.

No. 70-751 dated Mardan the 02-01/2014

Copy for information and necessary action to:-

1. The Deputy Inspector General of Police Mardan Region-I, Mardan.
2. The S.P Operations, Mardan.
3. The DSP/HQrs Mardan.
4. The Pay Officer (DPO) Mardan.
5. The E.C (DPO) Mardan.
6. The OASI (DPO) Mardan.

Attested

Ad

Attested
 Ad

- 9424304

بیماری

موجودہ بیماری کے بارے میں جاننے کے لئے سائل کو جوڑوں کی

بیماری کے بارے میں سائل کے جواب میں سرحدان دہلی

سائل کے بارے میں DPO کے بارے میں جو کہ ہے - DPO

کے بارے میں Free-Medical کے بارے میں اور ساتھ ساتھ

عطاریات اور سائل DHQ کے بارے میں اور

ہسپتال اسلام آباد کے بارے میں اس دوران سائل کے بارے میں

کے بارے میں سائل کے بارے میں اور

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Attested

Signature

0 (22) J

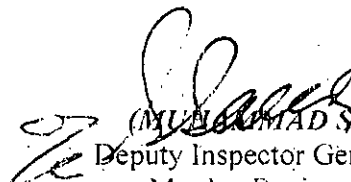
ORDER.

This order will dispose-off the appeal preferred by Ex-Constable Nazeer Ahmad No. 3100 of Mardan District Police against the order of District Police Officer, Mardan, wherein he was dismissed from service vide District Police Officer, Mardan OB No. 07 dated 01.01.2015.

Brief facts of the case are that he while posted at Police Station City, deliberately absented himself from the lawful duty vide daily diary No. 68 dated 09.07.2014 to the date of dismissal. In this connection he was charge sheeted and was also proceeded against departmentally through Deputy Superintendent of Police Legal, Mardan, who after fulfilling necessary processes, submitted his findings to District Police Officer, Mardan, in which the allegations have been established against him. After going through inquiry file District Police Officer, Mardan agreed with the findings of enquiry Officer, as the alleged Constable is not more interested in service, therefore he was dismissed from service.

I have perused the record and also heard the appellant in Orderly Room held in this office on 18.02.2015, but he failed to justify his absence period and could not produce any cogent reason about his absence. Therefore, I **MUHAMMAD SAEED** Deputy Inspector General of Police, Mardan Region-I, Mardan in exercise of the powers conferred upon me reject the appeal and do not interfere in the order passed by the competent authority, thus the appeal is filed forthwith.

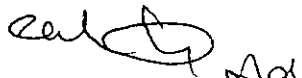
ORDER ANNOUNCED.


(**MUHAMMAD SAEED**)PSP
Deputy Inspector General of Police,
Mardan Region-I, Mardan.

No. 1340 /ES, Dated Mardan the 02-03-2015.

Copy to District Police Officer, Mardan for information and necessary action w/r to his office Memo: No. 199/LB dated 12.02.2015. His service roll is returned herewith.

(*****)

Attested


C

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

Service Appeal No. 829/2015

Nazir Ahmad Ex-Constable.....Appellant.

VERSUS.

District Police Officer, Mardan & others.....Respondents.

Parawise reply on behalf of respondents.

Respectfully Sheweth:

PRELIMINARY OBJECTIONS:-

1. That the appellant has not come to this Honourable Tribunal with clean hands.
2. That the appellant has got no cause of action.
3. That the appellant has concealed material facts from this Honourable Tribunal.
4. That the appellant is estopped by his own conduct, by law to bring the instant appeal.
5. That the present appeal is bad in its present form hence not maintainable and liable to be dismissed.
6. That the appeal is bad due to non-joinder of necessary parties and mis-joinder of unnecessary parties.
7. That the instant appeal is barred by law.

REPLY ON FACTS:-

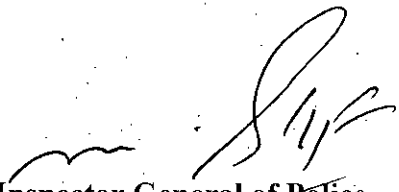
1. Pertains to record, hence, no comments.
2. It is self-admitted by the appellant that he has been absented vide D.D No. 68 dated 09.07.2014. Further, SHO/Muharrir is not competent authority to allow long leave to the official. It is the DPO/DIG, as competent authority, to allow leave or otherwise to the appellant.
3. Correct to the extent of issuing charge sheet & statement of allegations, however, his presenting pretext of illness was not relied upon, hence, dismissed from service.
4. The appellant was proceeded against departmentally for his previous absence, comprising 163 days, and on dismissal from service informed him accordingly.
5. Correct, hence, no comments.
6. Correct to the extent of date of dismissal by respondent No. 01, while the last Part of this Para is totally incorrect. The appellant was duly & timely informed of the rejection of his appeal by Departmental Appellate forum.
7. Incorrect. Both the impugned orders are in accordance with rules/law, facts & principles of justice.


REPLY ON GROUNDS:-

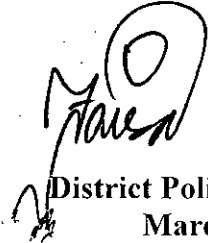
- A. Incorrect. Both the impugned orders are legal & correct.
- B. Incorrect & baseless. There is no violation of any rules/law, rather, dealt & punished under relevant rules/law.
- C. Incorrect. Proper procedure under rules/law has been adopted.
- D. Incorrect. Proper departmental enquiry was conducted through DSP/Legal Mardan, who digout real facts of his absence.
- E. Incorrect. The impugned order is in accordance with rules/law & tenable in the eyes of law.
- F. Incorrect. The appellant has been rightly dealt under the relevant rules/law & there is no misapplication of law.
- G. Incorrect. The appellant was called upon & heard by respondent No. 01, but he could not justify his absence. **(Copy of rejection order by DIG Mardan is attached as Annexure-A).**
- H. Incorrect. The appellant was deliberately absent, so, his absence was treated as leave without pay.
- I. Pertains to record, hence, no comments.
- J. The respondents also seek permission of the Hon'able Tribunal to present further grounds, if any, at the time of arguments.

PRAYER:-

The appeal of the appellant, being devoid of merits, is liable to be dismissed with costs.


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


**Dy: Inspector General of Police,
Mardan Region-I, Mardan.**
(Respondent No. 1)


**District Police Officer,
Mardan.**
(Respondent No. 2)

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR.

Service Appeal No. 829/2015

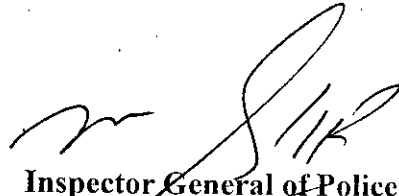
Nazir Ahmad Ex-Constable.....Appellant.

VERSUS.

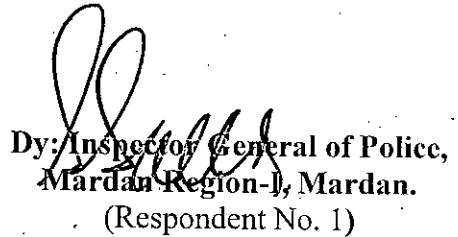
District Police Officer, Mardan & others.....Respondents.

AUTHORITY LETTER.

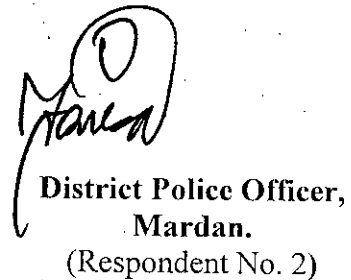
Mr. Muhammad Shafiq Inspector Legal, (Police) Mardan is hereby authorized to appear before the Honourable Service Tribunal, Khyber Pakhtunkhwa, Peshawar in the above captioned service appeal on behalf of the respondents. He is also authorized to submit all required documents and replies etc. as representative of the respondents through the Addl: Advocate General/Govt. Pleader, Khyber Pakhtunkhwa Service Tribunal, Peshawar.



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



**Dy: Inspector General of Police,
Mardan Region-I, Mardan.
(Respondent No. 1)**



**District Police Officer,
Mardan.
(Respondent No. 2)**

OFFICE OF THE DISTRICT POLICE OFFICER, MARDAN

No. 699 /R.D.A-P.R-1975.

Dated 1-9- /2014

DISCIPLINARY ACTION UNDER NWFP POLICE RULES - 1975

I, **Gul Afzal Khan** District Police Officer, Mardan as competent authority am of the opinion that Constable **Nazeer Ahmad No. 3100**, rendered himself liable to be proceeded against as he committed the following acts/omission within the meaning of section-02 (iii) of NWFP Police Rules 1975.

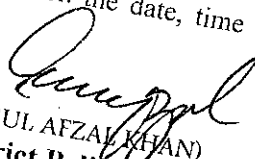
STATEMENT OF ALLEGATIONS

That Constable **Nazeer Ahmad No. 3100**, while posted at Police Station City Mardan, deliberately absented himself from the lawful duty vide DD No.68 dated 09.07.2014 to-date without any leave / permission of the competent authority. He is recommended for departmental action by DSP/City Mardan vide his office letter No. 122, dated 25.07.2014.

2. For the purpose of scrutinizing the conduct of the said official with reference to the above allegations **Kamran Mumtaz ASP/SMT Mardan** is appointed as Enquiry Officer.

3. The enquiry officer shall conduct proceedings in accordance with provisions of Police Rules 1975 and shall provide reasonable opportunity of defense and hearing to the accused official, record its findings and make within twenty five (25) days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused officer.

4. The accused officer shall join the proceedings on the date, time and place fixed by the Enquiry Officer.


(GUL AFZAL KHAN)
District Police Officer,
Mardan

OFFICE OF THE DISTRICT POLICE OFFICER, MARDAN

No. 699 /R dated Mardan the 1-9- /2014.

Copy of above is forwarded to the:

1. ASP/SMT Mardan for initiating proceedings against the accused official / Officer namely Constable **Nazeer Ahmad No. 3100**, under Police Rules, 1975.
2. Constable **Nazeer Ahmad No. 3100**, with the directions to appear before the Enquiry Officer on the date, time and place fixed by the enquiry officer for the purpose of enquiry proceedings.

***** !!! *****

Handwritten notes:
3100
16-12-14

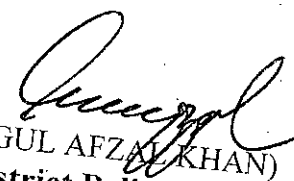
CHARGE SHEET UNDER NWFP POLICE RULES 1975

I, **Gul Afzal Khan** District Police Officer, Mardan as competent authority hereby charge you **Constable Nazeer Ahmad No. 3100**, as follows.

That you Constable, while posted at Police Station City Mardan, deliberately absented yourself from the lawful duty vide DD No.68 dated 09.07.2014 to-date without any leave / permission of the competent authority. You are recommended for departmental action by DSP/City Mardan vide his office letter No. 122, dated 25.07.2014.

This amounts to grave misconduct on your part, warranting departmental action against you, as defined in section - 6 (1) (a) of the NWFP Police Rules 1975.

1. By reason of the above, you appear to be guilty of misconduct under section - 02 (iii) of the NWFP Police Rules 1975 and has rendered yourself liable to all or any of the penalties as specified in section - 04 (i) a & b of the said Rules.
2. You are therefore, directed to submit your written defense **within seven days** of the receipt of this charge sheet to the enquiry officer.
3. Your written defence if any, should reach to the enquiry officer within the specified period, failing which, it shall be presumed that you have no defense to put-in and in that case, an ex-parte action shall follow against you.
4. Intimate whether you desired to be heard in persons.


(GUL AFZAL KHAN)
District Police Officer,
Mardan

FINDING:-

This Departmental Enquiry was conducted against Constable Nazeer Ahmad No. 3100 below mentioned charges:-

1. "That Constable Nazeer Ahmad No. 3100, while posted at Police Station City Mardan, deliberately absented himself from lawful duty vide D.D No. 68 dated 09.07.2014 without any leave/permission of the competent authority. He has been recommended for departmental action by DSP/City Mardan vide his office letter No. 122 dated 25.07.2014".
2. On the basis of said charges, Constable Nazeer Ahmad No. 3100 was issued charge sheet with summary of allegation and the then ASP SMT was appointed as enquiry officer vide office order Endst: No. 699/R dated 01.09.2014.
3. Vide W/DPO office order No. 11201/Reader dated 11.11.2014, all pending enquiries were transferred from the office of W/SP HQrs & Ops to this office for further necessary action.
4. On receipt of enquiry papers, defaulter official was summoned and on his attendance, copy of charge sheet with statement of allegation was delivered to him who submitted reply to it which was placed on file.
5. To prove allegation of absence from duty against defaulter official, I summoned MASI PS City and recorded his statement. Thereafter, I recorded statement of defaulter official.
6. His service book was also requisitioned and examined. It revealed that defaulter official was appointed as constable on 08.09.2009. **He was selected for recruit's course but could not qualified the same and declared failed in recruit's course vide PTC Hangu Notification No. 744-48/S dated 21.02.2011 as per entry in his service book vide O.B No. 1872 dated 09.05.2011.** He was awarded previously the following punishment on different occasion by competent authority on account of absence from duty.


S. No.	Days	Kind of punishment	OB No. & Date
1.	7	Leave without pay by DPO Mardan	4246 dated 01.11.10
2.	2	-do-	589 dated 02.02.11
3.	4	-do-	620 dated 04.02.11
4.	3	-do-	1153 dated 12.03.11
5.	1	-do-	33 dated 04.01.12
6.	6	-do-	2006 dated 12.07.12
7.	7	-do-	3293 dated 12.12.12
8.	7	-do-	1081 dated 09.05.2014

7. In the present case the defaulter official remained absent w.e.f 09.07.2014 to 22.12.2014 (total absence 05 months and 13 days). Regarding his absence, defaulter official has stated that he is suffering from Bone Pain (knee & joint) and is carrying out treatment. To this effect he produced Photostat copies of medical prescriptions of a doctor of Pakistan Institute of Medical Science (PIMS) Islamabad which are placed on file. Detail of medical prescriptions is as under:-

S. No.	Date of medical prescription	Name of Hospital	Medical rest advised or not
1.	09.07.2014	Pakistan Institute of Medical Science Islamabad.	Nil
2.	26.07.2014	-do-	-do-
3.	05.08.2014	-do-	-do-
4.	12.09.2014	-do-	-do-

5.	17.10.2014		
6.	02.11.2014	-do-	-do-
7.	10.12.2014	-do-	-do-
8.	19.12.2014	-do-	-do-

8. **Recommendation:-** Defaulter official has produced copies of medical prescriptions showing/stating himself to be suffering from Bone Pain (knee & joint) he was not advised medical rest vide those prescriptions as mentioned above. In such circumstances he was required to have reported arrival in PS after medical check-up. If he was unable to perform duty, then he was required to have submitted proper application for grant of leave to competent authority instead of absenting himself from duty. He has committed an indisciplined Act which is "misconduct" on his part. He is found guilty of the charges leveled against him and thus recommended for suitable punishment deemed fit.
9. Submitted please.


DSP Legal Mardan.
 Enquiry Officer

*In light of the enquiry
he is dismissed from*

service

M

27.12.14

ORDER.

This order will dispose-off the appeal preferred by Ex-Constable Nazeer Ahmad No. 3100 of Mardan District Police against the order of District Police Officer, Mardan, wherein he was dismissed from service vide District Police Officer, Mardan OB No. 07 dated 01.01.2015.

Brief facts of the case are that he while posted at Police Station City, deliberately absented himself from the lawful duty vide daily diary No. 68 dated 09.07.2014 to the date of dismissal. In this connection he was charge sheeted and was also proceeded against departmentally through Deputy Superintendent of Police Legal, Mardan, who after fulfilling necessary processes, submitted his findings to District Police Officer, Mardan, in which the allegations have been established against him. After going through inquiry file District Police Officer, Mardan agreed with the findings of enquiry Officer, as the alleged Constable is not more interested in service, therefore he was dismissed from service.

I have perused the record and also heard the appellant in Orderly Room held in this office on 18.02.2015, but he failed to justify his absence period and could not produce any cogent reason about his absence. Therefore, I **MUHAMMAD SAEED** Deputy Inspector General of Police, Mardan Region-I, Mardan in exercise of the powers conferred upon me reject the appeal and do not interfere in the order passed by the competent authority, thus the appeal is filed forthwith.

ORDER ANNOUNCED.

(Signature)
(MUHAMMAD SAEED)PSP
Deputy Inspector General of Police,
Mardan Region-I, Mardan.

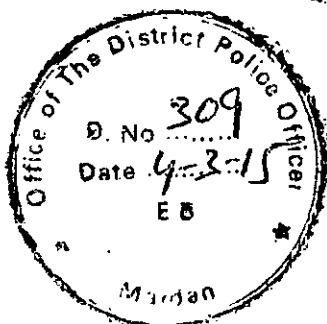
No. 1340 /ES, Dated Mardan the 02-03- /2015.

Copy to District Police Officer, Mardan for information and necessary action w/r to his office Memo: No. 199/LB dated 12.02.2015. His service roll is returned herewith.

(*****)

EZ/OTR

For n/edai



(Signature)
DADP/ED
3/3/15

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR.

Service Appeal No 829/2015.

Nazir Ahmad.....Appellant.

V E R S U S

DPO & Others.....Respondents

REPLICATION ON BEHALF OF THE APPELLANT.

REPLY TO PRELIMINARY OBJECTIONS.

All the preliminary objections raised by the respondents are incorrect and as such denied. Instant appeal is not bad in law and its present form, appellant has come to this honorable Tribunal with clean hands, he has got a valid cause of action and he has concealed nothing from this honorable Tribunal. Instant appeal is as per law and rules, in which all necessary parties have been impleaded, and the appellant is not stopped by his conduct to bring instant appeal.

REPLY TO FACTS/GROUNDS.

Comments of the respondents are full of contradictions and are based on malafide. Respondents have failed to show that the appellant did anything that would amount to misconduct. The comments amount to admissions on part of the respondents, as they have failed to deny the plea of the appellant. Respondents have failed to prove that proper inquiry has been conducted and that show cause notice was communicated to the appellant. Respondents have also admitted that the period of absence has been regularized by treating the same as leave without pay and as such he has been punished for the same period. Previous punishments even if any could not be made basis for his dismissal as per the dictums of the Superior Courts.

In the circumstances the appellant has been punished without any omission or commission on his part and he has not committed any misconduct. The respondents have failed to substantiate their version and bring anything on

record in support of their version; as such the impugned orders are not maintainable in the eyes of law and liable to be set aside.

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

Dated:-19-05-2016

Appellant

Through


Fazal Shah Mohmand

Advocate Peshawar

A F F I D A V I T

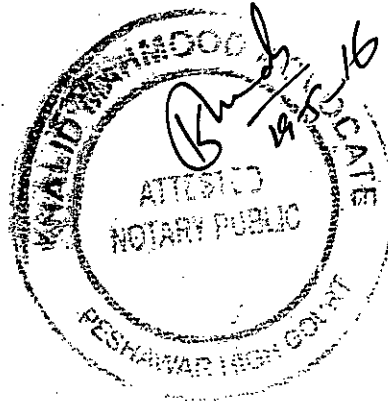
I, Nazir Ahmad Ex Constable S/O District Police Mardan (The Appellant), do hereby solemnly affirm and declare on oath that the contents of this Replication are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.

Identified by


Fazal Shah Mohmand

Advocate Peshawar.


DEPONENT



BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR.

Service Appeal No 889 /20105

Nazir Ahmad**Appellant**

V E R S U S

DPO and Others.....**Respondents.**

**APPLICATION FOR EARLY HEARING OF TITLED SERVICE
APPEAL.**

Respectfully Submitted:-

1. That the above titled Service Appeal is pending before this honorable Court in which next date is fixed for 13/10/2016
2. That the titled Service Appeal has been delayed for various reasons and the appellant has to face great hardships being the only earning member of his entire family.
3. That fixing an early date is in the interest of justice and there is no hurdle in fixing an early date in the above

titled Appeal, besides-if an early date is not fixed in the titled Appeal, the Appellant would suffer irreparable loss.

It is therefore prayed, that on acceptance of this application, the titled case may kindly fixed for an early date.

Dated:-06-06-2016

Appellant/Petitioner


Through


Fazal Shah Mohmand
Advocate Peshawar.

A F F I D A V I T:-

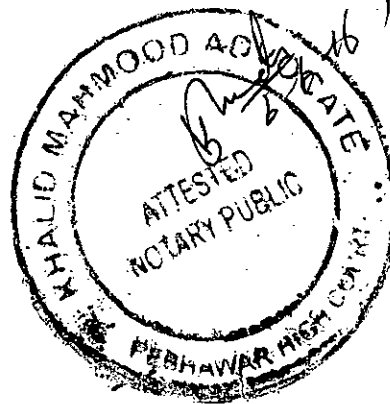
I, Nazir Ahmad do hereby solemnly affirm and declare on oath that the contents of this **Application** are true and correct to the best of my knowledge and belief and that nothing has been concealed from this honorable Court.

Identified by


Fazal Shah Mohmand
Advocate Peshawar


DEPONENT

16102-6066126-7



KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 377 /ST Dated 16 /2 / 2017


To

The District Police Officer,
Government of Khyber Pakhtunkhwa,
Mardan.

Subject: - JUDGMENT

I am directed to forward herewith a certified copy of Judgement dated 3.2.2017 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No 6 /2015

Nazir Ahmad.....Appellant

V E R S U S

DIG & Others.....Respondents

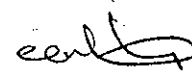
I N D E X

S.No	Description of Documents	Annexure	Pages
1.	Service appeal with affidavit		1-4
2.	Application for condonation of delay with affidavit		5-6
3.	Copy of Naqal Mad No 68 dated 09-07-2014 and Medical Chits	A & B	7-13
4.	Copy of charge sheet and reply	C & D	14-
5.	Copy of Naqal Mad No 29 dated 22-12-2014, Naqal Mad No 20 dated 24-12-2014 & Naqal Mad No 32 dated 02-01-2015	E, F & G	17-19
6.	Copy of the order	H	20
7.	Copy of departmental appeal and order dated 02-03-2015	I & J	21-22
8.	Wakalat Nama		23

Dated:-24-06-2015

Through


Appellant


Fazal Shah Mohmand
Advocate Peshawar.

OFFICE:- Cantonment Plaza Flat 3/B Khyber Bazar Peshawar
Cell# 0301 8804841

(1)

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No _____/2015

Nazir Ahmad Ex Constable No 3100, District Police Mardan.

.....Appellant

V E R S U S

1. Deputy Inspector General of Police Mardan Region-1 Mardan.
2. District Police Officer Mardan.
3. Provincial Police Officer KPK Peshawar.....Respondents

APPEAL U/S 4 OF THE KPK SERVICE TRIBUNAL ACT 1974
AGAINST THE ORDER DATED 02-03-2015 PASSED BY
RESPONDENT NO 1 WHERE BY DEPARTMENTAL
APPEAL OF THE APELLANT FILED AGAINST THE ORDER
ISSUED VIDE O.B. NO 7 DATED 02-01-2015 OF
RESPONDENT NO 2 HAS BEEN REJECTED/FILED.

PRAYER:-

On acceptance of this appeal the impugned order dated 02-03-2015 of respondent No 1 and Order dated 02-01-2015 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 in District Police Mardan in the year 2009 remained posted to various Police Stations and since then he performed his duties with honesty and full devotion.
2. That on 09-07-2014, the appellant while posted to Police Station City Mardan fell ill and was unable to have performed his duties, therefore informed the SHO and Moharrir and time and again visited the Medical Officers where he remained under treatment for a long time. (Copy of Naqal Mad No 68

dated 09-07-2014 and Medical Chits are enclosed as Annexure A & B).

3. That the appellant was issued Charge sheet with statement of allegations on 01-09-2014, which was replied by the appellant explaining the true position. (Copy of charge sheet and reply are enclosed as Annexure C & D).
4. That after recovery the appellant reported for duty vide Naqal Mad No 29 dated 22-12-2014 in Police Station City Mardan and was directed to report in Police Station Rustam being transferred there, the appellant accordingly reported in PS Rustam vide Naqal Mad No 20 dated 24-12-2014 and was performing his duties there till 02-01-2015 and was informed that vide Naqal Mad No 32 dated 02-01-2015 he has been dismissed from service. (Copy of Naqal Mad No 29 dated 22-12-2014, Naqal Mad No 20 dated 24-12-2014 & Naqal Mad No 32 dated 02-01-2015 is enclosed as Annexure E, F & G).
5. That the appellant was dismissed from service under Police Rules 1975, by respondent No 2 vide order dated 02-01-2015. (Copy of the order is enclosed as Annexure H).
6. That the appellant filed Departmental appeal before respondent No 1 on 06-01-2015 which was rejected/filed vide order dated 02-03-2015, copy of which was communicate to the appellant on 29-05-2015. (Copy of departmental appeal and order dated 02-03-2015 are enclosed as Annexure I & J).
7. That the impugned order dated 02-03-2015 of respondent No 1 and order dated 02-01-2015 of respondent No 2 are against the law, facts and principles of justice on grounds inter alia as follows:-

GRUNDS:-

- A. That the impugned orders are illegal and void abinitio.

- 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 show cause notice was not issued to the appellant.
- D. That no inquiry was conducted to find out the true facts and circumstances, and no one was examined during inquiry.
- E. That the impugned order is not a speaking order and thus not tenable in the eyes of law.
- F. That there is misapplication of law as the law mentioned in the order of respondent No 1 is not applicable in case of the appellant.
- G. That the appellant was not provided the opportunity of personal hearing and the impugned order is defective as well.
- H. That even otherwise the period of absence has been regularized by treating the same as leave without pay, thus the appellant could not be punished on this ground again.
- I. That the appellant has about 6 years of service with unblemished service record and is jobless since his illegal dismissal from service.
- J. 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.

4

Dated:-24-06-2015

Through

[Signature]
Appellant

[Signature]

Fazal Shah Mohmand
Advocate, Peshawar.

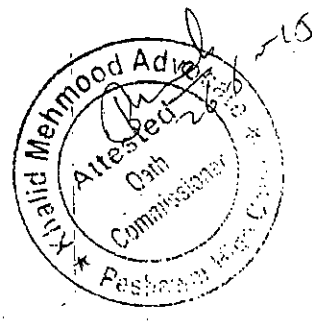
AFFIDAVIT

I, Nazir Ahmad Ex Constable No 3100, District Police Mardan, do hereby solemnly affirm and declare on oath that the contents of this Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.

Identified by *[Signature]*

Fazal Shah Mohmand
Advocate Peshawar

[Signature]
DEPONENT



5

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No _____/2015

Nazir Ahmad.....Appellant

V E R S U S

DIG & Others.....Respondents

APPLICATION FOR THE 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 integral part of this application.
3. That the impugned order being void ab initio, illegal and time factor becomes irrelevant in such cases, furthermore copy of impugned order was communicated to the appellant on and the appeal is as such 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:-24-06-2015


Appellant

Through 
Fazal Shah Mohmand,
Advocate, Peshawar

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No _____/2015

Nazir Ahmad.....Appellant

V E R S U S

DIG & Others.....Respondents

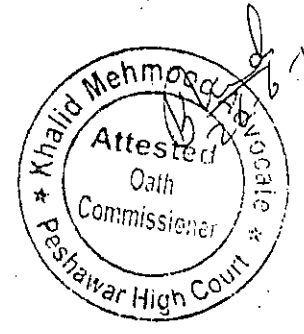
AFFIDAVIT

I, Nazir Ahmad Ex Constable No 3100, District Police Mardan, 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-

Identified by *eeu*

Fazal Shah Mohmand
Advocate Peshawar

[Signature]
DEPONENT



7

P-12/14-38484
 Patient Name: Emergency
 Patient Name: NAZIR MUHAMMAD
 Age: 28 year(s) 11 month(s) 18 day(s) old.
 Weight:
 Address:
 Payment Type: General (LAC)

OPD #: 3034-412/13842 OPD Visit #: 1
 Date: 09/07/2014 11:13:50 AM
 FIN: WAZIR MUHAMMAD
 Visit Unit:
 Sex: Male
 City: ISLAMABAD

294

P-12/14-38484 آپ کا پیشات کنٹرول نہیں ہے۔ یہ نینالی اور گیس اور زہریلے پھونکے ہوئے ہونے سے متعلق ہے۔
 فوٹو ڈاؤن لوڈ کرنے کے بعد ہسپتال میں موجود ادویات حاصل کرنے کے لیے فارمی سے رابطہ کریں۔

Complaint / Diagnosis:

Treatment

R_x

7ad Retinone ac
 14h 0-1

7ad Antibiotic
 D.

7ad Control
 14h 0-1

Altered
 Case
 Ach

PAKISTAN INSTITUTE OF MEDICAL SCIENCES ISLAMABAD

Islamabad Hospital

Rs. 5

OPD # : P-12/14-38484
 OPD Name : Emergency
 Patient Name : NAZIR MUHAMMAD
 Age : 28 year(s) 11 month(s) 18 day(s) old.
 Weight :
 Height :
 Blood type : General (A, B, C)

OPD # : 303/14/12/13842
 Date : 25/07/2014
 OPD Visit # : 1
 Time : 02:45:55 AM
 FN : WAZIR MUHAMMAD
 Visit Unit :
 Sex : Male
 City : ISLAMABAD

8

29.4

یہ آپ کی کلینک کے لئے ہے۔ یہ منجانب از سرگرمی اور راجہ شاہ ہسپتال کے پراپرٹی ماسٹر کے پاس ہے۔
 نوٹ: ڈاکٹر کے مشورے کے بغیر ہسپتال میں کوئی اور دوا یا علاج حاصل کرنے کیلئے فارمیسی سے رابطہ کریں۔

Complaint / Diagnosis:

Treatment

The wound is ^{4x} 2x
 deep

The ~~wound~~ is ^{1 cm} ~~2 cm~~

Attended

By

Dr

The wound is ^{1 cm} ~~2 cm~~

The

The wound is ^{1 cm} ~~2 cm~~

10

PAKISTAN INSTITUTE OF MEDICAL SCIENCES ISLAMABAD

Islamabad Hospital

Rs. 5

P-12/14-38484
 Patient Name : Emergency
 Patient Name : NAZIR MUHAMMAD
 Age : 28 year(s) 11 month(s) 18 day(s) old.
 Weight :
 Address :
 Payment Type : General (IAC)

OPD # : 303/14/12/13842 OPD Visit # : 1
 Date : 05/08/2014 01:30:43PM
 I/N : WAZIR MUHAMMAD
 Visit Unit :
 Sex : Male
 City : ISLAMABAD

9

294

یہ کیلکولیشن کے لئے لیا گیا ہے۔ یہ جنیٹیکل ڈیفریکشن اور ریڈیو پیمانی کے پراسیڈر سے متعلق ہے۔
 نوٹ: ڈاکٹر کے مشورے کے بعد ہسپتال میں داخلہ اور پانچ دنوں کے اندر ہیٹے فارمیسی سے رابطہ کریں۔

Complaint / Diagnosis :

Treatment :

R

Wd. Ashtu ter
100

Wd. Adp...
100

Wd. Chul... D

Wd. S... - 2

P-12/14-38484

OPD # : 303441213842 OPD Visit # 1

OPD Name : Emergency

Date : 12/09/2014 12:00:31PM

Patient Name : NAZIR MUHAMMAD

FN : WAZIR MUHAMMAD

10

Age : 8 years (11 months) 18 day(s) old.

Visit Unit :

Sex :

Male

Address :

City : ISLAMABAD

Patient Type : General (IAC)

پاکستان انسٹیٹیوٹ آف میڈیکل سائنس اسلام آباد - اسلام آباد ہسپتال

294

تاریخ : 12/09/2014

Treatment

Complaint - Progress

Tad
Syr Pirin ab uen
mud and HCV

h

Tad Ciptofan 500
1 cp

Tad Foslan D3
2 cp
1 cp

Tad P-~~gab~~

Alloed
cel
ad

Syr Peptid
1 cp

Abecul Piles
C-

P-12/11-3848-4
 Name: Emergency
 Patient Name: WAZIR MUHAMMAD
 Age: 28 years) 11 month(s) 18 day(s) old.
 Weight:
 Address:
 Payment Type: General (EAC)

OPD # : 303/14/12/13842
 Date: 02/11/2014
 F.N: WAZIR MUHAMMAD
 Visit Unit:
 Sex: Male
 City: ISLAMABAD

(12)

29-4

یہ آپ کی طبیعت کنٹرول نہ ہو رہی ہے۔ یہ سنجیدگی سے اور مزید شہ پر ہونے والے ہسپتال کے پراسپیکٹس کے ساتھ ہیں۔
 ہسپتال کے شمارے کے لئے ہسپتال میں موجود ایڈمٹیشن کے کپتے فارمیسی سے رابطہ کریں۔

Complaint / Diagnosis:

Treatment

R

Tab Amazi deef
Q

Tab of ...
we

Cap ...

Cap ...

P/N : P-12/14-38484

OPD # : 303/14/12/13842

OPD Visit # : 1

OPD Name : Emergency

Date : 17/10/2014

Time : 5:30 PM

Patient Name : NAZIR MUHAMMAD

P/N : WAZIR MUHAMMAD

(11)

Age : 28 year(s) 11 month(s) 18 day(s) old

Visit Unit:

Weight :

Sex : Male

Address :

Outpatient Type : General (IAC)

City : ISLAMABAD

29-4

یہ کلینک کے لئے درخواست ہے۔ یہ سنجھاں کورسٹیشن اور میڈیکل ہسپتال آئے ہیں۔ اس کے ساتھ ساتھ اس کے لئے ڈاکٹر کے مشورے کے بعد ہسپتال میں داخلہ اور پتہ حاصل کرنے کیلئے فارسی سے رابطہ کریں۔

Complaint / Diagnosis :

Treatment

Tad 2 amine 100
ad 100

Tad 100 mg
Tad 100 mg

Attended
Case
Ado

Tad 100
(1)

Cap Indocin
(1)

نقلمہ 68

نقلہ 68 روزنامہ 7/9/14

68

13

نقلمہ 68 روزنامہ 7/9/14
 اللہ تعالیٰ کے فضل سے
 پورے ملک میں موجود
 تمام مساجد میں
 نماز پڑھنے کے لیے
 اللہ تعالیٰ سے دعا ہے
 کہ یہ سب کام
 جلد سے جلد
 ختم ہو سکیں۔

عبدالغنی

نقلہ 68

Handwritten signature

MM. P.S. City

18-12-2014

14

CHARGE SHEET UNDER NWFP POLICE RULES 1975

I, Gul Afzal Khan District Police Officer, Mardan as competent authority hereby charge you Constable Nazeer Ahmad No. 3100 as follows.

That you Constable, while posted at Police Station, City Mardan, deliberately absented yourself from the lawful duty vide P.D No. 68 dated 09.07.2014 to date without any leave / permission of the competent authority. You are recommended for departmental action by DSP/City Mardan vide his office letter No. 122, dated 25.07.2014.


This amounts to grave misconduct on your part, warranting departmental action against you as defined in section - 6 (1) (a) of the NWFP Police Rules 1975.


By reason of the above, you appear to be guilty of misconduct under section - 02 (iii) of the NWFP Police Rules 1975 and have rendered yourself liable to all or any of the penalties as specified in section - 04 (r) a & b of the said Rules.

2. You are therefore directed to submit your written defence within seven days of the receipt of this charge sheet to the enquiry officer.

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

4. Intimate whether you desired to be heard in person.


(GUL AFZAL KHAN)
District Police Officer,
Mardan

Attested

sd/-

OFFICE OF THE DISTRICT POLICE OFFICER, MARDAN

15

No. 699 /D.A-P.R-1975.

Dated 1-9-2014

DISCIPLINARY ACTION UNDER NWFP POLICE RULES - 1975

I, Gul Afzal Khan District Police Officer, Mardan as competent authority am of the opinion that Constable Nazeer Ahmad No. 3100, rendered himself liable to be proceeded against as he committed the following acts/omission within the meaning of section-02 (ii) of NWFP Police Rules 1975.

STATEMENT OF ALLEGATIONS:

That Constable Nazeer Ahmad No. 3100, while posted at Police Station City Mardan, deliberately absented himself from the lawful duty vide DO No.68 dated 09.07.2014 to-date without any leave / permission of the competent authority. He is recommended for departmental action by DSP/City Mardan vide office order No. 122, dated 25.07.2014.

2. For the purpose of scrutinizing the conduct of the said official with reference to the above allegations Kamran Mumtaz ASP/SMT Mardan is appointed as Enquiry Officer.

3. The enquiry officer shall conduct proceedings in accordance with provisions of Police Rules 1975 and shall provide reasonable opportunity of defense and hearing to the accused official, record its findings and make within twenty five (25) days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused officer.

4. The accused officer shall join the proceedings on the date, time and place fixed by the Enquiry Officer.

Gul Afzal Khan
(GUL AFZAL KHAN)
District Police Officer,
Mardan

OFFICE OF THE DISTRICT POLICE OFFICER, MARDAN

No. 699 /D.A-P.R-1975. dated Mardan the 1-9-2014

Copy of above is forwarded to the:

1. ASP/SMT Mardan for initiating proceedings against the accused official / Officer namely Constable Nazeer Ahmad No. 3100, under Police Rules, 1975.
2. Constable Nazeer Ahmad No. 3100, with the directions to appear before the Enquiry Officer on the date, time and place fixed by the enquiry officer for the purpose of enquiry proceedings.

Ahmad
east
ed

***** !!! *****

حوالہ چارج شیٹ نمبر 699 مورخہ 14/09/09 مورخہ 14/09/09

کہ مسائل حقانہ سنی میں بحیثیت منول ڈیوٹی پرتخا اور تیب ہاشمی
 پرتخا اور گھر لیا ہوا حقانہ دوران رخصت سائل کو پرست رپورٹ کی پڑی
 میں تظیف بیوی علاج شروع کیا مگر اقامت نہیں ہوا اس کے بعد
 مدد سائل کے لیے اسکا آپارٹمنٹ سے علاج شروع کیا گیا اس کے بعد
 سائل کا تلب DP صاحبہ ایڈوکلٹ Hs صاحبہ کو پیش ہوا تھا اس
 کے علاوہ سائل ایک دفعہ صاحبہ DP صاحبہ کو پیش ہوا تھا اور
 علم سید سائل کاغذات حقانہ سنی مقرر کو حوالہ دیا گیا ہے لہذا
 استدعا ہے کہ سائل کا عدم غیر ماضی رخصت میں شمار کر کے اور
 چارج شیٹ بلا کسی کارروائی داخل رخصت فرمائی جائے۔
 بیت صید بان ہوگی۔ (نوٹ: سید سائل کاغذات لف ۶)

آپ کا جامع فرمان کا تلب نذیر احمد نمبر 3100 حقانہ سنی دوران

22/12/09

محمد علی

Adel

15/A

دادار اذن مائیل نذیر احمد

میرزا محمد شیبانی (699) مورخہ ۱۹/۱۱/۲۰۱۴ء
 لائل سواندرشی معین پورہ منزل ڈاکوئی دکن
 نیش مائشی پورہ کچھوہ دیہہ دکن دوران ریاست
 سرپرست مائیل ریاست دکن پورہ پورہ پورہ
 محلہ ۶ شریف نڈر و اولاد نیش پورہ پورہ پورہ
 کدیلکس اسلام آباد۔ محلہ شریف نڈر مائیل
 دکن مائیل ماضاب (P) ریاست پورہ پورہ
 مائیل ریاست مائیل ایک دکن ماضاب (P) ریاست
 پورہ پورہ محلہ شریف نڈر مائیل ریاست پورہ پورہ
 لندری پورہ مائیل مائیل پورہ پورہ پورہ
 ریاست ماضاب پورہ پورہ پورہ پورہ
 مائیل پورہ پورہ پورہ پورہ

آئی ایم ایم مائیل نذیر احمد پورہ پورہ پورہ

11-11-14

~~MAA~~

22/11/2014

Allah

in the date, time and place fixed by the
 officer for the purpose of enquiry proceedings.

***** !!! *****

16

(46)

OFFICE OF THE DISTRICT POLICE OFFICER, MARDAN

No. 679 /D.A-P.R-1975.

Dated 1-9-2014.

DISCIPLINARY ACTION UNDER NWFP POLICE RULES - 1975

I, Gul Afzal Khan District Police Officer, Mardan as competent authority am of the opinion that Constable Nazee Ahmad No. 3100, rendered himself liable to be proceeded against as he committed the following acts/omission within the meaning of section-02 (iii) of NWFP Police Rules 1975.

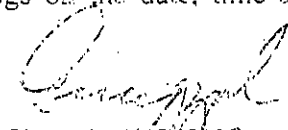
STATEMENT OF ALLEGATIONS

That Constable Nazee Ahmad No. 3100, while posted at Police Station City Mardan, deliberately absented himself from the lawful duty vide DO No.68 dated 09.07.2014 to-date without any leave / permission of the competent authority. He is recommended for departmental action by DSP/City Mardan vide office letter No. 122, dated 25.07.2014.

2. For the purpose of scrutinizing the conduct of the said official with reference to the above allegations Kamran Mumtaz A27/SMT Mardan is appointed as Enquiry Officer.

3. The enquiry officer shall conduct proceedings in accordance with provisions of Police Rules 1975 and shall provide reasonable opportunity of defense and hearing to the accused official, record its findings and make within twenty five (25) days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused officer.

4. The accused officer shall join the proceedings on the date, time and place fixed by the Enquiry Officer.


(GUL AFZAL KHAN)
District Police Officer,
Mardan

OFFICE OF THE DISTRICT POLICE OFFICER, MARDAN

No. 699 /R dated Mardan the 1-9-2014.

Copy of above is forwarded to the

- Almal
SMT
del
1. ASP/SMT Mardan for initiating proceedings against the accused official / Officer namely Constable Nazee Ahmad No. 3100, under Police Rules, 1975.
 2. Constable Nazee Ahmad No. 3100, with the directions to appear before the Enquiry Officer on the date, time and place fixed by the enquiry officer for the purpose of enquiry proceedings.

***** !!! *****

16/A

BETTER COPY

OFFICE OF THE DISTRICT POLICE OFFICE, MARDAN.

No.699/D.A.P.R. 1975
Dated 1.9.2014

DISCIPLINARY ACTION UNDER NWFP POLICE RULES 1975

I, Gul Afzal Khan District police Office, Mardan as competent authority am of the opinion that Constable Nazeer Ahmad No.3100 rendered himself liable to be proceeded against as he committed the following acts/ omission within the meaning of section 02 (iii) of NWFP Rules, 1975.

STATEMENT OF ALLEGATION

The Constable Nazeer Ahmad No.3100, while posted at Police Station City Mardan, deliberately absented himself from the lawful duty vide DD NO.68 dated 09.07.2014 to-date without any leave/ permission of the competent authority. He is recommended for departmental action by DSP/ City Mardan vide office order No.122, dated 25.07.2014.

2. For the purpose of scrutinizing the conduct of the said official with reference to the above allegations Kaman Mumtaz ASP/ SMT Mardan is appointed as Enquiry Officer.

3. The enquiry officer shall conduct proceedings in accordance with provisions of Police Rules, 1975 and shall provide reasonable opportunity of defense and hearing to the accused official, record its findings and make within twenty five (25) days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused officer.

4. The accused officer shall join the proceedings on the date, time and place fixed by the Enquiry Officer.

(GUL AZAM KHAN)
District Police Officer,
Mardan

OFFICE OF THE DISTRICT POLICE OFFICER, MARDAN No.699 /E dated
Mardan the 1.9.2014

Copy of above is forwarded to the:

1. ASP/SMT Mardan for initiating proceedings against the accused official/ officer namely Constable Nazeer Ahmad No.3100 under Police Rules, 1975.
2. Constable Nazeer Ahmad No.3100, with the directions to appear before the Enquiry Officer on the date, time and place fixed by the enquiry officer for the purpose of enquiry proceedings.

Alleged
Carl S. Ad.

صبر حال

نقل 20 مارچ 2012

20 مارچ کو لاہور سے 10:00 بجے 24 مارچ کو لاہور سے
لاہور کے لیے سفر کیا گیا۔

تقریباً 13 بجے

23/3/2012
mm/ps



POLICE

(19) (G)
تکامل

نقل عدد 32 ریزنا 01/05/02

پولیس

نمبر 32 پولیس کانسٹبل برائے سٹیشن ایک وقت 15:15 بجے جمع 05/05/02 کو
مدلع حکم بحوالہ 07/08/15-1-15 کو درجہ اولیٰ درجہ اولیٰ پولیس کانسٹبل
عزیز صاحبی حکم سے حطرت پولیس کانسٹبل سے
ریزناچی پور کانسٹبل کے ذریعہ پولیس کانسٹبل علی احمد سے
کہتے آفیسر کے والد کی ضرورت سے ایصال ہو گئی تھی مذکورہ
کو سولڈر پولیس کانسٹبل کے ذریعہ ایصال کیا گیا

نقل بحوالہ اصل



mmr/ps/Rustam
23/06/2015

20 H

ORDER


Constable Nazeer Ahmad No. 3100, while posted at Police Station City Mardan committed the following act, which is gross misconduct on his part as defined in Rules 02 (iii) Police Rules 1975.

Brief facts are that Constable Nazeer Ahmad No. 3100, Police Station City Mardan, deliberately absented himself from the lawful duty vide DD No. 68 dated 09.07.2014 to-date.

In this connection, Constable Nazeer Ahmad No. 3100, was charged sheeted vide this office No. 699/R, dated 01.09.2014 and he was also proceeded against departmentally through Mr: Imtaiz Gul DSP/Legal: Mardan, who after fulfilling necessary process, submitted his findings to the undersigned vide his office endorsement No. 2008/LB, dated 31.12.2014, in which the allegations have been established against him.

After going through inquiry file the undersigned agree with the findings of enquiry officer and the alleged Constable Nazeer Ahmad No. 3100, is not interested in Service So, he is hereby dismissed from service while his absence period counted as leave without pay, in exercise of the power vested in me under Police Rules 1975.

Order announcedO.B No. 07Dated 1/1/2015


(Gul Afzal Afridi)
District Police Officer,
Mardan.

No. 16-751 dated Mardan the 02-01/2014

Copy for information and necessary action to:-

1. The Deputy Inspector General of Police Mardan Region-1, Mardan.
2. The S.P Operations, Mardan.
3. The DSP/HQrs Mardan.
4. The Pay Officer (DPO) Mardan.
5. The E.C (DPO) Mardan.
6. The OASI (DPO) Mardan.

Attested



Attested



- 9424304

فورت صبا - DIGA صبا سردان دین

بیماری لا حق صورتی آسن وقت سائل کی جو سنگ تھانہ سٹی سردان میں تھی
 سائل صبا - DPO صبا سردان کے ساتھ پیش ہو کر صبا - DPO
 کے ساتھ Free-Medical کیلئے فارم دینا اور ساتھ ساتھ طبی رسی
 عطا کرمان اور من سائل DHQ ہسپتال سردان صبا اور اوردہ جمع ہونے
 ہسپتال اسلام آباد رجسٹر کیا گیا اس دوران سائل صبا - SP اینٹیشن
 کے ساتھ پیش ہوا اور نئے کام میں سائل ملنے کے بعد ان کا کسٹم
 ٹیمس دوبارہ بھیجے ہسپتال سردان اس دوران میں وقتاً فوقتاً سائل
 کے ساتھ ہسپتال سردان کے ساتھ تھانہ کو بھیجا رہا لیکن یہ سائل
 جمع ہونے پر حاضر کیا گیا جسکا نتیجہ قطعاً علم نہ تھا اور آخر کار فورج 2015-1-1 اور
 صبا - DPO سردان کے من سائل کو نوکر سے برخواست کیا گیا
 جاننے کے لئے کو Show-cause نوٹس ملے اور نہ ہی نئے کون امداد
 دی گئی تھی۔

اللہ انشاء فرمائے سائل کو دوبارہ ملازمت کا حال کن کا حکم تمام
 سرکار ہائے طاہرے - سائل تصدیق و سناؤ رہے گا۔

فورج 2015-01-06

الکھارہ

نذیر احمد 3100 سالانہ کنسٹیبل محکمہ مدرسے بابا
 0315-9424304

Attested
 Eul to Aa.

① (22) J

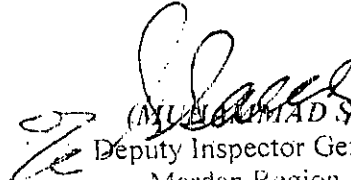
ORDER.

This order will dispose-off the appeal preferred by Ex-Constable Nazeer Ahmad No. 3100 of Mardan District Police against the order of District Police Officer, Mardan, wherein he was dismissed from service vide District Police Officer, Mardan OB No. 07 dated 01.01.2015.

Brief facts of the case are that he while posted at Police Station City, deliberately absented himself from the lawful duty vide daily diary No. 68 dated 09.07.2014 to the date of dismissal. In this connection he was charge sheeted and was also proceeded against departmentally through Deputy Superintendent of Police Legal, Mardan, who after fulfilling necessary processes, submitted his findings to District Police Officer, Mardan, in which the allegations have been established against him. After going through inquiry file District Police Officer, Mardan agreed with the findings of enquiry Officer, as the alleged Constable is not more interested in service, therefore he was dismissed from service.

I have perused the record and also heard the appellant in Orderly Room held in this office on 18.02.2015, but he failed to justify his absence period and could not produce any cogent reason about his absence. Therefore, I **MUHAMMAD SAEED** Deputy Inspector General of Police, Mardan Region-I, Mardan in exercise of the powers conferred upon me reject the appeal and do not interfere in the order passed by the competent authority, thus the appeal is filed forthwith.

ORDER ANNOUNCED.


(**MUHAMMAD SAEED**) PSP
Deputy Inspector General of Police,
Mardan Region-I, Mardan.

No. 1340 /ES, Dated Mardan the 02-03-2015.

Copy to District Police Officer, Mardan for information and necessary action w/r to his office Memo: No. 199/LB dated 12.02.2015. His service roll is returned herewith.

(*****)

Attested

