

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Appeal No. 48/2017

Date of Institution ... 26.12.2016

Date of Decision ... 18.03.2019

Yasim son of Noor Muhammad Ex-Constable Belt No. 1130 R/O Bala Nagar, Rawalpindi Road, Kohat. ... (Appellant)

VERSUS

District Police Officer, Kohat and two others. ... (Respondents)

Present.

Mr. Khursheed Ahmad Shahan,
Advocate. ... For appellant

Mr. Kabirullah Khattak,
Addl. Advocate General, ... For respondents.


MR. HAMID FAROOQ DURRANI, ... CHAIRMAN
MR. AHMAD HASSAN, ... MEMBER

JUDGMENT

HAMID FAROOQ DURRANI, CHAIRMAN:-

The appellant joined the service of Police Department in Kohat Region on 31.08.2008 and was removed from service on 08.01.2014 on account of absence w.e.f 09.10.2013 till the date of passing of the order. His departmental appeal and further review petition were also dismissed/rejected, hence the appeal in hand.

2. We have heard learned counsel for the appellant, learned Addl.

 Advocate General on behalf of the respondents and have also gone through the available record.

At the outset, learned AAG agitated objection regarding competency of appeal in hand on the ground that the departmental appeal of appellant was preferred on 22.09.2015 i.e. with a delay of more than 19 months. The said appeal was decided on 16.3.2016 while a review petition was preferred under Rule-11-A of the Police Rules, 1975 which was rejected on 29.09.2016, being barred by time. Learned AAG relied on judgment reported as 2015-SCMR-165, 2011-SCMR-676 and contended that in case the departmental appeal of a civil servant was barred by time his service appeal before the Tribunal was also not competent. It was further contended that the appellant was a habitual wrong doer and was earlier also dismissed from service on 21.09.2011. He was, however, reinstated subsequently on 13.12.2011 with modification of punishment to reduction in pay for a period of three years (time scale).


Learned counsel for the appellant while attempting to controvert the arguments of learned AAG referred to a judgment reported as 2008-SCMR-1666 and contended that due to the illness of appellant, the period of absence was condonable by the department.


3. On carefully examining the record, it revealed that the departmental appeal of appellant was decided in negative on 16.3.2016, also on the ground of being barred by time. It is further a matter of record that after rejection of his review petition on 29.09.2016, that too on the ground of limitation, the appeal in hand was preferred on 26.12.2016 with a delay of about two

months. An application for condonation of delay was though submitted alongwith the appeal in hand but without any cogent reason warranting the condonation. Similarly, in para-7 of the memorandum of appeal it was noted that the order of rejection of his review petition was received by the appellant on 10-12 days ago. This claim, however, would not justify the condonation of delay in submission of appeal owing to the fact that the appellant had not even given the date of receipt of the order. Admittedly, the appellant failed to submit any application for the purpose alongwith his departmental appeal or the revision petition although he had taken the pretext of his illness in the departmental representation dated 22.09.2015. On the contrary, it was not the case of appellant that he had applied for any leave on medical grounds during the course of his absence from duty.

4. For what has been stated above, we find that the appellant remained indolent all along in pursuing his legal remedies in time. The appeal in hand is, therefore, dismissed hereby.

Parties are left to bear their respective costs. File be consigned to the record room.


(AHMAD HASSAN)
MEMBER

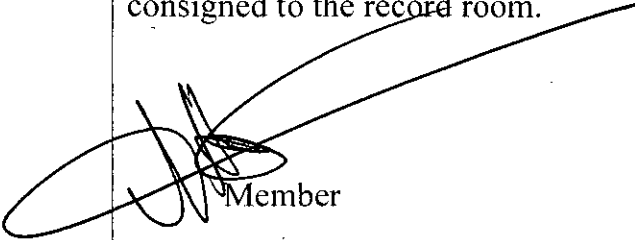
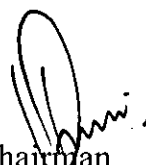

(HAMID FAROOQ DURRANI)
CHAIRMAN

ANNOUNCED
18.03.2019

48/17

1


s

S.No.	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	18.3.2019	<p><u>Present.</u></p> <p>Mr. Khursheed Ahmad Shahan, .. For appellant Advocate</p> <p>Mr. Kabirullah Khattak, Addl. Advocate General ... For respondents with Ishaq Gul, DSP (Legal)</p> <p>Vide our detailed judgment of today, the appeal in hand is dismissed.</p> <p>Parties are left to bear their respective costs. File be consigned to the record room.</p> <p> Member</p> <p> Chairman</p> <p><u>ANNOUNCED</u> 18.3.2019</p>

30.08.2018


Clerk of the counsel for appellant and Mr. Ziaullah, Deputy District Attorney alongwith Mr. Arif Saleem, ASI for the respondents present. Clerk of the counsel for appellant seeks adjournment. Adjourned. To come up for record and arguments on 15.10.2018 before D.B.



(Ahmad Hassan)
Member


(Muhammad Amin Khan Kundi)
Member

15.10.2018

Clerk to counsel for the appellant and Mr. Kabirullah Khattak learned Additional Advocate General for the respondent present. Due to general strike of the bar, the case is adjourned. To come up on 28.11.2018 before D.B


Member

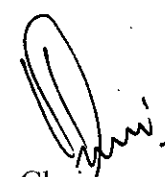

Member

28.11.2018

Junior to counsel for the appellant and Mr. Muhammad Riaz Painsa Khel, Asstt. AG for the respondents present.

The former requests for adjournment due to indisposition of learned senior counsel for the appellant. Adjourned to 28.1.2019 for arguments before the D.B.



Member


Chairman

28.01.2019

Appellant in person present. Mr. Muhammad Jan, alongwith Mr. Ishaq Gul, DSP (Legal) for respondents present. Appellant seeks adjournment. Adjourned. Case to come up for arguments on 18.3.2019 before D.B.

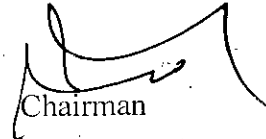

(Ahmad Hassan)
Member


(M. Hamid Mughal)
Member

12.02.2018

Appellant in person present. Mr. Riaz Painsdakhel, Assistant AG for the respondent present. Counsel for the appellant is not in attendance due to general strike of the bar. To come up for rejoinder and arguments on 16.04.2018 before D.B.


Member


Chairman

16.04.2018

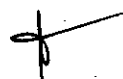
Counsel for the appellant and Addl: AG alongwith Mr. Arif Saleem, ASI for respondents present. Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 03.07.2018 before D.B.



(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

03.07.2018

Counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney alongwith Mr. Arif Saleem, ASI for the respondents present. Representative of the department is directed to produce inquiry record of the appellant on or before the next date of hearing. Adjourned. To come up for record and arguments on 30.08.2018 before D.B.


(Ahmad Hassan)
Member


(Muhammad Amin Kundi)
Member

learned counsel for the appellant need consideration. The appeal is admitted for regular hearing subject to limitation and all legal objections. The appellant to deposit of security and process fee within 10 days, thereafter notice be issued to the respondents for written reply/comments for 13.11.2017 before S.B


(Muhammad Amin Khan Kundi)
Member


13.11.2017

Appellant in person present. Mr. Kabir Ullah Khattak, Additional Advocate General alongwith Mr. Arif Saleem, SI for the respondents present. Written reply not submitted. Requested for further adjournment. Adjourned. To come up for written reply/comments on 04.12.2017 before S.B.


(Gul Zeb Khan)
Member

04.12.2017

Appellant in person present. Mr. ~~Riaz, Painsda~~ ~~Khel, Assistant~~ Advocate General alongwith Arif Saleem, SI for respondents present. Written reply submitted. To come up for rejoinder and arguments on 12.02.2018 before D.B.


(Gul Zeb Khan)
Member (E)

03.10.2017

Counsel for the appellant present. Mr. Kabirullah Khattak, Assistant AG for the respondents also present. Preliminary arguments heard. It was contended by the learned counsel for the appellant that the appellant was serving in Police Department and during his service departmental proceeding was initiated against him on the basis of his alleged absence for about one month. It was further contended that infact the appellant was ill and due to illness he could not attend duty. It was further contended that the competent authority should have taken into consideration his period of absence i.e one month and should have imposed the penalty of stoppage of increment instead of removal from service. It was further contended that the dismissal order was passed by the competent authority from the date of his absence i.e retrospectively and further contended that the absence period has also been considered by competent authority as leave without pay. Therefore, the absence period was regularized by the competent authority. Hence the impugned order is void ab-initio therefore, the limitation does not run against the void order.

2. On the other hand learned Assistant Advocate General Mr. Kabirullah Khattak, Assistant AG opposed the contention of learned counsel for the appellant and contended that the appellant was absent from duty and could not justify his absence before the competent authority therefore, he was rightly dismissed from service. It was further contended that after proper inquiry the appellant was proved guilty of absence and the appellant has also filed the present appeal after limitation period, therefore, the present appeal is liable to be dismissed in limine.

3. No doubt the appeal is time barred but the alleged absence period for which the appellant has been dismissed from service is one month and the competent authority has imposed major penalty upon the appellant of removal from service. Record further reveals that the dismissal order has been passed by the competent authority from the date of absence i.e retrospectively and the absence period of the appellant has been treated as leave without pay therefore, the same is regularized by the competent authority. Point raised by

M. Amin
3.10.2017

Appellant Deposited
Security & Process Fee

10.


15.06.2017

Clerk to counsel for the appellant present and seeks adjournment. Adjourned. Last opportunity given for preliminary hearing for 13.07.2017 before S.B.


Chairman


13.07.2017

Appellant in person present and requested for adjournment as his counsel is not in attendance today. Adjourned. Another last opportunity is given for preliminary hearing for 09.08.2017 before S.B.


(Muhammad Amin Khan Kundi)
Member

09.08.2017

Clerk to counsel for the appellant present and submitted an application for adjournment. Adjourned. To come up for preliminary hearing on 11.09.2017 before S.B.


(Ahmad Hassan)
Member

11.09.2017

Counsel for the appellant present and requested for adjournment. Adjourned. To come up for preliminary hearing on 03.10.2017 before S.B.


(Muhammad Amin Khan Kundi)
Member

7.

19.04.2017

Clerk to counsel for the appellant and Addl. AG for the respondents present. Clerk to counsel for the appellant requested for adjournment. Request accepted. To come up for preliminary hearing on 04.05.2017 before S.B.

(Ahmad Hassan)

Member

8.

05.05.2017

Counsel for the appellant and Addl. AG for respondents present. Counsel for the appellant seeks adjournment. Adjourned for preliminary hearing to 25.05.2017 before S.B.

Chairman

9.

25.05.2017

Appellant in person present and requested for adjournment. Request accepted. To come up for preliminary hearing on 15.06.2017 before S.B.

(AHMAD HASSAN)

MEMBER

4.

20.02.2017

Clerk to counsel for the appellant present. Clerk to counsel for the appellant requested for adjournment. Request accepted. To come up for preliminary hearing on 09.03.2017 before S.B.

(AHMAD HASSAN)
MEMBER

5.

09.03.2017

Learned counsel for appellant Mr. Khurshid Ahmad Shahan present. Preliminary arguments heard. At the very outset question of limitation arose. Learned counsel for appellant seeks time for preparation on the point of limitation. Granted. In the meanwhile learned Additional Advocate General office also be put on pre-admission notice on the question of limitation. To come up for preliminary hearing on 04.04.2017 before S.B.

(ASHFAQUE TAJ)
MEMBER

6.

04.04.2017

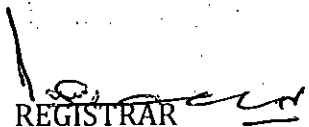


Counsel for the appellant and Addl. AG for the respondents present. Counsel for the appellant seeks adjournment. To come up for preliminary hearing on 19.04.2017 before S.B.

Chaffman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 48/2017


S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	19/01/2017	<p>The appeal of Mr. Yasim Khan resubmitted today by Mr. Khurshid Ahmad Shahan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2	23-1-2017	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>30-1-2017</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
3	30.01.2017	<p>Agent of counsel present and requested for adjournment as counsel for the appellant is not in attendance. Adjourned for preliminary hearing to 20.2.2017 before S.B.</p> <p style="text-align: right;"> Chairman</p>

The appeal of Mr. Yasim Khan son of Noor Muhammad Ex- Constable No. 1130 Kohat Police received today i.e. on 26.12.2016 is incomplete on the following score which is returned to the counsel for the appellatant for completion and resubmission within 15 days.

- 1- Memorandum of appeal may be got signed by the appellatant.
- 2- Annexures of the appeal may be attested.
- 3- Annexures of the appeal may be flagged.
- 4- Heading of the appeal is incomplete which may be completed.
- 5- Departmental appeal having no date be dated.
- 6- Copy of appointment order mentioned in para-2 of the memo of appeal (Annexure-A) is not attached with the appeal which may be placed on it.
- 7- One more copy/set of the appeal along with annexures i.e complete in all respect may also be submitted with the appeal.

No. 2/127 /S.T,

Dt. 26/12 /2016


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Khurshid Ahmad Shahan Adv. Pesh.

*Notes objections removed as
per directions; 18/1/17*

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 48 /2017

Yasir.....Appellant

Versus

D.P.O Kohat & others.....Respondents

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6.	Copy of order of removal from service dated 07.01.2014	C	14
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8.	Copy of order dated 16.03.2016	E	16
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Through Appellant

Dated ___/12/2016

Khursheed Ahmad Shahan
Advocate High Court
Cell No. 0345-4282785

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 48 /2017

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1313

Dated 26-12-2016

Yasim S/o Noor Muhammad, Ex-Constable
Belt No.1130 R/o Bala Nagar, Rawalpindi
Road, Kohat.....

Appellant

Versus

- ✓1. District Police Officer, Kohat
 - ✓2. Regional Police Officer Kohat Region.
 - ✓3. Inspector General of Police
Khyber Pakhtunkhwa, Peshawar.....
- Respondents**

**APPEAL U/S 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL, ACT,**

1974 AGAINST THE IMPUGNED ORDER PASSED BY THE DPO/RESPONDENT NO.1
DATED 08.1.2014 AND SUBSEQUENTLY ORDERS PASSED BY THE DIG/RPO/
RESPONDENT NO.2 AND IGP/RESPONDENT NO.3 DATED 16.3.2016 & 29.9.2016

PRAYER

On acceptance of the instant appeal the
impugned order passed by the
DPO/respondent No.1 of removal from
service dated 08.01.2014 and
subsequently orders passed by the R.P.O,
/respondents No.2 and IGP /respondent
No.3 dated 16.03.2016 & 29.09.2016

Filed to-day
Registrar
26/12/16

respectively whereby the appellant has been removed from by the respondent No.1 and the said order was upheld by respondent No.2 & 3 may kindly be set aside and be declared as null and void and further directions may kindly be passed to the respondents to reinstate the appellant with all back benefits.

Respectfully Sheweth:

1. That the appellant is a law abiding citizen of Pakistan.
2. That the appellant was appointed as constable in the Police Department on 31.08.2008. (Copy of the document is attached as annexure "A").
3. That the disciplinary action was taken against the appellant vide letter No.16286.87 dated 06.11.2013 and charge sheet dated 08.11.2013 was issued and final show cause was issued on 04.12.2013 to the appellant during the sever sickness of the appellant. (Copy of show cause notice is attached as annexure "B").
4. That one sided inquiry was conducted and the appellant remained unheard and the appellant was not joined in the said inquire.

(3)

5. That the disciplinary action was taken and the removal from service order was passed by the respondent No.1 against the appellant on 08.01.2014. (Copy of order of removal from service is attached as annexure "C").
6. That the appellant filed the Department appeal/ representation before the R.P.O/respondent No.2 on acquiring knowledge but the same was also dismissed on 16.03.2016. (Copy of Departmental Representation & order are attached as annexure "D").
7. That the appellant approached to the I.G.P (respondent No.3 through appeal in within week time but the aforesaid orders were upheld on 29.09.2016; now the instant appeal on the following amongst other grounds the order dated 29.09.2016 was issued to the appellant 10/12 days ago.

GROUND:

- A. That the impugned orders passed by the respondents are against the law fact.
- B. That the appellant remained unheard and the maximum of of audi ultrem patem has been violated that no one should be condemned unheard
- C. That no misconduct has been committed by the appellant.

(4)

- D. That the facts and circumstance of the case have not been brought to into the consideration.
- E. That the major penalty has been awarded to the appellant and thereby spoiled the entire career of the appellant.
- F. That the orders passed by the respondents/ department are not legally speaking order and are not tenable in the eye of law.
- G. That no lawful procedure has been adopted while passing the impugned orders by the respondents.
- H. That the appellant has been discriminated as in such like case, such like harsh order are not passed.
- I. That the absence was not intentionally and deliberate but due to the severe sickness of the appellant and subsequently of his father.

It is, therefore most humbly prayed that on acceptance of the instant appeal the impugned order passed by the DPO/respondent No.1 dated 08.01.2014 and subsequently orders passed by the D.I.G, ^{DPO} /respondents No.2 and IGP /respondent No.3 dated 16.03.2016 & 29.09.2016 whereby the appellant has been removed from service by

5

respondent No.1 & the said orders were upheld by respondent No.2 & 3 may kindly be set aside and be declared as null and void and further directions may kindly be passed to the respondents to reinstate the appellant with all back benefits.

Any other relief may also be awarded deem fit and proper in the interest of justice.

Yasir

Appellant

Through

X

Khursheed Ahmad Shahan

Advocate High Court

Dated 10.12.2016

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BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR.

Service Appeal No:- _____-P/2016

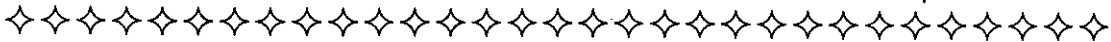
Yasim Khan

Versus

Police Department

..... Appellant

..... Respondent



AFFIDAVIT

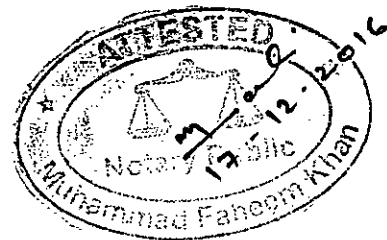
I, Yasim Khan S/o Noor Muhammad R/o Bhawal
Nagar, Pindi Road, Kohat, do hereby solemnly affirm and
declare on oath that the contents of this accompanying
Service Appeal are true and correct to the best of my
knowledge and belief and nothing has been concealed from
this Honourable Tribunal.

Yasim

DEPONENT
CNIC No:- 14301-9001008-1

Identified by

Khurshad Ahmad Shahan
Advocate, Peshawar.



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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

C.M. No. _____/2016

In

Service Appeal No. _____/2016

Yasim.....**Appellant**

Versus

D.P.O Kohat & others.....**Respondents**

**PETITION FOR CONDONATION OF DELAY
IN FILING DEPARTMENTAL APPEAL AS WELL
AS THE INSTANT APPEAL**

Respectfully Sheweth:

1. That the captioned case is being filed before this Honourable Court, in which no date of hearing has yet been fixed
2. That the absence of the appellant from duty was not intentionally and deliberate but due to the severe sickness of the appellant and subsequently of his father.
3. That delay in filing departmental appeals and the titled appeal if any, is neither willful nor deliberate but due to reason mentioned above.

(8)

4. That the appellant has been discriminated as in such like case, such like harsh order are not passed.

It is, therefore, most humbly prayed that on acceptance of this application, the delay, if any, in filing department appeals as well as the above titled appeal may kindly be condoned in the interest of justice and fairplay

Through

Yasim
Appellant

Y
Khursheed Ahmad Shahan
Advocate High Court

Dated 10.12.2016

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BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR.

CM No:- _____ -P/2016

In

Service Appeal No:- _____ -P/2016

Yasim Khan

Versus

Police Department

..... Petitioner

..... Respondent



AFFIDAVIT

I, Yasim Khan S/o Noor Muhammad R/o Bhawal
Nagar, Pindi Road, Kohat, do hereby solemnly affirm and
declare on oath that the contents of this accompanying
Application are true and correct to the best of my knowledge
and belief and nothing has been concealed from this
Honourable Tribunal.

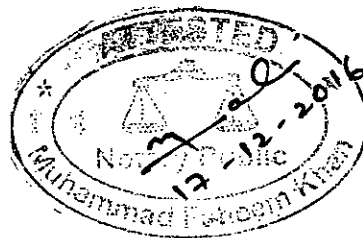
Yasim

Identified by

DEPONENT

CNIC No:- 14301-9001008-1

Khurshad Ahmad Shahan
Advocate, Peshawar.



10

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

C.M. No. _____/2016

In

Service Appeal No. _____/2016

Yasim.....Appellant

Versus

D.P.O Kohat & others.....Respondents

ADDRESSES OF PARTIES

PETITIONER:

Yasin S/o Noor Muhammad, Ex-Constable
Belt No.1130 R/o Bala Nagar, Rawalpindi
Road, Kohat

RESPONDENTS:

1. District Police Officer, Kohat
2. Regional Police Officer Kohat Region.
3. Inspector General of Police
Khyber Pakhtunkhwa, Peshawar

Through

Appellant

Khurshed Ahmad Shahan

Advocate High Court

Dated 10.12.2016

10-A

POLICE
IDENTITY CARD

Name: YASIM KHAN

Designation: CONSTABLE 1034

District: KOHAT

Sign Issuing Authority: [Signature]

Stamp/Seal Issuing Authority

Do Just This is Nearer to your Duty. Observe your duty to God,
Lo, He (Grd) is well informed of what you do.

10-A

F/Name: NOOR MUHAMMAD

N.I.C No: 14301-9001008-1

Date of Appointment: 31.10.2008

Identification Mark: SCAR MARK ON NECK

Height: 5' x 7 1/2" Eyes: BLACK Bld: Grp: B+

Date of Issue: 27.1.2009 S.No: 15

[Signature]
ATTESTED

DISCIPLINARY ACTION

Handwritten signature and initials

I, **MUHAMMAD SALEEM, DISTRICT POLICE OFFICER, KOHAT**, as competent authority, am of the opinion that **Constable Yasim Khan No. 1130** has rendered himself liable to be proceeded against as he committed the following acts/omissions under Police Rule 1975:-

STATEMENT OF ALLEGATIONS

You had absented yourself from official duty vide DD NO. 38 dated 05.09.2013 and reported arrival vide DD No. 34 dated 06.10.2013 without any leave or permission from the competent authority.

2. For the purpose of scrutinizing the conduct of said accused with reference to the above allegations, **Mr. Lal Farid Khan DSP City, Kohat** is appointed as enquiry officer. The enquiry officer shall in accordance with provision of the Police Rule-1975, provide reasonable opportunity of hearing to the accused official, record its findings and make, within twenty five days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.

The accused official shall join the proceeding on the date, time and place fixed by the enquiry officer.

DISTRICT POLICE OFFICER, KOHAT

No 16286-87 PA, dated 06-11 /2013.

Copy of above is forwarded to:-

1. **Mr. Lal Farid Khan DSP City, Kohat:-** The Enquiry Officer for initiating proceedings against the accused under the provisions of Police Rule-1975.
2. **Constable Yasim Khan No. 1130:-** The concerned official/officer's 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

1281/C
08-11-13

(12)

CHARGE SHEET.

1. I **MUHAMMAD SALEEM, DISTRICT POLICE OFFICER, KOHAT**, as competent authority, hereby charge you **Constable Yasim Khan No. 1130** committed the following irregularities:-

You had absented yourself from official duty vide DD NO. 38 dated 05.09.2013 and reported arrival vide DD No. 34 dated 06.10.2013 without any leave or permission from the competent authority.

2. By reasons of the above, you appear to guilty of misconduct under Police Rule-1975 and have rendered yourself liable to all or any of the penalties.

3. You are therefore, required to submit your written defence within 07days of the receipt of this Charge Sheet to the enquiry officer.

Your written defense if any should reach 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 ex-parte action shall be taken against you.

4. A statement of allegation is enclosed.

**DISTRICT POLICE OFFICER,
KOHAT**

ATTESTED

595
5-MRB

Ann ✓ 13

FINAL SHOW CAUSE NOTICE

1. I, **Muhammad Saleem, District Police Officer, Kohat** as competent authority under the Police Rule 1975 serve you **CONSTABLE YASIM KHAN NO. 1130** as follow:-

The consequent upon the completion of enquiries conducted against you by the Enquiry Officer, **Mr: Lal Farid Khan DSP City Kohat.**

2. On going through the findings and recommendations of the Enquiry Officer, the materials on the record and other connected papers, I am satisfied that the charge against you is proved and you have committed the following acts/omission specified in Police Rule 1975.

“You had absented yourself from official duty vide DD NO. 38 dated 05.09.2013 and reported arrival vide DD No. 34 dated 06.10.2013 (Total absence period of 31 days) without any leave or permission from the competent authority.”

3. As a result thereof I, as competent authority, have tentatively decided to impose upon you the penalty of major punishment under Police Rule 1975.

4. You are therefore, required to Show Cause as to why the aforesaid penalty should not be imposed upon you, also intimate whether you desire to be heard in person.

5. If no reply to this notice is received within seven (7) days of its delivery in the normal course of circumstances, it will be considered/presumed that you have no defence to put in and in that case an ex-parte action shall be taken against you.

6. Copy of finding of the enquiry officer is enclosed.

No. 16784/PA

Dated 04-12/2013

DISTRICT POLICE OFFICER,
KOHAT

ATTESTED

Amir (14)

ORDER

This order is passed on the departmental enquiry against Constable Yasim Khan No. 1130 of this district Police under Police Rule 1975,

Brief facts of the departmental enquiry are that he has absented himself from his official duty without any leave or permission vide DD No. 38 dated 05.09.2013 and reported arrival vide DD No. 34 dated 06.10.2013 (total absence period 31 days) and again absented vide DD No. 18 dated 09.10.2013 till to date.

He was served with charge sheet/summary of allegations and Mr. Lal Farid Khan DSP City, Kohat was appointed as Enquiry Officer to proceed against him departmentally. The enquiry officer has submitted his findings and found him guilty of the charges leveled against him.

He was served with Final Show Cause Notice on his home address but his reply is still awaited and nor he has join his duty. Therefore, the undersigned take an ex-part departmental action against him the period of absence is counted as absence and leave without pay and removed from service from the date of absence as mentioned above.

OB No. 42
Date 08-01-2014

DISTRICT POLICE OFFICER,
KOHAT

ATTESTED

پ. 1-14
لوٹ
ولیدی

The Deputy Inspector General
Kohat

Aux D
15

Sub:- RE-INSTATEMENT

Dear Sir,

With due reverence and humble submission, i beg to state that due to long absence, i have been removed from service vide OB No 42 dated 08 January, 2014.

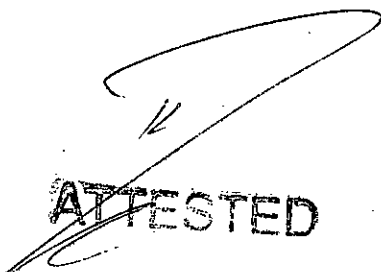
In this context, i beg to state that i did not deliberately remain absent from my duty but the circumstances beyond my control allowed me to do the same, for which i deeply regret and request your honour to waive off my absence. I remained under medical treatment for this period, the medical certificates are attached herewith for your kind perusal.

Being poor man, i cannot meet the expenses of my family without any job in these critical days.

I shall be very thankful to you if i am re-instated in my post. I give you surely that i shall be not give you any chance for my absence, for which i shall ever remain grateful to you and i shall pray for your promotion health, prosperity and long life.

Thanking you in anticipation

Yours faithfully


ATTESTED

CONSTABLE YASIM KHAN
NO 1130
Dated 22-09-2015

F 219 - 16/11/16
Auez E
(16)

ORDER.

This order is passed on a departmental appeal, preferred by Ex-Constable Yasim Khan No. 1130 of Kohat district Police (hereinafter called appellants) against the punishment order of removed from service passed by DPO Kohat vide OB No. 42 dated 08.01.2014. The appellants seek to set-aside the punishment order and reinstatement in service.

Facts are that the appellants while posted at PS City Kohat, absented himself from lawful duty intentionally and deliberately without any leave or prior permission from superior authority vide DD No. 38 date 05.09.2013 to 06.10.2013 and again absented vide DD No. 18 dated 09.10.2013 till the date of dismissal i.e. 08.01.2014.

He was served with charge sheet alongwith statement of allegations, but he had not submitted his reply nor appeared before the enquiry officer. According to the report of enquiry officer, the applicant was enlisted in Police department on 31.10.2008 and was dismissed from service on 21.09.2011, prior to the present punishment. He was reinstated in service on 13.12.2011. He was habitual absentee and unwilling worker. The enquiry officer found him guilty of the charges and after completing all legal formalities, he was removed from service by the competent authority vide OB No. 42 dated 08.10.2014.

Feeling aggrieved from the said punishment, he preferred the instant appeal. Record requisitioned and perused. The appellants was heard in person in orderly room on 16.03.2016, cross queries were asked to him regarding misconduct, but he could not satisfy the undersigned.

Record gone through which indicates that the appellants has proved himself as habitual absentee and unwilling worker and was not interested in his official job. During his short span of service, he has numerous absence entries in his service record, for which he was also dismissed from service, but he did not amend / improve himself. Besides this, his appeal is badly time-barred about 01-year & 10-months. His appeal being devoid of merits and badly time-barred is hereby rejected.

Order Announced
16.03.2016

AI
FILED

(DR. ISHTIAQ AHMAD MARWAT)
Regional Police Officer,
Kohat Region.

No. 2890 /EC, dated Kohat the 16-03-2016.

Copy to the District Police Officer, Kohat for information w/r to his office Memo: No. 4686/LB, dated 03.03.2016. His service record is enclosed herewith.

Encl: 1/11-01
1/11-01

(DR. ISHTIAQ AHMAD MARWAT)
Regional Police Officer,
Kohat Region.

DR
FILED

or

Before the provincial police officer,
Khyber Pakhtun Khwa, Peshawar.

A u u u F n
(17)

SUBJECT: REPRESENTATION

Respected Sir,


With veneration, the petitioner submits the following for consideration on sympathetic and humanitarian grounds.

The petitioner while posted at PS city kohat suffered from join us since 01-09-2013 which was confirmed vides the laboratory report. Copy of the said report is enclosed here with. Thus the petitioner could not attend to the official duties and remained under medical treatment during the period form 01-09-2013 till 05-10-2013. The petitioner joined his duty after getting partial recovery but again became the victim of the said deseeds from 09-10-2013 to 08-01-2014. The petitioner was proceeded against departmentally and ultimately removed form service by DPO Kohat vide OB No 42 dt 08-10-2014 as the petitioner could not attended the departmental proceedings due to his sickness.

The petitioner filed an a appeal before the regional chief but the same was rejected vide his order dt. 16-03-2016. The petitioner has got no other source of income and is the only bread earner of his family and due to the loss of service of the petitioner, the whole family of the petitioner is faced with great financial hardships.

The petitioner did not remain absent from duty deliberately but was forced by the circumstances to remain absent from official duty, hence this representation.

In view of the above, it is requested that the petitioner may be re-instated in service w.e.f. the date of his removal from service i.e. 08-10-2014.


ATTESTED

Yours Obediently,


Yasim Khan (EX-Constable)

No.1130

Bahawal Nager, Pindi Road

Kohat.



OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
CENTRAL POLICE OFFICE,
PESHAWAR.

No. S/ 6435 /16, dated Peshawar the 29/09/2016.

Quet
18

ORDER

This order is hereby passed to dispose of departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 submitted by **Ex-Constable Yasim Khan No. 1130**. The appellant was awarded punishment of **Removal** from service by DPO, Kohat vide OB No. 42, dated 08.01.2014, on charges of absence for a period of 04 months and 03 days.

He preferred appeal before the RPO, Kohat which was examined and filed vide order Endst: No. 2890/EC, dated 16.03.2016.

Meeting of Appeal Board was held on **28.05.2016**, wherein the appellant was heard in person. The enquiry papers were also examined. On examination of record, it revealed that he was twice dismissed from service on the charges of absence from duty. It is proved from the record that petitioner is habitual absentee and possesses incorrigible character. Therefore, the petition of the petitioner is barred by law and limitation and **worth rejection**.

This order is issued with approval by the Competent Authority.

Naajeb
(NAJEEB-UR-RAHMAN)
AIG / Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

No. S/ 6436-43 /16,

Copy of above is forwarded for information and necessary action to the:-

1. Regional Police Officer, Kohat Region, Kohat.
2. District Police Officer, Kohat.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. PRO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
5. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-IV, CPO, Peshawar.
8. I/C Central Registry Cell, (CRC), CPO.

Naajeb

SAIF Clinical Laboratory

Mob: 0333-3848888

139

Name Yasir Age _____ Gender M Date 1-9-13

Specimen serum, HCV, R/E Referred By Dr Khan Asbax

CLINICAL BIOCHEMISTRY			CLINICAL HEMATOLOGY	
TEST	NORMAL RANGE	RESULT		
Glucose Fasting	70 - 110mg%		Hb	
Glucose Random	80 - 180mg%		ESR	
Total Lipids	500 - 800		RBC	
Cholesterol	140 - 220		TLC	
Uric Acid	M2.5-7 - F2-6		DLC	
H.Phylori			Neutrophils	
Toxoplasma			Lymphocytes	
A.S.O Titre			Eosinophils	
Reumatism Factor			Basophils	
Pregnancy Test			Monocytes	
Urea	10 - 50mg%		Platelet	
Crotinine	0.5 - 1.1		Widal Test	<u>Positive</u>
Billirubin	0.1 - 1.0	<u>0.7</u>	Widal TO	<u>1 / 320</u>
ALT (SGPT)	Upto 40		Widal TH	<u>1 / 260</u>
Alk Phos (Adult)	U/L		M.P No	<u>mp found</u>
BT			Blood Group	
CT			RH Factor	
HBs Ag			Brucella Abortus	
H.C.V		<u>Negative</u>	Brucella Melitensis	
H.I.V			Typhidot	
ICT:-			1Gm	
			1Gg	

URINE

URINE EXAMINATION	Urine Passes of	Receive Of
PHYSICAL	CHEMICAL	MICROSCOPY
Quantity <u>30cc</u>	Albumin <u>Trace</u>	Red Cells <u>01-02</u> /HPF
Color <u>pale yellow</u>	Sugar <u>NIL</u>	Pus Cells <u>Rare</u> /HPF
Ph <u>7.0</u>	Bile Salt <u>NIL</u>	Epith Cells <u>1</u> /HPF
Sp. Gravity <u>1</u>	Bile Pigment <u>-</u>	Casts <u>1</u>

Note: Test performed by Device method

Signature

ATTESTED

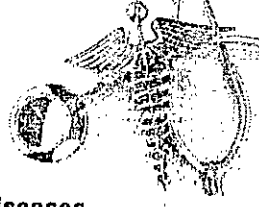
(20)

Dr. Khan Askar Orakzai.

M.B.B.S; M.P.H.

General Physician & Expert in Children Diseases.

Mehmood Medicose Near Chongi Opp. Shell Pump
Bannu Road Kohat.
Mobile No. 0333-9624762.



ڈاکٹر خان عسکر اورکزئی،

ایم۔ بی۔ بی۔ ایس۔ ایم پی ایچ۔

جنرل فزیشن و ماہر امراض اطفال۔

Name: yasim	Age:	Sex: M	Dated: 01-09-13
		Weight:	Diagnosis: widal +ve

History & Clinical Findings

BDV
Widal
MP
BP 130/90
T₂ 99.5
Urine nr.
Hcv.

Rx

tab Cipragin 500

(20)

1 — 1

tab Paradol Extra

(30)

1 — 1 — 1

tab Astan 40/240

(8)

2 (2) الی (2) 8 گفٹ

1 — 1 — 1

Syp Vidylin h

OXDIP 10/14
10/14
10/14

2 — 2

(30)

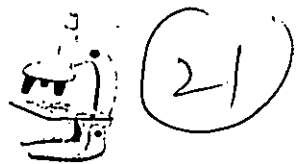
دوای ڈاکٹر کے ہدایات کے مطابق استعمال کریں۔

دوبارہ معاینہ کیلئے بروز 01/09/13 لہند تشریف لائیں۔

ATTESTED

WILL Clinical Laboratory

Mob: 0333-3848888



Name Yasim Age _____ Gender M Date 11-12-13

Specimen Widal Referred By Dr Ishtar ASKA

CLINICAL BIOCHEMISTRY			CLINICAL HEMATOLOGY	
TEST	NORMAL RANGE	RESULT		
Glucose Fasting	70 - 110mg%		Hb	
Glucose Random	80 - 180mg%		ESR	
Total Lipids	500 - 800		RBC	
Cholesterol	140 - 220		TLC	
Uric Acid	M2.5-7 - F2-6		DLC	
H.Phylori			Neutrophils	
Toxoplasma			Lymphocytes	
A.S.O Titre			Eosinophils	
Reumatism Factor			Basophils	
Pregnancy Test			Monocytes	
Urea	10 - 50mg%		Platelet	
Cretinine	0.5 - 1.1		Widal Test	<u>Boxer line</u>
Bilirubin	0.1 - 1.0		Widal TO	<u>1 - 80</u>
ALT (SGPT)	Upto 40		Widal TH	<u>1 - 80</u>
Alk Phos (Adult)	U/L		M.P	
BT			Blood Group	
CT			RH Factor	
HBs Ag			Brucella Abortus	
H.C.V			Brucella Melitensis	
H.I.V			Typhidot	
ICT:-			1Gm	
			1Gg	

URINE EXAMINATION		
PHYSICAL	Urine Passes of	Receive Of
	CHEMICAL	MICROSCOPY
Quantity	Albumin	Red Cells /HPF
Color	Sugar	Pus Cells /HPF
Ph	Bile Salt	Epith Cells /HPF
Sp. Gravity	Bile Pigment	Casts

Note:

Signature

ATTACHED

(22)

Dr. Khan Askar Orakzai.

M.B.B.S; M.P.H.

General Physician & Expert in Children Diseases.

Mehmood Medicose Near Chongi Opp. Shell Pump
Bannu Road Kohat.
Mobile No. 0333-9624762.



ڈاکٹر خان عسکر اورکزئی،

ایم۔ بی۔ بی۔ ایس۔ ایم پی ایچ۔

جنرل فزیشن و ماہر امراض اطفال۔

Name: <u>Yasim</u>	Age:	Sex: <u>M</u>	Dated: <u>11-12-13</u>
		Weight:	Diagnosis: <u>W - PVE</u>

History & Clinical Findings

BP. $\frac{120}{80}$ T. 99

7

wadd +ve

Rx

Tab Avelox 400

① روزانہ

tab Paracetamol

1-1-1

Syr Cestonil +

2+2+2

Syr Lysovit

2+2

Cup Risek. 40

① روزانہ

دوائی ڈاکٹر کے ہدایات کے مطابق استعمال کریں۔

دوبارہ معائنہ کیلئے بروز تشریف لائیں۔

NEW MEM. MEDICOES
Mohammad Zahmar
Opp. Chongi Shell Pump
Bannu Road Kohat
Mob. 0333-9624762

[Handwritten signature]

پاکستان کوہاٹ

0333-9642660

(23)

REHMAN ORTHOPAEDIC HOSPITAL

B4, Phase-2, Near K.D.A, Hospital Kohat Contact No: 0332-9832912-0345-9142971

Orthopaedic Surgeon

Dr. Rehman Afridi

MBBS, (KMU) FCPS (ORTHO)

Distt: Orthopaedic Surgeon

D.H.Q Hospital KDA Kohat



آرٹھو پیڈک سرجن

ڈاکٹر رحمان آفریدی

ایم بی بی ایس (کے ایم یو)

ایف سی پی ایس (پاک)

Pt's Name Noor mehd Age 80yr Sex M Date 28/09/14

HOF
NOF (2)

Adv: X-ray pelvis including
Both hip AP view
Boot & bar

Rx: ① Tab. Enoxon 50mg
Q 05 Q 1 + 1

② Cap. Moxo 40mg
Q 19 —————

③ Cap. Tramal
Q 05 Q 1 + 1

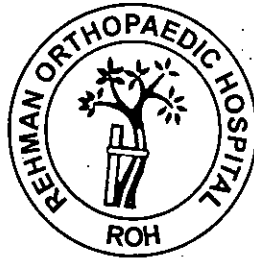
لیڈیاٹ 05
لیڈیاٹ 05
لیڈیاٹ 05

اگر اٹھیاں سوج جائیں، ٹکی ہو جائیں یا
زیادہ درد کریں تو فوراً ڈاکٹر سے مدد کریں

Handwritten signature

REHMAN ORTHOPAEDIC HOSPITAL

B4, Phase-2, Near K.D.A, Hospital Kohat Contact No: 0332-9832912-0345-9142971



29

CLINICAL LABORATORY

NAME:-Haji Noor Muhammad

Sex :-Male

Age :- ? Years

Ref. By :: Dr : Rehman Afridi

Specimen :- BLOOD

Date :- 23/09/2015

TEST REQ. :- HBsAg // ANTI H.C.V. ANTIBODIES.:-

TEST	RESULT
Hepatitis "B" Surface Antigen	Non Reactive
Hepatitis "C" Virus Antibodies	Non Reactive

TEST METHOD : Immunoassay Chromatographic Technique (ICT)

TEST	RESULTS
Blood .Group	"A"
Rh. Factor	Positive

TEST	RESULTS	NORMAL REFERENCES
Haemoglobin	11.4	M-14-18 g/dl F-12-14g/dl

TEST	RESULT	NORMAL REFRENCES
R.Blood.Sugar	140	Random 80---180 mg/dl.

Lab I/C N.S5A5



71317

25

ایڈووکیٹ/دستخط:
 بار کونسل ابار ایسوسی ایشن نمبر: 8788-10-10 ط
 رابلط نمبر: 0345-4282785

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

سر اسد علی خان

بعدالت جناب:

منجانب: اسد علی خان	دعویٰ: اسد علی خان
علت نمبر:	
مورخہ:	
جرم:	
تھانہ:	

بنام
 حیدر علی ادیب
 دیوبند

بابت تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ

آن مقام کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر حالت و فیصلہ برصفت دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہو گا اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا وہ وکیل موصوف وصول کرنے کا مختار ہوگا کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ مندر ہے۔

المرقوم:

اسد علی خان
 گواہ شد
 اسد علی خان
 مقام

نوٹ: اس وکالت نامہ کی کوئی کاپی ناقابل قبول ہوگی

Yaqin

Before the Honble Member (Prov) Service Tribunal
Unal Pesh.

Yasim v/s APO

PETITION FOR THE ADJOURN-
MENT OF THE TITLED CASE.

Respectfully Sheweth.

That the titled case
is pending before the Court & is
fixed for 9-8-17.

That due to the emergent
matter; being counsel in the
instant case will be unable
to attend the Court; hence
the instant petition.

It is therefore,
suggested that case may
kindly be adjourned till next date.

THR.

KHURSHID AHMED
SHAHANI ADVOCATE

9/8/17

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

Service Appeal No. 48/2017

Yasim Ex-Constable No. 1130

..... Appellant.

VERSUS

District Police Officer, Kohat & others

..... Respondents.

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS.

Respectively Sheweth:

Parawise comments are submitted as under:-

Preliminary Objections:

1. That the appellant has got no cause of action.
2. That the appellant has got no locus standi.
3. That the appellant is estopped due to his own conduct to file the instant appeal.
4. That the appeal is not maintainable in its present form.
5. That the appellant has not come to this Hon: Tribunal with clean hands.
6. That the appeal is badly time barred.

Facts:

1. The appellant while posting in Police department remained in-disciplined and unwilling official.
2. Pertains to record, hence no comments. The appellant was habitually absentee, he was previously dismissed from service by the competent authority vide order dated 21.09.2011. Copies of order dated 21.09.2011 and order of appellate authority are annexure "A & B". Subsequently, he was re-instated in service and the absence period was treated as leave without pay vide departmental appellate form after dated 13.12.2011.
3. The appellant, willful absented himself from duty, to this effect reports were made in daily diary of PS City vide Nos. 38 dated 05.09.2013 and 06.10.2013 respectively. On his willful absence he was served with charge sheet alongwith statement of allegations and proceeded with departmentally under the existing law / rules. Copies of DDs are annexure "C & D".
4. Incorrect, notice was served upon the appellant and directed to resume his duty but he deliberately failed. Similarly charge sheet and summary of allegations were also served upon the appellant which he received personally duly signed by him. Copies are annexure "E, F & G".
5. Incorrect, the conduct of appellant revealed that he was an inefficient and unwilling official. In these circumstances no other option was left, hence a proper and legal order was passed by Respondent No. 1.
6. The appellant was removed from service on 04.01.2014 and he moved a departmental appeal after a laps of about two years, hence the departmental appeals being devoid of merits, without any substance and limitation as well was rejected by the respondent No. 2.

Appeal filed before respondent No. 3 was also rejected on grounds of his incorrigible character, habitual absentee and on limitation as well.

Grounds:

- A. Incorrect, the appellant was habitually absentee, remained absent on several occasions and earned different kind of punishments. The appellant was previously remained absent for a long period and awarded him a major punishment of dismissal from service. Subsequently he was reinstated in service, but he did not improve himself.
- B. Incorrect, the appellant was not condemned unheard and it is evident from record as the appellant received and signed charge sheet / final show cause notice personally. Furthermore, the requirements of personal hearing is fulfilled by the competent authority, inquiry officer and departmental appellate form.
- C. Incorrect, as submitted above, the appellant was a habitual absentee. During his short span of service (within 03 years) he was dismissed from service on account of long period of absence vide order dated 21.09.2011. Furthermore, the appellant earned 07 other bad entries on the same ground with various kind of punishments.
- D. Incorrect, all the facts and circumstances of the case have been highlighted in the above paras.
- E. Incorrect, the punishment awarded to the appellant is commensurate to the charge established against him and his previous conduct / service record.
- F. Incorrect, all the orders of respondents based on facts, law and speaking.
- G. Incorrect, the existing law & rules were followed during the departmental proceedings and all the codal formalities are fulfilled.
- H. Incorrect, the appellant was a habitual absentee and improved himself as inefficient official, who was burden on public exchequer.
- I. Incorrect, as submitted above, the appellant remained absent from duty on different occasions, awarded him different kind of punishment including once dismissal, but he did not improve himself and again absented from lawful duty, which culminated him his removal from service.

Keeping in view of the above, conduct of the appellant, the appeal is devoid of merits / law, without any substantiate. It is, therefore, prayed that the instant appeal of the appellant may kindly be dismissed with cost.

Anwar Iqbal

**Regional Police Officer,
Kohat
(Respondent No. 2)**

[Signature]

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

[Signature]

**District Police Officer,
Kohat
(Respondent No. 1)**

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

Service Appeal No. 48/2017

Yasim Ex-Constable No. 1130

..... Appellant.

VERSUS

District Police Officer, Kohat & others

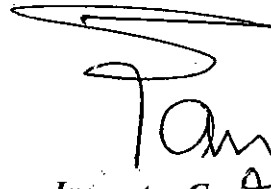
..... Respondents.

COUNTER AFFIDAVIT

We, the below mentioned respondents, do hereby solemnly affirm and declare on oath that contents of parawise comments are correct and true to the best of our knowledge and belief. Nothing has been concealed from this Hon: Tribunal.



*Regional Police Officer,
Kohat
(Respondent No. 2)*



*Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar
(Respondent No. 1)*


*District Police Officer,
Kohat
(Respondent No. 3)*

702

Amex "A"

ORDER

This order is passed on the departmental enquiry against Constable Yasim Khan No. 1034 of this district Police under Removal from Service (Special Powers) Ordinance 2000/

Brief facts of the departmental enquiry are that the above named official while posted at Police Line, Kohat absented himself from his official duties from 09.12.2010 to 24.12.2010 and 15.02.2011 to 04.07.2011 without any leave or permission from his senior officer.

He was served with charge sheet/summary of allegations and Mr. Lal Farid Khan DSP City, Kohat was appointed as Enquiry Officer to proceed against him departmentally. The enquiry officer has submitted his findings and found him guilty of the charges.

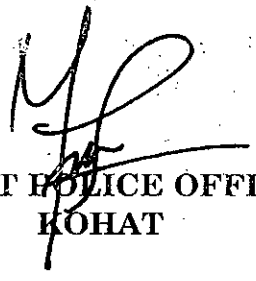
He was served with Final Show Cause Notice and called in OR on 15.09.2011. He was heard in person. His reply was perused and found unsatisfactory. His record reveals that he is a habitual absentee and does not seem to be interested in service.

Keeping in view, his Ex-chequer previous service record, his habitual absence, punishments awarded to him for his indifferent insubordination attitude, his present long absence without any leave or permission from his senior officers, the undersigned reached to the conclusion that the official is not interested in his official job, ceased to be inefficient and he is not fit to serve further in the disciplined force like Police department.

He is therefore dismissed from service with immediate effect and his period of absence from 09.12.2010 to 24.12.2010 and 15.02.2011 to 04.07.2011 (total absence comes to 05 months and 03 days) is treated as leave without pay.

OB No. 702

Date 21.09.2011


DISTRICT POLICE OFFICER,
KOHAT

Handwritten notes in Urdu script, including names and dates, located in the bottom left corner.

Annex "B"

POLICE DEPARTMENT
ORDER

KOHAT REGION.

I am going to dispose of a departmental appeal filed by Ex: Constable Yasim Khan 1034 against the order of DPO, Kohat vide his OB:No.702, dated 21.09.2011 vide which he was dismissed from service on the charges of absent from duty with effect from 09.12.2010 to 24.12.2010 and 15.02.2011 to 04.07.2011.

I have gone through the record which transpired that the Ex: Constable was dealt with departmentally. The enquiry officer, held him guilty of the charges, mentioned above and on conclusion of proceedings the competent authority awarded him major punishment of dismissal from service vide his office OB:No. noted above.

On 13.12.2011, the appellant was called in Orderly Room, heard and record perused.

In view of available record and by taken lenient view the instant appeal is accepted, the punishment of his dismissal from service is converted into reduction in pay for a period of three years (time scale) and he is reinstated in service with immediate effect. Moreover the period of his absences/intervening is treated as without pay.

ORDER ANNOUNCED.
13.12.2011

(M. MASOOD KHAN AFRIDI)PSP
Dy. Inspector General of Police,
Kohat Region, Kohat.

No. 10/68-70/EC, dated Kohat the 16/12 2010.

Copy of above for information and necessary action to the District Police Officer, Kohat w/r to his Memo: No.10943/DSP/Legal, dated 26.11.2011. His service record is also enclosed herewith for record, which may please be acknowledged.

2. Ex: Constable Yasim Khan No.1034 Mohallah Bahawal Nager
H.No.648 Pindi Road Kohat..

FOR INFORMATION
FOR ACTION
M. Masood Khan Afridi
DPO, KOHAT
16.12.2011

(M. MASOOD KHAN AFRIDI)PSP
Dy. Inspector General of Police,
Kohat Region, Kohat.

20/12/2011
20/12/2011

20/12/2011
20/12/2011

پہلو

قائمہ

تعداد 38 روزانہ 05/09/13

38 روزانہ پندرہ ماہی 2005 میں 05/09/13 وقت 10:40
 اس وقت پندرہ ماہی 2005 میں پندرہ ماہی پندرہ ماہی
 He 3850 باس 1130 سکیس لاری اور اول
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مہمان
 نقل عطا کی ہے

Dis Forwarded

20/10/13

20/10/13

25	00	02	20
5	30	23	00
30	30	25	20
	31	01	20

Annex: "D"

15/10/13

میرا

نمبر 34 اینڈیا ڈی 6/13

در 34 حاضری اور غیر حاضری کی رپورٹ 10/13 مور 8 وقت

23:00 بجے وقت مائین باس نمبر 1130 غیر حاضر شدہ

در 38 اینڈیا ڈی 05/13 سے حاضر آئیں لیکن

پورے پتے پر آؤں گا اور ان کو فوراً جان دوں گا

موجودہ پتے پر حاضر رہے اور انڈیا ڈی کے نمبر پر آؤں

یا اس کے دوران کوئی

issue charge sheet and summary of allegation

ان کے لیے
نظر عطا کیا گیا

17/10/13
20/10/13

for forwarded

D.P.O. KOHAT

28/10/13

SHO 9/13
20/10/13

سے - گئے - لوگ

31 : 01 : 20

Sir
Forwarded Pl.

SDP
F

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128176
08-11-13
Aamir E

CHARGE SHEET.

I **MUHAMMAD SALEEM, DISTRICT POLICE OFFICER, KOHAT**, as competent authority, hereby charge you **Constable Yasim Khan No. 1130** committed the following irregularities:-

You had absented yourself from official duty vide DD NO. 38 dated 05.09.2013 and reported arrival vide DD No. 34 dated 06.10.2013 without any leave or permission from the competent authority.

2. By reasons of the above, you appear to guilty of misconduct under Police Rule-1975 and have rendered yourself liable to all or any of the penalties.

3. You are, therefore, required to submit your written defence within 07days of the receipt of this Charge Sheet to the enquiry officer.

Your written defense if any should reach 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 ex-parte action shall be taken against you.

4. A statement of allegation is enclosed.

**DISTRICT POLICE OFFICER,
KOHAT**

ایس ایس ڈی یاسیم خان کوہاٹ

14301 - 9001008-1

مقامی
تعمیرات
ریورٹ
DFCMRS

Yasim
0333-9642660

FINALS. C. NO

Annex. F

و صول شرف

الذی یرید ان یرفع کتبه و کتبه
14301-9601008-1

Yasir

مناجیة لعل صلب صالطه برمی

DFOMRS

مناجیة لعل صلب صالطه برمی

DFOMRS

S HOMRS

13-12-13

FINAL SHOW CAUSE NOTICE

I, Muhammad Saleem, District Police Officer, Kohat as competent authority under the Police Rule 1975 serve you CONSTABLE YASIM KHAN NO. 1130 as follow:-

The consequent upon the completion of enquiries conducted against you by the Enquiry Officer, Mr: Lal Farid Khan DSP City Kohat.

2. On going through the findings and recommendations of the Enquiry Officer, the materials on the record and other connected papers, I am satisfied that the charge against you is proved and you have committed the following acts/omission specified in Police Rule 1975.

“You had absented yourself from official duty vide DD NO. 38 dated 05.09.2013 and reported arrival vide DD No. 34 dated 06.10.2013 (Total absence period of 31 days) without any leave or permission from the competent authority.”

3. As a result thereof I, as competent authority; have tentatively decided to impose upon you the penalty of major punishment under Police Rule 1975.

4. You are therefore, required to Show Cause as to why the aforesaid penalty should not be imposed upon you, also intimate whether you desire to be heard in person.

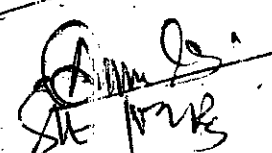
5. If no reply to this notice is received within seven (7) days of its delivery in the normal course of circumstances, it will be considered/presumed that you have no defence to put in and in that case an ex-parte action shall be taken against you.

6. Copy of finding of the enquiry officer is enclosed.

No. 16784/PA

Dated 04-12/2013


DISTRICT POLICE OFFICER,
KOHAT

DFD/K

6/12/13

Armt "C"

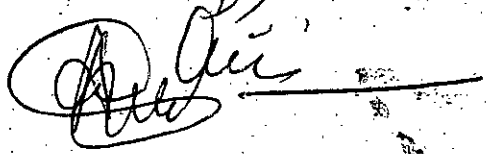
ملک کوٹا

تھانہ MR

ٹولس

نام: باسم ولد نور محمد ملک و باولنگ کلاہیل نمبر 1130 مقصد کوٹا ٹولس

تم کلاہیل باسم 1130 کو بذریعہ ٹولس ہذا اعلیٰ عدالت کے حکم کے مطابق
معلق آفسران باہر ماہان سے اٹلا کر ملی حکم نمبر 31 نوم
ٹوکری سے لہذا طرقت غیر طافری کی ہے۔ اب دوبارہ تاریخ 9/10/13
سے بدستور غیر حاضر ہو۔ بار بار آفسران باہر ماہان سے
تم کو حاضر کر کے تاکہ سکا ہے۔ لیکن آفسران باہر
ماہان کی تاکہ کے باوجود تم نے آئین حاضر نہ کیا
سے یہی ہے۔ لہذا بذریعہ تحریر ٹولس ہذا تم کو برائے
گمانی حکم ٹوکری فورم آئین طے لہذا سے حاضر کر کے
ورق عمارت عدالت آفسران باہر ماہان کی طرف سے
جو کہ تمام آئی یا گیا۔ ٹولس جان سبک

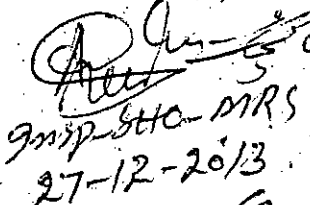


برائے باسم فرمائش کوڈنگ سے منسلک کر دیا گیا ہے۔
تقریباً 20/12/13 کو کوڈنگ ہو کر ہو گا۔

SHHO MRS
27-12-13

عادل محمد
عادل محمد ولد نور محمد ملک و باولنگ
14301-2078131-9
کلاہیل نمبر 0315-9127024

باسم کو بذریعہ فرمائش کلاہیل کوڈنگ
0333-9642660


SHHO-MRS
27-12-2013

مہر محمد علی صاحب
عادل محمد ولد نور محمد ملک و باولنگ
M. Arshad

آدم محمد ارباب ولد نور محمد ملک و باولنگ
14301-2072927-7
کلاہیل نمبر 0333-9619021