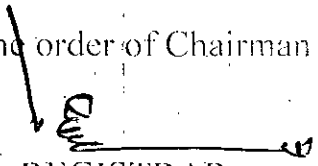


FORM OF ORDER SHEET

Court of _____

Case No. - _____

578/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	17/03/2023	<p>The appeal of Mr. Sifat Ullah presented today by Mr. Muhammad Arif Jan Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____ Parcha Peshi is given to appellant/counsel for the date fixed.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 578 /2023

Sifat Ullah Ex-ConstableAppellant

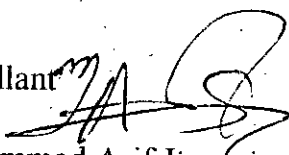
VERSUS

District Police Officer, Nowshera and others

.....Respondents

INDEX

S.No.	Description of documents.	Annexure	Pages
1.	Memo of appeal.		1-5
2.	Affidavit		6
3.	Addresses of parties		7
4.	Copies of Medical document	A	8-22
5.	Copies of show cause notice and reply	B & C	23-25
6.	Copy of dismissal order dt 04-01-2023	D	26
7.	Copies of departmental appeal and order dt 03-03-2023	E&F	27-30
8.	Wakalatnama		31

Appellant 
Through
Muhammad Arif Jan
Advocate High Court
Cell: 0333-2212213

Dated: 17.3.2023

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 578 /2023.

Sifat Ullah Ex-Constable No-124 District Police, Nowshera R/o Aza

Khel Bala Tehsil and District, Nowshera.....Appellant

VERSUS

1. District Police Officer, Nowshera.
2. Deputy Inspector General Police Region Mardan, District Mardan.
3. Inspector General of Police, Police Headquarters, Police Line, Peshawar.

.....Respondents

***APPEAL U/S-4 OF KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL ACT, 1974 AGAINST
THE IMPUGNED ORDERS DATED 03-03-2023
AND 04-01-2023 OF RESPONDENTS NO-2&1
RESPECTIVELY IN RESPECT OF
DISMISSAL FROM SERVICE OF THE
APPELLANT.***

Respectfully Sheweth:-

Appellant humbly submits as under

1. That the appellant was appointed as Police Constable on 02.01.1996 in the Police Department, District, Nowshera and had served the department with full zeal and zest and

there is / was no any complaint whatsoever been pending against the appellant.

2. That the appellant while posted in Police Line (HQ's) Nowshera was suffered with the acute severe pain of his left hand and thus immediately approached to the doctor concerned for medical treatment where the appellant was advised for bed rest. The appellant was also unable to attend his duties thus with left with no other option expect to avail long leave which was accorded till 09-09-2022.
3. That during leave period the appellant was operated hand surgery by his doctor and thus was further advised bed rest till November, 2022 through different medical prescriptions of different dates which were timely provided to the respondent No-1. **(Copies of Medical document of attached as ANNEX-A).**
4. That knowingly the facts and circumstance of the illness of the appellant, respondent No-1 served the appellant with a show cause notice which was replied within time. **(Copies of show cause notice and reply there to are attached as ANNEX-B & C respectively).**
5. That allegedly final show cause notice has also been issued which neither served upon the appellant nor communicated through any means and the appellant was stunned when came to know about the order passed by the worthy District Police Officer (Respondent No-1) in respect of dismissal from service vide order dt 04-01-2023, and that too without holding any proper inquiry into the matter. **(Copy of order dated 04-01-2023 is attached as ANNEX-D).**
6. That the appellant then filed departmental appeal before respondent No-2 but the same is also turned down vide order.

dated 03-03-2023. (Copies of departmental appeal and order dated 03-03-2023 are attached as ANNEX- E & F respectively).

7. That feeling aggrieved and having no other remedy except to approach this Hon'ble Tribunal on the following amongst other grounds.

GROUND:

- A. Because, the orders/ letters dated 04-01-2023 and 03-03-2023 (hereinafter impugned) passed by respondents No.1 & 2 respectively against the appellant are patently illegal, unlawful, without lawful authority, of no legal effect, hence having no value in the eyes of law, thus liable to be set-aside and the appellant may kindly be reinstated in his service with all back benefits.
- B. Because, while passing the impugned orders, respondents are badly failed to follow the existing Law, Rules and Regulations governing the subject matter, but keeping in view the illness/under medical treatment of the appellant, even then passed the impugned orders.
- C. Because, the respondents are also badly failed to hold proper inquiry in proper manner, passed the impugned orders in hasty manner without perusal of medical record by depriving the appellant from his legal and constitutional right of service.
- D. Because, the appellant has rightly been appointed as regular civil servant by the competent authority and had served for about 28 years with unblemished record by providing his services to the entire satisfaction of his superiors, but while passing the impugned orders, the respondents also badly failed to consider the same thus this act of the respondents is amounts to abuse of Law.

- E. Because, the dishonest attitude of the respondents is even established from the non-holding of proper inquiry into the matter and further also deprive the appellant to defend himself before the Inquiry Officer, but astonishingly ex-parte proceedings has been initiated against the appellant, hence invites consideration of this hon'ble Tribunal.
- F. Because, the appellant is a poor person having children, wife & ailing mother and the only bread winner of the entire family, thus there is no alternate source of income except the service in Police Department, hence the impugned orders are liable to be set-aside.
- G. Because, it is settled law that while passing any major punishment/ penalty, the authorities are required to hold proper inquiry into the matter, but in the present case, the competent authority has badly failed to follow the law, rules and regulation governing the subject matter.
- H. Because, it is also settled law that, no person should be condemned unheard, but in the present case, no opportunity of fair trial along with charge sheet, statement of allegation etc have been provided, thus the impugned orders are based on "mala-fide as well as base upon the principle of "MIGHT IS RIGHT"
- I. Because; the DPO (Respondent No-1) with a single stroke of sign, dismissed the appellant from his service without any cogent, reason and justification.
- J. That any other ground, which has not specifically been mentioned may also be permitted to raise at the of hearing.

It is therefore, humbly prayed that on acceptance of the instant appeal, the impugned order dated 04-01-2023 and 03-03-2023 passed by respondents No.1 & 2 respectively against

5


the appellant may very graciously be set-aside and the appellant may kindly be reinstated in his service with all back benefits.

Any other remedy deemed appropriate in the circumstances and not specifically asked for may kindly also be granted in favor of appellant.

Dated: 17-03-2023

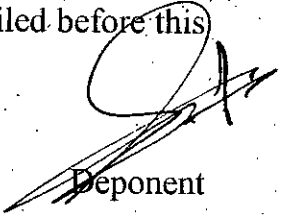

Appellant

Through


Muhammad Arif Jan
Advocate High Cour.

Certificate.

It is certified that no such like appeal has earlier been filed before this hon'ble Tribunal.


Deponent

6

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. _____/2023

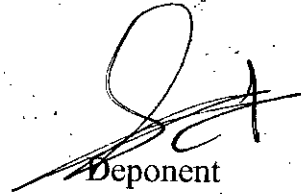
Sifat Ullah Ex-ConstableAppellant

VERSUS

District Police Officer, Nowshera and others
.....Respondents

AFFIDAVIT

I, Sifat Ullah Ex-Constable No-124 District Police, Nowshera R/o Aza Khel Bala Tehsil and District, Nowshera do hereby affirm and declare on oath that the contents of the appeal are true and correct to the best of my knowledge and belief and nothing material has been concealed from this hon'ble Tribunal.


Deponent

ATTESTED
Gul Daraz Khan
Oath
COMMISSIONER


7

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. _____/2023

Sifat Ullah Ex-ConstableAppellant

VERSUS

District Police Officer, Nowshera and others
.....Respondents

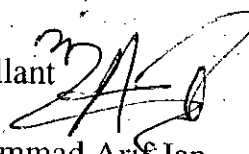
ADDRESSES OF PARTIES

APPELLANT

Sifat Ullah Ex-Constable No-124 District Police, Nowshera R/o Aza
Khel Bala Tehsil and District, Nowshera

RESPONDENTS

1. District Police Officer, Nowshera.
2. Deputy Inspector General Police Region Mardan, District
Mardan.
3. Inspector General of Police, Police Headquarters, Police
Line, Peshawar.

Appellant
Through 
Muhammad Arif Jan
Advocate High Court

Orthopaedic Clinic
DHQ Hospital Road, Nowshera

9.

Dr. Mushtaq Ahmad

Assistant Professor

M.B.B.S, MS (Orthopaedic)
(PIMS) Islamabad.

Consultant Trauma & Orthopaedic Surgeon

Fellowship in Arthroplasty

Fellowship in Ilizarov.

Timing: Daily 03:00 PM to 08:00 PM

Sunday: Off

Tel: 0315-9115002

0333-5512223

Mr. Saifullah

487.

30-05-22

Adhesive Capsulitis @
Shoulder

Diabetic

D

any @ Shoulder
e humerus

of

Progression @ humerus

- CP.
- HBS
- HCV
- RBS

- MVA @ Proceed

- Ins. Triceps

cup 1/2"

ATTESTED

[Signature]

D.H.Q. HOSPITAL NOWSHERA

OUTDOOR PATIENTS TICKET



Rs.10 Yearly Evening OPD No: 13770

Name M. Ali P Date 11/05/11

Feer (C) Shoulder

TSS M. Ali P
Lel-er

TSS M. Ali P
Lel

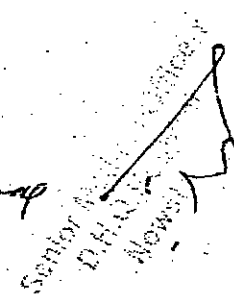
TSS M. Ali P
Lel

COP M. Ali P
(C)

Adol Chystrator 204

~~Adol Red sheet for (C) Ledges~~

A-201
ECG
- X-ray
(C) Shoulder
AP view



Q
ATTESTED

COL.

NEURO & SPINE SURGEON

Dr. Tariq Mehmood Irshad

MBBS, FCPS, (SURGERY)

Classified Neuro & Spine Surgery

CMH Peshawar



11

ڈاکٹر طارق محمود ارشد

ایم بی بی ایس، ایف سی ایس (سرجری)

کامیونٹی نیورولوجی اور اسپینل سرجن

سی ایم ایچ پشاور

Name:

Sifatullah

Age

48y

Date

04-06-22

am ul

pain @ shoulder
@ frozen shoulder

Tas Kangeri
@

Tas Kaniyani Sa
@

Tas Calves
@

- pleiotropy

light duty

oil

PA: Naveed: 0335-7019019
0308-7019088

ATTESTED

Professor

Dr. Mumtaz Ali

MBBS, FCPS (Neurosurgery)

ESCD Spine (France)

Brain & Spine Surgeon

Department of Neurosurgery prime Teaching Hospital

Peshawar Medical College



(12)

**IRFAN GENERAL HOSPITAL
NEROSURGICAL ASSOCIATES CLINIC**

Asst. Professor

Dr. Ramzan Hussain

MBBS, FCPS (Neurosurgery)

Khyber Teaching Hospital

Peshawar

Name Sifat Ullah

Age 48 Year

Sex Male

Add Nowshehra

Date 25/07/2022

60

Ad Capt

134
130
70

(D.M.)

(MWA)

Protac

Risic (Σ)

Mlec

Redu

ATTESTED

Note : Not Valid for Medicolegal Purpose
Charsadda Road Opp Eidgah Near Mufti Mehmood Fly Over
Peshawar City

E-mail : irfangelhospital@gmail.com
ns.mumtazali@yahoo.com

چارسدہ روڈ بلقابل عیدگاہ نزد مفتی محمود قلای اور پشاور شہر
Mob : 0313-9498032

14

D.H.Q. HOSPITAL NOWSHERA

OUT.DOOR PATIENTS TICKET



Rs. 10

Yearly OPD No: 1605

Name: M. Usman

Date: 09/09/2022

U. Singh
Bachchan
Nishu
Satar

To: Deltabond
11/11/22

Dr. Pyter
11/11/22

As
Bed rest days
10/11/22

Dr. Pyter
11/11/22

ATTESTED

15

D.H.Q. HOSPITAL NOWSHERA

OUT.DOOR PATIENTS TICKET



Rs. 10

Yearly OPD No: 4209

Name

M. Iqbal

Date

16/09/2022

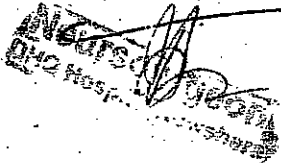
Adol
G hand
Shroder

TLG Arjun
Lel B

M. R. U.

TLG M. R. U.
Lel B

Sp. C. W. + C. W. no sp lysol
Sp.



Cap. Dis. 1/407

Adv. Bed rest for

(02) Co. 2025

[Handwritten signature]

[Handwritten signature]
ATTESTED

**Al-Noor Medical
Center
& Maternity Home**



النور ميديكال سنتر
ايند ميترني هوم

Name Sifatullah Age 48y Sex M Date 1-10-22

Clinical Record

Rx

Coft
Gastric
Pain

TAB: Metoclopramide

TAB: Pantoprazole 40

TAB: Sucralfate - 2
ابن كوكا سلفا

- This is under my treatment

Pres for 1 week 1-10-22

to 8-10-22

R.P: 130
80

Temp: -

Pulse: -

Al-Noor Medical Center
& Maternity Home
Contact: 0445-9800480

بیت: 24
فاریسی لیبارٹری ای سی جی الراساؤنڈ

زیر نگرانی: کوالیفائیڈ سٹاف

ATTESTED

پتہ: جھانگیر، روڈ نزد یونین کونسل سٹاپ مارکی

**AL- Noor Medical
Center
& Maternity Home**

النور میڈیکل سنٹر 17 هو الشافی
ایئر میڈیٹری ہوم

Name Kifayatullah Age 48y Sex M Date 9-10-22

Clinical Record

Rx

Capt. Javed
Pir

TAB: Navadile 5w

TAB: Tanzadun

Cep: Bivon 6w

TAB: Volun

R.P: 120
70

Temp: —

Pulse: —

-this is under my treatment

Last for one week 9-10-22

-to 16-10-22-

[Signature]
Al-Noor Medical Center
& Maternity Home
Contact: 3345-5011

جیل او پی جی فائیس لیبارٹری ای سی جی الرٹراؤٹ

زیر نگرانی: کوالیفائیڈ سٹاف

25

پتہ: جہانگیر روڈ نزد یونین کونسل شاہ ماہی

**AL- Noor Medical
Center
& Maternity Home**

النور ميديكال سنٹر
ایند میٹرنٹی ہوم
ہوا الشافی 18

Name Zafarullah Age 48 Sex M Date 17-10-22

Clinical Record

Cat Fladder
Pain

Pres

TAB: Budaun

1-1

TAB: Tamul SR

1-1

TAB: Panzadun

1-1

TAB Ekhoon

1-1

۲۰۳/۱۵

R.P: 120

70

Temp: -

Pulse: 1

This is under my treatment
Pres for one week 17-10-22

to 24-10-22

[Signature]
Al Noor Medical
& Maternity
Center D.S.O.

سرگودھا ای سی جی سی ای سی جی ای سی جی ای سی جی ای سی جی

زیر نگرانی: کوالیفائیڈ سٹاف

ATTESTED 24

پتہ: جہانگیرہ روڈ نزد یونین کونسل ٹاؤن ساجی



DHQ HOSPITAL NOWSHERA

13

ID: 77,598

Patient Entry Date : 2022-10-26

Name : SIFATULLIHA

Age : Sex : Male Unit :

Clinical Record

R_x

Patien (L.H.)
Shoulder

Ths Artico Comp
Lel

Fall in Rest
(L.T) Shoulder

Ths Anuband 700
Lel

Ap in

Ths Calculation
in 601 0

Cap Risk 400
0

Adv Bed rest for 25 weeks

Software Developed By

CodeVeator

03319348011

Medical Officer

DHQ Hospital

Nowshera

ATTESTED

Dr. Syed Khalid Shah
M.B.B.S., R.M.P.
GENERAL PHYSICIAN & SURGEON

Clinic: Opposite Civil Hospital Pabbi
Mob: 0300-5959046

20
Not Valid
for Court

18
ڈاکٹر سید خالد شاہ
ایم بی بی ایس آر ایم پی
جنرل فزیشن و سرجن
کلینک: بالمقابل سول ہسپتال، پبی

Patient's Name..... Age..... Sex..... Date..... 5-11-22

X Clinical Record
1211111

Rx

1. K... 25
111

de... 5

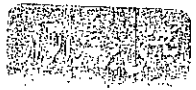
af... 4

2. ...
2 2 2

3. ...

4. ...

ATTESTED



3/9/2020 10:11:28 AM

09-Mar-20

Appointment #
89



Qadri Hospital & Medical Complex

Near Kabul River, Mardan Road, Nowshera

21

A & E Department

MR # Q200309594

Entry Date & Time

09-Mar-2020 10:11 AM

Patient's Name	Saifullah	Age	45-Years	Fee. Rs. 20
S/O		Receipt No	A2003-10212	Sohail Ahmed
Gender	Male	Address	Nowshera	

Hx

Trauma to
the side of
chest

Investigation

CXR

Treatment in Hospital

- 1) Tab Moxa 4mg
0.1 —————
- 2) Tab Spylia 550mg
0.1 —————
- 3) Cap Bronial 4mg
0.1 —————

گھڑ کے لئے علاج اگلے صفحے پر لکھیں

Note: OPD Fee is not refundable.

ATTESTED

MIAN RASHID HUSSAIN SHAHEED
MEMORIAL HOSPITAL PABBI

22

No: 2302

Name: A. Q. Sult

Address: _____

Date: 7-3

Clinical Findings/Investigations/Treatment/Referred/Test Findings

Y.
3 - Dosa 1m - 5+

Tay.
Tone up 140 cl

A.H.
Bed rest for 24-48 hrs

Signature: [Handwritten Signature]

Medical Officer
Mian Rashid Hussain Shaheed

9
ATTESTED

23

Amna B

OFFICE OF THE DISTRICT POLICE OFFICER, NOWSHERA

SHOW CAUSE NOTICE

(Under Rule 5 (3) KPK Police Rules, 1975)

1. That you FC Sifat Ullah No.124 while posted at Police Lines have rendered yourself liable to be proceeded under Rule 5 (3) of the Khyber Pakhtunkhwa Police Rules 1975 for following misconduct:
Remained absent from lawful duty without any leave/permission of the competent authority vide DD No. 35 dated 13.09.2022 Police Lines and is still absent.
2. That by reasons of above, as sufficient material is placed before the undersigned; therefore it is decided to proceed against you in general Police proceeding without aid of enquiry officer.
3. That the misconduct on your part is prejudicial to good order of discipline in the Police force;
4. That your retention in the Police force will amount to encourage inefficiency and unbecoming of good Police officers;
5. That by taking cognizance of the matter under enquiry, the undersigned as competent authority under the said rules, proposes stern action against you by awarding one or more of the kind punishments as provided in the rules.
6. You are, therefore, called upon to show cause as to why you should not be dealt strictly in accordance with the Khyber Pakhtunkhwa Police Rules, 1975 for the misconduct referred to above.
7. You should submit reply to this show cause notice within 07 days of the receipt of the notice failing which an ex-parte action shall be taken against you.
8. You are further directed to inform the undersigned that you wish to be heard in person or not.

No. 465 /PA
Dated 14/10 /2022

[Signature]
District Police Officer,
Nowshera

[Signature]
31/10/22

[Signature]
TESTED

جواب عالی

سائل حسب ذیل عرض رساں ہے

1۔ یہ سائل 01/02 سے نوٹس نمبر 101 میں لکھا گیا ہے حالانکہ اس کا تعلق 124 نوٹس نظام سے ہے۔

2۔ یہ سائل کے بارے میں بات کرنے کے لیے کام شروع کر دیا۔ بلکہ سائل کو 05/01 کو ڈسٹرکٹ کورڈینٹر ہسپتال نوٹس نمبر کو جانا پڑا۔ پھر 21/01 کو جانا پڑا۔ جنہوں نے اس سائل کو دیکر جواب دیا 02۔ یہ لفظوں کے منظر پر تھا۔ قبل اس کے اس کا آباد کو بھی لکھا۔ علاج معالجہ کے لیے کیا گیا۔ جن کی اصل کاغذات دفتر میں ہیں۔

3۔ یہ سائل کی وہ لفظوں کی تھی منظور ہوئی ہے پھر علاج معالجہ کی طرف سے 05/07 ڈاکٹر انعام ڈبگری گارڈن واقع علیہ اکتوبر میں کئی سٹریٹرز لگائے گئے۔ ڈاکٹر صاحبان متعلقہ متاثرہ مائیکو کی Recovery تک کا اکتوبر سے منع کیا گیا۔

4۔ یہ پھر ڈاکٹر مشتاق احمد انور کے سرچین DHA نوٹس کے متعلق متاثرہ مائیکو کا کیا طریقہ 30/02 کو۔

5۔ یہ سائل 06/04 کو CMH کی شہادت کے لیے گیا۔ انہوں نے لیباری کاموں سے منہ

6۔ یہ سائل اسکے بعد 07/02 کو سفید کپڑوں میں جناب کو لکھا گیا۔ سالانہ معائنہ کے لیے

ایریشن کے کام لکھی ہوئی سائل 02/05 کی اس کے علاوہ ایک ماہ کی طبیعتی دیکھی۔

7۔ یہ سائل 09/02 کو سائل کی خاضری دن ڈیوٹی تھی اس لیے DHA نوٹس کو جان کر ڈاکٹر

صاحب کے کھنکھ کے مطابق آپ ایسا ڈیوٹی کے قابل نہیں ہوں میں کئی دیکر سائل نے مسئلہ سرٹیفکیٹ جناب کے دفتر بولنے لائینز کو ارسال کیا۔

8۔ یہ سائل سرٹیفکیٹ کی لکھی میں خاضری 09/09 سے جو کہ اس میں لکھا گیا۔

No 2433/FA

dt 14/11/2022

DHO H/O

for

ATTESTED
Signature

9. یہ ایک اس دعویٰ کے تحت دائروں نے فی 13/9/2022 سے غیر حاضر کیا۔ حالہ

کو فی Bed Rest دی جا چکی تھی۔ بعد 16/9/2022 کو مزید 02 ہفتوں کی دیدار کی۔

10. یہ ایک 10/10/2022 کو انور میڈیکل سنٹر صوبائی جانر مزید 8/10/2022 تک آٹا کاسٹ

مدین کو مدنظر رکھ کر دیا۔ جو 9/10/2022 کو پھر جانر مزید 01 ہفتہ 16/10/2022

ایک بار بعد 17/10/2022 کو جانر مزید 01 ہفتہ 24/10/2022 تک۔

11. بعد 26/10/2022 DHA حیدرآباد نوٹس کو جانر مزید 14 دن یعنی 11/11/2022

کا مشورہ دیا۔ جو کہ ایسی ہی 3 دن باقی ہے۔

12. یہ ایک اس دعویٰ کے تحت مسائل کے ڈاکٹر ممتاز خان Orthopedic سے (میرٹھن میں) Singapore

کوئی مکالمہ نہایت ہی سنسن تھا۔

13. یہ ایک مسائل کی غیر حاضری قدر لگائی گئی ہے۔ جس کے بیمار کا وجہ الہی ہے تعلقہ ہوں سمجھتے تھے تو مسائل بڑھ رہی ہیں ساتھ ہی یہ بھی اندیشوں ڈھونڈ۔

14. یہ ایک مسائل کو یا تو High ڈیگری دیا جاوے۔ یا پھر میڈیکل لیورڈ کو رفر کیا جا پھر جبری ریٹائرڈ کریں کیونکہ 01/01/2023 کو مسائل کی 28 سالہ عمر میں صحت

15. یہ ایک مسائل ایک غریب خاندان کے تعلق تھا جو اب تک علاج معالجہ پر لاگو ہر مرض بھاری سنگین خرچ کر چکا ہوں جو اب تک جاری ہے۔

لہذا استدعا ہے جو اب شوکارہ نوٹس درج بالا عقائد کی روشنی میں نوٹس کو جاری رکھیں بلکہ پھر 4 کت مسائل کو ریٹائرڈ کر کے فرماویں۔

الف

جناب کاٹا لعل انور کو صرف اللہ بولس کاٹیل بعد 12/4/2022 کو نوٹس

Mian Subghat Ullah Shah Senior Advocate

Cell # 0346-9013736

Handwritten signature

بیان حلفی: یہ دعویٰ درخواست میں شامل ہے۔
میں نے یہ دعویٰ کے مطابق درست صحیح طور پر
پیش کیا ہے۔ میں نے اس کے خلاف کوئی دلائل

2022
Dsp Hg >
14/11/2022
ATTESTED

POLICE DEPARTMENT

NOWSHERA DISTRICT

ORDER

Constable Sifat Ullah No. 124, while posted at Police Lines, Nowshera remained absent from duty without any leave/permission of the competent authority vide DD No. dated 13.09.2022 till date.

On account of which, he was served with Show Cause Notice, to which he submitted his reply along with medical documents, which was entrusted to DSP HQrs: Nowshera for verification who after doing the needful submitted his report to the undersigned highlighted the fact that he has no interest in police service, therefore, he was proceeded against department through Mr. Sher Afsar, DSP HQrs: Nowshera who after conducting departmental enquiry submitted his report to this office vide No. 1453/St: dated 13.12.2022, wherein he suggested an ex-parte action may be taken against him.

On 29.12.2022, he was served with Final Show Cause Notice, but failed to submit his reply. He is still absent which clearly shows that he is no more interested in police job.

In the light of above, Constable Sifat Ullah No. 124 is hereby awarded major punishment of **dismissal from service from the date of his absence**, in exercise of the power vested in me under Khyber Pakhtunkhwa Police Rules-1975.

OB No. 10
Dated 04/01 /2023

No. 79-84 /PA, dated Nowshera, the 04/01 /2023.
Copy for necessary action to the:

Amir Khan
District Police Officer
Nowshera

1. Pay Officer.
2. Establishment Clerk.
3. OHC.
4. I/C Clothing Godown.
5. FMC with its enclosures (32 sheets).
6. I/C Computer Lab.

2
ATTESTED

ای میل بنا آڈیا (Dica) سروان بابت بجائی سروں انونٹر کلا
E-1
صفحت اولہ محدثہ - کانٹیل نمبر 124 ڈسٹرکٹ نوٹیرہ پوسٹ

جناب ایبلٹ جب ذیل سرٹ سے -

- 1۔ یہ کہ ایبلٹ محمد پورس میں نمبر 28 سروں پورا ہے۔
- 2۔ یہ کہ ایبلٹ کے خلاف DP نوٹیرہ نے ایک شوکار نوٹس نمبر 465/PAK
2022 کا کو جو جو غیر بافر کا جارہا۔ (فصل شوکار نمبر)
- 3۔ یہ کہ بابت شوکار بالائے خلاف ایبلٹ نے معروض ایک جواب DP نوٹیرہ
کو دے دیا جس میں تمام تفصیلات بابت غیر بافر کا ایبلٹ اور
واقعات تفصیلاً لکھ کر معروض 11/2022 کو جمع کروایا۔ (فصل جواب شوکار نمبر)
- 4۔ یہ کہ اس جواب شوکار کے اوچھو DP نوٹیرہ نے دوسری شوکار
بھی ایبلٹ کے خلاف معروض 12/2022 بھی جازمہ کر دیا۔ (فصل)
- 5۔ یہ کہ جو جو یہاں اس کے مسائل اس دوسری شوکار کا جواب نہ دے سکا۔
6۔ یہ کہ ماہر جو جواب اور اس کے علاوہ DP نوٹیرہ نے جیٹی نمبر 84-29
معروض 1/2023 کو غیر بافر کا بیان نہ بنا کر ایبلٹ نوٹیرہ
پر عائد کیا۔
- 7۔ یہ کہ ایبلٹ ایک دہا پندرہ اور ایک تہ اور جس سے جو جو یہاں
اس کو نوٹیرہ کے نقصان سے اس پر ظلم اور زیادتی ہے۔
- 8۔ یہ کہ DP نوٹیرہ کا اقدام ایک غیر آئینی اور غیر قانونی
بیونے کی بناء پر قابل اخراج اور اقل قابل پورا ہے۔

ARRESTED

↓
D.P.

9 = ڈی ڈی ایبلانٹ فنڈ پر 8 سال اس ملک اور اپنے سرکاری بنیاد کے ساتھ۔

10 - ڈی ڈی ایبلانٹ فنڈ پر ڈی ڈی ایبلانٹ فنڈ کے ساتھ اس کے مجموعی فنڈ میں رکھنے اور اس کی ذمہ داریوں کے ساتھ۔

11 - ڈی ڈی ایبلانٹ فنڈ پر ڈی ڈی ایبلانٹ فنڈ کے ساتھ اس کے مجموعی فنڈ میں رکھنے اور اس کی ذمہ داریوں کے ساتھ۔

12 - ڈی ڈی ایبلانٹ فنڈ پر ڈی ڈی ایبلانٹ فنڈ کے ساتھ اس کے مجموعی فنڈ میں رکھنے اور اس کی ذمہ داریوں کے ساتھ۔

16/2/23

[Signature]

ATTESTED - صفحہ ایئر والا محمد ایئر

124

29

Anna - F

ORDER.

This order will dispose-off the departmental appeal preferred by **Ex-Constable Sifat Ullah No. 124** of Nowshera District Police against the order of the then District Police Officer, Nowshera, whereby he was awarded major punishment of dismissal from service vide OB No. 10 dated 04.01.2023. The appellant was proceeded against departmentally on the allegations that he while posted at Police Lines, Nowshera, absented himself from his lawful duty without any leave/permission of the competent authority vide daily diary No. 35 dated 13.09.2022 till date of dismissal.

He was issued a Show Cause Notice to which he submitted his reply alongwith medical documents, which was entrusted to Deputy Superintendent of Police, Headquarters, Nowshera for verification. The enquiry Officer after the needful submitted his report to the then District Police Officer, Nowshera highlighted therein that he was no more interested in police service, therefore, proper departmental enquiry proceedings were initiated against him. He was issued Charge Sheet alongwith Statement of Allegations and the then Deputy Superintendent of Police, Headquarters, Nowshera was nominated as Enquiry Officer. The Enquiry Officer after fulfilling codal formalities, submitted his findings wherein he reported that the delinquent Officer was contacted time and again to appear before the enquiry Officer, but he failed and remained absent, which showed that he was no more interested in Police Service. He recommended the delinquent Officer for ex-parte action.

On 29.12.2022, the delinquent Officer was served with a Final Show Cause Notice, to which he was bound to submit his reply within stipulated time of seven days, but he didn't bother to do so, nor assumed duty till date meaning that he was not interested in his service.

From the above discussion, the delinquent Officer was not a willing worker, therefore, he was awarded major punishment of dismissal from service with effect from 13.09.2022 vide OB No. 10 dated 04.01.2023 by the then District Police Officer, Nowshera.

Feeling aggrieved from the order of the then District Police Officer, Nowshera, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in this office on 28.02.2023.

From the perusal of service record of the appellant, it has been found that allegations leveled against the appellant have been proved beyond any shadow of doubt. The service record of the appellant revealed that he was enlisted in Police Department on 02.01.1996 and was awarded 05 major punishments of dismissal from

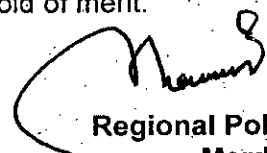
ATTESTED

30 ✓

service and 03 minor punishments i. e stoppage of increment, censurés on account of absence which depicts his lethargic attitude towards his official duties with paying no attention of the directives of Senior Officers. On perusal of previous service record of the appellant, it was noticed that he is habitual absentee and prior to this, the appellant was also awarded 05 major punishment of dismissal from service whereas 01 major punishment of reduction in pay by 03 stages on account of absence. Hence, the very conduct of appellant is unbecoming of a disciplined Police Officer. Therefore, the order passed by the competent authority does not warrant any interference.

Keeping in view the above, I, **Muhammad Ali Khan, PSP Regional Police Officer, Mardan**, being the appellate authority, find no substance in the appeal, therefore, the same is rejected and filed, being devoid of merit.

Order Announced.


Regional Police Officer,
Mardan.

No. 1357 /ES, Dated Mardan the 03/03 /2023.

Copy forwarded to District Police Officer, Nowshera for information and necessary action w/r to his office Memo: No. 364/P dated nil. His Service Record is returned herewith.

(*****)

Fee / RMC
Per n. alicia

No 662/PA
dt 8/3/2023

Dy. O/S R
04/3/2023

ATTESTED

WAKALATNAMA

31

IN The Honble KP Service Tribunal, Peshawar

Sifatullah

(Petitioner)
(Plaintiff)
(Applicant)
(Complainant)
(Decree Holder)

VERSUS

DPO Nowshera

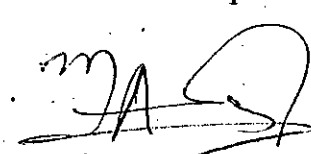
(Respondent)
(Defendant)
(Accused)
(Judgment Debtor)

Case _____

I/We, Sifatullah do hereby appoint and constitute **Muhammad Arif Jan Advocate** High Court, Peshawar, to appear. Plead, act, compromise, withdraw or refer to arbitration to me/ us as my/ our Counsel in the above noted matter, without any liability for their default and with the authority to engage/ appoint any other Advocate/ Counsel at my/ our matter.

Attested & Accepted


CLIENT/S


Muhammad Arif Jan
Advocate, High Court, Peshawar.
Office No. 6, 1st Floor
Pabbi Medical Centre, G.T. Road
Peshawar.
Mobile: 0333-2212213

BC/10/6683