

2nd Nov., 2022

Assistant to learned counsel for the appellant present.
Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate
General for the respondents present.

Request for adjournment was made due to engagement
of learned senior counsel for the appellant before Hon'ble
Peshawar High Court today. Last opportunity is granted. To
come up for arguments on 15.12.2022 before the D.B.



(Fareeha Paul)
Member (E)

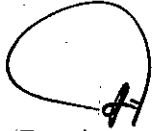

(Kalim Arshad Khan)
Chairman

15.12.2022

Due to general strike of the Bar, case is adjourned to
06.03.2023 before D.B. Office is directed to notify the next date
on notice board as well as the website of the Tribunal.

SCANNED
KPST
Peshawar



(Fareeha-Paul)
Member (E)


(Rozina Rehman)
Member (J)

08.11.2021

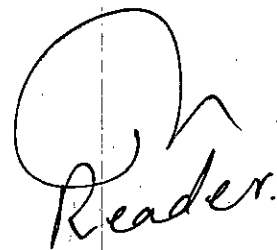
Appellant in person present. Mr. Asif Masood Ali Shah,
Deputy District Attorney for the respondents present.

Appellant sought adjournment on the ground that his
counsel is not available today due to strike of Lawyers.
Adjourned. To come up for arguments before the D.B on
09.02.2022.


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


(SALAH-UD-DIN)
MEMBER (JUDICIAL)

9-2-2022. Due to retirement of the Honorable
Chairman the case is adjourned to
come up for the same as before
on 2-6-2022



Reader.

02.06.2022

Appellant in person present.

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

Lawyers are on general strike, therefore, case is
adjourned. To come up for arguments on 10.08.2022 before
D.B.


(Fareeha Paul)
Member(E)


(Rozina Rehman)
Member (J)

8.2022

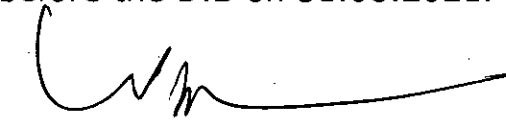
Proper DB not available the case is
adjourned to 2-11-2022


Reader

09.06.2021

Appellant in person present. Mr. Shah Jehan, ASI (Legal) alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Appellant requested for adjournment on the ground that his counsel has proceeded to Landikotal in connection with some domestic engagement. Adjourned. To come up for arguments before the D.B on 31.08.2021.



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



(SALAH-UD-DIN)
MEMBER (JUDICIAL)

31.08.2021

Mr. Taimur Ali Khan, Advocate for the appellant present, who submitted fresh Wakalat Nama on behalf of appellant. Mr. Muhammad Rasheed, Deputy District Attorney for the respondents present.

Learned counsel for the appellant sought adjournment on the ground that he has been engaged today and has not gone through the record. Adjourned. To come for arguments before the D.B on 08.11.2021.



(ATIQU UR REHMAN WAZIR)
MEMBER (EXECUTIVE)

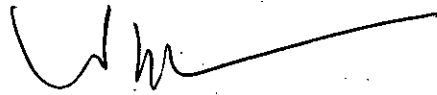


(SALAH-UD-DIN)
MEMBER (JUDICIAL)

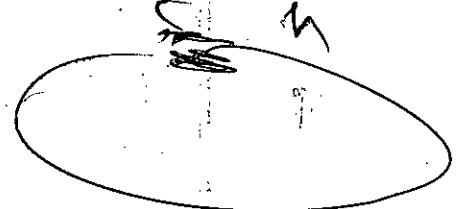
21.12.2020

Appellant in person and Mr. Kabirullah Khattak learned Addl. AG for respondents present.

According to appellant his counsel is indisposed of today and requested for adjournment. Adjourned to 04.03.2021 for arguments before D.B.



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

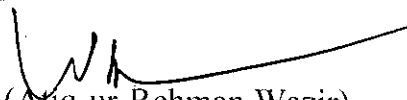


(M. Jamal Khan)
Member (J)


04.03.2021

Junior to counsel for the appellant and Addl. AG alongwith Khial Roz Inspector (Legal) for the respondents present.

Due to general strike on the call of Khyber Pakhtunkhwa Bar Council, the matter is adjourned to 09.06.2021 for hearing before the D.B.



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



Chairman

01.04.2020 Due to public holiday on account of COVID-19, the case is adjourned to 09.06.2020 for same as before.


Reader

09.06.2020 None present on behalf of the appellant. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Riaz Gul, Admin Officer for the respondents present. Notices be issued to appellant and his counsel for attendance and arguments for 18.08.2020 before D.B.


(Mian Muhammad)
Member


(M. Amin Khan Kundi)
Member

18.08.2020 Due to summer vacations, the case is adjourned to 26.10.2020 for the same.


Reader

26.10.2020 Proper D.B is on Tour, therefore, the case is adjourned for the same on 21.12.2020 before D.B.


Reader

02.12.2019

Appellant in person present. Mr. Kabirullah Khattak learned Additional Advocate General alongwith Mr. Shah Jehan S.I (Legal) for the respondents present. Appellant seeks adjournment that his counsel is not in attendance. Adjourned. To come up for arguments on 14.01.2020 before D.B.



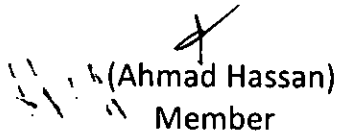
(Hussain Shah)
Member



(M. Amin Khan Kundi)
Member

14.01.2020

Appellant in person and Mr. Usman Ghani, District Attorney for the respondents present. Appellant requested for adjournment on the ground that his counsel is not available today due to general strike on the call of Khyber Pakhtunkhwa Bar Council. Adjourned to 24.02.2020 for arguments before D.B.



(Ahmad Hassan)
Member



(M. Amin Khan Kundi)
Member

24-2-2020

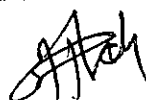
The Bench is incomplete
Therefore case is adjourned.
to 30-3-2020




Reader

18.07.2019


Learned counsel for the petitioner present. Mr. Muhammad Jan learned Deputy District Attorney for the respondents present. Learned counsel for the petitioner requested for adjournment. Adjourned. To come up for arguments on 04.09.2019 before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

04.09.2019

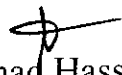
Appellant in person present. Mr. Zia Ullah learned Deputy District Attorney for the respondents present. Appellant seeks adjournment as his counsel is not in attendance. Adjourned. To come up for arguments on 15.10.2019 before D.B.



(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

15.10.2019

Appellant in person and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Shah Jehan, S.I (Legal) for the respondents present. Appellant submitted application for adjournment on the ground that his counsel is busy before the Hon'ble High Court and cannot attend the Tribunal today. Application is placed on record. Case to come up for arguments on 02.12.2019 before D.B.


(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member


29.01.2019

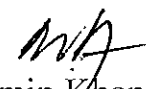
Appellant along with his counsel present. Mr. Kabirullah Khattak, Additional AG along with Mr. Shah Jehan, S.I (Legal) for the respondents present and submitted written reply. The appeal is assigned to D.B-I for rejoinder and arguments for 16.04.2019.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

16.04.2019


Learned counsel for the appellant and Mr. Zia Ullah learned Deputy District Attorney along with Mr. Javed Assistant for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for argument on 12.06.2019 before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

27.05.2019

Appellant in person and Mr. Kabirullah Khattak learned Additional Advocate General for the respondents present. Due to general strike on the call of Bar Council, learned counsel for the appellant is not in attendance. Adjourned. To come up for arguments on 18.07.2019 before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

13.09.2018

Appellant Sabir Hussain in person present. Mr. Kabirullah Khattak, Add: AG for respondents present. Written reply not submitted. Learned AAG requested for adjournment. Granted. Case to come up for written reply/comments on 07.11.2018 before S.B.


Chairman

07.11.2018

Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 21.12.2018. Written reply not received.


READER


21.12.2018

Appellant in person present. Mr. Shah Jehan SI legal representative of the respondents present and seeks time to furnish written reply. Granted. To come up for written reply/comments on 29.01.2019 before S.B.


Member

13.07.2018

Appellant in person present and requested for adjournment. Adjourned. To come up for preliminary hearing on 01.08.2018 before S.B.


(Muhammad Amin Kundi)
Member

01.08.2018

Appellant Sabir Hussain in person alongwith his counsel Mr. Waliullah, Advocate present and heard in limine.

Contentends the major punishment has been imposed by the authority on the ground of absence whereas in fact the appellant was sick and he regularly sent medical certificates to the authority.

Points raised need consideration. The appeal is admitted to full hearing, subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 13.09.2018 before S.B. ~~camp court~~




Appellant Deposited
Security & Process Fee


Chairman

Form-A
FORM OF ORDERSHEET

Court of _____

Case No. 646/2018

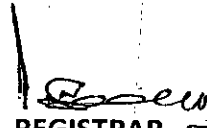
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	15/05/2018	<p>The appeal of Mr. Sabir Hussain resubmitted today by Mr. Asad Naeem Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR - 15/5/18</p>
2-	18/05/18.	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>01/06/18.</u></p> <p style="text-align: right;"> CHAIRMAN</p>
01.06.2018		<p>Neither appellant nor his counsel present. Adjourned. To come up for preliminary hearing on 13.07.2018 before the S.B.</p> <p style="text-align: right;"> Chairman</p>

The appeal of Mr. Sabir Hussain Ex-Head Constable Police Station Charsadda received today i.e. on 03.05.2018 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Annexures- C and E of the appeal are illegible which may be replaced by legible/better one.
- ② One copy/set of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 955 /S.T.

Dt. 04/05 /2018.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Asad Naeem Adv. Pesh.

*As per direction, deficiencies removed
and re-submitted.*

w. ul ah
15/5/2018

BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No. 646 /2018

Sabir HussainAppellant

Versus

Provincial Police Officer Khyber Pakhtun Khwa Peshawar and others.
.....Respondents

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Appellant
through
W. M. Asad Naqem
Waliullah
Advocate

①

BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No. 646 /2018

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 654

Dated 03/5/2018

Sabir Hussain(Ex Head Constable Police Station Charsadda) S/O Fazal Elahi R/o
Cheena Tehsil Tangi Charsadda .

.....Appellant

Versus

1. Provincial Police Officer Khyber Pakhtun Khwa Peshawar.
2. Deputy Inspector General of Police Regional Police Officer Mardan.
3. District Police officer Charsadda

.....Respondents

Appeal U/s 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974 against the order dated 03-4-2018 passed by respondent no.1 whereby the departmental appeal of the petitioner was turned down while upheld the order of respondent no 2 and 3 whereby the appellant was dismissed from service .

Prayer:-

On acceptance of this appeal ,the impugned order dated 03-04-2018 of respondent no.1 and the appellant may kindly be re-instated in service with all back benefits.

Respectfully Sheweth,

Brief facts of the instant appeal are us under:-

- 1) That the appellant was initially appointed as **Constable** in police department, subsequently the appellant was promoted as **Head Constable**.
- 2) That from the day one of initial appointment, the appellant has performed his duty with full devotion, dedication and up to the entire satisfaction of his superiors, hence the appellant has maintained

Filed to-day
Registrar
15/5/18
Re-submitted to-day
Registrar
15/5/18

unblemished service record and also posses 'very good reputation among his colleagues, on response of which the appellant was awarded several certificate on account of his excellent performance of his duty.

(Copies of Good Performance Certificates are attached as Annexure A1 to A6).

- 3) That the appellant was became ill and the doctor advise to take complete bad rest that's why the appellant absented from his duty, but the appellant was submitted his medical reports etc with the Mahrar of police station concern . **(Copies of medical reports are Annexure B1 to B12 respectively)**
- 4) That the appellant as mentioned above was seriously ill and the same fact was communicated in the shape of medical reports to the Mahara concern police station but the same were not taken into consideration and departmental inquiry was made conducted against the appellant in the result of which the appellant was recommended for major penalty and was dismissed from service and his absence period was treated as leave without pay.
- 5) That when the appellant got knowledge from one of his colleague that his service was terminated due to absence from duty, than the appellant was become very surprised when hear about his dismissal from service despite the fact that the appellant has handover his medical reports to the concerned **Muhrar of police station Charsadda.**
- 6) That the appellant never ever received any show cause notice, charge sheet, final show cause notice etc from the competent authority, nor aware from any departmental inquiry conducted against the appellant and all the proceedings were conducted at the back of the appellant and passed order dated 15-12-2016. **(Copies of order dated 15-12-2016 as attached as Annexure C).**
- 7) That after knowledge of the impugned order date **15-12-2016** , the appellant filed a time barred appeal before the **respondent no 2** which was turned down vide order dated **13-03 2018** with the remarks that the same is time barred.**(Copy of departmental appeal and order date 13-03-2018 are attached as Annexure D & E).**
- 8) That being aggrieved from the order date **13-03-2018** the appellant approached the respondent no 1 for redressal by filing another appeal but the same was also turned down by the **respondent no 1** vide order

dated 03-04-2018, hence the instant appeal .(Copies of departmental appeal & order dated 03-04-2018 are attached as Annexure F &G)

9) That being aggrieved form the order dated 03-04-2018 ,the appellant approached this Hon'ble Tribunal on the following inter alia:-

GROUNDS:-

- a) That the appellant serving in police department from the last **Twenty four years** and is very much near to his pension benefits and performed his duty honestly efficiently and there is no reverse remarks or allegation whatsoever against the appellant on service record or service book, hence the order impugned is illegal and void ab-intio.
- b) That mandatory provision of law and rules has badly been violated by the respondents and the appellant has not been treated according to law.
- c) That the appellant did nothing that would amount to misconduct.
- d) That one sided inquiry had been conducted at the back of the appellant and no show cause, charge sheet, final show cause notice has been issued to the appellant nor any dismissal order has been communicated to the appellant, hence the order impugned is not maintainable in the eye of law and liable to be set it aside.
- e) That the impugned order is not a speaking order and thus untenable in the eye of law, hence liable set it aside.
- f) That the appellant his been punished twice i.e. leave without pay and dismissal from service which is not valid order, hence liable to be set aside.
- g) That the inquiry officer without following the codal formalities and without extending proper opportunity of defence , concluded the inquiry in slip short manner, hence not fulfilled the requirement of codal formalities liable to be set it aside.
- h) That the competent authority without following mandatory provision of law of issuance show cause notice ,passed the impugned order ,which is not tenable in the eye of law.

4

- i) That absence of the appellant from his duty was neither willful nor deliberate but due to unavoidable circumstances mentioned in detail in departmental appeal.
- j) That any other ground will be taken at the time of arguments.
- k) That the appellant is a poor man and father of Six children and have no other source of income except the service .

It is therefore mostly humbly prayed that on the acceptance of the instant appeal and the impugned orders passed by the respondents may kindly be set aside and the appellant may be ordered to reinstate in service with all back benefits to meet the ends of justice.

U. W. B. 19/1/18
Appellant

Through
Asad Naeem
W. ull & ah
Wali Ullah

Advocates High Court

Dated 02-05-2018

Peshawar.

5

BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No. _____/2018

Sabir Hassain

.....Appellant

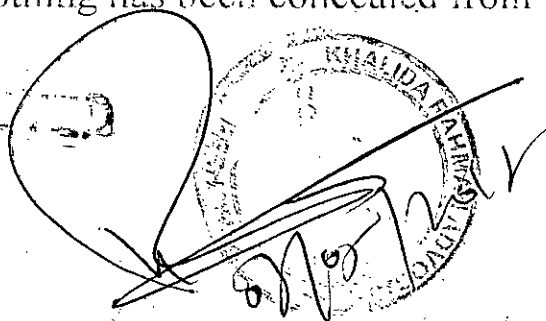
Versus

Provincial Police officer Khyber Pakhtun Khwa Peshawar and
others.

.....Respondents

Affidavit

I, Sabir Hussain(Ex Head constable police station Charsadda) S/O
Fazal Elahi R/o Cheena Tehsil Tangi Charsadda ,do hereby
solemnly affirm and declare on oath that the contents of service
appeal are true and correct best of knowledge and belief and
nothing has been concealed from this Honour able Tribunal.

Attest



Deponent

6

BEFORE THE HONURABLE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No. _____/2018

Sabir HussainAppellant

Versus

Provincial Police officer Khyber Pakhtun Khwa Peshawar and
others.

.....Respondents

ADDRESSES OF PARTIES

APPELLANT:-

Sabir Hussain(Ex Head Constable Police Station Charsadda) S/O Fazal
Elahi R/o Cheena Tehsil Tangi Charsadda .

RESPONDENTS:-

1. Provincial Police officer Khyber Pakhtun Khwa Peshawar.
2. Deputy Inspector General of Police Regional Police Officer
Mardan.
3. District Police Officer Charsadda.

Through
Asad Naeem

W. Ullah &
Wali Ullah

Advocates High Court

Dated: 02-05-2018

Peshawar.

Annex - A



N.W.F.P. POLICE CHARSADDA
COMMENDATION CERTIFICATED

Class III

Granted to Conserable Sabiz No.31 P.S Charsadda.

Son of _____ Resident of _____ Village,
_____ Police Station, Charsadda. District,

in recognition of His excellent performance of duty, arrested
P.C namely Alif Khan & recovered 01-Kalashnikov, 01-Pistol
and 17-rounds, with cash reward Rs. 500/- only.

Dated 13-7-2010

The D.S No 873

Distt: Police Officer
Charsadda.

Attested
by
w.ull
asw

8

CERTIFICATE

Annex - A2

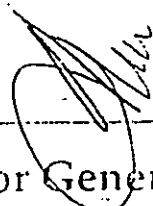



This is to certify that;

Mr. Sabir Hussain 81/Const: _____ District _____ Charsadda

has successfully completed 11-Days training on
PUBLIC DISORDER & RIOT MANAGEMENT
held at School of Public Disorder & Riot Management, Mardan
From 12.1.2015 to 23.1.2015

*Attested
w. m. al
Adl*


Deputy Inspector General of Police,
Training P.K Police


Director
Police School of Public Disorder
& Riot Management Mardan

Police No. 107.

Form No. 15.3 (c)

9

Annex - A3



N.-W. F. P. POLICE

COMMENDATION CERTIFICATE

Granted to Constable Sabir Hussain No. 517

Son of Fazalullah Resident of _____ Village
Channa Police Station Channa District

in recognition of his good ride duty.

Nowshera

Date 2/8/70

O.B. No. 276

Superintendent of Police

Attested by
W. ul-ah
Adv

Note:- (1) If a Police Officer rank and number in full
(2) Cash reward, if any

10

Annex - 44



KHYBER PUKHTOONKHWA POLICE

Commendation Certificate

Class-III

Granted to Constable Sabir Khan No. 81 P.S Charsadda.

Son of _____ Resident of _____ Village
_____ Police Station Charsadda. District

in recognition of His excellent performance of duty, arrested the accused involved in heinous cases, recovered heavy weapon & the snatched motor car from their possession, with cash reward Rs. 300/- only.

O.B No _____

Dated _____

[Signature]
Distt. Police Officer

Attested by

W. M. al Adv



KHYBER PUKHTOONKHWA POLICE

Commendation Certificate

Class-III

Granted to H.C. Amir Hussain No. 04 Rider Squad, Nike-4 IS Charsadda.

Son of _____ Resident of _____ Village

_____ Police Station Charsadda. District

in recognition of his excellent performance of duty, with cash reward

Rs. 300/- only.

O.B No 16

Dated 29/11/2011

Sami
Distt. Police Officer
Charsadda

Annex-A5

*Attested
by
W. ul al
Adv*



KHYBER PUKHTOONKHWA POLICE

Commendation Certificate

Class-III

Granted to 70.30.20.30.30

Son of _____ Resident of _____ Village

_____ Police Station _____ District

in recognition of his excellent performance during campaign awarded CC-III

with cash reward Rs. 300/-

O.B No 70

Dated 7-1-01

Sant
Dis. Police Officer
Charsada

RM

Annex - AG

Alerted
by
w.ullah
AOL

ORTHOPAEDIC CENTRE
M

Annex-B1



2 km Mardan Road Charsadda
Ph: 091-6511700 Mob: 0345-9423358

Dr. Javed Iqbal
M.B.S.S., D.Orth.
Orthopaedic and Trauma Surgeon
Charsadda

ڈاکٹر جاوید ایقبال

Sabir Hussain

7-7-016

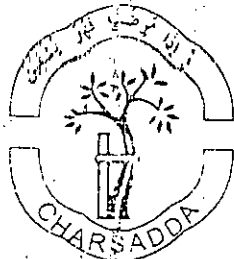
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Tested to be true
by
all
Adv

14
220
280
ORTHOPAEDIC CENTRE



Annex - B 2

2 km Mardan Road Charsadda
Ph: 091-6511700 Mob: 0345-9423358

Dr. Javed Iqbal

M.B.B.S., D.Orth.

Orthopaedic and Trauma Surgeon
Charsadda

ڈاکٹر جاوید اقبال

آرٹھو پیڈک اینڈ ٹراوما سرجن

Javed Iqbal

19-7-016

11
Normal

Wrist Bone

Danger

For don
low

W/

Attested to be

W. ul
Adv

True copy.

Name: Saddam Age: 25 Sex: ♂ Date: 01/9/2016

LIS
ABD

Annex B3

* The left kidney has mild
Hydronephrosis and sandy
deposits. proximal ureter is
mildly dilated.

* The liver, gall bladder
and portal vein, the pancreas
spleen and kidney UB positive
are normal in morphology.

Attested to be True
by W. U. A. H.
01-9-2016

True copy.

AASHITNAGER

Medical Laboratory



(16)

میڈیکل لیبارٹری

Opp. Tehsil Head Quarter Hospital Tangi

بالمقابل تحصیل ہیڈ کوارٹر ہسپتال تنگی

Annex - B4

Patient Name: صاحبزادہ Age: Sex: Date: 09/09/16

Investigation Required: F13

HEMATOLOGY	NORMAL VALUE	RESULT	SEROLOGY	RESULT
Hb%	M 14-18, F 12-16	12.0 G/dl	WIDAL	
TLC:	4,000-11,000	10,000 /Cmm	To: T:	
RBC:	F 3.5-4.5 M 4.0-6.0	/Cmm	AO: B:	
DLC			Brucella Abortus	
Neutrophils	40-75%	60 %	Brucella Molletensis	
Lymphocytes	20-45%	36 %	Rheumatoid Factor	
Eosinophils	01-06%	0.3 %	ASO titre upto	
Monocytes	01-04%	0.1 %	Toxoplasmosis	
Basophils	00-01%	%	Pregnancy test	
ESR:	Upto 15mm/1st hours		Blood Group	Rh Factor
Platelets	150,000-4,50,000mill/cmm	Mill/cmm	HCV Ab:	
Bleeding Time			Hbs Ag	
Clothing Time			ICIT, IU	
Haemoparasites			H. Pylori	
			VDRL	

BIOCHEMISTRY	URINE ANALYSIS			
Glucose Fasting	70-110mg/dl	Mg/dl	Glucose (+F)	Albumin Trace
Glucose Random	80-145mg/dl	100 Mg/dl	Sp. Gravity	Ph. Acid
Blood Urea	14-40mg/l		Microscopic Examination	
S. Creatinine	0.5-1.5mg/dl		Pus Cells	04 - 03 /Hpf
S. Uric Acid	M2.5-7 F2.0-6mg/dl		Red Cells	01 - 02 /Hpf
S. Cholesterol	150-250mg/dl		Epit Cells	/Hpf
LDL	<130mg/dl		Casts	/Hpf
HDL	>35mg/dl		Crystals	oxalate /Hpf
S. Triglyceride	50-150mg/dl		Amorphous	crystals /Hpf
S. Bilirubin Total	Up to 1mg/dl			
ALT (SGPT)	Up to 40u/l			
Alk. Phosphates	9-35u/l			
Serum Amylase	35-140u/l			
Serum Calcium	8.1-10.6mg/dl			

Remarks: _____ Signature: _____

Attended by w.u. Adv
to be taken copy.

Dr. Pir Muhammad

MBBS, MPH, RMP

Medical Officer
T.H.Q Hospital Tangi
District Charsada



ڈاکٹر پیر محمد

ایم بی بی ایس، ایم پی ایچ، آر ایم پی
ٹی ایچ کیو ہسپتال تنگی ڈسٹرکٹ چارسدہ

Annex - B5

P's Name

محمد حسین

Age

Sex

Date

5/11/2016

Clinical Record

Rx

40 RTA

2 lines w UTiles

+

-

sores 1/10 stain

Alcohol

Fanoflex - P

Tan Bone - one

Pisera 200

5/11/2016

Signature

copy. Affected to be true
by
W. ul
Adv

Let
Complete
for one

Send
Hand

کلیٹک: 091-6555654

آصف میڈیسن کیمپن بالقابل THQ ہسپتال تنگی

Dr. F.W. Muhammad
MBBS, MPH, RMP
Medical Officer
T.H.O Hospital Tangi
District Charsada

18

ڈاکٹر پیر محمد

ڈی ایچ او ہسپتال تنگی چارسدا

Annex - B6

Pt. Name Saibin Hussain Age Sex Date 04/12/2016

Clinical Record

% RFP
- 1st 2 R
- 2nd 1st R
- 3rd
40
120

Group - (6)
Tos Voltral SP
- 1st 1st
- 2nd 1st
- 3rd 1st
Tos Voltral SP
- 1st 1st
- 2nd 1st
- 3rd 1st

Attended to be

Completed bed rest for 01 month
N.R.F. 04/12/2016 To 03/1/2017
04/12/2016

W. Ullah

W. Ullah
Adv

091-6555654

Dr. Pir Muhammad
MBBS, MPH, RMP



ڈاکٹر پیر محمد

Medical Officer
T.H.Q Hospital Tangi
District Charsada

Annex - B7

ایم بی بی ایس، ایم پی ایچ، آر ایم پی
ٹی ایچ کیو ہسپتال تنگی ڈسٹرکٹ چارسدہ

Pt's Name *محمد علی*

Age

Sex *M*

Date *15/8/2015*

Clinical Record

Rx

40 RFA

= low in Utes

±

*copy. Attested to be true
by
W. ul-ah
Adv*

Adv.

*Completed bed rest
for one month on 15/8/2015*

Signature

Dr. Fazli Raziq

M.B.B.S, RMP
Physician & Surgeon
Medical Officer
T.H.Q. Hospital, Tangi

20

ڈاکٹر فضل رازق

ایم بی بی ایس، آر ایم بی

فزیٹیشن اینڈ سرجن

میڈیکل آفیسر تحصیل ہیڈ کوارٹر ہسپتال تنگی

Name: Sabow Heiksam

Date: 18/2015

Bin @ flank

B.B. 140780

Flank area
w/ - K... + (p...)
w/ - Col... (C...)
w/ - Sp... w/

- w/o + 3/4 in for
- 3/4 Hyaline body

3/4 Acenim
pl

Attested to be true
by

IS. Expressin
pl

copy.

w. ill ah
Adv

- 3/4 B... SWY
w/ pl

Francis Sachet
pl

[Signature]

Cell: 0333-9483755 / 0333-9394216
E-mail: raziq78@gmail.com

تحصیل ہیڈ کوارٹر ہسپتال تنگی

FAZAL KARIM MEMORIAL WELFARE HOSPITAL TANG

SURGEON / PHYSICIAN

Dr. Muhammad Ayaz
MBBS, MACS, RMP



Annex-39

Date 1/9/2016

Invalid for Courts

Handwritten signature in Urdu.

Handwritten symbol or mark.

Handwritten text: "Civil"

Handwritten notes in Urdu, possibly "Punjab" and "Criminal".

Handwritten notes in Urdu: "Criminal" and "in place" with a checkmark.

Handwritten text: "UDM" and "1/9/2016".

Handwritten notes in Urdu: "1/9/2016" and "1/9/2016" with a checkmark.

Handwritten number: "415"

Handwritten signature in Urdu, circled.

Handwritten number: "130"

Handwritten text: "1/9/2016" with a checkmark.

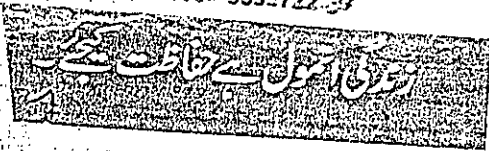
Handwritten text in Urdu: "رجسٹرڈ ہسپتال" (Registered Hospital).

Handwritten text in Urdu: "ڈاکٹر محمد ایاز" (Dr. Muhammad Ayaz), "ایم بی بی ایس، ایم سی ایس، ایم پی" (MBBS, MACS, RMP), "ممبر ایسوسی ایشن آف سرجنز" (Member Association of Surgeons), "فون: 0300-9392722".

Handwritten text: "ATW"

Handwritten text: "Attested to be true copy of original" with a checkmark.

Handwritten text: "Will be at Adv" with a checkmark.



Dr. Pir Muhammad

MBBS, MPH, RMP

Medical Officer

T.H.Q Hospital Tungi

District Charsada

(22)

ڈاکٹر پیر محمد

Annex - B10

پریکٹس ایئر، آر ایم پی

ٹی ایچ او ہسپتال تونگی ڈسٹرکٹ چارسدا

Pt's Name

Sahar Hussain

Age

Sex

Date

04/10/2016

Clinical Record

1/5/16

mult. joint pain

in hands & feet

since 7 days

1/5/16

115/50

Cef. Azeluro SID

200/150

1/5/16

200/150

For blood work

200/150

From April 2-2-2

1/5/16

Complaint has not for 1 month

ref 04/10/2016 to 03/11/2016

04/10/2016

Attested to be true

Signature

W. Ullah

Adv

091-6555654: کلینک

Pt's Name: Sahib Hussain Age: 4 Sex: M Date: 04/09/2016

Clinical Record

% RTA
- Patient is now
in a good condition
- T₃ -
- T₄ -
- T₅ -
- T₆ -
- T₇ -
- T₈ -
- T₉ -
- T₁₀ -

Group - (A)
T₁₀ Multicystic STD
- T₁₀ STD
- T₁₀ STD - P
- T₁₀ STD
- T₁₀ STD
- T₁₀ STD
- T₁₀ STD

Notes
Complex bed rest for 2 weeks
w-l-f 04/9/2016 T = 03/10/2016
04/10/2016

Attested to be true
by

W. ul
Adv

Dr. Pir Muhammad

(26)

MBBS, MPH, RMP

Medical Officer

T.H.Q Hospital Tangi

District Charsada

ڈاکٹر پیر محمد

Annex - B 12

ایم بی بی ڈی، ایم بی بی ایچ، آر ایم پی
ٹی ایچ کیو ہسپتال تنگی ڈسٹرکٹ چارسدہ

Pt's Name Safar Hussain

Age _____ Sex m Date 25/9/2016

Clinical Record

Imp: 4 - (1)

of RTA
- Injury to head
w/ of Anterior part

For treatment SPD
- 1st 3, 4

- 72 - 100

as transfer - 2

40

muscle up

12/20

10 day

2

1st 3, 4

Adv
couple bed rest for 10 days
25/9/16
25/9/16
25/9/16

Attested to be true w.l.f.
Copy.

w-ull
Adv

25

Annex - c

ORDER

This order will disposed off the departmental enquiry against Constable Sabir No 614, while posted at Police Station Charsadda, absented himself from his lawful duty w.e.f. 15.07.2016 till date, during this absence period he was crossed to police lines on 02.09.2016 & he did not report his arrival at Police Lines and thus absented himself from his lawful duty from 02.09.2016 till date without any leave or prior permission from his senior officers, absen report recorded vide D.D's No. 98, dated 15.07.2016 & No. 66 dated 12.09.2016. This shows inefficiency, lack of interest in the performance of his official duty.

In the above allegation he was issued Charge Sheet together with statement of allegation under Section 5(f) (a) of KPK Police Rules 1975. Enquiry Officer Mr. Sajjad Hussain Kh OS? Tangi was nominated for conducting departmental enquiry against him. The enq officer after conducting proper departmental enquiry submitted his findings and recommend him for Major Punishment.

Subsequently Constable Sabir No. 614, was issued Final Show Cause Not reply to which was not received so far.

After going through the enquiry papers & recommendation of the enquiry offic the undersigned reached to the conclusion that the delinquent official is no more interested continue his job further more hence **he** is hereby awarded the Major punishment Dismissal from service with immediate effect and his absence period is also treated without pay.

Attested by

W. Ill Adv

O.B No 1584

Date 17/11/2016

No. 439-25 /HC, dated Charsadda the 15/11/2016

District Police Officer
Charsadda

Copy for information and necessary action to the:-

- 1. Pay Officer/OHC
- 2. HCPIC

BETTER COPY

ORDER

This order will disposed off the departmental enquiry against Constable Sabir No. 614, while posted at Police Station Charsadda, absented himself from his lawful duty w.e.f. 15/07/2016 till date, during this absence period he was close to Police Lines on 02/09/2016 but he did not report his arrival at Police Lines and thus absented himself from his lawful duty from 02/09/2016 till date without any leave or prior permission from his senior Officers, absent report recorded vide D.D's No. 8 dated 15/07/2016 and No.06 dated 12/09/2016. This shows the inefficiency, lake of interest in the performance of his official duty.

In the above allegation he was issued Charge Sheet together with statement of allegations under section 6 (1) (a) of KPK Police Rules 1975. Enquiry Officer Mr. Sajjad Hussain Khan the DSP Tangi was nominated for conducting departmental enquiry against him. The enquiry officer after conducting proper departmental enquiry submitted his findings and recommended him for Major Punishment.

Subsequently Constable Sabir No.614, was issued final Show Cause Notice reply to which was not received, so for.

After going through the enquiry papers of recommendation of the Enquiry Officer the undersigned reach to the conclusion that the delinquent official is no more interested to continued his job further more, hence he is hereby awarded the Major punishment dismissal from service with immediately effect and his absence period is also treated without pay.

District Police Officers

Charsadda

O.B.No. 1584

Date: 14-12-2016

No.472-75/HC, dated Charsadda the 15/12/2016

Copy for information and necessary action to the:-

1. Pay officer/CHC
2. HC/IMC

صہا برضیں لنیٹل 614/60 پولیس ضلع چارسدہ (پرہاشدہ) حال سائنہ چینہ رنراب
(تبادلہ ضلع چارسدہ)

درخواست نمبر 614/60 بجالی یہ فڈزٹ جیسا کہ انڈیوٹری انسپکٹری نے
باریس۔ سٹی سے اور الزفاف سے جو (اثر شوخ) بر خلاف سائل
نا جائز طور پندر انڈیوٹری کرتے ہیں فڈزٹ میں سائل کو
فڈزٹ سے فڈزٹ کیا۔ حالانکہ سائل نے فڈزٹ اور ناگز
مناہ فڈزٹ پافڈ سے۔ داد رسی و الزفاف مطلوب ہے۔

سائل کو فڈزٹ سے۔

سائل فڈزٹ سے۔ حال 1995ء میں ڈیور لنیٹل فڈزٹ سے۔

2 یہ فڈزٹ بر خلاف سائل نے اپنے ایک دشتہ دار کو فڈزٹ کیلئے
ضممی جیب سے سید الرشید سٹہ (منازق) کو مبلغ چار لاکھ روپے
دینے کے لئے فڈزٹ سے دشتہ دار کو فڈزٹ سے لاکھ روپے

3 یہ ہائی سروس کرنے کے لئے جیب میں سائل نے ضمی جیب نامی سائل سے فڈزٹ
یا فڈزٹ والی ماسٹک کیا۔ جو فڈزٹ میں آگے بھولہ سوکھ میں سائل کو فڈزٹ
کی دیکھیاں دینے لگا۔ اور سائل کو فڈزٹ سے بھی بر طرف کرنے کی دیکھی

4 یہ فڈزٹ سائل نے فڈزٹ سے فڈزٹ سے فڈزٹ سے فڈزٹ سے فڈزٹ سے
فڈزٹ سے فڈزٹ سے فڈزٹ سے فڈزٹ سے فڈزٹ سے فڈزٹ سے
فڈزٹ سے فڈزٹ سے فڈزٹ سے فڈزٹ سے فڈزٹ سے فڈزٹ سے

Attached to be
true copy.
W. ul ah
Adv

5۔ اس دوران میں سائل آپ سے اپنی موثر سائل پر جا رہا تھا کہ
 میں جب تک نہیں کہوں کہ سائل کا مفروضہ نہیں تھا۔ سائل سے مار پیڑ جو کہ سوار تھا
 میں سائل کو جو کہ باوردی تھا۔ مگر مار کر چل گیا۔ اور میں سائل مار پیڑ کو مار کر
 اس کی مختلف قسموں پر 19 سے 9/4 بجڑا 279/3379 کا نمبر تھا۔ اس میں 2012
 ہوئی۔

6۔ یہ بھی کہیں میں سائل کو جان سے خارج کرنے سے پہلے سائل بار دیکھا دینے لگا اور نہ تو
 رقم نہ مانگنے اور وہی نام نہ تو ہے یہ نہ پہنچنے سائل کی دیکھا دیا۔ اور آج تک
 اس بنا پر سائل کا رصا ہوں (جو کہ نازدہ نہا ہے)

7۔ یہ کہ اس میں سائل کو اس کی شکایت پر سے 1/1 کا نمبر اور نہ 2012 میں
 یہاں۔ اور یہاں بھی نہیں ہے جو کہ دھوکے سے نے انہوں کو انہوں کے سائل کا
 کو ضلع جا رہا ہے میں سائل کو دیا۔ (آڈر و نقل مد لفظ ہے)

8۔ یہ کہ سائل نے یہاں کوئی رقم نہ دی۔ اور یہاں دیکھا ہوں میں آج کے جو کہ سائل
 دیکر پورا کیا۔ اور میں سائل کو ضلع جا رہا ہے میں بہر فاسٹ رتے دیکھا ہے۔

9۔ یہ کہ سائل آپ سے سائل سے ہے۔ یہاں میں سائل سے ہے۔ یہاں میں سائل سے ہے۔
 یا جینا۔ نا جائز طور اور آپ سازش کے تحت فلاحیت سے نا جائز گناہ کے
 تحت بہر فاسٹ رتے سے۔ جانی بہ فلاحیت والی مطلق ہے۔

کہنا ہے کہ سائل کی حقیقت کو مد نظر رکھتے ہوئے
 ایضاً اسے قضا نہ پورا کر کے ہوئے۔ بلکہ اس میں
 بحالی کا حکم صادر فرمائے کہ اس کے ایضاً فرمایا
 صاحب فرمیں 614
 FC
 291
 2017
 سائل بہر فاسٹ رتے سے
 2017

ORDER

This order will dispose of the appeal preferred by Ex-Constable Sahib Hussain No. 614 of Charsadda District Police against the order of the District Police Officer, Charsadda, whereby he was awarded Major punishment of dismissal from service vide District Police Officer, Charsadda DB No. 1558 dated 14.12.2016.

Brief facts of the case are that the appellam while posted at Police Station Charsadda absented himself from his lawful duty with effect from 15.07.2016 till the date of his dismissal, during his absence period he was closed to Police Lines on 02.09.2016 but he did not report his arrival at Police Lines and thus absented himself from his lawfully appointed duty with effect from 15.07.2016 till date without any leave or prior permission from his senior Officers. This shows his indifference & lack of interest in the performance of his official duty. Therefore he was issued Charge Sheet with statement of allegations and Mr. Sajjad Hussain Khan the then DSP Tangi was nominated for conducting departmental enquiry against him. The Enquiry Officer after conducting proper departmental enquiry submitted his findings and recommended him for Major Punishment. Subsequently he was issued Final Show Cause Notice to which his reply was not received so far. After going through the enquiry papers & recommendation of the Enquiry Officer that the delinquent officer was no more interested to continue his job furthermore, hence he was dismissed from service and his absence period was treated as leave without pay.

He was also in arrears of his salary in his office of Constable. It was found that he did not produce any official document in his absence. There is no official record to intervene the order issued by the District Police Officer, Charsadda. The order is being validly time barred.

ORDER ANNOUNCED

(Signature)
Regional Police Officer
Charsadda

No. 1502 /ES. Dated 13/03 2018

Copy to District Police Officer, Charsadda for information and necessary action
by to his office Memo No: 34/M dated 02.05.2018. The service Record is returned herewith.

Attested
by
W. adw
adw

Anne


ORDER.

This order will dispose of the appeal preferred by Ex-Constable Sabir Hussain No. 614 of Charsadda District Police against the order of the District Police Officer, Charsadda, whereby he was awarded Major punishment of dismissal from service vide District Police Officer, Charsadda OB No. 1584 dated 14.12.2016.

Brief facts of the case are that the appellant while posted at Police Station Charsadda absented himself from his lawful duty with effect from 15.07.2016 till the date of his dismissal, during his absence period he was closed to Police Lines on 02.09.2016 but he did not report his arrival at Police Lines and thus absented himself from his lawful duty with effect from 02.09.2016 till date without any leave or prior permission from his senior Officers. This shows his inefficiency lack of interest in the performance of his official duty. Therefore he was issued Charge Sheet with statement of allegations and Mr. Sajjad Hussain Khan the then DSP Tangi was nominated for conducting departmental enquiry against him. The Enquiry Officer after conducting proper departmental enquiry submitted his findings and recommended him for Major Punishment. Subsequently he was issued Final Show Cause Notice to which his reply was not received so far. After going through the enquiry papers & recommendation of the Enquiry Officer that the delinquent official was no more interested to continue his job furthermore, hence he was dismissed from service and his absence period was treated as leave without pay.

He was called in orderly room held in this office on 07.03.2018 and heard him in person, but he did not produce any substantial evidence about his absence. Therefore, I find no grounds to intervene the order passed by the District Police Officer, Charsadda. Appeal is rejected being badly time barred.

ORDER ANNOUNCED.


 (Muhammad Alam Shinwari) PSP
 Regional Police Officer,
 Mardan

No. 1502 /ES, Dated Mardan the 13/02 /2018.

Copy to District Police Officer, Charsadda for information and necessary action w/r to his office Memo: No. 343/EC dated 02.03.2018. The Service Record is returned herewith.

(*****)

کتاب خانہ دارالافتاء دارالحدیث
پتو، لاہور۔ ۱۰۰۰۱۰

Annex- E.F

صاحبزادہ عزیز گل لکھنؤ ۶۱۴/۶۵ (پولیس ضلع چار سلاہ) (برہنہ سٹیشن) حال سمنہ چینہ، رتھاب
(تعمیل سے تعلق باوردار)

Alerted to be
true copy.

W.U. ah
Adv

درخواست نمبر ۱۰۰۰۱۰ کے مطابق چھ ماہ کی مدت میں لکھنؤ پولیس کے پاس
بازرسی کی گئی اور انصاف سے لڑنے اور انصاف سے لڑنے پر طرف سائل
نہ جانے ہوئے بلکہ انگریزی کرتے ہوئے قریب قریب سائل کو
ملازمت سے برخواست کر دیا۔ حالانکہ سائل نے قریب قریب اور انصاف سے
لڑنا چاہا تھا۔

سائل ذیل درخواست سے

سائل خواہ فریڈم میں سائل ۱۹۹۵ء میں لکھنؤ پولیس کے پاس
بازرسی کی گئی اور انصاف سے لڑنے اور انصاف سے لڑنے پر طرف سائل

۱۔ کہ وہ جب برخواستگی صرف ہوئے۔ کہ ان میں سائل نے اپنے ایک رشتہ دار کی ملازمت کیلئے
شعبی جیب والا عبدالرشید سے درخواست کی تو سائل چار لاکھ روپے
دینے کو کہا۔ سائل نے درخواست اور ملازمت کے لئے لاکھ روپے

۲۔ کہ کافی عرصہ گزرنے کے باوجود جب ان میں سائل نے شعبی جیب نامی شخص سے ملازمت
کیلئے رقم مانگی تو انہوں نے کہا کہ وہ سائل کو ملازمت سے لے کر
تین دس لاکھ روپے دینے لگا۔ اور ساتھ ہی ملازمت سے بھی برطرف کرنے کی کوشش کی

۳۔ کہ ان میں سائل نے علاقہ میں کوٹھڑی کے لئے زمین بنا کر شعبی جیب پر عہدہ
کے لئے چھ لاکھ روپے مانگے۔ لاکھ روپے کے لئے شعبی جیب نے لاکھ روپے
دینے سے انکار کیا۔

یہ اس دودنی من سبیل آریہ ضروری نام سے اپنے موثر سبیل پر فراہم کیا گیا ہے۔
 منی جو سبیل کے نام سے مشہور ہے اور اس سبیل کا مقصد وہی تھا۔ اس سبیل سے ہمارے
 من سبیل کو جوہر باوردی کہا۔ مگر قادیان کا سبیل اور من سبیل باوردی کے ساتھ
 اس کے مختلف اقسام 19 حصے 2013ء کے فیصلے کے تحت 274/2013ء کے فیصلے کے تحت
 ہوئی۔

6۔ یہ سبیل من سبیل کو جان سے خارج کرنے سے ہر فاسٹنگ بار کے ذریعے لیا اور اس کے
 رقم نہ مانگنے اور داخل نام کرنے پر مذکور سبیل کے تمام حصے ہی دیکھ لیا اور آج تک
 اس بناء سبیل کے حصوں (جو کہ نازدہ سبیل سے)

7۔ یہ سبیل آئین کے من سبیل کے تحت ہی شکایت پر قریب 1/6 جولائی 2015ء اور 212 سبیل
 میں اور بیان کے منی کے تحت جو کہ 2013ء کے فیصلے کے تحت لیا گیا ہے اور اس کے
 وضع ہارسلہ میں سبیل کے ذریعہ نازدہ سبیل سے لیا گیا ہے

8۔ یہ سبیل صرف من سبیل کے تحت ہی رقم نہ دی اور اس بناء دیکھ لیا اور اس کے
 دیکھ لیا اور اس کے وضع ہارسلہ میں ہر فاسٹنگ کے ذریعے لیا گیا ہے

9۔ یہ سبیل اس سبیل کے تحت ہے۔ اس سبیل کے تحت ہی شکایت میں مبتلا نہیں ہونا
 یا جتنا نا جائز طور اور ایک سبیل کے تحت نازدہ سبیل سے نازدہ سبیل سے
 تحت ہر فاسٹنگ کے ذریعے لیا گیا ہے۔ جالی بہ ملازمت والی سبیل کے

یہ سبیل کے تحت ہی شکایت کو دیکھ لیا اور اس کے
 ایضاً اس کے لئے سبیل کے لئے نازدہ سبیل سے نازدہ سبیل سے
 جالی کے تحت ہر فاسٹنگ کے ذریعے لیا گیا ہے۔ جالی بہ ملازمت والی سبیل کے

291/12
2012

صاحب زمین 614
F.L

سبیل ہر فاسٹنگ کے ذریعے لیا گیا ہے
2013



30

Annex-9

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

No. S/ 1264 /18, dated Peshawar the 03 /09/2018.

To : The Regional Police Officer,
Mardan Region, Mardan

Subject: APPEAL (EX-FC SABIR HUSSAIN NO. 614)

Memo :

Ex-Constable Sabir Hussain No. 614 of District Police Charsadda had submitted appeal to the Worthy Inspector General of Police, Khyber Pakhtunkhwa, Peshawar for reinstatement into service. His appeal was processed / examined at Central Police Office, Peshawar and filed by the competent authority being badly time barred for about 01 year and 03 months.

The applicant may please be informed accordingly.

Attested
by
W.ull ah
Adv

W/C
30/3

(SYED ZIA ALI SHAH),
Registrar,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

قیمت 50 روپے	 	37376
ایڈوکیٹ: W. Ullah	پشاور بار ایسوسی ایشن، خیبر پختونخواہ	
بار کونسل ایسوسی ایشن نمبر: 22-98-10-BC		
رابطہ نمبر: 9552-886-0301		

بعدالت جناب: سر و سلسلہ جیٹو خانو خانو ایشاور

منجانب:	دعویٰ: سر و سلسلہ ایشیل
ایپیلانٹ صاحبہ حسین	علت نمبر:
بنام	موردہ:
لمبو بائی و سس افسیہ و خیر	جرم:
جٹو خانو ایشاور و عزیزہ	تھانہ:
باعت تحریر آگہ	

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ آن مقام لہذا 19 کیلئے اسسٹنٹ جج جیٹو خانو خانو ایشاور کو ذیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ بر حلف 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 ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ با 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۔ 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 سند رہے

المرقوم: 3/5/2018

المقام لہذا اور

کے لیے منظور ہے۔

نوٹ: اس وکالت نامہ کی فوٹو کاپی با قائل قبول ہوگی۔

جٹو خانو
صاحبہ حسین
ایڈووکیٹ

Accepted
by
W. Ullah

(Signature)

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

Service Appeal No. 646/2018

**Sabir Hussain, Ex-Constable No.614 PS Charsadda, s/o Fazal
Elahi r/o Cheena Tehsil Tangi District Charsadda.....Appellant**

VS

IGP/KPK etc:Respondents

**SCANNED
KPST
Peshawar**

INDEX

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Respondents

Through:



Inspector Legal Charsadda

BEFORE THE HONOURABLE KPK SERVICES TRIBUNAL PESHAWAR

Service Appeal No. 646/2018

**Sabir Hussain, Ex- Constable No.614, Police Station Charsadda s/o Fazal Elahi r/o
Cheena Tehsil Tangi District CharsaddaAppellant**

VERSUS

IGP/KPK etc: Respondents

REPLY/PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO. 1 TO 3.

Respectfully Sheweth:

Preliminary Objections:

1. That appellant has not approached this Hon'ble tribunal with clean hands.
2. That appellant has suppressed actual facts/factual position from this Hon'ble tribunal.
3. That the appeal of appellant is not based on facts.
4. That the appeal of appellant is bad for non-joinder of necessary parties.
5. That the appellant is estopped by his own conduct to file the present appeal.

REPLY ON FACTS:

1. Not related as the same pertains to initial appointment and subsequent promotion of the appellant.
2. Incorrect. From the very initial stage the appellant has showed negligence and lethargy while discharging his official duties which resulted in inclusion of bad entries in his service record due to which the entire service record of the appellant is tainted one.
3. Incorrect. The appellant while posted at PS Charsadda absented himself from his lawful duty without any prior permission or leave of the competent authority, therefore he was properly proceeded against departmentally, so in order to save his skin and to give legal cover to his absence he cooked the story of his illness.
4. Incorrect. The stance of the appellant is totally baseless as the appellant did not bother to produce the documents of his alleged illness during the course of enquiry what to speak of its production to the Muharrar concerned.
5. Incorrect. The appellant did have the knowledge regarding his departmental proceeding as during the course of enquiry he was contacted time and again to join the enquiry proceedings but he did not bother to do so for the reasons that he had no defense to produce for the purpose.
6. Incorrect. The appellant while posted at PS Charsadda absented himself from his lawful duty w.e from 15.07.2016 till the order of dismissal i.e 14.12.2016. The appellant was issued charge sheet and statement of

allegation and a proper departmental enquiry was initiated, during the course of enquiry accused official was contacted time and again and he was also informed through his local Police Station of PS Tarnab but he turned a deaf ear to the said information. (2)

Moreover, after conclusion of enquiry he was issued Final Show Cause Notice but this time too his behavior remained lethargic which clearly depicts that he had no interest in the Govt job. Therefore he was awarded appropriate punishment of dismissal from service which does commensurate with the misconduct of the appellant (**Charge Sheet/Statement of allegation, FSC notice and enquiry report is annexed as annexure A, B, C & D**).

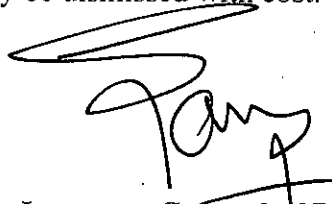
7. Incorrect. The appellant willfully and deliberately turned a deaf ear to the entire proceedings and raised this plea just to get sympathy.
8. Para already explained.
9. That the appeal of the appellant is liable to be dismissed on the following grounds:

GROUND:

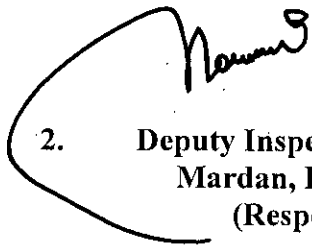
- a) Para to the extent of length of service of appellant pertains to record needs no comments while rest of the para is completely baseless. Besides, length of service does not exonerate an official from his future wrong deeds.
- b) Incorrect. All legal and codal formalities have been fulfilled and the appellant has been treated in accordance with law.
- c) Incorrect. The allegations leveled against the appellant do fall within the defamation of misconduct which needs to be carefully gone through.
- d) Incorrect. As discussed earlier the appellant had been informed on each stage of enquiry but he did not join the enquiry proceedings therefore for the negligence and lethargy of the appellant department should not be held responsible.
- e) Incorrect. After fulfillment of all legal and codal formalities a speaking order was passed which is tenable in the eye of law, hence liable to be maintained.
- f) Incorrect. As per Police Disciplinary Rules 1975, the competent authority is vested with powers of awarding punishment/punishments.
- g) Para already explained.
- h) Para explained earlier, hence needs no comments.

- i) Para already explained.
- j) That respondents also seek permission of this Honorable Tribunal to advance additional grounds at the time of hearing.
- k) Para not related.

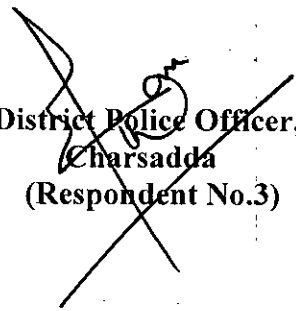
Keeping in view the above facts, it is most humbly prayed that appeal of appellant being without merit and substance, may be dismissed with cost.



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



2. **Deputy Inspector General of Police,
Mardan, Region-I Mardan
(Respondent No.2)**



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

CHARGE SHEET UNDER KPK POLICE RULES 1975

(4)

I **Sohail Khalid**, District Police Officer Charsadda, as competent authority hereby charge you **Constable Sabir No. 614** as follows.

That you **Constable Sabir No. 614**, while posted at Police Station Charsadda, absented yourself from your lawful duty w.e from 15.07.2016 till date, during this absence period you were closed to police lines on 02.09.2016 but you did not report your arrival at Police Lines and thus absented yourself from your lawful duty w.e from 02.09.2016 till date without any leave or prior permission from your senior officers, absence report recorded vide D.D's No.08, dated 15.07.2016 & No. 06 dated 12.09.2016. Your act is highly objectionable and against the rules and regulations of the discipline force. This shows your inefficiency and lack of interest in the performance of your official duties.

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

1. By reason of the above, you appear to be guilty of misconduct under section 02(III) of the KPK Police Rules 1975 and has render your self 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 defense, if any should reach to the enquiry officer within the specified period, in case of failure, 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 person.

**District Police Officer,
Charsadda**

Government of Khyber Pakhtunkhwa
Office of the District Police Officer
Charsadda


DISCIPLINARY ACTION UNDER KPK POLICE RULES -1975

I, Sohail Khalid, District Police Officer Charsadda, as competent authority am of the opinion that Constable Sabir No. 614, has rendered himself liable to be proceeded against as he has committed the following acts/omissions within the meaning of section -02 (iii) of KPK Police Rules-1975.

STATEMENT OF ALLEGATIONS

That he **Constable Sabir No. 614**, while posted at Police Station Charsadda, absented himself from his lawful duty w.e from 15.07.2016 till date, during this absence period he was closed to police lines on 02.09.2016 but he did not report his arrival at Police Lines and thus absented himself from his lawful duty w.e from 02.09.2016 till date without any leave or prior permission from his senior officers, absence report recorded vide D.D's No.08, dated 15.07.2016 & No. 06 dated 12.09.2016. His act is highly objectionable and against the rules and regulations of the discipline force. This shows his inefficiency and lack of interest in the performance of his official duties. This amounts to grave misconduct on his part, warranting Departmental action against him.

For the purpose scrutinizing the conduct of the said official **Mr. Sajjad Hussain Khan DSP Tangi** is hereby deputed to conduct proper departmental enquiry against the aforesaid official, as contained in section -6 (1) (a) of the afore mentioned rules. The enquiry officer after completing all proceedings shall submit his verdict to this office within stipulated period of (10) days. Constable Sabir No. 614, is directed to appear before the enquiry officer on the date, time and place fixed by the later (enquiry officer) a statement of charge sheet is attached herewith.


District Police Officer,
Charsadda


No. 1356-57 /HC, dated Charsadda the 19/10 /2016.

Copies for Information to the:

1. Mr. Sajjad Hussain Khan DSP Tangi
2. R.I Lines Charsadda

Df No 24928.51
24-10-16

Reader
Call defaulter


// **Enquiry of Polr** //
Tangi
24/10-2016



Annexure C

6

FINAL SHOW CAUSE NOTICE

Whereas, the charge of negligence was referred to enquiry officer for General Police Proceedings, contained u/s 5(3) Police Rules 1975.

AND

Whereas, the enquiry officer has submitted his findings, recommending him for Major penalty.

AND


Whereas, I am satisfied with the recommendation of the enquiry officer that you **Constable Sabir No. 614**, while posted at Police Station Charsadda, absented yourself from your lawful duty w.e from 15.07.2016 till date, during this absence period you were closed to police lines on 02.09.2016 but you did not report your arrival at Police Lines and thus absented yourself from your lawful duty w.e from 02.09.2016 till date without any leave or prior permission from your senior officers, absence report recorded vide D.D's No.08, dated 15.07.2016 & No. 06 dated 12.09.2016. Your act is highly objectionable and against the rules/regulations of the discipline force, thus the act amounts to gross misconduct and renders you liable for minor punishment, under Police Rules 1975.

Therefore, I, Sohail Khalid, District Police Officer, Charsadda in exercise of the powers vested in me under rules 5(3)(a)(b) of Police Rules 1975, call upon you to explain as to why the proposed punishment may not be awarded to you.

Your reply should reach the undersigned within 07-days of receipt of this notice, failing which ex-parte action will be taken against you.

You are at liberty to appear in person before the undersigned for personal hearing.

Dated 24/11 /2016


District Police Officer,
o/c Charsadda

Annexure D

NO. 79.5 /ST

7

DT: 22-11/2016

subject

DEPARTMENTAL ENQUIRY REPORT AGAINST CONSTABLE SABIR NO. 614 POLICE STATION CHARSADDA

REFERENCE ATTACHED

This is a proper departmental enquiry report against Constable Sabir No.614 with the allegations that he while posted to Police Station Charsadda, absented himself from his lawful duty w-e-from 15-07-2016 till date, during this absence period, he was closed to Police Lines Charsadda on 02-09-2016 but he failed to report his arrival at Police Lines Charsadda and thus absented himself from lawful duty w-e-from 02-09-2016 till date without any leave or prior permission from his Senior Officers, absence report recorded vide DD No.08 dated 02-09-2016. His act is highly objectionable and against the Rules/regulations of the discipline force. This shows his inefficiency and lack of interest in the performance of his official duty.

Upon this negligence and lack of interest in the performance of official duty, the W/DPO/Charsadda, as a competent authority, served him with charge sheet and summary of allegations and the undersigned was appointed as Enquiry Officer for the purpose to scrutinize the conduct of the said defaulter constable.

The undersigned summoned the defaulter constable time and again but he never showed up. According to the report of MM Police Lines Charsadda duly forwarded by Lines Officer, the above named defaulter constable is still absent from lawful duty. The defaulter constable is residing at Cheena Umarzai and he has been informed through PS-Tarnab mobile but in-vain.

The defaulter constable is absent himself from his lawful duty w-e-from 02-09-2016 to date (02 months and 17 days) which shows his inefficiency, negligence and lack of interest in the performance of his legitimate duty. The defaulter constable was time and again contacted to appear before Enquiry Officer so that to know about the reason, if any, but he didn't bother to show up.

Therefore, the above named defaulter constable is recommended for "MAJOR PUNISHMENT".

Submitted please

W/DPO/CHARSADDA

He issued him final show cause notice.

Dy: Superintendent of Police

Tangi

4

Copy sent to 11-11-16

ORDER

8

This order will disposed off the departmental enquiry against **Constable Sabir No. 614**, while posted at Police Station Charsadda, absented himself from his lawful duty w.e from 15.07.2016 till date, during this absence period he was closed to police lines on 02.09.2016 but he did not report his arrival at Police Lines and thus absented himself from his lawful duty w.e from 02.09.2016 till date without any leave or prior permission from his senior officers, absence report recorded vide D.D's No.08, dated 15.07.2016 & No. 06 dated 12.09.2016. This shows his inefficiency, lack of interest in the performance of his official duty.

In the above allegation he was issued Charge Sheet together with statement of allegation under Section 6(I) (a) of KPK Police Rules 1975. Enquiry Officer **Mr. Sajjad Hussain Khan DSP Tangi** was nominated for conducting departmental enquiry against him. The enquiry officer after conducting proper departmental enquiry submitted his findings and recommended him for Major Punishment.

Subsequently Constable Sabir No. 614, was issued Final Show Cause Notice, reply to which was not received so far.

After going through the enquiry papers & recommendation of the enquiry officer, the undersigned reached to the conclusion that the delinquent official is no more intrested to continue his job further more hence he is hereby awarded the **Major punishment of Dismissal from service with immediate effect** and his absence period is also treated as **without pay**, however his another departmental enquiry regarding lodging of Fake FIR at PS Tarnab will be kept pending till his departmental appeal against his dismissal.

O.B No 1584

Date 14/12/2016


No. 1672-75 /HC, dated Charsadda the 15/12 /2016

Copy for information and necessary action to the:-

1. Pay Officer/OHC .

2. EC/FMC

enclose 715 pages


District Police Officer,
Charsadda

15

جنور، جناح، سپاہی، ڈپٹی انسپکٹر جنرل، لیکن سرحد

No. 1099/ES
Dt: 21-02-18
En: Paper
EC/DD/CHD
For Comments Pa

Dy. No. 71/18
22/2/18

درخواست بھرد بجالی بہ ملزمت جیساکہ انویٹری انسپرنے
باریک بینی سے اور انصاف سے جو (اثر شوخ) بہ فلفل سائل
ناجاہر ہو بلکہ انویٹری کرنے کے لیے فرصت میں سائل کو
ملزمت سے بہرہ نفاست کیا۔ حالانکہ سائل بے قصور اور نارسود
تھا ماسٹر باضہ سے۔ داد رسی و انصاف مطلوب ہے۔

014/Mu



DSP/General
708 Comments

سائل ذیل گزارش سے -

~~Handwritten signature~~
Dy. No. 71/18

سائل خلم نوشہرہ میں سال 1995ء میں بلور لیسٹل بھرتی ہو گیا ہے۔

یہ کہ وجہ بہرہ نفاستی صرف یہ ہے کہ میں سائل نے اپنے ایک دوستہ دار کی ملازمت لینے
کے لیے جیب و لہ عبد الرشید سے امانت لے کر کوٹلی چلا گیا اور وہ
دینے کے لیے میں نے سائل کا دوستہ دار کو ملزمت دلاؤ تھا۔

یہ کہ مافی عرضہ کرنے سے قبل جب میں سائل نے فہمی جیب نامی شخص سے ملازمت
یا رخصت و ایسی کا مطالبہ کیا۔ تو مذکورہ شخص آگے بھولہ سو کر میں سائل کو طرح طرح
کی دھمکیاں دینے لگا۔ اور ساتھ ہی ملازمت سے بھی بہرہ نفاست کرنے کو دھمکی
دھمکیوں کی وجہ سے سائل نے گاؤں چھوڑا اور باہر سے دور سر رہا تھا۔

یہ کہ میں سائل نے علاقہ شہران کو چھوڑا اور مہبران بنا کر فہمی جیب بہرہ نفاست
کے لیے مہبران میں آ گیا اور وہ ملازمت لینے کے لیے سائل کو دھمکیاں دینے لگا۔

5۔ یہ اس دوران میں سائل آپ ضروری کام سے اپنے فوٹر سائل پر جا رہا تھا کہ
 منی جیب نامی شخص جو کہ میں سائل کا مقروض تھا۔ سامنے سے ہار پر جو کہ سوار تھا
 میں سائل کو جو کہ باوردی تھا۔ ٹکڑا کر چلے گیا۔ اور میں سائل کو دیکھ کر ٹوٹ
 اراں پتھرف قدم بعد 219 حصے 9/2013 4 جبر 279/3378 کا تڑا۔ میں کراچی
 یوٹی۔

6۔ یہ مجھے یعنی میں سائل کو جان سے ہارنے ملازمت سے ہر فاسٹی بار دیکھیں دینے لگا اور مذکور
 رقم نہ مانگنے اور واضح نام نہ کرنے پر مذکور مبلغین کتابت کی دیکھیں۔ اور آج تک
 اس بنا پر سزا کاٹے گا۔ (جو کہ نازدہ گناہ ہے)

7۔ یہ آفس میں ملائے میں سائل کو اس کی شکایت پر حصے 1/2015 کا جواب اڈا 212 بہاول
 یہ۔ اور یہاں بھی منی جیب نے جو کہ مقروض ہے۔ نے انٹرویو اسٹیمپ کرتے حصے 1/2016
 کو ضلع چاردرہ میں بہاول روڈ پر (اڈا 2015) نقل کر لیا ہے

8۔ یہ مقروض نے نا حال کوئی رقم نہ دی۔ اور اپنا دیکھنا لوں میں آپ دیکھی تو اصل شغل
 دیکر ہوا لگا۔ اور میں سائل کو ضلع چاردرہ میں ہر فاسٹ کرتے دیکھا ہے۔

9۔ یہ سائل آپ سب شخص سے۔ پورا میں شہری ہے۔ جیسی بھی گھنٹ میں مبتلا نہیں ہونا
 چاہتا۔ نا جائز طور اور آپ سازش کے تحت ملازمت سے نازدہ گناہ کے
 تحت ہر فاسٹ گناہ سے۔ بجالی یہ ملازمت والی مطلق ہے۔

گناہ کے سائل کی حقیقت کو مد نظر رکھتے ہوئے۔
 ارضاف سے ارضاف ہوا کرتے ہوئے۔ ملازمت پر واپس
 نکالی جا کر حکم صادر فرمائے کہ ارضاف واپس

13/018

صاحب زمین 614
 FC

صاحب زمین
 4/1/2018

(17)

ORDER.

This order will dispose-off the appeal preferred by **Ex-Constable Sabir Hussain No. 614** of Charsadda District Police against the order of the District Police Officer, Charsadda, whereby he was awarded Major punishment of dismissal from service vide District Police Officer, Charsadda OB No. 1584 dated 14.12.2016.

Brief facts of the case are that the appellant while posted at Police Station Charsadda absented himself from his lawful duty with effect from 15.07.2016 till the date of his dismissal, during his absence period he was closed to Police Lines on 02.09.2016 but he did not report his arrival at Police Lines and thus absented himself from his lawful duty with effect from 02.09.2016 till date without any leave or prior permission from his senior Officers. This shows his inefficiency lack of interest in the performance of his official duty. Therefore he was issued Charge Sheet with statement of allegations and Mr. Sajjad Hussain Khan the then DSP Tangi was nominated for conducting departmental enquiry against him. The Enquiry Officer after conducting proper departmental enquiry submitted his findings and recommended him for Major Punishment. Subsequently he was issued Final Show Cause Notice to which his reply was not received so far. After going through the enquiry papers & recommendation of the Enquiry Officer that the delinquent official was no more interested to continue his job furthermore, hence he was dismissed from service and his absence period was treated as leave without pay.

He was called in orderly room held in this office on **07.03.2018** and heard him in person, but he did not produce any substantial evidence about his absence. Therefore, I find no grounds to intervene the order passed by the District Police Officer, Charsadda. **Appeal is rejected being badly time barred.**

ORDER ANNOUNCED.

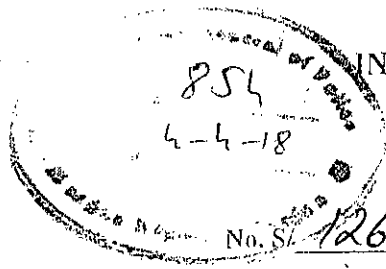

(Muhammad Alam Shinwari)PSP
Regional Police Officer,
Mardan

No. 1502 /ES, Dated Mardan the 13/03 /2018.

Copy to District Police Officer, Charsadda for information and necessary action w/r to his office Memo: No. 343/EC dated 02.03.2018. The Service Record is returned herewith.

(*****)

(18)



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

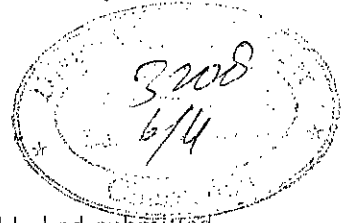
(12)

No. S/1264 /18, dated Peshawar the 03/04/2018.

To : The Regional Police Officer,
Mardan Region, Mardan.

Subject: APPEAL (EX-FC SABIR HUSSAIN NO. 614)

Memo :



Ex-Constable Sabir Hussain No. 614 of District Police Charsadda had submitted appeal to the Worthy Inspector General of Police, Khyber Pakhtunkhwa, Peshawar for reinstatement into service. His appeal was processed / examined at Central Police Office, Peshawar and filed by the competent authority being badly time barred for about 01 year and 03 months.

The applicant may please be informed accordingly.

(SYED ZIA ALI SHAH),
Registrar.

For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

No-2222/85
dt-4-4-18

30/3

EC/DDO Charsadda.

For info

EC
For info

OP/CPD
6.4.18

BEFORE THE HONOURABLE KPK SERVICES TRIBUNAL PESHAWAR



13

Service Appeal No. 646/2018

Sabir Hussain, Ex- Constable No.614, Police Station Charsadda s/o Fazal Elahi, r/o
Cheena Tehsil Tangi District CharsaddaAppellant

RECEIVED
KPK
SERVICES TRIBUNAL
PESHAWAR
SCANNED

VERSUS

IGP/KPK etc:Respondents

AFFIDAVIT

I, Ijaz Hussain, Inspector Legal (representative of the department) do hereby solemnly affirm and declare on Oath that contents of the parawise comments are true and nothing has been concealed from this Hon'ble Tribunal.

DEPONENT:

Identified by

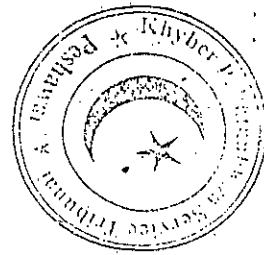
CNIC No.17201-3070498-1

District Attorney
Khyber Pakhtunkhwa,
Services Tribunal

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

SERVICE APPEAL NO. 478/2012

Date of institution ... 19.04.2012
Date of judgment ... 18.08.2017



Amant Gul, PST
Government Primary School, Barh Kot, Malakand.

... (Appellant)

VERSUS

1. District Coordination Officer, District Malakand Agency.
2. The Executive District Officer (E&SE), Malakand Agency.

... (Respondents)

*19 july
9 months*

SERVICE APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 READ WITH SECTION-10 OF THE RSO 2000, AGAINST THE ORDER DATED 27.02.2009 WHEREBY THE APPELLANT HAS BEEN REMOVED FROM SERVICE AND AGAINST THE ORDER DATED 24.03.2012 WHEREBY THE APPELLANT WAS INFORMED ABOUT THE REJECTION OF HIS DEPARTMENTAL APPEAL.

Mr. Muhammad Asif Yousafzai, Advocate.
Mr. Kabirullah Khattak, Assistant Advocate General

For appellant.
For respondents.

MR. MUHAMMAD AMIN KHAN KUNDI
MR. MUHAMMAD HAMID MUGHAL

MEMBER (JUDICIAL)
MEMBER (JUDICIAL)

ATTESTED

JUDGMENT

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

MUHAMMAD AMIN KHAN KUNDI, MEMBER:-

This appeal has

been filed under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the order dated 27.02.2009 whereby the appellant was removed from service.

The appellant also filed departmental appeal but the same was also rejected.

2. Facts of the case as per memo of the appeal are that the appellant was appointed as Primary School Teacher by the competent authority vide order dated 10.04.1988 and was performing his duty regularly. That due to some domestic problems the appellant was granted leave without pay with effect from 31.02.2006 to

25.5.2017

31.01.2008 that after availing the leave the appellant has submitted various applications for his adjustment but the appellant was directed by the respondents to wait for the order and soon he will be adjusted but ultimately in March 2010 the appellant was handed over impugned order dated 27.02.2009 wherein the appellant was removed from service on the basis of his absence from duty. Thereafter the appellant filed departmental appeal but the same was also rejected hence, the present service appeal.

3. We have heard the arguments on both side and gone through the record available on file.

4. Perusal of the record reveals that the appellant was serving in Education Department as Primary School Teacher. He was granted extra ordinary leave from 01.02.2006 to 31.01.2008. The record also reveals that after availing extra ordinary leave he did not join duty therefore, he was imposed major penalty and was removed from service vide impugned order dated 27.02.2009 it is also proved from the record that he was appointed as Primary School Teacher on 10.04.1988 and was regularly performing his duty for about twenty years but the respondent has not considered his length of service while imposed a major penalty of his removal from service. Therefore, keeping in view his length of service the penalty of his removal from service appear to be very harsh therefore, we partially accept the appeal and convert the penalty of removal from service into penalty of compulsory retirement. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
18.08.2017

Sd/- M. Amin Khan Kundi, Member

Sd/- M. Hamid Mughal, Member

Certified to be true copy
SECRETARY
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application 18-08-17
Number of Words 800
Copying Fee 6-
Urgent -
Total 6-
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Date of Completion of Copy 05-09-17
Date of Delivery of Copy 05-09-17

In the Supreme Court of Pakistan
(Appellate Jurisdiction)

Present

Mr. Justice Umar Ata Bandial
Mr. Justice Munib Akhtar

Civil Petitions No.452-P and 464-P of 2017

(On appeal from the order dated 18.08.2017 passed by
the KPK Service Tribunal in A.No.839 of 2012 and 478 of
2012)

Aman Gul, PST, Government Primary
School, Barhkot Malakand.
(C.P.452-P/17)

Deputy Commissioner District Malakand
Agency and another
(in C.P.464-P/17)

...Petitioners

Vs

The District Coordination Officer,
District Malakand Agency, and another
(C.P.452-P/17)

Aman Gul (C.P.464-P/17)

...Respondents

For the petitioners: : Mr. Muhammad Asif Yousafzai, ASC
(in C.P.452-P/17)
Barrister Qasim Wadood, Addl.A.G.KPK (in
C.P.464-P/17)

For the respondents: : Barrister Qasim Wadood, Addl.A.G.KPK
(in C.P.452-P/17)
Mr. Muhammad Asif Yousafzai, ASC.
(in C.P.464-P/17)

Date of hearing: : 10.06.2019

ORDER

Umar Ata Bandial, J.-

C.P.No.464-P of 2017. After rendering 20 years of service with the
Education Department as a Primary School Teacher the respondent
overstayed his leave without pay that had been granted for two years.
Disciplinary proceedings were initiated against him which concluded

ATTESTED

Senior Court Associate
Supreme Court of Pakistan
Islamabad

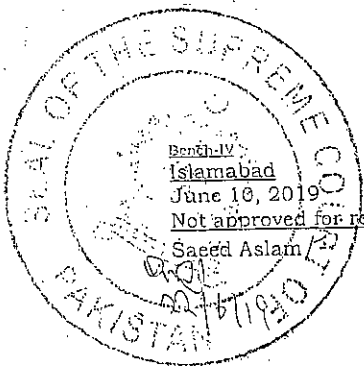
in the impugned order dated 27.02.2009 removing him from service. The learned Tribunal vide impugned judgment dated 18.08.2017 in view of his unblemished service modified the penalty awarded to the respondent to compulsory retirement. The difference between the two punishments is that the respondent shall be entitled to receive pension in case the impugned judgment dated 18.08.2017 is upheld. The present case does not involve any charge of misappropriation of funds or tampering with the official record or overt misconduct committed during the course of his service. The impugned judgment has punished the respondent according to the gravity of the charge levelled, namely, overstaying his long leave. We do not find any error in the said approach. No substantial question of law of public importance in terms of Article 212(3) of the Constitution arises for determination. The petition is dismissed and leave to appeal is declined.

2. C.P.No.452-P of 2017: The petition filed by the respondent-employee asserts a plea that the department was at fault for not adjusting him against any post when he reported on duty after availing his leave. The correspondence by the respondent-employee in this behalf is not confidence inspiring and has therefore, been disregarded by the learned Tribunal. We are not inclined to interfere with the controversy on a plea of disputed facts raised by the respondent. Accordingly, the relief already granted to the respondent by the impugned judgment of the learned Federal Service Tribunal grants appropriate redress. Petition is dismissed.

Sd/-J

Sd/-J

Certified to be True Copy



Senior Court Associate
Supreme Court of Pakistan
Islamabad

GR No: 158/P/20
 Date of presentation: 11.3.20
 No of words: _____
 No of Folios: _____
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 Date of Completion of Copy: 18/3/20
 Date of delivery of Copy: 18/3/20
 Compared by/Prepared by: _____
 Received by: P. Raza Khan