

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1100/2015

Date of Institution ... 01.10.2015

Date of Decision ... 21.01.2022

Rasool Zaman S/o Akbar Zaman, R/o Ghorri Wala, Bannu, Ex-C. No. 1923,
Emergency Platoon, Police Line, Peshawar. ... (Appellant)

VERSUS

Superintendent of Police, FRP, Bannu and others.

... (Respondents)

Arbab Saiful Kamal,
Advocate

... For Appellant

Asif Masood Ali Shah,
Deputy District Attorney

... For respondents

AHMAD SULTAN TAREEN ...
ATIQU-UR-REHMAN WAZIR ...

CHAIRMAN
MEMBER (EXECUTIVE)

JUDGMENT

ATIQU-UR-REHMAN WAZIR MEMBER (E):- Brief facts of the case are

that the appellant was initially appointed as Constable vide order dated 15-07-2007. During the course of his service, the appellant was proceeded against on the charges of absence from duty and was ultimately removed from service vide order dated 08-10-2011, against which the appellant filed departmental appeal dated 18-10-2011, which was rejected vide order dated 10-12-2011. The appellant filed revision petition dated 17-07-2015, which was returned to respondent No 1 vide order dated 28-08-2015, hence the instant service appeal instituted on 30-09-2015 with prayers that the impugned orders dated 08-10-2011 and 10-12-2011 may be set aside and the appellant may be re-instated in service with all back benefits.

02. Learned counsel for the appellant has contended that absence of the appellant was not willful, but was due to compelling reason of death of his brother, which was very shocking for the appellant and the appellant has taken such stance in his departmental appeal, which was considered by the authority to some extent, but was not given due consideration, hence the impugned order passed by the respondents is illegal, unlawful and is liable to be set aside; that the appellant resumed his duty after funeral of his brother and there was no justification for removal of the appellant from service, but the respondents malafiedly proceeded against the appellant after resumption of his duty and was unlawfully removed from service, which is against law, facts and norms of natural justice, therefore, not tenable and liable to be set aside; that inquiry into the matter was not conducted as per mandate of law, as no statement of witnesses were recorded in presence of the appellant nor the appellant was afforded opportunity to cross-examine such witnesses; that copy of the inquiry report was not found attached with the showcause notice to enable the appellant to submit proper reply; that absence if not willful does not constitute gross misconduct and on this score alone, no one can be expelled from service.

03. Learned Deputy District Attorney for the respondents has contended that the appellant deliberately absented himself from lawful duty with effect from 05-05-2011 to 08-08-2011 for a long period of 92 days without permission of the competent authority; that charge sheet based on summary of allegation was issued to the appellant on 04-08-2011, which was responded and the appellant took the plea of sudden death of his brother, which was perused and examined by the competent authority, but reply of the appellant was not based on cogent reason and was found un-satisfactory; that proper inquiry was conducted and the inquiry officer submitted its report on 29-08-2011 and recommended the appellant for imposition of major penalty and based on the recommendation of

the inquiry officer, final show cause notice was served upon the appellant on 21-09-2021 and was ultimately removed from service.

04. We have heard learned counsel for the parties and have perused the record.

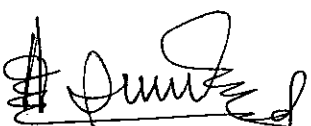
05. Record reveals that the appellant admitted to the fact that he was unable to attend to his duty due to sudden death of his brother and such stance of the appellant was taken into consideration by the competent authority, but the competent authority finally did not agree with plea of the appellant, hence he was removed from service on the charges of absence. Though the appellant resumed his duty after funeral of his brother but he was taken to task after resumption of his duty. The appellant was served with charge sheet/statement of allegation, to which he responded and placed the stance of death of his brother, which however was not taken into consideration. It is a well-settled legal proposition that absence on medical grounds even without permission of the competent authority does not constitute gross misconduct entailing major penalty of dismissal from service. Reliance is placed on 2008 SCMR 214. The inquiry officer was supposed to take a lenient view, instead he recommended him for major punishment, which appears to be harsh. Competent authority had jurisdiction to award any of the punishments mentioned in law to the government employee but for the purpose of safe administration of justice such punishment should be awarded which commensurate with the magnitude of the guilt, Otherwise the law dealing with the subject would lose its efficacy. Reliance is placed on 2006 SCMR 1120.


06. We are also mindful of the question of limitation, as the appellant filed revision petition with a considerable delay, but Rule 16:32 of Police Rules, 1934 provides that official whose appeal has been rejected may appeal authority next above prescribed appellate authority for revision, hence appellant was entitled to file revision petition before IGP, which was filed under the rule—it would be in consonance with object of the Act to give extended meaning to the word appeal

or representation to include revision as prescribed under applicable rules—on such interpretation, period of limitation in this case should be calculated from date on which revision application was dismissed and in such a situation, his appeal cannot be considered as barred by time. Reliance is placed on PLJ 1996 SC 208. Moreover case of the appellant otherwise is strong on merit, which cannot be ignored based on limitation.

07. We are of the considered opinion that the appellant has not been treated in accordance with law, as his absence was not intentional and the allegation of his absence were not so grave as to propose major punishment of removal from service, hence taking a lenient view, we are inclined to accept the instant appeal. The appellant is re-instated in service and the impugned orders are set aside. The intervening period is treated as leave without pay. Respondents however, are at liberty to conduct inquiry, if they so desire. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED
21.01.2022


(AHMAD SULTAN TAREEN)
CHAIRMAN


(ATIQ-UR-REHMAN WAZIR)
MEMBER (E)

ORDER

21.01.2022

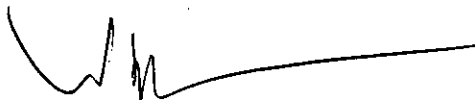
Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for respondent present. Arguments heard and record perused.

Vide our detailed judgment of today, separately placed on file, we are inclined to accept the instant appeal. The appellant is re-instated in service and the impugned orders are set aside. The intervening period is treated as leave without pay. Respondents however, are at liberty to conduct inquiry, if they so desire. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED

21.01.2022


(AHMAD SULTAN TAREEN)
CHAIRMAN


(ATIQ-UR-REHMAN WAZIR)
MEMBER (E)

13.07.2021

None for the appellant and Mr. Javed Ullah, Assistant Advocate General for respondents present.

Due to general strike of the Peshawar Bar Association, the case is adjourned to 24.11.2021 for the same before D.B.



(Rozina Rehman)
Member (Judicial)



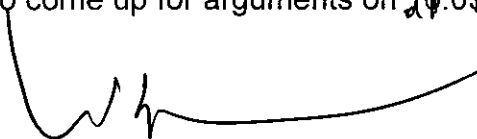
Chairman

24.11.2021

Learned counsel for the appellant present.

Mr. Kabirullah Khattak, Additional Advocate General for respondents present.

Learned counsel for the appellant requested for adjournment as the appellant is not present before the Tribunal. Adjourned with direction to make sure the presence of his client. To come up for arguments on ~~20.03~~ 20.03.2022 before D.B.



(Atiq ur Rehman Wazir)
Member (E)



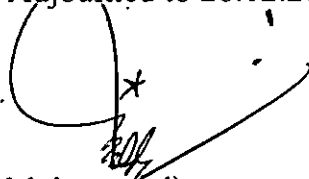
(Rozina Rehman)
Member (J)

15.10.2020

Counsel for the appellant is present. Mr. Usman Ghani, District Attorney alongwith Mr. Jamshaid Khan, SI for respondents is present.

Request for adjournment was made on behalf of the learned counsel for the appellant as he has not prepared the brief. Request is acceded to and the appeal is adjourned.

Adjourned to 28.12.2020 for arguments before D.B.



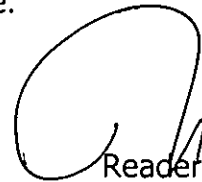
(Mian Muhammad)
Member (E)



(Rozina Rehman)
Member(J)

28.12.2020

Due to summer vacation, case is adjourned to 30.03.2021 for the same as before.



Reader

30.03.2021

Nemo for appellant.

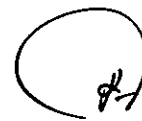
Kabir Ullah Khattak learned Additional Advocate General alongwith Jamshed Khan A.S.I for respondents present.

Preceding date was adjourned on a Reader's note, therefore, appellant/counsel be put on notice for 13/07/2021 for arguments before D.B.

Noted
11/11



(Atiq ur Rehman Wazir)
Member (E)



(Rozina Rehman)
Member (J)

26.02.2020

Appellant in person present.

Khan Baz H.C representative of the respondent department present. Proper D.B is not available as learned Member Executive (Mr. Mian Muhammad) is on tour to Camp Court, D.I.Khan. Adjourn. To come up for further proceedings/order before proper bench on 10.03.2020.


Member


Member

10.03.2020

Learned counsel for the appellant present. Mr. Usman Ghani learned District Attorney for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourn. To come up for arguments ~~23.04.2020~~ before D.B.


Member


Member

23.04.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 04.08.2020 before D.B.


Reader

04.08.2020

Due to summer vacation case to come up for the same on 15.10.2020 before D.B.


Reader

01.01.2020

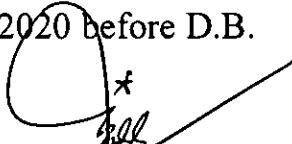
No present on behalf of the appellant. Mr. Riaz Painadkhel learned Assistant Advocate General alongwith Mr. Khan Baz Head Constable for the respondents present. Notice be issued to the appellant and his counsel for attendance. Adjourned. To come up for further proceedings on 13.02.2020 before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

13.02.2020

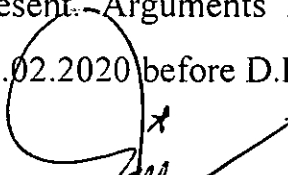
Learned counsel for the appellant present. Mr. Kabir Ullah Khattak learned Additional Advocate General present. Learned counsel for the appellant seeks adjournment. Adjourned To come up for arguments on 17.02.2020 before D.B.


Member


Member

17.02.2020


Learned counsel for the appellant and Mr. Kabir Ullah Khattak learned Additional Advocate General present. Arguments heard. To come up for order on 26.02.2020 before D.B.



Member


Member

16.07.2019

Junior to counsel for the appellant and Mr. Riaz Khan Paindakhel learned Assistant Advocate General for the respondents present. Junior to counsel for the appellant requested for adjournment as senior counsel for the appellant is not in attendance. Adjourned. To come up for arguments on 06.09.2019 before D.B

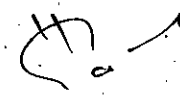

(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

06.09.2019

Junior to counsel for the appellant present. Mr. Zia Ullah learned Deputy District Attorney alongwith Mr. Jamshaid ASI for the respondents present. Junior to counsel for the appellant submitted application for adjournment as senior counsel for the appellant is busy before Hon'ble Peshawar High Court. Last opportunity is granted. Adjourned. To come up for arguments on 15.11.2019 before D.B.


(Ahmed Hassan)
Member


(M Hamid Mughal)
Member

15.11.2019

Learned counsel for the appellant present. Mr. Kabirullah Khattak learned Additional Advocate General for the respondent present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for further proceedings on 01.01.2020 before D.B.


Member



Member

13.02.2019

Counsel for the appellant and Addl. AG for the respondents present.


Learned counsel for the appellant requests for adjournment due to over occupation before the Honourable High Court. Adjourned to 30.04.2019 before the D.B.


Member


Chairman

30.04.2019

Junior to counsel for the appellant and Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Jamshed SI present. Junior to counsel for the appellant seeks adjournment as senior counsel for the appellant is not in attendance. Adjourn. To come up for arguments on 16.07.2019 before D.B.


Member



Member

30.04.2019

Junior to counsel for the appellant and Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Jamshed SI present. Junior to counsel for the appellant seeks adjournment

26.09.2018

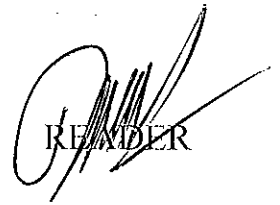
Counsel for the appellant present. Mr. Kabirullah Khattak, Addl: AG for respondents present. Counsel for the appellant seeks adjournment. Granted. Case to come up for arguments on 05.11.2018 before D.B.


(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

05.11.2018

Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 27.12.2018.


READER

27.12.2018

Nemo for appellant. Mr. Muhammad Jan, Deputy District Attorney alongwith Jamshed Khan, ASI for the respondents present.

On the last date the matter was adjourned through a Reader Note, therefore, notice to appellant/counsel shall be issued for 13.02.2019.

To come up for arguments before the D.B on the next date.


Member


Chairman

Notice
7/1/2019

09.04.2018

Counsel for the appellant and Addl: AG alongwith Mr. Younas Khan, SI for respondents present. Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 11.06.2018 before D.B.

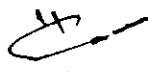

(Ahmad Hassan)
Member


(M. Hamid Mughal)
Member

08.06.2018

Counsel for the appellant present. Mr. Ziaullah, Deputy District Attorney alongwith Mr. Younas Khan, ASI for respondents present. Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 02.08.2018 before D.B

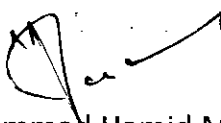

(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member

02.08.2018


Learned counsel for the appellant and Mr. Zia Ullah learned Deputy District Attorney present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 26.09.2018 before D.B.


(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member

30.05.2017

Clerk of the counsel for appellant present. Mr. Safeeullah, Head Constable alongwith Mr. Muhammad Jan, Deputy District Attorney for the respondents also present. Due to strike of the bar learned counsel for the appellant is not in attendance. Adjourned. To come up for arguments on 19.09.2017 before D.B.


(GUL ZEB KHAN)
MEMBER


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

19.09.2017

Counsel for the appellant present. Learned District Attorney for the respondents present. Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 11.12.2017 before D.B.


Member
(Executive)


(Member
(Judicial)

11.12.2017

Counsel for the appellant and Addl. AG for the respondents present. Counsel for the appellant seeks adjournment. To come up for arguments on 13.02.2018 before D.B. Zafar SI (Legal) also present.



Member


Chairman

13.02.2018

Clerk to counsel for the appellant and Mr. Kabir Ullah Khattak, Learned Additional Advocate General alongwith Mr. Safeer Ullah H.C for the respondents present. Due to general strike of the bar, the case is adjourned. To come up for arguments on 09.04.2018 before D.B.


(Ahmad Hassan)
MEMBER


(Muhammad Hamid Mughal)
MEMBER

14.07.2016

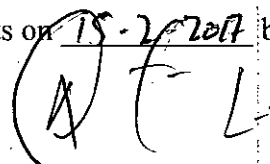
Clerk to counsel for the appellant and Mr. Safirullah, Naib Court
alongwith Mr. Muhammad Jan, GP for the respondents present.
Rejoinder submitted, copy whereof handed over to learned GP. To
come up for arguments on 25.11.16 before D.B.


MEMBER


MEMBER

25.11.2016

Counsel for the appellant and Mr. Ihsanullah, ASI alongwith Mr.
Muhammad Jan, GP for the respondents present. Learned counsel for the
appellant requested for adjournment. Request accepted. To come up for
arguments on 15.2.2017 before D.B.


(ABDUL-LATIF)
MEMBER


(MUHAMMAD AAMIR NAZIR)
MEMBER

15.02.2017

Counsel for the appellant and Mr. Muhammad Jan,
GP alongwith Safeer Ullah, SI for respondents presents.
Learned counsel for the appellant requested that they intend
to file application for condonation of delay and sought
adjournment on this ground. Request accepted. They are
allowed to file application for condonation of delay which
will be decided after issuance of proper notice to
respondents. They can file application on or before the date
fixed. To come up for arguments on 30.05.2017 before
D.B.


(AHMAD HASSAN)
MEMBER


(ASHFAQ TAJ)
MEMBER

13.10.2015

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was serving as Constable when subjected to inquiry on the allegations of wilful absence for one day and dismissed from service vide impugned order dated 8.10.2011 regarding which departmental appeal was preferred on 18.10.2011 which was rejected on 10.12.2011 where-after mercy petition was preferred by the wife of the appellant on 17.07.2015 and hence the instant service appeal on 1.10.2015.

That the impugned order is void ab-initio as the prescribed procedure for inquiry was not followed.

Points urged need consideration. Admit, subject to limitation. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 25.01.2016 before S.B.

Appellant Deposited
Security & Process Fee



21-01-21


Chairman

25.1.2016

Counsel for the appellant and Addl: A.G for respondents present. Requested for adjournment. To come up for written reply/comments on 29.3.2016 before S.B.


Chairman

29.03.2016

Counsel for the appellant and Mr. Younas Khan, ASI alongwith Assistant A.G for respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing for 14.7.2016.




Chairman

FORM-A

FORM OF ORDER SHEET

Court _____

Case No. 1100/2015

	Date of order/ proceedings	Order or other proceedings with signature of Judge/ Magistrate
1	2	3
1.	8.10.2015	<p>The appeal of Mr. Rasool Zaman resubmitted to-day by Mr.Saadullah Khan Marwat, advocate, may be entered in the institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;">  REGISTRAR- </p> <p>This case be put up before the S.B for preliminary hearing on <u>13-10-15</u>.</p> <p style="text-align: right;">  CHAIRMAN </p>

The appeal of Mr. Rasool Zaman son of Akbar Zaman, R/O Ghorio Wala, Bannu, Ex-Constable No. 1923 Emergency Platoon Police Line, Peshawar received to-day i.e. on 01.10.2015 is incomplete on the following score which is returned to his counsel for completion and resubmission within 15 days.

1. Copy of enquiry report has not been attached with the appeal which may be placed on file.
2. Reply to show cause notice has not been attached with the appeal despite being mentioned in the index of appeal as page-8. The same may be placed on file.

No. 1577 /ST,

Dated 2/10 /2015


REGISTRAR
KPK SERVICE TRIBUNAL,
PESHAWAR.

Mr. Saadullah Khan Marwat, Advocate.

Sir
Enquiry is conducted by respondents without associating appellant with the same, so enquiry report is not available. As far as reply to the S.C. notice is concerned, the same is with the dept which shall be requisitioned through the order/direction to place the same on record. Or as & when the same come to the hand of appellant, the same shall be placed on file.

Resulting of the case be laid before the Court/Tribunal for further hearing.
By

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

S.A No. 1100 /2015


Rasool Zaman Versus Superintendent & others

I N D E X

S.#	Description of Documents	Annex	Page
1.	Memo of Appeal		1-3
2.	Charge Sheet, 27.07.2011	"A"	4-5
3.	Reply to Charge Sheet, 15.08.2011	"B"	6
4.	Final Show Cause Notice, 20.09.11	"C"	7
5.	Reply to Final Show Cause,	"D"	8
6.	Removal Order, 08.10.2011	"E"	9
7.	Representation, 18.10.2011	"F"	10
8.	Rejection, 10.12.2011	"G"	11
9.	Mercy Petition, 17.07.2015	"H"	12
10.	Forwarding Letter, 21.08.2015	"I"	13
11.	Rejection Order, 28.08.2015	"J"	14

Dated: 30.09.2015

Through

Appellant

(Saadullah Khan Marwat)
Advocate
21-A Nasir Mension,
Shoba Bazar, Peshawar.
Ph: 0300-5872676
0311-9266609

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWARS.A No. 1100 /2015A.W.P. Province
Service Tribunal
Diary No. 1129
Dated 1-10-15

Rasool Zaman S/o Akbar Zaman,
R/o Ghori Wala, Bannu, Ex-C. No. 1923,
Emergency Platoon, Police Line, Peshawar. Appellant

Versus

1. Superintendent of Police, FRP, Bannu.
2. Additional Inspector General of Police
FRP, KP, Peshawar.
3. Commandant, FRP, KP, Peshawar. Respondents

⇔<=>⇔<=>⇔<=>⇔<=>⇔

**APPEAL U/S 4 OF THE SERVICE TRIBUNAL
ACT, 1974 AGAINST OB NO. 661, DATED
08.10.2011 OF R. NO. 1 WHEREBY APPELLANT
WAS REMOVED FROM SERVICE OR OFFICE
ORDER NO. 8491-92/EC, DATED 10.12.2011
OF R. NO. 2 WHEREBY REPRESENTATION OF
APPELLANT WAS REJECTED FOR NO LEGAL
REASON.**

⇔<=>⇔<=>⇔<=>⇔<=>⇔

Respectfully Sheweth:

1. That appellant was appointed as constable on 15.07.2007 and was serving the department to the best of his ability and to the entire satisfaction of superiors
2. That on 27.07.2011, appellant was served with charge sheet and statement of allegation to the effect that he absented himself from duty on 05.05.2011 which was replied on 15.08.2011 by denying the allegation as his

Filed to day
11/10/15
Re-submitted
8/10/15
to day.

brother namely, Noor Zaman, was suddenly died due to Heart Attack, being employee of WAPDA. (Copies as annex "A" & "B")

3. That perhaps enquiry in to the matter was initiated but appellant was not associated with the same and after submitting so called report to the authority, he was served with final show cause notice on 20.09.2011 which was also replied by denying the allegations. (Copies as annex "C" & "D")
4. That on 08.10.2011, appellant was removed from service with immediate effect by R. No. 3. (Copy as annex "E")
5. That on 18.10.2011, appellant submitted representation before R. No. 2 for reinstatement in service which was rejected on 10.12.2011. (Copies as annex "F" & "G")
6. That on 17.07.2015, appellant submitted mercy petition before R. No. 3 with covering letter dated 21.08.2015 to reinstate him service but the same was returned to the office of R. No. 1 vide order dated 28.08.2015. This order was received from the office on 04.09.2015. (Copies as annex "H", "I" & "J")

Hence this appeal, inter alia, on the following grounds:-

GROUND S :

- a. That from the reply of the charge sheet as well as of the final show cause notice, it was quite apparent, that appellant did not absent from service willfully but his brother was died suddenly.
- b. That as and when appellant reported back for duty to the authority, then there was no justification to penalize him by keeping in view the aforesaid death of his brother.
- c. That enquiry in to the matter was not conducted as per the mandate of enquiry procedure as no statement of any

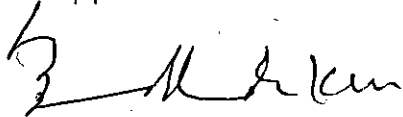
witness(s) was recorded in presence of appellant nor he was afforded opportunity of cross examination.

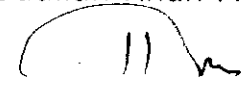
- d. That no copy of enquiry report was attached with the final show cause notice to enable appellant to submit proper reply to the same.
- e. That absence, if not willful, does not constitute misconduct and on this score alone, no one can be expelled from service.
- f. That order of the appellate authority is also against the law, so proceedings and impugned orders were based on malafide and were ab-initio-void.

It is, therefore, most humbly prayed that on acceptance of the appeal, the impugned order dated 08.10.2011 or 10.12.2011 of the respondents be set aside and appellant be reinstated in service with all back benefits, with such other relief as may be deemed proper and just in circumstances of the case.

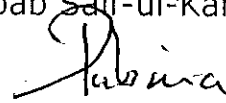

Appellant

Through


Saadullah Khan Marwat


Arbab Saif-ul-Kamal

&


Miss Robina Naz,
Advocates.

Dated: 30.09.2015

A

4

27-7-11

CHARGE SHEET

I, FARID ULLAH KHAN, Superintendent of Police FRP, Bannu Range Bannu, as competent authority charge you, Constable Constable Rasool Zaman No.1923 for the allegations stated in the attached statements of allegations.

- i. By reasons of the above, you appear to be guilty of mis-conduct under section 3 of the KPK, (Removal from Service) Special Powers Ord. 2000, and have rendered yourself liable to all or any of the penalties specified in section 3 of the Ordinance ibid.
- ii. You are, therefore, required to submit your written defense within seven days of the receipt of this charge sheet to the Enquiry Officer, as the case may be.
- iii. Your written defense, if any, should reach the Enquiry Officer within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall follow against you.
- iv. Intimate whether you desire to be heard in person.
- v. A statement of allegations is enclosed.


Superintendent of Police
FRP, Bannu

27/7/11

Accepted
by


5

4-8-11

DISCIPLINARY ACTION

I, FARID ULLAH KHAN, Superintendent of Police, FRP Bannu Range

Bannu as competent authority, am of the opinion that Constable Rasool Zaman No.1923
has rendered himself liable to be proceeded against as he committed the following mis-
conduct within the meaning of section 3 of the KPK, Removal from service (Special
Powers) ordinance, 2000.

STATEMENT OF ALLEGATIONS

That you Constable Rasool Zaman No.1923 absented yourself from Govt.
duty vide DD No.20 dated 05-05-2011 without any leave or prior permission of the
competent authority.

For the purpose of scrutinizing the conduct of the said accused with
reference to the above allegations SI/PC Syed Rasool Khan is appointed as Enquiry
Officer under section 5 of the said Ordinance.

The Enquiry Officer shall, in accordance with the provision of the
ordinance, provide reasonable opportunity of hearing to the accused, record its findings
and make within 25 days of the receipt of this order, recommendations as to punishments
or other appropriate action against the accused.

The accused and well conversant representative of the department shall join
the proceedings on the dated, time and place fixed by the Enquiry Officer.

No 1661-62

dt: 04-08-2011

Copy of above to:-

- 1- SI/PC Syed Rasool Khan for initiating proceedings against the accused under the provision of the KPK,
Removal from Service (S.P) Ordinance, 2000.
- 2- The Concerned Constable with the directions to appear before the Enquiry Officer, on the date, time & place
fixed by the Enquiry Officer, for the purpose of the Enquiry proceeding.

Superintendent of Police
FRP, Bannu

Superintendent of Police
FRP, Bannu

Attested
by

C

7

20-9-11

FINAL SHOW CAUSE

I, FARID ULLAH KHAN, Superintendent of Police, FRP Bannu
Range Bannu as competent authority, under the KPK Removal from Service
(Special Powers) Ordinance 2000, do hereby serve upon you this Final Show
Cause Notice, Constable Rasool Zaman No.1923 as follow.

- (i) That consequent upon the completion of inquiry conducted against you by an Enquiry Officer for which you were given opportunity of hearing.
- (ii) On going through the findings and recommendations of the Enquiry Officer and the material on record and other connected papers including your defense before the said Enquiry Officer.

I am satisfied that you have committed the following acts/omissions specified in section 3 of the said Ordinance.

1) That you Constable Rasool Zaman No.1923 absented yourself from Govt: duty vide DD No.20 dated 05-05-2011 without any leave/permission of the competent authority.

2- As a result thereof, I, FARID ULLAH KHAN, Superintendent of Police, FRP Bannu Range Bannu as competent authority have tentatively decided to impose upon you the penalty of minor/ major punishment under section 3 of the said Ordinance.

3- You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you.

4- If no reply to this notice is received within seven days of the receipt of this final show cause notice, in the normal course of circumstances, it shall be presumed that you have no defense to put in and in that case an ex-parte action shall be taken against you.

5- The copy of the findings of the Enquiry Officer is enclosed.

No: 1925-46

dt 20-9-11

Rasool

21/9/11

sk
in Rasool's
file

Superintendent of Police
FRP, Bannu

Attorney

Ly

E

9

8-10-11

ORDER:-


My this order shall dispose off the inquiry proceedings pending against **Constable Rasool Zaman No. 1923/FRP.**

The accused official remained absent from duty for a long period of 92 days vide daily diary report No. 20 dated 05-05-2011 & daily diary No. 12 dated 12-08-2011 till date. He was charge sheeted and enquiry officer was directed to probe in the matter who in his final finding dated 29-08-2011 recommended the accused official for a major punishment. He was also heard in person but in no way satisfied the undersigned. Final Show Cause Notice was issued but with no reply.

Keeping in view the above said facts, **I, Aman Ullah Khan,** Superintendent of Police/FRP, Bannu, do hereby removed the accused official, named above, from service with immediate effect.

OB No. 661

Dated 08 /10/2011.


**Superintendent of Police,
FRP, Bannu.**

Copies to all concerned for completion of record.

AH-see-er
ky

18-10-11

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بخدمت جناب اے۔ ائی۔ جی کمانڈنٹ ایف اری پی صوبہ خیبر پختون خواہ پشاور

جناب عالی!

عنوان:- رحم درخواست برائے دوبارہ بحالی سروس

گزارش کی جاتی ہے۔ کہ من سائل بوجہ غیر حاضری جملہ ایف اری پی پولیس سے بخوالہ OBNO:661 Date 08-10-2011 پر نوکری سے برخاست کیا گیا ہے۔ من سائل نہایت ہی غریب اور شریف خاندان سے تعلق رکھتا ہے۔ لہذا آپ صاحبان سے بذریعہ درخواست استدعا کی جاتی ہے۔ کہ من سائل کو دوبارہ سروس پر بحال کرنے کے احکامات صادر فرمادیں۔

عین نوازش ہوگی۔

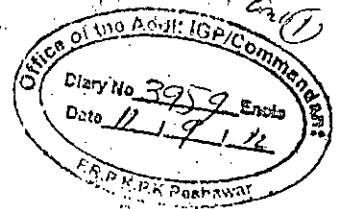
مورخہ:- 18-10-2011

العارض

سائل ایکس کنشیل رسول زمان 1923 سکڑہ غور پوالہ حاص تھانہ غور پوالہ ضلع بنوں

Rasool

Attended
by



G

11

10-12-11

ORDER.

This order shall dispose off on the appeal of Ex-Constable Rasool Zaman No. 1923 of FRP Bannu against the order of SP FRP Bannu Range wherein he was removed from service.

Brief facts of the case are that he absented himself from duty w/o permission of the competent authority. He was issued charge sheet/statement of allegation and SI/PC Syed Rasool Khan of FRP Bannu Range was appointed as Enquiry Officer. After enquiry the EO submitted findings wherein he recommended the defaulter for major punishment. He was issued Final Show cause notice but could bother to reply. He was also heard in person but his reply found not satisfactory. Therefore he was removed from service by SP FRP Bannu Range vide his OB No. 651 dated 08.10.2011.

However from the perusal of record and finding of enquiry officers there are no cogent reason to interfere in the order of SP FRP Bannu Range. Therefore his appeal is rejected.

Add: IGP/Commandant
Frontier Reserve Police
Khyber Pakhtunkhwa Peshawar.

No. 8491-92 A.C. dated Peshawar the

16/12/2011

10-12-2011

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

1. SP FRP Bannu Range w/r to his Memo: No. 2540 dated 02.11.2011. Service record and departmental enquiry file are returned.
2. Ex-Constable Rasool Zaman No. 1923 S/o Akber Zaman village Chhorival District Bannu.

Attended
by

گھنٹور انور جناب کما ٹیٹ صاحب فریڈم فائر ڈیپارٹمنٹ پولیس چیف، چھوٹا خواہ پشاور

عنوان :- من سا ملکہ کے خاوند سابقہ کنسٹیبل رسول زمان نمبر 1923/FRP کو پولیس سروس میں

بجالی کیلئے رحم درخواست

جناب والا نشان!

نہایت ہی عاجزانہ اور مودبانہ گزارش کرتی ہوں۔ کہ من سا ملکہ کا خاوند سابقہ کنسٹیبل رسول زمان نمبر 1923 محکمہ پولیس FRP بنوں میں مورخہ 15-07-2007 کو بھرتی ہوا تھا۔ اور دوران برخواستگی ایمر جنسی پلاٹون نمبر 121 پشاور میں تعینات تھا۔

اس دوران من سا ملکہ کا خاوند سابقہ کنسٹیبل رسول زمان نمبر 1923 ایک ہفتہ رخصتِ اتفاقیہ پر گھر آیا تھا۔ مگر اس کی رخصتِ اتفاقیہ کو ختم ہونے کو صرف ایک دن بقایا تھا۔ کہ اس کا بڑا بھائی نور زمان جو کہ محکمہ واپڈا (پیسکو) میں ملازم تھا۔ حرکت قلب بند ہونے کی وجہ سے بقضائے الہی فوت ہو گیا۔ چونکہ من سا ملکہ کے خاوند کے بڑے بھائی کی وفات ناگہانی تھا۔ اور دیگر اس کا کوئی بڑا بھائی یا سرپرست بھی نہ تھا۔ علاوہ ازیں من سا ملکہ کے خود (06) عدد چھوٹے بچے ہیں۔ اور اس کے مرحوم بھائی کے بھی (05) عدد چھوٹے چھوٹے معصوم بچے یتیم رہ گئے۔ بدیں وجہ میرا خاوند ذہنی مریض بن گیا۔ اور ہر وقت ٹینشن اور پریشانیوں میں مبتلا رہا۔ اس وجہ سے میرا خاوند کچھ عرصہ کیلئے غیر حاضر رہ کر اپنی جائے تعیناتی پر اپنی حاضری کی رپورٹ نہ کر سکا۔ جسکی وجہ سے من سا ملکہ کے خاوند کو بحوالہ آرڈر بک نمبر 661 مورخہ 08-10-2011 بمقام جناب SP صاحب FRP بنوں ریجن نے محکمہ پولیس سے (Removed) کر دیا گیا۔ (آرڈر کی نقل کاپی ہمراہ لف درخواست ہے)۔

چونکہ آجنگاب نے دوران حالیہ پولیس دربار منعقدہ 30 جون 2015ء بمقام پولیس لائن (II) بنوں یہ فرمایا تھا۔ کہ جس کسی کو کسی قسم کی کوئی تکلیف ہو وہ آجنگاب کو کسی بھی وقت اپنی تکلیف اور رواد بندر لیکر درخواست یا SMS ارسال کر سکتے ہیں۔

لہذا! نہایت ہی مالی مشکلات سے دوچار ایک بے بس اور لاچار سا ملکہ ایک دفعہ پھر آجنگاب کی خدمت میں عرض گزارش کرتی ہوں کہ میرے چھوٹے چھوٹے معصوم (06) بچوں پر رحم فرما کر میرے خاوند سابقہ کنسٹیبل رسول زمان نمبر 1923 کو سروس میں بحال کر دیں۔ جس نیکی کیلئے من سا ملکہ۔ میرا خاوند اور میرے چھوٹے چھوٹے معصوم بچے تاحیات دعائیں دیتے رہیں گے۔

آپ کا خیر اندیش

مورخہ: 17-07-2015

العارضہ

مسماة آسمینہ بی بی زوجہ سابقہ کنسٹیبل رسول زمان نمبر 1923/FRP سکنہ وڈا کخانہ غوریوالہ تحصیل و ضلع بنوں۔

Attested
by

13

21-8-15

From The Superintendent of Police,
FRP, Bannu.
To The Commandant FRP,
Khyber Pakhtunkhwa, Peshawar.

No. 3012 / Dated FRP Bannu, the 21 / 08 / 2015.


Subject: - APPEAL FOR RE-INSTATEMENT IN SERVICE

Memo:

Kindly refer to your good office Memo No.6660/EC dated 12-08-2015 on the subject matter.

Attached comments on separate sheet in respect of Ex-Constable Rasool Zaman No.1923/FRP, are submitted herewith for your good self perusal and onward order as desired, please.

Moreover his service record along with complete departmental enquiry file is also submitted for disposal of his appeal.


Superintendent of Police,
FRP, Bannu
Superintendent Of Police
FRP/ Bannu

Attended
by

2-8-8-15

P-16 ✓

Uro/US/1

From: - The Commandant,
Frontier Reserve Police
Khyber Pakhtunkhwa, Peshawar.

To: - The Superintendent of Police FRP,
Bannu Range, Bannu.

No. 7204 /EC, dated Peshawar the, 28/08 /2015.

Subject: - SERVICE RECORD.


Memo: -

The service record in r/o Ex-Constable Rasool Zaman No.1923 of
your Range is returned herewith which should be acknowledged.

The individual has submitted 2nd appeal.

E
S/Record d

o/c


Office Supdt:
For Commandant
Frontier Reserve Police
Khyber Pakhtunkhwa Peshawar

Attended
by

14

51

بعدالت جناب سرور میں ٹریبونل صوبہ سرحد پشاور

منجانب اسٹارٹ

رسول زمان بنام سٹارٹ

دعویٰ اسلئے

باعثِ تحریرہ اینکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن مقام پشاور کیلئے سعد اللہ خان مروت سے ایڈووکیٹ ہائی کورٹ کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا نیز وکیل صاحب کو کرنے رضی نامہ و تقریر ثالث و فیصلہ برحلف دینے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ اور عرضی دعویٰ اور درخواست بر قسم کی تصدیق اور اس 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 اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنی بجائے تقریر کا اختیار ہوگا اور صاحب مقدمہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ پرواختہ منظور قبول ہوگا و دوران مقدمہ میں جو خرچہ و ہرجانہ التواء مقدمہ کے سبب سے ہوگا اس کے مستحق وکیل صاحب موصوف ہوں گے نیز بقایا و خرچہ کی وصولی کرنے کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکور کریں۔

لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

المرقوم 29/9/2015

العبد

العبد

العبد

ارباب سنیہ کمال

سعد اللہ خان مروت
ایڈووکیٹ

Rasool Zaman

Pubina
من روہنہ نماز

ریڈر کیشن

ایڈووکیٹ

Handwritten signature

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR
Appeal No. 1100/2015.

Rasool Zaman s/o Akbar Zaman,
R/o Ghoriwala Bannu
Ex- Constable No.1923/FRP Bannu

(Appellant)

VERSUS

- 1) Superintendent of Police, FRP, Bannu.
- 2) Inspector General of Police, KPK, Peshawar
- 3) Commandant, FRP, KPK, Peshawar.

(Respondents)

REPLY BY RESPONDENT NO. 1,2 & 3

Respectfully Sheweth:

PRELIMINARY OBJECTIONS

- 1) That the appeal of appellant is not maintainable under the law and rules.
- 2) That the appellant has concealed the actual facts from the Honorable Tribunal.
- 3) That the appeal of appellant is time-barred.
- 4) That the appellant has approached the Honorable Tribunal with unclean hands.
- 5) That the appellant is estopped to file the appeal due to his own conduct.
- 6) That the appeal is bad due to Non-joinder and mis-joinder of un-necessary party.

OBJECTIONS ON FACTS

1. Correct to the extent that appellant was enlisted as Constable on 15-07-2007.
2. Correct to the extent appellant deliberately absented himself from lawful duty vide daily diary No.20 dated 05-05-2011 to 08-08-2011 for the sufficient long period of (92) days without any lawful permission or justification. After the above prolong absence appellant was again marked absent from duty vide daily diary No.12 dated 12-08-2011 till the date of removal from service vide order book No.661 dated 08-10-2011. A charge sheet No.1661-62 based on summary of allegation was issued on 04-08-2011, which was properly delivered upon him on 08-08-2011, also bearing his signature on the duplicate copy. Appellant replied to the charge sheet on 15-08-2011 and took the plea of sudden death of his brother due to heart attack, which was perused and examined by the competent authority, but the reply of appellant was not based on cogent reasons, found unsatisfactory. (Copy of charge sheet as Annex "A" and Enquiry Report is "B")

3. Incorrect: Mr. Syed Rasool Khan SI/PC FRP, Bannu was nominated as an Enquiry officer by the competent authority with the directions to make proper probe into the allegation leveled against the appellant. Accordingly enquiry officer conducted discreet inquiry regarding the appellant and submitted findings report dated 29-08-2011, wherein appellant was reported to have willful and habitual absentee, malingering type official rendered guilty of the charges, finally recommended for imposition of Major Punishment under the Law/Rules. Based on recommendations of the Enquiry Officer, Final Show Cause Notice of Major Punishment including dismissal was issued vide No.1945-46 dated 20-09-2011, which was also served upon him on 21-09-2011. Appellant was time and again summoned to appear before the enquiry officer, but he didn't bother to make arrival back to duty, even with no reply to the said notice within stipulated period.
(Copy of Final Show Cause notice as Annex "C")
4. Correct to the extent that detail inquiry into the charges leveled against the appellant was conducted by Enquiry Officer FRP Bannu on the direction of SP/FRP Bannu (Respondent No.1) & appellant was afforded full opportunity of self defense and after observing all legal / codal formalities he was awarded Major Punishment i.e. Removal from service vide OB No.661 dated 08-10-2011.
5. Correct to the extent that after removal from service appellant submitted appeal / representation before the (Respondent No.3) Commandant FRP Khyber Pakhtunkhwa, Peshawar which was perused and examined by the high ups, consequently his appeal for re-instatement in service was rejected vide his good office order Endst. No.8491-92/EC dated 16-12-2011. (Copy of rejection order as Annex "D")
6. Incorrect: After rejection of his appeal, appellant submitted mercy petition for re-instatement in service before Provincial Police Officer KPK Peshawar, which was perused and examined by the competent authority and the same was returned back with the remarks / conclusion which is reproduced below:-

"There is no provisions in the rules for second appeal, therefore the appeal of Ex-Constable Rasool Zaman 1923 of FRP Bannu has been examined and filed by the competent authority vide PPO KPK Peshawar Memo No.21773/E-II dated 15-11-2012".


Besides the above appeal, Mst. Asmina Bibi (Spouse of appellant) also submitted 2nd appeal before the Commandant FRP KPK Peshawar, which was also filed and returned back to R.No.1 (SP/FRP Bannu Range) vide Memo No.7204/EC dated 28-08-2015 with the remarks i.e. **"The individual has submitted 2nd appeal"**.

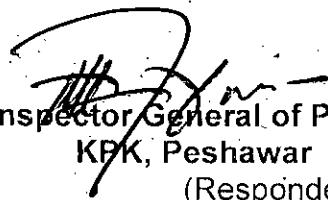
OBJECTION ON GROUNDS


- A. Incorrect: Appellant replied to the charge sheet and took the plea of sudden death of his brother, which was perused and examined by the enquiry officer. Enquiry Officer reported in his findings that the reply of appellant was self made up story and not based on cogent reasons. He was found willfully absent from duty without any leave/permission. As per inquiry he was responsible for the above misconduct / willful negligence, consequently Final Show Cause Notice of Major Punishment was issued, but with no reply to the said notice within stipulated period.
- B. In-correct: Appellant deliberately absented himself from duty without any lawful justification. He was time and again summoned to make arrival back to duty, but in spite of repeated directions from the superiors he did not bother to make arrival, even with no reply to the final show cause notice within stipulated period.
- C. In-correct: Incorrect full flag Enquiry was conducted against the accused official. Accused official was found absent from duty on 05-05-2011 vide Daily Dairy mad No. 20 to 08-08-2011 vide DD No.13, for long period of (92) days & after it w.e.from 12-08-2011 vide DD No.12, which resulted in charge sheet and with Departmental proceedings. The very fact is clear from the record. The Service Record of the accused official also speaks that the accused official has habitual and willfully absentee and not interested in service though full opportunity of self defense was provided to the accused official during the Enquiry proceedings, but he / Appellant failed to satisfy his superiors, resultantly the order dated 10/05/2010.
- D. In-correct: - Enquiry officer in his findings report dated 29-08-2011, declared the appellant willful and habitual absentee, as well as no hope of his arrival back to duty was left, finally recommended for imposition of Major Punishment. On the basis of findings report he was issued Final Show Cause notice which was properly served upon him on 21-09-2011, also bearing his signature on duplicate copy. Appellant failed to submit his reply to the said notice within stipulated period. All the opportunities were afforded to the appellant by E.O during inquiry but he failed to explain his willful absence and finally removal order passed by the competent authority.
- E. In-correct: - Appellant failed to justify the prolonged absence during the enquiry proceedings. After through perusal of the reply of appellant it was found self made up story and not based on cogent reasons. He was found willfully absent from duty without any leave/permission. As per inquiry he was responsible for the above misconduct / willful negligence. (Copy of Final Report as Annex "E")
- F. In-correct: - The orders passed by the respondents were passed in accordance with law, facts and based on justice.

Prayer:

Keeping in view of the above facts and circumstances, it is humbly prayed that appeal of appellant, being not maintainable, may kindly be dismissed with costs.


Superintendent of Police,
FRP Bannu
(Respondent No.1)


Inspector General of Police
KPK, Peshawar
(Respondent No.2)


Commandant FRP,
KPK, Peshawar.
(Respondent No. 3)

(A)

10

CHARGE SHEET

I, FARID ULLAH KHAN, Superintendent of Police FRP, Bannu Range Bannu, as competent authority charge you Constable Constable Rasool Zaman No.1923 for the allegations stated in the attached statements of allegations.

- i. By reasons of the above, you appear to be guilty of mis-conduct under section 3 of the KPK, (Removal from Service) Special Powers Ord: 2000, and have rendered yourself liable to all or any of the penalties specified in section 3 of the Ordinance ibid.
- ii. You are, therefore, required to submit your written defense within **seven days** of the receipt of this charge sheet to the Enquiry Officer, as the case may be.
- iii. Your written defense, if any, should reach the Enquiry Officer within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall follow against you.
- iv. Intimate whether you desire to be heard in person.
- v. A statement of allegations is enclosed.

Rasool ویدہ
Rasool ویدہ
8-8-2011 جی

Farid Ullah Khan
 Superintendent of Police
 FRP, Bannu
 27/7

DISCIPLINARY ACTION

11

I, FARID ULLAH KHAN, Superintendent of Police, FRP Bannu Range Bannu as competent authority, am of the opinion that Constable Rasool Zaman No.1923 has rendered himself liable to be proceeded against as he committed the following misconduct within the meaning of section 3 of the KPK, Removal from service (Special Powers) ordinance, 2000.

STATEMENT OF ALLEGATIONS

That you Constable Rasool Zaman No.1923 absented yourself from Govt: duty vide DD No.20 dated 05-05-2011 without any leave or prior permission of the competent authority.

For the purpose of scrutinizing the conduct of the said accused with reference to the above allegations SI/PC Syed Rasool Khan is appointed as Enquiry Officer under section 5 of the said Ordinance.

The Enquiry Officer shall, in accordance with the provision of the ordinance, provide reasonable opportunity of hearing to the accused, record its findings and make within 25 days of the receipt of this order, recommendations as to punishments or other appropriate action against the accused.

The accused and well conversant representative of the department shall join the proceedings on the dated, time and place fixed by the Enquiry Officer.

No 2 1661-62
dt 2 04-08-2011

Superintendent of Police
FRP, Bannu

Copy of above to:-

- 1- SI/PC Syed Rasool Khan for initiating proceedings against the accused under the provision of the KPK, Removal from Service (S.P) Ordinance, 2000.
- 2- The Concerned Constable with the directions to appear before the Enquiry Officer, on the date, time & place fixed by the Enquiry Officer, for the purpose of the Enquiry proceeding.

M. Ullah
Superintendent of Police
FRP, Bannu

B/27/17

شکر اٹھوانی اور ہدف نیشنل رسول زمان 1923 جو کہ پوئیس لاد میں آئی
 سے ہر المہرہ 20 روزہ نامی 5 تا 5 نامہ 13 روزہ نامی 8 تا 8 نامہ 2 تا 9 نامہ
 غیر حاضر رہا۔ غیر حاضر رہا۔ غیر حاضر رہا۔ غیر حاضر رہا۔ غیر حاضر رہا۔
 اٹھوانی کا حکم جاری کیا گیا ہے۔ اٹھوانی کا حکم جاری کیا گیا ہے۔ اٹھوانی کا حکم جاری کیا گیا ہے۔
 مذکورہ پر تقسیم کیا گیا ہے۔ اٹھوانی کا حکم جاری کیا گیا ہے۔ اٹھوانی کا حکم جاری کیا گیا ہے۔
 آف اٹھوانی کا حکم جاری کیا گیا ہے۔ اٹھوانی کا حکم جاری کیا گیا ہے۔ اٹھوانی کا حکم جاری کیا گیا ہے۔
 پوئیس لاد میں F.R.P. میں پوئیس لاد میں پوئیس لاد میں پوئیس لاد میں پوئیس لاد میں
 جو کہ حکم جاری کیا گیا ہے۔ اٹھوانی کا حکم جاری کیا گیا ہے۔ اٹھوانی کا حکم جاری کیا گیا ہے۔
 مسائل کوئی بھی نہیں تھا۔ اٹھوانی کا حکم جاری کیا گیا ہے۔ اٹھوانی کا حکم جاری کیا گیا ہے۔
 مسئلہ حل کرنے کے لئے اور مسائل کے لئے اور مسائل کے لئے اور مسائل کے لئے اور مسائل کے لئے
 مسائل کوئی بھی نہیں تھا۔ اٹھوانی کا حکم جاری کیا گیا ہے۔ اٹھوانی کا حکم جاری کیا گیا ہے۔
 اصل تک جو کہ پوئیس لاد میں پوئیس لاد میں پوئیس لاد میں پوئیس لاد میں پوئیس لاد میں
 درج اور نامی تھا۔ اٹھوانی کا حکم جاری کیا گیا ہے۔ اٹھوانی کا حکم جاری کیا گیا ہے۔
 ہی لکھی گئی تھی۔ اٹھوانی کا حکم جاری کیا گیا ہے۔ اٹھوانی کا حکم جاری کیا گیا ہے۔
 میں لکھی گئی تھی۔ اٹھوانی کا حکم جاری کیا گیا ہے۔ اٹھوانی کا حکم جاری کیا گیا ہے۔
 ضابطہ عالی۔ اٹھوانی کا حکم جاری کیا گیا ہے۔ اٹھوانی کا حکم جاری کیا گیا ہے۔

نیشنل مذکورہ 7-7 کا حکم جاری کیا گیا ہے۔ اٹھوانی کا حکم جاری کیا گیا ہے۔
 7000 روپے نامی اور اٹھوانی کا حکم جاری کیا گیا ہے۔ اٹھوانی کا حکم جاری کیا گیا ہے۔
 110 روپے نامی اور اٹھوانی کا حکم جاری کیا گیا ہے۔ اٹھوانی کا حکم جاری کیا گیا ہے۔
 مسائل کوئی بھی نہیں تھا۔ اٹھوانی کا حکم جاری کیا گیا ہے۔ اٹھوانی کا حکم جاری کیا گیا ہے۔
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 مسائل کوئی بھی نہیں تھا۔ اٹھوانی کا حکم جاری کیا گیا ہے۔ اٹھوانی کا حکم جاری کیا گیا ہے۔
 مسائل کوئی بھی نہیں تھا۔ اٹھوانی کا حکم جاری کیا گیا ہے۔ اٹھوانی کا حکم جاری کیا گیا ہے۔

مجلس ارباب علم و ادب انجمن ارباب علم و ادب - انجمن ارباب علم و ادب

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50.5/100

29-8-011

Case final show case

Am
SP- FRP
16-09-2011

FINAL SHOW CAUSE

3

I, FARID ULLAH KHAN, Superintendent of Police, FRP Bannu Bannu as competent authority, under the KPK Removal from Service (Special Powers) Ordinance 2000, do hereby serve upon you this Final Show Cause Notice, Constable Rasool Zaman No.1923 as follow.

- (i) That consequent upon the completion of inquiry conducted against you by an Enquiry Officer for which you were given opportunity of hearing.
- (ii) On going through the findings and recommendations of the Enquiry Officer and the material on record and other connected papers including your defense before the said Enquiry Officer.

I am satisfied that you have committed the following acts/omissions specified in section 3 of the said Ordinance.

1) That you Constable Rasool Zaman No.1923 absented yourself from Govt. duty vide DD No.20 dated 05-05-2011 without any leave/permission from competent authority.

2- As a result thereof, I, FARID ULLAH KHAN Superintendent of Police, FRP Bannu Range Bannu as competent authority have tentatively decided to impose upon you the penalty of minor/ major punishment under section 3 of the said Ordinance.

You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you.

If no reply to this notice is received within seven days of the receipt of this final show cause notice, in the normal course of circumstances, it shall be presumed that you have no defense to put in and in that case an ex-parte action will be taken against you.

The copy of the findings of the Enquiry Officer is enclosed.

No: 1945-46

dt 20-9-11

Rasool

21/9/11

[Signature]
Superintendent of Police
FRP, Bannu

[Signature]

[Signature]

ORDER

This order shall dispose off on the appeal of Ex-Constable Rasool Zaman No. 1923 of FRP Bannu against the order of SP FRP Bannu wherein he was removed from service.

Brief facts of the case are that he absented himself from duty on 05.05.2011 to 08.08.2011 for a total period 93 days without any leave permission of the competent authority. He was issued charge sheet/statement of allegation and SI/PC Syed Rasool Khan of FRP Bannu Range was appointed as Enquiry Officer. After enquiry, the EEO submitted findings wherein he recommended the defaulter for major punishment. He was issued Final Show cause notice but could bother to reply. He was also heard in person but his reply found not satisfactory. Therefore he was removed from service by SP FRP Bannu Range vide his OB No. 661 dated 08.10.2011.

However from the perusal of record and finding of enquiry officers, there are no cogent reason to interfere in the order of SP FRP Bannu Range. Therefore his appeal is rejected.

Add: IGP/Commandant
Frontier Reserve Police
Khyber Pakhtunkhwa Peshawar.

3451-92 TEC dated Peshawar the

16/12 2011

10-12-2011

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

1. SP FRP Bannu Range w/r to his Memo: No. 2540 dated 02.11.2011. Service record and departmental enquiry file are returned.
2. Ex-Constable Rasool Zaman No. 1923 S/o Akber Zaman village Ghorwal District Bannu.

ORDER:-


My this order shall dispose off the inquiry proceedings pending against Constable Rasool Zaman No. 1923/FRP.

The accused official remained absent from duty for a long period of 92 days vide daily diary report No. 20 dated 05-05-2011 & daily diary No. 12 dated 12-08-2011 till date. He was charge sheeted and enquiry officer was directed to probe in the matter who in his final finding dated 29-08-2011 recommended the accused official for a major punishment. He was also heard in person but in no way satisfied the undersigned. Final Show Cause Notice was issued but with no reply.

Keeping in view the above said facts, I, Aman Ullah Khan, Superintendent of Police/FRP, Bannu, do hereby removed the accused official, named above, from service with immediate effect.

OB No. 661

Dated 08 /10/2011.


Superintendent of Police,
FRP, Bannu.

Copies to all concerned for completion of record.

Before The KP Service Tribunal Peshawar

Service Appeal 1100/15

Paid Rasool vs Police

Application for adjournment

2i

it is submitted that.

1) that the above mention service appeal was pending before this Hon'ble Tribunal.

2) That the counsel of appelland of appelland was busy in Peshawar High court.

it is humbly Prayed that an acceptance of this application the above case may be adjourned.

6-9-2019

uzma syed
(Advocate)