

Sr. No	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate
1	28.03.2017	<p style="text-align: center;"><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR</u></p> <p style="text-align: center;">Appeal No. 1066/2015</p> <p style="text-align: center;">Naeemullah Versus Dy. Inspector General of Police, Mardan Region-I, Mardan and another.</p> <p><u>JUDGMENT</u></p> <p><u>MUHAMMAD AZIM KHAN AFRIDI, CHAIRMAN:</u></p> <p>Counsel for the appellant and Mr. Kabeerullah Khattak, Asstt. Advocate General alongwith Attaur Rahman, S.I (Legal) for respondents present.</p> <p>2. Naeemullah hereinafter referred to as the appellant has preferred the instant service appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against impugned order dated 13.11.2014 vide which he was dismissed from service and the period of alleged absence was treated as leave without pay and where-against his departmental appeal as well as representation under Police Rules 11-A were rejected vide order dated 25.08.2014 and 18.09.2015 respectively and hence the instant service appeal on 22.09.2015.</p> <p>3. Brief facts of the case of the appellant are that while serving as police personal he was found absent from duty and vide original order dated 13.11.2014 dismissed from service and period of his absence was treated as leave without pay.</p>

28.03.17

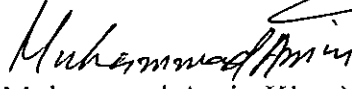
4. We have heard arguments of learned counsel for the parties and perused the record.

5. It is evident from the vary order passed by the competent authority and impugned before us that the absence period of the appellant was treated as leave without pay. In addition to the said order penalty in the shape of dismissal from service of the appellant was also imposed which was not warranted. Such an act on the part of the competent authority falls within the ambit of double jeopardy. Similar view is taken by this Tribunal in judgment dated 17.06.2016 in Service Appeal No. 1200/2014 titled "Azizur Rahman Versus Deputy Inspector General of Police, Mardan Region-1, Mardan and another".

6. For the above mentioned reasons we accept the present appeal and set aside the impugned order to the extent of dismissal of appellant from service and, as a consequence thereof, reinstate him in service. Period of absence from service w.e.f. the date of dismissal till date shall be treated as leave of the kind due. Parties are left to bear their own costs. File be consigned to the record room.

  
(Muhammad Azim Khan Afridi)

Chairman

  
(Muhammad Amin Khan)  
Member

28.03.17.

ANNOUNCED

28.03.2017

07.04.2016

Appellant in person and Mr. Khalid Mehmood, Constable alongwith Mr. Kabirullah Khan Khattak, Assistant AG for respondents present. Rejoinder submitted, copy whereof handed over to learned Assistant AG. To come up for arguments on 14.6.16 before D.B.

  
Member

14.06.2016

Clerk to counsel for the appellant and Mr. Muhammad Ghani, S.I alongwith Mr. Kabirullah Khan Khattak, Assistant AG for respondents present. Clerk to counsel for the appellant requested for adjournment. Adjourned for arguments to 22.8.16 before D.B.

  
MEMBER

  
MEMBER

22.08.2016


Agent to counsel for the appellant and Mr. Muhammad Ghani, SI alongwith Addl. AG for respondents present. Agent to counsel for the appellant requested for adjournment. Request accepted. To come up for arguments on 27.12.16.

  
Member

  
Member

27.12.2016

counsel for the appellant and Muhammad Shafiq, Inspector (Legal) alongwith Mr. Ziaullah, GP for respondents present. Arguments could not be heard due to incomplete bench. Case adjourned to 28.03.2017 for arguments before D.B.

  
Chairman

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 and dismissed from service vide impugned order dated 13.11.2013 regarding which he preferred departmental appeal on 25.11.2014 which was rejected on 29.12.2014 where-after another appeal was filed before the IGP which was rejected on 18.9.2015 and hence the instant service appeal on 22.9.2015.

That the inquiry was not conducted in the prescribed manners as appellant was neither charge sheeted nor any show cause notice issued and, moreover, absence period has already been treated as leave without pay and as such the order of dismissal from service was not warranted.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 23.12.2015 before S.B.

21-01-81

Chairman

23.12.2015

Counsel for the appellant and Mr. Muhammad Ghani, SI (Legal) alongwith Mr. Adeel But, AAG for respondents present. Reply submitted. To come up for rejoinder and final hearing before D.B on 07.04.2016.

Member

Appellant Deposited  
Security & Process Fee



FORM-A

FORM OF ORDER SHEET

Court 1066/2015

Case No. \_\_\_\_\_

	Date of order/ proceedings	Order or other proceedings with signature of Judge/ Magistrate
1	2	3
1.	2.10.2015	<p>The appeal of Mr. Naeemullah resubmitted to-day by Mr. Fazal Shah, Advocate, may be entered in the institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"><i>[Signature]</i> 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;"><i>[Signature]</i> CHAIRMAN</p>

The appeal of Mr. Naeemullah Ex-Constable No. 3015 District Police, Mardan received to-day - i.e. on 22.09.2015 is incomplete on the following score which is returned to his counsel for completion and resubmission within 15 days.

1. The appeal has not been signed from the appellant, which may be got signed from him.
2. Index of the appeal is incomplete, which may be completed.
3. The appeal is not annexure-wise/page-wise, which may be done.
4. Copies of charge sheet/statement of allegations, its reply by the appellant and enquiry report have not been attached with the appeal, which may be placed on file.
5. Medical prescriptions have not been attached with the appeal, which may be placed on file.
6. Wakalatnama has not been annexed with the appeal, which may be done.
7. Annexures of the appeal may be attested by the appellant or his counsel.
8. Affidavits and condonation application may be signed from the appellant.
9. Affidavits may be attested from the Oath Commissioner.
10. Five more copies of appeal alongwith annexures i.e. complete in all respect may also be submitted with the appeal.


No. 1464 /ST,

Dated 22/9 /2015

  
REGISTRAR  
KPK SERVICE TRIBUNAL,  
PESHAWAR.

MR. FAZAL SHARI MOHAMMAD  
ADVOCATE, PESHAWAR.

Sw.  
Re-submitted after necessary completion

  
Ado  
2-10-15

**BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR**

Service Appeal No 1066 /2015.

Naeem.Ullah.....Appellant

**V E R S U S**

DIG & others.....Respondents

**I N D E X**

S.No	Description of Documents	Annexure	Pages
1.	Service appeal with affidavit		1-7
2.	Application for condonation of delay with affidavit		8-9
3.	Copy of Medical Certificates	"A"	10-11
4.	Copy of naql mad Dated 28/02/2014 & 01/09/2014	"B & C"	12-13
5.	Copy of naql mad No 34	"E"	14
6.	Copy of order Dated 14/11/2014	"G"	15
7.	Copy of Departmental appeal and order dated 29/12/2014	"H & I"	16-17
8.	Copy of appeal & order dated 18/09/2015	"J & K"	18-19
9.	Copy of comments & absence report	"L & M"	20-21
10.	Wakalt nama		22

Dated:-22-09-2015



Appellant

Through



Fazal Shah Mohmand  
Advocate Peshawar.

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

1

**BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR**

Service Appeal No 1066 /2015.

G.W.P. Province  
Service Tribunal  
Stry No 1110  
Date 22-9-15

Naeem Ullah Ex Constable No 3015 District Police Mardan.

....Appellant

**V E R S U S**

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

**APPEAL U/S 4 OF THE KPK SERVICE TRIBUNAL ACT 1974 AGAINST THE ORDER DATED 29-12-2014 PASSED BY RESPONDENT NO 1 WHERE BY DEPARTMENTAL APPEAL OF THE APPELLANT FILED AGAINST THE ORDER DATED 13-11-2014 OF RESPONDENT NO 2 HAS BEEN FILED/REJECTED.**

*Filed to-day*  
*[Signature]*  
*22/9/15*

**PRAYER:-**

*Re-submitted to-day*  
*[Signature]*  
*2/10/15*

On acceptance of this appeal the impugned order dated 29-12-2014 of respondent No 1 and Order dated 13-11-2014 of respondent No 2 may kindly be set aside and the appellant may kindly be ordered to be reinstated in service with all back benefits.



**RESPECTFULLY SUBMITTED:-**

1. That the appellant joined the respondent Department in the year 2009 remained posted to various Police Stations including City and Jabbar etc and since then he performed his duties with honesty and full devotion.
  
2. That the appellant while posted to Police Station Sheikh Maltoon Mardan fell ill and was unable to had performed his duties, therefore visited the Mardan Medical Complex time and again where the Doctor advised him Medicines and bed rest. **(Copy of Medical Certificates are enclosed as Annexure A).**
  
3. That the appellant was transferred from Police Station Sheikh Maltoon to Platoon DAR vide OB No 1807 dated 28-08-2014. The appellant reported arrival for duty vide Naqal Mad No 27 dated 01-09-2014 in Police Station Sheikh Maltoon and also recorded his statement to the inquiry officer. **(Copies of Naqal Mad dated 28-08-2014, Naqal Mad No 27 dated 01-09-2014 & statement are enclosed as Annexure B, C & D).**
  
4. That the appellant reported arrival in police Lines DAR Mardan vide naqal Mad No 34 dated 08-09-2014 and was deputed for duty to Galyara to the house of one Zarawar Khan undar the super vision of Sakhi sultan SI & Fawad khan ASI vide Naqal Mad No 8 dated 28-09-2014, where he performed duty till 14-11-2014. **(Copy of Naqal Mad No 34 dated 08-09-2014 is enclosed as Annexure E).**

5. That finally the appellant was dismissed from service under Police Rules 1975, by respondent No 2 vide order dated 14-11-2014 treating the absence period as leave without pay. **(Copy of the order is enclosed as Annexure G).**
  
6. That the appellant filed Departmental appeal before respondent No 1 on 25-11-2014, which was rejected/filed vide order dated 29-12-2014. **(Copy of departmental appeal and order dated 29-12-2014 are enclosed as Annexure H & I).**
  
7. That the Appellant also approached respondent No 3 for his reinstatement but his appeal too was dismissed by respondent No 1 vide order dated 18-09-2015. **(Copy of appeal and order are enclosed as Annexure J & K).**
  
8. That the impugned order dated 29-12-2014 of respondent No 1 and order dated 14-11-2014 of respondent No 2 are against the law, facts and principles of justice on grounds inter alia as follows:-

### **GR O U N D S :-**

- A.** That the impugned orders are illegal and void abinitio.
  
- B.** That mandatory provisions of law and rules have badly been violated by the respondents and the appellant has

not been treated according to law and rules and the appellant did nothing that amounts to misconduct.

**C.** That exparte action has been taken against the appellant and he has been condemned un heard.

**D.** That no charge sheet and show cause notice was communicated to the appellant, thus the impugned orders are void and time factors becomes irrelevant in such cases.

**E.** That no proper inquiry was conducted to find out the true facts and circumstances, and no one was examined during inquiry.

**F.** That the absence from duty was neither willful nor deliberate rather the same was because of circumstances compelling in nature and were beyond the control of the appellant as well.

**G.** That even otherwise the period of absence has been condoned by treating the same as leave without pay, thus the impugned orders are not maintainable in the eyes of law and liable to be set aside.

- H.** That the appellant has already punished for his previous absence and there are contradictions about the absence period as evident from the Naqal Mads already annexed and comments of the respondent No 2 dated 08-12-2014, further the period of absence is also less as mentioned by the respondents. **(Copy of the comments and absence report are enclosed as Annexure L & M).**
- I.** That the impugned order is not a speaking order and thus not tenable in the eyes of law.
- J.** That there is misapplication of law as the law mentioned in the order of respondent No 1 is not applicable in case of the appellant.
- K.** That the appellant was not provided the opportunity of personal hearing and the impugned order is defective as well.
- L.** That no evidence was collected during inquiry in support of the allegations nor the allegations were proved during inquiry and the action as such is not maintainable in the eyes of law.

**M.** That the appellant has about 5 years of service with unblemished service record and is jobless since his illegal dismissal from service.

**N.** That the appellant seeks the permission of this honorable tribunal for further/additional grounds at the time of arguments.

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

Dated:-22-09-2015

Through

  
Appellant



Fazal Shah Mohmand  
Advocate, Peshawar

**BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR**

Service Appeal No \_\_\_\_\_/2015.

Naeem Ullah.....Appellant

**VERSUS**

DIG & others.....Respondents

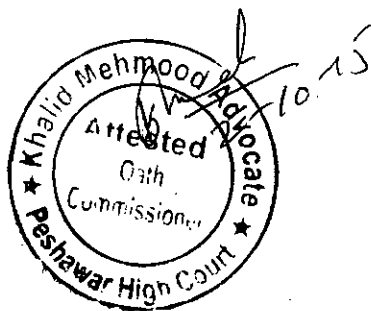
**AFFIDAVIT**

I, Naeem Ullah Ex Constable No 3015 District Police Mardan, do hereby solemnly affirm and declare on oath that the contents of this **Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.

Identified by



Fazal Shah Mohmand  
Advocate Peshawar

  
**DEPONENT**

8

**BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR**

Service Appeal No \_\_\_\_\_/2015.

Naeem Ullah.....Appellant

**V E R S U S**

DIG & others.....Respondents

**APPLICATION FOR THE CONDONATION OF DELAY IF ANY.**

**Respectfully submitted:-**


1. That the accompanying appeal is being filed today in which no date of hearing has been fixed so far.
2. That the grounds of appeal may be considered as integral part of this application.
3. That the impugned order being void ab initio, illegal besides passed under a law not applicable in case of the appellant and time factor becomes irrelevant in such cases, as such the instant appeal is liable to be decided on merit.
4. That the law as well as the dictums of the superior Courts also favors decisions of cases on merit.

**It is therefore prayed that on acceptance of this application, the delay if any in filing of appeal may kindly be condoned.**

**Dated:-22-09-2015**

  
Appellant

Through

  
Fazal Shah Mohmand,  
Advocate, Peshawar

**BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR**

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Service Appeal No \_\_\_\_\_ /2015.


Naeem Ullah.....Appellant

**VERSUS**

DIG & others.....Respondents

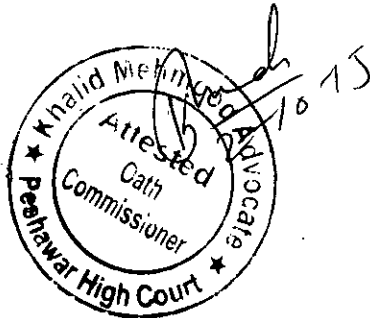
**AFFIDAVIT**

I, Naeem Ullah Ex Constable No 3015 District Police Mardan, do hereby solemnly affirm and declare on oath that the contents of this **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.

Identified by 

Fazal Shah Mohmand  
Advocate Peshawar

  
DEPONENT

  
Khalid Mehmood  
Attested  
Oath  
Commissioner  
Peshawar High Court



MARDAN MEDICAL CENTER

OBSTETRICS DEPARTMENT

10

A

Department: OB/GYN Address: 211  
OPD No. 50140 Date: 29-7-14

History	<i>PI...</i>
Clinical Examination	<i>2' vom/la</i>
Provisional Diagnosis	<i>for myli?</i>
Investigations Required	<i>for vom/la</i> <i>10 days rest</i> <i>29/7/14</i> <i>1</i>

Attested  
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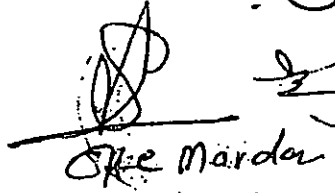
از دفتر SHE

کدیت شریضاب R.A.P

28-8-14

10-MHC  
Fis + MAC time  
MR.  
23-8-14

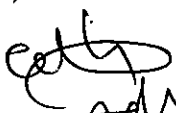
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27.8.14  
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She Mardan

ایصال خدمت

28-8-14

- 1. کدیت شریضاب 1698 لوئیس این سے در شریضاب
- 2. کدیت شریضاب 1282 لوئیس این سے کدیت شریضاب
- 3. کدیت شریضاب 2300 کدیت شریضاب سے کدیت شریضاب
- 4. کدیت شریضاب 3015 کدیت شریضاب سے کدیت شریضاب
- 5. کدیت شریضاب 3106 کدیت شریضاب سے کدیت شریضاب

Attested  
  
Adw

ظہور

نمبر 27 روزنامہ 14/09/01

مدیر رپورٹ طالبی حسن حواد زید 04 وقت 14:50 صبح 01/09/01  
 اس وقت کہیں سے بھی خبر حاصل نہ ہو سکی ہے  
 29 سے 31 آگے اور یہاں تک کہ اس بیان کے دوران کسی  
 14 کوئی اب خبر حاصل نہ ہو سکی ہے۔  
 روزنامہ کے تمام عدلہ ویت ہو کر پورے ضلع کا  
 اسپر ان پلائی شدت میں ارسال ہوگی۔

کتابت عالی  
تفصیلاً



Attested  
Adm

پولیس کاٹن

نقلیہ 34 روزنامہ 9/8

عملیہ درجہ

14

E

مد 34 حاضری گوپن علی صحیح وقت 06:30 6 مورچہ 9/8 اس وقت

بیل نعیم اللہ 3015 حسب الحکم افسران بالا

صفانہ SMT سے مع سامان سرکاری وہی ہے

پولیس ڈاٹن DAR حاضر آیا

صنایع

نقل و حرکت اہل

M. M. P. line

12-4-10

Attested  
OK

OFFICER (FEMALE), KOHAT

No. \_\_\_\_\_

Dated Kohat the 29/09/2014

Phone & Fax # (0922-9260290)

(KDA complex, Block III, Gate No 2)

To

Mst. Rukhsana SST  
GGMS Banda Fateh Khan Khel  
Kohat  
Address:

9

Subject: EXPLANATION

Memo:

Reference this office letter No. 3405 dated: 28-01-2014 on  
the subject cited above.

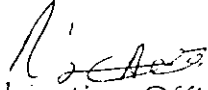
You have been called explanation vide this office memo referred  
above and directed to resume your duty and explain cogent reason for absence.  
It is sorry to state that you turn deaf ears, neither you resume your duty nor  
responded the explanation which tantamount to misconduct and hints rampant  
attitude towards official duty.

Hence you are once again directed in your own interest to resume your  
duty and explain cogent reason of your willful absence from your duty,  
otherwise your named will be communicated to high up for drastic action under  
E & D Rules 2011 against you.

District Education Officer  
(Female), Kohat

Endst: No 1485

Copy of the above is forwarded to the Director Elementary &  
Secondary Education Khyber Pakhtunkhwa Peshawar.

  
District Education Officer  
(Female), Kohat

P-15 10 14.11.14 DJS

DA 25.11.14 Ann 380 days

R. 29.12.14.

ILA PR = Rej 18.09.15

SD 22.09.15

15

ORDER

Constable Naeem No. 3015, while posted at Police Station SMT Mardan committed the following act, which is gross misconduct on his part as defined in Rules 02 (iii) Police Rules 1975.

Brief facts are that Constable Naeem No. 3015, Police Station SMT Mardan, deliberately absented himself from the lawful duty vide DD No. 30 dated 02.07.2014 to DD No. 16 dated 08.07.2014, DD No. 22 dated 20.07.2014 to DD No. 44 dated 21.07.2014 and DD No. 30 dated 29.07.2014 to-date. (His previous absence period was 140 days),

In this connection, Constable Naeem No. 3015, was charged sheeted vide this office No. 691/R, dated 28.08.2014 and he was also proceeded against departmentally through Mr Jehanzeb Khan DSP/City Mardan, who after fulfilling necessary process, submitted his findings to the undersigned vide his office endorsement No.627/S, dated 13.10.2014, in which the allegations have been established against him.


After going through inquiry file the undersigned agree with the findings of enquiry officer and the alleged Constable Constable Naeem No. 3015, and being a habitual absentee he is hereby ~~dismissed from service~~ while his absence period counted as leave without pay. Exercise of the power vested in me under Police Rules 1975.

Order announced

O.B No. 2277

Dated 13/11/2014

No. 11325-30/R dated Mardan the 14-11/2014

  
(Gul Afzal Afridi)  
District Police Officer,  
Mardan.

Copy for information and necessary action to:-

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

Attested

cert



محترمہ جناب - 19 ص 1 صلیب علیہ مردان برین 2 مردان

H  
16

صبا علی ا  
درخواست / اپیل / برادر بخالی ا

2277  
13-11-14

گزارش کے رسائل کو صبا - 19 ص 1 صلیب علیہ مردان نے بحوالہ

یوم 32 یوم غیر حاضری قلمہ خذائے کہ Dismiss کر کے  
حکم صادر فرمایا ہے (ارڈر ہے)۔ چونکہ سائل ایک عاقل اور خیر خندان  
سے تعلق رکھتا ہے۔ چونکہ سائل بیمار تھا برین سائل نے مذکورہ غیر حاضری  
ہے اور 32 یوم کا میڈیکل ریسٹ جناب ڈاکٹر صاحب نے دیکھا ہے جو پورے  
بازار میں درخواست اسد علیہ رسائل کو دوبارہ ملازمت پر بحال فرمایا  
سائل نامہ دیا گیا ہے

الحاصل

یوم تیشین نفع اللہ فرما 3015  
سکیم باورزی کا منتفہ تقاضا کا منتفہ مردان

911 5963 - 0311

EC/D P.O Mandalam.  
For comments please  
Name  
for D. E. Mandalam  
25/11/2014

Attest  
e/s  
Ad

9

17

ORDER.

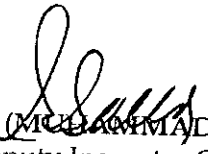
This order will dispose-off the appeal preferred by Ex-Constable Naeem Ullah No. 3015 of Mardan District Police against the order of District Police Officer, Mardan wherein he was dismissed from service vide District Police Officer, Mardan OB No. 2277 dated 13.11.2014.

Brief facts of the case are that he while posted at Police Station Sheikh Maltoon, Mardan, deliberately absented himself from the lawful duty vide daily diary No. 30 dated 02.07.2014 to daily diary No. 16 dated 08.07.2014, daily diary No. 22 dated 20.07.2014 to daily diary No. 44 dated 21.07.2014 and daily diary No. 30 dated 29.07.2014 to the date of dismissal (his previous absence period was 143 days). In this connection he was charge sheeted and also proceeded against departmentally through the Deputy Superintendent Police City, Mardan, who after fulfilling necessary procedure submitted his findings to District Police Officer, Mardan, in which the allegations were established against him. After going through inquiry file District Police Officer, Mardan agreed with the findings of enquiry Officer and the alleged Constable was dismissed from service.

It is further added that he took the plea of his illness and in this regard he produced 02 medical prescriptions dated 02.09.2014 and 08.09.2014 vide which he was advised 10 days and 05 weeks medical rest respectively. The same were not countersigned by M.S while as per procedure medical rest more then 03 days is required to be countersigned by M.S concerned. Moreover, lastly he had remained absent with effect from 29.07.2014 till 13.11.2014 while he has produced medical rest with effect from 29.07.2014 to 08.08.2014 for 10 days and 08.09.2014 to 29.09.2014 for 03 weeks. He has produced no medical rest for the remaining period. It clearly indicates that he has obtained those medical prescriptions/rest only to cover his absence period for those days.

I have perused the record and also heard the appellant in Orderly Room held in this office on 24.12.2014, but he failed to justify his absence period and could not produce any cogent reason about his absence. Therefore, I MUHAMMAD SAEED Deputy Inspector General of Police, Mardan Region-I, Mardan in exercise of the powers conferred upon me reject the appeal and do not interfere in the order passed by the competent authority, thus the appeal is filed.

ORDER ANNOUNCED.

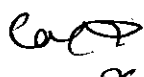
  
(MUHAMMAD SAEED)PSP  
Deputy Inspector General of Police,  
Mardan Region-I, Mardan

No. 8563 /ES,

Dated Mardan the 29 - 12 - /2014.

Copy to District Police Officer, Mardan for information and necessary action w/r to his office Memo: No. 1017/LB dated 08.12.2014. His service record is returned herewith.

(\*\*\*\*\*)

Attest  
  
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بخدمت جناب انسپکٹر جنرل آف پولیس خیبر پختون خواہ پشاور

عنوان ڈیپارٹمنٹل ایپل برائے بحالی سروس

ناراضگی حکم محررہ 29-12-2014 جناب DIG صاحب مردان رحمن مردان برائے حوالہ نمبری 8563/ES

18

منجانب سائل حسب ذیل ہے۔

جناب عالی!

- 1- یہ کہ من سائل اپیلٹ بروئے OB نمبر 2075 مورخہ 7-10-2009 بطور کنشیل بھرتی ہوا تھا۔
- 2- یہ کہ اپنی سروس کے دوران من سائل نے اچھا وقت گزارا ہے اور کبھی بھی کسی کو شکایات کا موقعہ نہیں دیا ہے۔
- 3- یہ کہ افسران بالا کی جانب سے بد دوران سروس پولیس سٹیشن شیخ ملتون ٹاؤن مردان تحلف روز نامہ چھپے ہوئے میں من سائل کو غیر حاضر دیکھا گیا ہے۔ اور اس کے بعد الزامات کی بنیاد پر چارج شیٹ دی گئی اور من سائل کے اوپر انکوآری افسر کا تقرر کر دیا گیا اور بد دوران نکلوانے کو آری من سائل نے متعلقہ چارج شیٹ کا جواب بھی دیا۔ اور اسی طور ڈاکٹری نسخہ جات بھی اُس کے ذریعہ کے دیئے گئے لیکن اس پر کوئی نظر ثانی نہیں کی گئی اور بروئے حکم محررہ 29-12-2014 کی بنیاد پر دیگر حکمت برقرار رکھے گئے اور اپیل من سائل خارج کر کے داخل دفتر کی ہے۔ جو کہ بعد از احترام غلط خلاف قانون خلاف واقعات اور خلاف قواعد موجود ہے۔

(حکم مذکورہ لف ہے۔)

- 4- یہ کہ حکم مذکورہ میں من سائل کو غیر حاضر از 29-7-2014 تا 13-11-2014 دیکھا گیا ہے۔ حالانکہ نکلند نمبر 27 روز نامہ 1-9-2014 نکلند نمبر 34 روز نامہ 8-9-2014 من سائل حاضر رہا ہے اور اس طرح OB نمبر 1807 مورخہ 28-8-2014 سے بھی عیاں ہے۔ کہ من سائل موجود تھا بدین وجہ حکم مذکورہ خلاف قانون اور خلاف قواعد موجود ہے ہرگز قابل بحالی نہ ہے۔ اور حقوق سائل پر کالعدم اور غیر موثر ہے۔ (روز نامہ چھپے ہوئے لف ہیں)

- 5- یہ کہ دیگر ڈاکٹری نسخہ جات بھی ہمراہ جواب درخواست لگائے گئے تھے لیکن اُس کو بھی مد نظر نہ رکھا گیا اور ایک سرسری جائزہ لیکر حکم رد شدہ بنا کر لیا گیا ہے۔ (ڈاکٹری نسخہ جات 32 روزہ لف ہے۔)

- 6- قانون اور انصاف کا تقاضا ہے کہ من سائل کے خلاف حکم محررہ 29-12-2014 فسخ کیا جائے اور من سائل کو اپنی سروس پر بحال لیا جائے۔

لہذا استدعا ہے کہ منظور فرمایا جائے اور جوہات بالا مندرجہ احکامات صادر فرمائے جائیں۔

العارض

آپکا تابع فرماں کنشیل نعیم اللہ نمبر 3015 سکنہ بابوزئی کالنگ تھانہ کالنگ۔

برائے اطلاع موبائل نمبر 0300-9058850/0311-9115903

صورت  
حکمت

The District Police Officer,  
Mardan.

The Deputy Inspector General of Police,  
Mardan Region-I, Mardan.

No. 1017

05 2:23 10:03 FAX

001



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

ORDER

This order is hereby passed to dispose off departmental appeal under Rule 11-a of Khyber Pakhtunkhwa Police Rule-1975 submitted by Ex-FC Naeem Ullah NO. 3075 of District Police Mardan against the Punishment Order i.e dismissed from service passed against the appellant by DPO/Mardan vide OB No. 2277 dated 13.11.2014.

In the light of recommendations of Appeal Board meeting held on 10.09.2015, the board examined the enquiry in detail & other relevant documents. It revealed that the appellant was served with Charge Sheet/Statement of Allegations and punishment order was announced on the basis of reply to the Charge Sheet and Statement of Allegations.

The appellant was also heard in person. Record perused. The applicant earned 32 bad entries according to his service record. He is habitual absentee and was dismissed from service. The Board rejected his appeal.

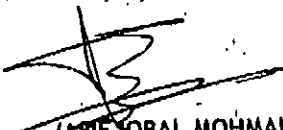
Order announced in the presence of appellant.

Sd/-  
NASIR KHAN DURRANI  
Inspector General of Police,  
Khyber Pakhtunkhwa Peshawar.

No. 11582-86 /E-IV dated Peshawar the 18/9 /2015

Copy of above is forwarded to the:-

1. Deputy Inspector General of Police, Mardan Region, Mardan
2. PSO to IGP/Khyber Pakhtunkhwa Peshawar.
3. PA to Addl: IGP/HQrs Khyber Pakhtunkhwa, Peshawar.
4. PA to DIG/HQrs Khyber Pakhtunkhwa, Peshawar.
5. DPO/Mardan. The service Roll, Fauji Missal and Enquiry File of the above named official are also returned herewith.

  
(ASIF YOBAL MOHMAND)  
AIG/Establishment  
For Inspector General of Police  
Khyber Pakhtunkhwa Peshawar  
17/9/15

Attor Steel  
est

Memorandum

APPEAL FOR RE-INSTATEMENT IN SERVICE

IR dated Madras the 2-12-2014

Madras Region-I, Andhra Pradesh

Kindly refer to your office order No. 7693/EZ dated 22.11.2014 on the case noted above in the subject. Comments on departmental appeal preferred by Ex-Constable Naorem Ullah No. 3012 are submitted as under:

1. The appellant was appointed as Constable in this district Police vide OB No. 2072 dated 07.10.2009.
2. That appellant while posted at PS SMT deliberately absented himself from duty vide DD No. 30 dated 02.07.2014 to DD No.16 dated 08.07.2014, DD No.22 dated 20.07.2014 to DD No. 44 dated 29.07.2014 and DD No. 30 dated 29.07.2014 in order of his dismissal on 17.11.2014. In this effect he was issued charge sheet with summary of offence. The A.P. D.P. Officer appointed an enquiry officer to conduct proper departmental enquiry against him. The enquiry was served upon him and he submitted reply in the form of plea of his guilt and in this regard he produced 02 medical prescriptions dated 09.09.2014 and 02.09.2014 vide which he was ordered 10 days and 02 weeks medical rest respectively. The same were not considered by M.S. while as per procedure medical rest more than 03 days is required to be considered by M.S. concerned. Moreover, lastly he had remained absent w.e.f. 02.09.2014 while he has produced medical rest w.e.f. 02.07.2014 to 02.08.2014 for 01 month and 08 days. He has produced 03 weeks medical rest for the remaining period. It is clear that he has obtained leave medical prescription rest only for 01 month and 08 days and those days.
3. He was found guilty of absence from duty deliberately by enquiry officer and recommended for major punishment. Accordingly he was dismissed from service vide OB No. 2273 dated 12.11.2014.
4. That the appellant is habitual absentee and previously he was dismissed from duty on account of absence from duty for 35 days vide OB No. 2422 dated 02.11.2014 but later reinstated by your goodself vide office order dated 20.11.2014 due to his persistent illness condition and order of dismissal was converted into minor punishment of 01 month and 08 days commulative effect.
5. It is further submitted that during short service of 11 years he has worked as good enquiry as per his service hold while there was no major punishment against him. He has worked as good enquiry as per his service hold and was awarded punishment for the same.

The District Police Officer,  
Mardan.

The Deputy Inspector General of Police,  
Mardan Region-I, Mardan.

No. 1017 /LB dated Mardan the 8-12-2014.

20

Subject: APPEAL FOR RE-INSTATEMENT IN SERVICE.  
Memo:

Kindly refer to your office Endst: No. 7699/ES dated 25.11.2014 on the case noted above in the subject.

Comments on departmental appeal, preferred by Ex- Constable Naeem Ullah No. 3015, are submitted as under:

1. The appellant was appointed as Constable in this district Police vide OB No. 2075 dated 07.10.2009.
2. That appellant, while posted at PS SMT deliberately absented himself from duty vide DD No. 30 dated 02.07.2014 to DD NO.16 dated 08.07.2014, DD No.22 dated 20.07.2014 to DD No. 44 dated 29.07.2014 and DD No. 30 dated 29.07.2014 till order of his dismissal on 13.11.2014. To this effect, he was issued charge sheet with summary of allegation. The then DSP City was appointed as enquiry officer to conduct proper departmental enquiry against him. Charge sheet was served upon him and he submitted reply to it. He took the plea of his illness and in this regard he produced 02 medical prescriptions dated 02.09.2014 and 08.09.2014 vide which he was advised 10 days and 05 weeks medical rest respectively. The same were not countersigned by M.S while as per procedure medical rest more than 03 days is required to be countersigned by M.S concerned. Moreover, lastly he had remained absent w.e.f. ~~29.07.2014 to 13.11.2014~~ while he has produced medical rest w.e.f 29.07.2014 to 08.08.2014 for 10 days and 08.09.2014 to 29.09.2014 for 03 weeks. He has produced no medical rest for the remaining period. It clearly indicates that he has obtained those medical prescriptions/rest only to cover his absence period for those days.
3. He was found guilty of absence from duty deliberately by enquiry officer and recommended for major punishment. Accordingly he was dismissed from service vide OB No. 2277 dated 13.11.2014.
4. That the appellant is habitual absentee and previously he was dismissed from service on account of absence from duty for 35 days vide OB No. 2420 dated 05.11.2013 but later on re-instated by your goodself vide office order Endst: No. 6090/ES dated 20.12.2013 due to his pathetic family condition and order of dismissal was converted into minor punishment of one increment with cumulative effect.
5. It is further submitted that during short service of five years, he has earned no good entry as per his service book while there are 22 bad entries against him. Previously he has remained absent on the following dates and was awarded punishments for the by competent authority.

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S. No.	Days	Kind of punishment	OB No. & Date
1.	3	Leave without pay by DPO Mardan	3508 dated 06.09.10
2.	10	-do-	1596 dated 22.10.11
3.	2	-do-	1703 dated 30.04.11
4.	3	-do-	1832 dated 09.05.11
5.	1	-do-	2661 dated 11.07.11
6.	4	-do-	3040 dated 11.08.11
7.	11	-do-	3081 dated 16.08.11
8.	1	-do-	3134 dated 22.08.11
9.	19	-do-	4164 dated 10.12.11
10.	7	-do-	4165 dated 10.12.11
11.	58	-do-	871 dated 24.03.12
12.	4	-do-	2290 dated 10.08.12
13.	5	-do-	2291 dated 10.08.12
14.	2	-do-	2813 dated 11.10.12
15.	1	-do-	3305 dated 13.12.12
16.	6	-do-	1656 dated 05.08.13
17.	1	-do-	409 dated 13.02.14
18.	2	-do-	466 dated 20.02.14
19.	1	-do-	12.08 dated 22.05.14
20.	1	-do-	1378 dated 10.06.14
21.	1	-do-	1732 dated 18.08.14
22.	1	-do-	1806 dated 26.08.14

6. In view of above explanation, his appeal is not worth consideration.

7. Comments alongwith his departmental appeal, received vide the above quoted reference, and service book are submitted herewith for favour of perusal and further orders please.

Encl: S.R. (1)  
Per (3)  
Siv,  
Received  
K/CC

EC  
8/12/14

*[Signature]*  
District Police Officer,  
Mardan

*[Handwritten notes]*  
Ahsan  
Eddy  
Adw



Case No.	Kind of Punishment	Date
1	-do-	1806 dated 20.02.14
2	-do-	1732 dated 18.08.14
3	-do-	1378 dated 10.05.14
4	-do-	1202 dated 22.02.14
5	-do-	480 dated 20.02.14
6	-do-	409 dated 13.02.14
7	-do-	1022 dated 02.08.13
8	-do-	3302 dated 13.12.12
9	-do-	2813 dated 11.10.12
10	-do-	2291 dated 10.08.12
11	-do-	2200 dated 10.08.12
12	-do-	871 dated 24.03.12
13	-do-	4162 dated 10.12.11
14	-do-	4162 dated 10.12.11
15	-do-	2081 dated 10.02.11
16	-do-	2040 dated 11.02.11
17	-do-	2001 dated 11.02.11
18	-do-	1832 dated 09.02.11
19	-do-	1703 dated 20.04.11
20	-do-	1708 dated 22.10.11
21	-do-	3702 dated 00.09.10
22	-do-	3702 dated 00.09.10

7. Comments should be on departmental papers received vide the above cited reference and service books are submitted herewith for favour of perusal and further orders please.

*[Signature]*  
 District Police Officer  
 ...

*[Handwritten signature]*  
 8/12/14

*[Handwritten notes]*  
 (1) ...  
 (1) ...

# بعدالت سوئس ٹریبونل لفافہ

22

اسد اللہ

2015ء منجانب

2/10/15

مورخہ

وہ

بنام 019

بصم اللہ

مقدمہ

دعویٰ

جرم

## باعث تحریر آنک

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

آن مقام لفاہ کیلئے ضفیل نندا، صمد اللہ وکیل

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 پر حلف دیئے جواب دہی اور اقبال دعویٰ اور

بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق

زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت 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۔ از بصورت ضرورت

مقدمہ مذکور 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 بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے

اور اس کا ساختہ پرداختہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے

سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں

گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت 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۔ از بصورت ضرورت مقدمہ مذکور 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 بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پرداختہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

Attested

Accepted

المرقوم 2 ماہ 10 اکتوبر 2015ء

العبد گواہ العبد

مقام کے لئے منظور ہے۔

لفاہ

**BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR**

Service Appeal No 1066 /2015.

Naeem Ullah.....Appellant

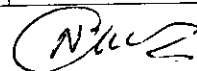
**V E R S U S**

DIG & others.....Respondents

**I N D E X**

S.No	Description of Documents	Annexure	Pages
1.	Service appeal with affidavit		1-7
2.	Application for condonation of delay with affidavit		8-9
3.	Copy of Medical Certificates	"A"	10-11
4.	Copy of naql mad Dated 28/08/2014 & 01/09/2014	"B & C"	12-13
5.	Copy of naql mad No 34	"E"	14
6.	Copy of order Dated 14/11/2014	"G"	15
7.	Copy of Departmental appeal and order dated 29/12/2014	"H & I"	16-17
8.	Copy of appeal & order dated 18/09/2015	"J & K"	18-19
9.	Copy of comments & absence report	"L & M"	20-21
10.	Wakalt nama		22

Dated:-22-09-2015



Appellant

Through



Fazal Shah Mohmand  
Advocate Peshawar.

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

①

**BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR**

Service Appeal No 1066 /2015.

A.W.F. Province  
Service Tribunal  
Dary No 1110  
Date 22-9-15

Naeem Ullah Ex Constable No 3015 District Police Mardan.

....Appellant

**V E R S U S**

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

**APPEAL U/S 4 OF THE KPK SERVICE TRIBUNAL ACT 1974 AGAINST THE ORDER DATED 29-12-2014 PASSED BY RESPONDENT NO 1 WHERE BY DEPARTMENTAL APPEAL OF THE APPELLANT FILED AGAINST THE ORDER DATED 13-11-2014 OF RESPONDENT NO 2 HAS BEEN FILED/REJECTED.**

**PRAYER:-**

On acceptance of this appeal the impugned order dated 29-12-2014 of respondent No 1 and Order dated 13-11-2014 of respondent No 2 may kindly be set aside and the appellant may kindly be ordered to be reinstated in service with all back benefits.

Filed to-day  
22/9/15

**RESPECTFULLY SUBMITTED:-**

1. That the appellant joined the respondent Department in the year 2009 remained posted to various Police Stations including City and Jabbar etc and since then he performed his duties with honesty and full devotion.
  
2. That the appellant while posted to Police Station Sheikh Maltoon Mardan fell ill and was unable to had performed his duties, therefore visited the Mardan Medical Complex time and again where the Doctor advised him Medicines and bed rest. **(Copy of Medical Certificates are enclosed as Annexure A).**
  
3. That the appellant was transferred from Police Station Sheikh Maltoon to Platoon DAR vide OB No 1807 dated 28-08-2014. The appellant reported arrival for duty vide Naqal Mad No 27 dated 01-09-2014 in Police Station Sheikh Maltoon and also recorded his statement to the inquiry officer. **(Copies of Naqal Mad dated 28-08-2014, Naqal Mad No 27 dated 01-09-2014 & ~~statement~~ are enclosed as Annexure B, C ~~& D~~).**
  
4. That the appellant reported arrival in police Lines DAR Mardan vide naqal Mad No 34 dated 08-09-2014 and was deputed for duty to Galyara to the house of one Zarawar Khan undar the super vision of Sakhi sultan SI & Fawad khan ASI vide Naqal Mad No 8 dated 28-09-2014, where he performed duty till 14-11-2014. **(Copy of Naqal Mad No 34 dated 08-09-2014 is enclosed as Annexure E).**

5. That finally the appellant was dismissed from service under Police Rules 1975, by respondent No 2 vide order dated 14-11-2014 treating the absence period as leave without pay. **(Copy of the order is enclosed as Annexure G).**
6. That the appellant filed Departmental appeal before respondent No 1 on 25-11-2014, which was rejected/filed vide order dated 29-12-2014. **(Copy of departmental appeal and order dated 29-12-2014 are enclosed as Annexure H & I).**
7. That the Appellant also approached respondent No 3 for his reinstatement but his appeal too was dismissed by respondent No 1 vide order dated 18-09-2015. **(Copy of appeal and order are enclosed as Annexure J & K).**
8. That the impugned order dated 29-12-2014 of respondent No 1 and order dated 14-11-2014 of respondent No 2 are against the law, facts and principles of justice on grounds inter alia as follows:-

### **GROUNDS:-**

- A.** That the impugned orders are illegal and void abinitio.
- B.** That mandatory provisions of law and rules have badly been violated by the respondents and the appellant has

not been treated according to law and rules and the appellant did nothing that amounts to misconduct.

**C.** That exparte action has been taken against the appellant and he has been condemned un heard.

**D.** That no charge sheet and show cause notice was communicated to the appellant, thus the impugned orders are void and time factors becomes irrelevant in such cases.

**E.** That no proper inquiry was conducted to find out the true facts and circumstances, and no one was examined during inquiry.

**F.** That the absence from duty was neither willful nor deliberate rather the same was because of circumstances compelling in nature and were beyond the control of the appellant as well.

**G.** That even otherwise the period of absence has been condoned by treating the same as leave without pay, thus the impugned orders are not maintainable in the eyes of law and liable to be set aside.

- H. That the appellant has already punished for his previous absence and there are contradictions about the absence period as evident from the Naqal Mads already annexed and comments of the respondent No 2 dated 08-12-2014, further the period of absence is also less as mentioned by the respondents. **(Copy of the comments and absence report are enclosed as Annexure L & M).**
- I. That the impugned order is not a speaking order and thus not tenable in the eyes of law.
- J. That there is misapplication of law as the law mentioned in the order of respondent No 1 is not applicable in case of the appellant.
- K. That the appellant was not provided the opportunity of personal hearing and the impugned order is defective as well.
- L. That no evidence was collected during inquiry in support of the allegations nor the allegations were proved during inquiry and the action as such is not maintainable in the eyes of law.



**M.** That the appellant has about 5 years of service with unblemished service record and is jobless since his illegal dismissal from service.

**N.** That the appellant seeks the permission of this honorable tribunal for further/additional grounds at the time of arguments.

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

Dated:-22-09-2015

Through

  
Appellant



Fazal Shah Mohmand  
Advocate, Peshawar

**BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR**

Service Appeal No \_\_\_\_\_/2015.

Naeem Ullah.....Appellant

**VERSUS**

DIG & others.....Respondents

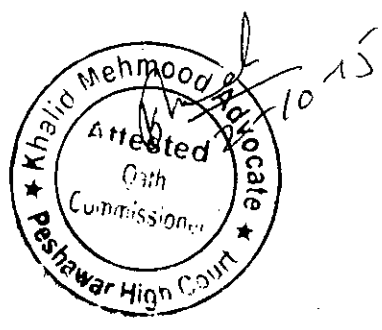
**AFFIDAVIT**

I, Naeem Ullah Ex Constable No 3015 District Police Mardan, do hereby solemnly affirm and declare on oath that the contents of this **Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.

Identified by



Fazal Shah Mohmand  
Advocate Peshawar

  
DEPONENT

**BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR**

Service Appeal No \_\_\_\_\_/2015.

Naeem Ullah.....Appellant

**V E R S U S**

DIG & others.....Respondents


**APPLICATION FOR THE CONDONATION OF DELAY IF ANY.**


**Respectfully submitted:-**

1. That the accompanying appeal is being filed today in which no date of hearing has been fixed so far.
2. That the grounds of appeal may be considered as integral part of this application.
3. That the impugned order being void abinitio, illegal besides passed under a law not applicable in case of the appellant and time factor becomes irrelevant in such cases, as such the instant appeal is liable to be decided on merit.
4. That the law as well as the dictums of the superior Courts also favors decisions of cases on merit.

It is therefore prayed that on acceptance of this application, the delay if any in filing of appeal may kindly be condoned.

Dated:-22-09-2015

  
Appellant

Through  
  
Fazal Shah Mohmand,  
Advocate, Peshawar

**BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR**

9

Service Appeal-No \_\_\_\_\_/2015.


Naeem Ullah.....Appellant

**VERSUS**

DIG & others.....Respondents

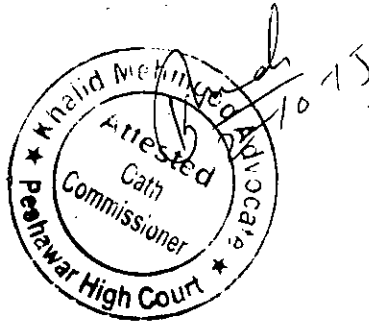
**AFFIDAVIT**

I, Naeem Ullah Ex Constable No 3015 District Police Mardan, do hereby solemnly affirm and declare on oath that the contents of this **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.

Identified by 

Fazal Shah Mohmand  
Advocate Peshawar

  
DEPONENT



(Not visible for record)

MARDAN MEDICAL COMPLEX

Teaching Hospital Mardan KPK

OUTPATIENTS DEPARTMENT

10

Name: *[Handwritten]* Sex: *[Handwritten]*

Department: *[Handwritten]* Address: *[Handwritten]*

OPD No. 50140 Date: 29-7-14

History	P.I. <i>[Handwritten]</i>
Clinical Examination	<i>[Handwritten]</i>
Provisional Diagnosis	<i>[Handwritten]</i>
Investigations Required	<i>[Handwritten]</i>

Attested  
*[Signature]*  
on



از دفتر SHE

28-8-14

بدلت ڈیڑھ جا ب AR ط لکھنؤ

ذیل بنیاد کے ذریعے طور پر جو قے سے یہ وقت اظہار

LO-MHC  
for Vaccination

MR-28-8-14

1807 SB

27.8.14

12

She Mardan

ایسٹل حضرت

28-8-14

28/8/14

- ① ڈیڑھ جا ب 1698 لکھنؤ میں سے درج ذیل کے لئے
- ② ڈیڑھ جا ب 1282 لکھنؤ میں سے لکھنؤ کے لئے
- ③ ڈیڑھ جا ب 2300 لکھنؤ کے لئے
- ④ ڈیڑھ جا ب 3015 لکھنؤ کے لئے
- ⑤ ڈیڑھ جا ب 3106 لکھنؤ کے لئے

Attested  
Adm

نمبر 27 روزنامہ 01/09/14

مدتی رپورٹ طافری عن خواریز  
 اس وقت کہیں رقم نہیں آ رہی ہے  
 7 سے 14 تک اور بیان نکاح میں اسباب بیان ددوران  
 14 - اب میری حالت بہتر ہے اور جاہلی کی رپورٹ درج  
 ہوئی ہے۔ اب میری تعلیم بند ہے اور وہیں فنانس کا  
 روزنامہ کے لئے بند ہے اور وہیں فنانس کا  
 افسران بالائی خدمت میں ارسال ہوگی۔

جواب عالی  
 تفضل بمطالعہ حاصل



AHasteel  
 Eed  
 Adw



پولیس کاٹن

E

تعلیم 34 روزنامہ 8/9/14

مطہودان

14

مد 34 حاضری گوپن علی سے وقت 06:30 تا 09:00 8/9/14

پبلس لیم ایڈ 3015 حسب الحکم امیران بالا

تھانہ SMT سے مع سامان سرکاری دہلی سے

پولیس ڈاکن DAR حاضر آیا

صنایعی

لعل نظامین اصل سے

M. M. P. T. N. A.

12-4-12

Attested  
[Signature]

G  
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ORDER

Constable Naeem No. 3015, while posted at Police Station SMT Mardan committed the following act, which is gross misconduct on his part as defined in Rules 02 (iii) Police Rules 1975.

Brief facts are that Constable Naeem No. 3015, Police Station SMT Mardan, deliberately absented himself from the lawful duty vide DD No. 30 dated 02.07.2014 to DD No. 16 dated 08.07.2014, DD No. 22 dated 20.07.2014 to DD No. 44 dated 21.07.2014 and DD No. 30 dated 29.07.2014 to-date. (His previous absence period was 140 days).


In this connection, Constable Naeem No. 3015, was charged sheeted vide this office No. 691/R, dated 28.08.2014 and he was also proceeded against departmentally through Mr Jehanzeb Khan DSP/City Mardan, who after fulfilling necessary process, submitted his findings to the undersigned vide his office endorsement No.627/S, dated 13.10.2014, in which the allegations have been established against him.

After going through inquiry file the undersigned agree with the findings of enquiry officer and the alleged Constable Constable Naeem No. 3015, and being a habitual absentee he is hereby dismissed from service while his absence period counted as leave without pay. The powers of the post are vested in me under Police Rules 1975.

Order announced

O.B No. 2277

Dated 14/11/2014

  
(Gul Afzal Afridi)  
District Police Officer,  
Mardan.

No. 11325-30/R dated Mardan the 14-11/2014

Copy for information and necessary action to:-

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

A.H. Stead

CC

بخدمت جناب - 519 طلب علم مردان برین 2 مردان

H

16

جناب عالی!

درخواست / اپیل طبراز بحالی 1

OS 2277  
17.12.11

گزارش کے ساتھ کہ جناب - 519 صاحب مردان نے بحوالہ

یوم 32 یوم غیر حاضری کے تحت جناب کے Dismiss کرنا

تکم صاف فرمایا ہے (ارڈر نمبر)۔ چونکہ سائل ایک عاجز اور خیر خندان

سے تعلق رکھتا ہے۔ چونکہ سائل بیمار تھا برین سائل نے مذکورہ غیر حاضری

ہے اور 32 یوم کا میڈیکل لیس جناب کا اثر مہربانہ سے دیکھیے جو پورے لئے

باز رہے درخواست استدعا ہے کہ سائل کو دوبارہ ملازمت پر بحال فرمایا

سائل کا نام دیا گیا

العارض

تقاضا ہے کہ صاحب مردان  
کا نام لکھیں

نام  
سید کبیر علی نقی 3015

موبائل نمبر 911 5963 - 0311

EC/D P.O. Mandera.

For comments please

Account  
For D.E. Mandera  
25/11/2014

Attested

Signature  
AD

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ORDER.


This order will dispose-off the appeal preferred by Ex-Constable Naeem Ullah No. 3015 of Mardan District Police against the order of District Police Officer, Mardan wherein he was dismissed from service vide District Police Officer, Mardan OB No. 2277 dated 13.11.2014.

Brief facts of the case are that he while posted at Police Station Sheikh Malloon, Mardan, deliberately absented himself from the lawful duty vide daily diary No. 30 dated 02.07.2014 to daily diary No. 16 dated 08.07.2014, daily diary No. 22 dated 20.07.2014 to daily diary No. 44 dated 21.07.2014 and daily diary No. 30 dated 29.07.2014 to the date of dismissal (his previous absence period was 143 days). In this connection he was charge sheeted and also proceeded against departmentally through the Deputy Superintendent Police City, Mardan, who after fulfilling necessary procedure submitted his findings to District Police Officer, Mardan, in which the allegations were established against him. After going through inquiry file District Police Officer, Mardan agreed with the findings of enquiry Officer and the alleged Constable was dismissed from service.

It is further added that he took the plea of his illness and in this regard he produced 02 medical prescriptions dated 02.09.2014 and 08.09.2014 vide which he was advised 10 days and 05 weeks medical rest respectively. The same were not countersigned by M.S while as per procedure medical rest more then 03 days is required to be countersigned by M.S concerned. Moreover, lastly he had remained absent with effect from 29.07.2014 till 13.11.2014 while he has produced medical rest with effect from 29.07.2014 to 08.08.2014 for 10 days and 08.09.2014 to 29.09.2014 for 03 weeks. He has produced no medical rest for the remaining period. It clearly indicates that he has obtained those medical prescriptions/rest only to cover his absence period for those days.

I have perused the record and also heard the appellant in Orderly Room held in this office on 24.12.2014, but he failed to justify his absence period and could not produce any cogent reason about his absence. Therefore, I MUHAMMAD SAEED Deputy Inspector General of Police, Mardan Region-I, Mardan in exercise of the powers conferred upon me reject the appeal and do not interfere in the order passed by the competent authority, thus the appeal is filed.

ORDER ANNOUNCED.

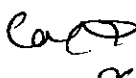
  
(MUHAMMAD SAEED)PSP  
Deputy Inspector General of Police,  
Mardan Region-I, Mardan

No. 2563 /ES,

Dated Mardan the 29 - 12 - /2014.

Copy to District Police Officer, Mardan for information and necessary action w/r to his office Memo: No. 1017/LB dated 08.12.2014. His service record is returned herewith.

(\*\*\*\*\*)

Attest  
  
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بخدمت جناب انسپکٹر جنرل آف پولیس خیبر پختون خواہ پشاور

عنوان ڈیپارٹمنٹل اپیل برائے بحالی سروس

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بناراضگی حکم محررہ 29-12-2014 جناب DIG صاحب مردان ریجن مردان برائے حوالہ نمبری 8563/ES۔

منجانب سائل حسب ذیل ہے۔

جناب عالی!

- 1- یہ کہ من سائل / اپیلٹ بروئے OB نمبر 2075 مورخہ 7-10-2009 بطور کنسٹیبل بھرتی ہوا تھا۔
- 2- یہ کہ اپنی سروس کے دوران من سائل نے اچھا وقت گزارا ہے اور کبھی بھی کسی کو شکایات کا موقعہ نہیں دیا ہے۔
- 3- یہ کہ افسران بالا کی جانب سے بدوران سروس پولیس سٹیشن شیخ ملتون ٹاؤن مردان مختلف روز نامہ چھپائے میں من سائل کو غیر حاضر دیکھا گیا ہے۔ اور اس کے بعد الزامات کی بنیاد پر چارج شیٹ دی گئی اور من سائل کے اوپر انکوائری افسر کا تقرر کر دیا گیا اور بدوران سروس انکوائری من سائل نے متعلقہ چارج شیٹ کا جواب بھی دیا۔ اور اسی طور ڈاکٹری نسخہ جات بھی اُس دوران دیکھے گئے۔ لیکن اس پر کوئی نظر ثانی نہیں کی گئی اور بروئے حکم محررہ 29-12-2014 کی بنیاد پر دیگر حکمتا برقرار رکھے گئے اور اپیل من سائل خارج کر کے داخل دفتر کی ہے۔ جو کہ بعد از اختتام غلط خلاف قانون خلاف واقعات اور خلاف قواعد مروجہ ہے۔ (حکم مذکورہ لف ہے)۔
- 4- یہ کہ حکم مذکورہ میں من سائل کو غیر حاضر از 29-7-2014 تا 13-11-2014 دیکھا گیا ہے۔ حالانکہ نکلند نمبر 27 روز نامہ 1-9-2014 نکلند نمبر 34 روز نامہ 8-9-2014 من سائل حاضر رہا ہے اور اس طرح OB نمبر 1807 مورخہ 28-8-2014 سے بھی عیاں ہے۔ کہ من سائل موجود تھا بدیں وجہ حکم مذکورہ خلاف قانون اور خلاف قواعد مروجہ ہے ہرگز قابل بحالی نہ ہے۔ بلکہ قابل فسخ ہے۔ اور حقوق سائل پر کالعدم اور غیر موثر ہے۔ (روز نامہ چھپائے لف ہیں)
- 5- یہ کہ دیگر ڈاکٹری نسخہ جات بھی ہمراہ جواب درخواست لگائے گئے تھے لیکن اُس کو بھی مد نظر نہ رکھا گیا اور ایک سرسری جائزہ لیکر حکم و فیصلہ صادر کیا گیا ہے۔ (ڈاکٹری نسخہ جات 32 روزہ لف ہے)۔
- 6- یہ کہ قانون اور انصاف کا تقاضہ ہے کہ من سائل کے خلاف حکم محررہ 29-12-2014 فسخ کیا جائے اور من سائل کو اپنی سروس پر بحال کیا جائے۔

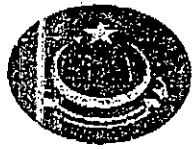
لہذا استدعا ہے کہ بمنظوری اپیل غدا بد جوہات بالا مندرجہ احکامات صادر فرمائے جائیں۔

العارض

آپ کا تابع فرماں کنسٹیبل نعیم اللہ نمبر 3015 سکند بابوزئی کالنگ تھانہ کالنگ۔

برائے اطلاع موبائل نمبر 0300-9058850/0311-9115903

Attest  
eek



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

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ORDER

This order is hereby passed to dispose off departmental appeal under Rule 11-a of Khyber Pakhtunkhwa Police Rule-1975 submitted by Ex-FC Naeem Ullah NO. 3075 of District Police Mardan against the Punishment Order i.e dismissed from service passed against the appellatant by DPO/Mardan vide OB No. 2277 dated 13.11.2014.

In the light of recommendations of Appeal Board meeting held on 10.09.2015, the board examined the enquiry in detail & other relevant documents. It revealed that the appellatant was served with Charge Sheet/Statement of Allegations and punishment order was announced on the basis of reply to the Charge Sheet and Statement of Allegations.

The appellatant was also heard in person. Record perused. The applicant earned 32 bad entries according to his service record. He is habitual absentee and was dismissed from service. The Board rejected his appeal.

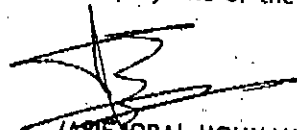
Order announced in the presence of appellatant.

Sd/-  
NASIR KHAN DURRANI  
Inspector General of Police,  
Khyber Pakhtunkhwa Peshawar.

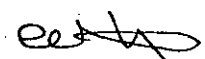
No. 11582-86 /E-IV dated Peshawar the 18/9 /2015

Copy of above is forwarded to the:-

1. Deputy Inspector General of Police, Mardan Region, Mardan
2. PSO to IGP/Khyber Pakhtunkhwa Peshawar.
3. PA to Addl: IGP/HQrs Khyber Pakhtunkhwa, Peshawar.
4. PA to DIG/HQrs Khyber Pakhtunkhwa, Peshawar.
5. DPO/Mardan. The service Roll, Fauji Missal and Enquiry File of the above named official are also returned herewith.

  
(ASIF TOQBAL MOHMAND)  
AIG/Establishment  
For Inspector General of Police  
Khyber Pakhtunkhwa Peshawar

17/9/15

Attest  


The District Police Officer,  
Mardan.

The Deputy Inspector General of Police,  
Mardan Region-I, Mardan.

No. 1017 /LB dated Mardan the 8-12- /2014.

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Subject: **APPEAL FOR RE-INSTATEMENT IN SERVICE.**  
Memo:

Kindly refer to your office Endst: No. 7699/ES dated 25.11.2014 on the case noted above in the subject.

**Comments on departmental appeal, preferred by Ex- Constable Naeem Ullah No. 3015, are submitted as under:**

1. The appellant was appointed as Constable in this district Police vide OB No. 2075 dated 07.10.2009.
2. That appellant, while posted at PS SMT deliberately absented himself from duty vide DD No. 30 dated 02.07.2014 to DD NO.16 dated 08.07.2014, DD No.22 dated 20.07.2014 to DD No. 44 dated 29.07.2014 and DD No. 30 dated 29.07.2014 till order of his dismissal on 13.11.2014. To this effect, he was issued charge sheet with summary of allegation. The then DSP City was appointed as enquiry officer to conduct proper departmental enquiry against him. Charge sheet was served upon him and he submitted reply to it. He took the plea of his illness and in this regard he produced 02 medical prescriptions dated 02.09.2014 and 08.09.2014 vide which he was advised 10 days and 05 weeks medical rest respectively. The same were not countersigned by M.S while as per procedure medical rest more then 03 days is required to be countersigned by M.S concerned. Moreover, lastly he had remained absent w.e.f. ~~29.07.2014 to 08.08.2014~~ while he has produced medical rest w.e.f 29.07.2014 to 08.08.2014 for 10 days and 08.09.2014 to 29.09.2014 for 03 weeks. He has produced no medical rest for the remaining period. It clearly indicates that he has obtained those medical prescriptions/rest only to cover his absence period for those days.
3. He was found guilty of absence from duty deliberately by enquiry officer and recommended for major punishment. Accordingly he was dismissed from service vide OB No. 2277 dated 13.11.2014.
4. That the appellant is habitual absentee and previously he was dismissed from service on account of absence from duty for 35 days vide OB No. 2420 dated 05.11.2013 but later on re-instated by your goodself vide office order Endst: No. 6090/ES dated 20.12.2013 due to his pathetic family condition and order of dismissal was converted into minor punishment of one increment with cumulative effect.
5. It is further submitted that during short service of five years, he has earned no good entry as per his service book while there are 22 bad entries against him. Previously he has remained absent on the following dates and was awarded punishments for the by competent authority.

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S.No.	Days	Kind of punishment	OB No. & Date
1.	3	Leave without pay by DPO Mardan	3508 dated 06.09.10
2.	10	-do-	1596 dated 22.10.11
3.	2	-do-	1703 dated 30.04.11
4.	3	-do-	1832 dated 09.05.11
5.	1	-do-	2661 dated 11.07.11
6.	4	-do-	3040 dated 11.08.11
7.	11	-do-	3081 dated 16.08.11
8.	1	-do-	3134 dated 22.08.11
9.	19	-do-	4164 dated 10.12.11
10.	7	-do-	4165 dated 10.12.11
11.	58	-do-	871 dated 24.03.12
12.	4	-do-	2290 dated 10.08.12
13.	5	-do-	2291 dated 10.08.12
14.	2	-do-	2813 dated 11.10.12
15.	1	-do-	3305 dated 13.12.12
16.	6	-do-	1656 dated 05.08.13
17.	1	-do-	409 dated 13.02.14
18.	2	-do-	466 dated 20.02.14
19.	1	-do-	12.08 dated 22.05.14
20.	1	-do-	1378 dated 10.06.14
21.	1	-do-	1732 dated 18.08.14
22.	1	-do-	1806 dated 26.08.14

6. In view of above explanation, his appeal is not worth consideration.

7. Comments alongwith his departmental appeal, received vide the above quoted reference, and service book are submitted herewith for favour of perusal and further orders please.

Encl: S.P. (1)

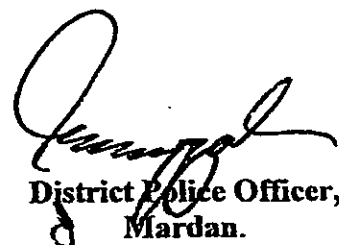
Per (3)

SD,

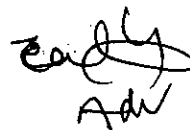
Received  
K/CC

EC

8/12/2014

  
District Police Officer,  
Mardan.

Attester

  
Adv



**BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR.**

Service Appeal No 1066/2015.

Naeem Ullah.....Appellant.

**V E R S U S**

DIG & Others.....Respondents

**REPLICATION ON BEHALF OF THE APPELLANT.**

**REPLY TO PRELIMINARY OBJECTIONS.**

All the preliminary objections raised by the respondents are incorrect and as such denied. Instant appeal is not bad in its present form, appellant has come to this honorable Tribunal with clean hands and he has got a valid cause of action and locus standi to bring the present appeal. The instant appeal is as per law and rules, in which all necessary parties have been imp leaded and is not barred by any law and the appellant is not estopped by his conduct to file the instant appeal.

**RELY TO FACTS/GROUNDS.**

Comments of the respondents are full of contradictions and are based on malafide. Respondents have failed to show that the appellant did anything that would amount to misconduct. The comments amount to admissions on part of the respondents, as they have failed to deny the plea of the appellant. Respondents have failed to prove that charge sheet and show cause notice were communicated to the appellant and that any proper inquiry was ever conducted in the matter as per law and rules. Respondents have admitted that Medical chits were duly produced during inquiry and that the appellant performed duty at the house of Zarawar Khan. Previous punishments could not be made basis for his dismissal as per the dictums of the Superior Courts. Even the period of absence has been regularized by treating the same as leave without pay.


In the circumstances the appellant has been punished without any omission or commission on his part and he has not committed any misconduct. The respondents have failed to substantiate their version and bring anything on record in support of their version; as such the impugned orders are not maintainable in the eyes of law. Even action against the appellant has been taken on the allegations of absence of 15 days absence which is not according to law, rules and the principles of natural justice.

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

Dated:- -2016

  
Appellant

Through


  
Fazal Shah Mohmand  
Advocate Peshawar

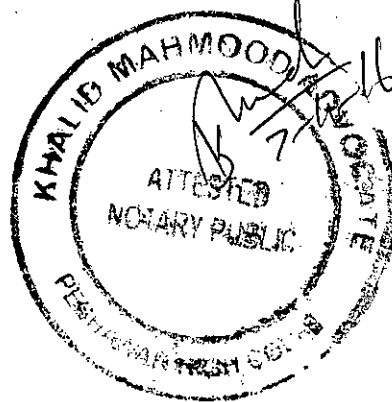
## A F F I D A V I T

I, Naemullah Ex Constable No 3015, District Police Mardan (The Appellant), do hereby solemnly affirm and declare on oath that the contents of this Replication are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.

Identified by

  
DEPONENT

  
Fazal Shah Mohmand  
Advocate Peshawar.



C

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

**Service Appeal No. 1066/2015**

Naeemullah Ex-Constable.....Appellant.

**VERSUS.**

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

**Respectfully Sheweth:**

**PRELIMINARY OBJECTIONS:-**

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

**REPLY ON FACTS:-**

1. Incorrect. The appellant is a habitual absentee & earned a series of red/bad entries, including major punishments.
2. Incorrect. The appellant just making a false plea/pretext to get sympathies of the Honourable Court. The appellant is a Govt. Servant and member of disciplined Force, wherein, proper procedure for leave has been laid under rules/law. The appellant deliberately absented himself and did not bother even to submit a single application for proper leave before the competent authority. Besides, availing medical chits/documents has become an easier practice for the Govt. officials and the same presented here seems to be false, based on fabricated story.
3. That appellant, while posted at PS SMT deliberately absented himself from duty vide DD No. 30 dated 02.07.2014 to DD NO.16 dated 08.07.2014, DD No.22 dated 20.07.2014 to DD No. 44 dated 29.07.2014 and DD No. 30 dated 29.07.2014 till order of his dismissal on 13.11.2014. To this effect, he was issued charge sheet with summary of allegation. The then DSP City was appointed as enquiry officer to conduct proper departmental enquiry against him. Charge sheet was served upon him and he submitted reply to it. He took the plea of his illness and in this regard he produced 02 medical prescriptions dated 02.09.2014 and 08.09.2014 vide which he was advised 10 days and 05 weeks medical rest respectively. The same were not countersigned by M.S while as per procedure medical rest more than 03 days is required to be countersigned by M.S concerned. Moreover, lastly he had remained absent w.e.f 29.07.2014 till 13.11.2014 while he has produced medical rest w.e.f 29.07.2014 to 08.08.2014 for 10 days and 08.09.2014 to 29.09.2014 for 03 weeks. He has produced no medical rest for the remaining period. It clearly indicates that he has obtained those medical prescriptions/rest only to cover his absence period for those days. **(Copies of Charge Sheet with statement of allegations & Enquiry are attached as Annexure- A, B & C)**
4. This Para details about his later period while he was inquired into his repeated & prolonged absence in the earlier months i.e 02.07.2014, 08.07.2014 & 29.07.2015. The fact of his absence is explained in Para-3 above.
5. Correct to the extent of dismissal.
6. Correct, pertains to record, hence, no comments.
7. Correct, however, there is no second departmental appeal under the law.
8. Incorrect. The impugned orders are just, legal & in accordance with rules/law, facts & principles of justice.

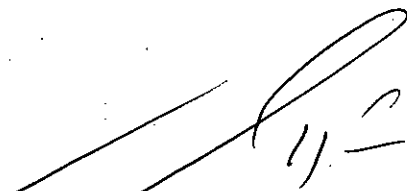
**REPLY ON GROUNDS:-**


- A. Incorrect. The impugned orders are legal & in accordance with rules/law.


- B. Incorrect. No provision of law/rules has been violated & the appellant has been treated in accordance with law/rules.
- C. Incorrect. Proper procedure has been applied & justice has been done in treating the appellant departmentally.
- D. Incorrect. Proper procedure as per rules/law has been adopted.
- E. Incorrect & baseless, rather, real facts & circumstances has been dug out & punished the appellant as he deserved.
- F. Incorrect. The rules/law accept no false/fabricated excuses but only facts under her legal provisions.
- G. Incorrect. The appellant has not performed his official duty, so, he does not deserve for the pay of his absence period. The impugned orders are, therefore, maintainable in the eyes of law.
- H. Incorrect. There is no contradiction, rather, explained in Para-3 above.
- I. Incorrect. The impugned orders are in accordance with rules/law.
- J. Incorrect. There is no misapplication of law & treated the appellant as per law/rules.
- K. Incorrect. The appellant has been provided all opportunities of defence at all forums of departmental appeal/prayers. **(Copy of rejection order by DIG Mardan is attached as Annexure-D).**
- L. Incorrect. Proper departmental enquiry has been conducted & the allegations have been established against him.
- M. Incorrect. The appellant is a habitual absentee & earned a series of red/bad entries, including major penalties. **(Copy of red/bad entries are attached as Annexure-E)**
- N. The respondents also seek permission of the Hon'able Tribunal to present further grounds, if any, at the time of arguments.

**PRAYER:-**

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

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

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

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

"A"

**OFFICE OF THE DISTRICT POLICE OFFICER, MARDAN**

No. 691 /R/D.A-P.R-1975

Dated 28.8. /2014

**DISCIPLINARY ACTION UNDER NWFP POLICE RULES - 1975**

I, **Gul Afzal Khan** District Police Officer, Mardan as competent authority am of the opinion that Constable **Naeem No. 3015**, rendered himself liable to be proceeded against as he committed the following acts/omission within the meaning of section-02 (iii) of NWFP Police Rules 1975.

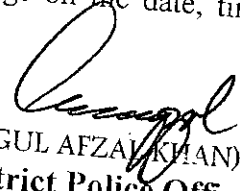
**STATEMENT OF ALLEGATIONS**

That Constable **Naeem No. 3015**, while posted at Police Station Shiekh Maltoon, deliberately absented himself from the lawful duty vide DD No.30 dated 11.07.2014 to DD No. 16 dated 08.07.2014, DD No. 22 dated 20.07.2014 to DD No. 44 dated 21.07.2014 and DD No. 30 dated 29.07.2014. to date without any leave / permission of the competent authority. He is recommended for departmental action by ASP/SMT, Mardan vide his office letter No. 222 and 223, dated 21.08.2014.

2. For the purpose of scrutinizing the conduct of the said official with reference to the above allegations **Jehanzeb Khan DSP/City Mardan** is appointed as Enquiry Officer.

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

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

  
(GUL AFZAL KHAN)  
District Police Officer,  
Mardan

**OFFICE OF THE DISTRICT POLICE OFFICER, MARDAN**

No. \_\_\_\_\_ /R dated Mardan the \_\_\_\_\_ /2014.

Copy of above is forwarded to the:

1. DSP/City Mardan for initiating proceedings against the accused official / Officer namely Constable **Naeem No. 3015**, under Police Rules, 1975.
2. Constable **Naeem No. 3015**, with the directions to appear before the Enquiry Officer on the date, time and place fixed by the enquiry officer for the purpose of enquiry proceedings.

\*\*\*\*\* !!! \*\*\*\*\*

"B"


## CHARGE SHEET UNDER NWFP POLICE RULES 1975

I, **Gul Afzal Khan** District Police Officer, Mardan as competent authority hereby charge you **Constable Naeem No. 3015**, as follows.

That you Constable, while posted at Police Station Shiekh Maltoon, deliberately absented yourself from the lawful duty vide DD No.30 dated 11.07.2014 to DD No. 16 dated 08.07.2014, DD No. 22 dated 20.07.2014 to DD No. 44 dated 21.07.2014 and DD No. 30 dated 29.07.2014. to date without any leave / permission of the competent authority. You are recommended for departmental action by ASP/SMT, Mardan vide his office letter No. 222 and 223, dated 21.08.2014.

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

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

  
(GUL AFZAL KHAN)  
District Police Officer,  
Mardan

ENQUIRY REPORT OF CONSTABLE NAEEM NO.3015.

" C 3

The Undersigned was deputed to conduct Enquiry of Constable Naeem No.3015. by the Worthy District Police Officer Mardan through office Letter No.691/R/D.A.P.R-1975 Dated 28/08/2014.

BRIEF FACTS.

That Constable Naeem No.3015, while posted at Police Station SMT, deliberately absented himself from the lawful duty vide DD No.30 dated 02-7-2014 to DD No.16 dated 08-7-2014, DD No 22 dated 20-7-2014 to DD No.44 dated 21-7-2014 and DD No.30 dated 29-7-2014 to date without any leave / Permission of the competent authority. He is recommended for departmental action by ASP/SMT Mardan vide his office letter No.222, dated 21-08-2014.

ROCEEDINGS.

The proceedings of the enquiry have been conducted strictly in accordance with the NWFP Police Rules 1975.

STATEMENT OF CONSTABLE NAEEM NO.3015.

To ascertain facts of enquiry, the alleged constable was summoned to appear before the undersigned, thus he appeared and was heard in person, wherein he stated that on 8/7/2014 he was suffering from kidney pain and his friend took him for treatment to Mardan Medical complex where after treatment the Doctor advised him for complete bed rest. On completion of bed rest he came back to Police Station for duty but the same pain happened again on 29/7/2014 and once again the doctor advised him for bed rest. The alleged constable produced treatment history with three weeks and ten days bed rest advised to him by Medical officer.

FINDINGS.

The alleged constable was found guilty because he didn't bring this into the notice of High Ups. and got himself absented from official duties. He is habitual and lazy. Now he is use to got himself absent any time he wants. His character roll further reflects 24 bad entries and 140 days absently prior to this absence from service.

*Dismissed from Service*  
*13-11*

RECOMMENDATION.

Keeping in view finding of the enquiry, the undersigned has reached to the conclusion that medical/bed rest produced by the alleged official is not attested from Medical Superintendent as well as at the time of submission of medical report he should have written application to Worthy District Police Officer Mardan to approve his medical, but he didn't, therefore if agreed, he may be given major punishment please.

No: 627 /S  
Dt:13/10/014

*B*  
*Summan Jais*  
*Oh*

*38*  
*[Signature]*  
Deputy Superintendent of Police,  
City Circle, Mardan.

" D 3 1

ORDER.

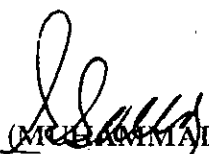
This order will dispose-off the appeal preferred by Ex-Constable Naeem Ullah No. 3015 of Mardan District Police against the order of District Police Officer, Mardan wherein he was dismissed from service vide District Police Officer, Mardan OB No. 2277 dated 13.11.2014.

Brief facts of the case are that he while posted at Police Station Sheikh Maltoon, Mardan, deliberately absented himself from the lawful duty vide daily diary No. 30 dated 02.07.2014 to daily diary No. 16 dated 08.07.2014, daily diary No. 22 dated 20.07.2014 to daily diary No. 44 dated 21.07.2014 and daily diary No. 30 dated 29.07.2014 to the date of dismissal (his previous absence period was 143 days). In this connection he was charge sheeted and also proceeded against departmentally through the Deputy Superintendent Police City, Mardan, who after fulfilling necessary procedure submitted his findings to District Police Officer, Mardan, in which the allegations were established against him. After going through inquiry file District Police Officer, Mardan agreed with the findings of enquiry Officer and the alleged Constable was dismissed from service.

It is further added that he took the plea of his illness and in this regard he produced 02 medical prescriptions dated 02.09.2014 and 08.09.2014 vide which he was advised 10 days and 05 weeks medical rest respectively. The same were not countersigned by M.S while as per procedure medical rest more than 03 days is required to be countersigned by M.S concerned. Moreover, lastly he had remained absent with effect from 29.07.2014 till 13.11.2014 while he has produced medical rest with effect from 29.07.2014 to 08.08.2014 for 10 days and 08.09.2014 to 29.09.2014 for 03 weeks. He has produced no medical rest for the remaining period. It clearly indicates that he has obtained those medical prescriptions/rest only to cover his absence period for those days.

I have perused the record and also heard the appellant in Orderly Room held in this office on 24.12.2014, but he failed to justify his absence period and could not produce any cogent reason about his absence. Therefore, I **MUHAMMAD SAEED** Deputy Inspector General of Police, Mardan Region-I, Mardan in exercise of the powers conferred upon me reject the appeal and do not interfere in the order passed by the competent authority, thus the appeal is filed.

ORDER ANNOUNCED.

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

No. 8563 /ES,

Dated Mardan the 29 - 12 - /2014.

Copy to District Police Officer, Mardan for information and necessary action w/r to his office Memo: No. 1017/LB dated 08.12.2014. His service record is returned herewith.

(\*\*\*\*\*)



CHARACTER ROLL OF

14. COMMENDATORY ENTRIES

Serial No.

ORDER

He is hereby dismissed from Service while his absence period counted as leave without pay in exercise of power vested in me under A.O. - 1975

OPNO 2277  
OP 13-11-14.

DPO/Mardan

ORDER

The appeal is filed vide Dig/Mardan Endst: No. 8563/ES dt:- 29.12.14.

DPO/Mardan

15. CENSURES AND PUNISHMENTS.

Serial No.

①

Fined Rs. 1000/- for his

Absence from Special duty -

OB No: 2935  
3-8-11

DPO/MR

①

②

He is hereby warned

to be careful in future -

OB No: 3040  
11-8-11

DPO/MR

He is hereby warned

to be careful in future -

OB No: 3134  
22-8-11

DPO/MR

②

He is hereby awarded six (6) days  
Extra drill with immediate effect.

OB No. 1656  
dt 5-8-13

②

DPO/MR

15. CENSURES AND PUNISHMENTS. — Contd.

Serbi No.

3

ORDER

He is hereby dismissed from Service, in exercise of the power vested in me under the rules 1975.

CB No. 2420  
dt 5-11-013

X

DPO/Mardan

4

ORDER

He is hereby Re-instated in Service with immediate effect. Period he remain out of duty is treated as Leave w/o pay and also awarded minor Punishment stoppage of one month with accumulative effect and his pay fixed Rs. - 6180/- pm. vide M.O/Mardan dt-20-12-2013.

CB No. 2870

dt 24-12-13.

*Jung*  
District Police Officer  
Mardan

5

2 dys Extn till For no Absen

CB No. 409

13-2-14

X

15. CENSURES AND PUNISHMENTS. -- Contd.

Serial No.

(4) days extra drill for his absence

OB No. 466  
20-2-14

(5)

DPO/MR

1 day extra drill for his absence

OB No. 697  
25-3-14

(6)

DPO/MR

2 days extra drill for his absence

OB No. 1208  
22-5-14

DPO/MR

2 days extra drill for his absence

OB No. 1378  
10-6-14

DPO/MR

2 days extra drill for his absence

OB No. 1732  
18-8-14

DPO/MR

Order

His appeal is rejected by ICIP

WPA Peshawar Enclst. NO. 115-82-86/E-IV,  
dt: 18/9/2015.

DPO/MR

**16. LEAVE, ABSENCE AND BREAKS IN SERVICE.**  
 All Periods not counting as "approved service" to be entered in red ink.

1.		2.			3.	4.
Date		Extent			No. Of District Order	Description of leave i.e privilege hospital, sick leave or of absence, or forfeiture of approved service.
From	To	Years	Months	Days		
				3	3588 6-8-10	Leave w/o pay DPO/MR
				10	1596 22-10-11	- do - DPO/MR
				2	1703 30-4-11	- do - DPO/MR
				3	1832 9-5-11	- do - DPO/MR
				1	2661 11-7-11	- do - DPO/MR
				4	3040 11-8-11	- do - DPO/MR
				11	3081 16-8-11	- do - DPO/MR
				1	3134 22-8-11	- do - DPO/MR
				19	4164 10-12-11	- do - DPO/MR
				7	4165 19-12-11	- do - DPO/MR
				58	871 24-3-12	- do - DPO/MR
				4	2290 10-2-12	- do - DPO/MR

5)  $\frac{2291}{10-8-12}$  Leave w/o pay - ~~DPO/MR~~

22)  $\frac{2387}{30-8-12}$  Leave - ~~DPO/MR~~ (Absence period counted as 2/leave)

2)  $\frac{2813}{11-10-12}$  Leave w/o pay - ~~DPO/MR~~

1)  $\frac{3305}{13-12-12}$  do - ~~DPO/MR~~

5)  $\frac{1656}{5-8-13}$  do - ~~DPO/MR~~

7)  $\frac{408}{13-2-14}$  do - ~~DPO/MR~~

2)  $\frac{466}{20-2-14}$  do - ~~DPO/MR~~

1)  $\frac{1208}{22-5-14}$  do - ~~DPO/MR~~

1)  $\frac{1378}{10-6-14}$  do - ~~DPO/MR~~

0)  $\frac{1732}{18-8-14}$  do - ~~DPO/MR~~

1)  $\frac{1806}{26-8-14}$  do - ~~DPO/MR~~

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

Service Appeal No. 1066/2015

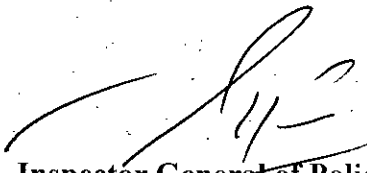
Naeemullah Ex-Constable.....Appellant.


**VERSUS.**

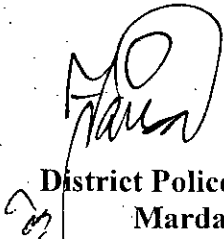
District Police Officer, Mardan & others.....Respondents.

**COUNTER AFFIDAVIT.**

We, the respondents do hereby declare and solemnly affirm on oath that the contents of the Para-wise comments in the service appeal cited as subject are true and correct to the best of our knowledge and belief and nothing has been concealed from this Honourable Tribunal.

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

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

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

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

**Service Appeal No. 1066/2015**

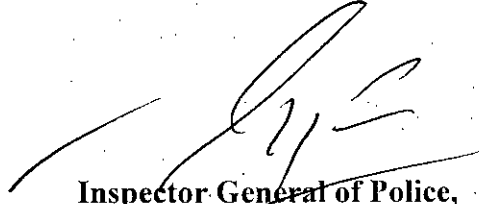
Naeemullah Ex-Constable.....Appellant.


**VERSUS.**

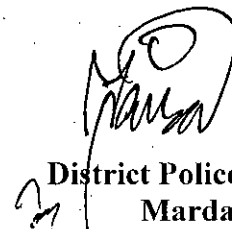
District Police Officer, Mardan & others.....Respondents.

**AUTHORITY LETTER.**

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

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

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

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



KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 689 /ST

Dated 7 / 4 / 2017


To

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

Subject: - JUDGMENT

I am directed to forward herewith a certified copy of Judgement dated 28.3.2017 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.

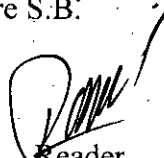
08.08.2017

Petitioner in person and Addl: AG for respondents present.  
Implementation report not submitted. Requested for adjournment  
Adjourned. To come up for implementation report on 22.09.2017  
before S.B.

  
(Ahmad Hassan)  
Member

22.09.2017

Since 22<sup>nd</sup> September, 2017 has been declared as Public  
Holiday on account of 1<sup>st</sup> Muharram, therefore, the case is  
adjourned for the same on 03.11.2017 before S.B.

  
Reader

2.11.2017

Counsel for the petitioner and Addl. AG for the  
respondents present. The learned AAG seeks time. To come  
up for implementation report on 30.11.2017 before S.B.

may be withdraw ✓

  
Chairman

  
30.11.2017

30/11/17




Learned counsel for the petitioner present.  
Learned Addl: AG for the respondents present.  
Learned counsel for the appellant requested  
for the withdrawal of this case. Request  
accepted and the case is dismissed as  
withdrawn.

**ANNOUNCED**  
30.11.2017

  
(Muhammad Hamid Mughal)  
MEMBER

FORM OF ORDER SHEET

Execution Petition No. 108/2017

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	09.06.2017	<p>The Execution Petition of Mr. Naeemullah submitted to-day by Mr. Haji Shamsul Qamar Advocate may be entered in the relevant Register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	16-06-2017	<p>This Execution Petition be put up before S. Bench on - <u>06-07-2017</u></p> <p style="text-align: right;"> CHAIRMAN</p>
06.07.2017		<p>Counsel for the appellant present. Notice be issued to the respondents for submission of implementation report on 08.8.2017 before S.B.</p> <p style="text-align: right;"> (Ahmad Hassan) Member</p>

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

*Execution Petition No. 108/2017*

In the matter of  
Service Appeal No:- 1066/2015

Naeem Ullah, Ex-Constable No 3015, Mardan Police  
..... Petitioner

**Versus**

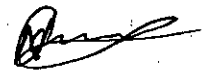
1. District Police Officer, Mardan
2. Regional Police Officer (DIG), Mardan Region.  
..... Respondent

**INDEX**

S#	Description of the Documents	Annex	Pages
1.	<i>Grounds of petition</i>	*	1-2
2.	<i>Affidavit</i>	*	3
3.	<i>Copy of judgment of this learned Tribunal dated 28/03/2017</i>	"A"	4-5-6
4.	<i>Copy of notification</i>	"B"	7/8

Dated:- 08/06/2017

Appellant/Petitioner



Naeem Ullah  
Ex-Constable No 3015  
District Police Mardan

Through:-



Haji Shamsul Qamar  
Advocate High Court,  
Peshawar.

Cell No:- 0301-8806554

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

Implementation Petition No:- 108 /2017

In

Service Appeal No:- 1066/2015

Naeem Ullah, Ex-Constable No 3015, Mardan Police  
..... Petitioner

**Versus**

1. District Police Officer, Mardan
2. Regional Police Officer (DIG), Mardan Region.  
..... Respondent

PETITION FOR DIRECTING THE RESPONDENTS TO  
ISSUE ORDERS OF RE-INSTATEMENT OF THE  
PETITIONER IN SERVICE AS ORDERED BY THIS  
LEARNED TRIBUNAL IN SERVICE APPEAL NO  
1066/2015

***Respectfully Sheweth:-***

1. *That the petitioner was serving in Mardan District Police as Constable and was dismissed from service vide order dated 14/11/2014 by respondent No 1 and the appeal was dismissed by respondent No 2.*
2. *That the petitioner submitted Service Appeal in this learned Service Tribunal Vide Service Appeal No 1066/2015, which was accepted by this learned Tribunal vide judgment dated 28/03/2017. (Copy of judgment is enclosed as annexure "A").*

3. *That the petitioner submitted attested copy of the judgment to the respondent No 1 on 12/04/2017 requested for allowing the petitioner to join duties.*

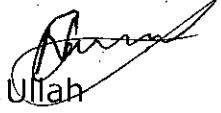
4. *That the respondent is not ready to implement the orders in the judgment and adopting delaying tactics for the last two months inspite of the facts that I visited the concerned offices for several times.*

*It is, therefore, requested that the respondents may please be directed to implement the judgment of this Tribunal and re-instate the petitioner.*

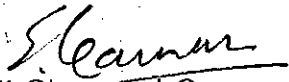
*It is also submitted that already the Chief Secretary to Govt: of KP vide notification (Copy enclosed as annexure "B") has ordered all the departments to implement the judgment of the learned Tribunal as soon as there received.*

Dated:- 08/06/2017

Appellant/Petitioner

  
Naeem Ullah  
Ex-Constable No 3015  
District Police Mardan

Through:-

  
Haji Shamsul Qamar  
Advocate High Court,  
Peshawar.  
Cell No:- 0301-8806554

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

In the matter of  
Service Appeal No:- 1066/2015

Naeem Ullah, Ex-Constable No 3015, Mardan Police  
..... Petitioner

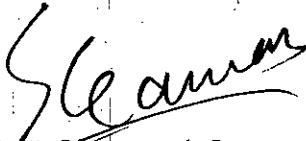
**Versus**

1. District Police Officer, Mardan
2. Regional Police Officer (DIG), Mardan Region.  
..... Respondent

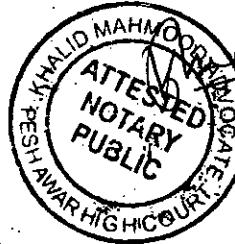
**AFFIDAVIT**

*I, Naeem Ullah (Appellant/Petitioner), do hereby solemnly affirm and declare on oath that the contents of this accompanying **Petition** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.*

Identified by

  
Haji Shamsul Qamar  
Advocate High Court,  
Peshawar.

DEPONENT  
CNIC No:- 16101-8715777-7



Annex A

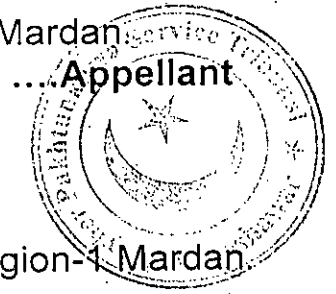
(4)

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No 1066 /2015.

A.W.F. Province  
Service Tribunal  
Diary No. 1110  
Date 22-5-15

Naeem Ullah Ex Constable No 3015 District Police Mardan



...Appellant

V E R S U S

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

APPEAL U/S 4 OF THE KPK SERVICE  
TRIBUNAL ACT 1974 AGAINST THE ORDER  
DATED 29-12-2014 PASSED BY RESPONDENT  
NO 1 WHERE BY DEPARTMENTAL APPEAL  
OF THE APPELLANT FILED AGAINST THE  
ORDER DATED 13-11-2014 OF RESPONDENT  
NO 2 HAS BEEN FILED/REJECTED.

*Secur.*

*Filed to-day*

*[Signature]*  
22/9/15

PRAYER:-

*Re-submitted to-day*

*[Signature]*  
2-11-15

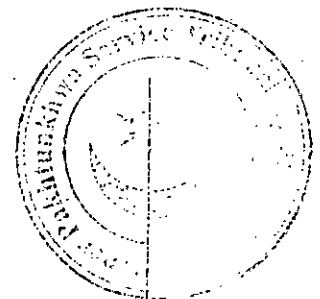
On acceptance of this appeal the impugned order dated 29-12-2014 of respondent No 1 and Order dated 13-11-2014 of respondent No 2 may kindly be set aside and the appellant may kindly be ordered to be reinstated in service with all back benefits.

**ATTENDED**

*[Signature]*  
KPK Service Tribunal Peshawar



P-5



Sr. No	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate
1	28.03.2017	<p style="text-align: center;">3</p> <p style="text-align: center;"><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR</u></p> <p style="text-align: center;">Appeal No. 1066/2015</p> <p style="text-align: center;">Naeemullah Versus Dy. Inspector General of Police, Mardan Region-I, Mardan and another.</p> <p><u>JUDGMENT</u></p> <p><u>MUHAMMAD AZIM KHAN AFRIDI, CHAIRMAN:-</u></p> <p>Counsel for the appellant and Mr. Kabecrullah Khattak, Asstt. Advocate General alongwith Attaur Rahman, S.I (Legal) for respondents present.</p> <p>2. Naeemullah hereinafter referred to as the appellant has preferred the instant service appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against impugned order dated 13.11.2014 vide which he was dismissed from service and the period of alleged absence was treated as leave without pay and where-against his departmental appeal as well as representation under Police Rules 11-A were rejected vide order dated 25.08.2014 and 18.09.2015 respectively and hence the instant service appeal on 22.09.2015.</p> <p>3. Brief facts of the case of the appellant are that while serving as police personal he was found absent from duty and vide original order dated 13.11.2014 dismissed from service and period of his absence was treated as leave without pay.</p>

Hein

ACCEPTED

Khyber Pakhtunkhwa Service Tribunal, Peshawar

4. We have heard arguments of learned counsel for the parties and perused the record.

5. It is evident from the vary order passed by the competent authority and impugned before us that the absence period of the appellant was treated as leave without pay. In addition to the said order penalty in the shape of dismissal from service of the appellant was also imposed which was not warranted. Such an act on the part of the competent authority falls within the ambit of double jeopardy. Similar view is taken by this Tribunal in judgment dated 17.06.2016 in Service Appeal No. 1200/2014 titled "Azizur Rahman Versus Deputy Inspector General of Police, Mardan Region-I, Mardan and another".

6. For the above mentioned reasons we accept the present appeal and set aside the impugned order to the extent of dismissal of appellant from service and, as a consequence thereof, reinstate him in service. Period of absence from service w.e.f. the date of dismissal till date shall be treated as leave of the kind due. Parties are left to bear their own costs. File be consigned to the record room.

Announced  
28.03.2017

Sd/- M. Azim Khan  
Chairman

Sd/- M. Azim Khan  
Member

Certified to be true copy.

Member  
Secretary

Date of Presentation of form: 06-04-17  
 Number of Words: 1200  
 Copying Fee: 80  
 Urgent: ✓  
 Total: 107  
 Name of Copy: [Signature]  
 Date of Completion: 06-04-17  
 Date of Delivery of Copy: 06-04-17

Asra  
 DD No. 16 to 02.02.14  
 20.7.14 to 28.7.14 (6)  
 29.7.14 to 29.7.15 (15)  
 (32 days)

$$\frac{15}{32}$$

$$\frac{32}{3}$$

Prof. Aslam

P-7

Criminal

Ames

پاکستان کے لیے

پاکستان کے لیے

(ریگولیشن اور گت)

1669

3/6

P-11

سرگرمیوں (ای ایڈوائس زئی) ۱۸-۲۰۲۳

4-Aug: 2004

مذمت

- ۱- تمام انتظامی مشینوں کی مرمت ہو رہی ہے
- ۲- سٹیڈیز کے گروپ ہو رہے ہیں
- ۳- سٹیڈیز کے ڈیپارٹمنٹ ہو رہے ہیں
- ۴- تمام سربراہان وقت تک بات ہو رہی ہے
- ۵- تمام سربراہان خود بخود تمام خود بخود تمام بات ہو رہی ہے
- ۶- تمام ڈیپارٹمنٹ ڈیپارٹمنٹ ہو رہے ہیں
- ۷- ڈیپارٹمنٹ ڈیپارٹمنٹ ہو رہے ہیں
- ۸- سٹیڈیز کے ڈیپارٹمنٹ ہو رہے ہیں
- ۹- سٹیڈیز کے ڈیپارٹمنٹ ہو رہے ہیں
- ۱۰- تمام ڈیپارٹمنٹ ڈیپارٹمنٹ ہو رہے ہیں
- ۱۱- ڈیپارٹمنٹ ڈیپارٹمنٹ ہو رہے ہیں
- ۱۲- تمام ڈیپارٹمنٹ ڈیپارٹمنٹ ہو رہے ہیں

DS (A)

پاکستان کے لیے

پاکستان کے لیے

مذمت

پاکستان کے لیے

مجھے ہدایت کی گئی ہے کہ عرض کروں کہ مجاز حاکم کے نوٹس میں یہ بات لائی گئی ہے کہ ڈیپارٹمنٹ کے فیصلوں پر برہنہ عمل درآمد نہیں ہو رہا ہے۔ جسکی وجہ سے سرکاری ملازمین کو ان پر عمل درآمد کرانے کے لئے دو بارہ سرورس ٹریبونل سے رجوع کرنا پڑتا ہے جسکی وجہ سے ان فیصلوں میں غیر ضروری تاخیر واقع ہوتی ہے۔ ان فیصلوں کو مد نظر رکھتے ہوئے یہ فیصلہ کیا گیا ہے کہ تمام انفرادی کیسوں میں فوری طور پر عمل درآمد کیا جائے جبکہ دو ایجنسیوں کے جن میں مستقل رقم کارفرما ہو کر درآمد متعلقہ نکلے جاتے کے مشورے سے عمل کیا جائے جن کیسوں میں سرورس ٹریبونل آف پاکستان نے حکم اجرائی جاری نہ کیا ہو تو متعلقہ نکلے کو سرورس ٹریبونل کے فیصلے کی توثیق کرنی چاہیے۔

سرورس ٹریبونل کے فیصلوں کو مناسب وقت میں پایہ تکمیل تک پہنچایا جائے بصورت دیگر متعلقہ ایجنسیوں کے خلاف تاحسی کارروائی عمل میں لائی جائے گی۔ نتیجہ میں سرورس ٹریبونل مستعد عملی طور پر ملے گا۔ ان بات سے آگاہ کریں گے جن معاملات میں غیر ضروری تاخیر واقع ہو رہی ہو خصوصاً نکلے سے تعلق اور پولیس۔ یہاں ملازمین کی تعداد دوسرے نکلے سے زیادہ ہے۔

آئیے

(نام نام نام)

(نام نام نام)

پاکستان کے لیے

1846

3/11/2004

Ames

Ad. 10 cat

حکومت صوبہ پنجاب  
محکمہ عمل و انتظامیہ

(ایگزیکوشن ونگ)

نمبر افسر صیغہ ضوابط ۶ (ای ایڈاے ڈی) ۱-۲۳/۵۲۰۰ مورخہ پشاور ۶ جولائی ۲۰۰۵ء

پشاور

- ۱- تمام انتظامی مستندین حکومت صوبہ سرحد
- ۲- محمد برائے گورنر صوبہ سرحد
- ۳- معتمد برائے وزیر اعلیٰ صوبہ سرحد
- ۴- معتمد صوبائی اسمبلی سکریٹریٹ
- ۵- تمام ڈسٹرکٹ و سیشن جج، صوبہ سرحد
- ۶- رجسٹرار پشاور ہائی کورٹ پشاور
- ۷- اکاؤنٹنٹ جنرل صوبہ سرحد پشاور
- ۸- تمام سربراہان ملحقہ محکمہ جات، صوبہ سرحد
- ۹- تمام سربراہان خود مختار / نیم خود مختار ادارہ جات، صوبہ سرحد
- ۱۰- تمام ضلعی رابطہ افسران / مختاران سیاسی صوبہ سرحد
- ۱۱- معتمد پبلک سروس کمیشن صوبہ سرحد
- ۱۲- رجسٹرار سروسز ٹریبونل، پشاور

عنوان :- سروس ٹریبونل کے فیصلوں کی بروقت تسمیل

مجھے ہدایت کی گئی ہے کہ عرض کروں کہ بعض دن بالا محکمہ ہذا کے مراسلہ نمبر افسر صیغہ ۶ (ای ایڈاے ڈی) ۱-۲۳/۵۲۰۰ مورخہ ۲۳ اگست ۲۰۰۴ء کے ذریعے ہدایات جاری کی گئیں تھیں جسکے مطابق یہ تاکید کی گئی تھی کہ سروس ٹریبونل کے ان فیصلوں کی بروقت تسمیل کی جائے جس میں سپریم کورٹ نے حکم اتنا ہی جاری نہ کی ہو۔ ایڈووکیٹ جنرل صوبہ سرحد نے بذریعہ مراسلہ نمبر 4650/AG مورخہ 23-6-2005 محکمہ ہذا کی توجہ اس طرف مبذول کر دئی ہے کہ مذکورہ بالا ہدایات پر صحیح معنوں میں عمل درآمد نہیں ہو رہا ہے جس کی وجہ سے پاکستان کی عدالت کی طرف سے ایک محکمہ جات رابطہ افسران پر جرم نامہ عائد کیا ہے۔

*(Signature)*  
A. J. Ali

ان حقائق کے متاثرینوں مذکورہ بالا ہدایات کی از سر نو تجدید کی جاتی ہے کہ ان پر سختی سے عملدرآمد کیا

جائے۔

سرپرست

افسرینہ ضوابط - ششم

تظہیر نمبر و تاریخ الضابطہ:-

- ۱- نقل برائے اطلاع:-
- ۱- ایڈووکیٹ جنرل صوبہ سرحد
- ۲- سب ڈائریکٹر صوبہ سرحد
- ۳- تمام ضلعی ڈائریکٹریں آفسران حساب داری صوبہ سرحد
- ۴- ذاتی معتمد برائے وزیر اعلیٰ صوبہ سرحد
- ۵- ذاتی معتمد برائے گورنر صوبہ سرحد
- ۶- ذاتی معتمد برائے معتمد اعلیٰ صوبہ سرحد
- ۷- تمام ذاتی معتمدین برائے صوبائی وزراء۔

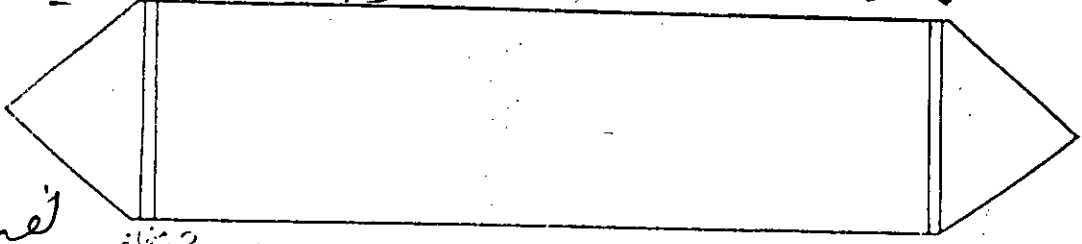
سرپرست  
افسرینہ ضوابط - ششم

تظہیر نمبر و تاریخ الضابطہ:-

- ۱- نقل برائے اطلاع:-
- ۱- تمام اضافی معتمدین برائے معتمدین محکمہ سٹیبلشمنٹ اور ایڈمنسٹریشن صوبہ سرحد
- ۲- ناظم سٹاف ٹریننگ اسٹیشنوں بینولینٹ فنڈ بلڈنگ پشاور صدر
- ۳- تمام سیکشن آفسران برائے آفسر محکمہ سٹیبلشمنٹ اور ایڈمنسٹریشن صوبہ سرحد۔
- ۴- ذاتی معتمد برائے معتمد محکمہ سٹیبلشمنٹ صوبہ سرحد
- ۵- ذاتی معتمد برائے معتمد محکمہ سٹیبلشمنٹ صوبہ سرحد
- ۶- اسٹنٹ معتمد بینولینٹ فنڈ سٹیبلشمنٹ اور ایڈمنسٹریشن صوبہ سرحد
- ۷- مہتمم کتب خانہ محکمہ سٹیبلشمنٹ اور ایڈمنسٹریشن صوبہ سرحد

سرپرست  
افسرینہ ضوابط - ششم

# بعدالت سررسٹریٹس کپ ۱۲



تفصیل  
بنام  
۲۰۱۵  
دعویٰ

موزنہ ۰۸۰۶-۲۰۱۷  
مقدمہ  
دعویٰ  
جرم  
درخواست  
Implementation atin petition

## باعث تحریر آئینک

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ حاجی حسن علی کے لیے

آن مقام کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالت ہ فیصلہ بر حلف دیئے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری کی طرف یا اپیل کی براندگی اور مندرجہ نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور 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 بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانبہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی مذکور کریں۔ لہذا ادکالت نامہ لکھ دیا کہ سند ہے۔

المرقوم ۰۸۱  
ماہ جون ۲۰۱۷

۰۶/۱۷

کے لئے منظور ہے۔

بمقام  
تفصیل  
۲۰۱۵  
Camara  
۰۸۱