

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 5089

Dated 4/5/2023

Service Appeal No. 834/2022

Imran Khan Ex-FC..... (Appellant)


VERSUS

Provincial Police Officer, Khyber Pakhtunkhwa & others

.....  
(Respondents)

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Dependent

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**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**  
**PESHAWAR**

Service Appeal No. 834/2022

Imran Khan Ex-FC..... (Appellant)

VERSUS

Provincial Police Officer, Khyber Pakhtunkhwa & others

.....  
(Respondents)

**PARAWISE COMMENTS BY RESPONDENTS NO 1 TO 3**

**PRELIMINARY OBJECTIONS**

- a) That the appellant has got no cause of action to file the present appeal.
- b) That the appellant has got no locus standi.
- c) That the appeal is bad for mis-joinder and non-joinder of necessary parties.
- d) That the appeal is not maintainable in its present form.
- e) That the appellant is estopped to file the instant appeal.
- f) That the appellant has concealed real facts from Hon'ble Tribunal.

**FACTS**

1. Pertains to appointment of the appellant hence no comments.
2. Pertains to service record of the appellant hence no comments.
3. Incorrect, in-fact the appellant wilfully absented himself from lawful duty without prior permission or leave of competent authority and he remained absent for long period of 05 months, 11 days.
4. Incorrect, the appellant was properly proceeded against departmentally in accordance with law/ rules. A proper departmental enquiry into the matter was conducted. An enquiry officer was nominated to conduct the fair and impartial enquiry. It is worth to mention here that the appellant neither joined enquiry proceedings nor he submitted written reply. The appellant remained absent till lawful punishment of compulsory retirement was awarded to him. Notice were served through local Police Station Lachi at his home address however, the appellant was not available and therefore, had been served at the address of the appellant.
5. Incorrect, already explained vide above para proper enquiry proceedings have been conducted against the appellant and all the codal formalities have been fulfilled. However, the appellant never bothered to join enquiry proceedings and continuously remained absent from lawful duty. Hence, the lawful punishment was awarded to him.
6. Incorrect, the appellant himself was not available to local police due to his wilful absence for purpose of serving of show cause notice. Furthermore, the enquiry officer had noted in his findings that no report/information has been made by the appellant regarding his illness therefore, the enquiry officer after fulfilment of all codal formalities submitted his findings wherein the appellant was found guilty of gross misconduct and recommended for major punishment.
7. Incorrect, as already explained above that the competent authority after fulfilment of all codal formalities issued order of compulsory retirement vide dated 23.06.2021 against which the appellant filed departmental appeal and the appellant was heard in person in orderly room on 09.09.2021. The appellant badly failed any plausible reasons in rebuttal of charges therefore the appellate authority rejected his departmental appeal being devoid of merits vide order dated 09.09.2021. (Copy of orders annexed as "A" & "B").


- P-2
8. Correct to the extent of Revision Petition but it is pertinent to mention here that the appellant was heard in person in Appellate Board meeting dated 29.03.2022, wherein, the appellant once again badly failed to advance solid grounds in his self defense. Therefore, the Revision Petition of the appellant was rejected and decision was kept upheld vide order dated 14.04.2022. (Copy of order dated 14.04.2022 annexed as "C").
  9. Incorrect, to respondents have passed all the orders in accordance with law/ rules and therefore instant service appeal is liable to be dismissed on following Grounds.

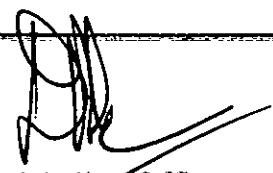
### GROUNDS

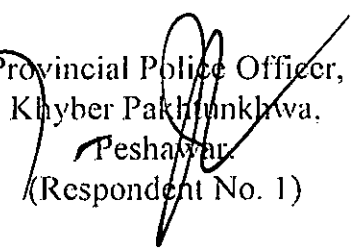
- a. Incorrect, the appellant has been treated in accordance with law/rules and no violation of constitution has been committed by the answering respondents.
- b. Incorrect, already explained above in Para No. 5 of Facts.
- c. Incorrect, the appellant did not inform the officers regarding his illness.
- d. Incorrect and misleading as the appellant himself initially remained absent and not available event at his home.
- e. The appellant never brought into the notice of senior officers nor preferred any application for medical leave.
- f. Incorrect, already explained above.
- g. incorrect, absence for long period of 05 months, 11 days is a gross misconduct in a discipline force.
- h. Pertains to personal information of the appellant.
- i. The respondents may also be allowed to raise additional grounds at time of hearing of instant Service Appeal.

### PRAYERS

Keeping in view the above facts and circumstances, it is therefore requested that the instant service appeal may kindly be dismissed with costs being devoid of merits and legal force, please.

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

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

  
Provincial Police Officer,  
Khyber Pakhtunkhwa,  
Peshawar.  
(Respondent No. 1)

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 834/2022

Imran Khan Ex-FC..... (Appellant)


VERSUS

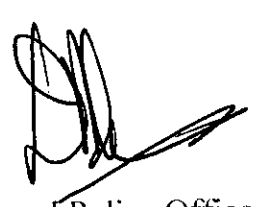
Provincial Police Officer, Khyber Pakhtunkhwa & others

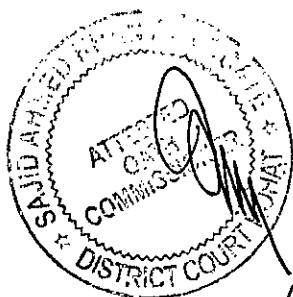
.....  
(Respondents)

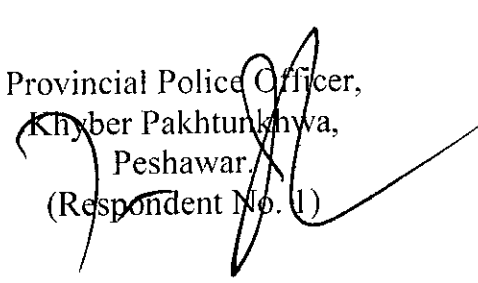
COUNTER AFFIDAVIT

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

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

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



  
Provincial Police Officer,  
Khyber Pakhtunkhwa,  
Peshawar.  
(Respondent No. 1)

Anx-A P-4



**Office of the  
District Police Officer,  
Kohat**

Ph: #. 0922-9260116 Fax #. 0922-9260125

~~Ph: #. 0922-9260125~~

**ORDER**

This order will dispose of departmental proceedings conducted against Constable Imran No. 1394 of this district Police, under the Khyber Pakhtunkhwa, Police Rules, 1975 (amendment 2014).

Facts arising of the case are that the accused official while posted at PS Jarma willfully absented himself from lawful duty vide DD No. 03 dated 12.01.2021 till date.

For the above, charge sheet alongwith statement of allegations was served upon him and regular enquiry was initiated with appointment of enquiry officer. The accused official willfully neither attended the enquiry proceedings, nor resumed his duty. However, the father of the accused official stated that his son (accused official) has gone to Peshawar for treatment.

On conclusion, proceedings the enquiry officer filed his report and held him guilty.

Final Show Cause Notice was issued, received by the accused official and reply submitted by his father, which is found unsatisfactory. The accused official was called repeatedly, but did not bother to appear in O.R

Record gone through, which indicates that accused official is a habitual absentee, previously remained absent for a long period and also addict as, established from record and statement of his father. In such circumstances, the retention of accused official is not only burden on public exchequer, but also dangerous to his life and other officials and caused bad image to Police, the charge leveled against him is established, however, in view of his health condition i.e addict, his family and long service, a lenient view is desirable.

Therefore, in exercise of power conferred upon me I, Sohail Khalid District Police Officer, Kohat imposed a punishment of **compulsory retirement** from service with immediate effect and the absence period is treated as kind of due leave. Kit etc be collected.

**Announced**  
**21.06.2021**

  
DISTRICT POLICE OFFICER,  
KOHAT

*Accepted  
Malam*

24/06/21  
وکیل  
جیب  
تعمیر  
7

OB No. 440  
Dated 23.06.2021  
No 2800-03/PA dated Kohat the 23-06-2021.

- Copy of above to the:-  
1. Reader/R./Pay officer/SRC/OHC for necessary action.

Anx BPS

**POLICE DEPTT:**

**KOHAT REGION**

**ORDER.**

This order will dispose of a departmental appeal moved by Ex-Constable Imran Khan No. 1394 of district Kohat, against the punishment order, passed by DPO Kohat vide OB No. 440, dated 23.06.2021 whereby he was awarded major punishment of **compulsory retirement from service** on the allegations of willful and long absence of **06-months** from lawful duties without any leave or prior permission from his seniors.

Comments as well as relevant record were requisitioned from DPO Kohat and perused. The appellant was also heard in person in O.R held in this office on 09.09.2021. During hearing the appellant did not advance any plausible explanation in his defense to prove his innocence.

Above in view, the undersigned reached to the conclusion that the allegations leveled against the appellant are proved and the same has also been established by the E.O in his findings. Moreover, a lenient view has already been taken by the competent authority in awarding punishment. Therefore, his appeal being devoid of merits is hereby dismissed.

**Order Announced  
09.09.2021**

6223  
14/9/21

*Mohammad Zafar Ali*  
(MOHAMMAD ZAFAR ALI) PSP  
Region Police Officer,  
Kohat Region.

No. 14525 /EC, dated Kohat the 14/9 /2021.

Copy to District Police Officer, Kohat for information and necessary action w/r to his office Memo: No. 10245/LB, dated 11.08.2021. His Service Roll / Fauji Missal is returned herewith, please.

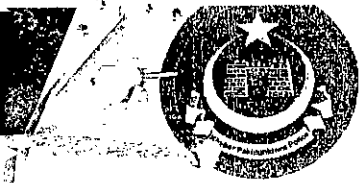
*SRE/Office*  
*for information*

*Mohammad Zafar Ali*  
(MOHAMMAD ZAFAR ALI) PSP  
Region Police Officer,  
Kohat Region.

*[Signature]*  
District Police Officer  
Kohat  
14/9/21

*Attested*  
*[Signature]*

*Kohat*



OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Amx c  
P-6

ORDER

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by **Ex-FC Imran Khan No. 1394**. The petitioner was compulsory retired from service by District Police Officer, Kohat vide OB No. 440, dated 23.06.2021 on the allegations that he while posted at Police Station Jarma, Kohat absented himself from duty w.e.f 12.01.2021 till date of compulsory retirement from service i.e 23.06.2021 for a period of 05 months & 11 days. His appeal was dismissed by Regional Police Officer, Kohat vide order Endst: No. 14925/EC, dated 14.09.2021.

Meeting of Appellate Board was held on 29.03.2022 wherein petitioner was heard in person. Petitioner contended that he was suffering from depression disease and was admitted in Islamic Medical Center, Islamabad.

Perusal of enquiry papers revealed that the petitioner is suffering from psychological order was admitted to Islamic Centre, Islamabad for treatment. The retention of petitioner in service is dangerous to his life and other officials. The Board see no ground and reasons for acceptance of his petition, therefore, the Board decided that his petition is hereby rejected and decision is upheld.

Sd/-

**SABIR AHMED, PSP**

Additional Inspector General of Police,  
HQrs: Khyber Pakhtunkhwa, Peshawar.

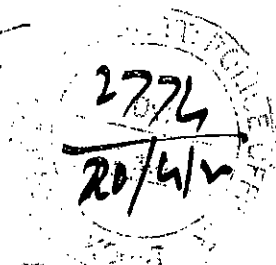
No. SI/ 776-82 /22, dated Peshawar, the 14/4 /2022.

Copy of the above is forwarded to the:

1. Regional Police Officer, Kohat. One Service Roll and one Fauji Missal of the above named Ex-FC received vide your office Memo: No. 18827/EC, dated 26.11.2021 is returned herewith for your office record
2. District Police Officer, Kohat.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
5. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-IV CPO Peshawar.

21/4/22

OHC/SRC  
for signature



District Police Officer  
19/4/22 Kohat

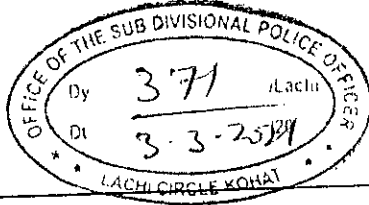
(IRFAN TARIQ) PSP  
AIG/Establishment,  
For Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar.

Arrested

Anx-D p-07



No 961-62/PA



Office of the  
District Police Officer,  
Kohat

Dated 01-3-/2021

**CHARGE SHEET**

I, **SOHAIL KHALID, DISTRICT POLICE OFFICER, KOHAT,**  
as competent authority under Khyber Pakhtunkhwa Police Rules (amendments  
2014) 1975, am of the opinion that you **Constable Imran No. 1394** rendered  
yourself liable to be proceeded against, as you have omitted the following  
act/omissions within the meaning of Rule 3 of the Police Rules 1975.

i. ***You while posted at PS Jarma has absented yourself  
from official duty vide DD No. 03 dated 12.01.2021 till  
date without any leave or permission from your seniors.  
Your this act show in-efficiency and gross misconduct  
on your part.***

2. By reasons of the above, you appear to be guilty of  
misconduct under Rule 3 of the Rules ibid and have rendered yourself liable to  
all or any of the penalties specified in the Rule 4 of the Rules ibid.

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

Your written defense if any should reach the Enquiry Officer  
within the specified period, failing which it shall be presumed that you have no  
defense to put in and ex-parte action shall be taken against you.

4. A statement of allegation is enclosed.

DISTRICT POLICE OFFICER,  
KOHAT 2/13.

کاگران من (والدین)  
ال

Attested  
[Signature]



P-08



Office of the  
District Police Officer,  
Kohat

No. 961-62 /PA

Dated 01-3-2021

**DISCIPLINARY ACTION**

I, **SOHAIL KHALID, DISTRICT POLICE OFFICER, KOHAT**  
as competent authority, am of the opinion that you **Constable Imran No. 1394**  
have rendered yourself liable to be proceeded against departmentally under  
Khyber Pakhtunkhwa Police Rule 1975 (Amendment 2014) as you have  
committed the following acts/omissions.

**STATEMENT OF ALLEGATIONS**

***You while posted at PS Jarma has absented  
yourself from official duty vide DD No. 03 dated  
12.01.2021 till date without any leave or  
permission from your seniors. Your this act show  
in-efficiency and gross misconduct on your part.***

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

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

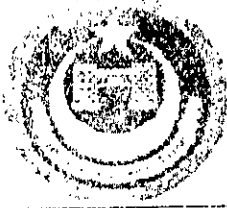
  
DISTRICT POLICE OFFICER,  
KOHAT 01/3

No. 961-62 /PA, dated 01-3-2021.

Copy of above to:-

1. Saddo/Lachi :- The Enquiry Officer for  
initiating proceedings against the accused under the provisions of  
Police Rule-1975.
2. The **Accused official**:- with the directions to appear before the  
Enquiry Officer, on the date, time and place fixed by him, for the  
purpose of enquiry proceedings.

*Attested  
Mam*



OFFICE OF THE  
DY: SUPERINTENDENT OF POLICE,  
LACHI CIRCLE KOHAT  
Email.dsplachi@gmail.com Phone.0922-550010

Any - E  
P-09

FINDING REPORT IN DEPARTMENTAL ENQUIRY AGAINST CONSTABLE IMRAN KHAN  
NO.1394

Subject departmental enquiry was delivered to this office with the capacity of enquiry officer (E.O) vide DPO office Kohat bearing his office diary No.961-62/PA dated 01.03.2021 in which the following allegations were framed against the above mentioned official.

- iii. *You while posted at PS Jarma has absented yourself from official duty vide DD NO.03 dated 12.01.2021 till date without any leave of permission from your seniors. Your this act show in-efficiency and gross -misconduct on your part.*

The allegations are that the defaulter official was deputed for Polio Special Duty from Police Lines, Kohat but he had failed to report arrival at his place of duty for Polio. Resultantly, the defaulter official was marked absent vide the above mentioned DD Number at P.S Jarma and remained absent till date.

Initially, Show Cause Notice vide No.242/PA dated 26.01.2021 issued from the worthy DPO office, Kohat was served upon the defaulter official through DFC PS Lachi on his home address but the defaulter official was found not present at his home. On enquiry, the defaulter official's father Kamran Gul s/o Badshaha Gul r/o Khan Colony Lachi Bala stated that his son (defaulter Official) has been admitted at Islamabad for proper providing medical treatment. However, one of the same was duly handed over to the defaulter official's father how had acknowledged the receipt thereof.

Later on, the defaulter official was charger sheeted by the worthy DPO, Kohat for above mentioned allegation and the undersigned was appointed as Enquiry Officer with the direction to initiate departmental enquiry against the defaulter constable.

In this regard, enquiry proceeding was carried by the undersigned. Charge Sheet along with summary of allegations was issued to the father of the defaulter official with the direction to submit written statement of his son at the undersigned's office within the stipulated time. On the directions, father of the defaulter official submitted the reply of charge sheet on February 05, 2021 in respect of his son who stated in the statement that owing to psychological disorder, his son has been admitted for giving medico-legal formalities at Islamic Centre, Islamabad which is situated near Ghori Town Phase No.01, East Ghori Carrier School, Islamabad. Therefore, he could not informed Police officers in time regarding the ailing of his son (statement attached)

FINDINGS:-

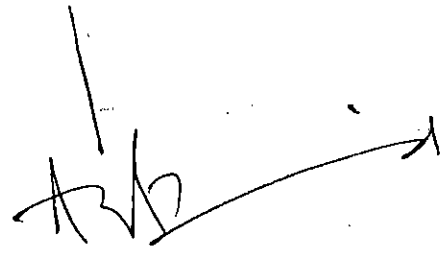
- i). No DD report was observed from Police Line, Kohat regarding the ailing of the defaulter Constable.
- ii). Being a discipline force member the defaulter Constable has badly failed to inform/intimate his seniors regarding his absence.
- iii). Such long time absentia period of the constable clearly entails his disinterest as well as inefficiency in the discharge of the official obligations.

Appd  
Shah

**RECOMMENDATIONS:-**


Keeping in view the above enquiry proceedings, undersigned is of the opinion that the defaulter Constable Imran Khan No.1394 remained absent without giving intimation to the high commands and could not reported arrival at his place of posting till date. Hence, the defaulter Imran Khan No.1394 is found guilty of the charges levelled against him. It is therefore, recommended for suitable punishment.

**Submitted Please**



**Sub-Divisional Police Officer,  
Lachi Circle Kohat**

No. 129 /Lachi Dated 31-05-2021

Attested  


Anx - F  
P-11

**OFFICE OF THE DISTRICT POLICE OFFICER KOHAT**

**SHOW CAUSE NOTICE**

**(Under Rule 5(2) KPK Police Rules, 1975)**

1. That You **Constable Imran No. 1394** have rendered yourself liable to be proceeded under Rule 5 (2) of the Khyber Pakhtunkhwa, Police Rules 1975 (Amendment 2014) for following misconduct;  
***You while posted at PS Jarma has absented yourself from official duty vide DD No. 03 dated 12.01.2021 till date without any leave or permission from your seniors. Your this act show in-efficiency and gross misconduct on your part.***
2. That by reason of above, as sufficient material is placed before the undersigned, therefore it is decided to proceed against you in general Police proceeding without aid of enquiry officer:
3. That the misconduct on your part is prejudicial to good order of discipline in the Police force.
4. That your retention in the Police force will amount to encourage in efficient and unbecoming of good Police officers.
5. That by taking cognizance of the matter under enquiry, the undersigned as competent authority under the said rules, proposes stern action against you by awarding one or more of the kind punishments as provided in the rules.
6. You are, therefore, called upon to show cause as to why you should not be dealt strictly in accordance with the Khyber Pakhtunkhwa Police Rules, 1975 (Amendment 2014) for the misconduct referred to above.
7. You should submit reply to this show cause notice within 07 days of the receipt of the notice failing which an ex-parte action shall be taken against you.
8. You are further directed to inform the undersigned that you wish to be heard in person or not.
9. Grounds of action are also enclosed with this notice.

No. 242 /PA

Dated 26-1-2021

~~\_\_\_\_\_~~  
DISTRICT POLICE OFFICER,  
KOHAT 26/1

*Attested  
Abdullah*

کنٹریل ٹریڈنگ کمپنی 1394 عہدہ ایڈمنسٹریٹو  
معالجہ ایسٹریٹس اور ایڈمنسٹریٹو۔ نقل شوکانہ زون  
مجمع وصولی ٹورنٹو جو بیٹے کے آفیسر سے  
حوالہ کروانگا

الہ کا عمران نقل ولد جاد شاہ نقل سید خان قالونی کا بیٹا

Nic. 14301-6940216-9

Mob=0334-8250668

الہ کا عمران  
الہ کا عمران

جنت علی

سید شوکانہ زون کے 388 ورقہ 2-2-3  
دریاد خان قالونی لائی بالہ کار مع  
کنٹریل ٹریڈنگ کمپنی 1384 سی بی بی برادری  
کنٹریل ٹریڈنگ کمپنی کو خود لے کر خود لے کر خود لے کر  
حیدر مسعود والدہ کا عمران نقل علاقہ  
جس نے ظاہر کیا کہ عہدہ ایڈمنسٹریٹو  
علاقہ و معالجہ ایسٹریٹس اور ایڈمنسٹریٹو  
شوکانہ زون کنٹریل ٹریڈنگ کمپنی کو خود لے کر  
کا عمران نقل کو حوالہ دے اور جس سے  
رہنما وصولی لیا گیا۔ الہ کا عمران

Attested  
Nadeem

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

Service Appeal No. 834/2022  
**Imran Khan**  
Constable, District Kohat

..... Appellant

**VERSUS**

Provincial Police Officer,  
Khyber Pakhtunkhwa & other

..... Respondents

**AUTHORITY LETTER**

Mujahid Ali steno (Focal Person) of this office is hereby authorized to file the parawise comments and any other registered documents in the Honorable Tribunal on behalf of respondents / defendant and pursue the appeal as well.



District Police Officer,  
Kohat  
(Respondent No. 3)