

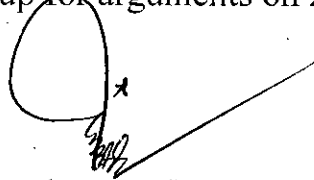
03.11.2022

Junior of learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Junior of learned counsel for the appellant submitted rejoinder, copy of which handed over to learned Deputy District Attorney.

Junior of learned counsel for the appellant also requested for adjournment on the ground that learned counsel for the appellant is busy in the honourable Peshawar High Court, Peshawar. Adjourned.

To come up for arguments on 29.12.2022 before the D.B.



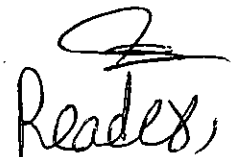
(Mian Muhammad)
Member (E)



(Salah-Ud-Din)
Member (J)

29/12/22

Due to winter vacation, the case adjourned to 22-3-23 for the same.



Reader,

22.03.2023

Learned counsel for appellant present.

Mr. Fazal Shah Mohmand, Additional Advocate General for respondents present.

Learned Member Judicial (Mrs. Rozina Rehman) is on leave, therefore, case is adjourned to 07.06.2023 for arguments before D.B. Parcha Peshi given to the parties.



(Muhammad Akbar Khan)
Member (E)

SCANNED
KPST
Peshawar

04th July, 2022

Counsel for appellant present. Mr. Muhammad Adeel Butt, Additional AG for respondents present.

Respondents have not submitted written reply/comments. Learned AAG seeks time for submission of written reply/comments. Adjourned. To come up for written reply/comments on 05.09.2022 before S.B.



(Kalim Arshad Khan)
Chairman

05.09.2022

Appellant present through counsel.

Kabir Ullah Khattak, learned Additional Advocate General alongwith Arif Salim, Stenographer for respondents present.

Reply on behalf of respondents was submitted. Copy of the same was handed over to learned counsel for appellant. To come up for rejoinder, if any, and arguments on 03.11.2022 before D.B.



(Rozina Rehman)
Member(J)

24.05.2022

Mr. Ashraf Ali Khattak, Advocate for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant argued the case at the stage of preliminary hearing. It was contended that the appellant is aggrieved of the impugned order dated 26.04.2018 when he was awarded major penalty of dismissal from service from the date of his absence. He submitted departmental appeal against the impugned order which was rejected vide appellate order dated 11.10.2019. The appellant thereafter approached the service Tribunal on 27.10.2021. On question from the court that the impugned order was passed on 26.04.2018 whereas it was challenged through departmental appeal on 14.09.2021, learned counsel for the appellant responded that the final appellate order dated 11.10.2019 was communicated to the appellant on 04.10.2021 and as such the limitation issue does not arise because period of limitation starts from the date when it was communicated to the appellant on belated stage i.e. 04.10.2021. It was agitated during the course of the arguments that even the impugned order of competent authority dated 26.04.2018 had not been endorsed to the appellant. On yet another question from the court that during all this period where was the appellant and how did he get the impugned order? Learned counsel for the appellant replied that during the period, the appellant was sick which was the main cause of his absence from duty. Moreover, the penalty of dismissal does not commensurate to the guilt of absence under Rule 9 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011. On this point, his attention was invited to the fact that being a uniform personnel of police service, the applicable law to the appellant was Khyber Pakhtunkhwa Police Rules 1975 and not the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011. It was further contended that the ends of justice have not been met because no charge sheet has been issued to the appellant. He has not been provided opportunity of personal hearing and is condemned unheard, he concluded

Points raised need consideration. The appeal is admitted to regular hearing, subject to all just and legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments. To come up for reply/comments before the S.B on 04.07.2022.

(Mian Muhammad)
Member (E)

Rs-400/-
Appellant Deposited
Security & Process Fee

A. J. 30/5/22

24.02.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 24.05.2022 for the same as before.



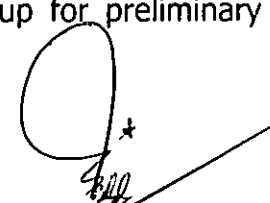

Reader.

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. - 7676/2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	27/10/2021	<p>The appeal of Mr. Zafar Iqbal presented today by Mr. Ashraf Ali Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-		<p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put there on <u>15/12/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	15.12.2021	<p>Learned counsel for the appellant present.</p> <p>Former requests for adjournment on the ground that he has not prepared the brief. Adjourned. To come up for preliminary hearing on 24.02.2022 before S.B.</p> <p style="text-align: right;"> (MIAN MUHAMMAD) MEMBER (E)</p>

**BEFOR THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

SERVICE APPEAL No. 7676 /2021

Zafar Iqbal,
Constable No.1244,
R/o Mir Ahmad Khel,
Tehsil and District, Kohat.

..... Appellant

Versus

The Regional Police Officer,
Kohat Region Kohat and others.

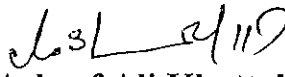
..... Respondents

INDEX

S.No.	Description of Documents	Date	Annexure	Pages
1.	Memo of Service Appeal with affidavit			1-6
2.	Copies of Commendations certificate		A	7
3.	Copy of impugned order of respondent No.2 vide OB No.438 dated 30-04-2018.		B	8
4.	Copies of Medical prescriptions		C	9-25
5.	Copy of departmental appeal		D	26-30
6.	Copy of impugned Final order of the respondent No.1 End: No.16525/EC, dated Kohat the 11-10-2021 (erroneously written as 11-10-2019)		E	31-33
7.	Wakalat Nama.			34


Appellant

Through


Ashraf Ali Khattak
Advocate,
Supreme Court of Pakistan

Dated ___/___/2021

**BEFOR THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

SERVICE APPEAL No. ___/2021

Zafar Iqbal,
Constable No.1244,
R/o Mir Ahmad Khel,
Tehsil and District, Kohat.

..... **Appellant**

Versus

1. **The Regional Police Officer,**
Kohat Region Kohat.
2. **The District Police Officer,**
Kohat.

..... **Respondents**

Service Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974 against the impugned Final order of the respondent No.1 End: No.16525/EC, dated Kohat the 11-10-2021 (erroneously written as 11-10-2019), wherein he rejected the departmental appeal of the appellant preferred against the order passed by respondent No.2 vide OB No.438 dated 30-04-2018, wherein he awarded major punishment of dismissal from service with retrospective effect.

Prayer in Appeal:-

On acceptance of the instant service appeal, this Hon'ble Tribunal may graciously be pleased to:-

1. Declare the impugned order of the impugned Final order of the respondent No.1 End: No.16525/EC, dated Kohat the 11-10-2021 (erroneously written as 11-10-2019) and impugned order of respondent No.2 vide OB No.438 dated 30-04-2018 as illegal, unlawful and without lawful authority and does not commensurate with the guilt of the accused official;
2. Set aside both the impugned orders and convert the major penalty of dismissal from service into major penalty of "Compulsory Retirement" with all pensionary benefits as per law laid down by the Honorable Supreme Court of Pakistan.
3. Any other relief deemed appropriate in the circumstances of the case not specifically asked for may also be graciously granted.

Respectfully Sheweth,

The concise facts giving rise to the present Service Appeal are as under:-

1. That appellant was the employee of police force, Kohat. He has about 17 years long standing at his credit with no previous history of any sort of misconduct. He has been awarded numerous Commendation Certificates for his extra ordinary and brave services beyond the call of his duty (Annexure-A).
2. That appellant was proceeded against departmentally for willful absence and was awarded major punishment of dismissal from service by respondent No.2 vide OB No.438 dated 30-04-2018 (Annexure-B).
3. That the absence of appellant was not willful but was under extreme unavoidable circumstances (Annexure-C). Appellant during his illness period approached the concerned authority time and against, but he astonished that he was marked absent.
4. That it is pertinent to mention that appellant has never been communicated with impugned order of dismissal from service dated 30-04-2018.

5. The whole departmental proceedings were initiated and finalized in the absence and at the back of appellant. Appellant has never been communicated with any sort of charge sheet and summary of allegation. No publication in respect of absence report of appellant has ever been published in leading news papers. No notice whatsoever has ever been served upon the appellant. Appellant has been condemned unheard.
6. That appellant after somewhat recovery from the chronic diseases approached the office of respondent No.2 for posting and duty, whereupon he was informed that he has been dismissed from service on 30-04-2018.
7. That Appellant after acquiring copy of impugned order of dismissal from service dated 30-04-2018 immediately filed departmental appeal (Annexure-D) before the respondent No.1, who vide order End: No.16525/EC, dated Kohat the 11-10-2021 (erroneously written as 11-10-2019) rejected the same (Annexure-E).
8. That appellant now being aggrieved of the both the impugned orders End: No.16525/EC, dated Kohat the 11-10-2021 (erroneously written as 11-10-2019) and impugned order of respondent No.2 dated 30-04-2018 files the instant Service Appeal inter alia on the following **grounds**:
 - A. That the penal authority has not treated the appellant in accordance with law, rules and policy on the subject and acted in violation of Article 4 of the Constitution of Pakistan, 1973. The absence of appellant was not willful but was under unavoidable circumstances, which cannot be amounted as willful.
 - B. That section 16 of the Civil Servant Act, 1973 provide that every civil servant is liable for prescribed disciplinary action in accordance with prescribed procedure. In the instant case no prescribed procedure has been adopted therefore, the impugned penal order is nullity in the eyed of law and liable to be set aside.
 - C. That so called slipshod inquiry has been conducted in the absence and at the back of the appellant. Appellant active participation during inquiry proceeding has been willfully and deliberately ignored. Inquiry proceedings are of judicial in nature in which participation of accused civil servant as per law condition sine qua non. On this

ground the impugned orders are coarm non judice and liable to be set back.

- D. That major penalty of dismissal from service has been imposed upon the appellant without regular inquiry which is the violation of the law laid down by the Hon'ble Supreme Court of Pakistan and of this August Tribunal.
- E. That the well-known principle of law " Audi altram Partem" has been violated. This principle of law was always deemed to have embedded in every statute even though there was no express specific or express provision in this regard.

"....An adverse order passed against a person without affording him an opportunity of personal hearing was to be treated as void order. Reliance is placed on 2006 PLC(CS) 1140. As no proper personal hearing has been afforded to the appellant before the issuing of the impugned order, therefore, on this ground as well the impugned order is liable to be set aside."

- F. That impugned penalty is very harsh and does not commensurate with the guilt of accused particularly under circumstance when appellant was not previous convict of any misconduct and more over awarded with commendations certificates for his exemplary service career .
- G. That appellant is heart patient and unable to work and seek labor for the lively hood of his school going children, family and dependents and under heavy burden of family and outside family's debts. In circumstance appellant is entitled to be treated leniently on humanitarian grounds.
- H. Accused is stated to be a favorite child of law and he is presumed to be innocent unless proved otherwise and the benefit of doubt always goes to the accused and not to the prosecution as it is for the prosecution to stand on its own legs by proving all allegations to the hilt against the accused. Mere conjectures and presumption, however strong, could not be made a ground for removal from

service of civil servant [1999 PLC (CS) 1332 (FST)].....
Unless and until prosecution proves accused guilty
beyond any shadow of doubt, he would be considered
innocent [1983 PLC (CS) 152 (FST)].

- I. That the penal order is not a speaking order for the reason that no solid and legal grounds have been given by the penal authority in support of his penal order. On this score the impugned order is liable to be set aside.
- J. That appellant would like to seek the permission of this Hon'ble Tribunal to advance more grounds at the time of hearing.

2/m
Appellant
Through *LSL*
Ashraf Ali Khattak
Advocate,
Supreme Court of Pakistan

Dated: ___/___/2021

**BEFOR THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

SERVICE APPEAL No. _____/2021

Zafar Iqbal,
Constable No.1244,
R/o Mir Ahmad Khel,
Tehsil and District, Kohat.

..... **Appellant**

Versus

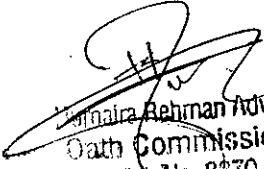
The Regional Police Officer,
Kohat Region Kohat and others.

..... **Respondents**

AFFIDAVIT

I, **Zafar Iqbal**, Constable No.1244, Police Force, Kohat R/o Mir Ahmad Khel, Tehsil and District, Kohat , do hereby solemnly affirm and declare on oath that the contents of this service appeal are true and correct to the best of my knowledge, and nothing has been concealed from this Hon'ble Court.

25-10-2021
Deponent


Waqar Ahmad Advocate
Oath Commissioner
Enlist No. 3270-75

6A

BEFOR THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

SERVICE APPEAL No. _____/2021

Zafar Iqbal,
Constable No.1244,
R/o Mir Ahmad Khel,
Tehsil and District, Kohat.

..... Appellant

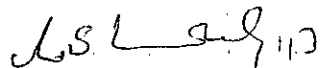
Versus

The Regional Police Officer,
Kohat Region Kohat and others.

..... Respondents

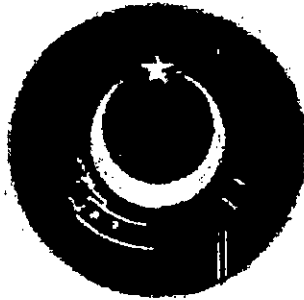
CERTIFICATE

Certified on instruction that appellant has not previously moved this Hon'ble Tribunal under section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 regarding present matter.


Ashraf Ali Khattak
Advocate, Peshawar.

Ann-A' (7)

KHYBER PAKHTUNKHWA POLICE



Commendation Certificate

CLASS II

Granted By

DR. Ishtiaq Ahmad Mawast

Deputy Inspector General of Police, Kohat Region

To Const. Zafar Iqbal No. 1169/Elite

Son of _____

Resident of Mohallah / Village _____

Police Station _____ District Kowak

In recognition of

his good performance in Case FIR No. 126 dated

18.4.015 U/S 324, 353, 34 PPC, 34 Exp-Sub Act,

ISAA, ZATA PS Teri.

Cash Reward Rs 500/-

No. _____

Dated _____

Deputy Inspector General of Police
Kohat Region, Kohat

Abt *

Annex-B (8)



OFFICE OF THE
DISTRICT POLICE OFFICER,
KOHAT
Tel: 0922-9260116 Fax 9260125

No. /PA dated Kohat the / /2018

ORDER

This order will dispose of departmental enquiry against Constable Zafar Iqbal No. 1214 of this District Police under the Khyber Pakhtunkhwa, Police Rules, 1975 (amendment 2014).

Brief facts of the case are that he while posted at PP Shadi Khel had absented himself from official duty vide DD No. 05 dated 04.07.2017 till date without any leave or permission from the competent authority.

The defaulter constable was served with Show Cause Notice u/s 5 (3) Khyber Pakhtunkhwa, Police Rules, 1975 (amendment 2014) and dealt with summary proceedings.

He was issued a Show Cause Notice and served upon him through his home address through local Police of PS MRS, which was received by the defaulter constable personally, but he did not submit the reply. Hence, he was issued a Final Show Cause Notice vide this office No. 3162/PA dated 29.03.2018 through Police station MRS. As reported by official that as per written statement of one Malik Himat Khan s/o Malik Inayat Khan r/o Mir Ahmad Khel that the constable has left his residence and shifted to unknown place.

In view of above and available record, the undersigned reached to the conclusion that the defaulter constable has willfully absented till date and there is no probability of his return/report, which also seems that the defaulter has no interest to serve further. In such circumstances, retention of the defaulter in Police department will be burden on public exchequer. Therefore, in exercise of powers conferred upon me under the rules ibid I, Abbas Majeed Khan Marwat, District Police Officer, Kohat take ex-parte action on the accused constable and award him a major punishment of dismissal from service from the date of his absence. Kit etc issued to the constable be collected and report.

Announced
26.4.2018

[Signature]
DISTRICT POLICE OFFICER,
KOHAT 27/4/18

OB No. 438
Date 30-4-2018
No. 282-911 PA dated Kohat the 30-4-2018.

CC:-
R.I, Reader, Pay officer, SRC and OHC for necessary action.

4
18
روانہ
حک
لوہنگ

پرائمری اسکول روہنگی

Att - *

لیڈی ڈاکٹر زہرا جمیل

انٹرا سائونڈ سپیشلسٹ، ماہر امراض زنانہ

ڈاکٹر جمیل حسین بنگش

ایم بی بی ایس ایف سی بی ایس (میڈیسن) ایف سی بی ایس (کارڈیالوجی)
ماہر امراض: دل، بلڈ پریشر، شوگر، جوز

Pt's Name Zafar i Qad Age _____ Sex _____ Date 14/4/2018

Patient Reg # Category Private / Welfare / Free

Δ SP Endo Grams

LVP / CUF

Now Bed

is unable to walk

مگر آرام میں

سوائے دوا لگائے ہوئے

- Asw

- Hesi, Ch

- pulmo
openw

- 20 ECU

- Complent Bed Am

- fu omnu

Dr. Asim Ali
Physician
Consultant

Asim

Asim Ali : 0337-6134509 Qaiser Abbas : 0335-9708534

لیڈی ڈاکٹر زہرا جمیل

الٹرا سائونڈ سپیشلسٹ، ماہر امراض زنانہ

ڈاکٹر جمیل حسین بنگش

ایم بی بی ایس ایف سی بی ایس (میڈیسن) ایف سی بی ایس (کارڈیالوجی)
ماہر امراض دل، بلڈ پریشر، شوگر، چوز

Pt's Name Zafar Iqbal Age _____ Sex _____ Date 16/3/2018

Patient Reg # Category Private / Welfare / Free

A LATI, P. Ardo Cardiac
Discharge Summary

This is to certify that Mr. Zafar Iqbal
was admitted to us as above.
He remains in av. for order

Am, (Complete Bed rest for 05 weeks)

Dr. Taz. Moxley
Dr. D. M. S.
Dr. Arif M. S.
Dr. Arif M. S.
Dr. S. P. M. S.
Dr. V. D. M. S. 3-12

Complete Bed
Rest for
01 month

EHCAS FOUNDATION
HOSPITAL
KOHAT KPK

AGT

Asim Ali : 0337-6134509 Qaiser Abbas : 0335-9708534

لیڈی ڈاکٹر زہرا جمیل

الٹرا سائونڈ سپیشلسٹ، ماہر امراض زنانہ

ڈاکٹر جمیل حسین بنگش

ایم بی بی ایس ایف سی بی ایس (سیٹلین) ایف سی بی ایس (کارڈیالوجی)
ماہر امراض دل، بلڈ پریشر، شوگر، چوز

Pt's Name Zafar Iqbal Age _____ Sex _____ Date 16/3/2018

Patient Reg # Category Private / Welfare / Free

A LATI ϕ - Ardo Cardium

Discharge Summary

This is to certify that Mr. Zafar Iqbal
was admitted to us as a patient.
He remains in our care for

Am, (Complete Bed rest for 05 weeks)

Dr. Taz. Moxley M.D. M.S.

Dr. D.M.S.

Dr. A.M.S. 10-05

Dr. A.M.S.

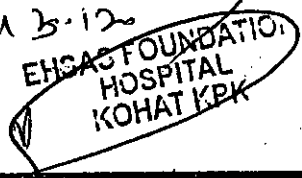
Dr. S.M.S.

Dr. V.D.M. 3-12

Dr. 1-12

Complete Bed
Rest for
01 month

AGT
*



Asim Ali : 0337-6134509 Qaiser Abbas : 0335-9708534

لیڈی ڈاکٹر زہرا جمیل

الٹرا ساونڈ سپیشلسٹ، ماہر امراض زنانہ

ڈاکٹر جمیل حسین بنگش

ایم بی بی ایس ایف سی بی ایس (میڈیسن) ایف سی بی ایس (کارڈیالوجی)
ماہر امراض: دل، بلڈ پریشر، شوگر، جوز

Pt's Name Zafar Iqbal Age _____ Sex _____ Date 16/3/2018

Patient Reg # Category Private / Welfare / Free

A LATI, Sp. Orthopedics

Discharge Summary

This is to certify that Mr. Zafar Iqbal
was admitted to us as a patient.
He remains in av. f. condition

Am, (Complete Bed rest for 05 wks)

Do Tab. Moxifen 100mg

Tab. DMS

Tab. Aspirin 100mg

Tab. Azon 2

Tab. Spirin 2

Tab. VDM 3-12

AGH
AR

Complete Bed
Rest for
01 month

EHSAS FOUNDATION
HOSPITAL
KOHAT KPK

Asim Ali : 0337-6134509 Qaiser Abbas : 0335-9708534

لیڈی ڈاکٹر زہرا جمیل

القرا ساؤنڈ سپیشلسٹ، ماہر امراض زنانہ

ڈاکٹر جمیل حسین بنگش

ایم بی بی ایس ایف سی بی ایس (میڈیسن) ایف سی بی ایس (کارڈیالوجی)
ماہر امراض: دل، بلڈ پریشر، شوگر، چوڑ

Pt's Name Zafar Iqbal Age _____ Sex M Date 13/3/2018

Patient Reg # Category Private / Welfare / Free

Sp. Endocytosis

Severe ABOB

Asmit m cell

X. Greule

X. Imm Bn

- 02 -

X. Btalsan B

X. Avelox on

X. Hyzmia 40 Bn

X. Phlax

X. Duro

Asmit

داخلہ میں

Att-
SK

EHSAS FOUNDATION
HOSPITAL
KOHAT KPK

Asim Ali : 0337-6134509 Qaiser Abbas : 0335-9708534

SPECIALIST'S REPORT

12

Reported by spec in * _____

CMH/MH _____

Date 21/2/2018

No. _____ Rank _____ ^{CME} Name Zafar Ishaq

Age _____ Unit _____

Diagnosis _____

1. Complaints

- Endo Constricta
- Body ulcers

2. Hist of Onset

ECHO - EF 42%

Att
*



TB - Asc 25 03

TB - Ventr on B2

TB - Jctn 03

TB - Spinn 20 03

Clinical Exam

Asu

Complete Blood Counts
normal

DR. JAMIL HUSSAIN FCP
VISITING CONSULTANT CARDIOLOGIST
CMH Kohat

SPECIALIST'S REPORT

12

Reported by spec in *

CMH/MH

Date 21/2/2018

No. Rank Name Zafar Iqbal

Age Unit

Diagnosis

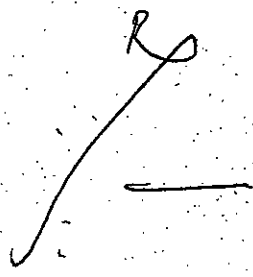
1. Complaints

Endo Constricta
Body rhr

Eaw - EF 42%

Att

2. Hist of Onset



TB - Ascend 75 00

TB - Ventr on B

TB - Jctm 00

TB - Sprom 20 00

Clinical Exam

Adv

Complete Bes. wds
0 mm

DR. JAMIL HUSSAIN FCP
VISITING CONSULTANT CARDIOLOGIST
CMH Kohat

Dr. Muhammad Jamil Hussain Bangash

ڈاکٹر محمد جمیل حسین بنگش

FCPS میڈیسن، FCPS کارڈیالوج

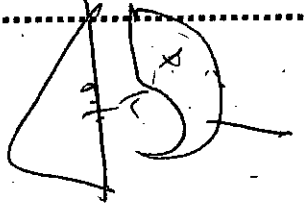
ماہر امراض: دل، بلڈ پریشر، شوگر، جوتا



13

Name: Zafar Iqbal

Date: 19/1/2018



- Bellus

- Sin. Co SOB,

- Repeat: CBC / PTT / BNP

- Echo, 2D.

- lung scan

- HRAE

Report pls.

R

- TB. Axilla 25 or

- TB. Cervical 6 or 7

- TB. Spinal 10

- TB. Groin 10

- TB. Spine 10

- TB. Axilla 10

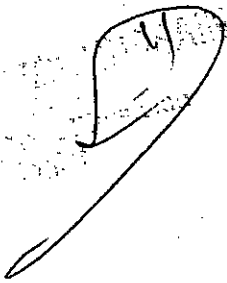
h/t

or mu

Complex Bee Rm

for 01/1/18

for 01/1/18



Att

AB

ہیلتھ ویز ہسپتال OTS چوک KDA روڈ کوہاٹ اوقات مشورہ: صبح 9 سے 1 بجے دوپہر

0337-6134509

0306-8127261

رابطہ نمبر:

19

PAF M-1276

SPECIALIST'S REPORT

Reported by spec in * UROLOGY

CMH/MH Peshawar

Date 26/11/2017

No. _____ Rank _____ Name CNE - Zafar Iqbal

Age _____ Unit _____

Diagnosis UTC

Brig. M. Sarwar Alvi
FCPS (SURG) FCPS (Urology)
Consultant Urologist
CMH Peshawar

1. Complaints - incontinence of urine

urine shows acute cystitis

2. Hist of Onset - Acute

Complete Bed rest for 01 month

- Clinical Exam
- ✓ Tab. Nitrofurantoin 100 02WK
 - ✓ Tab. UROPIV 1-0-1
 - ✓ Tab. Paracetamol 222 02WK
 - ✓ ARICAN Sachet B1

Brig. M. Sarwar Alvi
FCPS (SURG) FCPS (Urology)
Consultant Urologist
MH Peshawar

*Enter here the name of the speciality

Dr. Muhammad Jamil Hussain Bangash

ڈاکٹر محمد جمیل حسین بنگاش

FCPS میڈیسن، FCPS کارڈیالوجی

ماہر امراض: دل، بلڈ پریشر، شوگر، جوتا

15



Name: Zafar Iqbal

Date: 21/11/2017

Bellu

As G. In Contin. of unu

Rein 21

An Contin. New

- Ref. to urologist
CMH Peshawar

Asst
G

ہیلتھ ویز ہسپتال OTS چوک KDA روڈ کوہاٹ اوقات مشورہ: صبح 9 سے 1 بجے دوپہر

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FCPS میڈیسن، FCPS کارڈیالوجی

ماہر امراض: دل، بلڈ پریشر، شوگر، جو

16



Name: Zafar Iqbal

Date: 23/10/2017

△ Sp enaocan
- LFT / cef

TEE
LHC } not done

% SOB/
- cyanosis
- PND+

AGE -
#

OE - Bp - 117/97
HR 96/hr
- Ins. nu.

\$
- Complete Bearent for
OHMIC
- Tab. ASCA 25 100
- Tab. Spirina 20 100
- Esp. MUC
- Tab. Vasil 6.25
- Tab. Serit 50 007

ہیلتھ ویز ہسپتال OTS چوک KDA روڈ کوہاٹ اوقات مشورہ: صبح 9 سے 1 بجے دوپہر

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ماہر امراض: دل، بلڈ پریشر، شوگر، جو

17



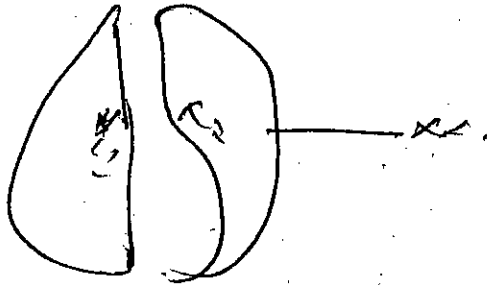
Name: Zafar Iqbal

Date: 25/9/2017

- Slightly improved

- Heart Chronic Bronchitis

- GERD



Handwritten signature/initials

- Echo EF 40%

Adv. - TEE

- LHC

لہذا تھوڑا سا

Handwritten signature/initials

Adv

Complete Beta Blocker for on war

Re Tab. Aspirin 750

- TB Menthin 10

- TB Spronin 10

- Sp. Cozaco 10

- Ew ANWen 200

Large handwritten signature/initials

ہیلتھ ویز ہسپتال OTS چوک KDA روڈ کوہاٹ اوقات مشورہ: صبح 9 سے 1 بجے دوپہر

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رابطہ نمبر:

Dr. Muhammad Jamil Hussain Bangash

ڈاکٹر محمد جمیل حسین ہینگش

FCPS میڈیسن، FCPS کارڈیالوجی

ماہر امراض: دل، بلڈ پریشر، شوگر، جوڑ

(18)



Health
HOSPITAL
KOHAT

Name: Zafar Iqbal

Date: 30/8/2017

- No fever - fu 10 days
- Improving
- Generalized Body weakness

Bp - 125/70

Adv

Repeat Echo

- CBC

- B100 Qs

Att
/

Adv

Complete Bed Rest
for 07 days

[Handwritten signature]

[Handwritten signature]

ہیلتھ ویز ہسپتال OTS چوک KDA روڈ کوہاٹ اوقات مشورہ: صبح 9 سے 1 بجے دوپہر

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بط نمبر:

19

TAQWA MEDICAL CENTER / Medical Laboratory

تقویٰ میڈیکل سنٹر
میڈیکل لیبارٹری

نزد عوامی ہیلتھ پرائیویٹ ہسپتال آڈھ چوک ہنگو روڈ کوہاٹ

Patient's Name : ZAFAR IQBAL

Age : ? YEARS

Test Required : BLOOD CULTURE

SEX MALE

Ref By : DR JAMIL HUSSAIN SB

Date : 27/7/2017

MICROBIOLOGY REPORT

Specimen : BLOOD
Organism : Culture yield (Staphylococcus Positive +IVE)
Incubation Period : 07 days
Incubation Temp : 37° C

At
SB

Electronically Verified report no Signature (s) required

We Provide Facilities

* Routine Chemistry * Special Chemistry * Hematology * Culture Sensitivities * Immunology / Serology

Dr Muhammad Jamil Hussain Bangash

ڈاکٹر محمد جمیل حسین ہینگش

FCPS میڈیسن، FCPS کارڈیالوجی

ماہر امراض: دل، بلڈ پریشر، شوگر، جوڑ

20



Name: Zafar Iqbal

Date: 27/7/2017

- Cause is fever

Blood & Report

show Staphylo-Staphylococci

Echo - vegetations on mitral valve

Δ Bacterial Endocarditis ✓

- Needs Amoxicillin

- 2 weeks

- 2. Amikacin 500

- 4. Gentamicin 200

- 1G. Benzathine - 1.2 mg

- Sep. Antibiogram

Sep. culture

AA
04 " 1/2/17
WKS =

Att
#

ہیلتھ ویژہ ہسپتال OTS چوک KDA روڈ کوہاٹ اوقات مشورہ: صبح 9 سے 1 بجے دوپہر

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ایڈریس نمبر:

DR. JAMIL HUSSAIN BANGASH

CONSULTANT CARDIOLOGIST
ECHOCARDIOGRAPHY REPORT



(AN EFFORT TO HELP NEEDY PATIENT)

Name	ZAFAR IQBAL	Age		Sex	M
Date	25 JULY 2017	Address	KOHAT		

21

25/7/2017
Adult

#	PARAMETER	Dimension (cm)	Adult
1	Let Ventricular Diameter (end diastole)	4.7	
2	Let ventricular Diameter (end systole)	3.4	
3	Right Ventricular Diameter	2.0	
4	Interventricular Septal Thickness (diastole)	1.2	
5	Left ventricular posterior Wall thickness (diastole)	1.2	
6	Aortic root diameter	2.6	
7	Left atrial dimension	3.7	
8	Fractional shortening	28%	
9	Ejection fraction	50%	
10	Mitral valve area		cm ²
11	VSD Size		cm

GRADIENT	Peak mmHg	Mean mmHg
Mitral vale		
Tricuspid Valve		
Aortic Valve		
Pulmonary valve		
VSD gradient		
REGURGITATION		
Mitral valve		
Tricuspid valve		
Aortic valve		
Pulmonary valve		
HEMODYNAMICS (mgHg)		
RVSP		
Pulmonary artery		
Systemic BP		
Doppler Mitral valve area		cm ²

Comments on M-Mode / 2d

- > LA is normal in size
- > LV is normal in size with preserved systolic function
- > RV is normal in size with preserved fiction.
- > No definite segmental wall motion abnormalities see
- > No definite ASD/VSD seen
- > No LA or LV clot seen.
- > Normal Left aortic arch with no caorctation see.

DOPPLER

- > E/A ratio is reversed

FINAL IMPRESSION: VEGETAIONS-MITRAL VALVE

Att
AB

DR. JAMIL HUSSAIN - FCS
Visiting Consultant Cardiologist
CMH Kohat

Sign :

Dr. Jamil Husain
MBBS, FCPS
Ex. Registrar Tabbha Heart
Institute Karachi

ایڈریس: آباؤ برادر کوہاٹ
Kohat
Visiting Cardiologist CMH
Kohat

Dr. Muhammad Jamil Hussain Bangash

ڈاکٹر محمد جمیل حسین بنگاش

FCPS میڈیسن، FCPS کارڈیالوجی

ماہر امراض: دل، بلڈ پریشر، شوگر، جوڑ

22



Name: Zafar Iqbal

Date: 10/7/2017

(Discharge card)

DOA: 4/7/2017

DOB: 10/7/2017

Δ PVO

R/O Endo Carditis

Blood 45

Echo /

رپورٹ باج ہے

رصد شدہ بخار، بلڈ کلتور حیدر ہے

- X-Chest

- X-Furum 25mm OD

- X-Bilateral Dx

- X-NL - 10000

- Sep. Btactin 4m

- Sep. 4 days

02W45

Rmp

02W45

Abb

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الطی بنبر:

23



TAQWA MEDICAL CENTER / Medical Laboratory

میدیکل سنٹر
میدیکل لیبارٹری

نزد عوامی ہیلتھ پرانالاری آڈہ چوک ہنگو زوڈ کوہاٹ

PATIENT NAME	ZAFAR IQBAL	AGE	? YEARS
TEST REQUIRED	FBC	SEX	MALE
REFERRED BY	DR JAMIL HUSSAIN SB	DATE	4-Jul-17

BLOOD COMPLETE PICTURE

Test	Normal Ranges	Results	Unit
WBC	4000 --- 11000	17,200	/Cmm
RBC	3.5 --- 5.5	5.1	milli/Cmm
HB%	Male: 12 --- 16 Female: 12 --- 14	13.4	g/dl
HCT	37 --- 47	42.0	%
MCV	80 --- 97	85.3	fl
MCH	26 --- 32	26.2	pg
MCHC	32 --- 36	35.9	g/dl
PLT	150,000 --- 400,000	215,000	/Cmm
DLC			
NEUTROPHILS	45 --- 75	75	%
LYMPHOCYTES	15 --- 45	18	%
EOSINOPHILS	06 --- 10	5	%
MANOCYTES	02 --- 06	2	%
BASOPHILES	00 --- 01	0	%

Blood Sugar-R

Test	Normal Ranges	Unit	Results
Blood Sugar-R	80 --- 140	mg/dl	86

Abt

Electronically Verified report no Signature (s) required

We Provide Facilities

- * Routine Chemistry
- * Special Chemistry
- * Hematology
- * Culture Sensitivities
- * Immunology / Serology



TAQWA MEDICAL CENTER / Medical Laboratory

تقویٰ میڈیکل سنٹر
میڈیکل لیبارٹری

نزد عوامی پینٹ پرانا لاری آڈہ چوک ہنگو روڈ کوهاٹ

PATIENT NAME	ZAFAR IQBAL	AGE	?YEARS
TEST REQUIRED	HBsAg, HCVAb,	SEX	FEMALE
REF BY	DR JAMIL HUSSAIN	DATE	4-Jul-17

VIRAL PROFILE

TEST

RESULTS

HBs Ag :-----

NEGATIVE (-IVE)

HCV Ab :-----

NEGATIVE (-IVE)

METHOD

(ICT) Immunochromatographic

Handwritten signature

Electronically Verified report no Signature (s) required

We Provide Facilities

* Routine Chemistry * Special Chemistry * Hematology * Culture Sensitivities * Immunology / Serology

Dr. Muhammad Jamil Hussain Bangash

ڈاکٹر محمد جمیل حسین بنگاش

FCPS میڈیسن، FCPS کارڈیالوجی

ماہر امراض: دل، بلڈ پریشر، شوگر، جوڑ

Zafar Iqbal S/o

Name: Nazir Hussain

Date: 4/7/2017

Ch. High grade fever - today,
vomiting
Chest pain

GE . Fever 101.
Bp. 139/90
HR 106b/m -

Needs warm up.

Admitted in Health Wayz hospital

- W. H. H. H.
- W. P. P. P. P. P.
- W. F. F. F. F. F. F.
- W. A. A. A. A. A. A.
- W. M. M. M. M. M. M.
- N. P. P.

Att
SB

ہیلتھ ویز ہسپتال OTS چوک KDA روڈ کوہاٹ اوقات مشورہ: صبح 9 سے 1 بجے دوپہر

0337-6134509
0306-8127261

بط نمبر:

THE HONOURABLE DEPUTY INSPECTOR GENERAL OF
POLICE KOHAT REGION KOHAT

APPEAL AGAINST ORDER OF THE DISTT: POLICE
OFFICER KOHAT DATED 30-04-2018 VIDE
WHICH THE APPELLANT WAS DISMISSED FROM
SERVICE FROM THE DATE OF HIS ABSENCE.

Respected Sir,

With great respect and veneration, the appellant may be allowed to submit the following for your kind and sympathetic consideration:-

Facts of the case:

- A. That the appellant was enrolled as constable in the year 2001.
- B. That the appellant after qualifying necessary and basic departmental courses started his service career with efficiency, dedication and enthusiasm.
- C. That on account of the official performance, Senior Police Officers were quite satisfied from the appellant.
- D. That during the 16 years service the appellant did not earn any minor or major punishment which in itself is manifestation of the fact that the appellant always remained obedient to law and his officers.
- E. That in the year 2017 while posted at PP Shadi Khel P.S Gumbat, heart of the appellant was surgically operated.
- F. That the appellant remained under medical treatment for more or less two and half years.

Att
/B

27

- G. That the injury of the appellant was so chronic and severe that since the operation upto the end of September 2020, he was bed ridden.
- H. That the appellant during this period could not move and remained almost bed ridden.
- I. That after recovery, on 07-10-2020 when the appellant went to the office of the Distt: Police Officer Kohat, the officials over there informed the appellant that he was dismissed from service vide OB No. 438 dt:30-04-2018.
- J. That the order of dismissal from service is to the utter surprise of the appellant, therefore, following are some of the legal reservations and grounds of appeal among the others:-

Grounds of Appeal:

1. That the order of dismissal from service of the appellant is not in accordance with law/rules hence it is liable to be set aside.
2. That that the impugned order contains that summary proceedings were initiated against the appellant.
3. That under the Police Rules 1975 (Amended 2014), major punishment through summary proceedings cannot be awarded.
4. That it has been mentioned in the impugned order dt:30-4-2018 that Show Cause Notice was served upon his home address and the appellant himself received the Show Cause Notice. The stance taken in the impugned order is not correct. The appellant has never received any at his home address.

ASB

5. That the major punishment can only be awarded after holding proper departmental enquiry. However; in the case of the appellant no proper enquiry has been conducted and the appellant in a very quick and rapid manner was dismissed from service which is obviously not in accordance with Law / Rules.
6. That if at the time of serving final show cause notice the appellant had reportedly shifted his residence then in that case it was required that the final show cause notice shall have been published in the two renowned news papers. By holding in the impugned order that the appellant was not traced the authority under the law can not absolve himself from the legal responsibility. Hence under the law, the final show cause notice amounts to be un-served.
7. That the competent authority neither conducted proper departmental enquiry nor appointed Enquiry Officer, which has deprived the appellant from his legal and constitutional right.
8. That over and above, the impugned order contains that punishment of dismissal from service would count from the date of his absence. Meaning thereby that the punishment would count from 04-07-2017 while order passed on 30-4-2018. Such an order has made the impugned order as illegal abinitio because the Constitution of Pakistan 1973 Article 12 has placed embargo on RETROSPECTIVE PUNISHMENT.
9. That the Honourable Supreme Court of Pakistan vide its judgment dt:23-2-1985 has declared retrospective

AB

punishment as illegal and without any effect. (Copy of the judgment is enclosed).

- 10. That it was open for the competent authority to initiate ex-parte proceedings against the appellant and in absence of the appellant necessary witnesses should have been examined but unfortunately due course and necessary procedure was not adopted before awarding punishment of dismissal of the appellant from service.
- 11. That the competent authority did not appoint any enquiry officer and simply on the basis of show cause notice and final show cause notice sixteen years service of the appellant was struck off with a stroke of pen.
- 12. That different leaves of the appellant were outstanding, the competent authority instead of counting absence period in the kind of leave due, preferred to dismiss the appellant from service, which is against the principles of natural justice.
- 13. That it was required to send copy of the punishment order at the home address of the appellant but the competent authority deemed it proper not to inform the appellant about the dismissal order on account of which the appellant was kept uninformed about the punishment on one hand and could not file departmental appeal within the period of limitation.
- 14. That the appellant is a poor person and he supports a large family. On account of the present day price hike it is difficult to keep body and soul together.

AAH

15. That it may be argued from the other side that the appeal is time barred, however, it is the established principle of law that an illegal order cannot become legal with the passage of time. Hence order of dismissal being against the law cannot become legal any period of limitation is not applicable. (Copy enclosed). Moreover, the appellant was not informed by the department about the dismissal order which is one of the factor of submission of departmental appeal after the period of limitation. The delay is requested to be condoned.

PRAYER:

In view of the above, it is humbly prayed that order of dismissal from service of the appellant dated 30-4-2018 being, harsh, one sided and without lawful justification may be set aside and period of absence may be counted in the kind of leave due of the appellant. The appellant will pray for your long life and prosperity for this act of kindness.



Yours Obediently,

Dated: 14-09-2021.

ZAFAR IQBAL
Ex-Constable No.1244
R/o Mir Ahmed Khel,
Tehsil & Distt: Kohat
Cell No.0336-4192020.

Annexure E

(31)

POLICE DEPTT:

KOHAT REGION


ORDER

This order will dispose of a departmental appeal, moved by Ex-Constable Zafar Iqbal No. 1244 of Kohat district against the punishment order, passed by DPO Kohat vide OB No. 438, dated 30.04.2018 whereby he was awarded major punishment of dismissal from service on the allegations of his long absence w.e.f. 04.07.2017 to 30.04.2018 without any leave or prior permission from his seniors.

He preferred an appeal to the undersigned, upon which comments were obtained from DPO Kohat and his service record was perused. Record indicates that the appellant willfully absented himself from lawful duty for which he was dealt with departmentally and the Enquiry Officer recommended him for appropriate punishment.

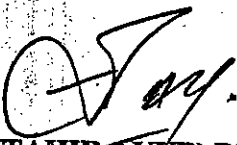
I have gone through the available record and came to the conclusion that the allegations leveled against the appellant are proved beyond any shadow of doubt and the same have also been established by the E.O in his findings. Therefore, his appeal being devoid of merits and badly time-barred about more than 03-years is hereby rejected.


Order Announced
04.10.2021


(TAHIR AYUB) PSP
Region Police Officer,
Kohat Region.

No. 16525 /EC, dated Kohat the 11-10-2019.

Copy for information and necessary action to the District Police Officer, Kohat w/r to his office Memo: No. 12141/LB, dated 29.09.2021. His Service Roll / Fauji Missal is returned herewith.


(TAHIR AYUB) PSP
Region Police Officer,
Kohat Region.

Agg 

Fax No: 9260114.

32

From: - The Regional Police Officer, Kohat Region, Kohat.

To: - The District Police Officer, Kohat.

No. 16068 /EC, Dated Kohat the 4/10/2021.

Subject: - APPEAL.

MEMO:

I am directed to refer to your office Memo: No. 12141/LB, dated 29.09.2021 on the subject quoted above and to state that appeal of Ex-Constable Zafar Iqbal No. 1244 was examined & filed by W/RPO Kohat, please.

D.P.P./L/S.P.E./O.H.C.

F.P.P. 75/2021

6850
5/10/21

Regional Police Officer, Kohat Region.

District Officer
5/10/21

2

MRS 1148

Handwritten notes in Urdu script

A.O.H.C
05-10-21

Handwritten initials

33

33

MRS

14/11/2022

حد اطلاع از اجرت

۲۴۲

۱۰/۱۱/۲۰۲۲

۵۶

اس وقت وسم رام نامی ۵۴۲ کے ساتھ جو اب اطلاع دے

کہ میں طفرابال میں برسرِ حین تھیں جس کا دھل

جو بیل نمبر ۲۰۲۲ ۴۱۹۲ ۳۳۵ جو عملہ لوس سے لڑھکتا

یہ سرکوردہ ال کے نام DI 4 ملک وصال کو بحالی کے لئے در

یا گیا۔ اب DI 4 ملک وصال کے سرکوردہ کی درخواست

کی جملہ کو دیکھیں۔ سرکوردہ کے نام طفرابال کو اردہ اطلاع

اشما تیا جائے اطلاع درجہ در راجح سرکوردہ سرکوردہ

یا تو بیل خون سے اریا ہے بلکہ علیہ سرکوردہ سرکوردہ

در کو DI 4 کے نام سے درخواست اچھا کر رہا ہے در راجح

حاجت عالی

اسطفا

اسطفا

Att

Asst

PS Mas

mt

2022

25

WAKALAT NAMA

IN THE COURT OF SERVICE TRIBUNAL

Peshawar

Zafar Iqbal Appellant(s)/Petitioner(s)

VERSUS

Govt. of
KPK

Respondent(s)

I/We _____ do hereby appoint
Mr. Ashraf Ali Khattak, Advocate Supreme Court of Pakistan in the
above mentioned case, to do all or any of the following acts, deeds and
things.

1. To appear, act and plead for me/us in the above mentioned case in this Court/Tribunal in which the same may be tried or heard and any other proceedings arising out of or connected therewith.
2. To sign, verify and file or withdraw all proceedings, petitions, appeals, affidavits and applications for compromise or withdrawal or for submission to arbitration of the said case, or any other documents, as may be deemed necessary or advisable by them for the conduct, prosecution or defence of the said case at all its stages.
3. To receive payment of, and issue receipts for, all moneys that may be or become due and payable to us during the course of proceedings.

AND hereby agree:-

- a. That the Advocate(s) shall be entitled to withdraw from the prosecution of the said case if the whole or any part of the agreed fee remains unpaid.

In witness whereof I/We have signed this Wakalat Nama hereunder, the contents of which have been read/explained to me/us and fully understood by me/us this _____

Attested & Accepted by

Ashraf Ali Khattak
Ashraf Ali Khattak,
Advocate,
Supreme Court of Pakistan

[Signature]
Signature of Executants

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 7676/2021

Zafar Iqbal

Constable No. 1244, District Kohat

..... Appellant

VERSUS

Regional Police Officer, Kohat & others

..... Respondents

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2.	Affidavit	-	04
3.	Detail of previous conduct of appellant and punishment	A	05
4.	Copy of DD No. 5 dated 04.07.2017	B	06
5.	Copy of Incharge PP report	C	07
6.	Copy of show cause notice	D	08-09
7.	Copy of final show cause notice	E	10
8.	Copy of applications for grant of copies	F & F-1	11-12
9.	Copy of service of show cause notice & final show cause notice served through SHO concerned	G & G-1	13-14
10.	Copy of receipt of show cause notice by appellant, report of DFC regarding service of final show cause notice.	H & H-1	15-16

11- Authority Letter

Deponent

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 7676/2021
Zafar Iqbal
Constable No. 1244, District Kohat

..... Appellant

VERSUS

Regional Police Officer, Kohat & others

..... Respondents

PARAWISE COMMENTS BY RESPONDENTS.

Respectfully Sheweth:-
Preliminary Objections:-

- i. That the appellant has got no cause of action.
- ii. The appellant has got no locus standi to file the instant appeal.
- iii. That the appeal is bad for misjoinder and nonjoinder of necessary parties.
- iv. That the appellant is estopped to file the instant appeal for his own act.
- v. That the appeal is bad in eyes of law and not maintainable.
- vi. That the appellant has not approached the honorable Tribunal with clean hands.
- vii. That the appeal is **badly barred by law and limitation.**

Facts:-

1. Appointment of appellant in Police department, pertains to record, the appellant remained willful absent from duty awarded different kind of punishment and found inefficient. Detail is **Annexure A**.
2. The appellant while posted in Police Post Shadi Khel, Police station Bilitang Kohat had willfully absented himself from lawful duty on 04.07.2017, vide Daily Diary No. 5 dated 04.07.2017. The appellant did not return / resume his duty, hence Incharge PP submitted a report on 15.01.2018, in this regard, upon which a show cause notice is issued against the appellant by respondent No. 2, which was served upon the appellant at his home address through Police station concerned. The notice personally received by him with his signature as a token of receipt. The appellant neither resumed his duty, nor submitted his reply to show cause notice. Hence, final show cause notice was issued which resulted in same. Hence, there was no other option except dismissal of appellant and the impugned order is passed by respondent No. 2. **Copies** of DD, Incharge PP report, show cause & final show cause notice are **annexure B, C, D & E**.

3. Incorrect, the appellant had willfully absented himself from lawful duty on 04.07.2017, the appellant neither bothered to reply the show cause notice despite of its receipt, nor resume his duty till the disposal of proceedings. Further the appellant had not made request for any kind of leave to respondent No. 2 or his other senior and willfully absented from duty.
4. Incorrect, the appellant was in knowledge of the proceedings and impugned order. On 21.09.2020 and 08.10.2021, the appellant filed applications to the respondent No. 2 for grant of copies which were provided to him. **Copies of applications are annexure F & F-1.**
5. Incorrect, as replied in para No. 1 of the comments, show cause notice was received by the appellant and signed as a taken of its receipt. Similarly, final show cause notice was served at his home address through Police station concerned, one elder Malik Himat Ullah stated to DFC that Zafar Iqbal has sold his house and left to unknown place. DFC concerned repeatedly contacted him on his cell number, but the appellant had no responded. **Copies of service of show cause notice, final show cause notice and token of receipt with DFC report are annexure G, G-1 & H & H-I.**
6. Incorrect, the appellant has attempted to make a concocted story of his illness. He was in knowledge of departmental proceedings impugned order and willfully slept over his right, if any for on unexplained delayed / long period.
7. Incorrect, the appellant know about the departmental proceedings initiated against him, the impugned order and after a laps about 03 years 05 months, he approached respondent No. 1 in a departmental appeal. The impugned order was passed on 30.04.2018, while he filed departmental on 14.09.2021 without unexplained delay, which is mandatory under the limitation law. However, the departmental appeal is correctly rejected by respondent No. 2. So far a, date 11.10.2019, is concerned, it is submitted the order was announced on 04.10.2021 and Enst to the respondent No. 2 on 11.10.2021 for further necessary action.
8. The appellant is estopped to file the instant appeal for his own act, delay in lodging of service appeal which is barred by limitation.

Grounds:-

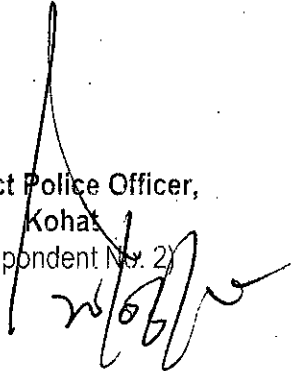
- A. Incorrect, the appellant was proceeded with the departmentally for his willful absence as replied in the above para of comments.
- B. The appellant is proceeded with departmentally under the relevant Khyber Pakhtunkhwa Police Rules 1975 (amended-2014).
- C. Incorrect, as evident, proved from the annexures, i.e show cause notice, final show cause notice and statement of DFC concerned, the act of appellant proved his willful absence, dis-interest to serve and in these circumstances, his retention was a burden on public exchequer.

- D. Incorrect, the appellant had received show cause notice did not bother to reply, nor resume his duty and appear before the respondent No. 2 to explain his position. All these proved that appellant was an unwilling official and his retention in a disciplined department is not warranted under the rules.
- E. As replied above, the appellant was called on notice, but deliberately did not appear before the respondent no. 2 to show cause till the announcement of impugned order. Further added that the appellant willfully slept over his right, if any and after an unexplained delayed filed to departmental and service appeal.
- F. Incorrect, Police is a disciplined department and the appellant was required to follow the law / rules. The conduct of appellant proved his unwillingness, hence there was no other option except his dismissal from service in the interest of state and department.
- G. The appellant has admitted his willful absence, unwillingness and he is treated in accordance with the relevant provision of rules.
- H. Each and every case has its own facts and merits. Hence, the appellant is proceeded for his own conduct detailed above, and in accordance with rules.
- I. Incorrect, legal and speaking order is passed by the respondent No. 2 as well.
- J. The respondents may also be allowed to advance other grounds during the course of arguments.

Prayer:-

In view of the above, it is prayed that the appeal contrary to facts, law & rules, devoid of merits, and **badly time barred** may graciously be dismissed with costs.


Regional Police Officer,
Kohat
(Respondent No. 1)


District Police Officer,
Kohat
(Respondent No. 2)

P-4

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 7676/2021

Zafar Iqbal

Constable No. 1244, District Kohat

..... Appellant


VERSUS

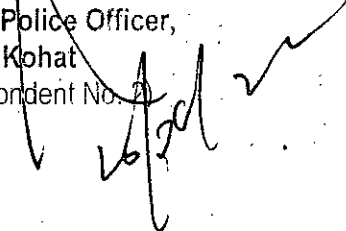
Regional Police Officer, Kohat & others

.... 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.


Regional Police Officer,
Kohat
(Respondent No. 1)


District Police Officer,
Kohat
(Respondent No. 2)

EX

DETAIL OF PREVIOUS CONDUCT OF CONSTABLE ZAFAR IQBAL NO 1244

S #	Charges / allegations	Punishment
1.	Absent from duty w.e.from 09.06.2008 to 15.07.2008	(35 days) fine Rs. 500/-
2.	Absented from duty w.e.from 26.07.2008 to 27.07.2008	One day fine Rs. 50/-
3.	DD No. 16 dated 25.04.2012 refusal from duty and instigated others	Held guilty by Enquiry Officer
4.	Absented himself from 04.07.2017 till the disposal of inquiry 30.04.2018	Dismissed from service vide OB No. 438 dated 30.04.2018.

BHC-KI

15-06-2022

صالح و صالحان

تعداد روزهای 07
04/17

تعداد روزهای

مدتی گشتی ملازمین / روبرو خدیجه خانم ۸۵۸ صفحه ۰۷ ۱۷ ۱۸۵۵ (۱۸۵۵)

این وقت گشتی ملازمین که گشتی نایب از طریق ملازمین گشتی

به حضور می آید. نوکران ملازمین بحسب مدد باه کفایت کار

گشتی به نایب و کماحقه جانشین آن در وقت ملازمین در

کوتاه ها از ملازمین ۱۸۵۵ بحسب اولیین در وقت ظهر

تتبع آنکه متذکرین اول را تا مقدار ۹۵۵ مع کفایت کماحقه

بوده اند. در زمان فروری قسم نظام اولین آلائی گشتی بر خاسته گشتی نیز


بناچار ظفر نثار و محمد امان بحسب مدد ۲ روزهای ۰۷/۱۲ ۰۴ بود

در این وقت که خدیجه خانم می آید. جو تا حال حاضر نیست آنجا. کماحقه

روبرو خدیجه خانم در ۲ روزهای ۳ که تعداد نفرات نصاب قسم

از این باه صاحبان که ارسال می شود

تعداد روزهای ۰۷
۱۵/۱/۱۸



Sir
Forwarded
15/1/18

Handwritten marks at the top right corner.

صاحبان
ڈاکٹر صاحبہ فاضلہ ظفر اقبال 264 آباد، پولیس
کے پوتی صدا ہوا تھا جو کہ بحال مدنی روزنامہ 7/17/04
پر شہور غیر حاضر ہے

بذریعہ درخواست شدہ سے فاضلہ ظفر اقبال کے خلاف حکمانہ کارروائی
کے ماقسم ہمارے فریڈا ہاؤس (نقل و حرکت)

المنشی

سید شہزاد جعفر جعفر شاہی

Sit Forwarded
Assi-PP-82
15-1-18

Forwarded for
departmental action

Jssu Show cause notice.

Handwritten signature and date: 25/01/18

11775
18/1/18

SDFO Sadda
Kohat 18/1/18

File forwarded

SHO/B-1
16-1-18

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OFFICE OF THE DISTRICT POLICE OFFICER KOHAT

SHOW CAUSE NOTICE

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

1. That You **Constable Zafar Iqbal No. 1264** have rendered yourself liable to be proceeded under Rule 5 (3) of the Khyber Pakhtunkhwa, Police Rules 1975 (Amendment 2014) for following misconduct;
 - i. You while posted at PP Shadi Khel had absented yourself from official duty vide **DD No. 05 dated 04.07.2017 till date** without any leave or permission from the competent authority. Which shows your 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. 956 /PA

Dated 30-1-2018


**DISTRICT POLICE OFFICER,
KOHAT**

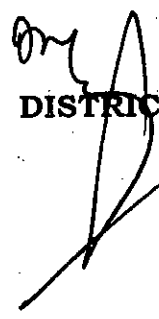
OFFICE OF THE DISTRICT POLICE OFFICER KOHAT

GROUNDS OF ACTION

That You **Constable Zafar Iqbal No. 1264** committed following misconducts:-

- a. You while posted at PP Shadi Khel had absented yourself from official duty vide **DD No. 05 dated 04.07.2017 till date** without any leave or permission from the competent authority. Which shows your in-efficiency and gross misconduct on your part.

By reasons of above you have rendered yourself liable to be proceeded under Rule 5 (3) of the Khyber Pakhtunkhwa Police Rules 1975 (Amendment 2014), hence these ground of action.


**DISTRICT POLICE OFFICER,
KOHAT**



OFFICE OF THE
DISTRICT POLICE OFFICER,
KOHAT

Tel: 0922-9260116 Fax 9260125

No 3162 /PA dated Kohat the 29/3 /2017

FINAL SHOW CAUSE NOTICE

1. I, **Abbas Majeed Khan Marwat, District Police Officer, Kohat** as competent authority, under the Khyber Pakhtunkhwa Police Rules 1975, (amended 2014) is hereby serve you, **Constable Zafar Iqbal No. 1244** as fallow:-

- i. That consequent upon the completion of inquiry proceedings under section 5 (3) of Rules **ibid** for which you were given opportunity of hearing vide this office No. 956/PA dated 30.01.2018.
- ii. On going, through the reply of Show Cause Notice is still awaited and the material on the record and other connected papers including your defense before the undersigned:

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

You while posted at PP Shadi Khel had absented yourself from official duty vide DD No. 05 dated 04.07.2017 till date without any leave or permission from the competent authority. Which shows your inefficiency and gross misconduct on your part.

2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you major penalty provided under the Rules.
3. You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you also intimate whether you desire to be heard in person.
4. If no reply to this notice is received within 07 days of its delivery in the normal course of circumstances, it shall be presumed that you have no defence to put in and in that case as ex-parte action shall be taken against you.


DISTRICT POLICE OFFICER,
KOHAT 29/3.

صدا عالی

تذکرہ سہ ماہیہ سائل سوال 438
30-4-18

لوحہ غیر عارضی گھنٹہ گزاری کے سلسلے میں

میں جو عارضے

گھنٹہ گزاری کے درخواستیں اس کے ساتھ ساتھ

ان کے بقول اس کے ساتھ ساتھ

گھنٹہ گزاری

العارض

Allowed

تاریخ 9/20

انٹرنیشنل ٹیبلٹ فارم سول 1244

0336-4192020

میں

صدا عالی

درخواست گھنٹہ گزاری سوال 438

30-4-18

انٹرنیشنل ٹیبلٹ فارم سول کے سلسلے میں

بقول اس کے ساتھ ساتھ

بقول اس کے ساتھ ساتھ

30-9-20

میں

21-9-20

Annex F1

To

The Worthy,
DPO,
Kohat.

Subject:- Provision of Record

- (i). Show Cause (ii). Final Show Cause
- (iii). Statement of Malik Himmat Khan
S/o Malik Inayat Khan
R/o Mir Ahmad Khel, Kohat
- (iv). Final Show Cause.
- (v). Order dated 30-04-2018
- (vi). Final rejection Order of the Worth DIG.

Respected Sir,

With due respect, it is humbly submitted that applicant has been dismissed from service vide order dated 30-04-2018.

Applicant require the above mentioned documents in the heading may kindly be provided as per rules.

Dated:08-10-2021

2
Yours faithfully,
Zafar Iqbal
Ex-Constable
Belt No. 1244
Kohat Police
Contract No. 0336-4192020

08/10/21
Zafar Iqbal

حساب عالی
لغوات و دست
مقرر ہوا ہے
08-10-21



Annex 10
K=10

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

Tel: 0922-9260116 Fax 9260125

No 1010 /PA dated Kohat the 01/2/2018

SHO PS MRS

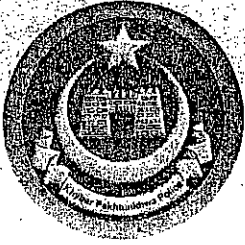
Subject: - SHOW CAUSE NOTICE

Memo: -

Enclosed find herewith a Show Cause Notice (in duplicate) against Constable Zafar Iqbal No. 1244 to serve upon him on his home address. One copy of the same duly signed by him and return to this office for further necessary action. His home address is as under:

Constable Zafar Iqbal No. 1244 S/O Nazeer Hussain R/O Mir Ahmad Khel district Kohat.


**DISTRICT POLICE OFFICER,
KOHAT** 01/2



Annex: ¹¹ ¹⁵ ~~H~~
G1
P-14

**OFFICE OF THE
DISTRICT POLICE OFFICER,
KOHAT**
Tel: 0922-9260116 Fax 9260125

No 3227 /PA dated Kohat the 02/4/2018

SHO PS MRS

Subject: FINAL SHOW CAUSE NOTICE

Memo: -

Enclosed find herewith a Final Show Cause Notice (in duplicate) against Constable Zafar Iqbal No. 1244 to serve upon him on his home address. One copy of the same duly signed by him and return to this office for further necessary action. His home address is as under:

Constable Zafar Iqbal No. 1244 (Cell No. 0336-4192020) S/O Nazeer Hussain R/O Mir Ahmad Khel district Kohat


**DISTRICT POLICE OFFICER,
KOHAT** *02/30/18*



تعلیم و تربیت کے شعبہ

انٹرنیٹ سروس کے ذریعے

14201-2505821-4

03364192020

سید

ضامہ

تعلیم و تربیت کے شعبہ

100

DRMRS

6-2-18

لقدین کی جاتی ہے دینی سے کفر ایسا کہ نظر سے
Amr H=1
خل کو ذاتی طور پر جاننا ہوں۔ فریادہ کا ذاتی کان تھا۔
اپنی کان کی طرف سے لعلم مقام پر مشعل ہو گیا ہے

اسکے لئے تمام امور سے متعلقہ ہے
D. Farid Khan

جانب عالی
میں کفر ایسا ہے 1244 وہ لفر سے کہ میرا
خل کے ساتھ وہاں ہے 91920336 برما
بار دایا کرتے میرا ذاتی وہاں ہے 9614426333
اسی لئے رہا ہے اور یہی تھا کہ اس سے
کرتے ایسا کہ جس سے یہاں ہے فریادہ سے یہاں کہ ہے

تاکہ ایک اجازت کا بندہ میں فریادہ کے ساتھ
ظہور میں کہ معلوم ہو کہ فریادہ سے میرا کہ
اپنا ذاتی کان فریادہ کرتے لعلم مقام پر
مشعل ہو گیا ہے۔ وہاں سے یہاں ہے

DFC M A
14.4.18

جانب عالی
وہاں سے DFC وہاں سے مشعل ہے اصل میں ہے
مشعل وہاں سے وہاں سے اس کے ساتھ ہے

DFC M A
14.4.18

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 7676/2021
Zafar Iqbal
Constable No. 1244, District Kohat

..... Appellant

VERSUS

Regional Police Officer, Kohat & others

.... Respondents

AUTHORITY LETTER

Mr. Arif Saleem 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. 2)