



31st Jan, 2023

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl: AG for respondents present.

Learned counsel for the appellant seeks adjournment on the ground that she has not prepared the case. Adjourned but as a last chance. To come up for arguments on 24.03.2023 before the D.B. P.P is given to the parties.

SCANNED
K.P.B.T
PESHAWAR


(Muhammad Akbar Khan)
Member(Executive)


(Kalim Arshad Khan)
Chairman

24.03.2023

Counsel for the appellant present. Mr. Asad Ali Khan, Assistant Advocate General for the respondents present.

The Worthy Chairman is on leave today, therefore, the bench is incomplete. The case is adjourned to 12.05.2023 as last chance for arguments before the D.B. Parcha Peshi given to the parties.

SCANNED
K.P.B.T
PESHAWAR



(FAREEHA PAUL)
Member (E)

1108/2018

13th Oct., 2022

Counsel for the appellant present. Mr. Naseerud Din Shah,
Asstt. dvocate General for the respondents present.

Counsel for the appellant seeks adjournment in order to further
prepare the brief. Last opportunity is granted. To come up for
arguments on 24.11.2022 before the D.B.

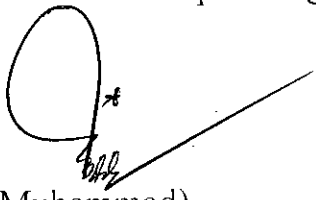

(Fareeha Paul)
Member (E)



(Kalim Arshad Khan)
Chairman

24.11.2022

Learned counsel for the appellant present. Mr. Naseer-ud-Din
Shah, Assistant Advocate General for the respondents present.

Learned counsel for the appellant requested for adjournment on
the ground that he has not gone through the brief of the instant appeal.
Adjourned. To come up for arguments on 31.01.2023 before the D.B.


(Mian Muhammad)
Member (E)



(Salah-Ud-Din)
Member (J)

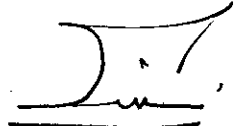
SCANNED
KF&T
Peshawar

16.09.2021

Ms. Uzma Syed, Advocate, for the appellant present. Mr. Riaz Ahmed Paindakheil, Assistant Advocate General for the respondents present.

Learned counsel for the appellant requested for adjournment on the ground that she is not feeling well. Adjourned. To come up for arguments before the D.B on 30.12.2021.


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


(SALAH-UD-DIN)
MEMBER (JUDICIAL)

30.12.2021

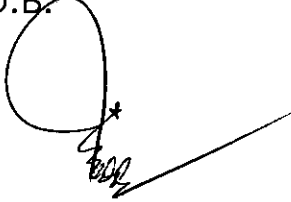
Due to winter vacation, the case is adjourned. To come up on 8/5/2022.


Reader

01.04.2022

Clerk to learned counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

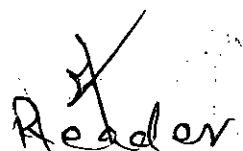
Clerk to learned counsel for the appellant seeks adjournment on the ground that learned counsel for the appellant is not available today. Last chance given. Adjourned. To come up for arguments on 05.07.2022 before the D.B.


(Mian Muhammad)
Member (Executive)


Chairman

5-7-2022

Proper DB not available the case is adjourned 13-10-2022


Reader

08.03.2021

Counsel for appellant present.

Kabir Ullah Khattak learned Additional Advocate General for respondents present.

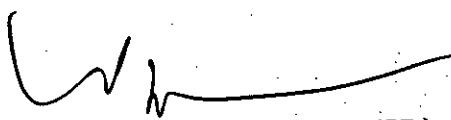
Due to non-availability of D.B, case is adjourned to 08.06.2021 for the same as before.



Reader

08.06.2021

Appellant alongwith his counsel Mr. Mir Zaman Safi, Advocate, present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Learned counsel for the appellant submitted fresh Vakalatnama on behalf of the appellant and sought adjournment on the ground that the issue of retrospectivity is involved in the instant appeal and as the issue is also pending adjudication before the Larger Bench of this Tribunal, therefore, the appeal in hand may be adjourned. Adjourned. To come up for arguments before the D.B on 16.09.2021.


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


(SALAH-UD-DIN)
MEMBER (JUDICIAL)

25.06.2020

Learned counsel for the appellant and Mr. Kabirullah Khattak learned Addl. AG for the respondents present.

Former requests for adjournment in order to further prepare the brief.

Adjourned to 23.09.2020 before D.B.

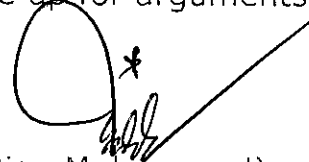

Member

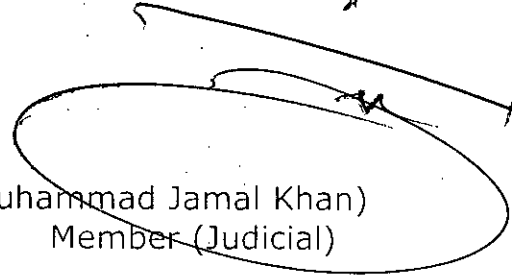

Chairman

23.09.2020

Appellant is present in person. Mr. Kabirullah Khattak, Additional Advocate General for the respondents is also present.

According to appellant his counsel has proceeded to village in connection with domestic affairs. Requested for adjournment. Last chance is given. The case is adjourned to 14.12.2020 on which to come up for arguments before D.B.

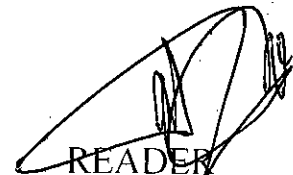

(Mian Muhammad)
Member (Executive)


(Muhammad Jamal Khan)
Member (Judicial)

14.12.2020

Counsel for appellant and Mr. Kabirullah Khattak learned Addl. AG for respondents present.

Due to COVID-19 the case is adjourned for the same on 08.03.2021 before D.B.


READER

18.12.2019

Appellant in person present. Mr. Kabir Ullah Khattak learned Additional Advocate General present. Appellant seeks adjournment as his counsel is not in attendance. Adjourn. To come up for arguments on 31.01.2020 before D.B.


Member


Member

31.01.2020

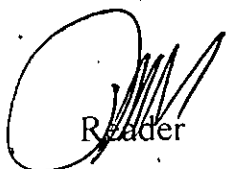
Learned counsel for the appellant and Mr. Kabir Ullah Khattak learned Additional Advocate General present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 02.04.2020 before D.B.


Member


Member

02.04.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 25.06.2020 before D.B.


Reader

11.07.2019

Appellant in person and Addl. AG present. No representative of the respondents is available.

Learned AAG is required to ensure attendance of representative of respondents and submission of written reply/comments on 04.09.2019 before S.B.

Chairman 

04.09.2019

Counsel for the appellant and Mr. Usman Ghani District Attorney alongwith Ihsanullah, H.C for the respondents present.

Representative of the ^{respondents} requests for further time to furnish parawise comments. Adjourned to 02.10.2019 by way of last chance to the respondents for submission of requisite reply/comments.

Chairman 

02.10.2019

Appellant alongwith his counsel present. Addl: AG alongwith Mr. Ihsan, ASI for respondents present.

Representative of the respondents submitted reply, which is placed on file.

To come up for rejoinder and arguments on 18.12.2019 before D.B.

Chairman 

26.03.2019

Appellant in person present. Written reply not submitted. Ihsan Ullah S.I legal representative of the respondent department present and seeks time to furnish written reply/comments. Adjourn. To come up for written reply/comments on 25.04.2019 before S.B.



Member

25.04.2019

Counsel for the appellant and Mr. Kabirullah Khattak, Additional AG for the respondents present. Written reply on behalf of respondents not submitted. Learned Additional AG requested for further adjournment for filing of written reply. Adjourned to 18.06.2019 for written reply/comments before S.B.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

18.06.2019

Appellant alongwith his counsel and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Ihsanullah, ASI for the respondents present. Written reply on behalf of respondents not submitted. Representative of the department requested for further adjournment to submit written reply. Last chance is granted. Adjourned to 11.07.2019 for written reply/comments before S.B.


(Muhammad Amin Khan Kundi)
Member

26.12.2018

Learned counsel for the appellant present and seeks adjournment. Adjourn. To come up for preliminary hearing on 30.01.2019 before S.B.


Member

30.01.2019

Counsel for the appellant Amanullah present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was serving in Police Department. He was discharged from service vide order dated 02.10.2009 by the competent authority on the allegation of absence from duty. It was further contended that the appellant filed departmental appeal on 12.07.2018 which was rejected on 26.07.2018 and communicated to the appellant on 31.07.2018 hence, the present service appeal on 29.08.2018. Learned counsel for the appellant further contended that neither charge sheet, statement of allegation was served upon the appellant nor inquiry was conducted therefore, the impugned order is illegal and liable to be set-aside. It was further contended that the impugned order has been passed retrospectively i.e from the date of absence therefore, the same is void and limitation does not run against the said order.

The contention raised by the learned counsel for the appellant needs consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days, thereafter, notice be issued to the respondents for written reply/comments for 26.03.2019 before S.B.

Appellant Deposited
Security & Process Fee


(Muhammad Amin Khan Kundi)
Member

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1108/2018


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	06/09/2018	<p>The appeal of Mr. Aman Ullah resubmitted today by Syed Noman Ali Bukhari Advocate may be entered in the Institution Register and put up to the Learned Member for proper order please.</p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR 6/9/18</p>
2-	7-9-18	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>21-9-2018</u></p> <p style="text-align: right;"><i>NA</i> MEMBER</p>
	22.8.2018	<p>Due to muharram ul haramm vacations the case was not heard on 20.9.2018 Adjournd for <u>7-11-2018</u></p> <p style="text-align: right;"><i>[Signature]</i> READER</p>
	7-11-2018	<p>Due to indisposment of Honorable Chairman the Tribunal is non functional therefore the case is adjourned to come up for the same on <u>25-12-2018</u></p> <p style="text-align: right;"><i>[Signature]</i> Reader</p>

The appeal of Mr. Aman Ullah Ex-Constable No. 1624 son of Mirza Ali Khan Distt. Karak received today i.e. on 29.08.2018 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

1- Annexure-C of the appeal is illegible which may be replaced by legible/better one.

No. 1747 /S.T,

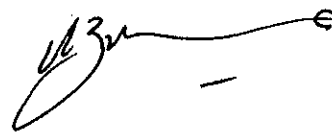
Dt. 29/8 /2018.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Syed Noman Ali Bukhari Adv. Pesh.

Sir,

objection removed & file
resubmitted



6-9-2018

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 1108 /2018


Aman Ullah

V/S



Police Deptt:

INDEX

S.No.	Documents	Annexure	Page No.
1.	Memo of Appeal	-----	1-3
2.	Copy impugned order	-A-	04
3.	copy of departmental appeal	-B -	05
4.	Copy of rejection order	-C-	06
5.	Vakalat Nama	-----	07


APPELLANT
Aman Ullah

THROUGH:


UZMA (SYED)
&

(SYED NOMAN ALI BUKHARI)
ADVOCATES, HIGH COURT

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. _____/2018

Aman Ullah Ex-Constable nO 1624
S/o Mirza Ali Khan village Shubli Banda
Tehsil Takht Nusrati District Karak.

.....(Appellant)

VERSUS

- 1. The IGP KPK, Peshawar.
- 2. The Commandant FRP, KPK, Peshawar.
- 3. The Superintendent of police FRP KOhat range Kohat.

.....(Respondents)

APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNALS ACT, 1974 AGAINST THE ORDER of RESPONDENT NO. 2 DATED 31.12.2010 WHEREBY, THE APPELLANT HAS BEEN DISMISSED FROM SERVICE AND REJECTION ORDER DATED 26.07.2018 COMMUNICATED ON 31.07.2018 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REJECTED FOR NO GOOD GROUNDS.

PRAYER:

THAT ON ACCEPTANCE OF THIS APPEAL, THE ORDERs DATED 31.12.2010 NOT COMMUNICATED TO THE APPELANT and 26.07.2018 MAY BE SET ASIDE AND THE APPELLANT MAY BE REINSTATED WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPOPRIATE THAT MAY ALSO BE AWARADED IN FAVOUR OF APPELLANT.

RESPECTFULLY SHEWETH:

FACTS:

Facts giving rise to the present service appeal are as under:

1. That the appellant was appointed as Constable in Police force in year 2007 and the appellant was performed his duties with entire satisfaction of his superiors.
2. That the appellant had some domestic problems and mother of appellatn got serious ill, there was no other family member to takecare of appellant mother therefore appellant was absented from duty which was not willful.
3. That, thereafter, the appellant was departmentally proceeded, without charge sheet, statement of allegation, regular inquiry and even without showcause notice, the impugned order dated 02.10.2009 was passed against the appellant whereby the appellant was dismissed from service with retrospective effect which was also never communicated to the appellant. The appellant been agrrieved from the impugned dismissal order preffered departmental appeal which was rejected vide order dated 26.07.2018 communcated to the appellant on 31.07.2018. **(Copy of impugned order and departmental appeal is attached as Annexure-A & B).**
4. That now the appellant come to this august Tribunal on the following grounds amongst others.

GROUND:

- A) That the impugned orders dated 02.10.2009 and 31.07.2018 is against the law, facts, norms of justice and void-ab-initio as has been passed with retrospective effect and material on record, therefore not tenable and liable to be set aside.
- B) That the impugned order was retrospective order which was void in the eye of law and according to Superiors Court Judgment reported as 2002 SCMR, 1129 and 2006 PLC 221.
- C) That there is no order in black and white form to dispense with the regular inquiry which is violation of law and rules and without charge sheet, statement of allegation and proper inquiry the appellant was dismissed from the service vide order dated 02.10.2009 without given personal hearing with retrospective effect

which is necessary and mandatory in law and rules before imposing major penalty. So the whole procedure conducted has nullity in the eye of law. So the impugned order is liable to be set aside.

- D) That the appellant has been condemned unheard and has not been treated according to law and rules.
- E) That neither charge sheet, statement of allegation, show cause notice was served upon the appellant nor inquiry was conducted against the appellant, which was necessary and mandatory in law before imposing major punishment which is violation of law, rules and norms of justice.
- F) That the appellant has not been treated under proper law despite he was a civil servant of the province, therefore, the impugned order is liable to be set aside on this score alone.
- G) That the abscent of the appellant was not intentially but due to some domestic problem and mother illness. So the penalty imposed upon the appellant was so harshed.
- H) That the appellant's guilt has not been proved beyond the shadow of doubt and the appellant has been punished on the basis of conjecture and surmises.
- I) That no chance of personal hearing was provided to the appellant and as such the appellant has been condemned unheard throughout.
- J) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

It is, therefore most humbly prayed that the appeal of the appellant may be accepted as prayed for.



APPELLANT
Aman Ullah

THROUGH:



UZMA SYED)
&

(SYED NOMAN ALI BUKHARI)
ADVOCATES, HIGH COUT

A. (4)

D. Order

ORDER


Constable Aman Ullah No. 1626²⁴ has absented himself from his official duty with effect from 14.03.2009 without any leave or permission of the competent authority. He was issued Show Cause Notice/Charge Sheet to explain the reason of his willful absence from his official duty, but no reply to this effect has been received.

Line Officer, FRP Kohat was appointed as enquiry officer to look into the matter and submit his findings to the undersigned within stipulated period. The Enquiry Officer in his enquiry has mentioned that the above named defaulter constable has gone abroad for earning his livelihood.

In light of above, Ex-parte departmental action is taken against the above named defaulting constable and he is discharged from service from the date of his absence under Removal From Service (Special Power) Ordinance - 2000.

OB 558 1

Dated 2/4/2009


Superintendent of Police, FRP,
Kohat Range, Kohat

Copy to :

1. Pay Officer
2. OASI
3. LO
4. SRC

بھنور جناب آئی جی صاحب خیبر پختون خوا پولیس

B (8)

عنوان۔ درخواست بمراء بحالی بر ملازمت بطور سپاہی FRP کوہاٹ

جناب عالی۔

سائل ہمدردانہ گزارش کرتا ہے۔

۱۔ یہ کہ من سائل نہایت ہی غریب خاندان سے تعلق رکھتا ہے۔

۲۔ یہ کہ من سائل بال بچہ دار ہے۔

۳۔ یہ کہ سائل 2008 میں FRP کوہاٹ میں بھرتی ہوا اور باقاعدہ طور پر ٹرینگ پاس کیا اور ٹرینگ پاس کرنے کے بعد سائل باقاعدہ طور پر دل چسپی سے ڈیوٹی سرانجام دے رہا تھا۔

۴۔ یہ کہ چونکہ دوران ڈیوٹی سائل کے گھریلو حالات خراب ہو گئے اور والدہ صاحبہ شدید بیمار ہو گئی اور والدہ صاحبہ کی تیمارداری کرنے والا کوئی نہیں تھا۔

۵۔ یہ کہ سائل ایک روزن چند یوم کی چھٹی پر آیا اور اس کے بعد والدہ کی بیماری کی وجہ سے دریں نوکری پر نہ جاسکا اور جس کی وجہ سے کوہاٹ تاریخ 2/10/09

کو 7 ماہ 12 دن کی غیر حاضری پر OBN No. 558 کے تحت ڈسپاچ کیا۔

۶۔ یہ کہ اب چونکہ سائل کے گھریلو حالات اور والدہ صاحبہ ٹھیک ٹھاک ہے صحت یاب ہو چکی ہے بدیں وجہ سائل دوبارہ اپنی نوکری کرنا چاہتا ہے۔

لہذا سائل کو اپنی نوکری پر جمع سارے مراعات بحال کیا جائے اور بعد از بحالی شکایت کا موقع نہیں دوںگا۔ اور انجناب کے ترقی و اقبال کے لئے میرے بچے بھی ذعارینگے۔

عین نوازش ہوگی۔

فقط مورخہ۔ 12/07/2018

العارض

امان اللہ بلک نمبر 1624 ولد میرزا علی خان سکند شوبلی بانڈہ تحصیل تخت نصرتی ضلع کرک

شناختی کارڈ نمبر۔ 14203-7199106-3

موبائل نمبر۔ 0348-9655260

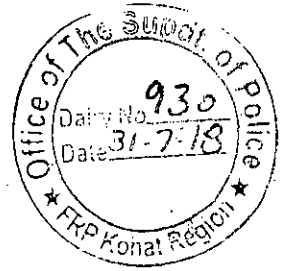
4961
26 07 2018

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

6

No. SI 3055 /18, dated Peshawar the 26/07/2018.

To: Commandant,
FRP, Khyber Pakhtunkhwa,
Peshawar.



APPEAL (EX-FC AMAN ULLAH NO. 1624)

Commander Aman Ullah No. 1624 of FRP Kohat Range had submitted appeal to the Inspector General of Police, Khyber Pakhtunkhwa, Peshawar for reinstatement into service. The appeal was processed, examined at Central Police Office, Peshawar and filed by the applicant on the date being busy time barred for about 09 years.

The applicant may please be informed accordingly.

S/ Legal
for m/ action
h/ 26/7

S/ 22/7
(SYED ANIS UL HAQ)
Registrar,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar

office of Commandant FRP KP, Peshawar
No 8093 /SI bpd, dated Peshawar on 26/07/2018

copy of above is forwarded to the SP FRP
Kohat Range, Kohat for information and
further m/ action of

S R/OHC
for m/ a. Appellant For Commandant FRP
be informed KP, Peshawar.
see above
atte S/ 31/7

Superintendent of Police,
FRP Kohat Range
Kohat

30/7

13/8/18

VAKALATNAMA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

_____ OF 2021

Aman Ullah

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Police Deptt:

(RESPONDENT)
(DEFENDANT)

I/We Aman Ullah

Do hereby appoint and constitute **MIR ZAMAN SAFI, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. ____/____/2021

Aman Ullah

CLIENT

Mir Zaman Safi

**MIR ZAMAN SAFI
ADVOCATE**

OFFICE:

Room No.6-E, 5th Floor,
Rahim Medical Centre, G.T Road,
Hashtnagri, Peshawar.
Mobile No.0323-9295295

VAKALAT NAMA

NO. _____/20

IN THE COURT OF 12. Police Service Tribunal, Peshawar

Aman Ullah (Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Police Deptt (Respondent)
(Defendant)

I/We, Aman Ullah

Do hereby appoint and constitute **SYED NOMAN ALI BUKHARI and Uzma Syed Advocate High Court Peshawar**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/We authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings; if his any fee left unpaid or is outstanding against me/us.

Dated _____/20

[Signature]
(CLIENT)

ACCEPTED

[Signature]
SYED NOMAN ALI BUKHARI
Advocate High Court Peshawar.

[Signature]
UZMA SYED
Advocate High Court Peshawar.

BETTER COPY

Appeal Ex-FC Aman Ullah No.1624

Ex-Constable Aman Ullah No.1624 of FRP Kohat Region had submitted appeal to Inspector General of Police Khyber Pakhtunkhwa Peshawar for reinstatement which were examined at Central Police Office Peshawar and filed by the Aman Ullah being badly time barred for about Nine (09) years. His application may please be informed according to.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1108/2018.

Aman Ullah Ex-constable No. 1624 S/O Mirza Ali Khan Village Shubli Banda, Tehsil Takht Nusrati, District Karak.....**Appellant.**

VERSUS

1. **Inspector General of Police,**
Khyber Pakhtunkhwa, Peshawar.
2. **Commandant FRP,**
Khyber Pakhtunkhwa, Peshawar.
3. **Superintendent of Police, FRP**
Kohat Range, Kohat.....**Respondents.**

PRELIMINARY OBJECTIONS

1. That the appeal is badly time barred.
2. That the appeal is not maintainable in the present form.
3. That the appeal is bad for mis-joinder and non-joinder of necessary parties.
4. That the appellant has no cause of action to file the instant appeal.
5. That the appellant has not come to this Honorable Tribunal with clean hands.
6. That the appellant is estopped due to his own conduct to file the instant Service Appeal.
7. That the appellant is trying to conceal material facts from this Honorable Tribunal.

WRITTEN REPLY ON BEHALF OF RESPONDENTS.

RESPECTED SHEWETH.

FACTS:-

1. Para No. 1 is admitted to the extent that the appellant was remained absent from lawful duty for a long period of 202 days during his short length service.
2. Incorrect and denied. The appellant was remained absent from lawful duty with effect from 14.03.2009 till the date of his dismissal from service without prior permission of the competent authority. The plea taken by the appellant regarding to the illness of his mother is a propounded story.
3. Incorrect and denied. On the allegation of prolong absence the appellant was issued Charge Sheet alongwith Summary of Allegations and Enquiry Officer was nominated to conduct enquiry against him. The appellant failed to submit reply of Charge Sheet or appear before Enquiry Officer, despite he was summoned time and again. After fulfillment of codal formalities, he was dismissed from service by the competent authority. His departmental appeal was filed by the competent authority being time barred about 09 years.
4. Incorrect and denied. The appellant has not come to this Honorable Tribunal with clean hands, the appellant has no cause of action to file the instant appeal, therefore, the same may be dismissed on the following grounds.

GROUNDS:-


- A. Incorrect and denied. The impugned orders passed by the respondents are legally justified and in accordance to law.
- B. Incorrect and denied. The appellant was proceeded against departmentally and during the course of enquiry it has been found that the appellant has bring abroad for labor. The Enquiry Officer recommended him for major punishment. After fulfillment the due codal formalities he was awarded the major punishment of dismissal from service in accordance to law. Judgment mentioned by the appellant in the Para is not applicable to the case of appellant.
- C. Incorrect and denied. The appellant was absented himself lawful duty for a long period of 202 days, without any leave or prior permission of the competent authority. In this regard he was issued Charge Sheet alongwith Summary of Allegations and Line Officer FRP Kohat Range, was nominated as Enquiry Officer to conduct enquiry against him. After completion of enquiry, the Enquiry Officer submitted his findings, wherein he stated that the appellant has been bring abroad for labor purpose, and there is no hope of his returned soon in future. Upon the findings of Enquiry Officer, he was issued Final Show Cause Notice, which was served upon him through postal service on his home address. He failed to submit his reply of Show Cause Notice and an ample opportunity of personal hearing was also provided to the appellant, but he failed to avail the opportunity of personal hearing. He was awarded major punishment of dismissal from service after adopting the due codal formalities, therefore the instant appeal is liable to dismissed. (Copies of Charge Sheet, Enquiry Report and Show Cause Notice are attached as annexure A, B & C)
- D. Incorrect and denied. An ample opportunity of personal hearing had already been offered to the appellant, but he failed to appear before the competent authority to defend himself.
- E. Incorrect and denied. The appellant was issued Charge Sheet alongwith Summary of Allegations, but he failed to submit his reply. During the course of enquiry the enquiry officer found him guilty of the charges leveled against him and recommended for major punishment. Upon the finding of enquiry officer he was issued Show cause notice, which was served upon him on his home address through postal service. In the light of recommendation of enquiry officer and other material available on record the appellant was dismissed from service by the competent authority. Moreover, after lapse of more then 10 years now the appellant desire for reinstatement in service.
- F. Incorrect and denied. The appellant was treated in accordance to law/rules as he was issued Charge Sheet, Show Cause Notice and enquiry was conducted

against him and after completion of enquiry he was awarded major punishment of dismissal from service under the relevant law.

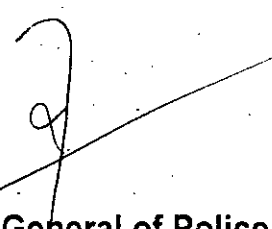
- G. Incorrect and denied. The appellant was remained absent from lawful duty with effect from 14.03.2009 till the date of his dismissal from service without prior permission of the competent authority. The plea taken by the appellant regarding to the illness of his mother is a pro-pounded story. The penalty awarded to the appellant is commensurate with the gravity of his conduct.
- H. Incorrect and denied. The appellant remained absented himself from lawful duty with effect from 14.03.2009 till the date of his dismissal from service. Proper departmental enquiry had been initiated against him and his guilt was fully established by the Enquiry Officer during the course of enquiry and therefore he was dismissed from service as per law/rules.
- I. Incorrect and denied. As explained in the preceding Paras an ample opportunity of personal hearing had already been offered to the appellant, but he failed to appear before the competent authority to defend himself.
- J. The respondents may also be permitted to raise additional grounds at the time of arguments.

PRAYERS:-

It is therefore, most humbly prayed that in the light of aforesaid facts/submission, the service appeal may kindly be dismissed with cost.


Superintendent of Police, FRP,
Kohat Range, Kohat.
(Respondent No.3)


Commandant FRP,
Khyber Pakhtunkhwa, Peshawar.
(Respondent No. 2)


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

✓
(A)

CHARGE SHEET

1. 1. Superintendent of Police FRP Kohat
as competent authority, hereby charge you Const. Amanullah No. 1626
committed the following irregularities: -

a. Constable Amanullah No. 1626, Remained
absent from official duty w.e. from
14.3.2009 till to-date.

دیکھو

Deputy

2. By reasons of the above, you appear to be guilty of misconduct under section - 3 of the NWFP (Removal from Service) Special Power Ordinance 2000, and have rendered yourself liable to a or any of the penalties specified in section - 3 of the Ordinance ibid.

3. You are, therefore, required to submit your written defence within 7 days of the receipt of this Charge Sheet to the Enquiry Officer/ Committees, as the case may be.

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

5. Intimate whether you desire to be heard in person.

A statement of allegation is enclosed.

Superintendent of Police, FRP,
Kohat/Range Kohat

No. 153 /PA

Dated 19/7 /2009

L.O.
Mr. ...
d ...
4/11/09

DISCIPLINARY ACTION

1. I, Superintendent of Police, FRP, Kohat, as competent authority, am of the opinion that Const. Amanullah, No. 1624 has rendered himself liable to be proceeded against as he committed the following acts/omissions within the meaning of section - 3 of the NWFP (Removal from Service) Special Power Ordinance 2000.

STATEMENT OF ALLEGATIONS

Constable Amanullah, No. 1624, remained absent from official duty w.e. from 14.3.2009 till to-date.

2. For the purpose of scrutinizing the conduct of the said accused with reference to the above allegations, an Enquiry Committee consisting of the following is constituted under section-3 of the Ordinance: -

i. R.I./L.O

13. The Enquiry Committee shall, in accordance with the provisions of the Ordinance, provide reasonable opportunity of hearing to the accused, record its findings and make, within twenty five days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.

14. The accused and a will conversant representative of the department shall join the proceedings on the date, time and place fixed by the Enquiry Committee.


Superintendent of Police, FRP,
Kohat Range Kohat

A copy of the above is forwarded to: -

11. R.I./L.O. The committee for initiating proceedings against the accused under the provisions of the NWFP, Removal from Service (Special Power) Ordinance - 2000.
12. Constable Amanullah No. 1624. The concerned official's with the directions to appear before the Enquiry Committee, on the date, time and place fixed by the Committee, for the purpose of the enquiry proceedings.

"B" 20

Ques

تو یہ فیضان ہے 17/19 سے 31/7 اور 17/19 سے 31/7

1624 فروری 1950ء کے کارڈ کے تحت قومی کارڈ

FRD

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1950

یہ کارڈ 1950ء کے کارڈ کے تحت ہے

Discharge from

26

9

9

The date of

absence

558
2/1/58

[Signature]

112 @ 4

SHOW CAUSE NOTICE

WHERE AS YOU Const: Amanullah No. 1624 While
posted at Line Kohat

Absent himself with effect from 14.3.2009

Your above act amounts to gross misconduct under the NWFP Removal From Service (Special Powers) Ordinance – 2000.

NOW THEREFORE, I Superintendent of Police FRP, Kohat Range exercise of the power vested upon me under the aforesaid rules hereby call you Const: Amanullah No. 1624 to show cause as to why departmental action for major punishment be not taken against you under the aforesaid rules.

Your reply to the show cause notice must reach to the office of the undersigned within seven days of the receipt of this show cause notice. In case your reply is not received within the stipulated period, it shall be presumed that you have no defence to offer and ex-parte departmental action will be taken against you and also state in writing whether you desire to be heard in person or otherwise.


Superintendent Of Police, FRP,
Kohat Range, Kohat

No. 281/PA
Date. 16-5-09