



02.03.2023

Learned counsel for the appellant present. Mr. Umair Azam Khan, Additional Advocate General for the respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has not made preparation for arguments. Adjourned. To come up for arguments on 17.03.2023 before the D.B. Parcha Peshi given to the parties.

SCANNED
17/03/23
Peshawar


(Fareeha Paul)
Member (E)



(Salah-ud-Din)
Member (J)


17th Mar, 2023

Learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney for respondents present.

Learned counsel for the appellant seeks adjournment on the ground that he has not prepared the case. To come up for arguments on 24.05.2023 before D.B. P.P given to the parties.

SCANNED
17/03/23
Peshawar



(Salah Ud Din)
Member (Judicial)


(Kalim Arshad Khan)
Chairman

26.08.2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, learned Additional Advocate General for respondents present.

Learned Member (Judicial) Mrs. Rozina Rehman is on leave, therefore, arguments could not be heard. Adjourned. To come up for arguments on 24.10.2022 before the D.B.


(Salah-Ud-Din)
Member(J)

24th Oct., 2022

Lawyers are on strike today.


To come up for arguments on 14.12.2022 before the D.B. Office is directed to notify the next date on the notice board as well as the website of the Tribunal.


(Fareeha Paul)
Member(E)


(Kalim Arshad Khan)
Chairman

14th Dec. 2022

Due to strike of the Bar and Mrs. Rozina Rehman, learned Member (J) being on leave, this matter is adjourned to 02.03.2023 before the D.B. Office is directed to notify the next date on the notice board as well as the website of the Tribunal.


(Fareeha Paul)
Member(E)

SCANNED
KPST
Peshawar

12.01.2022

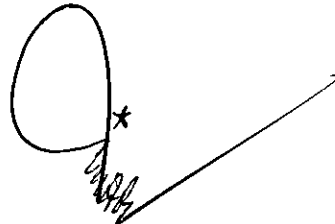
Due to non-availability of the concerned DB, the case is adjourned to 27.04.2022 for the same before D.B.


Reader

27.04.2022

Clerk of learned counsel for the appellant present. Syed Naseer Ud Din Shah, Assistant Advocate General for respondents present.

Clerk of counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is indisposed today. Adjourned. To come up for arguments before the D.B on 08.06.2022.



(Mian Muhammad)
Member(E)



(Saleh Ud Din)
Member(S)

8.6.22

Proper DB is av Taus, therefore the case is adjourned to 26-8-22 for same.



23.10.21

16.04.2021

Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 05.08.2021 for the same as before.

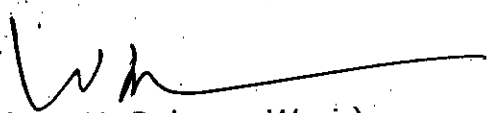

Reader

05.08.2021

Learned counsel for the appellant present.

Mr. Kabirullah Khattak, Additional Advocate General alongwith Ubaid-Ur-Rehman ADO (Litigation) for respondents present.

Former made a request for adjournment being not in possession of the file today. This being an old case be fixed in last week of September, 2021 for arguments. Adjourned. To come up for arguments on 23.09.2021 before D.B.



(Atiq Ur Rehman Wazir)
Member (E)


Chairman

23.09.2021

Clerk of counsel for the appellant and Mr. Asif Masood Ali Shah, DDA for the respondents present.

Learned counsel for the appellant is not in attendance and request for adjournment is made on his behalf. Therefore, case to come up on 12-01-22 for arguments before the D.B.


(Rozina Rehman)
Member(Judicial)

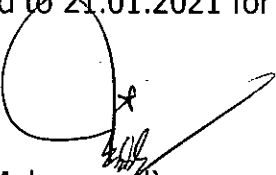

Chairman


13.11.2020

Nemo for appellant.

Muhammad Jan learned Deputy District Attorney for respondents present.

Lawyers are on general strike, therefore, case is adjourned to 21.01.2021 for arguments, before D.B.



(Mian Muhammad)
Member (E)


(Rozina Rehman)
Member (J)

21.01.2021

Counsel for appellant is present. Mr. Muhammad Rasheed, Deputy District Attorney for the respondents is also present.

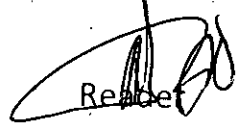
Since the impugned order has been made efficacious ex-post fictively and as the issue regarding retrospectivity is pending adjudication before the larger bench of this Tribunal therefore, proceedings cannot be conducted at the moment till the issue referred to above is resolved. Till then file to come up for 16.04.2021 for further proceedings before D.B.


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


(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

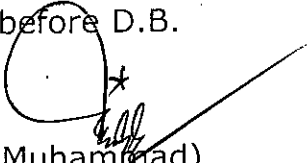
4.5 .2020

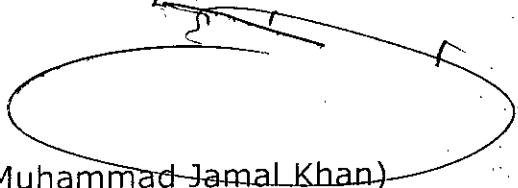
Due to COVID19, the case is adjourned to
15/7/2020 for the same as before.


Reader

15.07.2020

Mr. Muhammad Usman, Advocate junior to the senior Mr. Yousaf Ali, Advocate learned counsel representing appellant is present. Mr. Ziaullah, Deputy District Attorney present. Learned junior seeks adjournment on the ground of engagement of his senior in the august Peshawar High Court, Peshawar. Adjourned to 04.09.2020. File to come up for arguments before D.B.

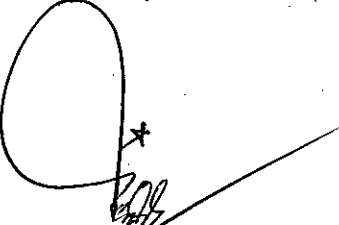

(Mian Muhammad)
Member (Executive)

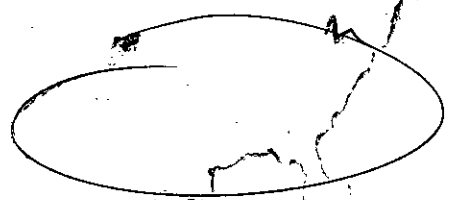

(Muhammad Jamal Khan)
Member (Judicial)

04.09.2020

Junior to Yousaf Ali, Advocate for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for respondents present.

According to the learned counsel, appellant is not in contact with him for the last 14/15 months, therefore, they cannot proceed with the instant appeal unless and until they have a contact with their client. The learned counsel was directed to submit an application in writing in this regard for which he is seeking time. Time is given with the directions to ensure attendance of the appellant on the next date of hearing. The case is adjourned to 13.11.2020 for arguments before D.B.


(Mian Muhammad)
Member (E)


(Muhammad Jamal)
Member (J)

14.10.2019

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 13.12.2019 before D.B.



Member



Member

13.12.2019

Lawyers are on strike as per the decision of All Pakistan Joint Lawyers Action Committee. Adjourn. To come up for their proceedings/arguments on 17.02.2020 before D.B.



Member



Member

17.02.2020

Learned counsel for the appellant present. Mr. Kabirullah Khattak learned Additional AG for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 04.05.2020 before D.B.



(Hussain Shah)
Member



(M. Amin Khan Kundi)
Member

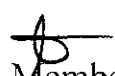
08.04.2019 Appellant in person present. Addl. AG for respondents present. Written reply not submitted. Notices be issued to the respondents for submission of written reply/comments on 08.05.2019 for written reply/comments before S.B.



(Ahmad Hassan)
Member

08.05.2019 Clerk of counsel for the appellant and Mr. Usman Ghani, District Attorney alongwith Mr. Suleman, Head Constable for the respondents present. Representative of the respondent-department submitted written reply. Adjourned to 08.07.2019 for rejoinder and arguments before D.B.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

08.07.2019 Appellant in person and Mr. Muhammad Jan, DDA for respondents present. Appellant seeks adjournment as his counsel is not available today. Adjourned. Case to come up for arguments on 02.09.2019 before D.B.


Member


Member

02.09.2019 Counsel for the appellant and Mr. Usman Ghani, District Attorney for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned to 14.10.2019 for arguments before D.B.


(HUSSAIN SHAH)
MEMBER


(M. AMIN KHAN KUNDI)
MEMBER

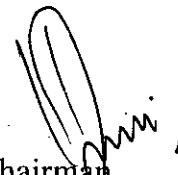
10.1.2019

Counsel for the appellant present.

It was contended that absence of appellant was owing to the criminal case registered against him followed by serious illness but the said facts were not considered by the departmental authority before passing the impugned order of dismissal from service against the appellant on 16.05.2018. It was further contended that the said order of dismissal was with retrospective effect which was in clear violation of law and rendered the order a nullity. It was also the contention of learned counsel that in proceedings entailing major punishment it was all the more necessary for the department to have conducted comprehensive enquiry and provided opportunity of defence to the accused, which was not done.


In view of the above, instant appeal is admitted for regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 18.03.2019 before S.B.

Appellant Deposited
Security & Process Fee


Chairman

18.03.2019

Appellant in person present. Mr. Kabirullah Khattak, Addl: AG for respondents present. Written reply/comments not submitted. Requested for adjournment. Adjourned. Case to come up for written reply/comments on 05.04.2019 before S.B.


Member
(Ahmad Hassan)

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1492/2018

| S.No. | Date of order proceedings | Order or other proceedings with signature of judge |
|-------|---------------------------|---|
| 1 | 2 | 3 |
| 1- | 17/12/2018 | <p>The appeal of Mr. Abdul Manan presented today by Mr. Yousaf Ali Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p><i>[Signature]</i> REGISTRAR</p> |
| 2- | 24/12/2018. | <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>10/01/2019.</u></p> <p><i>[Signature]</i> CHAIRMAN</p> |

SCANNED
KIST
Peshawar

P-23

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

Service Appeal No. 1492/2018

Constable Abdul Manan , Belt No.1310/FC Appellant


Versus

Inspector General of Police, Khyber Pakhtunkhwa,
Peshawar & others..... Respondents

INDEX


| S.No. | Description of documents. | Annexure | Pages. |
|-------|--|----------|-------------------|
| 1 | Service Appeal with affidavit | | 1-4 |
| 2 | Addresses of the parties | | 5 |
| 3 | Copy of medical record and criminal case record. | A-B | 6- 12 |
| 4 | Copy of departmental inquiry | C | 13- 18 |
| 5 | Copy of order dated 16 0 .05.2018 | D | 19- |
| 6 | Copy of appeal and order dated 05.07.2017 | E-E/1 | 20- 22 |
| 7 | Copy of order dated 05.11.2018 | F | 23- 24 |
| 8 | Previous medical record. | G-H | 24- 29 |
| 9 | Wakalatnama | | 30 |

Dated: 15.12.2018


Appellant

Through


Yousaf Ali


Syed Saud Shah

&


Murad Ali
Advocates, Peshawar

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

**Khyber Pakhtunkhwa
Service Tribunal**

Service Appeal No. 1492/2018

Diary No. 1761

Dated 17-12-2018

Constable Abdul Manan , Belt No.1310/FC s/o Jehanzeb ✓
R/o Sheikh Jana, Tehsil Razar, District Swabi..... Appellant

Versus

- 1) Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
- 2) Deputy Inspector General of Police, Mardan Region-1, Mardan.
- 3) D.P.O. Swabi.
- 4) S.D.P.O. Razar Circle Swabi.....Respondents

**APPEAL U/S 4 OF THE SERVICE
TRIBUNAL ACT AS 1974 AS AMENDED
UPTO DATE**

Respectfully Sheweth;

Appellant most humbly submits;

That the appellant is the bonafide resident of District Swabi and was appointed in the police department in the year 2012 i.e. 07.09.2012

- 2) That the appellant fell ill and hospitalized and meanwhile on the basis of malice and malafide, was dragged in a criminal case bearing No.170 u/s 381-A PPC which was later on patched up. (Medical record and record of criminal case are annexed as Annexure "A and B").

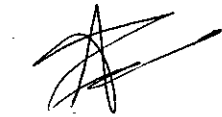
Filed today
[Signature]
Registrar
17/12/18

- 3) That on the basis of absentia show cause notice, summary of allegations, final show cause notice was issued against the appellant and in this respect a departmental inquiry was also conducted and the inquiry officer/ respondent No.4 recommended the appellant for major punishment. Complete record is Annexure "C").
- 4) That on the basis of inquiry officer's recommendations major punishment was imposed on the appellant and resultantly the appellant was dismissed by respondent No.3 from his service, vide order dated 16.05.2018. (Copies annexed as "D").
- 5) That thereafter the appellant filed appeal before the respondent No.2, which was also dismissed vide order dated 05.07.2017. (Annexure "E and E/1").
- 6) That feeling aggrieved the appellant filed appeal before respondent No.1 which was dismissed vide order dated 05.11.2018. (Copies annexure "F").
- 7) That in the inquiry proceedings as well as in the impugned orders of dismissal, twice dismissal from services and involvement in theft have been referred not being correct as on both the occasions the appellant was ill and was not in position to perform his duties, in this respect previous medical record is annexure "G & H" respectively.
- 8) That the appellant feeling aggrieved hence the instant appeal on the following and amongst other grounds inter alia;

GROUNDS:

- A) That the orders of respondents are illegal against the law and facts because the entire proceedings are Ex-parte and the edifice should fall to the ground on this ground alone.
- B) That neither any statements of the appellant has been recorded nor any show cause notice has served upon the appellant and similarly no opportunity of personal hearing has been provided to the appellant.
- C) That the absence of appellant from his duty is due to severe personal problem i.e. sickness and hospitalizations etc, which is legal and lawful and right of the appellant.
- D) That the appellant belong to a very poor family and there is no male member in family of the appellant and appellant is the only earning member of the family through service in the police Department.
- E) That the E&D Rules 2011, has been overlooked and no proceedings have taken under the said rules thus the entire proceedings and order are void-ab-initio and the respondents department is legally bound to Re-instate the appellant alongwith all back benefits.
- F) That no inquiry whatsoever has been conducted against the appellant, nor any opportunity of hearing is given to the appellant.
- G) That the appellant will add other grounds, at the time of argument, before this Service Tribunal:

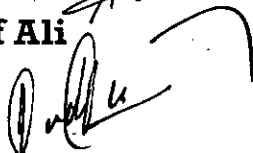
It is, therefore, prayed that on acceptance of this appeal, the impugned orders of respondents dated 11.05.2018, 05.07.2018 and 15.11.2018 respectively dismissal from service of appellant may graciously be set-aside and the appellant may kindly be re-instated to his original post, alongwith all back benefits.



Appellant

Through


Yousaf Ali

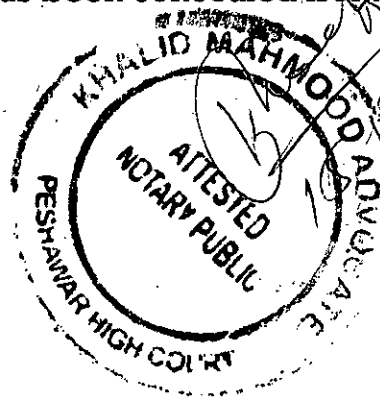

Syed Saud Shah

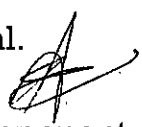
&


Murad Ali
Advocates, Peshawar

AFFIDAVIT:

I, Abdul Manan , Belt No.1310/FC s/o Jehanzeb R/o Sheikh Jana, Tehsil Razar, District Swabi, do hereby affirm and declare on oath that the contents of the Appeal are true and correct to the best of my knowledge and belief to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.




Deponent

16202-7929250-3

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

Service Appeal No. _____/2018

Constable Abdul Manan , Belt No.1310/FC Appellant

Versus

Inspector General of Police, Khyber Pakhtunkhwa,

Peshawar & others.....Respondents

ADDRESSES OF PARTIES

APPELLANT:

Constable Abdul Manan , Belt No.1310/FC s/o Jehanzeb

R/o Sheikh Jana, Tehsil Razar, District Swabi

RESPONDENTS:

- 1) Inspector General of Police, Khyber Pakhtunkhwa,
Peshawar.
- 2) Deputy Inspector General of Police, Mardan Region-1,
Mardan.
- 3) D.P.O. Swabi.
- 4) S.D.P.O. Razar Circle Swabi



Appellant

Through

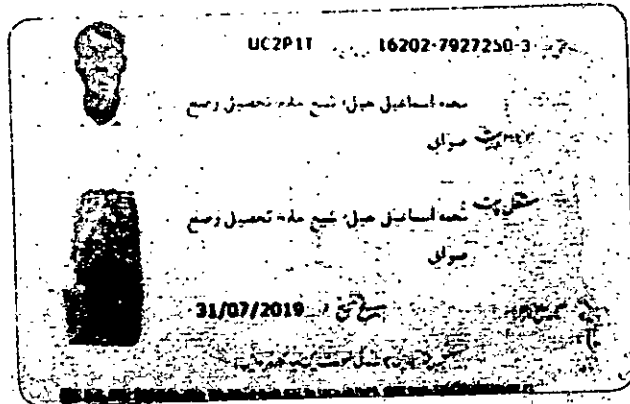
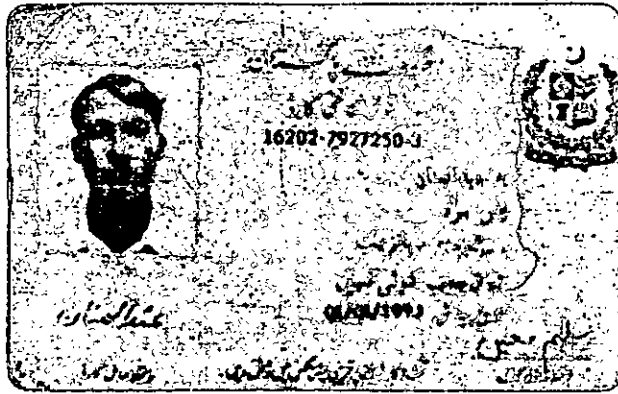

Yousaf Ali


Syed Saud Shah

&


Murad Ali

Advocates, Peshawar



ابتدائی اطلاع رپورٹ

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Associate Prof Dr. Ali Gohar Khan

Surgeon / Urologist

MBBS, MCPS, FCPS, MRCS (Glasgow)

Head of Department of Surgery Fauji Foundation Hospital Peshawar Cantt.

Ex Registrar of Surgery Khyber Teaching Hospital

Clinic: Mardan Swabi Road Kamal Sher Khan Kalay Swabi.

Ph: 0938-312222

Abdul Mannan

5/4/8

Cough
proctitis
fever

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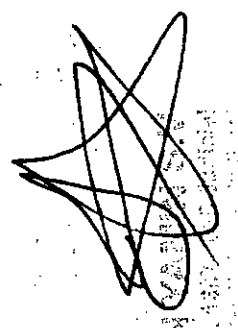
کلینک: پشاور میڈیکل سنٹر



Not Valid for Court

ایم بی بی ایس، ایم سی پی ایس، ایف سی ایس، ایم آر ایس (گلاسگو)
ماہر امراض: معدہ، آنت، جگر، ہریبا، پراسٹیٹ، اینڈکس، پتہ، تھا تیرائیڈ

بیان صلیب -
 سندھ ہائیڈرو پاور سٹیشن
 سندھ ہائیڈرو پاور سٹیشن
 825
 31-3-18
 16202-1924057-5
 G/M



بیون علی محمد ولد ضیاء محمد سکندر ولد زفر علی موہانی نے پرعہدہ بیان کیا
 کہ صدف ملزم عبدالنار کے خلاف مقدمہ نمٹانے کی غرض سے اس کو ایجنٹ کے طور پر
 نے خاصگی لائی ہے۔ تاہم مابین ان دونوں کے درمیان اور عدالت نے ملزم/اسٹیل
 کو مقدمہ سے معاف کیا ہے۔ **EXPA** ہے اور اس کے بارے
 کا بھی مقدمہ **EXPA** ہے۔ اگر عدالت ہونی چاہے اس کے لئے اور
 بعد ازاں یہ جان کر وہ اس کو کوئی اعتراف نہیں دے گا۔

اس کی توثیق

J.M.ii Swabi

31/3/18

Med/Cj-I

سید محمد مصطفیٰ
 A
 G/M

TESTED
 J.M.ii Swabi
 Copying Deptt
 Sessions Court Swabi

1000211300

IN THE COURT OF MUHAMMAD IQBAL,

JUDICIAL MAGISTRATE/CJ-I, SWABI

Case No _____

Year 2018

StateVs

Abdul Manan

FIR # 170

Dated: 13/3/18

U/S: 381A/411

PS: Zaida

Order # 01

29.01.2018

Instant bail petition submitted by the accused/petitioner through counsel. It be registered.

Notice and record for 31-3-18.

(Muhammad Iqbal)

Judicial Magistrate/CJ-I,
Swabi.

Order # 02

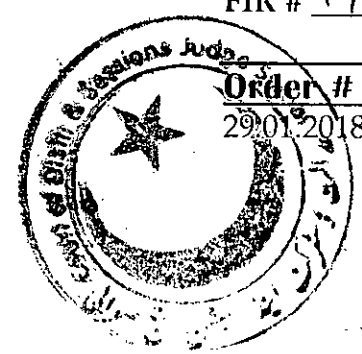
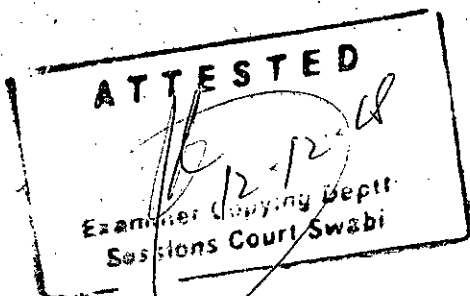
31.03.2018

Present: Mr. Imad Hussain Advocate for the accused/petitioner, complainant Sareer Muhammad in person and SPP for the state.

Accused/petitioner, Abdul Manan s/o Jehanzeb r/o Sheikh Janah, Swabi presently confined in judicial lockup seeks his post arrest bail till the conclusion of trial charged in the crime reported vide FIR # 170 dated 13.03.2018 registered u/s 381-A / 411 PPC with PS Zaida.

Arguments heard.

At the very outset complainant tendered an



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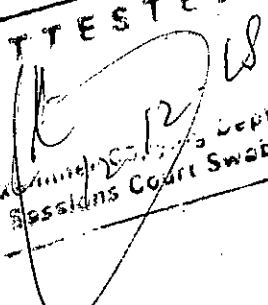
Order # 02 (continued)
31.03.2018

effecting a compromise with the accused/petitioner has extended his no objection on grant of bail. Statement of the complainant after obtaining copy of his CNIC as EXPB is recorded in the court, wherein, he had termed the compromise as forthright and genuine. Offence u/s 381-A PPC is non compoundable, but, it is by now settled principle that when parties have forgiven each other and forgotten the crime the non-compoundability of the offence would not serve as an insurmountable impediment. Accused/petitioner did not confess. Though, the recovery has been effected, but, the statement of the complainant who is the victim of the entire episode would cast apparent aspersion. Accused/petitioner admitted to bail on furnishing bail bonds to the tune of Rs. 50,000/-, with two sureties to the satisfaction of this court.

Copy of this order shall invariably be made part of the record. File be consigned to record after putting it in order.

Announced:
31.03.2018


(Muhammad Irfan)

ATTESTED

Sessons Court Swabi

SUMMARY OF ALLEGATIONS

It is alleged that Constable Abdul Manan Belt No. 1310/FC, while posted to Police Lines Swabi absented himself from duty with effect from 10.03.2018 till date without any leave/prior permission of the competent authority. In this regard, he was issued Show Cause Notice vide this office Diary No. 114/PSO, dated 14.03.2018 but neither he received the show cause notice nor joined back his duty and meanwhile he has also involved himself in case vide FIR No. 170 Dated 13.03.2018 U/s 381-A PPC PS Zaida, which is highly against the discipline amounts to gross misconduct.

MR. SHAKEEL KHAN, SDPO RAZZAR is appointed to conduct proper departmental enquiry against him.

District Police Officer,
Swabi.

No. 17 /CC/PSO.
Dated. 29 / 03 /2018

Certified to be True Copy.

ATTESTED

District Police Officer, Swabi.

CHARGE SHEET

Whereas I am satisfied that formal enquiry as contemplated by Khyber Pakhtunkhwa Police Rules 1975 is necessary and expedient.

And whereas I am of the view that the allegations if established would call for Major/Minor penalty as defined in Rules 4(b) a & b of the aforesaid Rules.

Now therefore as required by Rules 6(1) of the aforesaid Rules I **Sohail Khalid, PSP**, District Police Officer, Swabi charge you Constable Abdul Manan Belt No. 1310 on the basis of statement of allegations attached to this charge sheet.

In case your reply is not received within seven days without sufficient cause it will be presumed that you have no defence to offer and ex-parte action will be taken against you.

District Police Officer,
Swabi.

Certified to be True Copy.

ATTESTED

PSP

District Police Officer, Swabi.

OFFICE OF THE DISTRICT POLICE OFFICER DISTRICT, SWABI, KPK

SHOW CAUSE NOTICE.

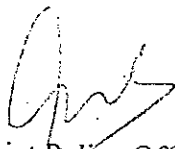
Whereas you Constable Abdul Manan Belt No. 1310/FC, while posted to Police Lines Swabi involved yourself in case vide FIR No. 170 Dated 13.03.2018 U/s 381-A PS Zaida, which is highly against the discipline and amounts to gross misconduct.

Therefore, it is proposed to impose a Major/Minor penalty including dismissal as envisaged under Rules 4(b) of the Khyber Pakhtunkhwa Police Rules 1975.

Hence I, **SOHAIL KHALID, PSP**, District Police Officer, Swabi in exercise of powers vested in me under Rules 5(3) of the Khyber Pakhtunkhwa Police Rules 1975 call upon you **Constable Abdul Manan 1310** to show cause as to why the proposed punishment should not be awarded to you.

Your reply should reach to the office of the undersigned within seven days of the receipt of this notice failing which it will be presumed that you have no explanation to make.

You are also at liberty to appear for personal hearing.



District Police Officer,
Swabi.

No. 115 /PSO,

Dated: 14/03/2018.

Certified to be True Copy.

ATTESTED

P/O
District Police Officer, Swabi.

OFFICE OF THE DISTRICT POLICE OFFICER, SWABI

FINAL SHOW CAUSE NOTICE

Whereas, you Constable Abdul Manan Belt No. 1310, while posted to Police lines Swabi absented yourself from duty with effect from 10.03.2018 till date without any leave or prior permission of the competent authority and thereby involved yourself in case vide FIR No. 170 Dated 13.03.2018 U/s 381-A PPC PS Zaida, which is highly against the discipline and amounts to gross mis-conduct.

In this connection, you were charge sheeted and served with summary of allegation and DSP, Razzar was appointed to conduct proper departmental enquiry. The enquiry officer held enquiry and submitted his findings, wherein, he held you Constable Abdul Manan Belt No.1310 guilty for the misconduct and thereby recommended you for major punishment.


Therefore, it is proposed to impose Major/Minor penalty including dismissal as envisaged under Rules 4(b) of the Khyber Pakhtunkhwa Police Rules 1975.

Hence, I, **Sohail Khalid, PSP**, District Police Officer, Swabi in exercise of power vested in me under Rules 5(3) of the Khyber Pakhtunkhwa Police Rules 1975 call upon you to show cause finally as to why the proposed punishment should not be awarded to you.

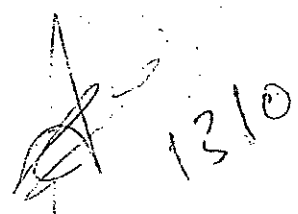
Your reply should reach to the office of the undersigned within seven days of the receipt of this notice failing which it will be presumed that you have no explanation to offer.

Certified to be True Copy.

You are also at liberty to appear for personal hearing before the undersigned.


District Police Officer,
SWABI.

No. 197 /PSO.
Dated: 215 /2018.


1310

ATTESTED

District Police Officer, Swabi.



17

OFFICE OF THE SUB DIVISIONAL POLICE OFFICER, RAZZAR CIRCLE
KERNAL SHER KELLI, SWABI (TEL PHONE NO. 0938 312-777)

To:

The District Police Officer,
Swabi.

No.

780

/S, dated Razzar the 23/04/2018.

Subject:

**DEPARTMENTAL ENQUIRY AGAINST CONSTABLE ABDUL
MANAN NO. 1310/FC.**

Memo:

In compliance with your office letter No. 12/CC/PSO, dated 29.03.2018 on the subject noted above.

SUMMARY OF ALLEGATION:

This is an enquiry against Constable Abdul Manan No. 1310/FC who while posted in Police line Swabi absented himself from duty w.e.f 10.03.2018 till date without any leave, prior permission of the competent authority. He was issued show cause notice vide DPO office Swabi Dy: No. 114/PSO dated: 14.03.2018, but he did not received the show cause notice nor joined his duty. In the meanwhile he also involved himself in case FIR No. 170 dt: 13.03.2018 U/s 381A PPC PS Zaida. This is highly against the discipline and amounts to gross misconduct. The DPO Swabi issued him a show cause notice and summary of allegations and the undersigned is appointed an enquiry officer to conduct proper departmental proceedings against the defaulter constable.

Certified to be True Copy.

PROCEEDINGS:-

The delinquent constable was called to the office and his statement was recorded and was placed on enquiry file. He stated that from 09.03.2018, he was seriously ill and due to illness he could not perform his duty. Therefore, he was marked absent. On 12.03.2018, he was falsely charged in motorcycle theft case. When he went to PS Zaida to clear his position, he was arrested and closed in judicial lockup and after completion of legal proceedings he was produced in the court. The court released him on bail. He also stated that he is ready to state on oath that he is innocence and not knows anything about it. He also produced medical report issued by Prof: Dr. Gohar Khan which is placed on enquiry file.

FINDINGS:-

The statement of the concerned official gone through and the enquiry file perused. In his written statement, the defaulter constable has submitted lame-leg excused and it seems to myth. If he was ill, then he shall have to brought it in the notice of his senior officers but he absented himself on his own well.

ATTESTED

District Police Officer, Swabi.


Moreover, he produced medical certificate issued to him on 05.04.2018 by medical officer while according to his statement he was ill on 09.03.2018. In medical certificate, the medical officer has not advised medical leave/rest to the defaulter constable.


The defaulter constable was also charged in case FIR No. 170 dt: 13.03.2018 U/s 381A PPC PS Zaida. In this case, the complainant has charged Constable Abdul Manan for theft of Motorcycle bearing RC No. 6091-Swabi. He arranges his BBA which was cancelled by the court. During interrogation, he confessed his guilt and the motorcycle was recovered from him and taken into possession. The defaulter constable has not keep the honor of the Police uniform and brought bad name to Police Deptt. He is stigma on the face of Police Deptt. and not fit for Police force. From the enquiry he was found guilty.

RECOMMENDATION


Therefore, the undersigned, the enquiry officer hereby recommended Constable Abdul Manan No. 1310/FC for "Major" punishment, please.

Enclosed: (24 pages)


Sub Divisional Police Officer,
Razzar Circle, Kernal Sher Kelli.

P.S.O
Issue FSCN,

DPO Swabi

Certified to be True Copy.

ATTESTED.

DPO
District Police Officer, Swabi.



19/5 Annex "D"

OFFICE OF THE DISTRICT POLICE OFFICER, SWABI

ORDER

Constable Abdul Manan Belt No. 1310/FC, while posted to Police Lines Swabi absented himself from duty with effect from 10.03.2018 till date without any leave or prior permission of the competent authority and meanwhile, he has also involved himself in case vide FIR No. 170 Dated 13.03.2018 U/s 381-A PPC PS ~~Swabi~~, which is highly against the discipline and amounts to gross misconduct.

In this connection, he was issued a Show Cause Notice vide this office Endst: No. 114/PSO, Dated 14.03.2018. He was directed time and again to receive his Show Cause Notice but he did not bother to receive. as such he was served with Charge Sheet and Summary of allegations vide this office Endst: No. 12/CC/PSO, Dated 29.03.2018 and SDPO Razzar was appointed as Enquiry Officer. The officer conducted proper departmental enquiry, collected evidence and recorded statements of all concerned. The Enquiry Officer submitted his findings wherein he found Constable Abdul Manan Belt No. 1310 guilty for the misconduct and recommended him for major punishment. The undersigned perused the enquiry papers, findings and by agreeing with the Enquiry Officer issued him Final Show Cause Notice vide this office Endst: No. 192/PSO, Dated 02.05.2018 and to which he has submitted his reply which was found unsatisfactory. To this end, the delinquent Constable was called in person in Orderly Room held on 15.05.2018, heard him personally but he did not give any satisfactory reply in pursuance of allegations leveled against him, which means that he has nothing to offer in his defense and hence, awarded him major penalty.

Certified to be True Copy.

Therefore, I, Sohail Khalid, PSP, District Police Officer, Swabi, in exercise of the powers vested in me under Rules 5(3) of the Khyber Pakhtunkhwa Police Rules 1975, hereby award Constable Abdul Manan Belt No. 1310 Major punishment of Dismissal from service from the date of his absence i.e. 10.03.2018.

Order announced:
On 15.05.2018

O.B No. _____
Dated 15/5/2018

[Signature]
District Police Officer,
SWABI

OFFICE OF THE DISTRICT POLICE OFFICER, SWABI

No. 322-26/PSO, dated Swabi, the 16/5/2018. **ATTESTED**

Copies to the: -

1. DSP, H.QRs, Swabi.
2. Pay Officer.
3. Establishment Clerk.
4. Fauji Missal Clerk.
5. Official Concerned.

[Signature]
District Police Officer, Swabi

[Handwritten signatures and notes at the bottom of the page]

BEFORE THE DEPUTY INSPECTOR GENERAL OF POLICE MARDAN

REGION-1 MARDAN

Subject: **APPEAL AGAINST THE ORDER O.B 565 DATED 16.05.2018 OF DISTRICT POLICE OFFICER SWABI, WHERE BY THE APPELLANT WAS AWARDED THE PUNISHMENT "DISMISSAL FROM SERVICE".**

R/Sir,

It is submitted that:

1. The DPO Swabi had issued the charge sheet with summary of allegations against the appellant, which details are as under :-
 - A. Charge sheet + summary of allegation regarding the absence w.e.f 10.03.2018 till date without any leave or prior permission of the competent authority and thereby involvement in case vide FIR No. 170 Dated 13.03.2018 U/s 381-A PS Zaida.
 1. That, in the charge sheet mentioned at Para-A, the appellant has been blamed for absenting himself from duty w.e.f 10-03-2018 till date and charges U/s 381-A vide case FIR No. 170 Dated 13.03.2018 PS Zaida. It has been shown in the dismissal order that in the light such allegations, a departmental enquiry was conducted by SDPO Razzar against the appellant, who submitted his findings and found the appellant to be guilty of misconduct.
 2. It would not be out of place to mention here that for the alleged allegations, neither the appellant was properly heard about the allegations in the charge sheet nor provided any opportunity regarding the position of case U/s 381-A which was settled down on the basis of compromise and the misunderstanding was removed by the complainant by providing affidavit before the trial Court which was confirmed for the acquittal of appellant.
 3. That, after completion of the process of departmental enquiry, a Final Show Cause Notice has been served upon the appellant and to which reply was timely submitted before the worthy District Police Officer Swabi, upon which the final order of dismissal was issued.
 4. That, on 16.05.2018 during Orderly Room, the appellant was Dismissed from the service vide OB No. 565 Dated 16.05.2018 which has been unilateral action against the appellant.

GROUNDS OF APPEAL:-

- A. That appellant has been appointed as Constable on 07.08.2012 and performing his duty very well, but remained absent due to severe illness from 10.03.2018 to 16.03.2018 and proceeded to Bacha Khan Medical Complex Swabi for treatment where the doctor

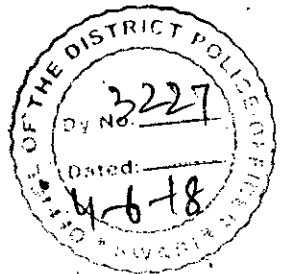
118

21
2
initiated treatment and advised for one week bed rest. The medical prescription is attached herewith.

- B. That, on 10.03.2018, the appellant was present on the duty and suddenly become ill due to which remained absent for about 06 days and on 16.03.2018, again remained absent due to severe illness and fatigue.
- C. That, on 13.03.2018, a case U/s 381-A was registered against the appellant on the basis of false allegations by the complainant and the complaint being close friend of the appellant, made the case against the appellant on the grounds that the Motor Cycle has been stolen from by the appellant, where the complainant falsely parked the motorcycle in premises of Police lines Swabi which was shown to be recovered by the IO from the possession of appellant. This tale was made by the complainant for fastening the appellant in a fabricated case of motorcycle theft, because the complainant did not want services of the appellant in Police department, which was later on settled down and compromised before the Court of law and was also confirmed for the acquittal of appellant. The court order passed a very short order in support of appellant which is attached herewith.
- D. That, the appellant has not committed the mentioned case nor will commit in the future being the part of discipline force.
- E. That, the unilateral action has been initiated against the appellant as the case has already been decided in favor of the appellant which is against the norms of justice.
- F. That, the appellant belongs to a very poor family and source of income is the Police service of his family.
- G. That, the appellant is very loyal and faithful to his Department and eager to serve the lives & properties of public.
- H. That, the appellant will never commit any type of negligence in future and will serve with full devotion and concentration.
- I. That, the appellant wholeheartedly requests to be reinstated in service from the date of his dismissal and it would vow that he will not commit such negligence in future.
- J. That, the entire relevant record, in this regard, is hereby attached with the mercy petition/appeal.

In light of above, it is humbly requested that the Appeal of the Appellant may kindly be accepted and the impugned order passed by the worthy District Police Officer, Swabi may kindly be set aside by reinstatement in service from the date of Dismissal and obliged please.

25/3/18
Yours Obediently,



Abdul Manan S/o Jehan Zeb,
Resident of village Sheikh Jana,
District Swabi.
Ex Constable Belt No. 1310,
District Police Swabi.

22
Amrex
"E1"

ORDER.

This order will dispose-off the departmental appeal preferred by **Ex-Constable Abdul Manan No. 1310** of Swabi District Police against the order of District Police Officer, Swabi whereby he was awarded Major Punishment of Dismissal from service, vide his office OB No. 565 dated 16.05.2018.

Brief facts of the case are that he while posted to Police Lines Swabi absented himself from duty with effect from 10.03.2018 till date of his dismissal without any leave/prior permission of the competent authority and meanwhile, he was also involved in case vide FIR No. 170 dated 13.03.2018 u/s 381-A PPC PS Zaida, which is highly against the discipline and amounts to gross misconduct. On account of above misconduct, he was issued Show Cause Notice and was directed time and again to receive his Show Cause Notice but he did not bother to receive, as such he was served with Charge Sheet/Summary of Allegations & DSP/Razzar was appointed as Enquiry Officer. The Enquiry Officer conducted proper departmental enquiry, collected evidence and recorded statements of all concerned. After proper departmental enquiry, the Enquiry Officer submitted his findings wherein he found appellant guilty of the misconduct and recommended him for major punishment. The District Police Officer, Swabi perused the enquiry papers, findings and by agreeing with the Enquiry Officer served him with Final Show Cause Notice. He submitted his reply to the Final Show Cause Notice which was found unsatisfactory, however before passing final order, the appellant was called in Orderly Room, heard him personally but he did not give any satisfactory reply in pursuance of allegations leveled against him, which means that he has nothing to offer in his defense.

Certified to be true Copy.

3. 762
23/7/18

He was called in orderly room by the undersigned held in this office on **04.07.2018** and heard in person. The appellant did not produce any cogent reason for his absence. Therefore, I find no grounds to intervene the order passed by District Police Officer, Swabi. **Appeal is rejected**

ORDER ANNOUNCED.

(Signature)
AKHTAR HAYAT KHAN)PSP
Regional Police Officer,
Mardan.

No. 4285/ES,

Dated Mardan the 5-7- /2018.

Copy to District Police Officer, Swabi for information and necessary action w/r to his office Memo: No. 143/Insp: Legal dated 12.06.2018. The Service Record is returned herewith.

(*****)

ATTESTED

(Signature)
District Police Officer, Swabi.



23

Annex "F"

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.

No. SI 4663 /18, dated Peshawar the 15/11/2018.

ORDER

This order is hereby passed to dispose of departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 submitted by Ex-Constable Abdul Manan No. 1310. The petitioner was dismissed from service w.e.f 10.03.2018 by DPO, Swabi vide OB No. 565, dated 16.05.2018 on the charge of absence from duty for 02 months and 06 days and involvement in case vide FIR No. 170, dated 13.03.2018 u/s 381-A PPC Police Station Zaida.


His appeal was rejected by Regional Police Officer, Mardan vide order Endst: No. 4285/ES, dated 05.07.2018.

Meeting of Appellate Board was held on 08.11.2018 wherein petitioner was heard in person. During hearing petitioner denied the allegation leveled against him.

Perusal of record reveals that petitioner was dismissed from service three times of which two times, the allegations are about theft. The Board see no ground and reasons for acceptance of his petition. Therefore, the Board decided that his petition is hereby rejected.

This order is issued with the approval by the Competent Authority.

Certified to be True Copy.


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

No. SI 4664-70 /18,

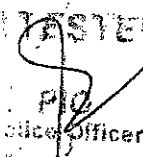
Copy of the above is forwarded to the:

1. Regional Police Officer, Mardan. Service Roll alongwith Fauji Missal of the above named Ex-Constable received vide your office Memo: No. 6766/ES, dated 29.10.2018 is returned herewith for your office record.
2. District Police Officer, Swabi.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
5. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-IV CPO Peshawar.

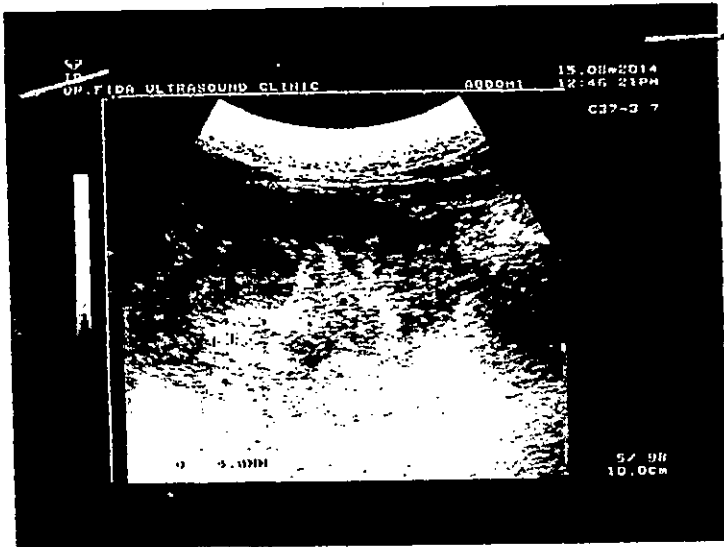


OB/EC/10/18/1

ATTESTED


District Police Officer, Swabi.

25



CLINIC

Hangu

SOUND

been, pancreas and

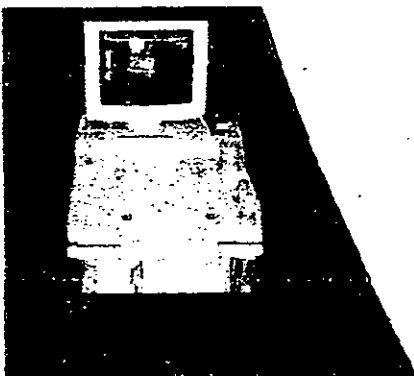
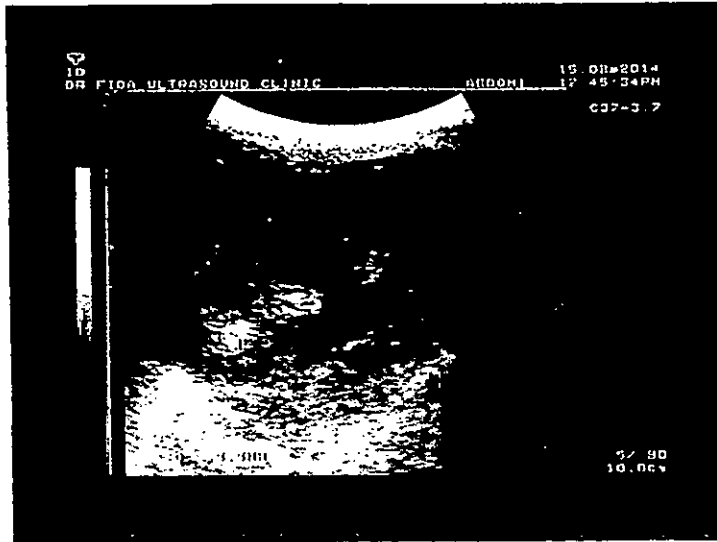
upper pole of Rt. kidney

is seen with out

normal in general.

density.

bilaterally.



26

DR. FIDA ULTRASOUND CLINIC

Near Civil Hospital Hangu

Pt. ID: Abdul Manan

ABDOMINAL ULTRASOUND

Liver, biliary tract, IVC, aorta, spleen, pancreas and both kidneys have been scanned.

A 7.7 mm calculus is noted at upper pole of Rt. kidney and 4.5 mm at upper pole of Lt. kidney with out obstructiv changes in either one.

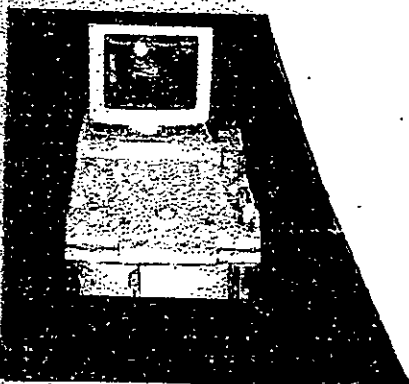
Rest of abdominal sonography is normal in general.

No free fluid seen in peritoneal cavity.

No lymphadenopathy seen.

Normal diaphragmatic excursion bilaterally.

Impression: As underlined above



Khyber Teaching Hospital, Peshawar

OUT - PATIENTS DEPARTMENT

RS: 10/-



S.No: 17312

Patient ID: 7725960516

Name: ABDUL MANAN

Gender: MALE

Referred To: ORTHROPAEDIC

Date: 11-MAY-16

Address: PESHAWAR

21 YEARS

Joint: L1

Time: 11:55 AM

A Post-op @ L1

Rx

Tab. Caldree

Advised bed

Rest for 1 month max

Wound dressing
Wound dressing
Wound dressing

Sanjolan

CD

CD

Brief Hx

R7A

shaft of femur #

28/

Operative Notes

Introducing ~~into~~ Nail

Investigations:

Hbs Ag..... HCV.....

Radiology.....

MRI /.....

X-Ray

Biopsy

Operation

TREATMENT AT HOSPITAL

inj Kefzol 1g IV Q12H

inj Cllox 10 BD

inj Acyclovir 9g IV BD

inj Toradol IV Q4H

inj R/c 10 IV stat

TREATMENT AT HOME

Tab Amoxic 1g

Tab Meksi 400

Tab Tramal plus

Tab Digestic P

Tab plus D



58306

پشاور بار ایسوسی ایشن، خیبر پختونخوا

ایڈوکیٹ: یوسف علی، سید عارفہ مراد علی

بار کونسل ایسوسی ایشن نمبر 5408-112-B

رابطہ نمبر: 0333 9052089

بعدالت جناب: کروکس کورٹ ہونہل پشاور

مخائب: سائل - Appellant

عبدالمنان
بنام
آئی - جی - پی وائرس

دعویٰ:

علت نمبر:

مورخہ:

جرم:

تھانہ:

باعت تحریر آئکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ صاحبان اور وکیل صاحبان کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داخست منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

15/12/18

المرقوم:

المواہ شد

مقام پشاور کے لیے منظور ہے۔

نوٹ: اس وکالت نامہ کی فوٹو کاپی ناقابل قبول ہوگی۔

Accepted

Attested

15/12/18

عبدالمنان وکیل صاحبان

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR.

Service Appeal No. 1492/2018.

Ex-Constable Abdul Manan Belt No. 1310/FC..... Appellant

VERSUS

1. District Police Officer, Swabi & Others..... **Respondents.**

WRITTEN REPLY ON BEHALF OF RESPONDENTS.

1. **Preliminary Objections.**

1. That the appellant has got no Cause of action and locus standi to file the present appeal.
2. That the appeal is bad due to misjoinder and nonjoinder of necessary parties.
3. That the appeal is time barred.
4. That the appellant has not come to the Tribunal with clean hands.
5. That this Hon'ble Tribunal has got no jurisdiction to entertain the present appeal.
6. That the instant appeal is not maintainable in its present form.
7. That the appellant concealed the material facts from this Hon'ble Tribunal.
8. That the appellant has been estopped by his own conduct to file the appeal.

2. **REPLY ON FACTS.**

1. Para No. 01 of appeal pertains to resident and service record, hence need no comments.
2. Para No. 02 of appeal is incorrect and against the actual facts. Appellant absented himself from duty with effect from 10.03.2018 and during such willful absence involved himself in the offence of moral turpitude vide case FIR No. 170 dated 13.03.2018 u/s 381-A/411 PPC PS Zaida. During investigation, appellant was arrested in the case and stolen motorcycle was recovered from the possession of appellant. The medical record produced by the petitioner did not support the stance of appellant.
3. Para No. 03 of appeal is correct to the extent of issuance of Show Cause Notice and Summary of Allegations, however proper departmental enquiry through Enquiry Officer was conducted during which appellant was provided opportunity of defence but he could not prove himself innocent hence recommended for major punishment.


4. Para No. 04 of appeal is correct to the extent of dismissal of appellant from service, however during departmental enquiry the charges against appellant were proved, however Enquiry Officer recommended for major penalty. On receipt of recommendation of Enquiry Officer, appellant was served with Final Show Cause Notice and before passing final order he was also heard in person in Orderly Room but could not offer in his defence, hence dismissed from service.
5. Para No. 05 of appeal to the extent of filling of departmental appeal before respondent No. 2 is correct, however the same was examined and after personal hearing in Orderly Room rejected the appeal vide dated 05.07.2018.
6. Para No. 06 of appeal to the extent of filling of review petition before respondent No. 1 is correct, however the same was rejected on merit.
7. Para No. 07 of appeal is incorrect. Appellant at initial stage of his service, while undergoing recruit course committed theft/misplacing vital part of official SMG rifle and on recommendation of Commandant, PTC Hangu he was discharge from service. From the perusal of his service record, he is found habitual absentee on account of which he was awarded different punishments including minor and major. During service, he proved himself an inefficient official (**copies of discharge order and punishments are attached as Annexure A to E**).
8. The orders of respondents are quite legal and the instant appeal is devoid of merit and liable to be dismissed with cost

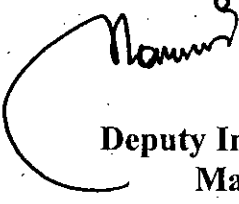
GROUND.

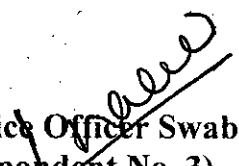
- A. Incorrect. The orders of respondents are quite legal in accordance with law/rules and during the departmental proceedings, appellant was associated and at every stage proper opportunity of personal hearing was provided to the appellant but he fails to prove himself innocent.
- B. Incorrect. Appellant on receipt of Charge Sheet appeared before Enquiry Officer and recorded his statement and produced medical certificate which did not support the version of appellant.
- C. Incorrect. Appellant being member of discipline force is suppose to follow rules and regulations and in case of any illness he could applied for medical leave but he got absented himself willfully. Moreover, appellant absented himself from duty with effect from 10.03.2018 while during departmental proceedings produced medical prescription wherein date of examination is 05.04.2018 which did not support the version of appellant.
- D. Incorrect. Despite of providing opportunity to appellant for mending his way, the appellant prove himself an inefficient official and again involved himself not only in willful absence but also an offence of moral turpitude.

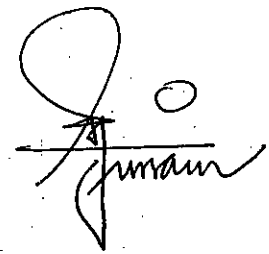
- E. Incorrect. Appellant is member of Police force which is discipline force and it has separate disciplinary rules which are applied on appellant.
- F. Incorrect. Reply already give vide paras above.
- G. That the respondents will also add other grounds at the time of argument.
- H. That the respondents also seek permission of this Hon'able Tribunal to advance other grounds at the time of arguments.

It is therefore humbly prayed that the instant appeal may very kindly be dismissed.


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


Deputy Inspector General of Police,
Mardan Region-I Mardan
(Respondent No. 2)


District Police Officer Swabi,
(Respondent No. 3)


SDPO Razzas Circle
(Respondent No. 4)

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR.

Service Appeal No. 1492/2018.

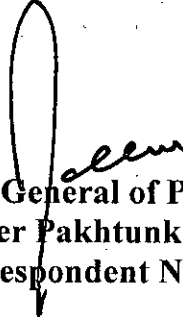
Ex-Constable Abdul Manan Belt No. 1310/FC..... Appellant

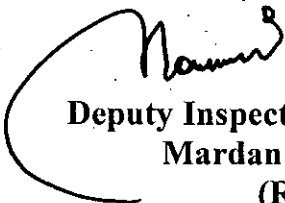
VERSUS

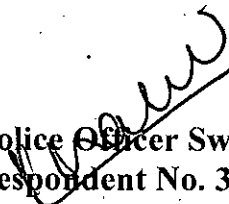
1. District Police Officer, Swabi & Others..... Respondents.

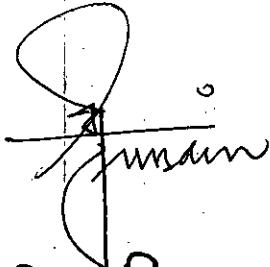
AFFIDAVIT:-

We the respondent No. 1 to 4 do hereby solemnly affirm and declare on oath that the contents of the written reply are correct/true to the best of our knowledge / belief and nothing has been concealed from the honorable Tribunal.


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


Deputy Inspector General of Police,
Mardan Region-I Mardan
(Respondent No. 2)


District Police Officer Swabi,
(Respondent No. 3)


SDO Razzak Circle
(Respondent No. 4)

Annexure - 'A'

OFFICE OF THE DISTRICT POLICE OFFICER, SWABI.

ORDER.

Recruit Constable Abdul Manan No.1310, while undergoing recruit course at PTC Hangu has misplaced vital part i.e firing pin assembly of rifle SMG. At the end of his duty, he handed over the rifle SMG to his relieving Inter Recruit Babar Khan Mo.114 of CCP Peshawar without proper check of the rifle. On checking the same by another recruit Bilal Khan No.70, relieving of Inter Recruit Babar Khan No.114, he found that firing pin assembly of the rifle SMG has been misplaced. In this regard, a departmental enquiry was conducted and found the Recruit Constable Abdul Manan No.1310 guilty of misconduct.

Therefore, I, **Dr. Mian Saeed Ahmed, PSP**, District Police Officer, Swabi, in exercise of the powers vested in me under Police Rules 1975, hereby award Recruit Constable Abdul Manan No.1310, Major Punishment of Discharge from service under Rules 12-21 with immediate effect.

O.B No. 930
Dated 15/08 /2013.

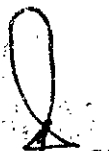

(Dr. Mian Saeed Ahmed)PSP
District Police Officer, Swabi.

OFFICE OF THE DISTRICT POLICE OFFICER, SWABI.
No. 1633-36/PA, dated Swabi, the 16/08 /2013.

Copies to the: -

1. Commandant PTC, Hangu w/r to his Memo: No.2176/GC dated 30.07.2013.
2. Pay Officer.
3. Establishment Clerk.
4. Fauji Missal Clerk.

پی سی سی



Under 12-21 -
allow them to stay
in Police.

B

ORDER

This order will dispose-off the appeal preferred by Ex-Constable Abdul Manan No. 1310 of Swabi District Police against the order of District Police Officer, Swabi, wherein he was dismissed from Service vide OB: No. 930 dated 15.08.2013.

Brief facts of the case are that, Recruit Constable Abdul Manan No. 1310, while undergoing recruit Course Police Training College, Hangu has misplaced vital part i.e firing pin assembly of rifle SMG. At the end of his duty, he handed over the rifle SMG to his relieving inter Recruit Babar Khan No. 114 of Capital City Police, Peshawar without proper check of the rifle. On checking same by another recruit Bilal Khan No. 70, relieving of inter Recruit Baber Khan No. 114, he found that firing pin assembly of the rifle SMG has been misplaced. In this regard a departmental enquiry was conducted and found the recruit Constable Abdul Manan No. 1310 guilty of misconduct. Therefore he was discharge from service.

I have perused the record and also heard the appellant in person in orderly room held in this office on 09.10.2013. Keeping in view his poor family circumstances he is reinstated in service with immediate effect.

ORDER ANNOUNCED.

589
2

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

No. 4697/ES, Dated Mardan the 11/10/2013.

Copy to District Police Officer, Swabi for information and necessary action w/r to his office Memo: No. 8989/Insp: Legal dated 19.09.2013. He may be informed accordingly.

His Service Roll & Fauji Missal is returned herewith.

(*****)

OB/EC/OT/PC

si,
since record
received.
As
EC
24/10

OB 1196/15
24/10/13

24/10

"C"

OFFICE OF THE DISTRICT POLICE OFFICER, SWABI


ORDER.

Constable Abdul Manan No.1310, while posted to Police Station, Zaida, absented himself from duty with effect from 11.10.2015 to 31.10.2015, without any leave/prior permission of competent authority, which is against the discipline and amounts to gross mis-conduct. Therefore, he was served with Charge Sheet and Summary of Allegations and Mr. Izhar Shah, DSP, Lahor was appointed as Enquiry Officer. The officer conducted proper departmental His reply to the Show Cause Notice was received, perused and he was heard in orderly room, but his reply was found un-satisfactory.

Therefore, I, Javed Iqbal, PSP, District Police Officer, Swabi, in exercise of the powers vested in me under Khyber Pakhtunkhwa Police Rules 1975, hereby award Constable Abdul Manan Minor Punishment of forfeiture of two years approved service and his period of absence is treated as leave without pay and his pay is released with immediate effect.

O.B.No. 1566

Dated 10.12 /2015


District Police Officer,
Swabi.

OFFICE OF THE DISTRICT POLICE OFFICER, SWABI

No. 2578-00/PA, dated Swabi, the 10/12 2015

Copies to the: -

1. Pay Officer.
2. Establishment Clerk.
3. Fauji Missal Clerk.

Q

OFFICE OF THE DISTRICT POLICE OFFICER, SWABI

ORDER


Constable Abdul Manan No.1310, while posted to Police Station Zaida absented himself from duty with effect from 03.12.2015 to 24.12.2015 without any leave/prior permission of the competent authority, which is against the discipline and amounts to gross mis-conduct.

Therefore, he was served with Charge Sheet and Summary of allegations. DSP, Lahor was appointed as Enquiry Officer. The Officer conducted proper departmental enquiry, collected evidence and recorded statements of all concerned. He submitted his findings, wherein he found Constable Abdul Manan No.1310, guilty for the mis-conduct and recommended him for suitable punishment. Moreover, on 21.2.2016, while going for election duty he injured in accident and taken to hospital. He was directed time and again either to report for duty or submit leave application alongwith Medical Leave Certificates but he neither reported for duty nor submitted any application or Medical Leave Certificate and absented himself from duty from 21.2.2016 till date. The undersigned perused the enquiry papers, findings and by agreeing with the Enquiry Officers served him with Final Show Cause Notice. He was clearly directed to submit his reply to the Final Show Cause Notice within seven days, but he did not submit, which means that he has nothing to offer in his defence and deserve ex-parte action.

Therefore, I, **Javed Iqbal, PSP**, District Police Officer, Swabi, in exercise of the powers vested in me under Khyber Pakhtunkhwa Police Rules 1975, hereby award Constable Abdul Manan No.1310 Major Punishment of Dismissal from service with immediate effect. The pay for the Period of his absence is hereby deducted from his salary.

O.B No. **757**

Dated **27/06/2016**


District Police Officer
Swabi.

OFFICE OF THE DISTRICT POLICE OFFICER, SWABI

No. **2051-55** /PA, dated Swabi, the **27/06** /2016.

Copies to the: -

1. DSP, H.Qrs, Swabi.
2. Pay Officer.
3. Establishment Clerk.
4. Fauji Missal Clerk.
5. Official concerned.

E

1

ORDER.

This order will dispose-off the appeal preferred by Ex- Constable Abdul Manan No. 1310 of Swabi District Police against the order of District Police Officer, Swabi, wherein he was dismissed from service vide District Police Officer, Swabi OB No. 757 dated 27.06.2016.

Brief facts of the case are that, he while posted to Police Station, Zaida absented himself from duty with effect from 03.12.2015 to 24.12.2015 without any leave/prior permission of the competent authority, which is against the discipline and amounts to gross misconduct. He was issued charge sheet and summary of allegations & DSP/Lahor was appointed as enquiry Officer. The Officer conducted proper departmental enquiry, collected evidence and recorded statements of all concerned. He submitted his findings, wherein he found the appellant guilty for the misconduct and recommended him for suitable punishment. Moreover on 21.02.2016 while going for election duty he injured in accident and taken to hospital. He was directed time and again either to report for duty or submit leave application alongwith medical leave certificates but he neither reported for duty nor submitted any application or medical leave certificates and absented himself from duty from 21.02.2016 till date of his dismissal. The District Police Officer, Swabi perused the enquiry papers findings and by agreeing with the enquiry Officer served him with the Final Show Cause Notice but he did not submit his reply which means that he has nothing to offer in his defence and deserve ex-parte action. Therefore he was dismissed from service.

I have perused the record and also heard the appellant in Orderly Room held in this office on 07.09.2016. Due to his pathetic family condition, he is reinstated in service conditionally with immediate effect & absence period to be treated as leave without pay, if he absented himself willfully without leave he may be dismissed from service.

ORDER ANNOUNCED.

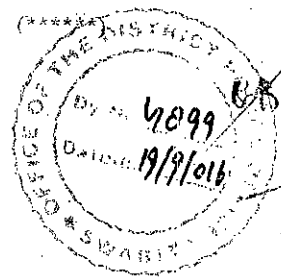
(Signature)

(Ijaz Ahmad) PSP
Deputy Inspector General of Police,
Mardan Region-I, Mardan.

No. 7778 /ES, Dated Mardan the 08/09 /2016.

Copy to District Police Officer, Swabi for information and necessary action w/r to his office Memo: No. 190/Insp: Legal dated 11.08.2016. His service record is returned herewith for record in your office.

5. Record received.



BT/EE/Insp Legal/OA

(Signature)
15/9

C.B. 10/10
27/9/16