

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 1905/2022

Mulazim Hussain No. 8545-FRP ,S/o Kala R/o Dhakki Tehsil Paharpur DI Khan  
Cell# 03459221376.....Appellant

**VERSUS**

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

**Index**

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 5612

Dated 25/5/2023

S.No	Description of Documents	ANNEXURE	PAGES
1.	Para wise comments	-	03
2.	Previous Punishment / Reference Attached	"A" & "B"	04-06
3.	Charge Sheet / Statement Of Allegation dated 20-05-2022 & 18-07-2022	"C"	07-10
4.	Charge Sheet Reply dated 15-06-2022 & 29-07-2022	"D"	11-12
5.	Final Enquiry Report dated 22-06-2022 & 29-07-2022	"E"	13-15
6.	Show Cause Notice dated 11-04-2022 , 28-06-2022 & 23-08-2022	"F"	16-18
7.	Authority Letter	"G"	19
8.	Affidavit	"H"	20
	<b>Pages Total:</b>		<b>20</b>

Dated: 15/05//2023

Depoent

Inspector Javed Khan

NIC No.12103-7159785-3

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

**Service Appeal No. 1905/2022.**

**Mulazim Hussain, S/o Kala R/o Dhakki Tehsil Pharpur DI Khan Police Line FRP DI Khan .....Appellant.**

**VERSUS**

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

**PARAWISE REPLY BY RESPONDENTS 1 to 05**

**RESPECTFULLY SHEWETH.**

**PRELIMINARY OBJECTIONS:-**

1. That the appeal is badly barred by law & limitation.
2. That the appeal is bad for mis-joinder and non-joinder of necessary and proper parties.
3. That the appellant has no cause of action and locus stand to file the instant appeal.
4. That the appellant has not come to this Honorable Tribunal with clean hands.
5. That the appellant is estopped due to his own conduct to file the instant Service Appeal.
6. That the appellant is trying to conceal the material facts from this Honorable Tribunal.

**FACTS:-**

1. Para No. 01 relates to the appellant record needs no comments.
2. Incorrect. The appellant is found an indisciplined and irresponsible officer as perusal of his service record reveals that in past he was remained absent from his lawful duty on different occasions for a total period of 993 days to which he was awarded different punishments and in this regard there are 20 bad entries with no good entry in his credits. (Copies of previous punishment orders attached herewith as annexure "A, B, C & D").
3. Incorrect. The appellant was remained absent from his lawful duty with effect from 29.03.2022 to 15.06.2022 for a period of (78) days and with effect from 16.06.2022 to 29.07.2022 for a period of (43) days. Besides he again remained absent from duty with effect from 11.08.2022 till the date of his removal from service i.e 24.08.2022 without any leave or prior permission of the competent authority.
4. Incorrect. The appellant failed to report his arrival at his place of posting or to join his duty.
5. Incorrect. On the allegations of willful absence the appellant was issued Show Cause Notice and served upon him, but he failed to submit his reply or to

appear before the competent authority. Later on he was proceeded against proper departmental as he was issued Charge Sheet alongwith Summary of Allegations and an Enquiry Officer was nominated to conduct proper enquiry against him. The Charge Sheet was served upon him, to which he replied, but his reply was found unsatisfactory. After completion of enquiry, the Enquiry Officer submitted his findings report, wherein the appellant was found guilty of the charges leveled against him and recommended for major punishment. Thus the appellant was absolutely treated in accordance with law within the meaning of Article 4 of the constitution by giving him sufficient and proper opportunities at every level of defense and that the entire proceedings were carried out in accordance with existing laws and rules. Moreover, the appellant did not approach to obtain enquiry papers. (Copies of enquiry report Charge Sheet and his reply are attached herewith as annexure "E", "F" & "G").

- 6. Incorrect. As after fulfillment of all codal formalities the appellant was awarded major punishment of removal from service as per law/rules. However, departmental appeal submitted by the appellant was thoroughly examined and rejected on cogent grounds.
- 7. The appellant has not come to this Honorable Tribunal with clean hands, hence this appeal being devoid of merits may kindly be dismissed on the following grounds.


**GROUNDS:-**


- 1. Incorrect. The appellant has been absolutely treated in accordance with law/rules. The action taken by the respondents against the appellant is legally justified and in accordance with law/rules.
- 2. Incorrect. As the appellant was remained absent from his lawful duty for a long period, without any leave or prior permission of the competent authority. He was proceeded against proper departmentally and during the course of enquiry he failed to produce any medical prescription before the Enquiry Officer or before the competent authority. The Enquiry Officer found him guilty of the charges leveled against him and recommended for major punishment. After fulfillment of all codal formalities he was awarded major punishment by the competent authority as per law/rules.
- 3. Incorrect. The departmental appeal of the appellant was disposed of accordingly as the appellant was called and heard in person in orderly room on 25.11.2022 by respondent No. 02, but the appellant failed to present any justification regarding his misconduct.
- 4. Incorrect. The allegations are false and baseless. On the allegations of willful absence the appellant was issued Show Cause Notice and served upon him,

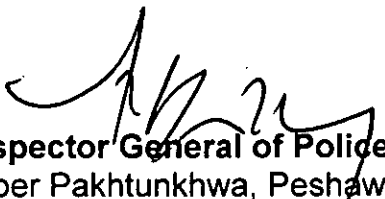
but he failed to submit his reply or to appear before the competent authority. (Copy of Show Cause Notice is attached herewith as annexure "H") It is material of fact that the appellant was fully associated with enquiry proceedings as evident from Show Cause Notice and Charge Sheet read alongwith his reply. Thus the appellant was treated in accordance with law within the meaning of Article 4 of the constitution by giving him sufficient and proper opportunities at every level of defense in the light of natural justice and after fulfillment of due codal families the appellant was awarded major punishment of removal from service as per law/rules.

**PRAYERS:-**

Keeping in view the above facts and circumstances, it is most humbly prayed that the instant service appeal being devoid of merits may kindly be dismissed with costs please.

  
Superintendent of Police FRP,  
DI Khan Range, DI Khan  
(Respondent No. 04 & 05)

  
Commandant FRP,  
Khyber Pakhtunkhwa, Peshawar  
(Respondent No. 03)

  
Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar.  
(Respondent No. 01 & 02)

"A" (4)

DEPARTMENT

**ORDER:-**

My this order will dispose off departmental enquiry conducted against Constable Mulazim Hussain No.8545/FRP under Khyber Pakhtunkhwa Police Disciplinary Rules-1975 (Amended in 2014).

According to daily diary report No.33 dated 15.06.2022 of District Police Lines DIKhan, he remained absent from lawfull duties with effect from 29.03.2022 to 15.06.2022 total (78) days. similarly according to daily diary report No.08 dated 29.07.2022 of Police Station City DIKhan, he remained absent from law full duties with effect from 16.06.2022 to 29.07.2022 total (43) days without any leave or permission from the High-up's.

On the basis of above, he was served with show cause notices. He was required to submit the reply of said show cause notices within stipulated period but he failed. He was charge sheeted. SI Sajid Hussain of FRP DIKhan Range was nominated as Enquiry Officer to unearth the actual facts. After completion of all codal formalities. The Enquiry Officer submitted his finding report along with other relevant papers wherein the defaulter head constable was found guilty of the charges leveled against him. During the course of Enquiry he again absented himself from law full duties with effect from 11.08.2022 to till date vide dialy diary report No.30 dated 11.08.2022 of Police Station City DIKhan.

From the perusal of his service record it revealed that:-

S#	Year	For the misconduct	Punishments awarded
1.	2009	Absentee 35 days	Without pay & Fine Rs.50/-
2.		Absentee 12 days	Without pay & Fine Rs.20/-
3.		Absentee 05 days	Without pay & Fine Rs.20/-
4.	2012	Absentee 44 days	Without pay & Quarter Guard for 03 days
5.		Absentee 05 days	Without pay & Quarter Guard for 02 days
6.	2013	Absentee 39 days	Without pay & Quarter Guard for 07 days
7.		Absentee 04 days	Without pay & Quarter Guard for 02 days
8.		Absentee 30 days	Without pay & Quarter Guard for 04 days
9.		Absentee 10 days	Without pay & Quarter Guard for 03 days
10.		Absentee 39 days	Without pay, Quarter Guard for 07 days, stoppage of 01 annual increment with cumulative effect
11.		Absentee 36 days	Without pay & stoppage of 01 annual increment with cumulative effect
12.		Absentee 39 days	Without pay & stoppage of 01 annual increment with cumulative effect
13.	2014	Absentee 84 days	Without pay & Quarter Guard for 05 days
14.	2015	Absentee 02 days	Without pay & Quarter Guard for 02 days
15.	2017	Absentee 58 days	Without pay & Quarter Guard for 15 days
16.	2018	Absentee 73 days	Without pay & stoppage of 01 annual increment with cumulative effect
17.		Absentee 90 days	Without pay & forfeiture of one year approved service
18.	2019	Absentee 73 days	Without pay & stoppage of 01 annual increment without cumulative effect
19.	2021	Absentee 77 days	Without pay & Ruduction in pay by 02 stages
20.	2022	Absentee 19 days	Without pay & Fine Rs.1500/-
21.		Absentee in service other than above 238 days	Without pay
Grand Total			993 days absence /

Keeping in view the facts stated above, **I MR. NISAR KHAN**, Superintendent of Police FRP D.I.Khan Range, D.I.Khan, in exercise of powers vested in me under Khyber Pakhtunkhwa Police Disciplinary Rules-1975 amended-2014, is hereby awarded major punishment of Removal from Service from the date of absence and his absence period i.e from 29.03.2022 to 15.06.2022, 16.06.2022 to 29.07.2022, 11.08.2022 to till date treated as without pay.

Dated            /2022.

OB No. 875 /FRP

Dated 24/08/2022

Copy to:-

1. Pay Officer
2. SRC
3. OHC
4. OB Clerk


*Accepted*  
*[Signature]*

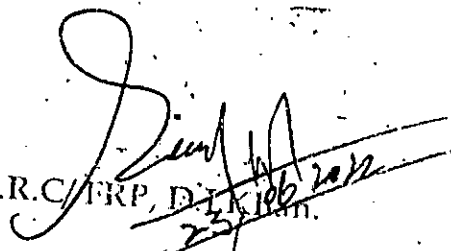
(NISAR KHAN)  
 Superintendent of Police,  
 FRP, DIKhan Range DIKhan  
 25/08

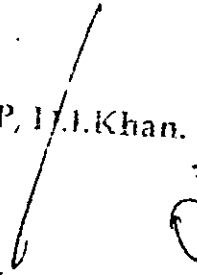
REFERENCE ATTACHED.

Constable Mulazim Hussain No.8545/FRP was proceeded against departmentally on the charges that according to daily diary report No.37 dated 29.03.2022 of District Police Lines DIKhan; while he was deployed for emergency/election duty at South Waziristan but at the time of departure he disappeared and absented himself with effect from 29.03.2022 without any leave or permission from the High-up's. Now he reported back his arrival on 15.06.2022 vide daily diary report No.33 dated 15.06.2022 of District Police Lines DIKhan, total absence period comes (78) days.

SI Abdul Latif Khan EO/FRP DIKhan Range was nominated as enquiry officer, now the finding report of enquiry officer received vide P/A, which is submitted for kind perusal and further order please.

  
Head Clerk/FRP, D.I.Khan  
23/6

  
S.R.C/FRP, D.I.Khan  
30/7/2007

  
S.P/FRP, D.I.Khan.

بابت غیر ملکی (993) لوہے  
ڈیپارٹمنٹ (4) سالانہ انکوائری  
سنگھ بند میں -  
① سالانہ انکوائری عالی سند  
① سال سروس صراط کی کمی ہے  
تفصیلاً میں درج کی گئی ہے  
55 لاکھ کھراڑے کارڈ  
1600 روپیہ حیرانہ  
(تفصیلاً 18 صفحات انکوائری)

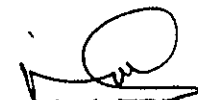
Attested  


REFERENCE ATTACHED.

Constable Mulazim Hussain No.8545 /FRP was proceeded against departmentally on the charges that according to daily diary report No.36 dated 16.06.2022 of Police Station City DIKhan, he remained absent from law full duties effect from 16.06.2022 without any leave or perrission form the High-up's.Now he reported back his arrival on 29.07.2022 vide dialy report No.08 dated 29.07.2022 of Police Station City DIKhan, total absence comes (43) days. ,

SI Sajid Hussain of FRP DIKhan Range was nominated as enquiry officer. However, the Enquiry Officer submitted his finding report in which he stated that the defaulter Constable guilty of the charges.

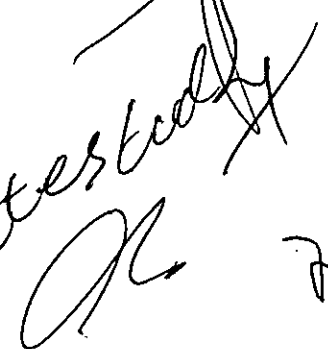
Submitted for order, please.

  
Head Clerk/FRP, D.I.Khan  
118

  
Estt. Clerk/FRP, D.I.Khan.  
21/08/22

W/S.P/FRP, D.I.Khan.

بھرتی  
30  
2022  
ایڈمنسٹریٹو آفیسر  
ڈیپارٹمنٹ آف پولیس  
سی ڈی ڈی  
21/08/22

OR  
Attestedly  


ORDER

Remove from service  
from the date absence-absence  
Period treated as with out  
Pay.

SP/FRP/Oh  
21/08/2022

No. 1004-05 /FRP

dated: 22/05/2022

CHARGE SHEET

- I. Superintendent of Police of FRP DIKhan as competent authority, am of the opinion that you Constable Mulazim Hussain No.8545/FRP of FRP DIKhan Range have committed the following acts/omission as defined in Rule 2 (iii) of Police Rules 1975.
- II. According to daily diary report No.37 dated 29.03.2022 of District Police Lines DIKhan, while you were deployed for emergency/election duty at South Waziristan but at the time of departure you disappeared and absented yourself with effect from 29.03.2022 to till date, any leave or permission from the High-up's. It is a gross "Misconduct" on your part as defined in Rule 2 (iii) of Police Rules 1975 and has rendered yourself liable to be proceeded against departmentally.
- III. By reason of the above, you seem to be guilty as sufficient materials is placed before the undersigned; therefore, it is decided to proceed against you in general police proceeding.
- IV. You are therefore, required to submit your written reply within 07 days of the receipt of this charges sheet to the Enquiry Officer.
- V. Your written reply, if any, should reach the Enquiry Officer within specific period, failing which it shall be presumed that you have no defense to offer and in that case ex-parte action shall follow against you.
- VI. Intimate as to whether you desire to be heard in person or not?
- VII. A statement of allegation is enclosed.

*Attested*  
*30/5/22*  
*MS*

*[Signature]*  
 Superintendent of Police, FRP  
 DIKhan Range DIKhan  
*22/05*



DISCIPLINARY ACTION

I, Superintendent of Police of FRP DIKhan as competent authority, am of the opinion that you Constable Mulazim Hussain No.8545/FRP of FRP DIKhan Range of FRP have committed the following acts/omission as defined in Rule 2 (iii) of Police Rules 1975.

STATEMENT OF ALLEGATION

1. According to daily diary report No.37 dated 29.03.2022 of District Police Lines DIKhan, while you were deployed for emergency/election duty at South Waziristan but at the time of departure you disappeared and absented yourself with effect from 29.03.2022 to till date any leave or permission from the High-up's. It is a gross "Misconduct" on your part as defined in Rule 2 (iii) of Police Rules 1975 and has rendered yourself liable to be proceeded against departmentally.
2. For the purpose of scrutinize the conduct of said Constable with reference to the above allegation, SI Abdul Latif Khan of FRP DIKhan Range is appointed as Enquiry Officer.
3. The Enquiry Officer shall conduct proceeding in accordance with provision of Police Rules 1975 and shall provide reasonable opportunity of defense and hearing to the accused official, record it is finding and make with twenty five (25) days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused official.
4. The delinquent official/officer shall join the proceeding on the date, time and place fixed by the Enquiry Officer.

Superintendent of Police, FRP  
DIKhan Range DIKhan  
20/06

Handwritten signature in Urdu script.

30/5/022 - 1433

0845-922-1376 - 1433

12-1033842487 - 1433

Attested  
Handwritten signature

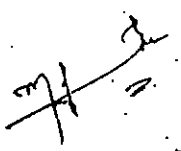
Handwritten mark or signature in the bottom left corner.


No 1317-18 /FRP

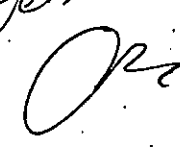
dated: 18/07/2022

CHARGE SHEET

- I. I, Superintendent of Police of FRP DIKhan as competent authority, am of the opinion that you Constable Mulazim Hussain No.8545/FRP of FRP DIKhan Range have committed the following acts/omission as defined in Rule 2 (iii) of Police Rules 1975.
- II. According to daily diary report No.36 dated 16.06.2022 of Police Station City DIKhan, you remained absent from law full duties with effect from 16.06.2022 to till date without any leave or permission from the High-up's.
- III. It is a gross "Misconduct" on your part as defined in Rule 2 (iii) of Police Rules 1975 and has rendered yourself liable to be proceeded against departmentally.
- IV. By reason of the above, you seem to be guilty as sufficient materials is placed before the undersigned; therefore, it is decided to proceed against you in general police proceeding.
- V. You are therefore, required to submit your written reply within 07 days of the receipt of this charges sheet to the Enquiry Officer.
- VI. Your written reply, if any, should reach the Enquiry Officer within specific period, failing which it shall be presumed that you have no defense to offer and in that case ex-parte action shall follow against you.
- VII. Intimate as to whether you desire to be heard in person or not?
- VIII. A statement of allegation is enclosed.

  
 20-07-2022  
 0345-9221376  
 12103 3848218-7

  
 Superintendent of Police, FRP  
 DIKhan Range DIKhan  
 18/7

Accepted  


DISCIPLINARY ACTION

Superintendent of Police of FRP DIKhan as competent authority, am of the opinion that you Constable Mulazim Hussain No.8545/FRP of FRP DIKhan Range of FRP have committed the following acts/omission as defined in Rule 2 (iii) of Police Rules 1975.

STATEMENT OF ALLEGATION

1. According to daily diary report No.36 dated 16.06.2022 of Police Station, City DIKhan, you remained absent from law full duties with effect from 16.06.2022 to till date without any leave or permission from the High-up's. It is a gross "Misconduct" on your part as defined in Rule 2 (iii) of Police Rules 1975 and have rendered yourself liable to be proceeded against departmentally.
2. For the purpose of scrutinize the conduct of said Constable with reference to the above allegation, SI Abdul Latif Khan of FRP DIKhan Range is appointed Enquiry Officer.
3. The Enquiry Officer shall conduct proceeding in accordance with provision of Police Rules 1975 and shall provide reasonable opportunity of defense and hearing to the accused official, record it is finding and make with twenty five (25) days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused official.
4. The delinquent official/officer shall join the proceeding on the date, time and place fixed by the Enquiry Officer.

myh

Superintendent of Police, FRP  
DIKhan Range DIKhan  
11/07

20-07-2022  
0345-9221376  
12103-3848218-7

Accepted  
Qs

cc  
A

جواب خارج شد

ضامن عالی احوالہ خارج شد۔ مسائل لبرالیزم بیکہ مورفہ 3  
کو اہم صنی اکیشن ڈیویٹی سٹوڈنٹس ویزلر سٹان جانے سے بوقت روکنی  
کھپ گیا اور تا حال بدستور غیر جانہ ہے۔

صلم حقیقت کچھ لوں بیکہ مسائل کچھ عمرہ سے

لو اہم صنی فوڈی مینز میں مثلاً ہے جو کہ میں ایسا علاج  
معالجہ لبرالیزم میں سٹوڈنٹس کے علاوہ ذہنی حکیموں سے کر رہا ہوں۔  
اس طبیعت میں کچھ امانت ہوئے لبرالیزم 22 2005 کا 5.0 آؤ

اپنی جالی تصنیاتی ڈسٹرکٹ لوئیس لائن ڈسٹرکٹ جانہری اور حفا  
ہوں میں جان لوگوں کو غیر جانہ نہیں ہو اہلک با اہم مجبوری  
کچھ غیر جانہری ہو گئے۔ اللہ تعالیٰ نے اس صبا و  
وسیع تر اختیار سے نوازا ہے۔ مہری بیماری جو وہ نظر رکھتے

ہوئے مہری غیر جانہری اور سڈیکل ٹیموں میں شہر کرنے کے  
ساتھ مہری خارج شد۔ فوڈ مینز کا اور اہم داخل دفتر  
غیر جانہ جانہ مسائل تا صبا ہے۔ صبا صبا اور اہم  
صبا صبا کے ریل و عبا کا دعی کو رہے گا۔

at. Albestor  
14P

مسائل تشیل ملازمین 8545 متعبر حال کھانہ کچی ڈرہ  
14P  
15062000

عنوان جواب چارج شپٹ

جواب عالی

حوالہ لیتھولہ چارج شپٹ مسرو میں ہونکہ من سائل پر الزام ہے  
اسی جائے تعیناتی تقانہ سٹی ڈیڑھ سے فروری 2022-08-16 سے نا حال لیتھولہ  
نمبر حافریوں -

جیکہ حضرت کچھ لوگ فصل سائل کا ہی عنصرت سے لیا ہے جسے حوزی  
P, P سے جسکا علاج معالی رہی حکموں سے جاری ہے  
کہ ان مانا میں شہرہ تکلف میں مسئلہ کا دینا وین غیر حافری  
کے ہے - جو کہ اب میں (P) افاقہ سے زور سے 29/07 کو ہی  
اسے تعینات پر حافری کر چکا ہوں -

سائل کو صدر غیر حافریوں دیا ہوں بلکہ نا اور عبوریہ ہے  
میں لوجہ بیماری غیر حافری ہوئی ہے - آئندہ غلط رہوگا - شکایت  
کا وقع نہیں دوناگا -

اللہ تعالیٰ نے آپ جواب کو وسیع سے اختیارات سے نواز رہا ہے  
میں (P) عبوری بیماری کی مدد نظر رکھتے ہوئے جملہ سر سے غیر حافری  
کو رخصت میں شمار کی اور چارج شپٹ حد ایڈ منسٹر کا دوا  
داخل دہر کرنے کی عاجزانہ اپنی ہے -

Attested

سائل کے پاس (P) 8574 / P-183  
کھنڈہ تقانہ سٹی ڈیڑھ  
#

RP  
1/12

ملع DIK

فائل رپورٹ

حکمانہ انکوآری بر خلاف کانشیل ملازم حسین FRP/8545 ڈیرہ

جناب عالی!

بحوالہ بشمولہ چارج شیٹ نمبر FRP/05-1004 مورخہ 20-05-2022 مجاریہ جناب SP/FRP صاحب ڈیرہ بر خلاف کانشیل ملازم حسین FRP/8545 ڈیرہ کی بغرض انکوآری من SI/EO کو مارک ہوئی۔ بعد ملاحظہ انکوآری کاغذات سے پایا گیا کہ کانشیل مذکورہ پر الزام ہے کہ اپنی جائے تعیناتی ڈسٹرکٹ پولیس لائن ڈیرہ سے مذکورہ کی ایمر جنسی ایکشن ڈیوٹی ساؤتھ وزیرستان لگی تھی جو کہ بوقت روانگی چھپ گیا اور بغیر کسی رخصت / اجازت کے مورخہ 29-03-2022 سے تا حال بدستور غیر حاضر ہے۔ جو کہ غیر ڈسپلن فعل ہے۔ بدیں وجہ مذکورہ کے خلاف چارج شیٹ جاری کی گئی ہے۔

اندریں سلسلہ معروض ہوں کہ الزام علیہ بالا کو بغرض وصول کرنے چارج شیٹ طلب کیا گیا۔ جو کہ حاضر نہ آیا تو چارج شیٹ متذکرہ مورخہ 30-05-2022 کو بذریعہ اسپیشل مسیجر کانشیل محمد شعیب FRP/8131 کانشیل مذکورہ کے گھر سکھنے ڈھکی حدود تھانہ پہاڑ پور ڈیرہ تقسیم کیلئے بھجوائی گئی۔ جو کہ کانشیل مذکورہ نے بذات خود چارج شیٹ متذکرہ مورخہ 31-05-2022 کو وصول کی۔ جس کا الزام علیہ بالانے اپنا تحریری جواب چارج شیٹ اندر معیاد (7) یوم مورخہ 06-06-2022 تک جمع کرانا تھا جو کہ مورخہ 06-06-2022 کو کانشیل مذکورہ طلبیدہ دفتر ہذا حاضر آیا اور بتلایا کہ بحکم افسران بالا مجھے ڈسٹرکٹ پولیس لائن ڈیرہ میں بند کوارٹر گارڈ کیا جا رہا ہے کوارٹر گارڈ سے خلاصی پر حاضر آکر جواب چارج شیٹ جمع کراؤنگا۔ تو مورخہ 13-06-2022 کو کانشیل مذکورہ کے منشی پلاٹون محمد آصف LHC سے بابت کانشیل مذکورہ کی حاضری کی معلومات لی گئیں جو کہ بیانی ہوا کہ کانشیل مذکورہ نے تا حال پلاٹون میں حاضری نہیں کی ہے تو تحریری پروانہ اطلاعیابی / طلبی بنام SHO/MHC تھانہ پہاڑ پور ڈیرہ MM موسیٰ کو بذریعہ موبائل فون نمبر 0346-7851144 بحوالہ میج بک نمبر 346 مورخہ 13-06-2022 بابت جواب جمع کرانے تحریر کروایا گیا۔ جو کہ مورخہ 15-06-2022 کو کانشیل مذکورہ ہمراہ تحریری جواب چارج شیٹ حاضر آیا۔ تحریر پروانہ اطلاعیابی / طلبی ہمراہ لف انکوآری ہذا ہے۔

الزام علیہ بالا اپنے تحریری جواب چارج شیٹ میں بیانی ہے کہ کچھ عرصہ سے میں بو اسیر جیسی موذی مرض میں مبتلا ہوں اور اپنا علاج معالجہ پر ایویٹ ہسپتالوں کے علاوہ دیسی حکیموں سے کرا رہا ہوں۔ اب طبیعت میں افاقہ ہونے پر مورخہ 15-06-2022 کو اپنے جائے تعیناتی ڈسٹرکٹ پولیس لائن ڈیرہ میں حاضری کر چکا ہوں۔ کانشیل مذکورہ کا تفصیلی بیان ہمراہ لف قابل ملاحظہ ہے۔

عالیجاہ!

کی گئی انکوآری کے حالات، واقعات سے بحثیت انکوآری آفیسر اس نتیجہ پر پہنچا ہوں کہ کانشیل مذکورہ اپنی غیر حاضری کی بابت بو اسیر جیسی موذی مرض میں مبتلا ہونا اور پر ایویٹ ڈاکٹروں کے علاوہ دیسی حکیموں سے اپنا علاج معالجہ کرانا بیانی ہے۔ تو اندر میں بابت کانشیل مذکورہ سے میڈیکل کاغذات طلب کیے گئے جو کہ کانشیل مذکورہ پیش نہ کر سکا۔ جس سے صاف عیاں ہے کہ کانشیل مذکورہ جان بوجھ کر ایمر جنسی ایکشن ڈیوٹی

Attestd

ساؤتھ وزیرستان جانے سے بوقت روانگی چھپ گیا۔ کانٹیل مذکورہ کے پاس جملہ غیر حاضری کی بابت کوئی ٹھوس ثبوت / قانونی جواز نہ ہے۔ بلکہ اپنی بیماری کا بہانہ بنا کر گھر خود میں پڑا رہا ہے۔ کانٹیل مذکورہ کی جملہ غیر حاضری بلا جواز ہے۔ علاوہ ازیں کانٹیل مذکورہ ایک غیر حاضر باش اہلکار ہے جس کا سابقہ سروس ریکارڈ بھی داغدار ہے۔


"لہذا انکواری ہذا میں کانٹیل مذکورہ کو صاف قصور وار پایا جاتا ہے۔ جملہ عرصہ غیر حاضری مورخہ 29-03-2022 تا 15-06-2022 تک کل (78) یوم کو بلا تنخواہ کرنے کے ساتھ سخت محکمانہ سزا دینے کی استدعا کی جاتی ہے۔ مزید حکم افسران بالا افضل ہوگا۔"

فائنل رپورٹ مرتب ہو کر گزارش ہے۔

  
SI عبداللطیف خان

انکواری آفیسر FRP ڈیرہ

مورخہ: 22-06-2022

Accepted  


DIK

FRP دفتر

## فائل رپورٹ

حکمانہ انکوائری بر خلاف کانٹریبل ملازم حسین FRP/8545 ڈیرہ

جناب عالی!

بجوالہ بشمولہ چارج شیٹ نمبر FRP/18-1317 مورخہ 18-07-2022 مجاریہ جناب SP/FRP صاحب ڈیرہ بر خلاف کانٹریبل ملازم حسین FRP/8545 ڈیرہ کی بغرض انکوائری من SI/EO کو مارک ہوئی۔ بعد ملاحظہ انکوائری کاغذات سے پایا گیا کہ کانٹریبل مذکورہ پر الزام ہے کہ اپنی جائے تعیناتی تھانہ سٹی سے بغیر کسی رخصت / اجازت کے مورخہ 16-06-2022 سے تاحال بدستور غیر حاضر ہے۔ جو کہ غیر ڈسپلن فعل ہے۔ بدیں وجہ مذکورہ پر چارج شیٹ ایٹھویں گئی ہے۔

اندریں سلسلہ معروض ہوں کہ الزام علیہ بالا کو طلب کیا جا کر حسب ضابطہ چارج شیٹ متذکرہ تقسیم کی گئی۔ جس کا مذکورہ نے اپنا تحریری جواب بشکل بیان دئے دیا۔ جس پر کراس سوالات جرح کر چکا ہوں۔

الزام علیہ بالا اپنے تحریری جواب چارج شیٹ میں بیانی ہے کہ میں کافی عرصہ سے بوا سیر جیسے موذی مرض میں مبتلا ہوں۔ جس کا علاج معالجہ دیسی حکیموں سے جاری ہے جو کہ ان ایام میں شدید تکلیف میں مبتلا تھا۔ بدیں وجہ غیر حاضری ہوئی ہے۔ جو کہ اب صحت میں افاقہ ہونے پر مورخہ 29-07-2022 کو اپنی جائے تعیناتی پر حاضری کر چکا ہوں۔ کانٹریبل مذکورہ کا تفصیلی بیان ہمراہ لف قابل ملاحظہ ہے۔

عالیجاہ!

انکوائری ہذا کے حالات و واقعات اور کانٹریبل مذکورہ کے پیش کردہ بیان سے بحیثیت انکوائری آفیسر اس نتیجہ پر پہنچا ہوں کہ کانٹریبل مذکورہ نے بابت غیر حاضری بوا سیر جیسے موذی مرض میں مبتلا ہونے اور اپنا علاج معالجہ دیسی حکیموں سے کرانے کا ذکر کیا ہے۔ جس کی بابت کانٹریبل مذکورہ سے میڈیکل کاغذات طلب کیے گئے جو کہ کانٹریبل مذکورہ پیش نہ کر سکا۔ کانٹریبل مذکورہ کے پاس اپنی جملہ غیر حاضری کی بابت کوئی ٹھوس ثبوت / تسلی بخش جواب وغیرہ نہ ہے بلکہ اپنی بیماری کا بہانہ بنا کر گھر خود میں پڑا رہا۔ کانٹریبل مذکورہ کی جملہ غیر حاضری بلا جواز ہے۔

علاوہ ازیں کانٹریبل مذکورہ کے سابقہ سروس کی ریکارڈ کی پڑتال کی گئی۔ بمطابق ریکارڈ SRC/FRP کانٹریبل مذکورہ 2007ء کا بھرتی شدہ ہے۔ سابقہ غیر حاضری (993) یوم ہے جبکہ دیگر سزائیں: (50) یوم کوارٹر گارڈ، -/1600 روپے جرمانہ، (01) سالانہ انکریمنٹ عارضی طور پر بند ہے جبکہ (04) سالانہ انکریمنٹ مستقل طور پر بند ہیں اور تنخواہ میں (02) اسٹیج کی کمی کی گئی ہے۔

"لہذا، کی گئی انکوائری میں کانٹریبل مذکورہ بابت غیر حاضری مورخہ 16-06-2022 تا 29-07-2022 تک کل (43) یوم

میں عطف قصور وار پایا جاتا ہے۔ مزید حکم افسران بالا افضل ہوگا۔"

فائل رپورٹ مرتب ہو کر گزارش ہے۔

SI ساجد حسین

انکوائری آفیسر FRP ڈیرہ

مورخہ: 29-07-2022

Approved



No. 77 /FRP

Dated 11/04/2022

OFFICE OF THE SUPERINTENDENT OF POLICE FRP DIKHAN RANGE DIKHAN

SHOW CAUSE NOTICE

(Under Rule 5(3)(b) KP Police Rules 1975)

- I) Whereas you Constable Mulazim Hussain No.8545/FRP of FRP have rendered yourself liable to be proceeded under Rule 5(3) (b) of the Khyber Pakhtunkhwa Police Rules 1975 for the following misconduct.
  - a) According to daily diary report No.37 dated 29.03.2022 of District Police Lines DIKhan, while you were deployed for emergency/election duty at South Waziristan but at the time of departure you disappeared and absented yourself with effect from 29.03.2022 to till date, any leave or permission from the High-up's.
- II) That the misconduct on your part is prejudicial to good order of discipline in the Police Force.
- III) That by taking cognizance of the matter under enquiry the undersigned as competent authority under the said rule proposed stern action against you by awarding one or more of the punishments as provided in Rule 4 the receipt of the notice failing which an ex-part action shall be taken against you. You are required to submit the reply with-in 07-days of the receipt of this Notice as to why you should not be awarded major punishment, including dismissal from service.
- IV) you are further directed to inform the undersigned as to whether you wish to be heard in person or not.

Received By \_\_\_\_\_  
Dated 11/04/2022

Superintendent of Police, FRP  
DIKhan Range DIKHAN

*Accepted*  
*11/04/22*  
*[Signature]*

(13)  
(11)

No. \_\_\_ /SC /FRP

Dated 28/06/2022

OFFICE OF THE SUPERINTENDENT OF POLICE FRP DIKHAN RANGE DIKHAN

SHOW CAUSE NOTICE

(Under Rule 5(3)(b) KP Police Rules 1975)

- I) Whereas you Constable Mulazim Hussain No.8545/FRP of FRP have rendered yourself liable to be proceeded under Rule 5(3) (b) of the Khyber Pakhtunkhwa Police Rules 1975 for the following misconduct:
  - a) According to daily diary report No. <sup>36</sup>43 dated 16.06.2022 of Police Station City DIKhan, you remained absent from law full duties with effect from 16.06.2022 to till date without any leave or permission from the High-up's.
- II) That the misconduct on your part is prejudicial to good order of discipline in the Police Force.
- III) That by taking cognizance of the matter under enquiry the undersigned as competent authority under the said rule proposed stern action against you by awarding one or more of the punishments as provided in Rule 4 the receipt of the notice failing which an ex-part action shall be taken against you. You are required to submit the reply with-in 07-days of the receipt of this Notice as to why you should not be awarded major punishment, including dismissal from service
- IV) you are further directed to inform the undersigned as to whether you wish to be heard in person or not.

Received By \_\_\_\_\_  
Dated 28/06/2022

*Attested*  
*[Signature]*

Superintendent of Police, FRP  
DIKhan Range DIKhan  
*[Signature]*  
28/06

No. 195  
Dated 23 / 08 / 2022

OFFICE OF THE SUPERINTENDENT OF POLICE FRP DIKHAN RANGE DIKHAN

SHOW CAUSE NOTICE

(Under Rule 5(3)(b) KP Police Rules 1975)

- I) Whereas you Constable Mulazim Hussain No.8545/FRP of FRP have rendered yourself liable to be proceeded under Rule 5(3) (b) of the Khyber Pakhtunkhwa Police Rules 1975 for the following misconduct.
  - a) According to daily diary report No.30 dated 11.08.2022 of Police Station City DIKhan, you remained absent from law full duties with effect from 11.08.2022 to till date without any leave or permission from the High-up's.
- II) That the misconduct on your part is prejudicial to good order of discipline in the Police Force.
- III) That by taking cognizance of the matter under enquiry the undersigned as competent authority under the said rule proposed stern action against you by awarding one or more of the punishments as provided in Rule 4 the receipt of the notice failing which an ex-part action shall be taken against you. You are required to submit the reply with-in 07-days of the receipt of this Notice as to why you should not be awarded major punishment, including dismissal from service.
- IV) you are further directed to inform the undersigned as to whether you wish to be heard in person or not.

Received By \_\_\_\_\_  
Dated 23 / 08 / 2022

*Accepted*

*[Signature]*  
Superintendent of Police, FRP  
DIKhan Range DIKhan  
23/08

**BEFORE THE HONORABLE SERVICE TRIBUNAL PESHAWER CAMP COURT DIKHAN**

**Service appeal No.1905/2022**

**Mulazim Hussain** son of Kala Khan R/o Dhakki Tehsil Pahar Pur District Dera Ismail Khan. Ex constable No. 8545/FRP D.I.Khan Cell No# 0345-9221376.....(Appellant).

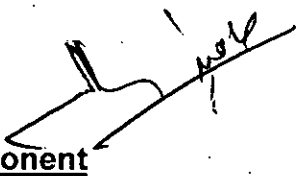
**VERSUS**

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

**AFFIDAVIT**

We respondent's No.01 to 05 hereby solemnly affirm and declare on oath that the contents of the accompanying Para- wise comments is correct to the best of our knowledge and belief that nothing has been concealed from this Honorable Court.

Oath Administrator  
AIGS RO  
ATTZS/TEB  
Dera Ismail Khan  
4-3-2023

  
Deponent

Inspector Javed Khan  
CNIC No.12103-7159785-3

"H" (20)

**BEFORE THE HONORABLE SERVICE TRIBUNAL PESHAWER CAMP COURT DIKHAN**

**Service appeal No.1905/2022**

**Mulazim Hussain** son of Kala Khan R/o Dhakki Tehsil Pahar Pur District Dera Ismail Khan. Ex constable No. 8545/FRP D.I.Khan Cell No# 0345-9221376.....(Appellant).

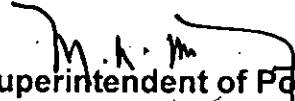
**VERSUS**


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

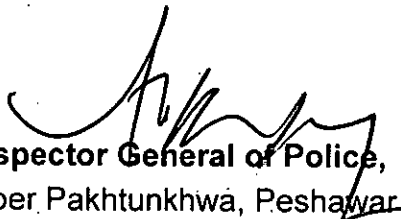
**AUTHORITY LETTER**

**Respectfully Sheweth:-**

We respondents No.01 to 05 do hereby solemnly Authorize Mr. Inspector Javed Khan of FRP DI Khan Range to attend the Honorable Tribunal and submit affidavit/Para-wise comments required for the defense of above Service Appeal on our behalf.

  
**Superintendent of Police FRP,**  
DI Khan Range, DI Khan  
(Respondent No. 04 & 05)

  
**Commandant FRP,**  
Khyber Pakhtunkhwa, Peshawar  
(Respondent No.03)

  
**Inspector General of Police,**  
Khyber Pakhtunkhwa, Peshawar  
(Respondent No. 01 & 02)