

02.01.2023

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

Clerk of learned counsel for the appellant requested for  
adjournment on the ground that learned counsel for the  
appellant is not available today. Adjourned. To come up for  
arguments on 30.03.2023 before the D.B.

SCANNED  
PKPST  
Peshawar



(Mian Muhammad)  
Member (E)



(Salah-ud-Din)  
Member (J)

30<sup>th</sup> Mar, 2023

Learned counsel for the appellant present. Mr. Fazal  
Shah Mohmand, Add: AG for the respondents present.

Learned counsel for the appellant seeks time to submit  
some additional documents. He may do so within seven  
days. To come up for arguments on 31.05.2023 before  
D.B. P.P given to the parties.

SCANNED  
PKPST  
Peshawar



(Salah Ud Din)  
Member (Judicial)




(Kalim Arshad Khan)  
Chairman

31.08.2022

Clerk of learned counsel for the appellant present. Mr. Atta-ur-Rehman, Inspector (Legal) alongwith Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Learned Member (Judicial) Ms. Rozina Rehman is on leave, therefore, arguments could not be heard. Adjourned. To come up for arguments on 11.11.2022 before the D.B.

  
(Salah-ud-Din)  
Member (Judicial)


11.11.2022

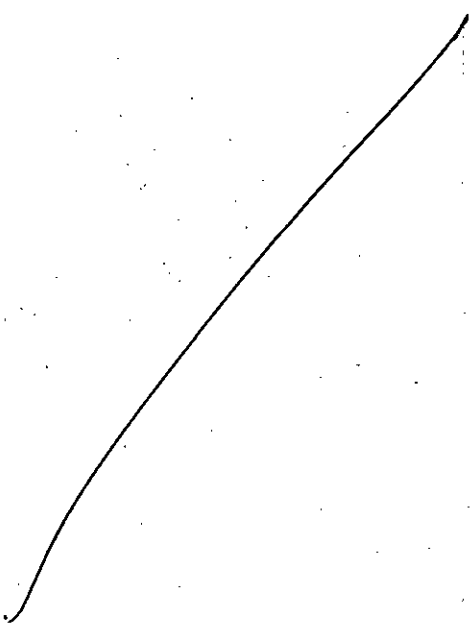
Junior to counsel for the appellant present. Mr. Naseerud Din Shah, Assistant Advocate General for the respondents present.

Former requested for adjournment due to indisposition of learned senior counsel for the appellant. Adjourned. To come up for arguments on 02.01.2023 before the D.B.

SCANNED  
KPST  
Peshawar

  
(Fareeha Paul)  
Member (E)

  
(Rozina Rehman)  
Member(J)



24.11.2021

Learned counsel for the appellant present.

Mr. Kabirullah Khattak, Additional Advocate General alongwith Mr. Khyal Roz Inspector (Legal) for respondents present.

Learned counsel for the appellant requested for adjournment as he has not prepared the brief. Adjourned. To come up for arguments on 16.03.2022 before D.B.




(Atiq ur Rehman Wazir)  
Member (E)



(Rozina Rehman)  
Member (J)

16.03.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 20.6.2022. for the same as before.

  
Reader.

20<sup>th</sup> June, 2022

Appellant present in person. Mr. Muhammad Riaz Khan, Paidakhel, Asstt. AG for the respondents present.

Appellant seeks adjournment as his counsel is not available today. Last chance is given, failing which the case will be decided on the basis of available record without the arguments. To come up for arguments on 31.08.2022 before the D.B.



(Fareeha Paul)  
Member(E)



(Kalim Arshad Khan)  
Chairman

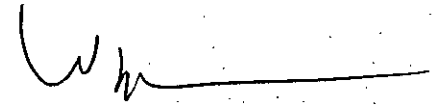
31.03.2021

Junior to counsel for the appellant present.

Addl: AG alongwith Mr. Khayal Roz, Inspector for respondents present.

Representative of the respondents has submitted written reply/comments which is placed on file.


Adjourned to 13.07.2021 for rejoinder and arguments before D.B.

  
(Atiq Ur Rehman Wazir)  
Member(E)

13.07.2021

None for the appellant present. Mr. Adeel Butt, Additional Advocate General alongwith Mr. Khayal Roz, Inspector for respondents present.

Due to general strike of the Peshawar Bar Association, the case is adjourned to 24.11.2021 for the same before D.B.

  
(Rozina Rehman)  
Member (Judicial)

  
Chairman

17.11.2020

Counsel for the appellant present.

Contends that the appellant was proceeded against departmentally but as ex-parte. The legal requirements regarding charge sheet, statement of allegations and thorough probe has not been taken before passing of impugned order. Further, the order against the appellant was passed with retrospective effect which is not justifiable under the law.

In view of the available record and arguments, this appeal is admitted to regular hearing but subject to all legal and factual objections. 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 01.02.2021 before S.B.

Appellant Deposited  
Security & Process Fee  
17/11/20

01.02.2021

Appellant in person and Addl. AG along with Khial Roz, Inspector for the respondents present.

Representative of the respondents requests for time to furnish reply/comments. Adjourned to 31.03.2021 on which date the requisite reply/comments shall positively be furnished.

SCANNED  
KPST  
Peshawar

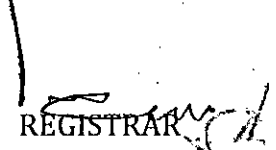


Chairman

Form- A

FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No.- 8487 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	24/07/2020	<p>The appeal of Mr. Ibrar Ahmad presented today by Mr. Javed Iqbal Gulbela Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	10.09.2020	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>10/09/2020</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
		<p>Counsel for the appellant present.</p> <p>Requests for time to further document the brief by placing on record the medical prescriptions etc. evidencing illness of the appellant. Adjourned to <u>17.11.2020</u> before S.B.</p> <p style="text-align: right;"> Chairman</p>

SCANNED  
KP ST  
PESHAWAR

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA  
SERVICES TRIBUNAL PESHAWAR**

In Re S.A 8487 /2020

Ibrar Ahmad

**VERSUS**

Inspector General of Police and Others

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Dated: 23/07/2020



*Appellant.*

Through

  
**JAVED IQBAL GULBELA**  
Advocate High Court  
Peshawar.

Off Add: 9-10A Al-Nimrah Centre, Govt College Chowk Peshawar

17

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA  
SERVICES TRIBUNAL PESHAWAR**

In Re S.A. 8487 /2020

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 7282

Ibrar Ahmad, Blet# 1734, District Police Mardan, 24/7/2020

----- (Appellant)

**VERSUS**

1. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
2. Regional Police Officer Mardan
3. District Police Officer, Mardan.

----- (Respondents).

**APPEAL U/S 4 OF THE KHYBER  
PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974  
AGAINST THE IMPUGNED ORDER NO. 7656-  
58/PA DATED 15/10/2019 OF THE OFFICE OF THE  
DISTRICT POLICE OFFICER MARDAN,  
WHEREBY THE APPELLANT WAS DISMISSED  
FROM HIS SERVICE & IMPUGNED OFFICE  
ORDER NO. 3087/ES DATED 22/04/2020 OF THE  
OFFICE OF REGIONAL POLICE OFFICER  
MARDAN REGION, WHEREBY THE  
DEPARTMENTAL APPEAL OF THE APPELLANT  
WAS TURNED DOWN IN A CLASSICAL,  
CURSORY AND WHIMSICAL MANNER.**

Filed to-day

Registrar

24/7/2020

**Respectfully Sheweth,**

1. That the Appellant was inducted into service as Constable in Police Department of Khyber Pakhtunkhwa back in the year 2009.



- (7)
2. That thereafter the Appellant took charge & with his most sincere and pragmatic way, performed his duties & never left any stone unturned in performance of his duties with utmost zest & devotion.
  3. That on 01/07/2019 the appellant got serious ill & was unable to perform his duties. The appellant requested Lines Moharrir for leaves, but futile. Later on the appellant remained confined to bed because of his sever illness & there was no one in his house to inform his department about the severity of his illness & physical inability to perform his duties.
  4. That in the meanwhile the Appellant was dismissed from service, without any due process of law & upon the sole ground of being remained absence from duties vide the impugned office order No.7656-58/PA dated 15-10-2019 of the office of District Police Officer Mardan. **(Copy of impugned Dismissal Order is annexed as Annexure "A")**
  5. That feeling aggrieved from impugned Dismissal from Service Order, the Appellant preferred a Departmental Appeal dated 27.01.2020 & the same was turned down vide order No. 3087/ES Dated 22/04/2020 by the office of Regional Police Officer Mardan Region. **(Copy of Departmental Appeal dated 27.01.2020 and office order 22/04/2020 are annexed**

(3)

herewith as Annexure "B&C",  
respectively).

6. That feeling aggrieved from the impugned Dismissal Order and impugned Appellate Order the Appellant approaches this Hon'ble Tribunal for his reinstatement into service with all back benefits upon the following grounds.

***GROUND:***

- A. That the Appellant is a naturally born bonafide citizen of the Islamic Republic of Pakistan and is fully and equally, on equality basis, entitled to all basic and fundamental rights as enshrined in the fundamental law of the land, interpreted, guaranteed and enforced by the laws of the land and discrimination along with unfettered exercise of discriminatory powers by an authority or office is always been deplored, deprecated and depreciated by superior Courts of the land.
- B. That the dismissal order of the Respondent is unwarranted, against the facts and law on the subject, therefore is not sustainable at all.
- C. That the act of the respondents in so called circumstances is purely baseless, unlawful,

void ab-initio, corrum non judice and is unwarranted to the core.

D. That no proper Departmental inquiry against the Appellant was ever conducted, nor any inquiry dispensation order was ever passed & nor was given an opportunity to be heard, to defend, clear his position and deprived him of his right to be heard, which is against the law of natural justice.

E. That neither the Appellant was ever served with any show cause notice, statement of allegation of charge sheet, nor ever any Final Show Cause Notice & thus mandatory instruments are glaringly missing, which renders both the impugned orders as illegal & void.

F. That the Appellant has thoroughly been condemned unheard which under the law is not allowed.

G. That the impugned dismissal order & impugned Appellate Authority order is unlawful, illegal and liable to be cancelled because the Respondent utterly violated the service law, rules, regulations and policy of

(5)

the Government for Civil servants while passing the impugned dismissal order.

H. That the impugned dismissal order as well as impugned Appellate Authority Order is the violation of the fundamental rights of the appellant which is guaranteed and protected by the constitution of Islamic Republic of Pakistan 1973.

I. That from every angle the impugned dismissal Order & impugned Appellate Authority Order is null and void and not sustainable hence is liable to be set aside.

J. That thus Appellant has thoroughly been condemned unheard, which on the law is not allowed.

K. That any other ground not raised here may graciously be allowed to be raised at the time of arguments.

*It is, therefore, most humbly prayed that on acceptance of the instant Service Appeal, the impugned office order NO. 7656-58/PA dated 15-10-2019 of District Police Officer Mardan & impugned office order dated 22/04/2020 of office of the Regional Police Officer Mardan region*

(6)

may kindly be set aside and by doing so the Appellant be reinstated into service with all back benefits.

*Any other relief not specifically asked for may also graciously be extended in favor of the Appellant in the circumstances of the case.*

Dated: 23/07/2020



Appellant

Through



**JAVED IQBAL GULBELA**

**SAGHIR IQBAL GULBELA**

**AHSAN SARDAR**

**&**

**TAHIR KHAN**

Advocates High Court  
Peshawar.

NOTE:-

Earlier the Appellant filed Service Appeal which is subjudice before this Hon'ble Tribunal.



Advocate.

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA**  
**SERVICES TRIBUNAL PESHAWAR**

(7)

In Re S.A \_\_\_\_\_/2020

Ibrar Ahmad

**VERSUS**

Inspector General of Police and Others

**AFFIDAVIT**

I, Ibrar Ahmad Constable S/o Faqir Muhammad R/o Hassan kaly Mangah Tehsil and District Mardan, do hereby solemnly affirm and declare that the contents of the Instant **application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.



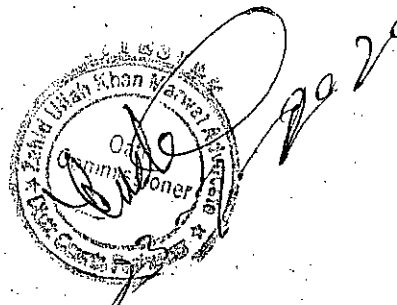
**DEPONENT**

**CNIC#16101-08999425-9**

*Identified By:*

**JAVED IQBAL GULBELA**

Advocate High Court Peshawar



(8)

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA**  
**SERVICES TRIBUNAL PESHAWAR**

In Re S.A \_\_\_\_\_/2020

Ibrar Ahmad

**VERSUS**

Inspector General of Police and Others

**ADDRESSES OF PARTIES**

**APPELLANT.**

Ibrar Ahmad, Blet# 1734, District Police Mardan

**RESPONDENTS:**

1. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
2. Regional Police Officer Mardan
3. District Police Officer, Mardan..

Dated: 23/07/2020



*Appellant*

Through



**JAVED IQBAL GULBELA**

Advocate High Court  
Peshawar.

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

In S.A No. \_\_\_\_\_/2020

*Ibrar Ahmad*

**VERSUS**

Inspector General of Police and Others

**APPLICATION FOR CONDONATION OF DELAY**

**Respectfully Sheweth,**

1. That the petitioner/applicant is filling the accompanying service appeal the contents of which may graciously be considered as integral part and parcel of the instant petition.
2. That the petitioner has got a good arguable and prima facia case, besides having balance of convenience in his favor.
3. That the delay occurred in filing the accompanying service appeal was due to the reason that firstly father of the petitioner passed away due to COVID-19 pandemic and Lock Down thereafter, and being the elder child of his parents, the petitioner had to manage all the family affairs, had to settle his pension matters with Education Department, and above all had to resolve family issues.



- 4. That the delay in approaching the Hon'ble Tribunal was never deliberate, but due to the aforementioned reasons which were certainly behind his control.
- 5. That if the instant application is not allowed the petitioner shall suffer irreparable loss.

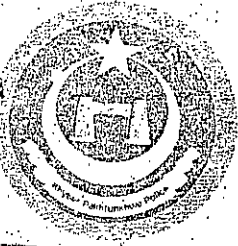
*It is, therefore, must humbly prayed that delay in filing the accompanying service appeal may graciously be condoned and the same be decided on its merits.*

*(Signature)*

Petitioner

Through

*(Signature)*  
 Javed Iqbal Gulbela  
 Advocate, High Court  
 Peshawar.



(W) OFFICE OF THE  
DISTRICT POLICE OFFICER,  
MARDAN

(11)  
Am A  
2019  
Tel: No. 0937-9230109 & Fax No. 0937-9230111  
Email: dpo\_mardan@yahoo.com

No. 7658-58 /PA

Dated 15/10/2019

ORDER ON ENQUIRY OF CONSTABLE IBRAR NO.1734 POLICE LINES

This order will dispose-off a Departmental Enquiry under Police Rules 1975, initiated against the subject official, under the allegations that while posted at Police Lines Mardan, Proceeded against departmentally through Mr. Gul Shed Khan SDPO Katlang vide this office Statement of Disciplinary Action/Charge Sheet No.338/PA dated 30-07-2019, on account of absence from duty without any leave/permission of the competent authority vide DD report No.58 dated 01-07-2019 till-date, who (E.O) after fulfilling necessary process, submitted his Finding Report to this office vide his office letter No.1401/St dated 22-08-2019, recommending the alleged official for ex-parte action.

On 27-09-2019, he was served with a Final Show Cause Notice, under K.P Police Rules-1975, issued vide this office No.253/PA dated 16-09-2019, to which, he was bound to submit his reply by 04-10-2019, but neither has he complied with, nor joined duty so far.

Final Order

Constable Ibrar No.1734 is hereby awarded a major punishment of dismissal from service with effect from 01-07-2019, with immediate effect, in exercise of the power vested in me under Police Rules-1975.

OB No. 2225

Dated 14/10/2019

(SAJJAD KHAN) PSP  
District Police Officer  
Mardan

Copy forwarded for information & n/action to:-

- 1) The DSP/HQs Mardan.
- 2) The EC & PO (Police Office) Mardan.
- 3) The OSI (Police Office) Mardan with ( ) Sheets.

JAVED IQBAL Gul Belt  
Daudzai Law Chamber  
Advocate High Court Peshawar  
Mob: 0345-9405501

To,

The Deputy Inspector General  
of Police - Mardan Region-I  
Mardan.

(12)

Am-B

Subject: Appeal against the order of DPO Mardan issued vide  
OB NO 2225 / dated 14.12.2019 where by the appeal  
was awarded major punishment of dismissal from  
service.

Respected Sir,

1) It is submitted that the appellant was enlisted in Police  
department as constable on 11.5.2009. The appellant  
performed his duty with zeal and efficiency. During  
the month of June 2019, the appellant remained  
absent at police lines Mardan.

2) That on 1.7.2019, the appellant became seriously  
ill and was unable to perform his duty. The appellant  
submitted the Moharria of Police lines for the grant  
of leave but his request was not considered.  
The appellant went to his village and started his  
treatment. (The medical documents are enclosed)

3) That during the period of absence from duty, a charge  
sheet was issued to the appellant but was not  
served upon him. The appellant was not informed  
regarding the illegal departmental enquiry. The appellant  
was not given the opportunity to produce his defence  
during the course of enquiry and an ex-parte action  
was taken against him. In the light of enquiry  
finding, the DPO Mardan dismissed the appellant  
from service vide O.F. NO. 2225 dated 14.12.2019

(copy of OB NO 2225 dated 14.12.2019  
is enclosed)

4) That the appellant was informed about the dismissal  
order some one week ago. Thereafter the appellant  
visited the office of DPO Mardan and applied for

JAVED IQBAL Gul Bala  
Daudzai Law Chamber  
Advocate High Court Peshawar  
Mob: 0345-9405501

The copy of dismissed order

- 5) That on receipt of dismissed order, the instant appeal is being submitted

## Grounds for Appeal

- 1) The absence of the appellant was not deliberately, but was due to chronic disease, which is evident from the enclosed medical documents.
- 2) The appellant was not served with charge sheet. Similarly the appellant was not informed regarding the existing proceedings.
- 3) The appellant was not examined and no opportunity of defence was given to him.
- 4) No Final Show Cause notice was served upon the appellant. No opportunity of personal hearing was given to the applicant.
- 5) That it is the principle of law that no one can be condemned *in* absentia. Unfortunately, the appellant was deprived from this fundamental right.

## Delay in appeal.

- 1) There is no doubt that the instant appeal is time barred. This is the settled principle of law that procedural technicalities should not be allowed to prevail in dispensation of substantial justice. Procedural laws are meant to advance the cause of justice and not to thwart it. The Supreme Court of Pakistan in Criminal original petition No 90/2009 has further emphasized that while deciding a case, principles of natural justice *audi alteram partem*

observed which guarantee the right of the appellant that s/he should not be condemned unheard.

The order passed by DPO/Mardan has been passed in violation of universally accepted principles of natural justice.

② The petitioner/appellant was not heard nor reasons for his absence, apparently, which were beyond his control were not taken into account and thus caused serious prejudice to him.

### Prayers

- A. The appellant performed his duty honestly during his period of service.
- B. The appellant is married with 02 kids and the family is depend upon the police service of the appellant.

Having in view the above facts and circumstances it is humbly requested, that on the acceptance of the instant appeal the order of DPO/Mardan may kindly be set aside and the appellant be reinstated in service from the date of dismissal of pl.

Dated: 27.1.2020

Yours obediently,

<sup>AW</sup>  
Ex. Constable: Ibrar Ahmad,

NO: 1734  
District - Mardan

D

(15)

A-2-C

ORDER.

This order will dispose-off the departmental appeal preferred by Ex-Constable Ibrar No. 1734 of Mardan District Police against the order of District Police Officer, Mardan, whereby he was awarded major punishment of dismissal from service vide OB No. 2225 dated 14.10.2019. The appellant was proceeded against departmentally on the allegations that he while posted at Police Lines, Mardan absented himself from his lawful duty vide daily diary No. 58 dated 01.07.2019 till date of his dismissal.

Proper departmental enquiry proceedings were initiated against him. He was issued Charge Sheet alongwith Statement of Allegations and Deputy Superintendent of Police, Katlang, Mardan was nominated as Enquiry Officer. The Enquiry Officer after fulfilling codal formalities, submitted his findings wherein he recommended the delinquent Officials for ex-parte action.

He was issued Final Show Cause Notice with the directions to submit his reply within the stipulated time. But he did not submit his reply rather remained absent from his lawful duty.

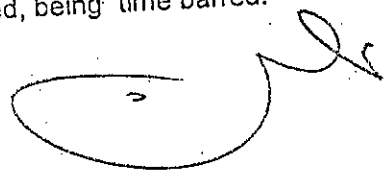
Keeping in view the recommendations of enquiry officer and other material available on record, the appellant was awarded major punishment of dismissal from service from the date of absence vide OB: No. 2225 dated 14.10.2019 by the District Police Officer, Mardan.

Feeling aggrieved from the order of District Police Officer, Mardan, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in this office on 15.04.2020.

From the perusal of the enquiry file and service record of the appellant, it has been found that the appellant during the course of enquiry did not bother to join enquiry proceedings which clearly depicted that he had nothing to justify his absence. The appellant approached this forum at a belated stage without advancing any cogent reason regarding such delay. Hence, order passed by the competent authority does not warrant any interference.

Keeping in view the above, I, Sher Akbar, PSP S.St Regional Police Officer, Mardan, being the appellate authority, finds no substance in the appeal, therefore, the same is rejected and filed, being time barred.

Order Announced.

  
Regional Police Officer,  
Mardan.

No. 3087 /ES, Dated Mardan the 22-04-2020.

Copy forwarded to District Police Officer, Mardan for information and necessary w/r to his office Memo: No. 85/LB dated 19.02.2020. His Service Record is returned herewith.

**JAVED IQBAL** Gul Bela  
Daudzai Law Chamber  
Advocate High Court Peshawar  
Mob: 0345-9405501

## وکالت نامہ

بعدالت: سید کوثر احمد  
 بنام سید کوثر احمد  
 منجانب سید کوثر احمد دعویٰ  
 تاریخ \_\_\_\_\_

بعث تحریر آنکہ مقدمہ مندرجہ بالا عنوان اپنی طرف سے واسطے پیروی کو جوابدہی  
 بمقام \_\_\_\_\_ کیلئے جاوید اقبال گل بیلہ ایڈووکیٹ ہائی کورٹ کو بدیں غلط وکیل  
 مقرر کیا ہے۔ کہ میں ہر پیشی کا خود یا بزرگہ مختار خاص رو برو عدالت حاضر ہوتا رہوں گا۔ اور بوقت پکارے جانے مقررہ وکیل  
 صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا، اگر پیشی پر من مظهر حاضر نہ ہوا اور مقدمہ میری غیر حاضری کی وجہ سے  
 کسی طور پر میرے برخلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہونگے۔ نیز وکیل صاحب موصوف صدر  
 مقام کچہری کی کسی اور جگہ یا کچہری کے مقررہ اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ ہونگے۔ اگر  
 مقدمہ علاوہ صدر مقام کچہری کے کسی اور جگہ ساعت ہونے یا بروز تعطیل یا کچہری کے اوقات کے آگے پیچھے پیش ہونے پر  
 من مظهر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا مختار نہ واپس کرنے کے بھی  
 صاحب موصوف ذمہ دار نہ ہونگے۔ مجھے کوکل ساختہ پرداختہ صاحب موصوف مثل کردہ ذات خود منظور و قبول ہوگا۔ اور  
 صاحب موصوف کو عرضی دعویٰ و جواب دعویٰ اور درخواست اجراءے ڈگری و نظر ثانی اپیل و نگرانی ہر قسم کی درخواست پر دستخط و  
 تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کے اجراء کرنے اور ہر قسم کے روپیہ وصول کرنے اور رسید دینے اور داخل  
 کرنے اور ہر قسم کے بیان دینے اور سپروٹا لشی و راضی نامہ فیصلہ برخلاف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا۔ اور  
 بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم انتاعی یا ترقی یا گرفتاری قبل از اجراء ڈگری بھی موصوف  
 کو بشرط ادا بیگی علیحدہ مختار نہ پیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو بھی اختیار ہوگا یا مقدمہ مذکورہ یا  
 اس کے کسی جزو کی کاروائی کے واسطے یا بصورت اپیل، اپیل کے واسطے دوسرے وکیل یا بیرسٹر کو بجائے اپنے یا اپنے ہمراہ  
 مقرر کریں اور ایسے مشیر قانون کے ہر امر دہی اور ویسے ہی اختیارات حاصل ہونگے جیسے کے صاحب موصوف کو حاصل  
 ہیں۔ اور دوران مقدمہ میں جو کچھ ہر جانہ التواء پڑے گا۔ اور صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو  
 پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پیروی نہ کریں اور ایسی صورت  
 میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا مختار نامہ لکھ دیا کہ سند ہے۔  
 مورخہ \_\_\_\_\_ مضمون مختار نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

سید کوثر احمد  
 سید کوثر احمد  
 سید کوثر احمد

12/1/18

13

*(Handwritten signatures and notes)*

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

**Service Appeal No. 8487/2020**

Ibrar Ahmad Ex-Constable No. 1734 District Mardan.....Appellant

**VERSUS**

1. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
2. Regional Police Officer, Mardan
3. District Police Officer, Mardan

.....Respondents

**PARA-WISE COMMENTS BY RESPONDENTS:-**

**Respectfully Sheweth,**

**PRELIMINARY OBJECTIONS**

1. That the appellant has not approached this Hon'ble Tribunal with clean hands.
2. That the appellant has concealed the actual facts from this Hon'ble Tribunal.
3. That the appellant has got no cause of action or locus standi to file the instant appeal.
4. That the appellant is estopped by his own conduct to file the instant Service Appeal.
5. That the appeal is unjustifiable, baseless, false, flawless and vexatious and the same is liable to be dismissed with special compensatory cost in favour of respondents.
6. That the Hon'ble Tribunal has no jurisdiction to adjudicate the matter.
7. That the appeal is bad for miss joinder and non joinder of necessary parties.
8. That the appeal is barred by law and limitation.

**REPLY ON FACTS**

1. Correct to the extent that the appellant was initially appointed as constable in Police Department.
2. Correct to the extent that appellant reported arrival on duty but service record of the appellant is tainted with bad entries (Copy of list of bad entries and punishment enclosed as Annexure "A").
3. Incorrect. Stance taken by the appellant is totally devoid of merit because he failed to produce any medical documents regarding his illness neither he submitted an application for medical leave, to the competent authority. Moreover, during the course of enquiry proceedings, the appellant neither bother to join enquiry proceedings nor submitted reply to the Charge Sheet by annexing medical documents with the reply.
4. Incorrect. Stance taken by the appellant is totally false and baseless, because he has been properly proceeded against departmentally by issuing



him Charge Sheet with Statement of Allegations. The same were received by the appellant himself on 08.08.2019 and duly signed the photo copy as token of its receipt. During the course of enquiry, the appellant was contacted time and again to appear before the enquiry officer but neither he appeared before the enquiry officer nor submitted his reply. After fulfillment of all legal and codal formalities, Enquiry Officer recommended the delinquent official for ex-parte action and competent authority issued Final Show Cause Notice to the appellant which was received by the appellant himself on 27.09.2019 and duly signed the photo copy as token of its receipt. But this time too, his reply was not received, nor he appeared before the competent authority. Thus he was awarded major punishment of dismissal from service, which does commensurate with the gravity of misconduct of the appellant (Copy of serving charge sheet & Final Show Cause Notice are Annexed as "B" & "C").

5. Correct to the extent that the appellant preferred departmental appeal which was also decided on merit because he was provided full-fledged opportunity of defending himself by the appellate authority but he bitterly failed to produce any cogent reasons in his defense. The same was rejected/filed being devoid of any merit and badly time barred (Copy of rejection order is attached as annexure "D").
6. That appeal of the appellant is liable to be dismissed on the following grounds amongst the others.

**REPLY ON GROUNDS:**


- A. Stance of the appellant is totally ill-based because no basic fundamental rights of the appellant has been violated rather he has treated in accordance with facts and rules.
- B. Incorrect. Order passed by the competent as well as appellate authorities are in accordance with law, facts and material proof available on record. Hence, tenable in the eye of law.
- C. Incorrect the appellant has been treated in accordance with law, rules, policy & norms of natural justice. Hence plea of the appellant is devoid of any merits.
- D. Incorrect. Stance taken by the appellant is totally devoid of merit because he has been properly proceeded against departmentally by issuing him Charge Sheet with Statement of Allegations and enquiry was entrusted to Mr. Gulshed Khan the then SDPO Katlang. During the course of enquiry the appellant was contacted time and again to appear before the enquiry officer but neither he appeared before the enquiry officer nor submitted his reply. However, after fulfillment of all legal and codal formalities, Enquiry Officer recommended the delinquent official for ex-parte action. Therefore,

competent authority issued Final Show Cause Notice to the appellant, but this time too, he failed to submit his reply, nor he appeared before the competent authority. Hence, the appellant was awarded major punishment of dismissal from service, which does commensurate with the gravity of misconduct of the appellant (Copy of charge sheet with statement of allegations & Final Show Cause Notice are Annexed as "E" & "F").

- E. Incorrect. Stance taken by the appellant is totally false and baseless, charge sheet with statement of allegations & Final Show Cause Notice was received by the appellant himself on 08.08.2019 & 27.09.2019 and in this regard he duly signed the photo copies as token of its receipt.
- F. Incorrect. Stance taken by the appellant is totally devoid of merit hence denied.
- G. Incorrect. Both the orders passed by the competent as well as appellate authorities are legal and lawful. Hence, liable to be maintained.
- H. Incorrect. Para explained earlier needs no comments.
- I. Incorrect. Para explained earlier needs no comments.
- J. Incorrect. Para already explained needs no comments.
- K. The respondents also seek permission of this honorable tribunal to adduce additional grounds at the time of arguments.

**PRAYER:-**

Keeping in view the above narrated facts, it is humbly prayed that the appeal of the appellant being badly time barred may kindly be dismissed with costs please.

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

  
**Regional Police Officer,  
Mardan.**  
(Respondent No. 02)

  
**District Police Officer,  
Mardan.**  
(Respondent No. 03)

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

**In Re S.A No. 8487/2020**

Ibrar Ahmad

**VERSUS**

Inspector General of Police Khyber Pakhtunkhwa & others

**Reply to the application for condonation of delay:-**

**Respectfully Sheweth,**


**PRELIMINARY OBJECTIONS**

1. That applicant has no cause of action to file the instant application.
2. That the application is barred by law.

**REPLY ON FACTS**

1. That the appeal filed by the applicant before this Honorable Tribunal may kindly be dismissed being a badly time-barred.
2. Incorrect. Stance taken by the applicant is baseless because the very conduct of the applicant by neither joining the enquiry proceedings nor submitting his replies is prima-facie, is of unbecoming of disciplined police officer.
3. Incorrect. Plea taken by the applicant is not plausible, because he failed to submit his appeal within time and tailored the instant story just to cover the limitation issue.
4. Incorrect. Stance of the applicant is baseless and he has preferred departmental appeal to the appellate authority with a delay of 104 days after his dismissal. Moreover, plea taken by the applicant is whimsical / concocted rather fanciful hence, liable to be set at naught. As the apex court of Pakistan has held that the question of limitation cannot be considered a "technicality" simpliciter as it has got its own significance and would have substantial bearing on merits of the case.
5. That the application of the applicant being badly time barred may kindly be dismissed with costs.

Keeping in view the above submission, it is humbly prayed that application of the applicant regarding condonation of delay may very kindly be dismissed please.

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

  
**Regional Police Officer,  
Mardan.**  
(Respondent No. 02)

  
**District Police Officer,  
Mardan.**  
(Respondent No. 03)

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

**Service Appeal No. 8487/2020**

Ibrar Ahmad Ex-Constable No. 1734 District Mardan.....Appellant


**VERSUS**

1. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
2. Regional Police Officer, Mardan
3. District Police Officer, Mardan

.....Respondents

**COUNTER AFFIDAVIT.**

We, the respondents do hereby declare and solemnly affirm on oath that the contents of the Para-wise comments in the service appeal cited as subject are true and correct to the best of our knowledge and belief and nothing has been concealed from this Honourable Tribunal.

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

  
**Regional Police Officer,  
Mardan.**  
(Respondent No. 02)

  
**District Police Officer,  
Mardan.**  
(Respondent No. 03)

CHARACTER ROLL OF

14. COMMENTARY ENTRIES.

ORDER

Awarded Censure and warned to be Carefull in future with Counting his absence 03 days leave w/o pay.

CPSSO-1458

DA. 3-7-13

D.P. Mardani

ORDER

He is hereby awarded minor punishment of ~~Censure~~ forfeiture of 0 year approved service. While his 30 days absence period is counted as leave with out pay with immediate effect.

CB No. 472

dt 28/2/18

D.P. Mardani

ORDER

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OB No.

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20/1/18  
11/2/18

FACTER ROLL OF

14. COMMENDATORY ENTRIES — Contd.

OP R  
 is hereby awarded minor punishment of stoppage of his (02) increments with commulative effect. His (02) days absence's period is counted as leave without pay and (50) day the rest as leave of the kind due to him & his pay released with immediate effect.

YK  
 DPO/Marden

OB No. 240 A  
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14. COMMENDATORY ENTRIES — Concl.

(Contd.)

Serial No.

Serial No.

CHARACTER

ORDER

He is hereby awarded major  
punishment of dismissal from service  
with effect from 01-07-2018 with  
immediate effect.

13 NB 2225

17.14.10-19

DP of Mandalau




15. CENSURES AND PUNISHMENTS.

Serial No.


Fined Rs: 100/- for his Absence in  
General Parade held on 18-4-10

OB No: 1318  
15-4-10

  
DPO/MR


Fined Rs: 200/= for his absence.

OB No: 629  
4-1-13

  
DPO/MR


Fined Rs: 200/- for his  
Absence.

OB No: 711  
7-3-13

  
DPO/MR

Fined Rs: 200/= for his Absence.

OB No: 778  
15-3-13

  
DPO/MR

He is hereby awarded 3 days  
Extra drill with immediate effect.

OB No: 1658  
dt 5-8-2013.

  
DPO/MR

THE OFFICE

937-9230111  
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DSP Inv: Wing

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(Sajjad Khan  
District Police  
Mardan



15. CENSURES AND PUNISHMENTS. -- Contd.

Serial No.

11 days Extra drill  
for his absence.

OB No. 1721

11/19.8.013

*[Signature]*  
DPO/MR

13 days extra drill for his absence.

OB No. 1378  
10-6-14

*[Signature]*  
DPO/MR

13 days extra drill for his absence.

OB No. 1400  
12-6-14

*[Signature]*  
DPO/MR

13 days extra drill for his absence.

OB No. 1570  
8-7-14

*[Signature]*  
DPO/MR

17 days extra drill for his absence.

OB No. 1914  
15-7-14

*[Signature]*  
DPO/MR

ORDER

He is awarded minor punishment  
of Censure with counting (11) days  
of absence's period as leave without  
pay with immediate effect.

OB NO. 1427

01/8/018

*[Signature]*  
DPO Mardan

Contir

16. LEAVE, ABSENCE A IN SERVICE.  
All Periods not counting as "approved service" to be entered in red ink.

1. Date		2. Extent			3.	4.
From	To	Years	Months	Days	No. Of District Order	Description of leave i.e privilege hospital, sick leave or of absence, or forfeiture of approved service.
				①	1714 18-5-10	Leave w/o Pay DPo/MR
				②	2163 16-6-10	do DPo/MR
				⑥	4180 24-11-10	do DPo/MR
				⑪	4648 7-12-10	do DPo/MR
				③	4872 23-12-10	do DPo/MR
				④	620 4-2-11	do DPo/MR
				③	1812 6-5-11	do DPo/MR
				③	2171 3-6-11	do DPo/MR
				①	2980 8-8-11	do DPo/MR
				②	2980 8-8-11	do DPo/MR
				⑥	33 4-1-12	do DPo/MR
				④	358 7-2-12	do DPo/MR

THE OFFICER

0937-9230111  
hoo.com

ABLE IBRAR NO

at Police Station  
DSP Inv: Wing M  
in account of (150)  
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(Sajjad Khan) P  
District Police Of  
Mardan

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 1658 - do - DP/MR  
 1373 - do - DP/MR  
 1400 - d - DP/MR  
 1570 - d - DP/MR  
 1914 - d - DP/MR  
 (15) 2527 - E Leave - DP/MR  
 (3) 141 - Leave w/o pay - DP/MR  
 327 - d - DP/MR  
 (1) 1171 - d - DP/MR  
 1570 - d - DP/MR  
 1584 - do - DP/MR

(03) 1096 - Do - DP/MR  
 8/5/07  
 (05) 2601 - Do - DP/MR  
 8/11/07

PA

Annexure "B"



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

Tel No. 0937-9230109 & Fax No. 0937-9230111  
Email: dpo\_mardan@yahoo.com

2019

No. 338 /PA

Dated 30/7/2019

**DISCIPLINARY ACTION**

I. SAJJAD KHAN (PSP), District Police Officer Mardan, as competent authority am of the opinion that Constable Ibrar No.1734, himself liable to be proceeded against, as he committed the following acts/omissions within the meaning of Police Rules 1975.


**STATEMENT OF ALLEGATIONS**

Whereas, Constable Ibrar No.1734, while posted at Police Lines Mardan, remained absent from duty without any leave/permission of the competent authority vide DD No.58 dated 01-07-2019 till date, as intimated by DSP/HQrs Mardan vide his Office letter No.458/HQrs dated 26-07-2019.

For the purpose of scrutinizing the conduct of the said accused Official with reference to the above allegations, Mr. Gulshed Khan SDPO/Katlang is nominated as Enquiry Officer.

The Enquiry Officer shall, in accordance with the provision of Police Rules 1975, provides reasonable opportunity of hearing to the accused Police Officer, record/submit his findings and make within (30) days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused Official.

Constable Ibrar is directed to appear before the Enquiry Officer on the date + time and place fixed by the Enquiry Officer.

  
(SAJJAD KHAN) PSP  
District Police Officer  
Mardan

A machine (C)  
Page (1)

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

Tel No. 0937-9230109 & Fax No. 0937-9230111  
Email: [dp\\_mardan@yahoo.com](mailto:dp_mardan@yahoo.com)

2019

No. 253 /PA

Dated 16 /09/2019

**FINAL SHOW CAUSE NOTICE**

Whereas, you Constable Ibrar No.1734, while posted at Police Lines Mardan, remained absent from duty without any leave/permission of the competent authority vide DD No.58 dated 01-07-2019 till date, as intimated by DSP/HQrs Mardan vide his Office letter No.458/HQrs dated 26-07-2019.

In this connection, during the course of Departmental Enquiry, conducted by Mr. Gulshed Khan SDPO Kallang vide his office letter No.1401/St dated 22-08-2019, in pursuance of this office Statement of Disciplinary Action/Charge Sheet No.338/PA dated 30-07-2019, recommending you for ex-parte action.

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

Hence, I Sajjad Khan (PSP) District Police Officer Mardan, in exercise of the power vested in me under Rules 5 (3) (a) & (b) 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 shall reach this office within 07 days of receipt of this Notice, failing which, it will be presumed that you have no explanation to offer.

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

Received by NI'zaur

Dated: 16/09/2019

  
(SAJJAD KHAN) PSP  
District Police Officer  
Mardan

Copy to SHO PS Saddar (Attention Moharrar) to deliver this Notice upon Constable Ibrar No.1734 Son of Faqir Muhammd Resident of Hassan Killely Manga or any of his closed family member & the receipt thereof shall be returned to this office within (05) days positively for onward necessary action.

357  
H. J. ...  
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...

1734

MM Feroz  
12-X-19

...

Sir,  
He was bound to submit  
his reply to FSCN by 04-X-  
but neither has he complied  
with nor joined duty since  
01-07-19.

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Dismissed  
Service

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Annexure 4 D3

ORDER.

This order will dispose-off the departmental appeal preferred by Ex-Constable Ibrar No. 1734 of Mardan District Police against the order of District Police Officer, Mardan, whereby he was awarded major punishment of dismissal from service vide OB No. 2225 dated 14.10.2019. The appellant was proceeded against departmentally on the allegations that he while posted at Police Lines, Mardan absented himself from his lawful duty vide daily diary No. 58 dated 01.07.2019 till date of his dismissal.

Proper departmental enquiry proceedings were initiated against him. He was issued Charge Sheet alongwith Statement of Allegations and Deputy Superintendent of Police, Katlang, Mardan was nominated as Enquiry Officer. The Enquiry Officer after fulfilling codal formalities, submitted his findings wherein he recommended the delinquent Officials for ex-parte action.

He was issued Final Show Cause Notice with the directions to submit his reply within the stipulated time. But he did not submit his reply rather remained absent from his lawful duty.

Keeping in view the recommendations of enquiry officer and other material available on record, the appellant was awarded major punishment of dismissal from service from the date of absence vide OB: No. 2225 dated 14.10.2019 by the District Police Officer, Mardan.

Feeling aggrieved from the order of District Police Officer, Mardan, the appeilant preferred the instant appeal. He was summoned and heard in person in Orrlerly Room held in this office on 15.04.2020.

From the perusal of the enquiry file and service record of the appellant, it has been found that the appellant during the course of enquiry did not bother to join enquiry proceedings which clearly depicted that he had nothing to justify his absence. The appellant approached this forum at a belated stage without advancing any cogent reason regarding such delay. Hence, order passed by the competent authority does not warrant any interference.

Keeping in view the above, I, Sher Akbar, PSP S.St Regional Police Officer, Mardan, being the appellate authority, finds no substance in the appeal, therefore, the same is rejected and filed, being time barred.

Order Announced.



Regional Police Officer,  
Mardan.

No. 3087 /ES, Dated Mardan the 22-04-2020.

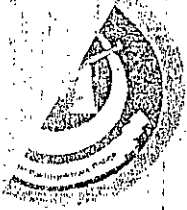
Copy forwarded to District Police Officer, Mardan for information and necessary w/r to his office Memo: No. 85/LB dated 19.02.2020. His Service Record is returned herewith.

25/4  
27-4-20

EC/OSI

Pr. many copies

D.P.O. Mardan  
22-4-2020



OFFICE OF THE  
DISTRICT POLICE OFFICER,  
MARDAN

Tel No. 0937-9230109 & Fax No. 0937-9230111  
Email: dpo\_mardan@yahoo.com



No. 338 /PA

Dated 30/7/2019

DISCIPLINARY ACTION

I, SAJJAD KHAN (PSP), District Police Officer Mardan, as competent authority am of the opinion that Constable Ibrar No.1734, himself liable to be proceeded against, as he committed the following acts/omissions within the meaning of Police Rules 1975.

STATEMENT OF ALLEGATIONS

Whereas, Constable Ibrar No.1734, while posted at Police Lines Mardan, remained absent from duty without any leave/permission of the competent authority vide DD No.58 dated 01-07-2019 till date, as intimated by DSP/HQrs Mardan vide his Office letter No.458/HQrs dated 26-07-2019.

For the purpose of scrutinizing the conduct of the said accused Official with reference to the above allegations, Mr. Gulshed Khan SDPO/Katlang is nominated as Enquiry Officer.

The Enquiry Officer shall, in accordance with the provision of Police Rules 1975, provides reasonable opportunity of hearing to the accused Police Officer, record/submit his findings and make within (30) days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused Official.

Constable Ibrar is directed to appear before the Enquiry Officer on the date + time and place fixed by the Enquiry Officer.

(SAJJAD KHAN) PSP  
District Police Officer  
Mardan





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

Tel No. 0937-9230109 & Fax No. 0937-9230111  
Email: dpo\_mardan@yahoo.com

2019

**CHARGE SHEET**

1. SAJJAD KHAN (PSP), District Police Officer Mardan, as competent authority, hereby charge Constable Ibrar No,1734, while posted at Police Lines Mardan, as per attached Statement of Allegations.

By reasons of above, you appear to be guilty of misconduct under Police Rules, 1975 and have rendered yourself liable to all or any of the penalties specified in Police Rules, 1975.

2. You are, therefore, required to submit your written defense within 07 days of the receipt of this Charge Sheet to the Enquiry Officer, as the case may be.

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

4. Intimate whether you desired to be heard in person.

  
**(SAJJAD KHAN) PSP**  
District Police Officer  
Mardan

**OFFICE OF THE**

**DISTRICT POLICE OFFICER,**

**MARDAN**

TEL: 0937-230109 & FAX NO. 0937-230111  
EMAIL: dp\_o\_mardan@pwt.gov.pk

Dated 19/10/19

**FINAL SHOW CAUSE NOTICE**

That you Constable Ibrar No. 1735, while posted at Police Lines

at Mardan, were found absent from duty without any leave permission of the competent authority

on 19/10/2019. You are hereby notified that you are liable to be punished as intimated by DSP/HQ's Mardan vide the order

dated 19/10/2019.

In this connection, during the course of Departmental Enquiry, conducted

by the District Police Officer Mardan, in exercise of

power conferred on him under Rules 5 (3) (a) & (b) of the Khyber Pakhtunkhwa Police Rules 1975,

it is proposed to impose Major/Minor penalty as envisaged

in the said Rules. You are hereby notified that you are liable to be punished as intimated by DSP/HQ's Mardan vide the order

dated 19/10/2019. You are hereby notified that you are liable to be punished as intimated by DSP/HQ's Mardan vide the order

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(SAJJAD KHAN) DSP  
District Police Officer  
Mardan

*(Handwritten signature)*

*(Handwritten text)*

SPHO PS Sultana (Attention: Mardan) to deliver this Notice upon receipt of the receipt thereof shall be returned to this office within (05) days post receipt of the receipt thereof. If necessary, the receipt shall be returned to this office within (05) days post receipt of the receipt thereof.

OFFICE OF THE  
DEPUTY SUPERINTENDENT OF POLICE  
KATLANG

Phone & Fax No. 0937-575333  
Email. sdpo.katlang@gmail.com

To: The Worthy District Police Officer,  
Mardan.

No. 1401 /St

dated 22/08/2019.

Subject: DEPARTMENTAL ENQUIRY AGAINST IBRAR NO 1734/FC.

Memo: Kindly refer to your good office Diary No: 338 / PA, dated 30.07.2019.

In pursuance of your kind order, the undersigned completed enquiry in the above subject case. Its step-wise detail is given below.

STATEMENTS OF ALLEGATIONS:

Whereas, Constable Ibrar No. 1734, while posted at Police Lines, remained absent from duty without any leave / permission of the competent authority vide DD No. 58 dated 01.07.2019 till date.

PROCEEDINGS:

The defaulter constable Ibrar No.1734 was summoned and copy of Charge Sheet was served upon.

CONCLUSION:

He was contacted time and again to appear and produce his written statement and arrival report, but in vain, which reveals that he has no interest in official duty. It is therefore requested that he may be treated as **Ex-parte action**, if agreed, please.

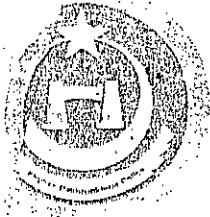
Encl :(5)

Submitted please.

Deputy Superintendent of Police,  
Katlang Circle

Issue E scan

DIPTAN



OFFICE OF THE  
DISTRICT POLICE OFFICER,  
MARDAN

Tel No. 0937-9230109 & Fax No. 0937-9230111  
Email: dpo\_mardan@yahoo.com

2019

No. 7656-58 /PA

Dated 15/10/2019

ORDER ON ENQUIRY OF CONSTABLE IBRAR NO.1734 POLICE LINES

This order will dispose-off a Departmental Enquiry under Police Rules 1975, initiated against the subject official, under the allegations that while posted at Police Lines Mardan, Proceeded against departmentally through Mr. Gul Shed Khan SDPO Katlang vide this office Statement of Disciplinary Action/Charge Sheet No.338/PA dated 30-07-2019, on account of absence from duty without any leave/permission of the competent authority vide DD report No.58 dated 01-07-2019, till-date, who (E.O) after fulfilling necessary process, submitted his Finding Report to this office vide his office letter No.1401/St dated 22-08-2019, recommending the alleged official for ex-parte action.

On 27-09-2019, he was served with a Final Show Cause Notice, under K.P Police Rules-1975, issued vide this office No.253/PA dated 16-09-2019, to which, he was bound to submit his reply by 04-10-2019, but neither has he complied with, nor joined duty so far.

Final Order

Constable Ibrar No.1734 is hereby awarded a major punishment of dismissal from service with effect from 01-07-2019, with immediate effect, in exercise of the power vested in me under Police Rules-1975.

OB No. 2225

Dated 14/10/2019.

(SAJJAD KHAN) PSP  
District Police Officer  
Mardan

Copy forwarded for information & n/action to:-

- 1) The DSP/HQrs Mardan.
- 2) The P.C & PO (Police Office) Mardan.
- 3) The OSI (Police Office) Mardan with (9) Sheets.

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

**Service Appeal No. 8487/2020**

Ibrar Ahmad, Ex-Constable No. 1734 District Mardan.....Appellant

**VERSUS**

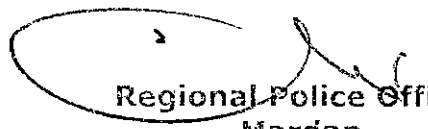
1. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
2. Regional Police Officer, Mardan
3. District Police Officer, Mardan

.....Respondents

**AUTHORITY LETTER.**

Mr. Khyal Roz Khan Inspector Legal Branch, (Police) Mardan is hereby authorized to appear before the Honourable Service Tribunal, Khyber Pakhtunkhwa, Peshawar in the above captioned service appeal on behalf of the respondents. He is also authorized to submit all required documents and replies etc. as representative of the respondents through the Addl: Advocate General/Govt. Pleader, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

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

  
**Regional Police Officer,  
Mardan.**  
(Respondent No. 02)

  
**District Police Officer,  
Mardan.**  
(Respondent No. 03)

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

In S.A # 8487/2020

Ibrar Ahmad

Versus

Inspector General of Police and Others

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2	Affidavit	3

Dated: 08/07/2021



Appellant

Through



Javed Iqbal Gulbela  
Advocate, Supreme Court of  
Pakistan

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

In S.A # 8487/2020

Ibrar Ahmad

Versus

Inspector General of Police and Others

**REJOINDER ON BEHALF OF THE**  
**APPELLANT TO THE COMMENTS**  
**FILED BY THE RESPONDENTS.**

Respectfully Sheweth,

Reply to Preliminary objections:-

1 To 8: all the preliminary objections raised by the respondents are incorrect, false, frivolous, concocted, hence sternly denied. The Appellant has a good prima facie case and has rightly approached this Hon'ble Tribunal. The Appellant remained sincere & devoted fellow and has always performed his duties with full zest and devotion. The Appellant has never concealed material fact from the Hon'ble Tribunal, and this Hon'ble Tribunal has got ample jurisdiction to adjudicate upon the matter. As for as the limitation is concern during the action pack days due to COVID-19 pandemic and lock down world-wide the delay occurred in filing the Service Appeal and the Hon'ble Apex Court has held in plethora of judgments that technicalities must be avoided and the case, be decided upon its own merits. .

On Facts:-

1. Para No. 1 is correct.
2. Para No.2 is correct to the extent that appellant report an arrival to duty while rest of para is incorrect, false and fabricated, while that of the main Appeal is correct.
3. Para No.3 of comments is incorrect and fabricated, hence denied. While that of the main Appeal is correct.
4. Para No. 4 of comments is incorrect and denied. The Appellant was dismissed from service without following due process of law.

5. Para No.5 of comments is incorrect and denied, while that of main Appeal is correct.
6. No Comments.

**On Grounds:**

- A. Incorrect & denied.
- B. Incorrect & denied, while that of main Appeal is correct.
- C. Incorrect & denied.
- D. Incorrect & denied. No proper Departmental Inquiry against the Appellant was ever conducted, nor was ever served with any Charge Sheet, Statement of Allegation, Show-Cause or Final Show-Cause, hence main ingredients of law are missing.
- E. Incorrect & denied that neither the Appellant was ever served with any Show-cause notice, statement of allegation or final Show-Cause Notice.
- F. Incorrect & denied, while that of the main Appeal is correct.
- G. Incorrect & denied because both the impugned orders are unlawful, illegal and liable to be set aside.
- H. Incorrect & Denied.
- I. Incorrect & denied.
- J. Incorrect & denied.
- K. No Comments.

*It is, therefore, most humbly prayed that on acceptance of instant rejoinder, the Appeal of the Appellant may graciously be allowed, as prayed for therein.*

Through

Appellant

Javed Iqbal Gulbela  
Advocate, Supreme Court of  
Pakistan

Saghir Iqbal Gulbela  
&  
Ahsan Sardar  
Advocates High Court  
Peshawar

Dated: 08/07/2021



BEFORE THE HONBLE SERVICE TRIBUNAL KHYBER  
PAKHTUNKHWA PESHAWAR

In S.A # 8487/2020

Ibrar Ahmad


Versus

Inspector General of Police and Others

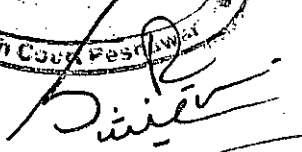
**AFFIDAVIT**

I, **Ibrar Ahmad**, do hereby solemnly affirm and declare on oath that contents of the Rejoinder are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble court.

  
Deponent  
CNIC:

Identified By:-  
  
**Javed Iqbal Gulbela**  
Advocate Supreme Court of  
Pakistan



  
13-07-2021