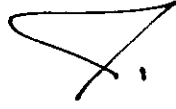


02nd May, 2023

1. Learned counsel for the appellant present. Mr. Asif Masoc Ali Shah, Deputy District Attorney for the respondents present.
2. Learned counsel for the appellant seeks adjournment on the ground that he has not made preparation for arguments. Last opportunity is granted. To come up for arguments on 06.06.2023 before the D.B. Parcha Peshi is given to the parties.



(Salah-ud-Din)
Member (J)



(Kalim Arshad Khan)
Chairman


Naeem Amin


SCANNED
KPST
Peshawar

01.03.2023

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

Lawyers are on strike. To come up for arguments on 13.03.2023 before the D.B. Parcha Peshi given to the parties.



(Fareeha Paul)
Member (E)



(Salah-ud-Din)
Member (J)

13th March, 2023

Appellant in person present. Mr. Muhammad Jan, District Attorney for the respondents present.

Appellant seeks adjournment on the ground that his counsel is not available today. Adjourned. To come up for arguments on 02.05.2023 before the D.B. Parcha Peshi given to the parties.


(Salah-ud-Din)
Member (J)


(Kalim Arshad Khan)
Chairman

SCANNED
KPST
Peshawar

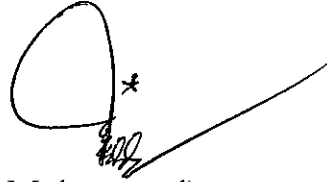
SCANNED
KPST
Peshawar

25.10.2022

Nemo for the appellant. Mr. Asif Masood Ali Shah,
Deputy District Attorney for the respondents present.

Noted
21/11/23
MA

Previous date was changed on Reader Note, therefore,
notice for prosecution of the appeal be issued to the appellant as
well as his counsel through registered post and to come for
arguments before the D.B on 01.12.2022.



(Mian Muhammad)
Member (E)



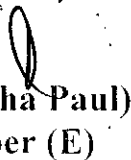
(Salah-Ud-Din)
Member (J)

01st Dec. 2022

Counsel for the appellant present. Mr. Muhammad Riaz
Khan Paindakhel, Assistant Advocate General for the
respondents present.

SCANNED
KPST
Peshawar

Learned counsel for the appellant requested for
adjournment in order to further prepare the brief. Last
opportunity is granted. To come up for arguments
01.03.2023 before the D.B.



(Fareeha Paul)
Member (E)




(Rozina Rehman)
Member (J)

21.12.2021

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

Clerk of learned counsel for the appellant stated that learned counsel for the appellant is unable to attend the Tribunal today due to strike of lawyers. Adjourned. To come up for arguments before the D.B on 05.04.2022.


(Atiq Ur Rehman Wazir)
Member (E)


Chairman

05.04.2022

Clerk of learned counsel for the appellant present.

Mr. Kabirullah Khattak Adl. AG present for respondents

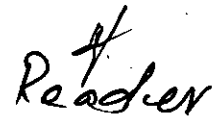
Clerk of the counsel submit an application for adjudication due to indisposition of his learned counsel. Adjourned. To come up for arguments before D.B on 05.07.2022.



Chairman

8-7-2022

Due to Holidays of Eid Ul Azha the case is adjourned to 25-10-2022


Reader

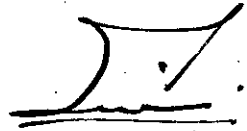
25.05.2021

None for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Notice for prosecution of the appeal be issued to appellant as well as his counsel and to come up for arguments before D.B on 14.09.2021.



(MIAN MUHAMMAD)
MEMBER (EXECUTIVE)



(SALAH-UD-DIN)
MEMBER (JUDICIAL)

14.09.2021

Syed Mudasir Pirzada, Advocate, for the appellant present. Mr. Javed Ullah, Assistant Advocate General for the respondents present.

Learned counsel for the appellant requested that an opportunity for submission of rejoinder may be granted to him. Adjourned. To come up for submission of rejoinder as well as arguments before the D.B on 21.12.2021.



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



(SALAH-UD-DIN)
MEMBER (JUDICIAL)

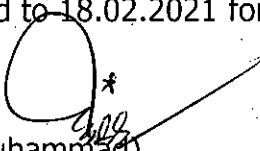
1405/2018

27.11.2020

Mr. Kamran Advocate for Syed Mudassir Pirzada, Advocate/counsel for the appellant and Addl. AG for the respondents present.

Request for adjournment is made as learned counsel for the appellant could not reach from Kohat due to indisposition.

Adjourned to 18.02.2021 for hearing before the D.B.


(Mian Muhammad)
Member(E)

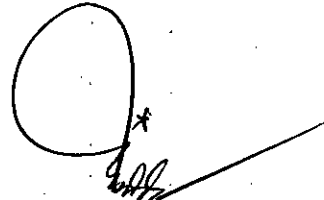

Chairman


18.02.2021

Counsel for the appellant and Mr. Muhammad Rashid, DDA for respondents present.

Former requests for adjournment as he has not prepared the brief today.

Adjourned to 25.05.2021 for arguments before D.B.


(Mian Muhammad)
Member (E)


Chairman

14.04.2020

Due to public holiday on account of COVID-19, the case is adjourned to 08.07.2020 for the same. To come up for the same as before S.B.



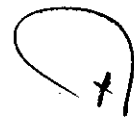
Reader

08.07.2020

Appellant in person present.

Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Ihsan Ullah S.I (Legal) for the respondents present.

Representative of the respondents submitted written reply which is placed on file. To come up for rejoinder, if any, and arguments on 02.10.2020 before D.B.

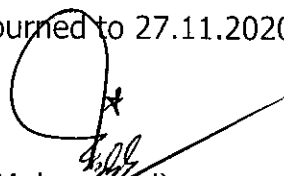


Member (J)

02.10.2020

Appellant in person and Muhammad Jan, DDA for the respondents present.

Former requests for adjournment as his learned counsel is engaged today before the Honourable High Court. Adjourned to 27.11.2020 before the D.B.



(Mian Muhammad)
Member (Executive)



Chairman

16.12.2019

Counsel for the appellant and Addl. AG alongwith Ihsanullah, ASI for the respondents present.

Representative of the respondents requests for time to furnish the requisite reply/comments. Adjourned to 28.01.2020 on which date reply/comments shall positively be submitted.

28.01.2020

Clerk to counsel for the appellant present. Written reply not submitted. Ihsan Ullah S.I (Legal) representative of the respondent department absent. Respondents as well as absent representative be put to notice for reply. Adjourn. To come up for written reply/comments on 04.03.2020 before S.B.


Chairman


Member

04.03.2020

Counsel for the appellant and Addl. AG alongwith Ihsanullah, ASI for the respondents present

Representative of the respondents seeks further time to submit reply/comments. Last opportunity is granted. To come up for written reply/comments on 14.04.2020 before S.B.


Member

03.09.2019

Counsel for the appellant present.

Contends, that vide impugned order dated 18.08.2017 the respondent No. 2/Commandant FR Police Kohat awarded major penalty of dismissal from service to the appellant. The punishment as well as departmental proceedings against the appellant were based on the allegation of absence from duty. The impugned order was not communicated to the appellant in time while he was attending his ailing mother at the relevant time. Non-communication of order resulted in submission of delayed departmental appeal which was not due to negligence on failure of appellant. The appellant had duly informed the Line Officer through application regarding illness of his mother and request for grant of leave was also made in the application. The application remained unattended.

In view of available record, instant appeal is admitted to regular hearing subject to all just exceptions. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for written reply/comments.

Appellant Deposited
Security & Process Fee

3/9/19

Adjourned to 04.11.2019 before S.B.


CHAIRMAN

04.11.2019

Appellant in person and Addl. AG for the respondents present.

Learned AAG seeks time to contact the respondents for furnishing the requisite reply. Learned AAG seeks time to contact the respondents for furnishing comments. Adjourned to 16.12.2019 on which date the requisite reply/comments of respondents shall positively be submitted.


Chairman

31.05.2019

Appellant in person present and requests for adjournment as his learned counsel is engaged before the Honourable High Court today. Adjourned to 10.07.2019 for preliminary hearing. The appellant has been handed over a copy of complete record submitted by respondents on last date of hearing.


Chairman

10.07.2019

Appellant in person Addl: AG for respondents for respondents present.

Appellant requested for adjournment due to non-availability of his learned counsel who has proceeded to Islamabad in professional engagements.

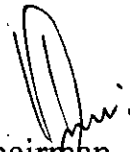
Adjourned to 03.09.2019 before S.B but as a last chance.


Chairman

21.02.2019

Appellant requests for adjournment as his learned counsel is in appearance before Honourable Bannu Bench of Peshawar High Court.

Adjourned to 22.03.2019 before S.B. The respondent No. 3 shall be repeated notice for production of record as noted in the order dated 18.01.2019.


Chairman


22.03.2019

Petitioner in person present. Mr. Kabirullah Khattak learned Additional Advocate General for the respondents present. Petitioner seeks adjournment as his counsel is not in attendance. Adjourned. To come up for further proceeding on 24.04.2019 before S.B.


Member

22.04.2019


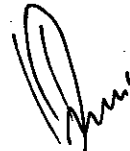
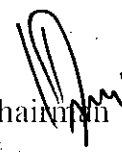

None for the appellant present. Addl: AG alongwith Mr. Ihsanullah, ASI for respondents present. Representative of the respondents submitted record which is placed on file. Case to come up for preliminary hearing on 31.05.2019 before S.B.


(Ahmad Hassan)
Member

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1405/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	19/11/2018	<p>The appeal of Mr. ^{Qasim Shaib} Mudassar Khan presented today by Syed Mudassir Pirzada 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 19/11/18</p>
2-	22-11-2018	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>5-12-2018</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	05.12.2018	<p>Nemo for appellant.</p> <p>It seems that the appellant/counsel has not been served with notices for hearing today. Adjourned to 18.01.2019. Notice be repeated for the date fixed.</p> <p style="text-align: right;"> Chairman</p>
	18.1.2019	<p>Counsel for the appellant present.</p> <p>Respondent No. 3 shall be put on notice for 21.2.2019 on which date the record pertaining to O.B No. 642 dated 18.08.2017 shall be produced.</p> <p style="text-align: right;"> Chairman</p>

BEFORE THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal 1405 2018

Ex-Constable Ikram Shoaib No-1225 of FRP Kohat Range

(Appellant)

VERSUS

1. INSPECTOR GENERAL OF KPK POLICE PESHAWAR.
2. COMMANDANT FRP POLICE, ~~KOHAT REGION KOHAT~~ *Pesh*
3. SUPERINTENDENT OF POLICE, FRP KOHAT RANGE

(Respondent)

INDEX

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4	Copy of charge sheet ,final show cause notice & disciplinary action	A	7-9
5	Copy of impugned Order along with departmental representation	B	10-12
6	Copy of rejection order of the respondent No-	C	13-
7	Copy of Medical certificate & Application	D	14-25
	Wakalatnama		26

S. I. Lemans
Appellant

Through

Date 10/11/2018

Syed Mudasir Pirzada
Syed Mudasir Pirzada
Advocate HC
0345-9645854

①

BEFORE THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal _____ 2018

Ex-Constable Ikram Shoaib No-1225 of FRP Kohat Range

(Appellant)

VERSUS

1. INSPECTOR GENERAL OF KPK POLICE PESHAWAR.
2. COMMANDANT FRP POLICE KOHAT REGION KOHAT *Pesh*
3. SUPERINTENDENT OF POLICE ,FRP KOHAT RANGE

(Respondent)

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED ORDER DATED 18-08-2017 VIDE O.B NO-642 UPON THE FINDINGS OF ENQUIRY OFFICER THE APPELLANT IKRAM SHOAIB CONSTABLE WAS AWARDED MAJOR PUNISHMENT OF DISMISSAL FROM SERVICE EXPARTLY AND THE ABSENTED PERIOD CONSIDER WITHOUT PAY FEELIG AGRRIVED FROM THE IMPUGNED ORDER APPELLANT PREFER DEPARTMENTAL REPRSENTATION WHICH WAS REJECTED ON 18-10-18.

Pray:

In view of above submission it is requested, by accepting of instant appeal the impugned order of Respondents may be set aside and the present appellant may please be re instated in the service with all back benefits or blessed with any other remedy as the Honable tribunal deem proper .

Respectfully Sheweth,

With great veneration the instant appeal is preferred by the appellant on the following grounds:-

Facts:

Briefly facts are that the appellant while serving as constable FRP Platoon No-111 deployed at District Police Lines Kohat the appellant receive call that the mother of the appellant is serious ill upon the information the appellant had informed the concern senior that the appellant intends to visit his home for the mothers treatment and reached home.

That the appellant was stuck in the look after of his ailing mother in the way that he could not spare even a single second to leave her alone in such critical condition because he was the only person at home to look her after. The detailed medical reports shall be produced to the honorable court by the time of arguments. Nevertheless it had already been produced to the Respondent No.2 yet no heed was paid nor was heard in person. (copy annexed of Charge sheet etc) sub - A)

That the leave application was also tendered to the competent authority through respective Moharrar of the Police station but was turned down with no reason.

That there was no person except the appellant to look after the mother and the doctor concern advise the appellant to took the patient to Islamabad for regular treatment and the appellant was fully committed for the ill mother (Copy of medical reports attached)

That the appellant was the only person to look after the mother and appellant time and again due to un avoidable circumstances intimate to his colleagues about the engagements of appellant but this factor was not put on record by concerns due to which the appellant was dismissed from service (copy of Impugned order as B)

That ex-parte inquiry was conducted wherein appellant has been condemned un-heard .Appellant participation was totally ignored despite of the fact that he was very much present. The defense has been totally discard without any plausible reason and the element of absence and non -absence has not been securitized under the uninvitab circumstances and prevailing situation.

That inquiry officer did not bother to record the statement of the Muharrir police line and immediate superior of the appellant and also the element of leave application.

That the appellant was not served with final show cause and too without providing the inquiry report and other related documents and thus deprived the appellant to submit any comprehensive reply.

That being aggrieved from impugned order appellant preferred departmental representation (Annexed)but the same was rejected by respondent No-2 vide order dated (18-10-18) without assigning any valid reason ,hence the present service appeal inter-alia on the following grounds. (copy of rejection order) as C)

Grounds:-

- 1. That respondents above have not treated appellant in accordance with the law ,rules and policy on subject and acted in violation of Article 4 of the constitution of Islamic Republic of Pakistan 1973 and the departmental appeal of the appellant has not been disposed of as per appeal rules ,1986 neither any further

inquiry as per demand of the rules has been conducted nor the service record of the appellant has been consulted and the element of absence and not absence, willful absence and absence under compelled circumstances has been scrutinized and further more the element of double jeo parday was also not considered. (Copy of application & medical reports annexed as annexure D)

2. That the whole process of inquiry was defective in nature. The rule of fair play, equity and justice has been totally ignored. Appellant has been condemned unheard. The defense of the appellant has totally been ignored.
3. That the law laid down by the Honourable Apex Court of Pakistan has been violated totally as no regular inquiry has been conducted being a case of major penalty. Moreover, there is a factual controversy regarding willful absence and absence under compelled circumstances which ought to be scrutinized through regular inquiry by giving fair opportunity to the employee to explain his defence.
4. That the statement of relevant persons has not been recorded and the question of cross-examination does not provided and the controversial record pertaining to absence and non absence of the appellant in spite of the fact that appellant was very much present during the alleged inquiry proceedings.
5. That again an unjust has been done with the appellant by not giving ample opportunity of heard in person nor properly enquired the allegation. Just on the basis of enquiry finding report of the enquiry officer the appellant recommended guilty by enquiry officer without following the prescribed rules relating to enquiry proceedings as per Police Rules 1975 (amended 2014).
6. That all the proceedings conducted against the appellant are against the police rules.
7. That there is nothing on record which connects the appellant with the allegation.
8. That there are numerous good entries in the service record of the appellant which could be verified but this fact has not been taken in consideration while awarding the major punishment which is against to the canon of justice.

9:- That the appellant was neither provided an opportunity to cross examine the witnesses nor to produce defense evidence and the enquiry proceedings accordingly defective. Furthermore the requirements of service rules have not been observed while awarding the impugned punishment. That the appellant was neither intimated nor informed by any source of medium regarding enquiry proceedings for any disciplinary action which shows bias on the part of quarter concern.

(11)

10:-That the appellant is honest and dedicated one and leave no stone unturned to discharge his duties.

12:-That as per universal declaration of human rights 1948 prohibits the arbitral / discretion.

13:-That the SP-FRP Kohat has acted whimsically and arbitrary, which is apparent from the impugned order.

14:-That the impugned order is not based on sound reasons and same is not sustainable in the eyes of law. The same is based on wrong assumption of facts.

15:-That the departmental enquiry was not conducted according to the rules.

16:-That the impugned order is outcome of surmises and conjecture.

Pray:

In the view of above circumstances it is humbly prayed that the impugned order of SP FRP Kohat may please be set aside for the end of justice and the appellant may please be graciously be reinstated in service with all back benefits.

S. Khan
(Appellant)

Through

M. Q. J.
Syed Mudasir Pizada
Advocate HC.
District Courts Kohat
0345-9645854

Certificate:-

Certified that no such like appeal has earlier been filed in this Hon'able Service tribunal as per instruction of my client.

List of Books

- 1:- Constitution of Pakistan 1973
- 2:- Police Rules
- 3:- Case Law according to need.

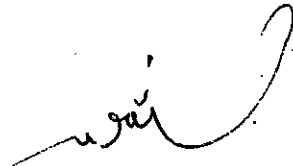
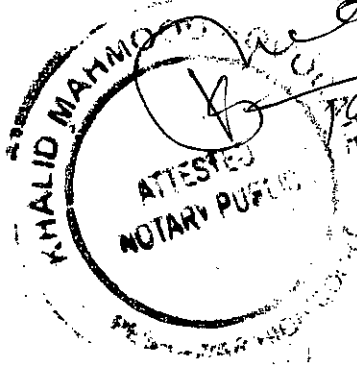
5

BEFORE THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal _____ 2018

AFFIDAVIT

I, Syed Mudasir Pirzada Advocate, as per instruction of my client do here by solemnly affirm and declare that all the contents of accompanying service appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this honourable Tribunal


Advocate

KHALID MAHMOOD
ATTESTED
NOTARY PUBLIC
19-11-18

6

BEFORE THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal _____ 2018

Ex-Constable Ikram Shoaib No-1225 of FRP Kohat Range

(Appellant)

VERSUS

1. INSPECTOR GENERAL OF KPK POLICE PESHAWAR.
2. COMMANDANT FRP POLIEC KOHAT REGION KOHAT
- 3:- SUPERINTENDENT OF POLICE ,FRP KOHAT RANGE

(Respondent)

ADDRESS OF THE PARTIES

APPELLANT :-

Ex-Constable Ikram Shoaib No-1225 of FRP Kohat Range

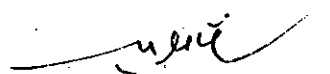
RESPONDENTS

1. INSPECTOR GENERAL OF KPK POLICE PESHAWAR.
2. COMMANDANT FRP POLIEC KOHAT REGION KOHAT
- 3: SUPERINTENDENT OF POLICE ,FRP KOHAT RANGE


Appellant

Through

Date 19 / 11 / 2018


Syed Mudasir Pirzada
Advocate HC
0345-9645854

No. 266 /PA/FRPAnnex A
⑦Dated 18/5 /2017CHARGE SHEET

- I) I, Mian Imtiaz Gul, SP FRP Kohat as competent authority, am of the opinion that you Constable Ikram Shoaib No. 1225/FRP while posted in FRP Platoon No. 111 deployed at District Kohat have committed the following acts/omission as defined in Rule 2 (iii) of Police Rules 1975.
- a) You absented yourself from official duty w.e.f 12.05.2017 vide DD No. 07 dated 12.05.2017 till date. Furthermore previously you had remained absent for 40 days and you were awarded punishment for the same. It indicates that you are habitual absentee and does not take interest in your official duty. Thus you have committed a gross "Misconduct" as defined in Rule 2 (iii) of Police Rules 1975 and have rendered yourself liable to be proceeded against departmentally.
- II). 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.
- III). You are; therefore, required to submit your written reply within 07 days of the receipt of this charge sheet to the Enquiry Officer.
- IV). 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.
- V). Intimate as to whether you desire to be heard in person or not?
- VI) A statement of allegation is enclosed.

(Mian Imtiaz Gul)
Superintendent of Police, FRP
Kohat Range, Kohat

(8)
FINAL SHOW CAUSE NOTICE

PW/SCN-2017

Whereas you Constable Ikram Shoaib No. 1225/FRP, while posted in FRP Platoon No. 111 deployed at District Lines Kohat, absented yourself from official duty w.e.f. 12.05.2017 vide DD No. 07 dated 12.05.2017 without any leave or prior permission of the competent authority and have not reported back till date.

Accordingly Departmental Inquiry was conducted against you. The E.O in his finding report have found you guilty of the charges leveled against you and recommended you for major punishment. You have also failed to submit reply to the charge sheet with the E.O till date.

NOW, THEREFORE, I, Mian Imtiaz Gul, Superintendent of Police, FRP Kohat Range, Kohat in exercise of the powers vested in me under the Khyber Pakhtunkhwa Police Rules - 1975 hereby call upon you Constable Ikram Shoaib No. 1225/FRP, through this Final Show Cause Notice to explain your position within 07 days of the receipt of this notice as to why you should not be awarded one or more Major or Minor Punishment as mentioned in Rule (4) of KP Police Rules 1975. In case of non receipt of reply within the stipulated period, an ex-parte action will be taken against you. Also state in writing as to whether you desire to be heard in person or not. Copy of finding report of Enquiry Officer is enclosed herewith.

No. _____ /PA

Dated _____ /2017

(Mian Imtiaz Gul)
Superintendent of Police, FRP,
Kohat Range, Kohat

9

DISCIPLINARY ACTION

I, Mian Imtiaz Gul, SP FRP Kohat as competent authority, am of the opinion that you Constable Ikram Shoaib No. 1225/FRP while posted in FRP Platoon No. 111 deployed at District Kohat have committed the following acts/omission as defined in Rule 2 (iii) of Police Rules 1975.

STATEMENT OF ALLEGATION

1. a) You absented yourself from official duty w.e.f 12.05.2017 vide DD No. 07 dated 12.05.2017 till date. Furthermore previously you had remained absent for 40 days and you were awarded punishment for the same. It indicates that you are habitual absentee and does not take interest in your official duty. Thus you have committed a gross "Misconduct" 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 allegations, Inspector Shoukat Hayat, R.I FRP Kohat 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 shall join the proceeding on the date, time and place fixed by the officer.

(Mian Imtiaz Gul)
Superintendent of Police, FRP
Kohat Range, Kohat

Ann: - B
(10)
ORDER

This order will dispose off departmental enquiry conducted against Constable Ikram Shoaib No.1225/FRP under Khyber Pakhtunkhwa Police Disciplinary Rules 1975 (Amended in 2014).

The defaulter Constable Ikram Shoaib No.1225/FRP, while posted in FRP Platoon No.111 deployed at District Police Lines Kohat, was found absent from duty w.e.f 12.05.2017 vide DD No.07 dated 12.05.2017 till date without any leave/permission of the competent authority.

In this regard, he was issued charge sheet with summary of allegations vide this office No. 266/PA dated 18.05.2017 and Inspector Shoukat Hayat RI FRP Kohat was appointed as enquiry officer to unearth the actual facts. He neither appeared before enquiry officer nor he received copy of charge sheet. The enquiry officer submitted his finding report wherein he recommended defaulter official for major punishment.

A final show cause notice vide this office No. 305/PA dated 06.06.2017 was issued to him which was served upon him at his home address but he did not bother to submit reply to final show cause notice.

Service record perused which revealed that he was appointed as Constable on 13.08.2014 in FRP Kohat Range. There is no good entry in his credit while there are 04 bad entries against him. Previously he had absented himself for 40 days in total.

To meet the end of justice, an advertisement was published in newspapers "Daily Mashriq" and "Awami Dastak" on 03.08.2017 through which he was directed to appear before the undersigned and explain his position within 15 days of the publication of Notice but he failed to report within stipulated period. His total absence from 12.05.2017 till date is 96 days and he is still absent. It is evident from record that he is not interested in his job otherwise he would have reported arrival for duty on receipt of Final Show Cause Notice and publication of Notice in newspapers. There is no other alternative except to proceed against him ex-parte. Charges of absence from duty have been established against him.

Now, I, Mian Imtiaz Gul SP FRP Kohat Range, Kohat in exercise of powers vested in me under Rule - 5 (5) of Khyber Pakhtunkhwa Police Rules-1975 (Amended in 2014), award him a major punishment of Dismissal from service. The period he remained absent is treated as absence from duty i.e without pay.

OB No. 649

Dated: 18-08 2017

(Mian Imtiaz Gul)
SUPERINTENDENT OF POLICE, FRP
(17) KOHAT RANGE, KOHAT.

Copy to:-

1. Pay Officer
2. Reader
3. SRC
4. OHC

} For necessary action and also serve a copy of order upon him.

BEFORE THE COMMANDANT FRP POLICE PESHAWAR

(11)

SUBJECT: APPEAL AGAINST THE IMPUGNED ORDER OF 18-08-2017 VIDE O.B NO-642 UPON THE FINDINGS OF ENQUIRY OFFICER THE APPELLANT IKRAM SHOAB CONSTABLE WAS AWARDED MAJOR PUNISHMENT OF DISMISSAL FROM SERVICE AND THE ABSENTED PERIOD CONSIDER WITHOUT PAY.

Respectfully Sheweth,

With great veneration the instant department appeal is preferred by the appellant on the following grounds:-

Facts:

Briefly facts are that the appellant while serving as constable FRP Platoon no-111 deployed at District Police Lines Kohat the appellant receive call that the mother of the appellant is serious ill upon the information the appellant had informed the concern senior that the appellant intends to visit his home for the mothers treatment and reached home.

That there was no person except the appellant to look after the mother and the doctor concern advise the appellant to took the patient to Islamabad for regular treatment and the appellant was fully committed for the ill mother (Copy of medical reports attached)

That the appellant was the only person to look after the mother and appellant time and again due to un avoidable circumstances intimate to his colleagues about the engagements of appellant but this factor was not put on record by concerns due to which the appellant was dismissed from service.

1. That again an unjust has been done with the appellant by not giving ample opportunity of heard in person nor properly enquired the allegation. Just on the basis of enquiry finding report of the enquiry officer the appellant recommend guilty by enquiry officer without following the prescribed rules relating to enquiry proceedings as per Police Rules 1975 (amended 2014).
2. That the all the proceedings conducted against the appellant are against the police rules.
3. That there is nothing on record which connects the appellant with the allegation.
4. That nothing has been proved beyond any shadow of doubt that the appellant has committed any disinterest in service burden on Police department.
5. That there are numerous good entries in the service record of the appellant which

1/2

(12)

6. That the appellant was neither provided an opportunity to cross examine the witnesses nor to produce defense evidence and the enquiry proceedings accordingly defective. Furthermore the requirements of service rules have not been observed while awarding the impugned punishment.

Grounds:

- a. That during enquiry none from the general public was examined in support of the absentee charges leveled against the appellant. No allegation mentioned above are properly enquired by any enquiry officer.
- b. That the appellant was neither intimated nor informed by any source of medium regarding enquiry proceedings for any disciplinary action which shows bias on the part of quarter concern.
- c. That the appellant is honest and dedicated one and leave no stone unturned to discharge his duties.
- d. That as per universal declaration of human rights 1948 prohibits the arbitral / discretion.
- e. That the SP-FRP Kohat has acted whimsically and arbitrary, which is apparent from the impugned order.
- f. That the impugned order is not based on sound reasons and same is not sustainable in the eyes of law. The same is based on wrong assumption of facts.
- g. That the departmental enquiry was not conducted according to the rules.
- h. That the impugned order is outcome of surmises and conjecture.

Pray:

In the view of above circumstances it is humbly prayed that the impugned order of SP FRP Kohat may please be set aside for the end of justice and the appellant may please be graciously be reinstated in service with all back benefits.

Date: 24/11/2018.

(Appellant)

Ikram Shoaib

ORDER

13 Annex - C

This order will dispose of the departmental appeal preferred by ex-constable Ikram Shoaib No. 1225 of FRP Kohat Range, against the order passed by SP FRP Kohat Range, Kohat vide OB No. 642 dated 18.08.2017., wherein he was awarded major punishment of dismissal from service. The applicant was proceeded against on the allegations that he was deployed with Platoon No 111, at District line Kohat. Wherein he was remained absent from duty w.e.f 12.05.2017 vide DD report No. 07 dated 12.05.2017 till the date of his dismissal from service i.e 18.08.2017 for a period of 03 months and 06 days, without any leave/permission of the competent authority.

In this regard, he was issued Charge Sheet and Statement of Allegations vide office No 266/PA, dated 18.05.2017 and Inspector Shoukat Hayat RI FRP Kohat Range was appointed as Enquiry Officer to unearth the actual facts. He neither appeared before enquiry officer nor received copy of charge sheet. The enquiry officer submitted his findings, wherein he recommended defaulter official for major punishment.

Upon the findings of Enquiry Officer he was issued Final Show Cause Notice vide office Endst: No. 305/PA, dated 06.06.2017 which was served upon him at his home address, but he did not bother to submit reply to Final Show Cause Notice.

To meet the end of justice a notice was also published in Daily Newspaper Mashriq and Awami Dastak on 03.08.2017, through which he was directed to appear before the competent authority within 15 days of the publication of notice to explain his position, but he did not turn up. Moreover, it is material of facts that he has no more interested in his job otherwise he would have reported arrival for duty on receipt of final show cause notice and publication of notice in Newspaper.

Keeping in view the recommendation of the Enquiry Officer and other material available on records, it has come crystal clear that the said constable has deliberately absented himself from duty for a long period. From perusal of his service record it has found that he was enlisted on 13.08.2014 and during his past service he absented himself from duty for a period of 40 days to which he was punished as without pay. Therefore he was dismissed from service vide OB No. 642, dated 18.08.2017.

Feeling aggrieved against the impugned order of SP FRP Kohat Range, Kohat, the applicant preferred the instant appeal. The applicant was summoned and heard in person in Orderly Room held on 03.10.2018.

During the course of personal hearing, the appellant is barred in time as the punishment was imposed on 18.08.2017. Where as the appellant preferred appeal as hashes of 12 months which is derogatory to the period of challenging or impugning the order of the competent authority an appeal which is 30 days under rule 11(i) of 1975 Police Rule (amended 2014).

It is settled legal proposition that law comes to rescue of the diligent and not the indolent. The one who had sits on his right for no reason.

Based on the findings narrated above, I, Sajid Ali PSP Commandant FRP Khyber Pakhtunkhwa, Peshawar, being the competent authority, has found no substance in the appeal, therefore, the same is rejected and filed being badly time barred and meritless.

Order Announced.

Serial - 1
D. File - 1
18/10/18

~~OHC/SRC~~
~~1-02-18~~
~~with the~~
~~appellant.~~
Superintendent of Police,
FRP Kohat Range,
Kohat
Commandant
Frontier Reserve Police
Khyber Pakhtunkhwa, Peshawar.

No 12304 /EC, dated Peshawar the 15/10/2018.

Copy of above is forwarded for information and necessary action to the:-

- 1. SP FRP Kohat Range, Kohat. His service record alongwith D file sent herewith.
- 2. Ex-constable Ikram Shoaib No. 1225 S/O Muhammad Shoaib, Police Station Cantt, Village Behzadi Chakarkot, District Kohat.

Annex - D
(14)

Orthopedic Clinic

Dr. Rehman Afridi

MBBS (KMU), FCPS(ORTHO)

Rehman Medical Centre, Kohat.

Tel: 0922-517599

Mob: 0332-9832912

Not for Medicolegal Purpose



آرٹھوپیدک سرجن
ڈاکٹر رحمان آفریدی

ایم بی بی ایس (کے ایم یو)

ایف سی پی ایس (پاک)

رحمان میڈیکل سنٹر، ہنگوروڈ، کوہاٹ

Pts Name Nadz Parveen Age 42y Sex F Date 08 APR 2014

R.A
140/90

Adv. FBC e ESR
Urine R/E

Rx
① Par. Quetu 50p
e 20

② Cap - E880 40mg

48 2 8 →

③ Par. Methoprate 10mg

48 6 0 →

④ Par. Folic Acid

48 6 0 →

Signature

Dr. FAZAL REHMAN

M.B.B.S. (Pesh)

Reg. No: 2427-N

Clinic: Gate-3 K.D.A Kohat.

Timing: 8:00 am To 01:00 am

4:00 pm To 7:00 pm



Dr. Waleed Rehman

M.B.B.S. (Pesh)

Reg. No: 18334-N

Clinic: Gate-3 K.D.A Kohat

Timing: 8:00 am To 01:00 am

4:00 pm To 7:00 pm

Name.....

Miss Shau's

Age.....

44

Sex.....

F

Date.....

27/3/16

Clinical Record

Box

1/11 at
2/11 Sw
Hant...

11/ Udus Sachit

12/ Ph M... P 82

13/ A ...

14/ Si ...

15/ ...

[Handwritten signature]

Name سنز سنجیب Age/Sex 45y F. B/P/120/80 Weight — Date 11. 5. 17

Acute Exacerbation of
 RA
 Sens positive.

1) Tab Solunastrol
 120mg BID

2) Tab Salizopyroni 500mg
 1+0 x 1 week
 1+1 x 1 week
 1+1+1 x 2 week

3) Tab Methotrexate
 150mg
 Folic acid 1 tab/week morning
 Tab Vits-6 5-10

4) Tab Distalgare 100mg

5) Tab Osteleo 400mg

6) Olgonflex Dink

7) Cap Labonin Diment
 ہنگو پھانک، پشاور بانی پاس روڈ قمر آباد کوہاٹ
 رابطہ نمبر: 0313-8792437

Orthopedic Clinic

Dr. Rehman Afridi

MBBS (KMU), FCPS(ORTHO)

Rehman Medical Centre, Kohat.

Tel: 0922-517599

Mob: 0332-9832912

Not for Medicolegal Purpose

(17)



آرٹھو پیڈک سرجن

ڈاکٹر رحمان آفریدی

ایم بی بی ایس (کے ایم یو)

ایف سی پی ایس (پاک)

رحمان میڈیکل سنٹر، ہنگوروڈ کوہاٹ

Pts Name Naz Parveen Age 42yr Sex F Date 12 APR 2014

AP-150/90
R-A

Adm: May lumbosacral spine AP Lat

R. ① Spine Posture

سایڈ ویو

② Calc calcrae / Calcane

AP 30°

③ Calc - Calcane 1/2 Sp

Orthopedic Surgeon

Dr. Rehman Afridi

MBBS (KMU), FCPS (ORTHO)

Rehman Medical Centre, Kohat.

Tel : 0922-860424

Mob: 0332-9832912

Not for Medicolegal Purpose



18

آرتھو پیڈک سرجن

ڈاکٹر رحمان آفریدی

ایم بی بی ایس (کے ایم یو)

ایف سی پی ایس (پاک)

رحمان میڈیکل سنٹر، ہنگوروڈ کوہاٹ

NADZ PAVAN

Pt.s Name

W/O Shoaib

Age

42yr

Sex

F

Date

30 JAN 2014

malamic
BP: 150/90

Polyarthralgia

Mr R.A. Pasha

Hb %

Urine RE

1 Cap. Movenyl 200

2 Cap. Esosil 40mg

3 Tab. Lisin 10mg

4 Tab. Methocarbonyl 10mg

5 Tab. Folic Acid

6 Tab. Efflorax 250

بروز جمعہ کلینک بند رہے گا۔

Orthopedic Surgeon Assistant Professor

Dr. Touseef Raza

M.D., M.S., (Trauma)

PhD (Ortho)

VISITING CONSULTANT

KDA HOSPITAL

Clinic: Behram Medical Center

Hangu Road, Kohat



0313-9594155

0336-0191409

(19)

آرتھوپیڈک سرجن
اسٹنٹ

پروفیسر ڈاکٹر توفیق رضاء

ایم۔ ڈی۔ ایم۔ ایس۔ (ٹراوما)

پی۔ ایچ۔ ڈی۔ (آرتھو)

Name Mrs. Suleab. Age 47 Sex F. Date 21/5/13

Clinical Record

C/O

Multiple
body aches
esp. knee
joints.

Rx

Tab. BC 20

P 2

1 + 1
Tab. Wilgeane ✓

1 + 1 + 1

Cap. Sainpro 40 mg

ایس پی ایس 40

Tab. Methemin 500mg

1 + 1

Cap. Calera-D

ایس پی ایس ڈی

گٹا، 19/1، 18/1، 17/1

جاری رکھو

M: -
Uric acid

RA factor

Jh

بہرام میڈیکل سنٹر ہنگو روڈ کوہاٹ

20

CENTER Laboratory



سنتھ لیبارٹری

Behram Medical Center Opp: Company
Bagh Kohat

Cell # 03339627484

بہرام میڈیکل سنٹر بالمقابل کمپنی باغ کوہاٹ

Patient Name W/O SHUAB.

Date 21. May 2013 Lab. No. 15984

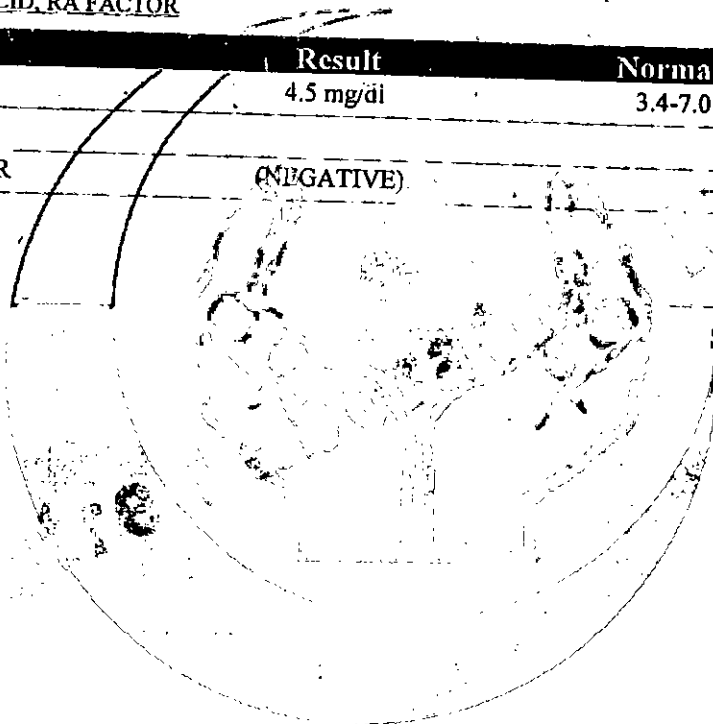
Referred By

Age 0

Sex FEMALE

Test URIC ACID, RA FACTOR

Test	Result	Normal Value
✓ S.URIC ACID	4.5 mg/dl	3.4-7.0 mg/dl
✓ BLOOD RA FACTOR	(NEGATIVE)	



Jaw

Signature

Professor Brig (R)
Dr. Mushtaq Ahmed
 MBBS, FCPS, OJT (London)
 CLASSIFIED MEDICAL SPECIALIST
 AND RHEUMATOLOGIST
 EX. HOD, Rheumatology Dept.
 Military Hospital Rawalpindi
 Ex. Advisor in Rheumatology
 Army Medical Corps



(21)

پروفیسر بریگیڈیئر (ر)
ڈاکٹر مشتاق احمد
 ایم بی بی ایس، ایف سی پی ایس، او جے ٹی۔ رھیوماٹولوجی (لندن)
 کلاسیفائیڈ میڈیکل سپیشلسٹ اینڈ رھیوماٹولوجسٹ
 سابقہ۔ ہیڈ آف ڈیپارٹمنٹ رھیوماٹولوجی
 ملٹری ہسپتال راولپنڈی
 سابقہ ایڈوائزر ان رھیوماٹولوجی
 آرمی میڈیکل کور

Name: Mrs Shaab Age 45 $\frac{1}{2}$ Date: 10 OCT 2018

WT _____
 BP _____

ANONKA

30
 Tanacetone
 100mg
 2 tablets
 11

Agv
 ① Tanacetone
 100mg 1/2 11
 2 tablets

② Tanacetone
 100mg 1/2 11
 2 tablets

③ Tanacetone
 100mg 1/2 11
 2 tablets

④ Tanacetone
 100mg 1/2 11
 2 tablets

⑤ Tanacetone
 100mg 1/2 11
 2 tablets

NOT VALID FOR COURT
 FOR APPOINTMENT: 0323-5531815

Tanacetone
 100mg 1/2 11
 2 tablets

Professor Brig (R)
Dr. Mushtaq Ahmed
 MBBS, FCPS, OJT (London)
 CLASSIFIED MEDICAL SPECIALIST
 AND RHEUMATOLOGIST
 EX. HOD, Rheumatology Dept.
 Military Hospital Rawalpindi
 Ex. Advisor in Rheumatology
 Army Medical Corps



22

پروفیسر بریگیڈیئر (ر)
ڈاکٹر مشتاق احمد
 ایم بی بی ایس، ایف سی پی ایس، او جے ٹی۔ رھیوماٹولوجی (لندن)
 کلاسیفائیڈ میڈیکل سپیشلسٹ اینڈ رھیوماٹولوجسٹ
 سابقہ۔ ہیڈ آف ڈیپارٹمنٹ رھیوماٹولوجی
 ملٹری ہسپتال راولپنڈی
 سابقہ ایڈوائزر ان رھیوماٹولوجی
 آرمی میڈیکل کورپس

Name: Mrs Shaukat Age: 52 Date: 12 JUL 2018

WT _____
 BP _____

Chronic
Immunos

23

① Ten Unitrate
1000mg
1/2

② Ten - followed
500mg
1/2

③ Ten - placebo
200mg
1/2

④ Ten - deltaamil
500mg
1/2

⑤ Cap pural
60

⑥ Ten - pelfone
60

Ten - placebo
200mg
1/2
60

Cap pural 60
60
60
60

NOT VALID FOR COURT
 FOR APPOINTMENT: 0323-5531815

Professor Brig (R)
Dr. Mushtaq Ahmed
MBBS, FCPS, OJT (London)
CLASSIFIED MEDICAL SPECIALIST
AND RHEUMATOLOGIST
Ex. HOD, Rheumatology Dept.
Military Hospital Rawalpindi
Ex. Advisor in Rheumatology
Army Medical Corps.



پروفیسر بریگیڈیئر (ر)
ڈاکٹر مشتاق احمد

ایم بی بی ایس، ایف سی پی ایس، او جے ٹی۔ رھیوماٹولوجی (لندن)
کلاسیفائیڈ میڈیکل سپیشلسٹ اینڈ رھیوماٹولوجسٹ
سابقہ۔ ہیڈ آف ڈیپارٹمنٹ رھیوماٹولوجی
ملٹری ہسپتال راولپنڈی
سابقہ ایڈوائزر ان رھیوماٹولوجی
آرمی میڈیکل کورپس

Name: Mm Shoab Age: 52 Date: 04 MAY 2018

WT _____
BP _____

CHRONIC
flexion deformity
Bilateral

✓ Aspirin
✓ 80 mg
✓ 1 gm
✓ 1 gm
✓ 1 gm

✓ Ter unikepate
10 mg
✓ Ter. Polocid
200 mg
✓ Ter. 1400
200 mg

Handwritten notes in Urdu on the left margin, including 'Ter unikepate' and '10 mg'.

Handwritten notes in Urdu on the right margin, including 'Ter. Polocid' and '200 mg'.



241

ASKARI LAB & DIAGNOSTIC CENTER

High Spectrum Pathology Lab, MRI, CT Scan, Computerized Digital X-Ray,
3D Ultrasound / Color Doppler, ECG, EEG, 2D Echo

LAB REPORT

ID : 6912
Pat. Name : MRS SHOAB
Age / Sex : 50 Y / Female
Refer By : Brig Dr Mushtaq Ahmed
Reg. Date : 04 May 2018 02:56:00 PM
Report Date : 04 May 2018 04:28:47 PM



Charge Policy : General

Blood Complete Picture

Tests	Result	Unit	Normal Range
WBC Count	6.4	1000/mm ³	4.0 - 11.0
RBC Count	4.71	mil/mm ³	3.8 - 5.2
Haemoglobin	11.5	g/dL	11.7 - 16.0
Hematocrit	34.9	%	35 - 47
MCV	74.1	fL	79 - 98
MCH	24.4	pg	26 - 34
MCHC	33.0	g/dL	32 - 36
Platelet Count	388	1000/mm ³	140 - 440
Differential Leucocyte Count			
Polymorphs	44	%	40 - 75
Lymphocytes	47	%	18 - 44
Monocytes	06	%	02 - 11
Eosinophils	03	%	0 - 6

1PS
n/dL
x10³/μL
%
%
%
x10³/μL
x10³/μL
x10³/μL
fL
%
%

This is a computer generated report and does not require signature. Not for legal use.

Maj (R) Dr. Ahsen Farooq MS, FCPS, Consultant Radiologist	Dr. Sadia Saleem MBBS, MCPS, Radiologist	Dr. Nuzhat MBBS, MCPS, Consultant Radiologist	Dr. Ayesha Noor Consultant Pathologist
---	--	---	---

Plaza, Opposite Cantonment Board Office Mall Road, Saddar, Rawalpindi. Ph: +92-51-5562605, 0321-54228
E-mail: askarilab2016@gmail.com

NOT VALID



25

ASKARI LAB & DIAGNOSTIC CENTER

High Spectrum Pathology Lab, MRI, CT Scan, Computerized Digital X-Ray,
3D Ultrasound / Color Doppler, ECG, EEG, 2D Echo

LAB REPORT

ID : 6912
Pat. Name : MRS SHOAB
Age / Sex : 50 Y / Female
Refer By : Brig Dr Mushtaq Ahmed
Reg. Date : 04 May 2018 02:56:00 PM
Report Date : 04 May 2018 04:28:48 PM

Charge Policy : General



ESR

Tests	Result	Unit	Normal Range
-------	--------	------	--------------

ESR

ESR	98	mm/Hour	Males 0 - 10 Females 0 - 20
-----	----	---------	--------------------------------

This is a computer generated report and does not require signature. Not for legal use.

Maj (R) Dr. Ahsen Farooq
MBBS, FCPS,
Consultant Radiologist

Dr. Sadia Saleem
MBBS, MCPS,
Radiologist

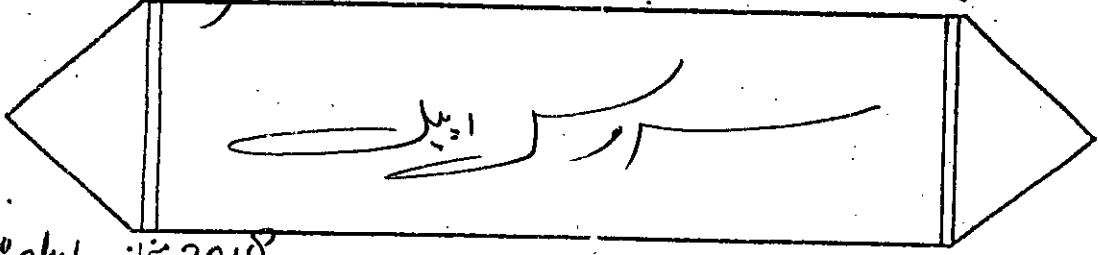
Dr. Nuzhat
MBBS, MCPS,
Consultant Radiologist

Dr. Ayesha Noor
Consultant Pathologist

Al-Amin Plaza, Opposite Cantonment Board Office Mall Road, Saddar, Rawalpindi. Ph: +92-51-5562605, 0321-5422882
E-mail: askarilab2016@gmail.com

NOT VALID FOR COURT

بعد التصادف کے ایک سکیل ٹریبونل کے بارے میں



2018ء پنجاب ایبل ٹریبونل
بنام IGP etc

شعبہ اہم

مذکورہ
مقدمہ
دعویٰ
جرم

باعث تحریر آنکھ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی و کل کارروائی متعلقہ
آن مقام سندھ ہائی کورٹ کیلئے سندھ ہائی کورٹ کے بارے میں درخواست
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز
دکیل صاحب کو راضی نامہ کرنے و تقرر ثالثتہ فیصلہ بر حلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور صولی چیک دروپیا عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری کی طرف یا ایبل کی برادگی اور منسوخی
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کارروائی کے واسطے اور دکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ یا اختیارات حاصل ہوں گے اور اس کا ساختہ
پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جائے التوائے مقدمہ کے سبب سے وہ ہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو دکیل صاحب پابند ہوں گے۔ کہ پیروی
مذکور کریں۔ لہذا ادا کالت نامہ لکھ دیا کہ سند ہے۔

المرقوم 19 ماہ 4 2018ء

العبد گواہ العبد

کے لئے منظور ہے۔
سندھ ہائی کورٹ

بمقام سندھ ہائی کورٹ

12

PA/CH Sheet-2017

Dated 18/5/2017

No. 266 /PA/FRP

CHARGE SHEET

Malakand Range
Malakand Range
HQrs. Peshawar

- I) I, Mian Imtiaz Gul, SP FRP Kohat as competent authority, am of the opinion that you Constable Ikram Shoaib No. 1225/FRP while posted in FRP Platoon No. 111 deployed at District Kohat have committed the following acts/omission as defined in Rule 2 (iii) of Police Rules 1975.
 - a) You absented yourself from official duty w.e.f 12.05.2017 vide DD No. 07 dated 12.05.2017 till date. Furthermore previously you had remained absent for 40 days and you were awarded punishment for the same. It indicates that you are habitual absentee and does not take interest in your official duty. Thus you have committed a gross "Misconduct" as defined in Rule 2 (iii) of Police Rules 1975 and have rendered yourself liable to be proceeded against departmentally.
- II). 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.
- III). You are; therefore, required to submit your written reply within 07 days of the receipt of this charge sheet to the Enquiry Officer.
- IV). 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.
- V). Intimate as to whether you desire to be heard in person or not?
- VI) A statement of allegation is enclosed.

محمد عامر شیب
266/PA/FRP
18.05.2017
مذکورہ دستاویزات خود وصول کنند
موب: 1033854775
NIC: 14301-7690438-5
Date 22-05-2017


(Mian Imtiaz Gul)
Superintendent of Police, FRP
Kohat Range, Kohat

DISCIPLINARY ACTION

I, Mian Imtiaz Gul, SP FRP Kohat as competent authority, am of the opinion that you Constable Ikram Shoaib No. 1225/FRP while posted in FRP Platoon No. 111 deployed at District Kohat have committed the following acts/omission as defined in Rule 2 (iii) of Police Rules 1975.

STATEMENT OF ALLEGATION

1. a) You absented yourself from official duty w.e.f 12.05.2017 vide DD No. 07 dated 12.05.2017 till date. Furthermore previously you had remained absent for 40 days and you were awarded punishment for the same. It indicates that you are habitual absentee and does not take interest in your official duty. Thus you have committed a gross "Misconduct" 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 allegations, Inspector Shoukat Hayat, R.I FRP Kohat 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 shall join the proceeding on the date, time and place fixed by the officer.


(Mian Imtiaz Gul)
Superintendent of Police, FRP
Kohat Range, Kohat

فائنڈنگ رپورٹ سرخلاف کانٹینل انکرام شقیں 13⁸/₁₄ اپریل 1955

جناب عالی

معرض خدمت میں کہ مذکورہ کانٹینل 13⁸/₁₄ کا لٹری شدہ ہے۔

گڈ انٹری ہیں۔ بیڈ انٹری ہے۔ سابقہ آیام غیر حاضری 4 یوم ہیں۔

لف انکوائری ہے۔ آب موجودہ آیام غیر حاضری 15⁰⁵/₁₇ سے نہ شور غیر حاضری ہے۔

مذکورہ کانٹینل نے بذات خود چارج شیٹ بمع سمری وصول کی ہے اور آج تک

چارج شیٹ بمع سمری کا جواب میں دینا چاہتا ہے۔ دیدہ دالتہ طور پر غیر حاضری

پر چکا ہے۔ مذکورہ کو موائل فون پر رابطہ کیا کہ اپنا چارج شیٹ کا جواب

من آج کے ساتھ جمع کرائے۔ مگر مذکورہ کانٹینل نے آئیں گان سے سن کر

دوسرے گان سے بات نکال دیتا ہے۔ مذکورہ کانٹینل کے والد صاحب سے بھی

بذریعہ فون بات کی جوتی ہے۔ مذکورہ کانٹینل عادی غیر حاضری ہے۔ مذکورہ

کو مورخ 12⁵/₁₇ سے مجلس غیر حاضری ہونے پر میجر پنشنٹ دینے کی سفارش کی جاتی

ہے۔ انکوائری رپورٹ سرٹیا ہو کر گزارش ہے۔

Shameer
R.I.F.R.P.

Kohat Rang Kohat

02-06-2017

FINAL SHOW CAUSE NOTICE

Whereas you Constable Ikram Shoaib No. 1225/FRP, while posted in FRP Platoon No. 111 deployed at District Lines Kohat, absented yourself from official duty w.e.f 12.05.2017 vide DD No. 07 dated 12.05.2017 without any leave or prior permission of the competent authority and have not reported back till date.

Accordingly Departmental Inquiry was conducted against you. The E.O in his finding report have found you guilty of the charges leveled against you and recommended you for major punishment. You have also failed to submit reply to the charge sheet with the E.O till date.

NOW, THEREFORE, I, Mian Imtiaz Gul, Superintendent of Police, FRP Kohat Range, Kohat in exercise of the powers vested in me under the Khyber Pakhtunkhwa Police Rules - 1975 hereby call upon you Constable Ikram Shoaib No. 1225/FRP, through this Final Show Cause Notice to explain your position within 07 days of the receipt of this notice as to why you should not be awarded one or more Major or Minor Punishment as mentioned in Rule (4) of KP Police Rules 1975. In case of non receipt of reply within the stipulated period, an ex-parte action will be taken against you. Also state in writing as to whether you desire to be heard in person or not. Copy of finding report of Enquiry Officer is enclosed herewith.

No. 305 /PA

Dated 06/06 /2017

اس وقت کانٹریبل عادل 1212 کے پاس 1225/FRP کی
 کو صوبائی منبر 0343-4375381 پر اطلاع دی جانا گیا کہ
 بند ہے۔ جبکہ کانٹریبل عادل 1212 کو دو بار پہلے ہی اطلاع
 0344-1912341 پر اطلاع دی کہ اپنا حتمی کارڈزس دفتر 20/PA

SP FRP/PA
 انصاف

FINAL SHOW CAUSE NOTICE

Whereas you **Constable Ikram Shoaib No. 1225/FRP**, while posted in FRP Platoon No. 111 deployed at District Lines Kohat, absented yourself from official duty w.e.f 12.05.2017 vide DD No. 07 dated 12.05.2017 without any leave or prior permission of the competent authority and have not reported back till date.

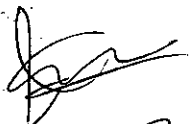
Accordingly Departmental Inquiry was conducted against you. The E.O in his finding report have found you guilty of the charges leveled against you and recommended you for major punishment. You have also failed to submit reply to the charge sheet with the E.O till date.

NOW, THEREFORE, I, Mian Imtiaz Gul, Superintendent of Police, FRP Kohat Range, Kohat in exercise of the powers vested in me under the Khyber Pakhtunkhwa Police Rules - 1975 hereby call upon you **Constable Ikram Shoaib No. 1225/FRP**, through this Final Show Cause Notice to explain your position within 07 days of the receipt of this notice as to why you should not be awarded one or more Major or Minor Punishment as mentioned in Rule (4) of KP Police Rules 1975. In case of non receipt of reply within the stipulated period, an ex-parte action will be taken against you. Also state in writing as to whether you desire to be heard in person or not. Copy of finding report of Enquiry Officer is enclosed herewith.

No. 305 /PA

Dated 06/06 /2017

(Mian Imtiaz Gul)
Superintendent of Police, FRP,
Kohat Range, Kohat



19-7-17

0335-5477515

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

DAILY MASHRIQ PESHAWAR

روزنامہ
سید تاج میر شاہ
پشاور

سلسل اشاعت کے 50 سال

ABC CERTIFIED

پشاور اسلام آباد بیک وقت شائع ہونے والا کثیر الاشاعت قومی اخبار

جلد 50 جمعرات 10 ذیقعد 1438ھ 03 اگست 2017ء 18 سادوں قیمت 3 روپے

شمارہ 344

آخری نوٹس

آپ کنگھل اکرام شیب نمبر 1225 چالون نمبر 111 حیدر پولیس لائن کوہٹ مورچہ 12.05.2017 سے تاحال (پولی سے غیر حاضر ہیں) آپ کے خلاف گھانٹا کارروائی کا آڈیو کے آپ کو چارج شیٹ جاری کر کے RI FRP Kohat کو انکوائری آفیسر مقرر کیا گیا۔ مورچہ 22.05.2017 کو آپ نے بذات خود چارج شیٹ وصول کر کے مذکورہ چارج شیٹ کیا اور ذی انکوائری آفیسر کے سامنے چلی ہوئے۔ آپ کو ٹیکل شوکار ڈانس بحوالہ نمبر 305/PA مورچہ 6.6.2017 کو جاری کیا گیا تھا، جو کہ آپ نے خود 19.7.2017 کو دستخط کر کے وصول کر کے آفس کالی پر دھجکا کیا، مگر آپ نے تاحال مذکورہ تحریری چارج دیا اور ذی انکوائری آفیسر کے سامنے چلی ہوئے، لہذا آپ کو ذی انکوائری آفیسر کی جانب سے کاپی ہذا آپ کو بذریعہ اشتہار مطلق کیا جاتا ہے کہ آپ اس اشتہار کے چشمہ ہونے کے 15 دن کے اندر اندر ذی انکوائری آفیسر کے سامنے حاضر ہو جائیں، ورنہ آپ کے خلاف پکڑنے کارروائی عمل میں لائی جائے گی جس کے نتیجے میں آپ کو لازمت سے برخواست کر دیا جائے گا۔

میاں امتیاز گل، ایس بی ایف آر بی کوہٹ رینج کوہٹ

INF(KT)20

Email: dastak@dastaknews.net http://www.dastaknews.net

Ph:0927-210101 Fax:0927-211101

ABC CERTIFIED

The daily Awami Dastak

چیف ایڈیٹر: سید عبداللہ خشک

روزنامہ

ایڈیٹر: حسن اقبال سرپرست کوہٹ

عوامی دستک

کوہٹ کرک

جلد 3 / جمعرات 10 ذیقعد 1438ھ 03 اگست 2017ء صفحات 6 قیمت 10 روپے / شمارہ نمبر 286

آخری نوٹس

آپ کنگھل اکرام شیب نمبر 1225 چالون نمبر 111 حیدر پولیس لائن کوہٹ مورچہ 12-05-2017 سے تاحال (پولی سے غیر حاضر ہیں) آپ کے خلاف گھانٹا کارروائی کا آڈیو کے آپ کو چارج شیٹ جاری کر کے RI FRP Kohat کو انکوائری آفیسر مقرر کیا گیا۔ مورچہ 22-05-2017 کو آپ نے بذات خود چارج شیٹ وصول کر کے مذکورہ چارج شیٹ کیا اور ذی انکوائری آفیسر کے سامنے چلی ہوئے آپ کو ٹیکل شوکار ڈانس بحوالہ نمبر 305/PA مورچہ 06-06-2017 کو جاری کیا گیا تھا جو کہ آپ نے خود 19-07-2017 کو دستخط کر کے وصول کر کے آفس کالی پر دھجکا بھی کر کے مگر آپ نے تاحال مذکورہ تحریری چارج دیا اور ذی انکوائری آفیسر کے سامنے چلی ہوئے لہذا آپ کو بذریعہ اشتہار مطلق کیا جاتا ہے کہ آپ اس اشتہار کے چشمہ ہونے کے 15 دن کے اندر اندر ذی انکوائری آفیسر کے سامنے حاضر ہو جائیں ورنہ آپ کے خلاف پکڑنے کارروائی عمل میں لائی جائے گی جس کے نتیجے میں آپ کو لازمت سے برخواست کر دیا جائے گا۔

میاں امتیاز گل ایس بی ایف آر بی کوہٹ رینج کوہٹ

①

ORDER

This order will dispose off departmental enquiry conducted against Constable Ikram Shoaib No.1225/FRP under Khyber Pakhtunkhwa Police Disciplinary Rules 1975 (Amended in 2014).

The defaulter Constable Ikram Shoaib No.1225/FRP, while posted in FRP Platoon No.111 deployed at District Police Lines Kohat, was found absent from duty w.e.f 12.05.2017 vide DD No.07 dated 12.05.2017 till date without any leave/permission of the competent authority.

In this regard, he was issued charge sheet with summary of allegations vide this office No. 266/PA dated 18.05.2017 and Inspector Shoukat Hayat RI FRP Kohat was appointed as enquiry officer to unearth the actual facts. He neither appeared before enquiry officer nor he received copy of charge sheet. The enquiry officer submitted his finding report wherein he recommended defaulter official for major punishment.

A final show cause notice vide this office No. 305/PA dated 06.06.2017 was issued to him which was served upon him at his home address but he did not bother to submit reply to final show cause notice.

Service record perused which revealed that he was appointed as Constable on 13.08.2014 in FRP Kohat Range. There is no good entry in his credit while there are 04 bad entries against him. Previously he had absented himself for 40 days in total.

To meet the end of justice, an advertisement was published in newspapers "Daily Mashriq" and "Awami Dastak" on 03.08.2017 through which he was directed to appear before the undersigned and explain his position within 15 days of the publication of Notice but he failed to report within stipulated period. His total absence from 12.05.2017 till date is 96 days and he is still absent. It is evident from record that he is not interested in his job otherwise he would have reported arrival for duty on receipt of Final Show Cause Notice and publication of Notice in newspapers. There is no other alternative except to proceed against him ex-parte. Charges of absence from duty have been established against him.

Now, I, Mian Imtiaz Gul SP FRP Kohat Range, Kohat in exercise of powers vested in me under Rule – 5 (5) of Khyber Pakhtunkhwa Police Rules-1975 (Amended in 2014), award him a major punishment of Dismissal from service. The period he remained absent is treated as absence from duty i.e without pay.

OB No. 642

Dated: 18-08 /2017

(Mian Imtiaz Gul)
SUPERINTENDENT OF POLICE, FRP
KOHAT RANGE, KOHAT

Copy to:-

1. Pay Officer
2. Reader
3. SRC
4. OHC

} For necessary action and also serve a copy of order upon him.

ORDER

This order will dispose of the departmental appeal preferred by ex-constable Ikram Shoaib No. 1225 of FRP Kohat Range, against the order passed by SP FRP Kohat Range, Kohat vide OB No. 642 dated 18.08.2017., wherein he was awarded major punishment of dismissal from service. The applicant was proceeded against on the allegations that he was deployed with Platoon No. 111, at District line Kohat. Wherein he was remained absent from duty w.e.f 12.05.2017 vide DD report No. 07 dated 12.05.2017 till the date of his dismissal from service i.e 18.08.2017 for a period of 03 months and 06 days, without any leave/permission of the competent authority.

In this regard, he was issued Charge Sheet and Statement of Allegations vide office No 266/PA, dated 18.05.2017 and Inspector Shoukat Hayat RI FRP Kohat Range was appointed as Enquiry Officer to unearth the actual facts. He neither appeared before enquiry officer nor received copy of charge sheet. The enquiry officer submitted his findings, wherein he recommended defaulter official for major punishment.

Upon the findings of Enquiry Officer he was issued Final Show Cause Notice vide office Endst: No. 305/PA, dated 06.06.2017 which was served upon him at his home address, but he did not bother to submit reply to Final Show Cause Notice.

To meet the end of justice a notice was also published in Daily Newspaper Mashriq and Awami Dastak on 03.08.2017, through which he was directed to appear before the competent authority within 15 days of the publication of notice to explain his position, but he did not turn up. Moreover, it is material of facts that he has no more interested in his job otherwise he would have reported arrival for duty on receipt of final show cause notice and publication of notice in Newspaper.

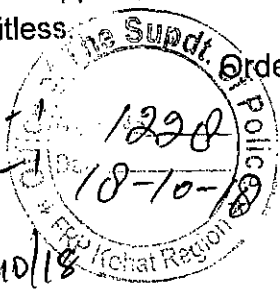
Keeping in view the recommendation of the Enquiry Officer and other material available on records, it has come crystal clear that the said constable has deliberately absented himself from duty for a long period. From perusal of his service record it has found that he was enlisted on 13.08.2014 and during his past service he absented himself from duty for a period of 40 days to which he was punished as without pay. Therefore he was dismissed from service vide OB No. 642, dated 18.08.2017.

Feeling aggrieved against the impugned order of SP FRP Kohat Range, Kohat, the applicant preferred the instant appeal. The applicant was summoned and heard in person in Orderly Room held on 03.10.2018.

During the course of personal hearing, the appellant is barred in time as the punishment was imposed on 18.08.2017. Where as the appellant preferred appeal as hashes of 12 months which is derogatory to the period of challenging or impugning the order of the competent authority an appeal which is 30 days under rule 11(i) of 1975 Police Rule (amended 2014).

It is settled legal proposition that law comes to rescue of the diligent and not the indolent. The one who had sits on his right for no reason.

Based on the findings narrated above, I, Sajid Ali PSP Commandant FRP Khyber Pakhtunkhwa, Peshawar, being the competent authority, has found no substance in the appeal, therefore, the same is rejected and filed being badly time barred and meritless.



*Summe Roll
D. file
18/10/18*

Order Announced.

OHC/SRC
1-02-18-19 and also with the competent.
08/10/18
Superintendent of Police,
FRP Kohat Range,
Kohat
Commandant
Frontier Reserve Police
Khyber Pakhtunkhwa, Peshawar.

No 10304 /EC, dated Peshawar the 15/10 /2018.

Copy of above is forwarded for information and necessary action to the:-

1. SP FRP Kohat Range, Kohat. His service record alongwith D file sent herewith.
2. Ex-constable Ikram Shoaib No. 1225 S/O Muhammad Shoaib, Police Station Cent. Village Bahzadi Chakarkot. District Kohat.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1405/2018.

Ex- constable Ikram Shoaib No. 1225,

Of FRP Kohat Range,Appellant

VERSUS

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

PRELIMINARY OBJECTIONS

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

WRITTEN REPLY ON BEHALF OF RESPONDENTS

FACTS

RESPECTED SHEWETH:-

1. Incorrect and denied. The appellant while posted at Police Line, Kohat remained absent from duty with effect 12.05.2017 till the date of his dismissal from service i.e 18.08.2017, for total period of 03 months and 06 days, without any leave or prior permission of the competent authority.
2. Incorrect and denied. The plea taken by the appellant regarding the illness of his mother is a propounded story. He supposed to have taken this plea before the Enquiry Officer or before the competent authority, but he failed to do so.
3. Incorrect and denied. The appellant was deliberately failed to submit any leave application before the competent authority.
4. Incorrect and denied. The appellant was remained absent from his lawful duty without any leave or prior permission of his senior.
5. Incorrect and denied. The allegations are false and baseless as the appellant was failed to submit any leave application or to appear before the competent authority for this purpose. After fulfillment of due codal formalities the appellant was dismissed from service under the relevant law.
6. Incorrect and denied. Proper departmental enquiry was initiated against the appellant, as he was issued Charge Sheet with Summary of

Allegations and Enquiry Officer was nominated, but he failed to submit his reply of Charge Sheet or appear before the Enquiry Officer, despite the fact that the appellant was summoned time and again by the Enquiry Officer on his cell phone No. 0335-5477515. Besides, in the light of natural justice a notice was also published in the two reliable newspapers **Mashriq** and **Awami Dstak** dated 03.07.2017, to explain his position, but he did not turn up. (Copies of Charge Sheet & Cutting of the newspapers are attached herewith as annexure "A & B").

7. Incorrect and denied. Enquiry Officer has brought on record all the material facts & evidence. The allegations were fully established against the appellant by the enquiry officer during the course of enquiry.
8. Incorrect and denied. Upon the findings of Enquiry Officer the appellant was issued Final Show Cause Notice, which was served upon him through special messenger on his home address and his signature was obtained on duplicated copy as a token, but he did not bother to submit his reply or appear before the competent authority to defend himself. Moreover, the appellant did not approach for the relevant record. (Copy of Show Cause Notice attached as annexure "C")
9. Departmental appeal submitted by the appellant was thoroughly examined and rejected on the grounds of limitation and meritless as well.

GROUND:-

1. Incorrect and denied. The appellant was treated in accordance with relevant law. The departmental appeal of the appellant was thoroughly examined under Khyber Pakhtunkhwa Police Rules 1975 amended in 2014. All opportunities for defence and personal hearing were been provided to the appellant, but he failed to convince the appellate authority, besides, his departmental appeal was found badly time barred. Moreover, there is no need of further enquiry in the instant case, as a proper departmental enquiry has already been conducted against the appellant required as per law and during the course of enquiry, the allegations of willful absence has been fully established against him.
2. Incorrect and denied. As explained in the preceding Paras proper departmental enquiry was conducted against him as per law. An ample opportunity for defence was provided to the appellant by the competent authority as well as by the appellate authority, but he failed to advance any cogent reasons in his defence.
3. Incorrect and denied. The Para has already been explained in the preceding Paras.
4. Incorrect and denied. The appellant remained absent from his lawful duty without any leave or prior permission of competent authority. In this regard proper departmental enquiry was initiated against him. After fulfillment of


all codal formalities, the Enquiry Officer submitted his findings, wherein the appellant was found guilty of the charges leveled against him and recommended for major punishment. Moreover, the appellant did not approach for the relevant record.

5. Incorrect and denied. Proper departmental enquiry was conducted against the appellant and the Enquiry Officer found him guilty of the charges leveled against him. Upon the findings of Enquiry Officer the appellant was served with Final Show Cause Notice, but he failed to submit reply to the Final Show Cause Notice. An ample opportunity of personal hearing was also afford to the appellant, but he deliberately failed to avail this opportunity. Subsequently a notice was also published in the two reliable newspapers with the directions to appellant to appear before the competent authority and to explain his position, but he did not turn up, meaning thereby that he was no more interested to serve in police department.
6. Incorrect and denied. All proceedings conducted against the appellant were in accordance with law/rules.
7. Incorrect and denied. The appellant remained absent from lawful duty vide Daily Dairy report No. 07 dated 12.05.2017. (Copy of DD report is attached herewith as annexure "D").
8. Incorrect and denied. The appellant is trying to mislead this Honorable Tribunal by producing false and baseless grounds. From perusal of his service record, it has been found that in past the appellant remained absent form his lawful duty for a period of 40 days, without prior permission of his seniors, besides, there are 04 bad entries, with no good entry in his credit. (Copy of bad entry list enclosed as Annexure "E").
9. Incorrect and denied. The Para has already been explained in the preceding Paras, however, it is once again submitted that the appellant was dealt under the special law i.e Khyber Pakhtunkhwa Police rules 1975 amended in 2014 which is applicable to all executive employees of Police Force including the appellant. Moreover, for the participation of the appellant with the enquiry, all efforts/sources were utilized during the course of enquiry and to meet the end of natural justice. The appellant was also informed through two reliable News Papers, but he did not turn up. Moreover, the appellant was well informed regarding the enquiry proceedings and it is evident from Charge Sheet and Final Show Cause Notice, which were already served upon him accordingly.
10. Incorrect and denied. The appellant was found indisciplined and a habitual absentee.
11. Incorrect and denied. The appellant was treated in accordance with relevant law/rules, by the competent authority.

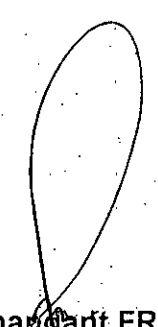
12. Incorrect and denied. The allegations are false and baseless. However, the Para has already been explained in the preceding Para No. 11 above.
13. Incorrect and denied. The order is in accordance with law/rules.
14. Incorrect and denied. The departmental proceedings were conducted under Khyber Pakhtunkhwa, Police Rules 1934 amended in 2014, which is applicable to the case of appellant.
15. Incorrect and denied. The allegations are false and baseless. After fulfillment of all codal formalities the impugned order was passed under the law/rules.

PRAYERS

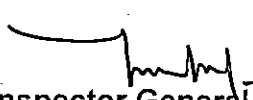
Keeping in view the above stated facts it is, therefore, most humbly prayed that the appeal being barred laws meritless, may kindly be dismissed with cost.



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



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



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

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No. 349 /ST

Dated 28-2- 2019


To

The Superintendent of Police, FRP,
Government of Khyber Pakhtunkhwa,
Kohat Range.

SUBJECT: - ORDER IN APPEAL NO. 1405/2018, MR. IKRAM SHOAIB.

I am directed to forward herewith a certified copy of order dated 21.02.2019 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.