


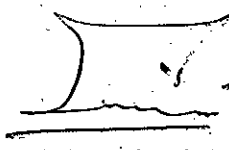
03.01.2023

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

Learned counsel for the appellant sought time for preparation of arguments. Adjourned. To come up for arguments on 11.04.2023 before the D.B.

SCANNED  
K. S. T.  
Peshawar


  
(Mian Muhammad)  
Member (E)


  
(Salah-Ud-Din)  
Member (J)

11<sup>th</sup> April, 2023 1. Learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney for the respondents present.

2. Learned counsel for the appellant seeks adjournment. To come up for arguments on 12.06.2023 before D.B. P.P given to the parties.

SCANNED  
K. S. T.  
Peshawar


  
(M. Akbar Khan)  
Member (Executive)

  
(Kalim Arshad Khan)  
Chairman

31.08.2022

Learned counsel for the appellant present. 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 14.11.2022 before the D.B.


  
(Salah-ud-Din)  
Member (Judicial)

14.11.2022

Counsel for the appellant present.

Naseer Ud Din Shah, learned Assistant Advocate General for respondents present.

Learned Member (Judicial) is on leave, therefore, arguments could not be heard. Adjourned. To come up for arguments on 03.01.2023 before D.B

  
(Fareeha Paul)  
Member (E)

SCANNED  
KPST  
Peshawar

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

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

Learned counsel for the appellant submits that he could not prepare the arguments as the appellant was involved in a criminal case. When confronted with the situation that it will create another cause of action in case the appellant was proceeded against departmentally, he sought some time to argue the case. Adjourned. To come up for arguments on 31.08.2022 before the D.B.

  
(Fareeha Paul)  
Member(E)

  
(Kalim Arshad Khan)  
Chairman

1721/20

07.07.2021

Counsel for the appellant and Mr. Kabirullah Khattak, Addl. AG ~~and~~ for the respondents present.

Learned AAG seeks further time to submit reply/comments. He is required to contact the official respondents and submit reply/comments in office within 10 days, positively. If the written reply/comments are not submitted within the stipulated time, the office shall submit the file with a report of non-compliance. File to come up for arguments on 30.11.2021 before the D.B.


  
Chairman

30.11.2021

Junior to counsel for the appellant present.

Mr. Muhammad Adeel Butt, learned Additional Advocate General for respondents present.

Former made a request for adjournment as senior counsel for the appellant is busy before Hon'ble Peshawar High Court, Peshawar. Adjourned. To come up for arguments on 16.03.2022 before D.B.


  
(Atiq ur Rehman Wazir)  
Member (E)

  
(Rozina Rehman)  
Member (J)

18.01.2021 Counsel for appellant present.

Security and process fee was deposited today. Therefore, notices be issued to respondents for written reply/comments. To come up for written reply/comments on


~~Assistant Deposited~~  
~~Security Process Fee~~ 11.03.2021 before S.B.

  
(Rozina Rehman)  
Member (J)

11.03.2021 Junior to counsel for the appellant present. Addl: AG for respondent present.

Written reply on behalf of respondents not submitted. Learned AAG seeks time to contact the respondents for submission of written reply/comments on the next date of hearing.

Adjourned to 20.05.2021 before S.B.

  
(Mian Muhammad)  
Member (E)

20.05.2021 Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 07.07.2021 for the same as before.

  
Reader

26.11.2020

Counsel for appellant is present. He submitted an application for granting/extending further few days for submission of security and process fees. The record shows that on 05.10.2020 the time for its deposit was extended but the requisite deposit could not be made.

The application in hand is though allowed but as last chance. The appellant shall deposit the requisite process fee and security fee within three working days. Thereafter, notices be issued to respondents for submission of written reply/comments for 18.01.2021 before S.B.

(MUHAMMAD JAMAL KHAN)  
MEMBER (JUDICIAL)

~~26.11.2020~~

~~Counsel for appellant is present.~~

~~He submitted an application for granting/extending further few days for submission of security and process fees. The record shows that on 05.10.2020 the time for its deposit was extended but the requisite deposit could not be made.~~

~~The application in hand is though allowed but as last chance. The appellant shall deposit the requisite process fee and security fee within three working days. Thereafter, notices be issued to respondents for submission of written reply/comments for 18.01.2021 before S.B.~~

~~(Muhammad Jamal Khan)~~  
~~Member (Judicial)~~

05.08.2020

Mr. Noor Muhammad Khattak, Advocate for appellant is present.

The question for determination, as agitated by the learned counsel for the appellant, is that as to whether any disciplinary action could be taken which could culminate into awarding of punishment for reduction in time scale not specified in contravention of the Fundamental Rules on the subject? Thus the viries and precincts of the powers of the authority have been challenged.

The issue so agitated requires proper consideration and adjudication in the light of law and rules in practice therefore, the appeal is admitted for regular hearing subject to all just legal objections. The appellant is directed to deposit security and process fee within 10 days, thereafter, notices be issued to the respondents for written reply/comments. File to come up for written reply/comments on 05.10.2020 before S.B.

(MUHAMMAD JAMAL KHAN)  
MEMBER

05.10.2020

Counsel for the appellant present.

Submitted an application for permission to deposit security and process fee as required on 05.08.2020. Application placed on file.

Appellant is required to deposit Security and process fee within three working days from today. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 26.11.2020 before S.B.

Chairman

Form- A

FORM OF ORDER SHEET

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

Case No.-

172

/2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	13/03/2020 <b>SCANNED KEST Peshawar</b>	<p>The appeal of Mr. Ghulam Abbas presented today by Mr. Noor Muhammad Khattak Advocate may be entered in the Institution Register and put up to the Learned Member for proper order please.</p> <p style="text-align: right;"><i>See</i> REGISTRAR 13/3/2020</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>04/05/2020</u>.</p> <p style="text-align: right;"><i>MA</i> MEMBER</p> <p>04.05.2020</p> <p>Due to COVID-19, the case is adjourned to 05.08.2020 for the same, before S.B.</p> <p style="text-align: right;"><i>A</i> Reader</p>
2-	19/03/20	



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

APPEAL NO. \_\_\_\_\_/2020

**GHULAM ABBAS**

**VS**

**POLICE DEPTT:**

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**APPELLANT**

**THROUGH:**

**NOOR MOHAMMAD KHATTAK**  
**ADVOCATE**

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

**APPEAL NO. \_\_\_\_\_ /2020**

Mr. Ghulam Abbas, Constable (BPS-07) No. 3103,  
Frontier Reserved Police/Peshawar Range, Peshawar.

..... **APPELLANT**

**VERSUS**

- 1- The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar
- 2- The Commandant (FRP), Khyber Pakhtunkhwa, Peshawar.
- 3- The Additional Inspector General of Police (Establishment), HQs, Khyber Pakhtunkhwa Peshawar.
- 4- The Superintendent of Police, FRP/PR, Peshawar.

..... **RESPONDENTS**

**APPEAL UNDER SECTION 4 OF THE KHYBER**  
**PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974**  
**AGAINST THE IMPUGNED ORDER DATED 03-09-2019**  
**WHEREBY THE TIME SCALE HAS NOT BEEN**  
**SPECIFIED AND AGAINST THE APPELLATE ORDER**  
**DATED 13-02-2020 WHEREBY THE DEPARTMENTAL**  
**APPEAL OF THE APPELLANT HAS BEEN REGRETTE**  
**ON NO GOOD GROUNDS**

**PRAYER:**

**That on acceptance of this appeal the impugned order dated 03-09-2019 may very kindly be modified by specifying the period and the appellate order dated 13.2.2020 may very kindly be set aside. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.**

**R/SHWETH:**

**ON FACTS:**

1. That appellant was enrolled as Constable (BPS-05) in the respondent Department in the year 2011 after fulfilling all the codal formalities required for appointment to the post. That after appointment the appellant started performing duty quite efficiently, whole heartedly and to the entire satisfaction of his high ups.
2. That, the respondent department issued Final show Cause Notice dated 20.11.2018 to the appellant on account of willful absence from duty and the appellant has submitted a detail reply of the said show cause notice on 27.11.2018 and

denied all allegation leveled against him. Copy of Show Cause & reply is attached as annexure ..... **A&B.**

3. That, the competent authority after examining the reply submitted by the appellant issued order dated 29.11.2018 whereby major penalty of reduction to lower stage (time scale) has been imposed upon the appellant. Copy of the order is attached as annexure..... **C.**
4. That, appellant feeling aggrieved from the order dated 29-11-2018 filed Departmental Appeal before respondent No. 2. Copy of the Departmental Appeal is attached as annexure ..... **D.**
5. That, the respondent No. 2 while disposing the Departmental Appeal of the appellant against the major penalty of Reduction to the Lowest Time Scale converted the same into Major Penalty of Dismissal from service vide impugned order dated 08.01.2019 along with recovery of the salaries. Copy of the impugned order is attached as annexure..... **E.**
6. That, the appellant feeling aggrieved from the impugned order dated 08.01.2019 filed petition u/s 11-A of the Khyber Pakhtunkhwa Police Rules-1975 (amended 2014) which was disposed of by regretting the same vide appellate order dated 13.02.2019. Copies of the 11-A petition & appellate order are attached as Annexure ..... **F&G.**
7. That feeling aggrieved, the appellant preferred the Service Appeal No. 300/2019 before the August Khyber Pakhtunkhwa Service Tribunal, Peshawar which was partially accepted vide judgment dated 29-07-2019 and the appellant was re-instated in to service. Copy of the judgment dated 29-07-2019 is attached as annexure..... **H.**
8. That in light of the judgment dated 29-07-2019, the appellant was re-instated in to service vide impugned order dated 03-09-2019 by converting the major penalty of dismissal from service into major punishment of time scale by bringing him in the lowest stage of constable along with recoveries but the time scale has not been specified in the impugned order. Copy of the impugned order dated 03-09-2019 is attached as annexure..... **I.**
9. That feeling aggrieved from the order dated 03-09-2019, the appellant preferred departmental appeal. Copy of the departmental appeal is attached as annexure..... **J.**
10. The appellate authority vide appellate order dated 13-02-2020, regretted the departmental appeal with no good

grounds. Copy of the appellate order dated 13-02-2020 is attached as annexure.....K.

11. That appellant feeling highly aggrieved and having no other remedy but to file the instant appeal on the following grounds amongst the others.

**GROUND:**

- A- That impugned order dated 03-09-2019 & appellate order dated 13-02-2020 issued by the respondents are void in nature against the law, facts and norms of natural justice hence not tenable and is liable to be set aside.
- B- That appellant has not been treated by the respondent Department in accordance with law and rules on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That, the respondents acted in an arbitrary and malafide manner while issuing the impugned order dated 03-09-2019 & appellate order dated 13-02-2020 by not specifying the time scale.
- D- That according to the Fundamental Rule 29 time shall be specify for the lowest stage.
- E- That as per the Police Rules, 1975 time must be specify for bringing the civil servant into the lowest stage (time scale).
- F- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

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

Dated: 28.02.2020

APPELLANT

  
GHULAM ABBAS

THROUGH:

  
NOOR MOHAMMAD KHATTAK

KAMRAN KHAN

  
MIRZAMAN SAFI

ADVOCATES,

High Court Peshawar

A-4

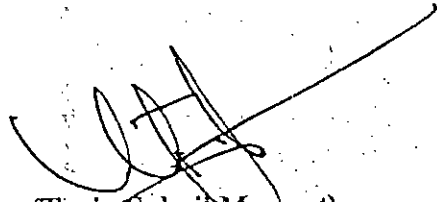
FINAL SHOW CAUSE NOTICE UNDER POLICE RULES 1975.

I, Superintendent of Police FRP Peshawar Range Peshawar, as competent authority do hereby serve you Constable Ghulam Abbas No.3103, of FRP/PR Peshawar.

- 1) I. That consequent upon the completion of inquiry conducted against you by DSP/Ilyas Khan and SI/Iltaf Hussain of FRP/PR: for which you were given full opportunity of hearing. On going through the finding/recommendations of the enquiry officer the material available on record and other connected papers I am satisfied that you have committed the following acts/omission per police rules 1975.

As per CCP Peshawar, Daily Dairy Report No.12 Dated 03.10.2018 Constable Ghulam, Abbas No.3103, of FRP Peshawar Range, while deployed in platoon No.62 of CCP posted at Main Gate Police Line Peshawar on 02.11.2016 but he was disappeared and remained absented from lawful duty without taking any leave/permission from the competent authority. Your this act amount to gross miss-conduct and punishable.

- 2) Therefore, I Superintendent of Police FRP/PR Peshawar as competent authority has tentatively decided to impose upon you Major/Minor penalty including dismissal from service under the said Rules.
- 3) You are, therefore, required to Show Cause as to why penalty should not be imposed upon you.
- 4) If no reply to Final Show Cause Notice is received within the seven (07) days of it delivered in the normal course of circumstance, it shall be presumed that you have no defense to put in and consequently ex-parte action shall be taken against you.

  
(Tariq Sohail Marwat)  
Superintendent of Police, FRP  
Peshawar Range, Peshawar.

No. 564 /PA, dated Peshawar the 20 / 11 / 2018.

ATTESTED  




6

پہلی صدر ایوان آئی جی ایچ آر مینٹی آئی

FRP/A/R Range  
3103

اس کا نام لیجان ک

عس

27/11/2018

ATTESTED

[Signature]

03-1  
C-7

ORDER

This office order relates to the disposal of formal departmental Enquiry against Constable Ghulam Abbas No.3103, while posted at FRP Peshawar Range, Peshawar. He absented himself from lawful duty w.e. from 02.11.2016 to 04.10.2018 for the total period of (701) days without taking any leave/permission of Competent Authority.

In this connection Constable Ghulam Abbas No.3103, was charge sheeted vide this office order No.479-80/PA, dated 08.10.2018 and also proceeded against departmentally through DSP Ilyas Khan of FRP Peshawar Range/Mardan and SI/Itaf Hussain of FRP/PR. The Enquiry officers after fulfilling necessary process submitted their findings as below.

1. That as per DD report No.12 dated 03.10.2018, Police line Peshawar Constable Ghulam Abbas No.3103 was deputed to report for security duty at main gate Police Line Peshawar but he instead of joining his duty, remained absent from duty since his departure on 02.11.2016. Hence, he was marked absent w.e. from the date of his absence/ departure i.e (02.11.2016) and recommended for proper departmental action.

2. Constable in reply to his charge sheet disclosed that MM Gul zeb No.395 and Moharrar, ASI Sajjad Siraj of Police Line Peshawar respectively, got monthly of RS.15000/- from him as illegal gratification and he was asked by them to also deposit monthly mess charges and remained at house without duty.

3. MM Gul zeb and Moharrar Sajjad Siraj were summoned who denied the allegations that they are being blamed by the accused constable only to save his skin. However, they didn't put forward any plausible evidence/proof in their defense to rebut the serious allegations of receiving illegal gratifications, of Rs.15000/- monthly, from the accused official.

4. It is worth consideration that how an official remained unnoticed in guard for about two years although his name was present in register guardat and the guard was regularly and repeatedly being checked by duty officers, etc. In this regard the alleged backing and support on part of mentioned Moharrars and MM. could not be ruled out.

5. However, willful absence of accused Constable Ghulam Abbas No.3103 from his official duty for about two years w.e. from 02.11.2016 has been proved.

From the above narrated findings the Enquiry Officers concluded that the allegations leveled against Constable Ghulam Abbas No.3103 in charge sheet and statement of allegation about his willful absence from official duty since 02.11.2016 has been proved and he was recommended for Major Punishment besides recovery of the pay he receives during absence period.

FRP/Range Pesh  
GE 456-  
dated 27/11/18

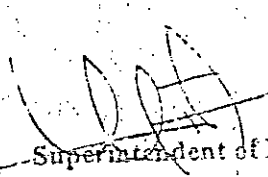
ATTESTED



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Furthermore the Enquiry officer stated that Moharrar ASI Sajjad Siraj and MM Gul Zeb No.2395 of Police Line, Peshawar is also found guilty of negligence, inefficiency and lack of interest in discharge of their official duties by receiving illegal gratification and leaving the said constable to remain at home for about two years without any leave/permission of the competent authority, and recommended them for proper departmental action. Besides, SI Shakeel Khan is also found guilty of negligence, inefficiency and lack of interest in discharge of his official duty, for his loose supervision over Moharrar staff which caused such planned absence of the accused official hence he is also recommended for departmental action by the Enquiry officers.

Keeping in view all of the above the undersigned agreed with the recommendation of Enquiry officer therefore, Constable Ghulam Abbas No.3103 is hereby awarded Major Punishment of timescale by bringing him to the lowest stage of constable with immediate effect. However he is bound to deposit the pay he received during his absence period w.e.from 02.11.2016 to 04.10.2018, total (701) days in lump-sum or with installment in Govt: treasury and his transfer/posting to any other unit is hereby banned till the recovery.


  
Superintendent of Police, FRP  
Peshawar Range, Peshawar.

No. 570-72 /PA dated Peshawar Range the 29/11 2018.

Copy of the above is forwarded to:

- 1. The Accountant FRP/PR Peshawar
- 2. The SRC/FRP/PR Peshawar
- 3. The OASI/FRP/PR Peshawar

ATTESTED



FRP/PR Peshawar  
OR 856  
Date 29/11/18

ATTESTED

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SP/FR/PR/PR/2018/2018 - 2018

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E-10

O.R.D.E.R


This order will dispose off the Show Cause Notice for the enhancement of punishment U/S 11-A of Police Rules-1975 as amended in 2014 issued to the accused official namely Constable Ghulam Abbas No. 3103 of FRP Peshawar Range, Peshawar.

1. Brief facts of the case are that the accused official namely Ghulam Abbas No. 3103 of FRP Peshawar Range remained absent from duties w.e.f 02.11.2016 to 04.10.2018 for a period of 701 days without any leave or valid permission. Consequently he was proceeded against departmentally and the Enquiry Committee after fully indulging into the matter established the charges leveled against him, recommended for major punishment. The Superintendent of Police FRP Peshawar Range accordingly awarded him the punishment of timescale by bringing him to the lowest stage of Constable. However, this office while exercising its authority Suo-Moto conferred by Section-Section-11-A of Police Rules-1975 as amended in 2014, asked for the entire record of the case for the purpose of enhancing the punishment.

2. The accused official in his reply retorted that a proper enquiry was conducted already by the Superintendent of Police FRP Peshawar Range who is a Competent Authority to initiate such action and upon the basis of the findings punishment was imposed upon him. It merits a mention that the next higher authority by virtue of Section-11-A of Police Rules-1975 as amended in 2014, is also a competent forum for the enhancement of the quantum of punishment, therefore, the assertion of the accused official lacks material force.

3. Since the period of absence which span to 701 days is so significant, that no lesser amount of punishment would fulfill the requirement of natural justice. The charges although the accused official denied to have been established against him, the fact is contrary to his assertion. As officer of the Rank of DSP conducted the enquiry, gave full opportunity to the accused officer to defend himself and upon the basis of available evidences concluded that the charges were fully established.

4. In the light of the stated facts and circumstances, I Mr. SAJID ALI KHAN, Commandant FRP Khyber Pakhtunkhwa, Peshawar being the Competent Authority empowered under Section 5 (3-c), (5) came to the conclusion after evaluating the entire evidence against the accused official and having given him sufficient opportunity of being heard in the light of natural justice i.e. "Audi-Alteram Paltram" that the accused official is inefficient and guilty of misconduct within the meaning of Section-3 (a & b) of Police

ATTEST  


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Disciplinary Rules-1975 as amended in 2014, hence in the light of Section-11-A of the said Rules enhancing the punishment from reduction to timescale (brining him to the lowest stage of Constable) to dismissal from service from the date of his first absence with immediate effect.

5. During all this absence period, the accused official continuously was withdrawing salary, therefore, all such money is also ordered to be recovered from his balance available at the AG Office Peshawar and the rest be recovered as arrears of land revenue.

COMMANDANT  
Frontier Reserve Police  
Khyber Pakhtunkhwa,  
Peshawar

No. 294-95 IEC, dated Peshawar the 08/10/12019

Copy of above is sent for necessary action to the:-

1. Deputy Commandant FRP Khyber Pakhtunkhwa, Peshawar.
2. Superintendent of Police FRP Peshawar Range, with the directions that necessary recovery may be made from the said official. The Service Record and Departmental Enquiry File of Constable Ghulam Abbas No. 3103 are returned herewith for your office record.

TESTED  
[Signature]

محمدت حیات P.P.A. صاحب K.P.K. شہنواز

عنوان درخواست بھرا اور پھر اس کو پورا کر کے نام لکھ کر منجانب سے

جناب علی

تشریح ہے۔ کہ سائل نے اس سے پہلے ہی کہ میں نے پندرہ برس پہلے  
 اور اپنی ڈیوٹی خورشید سلوٹی سے انجام دے رہا ہے جو تک سائل  
 حجاز مالوٹی حیات آباد میں گارڈ ڈیوٹی انجام دے رہا تھا۔ اور وہاں سے پہلے  
 کاتبانہ میرا اور فوجی کا سائل کا نام لائن میں لکھا ہے  
 میں ڈیوٹی لگائی تھی۔ سائل اس دوران اپنی ڈیوٹی خورشید سلوٹی سے  
 دے رہا تھا۔ اس دوران سائل رفیق الفاقیم ہال پر عمر خود جانے  
 کا خولہ شہنواز تھا۔ لیکن لائن محترم سٹاف نے ٹال مٹول سے تلخی پیدا ہوئی  
 اور محترم سٹاف نے پرنسپل سے سائل کے خلاف روزنامہ میں صورت لکھی  
 پورے وقت کیا۔ کہ میں سائل کو پورے لائن میں لکھی ڈیوٹی کیا کروا  
 کیا گیا تھا۔ لیکن فٹنور کا 2-8 3 میں غیر حاضر رہا ہے اور ڈیوٹی نہیں لگ  
 جناب والا اسائل باقاعدہ ڈیوٹی انجام دے رہا تھا۔ اور اس دوران سے

سائل میرے سے کٹوتی بھی ہوئی ہے۔ اس کے علاوہ سائل کے خلاف اس دوران  
 روزنامہ میں لکھی لائن میں سے کسی قسم کی غیر جانبداری کی رپورٹ بھی درج نہیں  
 نہیں ہے۔ بلکہ سائل باقاعدہ حاضر رہا۔ جو تک سائل کے خلاف لکھی لائن  
 لکھی اور لکھی لائن دوران سائل نے محترم سٹاف سے سٹاف کے خلاف لکھی  
 دیا اور پھر میں سائل کو (Timescale) اور (Diss-MIS) کے سبب لکھی جو تک  
 میں نے خراب حال دل سے لکھی رہتا ہے اور میں نے سائل سے لکھی ہے۔ میں نے سائل  
 کا جملہ دارہ مدار سائل کے لیے لکھی ہے۔ لہذا اس کے سائل کو دی  
 میں سزا (Timescale) اور (Diss-MIS) کے سبب لکھی ہے۔ لہذا اس کے سائل کو دی

3103/3103  
 0312-4141036  
 0312-4141036  
 ATESTED

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13/01/2019

913

ORDER

This order is hereby passed to dispose of departmental appeal under Rule 11 of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by Ex-FC Muhammad Abbas No. 3103.

The brief, yet relevant, facts, of the case are that the above named ex-official was awarded punishment of time scale by bringing him to the lowest stage of Constable and to deposit the pay he received during his absence period by SP/FRP, Peshawar Range, Peshawar vide order Endst: No. 570-72/PA, dated 29.11.2018 on the charge of absence from duty w.e.f 02.11.2016 to 04.10.2018 for a period of 701 days.

The Commandant, FRP, Khyber Pakhtunkhwa, Peshawar issued him Show Cause Notice for enhancement of punishment u/s 11-A of Police Rules-1975 (amended 2014) and enhance his punishment from reduction to time scale (bringing him to the lowest stage of Constable) to dismissal from service from the date of his first absence and ordered to recover all salaries of the absence period from his balance available at the AG Office Peshawar and the rest be recovered as arrears of land revenue vide order Endst: No. 294-95/EC, dated 08.01.2019.

Meeting of Appellate Board was held on 31.01.2019 wherein petitioner was heard in person. During hearing petitioner denied the allegations leveled against him.

Petitioner remained absent from duty for long period of 701 days. He failed to advance any plausible explanation in rebuttal of the charge for his long absence from duty. In view of the willful absence of petitioner for long period, the Board decided that his petition is hereby rejected:

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

LE OF THE COMMANDANT FRP, KP, PESHAWAR  
1531 SI Legal dated 13/01/2019

of the above information to SP, FRP  
w. Range, Peshawar for information &  
if necessary action may be taken  
with D-file sent herewith

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

No. SI 492-98 / 19,

o/c for Commandant FRP, KP

Copy of the above is forwarded to the:

1. Commandant, FRP, Khyber Pakhtunkhwa, Peshawar. Service record alongwith departmental file of the above named Ex-Constable received vide your office Memo: No. 786/SI Legal, dated 22.01.2019 is returned herewith for your office record.
2. Supdt: of Police, FRP, Peshawar Range, Peshawar.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
5. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-IV CPO Peshawar.

SI Legal  
13/01/2019

ATTESTED

H-14



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Appeal No. 300/2019

Date of Institution ... 27.02.2019

Date of Decision ... 29.07.2019

Ghulam Abbas, Ex-Constable (BPS-05) No. 3103, Frontier Reserve  
Police/Peshawar Range, Peshawar. ... (Appellant)

VERSUS

The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar and three others.  
... (Respondents)

MR. NOOR MUHAMMAD KHATTAK,  
Advocate

--- For appellant.

MR. ZIAULLAH,  
Deputy District Attorney

--- For respondents.

MR. AHMAD HASSAN,  
MR. MUHAMMAD HAMID MUGHAL

--- MEMBER(Executive)  
--- MEMBER(Judicial)

JUDGMENT

AHMAD HASSAN, MEMBER:- Arguments of the learned counsel for the parties heard and record perused.

ARGUMENTS

02. Learned counsel for the appellant argued that he joined the Police Department as constable in 2011 and performed duty quite efficiently. On account of willful absence from duty, the respondent-department served a final show cause notice dated 20.11.2018 on the appellant. He submitted reply and the competent authority awarded punishment of reduction to lower stage in time scale through order dated 29.11.2018. Feeling aggrieved, he filed departmental appeal on 29.11.2018. Respondent no.2 enhanced the penalty referred to above to that of dismissal from service vide impugned order dated 08.01.2019. Thereafter, the

ALLIED

ALLIED  
F. A. WAZIR  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

appellant filed review petition, which was regretted vide order dated 13.02.2019 followed by the present service appeal. Codal formalities for award of major penalty were not observed by the respondents. Proper inquiry was required to be conducted in case major penalty was to be awarded to the appellant. Orders passed by the respondents are against the principles of natural justice. Reliance was placed on case law reported as 2015 PLC (C.S.) 117, 2010 P'L C (C.S.) 240, 2012 PLC (C.S.) 566, 2006 PLC (C.S.) 685.2011, 2011 PLC (C.S.) 1111, 2007 PLC (C.S.) 899, 2007 PLC (C.S.) 953 and 2004 PLC (C.S.) 959.

03. Learned DDA argued that the appellant remained absent from duty for a period of 701 days without permission of the competent authority. Proper inquiry under Police Rules 1975 was initiated by constituting an inquiry committee comprising DSP FRP Mardan and SI/PC, FRP, Peshawar. After completion of the process major penalty in reduction in time scale was awarded to the appellant. However, respondent no.2 being the competent authority after careful examination of the entire record observed that penalty awarded did not commensurate with the quantum of misconduct on the part of the appellant, therefore, a show cause notice was served on him for enhancement of penalty. Subsequently major penalty of dismissal from service was awarded to him in accordance to law and rules all codal formalities were observed before and after position of penalty.

**CONCLUSION**

The present service appeal pertains to willful absence on the part of the appellant spreading over a period of 701 days without permission/leave obtained from the competent authority. After conducting inquiry major penalty of reduction

**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

ATTESTED



in time scale was awarded to the appellant. He preferred departmental appeal and respondent no. 2 enhanced the penalty to dismissal from service vide impugned order dated 08.01.2019. Thereafter, he filed review petition under Rule-11-A of Police Rules 1975, which was dismissed after due consideration. Perusal of inquiry report would reveal that the appellant was deputed for security duty at the main gate of Police Lines Peshawar but never performed duty and remained absent. Though, he admitted the allegation of absence from duty but also highlighted the dubious role of MM Gulzaib no. 395, ASI Sajjad Siraj, and Muharrir Police Lines, who were getting Rs. 15000/- from him as illegal gratification and also advised him to deposit monthly mess charges and not to perform duty in lieu thereof. They were also interrogated by the inquiry committee but failed to <sup>reluctantly</sup> ~~relevant~~ the charges leveled against him. Without support of these officials the appellant could not remain absent for such a long time. It was recommended to initiate action against the official referred to above but till date nothing has been done by the respondents. Learned DDA and departmental representative were repeatedly confronted on this point but candidly conceded that the officials referred to above were yet to be brought to justice.

5. It is pertinent to point out that vide order dated 29.11.2018 the appellant was awarded major punishment of lower stage in time scale along with recovery of salary received with effect from 02.11.2016 to 04.10.2018 (701 days) in lump sum or in installments. It is imperative that recovery would be made for his salary<sup>a</sup> for the period he remained absent from duty. This tribunal is of the considered view that enhancement of punishment through order dated 08.01.2019 was unwarranted and quite harsh. Punishment earlier awarded to the appellant did commensurate with the

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quantum of guilt on his part. The other officials of the police department, who were in league with the appellant went scot free, whereas he got major punishment. It also turns out to be a case of sheer discrimination, as enshrined in Article-25 of the constitution. Justice demands equal treatment to all the accused without any fear or favor. Moreover, he has more than eight years service at his credit, thus ample room for modifying the penalty awarded to the appellant was available.

6. As a sequel to the above, the instant appeal is partially accepted, impugned order dated 18.01.2019 is set aside and major penalty of dismissal is modified/converted into major punishment of time scale in the lowest stage alongwith recovery of salary received with effect from 02.11.2016 to 04.10.2018 (701 days) in lump sum or in installments as per order dated 29.11.2018. The intervening period may be treated as leave without pay. Parties are left to bear their own costs. File be consigned to the record room.

(MUHAMMAD HAMID MUGHAL)  
MEMBER

(ANMAD HASSAN)  
MEMBER

ANNOUNCED  
29.07.2019

Date of Presentation of Application	21-2-2020
Number of Words	1600
Copying Fee	18-00
Urgent	4-00
Total	22-00
Name of Copyist	
Date of Completion of Copy	21-2-2020
Date of Delivery of Copy	21-2-2020

Certified to be true copy

Khayr Khan  
Service Tribunal,  
Peshawar

Dy No: 1091  
Dated: 03/09/19  
FRP Peshawar

ORDER


I-  
(18)

In pursuance with directions of Inspector General of Police Khyber Pakhtunkhwa, Peshawar issued vide CPO letter No. 4245/Legal dated 30.08.2019, the decision of Khyber Pakhtunkhwa, Service Tribunal, Peshawar dated 29.07.2019, in Service Appeal No. No. 300/2019 is hereby implemented. Ex-constable Ghulam Abbas No. 3103 of FRP Peshawar Range is hereby reinstated in service by setting aside the dismissal order dated 18.01.2019. The major penalty of dismissal is modified/converted into major punishment of time scale by bringing him in the lowest stage of constable alongwith recovery of salary received by him with effect from 02.11.2016 to 04.10.2018 (total 701 days) in lump-sum or in installments as per order dated 29.11.2018 issued by the competent authority. His intervening period is hereby treated as leave without pay.

COMMANDANT  
Frontier Reserve Police  
Khyber Pakhtunkhwa, Peshawar

No. 2469 ISI Legal, dated Peshawar the 03/09/2019.

Copy of above is forwarded for information and necessary action to the SP FRP Peshawar Range, Peshawar. His service record alongwith D-file sent herewith.

SDe/Acct/OAS  
for further action  
  
SSP/FR/P2  
4/9

حضرت صاحب انسینٹر لکھنؤ ہف پولیس فیسر مختار خاں صاحب

(۹) - J

درخواست نمبر ای سی ای اور سن سکس

مختار خاں صاحب فیسل عرفہ رساں سے

مکمل ہے اس کے ساتھ ساتھ زمرہ سائبر بیورو کونسل میں 3103

ڈیوٹی سربراہی کر رہے ہیں۔ دوران سروس میں کئی بار

مختار خاں صاحب کو کئی بار سے برفاقمت کر دیا گیا تھا جس کے خلاف

سکریٹری سروس ٹریننگ افسس میں اپیل دائر کیا اور سروس ٹریننگ

نے سائل کو دوبارہ ٹرانسفر کر دیا اور سائل نے اپنی درخواستیں

سائل کو سروس ٹریننگ افسس کے ذریعے کیا اور فیسر میں اپیل کر دیا

لیکن سائل کو تاہم سکس میں بھیجا گیا جس میں کئی بار

مختار خاں صاحب کو جبکہ سائل سے تڑپتہ تمخواہ ثابت کی دیکھ رہی ہیں

لہذا استدعا ہے کہ سائل کی تمخواہ سے تڑپتہ تمخواہ ثابت کی

۹/۹/۲۰۱۹

Handwritten signature

لکھنؤ  
مختار خاں  
کونسل میں

3103



OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA  
PESHAWAR.

K-20

No. S/ 886 /20, dated Peshawar the 13/02/2020.

ORDER

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by Constable Muhammad Abbas No. 3103/2406.

Brief facts of the case are that the above named official was awarded punishment of time scale by bringing him to the lowest stage of Constable on the charge of absence from duty w.e. from 02.11.2016 to 04.10.2018 for 701-days by SP/FRP Peshawar Range vide order dated 29.11.2018. The Commandant, FRP, Khyber Pakhtunkhwa, Peshawar enhanced him punishment to dismissal from service vide order Endst: No. 294-95/EC, dated 08.01.2019. His revision petition was discussed in the Appellate Board meeting held on 31.01.2019 and the Board rejected his petition vide this office order No. S/491/19, dated 11.02.2019. The applicant approached Khyber Pakhtunkhwa Service Tribunal, Peshawar vide service appeal No. 300/2019. The Service Tribunal, Peshawar vide judgment dated 29.07.2019 modified/converted the penalty of dismissal into major punishment of time scale in the lowest stage alongwith recovery of salary received with effect from 02.11.2016 to 04.10.2018 (701 days) in lump-sum or in installments as per order dated 29.11.2018 and the intervening period was treated as leave without pay. The judgment has been implemented by Commandant, FRP, KP Peshawar vide order Endst: No. 7469/SI Legal, dated 03.09.2019.

Meeting of Appellate Board was held on 23.01.2020 wherein petitioner was heard in person. During hearing petitioner denied the allegations leveled against him.

The Appellate Authority against the judgment of Service Tribunal is Supreme Court of Pakistan; therefore the Board decided that his petition is hereby rejected.

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

Sd/-

**DR. ISHTIAQ AHMED, PSP/PPM**  
Additional Inspector General of Police,  
HQs: Khyber Pakhtunkhwa, Peshawar.

No. S/ 887-95/20,

Copy of the above is forwarded to the:

1. Commandant, FRP, Khyber Pakhtunkhwa, Peshawar. One Service Roll alongwith D-File of the above named FC received vide your office Memo: No. 10881/SI Legal, dated 21.11.2019 is returned herewith for your office record.
2. Supdt: of Police, FRP, Peshawar Range, Peshawar.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. PA to Addl: IGP/HQs: Khyber Pakhtunkhwa, Peshawar.
5. PA to DIG/HQs: Khyber Pakhtunkhwa, Peshawar.
6. PA to AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-IV CPO Peshawar.

*Seen*

*[Signature]*

Additional Inspector General of Police  
Khyber Pakhtunkhwa  
Peshawar

*[Signature]* 13/02/2020

**(ZAIB ULLAH KHAN) PSP**  
AIG/Establishment,  
For Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar.

**VAKALATNAMA**

Before the KP Service Tribunal, Peshawar

1721

OF 2020

Guulam Abbas

(APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

**VERSUS**

Police Deptt.

(RESPONDENT)  
(DEFENDANT)

I/We Guulam Abbas

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

Dated. \_\_\_/\_\_\_/2020



**CLIENT**

**ACCEPTED**

**NOOR MOHAMMAD KHATTAK**

**SHAHZULLAH YOUSAFZAI**

**MIR ZAMAN SAFI**

**&**

**AFRASIYAB KHAN**

**ADVOCATES**

**OFFICE:**

Flat No.3, Upper Floor,  
Islamia Club Building, Khyber Bazar,  
Peshawar City.

Phone: 091-2211391

Mobile No. **0345-9383141**

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 1721/2020.

Ghulam Abbas, Ex-constable (BPS-07) No. 3103, Frontier Reserve Police/Peshawar Range, Peshawar .....Appellant.

**VERSUS**

1. **Inspector General of Police,**  
Khyber Pakhtunkhwa, Peshawar.
2. **Commandant Frontier Reserve Police,**  
Khyber Pakhtunkhwa, Peshawar.
3. **Additional Inspector General of Police,**  
(Establishment), HQrs,  
Khyber Pakhtunkhwa, Peshawar.
4. **The Superintendant of Police, FRP**  
Peshawar Range, Peshawar .....Respondents.

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4.	Show Cause Notice	"C"	08
5.	Affidavit		09
	<b>Total</b>		<b>10</b>

  
**DEBONENT**

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

**Service Appeal No. 1721/2020.**

**Ghulam Abbas, Ex-constable (BPS-07) No. 3103, Frontier Reserve Police/Peshawar Range, Peshawar .....Appellant.**

**VERSUS**

1. **Inspector General of Police,**  
Khyber Pakhtunkhwa, Peshawar.
2. **Commandant Frontier Reserve Police,**  
Khyber Pakhtunkhwa, Peshawar.
3. **Additional Inspector General of Police,**  
(Establishment), HQrs,  
Khyber Pakhtunkhwa, Peshawar.
4. **The Superintendent of Police, FRP**  
Peshawar Range, Peshawar .....Respondents.

**PARAWISE REPLY BY RESPONDENTS.**

**RESPECTFULLY SHEWETH.**

**PRELIMINARY OBJECTIONS**

1. That the appeal is badly barred by law and limitation.
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 Tribunal with clean hands.
5. That the appellant is estopped due to his own conduct to file the instant Service Appeal.
6. That the appellant is trying to conceal material facts from this Honorable Tribunal.
7. That the appeal is not maintainable in the present form

**FACTS:-**

1. Correct to the extent that the appellant was enlisted, as claimed however, he absented himself from official duty for a long period of 701 days, without prior permission of the competent authority.
2. Correct to the extent that on the allegation of prolong absence a proper departmental enquiry was initiated against him. Charge Sheet with summary of allegations was issued an enquiry committee comprising of DSP FRP Mardan and SI/PC Iltaf Hussain of FRP Peshawar Range was constituted to conduct enquiry against him. After completion of enquiry the enquiry committee submitted their findings report, wherein the appellant was found guilty of the charges leveled against him and recommended for major punishment. Upon receipt of findings of enquiry committee he was issued/served with Final Show Cause Notice, to which his reply was found



unsatisfactory. (Copies of Charge Sheet, Enquiry report and Final Show Cause Notice are attached as Annexure "A", "B" & "C").

3. Correct to the extent that after fulfillment of all codal formalities, appellant was awarded an appropriate punishment of reduction in pay as timescale constable.
4. Correct to the extent the appellant submitted departmental appeal before the respondent No. 2 which was thoroughly examined and turned down being not convincing / plausible.
5. Correct to the extent that respondent No. 2, who is the competent authority called for the entire record relates to the case of appellant, under Police Rules 1975 Sub Section 1 of Section 11-A amended in 2014 vide Order Endst; No. 12697-98/EC, dated 14.12.2018. The record was perused and found that the punishment of reduction in rank/pay awarded to the appellant as insufficient in proportion to the quantum of misconduct, which is against the natural justice. Therefore, his punishment of reduction as time scale constable was enhanced and converted into dismissal from service.
6. Para No. 6 is admitted to the extent that a mercy petition submitted by the appellant before the respondent No. 1 was thoroughly examined and rejected on sound grounds.
7. Correct to the extent that the service appeal of the appellant was partially accepted by the Honorable Tribunal, and the order of the appellate authority was set aside, while the order of the competent authority regarding to reduction in pay was stand confirmed vide judgment dated 27.07.2019.
8. Incorrect the judgment of this honorable Tribunal was laterally implemented accordingly in letter with spirit as an implementation order was issued by the respondent in pursuance with the above judgment.
9. Pertains to record.
10. Incorrect, departmental appeal submitted by the appellant was thoroughly examined and rejected on sound grounds.
11. The appellant has no cause of action to file the instant appeal and the same may be rejected on the following grounds.

**GROUND:-**

- A. Incorrect and denied. The orders so far issued by the respondents in the case of appellant are legally justified and in accordance to law/rules and therefore, the instant appeal liable to be dismissed.
- B. Incorrect and denied. The appellant was absolutely treated in accordance with law within the meaning of Article 4 & 25 of the constitution by giving him. Sufficient and proper opportunities of defence and that the entire proceedings were carried out in accordance with existing laws and rules.

- C. Incorrect and denied. The orders issued by the respondents against the appellant are legally justified in accordance with law and rules.
- D. Incorrect and denied. The Fundamental Rules put up by the appellant in the para is not applicable to the case of appellant.
- E. Incorrect. According to Police Rules 1975 Rule 4(B-I) there is no mention of any directions to specify the period for awarding the punishment by bringing a civil servant into the lowest stage as time scale.
- F. The respondents may also be permitted to create additional grounds at the time of arguments.

**PRAYERS:-**

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

**Superintendent of Police,  
Peshawar Range, Peshawar  
(Respondent No. 4)**

**Assistant Inspector General of Police,  
(Establishment)  
Khyber Pakhtunkhwa, Peshawar  
(Respondent No.3)**

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

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

"Annex A"

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**CHARGE SHEET U/R 6(1)(A) NWFP (NOW KHYBER PAKHTUNKHWA)**  
**POLICE RULES 1975.**

You Constable **Ghulam Abbas NO.3103**, posted at FRP/Peshawar Range Peshawar are hereby charged for committing the following Omission/Commissions.

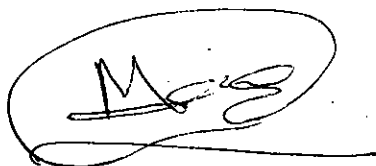
As per CCP Peshawar, Daily Dairy Report No.12 Dated 03.10.2018 Constable **Ghulam Abbas NO.3103**, of FRP Peshawar Range, while deployed in platoon No.62 of CCP posted at Main Gate Police Line Peshawar on 02.11.2016 but you were disappeared and remained absented from lawful duty without any leave/permission from the Competent Authority.


You are hereby called upon to submit your written defence against the above charged before the enquiry officer.

Your reply should reach to the enquiry officer within (7) days from date of receipt of this charge Sheet, failing with Ex-part proceeding shall be initiated against you.


**SUMMARY/STATEMENT OF ALLEGATION**

As per CCP Peshawar, Daily Dairy Report No.12 Dated 03.10.2018 Constable **Ghulam Abbas NO.3103**, of FRP Peshawar Range, while deployed in platoon No.62 of CCP posted at Main Gate Police Line Peshawar on 02.11.2016 but you were disappeared and remained absented from lawful duty without any leave/permission from the Competent Authority. Your reply should reach to the enquiry officer within (7) days from date of receipt of this charge Sheet, failing with Ex-parte proceeding shall be initiated against you.



  
Superintendent of Police, FRP  
Peshawar Range, Peshawar.

17101-2497363-1

  
9-10-2018

Subject:

✓ B

DEPARTMENTAL ENQUIRY AGAINST CONSTABLE  
GHULAM ABBAS KHAN NO. 1303/FRP RANGE.

ALLEGATIONS:

As per CCP Peshawar Daily Diary report No. 12 dated 03.10.2018, Constable Ghulam Abbas No. 3103 of FRP Peshawar Range, while deployed in platoon No. 62 of CCP posted at main gate Police Lines Peshawar on 02.11.2016 but he was disappeared and remained absent from lawful duty without any leave / permission from the competent authority. The accused official was issued Charge Sheet and Statement of Allegations and the enquiry was marked to the enquiry committee comprising of DSI Ilyas Khan and SI Altaf Hussain of FRP Peshawar Range for proper probe.

PROCEEDINGS:

The enquiry committee summoned the accused Constable Ghulam Abbas No. 3103, ASI Sajjad Siraj Muharrir Police Lines Peshawar, Gul Zeb No. 395, ASI Muhammad Amin I/C Guard main gate Police Lines and HC Shaukat Khan No. 2724 FRP, heard them at length and recorded their statements which are available in enquiry file. Besides, all relevant recorded requisitioned and perused. Brief of their statements is given below:

1. ASI Siraj Sajjad Muharrir Police Lines, narrated that 16 x FRP Platoons were deployed for security of Police Lines Peshawar. It were being supervised by SI/PC Shakeel Khan Lines Officer, MM Ihtisham and Shahzad from FRP and Mivi Gul Zeb No. 395 from Peshawar Police. On multiple transfers from Police Lines, duty rosters of all guards were checked for fulfilling the strength deficiency, during which it revealed that name of accused Constable Ghulam Abbas No. 3103 was missing from duty rosters of main gate Police Lines. In the guard total 04-04-55 officials were deployed. The official was deputed there about two years back on 02.11.2016. He brought the matter into the notice of his seniors and the accused official was absented vide DD No. 12 dated 03.10.2018 Police Lines, Peshawar from the date of his departure for the duty. He added that he has never got any illegal gratification from the accused Constable Ghulam Abbas.

During cross examination he stated that name of accused Constable was present in Register Guardat but he has never been reported absent from duty by any supervision officer (J.O. SO etc) nor he was called during the period for any special duty.

In reply to another question, he admitted that checking and arrangement of Guards, was in his prime responsibilities which did not performed efficiently due to multiple special duties in Peshawar.

2. Gul Zeb No. 395 MM Police Lines collaborated his statement in line with the above statement of Muharrir Sajjad Siraj. Moreover, he termed the allegations of accused Constable baseless and fictitious only to save his skin. He produced HC Shaukat No. 2724 as witness in support of willful absence of the accused Constable from his official duty.

3. HC Shaukat No. 2724, stated that some days back Constable Ghulam Abbas met with him at FRP Building at Police Lines, Peshawar and asked

' B/2 ' ✓

him that he has remained absent from guard duty of Police Lines main gate for about two years and he requested him for help.

4. ASI Muhammad Ameen stated that he has been posted as guard commander at main gate Police Lines, Peshawar since last four and half months. During the period the accused Constable has neither guard performed any duties with him nor his name existed in Register of official.

5. Alleged Constable Ghulam Abbas No. 3103 stated that on 02.09.2016 he was closed from guard duty at Judges Colony Hayat Abad to Police Lines, Peshawar. On his arrival to Police Lines MM Gul Zeb No.2395 of FRP gave him a Parwana to report for duty at main gate Police Lines after spending a night leave. On his return he was separate by the said MM and asked him to give him monthly Rs.15000/-, deposit mess charges and remain in your home without any duty. So, as per the settlement he regularly paid him Rs.15000/- per month and deposited mess charges and remained in home since 02.09.2016, with support and backing of the said MM. When the mentioned MM proceeded for lower collage course to Police Training Collage, Hangu, the said amount was being received by Muharrir Sajjad of FRP and he was spared from duty.

The accused official also produced an application wherein he narrated that he was telephonically contacted by MM Gul Zeb and threatened him to not mention his name before the enquiry committee.

#### FINDINGS:

1. As per DD No. 12 dated 03.10.2018, Police Lines Peshawar Constable Ghulam Abbas No. 3103 was deputed to report for security duty at main gate Police Lines Peshawar but he instead of joining his duty, remained absent from duty since his departure on 02.11.2018. Hence, he was marked absent with effect from the date of his absence /departure (i.e 02.11.2018) and recommended for proper departmental action.

2. Constable Ghulam Abbas No. 3103 was issued Charge Sheet and Statement of Allegations by the competent authority in light of the Daily Dairy Repot.

3. Constable Ghulam Abbas disclosed that MM Gul Zeb No. 395 and ASI Sajjad Siraj MM and Muharrir Police Lines, respectively, got monthly Rs.15000/- from him as illegal gratification and he was asked by them to also deposit monthly mess charges and remained in house without duty.

4. MM Gul Zeb and Muharrir Sajjad Siraj were summoned who denied the allegations that they are being blamed by the accused official only to save his skin. However, they did not put forward any plausible evidence / proof in their defense to rebut the serious allegations of receiving illegal gratification, Rs.15000/ monthly, from the accused official.

5. It is worth consideration that how an official remained unnoticed in guard for about two years although his name was present in Register Guardat and the guard was regularly and repeated being checked by duty officers, etc. In this regard, the alleged backing and support on part of mentioned Muharrir and MM, could not be ruled out.

B/3 ✓

6. However, willful absence of accused Constable Ghulam Abbas No. 3103 from his official duty for about two years with effect from 02.11.2018 has been proved.

RECOMMENDATION:

1. In light of enquiry, the allegations leveled against Constable Ghulam Abbas No.3103 in Charge Saect and Statement of Allegations of willful absence from his official duty since 02.11.2016 has been proved for which he is recommended for Major Punishment beside monthly salary which he got during absence period may also be recovered from him.

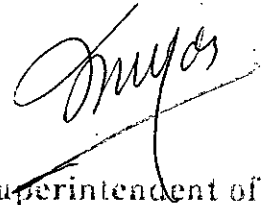
2. ASI Sajjad Siraj and Gul Zeb No. 2395 Muharrir and MM respectively of Police Lines Peshawar found guilty of negligence, inefficiency and lack of interest in discharge of their official duties due to which the accused official remained in his home for about two years without leave / permission of the competent authority and he regularly got his salary. In this scenario, their receiving illegal gratification, Rs. 15000/- monthly, from the accused Constable Ghulam Abbas No. 3103 could not be ruled out. Hence, they both are recommended for proper departmental action.

3. Besides, SI Shakeel Khan Lines Officer FRP is also found guilty of negligence, inefficiency and lack of interest in discharge of his official duty, for his loose supervision over Muharrir staff which caused such (planned / deceitful) absence of the accused official. He is also recommended for departmental action.

Finding report is submitted please.



SI Altaf Hussain of FRP  
Peshawar Range, Peshawar



Deputy Superintendent of Police,  
FRP Mardan Range, Mardan.

حکومت اسیس اور کمیونٹی  
پشاور رینج پشاور  
11/6

Office

"Annex C"

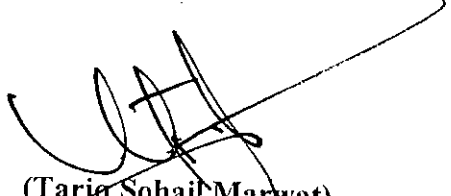
**FINAL SHOW CAUSE NOTICE UNDER POLICE RULES 1975.**

I, Superintendent of Police FRP Peshawar Range Peshawar, as competent authority do hereby serve you Constable Ghulam Abbas No.3103, of FRP/PR Peshawar.


- 1) I. That consequent upon the completion of inquiry conducted against you by DSP/Ilyas Khan and SI/Iltaf Hussain of FRP/PR: for which you were given full opportunity of hearing. On going through the finding/recommendations of the enquiry officer the material available on record and other connected papers I am satisfied that you have committed the following acts/omission per police rules 1975.

As per CCP Peshawar, Daily Dairy Report No.12 Dated 03.10.2018 Constable Ghulam, Abbas No.3103, of FRP Peshawar Range, while deployed in platoon No.62 of CCP posted at Main Gate Police Line Peshawar on 02.11.2016 but he was disappeared and remained absented from lawful duty without taking any leave/permission from the competent authority. Your this act amount to gross miss-conduct and punishable.

- 2) Therefore, I Superintendent of Police FRP/PR Peshawar as competent authority has tentatively decided to impose upon you Major/Minor penalty including dismissal from service under the said Rules.
- 3) You are, therefore, required to Show Cause as to why penalty should not be imposed upon you.
- 4) If no reply to Final Show Cause Notice is received within the seven (07) days of it delivered in the normal course of circumstance, it shall be presumed that you have no defense to put in and consequently ex-parte action shall be taken against you.

  
(Tariq Sohail Marwat)  
Superintendent of Police, FRP  
Peshawar Range, Peshawar.

No. 564 /PA, dated Peshawar the 20 / 11 /2018.

  
20-11-18  
MOBI- 0312-4141036  
CNIC- 17101-2497363-1

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 1721/2020.


Ghulam Abbas, Ex-constable (BPS-07) No. 3103, Frontier Reserve Police/Peshawar Range, Peshawar .....Appellant.

**VERSUS**

1. **Inspector General of Police,**  
Khyber Pakhtunkhwa, Peshawar.
2. **Commandant Frontier Reserve Police,**  
Khyber Pakhtunkhwa, Peshawar.
3. **Additional Inspector General of Police,**  
(Establishment), HQrs, Khyber Pakhtunkhwa, Peshawar.
4. **The Superintendent of Police, FRP**  
Peshawar Range, Peshawar ..... Respondents.

**AFFIDAVIT**

I, Ghasan Ullah ASI FRP HQ: do hereby solemnly affirm and declare on oath that the contents of the accompanying Para-wise Comments on behalf of Respondents No. 1 to 4 is correct to the best of my knowledge and belief that nothing has been concealed from this Honorable Court.

  
Deponent.  
Ghasan Ullah

CNIC. 17121-9891560-3

**ATTESTED**

