


# FORM OF ORDER SHEET

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

**Appeal No.** 1281/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	06/06/2023	<p>The appeal of Mr. Rizwanullah received today by registered post through Sheikh Ifikhar ul Haq Advocate. It is fixed for preliminary hearing before touring Single Bench at D.I.Khan on</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL CAMP COURT DERA ISMAIL KHAN**

Service Appeal No. 1281 /2023

Rizwan Ullah

**VERSUS**

Inspector General of Police and others

**SERVICE APPEAL**

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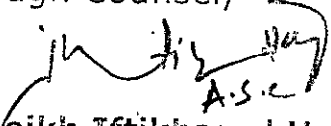
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Date: 31/05/2023

Yours Humble Appellant

  
Rizwan Ullah

Through Counsel,

  
A.S.C.  
Sheikh Iftikhar ul Haq  
Advocate Supreme Court  
Cell #0345-9785920

- 1 -

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL CAMP COURT DERA ISMAIL KHAN**

Service Appeal No. 1281/2023

Rizwan Ullah/Muhammad Rizwan son of Rehmat Ullah  
caste Kundi r/o village Pai Tehsil & District Tank. Ex-Constable  
Belt No. 8922 FRP Tank/Dera Ismail Khan.

Cell#0314-6944851, 0344-9380066

**Appellant**

**Versus**

1. Provincial Police Officer (IGP), Khyber Pakhtunkhwa,  
Peshawar.
2. Commandant FRP Khyber Pakhtunkhwa Peshawar.
3. The SP FRP D.I.Khan Range Dera Ismail Khan.

.....**Respondents**

**SERVICE APPEAL UNDER SECTION 4 OF THE KPK SERVICES  
TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER  
OB#46 DATED 12/01/2023 VIDE WHICH THE APPELLANT IS  
REMOVED FROM SERVICE WITHOUT ANY LAWFUL  
JUSTIFICATION AS WELL AS AGAINST THE ORDER OF  
APPELLATE AUTHORITY (RESPONDENT#2) OB-4155-56  
DATED 02/05/2023 VIDE WHICH THE DEPARTMENT APPEAL  
OF APPELLANT WAS REJECTED.**

**PRAYER**

On acceptance of the instant Service Appeal the impugned order dated 12/01/2023 issued by the SP FRP D.I.Khan Range Dera Ismail Khan and also against the order of the appellate authority (respondent#2) dated 02/05/2023 may please be set aside and the appellant may kindly be reinstated into service with all back benefits.

Respectfully Sheweth:-

The Appellant most respectfully submits as under:-

**BRIEF FACTS:**

1. That the appellant was appointed as Constable in the incumbency of respondents/authority on 17/09/2013 in Frontier Reserve Police Dera Ismail Khan/Tank after observing all the legal and code of fulfillments and was allotted Belt No. 8922/FRP.
2. That the appellant performed his duties to the entire satisfaction of his superiors. Moreover, during the whole tenure of services, the appellant never availed any leave during the whole career of services and thus on the career of the appellant in ten year services hundreds of leaves in appellant's credit.
3. That actually on 11/07/2022 a heavy flood was occurred in the home village i.e. village Pai of the appellant, due to which the house of appellant was completely damaged. Due to this reason the appellant was called by woman folks of his family with critical condition that appellant must come to rescue the family, damaged house, as well as other villagers who were suffering due to flood. In this respect notification issued by the Deputy Commissioner Tank which is available in the office of Deputy Commissioner Tank. For proof pictures of damaged house are annexed herewith for ready reference as **Annexure-A.**
4. That after the flood disaster the family members of the appellant had been suffered in various diseases and thus the appellant was in compelling circumstances became busy in rescue, repairing of damaged house, treatment of his family members including the treatment of his pregnant wife. It is also pertinent to mention here that the appellant also submitted an application in respect of flood to the high-ups which was forwarded on 16/08/2022. Copies of relevant record treatment etc as well as application dated 16/08/2022 are annexed as **Annexure-B & C.**

5. That although in the above scenario the appellant was constructively on duty during this period, but when the appellant on 12/01/2023 appeared before the concerned Moharir FRP Range Dera Ismail Khan and made attendance vide Madd report and abruptly ordered to the appellant to submit reply of show cause notice at once, which the appellant submitted reply against the show cause notice with not full satisfactory mind as the appellant was ordered to file the reply of show cause notice in emergency. Copies of the Madd report, show cause notice and reply of show notice are available in the incumbency of respondents/authority because no opportunity of hearing was given to the appellant to procure the copies of the same.
6. That thereafter in the light of above scenario the appellant was in shocking and un telling and un avoidable circumstances, although was on duty but in spite of this the respondents/authority issued the impugned order#OB-46 dated 12/01/2023 with the allegations that appellant was not present on duty from 27/10/2022 till date i.e. 12/01/2023. Copy of the impugned order dated 12/01/2023 is annexed as **Annexure-D.**
7. That thereafter the appellant submitted departmental appeal well within time after receiving the impugned order on 08/02/2023 to the appellate authority i.e. respondent#2. Copy of the departmental appeal and postal receipt is annexed as **Annexure-E.**
8. That the appellate authority rejected the appeal of appellant vide impugned order OB#4155-56 dated 02/05/2023, which was conveyed to the appellant on 08/05/2023. Copy of the impugned order dated 08/05/2023 is annexed as **Annexure-F.**
9. That the appellant, being aggrieved from the afore mentioned impugned orders, the instant service appeal is being filed, inter alia, on the following grounds.

GROUND:

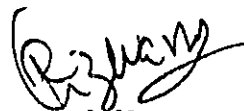
- a. That the impugned order dated 12/01/2023 issued by the respondent#3 as well as the impugned order dated 02/05/2023 issued by the respondent#2 are against law, facts, natural justice, void ab initio, hence, liable to be set aside.
- b. That both the impugned orders are against law, principle of service laws, policy, rules, regulations and also against the Police Rules, 1934 as amended in 2014 and is also not in the commence of EASTA Code.
- c. That no charge sheet, statement of allegations are even issued nor served on the appellant and on this sole ground the impugned orders are liable to be set aside.
- d. That no proper inquiry whatsoever was conducted by the respondents while issuing the impugned orders and thus, the impugned order are liable to be set aside being issued in violation of law.
- e. That after alleged show-cause notice no opportunity of personal hearing had been given to the appellant and on this sole ground the impugned orders are not sustainable in the eye of law.
- f. That the whole proceedings (although not admitted) whatsoever has been done by the respondents/authority in slipshod manner expeditiously without comes into mind the critical conditions of the appellant and on the basis of humanitarian grounds the impugned order is also liable to be quashed.

- g. That no charge sheet, initial show-cause notice, final show cause notice and statement of allegations were issued against the appellant, in short no inquiry whatsoever had been conducted in the case of appellant, hence, the impugned <sup>in removal</sup> order is against the norms of natural justice and liable to be set aside.
- h. That the appellant is a poor fellow having family with children and there is no earning hand except the service of appellant, hence, the service of appellant is liable to be reinstated along with all back benefits.
- i. That counsel for appellant may kindly be allowed to raise additional grounds at the time of arguments.

It is therefore, humbly prayed that On acceptance of the instant Service Appeal the impugned order dated 12/01/2023 issued by the SP FRP D.I.Khan Range Dera ismail Khan and also against the order of the appellate authority (respondent#2) dated 02/05/2023 may please be set aside and the appellant may kindly be reinstated into service with all back benefits.

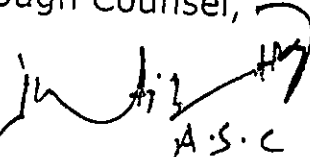
Date: 31/05/2023

Yours Humble Appellant



Rizwan Ullah

Through Counsel,



A.S.C  
Sheikh Iftikhar ul Haq  
Advocate Supreme Court  
Cell#0345-9785920

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL CAMP COURT DERA ISMAIL KHAN**

Service Appeal No. \_\_\_\_\_/2023

Rizwan Ullah

**VERSUS**

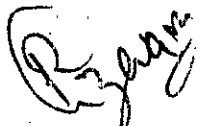
Inspector General of Police and others

**SERVICE APPEAL**

**AFFIDAVIT**

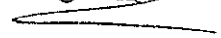
I, **Rizwan Ullah/Muhammad Rizwan** son of Rehmat Ullah caste Kundi r/o village Pai Tehsil & District Tank. Ex-Constable Belt No. 8922 FRP Tank/Dera Ismail Khan, do hereby solemnly affirm and declare on oath that contents of above Service Appeal are true & correct to the best of my knowledge and that nothing has been concealed from this Honourable Court.

Dated: 31/05/2023



**DEPONENT**

Oath Commissioner  
Distt: Dera Ismail Khan





Entry No. 1308 / 13024

Date: 4/13/2023

Patient's Name: Fatima Bibi

Husband/Father Name: Rizwan

Disease: Gynae Problem

Rs. 30

G.P. 20<sup>th</sup> MDS

L.A 8/12

Adc

CBC

Blowd

CBC

RBS

G - Buerp miltar  
C - Dyspepsia

P/A = 8ft: 24 yrs  
w/ constipation

no dry cough

Attended to be

true copy

*[Signature]*

RICT HEADQUARTER TEACHING HOSPITAL

DERA ISMAIL KHAN

Dr. Abeela Azam

M.B.B.S, M.C.P.S ( Gynae)  
FCPS (Gynae)

Patient's Name Fatima Date 13/4/2025 Ref No. \_\_\_\_\_

REPORT IS NOT VALID FOR COURT PURPOSE

OBSTETRIC - ULTRA-SONOGRAPHY

FOETAL VIABILITY

Single

viable

PRESENTATION

Cephalic

AMNIOTIC FLUID

Adequate

PLACENTA

fundal



Attached to true copy

GESTATIONAL AGE

25 weeks

DIC - Abeela

Q





POLICE DEPARTMENT  
ORDER:-

Ann-D

FRP D.I.KHAN

My this order will dispose off departmental enquiry conducted against Constable Muhammad Rizwan No.8922/FRP under Khyber Pakhtunkhwa Police Disciplinary Rules-1975 (Amended in 2014).

According to daily diary reports No.17 dated 27.10.2022 of FRP Police Lines DIKhan, he remained absent from law full duties with effect from 27.10.2022 till date without any leave or permission from the High-up's.

On the basis of above, he was served with Show Cause Notices. He was required to submit the reply of said show cause notices within stipulated period but failed. He was charge sheeted. SI Sajid Hussain of FRP DIKhan Range was nominated Enquiry Officer to unearth the actual facts. The Enquiry Officer summoned him time and again to join the enquiry proceeding, but he does not attend the enquiry proceedings. After completion of all codal formalities. The Enquiry Officer submitted his finding report along with other relevant papers wherein the defaulter Constable was found guilty of the charges leveled against him and recommended him for Final Show Cause Notice. Final Show Cause Notice was served upon him accordingly. He was required to submit the reply of Final Show Cause Notice but he failed. He was called and heard in person but he failed to convince the undersigned about his innocence.

From the perusal of his service record it revealed that he was enlisted as Constable on 17.09.2013, during his service he remained absent from law full duties for (365) days, awarded minor punishment of confinement to quarter guard for 04 days, Extra drill for 05 days, Fine Rs.2100/- stoppage of 01 annual increment without cumulative effect and also awarded major punishment removal from service and reinstated by the competent authority previously.

Keeping in view the facts stated above, L. MR. MUHAMMAD ABIF, Superintendent of Police FRP D.I.Khan Range, D.I.Khan, in exercise of powers vested in me under Khyber Pakhtunkhwa Police Disciplinary Rules-1975 amended-2014, by taking lenient view is hereby awarded him for major punishment of Removal from Service from the date of absence.

Dated \_\_\_\_\_/2023.

OB No. 46 /FRP  
Dated 13 /01/2023

Copy to:-

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

Attached to me  
true copy

*(Signature)*

*(Signature)*  
(MUHAMMAD ABIF)  
Superintendent of Police,  
FRP DIKhan Range DIKhan.

بخدمت جناب ڈپٹی انسپکٹر جنرل آف پولیس ریجن ڈیرہ اسماعیل خان

Ann - " E "

اپیل برخلاف حکم OE No. 46/FRP مورخہ 12/09/2023 جس کی رو سے من سائل 1

کانشیل کو Major Punishment دیتے ہوئے Removed from

service کیا گیا۔

جناب عالی! سائل حسب ذیل عرض : اس ہے۔

1۔ یہ کہ من سائل مورخہ 17/09/2013 کو FRP ٹانگہ میں بطور کانشیل بھرتی ہوا تھا اور بعد از بھرتی پوری ایمانداری اور جانفشانی کے ساتھ اپنے فرائض منصبی سرانجام دیئے اور اسراران بالا کو شکایت کا کوئی موقع نہیں دیا اس نسبت سائل کا سروس ریکارڈ واضح ہے۔

2۔ یہ کہ مورخہ 11 جولائی 2022 کو سائل کے گاؤں پانی میں حالیہ سیلاب 2022 میں سائل کا مکان مکمل طور پر تباہ ہو گیا اسی طرح سائل کے گاؤں، پانی میں دیگر لوگوں کے مکانات بھی سیلاب کی وجہ سے منہدم ہو گئے تھے اس تمام صورتحال کی وجہ سے سائل شدید ذہنی و جسمانی کوفت میں مبتلا رہا۔ تاہم سائل معہ اہلخانہ سیلاب سے بچ نکلنے میں کامیاب ہو گئے اور اب تک خیموں میں رہائش پذیر ہیں۔ سائل کے منہدم شدہ مکان کی تصاویر لف ہیں۔

3۔ یہ کہ مذکورہ بالا حالات و واقعات کی وجہ سے سائل اپنی ڈیوٹی سرانجام دینے سے قاصر رہا تاہم من سائل نے غیر حاضری کی نسبت متعلقہ حکام کو بروقت اطلاع دی تھی۔

4۔ یہ کہ اب سائل اپنی ڈیوٹی پر دوبارہ حاضر ہونا چاہتا تھا لیکن اس دوران سائل کو لیٹر مندرجہ عنوان بالا موصول ہوا ہے جس میں سائل کو غیر حاضری کی وجہ سے Major Punishment دیتے ہوئے Removed from service کر دیا گیا جس کو منسوخ فرمانا مطلوب ہے۔ نقل لف ہے۔

5۔ یہ کہ سائل ایک غریب گھرانے کا چشم و چراغ ہے اور سائل کے بوڑھے والدین اور چھوٹے چھوٹے بچوں کی کفالت بھی سائل کے کندھوں پر ہے اور اس مہنگائی کے دور میں خاندان کی کفالت انتہائی مشکل ہو چکی ہے۔ سائل کی ملازمت ہی سائل کا واحد ذریعہ آمدنی ہے اس کے علاوہ دیگر کوئی ذریعہ آمدنی نہیں ہے۔

6۔ یہ کہ یہاں پر یہ امر بھی قابل ذکر ہے کہ سائل کو Major Punishment دینے سے قبل برعکس قانون، قواعد و ضوابط کوئی شوکاژ نوٹس جاری نہیں کیا گیا بلکہ سائل کی لاعلمی میں تمام کارروائی سرانجام دی گئی ہے۔ اسی طرح سائل کو ذاتی شنوائی کا موقع بھی نہیں دیا گیا ہے۔

Attest

Signature

۷۔ یہ کہ سائل نے عرصہ تقریباً 9 سال تک محکمہ پولیس میں اپنی خدمات سرانجام دی ہیں اور اب سائل کو ایک جنبش قلم ملازمت سے Remove کرنا خلاف قانون، خلاف پولیس رولز، خلاف قواعد و ضوابط ہے اس لئے بھی Removal Order کو منسوخ فرمانا عین قرین انصاف ہے۔ سائل آپ جناب کو یقین دہانی کراتا ہے کہ آئندہ کبھی بھی شکایت کا موقع نہیں دے گا۔

۸۔ یہ کہ اس نسبت آپ جناب کو وسیع تر اختیارات حاصل ہیں۔

لہذا ہندوستان پبلک کی جاتی ہے کہ درج بالا وجوہات کی روشنی میں سائل کی غیر حاضری کو رخصت اتفاقیہ تصور فرماتے ہوئے Removal From Service order کو منسوخ فرمایا جائے اور سائل کو ملازمت پر معہ سابقہ مراعات بحال فرمایا جائے۔ سائل اور اس کے اہلخانہ آپ جناب کیلئے تازیت دعا گو رہیں گے۔

سورخہ 08/102/2023

رضوان اللہ ایڈووکیٹ کونسل بیلٹ نمبر 8922، FRP ٹانک

شناختی کارڈ نمبر 3-74-58664.12201-6944851-0314-0344-9380066

*R. I. M.*

No. 1561

RGL106208189

For Insurance Notices see reverse. Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post Office Guide or on which no acknowledgment is due.

Received a registered\* addressed to

Date-Stamp

\*Write here "letter", "postcard", "packet" or "parcel" with the word "insured" before it when necessary.

Initials of Receiving Officer

Insured for Rs. (in figures)

If insured.

Insurance fee Rs.

Name and address of sender

Weight

Kilo

Grams

Attested to be true copy

*R. I. M.*

SP FRP DI Khan Range, DI Khan, issued vide OB No. 46, dated 12.01.2023, wherein he was awarded major punishment of removal from service. The applicant was proceeded against on the allegations that he absented himself from lawful duty with effect from 27.10.2022 till the date of his removal from service i.e 12.01.2023 for total period of 02 months & 15 days, without any leave or prior permission of the competent authority.

In this regard, he was served with Show Cause Notice, but he failed to submit his reply within stipulated period. Proper departmental proceedings were initiated against him as he was issued Charge Sheet alongwith Summary of Allegations and SI Sajid Hussain of FRP DI Khan Range was appointed as Enquiry Officer to conduct proper enquiry against him. He was summoned by the Enquiry Officer time and again to join the enquiry proceedings, but he did not turn up. After completion of enquiry, the Enquiry Officer submitted his findings report, wherein the delinquent constable was found guilty of the charges leveled against him and recommended for major punishment.

Upon the findings of Enquiry Officer, he was issued Final Show Cause Notice and served upon him, but he failed to submit his reply. Besides, he was called for personal hearing in orderly room, but he failed to convince the competent authority.

Keeping in view the above narrated facts and other material available on record, he was awarded major punishment of removal from service vide OB No. 45, dated 12.01.2023.

Feeling aggrieved against the impugned order of SP FRP DI Khan Range, DI Khan, the applicant preferred the instant appeal. The applicant was summoned and heard in person in Orderly Room held on 28.04.2023.

During the course of personal hearing, the applicant failed to present any justification regarding to his prolong absence. From perusal of enquiry file it has been found that the allegations leveled against him were fully established by the Enquiry Officer during the course of enquiry. Thus there doesn't seem any infirmity in the order passed by the competent authority, therefore no ground exist to interfere in same.

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

Order Announced:

Commandant

Frontier Reserve Police  
Khyber Pakhtunkhwa, Peshawar.

No. 4155-56/Sl Legal, dated Peshawar the 02/05/2023.

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

1. SP FRP DI Khan Range, DI Khan. His service record alongwith D-file sent herewith.
2. Ex-constable Muhammad Rizwan No 8922 of FRP DI Khan S/o Rehmat Ullah R/o Village Pai, Police Station Mulazai, District Tank.

Offs No. 398  
08/05/23

89-22/11/23  
8-5-23

Attached to be  
through copy

SP OFFICER / SR  
15



