

2nd Nov., 2022

Assistant to learned counsel for the appellant present.

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

Request for adjournment was made due to engagement of learned senior counsel for the appellant before Hon'ble Peshawar High Court today. Last opportunity is granted. To come up for arguments on 15.12.2022 before the D.B.



(Fareeha Paul)
Member (E)



(Kalim Arshad Khan)
Chairman

15.12.2022

Due to general strike of the Bar, case is adjourned to 06.03.2023 before D.B. Office is directed to notify the next date on notice board as well as the website of the Tribunal.

SCANNED
KPST
Peshawar

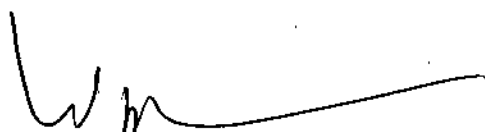

(Fareeha Paul)
Member (E)


(Rozina Rehman)
Member (J)

08.11.2021

Appellant in person present. Mr. Asif Masood Ali Shah,
Deputy District Attorney for the respondents present.

Appellant sought adjournment on the ground that his
counsel is not available today due to strike of Lawyers.
Adjourned. To come up for arguments before the D.B on
09.02.2022.



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



(SALAH-UD-DIN)
MEMBER (JUDICIAL)

9-2-2022- Due to retirement of the Honorable
Chairman the case is adjourned to
come up for the same as before

on 2-6-2022



02.06.2022

Appellant in person present.

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

Lawyers are on general strike, therefore, case is
adjourned. To come up for arguments on 10.08.2022 before
D.B.



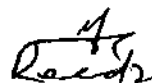
(Fareeha Paul)
Member(E)



(Rozina Rehman)
Member (J)

8.2022

Proper DB not available the case is
adjourned to 2-11-2022



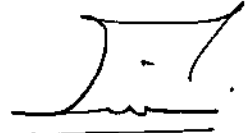
09.06.2021

Appellant in person present. Mr. Shah Jehan, ASI (Legal) alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Appellant requested for adjournment on the ground that his counsel has proceeded to Landikotal in connection with some domestic engagement. Adjourned. To come up for arguments before the D.B on 31.08.2021.



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



(SĀLAH-UD-DIN)
MEMBER (JUDICIAL)

31.08.2021

Mr. Taimur Ali Khan, Advocate for the appellant present, who submitted fresh Wakalat Nama on behalf of appellant. Mr. Muhammad Rasheed, Deputy District Attorney for the respondents present.

Learned counsel for the appellant sought adjournment on the ground that he has been engaged today and has not gone through the record. Adjourned. To come for arguments before the D.B on 08.11.2021.



(ATIQU UR REHMAN WAZIR)
MEMBER (EXECUTIVE)



(SĀLAH-UD-DIN)
MEMBER (JUDICIAL)

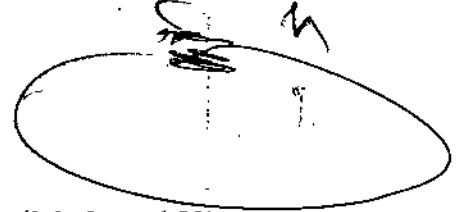
21.12.2020

Appellant in person and Mr. Kabirullah Khattak learned Addl. AG for respondents present.

According to appellant his counsel is indisposed of today and requested for adjournment. Adjourned to 04.03.2021 for arguments before D.B.



(Atiq-Ur-Rehman Wazir)
Member (E)

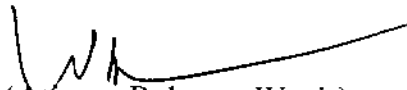


(M. Jamal Khan)
Member (J)

04.03.2021

Junior to counsel for the appellant and Addl. AG alongwith Khial Roz Inspector (Legal) for the respondents present.

Due to general strike on the call of Khyber Pakhtunkhwa Bar Council, the matter is adjourned to 09.06.2021 for hearing before the D.B.



(Atiq-ur-Rehman Wazir)
Member(E)

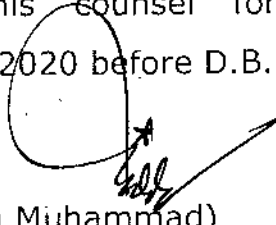


Chairman

01.04.2020 Due to public holiday on account of COVID-19, the case is adjourned to 09.06.2020 for same as before.


Reader

09.06.2020 None present on behalf of the appellant. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Riaz Gul, Admin Officer for the respondents present. Notices be issued to appellant and his counsel for attendance and arguments for 18.08.2020 before D.B.


(Mian Muhammad)
Member


(M. Amin Khan Kundi)
Member

18.08.2020 Due to summer vacations, the case is adjourned to 26.10.2020 for the same.


Reader

26.10.2020 Proper D.B is on Tour, therefore, the case is adjourned for the same on 21.12.2020 before D.B.


Reader

02.12.2019

Appellant in person present. Mr. Kabirullah Khattak learned Additional Advocate General alongwith Mr. Shah Jehan S.I (Legal) for the respondents present. Appellant seeks adjournment that his counsel is not in attendance. Adjourned. To come up for arguments on 14.01.2020 before D.B.



(Hussain Shah)
Member



(M. Amin Khan Kundi)
Member

14.01.2020

Appellant in person and Mr. Usman Ghani, District Attorney for the respondents present. Appellant requested for adjournment on the ground that his counsel is not available today due to general strike on the call of Khyber Pakhtunkhwa Bar Council. Adjourned to 24.02.2020 for arguments before D.B.



(Ahmad Hassan)
Member



(M. Amin Khan Kundi)
Member

24-2-2020


*The Bench is incomplete
therefor case is adjourned.
to 30-3-2020*

Reader

18.07.2019


Learned counsel for the petitioner present. Mr. Muhammad Jan learned Deputy District Attorney for the respondents present. Learned counsel for the petitioner requested for adjournment. Adjourned. To come up for arguments on 04.09.2019 before D.B.



(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

04.09.2019

Appellant in person present. Mr. Zia Ullah learned Deputy District Attorney for the respondents present. Appellant seeks adjournment as his counsel is not in attendance. Adjourned. To come up for arguments on 15.10.2019 before D.B.

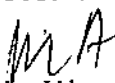

(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

15.10.2019


Appellant in person and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Shah Jehan, S.I (Legal) for the respondents present. Appellant submitted application for adjournment on the ground that his counsel is busy before the Hon'ble High Court and cannot attend the Tribunal today. Application is placed on record. Case to come up for arguments on 02.12.2019 before D.B.


(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

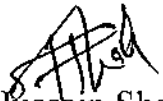
29.01.2019


Appellant alongwith his counsel present. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Shah Jehan, S.I (Legal) for the respondents present and submitted written reply. The appeal is assigned to D.B-I for rejoinder and arguments for 16.04.2019.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

16.04.2019

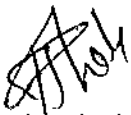
Learned counsel for the appellant and Mr. Zia Ullah learned Deputy District Attorney alongwith Mr. Javed Assistant for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for argument on 12.06.2019 before D.B.



(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

27.05.2019

Appellant in person and Mr. Kabirullah Khattak learned Additional Advocate General for the respondents present. Due to general strike on the call of Bar Council, learned counsel for the appellant is no in attendance. Adjourned. To come up for arguments on 18.07.2019 before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

13.09.2018

Appellant Sabir Hussain in person present. Mr. Kabirullah Khattak, Add: AG for respondents present. Written reply not submitted. Learned AAG requested for adjournment. Granted. Case to come up for written reply/comments on 07.11.2018 before S.B.


Chairman

07.11.2018

Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 21.12.2018. Written reply not received.


READER

21.12.2018

Appellant in person present. Mr. Shah Jehan SI legal representative of the respondents present and seeks time to furnish written reply. Granted. To come up for written reply/comments on 29.01.2019 before S.B.


Member

13.07.2018

Appellant in person present and requested for adjournment. Adjourned. To come up for preliminary hearing on 01.08.2018 before S.B.


(Muhammad Amin Kundi)
Member

01.08.2018

Appellant Sabir Hussain in person alongwith his counsel Mr. Waliullah, Advocate present and heard in limine.

Contends the major punishment has been imposed by the authority on the ground of absence whereas in fact the appellant was sick and he regularly sent medical certificates to the authority.

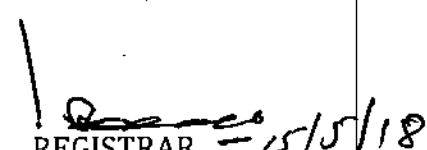


Points raised need consideration. The appeal is admitted to full hearing, subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 13.09.2018 before S.B. ~~Chairman~~

Appellant Deposited
Security & Process Fee


Chairman

Form-A
FORM OF ORDERSHEET

Court of _____
Case No. 646/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	15/05/2018	<p>The appeal of Mr. Sabir Hussain resubmitted today by Mr. Asad Naeem 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 = 15/5/18</p>
2-	18/05/18.	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>01/06/18.</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	01.06.2018	<p>Neither appellant nor his counsel present. Adjourned. To come up for preliminary hearing on 13.07.2018 before the S.B.</p> <p style="text-align: right;"> Chairman</p>

The appeal of Mr. Sabir Hussain Ex-Head Constable Police Station Charsadda received today i.e. on 03.05.2018 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Annexures- C and E of the appeal are illegible which may be replaced by legible/better one.
- ②- One copy/set of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 955 /S.T.

Dt. 04/05 /2018.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Asad Naeem Adv. Pesh.

*As per direction, deficiencies removed
and re-submitted.*

W. ul _____ al
15/5/2018

BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No. 646 /2018

Sabir Hussain

.....Appellant

Versus

Provincial Police Officer Khyber Pakhtun Khwa Peshawar and others.

.....Respondents

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(1)

BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No. 646 /2018

Sabir Hussain (Ex Head Constable Police Station Charsadda) S/O Fazal Elahi R/o Cheena Tehsil Tangi Charsadda.

.....Appellant

Versus

1. Provincial Police Officer Khyber Pakhtun Khwa Peshawar.
2. Deputy Inspector General of Police Regional Police Officer Mardan.
3. District Police officer Charsadda

.....Respondents

Appeal U/s 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974 against the order dated 03-4-2018 passed by respondent no.1 whereby the departmental appeal of the petitioner was turned down while upheld the order of respondent no 2 and 3 whereby the appellant was dismissed from service .

Prayer:-

On acceptance of this appeal ,the impugned order dated 03-04-2018 of respondent no.1 and the appellant may kindly be re-instated in service with all back benefits.

Respectfully Sheweth,

Brief facts of the instant appeal are as under:-

- 1) That the appellant was initially appointed as **Constable** in police department, subsequently the appellant was promoted as **Head Constable**. *(Copy of Service card is attached as Annex-A)*
- 2) That from the day one of initial appointment, the appellant has performed his duty with full devotion, dedication and up to the entire satisfaction of his superiors, hence the appellant has maintained

unblemished service record and also posses very good reputation among his colleagues, on response of which the appellant was awarded several certificate on account of his excellent performance of his duty.

(Copies of Good Performance Certificates are attached as Annexure A1 to A6).

- 3) That the appellant was became ill and the doctor advise to take complete bad rest that's why the appellant absented from his duty, but the appellant was submitted his medical reports etc with the Mahrar of police station concern . **(Copies of medical reports are Annexure B1 to B12 respectively)**
- 4) That the appellant as mentioned above was seriously ill and the same fact was communicated in the shape of medical reports to the Mahara concern police station but the same were not taken into consideration and departmental inquiry was made conducted against the appellant in the result of which the appellant was recommended for major penalty and was dismissed from service and his absence period was treated as leave without pay.
- 5) That when the appellant got knowledge from one of his colleague that his service was terminated due to absence from duty, than the appellant was become very surprised when hear about his dismissal from service despite the fact that the appellant has handover his medical reports to the concerned **Muhrar of police station Charsadda.**
- 6) That the appellant never ever received any show cause notice, charge sheet, final show cause notice etc from the competent authority, nor aware from any departmental inquiry conducted against the appellant and all the proceedings were conducted at the back of the appellant and passed order dated 15-12-2016. **(Copies of order dated 15-12-2016 as attached as Annexure C).**
- 7) That after knowledge of the impugned order date 15-12-2016 , the appellant filed a time barred appeal before the **respondent no 2** which was turned down vide order dated 13-03 2018 with the remarks that the same is time barred.**(Copy of departmental appeal and order date 13-03-2018 are attached as Annexure D & E).**
- 8) That being aggrieved from the order date 13-03-2018 the appellant approached the respondent no 1 for redressal by filing another appeal but the same was also turned down by the **respondent no 1** vide order

(3)

dated 03-04-2018, hence the instant appeal .(Copies of departmental appeal & order dated 03-04-2018 are attached as Annexure F &G)

9) That being aggrieved from the order dated 03-04-2018 ,the appellant approached this Hon'ble Tribunal on the following inter alia:-

GROUND:-

- a) That the appellant serving in police department from the last **Twenty four years** and is very much near to his pension benefits and performed his duty honestly efficiently and there is no reverse remarks or allegation whatsoever against the appellant on service record or service book, hence the order impugned is illegal and void ab-intio.
- b) That mandatory provision of law and rules has badly been violated by the respondents and the appellant has not been treated according to law.
- c) That the appellant did nothing that would amount to misconduct.
- d) That one sided inquiry had been conducted at the back of the appellant and no show cause, charge sheet, final show cause notice has been issued to the appellant nor any dismissal order has been communicated to the appellant, hence the order impugned is not maintainable in the eye of law and liable to be set it aside.
- e) That the impugned order is not a speaking order and thus untenable in the eye of law, hence liable set it aside.
- f) That the appellant his been punished twice i.e. leave without pay and dismissal from service which is not valid order, hence liable to be set aside.
- g) That the inquiry officer without following the codal formalities and without extending proper opportunity of defence , concluded the inquiry in slip short manner, hence not fulfilled the requirement of codal formalities liable to be set it aside.
- h) That the competent authority without following mandatory provision of law of issuance show cause notice ,passed the impugned order ,which is not tenable in the eye of law.

(4)

- 5
- i) That absence of the appellant from his duty was neither willful nor deliberate but due to unavoidable circumstances mentioned in detail in departmental appeal.
 - j) That any other ground will be taken at the time of arguments.
 - k) That the appellant is a poor man and father of Six children and have no other source of income except the service .

It is therefore mostly humbly prayed that on the acceptance of the instant appeal and the impugned orders passed by the respondents may kindly be set aside and the appellant may be ordered to reinstate in service with all back benefits to meet the ends of justice.

Appellant

Through

Asad Naeem

&

Wali Ullah

Advocates High Court

Peshawar.

Dated 02-05-2018

(5)

BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No. _____/2018

Sabir Hassain

.....Appellant

Versus

Provincial Police officer Khyber Pakhtun Khwa Peshawar and
others.

.....Respondents

Affidavit

I, Sabir Hussain(Ex Head constable police station Charsadda) S/O
Fazal Elahi R/o Cheena Tehsil Tangi Charsadda ,do hereby
solemnly affirm and declare on oath that the contests of service
appeal are true and correct best of knowledge and belief and
nothing has been concealed from this Honour able Tribunal.

Deponent

(6)

BEFORE THE HONURABLE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No. _____/2018

Sabir HussainAppellant

Versus

Provincial Police officer Khyber Pakhtun Khwa Peshawar and
others.

.....Respondents

ADDRESSES OF PARTIES

APPELLANT:-

Sabir Hussain(Ex Head Constable Police Station Charsadda) S/O Fazal
Elahi R/o Cheena Tehsil Tangi Charsadda .

RESPONDENTS:-

1. Provincial Police officer Khyber Pakhtun Khwa Peshawar.
2. Deputy Inspector General of Police Regional Police Officer
Mardan.
3. District Police Officer Charsadda.

Through
Asad Naeem

W.ull & al
Wali Ullah

Advocates High Court

Peshawar.

Dated: 02-05-2018

Proxure (A1) (0)



N.W.F.P. POLICE CHARSADDA COMMENDATION CERTIFICATE

Class III

Granted to Corporal Gubla No. 34 P.M. Charsadda.

Son of _____ Resident of _____ Village,

Police Station, Charsadda. District, _____

In recognition of his excellent performance of duty, awarded
200 monthly Allowance & recovered 01-Kalashinkara, 01-District
and 12-Roules, 2552 Cash, Faward Rs. 300/- only.

Dated 13.7.2000
The D.S. No. 873

Dist: Charsadda
Officer

(Annexure A2) (8)

CERTIFICATE



This is to certify that;

Mr. Sabir Hussain 81/Const: _____ District Charsadda _____

has successfully completed 11-Days training on

PUBLIC DISORDER & RIOT MANAGEMENT

held at School of Public Disorder & Riot Management, Mardan

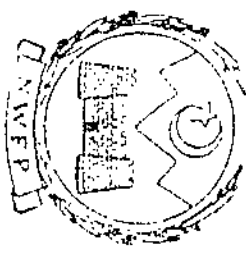
From 12.1.2015 to 23.1.2015

Deputy Inspector General of Police,
Training P.K Police

Director
Police School of Public Disorder
& Riot Management Mardan

Police No. 197
Form No. 153 (c)

(Amendment A3) (9)



N.-W. F. P. POLICE

COMMENDATION CERTIFICATE

Granted to Comptable Sultan Hussain No. 577

Son of Fazalullah

Resident of

Village

Chowara

Police Station Chowara

District

in recognition of

his good riding duty.

Muzsham

Date 2/8/87

O.P. No. 877

Supervisor II of Police

Note: (1) If a Police Officer rank and number in the margin (2) Cash reward, if any.

(Pawani A4) (10)



KHYBER PUKHTOONKHWA POLICE

Commendation Certificate

Class-III

Granted to Constable Sabir Khan No. 84 P.S. Charsada.

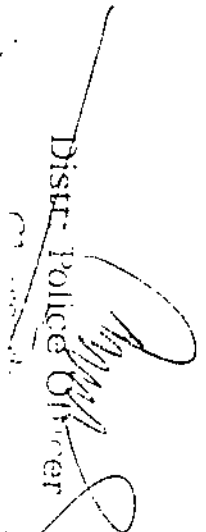
Son of _____ Resident of _____ Village

_____ Police Station _____ District

in recognition of His excellent performance of duty, arrested the accused involved in heinous cases, recovered heavy weapon & the snatched motor car from their possession, with cash reward Rs. 200/- only.

O.B No _____

Dated _____


Distt. Police Officer

(Annexure ASD) (11)



Bandy

KHYBER PUKHTOONKHWA POLICE

Commendation Certificate

Class-III

Granted to S.O. JALIL HANSAIYA YOUNG BIKER SPEED, MIRAN-4 CHARSADDA

Son of _____ Resident of _____ Village

Police Station _____ District _____

in recognition of his own best performance of duty, with cash reward

Rs. 300/- only.

Bandy

O.B No _____
Dated _____
2 Distt. Police Officer
Charsadda

(Annexure A/6) (12)



KHYBER PUKHTOONKHWA POLICE

Commendation Certificate

Class-III

Granted to _____

Son of _____ Resident of _____ Village

Police Station _____ District _____

In recognition of his excellent performance during coronation awarded CC-III

with cash reward Rs. 500/-

O.B No 70

Dated 7-1-01

[Signature]
Dir. Police Officer
Charsada

ORTHOPAEDIC CENTRE (13) (Annexure B-1)



2 km Mardan Road Charsadda
Ph: 091-6511700 Mob: 0345-9423358

Dr. Javed Iqbal
M.B.S.S., D.Orth.
Orthopaedic and Trauma Surgeon
Charsadda

ڈاکٹر جاوید اقبال

Sabir Hussain

-7-016

Handwritten notes on the left side, including "L.A.T." and "infect".

Handwritten notes on the right side, including "Capt. Yousaf" and "Call 111".

Handwritten notes at the bottom left, including "scapular" and "root".

Handwritten notes at the bottom right, including "Travel" and "Nepalben".

26 (14)
ORTHOPAEDIC CENTRE

Revenue
B-2



2 km Mardan Road Charsadda
Ph: 091-6511700 Mob: 0345-9423358

Dr. Javed Iqbal
M.B.B.S., D.Orth.
Orthopaedic and Trauma Surgeon
Charsadda

ڈاکٹر جاوید اقبال

آرٹھوپیدک اینڈ ٹراوما سرجن

Javed Iqbal

19-7-016

11
Normal

4 Ankle Bone

16 Danger

17 For don

18 100

Name: Saddam Age: 25 Sex: B Date: 01/9/2016

US
ABD

- The left kidney has mild hydronephrosis and sandy deposits. proximal ureter is mildly dilated.
- The diverticuli of bladder and portovenous the pancreas spleen at midy UB posterior abnormal morphology.

~~1-9-2016~~
01-9-2016

AASHTNAGER

Medical Laboratory

Opp. Tehsil Head Quarter Hospital Tangi



میدیکل لیبارٹری

میدیکل لیبارٹری

(B-4)

بالقابل تحصیل ہیڈ کوارٹر ہسپتال تنگی

Patient Name: صاحبزادہ Age: 35 Sex: M Date: 1-1-2016

Investigation Required: FBS

HEMATOLOGY	NORMAL VALUE	RESULT	SEROLOGY	RESULT
Hb%	M 14-18, F 12-16	12.0 G/dl	WIDAL	
TLC	4,000-11,000	10,000 /Cmm	To:	T:
RBC	F 3.5-4.5 M 4.0-6.0	/Cmm	AO:	B:
DLC			Brucella Abortus	
Neutrophils	40-75%	60 %	Brucella Melotensis	
Lymphocytes	20-45%	36 %	Rheumatoid Factor	
Eosinophils	01-06%	0.3 %	ASO titre upto	
Monocytes	01-04%	0.1 %	Toxoplasmosis	
Basophils	00-01%		Pregnancy test	
ESR	Upto 15mm/1st hours		Blood Group	Rh Factor
Platelets	150,000-4,50,000mill/cmm	Mill/cmm	HCV Ab	
Bleeding Time			Hbs Ag	
Clothing Time			IC1, III	
Haemoparasites			H. Pylori	
			HBsAg	
			Anti HBs	
			Anti HBe	
			Anti HBc	

BIOCHEMISTRY		URINE ANALYSIS	
Glucose Fasting	70-110mg/dl	Mg/dl	Glucose (+ F) Albumin Trace
Glucose Random	80-145mg/dl	100 Mg/dl	Sp. Gravity 1.015 Ph. 7.0
Blood Urea	14-40mg/dl	Mg/dl	Microscopic Examination
S. Creatinine	0.5-1.5mg/dl	Mg/dl	Pus Cells 04 - 45 /Hpf
S. Uric Acid	M 2.5-7 F 2.0-6mg/dl	Mg/dl	Red Cells 01 - 11 /Hpf
S. Cholesterol	150-250mg/dl	Mg/dl	Epit Cells /Hpf
LDL	<130mg/dl	Mg/dl	Casts /Hpf
HDL	>35mg/dl	Mg/dl	Crystals oxalate /Hpf
S. Triglyceride	50-150mg/dl	U/l	Amorphous /Hpf
S. Bilirubin Total	Up to 1mg/dl	U/l	
ALT (SGPT)	Up to 40u/l		
Alk. Phosphates	9-35u/l		
Serum Amylase	35-140u/l		
Serum Calcium	8.1-10.5mg/dl		

Remarks: _____ Signature: _____

Dr. Pir Muhammad
MBBS, MPH, RMP

(17) صوالشانی

ڈاکٹر پیر محمد

Medical Officer
T.H.Q Hospital Tangi
District Charsada

ایم بی بی ایس، ایم پی ایچ، آر ایم پی
ٹی ایچ کیو ہسپتال تنگی ڈسٹرکٹ چارسدا

(B-5)

Pt's Name: محمد حسین Age: 37 Sex: M Date: 5/11/2016

Clinical Record

Rx

4/0 RTA

= Pain in U.L.S

≠

37 37 sore in 1/2 hrs stair

70 Alcedin 1-1

513, Fano flex - P 1-1

Tan Bone - one
NS 4 P

cap. Nusein 200
1-1

Lab
Complete blood test
for one month on 5/11/2016
/ Qureshi

091-6555654 کلینک

آصف میڈیسن کیمپن بالقابل THQ ہسپتال تنگی

Dr. T. W. Muhammad
MBBS, MPH, RMP

Medical Officer
T.H.O Hospital Tungi
District Charsada

(18)

ڈاکٹر پیر محمد

ڈی ایچ او ہسپتال تونگی

ضلع چارسدہ

(B-6)

NAME: Saira Hussain

Age: _____ Sex: _____ Date: 04/12/2016

Clinical Record

Temp: _____

HR: _____
BP: _____
RR: _____

For Vitals: _____

For Temp: _____

For Respiration: _____

For Pulse: _____

_____ 500 mg for 1 month
_____ 04/12/2016 TO 03/1/2017

_____ 04/12/2016

091-6555654: _____

Dr. Pir Muhammad

MBBS, MPH, RMP

Medical Officer
T.H.Q Hospital Tangi
District Charsada

(19)

ڈاکٹر پیر محمد
حوادثی (B-7)

ایم بی بی ایس، ایم پی اچ، آر ایم پی
ٹی ایچ کیو ہسپتال تنگی ڈسٹرکٹ چارسدہ

Pt's Name محمد حسن Age 73 Sex M Date 15/8/2018

Clinical Record

Rx

% RTA

= low in Utes

±

73
Alcohol
73
Tas = one - one
Pisell 20g
1 2 1
Lev.
Completed bed rest
for one month on 15/8/2018
Signature

کلینک: 091-6555654

آصف میڈیسن کمپنی بالقابل THQ ہسپتال تنگی

Dr. Farli Raziq (20)

M.B.B.S, RMP
Physician & Surgeon
Medical-Officer
T.H.Q. Hospital, Tangi

ڈاکٹر فضل رازق

ایم بی بی ایس (آر ایم بی)
فزیٹیشن اینڈ سرجن
میڈیکل آفیسر تحصیل ہیڈ کوارٹر ہسپتال تنگی

(B-8)

Name: Sabow Hussain

Date: 18/2018

3m @ flank

B.P. 160/80

Flank pain
w/ tenderness + rigidity
w/ Colic (Cm) w/
w/ - Sp. rad. w/

- w/o + 3/4 hr
- 3/4 hr. history long

3/4 Acenim
101

IS. Sp. 101

- 3/4 B. 5W4
WF 101

Gravid 101

Cell: 0333-9483755 / 0333-9394216
E-mail: raziq78@gmail.com

تحصیل ہیڈ کوارٹر ہسپتال تنگی

AYAZ KARIM MEMORIAL WELFARE HOSPITAL TANG

SURGEON / PHYSICIAN

Dr. Muhammad Ayaz

MBBS, MACS, RMP

(21)

Invalid for Courts

(B-9)

Date 1/9/2016

Handwritten signature

Handwritten symbol

Handwritten text

Handwritten signature and notes

Handwritten notes with a bracket

Handwritten text

Handwritten notes with a bracket

Handwritten text

Handwritten text

Handwritten signature in a circle

Handwritten text

Handwritten text

ڈاکٹر محمد ایاز

سکیم پی ایس، ایم ای سی ایس، آرا ایم پی

ممبر ایس ایم ایف ایس

فون: 0300-9392722

Handwritten signature

روزانہ استعمال کے حفاظت کے لئے

Dr. Pir Muhammad (22)

MBBS, MPH, RMP

Medical Officer
F.H.Q Hospital Tungi
District Charsada

(B-10)

ڈاکٹر پیر محمد

تنگی میں ایچ. ایف. او ہسپتال

ضلع چارسدا

Pt's Name Sahib Hassan Age 14 Sex M Date 04/10/2016

Clinical Record

15/10
115/50

Cup Release STD
11/10/16

B. Pericard STD
11/10/16

For base and

11/10/16

Some epidid. C

11/10/16
11/10/16
11/10/16

11/10/16

BETTER COPY

ORDER

This order will disposed off the departmental enquiry against Constable Sabir No. 614, while posted at Police Station Charsadda, absented himself from his lawful duty w.e.f. 15/07/2016 till date, during this absence period he was close to Police Lines on 02/09/2016 but he did not report his arrival at Police Lines and thus absented himself from his lawful duty from 02/09/2016 till date without any leave or prior permission from his senior Officers, absent report recorded vide D.D's No. 8 dated 15/07/2016 and No.06 dated 12/09/2016. This shows the inefficiency, lake of interest in the performance of his official duty.

In the above allegation he was issued Charge Sheet together with statement of allegations under section 6 (1) (a) of KPK Police Rules 1975. Enquiry Officer Mr. Sajjad Hussain Khan the DSP Tangi was nominated for conducting departmental enquiry against him. The enquiry officer after conducting proper departmental enquiry submitted his findings and recommended him for Major Punishment.

Subsequently Constable Sabir No.614, was issued final Show Cause Notice reply to which was not received, so for.

After going through the enquiry papers of recommendation of the Enquiry Officer the undersigned reach to the conclusion that the delinquent official is no more interested to continued his job further more, hence he is hereby awarded the Major punishment dismissal from service with immediately effect and his absence period is also treated without pay.

District Police Officers

Charsadda

O.B.No. 1584

Date: 14-12-2016

No.472-75/HC, dated Charsadda the 15/12/2016

Copy for information and necessary action to the:-

1. Pay officer/CHC

2. HC/IMC

(23)

ڈاکٹر پیر محمد

پروفیسر ایچ آر ایم سی

شیراز کیو ایچ ایس ایچ ڈسٹرکٹ چارسدا

(B-11)

Pt's Name Saba Hassan

Age 4 Sex M Date 04/11/2016

Clinical Record

Group A

%
ATP
- 2 hrs
at hospital

Two vertical SPD

10/13

of transfer - P

1-1

Two measures up

1-1

TS 10/13 - B

10/13

40%

17/23

Also
Completed bed rest for 2 weeks
w.r.f 04/9/2016 to 03/10/2016
04/10/2016

Dr. Pir Muhammad

MBBS, MPH, RMP

(24)

Medical Officer

T.H.Q Hospital Tangi

Distriet Charsada

B-12

ڈاکٹر پیر محمد

ایم بی بی ایچ ایم پی آر ایم پی

ٹی ایچ کیو ہسپتال تنگی ڈسٹرکٹ چارسدہ

Pt's Name Sabri Hussain

Age

Sex

m

Date

25/7/2018

Clinical Record

crisp 4 - 4

RTA
- swelling & pain
in left ankle joint
- 72

For lateral XRD
- 1
muscle up
- 1
to leg - 2

HR
120/80
2-

also
Complete blood test for 01/11/2018
w.l.f. 25/7/18
25/7/18
25/7/18

(25)

(Annex "C")

ORDER

This order will disposed off the departmental enquiry against Constable Sabir No. 614, while posted at Police Station Charsadda, absented himself from his lawful duty w.e.f. 15.07.2016 till date. during this absence period he was crossed to police lines on 02.09.2016 & he did not report his arrival at Police Lines and thus absented himself from his lawful duty from 02.09.2016 till date without any leave or prior permission from his senior officers, absence report recorded vide D.D's No. 08, dated 15.07.2016 & No. 66 dated 12.09.2016. This shows inefficiency, lack of interest in the performance of his official duty.

In the above allegation he was issued Charge Sheet together with statement of allegations under Section 5(f) (a) of KPK Police Rules 1975. Enquiry Officer Mr. Sajjad Hussain Iqbal DSP Tangi was nominated for conducting departmental enquiry against him. The enquiry officer after conducting proper departmental enquiry submitted his findings and recommendation for Major Punishment.

Subsequently Constable Sabir no. 614, was issued Final Show Cause Notice to which was not received so far.

After going through the enquiry papers & recommendation of the enquiry officer the undersigned reached to the conclusion that the delinquent official is no more interested continue his job further more hence he is hereby awarded the Major punishment. Dismissal from service with immediate effect and his absence period is also treated without pay.

District Police Officer
Charsadda

O.B No. 1584

Date 17/11/2016

No. 133-33 /HC, dated Charsadda the 15/11/2016

For information and necessary action to the:-

1. P.O. Officer OHC
2. IC OHC

مہاراجہ پرنسپل انسٹیٹیوٹ (برہمچاریہ) حال - انہ چینہ، تریاب
(تھیں جلیج) ۱۹۹۵

Annexure

« D »

درخواست نمبرو بجالی بہ فلوڈنگ جیسالہ انڈیا انڈیا نے
باریس۔ بنی سے اور انصاف سے (۱۹۹۵) انڈیا انڈیا نے
انڈیا انڈیا نے انڈیا انڈیا نے انڈیا انڈیا نے
انڈیا انڈیا نے انڈیا انڈیا نے انڈیا انڈیا نے
انڈیا انڈیا نے انڈیا انڈیا نے انڈیا انڈیا نے

سبیل زمان زینس سے

سبیل نیلم نوٹسز بنا سال ۱۹۹۵ میں فلوڈنگ انڈیا انڈیا نے

انڈیا انڈیا نے انڈیا انڈیا نے انڈیا انڈیا نے
انڈیا انڈیا نے انڈیا انڈیا نے انڈیا انڈیا نے
انڈیا انڈیا نے انڈیا انڈیا نے انڈیا انڈیا نے

انڈیا انڈیا نے انڈیا انڈیا نے انڈیا انڈیا نے
انڈیا انڈیا نے انڈیا انڈیا نے انڈیا انڈیا نے
انڈیا انڈیا نے انڈیا انڈیا نے انڈیا انڈیا نے

انڈیا انڈیا نے انڈیا انڈیا نے انڈیا انڈیا نے
انڈیا انڈیا نے انڈیا انڈیا نے انڈیا انڈیا نے
انڈیا انڈیا نے انڈیا انڈیا نے انڈیا انڈیا نے

یہ اس دوران میں سائل آپ ضروری کام سے اپنے موٹر سائیکل پر بار بار آگیا کرتے تھے جسے جب نامی شخص جو کہ میں سائل کا مفروضہ تھا۔ سامنے سے ٹاڑہ پر جو کہ سرور تھا میں سائل کو جو کہ باوردی تھا۔ ٹکڑے مار کر چلے گیا۔ اور میں سائل ٹاڑہ پر گھسٹا ہوا تھا۔
رائن کینڈف رقم دی 219 سے $\frac{9}{213}$ 4 بجڑم $\frac{279}{338}$ کا نمبر تھا۔ نمبر 279/338 سے 219 پیسے میں 412 روپے
یوٹی۔

6۔ تاکہ مجھے اپنی من سائل کو بیان سے خارج ملزمت سے ہر فاشی بار دیکھیں دینے لگا اور ہنری رقم نہ مانگنے اور وہی نام نہ کرنے پر ہنری منگنے نتاہم سمجھنے کی دیکھیں۔ اور آج تک اس بناء ہنری کا رصا ہوں (جو کہ نازدہ گناہ ہے)

7۔ تاکہ آئسٹون بلا نے من سائل کو اس کی شکایت پر جسے $\frac{1}{2015}$ کا جوہرہ آرڈر ہے 212 نمبر میں آیا۔ اور یہاں بھی منی جب نے جو کہ رقموں سے نے انہر سٹو آرڈر کے جسے $\frac{1}{2015}$ کا نمبر کو ضلع حارسہ میں نمبروں کو دیا۔ (آرڈر، نقل مد لف ہوں)

8۔ تاکہ مفروضہ نے حال کوئی رقم نہ دی۔ اور یہاں دیکھنا ہوں میں آج کے حارسہ کو راجل منتقل دیکر پورا کیا۔ اور میں سائل کو ضلع حارسہ میں ہر فاشی کرتے دیکھتے۔

9۔ تاکہ سائل ایک شہر میں ہے۔ ہنری شہر میں ہے جسے بھی چھوٹا ہے۔ ہنری میں یونیا یا مینا۔ نا جائز طور اور ایک سازش کے تحت ملازمت میں آگیا۔ گناہ کے تحت ہر فاشی کرتے۔ جاتی یہ ملازمت والی مطلق ہے۔

گناہ کے سائل کی حقیقت کو مد نظر رکھتے ہوئے ایضاً اسے قصاصہ پورا کرنے ہوئے۔ ملزمت ہر ایسے محالی کا حکم صدارت منجرت ایضاً منجرت میں
614
FL
29/12
2017
صاحب مخین
صاحب
29/12
2017

(28)

Anerure
'E'

ORDER

This order will dispose of the appeal preferred by Ex-Constable sahib (Rank No. 614 of Charsadda District Police against the order of the District Police Officer, Charsadda, whereby he was awarded Major punishment of dismissal from service vide District Police Officer, Charsadda OB No. 1585 dated 14.12.2016.

Brief facts of the case are that the appellant while posted at Police Station Charsadda absented himself from his lawful duty with effect from 15.07.2016 till the date of his dismissal, during his absence period he was closed to Police Lines on 02.09.2016 but he did not report himself at Police Lines and he absented himself from his lawful duty with effect from 02.09.2016 till date without any leave or prior permission from his superior Officer. On account of his inattention and lack of interest in the performance of his official duty. Therefore he was issued Charge Sheet and statement of allegations and Mr. Sajjad Hussain Khan the then DSP Feroze was nominated for conducting departmental enquiry against him. **The Enquiry Officer after conducting proper departmental enquiry submitted his findings and recommended him for Major Punishment** Subsequently he was issued Final Show Cause Notice to which his reply was not received so far. After going through the enquiry papers and recommendation of the Enquiry Officer the superior officer who no more interested to continue his job furthermore, hence he was dismissed from service and his absence period was treated as leave without pay.

He was also an employee of the Government of Punjab during the period mentioned above and his name was included in the list of employees to be transferred to the order issued by the District Police Officer, Charsadda on 14.12.2016 and he is being daily time barred.

ORDER/ANNOUNCEMENT

Signature and Stamp of District Police Officer, Charsadda

No. 1585 dated 14.12.2016 and the 14/12/2016 date.

Copy to District Police Officer, Charsadda for information and necessary action as to his office Memo No. 5437 dated 02.09.2016. His service record is retained here.


ORDER.

This order will dispose of the appeal preferred by Ex-Constable Sabir Hussain No. 614 of Charsadda District Police against the order of the District Police Officer, Charsadda, whereby he was awarded Major punishment of dismissal from service vide District Police Officer, Charsadda OB No. 1584 dated 14.12.2016.

Brief facts of the case are that the appellant while posted at Police Station Charsadda absented himself from his lawful duty with effect from 15.07.2016 till the date of his dismissal, during his absence period he was closed to Police Lines on 02.09.2016 but he did not report his arrival at Police Lines and thus absented himself from his lawful duty with effect from 02.09.2016 till date without any leave or prior permission from his senior Officers. This shows his inefficiency lack of interest in the performance of his official duty. Therefore he was issued Charge Sheet with statement of allegations and Mr. Sajjad Hussain Khan the then DSP Tangi was nominated for conducting departmental enquiry against him. The Enquiry Officer after conducting proper departmental enquiry submitted his findings and recommended him for Major Punishment. Subsequently he was issued Final Show Cause Notice to which his reply was not received so far. After going through the enquiry papers & recommendation of the Enquiry Officer that the delinquent official was no more interested to continue his job furthermore, hence he was dismissed from service and his absence period was treated as leave without pay.

He was called in orderly room held in this office on 07.03.2018 and heard him in person, but he did not produce any substantial evidence about his absence. Therefore, I find no grounds to intervene the order passed by the District Police Officer, Charsadda. Appeal is rejected being badly time barred.

UNP ANNOUNCED


 (Muhammad Alam Shinwari)PSP
 Regional Police Officer,
 Mardan

No. 1502 /ES, Dated Mardan the 13/02 2018.

Copy to District Police Officer, Charsadda for information and necessary action with to his office Memo: No. 343/EC dated 02.03.2018. The Service Record is returned herewith.

(*****)

(F)

ضمانتیں لیں۔ 614/2018 (پولیس ضلع چارسدہ) (برصغیر ہندوستان) عدالت سپریم، لاہور (تاریخ: 27/07/2018)

تقریباً 2018ء

درخواست گزار نے عدالت چارسدہ میں درخواستیں لیں اور ان کے بارے میں عدالت نے فیصلہ دیا ہے۔

تقریباً 2018ء

سائل ذیل سے ہیں۔

سائل 1: ضمانت فراہم کرنے میں تاخیر سے عدالت چارسدہ میں درخواستیں لیں اور ان کے بارے میں عدالت نے فیصلہ دیا ہے۔

2: عدالت چارسدہ میں درخواستیں لیں اور ان کے بارے میں عدالت نے فیصلہ دیا ہے۔

تقریباً 2018ء

3: عدالت چارسدہ میں درخواستیں لیں اور ان کے بارے میں عدالت نے فیصلہ دیا ہے۔

تقریباً 2018ء

4: عدالت چارسدہ میں درخواستیں لیں اور ان کے بارے میں عدالت نے فیصلہ دیا ہے۔

تقریباً 2018ء

یہ اس دودھی میں سبیل اور ضروری کام کے اپنے کوٹر سبیل پر چڑھا گیا ہے۔
 (36) **منشی عزیز علی** کی درخواست اور سبیل کے مندرجہ ذیل مضامین سے متعلقہ
 من سبیل کو جو تہہ باوردی تھا، گنڈر فارڈ کے ساتھ لیا اور من سبیل مارڈیکس کے ساتھ
 سرائی پور ہسپتال کے قریب 219 مشین کے ساتھ لیا گیا اور 27/1/31 کا تاریخ لکھی ہے۔
 سوئی۔

6۔ یہ لکھی گئی من سبیل کو جان سے حارے ملزمت سے ہر فاسٹنگ کے بارے میں دیکھنا اور من سبیل کے
 رقم نہ مانگنے اور اور ان کے لئے ہر مذکورہ سبیل کے ساتھ حقیقت کی دیکھنا اور ان کے
 اس بناؤ سبیل کے لئے ہر مذکورہ سبیل کے لئے ہر فاسٹنگ کے بارے میں دیکھنا اور ان کے

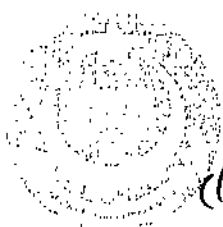
7۔ یہ آئینوں کے من سبیل کو جس کی شکایت پر 20/5/2016 کا جواب اور 21/6/2016
 میں اور بیان لکھی منی حسیب نے جو کہ ڈکٹریٹ کے لئے ان کے سبیل کے لئے من سبیل کے لئے
 کو ضلع حارڈہ میں سبیل کے لئے ہر فاسٹنگ کے بارے میں دیکھنا اور ان کے

8۔ کام مخصوص نے اس حال کوئی رقم نہ دی اور اپنا دیکھنا لوں میں آ کر دیکھنا اور ان کے
 دیکھنا اور ان کے لئے ہر مذکورہ سبیل کے لئے ہر فاسٹنگ کے بارے میں دیکھنا اور ان کے

9۔ یہ سبیل کے لئے ہر مذکورہ سبیل کے لئے ہر فاسٹنگ کے بارے میں دیکھنا اور ان کے
 یا صحتاً نا جائز طور اور ایک تہہ سبیل کے لئے ہر فاسٹنگ کے بارے میں دیکھنا اور ان کے
 تحت ہر فاسٹنگ کے لئے ہر مذکورہ سبیل کے لئے ہر فاسٹنگ کے بارے میں دیکھنا اور ان کے

یہ سبیل کے لئے ہر مذکورہ سبیل کے لئے ہر فاسٹنگ کے بارے میں دیکھنا اور ان کے
 کے لئے ہر مذکورہ سبیل کے لئے ہر فاسٹنگ کے بارے میں دیکھنا اور ان کے
 کے لئے ہر مذکورہ سبیل کے لئے ہر فاسٹنگ کے بارے میں دیکھنا اور ان کے

یہ سبیل کے لئے ہر مذکورہ سبیل کے لئے ہر فاسٹنگ کے بارے میں دیکھنا اور ان کے
 کے لئے ہر مذکورہ سبیل کے لئے ہر فاسٹنگ کے بارے میں دیکھنا اور ان کے
 کے لئے ہر مذکورہ سبیل کے لئے ہر فاسٹنگ کے بارے میں دیکھنا اور ان کے



(31)

(Annexure G)

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
CENTRAL POLICE OFFICE,
PESHAWAR.

No. SP/1264 /18, dated Peshawar the 03/09/2018.

To : The Regional Police Officer,
Mardan Region, Mardan

Subject: APPEAL (EX-FC SABIR HUSSAIN NO. 614)

Memo :

Ex-Constable Sabir Hussain No. 614 of District Police Charsadda had submitted appeal to the Worthy Inspector General of Police, Khyber Pakhtunkhwa, Peshawar for reinstatement into service. His appeal was processed / examined at Central Police Office, Peshawar and filed by the competent authority being badly time barred for about 01 year and 03 months.

The applicant may please be informed accordingly.

AC
3/3

(SYED ZIA ALI SHAH),
Registrar,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

قیمت
50 روپے



37376

ایڈوکیٹ: W. M. A. H.
بار کونسل ایسوسی ایشن نمبر: 22-98-10-BC
رابطہ نمبر: 9559-886-0301

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب: سر و س لٹریٹرس جنرل حسین بخشونخواہ

مخانب:	دعویٰ: <u>سر و س اپیل</u>
ایپلنٹ صاحبہ حسین	علت نمبر:
بنام کونسل افسر خیبر	مورخہ:
لہذا دینی پورس افسر خیبر	جرم:
بختونخواہ پشاور راجنہ	تھانہ:
بابت تحریر آگہ	

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ
آن مقام پشاور کیلئے اسر نعیم + دینی افسر افسر کونسل کو ارسال مقرر
کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو
راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق
زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز
دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی
کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب
مقرر شدہ کو وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا
دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے
باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم: 3/5/2018

Accepted by
W. M. A. H.

مقام پشاور کے لیے منظور ہے۔

Handwritten signature

نوٹ: اس وکالت نامہ کی فونوکاپی ناقابل قبول ہوگی۔

دستخط
صاحبہ حسین

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

Service Appeal No. 646/2018

**Sabir Hussain, Ex-Constable No.614 PS Charsadda, s/o Fazal
Elahi r/o Cheena Tehsil Tangi District Charsadda.....Appellant**

VS

IGP/KPK etc:Respondents

INDEX

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Respondents

Through:



Inspector Legal Charsadda

Sabir Hussain, Ex- Constable No.614, Police Station Charsadda s/o Fazal Elahi r/o
Cheena Tehsil Tangi District CharsaddaAppellant

VERSUS

IGP/KPK etc:Respondents

REPLY/PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO. 1 TO 3.

Respectfully Sheweth:

Preliminary Objections:

1. That appellant has not approached this Hon'ble tribunal with clean hands.
2. That appellant has suppressed actual facts/factual position from this Hon'ble tribunal.
3. That the appeal of appellant is not based on facts.
4. That the appeal of appellant is bad for non-joinder of necessary parties.
5. That the appellant is estopped by his own conduct to file the present appeal.

REPLY ON FACTS:

1. Not related as the same pertains to initial appointment and subsequent promotion of the appellant.
2. Incorrect. From the very initial stage the appellant has showed negligence and lethargy while discharging his official duties which resulted in inclusion of bad entries in his service record due to which the entire service record of the appellant is tainted one.
3. Incorrect. The appellant while posted at PS Charsadda absented himself from his lawful duty without any prior permission or leave of the competent authority, therefore he was properly proceeded against departmentally, so in order to save his skin and to give legal cover to his absence he cooked the story of his illness.
4. Incorrect. The stance of the appellant is totally baseless as the appellant did not bother to produce the documents of his alleged illness during the course of enquiry what to speak of its production to the Muharrar concerned.
5. Incorrect. The appellant did have the knowledge regarding his departmental proceeding as during the course of enquiry he was contacted time and again to join the enquiry proceedings but he did not bother to do so for the reasons that he had no defense to produce for the purpose.
6. Incorrect. The appellant while posted at PS Charsadda absented himself from his lawful duty w.e from 15.07.2016 till the order of dismissal i.e 14.12.2016. The appellant was issued charge sheet and statement of

allegation and a proper departmental enquiry was initiated, during the course of enquiry accused official was contacted time and again and he was also informed through his local Police Station of PS Tarnab but he turned a deaf ear to the said information.

Moreover, after conclusion of enquiry he was issued Final Show Cause Notice but this time too his behavior remained lethargic which clearly depicts that he had no interest in the Govt job. Therefore he was awarded appropriate punishment of dismissal from service which does commensurate with the misconduct of the appellant **(Charge Sheet/Statement of allegation, FSC notice and enquiry report is annexed as annexure A, B, C & D).**

- 7. Incorrect. The appellant willfully and deliberately turned a deaf ear to the entire proceedings and raised this plea just to get sympathy.
- 8. Para already explained.
- 9. That the appeal of the appellant is liable to be dismissed on the following grounds:

GROUND:

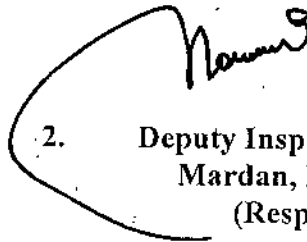
- a) Para to the extent of length of service of appellant pertains to record needs no comments while rest of the para is completely baseless. Besides, length of service does not exonerate an official from his future wrong deeds.
- b) Incorrect. All legal and codal formalities have been fulfilled and the appellant has been treated in accordance with law.
- c) Incorrect. The allegations leveled against the appellant do fall within the defamation of misconduct which needs to be carefully gone through.
- d) Incorrect. As discussed earlier the appellant had been informed on each stage of enquiry but he did not join the enquiry proceedings therefore for the negligence and lethargy of the appellant department should not be held responsible.
- e) Incorrect. After fulfillment of all legal and codal formalities a speaking order was passed which is tenable in the eye of law, hence liable to be maintained.
- f) Incorrect. As per Police Disciplinary Rules 1975, the competent authority is vested with powers of awarding punishment/punishments.
- g) Para already explained.
- h) Para explained earlier, hence needs no comments.

- i) Para already explained.
- j) That respondents also seek permission of this Honorable Tribunal to advance additional grounds at the time of hearing.
- k) Para not related.

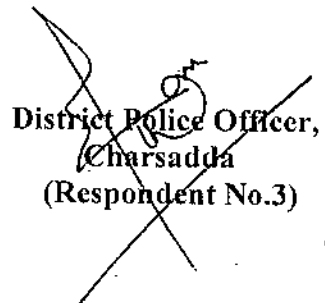
Keeping in view the above facts, it is most humbly prayed that appeal of appellant being without merit and substance, may be dismissed with cost.



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



2. **Deputy Inspector General of Police,
Mardan, Region-I Mardan
(Respondent No.2)**



3. **District Police Officer,
Charsadda
(Respondent No.3)**

CHARGE SHEET UNDER KPK POLICE RULES 1975

I **Sohail Khalid**, District Police Officer Charsadda, as competent authority hereby charge you **Constable Sabir No. 614** as follows.

That you **Constable Sabir No. 614**, while posted at Police Station Charsadda, absented yourself from your lawful duty w.e from 15.07.2016 till date, during this absence period you were closed to police lines on 02.09.2016 but you did not report your arrival at Police Lines and thus absented yourself from your lawful duty w.e from 02.09.2016 till date without any leave or prior permission from your senior officers, absence report recorded vide D.D's No.08, dated 15.07.2016 & No. 06 dated 12.09.2016. Your act is highly objectionable and against the rules and regulations of the discipline force. This shows your inefficiency and lack of interest in the performance of your official duties.

This amounts to grave misconduct on your part, warranting Departmental action against you as defined in section-6(I) (a) of the KPK Police Rules 1975.

1. By reason of the above, you appear to be guilty of misconduct under section 02(III) of the KPK Police Rules 1975 and has render your self liable to all or any of the penalties as specified in section 04 (I) a & b of the said rules.
2. You are therefore, directed to submit your written defense within seven days of the receipt of this Charge Sheet to the Enquiry Officer.
3. Your written defense, if any should reach to the enquiry officer within the specified period, in case of failure, it shall be presumed that you have no defense to put-in and in that case an ex-parte action shall follow against you.
4. Intimate, whether you desired to be heard in person.



**District Police Officer,
Charsadda**

Government of Khyber Pakhtunkhwa
Office of the District Police Officer
Charsadda


DISCIPLINARY ACTION UNDER KPK POLICE RULES -1975

I, Sohail Khalid, District Police Officer Charsadda, as competent authority am of the opinion that Constable Sabir No. 614, has rendered himself liable to be proceeded against as he has committed the following acts/omissions within the meaning of section -02 (iii) of KPK Police Rules-1975.

STATEMENT OF ALLEGATIONS

That he **Constable Sabir No. 614**, while posted at Police Station Charsadda, absented himself from his lawful duty w.e from 15.07.2016 till date, during this absence period he was closed to police lines on 02.09.2016 but he did not report his arrival at Police Lines and thus absented himself from his lawful duty w.e from 02.09.2016 till date without any leave or prior permission from his senior officers, absence report recorded vide D.D's No.08, dated 15.07.2016 & No. 06 dated 12.09.2016. His act is highly objectionable and against the rules and regulations of the discipline force. This shows his inefficiency and lack of interest in the performance of his official duties. This amounts to grave misconduct on his part, warranting Departmental action against him.

For the purpose scrutinizing the conduct of the said official **Mr. Sajjad Hussain Khan DSP Tangi** is hereby deputed to conduct proper departmental enquiry against the aforesaid official, as contained in section -6 (I) (a) of the afore mentioned rules. The enquiry officer after completing all proceedings shall submit his verdict to this office within stipulated period of (10) days. Constable Sabir No. 614, is directed to appear before the enquiry officer on the date, time and placed fixed by the later (enquiry officer) a statement of charge sheet is attached herewith.


District Police Officer,
Charsadda

No. 1356-57 /HC, dated Charsadda the 19/10 /2016.

Copies for Information to the:

1. Mr. Sajjad Hussain Khan DSP Tangi
2. R.I Lines Charsadda

DP No 2928. ST
24-10-16

Reader.
Call defaulter.

11 **Deputy of Police** *11*
Wangl:
24/10-2016



Annexure C

6

FINAL SHOW CAUSE NOTICE

Whereas, the charge of negligence was referred to enquiry officer for General Police Proceedings, contained u/s 5(3) Police Rules 1975.

AND

Whereas, the enquiry officer has submitted his findings, recommending him for Major penalty.

AND


Whereas, I am satisfied with the recommendation of the enquiry officer that you **Constable Sabir No. 614**, while posted at Police Station Charsadda, absented yourself from your lawful duty w.e from 15.07.2016 till date, during this absence period you were closed to police lines on 02.09.2016 but you did not report your arrival at Police Lines and thus absented yourself from your lawful duty w.e from 02.09.2016 till date without any leave or prior permission from your senior officers, absence report recorded vide D.D's No.08, dated 15.07.2016 & No. 06 dated 12.09.2016. Your act is highly objectionable and against the rules/regulations of the discipline force, thus the act amounts to gross misconduct and renders you liable for minor punishment, under Police Rules 1975.

Therefore, I, Sohail Khalid, District Police Officer, Charsadda in exercise of the powers vested in me under rules 5(3)(a)(b) of Police Rules 1975, call upon you to explain as to why the proposed punishment may not be awarded to you.

Your reply should reach the undersigned within 07-days of receipt of this notice, failing which ex-parte action will be taken against you.

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

Dated 24/11/2016


District Police Officer,
o/c Charsadda

3

Subject

DEPARTMENTAL ENQUIRY REPORT AGAINST CONSTABLE SABIR NO. 614 POLICE STATION CHARSADDA

REFERENCE ATTACHED

This is a proper departmental enquiry report against Constable Sabir No.614 with the allegations that he while posted to Police Station Charsadda, absented himself from his lawful duty w-e-from 15-07-2016 till date, during this absence period, he was closed to Police Lines Charsadda on 02-09-2016 but he failed to report his arrival at Police Lines Charsadda and thus absented himself from lawful duty w-e-from 02-09-2016 till date without any leave or prior permission from his Senior Officers, absence report recorded vide DD No.08 dated 02-09-2016. His act is highly objectionable and against the Rules/regulations of the discipline force. This shows his inefficiency and lack of interest in the performance of his official duty.

Upon this negligence and lack of interest in the performance of official duty, the W/DPO/Charsadda, as a competent authority, served him with charge sheet and summary of allegations and the undersigned was appointed as Enquiry Officer for the purpose to scrutinize the conduct of the said defaulter constable.

The undersigned summoned the defaulter constable time and again but he never showed up. According to the report of MM Police Lines Charsadda duly forwarded by Lines Officer, the above named defaulter constable is still absent from lawful duty. The defaulter constable is residing at Cheena Umarzai and he has been informed through PS-Tarnab mobile but in-vain.

The defaulter constable is absent himself from his lawful duty w-e-from 02-09-2016 to date (02 months and 17 days) which shows his inefficiency, negligence and lack of interest in the performance of his legitimate duty. The defaulter constable was time and again contacted to appear before Enquiry Officer so that to know about the reason, if any, but he didn't bother to show up.

Therefore, the above named defaulter constable is recommended for "MAJOR PUNISHMENT".

Submitted please

W/DPO/CHARSADDA

He issued him final show cause notice.

[Signature]
Dy: Superintendent of Police
Tangi

[Handwritten signature]
11-11-16

ORDER

This order will disposed off the departmental enquiry against **Constable Sabir No. 614**, while posted at Police Station Charsadda, absented himself from his lawful duty w.e from 15.07.2016 till date, during this absence period he was closed to police lines on 02.09.2016 but he did not report his arrival at Police Lines and thus absented himself from his lawful duty w.e from 02.09.2016 till date without any leave or prior permission from his senior officers, absence report recorded vide D.D's No.08, dated 15.07.2016 & No. 06 dated 12.09.2016. This shows his inefficiency, lack of interest in the performance of his official duty.

In the above allegation he was issued Charge Sheet together with statement of allegation under Section 6(I) (a) of KPK Police Rules 1975. Enquiry Officer **Mr. Sajjad Hussain Khan DSP Tangi** was nominated for conducting departmental enquiry against him. The enquiry officer after conducting proper departmental enquiry submitted his findings and recommended him for Major Punishment.

Subsequently Constable Sabir No. 614, was issued Final Show Cause Notice, reply to which was not received so far.

After going through the enquiry papers & recommendation of the enquiry officer, the undersigned reached to the conclusion that the delinquent official is no more intrested to continue his job further more hence he is hereby awarded the **Major punishment of Dismissal from service with immediate effect** and his absence period is also treated as **without pay**, however his another departmental enquiry regarding lodging of Fake FIR at PS Tarnab will be kept pending till his departmental appeal against his dismissal.

O.B No 1584

Date 17/12/2016


No. 1672-75 /HC, dated Charsadda the 15/12 /2016

Copy for information and necessary action to the:-

1. Pay Officer/OHC

2. EC/FMC

enclose 715 pages


District Police Officer,
Charsadda

جنور جناب صاحب۔ بیاد ڈپٹی انسپکٹر جنرل راجن سردن

No. 1099/ES, Dt: 21-02-18 EC/DDO CHD
صاحب بر حسین لکھنؤ 614/FC پولیس ضلع چارسدہ (برہمچند) حال سندھ چینہ (ترناب)
En: Paffer
For Comments Pls

Dy. No. 71/2018
22/2/18

درخواست نمبر 614/FC بحالی بر ملازمت جیسالہ انڈیا ٹری انیس نے
بارہ بینہ سے اور انصاف سے جو (اثر و شوخ) بر خلاف سائل
ناجانر طور دیگر انڈیا ٹری کرتے ہیں فرصت میں سائل کو
ملازمت سے بر فاسٹ کریا۔ حالانکہ سائل بے قصور اور نادر
شاہ کا سٹرا پانڈہ سے۔ داد دسی و انصاف مطلوب ہے۔

014/Mar



DSP/keval

Comments 608

سائل ذیل گزارش ہے -

~~Signature~~
Dy. No. 71/2018

سائل ضلع نوشہرہ میں سال 1995 میں ڈپٹی انسپکٹر جمعہ جی بیویات -
جس جیب و جہر بر فاشٹی صرف ہے۔ کہ من سائل نے اپنے ایک دوستہ دارتی ملازمت لینے
دئے تہ میں من سائل کا دوستہ دار تو ملازمت دلاؤ تھا۔

یہ کافی عرصہ گزرنے سے لہذا جب من سائل نے جیب نامی شخص سے ملازمت
یا رقم و ایسی ما مطالبہ کیا۔ تو مذکورہ شخص آگ بھولہ سو کر من سائل کو طرح طرح
تو دھمکیاں دینے لگا۔ اور ساتھ ہی ملازمت سے بھی بر طرف کرنے کی دھمکی دی
دھیروں کی وجہ سے تنگ آر گاؤں چھوڑا اور باہر مزدور رہ رہا تھا
یہ من سائل نے علاقہ مشران تو چھوڑا خبر و مہرین بنا کر جیب پر عبور
کرتے مہرین اس کو مبلغ ایک لاکھ دو سو روپے دھماکے کے قیام مبلغ تین لاکھ

5۔ اس دوران میں سائل آپ ضروری کام سے اپنے فوٹر سائل پر جا رہا تھا کہ
 ٹی جیب نامی شخص جو کہ میں سائل کا مفروضہ تھا۔ سامنے سے مارا گیا جو کہ سواری
 میں سائل کو جو کہ باوردی تھا۔ ٹکڑا کر چلا گیا۔ اور میں سائل مارا گیا۔ ٹی جیب کوٹ
 رائن پتھرف قلم نمبر 219 صفحہ 9/213 کا جبر 279/3378 کا نمبر ہے۔
 پی پی سی کے آئی جی۔

6۔ مجھے اپنی من سائل کو جان سے خارج ملزمت سے ہر فاسٹس بار دیکھیں دینے لگا اور فزور
 رقم نہ مانگنے اور واضح نام نہ کرنے پر فزور منگین نتائج نکلنے کی دیکھیں۔ اور آج تک
 اس بناء سزا کاٹ دیا ہے۔ (جو کہ نازدہ گناہ ہے)

7۔ کاب آفس میں ملا نے من سائل کو اس کی شکایت پر صفحہ 1/2015 کا جبر اور نمبر 212 نمبر
 آیا۔ اور یہاں بھی ٹی جیب نے جو کہ مفروضہ ہے۔ نے انٹرویو اسٹیمال کے صفحہ 1/2015
 کو ضلع چارسدہ میں نمبر 1/2015 (آرڈر و نٹل مد لف میں)

8۔ کہ مفروضہ نے نہ حال کوئی رقم نہ دی۔ اور اپنا دیکھنا ہوں میں آپ دیکھیں تو اصل شغل
 دیکر پورا کیا۔ اور میں سائل کو ضلع چارسدہ میں ہر فاسٹس کے دیکھا جا۔

9۔ کہ سائل آپ سب شخص سے۔ پورا من شہری سے ایسی بھی گھنٹ میں مبتلا نہیں ہونا
 چاہتا۔ نا جائز طور اور آپ سازش کے تحت ملازمت سے نازدہ گناہ کے
 تحت ہر فاسٹس کے۔ بحالی یہ ملازمت والی مظلوم سے۔

کہا کہ سائل کی حقیقت کو مد نظر رکھتے ہوئے۔
 انصاف سے اظہار کیا جائے۔ ملزمت پر والیں
 بحالی کا حکم صادر فرمائے۔ انصاف فرمائیں

13/018

صاحب زمین 614
 FC

سائل ہر فاسٹس کے
 صاحب زمین کوٹ


ORDER.

This order will dispose-off the appeal preferred by **Ex-Constable Sabir Hussain No. 614** of Charsadda District Police against the order of the District Police Officer, Charsadda, whereby he was awarded Major punishment of dismissal from service vide District Police Officer, Charsadda OB No. 1584 dated 14.12.2016.

Brief facts of the case are that the appellant while posted at Police Station Charsadda absented himself from his lawful duty with effect from 15.07.2016 till the date of his dismissal, during his absence period he was closed to Police Lines on 02.09.2016 but he did not report his arrival at Police Lines and thus absented himself from his lawful duty with effect from 02.09.2016 till date without any leave or prior permission from his senior Officers. This shows his inefficiency lack of interest in the performance of his official duty. Therefore he was issued Charge Sheet with statement of allegations and Mr. Sajjad Hussain Khan the then DSP Tangi was nominated for conducting departmental enquiry against him. The Enquiry Officer after conducting proper departmental enquiry submitted his findings and recommended him for Major Punishment. Subsequently he was issued Final Show Cause Notice to which his reply was not received so far. After going through the enquiry papers & recommendation of the Enquiry Officer that the delinquent official was no more interested to continue his job furthermore, hence he was dismissed from service and his absence period was treated as leave without pay.

He was called in orderly room held in this office on **07.03.2018** and heard him in person, but he did not produce any substantial evidence about his absence. Therefore, I find no grounds to intervene the order passed by the District Police Officer, Charsadda. **Appeal is rejected being badly time barred.**

ORDER ANNOUNCED.

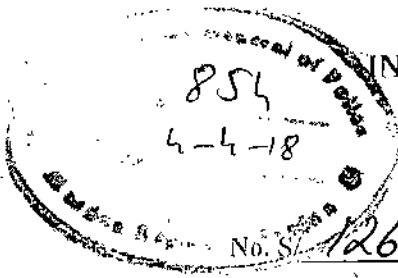

(Muhammad Alam Shinwari)PSP
Regional Police Officer,
Mardan

No. 1502 /ES, Dated Mardan the 13/03 /2018.

Copy to District Police Officer, Charsadda for information and necessary action w/r to his office Memo: No. 343/EC dated 02.03.2018. The Service Record is returned herewith.

(*****)

(12)



OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
CENTRAL POLICE OFFICE,
PESHAWAR.

No. S/1264 /18, dated Peshawar the 05/04/2018.

To : The Regional Police Officer,
Mardan Region, Mardan.

Subject: APPEAL (EX-FC SABIR HUSSAIN NO. 614)

Memo :



Ex-Constable Sabir Hussain No. 614 of District Police Charsadda had submitted appeal to the Worthy Inspector General of Police, Khyber Pakhtunkhwa, Peshawar for reinstatement into service. His appeal was processed / examined at Central Police Office, Peshawar and filed by the competent authority being badly time barred for about 01 year and 03 months

The applicant may please be informed accordingly.

(SYED ZIA ALI SHAH),
Registrar.

For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

No-2222/25
dt-4-4-18

30/3

EC/ DPO Charsadda.

For info

EC
for info

BEFORE THE HONOURABLE KPK SERVICES TRIBUNAL PESHAWAR

13

Service Appeal No. 646/2018

Sabir Hussain, Ex- Constable No.614, Police Station Charsadda s/o Fazal Elahi r/o
Cheena Tehsil Tangi District CharsaddaAppellant

VERSUS

IGP/KPK etc:Respondents

AFFIDAVIT

I, Ijaz Hussain, Inspector Legal (representative of the department) do hereby solemnly affirm and declare on Oath that contents of the parawise comments are true and nothing has been concealed from this Hon'ble Tribunal.

DEPONENT:

CNIC No.17201-3070498-1



Identified by

District Attorney
Khyber Pakhtunkhwa,
Services Tribunal

سروس ٹریڈ سول سول

2 منجانب
بنام


مورخہ
مقدمہ
دعویٰ
جرم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیردی محبت کا کاروبار متعلقہ

آن مقام ان سروس کیلئے نامعلوم

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
زر میں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیردی یا ڈگری یکطرفہ یا اپیل کی برآمدگی
اور منسوخی نیز دانا کرنے اپیل نگرانی و نظر ثانی و پیردی کرنے کا مختار ہوگا۔ از بصورت ضرورت
مقدمہ مذکور کے کس یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے
تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے
اور اس کا ساختہ پر داخستہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانبہ التوائے مقدمہ کے
سبب سے وہ ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں
گے۔ کہ پیردی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

Accepted
&
attested


20

ماہ

المرقوم

العہد گد گد العہد واہ العہد

کے لئے منظور ہے۔

مقام

صاحب سروس ٹریڈ