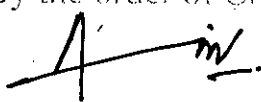


# FORM OF ORDER SHEET

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

**Appeal No. 1458/2023**

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	12/07/2023	<p>The appeal of Mr. Azmatu Ullah resubmitted today by Mr. Taimur Ali Khan Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on</p> <p>By the order of Chairman  REGISTRAR</p>

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

**SERVICE APPEAL NO. \_\_\_\_\_/2023**

Azmat Ullah Shah

V/S

Police Department

**RESPECTFULLY SHEWETH:**

1. That the appellant has filed the instant appeal in this Honorable Tribunal in which date is fixed so for.
2. That the instant appeal is pertain to the jurisdiction of Camp Court Abbottabad, however, the appellant engaged counsel who is doing legal practice at Peshawar and the appellant also wants to pursue his case at Principal Seat at Peshawar.
3. That it will be convenient for appellant as well as his counsel if the instant appeal fix at principal seat at Peshawar.

It is therefore, most humbly prayed that the on the acceptance of this application, the instant appeal may kindly be fixed at principal seat at Peshawar on the basis of above submission.

THROUGH:

APPELLANT




TAIMUR ALI KHAN  
ADVOCATE HIGH COURT

The appeal of Mr. Azmat Ullah Shah Ex-FC No. 457 Police Station Jurbah Torghar received today i.e on 23.06.2023 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Appeal has not been flagged/marked with annexures marks.
- 2- Check list is not attached with the appeal.
- 3- Affidavit is not attested by the Oath Commissioner.
- 4- Annexures of the appeal are unattested.
- 5- Annexures-H, I & J of the appeal are illegible which be replaced by legible/better one.
- 6- Copy of departmental appeal is not attached with the appeal.
- 7- Three spare copies/sets of the appeal along with annexures i.e complete in all respect for Tribunal and one for each respondent be submitted with the appeal.

No. 1845 /S.T,

Dt. 04/07 /2023.

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Taimur Ali Khan Adv.  
High Court Peshawar.

Respected Sir

1- Removed

2- Removed

3- Removed


4- Removed

5- Better copies of Annexure - H, I & J were prepared

6- The appellant did not keep the copy of departmental appeal, therefore unable to annex with the appeal.

7- Removed

Resubmitted after  
compliance

  
12/07/2023.

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

SERVICE APPEAL NO. 1458/2023

Azmat Ullah Shah

V/S


Police Deptt:

**INDEX**

S.NO.	DOCUMENTS	ANNEXURE	PAGE
1	Memo of Appeal	-----	01-04
2	Affidavit	-----	05
3	Copies of charge sheet along with statement of allegations and inquiry report	A&B	06-08
4	Copies of charge sheet along with statement of allegations and reply to charge sheet	C&D	09-11
5	Copy of inquiry report	E	12-13
6	Copies of show cause notice and reply to show cause notice	F&G	14-15
7	Copies of 06.10.2022, rejection order dated 27.03.2023, revision and rejection order dated 09.05.2023	H,I,J&K	16-19
8	Vakalat Nama	-----	20

APPELLANT

THROUGH:

  
(TAIMUR ALI KHAN)  
ADVOCATE HIGH COURT  
Cell# 0333-9390916

①

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

APPEAL NO. 1458 /2023

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 6176

Dated 23-06-23

Azmat Ullah Shah, Ex-FC, No.457,  
Police Station Judbah, Torghar.

(APPELLANT)

VERSUS

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. The Regional Police Officer, Hazara Region Abbottabad.
3. The District Police Officer, Torghar.

(RESPONDENTS)

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE ORDER DATED 06.10.2022, WHEREBY THE APPELLANT WAS DISMISSED FROM SERVICE AND AGAINST THE ORDER DATED 27.03.2023, WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT WAS REJECTED AND AGAINST THE ORDER DATED 09.05.2023 RECEIVED BY THE APPELLANT ON 01.06.2023, WHEREBY THE REVISION OF THE APPELLANT WAS ALSO REJECTED FOR NO GOOD GROUND.

~~Filed to-day~~  
23/6/23  
Revised

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 06.10.2022, 27.03.2023 AND 09.05.2023 MAY KINDLY BE SET ASIDE AND THE APPELLANT MAY BE REINSTATED INTO SERVICE WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY, WHICH THIS HONORABLE TRIBUNAL DEEMS FIT AND APPROPRIATE THAT, MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

**RESPECTFULLY SHEWTH:**

**FACTS:**

1. That the appellant joined the Police Department as Constable and completed all his due trainings and since his appointment the appellant performed his duty duties with zeal and devotion whatsoever assigned to him and no complaint whatsoever regarding his performance.
2. That due to some domestic problem the appellant was remained absent from his duty w.e.f 24.10.2021 to 16.11.2021 for 24 days and in this respect charge sheet along with statement of allegation dated 14.12.2021 were issued to the appellant in which it was mentioned that the appellant was absent from his duty w.e.f 23.10.2021 till date and inquiry was conducted against the appellant in which the inquiry officer that the appellant was remain absent for 21 days and recommended that the absence period of the appellant may be treated as leave without pay and no further action was taken against the appellant on 21 days absence. **(Copies of charge sheet along with statement of allegations and inquiry report are attached as Annexure-A&B)**
3. That another charge sheet along with statement of allegations dated 05.01.2022 were issued to the appellant on absence in which it was mentioned that the appellant remained absent for 28 days which was replied by the appellant in which he mentioned that his relatives were died and due to that reason he was compel to remain absent from his duty. **(Copies of charge sheet along with statement of allegations and reply are attached as Annexure-C&D)**
4. That inquiry was conducted against the appellant in which the inquiry office recommended that the absence period of 28 days of the appellant may be treated as leave without pay. **(Copy of inquiry report is attached as annexure-E)**
5. That show cause notice was issued to the appellant in which it was mentioned that the appellant remained absent from his duty w.e.f 24.10.2021 to 16.11.2021 (24 days), w.e.f 01.12.2021 to 29.12.2021 (28 days) and w.e.f 30.05.2022 to 20.07.2022 (50 days), total period of absence 102 days despite the fact the appellant has regularly performed his duty w.e.f 30.05.2022 to 20.07.2022 (50 days). The appellant submitted his reply to the show cause notice and mentioned the reason of his absence. **(Copies of show cause notice and reply to show cause notice as attached as Annexure-F&G)**
6. That without giving any reason of not agreeing with recommendation of inquiry officer, the appellant was dismissed form service on 06.10.2022 and mentioned in the dismissal order that the appellant was remained absent for 109 days. The appellant departmental appeal against the order dated 06.10.2022, however, he did not keep the copy of departmental appeal, which may be requisite from the department. The departmental appeal of the appellant was rejected on 27.023.2023

and the appellant then filed revision which was also rejected on 09.05.2023 which was forwarded to respondent No.2 to inform the appellant accordingly and the same was received by respondent No.2 on 30.05.2023, which was then received by respondent No.3 on 01.06.2023 from where the appellant received the rejection order dated 09.05.2023. (Copies of 06.10.2022, rejection order dated 27.03.2023, revision and rejection order dated 09.05.2023 are attached as Annexure-H,I,J&K)


- 7. That the appellant has no other remedy except to file the instant appeal in this Honorable Tribunal for redressal of his grievance on the following grounds amongst others.

**GROUNDS:**


- A) That the impugned orders dated 06.10.2022, 27.03.2023 and 09.05.2023 are against the law, facts, norms of justice and material on record, therefore not tenable and liable to be set aside.
- B) That inquiry was conducted against the appellant on 24 days absence in which the inquiry officer recommended that the absence period of the appellant may be treated as leave without pay and another inquiry was also conducted against the appellant on 28 days absence in which the inquiry officer also recommended that the absence period of the appellant may be treated as leave without pay, but without giving of not agreeing with the recommendations of both inquiry officers, the appellant was dismissed from service which is against the norms of justice and fair play.
- C) That the appellant was remained absent for 24 days and 28 days and charges sheets were issued for the both period of absence and inquiries were also conducted on those 24 days and 28 days absence, but in the show cause notice as well as in the dismissal order besides these 24 and 28 days absence, the appellant was also shown absent w.e.f 30.05.2022 to 20.07.2022 (50 days) despite the fact that the appellant was regularly performed his duty for the period that w.e.f 30.05.2022 to 20.07.2022 (50 days), which means that the appellant has been also punished for those 50 days w.e.f 30.05.2022 to 20.07.2022 on which he has regularly performed his duty which is against the norms of justice and fair play.
- D) That the appellant did not intentionally remained absent from his duty but due to some domestic problem he was unable to perform his duty and was compel to remain absent from his duty, therefore, needs to be treated with lenient view.

- (3)
- E) That the penalty imposed upon the appellant is very harsh, which is passed in violation of law and rules, therefore, the same is not sustainable in the eyes of law and hence liable to be set aside.
  - F) The absence period of the appellant was already treated as leave without pay, therefore, there remain no ground to penalize the appellant on that absence and as such the impugned orders are liable to be set aside.
  - G) That the appellant has been condemned unheard and has not been treated according to law and rules.
  - H) That the appellant seeks permission of this Honorable Tribunal to advance others grounds and proofs at the time of hearing.

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

  
**APPELLANT**  
Azmat Ullah Shah

THROUGH:

  
**(TAIMUR ALI KHAN)**  
**ADVOCATE HIGH COURT**



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

5  
5

SERVICE APPEAL NO. \_\_\_\_\_/2023

Azmat Ullah Shah

V/S

Police Department

.....

**AFFIDAVIT**

I, Azmat Ullah Shah, Ex-FC, No.457, Police Station Judbah Torghar, (Appellant) do hereby affirm and declare that the contents of this service appeal are true and correct and nothing has been concealed from this Honorable Tribunal.



**DEPONENT**

Azmat ullah Shah

CHARGE SHEET

A (B)

I, Mr. Syed Mukhtar Shah, District Police Officer, Torghar as competent authority hereby charge FC Azmat No.475 while posted at Police Station Judbah, for the allegation explained in the attached statement of allegations.


You appear to be guilty of misconduct under Khyber Pakhtunkhwa, Police Rules, 1975 (with amendment 2014) and have rendered yourself liable to all or any of the penalties specified in the said rules.

You are therefore directed to submit your written defence within (07) Seven days on receipt of the charge sheet to the Enquiry officer.

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

Intimate whether you desire to be heard in person or otherwise.

Summary of allegation is also enclosed.

  
(Syed Mukhtar Shah)  
District Police Officer,  
Torghar

  
ATTSTED

PRELIMINARY ALLEGATION

I. Mr. Syed Mukhtar Shah, District Police Officer, Torghar as competent authority of the opinion that FC Azmat No.475 while posted at Police Station Darbani, has rendered himself liable to be proceeded against departmentally as you committed the following act/omission within the meaning under the Khyber Pakhtunkhwa, Police Rules, 1975 (with amendment 2014).

SUMMARY OF ALLEGATION


As per report of MHC Police Station Darbani vide DD No.14 dated 24.10.2021, you have absented yourself from your official duty without any leave or permission of the competent authority w.e.f 23.10.2021 to till date, which shows gross misconduct on your part.

For the purpose of scrutinizing the conduct with reference to the above allegation,

Mr. Yousuf Khan DSP/Circle Kandor Is deputed as Enquiry Officer.

The Enquiry Officer shall in accordance under the provision of this above mentioned rules, provide reasonable opportunity of hearing to the accused, record finding and make within 25 days of the receipt of this order, recommendation as to punishment or take other appropriate action against the accused.

The accused shall appear in the departmental proceedings on the date, time and place fixed by the Enquiry Officer/Committee.

  
(Syed Mukhtar Shah)  
District Police Officer,  
Torghar

No. 356-57/PA, dated Torghar the 14/1/2021.

FC Azmat No.475 while posted at Police Station Darbani, with the direction to submit his written statement to the Enquiry Officer, the receipt of the charge sheet/statement of allegations and also to appear before Enquiry Officer on the date, time and place fixed for purpose of departmental proceedings.

  
**ATTSTED**

جناب عالی

356-57

کیا وہ مشہورہ انکوائری اور ایف کیٹیل عیلت خان نمبر 475 متنبہ تھانہ حرمائے  
ٹیٹ نمبر 356-57 غار بہ جیاں 356-57 مادہ تور غیر فوہول ہو کر فی انکوائری  
انڈیرا قور کیا گیا۔ چارج ٹیٹ میں سرکورہ پرا ابراہم ماڈر صیکہ وہ لفیئر کسی  
مشیر انڈیرا سے رخصت اجازت لے لے اپنی جائز ڈیوٹی سے فورم 15 23 سے  
اب تک بدستور میرا مر ہے۔

غائز زندہ رپورٹ :- ہمہ حالات واقعات درانی طور پر مینے اور پڑتال کاغذات

انکوائری سے دوران انکوائری یہ پایا گیا کہ کنٹیبل عیلت خان نمبر 475 فورم  
15 21 کو تھانہ داری سے غیر حاضر ہو کر فورم 11 03 کو مذکورہ کی سر اسوقانہ  
حرمائے پہنچی اور مذکورہ نے بجائے تھانہ داری سے فورم 11 21 کو تھانہ جریا  
میں حاضر کی جسکی کل غیر حاضری 21 ابام بنتی ہے اپنی غیر حاضری کی  
نسبت مذکورہ کوئی مشمول تسلی بخش جواب نہ دے سکا  
در تب سپر کر گزار پیش ہے۔

SDPO KANDAR  
TOR GHAR.

call him 127  
DP along with his  
Service Record.

DP 0174

16.03.2024

ATTSTED

9

I, Mr. Syed Mukhtar Shah, District Police Officer, Torghar as competent authority hereby charge FC Azmat No.475 while posted at Police Station Darani, for the allegation explained in the attached statement of allegations.

You appear to be guilty of misconduct under Khyber Pakhtunkhwa, Police Rules, 1975 (with amendment 2014) and have rendered yourself liable to all or any of the penalties specified in the said rules.

You are therefore directed to submit your written defence within (07) Seven days on receipt of the charge sheet to the Enquiry officer.

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

Intimate whether you desire to be heard in person or otherwise.

Summary of allegation is also enclosed.

//  
(Syed Mukhtar Shah)  
District Police Officer,  
Torghar

ATTSTED

10

DISCIPLINARY ACTION

I, Mr. Syed Mukhtar Shah, District Police Officer, Torgar as the authority of the opinion that FC Azmat No.475 while posted at the Station Judbah, has rendered himself liable to be proceeded against departmentally as you committed the following act/omission within the meaning under the Khyber Pakhtunkhwa, Police Rules, 1975 (with amendment 2014).

SUMMARY OF ALLEGATION

As per report of ASHO Police Station Judbah vide DD No.08 dated 01.12.2021, you have absented yourself from your official duty without any leave or permission of the competent authority w.e.f 01.12.2021 to 29.12.2021 (28 days), which shows gross misconduct on your part.

For the purpose of scrutinizing the conduct with reference to the above allegation,

Mr. Waheed Khan SDPO Circle Judbah is deputed as Enquiry Officer.

The Enquiry Officer shall in accordance under the provision of this above mentioned rules, provide reasonable opportunity of hearing to the accused, record finding and make within 25 days of the receipt of this order, recommendation as to punishment or take other appropriate action against the accused.

The accused shall appear in the departmental proceedings on the date, time and place fixed by the Enquiry Officer/Committee.

(Syed Mukhtar Shah)  
District Police Officer,  
Torgar

Sr. 404-05 /PA, dated Torgar the 05/01/2022.

FC Azmat No.475 while posted at Police Station Judbah, with the direction to submit his written statement to the Enquiry Officer, the receipt of the charge sheet/statement of allegations and also to appear before Enquiry Officer on the date, time and place fixed for purpose of departmental proceedings.

ATTSTED

11  
جدا علی

لوگوں کا رجسٹریشن نمبر 404 مورخہ 1/5/2021 جمہوریہ خا۔ DPO لاہور

حروف قندت حرمہ

مورخہ 12/21 کو الملحق لوگوں کے رجسٹریشن اور میں سائل کا بھتیجا قندت پر سے الملحق اور اس دوران پر گھوٹلو حمولات پر آمد جاہہ عثمان کے ساتھ دماغیر اور دیگر لوگوں پر رہا۔ عیدہ دورانہ پر چہرا چا زاد عثمان بن بوجہ بیماری پر قندت ہوئی جو کہ گھوٹلو کو لڑتے اور آمد جاہہ عثمان دماغیر میں حروف رہا۔

اسٹراجم مورخہ 1/2021 سے 29/21 تک بوجہ جمہوریہ غیر حافیہ پاموں اور سائل کو ایام غیر حافیہ بوجہ جمہوریہ حساب کیا جائے۔ آئیزہ اجڑا رکھنے کے لئے اور سائل کا چارج 9/21 داخل دفتر کیا جائے

سائل کی عظمت 475 قندت کا حرمہ (11/21)

ATTSTED

جانب ... دی ...

ظہن ...

نمبری ۵۶ ...

معاون ...

قاریم دفتر ...

النزام

النزام علیہ ...

کو ...

پہ ...

نمبری ...

کارروائی

النزام علیہ ...

طلب ...

مشکل ...

کو ...

یونی ...

دیوار ...

ارزائی ...

من ...

عبارت ...

P.T.O

ATTSTED



کے ساتھ ایک رڈ ٹرانسمیٹنگ سٹیشن سے حاصل کیا گیا ہے۔ یہ سٹیشن میرا ہے اور اسے میرا  
عہدہ کے دوران میں بطور سروس میں استعمال کیا گیا ہے۔

تاریخ: 23-02-2022

مقامی طور پر 475 پیسے کے الزام 28 یوم کے عہدہ میں  
کی نسبت قید میں انصاف کے تقاضوں کو مدنظر رکھتے ہوئے منظور کیا گیا ہے۔  
یہ الزام عہدہ دہانہ والے طور پر کاروبار سے غیر متعلقہ ہے۔ جسے سابقہ ریکارڈ میں  
صاف بیان کیا گیا ہے۔ اس کے علاوہ کسی قسم کا غیر متعلقہ الزام نہیں ہے۔  
28 یوم کے عہدہ میں انصاف کے تقاضوں کو مدنظر رکھتے ہوئے انصاف کے تقاضوں کے مطابق  
دیئے گئے ہیں۔

23-02-2022  
DPO-T4

~~SECRET~~

DHC  
call him in or  
along with his service  
record.

57 days w/mr Ray

DPO LTS  
23.02.2022

ATTSTED

**THE DISTRICT POLICE OFFICER, TORGHAR**

No. 1163/PA dated, Torghar the 27.12.2022

**FINAL SHOW CAUSE NOTICE.**

(Unit Rule (3) KPIS Police Rules, 1975 Amendments In 2014)

1. That You Constable Azmatullah No.475 rendered yourself liable to be proceed under Rule 5 (3) of the Khyber Pakhtunkhwa Police Rules 1975 for the following misconduct:

i. Your while posted at PS Darbani absented yourself from your official duties without any leave or permission by the competent authority w.e.f 24.10.2021 to 16.11.2021 (24 days). A charge sheet and summary of allegations was served upon you vide No.356-57/PA dated 14.12.2021 and enquiry was entrusted to SDPO, Circle Kandahar who suggested/recommended for punishment of leave without pay in his enquiry report. Similarly, you absented yourself from PS Judbah w.e.f 01.12.2021 to 29.12.2021 (28 days). A charge sheet & Summary of allegations was served upon you vide No.404-05/PA dated 05.01.2022 and enquiry was entrusted to SDPO, Circle Judbah who recommended for punishment of leave without pay in his final enquiry report. Furthermore, you again absented yourself from Police Lines Judbah w.e.f 30.05.2022 to 20.07.2022 (50 days) Total period of absence 102 days. Hence, this final showcase notice is issued to you, if you have any evidence in support of your defense otherwise ex-parte action will be taken against you.

ii, During proper departmental enquiry the allegations have been proved against you.

2. That by reason of above as sufficient material is placed before the undersigned therefore is decided to proceed against you in general Police proceedings without aid of enquiry officer.

3. That the misconduct on your part is prejudicial to good order of discipline in the Police Force.

4. That your retention in the police force will amount to encourage inefficient and unbecoming of good Police Officer.

5. That by taking cognizance of the matter under enquiry, the undersigned as competent authority under the said rules, proposes stern action against you by awarding one or more kind of the punishments as provided in the rules.

6. You are, therefore, called upon to Final Show Cause Notice as to why you should not be dealt strictly in accordance with the Khyber Pakhtunkhwa Police Rule, 1975 for the misconduct referred to above.

7. You should submit reply to this Final Show Cause Notice within 07 days of the receipt of the notice failing which an ex-parte action shall be taken against you.

8. You are further directed to inform the undersigned that you wish to be heard in person or not.

8. Ground of action are also enclosed with this Final Show Cause Notice.

**ATTSTED**

District Police Officer,  
Torghar

جناب ڈاکٹر صاحب نور بخش  
 سروس فائینل سٹوڈنٹس طبی کالج 465/466 حورج  
 27/22

(15)

جناب عالی

میں نے چند دن قبل اپنے سائل کے حوالے سے کوئی جواب نہیں دیا تھا جس سے میں نے کچھ ناگوار محسوس کیا ہے۔  
 سائل کا طبیسی بھی فوٹ بھی بنا۔

میں نے اپنے سائل کے بارے میں کچھ اور بھی لکھا تھا جس سے آپ کو پتہ چلے گا۔  
 سائل کے بارے میں کچھ اور بھی لکھا تھا جس سے آپ کو پتہ چلے گا۔

میں نے اپنے سائل کے بارے میں کچھ اور بھی لکھا تھا جس سے آپ کو پتہ چلے گا۔  
 سائل کے بارے میں کچھ اور بھی لکھا تھا جس سے آپ کو پتہ چلے گا۔

میں نے اپنے سائل کے بارے میں کچھ اور بھی لکھا تھا جس سے آپ کو پتہ چلے گا۔  
 سائل کے بارے میں کچھ اور بھی لکھا تھا جس سے آپ کو پتہ چلے گا۔

میں نے اپنے سائل کے بارے میں کچھ اور بھی لکھا تھا جس سے آپ کو پتہ چلے گا۔  
 سائل کے بارے میں کچھ اور بھی لکھا تھا جس سے آپ کو پتہ چلے گا۔

OBNO. 256  
 Dismissed  
 Call  
 27/22

التواضی  
 جناب  
 کنسیل  
 475  
 Absence from 1/21 to 27/21 = 28 day  
 " 24/21 to 14/21 = 21 day  
 5/22 to 23/22 = 3 days  
 27/22 to 1/20 = 05 day  
 10/20 to 12/20 = 02 day  
 Total = 10.9 day  
 ATTESTED

**ORDER**

H (16)

The departmental enquiry initiated against Constable Azmatullah No.475 while posted at PS Darghani, who absented himself from his official duties w.e.f 24.10.2021 to 14.11.2021(21 days). He was charge sheeted for the allegations mentioned above by the undersigned vide Memo No.356-57/PA dated 14.12.2021 and enquiry was entrusted to Ibrar Khan SDPO, Circle Kandahar. He after conducting detailed enquiry into the allegations recommended him for appropriate punishment in his report as he has been proved guilty for the allegations mentioned in the Charge sheet and statement of allegations.

Similarly, he again absented himself from his official duties w.e.f. 01.12.2021 to 29.12.2021 (28 days). The enquiry was entrusted to Wazid Khan SDPO, Circle Jubbah. He after conducting detailed enquiry of the allegations and recommended him for punishment. As the report of enquiry officer the alleged defaulter remained absent for 28 days, as he has been proved guilty for the allegations mentioned in the Charge sheet and statement of allegations. Furthermore, he again absented himself from Police Lines, Jubbah w.e.f 05.03.2022 to 08.03.2022 (03 days), 30.05.2022 to 20.07.2022 ( 50 days) 27.08.2022 to 01.09.2022 (05 days) and 08.09.2022 to 12.09.2022(04 days). Total (60 days). His period of absence all over 109 days. He was served with Final Show Cause Notice vide No.465/PA dated 27.07.2022 in response to which he did not reply the same. He was called in OR and heard him in person, whose explanation was found not satisfactory.

After going through enquiry file, his long absence mentioned above and in the light of recommendation of Enquiry Officer. I. Syed Mukhtar Shah, District Police Officer, Torghar, being competent authority in exercise of power under the relevant provision of KPK Police Rules, 1975 ( with amendment 2011) am constrained to award him major punishment. Therefore, Azmatullah No.475 is hereby awarded major punishment of "Dismissal from service" with immediate effect. His period of absence from 24.10.2021 to 14.11.2021(21 days) 01.12.2021 to 29.12.2021 (28 days) 05.03.2022 to 08.03.2022 (03 days), 30.05.2022 to 20.07.2022 ( 50 days) 27.08.2022 to 01.09.2022 ( 05 days) and 10.09.2022 to 12.09.2022(04 days) Total (109 days), is treated as leave without pay.

Order announced in his presence.

(Syed Mukhtar Shah)  
District Police Officer,  
Torghar

OB No. 252  
Dated: 11/11/2022

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

- 1. District Account Officer, Torghar.
- 2. Pay Officer, Torghar.
- 3. SAC, Torghar.

ATTSTED

Better Copy - page 16  
ORDER

H7

The Departmental appeal inquiry initiated against Constable Azmat Ullah No 47 while posted as PS Darbani, who absented himself from historical duty w.e.f 24.10.2021 to 14.11.2021 (21 days). he was charged sheet for the all gations mentioned above by the undersigned vide memo No. 356-57/PA dated 14.02.2021 and enquiry was entrusted to Ibrar Khan SDPO, Circle Kandari. He after conducting enquiry into the allegations recommended him for appropriate punishment in his report as he has been proved guilty for the allegations mentioned in the Charge Sheet and statement of allegation.

Similarly, he again absented himself from his official duties w.e.f 01.12.2021 to 29.12.2021 (28 days). The enquiry was entrusted to Waheed Khan SDPO, Circle Judbah. He after conducting detail inquiry of the allegations and recommended him for punishment. As per report of enquiry officer defaulter remained absent from 28 days, as he has been proved guilty for the allegation mentioned in the charge sheet and statement of allegations. furthermore, he again absented from Police Lines, Judbah w.e.f 05.02.2022 to 08.03.2022 (3 days), 30.05.2022, to 20.07.2022 (50 days) 27.08.2022 to 01.09.2022 (05 days) and 09.09.2022 to 12.09.2022 Total (60 days). His period of absence all over 10 days. he was served with Final Show Cause Notice vide No. 465/PA dated 27.07.2022 in response in which he did not reply to me. He was called in OR and heard him in person whose explanation was found not satisfactory.

After going through enquiry file his long absence mentioned above and in the light of recommendation of Enquiry Officer. I Syed Mukhtar Shah District Police Officer Torghar, being competent authority in exercise of power under the relevant provision of KPK Police Rules, 1975 (with amendment 2014) to award him major punishment. Therefore, Azmat Ullah No. 475 is hereby awarded major punishment of "Dismissal from service" with immediate effect. His period of absence from 24.10.2021 to 14.11.2021 (21 days) 01.12.2021 to 29.12.2021 (28 Days) 05.03.2022 to 08.03.2022 (03 days) 30.05.2022 to 20.07.2022 (50) days) 27.08.2022 to 08.09.2022 ( days) and 10.09.2022 to 12.09.2022 (2 days) Total (109 days) as leave his presence.

Ordinance announce in his presence.

(Syed Mukhtar Shah)

District Police Officer

OB No. \_\_\_\_\_

Dated 06-10-2022

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

1. District Police Officer Torghar.
2. Pay Officer Torghar.
3. SRC Torghar.

ATTSTEL



OFFICE OF THE REGIONAL POLICE OFFICER  
HAZARA REGION, ABBOTTABAD

0991-9310021-22

0991-9310021

r.polbazaras@gmail.com

NO. 6526 JK DATED 27/03/2023

17

ORDER

This order will dispose of departmental appeal under Rule 11-A of the Peshawar Police Rules, 1975 submitted by Ex-Constable Azmat Ullah Khan against the order of punishment i.e. *Dismissal from service* issued by District Police Officer Torghar vide Order Book No. 250, dated 06-10-2022.

Chief facts leading to the punishment are that the appellant while posted at P.S. Dheron, Torghar absented himself from his official duties w.e.f 24-10-2021 to 14-11-2021 (21 days). Similarly he remained absent during his service in different dates as mentioned in dismissal order and in comments/reply submitted by DPO Torghar. His total absence period is 109 days.

The appellant was issued charge sheet with statement of allegations by District Police Officer, Torghar and SDPO Circle Kandar Torghar was deputed to conduct departmental enquiry. The Enquiry Officer in his findings held the appellant responsible of misconduct. Consequently, District Police Officer, Torghar awarded the major punishment of Dismissal from Service. Hence, the appellant submitted this present appeal.

After receiving his appeal, comments of District Police Officer, Torghar were perused and examined perused. The undersigned called the appellant in O/C on 27-03-2023 and heard him in person, where he has been given reasonable opportunity to defend himself against the charges, however he failed to furnish any justification in his defence. Thus, the disciplinary action taken by the competent authority seems to be just and the appeal is liable to be dismissed. On perusal of his appeal it transpired that he did not submit his appeal within stipulated period which is also time barred. Therefore, in exercise of the powers conferred upon the undersigned under Rule 11-A of Peshawar Police Rules, 1975 (amended 2014) the instant appeal is hereby *rejected* time barred with immediate effect.

TAHIRA ZOHRI KHAN (PSPA)  
Regional Police Officer,  
Hazara Region, Abbottabad

Copy forwarded to DPO, Torghar for information and necessary action w.e.f to his office Memo No 106/GH, dated 02-03-2023. Service record and Enquiry Sheet containing enquiry file of the appellant is returned herewith for record.

ATTSTED

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I-18

OFFICE OF THE REGIONAL POLICE OFFICER  
HAZARA REGION, ABBOTTABAD

0092-931002122

0992-9310023

Hazara.@gmail.com

No. 6526/E Dated 27/03/2023

This order will dispose of Departmental appeal under Rule A of Khyber Pakhtunkhwa Police Rules, 1975 submitted by Ex-Constable Azmat Ullah No. District Torghar against the order of punishment i.e Dismissal from service District Police Officer Torghar vide order No. 250 dated 06.10.2022.

Brief facts leading to the punishment are that the appellant while posted at PS Torghar, absented himself from his official duties w.e.f 24-10-2021 to 14.11.2021 (21 days) Similarly he remained absent during his service in different dates mentioned in dismissal order and in comments/reply submitted by DPO. His total absence period of 109 days.

The appellant was issued charge sheet was statement of allegations by District Police Officer Torghar and SDPO Circle Kandhar Torghar, was deputed to conduct departmental inquiry. the inquiry officer on his findings held the appellant responsible of misconduct. Consequently, District Police Officer Torghar awarded him major punishment of Dismissal from service. hence the appellant submitted this present appeal.

After receiving his appeal, comments of District Police Officer Torghar were sought and examined perused. his undersigned called the appellant on 21.03.2023 and heard him in person, where he has been given responsible opportunity. himself agaisnt the charges, however, he was any, thus the disciplinary action taken by the competent authority and the appellant is liable to be dismissed on perusal of his appeal as transpired that he did not submit his appeal within stipulated period which is in time barred. Therefore, in exercise of the powers conferred upon the undersigned under rule of Khyber Pakhtunkhwa Police Rules 1975, (amended 2014) the instant appeal is hereby filed rejected being time barred with immediate effect.

ATTSTED

TAHIR AYUB KHAN PSP  
Regional Police Officer  
hazara Region Abbottabad

Copy forwarded in DPO Torghar for information and necessary action to his office memo No 106/GB, dated 02-03-2021 service appeal and Missal containing enquiry file of the appellant is returned herewith for record.





Better Copy - 18

بخدمت جناب آئی جی پی صاحب خیبر پختونخوا پشاور

جناب عالی

مودبانہ گزارش ہے کہ سائل سال 2016 میں اپنی ڈیوٹی خدمات کے ساتھ سرانجام دے رہا ہے اور اس دوران سائل نے آفسران بالا کو شکایت کا موقع فراہم نہیں کیا لیکن بد قسمتی کا سائل کا بھائی جو کہ تور غروپولیس کنسٹیبل تھا کا حادثہ ہو گیا اور ٹانگ ٹوٹ گیا اور سر میں فریکچر ہو اسائل اپنے بھائی کے دیکھ بھال میں لگا رہا اور علاج معالجہ کرواتا رہا کرواتا رہا میں ڈیوٹی میں کرتا تھا اس وقت میرے بھائی کا حادثہ ہوا ہے آفسران بالا کے نوٹس میں یہ بات لائی گئی کہ وہ اپنے بھائی کی دیکھ بھال میں مصروف ہے اس دوران سائل کو چارج شیٹ دی گئی کہ آپ غیر حاضر ہوئے ہیں سائل نے چارج شیٹ کا مفصل جواب دیا مگر میری کوئی شنوائی نہیں ہوئی اور سائل کو محکمہ سے برخاست کر دیا گیا مگر سائل حسب ضابطہ RPO ہزارہ پر۔ مگر مجھے صفائی کا موقع نہیں دیا گیا میری اپیل Reject کر دی گئی جو کہ سائل کے ساتھ سراسر زیادتی ہے بھائی کے بیماری کے کاغذات درخواست لف ہے۔

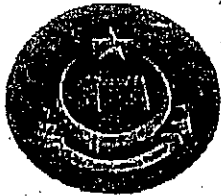
لہذا التماس ہے کہ سائل کو سروس پر بحال کرنے کا حکم صادر فرمائی جائے اور تنخواہ بھی جاری

کرنے کا حکم صادر فرمائی جائے۔

عین نوازش ہوگی

العارض

ATTSTED



OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA  
Central Police Office, Peshawar.

K 19

No. S/ 1219 /23, dated Peshawar the 9/5/2023.

To : The Regional Police Officer,  
Abbottabad at Hazara.

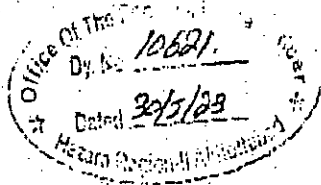
Subject:- REVISION PETITION.

Memo:

The Competent Authority has examined and filed the revision petition submitted by Ex- Constable Azmat Ullah No. 475 of district Torghar Police against the punishment of dismissal from service awarded by DPO/Torghar vide OB No.250, dated 06.10.2022, being badly time barred.

The applicant may please be informed accordingly.

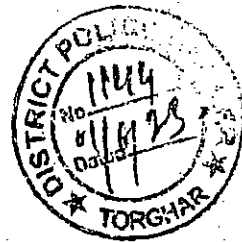
NO-10461/E  
31-5-23



DPO Torghar  
EK  
for inaction.

Afsar Jan  
5/5/23  
(AFSAR JAN)  
Registrar,  
For Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar.

h  
DIG/Hazara  
30/05



OTK  
To inform - the applicant

Form No. 2 (with 2023) (Rev. 1) (L.A. 11)

DPO

ATTSTED

**VAKALAT NAMA**

NO. \_\_\_\_\_/2023

IN THE COURT OF KP Sesuue Tribunal, Peshawar

Azmat Ullah Shah (Appellant)  
(Petitioner)  
(Plaintiff)

VERSUS


Police Department (Respondent)  
(Defendant)

I/We, Azmat Ullah Shah


Do hereby appoint and constitute **TAIMUR ALI KHAN, ADVOCATE HIGH COURT**, 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 costs.

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. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

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

  
(CLIENT)

**ACCEPTED**

  
**TAIMUR ALI KHAN**  
Advocate High Court

**BC-10-4240**  
**CNIC: 17101-7395544-5**  
**Cell No. 03339390916**