

30<sup>th</sup> May, 2023

1. Learned counsel for appellant present. Mr. Fazal Shah Mohmand, Additional Advocate General for respondents present.

2. Learned counsel for appellant requested for adjournment in order to prepare the brief. Adjourned. To come up for arguments on 21.08.2023 before D.B. P.P given to the parties.

**SCANNED**  
**KPST**  
**Peshawar**



(Muhammad Akbar Khan)  
Member (E)



(Kalim Arshad Khan)  
Chairman

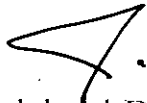
*\*Mutazem Shah\**

21<sup>st</sup> August, 2023

1. Learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney alongwith Mr. Atta-ur-Rehman, Inspector (Legal) for the respondents present.

2. Learned counsel for the appellant stated that as the issue of retrospectivity is involved in the instant appeal, therefore, the same may be placed for arguments alongwith other similar nature appeals, which are fixed on 15.09.2023. Adjourned. To come up for arguments on 15.09.2023 before the D.B. Parcha Peshi given to the parties.

**SCANNED**  
**KPST**  
**Peshawar**



(Salah-ud-Din)  
Member (Judicial)



(Kalim Arshad Khan)  
Chairman

*\*Naeem Amin\**

21<sup>st</sup> Dec, 2022

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

Appellant seeks adjournment on the ground that his counsel is busy in other courts. Last chance is given to the appellant to ensure presence of his counsel failing which the case will be decided on the basis of available record without arguments. To come up for arguments on 17.03.2023 before the D.B.

SCANNED  
KPST  
Peshawar



(Salah Ud Din)  
Member (Judicial)



(Kalim Arshad Khan)  
Chairman

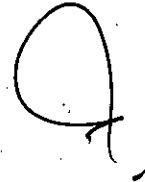
17<sup>th</sup> March, 2023

Learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney alongwith Atta-ur-Rehman, Inspector (Legal) for the respondents present.

Learned counsel for the appellant seeks adjournment in order to properly assist the court on the next date. Adjourned. To come up for arguments on 30.05.2023 before the D.B. Parcha Peshi given to the parties.



(Salah-ud-Din)  
Member (J)



(Kalim Arshad Khan)  
Chairman


SCANNED  
KPST  
Peshawar

26.09.2022

Appellant present through counsel.

Muhammad Riaz Khan Paindakheil learned Assistant Advocate General for respondents present.

Former made a request for adjournment in order to prepare the brief. Adjourned. To come up for arguments on 10.11.2022 before D.B.

  
(Fareeha Paul)  
Member (E)

  
(Rozina Rehman)  
Member (J)

10.11.2022

Appellant alongwith learned Counsel present.

Mr. Kabir Ullah Khattak, learned Additional Advocate General alongwith Riaz Inspector for the respondents present.

Former made a request for adjournment that he has not prepared the brief. Adjourned. To come up for arguments on 21.12.2022 before the D.B.

SCANNED  
KPST  
Peshawar

  
(Fareeha Paul)  
Member (E)

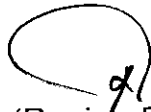
  
(Rozina Rehman)  
Member (J)

20.05.2022

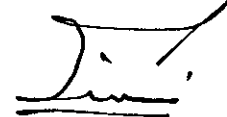
Appellant alongwith his counsel present.

Mr. Atta Ur Rehman Inspector alongwith Mr. Muhammad Rasheed learned Deputy District Attorney for respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has not made preparation of the instant appeal. Adjourned. To come up for arguments on ~~19~~ 20.07.2022 before the D.B.



(Rozina Rehman)  
Member (J)



(Salah-Ud-Din)  
Member (J)

20.07.2022

Appellant present through counsel.

Kabir Ullah Khattak, learned Additional Advocate General for respondents present.

Former made a request for adjournment in order to prepare the brief of the case. Adjourned. To come up for arguments on 26.09.2022 before D.B.



(Fareeha Paul)  
Member(E)

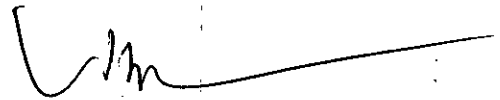


(Rozina Rehman)  
Member (J)

03.01.2022

Junior to counsel for the appellant present. Mr. Kabirullah Khattak, AAG alongwith Mr. Khalid Khan H.C for respondents present.

Reply/comments on behalf of respondents are still awaited. Representative of respondents sought time for submission of reply/comments. Last opportunity is granted to respondents to furnish reply/comments on or before next date, failing which their right to submit reply/comments shall be deemed as struck of by virtue of this order. To come up for arguments before the D.B on 13.04.2022.

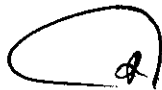


(Atiq-Ur-Rehman Wazir)  
Member (E)

13.04.2022

Learned counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General alongwith Atta-Ur-Rehman Inspector (Legal) for the respondents present.

Representative of the respondents submitted reply/comments which is placed on file. To come up for arguments before the D.B on 20.05.2022. The appellant may submit rejoinder within a fortnight.



(Rozina Rehman)  
Member (J)



Chairman

**1582/19**

11.11.2021

Counsel for the appellant present. Preliminary arguments have been heard.

The appellant was proceeded against on the ground of his willful absence and consequently was discharged from service. It is not ascertainable from the narrative given in the impugned order whether the procedure provided for disciplinary action on account of willful absence was adopted which included the publication of notices in the newspapers after first notice sent to the absentee in usual manner. Moreover absence, if proved, the penalty is removal from service but the penalty of discharge from service has been imposed upon the appellant. Despite all these deficiencies, the appellant has come up to pursue his remedy against the impugned order with inordinate delay. The deficiencies in the impugned order as pointed out and its inordinate delay in pursuit of legal remedy are vice versa arguable. Subject to all just and legal objections including limitation, this appeal is admitted for regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments on 03.01.2022 before the S.B.

Appellant deposited  
Security & Process Fee

*[Handwritten signature]*  
11/11/21

*[Handwritten mark]*

*[Handwritten mark]*

*[Handwritten signature]*  
Chairman

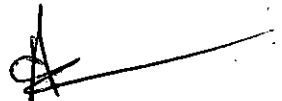
16.03.2021

Due to tour of Camp Court Abbottabad and shortage of Members at Principal Bench Peshawar, the case is adjourned to 23.06.2021 before S.B.

  
Reader

23.06.2021

Counsel for the appellant present and states that question regarding retrospective application to the penalty has not yet been decided by the Larger Bench and requested for adjournment. Adjourned to 22.09.2021 for preliminary hearing before S.B.

  
Chairman

22.09.2021

Miss. Roida Khan, Advocate present and submitted fresh Wakalatnama on behalf of the appellant.

Learned counsel for the appellant requested for adjournment on the ground that she has not prepared the brief being freshly engaged. Adjourned. To come up for preliminary hearing before the S.B on 11.11.2021.

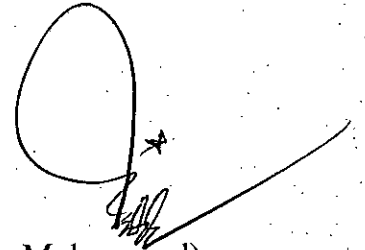
  
(MIAN MUHAMMAD)  
MEMBER (E)

17.08.2020

Miss. Roida Khan, Advocate present and submitted fresh Wakalatnama on behalf of the appellant.

Former requests for adjournment as she has not prepared the brief.

Adjourned to 19.10.2020 before S.B.

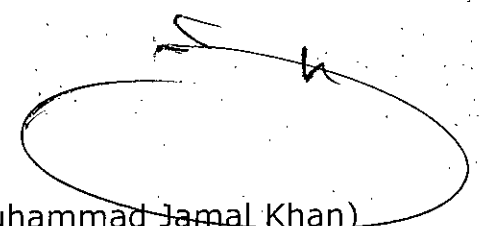


(Mian Muhammad)  
Member(E)

19.10.2020

Appellant is present in person.

The legal fraternity is observing strike today, therefore, the case is adjourned to 23.12.2020 on which date to come up for preliminary hearing before S.B.

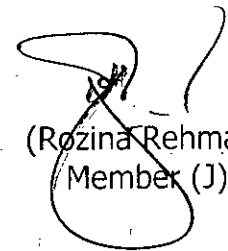


(Muhammad Jamal Khan)  
Member (Judicial)

23.12.2020

Appellant present through counsel.

She made a request for adjournment. Adjourned. To come up for preliminary hearing on 16.03.2021 before S.B.



(Rozina Rehman)  
Member (J)




06.02.2020

Appellant in person present and requested for adjournment on the ground that his counsel is not available today. Adjourned to 25.03.2020 for preliminary hearing before S.B.

  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

25.03:2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 16.06.2020 before S.B.

  
Reader

16.06.2020

Nemo for the appellant.

Notice be issued to the appellant/counsel for preliminary hearing on 17.08.2020 before S.B.

SCANNED  
KPST,  
Peshawar

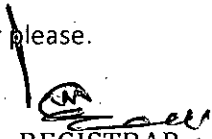


  
Chairman

Form- A

# FORM OF ORDER SHEET

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

Case No.- 1582/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge		
1	2	3		
1-	22/11/2019	<p>The appeal of Mr. Qasim Shah received today by post through Mr. Fawad Khan 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</p> <p>2-</p>	26/11/19	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>30/12/19</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> <p>30.12.2019</p> <p>Nemo for appellant.</p> <p>Notices be issued to appellant/counsel for preliminary hearing before S.B on 06.02.2020.</p> <p style="text-align: right;"> Chairman</p>

SCANNED  
IT  
Peshawar

P-10  
delay  
SR delay

The appeal of Mr. Qasim Shah son of Laiq Shah Constable belt no. 1718 received today i.e. on 03.07.2019 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- ✓ Copies of charge sheet, statement of allegation, show cause notice, enquiry report and replies thereto are not attached with the appeal which may be placed on it.
- 2- ✓ Copy of revision petition is not attached with the appeal which may be placed on it.
- 3- ✓ Annexures of the appeal are not in sequence which may be annexed serial wise as mentioned in the memo of appeal.
- 4- ✓ Annexures of the appeal may be attested.
- 5- ✓ Appeal may be got signed by the counsel.

No. 1161 /S.T,

Dt. 4-7- /2019.

*[Signature]*  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Fawad Khan Adv. Pesh.

*Re-submitted after completion*

*objections No. 1 & 2 still stand, therefore the appeal in hand is returned again to the counsel for the appellant for completion and re-submitted within 15 days.*

*No 1269 /S.T  
dt 26-7- /2019*

*[Signature]*  
18/7/19

*Respected Sir, Revision petition is on page No. 12  
charge sheet is on page No. 8, enquiry report  
is on page No. 9*

*[Signature]*  
Advocate  
Sialkot, Gujrat, Peshawar

Before the Hon'able Service Tribunal, KPK, Peshawar

Appeal no- 1582/2019

Qasim Shah S

.....Petitioner

VERSUS

The District Police Officer Mardan etc

.....Respondents

INDEX

S.No	Descriptions	Annex	Pages	
			From	To
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2	Grounds of appeal		2	6
3	Copy of CNIC	A	7	
4	Copy of service record	B	8	
5	Copy of the orders	C	10	13

Appellant:

*Qasim*  
Qasim Shah S/o Laiq Shah  
Constable belt No.1718

Dated 28/06/2019

*Through Counsel*

*Ajmal*

IAN  
Date  
2019

Before the Hon'able Service Tribunal, KPK, Peshawar

Service Appeal No 582/2019

Qasim Shah S/o Laiq Shah Constable belt No.1718.....Petitioner

VERSUS

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 919

Dated 03/7/2019

- 1) The District Police Officer Mardan
- 2) Regional Police Officer Mardan
- 3) Inspector General of Police, KPK, Peshawar ....Respondents

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*Appeal U/S-4 of KPK Service Tribunal Act 1974  
against the orders of respondents No dated  
15/03/2019 & 18/02/2019 vide which, the  
appellant was discharged from his service from  
10/06/2016, which is against facts, law and  
liable to be set aside.*

---

Filed to-day

Registrar

3/7/19

*Prayer in appeal;*

*On acceptance of the instant appeal, the*

*orders of dismissal from service in respect of the*

*appellant may graciously be set aside, the*

*appellant may please be re-instate with all back*

*benefits on his service. Any other remedy*

*according to law may also be awarded to the*

Re-submitted to -day  
and filed.

Registrar

3/7/19

*Appellant, and the impugned discharged orders dated 13.09.2017 and 18.02.2019 ma kindly be set a side and the appellant may kindly be reinstated along with all back benefits.*

---

Respectfully Sheweth,

The appellant humbly submits as under

1. That the appellant is the permanent resident of District Mardan and relating to a noble and poor family of Distt: Mardan (Copy of CNIC is hereby attached as Annex: "A")
2. That the appellant was appointed as constable in the police department and performed his duty honestly.

(Copy of service record is attached as Annex "B").

3. That there was no complaint received to the high ups against the appellant, the record of the appellant is very well and crystal clear with the department of police which is also evident from the previous record of the appellant.
4. That at the month of May 2016 domestic problems has been arises to the appellant and the appellant was unable perform his duty with respondent department due to which the appellant has been discharged from service on the ground of said

absentee by the respondent department on 13.09.2017. (Copy of impugned order attached).

5. That the appellant submitted departmental appeal within one month from the date of communication of impugned order dated 13.09.2017 which has been rejected on 18.02.2019 and after that submitted revision petition within one month of the rejection order 18.02.2019 which has been rejected on 15.03.2019 but the copy of revision petition is not available with the appellant (Copy of departmental appeal, rejection order dated 18.02.2019 & 15.03.2019 are attached).

6. That the rejection order dated 15.03.2019 has been communicated to the appellant at the month of June 2019.

7. That feeling aggrieved the Appellant prefers the instant service appeal before this Hon'ble Tribunal on the following grounds inter alia:-

GROUNDS:-

A. That the impugned order 13/09/2017 is void and abinitio order because it has been passed without fulfilling codal formalities and there is not mentioned the word discharged in any major or minor punishment in police rules.

B. That no charge sheet has been served or communicated to the appellant in this respect the appellant relied upon a judgment reported on 2009 SCMR page:615.

(4)

- C. That the impugned inquiry submitted before the Hon'able authority is illegal, against law and one sided, the inquiry officer has not properly appreciated the facts and circumstances of the case, hence not admissible in the law.
- D. That the inquiry officer has not given any notice or prior information to the appellant which is the violation of law and rules.
- E. That the inquiry and impugned order is partial, based on presumption, hypothesis and conjecture and the inquiry officer has not touch the ground realities.
- F. That the inquiry officer has not based the inquiry on solid reasons, no opportunity of hearing was given to the appellant and also did not record any evidence and the right of hearing was not provided hence, the inquiry corresponded order is against the law and facts and liable to be set aside.
- G. That the appellant is the only source of his family, he has school going children, if he has not been re-instated on his previous service, the future of the children will be fall in the dark hence, the appellant may kindly be re-instated and the impugned order may be set aside.



H. That the law demands as well as superior authorities has declared that if a Government servant remained absent for a short period, neither any inquiry is conducted against him nor discharging and as well as dismissal order will be passed against him, but in the impugned order, the same benefit is totally ignored while the appellant had been illegally and without conducting any impartial inquiry discharged him from the service.

I. That the appellant is fit for performing his duty as the same is evident from the previous record and duty of the appellant hence, entitled for re-instatement with all back benefits.

J. That the appellant was fully devoted to the duties assigned and had never remained delinquent.

K. That the absence from the duty of the appellant was not willful but due to the above reasons.

L. *That the appellant will care in future will be not make as absent from the duties.*

M. That once again, the appellant is pray for re-instatement on his previous duty and will be performed the same regularly.

N. That, prior to filing the instant representation, the appellant filed representation/ departmental appeal before the Hon'able R.P.O Mardan Division Mardan but the

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same was also turned down hence, the appellant opted before this Hon'able Authority. (Copy attached)

*It is therefore most humbly prayed that considering the above grounds, the impugned order may kindly be set aside and the appellant may kindly be reinstated on his previous service with all back benefits. The appellant will pray for your long life.*

Appellant: Qasim Shah  
Qasim Shah S/o Laiq Shah  
Constable belt No.1718

*Through Counsel*  
*A. Javed*  
FAWAD

Dated 28/06/2019

**Certificate/ Verification** High Court

It is hereby certified and verified that the instant appeal is the first one against the impugned orders, Moreover all the contents of the appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'able Authority.

Deponent: Qasim Shah  
Qasim Shah S/o Laiq Shah  
Constable belt No.1718

BEFORE THE HON'BLE SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA, PESHAWAR.

In Re. C.M No. \_\_\_\_\_/2019

*Qasim Shah*

*VERSUS*

*The District Police Officer Mardan etc*

APPLICATION FOR CONDONATION OF DELAY (IF ANY)

*Respectfully Sheweth.*

1. That the petitioner is filing the accompanying appeal the contents of which may graciously be considered as integral part of the instant petition.
2. That the impugned order dated 13.09.2017 has been communicated to the appellant and the end of 2018 and after that the appellant filed departmental appeal within one month for the communication of the impugned order which has been rejected on 18.02.2019.
3. That the appellant submitted revision petition within one month from the date of communication of rejection dated 18.02.2019 which has been rejected on 15.03.2019 and the said rejection order has been

communicated to the appellant at the month of June 2019.

4. That the impugned order is void ab intio because there is not mentioned the word discharged in minor are major punishment.

*It is, therefore, most humbly prayed that on acceptance of the instant petition, the delay if any occurred in filing the accompanying appeal, may graciously be condoned and the accompanying appeal may very graciously be decided on its merits.*

Petitioner/Appellant

Through

Council

7

Annexure - A.

PAKISTAN National Identity Card

ISLAMIC REPUBLIC OF PAKISTAN

Name: Qasim Shah


Father Name: Laiq Shah

Gender: M Country of Stay: Pakistan

Identity Number: 16101-3982959-5 Date of Birth: 02.01.1987

Date of Issue: 08.03.2017 Date of Expiry: 08.03.2027


Holder's Signature



16101-3982959

504271082345

Registrar General of Pakistan



گشده کارڈ ملے پر قریبی لیڈ بکس میں ڈال دیں

*Fawaz Khan*

**FAWAZ KHAN**  
 Delegate  
 High Commissioner to Sardinia

ATTACHED

**CHARGE SHEET UNDER KPK POLICE RULES 1975**

I, **Faisal Shahzad** District Police Officer, Mardān as competent authority hereby charge you **Constable Qasim No. 1718**, as follows.

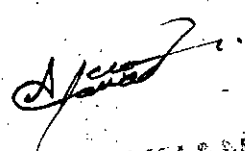
That you FC, while posted at Police Lines Mardān, deliberately absented yourself from lawful duty vide DD No. 07 dated 10.06.2016 to till date without any leave/permission from competent authority.

This amounts to grave misconduct on your part, warranting departmental action against you, as defined in section - 6 (1) (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 rendered yourself 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 defence if any, should reach to the enquiry officer within the specified period, failing which, 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.



(Faisal Shahzad) PSP  
**District Police Officer,**  
**Mardān**



**FAWAD KHAN**  
Advocate  
High Court, Mardān

undersigned was deputed to conduct enquiry of constable Qasim No. 1718, Police Lines Mardan, by the Worthy District Police Officer Mardan through office Letter No.220/R Dated 10/07/2016.

BRIEF FACTS.

That Constable Qasim No, 1718, while posted at police Lines Mardan, deliberately absented himself from lawful duty vide DD No. 07 dated 10.06.2016, till date without an leave/permission from competent authority.

PROCEEDINGS.

The proceedings of the enquiry have been conducted strictly in accordance with the NWFL Police Rules 1975.

The above-mentioned constable was several times contacted to appear before the undersigned <sup>for</sup> record his statement, but he failed. Similarly, several Parwanas were also served upon him, which were returned back after compliance, but he deliberately avoids appearing. This act shows to be great negligence & lack of interest in official duty on part of the defaulted police official, which is mentioned in the enclosed DD report of PS City.

FINDINGS.

During the enquiry it was observed that the above mentioned constable is found guilty of misconduct /inefficiency and having no interest in official duty.

CONCLUSION.

In view of the above, the undersigned has reached to the conclusion that, the above mentioned official may be dealt as Ex-Party action.

No: 607 /S  
Dt: 23-05-2017  
Encl: ( 6 )

**FAWAD KHAN**  
Advocate  
High Court & District Mardan

*Deputy Superintendent of Police,  
City Circle, Mardan.*

*discharge  
file  
07/09/17*

*OR,  
S/S*

*23/05/2017*

ORDER

This order will dispose-off the departmental inquiry, which has been conducted against Constable Qasim No. 1718, on the allegation that he while posted at Police Lines Mardan, deliberately absented himself from lawful duty vide DD No. 07 dated 10.06.2016, to till date without any leave permission of the competent authorities. This attitude adversely reflected on his performance which is an indiscipline act and gross misconduct on his part as defined in rule 2(iii) of Police Rules 1975. Therefore he was recommended for departmental action.

In this connection, Constable Qasim No. 1718, was charge sheeted vide this office No. 220/R, dated 04.07.2016, and also proceeded him against departmentally through Mr. Shamreez Khan, DSP/City Mardan, who after fulfilling necessary process, submitted his findings, to the undersigned vide his office endorsement No. 607/S, dated 23.05.2017. The allegations have been established against him and recommended for Ex-parte action by the Enquiry Officer as the alleged official neither reported his arrival to Police Lines Concerned nor making interest in official duty.

After going through the enquiry file and heard him in orderly room, the undersigned reached to the conclusion that the inquiry against alleged Constable Qasim No. 1718, is hereby filed and he is discharged from Service with effect from 10.06.2016 as he joined FWO Department, with immediate effect, in exercise of the power vested in me under the above quoted rules.

Order announced

O.D. No. 2102

Dated 12<sup>th</sup> of 2017

Dr. Aliam Saeed Ahmed (PSP)  
District Police Officer,  
Mardan.

No. 7843-47 dated Mardan the 13-08-2017.

Copy for information and necessary action to:-


1. The S.P Operations, Mardan.
2. The DSP/City, Mardan.
3. The Pay Officer (DPO) Mardan.
4. The E.C (DPO) Mardan.
5. The OSI (DPO) Mardan.

**FAWAD KHAN**  
Advocate  
High Qadri Distt. Courts Mardan

\*\*\*\*\*



POLICE DEPARTMENT)

(Better Copy) 

ORDER

This order will dispose-off the departmental inquiry, which has been conducted against Constable Qasim No. 1718, on the allegation that he while posted at Police Lines Maudan, deliberately absented himself from lawful duty vide DD No. 7 dated 10.06.2016 to till date without any leave permission of the competent authorities. This attitude adversely reflected on his performance which is an indiscipline act and gross mis conduct on his part as defined in 2(iii) of Police Rules 1975, therefore, he was recommended for departmental action.

In this connection, Constable Qasim No. 1718 was charge sheeted vide this office No. 220/R, dated 04-07-2016, and also proceeded him against departmentally through Mr. Shamreez Ichan, DSP/city Maudan, who after fulfilling necessary process, submitted his finding to the undersigned vide his office endorsement No. 607 S. dated 23-05-2017. The allegation have been established against him & recommended for Ex-Part action by the inquiry officer as the alleged official neither reported his arrival to police lines concerned nor taking interest in official duty.

After going through the enquiry file and heard him in detail from room, the undersigned reached to the conclusion that the enquiry against alleged Constable Qasim No. 1718, is hereby filed and he is discharged from service with effect from 10-06-2016 as he joined FWO, Department, with immediate effect, in exercise of the power vested in me under the above quoted rules.

OR. No. 2107

Dated. 12-09-2017

No. 7843-47 dated Maudan the 13-09-2017

FAWAZ KHAN

High Court

- 1) The S.P operation, Maudan.
- 2) The DSP/city, Maudan.
- 3) The ~~Party~~ Pay officer (DPO) Maudan.
- 4) The EC (DPO) Maudan.
- 5) The OSI (DPO) Maudan.



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

No. S/ 775 /19, dated Peshawar the 15/03/2019.

To: The Regional Police Officer,  
Mardan.

Subject: REVISION PETITION.

Memo:

The Competent Authority has examined and filed the revision petition submitted by Ex-Constable Qasim Shah No. 1718 of Mardan District Police against the punishment of discharge from service awarded by District Police Officer, Mardan vide OB No. 2107, dated 12.09.2017 being badly time barred.

The applicant may please be informed accordingly.

*(Signature)*  
(SYED ANIS-UL-HASSAN)

Registrar,

For Inspector General of Police,

*etc* Khyber Pakhtunkhwa,

Peshawar.

14/3/19

*(Signature)*

FAWAD KHAN

Advocate

High Court District Mardan

ATTESTED

13

2

**ORDER.**

This order will dispose-off the departmental appeal preferred by **Ex-Constable Qasim Shah No. 1718** of Mardan District Police against the order of District Police Officer, Mardan, wherein he was awarded Major Punishment of Discharged from Service by the then District Police Officer, Mardan vide his office OB: No. 2107 dated 12.09.2017.

Brief facts of the case are that the appellant while posted at Police Lines, Mardan deliberately absented himself from lawful duty vide daily diary No. 07 dated 10.06.2016 till the date of his dismissal without any leave permission of the competent authority. This attitude adversely reflected on his performance which an indiscipline act and gross misconduct on his part. Therefore, he was recommended for departmental action. Consequently, he was charge sheeted and also proceeded against departmentally through Mr. Shamrez Khan, the then DSP/City, Mardan. The Enquiry Officer after fulfilling necessary process submitted his findings report to the then District Police Officer, Mardan.

The allegations have been established against him and recommended for ex-parte action by the Enquiry Officer as the alleged Official neither reported his arrival to Police Lines concerned nor taking interest in official duty.

He was heard in Orderly Room by the then District Police Officer, Mardan who reached to the conclusion and the Inquiry against alleged Constable was filed and discharged from service with effect from 10.06.2016 as he joined FWO Department.

He was called in orderly room held in this office on **14.02.2019** and heard in person. The appellant did not produce any cogent reason for his innocence. Therefore, I find no grounds to intervene into the order passed by the then District Police Officer, Mardan. **Appeal is rejected being badly time barred.**

ORDER ANNOUNCED.

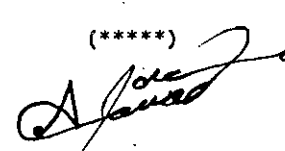
  
**(MUHAMMAD ALI KHAN)PSP**  
Regional Police Officer,  
Mardan.

No. 1415 /ES,

Dated Mardan the 18/02 /2019.

Copy to District Police Officer, Mardan for information and necessary action w/r to his office Memo: No. 77/LB dated 08.02.2019. The Service Record is returned herewith.

(\*\*\*\*\*)

  
**FAWAZ KHAN**  
High Court of Sindh, Mardan

**ATTESTED**

Before the Hon'able Regional Police Officer Mardan Division  
Mardan

*Subject:-*

---

*Departmental representation/ appeal on behalf of Mr. Qasim Shah son ofo Laiuq Shah Belt No.1718 against the order No.7843-47 Mardan dated 13/09/2017 vide which, the appellant was discharged from his service from 10/06/2016 as he joined FWO department illegally and without lawful authority.*

---

*Prayer in appeal;*

*On acceptance of the instant Departmental, representation/ appeal, the order of dismissal/  
Discharge from service in respect of the appellant may graciously be set aside, the appellant may please be re-instate with all back benefits on his service. Any other remedy according to law may*

*A. Fawad*  
*A. Fawad*  
**FAWAD KHAN**  
Advocate  
High Court Dist. Courts Mardan

*Appellant, and the impugned discharged orders dated 13.09.2017 and 18.02.2019 may kindly be set aside and the appellant may kindly be reinstated along with all back benefits.*

---

Respectfully Sheweth,

The appellant humbly submits as under

1. That the appellant is the permanent resident of District Mardan and relating to a noble and poor family of District Mardan (Copy of CNIC is hereby attached as Annex: "A")

2. That the appellant was appointed as constable in the police department and performed his duty honestly.

(Copy of service record is attached as Annex "B").

3. That there was no complaint received to the high ups against the appellant, the record of the appellant is very well and crystal clear with the department of police which is also evident from the previous record of the appellant.

4. That at the month of May 2016 domestic problems have arisen to the appellant and the appellant was unable to perform his duty with respondent department due to which the appellant has been discharged from service on the ground of said

other department due to which, for some period, the appellant disappeared and absented from this duty.

5. That, the department served a show cause notice upon the appellant hence, he appeared but an ex-parte inquiry is conducted against the appellant on the basis of which, the appellant is discharged from his service on dated 13/09/2017. (Copy of the order is hereby attached).

6. That the appellant has got no other adequate and alternate remedy except to file the instant appeal before this Hon'able authority on the following grounds inter alia.

**GROUND:**

A. That the impugned order of discharging is against law, against service rules, against facts, against the established rules and not sustainable in the eye of law and liable to be set aside.

B. That no inquiry has been conducted by the department which was most necessary, if the same was conducted properly and accordingly and impartially, the facts will be correctly brought on record but the same has not been done while passed the impugned dismissal order on the basis of said inquiry.

- C. That the impugned inquiry submitted before the Hon'able authority is illegal, against law and one sided, the inquiry officer has not properly appreciated the facts and circumstances of the case, hence not admissible in the law.
- D. That the inquiry officer has not given any notice or prior information to the appellant which is the violation of law and rules.
- E. That the inquiry and impugned order is partial, based on presumption, hypothesis and conjecture and the inquiry officer has not touch the ground realities.
- F. That the inquiry officer has not based the inquiry on solid reasons, no opportunity of hearing was given to the appellant and also did not record any evidence and the right of hearing was not provided hence, the inquiry corresponded order is against the law and facts and liable to be set aside.
- G. That the appellant is the only source of his family, he has school going children, if he has not been re-instated on his previous service, the future of the children will be fall in the dark hence, the appellant may kindly be re-instated and the impugned order may be set aside.

H. That the law demands as well as superior authorities has declared that if a Government servant remained absent for a short period, neither any inquiry is conducted against him nor discharging and as well as dismissal order will be passed against him, but in the impugned order, the same benefit is totally ignored while the appellant had been illegally and without conducting any impartial inquiry discharged him from the service.

I. That the appellant is fit for performing his duty as the same is evident from the previous record and duty of the appellant hence, entitled for re-instatement with all back benefits.

J. That the appellant was fully devoted to the duties assigned and had never remained delinquent.

K. That the absence from the duty of the appellant was not willful but due to the above reasons.

L. *That the appellant will care in future will be not make as absent from the duties.*


M. That once again, the appellant is pray for re-instatement on his previous duty and will be performed the same regularly.

*It is therefore most humbly prayed that considering the above grounds, the impugned order may*



*kindly be set aside and the appellant may kindly be re-  
instated on his previous service with all back benefits.*


*The appellant will pray for your long life.*

  
Appellant: \_\_\_\_\_  
Qasim Shah S/o Laiq Shah  
Constable belt No.1718

Dated 28/01/2019

**Certificate/ Verification**

It is hereby certified and verified that the instant departmental appeal/ representation is the first one against the impugned order, Moreover all the contents of the appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'able Authority.

  
Deponent \_\_\_\_\_  
Qasim Shah S/o Laiq Shah  
Constable belt No.1718

مورخہ 02 جولائی 2019ء منجانب: سید / اسماعیل  
مقدمہ بعنوان: قاسم شاہ بنام ڈی۔ پی۔ سی۔ ایو۔ مولانا / اختر  
مقدمہ نمبر: رچوہ  
نوعیت مقدمہ: ایس۔ آر۔ جی۔ ڈی۔ ایو۔ مولانا / اختر  
مقدمہ علت نمبر: مورخہ  
جرم: تھانہ



## باعث تحریر آنکہ



مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ

آن مقام کے لیے فوراً فیضان ریفریکس کی وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل مقررہ کو راضی نامہ کرنے و تقرر کی ثالث و فیصلہ برحلف دینے عرضی دعویٰ، جواب دعویٰ، اقبال دعویٰ، جواب الجواب، عذر داری، درخواست زبردفعہ (2) 12 ض د، درخواست بمراد برآمدگی و سرسبزگی مقدمہ، درخواست بمراد منسوخی کاروائی و ڈگری یک طرفہ دائر کرنے جواب الجواب وغیرہ درخواست کاروائی اجراء دائر کرنے و وصولی چیک و رقم اور درخواست از ہر قسم کی تصدیق ذراں پر دستخط وغیرہ کرنے کا اختیار ہوگا۔ اپیل، اپیل دراپیل، نگرانی، نظر ثانی، رٹ و عذر داری وغیرہ دائر کرنے کا بھی اختیار ہوگا۔ اور بصورت ضرورت مذکورہ کے عمل یا جزوی کاروائی کے واسطے وکیل یا مختار قانونی کو اپنی ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی جملہ مذکورہ بالا اختیارات حاصل ہونگے اور اس کا ساختہ برداختہ منظور و قبول ہوگا اور دوران مقدمہ میں جو خرچہ دہر جانہ التوائے مقدمہ کے سبب سے ہوگا اسکے مستحق وکیل صاحب ہونگے۔ نیز بقایا و خرچہ کی وصولی کا بھی اختیار ہوگا۔ اگر کوئی تاریخ پیشی پر وکیل موصوف مقام دورہ پر ہو یا حد سے باہر ہو یا بیمار ہو یا کوئی ضروری کام ہو۔ تو وکیل صاحب پابند نہ ہونگے کہ پیروی مقدمہ مذکورہ کریں لہذا وکالت نامہ لکھ دیا تاکہ سند رہے۔

المرقوم: 02 جولائی 2019ء  
مقام: پشاور کے لئے منظور ہے۔

نوٹ: اس وکالت نامہ کو ٹوکائی نا قابل قبول ہوگی۔

Advocate I.D:

16/01-1222338-3

Bar Council

Be10-3037

Bar Association

Mardan

Contact #:

0313-9655560

Attested  
&  
Accepted


*(Signature)*

FAWAZ KHAN  
Advocate  
High Court & District Court Mardan

قاسم شاہ ریلوے سٹیشن کنڈیکٹنگ سٹیشن 1718 سہیل

قیمت 50 روپے	55342			
ایڈوکیٹ: <u>P</u>		پشاور بار ایسوسی ایشن، خیبر پختونخواہ		
بار کونسل/ ایسوسی ایشن نمبر:				
رابطہ نمبر: 03330265959				

بعدالت جناب: محمد اسحاق

مخاطب: <u>اسلام آباد</u>	دعویٰ:
	علت نمبر:
	مورخہ:
	جرم:
	تھانہ:
	<b>باعت تحریر آنکہ</b>

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ

آن مقام راولپنڈی کے ایڈووکیٹ کو وکیل 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 بر حلف 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 کی طرف سے 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 بقدر اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پرداختہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ اتوائے 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 سندر ہے

الرقوم: محمد اسحاق

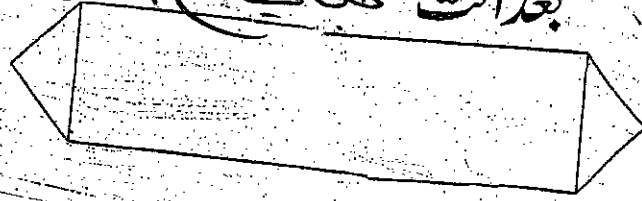
مقام راولپنڈی کے لیے منظور ہے۔

نوٹ: اس وکالت نامہ کی فونو کاپی ناقابل قبول ہوگی۔

Accepted  
BY P

بجالات صاحب محترم

شاہ



2021ء منجانب

طاسم شاہ بنام

مورخہ

مقدمہ

دعویٰ

جرم

### باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی کے کاروبار یا متعلقہ

آن مقام کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز

کیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر خلف دیئے جواب دہی اور اقبال دعویٰ اور

بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق

زر میں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برادگی

اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت

مقدمہ مذکور کے کل 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 بااختیارات حاصل ہوں گے

اور اس کا ساختہ پر داختہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ 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 پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

2021

ماہ

22

المرقوم

واہ العیہ کے لئے منظور ہے۔

Acceptance

مقام

Handwritten signature

(C) 17/5

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

**Service Appeal No. 1582/2019**

Qasim Shah s/o Laiq Shah Ex-Constable No. 1718.....Appellant

**VERSUS**

The Inspector General of Police , Khyber Pakhtunkhwa, Peshawar and others.

.....Respondents

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3.	Copy of bad entries	A	6-8
4.	Copy of Enquiry report	B	9
5.	Copy of Charge with statement of allegations	C	10-12
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C : ①

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

**Service Appeal No. 1582/2019**

Qasim Shah s/o Laiq Shah Ex-Constable No. 1718.....Appellant

**VERSUS**

The Inspector General of Police , Khyber Pakhtunkhwa, Peshawar and others.

.....Respondents

**Para-wise comments on behalf of respondents:-**

**Respectfully Sheweth,**

**PRELIMINARY OBJECTIONS**

1. That the appellant has not approached this Hon'ble Tribunal with clean hands.
2. That the appellant has concealed the actual facts from this Hon'ble Tribunal.
3. That the appellant has got no cause of action or locus standi to file the instant appeal.
4. That the appellant is estopped by his own conduct to file the instant Service Appeal.
5. **That appeal of the appellant is badly barred by law & limitation.**
6. That the appeal is unjustifiable, baseless, false, flawless and vexatious and the same is liable to be dismissed with special compensatory cost in favour of respondents.

**REPLY ON FACTS**

1. Pertains to personal information of the appellant, needs no comments.
2. Para to the extent of enlistment in Police Department of appellant pertains to record needs no comments, while rest of the Para is not plausible because every Police Officer / Official is under obligation to perform his duty regularly and with devotion. But appellant's performance was not satisfactory. Moreover, the perusal of service record of the appellant revealed that due to his lethargic attitude his entire service record is tainted with bad entries (**Copy of list of bad entry is attached as Annexure "A"**).
3. Incorrect. Para explained earlier needs no comments.
4. Incorrect. Stance taken by the appellant is not plausible because he admitted in the said para he joined another department i.e FWO and absent

*Albata*  
*hassan*  
**DSP Legal  
Mardan**

from his lawful duty without any leave/permission of the competent authority. However, as per Police Rules Chapter 14.33 the Police officers not to take up other employment. Moreover, section 81 of the Khyber Pakhtunkhwa Police Act 2017 is very much clear regarding the issue on question which is reproduced as under:-

**"Police officer not to engage in any other employment. No police officer shall engage in any private employment while he is a member of the police establishment".**

Besides when the appellant was in police service at that time police order 2002 was in vogue and relevant Article 117 is as under:- **"Police officer not to engage in any other employment. No police officer shall engage in any private employment while he is a member of the police establishment".**

Moreover, from the above reasons the appellant was discharged from service.

5. Incorrect. Stance taken by the appellant is totally false and baseless, because he was several times contacted to appear before the Enquiry Officer for enquiry proceeding, but neither he did appear nor he did submit written reply before the Enquiry Officer. However, after fulfillment of all legal and codal formalities, the Enquiry Officer recommended the appellant for taking ex-parte action. After going through the enquiry file and heard him in orderly room, the competent authority had discharged the appellant from service as he joined FWO Department, which does commensurate with the gravity of misconduct of the appellant (**Copy of enquiry report is annexed as annexure "B"**).

6. That appeal of the appellant is liable to be dismissed on the following grounds amongst the others.

**REPLY ON GROUNDS:**

A. Incorrect. Plea taken by the appellant is not plausible order passed by the competent authority is legal, lawful hence, liable to be maintained.

B. Incorrect. Plea taken by the appellant is not plausible, because he has been properly proceeded against departmentally by issuing him Charge Sheet

Attested.

*[Signature]*

DSP Legal  
Mardan

with Statement of Allegations and enquiry was entrusted to the then DSP City Mardan. Moreover, during the course of enquiry he was several times contacted to appear before the Enquiry Officer for enquiry proceeding, but neither he did appear nor he did submit written reply before the Enquiry Officer. However, after fulfillment of all legal and codal formalities, the Enquiry Officer recommended the appellant for taking ex-parte action. After going through the enquiry file and heard him in orderly room, the competent authority reached to the conclusion and discharged the appellant from service as he joined FWO Department, which does commensurate with the gravity of misconduct of the appellant **(Copy of charge sheet with statement of allegations is annexed as annexure "C")**.

C. Incorrect. Para already explained needs no comments.

D. Incorrect. Stance taken by the appellant is not plausible, because he was several times contacted and similarly Parwanas were also issued to appear before the Enquiry Officer for enquiry proceeding, but neither he did appear nor he did submit written reply before the Enquiry Officer **(Copy of Parwanas is attached as annexure "D")**.

E. Incorrect. Para explained earlier needs no comments.

F. Incorrect. Para explained earlier needs no comments.

G. Pertains to personal information of the appellant, needs no comments.

H. Incorrect. Plea taken by the appellant is not plausible, because he has been properly proceeded against departmentally by issuing him Charge Sheet with Statement of Allegations and enquiry was entrusted to the then DSP City Mardan. Moreover, during the course of enquiry he was several times contacted to appear before the Enquiry Officer for enquiry proceeding, but neither he appeared nor he submitted written reply before the Enquiry Officer. However, after fulfillment of all legal and codal formalities, the Enquiry Officer recommended the appellant for taking ex-parte action. After going through the enquiry file and heard him in orderly room, the competent authority reached to the conclusion and discharged the appellant from service as he joined FWO Department, which does commensurate with the gravity of misconduct of the appellant.

Attested  
*[Signature]*  
DSP Legal  
Mardan




4

- I. Incorrect. Para is not plausible, appellant's performance was not satisfactory, as he remained absent from lawful duty and joined FWO department without any permission of the competent authority. Moreover, the perusal of service record of the appellant revealed that due to his lethargic attitude his entire service record is tainted with bad entries.
- J. Incorrect. Para explained earlier needs no comments.
- K. Incorrect. Para already explained needs no comments.
- L. Stance taken by the appellant is not plausible needs no comments.
- M. Incorrect. Appellant willfully absented from lawful duty without leave/permission which is a gross misconduct on his part.

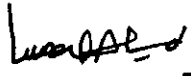
**PRAYER:-**

It is therefore, most humbly prayed that on acceptance of above submissions, appeal of the appellant may very kindly be dismissed **being a badly time-barred and devoid of merits.**

  
**Inspector General of Police ,  
Khyber Pakhtunkhwa, Peshawar**  
(Respondent No. 03)

  
**Regional Police Officer,  
Mardan**  
(Respondent No. 02)

  
**District Police Officer,  
Mardan**  
(Respondent No. 01)

attested -  
  
**DSP Legal  
Mardan**

5

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

**Service Appeal No. 1582/2019**

Qasim Shah s/o Laiq Shah Ex-Constable No. 1718.....Appellant

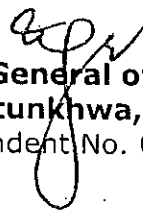
**VERSUS**

The Inspector General of Police , Khyber Pakhtunkhwa Peshawar and others.


.....Respondents

**COUNTER AFFIDAVIT**

We, the respondents do hereby declare and solemnly affirm on oath that the contents of the Para-wise comments in the service appeal cited as subject are true and correct to the best of our knowledge and belief and nothing has been concealed from this Honourable Tribunal.

  
**Inspector General of Police ,**  
**Khyber Pakhtunkhwa, Peshawar**  
(Respondent No. 03)

  
**Regional Police Officer,**  
**Mardan**  
(Respondent No. 02)

*Attested.*  
  
**DSP Legal**  
**Mardan**

  
**District Police Officer,**  
**Mardan.**  
(Respondent No. 01)

① 6 Annexure "A" ⑥

(Continued)

CHARACTER ROLL OF

CTER ROLL OF

ial No.

14. COMMENDATORY ENTRIES

Serial No.

ORDER  
APPEAL is rejected being badly  
time barred vide DIG MR order  
Encl:- 1415/ES, dated 18-02-019  
Y  
DPC/Mardan

Attested.

*[Signature]*

DSP Legal  
Mardan

(2)

Serial No.

14. COMMENDATORY ENTRIES - Contd.

ORDER

The Enquiry is hereby filed & he is Discharge from Service with effect from 10-6-2016 as he joined F.W.O Department with immediate effect under Police Rules -1975.

OB No. 2107  
12-9-17

  
District Police Officer  
Mardan

attested.



DSP Legal  
Mard.

CHARACTER ROLL OF

Serial No.

15. CENSURES AND PUNISHMENT

Two days Absence from duty on 30<sup>4</sup>/<sub>14</sub> to 2<sup>5</sup>/<sub>14</sub>  
l.w.o. Pay vide OB No 270, dt: 2/6/14.

*[Signature]*  
Supt. of Police, FRP,  
Peshawar Range, Peshawar

Two days Absence from duty on 13<sup>8</sup>/<sub>14</sub> to 15<sup>2</sup>/<sub>14</sub> l.w.o  
Pay vide OB No. 171, dt: 25/4/14.

*[Signature]*  
Supt. of Police, FRP,  
Peshawar Range, Peshawar

Two days Absence from duty on 11<sup>9</sup>/<sub>13</sub> to 13<sup>9</sup>/<sub>13</sub>  
l.w.o Pay vide OB No. 389, dt: 13<sup>10</sup>/<sub>13</sub>.

*[Signature]*  
Supt. of Police, FRP,  
Peshawar Range, Peshawar

5 days Absence from duty on 6<sup>9</sup>/<sub>13</sub> to 11<sup>9</sup>/<sub>13</sub> l.w.o  
Pay vide OB No 382, dt: 20<sup>9</sup>/<sub>13</sub>.

*[Signature]*  
Supt. of Police, FRP,  
Peshawar Range, Peshawar

Attested.

*[Signature]*

DSP Legal  
Mardan

(4)

(9)

REPORT AGAINST CONSTABLE QASIM NO. 1718, POLICE LINES MARDAN.

Undersigned was deputed to conduct Enquiry of constable Qasim No. 1718, Police Line Mardan, by the Worthy District Police Officer Mardan through office Letter No.220/R Date 07/2016.

Annexure  
"B"

BRIEF FACTS.

That Constable Qasim No, 1718, while posted at police Lines Mardan, deliberately absented himself from lawful duty vide DD No. 07 dated 10.06.2016 till date without an leave/permission from competent authority.

PROCEEDINGS.

The proceedings of the enquiry have been conducted strictly in accordance with the NWFI Police Rules 1975.

The above mentioned constable was several times contacted to appear before the undersigned record his statement, but he failed. Similarly, several Parwanas were also served upon him, which were returned back after compliance, but he deliberately avoids appearing. This act shows to be great negligence & lack of interest in official duty on part of the defaulted police official, which is mentioned in the enclosed DD report of PS City.


FINDINGS.

During the enquiry it was observed that the above mentioned constable is found guilty of misconduct / inefficiency and having no interest in official duty.

CONCLUSION.

In view of the above, the undersigned has reached to the conclusion that, the above mentioned official may be dealt as Ex-Party action.

No: 607 /S  
Dt: 23-05-2017  
Encl: ( 6 )

  
Deputy Superintendent of Police,  
City Circle, Mardan.

discharge

file

07/09/17

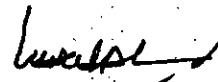
OR,

&

2/8/17

21/5/17

Attested



DSP Legal  
Mardan

0340-9032855  
19/7/16

(5) 10

**OFFICE OF THE DISTRICT POLICE OFFICER, MARDAN**

No. 220 /R.D.A-P.R-1975.

Dated 4-7- /2016

Annexure  
"C"

**DISCIPLINARY ACTION UNDER KPK POLICE RULES - 1975**

I, **Faisal Shahzad** District Police Officer, Mardan as competent authority am of the opinion that **Constable Qasim No. 1718**, rendered himself liable to be proceeded against as he committed the following acts/omission within the meaning of section-02 (iii) of KPK Police Rules 1975.

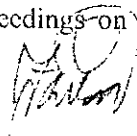
**STATEMENT OF ALLEGATIONS**

That **Constable Qasim No. 1718**, while posted at Police Lines Mardan, deliberately absented himself from lawful duty vide DD No. 07 dated 10.06.2016 to till date without any leave/permission from competent authority.

2. For the purpose of scrutinizing the conduct of the said official with reference to the above allegations **Shamraiz Khan DSP/City Mardan** is appointed as Enquiry Officer.

3. The enquiry officer shall conduct proceedings in accordance with provisions of Police Rules 1975 and shall provide reasonable opportunity of defense and hearing to the accused official, record its findings and make within twenty five (25) days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused officer.

4. The accused officer shall join the proceedings on the date, time and place fixed by the Enquiry Officer.



(Faisal Shahzad) PSP  
District Police Officer,  
Mardan

**OFFICE OF THE DISTRICT POLICE OFFICER, MARDAN**

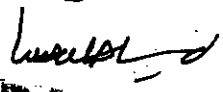
No. 220 /R., dated Mardan the 4-7- /2016.


Reader Steno

Copy of above is forwarded to the:

1. DSP/City Mardan for initiating proceedings against the accused official / Officer namely **Constable Qasim No. 1718**, under Police Rules, 1975.
2. **Constable Qasim No. 1718**, with the directions to appear before the Enquiry Officer on the date, time and place fixed by the enquiry officer for the purpose of enquiry proceedings.

\*\*\*\*\* !!! \*\*\*\*\*

Attested  
  
DSP Legal  
Mardan

Scanned  
  
District Mardan

(6) (11)

## CHARGE SHEET UNDER KPK POLICE RULES 1975

I, **Faisal Shahzad** District Police Officer, Mardan as competent authority hereby charge you **Constable Qasim No. 1718**, as follows.

That you FC, while posted at Police Lines Mardan, deliberately absented yourself from lawful duty vide DD No. 07 dated 10.06.2016 to till date without any leave/permission from competent authority.

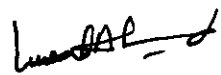
This amounts to grave misconduct on your part, warranting departmental action against you, as defined in section - 6 (1) (a) of the KPK Police Rules 1975.

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 rendered yourself 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 defence if any, should reach to the enquiry officer within the specified period; failing which, 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.



(Faisal Shahzad) PSP  
**District Police Officer,**  
**Mardan**

*attested*

  
**DSP Legal**  
**Mardan**



پولیس لائن

نقلہ 7 سہ ماہیہ 05/06/06

(12)

اللائع

مہجورٹ سہ ماہیہ

رائزنگ مل MARI وقت 05/06/06 درجہ درجہ  
انتظار خان آئی کے گارڈ دیو صاحب سے سہ ماہیہ لیکل فون

اللائع سے لیکل فون قائم 17/06/06 ایسی ڈیوٹی پر مہجورٹ

مہجورٹ سہ ماہیہ درجہ سہ ماہیہ لیکل فون سے

آمدہ آمدہ اللائع درجہ سہ ماہیہ سہ ماہیہ لیکل فون سے

سہ ماہیہ درجہ سہ ماہیہ لیکل فون سے سہ ماہیہ لیکل فون سے

فائل کیا

اگر ایسا ہو گا تو

فائل کیا

نقل بظاہر

~~Handwritten signature~~

PL/MDAL

10-6-16

Sir Forwarded

~~Handwritten signature~~

Lo PL Mardan

14/06/06

Forwarded PL

~~Handwritten signature~~

RI / Line / Mardan

15-06-16

فائل کیا

تبدیل یہ سہ ماہیہ سے سہ ماہیہ لیکل فون سے  
سہ ماہیہ لیکل فون سے

MARI P. Line  
15-6-16

Attested

~~Handwritten signature~~

DSP Legal  
Mardan

Annexure "D"

از دفتر ڈی، ایس، پی، سٹی

سٹی سرکل

پر واندہ اطلاع یابی

13

SHO / محترم تھانہ

بکار سرکار تحریر ہے کہ کنسٹیبل جاہد علی 1718 متعینہ پولیس ڈائری کو مطلع کریں۔

سورہ 17/3 - لز بوقت LL-OP - بے بسلسلہ انکوائری دفتر ہذا ہو جائے

ایس، ڈی، پی، او

سٹی سرکل مردان

Deputy Sup. of Police  
City Circle, Mardan

کاپی برائے اطلاعیابی و ضروری کارروائی!

(1) جناب ڈسٹرکٹ پولیس آفیسر صاحب مردان۔

(2) جناب SP ہیڈ کوارٹرز / آپریشن مردان۔

attested

DSP Legal  
Mardan

صنایع مالی  
بروز ما بنیاد کو صوفیہ 10/17 کو وصول نہ کر  
کیونکہ عدالت میں اصل بنیادوں اور اس کے فیصلوں  
پہلے رپورٹ سرخس ہے۔

AM-PS-108  
10-2-17

DSP  
M  
Allah  
L  
DSP Legal  
Mardan

DSP  
a  
n

قائم

19

9

سنگل مردان

از دفتر ڈی، ایس، پی، سی

RI صاحب پولیس اسٹیشن (پر وائس اطلاع یابی)  
مردان - SHO/مجرم قتل

بکار سرکار تحریر ہے کہ کنسٹیبل قاسم 1718 شہینہ بیگم پولیس اسٹیشن مطلع کریں۔

مورن 017-2-10 پر بوقت 08-02 بجے بسلسلہ انکوائری دفتر چھڑا ہوا جائے

ڈیپٹی سپرنٹنڈنٹ پولیس کے ذریعہ ایس ایچ او کو اطلاع دی جائے گی اور اس کی کاپی

ایس، ڈی، سی، او

سنگل مردان

8-2-017

کاپی برائے اطلاعاتی و ضروری کارروائی!

(1) جناب ڈسٹرکٹ پولیس آفیسر صاحب مردان۔

(2) جناب SP ہیڈ کوارٹرز/آپریشن مردان۔

Attested

  
DSP Legal  
Mardan

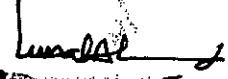
حوالہ نمبر 16 روزنامہ 04 مئی 2017

منہج مردان

10

در 16 رپورٹ، سید السلام MASI 9 وقت 10:00 بجے ہودفہ 04/2017 11 درج ہیکہ اس وقت رفاق سٹینو DSP صاحب سٹی دفتر روزنامہ آکر بیان کیا کہ حوالہ شوکار نوٹس نمبری 2250/4-7-16 جاریہ DPO صاحب مردان بنام کیشل قاسم 1718 متعینہ پولیس ایف آئی اطلاعیاں کیلئے پروانہ SHO قہانہ ہیر ارسال کی گئی تھی جو عدم تعمیل واپس موصول ہو چکی ہے۔ مزکورہ کیشل عمداً قہداً پیش نہیں ہوتا ہے۔ اسے طرح کیشل لہفرد 2078 متعینہ طوروں خلاف چھٹی نمبری 2016-11-27/518 جاریہ DPO صاحب مردان موزکورہ کیشل کے اطلاعیاں کیلئے بھی پروانہ SHO قہانہ طوروں ہودفہ 04/2017 10 کو ارسال کی گئی تھی جس پر مزکورہ کیشل نے تعمیل ہو چکی ہے۔ مگر مزکورہ کیشل عمداً قہداً پیش کیلئے ماضی میں ہوتا ہے۔ ایذا بردو کیشل ان کے خلاف رپورٹ درج روزنامہ کر کے اور قلمبر بمرغز حکمانہ کاروائی حوالہ کر کے لیس رپورٹ درج روزنامہ ہو کر قلمبر سٹینو DSP صاحب سٹی حوالہ کی گئی۔

جناب عالی

Attested.  
  
 DSP Legal  
 Mardan

(16)

(11)

لوگوں کے لئے

تفہیم 52 روزہ تا 24/12/14

کاروی - گوئی علی عارف 16/10/14 اور 24/12/14 اس وقت تک

قاسم سہا 17/8 غیر فہرستہ خزانہ در 5 روزہ تا 22/12/14 سے

طو آڈیٹ کاروی درم برداشت کرنے کیلئے مذکورہ مالک سے  
دستخط شدہ کی گئی۔ تفہیم لفظی ضمانت کاروی اختیار کرنے والی  
حضرت میں ارسال ہوئی۔

حاجہ عالیہ

نقل عطا اللہ رحیل سے

~~HRB~~

mm.f.lina

24-12-014

Sir, forwarded

~~Abdullah~~

LO/PL Mardan

9-1-15

Forwarded PL

~~HRB~~

10.01.2015

Attested.

~~Abdullah~~

DSP Legal  
Mardan

فہم لفظی ضمانت

01-20-40

ORDER

This order will dispose-off the departmental inquiry, which has been conducted against Constable Qasim No. 1718, on the allegation that he while posted at Police Lines Mardan, deliberately absented himself from lawful duty vide DD No. 07 dated 10.06.2016, to till date without any leave permission of the competent authorities. His attitude adversely reflected on his performance which is an indiscipline act and gross misconduct on his part as defined in rule 2(iii) of Police Rules 1975. Therefore he was recommended for departmental action.

In this connection, Constable Qasim No. 1718, was charge sheeted vide this office No. 220/R, dated 04.07.2016, and also proceeded him against departmentally through Mr. Shamreez Khan, DSP/City Mardan, who after fulfilling necessary process, submitted his findings to the undersigned vide his office endorsement No. 607/S, dated 23.05.2017. The allegations have been established against him and recommended for Ex-parte action by the Enquiry Officer as the alleged official neither reported his arrival to Police Lines Concerned nor taking interest in official duty.

After going through the enquiry file and heard him in orderly room, the undersigned reached to the conclusion that the inquiry against alleged Constable Qasim No. 1718, is hereby filed and he is discharged from Service with effect from 10.06.2016 as he joined FWO Department, with immediate effect, in exercise of the power vested in me under the above quoted rules.

Order announced

O.B No. 2107

Dated 12.9.2017



Dr. Mian Saeed Ahmed (PSF)  
District Police Officer,  
Mardan.

No. 7843-47 dated Mardan the 13-09-2017.

Copy for information and necessary action to:-

1. The S.P Operations, Mardan.
2. The DSP, City, Mardan.
3. The Pay Officer (DPO) Mardan.
4. The E.C (DPO) Mardan.
5. The OSI (DPO) Mardan.

\*\*\*\*\*

Attested.  
  
DSP Legal  
Mardan

ORDER.

18

This order will dispose-off the departmental appeal preferred by **Ex-Constable Qasim Shah No. 1718** of Mardan District Police against the order of District Police Officer, Mardan, wherein he was awarded Major Punishment of Discharged from Service by the then District Police Officer, Mardan vide his office OB: No. 2107 dated 12.09.2017.

Brief facts of the case are that the appellant while posted at Police Lines, Mardan deliberately absented himself from lawful duty vide daily diary No. 07 dated 10.06.2016 till the date of his dismissal without any leave permission of the competent authority. This attitude adversely reflected on his performance which an indiscipline act and gross misconduct on his part. Therefore, he was recommended for departmental action. Consequently, he was charge sheeted and also proceeded against departmentally through Mr. Shamrez Khan, the then DSP/City, Mardan. The Enquiry Officer after fulfilling necessary process submitted his findings report to the then District Police Officer, Mardan.

The allegations have been established against him and recommended for ex-parte action by the Enquiry Officer as the alleged Official neither reported his arrival to Police Lines concerned nor taking interest in official duty.

He was heard in Orderly Room by the then District Police Officer, Mardan who reached to the conclusion and the Inquiry against alleged Constable was filed and discharged from service with effect from 10.06.2016 as he joined FWO Department.

He was called in orderly room held in this office on **14.02.2019** and heard in person. The appellant did not produce any cogent reason for his innocence. Therefore, I find no grounds to intervene into the order passed by the then District Police Officer, Mardan. **Appeal is rejected being badly time barred.**

ORDER ANNOUNCED.

*Mus*  
(Signature)

(MUHAMMAD ALI KHAN)PSP  
Regional Police Officer,  
Mardan.

No. 1415 /ES,

Dated Mardan the 18/02 /2019.

Copy to District Police Officer, Mardan for information and necessary action w/r to his office Memo: No. 77/LB dated 08.02.2019. The Service Record is returned herewith.

(\*\*\*\*\*)

1563  
202-19  
DISTRICT POLICE  
MARDAN

DSP Legal, BC  
For information & action

Attested  
Luo...  
DSP Legal  
Mardan



**BEFORE THE HONOURABLE SERVICE TRIBUNAL (HYBER PAKHTUNKHWA)**  
**PESHAWAR.**

**Service Appeal No. 1582/2019**

Qasim Shah s/o Laiq Shah Ex-Constable No. 1718.....Appellant

**VERSUS**

The Inspector General of Police , Khyber Pakhtunkhwa, Peshawar and others.

.....Respondents

**AUTHORITY LETTER.**

Mr. Abdul Baseer Inspector Legal, (Police) Mardan is hereby authorized to appear before the Honourable Service Tribunal, Khyber Pakhtunkhwa, Peshawar in the above captioned service appeal on behalf of the respondents. He is also authorized to submit all required documents and replies etc. as representative of the respondents through the Addl: Advocate General/Govt. Pleader, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

*agv*  
**Inspector General of Police ,**  
**Khyber Pakhtunkhwa, Peshawar**  
(Respondent No. 03)

*hmy*  
**Regional Police Officer,**  
**Mardan**  
(Respondent No. 02)

*[Signature]*  
**District Police Officer,**  
**Mardan.**  
(Respondent No. 01)

*Attested*  
*[Signature]*  
**DSP Legal**  
**Mardan**