


FORM OF ORDER SHEET

Court of _____

Appeal No. _____

1774/2023

S.No. 1	Date of order proceedings 2	Order or other proceedings with signature of judge 3
1-	04/09/2023	<p>The appeal of Mr. Zia-ur-Rehman presented today by Mr. Farhan Ullah Shahbanzai Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR

Appeal No. 1774/2023.

Zia-ur-Rehman

Appellant.

VERSUS

DPO, Kurram & another.

Respondents.

I N D E X

Sr. No.	Description of Documents	Annexure	Page No.
1)	Memo of Appeal Along with Affidavit and Addresses of the Parties		1-7
2)	Copy of appointment order	A	8
3)	Copies of medical prescript & application dated:17-06-2021	B & C	9-10
4)	Copy of letter dated 30.06.2021 to medical Superintendent	D	11
5)	Copy of charge sheet dated: 25-05-2021 & Final Report dated: 01-07-2021	E & F	12-13
6)	Copy of dismissal from service order dated: 12-07-2021 of respondent No.01	G	14
7)	Copy of Departmental Appeal	H	15
8)	Copy of letter No.4650/EC, dated 16.03.2022 about progress medical report	I	16
9)	Copy of letter No.3021/F-6, dated 24.03.2023 to DG Health	J	17
10)	copy of letter No.562/MB, dated 11-05-2023, regarding medical report of the Standing Medical Board	K	18-18-A
11)	Copy of dismissal of departmental Appeal order dated:08-8-2023 of respondent No.04	L	19-19A
12)	Waqalat Nama		20


APPELLANT.

Dated; 04/09/2023

Through:-


(Farhan Ullah Shahbanzai)
Advocate High Court,
PESHAWAR

Cell No.0321-9171522

Office- F.F :30, 5th Floor, Bilour Plaza Peshawar Cantt.

Email: farhanullah190@gmail.com

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR.

Appeal No. 1774 / 2023

Zia-ur-Rehman S/O Fazal-ur-Rehman R/O Ali Sherzai, Village Sharifa Central
Kurram, District Kurram ex. Constable (Personal No.00669169) of
District Police Kurram.

.....Appellant.

VERSUS

- 1) District Police Officer, DPO, Kurram.
- 2) Deputy Superintendent of police, Investigation, District Kurram.
- 3) Deputy Inspector General of Police Kohat, Region at Kohat
- 4) Regional Police Officer, Kohat Region, Kohat.

.....Respondents.

APPEAL U/S 4 OF THE KPK SERVICES TRIBUNAL ACT, 1974
AGAINST THE ORDER DATED: 08/08/2023 OF
RESPONDENT NO.04 WHEREBY DEPARTMENTAL APPEAL
OF THE APPELLANT AGAINST THE ORDER DATED
12/07/2021 WAS DISMISSED, WHEREBY MAJOR PENALTY
DISMISSAL FROM SERVICE WAS IMPOSED UPON THE
APPELLANT BY RESPONDENT NO.01.

PRAYER

On acceptance of the appeal the both the orders dated:
08/08/2023 & 12/07/2021, may graciously be set aside,
and the appellant may graciously be considered as Retired
on the base of incapacitation from service in light of
Report of Standing Medical Board, accordingly all the
pension benefits be extend to the appellant, and any
other orders deem proper may also be passed in favor of
the appellant in the matter.

(2)

Respectfully Sheweth:-

1. That the appellant was appointed as Khassadar in Kurram Khassadar Force on 07.03.2011, wherein after merger of Kurram Agency into Khyber Pakhtunkhwa (KPK) the appellant vide notification dated 14.02.2020, was absorbed as Constable (Personal No.00669169) in Police Department and the appellant continued his duty under the supervision of respondent No.1 (DPO Kurram), and during his entire service he has got no adverse remarks or any other charge and as such having an excellent record and spot less service.
(copy of appointment order of the appellant is annexed as "A")
2. That the appellant performed his duty for 10-years and 03-months regularly, whereby on 06.02.2021 the appellant was referred for training at District Swabi, wherein the appellant remained for 32-days, but during training appellant both shoulders dislocated and due to the said reason he was unable to perform his duties as he was even unable to lift the weapon.
(copy of medical prescript is annexed as "B")
3. That on 17.06.2021, the appellant filed an application to the respondent No.1 for constitution of Standing Medical Board to examine the appellant as the appellant was unable to perform his duty due to the aforementioned health issues.
(copy of application dated 17.06.2021 is annexed as "C")
4. That accordingly respondent No.1 vide letter No.2043-47, dated 30.06.2021, referred the matter to the Medical Superintendent, District Headquarter Teaching Hospital, Kohat, for constitution of Standing Medical Board to ascertain the fitness of the appellant.
(copy of letter dated 30.06.2021 to medical Superintendent is annexed as "D")
5. That neither the appellant was provided any opportunity of personal hearing, nor appellant was informed about initiation of any departmental proceeding/inquiry, as such vide letter No.1622/PA, dated 25.05.2021, appellant was charge sheeted by inquiry officer, it is pertinent to mention that the appellant was not in knowledge of the said inquiry proceedings.
(copy of charge sheet dated 25.05.2021 is annexed as "E")
6. That even in absence of the appellant final report was prepared by respondent No.2, on 01.07.2021, and the same was forwarded to the inquiry officer.
(copy of final report dated 01.07.2021 is annexed as "F")

3

7. That neither any proper service was effected upon the appellant, nor any show cause notice was issued to the appellant by the inquiry officer and on the basis of final report of respondent No.2, the respondent No.1 impose major penalty "dismissal from service" with immediate effect upon the appellant vide order dated 12.07.2021.
(copy of order of dismissal from service, dated 12.07.2021, is annexed as "G")
8. That being aggrieved from the order of respondent No.1, which came into the knowledge of the appellant on 05.08.2021, and thus the appellant filed departmental appeal, dated 10.08.2021, which was entered as Diary No.7827, dated 03.09.2021, before the Appellate Departmental Authority.
(copy of Departmental Appeal is annexed as "H")
9. That after personal hearing of the appellant, the appellate authority vide letter No.4650/EC, dated 16.03.2022, has inquired the fate of letter No.2043-47, dated 30.06.2021, in respect of progress regarding constitution of Standing Medical Board, which was previously referred by respondent No.1.
(copy of letter No.4650/EC, dated 16.03.2022 about progress is annexed as "I")
10. That the matter was further referred by Medical Superintendent DHQT Hospital (KDA), Kohat, to the Director General Health, Khyber Pakhtunkhwa, Peshawar, for constitution of Standing Medical Board regarding appellant's fitness vide letter No.3021/F-6, dated 24.03.2023.
(copy of letter No.3021/F-6, dated 24.03.2023 to DG Health is annexed as "J")
11. That vide letter No.562/MB, dated 11.05.2023, Standing Medical Board declared the appellant as unfit for the job, which was send to Departmental Appellate Authority by Medical Superintendent DHQ Hospital, Parachinar.
(copy of letter No.562/MB, dated 11.05.2023, is annexed as "K")
12. That after going through the said documents, the Departmental Appellate Authority has refused to accept the plea of the appellant, as such vide impugned order dated 08.08.2023, the Departmental Appeal of the appellant was dismissed by respondent No.4 and order dated 12.07.2021, from dismissal of service was maintained.
(copy of impugned order dated 08.08.2023,, is annexed as "L")
13. That the appellant now approaches this Hon'able court / tribunal for setting aside both the impugned orders through the instant service appeal on the following grounds amongst others.

4

GROUNDS.

- A. That order of the respondent No.1 & 4 are against the law, facts and violation of the procedure as provided under the law, hence the same is liable to be struck down.
- B. That so-called departmental inquiry proceeding has not been initiated in accordance with proper procedure, and the entire proceeding has been completed in haphazard manner, neither any notice has been served upon the appellant nor any show cause notice was issued to the appellant, as such the appellant has been condemned unheard which is violation of principle of natural justice, hence the same is having no sanctity in the eye of law.
- C. That the both the learned forums have failed to consider the factual aspect of the case in true prospect as neither the letter dated 30.06.2021 regarding constitution of Standing Medical Board was looked in, nor the health problems which was facing by the appellant were considered in a justified manner, which required consideration of this Hon'ble Tribunal.
- D. That as far as allegation of absence from duty is concerned, the appellant has categorically brought the matter into the knowledge of his high-ups, which is clear from the letter dated 17.06.2021, even the appellant has unblemished service of more than 10-years, but all these facts has given ignored by both the forums.
- E. That on one hand vide letter dated 30.06.2021, respondent No.1 has himself referred the case of the appellant for constitution of Standing Medical Board regarding fitness of the appellant, and on another hand on the back of the appellant charge sheet was prepared on 25.05.2021, which shows the unrealistic, improper and illegal approach towards the case of the appellant, hence such inquiry proceedings rose eye-brows as justice was not done in the case of the appellant as it was required.
- F. That being a regular employee the appellant has served the department honestly and whole heartedly for sufficient time, and perform his duties candidly and unequivocally, thus the appellant cannot be dismissed from his service with just a stroke of pen as done by the respondent No.1 & 4.
- G. That the conduct of the respondent No.1 & 4 clearly suggests that the appellant has highly been discriminated which is not permissible under the constitution of Islamic Republic of Pakistan, 1973.

5

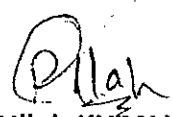
- H. That after sending the matter regarding fitness of the appellant vide letter dated 30.06.2021, which was again repeated vide letter dated 16.03.2022, and 24.03.2023, and lastly Standing Medical Board furnished his opinion on 11.05.2023, whereby the appellant was declared unfit for the job, hence respondents were required to dispense the services of the appellant due to incapacitation and the appellant was declared to be stood retired from the service, but the same was not considered within the true legal spectrum, which requires consideration.
- I. The contents of the departmental appeal/representation may be considered as integral part of the instant appeal.
- J. That on the permission of this Hon,able court the appellant may urge other additional ground if any, at the time of arguments.

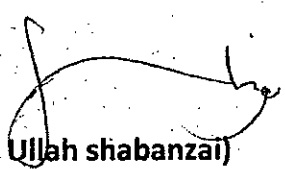
It is therefore most humbly prayed that on acceptance of the instant appeal, the impugned order, dated 08.08.2023 of the respondent No.04, whereby the Departmental Appellate Authority maintained the order of respondent No.01, dated 12.07.2021, whereby appellant was dismissed from service, the same may graciously be set aside, and the appellant may graciously be considered as Retired on the basis of incapacitation from service in light of Report of Standing Medical Board, dated 11.05.2023, accordingly all the pension benefits be extend to the appellant, and any other orders deem proper may also be passed in favour of the appellant in the instant matter.


APPELLANT

Dated; 04/09/2023

Through:-


(Rafi Ullah KHAN Wazir)
Advocate Peshawar,
PESHAWAR


(Farhan Ullah shabanzai)
Advocate High Court,
PESHAWAR

6

BEFORE THE K.P.K SERVICES TRIBUNAL PESHAWAR.

Appeal No. _____ / 2023

Zia-ur-Rehman

.....Appellant.

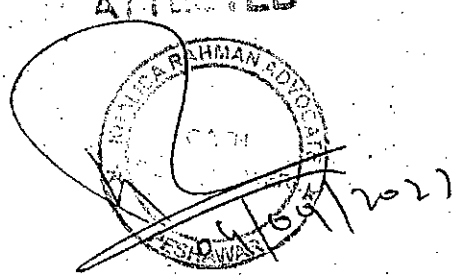
VERSUS

DPO, Kurram & another.

.....Respondents.

AFFIDAVIT

I, Zia-ur-Rehman S/O Fazal-ur-Rehman R/O Ali Sherzai, Village Sharifa Central Kurram, District Kurram ex. Constable (Personal No.00669169) of District Police Kurram, do hereby solemnly affirm and states on oath that the contents of accompanying appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon' able Court.

ATTESTED




(Deponent)

CNIC No#21302-7441692-9

Mobile No. 0302-8327350

7

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR

Appeal No. _____ / 2023.

Zia-ur-Rehman

.....Appellant.

VERSUS

DPO, Kurram & another.

.....Respondents.

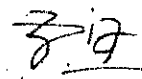
Zia-ur-Rehman S/O Fazal-ur-Rehman R/O Ali Sherzai, Village Sharifa Central
Kurram, District Kurram ex. Constable (Personal No.00669169) of
District Police Kurram

.....Appellant.

VERSUS

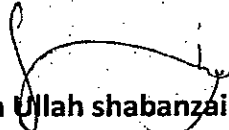
- 1) District Police Officer, DPO, Kurram.
- 2) Deputy Superintendent of police, Investigation, District Kurram.
- 3) Deputy Inspector General of Police Kohat, Region at Kohat
- 4) Regional Police Officer, Kohat Region, Kohat.

.....Respondents.


APPELLANT

Dated; 04/09/2023.

Through:-


(Farhan Ullah shabanzai)
Advocate High Court,
PESHAWAR

(8)

Annex "A"

OFFICE OF THE POLITICAL AGENT,
KURRAM AGENCY, PARACHINAR.

No. 314-20 / Kurram Levy
Dated 7 / 03 / 2011

The following individuals are hereby appointed as Khassadars against the created posts of Kurram Khassadars Force with immediate effect, subject to the production of Health/Age Certificates and Surety Bonds.

1. Liaqat Khan s/o Farid Khan Parachamkani r/o Daya
2. Dawood Khan s/o Machakai Parachamkani r/o Nargas.
3. Rehman Gul s/o Zeri Gul Alisherzai r/o Shamkhai.
4. ✓ Zia ur Rehman s/o Fazal Rehman Alisherzai r/o Zaya.
5. Naeem Khan s/o Sabir Khan Alisherzai r/o Tindo.
6. Ihsanullah s/o Saifullah Massozai r/o Ossay.
7. ✓ Abul Manan s/o Abdul Khanan Massozai r/o Dogar.
8. Muhammad Jamil s/o Muzafar Khan Massozai r/o Dargai.
9. Muhammad Amin s/o Taj Muhammad Zairnusht r/o Zarana.

M. W. J.
Political Agent, Kurram

No. and date even
Copy forwarded to the:-

1. Assistant Political Agent, Central Kurram at Sadda
2. Agency Accounts Officer Kurram.
3. Political Naib Tehsildar Central Kurram, at Sadda.
4. Superintendent PA'S Office.
5. Subedar Major Kurram Khassadar Force.
6. Quarter Master Kurram Levy Force.
7. Official concerned.

M. W. J.
Political Agent, Kurram

ATTESTED

[Signature]



OUTPATIENT DEPARTMENT (OPD)

Khyber Teaching Hospital
Medical Teaching Institution Peshawar
Khyber Pakhtunkhwa - Pakistan

(9)

Amex "B"

Fig. No. Rem Date July 16/03

Complaints: R.

Findings: Received Standard Data sheet
100mm
1st Dilation Examination

Investigations: Plant. Necr. "Sungay"
Physiology, Ser. Micro
Alphagutay

Diagnosis: APB 2/1 For 1st Date for Admission

<u>16/03</u>	<u>(APB)</u>
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ATTESTED
[Signature]

REGISTRAR
GENERAL & FORMS
MILKTA PESHAWAR

Next Visit: _____ Consultant Name: _____ Signature: _____

الحضرت صاحب الدخان ۲۵۰۰ روپے: نیکو کرم نام اقبال
معاون . ملازمت کے لئے ان نٹا لویڈ پوسٹل انسٹیبل

دفاعت کے لئے لکھی گئی ہے۔ لکھی گئی ہے۔ لکھی گئی ہے۔

جیسا کہ
رہا ہے۔ جیسا کہ
ہاں ہے۔ جیسا کہ
کے لئے ہے۔ جیسا کہ

لکھی گئی ہے۔ لکھی گئی ہے۔ لکھی گئی ہے۔

۱۷/۰۶/۲۱

انٹرنیشنل انسٹیبل

CNIC No 21302-7441692-9

Code No 9169

Mobile No 0302-8327350

Enlist Date Appointment 07-07-2011

Send him Joy medical board

[Signature]

38/1/2021

ATTESTED
[Signature]

(11)

Ameer "D"



OFFICE OF THE
DISTRICT POLICE OFFICER
KURRAM, KHYBER PAKHTUNKHWA
Tel/Fax: 0926-311354 * Email: police.kurram@gmail.com
No. 20/3-47 Dated Parachinar, 30/08/2021

To
The Medical Superintendent,
District Headquarter Teaching Hospital,
District Kohat.

Subject:- CONSTITUTION STANDING MEDICAL BOARD FOR PENSION EMOLUMENTS.

Memorandum.

An application dated: 17/08/2021 submitted by Constable Zia ur Rehman s/o Hajj
Fazal ur Rehman Caste, Alisherzai resident of village Zaya Sharifa Central Kurram requesting
therein for grant of standing medical board for pension as he is suffering mentally & physical
illness and he is unable to perform his official duties, is enclosed herewith for report.

Fub

562
9/7/2021

District Police Officer,
Kurram.

No. & date is even.
Copy forwarded to the:-

1. Superintendent of Police (Investigation) at Sadda.
2. District Accounts Officer, District Kurram.
3. Deputy Superintendent of Police Central Kurram
4. OASI Kurram Police.
5. Official Concerned.

*Copy
for necessary action
in light of DG/HS Director's
material in SMB report previously.*

M.S. Miller
9/7/2021

District Police Officer,
Kurram.

13/7/2021

ATTESTED
[Signature]



(12)

Annex E

OFFICE OF THE
DISTRICT POLICE OFFICER
KURRAM, KHYBER PAKHTUNKHWA

Tel/Fax: 0926-311354*Email:policekurram@gmail.com

No. 1622 /PA Dated Parachinar. 25-5-2021.

CHARGE SHEET

MR. TAHIR IOBAL DISTRICT POLICE OFFICER KURRAM as competent authority under Khyber Pakhtunkhwa Police Rule 1975 (amended 2014), am the opinion that you Constable Zia ur Rehman s/o Fazal Rehman P.No.00669169 had rendered yourself liable to be proceeded against as you have committed the following act within the meaning of the Police Rules 1975 amended 2014.

That you are willingly absent from Swabi Training which is a gross misconduct on your part..

By reason of the above, you appear to be guilty of misconduct under the Police Rule 1975 (amended 2014) and have rendered yourself liable to all or any of the penalties specified in the Police Rules.

You are, therefore, required to submit your written statement within (03) days of the receipt of this charge sheet to the inquiry officer.

Your written defense if any should reached the inquiry officer within the specified period, failing which it shall be presumed that you have no defense to put in and ex-parte action shall be taken against you.

A statement of allegation is enclosed.

District Police Officer
Kurram

ATTESTED

فائل رپورٹ

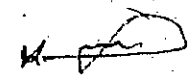
جناب عالی

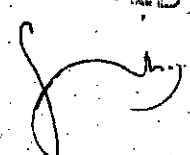
خواجہ چارج شیٹ نمبر 162 مورخہ 25-05-2021 جاریہ جناب DPO صاحب کرم المعروف خدمت ہوں کہ کانٹینیل پولیس ٹریننگ ولد فضل رحمان نمبری 00669169 کو جناب DPO صاحب صوابی پولیس ٹریننگ سے غیر حاضری کے بناء پر چارج شیٹ کیا ہے۔ منکرہ کانٹینیل کو بار بار بریلوہ پٹی فون OHC سے رابطہ کیا۔ منکرہ کانٹینیل کے حلف چارج شیٹ جاری ہو ہے۔ وہ فوراً اپنی صفائی پیش کرنے کیلئے انکوٹری آفس کو حاضری دے۔ اور اپنے ڈیوٹی سرانجام دینے کیلئے پولیس لائنت پارٹینر چارج ہو جائیں مگر منکرہ کانٹینیل کی طرف سے چارج شیٹ کا کوئی جواب ملنی نہیں ہوئی ہے۔ منکرہ کانٹینیل بحال بدستور غیر حاضر ہے۔

عالیجاہ:-

منکرہ کانٹینیل پولیس ٹریننگ صوابی سے بھی غیر حاضر رکھا ہے۔ اور صفائی پیش کرنے کیلئے انکوٹری آفس بھی نہیں آیا ہے۔ اور نہ ہی آئیناب کے دیے ہوئے چارج شیٹ کا کوئی جواب دیا ہے۔ جو کہ جواب دینے کا وہ پابند ہے۔ پولیس رول 1975 (amended 2014) کے تحت منکرہ کانٹینیل سسرال کا مستحق ہے۔ لہذا کانٹینیل بالہ کا انکوٹری مکمل ہو کر جناب DPO صاحب کو (Major Punishment) سزا کیلئے ارسال حدقت ہے۔

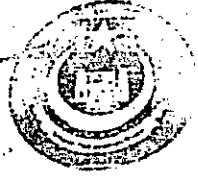
رپورٹ ختم ہے


 DSP (inv) Karam
 01/7/2021 No 196/
 dt. 01/07/21

ATTACHED


(14)

Annex "G"



DISTRICT POLICE
OFFICER KURRAM, KHYBER PAKHTUNKHWA
Tel/Fax: 0926-311354*Email: policekurram1@gmail.com
No. 2197-99/PA Dated Parachinar. 12-7-2021

ORDER

This order is passed on the Charge Sheet against Constable Zia u Rehman s/o Fazal Rehman Salary No. 00669169 under the Khyber Pakhtunkhwa, Police Rules, 1975 (Amendment 2014).

Brief facts are that while posted at Center Kurram had absented himself from official duty and Training reported by OHC since long time without any leave or Permission from the competent authority, which shows his in-efficiency and lack of interest in the discharge of government duties.

He was served with charge sheet, he never bothered to reply charge sheet.

In view of the above I, Tahir Iqbal District Police Officer Kurram in exercise of the powers conferred upon me, hereby award him a major punishment of "Dismissal from Service" with immediate effect and his absence period is treated as leave without pay.

OB No. 236

Date. 12 / 07 / 2021

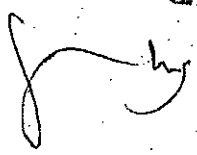

District Police Officer
Kurram

No and Date is even:

Copy of the above is forwarded to the:

1. Regional Police Officer, Kohat.
2. District Account Officer, Kurram.
3. Reader/RI/SRS/OHC for necessary action.

ATTESTED




District Police Officer
Kurram

Annex "H"

(15)

بھضور جناب DIG صاحب کوہاٹ، ریجن کوہاٹ

(درخواست برآمدات کی رقم و بحالی کرنے اور انصاف دلانے)

7827
3/9/21

جناب عالی

موزبانہ گزارش ہے کہ سائل کرم پولیس فورس میں عرصہ (10) سال اور چار (4) مہینے سے بطور کانسٹیبل ڈیوٹی احسن طریقے سے سرانجام دے کر مورخہ 06/02/2021 کو سائل کا نام بہ قلم سوالی برائے ٹریڈنگ بسٹ میں شامل کر کے سائل نے 32 ایام ٹریڈنگ کی۔ اس دوران سائل کے کندھے کا تاج اپنی جگہ سے پھسل اور کل کر سائل شدید تکلیف میں مبتلا ہوا۔ جو کہ سائل کے دونوں کندھوں کے پھسلنے اور اپنی جگہ سے ہٹنے کا شش موجود ہے۔ بوجہ شدید تکلیف کے سائل برائے معائنہ سیمپل ٹیچنگ اسپتال پشاور جا کر بعد از معائنہ اکثر نے سرجری کا مشورہ دیکر ایڈمٹ کرنے کی تاریخ دی۔ چونکہ سائل سے کل دو (2) دیگر بندوں نے سرجری کی تھی، لیکن انکو کوئی خاطر خواہ صحت یابی حاصل نہیں ہوئی تھی۔ اور معالج نے بھی کامیاب سرجری ہونے کا یقین نہ کر سکا تھا۔ سائل شوریے کے بعد واپس آیا، اور اس وجہ سے Mentally Disrub بھی ہوا۔ جو بحالہ ریجنل اسپتال کراچی ایڈیشن نمبر 1621/PA مورخہ 25/05/2021 کو بحالہ ریجنل نمبر 1622/PA چارج شیٹ کیا۔

سائل نے مورخہ 30/06/2021 کو ایک استخفا جناب DPO صاحب ضلع کرم کو پیش کیا، کہ مذکورہ مشکلات کی بناء پر سائل اپنی ڈیوٹی نہیں کر سکتا۔ کوئی روزی چیز بھی کر سکتا تھا۔ سائل نے اس (10) سال چار (4) مہینے ڈیوٹی سرانجام دی ہے۔ سائل نے ملازمت سے ریٹائرمنٹ اور ماہوار پنشن دلوانے کی استدعا کی، جس پر DPO صاحب ضلع کرم نے بحالہ ریجنل نمبر 30/06/2021 مورخہ 30/06/2021 میں ایک پرنٹڈ فرم ڈسٹریکٹ ہیڈ کوارٹر کوہاٹ سے رائے طلب کی۔ تیرہ (13) ایام پورے نہیں ہوئے تھے کہ سائل کو بحالہ ریجنل نمبر 2197-99/PA مورخہ 12/07/2021 کو نوکری سے (Dismiss) درخواست کیا۔

عالیجاہ

سائل ایک غریب اور بال بچے والا ہے، اور بچوں کی کفالت کرنے اور روزی روٹی کمانے کا دھڑریہ ہے، اور سائل اس کے علاوہ اور کوئی ذریعہ معاش نہیں رکھتا ہے۔ لہذا استدعا ہے کہ سائل کی مذکورہ بیماری اور بچوں کی مستقل کی خاطر، درخواست مذکورہ بالا پر نظر ثانی فرما کر سائل کو اپنی نوکری پر بحالی اور میڈیکل بورڈ ریفر کے پیشن دلوانے کا حکم صادر فرما کر مشکور فرمادے۔ سائل تاحیات دعا گو ہے گا۔

میں گزارش ہوگی۔

EC
08/09

الم رقم: 10/08/2021

14553 IEC
3/9/21

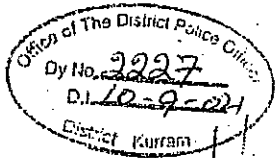
ارض

فیاض الرحمن ولد حاجی فضل الرحمن قوم ملی شریذی، سکس صدہ ضلع کرم

Mobile# 0302-8327350

ذی

DPO Kurram



SRC
For Report

For Comments &

provision of Service & enquiry. File in action

10/09/21

3/9/21

ATTESTED

[Signature]

(16)

Annex 'I'



OFFICE OF THE
REGIONAL POLICE OFFICER,
KOHAT REGION

E-mail: ccrregionofficekohat@pmbil.com, Phone: No. 0922-9260115, Fax No. 0922-9260114

To: - The Medical Superintendent,
DHQ Teaching Hospital,
KDA Township, Kohat.

No. 4650 /EC. Dated Kohat the 16/03/2022

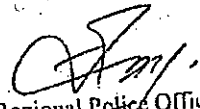
Subject: - CONSTITUTION OF STANDING MEDICAL BOARD.

MEMO:

Please refer to District Police Officer, Kurram Letter No. 2043-47, dated 30.06.2021 on the subject quoted above.

It is intimated that DPO Kurram vide above quoted reference had requested you for constitution of Standing Medical Board for medical examination of Constable Zia-ur-Rehman of district Kurram but no response has been received after a lapse of considerable time.

It is, therefore, requested that Standing Medical Board may please be constituted for medical examination of Ex-Constable Zia-ur-Rehman of district Kurram and opinion whatsoever may be conveyed to this office for disposal of his appeal.


Regional Police Officer,
Kohat Region.

FB
4805
18/3/22

170
21/3/2022

29/3/2022

ATTESTED



(17)

Amose "J"

OFFICE OF THE
MEDICAL SUPERINTENDENT
DHQ TEACHING HOSPITAL
KDA, KOHAT
No. 3021 /F-6
Dated Kohat the 24/12/2022

To:

The Director General
Health Services Khyber Pakhtunkhwa
Peshawar.

SUBJECT;
Memo;

CONSTITUTION OF STANDING MEDICAL BOARD.

Enclosed please find here with: a copy of letter No.4650/EC, dated, 16.03.2022
Received from Regional Police Officer Kohat Region in respect of Ex-Constable Zia -Ur-Rehman of
Kurram District for convening of standing medical board, please.

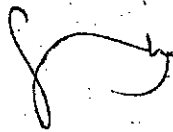
MEDICAL SUPERINTENDENT
DHQ HOSPITAL KDA KOHAT

Encls: No. & Date even:

Copy forwarded to the Regional Police Officer, Kohat Region for information
With reference to his letter No. referred to above, please.

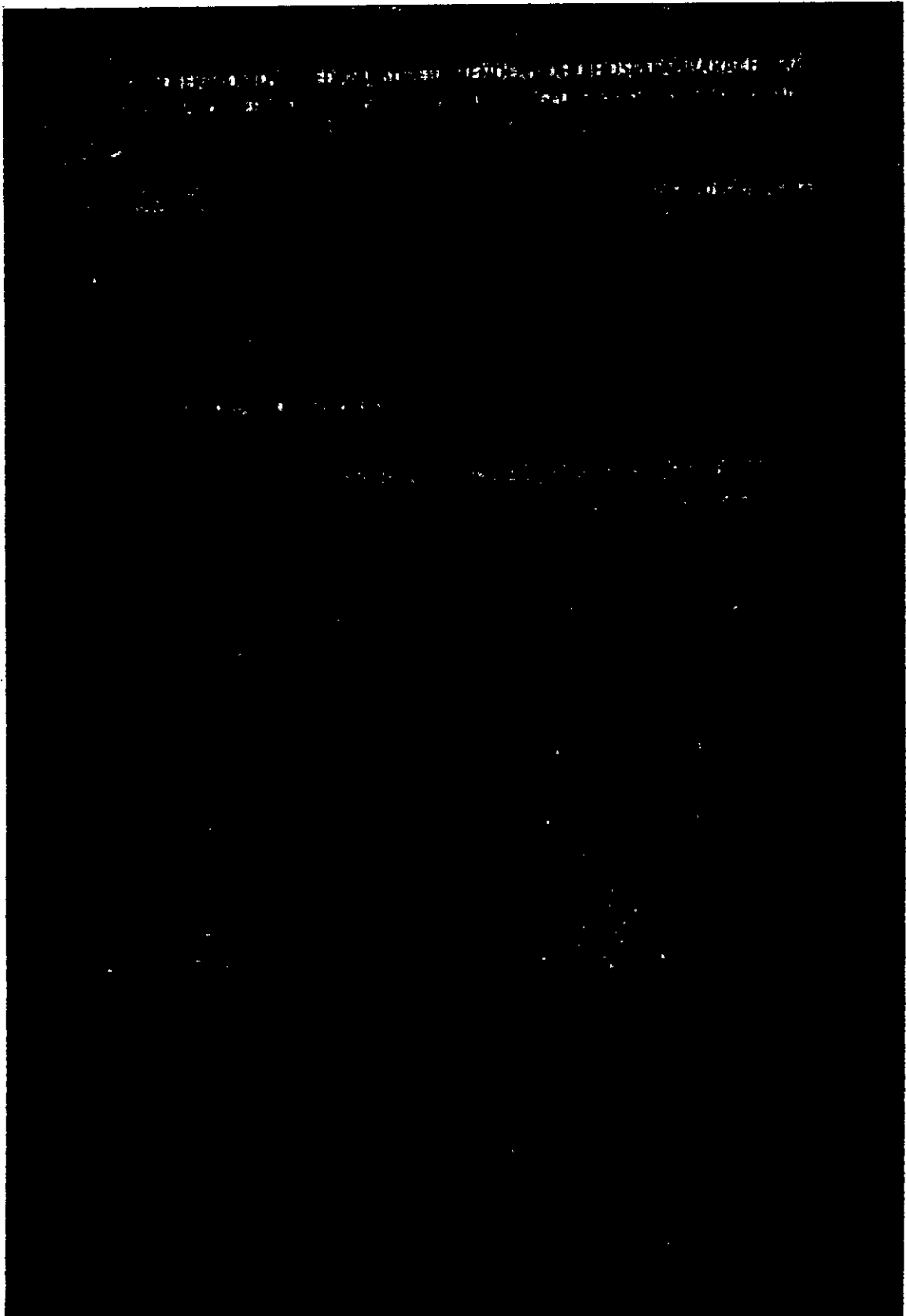
MEDICAL SUPERINTENDENT
DHQ HOSPITAL KDA KOHAT

ATTESTED



(18)

Annex "K"



Better copy

18-A

OFFICE OF THE MEDICAL SUPERINTENDENT DGQ HOSPITAL PARARCHINAR
HEALTH DEPARTMENT DISTRICT KURRAM MERGED AREA KHYBER
PAKHTUNKHWA

No. 562 /MB

DATE: 11TH May 2023

To

The D.I.G Police,
Kohat, KPK.

Subject MEDICAL BOARD REPORT

Sir,

It is certified that Mr. Zia-Ur-Rehman Constable S/O Fazal Ur Rehman patient is examined by me giving history of both shoulder recurrent dislocation X-ray not amiable apprehension test of both shoulder positive

According to history, he is medically unfit for job at the moment but surgical procedure is available for stability of joints.

SD/-

Medical Superintendent DHQH, PCR

No. 562 /MB

Dated

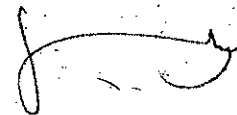
Parachinar 11/05/2023

Dr. Ghayur Hussain MO
(Ortho; unit)

Dr. Qaiser Abbas MO

Countersigned
Medical Superintendent
District Head Quarter,
Parachinar

ATTESTED



(19)

Annex "L"

ORDER.

This order will dispose of the departmental appeal, preferred by Ex-Constable Zia Ur Rehman S/O Fazal Rehman Personnel No. 00669169 of district, Kurram against the order of District Police Officer, Kurram whereby he was awarded major penalty of dismissal from service and absence period was treated as leave without pay vide OB No. 236 dated 12.07.2021. Brief facts of the case are that the appellant while posted at Central Kurram absented himself from official duties and Training program with effect from 13.02.2021 till the date of his dismissal from service i.e. 12.07.2021.

Proper departmental enquiry proceedings were initiated against him and DSP Investigation Kurram was nominated as Enquiry Officer. The Enquiry Officer after fulfillment of all codal formalities submitted his findings wherein he stated that the appellant neither appeared before Enquiry Officer nor submitted his reply to Charge Sheet. He was therefore, recommended for major penalty under the relevant rules.

Keeping in view recommendations of the Enquiry Officer and the above cited circumstances, the delinquent official was awarded major punishment of dismissal from service and leave without pay under the relevant rules by the District Police Officer, Kurram vide OB No. 236 dated 12.07.2021.

Feeling aggrieved from the order of District Police Officer, Kurram, the appellant preferred the instant appeal on 03.09.2021. Comments were requisitioned from DPO Kurram in this regard. He was heard in person in Orderly Room held in this office on 15.03.2022. It merits a mention here that on 30.06.2021, an application of the appellant had been referred to the Medical Superintendent, District Headquarters Hospital Kohat for constitution of Standing Medical Board. However, on the completion of the departmental enquiry proceedings, the appellant was awarded major punishment of dismissal from service on 12.07.2021. He was heard in person in O.R in this office on 15.03.2022 by the then Regional Police Officer, Kohat. Subsequently, in pursuance of the Letter of District Police Officer, Kurram vide No. 2043-47, dated 30.06.2021, this office wrote a Letter to Medical Superintendent, DHQ Hospital KDA Kohat for constitution of Standing Medical Board and submission of opinion. The opinion of Medical Board was received to this office on 17.05.2023 wherein it was recommended that he is medically unfit for job at the moment but surgical procedure is available for stability of joints. He was again summoned and heard in person in Orderly Room held in the office of the undersigned on 18.07.2023. During personal hearing the appellant contended that his absence was not intentional and deliberate but due to his illness.

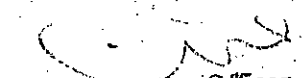
From the perusal of the enquiry file, service record of the appellant and the reasons advanced by Ex-Constable Zia-ur-Rehman during personal hearing it is clear that the appellant had been proceeded against departmentally for willful absence from duties. The allegations leveled against him were established during the course of regular departmental enquiry. On the basis of recommendations of Enquiry Officer, the DPO Kurram awarded him major punishment of dismissal from service. The report of Standing Medical Board was received vide MS DHQ Parachinar Kurram Letter No. 562/MB dated 11.05.2023 wherein he has been declared medically unfit for the job at the moment.

Since the appellant has remained absent for a period of about 05-months without any authorization from his senior officers, and his appeal is also time-barred about 23-days, therefore, the undersigned is not inclined to interfere with the order of dismissal from service passed by District Police Officer, Kurram vide order No. 2197-99/PA dated 12.07.2021.

Based on the above, I, Sher Akbar, PSP S.St, Regional Police Officer, Kohat being the appellate authority, do not find any substance in his appeal. Hence, the instant appeal is hereby rejected, being without merits and time-barred.

ATTESTED

Order Announced


Regional Police Officer
Kohat Region

No. 8495 /EC, Dated Kohat the 8, 8 /2023

Copy forwarded to District Police Officer, Kurram for information and necessary w/r to his office Memo: No. 1622/PA, dated 25.05.2021. His Service Record is returned herewith.

19-A

Better Copy

ORDER

This order will dispose of the departmental appeal, preferred by Ex-Constable Zia Ur Rehman S/O Fazal Rehman Personnel No. 00669169 of district, Kurram against the order of District Police Officer, Kurram whereby he was awarded major penalty of dismissal from service and absence period was treated as leave without pay vide OB No. 236 dated 12.07.2021. Brief facts of the case are that the appellant while posted at Central Kurram absented himself from official duties and Training program with effect from 13.02.2021 till the date of his dismissal from service i.e. 12.07.2021.

Proper departmental enquiry proceedings were initiated against him and DSP Investigation Kurram was nominated as Enquiry Officer. The Enquiry Officer after fulfillment of all codal formalities submitted his findings wherein he stated that the appellant neither appeared before Enquiry Officer nor submitted his reply to Charge Sheet. He was, therefore, recommended for major penalty under the relevant rules.

Keeping in view recommendations of the Enquiry Officer and the above cited circumstances, the delinquent official was awarded major punishment of dismissal from service and leave without pay under the relevant rules by the District Police Officer, Kurram vide OB No. 236 dated 12.07.2021.

Feeling aggrieved from the order of District Police Officer, Kurram, the appellant preferred the instant appeal on 03.09.2021. Comments were requisitioned from DPO Kurram in this regard. He was heard in person in Orderly Room held in this office on 15.03.2022. It merits a mention here that on 30.06.2021, an application of the appellant had been referred to the Medical Superintendent, District Headquarters Hospital Kohat for constitution of Standing Medical Board. However, on the completion of the departmental enquiry proceedings, the appellant was awarded major punishment of dismissal from service on 12.07.2021. He was heard in person in O.R in this office on 15.03.2022 by the then Regional Police Officer, Kohat. Subsequently, in pursuance of the Letter of District Police Officer, Kurram vide No. 2043-47, dated 30.06.2021, this office wrote a Letter to Medical Superintendent, DHQ Hospital KDA Kohat for constitution of Standing Medical Board and submission of opinion. The opinion of Medical Board was received to this office on 17.05.2023 wherein it was recommended that he is medically unfit for job at the moment but surgical procedure is available for stability of joints. He was again summoned and heard in person in Orderly Room held in the office of the undersigned on 18.07.2023. During personal hearing the appellant contended that his absence was not intentional and deliberate but due to his illness.

From the perusal of the enquiry file, service record of the appellant and the reasons advanced by Ex-Constable Zia-ur-Rehman during personal hearing it is clear that the appellant had been proceeded against departmentally for willful absence from duties. The allegations leveled against him were established during the course of regular departmental enquiry. On the basis of recommendations of Enquiry Officer, the DPO Kurram awarded him major punishment of dismissal from service. The report of Standing Medical Board was received vide MIS DHQ Parochinar Kurram Letter No. 562/NIB dated 11.05.2023 wherein he has been declared medically unfit for the job at the moment.

Since the appellant has remained absent for a period of about 05-months without any authorization from his senior officers, and his appeal is also time-barred about 23-days, therefore, the undersigned is not inclined to interfere with the order of dismissal from service passed by District Police Officer, Kurram vide order No. 2197-99/PA dated 12.07.2021.

Based on the above, I, Sher Akbar, PSP S.St. Regional Police Officer, Kohat, being the appellate authority, do not find any substance in his appeal. Hence, the instant appeal is hereby rejected, being without merits and time-barred.

Order Announced

Regional Police Officer,
Kohat Region

No. 8495 JEC, Dated Kohat the 21/8/2023

Copy forwarded to District Police Officer, Kurram for information and necessary w/r to his office Memo. No. 1622/PA, dated 25.05.2021. His Service Record is returned herewith.

2023/08/11

ATTESTED

[Handwritten signature]

بعدالت جسٹس خورشید احمد کی عدالت

دعا کی درخواست

2023ء منتخب ایپل رٹ
صبار الرحمن بنام DPO قلعہ سوات

موزعہ 04
مقدمہ
دعویٰ
جرم

باعث تحریر آنکھ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے دہلی پیر وہی وجوہ دی وکل کاروائی متعلقہ
آن مقام درمیلے صرحان اللہ سہیل نے
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کمال اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دیئے جو اب دی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور وصولی چیک در پیہا عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا ایپل کی برآمدگی
اور منسوخی نیز دائر کرنے ایپل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت
مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے
تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ یا اختیارات حاصل ہوں گے
اور اس کا ساختہ پر داختم منظور قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے
سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں
گے۔ کہ پیروی مذکور کریں۔ لہذا کالت نامہ لکھد یا کہ سند ہے۔

المرقوم 04 ماہ ستمبر 2023ء

صبار الرحمن

کے لئے منظور ہے۔

دعا کی

مقام

صبار الرحمن ولد صل الرحمن