

10.07.2023

Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.


Learned counsel for the appellant seeks adjournment on the ground that he has not made preparation for arguments. Adjourned. To come up for arguments on 15.09.2023 before the D.B. Parcha Peshi given to the parties.

SCANNED
KFST
Peshawar

Naeem Amin



(Rashida Bano)
Member (J)



(Salah-ud-Din)
Member (J)

26.04.2023

Counsel for appellant present.

Muhammad Jan, learned District Attorney for respondents present.

Learned Member Executive (Mr. Muhammad Akbar Khan) is on leave, therefore, case is adjourned. To come up for arguments on 23.05.2023 before D.B. Parcha Peshi given to the parties.

SCANNED
KPST
Peshawar




(Rozina Rehman)
Member (J)

Mutazem Shah

23rd 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 10.07.2023 before D.B. P.P given to the parties.

SCANNED
KPST
Peshawar



(Fareeha Paul)
Member (E)



(Kalim Arshad Khan)
Chairman

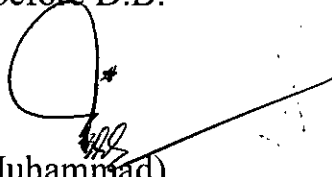
Mutazem Shah

22.12.2022

Learned counsel for the appellant present. Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.

Learned counsel for the appellant sought time for preparation of arguments. Adjourned. To come up for arguments on 04.01.2023 before D.B.

SCANNED
KPST
Peshawar



(Mian Muhammad)
Member (E)



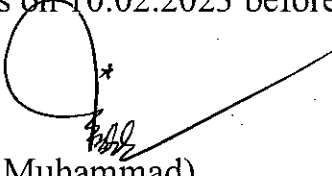
(Salah-ud-Din)
Member (J)

04.01.2023

Learned counsel for the appellant present. Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.

Inquiry record has neither been submitted by the appellant nor by the respondents, therefore, respondents shall positively submit copy of complete inquiry record within 10 days and to come up for arguments on 10.02.2023 before the D.B.

SCANNED
KPST
Peshawar



(Mian Muhammad)
Member (E)



(Salah-Ud-Din)
Member (J)

10.02.2023

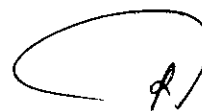
Learned counsel for the appellant present. Mr. Naseerud Din Shah, Assistant Advocate General for the respondents present.

Learned counsel for the appellant requested for adjournment in order to further prepare the brief. Granted. To come up for arguments on 26.04.2023 before the D.B.

SCANNED
KPST
Peshawar



(FAREEHA PAUL)
Member (E)



(ROZINA REHMAN)
Member (J)

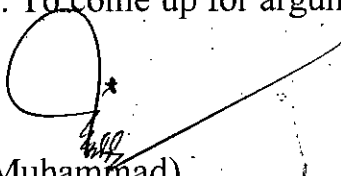
08.12.2022

Learned counsel for the appellant present. Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has not made preparation for arguments.

Adjourned. To come up for arguments on 13.12.2022 before the D.B.

SCANNED
MUST
Peshawar



(Mian Muhammad)
Member (E)




(Salah-Ud-Din)
Member (J)


13.12.2022

Junior to counsel for the appellant present. Muhammad Adeel Butt learned Additional Advocate General for respondents present.

Former made a request for adjournment on the ground that senior counsel for the appellant is busy in Hon'ble Peshawar High Court, Peshawar. Last chance is given. To come up for argument on 22.12.2022 before D.B.



(Fareeha Paul)
Member (E)



(Rozina Rehman)
Member (J)

30th Nov. 2022

Learned counsel for the appellant present. Mr. Naseerud Din Shah, Assistant Advocate General for the respondents present.

File received from the learned D.B-II with the observation that the matter was heard by both of us (the undersigned) but vide order sheet dated 31.05.2022 in connected Service Appeal No. 1369/2018 titled "Farman Ali Vs. DPO, Swat and others", the bench sought some clarification which were not made, therefore, let it be fixed before any available D.B. To come up for arguments on 08.12.2022 before the D.B.

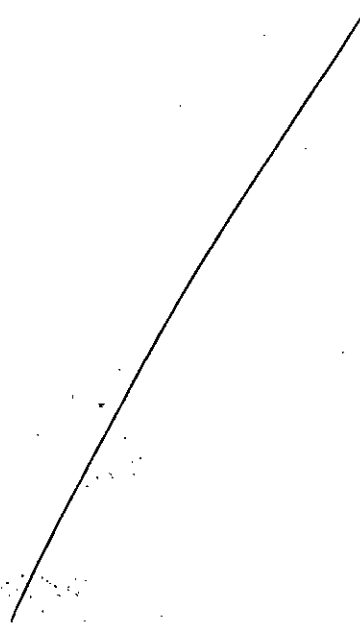
SCANNED
KPST
Peshawar



(Fareeha Paul)
Member (E)




(Kalim Arshad Khan)
Chairman




12th Oct, 2022

Learned counsel for the appellant. Mr. Muhammad Adeel Butt, Addl: AG for respondents present.

Learned counsel for the appellant submitted an application for hearing the instant appeal with other similar nature of appeals which are fixed on 30.11.2022 for arguments. Application is allowed. To come up for arguments on 30.11.2022 before D.B alongwith connected appeal.

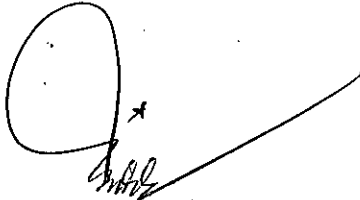

(Fareeha Paul)
Member(Executive)

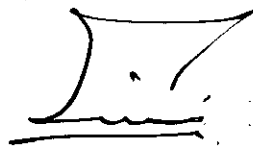

(Kalim Arshad Khan)
Chairman

30.11.2022

Learned counsel for the appellant present. Mr. Hikmat Khan, Head Constable alongwith Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.

Learned Assistant Advocate General stated that arguments in similar nature appeal have been heard by a bench comprising of worthy Chairman and Miss. Fareeha Paul learned Member (Executive) and the appeal was fixed for order, therefore, the appeal in hand may also be fixed before the said bench. The appeal in hand is, therefore, sent to worthy Chairman Service Tribunal for further appropriate order. Learned counsel for the parties shall appear before the worthy Chairman Service Tribunal today at 12:55 P.M.

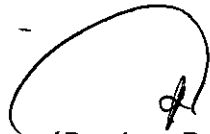

(Mian Muhammad)
Member (E)


(Salah-Ud-Din)
Member (J)

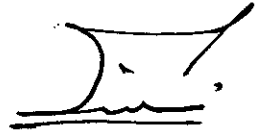
29.03.2022

Counsel for the appellant present. Mr. Kabirullah Khattak,
Additional Advocate General for the respondents present.

Learned counsel for the appellant requested for
adjournment on the ground that he has not made preparation for
arguments. Adjourned. To come up for arguments on
07.06.2022 before the D.B.



(Rozina Rehman)
Member (J)



(Salah-ud-Din)
Member (J)

7.6.22

*Propos P.B is an Taxes, therefore the case
is adjourned to 25.8.22 for same!*



25.08.2022

Learned counsel for the appellant present. Mr. Muhammad
Adeel Butt, Additional Advocate General for the respondents
present.

Learned Member (Judicial) Ms. Rozina Rehman is on leave,
therefore, arguments could not be heard. Adjourned. To come
up for arguments on 12.10.2022 before the D.B.



(Salah-Ud-Din)
Member (Judicial)

11.08.2021

Petitioner present through counsel.

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

Arguments on application heard. Record perused.

Application in hand was filed for restoration of appeal which was dismissed in default on 11.06.2019.

As per record, appeal was dismissed in default on 11.06.2019, whereas, application seeking restoration was filed on 11.07.2019.

In view of the above, instant application stands accepted. File stands restored. It be properly registered. Application stands consigned to the record room, copy whereof be placed on original file. To come up for arguments in the main appeal on 03.12.2021 before D.B.


(Rozina Rehman)
Member (J)

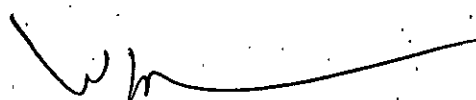

Chairman


03.12.2021

Counsel for appellant present.

Asif Masood Ali Shah, learned Deputy District Attorney present.

Former made a request for adjournment in order to prepare the brief. Request is accorded. To come up for arguments on 29.03.2022 before D.B.


(Atiq ur Rehman Wazir)
Member (E)


(Rozina Rehman)
Member (J)

06.03.2019

Counsel for the appellant and Mr. Kabirullah Khattak, Additional AG for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 09.04.2019 before D.B.


(M. HAMID MUGHAL)
MEMBER


(M. AMIN KHAN KUNDI)
MEMBER

09.04.2019

Appellant in person and Mr. Kabirullah Khattak, Additional AG for the respondents present. Appellant seeks adjournment on the ground that his counsel is not available today. Adjourned. To come up for arguments on 11.06.2019 before D.B.


(AHMAD HASSAN)
MEMBER

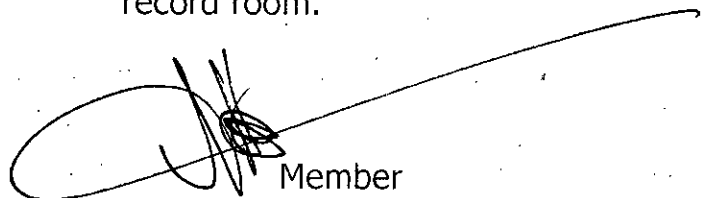

(M. AMIN KHAN KUNDI)
MEMBER

11.06.2019

Nemo for appellant. Mr. Muhammad Riaz Paindakhel, Asstt. AG for the respondents present.

It is now past 4.00 P.M and no one is present on behalf of the appellant despite repeated calls.

Dismissed for non-prosecution. File be consigned to record room.


Member


Chairman


Announced:
11.06.2019

01.10.2018

Learned counsel for the appellant and Mr. Riaz Ahmed Paidakhel Assistant Advocate General for the respondent present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 15.11. 2018 before D.B.



(Hussain Shah)
Member



(Muhammad Hamid Mughal)
Member

15.11.2018

Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 03.01.2019.



READER

03.01.2019

Appellant in person present. Mr. Kabirullah Khattak, Addl: AG for respondents present. Appellant seeks adjournment. Granted. Case to come up for arguments on 06.03.2019 before D.B.



Member

Member

10.04.2018

Appellant alongwith counsel and Addl: AG for the respondents present. Written reply ^{not} submitted. Requested for adjournment. Adjourned. Appellant is directed to submit copies of memo appeal for respondent No. 1. Thereafter notices be issued to the respondents. To come up for written/comments on 10/05/18 before S.B.


Member

10.05.2018

The Tribunal is non-functional due to retirement of our Hon'ble Chairman. Therefore, the case is adjourned. To come up for same on 05.07.2018.


Reader

05.07.2018

None present on behalf of appellant. Mr. Sardar Shoukat Hayat, Addl: AG alongwith Mr. Ihsan Ullah, ASI for the respondents present. Written reply submitted on behalf of official respondents. To come up for rejoinder if any and arguments on 29.08.2018 before D.B.


Member

29.08.2018

Counsel for the appellant and Mr. Kabirullah Khattak, Additional AG for the respondents present. Learned counsel for the appellant seeks adjournment to furnish rejoinder. Adjourned. To come up for rejoinder and arguments on 01.10.2018 before D.B.


(Ahmad Hassan)
Member


(Muhammad Amin Khan Kundi)
Member

08.02.2018

Counsel for the appellant (Mis. Uzma Syed, Advocate) present and submitted Wakalat Nama on behalf of the appellant. Preliminary arguments heard and case file perused. The appellant was appointed as Constable on 19.10.2009. Disciplinary proceedings were initiated and major penalty of removal from service was imposed on him with retrospective effect vide impugned order dated 23.12.2011. He preferred departmental appeal on 12.05.2016 which was rejected on 10.11.2016, hence, the instant service appeal. Learned counsel for the appellant when confronted on the point that departmental appeal is time barred invited attention to the impugned order which was passed with retrospective effect hence, is void ab-initio. Limitation does not run against void order.

Appellant Deposited
Security & Process Fee /

Points urged need consideration. Admit, subject to limitation. The appellant is directed to deposit of security and process fee within 10 days, thereafter, notices be issued to the respondents for written reply/comments for 26.03.2018 before S.B.


(AHMAD HASSAN)
MEMBER

26.03.2018

Appellant in person present. Mr. Kabir Ullah Khattak, Addl: AG alongwith Ihsan Khan, S.I (Legal) for the respondent present. Written reply not submitted. Requested for adjournment. Adjourned. To come up for written reply and comments on 10.04.2018 before S.B.


Member

23.11.2017

Counsel for the appellant present and requested for adjournment. Adjourned. To come up for preliminary hearing on 21.12.2017 before S.B.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

21.12.2017

Today has been declared holiday for Judicial Officers. Therefore the case is adjourned. To come up for the same on 15.01.2018.


READER

15.01.2018

Appellant in person present. Due to strike of the Bar learned counsel for the appellant is not in attendance today. Adjourned. To come up for preliminary hearing on 08.02.2018 before S.B.


(Muhammad Amin Khan Kundi)
Member

24/8/2017

Clerk of counsel for the appellant present and seeks adjournment. Adjourned. To come up for preliminary hearing on 13/9/2017 before SB.


(GUL ZEB KHAN)
MEMBER

13.09.2017

Counsel for the appellant seeks adjournment. Granted. To come up for preliminary hearing on 11.10.2017 before S.B.


Chairman

11.10.2017

Counsel for the appellant present and seeks adjournment. Adjourned. To come up for preliminary on 06.11.2017 before S.B.


(AHMAD HASSAN)
MEMBER

06.11.2017

Counsel for the appellant present and seek adjournment. Adjourned. To come up for preliminary hearing on 23.11.2017 before S.B.


(AHMAD HASSAN)
MEMBER


16.05.2017

Counsel for the appellant present and requested for adjournment. Adjourned. To come up for preliminary hearing on 07.06.2017 before S.B.


(Ahmad Hassan)
Member


07.06.2017

Appellant in person present and requested for adjournment. Request accepted. To come up for preliminary hearing on 12.07.2017 before S.B.


(Ahmad Hassan)
Member


12.07.2017

None present on behalf of the appellant. Notice be issued to appellant and his counsel for preliminary hearing for 08.08.2017 before S.B.


(Muhammad Amin Khan Kundi)
Member

08.08.2017



Appellant in person present and seeks adjournment due to general strike of the Bar. Adjourned. To come up for preliminary hearing on 24.08.2017 before S.B.


(Ahmad Hassan)
Member

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 436/2017


S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	05/05/2017 SCANNED KPT Peshawar	The appeal of Mr. Kamran resubmitted today by Mr. Muhammad Ayaz Advocate, may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.  REGISTRAR 5/5/17
2-	8-05-2017	This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>16-05-2017</u>  CHAIRMAN

The appeal of Mr. Kamran son of Shah Khisro Ex-Constable FRP Malakand Agency received today i.e on 04.04.2017 is incomplete on the following score which is returned to the counsel for the appellatant for completion and resubmission within 15 days.

- 1- Copy of impugned termination order dated 26.12.2011 mentioned in the heading of the appeal is not attached with the appeal which may be placed on it.
- 2- Annexures of the appeal are not in sequence which may be annexed serial wise as mentioned in the memo of appeal.
- 3- Memorandum of appeal may be got signed by the appellatant.
- ④ Annexures of the appeal may be attested.
- ⑤ Proper file cover is not used.

No. 674 /S.T,

Dt. 05/04 /2017


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Muhammad Ayaz- Adv. Pesh.

Sir,

As I am contesting the P.T.E.S.A. Elections, my fee could not be completed in order/amount in best time mention above, therefore, request for extension of time so that I could do in regular.

Therefore time may please be extend.

Thanks

Muhammad Ayaz
Advocate Peshawar
14/4/2017

⑦ days time extended

12/4/17
Peshawar
14/4/17

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

Service Appeal No. _____ of 2017

Kamran Appellant

VERSUS

Addl: Inspector General / Commandant Frontier
Reserve Police, Khyber Pakhtunkhwa Peshawar and
another Respondents

INDEX

S.No.	Description of documents	Annexure	Pages
1.	Appeal		1-4
2.	Affidavit		5
3.	Copy of impugned order bearing Number OB No.462	"A"	6
4.	Copy of the impugned order on the departmental appeal No.7105/11-16	"B"	7
5.	Copy of departmental appeal	"C"	8
6.	Copy of Medical certificate	"D"	9
7.	Copy of clearance certificate	"E"	10
8.	Copy of domicile	"F"	12
9.	Wakalat Nama		

Dated 26/04/2017.

Appellant
Through


Muhammad Ayaz


Abdullān Qazi
Advocate Peshawar

↓

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

Service Appeal No. 436 of 2017

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 326

Dated 4-4-2017

Kamran Son of Shah Khisro Ex-Constable (FRP)
R/o Dheri Allah Dand Malakand Agency.

..... Appellant

VERSUS

- 1) Addl: Inspector General / Commandant Frontier Reserve Police Khyber Pakhtunkhwa Peshawar
- 2) Superintendent of Police, FRP Malakand Range, Swat.

..... Respondents

**APPEAL UNDER SECTION 4 OF KHYBER
PAKHTUNKHWA, SERVICE TRIBUNAL
ACT 1974, AGAINST THE REMOVAL FROM
SERVICE ORDER OB NO.462 DATED
26/12/2011 AND PASSED BY THE
RESPONDENT NO.2 AND ORDER
BEARING NO.7105/16/EC DATED
PESHAWAR THE 10/11/2016 WHEREBY
DEPARTMENTAL APPEAL OF THE
APPELLANT WAS REJECTED.**

Filed to-day

[Signature]
Registrar

4/4/17

Prayer in Appeal:

On acceptance of the instant appeal the impugned order of respondents No.1 and 2 may please be set aside/ varied and the respondents may please directed to reinstate the appellant in the service with all back benefits.

Re-submitted to -day
and filed.

[Signature]
Registrar

5/5/17

2

Respectfully Sheweth:

The appellant respectfully submitted as under:

- 1) *That the appellant is resident of Dheri Allah Dand Malakand Agency and was appointed as constable vide order dated 19/10/2009.*
- 2) *That appellant performed his duties to entire satisfaction of his superiors.*
- 3) *That during his service the appellant performed his duties at various stations and his performance was acknowledge by the High ups.*
- 4) *That while performance his duties at Swat the mother of appellant fall ill and the appellant was unable to perfume his duties and being the sole male member of the family, the appellant was not in a position to perform his duties.*
- 5) *That later on, the appellant came to know that the appellant has been removed from services (vide Order bearing No.533/AC dated 23/12/2011)OB No.462 Dated 26/12/2011. (Copy of attached as Annexure "A").*
- 6) *That against the order of respondent No.2 the appellant filed a departmental appeal which was*

illegal, without lawful authority and without proper application of mind rejected vide order dated 30/04/2013, copy of which was never been communicated to the appellant and after so many requests, and grade straggle a copy of the same on 12/04/2017. (Copy is attached as Annexure "B")

- 7) That feeling aggrieved from the impugned order of respondent No.2, the appellant is approaching this Hon'ble Tribunal on the following grounds amongst others:

Grounds:

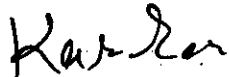


- A) That the order of the respondent No.2 is illegal, unjust, void ab-initio and ineffective upon the rights of the appellant.
- B) That the order of respondent No.2 is harsh and bad.
- C) That no show cause notice was served upon the appellant.
- D) That no statement of allegation was communicated /served upon the appellant.
- E) That the appellant has been condemned unheard.

- 4
- F) That no inquiry was conducted in accordance with law and rules, applicable thereto.
- G) That the punishment is not commensurate to the guilt of the appellant.
- H) That the appellant seeks permission of this Hon'ble Court to raise further points / grounds at the time of arguments.

It is, therefore, most humbly prayed that acceptance of the instant appeal the impugned order of respondents No.1 and 2 may please be set aside/ varied and the respondents may please directed to reinstate the appellant in the service with all back benefits..

Any other relief which this Hon'ble Tribunal deemed proper may please be granted in favour of the appellant.

Dated 26/04/2017


Appellant
Through

Muhammad Ayaz

Abdullah Qazi
Advocate Peshawar

5

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

Service Appeal No. _____ of 2017

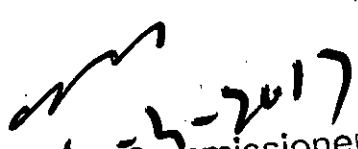
Kamran Appellant

VERSUS

Addl: Inspector General / Commandant Frontier
Reserve Police Khyber Pakhtunkhwa Peshawar and
another Respondents

AFFIDAVIT

I, Kamran Son of Shah Khisro Ex-Constable
(FRP)R/o Dheri Allah Dand Malakand Agency do
hereby solemnly affirm and declare on oath that the
contents of this appeal are true and correct to the best of
my knowledge and belief and nothing has been
concealed from this Hon'ble Court.


Oath Commissioner
Eid Muhammad Khattak (ASC)
License No. 961/14-4-2-4
Peshawar High Court Peshawar
CNIC: 17301-7401834-5


DEPONENT

6

ORDER

Amir - A

F.C. Kamran Khan No. 3347 while posted to
PC No 72 D.S. K. Khela Swat has remained absent from lawful duty
from 7 - 06 - 20 to date vide O.D. No. 07 dated 7 - 6 - 2011

He was proceeded against departmentally under the K.P.K. Removal from Service (Special Powers) Ordinance, 2000, with duly constituted Inquiry Committee comprising the following police officers:

1. Inspector Yousaf Ali Khan FRP, Line Swat
2. S I Rehmat Ali Khan R I FRP Lines, Swat
3. S I Bacha Khan L O FRP Lines, Swat

The Inquiry Committee had completed all the requisite legal formalities and submitted the enquiry report, wherein it has been observed that the defaulter Fc Kamran Khan No. 3347 was enlisted in FRP on 19.10.2009. The defaulter Fc Kamran Khan No. 3347 deserted the force and thus demonstrated cowardice in the line of duty. Later on, he was given the opportunity to join his duty but he failed to do so. In the light of the above inquiry report, the Inquiry Committee has found the defaulter Kamran Khan guilty of charges and recommended his removal from service.

I, the undersigned, have thoroughly perused the enquiry report and the inquiry papers of the inquiry Committee. The defaulter Fc Kamran Khan has been provided an ample amount of opportunity for personal hearing but he never availed this chance. I fully agreed with the findings and recommendations of the Inquiry Committee. Therefore, the defaulter Fc Kamran Khan No. 3347 FRP Swat, Malakand Range is hereby removed from service from the first date of his absence of official duty.

Order announced.

[Signature]
Superintendent of Police, FRP,
Malakand Range, Swat

No. 0533 /Sec

Dated 23-12 /2011

Copy to the worthy Addl: IGP/Commandant, FRP, K P K Peshawar, for favour of kind information, please

[Signature]
Superintendent of Police, FRP,
Malakand Range, Swat

CB No- 462
Date 26-12-2011

[Signature]
ATTESTED

ORDER

F.C Kamran Khan No. 3347 while posted PL No. 72 P.S K. Khela Swat has remained absent from lawful duty from 07.06.20__ to date vide O. D. no. 07 dated 07.06.2011.

He was proceeded against departmentally under the K.P Rules Removal from Service (Special Power) Ordinance 2000, with duly consulted inquires Committee comprising the following police officers:

1. Inspector Yousaf Ali Khan FRP, Line Swat
2. S. I. Rehmat Ali Khan R.I. FRP Lines, Swat
3. S.I Bacha Khan L.O FRP Lines, Swat

[The inquiry committee had completed all the requisite coca formalities and submitted the enquiry report, wherein it has been observed that the defaulter FC Kamran Khan No. 3347 was enlisted in FRP on 19.10.2009. The defaulter demonstrated cowardice in the line of duty. Later on he was given the opportunity to join his duty but he failed to do so. In the light of the above inquiry report the inquiry Committee has found the defaulter Kamran Khan guilty of charges and recommended his removal from servie.

I, the undersigned have thoroughly, perused the enquiry report and the inquiry papers of the Inquiry Committee the defaulter FC Kamran Khan has been provided an ample amount of opportunity for personal hearing but he never averred this Chance I fully agree with the findings of recommendations of the Inquiry Committee. Therefore the defaulter FC Kamran Khan No. 3347 FRP Swat Malakand Range is hereby removed from service from the first date of his absence of official duty.

Order announced

-sd-

Superintendent of Police, FRP
Malakand Range, Swat

No. 0533 /EC

Dated 23.12.2011

Copy to the worthy Addl. IGP/commandant FRP. KPK Peshawar for favour of kind information please.

-sd-

Superintendent of Police, FRP
Malakand Range, Swat





OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.

No. SI/ 7104 /16, dated Peshawar the 10/11/2016.

ORDER

This order is hereby passed to dispose of departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 submitted by **Ex-Constable Kamran No. 3347**. The appellant was removed from service w.e.f. 07.06.2011 by SP/FRP, Malakand Range, Swat vide OB No. 462. dated 26.12.2011 on the charge of absence from duty for 06 months and 19 days.

His appeal was rejected by Commandant, FRP, Khyber Pakhtunkhwa, Peshawar vide order Endst: No. 3005-6/EC, dated 30.04.2013.

Meeting of Appellate Board was held on 22.09.2016 wherein appellant was heard in person. During hearing petitioner contended that his mother was ill.

Perusal of record reveals that petitioner absented himself for long period of 06 months and 19 days in his short span of service. Moreover, the impugned order of his removal from service was passed vide order dated 26.12.2011 and his appeal was filed vide order dated 30.04.2013. The instant review petition filed on 12.05.2016 is badly time barred. Thus his appeal is rejected on grounds of limitation and merit as well.

This order is issued with the approval by the Competent Authority.

(NAJEEB-UR-REHMAN BUGA)
(NAJEEB-UR-REHMAN BUGA)
AIG/Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.

No. SI/ 7105-11 /16,

Copy of the above is forwarded to the:

1. Commandant, FRP, Khyber Pakhtunkhwa, Peshawar.
2. SP/FRP, Malakand Range, Swat.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
5. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. Office Supdt: E-IV CPO Peshawar.
7. Central Registry Ceil, CPO.

ATTESTED

مفوض صائب ائی۔ جی۔ بی صاحب ڈیپارٹمنٹ خواتین اور بچوں

Registration
Pg process

عنوان رقم درخواست / سروس آپیل بحالی ملازمت ٹسٹ کنٹری

12/5/11

صائب عالی - گزارش ہے کہ سائل الرڈ فنڈ ڈھری ضلع مالکانڈ کا اصلی اور پیدائشی

باشندہ ہے۔ سائل سال 2009 کو فکرم کوکس پولیس آف۔ آر۔ پی میں
ٹسٹ ریگولٹ بھرتی ہو کر PT ہنگو میں مورخ 7/4 تا 12/2012 تک
ٹرنٹنگ کی ہے۔

supdt
Seem
PAP

یہ سائل کا پولیس فورس سے بے حد محبت اور ایک ایماندار پولیس آفسر ہونے
کا خواہشمند تھا۔ بعد اختتام ٹرنٹنگ سائل بشاور میں کہنات رہا۔ اور بشاور

پولیس اسٹیشن میں آگیا تو کڑی کر رہا تھا۔ کم عرصہ تبادلہ بشاور سے ضلع موہن پور FRP پولیس
سٹیو سیدو ٹریف میں ڈیوٹی سرانجام دے رہا تھا۔ مگر بد قسمی کی وجہ سے سائل کی والدہ صاحبہ
بیمار پڑ گئی۔ چونکہ اس وقت گھر میں کوئی نارینہ فرد موجود نہیں تھا۔ بدین سائل

آپنے والدہ صاحبہ کے علاج معالجہ اور تیمارداری میں سرگرم رہا۔ کیونکہ ایک فرد کا ٹسٹ
تعمیرات ہونا لازمی تھا۔ اس وجہ سے سائل بہ آفسر بھرتی آئے فرانس منہم سے غیر حاضر رہا۔
یوکر ڈیوٹی سرانجام نہ کر پائی۔ والدہ صاحبہ کی تھوڑا سا آفاقہ ہونے پر سائل دفتر

FRP سیدو ٹریف جانے لگا۔ یہاں پر معلوم ہوا کہ سائل کو بھولے 462/26-12-2011 OB کو فکرم کوکس
FRP سے ڈسپانچ کیا گیا تھا۔

یہ سائل پہلے ہی آفر ان بالاکے خدمت میں آپیل درخواست دائر کی تھی۔ لیکن جس پر ترقی
پیش رفت نہ ہو سکا۔ یہ سائل والدہ صاحبہ کی تشویش ناک حالت کو مدنظر رکھتے ہوئے
بہ آفسر بھرتی غیر حاضری کی ہے۔ اسلئے آپ صاحبان سے بذریعہ درخواست دوبارہ آپیل کیا جاتا ہے

کہ سائل کے حالات پر رحم فرما کر دوبارہ نوکری پر بحال کرنے کا حکم صادر فرمائے جائے
تو سائل تاحیات دعا گو رہے گا۔

العارض - المقوم
سائل سابقہ کنٹری کامران نمبر 3347 FRP گاؤں ڈھری الرڈ فنڈ مالکانڈ ضلع

dy no: sl 876/16
et: 12.5.16
Mobile: 0342-9177717

ATTESTED

خدمت جناب ایڈیشنل جی پی سی ایم اے ڈائریکٹر FRP مورہ پٹیالہ

عنوان: درخواست بحالی ملازمت آ

جناب عالی، گزارش ہے کہ مسائل و فیکٹ ٹوکیس FRP سوائے میں ڈائریکٹیشن مورہ 19/10/09 کو ہوئی ہو کر چند مہینوں کی بنیاد پر اپنی ڈیوٹی سے غیر حاضر ہوا تھا۔

حکمے و لے سے مسائل بحوالہ DB No 462 26.12.2011

فیکٹ ٹوکیس ڈیپارٹمنٹ سے معافی

میرا عملہ مسائل نے اپنا ڈیوٹی فوش اصولاً سے سر انجام دے رہا تھا۔

یہ کہ مسائل ایک نوجوان قسم کا لڑکا ہے جس سے

اس کے آپ جہاں خدمت میں بڈرکے درخواستیں

ہاں مسائل کے حالت میں رہے ہمارے حال کے ساتھ

فوائد ہمارے۔ تو مسائل ماضیات دعاؤں کے

الغرض Kamran رقم 4/3/2013

مسائل کا فریل ولہ شاہ کرم و فی اعزی

ڈیپٹی ایڈمنسٹریٹو آفیسر (ایم) تحصیل بساں

Mob. No: 03429177717

ATTESTED

Number D

MEDICAL CERTIFICATE

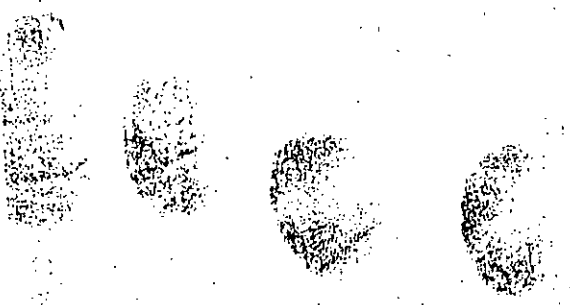
10 \$

Name of official KAMRAN KHAN
 Caste or race AFGHANI
 Father's name SHAH KHISRO
 Residence MOHALLA: AZI KHAIL DHIRI ALLADAND
TEH. BARKHELA DISTT. MALAKAND P. CODE. 23010
 Date of birth 04-04-1987
 Exact height by measurement 5'7"
 Personal mark of identification SCAR ON FOR HEAD
 Signature of the official [Signature]
 Signature of head of office _____

Seal of office

I do hereby certify that I have examined Mr. KAMRAN KHAN a candidate
 for employment in the Office of the POLICE DEPARTMENT
 and cannot discover that he had any disease communicable or other constitutional affection or bodily
 infirmity except NIL

I do not consider this as disqualification for employment in the office of the _____
 His age according to his own statement 23 year and by appearance about
 year TWENTY THREE



LEFT HAND THUMB AND FINGER IMPRESSIONS

[Signature]
 MEDICAL SUPERINTENDENT,
 CIVIL HOSPITAL _____

Medical Superintendent
 Police Department

15/10/20

ATTESTED

کیمرنس سرٹیفکیٹ پولیس ٹریننگ کالج ہنگو

Aounba B

19

نام آمد کما مزان خان ضلع کما مزان کلاس ۱۲ کیمپ نمبر ۱۲۲۲

تاریخ آمد ۲۰۱۷-۰۷-۰۶ تاریخ روانگی ۲۰۱۵-۱۲-۲۰

نمبر شمار	نام شعبہ (تصدیق کنندہ)	بتایا جات	دستخط انچارج
1	میس ٹیچر		
2	انچارج جنرل گودام		
3	انچارج کورٹ		
4	انچارج وردی گودام		
5	انچارج لائبریری		
6	انچارج رجمنٹل سٹور		
7	انچارج رجمنٹل شاپ		
8	انچارج کینٹین		
9	کیمپی حوالدار		

تصدیق سرٹیفکیٹ

کیمپی کمانڈر ریورڈ انسپکٹر

ATTESTED

DOMICILE CERTIFICATE

Arumbar

I declare that I was born of parents who are permanently domiciled in N.W.F.P having belonged to it by birth/settled in it.

I belong by birth to village / Muhallah Dheri Allahdand

Tehsil Batkhela District Malakand



Signature of the applicant Kamran

Dated 21 / 12 / 2005

Pursuance to the declaration dated 21 / 12 / 2005

filled by Kamran Khan son/daughter of Shah Khisro domiciled

in the N.W.F.P., It is hereby certified that the said Kamran Khan

is born of parents who are permanent residents of the N.W.F.P., having belonged to it by birth/settled in it.

I have satisfied myself from personal/my knowledge verification that the above declaration is true and certify.

This 21th day of Dec. 2005

COUNTERSIGNED

DISTRICT REVENUE OFFICER

No

11308

Dated

22/12/05

DEPUTY DISTRICT REVENUE OFFICER

ATTESTED

Asstt: District Officer
(E&S) Education Dept
Malakand at Batkhela

تصدیق

- (۱) یہ کہ مسی زمسماة کامران، خوار ولد برست زوجه شہان خسرو ساکن مید، عزیزی خیابان، ٹھکانوں ڈھری، آلا ڈھری، دراکرہ، نوشہری کا اصلی پیدائشی باشندہ ہے جو کہ میزے حلقہ نیابت اختیار حدود میں واقع ہے۔
- (۲) یہ کہ مسی زمسماة مذکورہ قوم افغان قبیلہ مہر زور سے تعلق رکھتا رہتی ہے۔
- (۳) یہ کہ مسی زمسماة مذکورہ نے قبل ازیں کوئی ڈویسائل سرٹیفکیٹ حاصل نہیں کیا ہے۔
- (۴) یہ کہ سائل رسالہ مذکورہ بالا ڈویسائل سرٹیفکیٹ کا حقدار ہے۔ مذکورہ بالا کو میزری ذاتی ذمہ داری پر ڈویسائل سرٹیفکیٹ دیا جائے۔

Ahmad Hussain Khan
NAZIM U. G. Dhari
Malakand Agency

دستخط: شہان خسرو
نام: شہان خسرو
عہدہ: ناظم

رپورٹ پوسٹ کمائنڈر کامران نے ایس ایچ ایل کے تحت شہان خسرو کے بارے میں معلوم کیا ہے کہ وہ مید، عزیزی خیابان، ٹھکانوں ڈھری، آلا ڈھری، دراکرہ، نوشہری کے باشندے ہیں۔

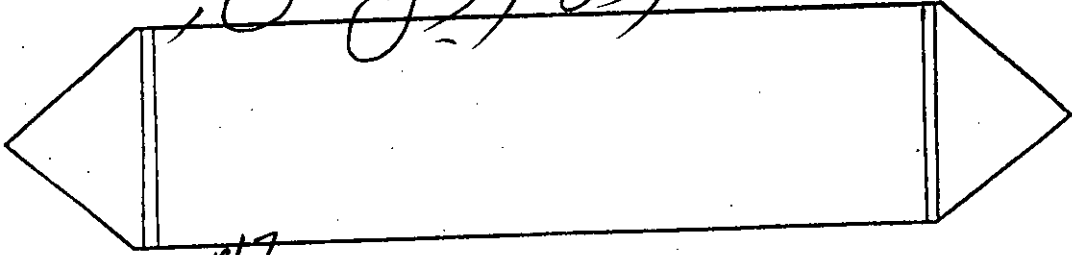
افغان جنٹلمین علی حوالہ سے گفتگو کے بعد سائل کا حال صحت اور اس کے بارے میں سائل کو کچھ بھی لکھ کر لکھنا اس کے لئے سائل کے والد کو بھی مطلع کیا گیا ہے۔

کا، 4394، 25 26 2-15402 حاصل کیا ہے اور اس کے بارے میں سائل کو بھی مطلع کیا گیا ہے۔

P.C ALLADANE

29/11/15

بعدالت سرسین منسوخ لکھنے



۲۰۱۷ء، پنجاب

بنام ریاست صدر

کامران

موزخہ
مقدمہ
دعویٰ
جرم

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
آن مقام کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
دکیل صاحب کو راضی نامہ کرنے و تقرر ثالتہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور صولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخ
نیز دائر کرنے اپیل 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 با اختیارات حاصل ہوں گے اور اس کا ساختہ
پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جائنہ التوائے مقدمہ کے سبب سے ہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو دکیل صاحب پابند ہوں گے۔ کہ پیروی
مذکورہ کریں۔ لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

المرقوم 3/4/17
ماہ اپریل 2017

واہ العبد
کے لئے منظور ہے۔

Kamran

کامران

بمقام

VAKALAT NAMA

NO. _____/20

IN THE COURT OF Service Tribunal, Peshawar

Kamran (Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Police (Respondent)
(Defendant)

✓
I/We, Kamran

Do hereby appoint and constitute **Syed Noman Ali Bukhari and Uzma Syed, Advocates Peshawar**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/We authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated 8/2/2018

Kamran
(CLIENT)

ACCEPTED

Syed Noman Ali Bukhari
SYED NOMAN ALI BUKHARI
Advocate, Peshawar.

Uzma Syed
UZMA SYED
Advocate, Peshawar.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 436/2017

Kamran Constable No. 3347, FRP Malakand Range, Swat.....Appellant

V E R S U S

- 1. Commandant FRP, Khyber Pakhtunkhwa, Peshawar**
- 2. Superintendent of Police, FRP Malakand Range, SwatRespondents.**

PRELIMINARY OBJECTIONS:

1. That the appeal is badly time-barred.
2. That the appellant has approached the Hon'ble Court not with clean hands.
3. That the appeal is bad for mis-joinder and non-joinder of necessary parties.
4. That the Appellant has no cause of action.
5. That the Appellant is estopped due to his own conduct to file the instant appeal.

WRITTEN REPLY ON BEHALF OF RESPONDENTS IS AS UNDER:-

ON FACTS

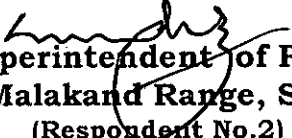
1. Para No.1 pertains to the appellant record, therefore, needs no comments.
2. incorrect, the appellant was found a habitual absentee.
3. Incorrect, the appellant was transferred to FRP Malakand Range, Swat on complaint basis vide Order No. 249-52/OSI, dated 10.01.2011, and posted at Platoon No. 72, Police Station Khwaza Khela, Swat, from wherein he remained absented himself from duty with effect from 05.02.2011 to 07.02.2011, 23.02.2011 to 25.02.2011 without prior permission of his seniors. Therefore he was warned to be careful in future, vide OB No. 78, dated 04.03.2011.
4. Incorrect, the plea taken by the appellant in the Para is after thought story. He was supposed to have taken this plea before the Competent Authority.
5. Incorrect, the appellant while posted at Platoon No. 72, Police Station Khwaza Khela, Swat, wherein he remained absent from duty with effect from 07.06.2011 till to the date of his removal from service, without any leave or prior permission of the Competent Authority. In this regard he was issued Charge Sheet alongwith Statement of Allegations, and an Enquiry Committee was constituted to conduct enquiry against him. During the course of enquiry, the appellant failed to submit his reply of Charge Sheet or appear before the Enquiry Committee. He was summoned time and again by the Enquiry Committee, but he did not turn up. After fulfillment of due codal formalities, the Enquiry Committee submitted their findings, wherein the appellant was found guilty of the charges leveled against him. Upon the findings Enquiry Committee, the appellant was issued Final Show Cause Notice, but he failed to submit his reply and after fulfillment of the due codal formalities, he was removed from service by the Competent Authority. (Copies of Charge Sheet Enquiry report attached as annexure "A" & "B")
6. Incorrect, departmental appeal of the appellant was thoroughly examined and rejected on sound grounds. A copy of rejection order had already been conveyed to the appellant vide Endst: No. 3005-6, dated 30.04.2013.
7. The appellant has not come to this Honorable Tribunal with clean hands.

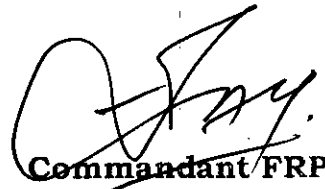
1 GROUND:

- A. Incorrect, the order of respondent No. 2 is legally justified and in accordance to law.
- B. Incorrect, the dismissal order of the appellant commensurate with the gravity of the appellant.
- C. Incorrect, upon the findings of Enquiry Committee he was issued Final Show Cause Notice, but he failed to submit his reply. (copy of Final Show Cause Notice attached as Annexure "D").
- D. Incorrect, the appellant was issued Charge Sheet and Statement of Allegations and Enquiry Committee was constituted, but he failed to submit his reply or appear before the Enquiry Committee. (copy attached as Annexure "B").
- E. Incorrect, Upon the findings Enquiry Committee the appellant was issued Final Show Cause Notice, but he failed to submit his reply. Therefore, he was called for personal hearing, but he failed to avail the opportunity of personal hearing.
- F. Incorrect that proper Enquiry was conducted against the appellant, wherein he was found guilty of the charges leveled against him. (copy of enquiry report attached as annexure "C").
- G. Incorrect, the punishment awarded to the appellant is commensurate with his gross misconduct.
- H. The respondents may also be permitted to advance additional grounds at the time of arguments.

PRAYERS:

Keeping in view of above mentioned facts / submission the instant appeal may very kindly be dismissed with cost.


**Superintendent of Police,
Malakand Range, Swat
(Respondent No.2)**


**Commandant FRP,
Khyber Pakhtunkhwa, Peshawar
(Respondent No.1)**

CHARGE SHEET.

I MR. **HAZRAT ALI KHAN** Supdt: of Police FRP, Malakand Range, Swat as Competent authority here by charge where as you Constable Kamran Khan No. 3347/FRP, Malakand Range while posted at Platoon No. 72 Police Station Khursheed Khan Shaheed absented your self with effect from 07/06/2011 uptill date vide D.D Report No. 07 dated 07/06/2011. Thus issued Charge Sheet and Statement of allegation.

1.) By reasons of the above, you appear to be guilty of misconduct under section - 3 of the K.P.K., (removal from service) special powers 2000, and have rendered your self liable to all or any of the penalties specified in section - 3 of the ordinance bid.

3.) You are, therefore required to submit your written defense with in 07 days of the receipt of this charge sheet to the Enquiry officer / committee, as the case may be.

4.) Your written defense if any should reach the Enquiry Officer /committee within the specified period, failing which it shall be presumed that you have no defence to put in and in the case exparte action shall follow against you.

5.) Intimate whether you desire to be heard in person.

6.) A statement of allegation is enclosed.

No. 57 /EC

Dated: 02-07-2011

Superintendent of Police, FRP
Malakand Range, Swat

(3)

I Mr. **Hazrat Ali Khan** Supdt: of Police, FRP, MKD Range, as competent authority, is of the opinion that you Constable Kamran Khan No. 3347/ FRP have rendered your self liable to proceeded against as you have committed the following action/omissions with in the meanings of misconduct under section - 3 of the K.P.K. (removal from service) special powers 2000, and have rendered your self liable to all or any of the penalties specified in section - 3 of the ordinance bid.

STATEMENT OF ALLEGATIONS.

Where as you Constable Kamran Khan No. 3347/FRP, Malakand Range while posted at Platoon No. 72 Police Station Khursheed Khan Shaheed absented your self with effect from 07/06/2011 uptill date vide D.D Report No. 07 dated 07/06/2011. Thus issued Charge Sheet and Statement of allegation.

2) For the purpose of scrutinizing the conduct of the said accused with reference to the above allegations, an enquiry committee consisting of the following is misconduct under section - 3 of the K.P.K., (removal from service) special powers 2000, and have rendered your self liable to all or any of the penalties specified in section - 3 of the ordinance bid

3) The Enquiry Committee shall, in accordance with the provisions of the Ordinance, provide reasonable opportunity of hearing to the accused, record its findings and make within twenty five days of the receipt of this Order, recommendations as to punishment or other appropriate action against the accused.

4) The accused and a well conversant representative of the department shall join the proceeding on the date, time and place fixed by the Enquiry committee.

Superintendent of Police FRP,
Malakand Range Swat.

No. 57 /EC, Dated Saidu Sharif the 02-07-2011.

Copy of above is forwarded to the:-

1. Inspr. Yousof Ali Khan FRP For initiating proceeding against the officers/
2. SI. Rahmat Ali Khan R.I official under the provisions section-3of the K.P.K.,
3. SI. Bacheer Khan L.O I FRP (removal from service) special powers 2000.

4. _____

With the direction to appear before the Enquiry Committee on the date time and place fixed by the Committee for the purpose of the proceeding.

فائنڈنگ رپورٹ برخلاف کینٹل کامران خان نمبر 3347 پلاٹون نمبر 97

حال متعینہ تھانہ خورشید خان شہد عظام فارغ صلیح

کوائف بمطابق سروس ریکارڈ

تاریخ بھرتی	تعلیم	سابقہ غیر حاضری اسزرا	موجودہ غیر حاضری
19 ¹⁰ / ₀₉	10 th	2 یوم 27 ^{فصلہ}	موجودہ 6 ¹¹ / ₁₁ سے بدستور

جناب عالی!

ملازم مذکورہ بالا بحوالہ مد 7 روز نامچ 7-6-11 کے مطابق بلاوجہ جائز اپنی ڈیوٹی سے غیر حاضر ہو کر مورخہ 6-6-11 سے تاحال بدستور غیر حاضر ہے۔

اس غیر حاضری کی وجہ سے حسب الحکم آفران بالا بحوالہ آرڈر بک نمبر 249 مورخہ 23-6-11 کو اس ملازم کی تنخواہ بند ہو کر چارج شیٹ اینڈ سٹیٹمنٹ آف ایملیکیشن نمبری 57 مورخہ 2-7-11 کو جاری ہو کر مزید انکوآری کے واسطے انکوآری کمیٹی قائم کی گئی۔

انکوآری کمیٹی کے جانب سے پروانہ نمبر 624 مورخہ 4-7-11 کو جاری ہو کر اس غیر حاضر شدہ ملازم کی ہدایت دی گئی۔ کہ جلد از جلد اپنی ڈیوٹی پر حاضری کی رپورٹ کریں۔ اس طرح جاری شدہ چارج شیٹ کا جواب بھی ارسال کرنے کے علاوہ انکوآری کمیٹی کے رو برو اپنی اس غیر حاضری کی وجوہات قلم بند کرنے کے واسطے پیش ہو جائے۔ مگر یہی غیر حاضر شدہ ملازم نہ تاحال اپنی ڈیوٹی پر حاضری کی رپورٹ کی۔ نہ جاری شدہ چارج شیٹ کا جواب دے رہا ہے۔ اور نہ انکوآری کمیٹی کے رو برو اپنے غیر حاضری کے وجوہات قلم بند کرنے کے واسطے پیش ہونے سے قصد اعمدا گریز کر رہا ہے۔

جناب والا!

ریکروٹ کنسٹیبل مذکورہ بالا جو کہ مورخہ 19-10-09 کا بھرتی شدہ ہے یعنی عرصہ ملازمت تین سال سے کم ہے۔ بدیں وجہ پولیس رولز کے باب نمبر 12 فقرہ 21 اور پولیس آرڈر 2002 کے رائٹل نمبر 113 کے تحت اس طرح قلیل عرصہ ملازمت کے دوران بدستور اپنی ڈیوٹی سے بلاوجہ جائز غیر حاضر ہونا۔ ایک خلاف ضابطہ فعل اور حکم عدولی ہے۔

علاوہ ازیں مورخہ 7-6-11 سے تاحال بدستور غیر حاضر ہونے جاری شدہ چارج شیٹ کا جواب نہ دینے۔ اور انکوآری کمیٹی کے رو برو اپنے اس غیر حاضری کی وجوہات قلم بند کرنے کے واسطے پیش نہ ہونے سے ثابت ہوتا ہے۔ کہ یہ ملازم دیدہ دانستہ کسی جائز وجہ کے بغیر اپنی ڈیوٹی پر حاضر نہیں ہو رہا ہے۔

لہذا بمطابق رولز فائل شوکاژ نوٹس جاری کرنے اور عدم تعمیل کی صورت میں مورخہ 7-6-11 سے بدستور غیر حاضری کی بیجا تاریخ غیر حاضری از مورخہ 7-6-11 سے برخاست کرنے کی سفارش کی جاتی ہے۔

انچیف ایف۔ آر۔ پی سوات

لائن آفیسر ایف۔ آر۔ پی سوات

آر۔ آئی ایف۔ آر۔ پی سوات

Issue Final show cause notice

SPI FRP MKD SWAT

FINAL SHOW CAUSE NOTICE.

I, Superintendent of Police FRP, Malakand Range Swat, as competent authority under Removal from Service (Spl: Powers) Ordinance 2000, do hereby serve you Constable Kamran Khan No. 3347 of FRP, Malakand Range Swat.

(1) (i) That consequent upon the completion of enquiry conducted against you by the Enquiry committee, for which you were given full opportunity of hearing and.

(ii) On going through the findings and recommendation of the Enquiry Committee, the material available on record and other connected papers, I am satisfied that you have committed the following acts/omissions specified in section-III of the said Ordinance:-

Where as you Constable Kamran Khan No. 3347 Platoon No. 72 FRP, Malakand Range Swat , while posted at Police Station Khurshaid Khan Shaheed absented yourself with effect from 07/06/2011 uptill date vide D.D report No. 07 dated 07/06/2011. In this connection your have already been charge sheeted vide this office Endst: No. 57/EC, dated 02/07/2011, but reply to the charge sheet was not received in the stipulated period, moreover you have attended this office to clarify your absence . Thus issued Final Show Cause Notice.

(2) As a result therefore, I, Hazrat Ali Khan Superintendent of Police FRP, Malakand Range Swat as competent authority has tentatively decided to impose upon you Major / Minor Penalty including dismissal from service under section - III of the said Ordinance.

(3) You are therefore, require to Show Cause as to why the aforesaid penalty should not be imposed upon you.

(4) If no reply to this Final Show Cause Notice is receive within fifteen days of it delivery, in the normal course of circumstances, it shall be presumed that you have no defense to put in and in that Cause an ex-party action shall be taken against you.

(5) A copy of finding of the enquiry committee is enclosed.

NO-57/EC-A

Dt: 6-10-2011

Superintendent of Police FRP,
Malakand Range, Swat.

[Handwritten Signature]
20/10/11

پروانہ بغرض طلبی، حاضری

سید شریف

بنام کنشیل کامران خانے نمبر 3347 پلاٹون نمبر 72 متعینہ حال تقانہ فوز سید خان گھر

گھر کا پتہ ڈھیری المروگھہ سوالات

تم کنشیل مذکورہ بالا اپنی جائز ڈیوٹی سے از مورخہ 7/6/2011 سے تاحال بدستور غیر حاضر ہو۔ چارج شیٹ

نمبری 57/EC مورخہ 2/07/2011 کو جاری ہو کر تمہارے گھر کے پتہ پر ارسال ہو چکا ہے۔ تمہاری انکوائری، انکوائری کمیٹی کو مارک کئی گئی ہے۔ لہذا حدایت دی جاتی ہے کہ فوری طور پر جلد از جلد اپنی ڈیوٹی پر حاضر ہو کر اپنے غیر حاضری کے بارے میں اپنا وضاحتی بیان قلمبند کرنے کے واسطے انکوائری کمیٹی کے روبرو پیش ہو جائے اور جاری شدہ چارج شیٹ کا جواب دیں۔ تاکید کی جاتی ہے ضروری ہے۔

RI/SI ممبر انکوائری کمیٹی

ایف۔ آر۔ پی سید و شریف سوات

No. 624 /EO

Dated 4/7/2011

/committee within the specified period, failing which it shall be presumed that you have no defence to put in and in the case exparte action shall follow against you.

5.) Intimate whether you desire to be heard in person.

6.) A statement of allegation is enclosed.

No. 57 /EC

Dated: 02-07-2011

Superintendent of Police, FRP
Malakand Range, Swat