


10th July, 2023


1. Counsel for the appellant present. Mr. Fazal Shah Mohmand,
Addl. Advocate General for the respondents present.

2. Counsel for the appellant seeks adjournment in order to
further prepare the brief. Granted. To come up for arguments on

15.09.2023 before the D.B. Parcha Peshi given to the parties.

SCANNED
KPST
Peshawar


(Fareeha Paul)
Member (E)

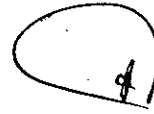

(Kalim Arshad Khan)
Chairman

26.04.2023

Appellant present through counsel.

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.



(Rozina Rehman)
Member (J)

Mutazem Shah

23rd May, 2023


1. Learned counsel for appellant present. Mr. Muhammad Jan, District Attorney for respondents present.

2. Being not prepared, 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

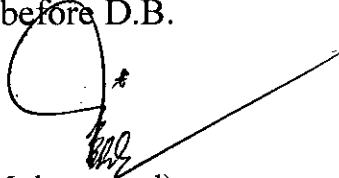
Mutazem Shah

22.12.2022

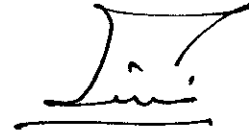
Learned counsel for the appellant present. Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.

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)



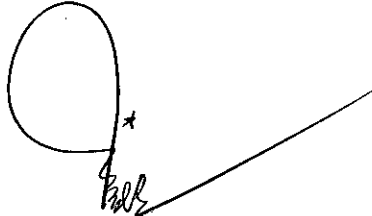
(Salah-ud-Din)
Member (J)

04.01.2023

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

To come up alongwith connected Service Appeal bearing No. 515/2018 titled "Abdul Tawab Versus Superintendent of Police, FRP, Malakand Range, Swat and 02 others", 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 alongwith Gulzad Khan, S.I (Legal) 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
BY
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.

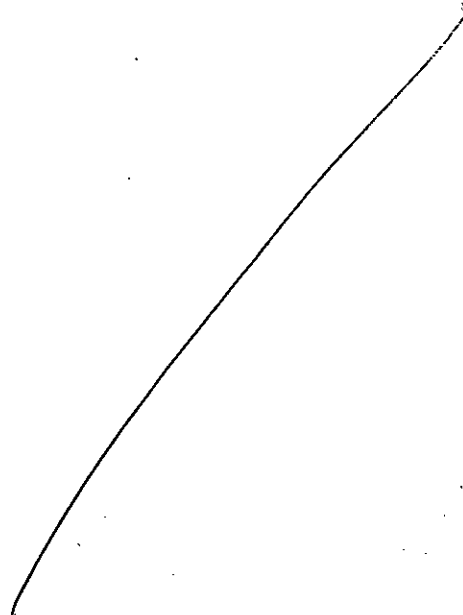
SCANNED
KPST
Peshawar



(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)

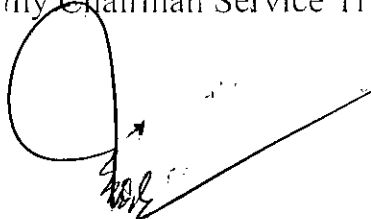


(Kalim Arshad Khan)
Chairman

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)

27.06.2022

Learned 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 27.07.2022 before the D.B.



(Rozina Rehman)
Member (J)



(Salah-ud-Din)
Member (J)

27th July 2022

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

Learned counsel for the appellant seeks adjournment on the ground that he has not prepared the brief of the instant appeal. Adjourned. To come up for arguments on 12.10.2022 before the D.B.



(Salah-Ud-Din)
Member (J)



(Kalim Arshad Khan)
Chairman

12.02.2021

Due to Pandemic of Covid-19, the case is adjourned to 03.05.2021 for the same.

3.5.2021

Due to Covid-19, the case is adjourned to 1-9-2021 for the same.

[Signature]
Reader

[Signature]

01.09.2021.

Ms. Uzma Said, junior of learned counsel for the appellant present. Mr. Gulzad Khan, S.I (Legal) alongwith Mr. Muhammad Rasheed, Deputy District Attorney for the respondents present.

Junior of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is busy before the august Peshawar High Court, Peshawar. Adjourned. To come up for arguments before the D.B on 29.11.2021.

[Signature]
(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)

[Signature]
(SALAH-UD-DIN)
MEMBER (JUDICIAL)

29.11.2021

Due to unavailability of DB, the case is adjourned to 08-03-2022.

8-3-22

Due to retirement of the Honorable Chairman the case is adjourned to 27-6-22

[Signature]
Reader

[Signature]
Reader

[Faint, illegible handwritten text]

11

30.11.2021 Due to unavailability of DR, the case is
adjourned to 08-03-2022.

[Signature]
The case is adjourned to 27-6-22
Due to unavailability of DR, the case is
adjourned to 08-03-2022.
[Signature]


16.09.2020


Junior counsel for appellant on behalf of appellant present.

Mr. Muhammad Jan learned Deputy District Attorney for respondents present.

Former requests for adjournment as issue involved in the present case is pending before Larger Bench of this Tribunal.

Adjourned to 18.11.2020 before D.B.


(Atiq ur Rehman Wazir)
Member (E)



(Rozina Rehman)
Member (J)

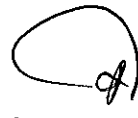
18.11.2020


Junior counsel for appellant present.

Kabir Ullah Khattak learned Additional Advocate General for respondents present.

A request for adjournment was made as issue involved in the present case is pending before Larger Bench of this Tribunal. Adjourned. To come up for arguments on 12.02.2021 before D.B.


(Atiq ur Rehman Wazir)
Member (E)


(Rozina Rehman)
Member (J)



5.5 .2020

Due to COVID19, the case is adjourned to

16/7 /2020 for the same as before.

Reader

16.07.2020

Counsel for the appellant and Asstt. A.G alongwith Gulzad, ASI for the respondents present.

Former states that the order impugned through the instant appeal has been passed with retrospective effect, therefore, propriety demands that it may be posted for hearing after the decision of similar proposition in other cases fixed before the Larger Bench.


Adjourned to 16.09.2020 for arguments before the D.B.


(Muhammad Jamal Khan)
Member

Chairman

16.01.2020

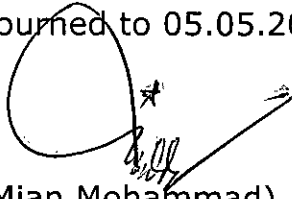
Due to general strike on the call of Khyber Pakhtunkhwa Bar Council, learned counsel for the appellant is not available today. Mr. Ziaullah, Deputy District Attorney for the respondents present. Adjourned to 05.03.2020 for rejoinder and arguments before D.B.


(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

05.03.2020

Counsel for the appellant and Mr. Kabirullah Khattak, Additional AG for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned to 05.05.2020 for arguments before D.B.


(Mian Mohammad)
Member


(M. Amin Khan Kundi)
Member

11.07.2019

Junior to counsel for the appellant and Addl. AG
alongwith Gül Zar Khan, ASI for the respondents present.

Representative of the respondents requests for time
to submit written reply. Last opportunity granted.
Adjourned to 04.09.2019 for submission of written
reply/comments.

Chairman

04.09.2019

Junior to counsel for the appellant and Mr. Usman
Ghani District Attorney alongwith Gulzad, ASI for the
respondents present.

Reply by respondents furnished. The appeal is
assigned to D.B for arguments on 20.11.2019. The appellant
may submit rejoinder, within a fortnight, if so advised.

Chairman

20.11.2019

Counsel for the appellant and Mr. Kabirullah Khattak,
Additional AG alongwith Mr. Wajid, ASI for the respondents
present. Learned counsel for the appellant seeks adjournment.
Adjourned to 16.01.2020 for rejoinder and arguments before D.B.

(Hussain Shah)
Member

(M. Amin Khan Kundi)
Member

A:A

08.04.2019 Counsel for the appellant and Addl. AG
alongwith Gulzar Ahmad ASI for the respondents
present.


The representative of respondents requests for
time to furnish the reply/comments by the
respondents.


Adjourned to 09.05.2019 before S.B.

Chairman

09.05.2019 Junior counsel for the appellant and Mr. Usman Ghani, District
Attorney alongwith Mr. Wajid Ali, LHC for the respondents present.
Written reply on behalf of respondents not submitted. Learned District
Attorney requested for further adjournment. Adjourned to 17.06.2019
for written reply/comments before S.B.

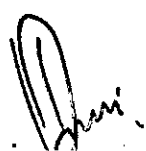

(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

17.06.2019  Junior counsel for the appellant and Mr. Kabirullah
Khattak, Additional AG alongwith Mr. Gul Zad, ASI for the
respondents present. Written reply on behalf of respondents not
submitted. Learned Additional AG requested for further
adjournment. Last opportunity is granted to the respondents for
filing of written reply. Adjourned to 11.07.2019 for written
reply/comments before S.B.


(Muhammad Amin Khan Kundi)
Member

25.1.2019

Counsel for the appellant requests for adjournment on account of further preparation of brief. Adjourned to 20-02-19 before S.B.


Chairman

20.02.2019

Learned counsel for the appellant present.

Learned counsel for the appellant contended that he appellant was removed from service through order dated 14.01.2010, however, it was given effect from 07.01.2009, while, no executive order could operate retrospective. It was further argued that a number of similarly placed person were reinstated into service by the respondents through recommendations of committee on 30.11.2010. On the other hand the appellant was denied such treatment and his departmental appeal was rejected being barred by time. It was also the contention of learned counsel that the codal formalities were not fulfilled in the case of proceeding against the appellant whose absence from duty was attributable to the prevailing law and order situation in the Swat Valley. She relied on 1995 SCMR-1178, PLD 2008 Supreme Court 663 and a judgment of this tribunal passed in appeal No. 385/17.

In view of the above the appeal in hand is admitted for regular hearing subject to all just and legal exceptions. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for written reply/comments for 08.04.2019 before S.B.


Chairman

91/1121
21-21-12
M.A.
1/1
Appointed Canceled
Security or Access Fee

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. 1163/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	18/09/2018	<p>The appeal of Mr. Hameed-ur-Rehman presented today by Mr. Saadullah Khan Marwat Advocate may be entered in the Institution Register and put up to the Learned Member for proper order please:</p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR 18/9/18</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>31-10-18</u>.</p> <p style="text-align: right;"><i>[Signature]</i> MEMBER</p>
2-	22-9-18	<p>31.10.2018</p> <p>Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 18.12.2018.</p> <p style="text-align: right;"><i>[Signature]</i> Reader</p>
27.	2.2018	<p>Learned counsel for the appellant present and seeks adjournment. Adjourn. To come up for preliminary arguments on 25.01.2019 before S.B</p> <p style="text-align: right;"><i>[Signature]</i> Member</p>

SCANNED
KPST
Peshawar

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

S.A No. 1163 /2018

Hameed ur Rehman

versus

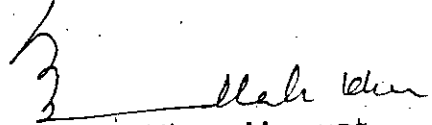
Deputy & Another

I N D E X

S. No	Documents	Annex	P. No.
1.	Memo of Appeal		1-3
2.	Removal order dated 14-01-2010	"A"	4
3.	Departmental appeal dated 02-02-10	"B"	5
4.	Subsequent appeal to R. No. 02	"C"	6
5.	Rejection order dated 25-05-2015	"D"	7
6.	Application for supply of documents dated 29-08-2018	"E"	8
7.	Reinstatement of other constables	"F"	9-19
8.	Judgments in similar cases	"G"	20-26

Appellant

Through


Saadullah Khan Marwat
Advocate.
21-A Nasir Mansion,
Shoba Bazaar, Peshawar.
Ph: 0300-5872676
0311-9266609

Dated. 11-09-2018

3. That being active he was selected for DCT now CTD and was deputed to Peshāwar for service. He also participated in the operation.
4. That appellant was allowed 05 days casual leave with effect from 07-08-2009 but he could not report back for duty as by then Swat Valley was in clutches of the miscreants and it was well in knowledge of every one that they were ruling the area and the government machinery was totally collapsed. Employees were kidnapping, beheading and killing either through guns or bomb blasts. In such a situation employees of almost all of every department let their services, especially of the police department which was in target of the miscreants.
5. That on account of absence, appellant was removed from service on 14-01-2010 by R. No. 1 with effect from the date of absence from duty i.e. 07-08-2009. (Copy as Annex "A")
6. That thereafter appellant submitted appeal before R. No. 02 on 02-02-2010 for reinstatement in service after receipt of the impugned order but no heed was paid to the same (Copy as Annex "B")
7. That subsequent appeal was filed before R. No. 02 for reinstatement in service which was rejected on 25-05-2018 but no copy was endorsed to appellant. (Copies as Annex "C" & "D")
8. That on 29-08-2018, appellant submitted application for the supply of the documents mentioned therein and in pursuance of the same copy of order dated 25-05-2018 was delivered to him on 14-09-2018. (Copy as Annex "E")
9. That not only appellant was dismissed from service on the score of absence but numerous others were also dismissed as such and they were reinstated into their services vide order dated 30-11-2010, 15-03-2017 and 09-08-2017 (Copies as Annex "F")
10. That apart from the aforesaid fact, the subject matter came up for consideration before the hon'ble Tribunal and after thorough probe, their appeal's were accepted vide judgments dated 02-05-2016 and 07-12-2017, etc. (Copies as Annex "G")

Hence this appeal, inter alia, on the following grounds:

GROUND S:

- a. That appellant was enlisted in service in the year 2007 and served the department till the date of removal from service.
- b. That at the time, the Swat Valley was in clutches of the miscreants and it is will in knowledge of every one that they were ruling the area and the government machinery was totally collapsed. Employees were kidnapping, beheading and killing either through guns or bomb blasts. In such a situation employees of almost all of every department let their services, especially of the police department.
- c. That appellant was removed from service on the score of absence but such absence was not willful but was due to the deteriorated situation of the area.
- d. That absence does not constitute any misconduct when the same is not willful and as stated earlier, hundreds and thousands similarly and equally placed employees have been reinstated into their services not only by the department but also by the hon'ble Tribunal / courts which judgments were upheld by the apex court.
- e. That no executive order could be effected respectively.
- f. That codal formalities enumerated in the Rules were never observed, being mandatory. The impugned order not per the mandate of Law and based on malafide.

It is, therefore, most humbly prayed that on acceptance of appeal, order dated 14-01-2010 and 25-05-2018 of the respondents be set aside and appellant be reinstated in service with all consequential / back benefits, with such other relief as may be deemed proper and just in circumstances of the case.

Hameed
Appellant

Through

Saadullah Khan Marwat
Saadullah Khan Marwat

Amjad Nawaz
Amjad Nawaz
Advocates.

Dated 11-03-2018

A 4

ORDER:

This is an order passed on regular Departmental Enquiry conducted against Constable Hameedur Rehman NO. 315 DCT, SB: for his wellfull absence w.e.f. 07.08.2009. Facts are that the Constable concerned white posted to Police Station DCT, SB: was due back from 5 days Casual Leave with effect from 07.08.2009 but he badly failed to report back for duty. As such a report against him was entered in the Daily Dairy vide item No.14 dated 07.08.2009 Police Station DCT, SB: Owing to which he was served with charge sheet and statement of allegations vide this office Endst: No. 3754-55/DCT /SB dated 09.10.2009 and enquiry Committee Consisting of DSP Zafar Hayat Khan and Inspector Khan, Akbar Khan was constituted for initiating proceedings against the delinquent Constable under the NWFP removal from Service (Special Power) Ordinance, 2000.

The Charge Sheet was delivered to the father of the Constable at his home by Constable Alamgir No. 313 of DCT, SB: At the time of delivery of the Charge Sheet, Mr. Abdullah son of Firdus Khan Resident of Dheri, Taimergara told the Constable that his son Constable Hameed Ur Rehman has gone to Saudi Arabia for labouring. These facts were also verified from him by the Enquiry Committee on CELL No. 0346/8981469. On the recommendation of the Enquiry Committee, Final Show Cause Notice which was issued to the Constable vide Endst: No. 4347/SRC/DCT/SB: dated 07.12.2009. The same was also received by the father of the Constable on 23.10.2009 but didn't either submit any reply or report back for duty.

Under the circumstances as mentioned above it is, crystal clear that the delinquent Constable has been to Saudi Arabia and there is no hope for his return in near future. He is, therefore hereby removed from service from the date of his absence viz 07.08.2009 under the NWFP, Removal from service (Special Power) Ordinance, 2000.

(Order announced)

CB No. 14 /DCT/SB:
Dated 14/11/2010

(SAJID ALI KHAN) PSP,
Deputy Inspector General of Police,
DCT, SB: NWFP, Peshawar.

No. 1111/S/SRC/DCT/SB: Dated Peshawar the 14/11/2010

Copies to the

1. DPO, Dir Lower for information and necessary action.
2. DSP, Hars, DCT
3. SHO, PS, DCT, SB
4. Constable Hameed Ur Rehman r/o Dheri, Taimergar, through DPO, Dir Lower
5. Accountant, DCT, SB

Attested
Hameed

محترم جناب آئی جی ایچ ای صاحب صاحب سے پی ٹی ور

درخواست نمبر آئی جی ایچ ای بر ملازمت

جناب عالی

۱۔ تیز رفتار کی جاتی ہے۔ اس سلسلے میں آئی جی ایچ ای صاحب سے ۱۵۵ میں
حالات سر ایچ ایم کے بارے میں۔ سب سے پہلے اس کے حقیقی طور پر کیا تین دنوں کے بعد
حالات اور گورنر کے دفتر سے سب سے پہلے آئی جی ایچ ای صاحب سے سب سے پہلے
کو معلوم ہوا کہ اسے سر ایچ ایم سے مورخہ ۱۵-۱-۱۹ کو سر ایچ ایم سے برطرف
کیا گیا ہے۔

۲۔ سب سے پہلے گورنر کے دفتر میں آئی جی ایچ ای صاحب سے مورخہ ۱۵-۱-۱۹ کو
سے تھی۔ تاہم وہی تھا مگر گورنر کے دفتر سے آئی جی ایچ ای صاحب سے
سے سب سے پہلے آئی جی ایچ ای صاحب سے آئی جی ایچ ای صاحب سے آئی جی ایچ ای صاحب سے

۳۔ آئی جی ایچ ای صاحب سے برطرف کیے گئے تھے۔ آئی جی ایچ ای صاحب سے آئی جی ایچ ای صاحب سے
محترم آئی جی ایچ ای صاحب سے آئی جی ایچ ای صاحب سے آئی جی ایچ ای صاحب سے
محکمہ کے دفتر کے لئے لکھی گئی ہے۔

۴۔ آئی جی ایچ ای صاحب سے مورخہ ۱۵-۱-۱۹ کو آئی جی ایچ ای صاحب سے مورخہ ۱۵-۱-۱۹ کو
آئی جی ایچ ای صاحب سے مورخہ ۱۵-۱-۱۹ کو آئی جی ایچ ای صاحب سے مورخہ ۱۵-۱-۱۹ کو

رہنما ہے کہ حکم مورخہ ۱۵-۱-۱۹ جاری کر دیا ہے۔ آئی جی ایچ ای صاحب سے آئی جی ایچ ای صاحب سے
آئی جی ایچ ای صاحب سے مورخہ ۱۵-۱-۱۹ کو آئی جی ایچ ای صاحب سے مورخہ ۱۵-۱-۱۹ کو
محکمہ کے دفتر کے لئے لکھی گئی ہے۔

الموافق Hammed
مورخہ ۱۵-۱-۱۹

حمید الرحمان ولد عبداللہ صاحب ڈی جی ایچ ڈی لہور
پتہ: کانسٹیبل نمبر 355 ایس ایچ ای، ڈی ایس ای پتہ اور

Hammed

محمد رضا خان - ادراک ایسی آئی منہج سکاٹی ڈی کی

علائقہ ذیل کے لئے

ذیل کے لئے

ذیل کے لئے

۱۔ پتہ ذیل کے لئے ایسی سے کمری ہوا جائے
تعمیرات سے تعلق نہ ہو اور نہ ہی اس سے غیر ہضم
کر رہا گیا ہے۔ اس کے ساتھ ساتھ اس کے لئے
مستعد ہے کہ ذیل کے لئے علاحدہ سے

- ۱۔ چارج سٹیٹ ۲۔ آئلوانری ریکورڈ ۳۔ فائنل شو کارڈ
- ۴۔ حکم برطرفی ۵۔ گنیز دستاویز متعلقہ ایسی ہذا
- ۶۔ نقل اپیل و حکم برطرفی

29-08-2018

Hamceed

محمد الرحمن وکر عبد اللہ
نمبر 33 سی جی ڈی پناہ
الکفہ ٹیبل

تلفون ڈھیری اوج دیپ لوم
رابطہ نمبر 0344-8216102

Hamceed

127 For Insurance Notices see reverse. Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post Office Guide or on which no acknowledgement is due.

Received a registered addressed to: _____ Date Stamp _____

Initials of Receiver: _____ *Write here "letter", "postcard", "packet" or "parcel" with the word "insured" before, when necessary.

Insured for Rs. (in figures) _____ (in words) _____

Weight _____ Kilo _____ Grams _____

Insurance fee Rs. _____ Ps. _____

Name and address of sender: _____

F 9

ORDER

WHEREAS as per the approval of the Provincial Police Officer, Khyber Pukhtunkhwa a Committee had been constituted vide this office No. 9871-77/E dated 16/11/2010, headed by DPO Swat to record under the cases of the personnel dismissed during militancy.

AND WHEREAS the Committee has, after thorough deliberations and scrutiny of the relevant record, submitted its findings vide No. 14732/E dated 29/11/2010 wherein 253 personnel have been recommended for reinstatement in service.

NOW THEREFORE as per the approval of the Provincial Police Officer, the following personnel recommended by the Committee are hereby reinstated in service with effect from the date of their dismissal. The period during which they remained out of service after dismissal and the period of their absence will be treated as leave without pay.

S.No.	Name and No.
1.	Ex-Constable Bahadey Khan No. 1322
2.	Ex-FC Mian Said Rehman No. 582
3.	Ex-Constable Muhammad Saeed No. 1543
4.	Ex-Constable Fida Hussain No. 751
5.	Ex-Constable Zia-u-din No. 1581
6.	Ex-Constable Sami Ullah No. 103
7.	Ex-Constable Sadique Akbar No. 310
8.	Ex-Constable Ayaz Ali No. 1482
9.	Ex-PAST Ijaz Ali No. 35 (Shaheed Son)
10.	Ex-Constable Farman Ali No. 757
11.	Ex-Constable Shafullah No. 298
12.	Ex-Constable Sher Ali Khan No. 443
13.	Ex-Constable Sabir Hussain No. 1471
14.	Ex-Constable Sharafat Khan No. 776
15.	Ex-Constable Fazal Anwar No. 1091
16.	Ex-Constable Asmat Ali No. 1304
17.	Ex-Constable Niaz Mohd No. 822
18.	Ex-Constable Abdul Wadod No. 151
19.	Ex-Constable Muhammad Shoab No. 112/RR
20.	Ex-Constable Shah Hussain No. 1297
21.	Ex-FC Abdul Wali Khan No. 378
22.	Ex-Constable Naseer Un-din No. 1415
23.	Ex-Constable Ajmal Khan No. 1524

AB/12
/

10

24.	Ex-Constable Gul Fariz Khan No. 1512
25.	Ex-Constable Fazal Waheed No. 123R
26.	Ex-Constable Sultanat Khan No. 556
27.	Ex-Constable Bakht Nawab No. 141/RR
28.	Ex-Constable Saeed ullah No. 1043
29.	Ex-Constable Nasir Ali No.1074
30.	Ex-Constable Zahoor Ahmad No. 1038
31.	Ex-Constable Said Akbar No.1118
32.	Ex-Constable Muhammad Ali No.1850
33.	Ex-Constable Falak Zeb No. 887
34.	Ex-Constable Adalat Khan No. 1254
35.	Ex-Constable Malak Zada No. 953
36.	Ex-Constable Zahoor Ahmad No. 165/RR
37.	Ex-Constable Akhtar Ali No. 49
38.	Ex-Constable Shakir Hussain No. 290
39.	Ex-Constable Akbar Ali No. 1306
40.	Ex-Constable Akber Ali No. 1528
41.	Ex-Constable Zoor Muhammad Khan No. 549
42.	Ex-Constable Muhammad Alam No 512
43.	Ex-Constable Amir Khatam No. 30
44.	Ex-Constable Naseer-Ullah Khan No. 1428
45.	Ex-Constable Muhammad Zeb Khan No. 371
46.	Ex-Constable Hayat Muid Khan No. 143
47.	Ex-Constable Subhan Ullah No. 186/RR
48.	Ex-Constable Asad-ullah Jan No. 1226
49.	Ex-Constable Rasheed Khan No. 33/RR
50.	Ex-Constable Habib-ur- Rehman No. 205/RR
51.	Ex-Constable Abdullah No. 885
52.	Ex-Constable Niaz Ali Shah No. 130/RR
53.	Ex-Constable Sher Alam Khan No. 144/RR
54.	Ex-Constable Said Mahmood Jan No. 615
55.	Ex-Constable Muhammad Shoab No. 645
56.	Ex-Constable Ajab Khan No. 172
57.	Ex-Constable Tariq No. 1534
58.	Ex-Constable Karim Ullah Khan No. 608
59.	Ex-Constable Shafi Ullah No. 1506
60.	Ex-Constable Bashir Ahmad No. 1457
61.	Ex-Constable Izzat Mond No. 1244
62.	Ex-Constable Shehzada No. 364
63.	Ex-Constable Umar Zaib No. 1448
64.	Ex-Constable Majeed Khan No. 81

11

65.	Ex-Constable Shamshey Khan No. 508
66.	Ex-Constable Sabz Ali Khan No. 1447
67.	Ex-Constable Baktawar Khan No. 1251
68.	Ex-Constable Bacha Wali No. 1434
69.	Ex-Constable Rasheed Ahmad No. 1791
70.	Ex-Constable Muhd Sher Ali Khan No. 463
71.	Ex-Constable Adalat Khan No. 275
72.	Ex-Constable Mian Said Parvez No. 752
73.	Ex-Constable Jahan Parvez No. 293
74.	Ex-Constable Rehmat Ali No. 927
75.	Ex-Constable Abdul Hayeed No. 206
76.	Ex-Constable Bakht Ullah No. 92
77.	Ex-Constable Shokat Ali No. 1371
78.	Ex-Constable Zikriya No. 421
79.	Ex-Constable Zahir Ahmad No. 1450
80.	Ex-Constable Said Ahmad Khan No. 917
81.	Ex-Constable Bakht Zavin No. 1694
82.	Ex-Constable Riaz Muhammad No. 1467
83.	Ex-Constable Zahid Ullah No. 1394
84.	Ex-Constable Bakht Namroz No. 667
85.	Ex-Constable Mian Said Gul No. 344
86.	Ex-Constable Hidayat Ullah Khan No. 335
87.	Ex-Constable Umar Rehman No. 728
88.	Ex-Constable Gohar Ali No. 625
89.	Ex-Constable Said Azam No. 12/RR
90.	Ex-ASI Aman Khan
91.	Ex-Constable Najib Ullah No. 1481
92.	Ex-Constable Alta Ullah No. 1514
93.	Ex-Constable Feroz Khan No. 961
94.	Ex-Constable Ubaid Ullah No. 190
95.	Ex-Constable Akbar Bach No. 852
96.	Ex-Constable Sher Alam No. 996
97.	Ex-Constable Muhammad Ayaz No. 486
98.	Ex-Constable Anwar-ul-Haq No. 572
99.	Ex-Constable Muhammad Iqbal No. 369
100.	Ex-Constable Gohar Ali No. 642
101.	Ex-Constable Rizwan Ullah No. 1454
102.	Ex-Constable Yousaf Khan No. 350
103.	Ex-Constable Farooq No. 13
104.	Ex-Constable Muhammad Shoaib No. 1528
105.	Ex-Constable Ali Muhammad No. 1456

12

106.	Ex-Constable Mumtaz Ali No. 62
107.	Ex-Constable Shah Wali Khan No. 1502
108.	Ex-Constable Mian Khaliq Jan No. 383
109.	Ex-Constable Luqman Ali No. 95
110.	Ex-Constable Jehan Ali No. 195
111.	Ex-Constable Musharraf Khan No. 1113
112.	Ex-Constable Amir Muhammad No. 176/R12
113.	Ex-Constable Alam Khan No. 1078
114.	Ex-Constable Sher Shah No. 862
115.	Ex-Constable Aranjid Ali No. 1044
116.	Ex-Constable Sher Ali Khan No. 1353
117.	Ex-Constable Iftikhar No. 564
118.	Ex-Constable Bakht Akbar No. 1288
119.	Ex-Constable Taj Muhd. No. 1111
120.	Ex-Constable Alam Badshah No. 1196
121.	Ex-Constable Liaqat Ali No. 225
122.	Ex-Constable Liaqat Ali No. 253
123.	Ex-Constable Azam Khan No. 1427
124.	Ex-Constable Habib Ullah No. 1446
125.	Ex-Constable Yar Badshah No. 933
126.	Ex-Constable Nadar Shah No. 468
127.	Ex-Constable Nazir Muhd No. 1379
128.	Ex-IC Asghar Khan No. 31
129.	Ex-Constable Ali Rasheed No. 1480
130.	Ex-Constable Fazal Rehman No. 784
131.	Ex-Constable Bakhtaj No. 1329
132.	Ex-Constable Ibrar Hussain No. 420
133.	Ex-Constable Zafar Alam No. 653
134.	Ex-Constable Muhd Rafiq No. 1633
135.	Ex-Constable Sajjad Khan No. 1518
136.	Ex-Constable Umar Khitab No. 1109
137.	Ex-Constable Ahmad Ali No. 1318
138.	Ex-Constable Rehmat Ali No. 175
139.	Ex-Constable Iqbal Hussain No. 1486
140.	Ex-Constable Rehman Ullah No. 1466
141.	Ex-Constable Ayaz Ahmad No. 320
142.	Ex-Constable Sadiq No. 1470
143.	Ex-Constable Shafiq-Ur-Rehman No. 851
144.	Ex-Constable Bashir Ahmad No. 1377
145.	Ex-Constable Liaqat Ali No. 1345
146.	Ex-Constable Aziz-ul-Hussain No. 1170

13

147.	Ex-Constable Zakir Hussain No. 308
148.	Ex-Constable Midrarullah No. 533
149.	Ex-Constable Muslim Khan No. 100/RR
150.	Ex-Constable Zafar Ali Khan No. 74
151.	Ex-Constable Najib Ullah Khan No. 1439
152.	Ex-Constable Rahim Khan No. 571
153.	Ex-Constable Azam Khan No. 45
154.	Ex-Constable Mian Said Bacha No. 1362
155.	Ex-Constable Hazrat Alam No. 1570
156.	Ex-Constable Irfan Ud Din No. 1549
157.	Ex-Constable Sher Hassan Khan No. 685
158.	Ex-Constable Muhd Farooq No. 131/RR
159.	Ex-Constable Mian Said Farooq No. 333
160.	Ex-Constable Muhammad Tabir No. 1707
161.	Ex-Constable Bahadur Nawab Khan No. 1635
162.	Ex-Constable Amir Khan No. 1404
163.	Ex-Constable Sami Ullah No. 1500
164.	Ex-Constable Muhammad Qasim No. 1688
165.	Ex-Constable Muhd. Arif Khan No. 1393
166.	Ex-Constable Asmat Ali No. 1723
167.	Ex-Constable Farhad Ali No. 1761
168.	Ex-Constable Mian Said Ghani No. 1689
169.	Ex-Constable Inam Ullah No. 1145
170.	Ex-Constable Umar Farooq No. 1677
171.	Ex-Constable Israr Ahmad No. 1622
172.	Ex-Constable Amal Khan No. 1569
173.	Ex-Constable Rehmat Ali No. 496
174.	Ex-Constable Zara Wali No. 134
175.	Ex-Constable Anwar Ullah No. 1666
176.	Ex-Constable Bakht Kayam No. 1800
177.	Ex-Constable Anwar Ali No. 1574
178.	Ex-Constable Aziz Ullah Khan No. 1591
179.	Ex-Constable Hazrat Gilai No. 1776
180.	Ex-Constable Farman Ali No. 217/RR
181.	Ex-Constable Muhd Alim Khan No. 1774
182.	Ex-Constable Asghar Khan No. 1720
183.	Ex-Constable Abdullah No. 1661
184.	Ex-Constable Mohammad Azim No. 971
185.	Ex-Constable Said Sarfullah No. 1600
186.	Ex-Constable Samin Khan No. 1724
187.	Ex-Constable Salman Asghar No. 1575

14

188.	Ex-Constable Hayat Ali No. 1614
189.	Ex-Constable Liaqat Ali Khan No. 1414
190.	Ex-Constable Yaqub Khan No. 1601
191.	Ex-Constable Farman Ali No. 1069
192.	Ex-Constable Rehmat Zaib No. 1679
193.	Ex-Constable Fayaz Ali No. 914
194.	Ex-Constable Wali Ahmad No. 841
195.	Ex-Constable Barkat Ali Khan No. 190/RR
196.	Ex-Constable Nazir Mahmood No. 1771
197.	Ex-Constable Mohim Bacha No. 1608
198.	Ex-Constable Muhd. Kashif No. 1579
199.	Ex-Constable Nisar Ahmad No. 1565
200.	Ex-Constable Fazal Haq No. 1589
201.	Ex-Constable Ajab Khan No. 1553
202.	Ex-Constable Shah Aliyar Khan No. 1615
203.	Ex-Constable Hazrat Ali No. 1797
204.	Ex-Constable Zia Ullah No. 104/RR
205.	Ex-Constable Naeem Iqbal No. 1716
206.	Ex-Constable Amjid Ali No. 1624
207.	Ex-Constable Farhad Ali No. 127
208.	Ex-Constable Hazrat Usman No. 1691
209.	Ex-Constable Umar Zaman No. 160/RR
210.	Ex-Constable Zafar Ali No. 159
211.	Ex-Constable Saeed Ullah No. 1513
212.	Ex-Constable Sher Bahadar Shah No. 211/RR
213.	Ex-Constable Arif Ali Shah No. 828
214.	Ex-Constable Fazal Ali No. 1647
215.	Ex-Constable Abdur Rehman No. 1607
216.	Ex-Constable Muhammad Ikram No. 240
217.	Ex-Constable Inayat Ullah No. 1665
218.	Ex-Constable Sajid Ullah No. 1672
219.	Ex-Constable Karim Ullah No. 1788
220.	Ex-Constable Umar Muhammad No. 1561
221.	Ex-Constable Nawab Rehman No. 1664
222.	Ex-Constable Zai Ullah Khan No. 9/RR
223.	Ex-Constable Qayum Khan No. 1586
224.	Ex-Constable Imran Ali No. 531
225.	Ex-Constable Nasir Ali No. 1623
226.	Ex-Constable Riaz Ali No. 1559
227.	Ex-Constable Haider Ali No. 1667
228.	Ex-Constable Dadshah Muhammad No. 142/RR

15

229.	Ex-Constable Sher Zaman No. 1167
230.	Ex-Constable Muhammad Jan No. 1708
231.	Ex-Constable Mian Gul Dacha No. 1696
232.	Ex-Constable Sajf Ullah No. 1759
233.	Ex-Constable Zahir Ullah No. 1644
234.	Ex-Constable Parvez Khan No. 65/RR
235.	Ex-Constable Muhammad Nacem No. 1746
236.	Ex-Constable Fazal Bacha No. 605
237.	Ex-Constable Barkat Ali No. 1312
238.	Ex-Constable Amir Zeb No. 1787
239.	Ex-Constable Kalim Ullah Jan No. 1656
240.	Ex-Constable Zai-ur-Rehman No. 1694
241.	Ex-Constable Muhammad Alam No. 1730
242.	Ex-Constable Fazal Hayat No. 1658
243.	Ex-Constable Hazrat Nawaz Khan No. 721
244.	Ex-Constable Ikram Ullah No. 1606
245.	Ex-Constable Tariq Rahim No. 1782
246.	Ex-Constable Wali Khan No. 212/RR
247.	Ex-Constable Abdali Khan No. 188/RR
248.	Ex-Constable Muhammad Parvez No. 63/RR
249.	Ex-Constable Muhammad Zahid No. 71/RR
250.	Ex-Constable Sardar Ali No. 45/RR
251.	Ex-Constable Luqman No. 95
252.	Ex-Constable Bahad Ali No. 4688/FRP
253.	Ex-Constable Sher Afzal No. 1388/FRP

Order announced.

J. Amir
(WAZI JAMIL-UR-REHMAN)
Deputy Inspector General of Police,
Malakand Region, Saidu Sharif, Swat.
SAIF

No. 109/14-16/E.
Dated 30/11/2010.

Copy for information and necessary action to the:-

1. Provincial Police Officer, Khyber Pakhtoonkhwa, Peshawar.
2. District Police Officer, Swat.
3. Superintendent of Police, FRP, Swat.

Ali
Amir

OFFICE ORDER

WHEREAS as per the approval of the Provincial Police Officer, FR, Pukhtunkhwa a Committee had been constituted vide this office No:9871 dated 16/11/2010, headed by Lt Col Swat to reconsider the cases of the persons absented during military.

AND WHEREAS the Committee has, after thorough deliberation scrutiny of the relevant record, submitted its findings vide No:89/OASI, 04/01/2012 wherein 12 personnel have been recommended for reinstatement service.

NOW THEREFORE as per the approval of the Provincial Police Officer, following personnel recommended by the Committee are hereby reinstated service with effect from the date of their dismissal. The period during which remained out of service after dismissal and the period of their absence will treated as leave without pay.

S.No	Name and No.
1.	Ex-Constable Minhaj-ud-Din No.139
2.	Ex-Constable Zahoor Hussain No.1738
3.	Ex-Constable Ali Baz No.501
4.	Ex-Constable Muhammad Israr No.118
5.	Ex-Constable Attaullah No.924
6.	Ex-Constable Muhammad Ali No.1653
7.	Ex-Constable Fazal Haran No.1504
8.	Ex-Constable Ikram No.1189
9.	Ex-Constable Qaiser Ali Shah No.675
10.	Ex-Constable Bashir Ahmad No.270
11.	Ex-Constable Parwanat Khan No.30
12.	Ex-Constable Fazal Rabbi No.579

Order announced.

(AKHTAR HAYAT KHAN)
Deputy Inspector General of Police
Malakand Region, Swat District

AKHTAR HAYAT KHAN
[Signature]

No. _____ /E,

Dated 07/02/2012

Copy for information and necessary action to:-

1. Provincial Police Officer, Khyber Pukhtunkhwa, Peshawar
2. District Police Officer, Swat.



17

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR

No. SI 1656

/17, dated Peshawar the 15/3/2017

ORDER

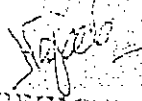
This order is hereby passed to dispose of departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 submitted by Ex-Constable Noor Khan No. 462. The appellant was dismissed from service by DPO, Dir Lower vide OB No. 361, dated 16.03.2009 for the charge of absence from duty for 02 months and 04 days.

Meeting of Appellate Board was held on 02.05.2017 wherein appellant was heard. person. During hearing petitioner contended that he was posted at Malakand Region as DFC. He could not bring Summon and Warrants to the area because of terrorism. Terrorists and Taliban threatened him time and again on his cell phone.

The Board examined his service record which revealed that appellant has no bad entry during his service. Moreover, he has qualified Recruit Course and A-1 examination.

Keeping in view 07 years, 11 months and 12 days service at the credit of petitioner and threats from Terrorists and Taliban, the Board decided that the petitioner is hereby re-instated in service, however, the intervening period including period of absence from duty is considered as period in service but not on duty and he will not be entitled for salary of the intervening period. He will remain under special watch for one year.

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


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

SI 1657-64/17

Copy of the above is forwarded to the:

1. Regional Police Officer, Malakand at Swat.
2. District Police Officer, Dir Lower.
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. PA to AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-IV CPO Peshawar.
8. Central Registry Cell, CPQ.

ORDER

This order shall dispose of departmental appeal under rule 11 of Khyber Pakhtunkhwa Police Rules 1975, submitted by Ex-constable Sadiq-ur-Rehman No: 4881 of FRP Malakand Range, against the order of SP:FRP Malakand Range, Swat, wherein he was removed from service.

Brief facts of the case are that Ex-constable Sadiq-ur-Rehman No: 4881 of FRP Malakand Range was enlisted as constable on 26.07.2007. Later on during the course of duty he was absented himself from duty with effect from 20.07.2008 till the date of his removal from service.

In this regard he was issued charge sheet and statement of allegations, but neither he report arrival for duty, nor replied to charge sheet within stipulated period thereafter, on 03.11.2008 he was issued Urdu Parwan, but he failed to do so, therefore the Enquiry Committee recommended him for major punishment of removal from service. Later on he was issued final show cause notice but his reply was not received within stipulated period.

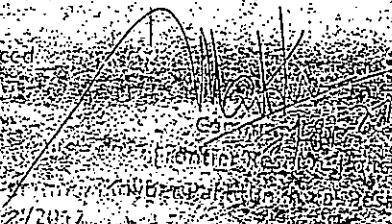
In the light of recommendation of Enquiry Committee and other material available on record he was removed from service by the SP:FRP Malakand Range, Swat, vide office OB No. 151, dated 14.11.2009.

After going through the available record it has pointed out that the appellant has neither participated with enquiry proceedings, nor provided opportunity of personal hearing.

The applicant has heard in person in orderly room held on 03.08.2017. During the course of hearing he contended that at those days the Swat valley was under control of miscreants/faliban and were kidnapping, killing the Government employees, especially of Police department. He further stated that being a member of the Force (Police Department) he was received threat from faliban, then he along with his family members were compulsively shifted to other safe place i.e. Punjab Province. He further added that his removal from service order was not communicated to him. His plea was found plausible and satisfactory.

Keeping in view the above, vis-à-vis his unblemished service record of a trained soldier, he (Ex-constable Sadiq-ur-Rehman No: 4881 of FRP Malakand Range) is hereby reinstated in service and the punishment of removal from service is hereby modified and converted into major punishment of reduction in pay as timescale constable. The period of his absence from duty and the intervening period are considered as period in service but not on duty and he will not be entitled for salary of his absence and intervening period.

Order announced



SP:FRP Malakand Range, Swat, dated 27/11/2017

Copy of above is forwarded to the SP:FRP Malakand Range, Swat for information and necessary action. His service record sent herewith.

This order shall dispose of departmental appeal under rule 11 of Khyber Pakhtunkhwa Police Rules 1975, submitted by Ex-constable Taj Bhadar No. 4899 of FRP Malakand Range, against the order of SP FRP Malakand Range Swat, wherein he was removed from service.

Brief facts of the case are that constable Taj Bhadar No. 4899 of FRP Malakand Range was enlisted as constable on 26.07.2007. He was absented himself from duty with effect from 01.04.2009, till the date of his removal from service.

In this regard he was issued charge sheet and statement of allegations, but neither he report/arrival for duty nor replied to charge sheet within stipulated period. Thereafter, on 28.04.2009, he was issued Urdu Parwana but he failed to do so. Therefore, the Enquiry Committee recommended him for major punishment of removal from service. Later on he was issued final show cause notice but his reply was not received within stipulated period.

In the light of recommendation of Enquiry Committee and material available on record he was removed from service by the SP FRP Malakand Range Swat, vide office OB No. 294, dated 21.02.2009.

After going through the available record it has pointed out that during the course of enquiry the applicant has neither participated with enquiry proceedings nor provided opportunity of personal hearing.

The applicant was heard in person in orderly room held on 03.08.2017, during the course of hearing he contended that at those days the Swat valley was under control of miscreants/Taliban and were kidnapping, killing the Government employees, especially of Police department. He further stated that being a member of the Force (Police Department) he was received threat from Taliban, then he along with his family members were compulsively shifted to other safe place i.e. Karachi. He further added that his removal from service order was not communicated to him. His plea was found plausible and satisfactory.

Keeping in view the above, vis-a-vis his unblemished service record, also a trained soldier, he (Ex-constable Taj Bhadar No. 4899 of FRP Malakand Range) is hereby reinstated in service and the punishment of his removal from service is hereby modified and converted into major punishment of deduction in pay as time scale constable. The period of his absence from duty and the intervening period are considered as period in service but not on duty and he will not be entitled for salary of his absence and intervening period.

Order announced

ADP
[Signature]

[Signature]
Commandant
Frontier Reserve Police
Khyber Pakhtunkhwa, Peshawar

No. 5913/JC, dated Peshawar, 21/08/2017

Copy of above order refer to the SP FRP Malakand Range Swat for information and necessary action. His service record sent here with.

21.

2-5-16

Date of
Order or
proceedings.

Order or other proceedings with signature of Judge or Magistrate
and that of parties where necessary.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
CAMP COURT SWAT

APPEAL NO. 588/2012

Murad Ali Vs. Commandant FRP, KPK Peshawar & 2 others.

JUDGMENT

MUHAMMAD AZIM KHAN AFRIDI CHAIRMAN

02.05.2016

Appellant with counsel and Mr. Muhammad Zubair, Senior
Government Pleader along with Mushtaq Ahmad, Inspector (Legal)
for the respondents present.

Murad Ali son of Muhammad Mashal Khan hereinafter
referred to as the appellant has preferred the instant appeal against
order dated 09.4.2012 communicated to the appellant on 02.5.2012
vide which his departmental appeal against original order dated
10.10.2008 of removal from service was regretted.

Brief facts giving rise to the present appeal are that the
appellant was appointed as Constable in FRP Malakand Range
vide appointment order dated 25.07.2007. While serving he was
found absent from duty for a period of 3 months and 8 days and
after conducting enquiry removed from service vide order dated
10.10.2008 where against departmental appeal of the appellant
was rejected on 09.4.2012 and hence the instant service appeal on
23.05.2012.

Handwritten signature

23

2

We have heard arguments of the learned counsel for the parties and perused the record.

Perusal of the record would suggest that charge sheet dated 09.08.2008 was communicated to the appellant on the allegations of wilful absence, however, according to findings/report of the enquiry committee appellant had not turned up in response to notice issued to the appellant for resuming duty and facing an enquiry. It is evident from the record that enquiry procedure was not followed by the enquiry committee as the appellant was neither associated with the enquiry proceedings nor any opportunity of hearing afforded to him, and, furthermore, in case of absence, publication of any notice in prescribed manners was not made in the newspapers. Furthermore the alleged period of absence, was during the days of militancy and, according to the stance of the appellant, similarly placed employees were reinstated in service and that appellant was also entitled to same treatment.

Since the appellant was subjected to enquiry wherein neither prescribed procedure was followed nor appellant associated with the same as such we deem it more appropriate to set aside the impugned original order dated 10.10.2008, as well as the order dated 09.12.2012 and to reconstitute the appellant in service, placing the respondents at liberty to departmentally proceed against the appellant if need be, and that the plea of the appellant in respect of reinstatement of similarly placed persons in service shall also be taken into account during the enquiry which shall be concluded within the period of 2 month from the date of receipt of this judgment. In case the


A. K. Jaiswal

23

21

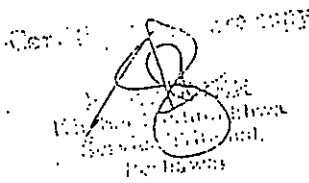
3

enquiry is not conducted then the period of absence till reinstatement be treated as leave of the kind due. The appeal is disposed of accordingly. Parties are however left to bear their own costs. File be consigned to the record room.

Announced
02-05-2016

Sd/- M. Azim Khan Afzali,
Chairman

Sd/- Abdul Latif,
Member



Dr. ...
Mr. ...
Mr. ...
Mr. ...
Mr. ...
Mr. ...
Mr. ...

10-05-2016
1600
10
10
10-05-2016
10-05-2016

Attended
[Signature]

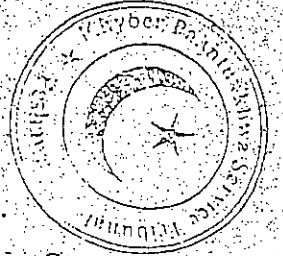
24

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
CAMP COURT SWAT

Service Appeal No. 957/2016

Date of Institution... 04.08.2016

Date of decision... 07.12.2017



Shoukat Ali son of Muhammad Shafiq, R/O Kokari Mingora Swat Ex-Constable
No. 4741, FRP Platoon No. 83, P.S Mingora Swat. (Appellant)

Versus

1. Superintendent of Police, FRP Malakand Region, Malakand and two others.
(Respondents)

ARBAF SAIFUL KAMAL,
Advocate

For appellant.

MR. KABIRULLAH KHATTAK,
Addl Advocate General.

For respondents.

MR. NIAZ MUHAMMAD KHAN,
MR. MUHAMMAD HAMID MUGHAL,

CHAIRMAN
MEMBER

JUDGMENT

NIAZ MUHAMMAD KHAN, CHAIRMAN: - This judgment shall also
disposed of other connected appeals No. 697/2016 Muhammad Said, No.
958/2016 Fazal Yaseen, No. 959/2016 Afzal Khan, and No. 961/2016 Umar Ali
as in all the appeals common questions of law and facts are involved.

2. Arguments of the learned counsel for the parties heard and record perused.

FACTS

3. The appellant Shaukat Ali, Umar Ali and Afzal Khan were removed
from service on 28.08.2016, the appellant Fazal Yaseen was removed from

ATTESTED

CHAIRMAN

25

service on 02.02.2009 and the appellant Muhammad Saeed was removed from service on 21.09.2009. The appellants then filed departmental appeals belatedly which were rejected then the appellant also approached this Tribunal belatedly not within the stipulated time.

ARGUMENTS

4. The learned counsel for the appellants argued that the very orders of removal from service are void because all these orders have been given retrospective effect. That in view of judgment reported as 1985-SCMR-1178 no limitation shall run against void order.

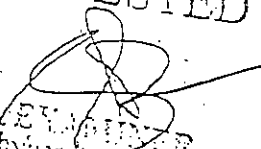
5. On the other hand the learned Addl. Advocate General argued that the departmental appeals are hopelessly time barred. That the revision within the meaning of Rule 11 -A of Khyber Pakhtunkhwa Police Rules, 1975 could not enlarge the period of limitation. That all the codal formalities were fulfilled by the department.

CONCLUSION

6. Regardless of other merits of the case it is an admitted position that all these orders have been given retrospective effect and in view of so many judgments delivered by this Tribunal on the basis of judgment reported in 1985-SCMR-1178 the retrospective order is a void order and no limitation shall run against void order.

7. Since no limitation runs against a void order, any successive appeals or revision would not curtail the rights of the appellants qua the limitation or in other

ATTESTED


MEMBER
Khyber Pakhtunkhwa
Service Tribunal

respect. Presuming that all other elements of due processes have been complied with, the void order cannot be sustained on this score alone.

8. As a sequel to the above discussion, the present appeals are accepted and the appellants are reinstated in service. The department is however, at liberty to hold denovo proceedings in accordance with law within a period of ninety days. The intervening period shall be subject to the final outcome of the denovo proceedings. Parties are left to bear their own costs. File be consigned to the record room.

Announced *sd/- Niaz Muhammad Khan,*
07-12-2017 *Chairman*
Camp Court Swat

sd/- M. Hamid Mughal,
Member

Office
Khuzdar
Service Tribunal
Peshawar

Date of Presentation of Petition 13-12-17
Number of Petitions 1200
Copying Charges 8
Urgent 8
Total 8
Name of Clerk M.A.
Date of Case 15-12-17
Date of Delivery of Order 15-12-17

یعدالت جناب سرسٹریٹ جیول صوبہ سندھ پشاور

مستجاب ایلٹ

حیدر علی نامہ محکمہ پولیس دہلی

دعوی اپیل

باعث شکریہ ایٹک

5

5

مسترد مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن مقام پشاور کیسٹ اسکینڈل اڈا خان سرورتنے ایڈوکیٹ ہائی کورٹ کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب محترم کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا نیز وکیل صاحب کو کرنے یعنی نامہ و آئین ثالث و فیصلہ بر علف دینے جواب دہی اور اقبال دعویٰ اور بھرتی ڈگری کرنے اجراء اور وصولی چیک و روپیہ اور مرضی دعویٰ اور درخواست ہر قسم کی تقلیدین اور اس پر دستخط کرنے کا اختیار ہوگا نیز بصورت عدم پیروی یا ڈگری یک طرفہ یا اپیل کی برآمدگی اور مستردی یا نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مندر کے کل یا اجزائی کاروائی کے واسطے اور وکیل یا مشاور قانونی کو اپنے ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا اور اس نتیجہ مقرر شاہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ پرواختہ منظور قبول ہوگا و دوران مقدمہ میں جو خرچہ و ہرجانہ التوا مقدمہ کے سبب سے ہوگا اس کے مستحق وکیل صاحب محترم ہوں گے نیز بغایا و خرچہ کی وصولی کرنے کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام درہ پیروی یا مد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکور کریں۔

لہذا کالت نامہ رکھ دیا کہ سند ہے۔

المزوم 11-09-2018

القید القید القید

سیدہ النبی خان مررت ایڈوکیٹ اور باب ایف ایٹک ایڈوکیٹ

من رومیہ تار Hammed. S. Ansari Adv. عبد الرحمن

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA.

Service Appeal No. 1163/2018.

Hameed Ur Rehman.....(Appellant)

VERSUS

1. Deputy Inspector General of Police, DCT Now CTD, Peshawar.
2. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.

.....(Respondents)

Subject:- **REPLY BY RESPONDENTS.**

Preliminary Objections:-

- a) The appellant has no cause of action or locus standi.
- b) The appeal is not maintainable in the present form.
- c) The appeal is bad for mis-joinder and non-joinder of necessary parties.
- d) The appellant is estopped to file the appeal by his own conduct.
- e) The appeal is barred by law and limitation.
- f) The appellant has not come to the Honorable Tribunal with clean hands.

FACTS:-

1. Pertains to record hence no comments.
2. Pertains to record hence no comments.
3. Pertains to record hence no comments.
4. Correct to the extent that the petitioner was allowed 05 days casual leave but he badly failed to report back for duty. A report against his absence was entered in the daily diary vide No. 14 dated 07.08.2009. Proper charge sheet was issued and enquiry committee was constituted to carry proper enquiry against him. The charge sheet was delivered to the father of the petitioner at his home by constable Alamgir No. 313. At the time of delivery of charge sheet, Mr. Abdullah, father of the present petitioner told the constable that his son Hameed Ur Rehman has gone to Saudi Arabia for laboring. This fact was also verified from him by the enquiry committee. Final show cause notice was also issued to him. Which was also received by his cousin Saleem Ur Rehman but neither he submitted replies nor bother to appear before enquiry committee nor reported back for duty. Moreover, the petitioner voluntarily accepted that he left his service due to the fear of miscreants.

Keeping in view of his confession such person is not fit for police job because this department needs bold and courageous persons to fight against

the criminals and miscreants but the petitioner prove himself a coward man who escape from Pakistan due to the fear of miscreants therefore, his service appeal may please be dismissed.


5. Incorrect, appellant was not only removed from service on allegation of absentee but it was also proved that he left for Saudi Arabia for labouring. Moreover, he also accepted in Para 4 that he left Police department due to the fear of miscreants which shows that the appellant was a cowardman which is not fit for police job.
6. Incorrect and rebutted. The petitioner never submitted any appeal against his removal order in time.
7. The appeal was filed because the same was badly time barred case for about 08 years.
8. Pertains to record hence no comments.
9. Incorrect, appellant proceeded abroad and willfully absented himself from lawful duties. Moreover, the case of the petitioner is different from other persons mentioned by him.
10. Incorrect, these cases were thoroughly different from the case of petitioner.

GROUND:-

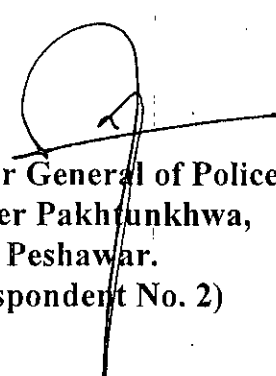
- a. Incorrect: Petitioner was removed from service due to his wilfull absence and he proceeded to Saudi Arabia for laboring due to the fear of miscreants.
- b. The petitioner made his confession that he willfully left Police department due to the fear of miscreants. Moreover, the petitioner have a great chance to prove himself a loyal, bold soldier at that time but he proved himself a coward person who escape from country and left the mother land in the hands of miscreants.
- c. Incorrect: Appellant was removed from service not only for his willful absence but it was also proved that he proceeded to Saudi Arabia for laboring. The enquiry committee also recorded the statement of his cousin Saleem Ur Rehman who verified that Hameed Ur Rehman proceeded Saudi Arabia for laboring. (Copy of statement is enclosed).
- d. Reply to this Para has already been explained in the previous Paras.
- e. Incorrect: Appellant was removed from service after conducting proper departmental enquiry. All the formalities were adopted. The competent authority passed his removal order.
- f. Incorrect: All codal formalities were adopted and strictly followed. Copies of charge sheet, final show cause notice, enquiry report and copies of statement are enclosed as Annexure "A", "B", "C".

Prayer:

It is therefore, prayed that the appeal of appellant may be dismissed being meritless and badly time barred, hit by doctrine of laches.



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



**Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.
(Respondent No. 2)**

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA.

Service Appeal No. 1163/2018.

Hameed Ur Rehman.....(Appellant)

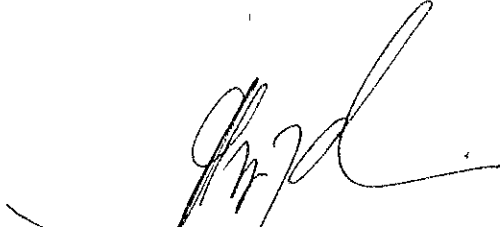
VERSUS

1. Deputy Inspector General of Police, DCT Now CTD, Peshawar.
2. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.

.....(Respondents)

AFFIDAVIT

I, Deputy Inspector General of Police, CTD, Khyber Pakhtunkhwa, Peshawar do here by solemnly affirm and declare on oath that the contents of reply submitted is correct and true to the best of my knowledge and belief and that nothing has been kept concealed from this Honorable Court.


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

(A)

CHARGE SHEET.

- 1) I, Sajid Ali, Deputy Inspector General of Police, CTD, SB: NWFP, Peshawar as competent authority hereby charge you Constable Hamid Ur Rehman No. 315 of CID, NWFP, Peshawar as per the enclosed Statement of Allegations.
- 2) By reasons of the Statement of Allegations, you appear to be guilty of misconduct/negligence under section 3 of the NWFP, Removal from Service (Special Powers) Ordinance 2000 and have rendered yourself liable to all or any of the penalty specified in section 3 of the Ordinance.
- 3) You are therefore, required to submit your written defence within (07) seven days of the receipt of this charge sheet to the Enquiry Committee as the case may be.
- 4) Your written defence, if any should reach the Enquiry Committee within the specified period failing which it shall be presumed that you have no defence to put up and in that case ex-parte action shall follow against you.
- 5) Intimate whether you desire to be heard in person.
- 6) Statement of Allegations is enclosed.

(SAJID ALI)

Deputy Inspector General of Police,
CTD, SB: NWFP, Peshawar.



B)

FINAL SHOW CAUSE NOTICE.

1. WHEREAS, you Constable Hameedur Rehman No.315 of DCT, SB, NWFP, Peshawar committed gross misconduct as defined in, Section 3. of NWFP, Removal from Service (Special Powers) Ordinance 2000, resultantly you were Charge Sheeted and served with the statement of allegations vide this office No.3754-55/SRC/DCT, dated 09/10/2009. An Enquiry Committee constituting of Mr. Zafar Hayat Khan DSP/HQRs: and Inspector, Khan Akbar Khan of this Unit was constituted to conduct enquiry into the matter accordingly.
2. WHEREAS, THE Enquiry Committee finalized the enquiry proceedings giving you full opportunities of defence i.e; personal hearing as well as cross examination of the witnesses whom statement were recorded, besides audience to relevant record. Consequent upon the completion of enquiry proceeding, the Enquiry Committee held you guilty of the charges leveled against you as per Charge Sheet. A copy of the finding is enclosed.
3. AND WHEREAS, on going through the finding and recommendation of Enquiry Committee, the material placed on record and other connected papers, I am satisfied that you have committed the misconduct and are guilty of the charges leveled against you as per statement of allegations conveyed to you. Which stand proved and render you liable to be awarded punishment under the said rules.
4. NOW THEREFORE, I, Sajid Ali Khan, Deputy Inspector General of Police, DCT, SB, NWFP, Peshawar, as Competent Authority have tentatively decided to impose upon you, any one or more penalties including the penalty of "Dismissal from Service" under Section 3 of the said Ordinance.

You are, therefore, directed to Show Cause within seven days of the receipt of this Notice, as to why the aforesaid penalty should not be imposed upon you, failing which it shall be presumed that you have no defence to offer and exparte action shall be taken against you. Meanwhile also intimate whether you desire to be heard in person or otherwise.

(SAJID ALI KHAN) PSP,
Deputy Inspector General of Police,
DCT, SB, NWFP, Peshawar.

No. 4347 /SRC/DCT,
Dated 07/12 /2009.

Constable Hameedur Rehman No.315/DCT,
Through SHO/PS/DCT, SB.

انکوائری رپورٹ کا نشیبل حمید الرحمان نمبر 315/DCT (غیر حاضر)

کانشیبل حمید الرحمان 315 غیر حاضر مورخہ 26-07-07 کا بھرتی شدہ ہے جسکو مورخہ 02-08-09 حسب اجازت 5 یوم رخصت پر گھر خود چھوڑا گیا تھا مورخہ 07-08-09 کو واپسی مطلوب تھی مگر رخصت سے غیر حاضر ہوا ہے۔ جس کے خلاف بحوالہ مد 14 روز نامچہ 07-08-09 رپورٹ غیر حاضری درج روز نامچہ ہوئی طویل عرصہ غیر حاضر رہ کر افران بالانے چارج شیٹ ج کر کے من DSP اور خان اکبر خان INSP کو انکوائری آفیسر مقرر کیے۔

چارج شیٹ کی تعمیل بدست کانشیبل عالمگیر نمبر 313 ہو کر چارج شیٹ کو غیر حاضر کانشیبل کے والد مسمی عبداللہ نے مورخہ 23-10-09 کو وصول کر کے بتایا کہ غیر حاضر کانشیبل حمید الرحمان اسکا بیٹا ہے جو بسلسلہ روزگار بیرون ملک سعودی عرب چلا گیا ہے۔ اور اس کی تصدیق اسکے والد عبداللہ ولد فردوس خان ساکن ڈھیری تحصیل تیمر گڑھ ضلع لوئر دیر سے بذریعہ موبائل فون نمبری 0346-8981469 بھی ہوئی ہے۔

بلسلسلہ انکوائری ذیل کے بیانات لیے گئے ہیں۔

- (1) - فضل روحان محرر ASI
- (2) - عام الرحمن SRC/DCT
- (3) - کانشیبل عالمگیر نمبر 313

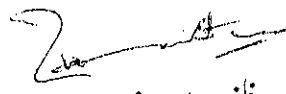
فائینڈنگ :-

بدوران انکوائری پایا گیا کہ کانشیبل حمید الرحمان 315 واقعی بیرون ملک چلا گیا ہے اور جس کے خلاف چارج شیٹ جاری ہو کر جو اسکے والد مسمی عبداللہ نے مورخہ 23-10-09 کو وصول کیا ہے لیکن جواب دینے میں ناکام رہا ہے لہذا فائل شوکا ز نوٹس جاری کرنے کی سفارش کی جاتی ہے۔



خان اکبر خان INSP

DCT, Peshawar



ظفر حیات خان DSP/Hqr

DCT, Peshawar

11/11/09

11/11/09

Yes
11/11/09

انکوآئری فائل از ای حیدر الرحمن نمبر 315

8566
25-5-18

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

No. SI/2025 /18, dated Peshawar the 25/05/2018.

The Dy. Inspector General of Police,
CTD, Khyber Pakhtunkhwa,
Peshawar.

APPEAL (EX-FC HAMEED-UR-RAHMAN NO. 315)

Ex-Constable Hameed-ur-Rahman No. 315 of CTD Police Khyber Pakhtunkhwa
submitted appeal to the Worthy Inspector General of Police, Khyber Pakhtunkhwa,
in order for reinstatement into service. His appeal was processed / examined at Central Police
Office Peshawar and filed by the competent authority being time barred for about 08 years.

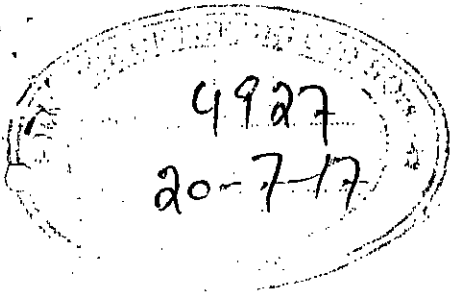
The applicant may please be informed accordingly.

[Handwritten signature]
SP/HT
~~SP/HT~~ / SRC
[Handwritten signature]

~~(IRFAN ULLAH KHAN) PSP,
A/C Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.~~

Fr DIGI CTD

25/5/18



خدمت جناب DIG صاحب CTD خیبر پختونخوا پشاور

درخواست مراد بجالی سردس

جناب عالی!

گزارش ہے کہ سائل بحیثیت سپاہی مورخہ 07/2007 کو حکم پولیس CID موجودہ CTD میں بھرتی ہو کر ایک تربیت یافتہ پولیس سپاہی تھا۔ سال 2009 میں جب حلاکت ڈوئرن میں دہشتگردی شروع ہوئی تو اپنے فیملی کو تحفظ کی خاطر محفوظ مقام منتقل کرنے کے وجہ سے سائل غیر حاضر ہو کر مورخہ 07/2009 کو حکم سے درخواست کیا گیا۔ چونکہ سائل ایک عزیز گھرانے سے تعلق رکھتا ہے۔ اور اپنے خاندان کا واحد کفیل ہے۔ حکم پولیس میں دوبارہ بجالی کا خوالہ سمند ہے۔

لہذا بذریعہ درخواست آپ صاحبان کے خدمت میں گزارش ہے کہ سائل پر رحم کر کے دوبارہ بحال کیا جائے۔ تو سائل بمعہ سارے خاندان تاحیات دعا لودینگا۔

المعارض

الحکام عبدالرحمن محمد الرحمن 315 لاتبہ کینٹنل
FC
مادون ڈھیرکہ سردر کمانہ ادوج
Mob: 0346-8981469

SP, P.O.
EC / SAC

DIG (CTD.)
20/7/17

ORDER.

This is an order passed on regular Departmental Enquiry conducted against Constable Hameedur Rehman NO. 315 DCT, SB: for his wellfull absence w.e.f. 07.08.2009. Facts are that the Constable concerned while posted to Police Station DCT, SB: was due back from 5 days Casual Leave with effect from 07.08.2009, but he badly failed to report back for duty. As such a report against him was entered in the Daily Dairy vide item No.14 dated 07.08.2009 Police Station DCT, SB: Owing to which he was served with charge sheet and statement of allegations vide this office Endst: No. 3754-55/DCT /SB dated 09.10.2009 and enquiry Committee Consisting of DSP Zafar Hayat Khan and Inspector Khan Akbar Khan was constitution for initiating proceedings against the delinquent Constable under the NWFP removal from Service (Special Power) Ordinance, 2000.

The Charge Sheet was delivered to the father of the Constable at his home by Constable Alamgir No. 313 of DCT, SB: At the time of delivery of the Charge Sheet, Mr. Abdullah son of Firdus Khan Resident of Dheri, Taimergara told the Constable that his son Constable Hameed Ur Rehman has gone to Saudi Arabia for labouring. These facts were also verified from him by the Enquiry Committee on CELL No. 0346/8981469. On the recommendation of the Enquiry Committee, Final Show Cause Notice which was issued to the Constable vide Endst: No. 4347/SRC/DCT/SB: dated 07.12.2009. The same was also received by the father of the Constable on 23.10.2009 but didn't either submit any reply or report back for duty.

Under the circumstances as mentioned above it is, crystal clear that the delinquent Constable has been to Saudi Arabia and there is no hope for his return in near future. He is, therefore hereby removed from service from the date of his absence viz 07.08.2009 under the NWFP Removal from service (Special Power) Ordinance, 2000.

(Order announced).

OB No. 14 /DCT/SB:
Dated 14 /11/2010

(SAJID ALI KHAN)PSP,
Deputy Inspector General of Police,
DCT, SB: NWFP, Peshawar.

No. 111-115/SRC/DCT/SB: Dated Peshawar the 14 /11 /2010.

Copies to the:-

1. DPO, Dir Lower for information and necessary action.
2. DSP, Hqrs: DCT.
3. SHO, PS, DCT, SB.
4. Constable Hameed Ur Rehman r/o Dheri, Taimargar, through DPO, Dir Lower.
5. Accountant, DCT, SB:

انٹرنیٹ ڈیپارٹمنٹ لیٹل عبدالرحمن 315

ضابطہ

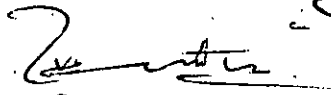
لیٹل عبدالرحمن عمر 315 مور ۰۸/۰۷ سے دستور غیر حاضر ہے

مور ۱۰/۲۳ کو بد کوہ سے والد کے اسکے عیاد شک سے مل گیا ہے

۱۲ مور ۰۹ کو فائیل نوٹس میں وہ لوگ سر گیا ہے

میلنگ ماحال ہوا۔ دینے میں نام دیا ہے جو اڈا سر دیا گیا ہے

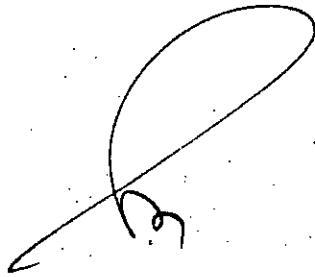
کے ساتھ ہی مل گیا ہے



DSP-HQ

06.01.10

Proceed



۰۷/۰۷

FINAL SHOW CAUSE NOTICE

1. WHEREAS, you Constable Hameedur Rehman No.315 of DCT, SB, NWFP, Peshawar committed gross misconduct as defined in Section 3 of NWFP, Removal from Service (Special Powers) Ordinance 2000, resultantly you were Charge Sheeted and served with the statement of allegations vide this office No.3754-55/SRC/DCT, dated 09/10/2009. An Enquiry Committee constituting of Mr. Zafar Hayat Khan DSP/HQRs; and Inspector Khan Akbar Khan of this Unit was constituted to conduct enquiry into the matter accordingly.
2. WHEREAS, THE Enquiry Committee finalized the enquiry proceedings giving you full opportunities of defence i.e; personal hearing as well as cross examination of the witnesses whom statement were recorded, besides audience to relevant record. Consequent upon the completion of enquiry proceeding, the Enquiry Committee held you guilty of the charges leveled against you as per Charge Sheet. A copy of the finding is enclosed.
3. AND WHEREAS, on going through the finding and recommendation of Enquiry Committee, the material placed on record and other connected papers, I am satisfied that you have committed the misconduct and are guilty of the charges leveled against you as per statement of allegations conveyed to you. Which stand proved and render you liable to be awarded punishment under the said rules.
4. NOW THEREFORE, I, Sajid Ali Khan, Deputy Inspector General of Police, DCT, SB, NWFP, Peshawar as Competent Authority have tentatively decided to impose upon you, any one or more penalties including the penalty of "Dismissal from Service" under Section 3 of the said Ordinance

You are, therefore, directed to Show Cause within seven days of the receipt of this Notice, as to why the aforesaid penalty should not be imposed upon you, failing which it shall be presumed that you have no defence to offer and exparte action shall be taken against you. Meanwhile also intimate whether you desire to be heard in person or otherwise.

(SAJID ALI KHAN) RSP,
Deputy Inspector General of Police,
DCT, SB, NWFP, Peshawar.

No. 4347 /SRC/DCT,
Dated 07/12 /2009.

Constable Hameedur Rehman No.315/DCT,
Through SHO/PS/DCT, SB.

نام اصول کنندہ
سلیم الرحمن
مکرم خان
ادعہ دفعہ کی تکمیل ادھیری عملے دیر کویر (4)
Sulaiman Rehman

09/12/2009

میں وہی سلیم الرحمن ولد عکرم خان پوٹن و ساہن سے یہ بیان مانگو دیتا ہے۔
کہ میرا چچا ذاک حفاتی عمید الرحمن ولد عبداللہ باہر خٹک سعودی عرب چلے گیا ہے
اس میں درج ذیل گواہان بھی یہ گواہی دیتا ہے۔۔۔
عمید الرحمن ولد عبداللہ باہر خٹک سعودی عرب چلے گیا ہے۔

Saidamullah Khan

سلیم الرحمن ولد عکرم خان

فضل الرحمن

حلیل الرحمن ولد عکرم خان

F. Hanif

فضل عمید خان ولد اہل خان

FINAL SHOW CAUSE NOTICE.

1. WHEREAS, you Constable Hameedur Rehman No.315 of DCT, SB, NWFP, Peshawar committed gross misconduct as defined in Section 3 of NWFP, Removal from Service (Special Powers) Ordinance 2000, resultantly you were Charge Sheeted and served with the statement of allegations vide this office No.3754-55/SRC/DCT, dated 09/10/2009. An Enquiry Committee constituting of Mr. Zafar Hayat Khan DSP/HQRs: and Inspector Khan Akbar Khan of this Unit was constituted to conduct enquiry into the matter accordingly.
2. WHEREAS, THE Enquiry Committee finalized the enquiry proceedings giving you full opportunities of defence i.e; personal hearing as well as cross examination of the witnesses whom statement were recorded, besides audience to relevant record. Consequent upon the completion of enquiry proceeding, the Enquiry Committee held you guilty of the charges leveled against you as per Charge Sheet. A copy of the finding is enclosed.
3. AND WHEREAS, on going through the finding and recommendation of Enquiry Committee, the material placed on record and other connected papers, I am satisfied that you have committed the misconduct and are guilty of the charges leveled against you as per statement of allegations conveyed to you. Which stand proved and render you liable to be awarded punishment under the said rules.
4. NOW THEREFORE, I, Sajid Ali Khan, Deputy Inspector General of Police, DCT, SB, NWFP, Peshawar, as Competent Authority have tentatively decided to impose upon you, any one or more penalties including the penalty of "Dismissal from Service" under Section 3 of the said Ordinance.

You are, therefore, directed to Show Cause within seven days of the receipt of this Notice, as to why the aforesaid penalty should not be imposed upon you, failing which it shall be presumed that you have no defence to offer and exparte action shall be taken against you. Meanwhile also intimate whether you desire to be heard in person or otherwise.

(SAJID ALI KHAN)RSP,
Deputy Inspector General of Police,
DCT, SB, NWFP, Peshawar.

No. 4347 /SRC/DCT,
Dated 07/12 /2009.

Constable Hameedur Rehman No.315/DCT,
Through SHO/PS/DCT, SB.

B

FINAL SHOW CAUSE NOTICE.

1. WHEREAS, you Constable Hameedur Rehman No.315 of DCT, SB, NWFP, Peshawar committed gross misconduct as defined in Section 3 of NWFP, Removal from Service (Special Powers) Ordinance 2000, resultantly you were Charge Sheeted and served with the statement of allegations vide this office No.3754-55/SRC/DCT, dated 09/10/2009. An Enquiry Committee constituting of Mr. Zafar Hayat Khan DSP/HQRs: and Inspector Khan Akbar Khan of this Unit was constituted to conduct enquiry into the matter accordingly.
2. WHEREAS, THE Enquiry Committee finalized the enquiry proceedings giving you full opportunities of defence i.e; personal hearing as well as cross examination of the witnesses whom statement were recorded, besides audience to relevant record. Consequent upon the completion of enquiry proceeding, the Enquiry Committee held you guilty of the charges leveled against you as per Charge Sheet. A copy of the finding is enclosed.
3. AND WHEREAS, on going through the finding and recommendation of Enquiry Committee, the material placed on record and other connected papers, I am satisfied that you have committed the misconduct and are guilty of the charges leveled against you as per statement of allegations conveyed to you. Which stand proved and render you liable to be awarded punishment under the said rules.
4. NOW THEREFORE, I, Sajid Ali Khan, Deputy Inspector General of Police, DCT, SB, NWFP, Peshawar, as Competent Authority have tentatively decided to impose upon you, any one or more penalties including the penalty of "Dismissal from Service" under Section 3 of the said Ordinance.

You are, therefore, directed to Show Cause within seven days of the receipt of this Notice, as to why the aforesaid penalty should not be imposed upon you, failing which it shall be presumed that you have no defence to offer and exparte action shall be taken against you. Meanwhile also intimate whether you desire to be heard in person or otherwise.

(SAJID ALI KHAN)PSP,
Deputy Inspector General of Police,
DCT, SB, NWFP, Peshawar.

No. 4347 /SRC/DCT,
Dated 07/12 /2009.

Constable Hameedur Rehman No.315/DCT,
Through SHO/PS/DCT, SB.

انکوائری رپورٹ کا نشیبل حمید الرحمان نمبر 315/DCT (غیر حاضر)

کانشیبل حمید الرحمان 315 غیر حاضر مورخہ 26-07-07 کا بھرتی شدہ ہے جسکو مورخہ 02-08-09 حسب اجازت 5 یوم رخصت پر گھر خود چھوڑا گیا تھا مورخہ 07-08-09 کو واپسی مطلوب تھی مگر رخصت سے غیر حاضر ہوا ہے۔ جس کے خلاف بحوالہ مد 14 روز نامچہ 07-08-09 رپورٹ غیر حاضری درج روز نامچہ ہوئی طویل عرصہ غیر حاضرہ کرافسراں بالانے چارج شیٹ جاری کر کے سن DSP اور خان اکبر خان INSP کو انکوائری آفیسر مقرر کیے۔

چارج شیٹ کی تعمیل بدست کانشیبل عالمگیر نمبر 313 ہو کر چارج شیٹ کو غیر حاضر کانشیبل کے والد مسمی عبداللہ نے مورخہ 23-10-09 کو وصول کر کے بتایا کہ غیر حاضر کانشیبل حمید الرحمان اسکا بیٹا ہے جو بسلسلہ روزگار بیرون ملک سعودی عرب چلا گیا ہے۔ اور اس کی تصدیق اسکے والد عبداللہ ولد فردوس خان ساکن ڈھیری تحصیل تیمرگرہ ضلع لوئر دیر سے بذریعہ موبائل فون نمبری 0346-8981469 بھی ہوئی ہے۔

بلسلسلہ انکوائری ذیل کے بیانات لیے گئے ہیں۔

(2)۔ عام الرحمن SRC/DCT۔

(1)۔ فضل روحان محرر ASI۔

(3)۔ کانشیبل عالمگیر نمبر 313۔

فائینڈنگ:-

بدوران انکوائری پایا گیا کہ کانشیبل حمید الرحمان 315 واقعی بیرون ملک چلا گیا ہے اور جس کے خلاف چارج شیٹ جاری ہو کر جو اسکے والد مسمی عبداللہ نے مورخہ 23-10-09 کو وصول کیا ہے لیکن جواب دینے میں ناکام رہا ہے لہذا فائنل شوکا ز نوٹس جاری کرنے کی سفارش کی جاتی ہے۔



خان اکبر خان INSP

DCT, Peshawar

11/11/09

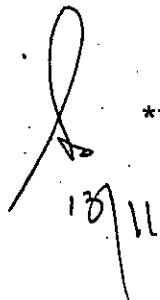


ظفر حیات خان DSP/Hqr

DCT, Peshawar

11/11/09

Yes



(A)

CHARGE SHEET.

- 1) I, Sajid Ali, Deputy Inspector General of Police, CTD, SB: NWFP, Peshawar as competent authority hereby charge you Constable Hamid Ur Rehman No. 315 of CID, NWFP, Peshawar as per the enclosed Statement of Allegations.
- 2) By reasons of the Statement of Allegations, you appear to be guilty of misconduct/negligence under section 3 of the NWFP, Removal from Service (Special Powers) Ordinance 2000 and have rendered yourself liable to all or any of the penalty specified in section 3 of the Ordinance.
- 3) You are therefore, required to submit your written defence within (07) seven days of the receipt of this charge sheet to the Enquiry Committee as the case may be.
- 4) Your written defence, if any should reach the Enquiry Committee within the specified period failing which it shall be presumed that you have no defence to put up and in that case ex-part action shall follow against you.
- 5) Intimate whether you desire to be heard in person.
- 6) Statement of Allegations is enclosed.

(SAJIB ALI)

Deputy Inspector General of Police,
CTD, SB: NWFP, Peshawar.



DISCIPLINARY ACTION.

I, Sajid Ali, Deputy Inspector General of Police, CTD, SB: NWFP, Peshawar being competent authority, am of the opinion that Constable Hameed Ur Rehman No. 315 of CID/NWFP has rendered himself liable to be proceeded against, as he has committed the following acts/omissions within the meaning of section 3 North-West Frontier Province Removal from Service (Special Powers) Ordinance 2000.

STATEMENT OF ALLEGATIONS.

That he while serving as Constable in CID/NWFP, Peshawar, has committed the following irregularities:-

- i. He was posted to Police Station CTD, SB: for official duty.
 - ii. He was granted 05 days Casual leave and was due back for duty on 07.08.2009 but he didn't report for duty after availing his Casual Leave till to date as reported by ASI Fazal Rokhan Moharir of Police Station CTD, SB: Peshawar.
 - iii. A report concerning with his absence has entered in the Daily Diary entry item No.14 dated 07.08.2009 of Police Station CTD, SB: Peshawar accordingly.
 - iv. Owing to his absence his pay has also been stopped vide this office letter No. 3237/Acctt: dated 02.09.2009.
 - v. It has also come to the notice that the defaulter Constable has proceeded Dubai in connection with his livelihood.
2. For the purpose of scrutinizing the conduct of the said accused with the reference of the above allegations, an Enquiry Committee consisting of the following officers is constituted under section 3 of the Ordinance:-
- 1) Mr. Zafar Hayt Khan, DSP, Hqrs: CTD.
 - 2) Mr. Khan Akbar Khan, Inspector CID.
3. The Enquiry Committee shall, in accordance with the provision of the Ordinance, provide reasonable opportunity of hearing to the accused, record its findings and make within 25 days of the receipt of this order recommendation as to punishment or propose an appropriate action against the accused.
4. The accused and a well conversant departmental representative shall join the proceedings on the date, time and place fixed by the Enquiry Committee.

(SAJID ALI)

Deputy Inspector General of Police,
CTD, SB: NWFP, Peshawar.

No. 3754-55/CTD/SB: Dated Peshawar, the 9-10-2009.

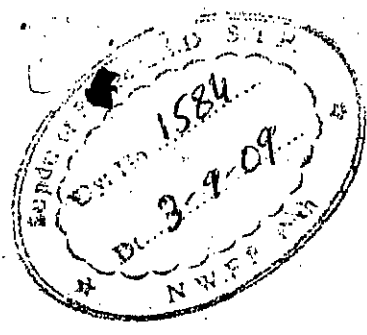
Copy to the:-

- 1) Mr. Zafar Hayt Khan DSP, Hqrs: CTD, SB: and Mr. Khan Akbar Khan, Inspector CTD (Members of the Enquiry Committee) for initiating proceeding against the accused under the provision of NWFP Removal from Service (Special Powers) Ordinance 2000.
- 2) Constable Hameed Ur Rehman No. 315 of CID/NWFP, Peshawar to appear before the Enquiry Committee on the date, time and place fixed for the purpose of the enquiry proceedings.

صوبہ سرحد

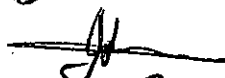
قلم CTD

نقلم 14 روزنامی 7-8/09




14 رپورٹ غیر حاضری فضل بوفان عمر 89 ASI وقت 7:20 بجے مورخہ 7-8/09
 درج ہیکہ کنٹینر ~~315~~ ~~کے~~ ~~صوبہ~~ ~~اجازت~~
~~5~~ ~~ایم~~ ~~غصت~~ ~~میں~~ ~~مگر~~ ~~مورد~~ ~~چھوڑا~~ ~~گیا~~ ~~تھا~~۔ ~~جس~~ ~~کا~~ ~~آج~~
 واپسی مطلوب تھی۔ مگر بحال واپس نہیں آیا ہے۔
 لکڑی مذکورہ کو غیر حاضر کیا گیا۔

نقل بحفاظت اصل سے


 MM/PS CTD
 07/08/09

منابع عالی
 مذکورہ کی ایک مورخہ 07-08/09 سے دستور غیر حاضری ہے۔
 جسکی مابینہ تقواہ بند کیا گیا ہے۔ لیکن مذکورہ کے متعلق
 ملحد آج ہے۔ ہم وہ مسلم روزگار سرون ملک دینی جناب عالی!
 حیدر گیا ہے۔ لہذا مناسب کاروائی کر کے قیامدارت
 کت جائے ہے۔


 L0/CTD
 02/09/09

Sir,
 Forwarded ed.
 Forwarded
 in process of depart
 in process of depart
 DSP-149
 02/09/09
 Approval
 DSP-149
 02/09/09

SRE
 Put-up charge sheet
 and other allegations

CHARGE SHEET.

- 1) I, Sajid Ali, Deputy Inspector General of Police, CTD, SB: NWFP, Peshawar as competent authority hereby charge you Constable Hamid Ur Rehman No. 315 of CID, NWFP, Peshawar as per the enclosed Statement of Allegations.
- 2) By reasons of the Statement of Allegations, you appear to be guilty of misconduct/negligence under section 3 of the NWFP, Removal from Service (Special Powers) Ordinance 2000 and have rendered yourself liable to all or any of the penalty specified in section 3 of the Ordinance.
- 3) You are therefore, required to submit your written defence within (07) seven days of the receipt of this charge sheet to the Enquiry Committee as the case may be.
- 4) Your written defence, if any should reach the Enquiry Committee within the specified period failing which it shall be presumed that you have no defence to put up and in that case ex-parte action shall follow against you.
- 5) Intimate whether you desire to be heard in-person.
- 6) Statement of Allegations is enclosed.

(SAJIB ALI)
Deputy Inspector General of Police,
CTD, SB: NWFP, Peshawar.

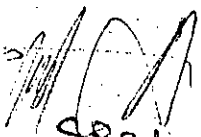
[Handwritten signature]

نام و مول کنندہ: عبدالرحمن / سید
ولادت: فردوس خان
سکونت: طوبی کیم پی ۲۰۰۹
تاریخ: 20/10/2009
دستخط: Abdulrahman
فون نمبر: 0346-8981469

میان اذکار - اذکار SRC
Dec

میان اذکار - اذکار SRC
Dec

میان اذکار - اذکار SRC
Dec



SRC/Dec

07/11/09