



23rd May, 2023

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

2. Learned counsel for appellant made a request 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


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


Fazle Subhan P.S


13.02.2023

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

Learned counsel for the appellant stated that connected nature service appeal bearing No. 1105/2016 titled "Azmaullah Versus Provincial Police Officer, Khyber Pakhtunkhwa and others", is fixed on 26.04.2023 and requested that this appeal may also be fixed on the said date. Adjourned. To come up for arguments on 26.04.2023 before the D.B.

SCANNED
KPST
Peshawar


(FAREEHA PAUL)
Member(E)


(SALAH-UD-DIN)
Member (J)

26.04.2023

Appellant present through counsel.

SCANNED
KPST
Peshawar

Fazal Shah Mohmand, learned Additional Advocate General 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)

14.09.2022

Counsel for appellant present.

Muhammad Riaz Khan Pindakheil, learned Assistant Advocate General alongwith Fayaz HC for respondents present.

Former requested for adjournment as he has not prepared the brief; adjourned with strict direction to make sure the presence of appellant on the next date. To come up for arguments on 24.11.2022 before D.B.



(Fareeha Paul)
Member(E)

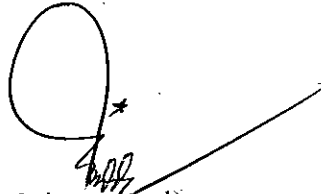


(Rozina Rehman)
Member(J)

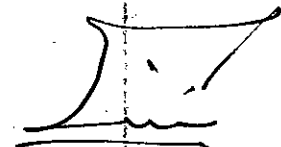
24.11.2022

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 13.02.2023 before the D.B.



(Mian Muhammad)
Member (E)



(Salah-Ud-Din)
Member (J)

SCANNED
KP3T
Peshawar

14.02.2022

Due to retirement of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 12.04.2022 for the same as before.


Reader

12/4/2022

None for the appellant. Mr. Fayaz, H.C alongwith Mr. Kabirullah Khattak, Addl AG for the respondents present and submitted written reply on behalf of the respondents. To come up for arguments on 18/7/2022 before D.B.


CHAIRMAN


18.07.2022

Appellant present through counsel.

Muhammad Adeel Butt, learned Additional Advocate General for respondents present.

A request for adjournment was made by the learned counsel for appellant as he has not made preparation of the appeal in hand. Adjourned. To come up for arguments on 14.09.2022 before D.B.


(Fareeha Paul)
Member(E)


(Rozina Rehman)
Member (J)

15187/2020

15.07.2021 Junior to counsel for the appellant present. Preliminary arguments heard.

Appellant Deposited
Security & Process Fee

25/7/21

R

Points raised need consideration. The appeal is admitted for regular hearing, subject to all just and legal objection including that of limitation. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, or extension of time is not sought through written application with sufficient cause, the office shall submit the file with a report of non-compliance. File to come up for arguments on 13.12.2021 before the D.B.

Chairman

13.12.2021 Junior of learned counsel for the appellant present. Mr. Kabirullah Khattak, Addl: AG alongwith Mr. Fayaz, H.C for respondents present.


Written reply/comment on behalf of respondent not submitted. Representative of the respondents seeks time to submit written reply/comments on the next date. Adjourned. To come up for written reply/comments on 14.02.2022 before S.B.

(MIAN MUHAMMAD)
MEMBER (E)

78171

08.04.2021

Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 15.07.2021 for the same as before.



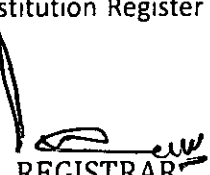
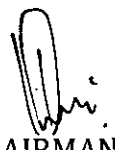
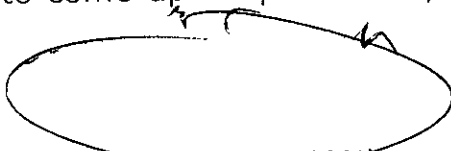
READER

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- **15189** /2020


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	23/11/2020	<p>The appeal of Mr. Zarshad Ali resubmitted today by Mr. Saadullah Khan Marwat Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>11/01/2021</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
11.01.2021		<p>Mr. Amjid Nawaz, Advocate, for appellant is present. Learned counsel requested for adjournment. The request is acceded to, the appeal is adjourned to 08.04.2021 on which date file to come up for preliminary hearing before S.B.</p> <p style="text-align: right;"> (MUHAMMAD JAMAL KHAN) MEMBER (JUDICIAL)</p>

The appeal of Mr. Zarshad Ali son of Wali Khan Ex-Constable No. 678 Police Station Nizampur Nowshera received today i.e. on 11.11.2020 is incomplete on the following score which is returned to the counsel for the appellatant for completion and resubmission within 15 days.

- 1- Memorandum of appeal may be got signed by the appellatant.
- 2- Index of the appeal may be prepared according to the Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 3- Copy of dismissal order is illegible which may be replaced by legible/better one.
- 4- Annexures of the appeal may be attested.
- 5- Annexures of the appeal may be flagged.
- 6- Five more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 3818 /S.T,

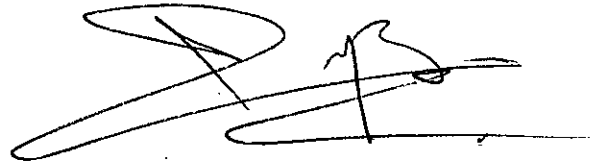
Dt. 12/11 /2020.


REGISTRAR
for SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Saadullah Khan Marwat Adv. Pesh.

Jr

Re-submitted after removing
all the objections.



BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

S.A No. **15197** / 2020

Zarshad Ali

versus

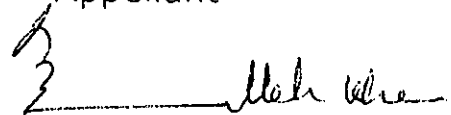
DPO & Others

I N D E X

S. No	Documents	Annex	P. No.
1.	Memo of Appeal		1-3
2.	Medical Receipts	"A"	4-7
3.	Charge Sheet dated 23-01-2019	"B"	8-9
4.	Final Show Cause Notice, 29-03-2019	"C"	10
5.	Reply to FSCN dated 24-04-2019	"D"	11
6.	Dismissal order dated 26-04-2019	"E"	12
7.	Representation dated 19-02-2020	"F"	13
8.	Medical Receipts 06/04/20-15/06/20	"G"	14-17
9.	Rejection order dated 22-04-2020	"H"	18-19
10.	Review Petition dated 18-06-2020	"I"	20-21
11.	Rejection order dated 12-10-2020	"J"	22

Through

Appellant


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

Dated.11-11-2020

BEFORE KPK SERVICE TRIBUNAL PESHAWAR

S.A No. _____/2020

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 14552

Dated 12/11/2020

Zarshad Ali S/O Wali Khan,
R/O Zara Miyana, Nowshera,
Ex-Constable No. 678,
Police Station Nizam Pur,
Nowshera Appellant

Versus

1. District Police Officer,
Nowshera.
2. Regional Police Officer,
Mardan Region Mardan.
3. Provincial Police Officer,
KP, Peshawar. Respondents

⇔<=>⇔<=>⇔<=>⇔<=>⇔

APPEAL U/S 4 OF SERVICE TRIBUNAL ACT, 1974
AGAINST ORDER NO. 490 DATED 26-04-2019 OF R.
NO. 01 WHEREBY APPELLANT WAS DISMISSED
FROM SERVICE FROM THE DATE OF ABSENCE OR
OFFICER ORDER NO. 3083/ES DATED 22-04-2020 OF
R. NO. 02 WHEREBY REPRESENTATION OF
APPELLANT WAS REJECTED OR OFFICE ORDER NO.
4011-20/20 DATED 12-10-2020 OF R. NO. 03
WHEREBY REVISION PETITION OF APPELLANT WAS
REJECTED:

⇔<=>⇔<=>⇔<=>⇔<=>⇔

Respectfully Sheweth;

1. That appellant was enlisted in service as Constable and served the department till the date of dismissal from service.

2. That appellant became very seriously ill and got examined from Consultant on 14-12-2018 which was continued till 13-01-2019, 10-02-2019 and 12-11-2019. (Copies as annex "A")
3. That on 23-01-2019, appellant was served with Charge Sheet and Statement of Allegations to the effect that he remained absent from duty without any leave or permission of the competent authority vide Daily Dairy No. 17 dated 03-12-2018 the said Charge Sheet was not served upon appellant so no reply was submitted to the same. (Copy as annex "B")
4. That perhaps enquiry into the matter was initiated but appellant was never associated with the same and after preparation of enquiry report, the same was submitted to the authority for onward action.
5. That on 29-03-2019, appellant was served with Final Show Cause Notice which was replied on 24-04-2019 which is self explanatory. (Copies as annex "C" & "D")
6. That on 06-04-2019, appellant reported for duty at Police Station Nizampur with Medical Receipts but without any fruitful result.
7. That on 26-04-2019, appellant was dismissed from service from the date of absence from duty, i.e. 03-12-2018 by R. No. 01. (Copy as annex "E")
8. That on 19-02-2020, appellant submitted representation before R. No. 02 for reinstatement in service which was marked to Inspector Legal for necessary action. (Copy as annex "F")
9. That again on 06-04-2020, 16-04-2020 and 15-06-2020 appellant examined from the concerned Consultant but no favorable result was achieved. (Copies as annex "G")
10. That representation dated 19-02-2020 of appellant was rejected on 22-04-2020 by R. No. 02. (Copy as annex "H")
11. That on 18-06-2020, appellant submitted Revision Petition before R. No. 03 for reinstatement in service which was rejected on 12-10-2020. (Copies as annex "I" & "J")

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

GROUND S:

1. That appellant was enlisted in service as Constable and served the department till the date of dismissal from service.
2. That appellant never absented from duty intentionally but he was seriously ill as is evident from the medical receipts.
3. That no enquiry into the matter as per the mandate of law was conducted as neither appellant was associated with the same nor any statement of any witness(s) was recorded in presence of appellant nor he was afforded opportunity of cross examination.
4. That the impugned orders of the respondents were not per the mandate of law as appellant was dismissed from service with retrospective effect, so the same are not only illegal but are ab-initio-void.
5. 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.
6. That codal formalities enumerated in the Rules were not observed, being mandatory and the impugned orders were based on malafide.

It is, therefore, most humbly prayed that on acceptance of appeal, orders dated 26-04-2019, 22-04-2020 and 12-10-2020 of the respondents be set aside and appellant be reinstated in service with all back benefits, with such other relief as may be deemed proper and just in circumstances of the case.

Appellant


Through
Saadullah Khan Marwat


Miss Rubina Naz
Dated 11-11-2020

Advocates


Arbab Saiful Kamal


Amjad Nawaz

ogist

SHID IMRAN



سہر جن ڈاکٹر راشد عمران

ایم بی بی ایس (پشاور)

آئی ایم ایم (جنرل سرجری) اسلام آباد

ایم ایس (جنرل سرجری) اسلام آباد

ایف آئی سی ایس (امریکہ)

سرجیکل اینڈ کولوریکٹل سرجن

چھترار جنرل سرجری قاضی حسین احمد میڈیکل کیمپلکس اینڈ ٹیچنگ ہسپتال نوشہرہ

General Surgery)
General Surgery)
(America)

GENERAL AND COLORECTAL SURGEON

Registrar General Surgery:
Tasneem Ahmad Medical Complex
Teaching Hospital/Nowshera.

20/8/18

Age

Sex M

Date 14-12-18

Medical Record

Rx

Handwritten notes in the left margin, including 'Cultures' and 'Deposits'.

Multiple handwritten prescriptions and notes in Urdu, including 'Cephalosporin', 'Metformin', and 'Complete Blood Count'.

اوقات کار

Registrar General Surgery
Department, Unit B
Q. No. A.M.C. Nowshera

ماہر امراض: گروہ، مشانہ، پید، ہرنیہ، چکر، اپینڈیکس، انت، تائیرائڈ، برسٹ، بواسیر، پراسٹیٹ اور پتھری وغیرہ 2 بجے تا شام 7 بجے

0316-9799400 / 0313-9519814

سرور بلازہ بالمقابل کینٹ پولیس اسٹیشن کیولری روڈ نوشہرہ کینٹ

Urologist

ASHID IMRAN



سہرجن ڈاکٹر راشد عمران

ایم بی بی ایس (پشاور)

آئی ایم ایم (جنرل سرجری) اسلام آباد

ایف ایم ایس (جنرل سرجری) اسلام آباد

ایف آئی سی ایس (امریکہ)

سہرجنیکل اینڈ کولوریکٹل سرجن

رجسٹرار جنرل سرجری قاضی حسین احمد میڈیکل کیمپس اینڈ ٹیچنگ ہسپتال نوشہرہ

S (Pesh)
(General Surgery)
(General Surgery)
I.C.S (America)

SURGICAL AND COLORECTAL SURGEON

Registrar General Surgery:
Qazi Hussain Ahmad Medical Complex
and Teaching Hospital, Nowshera.

Name *[Signature]* Age Sex Date 13-1-18

Clinical Record

Rx

Calvary
Urology

Handik roof
12
12
12
12

اوقات کار

2 بجے تا شام 7 بجے تک

ماہر امراض گردہ، مکانہ، پتہ، ہرنیہ، چکر، اینڈوکرائن، تائیرائڈ، برسٹ، بواسیر، پراسٹیٹ اور پتھری وغیرہ

Cell 0316-9799400 / 0313-9519814

سرور بلازہ بالمقابل کینٹ پولیس اسٹیشن کیولری روڈ نوشہرہ کینٹ

Urologist
AASHID IMRAN



مرجن ڈاکٹر راشد عمران

بی بی ایس (پشاور)

ایم ایم (جنرل سرجری) اسلام آباد

ایس (جنرل سرجری) اسلام آباد

ای سی ایس (امریکہ)

فیل اینڈ کولوریکل سرجن

رہبر جنرل سرجری قاضی حسین احمد میڈیکل کیمپلکس اینڈ ہسپتال نوشہرہ

M.S (Pesh)
M (General Surgery)
M.S (General Surgery)
F.I.C.S (America)
SURGICAL AND COLORECTAL SURGEON
Registrar General Surgery:
Qazi Hussain Ahmad Medical Complex
and Teaching Hospital Nowshera.

Name Zarchoh Age 45 Sex M Date 15/11/18

Clinical Record

Rx

Abdominal pain
Nocturnal pain

Diagnosed
Gastric Cellitis

Admitted
16-11-18

Explosive
Diarrhea
Nocturnal

Tab. Clonidine
400 mg

Tab. Ranitidine
150 mg

Tab. Metoclopramide
10 mg

Sp. Code

Completed
Enroll

Registrar General
Department
Qazi Hussain Ahmad

2 بجے تا شام 7 بجے تک
رود، مشانہ، پتہ، ہرنیہ، چکر، اپینڈیکس، انت، تائیرائڈ، برسٹ، بوا سیر، پراسٹیٹ اور پتھری وغیرہ
التقابل کینٹ پولیس اسٹیشن کیولری روڈ نوشہرہ کینٹ

Call 0316-9799400 / 0313-9519814

urologist
ASHID IMRAN



سرزن ڈاکٹر راشد عمران

ایم بی بی ایس (ریٹائر)

ایم ایم ایم ایم (جنرل سرجری) اسلام آباد

ایم ایم ایم ایم (جنرل سرجری) اسلام آباد

ایف آئی ایس (امریکہ)

سرجیکل اینڈ کولوریکٹل سرجن

رجسٹرار جنرل سرجری قاضی حسین احمد میڈیکل کیمپس اینڈ ٹیچنگ ہسپتال نوشہرہ

(Pesh)
(General Surgery)
(General Surgery)
C.S. (America)

SURGICAL AND COLORECTAL SURGEON
Registrar General Surgery:
Qazi Hussain Ahmad Medical Complex
and Teaching Hospital/Nowshera.

Name Zorchoh Age _____ Sex M Date 12-11-18

Clinical Record

R_x

Wasting of
muscle

Definite Colic

11 Feb

Feb

Feb

Feb

Wasting of
muscle

Colic

Mouth

Loose

Complete relief

Dr. Imran

Registrar General Surg
Department of
Surgery

وقت کار
2 بجے تا شام 7 بجے تک
ن: گروہ، مشانہ، پتہ، ہرنیہ، چکر، اپینڈیکس، انت، تائیرائڈ، برسٹ، بواہیر، پرائیٹ اور پتھری وغیرہ
زہ بالمقابل کینٹ پولیس اسٹیشن کیولری روڈ نوشہرہ کینٹ

Cell 0316-9799400 / 0313-9599814

B

18

23-1-19

CHARGE SHEET

1. I, Mansoor Aman, PSP District Police Officer, Nowshera, as competent authority, hereby charge Constable Zarshad No. 678 as per Statement of Allegations enclosed.
2. By reasons of above, you appear to be guilty of misconduct under Police Rules, 1975 and have rendered yourself liable to all or any of the penalties specified in Police Rules, 1975.
3. You are, therefore, required to submit your written defense within 07 days of the receipt of this Charge Sheet to the Enquiry Officer, as the case may be.
4. Your written defense, if any should reach the Enquiry Officer within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall follow against you.
5. Intimate whether you desire to be heard in persons.


District Police Officer,
Nowshera.

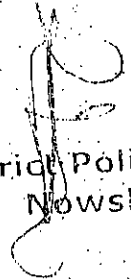
OFFICE OF THE DISTRICT POLICE OFFICER, NOWSHERA
SHOW CAUSE NOTICE

(Under Rule 5 (3) KPK Police Rules, 1975)

1. That you Constables Zarshad No. 678 while posted at Police Station, Nizampur have rendered yourself liable to be proceeded under Rule 5 (3) of the Khyber Pakhtunkhwa Police Rules 1975 for following misconduct:
 Remained absent from duty without any leave or permission of the competent authority vide DD No. 17 dated 03.12.2018, PS Nizampur and is still absent.
2. That by reasons of above, as sufficient material is placed before the undersigned, therefore it is decided to proceed against you in general Police proceeding without aid of enquiry officer.
3. That the misconduct on your part is prejudicial to good order of discipline in the Police force.
4. That your retention in the Police force will amount to encourage inefficiency and unbecoming of good Police officers. That by taking cognizance of the matter under enquiry, the undersigned as competent authority under the said rules, proposes stern action against you by awarding one or more of the kind punishments as provided in the rules.
5. You are, therefore, called upon to show cause as to why you should not be dealt strictly in accordance with the Khyber Pakhtunkhwa Police Rules, 1975 for the misconduct referred to above.
6. You should submit reply to this show cause notice within **07** days of the receipt of the notice failing which an ex-parte action shall be taken against you.
7. You are further directed to inform the undersigned that you wish to be heard in person or not.
8. Grounds of action are also enclosed with this notice.

No. 9 /PA

Dated: 23/1/2019


 District Police Officer,
 Nowshera

C

30

29-3-19

FINAL SHOW CAUSE NOTICE

Whereas, you Constable Zarshad No. 678 while posted at Police Station, Nizampur, remained absent from duty without any leave/permission of the competent authority vide DD No. 17 dated 03.12.2018, PS Nizampur and is still absent.

On account of which you were issued Show Cause Notice and was informed time and again to collect your SCN, but failed; therefore, departmental action has been initiated against you through Mr. Izhar Shah, DSP HQs Nowshera. The enquiry officer after fulfillment of legal formalities submitted his report to undersigned vide his office Endst: No. 177/SP: dated 25.03.2019, highlighted therein that you were informed through local Police of PS Misri Banda to receive your Charge Sheet and Statement of allegations and appear before the enquiry officer, but you turned deaf ear to the same being signed the parwana (notice) by you, which seems that you are no more interested in Police job and suggested ex-parte action against you.

Therefore, it is proposed to impose Major/Minor penalty including dismissal as envisaged under Rules 4(b) of the Khyber Pakhtunkhwa Police Rules 1975.

Hence, I, Mansoor Aman, PSP, District Police Officer Nowshera, in exercise of the powers vested in me under Rules 5(3) (a) & (b) of the Khyber Pakhtunkhwa Police Rules 1975, call upon you to Show Cause finally as to why the proposed punishment should not be awarded to you.

Your reply shall reach this office within **07 days** of the receipt of this notice, failing which, it will be presumed that you have no defense to offer.

You are at liberty to appear for personal hearing before the undersigned.

District Police Officer,
Nowshera.

No. 63 /PA.
Dated 29/03/2019.

Handwritten:
2-4-2019
Mansoor Aman

(IZHAR SHAH)
DSP/HQs: NR

NO 177 /SP:
27/03/2019

Handwritten:
DPO. N. Sr
27/03/19

الی!

بجوالہ فائنل شوکا ز نوٹس نمبری 63/PA مجاریہ از مورخہ 29-03-2019 معروض خدمت ہوں کہ من ساکل کافی عرصہ سے ایسے
 میں مبتلا ہے جیسا کہ بڑے پیشاب میں خون آتا ہے اور پورے جسم میں درد اور بخار ہوتا ہے۔ چونکہ بیماری ایسی نوعیت کی تھی کہ ساکل
 میں پھر نہیں سکتا تھا۔ ساکل قصد اعمدا غیر حاضر نہیں ہوا ہے بلکہ بوجہ بیماری غیر حاضری سرزد ہوئی ہے۔

تھوڑی سی طبیعت سنہلتے ہی ساکل نے بجوالہ مد 7 روز نامچہ 06-04-2019 تھانہ نطا پور حاضری کی ہے (جہاں میڈیکل کانسٹبل
 فہم ہیں)۔ اس بار معافی دی جاوے برائے آئندہ محتاط رہونگا۔

PA

کنسٹیبل زر شاہ نمبر 678 تھانہ نطا پور۔

Previous Record of FC Zarshad No. 678

Date of Enlistment	Bad Entry	Good Entry	Minor Punishment	Major Punishment
04.05.2006	16 137 days absence w/o pay at different times.	Nil	03 3x Censure for absence + quarter guard	01 Time scale for one year for 63 days absence

Dismissed from service as
 the reply was found frivolous
 and lame; especially in view
 of his previous record
 he will have his right of
 appeal.



24/4/19

ORDER

This order will dispose off a departmental enquiry initiated under Khyber Pakhtunkhwa Police Rules-1975, against Constable Zarshad No. 678, under the allegations that he while posted at Police Station Nizampur, remained absent from duty without any leave/permission of the competent authority vide DD No. 17 dated 03.12.2018.

On account of which he was issued Show Cause Notice and was informed time and again to collect his SCN, but failed, therefore, he was proceeded against departmentally through Mr. Izhar Shah, DSP HQs: Nowshera, who after conducting enquiry submitted his report to undersigned vide his office Endst: No. 177/Sc dated 25.03.2019, highlighted therein that the defaulter official did not bother to attend his office for collection of Charge Sheet and Statement of Allegations despite signing the paryana by him issued by the enquiry officer for his information. He is still absent, which seems that he is no more interested in police job and suggested ex-parte action against him.

He was served with Final Show Cause Notice, to which, he submitted his reply which was perused by the undersigned and found frivolous and lame.

He was heard in orderly room held in this office on 24.04.2019, wherein he failed to produce any cogent reason in his defense, therefore, he is hereby awarded major punishment of dismissal from service from the date of absence, in exercise of the powers vested in me under Khyber Pakhtunkhwa Police Rules-1975.

OB No. 490

Dated 26/4/2019

No. 2030-S-3/PA, dated Nowshera, the 26/4/2019.

Copy for information and necessary action to the:

1. Pay Officer.
2. Establishment Clerk.
3. OIC.
4. FMC with its enclosures (24 sheets).

District Police Officer,
Nowshera

POLICE DEPARTMENT**NOWSHERA DISTRICT****ORDER:**

This order will dispose off a departmental enquiry initiated under Khyber Pakhtunkhwa Police Rules 1975 against Constable Zarshad No. 678 under the allegations that he while posted at Police Station Nizampur remained absent from duty without any leave / permission of the competent authority vide DD No. 17 dated 03-12-2018.

On account of which he was issued Show Cause Notice and was informed time and again to collect his SCN but failed, therefore, he was proceeded against departmentally through Mr. Izhar Shah, DSP Hqrs: Nowshera who after conducting enquiry submitted his report to undersigned vide his office Endst: No. 177/SE dated 25-03-2019 highlighted therein that the defaulter official did not bother to attend his office for collection of Charge Sheet and Statement of Allegations despite signing the parwana by him issued by the enquiry officer for his information. He is still absent which seems that he is no more interested in police job and suggested ex-parte action against him.

He was served with Final Show Cause Notice to which he submitted his reply which was perused by the undersigned and found frivolous and lame.

He was heard in orderly room held in his office on 24-04-2019, wherein he failed to produce any cogent reason in his defense, therefore, he is hereby awarded major punishment of dismissal from service from the date of absence in exercise of the powers vested in me under Khyber Pakhtunkhwa Police Rules-1975.

OB No. 490

Dated 26-04-2019

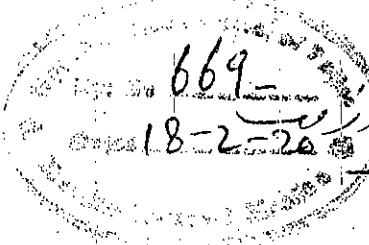
Sd/-

District Police Officer,
Nowshera

No. 2050-55/PA, dated Nowshera, the 26/04/2019

Copy for information and necessary action to the:

- Pay Officer.
- Establishment Clerk.
- OHC.
- FMC with its enclosures (24 sheets)



علو! درخواست ملزومہ کالی عدالت
669-
18-2-20

حکومت عالی

گزشتہ سال 2006 کا پوری شدہ کانسٹیبل
 سال کے آغاز میں افسران باہر کی بعض شکایت کا موقع فراہم نہیں کی
 یہ کہ سال کے آخر میں آرڈر نمبر 490، صفحہ 26/19 کو پہلی
 پولیس سپرائز لوٹو نے لٹو سے لوجہ میں صوفیہ رضامندی
 یہ کہ سال کے جو عمر حافری کی ہے۔ وہ عقدہ میں تھا۔ بلکہ لوجہ
 خیوری سرزد ہوئی ہے۔ لٹو کے سال کی بڑی بستیاب میں فون
 اردو کے جسم میں درد مند تھا۔ اور ساتھ ساتھ چیلر کا
 قابل بھی نہیں تھا۔ طبیعت سفید سے سیاہ کوالم مد 7 روز
 6/16 کا ڈھنگ پور حافری کی۔ اور اس کی ڈیوٹی ثابت خوش اسلوبی
 سے سرانجام دینا شروع کر دی۔
 یہ کہ صحت صنف جو آؤٹ اور DSP کے ہند کو درج کرنے کا ہے۔
 وہ بھی لکھو لکھو ہے۔

یہ کہ سال کے آخر کا وہ در کھنڈ ہے۔ اور گند کے تمام افسران اپنی
 تنخواہ سے مشکل لوری کرتا تھا۔ اور اب تو اس عہدہ کے
 کے دور میں بعد تنخواہ کے زندگی گزارنا انتہائی مشکل ہے۔
 لہذا وہ جہان سے عاجز رہا اس کے ساتھ ساتھ سال کے آخر
 کو میڈیکل ریکورڈ کے عدالت پر یہ حال رکھو مقررہ فریڈ
 کے ساتھ ساتھ
 مقررہ 15/2020
 سابقہ کانسٹیبل ورنسٹاد نمبر 678 کے ساتھ ساتھ
 2020

By: No. 335/20
20.02.2020

No. 1916/ES
dt 19-2-20

EC / Com DPONSER
For objection / laws.

Inspector Legal
For Comments
DPONSER



حکیم انیس احمد سلفی



حکیم اینڈ ڈاکٹر سید بخت زاده سلفی

کلینک

فاضل طب و الجراحت
رجسٹرڈ

ایم ڈی ای ایچ، بی آئی ایس ایس

بمقام گاؤں بدھ سیری ضلع مردان

ڈاکٹر: 0345-9367362

ادقات کار
بروز جمعہ
بیموں روز ادوات 8:00 بجے تک

فاضل طب رجسٹرڈ

Pt's Name

محمد علی احمد

Age

Sex

Date

4

Clinical Record

کلینک
26/4/20

خونگی
سینہ
گہرا سانس

120/70
81
120/50

Rx

2-2
2-2
1-1

کون 3-3
جامر سینہ

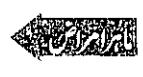
444

200
26/4/20

لوہا لینڈاں

Signature

جنیات، مرگی، تلمسیہ عظم الطحیاں، یعنی پلین قلت خون اور گردوں کی خرابی و خواتین کے امراض مخصوصہ وغیرہ پستان کی گھٹی جو آپریشن کے بعد کینسر بن جاتی ہیں۔ ان سب بیماریوں کا علاج ترقی بخش کر جاتا ہے۔



کیک

حکیم انیس احمد سلفی

صدا شنائی

حکیم اینڈ ڈاکٹر سید بخت زاده سلفی

فاضل طب و الجراثیم
رجسٹرڈ

اوقات کار

بروز جمعہ

بعد میں روز اوقات 8:00 بجے تک

ایم ڈی ای ایچ بی آئی ایس ایس

فاضل طب رجسٹرڈ

بمقام گاؤں بدھ سیری ضلع مردان

ڈاکٹر: 0345-9367362

Pt's Name

زرینہ

Age

Sex

Date

16/4/2020

Clinical Record

Rx

6.6 3m 3m

200 باکس

68

باکس ایس ایس ایس

222

3/4/20

500

لونا بیڈال 4

3

30

سٹریکٹ

5-5-5

Signature

جنیات، مرگی، تلمیہ عظم الطمیاں، یعنی سپلین قلت خون اور گردوں کی خرابی و خواتین کے امراض مخصوصہ وغیرہ پستان کی گھٹلی جو آپریشن کے بعد کیئر میں جاتی ہیں۔ ان سب بیماریوں کا علاج تلمی بخش کیا جاتا ہے۔

←

3⁶ 200

70

Medicare ①
Charity ②

156
2020

afes

555 of 10/10/20

afes of 10/10/20

10/10/20

10/10/20

afes

PO

4000

750

1150 ✓

1000

2150 ✓

1000 ✓ 15

1150

M

900 ✓

120

1000



حکیم انیس احمد سلفی
فاضل طب و الجراثیم
رجسٹرڈ



حکیم اینڈ ڈاکٹر سید بخت زادہ سلفی

ایم ڈی ای ایچ، بی آئی ایس ایس
فاضل طب رجسٹرڈ

بمقام گاؤں بدھ سیری ضلع مردان
ڈاکٹر 0345-9367362

اوقات کار
روز جمعہ
بدریس روز اندازت 8:00 بجے تک

Pt's Name انسداد منہ Age 2 1/2 Sex ♂ Date 15/6/2020

Clinical Record

2020

کمر
سر اسٹائپ
دلیریا
گٹھائیا
رینجھا
بوجھال
بازو
الٹی سہلین
طبل
1300

Pac 4
10/10
لو فائبر
لیسر سفیر
2-2 نادر
جائگہ
2P3A
جائگہ
3P
فوزا

Signature

جنسیات، مرگی، تلمسیر، عظیم الطحیاں، یعنی سہلین قلت خون اور گردوں کی خرابی دخواستوں کے امراض مخصوص
غیرہ پستان کی گھٹائی جو آپریشن کے بعد کیسر دیا جاتی ہیں۔ ان سے سبب بنکر ایسے نالی بخش کر جاتا ہے۔



H 18 22-4-20

ORDER.

This order will dispose-off the departmental appeal preferred by Ex-Constable Zarshad No. 678 of Nowshera District Police, against the order of District Police Officer, Nowshera, whereby he was awarded major punishment of dismissal from service vide OB: No. 490 dated 26.04.2019. The appellant was proceeded against departmentally on the allegations that he while posted at Police Station Nizampur remained absent from duty without any leave/permission of the competent authority vide daily diary No. 17 dated 03.12.2018 till date of his dismissal.

He was issued Show Cause Notice and was informed time and again to collect his Show Cause Notice, but he failed. Therefore, proper departmental enquiry proceedings were initiated against him. He was issued Charge Sheet alongwith Statement of Allegations and the then Deputy Superintendent of Police, Headquarter, Nowshera was nominated as Enquiry Officer. The Enquiry Officer after fulfilling codal formalities, submitted his findings wherein he recommended the delinquent Official for awarding major punishment because despite of repeated summons the delinquent official did not bother to join enquiry proceedings. Therefore, ex-parte action was taken.

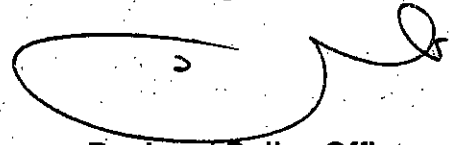
He was issued Final Show Cause Notice to which, his reply was received and found unsatisfactory. He was also provided opportunity of self defense by summoning him in the orderly Room held in the office of District Police Officer, Nowshera. But he failed to advance any cogent reasons in his defense. Hence, he was awarded major punishment of dismissal from service from the date of absence vide OB: No. 490 dated 26.04.2019.

Feeling aggrieved from the order of District Police Officer, Nowshera, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in this office on 15.04.2020.

From the perusal of the enquiry file and service record of the appellant, it has been found that the appellant during the course of enquiry did not bother to join enquiry proceedings which clearly depicted that he had nothing to justify his absence. The appellant approached this forum at a belated stage without advancing any cogent reason regarding such delay. Hence, order passed by the competent authority does not warrant any interference.

Keeping in view the above, I, Sher Akbar, PSP S.St Regional Police Officer, Mardan, being the appellate authority, finds no substance in the appeal, therefore, the same is rejected and filed, being time barred.

Order Announced.



Regional Police Officer,
Mardan.

No. 3083 /ES, Dated Mardan the 22 - 04 - 2020.

Copy forwarded to District Police Officer, Nowshera for information and necessary w/r to his office Memo: No. 876/PA dated 11.03.2020. His Service Record is returned herewith.

(*****)

گفتاورضاب المنکر جزل اف لولبی صوبہ خیر کتون کوہ لساویہ

عمو ان اہل رے بحالی مددیت

صا عالی ا

گتراضا گفتورالورہ ہر سال سال کا لولبی بندہ سال
دوران مددیت اسے ان باندہ کر کھی شکایت کا موقع فراہم
ہیں کہا

تہ سال کافی عمر سے ایک بیماری سے مبتلا ہے جیسا کہ
بٹک پیٹاب سے فون کا آنا اور پورے جسم سے اس
بیماری کی وجہ سے درد اور بخار ہوتا تھا۔

حکام نے اسے لکھا تھا کہ اس کی وجہ سے سال
کوئی میں گفتوری سے طبیعت سنبھلے ہی سال سے
خواہ مدد 7 اور تا 6

آمر گفتوری سے جو عمر گفتوری سرزد ہوئی ہے۔ اس عمر گفتوری
جمعے کو کھری سے کھوالہ اور تک 490
26/19

فصلے مختلف میں نے کتاب ڈیٹا المنکر جزل اف
سردان ریح کو ایک در خواست بابت بحالی مددیت گفتوری
باب ڈی رائی رہی ہے جب نے میری اہل لوجہ زاد المسماہ

عالی اسیری عالی حالت لوجہ سے اور نگاری نکت خراب ہو
آجے ہیں۔ سب شادی شدہ ہواں۔ میرے گھر کا عام خرچ
میرے زعم ہے۔ والدین بعض المہربین اور انکفالت لہی
میری زمہ ہے

اصلی صیری کا حوالہ اور اس کے بعد صیری تمام
 محصور لوگوں کو مد نظر رکھنے کے لئے لوگوں کو بحالی
 کے اہلیات سے مدد فرمائی اور بیشتر لوگوں کو بحالی
 کی خاطر رسو لگا
 (معدود معالجہ کی نئی اور پرانی تمام نسخہ جات کو بھی)
 مدد فرمائی اور ان کے لئے
 عرصہ تک

معالجہ فرمایا اور کئی سالوں سے اس کا علاج
 میں مدد فرمائی اور ان کے لئے
 cell no: 0313-9259345



OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR

No. S/ 4011 /20, dated Peshawar the 12/10/2020.

ORDER

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by Ex-FC Zarshad No. 678. The petitioner was dismissed from service by District Police Officer, Nowshera vide OB No. 490, dated 26.04.2019 on allegations of absence from duty w.e.f 03/12/2018 till date of dismissal from service i.e. 26.04.2019 for a period of 04 months & 23 days. His appeal was rejected being time barred by Regional Police Officer Mardan vide order Endst: No. 3083/ES, dated 22.04.2020.

Meeting of Appellate Board was held on 17.09.2020 wherein petitioner was heard in person. During hearing petitioner contended that he was ill.

Perusal of the record reveals that the petitioner remained absent for a long period of 04 months & 23 days. He has earned 20 bad entries during his service. He is a habitual absentee and there is no prospect of mending his ways. Moreover, his petition is also badly time barred. Therefore, the Board decided that the petition is hereby rejected.

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

Sd/-

DR. ISHTIAQ AHMED, PSP/PPM
Additional Inspector General of Police,
HQrs: Khyber Pakhtunkhwa, Peshawar.

No. S/ 4012-20/20,

Copy of the above is forwarded to the:

1. Regional Police Officer, Mardan. One Service Roll and one Fauji Missal of the above named Ex-FC received vide your office Memo: No. 4686/ES, dated 29.07.2020 is returned herewith your office record.
2. District Police Officer, Nowshera.
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.

(KASHIF ZULFIQAR) PSP
AIG/Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

یعدالت جناب سرسٹریٹ ٹریبیونل صوبہ سندھ پشاور

متجانب اہلانت

رہنما دعلی

مقام محکمہ ٹریبیونل و عدالت

دعوی اپیل

باعضیت شریک اینٹک

مستندہ سند رجوع عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی و عمل کاروائی متعلقہ آن مقام اپنا اور
کیسٹم سٹیکس اٹلٹس خان سرورڈتے ایڈوکیٹ ہائی کورٹ کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب
موصوف کو مقدمہ کی عمل کاروائی کا کابل اختیار ہوگا نیز وکیل صاحب کو کرنے راضی نامہ و آڈیٹر ثالث و فیصلہ بر خلاف
دینے جواب دہی اور اقبال دعویٰ اور لہجہ ڈگری کرنے اجراء اور وصولی چیک و روپیہ اور بعضی دعویٰ اور درخواست
ہر قسم کی تعلیم لیں اور اس پر دستخط کرنے کا اختیار ہوگا نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برائگی
اور دستخط یا نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ بند کر
کے عمل یا بخروسی کاروائی کے واسطے اور وکیل یا مستند قانونی کو اپنے ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا
اور اس پر مقرر شدہ کو بھی وہی جملہ بند کردہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ پرواغتہ سفارہ
قبول ہوگا و دوران مقدمہ میں جو شرحہ و ترجمانہ التوا مقدمہ کے منسوب سے ہوگا اس کے مستحق وکیل صاحب
موصوف ہوں گے نیز بقایا شرحہ کی وصولی کرنے کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام روزہ
پر ہو یا عدت باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکور کریں۔
لہذا وکالت نامہ کچھ دیا کہ سند ہے۔

المرقوم

التعبید

التعبید

التعبید

درباب استیانت
ایڈوکیٹ

سنگھ انیم خان
ایڈوکیٹ

Handwritten signature

78
ابن لودز

عظمیٰ سزائے وقت

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

Service Appeal No. 15187/2020

Zarshad Ali S/O Wali Khan,
R/O Zara Miyana, Nowshera,
Ex-Constable No. 678,
Police Station, Nizampur, Nowshera

.....Appellant


V E R S U S

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar etc

.....Respondents

INDEX

S.No.	Description of documents	Annexure	Pages
1.	Reply of Respondents	-	1-3
2.	Affidavit	-	04
4.	Copy of punishment order	A	05
5.	Copy of index for enquiry	B	06
6.	Copy of parwana	C	07
7.	Copy of enquiry	D	08
8.	Copy of Show Cause Notice	E	09
9.	Copy of dismissal order	F	10
10.	Copy of order rejection order	G	11-12
11.	Copy of rejection order of revision petition.	H	13
12.	Copy of detail of absence	I	14


**Inspector Legal,
Nowshera**

①

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

Service Appeal No. 15187/2020

Zarshad Ali S/O Wali Khan,
R/O Zara Miyana, Nowshera,
Ex-Constable No. 678,
Police Station, Nizampur, Nowshera

.....Appellant

V E R S U S

1. District Police Officer, Nowshera.
2. Regional Police Officer, Mardan Region-I, Mardan.
3. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.

.....Respondents

REPLY ON BEHALF OF RESPONDENTS

Respectfully Sheweth: -

PRELIMINARY OBJECTIONS: -

1. That the appellant has got no cause of action and locus standi to file the instant appeal.
2. That the appeal is badly barred by law and limitation.
3. That the appellant is estopped by his own conduct to file the instant appeal.
4. That the appeal is not maintainable in its present form.
5. That the appellant has not come to the Honourable Tribunal with clean hands.
6. That the appeal is bad for mis-joinder and non-joinder of necessary and proper parties.

Reply on Facts: -

1. Para pertains to enlistment of appellant in Police Department.
2. Incorrect. Appellant took this plea of illness only to give covering to his long absence (132 days). Appellant during this time neither submitted any application for medical leave, nor produced any medical documents. From perusal of service record of appellant, it came to surface that appellant while posted to Elite Force remained absent from duty without any prior permission with effect from 21-08-2017 to 30-08-2017, 06-09-2017 to 14-09-2017, 24-09-2017 to 21-10-2017 and 25-10-2017 to 13-11-2017 (total 63 days) for which he was awarded major punishment of time scale. This fact reflects that appellant is a habitual absentee. (Copy of punishment order is annexure "A").
3. Incorrect. Proper departmental enquiry against the appellant was conducted through Mr. Izhar Shah the then DSP Hqrs: Nowshera. During the course of enquiry on 04-02-2019, appellant was contacted on his mobile number but his phone was found switched off. On 08-02-2019, written parwana was sent to SHO/Muharrar Police Station, Misri Banda to inform appellant to collect his

charge sheet. Appellant was accordingly informed on 19-02-2019 through parwana and his signature was obtained on the same. Despite being well informed appellant did not bother either to collect his charge sheet or to join enquiry proceeding. Hence, enquiry officer recommended ex-parte action against appellant. (Copy of index for enquiry is annexure "B", copy of parwana is annexure "C" and copy of enquiry is annexure "D").

4. Incorrect. As explained above that despite being well informed, as he received the parwana, appellant did not bother either to collect charge sheet or join enquiry proceeding.
5. Correct to the extent that appellant was issued Final Show Cause Notice, to which he submitted his reply wherein very lame/sorry excuse was given by the appellant, hence, the same was found unsatisfactory. (Copy of Show Cause Notice is annexure "E").
6. Para already explained, hence, needs no comments.
7. Para correct to the extent that on 26-04-2019, appellant was dismissed from service from the date of his absence, however, he was provided opportunity of personal hearing in the orderly room held on 24-04-2019, but he failed to produce any cogent reason in his defense. (Copy of dismissal order is annexure "F").
8. Appellant himself admitted that he moved departmental appeal before appellate authority i.e DIG Mardan on 19-02-2020, while he was awarded punishment on 26-04-2019, meaning thereby that he submitted appeal with a delay of almost 10 months. Hence, his appeal was rejected and filed on 22-04-2020 being badly time barred. (Copy of order is annexure "G").
9. Para not related, hence, needs no comments.
10. Para already explained in para 08 ibid.
11. Para correct to the extent that appellant moved Revision Petition before respondent No. 03 but the same was rejected. (Copy of order is annexure "H").
Appeal of the appellant is liable to be dismissed inter-alia on the following grounds: -

Reply on GROUNDS

1. Para pertains to enlistment of appellant and later on his dismissal after proper probe, which has been explained above.
2. Incorrect. Appellant was a habitual absentee, which is evident from his service record. (Detail of his absence is annexure "I").
3. Incorrect. Proper departmental enquiry was conducted against appellant, but he deliberately avoided to join enquiry proceeding. Detail reply is given in para 03.
4. Incorrect. Orders passed by respondents are in accordance with law and rules.
5. Incorrect. It is evident from the service record of the appellant that he is a habitual absentee. Despite so many opportunities, he did not mend his way


3

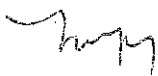
rather got encouraged. Having such unprofessional attitude, on part of the appellant, is against the norms of a disciplined force.

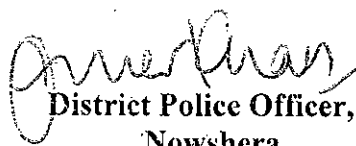
6. Incorrect. Before passing orders by the respondent all codal formalities had been fulfilled.

Prayers

It is, therefore, most humbly prayed that on acceptance of above submissions, the appeal of the appellant may very kindly be dismissed with costs, please.


**Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.
Respondent No.03**


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


**District Police Officer,
Nowshera.
Respondent No.01**

4

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

Service Appeal No. 15187/2020

Zarshad Ali S/O Wali Khan,
R/O Zara Miyana, Nowshera,
Ex-Constable No. 678,
Police Station, Nizampur, Nowshera

.....Appellant

V E R S U S

1. District Police Officer, Nowshera.
2. Regional Police Officer, Mardan Region-I, Mardan.
3. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.

.....Respondents

AFFIDAVIT

We the respondents No. 1, 2 & 3 do hereby solemnly affirm and declare on Oath that the contents of reply to the appeal are true and correct to the best of our knowledge and belief and nothing has been concealed from the Honourable tribunal.

S. S. S.
Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.
Respondent No.03

M. J.
Regional Police Officer,
Mardan.
Respondent No. 02

Zarshad Ali
District Police Officer,
Nowshera.
Respondent No.01

Annex A (5)

**Office of the Deputy Commandant
Elite Force Khyber Pakhtunkhwa Peshawar**



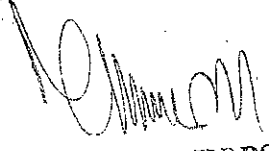
No. 428-33 /EF

Dated 8/10/2018.

ORDER

Constable Zarshad Ali No. 1347 (BEC-1), Platoon No. 22 of Elite Force Khyber Pakhtunkhwa has been transferred to his parent district Nowshera vide AIG/Establishment order No. 13347/E-IV, dated 28.09.2017 but did not make sure his departure and remained absent from duty without any prior permission w.e. from 21.08.2017 to 30.08.2017, 06.09.2017 to 14.09.2017, 24.09.2017 to 21.10.2017 and 25.10.2017 to 13.11.2017 (total 63 days). Charge Sheet and summary of Allegations were issued to him by this office and SP Elite Force Mardan was appointed as enquiry officer. Enquiry Officer recorded all the statements but the said official failed to satisfy the enquiry officer, Enquiry Officer recommended he may be awarded some major punishment. A Final Show Cause Notice was also issued to him but his reply was found unsatisfactory. He was called in orderly room on 04.01.2017 to appear before the undersigned and explain his position, he was heard in a person but failed to satisfy the undersigned.

Therefore, I, Muhammad Hussain, Deputy Commandant, Elite Force Khyber Pakhtunkhwa Peshawar as competent authority, major Penalty of time scale upon him. Moreover, his absence period i.e 63 days is treated as leave without pay.


MUHAMMAD HUSSAIN)PSP
Deputy Commandant
Elite Force Khyber Pakhtunkhwa
Peshawar.

Copy of the above is forwarded to the:-

1. Superintendent of Police, Elite Force Mardan.
2. RI, Elite Force Khyber Pakhtunkhwa Peshawar.
3. Accountant, Elite Force Khyber Pakhtunkhwa Peshawar.
4. SRC, Elite Force Khyber Pakhtunkhwa Peshawar.
5. FMC, Elite Force Khyber Pakhtunkhwa Peshawar along with complete Enquiry file Encls: (32) pages.

انڈکس انکوائری

اذان کنسٹیبل زرشاد نمبر 678

31-01-2019	آج چارج شیٹ بعرض انکوائری دفتر ہذا موصول ہوئی۔
01-02-2019	کو محررتھانہ نظامپور نے بتلایا کہ مذکورہ کنسٹیبل نے تاحال حاضری نہیں کی ہے۔
04-02-2019	کو مذکورہ کے موبائل نمبر 0315-9878728 پر کال کی گئی جو کہ آف آرہا تھا۔
08-02-2019	کو مذکورہ کو سرکاری فون نمبر 9220109 سے فون کیا گیا مگر بدستور Off آرہا تھا۔
13-02-2019	کو تھانہ نظامپور سے رابطہ کیا گیا جو کہ بدستور غیر حاضر تھا اور موبائل نمبر بھی آف تھا۔
13-02-2019	کو محررتھانہ مصری بانڈہ کو اطلاع دی گئی جو کہ مذکورہ کنسٹیبل کا مقامی تھانہ ہے کہ کنسٹیبل زرشاد کو چارج شیٹ کے مطلق مطلع کیا جائے جس نے یقین دہانی کرائی۔
18-02-2019	کو مذکورہ کا موبائل نمبر ملایا مگر کوئی جواب نہ آیا نیز محررتھانہ مصری بانڈہ سے پوچھ گچھ کی گئی جس نے کل تک کا وقت مانگا۔ مذکورہ کنسٹیبل کو مطلع کرنے کے لیے اور اس بابت پروانہ بھی ارسال کیا۔
19-02-2019	کو محررتھانہ مصری بانڈہ نے بتلایا کہ مذکورہ کنسٹیبل کو چارج شیٹ کے متعلق مطلع کیا گیا اور اس سے دستخط بھی لیے ہیں۔
13-03-2019	تاحال مذکورہ کنسٹیبل نے کوئی رابطہ نہیں کیا اور نہ ہی چارج شیٹ وصول کی۔

پروانہ بنام ایس۔ ایچ۔ او / معررتھانہ مصری بانڈہ

بکار سرکار تحریر کیا جاتا ہے کہ کنسٹیبل زر شاہ نمبر 678 جو کہ علاقہ مصری بانڈہ کارہاشی ہے کو مطلع کیا جائے کہ بسلسلہ انٹرویو دفتر ہذا سے اپنا چارج شیٹ وصول کرے۔ بصورت دیگر اسکے خلاف یکطرفہ کارروائی عمل میں لائی جائیگی۔

مذکورہ کنسٹیبل کو مطلع کیا جا کر رپورٹ دفتر زیر دستخطی بجوائی جائے۔

ڈی۔ ایس۔ پی۔ سینڈ گوارڈز
نوشہرہ

نمبر: 82/54
تاریخ: 18-2-2019

OFFICE OF THE

DY: SUPERINTENDENT OF POLICE

HEADQUARTERS NOWSHERA

Tel No. 0923-9220109 & Fax No. 0923-9220103

1019

ENQUIRY CONDUCTED AGAINST CONSTABLE ZARSHAD NO.678

ALLEGATIONS:

Constable Zarshad No.678, while posted at Police Station Nizampur, remained absent from duty without any leave/permission of the competent authority vide DD No.17 dated 03-12-2018, PS Nizampur and is still absent which amounts to grave misconduct on his part.

In this regard, the defaulter official was charge sheeted and the undersigned Police Officer was nominated as Enquiry Officer.

PROCEEDING:

In order to serve the Charge Sheet/Statement of Allegations upon him, he was contacted time and again on his cell phone No.0315-9878728 which was responding Off. However, Police Station Nizampur was approached regarding his absence who reported that defaulter official Constable Zarshad is still absent. Afterwards, his local Police Station Misri Banda was approached in order to inform him for receiving his Charge Sheet. After some days, the Muharrar P.S Misri Banda informed that Constable Zarshad has been informed accordingly regarding the Charge Sheet and his signature has also been taken on paper dated 19-02-2019 which is attached for perusal. Despite, being informed regarding Charge Sheet, he did not bother to come to this office for collecting his Charge Sheet which clearly transpired that he does not seems to be interested in Police service therefore, he did not collect his Charge Sheet up till now.

FINDINGS:

From the circumstances cited above, the undersigned has reached to the conclusion that defaulter official Constable Zarshad No.678 did not bother to attend this office for collecting his Charge Sheet while being accordingly informed by his local Police Station for receiving Charge Sheet from the office of undersigned which was duly signed by him. Being informed from the Charge Sheet, he did not attend the office of undersigned till now hence, it is recommended that ex-parte action may be followed against him as he does not seems to be interested in Police service, if agreed so.

issue him final show
Cause notice.

(IZHAR SHAKP. M.)
DSP/HQRS: NZR

No. 177 /St:
Dt: 25/3 /2019.

DP. NZR
17/3/19

Annex to E n. (9)

05-2005

MIC

16

FINAL SHOW CAUSE NOTICE

03

Whereas, you Constable Zarshad No. 678 while posted at Police Station. Nizampur, remained absent from duty without any leave/permission of the competent authority vide DD No. 17 dated 03.12.2018, PS Nizampur and is still absent.

On account of which you were issued Show Cause Notice and was informed time and again to collect your SCN, but failed, therefore, departmental action has been initiated against you through Mr. Izhar Shah, DSP HQrs Nowshera. The enquiry officer after fulfillment of legal formalities submitted his report to undersigned vide his office Endst: No. 177/St: dated 25.03.2019, highlighted therein that you were informed through local Police of PS Misri Banda to receive your Charge Sheet and Statement of allegations and appear before the enquiry officer, but you turned deaf ear to the same being signed the parwana (notice) by you, which seems that you are no more interested in Police job and suggested ex-parte action against you.

Therefore, it is proposed to impose Major/Minor penalty including dismissal as envisaged under Rules 4(b) of the Khyber Pakhtunkhwa Police Rules 1975.

Hence, I, Mansoor Aman, PSP, District Police Officer Nowshera, in exercise of the powers vested in me under Rules 5(3) (a) & (b) of the Khyber Pakhtunkhwa Police Rules 1975, call upon you to Show Cause finally as to why the proposed punishment should not be awarded to you.

Your reply shall reach this office within **07 days** of the receipt of this notice, failing which, it will be presumed that you have no defense to offer.

You are at liberty to appear for personal hearing before the undersigned.

**District Police Officer,
Nowshera.**

No. 63 /PA,
Dated 29/03/2019.

~~Handwritten signature~~

call in ok.
F

(15)

Annex 4 F 22 (10)

ORDER

This order will dispose off a departmental enquiry initiated under Khyber Pakhtunkhwa Police Rules-1975, against Constable Zarshad No. 678, under the allegations that while posted at Police Station Nizampur, remained absent from duty without leave/permission of the competent authority vide DD No. 17 dated 03.12.2018.

On account of which he was issued Show Cause Notice and was informed to appear at the time and again to collect his SCN, but failed, therefore, he was proceeded against departmentally through Mr. Izhar Shah, DSP HQrs: Nowshera, who after conducting enquiry submitted his report to undersigned vide his office Endst: No. 177/St: dated 25.03.2019, highlighted therein that the defaulter official did not bother to attend his office for collection of Charge Sheet and Statement of Allegations despite signing the parwana by him issued by the enquiry officer for the same information. He is still absent, which seems that he is no more interested in police job and suggested ex-parte action against him.

He was served with Final Show Cause Notice, to which, he submitted his reply which was perused by the undersigned and found frivolous and lame.

He was heard in orderly room held in this office on 24.04.2019, wherein he failed to produce any cogent reason in his defense, therefore, he is hereby awarded major punishment of dismissal from service from the date of absence, in exercise of the powers vested in me under Khyber Pakhtunkhwa Police Rules-1975.

OB No. 490

Dated 26.04/2019

District Police Officer,
Nowshera

No. 2050-53 /PA, dated Nowshera, the 26.04 /2019
Copy for information and necessary action to the:

1. Pay Officer.
2. Establishment Clerk.
3. OHC.
4. FMC with its enclosures (24 sheets).

Annex, 4

(11)

ORDER.

This order will dispose-off the departmental appeal preferred by Ex-Constable Zarshad No. 678 of Nowshera District Police, against the order of District Police Officer, Nowshera, whereby he was awarded major punishment of dismissal from service vide OB: No. 490 dated 26.04.2019. The appellant was proceeded against departmentally on the allegations that he while posted at Police Station Nizampur remained absent from duty without any leave/permission of the competent authority vide daily diary No. 17 dated 03.12.2018 till date of his dismissal.

He was issued Show Cause Notice and was informed time and again to collect his Show Cause Notice, but he failed. Therefore, proper departmental enquiry proceedings were initiated against him. He was issued Charge Sheet alongwith Statement of Allegations and the then Deputy Superintendent of Police, Headquarter, Nowshera was nominated as Enquiry Officer. The Enquiry Officer after fulfilling codal formalities, submitted his findings wherein he recommended the delinquent Official for awarding major punishment because despite of repeated summons the delinquent official did not bother to join enquiry proceedings. Therefore, ex-parte action was taken.

He was issued Final Show Cause Notice to which, his reply was received and found unsatisfactory. He was also provided opportunity of self defense by summoning him in the orderly Room held in the office of District Police Officer, Nowshera. But he failed to advance any cogent reasons in his defense. Hence, he was awarded major punishment of dismissal from service from the date of absence vide OB: No. 490 dated 26.04.2019.

Feeling aggrieved from the order of District Police Officer, Nowshera, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in this office on 15.04.2020.

From the perusal of the enquiry file and service record of the appellant, it has been found that the appellant during the course of enquiry did not bother to join enquiry proceedings which clearly depicted that he had nothing to justify his absence. The appellant approached this forum at a belated stage without advancing any cogent reason regarding such delay. Hence, order passed by the competent authority does not warrant any interference.

NO. 625/PA
dt 30/04/2020

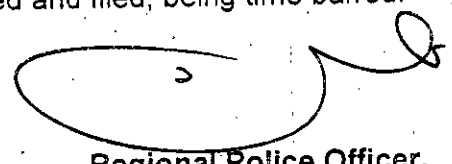
EL/FML
For n. action.

27/04/2020

12

Keeping in view the above, I, Sher Akbar, PSP S.St Regional Police Officer, Mardan, being the appellate authority, finds no substance in the appeal, therefore, the same is rejected and filed, being time barred.

Order Announced.



Regional Police Officer,
Mardan.

No. 3083 /ES, Dated Mardan the 22-04- /2020.

Copy forwarded to District Police Officer, Nowshera for information and necessary w/r to his office Memo: No. 876/PA dated 11.03.2020. His Service Record is returned herewith.

(*****)



3038
20-10-20
No. SI 4011

Ammer H?
13
OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.
/20, dated Peshawar the 12/10/2020.

ORDER

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by Ex-FC Zarshad No. 678. The petitioner was dismissed from service by District Police Officer, Nowshera vide OB No. 490, dated 26.04.2019 on the allegations of absence from duty w.e.f 03.12.2018 till date of dismissal from service i.e. 26.04.2019 for total period of 04 months & 23 days. His appeal was rejected being time barred by Regional Police Officer, Mardan vide order Endst. No. 3083/ES, dated 22.04.2020.

Meeting of Appellate Board was held on 17.09.2020 wherein petitioner was heard in person. During hearing petitioner contended that he was ill.

Perusal of the record reveals that the petitioner remained absent for long period of 04 months & 23 days. He has earned 20 bad entries during his service. He is habitual absentee and there is no prospects of mending his ways. Moreover, his petition is also badly time barred. Therefore, the Board decided that his petition is hereby rejected.

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

[Handwritten signature]

Sd/-
DR. ISHTIAQ AHMED, PSP/PPM
Additional Inspector General of Police,
HQrs: Khyber Pakhtunkhwa, Peshawar.

No. SI 402-20/20

Copy of the above is forwarded to the:

1. Regional Police Officer, Mardan. One Service Roll and one Fauji Missal of the above named Ex-FC received vide your office Memo: No. 4686/ES, dated 29.07.2020 is returned herewith for your office record.
2. District Police Officer, Nowshera.
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.

No - 6454/ES
DE - 20-10-20
(Ex-FC's Roll
Fauji Missal)

EC/ DPO Nowshera

For necessary action.

(KASHIF ZULFIQAR) PSP
AIG/Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

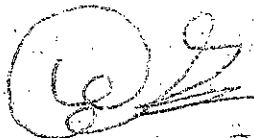
NO 1305/PA
A 20/10/2020
RPO, Mardan

EC/PMC
For necessary action

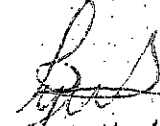
(14)

کل انچ	غیر جانچا ہوا	جانچا ہوا	غیر جانچا ہوا	کل انچ	نمبر شمار
02	08 $\frac{01}{017}$	24	06 $\frac{01}{017}$	36	1
05	18 $\frac{01}{017}$	32	13 $\frac{01}{017}$	53	2
03	26 $\frac{02}{017}$	42	23 $\frac{02}{017}$	31	3
10	16 $\frac{04}{017}$	21	06 $\frac{04}{017}$	05	4
03	26 $\frac{05}{017}$	45	23 $\frac{05}{017}$	45	5
13	13 $\frac{05}{017}$	24	31 $\frac{05}{017}$	03	6
02	13 $\frac{06}{017}$	52	11 $\frac{06}{017}$	35	7
01	24 $\frac{06}{017}$	06	23 $\frac{06}{017}$	46	8
03	02 $\frac{07}{017}$	22	29 $\frac{06}{017}$	29	9
03	16 $\frac{07}{017}$	38	13 $\frac{07}{017}$	39	10
01	30 $\frac{07}{017}$	35	29 $\frac{07}{017}$	43	11
09	30 $\frac{08}{017}$	27	21 $\frac{08}{017}$	37	12
—	—	—	06 $\frac{09}{017}$	30	13

کل 55 ٹیسٹ غیر جانچا ہوا ہے۔
 17 ٹیسٹ جانچا ہوا ہے۔
 38 ٹیسٹ جانچا ہوا ہے۔



SI: EF: P-22 NSR
 12-09-017


 MHR/EF/NSR
 12-09-017

8