

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

Service Appeal No. 578/2023

Sifat Ullah Ex-Constable No. 124 District Police, Nowshera.
R/O Azakhel Bala Tehsil and District, Nowshera.

.....Appellant


V E R S U S

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

.....Respondents

I N D E X

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DSP Legal,
Nowshera

BEFORE THE HONOURABLE, KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 578/2023

Sifat Ullah Ex-Constable No. 124 District Police, Nowshera.
R/O Azakhel Bala Tehsil and District, Nowshera.

.....Appellant

V E R S U S

1. District Police Officer, Nowshera.
2. Deputy Inspector General, Mardan District Mardan.
3. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.

.....Respondents

7650
19/9/2023

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS No. 1,2 &3

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 to the extent of appointment of appellant pertains to record, while rest of the para is incorrect, as prior to the instant dismissal appellant had earlier been dismissed 05 times from service due to willful absence from duty which reflects that he had never been interested in his job during entire service. (Copies of dismissal orders are annexure "A").
2. Para correct to the extent that appellant was granted 10 days leave vide OB No. 456 dated 13-05-2022, 30 days leave vide OB No. 711 dated 20-07-2022 and 07 days leave vide OB No. 838 dated 05-09-2022. However, even then appellant did not bother to join his duty. Hence, appellant was issued Show Cause Notice to which he submitted his reply but the same was found unsatisfactory. (Copy of Show Cause Notice is annexure "B"). The reply to the Show Cause Notice was marked to DSP Hqrs: Nowshera for verification, who after verification submitted his reply wherein he highlighted that appellant requested for retirement on Medical Ground or Compulsory retirement, meaning thereby that he was not interested in his job. (Copy of report of DSP Hqrs: is annexure "C"). Appellant was then issued Charge Sheet and statement of allegations and in order to scrutinize his conduct, the then DSP Hqrs: Nowshera was nominated as

enquiry officer. Despite the fact that appellant had received Charge Sheet even then he did not bother to join the enquiry proceedings. Hence, the enquiry officer recommended the appellant for ex-parte action. (Copy of charge sheet duly received by the appellant is annexure "D"& Copy of enquiry report is annexure "E").

On 14-12-2022, appellant was issued Final Show Cause Notice which was received by him on 29-12-2022 but he failed to submit his reply which reflected that he was no more interested in his job therefore, was awarded major punishment of dismissal from service. (Copy of Final Show Cause Notice is annexure "F" & Copy of dismissal order is annexure "G").

3. Incorrect, as already explained in above para 02.
4. Para already explained above.
5. Para already explained above.
6. Para correct to the extent that appellant moved departmental appeal before the appellate authority but the same was filed being devoid of merit. (Copy of rejection order is annexure "H").
7. That appeal of the appellant is liable to be dismissed inter-alia on the following grounds: -

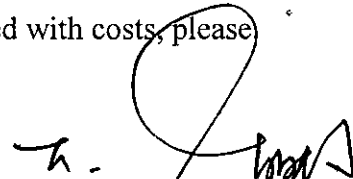
Reply on Grounds

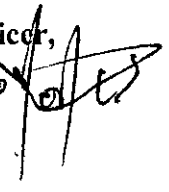
- A. Incorrect. Order dated 04-01-2023 whereby appellant was dismissed from service and order dated 03-03-2023 whereby departmental appeal of the appellant was rejected, were passed in accordance with law and rules hence, are liable to be maintained.
- B. Incorrect. Appellant was proceeded against departmentally in accordance with law and rules but previously record of the appellant as well as his conduct in the instant dismissal reflect that he was not interested in his job.
- C. Incorrect. Proper enquiry was conducted against the appellant through the then DSP Hqrs: but despite the fact that he had received statement of allegation even then he did not bother to appear before the enquiry officer. Similarly, Final Show Cause Notice was also received by the appellant but he did not bother to submit reply to the same.
- D. Incorrect. If service record of the appellant is perused, it will come to surface that prior to the instant dismissal, he had earlier been dismissed from service 05 times due to his willful absence. Meaning thereby, that appellant had never been interest in his job nor did he learn any lesson from his previous punishments.
- E. Para already explained above.
- F. If appellant was so concerned about his family, he should not have displayed such attitude/misconduct during his service.
- G. Para already explained above.
- H. Para already explained above.


- I. Para already explained above.
- J. The respondents may also be allowed to advance additional grounds at the time of arguments.

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

BEFORE THE HONOURABLE, KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 578/2023

Sifat Ullah Ex-Constable No. 124 District Police, Nowshera.
R/O Azakhel Bala Tehsil and District, Nowshera.

.....Appellant

V E R S U S

1. District Police Officer, Nowshera.
2. Deputy Inspector General, Mardan District Mardan.
3. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.

.....Respondents

AFFIDAVIT

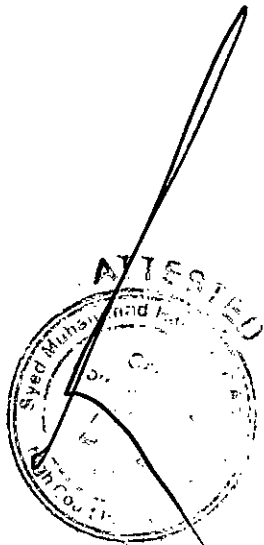
We the respondents No. 1, 2 & 3 do hereby solemnly affirm and declare on Oath that the contents of reply to the appeal are true and correct to the best of our knowledge and belief and nothing has been concealed from the Honourable tribunal.

It is further stated on Oath that in this appeal the answering respondents have neither been placed ex-parte nor their defense has been struck off.

[Signature]
 Provincial Police Officer,
 Khyber Pakhtunkhwa,
 Peshawar
 Respondent No. 03

[Signature]
 Regional Police Officer,
 Mardan.
 Respondent No. 02

[Signature]
 District Police Officer,
 Nowshera.
 Respondent No.01



19 SEP 20

3

**BEFORE THE HONOURABLE, KHYBER PAKHTUNKHWA, SERVICE
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R/O Azakhel Bala Tehsil and District, Nowshera.

.....Appellant

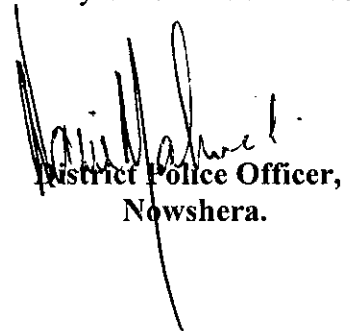
V E R S U S

1. District Police Officer, Nowshera.
2. Deputy Inspector General, Mardan District Mardan.
3. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.

.....Respondents

AUTHORITY LETTER

Ijaz Hussain DSP Legal Nowshera is hereby authorized to appear and do the needful on behalf of respondents in the Khyber Pakhtunkhwa, Service Tribunal, in the above cited service appeal. He is also authorized to submit any document and record, statement etc required by the Honourable Tribunal.


District Police Officer,
Nowshera.

Annexure 1

Better Copy

(A3)

6

ORDER

Constable Sifatullah No. 3394 of FRP/Hqrs: Peshawar was enlisted on 02-01-1996. He was found absent from duty w.e.from 14-11-2001 to date without leave/permission of the competent authority.

He was served with charge sheet for his prolong absence, which he received on 13-05-2002 but failed to submit his written explanation to this office.

Keeping in view his previous service record as well as continuous absence from service, an ex-parte action is hereby taken against him and he is therefore, dismissed from service under the NWFP Police Rules, 1975 from the date of his absence i.e 14-11-2001.

Order announced.

Sd/-

**Deputy Commandant,
Frontier Reserved Police,
NWFP, Peshawar.**

ATTESTED


DSP Legal Nowshera

Constable Sifatullah no. 3394 of FAP/Wars: Peshawar was enlisted on 2.1.1996. He was found absent from duty w.s. from 14.11.2001 to date without leave/permission of the competent authority.

He was served with charge sheet ~~etc~~ for his prolonged absence, which he received on 15.5.2002 but failed to submit his written explanation to this office.

Keeping in view his previous service record as well as continuous absence from service, an ex-parte action is hereby taken against him and he is therefore, dismissed from service under the NWFP Police Rules 1975 from the date of his absence i.e. 14.11.2001.

Order pronounced.

(Signature)
Deputy Commissioner,
Peshawar District, Peshawar.

No. /Dt. Dated Peshawar the /2002.

Copy of above is forwarded to the :-

1. Dy: Supdt: of Police, FAP-Wars: Peshawar.
2. Acctt: FAP/Wars: Peshawar.
3. ... /Wars: Peshawar.
4. ... /Wars: Peshawar.
5. ... /Wars: Peshawar.
6. Official Concurrence.

ATTESTED
(Signature)
DSP Legal/Nowshera

ORDER

Constable Sifatullah No. 1154 while posted to Traffic Staff, Nowshera absented from duty from 16-07-2007 to 10-10-2007 and again from 11-10-2007 till to-date without any information/permission.

He was issued Charge Sheet/Statement of allegation and an Enquiry Committee consisting of Mr. Gulzar Ali Khan, DSP Akora & Inspector Shoukat Ali Khan C.O Akora was constituted to conduct enquiry against him under the NWFP Removal from Service (Special Power) Ordinance 2000.

The Enquiry Committee conducted an enquiry and submitted his findings which revealed that he first availed leave at his own will i.e deliberately absented himself from duty and then managed to get M.Cs which cannot be entertained. He failed to adopt proper way in this regard. Hence, the Enquiry Committee suggested that the Medical Certificates may not be entertained and the absence period be counted as leave without pay and at the same time he may be awarded an appropriate punishment, so that he may be more careful in future.

On receipt of findings of the Enquiry Committee the defaulter official was issued SCN and delivered/served upon his father on 30-04-2008 through his home address, but neither he bother to submit his reply nor made his arrival for duty till to date.

He is still absent and least interested in service. Therefore, in exercise of the power vested in me under the NWFP Removal from service (Special Powers) Ordinance 2000, now on basis of ex-parte proceedings, he is awarded a major punishment of dismissal from service with immediate effect. Period of absence is treated as leave without pay.

OB No. 551
Dated 13-05-2008

Sd/-
(Mubarak Zeb), PSP,
District Police Officer,
Nowshera. ,

No. 3296-330/PA, dated Nowshera the 16-05-2008

Copy forwarded to the: -

1. DSP Hqrs:
2. EC
3. OHC
4. FMC
5. Acctt:
6. Constable Sifat Ullah No. 1154

ATTESTED

DSP Legal Nowshera

Constable Sifat Ullah No.1154 while posted to Traffic Staff Nowshera, absented from duty from 16-7-2007 to 10-10-2007 and again from 11-10-07 till to-date without any information/permission.


He was issued Charge Sheet/Statement of Allegations and an Enquiry Committee consisting of Mr. Gulzar Ali Khan, DSP Akora & Inspector Shoukat Ali Khan CO Akora was constituted to conduct enquiry against him under the NWFP Removal from Service (Special Powers) Ordinance 2000.

The Enquiry Committee conducted an enquiry and submitted his findings which revealed that he has first availed leave at his own will i.e. deliberately absented himself from duty and then managed to get M.Cs which can not be entertained. He failed to adopt proper way in his regard. Hence, the Enquiry Committee suggested that the Medical Certificates may not be entertained and the absence period be counted as leave without pay and at the same time he may be awarded an appropriate punishment, so that he may be more careful in future.

On receipt of findings of the Enquiry Committee the defaulter official was issued SCN and delivered/served upon his father on 30-4-2008 through his home address, but neither he bother to submit his reply nor made his arrival for duty till to date.

He is still absent and least interested in service. Therefore, in exercise of the powers vested in me under the NWFP Removal from Service (Special Powers) Ordinance-2000, now on basis of ex-parte proceedings, he is awarded a major punishment of dismissal from service with immediate effect. Period of absence is treated as leave without pay.

Brio, 557/1
Dated: 13/5/2008.


(MUBARAK ZEB) PSP,
District Police Officer,
Nowshera.

3296-3301/PA, Dated Nowshera the 16/5/2008.

Copy forwarded to the:-

1. R/HQ/2
1. C

2. E.C

3. O.H.C

5. Acctt.

6. Constable Sifat Ullah No.1154.

O R D E R

(10)

Constable Siffatullah No. 354 while posted to Police Lines, Nowshera wilfully and deliberately absented himself from 7.11.2008 and till to day. He was issued Final Show Cause Notice vide this office No. 240/PA, dated 13.11.2008 and informed time and again but he did not bother to receive his Final Show Cause Notice. The defaulter constable is absent which divulges that he is a least interested official.

Therefore, in exercise of powers vested in me under N.W.F.P. Removal from Service (Special Powers) Ordinance, 2000 he is hereby awarded Major punishment of dismissal from service from the date of absence i.e. 07.11.2008.

OB No. 5
Dated 1-1/2009.

District Police Officer,
Nowshera. *H*

No. 89-93/PA, Dated Nowshera, the 03/01/2009.

Copy of above for information and n.action

to the :-

1. Pay Officer.
2. S.R.C.
3. O.H.C.
4. F.M.C.
5. Constable Ajmal No. 1190.

T. Enty (3)

ATTESTED
[Signature]
DSP Legal Nowshera

Constable Siffatullah No.354 while posted to Police Lines, Nowshera wilfully and deliberately absconded himself from duty on 07/11/2008 and still to date. He was issued Final Show Cause Notice vide this Order No. 240/PL, dated 13/11/2008 and informed time and again but he did not bother to receive his Final Show Cause Notice. The defaulter concerned is still absent which divulges that he is a least interested official.

Therefore, in exercise of powers vested in me under N.W.F.P. Removal from Service (Special Powers) Ordinance, 2000, he is hereby awarded Major punishment of dismissal from service from the date of absence i.e. 07/11/2008.

OP No. 5
Dated 11/1/2009

District Police Officer,
Nowshera.

No. 89-43/PL, Dated Nowshera, the 03/01/2009.

Copy to be given for information and reaction

- 1. The Officer
- 2. S.R.O.
- 3. C.H.O.
- 4. P.H.O.
- 5. Constable

ATTESTED

DSP Legal Nowshera

ORDER

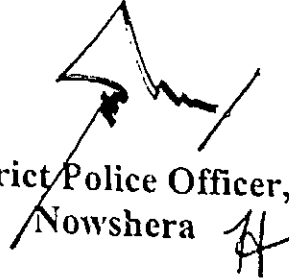
12

Constable Siffatullah No. 299 while posted at Police Lines. Nowshera willfully and deliberately absented himself from duty with effect from 29.4.2010 and is still absent without any leave or permission of the competent authority. On account of which, he was issued Show Cause Notice which was sent to PS Azakhel vide this office No. 1473/PA, dated 14.7.2010 and served upon the delinquent but he did not obey the lawful order either to report at Police lines Nowshera or submit his reply to the Show Cause Notice up till now. He is still absent from duty which clearly speaks that he is no more interested in Police service. Furthermore, there is no likelihood that he will come back for duty in the near future.

Therefore, in exercise of powers vested to me under the Khyber Pakhtunkhwa, Police Rules, 1975, he is awarded Major punishment of dismissal from service from the date of absence i.e. 29.4.2010.

OB No. 1052

Dated 24.9.2010.


District Police Officer,
Nowshera *H*

No. 2217-21 /PA, dated Nowshera, the 24.9.2010.

Copy of above for information and necessary action to the:-

1. Pay Officer.
2. E.C.
3. OHC.
4. FMC
5. Constable Siffatullah No. 299 s/o Hamdullah r/o Azakhel Bala.

ATTESTED

DSP Legal Nowshera

DISMISSAL ORDER

Constable Sifatullah No.1096, while posted at Police Station Pabbi, remained absent from duty without any leave/permission of the competent authority vide daily diary No. 33 dated 30.11.2016 PS, Pabbi till date.


He was issued Show Cause Notice vide this office endst: No. 557/PA, dated: 05.12.2016 & informed through his local Police Station i.e. Azakhel vide DD No.18 dated 03.01.2017 to appear before the undersigned in Orderly Room, but did not obey the lawful orders. He also violated Police Rules 14-30, being property dealer and cares a fig for order of seniors, hence being a Police member, tarnishing the good image of Khyber Pakhtunkhwa Police.

Previous Record

The defaulter Constable has earned 06 bad entries, 03 Minor & 01 Major punishments during his service.

In the light of his such misconduct, I am of the considered opinion that Constable Sifatullah No.1096 is not interested in Police Service, hence dismissed from service with immediate effect & the period he remained absent is treated as leave without pay, in exercise of the powers vested in me under Police Rules, 1975.

OB No. 32
Dated 4/1/2017.


(Wahid Mahmood)PSP,
District Police Officer,
Nowshera.

No. 27-30 /PA, dated Nowshera, the 03.01 /2017.
Copy for Information and necessary action to the:-

1. Pay Officer.
2. E.C.
3. OHC.
4. FMC with relevant papers (05 sheets).

ATTESTED

DSP Legal Nowshera

Annex B

14


OFFICE OF THE DISTRICT POLICE OFFICER, NOWSHERA
SHOW CAUSE NOTICE

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

1. That you FC Sifat Ullah No.124 while posted at Police Lines have rendered yourself liable to be proceeded under Rule 5 (3) of the Khyber Pakhtunkhwa Police Rules 1975 for following misconduct:
Remained absent from lawful duty without any leave/permission of the competent authority vide DD No. 35 dated 13.09.2022 Police Lines 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;
5. 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.
6. 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.
7. 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.
8. You are further directed to inform the undersigned that you wish to be heard in person or not.

No. 465 /PA
Dated 14/10 /2022


District Police Officer,
Nowshera


31/10/22

ATTESTED

DSP Legal Nowshera

ڈپٹی سپرنٹنڈنٹ آف پولیس

NON
NON
NON
NON

سیڈکوارٹرز نوشہرہ

فون نمبر: 0923-9220109 فیکس نمبر: 0923-9220103



Annexure

15

نمبری St: 1380 مورخہ: 11/11/2022

بجانب: ضلعی پولیس سربراہ، نوشہرہ

مضمون: جواب شوکاژنوٹس ازاں کنشیل صفت اللہ نمبر 124

بجوالہ موصولہ جواب شوکاژنوٹس ازاں کنشیل صفت اللہ 124 بسلسلہ دیریفیکیشن ڈائری نمبری PA/2433 مورخہ 14.11.2022

معروض خدمت ہوں۔

یہ کہ کنشیل صفت اللہ نمبر 124 نے شوکاژنوٹس حکم نمبری PA/465 مورخہ 14.10.2022 تفصیلی جواب بابت غیر حاضری کل 52 آیام کے متعلق سلسلہ نمبر 15 تا 1 پر تحریری جواب مرحلہ وار بیان کی گئی ہے۔ سلسلہ نمبر 14 پر میڈیکل بورڈ پر یا جبری ریٹائرمنٹ کا تقاضہ بھی تحریر کیا گیا ہے۔

کنشیل صفت اللہ نے حکمانہ قواعد و ضوابط کا کوئی پرواہ نہیں کرتے ہوئے سفید پارچاٹ میں جناب DPO صاحب کو پیش ہو کر اپنے بیماری کے نسبت فریاد کر کے جس پر جناب DPO صاحب نے ایک ماہ رخصت کلاں دیکر تاکہ کنشیل مذکورہ اپنا علاج معالجہ کر سکے۔ رخصت کلاں پر کنشیل مذکورہ نے روانگی کر کے واپس نہیں آیا ہے۔ تا حال کنشیل مذکورہ بالانے پولیس لائن کے رجسٹر نمبر 2 حصہ سوم (رجسٹر بیمار ان میں اندراج نہیں کر کے) اسی طری رجسٹر نمبر 18 پولیس لائن میں بیماری کے متعلق کسی قسم کی روانگی یا واپسی کا اندراج نہیں کیا گیا ہے۔ اور نہ ہی دوبارہ جناب DPO صاحب کو بیماری کے متعلق پیش ہونے کی زحمت کیا ہے۔

کنشیل صفت اللہ نے مورخہ 11.05.2022 سے لیکر تا حال کسی قسم کی میڈیسیٹ یا میڈیکل لیو بغیر کسی منظوری پر خود ساختہ رداں دواں ہے۔ بحیثیت سینئر کنشیل حکمانہ رولز کے تصدائد نظر انداز کرتے ہوئے اب پنشن یا میڈیکل بورڈ یا جبری ریٹائرمنٹ کا مطالبہ جواب شوکاژنوٹس میں تحریر کرنا انکار کے مترادف ہے۔ کنشیل مذکورہ نے مسلسل اپنے بیماری کو آڑ بنا کر حکمانہ رولز کو پامال کرتے ہوئے نوکری کا خواہاں نہیں ہے۔ اس قدر حالات پر رپورٹ مرتب ہو کر بغرض مناسب تمام اقدام ارسال خدمت ہے۔

ڈپٹی سپرنٹنڈنٹ آف پولیس
سیڈکوارٹرز نوشہرہ

ATTESTED
DSP Legal Nowshera

DISCIPLINARY ACTION

I, Muhammad Ghaib Khan, PSP, District Police Officer, Nowshera as competent authority am of the opinion that FC Sifat Ullah No. 124 has rendered himself liable to be proceeded against as he committed the following acts/omissions within the meaning of Police Rules, 1975.

STATEMENT OF ALLEGATIONS

Whereas, FC Sifat Ullah No. 124 that he while posted at Police Lines, Nowshera remained absent from lawful duty without any leave/permission of the competent authority vide DD No. 35 dated 13.09.2022 and is still absent. On account of which, he was served with Show Cause Notice, to which, he submitted his reply, perused by the undersigned and found unsatisfactory, which amounts to grave misconduct on his part and rendered him liable for punishment under Khyber Pakhtunkhwa Police Rules, 1975.

For the purpose of scrutinizing the conduct of the said accused official with reference to above allegations, Mr. Slier Afsar, DSP HQrs; Nowshera is hereby nominated as Enquiry Officer.

The Enquiry Officer shall in accordance with the provision of Police Rules, 1975, provide reasonable opportunity of hearing to the defaulter official, record his findings and make immediate recommendations as to punish or other appropriate action against the defaulter official.

FC Sifat Ullah No. 124 is directed to appear before the Enquiry Officer on the date, time and place fixed by the Enquiry Officer.

Ghaib Khan
District Police Officer,
Nowshera

No. 44 IPA,
Dated 24/11/2022

Seen
[Signature]
DSP HQrs
01/12/2022

Reviewed by constable Sifatullah 124
on back of this page.

ATTESTED
[Signature]
DSP Legal Nowshera

CHARGE SHEET

173 D

1. I, Muhammad Omer Khan, PSP, District Police Officer, Nowshera, as competent authority, hereby charge FC Sifat Ullah No. 124 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 person.


District Police Officer,
Nowshera

ATTESTED

DSP Legal Nowshera

OFFICE OF THE
DEPUTY SUPERINTENDENT OF POLICE
HEADQUARTERS NOWSHERA

2022

Amel: E-3
18

TEL: 0923-9220109, FAX: 0923-9220103

No. 1453/1st dated: 18-1-12-2022.

FINDING OF ENQUIRY AGAINST CONSTABLE SIFAT ULLAH NO.124

SUMMARY OF ALLEGATIONS

Constable Sifat Ullah No.124, while posted at Police Lines, Nowshera remained absent from lawful duty without any leave/permission of the competent authority vide DD No. 35 dated 13.09.2022 Police Lines, Nowshera till date, which amounts to grave misconduct on his part and rendered him liable for punishment under Khyber Pakhtunkhwa Police Rules, 1975.

PROCEEDINGS

The defaulter official Constable Sifat Ullah No.124 was contacted time & again for receiving his Charge Sheet/ SOA, but despite his promise, he badly failed to receive the same. Besides above, he was also informed through his local Police Station, Azakhel but, he did not bother to collect his Charge Sheet/SOA or attend the office of the enquiry officer and is still absent from 13.09.2022 till date (DDs attached), which shows that he is no more interested in police service.


FINDINGS

Therefore, in light of above, the undersigned is of the opinion that ex-parte action may be taken against the defaulter official Constable Sifat Ullah No.124, if agreed so.

Encl: (07)


Deputy Superintendent of Police
Headquarters Nowshera

PA
Issue Final show cause notice


DPOMR
13/12/2022

ATTESTED

DSP Legal Nowshera

FINAL SHOW CAUSE NOTICE

Annexure F₃

19

Whereas, you Constable Sifat Ullah No. 124, while posted at Police Lines Nowshera, remained absent from lawful duty without any leave / permission of the competent authority vide DD No. 35 dated 13.09.2022 Police Lines and is still absent.

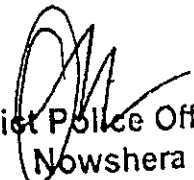
On account of which, you were proceeded against departmentally through DSP HQrs; Nowshera who after fulfillment of legal formalities submitted his report to undersigned wherein he highlighted that you were contacted time and again to collect your charge sheet and statement of allegations but neither you collect your charge sheet nor appear before the enquiry officer 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, Muhammad Omer Khan, 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. 626 /PA,
Dated 14/12/2022.

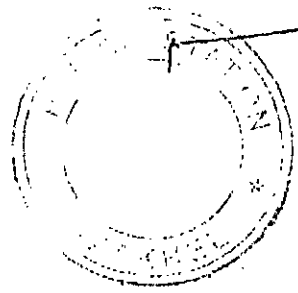
ATTESTED

DSP Legal Nowshera

(20)

پوالہ قائل شہکار لوئیس مزی 626 صفت اللہ بزرگ
سے حسب ضابطہ تحصیل سولہ - تاکہ مشاہدہ
رپورٹ عرض ہے۔

[Handwritten Signature]



صفت اللہ بزرگ 124/6
29/12/2024
17201-1967731-9
03469013736

ATTESTED
[Signature]
DSP Legal Nowshera

ORDERAnnexure G
21

Constable Sifat Ullah No. 124, while posted at Police Lines, Nowshera remained absent from duty without any leave/permission of the competent authority vide DD No.35 dated 13.09.2022 till date.

On account of which, he was served with Show Cause Notice, to which, he submitted his reply along with medical documents, which was entrusted to DSP HQrs: for verification who after doing the needful submitted his report to the undersigned highlighted therein that he has no interest in police service, therefore, he was proceeded against departmentally through Mr. Sher Afsar, DSP HQrs: Nowshera who after conducting departmental enquiry submitted his report to this office vide No. 1453/St: dated 13.12.2022, wherein he suggested that ex-parte action may be taken against him.

On 29.12.2022, he was served with Final Show Cause Notice, but failed to submit his reply. He is still absent which clearly shows that he is no more interested in police job.

In the light of above, Constable Sifat Ullah No. 124 is hereby awarded major punishment of dismissal from service from the date of his absence, in exercise of the powers vested in me under Khyber Pakhtunkhwa Police Rules-1975.

OB No. 10

Dated 04/01 /2023

Q. Khan
District Police Officer,
Nowshera

No. 79-84 /PA, dated Nowshera, the 04/01 /2023.
Copy for necessary action to the:

1. Pay Officer.
2. Establishment Clerk.
3. OHC.
4. I/C Clothing Godown.
5. FMC with its enclosures (32 sheets).
6. I/C Computer Lab.

ATTESTED
[Signature]
DSP Legal Nowshera

ORDER.

Annexure (H) 22

This order will dispose-off the departmental appeal preferred by Ex-Constable Sifat Ullah No. 124 of Nowshera District Police against the order of the then District Police Officer, Nowshera, whereby he was awarded major punishment of dismissal from service vide OB No. 10 dated 04.01.2023. The appellant was proceeded against departmentally on the allegations that he while posted at Police Lines, Nowshera, absented himself from his lawful duty without any leave/permission of the competent authority vide daily diary No. 35 dated 13.09.2022 till date of dismissal.

He was issued a Show Cause Notice to which he submitted his reply alongwith medical documents, which was entrusted to Deputy Superintendent of Police, Headquarters, Nowshera for verification. The enquiry Officer after the needful submitted his report to the then District Police Officer, Nowshera highlighted therein that he was no more interested in police service, 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, Headquarters, Nowshera was nominated as Enquiry Officer. The Enquiry Officer after fulfilling codal formalities, submitted his findings wherein he reported that the delinquent Officer was contacted time and again to appear before the enquiry Officer, but he failed and remained absent, which showed that he was no more interested in Police Service. He recommended the delinquent Officer for ex-parte action.

On 29.12.2022, the delinquent Officer was served with a Final Show Cause Notice, to which he was bound to submit his reply within stipulated time of seven days, but he didn't bother to do so, nor assumed duty till date meaning that he was not interested in his service.

From the above discussion, the delinquent Officer was not a willing worker, therefore, he was awarded major punishment of dismissal from service with effect from 13.09.2022 vide OB No. 10 dated 04.01.2023 by the then District Police Officer, Nowshera.

Feeling aggrieved from the order of the then 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 28.02.2023.

From the perusal of service record of the appellant, it has been found that allegations leveled against the appellant have been proved beyond any shadow of doubt. The service record of the appellant revealed that he was enlisted in Police Department on 02.01.1996 and was awarded 05 major punishments of dismissal from

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DSP Legal Nowshera

Scanned with CamScanner

service and 03 minor punishments i. e stoppage of increment, censures on account of absence which depicts his lethargic attitude towards his official duties with paying no attention of the directives of Senior Officers. On perusal of previous service record of the appellant, it was noticed that he is habitual absentee and prior to this, the appellant was also awarded 05 major punishment of dismissal from service whereas 01 major punishment of reduction in pay by 03 stages on account of absence. Hence, the very conduct of appellant is unbecoming of a disciplined Police Officer. Therefore, the order passed by the competent authority does not warrant any interference.

Keeping in view the above, I, **Muhammad Ali Khan, PSP Regional Police Officer, Mardan**, being the appellate authority, find no substance in the appeal, therefore, the same is rejected and filed, being devoid of merit.

Order Announced.

Muhammad Ali Khan
Regional Police Officer,
Mardan.

No. 1357 /ES, Dated Mardan the 03 / 03 /2023.

Copy forwarded to District Police Officer, Nowshera for information and necessary action w/r to his office Memo: No. 364/P dated nil. His Service Record is returned herewith.

(*****)

Fee / FMC
Dr. A. Ahsan

No. 662/PA
dt 8/3/2023

D.P. OWSR
08/3/2023

ATTESTED
[Signature]
DSP Legal Nowshera