



11th May, 2023

1. Nemo for appellant Mr. Fazal Shah Mohmand, Additional Advocate General for the respondents present.

2. Counsel are on strike, therefore, the case is adjourned. Office is directed to notify the next date on the noticeboard as well as on the website. To come up for arguments on 31.07.2023 before D.B. P.P given to learned AAG.


(Fareeha Paul)
Member (E)



(Kalim Arshad Khan)
Chairman


Kaleem Ullah

31st July, 2023

1. Learned counsel for the appellant present. Mr. Fazal Shah Mohmand, learned Additional Advocate General for the respondent present.

2. Learned counsel for the appellant requested for adjournment in order to prepare the brief. Adjourned. To come up for arguments on 10.10.2023 before D.B. P.P given to parties.


(Muhammad Akbar Khan)
Member (E)


(Rashida Bano)
Member (J)

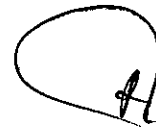
KaleemUllah

19.10.2022

Junior to counsel for appellant present.

Kabir Ullah Khattak, learned Additional Advocate General alongwith Fazal Subhan HC for respondents present.

Representative of respondents submitted written reply/comments. Copy of the same was handed over to junior counsel for appellant. To come up for rejoinder, if any, and arguments on 25.11.2022 before D.B.



(Rozina Rehman)
Member (J)

25/11/22

Due to deletion of the case to come up for the same on 26/11/23



26-1-23

proper OB is not available,
The case is adjourned to 11-5-23



Reader

13.05.2022

Learned counsel for the appellant present and heard.

Learned counsel for the appellant submits that the appellant is aggrieved of the order No. 4709/PA dated 16.11.2021, by way of which the appellant was awarded major punishment of dismissal from service. Against which, he filed departmental representation on the same date, which was decided on 05.04.2022 vide order bearing endorsement No. 2771/SE. He filed this appeal on 09.05.2022 and stated that he could not file this appeal within 30 days because of Eid holidays.

The appeal is admitted to regular hearing subject to all just and legal objections by the other side. The appellant is directed to deposit security and process fee within 10 days, thereafter notices be issued to the respondents for submission of reply/comments. To come up for reply/comments before the S.B on 20.07.2022.

Rg 4007
Appellant Deposited
Security & Process Fee
26/5/22

**SCANNED
KPST
Peshawar**

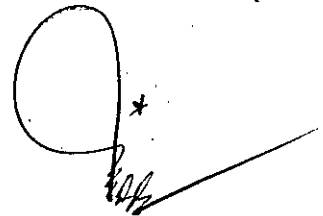


(Kalim Arshad Khan)
Chairman

20.07.2022

Junior of learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Reply/comments on behalf of respondents not submitted. Learned Additional Advocate General seeks time to contact the respondents for submission of reply/comments. Adjourned. To come up for reply/comments on 19.10.2022 before S.B.





(Mian Muhammad)
Member (E)

Form- A

FORM OF ORDER SHEET

Court of _____

Case.No.- _____ 667/2022 _____

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	09/05/2022	<p>The appeal of Mr. Waheed Ahmad presented today by Mr. Mehboob Ali Khan Dagai 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 <i>lu</i></p>
2-	13/5/22	<p>This case is entrusted to Single Bench at Peshawar for preliminary hearing to be put there on <u>13/5/22</u> Notices be issued to appellant and his counsel for the date fixed.</p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE HON'BLE SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 667 /2022

Waheed Ahmad

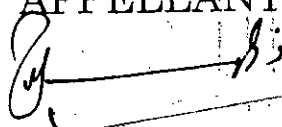
VERSUS

Inspector General of Police KPK Peshawar & Others

INDEX

S#	Description of Documents	Annexure	Pages
1.	Grounds of Appeal		1-6
2.	Affidavit.		7
3.	Addresses of parties		8
4.	Copy of impugned order	"A"	9
5.	Copy of Departmental appeal	"B"	10
6.	Copy of rejection order of departmental appeal	"C"	11
7.	Wakalatnama		12

APPELLANT

Through 

Mehboob Ali Khan Dagai
Advocate, High Court
Peshawar.

Dated: 09/05/2022

①

BEFORE THE HON'BLE SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. _____/2022

Waheed Ahmad S/o Jangrez Khan Ex-Constable No.
156 R/o Mohallah Par Moli Manki Tehsil Lahore,
District Swabi.

Appellant

VERSUS

1. Inspector General of Police KPK Peshawar.
2. Regional Police Officer Mardan
3. District Police Officer Swabi

Respondents

APPEAL U/S-4 OF THE KHYBER
PAKHTUNKHWA SERVICES TRIBUNAL
ACT 1974 AGAINST THE ORDER
NO.4709-14/PA, DATED 16-11-2021,
WHEREBY THE APPELLANT WAS
AWARDED MAJOR PUNISHMENT OF
DISMISSAL FROM SERVICE AND ALSO
THE ORDER OF THE APPELLATE
AUTHORITY ON THE DEPARTMENTAL
APPEAL VIDE ENDORSEMENT NO.
2771/ES DATED MARDAN THE
05.04.2022.

(2)

PRAYER:-

ON ACCEPTANCE OF THIS APPEAL THE
IMPUGNED ORDERS NO. 4709/PA,
DATED 16/11/2021 AND ALSO ORDER OF
APPELLATE AUTHORITY ON THE
DEPARTMENTAL APPEAL VIDE ORDER
NO. 2771/ES DATED MARDAN THE
05.04.2022 MAY KINDLY BE SET ASIDE
AND THE APPELLANT MAY KINDLY BE
REINSTATED IN SERVICE WITH ALL
BACK BENEFITS.
ANY OTHER REMEDY WHICH THIS
AUGUST TRIBUNAL DEEMS FIT MAY
ALSO BE GRANTED IN FAVOUR OF
APPELLANT.

Respectfully Sheweth,

1. That the Appellant was appointed as Constable on 29.06.2012 with respondent department.
2. That the appellant performed his duty regularly and with full devotion and no complaint whatsoever was made against the appellant.
3. That the father of the appellant ~~of the~~ was seriously ailing on the faithful dates, and on each and every date he was taking to different hospitals and doctors for diagnoses etc but to no avail.
4. That the health of the father of the appellant gradually had become too much week and despite of request of the appellant for so many times to the

concerned authority, he was not left on leave.

- 5. That since there was no other male person during those days in the house of the appellant, so due to serious illness of father of the appellant, the appellant was constrained not to go on his duty and to look after his father.
- 6. That no show cause notice or statement of allegation or any other information with regard to inquiry proceedings against the appellant were received to the appellant.
- 7. That no formal inquiry was conducted against the appellant and the appellant was proceeded Ex-parte and awarded major punishment of dismissal from service, referred to above. (Copy of dismissal order is attached as annexure "A").
- 8. That against the impugned order the appellant submitted departmental appeal on 16.11.2021 which was rejected vide order 2771/ES dated Mardan 05.04.2022. (Copy of departmental appeal & rejection order are attached as annexure "B & C").
- 9. That feeling aggrieved the Appellant prefers the instant service appeal before this Hon'ble Tribunal on the following grounds inter alia:-

GROUNDS:-

A. That the impugned order dated 16/11/2021 is void ~~is~~ ab-initio.

B. That the impugned order dated 16.11.2021 has been passed without fulfilling codal formalities. Reliance is placed on 2007 SCMR Page 834.

C. That no charge sheet and statement of allegations were issued or served upon the appellant, which is a clear cut violation of Rule-6 (A) (B) of police Rules-1975.

D. That the impugned order is also void because no regular or departmental inquiry was conducted against the appellant which is mandatory before imposing the major penalty and no opportunity of personal hearing and defense was provided to the appellant. Reliance is placed on a judgment reported on 2003 PLC (CS) Page 365 and 2021 PLC (CS) page 235 as well as judgment of this Tribunal in service appeal No. 1181/2018 decided on 17.09.2021.

E. That it is a well settled principle of law that no one could be condemned unheard, which

(5)

is against the natural justice of law.
Reliance is placed on 2008 SCMR page:678.

F. That no opportunity of cross examination has been provided to the appellant. In this respect the appellant relied upon a judgment reported on 2016 SCMR Page 108.

G. That the absence of the appellant was not intentional but due the serious illness of his father.

H. That under the law on the subject no dismissal ~~or~~ removal from service, in such like cases, can be awarded and that the punishment awarded to appellant is too much harsh which is liable to be set aside.

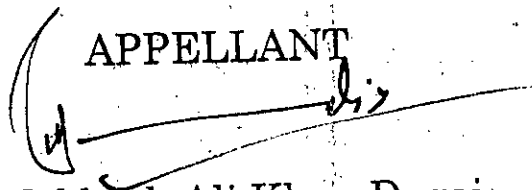
I. That since his dismissal, the appellant is jobless and that this service is the only source of livelihood of the appellant and his large family including his decrepit, ailing and octogenarian parents.

J. That since the period from Saturday i.e 01.05.2022 till Sunday i.e 08.05.2022 was declared as holidays for Eid-ul-Fittar, therefore, on 1st opening date, i.e on

09.05.2022, the instant appeal was filed by the appellant.

K. That any other ground not raised here may graciously be allowed to be raised at the time of full arguments.

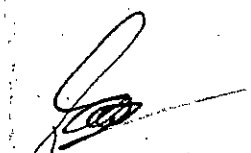
It is therefore, most humbly prayed that on acceptance of this appeal the impugned orders No. 4709/PA, Dated 16/11/2021 and also order of appellate Authority on the Departmental Appeal vide order No. 2771/ES dated Mardan the 05.04.2022 may kindly be set aside and the appellant may kindly be reinstated in service with all back benefits.

Through  APPELLANT
Mehboob Ali Khan Dagai
Advocate, High Court
Peshawar.

Dated: 30/04/2022

NOTE:-

No such like appeal is either pending or decided earlier, as per instruction, of my client.


Advocate.

(7)

BEFORE THE HON'BLE SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. _____/2022

Waheed Ahmad

VERSUS

Inspector General of Police KPK Peshawar & Others

AFFIDAVIT

I, Waheed Ahmad S/o Jangrez Khan Ex-Constable No. 156 R/o Mohallah Par Moli Manki Tehsil Lahore, District Swabi, do hereby solemnly affirm and declare that all the contents of the **instant appeal** are true, and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Hon'ble Tribunal.

Waheed
DEPONENT

IDENTIFIED BY:

Mehboob Ali Khan Dagai
Mehboob Ali Khan Dagai
Advocate High Court
Peshawar.

H-u
9/5/22

(8)

BEFORE THE HON'BLE SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. _____/2022

Waheed Ahmad

VERSUS

Inspector General of Police KPK Peshawar & Others

ADDRESSES OF PARTIES

PETITIONER.

Waheed Ahmad S/o Jangrez Khan Ex-Constable
No. 156 R/o Mohallah Par Moli Manki Tehsil
Lahore, District Swabi.

ADDRESSES OF RESPONDENTS

1. Inspector General of Police KPK Peshawar.
2. Regional Police Officer Mardan
3. District Police Officer Swabi

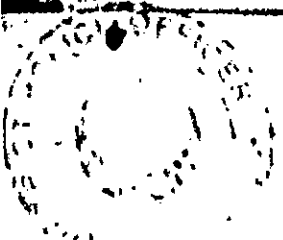
Through

APPELLANT's

Mehboob Ali Khan Dagai
Advocate, High Court
Peshawar.

Dated: 09/05/2022

Annexure - A



ORDER

The Order will dispose of the departmental enquiry against Constable Waheed No.1156, who while posted to Police Lines Swabi, willfully absented himself from duty w.e.f 11.08.2021 to 23.08.2021 and 06.10.2021 till date without any leave or prior permission of the authority. He was issued with charge sheet alongwith summary of allegations and Mr. Noor ul Amin DSP H.Qrs Swabi was appointed as Enquiry Officer. The enquiry officer conducted proper departmental enquiry, recorded statements of all concerned, collected evidence and submitted his findings, wherein the enquiry officer recommended the defaulter Constable Waheed No.1156 for ex parte proceedings for the mis-conduct.

The undersigned has gone through the enquiry papers and findings of the enquiry officer and by agreeing with the recommendations of the enquiry officer issued Final Show Cause Notice to defaulter. The Final Show Cause Notice were sent to SHO PS Lahor for service upon him, consequently Final Show Cause Notice was handed over to his relative namely Jehanzeb for service upon him on 09.11.2021. He was clearly directed vide Para No.05 of the Final Show Cause Notice to submit his reply within seven days of the receipt of the Notice, otherwise ex-parte action will be taken against him, however he did not bother to submit his reply nor appear for personal hearing even after lapse of 08 days which shows his dis-interest in Police service and has nothing to offer in his defence hence ex-parte action.

Therefore, I, Muhammad Shoaib Khan, PSP, District Police Officer, Swabi, in exercise of the powers vested in me under Khyber Pakhtunkhwa Police Rules 1977, hereby award Constable Waheed No.1156, Major Punishment of dismissal from service with immediate effect. He will not be entitle for payment of any salary for the period of his absence on the principle to work no pay

Certified to be true copy.

(MUHAMMAD SHOAIB KHAN) PSP
DISTRICT POLICE OFFICER, SWABI

O B No. 1117

Dated 16/11/2021.

OFFICE OF THE DISTRICT POLICE OFFICER, SWABI
No. 429-16/PA, dated Swabi, the 16/11/2021.

Copies to the:-

1. DSP Lahor with the directions to recover the government property i.e Arms ammunition, Bullet proof Jacket if any.
2. DSP H.Qrs Swabi.
3. Establishment Clerk.
4. Fauji Missal Clerk.
5. Pay Officer, Swabi
5. Official concerned.

Handwritten signatures and initials.

ATTESTED

District Police Officer, Swabi

Amn... 10/11
Amn...-C (1A)

ORDER.

This order will dispose-off the departmental appeal preferred by Ex-Constable Waheed No. 1156 of Swabi District against the order of District Police Officer, Swabi, whereby he was awarded major punishment of dismissal from service vide OB: No. 1117 dated 16.11.2021 by the District Police Officer, Swabi. The appellant was proceeded against departmentally on the allegations that he while posted at Police Lines, Swabi, absented himself from his lawful duty without any leave/permission of the competent authority with effect from 11.08.2021 to 23.08.2021 and from 06.10.2021 till date of his dismissal.

Proper departmental enquiry proceedings were initiated against him. He was issued Charge Sheet alongwith Statement of Allegations and Deputy Superintendent of Police, Headquarters, Swabi was nominated as Enquiry Officer. The Enquiry Officer after fulfilling codal formalities submitted his findings wherein he reported that the defaulter 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.

He was issued Final Show Cause Notice but despite lapse of specified time he did not bother either to submit the reply or assume the duty.

Therefore, after perusal of enquiry papers and recommendations of the enquiry Officers the delinquent Officer was awarded major punishment of dismissal from service by the District Police Officer, Swabi vide his office OB: No. 1117 dated 16.11.2021

Feeling aggrieved from the order of District Police Officer, Swabi, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in this office on 15.03.2022.

From the perusal of the enquiry file and service record of the appellant, it has been found that allegations leveled against the appellant have been proved beyond any shadow of doubt. As the appellant has bitterly failed to produce any cogent reason to justify his absence. Hence, the absence period i.e 53 days of the appellant clearly depicts the casual and lethargic attitude towards his official duties as the very conduct of appellant is unbecoming of a disciplined Police Officer. Hence, order passed by the competent authority does not warrant any interference.

Keeping in view the above, I, Yaseen Farooq, 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.

[Signature]
Regional Police Officer,
Mardan.


No. 2771 /ES, Dated Mardan the 05/04 /2022.

Copy forwarded to District Police Officer, Swabi for information and necessary action w/r to his office Memo: No. 03/Insp: Legal dated 14.01.2022. His Service Record is returned herewith.

(*****)

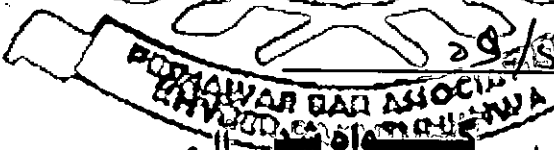
قیمت 50 روپے	123098	  
ایڈوکیٹ: <u>دکٹر احمد</u>		
بار کونسل / ایسوسی ایشن نمبر: <u>bc-09-2623</u>		پشاور بار ایسوسی ایشن، خیبر پختونخواہ
رابطہ نمبر: <u>03005908467</u>		

بعد ازاں جناب: محترم جج سید عبدالغفور

منجانب: <u>وحید احمد ایبلا</u>	دعویٰ: <u>Serviced Appeal</u>
	علت نمبر: <u>1</u>
	مورخہ: <u>1</u>
	جرم: <u>1</u>
	تھانہ: <u>1</u>
باعث تحریر آنکہ	

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب پوری کارروائی متعلقہ محکمہ کے آف مقام پشاور کے لیے محکمہ عدلیہ کے آف پشاور کو پیش کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و فیصلہ بر حلف دینے جو اب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری کی طرف یا اپیل کی برآمدگی اور استغنی، نیز دائر کرنے اپیل گرانٹی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار کو اپنی کارروائی کے ساتھ ہر ماہ اپنے ہجرت کے لئے رقم کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ بااختیارات حاصل ہوں گے اور ان کا سب سے پرانے منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانب اتوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم: دکٹر احمد ایبلا



مقام پشاور Accepted کے لیے منظور ہے۔

دکٹر احمد ایبلا
Advocate

Wahed

نوٹ: اس وکالت نامہ کی فوٹوکاپی ناقابل قبول ہوگی۔

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No. 667/2022.

Waheed Ahmad..... Appellant

VERSUS

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar

& Others..... Respondents.

INDEX

S#	Description of document	Annexure	Page
1	Parawise Comments		1-3
2	Copy of SCN	"A"	4
3	Copy of Charge sheet		
4	Summary of Allegation	"B & C"	5-6
5	Copy of Enquiry Report	"D"	7
6	Copy of Dismissal Order	"E"	8
7	Copy of Appellate Order	"F"	9
8			
9			
10			

Fateel

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

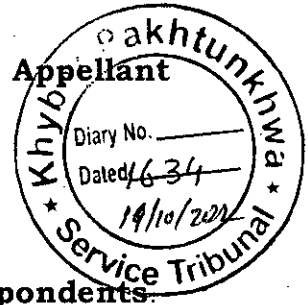
Service Appeal No. 667/2022.

Waheed Ahmad..... **Appellant**

VERSUS

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar

& Others..... **Respondents**



WRITTEN REPLY BY RESPONDENTS.

Respectfully Sheweth:

Preliminary Objections.

1. That the appellant has got no cause of action and locus standi to the instant appeal.
2. That the appeal is bad due to misjoinder and nonjoinder of necessary parties.
3. That the appeal is barred by law & limitation.
4. That the appellant has not come to this Tribunal with clean hands.
5. That the instant appeal is not maintainable in its present form.
6. That the appellant concealed the material facts from this Hon'ble Tribunal.
7. That the appellant has been estopped by his own conduct to file the appeal.

REPLY ON FACTS.

1. Para No. 01 of appeal pertains to service record, hence need no comments.
2. Para No. 02 of appeal is incorrect. Appellant while posted to Police Line Swabi willfully absented himself from duties with effect from 11.08.2021 to 23.08.2021 and 06.10.2021 to 16.11.2021 without permission/leave on account of which he was proceeded against departmentally (**Copy of Show Cause Notice, Charge Sheet/Summary of Allegations are attached as Annexure "A, B & C"**).
3. Para No. 03 of appeal is incorrect. Appellant during service could not applied for leave on such ground and absented willfully from duties.
4. Para No. 04 of appeal is incorrect. Appellant has not applied for any kind of leave and proceed on self sanctioned leave.
5. Para No. 05 of appeal pertains to appellant, however he is admitting willful absence from duty. Appellant being member of disciplinary instead of applying for leave proceeded on self sanctioned leave and thereby committed misconduct.
6. Para No. 06 of appeal is incorrect. Proper Show Cause Notice, Charge Sheet and Summary of Allegations were issued and proper departmental enquiry through DSP/HQrs was conducted. Appellant despite of service did not joined enquiry proceedings, which shows his disinterest in Police service, hence he was proceeded ex-party (**Copy of Enquiry report is attached as Annexure "D"**).
7. Para No. 07 of appeal is incorrect. Proper enquiry was conducted during which appellant was found guilty and awarded major punishment of dismissal from service (**Copy of dismissal order is attached as Annexure "E"**).


- 8. Para No. 08 of appeal to the extent of filing departmental appeal is correct, however the same was rejected by the appellate authority through speaking order dated 05.04.2022 **(Copy of order is attached as Annexure "F")**.
- 9. That the orders of respondents are quite legal and in accordance with law/rules, hence the present appeal is groundless and liable to be dismissed.

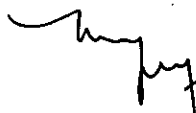
GROUND.

- A. Incorrect. The orders of respondents are quite legal in accordance with law/rules.
- B. Incorrect. Reply already given vide para above.
- C. Incorrect. Proper Charge Sheet and Summary of Allegations were issued and after proper departmental enquiry, appellant was dismissed from service in accordance with rules.
- D. Incorrect. Reply already given vide paras above.
- E. Incorrect. Appellant despite of service and information did not bother to join enquiry proceedings, but appellant being not interested in Police Service, failed to join enquiry proceedings.
- F. Incorrect. Reply already given vide paras above.
- G. Incorrect. Appellant being member of disciplinary force instead of applying for leave willfully absented himself from duty which he is admitting.
- H. Incorrect. During enquiry proceedings, appellant was found guilty therefore awarded major punishment of dismissal from service in accordance with rules.
- I. That dismissal from service is due to misconduct on the part of appellant.
- J. That the instant appeal is time barred.
- K. That respondents will also raised additional grounds at the time of arguments.

Prayer.

Keeping in view the above narrated facts, it is humbly prayed that the instant appeal being devoid of merits may very kindly be dismissed with costs, please.


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


Regional Police Officer, Mardan
(Respondent No. 2)


District Police Officer Swabi,
(Respondent No. 3)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No. 667/2022.

Waheed Ahmad..... Appellant


VERSUS

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar

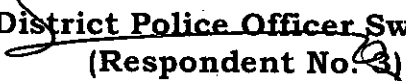
& Others..... Respondents.

AFFIDAVIT:-

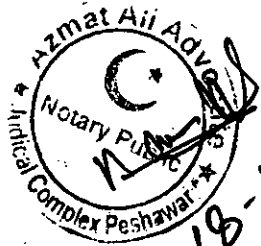
We the respondent No. 1 to 3 do hereby solemnly affirm and declare on oath that the contents of the written reply are correct/true to the best of our knowledge / belief and nothing has been concealed from the honorable Tribunal.


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


**Regional Police Officer, Mardan
(Respondent No. 2)**


**District Police Officer Swabi,
(Respondent No. 3)**

ATTESTED



18-10-2022

(4)

(A)

SHOW CAUSE NOTICE

I, Muhammad Shoaib Khan, District Police Officer, Swabi as competent authority under Police Disciplinary Rules 1975, hereby served upon you, **Constable Waheed No. 1156** as follow.

Whereas you Constable Waheed No.1156 while posted to Police Lines Swabi absented yourself from duty w.e. from 06.10.2021 till date without any leave/prior permission of the competent authority, which is against the discipline and amounts to gross mis-conduct.

You are hereby directed to show cause of your irresponsible acts towards performing your professional responsibilities within 07 days, as to whether you will not be punished as defined by Police rules.

In case of none submission of your reply within 07-days of its delivery in the normal course of circumstances, it shall be presumed that you have no defense to offer, and ex-parte action shall be taken against you.


MUHAMMAD SHOAB KHAN (PSP)
DISTRICT POLICE OFFICER,
SWABI



(5)

(8)

OFFICE OF THE
DISTRICT POLICE OFFICER SWABI
PHONE# 0938-920050 FAX# 0938-920054
EMAIL: dpo_swabi@yahoo.com

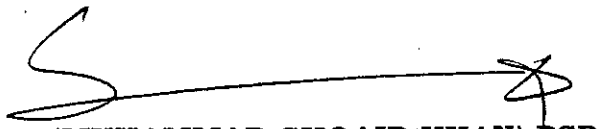
CHARGE SHEET UNDER KPK POLICE RULES-1975

Whereas I am satisfied that formal enquiry as contemplated by Khyber Pakhtunkhwa Police Rules 1975 is necessary and expedient.

And whereas I am of the view that the allegations if established would call for Major/Minor penalty as defined in Rules 4 (b) a & b of the aforesaid Rules.

Now therefore as required by Rules 6(1) of the aforesaid Rules I **Muhammad Shoaib Khan, PSP**, District Police Officer Swabi charge you **Constable Waheed No.1156**, on the basis of statement of allegations attached to this charge sheet.

In case your reply is not received within seven days without sufficient cause it will be presumed that you have no defence to offer and exparte action will be taken against you.


(MUHAMMAD SHOAIK KHAN) PSP
DISTRICT POLICE OFFICER, SWABI

(6)

(C)



OFFICE OF THE
DISTRICT POLICE OFFICER SWABI
PHONE# 0938-920050 FAX# 0938-920054
EMAIL: dpo_swabi@yahoo.com

DISCIPLINARY ACTION UNDER KPK POLICE RULES-1975

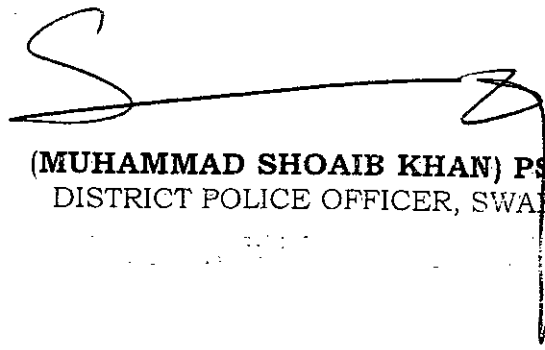
I, **Muhammad Shoaib Khan**, District Police Officer, Swabi as competent authority am of the opinion that **Constable Waheed No.1156**, has rendered himself liable to be proceeded against as he has committed the following acts/omission within the meaning of section 02 (iii) of KPK Police Rules-1975.

STATEMENT OF ALLEGATIONS

That Constable Waheed No.1156 while posted to Police Lines Swabi absented himself from duty w.e. from 11.08.2021 to 23.08.2021 and 06.10.2021 till date without any leave/prior permission of the competent authority. Therefore, he was issued with Show Cause Notice. He has been directed time and again to receive his Show Cause Notice but all these directions fell on deaf ears, hence summary of allegations.

This amounts to grave misconduct on his part, warranting departmental action against him.

For the purpose of scrutinizing the conduct of the said official Mr. Noor ul Amin DSP H.Qrs Swabi is hereby deputed to conduct proper departmental enquiry against the aforesaid official, as contained in section 6 (I) (a) of the afore mentioned rules, The enquiry officer after completing all proceedings shall submit his verdict to this office within (7) days, Constable Waheed No.1156, is directed to appear before the enquiry officer on the date, time and place fixed by the later (enquiry officer) a statement of charge sheets is attached herewith.


(MUHAMMAD SHOAIB KHAN) PSP
DISTRICT POLICE OFFICER, SWABI

No. 133 /CC/PA

Dated: 20/10 /2021



7

To: The District Police Officer,
Swabi.

No: 483 /HQrs: Swabi dated, 9/11/2021.

Subject:- DEPARTMENTAL ENQUIRY AGAINST CONSTABLE WAHEED NO.1156

(D)

Memo:

It is submitted that an enquiry against the above named constable was entrusted to the undersigned vide Endst: No. 133/CC/PA, dated 20.10.2021 the allegations are as under: -

SUMMARY OF ALLEGATIONS: -

It is alleged that Constable Waheed No.1156, while posted to Police Lines Swabi, absented himself from duty with effect from 11.08.2021 to 23.08.2021 and 06.10.2021 till date without any leave/prior permission of the competent authority. Therefore, he was issued with Show Cause Notice. He has been directed time and again to receive his Show Cause Notice, but all these directions fell on deaf ears, hence summary of allegations.

This amounts to grave misconduct on his part, warranting departmental action against him.

PROCEEDINGS: -

The undersigned summoned the delinquent officer for recording of his statement vide this office letter No.457HQrs, dated 21.10.2021 but he did not appear. He was summoned once more vide this office letter No.467/H.Qrs dated 28.10.2021; however, he failed to appear. The undersigned perused all the relevant documents and his absence DD reports. He was contacted through his cell numbers 0300-5195556, 0313-8790636, and was informed to attend the office of undersigned for recording his statement in the subject departmental enquiry. Muharrar Police Lines Swabi was contacted through official telephone for ascertaining the position of the delinquent officer; he responded that Constable Waheed is absent since 12.10.2021. Afterwards, he was issued warning under KP Police rules 1975 (section 5.6) vide this office correspondence 477/HQrs dated 02.11.2021 through DSP, Lahor on his home address, to appear before the undersigned, for recording his statement but he failed to comply, and did not show up. Therefore, upon the expiry of stipulated period of warning notice, ex-parte action was initiated against him.

FINDINGS: -

In view of the aforementioned proceedings the instant enquiry is hereby closed with the undersigned reckoning that either the delinquent official has no regards for departmental proceedings or he has nothing to present in his support before the enquiry officer.

RECOMMENDATIONS:

He is therefore, recommended for **Ex-Parte proceedings**, if agreed, please.

Enclosed (24Pages)

(NOOR-UL-AMIN KHAN)
Deputy Superintendent of Police.

H. Q. Swabi.

(8)

(E)

(1156)

ORDER

This Order will dispose of the departmental enquiry against **Constable Waheed No.1156**, who while posted to Police Lines Swabi, willfully absented himself from duty w.e.f 11.08.2021 to 23.08.2021 and 06.10.2021 till date without any leave or prior permission of the authority. He was issued with charge sheet alongwith summary of allegations and Mr. Noor ul Amin DSP H.Qrs Swabi was appointed as Enquiry Officer. The enquiry officer conducted proper departmental enquiry, recorded statements of all concerned, collected evidence and submitted his findings, wherein the enquiry officer recommended the defaulter Constable Waheed No.1156 for ex-parte proceedings for the mis-conduct.

The undersigned has gone through the enquiry papers and findings of the enquiry officer and by agreeing with the recommendations of the enquiry officer issued Final Show Cause Notice to defaulter. The Final Show Cause Notice were sent to SHO PS Lahor for service upon him; consequently Final Show Cause Notice was handed over to his relative namely Jehanzeb for service upon him on 09.11.2021. He was clearly directed vide Para No.05 of the Final Show Cause Notice to submit his reply within seven days of the receipt of the Notice, otherwise ex-parte action will be taken against him, however, he did not bother to submit his reply nor appear for personal hearing even after lapse of 08 days which shows his dis-interest in Police service and has nothing to offer in his defence hence ex-parte action.

Therefore, I, **Muhammad Shoaib Khan, PSP**, District Police Officer, Swabi, in exercise of the powers vested in me under Khyber Pakhtunkhwa Police Rules 1975, hereby award **Constable Waheed No.1156**, Major Punishment of dismissal from service with immediate effect. He will not be entitle for payment of any salary for the period of his absence on the principle no work no pay.

(MUHAMMAD SHOAIK KHAN) PSP
DISTRICT POLICE OFFICER, SWABI

O.B No. 1117

Dated 16/11 /2021.

OFFICE OF THE DISTRICT POLICE OFFICER, SWABI.

No. 4709-16 /PA, dated Swabi, the 16/11 /2021.

Copies to the: -

1. DSP Lahor with the directions to recover the government property i.e Arms ammunition, Bullet proof Jacket if any.
2. DSP H.Qrs Swabi.
3. Establishment Clerk.
4. Fauji Missal Clerk.
5. Pay Officer, Swabi
6. Official concerned.

Handwritten signatures and checkmarks at the bottom of the page, including names like "ولیدی" and "میرزا" with checkmarks next to them.

(F)

ORDER.

This order will dispose-off the departmental appeal preferred by Ex-Constable Waheed No. 1156 of Swabi District against the order of District Police Officer, Swabi, whereby he was awarded major punishment of dismissal from service vide OB: No. 1117 dated 16.11.2021 by the District Police Officer, Swabi. The appellant was proceeded against departmentally on the allegations that he while posted at Police Lines, Swabi, absented himself from his lawful duty without any leave/permission of the competent authority with effect from 11.08.2021 to 23.08.2021 and from 06.10.2021 till date of his dismissal.

Proper departmental enquiry proceedings were initiated against him. He was issued Charge Sheet alongwith Statement of Allegations and Deputy Superintendent of Police, Headquarters, Swabi was nominated as Enquiry Officer. The Enquiry Officer after fulfilling codal formalities submitted his findings wherein he reported that the defaulter 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.

He was issued Final Show Cause Notice but despite lapse of specified time he did not bother either to submit the reply or assume the duty.

Therefore, after perusal of enquiry papers and recommendations of the enquiry Officers the delinquent Officer was awarded major punishment of dismissal from service by the District Police Officer, Swabi vide his office OB: No. 1117 dated 16.11.2021

Feeling aggrieved from the order of District Police Officer, Swabi, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in this office on 15.03.2022.

From the perusal of the enquiry file and service record of the appellant, it has been found that allegations leveled against the appellant have been proved beyond any shadow of doubt. As the appellant has bitterly failed to produce any cogent reason to justify his absence. Hence, the absence period i.e 53 days of the appellant clearly depicts the casual and lethargic attitude towards his official duties as the very conduct of appellant is unbecoming of a disciplined Police Officer. Hence, order passed by the competent authority does not warrant any interference.

Keeping in view the above, I, Yasceen Farooq, 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.

3100
OB 363
09/04/22 11.4.2022

Regional Police Officer,
Mardan.

Dated Mardan the 05/04/2022.

20/04/22
7/4/22
No. 2771 IES.

Copy forwarded to District Police Officer, Swabi for information and necessary action w/r to his office. Memo: No. 03/Insp: Legal dated 14.01.2022. His Service Record is returned herewith.
