

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No. 622 /2023

Ghulam Wajid Constable No.112 R/O Khali Kalay Tehsil Totalai Khudokhel P/O Ghurghushto District Buner

.....Petitioners

Versus

1. Regional Police Officer/DIG Malakand Division at Saidu Sharif Swat
2. District Police Officer Buner

.....Respondents

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(ZAHIR SHAH)

SI Legal Buner

(Representative of Police Deptt:)

No. 19 /Enquiry,

Dated 29/06 2022

CHARGE SHEET

I, **Abdur Rashid Khan (PSP)**, District Police Officer, Buner as competent authority, under Khyber Pakhtunkhwa Police Disciplinary Rules-1975, hereby charge you **FC Ghulam Wajid** while posted to **Police Lines Daggar** as follow:-

- ✓ That you were appointed as constable on 26.07.2007.
- ✓ That you were remained absent from your lawful duty without any authorization.
- ✓ That you were dismissed from service vide OB # 39 dated 09.04.2011 as an outcome of departmental proceedings initiated against you.
- ✓ That you have been reinstated in service as court of service tribunal vide OB 97 dated 27/6/2022 for the purpose of De-novo enquiry.

1. By reasons of the above, you appear to be guilty of misconduct and have rendered yourself liable to all or any of the penalties specified in Rule-4 of the Disciplinary Police Rules, 1975.
2. You are; therefore, require to submit your written reply within **07 days** of the receipt of this Charge Sheet to the Enquiry Officer under Rules-6 Sub Rules (i) (b) of Police Disciplinary Rules 1975.
3. Your written reply, 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.
4. Intimate as to whether you desire to be heard in person or not?
5. A statement of allegations is enclosed

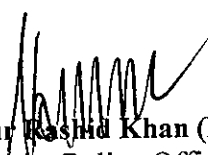

Abdur Rashid Khan (PSP)
District Police Officer,
Buner

DISCIPLINARY ACTION

I, **Abdur Rashid Khan** (PSP) District Police Officer, Buner as competent authority under Khyber Pakhtunkhwa Police Disciplinary Rules-1975, is of the opinion that **FC Ghulam Wajid** while posted to **Police Lines** have rendered himself liable to be proceeded against departmentally and committed the following acts/omission as defined in Rule-2 (iii) of Police Disciplinary Rules 1975.

STATEMENT OF ALLEGATIONS

- ✓ That you were appointed as constable on 26.07.2007.
 - ✓ That you were remained absent from your lawful duty without any authorization.
 - ✓ That you were dismissed from service vide OB # 39 dated 09.04.2016 as an outcome of departmental proceedings initiated against you.
 - ✓ That you have been reinstated in service as court of service tribunal vide OB 97 dated 27/6/2022 for the purpose of De-novo enquiry.
1. For the purpose of scrutinizing the conduct of said officer with reference to the above allegations **Mr. Riaz Khan DSP Daggar** is appointed as Enquiry Officer under Rules 5 (4) of Police Disciplinary Rules 1975.
 2. The Enquiry Officer shall conduct proceedings in accordance with provision of Police Disciplinary Rules 1975 and shall provide reasonable opportunity of defense and hearing to the accused officer, record its findings and make within ten (10) days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused officer under Rules 6 (v) of Police Disciplinary Rules 1975.
 3. The accused officer shall join the proceeding on the date, time and place fixed by the Enquiry Officer.


Abdur Rashid Khan (PSP)
District Police Officer,
Buner

OFFICE OF THE DISTRICT POLICE OFFICER, BUNER

No. 2291-92 /Enquiry, Dated Daggar the 29/06/2022
Copy of above is sent to:

- ✓ The Enquiry Officer for necessary action.
- ✓ Concerned defaulter through Lines Officer Police Lines Daggar.

عمر حامری

نقلے در 89 روزا پیر 9/11

پو کیے لائنے دستر

هد 39 گنی ملاز میںے / ریفوے عمر حامری میںا وقت 18.00
صدف 9/11 اسے وقتے گنی ملاز میںے کینیے جسیر
کشیے علام واد 121 عوم صر جود پاک و جب کلا فیه
ریفوے عمر حامری هد 7 روزا پیر کینیے

فایے عالی

7

نقلے ازامل

0

Muhammad Deppan

8-7-11

Handwritten signature

Handwritten signature

Handwritten signature

حاضری

8

عد 54 دوڑنا چھ 24/5

پولیس لائن ڈسٹر

عد 54 حاضری میا قے 6:06.30 سے 24/5

علامہ واجہ 191 غیر حاضری سے والی عد 9/9 سے حاضری

آیا۔ بیانیہ ایجنٹ میا والی صاحب صوم علامہ خان ایچ ایس اور سیکل
آف پیو جیلا گیا ہے۔ گورنر ڈسٹرکٹ ڈاری میں میٹلا پورٹر
غیر حاضری ہوا۔ حاضری آرا پور حاضری کیجاوہ اور مختار
میں خود قورہ کی حاضری عدہ روزنامہ پورٹر نقل عد 24/5
بالا سے عد سے ضرر مل پورٹر

صبا عالی

نقل از اصل ہے

8
Muzaffar

6.7.11

حاضری

45 نوم

Attested

recd

11
DOP/HQ
15.7.11

9

23

SHOW CAUSE NOTICE

WHEREAS, in the light of the facts I am satisfied as contemplated by removal from Service (Special Powers) Ordinance 2000, is necessary and therefore, I am in the opinion that the allegations /misconduct call for any one or more punishment as defined in the aforesaid rules.

I, Danishwar Bhan District Police Officer Buner, under Removal from Service (Special Powers) Ordinance 2000, on the following grounds of action, being authority, call upon you P. P. Chaudhary to show cause within 07 days of the receipt of this notice as to why the proposed punishment should not be awarded to and also to state at the same time, whereas you desire to be heard in person.

GROUND OF ACTION

How const. Chaudhary worked at while Postal Police Lines Duggar, when to be removed from service write to District Police Officer Buner on 04.09.2011. C.I. Report No. 38, dt. 9.09.2011.

All these are negligence and in disciplinary act on your part which is gross, miss conduct

And in case your reply is not received within the stipulated period, it shall be presumed that you have nothing to say in your defence and ex-parte decision shall be taken.

DISTRICT POLICE OFFICER,
BUNER

NO. 273 REC.
Date 9-5-2011.

Handwritten notes and signatures at bottom left

Handwritten notes and signatures at bottom right

کریسٹین ڈگر

(9)

کٹنگ 35 روزانہ 27/5/11

35 گنتی گلز میں صبح وقت 18:00 بجے شروع 27/5 اس وقت

گنتی گلز میں کٹی گنتی میں غلام واحد 191 عمر موجود
ناہ گیا جسے ظراف رھوڑٹ عزیز صافی درج روز ناٹ کٹی
ضایاتی

لنڈن بھائی ایل

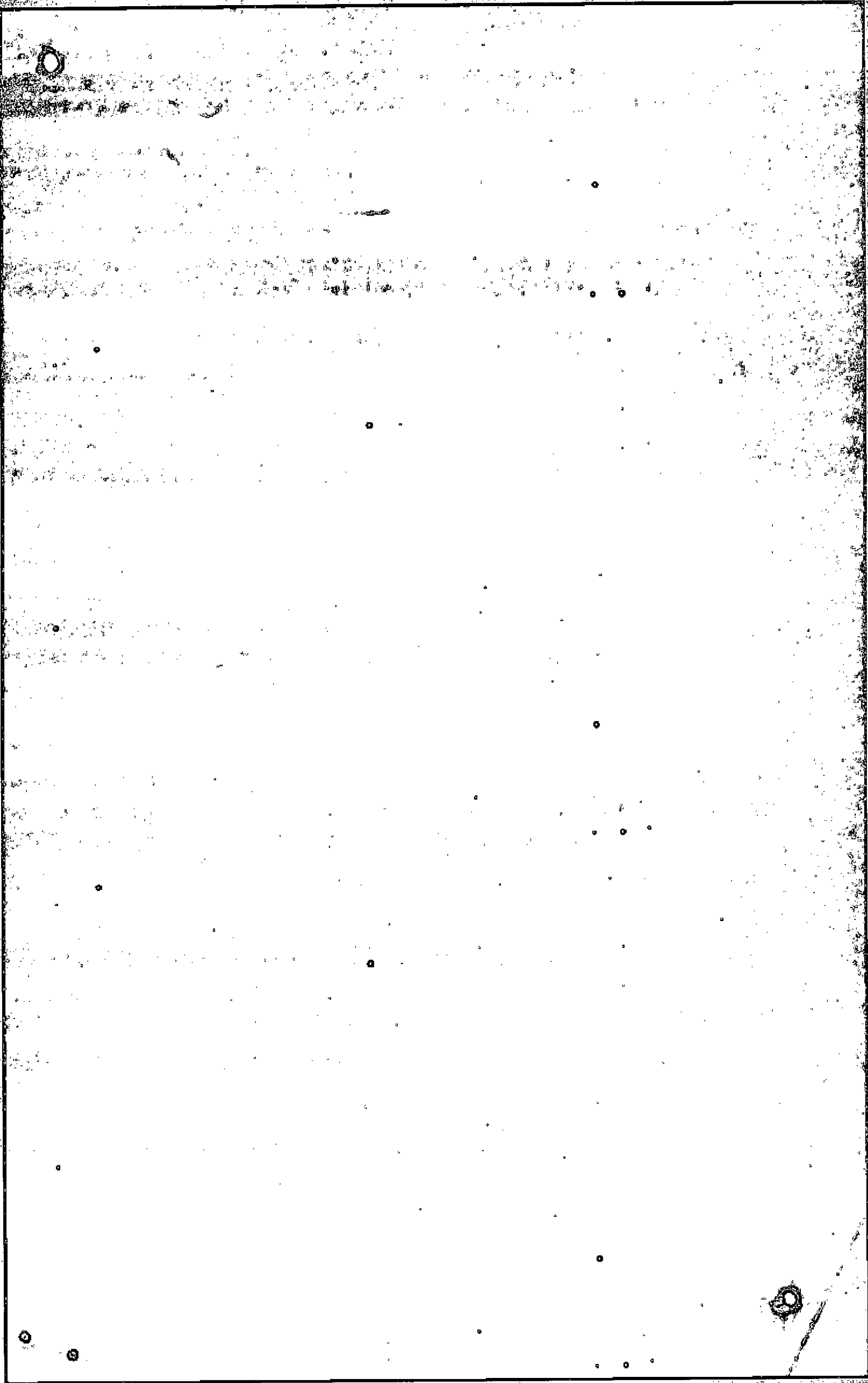
Standard
MM/PL / Daggoy Buner

4/7/2011

Attested
SDP / Daggoy

Sir

Romandeep
Dhan
Co / Buner



CHARGE SHEET

13

I DANISHWAR KHAN District Police Officer, Buner authority do hereby charge you PC-Ghulam waheed competent at Police Lines Datta as follows:- posted

2. That you while posted at _____ committed the following omission / commission amounting to grave misconduct:-
You as STI Ghulam waheed No. 191, while posted at Police Lines Datta, submitted a bogus self framed Lawful detentions with D.D. Report No. 39 dt. 9.04.2010 and D.D. Report No. 54 dt. 24.05.2011 (Total 2 reports) without any leave or prior permission and also as per report still more prior to take you alone of the case in 38000 show cause notice under section 107 of Cr.P.C. dt. 27.5.11 and show cause notice No. 33 dt. 11.6.11

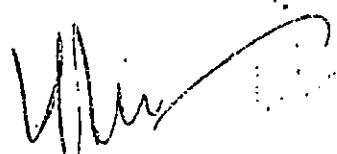
3. By reasons of the above you appear to be guilty of mis-conduct under section - 3 of the N.W.F.P, PESHAWAR (Removal from Service) Special Powers Ordinance 2000 and have rendered yourself liable to all or any of the penalties specified in section - 3 of the Ordinance ibid.

4. You are, therefore, required to submit your written defense within seven days of the receipt of this charge sheet to the enquiry officer / committee, as the case may be.

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

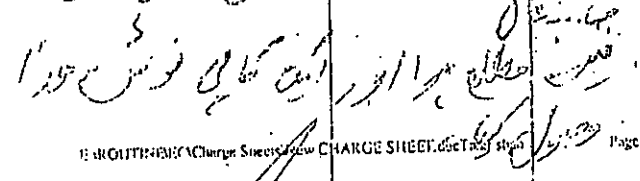
6. Intimate whether you desire to be heard in person or otherwise.

7. A statement of allegations is enclosed.


DISTRICT POLICE OFFICER,
BUNER.

No. 348 /E.
Dated 28/06 /2010.

Const. Ghulam waheed No. 191
S/o Mulla Mulla Ghulam
R/o Khiali Kalay P.S. Totuber.
Armed 348 P.S. Totuber.



DISCIPLINARY ACTION

(3)

DANISHWAR KHAN District Police Officer, Buner as Competent Authority, am of the opinion that F.C. Ghulam Wajid No. 181 has rendered him self liable to be proceeded against as he has committed the following acts/ omission with the meaning of section 3 of the North West Frontier Province Removal from Service (Special Powers) Ordinance 2000:-

14

STATEMENT OF ALLEGATION

You const. Ghulam Wajid No. 181 while posted Police Lines Duggar, absent from duty self from this last full month of D.D. Report No. 38 dt. 08-05-2011 and D.D. Report No. 54 dt. 24-05-2011. Total absence 70 days with out leave or prior permission and remained absent upto date. This you have already been issued show cause notice and final show cause notice No. 273/PC, dt. 9-5-2011. No. 336/PC

42 dt
2-7-2011
dt. 14-6-011
2

For the purpose of scrutinizing the conduct of the said accused officer with reference to the above allegations, an Enquiry Officer / Enquiry Committee consisting of the following as constituted under section-5 of the Ordinance:-

- 1 MR. Mehmood Khan D.S.P/Hqs: Buner
- 2 Inspr: Basu Raja Khan C.O-Duggar/Pir Baba

3

The Enquiry Officer / Enquiry Committee shall, in accordance with the provisions of the Ordinance, provide reasonable opportunity of hearing to the accused, record its finding and made with twenty five days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.

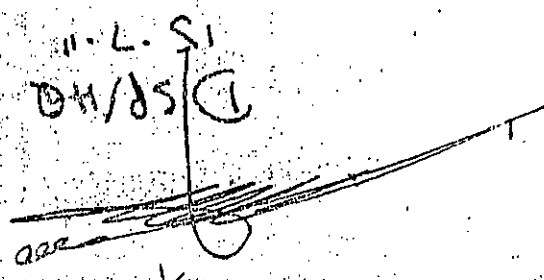
The accused officer and a well conversant representative of the Department shall join the proceedings on the date, time and place fixed by the Enquiry Office / Enquiry Committee.

DISTRICT POLICE OFFICER,
BUNER.

NO. 349-50 / E,
Dated 28/06 /2010.

- Copy of above is forwarded to :-
- 1 D.S.P. Hqs: Buner
 - 2 C.O. Duggar (Pir Baba)

DISTRICT POLICE OFFICER,
BUNER.



Attested.

Handwritten notes including '15/7/11' and 'D/SR/HQ' written in a circular pattern.

Handwritten notes including '5.7.2011' and 'D/SR/HQ' written in a circular pattern, with some scribbles.

Handwritten text '15/7/11' enclosed in an oval.

Handwritten notes including '15/7/11' and 'D/SR/HQ' written in a circular pattern.

Large block of handwritten notes and scribbles, including the date '15/7/11' and 'D/SR/HQ' written in a circular pattern.

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Handwritten number '13' enclosed in a circle.

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ORTHOPAEDIC SURGERY CLINIC

SENIOR ORTHOPAEDIC SURGEON

Dr. Dilraj Ahmad Khan



CLINIC: M.B.B.S.M.S (Orthopaedic Surgery)

Orthopaedic Surgery Clinic
Khyber Medical Center Daggar Buner
Ph Clinic: 0939-512466

ماہر امراض ہڈی، جوز، ہاتھ

راج احمد خان

ایم ایم ایس آرٹھوپڈیک سرجری

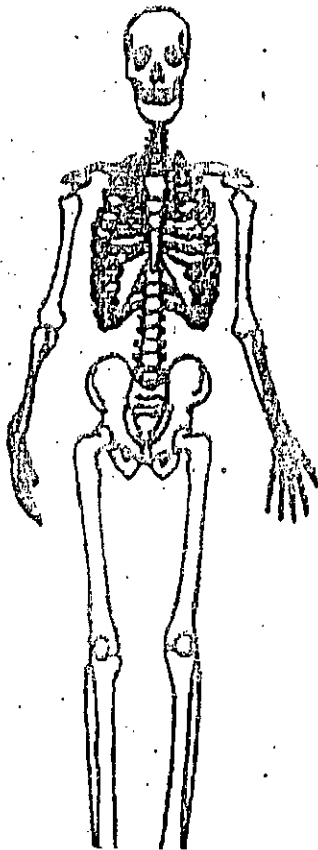
0939-512466

Name Ghulam Waqar Age 25y Sex M Date 04/0

Clinical Record

16

Rx To whom it may concern
Coriolanus. M.V.
waged 5 to 10 M.V. G.L.



Defence force 5000
He was well
ment in our hosp
The patient
reg. for 3 mo

ORTHOPAEDIC SURGEON
Dr. Dilraj Ahmad
B.Sc; M.D.M.S. (UK)
F.S.M.S. (UK)

04/0

Attested.

[Handwritten signature]
I.O/HQ

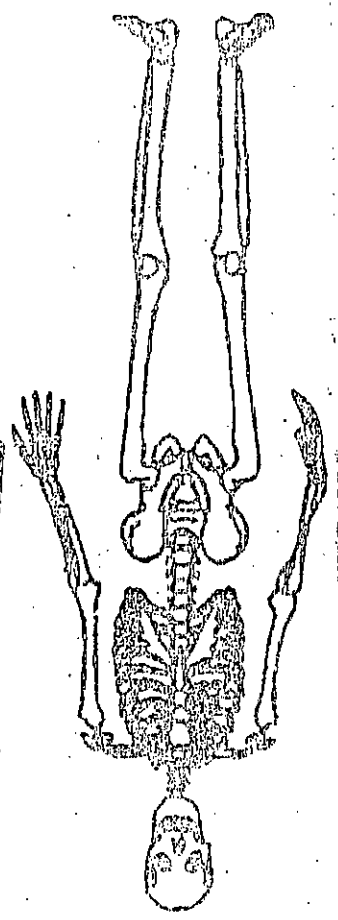
ORTHOPAEDIC SURGERY CLINIC

DR. DILRAY AHMAD KHAN
 M.B.D.S.M.S (Orthopaedic Surgery)
 Orthopaedic Surgery Clinic
 Khyber Medical Center Daggar Buner
 Ph Clinic: 0939-512466

Name: Ghurkhan usyara 25y
 Age: 25y
 Sex: ♂
 Date: 04/10/11

Clinical Record

17



QR to examine if any concerns
 Center for MS & Spinal
 surgery to MS & Spinal
 Center for MS & Spinal
 surgery to MS & Spinal

Back - from 3 to 4
 on the way back from
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 on the way back from

ORTHOPAEDIC SURGEON
 Dr. Dilray Ahmad Khan
 B.S., M.D., M.S. (UKRAINE)
 F.O.R.T. F.R.C.S. (UKRAINE)
 04/10/11

بونا سیتھ لے ڈیج

اکراہی پتھ لے ڈیج

KHYBER MEDICAL CENTER DAGGAR BUNER

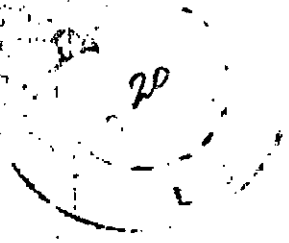
بیان کنیشن غلام واحد بم ۱۹۱۱ مئی ۱۹۱۱ لولیا ڈگر ۱۹

بدریافت بیان کیا کہ میں لولیا لولیا ڈگر میں لولیا ہوں۔
۴۔ ۶ کو روٹین کے بچت پر گوٹو رولا گیا۔ چونکہ میں پہلے
بیمار تھا۔ اور بائیں پاؤں میں درد کی شکایت تھی۔ اسی روز
پاؤں میں شدید درد شروع ہوئی۔ فوراً ۴۔ ۶ کو میں لولیا
علاج فصالحی ڈاکٹر ولراج احمد خان اور ٹھوسٹرک سر جن کے
ملینک آیا۔ ڈاکٹر صاحبان نے بعد معائنہ و دوائیاں تجویز کی اور ساڑھ
۲۰ تین ماہ میں مکمل ہوم دسٹ کی عیادت کی۔
چونکہ میرا والد صاحب شہر غلام زد آپر کورس کیلئے ۲۲ ہنگو
جا چکا تھا۔ میں تو میں آسلا تھا اور صلح ہونے کا قابل نہیں
تھا۔ میں بہتر اور چھوڑی غیر حاضر ہو گیا ہوں۔ آئندہ صحت
بہتر ہے۔ التجا کرتا ہوں کہ میں مکمل ہو کر صحت یابان میں شمار
کیا جائے۔ میں نے یہاں بیان کیا ہے۔ چو کہ درستی ہے

غلام واحد بم ۱۹۱۱ لولیا ڈگر
6. 7. 11

Attested
null
5/11/1911

Attested
DSP/HQ
6. 7. 11



صنایع

اس سیکل (غلام واحد ۱۹۱) کے تھکن انکو ایگریما ہو کر ایک دفعہ ۲۴۵ دن
پہلے دفعہ ۳۸ دن لیس سیکل (83) دن عیڑا لہو ہو چکا ہے۔ کچھ اس نے سیکل
سے تفکیک ۹۰ دن پیش کیا ہے۔ جو لفظ ہے۔

میں نے سیکل کو طلب کر کے سیریسہ تو وہ گویاں ہے۔ کہ وہ سیریزہ الیسا نہیں
کہ لگتا۔ اور شوق سے خوشی کر لگتا۔ عام تاثر یہ ہے۔ کہ یہ ایک غیر مافریاش
میں ہے۔ اور سبہ الیسا غلام جو رصیل الیسا کو اس کے لئے چھوڑ گیا
ہے۔ اس لئے لیس لیس دیانی کی ہے۔ کہ اسکا بیٹا سیریزہ الیسا نہیں کہ لگتا
میں سفارشی کر باہوں۔ کہ اس سیکل کی ریام عیڑا لہو مایلا سیریزہ کرنے
اور ایک دفعہ دینے کی سفارشی کیجات ہے۔

Attested

DSP. HQ. 15.7.2011

SDPO-Daggal

21

ORDER

Constable Ghulam Wajid No. 191 was absented from his law without leave/prior permission vide OB No. 39, dated 09.04.2011, and DD Report dated 27.5.2011 (Total absence 83 days).

In this connection a proper departmental enquiry conducted committee consisting of Mr. Muhammad Jan Khan D.P. HQs and Inspector Bakht Khan Circle Officer Investigation Daggar/Pir Baba vide this office No. 349-50/E dated 28.6.2011.

The committee submitted finding with the conclusion that father of constable Muhammad Ghulam proceeded to PTC Hangu for Upper College Course as there is no male member for job after his family and recommended the default constable Ghulam Wajid No. 191 for re-instate in service and the period of out of service 83 days counted as leave without pay.

Therefore, I Jan shwar Khan DPO Buner competent authority do not agree with the recommendation of the committee because the defaulter concerned habitual of absentee, unwilling worker and did not take interest in his official duty and is a burden on police department. Therefore, Constable Ghulam Wajid No. 191 is not awarded major punishment from dismissing from service from the date of his absence 09.04.2011.

Order announced.

OB No.

134

Dated:

20/7/2011


DISTRICT POLICE OFFICER,
BUNER

نوٹس نامہ کنسٹبل عسکریہ کا صدر نمبر 191 کے تحت

22

لکھا جا رہا ہے۔ تم دوبارہ فکاہ پولیس میں کثرت کنسٹبل کے ذریعہ
پس م 207 حرقہ 11/10 کے کال پر چکا ہے۔ تم کو بار بار ہزاروں
لوکل پولیس فکاہ کو طلالا اط مددع حاضری دلا گئی۔ لیکن تم نے کما
پولیس لائن میں اپنی حاضری کا رپورٹ نہیں کیا۔ تم کو بڑے نوٹس
اط مددع دیا جاتا ہے۔ تم اپنا وفاقہ بیان ہمراہ لا کر ہر روز
آرڈر روم میں پیش کرنا۔ عدم پیشی کے صورت میں تمہاری حاضری
فکاہ کا رپورٹ کیا جائے گی۔

ڈسٹرکٹ پولیس آفسر
2/12/2011

No 5937/0ASI Date 03/12/2011

Attested

[Signature]

SPIC-2011

Dismissed
from Service
with Immediate
effect.

[Signature]
13/12/07
19/12/07

ORDER:

23 This order will dispose off the appeal of Ex-Constable Ghulam Wajid No. 191 of Buner district for reinstatement in service.

Brief facts are that the above named Ex- Constable absented from his lawful duty with effect from 07/04/2011, without leave or prior permission vide DD Report No. 39, dated 09/04/2011 and DD Report No. 35 dated 27/05/2011 Police Lines-Daggar. Consequently he was proceeded against departmentally. The Enquiry Committee consisting of Muhammad Jan Khan DSP/ Hqrs. and Inspector Bakhti Raj Khan Circle Officer Investigation Daggar/ Pir Baba, submitted its finding with the conclusion that father of the above named Constable proceeded to PTC Hangu for Upper College Course and there is no male member to look after his family and recommended the defaulter Constable Ghulam Wajid No. 191 for re-instatement in service and the period out of service 83 days to be counted as leave without pay. But the District Police Officer Buner did not agree with the recommendation of the Enquiry Committee and awarded him major punishment of dismissal from service vide OB No. 134 dated 20/07/2011.

He was called in orderly room on 04/11/2011, heard in person and his service record perused. The record shows that the Enquiry Committed has recommended the defaulter Constable for reinstatement in service. Being a Police son, I taking a lenient view, the order of his punishment of dismissal from service is hereby set aside. However he is awarded minor punishment of stoppage of two increments with cumulative effect. The period of absence and he spent out of service is counted as leave without pay. This is a last chance for the appellant to be careful in future.

Order announced.

(AKHTAR HAYAT KHAN)
Deputy Inspector General of Police,
Malakand Region, Saidu Sharif, Swat.
Naqi

No. 6498 /E,
Dated 5/11 /2011.

Copy to District Police Officer, Buner for information with reference to his office Memo: No. 4370/E, dated 18/08/2011. Service roll and departmental enquiry file are returned herewith for record in your office, which may be acknowledged

*Sub S. R. Khan
Dismissal*

*O.B. No. 207
DT: 05-11-2011*

EC

*Mr. DPO/Buner
16/11/2011*



25

ORDER

191

Constable Ghulam Wajid No. 121 was dismissed from service vide this office OB No. 134 dated 20-07-2011; for on he submitted mercy-petition against the above order and re-instated in service with award of minor punishment of stoppage of two increments with cumulative effect and also given best chance to the defaulter constable to be careful in future, vide Deputy Inspector General Police, Malakand Region Swat, of No. 6498/E, dated 05-02-2011. In compliance of the order he was informed to join in his service vide DD report No. 29 dated 01-12-2011 Police Lines Daggar through Police, Police Station Totalai on his home address as well as his father SI Mohammad Chishti. Last notice dated 02-12-2011 was issued for joining the duties and was also called in on 12-12-2011 but failed, and remained absent upto 12-12-2011. His habitual absence of malingering type official, did not take interest for re-joining his duty. He was also previously dismissed from service vide this office OB No. 90 dated 28-08-2008 on account of his absence from his services not required to Police Department. Therefore, due to his habitual absence he is hereby dismissed from service on account of his absence with effect from the date of re-instatement in service i.e 05-11-2011.

CB No. 228
 Dated 14/12/2011

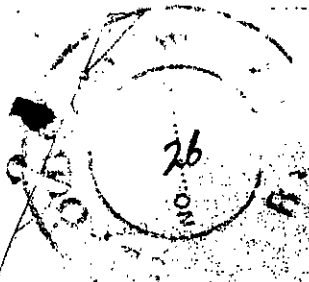
No. 6085 /E, Dated 15-12-011

Copy of the above is submitted to Deputy Inspector General of Police Malakand Region Swat, for favour of information please.

(DANISHWAN KHAN)
 DISTRICT POLICE OFFICE
 BUNIA

DISTRICT POLICE OFFICE
 BUNIA

[Handwritten signature]



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1-4-013

(6)

The Regional Police Officer,
Malakand, at Saidu Sharif, Swat.

The District Police Officer, Buner.

Annexure "B"

No. 1746/E, dated Saidu Sharif, the 1-4-2013.

Subject: APPLICATION FOR REINSTATEMENT IN SERVICE

Memorandum

Reference your office Memo. No. 1250/EC, dated 14/03/2013.

Application of Ex-Constable Ghulam Wajid No. 191 of your District for reinstatement in service has been examined and filed by the worthy Regional Police Officer being time barred.

The applicant may be informed accordingly.

[Signature]
Office Supdt:
For: Regional Police Officer,
Malakand, at Saidu Sharif Swat
[Signature] "Nazi"

From
DP Buner
1/4/2013

ATTESTED
To be true copy

[Signature]
Aurangzeb Khan

Advocate High Court
& Federal Shariat Court of Pakistan,
25-C, Orakzai Plaza, University Town, Peshawar.