

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR.

SERVICE APPEL NO 1458/2023.

Azmat Ullah Shah, Ex-FC, No.475, Police Station Judbah, Torghar.

.....Appellant

**VERSUS**

- 1) The Provincial Police Officer, KPK, Peshawar.
- 2) The Regional Police Officer, Hazara Division, Abbottabad.
- 3) The District Police Officer, Torghar.

..... Respondents

**INDEX**

S #	Description of Documents	of Annexure	Page #
1	Comments / Reply		01-03
2	Affidavit		-04
3	Annexure		05-26

*1 copy submitted  
to AG staff.*

  
**Deponent**

42

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**PESHAWAR.**

**SERVICE APPEL NO 1458/2023.**

Azmat Ullah Shah, Ex-FC, No.475, Police Station Judbah, Torghar.

.....**Appellant**

.....  
Diary No. 8332  
Dated 16-10-23

**VERSUS**

- 1) The Provincial Police Officer, KPK, Peshawar.
- 2) The Regional Police Officer, Hazara Division, Abbottabad.
- 3) The District Police Officer, Torghar.

.....**Respondents**

**Parawise/Comments On Behalf of 01 to 03 that the respondents submits as under.**

**RESPECTFULLY SHEWETH:-**

**PRELIMINARY OBJECTION:-**

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

**FACTS:-**

- 1. Pertains to record.
- 2. That the appellant was habitual absentee and did not take interest in the discharge of official duties. He absented himself form duty without any leave or permission on the following occasions:-

<u>From</u>	<u>To</u>	<u>Total Days</u>
24/10/2021	14/11/2021	<u>21 Days</u>
01/12/2021	29/12/2021	<u>28 Days</u>
05/03/2022	08/03/2022	<u>03 Days</u>
30/05/2022	20/07/2022	<u>50 Days</u>
27/08/2022	01/09/2022	<u>05 Days</u>
10/09/2022	12/09/2022	<u>02 Days</u>
<b>Total absent Period</b>		<b><u>109 Days</u></b>

3. That the appellant was properly proceeded against departmentally and enquiry officer after giving him full opportunity of defense recommended him for punishment. **(Copies of enquiry file and finding are enclosed as annexure A)**
4. That several enquiries were conducted against him on account of absence from duties but he did not mend his ways and remained absent from duty.
5. That the final show cause notice was issued to him which replied accordingly but failed to convince the competent authority.
6. That appellant was heard in person but he failed to defend himself. Hence, dismissed from service vide OB No.250 dated 06/12/2022. He filed departmental appeal which was rejected by the appellat authority vide order dated 27/03/2023.
7. That the instant appeal is badly time barred. Hence, liable to be rejected. His appeal is also not maintainable on the following grounds:-

#### GROUNDS

- A. Incorrect. The Impugned orders are correct and according to law.
- B. That all the proceedings were conducted against him according to service laws and he was treated according to law and no discrimination was done to him.

- C. Incorrect. The appellant was habitual absentee and he was proceeded against several times but he failed to perform his duties and remained absent from official duties.
- D. Incorrect. As replied above.
- E. Incorrect. The penalty of dismissal from service fully commensurate with the allegations.
- F. Incorrect. As replied above.
- G. Incorrect. He was properly heard and full opportunity to defend himself was given to him.
- H. That the instant appeal is not maintainable hence he is not entitled for any opportunity.

**PRAYER:**

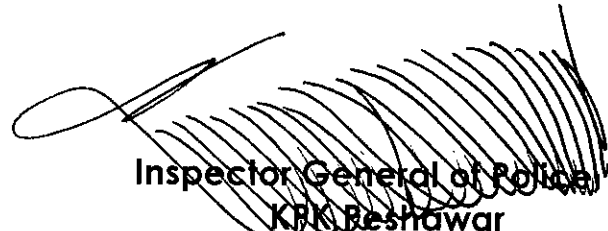
In view of the above mentioned facts, the appeal in hand may kindly be dismissed being devoid of any legal force.



District Police Officer  
Torghar  
(Respondent No. 03)



Regional Police Officer  
Hazara Region Abbottabad  
(Respondent No. 02)



Inspector General of Police  
KPK Peshawar  
(Respondent No.01)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

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- 3) The District Police Officer, Torghar.

..... Respondents

AFFIDAVIT

I Abid Khan SI Legal, do hereby solemnly affirm and declare that the contents of comments are true and correct to the best of my knowledge and belief and nothing has been concealed or suppressed from this Honorable Tribunal. *IT IS FURTHER STATED ON OATH THAT IN THIS APPEAL THE ANSWERING RESPONDENTS HAVE NOT BEEN SERVED EX. PARTICE NOR THEIR OBLIGANCE HAS BEEN STRUCK OFF COST*

*[Signature]*  
Deponent

ATTESTED



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR.

SERVICE APPEL NO 1458/2023.

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*[Signature]*  
Deponent

ATTACHED

*[Signature]*  
16/10/23

**OFFICE OF THE DISTRICT POLICE OFFICER, TORGHAR**

No. 375 /PA dated, Torghar the 23 / 12 /2021.

**SHOW CAUSE NOTICE.**

**( Rule (3) KPK Police Rules,1975 ( with amendment 2014).**

1. That You **Constable Azmat No.475** while posted at Police Station Judbah rendered yourself liable to be proceed under Rule 5 (3) of the Khyber Pakhtunkhwa Police Rules 1975 ( with amendment 2014) for the following misconduct.

i. You while posted at PS Judbah. As per report of ASHO PS Judbah vide DD No.08 dated 01.12.2021, you absented yourself from your official duty without any leave or permission of the competent authority w.e.f. 01.12.2021 to till date. Which shows gross misconduct on your part.

2. That by reason of above as sufficient material is placed before the undersigned therefore is decided to proceed against you in general Police proceedings 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 inefficient and unbecoming of good Police Officer.

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 kind of the punishments as provided in the rules.

6. You are, therefore, called upon to Show Cause Notice as to why you should not be dealt strictly in accordance with the Khyber Pakhtunkhwa Police Rule, 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.

  
District Police Officer,  
Torghar

خدا مال

اصول شوگر فزریں 375 مورخ 23<sup>12</sup>/<sub>21</sub> جاریہ خانہ - DPO کا دفتر  
 صوبہ خدمت خزانہ مورخ 1<sup>12</sup>/<sub>21</sub> کوٹھ سے اطلاع منی انبار لاء  
 جو اطلاع کو پکارا گویا ہے۔ اور گوس جیوں پٹیا بیلہ کش۔ جو  
 علاج حاصل کرنے پر اوروٹ خیال پٹا گرام میں علاج حاصل کرنا  
 رہا۔ اور ای دورانیہ میں من مائل کا بھینا فوت ہوئی۔ جو گور  
 نریٹ کش آہوئے ا دعاء رشتہ داروں اور ہم کے لوگوں سے لگا ہوا۔  
 اور ای دورانیہ جہادلو بھائی فوت ہوئی۔ جو من مائل کے  
 عدوہ کو ن نریٹ کش آہوئے ا پوہ پوہ چھوڑی بکڑا کر رہا۔

اس کے علاوہ مائل کا شوگر واحد دستاویز ہے۔ اور مائل کو  
 مورخ 1<sup>12</sup>/<sub>21</sub> تا 29<sup>12</sup>/<sub>21</sub> تک پوہ چھوڑی میں حاضرین حاضر ہیں

مائل کے تحت 495 قیمت نمونہ آجیبا

Trust  
 12-21  
 51

Absence period  
 01-12-21 to 29-12-21 = 29

issued him a  
 charge sheet of  
 Summary of allegations  
 of Enquiry is entrusted  
 to SDPO/Coole Tualha

D.P. 116  
 30/12/21



**CHARGE SHEET**

I, Mr. Syed Mukhtar Shah, District Police Officer, Torghar as competent authority hereby charge FC Azmat No.475 while posted at Police Station Judbah, for the allegation explained in the attached statement of allegations.


You appear to be guilty of misconduct under Khyber Pakhtunkhwa, Police Rules, 1975 (with amendment 2014) and have rendered yourself liable to all or any of the penalties specified in the said rules.

You are therefore directed to submit your written defence within (07) Seven days on receipt of the charge sheet to the Enquiry officer.

Your written defense, if any, should reach the enquiry officer within the specified period, failing which it shall be presumed that you have no defence to put in hand and in the case ex-parte action shall follow against you.

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

Summary of allegation is also enclosed.

  
(Syed Mukhtar Shah)  
District Police Officer,  
Torghar

**DISCIPLINARY ACTION**

I. Mr. Syed Mukhtar Shah, District Police Officer, Torghar as competent authority of the opinion that FC Azmat No.475 while posted at Police Station Judbah, has rendered himself liable to be proceeded against departmentally as you committed the following act/omission within the meaning under the Khyber Pakhtunkhwa, Police Rules, 1975 ( with amendment 2014).

**SUMMARY OF ALLEGATION**

As per report of ASHO Police Station Judbah vide DD No.08 dated 01.12.2021, you have absented yourself from your official duty without any leave or permission of the competent authority w.e.f 01.12.2021 to 29.12.2021 (28 days), which shows gross misconduct on your part.

For the purpose of scrutinizing the conduct with reference to the above allegation.

**Mr. Waheed Khan SDPO Circle Judbah is deputed as Enquiry Officer.**

The Enquiry Officer shall in accordance under the provision of this above mentioned rules, provide reasonable opportunity of hearing to the accused, record finding and make within 25 days of the receipt of this order, recommendation as to punishment or take other appropriate action against the accused.

The accused shall appear in the departmental proceedings on the date, time and place fixed by the Enquiry Officer/Committee.

  
(Syed Mukhtar Shah)  
District Police Officer,  
Torghar

No. 404-05 /PA, dated Torghar the 05/01/2022.

FC Azmat No.475 while posted at Police Station Judbah, with the direction to submit his written statement to the Enquiry Officer, the receipt of the charge sheet/statement of allegations and also to appear before Enquiry Officer on the date, time and place fixed for purpose of departmental proceedings.

جنرل علی

لوگوں کا رجسٹریشن نمبر 404 مورخہ 5/1/22 جنرل علی - IDPO لاہور

حرف صحت / حرم

مورخہ 12/1/22 کو اطلاع دی گئی کہ لوگوں کے رجسٹریشن نمبر اور میں شامل کیا گیا ہے۔ پورے پورے اطلاع دی گئی اور اس دوران میں رجسٹریشن کے ساتھ ساتھ دیگر امور دیگر کوائزات پر دیا گیا۔ دیگر دوران میں رجسٹریشن کے ساتھ ساتھ دیگر امور دیگر کوائزات پر دیا گیا۔ دیگر دوران میں رجسٹریشن کے ساتھ ساتھ دیگر امور دیگر کوائزات پر دیا گیا۔

اسٹریٹجی مورخہ 1-12/2021 سے 29-12/21 تک پورے رجسٹریشن کے ساتھ ساتھ دیگر امور دیگر کوائزات پر دیا گیا۔ دیگر دوران میں رجسٹریشن کے ساتھ ساتھ دیگر امور دیگر کوائزات پر دیا گیا۔ دیگر دوران میں رجسٹریشن کے ساتھ ساتھ دیگر امور دیگر کوائزات پر دیا گیا۔

سٹیٹمنٹ نمبر 475 قلم نمبر 25/1/22

Signature

12/1/22

لوئر سوالات فوراً جواب دیجیٹل نمبر 404-05/PP فوراً 05/22/05 قیام دہندہ

جنا - LODP توہم بصری کنٹریکٹ 475/PP قیام دہندہ

سوال نمبر 1: میرا پورا نام لکھو اور پتہ لکھو؟

جواب: میرا پورا نام عظمت اللہ اور پتہ 475/PP

سوال نمبر 2: آپکی تعلیم کیا ہے؟

جواب: جی میری تعلیم بی اے ہے

سوال نمبر 3: آپکی کتنی سروس ہو چکی ہے؟

جواب: میری سروس تقریباً 6 سال ہو چکی ہے

سوال نمبر 4: آپ کو والدین سے روزانہ 8 روزانہ 12/12 کو تھانہ دینا سے غیر حاضری ہو کر بحالہ سے 9 روزانہ 21/12 کو حاضری آئے اس میں آپ نے کل 28 روز غیر حاضری کی کیوں؟

جواب: مورخہ 12/12 کو میں اپنی جائے تعیناتی پر موجود تھا کہ بذریعہ فون اطلاع ملی کہ میرا بھتیجا جو کافی عرصہ سے بیمار تھا جو فوت ہوا جسکی اطلاع باپ کو میں کفر خود چلا گیا اسی طرح 2 مورخہ 10/12 کو پیری لو لوہو ڈیوٹی BHU ڈوڑ میرا میں ملکی ہوئی تھی اور میں مورخہ 10/12 کو میں جوی ٹرلہ سے روانگی کر کے ڈیپو سے ڈیپو گیا کہ اپنی لو لوہو ڈیوٹی کی اسی دوران میرا چچا دارہ بھائی فوت ہوا جو عرصہ 4/5 دن اپنے چچا دارہ بھائی کے فونگلی میں اور رشتہ داروں کی آمد جامد تھا رہا جسکی وجہ سے میری غیر حاضری ہوئی آئندہ محتاط رہ کر ڈیوٹی سر انجام دوں گا۔

سوال نمبر 5: جب کا بھتیجا بیمار تھا اور بعد میں فوت ہو گیا آپ اپنے جائے تعیناتی میں موجود تھے تو آپ نے سینیئر افسران سے کھٹی کیوں نہیں کی؟

جواب: جی میرا بھتیجا جو عرصہ سے بیمار تھا جسکی اطلاع ملی کہ بھتیجی کو ہسپتال بھیجا گیا ہے اس اطلاع کو باپ کو میں کفر خود چلا گیا جو بعد میں فوت ہوا تو میں سینیئر افسران کے نوٹس میں لکھایا تو انہوں نے مجھے بتلایا کہ ابھی غیر حاضری ہو چکی ہے

لکھنا

سوال نمبر ۵۶ :- کیا آپ شادی شدہ ہیں؟

جواب :- جی میں شادی شدہ ہوں اور میرے ۲ بچے ہیں۔

سوال نمبر ۵۷ :- آپ کہاں کے رہنے والے ہیں؟

جواب :- جی میں دور میرا سبھی ضلع کا رہنے والا ہوں۔

سوال نمبر ۵۸ :- آپ پولیس کی فوری کڑنا چاہتے ہیں یا نہیں؟

جواب :- جی میں پولیس کی فوری کڑنا چاہتا ہوں آئندہ اپنی ڈیوٹی

افس طریقے سے انجام دوں گا مجھے معاف کیا جائے۔

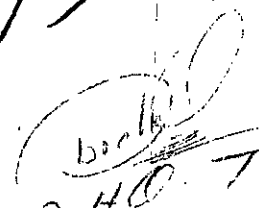
31/01/2022

محمد علی  
محمد علی  
۶۱.۲

از دفتر ریڈر DSP میں سرکل جدا  
جسٹم جہا DSP میں سرکل جدا  
بجانب SHO جدا

لکھنؤ میں کارڈ تفریحی FC عہدہ 475 کو مطلع کریں  
کہ اندر 07 یوم کسی بھی دفتری اوقات میں اگر  
اپنی انگوٹھی کے سلسلے میں تفریحی بیان، غیر عافری  
عافری نقل ریٹ، کورٹ سوالات قلمبند کروائیں  
ضروری ہے۔

مطلع رہ کر عمل درآمد کریں

  
N.2 DSP HO TG  
05-01-2022

دستور  
12/11  
51.2

مختیار ... ڈی پی ... سٹیٹ بینک آف پاکستان

ذمہ دار ... ڈی پی ... سٹیٹ بینک آف پاکستان

نمبری 04 ریڈ فورم 2022/02/23

عنوان ... ڈی پی ... سٹیٹ بینک آف پاکستان

ڈی پی دفتر جناب ... ڈی پی ... سٹیٹ بینک آف پاکستان

الزام

الزام علیہ گارنٹی ... ڈی پی ... سٹیٹ بینک آف پاکستان

Signature and stamp area

کارروائی

الزام علیہ گارنٹی ... ڈی پی ... سٹیٹ بینک آف پاکستان

اسی طرح الزام علیہ میڈیٹیشن سہولیات بھی ملنے لگی جو کہ پھر انٹرویو کے ساتھ الزام علیہ  
کا سابق ریکارڈ بذریعہ اطلاع نامہ ایس ڈی سے حاصل کیا جائے گا۔ انٹرویو کے ساتھ انٹرویو پر  
حکم کی روایتی دستخطوں کے ساتھ الزام علیہ کی خود کی تصویریں سربراہ نام دی گئی ہیں۔

نامہ مندرجہ ذیل

الزام علیہ کا پتہ مندرجہ ذیل ہے 475 پورٹ الزام 28 یوم غیر ملکی  
کی نسبت قید میں رہنے کے دوران جو حد نظر آتی ہے وہ انٹرویو کے ساتھ انٹرویو پر  
الزام علیہ کی ویدہ دائرہ طور پر کارروائی کے ساتھ مل کر ہوا ہے جس کے ساتھ ریکارڈ سے  
جہاں سے یہ قید میں قید ہوئے وہاں سے انٹرویو کے ساتھ انٹرویو کے ساتھ  
28 یوم غیر ملکی کی نسبت بلا تگواہ دن کی سفارش کی گئی ہے  
دیگر حکم انصاف نامہ ایس ڈی سے ملے گا۔

5200-Judha-TG  
23-02-2022

مسٹر  
12-11-  
SIR - DHC

28 یوم غیر ملکی

call him in or  
alongwith his service  
record.

57 days w/pur pay

DPO LTS  
23.02.2022



**OFFICE OF THE DISTRICT POLICE OFFICER, TORGHAR**No. 465/PA dated, Torghar the 27/07/2022**FINAL SHOW CAUSE NOTICE.****(Unit Rule (3) KPK Police Rules, 1975 Amendments in 2014)**

1. That You Constable Azmatullah No.475 rendered yourself liable to be proceed under Rule 5 (3) of the Khyber Pakhtunkhwa Police Rules 1975 for the following misconduct:

i. Your while posted at PS Darbani absented yourself from your official duties without any leave or permission by the competent authority w.e.f 24.10.2021 to 16.11.2021 (24 days). A charge sheet and summary of allegations was served upon you vide No.356-57/PA dated 14.12.2021 and enquiry was entrusted to SDPO, Circle Kandari who suggested/recommended for punishment of leave without pay in his enquiry report. Similarly, you absented yourself from PS Judbah w.e.f 01.12.2021 to 29.12.2021 (28 days). A charge sheet & Summary of allegations was served upon you vide No.404-05/PA dated 05.01.2022 and enquiry was entrusted to SDPO, Circle Judbah who recommended for punishment of leave without pay in his final enquiry report. Furthermore, you again absented yourself from Police Lines Judbah w.e.f 30.05.2022 to 20.07.2022 (50 days) Total period of absence 102 days. Hence, this final showcase notice is issued to you, if you have any evidence in support of your defense otherwise ex-parte action will be taken against you.

ii, During proper departmental enquiry the allegations have been proved against you.

2. That by reason of above as sufficient material is placed before the undersigned therefore is decided to proceed against you in general Police proceedings 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 inefficient and unbecoming of good Police Officer.

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 kind of the punishments as provided in the rules.

6. You are, therefore, called upon to Final Show Cause Notice as to why you should not be dealt strictly in accordance with the Khyber Pakhtunkhwa Police Rule, 1975 for the misconduct referred to above.

7. You should submit reply to this Final 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.

8. Ground of action are also enclosed with this Final Show Cause Notice.

  
District Police Officer,  
Torghar

Received by \_\_\_\_\_  
Dated, \_\_\_/\_\_\_/2022

حوالہ الرحمہ بشمولہ فاضل سٹوڈنٹس ٹیچنگ سبب سے 27/02/22 کو فارغ ہوئے۔  
حقاب 10/02/22

فاضل عالی

1. حضور صاحب فریق ہونے سے پہلے 27/02/22 کو فخر خود سے سائل کو اطلاع  
موصول ہوئی کہ سائل کی طبی بیماری سے جو سائل سے علاج معالجہ سے  
بٹراکسٹینال سے علاج اور پراپیوٹیک علاج معالجہ کے آثار سے جو اسمی ویران  
سائل کا طبی بھی ختم ہو گیا۔

2. جون 28/06/21 کو سائل روپوش رہا اور طبی حالت سے فخر خود سے سائل کو  
جو کہ سائل کی طبی حالت سے سائل سے علاج معالجہ سے سائل سے  
بٹراکسٹینال سے علاج اور پراپیوٹیک علاج معالجہ کے آثار سے جو اسمی ویران  
بٹراکسٹینال سے علاج اور پراپیوٹیک علاج معالجہ کے آثار سے جو اسمی ویران

3. بعد از سائل کا طبی حالت سے فخر خود سے سائل کو اطلاع  
موصول ہوئی کہ سائل کی طبی حالت سے سائل سے علاج معالجہ سے  
بٹراکسٹینال سے علاج اور پراپیوٹیک علاج معالجہ کے آثار سے جو اسمی ویران

4. یہ کہ سائل کی طبی حالت سے فخر خود سے سائل کو اطلاع  
موصول ہوئی کہ سائل کی طبی حالت سے سائل سے علاج معالجہ سے  
بٹراکسٹینال سے علاج اور پراپیوٹیک علاج معالجہ کے آثار سے جو اسمی ویران

5. علیحدہ سائل سے جان لیا کہ سائل کی طبی حالت سے فخر خود سے سائل کو  
اطلاع موصول ہوئی کہ سائل کی طبی حالت سے سائل سے علاج معالجہ سے  
بٹراکسٹینال سے علاج اور پراپیوٹیک علاج معالجہ کے آثار سے جو اسمی ویران

OBNO. 250  
6/12/2022

Dismissed  
from  
Fenu

Calculation of absence days:  
1. 12/21 to 29/21 = 28 days  
2. 24/21 to 14/21 = 21 days  
3. 5/22 to 23/22 = 3 days  
4. 27/22 to 1/22 = 05 days  
5. 30/22 to 20/22 = 02 days  
Total = 109 days

**ORDER**

The departmental enquiry initiated against Constable Azmatullah No.475 while posted at PS Darbani, who absented himself from his official duties w.e.f 24.10.2021 to 14.11.2021(21 days). He was charge sheeted for the allegations mentioned above by the undersigned vide Memo No.356-57/PA dated 14.12.2021 and enquiry was entrusted to Ibrar Khan SDPO, Circle Kandari. He after conducting detailed enquiry into the allegations recommended him for appropriate punishment in his report as he has been proved guilty for the allegations mentioned in the Charge sheet and statement of allegations.

Similarly, he again absented himself from his official duties w.e.f. 01.12.2021 to 29.12.2021 (28 days). The enquiry was entrusted to Waheed Khan SDPO, Circle Judbah. He after conducting detailed enquiry of the allegations and recommended him for punishment. As per report of enquiry officer the alleged defaulter remained absent for 28 days, as he has been proved guilty for the allegations mentioned in the Charge sheets and statement of allegations. Furthermore, he again absented himself from Police Lines, Judbah w.e.f 05.03.2022 to 08.03.2022 (03 days), 30.05.2022 to 20.07.2022( 50 days) 27.08.2022 to 01.09.2022 (05 days) and 10.09.2022 to 12.09.2022(02 days) Total (60 days). **His period of absence all over 109 days.** He was served with Final Show Cause Notice vide No.465/PA dated 27.07.2022 in response to which he did not reply the same. He was called in OR and heard him in person, who's explanation was found not satisfactory.

After going through enquiry file, his long absence mentioned above and in the light of recommendation of Enquiry Officer, **I. Syed Mukhtar Shah, District Police Officer, Torghar**, being competent authority in exercise of power under the relevant provision of KPK Police Rules, 1975 ( with amendment 2014) am constrained to award him major punishment. Therefore, Azmatullah No.475 is hereby awarded major punishment of **"Dismissal from service"** with immediate effect. His period of absence from 24.10.2021 to 14.11.2021(21 days) 01.12.2021 to 29.12.2021 (28 days) 05.03.2022 to 08.03.2022 (03 days), 30.05.2022 to 20.07.2022( 50 days) 27.08.2022 to 01.09.2022 (05 days) and 10.09.2022 to 12.09.2022(02 days) Total (109 days). is treated as leave without pay.  
**Order announced in his presence.**

(Syed Mukhtar Shah)  
**District Police Officer,**  
Torghar

OB No. 250-  
Dated. 6-10-2022

Copy of above is forwarded for information and necessary action to the:

1. District Account Officer, Torghar.
2. Pay Officer, Torghar.
3. SRC, Torghar. ✓

10/9/2022



OFFICE OF THE REGIONAL POLICE OFFICER  
HAZARA REGION, ABBOTTABAD

0992-9310021-22

0992-9310023

r.rpohazara@gmail.com

NO: 6526 / E DATED 27/03/2023


ORDER

This order will dispose of departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rules, 1975 submitted by Ex-Constable Azmat Ullah No. 475 of District Torghar against the order of punishment i.e. *Dismissal from service* awarded by District Police Officer Torghar vide Order Book No. 250, dated 06-10-2022.

Brief facts leading to the punishment are that the appellant while posted at PS Darbani, Torghar absented himself from his official duties w.e.f 24-10-2021 to 14-11-2021 (21 days). Similarly he remained absent during his service in different dates as mentioned in dismissal order and in comments/reply submitted by DPO Torghar. His total absence period is 109 days.

The appellant was issued charge sheet with statement of allegations by District Police Officer, Torghar and SDPO Circle Kandari Torghar was deputed to conduct departmental enquiry. The Enquiry Officer in his findings held the appellant responsible of misconduct. Consequently, District Police Officer, Torghar awarded him major punishment of Dismissal from Service. Hence, the appellant submitted this present appeal.

After receiving his appeal, comments of District Police Officer, Torghar were sought and examined/perused. The undersigned called the appellant in OR on 21-03-2023 and heard him in person, where he has been given reasonable opportunity to defend himself against the charges, however he failed to advance any justification in his defense. Thus, the disciplinary action taken by the competent authority seems genuine and the appeal is liable to be dismissed. On perusal of his appeal it transpired that he did not submit his appeal within stipulated period which is also time barred. Therefore, in exercise of the powers conferred upon the undersigned under Rule 11-4 (a) of Khyber Pakhtunkhwa Police Rules, 1975 (amended 2014) the instant appeal is hereby *filed/rejected* being time barred with immediate effect.

  
TAHIR AYUB KHAN (PSI)  
Regional Police Officer,  
Hazara Region, Abbottabad.

Copy forwarded to DPO, Torghar for information and necessary action w/r to his office Memo: No.106/GB, dated 02-03-2023. Service record and Fauji Missal containing enquiry file of the appellant is returned herewith for record.

\*\*\*\*\*

**OFFICE OF THE DISTRICT POLICE OFFICER, TORGHAR**

No. 301 /PA dated, Torghar the 22/11 /2021.

**SHOW CAUSE NOTICE.**

**( Rule (3) KPK Police Rules,1975 ( with amendment 2014).**

1. That you Constable Azmat No.475 while posted at Police Station Darbani rendered yourself liable to be proceed under Rule 5 (3) of the Khyber Pakhtunkhwa Police Rules 1975 (with amendment 2014) for the following misconduct.

i. You while posted at PS Darbani. As per report of MHC Police Station Darbani vide DD No.14 dated 24.10.2021, you absented yourself from your official duty without any leave or permission of the competent authority w.e.f. 23.10.2021 to till now which shows gross misconduct on your part.

2. That by reason of above as sufficient material is placed before the undersigned therefore is decided to proceed against you in general Police proceedings 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 inefficient and unbecoming of good Police Officer.

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 kind of the punishments as provided in the rules.

6. You are, therefore, called upon to Show Cause Notice as to why you should not be dealt strictly in accordance with the Khyber Pakhtunkhwa Police Rule, 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.

  
District Police Officer,  
Torghar

**CHARGE SHEET**

I, **Mr. Syed Mukhtar Shah, District Police Officer, Torghar** as competent authority hereby charge FC Azmat No.475 while posted at Police Station Darbani, for the allegation explained in the attached statement of allegations.

You appear to be guilty of misconduct under Khyber Pakhtunkhwa, Police Rules, 1975 (with amendment 2014) and have rendered yourself liable to all or any of the penalties specified in the said rules.

You are therefore directed to submit your written defence within (07) Seven days on receipt of the charge sheet to the Enquiry officer.

Your written defense, if any, should reach the enquiry officer within the specified period, failing which it shall be presumed that you have no defence to put in hand and in the case ex-parte action shall follow against you.

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

Summary of allegation is also enclosed.

  
(Syed Mukhtar Shah)  
**District Police Officer,**  
Torghar

**DISCIPLINARY ACTION**

I. Mr. Syed Mukhtar Shah, District Police Officer, Torghar as competent authority of the opinion that FC Azmat No.475 while posted at Police Station Darbani, has rendered himself liable to be proceeded against departmentally as you committed the following act/omission within the meaning under the Khyber Pakhtunkhwa, Police Rules, 1975 ( with amendment 2014).

**SUMMARY OF ALLEGATION**


As per report of MHC Police Station Darbani vide DD No.14 dated 24.10.2021, you have absented yourself from your official duty without any leave or permission of the competent authority w.e.f 23.10.2021 to till date, which shows gross misconduct on your part.

For the purpose of scrutinizing the conduct with reference to the above allegation.

**Mr. Yousuf Khan DSP/Circle Kandahar is deputed as Enquiry Officer.**

The Enquiry Officer shall in accordance under the provision of this above mentioned rules, provide reasonable opportunity of hearing to the accused, record finding and make within 25 days of the receipt of this order, recommendation as to punishment or take other appropriate action against the accused.

The accused shall appear in the departmental proceedings on the date, time and place fixed by the Enquiry Officer/Committee.

  
(Syed Mukhtar Shah)  
District Police Officer,  
Torghar

No. 356-57/PA, dated Torghar the 14/12 2021 .

FC Azmat No.475 while posted at Police Station Darbani, with the direction to submit his written statement to the Enquiry Officer, the receipt of the charge sheet/statement of allegations and also to appear before Enquiry Officer on the date, time and place fixed for purpose of departmental proceedings.

جواب خارج سٹیٹ۔

کوالہ مہسولہ خارج سٹیٹ نمبری 56-356 PA فارم حساب DPO صاحب ٹور  
کی گنتی معروض خدمت میں کہ خارج سٹیٹ میں 10 دنوں پر انداز  
عام تصدیکہ میں مورخ 23 10/21 کو حاضر حاضر سیر کر اب تک بدستور  
غیر حاضر ہیں۔

10 دن سائل 23 کو لعیض دو دن سنا با سنی فوری گار سے 10 دن  
مور فور آتا تھا اور 11/21 کو مری و اسی سنی تھی اسی دوران  
مورخ 11/21 کو فوری گار سے مری نرا سفر تھانہ حیدرآباد مری  
اور میں بوجہ بیماری BHO بنگلہ میں تھا اور تھانہ نرا کیم  
سے رابع تک تھانہ مری سے بیمار میں بوجہ ہسپتال میں زیر  
علاج میں تو 16/21 تک تھانہ کسٹور رابع میں تھا اور اسی  
دوران تھانہ حیدرآباد میں حاضر کی میں نے بوجہ بیماری فوری  
غیر حاضر کی جان بوجھ کر نہیں کی اسٹریما بیم انگریزی  
میں عیاق کیا جا کر خارج سٹیٹ داخل و غیر فرمایا جا رہا  
سائل تا مہیات ڈیٹا گورڈ ہوگا۔

العارض

بظن مہلت فرم 475 شہینہ تھانہ حیدرآباد۔

Attested  
SDPO KANDAR  
TOR GHAR

AS  
11/25/21  
2-4  
31-2



تحریری بیان -

آزان سہیل عظیم خان فر 475 منصہ تقانہ حیدرآباد  
دریافت بیانی پروگرام سیر و سی بیان سے جو جواب  
ہارز سٹیٹ -

Atsted.  
SDPO BANDAR  
TOR CHAR

(A) [Signature]

سہیل عظیم خان فر 475 منصہ تقانہ حیدرآباد

CNIC - 13601-0502385-7

mob . 0346-5960620

Amir  
[Signature]  
S, L.

اس سربراہی کے تحت  
23/21 فوراً 40۔ کو آئی کو غیر حاضر کیا گیا تو اس کو غیر حاضر کیا گیا، تاہم اس پر  
مذکورہ سے غیر حاضر کا حکم نہ ہوا۔

HHsted.

SDP  
TOK

یوں ابراہیم علی۔۔۔ جی جی کسی سے کوئی تہہ نہیں چلا گیا (A)۔

24 فوراً 40۔ جب اس کی اس سفر کا راز سے تھکان خیرا ہوئی تو اس کا ٹون اس کو  
نہیں گا، یہ تھکان آئی اس تھکان سے روایتی کرتے ہیں کہ حد درجہ  
آپ کیسے تھے؟

یوں ابراہیم علی۔۔۔ کو تھکان روایتی کرتا۔ (A)

25 فوراً 40۔ = اس کے لئے  
اس کے لئے  
L.L.

بیان جو کہ قسم 2017 کے تحت دیا گیا

بیان جو کہ قسم 2017 کے تحت دیا گیا  
 عدالت عالیہ کے فیصلے کے مطابق جو کہ فیصلے کے مطابق  
 اور فیصلے کے مطابق اور فیصلے کے مطابق  
 جس فیصلے کے مطابق اور فیصلے کے مطابق

21.2.21

Attested  
 SUDH KANDHAR  
 TOR CHARY

Handwritten signature and initials

کری بیان -

آزاد سٹیٹ لائبریری AMML کے تحت کری بیان پورے کتب خانے کی قیمت پر 474 کوال  
نمبر 19 اور 24 کی رپورٹ غیر طفرہ کیلئے کری بیان اور 25 کی رپورٹ کے لئے  
کری بیان کے لئے جوئے کی قیمت ہے۔

Secretary

آزاد سٹیٹ لائبریری AMML کے تحت کری بیان

At Steel.  
SOFO KANDAR  
TOR CHAN

11/1/2011  
31.2

ضلع تور غار

ضاب عالی

گوالہ مشمولہ انکوائری برخلاف کیشل عظمت خان نمبر 475 متضمنہ تھانہ حیدرآباد خارج  
 ڈسٹ نمبری 356-57 جاریہ ضاب Dpo مادہ تور غار موصول ہو کر محکمہ انکوائری  
 آفیسر مقرر کیا گیا۔ خارج ڈسٹ میں مذکورہ پر ایام عائد ہے کہ وہ کسی  
 سسر آفیسر سے رخصت اجازت لیے اپنی جائز ڈیوٹی سے فورم 10/23 سے  
 اب تک بدستور غیر حاضر ہے۔

فائنڈنگ رپورٹ۔ جملہ حالات واقعات دہائی طور پر سننے اور پڑتال کا اعزاز

انکوائری سے دوران انکوائری یہ یاہا گیا کہ کیشل عظمت خان نمبر 475 فورم  
 10/24 کو تھانہ داربی سے غیر حاضر ہو کر فورم 11/21 کو مذکورہ کی سرسوق تھانہ  
 حیدرآباد پہنچی اور مذکورہ نے بجائے تھانہ داربی کے فورم 11/21 کو تھانہ حیدرآباد  
 میں حاضر کی جبکہ کل غیر حاضری 21 ایام بنتی ہے اپنی غیر حاضری کی  
 کسٹ مذکورہ کوٹی مقبول تسلی بخش جواب نہ دے سکا جسکی 21  
 ایام غیر حاضری کی بحوالہ کنوٹی کی سٹیشن کی جاتی ہے۔ فائنڈنگ رپورٹ  
 مرتب ہو کر گزارش ہے۔

SDPO KANDAR  
TOR GHAR.

Handwritten signature and notes in Urdu script, including the number '11' and 'A'.

call him in  
or along with his  
service Record.

Handwritten signature and date: 16.03.2022.