


FORM OF ORDER SHEET

Court of _____

Appeal No. 2037/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	11/10/2023	<p>The appeal of Mr. Israr Ahmad received today by registered post through Mr. Hamayun Khan Advocate. It is fixed for preliminary hearing before touring Single Bench at A.Abad on _____</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR CAMP AT ABBOTTABAD

Service Appeal No. 2037 /2023

Israr Ahmed son of Sabir Islam, Constable No.1161, District Police Office
 Mansehra, resident of Mohallah Argoshal, Village Shatay Dhodial, District
 Mansehra.

...APPELLANT

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Home and Tribal
 Affairs Peshawar & others.

....RESPONDENTS

SERVICE APPEAL


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...APPELLANT

Dated: 31-7 /2023

Through


 (FAZLULLAH KHAN)

&


 (HAMAYUN KHAN)

Advocates High Court, Abbottabad

03120861681

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR CAMP AT ABBOTTABAD

Service Appeal No. 2037 /2023

Israr Ahmed son of Sabir Islam, Constable No.1161, District Police Office Mansehra, resident of Mohallah Argoshal, Village Shatay Dhodial, District Mansehra.

...APPELLANT

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Home and Tribal Affairs Peshawar.
2. Inspector General of Police Khyber Pakhtunkhwa, Peshawar.
3. Regional Police Officer/ DIG Hazara Region at Abbottabad.
4. District Police Officer Mansehra.

...RESPONDENTS

APPEAL UNDER ARTICLE 212 OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN 1973 READ WITH SECTION 04 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974. AGAINST THE IMPUGNED ORDERS DATED 14/04/2023 & 04/07/2023 PASSED BY RESPONDENT NO.3 & 4, WHEREBY THE RESPONDENT NO.4 AWARDED MAJOR PUNISHMENT OF REVERSION TO TIME SCALE AND RESPONDENT NO.3 UPHELD THE IMPUGNED ORDER DATED 14/04/2023 VIDE ORDER DATED 04/07/2023 ARE ILLEGAL,

ARBITRARY, AGAINST THE LAW, FACTS, VOID
ABINITIO AND LIABLE TO BE SET-ASIDE.

PRAYER:- ON ACCEPTANCE OF THE INSTANT
SERVICE APPEAL, IMPUGNED ORDERS DATED
14/04/2023 & 04/07/2023 PASSED BY
RESPONDENTS NO. 3 & 4 MAY KINDLY BE
DECLARED NULL AND VOID, AGAINST THE LAW
AND NATURAL JUSTICE. ANY OTHER RELIEF
WHICH THIS HONOURABLE TRIBUNAL DEEMS
FIT AND PROPER MAY ALSO BE GRANTED IN
FAVOUR OF APPELLANT.

Respectfully Sheweth;-

Appellant beg to solicit through this appeal on the
following factual and legal grounds;-

1. That appellant has rendered about 06 years service in the
police department and he always performed his assigned
duty with devotion and honesty. He has unblemished
police official. He is only bread earner of his family and
is jobless since his dismissal from service.

2. That in the month of March, 2020 while appellant posted at Police Station Baffa, he was telephonically informed by his mother that the marriage ceremony of his younger sister was scheduled to take place on 02/03/2020.
3. That appellant well in time informed his Officer In-Charge of the Police Station Baffa and requested for grant of 15 days leave. Appellant submitted written application for leave intimating the date of marriage ceremony.
4. That being an elder both of a sister, the appellant's presence was necessary over there as most of the arrangements of marriage ceremony entrusted to him. Appellant, therefore, requested his Incharge time and again to get his leave application sanctioned from the competent authority. Though the appellant was assured by his incharge yet he did not take any step in this connection. At the neck of time when appellant had even purchased ticket for Karachi and was about to move, he once again assured appellant that even after his leaving place of posting his leave would be got sanctioned. In these circumstances the appellant was constrained to leave for Karachi and was hopeful for sanction of his leave. The appellant never let his station deliberately and

without information and cause but in great reluctance and compulsion.

5. That, when marriage ceremony of his sister became to an end, there started complete lock down due to COVID-19 in the country. Shifting of people from one city to other was completely banned. Besides, there is no transport was allowed to move from one city to other. Even the persons who moved from their home place to other station concealing themselves in contains were arrested and put in Jail. On the other hand as a matter of health safety and observing the law of the land, it was not good and right to shift from Karachi to Mansehra. Due to the reason that the appellant could not join duty immediately after expiry of marriage ceremony of his sister. However, no sooner the appellant found a chance then he rushed from Karachi to Mansehra and at once reported for duty on 07/0/2020 vide daily diary No.15 dated 07/06/2020. Copy of daily diary dated 07/06/2020 is attached as Annexure "A".

6. That, after reporting for duty, the appellant was served with a charge sheet dated 02/06/2020 which he replied on the same day when reported for duty i.e 07/06/2020 explaining all facts and circumstances of the matter in

detail denying the allegation being a baseless and incorrect. Copy of the charge sheet dated 02/06/2020 and its reply dated 07/06/2020 are attached as Annexure "B" & "C".

7. That, after conclusion of partial and one sided inquiry, the District Police Officer Mansehra (respondent No.4) passed the impugned order dated 29/06/2020, whereby major penalty, dismissal from service was imposed. Copy of order dated 29/06/2020 is attached as Annexure "D".
8. That against the impugned order dated 29/09/2020 appellant preferred departmental appeal before the learned RPO/DIG Hazara Region at Abbottabad and on 16/09/2020 appeal of the appellant was dismissed. Copy of order dated 16/09/2020 is attached as Annexure "E".
9. That, thereafter, appellant filed departmental appeal against the impugned orders dated 29/06/2020 as well as 16/09/2020 before this Honourable Tribunal. Copy of appeal is attached as Annexure "F".
10. That, on 19/09/2022 after hearing the arguments this Honourable Tribunal set-aside the impugned orders and

appellant was reinstated with direction to the respondent to conduct de-novo inquiry within 60 days. Copy of judgment is annexed as Annexure "G".

11. That, thereafter, respondent No.4 initiated de-novo inquiry in the light of judgment dated 19/09/2022 and charge sheet alongwith summary of allegation was issued to the appellant and on 07/02/2023 appellant submitted reply of the charge sheet. Copy of charge sheet is annexed as Annexure "H".
12. That on 02/03/2023 Inquiry Officer submitted his inquiry report before the AIG Police Internal Accountability Peshawar in which the Inquiry Officer recommended major punishment reversion to time scale. Copy of Inquiry report is annexed as Annexure "I".
13. That, on 14/04/2023 respondent No.4 (District Police Officer Mansehra) passed the impugned order whereby, appellant was reverted to time scale as well as the period remained out of service was treated as leave without pay. Copy of order is annexed as Annexure "J".
14. That, feeling aggrieved, from the order dated 14/04/2023, the appellant filed departmental appeal on 17/05/2023

before the learned RPO/respondent No.3. Copy of appeal is annexed as Annexure "K".

15. That, on 04/07/2023 respondent No.3 dismissed the appeal of the appellant and upheld order dated 14/04/2023. Copy of order dated 04/07/2023 is annexed as Annexure "L".
16. That feeling aggrieved from the aforesaid, appellant seeks indulgence of this Honourable Tribunal, inter-alia, on the following amongst many other grounds through this appeal.

GROUND:-

- a. That, the impugned orders dated 14/04/2023 and 04/07/2023 are illegal, unlawful, without lawful authority, perverse, and against the constitutional guaranteed rights of the appellant hence, untenable in the eye of law and his liable to be set-aside.
- b. That when law prescribed something which is to be in a particular. That must be in that manner and not otherwise. Hence the competent authority was

bound to follow the law which is not done in the instant case. Hence impugned orders are liable to be set-aside and appellant be reinstated in his old service position.

- c. That, neither any show cause was served upon the appellant nor he was associated with any enquiry hence, the impugned orders are based on political influence, therefore are liable to be set-aside.
- d. That competent authority intentionally not delivered the inquiry to the appellant for redressing of his grievance which shows the malafide of the competent authority.
- e. That, the appellant was condemned unheard and he did not given opportunity for personal hearing to bring the real and true facts on the screen.
- f. That even otherwise the impugned orders dated 14/04/2023 and 04/07/2023 are liable to be set-aside on the grounds that no rights of defence or personal right of hearing which was mandatory

provision of law was given to the appellant before being proceeded against him.

- g. That, impugned orders were passed without show cause notice, statement of allegation and against the appellant with malafide, against law and natural justice.
- h. That the whole disciplinary proceedings initiated against the appellant have been done in contravention to the rules, regulation and law and therefore the whole proceedings are liable to be set-aside appellant be reinstated to his original post.
- i. That competent authority violated the basic principle of natural justice and rule and procedure prescribed in E&D & Police Rules, hence impugned orders are liable to be set-aside.
- j. That competent authority issued impugned orders against the well known principles procedures prescribed and guidelines by the superior courts and authorities time by time for the governments

departments but competent authority ignored all these rules and principles.

- k. That the competent authority without any reasons on the part of appellant imposed major penalty of reversion to time scale and no opportunity of personal hearing was given to the appellant.
- l. That the whole proceedings were against the clear direction and stipulated period given by this Honourable Tribunal to the respondents for de-novo inquiry.
- m. That appeal of the appellant was accepted on 19/09/2022 and respondent No.4 issued impugned order on 14/04/2023 after laps of seven months despite clear direction for sixty days. Hence, the whole proceedings as well as impugned orders passed by respondent No.4 without any justification, unlawful, arbitrary and void ab-initio.
- n. That, under the law as well as on the direction of this Honourable Tribunal contain in the judgment dated 19/09/2022 respondent was bound to

conclude de-novo proceeding/inquiry within sixty days, but respondent miserably failed to follow the direction of this Honourable Tribunal.

- o. That the other points shall be argued at the time of arguments.

It is therefore, most humbly prayed that on acceptance of the instant service appeal, impugned orders dated 14/04/2023 & 04/07/2023 passed by respondents No. 3 & 4 may kindly be declared null and void, against the law and natural justice. Any other relief which this honourable tribunal deems fit and proper may also be granted in favour of appellant.


...APPELLANT

Through

Dated: 31-7 /2023


(FAZLULLAH KHAN)
&


(HAMAYUN KHAN)
Advocates High Court, Abbottabad

VERIFICATION/ AFFIDAVIT:-

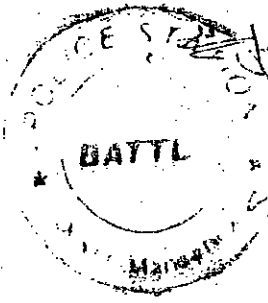
Verified on oath that the contents of forgoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.


...APPELLANT

تقریباً 13 روز تک 07/06

دہلی میں 07/06/2022ء کو 08140 کے اس وقت کیس کی اطلاع ملی ہے کہ
مہاراجہ (03/06) نے مہاراجہ صاحب سے کہا ہے کہ وہ مہاراجہ صاحب کے پاس
مہاراجہ صاحب کی وجہ سے اس کے پاس آئے ہیں۔ مہاراجہ صاحب نے مہاراجہ صاحب سے
کہا ہے کہ وہ مہاراجہ صاحب کے پاس آئے ہیں۔ مہاراجہ صاحب نے مہاراجہ صاحب سے
کہا ہے کہ وہ مہاراجہ صاحب کے پاس آئے ہیں۔

مہاراجہ



ذیل مطابق
M. B. Bhattal
07-06-2022

Attested

مہاراجہ صاحب

3865

Attested

CHARGE SHEET

13

Annex B

I, Sadiq Hussain Baloch (PSP), District Police Officer, Mansehra as Competent Authority, hereby charge you Constable Israr No. 1168 PS Battal as follows.

Vide DD No. 09 dated 02-03-2020 Police Station Battal Mansehra it has been reported that while you were transferred from Police Station Baffa to Police Station Battal you did not report your arrival at Police Station Battal after

OB No.	From	To	Period
179 dated 17-08-2016	06-07-2016	08-07-2016	02 day
179 dated 16-06-2017	03-07-2017	04-08-2017	26 days
145 dated 17-05-2018	14-02-2018	15-02-2018	01 day
55 dated 22-02-2019	12-11-2018	14-11-2018	02 days
303 dated 03-12-2018	13-08-2018	16-08-2018	03 days
07 dated 07-04-2019	03-11-2019	04-11-2019	01 days
79 dated 06-04-2020	13-02-2020	17-02-2020	04 days

From the perusal of your service record it transpired that you are an habitual absentee. It shows that you are an indisciplined Police officer and you did not take interest in the discharge of official duty. It amounts to gross misconduct on your part.

Due to reasons stated above you appear to be guilty of misconduct under Khyber Pakhtunkhwa Police Disciplinary Rules 1975 (amended in 2014) and have rendered yourself liable to all or any of the penalties specified in the said Police Disciplinary Rules.

You are, therefore, required to submit your written defense within 07 days of the receipt of this 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 defense to put in and in that case ex parte action shall follow against you.

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

Statement of allegation is also enclosed.

W. M. Baloch
H. D. U.

Alleged
[Signature]

[Signature]
District Police Officer,
Mansehra

DISCIPLINARY ACTION

I, Sadiq Hussain Baloch (PSP), District Police Officer Mansehra, as Competent Authority of the opinion that Constable Israr No. 1168 PS Battal has rendered himself liable to be proceeded against as he committed the following act/omissions within the meaning of Khyber Pakhtunkhwa Police Disciplinary Rules 1975 (amended in 2014).

Vide DD No. 09 dated 02-03-2020 Police Station Battal Mansehra it has been reported that while you were transferred from Police Station Baffa to Police Station Battal you did not report your arrival at Police Station Battal after passing 05 days and absented yourself from duty with effect from 27-02-2020 to date without any leave or permission. Your previous record was checked and found that you have absented yourself on the following occasion without any leave or permission.

OB No.	From	To	Period
179 dated 17-08-2016	06-07-2016	08-07-2016	02 day
197 dated 16-08-2017	08-07-2017	04-08-2017	26 days
145 dated 17-05-2018	14-02-2018	15-02-2018	01 day
55 dated 22-02-2019	12-11-2018	14-11-2018	02 days
303 dated 03-12-2018	13-08-2018	16-08-2018	03 days
07 dated 07-04-2019	03-11-2019	04-11-2019	01 days
79 dated 06-04-2020	13-02-2020	17-02-2020	04 days

From the perusal of your service record it transpired that you are an habitual absentee. It shows that you are an indisciplined Police officer and you did not take interest in the discharge of official duty. It amounts to gross misconduct on your part. For the purpose of scrutinizing the conduct of the said accused Officer with reference to the above allegations Add: SP Mansehra is deputed to conduct formal departmental enquiry against Constable Israr No. 1168 PS Battal.

The Enquiry Officer shall in accordance with the provisions of the Khyber Pakhtunkhwa Police Disciplinary Rules 1975 (amended in 2014), provide reasonable opportunity of hearing the accused, record findings and make recommendations as to punishment or other appropriate action against the accused.

The accused and a well conversant representative of the department shall in the proceedings on the date, time and place fixed by the Enquiry Officer.

District Police Officer,
Mansehra

No 72-73 /SRC dated Mansehra the 02-08-2020

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

1. The Enquiry Officer for initiating proceedings against the defaulter officer under the provisions of the Khyber Pakhtunkhwa Police Disciplinary Rules 1975.
2. Constable Israr No. 1168 PS City Mansehra with the direction to submit his written statement to the Enquiry Officer within 07 days of the receipt of this charge sheet/statement of allegations and also to appear before the Enquiry Officer on the date, time and place fixed for the purposes of departmental proceedings.

Reader.

For enquiry proceedings

Additional Superintendent
Police Mansehra

District Police Officer,
Mansehra

POLICE DEPARTMENT



MANSEHRA DISTRICT

ORDER

This office order will dispose off the departmental enquiry proceeding against Constable Israr Ahmed No. 1161 who was proceeded against departmentally with the allegation that while he was posted as GD Police Station Battal he has absented himself from duty with effect from 27-02-2020 to 25-06-2020 (03 months & 28 days) without any leave or permission.

The Enquiry Officer i.e. Mr. Mukhtiar Ahmed Additional Superintendent of Police, Mansehra after conducting proper departmental enquiry has submitted his report stating therein that, I being enquiry officer came to the conclusion that being member of disciplined force he was supposed to obtain proper leave or permission from his seniors, hence he is recommended for Suitable Punishment.

On 25-06-2020, the delinquent Constable Israr Ahmed No. 1161 was heard in person in orderly room but he could not satisfy the undersigned in his defense.

I, the District Police Officer, Mansehra, therefore award him major punishment of "dismissal from service" to the delinquent Constable Israr Ahmed No. 1161 under Khyber Pakhtunkhwa Police, Disciplinary Rules 1975 (amended in 2014). The total period (118 days) he spent without permission and leaves is treated as the period without duty so it does not attract any salary and other allowances.

Ordered announced.

03 149
29-06-2020

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District Police Officer
Mansehra

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17

Annex-E

OFFICE OF THE REGIONAL POLICE OFFICER
HAZARA REGION, ABBOTTABAD

0992-9310021-22

0992-9310023

r.r.pohazara@gmail.com

0345-9560687

NO: 23219 /PA

DATED 16/09/2020

ORDER

This order will dispose off departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rules, 1975 submitted by Ex-Constable Israr Ahmad No.1161 of District Mansehra against the punishment order i.e. *Dismissal from Service* awarded by DPO Mansehra vide OB No.149 dated 29.06.2019.

Brief facts leading to the punishment are that the appellant while posted at Police Station Battal absented himself from duty without any leave or permission with effect from 27.02.2020 to 25.06.2020 (total 03 months and 28 days).

The appellant was issued charge sheet alongwith summary of allegations and Addl: SP Mansehra was deputed to conduct departmental enquiry. The EO held the appellant responsible of misconduct and recommended for suitable punishment. The appellant was heard in person, however he failed to advance any cogent reason in his defence. Consequently, DPO Mansehra awarded him major punishment of dismissal from service.

After receiving his appeal, comments of DPO Mansehra were sought and examined/perused. The undersigned called the official in OR and heard him in person. However the appellant failed to advance any plausible justification in his defence. Moreover, service record of the appellant shows his disinterest in service. Therefore, in exercise of the powers conferred upon the undersigned under Rule 11-4 (a) of Khyber Pakhtunkhwa Police Rules, 1975 the instant appeal is hereby *filed* with immediate effect.

Qazi Jamil ur Rehman (PSP)
Regional Police Officer
Hazara Region, Abbottabad

No. 23220 /PA, dated Abbottabad the 16/09/2020.

CC:

1. The District Police Officer, Mansehra for information and necessary action with reference to his office Memo No.13948/GB dated 03-08-2020, Service Roll and Fuji Missal containing enquiry file of the appellant is returned herewith for record.

SRC
For n/a

DPO, Mansehra

Attested

Attested

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Appeal No. **12096/20**

Israr Ahmed S/O Sabir Islam, Ex-Constable No. 1161, District Police Mansehra R/O Mohallah Arghoshal Village Shatay Dodhyal, District Mansehra.

Appellant

VERSUS

1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Mansehra.

Respondents

SERVICE APPEAL UNDER SECTION-4 OF KPK SERVICE TRIBUNAL ACT 1974 AGAINST ORDER DATED 29-06-2020 OF THE DISTRICT POLICE OFFICER MANSEHRA WHEREBY APPELLANT HAS BEEN DISMISSED FROM SERVICE AND ORDER DATED 16-09-2020 OF THE REGIONAL POLICE OFFICER HAZARA REGION ABBOTTABAD WHEREBY HIS DEPARTMENTAL APPEAL REJECTED.

PRAYER: ON ACCEPTANCE OF INSTANT SERVICE APPEAL IMPUGNED ORDERS DATED 29-06-2020 AND 16-09-2020 OF RESPONDENTS MAY GRACIOUSLY BE SET ASIDE AND APPELLANT BE RE-INSTATED IN HIS SERVICE FROM THE DATE OF DISMISSAL WITH ALL CONSEQUENTIAL SERVICE BACK BENEFITS.

Respectfully sheweth,

1. That in the month of March, 2020 while appellant posted at Police Station Baffa, he was telephonically informed by his mother that the marriage ceremony of his younger sister was scheduled to take place on 02-03-2020.

Israr Ahmed
H. Ahmed

2. That appellant well in time informed his officer Incharge of the Police Station Baffa and requested for grant of 15 days leave. Appellant submitted written application for leave intimating the date of marriage ceremony.

3. That being an elder broth of a sister, the appellant's presence was necessary over there as most of the arrangements of marriage ceremony were entrusted to him. Appellant, therefore, requested his Incharge time and again to get his leave application sanctioned from the competent authority. Though the appellant was assured by his Incharge yet he did not take any step in this connection. At the neck of time when appellant had even purchased ticket for Karachi and was about to move, he once again assured appellant that even after his leaving place of posting his leave would be got sanctioned. In these circumstances the appellant was constrained to leave for Karachi and was hopeful for sanction of his leave. The appellant never left his station deliberately and without information and cause but in great reluctance & compulsion.

4. That when marriage ceremony of his sister became to an end, there started complete lock down due to COVID-19 in the country. Shifting of people from one city to other was completely banned. Beside, there no transport was allowed to move from one city to other. Even the persons who moved from their home place to other station concealing themselves in containers were arrested and put in jail. On the other hand as a matter of health safety and observing the law of the land, it

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K S

was not good and right to shift from Karachi to Mansehra. Due to the reason the appellant could not join duty immediately after expiry of marriage ceremony of his sister. However, no sooner the appellant found a chance then he rushed from Karachi to Mansehra and at once reported for duty on 07-06-2020 vide daily dairy No.15 dated 07-06-2020. **(Copy of daily dairy dated 07-06-2020 is attached as Anex "A")**.

5. That after reporting for duty, the appellant was served with a charge sheet dated 02-06-2020 which he replied on the same day when reported for duty i.e. 07-06-2020 explaining all facts and circumstances of the matter in detail denying the allegation being as baseless and incorrect. **(Copy of the Charge Sheet dated 02-06-2020 and its reply dated 07-06-2020 are attached as Annexure "B & C")**.

6. That thereafter the District Police Officer Mansehra without taking into consideration the stance advanced by the appellant in the shape of his reply to the charge sheet dismissed him from service without any reason and justification vide his order dated 29-06-2020. **(Copy of the order dated 29-06-2020 is attached herewith as Annexure "D")**.

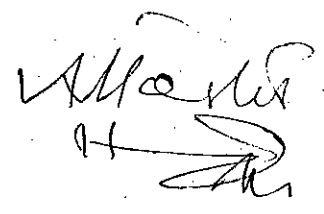
7. That appellant's absence was not deliberate or intentional rather due to compulsion on account of marriage ceremony of his real younger sister and thereafter because of COVID-19 in the country. Despite appellant's repeated written as well as verbal requests

Attested
[Signature]

and assurances of his Incharge his leave was not sanctioned. His case was genuine but was not granted.

- 8. That no proper departmental enquiry was conducted. No Show Cause Notice was issued to him. Copy of inquiry findings was not granted to the appellant. Even opportunity of personal hearing was not afforded to him and he was condemned unheard.
- 9. That appellant has rendered about 06 years service in the police department and he always performed his assigned duty with devotion and honesty. He has unblemished record at his credit. Appellant is well experienced police official. He is only bread earner of his family and is jobless since his dismissal from service.
- 10. That appellant aggrieved of order of the District Police Officer Mansehra preferred a departmental appeal before the Regional Police Officer Hazara Region Abbottabad (copy of which could not be retained by appellant) which was rejected vide order dated 16-09-2020. **(Copy order dated 16-09-2020 is attached as Annexure-"E")**, hence instant service appeal before this Honourable Service Tribunal, inter alia, on the following as well as other grounds:-

GROUND:



- a) That impugned orders dated 29-06-2020 and 16-09-2020 of respondents are illegal, unlawful against the facts and circumstances of matter hence are liable to be set aside.

- b) That no proper departmental inquiry was conducted. No Show Cause Notice was issued. Copy of inquiry findings, if any, were not provided to the appellant. Even he was not afforded the opportunity of personal hearing and condemned unheard.
- c) That the respondents have not treated the appellant in accordance with law, departmental rules & regulations and policy on the subject and have acted in violation of Article-4 of the constitution of Islamic Republic of Pakistan 1973 and unlawfully issued the impugned orders, which are unjust, unfair hence not sustainable in the eyes of law.
- d) That the appellate authority has also failed to abide by the law and even did not take into consideration the grounds incorporated in the memo of appeal. Even the penalty with which the appellant was awarded was illegal. Thus the impugned orders of respondents are contrary to the law as laid down in the KPK Police Rules 1934, other departmental rules regulations read with section 24-A of General Clause Act 1897 read with Article 10A of Constitution of Islamic Republic of Pakistan 1973.
- e) That appellant never absented himself willfully or deliberately from his duties rather due to some compulsions on account of marriage ceremony of his real younger sister at Karachi and thereafter because of COVID-19 in the country. Appellant's genuine cause was not given any heed by respondents and he was punished for the circumstances beyond his control.

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- f) That instant appeal is well within time and this honorable Service Tribunal has got every jurisdiction to entertain and adjudicate upon the same.

PRAYER:

It is, therefore, humbly prayed that on acceptance of instant Service Appeal both the orders dated 29-06-2020 and 16-09-2020 of respondents may graciously be set aside and appellant be re-instated in service with all consequential service back benefits. Any other relief which this Honorable Service Tribunal deems fit may also be granted.

Through:

Appellant



(Mohammad Aslam Tanoli)

Advocate High Court

At Haripur

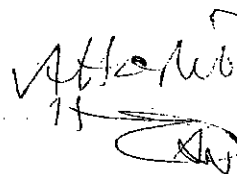
Dated 15-10-2020

VERIFICATION

It is verified that the contents of instant Service Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed thereof.

Dated 15-10-2020

Appellant



BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA**PESHAWAR.****SERVICE APPEL NO. 12096/2020.**

Israr Ahmad s/o Sabir Islam Ex. Constable No. 1161 district Police
 Mansehra r/o Mohallah Arghoshal village shatay Dodhyal District
 MansehraAppellant

VERSUS

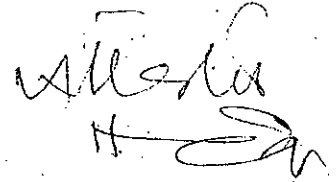
Provincial Police Officer Khyber Pakhtunkhwa Peshawar & others.
 Respondents

Reply/ Comments On Behalf Of Respondents**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. Incorrect. That the appellant while posted at PS battal has absented himself from duty with effect from 27.02.2020 to 25.06.2020 (total 3 months and 28 days) without any leave or permission.
2. Incorrect. The appellant has not submitted any application before any forum for leave.



3. Incorrect. The appellant had to follow the rules and had to take leave for the purpose instead of absenting himself form lawful duty, which is professional misconduct under the rules.
4. Incorrect. The appellant had to follow the rules, he was supposed to take leave before departure, instead to absented himself from lawful duty without permission.
5. Correct. The appellant was served with charge sheet and statement of allegation, he replied but it was found unsatisfactory.
6. Incorrect. The appellant was dismissed from service after proper departmental enquiry, conducted in accordance with law and rules, in which he was held guilty. After proper departmental enquiry, the appellant was dismissed from service vide OB No. 149 dated 29.06.2020. **(copy of dismissal order is enclosed as annexure A)**
7. Incorrect. The appellant is habitual absentee and was awarded several punishments on the ground of absence from duty.
8. Incorrect. A proper departmental enquiry was conducted in accordance with law and legal formalities were observed and he was held guilty. **(Copy of the enquiry report is enclosed as annexure B).**
9. Pertains to record. However, his service record is tainted with bed entries/punishment of worth perusal. **(List of his previous service record is annexure C)**
10. His appeal was rejected being not maintainable and the punishment awarded to appellant is based on facts and under the law/rules:-

GROUND:-


- A. Incorrect. The impugned orders are legal, in accordance with facts and rules.
- B. Incorrect. Show cause notice was issued and proper enquiry was conducted through enquiry officer.
- C. The appellant was treated in accordance with law/rules.
- D. The penalty awarded to appellant was legal and in accordance with law / rules.

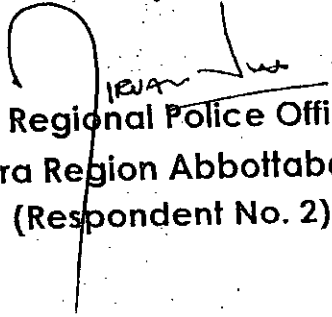
Attested
A. S. S.

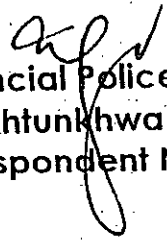
- E. Incorrect. The appellant deliberately absented from official duty without leave. Detail reply is given in Paras ibid..
- F. The instant appeal is badly time barred.

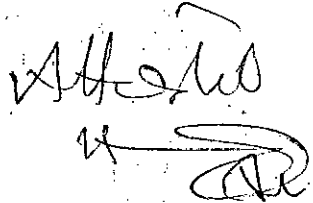
PRAYER:

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

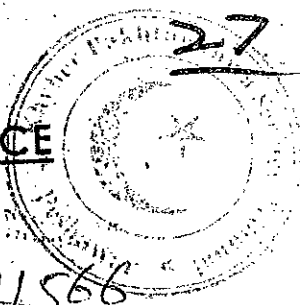

District Police Officer
Mansehra
(Respondent No. 3)


Regional Police Officer
Hazara Region Abbottabad
(Respondent No. 2)


Provincial Police Officer
Khyber Pakhtunkhwa Peshawar
(Respondent No. 1)



① ANNEXURE
G



BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No. 12096/20

Case No. 11566
Date 15/10/2020

Israr Ahmed S/O Sabir Islam, Ex-Constable No. 1161, District Police Mansehra R/O Mohallah Arghoshal Village Shatay Dodhyal, District Mansehra.

Appellant

VERSUS

1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Mansehra.

Respondents

SERVICE APPEAL UNDER SECTION-4 OF KPK SERVICE TRIBUNAL ACT 1974 AGAINST ORDER DATED 29-06-2020 OF THE DISTRICT POLICE OFFICER MANSEHRA WHEREBY APPELLANT HAS BEEN DISMISSED FROM SERVICE AND ORDER DATED 16-09-2020 OF THE REGIONAL POLICE OFFICER HAZARA REGION ABBOTTABAD WHEREBY HIS DEPARTMENTAL APPEAL REJECTED.

PRAYER: ON ACCEPTANCE OF INSTANT SERVICE APPEAL IMPUGNED ORDERS DATED 29-06-2020 AND 16-09-2020 OF RESPONDENTS MAY GRACIOUSLY BE SET ASIDE AND APPELLANT BE RE-INSTATED IN HIS SERVICE FROM THE DATE OF DISMISSAL WITH ALL CONSEQUENTIAL SERVICE BACK BENEFITS.

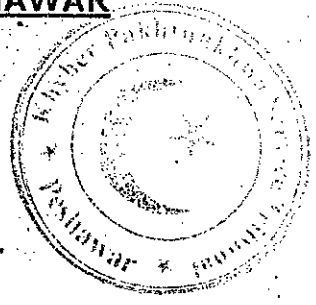
Respectfully sheweth,

Filed today
Registrar
15/10/2020

That in the month of March, 2020 while appellant posted at Police Station Baffa, he was telephonically informed by his mother that the marriage ceremony of his younger sister was scheduled to take place on 02-03-2020.

ATTESTED
[Signature]
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR
AT CAMP COURT, ABBOTTABAD.**



Service Appeal No.12096/2020

Date of Institution ... 15.10.2020
Date of Decision ... 19.09.2022

Israr Ahmad S/O Sabir Islam, Ex-Constable No.1161, District Police
Mansehra R/O Mohallah Arghoshal Village Shatay Dodhyal, District
Mansehra.

(Appellant)

VERSUS

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and two
others.

(Respondents)

Muhammad Aslam Tanoli,
Advocate

... For appellant.

Kabir Ullah Khattak,
Additional Advocate General

... For respondents.

Rozina Rehman
Fareeha Paul

... Member (J)
... Member (E)

JUDGMENT

ROZINA REHMAN, MEMBER (J): The appellant has invoked the
jurisdiction of this Tribunal through above titled appeal with the
prayer as copied below:

**"On acceptance of instant service appeal, the impugned
orders dated 29.06.2020 and 16.09.2020 of respondents
may graciously be set aside and appellant be reinstated in
his service from the date of dismissal with all consequential
service back benefits".**

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

2. Brief facts of the case are that appellant was posted at Police Station Baffa when he was telephonically informed by his mother regarding the marriage ceremony of his younger sister which was scheduled to be held on 02.03.2020. He informed the Officer Incharge of the Police Station Baffa and requested for grant of 15 days leave. He submitted written application for leave. Being an elder brother of a sister, his presence was necessary. He, therefore, requested his Incharge time and again to get his leave application sanctioned from the competent authority. He was assured. He purchased ticket for Karachi and was about to move when he was once again assured by the Incharge regarding the sanction of his application. After marriage ceremony of his sister, complete lockdown started due to COVID-19 in the country and travelling was banned. No transport facility was allowed to move from one city to another. In the given circumstances, he could not join his duty and he reported for duty on 07.06.2020. He was served with charge sheet which was replied, thereafter, he was dismissed from service on 29.06.2020. He filed departmental appeal which was rejected, hence, the present service appeal.

3. We have heard Muhammad Aslam Tanoli, Advocate learned counsel for the appellant and Kabir Ullah Khattak, Additional Advocate General for respondents and have gone through the record and the proceedings of the case in minute particulars.

4. Muhammad Aslam Tanoli Advocate, learned counsel for the appellant argued inter alia that the impugned orders are illegal, unlawful and against the facts, hence, liable to be set aside. He

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

contended that the appellant was not treated in accordance with law and rules and they acted in violation of Article-4 of the Constitution of Islamic Republic of Pakistan, 1973; that no proper departmental inquiry was conducted and no show cause notice was issued. Lastly, he submitted that the appellant never absented himself willfully or deliberately from duty rather due to some compulsions on account of marriage ceremony of his younger sister at Karachi and thereafter because of the COVID-19 in the country. He, therefore, requested for acceptance of the instant service appeal.

5. Conversely, learned AAG submitted that appellant while posted at PS Battal, absented himself from duty w.e.f 27.02.2020 to 25.06.2020 without any leave or permission and that no application was submitted before any forum. He further submitted that the appellant had to follow the rules and had to take leave for the purpose instead of absenting himself from lawful duty which is professional misconduct under the rules. Lastly, he submitted that proper charge sheet with statement of allegations were served upon appellant which was replied and he was dismissed from service after proper departmental inquiry conducted in accordance with law and rules.

6. From the record, it is evident that appellant was serving as Constable in the Police Department. The allegations against appellant are in respect of his absence from duty. As per record, different applications were submitted but the same were not got approved and on the assurance of the then Incharge, he left for Karachi in order to attend the marriage ceremony of his younger sister. The record

ATTESTED

EXAMINER
 Kyber Paktikwa
 Service Tribunal
 Peshawar

further shows that the marriage ceremony was scheduled to be held on 02.03.2020 and in the same month vide DD No.09 dated 02.03.2020 it was reported from Police Station Battal, Mansehra that after transfer of the appellant from Police Station Baffa to Police Station Battal, he did not report his arrival at Police Station Battal. Now on one hand, the appellant himself admits his departure for Karachi in the month of March and on the other hand, he was transferred in March, 2020 from one Police Station to another. In the absence of appellant, he could not report his arrival at Police Station Battal but all these facts have not been properly mentioned in the inquiry report as to whether any such application had ever been submitted by the appellant seeking permission to leave the station for attending the marriage ceremony of his sister. Nothing is available on file which could show that the Inquiry Officer ever tried to record statement of any witness including the statement of appellant with direction to appellant to prove the marriage ceremony of his younger sister in Karachi in March, 2020. He was not asked to produce proof in shape of any train ticket to prove his travelling to Karachi. COVID-19 is not denied but the Inquiry Report is silent in respect of COVID-19 specially in the period mentioned by the appellant, wherein he stated that transport facility was not available in the entire country. The record is silent in this regard which shows that no proper inquiry was conducted and all the proceedings were done in an authoritarian manner. Appellant was not afforded an opportunity of personal hearing as is required under rules. It is, however, a well-settled legal


ATTESTED

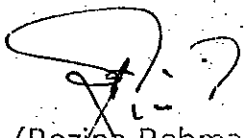
EXAMINER
 Member Peshawar
 Service Tribunal
 Peshawar

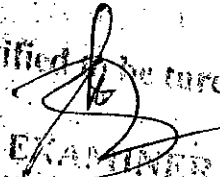
proposition duly supported by numerous judgments of Apex Court that for imposition of major penalty, regular inquiry is a must:

7. Keeping in view the entire record, we are left with no option but to accept this appeal partially by reinstating the appellant for the purpose of de-novo inquiry to be conducted within 60 days of the receipt of this judgment. Needless to mention here that the appellant shall be provided with proper opportunity of defense during the inquiry proceedings. The issue of back benefits shall be subject to the outcome of de-novo inquiry. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED.
19.09.2022


(Fareeha Paul)
Member (E)
Camp Court, A/Abad


(Rozina Rehman)
Member (J)
Camp Court, A/Abad

Certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application 20/10/22
Number of Words 2000
Copying Fee 22/-
Urgent 4/-
Total 26/-
Name of Applicant
Date of Completion of Copy 20/10/22
Date of Delivery of Copy 20/10/22

ANNEXURE "H"

33

CHARGE SHEET

I, Irfan Tariq (PSP), District Police Officer, Mansohra as Competent Authority, hereby charge you Constable Israr Ahmad No. 1161 Police Lines as follows.

Vide DD No. 09 dated 02-03-2020 PS Battal It has been reported that you were transferred from PS Baffa to PS Battal but you did not report your arrival at PS Battal and absented yourself from duty with effect from 27-02-2020 to 25-06-2020 (03 months & 05 days) without any leave or permission. Your previous record was checked and found that you have absented yourself from duty on the following occasions without any leave or permission.

OB No	From	To	Period
179 dated 17-08-2016	06-07-2016	07-07-2016	02 days
197 dated 16-07-2017	16-07-2017	04-08-2017	26 days
145 dated 17-05-2018	14-02-2018	15-02-2018	01 day
55 dated 22-02-2019	12-1-2018	14-11-2018	02 days
303 dated 03-2-2018	13-08-2018	16-08-2018	03 days
07 dated 07-04-2019	03-11-2019	04-11-2019	01 day
79 dated 06-04-2020	13-02-2020	17-02-2020	04 days

In this regard proper departmental enquiry was initiated against you and on the recommendation of enquiry officer you were dismissed from service. It amounts to gross misconduct.

Due to reasons stated above you appear to be guilty of misconduct under Khyber Pakhtunkhwa Police Disciplinary Rules 1975 (amended in 2014) and have rendered yourself liable to all or any of the penalties specified in the said Police Disciplinary Rules.

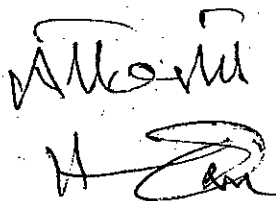
You are, therefore, required to submit your written defense within 07 days of the receipt of this charge sheet to the enquiry officer.

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

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

Statement of allegation is also enclosed.


District Police Officer,
Mansohra



DISCIPLINARY ACTION

I, Irfan Tariq (PSP), District Police Officer Mansehra, as Competent Authority of the opinion that Constable Israr Ahmad No. 1161 Police Lines has rendered himself liable to be proceeded against as he committed the following act/omissions within the meaning of Khyber Pakhtunkhawa Police Disciplinary Rules 1975 (amended in 2014).

In compliance of judgment of Service Tribunal Abbottabad Bench Vide order dated 19-09-2022 in service Appeal No. 12096/2020 It was directed to conduct denovo enquiry against you in respect of following allegations.

Vide DD No. 09 dated 02-03-2020 PS Battal it has been reported that you were transferred from PS Baffa to PS Battal but you did not report your arrival at PS Battal and absented yourself from duty with effect from 27-02-2020 to 25-06-2020 (03 months & 05 days) without any leave or permission. Your previous record was checked and found that you have absented yourself from duty on the following occasions without any leave or permission.

OB No	From	To	Period
179 dated 17-08-2016	06-07-2016	07-07-2016	02 days
197 dated 16-07-2017	16-07-2017	04-08-2017	26 days
145 dated 17-05-2018	14-02-2018	15-02-2018	01 day
55 dated 22-02-2019	12-1-2018	14-11-2018	02 days
303 dated 03-2-2018	13-08-2018	16-08-2018	03 days
07 dated 07-04-2019	03-11-2019	04-01-2019	01 day
79 dated 06-04-2020	13-02-2020	17-02-2020	04 days

In this regard proper departmental enquiry was initiated against you and on the recommendation of enquiry officer you were dismissed from service. It amounts to gross misconduct. It shows that you are indisciplined and irresponsible police official. It amounts to gross misconduct.

For the purpose of scrutinizing the conduct of the said accused Officer with reference to the above allegations, Mr. Muhammad Suleman, SP Investigation Haripur is deputed to conduct formal departmental enquiry against Constable Israr Ahmad No. 1161 Police Lines.

The Enquiry Officer shall in accordance with the provisions of the Khyber Pakhtunkhawa Efficiency & Discipline Rules 1973 (amended in 2014), provide reasonable opportunity of hearing the accused, record findings and make recommendations as to punishment or other appropriate action against the accused.

The accused and a well conversant representative of the department shall in the proceedings on the date, time and place fixed by the Enquiry Officer.


District Police Officer,
Mansehra

No 710-11 /PA dated Mansehra the 26 /01/2023

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

1. The Enquiry Officer for initiating proceedings against the defaulter officer under the provisions of the Khyber Pakhtunkhawa Efficiency & Discipline Rules 1973 (amended in 2014).
2. Constable Israr Ahmad No. 1161 Police Lines with the direction to submit his written statement to the Enquiry Officer within 07 days of the receipt of this charge sheet/statement of allegations and also to appear before the Enquiry Officer on the date, time and place fixed for the purposes of departmental proceedings.


District Police Officer,

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07-02-2023

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ANNEXURE - i - 36



OFFICE OF THE
Superintendent of Police, Investigation,
Haripur.

Email: ssp_inv_haripur@yahoo.com
Ph: No. 0995-920033, Fax No. 0995-627069

CINDING/P

No. 257/PA, dated 02/03/2023.

To: The Assistant Inspector General of Police,
Enquiries, Internal Accountability Branch, CPO,
Khyber Pakhtunkhwa, Peshawar.

Subject: SERVICE APPEAL NO.12096/2020 TITLED EX-FC ISRAR AHMAD NO.1161
VERSUS PROVINCIAL POLICE OFFICER KHYBER PAKHTUNKHWA.

Memo:

Kindly refer to your office letter No 59-62/CPWIAB, dated 10.01.2023 on the above cited subject.

It is submitted that subject cited denovo enquiry was entrusted to the undersigned by your good office to conduct denovo enquiry of Ex-Constable Israr Ahmed No. 1161 District Mansehra. So an enquiry was initiated to find out the actual facts. For this purpose the undersigned has requested the district Police Officer, Mansehra vide this office Memo No. 158/PA, dated 23-01-2023 to issue Charge sheet along with summary of allegation to Ex-constable Israr Ahmed No. 1161, District Mansehra to proceed further in the matter of denovo enquiry. (Copy of Memo No. 158/PA, dated 23-01-2023 is enclosed as Annexure "A").

For the purpose of enquiry the District Police Officer, Mansehra has issue Charge Sheet along with summary of allegation to Ex-Constable Israr Ahmed No. 1161, District Mansehra vide his office Memo No. 710-11/PA, dated 26-01-2023. As per summary of allegations levelled against Ex-Constable Israr Ahmed No. 1161, vide DD No. 09, dated 02-03-2022 PS Battal District Mansehra that while he was transferred from PS Baffa to PS Battal and absented himself from duty with effect from 27-02-2020 to 25-06-2020 (03 Months & 05 Days) without any leave or permission. It shows that he is irresponsible/inefficient police official and is not taking interest in the discharge of his official duty. It amounts to gross misconduct on his part. (Copy of charge sheet along with summary of allegation is enclosed as Annexure "B").

Attester
H. [Signature]

During the enquiry proceedings the alleged Es-Constable Israr Ahmed Na. 1161 District Mansehra submitted his written comprehensive statement in response of allegations as per charge sheet in which he stated that he submitted leave application for attending his sister marriage ceremony at Karachi, but his application was not accepted. He submitted that on 02-03-2020 he went to Karachi for the purpose of his sister marriage ceremony, meanwhile due to COVID-19 lock-down was started and he was still there at Karachi. He added that after some relief in lock-down he returned back to District Mansehra and made his arrival in PS Battal vide DD No. 15, dated 07-06-2020 and further prayed for forgiveness. (Copy of statement of alleged is enclosed as Annexure "C").

Similarly, during the enquiry proceedings others relevant record was thoroughly perused by the undersigned and following officers/officials of District Mansehra was summoned/appeared before the undersigned vide this office Memo No. 163-166/PA, dated 10-02-2023. (Copy of summoned is enclosed as Annexure "D").

1. SI Qazi Majid Naseem, the then SHO PS Battal now Traffic Inspector Mansehra.
2. HC Barkat Ullah, the then MHC PS Battal now MHC PS Balakot, Mansehra.
3. HC Nadeem No. 46, the then IHC PS Battal now Inv Wing PS Ghari Habib Ullah, Mansehra.

During the enquiry proceedings the statements of SI Qazi Majid, the then SHO PS Battal now inspector Traffic Mansehra, HC Barkat Ullah, the then MHC PS Battal now MHC PS Balakot, Mansehra and HC Nadeem No. 46, the then IHC PS Battal now IHC PS Ghari Habib Ullah Mansehra, were recorded which is revealed that the alleged Ex-Constable Israr Ahmed No. 1161 District Mansehra is transferred and posted from PS Baffa District Mansehra to PS Battal District Manshera the alleged official did not report his arrival at PS Battal and absented himself without any leave or permission. (Copy of statements are enclosed as Annexure "E, F and G").


Ali Akbar
AS

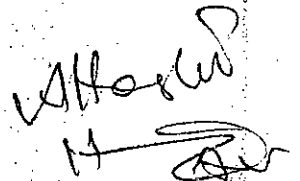
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FINDING /RECOMMENDATION:

In view of the above and after perusal of statement of alleged official, statements of other police officers and previous service record of alleged official, it has revealed that delinquent constable has gone to Karachi for his sisters marriage ceremony and did not return back to District Mansehra. As per his statement he could not come back to join his duty due to Lock down imposed by the Govt; due to COVID-19 which does not seem to be a genuine reason. Being a member of disciplined force he was supposed to obtain proper leave or permission from his seniors. Therefore, I, Muhammad Suleman, Superintendent of Police, Investigation Haripur being an enquiry officer, recommended that he may kindly be awarded Major punishment most preferably be reverted to time scale of constable.

Submitted for your kind perusal, please.


**Muhammad Suleman,
Superintendent of Police,
Investigation, Haripur.**



ORDER

This office order will dispose off the departmental enquiry proceeding against Constable Israr Ahmad No. 534 who was proceeded against departmentally with the allegation that vide DD No. 09 dated 02.03.2020 PS Battal it has been reported that he was transferred from PS Baffa to PS Battal but he did not report his arrival at PS Battal and absented himself from duty 27.02.2020 to 25.06.2020 (03 months & 05 days) without any leave or permission. His previous record was checked and found that he has absented himself from duty on the following occasions without any leave or permission.

OB No.	From	To	Period
179/17.08.2016	06.07.2016	07.07.2016	02 days
197/16.07.2017	16.07.2017	04.08.2017	26 days
145/17.05.2018	14.02.2018	15.02.2018	01 days
55/22.02.2019	12.01.2018	14.11.2018	02 days
303/03.05.2018	13.08.2018	16.08.2018	03 days
07/07.04.2019	03.11.2019	04.11.2019	01 days
79/06.04.2020	13.02.2020	17.02.2020	04 days

In this regard proper departmental enquiry was initiated against him and on the recommendation of enquiry officer he was dismissed from service.

Mr. Muhammad Suleman, Superintendent of Police, Investigation, Haripur was appointed as Enquiry Officer for denovo enquiry, vide CPO Memo: No.386-88/CPO/IAB dated 31.03.2023. The Enquiry Officer after conducting denovo departmental Enquiry has submitted his report stating therein that the delinquent constable has gone to Karachi for his sister marriage ceremony and did not return back to district Mansehra. As per statement of delinquent Constable he could not come back to join his duty due to lock down imposed by the government due to COVID-19 which does not seem to be a genuine reason. Being a member of disciplined force he was supposed to obtain proper leave or permission from his seniors. The Enquiry Officer recommended him for major punishment most preferably be reverted to time scale of constable.

On 13.04.2023, the delinquent Constable Israr Ahmad No. 534 was heard in person in orderly room but he could not convince the undersigned in his defense.

I, the District Police Officer, Mansehra, therefore award him major punishment of "Reverted to time scale of Constable" to the delinquent Constable Israr Ahmad No. 534, under Khyber Pakhtunkhwa Police Disciplinary Rules 1975 (amended in 2014). The period he remained out of service is treated as leave without pay.

Ordered announced.

(Signature)

(Signature)
District Police Officer
Mansehra

OB No

65

Dated 14/04/2023

39 ANNEXURE
BEFORE THE DIG HAZARA RANGE
ABBOTTABAD

APPEAL AGAINST THE ORDER OF DPO
MANSEHRA DATED 14.04.2023
RECEIVED ON 10.05.2023 VIDE WHICH
THE APPELLANT HAS BEEN AWARDED
MAJOR PUNISHMENT OF REVERSION TO
TIME SCALE UNDER DISCIPLINARY
RULES, 1975.

Respected Sir,

The brief facts leading to the instant appeal are arrayed as follows: -

- 1) That, the appellant was served with a charge sheet stating therein that the appellant was transferred from PS Baffa to PS Battal; the appellant entered his departure and DD of PS Baffa and did not report at PS Battal and thus absented himself from duty tantamounting to misconduct.
- 2) That, the family of the appellant is settled at Karachi and the marriage ceremony of his younger sister was going to be performed. The appellant submitted an application for leave, but he was not granted leave. The appellant left for Karachi in order to participate in the marriage ceremony of his younger sister. To his misfortune, Covid-19 started and on account of that reason even the traffic from Karachi to Mansehra was not available and the petitioner had to stay over there. With great difficulty the appellant came to his native village, but the native village namely Shatay and on account of Covid-19 Village Shatay was also locked. On account of above noted reasons the appellant could not report in the PS.
- 3) That, the absence of the appellant is neither intentional nor deliberate but on account of above noted reasons. The

Mansehra
14/5/23

40

41

appellant could not resumed his duties.

- 4) That, on account of the impugned order, there is an extra ordinary loss to the appellant which is not in consonance with the gravity of the allegations.

It is, therefore, most humbly prayed and requested that on acceptance of appeal, the impugned order may kindly be set aside.

Dated 16/05/2023

Israr Ahmed
Ex-Constable
No. 1161
Presently No. 534

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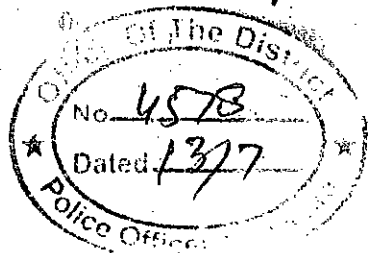
17/05/2023

0344-9584721

Attested
[Signature]

ANNEXURE

2-42



OFFICE OF THE REGIONAL POLICE OFFICER
HAZARA REGION, ABBOTTABAD
0992-9310021-22
0992-9310023

r.rpohazara@gmail.com

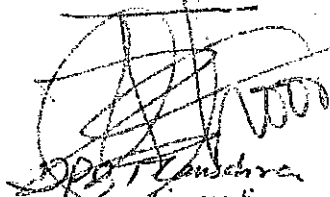
NO: 12405 / E DATED 04/07/2023

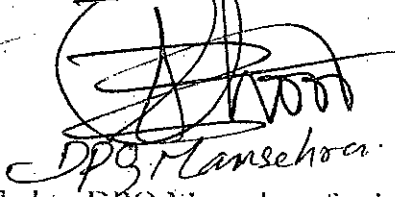
ORDER


This order will dispose of departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rules, 1975 submitted by FC Israr Ahmed No.1161 of District Mansehra against the punishment of "Reverted into time scale constable" awarded by District Police Officer Mansehra vide OB No.65, dated 14-04-2023.

Brief facts leading to the punishment are that the Appellant while posted at PS Baffa was transferred to PS Battal failed to report his arrival at PS Battal and absented himself from duty with effect from 27-02-2020 to 25-06-2020 (3 months & 28 days) without any leave or permission. He was dismissed by DPO Mansehra vide OB No. 149 dated 29-06-2020. Later on, he approached to the court of Service Tribunal KPK from where conducting of Denovo enquiry was ordered. On which Muhammad Sulman the then SP Investigation Mansehra deputed as E.O on the order of DIG Internal Accountability Branch Peshawar. Once again he was recommended for major Punishment by E.O. on which DPO Mansehra awarded him punishment of reverted to time scale constable. Hence, the appellant submitted this present appeal.

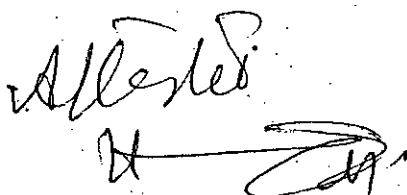
After receiving his appeal, comments of District Police Officer, Mansehra were sought and examined/perused. The undersigned called the appellant in OR on 27-06-2023 and heard him in person, where he has been given reasonable opportunity to defend himself against the charges, however he failed to advance any justification in his defense. Thus, the disciplinary action taken by the competent authority seems genuine and the appeal is liable to be dismissed. 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* with immediate effect.

SRC/PO

DPO Mansehra

Attested

DPO Mansehra


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

Copy forwarded to DPO Mansehra for information and necessary action w.r to his office Memo: No.6534/PDSP, dated 02-06-2023. Service Record alongwith Fauji Missal of the appellant is returned herewith for record.

Attested


24.07.23 Received

وکالت نامہ

قیمتی

کورٹ فیس

BEFORE THE N.P.C SERVICE TRIBUNAL
Appellant

USRAH AHMAD Court

دعویٰ یا جرم *Service Appeal* باعث تحریر آنگہ

مندرجہ بالا عنوان میں اپنی طرف سے پیروی اور جوابدہی مقام

ایڈووکیٹ بدیں شرط وکیل مقرر کیا۔ کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص روبرو عدالت
حاضر ہوتا ہوں گا۔ اور بوقت پکارے جانے وکیل صاحب موصوف کو اطلاع دے کر حاضر کروں گا۔ اگر کسی پیشی پر مظہر

حاضر نہ ہوں اور حاضری کی وجہ سے کسی وجہ پر مقدمہ میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ
ہونگے۔ نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ کسی اور جگہ یا پکھری کے مقرر اوقات سے پہلے یا بروز

تعطیل پیروی کرنے کے مجاز نہ ہونگے۔ اگر مقدمہ مقام پکھری کے کسی اور جگہ سماعت ہونے پر یا بروز پکھری کے اوقات
کے آگیا یا پیچھے ہونے پر مظہر کو کوئی نقصان پہنچے تو ذمہ دار یا اس کے رابطے کسی معاوضہ ادا کرنے مختار نامہ واپس کرنے کے

بھی صاحب موصوف ذمہ دار نہ ہونگے۔ مجھے کل ساختہ پرواختہ صاحب مثل کردہ ذات خود منظور قبول ہوگا اور صاحب
موصوف کو عرضی دعویٰ اور درخواست اجراءے ڈگری و نظر ثانی اپیل نگرانی دائر کرنے نیز ہر قسم کی درخواست پر دستخط تصدیق

کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کے اجرا کرنے اور ہر قسم کاروبار وصول کرنے اور رسید دینے اور داخل کرنے
کا ہر قسم کا بیان دینے اور سپروائٹی و راضی نامہ و فیصلہ برخلاف کرنے اقبال دعوے کا اختیار ہوگا۔ اور بصورت اپیل و

برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم امتناعی یا ڈگری قبل از فیصلہ اجراءے ڈگری بھی صاحب موصوف کو
بشرط ادا جنگی علیحدہ پیروی مختار نامہ کرنا مجاز ہوگا۔ اور بصورت ضرورت اپیل یا اپیل کے واسطے کسی دوسرے وکیل یا بیرسٹر

کو بجائے اپنے ہمراہ مقرر کریں اور ایسے مشیر قانونی کو بھی اس امر میں وہی اختیارات حاصل ہونگے جیسے صاحب
موصوف کو۔ پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا۔ تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پیروی نہ

کریں اور ایسی حالت میں میرا مطالبہ صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا مختار نامہ لکھ دیا ہے کہ سندرے مضمون
مختار نامہ سن لیا ہے اور اچھی طرح سمجھ لیا اور منظور ہے۔

20/7/2023

مورخہ:

ال عبد اللہ عبد اللہ

Accepted by
[Signature]

[Signature]

[Signature]

20/7/2023