

10<sup>th</sup> May, 2023

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

2. Learned counsel for the appellant seeks adjournment in order to prepare the brief. Adjourned. To come up for arguments on 20.07.2023 before D.B. P.P given to the parties.

SCANNED  
KPST  
Peshawar

(Fareeha Paul)  
Member (E)

(Kalim Arshad Khan)  
Chairman

\*Kaleem Ullah\*

20-7-23

Due to public holiday on account of 1st Moharram ul Hasan. To come up for the same on 17-10-23

SCANNED  
KPST  
Peshawar

Qn  
Rashida

17.10.2023

1. Junior to counsel for the appellant present. Mr. Muhammad Jan learned District Attorney alongwith Sajjad Khan, Inspector (legal) for the respondents present.

2. Junior to counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is busy before Hon'ble Islamabad High Court. Absolute last chance is given, failing which the case will be decided on the basis of available record. To come up for arguments on 31.01.2024 before D.B. P.P given to the parties.

SCANNED  
KPST  
Peshawar

(FAREEHA PAUL)  
Member(E)

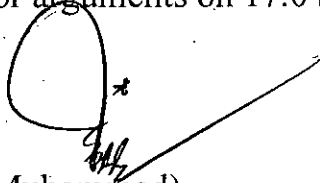
(RASHIDA BANO)  
Member (J)

\*Kaleem Ullah\*

09.01.2023

Learned counsel for the appellant present. Mr. Yaqoob Khan, Head Constable alongwith Mr. Muhammad Jan, District Attorney for the respondents present.

In compliance of direction issued vide previous order, representative of the respondents submitted copy of inquiry record consisting of 15 sheets, copy of the said record handed over to learned counsel for the appellant, who sought time for arguments. Adjourned. To come up for arguments on 17.04.2023 before D.B.



(Mian Muhammad)  
Member (E)



(Salah-ud-Din)  
Member (J)

17<sup>th</sup> April, 2023 1. Learned counsel for the appellant present. Mr. Fazal Shah, Addl: AG for the respondents present.

2. Learned counsel for the appellant seeks adjournment on the ground that he has not prepared the case. Last chance is given to the appellant to argue the case on the next date. To come up for arguments on 10.05.2023 before D.B.



(Fareeha Paul)  
Member (E)



(Kalim Arshad Khan)  
Chairman

SCANNED  
Peshawar

SCANNED  
Peshawar

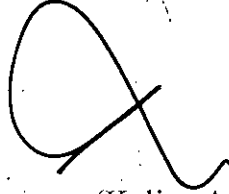
12<sup>th</sup> Oct, 2022

Appellant alongwith his counsel present. Mr. Muhammad Adeel Butt, Addl: AG for respondents present.

Since the similar appeal is adjourned, therefore the instant appeal is also adjourned. To come up for arguments on 22.11.2022 before D.B alongwith connected appeal No. 1564/2018 "titled Hamayoon-vs-Police Department".



(Farecha Paul)  
Member(Executive)



(Kalim Arshad Khan)  
Chairman

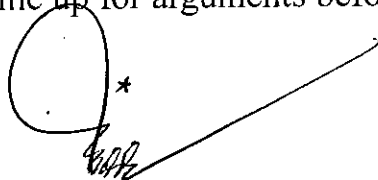
22.11.2022

Appellant alongwith his counsel present. Mr. Muhammad Farooq, Acting DSP (Legal) alongwith Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.


Complete record of the inquiry proceedings have not been submitted either by the appellant or by the respondents, therefore, representative of the respondents shall positively produce the same

and to come up for arguments before the D.B on 09.01.2023.

SCANNED  
KPT  
Peshawar



(Mian Muhammad)  
Member (E)



(Salah-Ud-Din)  
Member (J)

25<sup>th</sup> July 2022      Learned counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Learned counsel for the appellant seeks adjournment on the ground that he has not prepared the brief of the instant appeal. Adjourned. To come up for arguments on 10.10.2022 before the D.B.



(Salah-Ud-Din)  
Member (J)



(Kalim Arshad Khan)  
Chairman

10.10.2022

Appellant alongwith his counsel present. Mr. Kabir Ullah Khattak, Additional Advocate General for respondents present.

Learned counsel for the appellant submitted that similar nature of appeals have already been fixed on 12.10.2022, therefore, the same may also be clubbed with the said appeals. Let this appeal be fixed with the said appeals for arguments on 12.10.2022 before D.B.



(Fareeha Paul)  
Member (E)



(Kalim Arshad Khan)  
Chairman

Stipulated period passed reply not submitted.

16.08.2021

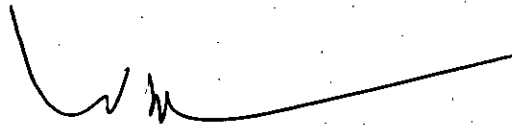
Learned Addl, A.G be reminded about the omission and for submission of reply/comments within extended time of 10 days.

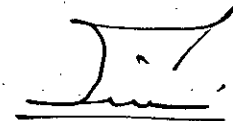
  
Chairman

11.11.2021

Syed Noman Ali Bukhari, Advocate, for the appellant present. Mr. Muhammad Rasheed, Deputy District Attorney for the respondents present.

Reply/comments on behalf of respondents received through office, which have been placed on file and copy the same is handed over to learned counsel for the appellant. Adjourned. To come up for rejoinder, if any, as well as arguments on 03.02.2022 before the D.B.

  
(Atiq-Ur-Rehman Wazir)  
Member (E)

  
(Salah-Ud-Din)  
Member (J)

03.02.2022

The Tribunal is non-functional, therefore, the case is adjourned to 11.05.2022 before D.B for the same.

11-5-22

*Proper DO not available The case is adjourned on 25-7-22*

  
Reader

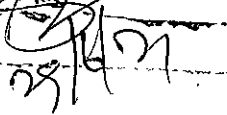
  
Reader

29.06.2021

Counsel for the appellant present. Preliminary arguments heard.

Points raised need consideration. The appeal is admitted to regular hearing, subject to all just and legal objections including limitation. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days of the receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, the office shall submit the file with a report of non-compliance. File to come up for arguments on 11.11.2021 before the D.B.

Appellant Deposited  
Security & Process Fee

  
29/6/21

  
Chairman

73/19

23.09.2020

Counsel for the appellant present.


On the last date of hearing instant matter was adjourned to avail the outcome of cases pending before the Larger Bench and having similar nature. The Larger Bench has not yet concluded the proceedings before it, therefore, instant matter is adjourned to 02.12.2020 before S.B.

  
Chairman

02.12.2020

Counsel for appellant is present.

Learned counsel requests for adjournment to a date after the decision of proposition regarding retrospective punishment by a Larger Bench of this Tribunal.  
Adjourned to 17.02.2021 before S.B.

  
(MUHAMMAD JAMAL KHAN)  
MEMBER (JUDICIAL)

17.02.2021

The learned Member Judicial Mr. Muhammad Jamal Khan is under transfer, therefore, the case is adjourned. To come up for the same before S.B on 29.06.2021.

  
Reader

22.01.2020 Junior to counsel for the appellant present.

Requests for adjournment due to general strike of the Bar. Adjourned to 21.02.2020 in order to avail the outcome of case(s) pending before the Larger Bench regarding retrospective punishment.

  
Chairman


21.02.2020 Learned counsel for the appellant present and seeks adjournment. Adjourn. To come up for preliminary hearing on 07.04.2020 before S.B.

  
Member

07.04.2020 Due to public holiday on account of COVID-19, the case is adjourned to 01.07.2020 for the same. To come up for the same as before S.B.

  
Reader

01.07.2020 Counsel for appellant present and seeks adjournment. Adjourned to 23.09.2020 before S.B in order to avail the outcome of cases pending before the Larger Bench of this Tribunal, regarding retrospective punishment.

  
Member (J)



19.08.2019

Counsel for the appellant present.

Learned counsel states that in the instant case the impugned order of dismissal from service was passed on 23.02.2015 but was given effect retrospectively from 28.02.2014. In that context, she states that similar proposition is to be decided by a Larger Bench of this Tribunal on 28.08.2019, therefore, instant matter be adjourned to a date thereafter.

Adjourned to 17.09.2019 before S.B.



Chairman

17.09.2019

Counsel for the appellant present.

Learned counsel states that similar proposition to be decided by a Larger Bench has been adjourned to 14.11.2019, therefore, requests for a date of hearing there-after.

Adjourned to 25.11.2019 before S.B.



Chairman

25.11.2019

Junior to counsel for the appellant present.

Requests for adjournment on account of general strike of the Bar. Adjourned to 22.01.2020 before S.B.



Chairman

09.04.2019 Counsel for the appellant and Addl. AG for the respondents present.

Learned counsel for the appellant states that the appellant has applied for issuance of copies of some record which is relevant for the purpose of appeal in hand. The same has not been <sup>made</sup> available to him, therefore, a request for adjournment is made.

Adjourned to 10.05.2019 before S.B.

  
Chairman

10.05.2019 Appellant alongwith his counsel present. Learned counsel for the appellant seeks adjournment. Adjourned to 27.06.2019 before S.B.

  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER


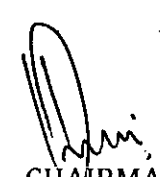

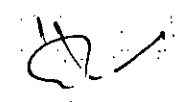
27.06.2019 Learned counsel for the appellant present and seeks adjournment. Adjourn. To come up for preliminary hearing on 19.08.2019 before S.B

  
Member

Form- A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. 73/2019


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	15/1/2019	<p>The appeal of Mr. Barkat Ali resubmitted today by Syed Noman Ali Bukhari Advocate, may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR 15/1/19</p>
2-	16-1-19	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>24-1-19</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
24.01.2019		<p>Appellant alongwith his counsel present and requested for adjournment. Adjourned. To come up for preliminary hearing on 28.02.2019 before S.B.</p> <p style="text-align: right;"> (MUHAMMAD AMIN KHAN KUNDI) MEMBER</p>
28.02.2019		<p>Appellant in person present. Due to general strike of the bar, the case is adjourned. To come up for preliminary hearing on 09.04.2019 before S.B.</p> <p style="text-align: right;"> Member</p>

The appeal of Mr. Barkat Ali Ex-Constable no. 1791 Police Bannu received today i.e. on 26.10.2018 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copy of departmental appeal and revision petition mentioned in the memo of appeal are not attached with the appeal which may be placed on it.
- 2- Copy of rejection order departmental appeal mentioned in the memo of appeal is not attached with the appeal which may be placed on it.
- 3- Annexures of the appeal are illegible which may be replaced by legible/better one.
- 4- Five more copies/sets of the appeal along with annexures i.e complete in all respect may also be submitted with the appeal.

No. 2771 /S.T,

Dt. 29-10 /2018.

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Syed Noman Ali Bukhari Adv. Pesh.

Sir,

File resubmitted & objection removed.



① The copy of DoA may be ~~revised~~ from Dept. same may ~~be~~ ~~not~~ be available with appellants.

② The same may also be ~~revised~~ from the Dept. which is mentioned in 11-A Rejection order dated 2-8-2017.

③ Remand.

④ Remand.

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 73 /2018

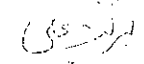
Barkat Ali

V/S

Police Deptt:


INDEX


S.No.	Documents	Annexure	Page No.
1.	Memo of Appeal	----	01-04
2.	Copy of charge sheet	-A-	5-6
3.	Copy impugned order	-B-	7-8
4.	Copy of 11-A Order	-C-	(9)
5.	Copy of Judgment	-D-	10-13
6.	Vakalat Nama	----	14

  
APPELLANT

Barkat Ali


THROUGH:

  
(UZMA SYED)

&   
(SYED NOMAN ALI BUKHARI)

ADVOCATES, HIGH COURT

PESHAWAR

  
Appellant Deposited  
Security & Process Fee

29/6

(D)

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 131 /2018

Barkat Ali, EX- Constable, 1791,  
Police line Bannu.

By 1575

Dated 26/10/18

.....(Appellant)

**VERSUS**

1. The AIG/Establishment for Inspector General of Police, KPK, Peshawar.
2. The regional police officer Bannu, region Bannu.
3. The District Police officer Bannu.

.....(Respondents)

APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNALS ACT, 1974 AGAINST THE ORDER OF RESPONDENT NO. 3 DATED 23.02.2015 WHEREBY THE APPELLANT HAS BEEN DISMISSED FROM SERVICE AND AGAINST THE REJECTION ORDER DATED 10.04.2017 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REJECTED AND AGAINST THE ORDER DATED 02.08.2017 RECIVED BY APPELLANTON 28.09.2018 WHEREBY THE APPEAL UNDER II-A HAS BEEN REJECTED FOR NO GOOD GROUNDS.

**PRAYER:**

THAT ON ACCEPTANCE OF THIS APPEAL, THE ORDERS DATED 23.02.2015, 10.04.2017 AND 02.08.2017 RECIVED BY APPELLANTON 28.09.2018 MAY PLEASE BE SET ASIDE AND THE APPELLANT MAY BE REINSTATED IN TO SERVICE WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARADED IN FAVOUR OF APPELLANT.

filed to-day  
REGISTERED  
26/10/18

(2)

RESPECTFULLY SHEWETH:

FACTS:

Facts giving rise to the present service appeal are as under:

1. That the appellant was the employe of the Police Force, and and work with full zeal and zest.
2. That the appellant had been which was admitted by the department in impugned order order serious illness due to which appellant didn't performed his duties so the absentia of the appellant was not willingfull but due to above mentioned reasons.
3. That, thereafter, the appellant was departmentally proceeded, and charge sheet was issued on the baisi opt absentia and regular inquiry and rule 9 was not followed in the present case and without showcause notice, the impugned order dated 23.02.2015 has been passed against the appellant whereby the appellant was dismissed from service with retrospective effect. The appellant been agrived from the impugned dismissal order preffered departmental appeal, the same was rejected vide order dated 10.04.2017, against which the appellant filed review petition which was also rejected vide order dated 02.08.2017 recived bny the appellant on 28.09.2018. copy of the the departmental appeal rejection order and review petition is not available with the appellant same may be requisite from the department. (Copy of Qharge sheet, impugned order, and 11-A order are attached as Annexure-A, B & C).
4. That having no other remedy now the appellant come to this august Tribunal on the following grounds amongst others.

GROUND:

- A) That the impugned orders dated 23.02.2015, 10.04.2017 and 02.08.2017 recived by appellanton 28.09.2018 are against the law, facts, norms of justice and void-ab-initio as has been passed with retrospective effect and material on record, therefore not tenable and liable to be set aside.

B) That the impugned order was retrospective order which was void in the eye of law and according to Superior Court judgment reported as 2002 SCMR, 1129 and 2006 PLC 221. And no limitation run against the void order.

C) That there is no order in black and white form to dispense with the regular inquiry which is violation of law and rules and without charge sheet, statement of allegation and proper inquiry the appellant was dismissed from the service vide order dated 23.02.2015, without given personal hearing which is necessary and mandatory in law and rules before imposing major penalty. So the whole procedure conducted has nullity in the eye of law. So the impugned order is liable to be set aside.

D) That the appellant has been condemned unheard and has not been treated according to law and rules.

E) That there was no charge sheet served upon the appellant regard the allegations mentioned in the impugned order and also no show cause notice was issued to the appellant regard the allegation mentioned in the impugned order so the impugned order is liable to be set aside on this score alone.

F) That the appellant has not been treated under proper law despite he was a civil servant of the province, therefore, the impugned order is liable to be set aside on this score alone.

G) That the absence of the appellant was not intentionally but due to serious illness. So the penalty imposed upon the appellant was so harshed.

H) That the similar place person on same footing already re-instated by the Hon'ble Tribunal vide judgment dated 10.09.2018 so the present appellant was also on same footing may be treated at par being similar place person. Copy of the judgment is attached as Annexure-D.

I) That no procedure was followed i.e. Rule-9 in case of absence against the appellant which is violation of law and rules.



PESHAWAR  
ADVOCATES, HIGH COURT  
(SYED NOMAN ALI BUKHARI)

*Uzma Syed*  
(UZMA SYED)

THROUGH:

BARRISTERS AT LAW  
APPELLANT

It is, therefore most humbly prayed that the appeal of the appellant may be accepted as prayed for.

J) That no chance of personal hearing was provided to the appellant and as such the appellant has been condemned unheard throughout.

K) That the appellant is young and efficient but due to serious illness he can't attend the duties, the department taken so harsh view may kindly be taken lenient view and reinstate the appellant in to service.

L) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

(4)

CHARGE SHEET:

A

5

1. ABDUR RASHID District-Police Officer, Bannu, as competent authority, hereby charge you Constable Barkat Ullah 1791 as follows:-

- You while posted in Police Line, Bannu absented yourself from govt duty w.e.f 26-06-2014 to 31-07-2014 without any leave or permission from the competent authority.
- That you are habitual of absentee and have no good reputation in police department.
- That you have ceased to become a good police officer.

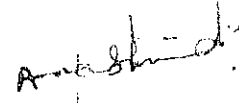
2. By reason of the above you appear to be guilty of misconduct under the police Rules (Amended vide NWFP gazettee, 27 the January 1976) and have rendered yourself liable to all or any of the penalties specified in the said rules.

3. You are therefore, directed to submit your defense within 07 days of the receipt of this Charge Sheet to the enquiry officer.

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

5. You are directed to intimate whether you desire to be heard in person.

6. A statement of allegation is enclosed.

  
(ABDUR RASHID)  
District Police Officer,  
Bannu.

6

STATEMENT OF ALLEGATIONS:

I, Abdur Rashid, District Police Officer, Bannu as competent authority, am of the opinion that Constable Barkat Ullah 1791 has rendered himself liable to be proceeded against as he has committed the following misconduct within the meaning of police rules (amended vide NWFP gazette 27<sup>th</sup> January 1976).

SUMMARY OF ALLEGATIONS:

- 1. He while posted in PS Police Line, Bannu absented himself from govt duty w.e.f 26-06-2014 to 31-07-2014 without any leave or permission from the competent authority.
  - That he is habitual of absentee and have no good reputation in police department.
  - That he has ceased to become a good police officer.
2. For the purpose of scrutinizing the conduct of the said accused with reference to the above allegations DSP/Cantt: Bannu is appointed as Enquiry Officer.
3. The Enquiry Officer shall provide reasonable opportunity of hearing to the accused, record statements etc and findings within (17 days) after the receipt of this order.
4. The accused shall join the proceedings on the date, time and place fixed by the Enquiry Officer.

*Abdur Rashid*  
(ABDUR RASHID)  
District Police Officer,  
Bannu.

No. 470-7/SRC dt. 11-9-2014  
Copies to the:-

- 1. SRC
- 2. FC Barkat Ullah 1791 of Police Line Bannu.

26-6

*Abdur Rashid*  
(ABDUR RASHID)  
District Police Officer,  
Bannu.

(6)      B      (7)  
179/ (F.C.)

ORDER:

This order of the undersigned will dispose of departmental proceedings initiated against constable Barkat Ali No. 1791 under police rules 1975 on the basis different charges on different occasions. The detail is as under:

PROCEEDINGS NO. 1

That he (accused) while posted to Police lines, Bannu absented himself from govt. duty w.e.f 28-02-2014 till date. Resultantly he was charge sheeted to this effect and DSP/Saddar Bannu was appointed as enquiry officer. DSP/Saddar conducted the enquiry proceeding and submitted his findings wherein he opined to the effect that the accused had remained absent for a period 102 days with effect from 28-02-2014 to 10-06-2014 due to illness. However, from the perusal of findings, it was established that the accused had got no proper permission for availing the leave. That is why; he was served with Final Show Cause Notice. His reply to the FSN was found unsatisfactory.

PROCEEDINGS NO. 2

On dated 24-06-2014, he again willfully absented himself from police lines Bannu and remained absent till 31-07-2014; for which, he was charge sheeted and served upon him copy of the same on dated 05-11-2014. The enquiry papers were entrusted to SDPO Cantt, who (E.O) accordingly probed into the allegations and submitted his findings on dated 24-12-2014, wherein, he had opined that the accused constable had remained absent willfully for a period of 36 days w.e.f 24-06-2014 to 31-07-2014. Consequently, Final Show cause notice was issued to him in this regard and every effort were made to serve upon him but in vain.

PROCEEDINGS NO. 3

On dated 2-08-2014, the accused, again deliberately absented himself from police lines Bannu and as a result of which, he was charge sheeted and the enquiry papers were entrusted to SDPO Rural, who (E.O) accordingly probed into the allegations and tried his best to serve upon him copy of charge sheet but the accused deliberately avoided to face the departmental proceeding. At last, the enquiry officer take eparte action into the allegations and submitted his findings on dated 09-02-2014 wherein, he had opined to the effect that the accused is still absented and avoiding to face the proceedings and is shifting his location from time to time due to bankruptcy debtor to the public. The E.O further suggested that the allegations of deliberate absence from 09-02-2014 till date stood established against the accused. Consequently, Final Show cause notice was issued to him in this regard and every effort were made to serve upon him but in vain.

PROCEEDINGS NO. 4

That on dated 28-08-2014, complainant Jahangir submitted an application to the undersigned that accused Constable Barkat Ali had taken illegal gratification of worth Rs. 195000/- from him for provision of service in police department. On dated 05-08-2014, he brought him to PS Saddar where an agreement deed was taken from him to the effect that either he will provide a service or returned the illegal amount but later on, the accused back out from his agreement deed. As member of police force is prohibited for any private transaction or borrowing money under the rules, therefore, the accused was properly charge sheeted to this effect and the enquiry papers were entrusted to enquiry committee comprising of DSP/HQrs and SP Investigation Bannu. The enquiry committee hold him guilty on the charges. Consequently, Final Show cause notice was served upon him but he failed to submit reply thereon within stipulated period.

PROCEEDING NO. 5

The accused had also taken illegal gratification of worth Rs. 3,50000/- from complt; Abdul Wahid S/O Abdul Ghafar r/o of Abba Khel district Lakki Marwat on the condition of providing him service police department but he failed this illegal bid rather refused to pay back the illegal gratification to the complt. A Show cause notice was issued to him in this regard and every effort were made to serve

... into the allegations...  
... that the accused is insubordinate, incorrigible, habitual absentee,  
... and his retention in the force is no more productive but rather it  
... on the shoulder of the force, hence the undersigned has got no other  
... except to dismiss him from the service.

3 8

Now, therefore, I Abdur Rashid, District Police Officer, Bannu being a  
... authority and in exercise of the power vested in me under police rules  
... hereby dismiss the accused (constable Barkat Ali No. 1791) from service  
... the date of his absence i.e. 28-02-2014

*Abdur Rashid*  
District Police Officer,  
Bannu.

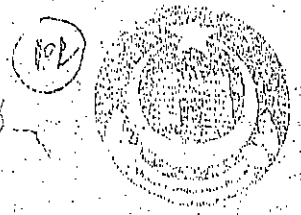
157 /dt. 28-02-2015.  
No. 489-72 /dated 23-2-2015.

Copies for information and n/a to:  
DSP/HQrs, Bannu; (2) OASI, DPO Office, Bannu along with complete  
enquiries file.  
(3) SRC, DPO Office Bannu and (4) Pay Officer with the direction to  
make recovery of the drawn salaries from the accused under the  
relevant rules.

impugned order

*Asif*  
A-1582

کدر محمد الیاس شہزاد کا حقہ کھی دیا جائے  
سہیل - برکت اللہ نمبر 1791 سہیل پولیس اسٹیشن



OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA  
CENTRAL POLICE OFFICE,  
PESHAWAR.

No. S/ 4536 /16, dated Peshawar the 02/08/2017

ORDER

This order is hereby passed to dispose of departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 submitted by Ex-Constable Barkat Ali No. 1791. The appellant was dismissed from service by DPO Bannu vide OB No. 157, dated 20.02.2015, on charges of absence from duty for a period of 11 months and 07 days. He also took illegal gratification of Rs. 1, 95, 000/- from complainant Jahangir, and Rs. 3, 50, 000/- from complainant Abdul Wahid s/o Abdul Ghaffar w/o District Lakki Marwat for purpose of enlistment in Police Service but he failed to do so and refused to return the amount to the complainant Abdul Wahid.

His appeal was filed by RPO/Bannu vide order dated 10.04.2017

Meeting of Appeal Board was held on 20.07.2017, wherein the appellant was heard in person. He contended that he is innocent, and his brother has taken loan from his maternal uncle and he complained against me.

Petitioner was dismissed from service on the charges of absence from duty for 11 months and 07 days on various occasions and taking illegal gratification of Rs. 1, 95, 000/- and Rs. 3, 50, 000/- from different persons. Petitioner failed to advance any plausible explanation. Therefore, the Board decided that his petition is hereby rejected.

This order is issued with approval by the Competent Authority.

E.C.  
9/03  
918/17  
No. S/ 4537-43 /17

Recd on Limitation  
ARIF SHAHEEN KHAN  
AIC Establishment  
For Inspector General of Police  
Khyber Pakhtunkhwa  
Peshawar

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

1. Regional Police Officer, Bannu.
2. District Police Officer, Bannu.
3. PSO to IGP Khyber Pakhtunkhwa, CPO, Peshawar.
4. PA to Addl. IGP/ICQs, Khyber Pakhtunkhwa, Peshawar.
5. PA to DIO/ICQs, Khyber Pakhtunkhwa, Peshawar.
6. PA to AIG/Legal, CPO
7. Office Supdt. I-Ex, CPO, Peshawar

No. 2356 /BC  
dt. 09/08/2017  
DPO/Bannu  
For mla

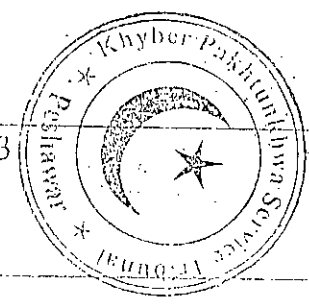
Leers  
A. Chis Taleem

SRE  
received on 28/09/2018

RPO/Bannu  
10/08/17

Handwritten marks: a circled 'D', a circled '10', and some scribbles.

Sr. No	Date of order/proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

Appeal No. 369/2012

Date of Institution ... 16.03.2012

Date of Decision ... 10.09.2018

Wali Ayaz Khan, Ex-constable No.682 R/O zul-qadar Mandan P.C. Khawaga mad Mandan Tehsil and District Bannu.

-----Appellant

1. District Police Officer, Bannu
2. Regional Police Officer, Bannu Region, Bannu.
3. The Inspector General of Prison Khyber Pakhtunkhwa.

-----Respondent

Mr. Hussain Shah.....Member

Mr. Muhammad Hamid Mughal.....Member

10.09.2018

JUDGMENT

HUSSAIN SHAH, MEMBER: - Appellant, learned counsel

for the appellant and Mr. Kabirullah Khattak, Learned Additional Advocate General on behalf of the official respondents present

2. Appellant Wali Ayaz Khan has filed the present appeal u/s of the Khyber Pakhtunkhwa Service Tribunal Act being aggrieved against the order of respondents No.1 dated 30.06.2010. The appellant was dismissed from service from the date of absence.

The appellant has also contested the rejection orders of the

Handwritten signature/initials.

**ATTESTED**

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

departmental appeal by the respondents No.2 dated 27.11.2010.

3. The Learned counsel for the appellant stated that the

impugned orders are against the law, facts and very harsh

punishment was awarded to the appellant. Further argued that the

appellant remained absent from duty for 27 days which was

neither willful nor intentional, but behind his control due to severe

illness. Further argued that the inquiry was conducted without

giving him the opportunity of defense. He also placed on record

the departmental appeal to respondent No.2 wherein facts of his

illness and dismissal for service without giving him the

opportunity of defense mentioned. Learned counsel for the

appellant argued that the impugned punishment was awarded

retrospectively hence no limitation run against the same being void

order. Learned counsel for the appellant prayed for setting aside

the impugned orders and reinstatement of the appellant.

4. Against that the learned AAC argued that the competent

authority dismissed the appellant from his service after completion

of formalities under the relevant law and the reason for his absence

and pre-planned after thoughts. Further argued that the appellant

did not bother to inform the competent authority about his absence.

ATTESTED

EXAMINER

Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar.

*[Signature]*

*[Handwritten mark]*



and neither he appeared before the inquiry officer.

5. Arguments heard. The perused.

6. Charge against the appellant was that he absented himself

for recruit training program for more than twenty Seven (27) days

and was returned as unqualified by the commandant PTC hangu

vide his signal No. 191-92/GC dated 0902.2009. There is no Civil

to the proposition that if punishment is awarded to a Civil Servant

with retrospective effect the no limitation would run against the

same being void. From the perusal of the record and arguments of

the parties it transpired that there is no dispute that the appellant

remained absent from duty without permission. However learned

counsel for the appellant has taken the plea that the appellant was

absent being severely ill. The appellant mentioned the fact of his

severe illness not only the present service appeal but also in his

departmental appeal. Learned counsel for the appellant referred to

the judgments reported in 2008 S C M R 214 & 2006 S C M R

1120. In view of the back ground of the case and the above

mentioned judgments of the Hon'ble Supreme Court the

punishment of dismissal from service appears to be excessive and

harsh.

ATTESTED

EXAMINER

Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

10/10/09

7. Consequently the present appeal is partially accepted and the major punishment of dismissal from service is modified and converted into withholding of Three (3) annual increments for a period of Five (5) years. Absent period and intervening period shall also be treated as extraordinary leave without pay. In case the appellant is found not to qualify the recruit course, the respondent department is at liberty to proceed against him in accordance with law. The Present appeal is partially accepted in the above terms. Parties are left to bear their own costs. File be consigned to the record room after its completion.

(HUSSAIN SHAH)  
MEMBER

(MUHAMMAD HAMID MUGHAL)  
MEMBER

Certified to be true copy  
EXAMINER  
Kyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

ANNOUNCED

Date of Presentation of Appeal: 10.09.2018  
 Number of Words: 1600  
 Copying Fee: 10/-  
 Urgent: /  
 Total: /  
 Name of Applicant: Semmullah  
 Date of Completion of Appeal: 18-9-2018  
 Date of Delivery of Appeal: 18-9-2018

**VAKALAT NAMA**

NO. \_\_\_\_\_/20

IN THE COURT OF K.P.K Service Tribunal, Peshawar

Barkat Ali

(Appellant)  
(Petitioner)  
(Plaintiff)

VERSUS

Police Deptt

(Respondent)  
(Defendant)

I/We, Barkat Ali

Do hereby appoint and constitute **SYED NOMAN ALI BUKHARI and Uzma Syed Advocate High Court Peshawar**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/We authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated \_\_\_\_\_/20

بیرہ علی

(CLIENT)

ACCEPTED

SYED NOMAN ALI BUKHARI  
Advocate High Court Peshawar.

UZMA SYED

Advocate High Court Peshawar.

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

Appeal No.73/2019

Barkat Ali Ex-Constable No. 1791

Police Line Bannu

Appellant

Versus

The Regional Police Officer, Bannu Region, Bannu and others.

..... Respondents

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DEPONENT

11101-1483421-1

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR

Appeal No.73/2019

Barkat Ali Ex-Constable No. 1791

Police Line Bannu

Appellant

Versus

The Regional Police Officer, Bannu Region, Bannu and others.

..... Respondents

PARA WISE COMMENTS/REPLY BY RESPONDENTS NO.1, 2 & 3

Respectfully Sheweth

Preliminary Objections

1. That the appeal of the appellant is badly time barred by law and limitation.
2. That the appeal is not maintainable in its present form.
3. That the appellant has concealed the actual facts from this Honorable Tribunal.
4. That the appeal is bad in law due to mis-joinder and non-joinder of necessary parties.
5. That the appellant has approached the Honourable Tribunal with unclean hands.
6. That the appellant has got no cause of action and locus-standi to file the instant appeal.
7. That the appellant has been estopped by his own conduct.

OBJECTIONS ON FACTS:

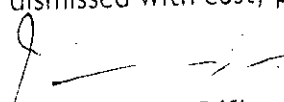
1. Correct to the extent that the appellant was the employee of Police Force but rest of the para is incorrect. The appellant was a habitual absentee and absented from government duty on various occasions. List of bad entries annexed as annexure "A". No - P. Govt
2. Incorrect. The appellant was absent from government duty for a period of 11 months and 07 days without any leave. He also took illegal gratification of Rs. 1,95,000/- from Jahangir and Rs. 3,50,000/- from Abdul Wahid s/o Abdul Ghaffar r/o District Lakki Marwat for the purpose of appointment in Police Department as a constable but he failed to do so and refused to return the money to the above-mentioned persons. No chq
3. Incorrect. The appellant is a habitual absentee and having tainted reputation like a black sheep in police department. He was dismissed from service by respondent on the charges of absence from duty for 11 months and 07 days on various occasions without any leave or permission from the competent authority and taking illegal gratification of Rs. 1,95,000/- and Rs.3,50,000/- and deceived the people on the pretext of appointment/recruitment in police force.
4. Incorrect. Appellant has got no cause of action and his appeal is maintainable under the law.

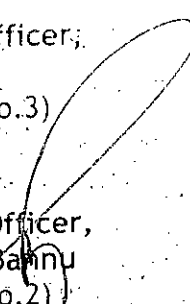
OBJECTIONS ON GROUNDS


- A. Incorrect. The orders issued by the Respondent Department is quite legal based on facts, justice and in accordance with law/rules.
- B. Incorrect. Reply has already been given in above para.
- C. Incorrect. The order issued vide dated 23.02.2015 (Respondent No.3) is in accordance to law/rules. He was dismissed from service after fulfillment of all codal and legal requirements.
- D. Incorrect. Proper charge sheet with summary of allegations were served upon the appellant. But he badly failed to prove his innocence. Meeting of appellate Board was held on 20.07.2017 in CPU Peshawar, wherein the appellant was heard in person but he badly failed to rebut the allegation leveled against him.
- E. Incorrect. Proper charge sheet with summary of allegations was issued to the appellant under the law/rules.
- F. Incorrect. Reply has already been given in the above para.
- G. Incorrect. He was dismissed from service on the charges of absence from duty for 11 months and 07 days on various occasions without any leave or permission from the competent authority and taking illegal gratification of Rs. 1,95,000/- and Rs.3,50,000/- from different persons.
- H. Incorrect. The facts & circumstances of appellant's case differ from other.
- I. Incorrect. The orders issued by the Respondent Department is quite legal and in accordance with law/rules.
- J. Incorrect. Reply has already been given in para "D".
- K. Incorrect. Reply has already been given in para "G".
- L. The Respondents department may kindly be allowed to advance any other grounds & material as evidence in the time of arguments.

PRAYER:

In view of the above replies, it is most humbly prayed that the appeal of the appellant being badly barred by limitations, may kindly be dismissed with cost, please.

  
District Police Officer,  
Bannu  
(Respondent No.3)

  
Regional Police Officer,  
Bannu Region, Bannu  
(Respondent No.2)

  
AIG/Establishment for  
Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar  
(Respondent No.1)

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

Appeal No.73/2019

Barkat Ali Ex-Constable No. 1791

Police Line Bannu

Appellant

VERSUS

The Regional Police Officer, Bannu Region, Bannu and others.

..... Respondents

AFFIDAVIT

I, **Muhammad Farooq Khan**, DSP Legal representative for Respondent Nos. 1, 2 & 3, do hereby solemnly affirm and declare that the contents of the accompanying comments submitted by me are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honorable Tribunal.

  
DEPONENT

11101-1483421-1

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

Appeal No.73/2019

Barkat Ali Ex-Constable No. 1791

Police Line Bannu

Appellant

Versus


The Regional Police Officer, Bannu Region, Bannu and others.

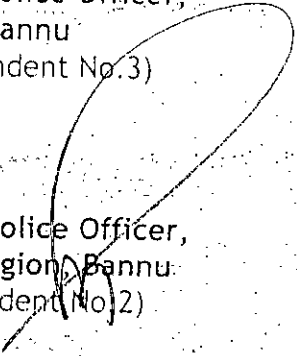
..... Respondents


AUTHORITY LETTER.

Mr. Muhammad Farooq Khan, DSP Legal is hereby authorized to appear before The Service Tribunal Khyber Pakhtunkhwa Peshawar on behalf of the undersigned in the above cited case.

He is authorized to submit and sign all documents pertaining to the present appeal.

  
District Police Officer,  
Bannu  
(Respondent No.3)

  
Regional Police Officer,  
Bannu Region Bannu  
(Respondent No.2)

  
AIG/Establishment for  
Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar  
(Respondent No.1)



ENQUIRY FINDINGS REPORT OF FC BARKAT ULLAH NO. 1791.

Constable Barkat Ullah No. 1791 has been charged for the commissions of following misconducts within the meaning of Police Rules amended vide NWFP Gazette 27<sup>th</sup> January, 1976.

- > That he take illegal gratification of Rs. 1,95,000/- from One complainant namely Jehangir Khan s/o Mir Abas Khan r/o Shama Khel Khujari that he will give him service order within one month but failed to do so.
- > On 11.07.2014 the complainant take him to PS Sadder and compromise has already been done to the effect, that he will return the same amount or service order to the complainant on 05.08.2014.
- > That he did not returned the said amount to the complainant nor give him any service order.
- > That being a member of discipline force all the above reflects gross misconducts on his part.
- > That he has ceased to become a good Police Officer.

The enquiry was marked to the Committee members to probe into the allegations vide DPO Office endst: No. 417-18/SRC dated 22.08.2014. On 01.09.2014 charge sheet based upon statement of allegations was served upon the accused officer but he did not submit reply till now.

EVIDENCE PROCESS.

Applicant and accused police officer were time and again summoned to appear in the office of undersigned for the purpose of enquiry but they were avoiding from appearing, at last on 27.09.2014 applicant appeared and recorded his statement while accused police officer is still avoiding and paying deaf ear to the order of his superior. Similarly statements of DFCs PS Kakki, PS Mandan, and AMHC Police Lines, Bannu were also recorded and placed on enquiry file. The brief of applicant statement as well as DFCs statements are given below:

1. STATEMENT OF MAHMOOD KHAN NO. 1728 DFC PS KAKKI.

He stated that he has received a Parwanas to service upon the applicant Jehangir Khan s/o Mir Abas Khan r/o Shama Khel Khujari, he noted the parwanas on dated 15.09.2014 and 23.09.2014 from him, and returned the served parwana to the office.

2. STATEMENT OF FAROOQ ZAMAN NO. 1967 DFC PS MANDAN.

He stated that he has received a Parwana to service upon the accused Police Officer constable Barkat Ullah No. 1791, on 24.09.2014 the parwana was noted from the neighbor of the accused police officer namely Irfan Ali Shah s/o Sabzali Shah r/o Hinjal Noor Baz and returned the served parwana to the office.

3. STATEMENT OF MUHAMMAD NAZIF KHAN NO. 11 AMHC POLICE LINES.

He stated that the accused police officer constable Barkat Ullah No. 1791 has been absented himself from the government duty with effect from 02.08.2014 vide D.D. Item No. 29 dated 02.08.2014 Police Lines Bannu, and separate application for stoppage of pay has also been submitted to the high ups.

4. STATEMENT OF MR JEHANGIR KHAN S/O MIR ABAS KHAN R/O SHAMA KHEL KHUJARI.

He stated that he has submitted application against the accused Police Officer Constable Barkat Ullah No. 1791 to the DPO/Bannu on 19.08.2014 for departmental action and recovery of amounts at Rs. 1,95,000/- He does not want to make any change in the application because he has not received/returned the said amount till now. He requesting therein for returning of the same amount.

CONCLUSION

We have gone through the statements of Witnesses and applicant, the following facts/misconducts were found on the part of accused police officer.


- He has taken illegal gratification of Rs. 1,95,000/- from the applicant and did not return up till now.
- He received the charge sheet on 01.09.20104 but he did not reply to the charge sheet up till now.
- He was time and again summon but he did not bother to appear before the enquiry officer for the purpose of enquiry.
- He avoiding from the lawful order of his superior Officers.
- He is still absent from the government duty w.e. from 02.08.2014 vide DD Item No. 29 dated 02.08.2014 Police Lines, Bannu to date.

In light of the above facts, circumstances and relevant record, the allegations levelled against the accused Police Officer FC Barkat Ullah Khan No. 1791 are proved and recommended for experte action.

Submitted please.



(Muhammad Shafiq)  
Superintendent of Police,  
Investigation, Bannu  
Enquiry Officer No(I)



(Sayed Inayat Ali Shah)  
DSP/HQrs, Bannu.  
Enquiry Officer No (II)

منا: کانٹیل برکت اللہ 1791 متصہ پولیس لائن بنوں

جناب عالی! کانٹیل برکت اللہ 1791 جو موالدہ 87 روزہ 28 جولائی 2014ء سے غیر حاضری ہو کر موالدہ 76 روزہ 15 جولائی 2014ء میں باقی رہی ہے۔ پورٹ کی۔ جس پر جناب SDPO صاحب بنوں نے مذکورہ خلاف چارج شیٹ، سمری اف الیکشن جاری کر کے SDPO صدر سہیل بنوں کو آٹو آڈی افسیہ مقرر کیا۔

دوران آٹو آڈی مذکورہ کانٹیل پر چارج شیٹ، سمری اف الیکشن ترقی کر کے حوالہ دیا گیا ہے۔ جس سے اپنے تہری جواب میں اپنی بیماری کا ذکر تحریر کیا ہے اور ساتھ ہی میڈیکل ریسپٹ بھی لیا ہے۔ مذکورہ میڈیکل ریسپٹ کی ویریفیکیشن کے لئے جناب میڈیکل سپرنٹنڈنٹ صاحب DHQ ہسپتال بنوں کو حوالہ لکھ کر 15/5 ڈاکٹ جاری کر کے جناب M-5 صاحب بنوں کو حوالہ لکھ کر 19-6-14 مذکورہ کانٹیل کی میڈیکل ریسپٹ 25/6/14

کو جان ریکارڈ تحریر کر کے ویریفائیڈ کی ہے۔ جو حوالہ لفٹ خالی ملا نظر ہے۔ مذکورہ کی کل غیر حاضری 23 دن 11 ماہ 23 دن ہے

کیٹیگوری آٹو آڈی، بیانات اور میڈیکل ویریفیکیشن سے پتا لگا۔ کہ کانٹیل مذکورہ نے غیر حاضری قصداً نہیں کی ہے، بلکہ بیماری کی وجہ سے غیر حاضری ہوا ہے۔

لہذا مذکورہ کانٹیل کے لئے صحت غیر حاضری میڈیکل ایسوسی ایشن میں تبدیل کرنے کی سفارش کی جاتی ہے۔

Sardar  
سر داد خان SDPO صدر سہیل بنوں  
07/07/14

ڈی ایس پی کینٹ ضلع بنوں

بخدمت جناب ڈسٹرکٹ پولیس آفیسر صاحب بنوں

نمبر: 564/ع مورخہ 24/12/2014

**فائنل رپورٹ**

عنوان: **انگواڑی برخلاف کنسٹیبل برکت اللہ نمبر 1791 متعینہ پولیس لائن بنوں**

الزام:- غیر حاضری: 6 دن۔ 1 ماہ

بحوالہ انگواڑی آڈاں کنسٹیبل برکت اللہ 1791 متعینہ پولیس لائن بنوں معروض خدمت ہوں۔ کہ کنسٹیبل مذکورہ پر الزام ہے۔

کہ کنسٹیبل مذکورہ بحوالہ نمبر 40 مورخہ 24-06-2014 پولیس لائن بنوں سے غیر حاضر ہوا۔

یہ کہ بحوالہ نمبر 22 روز نامہ 31-07-2014 پولیس لائن بنوں میں حاضری کی رپورٹ کی۔

برطانیہ ریکارڈ کنسٹیبل برکت اللہ 1791، 6 دن۔ 1 ماہ غیر حاضر رہا ہے۔

لہذا انگواڑی ہذا کے سلسلے میں کنسٹیبل برکت اللہ 1791 طلب کر کے مورخہ 05-11-2014 کو پیش ہو کر جس پر چارج شیٹ تقسیم کیا

گیا۔ اور دونوں کے اندر اندر جواب چارج شیٹ جمع کر نیکی ہدایت دی گئی۔

لیکن مذکورہ کنسٹیبل چارج شیٹ وصولی کے بعد حاضر نہ ہوسکا۔ اور نہ ہی وضاحتی جواب جمع کیا۔ لہذا مذکورہ کو طلب کر نیکی خاطر تحریری

نوٹس ہائے نمبر 480/C مورخہ 22-10-2014، نمبر 495/C مورخہ 10-11-2014، 505/C مورخہ 20-11-2014 بذریعہ

کنٹرول روم بنوں طلب کیا گیا۔ لیکن حاضر نہ ہوسکا۔ ایک بار پھر بذریعہ تحریری نوٹس نمبر 536/C مورخہ 10-12-2014، 553/C

مورخہ 18-12-2014 بذریعہ SHO کینٹ طلب کیا گیا۔ پروانہ جات پر قبیل ہونے کی باوجود سلسلہ انگواڑی مذکورہ کنسٹیبل پیش نہ ہوا۔ اور نہ

ہی کوئی تحریری وضاحت پیش نہ کیا۔

مخبر لائن لغت اللہ HC کو طلب کر کے جب بیان تلمیذ کیا گیا۔ جس نے نقلہ دست غیر حاضری اور حاضری کی تائید کی۔

OASI سے مذکورہ کنسٹیبل کے سابقہ ریکارڈ طلب کیا گیا۔ OASI نے تحریری وضاحت کی۔ کہ کنسٹیبل برکت اللہ 1791

مورخہ 09-06-07 کو بھرتی شدہ ہے۔ برطانیہ ریکارڈ نمبر 9 بار غیر حاضر رہا۔ ایکسٹرا ڈرل اور بلا تخواہ کامز ایاب ہو چکا ہے۔ اب بھی مذکورہ

کنسٹیبل بحوالہ نمبر 29 روز نامہ 02-08-2014 کو ایک بار پھر غیر حاضر ہو کر تاحال بدستور غیر حاضر ہے۔

**زائے انگواڑی آفیسر**

کردہ انگواڑی نقلہ دست اور سابقہ ریکارڈ سے بخوبی اندازہ لگایا جاسکتا ہے۔ کہ کنسٹیبل مذکورہ عادی غیر حاضر باش ہے۔ اور قصداً عموماً

کسی جائزہ کے من مانی کام رکب ہے۔

لہذا کنسٹیبل مذکورہ کو برطانیہ روز 1976 کے تحت کارروائی کرنے کی سفارش کی جاتی ہے۔

فائنل رپورٹ عرض ہے۔

ڈی ایس پی کینٹ بنوں

ٹائٹل رپورٹ

سلسلہ انکوائری ازاں کا ٹیبل برکت علی نمبر 1791 متعینہ پولیس لائن بنوں

بحوالہ چارج شیٹ نمبر SRC/12-510 مورخہ 13.10.2014 مجاریہ جناب DPO صاحب بنوں برخلاف کا ٹیبل برکت علی نمبر 1791 متعینہ پولیس لائن بنوں کے خلاف ذیل الزامات کی روشنی میں چارج شیٹ جاری ہوئی ہے۔

Summary of Allegations.

1. He while posted in police line, Bannu absented himself from govt duty w.e.f.02.8.2014 to till date without any leave or permission from the competent authority.

2. That he ceased to become a good police officer.

چارج شیٹ متعلقہ مقدمہ غیر حاضری نمبر 29 مورخہ 2.8.014 رپورٹ غیر حاضری پولیس لائن اور درخواست بندش تنخواہ بعرض انکوائری من DSP/R کو موصول ہو کر کا ٹیبل مذکورہ کو چارج شیٹ لینے کے لئے بار بار اطلاع دیا گیا مگر حاضری نہ آیا۔ اور نہ ہی کوئی رابطہ کیا۔ جو کہ جان لوجہ کر سلسلہ انکوائری حاضر ہونے اور چارج شیٹ لینے سے گریز کر رہا ہے۔ تاہم مزید تہل کے لئے ایک تحریری پروانہ نام SHO منڈان بھیجا کر مذکورہ کو مورخہ 13.11.2014 کو طلب کیا گیا۔ مگر وہ حاضر نہ آیا۔ اسی طرح مورخہ 26.11.014 کو ایک دوسرا پروانہ نام SHO منڈان بھیجا کر مذکورہ کی تلاش دینے براری کی گئی۔ لیکن وہ پھر بھی دستیاب نہ ہوا۔ اس کے بعد SHO منڈان اور DFC منڈان کے بیانات لئے گئے۔ جنہوں نے بتلایا کہ کا ٹیبل برکت علی نمبر 1791 سے تعلق کرنے کے سلسلہ میں وہ دیرپہ پھیل نور باز گئے تھے۔ جہاں پر معلوم ہوا کہ کا ٹیبل مذکورہ پھیل نور باز سے سکونت ترک کر کے نزد اپنے رشتہ دار سہیل ولد عبدالشیر سکند امندی حسن شاہ رہائش پذیر ہوا ہے۔ تاہم وہاں پر جا کر معلوم ہوا کہ مذکورہ کا ٹیبل قرضوں کی وجہ سے اکثر گھر پر موجود نہیں رہتا۔ بلکہ اسلام آباد جانا بیان ہوا۔ تھیل رشتہ داران سے کی گئی۔ تاہم مذکورہ سے بذات خود تھیل نامکس ہے۔ کیونکہ وہ قرضوں وغیرہ کی وجہ سے گھر سے اکثر غائب رہتا ہے۔ اس کے علاوہ محروم پولیس لائن کا بیان لیا گیا۔ جس نے بتلایا کہ مذکورہ کا ٹیبل بحوالہ مذکورہ 29 روز تاچہ 2.08.2014 پولیس لائن سے بدستور غیر حاضر ہے۔ جس کی عنقریب حاضری کی کوئی امید نہیں۔ اور مذکورہ کی بندش تنخواہ درخواست مورخہ 16.9.014 کو افسران بالا ارسال کی گئی ہے۔

انحصار یہ کہ کا ٹیبل برکت علی نمبر 1791 مورخہ 02.08.014 پولیس لائن سے بدستور غیر حاضر ہے۔ جس کی عنقریب حاضری کی کوئی امید نہیں ہے۔ جان لوجہ کر بغیر کسی وجہ کے غیر حاضری سے یہ ثابت ہوا کہ اس سے ایک ایسے پولیس افسر کی توقع نہیں کی جاسکتی۔ جو کہ محروم لائن، SHO منڈان اور DFC منڈان کے بیانات سے صاف واضح ہے۔ جس کے خلاف لگائے گئے الزامات ثابت ہو کر انکوائری رپورٹ برآمد مناسب حکم ارسال خدمت ہے۔

SDPO/Rural, Bannu.

اللہ ہی کیلئے ہیں مشرق و مغرب القرآن

# DAILY MASHRIQ PESHAWAR

پشاور

عہدہ کے بانی

سید تاج میر شاہ

روزنامہ

# مشرق

سلسلہ اشاعت کے 48 سال

پشاور اور اسلام آباد سبیک ٹیٹ شائع ہونے والا کثیر الاشاعت ترین اخبار

ABC CERTIFIED

شمارہ 144

جلد 48 نمبر 2، ریح الاول 1436ھ 13 جنوری 2015ء 30 پوہ قیمت 12 روپے



کا سینٹیل برکت علی مر 1791

To  
pen  
on  
submit  
with  
ductance

**آخری اظہار وجوہ نشوونما**

آپ سہا ی برکت علی مر 1791 کو بذریعہ اشتہار ہذا مطلع کیا جاتا ہے کہ آپ مورخہ 28-02-2014 سے لیکر مورخہ 10-06-2014، مورخہ 24-06-2014 سے لیکر مورخہ 31-07-2014 اور مورخہ 02-08-2014 سے لیکر اب تک پولیس لائن سے بدستور غیر حاضر ہیں۔

جس پر آپ کی حالت الترتیب ایس۔ ڈی۔ پی۔ لاؤس، ایس۔ ڈی۔ پی۔ بوکسٹ اور ایس۔ ڈی۔ پی۔ ساؤ۔ اڈول ساجن نے آپ کی خلاف ورزیاں عمل میں لاکر ہر ایک نے اپنی فائیڈنگ رپورٹس میں آپ پر لگائے گئے الزامات میں قصوردار ٹھہرایا۔ جن کی روشنی میں آپ کے خلاف علیحدہ علیحدہ آخری اظہار وجوہ نشوونما جاری ہوئے لہذا آپ پر ترمیم کرنے کی ہر ممکن کوشش کی گئی لیکن یہ سب ناکام رہا۔ لہذا آپ کو بذریعہ نوٹس ہذا مطلع کیا جاتا ہے کہ اس نوٹس ہذا کی اشاعت کے اہم کے اندر اندر زبردستی کو معافی کی رپورٹ کر کے لیکر نوٹس وصول کرنے کا اپنی غیر حاضری کے متعلق مستعمل وجوہات پیش کریں۔

بصورت دیگر آپ کی خلاف ورزیاں کا عدالتی فیصلہ فیصلہ میں ملانی پائیگی۔

شہلی پولیس آفیسر جنرل

11/11/14

ORDER:

This order of the undersigned will dispose of departmental proceedings initiated against constable Barkat Ali No. 1791 under police rules 1975 on the basis different charges on different occasions. The detail is as under:

PROCEEDINGS NO. 1

That he (accused) while posted to Police lines, Bannu absented himself from govt: duty w.e.f 28-02-2014 till date. Resultantly he was charge sheeted to this effect and DSP/Saddar Bannu was appointed as enquiry officer. DSP/Saddar conducted the enquiry proceeding and submitted his findings wherein he opined to the effect that the accused had remained absent for a period 102 days with effect from 28-02-2014 to 10-06-2014 due to illness. However, from the perusal of findings, it was established that the accused had got no proper permission for availing the leave. That is why; he was served with Final Show Cause Notice. His reply to the FSN was found unsatisfactory.

PROCEEDINGS NO. 2

On dated 24-06-2014, he again willfully absented himself from police lines Bannu and remained absent till 31-07-2014, for which, he was charge sheeted and served upon him copy of the same on dated 05-11-2014. The enquiry papers were entrusted to SDPO Cantt, who (E.O) accordingly probed into the allegations and submitted his findings on dated 24-12-2014, wherein, he had opined that the accused constable had remained absent willfully for a period of 36 days w.e.f 24-06-2014 to 31-07-2014. Consequently, Final Show cause notice was issued to him in this regard and every effort were made to serve upon him but in vain.

PROCEEDINGS NO. 3

On dated 2-08-2014, the accused again deliberately absented himself from police lines Bannu and as a result of which, he was charge sheeted and the enquiry papers were entrusted to SDPO Rural. Who (E.O) accordingly probed into the allegations and tried his best to serve upon him copy of charge sheet but the accused deliberately avoided to face the departmental proceeding. At last, the enquiry officer take eparte action into the allegations and submitted his findings on dated 09-02-2014 wherein, he had opined to the effect that the accused is still absented and avoiding to face the proceedings and is shifting his location from time to time due to bankruptcy/ debtor to the public. The E.O further suggested that the allegations of deliberate absence from 09-02-2014 till date stood established against the accused. Consequently, Final Show cause notice was issued to him in this regard and every effort were made to serve upon him but in vain.

PROCEEDINGS NO. 4

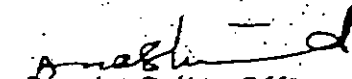
That on dated 28-08-2014, complainant Jahangir submitted an application to the undersigned that accused Constable Barkat Ali had taken illegal gratification of worth Rs. 195000/- from him for provision of service in police department. On dated 05-08-2014, he brought him to PS Saddar where an agreement deed was taken from him to the effect that either he will provide a service or returned the illegal amount but later on, the accused back out from his agreement deed. As member of police force is prohibited for any private transaction or borrowing money under the rules, therefore, the accused was properly charge sheeted to this effect and the enquiry papers were entrusted to enquiry committee comprising of DSP/HQrs and SP Investigation Bannu. The enquiry committee held him guilty of the charges. Consequently, Final Show cause notice was served upon him but he failed to submit reply thereof within stipulated period.

PROCEEDING NO. 5

The accused had also taken illegal gratification of worth Rs. 3,50000/- from complt; Abdul Wahid S/O Abdul Ghafar r/o of Abba Khel district Lakki Marwat on the condition of providing him service police department but he failed this illegal bid rather refused to pay back the illegal gratification to the complt: A Show cause notice was issued to him in this regard and every effort were made to serve upon him but in vain

In view of the above, a proper notice was issued to him with the direction to appear before the undersigned within 07 days and receive copies of Final Show cause notices. This notice was published in Dally Mashriq on dated 13-01-2015. After expiry of stipulated period of 07 days, the accused constable failed to comply with. Hence the undersigned has got no other option except to take exparte action into the allegations. Thus the undersigned reached to the conclusion that the accused is insubordinate, incorrigible, habitual absentee, bankrupt, fraudulent and his retention in the force is no more productive but rather it is a burden on the shoulder of the force, hence the undersigned has got no other option except to dismiss him from the service.

Now, therefore, I Abdur Rashid, District Police Officer, Bannu being a competent authority and in exercise of the power vested in me under police rules 1975, hereby dismiss the accused (constable Barkat Ali No. 1791) from service from the date of his absence i.e 28-02-2014.

  
District Police Officer,  
Bannu.

OB No. 157 /dt 20-02 /2015.

Endst: No. 2489-92 /dated 23-2 /2015.

Copies for information and n/a to:

1. DSP/HQrs, Bannu, (2) OASI, DPO Office, Bannu along with complete enquiries file.  
(3).SRC, DPO Office Bannu and (4) Pay Officer with the direction to make recovery of the drawn salaries from the accused under the relevant rules.

(2)



(24) (29)  
FINAL SHOW CAUSE NOTICE:

I, ABDUR RASHID District Police officer, Bannu, as competent authority, under Police Rules (amended vide NWFP gazette 27<sup>th</sup> January 1976) hereby serve upon this final show cause notice.

That consequent upon the completion of enquiry conducted against Constable Barkat Ullah No.1791 were given opportunity of hearing and on going through the findings and recommendations of Enquiry Officer, the material on record and other connected papers, I am satisfied that you have committed gross misconduct by:-

1. You while posted in Police Line, Bannu absented yourself from govt. duty w.e.f 28-02-2014 to 10-06-2014 without any leave or permission from the competent authority.
2. That you have ceased to become a good police officer.
3. As a result, I, as competent authority, have tentatively decided to impose upon you one or more punishments including dismissal as specified in the rules.
4. You are, therefore, required to show cause as to why the aforesaid penalty should not be impose upon you.
5. If no reply to this notice is received within seven days of its delivery, it shall be presumed that you have no defence to put in and in that case an exparte action shall be taken against you.

*Abdur Rashid*  
District Police Officer,  
Bannu.

CHARGE SHEET:

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I, ABDUR RASHID District Police Officer, Bannu, as competent authority, hereby charge you Constable Barkat Ullah 1791 as follows:-

- > You take illegal gratification of RS.195000/00 from one complainant namely Jahangir Khan S/O Mir Abbas Khan R/O Shama Khel, that you will give him service order within one month but failed to do so.
- > On 11-07-2014 the complainant take you to PS Saddar and compromise has already been done to the effect, that you will return the same amount or service order to the complainant on 05-8-2014.
- > That you did not returned the said amount to the complaint nor give him any service order.
- > That being a member of discipline force all the above reflects gross misconduct on your part.
- > That you have ceased to become a good police officer.

2. By reason of the above you appear to be guilty of misconduct under the police Rules (Amended vide NWFP gazettee, 27 the January 1976) and have rendered yourself liable to all or any of the penalties specified in the said rules.

3. You are therefore, directed to submit your defense within 07 days of the receipt of this Charge Sheet to the enquiry officer.

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

5. You are directed to intimate whether you desire to be heard in person.

6. A statement of allegation is enclosed.

Received  
Ba  
01/09/2014

Arashid  
(ABDUR RASHID)  
District Police Officer,  
Bannu.

(55) (11)  
STATEMENT OF ALLEGATIONS:

I, Abdur Rashid, District Police Officer, Bannu as competent authority am of the opinion that Constable Barkat Ullah 1791 has rendered himself liable to be proceeded against as he has committed the following misconduct within the meaning of police rules (amended vide NWFP gazette 27<sup>th</sup> January 1976).

SUMMARY OF ALLEGATIONS:

- 1. He while posted in PS Police Line, Bannu absented himself from govt duty w.e.f 28-02-2014 to date without any leave or permission from the competent authority.
  - 2. That you have ceased to become a good police officer.
2. For the purpose of scrutinizing the conduct of the said accused with reference to the above allegations DSP/Saddar: Bannu in appointed as Enquiry Officer.
3. The Enquiry Officer shall provide reasonable opportunity of hearing to the accused, record statements etc and findings within (25 days) after the receipt of this order.
4. The accused shall join the proceedings on the date, time and place fixed by the Enquiry Officer.

*Abdur Rashid*  
(ABDUR RASHID KHAN)  
District Police Officer,  
Bannu.

No. 197-98/SRC dt. 29-5-2014  
Copies to the:-

1. SRC.
2. FC Barkat Ullah NO.1791 of Police Line Bannu.

*Abdur Rashid*  
(ABDUR RASHID KHAN)  
District Police Officer,  
Bannu.

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CHARGE SHEET:

I, ABDUR RASHID District Police Officer, Bannu, as competent authority, hereby charge you Constable Barkat Ullah 1791 as follows:-

- You while posted in Police Line, Bannu absented yourself from govt duty w.e.f 28-02-2014 to date without any leave or permission from the competent authority.
  - That you have ceased to become a good police officer.
2. By reason of the above you appear to be guilty of misconduct under the police Rules (Amended vide NWFP gazettee, 27 the January 1976) and have rendered yourself liable to all or any of the penalties specified in the said rules.
  3. You are therefore, directed to submit your defense within 07 days of the receipt of this Charge Sheet to the enquiry officer.
  4. Your written defense, if any, should reach the Enquiry Officer within the specified period, failing which, it shall be presumed that you have no defense to put in and in that case ex-parte action shall be taken against you.
  5. You are directed to intimate whether you desire to be heard in person.
  6. A statement of allegation is enclosed.

*Abdur Rashid*  
(ABDUR RASHID)  
District Police Officer,  
Bannu.

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**FINAL SHOW CAUSE NOTICE:**

I, District Police officer, Bannu, as competent authority, under Police Rules (amended vide NWFP gazette 27<sup>th</sup> January 1976) hereby serve you Mr. Barkat No.1791 upon this final show cause notice.

That consequent upon the completion of enquiry conducted against you by DSP/Cantt, opportunity of hearing and after going through the findings and recommendations of Enquiry Officer, the material on record and other connected papers, I am satisfied that you have committed gross misconduct by:-

1. That the allegations of deliberate absence w.e.f 24-06-2014 to 31-07-2014 leveled in the charge sheet based upon statement of allegations as well as reported by the enquiry officer is established without any shadow of doubt.
2. As a result, I, as competent authority, have tentatively decided to impose upon you one or more punishments including dismissal as specified in the rules.
3. You are, therefore, required to show cause as to why the aforesaid penalty should not be impose upon you.
4. If no reply to this notice is received within seven days of its delivery, it shall be presumed that you have no defence to put in and in that case an exparte action shall be taken against you.

  
District Police Officer,  
Bannu.

NO - 470-71/EC

DE - 31-12-2014

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ضلع بنوں

از دفتر: DSP کینٹ سرکل

نمبر ۱۹۱-۱۱ تاریخ ۱۰/۱/۲۰۱۴

بخدمت انچارج کنٹرول روم بنوں

آپ کو بذریعہ پروانہ تحریر کیا جاتا ہے کہ ذیل پولیس افسران بسلسلہ محکمانہ انکوائری مورخہ ۱۱/۱/۱۴ کو دفتر ہذا بغرض حصول چارج شیٹ کو قلمبندی بیان دفتر ہذا تھانہ چھاؤنی طلب کریں۔

1- گل راؤف خان SHO کابخیل

2- ✓ کاشمیل برکت 1791 پولیس لائن بنوں

3- عطاء اللہ 263 پولیس لائن بنوں

4- حیات اللہ 2028 چوکی ٹورہ حله

ڈی ایس پی

کینٹ سرکل، بنوں

(15)

OFFICE OF THE DISTRICT POLICE OFFICER, BANNU.

SHOW CAUSE NOTICE

(Under rules 5 (03) KPK Police Rules, 1975)

I That you CONSTABLE BARKAT NO.1791 have rendered yourself liable to be proceeded under Rule 5(3) of the Khyber Pakhtunkhwa police rules (Amended vide Khyber Pakhtunkhwa gazette Notification, 27 the August 2014) for the following misconduct:

1. That you have taken worth Rs.3,50000/- as illegal gratification from one Abdul Waheed s/o Abdul Ghaffar r/o of Abba Khel District Lakki Marwat on the condition of providing him service in police depatt but you failed to fulfill this illegal bid rather refused to pay back the illegal gratification to the complainant Abdul Waheed.

That by reason of above, as sufficient material is placed before the undersigned; therefore it is decided to proceed against you in general police proceeding without aid of enquiry officer:

That the misconduct on your part is prejudicial to good order of discipline in the police force

That your retention in the police force will amount to encourage in efficient and unbecoming of good police officers:

That by taking cognizance of the matter under enquiry, the undersigned as competent authority under the said rules, proposes stern action against your by awarding one or more of the kind punishments as provided in the rules.

You are, therefore called upon to show cause as to why you should not be dealt strictly in accordance with the Khyber Pakhtunkhwa Police Rules, 1975 for the misconduct referred to above.

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.

You are further directed to inform the undersigned that wish to be heard in person or not.

Grounds of action are also enclosed with this notice.

*Abdur Rashid*  
ABDUR RASHID)PSP  
District Police Officer,  
Bannu

Received by \_\_\_\_\_  
Dated \_\_\_\_\_ /2014

dt 14-11-2014  
NO - 500-01/EE

*Abdur Rashid*