

10.04.2018

None for the appellant present. Mr. Ziaullah, DDA  
alongwith Mr. Atta ur Rehman, SI for respondents present.  
Adjourned. To come up for arguments on 25.06.2018 before D.B.

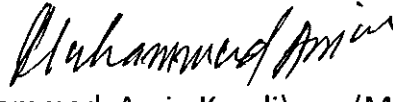
  
(Ahmad Hassan)  
Member

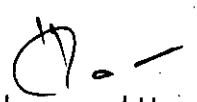
  
(M. Hamid Mughal)  
Member

25.06.2018

Neither the appellant nor his counsel present. Mr.  
Kabirullah Khattak, Additional AG alongwith Mr.  
Muhammad Shafique, Inspector (legal) for the respondents  
present. Case called for several times but no one appeared on  
behalf of the appellant. On the previous date too no one  
appeared on behalf of appellant. Consequently the present  
service appeal is dismissed in default. File be consigned to the  
record room.

ANNOUNCED  
25.06.2018

  
(Muhammad Amin Kundi)  
Member

  
(Muhammad Hamid Mughal)  
Member

DPA

Shahzeb

25.06.2018

Neither the appellant nor his counsel present. Mr. Kabirullah Khattak, Additional AG alongwith ~~Mr. Muhammad Shafique, Inspector (legal) for the respondents present.~~ Case called for several times but no one appeared on behalf of the appellant. Consequently the present service appeal is dismissed in default. File be consigned to the record room.

ANNOUNCED  
25.06.2018

(Muhammad Amin Kundi)  
Member

(Muhammad Hamid Mughal)  
Member

On the previous date too no one appeared on behalf of appellant

*20*

2011 SCMR 577

[Supreme Court of Pakistan]

Present: Javed Iqbal, Sayed Zahid Hussain and Muhammad Sair Ali, JJ

ZARAI TARAQIATI BANK LTD.---Petitioner

Versus

HAKEEM KHAN---Respondent

Constitution Petition No. 646 of 2009, decided on 8th May, 2009.

(On appeal from the judgment dated 25-2-2009 of the Islamabad High Court, Islamabad passed in W.P. No. 798 of 2008).

Zarai Taraqiati Bank's Staff Service Regulations, 2005---

---Regln.7(b)---Agricultural Development Bank of Pakistan (Re-organization and Conversion) Ordinance (LX of 2002), S. 6---Removal from Service (Special Powers) Ordinance (XVII of 2000), Ss.1 (4), 2(c), 3, 5, 9 & 10---Constitution of Pakistan, Art.185(3)---Order of relieving from service---Inefficiency and absence from duty, charges of--Imposition of such penalty by competent authority in terms of Regln.7(b) of Zarai Taraqiati Bank's Staff Service Regulations, 2005 without resorting to provisions of Removal from Service (Special Powers) Ordinance, 2000---Validity---Practical effect of word "relieved" from service as used in impugned order was deprivation of petitioner from source of his livelihood---Respondent-Bank was a corporate body owned, managed and controlled by Federal Government for purposes of Removal from Service (Special Powers) Ordinance, 2000 even after enforcement of Agricultural Development Bank of Pakistan (Re-organization and Conversion) Ordinance, 2002---Provisions of said Ordinance, 2000 were applicable to Bank as per its own Circular dated 31-1-2008 having revised thereby delegation of powers to its various officers under Ordinance, 2000---Competent authority had special powers under Ordinance, 2000 to proceed against petitioner being in Corporation Service---Petitioner under Ss.3 and 5 of Ordinance, 2000 was entitled to defend himself and explain his position in inquiry; and upon any action taken against him under Ordinance, 2000 had right to avail remedy of representation and file appeal before Service Tribunal---Competent authority by not adhering to provisions of Ordinance, 2000 had deprived petitioner safeguards and remedies available to him under law---Adoption of course of passing a relieving order appeared to be a ruse to circumvent inquiry proceedings provided for by Ordinance, 2000---Court could not countenance such a colourable exercise of power---Supreme Court declared impugned order to be without lawful authority and ordered for reinstatement of petitioner into service leaving open for Bank for proceeding against him under Ordinance, 2000.

Azizullah Memon v. Province of Sindh 2007 SCMR 229 rel.

Haider Hussain, Advocate Supreme Court and M.S. Khattak, Advocate-on-Record for Petitioner.


Respondent in person.

*Attended - to  
- 2009  
copy  
Sim*

28.09.2017


Counsel for the appellant present. Mr. Ziaullah, Deputy District Attorney alongwith Mr. Atta-ur-Rehman, S.I (legal) for the respondents also present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 08.12.2017 before D.B.


  
(Gul Zeb Khan)  
Member

  
(Muhammad Amin Khan Kundi)  
Member

08.12.2017

None for the appellant present. Mr. Muhammad Jan, Deputy District Attorney alongwith Mr. Atta ur Rehman, SI (legal) for the respondents also present. Notices be issued to the appellant and his counsel. To come up for arguments on 12.02.2018 before D.B.

  
(Ahmad Hassan)  
Member (E)

  
(Muhammad Amin Khan Kundi)  
Member (J)

12.02.2018

Clerk of the counsel for appellant present. Mr. Kabir Ullah Khattak, Addl: AG alongwith Atta ur Rahman, S.I (Legal) for the respondent present. Counsel for the appellant is not in attendanee due to general strike of the bar. To come up for arguments on 10.04.2018 before D.B.

  
Member

  
Chairman

24.02.2017

Appellant in person and Mr. Atta ur Rehman, SI (Legal) alongwith Assistant AG for respondents present. Arguments could not be heard ~~due to~~<sup>as</sup> learned Member (Judicial) is on leave. To come up for arguments on 12.05.2017 before D.B.



(AHMAD HASSAN)  
MEMBER

12.05.2017

Clerk to counsel for the appellant and Mr. Atta ur Rehman, SI alongwith Assistant AG for the respondents present. Clerk to counsel for the appellant requested for adjournment. To come up for arguments on 10.08.2017 before D.B.



(Ahmad Hassan)

Member



(Muhammad Amin Khan Kundi)

Member

10.08.2017

None present on behalf of the appellant. Mr. Atta-ur-Rehman, S.I (legal) alongwith Mr. Kabirullah Khattak Assistant AG for the respondents present. Notice be issued to appellant and his counsel for attendance and arguments for 28.09.2017 before D.B.



(Muhammad Amin Khan Kundi)

Member (J)

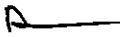


(Muhammad Hamid Mughal)

Member (J)

11.5.2016

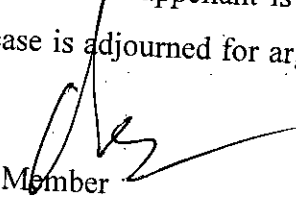
Junior to counsel for the appellant and Mr. Ziaullah, GP, alongwith Muhammad Ghani, S.I for the respondents present. Learned counsel for the appellant is stated busy before the august Supreme Court of Pakistan. Adjourned for final hearing to 05.09.2016 before D.B.

  
Member

  
Chairman

5.09.2016

Appellant in person and Mr. Muhammad Ghani, S.I alongwith Mr. Usman Ghani, Sr.GP for respondents present. Due to strike of the Bar learned counsel for the appellant is not available today before the Court, therefore, case is adjourned for arguments to ~~27-12-16~~ before D.B.

  
Member

  
Member

counsel for the appellant and Muhammad Shafiq, Inspector (Legal) alongwith Mr. Ziaullah, GP for respondents present. Arguments could not be heard due to incomplete bench. Case adjourned to 24.02.2017 for arguments before D.B.

  
Chairman

5

17.04.2015


Appellant in person, M/S Muhammad Ghani, S.I (legal) and Muhammad Shafique, Inspector (legal) alongwith Additional Advocate General for respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing for 26.10.2015.

  
Chairman

26.10.2015

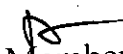
Appellant with counsel and Mr. Muhammad Ghani, SI (Legal) alongwith Addl: AG for respondents present. Arguments could not be heard due to learned Member (Judicial) is on official tour to D.I Khan. Therefore, the case is adjourned

9/3/16 for arguments.

  
Member

09.03.2016

Agent to counsel for the appellant and Mr. Muhammad Ghani, SI (Legal) alongwith Asst: AG for respondents present. Due to general strike of the bar, counsel for the appellant is not available. Therefore, the case is adjourned to 11.05.2016 for arguments.

  
Member

  
Member

Appeal No. 1208/2014  
Mr. Shah Zeb.

3.  
Reader Note:

22.12.2014

appellant in person present. Since the Tribunal is incomplete, therefore, case is adjourned to 24.02.2015 for the same.

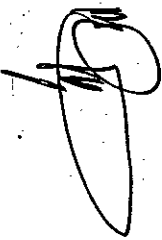
  
Reader

24.02.2015

Counsel for the appellant present. Preliminary arguments heard, and case file perused. Through the instant appeal under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974, the appellant has impugned order dated 02.07.2014, vide which the major penalty of Dismissal from service has been imposed upon the appellant. Against the above referred impugned order appellant filed departmental appeal, which was rejected vide order dated 12.09.2014, hence the instant appeal on 01.10.2014.

Points raised at the Bar need consideration. The appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notices be issued to the respondents. To come up for written reply/comments on 17.04.2015.

Appellant Deposited  
Security & Process Fee



  
Member





Form- A

FORM OF ORDER SHEET

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

Case No. 1208 /2014

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	01/10/2014	<p>The appeal of Mr. Shah Zaib presented today by Mr. Amjid Ali Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	3-10-2014	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>22-12-2014</u></p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR

Service Appeal No. 1208/2014

Shah Zeb .....Appellant

VERSUS

Govt. of KPK through Secretary Home and others.....Respondents

I N D E X

S.No.	Description of documents.	Annexure	
1.	Memo of appeal with affidavit.		1-3
2.	Copy of prescription	A	4-14
3.	Copy of statement of allegation	B	15-16
4.	<del>Copy of statement of allegation</del>	C	
5.	Copy of dismissal order dated 30.06.2014	D	17
6.	Departmental Appeal is Annexure	E	18
7.	Copy of order dated 12.09.2014	F	19
8.	Wakalatnama		

Appellant

*Shah Zeb*

Through

Amjad Ali

Advocate Supreme Court

At Mardan

Cell: 0301-8197006

Dated: 1-10-2014

(1)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR

Service Appeal No. 1208 /2014

~~SECRET~~  
1238  
01-10-2014

Shah Zeb

Ex-Constable NO.2977 Police Department Mardan.....Appellant

VERSUS

1. Govt. of KPK through Secretary Home, Civil Secretariat, Peshawar
2. Deputy Inspector General of Police, Mardan
3. District Police Officer, Mardan..... Respondents

*SERVICE APPEAL U/S 4 OF SERVICE TRIBUNAL  
ACT, 1974 AGAINST THE ORDER OF  
RESPONDENT NO.3 DATED 02.07.2014 WHEREBY  
APPELLANT IS DISMISSED FROM SERVICE AND  
DEPARTMENTAL APPEAL IS DISMISSED VIDE  
ORDER DATED 12.09.2014 OF RESPONDENT  
NO.2, WHICH ARE ILLEGAL AGAINST LAW AND  
FACTS.*

Respectfully Sheweth:-

Appellant humbly submits as under

- 1) That appellant is serving police department to the entire satisfaction of this superiors
- 2) That appellant fell seriously sick on 13.12.2013 and was taken to the D.H.Q Hospital, Mardan, wherein the Doctor on

~~SECRET~~  
1/10/14

duty advised complete bed rest and thereafter visited the D.H.Q Hospital and the Doctor advised bed rest plus prescription till 06.07.2014. (Copy of prescription is Annexure "A")

- 3) That there is no male member in Family of appellant and appellant is the only earning member, through police department.
- 4) That neither any statement or allegations/ charge sheet, show cause notice is served upon appellant no sooner did appellant regained health, approached for duty, he came to know that he has been dismissed from service, immediately filed departmental appeal on the same date, but the same is rejected vide order dated 12.09.2014, which is illegal against law and facts. Appellant received the documents for instant appeal through his own efforts. (Copy of statement of allegation is Annexure "B", while show cause notice is Annexure "C", dismissal order dated 30.06.2014 is Annexure "D", Departmental Appeal is Annexure "E" and order dated 12.09.2014 is Annexure "F")
- 5) That impugned orders are illegal against law and facts on following grounds:-

GROUNDS

- A. Because appellant was sick and absence was not willful but due to reason beyond control of appellant.
- B. Because entire proceedings are exparte and the edifice should fall to the ground on this core alone.
- C. Because appellant is innocent.
- D. Because appellant has served to the entire satisfaction of his superiors.

- E. Because E&D Rules 2011 has been downtrodden and no proceedings are taken under said rules, thus the entire proceedings and orders are void ab-initio.
- F. Because under police rules absence is not an offence and the punishments provided in the same should be resorted, thus the punishment of dismissal is very harsh.
- G. Because the absence period can be treated as leave without pay and the same has been treated as leave without pay , then the punishment of dismissal can't be awarded.
- H. Because appellant is jobless.

It is therefore, humbly prayed, on acceptance of this appeal the order dated 02.07.2014 and order dated 12.09.2014 may please be set-aside and appellant may please be re-instated in service with all back benefits.

Any other relief which this Hon'ble court deems appropriate in the circumstances of the case though not specifically asked for may kindly also be granted.

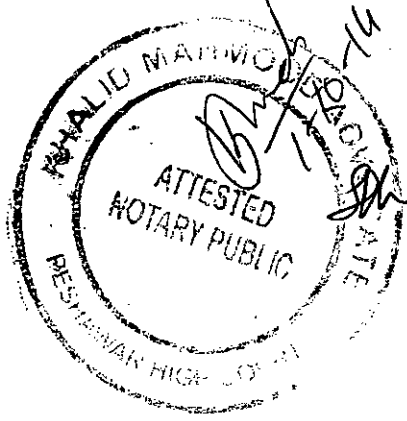
Dated:

Appellant *Shahzad*  
 Through  
 Amjad Ali *AA*  
 Advocate Supreme Court  
 At Mardan

AFFIDAVIT

I, do hereby affirm and declare on oath that the contents of the appeal are true and correct to the best of my knowledge and belief and nothing material has been concealed from this Hon'ble Tribunal.

*Shahzad*  
 Deponent



A circular notary seal for 'ATTESTED NOTARY PUBLIC' with 'RESHMIAN HIGH COURT' written around the perimeter. The seal is stamped over the signature of the deponent.

Aux B  
(15)

OFFICE OF THE DISTRICT POLICE OFFICER, MARDAN

No. 432 /R/D.A-P.R-1975.

Dated 10-02- /2014

DISCIPLINARY ACTION UNDER NWFP POLICE RULES - 1975

I, **Gul Afzal Khan** District Police Officer, Mardan, as competent authority am of the opinion that Constable **Shahzeb No. 2977**, rendered himself liable to be proceeded against as he committed the following acts/omission within the meaning of section-02 (iii) of NWFP Police Rules 1975.


STATEMENT OF ALLEGATIONS

That **Constable Shahzeb No. 2977**, while posted at Police Station Rustam, deliberately absented himself from the lawful duty vide DD No. 29 dated 13.12.2013 to-date without any leave / permission of the competent authority. He is recommended for departmental action by DSP/Rural, Mardan vide his office letter No. 1, dated 27.01.2014.

2. For the purpose of scrutinizing the conduct of the said official with reference to the above allegations **Syed Muhammad Bilal ASP/City Mardan** is appointed as Enquiry Officer.

3. The enquiry officer shall conduct proceedings in accordance with provisions of Police Rules 1975 and shall provide reasonable opportunity of defense and hearing to the accused official, record its findings and make within twenty five (25) days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused officer.

4. The accused officer shall join the proceedings on the date, time and place fixed by the Enquiry Officer.

  
(GUL AFZAL KHAN)  
District Police Officer,  
Mardan

OFFICE OF THE DISTRICT POLICE OFFICER, MARDAN

No. 432 /R, dated Mardan the 10-02- /2014.

Copy of above is forwarded to the:

1. ASP/City Mardan for initiating proceedings against the accused official / Officer namely Constable **Shahzeb No. 2977**, under Police Rules, 1975.
2. Constable **Shahzeb No. 2977**, with the directions to appear before the Enquiry Officer on the date, time and place fixed by the enquiry officer for the purpose of enquiry proceedings.

\*\*\*\*\* !!! \*\*\*\*\*

CHARGE SHEET UNDER NWFP POLICE RULES 1975


16

I, Gul Afzal Khan District Police Officer, Mardan as competent authority hereby charge you **Constable Shahzeb No. 2977**, as follows.

That you constable, while posted at Police Station Rustam, deliberately absented himself from the lawful duty vide DD No. 29 dated 13.12.2013 to-date without any leave / permission of the competent authority. You are recommended for departmental action by DSP/Rural, Mardan vide his office letter No. 1, dated 27.01.2014.

This amounts to grave misconduct on your part, warranting departmental action against you, as defined in section - 6 (1) (a) of the NWFP Police Rules 1975.

1. By reason of the above, you appear to be guilty of misconduct under section - 02 (iii) of the NWFP Police Rules 1975 and has rendered yourself liable to all or any of the penalties as specified in section - 04 (i) a & b of the said Rules.
2. You are therefore, directed to submit your written defense **within seven days** of the receipt of this charge sheet to the enquiry officer.
3. Your written defence if any, should reach to 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, an ex-parte action shall follow against you.
4. Intimate whether you desired to be heard in persons.

  
(GUL AFZAL KHAN)  
District Police Officer,  
Mardan.

ORDER

It has been reported that you Constable Shahzeb No. 2977, while posted at PS Rustam committed the following act/acts, which is are gross misconduct on his part as defined in Rules 02 (iii) of Police Rules 1975.


That Constable Shahzeb No. 2977, while posted at PS Rustam, deliberately absented himself from the lawful duty vide DD No.29 dated 13.12.2013 to-date without any leave/permission of the competent authority.

In this connection, Constable Shahzeb No. 2977, was charge sheeted vide this office No. 432/R, dated 10.02.2014 and also proceeded him against departmentally through Syed Muhammad Bilal ASP/City Mardan, who after fulfilling necessary process, submitted his findings to the undersigned vide his office endorsement No. 446/City, dated 27.06.2014, the allegation established against him.

The undersigned agreed with the findings of enquiry officer and the alleged Constable Shahzeb No. 2977, is dismissed from service and his absence period counted as without pay, in exercise of the power vested in me under the above quoted rules.

Order announced

G.B No. 511  
Dated 30/6 /2014

  
(Gul Afzal Afridi)  
District Police Officer,  
Mardan.

No. 7866-721 dated Mardan the 02/7/ /2014

Copy for information and necessary action to:-

1. The Deputy Inspector General of Police Mardan Region-1, Mardan.
2. The S.P Investigation, Mardan.
3. The S.P Operations, Mardan.
4. The DSP/HQrs Mardan.
5. The Pay Officer (DPO) Mardan.
6. The E.C (DPO) Mardan.
7. The OASI (DPO) Mardan.



ذی عالیہ Ana, E  
بیت

(18) گزارش صحیحہ سائل خوالہ حکم نمبر 1151 نومبر 1954ء

جوہر علی ظفری محکمہ پولیس سے دستبرد میں ہو چکا ہوں۔ سائل بیماری تھا اور معلوم نہ تھا کہ میں محکمہ پولیس میں کس قسم سے مصلوب ہوا۔ نوویں نے صومبر 19/14 کو دفتر پولیس سے حکم راجسٹری وصول کیا۔

سائل نے علی ظفری کو صلاً محمد انیس کہا ہے۔ بلکہ جوہر بیماری کیا ہے۔

سائل ایک غریب گھرانے سے تعلق رکھتا ہے۔ اور گھر کا سارا

دار و مدار سپر ٹوٹری پر ہے۔ سپر بیماری کو جوہر سے عام گھروالے

ناقون پر مجبور ہوئے، سائل گھر کا واحد کھیل ہے۔

دریدر ٹوٹریا کھانے کے بعد محکمہ پولیس میں یہ مشکل دعویٰ ہوا اور

جوہر بیماری چلی گئی۔ روزی کھانے کا واحد ذریعہ تھی۔

بذریعہ درخواست اسٹریٹنگ سائل کی بیماری (مجبوری) مد نظر رکھتے

ہوئے محکمہ پولیس میں خیال کرنے کا حکم صادر فرما کر شکر

تھریں۔ سائل اور گھروالے ساری عمر دعا گو رہے گا۔

صفحہ 5/14

صالح خان

2977

کنسل شاہ زین

ORDER.

*Amir* 

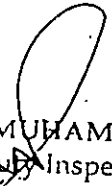
(19) *Amir, F*

This order will dispose-off the appeal preferred by Ex-Constable Shahzeb No. 2977 of Mardan District Police against the order of District Police Officer, Mardan, wherein he was dismissed from service vide District Police Officer, Mardan OB: No. 1511 dated 30.06.2014.

Brief facts of the case are that, he while posted at Police Station Rustam deliberately absented himself from the lawful duty vide daily dairy No. 29 dated 13.12.2013 to the date of dismissal. In this connection he was charge sheeted and he was also proceeded against departmentally through the then Assistant Superintendent of Police City, Mardan who after fulfilling necessary process, submitted his findings to District Police Officer, Mardan and the allegations were established against him, therefore he was dismissed from service.

I have perused the record and also heard the appellant in Orderly Room held in this office on 10.09.2014. He failed to justify his absence and could not advance any cogent reason in his defence. Therefore, I MUHAMMAD SAEED Deputy Inspector General of Police, Mardan Region-I, Mardan in exercise of the powers conferred upon me reject the appeal, not interfere in the order passed by the competent authority, thus the appeal is filed.

ORDER ANNOUNCED.

*5/6*   
(MUHAMMAD SAEED) PSP  
Deputy Inspector General of Police,  
Mardan Region-I, Mardan.

No. 6166 /ES, Dated Mardan the 12/09 /2014.

Copy to District Police Officer, Mardan for information and necessary action w/r to his office Memo: No. 731/LB dated 02.09.2014.

His service record is returned herewith.

(\*\*\*\*\*)

مخارجہ منجانب اسلام آباد

1-10-2014

مورخہ:

مقدمہ:

دعویٰ:

جرم:

مکوہ

بنام:

سہیل

باجت نمبر 12

S-7

مقدمہ مندرجہ عنوان بالا اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ

آئن مقام کیلئے امجد علی ایڈووکیٹ، سپریم کورٹ آف پاکستان اسلام آباد

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا مکمل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلاف دیئے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء و وصولی چیک روپیہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق زاریں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل گزارانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختیار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داخستہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ و جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے کہ پیروی مذکور کریں۔

لہذا وکالت نامہ لکھ دیا کہ سنڈرھے۔

المرفوم:

العبد

اکتوبر

۵

گواہ

العبد

کے لیے منظور ہے۔

بمقام

Amjad Ali  
Advocate  
Islamabad



Amjad Ali  
Advocate  
Islamabad

امجد علی ایڈووکیٹ سپریم کورٹ آف پاکستان ڈسٹرکٹ کورٹس، مردان

0321-9882434 0321-9870175

No.

Rs. 5/-

**OUT-PATIENTS DEPARTMENT**

NAME

YEARLY NO

DATE

DISEASE

*Ann, A*

FACE VALUE RUPEES

*(4)*

*Fitness Certificate*

*Certified that I have examined Mr. ~~Countersigned~~ to-day on 6-7-2014.*

*[Signature]*  
Medical Superintendent  
P.H.D. Hospital, Mardn.

*He is now fit to resume his duty.*

*[Signature]* *[Circular Stamp]*

*Za [Signature]*  
ORTHOPAEDIC SURGEON  
P.H.D. Hospital, Mardn

*6/7/2014.*

No.

Rs. 5/-

# OUT-PATIENTS DEPARTMENT

NAME

YEARLY NO.

DATE

DISEASE

22-1-2014

lumb spine pain  
At leg Sciatica

Advised Capside have bed rest w-e 22.1.2014 to 5.2.2014

Courtesy of

M-

Medical Superintendent  
D.H.O. Hospital Mardan

Cup. Velosefong 1-1-1

Tab. Vover 1-1-1

Cup. Nover 1-1-1

Sp. Safabri 1-1-1

Sp. Neronacid 1-1-1  
D.H.O. Hospital Mardan

PAGE VALUE RUPEES 5/-

5

No.

(6)

Rs. 5/-

OUT-PATIENTS DEPARTMENT

NAME W/O C

YEARLY NO 4302

DATE 2-1-2014

DISEASE lumb spine pi

Rt leg sciatica

Countersigned

me R/B

R/-

Superintendent  
D.H.Q. Hospital Marol

Tab. Augmentin DS  
1-11

Tab. Voltal  
1-11

Cup. Esso  
1-11

Sp. Ibuprofen  
1-11

Sp. Gaviscan  
1-11

ORTHOPEDIC SURGEON  
D.H.Q. Hospital Marol

Admitted CapMile home bed  
rest w.e.f 2.1.2014 to 21.1.2014

PAGE VALUE RUPEES @

No.

Rs. 5/-

(7)

OUT-PATIENTS DEPARTMENT

NAME GEN. SINGH

YEARLY NO. 971

DATE 13-12-2013

DISCHARGE Wt Sp pi

Rt leg Sciatica

Countersigned

A. Singh - C. Sp  
W. B

Medical Superintendent  
D.H.O. Hospital

Tab. Clamox 8mg  
1+1

Tab. Noreu  
1+1

Cap. Ribile  
1 8mg

Sp. Vidayalin - C  
1+1+1

Sp. Trimethop

PHARMACY OFFICER  
D.H.O. Hospital

Advised Complete home bed rest w.e.f 13.12.2013 to 1.1.2014

PAGE VALUE RUPEES

(8)

No.

Rs. 5/-

OUT-PATIENTS DEPARTMENT

NAME W/O

YEARLY NO. GEN 015 26803

DATE 21-4-2014

DISEASE Intn Grip

Rt Leg Swelling  
Countersigned

M

[Signature]  
M.D. Superintendent  
D.H.O. Hospital Mardan

Cap. Velofing  
1111

Cap. Nerva  
1111

Tub. Vitral  
1111

Sy Normaco  
1111

Sy. Tresein  
1111

[Signature]  
D.H.O. Hospital Mardan

FACE VALUE RUPEES 5/-

Advised Complete cure had  
rest w-e 21-4-2014 to 20-5-2014



No.

Rs. 5/-

9.1

# OUT-PATIENTS DEPARTMENT

NAME GEN. U. D. ...

YEARLY NO. HOSP. MARDAN 11371

DATE RE. 29.3.2014

DISEASE l. kn Spi pr

nt leg sciatica

FACE VALUE RUPEES

*Advised in private line bed  
rest w-e-f 29.3.2014 to 29-4-14*

Tab. Clonazepam  
1-11

Countersigned

Tab. Peldin  
1-11

Medical Superintendent  
M.D. Hospital Mardan

Cep. Paracetamol  
1-11

Eps. Nutalin  
1-11

Eps. Freserin  
1-11

ORTHOPEDIC SURGEON  
M.D. Hospital Mardan

*Tab*

No.

Rs. 5/-

10

OUT-PATIENTS DEPARTMENT

NAME

1 W/O

YEARLY NO.

GEN. D. P. 15011

DATE

G.H.O. HOSP. MARDIA

11-3-2014

DISCHARGE

W/O Sp. pin  
Rt Leg Scutia

PAGE VALUE RUPEES

Advised Certificate have been sent w.e.f 11-3-2014 to G.H.O. Mardia

M-

air Ho  
Countersigned

Cap. V...

1-1

Medical Superintendent  
G.H.O. Hospital Mardian

Cap. N...

R

Tab. Voren

1-1

Cap. Nutellum

1-1-1

Cap. N...

1-1

ORTHOPEDIC SURGEON  
G.H.O. Hospital Mardian

No.

Rs. 5/-

OUT-PATIENTS DEPARTMENT

NAME

YEARLY NO.

DATE

DISEASE

D.H.O. HOSPITAL

23.2.2014

Left Sp. pi  
Rt Leg Sciatica

FACE VALUE RUPEES 5/-

Advised complete bed rest w.e.f 23.2.2014 to 10.3.2014

M-

Zab.

Zab.

Sp.

Syp.

Syp.

Chartered  
Medical Superintendent  
D.H.O. Hospital Mardol  
B  
Vibhral  
Rivle  
Sugbari  
Dijax  
Kalu

ORTHOPAEIC SURGEON  
D.H.O. Hospital - Mardol

No.

Rs. 5/-

12

OUT-PATIENTS DEPARTMENT

NAME GEN. P. D.

YEARLY NO. H.Q. HOSP. MAR 2014 8572

DATE 6-2-2014

DISEASE l m p i p i

Rt Leg Sciatica

Countersignature

Rt

*[Signature]*  
Medical Superintendent  
D.H.Q. Hospital Mardga

Tub.

*[Signature]*  
1-1 65mg P3

Tub.

Peldan  
1-1

Cap.

Etho 8mg  
1-1

Sp.

Vidayulin-L  
1-1-1

Sp.

Nronacid  
1-1-1 *[Signature]*

ORTHOPEDIC SURGEON  
D.H.Q. Hospital Mardga

FACE VALUE RUPEES 5/-

Advised outpatient we had rent  
u.e.f 6.2.2014 to 22.2.2014.

No.

Rs. 5/-

OUT-PATIENTS DEPARTMENT

NAME WIC

YEARLY NO. 5076

DATE 21 MAR 2014

DISEASE Wk epis pi

rt leg scintilla

PAGE VALUE RUPEES 5

Advised Capitate bone  
bed rest w.e. 1 & 2. 5. 2014 to 15. 5. 2014

Countersigned

M. [Signature]

Medical Superintendent  
D.H.Q. Hospital Mardan

Tab. Clonalaz 1-1 1/2

Tab. Peldin 1-1

Cap. Nexum 1-1 1/2

Cap. Gaviscon 1-1

Cap. Trimepridol 1-1-1-1

ORTHOPEDIC SURGEON  
D.H.Q. Hospital Mardan

(14)

No.

Rs. 5/-

OUT-PATIENTS DEPARTMENT

NAME W. J. O. C.

YEARLY NO. 9167

DATE 16-6-2014

DISEASE Chn Spi pr  
Rt leg Sciatica

FACE VALUE RUPEES 5

Advised Aspirin has been  
rest for 3 three weeks.

R/- Countersigned W. J. O. C.

Tab. Aspirin 1-1-1 PS

Tab. Vovera 1-1-1

Tab. ibuprofen 1-1-1

Syr. Multivitamin 1-1-1

Syr. Vitadagulin 1-1-1

ORTHOPAEDIC SURGEON  
D.H.Q. Hospital, Mandar

**BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,**  
**PESHAWAR.**

Service Appeal No. 1208/2015.

Shah Zeb Ex-constable No. 2977, District Mardan.....Appellant.

**VERSUS.**

1. Govt: of Khyber Pakhtunkhwa through Secretary Home, Civil Secretariat, Peshawar.
2. Deputy Inspector General of Police, Mardan Region-I, Mardan
3. District Police Officer, Mardan.....Respondents.

**Respectfully Sheweth:**

**PRELIMINARY OBJECTIONS:-**

1. That the appellant has not come to this Honourable Tribunal with clean hands.
2. That the appellant has got no cause of action.
3. That the appellant has concealed material facts from this Honourable Tribunal.
4. That the appellant is estopped by his own conduct, by law to bring the instant appeal.
5. That the present appeal is bad in its present form hence not maintainable and liable to be dismissed.
6. That the appeal is bad due to non-joinder of necessary parties and mis-joinder of unnecessary parties.
7. That the instant appeal is barred by law.

**REPLY ON FACTS:-**

1. Incorrect. The appellant has not performed his duties devotedly and as obliged to do, since his enrollment in Police Force..(copies of red entries attached as annexure –“A”)
2. Incorrect. The appellant was required to have adopted proper procedure to avail leave from the competent authority. However, the appellant absented himself deliberately and entrenched, later on, the plea of sickness. Further, the appellant was also required to have attended the inquiry, even summoned / called several times, but did not hesitate even to submit his reply before the inquiry officer. The inquiry officer, observed him disinterested in service, and therefore, had no alternative than recommending him for Major Punishment. (copies of charge sheet is attached as annexure – “B”)
3. No comments.
4. Incorrect. The appellant was issued charge sheet No. 432 dated 10.02.2014 and was, thereafter, recommended for departmental inquiry. The appellant was summoned/ called time and again but he did not deliberately attend the inquiry proceedings and was, therefore, recommended for major punishment. Further, last part of this Para is baseless and against facts. (Copy of Enquiry Officer is Annexed “C”).
5. Incorrect. The impugned orders are legal and facts, given below:

**REPLY ON GROUNDS:-**

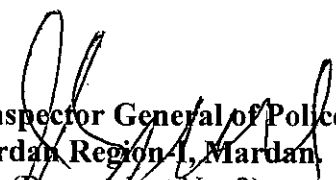
- A. Incorrect. The appellants' absence was deliberate and also could not adopt proper procedure for leave from the competent authority.


0-5  
17.04.15.

- B. Correct, to extent that exparte action has been taken against the appellant but it was due to appellants' disinterest that he did not attend the inquiry proceedings and was, therefore, dismissed from service.
- C. Incorrect. The appellant has been punished to as he deserved.
- D. Incorrect. The appellants' service record is filled with a series of red /bad entries ( 25 in Nos) and his performance remained unsatisfactory through out service.
- E. Incorrect. The appellant is member of Police force and is dealt under special law i.e Police Rules 1975. Therefore, the E & D Rules does not apply in this regard.
- F. Incorrect. Absence from official duty in regarded as misconduct and the appellant was found committing misconduct under rule 02 (iii) of Police Rules, 1975. **(Copy of Rule 2(iii) is attached as annexure - "D")**
- G. Incorrect. The appellant has been awarded punishment accordingly.
- H. No comments.

**PRAYER:-**

The appellants' appeal, being devoid of merit and baseless, may please be dismissed with cost.

  
**Dy: Inspector General of Police,  
Mardan Region-1, Mardan**  
(Respondent No. 2)

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



**BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,  
PESHAWAR.**

**Service Appeal No. 1208/2015.**

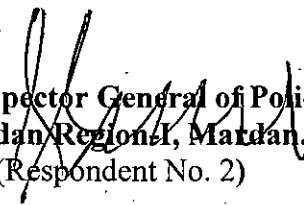
Shah Zeb Ex-constable No. 2977, District Mardan.....Appellant.

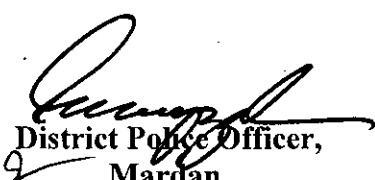
**VERSUS.**

1. Govt: of Khyber Pakhtunkhwa through Secretary Home, Civil Secretariat, Peshawar.
2. Deputy Inspector General of Police, Mardan Region-I, Mardan
3. District Police Officer, Mardan.....Respondents.

**AUTHORITY LETTER.**

Mr. Muhammad Shafiq Inspector Legal, (Police) Mardan is hereby authorized to appear before the Honourable Service Tribunal, Khyber Pakhtunkhwa, Peshawar in the above captioned service appeal on behalf of the respondents. He is also authorized to submit all required documents and replies etc as representative of the respondents through the Addl: Advocate General/Govt. Pleader, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

  
**Dy: Inspector General of Police,  
Mardan Region-I, Mardan.**  
(Respondent No. 2)

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

**BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,**  
**PESHAWAR.**

**Service Appeal No. 1208/2015.**

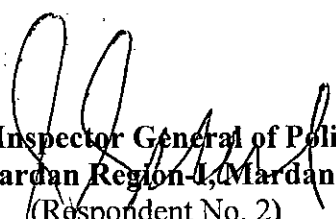
Shah Zeb Ex-constable No. 2977, District Mardan.....Appellant.

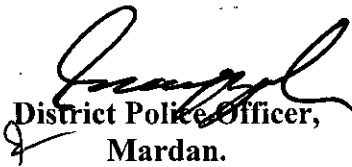
**VERSUS.**

1. Govt. of Khyber Pakhtunkhwa through Secretary Home, Civil Secretariat, Peshawar.
2. Deputy Inspector General of Police, Mardan Region-I, Mardan
3. District Police Officer, Mardan.....Respondents.

**COUNTER AFFIDAVIT.**

We, the respondents No. 02 & 03 do hereby declare and solemnly affirm on oath that the contents of the Para-wise comments in the service appeal cited as subject are true and correct to the best of our knowledge and belief and nothing has been concealed from this Honourable Tribunal.

  
**Dy: Inspector General of Police,**  
**Mardan Region-I, Mardan.**  
(Respondent No. 2)

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

14. COMMENDATORY ENTRIES - Contd.

Scrt. No.

Prize for his absence 5 days

Prize:- 05 days El drill and

05 day leave w/o pay

Scrt. No. 1767

24/13

Prize

(A)

14. COMMENDATORY ENTRIES.

Contd.

Passed A-I Examination,  
Govt. Comdt: PTC HGU Notification  
No. 541-83/S, dt: 7-2-013 -

DB No: 513  
No. 2 - 013

~~DP/MP~~  
DP/MP

ORDER

He is hereby dismissed  
from service and his absence period  
treated as leave w/o pay.

No. 1511  
dt: 6.14.

~~DP/MP~~  
DP/MP

Appeal order

The appeal, not  
interfere in the order passed by  
the competent authority, thus the  
appeal is filed. vide DP/MP  
& dt: No. 6166/EO, dt: 12-9-2014

~~DP/MP~~  
DP/MP

(A)

**16. LEAVE, ABSENCE AND BREAKS IN SERVICE.**  
 All Periods not counting as "approved service" to be entered in red ink.

1. Date		2. Extent			3. No. Of District Order	4. Description of leave i.e privilege hospital, sick leave or of absence, or forfeiture of approved service.
From	To	Years	Months	Days		
				①	4268 3-11-10	Leave w/o pay DPO/MR
				①	4688 2-12-10	do DPO/MR
				②	4716 13-12-10	do DPO/MR
				②	4814 18-12-10	do DPO/MR
				①	4873 23-12-10	do DPO/MR
				⑫	1557 20-4-11	do DPO/MR
				④5	3893 4-11-11	Leave - DPO/MR
				④	358 7-2-12	Leave w/o pay - DPO/MR
				④	792 17-3-12	do DPO/MR
				③	798 19-3-12	do DPO/MR
				①5	1188 16-4-12	do DPO/MR
				②1	1358 3-5-12	do DPO/MR

(A)

CHARACTER ROLL OF

(Continued)

Serial No.

15. CENSURES AND PUNISHMENTS.

He is hereby warned to  
be careful in future

OB No: 1358  
3-5-12

~~DP/ MR~~

5 days Extra duty for his Absence

OB No-2069  
18-9-13

~~DP/ MR~~

u B 3

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

No. 432 /R.D.A.P.R-1975

Dated 10-02 /2014

**DISCIPLINARY ACTION UNDER NWFP POLICE RULES - 1975**

I, Gul Afzal Khan District Police Officer, Mardan as competent authority am of the opinion that Constable Shahzeb No. 2977, rendered himself liable to be proceeded against as he committed the following acts/omission within the meaning of section-02 (iii) of NWFP Police Rules 1975.

**STATEMENT OF ALLEGATIONS**

That Constable Shahzeb No. 2977, while posted at Police Station Rustam, deliberately absented himself from the lawful duty vide DD No. 29 dated 13.12.2013 to date without any leave / permission of the competent authority. He is recommended for departmental action by DSP/Rural, Mardan vide his office letter No. 1, dated 27.01.2014

2. For the purpose of scrutinizing the conduct of the said official with reference to the above allegations Syed Muhammad Bilal ASP/City Mardan is appointed as Enquiry Officer.

3. The enquiry officer shall conduct proceedings in accordance with provisions of Police Rules 1975 and shall provide reasonable opportunity of defense and hearing to the accused official, record its findings and make within twenty five (25) days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused officer.

4. The accused officer shall join the proceedings on the date, time and place fixed by the Enquiry Officer.

  
(GUL AFZAL KHAN)  
District Police Officer,  
Mardan

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

No. 432 /R, dated Mardan the 10-02 /2014

Copy of above is forwarded to the:

1. ASP/City Mardan for initiating proceedings against the accused official / Officer namely Constable Shahzeb No. 2977; under Police Rules, 1975.
2. Constable Shahzeb No. 2977, with the directions to appear before the Enquiry Officer on the date, time and place fixed by the enquiry officer for the purpose of enquiry proceedings.

\*\*\*\*\* !!! \*\*\*\*\*

(B)


**CHARGE SHEET UNDER NWFP POLICE RULES 1975**

I, **Gul Afzal Khan** District Police Officer, Mardan as competent authority hereby charge you **Constable Shahzeb No. 2977**, as follows.

That you constable, while posted at Police Station Rustam, deliberately absented himself from the lawful duty vide DD No. 29 dated 13.12.2013 to-date without any leave / permission of the competent authority. You are recommended for departmental action by DSP/Rural, Mardan vide his office letter No. 1, dated 27.01.2014.

This amounts to grave misconduct on your part, warranting departmental action against you, as defined in section - 6 (1) (a) of the NWFP Police Rules 1975.

1. By reason of the above, you appear to be guilty of misconduct under section - 02 (iii) of the NWFP Police Rules 1975 and has rendered yourself liable to all or any of the penalties as specified in section - 04 (i) a & b of the said Rules.
2. You are therefore, directed to submit your written defense **within seven days** of the receipt of this charge sheet to the enquiry officer.
3. Your written defence if any, should reach to 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, an ex-parte action shall follow against you.
4. Intimate whether you desired to be heard in persons.

  
(GUL AFZAL KHAN)  
District Police Officer,  
Mardan.



ENQUIRY REPORT OF CONSTABLE SHAHZEB NO.2977.

The Undersigned was deputed to conduct Enquiry of Constable Shahzeb No.2977. by the Worthy District Police Officer Mardan through office Letter No.432/R/D.A.P.R-1975 Dated 10/02/2014. C C 3

BRIEF FACTS.

That Constable Shahzeb No.2977, while posted at Police Station Rustam, deliberately absented himself from the lawful duty vide DD No.29 dated 13-12-2013 to date without any leave / Permission of the competent authority. He is recommended for departmental action by DSP/Rural, Mardan vide his office letter No.1, dated 27-01-2014.

PROCEEDINGS.

The proceedings of the enquiry have been conducted strictly in accordance with the NWFP Police Rules 1975.

STATEMENT OF CONSTABLE SHAHZEB NO.2977.

From the day of receiving of enquiry in hand, several messages were conveyed to the alleged constable to attend this office but in vain. On 26/2/2014 the alleged constable was contacted on his mobile number but he didn't pick up his mobile, on 5/3/2014 a message was conveyed to Moharrar PS Saddar that the alleged constable is residing in the jurisdiction of PS Saddar, he may be inform to attend office of the enquiry officer but the alleged constable failed to appear before the undersigned, on 9/4/2014 once again he was contacted his mobile number but he didn't pick up his mobile, similarly on 26/4/2014 and on 25/5/2014 Moharrar PS Rustam was contacted to direct the alleged constable to attend this office but according to report of Moharra PS Rustam, he is still absent and doesn't take any interest in his official duties.

FINDINGS.

The alleged constable is still absent and it seems he doesn't take interest in his official duties.

RECOMMENDATION.

Keeping in view finding of the enquiry, the undersigned recommends that the alleged constable may be given Major punishment.

5/11  
-cc  
Ur  
L

NC 2446 / city  
DT 27-6-14

Approved  
Dismissed from  
Service  
27.6

Deputy Superintendent of Police,  
City Circle, Mardan.

# The Khyber Pakhtunkhwa Police Rules, 1975

(With Amendments-2014)

4 D 3

## Contents

1. Short title, commencement and application
2. Definitions
3. Grounds of punishment
4. Punishments
- 4.A -
5. Punishment proceedings
6. Procedure of Departmental Inquiry
7. Powers of Inquiry Officer
8. Rules 5 and 6 not to apply in certain cases
9. Procedure of Inquiry against Officers not to other Government or authority
10. -
11. Appeal
12. Revision (11-A)
13. -
14. Repeal

## Khyber Pakhtunkhwa Police Rules, 1975

In exercise of the powers conferred under section 7 of Police Act 1861, the Government of Khyber Pakhtunkhwa, is pleased to make the following Rules, namely:-

### 1. Short title, commencement and application:-

- (i) These rules may be called the Police Rules, 1975;
- (ii) They shall come into force at once and shall apply to all Police Officers of and below the rank of Deputy Superintendent of Police.

### 2. Definitions:-

In these rules, unless the context otherwise requires:-

- (i) 'Accused' means a Police Officer against whom action is taken under these rules;
- (ii) 'Authority' means authority competent to award punishment as per Schedule
- (iii) 'Misconduct' means conduct prejudicial to good order of discipline in the Police Force, or contrary to Government Servants (Conduct) Rules or unbecoming of a Police Officer and a gentleman, any commission or omission which violates any of the provisions of law and rules regulating the function and duty of Police Officer to bring or attempt to bring political or other outside influence directly or indirectly to bear on the Government or any

Government Officer in respect of any matter relating to the appointment, promotion, transfer, punishment, retirement or other conditions of service of a Police Officer.

(iv) 'Punishment' means a punishment which may be imposed under these rules by authority as indicated in Schedule I.

3. **Grounds of punishment.-**

Where a Police Officer, in the opinion of the authority-

- a) Is inefficient or has ceased to be efficient: or
- b) Is guilty of misconduct; or
- c) Is corrupt or may reasonably be considered corrupt because-
  - (i) He is or any of his dependents or any other person through him or on his behalf is, in possession (for which he cannot reasonably account) of pecuniary resources of property disproportionate to his known sources of income; or
  - (ii) He has assumed a style of living beyond his ostensible means; or
  - (iii) He has a persistent reputation of being corrupt; or
- (d) Is engaged Or is reasonably suspected of being engaged in subversive activities, or is reasonably suspected of being associated with others engaged in subversive activities or is guilty of disclosure of official secrets to any unauthorized person, and his retention in service is, therefore, prejudicial to national security, the authority may impose on him one or more punishments.

4. **Punishments.-**

1. The following are the minor and major punishments, namely:---

(a) **Minor punishments-**

- (i) Confinement of Constables and Head Constables for 15 days to Quarter Guards;
- (ii) Censure;
- (iii) Forfeiture of approved service up to 2 years;
- (iv) With holding of promotion up to one year;
- (v) Stoppage of increment for a period not exceeding 3 years with or without cumulative effect;

❖ (iv) Fine up to Rs15000/- as per schedule-I.

(b) **Major punishments-**

- (i) Reduction in rank/pay;
- (ii) Compulsory retirement;
- (iii) Removal from service; and
- (iv) Dismissal from service.

2. (a) Removal from service does not but dismissal from service does, disqualify for future employment.

(b) Reversion from an officiating rank is not a punishment.

❖ Amended vide Notification No: 3859/legal, dated 27/08/2014 issued by IGP, KPK