

BEFORE THE HON'BLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

C. M. No. _____ -P/2023

In

S. A. No. 11467-P/2020

Tasbih Ullah

VERSUS

DIG Mardan Police

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Dated: 14/11/2023

Applicant/Appellant
Through

Zia-Ud-Din Khan
Advocate High Court
&
Federal Sharia Court

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Khyber Pakhtunkhwa
Service Tribunal
Diary No. 8988
Dated 14/11/23

C. M. No. _____ -P/2023

In

S. A. No. 11467 -P/2020

Tasbih Ullah

VERSUS

DIG Mardan Police

APPLICATION FOR PLACING DOCUMENTS
ON FILE IN THE ABOVE TITLED CASE AS PER
DIRECTIONS OF THE HON'BLE COURT/TRIBUNAL

Respectfully Sheweth:

- 1) That the above title Service appeal is pending adjudication before this Hon'ble Court/Tribunal which is fixed for hearing today 14/11/2023.
- 2) That the appellant filed the service appeal against the order of his dismissal issued by the respondents.
- 3) That the appellant would like to place on file the relevant documents as per directions of the Hon'ble Court.

{Copies of relevant Documents annexed Annexure- A}

It is therefore, most humbly prayed that the instant application may kindly be treated part and parcel of the above title case and the document placed before this Hon'ble Court may kindly be allowed to be placed on file.

Dated: 14/11/2023

Tasbih Ullah

Applicant/Appellant

Through

Zia-Ud-Din Khan
Advocates High Court
&
Federal Sharia Court

Verification

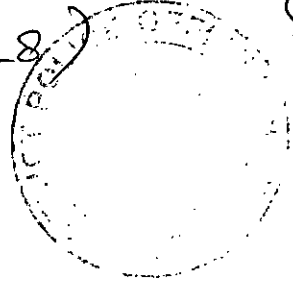
Verified on oath that the contents of the above 'Application' are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court/Tribunal.



DEPONENT

615 Annex-A (3-8) 3

OFFICE OF THE DISTRICT POLICE OFFICER, SWABI.



Certified to be True Copy.

ORDER.

Head Constable Tasbih Ullah No.615, while posted to Police Post Azam Abad, absented himself from duty with effect from 08.04.2019 till date without any leave/prior permission of the competent authority, which is against the discipline and amounts to gross mis-conduct. Therefore, he was issued with Show Cause Notice and directed to receive but the directions fell on deaf ears and he did not bother to receive. Therefore, he was issued with Charge Sheet and Summery of Allegations. The DSP, Swabi was appointed to conduct departmental enquiry against him. The officer conducted enquiry, recorded statements of all concerned, collected evidence and submitted his findings wherein he found **Head Constable Tasbih Ullah No.615** guilty for the mis-conduct and recommended him for major punishment. The undersigned perused the enquiry papers, findings of the Enquiry Officer and by agreeing with him served **Head Constable Tasbih Ullah No.615** with Final Show Cause Notice through local Police on 6.9.2019. He was clearly directed to submit his reply within 7 days of the receipt of the notice, otherwise, ex-parte action will be taken but he did not submit his reply. However, it was decided to give him an opportunity of personal hearing and directed to appear in Orderly Room, but he did not, which means that he has nothing to offer in his defence and deserves ex-parte action.

Therefore, I, **Syed Khalid Hamdani, PSP.QPM**, District Police Officer, Swabi, in exercise of the powers vested in me under Khyber Pakhtunkhwa Police Rules 1975, hereby award **Head Constable Tasbih Ullah No.615**, Major Punishment of dismissal from service, from the date of his absence i.e 8.4.2019.

O.B No. 772
Dated 24/09/2019.

(SYED KHALID HAMDANI) PSP,QPM
District Police Officer, Swabi.

OFFICE OF THE DISTRICT POLICE OFFICER, SWABI.

No. 2063-68/PA, dated Swabi, the 25/09/2019.

- Copies to the: -
1. DSP, Razzar.
 2. Pay Officer.
 3. Establishment Clerk.
 4. Fauji Missal Clerk.
 5. Official concerned

ATTESTED
[Signature]
District Police Officer, Swabi.

Date of Presentation 11/10/2023
Copy to NIL
Total 06
Name Jawad Gaybani
Date of Completion 11/10/2023
Date of Delivery 11/10/2023

(2)

Certified to be True COPY
FINAL SHOW CAUSE NOTICE

Whereas you **HC Tasbih Ullah No.615**, while posted to Police Post Azam Abad, absented yourself from duty with effect from 08.04.2019 till date, without any leave/prior permission of the competent authority, which is against the discipline and amounts to gross mis-conduct.

In this connection you were charge sheeted and served with summary of allegation and **Mr. Luqman Khan, DSP, Swabi**, was appointed to conduct proper departmental enquiry. The enquiry officer held enquiry and submitted his findings, wherein, he found you **HC Tasbih Ullah No.615**, guilty for the mis-conduct and recommended for Major punishment.

Therefore, it is proposed to impose Major/Minor penalty including dismissal as envisaged under Rules 4(b) of the Khyber Pakhtunkhwa Police Rules 1975.

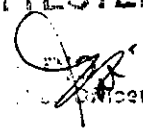
Hence, I, **Syed Khalid Hamdani, PSP,QPM**, District Police Officer, Swabi in exercise of powers vested in me under Rules 5(3) of the Khyber Pakhtunkhwa Police Rules 1975 call upon you **HC Tasbih Ullah No.615**, to show cause finally as to why the proposed punishment should not be awarded to you.

Your reply should reach to the office of the undersigned within seven days of the receipt of this notice failing which it will be presumed that you have no explanation to offer.

You are also at liberty to appear for personal hearing before the undersigned.


District Police Officer,
Swabi.

ATTESTED


District Police Officer, Swabi.

Certified to be True Copy.

DY: No. 651 S.
DATED: 20/08/2019

SUBJECT: DEPARTMENTAL ENQUIRY AGAINST HC TASBIH ULLAH NO.615.

It is submitted that Departmental enquiry vide Endst: No. 32/CC/PA. dated 20.05.2019. against the above named official had been entrusted to DSP Khalid Khan, the then SDPO Circle Swabi but owing to his unexpected transfer the subject enquiry remained partial processed. Later on, the same enquiry was put forward to the undersigned the allegations which are as under: -

SUMMARY OF ALLEGATIONS: -

It is alleged that HC Tasbih Ullah No.615, while posted to Police Post Azam Abad, absented himself, from duty with effect from 08.04.2019 till date. he was issued with show cause notice and directed to receive but the directions fell on deaf ears and he did not bother to receive. His this act highly is against the discipline and amounts to gross mis-conduct, hence summary of allegations.

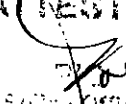
PROCEEDINGS: -

In the light of above allegations, the delinquent official was called upon by the undersigned to his office but the delinquent official did not respond to the calls of the enquiry officer in order to dig out the facts behind his absence i-e from 08.04.2019 till date. Besides this, the delinquent was tried to approach and inform about his departmental proceedings through several call Notices/Parwanas vide this office Diary No.641/S dated 20.05.2019, 452/S dated 11.06.2019 and 450/S dated 30.05.2019 which were addressed to his quarter concerned. The quarter concerned revealed in its reply that the delinquent official is still absent in his duty place and he was telephonically contacted several times but the cell phone of the delinquent Police official was power off. Having waited for the delinquent for a stipulated period of time by the undersigned, the enquiry officer initiated Ex-part action against the above delinquent and thereby came up with the following findings.

FINDINGS: -

During Ex-part action against the delinquent official, the undersigned figured out that the delinquent has been absent willingly till date without any leave or prior permission of the competent authority. He further confirmed that the delinquent official has intentionally powered off his cell phone so that he may not be contacted by any Police official about his duty and departmental enquiry. Moreover, his period of absence that surpasses over 03 months reveals his inaptness, inefficiency and lack of interest on his part.

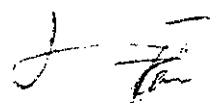
ATTESTED


Police Officer, Swabi

Certified to be True Copy.

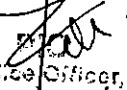
RECOMMENDATION: -

Keeping in view the above findings dug out by the undersigned, it is transpired that HC Tasbih Ullah No. 615 has remained willingly absent till date without any permission and a cogent reason. He is, therefore, recommended for "Major Punishment", short of Dismissal, if agreed, please.



Sub-Divisional Police Officer,
S W A B I.

ATTESTED



District Police Officer, Swabi.

SUMMARY OF ALLEGATION.

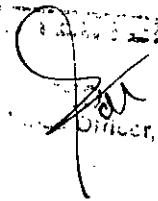
It is alleged that HC Tasbih Ullah No.615, while posted at Police Post Azam Abad, absented himself from duty with effect from 08.04.2019 till date; he was issued with show cause notice and directed to receive but the directions fell on deaf ears and he did not bother to receive. His this act highly is against the discipline and amounts to gross mis-conduct, hence summary of allegation.

Mr. Khalid Khan, DSP, Swabi, is appointed to conduct proper departmental enquiry against him.

District Police Officer,
Swabi.

No. 32 /CC/PA

Dated: 30/05/2019

RECEIVED

District Police Officer, Swabi

CHARGE SHEET

Certified to be True Copy.

Whereas I am satisfied that formal enquiry as contemplated by Khyber Pakhtunkhwa Police Rules 1975 is necessary and expedient.

And whereas I am of the view that the allegations if established would call for Major/Minor penalty as defined in Rules 4(b) a & b of the aforesaid Rules.

Now therefore as required by Rules 10 of the aforesaid Rules I charge **Syed Khalid Hamdani, PSP,QPM**, District Police Officer, Swabi charge sheet of **Tasbih Ullah No.615**, on the basis of statement of allegations attached to this charge sheet.

In case your reply is not received within seven days without sufficient cause it will be presumed that you have no defence to offer and exparte action will be taken against you.

District Police Officer,
Swabi.

ATTESTED

District Police Officer, Swabi.