25.07.2016

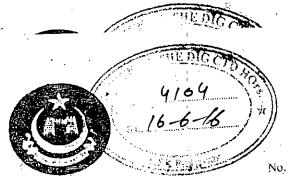
Appellant in person present. Appeal was requisitioned for today which was fixed for 27.09.2016 at Camp Court D.I.Khan. Appellant submitted an application for withdrawal of the instant appeal as his grievances have been redressed by the respondent-department. Signature of appellant secured on the margin of order sheet. The appeal is dismissed as withdrawn. File be consigned to the record room.

ANNOUNCED

25.07.2016

MEMBER

232 2068/33 cle no - ha serés. للراش عبل سائل ما سرس کال بولاقع 32/16 in which in 15 5 نا محران الله عرب المسك على الله المالي المالي المالية الله أر ما ما ن س نزاش بياتي ع براليا agloswith Draw on John John John Glell ile pel 10/5 721 ils se fuin



INSPECTOR GENERAL OF POLICE KHYBER PAKHTUNKHWA

Central Police Office, Peshawar

/16, Dated Peshawar the 14 106 12016.

<u>ORDER</u>

This order is hereby passed to dispose of departmental appeal under Rule 11-A of Ehyber Pakhtunkhwa Police Rule-1975 submitted by Ex-Constable Imran No. 721. The appellant was dismissed from service by SP / CTD Malakand Swat vide order Endst: No. 616 / CTD Swat, dated 31.08.2015, on the charges that he was transeferred on complaint basis to CTD Matakand with the direction to be kept under watch and was posted n PS CTD Malakand at Swat in Operation Wing. On 26.04.2015 he absented himself for a period of 03 months and 28 days.

His appeal was filed / rejected by DIG / CTD vide OB No. 317 / CTD, dated ns.12.2015.

Meeting of Appellate Board was held on 12.05.2016 wherein appellant was heard in person. Petitioner contended that he was ill and doctor advised him bed rest. He has qualified recruit course and A-1 Examination. Keeping in view 08 years and 01 month service at his credit and pleu of illness the Board decided that the petitioner is hereby reinstated into service and the intervening period including period of absence from duty be considered in service but not on don't the will not be entitled for salary of the intervening period.

This order is issued with the approval by the Competent Authority.

Copy of the above is forwarded to the:

1. DIG / CTD, Khyber Pakhtunkhwa, Peshawar.

2. SP / C1D, Malakand Swat.

PSO to IGP/Khyber Pakintunkhwa, CPO Peshawar.

4. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa; Peshawar.

5. PA to DIG/HQrs; Khyber Pakhtunkhwa, Peshawar,

6. Office Supdt: E-IV CPO Peshawar.

Central Registery, CPO.

(NAJEEB-UR-REHMAN BUGVI) AIG/Establishment,

For Inspector General of Police, Khyber Pakhtunkhwa,

Peshawar.

26.01.2016

Appellant Deposited
Security & Process Fee

> MEMBER Camp Court, D.I.Khan

26.04.2016

Appellant in person present. Representative of the respondents are not present, however Mr. Farhaj Sikandar, GP for respondents. Fresh Notice be issued to the respondents for submission of written reply/comments. To come up for written reply/comments on 27.09.2016 at camp court D.I. Khan.

Camp Court D.I. Khan

Form- A FORM OF ORDER SHEET

Court of	
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-	
Case No	3 見/2016

	Case No	<u> 3知 /2016</u>
S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	. 3
1	07.01.2016	The appeal of Mr. Muhammad Imran resubmitted today by Mr. Muhammad Ismail Alizai Advocate may be entered in
		the Institution register and put up to the Worthy Chairman for
		proper order.
2		REGISTRAR
2	,	This case is entrusted to Touring Bench D.I.Khan for
	,	preliminary hearing to be put up thereon <u>26.1-16</u>
,	,	CHARMAN
	· ·	
	·	
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	· ·	

The appeal of Mr. Muhammad Imran Constable No. 721 CTD Unit Malakand received to-day i.e. on 07.01.2016 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 Impugned order dated 31.8.2015 mentioned in the heading of appeal are not attached with the appeal which may be placed on it.

2- Copy of departmental appeal is not attached with the appeal which may be placed on it.

No. 4b /S.T,
Dt. 7/1 /2016

REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Muhammad Ismail Alizai Advocate High Court D.I.Khan.

Siz,

Reservatteel after doing the case meetful please the court. Daylor

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BEF	ORE SERVICE_	TRIBUNAL,	KHYBER	PAKHT	UNKHWA,	<u>, PESHAWAR</u>
8	Service Appeal N	0	79	-	/2016	

Muhammad Imran, PC / CTD No.721.

Appellant.

Versus

Provl: Police Officer, Khyber Pakhtunkhwa, and others.

Respondents.

Service Appeal

I N D E X

•		
<u>S.No.</u>	Description of Documents	Annexure Page(s)
1.	Petition with Grounds of Appeal & affidavit.	- 02 05
. 2.	Copies of Charge sheet, Order impugned etc.	A, 100 06 -20
3.	Copy of Deptl: appeal Graes	8+C 21-22
4.	Vakalat-Nama	_ 23 _ 25
Dated:	06 01 2016	

(Muhammad Imran) Appellant Through Counsel

(Muhammad Ismail Alizai) Advocate High Court, DIKhan.

BEFORE SERVICE TRIBUNAL, KHY: PAKHTUNKKHWA, PESHAWAR.

Service Appeal No:/2016

Muhammad Imran,
Constable No.721, CTD Unit, Malakand.
Office of SP / CTD, Malakand.
Presently, Gali Datt-wali, Mohallah Khidmatgaranwala,
City D.I.Khan.

M.W.F. Provide Service Tribuse Diary No. 1.2 Value 07—1-2016

(Appellant)

Versus

- 1. The Provincial Police Officer (IGP), KPK, Central Police Office, Peshawar.
- 2. Deputy Inspector General of Police / Counter Terrorism Deptt, Khyber Pakhtunkhwa, Peshawar,
- 3. Superintendent of Police, CTD, Malakand Region, At Swat.

(Respondents)

Note: The addresses given above are sufficient for the purpose of service.

TIME T

SERVICE APPEAL AGAINST (1) ORDER DTD 31.08.2015 WHEREBY THE APPELLANT IS AWARDED PUNISHMENT BY RESPDT: NO. 3 OF REMOVAL FROM SERVICE & (2) FINAL ORDER DTD. 8.12.2015 OF RESPONDENT NO.2 WHEREBY DEPARTMENTAL APPEAL WAS REJECTED.

Respectfully Sheweth: -

The appellant very humbly submits as under: -

An

BRIEF FACTS:

- 1. That during the year 2007 the petitioner was inducted in Police Department as Constable and initially posted at D.I.Khan. Later, during the year 2015 the appellant was transferred and posted in CTD Unit at Police Station Kabal in District Swat, Malakand Region. The petitioner had since then been serving under Respondent No.3 while Respondent No.2 is the appellate authority and Respondent No.1 commands overall authority in respect of the parties, thus all are necessary party to the lis.
- 2. That the appellant always striven hard to discharge and fulfill the duties and tasks assigned with due diligence and dedication. Service record of the appellant is otherwise unblemished, clean and devoid of any adverse marking since nothing of the sort has ever been conveyed to the appellant in this respect.
- 3. That during May 2015 the appellant was informed by his family that his daughter fell suddenly ill and was in critical condition. Though the appellant sought leave of absence from the authorities but was blatantly refused any relief rather the authorities were not ready to even receive an application to the stated effect. As such forcing the appellant to leave the station to seek medical attendance for his ailing daughter since no male member in the family was available to even take the sick child to hospital.
- 4. That in consequence thereof the appellant was subjected to departmental action on the allegation of being absent from duties, and the proceedings culminated in award of punishment to the appellant of the kind Removal from Service vide order dated 31.8.2015. Copy of impugned order though sought was denied thus may very graciously be required from the respondents while copies of Charge-sheet, reply thereto, Final Show Cause notice and reply thereto are placed herewith as Annex-A.
- 5. That aggrieved from the order of the departmental authority the appellant moved an appeal with respondent No.2 seeking reinstatement in service which however, could not find favour with appellate authority and was dismissed / rejected vide order dated 8.12.2015. Copies of Departmental Appeal & Final Order passed thereon are placed herewith as Annexes B &C, respectively.
- 6. Hence, the instant appeal on the grounds, inter-alia, as under,

Grounds:

1. That the orders passed by departmental authority i.e Respdt: No.3, as impugned hereby, is discriminatory, arbitrary in nature, legally and factually incorrect, utra-vires, void ab-initio against the rights of the

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appellant and militates against the principles of natural justice thus is liable to be set-aside and nullified.

- 2. That the appellant is innocent and has been subjected to the penalty most harsh in nature for no fault on his part. Respondent No.3 failed to regulate the departmental inquiry in accordance with the law & procedures prescribed for the purpose and as such erred at the very out set of the proceedings thus causing grave miscarriage of justice as well as prejudice to the appellant in making his defense.
- 3. That it is a matter of record that the appellant has been vexed in clear defiance of the law and principle laid by the superior courts as well as the Tribunals as could be gathered from the facts and circumstances of the case.
- 4. That the respondents while adjudicating in the matter of departmental proceedings and the departmental appeal either disposed off the entire matter in a slipshod manner through the order impugned hereby or even failed to finally decide it in accordance with the principals of natural justice, thus the award of impugned punishment is patently unwarranted, illegal, ultra-vires, nullity in law and apparently motivated for extraneous reasons and thus is neither sustainable nor maintainable in law.
- 5. That the appellant has sufficient length of service rendered for the department. While adjudicating in the matter the departmental authorities utterly ignored not only the provisions of law on the point but the rights, too, of the appellant including fringe benefits and by imposing the penalty in defiance of law as aforesaid, deprived the family of the appellant of its only source of making the two ends meet.
- 6. That the order passed by respondent No.3 on holding of departmental proceedings including the order on award of punishment as well as the rejection of the departmental appeal, as impugned hereby, have infringed the rights and have caused grave miscarriage of justice to the appellant without any lawful excuse.
- 7. That while ignoring the rights of the appellant guaranteed by the constitution, the departmental authorities / respondents utterly failed to adopt a proper course & follow due procedure hence erred in disposal of the matter in accordance with the law and rules. The impugned order passed by Respodt: No.3 and rejection of departmental appeal by Respondent No.2 thus lack in legal sanction and therefore, are liable to be set aside in the interest of justice.
- 8. That the petition of appeal / appellant is duly supported by law and rules formulated thereunder, besides the affirmation / affidavit annexed hereto.
- 9. That this Hon'ble Tribunal is competent and has ample powers to adjudge the matter under reference/appeal.

Assor)

(5)

10. That the counsel for the appellant may very graciously be allowed to add to the grounds during the course of arguments, if need be.

Prayer:

In view of the fore mentioned submissions, it is very humbly requested that the impugned order dated 31.08.2015 passed by SP/CTD, Malakand Region at Swat, besides the order dated 28.12.2015 of Respondent No.2 may, on being declared as illegal, arbitrary, discriminatory, void ab-initio, ineffective and inoperable against the appellant, be very graciously set aside and the appellant may in consequence thereof be very kindly reinstated in service besides allowance of all back benefits. Grant of any other relief including costs, as may be deemed appropriate by the Hon'ble Tribunal is solicited, too.

Dated: 06.01.2016

Humble Appellant,

(Muhammad Imran) Appellant,

Through Counsel.

(Muhammad Ismail Aliz Advocate High Court.

AFFIDAVIT:

Dated: 06.01.2016.

I, Muhammad Imran, the appellant hereby solemnly affirm and declare on oath that contents of the petition are true and correct to the best of my knowledge, belief and per the official records. Also, that nothing is willfully kept or concealed from this Hon'ble Tribunal.

Deponent.

Altersto 2 Aug. 2008 Advocate High Court FROM : CTD NKD SWAT FAX NO. 28 Jan. 2008 11:38FM P1 OFFICE OF THE:-SUPERINTENDENT OF POLICE, COUNTER TERRORISM DEPARTMENT. MALAKAND REGION AT SWAT. /CTD, MKD /2015. The Superintendent of Police, To: Counter Terrorism Department, DI Khan Region. SERVICE OF SHOW CAUSE NOTICE. SUBJECT: Memo:-Attached here in with is a show cause notice for service upon Constable Muhammad Imran No.721 of Di. Khan, serving in CTD, MKD, at Swat, though CTD. DI. Khan, regarding his continuous absence from duty. Receipt of the same may please be acknowledged further departmental proceedings at our end. Superintendent of Police, Counter Terrorism Department, Malakand Region at Swat. (Fazal Hadi) Copy for information:-1. Worthy deputy inspector general of Police, Counter Terrorism Department, Khyber Pakhtunkhwa at Peshawar. 2. Superintendent of Police, Admin Counter Terrorism Department, Khyber Por Compliance The friday
and Report II Pakhtunkhwa at Peshaway. 21.5.15TDD

FROM :CTD MKD SWAT

FAX NO. :0946718053

28 Jan. 2008 11:38PM P2

SHOW CAUSE NOTES

You Constable Muhammd Imran No.721, were transferred on complaint to CTD MKD at Swat.

You constable deliberately and without prior permission or leave, left the station..., and absented yourself w.e.f 26-04-2015, till date.

You have been marked absent vide D.D.No.08-dated 26-04-2015, and informed accordingly to report back at your duty station in PS.CTD MKD at Swat. But inspite of the fact, you deliberately avoid to report back on your official duty.

You are therefore served with this notice to show the cause as to why you may not be subjected to a proper departmental action against you under police rules 1975, for omittion to attend the duty, which may culminate at your termination.

Your reply shall reach this office within 07.Days of the receipt of this notice and to explain if you want to be heard in person or otherwise.

Advocate High Court
Dera Ismail Khan

Suparintendent of Police, Counter Terrorism Department, Malakand Region at Swat.

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Advocate High Court
Dera-Ismail Khan

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Coss/ 10/1/16 540/-16 و فعری می ایم ی دولت مان می کا (5) Jul 8/2 11 . 8 5 6/2 39 0 00 - 100 000 س می می روح - میں 7 دارفاقہ کے فررت مری رسالی مورن نرزی فوتس لیسی فی (On es, interventos. 35; cos رف میں مغروف کی اور فوری فور مر soll sie sone to suit -56,1. EU/116 C/4,0 C/6N - White of on Sit only = is ide of 5 5 14,110 pig 265 /5 (5) - 16 i - 5 db july più Co Job de cien 721 Est UEZ

CHARGE SHEET.



- 1) I AMJAD KHAN, Superintendent of Police, CTD. Malakand Region Swat as a competent authority, hereby charge you Constable Imran No.721 on the following commission/ omission that:-..
 - You was transferred from CTD. DI Khan Region and posted to CTD. Malakand i. Region Swat on complaint basis as reported a habitual absentee by SP. CTD. DI Khan Region and kept under supervision.
 - Besides, you have absented yourself intentionally and deliberately from your ii. lawful duties without any kind of leave or permission from your superiors from the period of 26-04-2015 till date.
 - A report to this effect has been lodged vide DD No.08 dated 26-04-2015. ìii.
 - All this speak highly adverse on your part and is against Police Rules 1975 read iv. with amendments 2014.

By reason of the above, you appear to be guilty of misconduct under Police Rules 1975 and have rendered yourself liable to all or any of the penalties specified in the rules:-

- 2. You are, therefore required to submit your written defense within 7 days of the receipt of this Charge Sheet to the enquiry Officer as the case may be.
- 3. Your written defense, 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, expert action will be taken against you.
- 4. You are also at liberty, if you wish to be heard in person.

5. Statement of allegation is enclosed.

rammad Ismall Alizat Advocate High Court

Dera Ismail Khan

Superintendent of Police, Counter Terrorism Department,

Malakand Region at Swat.

(Fazal Hadi)

SUMMARY OF ALLEGATIONS.

I, AMJAD KHAN, SUPERINTENDENT OF POLICE, CTD, MALAKAND REGION SWAT, am of 1. the opinion that Constable Imran No.721 of this Unit presently posted at CTD. Staff Malakand has rendered himself liable to be proceeded against as he committed the following acts/ omission within the meaning of Police Rules, 1975 read with amendments 2014.

Statement of allegations.

He was transferred from CTD. DI Khan Region and posted to CTD. Malakand Region and kept under supérvision. Besides he has absented himself intentionally and deliberately from his lawful duties without any kind of leave or permission from his superiors from the period of 26-04-2015 till date. A report to this effect has been lodged vide DD: No. 08 dated 26-04-2015. All this speak highly adverse on his part and is against Police Rules, 1975 read with amendments 2014.

For the purpose of scrutinizing the conduct of the said accused 2. with reference to the above allegations, MR. Muhammad Wali Shah Khan (DSP Investigation) of this unit is nominated as enquiry officer, to conduct enquiry under the Rules.

The Enquiry Officers, shall in accordance with the provision of the 3. Police Rules, 1975 provide reasonable opportunity of hearing to the accused, record finding and make within 15 days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused.

No. 4/2 /CTD/MKD. Dated . 28/05

Copy of above is forwarded to the:-

1. Worthy deputy inspector general of police, counter terrorism Department, for information.

2. Superintendent of police, counter terrorism Department, DI Khan Region to serve the charge Sheet with statement of allegations to the accused official and returned a copy of the same duly signed by him as taken of receipt.

3. Enquiry officer of this unit are directed to initiate departmental proceedings against the accused under the relevant Rules.

4. Constable Imran No.721 to appear before the enquiry officer on the date time and place fixed by the enquiry officer for the purpose of enquiry proceedings.

ardenau Ismail Alizai Advocate High Court

Dera Ismail Khan

Superintendent of Police, Counter Terrorism Department, Malakand Region at Swat.

(Fazal Hadi)

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Dera İsmail Kitan



FINAL SHOW CAUSE NOTICE

Where so you Constable linran No.721 of CTD., are charged of having committed the following acts which constitute inefficient

13-JAN-2001 21:41

TO 0966720129

P.01





OFFICE OF THE:-

SUPERINTENDENT OF POLICE. COUNTER TERRORISM DEPARTMENT MALAKAND REGION AT SWAT.

No. 604A /CTD,MKD

Dated. 25- R /2015.

To:

CONSTABLE IMRAN NO.721

SUBJECT:

FINAL SHOW CAUSES NOTICE /ABSENCE (REMINDER)

You constable Imran NO: 721 posted in CTD.MKD at Swat, deliberately and without prior permission of the authorities, absented yourself w.c.f 26-04-2015 to 26/5/2015 and 03-06-2015 till date

You were subjected to a departmental inquiry to show the reason of your absence, during the departmental inquiry you failed to justify your absence and resultantly were recommended for major punishment, with the directions to immediately report on duty. Even then you deliberately avoided to report on duty till date.

Now you have been served with final show case notice on 15-08-2015, but till today you failed to reply the notice or report on duty

It is therefore directed once again to report on duty as soon as possible otherwise an Ex-Porte action will be taken against you.

> Superintendent of Police, Counter Terrorism Department, Malakand Region at Swat.

Dated: -

Copy to: Superintendent of police counter terrorism DI khan region to server the notice accused official and returned a copy of the same duly signed by him and taken of receipt.

Muhammad Ismail Alizai Advocate High Court

Dera Ismail Khan

TOTAL P.01



FINAL SHOW CAUSE NOTICE

Where so you Constable linran No.721 of CTD., are charged of having committed the following acts which constitute inefficiency and misconduct under the Rule- 3 (A) & (B) of the Government Servant (Efficiency & Disciplinary) Rules , 1975:-

- 1. You Constable Imran No.721 of CTD, was transferred on complaint to CTD. Malakand with the
- 2. You were posted in PS. CTD. MKD at Swat in Operation wing.
- 5. On 26-04-2015 vide DD No. 08 PS. CTD MKD, You deliberately and without prior permission of the competent authority, absented Yourself w.e.f 26-04-2015 to 26-05-2015 for a period of 30 days to the effect, a departmental inquiry was initiated against you,
- 4. That you were directed to resume the duty and explain the reasons of your absence from duty vide this office show cause, No.378 date 19-05-2015, but you failed to resume your duties.
- 5. That in response to above show cause notice No.378 dated 19-05-2015, you submitted a Medical Certificate form District HQ Hospital DI Khan.
- 6. In addition to the above, you again absented yourself from duty vide DD.No.20, PS CTD.MKD dated 03-06-2015 till date, without any intimation/ prior approval of the officer incharge and it seems that you are habitual of such unlawful and acts.
- 7. During the departmental inquiry you were found guilty of gross misconduct and inciliciency with lack of interest in your official duties and were recommended for major punishment vide this office letter No.466 dated, 23-06-2015.
- whereas by reasons of above, you , Constable Imran No.721 of CTD, has been found guilty of misconduct and inefficiency under Rules -3(A)(B) of Government Servants (Efficiency & Discipline) Rules 1975 and liable to disciplinary action under aforesaid rules which may lead to imposition of one or more of the penalties including major penalty of diamissal from service, as prescribed in Rule-4 (1)(b) of the Government Servants (Efficiency & Discipline) Rules 1975.
- 3. Now therefor, you Mr. Imran No.721 of CTD, are served with this final show cause notice to shoe the cause within (7) days of the publication of this notice, as to why one or more penalties mentioned in Rule -4 of Government Servants (Efficiency & Discipline) Rules 1975, on the above
- 4. Your written reply to the Show Cause Notice should reach the undersigned within 7 days of the Notice, failing which, ex-parte decision shall be taken against you.
 - 5. You are also called upon to convey in writing, if you would like to be heard in person.

790/CTD DIKhan 17-08-2015

(Amjad Ali) Superintendent of Police, Counter Terrorism Department, Malakand Region at Swat,

Constable Imran No.721 CTD. MKD. Region.

Copy for information:

Worthy Deputy Inspector General of Police, Counter Terrorism Department, Khyber Pakhtunkhwa Peshawar.

TOTAL P.01

17 Aug. 2015 08:38AM P1

Muhammad Ismail Alizai Advocate High Court Dera Ismail Khan

FROM:

بحوالمہ مشمولہ شو کاز نوٹس گزادش محضور انور ہے کہ اس سے قبل عارج شیٹ کے تعسیلی تحریری جواب میں واضح کر چکا ہون اور اپنی معذوری کا تھلم کھلا وضاحتی بیان تھی دے چکا ہوں جو کہ جناب حضور والا کو پیش نہیں کیا گیا۔ ہے تا كُنْ مِير كي رومُيدا د جناب والاشان كو مِيشِ مُهْوِتَى اور صور تحال دا شح ہو جاتی جسمیں اس امر كاواضح تذكره كيا جاج كا ہے۔ تاك بی بینی بنای میں اور دراز علاقتہ ایس شکایت تبدیل کر دیا گیا ہے جبال میر اکوئی پر سان حال نہیں ہے ادر ہر شخص کی انگل میری جانب اشتی ہے کہ میں نے آلیا کو نساجر م یا نعل کیا ہے کہ گزشتہ 6 / 5 ماہ سے اتناذ لیل وجو ار کیا جار ہاہوں اور چپونے نے چھوٹے کمن بچوں اور بیوی کونے فیارومد د گار چپوڑ پیجاؤں جبکہ اگر کسی وقت یہ امر مجبوری رفصت کی ضرورت پڑنے تومیری درخواست کو اس بناوپر والین میرے منہ پر مار دیا جاتا ہے کہ میر اتباد لہ شکایت اتنی دور دراز ہو کر زیر تگر ان مجئی اُفوں اور ہر آفیسر اس امر سے کترا تا اور جان حجیز اتا ہے۔ کہ شاید چھٹی کی در خواست منظور کرنا تو در کنار میری چھٹی کو آگے افسران بالاتک مجموانے کو مجمی تیار نیٹی ہے جیسا کہ ایک قطعہ در خواست جناب SHO صاحب قفانہ کیل کے پاس موجود ین ہوئی ہے جس کی منظوری تو در گینار آگے ترسیل نہ ہونے کے باعث بھے کہا گیاہے کہ آپ کے پاس ماسوائے فیر حاضری کے کوئی چارہ کار نہیں ہے اور یہ امر مجبوری گھر کی مجبوری معذوری اور تمسن لخت جگر کی بیاری کے باعث لاحق ہوئی ہے اور ساتھ ہی گزشتہ 06 ماہ نے اتناز کیل وخوار کیا جارہا ہوں کہ ایک کمترین عہدہ کے پولیس آفیسر کے ساتحہ ابیاسلوک روار کھا جاناانتہائی ظلم کے متر اُدِف ہے اور اب توانسی صور تحال آ چی ہے کہ بگی کی بیاری کے ساتھ ساتھ یں خو داور بیری بھی اپنے بڑے کر اکسیس سے دوچار بونے کی وجہ سے بیار ہو بچے ہیں۔ میں بذات خو د "سیم نیگو" بیاری کے باعث چلنے پیمرنے اور سفر کے قابل نہیں وہاہوں اور حسب مشورہ جناب ڈاکٹر صاحب عمل میڈیکل ریسٹ پر ہوں اور تجھے ریزھ کی بڑی کے بڑے آپریش کامشورہ دیا جارہاہے جس کے لئے اخراجات کی استعداد بھی نہیں رکھتا ہوں۔ میڈیکل ریسٹ کے چٹ ہاء ہمراہ جواب فائٹل شو کاز اوٹس لف ہیں۔

براہ کرم میرے خیال میں گزشتہ 60 ماہ ہے اس نے زیادہ اور کیاسز اہوسکتی ہے کہ میں بمعہ بیون بچول کے بیار اور علالت کی زندگی گز ار رہاہوں اور کوڑی گؤڑی کامختاج ہو چکاہوں اور میر اکوئی پر سان حال نہیں ہے اور میر کی روئید اد کو سینیر افسران تک نہیں پہنچایا جارہاہے اور خوراس قابل نہیں ہوں کہ آئی دور دراز کاسفر لیے کرکے خور حاضر ہوں جاول كيونكه ميديكل ذاكر صاحب فيطنع بجرن إربحى بإبندى عائدكى بونى ب

لبذامیری انتها کی سودبانه گزارش ہے کہ چارج شیٹ میں چیش کر دہ غیر حاضری دراسمل غیر حاضری نہیں ہے بلکہ تبوری ے اور منیڈ یکل ریٹ ہے۔ جس پر میں میڈیکل و خصت کا حقد ار ہوں جس قانون کا حوالہ میرے جارج شیٹ وغیرہ میں کیا جار با ہے اور نباتھ ہی استے کم ترین عبدہ کے یولیس آفیٹر سے خوش اسلوبی ہے ڈیوٹی لئے جانے کے لئے میرے بھرتی صلع پالمحقہ صلع مِن دُلِوْ كَا الْحَسْنِ طَرِيقِه سے لی جاسکتی ہے۔ تا کہ عُلاَنَ معالجہ کر اگر بعد صحت یالی اپنی ڈیوٹی مسجع طریقہ سے سرانجام دے سکوں۔

لہذا میری انتہائی مودبانہ گزارش علجے کہ خدارا میرے حال پر رحم فرما کر میری رخصت میڈیکل منظور فرما کر آبائی ضلع فرانسفر فرمایا جائے تاکہ میری آد ڈاکامیرے انیسر ان بالاتک بہنچ کر میرے ظلم کا ازالہ ہو سکے جواب ناسش شو کازنونس گزارش ہے۔ ،

میڈیکل دیسٹ کی دستاد ہزات کی فوٹو کالی ہمراہ لئے ہے جس کہ پیر نظیکیشن کی جائتی ہے)۔ كانشيل عمران نمبر 721 متعينه CTD تقاند كلي فعل سوات مالاكثاريج

ngiri siroso

Almh



ORDER

This order is meant to dispose off the appeal preferred by Ex Constable Imran No 721 of this Unit against the major punishment of "Removed from Service" awarded to him by Superintendant of Police, CTD Malakand Region Swat vide his office order Endst: No 616/CTD dated 31.08.2015. Keeping the previous 14 bad record regarding habitual absentee of the above named Ex Constable, he was transferred / posted from CTD DI Khan Region to CTD Malakand Region Swat on complaint basis with the direction to be kept under watch. Later on, he again absented himself and does not obey the direction of the high ups to mend his way. In consequence he was proceeded departmentally on the following score of allegations

- i. You were transferred on complaint basis to CTD Malakand Region with the direction to be kept under watched.
- ii. You were posted in PS CTD Malakand at Swat in Operation Wing.
- iii. On 26.04.2015 vide DD No 08 PS CTD Malakand you deliberately and without prior permission of the competent authority, absented yourself w.e.f 26.04.2015 to 26.05.2015 for a period of 30 days.
- iv. You were directed to resume the duty and explain the reasons of your absence from duty vide this office Show Cause No 378 dated 19.05,2015 but you failed to resume your duties.
- v. In response to above show cause notice NO 378 dated 19.05.2015 you submitted a Medical Certificate from District HQ Hospital DI Khan.
- $\forall i.$ In addition to the above, you again absented yourself from duty vide DD NO 20 PS CTD Malakand dated 03.06.2015 till date, without any intimation / prior approval of the officer incharge and it seems that you are habitual of such unlawful and acts.

On the recommendation of Enquiry officer, Superintendant of Police, CTD Malakand Region Swat awarded him major punishment of "Removal from Service".

The appellant Constable preferred the instant appeal against the punishment order. The undersigned gone through the enquiry file and perused his previous record and also heard him in person in orderly room but found the appeal unsatisfactory.

Therefore in exercise of power-conferred upon mo, I SALAHUDDIN KHAN, DEPUTY INSPECTOR GENERAL OF POLICE CTD KHYBER PAKHTUNKHWA PESHAWAR. being a competent authority, rejected his appeal and the punishment awarded to him shall stand as it is.

ОВ NO 3/77ctd Dated 8/12 /2015

> Deputy Inspectal General of Police, Muhammad Ismail Alizai

CTD, Khyber Bakhtunkhwa, Peskawar.

Advocate High Court Dera Ismail Khan

No 1225 CEDEC/CTD

Dated Peshawar the

3-12 /2015.

Copy of above is forwarded for information and necessary action to all concerned in CTD Khyber Pakhlunkhwa, Peshawar.

July TA SIT

09 Dec. 2015 03:20PM P1

FAX NO.

: MOH-

نخرست جناب <u>D.T.Gr</u> مسر محتواقواه بستاور مرادیان نزارش صله ساکی ۱۲۵ سطاف مراکشتر می دودی بر بعاري اور موري سي سيا مرين منال سے امومرس سائل این درول سی عبر طاهر مواها اور بود عبر طاهری 312015 116, 1 616 CTD 616 2015 Delan ifilians culicus flu 201 w combine or on and مع تعلق الهماج اور کوی زراد معاش نس در رفع مجی دراب طابع المعرف المراق ال Might pellogic selections from chose selections from chose selections from consider the selections of
OFFICE OF SUPERINTENDENT OF POLICE COUNTER TERRORISM DEPARTMENT MALAKAND REM

RECTION 3 31 18 1015

ORDER:

This order will dispose off the departmental Constable Imran No.721 Posted in CTD, Malakand Region at Swat.

enquiry against

1

The mentioned Constable was transferred on complaint of SP. CTD. DIK for being a habitual absentee. He was posted at CTD.MKD, under watch and under close observation with the directions to abstain from the habit of absence and to be regular and punctual in future towards his duty.

Contrary to the above, he again absented himself from duty intentionally and deliberately without any kind of leave or permission form his superiors w.e.f 26-04-2015 to 26-05-2015 (30 days) a report to the effect was lodged vide DD. No. 08 dated 26-04-2015 and again vide DD.No.20 from 03-06-2015 till date (86 days continued) thus a total of (106 days).

He was issued Show Cause Notice followed by a Charge Sheet along with statement of allegations and Mr. Muhammad Wali Shah Khan (DSP Investigation) of this Unit, was assigned as enquiry officer. The enquiry officer conducted proper departmental enquiry against the delinquent officer and recorded the statements of all concerned. He was provided ample opportunity for his defence for the absence rendered by him. After conducting proper departmental enquiry, the Enquiry officer submitted his findings, wherein, he was recommended for major punishment. He was then issued a final Show Cause Notice to report back on duty or face the consequences. But till date he failed to report back on his duty.

It is patently evident that the delinquent Constable Imran No.721, is addicted to chronic absence and is not interested to continue his service. In view of the above, the undersigned is of considered opinion that there is no chance that Constable Imran No.721 may become an efficient Police Officer. His further retention in service is bound to affect the discipline of the entire force.

Therefore, in exercise of the power vested in the undersigned under Rules 2(iii) of Police Discipline Rule -1975 added with the authority vested in me vide order No.7473-84 dated 07-08-2015 of worthy Deputy Inspector General Counter Terrorism Department KPK. I Amjad Ali SP. Counter Terrorism Department Malakand Region, as a competent authority, am constrained to award him the Punishment of Removal form Service form the date of absence. He is therefore removed from service forth with.

Order announced:

98 No. 6/6/eto gua

Dated 3/ /00 - 2015

Superintendent of Police, Counter Terrorism Department, Malakand Region at Swat.

Copy for information to:

 Worthy Deputy Inspector General of Police, Counter Terrorism Department Khyber Pakhtunkhwa Peshawar.

2. Senior Superintendent of Police (OPS), Counter Terrorism Department North Zone at Abbottabad.

ECISRC/Acill/DAS

DIG1 CIT

وكالشام المال تقدمه مندرجه بالاعنوان مين اپن طرف واسطے بيروي وجوابدي برائے بينتي يا تصفيہ مقدمه برقا **بر ملما/ لا** 3N/ 63 / 1/2/ (6) 14/ 12/ موصوف لابطاآ ی فرصافر موالت کرون کا می نیان موفو ما شرنه موا-اور مقد میری غیر حاضری کی دیدے کی طور پر بسر کے برطاف و کیا۔ تو صاحب موصوف الیسک کس طرح ذمددار نہ ہون کے، نیز وکیل صاحب موصوف صدر مقام کہری کے علادہ کی جگہ یا کیمبری کے اوقات سے پہلے یا چیھیے یا بروز تعطیل بیروی کرنے کے فرسدوار نہ ہول مے ۔ نیز ویک صاحب موسوف صدر مقام کھیری کے علاو مس جگہ یا مجھری کے ادفات سے بہلے یا بیجیے یا بروز تعطیل بیروی کرنے کے ذمدوار ند ہُول تھے۔ادر مقد مدصدر کچبری کے علاوہ اور خکہ ساعت، ہونے یا بروز تعطیل یا پچبری کے اوقات کے آھے چیچے چیش ہونے پرمظہر کوکو کی نقصان پینچے تو اس کے ذسہ و آریا اس کے واسطے کی معاوضہ کے اوا کرنے یا مختانہ والیس کرنے کے بھی موصوف ذمہ دار نہ دول مے ۔ جھ کو کل ساختہ پر داخطہ صاحب موصوف مثل کر دہ لات خود منظور و قبول ہوگا۔اور صاحب موصوف کوعرضی دعویٰ ، یا جواب دعویٰ یا درخواست اجرائے ڈگری ولظر ٹانی ایل جحرائی و برتسم درخواست پر دستخط و تقدریت کرنے کا ا بھی اختیار ہوگا۔ اور می تھم یا ڈ گری کرانے اور ہرتم کا رہ پیے بصول کرنے اور رسید دینے اور واخل کرنے اور ہرتم کے بیان دینے اور اُس پر حالتی پاراحتی تامہ و فیصلہ ہر اً خلف کرنے ، اقبال دعویٰ کا بھی اختیار ہوگا۔ اور بصورت مقرر ہونے تاریخ بیش مقد مد ندکورہ بیرون از یکیبری صدر پیردی مقد مد فدکورہ نظر ثانی واتیل ومجرانی و برآ یدگی فقدسه بإمنسرفي ذكرى يكطرف يا درخواست تتم امتاع بإقرق بإ كرفتاري لن از فيصلها بزائه وأكرى بهي صاحب موصوف كونشرط ادانيكي عليمده مخاند ييروي كااحتيار وبركا افِبُرتنام ساخته پرداخته صاحب موصوف شک کرده ذات نود منتلور و قبول هوگانه اور بصورت خرورت صاحب موصوف کو به جمی انتقیار هوگا که مقدمه بذکوره یا استفکسی جزو كى كاردائى يابصورت درخواست نظر تالى انيل يا تكرانى يا ديكر معامله مقدمه مذكوره كمى دوسرت وكيل يا بيرسزكواسپ بجائ يا اپ جمراه مقرر كريس - اوراييم مثير قانون كو مجمی ہرامر میں وہی اور دیلیے اختیارات حاصل بول گے ، جیسے صاحب موصوف کو حاصل بیں، اور دو ران مقدر میں جو کچھ ہر جا ندالنواء پڑایگا ، وہ صاحب suppled موضوف کا حق ہوگا ۔ محرجاحب موصوف کو بوری نیس ناریخ بیش ہے پہلے ادا ند کروں گا۔ تو صاحب موصوف کو بورا انتیار ،وگا کہ و و مقدمہ کی بیردی شکریں اورالیں صورت میں میراکوئی مطالبہ کی تسم کا صاحب موصوف کے برخلاف کیس ہوگا۔ ِلٰہذا دکالت نامہ کھدیا ہے۔ تا کہ سندر ہے مضمون وکالسة، نامه بن ليا ہے۔ اوراجھی طرح سمجھ ليا ہے اورمنظو Juliand Jours