

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
CAMP COURT SWAT.

Service Appeal No. 368/2016

Date of Institution... 05.04.2016

Date of decision... 02.01.2018

Fayaz Ali son of Sardar Ali (Ex-Constable No. 914) R/O Village and Tehsil Charbagh
District Swat. ... (Appellant)

Versus

1. Government of Khyber Pakhtunkhwa through Provincial Police Officer Peshawar
and 3 others. ... (Respondents)

Barrister Adnan Khan,
Advocate

... For appellant.

MR. Kabir Ullah Khattak
Addl. Advocate General

... For respondents.

MR. NIAZ MUHAMMAD KHAN, ...
MR. MUHAMMAD HAMID MUGHAL, ...

CHAIRMAN
MEMBER

JUDGMENT

NIAZ MUHAMMAD KHAN, CHAIRMAN: - Arguments of the learned
counsel for the parties heard and record perused.

FACTS:

2. The appellant was removed from service on 11.3.2015 due to his absence,
against which he filed an application for reinstatement to the concerned authority which
was rejected on 25.6.2015 and thereafter, the appellant filed an appeal to the Regional
Police Officer on 7.7.2015 which was again rejected on 4.3.2016 and thereafter he filed
the present service appeal on 05.04.2016.

ARGUMENTS

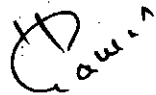
3. The learned counsel for the appellant argued that the impugned order has been
given retrospective effect which is a void order and no limitation shall run against void
order, which cannot be sustained in the eyes of law.

4. On the other hand, the learned AAG argued that the present appeal is time barred as the departmental appeal was also time barred. That there was no provision for the reinstatement application to the same authority. That the limitation would run from the impugned order dated 11.3.2015 for the purpose of departmental appeal. That the departmental appeal was filed almost four years after the original order. That all the codal formalities were fulfilled.

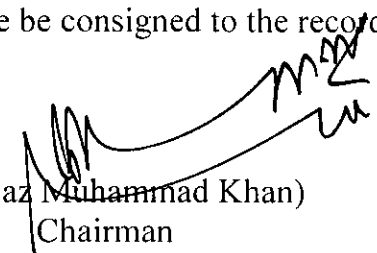
CONCLUSION

5. Without adverting to the merits of the case, the very order of removal from service has been given retrospective effect which is a void order. No limitation shall run against void order. This Tribunal in a number of cases has decided this issue on the basis of judgment reported as 1985-SCMR-1178:

6. As a sequel to above discussion void order cannot be sustained in the eyes of law and no limitation shall run against void order. Hence this appeal is accepted and the appellant is reinstated in service. The department is however, at liberty to hold denovo proceedings within a period of ninety days from the date of receipt of this judgment. The issue of back benefits shall be subject to final outcome of denovo proceedings and if no denovo proceedings are initiated then the absence period may be treated as leave of the kind due. Parties are left to bear their own costs. File be consigned to the record room.



(Muhammad Hamid Mughal)
Member


(Niaz Muhammad Khan)
Chairman
Camp Court, Swat

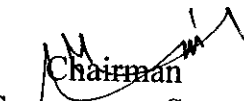
ANNOUNCED

02.01.2018

03.10.2017

Counsel for the appellant and Mr. Muhammad Zubair, District Attorney alongwith Khawas Khan, S.I (Legal) for the respondents present. Counsel for the appellant seeks adjournment to file rejoinder. Granted. To come up for rejoinder and final hearing on 02.01.2018 before the D.B at camp court, Swat.


Member

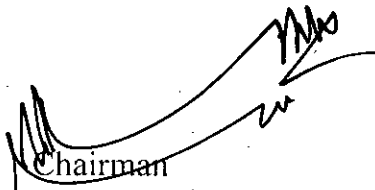

Chairman
Camp court, Swat

02.01.2018

Counsel for the appellant and Addl. AG alongwith Khawas SI (Legal) for the respondents present. Arguments heard and record perused.

This appeal is accepted as per our detailed judgment of today. Parties are left to bear their own costs. File be consigned to the record room.


Member



Chairman
Camp Court, Swat

ANNOUNCED
02.1.2018

368/16

10.11.2016


Agent of counsel for the appellant and Mr. Khawas Khan, SI alongwith Mian Amir Qadar, GP for the respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing for 06.02.2017 at camp court, Swat.


Chairman
Camp court, Swat

06.02.2017

Appellant in person and Mr. Khawas Khan, S.I (Legal) alongwith Mr. Muhammad Zubair, Senior Government Pleader for respondents present. Appellant seeks adjournment as his counsel is stated busy before the Hon'ble High Court. Adjourned for rejoinder and final hearing to 05.06.2017 before the D.B, at
cc Swat.


Member


Chairman
Camp court, Swat

08.06.2017

Since the tour programme for the month of June, 2017 to camp court Swat has been cancelled by the Worthy Chairman, therefore, to come up for the same on 03.10.2017 at camp court, Swat. Notices be issued to the parties for the date fixed accordingly.


Registrar


04.05.2016

Counsel for the appellant present. Learned counsel for appellant argued that the appellant was serving as Head Constable when removed from service vide impugned order dated 11.3.2015 where-against departmental appeal of the appellant was rejected on 04.03.2016 and hence the instant service appeal on 05.04.2016.

That neither publication was made in the prescribed manners nor enquiry conducted as required and, moreover, opportunity of hearing was not afforded to the appellant and that the penalty is not commensurate with the offence.

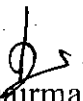
Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 03.08.2016 before S.B at camp court, Swat.

Appellant Deposited
Security & Process Fee


Chairman
Camp Court, Swat

03.08.2016



Appellant with counsel and Mr. Khawas Khan, SI (Legal) alongwith Mr. Muhammad Zubair, Sr.GP for the respondents present. Seeks adjournment. To come up for written reply/comments on 10.11.2016 before S.B at camp court, Swat.


Chairman
Camp court, Swat

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 368/2016

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	05.04.2016	<p>The appeal of Mr. Fayaz Ali presented today by Mr. Adnan Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2	11.04-2016	<p>This case is entrusted to Touring S. Bench at Swat for preliminary hearing to be put up thereon <u>04-05-2016</u></p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE HON'BLE SERVICE TRIBUNAL, KPK PESHAWAR

Service Appeal No. 368 of 2016

Fayaz AliAppellant

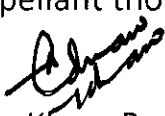
VERSUS

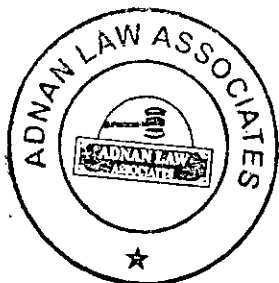
Government of Khyber Pakhtunkhwa through Provincial Police Officer/IGP and others.....Respondents

INDEX

S. No.	Description	Annexure	Pages No.
1.	Memo of Appeal with certificate and Affidavit		1-5
2.	Addresses of the parties		6
3.	Copies of medical documents	A	7-19
4.	Copy of order dated 11/03/2015	B	20
5.	Copy of written request	C	21
6.	Copy of order No. 5198 dated 25/06/2015	D	22
7.	Copy of departmental appeal	E	23
8.	Copy order dated 4/03/2016	F	24
9.	Wakalatnama		25

Appellant though Counsel


Dr. Adnan Khan, Barrister-at-Law
Office: Adnan Law Associates,
Opp. Grassy ground Mingora Swat.
Cell: 03469415233



BEFORE THE HON'BLE SERVICE TRIBUNAL, KPK PESHAWAR

Service Appeal No. 368 of 2016

Fayaz Ali S/O Sardar Ali (Ex-Constable No. 914), R/O Village and Tehsil Charbagh, District Swat

Appellant
K.P. Provincial
Service Tribunal
Diary No 337
Dated 05-4-2016

VERSUS

- 1) Government of Khyber Pakhtunkhwa through Provincial Police Officer/IGP at Peshawar
- 2) The Regional Police Officer, Malakand Division at Saidu Sharif Swat.
- 3) The District Police Officer, Swat at Saidu Sharif.
- 4) Sub Divisional Police Officer, Khwazakhela Circle, District Swat

.....Respondents

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER OF DISMISSAL FROM SERVICE AND IMPOSITION OF MAXIMUM PENALTY

PRAYER:

On acceptance of this Appeal, the impugned order O.B. No. 42 dated 11/03/2015 may be set aside and the appellant be restored as Constable in Swat Police.

Respectfully Sheweth:

1. That the appellant was appointed as constable in the Police Department in 2007. At the time of dismissal from service, the appellant was performing his duties at Police Station Mingora District Swat.

5/4/16

2. That during his entire service, the appellant has performed his duties in extremely harsh security situation when the militants had occupied several parts of district Swat. During those days, the appellant had served in significantly dangerous stations of District Swat. It is worth mentioning that a handsome majority of police officials serving in Swat Valley were hesitant to continue with their jobs and had subsequently fled their duties.
3. That the appellant, even in the above mentioned circumstances did not avail his annual leave and performed his duties to the entire satisfaction of his high ups. However, due to some compelling and compassionate circumstances relating to his health, the appellant could not perform his duties for a period of almost 3 months (Copies of medical documents are attached as Annexure "A").
4. That when the appellant appeared at his place of posting, he was informed about his dismissal from service. In this respect order O.B. No. 42 dated 11/03/2015 passed by Respondent No. 3 was handed over to the appellant (Copy of order is attached as Annexure "B").
5. That the appellant being aggrieved with the order of dismissal, presented a written request for his re-instatement before Respondent No. 2 (Copy attached as Annexure "C").
6. That subsequently, Respondent No.2 dismissed the above mentioned request for re-instatement (Copy of order No. 5198 dated 25/06/2015 is attached as Annexure "D").

7. That subsequently, the appellant preferred a departmental appeal to Respondent No. 1 for setting aside the order of dismissal on 7/07/2015 (Copy of departmental appeal is attached as Annexure "E").
8. That Respondent No. 1 dismissed the departmental appeal vide order No. S/2046/16 dated 4/03/2016, which was received by the appellant on 10/03/2016 (Copy order is attached as Annexure "F").
9. That feeling aggrieved as above and having no other remedy in law, the appellant files this appeal inter alia, on the following grounds:

GROUND:


- A. That the impugned order of dismissal from service has been passed unilaterally and in blatant violation of law of the land. The same is not tenable in the eyes of law.
- B. That the requirements of due process of law, of fairness and of justness have been nullified in the instant case. No show cause notice or statement of allegation whatsoever has been received by the appellant.
- C. That the alleged inquiry which is attributed to Respondent No. 4 has never been conducted in the present case. Without providing any opportunity of being heard and without any probe into the matter, the appellant was straight away dismissed from service.
- D. That keeping the legal aspects of the matter aside, even otherwise circumstances of the case did not demand imposition of major and severe-most penalty on the appellant. Considering the allegations

leveled as true and assuming that due process has been followed, absence of a few months from service would never demand a penalty of dismissal from service. At the most, salary for the said period could have been deducted from the appellant as a penalty. Needless to say that hundreds of officials of Swat Police who fled their duties in the period of insurgency were later on re-instated on service after their dismissal.

- E. That further grounds with leave of this Honourable Tribunal will be raised at the time of oral submissions.

Therefore, it is humbly prayed that the impugned order may be set aside and the appellant be re-instated in service with back benefits of salary and allowances. Alternatively, the penalty of dismissal from service may be converted into a minor one in the interest of justice.

Appellant



Fayaz Ali

CERTIFICATE:

Certified that no such like appeal has earlier been filed before this Honourable Tribunal on the subject matter.



Appellant

5

BEFORE THE HON'BLE SERVICE TRIBUNAL, KPK PESHAWAR

Service Appeal No. _____ of 2016

Fayaz AliAppellant

VERSUS

Government of Khyber Pakhtunkhwa through Provincial Police Officer/IGP
and others.....Respondents

AFFIDAVIT

I, **Adnan Khan** (Counsel for Appellant) as per instructions of my client, do hereby solemnly affirm and declare that the contents of the above titled Appeal are true and correct to the best of my knowledge and belief. Furthermore, no such like appeal has earlier been filed before this Honourable Tribunal or elsewhere on this subject matter

DEPONENT



Barrister
Dr. Adnan Khan
Advocate High Court

ATTESTED



Muhammad Mushtaq Khan
OATH COMMISSIONER
District Courts Swat.

upto 17/11/2017
No. 07 Date 1-4-2016

6

BEFORE THE HON'BLE SERVICE TRIBUNAL, KPK PESHAWAR

Service Appeal No. _____ of 2016

Fayaz AliAppellant

VERSUS

Government of Khyber Pakhtunkhwa through Provincial Police Officer/IGP
and others.....Respondents

ADDRESSES OF THE PARTIES

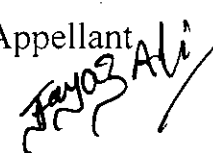
APPELLANT:

Fayaz Ali S/O Sardar Ali (Ex-Constable No. 914), R/O Village and Tehsil
Charbagh, District Swat.

RESPONDENTS:

- 1) Government of Khyber Pakhtunkhwa through Provincial Police
Officer/IGP at Peshawar
- 2) The Regional Police Officer, Malakand Division at Saidu Sharif Swat.
- 3) The District Police Officer, Swat at Saidu Sahrif.
- 4) Sub-Divisional Police Officer Khwazakhela Circle, District Swat.

Appellant


Fayaz Ali



آفاق چلڈرن کلینک

Ann "A"

7

کلینک: گل میڈیکل سنٹر بالقابل THQ ہسپتال خوازہ خیلہ

Dr. Haseeb-ur-Rahman

MBBS(Pesh), RMP(Islamabad)
MCPS (Children)

رابطہ نمبر: 0345-6093640

ڈاکٹر حسیب الرحمن

ایم بی بی ایس (پشاور)، آرا ایم بی (اسلام آباد)

ایم سی پی ایس (چلڈرن)

چلڈرن وارڈ سول ہسپتال خوازہ خیلہ

Children Ward Civil Hospital
Khwazakhela.

Name Fayaz Ali Age 25 Sex _____ Wt _____ Ht _____ OFC _____
Address Charbagh Date 1/8/14

feverish
bil. Jaundis pain
pain Abdom.
Bun. mict.

Tab. Ciproxin 500

Tab. Helicpa plus

Tab. Nise 100

CERTIFIED TO
BE TRUE COPY

Adnan Khan

Barrister
Dr. Adnan Khan
Advocate High Court

Supercrom Sachet
(1000 mg) - 1 sachet

Open
Bsp 2 120/80

Sup. ciproxin

advised

Tab. Zuber - 2
in 15 - 1

use RIF
- ardepar
- F Bz
- Escal.
- U/S Obel.

Bed rest is required
at home

Not Valid for Medico Legal Purposes

دوبارہ معائنہ کے لئے ایک جاگہ سے بعد تشریف لائیں۔

8

NATIONAL CLINICAL LABORATORY

Gul Medical Centre Near Civil Hospital, Khwaza Khela.



Date 1/8/14

No. _____

Name Farooq Ali

Examination Required for _____

BLOOD COMPLETE

DLC

HB% 12.4 Gm%
 TLC 11,200 /cmm
 ESR _____ mm/1st hr.
 Platelets Count _____ /cmm
 MP _____

Plymorphs 50 %40-70%
 Lymphocytes 45 %20-45%
 Monocytes 03 %2-6%
 Eosinophil 02 %1-3%
 Basophil _____ %0-1%

BIO CHEMISTRY

Glucose (Fasting) _____ 55-115mg/dl
 Glucose (Random) _____ Upto 170mg/dl
 S. Blood Urea _____ 10-40mg/dl
 S. Cholesterol _____ Upto 200mg/dl
 S. Bilirubin (Total) _____ Upto 1.0 mg/dl
 S. Uric Acid _____ 3.5-7.0mg/dl
 S. Creatinine _____ 0.7-1.2mg/dl
 SGPT/ALT _____ Upto 40U/L
 H. Pylori _____
 I.C.T for TB _____
 Blood Group _____
 RH Factor _____

WIDAL

Dilution	1/20	1/40	1/80	1/160	1/320
TO					
TH					
AH					
BH					

Negative (ve)

BRUCELLA

Abortus _____ Millitenses _____
 Toxoplasmosis _____ in titre of _____
 Pregnancy _____
 Hbs Ag _____
 HCV _____
 Typhidot IgG _____ IgM _____
 ASO Titre _____
 RA Factor 8.8 mg/dl
 Calcium _____

URINE ANALYSIS

Colour Yellow
 S.P. Gravity 1.020
 Reaction Acidic
 PH 5
 Albumin Trace
 Sugar (m)
 Bile Salt (m)
 Bile Pigment (m)

MICROSCOPY

Pus Cells 10-15 /HPF
 RBC 06-8 /HPF
 Epith Cells _____ /HPF
 Crystals _____ /HPF
 Casts _____ /HPF
 Bacteria _____ /HPF

Lab Technician [Signature]

CERTIFIED TO BE TRUE COPY

[Signature]

Barrister
Dr. Adnan Khan
Advocate High Court

Medical Specialist
Dr. Waqar Ali Khan

MBBS (KMC)
FCPS-II (Pak)
MRCP-II (UK)

میڈیکل سپیشلسٹ
ڈاکٹر وقار علی خان
ایم بی بی ایس (کے ایم سی)
ایف سی پی ایس (پاک)
ایم آر سی پی (یو کے)

Name Fayaz Ali Age 26 Sex ♂ Date 2-2-14

cb. pain right flank.
outlet.
Fever & rigors.

ix. of recurrent
UTI.
received multiple Rx.

ix. tender right flank.
rest of G.P & systems
examination is unremarkable.

Abd.
X-Ray KUB,
FBC
ulr Abd for stones.
renal status.
S. urea and levels ↑

Rx.
Tab. Fosfomycin 100g.
C. 10 1-1
Tab. Relispe forte
C. 5 1-1
Tab. Paracetamol
C. 2 1-1

Drink plenty of fluids.
Follow up after 2 weeks

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BE TRUE COPY

Adnan Khan
Barrister
Dr. Adnan Khan
Advocate High Court

دوبارہ معائنہ کیلئے بعد تشریف لائیں۔



15

Azim Clinical Laboratory

Near Manrai Masjid Char Bagh Swat.

Reg:No.HRA/500 F/ST/LAB/15

AZIMULLAH

Med. Lab Technologist
DMLT Medical Faculty Peshawar
Saidu Medical College, Swat
Mob: 03459455383

IKRAMULLAH

Med. Lab Technologist
DMLT Medical Faculty Peshawar
SGTH Saidu Sharif, Swat.
Mob: 03459514163

Lab No. 6766
Patient Name. Fayyaz Ali
Consultant. Dr Waqar Ali khan

Date. 2 September 2014
Sex. male
Age.

TEST	RESULT	UNIT	REF.RANGE
HB	12.6	g/dl	14 - 16 Male 12 - 14 Female
TLC	11,800	/cmm	4,500 - 10500
MCV	77.2	fl	75 - 100
MCH	28.3	pg	25 - 35
MCHC	36.6	g/dl	31 - 38
HCT	28.2	%	35 - 55
Platelets	2,06,000	/cmm	1,50000 - 4,00000

DIFFERENTIAL COUNT

Neutrophil	70	%	55 - 70
Lymphocyte	23	%	20 - 40
Monocyte	03	%	02 - 04
Eosinophil	04	%	00 - 05
Basophil	00	%	00 - 01

(Signature)
LAB. TECHNICIAN

CERTIFIED TO
BE TRUE COPY

(Signature)
Barrister
Dr. Adnan Khan
Advocate High Court

نزد ماٹری مسجد چار باغ سوات

عظیم کلینیکل لیبارٹری



Azim Clinical Laboratory

Near Manrai Masjid Char Bagh Swat.

Reg:No.HRA/500 F/ST/LAB/15

AZIMULLAH

Med. Lab Technologist
DMLT Medical Faculty Peshawar
Saidu Medical College, Swat
Mob: 03459455383

IKRAMULLAH

Med. Lab Technologist
DMLT Medical Faculty Peshawar
SGTH Saidu Sharif, Swat.
Mob: 03459514163

Lab No. 6766
Patient Name. Fayyaz Ali
Consultant. Dr Waqar Ali khan

Date. 2 September 2014
Sex. male
Age.

S:URIC Acid

TEST	RESULT	UNIT	REF:RANGE
S. Uric Acid	7.8 ✓	mg/dl	3.4 - 7.0:Male 2.4 - 5.7:Female

REMARKS:

Aziz
LAB. TECHNOLOGIST

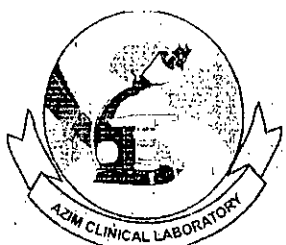
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Adnan Khan

Barrister
Dr. Adnan Khan
Advocate High Court

نزد ما نزی مسجد چار باغ سوات

عظیم کلینیکل لیبارٹری



12

Azim Clinical Laboratory

Near Manrai Masjid Char Bagh Swat.

Reg:No.HRA/500 F/ST/LAB/15

AZIMULLAH

Med. Lab Technologist
DMLT Medical Faculty Peshawar
Saidu Medical College, Swat
Mob: 03459455383

IKRAMULLAH

Med. Lab Technologist
DMLT Medical Faculty Peshawar
SGTH Saidu Sharif, Swat.
Mob: 03459514163

Lab No. 6766 Date. 2 September 2014
Patient Name. Fayyaz Ali Sex. male
Consultant. Dr Waqar Ali khan Age.

URINE ROUTINE EXAMINATION

PHYSICAL CHARACTER

COLOUR / TURBIDITY P. Yellow / Clear
Sp. GRAVITY 1.020
PH. 5.0

CHEMICAL CHARACTER

SUGAR NIL
ALBUMIN NIL
BILE SALT NIL
BILE PIGMENT NIL
UROBILINOGEN NIL
KETONE NIL

MICROSCOPIC EXAMINATION

PUS CELLS 30 - 35 ✓ /HPF
RBC Numerous ++ ✓ /HPF
EPITHELIAL NIL /HPF
CRYSTALS of uric Acid 10 - 12 ✓ /HPF
CAST NIL ✓ /HPF

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BE TRUE COPY**

Adnan Khan
Barrister
Dr. Adnan Khan
Advocate High Court

Ikramullah
Lab. Technician

نزد ما نزی مسجد چار باغ سوات

عظیم کلینیکل لیبارٹری

Medical Specialist
Dr. Waqar Ali Khan

13

میڈیکل سپیشلسٹ

ڈاکٹر وقار علی خان

MBBS (KMC)

FCPS-II (Pak)

MRCP-II (UK)

ایم بی بی ایس (کے ایم سی)

ایف سی پی ایس (پاک)

ایم آر سی پی (یو کے)

Name Fayez Ali Age 26 Sex ♂ Date 16-9-14

Previous h/o of
stomach acid stone
was presented
w/ acute pain
w/ vomiting

P-110/70
BP-90/60
Temp-101°F

Ab
-BC
urine R/E
stomach acid levels

Admit to ward.
w/ Oxidol 2gm 1/2 0 D.
w/ Relosp. 1/2 stat.
w/ Gravimide 1/2 stat.

R
Tab. Gousic 40g
Shk also 100g
Tab. Cipral 500g
1-1
Compore Sektel
1-1
Tab. Acibel 8g
1-1

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BE TRUE COPY

Adnan Khan

Barrister
Dr. Adnan Khan
Advocate High Court

دوبارہ معائنہ کیلئے ہمد شریف لائیں۔

کلینک: سوات ہسپتال اینڈ ریسرچ سنٹر خوازہ خیلہ 0348-9407466

Not valid for medico legal purpose



Reg.No.HRA/500 F/ST/LAB/15

AZIMULLAH

Med. Lab Technologist
DMLT Medical Faculty Peshawar
Saidu Medical College, Swat
Mob: 03459455383

IKRAMULLAH

Med. Lab Technologist
DMLT Medical Faculty Peshawar
SGTH Saidu Sharif, Swat.
Mob: 03459514163

Lab No. 9561 Date. 16 September 2014
Patient Name. Fayyaz Ali Sex. Male
Consultant. Dr Waqar Ali khan Age.

TEST	RESULT	UNIT	REF.RANGE
HB	13.0	g/dl	14 - 16 Male 12 - 14 Female
TLC	10,200	/cmm	4,500 - 10500
MCV	74.2	fl	75 - 100
MCH	31.2	pg	25 - 35
MCHC	38.4	g/dl	31 - 38
HCT	39.1	%	35 - 55
Platelets	2,24,000	/cmm	1,50000 - 4,00000

DIFFERENTIAL COUNT

Neutrophil	66	%	55 - 70
Lymphocyte	30	%	20 - 40
Monocyte	02	%	02 - 04
Eosinophil	02	%	00 - 05
Basophil	00	%	00 - 01

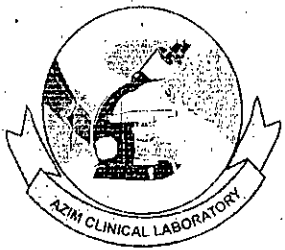
LAB. TECHNICIAN

**CERTIFIED TO
BE TRUE COPY**

Adnan Khan
Barrister
Dr. Adnan Khan
Advocate High Court

نزدماڑی مسجد چارباغ سوات

عظیم کلینیکل لیبارٹری



Reg:No.HRA/500 F/ST/LAB/15

Azim Clinical Laboratory

Near Manrai Masjid Char Bagh Swat.

AZIMULLAH

Med. Lab Technologist
DMLT Medical Faculty Peshawar
Saidu Medical College, Swat
Mob: 03459455383

IKRAMULLAH

Med. Lab Technologist
DMLT Medical Faculty Peshawar
SGTH Saidu Sharif, Swat.
Mob: 03459514163

Lab No. 9561
Patient Name. Fayyaz Ali
Consultant. Dr Waqar Ali khah

Date. 16 September 2014
Sex. Male
Age.

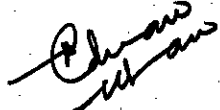
S:URIC Acid

TEST	RESULT	UNIT	REF.RANGE
S. Uric Acid	6.4	mg/dl	3.4 - 7.0:Male 2.4 - 5.7:Female

REMARKS:

LAB. TECHNOLOGIST

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Barrister
Dr. Adnan Khan
Advocate High Court

نزد ماٹری مسجد چار باغ سوات

عظیم کلینیکل لیبارٹری



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Mob: 03459514163

Lab No. 9561
Patient Name. Fayyaz Ali
Consultant. Dr Waqar Ali khan

Date. 16 September 2014
Sex. Male
Age.

URINE ROUTINE EXAMINATION

PHYSICAL CHARACTER

COLOUR / TURBIDITY P. Yellow /Clear
Sp. GRAVITY 1.020
PH. 6.0

CHEMICAL CHARACTER

SUGAR NIL
ALBUMIN NIL
BILE SALT. NIL
BILE PIGMENT NIL
UROBILINOGEN NIL
KETONE NIL

MICROSCOPIC EXAMINATION

PUS CELLS 7-9 /HPF
RBC 20-24 /HPF
EPITHELIAL NIL /HPF
CRYSTALS of uric Acid 4-5 /HPF
CAST NIL /HPF

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Adnan Khan
Barrister
Dr. Adnan Khan
Advocate High Court

[Signature]
Lab. Technician

Dr. Abdul Basir Khan

F.C.P.S. (Medicine)
Medical Specialist

Clinic Hours 8:00 AM to 2:00 PM

17

ڈاکٹر عبدال بصیر خان

ایم بی بی ایس، ایف سی پی ایس
میڈیکل سپیشلسٹ



KHWAZA KHELA MEDICAL CENTRE

GAMMON ROAD, KHWAZA KHELA PH & FAX: 0946-745008 MOB: 03456060799

Name فاضل علی Age 28 Sex M

Address جانب Date 7/10/2014

Clinical Record

Marked
Depression
= Insomnia
3/12/14
Positive
Follicle
SM ✓
- 1/10/14

Rx - 12 Deprel 50 => 1wmp
- 12 Querc 25 5.12.14
- 12 Inderal 10
- 12 Mounel 10

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Adnan Khan

Barrister
Dr. Adnan Khan
Advocate High Court

✓ Basir

تعطیل بروز جمعہ

اوقات معائنہ: صبح 8 بجے سے دوپہر 2 بجے تک

LFTs =>
suga urea

18



STANDARD CLINICAL LABORATORY

Dr. Abdul Basir
FCPS (Med)
Farman Ali
DMLT

Khaista Market
Khwazakhela Swat.
Ph. No: 745008


Name: Fayaz Ali
Age: 28 Years.
Sex: Male

Test:	Result:	Reference Value:
Blood Sugar	86 Mg/dl	Fasting - (70 to 120) Postprandail- (70 to 180)
Blood Urea	37 Mg/dl	10 ----- 40

Tuesday, October 07, 2014


Signature:

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BE TRUE COPY**


Barrister
Dr. Adnan Khan
Advocate High Court



STANDARD CLINICAL LABORATORY

Dr. Abdul Basir
FCPS (Med)
Farman Ali
DMLT

Khaista Market
Khwazakhela Swat.
Ph. No: 745008

Name: Fayaz Ali
Age: 28 Years.
Sex: Male

Test:	Result:	Reference Value:
ALP	261 u/l	Upto 275
SGPT	69 U/L	10 ----- 40
Bilirubin T	0.7mg/dl	0.5.....1.0

Tuesday, October 07, 2014


Signature:

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Barrister
Dr. Adnan Khan
Advocate High Court

(20)

Annex B

ORDER

This order will dispose off the departmental enquiry against Fayaz No. 914 who while posted to Police Station Mingora has absented himself from duty without prior permission or leave vide DD No. 58, dated 03-08-2014 to 03-10-2014(61 days). And vide DD No.24 w.e.f. 08-10 -2014 to 28-01-2015 (112 days) as per report of SHO Police Station Mingora dated 19-10-2014.

He was issued Charge Sheet alongwith statement of Allegations and SDPO/Khwaza Khela, Circle was deputed as Enquiry Officer. The Enquiry Officer conducted proper departmental enquiry against the delinquent officer and recorded the statements of all concerned officers. He has provided ample opportunity to the delinquent officer to defense the absence rendered by him. After conducting proper departmental enquiry, the Enquiry Officer submitted his findings wherein he recommended the delinquent Officer for Major punishment. Consequently he was issued Final Show Cause Notice and was called in Orderly Room but he has not provide any plausible defense.

Having perused his service record, it was patently evident that the delinquent officer Constable Fayaz No. 914 is addicted to a chronic absentee and is not interested to continue his service. Forgoing in view the undersigned is of considered opinion that there are no chance that constable Fayaz No. 914 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 powers vested in the undersigned under Rules 2 (iii) of Police Disciplinary Rules-1975, I, Muhammad Saleem Marwat, P.S.P, District Police Officer, Swat as a competent authority, am constrained to award him the punishment of Removal from service from the date of absence i.e. 08-10-2014.

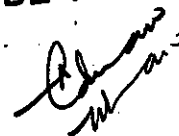
Order announced.

District Police Officer, Swat

O.B. No. 42

Dated 11/03/2015.

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Barrister
Dr. Adnan Khan
Advocate High Court



(21)

Ann "C"

بکھنور جناب DIG صاحب ملاکنڈ ریج سوات

عنوان :- رحم اپیل دوبارہ بحالی دوبارہ سروس

جناب عالی:

گزارش ہے کہ سائل محکمہ پولیس میں سال 2007 کو بھرتی ہو کر سائل نے نہایت ایمانداری، دیانتداری کیساتھ اپنے ڈیوٹی سرانجام دیتا رہا۔ کہ اس دوران سائل پر گردوں کی بیماری لاحق ہو کر جسکے وجہ سے سائل زہنی ٹینشن کا شکار ہو سائل بیماری کی نسبت کافی علاج معالجہ کیا مگر گردوں کی بیماری مسلسل برقرار تھا۔ سائل موت اور حیات کے کشمکش میں مبتلا تھا۔ کہ رشتہ داروں نے روحانی علاج کا مشورہ دیا۔ سائل بغرض روحانی علاج معالجہ کراچی جا کر علاج معالجہ کیا جس کے وجہ سے اللہ تعالیٰ نے مکمل طور پر شفاء نصیب کی۔ سائل نے مورخہ 28-01-015 کو غیر ضری سے حاضری کر کے مورخہ 11-03-2015 تک ایک منٹ بھی غیر حاضر نہیں ہوا ہے۔ جملہ میڈیکل کاغذات وغیرہ سائل سے کراچی میں رکھ گئے تھے۔ سائل بوجہ بیماری غیر حاضر ہو کر جسکے نسبت انکو آڑی مقرر ہو کر انکو آڑی افسر صاحب نے انکو آڑی یکطرفہ کر کے جسمیں جناب DPO صاحب نے سائل کو بحوالہ آرڈر بگ نمبر 42 مورخہ 11-03-2015 محکمہ ہذا سے ڈمس کیا ہے۔

جناب والا:-

سائل ایک نہایت غریب خاندان سے تعلق رکھتا ہے سائل اپنے خاندان کا واحد کفیل ہے۔ سائل کے غیر حاضری بہ امر مجبوری کی ہے سائل کے چھوٹے چھوٹے بچے ہیں سائل بیماری کی وجہ سے کافی مقروض بھی ہو چکا ہے۔ سائل کا طویل سروس تھا۔ بذریعہ درخواست استدعا ہے کہ سائل کو دوبارہ سروس پر بحال کرنے کا حکم صادر فرمائے تو سائل تاحیات دعاگوں رہیگا۔

العارض
ایکا تابع دار سابقہ کنسٹیبل فیاض علی نمبر 914 ضلع سوات

آڈر کا پی لف نمبر 1

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Adnan Khan

Barrister
Dr. Adnan Khan
Advocate High Court

(22)

5225 Ann'D
29/6/15

OFFICE OF THE REGIONAL POLICE OFFICER, MALAKAND REGION
AT SAIDU SHARIF SWAT


ORDER:

This order will dispose off appeal of Ex-Constable Fayaz Ali No.914 of Swat District for reinstatement in service.

Brief of the case is that Ex-Constable Fayaz Ali No.914 while posted to Police Station Mingora absented from his lawful duty with effect from 03/08/2014 to 03/10/2014 and 08/10/2014 to 28/01/2015 (total 173 days) without permission of his senior officers as per report of SHO Police Station Mingora. Proper departmental enquiry was conducted against him and SDPO Khawazakhela was appointed as Enquiry Officer. The Enquiry Officer submitted his finding / report wherein he recommended the delinquent Police official for major punishment. So being found guilty of the charges the District Police Officer, Swat removed him from service vide OB No.42 dated 11/03/2015.

He was called in Orderly Room on 23/06/2015 and heard in person. On perusal of service record it noticed that the appellant was habitual absentee. Therefore I uphold the order of District Police Officer, Swat, whereby the appellant has been awarded punishment of dismissal from service. The appeal is rejected.

Order announced



(AZAD KHAN) Tst, PSP
Regional Police Officer,
Malakand, at Saidu Sharif Swat.

No. 5198 /E,
Dated 25-6- /2015. ✓

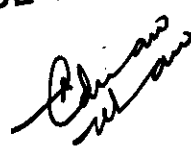
Copy to the District Police Officer, Swat for information with reference to his office Memo: No. 4500/E, dated 24/03/2015, alongwith service record of the above named Ex-Constable.

Encls. 5 Recd *****

EC / OASr
for inaction


DP Swat.
26/06/15

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Barrister
Dr. Adnan Khan
Advocate High Court

بھنور جناب IGP صاحب خیبر پختونخواہ پشاور۔

عنوان :- رحم در خواست در بارہ بحالی دوبارہ سروس

جناب عالی:

گزارش ہے کہ سائل محکمہ پولیس میں سال 2007 کو بھرتی ہو کر سائل نے نہایت ایمانداری، دیانتداری کیساتھ اپنے ڈیوٹی سرانجام دیتا رہا۔ کہ اس دوران سائل پر گردوں کی بیماری لاحق ہو کر جسکے وجہ سے سائل ذہنی ٹینشن کا شکار ہوا سائل بیماری کی نسبت کافی علاج معالجہ کیا مگر گردوں کی بیماری مسلسل برقرار تھا۔ سائل موت اور حیات کے کشمکش میں مبتلا تھا۔ کہ رشتہ داروں نے روحانی علاج کا مشورہ دیا۔ سائل بغرض روحانی علاج معالجہ کراچی جا کر علاج معالجہ کیا جس کے وجہ سے اللہ تعالیٰ نے مکمل طور پر شفاء نصیب کی۔ سائل نے مورخہ 28-01-015 کو غیر حاضری سے حاضری کر کے مورخہ 11-03-2015 تک ایک منٹ بھی غیر حاضر نہیں ہوا ہے۔ جملہ میڈیکل کاغذات وغیرہ سائل سے کراچی میں رہ گئے تھے۔ سائل بوجہ بیماری غیر حاضر ہو کر جسکے نسبت انکوائری مقرر ہو کر انکوائری افسر صاحب نے انکوائری یکطرفہ کر کے جس پر جناب DPO صاحب نے سائل کو بحوالہ آرڈر بک نمبر 42 مورخہ 11-03-2015 محکمہ ہذا سے ڈمس کیا ہے۔ جسکے متعلق جناب RPO صاحب کو رحم در خواست کر کے جناب RPO صاحب نے سائل کا رحم در خواست مسترد کر کے جسکا نقل کاپی لف ہذا ہے۔

جناب والا:-

سائل ایک نہایت غریب خاندان سے تعلق رکھتا ہے سائل اپنے خاندان کا واحد کفیل ہے۔ سائل کے غیر حاضری بہ امر مجبوری کی ہے سائل کے چھوٹے چھوٹے بچے ہیں سائل بیماری کی وجہ سے کافی مقروض بھی ہو چکا ہے۔ سائل کا طویل سروس تھا۔ بذریعہ درخواست استدعا ہے کہ سائل کو دوبارہ سروس پر بحال کرنے کا حکم صادر فرمائے تو سائل تاحیات دعاگوں رہیگا۔

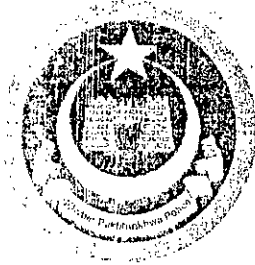
العارض
ایکتابعدار سابقہ کنشیل فیاض علی نمبر 914 ضلع سوات

رابطہ نمبر: 0343-3201942-0345-9117060

مورخہ 07-07-2015

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Dr. Adnan Khan
Barrister
Advocate High Court



24



Ann "F"

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

No. S/ 2045 /16, dated Peshawar the 04/03/2016.


ORDER

This order is hereby passed to dispose of departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 submitted by **Ex-Constable Fayaz Ali No. 914**. The appellant was awarded punishment of **removal** from service by DPO Swat vide OB No. 42, dated 11.03.2015, on charges of absence from duty of 05 months and 23 days.

He preferred appeal before the RPO Malakand against the order of DPO Swat which was filed vide order No. 5198/E, dated 25.06.2015.

Meeting of Appeal Board was held on 21.01.2016, wherein the appellant was heard in person. The enquiry papers were also examined. On examination of record, it revealed that he remained absent from duty for long period of 05 months and 23 days. Eighteen bad entries are available on his record. Petitioner failed to advance plausible reasons and grounds behind his absence from duty. Thus his appeal was rejected on grounds of limitation and merit as well.

This order is issued with approval by the Competent Authority.

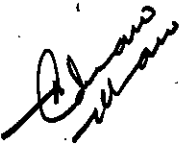

(NAJEEB-UR-RAHMAN)
AIG / Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

No. S/ 2046-53 /16,

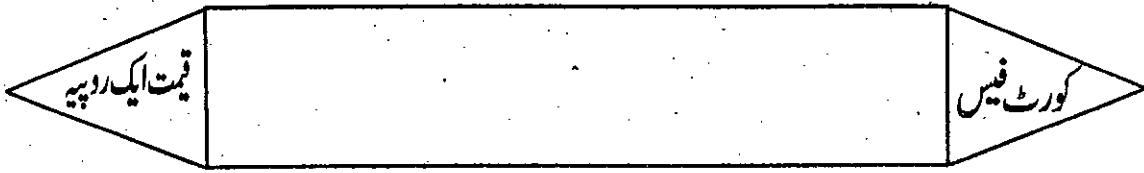
Copy of above is forwarded for information and necessary action to the:-

1. Regional Police Officer, Malakand Region, Swat.
2. District Police Officer, Swat.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. PRO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
5. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-IV, CPO, Peshawar.
8. I/C Central Registry Cell, (CRC), CPO.

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Barrister
Dr. Adnan Khan
Advocate High Court

بعدالت سرو سز ٹریبونل فیصلہ ختوختو خواہ



مورخہ 2 اپریل
مقدمہ فیاض علی
دعویٰ سرو سز اور
جرم

باعث تحریر آنگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن مقام چنار / مینگرہ سوات کیلئے میر سکر ڈاکٹر عدنان خان مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ و تقرر ثالث و فیصلہ پر حلف دینے جواب دی اور اقبال دعویٰ اور درخواست ہر قسم کی تصدیق زرا اور اس پر دستخط کرنے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری ایک طرف یا کسی برآمد ہوگی اور منسوخ مذکور کے نسل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنی ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقررہ شدہ کو بھی جملہ مذکورہ بالا اختیارات حاصل ہونگے اور اس کا ساختہ برواختہ منظور و قبول ہوگا۔ اور دوران مقدمہ میں جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب سے ہوگا اسکے مستحق وکیل صاحب ہونگے۔ نیز بقایا و خرچہ کی وصولی کرتے وقت کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام دورہ ہر ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہونگے کی پیروی مقدمہ مذکور لہذا وکالت نامہ لکھ دیا ک سند رہے

المرقوم 2 ماہ اپریل 2016

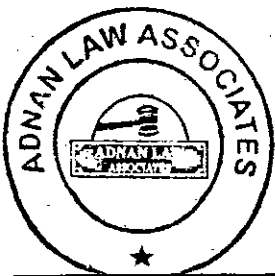
العبد گد واہ شدہ العبد

Attested

Accepted

مقام چنار / مینگرہ سوات

کے لئے منظور ہے



Barrister
Dr. Adnan Khan
Advocate High Court

فیاض علی ولد سر سز علی

خواہ شدہ العبد

BEFORE THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 368/2016

Fayaz Ali Ex Constable

..... (Appellant)

VERSUS

1. Govt: of Khyber Pakhtunkhwa through Provincial Police Officer/IGP at Peshawar
2. Regional Police Officer, Malakand Region at Saidu Sharif, Swat
3. District Police Officer, Swat
4. Sub Divisional Police Officer, Khwaza Khela Circle District Swat

..... (Respondents)

INDEX

S.No.	Description of document	Annex	Page
1.	Para Wise comments	--	1- 3
2.	Affidavit	--	4
3.	Authority Letter	--	5
4.	Charge Sheet	"A"	6
5.	Statement of Allegations	"B"	7
6.	Reply to Charge Sheet	"C"	8
7.	Final Show Cause Notice	"D"	9
8.	Finding Report	"E"	10


District Police Officer, Swat
(Respondent No. 03)

**District Police Officer,
Swat**

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 368/2016.

Fayaz Ali s/o Sardar Ali (Ex Constable No. 914) r/o village and Tehsil Charbagh, District Swat.

..... (Appellant)

VERSUS

1. Govt: of Khyber Pakhtunkhwa through Provincial Police Officer/IGP at Peshawar.
2. The Regional Police Officer, Malakand Region at Saidu Sharif, Swat.
3. The District Police Officer, Swat.
4. Sub Divisional Police Officer, Khwaza Khela Circle District Swat

..... (Respondents)

PARA-WISE COMMENTS ON BEHALF OF RESPONDENTS

Respectfully Shewith

Preliminary Objections:-

1. That the Service Appeal is time barred.
2. That the Service Appeal is not maintainable.
3. That the appellant has got no cause of action to file the instant appeal.
4. That the orders of the competent authorities have got finality and can't be challenged.
5. That the appellant is estopped due to his own conduct.
6. That the instant Appeal is bad due to misjoinder and non-joinder of necessary parties.
7. That the appellant has concealed material facts from this August Tribunal.

ON FACTS

1. Para No. 01 pertains to the Service record of the appellant, hence needs no comments.
2. Incorrect, in the time of insurgency the appellant absented himself from duty on 11-06-2008 and after departmental action he was dismissed from service. vide copy of order OB No. 220 dated 26-11-2008 as Annexure "A".
3. Incorrect. The appellant willfully absented himself from lawful duty without prior permission or leave. The appellant even didn't bother to apply for leave, but straightaway willfully absented himself from duty which amounts to misconducts. Vide absence report DD No. 24 Police Station Mingora dated 18-10-2014 as Annexure "B".

4. Incorrect. The appellant was proceeded against departmentally and charge sheets coupled with statements of allegations were issued against him the appellant even submitted his reply to charge sheet. SDPO Circle Kabal was appointed as Enquiry Officer who reportedly contacted the appellant on his cell number 03443102350 to associate with the enquiry proceedings but his cell phone was not responding. Vide Charge Sheet No. 223/E, statement of allegations, reply to charge sheet, final show cause notice and finding report as Annexure "C", "D", "E", "F" and "G" respectively.
5. Pertains to record.
6. Correct. The respondent No. 02 turned down his request for re-instatement, because the appellant was absent from duty without prior permission or approved leave.
7. Incorrect. The appellant preferred application rather than departmental appeal before the respondent No. 01. Departmental Appeal lies to respondent No. 02 against the order of respondent No. 03.
8. Correct.
9. The appellant has got no cause of action to file instant appeal.

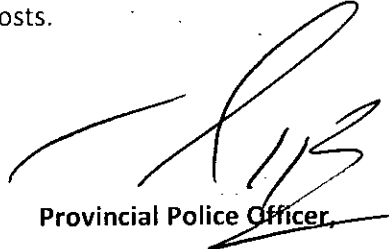
ON GROUNDS

- A. Incorrect. The appellant was found guilty of willful absence, therefore he was dismissed from service after departmental enquiry. The order is issued/passed in accordance with law/rules.
- B. Incorrect. The appellant willfully avoided association with departmental proceedings against him. Proper charge sheets coupled with statement of allegations were issued against him and the appellant submitted his reply to charge sheet as well.
- C. Incorrect. SDPO Kabal Circle conducted departmental enquiry against the appellant, whereas inadvertently the name of SDPO. Khwaza Khela has been mentioned in Final Show Cause Notice and Final order instead of SDPO Kabal. The mistake is clerical.
- D. Incorrect. The appellant remained absent from duty for a lengthy period of 5 months and 23 days which rightly warranted imposition of major punishment i.e dismissed from service. The appellant was also included in deserters who was dismissed from service and later on re-instated in service. Vide order, as Annexure "A".

E. The respondents also seek the permission of this August Tribunal to adduce more grounds/points at the time of arguments.

PRAYER

In view of the above comments on facts and grounds it is very humbly prayed that Appeal of the appellant may be dismissed with costs.



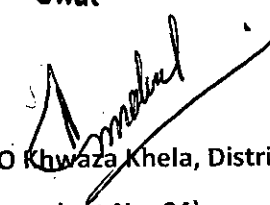
Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar
(Respondent No. 01)



Regional Police Officer,
Malakand Region at Saidu Sharif, Swat
(Respondent No. 02)
Regional Police Officer,
Malakand, at Saidu Sharif Swat.



District Police Officer, Swat
(Respondent No. 03)
District Police Officer,
Swat



SDPO Khwaza Khela, District Swat
(Respondent No. 04)

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR

4

Service Appeal No. 368/2016.

Fayaz Ali s/o Sardar Ali Ex Constable No. 916 r/o Village and Tehsil Charbagh District Swat

..... (Appellant)

VERSUS

1. Govt: of Khyber Pakhtunkhwa through Provincial Police Officer/IGP at Peshawar.
2. The Regional Police Officer, Malakand Region at Saidu Sharif, Swat.
3. The District Police Officer, Swat.
4. Sub Divisional Police Officer, Khwaza Khela Circle District Swat

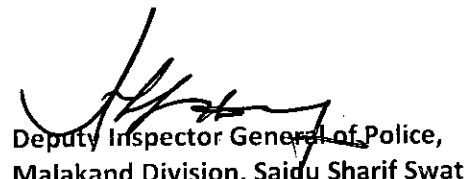
..... (Respondents)

AFFIDAVIT

We the above respondents do hereby solemnly and declare on oath that the contents of the accompanying Para wise comments of the respondents are correct to the best of our knowledge/belief and nothing has been kept secret from this August Tribunal.

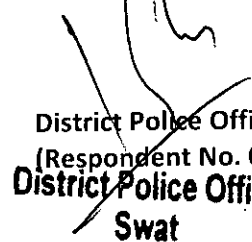


Govt: of Khyber Pakhtunkhwa through
Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar
(Respondent No. 01)




Deputy Inspector General of Police,
Malakand Division, Saidu Sharif Swat
(Respondent No. 02)

Regional Police Officer,
Malakand, at Saidu Sharif Swat.



District Police Officer, Swat
(Respondent No. 03)
District Police Officer,
Swat



Sub Divisional Police Officer,
Khwaza Khela Circle District Swat
(Respondent No. 04)

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR

5

Service Appeal No. 368/2016.

Fayaz Ali s/o Sardar Ali Ex Constable No. 916 r/o Village and Tehsil Charbagh District Swat

..... (Appellant)

VERSUS


1. Govt: of Khyber Pakhtunkhwa through Provincial Police Officer/IGP at Peshawar.
2. The Regional Police Officer, Malakand Region at Saidu Sharif, Swat.
3. The District Police Officer, Swat.
4. Sub Divisional Police Officer, Khwaza Khela Circle District Swat

..... (Respondents)

AUTHORITY LETTER

We the above respondents do hereby authorize Mr. Khawas Khan S.I Legal Swat to appear in the Service Tribunal on our behalf on each date fixed in connection with titled Service Appeal and do whatever is needed.


**Govt: of Khyber Pakhtunkhwa through
Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar
(Respondent No. 01)**


Deputy Inspector General of Police,
Malakand Division, Saidu Sharif Swat
(Respondent No. 02)

**Regional Police Officer,
Malakand, at Saidu Sharif Swat.**


District Police Officer, Swat
(Respondent No. 03)

**District Police Officer,
Swat**


Sub Divisional Police Officer,
Khwaza Khela Circle District Swat
(Respondent No. 04)

Amexel " A

ORDER

This order will dispose off the enquiry initiated against Constable Fayaz No.914, who while posted to Police Post Kanju (Police Station Kabal) absented himself from duty with vide DD No.9, dated. 11/06/2008 and failed to report. Thus absented himself from his legitimate duty and a report to this effect was entered at Police Post Kanju (PS Kabal) vide DD No.09, dated 11/06/2008.

He was issued charge sheet with statement of allegations. Enquiry was initiated against him and DSP Legal was appointed as Enquiry Officer. The Enquiry Officer in his finding report submitted that the defaulter Constable was summoned time and again, but did not appear to record his statement. Hence he was recommended for Major punishment of the Enquiry Officer. He was issued Final Show Cause Notice No.353/E, dated 11/10/2008 but no reply has been received.

This constitutes misconduct, cowardice on his part and as such he is liable for action under section 5 sub section (4) of the Removal from service (Special Powers) Ordinance 2000 (Amendment) Ordinance 2001

This constitutes misconduct/disinterest on his part and as such he is liable for action under section 5 Sub Section (4) of the Removal from service (Special Power) Ordinance 2000 (Amendment) Ordinance 2001 and dispose with the enquiry proceeding as laid down in the Ordinance and am further satisfied that there is no need of holding further departmental enquiry. Since the defaulter Constable has been found guilty of gross misconduct as defined in the said Ordinance, I Mr. Dilawar Khan Bangash DPO Swat as a competent authority, therefore impose major penalty by dismissing him from service from the date of absence i.e 11/06/2008.

Order announced.

[Signature]
District Police Officer, Swat

C.B. No. 226

Dated. 26 11.08.08

Office of the Accountant General
Khyber Pakhtunkhwa Peshawar
(Pay Fixed in the Revised Basic Pay Scales)

2780/-
2415/-
3507.08
5669.11

R.B.S 2780 - 125 = 6830
Pay Fixed Rs. 2780/-
3340 - 160 = 8140
3500/-
5400 - 260 = 13100
5660/-
2011
2011
Officer
Party

(6)

Amexel AC

CHARGE SHEET

I Mr. Sher Akbar S.St P.S.P District Police Officer, Swat. as competent authority, hereby charge you, Constable Fayaz No.914 while posted to Police Station Mingora as follows:-

It has been reported that you committed the following act/acts, which is/are gross misconduct on your part as defined in Rules 2 (iii) of Police Disciplinary Rules 1975.

You Constable Fayaz No.914 while posted to Police Station Mingora have absented yourself from duty without prior permission or leave vide DD No.24 w.e.f. 08-10-2014 up till now as per report of SHO Police Station Mingora dated 19-10-2014.


2. By reasons of the above, you appear to be guilty of misconduct and rendered yourself liable to all or any of penalties specified in Rule-4 of the Disciplinary Rules 1975.

3. You are, therefore, required to submit your written reply within seven (7) days of the receipt of this Charge Sheet to the Enquiry officer.

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

5. Intimate as to whether you desire to be heard in person or not.

6. A statement of allegations is enclosed.


District Police Officer, Swat

No. 223 /E,

Dated: 7/11/2014.

no 58-RIC
7-11-2014

7

Annex 2 B

DISCIPLINARY ACTION

Mr. Sher Akbar S.St, P.S.P District Police Officer, Swat as competent authority, is of the
Constable Fayaz No.914 while posted to Police Station Mingora has rendered himself liable
against departmentally as he has committed the following acts/omissions as defined in
Police Rules 1975, as per Provincial Assembly of Khyber Pakhtunkhwa Notification No.
akhtunkhwa/ Bills/ 2011/ 44905 dated 16/09/2011 and C.P.O, K.P.K Peshawar Memo: No. 3037-
dated 19/11/2011.

STATEMENT OF ALLEGATIONS

It has been reported that he while posted to Police Station Mingora committed the
act / acts, which is / are gross misconduct on his part as defined in Rules 2 (iii) of Police Rules 1975.

That he Constable Fayaz No.914 while posted to Police Station Mingora has absented
from duty without prior permission or leave vide DD No.24 w.e.f. 08-10-2014 up till now as per
order of SHO Police Station Mingora dated 19-10-2014.

2. For the purpose of scrutinizing the conduct of the said officer with reference to the
above allegations, SDPO/Kabal Circle, Swat 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 officer, 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.


District Police Officer, Swat

No. 223 /EB, Dated Gulkada the, 7/11 2014.

Copy of above is forwarded to the:-

1. SDPO/Kabal Circle, Swat for initiating proceeding against the accused Officer/ Official namely
Constable Fayaz No.914 under Police Rules, 1975.
2. Constable Fayaz No.914 PS Mingora.
With the direction to appear before the Enquiry Officer on the date, time and place fixed by the
Enquiry Officer for the purpose of enquiry proceeding.

حاجی

وال فاضل شوکارہ نو سی فری 23/2

چار مہینہ - DDC صاحبہ - مردوں میں صحت چھوٹا کر کے
 میری سہارا کی سہارا کی اور تھوڑے وقت
 کی ہیں

سان کو ر دھون کی پیما کی جیکہ وہ شہانہ کی نظر
 در دقتا سہارا کی وہ سے سان کو زچہ پر مینا کی اور
 وقت اور مینا کی ڈنگس میں مبتلا تھا

Good

سان نے یہ سہارا کی خاطر کافی پر مشورہ علاج
 Nil سے سان کافی ضرور میں بھی ہو چکا ہے دیگر کسی شہ
 میں ہوا

Ball

سان کافی پر مینا تھا۔ سان کو ر شہارا کی

18

دو حالی علاج جو کہ کراچی میں تھا علاج حاصل کر
 مشورہ دیا۔ سان نے علاج حاصل کر کے
 گیا۔ وہ حالی علاج حاصل کر کے اور مینا کی سان کو ر
 یہ مینا کی کیا ہے۔ ہم میڈیکل ٹائمزات مینا کی
 دہ لے سے مینا کی شہارا کی مینا کی
 مینا کی شہارا کی مینا کی مینا کی

جا۔ والا۔ سان نے میری جاننا سے وہ لے کر گیا

تہ چھوٹے چھوٹے مینا کی مینا کی جاننا سے وہ لے کر گیا
 مینا کی کھوٹے سے مینا کی کافی ضرور میں ہو چکا ہے۔ سان کو ر
 مینا کی مینا کی مینا کی اور مینا کی مینا کی
 مینا کی مینا کی مینا کی مینا کی مینا کی
 مینا کی مینا کی مینا کی مینا کی مینا کی

علی

(9)

AF

FINAL SHOW CAUSE NOTICE.

That You Constable Fayaz No.914 while posted to Police Station Mingora have absented yourself from duty without prior permission or leave vide DD No. w.c.f. 08-10-2014 up till now as per report of SHO Police Station Mingora dated 19-10-2014. Proper Charge Sheet No.223/EB, dated 07-11-2014 was issued to you and SDPO/Kabal Circle was deputed as Enquiry Officer to conduct proper Departmental Enquiry against you.

The Enquiry Officer SDPO/Khwaza Khela Circle in his findings report intimated that you are habitual absentee the allegations leveled against you are proved during enquiry and recommended you for major punishment of dismissal from service.

You are, therefore, served with this Final Show Cause Notice to show reason in written within seven (07) days of the receipt of this notice as to why the proposed action, which may include your Dismissal from Service should not be taken against you.


District Police Officer, Swat

No. 223/14 /EB,
Dated 12/11 /2015.

O.B. No-42
H. B-15

(10)

A-67

از دفتر SDPO سرکل کبل

فائنڈنگ رپورٹ

محکمانہ کارروائی برخلاف فیاض 914 متعینہ تھانہ مینگورہ

جناب عالی!

کانٹیبیل فیاض 914 متعینہ تھانہ مینگورہ بحوالہ مد 24 روزنامچہ 8/10/2014 سے بدستور غیر حاضر رہ کر جس پر چارج نامہ 223/E مورخہ 7/11/2014 منجانب DPO صاحب سوات جاری ہو کر من SDPO کو انکوائری افسر مقرر کیا گیا۔ انکوائری ذیل پایا گیا۔

کانٹیبیل مذکورہ کے انکوائری کاغذات دفتر ہذا موصول ہو کر تعمیل کے خاطر پروانہ SHO تھانہ مینگورہ کو بھجوا دیا گیا کہ کانٹیبیل مذکورہ نقلدات حاضری، غیر حاضر بیان SHO اور بیان خود بمعہ کانٹیبیل بغرض قلمبندی بیان دفتر ہذا ارسال کریں۔ پروانہ کیساتھ SHO بیان خود، محرر تھانہ کے بیانات ہمراہ نقلد 24 روزنامچہ 8/10/2014 دفتر ارسال کی کہ کانٹیبیل مذکورہ بدستور غیر حاضر ہے اس طرح کانٹیبیل کے نجی موبائیل نمبر 0344-3102350 جو کہ محرر تھانہ مینگورہ نے دیا تھا پر رابطہ کیا گیا مگر مذکورہ موبائیل فون بند کیا ہے۔ کانٹیبیل مذکورہ کے خلاف تحقیقات ہو کر پایا گیا کہ مذکورہ کانٹیبیل عادی غیر حاضر باش ہے دیدہ دانستہ غیر حاضری کا مرتکب ہوتا ہے مستقبل قریب میں حاضری کی کوئی امید نہیں ہے۔

لہذا مذکورہ کانٹیبیل کے خلاف یکطرفہ کارروائی کر کے محکمہ پولیس سے درخواست کرنے کی سفارش کی جاتی ہے۔

ایس ڈی پی او سرکل کبل

Blue Fink Show Cause Notice

DPO (Swat)