

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

**Service Appeal No. 1311/2023.**

**Muhammad Adnan Ex-constable No. 8886 FRP DI Khan Range R/o Village Pai Tehsil & District Tank.....Appellant.**

**VERSUS**

**Inspector General of Police, Khyber Pakhtunkhwa, Peshawar & others.....Respondents.**

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*Hearing - 16-1-2024  
D.I. Khan*

*[Signature]*  
**RESPONDENTS**

(1)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

**Service Appeal No. 1311/2023.**

**Muhammad Adnan Ex-constable No. 8886 FRP DI Khan Range R/o Village Pai Tehsil & District Tank.....Appellant.**

**VERSUS**

**Inspector General of Police, Khyber Pakhtunkhwa, Peshawar & others.....Respondents.**

**PARAWISE REPLY BY RESPONDENTS 1 to 4.**

**RESPECTFULLY SHEWETH.**

**PRELIMINARY OBJECTIONS:-**

1. That the appeal is badly barred by law & limitation.
2. That the appeal is bad for mis-joinder and non-joinder of necessary and proper parties.
3. That the appellant has no cause of action and locus stand to file the instant appeal.
4. That the appellant has not come to this Honorable Tribunal with clean hands.
5. That the appellant is estopped due to his own conduct to file the instant Service Appeal.
6. That the appellant is trying to conceal the material facts from this Honorable Tribunal.

**FACTS:-**

- 1) Pertain to personal information needs no comments.
- 2) Pertain to record needs no comments.
- 3) Incorrect. The appellant is found insufficient and a habitual absentee, as perusal of his service record reveals that in past he was remained absent from his lawful duty for a total period of 161 days, to which he was awarded different punishments and in this regard there are 02 bad entries, with no good entry in his credit. Besides, during the year 2020, the appellant was awarded major punishment of dismissal from service due to involvement in criminal case vide FIR No. 852, dated 09.07.2020 U/S 419/420 PPC Police Station Cantt; District DI Khan, after which he subsequently reinstated in service on departmental appeal.
- 4) Incorrect. The appellant was remained absent from his lawful duty with effect from 11.09.2022 till the date of his removal from service for a long period of 04 months and 20 days without any leave or prior permission of the competent authority. The plea taken by the appellant with regard to the illness of his wife is a propounded story.
- 5) Incorrect. The appellant failed to submit any leave application before the competent authority.
- 6) Incorrect. The appellant willfully remained absent from his lawful duty without any leave or prior permission of the competent authority.
- 7) Incorrect and denied. On the allegations of prolong absence the appellant was issued Charge Sheet alongwith Summary of Allegations and Enquiry Officer was nominated. The Charge Sheet was properly served upon him through special messenger on his home address and his signature was obtained as a token of receipt, but he failed to submit his reply or to appear before the Enquiry Officer. (Copy of Charge Sheet attached herewith as annexure "A").

Khyber Pakhtunkhwa  
Service Tribunal  
Diary No. 9784  
Dated: 08-12-2023

- 8) Incorrect. Proper departmental enquiry has already been initiated against the appellant, as he was issued Charge Sheet and Summary of Allegation and SI Sajid Hussain was nominated as Enquiry Officer. The Charge Sheet alongwith Summary of Allegation was served upon him by the Enquiry Officer, but he failed to submit his reply. Moreover, for participation with enquiry the appellant was summoned time and again by the Enquiry Officer, but he did not turn up. Hence, the Enquiry Officer found him guilty of the charges leveled against him. Upon the findings of Enquiry Officer, the appellant was issued Final Show Cause Notice and served upon him on 09.01.2023, but he failed to submit his reply. However, he was called for personal hearing in orderly room, but he deliberately failed to appear before the competent authority by meaning thereby that the appellant was no more interested in the service of police department. After fulfillment of all codal formalities the appellant was removed from service as per law/rules. (Copy of the summon, enquiry report, final show cause notice and reference are attached herewith as annexure "B,C,D & E")
- 9) Incorrect. Departmental appeal submitted by the appellant was thoroughly examined and rejected on sound grounds and a copy of which has already been provided to the appellant vide office Order Endst; No. 3514/SI Legal, dated 11.04.2023. However, on the application of the appellant the copy of such order was again provided to him.
- 10) Incorrect. The appellant has not come to this Honorable Tribunal with clean hands; hence the instant appeal being devoid of merits may kindly be dismissed on the following grounds.

**GROUND:-**

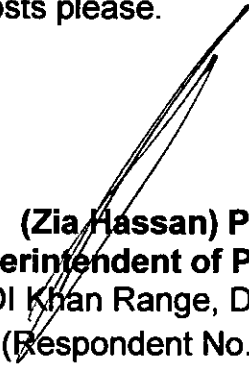
- A) Incorrect. The Para has already been explain in the preceding Para 07 of fact. However, regular enquiry has already been initiated against the appellant and during the course of enquiry, the appellant was summoned time and again with the direction to submit his reply of Charge Sheet and to join the enquiry proceedings, but he deliberately failed to do so. Hence after fulfillment of all codal formalities required as per law the appellant was awarded major punishment of removal from service.
- B) Incorrect. Upon the findings of Enquiry Officer the appellant was issued Final Show Cause Notice and served upon him on his home address, but he failed to submit his reply. Besides, he was called for personal hearing accordingly, but he did not turn up. Hence, sufficient and proper opportunities at every level of defense in the light of natural justice have already been offered to the appellant, but he deliberately failed to avail these opportunities and to prove himself innocent.
- C) Incorrect. The action so far taken by the respondent No. 04 against the appellant is legally justified and accordance to law/rules. Hence, the respondents have never committed any violation of law/rules in the case of appellant.
- D) Incorrect. The appellant has trying to mislead this Honorable Court. In fact the appellant was already dealt with proper enquiry on account of his willful absence under the relevant law rules i.e Police Rules 1975 amended in the year 2014. The appellant was absolutely treated in accordance to law/rules and the respondents have not committed any discrimination or violation of any article of the constitution of Islamic Republic of Pakistan as the appellant was never deprived from his legal right.
- E) Incorrect. For completion of enquiry, the appellant was summoned by the Enquiry Officer and then by the Competent authority, but he deliberately failed to join the enquiry proceeding or to appear before the competent authority to

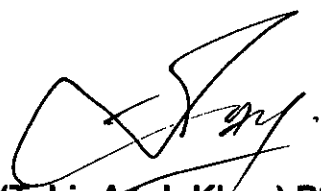
defend himself. Hence, after fulfillment of all codal formalities the major punishment of removal from service was imposed upon the appellant in accordance to law/rules.

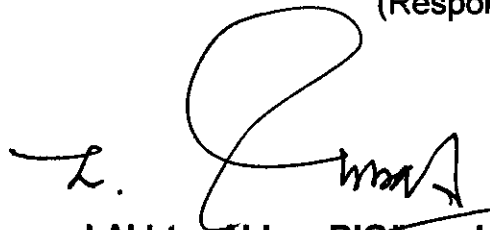
- F) Incorrect and the Para has already been explained in the preceding Para No. D and E quoted above.
- G) Incorrect. For disposal of departmental appeal the relevant record to the case was examined and the appellant was called and heard in person in orderly room held on 07.04.2023, but he failed to present any justification regarding his innocence.
- H) Incorrect. The Honorable Tribunal have the powers to decide each and every case under the law at their own facts and merit. In fact, the appellant was proceeded against proper departmentally under the law/rules and the respondents did not commit with any violation of law rules in the case of appellant.
- I) Incorrect. The jobless of the appellant was happened due to his own misconduct and he himself is responsible for such situation as he did not take interest in the official duties assigned to him, otherwise respondents have no any personal grudges with him.
- J) The respondent may also be permitted to raise additional grounds at the time of arguments.

**PRAYERS:-**

Keeping in view the above facts and circumstances, it is most humbly prayed that the instant service appeal being not maintainable may kindly be dismissed with costs please.

  
**(Zia Hassan) PSP**  
**Superintendent of Police FRP,**  
**DI Khan Range, DI Khan**  
**(Respondent No. 04)**

  
**(Tahir Ayub Khan) PSP**  
**Commandant FRP,**  
**Khyber Pakhtunkhwa, Peshawar**  
**(Respondent No. 03)**

  
**Dr. Muhammad Akhtar Abbas DIG/Legal**  
**For Inspector General of Police,**  
**Khyber Pakhtunkhwa, Peshawar**  
**(Respondent No. 02)**

2094-95 /FRP



(A) 1/1 (4)  
dated: 25/10 /2022

CHARGE SHEET

I, Superintendent of Police of FRP DIKhan as competent authority, am of the opinion that you Constable Muhammad Adnan No.8886/FRP of FRP DIKhan Range have committed the following acts/omission as defined in Rule 2 (iii) of Police Rules 1975.

According to daily diary report No.13 dated 11.09.2022 of Police Station Gul Imam Tank, you remained absent from law full duties with effect from 11.09.2022 to till date without any leave or permission from the High up's.

It is a gross "Misconduct" on your part as defined in Rule 2 (iii) of Police Rules 1975 and has rendered yourself liable to be proceeded against departmentally.

For reason of the above, you seem to be guilty as sufficient materials is placed before the undersigned; therefore, it is decided to proceed against you in general police proceeding.

You are therefore, required to submit your written reply within 07 days of the receipt of this charges sheet to the Enquiry Officer.

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

Infirmate as to whether you desire to be heard in person or not?

Statement of allegation is enclosed.

M. Adnan

M. A. M  
Superintendent of Police, FRP  
DIKhan Range DIKhan  
23/11

4/12/2022

وہاں کے نمبر 706

شناختی کارڈ نمبر 1220179

Attest

Office superintendent  
FRP Hqrs: Peshawar

EO (س)

DISCIPLINARY ACTION

~~(A)~~

(A)/2

(5)

I, Superintendent of Police of FRP DIKhan as competent authority, am of the opinion that Constable Muhammad Adnan No.8886/FRP of FRP DIKhan Range of FRP have committed the following acts/omission as defined in Rule 2 (iii) of Police Rules 1975.

STATEMENT OF ALLEGATION

1. According to daily diary report No.13 dated 11.09.2022 of Police Station Gul Imam Link, you remained absent from law full duties with effect from 11.09.2022 to till date without any leave or permission from the High up's.
2. It is a gross "Misconduct" on your part as defined in Rule 2 (iii) of Police Rules 1975 and has rendered yourself liable to be proceeded against departmentally.

For the purpose of scrutinize the conduct of said Constable with reference to the above allegation, SI Sajid Hussain of FRP DIKhan Range is appointed as Enquiry Officer.

1. The Enquiry Officer shall conduct proceeding in accordance with provision of Police Rules 1975 and shall provide reasonable opportunity of defense and hearing to the accused official, record it is finding and make with twenty five (25) days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused official.

The delinquent official/officer shall join the proceeding on the date, time and place fixed by the Enquiry Officer.

M. Adnan

4.12.22 203

054.706344

12201.17 95444

M. H. M  
Superintendent of Police FRP  
DIKhan Range DIKhan  
23/11

Attended  
M. H. M  
Office Superintendent  
FRP Range: Daska



اد دہتر FRP

مبلغ ADIK

منجانب :- انوائری آفیس FRP  
تاریخ :- SHO صاحب خانہ کی ایک کاپی

کار سیکر

فردیہ بند لکھنے پر فہم خانہ حذا سلسلہ انوائری آفیس کا ایجنڈا کو  
اطلاع دیا گیا ہے کہ وہ کل روز 11/11/20 بروز پیر 10:00 بجے  
صبح دہتر انوائری آفیس FRP پولیس اسٹیشن حاضر ہو کر اپنے خلاف جاری شدہ  
کارڈ شپس دیکھ کر لیں۔

1- محمد عمران 8886 / FRP  
ولا ممتاز خان سکنہ پانی حدود خانہ کی ایک کاپی  
0342-055-3334

2- محمد رفیع انور 8922 / FRP  
ولا رحمت اللہ سکنہ پانی حدود خانہ کی ایک کاپی  
0344-938-0066 Attested

نوٹ:- درج ذیل شخصوں کے خلاف کارڈ شپس جاری ہوئی ہیں۔

Handwritten signature

Office superintendent  
FRP Hqs. Peshawar

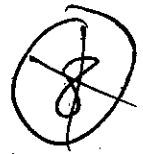
R. Eo. FRP ADIK  
29-11-22

منیر MM  
GI

0343 9296136

Attested  
Eo. FRP ADIK  
29-11-22

492  
29-11-22



"B/2"

ضلع دکن

ادارہ خصوصی FRP

مشجانبہ - انکوائری آفیس FRP ڈیسک  
تاریخ - 5/12/2022

رکاز سرکار

مخبر خصوصی بذریعہ دفتر تھانہ حذا کبلسلم حکمانہ انوائری

کاٹرا محمد عدنان 8886 FRP وکرم خان سکنہ پالی حدود تھانہ گل ایف

ٹانک دارطیس 0342-0553334 اور ایف خلاف چارج سب ڈسٹرکٹ 2094-95/FRP  
25-11-2022

فورم 04-12-2022 کو وصول کر چکا ہے حکام جواباً حال جمع نہیں

کرایا ہے کو بذریعہ پروانہ حذا اطلاع پائی گئی ہے کہ وہ اندر موجود

ہے فورم 15-12-2022 تک ہمراہ عمر پوری جویا چارج سب ڈسٹرکٹ

آفیس فیملی FRP نوٹس لائن ڈیسک حاضر آوے۔ بصورت حال دیگر

Attested حکمانہ کارروائی عمل میں لائی جائے گی۔

نوٹ - پروانہ تھانہ حذا جویا جانے ضروری ہے

Office: FRP Hqs: Peshawar

محمد تھانہ گل امام

Reader Eq/FRP/DK  
13-12-2022

سیخ کنڈسٹر 502 تھانہ گل ایف  
13-12-2022

فرید زمان

0345 9830562

~~Attested~~

ورڈ کو بلڈ ایف والٹس ایف میسج پاس کیا گیا  
تھانہ حذا

EO FRP DK  
13-12-2022



## فائل رپورٹ

محکمہ انکوائری بر خلاف کانسٹیبل محمد عدنان FRP/8886 ڈیرہ

جناب عالی!

بحوالہ بشمولہ چارج شیٹ نمبر FRP/95-2094 مورخہ 2022-11-25 بجاریہ جناب SP/FRP صاحب ڈیرہ بر خلاف کانسٹیبل محمد عدنان FRP/8886 ڈیرہ کی بغرض انکوائری من SI/EO کو مارک ہوئی۔ بعد ملاحظہ انکوائری کاغذات سے پایا گیا کہ کانسٹیبل مذکورہ بحوالہ مد نمبر 13 روزنامچہ 2022-09-11 تھانہ گل امام ٹانک اپنی ڈیوٹی سے بغیر کسی رخصت/اجازت کے مورخہ 2022-09-11 سے تاحال بدستور غیر حاضر ہے۔ جو کہ غیر ڈسپلن فعل ہے۔ بدیں وجہ مذکورہ پر چارج شیٹ ایشو کی گئی ہے۔

اندریں سلسلہ معروض ہوں کہ چارج شیٹ متذکرہ بذریعہ اسپیشل مینجر ریکروٹ کانسٹیبل آفاق احمد FRP/8951 مورخہ 2022-12-02 کو الزام علیہ کے گھر سکنہ پائی حد تھانہ گل امام ٹانک بغرض تقسیم بھجوائی گئی جو مذکورہ نے بذات خود مورخہ 2022-12-04 کو حسب ضابطہ وصول کی۔ جس کا کانسٹیبل مذکورہ نے اپنا تحریری جواب چارج شیٹ اندر معیاد (07) یوم مورخہ 2022-12-12 تک جمع کرانا تھا جو کہ اندر معیاد اور طلبی کے باوجود حاضر نہ آنے پر مورخہ 2022-12-13 کو تحریری پروانہ طلبی/اطلاعیاتی بنام SHO تھانہ گل امام ٹانک MHC فرید زمان کو بحوالہ میجک نمبر 502 مورخہ 2022-12-13 تحریر کر دیا گیا۔ تحریری پروانہ ہمراہ لف ہے۔

عالیجاہ!

انکوائری ہذا کے حالات، واقعات سے بحیثیت انکوائری آفیسر اس نتیجہ پر پہنچا ہوں کہ کانسٹیبل مذکورہ کے پاس جملہ بدستور غیر حاضری کی بابت کوئی معقول وجہ/قانونی جواز نہ ہے جو کہ ایک پولیس ملازم ہوتے ہوئے اس بات سے بخوبی واقف ہے کہ چارج شیٹ کا جواب اندر معیاد جمع کرانا پڑتا ہے لیکن کانسٹیبل مذکورہ نے بار بار اطلاعیاتی کے باوجود نہ تو تاحال اپنا تحریری جواب چارج شیٹ جمع کرایا ہے اور نہ ہی شامل انکوائری ہوا ہے۔ کانسٹیبل مذکورہ کا جملہ بدستور غیر حاضر ہونا بلا جواز ہے۔ جبکہ کانسٹیبل مذکورہ کا انکوائری ہذا میں مزید انتظار کرنا اور اپنے پاس رکھنا بے سود ہے۔

علاوہ ازیں کانسٹیبل مذکورہ کے سابقہ سروس ریکارڈ کی پڑتال کی گئی۔ بمطابق SRC/FRP کانسٹیبل مذکورہ سال 2013ء کا بھرتی شدہ ہے۔ سابقہ غیر حاضری (161) یوم ہے جبکہ دیگر سزائیں:- مبلغ -/1000 روپے جرمانہ، FIR نمبر 852 مورخہ 2020-07-09 بجرم 471-468-420-419 PPC تھانہ کینٹ میں ملوث ہونے پر برخاست کیا گیا تھا جبکہ دوبارہ جناب کمانڈنٹ صاحب کو اپیل کرنے پر بحال ہوا ہے۔

لہذا کی گئی انکوائری میں کانسٹیبل مذکورہ کو شامل انکوائری نہ ہونے اور مورخہ 2022-09-11 سے تاحال بدستور غیر حاضری کی بابت صاف قصور وار پایا جا کر یکطرفہ محکمہ کاروائی عمل میں لاتے ہوئے فائل شوکاژ نوٹس جاری کئے جانے کی استدعا کی جاتی ہے۔ مزید حکم افسران بالا افضل ہوگا۔

فائل رپورٹ مرتب ہو کر گزارش ہے

Attested

SI ساجد حسین D/155

انکوائری آفیسر FRP ڈیرہ

مورخہ:- 2022-12-16

Office superintendent  
FRP Hqs: Peshawar

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FINAL SHOW CAUSE NOTICE.

WHEREAS YOU, Constable Muhammad Adnan No.8886/FRP found guilty of following misconduct in violation of Khyber Pakhtunkhwa Police Disciplinary Rules 1975 with amendment 2014.

According to daily diary report No.13 dated 11.09.2022 of Police Station Gul Imam Tank, you remained absent from law full duties with effect from 11.09.2022 to till date without any leave or permission from the High-up's.

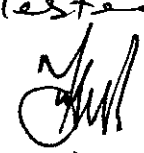
After completion the enquiry the Enquiry Officer submitted his finding in which the charges leveled against you were proved without any shadow of doubt.

As a result thereof, S. MUHAMMAD ARIF, Superintendent of Police, FRP, D.I.Khan Range D.I.Khan as competent authority have tentatively decided to impose upon you the penalty of Major/ Minor punishment Under Section 3 of the said ordinance.

1. You are, therefore, required to Show Cause as to why the aforesaid penalty should not be imposed upon you.
2. If no reply to this notice is received within 15-days of its delivery in the normal course of circumstances, it shall be presumed that you have no defense to put in and in that case an ex-parte action shall be taken against you.

M. Adnan  
 09.1.2023  
 CNIC No - 12201-1795425  
 mobile no - 0311-7016354

M. A. Pm  
 Superintendent of Police,  
 FRP, D.I.Khan Range D.I.Khan.

Attested  
  
 Office Superintendent  
 FRP, Hqs: Peshawar

(11)

(10)

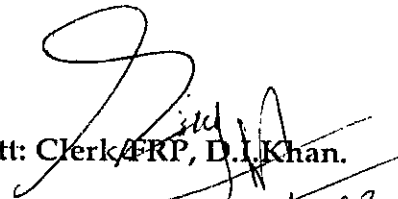
REFERENCE ATTACHED.

Constable Muhammad Adnan No.8886/FRP was served with Final Show Cause Notice on 09.01.2023 for the misconduct that according daily diary report No.13 dated 11.09.2022 of Police Station Gul Imam Tank, he remained absent from law full duties with effect from 11.09.2022 to till date without any leave or permission from the High-up's.

He was required to submit his reply of said Final Show Cause Notice within stipulated period but he failed to do so.

Submitted for kind perusal and further order please.

  
H.C/FRP, D.I.Khan  
25/11


  
Estt: Clerk/FRP, D.I.Khan.  
25/01/2023  
17-09-2013 - 03

W/SP/FRP, D.I.Khan Range.

Remained from Service (161) اوم  
مقررہ وقت میں نہ آیا اور وہ کیس کا  
FIR No=852 dt=09-07-2020  
4/5 419/420/448/471 PPC  
کے تحت اس کیس میں عدالت سے فیصلہ ہو گیا ہے  
اس کیس کے تحت اس کیس کا فیصلہ ہو گیا ہے  
اس کیس کے تحت اس کیس کا فیصلہ ہو گیا ہے

01/02/2023

OR No 99  
01-02-2023

Attested  
  
Office superintendent  
FRP Hqrs: Peshawar

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

**Service Appeal No. 1311/2023.**

**Muhammad Adnan Ex-constable No. 8886 FRP DI Khan Range R/o Village Pai Tehsil & District Tank.....Appellant.**

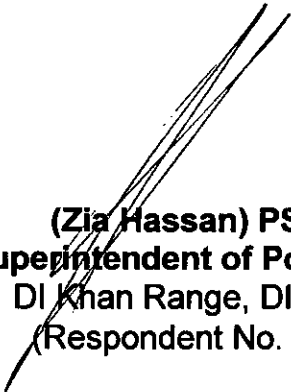
**VERSUS**

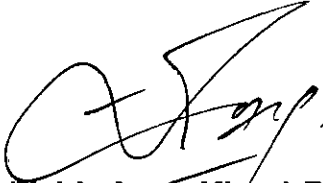
**Inspector General of Police, Khyber Pakhtunkhwa, Peshawar & others.....Respondents.**

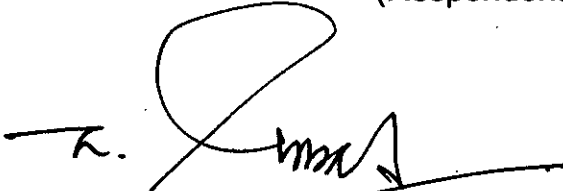
**AUTHORITY LETTER**

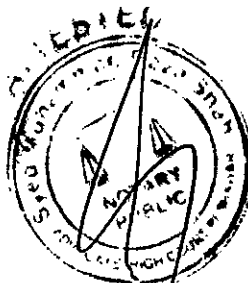
Respectfully Sheweth:-

We respondents No. 1 to 4 do hereby solemnly authorize HC Muhammad Zubair FRP HQrs; to attend the Honorable Tribunal and submit affidavit/Para-wise comments required for the defense of above Service Appeal on our behalf.

  
**(Zia Hassan) PSP  
Superintendent of Police FRP,  
DI Khan Range, DI Khan  
(Respondent No. 04)**

  
**(Tahir Ayub Khan) PSP  
Commandant FRP,  
Khyber Pakhtunkhwa, Peshawar  
(Respondent No. 03)**

  
**Dr. Muhammad Akhtar Abbas DIG/Legal  
For Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar  
(Respondent No. 02)**



**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

**Service Appeal No. 1311/2023.**

**Muhammad Adnan Ex-constable No. 8886 FRP DI Khan Range R/o Village Pai Tehsil & District Tank.....Appellant.**

**VERSUS**

**Inspector General of Police, Khyber Pakhtunkhwa, Peshawar & others.....Respondents.**

**AFFIDAVIT**

We respondents No. 1 to 4 do hereby solemnly affirm and declare on oath that the contents of the accompanying Para-wise Comments is correct to the best of our knowledge and belief that nothing has been concealed from this Honorable Court.

It is further stated on oath that in this appeal, the answering respondents have neither been placed ex-parte nor their defense has been struck off/costs.

**(Zia Hassan) PSP  
Superintendent of Police FRP,  
DI Khan Range, DI Khan  
(Respondent No. 04)**

**(Tahir Ayub Khan) PSP  
Commandant FRP,  
Khyber Pakhtunkhwa, Peshawar  
(Respondent No. 03)**

**Dr. Muhammad Akhtar Abbas-DIG/Legal  
For Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar  
(Respondent No. 02)**

