

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1281/2023.

**Rizwan Ullah/Muhammad Rizwan, Son of Rehmat Ullah Caste Kundi R/o Village
Pai Tehsil & District Tank. Ex-constable Belt No. 8922 FRP Tank/Dera Ismail Khan
.....Appellant.**

VERSUS

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

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*Hearing - 16-01-2024
Camp count D.I. Khan*

[Signature]
RESPONDENTS

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1281/2023.

**Rizwan Ullah/Muhammad Rizwan, Son of Rehmat Ullah Caste Kundi R/o Village Pai Tehsil & District Tank. Ex-constable Belt No. 8922 FRP Tank/Dera Ismail Khan
.....Appellant.**

VERSUS

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

PARAWISE REPLY BY RESPONDENTS 1 to 3.

**Khyber Pakhtunkhwa
Service Tribunal**

RESPECTFULLY SHEWETH.

Diary No. 9785

PRELIMINARY OBJECTIONS:-

Dated 08-12-2023

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. Para No. 01 pertain to the appellant record needs no comments.
2. Incorrect. Perusal of record reveals that the appellant was found an irresponsible and efficient Police Officer as he remained absent from his lawful duty for a long period of 365 days in different occasions for which he was awarded several punishments including one time dismissal from service, in this regard there are 09 bad entry with no good entry in his credit. (Copy of bad entries attached herewith as annexure "A").
3. Incorrect. The appellant remained absent from lawful duty with effect from 27.10.2022 till to the date of his removal from service i.e 21.01.2023 for a long period of 02 months and 15 days without any leave or prior permission of the competent authority. The plea of flood taken by the appellant in the Para is a propounded story and he was supposed to have taken this plea before the Enquiry Officer or before the competent authority during the course of enquiry. (Copy of absence report attached herewith as annexure "B").
4. Incorrect. The appellant was willfully absented from his lawful duty without any leave or prior permission of the competent authority and also failed to submit any application.
5. Incorrect. The appellant continuously remained absent from duty and deliberately failed to report his arrival or to submit reply of Show Cause Notice, earlier issued to him vide No. 252/FRP dated 03.11.2022. Moreover, the appellant was dealt with proper enquiry under the law/rules and during the course of enquiry the appellant was summoned time and again by the Enquiry Officer through written Parwana to submit his reply of Charge Sheet and to join the enquiry proceedings issued vide No. 492, dated 29.11.2020, but he did not

turn up, meaning thereby that he was not more interested in the service of Police Department. (Copy of Urdu Parwana attached herewith as annexure "C"). Hence, he was issued Final Show Cause Notice but he again failed to submit reply in his defense. Besides, a sufficient opportunity of defense has also been provided to him as he was called in orderly room time and again by the competent authority, but he did not turn up.

6. Incorrect. As discussed in the preceding Para above on the allegations of willful absence the appellant was proceeded against proper departmental and after fulfillment of all codal formalities he was awarded major punishment of removal from service as per law/rules.
7. For disposal of departmental appeal the appellant was called and heard in person by the appellate authority in orderly room held on 28.04.2023, but he failed to present any justification regarding to his innocence thus his departmental appeal was rejected / announced in the presence of appellant.
8. Incorrect. Departmental appeal submitted by the appellant was thoroughly examined and rejected on sound grounds and a copy of such order had already been conveyed to the appellant on his home address vide this office order Endst; No. 4155-56/SI Legal, dated 02.05.2023.
9. Incorrect. The appellant has not come to this Honorable Tribunal with clean hands and he was no cause of action hence, this appeal being devoid of merits may kindly be dismissed on the following grounds.

GROUND:-

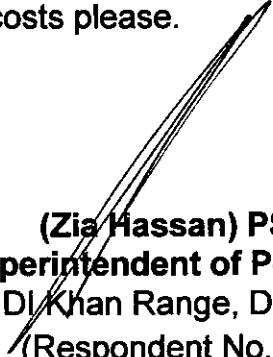
- a. Incorrect. Both the orders issued by the respondents No. 02 & 03 are legally justified and accordance to law/rules.
- b. Incorrect. As the appellant was proceeded against departmentally under Police Rules 1975 amended in 2014, which is applicable law to the case of appellant. Thus the respondent did not commit any violation of law/rules in the case of appellant.
- c. Incorrect. The allegations are false and baseless. In fact, the Charge Sheet alongwith Summary of Allegations were issued and served upon the appellant by the Enquiry Officer and his signature was obtained as a token of receipt. (copy of receipt attached herewith as annexure "D"). However, the appellant failed to submit his reply or to appear before the Enquiry Officer, despite the facts he was summoned time and again. (Copy of Charge Sheet is attached herewith as annexure "E").
- d. Incorrect. Proper departmental enquiry was conducted against the appellant and was awarded major punishment of removal from service, which is legally justified and in accordance with law/rules. (Copy of enquiry report is attached herewith as annexure "F").
- e. Incorrect. Upon the findings of Enquiry Officer the appellant was issued Final Show Cause Notice, but he failed to submit his reply. A sufficient opportunity of defense in the shape of personal hearing has also been offered to the appellant, but he deliberately failed to avail this opportunity. (Copy of Final Show Cause Notice is attached herewith as annexure "G").
- f. Incorrect. As the appellant remained absent from lawful duty for a long period of 02 months and 15 days without any leave or prior permission of his seniors. The plea of flood detriment and critical situation contented by the appellant is a propounded story by which he trying to cover his prolong absence.
- g. Incorrect. The allegations are false and baseless and just to mislead this Honorable Tribunal. In fact, on the allegations of willful absence the appellant was earlier issued as Show Cause Notice, but he failed to submit his reply or to


join his duty. Thereafter, proper departmental enquiry was initiated against him as he was issued Charge Sheet alongwith Summary of Allegations vide No. 2096-97/FRP dated 25.11.2022 and Enquiry Officer was nominated. After completion of enquiry, the Enquiry Officer submitted his findings, wherein the appellant was found guilty of the charges leveled against him and recommended for major punishment. Upon the findings of Enquiry Officer, he was issued Final Show Cause Notice and served upon him through special messenger and his signature was obtained on the photocopy of the said notice, but he did not bother to submit his reply. Besides, a sufficient opportunity of defense has also been provided to him as he was called in orderly room time and again by the competent authority, but he did not turn up. Thus the removal order issued by the respondent No. 03 vide OB No. 46/FRP, dated 12.01.2023 is legally justified and in accordance to law/rules.

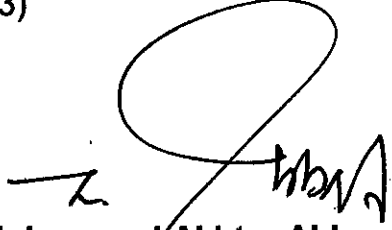
- h. Incorrect. As earlier the appellant was dismissed from service on account of willful absence for which he later on reinstated in service by taking lenient view, but he did not mend his way and again repeated the same practice. Therefore, any leniency would further embolden the appellant, and impinge upon adversely on the conduct of Police Force.
- i. The respondents 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 devoid of merits may kindly be dismissed with costs please.


(Zia Hassan) PSP
Superintendent of Police FRP,
DI Khan Range, DI Khan
(Respondent No. 03)


(Tahir Ayub Khan) PSP
Commandant FRP,
Khyber Pakhtunkhwa, Peshawar
(Respondent No. 02)


Dr. Muhammad Akhtar Abbas DIG/Legal
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar
(Respondent No. 01)

ORDER:-

My this order will dispose off departmental enquiry conducted against Constable Muhammad Rizwan No.8922/FRP under Khyber Pakhtunkhwa Police Disciplinary Rules-1975 (Amended in 2014).

According to daily diary report No.55 dated 14.09.2020 of Police Station Cantt: DIKhan, he remained absent from law full duties with effect from 14.09.2020 without any leave or permission from the competent authority. He reported back his arrival on 13.10.2020 vide daily diary report No.44 dated 13.10.2020 of Police Station Cantt: DIKhan, total absence period comes (29) days.

On the basis of above, show cause notice was served upon him on 17.09.2013. He was required to submit the reply of Show Cause Notice within stipulated period but he failed to do so. He was charge sheeted. SI Kifayat Ullah of FRP DIKhan Range was nominated as Enquiry Officer to unearth the actual facts. After completion of all codal formalities. The Enquiry Officer submitted his finding report along with other relevant papers. The defaulter Constable was found guilty of the charges leveled against him and Enquiry Officer recommended to treat his absence period as without pay and award for suitable punishment. From the perusal of his service record it revealed that the defaulter was enlisted as Constable on 17.09.2013, he remained absent from lawful duties for 91 days, awarded minor punishment of confinement to quarter guard for 01 day and extra drill for 05 days previously.

Keeping in view the facts stated above, I MR. NISAR KHAN, Superintendent of Police FRP D.I.Khan Range, D.I.Khan, in exercise of powers vested in me under Khyber Pakhtunkhwa Police Disciplinary Rules-1975 amended-2014 is hereby awarded minor punishment of Fine Rs.1000/- and his absence period i.e. 14.09.2020 to 13.10.2020 total (29) days is also treated as leave without pay.

ORDER ANNOUNCED.

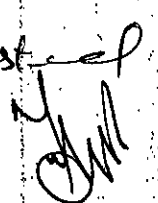
Dated _____ /2021.

OB No. 175 /FRP

Dated 10 /02/2021

Copy to:-

1. Pay Officer
2. SRC
3. OHC
4. OB Clerk

Attested


Office Superintendent
FRP Hqs: Peshawar


(NISAR KHAN)
Superintendent of Police,
FRP, DIKhan Range DIKhan.

16/02

My this order will dispose off departmental enquiry conducted against Constable Muhammad Rizwan No.8922/FRP under Khyber Pakhtunkhwa Police Disciplinary Rules-1975 (Amended in 2014).

According to daily diary report No.04 dated 11.12.2020 of Police Station Cantt: DIKhan, he remained absent from lawful duties with effect from 11.12.2020 without any leave or permission from the competent authority. He reported back his arrival on 21.01.2021 vide daily diary report No.27 dated 21.01.2021, total absence period comes (41) days.

On the basis of above, Show Cause Notice was served upon him on 10.01.2021. He was required to submit the reply of Show Cause Notice within stipulated period but he failed to do so. He was issued charge sheet along with summary of allegation. SI Kifayat Ullah of FRP DIKhan Range was nominated as Enquiry Officer to unearth the actual facts. The Enquiry Officer summoned him time and again to join the enquiry proceeding but he did not attend the enquiry proceedings. After completion of all codal formalities, the Enquiry Officer submitted his finding report along with other relevant papers wherein the defaulter Constable was found guilty of the charges leveled against him and Enquiry Officer recommended that his absence period may be treated as leave without pay and also for suitable punishment. From the perusal of his service record it revealed that the defaulter was enlisted as Constable on 17.09.2013, he remained absent form lawful duties for 127 days, awarded minor punishment of confinement to quarter guard for 04-days, extra drill for 05 days and Fine Rs.1000/- previously.

Keeping in view the facts stated above, I MR. NISAR KHAN, Superintendent of Police FRP D.I.Khan Range, D.I.Khan, in exercise of powers vested in me under Khyber Pakhtunkhwa Police Disciplinary Rules-1975 amended-2014 is hereby awarded him minor punishment of "CENSURE" and his absence period i.e 11.12.2020 to 21.01.2021 total (41) days is also treated as leave without pay. His pay also released.

Dated /2021.

OB No. 258 /FRP

Dated 05/03/2021

Attested

Office Superintendent
FRP Hqs: Peshawar

(NISAR KHAN)

Superintendent of Police,
FRP, DIKhan Range DIKhan.

Copy to:-

1. Pay Officer
2. SRC
3. OHC

08/03

POLICE DEPARTMENT

A/3

FRP D.I.KHAN RAN

ORDER:-

My this order will dispose off departmental enquiry conducted against Constable Muhammad Rizwan No.8922 /FRP under Khyber Pakhtunkhwa Police Disciplinary Rules-1975 (Amended in 2014).

According to daily diary reports vide mad No.31 dated 01.05.2020 and No.27 dated 22.06.2020 of Police Station City DIKhan, he remained absent from law full duties with effect from 22.03.2020 to 01.05.2020 and 04.05.2020 to 22.06.2020 total (89) days respectively without any leave or permission from the competent authority.

On the basis of above, explanation/show cause notice was served upon him. He was required to submit the reply within stipulated period but he failed to do so. He was issued charge sheet along with summary of allegation. SI Abdul Jabbar of FRP DIKhan Range was nominated as enquiry officer to unearth the actual facts. After completion of all codal formalities. The enquiry officer submitted his finding report along with other relevant papers wherein the defaulter constable was found guilty of the charges leveled against him. He was called in orderly room and heard in person but he failed to convince the undersigned about his innocence. From perusal of his service record it revealed that he was enlisted as Constable on 17.09.2013, during his service he remained absent from law full duties for (32) days, awarded minor punishment of confinement to quarter guard for 01 day and extra drill for 02 days previously.

Keeping in view the facts stated above, I MR. NISAR KHAN, Superintendent of Police FRP D.I.Khan Range, D.I.Khan, in exercise of powers vested in me under Khyber Pakhtunkhwa Police Disciplinary Rules-1975 amended-2014 is hereby awarded him minor punishment of Extra Drill for 03 days and his absence period i.e 22.03.2020 to 01.05.2020 and 04.05.2020 to 22.06.2020 total (89) days in which 30 days as Earned Leave while remaining 59 days treated as without pay, also given last warning to mend his ways. His pay is also released.

ORDER ANNOUNCED.

Dated _____/2020.

OB No. 704 /FRP

Dated 30/09/2020

Copy to:-

1. Pay Officer
2. SRC
3. OHC
4. OB Clerk

(NISAR KHAN)
Superintendent of Police,
FRP, DIKhan Range DIKhan.

Attested

Office superintendent
FRP Hqrs: Peshawar

ORDER:-

My this order will dispose off departmental enquiry conducted against Constable Muhammad Rizwan No.8922/FRP under Khyber Pakhtunkhwa Police Disciplinary Rules-1975 (Amended in 2014).

According to daily diary report No.32 dated 08.04.2021 of Police Station Saddar DIKhan, he remained absent from law full duties with effect from 08.04.2021 without any leave or permission from the High-up's. He reported back his arrival on 10.08.2021 vide daily diary report No.21 dated 10.08.2021 of Police Station Saddar DIKhan, total absence period comes (124) days.

On the basis of above, Show Cause Notice was issued against him but he didn't received the Show Cause Notice. He was Charge Sheeted. SI Kifayat Ullah of FRP DIKhan Range was nominated as Enquiry Officer to unearth the actual facts. The Enquiry Officer summoned him time and again to join the enquiry proceeding but he did not attend the enquiry proceedings. After completion of all codal formalities. The Enquiry Officer submits his finding report along with other relevant papers wherein the defaulter Constable was found guilty of the charges leveled against him and the Enquiry Officer recommended him for issuance of Final Show Cause Notice. Final Show Cause Notice was also served upon him accordingly. Reply received which was found unsatisfactory. During the course of Enquiry he again absented himself from law full duties with effect from 11.08.2021 to till date vide daily diary report No.133 dated 11.08.2021 of District Police Lines DIKhan.

From the perusal of his service record it revealed that he was enlisted as Constable on 17.09.2013, during his service he remained absent from law full duties for (168) days, awarded minor punishment of confinement to quarter guard for 04 days, Fine Rs.1100/- and Extra Drill for 05 days previously. The defaulter constable is habitual absentee and his further retention in the department will definitely reflects upon the performance of other punctual subordinates. According to his present attitude, there is no chance of becoming him a good and punctual Police officer in future, therefore he fully deserves for awarding major punishment of Removal from Service.

Keeping in view the facts stated above, I MR. NISAR KHAN Superintendent of Police FRP D.I.Khan Range, D.I.Khan, in exercise of powers vested in me under Khyber Pakhtunkhwa Police Disciplinary Rules-1975 amended-2014 is hereby awarded him major punishment of **Removal from Service** from the date of absence. His absence period i.e 08.04.2021 to 10.08.2021 total 124 days and 11.08.2021 to till date is treated as without pay.

Dated _____/2021.

OB No. 713 /FRP

Dated 08/09/2021

Copy to:-

1. Pay Officer
2. SRC
3. OHC
4. OB Clerk

Attested by

Office Superintendent
FRP Hqs. Peshawar

(NISAR KHAN)
Superintendent of Police,
FRP DIKhan Range DIKhan.

12

08/09

A/S

POLICE DEPARTMENT
ORDER:-

FRP DIKHAN RANGE

My this order will dispose off departmental enquiry conducted against Constable Muhammad Rizwan No.8922/FRP under Khyber Pakhtunkhwa Police Disciplinary Rules-1975 (Amended in 2014).

According to daily diary reports vide mad No.88 dated 08.04.2022 and No.116 dated 29.04.2022 of District Police Lines DIKhan, he remained absent from law full duties with effect from 22.03.2022 to 08.04.2022 and 29.04.2022 respectively without any leave or permission from the High-up's. He reported back his arrival on 19.05.2022 vide daily diary report No.52 dated 19.05.2022 of District Police Lines DIKhan, total absence period comes (37) days.

On the basis of above, show cause notices were served upon him. He was required to submit the reply of said Show Cause Notices within stipulated period but he failed. He was charge sheeted. SI Abdul Latif Khan of FRP DIKhan Range was nominated as Enquiry Officer to unearth the actual facts. After completion of all codal formalities the Enquiry Officer submitted his finding report along with other connecting papers wherein the defaulter constable was found guilty of the charges leveled against him and recommended his absence period may treated as without pay and also for suitable punishment.

From the perusal of his service record it revealed that he was enlisted as Constable on 17.09.2013 during his service he remained absent from law full duties for (317) days, awarded minor punishment of confinement to quarter guard for 04 days, extra drill for 05 days, Fine Rs.1100/-, stoppage of 02 annual increments without cumulative effect, awarded major punishment of removal from service and reinstated in service by the competent authority previously

Keeping in view the facts stated above, I MR. NISAR KHAN, Superintendent of Police FRP D.I.Khan Range, D.I.Khan, in exercise of powers vested in me under Khyber Pakhtunkhwa Police Disciplinary Rules-1975 amended-2014, is hereby awarded minor punishment of Fine Rs.1000/- and his absence period i.e from 22.03.2022 to 08.04.2022, 29.04.2022 to 19.05.2022 total (37) days treated as without pay also warned to be carefull in future.

Dated _____/2022.

OB No. 877 /FRPDated 24/08/2022

Attested
Office superintendent
FRP Hqs: Peshawar

(NISAR KHAN)
Superintendent of Police,
FRP, DIKhan Range DIKhan.

Copy to:-

1. Pay Officer
2. SRC
3. OHC
4. OR Clerk

25/08

ایڈیشن FRP

B.

تعمیراتی

کتاب

تعمیراتی

حدیدہ 17 اگست 2022 / رپورٹ نمبر 150 / سب سے پہلے 27 اگست 18130

درج ذیل امور سے متعلق رپورٹیں دی گئی ہیں۔ یہ رپورٹیں کئی نئی تعمیراتی کاموں کے
ذرائع سے حاصل کی گئی ہیں۔ ان میں سے کئی کاموں کے بارے میں
سنا ہے کہ ان کے بارے میں کئی رپورٹیں دی گئی ہیں۔ ان میں سے کئی
کاموں کے بارے میں رپورٹیں دی گئی ہیں۔ ان میں سے کئی
کاموں کے بارے میں رپورٹیں دی گئی ہیں۔ ان میں سے کئی
کاموں کے بارے میں رپورٹیں دی گئی ہیں۔ ان میں سے کئی

جناب عالی
تعمیراتی
MHC-FRP-DIK
31-10-2022

Sir
Forwarded P12

1/3/2022
to Dikhan Range
31-10-2022

Superintendent of Police
FRP, Dikhan Range, Dikhan

02. 11. 2022

Attested
Office Superintendent
FRP Hqs: Peshawar

ملع دیک

(4)

C/1

اد د پ پ فر

میتاوب د انوائری آفس فر پ
بنا آء - 510 صاحبہ خانہ کی لگاؤ ٹانگ

ریکارڈنگ

مخبر علی خدریم د ف ع خانہ خذا البسامل انوائری ذیل کا زیلانہ د اللہ علیہ السلام
کرائی جائے کہ وہ کل ورہ 11/30 بروز جمعرات کو وقت 10:00 بجے
صبح دئے انوائری آفس فر پ پولیس لائن طفر آکر اپنے خلاف جارائے
چارچ شیٹ سے سول کریں

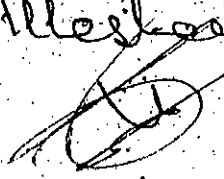
1- ف ع خدر عذبان 8886
FRP 0342-553334
ولد ممتاز خان مکہ پانہ خدر د خانہ خدر

2- ف ع خدر ضوان اللہ 8922
FRP 0344-938-0066
ولد رحمت اللہ مسکنہ پانہ خدر د خانہ خدر

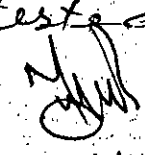
ڈنڈ پروانہ (پنڈ) شہہ دئے خذا خذا پانہ طائے ضروری ہے

Lahore
R. Eo. FRP. MK
29-11-2022

اللہ علیہ السلام کنوینشن
MM مسٹر
G. Imam
0343 9296136
خوبانہ پانہ

Attested

Eo. FRP. MK
29-11-2022

492
29-11-2022

Attested of

Office superintendent
FRP Hqs: Peshawar

③
مراجعہ
Eo FRP DDK

Eo FRP
مراجعہ

مکاتیب، انوائسز اور FRP ڈیون
ملائے۔ - - - - -

دیکار سیکرٹری
مکاتیب، انوائسز اور FRP ڈیون
مکاتیب، انوائسز اور FRP ڈیون
مکاتیب، انوائسز اور FRP ڈیون
مکاتیب، انوائسز اور FRP ڈیون

Latif
91145146
Reader
Eo FRP DDK
15-12-22

Attest
Office superintendent
FRP Hqs: Peshawar
03459830562

مکاتیب، انوائسز اور FRP ڈیون
مکاتیب، انوائسز اور FRP ڈیون
مکاتیب، انوائسز اور FRP ڈیون
مکاتیب، انوائسز اور FRP ڈیون

6

2096-97 /FRP

6

dated: 25/11/2022
"D"

CHARGE SHEET

In the presence of Police of FRP DIKhan as competent authority, and of the opinion that you Constable Muhammad Rizwan No.8922/FRP of FRP DIKhan Range have committed the following acts/omission as defined in Rule 2 (iii) of Police Rules 1975.

ii According to daily diary report No.17 dated 27.10.2022 of FRP Police Lines DIKhan, you remained absent from law full duties with effect from 27.10.2022 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.

By 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 Inquiry Officer.

Your written reply, if any, should reach the Inquiry 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.

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

A statement of allegation is enclosed.

Rizwan

7¹² / 022 - 2096

03449380066

12201-5866474-3

M. H. M
Superintendent of Police, FRP
DIKhan Range DIKhan
28/11

Attested
[Signature]

Office superintendent
FRP Hqrs: Peshawar

6

2096-97 /FRP

dated: 25/11 /2022

E/1

CHARGE SHEET

I, Inspector-in-Chief of Police of FRP Dikhan as competent authority, am of the opinion that you Constable Muhammad Rizwan No.8922/FRP of FRP Dikhan Range have committed the following acts/omission as defined in Rule 2 (iii) of Police Rules 1975.

- i. According to daily diary report No.17 dated 27.10.2022 of FRP Police Lines Dikhan, you remained absent from law full duties with effect from 27.10.2022 to till date without any leave or permission from the High up's.
- ii. 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.
- iii. By 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.
- iv. You are therefore, required to submit your written reply within 07 days of the receipt of this charges sheet to the Enquiry Officer.
- v. 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.
- vi. Intimate as to whether you desire to be heard in person or not?
- vii. A statement of allegation is enclosed.

[Handwritten signature]

[Handwritten signature]
Superintendent of Police, FRP
Dikhan Range Dikhan
23/11

7/12/2022

Attested

[Handwritten signature]
Office superintendent
FRP Hqs: Peshawar

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PRELIMINARY ACTION

The Superintendent of Police of FRP DIKhan as competent authority, am of the opinion that Constable Muhammad Rizwan No.8922/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.17 dated 27.10.2022 of FRP Police Lines DIKhan, you remained absent from law full duties with effect from 27.10.2022 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.
3. 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.
4. 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.
5. The delinquent official/officer shall join the proceeding, on the date, time and place fixed by the Enquiry Officer.

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

Rizwan

Attested
[Signature]
 Office superintendent
 FRP Hqrs: Peshawar

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فائل رپورٹ

محکمہ انکوائری بر خلاف کانسٹیبل محمد رضوان FRP/8922 ڈیرہ

جناب عالی!

بجوالہ بشمولہ چارج شیٹ نمبر FRP/97-2096 مورخہ 2022-11-25 بجاریہ جناب SP/FRP صاحب ڈیرہ بر خلاف کانسٹیبل محمد رضوان FRP/8922 کی بغرض انکوائری من SI/EO کو مارک ہوئی۔ بعد ملاحظہ انکوائری کاغذات سے پایا گیا کہ کانسٹیبل مذکورہ بجوالہ مد نمبر 17 روزنامچہ FRP 27-10-2022 پولیس لائن ڈیرہ اپنی ڈیوٹی سے بغیر کسی رخصت / اجازت کے مورخہ 2022-10-27 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 مینسجر ریکروٹ کانسٹیبل آفاق احمد FRP/8951 مورخہ 2022-12-02 کو الزام علیہ کے گھر سکنہ پائی حدود تھانہ گل امام ٹانک بغرض تقسیم بھجوائی گئی جو عدم تقسیم واپس ہوئی تو چارج شیٹ متذکرہ الزام علیہ بالا پر مورخہ 2022-12-07 کو بمقام CRBC چوک بذات خود تقسیم کی جا کر اندر معیاد جواب جمع کرانے کی ہدایت کی گئی۔ جزیرا کانسٹیبل مذکورہ نے اپنا تحریری جواب چارج شیٹ اندر معیاد (07) یوم مورخہ 2022-12-14 تک جمع کرانا تھا جو کہ اندر معیاد اور طلبی کے باوجود حاضر نہ آنے پر مورخہ 2022-12-13 کو تحریری پروانہ طلبی / اطلاعیابی بنام SHO تھانہ گل امام ٹانک MHC فرید زمان کو مورخہ 2022-12-15 تحریر کروایا گیا۔ تحریری پروانہ ہمراہ لف ہیں۔

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 پولیسر ملازم ہوتے ہوئے اس بات سے بخوبی واقف ہے کہ چارج شیٹ کا جواب اندر معیاد جمع کرانا پڑتا ہے لیکن کانسٹیبل مذکورہ بار بار اطلاعیابی کے باوجود نہ تو تاحال اپنا تحریری جواب چارج شیٹ جمع کرایا ہے اور نہ ہی شامل انکوائری ہوا ہے۔ کانسٹیبل مذکورہ کا 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 ریکارڈ SRC/FRP کانسٹیبل مذکورہ سال 2013ء کا بھرتی شدہ ہے۔ سابقہ غیر حاضری (365) یوم ہے جبکہ دیگر سزائیں: (04) یوم کوارٹر گارڈ، (05) یوم ایکسٹرا ڈول، CENSURE، -/RS.2100 روپے جرمانہ، (02) سالانہ انکریمنٹ عارضی طور پر بند ہیں جبکہ ایک مرتبہ غیر حاضری پر درخواست ہو کر دوبارہ اپیل کرنے پر بحال ہوا ہے۔

لہذا کی گئی انکوائری میں کانسٹیبل مذکورہ کو شامل انکوائری نہ ہونے اور مورخہ 2022-10-27 سے تاحال بدستور غیر حاضری کی بابت صاف قصور وار پایا جا کر یکطرفہ محکمہ کارروائی 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۔



SI ساجد سین 155/D

انکوائری آفیسر FRP ڈیرہ

مورخہ: 2022-12-19

Attest

Office superintendent
FRP Hqs: Peshawar

"G"

No. 273 FRP

Dated 20-12-2022

FINAL SHOW CAUSE NOTICE.

WHEREAS YOU, Constable Muhammad Rizwan No.8922/FRP found guilty of following misconduct in violation of Khyber Pakhtunkhwa Police Disciplinary Rules 1975 with amendment 2014.

According to daily diary report No.17 dated 27.10.2022 of FRP Police Lines DIKhan, you remained absent from law full duties with effect from 27.10.2022 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, I, MUHAMMAD ARIEF, 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.

Rizwan
23/12/22

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

Attested
[Signature]
Office superintendent
FRP Hqrs: Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1281/2023.

**Rizwan Ullah/Muhammad Rizwan, Son of Rehmat Ullah Caste Kundi R/o Village
Pai Tehsil & District Tank. Ex-constable Belt No. 8922 FRP Tank/Dera Ismail Khan
.....Appellant.**

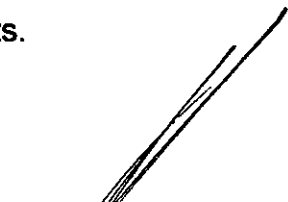
VERSUS

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


AFFIDAVIT

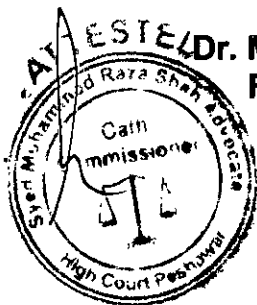
We respondents No. 1 to 3 do hereby solemnly affirm and declare on oath that the contents of the accompanying Para-wise Comments is correct to the best of our knowledge and belief that nothing has been concealed from this Honorable Court.

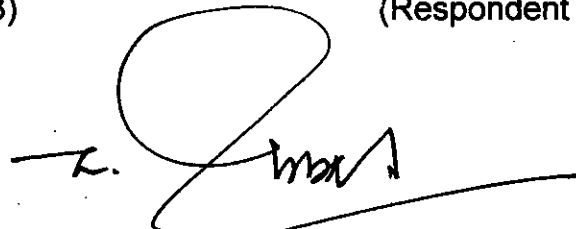
It is further stated on oath that in this appeal, the answering respondents have neither been placed ex-parte nor their defense has been struck off/costs.


**(Zia Hassan) PSP
Superintendent of Police FRP,
DI Khan Range, DI Khan
(Respondent No. 03)**

C.S.


**(Tahir Ayub Khan) PSP
Commandant FRP,
Khyber Pakhtunkhwa, Peshawar
(Respondent No. 02)**




**Dr. Muhammad Akhtar Abbas DIG/Legal
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar
(Respondent No. 01)**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1281/2023.

**Rizwan Ullah/Muhammad Rizwan, Son of Rehmat Ullah Caste Kundi R/o Village
Pai Tehsil & District Tank. Ex-constable Belt No. 8922 FRP Tank/Dera Ismail Khan
.....Appellant.**

VERSUS

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

AUTHORITY LETTER

Respectfully Sheweth:-

We respondents No. 1 to 3 do hereby solemnly authorize HC
Muhammad Zubair FRP DI Khan 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. 03)**

**(Tahir Ayub Khan) PSP
Commandant FRP,
Khyber Pakhtunkhwa, Peshawar
(Respondent No. 02)**

**Dr. Muhammad Akhtar Abbas DIG/Legal
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar
(Respondent No. 01)**

