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**BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR.**

Service Appeal No. 1495/2023

Muhammad Fayaz (Constable No. 261) District
Mardan.....Appellant.

VERSUS

The District Police Officer, Mardan and others.....Respondents.

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Waseel
**DSP Legal
Mardan**

1

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR.

Service Appeal No. 1495/2023

Muhammad Fayaz (Constable No. 261) District
Mardan.....

Case No. 10160
2-1-2024
Appellant.

VERSUS

The District Police Officer, Mardan and others.....Respondents.

Para-wise comments by respondents:-

Respectfully Sheweth,

PRELIMINARY OBJECTIONS

1. That the appellant has not approached this Hon'ble Tribunal with clean hands.
2. That the appellant has concealed the actual facts from this Hon'ble Tribunal.
3. That the appellant has got no cause of action or locus standi to file the instant appeal.
4. That the appellant is estopped by his own conduct to file the instant Service Appeal.
5. That the appeal is unjustifiable, baseless, false and vexatious and the same is liable to be dismissed with special compensatory cost in favour of respondents.
6. That the appeal is bad for miss-joinder and non-joinder of necessary parties.

REPLY ON FACTS

1. Para pertains to record needs no comments.
2. Plea taken by the appellant is not plausible because the story tailored by the appellant just to save his skin.
3. Incorrect. Stance taken by the appellant is totally devoid of merit rather the appellant has concealed the action facts. As the appellant while posted at Police Station Sheikh Maltoon, remained absent from duty without any leave/permission of the competent authority vide DD No. 24 dated 18.12.2021 to DD No. 34 dated 23.02.2022. On account of said allegations, the appellant was issued Charge Sheet with Statement of allegations and enquiry was entrusted to Mr. Ijaz Ali SDPO Rural, Mardan. The enquiry officer during the course of enquiry provided full-fledged opportunity to the appellant to produce evidence/grounds in his defense, but he failed. However, after fulfillment of all legal and codal formalities, the Enquiry Officer recommended the appellant for major punishment. Therefore, the appellant was summoned and heard in Orderly Room on 18.05.2022 & 21.07.2022 respectively, but he failed to appear before the competent authority, hence, he was awarded major punishment of removal from service with counting his absence's period (67) days as leave without pay **(Copies of Charge Sheet, Statement of Allegations & punishment order are enclosed as Annexure A, B & C)**
4. Correct as the appellant himself from his lawful duty whereupon he was proceeded against departmentally & after fulfillment of all legal & codal formalities he was

removed from service. Moreover, the appellant has admitted himself his misconduct and rebutted his stance taken in Para No. 3 of the appeal.

5. Correct to the extent that the appellant preferred departmental appeal before the Regional Police Officer, Mardan because even at appellate stage, the appellant bitterly failed to justify his innocence. Hence, the same was rejected being devoid of any merit **(Copy of Rejection order is attached as Annexure- D)**

6. Correct to the extent that the appellant preferred Revision Petition before the Worthy Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar but the appellant's penalty of removal from service modified into minor punishment of stoppage of three annual increments without cumulative effect and the intervening period of absentia was treated as leave without pay on the principle of no work no pay **(Copy of Revision Petition order is attached as Annexure- E)**

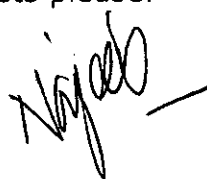
7. That appeal of the appellant is liable to be dismissed on the following grounds amongst the others.

REPLY ON GROUNDS:

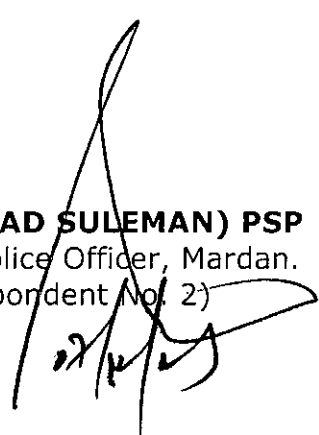
- A. Incorrect. Order passed by the competent authority as well as appellate authority are legal, lawful and according to rules, hence, liable to be maintained.
- B. Incorrect. Stance taken by the appellant is totally devoid of any legal footing is liable to be set at naught.
- C. Para pertains to record needs no comments.
- D. Incorrect. Stance taken by the appellant is not plausible, hence no comments.
- E. Para pertains to record needs no comments.
- F. The respondents also seek permission of this honorable tribunal to adduce additional grounds at the time of arguments.

PRAYER:-

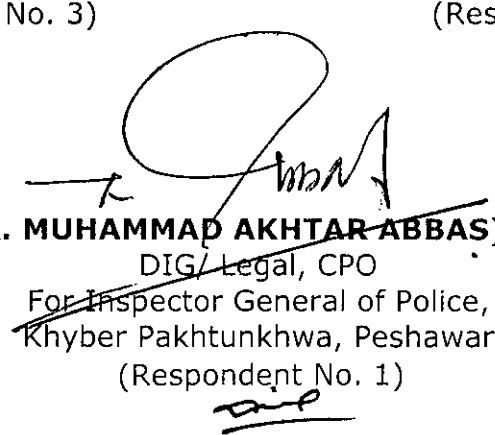
Keeping in view the above narrated facts, it is most humbly prayed that the appeal of the appellant being badly barred by law and limitation, may kindly be dismissed with costs please.




(NAJEEB-UR-REHMAN BUGVI) PSP
District Police Officer, Mardan.
(Respondent No. 3)



(MUHAMMAD SULEMAN) PSP
Regional Police Officer, Mardan.
(Respondent No. 2)



(DR. MUHAMMAD AKHTAR ABBAS) PSP
DIG/ Legal, CPO
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar
(Respondent No. 1)


DSP Legal
Mardan

**BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR.**

Service Appeal No. 1495/2023

Muhammad Fayaz (Constable No. 261) District
Mardan.....Appellant.

VERSUS

The District Police Officer, Mardan and others.....Respondents.

COUNTER AFFIDAVIT.

We, the respondents do hereby declare and solemnly affirm on oath that the contents of the Para-wise comments in the service appeal cited as subject are true and correct to the best of our knowledge and belief and nothing has been concealed from this Honourable Tribunal. 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.

(NAJEEB-UR-REHMAN BUGVI) PSP
District Police Officer, Mardan.
(Respondent No. 3)

(MUHAMMAD SULEMAN) PSP
Regional Police Officer, Mardan.
(Respondent No. 2)

ATTESTED

DSP Legal
Mardan





(5) 4

**OFFICE OF THE
DISTRICT POLICE OFFICER,
MARDAN**

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpomdn@gmail.com



No. 6483-86/PA

Dated 16/8/2022

ORDER ON ENQUIRY OF CONSTABLE MUHAMMAD FAYAZ NO.261

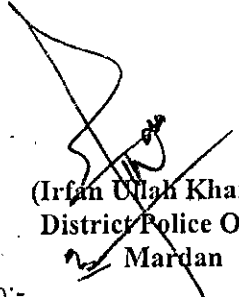
This order will dispose-off a departmental enquiry under Police Rules 1975, initiated against Constable Muhammad Fayaz No.261, under the allegations that while posted at Police Station Sheikh Maltoon (Now PS Garhi Kapura), proceeded against departmentally through Mr. Ijaz Ali SDPO Rural Mardan vide this office Statement of Disciplinary Action/Charge Sheet No.26/PA dated 31-01-2022, on account of (67) days absence's period from duty without any leave/permission of the competent authority vide DD report No.24 dated 18-12-2021 to DD No.34 dated 23-02-2022, who (E.O) after fulfillment necessary process, submitted his Finding Report to this office vide his office letter No.614/ST dated 04-04-2022, holding responsible the delinquent official of gross misconduct & recommended for major punishment. It may be mentioned here that the delinquent official also remained absent from duty without any leave/permission of the competent authorities vide DD No.19 dated 25-02-2022 PS Garhi Kapura till-date.

Final Order

Constable Muhammad Fayaz was called for hearing in Orderly Room on 18-05-2022 & 21-07-2022 respectively through proper delivered notices, but with non-compliance till-date, while on the other hand, as per his past record, he has earned (71) bad entries with no good entry, besides dismissing twice from service, meaning that he is not a willing worker, therefore, awarded him major punishment of removal from service with effect from 25-02-2022 and counted his (67) days absence's period as leave without pay with immediate effect, in exercise of the power vested in me under Police Rules-1975.

OB No. 1665

Dated 16/08/2022


(Irfan Ullah Khan) PSP
District Police Officer
Mardan

Copy forwarded for information & n/action to:-

- 1) The DSsP/Sheikh Maltoon & HQrs in Mardan.
- 2) The P.O & E.C (Police Office) Mardan.
- 3) The In-charge Lab (HRMIS) DPO Office Mardan.
- 4) The OSI (Police Office) Mardan with 18 Sheets.

Amir

OFFICE OF THE DEPUTY SUPERINTENDENT OF POLICE,
RURAL CIRCLE, MARDAN.

Phone: 0937-580322 E-mail: dsp.ruralmdn@gmail.com

To, The Worthy District Police Officer,
Mardan.

Dated: 04/04/2022

No. 614 /ST.

Subject: DISCIPLINARY ACTION AGAINST CONSTABLE FAYAZ NO. 261.

Memo: Kindly refer to your office Diary No. 26/PA, dated 31.01.2022.

STATEMENT OF ALLEGATIONS:

Whereas, Constable Fayaz No. 261, while posted at Police Station Sheikh Maltoon Mardan, remained absent from duty without any leave/permission of the competent authority vide DD No. 24 dated 18-12-2021 till dated 23-02-2022 vide DD No. 34, (Total 67 Days).

PROCEEDINGS:

To ascertain, the real facts the alleged Constable Fayaz No. 261 was contacted many times vide his personal mobile number 0344-9574181 wherein he was summoned/called to the office of the undersigned time and again but he did not appear before the undersigned, in this connection a proper report was entered vide DD No. 34 dated 07-03-2022 PS Shahbaz Garh. (DD Report is attached). Furthermore on dated 15-03-2022 a proper parwana along with copy of Charge Sheet and Statement of Allegation was sent to his native Police Station PS Jabbar vide this office Diary No. 528/St dated 15-03-2022, wherein the local police made compliance and copy of Charge Sheet and Statement of Allegation was served upon the alleged constable. (Parwana is attached). After the alleged Constable appeared at the office of the undersigned wherein he was heard in detail and he also submitted his written statement.

STATEMENT OF CONSTABLE FAYAZ NO. 261:

He stated that he has been serving in police department since 15-12-2008, he is a married person and having 03 kids, last year in 2021 his mother died, after her death his father got second marriage, as he is living in a joint family system that's why his life has got disturbed, which has pushed him into depression and mental stress. Due to metal suffering he remained absent from his lawful duty.

Furthermore he requested the high-ups to mark his absence period as sick leave and file the charge sheet without further proceedings.

FINDINGS:

Keeping in view the above facts and circumstances while going through the record placed on file it is clear that the alleged Constable remained absent from his lawful duty vide DD No. 24 dated 18-12-2021 till DD No.34 dated 23-02-2022 (total 67 days) while posted at Police Station Sheikh Maltoon Mardan without any leave/permission from the concerned authority, furthermore during inquiry proceedings the alleged Constable was asked/given opportunity for provision of medical documents if any (as he stated that he was suffering from depression and mental stress, but he could not produce any medical documents.

(b)

Previous record of the alleged Constable Fayaz No. 261 was examined wherein he has previously 317 days Absentee, no good entry but 71 bad entries. This reveals he is habitual to absentees.

RECOMMENDATION:

It is therefore recommended that the alleged Constable Fayaz No. 261 may be awarded **Major Punishment**, if agreed please.

Enclose (12)

~~Signature~~
Deputy Superintendent of Police,
Rural-Circle, Mardan.

Absence (67) days
Now PS G. Kapure
Still absent vide DD
No. 19 DT: 25.2.22
PS G. K. S. P. M. M.
Said

OR

~~Signature~~
D.P.S. Mardan

~~Signature~~
22/6/22
P.H.

Removed from service

~~Signature~~
1/8/22

Local

(7)

سرورانا

فہرست

نیا کہ کنٹینر فیاض 261 ولد محمد مبارک محمد سعید سیر - 9574181

کے پاس کارڈ سرورک سہا جانا ہے۔ ڈاکل مورخ $\frac{5}{22}$ 18 کو بوفن
59000 ج بمقام لوکل ملک لوکل لائن مرادان میں ضرب
59000 کو اردنی رقم میں پیش کرے گی۔ آپ کو سیر لم
محمد سعید سہا جانا کو ملے گا جانا ہے۔ ڈاکل بوفن موڈر
ضربہ 59000 کو پیش کرے گی

~~FA~~

فیاض 261 ولد محمد مبارک محمد سعید سیر

محمد

نوٹ: دفتر سرورانا مذکورہ بالا کو حوالہ کرے گی

محمد سعید سہا جانا
محمد سعید سہا جانا
محمد سعید سہا جانا

محمد سعید سہا جانا
P3 DBA
17-5-22



8

پروانہ اطلاع دہی

✓

ذیاضخان ولد محمد صادق سائن صیم پتھر عازرہ آب صاحبان
 مطلع کیا جاتا ہے کہ آب کا آئی سولہ 20/7/2022 بوقت 08:00
 بمقام پولیس اسٹیشن میں جناب DPO صاحبہ کو پیشی ہے۔ آب
 سلطان R-0 میں اپنا خطری یعنی نائے ASIP PS JBR
 20/7/2022

میں مطلع شدہ ہوئی

0344-9574181

16101-6240293-1

261

ذیاضخان ولد محمد صادق سائن صیم پتھر

خواب عالی! تفصیل حسب مہاجرت کر رہا ہے



20/7/2022

Handwritten signature

(9)

نا عال

کابل محمد قیاض 261 جوب 25-2
022 سے بدستور عدلیہ کے رجسٹرڈ عرصہ سے

Masid
MASID PSEK
05-08-022

Masid
Legal
Mardan



(10)

**OFFICE OF THE
DISTRICT POLICE OFFICER,
MARDAN**

Tel.No. 0937-9230109 & Fax No. 0937-9230111
Email: dpomdn@gmail.com

2022

No. 291 /PA

Dated 31/1/2022

DISCIPLINARY ACTION

I, DR. ZAHID ULLAH (PSP), District Police Officer Mardan, as competent authority am of the opinion that **Constable Fayaz No.261**, himself liable to be proceeded against, as he committed the following acts/omissions within the meaning of Police Rules 1975.

STATEMENT OF ALLEGATIONS

Whereas, Constable Fayaz No.261, while posted at Police Station Sheikh Maltoon, remained absent from duty without any leave/permission of the competent authority vide DD report No.24 dated 18-12-2021 **till-date**.

For the purpose of scrutinizing the conduct of the said accused official with reference to the above allegations, Mr. Ijaz Ali SDPO/Rural Mdn is nominated as Enquiry Officer.

The Enquiry Officer shall, in accordance with the provision of Police Rules 1975, provides reasonable opportunity of hearing to the accused Police Official, record/submit his findings and make within (30) days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused Official.

Constable Fayaz is directed to appear before the Enquiry Officer on the date + time and place fixed by the Enquiry Officer.

(Dr. Zahid Ullah) PSP
District Police Officer
Mardan

Ijaz



(2) **OFFICE OF THE**
DISTRICT POLICE OFFICER,
MARDAN

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpomdn@gmail.com

(11)
2022

CHARGE SHEET

I, **DR. ZAHID ULLAH (PSP)**, District Police Officer Mardan, as competent authority, hereby charge **Constable Constable Fayaz No.261**, while posted at Police Station Sheikh Mardan, as per attached Statement of Allegations.

1. By reasons of above, you appear to be guilty of misconduct under Police Rules, 1975 and have rendered yourself liable to all or any of the penalties specified in Police Rules, 1975.
2. You are, therefore, required to submit your written defense within **07 days** of the receipt of this Charge Sheet to the Enquiry Officer, as the case may be.
3. Your written defense, if any, should reach 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.
4. Intimate whether you desired to be heard in person. ||

(Signature)
(Dr. Zahid-Ullah) PSP
District Police Officer
Mardan

(Signature)

Before The District police officer, Mardan

12

Sub: Reply/Written defence against the
charge sheet/statement of allegations
No. 26/PA Dated 31-01-2022.

Respected Sir,

The petitioner humbly submits as under.

1. That the competent authority, DPO Mardan has issued the following charge sheet/statement of allegations No. 26/PA Dated 31-01-2022 as follows:

"whereas Constable Payaz No. 261, while posted at police station SMT, remained absent from duty without any permission of the competent authority vide DD report No. 24 Dated 18-12-21 till date" (Charge sheet is attached).

2. That the petitioner had enlisted in police Deptt on 15-12-2008. That the petitioner is married having 03 kids.

3. That the mother of petitioner had died on 06-02-2021. The father of petitioner is alive and had contracted 2nd marriage after the mother's death. Due to joint family system the domestic issues of petitioner arisen which lead to mental disturbance and frustration (Death certificate is attached.)

housed

That the mental agony had created problems for the petitioner to report on duty continuously (2)

(13)

5. That the petitioner is dutiful and has no previous record of absentees.
6. That the petitioner absence period ^(67 days) may kindly be converted into sick leave and the salary may please be released.
7. That the petitioner has qualified "Finger print course" as well.
8. That the petitioner had joined duty on 23rd/₂₂ vide DD Report no. 34 PS smt. (DDR is attached)
9. That the petitioner will remain obliged and will pray till last breath of life if my absence period is pardoned & converted into sick leave.

Prayer:

It is requested that the charge sheet issued to petitioner may kindly be filed and absence period be converted into sick leave and salary may kindly be released as prayed for.

Yours Sincerely.

(Signature)

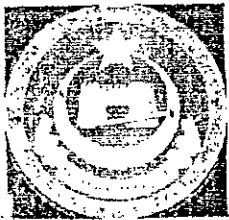
DATE: 21 March, 22.

(CONSTABLE MUHAMMAD FAZAL)
No. 261
Distt Police MARDAN

Presently posted at PS
Lashki Kaporra

(Signature)

MARDAN



**OFFICE OF THE
DISTRICT POLICE OFFICER
MARDAN**

Tel No. 0937-9230109& Fax No. 0937-9230111

Email dpo_mardan@yahoo.com

Facebook: District Police Mardan

Twitter: @dpoimardan

14

2022

POLICE DEPARTMENT

DISTRICT MARDAN

ORDER

The following officials absented themselves from official duties from various places as noted against each:-

S#	Rank, Name & Belt No	Date of Enlistment	Place of Posting	Home PS	Previous absence	Either dismissed or not	Entries		DD No. With Date	Period of absence	Order W/DPO
							Good	Bad			
	FC Khalid Mehmood No. 1653	27.12.1995	Garhi Kapoora	City	384 days	01	02	44	DD No. 10 dated 23.11.2021 to	Still Absent	Pay Stop & Issue Charge Sheet
2	FC M. Fayaz No. 261	15.12.2008	Sheikh Maltoon	Jabbar	317 days	02	Nil	71	DD No. 24 dated 18.12.2021 to	Still Absent	Pay Stop & Issue Charge Sheet ✓
3	FC M. Zawar No. 299	21.10.2008	-do-	Saddar	540 days	01	Nil	52	DD No. 27 dated 21.12.2021 to	Still Absent	Pay Stop & Issue Charge Sheet
	FC Mubarak Zeb No. 1892	11.05.2009	Toru	Jabbar	284 days	01	Nil	15	DD No. 17 dated 21.12.2021 to	Still Absent	Pay Stop & Issue Charge Sheet
5	FC Saeed Khan No. 2451	24.12.2008	Sheikh Maltoon	Rustam	266 days	Nil	03	20	DD No. 37 dated 15.12.2021 to	Still Absent	Pay Stop & Issue Charge Sheet

OB No. 221

Dated. 26 / 01 / 2022.

No. _____ / OSI, Dated _____ / 2022.

- Copy to the:-
- DSP Sheikh Maltoon.
 - Pay Officer Mardan.
 - FC Branch Mardan

DPA

District Police Officer
Mardan

Lusal



(15)

**OFFICE OF THE
DEPUTY SUPERINTENDENT OF
POLICE SMT CIRCLE.**

Tele No.0937-841806 Gmail: sdpo.smt@gmail.com

2021

Dated 21-12-2021

The District Police Officer,
Mardan

Subject: ABSENT CONSTABLE

Memo:

It is submitted that FC Fayaz No.261 of PS Sheikh Maltoon has absented himself from his duty vide DD No.24 dated 18.12.2021 till date.

It is therefore requested that departmental proceeding may kindly be initiated against him under intimation to this Office, Please.

(Signature)
Deputy Superintendent of Police,
SMT Circle.

(Signature)

کتاب صفحہ ۱۰۱

تاریخ 24 اور تاریخ 18/12

24/12/1954
 روز جمعہ 24 دسمبر 1954ء کو نوائے مسلمین کے دفتر میں ایک اجلاس منعقد ہوا۔
 جس میں سبھی نے شرکت کی۔ اجلاس میں سبھی نے اپنے اپنے خیالات کا اظہار کیا۔
 اور یہ فیصلہ کیا گیا کہ نوائے مسلمین کے دفتر میں ایک اخبار نکالا جائے۔
 اس اخبار کا نام 'نوائے مسلمین' رکھا جائے۔ اس اخبار کا سہ ماہی ہونا چاہیے۔
 اس اخبار کے مدیران میں سے ایک شخص کو مدیر اور دوسرے کو نائب مدیر مقرر کیا جائے۔
 اس اخبار کے دفتر میں ایک شخص کو منشی مقرر کیا جائے۔ اس شخص کو منشی مقرر کرنے کا فیصلہ کیا گیا۔
 اس اخبار کے دفتر میں ایک شخص کو منشی مقرر کیا جائے۔ اس شخص کو منشی مقرر کرنے کا فیصلہ کیا گیا۔
 اس اخبار کے دفتر میں ایک شخص کو منشی مقرر کیا جائے۔ اس شخص کو منشی مقرر کرنے کا فیصلہ کیا گیا۔

نوائے مسلمین کے دفتر میں
 ایک شخص کو منشی مقرر کیا جائے۔
 اس شخص کو منشی مقرر کرنے کا فیصلہ کیا گیا۔
 اس شخص کو منشی مقرر کرنے کا فیصلہ کیا گیا۔
 اس شخص کو منشی مقرر کرنے کا فیصلہ کیا گیا۔

Legal
 1954

روز جمعہ 25/12/22

مدیر جامعہ اسلامی اردو اللہ دو الفقار علی شہر وقتت 30 کا چشم و چرا
درج خدیہ انصورت کیتل ہیاں 206 عمیرہ صہرتہ جو
روراچی 12/21 تہا ۷ عناصر آسہ رانی پڑ گسروہ عمیرہ صہرتہ
نالہ کو بیستی پر سرریاں خود بیاں کسرتہ ۱۰۰ حاصر آسہ
حاصرہ کیجادے جس کیتل مدورہ کی حاصرہ درج اور فی
سرتے دستہ ہر صہرتہ کمازوانی ۱۰ سران نالا کو کسرتل پڑ
(۱۰ مدورہ) کد بصورتہ ۷ تدارک سے سرتاں ہی دستہ کاری
کسرتہ ہدی کمازوانی و تمام آسہرتہ کمازوانی کسرتل مدورہ
سرتے ہدایت صاحب ہونی

باشلی

کیتل
22-12-22

lusal

22-12-22

صالح مردان

تعلقہ 34 روزنامہ 03 07 22

سر

عسب اللہ

آمد
رپورٹ
روایتی

34

شیو DSPIR وقت 10:15 بجے مورخہ 07/22/03 اس وقت مقام عدا اکر بحوالہ انکوٹری
 مورخہ 26 مورخہ 05/22 آڈٹ بحوالہ صبا DSPIR مردان صاحب عرض کرتے ہیں کہ کانسٹیبل فیضان 26
 کو مقام تخریق حالتوں سے بحوالہ عد نمبر 24 18/21 سے تاحالی غیر عام سے مذکورہ کانسٹیبل کے
 ساتھ اس کے ذاتی حوالی نمبر - 03449574181 پر بار بار رابطہ کر کے مطلع کیا گیا کہ
 دفتر DSPIR مردان اکر ایجا خارج شیٹ وصول کریں لیکن تاحالی مذکورہ کانسٹیبل انال مشعل
 کے مقام سے روزنامہ رپورٹ ایجا خارج روزنامہ ایجا ہے اب میں اسے جانے قضیاتی و ایس روایتی ہوں
 ضابطہ عالی

تعلقہ 34

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نقلہ درجہ اولیٰ اور نیا کی 2

حقانہ ڈیڑھی تھوڑی

ریٹ میں ہانڈری در او حال MASH وقت 16:20 بجے وقت 22
 روٹ کیلے فی اے 261 کی راشی بھرے ڈیڑھی بارے ڈیڑھی
 احاطہ عقانہ میں کیلے۔ مگر وہاں موجود پایا گیا جو نہ بھیر سنی ہے جو بھی
 گھر خود ہلا گیا ہے جسے خلاف روٹ میں بھیر صاف ہنری حرج روز راجے ہر
 نقلہ در او حال مالا کو ارسال کیا جائے گا۔

صائب عالی
 نقلہ مطابق اپیل ہے

M. A. Khan
 mm: PS-GRK
 Q5-2-22

حقانہ

منزکورہ - کیٹیل 25/022
 سے تا ظال غیر ظافر جلا آرہا ہے
 یہ سب تو غیر ظافر ہے منزکورہ کیٹیل
 کو تنخواہ کی بندش اور سخت سے سخت
 حکمانہ کارروائی کی سفارش کی جاتی ہے

M. A. Khan
 SHC PS GRK
 19-05-022

Musel
DSP Legal

ضلع مردان

از دفتر ڈی ایس پی رورل

نمبر: 52-5 اسٹینو، مورخہ 22-3-2022

بخدمت جناب افسر مہتمم تھانہ جبر

بکار سرکار تحریر ہیکہ بسلسلہ انکوائری چارج سٹیٹس نمبر 26/PA مورخہ 22/01/2022
 مجاریہ جناب DPO صاحب مردان کنشیل ضلع منسٹر 261 جو کہ
 تھانہ شینغ ملوٹن مردان میں تعینات ہے اور آپ کے تھانہ کے علاقہ اختیار میں مستقل سکونت رکھتا ہے، مذکورہ
 بحوالہ مد نمبر 24 مورخہ 21-12-18 تھانہ شینغ ملوٹن سے بدستور غیر حاضر ہے۔ مذکورہ کو
 بذریعہ پیشل مسجرف شدہ چارج سٹیٹس حوالہ کر کے مقررہ وقت میں تحریری جواب کے بابت ہدایت کریں
 اور پروانہ بعد از تعمیل دفتر ہذا واپس ارسال کریں۔

شکریہ

ولدیت: محمد صادق

کامل پتہ: جبر

رابطہ نمبر: 0344-5753577



ڈی ایس پی رورل، مردان



نوٹ: پروانہ ہذا بعد از تعمیل واپس ارسال دفتر کی جاوے۔
 ضلع ضلع منسٹر 261 ولد محمد صادق صاحب جبر

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ORDER.

This order will dispose-off the departmental appeal preferred by **Ex-Constable Muhammad Fayaz No. 261** of Mardan District against the order of District Police Officer, Mardan, whereby he was awarded major punishment of removal from service vide OB: No. 1665 dated 10.08.2022. The appellant was proceeded against departmentally on the allegations that he while posted at Police Station Sheikh Maitoon absented himself from his lawful duty without any leave/permission of the competent authority vide daily diary No. 24 dated 18.12.2021 to daily diary No. 34 dated 23.02.2022.

Proper departmental enquiry proceedings were initiated against him. He was issued Charge Sheet alongwith Statement of Allegations and the then Sub Divisional Police Officer (SDPO) Rural, Mardan was nominated as Enquiry Officer. The Enquiry Officer after fulfilling codal formalities submitted his findings to District Police Officer, Mardan, wherein he held responsible the delinquent Officer and recommended him for major punishment.

It may be mentioned here that the delinquent officer also remained absent from duty without any leave/permission of the competent authority vide daily diary No.19 dated 25.02.2022 from Police Station Garhi Kapura till date of his removal from service.

In order to further verify his misconduct, he was called for hearing in Orderly Rooms on 18.05.2022 and 21.07.2022 respectively on proper delivered notices, but neither he has appeared before the District Police Officer, Mardan, nor assumed duty till date of above mentioned dates, clarifying that he is not a willing worker in Police Force.

In the light of above discussion, findings of enquiry officer and materials available on record as well as bad record of (70) bad entries with no good entry (02) good entries, the delinquent Officer was awarded major punishment of removal from service with effect from 2.02.2022 and his absence period was treated as leave without pay vide OB No. 1665 dated 10.08.2022 by the District Police Officer, Mardan.

Feeling aggrieved from the order of District Police Officer, Mardan, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in this office on 19.10.2022.

From the perusal of the enquiry file and service record of the appellant, it has been found that allegations leveled against the appellant have been proved beyond any shadow of doubt. As the appellant has bitterly failed to produce any cogent

R 110 / 1 / 1000 13.10.22

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reason to justify his absence. Hence, the absence period i.e 07 months and 21 days of the appellant clearly depicts the casual and lethargic attitude towards his official duties as the very conduct of appellant is unbecoming of a disciplined Police Officer. Prior to this, the appellant was also dismissed from service on account of same allegations i.e absence. Hence, order passed by the competent authority does not warrant any interference.

Keeping in view the above, I, Muhammad Ali Khan, PSP Regional Police Officer, Mardan, being the appellate authority, find no substance in the appeal, therefore, the same is rejected and filed, being devoid of merit.

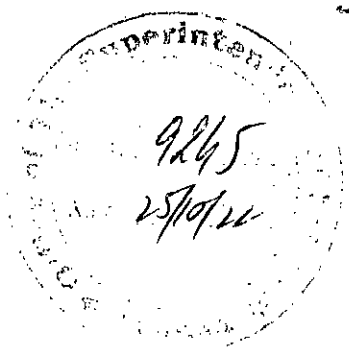
Muhammad Ali Khan
Regional Police Officer,
Mardan.

No. 8267 /ES, Dated Mardan the 21/10 /2022.

Copy forwarded to District Police Officer, Mardan for information and necessary action w/r to his office Memo: No. 266/LB dated 12.10.2022. His Service Record is returned herewith.

(****)

✓
DSP/Legal, EC, PA
for my action.



[Signature]
DPO Mardan
24/10/22.

[Signature]



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OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.

ORDER

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted Ex-FC Muhammad Fayaz No. 261. The petitioner was removed from service by DPO Mardan vide OB No. 1665, dated 10.08.2022 on the allegations that he while posted at PS Sheikh Paltoon absented himself from duty without permission vide DD No. 24, dated 18.12.2021 to DD No. 34, dated 23.02.2022. He also remained absent from duty vide DD No. 19, dated 25.02.2022 from PS Garhi Kapura till date of his removal from service (7 Months & 21 days). His appeal was rejected by RPO Mardan vide order Endst: No. 8267/ES, dated 21.10.2022.

Meeting of Appellate Board was held on 02.06.2023 wherein petitioner was heard in person. Petitioner contended that my mother died & I had family issues.

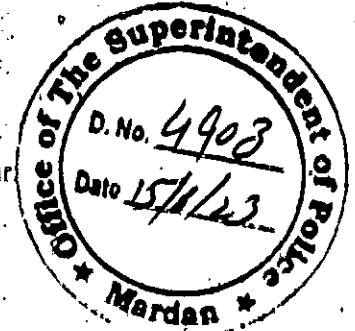
The petitioner has served for 13 years, 07 months. The Board by taking a lenient view, accepted the revision petition of the appellant. He is hereby re-instated with immediate effect. His removal from service penalty is modified into minor punishment of stoppage of 03 annual increments without cumulative effect. The intervening period of absentia is treated as leave without pay on the principal or no work no pay.

Sd/-
RIZWAN MANZOOR, PSP
Additional Inspector General of Police,
HQrs: Khyber Pakhtunkhwa, Peshawar.

No. S/ 1602-07 /23, dated Peshawar, the 12-06 /2023.

Copy of the above is forwarded to the:

1. Regional Police Officer, Mardan. The Service Roll alongwith Fuji Mixent. of the above named Ex-FC received vide your office memo: No. 9705/ES, dated 09.12.2022 is returned herewith for your office record.
- ✓ 2. District Police Officer, Mardan.
3. AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
4. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
5. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. Office Supdt: E-IV CPO Peshawar.



OB 1174
15.6.23

OBJECTION
for re-acton.

Najeeb

DPO Mardan
13.6.23

Muhammad Azhar
(MUHAMMAD AZHAR) PSP
AIG/Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

Legal
Mardan



OFFICE OF THE
DISTRICT POLICE OFFICER,
MARDAN.

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email dpo_mardan@yahoo.com
Facebook: District Police Mardan
Twitter: @dpoimardan

2023

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ORDER.

Consequent upon re-instatement in Service vide Worthy Additional Inspector General of Police HQrs, Khyber Pakhtunkhwa Peshawar, order No 1602-07/23, dated 12.06.2023, Constabulary No. 261 is hereby allotted to Ex-Constable Muhammad Fayaz with immediate effect:-

OB No. 1277

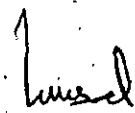
Dated 27-6 /2023


District Police Officer
Mardan

No. _____ /OSI, dated Mardan the _____ /2023.

Copy to the:-

1. DSP HQrs: Mardan.
2. Pay Officer.
3. EC.



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**BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR.**

Service Appeal No. 1495/2023

Muhammad Fayaz (Constable No. 261) District

Mardan.....Appellant.

VERSUS

The District Police Officer, Mardan and others.....Respondents.

AUTHORITY LETTER.

Mr. Wisal Ahmad Superintendent of Police Headquarters and Legal Mardan is hereby authorized to appear before the Honourable Service Tribunal, Khyber Pakhtunkhwa, Peshawar in the above captioned service appeal on behalf of the respondents. He is also authorized to submit all required documents and replies etc. as representative of the respondents through the Addl: Advocate General/Govt. Pleader, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

(NAJEEB-UR-REHMAN BUGVI) PSP
District Police Officer, Mardan.
(Respondent No. 3)

(MUHAMMAD SULEMAN) PSP
Regional Police Officer, Mardan.
(Respondent No. 2)

(DR. MUHAMMAD AKHTAR ABBAS) PSP
DIG/ Legal, CPO
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar
(Respondent No. 1)

DSP Legal
Mardan