

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

SERVICE APPEAL NO. 105/2014

Date of institution ... 21.01.2014
Date of judgment ... 29.04.2016

Ex-Constable Muhammad Rauf
S/O Haji Sherin Dil No. 29.
R/o Mahallah Rahimabad Village Kotkipayari,
District Hangu.

... (Appellant)

VERSUS

1. The Provincial Police Officer, Govt. of Khyber Pakhtunkhwa,
Peshawar.
2. The Commandant Police Training College Hangu.

... (Respondents)

SERVICE APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL ACT, 1974 READ WITH RULE-19 OF THE KHYBER PAKHTUNKHWA GOVT. SERVANTS (EFFICIENCY AND DISCIPLINE) RULES, 2011 WITH THE PRAYER TO DECLARE THE IMPUGNED ORIGINAL ORDER OF RESPONDENT NO. 2 DATED 18.09.2013 (WHEREIN HE HAS DISCHARGED THE APPELLANT FROM HIS LEGAL SERVICE AND AGAINST WHICH APPELLANT FILED DEPARTMENTAL APPEAL DATED 23.10.2013, WHICH IS STILL PENDING BEFORE THE RESPONDENT NO. 1(WITHOUT DISPOSAL) AS VOID AB-INITIO, ILLEGAL, UNLAWFUL, WITHOUT LAWFUL AUTHORITY AND HAS NO LEGAL EFFECT UPON THE RIGHTS OF THE APPELLANT AND ALSO SET-ASIDE THE SAME AND REINSTATE THE APPELLANT WITH ALL BACK BENEFITS.

Mr. Noor Muhammad Khattak, Advocate.
Mr. Ziaullah, Government Pleader

.. For appellant.
.. For respondents.

MR. ABDUL LATIF
MR. PIR BAKHSI SHAH

MEMBER (EXECUTIVE)
MEMBER (JUDICIAL)

JUDGMENT

ABDUL LATIF, MEMBER:-

Facts giving rise to the instant appeal are that the appellant has been enlisted in Police Training College as Constable on 16.09.2011 by

respondent No. 2. That the appellant got admission in Diploma of Information and Technology (DIT) in session 2010/11 and successfully passes his 1st Semester and also got admission for the 2nd semester. Appellant was to appear for his 2nd semester examination in September 2011, but due to enlistment in PTC as Constable and joining recruit course appellant was unable to participate/appear in his 2nd semester examination which was scheduled in September, 2011. That the appellant before appearing in scheduled DIT examination commencing in September, 2013 properly and duly requested the leave sanctioning authority for proceeding on leave for 60 days which was duly processed, appellant was assured that as his cause is genuine and based on solid footing, therefore, leave will be sanctioned in his favour. That the appellant had received his examination roll number slip on 13.08.2013 and also appeared in the scheduled DIT 2nd semester examination. That during the scheduled examination when appellant was engaged in his examination and was in burden of preparation, he was proceeded ex-parte of alleged willful absence and vide order dated 18.09.2013 he was terminated in absentia under Police Rules 12.21. That appellant being aggrieved from the withdrawal order preferred departmental appeal before respondent No. 1 which is still pending without disposal. That appellant, being aggrieved of the impugned order dated 18.09.2013 and acts and actions of respondents and having no other adequate and efficacious remedy file the instant service appeal.

2. Learned counsel for the appellant argued that the respondents had not treated appellant in accordance with law, rules and policy on the subject and acted in violation of Article-4 of the Constitution of Islamic Republic of Pakistan 1973. He further argued that absence of the appellant was not willful as he was engaged in second semester (DIT) examination which was constitutional right of the appellant and had properly applied for leave, the impugned order was therefore illegal, unlawful, without jurisdiction, unjustified and unfair and not sustainable in the eyes of law. He further argued that it had been laid down by the Supreme Court of Pakistan that probationer being civil servant whose terms and conditions were governed under the Civil Servants Act 1973 therefore provisions of

rules 12.21 of Police Rules 1934 could not prevail on the same. He further contended that the appellant had been proceeded ex-parte whereas it was an admitted fact that he was engaged in the scheduled examination and respondents were well aware of the same engagement hence he had been deprived of his vested right of being heard before passing of any adverse order. He further argued that requirement of rule-9 of E & D Rules 2011 was not fulfilled as no notice of absence was served on his home address nor was any publication made in daily newspaper, the impugned order was therefore liable to be set-aside. He further argued that major penalty had been imposed upon the appellant without regular inquiry which was violative of the law laid down by the Supreme Court of Pakistan and prayed that the impugned order may be declared as void ab-initio, the same may be set-aside and the appellant may be reinstated in service with all back benefits.

3. Learned Government Pleader resisted the appeal and argued that the appellant failed to obtain proper approval of the competent authority before absenting himself from his lawful duties. He further argued that an inquiry was conducted against the appellant but he failed to present himself before inquiry officer and hence the inquiry had to be completed ex-parte as per rules. He prayed that the appeal being devoid of any merits may be dismissed.

4. Arguments of learned counsels for the parties heard and record perused.

5. From perusal of the record, it transpired that the appellant was to appear in 2nd semester DIT examination but was not allowed the leave he had formally applied for. Instead of facilitating to improve his qualification he was proceeded against on the charge of willful absence through an inquiry which was conducted at the back of the appellant as no statement of his was recorded nor he was given any opportunity of defense and opportunity of personal hearing before his condemnation and imposition of major penalty of discharge from service under the Police Rules 12.21. The record further reveal that no proper notices on home address or show-cause notice in the newspaper was published as per rule-9 of the E & D Rules 2011 and he was removed from service on the basis of a very cursory inquiry report where he was never associated with the proceedings. The Tribunal is of the considered view that principles of justice were not adhered to while

RFI

dispensing with the service of the appellant on the basis of his absence which was evidently for the purpose of taking examination for improvement of qualification which is basic right of every individual. In view of the afore-going, we are inclined to intervene in the case by setting-aside the impugned order and reinstating the appellant in service with all back benefits. The competent authority is however at liberty, if so advised, to proceed against the appellant de-novo but strictly in accordance with law and rules providing him full opportunity of defense and opportunity of personal hearing before passing any adverse order against him. The appeal is disposed of in the above term. Parties are, however, left to bear their own costs. File be consigned to the record room.

ANNOUNCED
29.04.2016



(PIR BAKHSH SHAH)
Member



(ABDUL LATIF)
Member

10.12.2015

Clerk to counsel for the appellant and Mr. Muhammad Ibrahim, Inspector (legal) alongwith Mr. Kabirullah Khattak, Assistant AG for respondents present. Clerk to counsel for the appellant requested for adjournments as counsel for the appellant is stated busy before the Dar-ul-Qaza Swat. Adjourned to 29.4.2016 for arguments.



MEMBER



MEMBER

29.04.2016

Counsel for the appellant and Mr. Ziaullah, Government Pleader for respondents present. Arguments heard and record perused. Vide our detailed judgment of today placed on file, this appeal is accepted. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
29.04.2016



MEMBER



MEMBER

11.11.2014

Appellant in person and Mr. Muhammad Adeel Butt, AAG for the respondents present. The Tribunal is incomplete. To come up for rejoinder on 26.02.2015.



Reader

26.02.2015

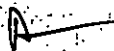
Appellant in person and Mr. Ibrahim Asghar, Inspector (legal) for respondents alongwith Addl. A.G present. Rejoinder submitted. The case is assigned to D.B for final hearing for 8.6.2015.



Chairman

8.06.2015

Counsel for the appellant and Mr. Ziaullah, GP with Mr. Muhammad Ibrahim Azhar, Inspector (Legal) for the respondents present. It was submitted by the learned GP that the case was prepared by Mr. Muhammad Jan, GP but he is on leave to-day. Therefore, case to come up for arguments on 04.9.2015.



MEMBER

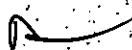


MEMBER

04.09.2015

Counsel for the appellant (Mr. Noor Muhammad Khattak, Advocate) and Mr. Ibrahim Azhar, Inspector alongwith Mr. Ziaullah, GP for respondents present. Counsel for the appellant filed Wakalat Nama on behalf of the appellant and requested for adjournment. To come up for arguments on

10-12-2015



Member



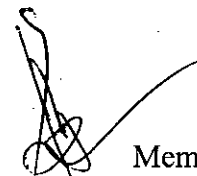
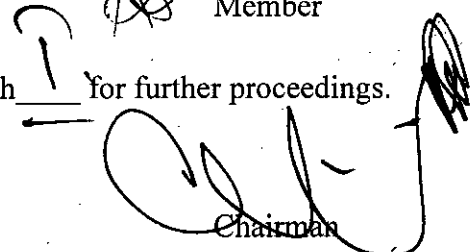
Member

Appeal No. 105/2014.
Mr. Muhammad Rauf

4. 21.04.2014

Appellant with counsel present and moved an application for bringing on record additional documents in the instant appeal and condonation of delay. Preliminary arguments heard and case file perused. Counsel for the appellant contended that the appellant has not been treated in accordance with law/rules. Against the impugned order dated 18.09.2013, he filed departmental appeal on 23.10.2013, which has not been responded within the statutory period of 90 days, hence the present appeal on 21.01.2014. He further contended that the appellant has been treated under wrong law. Neither any charge sheet, statement of allegation and show cause notice issued to the appellant nor any enquiry has been conducted. Points raised at the Bar need consideration. The appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notices be issued to the respondents. To come up for written reply/comments on 03.07.2014.

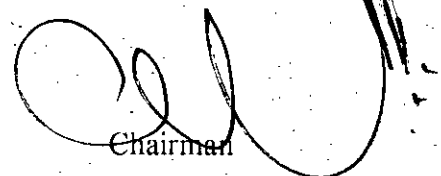
Appellant Deposited
Security & Process Fee
Rs. 180/- Bank
Receipt is Attached with File.


Member

Chairman

5. 03.07.2014
This case be put before the Final Bench for further proceedings.

03.7.2014


Appellant with counsel and Mr. Usman Ghani, Sr. GP for the respondents present. Mr. Arifullah, HC submitted written reply/para-wise comments on behalf of the respondents, and on inquiry, he disclosed that he has been deputed to attend the Court/Tribunal on his behalf by Nazir Hussain, Inspector PTC Hangu. The conduct of the said Nazir Hussain, Inspector PTC Hangu is highly objectionable as he has deputed a low rank Police Officer to represent the respondents i.e PPO, KPK and Commandant, PTC Hangu. Therefore, salary of the said Inspector is attached, and order of attachment be sent to both the said respondents for implementation and compliance report, alongwith direction to both the respondents to appear in person on the next date with explanation for the conduct of the Inspector. A copy of the written reply is handed over to the learned counsel for the appellant for rejoinder on 11.11.2014.


Chairman

3.

13.03.2014



Appellant with counsel present and requested for adjournment. To come up for preliminary on 21/04.2014.

 Member

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 105/2014

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	21/01/2014	<p>The appeal of Mr. Muhammad Rauf presented today by Mr. Ashraf Ali Khattak Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	24-1-2014	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>13-3-2014</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 105/2013

Ex-Constable Muhammad
Rauf S/o Haji Sherin Dil
No.29
.....Appellant

Versus

The Provincial Police Officer,
Govt: of Khyber
Pakhtunkhwa, Peshawar and
others.....Respondents

INDEX

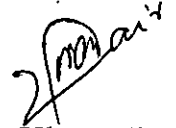
S.No.	Description of Documents	Date	Annexure	Pages
1.	Memo of Service Appeal			1-6
2.	Copy of application for leave		A	7
3.	Copy of Roll Number Slip		B	8
4.	Copy of scheduled Time table of DIT Examination		C	9
5.	Copy of DMC		D	10-11
6.	Copy of inquiry report and impugned Order		E	12
7.	Copy of departmental appeal and correspondence		F	13-17
8.	Wakalat Nama			18


Appellant

Through


Ashraf Ali Khattak

and


Nawaz Khan Khattak
Advocate, Peshawar

Dated: _____ / 01/2014

**BEFORE THE KHYBER PAKHTUHKHWA SERVICE
TRIBUNAL, PESHAWAR**

Service Appeal No. 105 /2014

Ex-Constable Muhammad Rauf S/o Haji Sherin Dil No.29 R/o
Mahallah Rahimabad Village Kotkipayan, District Hangu

10/1
21-1-14

.....Appellant.

Versus

1. The Provincial Police Officer, Govt: of Khyber Pakhtunkhwa, Peshawar.
2. The Commandant Police Training College Hangu..... Respondents.

Service Appeal under section 4 of the Khyber Pakhtunkhwa, Service Tribunal Act, 1974 read with Rule 19 of the Khyber Pakhtunkhwa Govt: Servants (Efficiency and Discipline) Rules, 2011 with the pray:-

to declare the impugned original order of Respondent No.2 dated 18-09-2013 (wherein he has discharged the appellant from his legal service and against which appellant filed departmental appeal dated 23-10-2013, which is still pending before the Respondent No.1 without disposal) as void ab initio, illegal, unlawful, without lawful authority and has no legal effect upon the rights of the appellant and also set aside the same and re-instate the appellant with all back benefits.

21/1/2014

Respectfully Sheweth,

Facts giving rise to the present service appeal are as under:-

1. That appellant has been enlisted in Police Training College as constable on 16-09-2011 by respondent No.2.
2. That it is pertinent to mention here that appellant got admission in Diploma of Information and Technology (DIT) in session

2010/11 and successfully passed his 1st Semester and also got admission for the 2nd Semester. Appellant was to appear for his 2nd semester examination in September 2011, but due to enlistment in PTC as Constable and joining recruit course appellant was unable to participate/appear in his 2nd semester examination which was scheduled in September, 2011.

3. That it is also pertinent to mention here that appellant lost his continuouation of DIT course due to his engagement in Police Force coupled with performing duty as PA to respondent No.2 and at last sought his re-appearance for his 2nd Semester in scheduled September 2013 examination.
4. That it is pertinent to mention here that appellant before appearing in schedule examination commencing in September, 2013 properly and duly requested the leave sanctioning authority for proceeding on leave for 60 days which was duly processed (Annexure-A), he was assured that as his cause is genuine and based on solid footing, therefore, leave will be sanctioned in his favour. Appellant as having a genuine cause and having solid assurance proceeded for Eid Ul Fittar vacation on 09-08-2013 and thereafter engaged in examination preparation as he had received his examination roll number slip on 13-08-2013 (Annexure-B) and also appeared in the scheduled DIT 2nd semester examination (Annexure-C). Appellant last paper was schedule on 19-09-2013 as evident from the date sheet. Appellant has now successfully passed his 2nd Semester vide result sheet dated 18-12-2013 (Annexure-D).
5. That during the scheduled examination when appellant was engaged in his examination and was in burden of preparation, he was proceeded ex-party on account of alleged willful absence and vide order dated 18-09-2013 he was terminated in

absentia under Police Rule 12.21 (Annexure-E).

6. That appellant being aggrieved from the withdrawal order preferred departmental appeal before respondent No.1 (Annexure-F) which is still pending without disposal.
7. That appellant, being aggrieved of the impugned order dated 18-09-2013 and acts and actions of Respondents and having no other adequate and efficacious remedy, files this service appeal inter-alia on the following grounds:-

Grounds:



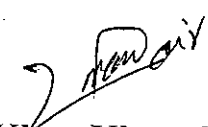
- A. That Respondents have not treated petitioner in accordance with law, rules and policy on subject and acted in violation of Article 4 of the Constitution of Islamic Republic of Pakistan, 1973. Appellant had genuine cause and was under bonafide confidence that the same will be sanctioned, moreover, the absence of the appellant cannot be termed as willful as he was engaged in his 2nd semester DIT examination, which is Constitutional right therefore, the impugned order is illegal, unlawful, without lawful authority, unjust, unfair and hence not sustainable in the eye of law.
- B. That it has been laid down by the Honourable Supreme Court of Pakistan that probationer being civil servant and his terms and condition are governed under Civil Servant Act, 1973, and right of appeal has been provided to them under the relevant rules, therefore, the provision of Rule 12-8/12-21 Police Rules 1934 could not prevail over the same and in case a constable is proceeded on such score, he would be entitled for re instatement.

- C. That appellant has been proceeded ex-parte, whereas it is admitted fact that appellant was engaged in his schedule examination and the respondent as well the inquiry officer was fully aware of the fact and in case it was necessary to call him/appellant, it was easy for the respondents to trace the appellant on his home address, but appellant has been proceeded ex party willfully and as such he has been deprived of his vested right of being heard.
- D. That Rule No.9 of the KPK Govt: Servant (Efficiency and Discipline) Rules, 2013 provide that in case of willful absence the delinquent employee must be served with publication notice vide in two leading news papers, but in the instant case no such publication has been exercised, therefore, on this score as well the impugned order is not liable to be sustained in field and liable to be set aside.
- E. That the respondent has violated the provision of Section 16 of the Civil Act, 1973, wherein it has been categorically explained that every civil servant is liable to prescribe disciplinary action through prescribed procedure and in the instant case no prescribed proscribed procedure of inquiry has been adopted by the inquiry officer and on this score as well the impugned order is liable to be set aside.
- F. That appellant has been condemned unheard, no personal hearing has been provided.
- G. That major penalty has been imposed upon the appellant without regular inquiry; the same is violation of law laid down by the Honourable Supreme Court of Pakistan. More over the element of willful absence or otherwise has not been scrutinized.

- H. That appellant would like to seek the permission of this Honourable Tribunal to advance some more grounds at the time of hearing.
- I. That appellant has been jobless since the impugned order, therefore, liable to be re instated with all back benefits.

For the aforesaid reasons, it is therefore, humbly prayed that on acceptance of this service appeal, this Hon'ble Court may graciously be pleased to declare the impugned original order of Respondent No.2 dated 18-09-2013 as void ab initio, illegal, unlawful, without lawful authority and has no adverse effect upon the rights of the appellant and also set aside the same and re-instate the appellant with all back benefits.

Any other relief as deemed appropriate in the circumstances of case not specifically asked for, may also be granted to Appellant.


Appellant
Through 
Ashraf Ali Khattak
and 
Nawaz Khan Khattak
Advocate, Peshawar.

Dated: _____ / 01/ 2014

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

Service Appeal No. _____/2014

Ex-Constable Muhammad Rauf S/o Haji Sherin Dil No.29 R/o
Mahallah Rahimabad Village Kotkipayan, District Hangu
.....Appellant.

Versus


The Provincial Police Officer, Govt: of Khyber Pakhtunkhwa,
Peshawar and others..... Respondents.

Affidavit

I, Ex-Constable Muhammad Rauf S/o Haji Sherin
Dil No.29 R/o Mahallah Rahimabad Village Kotkipayan,
District Hangu, do hereby solemnly affirm and declare on
oath that the contents of this writ petition are true and
correct to the best of my knowledge, and nothing has
been concealed from this Hon'ble Tribunal.


Deponent

Identified by


Ashraf Ali Khattak
Advocate, Peshawar



9

Anna C

Khyber Pakhtunkhwa, Board of Technical Education, Peshawar
REVISED DATE SHEET

(Revised D.I.T Date Sheet)

For One-Year Diploma Level course in D.I.T (Diploma in Information Technology) 2nd Term Examination 2013

(Theory)

(Practical)

DATE & DAY	TIME	D.I.T (PART - I) Theory Papers (Old Course)	D.I.T (PART - I) Theory Papers (2011 New Course)
27.08.2013 Tuesday	02:00 PM to 05:00 PM	Introduction to Information Technology (I.T)	Information & Communication Technology (ICT)
28.08.2013 Wednesday	02:00 PM to 05:00 PM	Financial Accounting	Office Automation (Word, Excel, Power Point)
29.08.2013 Thursday	02:00 PM to 05:00 PM	Data Structure and C - Programming	Computer Programs C/C++
30.08.2013 Friday	02:00 PM to 05:00 PM	Introduction to Operating System	Operating System
31.08.2013 Saturday	02:00 PM to 05:00 PM	Data Communications	Computer Network
DATE & DAY	TIME	D.I.T (PART - II) Theory Papers (Old Course)	D.I.T (PART - II) Theory Papers (2011 New Course)
02.09.2013 Monday	02:00 PM to 05:00 PM	System Analysis & Design	MS - Access
03.09.2013 Tuesday	02:00 PM to 05:00 PM	Oracle - DBA	Introduction to Database
04.09.2013 Wednesday	02:00 PM to 05:00 PM	Introduction to E-Commerce & Internet Programming	Introduction to E-Commerce & Web Technology
05.09.2013 Thursday	02:00 PM to 05:00 PM	Microsoft Visual Basic	Graphic Designing
06.09.2013 Friday	02:00 PM to 05:00 PM	Business Communication

DATE & DAY	TIME	D.I.T (PART - I) Practical Exam (Old Course)	D.I.T (PART - I) Practical Exam (2011 New Course)
09.09.2013 Monday	09:00 A.M to 04:00 P.M	Office Automation & Internet, MS-Word/MS-Excel/MS-PowerPoint Intro: to MS-Access & Internet (50 % Internal & 50 % External)	Office Automation (Word, Excel, Power Point) (100 % External)
10.09.2013 Tuesday	09:00 A.M to 04:00 P.M	Data Structure & C - Programming (50 % Internal & 50 % External)	Computer Programs C/C++ (100 % External)
11.09.2013 Wednesday	09:00 A.M to 04:00 P.M	Intr: to Operating System (Windows NT/Unix & Linux) (50 % Internal & 50 % External)	Operating System (100 % External)
12.09.2013 Thursday	09:00 A.M to 04:00 P.M	Information & Communication Technology (ICT) (100 % External)
13.09.2013 Friday	09:00 A.M to 04:00 P.M	Computer Network (100 % External)
DATE & DAY	TIME	D.I.T (PART - II) Practical Exam (Old Course)	D.I.T (PART - II) Practical Exam (2011 New Course)
16.09.2013 Monday	09:00 A.M to 04:00 P.M	ORACLE - DBA (50 % Internal & 50 % External)	MS - Access (100 % Internal)
17.09.2013 Tuesday	09:00 A.M to 04:00 P.M	Introduction to E-Commerce & Internet Programming (50 % Internal & 50 % External)	Introduction to Database (100 % Internal)
18.09.2013 Wednesday	09:00 A.M to 04:00 P.M	Microsoft Visual Basic (50 % Internal & 50 % External)	Introduction to E-Commerce & Web Technology (100 % Internal)
19.09.2013 Thursday	09:00 A.M to 04:00 P.M	Project (50 % Internal & 50 % External)	Project (100 % External)
20.09.2013 Friday	09:00 A.M to 04:00 P.M	Graphic Designing (100 % Internal)

Note: - Any gazetted holiday falling during the course of examination shall not disturb the schedule of papers, as the D.I.T Exam is conducted in the 2nd session.

T.C

Controller of Examinations

(Revised D.T. 12-1-68)

11

C

1. Introduction
2. Objectives
3. Scope
4. References

5. Methodology
6. Results
7. Conclusions
8. Appendix

9. References
10. Appendix

11. References
12. Appendix

13. References
14. Appendix

1. Introduction
2. Objectives
3. Scope
4. References

5. Methodology
6. Results
7. Conclusions
8. Appendix

9. References
10. Appendix

11. References
12. Appendix

13. References
14. Appendix

1. Introduction
2. Objectives
3. Scope
4. References

5. Methodology
6. Results
7. Conclusions
8. Appendix

9. References
10. Appendix

11. References
12. Appendix

13. References
14. Appendix

1. Introduction
2. Objectives
3. Scope
4. References

5. Methodology
6. Results
7. Conclusions
8. Appendix

9. References
10. Appendix

11. References
12. Appendix

13. References
14. Appendix

1. Introduction
2. Objectives
3. Scope
4. References

5. Methodology
6. Results
7. Conclusions
8. Appendix

9. References
10. Appendix

11. References
12. Appendix

13. References
14. Appendix

1. Introduction
2. Objectives
3. Scope
4. References

5. Methodology
6. Results
7. Conclusions
8. Appendix

9. References
10. Appendix

11. References
12. Appendix

13. References
14. Appendix

1. Introduction
2. Objectives
3. Scope
4. References

5. Methodology
6. Results
7. Conclusions
8. Appendix

9. References
10. Appendix

11. References
12. Appendix

13. References
14. Appendix

1. Introduction
2. Objectives
3. Scope
4. References

5. Methodology
6. Results
7. Conclusions
8. Appendix

9. References
10. Appendix

11. References
12. Appendix

13. References
14. Appendix

1. Introduction
2. Objectives
3. Scope
4. References

5. Methodology
6. Results
7. Conclusions
8. Appendix

9. References
10. Appendix

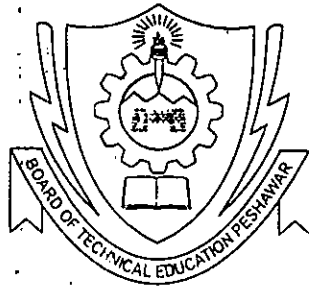
11. References
12. Appendix

13. References
14. Appendix

(10) Annex 1

602965

KHYBER PAKHTUNKHWA BOARD OF TECHNICAL EDUCATION



PESHAWAR

DETAIL MARKS CERTIFICATE COMPUTER COURSE PART-II

DIPLOMA IN INFORMATION TECHNOLOGY

Name of Candidate MUHAMMAD RAOOF

Father's Name HAJI SHAREEN DILL

Roll.No. 255722 Session 2ND TERM 2013

Reg.No. CIMS/P/DIT/IST-10/22311

Institute/College CAPITAL INSTITUTE OF IT & MANAGEMENT SCIENCES PESHAWAR



Subject	Total Marks	Obtained Marks			
		Th	Pr	Total	In Words
Part-I Marks	800			532	
1 Oracle DBA	100 / 100	50	98	148	One hundred forty-eight
2 System Analysis and Design	100	40	-	40	Forty
3 Introduction to E-Commerce and Internet Programming	100 / 100	50	94	144	One hundred forty-four
4 Visual Basic	100 / 100	40	98	138	One hundred thirty-eight
5 Business Communication	100	44	-	44	Forty-four
6 Project	100	-	98	98	Ninety-eight

1700

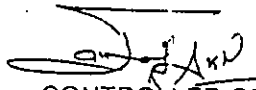
1144 One thousand one hundred forty-four

Prepared by Muhammad Adnan

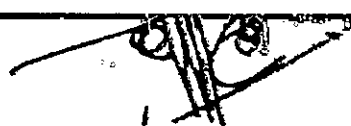
Checked by _____

Theory Passing Marks=40% Practical Passing Marks=50%

Error(s) & Omission(s) excepted Any mistake in above particulars must be intimated within 30 days of the issuance of this certificate


CONTROLLER OF EXAMS

8/12/2013



Handwritten text at the top of the page, possibly a title or header.

Handwritten text on the left side of the page.

Handwritten text across the middle of the page.

Handwritten text across the middle of the page.

Handwritten text across the middle of the page.

Handwritten text across the middle of the page.

Handwritten text on the left side of the page.

Handwritten text across the middle of the page.

Handwritten text across the middle of the page.

Handwritten text across the middle of the page.

Handwritten text across the middle of the page.

Handwritten text across the middle of the page.

Handwritten text across the middle of the page.

Handwritten text across the middle of the page.

Handwritten text across the middle of the page.

Handwritten text across the middle of the page.

Handwritten text across the middle of the page.

Handwritten text across the middle of the page.



12

Annex E

Ph # 0925-621886

Fax # 0925-623236

Office Of The Commandant Police Training College Hangu.

ORDER

This order passed on the departmental enquiry against constable Abdul Rauf of PTC Hangu.

He while posted as PA to Commandant PTC Hangu, absented himself from his official duty with effect from 15.08.2013 vide Daily Dairy No.13 without any leave or permission from the competent authority. His pay was stopped vide OB No. 597 dated 19.08.2013 He is still absent. He was issued charge sheet and statement of allegation and SI Ajmal Khan appointed the Enquiry Officer. The Enquiry Officer submitted his finding and held to be guilty of miss-conduct.

On perusal of service roll, it revealed that the above named constable has enlisted on 16.09.2011. During the short period of service, his such absence shows that he is not interested in his job. Therefore, he is hereby discharged from service under Police Rules 12-21 with immediate effect.

Order announced on 09.09.2013.

OB No. 667

Dated. 15/09/2013

Commandant

No. 737 /EC, Dated Hangu the, 18/9/2013.
Police Training College, Hangu.

Copy of above is sent to Ex:Constable Muhammad Rauf son of Haji Sherin Dil resident of Kotki. Payan Moh: Rahib Abad District Hangu for information.

.....

T.C
22

بھنور جناب صوبائی پولیس آفیسر صاحب خیبر پختونخواہ پشاور۔

F.

درخواست بمراء منسوخی حکم محررہ 18.09.2013 مجاریہ جناب کمانڈنٹ صاحب PTC
ہنگو و بھالی بحیثیت کنسٹیبل

جناب عالی!

بہ تفصیل ذیل عرض گزار ہوں۔

1- سائل مورخہ 16.09.2011 کو PTC ہنگو میں بطور کنسٹیبل بھرتی ہوا تھا اور خدمات سرانجام دے رہا تھا۔

2- یہ کہ سائل نے 2010 میں BSC کا امتحان دیا تھا جس میں دو مضامین فیل تھے اس طرح سال 2010-11 میں نیٹ ورکنگ کورس ان لائن مائیکروسافٹ کے 6 پیپروں میں سے 2 پیپر پاس کئے تھے جبکہ 4 پیپر بقایا تھے۔ کام کی زیادتی کی وجہ سے 4 پیپروں میں امتحان نہ دے سکا۔

3- یہ کہ سائل کے امتحانات مورخہ 27-08-2013 سے شروع ہونے تھے جس کے لئے تیاری کرنی ضروری تھی۔ رول نمبر ساپ اور ڈیٹ شیٹ کی نقول ہمراہ لف ہیں۔

4- یہ کہ سائل نے مورخہ 05-08-2013 کو 60 یوم رخصت کی منظوری کے لئے جناب کمانڈنٹ صاحب کی خدمت میں تحریری درخواست گزاری تھی۔ درخواست کی نقل ہمراہ لف ہے۔

5- سائل مورخہ 13-08-2013 کو عید رخصت کے دوران امتحانی شیڈول موصول ہو کر پشاور آیا تھا اور امتحانات کی تیاری کر رہا تھا۔ مورخہ 19-09-2013 بعد امتحانات کو واپس گھر خود پہنچا تو معلوم ہوا کہ سائل کو جناب کمانڈنٹ صاحب نے مورخہ 18-09-2013 کو زیر قاعدہ 12-21 برخاست کیا ہے، حکم نمبری 737/EC مورخہ 18-09-2013 کی نقل ہمراہ لف ہے۔

6- سائل کی عدم موجودگی میں کوئی نوٹس یا تنبیہ دینے یا کوئی بیان لئے بغیر سائل کے خلاف یکطرفہ کارروائی کی گئی اور سائل کو نوکری سے نکال دیا گیا ہے۔

7- یہ کہ سائل کے خلاف، بمطابق حکم، باقاعدہ فرد جرم عائد کیا گیا جس کے بارے میں سائل کو کوئی اطلاع نہیں دی گئی تھی اور یہ تو درکنار سائل کے خلاف اگر الزام ثابت ہوا ہے تو Discharge کرنے کا سوال پیدا نہیں ہوتا کیونکہ Discharge اس شخص کو کیا جاتا ہے جو جس کے خلاف الزام نہ ہو الزام

T. C
2

ثابت ہو تو اسے قواعد کے تحت باقاعدہ سزا دی جاتی ہے۔

8- یہ کہ اس پورے عمل میں سائل کو صفائی پیش کرنے یا کسی گواہ یا دستاویز پر جرح کرنے کا کوئی موقع نہیں دیا گیا جو قانون، قواعد اور قدرتی انصاف کے خلاف ہے۔

9- نہ صرف یہ کہ سائل کے ساتھ نا انصافی کی گئی بلکہ سائل کی تنخواہ بھی بند کی گئی ہے جو کسی صورت میں جائز نہیں ہے۔

10- سائل نے غیر حاضری سے قبل باقاعدہ رخصت کی درخواست گزاری تھی اور میری مجبوریوں کا جناب کمانڈنٹ صاحب کو علم تھا۔

11- یہ کہ سائل ایک تعلیم یافتہ جوان ہے شوق سے نوکری کرنے کا خواہاں ہے۔ سائل نے حکم کی منسوخی کے لئے جناب کمانڈنٹ صاحب کو تحریری درخواست گزاری ہے جو تاحال فیصلہ طلب ہے۔

بذریعہ درخواست ہذا استدعا ہے کہ حکم محررہ 18-09-2013 مجاریہ جناب کمانڈنٹ صاحب پی ٹی سی ہنگو منسوخ کر کے سائل کو نوکری پر بحال کرنے اور سائل کی تنخواہ آزاد کرانے کا حکم صادر فرمایا جاوے۔

عین نوازش ہوگی

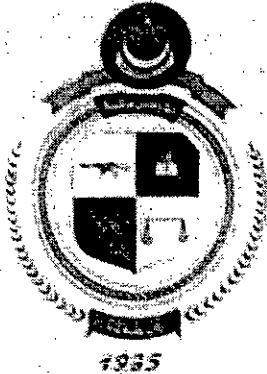
T. C
22

العارض

کانشیل محمد رؤف بک نمبر 29، پی ٹی سی ہنگو، گاؤں کوٹکی پابان محلہ رحیم آباد، تحصیل و ضلع ہنگو۔

مورخہ 23-10-2013

15



Ph # 0925-621886
Fax # 0925-622236

Office Of The Commandant Police Training Colloge Hangu.

To The Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.

No. 911 /EC, dated Hangu the,

05/12/2013.

Subject: APPLICATION.

Memo:-

Kindly refer to your office Endst: No. 28260/E-II, dated 18.11.2013.

It is submitted that comments on the application of Ex: Constable Muhammad Rauf No. 29 have not been offered as he was discharged under 12-21 which is not appealable please.

Commandant
Police Training College, Hangu.

I.C
w

16

From: The Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.

To: The Commandant PTC,
Hangu.

No. 30922/E-II dated Peshawar the 18 / 12 /2013

Subject: APPLICATION.

Memo:

Please refer to your letter No. 911/EC. dated: 05.12.2013.

Reason of discharge of Ex-Constable Muhammad Rauf No. 29 may please be intimate alongwith a copy of his discharge order please.

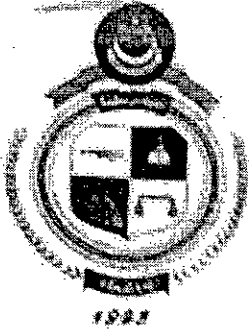
(SYED FIDA HASSAN SHAH)
AIG/Establishment
For Provincial Police Officer,
Khyber Pakhtunkhwa
Peshawar

Submitted Please

T.C

17

Ph # 0925-621886
Fax # 0925-621136



OFFICE OF THE COMMANDANT POLICE TRAINING COLLEGE HANGU

To: The Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.

No. 12 / EC, Dated Hangu the,

09 / 01/2014.

Subject:- APPLICATION.

Memo:-

Kindly refer to your office Memo: No. 30972/E-II, dated 18.12.2013.

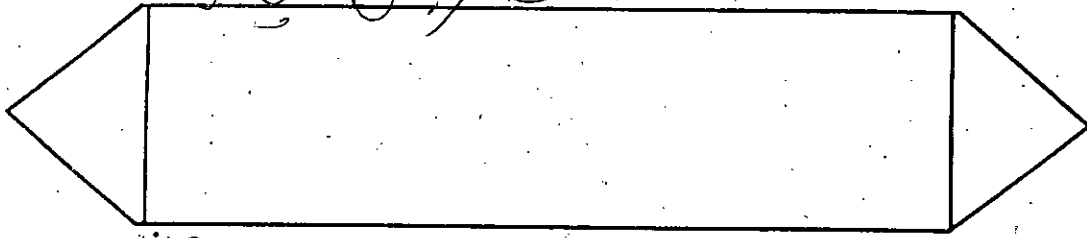
It is submitted that the applicant Ex: Constable Muhammad Rauf No.29 of this college was discharged under Police Rules 12-21, because he was absent from duty with effect from 15.08.2013 without any leave or permission from the competent authority. Photocopy of his discharge order is enclosed herewith as desired please.

Commandant,

Police Training College, Hangu.

T. C
2

بعدالت سے اس ٹریبل سے



۲۰۰۰ء منجانب

کاسٹیبل محمد رؤف بنام سروسٹل پوسٹ آفس

مورخہ
مقدمہ
دعویٰ
جرم

باعث تحریر آنکھ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
آن مقام سے کیے گئے اس لئے کہ

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 کرنے و تقریر ثالثہ فیصلہ بر حلف دینے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور صولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ
پر واختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جائے التوائے مقدمہ کے سبب سے دہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
مذکور کریں۔ لہذا وکالت نامہ لکھد یا کہ سندر ہے۔

المرقوم _____ ماہ _____ 20

واہ العہد کے لئے منظور ہے۔

مقام

Accepted

Attested

2 Fair

Signature

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA,
SERVICE TRIBUNAL PESHAWAR.

Service Appeal No. 105-P/2014

EX Constable M. Rauf No. 29 S/O Haji Shareen Dil R/O District Hangu.

(Appellant)

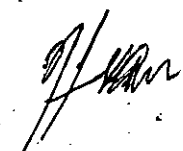
Versus

Provincial Police Officer, Khyber Pakhtunkhwa Peshawar and others.

(Respondents)

Index

S. No	Documents	Annexure	Page
1	Parawise Comments	-	1-2
2	Affidavit	-	3
3	Authority Certificate	-	4
4	Enquiry File	A	5-7
5	Officer Order No. 667/15.09.13	B	8
6	Copy P.R 12-21	C	9



Deponent

14101-4473339-7

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No. 105/2014.

Ex-Constable Muhammad Rauf son of Haji Sherin Dil R/O district Hangu.

(Appellant)

Versus

1. The Provincial Police officer Khyber Pakhtunkhwa Peshawar .
2. Commandant Police Training College Hangu.

(Respondent)

Parawise Comments on behalf of Respondent.

PRELIMINARY OBJECTION.

1. That the appeal is badly time barred.
2. That the appellant has got no locus satndi to institute the instant appeal.
3. That the appellant has been discharge under Police Rules 12.21.
4. That this honorable court has no jurisdiction to adjudicate the appeal.
5. That the appellant has no cause of action.
6. That the appellant has been stopped by has own conduct to file the appeal.

ON FACTS.

1. That Para No. 1 relates with service records, hence no comments.
2. That Para No. 2 does not relate with respondents, hence no comments.
3. That Para No. 3 has also got no relevancy with the respondents, hence no comments.
4. That Para No. 4 is incorrect . it was the discretion of respondent No. 2 to grant or refuse his leave application and the appeal having knowledge of the refusal of his leave left his duties and remained absent for in-ordinate days.
5. That Para No. 5 is incorrect. All steps had been taken to inform the appellant to attend enquiry proceeding against him, but he deliberately hided himself to receive the process and join the enquiry.
6. That Para No. 6 is incorrect. Despite the facts that the appellant was probationer dischargeable without any enquiry , he was proceeded departmentally in the course of which all efforts were taken to ensure the presence of appellant and to give him every opportunity of being heard and defense but the appellant willfully absented himself and after issuing notice against him, ex-Parte decision was taken . copy of enquiry proceeding are annexed as A to A4.
7. That the Para No. 7 is denied respondents did not file any appeal.

ON GROUND.

- A. That Para No. A is incorrect . The appellant has violated the rules of discipline and being probationer he was required to obtain leave/permission for joining the examination but he failed and absented himself from his duties which is against Police Rules and disciplinary Laws.
- B. Incorrect as case of the appellant is different he is an employee of Police Force and in his case Police Order 2002, Police Rules 1860 and 1975 apply and being probationer has been delth with under the relevant Law Rules appellant willfully absented himself to join the enquiry. Copy of relevant portion of police order and Police Rules are attached as annexure B to B3.
- C. That the Para C is incorrect. Reply has already been given above.

D. That Para D is Incorrect.

Being a probationer Constable there was no legal courses with respondent No. 2 except to discharge the appellant under Police Rules 12.21 which is mandatory copy enclosed as annexure C .

E. That the point E is denied, reply has been give in the relevant Para above.

F. That the Para F is incorrect . Appellant being recruited under Police order/ Police Rules the provision of K.P.K E & D Rules 2013 does not apply on him.

G. That the Para G is incorrect . proper disciplinary action under the Police Rules has been taken.

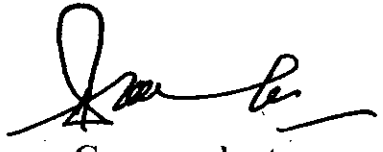
H. The Respondents seek permission of this honorable tribunal to advance further grounds at the time of arguments. The appellant being a member of Police force has deliberately rendered him self punished able deserve no leniency and relief.

I. Incorrect.

In light of these facts it is prayed that and the appeal may be dismissed with cost.



Provincial Police Officer,
Khyber Pakhtunkhwa Peshawar
(Respondent No. 1)
2/11/14



Commandant,
Police Training College Hangu.
(Respondent No. 2)

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No. 105-P/2014.

Ex Constable M. Rauf No. 29.

(Appellant).


Versus

Provincial Police Officer, Khyber Pakhtunkhwa Peshawar and others.

(Respondents).

AFFIDAVIT

I, Nazir Hussain Inspector PTC Hangu do hereby solemnly affirm and declared on oath that the contents of Para wise comments on behalf of respondents are true and correct to the best of my knowledge and believed nothing has been concealed from his hon'ble Court.


DEPONENT CINC NO.
14101-4473339-7

Indented by.
Advocate General,
Khyber Pakhtunkhwa
Peshawar

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR.**

Service Appeal No. 105-P/2014

Ex-Constable M. Rauf No. 29.

(Appellant)

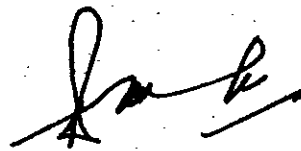
Versus

1. Provincial Police Officer, Khyber Pakhtunkhwa Peshawar.
2. Commandant Police Training College Hangu.

(Respondents)

AUTHORITY LETTER

I respondent No. 2 do hereby by authorized and allow Mr. Nazir Hussain Inspector PTC to attend the honorable Peshawar High Court Peshawar on my behalf in connection with service Appeal No. 105-P/2014 title as above and do what ever is needed in the court.



Commandant

Police Training College Hangu

دفتر جناب کمانڈنٹ صاحب پولیس ٹریننگ کالج ہنگو

"محکمہ کارروائی"

میں عبدالوحید خان کمانڈنٹ پولیس ٹریننگ کالج ہنگو بحیثیت حاکم مجاز زیر قواعد کارگزاری انضباط پولیس ۱۹۷۵ء، آپ کنشیل / کمپیوٹر اوپریٹر عبدالرؤف پی ٹی سی ہنگو پر ذیل جرم عائد کرتا ہوں:-

۱۔ الزامات کا خلاصہ:-

۲۔ آپ بحوالہ نمبر 39 مورخہ 15.08.2013 سے افسران بالا کی اجازت کے بغیر بدستور غیر حاضر ہو۔ مذکورہ کی بحوالہ OB نمبر 597 مورخہ 19.08.2013 سے تنخواہ بندش کا بھی حکم ہو چکا ہے۔ یہ واضح ہے کہ آپ سرکاری ڈیوٹی میں کوئی دلچسپی نہیں رکھتے ہو۔ آپ کا یہ فعل سنگین بدچلنی کے زمرے میں آتا ہے۔ بدیں وجہ قانون قواعد کے تابع آپ 12-21 پولیس رولز کے تحت کارروائی / سزا کے مستوجب ہو۔

۳۔ انکوائری کو مزید شفاف بنانے اور تحقیقات کو سامنے لانے کیلئے SI اجمل خان کو انکوائری ایفیر مقرر کیا جاتا ہے کہ درج بالا رولز کے تحت سفارشات پیش کرے۔

۴۔ انکوائری ایفیر کو چاہیے کہ وہ ملزم کو رولز کے مطابق روبرو پیش کریں اور ان کو بولنے اور سننے کا پورا موقع فراہم کریں اور اپنی سفارشات سات (7) یوم کے اندر اندر دفتر ہذا کو بھیج دیں۔

کمانڈنٹ
پولیس ٹریننگ کالج ہنگو

نمبر ۶۲ - ۱۱۱ اپی اے، مورخہ 21 اگست 2013

۱۔ SI اجمل خان پی ٹی سی ہنگو برائے مناسب کارروائی کرنے برخلاف ملزم بالا بحوالہ قواعد کارگزاری و انضباط پولیس ۱۹۷۵ء۔

۲۔ کنشیل / کمپیوٹر اوپریٹر عبدالرؤف پی ٹی سی ہنگو۔

Attested

محمد طارق عالی محمد روف نے اجازت 24/8/13 سے محکمہ کارروائی کی درخواستیں

محمد طارق عالی

3339383462

محمد طارق عالی

24/8/13

دفتر جناب کمانڈنٹ صاحب پولیس ٹریننگ کالج ہنگو

"فرد جرم"

میں عبدالوحید خان کمانڈنٹ پولیس ٹریننگ کالج ہنگو بحیثیت حاکم مجاز زیر قواعد کارگزاری و انضباط پولیس ۱۹۷۵ء / ۱۲-۲۱-۱۹۷۵
آپ کنسٹیبل / کمپیوٹر اوپریٹر عبدالرؤف پی ٹی سی ہنگو پر ذیل جرم عائد کرتا ہوں:-


۱۔ الزامات لف ہے۔

۲۔ یہ کہ بدیں حالات و واقعات آپ کو ملزم برائے بد عنوانی بحوالہ اختیارات و قواعد کارگزاری و انضباط پولیس ۱۹۷۵ء کے تحت آپ اپنے اس عمل کے خود ذمہ دار ہیں اور آپ کے جرم بالا کی بابت جو قوانین مروج اور مرتب ہیں اُنکے تحت کروائی کی جائے گی۔

۳۔ یہ کہ با امر بالا کی رو سے آپ کو چاہیے کہ اپنے دفاع میں تحریری جواب مرتب کر کے اندرسات (7) یوم بعد از وصولی فرد جرم، مقررہ انکوائری افسر جو بھی ہے کو پہنچائیں۔

۴۔ یہ کہ اگر آپ مذکورہ یوم میں اپنا تحریری جواب اپنے دفاع میں جمع کرانے سے قاصر رہے تو یہ سمجھا جائے گا کہ آپ کے پاس اپنے دفاع میں کچھ نہیں اور آپ کے خلاف یک طرفہ کارروائی عمل میں لائی جائے گی۔

۵۔ آپ اگر چاہیں تو اس سلسلے میں اصالتاً زیر دستخطی کے سامنے پیش ہو سکتے ہیں۔


کمانڈنٹ
پولیس ٹریننگ کالج ہنگو


Attested.

جناغالی

حضور حضرت بیوں کر بسیدر انکوٹری برخلاف ٹیٹل محمد روف نمبر PA

جناب کمانڈنٹ صاحب جو عرصہ $\frac{15}{13}$ سے بحال رہ رہ کر 39 بدستور
 غیر حاضر کے مذکورہ کے خلاف حکمانہ کارروائی کا نوٹس بھی جاری ہوا
 جو یہ نام مارک کر مذکورہ کی تلاش کیلئے نہ مل سکا ٹیٹل فون
 نمبر آریا کے عرصہ $\frac{24}{13}$ پر مذکورہ کا ٹیٹل محمد صادق ساتھ شہو بازار
 میں تعلقات ہوئی نوٹس لکھی گئی مذکورہ کے ٹیٹل محمد صادق کو رہبر
 طاہر حسین بھٹو ریسورٹ PTC سٹیو اور عمر زمان PTC Hc سٹیو حوالہ کیلئے
 کہ کاپی محمد روف کو حوالہ کی جائیگی۔ یہی بار محمد صادق اور محمد روف کی
 حوالگی نہ ہو رہا ہے کرنے کی کوشش کیلئے نہیں بدستور نمبر آریا
 محمد روف کے ٹیٹل محمد صادق سے ایک بار رابطہ ہوا محمد روف کے بارے میں
 کیلئے نہیں وہ نہ محمد روف کا صحیح جہ بتاتا ہے اور نہ اس کے ساتھ ہوا
 رابطہ کرتے ہیں اور نہ تعاون کرتے ہیں
 جہاں تک مذکورہ سے بیان لے کر تعلق ہے نہ ہمیں صحیح جہ معلوم ہے
 اور نہ جانے موجودگی کا ہمیں کوئی علم ہے ایسے حالات میں
 انکوٹری وزیر اپنے پاس رکھنا وقت کی فضول ضائع ہے
 میرے ناقص ذہن سے مطابق مذکورہ کے خلاف اگر بیک وقت کارروائی
 کی جائے بہتر ہوگا

انکوٹری رپورٹ مرتب ہو کر ملر مناسب حکم گزارش ہے


 Ajmal Khan S.I
 I.S.P.T.C Hangu
 2.9.013

Attested.



REFERENCE ATTACHED

R/Sir,

Charge Sheet and summary of allegation issued to Const: Abdul Rauf is placed at (F/A), while finding of SI Ajmal Khan enquiry officer is attached at (F/B).

Submitted for favour of perusal and order please.

W/Comdt:

SRC

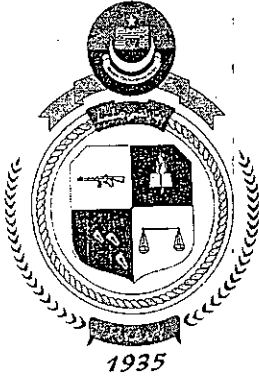
Discharged under 12-21

9/9

PA to Comdt:

21/9

Attested.



Ph # 0925-621886
Fax # 0925-623236

9

Office Of The Commandant Police Training College Hangu.

ORDER

This order passed on the departmental enquiry against constable Abdul Rauf of PTC Hangu.


He while posted as PA to Commandant PTC Hangu, absented himself from his official duty with effect from 15.08.2013 vide Daily Dairy No.13 without any leave or permission from the competent authority. His pay was stopped vide OB No. 597 dated 19.08.2013 He is still absent. He was issued charge sheet and statement of allegation and SI Ajmal Khan appointed the Enquiry Officer. The Enquiry Officer submitted his finding and held to be guilty of miss-conduct.

On perusal of service roll, it revealed that the above named constable has enlisted on 16.09.2011. During the short period of service, his such absence shows that he is not interested in his job. Therefore, he is hereby discharged from service under Police Rules 12-21 with immediate effect.

Order announced on 09.09.2013.

OB No. 667

Dated. 15/09/2013


Commandant

Police Training College, Hangu.

No. 737 /EC, Dated Hangu the, 18/09/2013.

Copy of above is sent to Ex:Constable Muhammad Rauf son of Haji Sherin Dil resident of Kotki Payan Moh: Rahib Abad District Hangu for information.

Attested

.....

Discharge اس چھٹی کو فراہم ہے جس کے علاوہ اس کے ذریعہ Discharge

7- اس کے علاوہ اس کے ذریعہ اس کے علاوہ اس کے ذریعہ اس کے ذریعہ

6- اس کے علاوہ اس کے ذریعہ اس کے علاوہ اس کے ذریعہ اس کے ذریعہ

5- اس کے علاوہ اس کے ذریعہ اس کے علاوہ اس کے ذریعہ اس کے ذریعہ

4- اس کے علاوہ اس کے ذریعہ اس کے علاوہ اس کے ذریعہ اس کے ذریعہ

3- اس کے علاوہ اس کے ذریعہ اس کے علاوہ اس کے ذریعہ اس کے ذریعہ

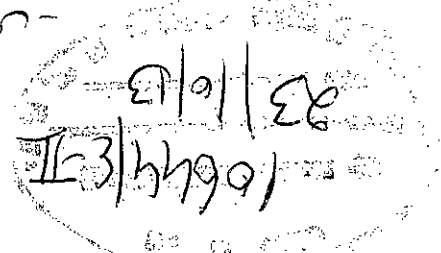
2- اس کے علاوہ اس کے ذریعہ اس کے علاوہ اس کے ذریعہ اس کے ذریعہ

1- اس کے علاوہ اس کے ذریعہ اس کے علاوہ اس کے ذریعہ اس کے ذریعہ

4/11/13
7731
10

4/11/13
7731
10

جیو راجا موہن پورانی پوٹری پتھر پتھر پتھر پتھر پتھر پتھر پتھر پتھر پتھر پتھر
PTC
18.09.2013
PTC
16.09.2011
PTC
13/10/13
7731
10



10

(1)

(11)

ثابت ہو تو اسے قواعد کے تحت باقاعدہ سزا دی جاتی ہے۔

8- یہ کہ اس پورے عمل میں سائل کو صفائی پیش کرنے یا کسی گواہ یا دستاویز پر جرح کرنے کا کوئی موقع نہیں دیا گیا جو قانون، قواعد اور قدرتی انصاف کے خلاف ہے۔

9- نہ صرف یہ کہ سائل کے ساتھ نا انصافی کی گئی بلکہ سائل کی تنخواہ بھی بند کی گئی ہے جو کسی صورت میں جائز نہیں ہے۔

10- سائل نے غیر حاضری سے قبل باقاعدہ رخصت کی درخواست گزاری تھی اور میری مجبوریوں کا جناب کمانڈنٹ صاحب کو علم تھا۔

11- یہ کہ سائل ایک تعلیم یافتہ جوان ہے شوق سے نوکری کرنے کا خواہاں ہے۔ سائل نے حکم کی منسوخی کے لئے جناب کمانڈنٹ صاحب کو تحریری درخواست گزاری تھی جو تا حال فیصلہ طلب ہے۔

بذریعہ درخواست ہذا استدعا ہے کہ حکم محررہ 18-09-2013 جاریہ جناب کمانڈنٹ صاحب پی ٹی سی ہنگو منسوخ کر کے سائل کو نوکری پر بحال کرنے اور سائل کی تنخواہ آزاد کرانے کا حکم صادر فرمایا جاوے۔

cc
Pr m/s
31/10

عین نوازش ہوگی

العارض

کامپلٹیشن محمد رؤف بلٹ نمبر 29، پی ٹی سی ہنگو، گاؤں کوٹھی پایان محلہ رحیم آباد، تحصیل و ضلع ہنگو۔

مورخہ 22-10-2013

26715/Pr 28/10/13

Forwarded to RPO Kohat Region for comments please.

// Registrar. //
Attested

درخواست بمراد منظوری رخصت 60 یوم

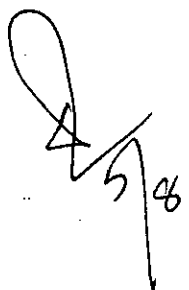

جناب عالی!

گزارش بحضور والا شان یہ ہیکہ سائل سال 2011 میں بحیثیت کنسٹیبل بھرتی ہو کر بطور کمپیوٹر اپریٹیکریسی اور اب بطور PA ٹو جناب کمانڈنٹ صاحب خدمات سرانجام دے رہا ہوں۔
جناب والا سائل نے 2010ء میں B.Sc کا امتحان دے کر 2 مضامین فیل ہیں۔
سائل ہر بار شامل ہو کر تاحال کامیابی حاصل نہ کر سکا۔

سال 2011ء میں DIT کے پہلے سمسٹر میں 532/800 نمبر حاصل کئے مگر پولیس میں بھرتی کے ٹسٹ 1 انٹرویو کی مصروفیات کی وجہ سے دوسرے سمسٹر میں امتحان باوجود داخلہ اور موصولی روٹ نمبر نہ دے سکا۔
سال 2010-11ء میں نیٹ ورکنگ کورس کر کے آن لائن مائیکروسافٹ کے چھ 61 پیپروں میں سے دو 2 پاس کئے جبکہ 4 پیپرز بقایا ہیں۔ چونکہ سائل کے مستقبل کا مسئلہ ہے موجودہ مصروفیات اور کام کی زیادتی کیوجہ سے کامیابی ناممکن ہے۔

لہذا بذریعہ درخواست ہذا استدعا کیجاتی ہے کہ سائل کو درج بالا ضروریات تیاری امتحانات کے پیش نظر مستقبل بنانے کے لئے 60 یوم رخصت دینے کا حکم صادر فرماویں۔ سائل دعا گو رہیگا۔

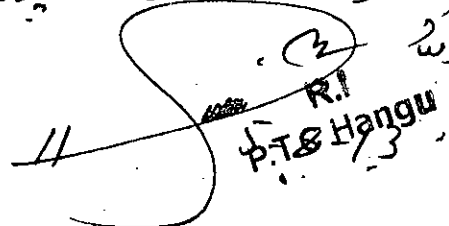
العارض

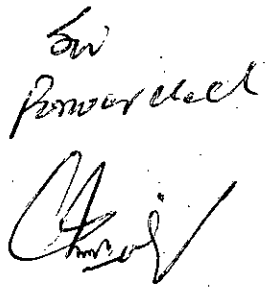


تابع فرمان کنسٹیبل مجرؤف نمبر 29، حال PA ٹو جناب کمانڈنٹ صاحب پولیس ٹریننگ کالج ہنگو۔

جناب عالی:-
درخواست سندھ ادارہ نیا ماحولی شدہ 2۔
مذکورہ ادارہ نیا میں بطور P.A ٹو جناب کمانڈنٹ صاحب
خدمت سرانجام دے رہا ہے۔ جس نے 60 یوم رخصت
دینے کی بزرگم شوری درخواست استدعا کی ہے۔ رپورٹ برار
جناب قسم پیش خدمت


R.I
P.T.C. Hangu

Attested


Dy/Supt of Police
Admn
P.T.C. Hangu

(13) V

From: The Dy. Inspector General of Police,
Kohat Region, Kohat.

To: The Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.

No. 8737 /EC Dated Kohat the 01/11/2013.

CR# 3699/EB
OFFICE OF THE PROVINCIAL POLICE OFFICER
KHYBER PAKHTUNKHWA PESHAWAR
577
25/11/2013

Subject: APPLICATION.

MEMORANDUM.

Kindly refer to your office Endst: No. 26715/E-III, dated 28.10.2013.

The application of Constable Muhammad Rauf No. 29 received with your above quoted reference is returned herewith in original with the request that the matter relates to Commandant, PTC Hangu please.

1191/E-III
2/11/13

[Signature]
Dy: Inspector General of Police,
Kohat Region, Kohat.

OFFICE OF THE PROVINCIAL POLICE OFFICER KHYBER PAKHTUNKHWA PESHAWAR.

NO. 26260 /E-III dated peshawar the 18/11/2013.
Copy of above is forwarded to Commandant PTC Hangu for comments.

Full Application

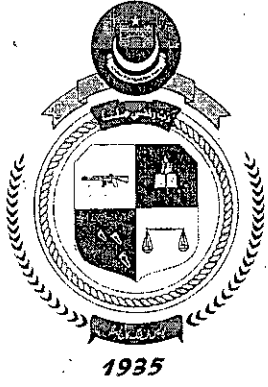
[Signature]
REGISTRAR,
FOR PROVINCIAL POLICE OFFICER,
KHYBER PAKHTUNKHWA
PESHAWAR.

SRC
[Signature]
23/11

Submitted 14

w/ [Signature]

[Signature]
Attested.
OS
24/11



Ph # 0925-621886
Fax # 0925-623236

Office Of The Commandant Police Training College Hangu.

To The Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.

No. 911 /EC, dated Hangu the, 05 / 12/2013.

Subject: APPLICATION.

Memo:-

Kindly refer to your office Endst: No. 28260/E-II, dated 18.11.2013.

It is submitted that comments on the application of Ex: Constable Muhammad Rauf No. 29 have not been offered as he was discharged under 12-21 which is not appealable please.

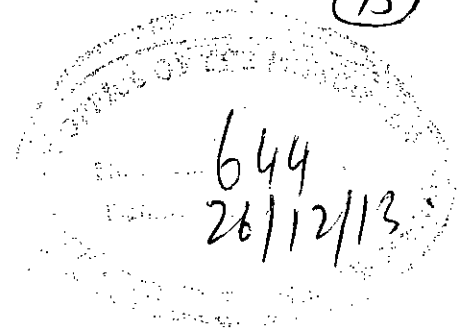
Commandant
Police Training College, Hangu.

Attest

15

From: The Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.

To : The Commandant PTC,
Hangu.



No. 30972 /E-II dated Peshawar the 18 /12 /2013

Subject: APPLICATION.

Memo:

Please refer to your letter No. 911/EC, dated: 05.12.2013.

Reason of discharge of Ex-Constable Muhammad Rauf No. 29 may please be intimate alongwith a copy of his discharge order please.

(Signature)
(SYED FIDA HASSAN SHAH)
AIG/Establishment
For Provincial Police Officer,
Khyber Pakhtunkhwa
Peshawar

Submitted please

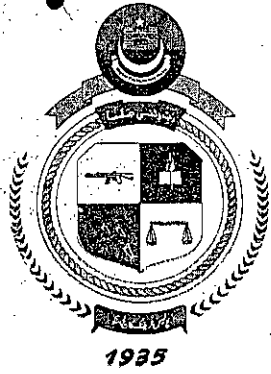
W/ Commandant

(Signature)
26/12/13

SKC

Attested.

(Signature)
26/12



Ph # 0925-621886
Fax # 0925-623236

OFFICE OF THE COMMANDANT POLICE TRAINING COLLEGE HANGU

To: The Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.

No. 12 / EC, Dated Hangu the ,

09 / 01/2014.

Subject:- APPLICATION.

Memo:-

Kindly refer to your office Memo: No. 30972/E-II, dated 18.12.2013.

It is submitted that the applicant Ex: Constable Muhammad Rauf No.29 of this college was discharged under Police Rules 12-21, because he was absent from duty with effect from 15.08.2013 without any leave or permission from the competent authority. Photocopy of his discharge order is enclosed herewith as desired please.

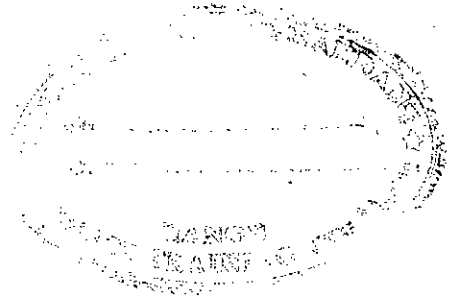
Commandant,
Police Training College, Hangu.

Attested.

2
17

From: The Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.

To: The Commandant PTC,
Hangu.




No. 2920 /E-II, dated Peshawar the 29 /01 /2014

Subject: APPLICATION

Memo:

Please refer to your Memo No. 12/OASI dated: 09.01.2014


Enquiry Report of Ex-Constable Abdur Rauf of PTC Hangu may please be furnished to this office.


(SYED FIDA HASSAN SHAH)
AIG/Establishment
For Provincial Police Officer,
Khyber Pakhtunkhwa
Peshawar.

OASI

SRE
was not
furnished eslie

~~XXXXXXXXXX~~
~~XXXXXXXXXX~~
3/5


3/2

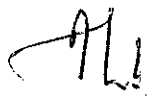
Attested.

R/Sis,

No. His discharge
order was sent o

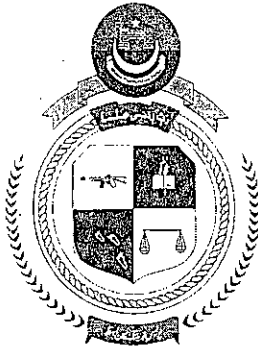
Submitted Plea

Yes
W/ Commandant:


11/5/2

18

X



1935

Ph # 0925-621886
Fax # 0925-623236

OFFICE OF THE COMMANDANT POLICE TRAINING COLLEGE HANGU.

To: The Provincial Police Officer,
Khyber Pakhtunkhwa Peshawar..

No. 83 /EC, Dated Hangu the, 16/02/2014.

Subject: APPLICATION.
Memo:

Kindly refer to your office Memo: No. 2920/E-II, dated 29.01.2014.

It is submitted that finding of enquiry report of Ex: Constable Abdur Rauf No.29 is enclosed herewith, as desired please.

Commandant

Police Training College, Hangu.

Attested

(3)۔ اگر کسی افسر نے اپنے لائے ہوئے امیدوار کی خوراک و سفر پر اپنی جیب سے ہرگز خرچ کیا ہو تو صاحب سپرنٹنڈنٹ انعامات کی منظور شدہ رقم سے ہر ایک رگروٹ کے واسطے اپنی روپیہ کی غائبی حد تک اس طرح کے اصلی اخراجات ادا کر سکتے ہیں بشرطیکہ وہ رگروٹ منظور کر کے بھرتی کر لیا جائے۔

رگروٹوں کی بھرتی کی تاریخیں۔

12-20۔ جو نئی اور جب موزوں اشخاص میسر آئیں، صاحبان سپرنٹنڈنٹ پولیس جنرل کنستبل کی آسامیوں کو پر کریں گے۔ اگر ضرورت ہو تو بھرتی کرنے والی جماعتیں بھی بھیجی جاسکتی ہیں اور ایسے پولیس افسر کو جو فی الواقع عمدہ رگروٹ مہیا کرے سفر خرچ کے علاوہ کچھ انعام بھی دینا چاہئے۔ تمام رگروٹوں کے بھرتی ہونے کی تاریخوں کو جس قدر ممکن ہو اس بات کا یقین کرنے کے لئے متقرر کیا جائے کہ آدمیوں کی کافی تعداد اسی تاریخ پر بھرتی کی جاتی ہے تاکہ شروع سے اجراء تک رگروٹ نصاب کے مطابق اپنے رگروٹوں کی ایک ٹریننگ پارٹی بنا لی جاسکے۔

ناقابل اشخاص کی برطرفی۔

12-21۔ اگر کسی کنستبل کی نسبت معلوم ہو جائے کہ وہ غالباً قابل پولیس افسر بنانے کے لئے اور اگر صاحب سپرنٹنڈنٹ اس کو بھرتی سے تین سال کے اندر کسی ذلت نمازمت سے علیحدہ کر سکتے ہیں۔ جو حکم برطرفی زیر قاعدہ ہذا جاری کیا جائے گا اس کے خلاف کوئی اپیل نہیں ہو سکے گی۔

سرٹیفکیٹ تقرری۔

12-22 (1)۔ ہر ایک بھرتی شدہ پولیس افسر کو پولیس ایکٹ کے متفرقہ نامہ رقم 12-22 (1) پر ایک سرٹیفکیٹ تقرری دیا جائے گا اور اپنے اعمال نامہ میں اس کی ریسٹریکٹڈ کاپی رکھے گا۔ ایسے سرٹیفکیٹوں پر وہی گزٹ شدہ افسر دستخط کرے گا جسے اس تقرری کے اعتبارات حاصل ہیں۔

(2)۔ دوران معطلی یہ سرٹیفکیٹ بھی معطل رہیں گے اور نمازمت سے علیحدگی پر اس کو دے دیے جائیں گے۔

کھوجی۔

12-23 (1)۔ جن اصلاح میں دیسی طریقوں کے بمطابق کھوج لگانے کا رواج قائم و جاری ہے ان میں صاحبان سپرنٹنڈنٹ پولیس پیشہ اور کھوجیوں کو 35 برس کی عمر تک ان کی لیاقت کے مطابق بطور کنستبل یا ہیڈ کنستبل بھرتی کر سکتے ہیں۔

(2)۔ کھوجیوں کے واسطے قاعدہ 12-15 کے بمطابق جسمانی اوصاف لازمی ہیں لیکن وہ قواعد نمبر 12-16 و 12-18 کے پابند ہوں گے۔ جو کھوجی چال چلن یا کسی فی شعور کے لحاظ سے

Attested

تقرری اور تقرر
کے متعلقہ
کے متعلقہ
کے متعلقہ

(3)۔ صاحب
پولیس
کے متعلقہ
کے متعلقہ
کے متعلقہ

(4)۔ جب
کے متعلقہ
کے متعلقہ

(5)۔ کھوج
کے متعلقہ
کے متعلقہ

(1)۔

(1)۔

(2)۔

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No. 1123-24 /ST

Dated 23 / 7 /2014.

To,

1. The Provincial Police Officer,
Khyber Pakhtunkhwa Peshawar.
2. The Commandant Police Training College,
Hangu.

Subject:- APPEAL NO. 105/2014 MUHAMMAD RAUF VS PPO AND ONE OTHER.

I am directed to forward herewith the following order dated 03.7.2014 passed by this Tribunal on the above appeal for strict compliance.

“Appellant with counsel and Mr. Usman Ghani, Sr. GP for the respondents present. Mr. Arifullah, HC submitted written reply/para-wise comments on behalf of the respondents and on inquiry, he disclosed that he has been deputed to attend the Court/Tribunal on his behalf by Nazir Hussain, Inspector PTC Hangu. The conduct of the said Nazir Hussain, Inspector PTC Hangu is highly objectionable as he has deputed a low rank Police Officer to represent the respondents i.e PPO, KPK and Commandant, PTC Hangu. Therefore, salary of the said Inspector is attached, and order of attachment be sent to both the said respondents for implementation and compliance report, alongwith direction to both the respondents to appear in person on the next date with explanation for the conduct of the Inspector. A copy of the written reply is handed over to the learned counsel for the appellant for rejoinder on 11.11.2014.

Sd/---xxx
Chairman


REGISTRAR

KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR.

بعدالت جناب چیئر مین صاحب سروس ٹریبونل پشاور

عنوان: محمد رائف بنام کمانڈنٹ PTC، ہنگو وغیرہ

سروس اپیل نمبر 105/2014

735
29-8-14

﴿درخواست دربارہ دیئے جانے معافی و بحال کرنے تنخواہ﴾

جناب عالی!

سائل ذیل گزارشات اپنی بے قصوری کے لحاظ سے عرض کرنا چاہتا ہے۔

- 1- یہ کہ سائل اپیل بالا معزز عدالت میں زیر سماعت ہے اور اپیل کی درستگی کے Parawise Comments عدالت معزز میں مورخہ 03.07.2014 کو داخل کرنا درکار تھے۔
 - 2- یہ کہ قدرتی طور سائل موسمی بخار میں مبتلا ہوا جو اس دوران لانگ ریسر رخصت پر تھا اور علاج معالجہ کر رہا تھا۔
 - 3- یہ کہ عدالت کے احکام کی بجا آوری کی خاطر اپنی بیماری کی مجبوری کے ہاتھوں ہیڈ کانسٹیبل کے ذریعے Parawise Comments عدالت کو بھجوائے۔
 - 4- یہ کہ قصداً عہدہ ایسا نہیں کیا ہے۔ بلکہ مجبوری اور بیماری کی وجہ سے حاضر عدالت نہ ہوا ہے۔
- آپ جناب والا سے ماتحتانہ، عاجزانہ استدعا ہے کہ اس بار درگزر فرما کر تنخواہ کے بحال کرنے اور محکمانہ سطح پر سائل کو برائے محکمانہ انکوائری جو چارج شیٹ دیا گیا ہے۔ بغیر کسی کارروائی کے داخل دفتر فرمانے کا حکم صادر فرمائیں۔

العارض

انسپیکٹر ناظر حسین بی بی سی ہنگو

H. H. H.
18.8.14

Allowed, with
warning to be
careful in future.

22/8/14

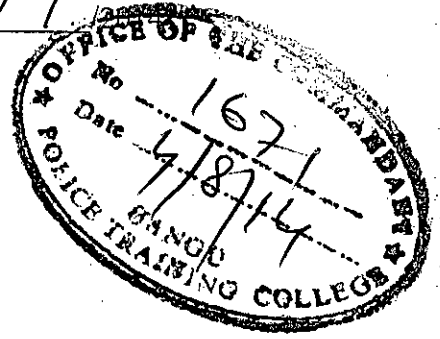
KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No. 112324/ST

Dated 23/7

To,

1. The Provincial Police Officer,
Khyber Pakhtunkhwa Peshawar.
2. The Commandant Police Training College,
Hangu.



Subject:- APPEAL NO. 105/2014 MUHAMMAD RAUF VS PPO AND ONE OTHER.

I am directed to forward herewith the following order dated 03.7.2014 passed by this Tribunal on the above appeal for strict compliance.

“Appellant with counsel and Mr. Usman Ghani, Sr. GP for the respondents present. Mr. Arifullah, HC submitted written reply/para-wise comments on behalf of the respondents and on inquiry, he disclosed that he has been deputed to attend the Court/Tribunal on his behalf by Nazir Hussain, Inspector PTC Hangu. The conduct of the said Nazir Hussain, Inspector PTC Hangu is highly objectionable as he has deputed a low rank Police Officer to represent the respondents i.e PPO, KPK and Commandant, PTC Hangu. Therefore, salary of the said Inspector is attached, and order of attachment be sent to both the said respondents for implementation and compliance report, alongwith direction to both the respondents to appear in person on the next date with explanation for the conduct of the Inspector. A copy of the written reply is handed over to the learned counsel for the appellant for rejoinder on 11.11.2014.

Sd/---xxx
Chairman

[Signature]
REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Submitted Please

W/Comdt.

*Inspector
Legal*

*To speak
insp*

*AW
4/8/14*

*alongwith
Nazir Hussain*

[Signature]

04/08/14

11-11-2014 FB-I

723
18-8-14

CHARGE SHEET

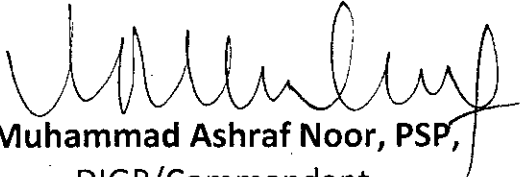
I Muhammad Ashraf Noor Commandant PTC Hangu as competent authority Charge you Inspector Nazar Hussain as follow.

1. That you being inspector legal and departmental representative in service appeal No. 105/2014 titled Muhammad Rauf versus Provincial Police Officer Khyber Pakhtunkhwa Peshawar etc. failed to personally attend the Honorable KPK Service Tribunal Peshawar and to Submit the Parawise comments on 03.07.2014 and deputed Head Constable Arif Ullah on your behalf for the purpose.
2. That the honorable Chairman KPK Service Tribunal Peshawar look serious notice of it in his order dated 03.07.2014 Communicated by Registrar vide letter No. 1123-24 dated 23.07.2014 and called the Worthy Provincial Police officer and the undersigned to personally appear before him.
3. That your this act /omission amount a gross misconduct, inefficiency and negligence in the performance of your duties.

You are hereby issued this charge sheet as to why you should not be delth with departmentally and awarded major punishment specified in Police Rules 1975.

Your reply should reach to the enquiry officer nominated in summary of allegations within 3 days of the receipt of this charge sheet, otherwise it shall be presumed that you have no reply/defense to offer and in that case ex-parte action shall be taken against you.

Intimate whether your wish to be heard is person or otherwise.


Muhammad Ashraf Noor, PSP,
 DIGP/Commandant
 Police Training College, Hangu.

No. 131-34/PA, Dated Hangu the, 12/08/2014.

Copy to Inspector Nazar Hussain along with summary of allegation.

Put up to the court with relevant file on due date.
Spjst
18/8/14

SUMMARY OF ALLEGATION

I Muhammad Ashraf Noor Commandant PTC Hangu as competent authority is of the opinion that, Nazar Hussain Inspector PTC Hangu as Inspector Legal has rendered himself liable to be proceeded departmentally as he has committed the following act/omission as specified in Police rules 1975.

1. That he being departmental representative in service appeal No. 105/2014 titled Muhammad Rauf v/s Provincial Police Officer Khyber Pakhtunkhwa Peshawar etc. failed to attend the honorable Khyber Pakhtunkhwa service Tribunal Peshawar on 3.7.2014 and to submit Parawise comments and deputed a Head Constable for the purpose.
2. That the honorable chairman KPK Service Tribunal Peshawar took Serious notice of it in his order communicated vide letter No.1123-24 ST date 23.07.2014 by Registrar KPK Service Tribunal Peshawar and took it as objectionable .

His this act/omission amounts a gross misconduct, negligence and lack of interest in the performance of his legal duties, actionable under the provisions of Police Rules 1975.

3. To scrutinize the above allegation Mr. Aziz ur Rehman DSP Legal PTC Hangu is appointed as enquiry officer.
4. The enquiry officer will give an opportunity of being heard, chance of defense to the delinquent officer and will submit his finding to the undersigned within 15 days complete in all respect.



Muhammad Ashraf Noor, PSP,
DIGP/Commandant
Police Training College, Hangu.

No. 1131-34/PA, Dated Hangu the,

12 / 08/2014.

Copy to the:-

1. Worthy Provincial Police officer Khyber Pakhtunkhwa Peshawar.
- ✓ 2. Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar vide his letter No. 1123-24 ST 23.07.2014 date 23.07.2014 The pay of the delinquent officer has been stopped as per direction and rule.
3. Enquiry Officer concerned.



Muhammad Ashraf Noor, PSP,
DIGP/Commandant
Police Training College, Hangu.

FB-1
11-11-14

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

No. 1236-37/ST,


Dated Peshawar, the 22-08/2014.

To:

1. The Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.
2. The Commandant Police Training College,
Hangu.

Subject:- APPEAL NO. 105/2014 MUHAMMAD RAUF VERSUS PPO
AND ANOTHER.

Reference this office letter No. 1123-24/ST, dated 23.07.2014 on the subject noted above and to state that the Worthy Chairman of this Tribunal ordered to release salary of Mr. Nazir Hussain, Inspector PTC Hangu; with warning to be careful in future.


REGISTRAR,
KPK SERVICE TRIBUNAL,
PESHAWAR.



760
4-9-14

FIB
11-11-

Ph # 0925-621
Fax # 0925-62325

Office of the Commandant Police Training College Hangu.

ORDER.


Inspector Nazar Hussain of PTC Hangu was proceeded against departmentally on the basis of allegations that he being departmental representative in service appeal No. 105/2014 titled as Muhammad Rauf versus Provincial Police Officer Khyber Pakhtunkhwa Peshawar etc. failed to appear personally before the Honourable Service Tribunal Peshawar on 03.7.2014, instead deputed Head Constable Arif Ullah to attend and submit parawise comments on the date fixed. The Honorable tribunal took notice of this attitude vide order sheet dated 03.7.2014 which was communicated by the Registrar Services Tribunal to the W/Provincial Police Officer KPK Peshawar and the undersigned and also ordered to stop his pay.

On the basis of above he was served with charge sheet/statement of allegations under Police Disciplinary Rules-1975 and Mr. Aziz-ur-Rehman DSP Legal was appointed as Enquiry Officer to conduct departmental enquiry against him. After completion of enquiry, the enquiry officer submitted his findings on 25.08.2013 recommending therein minor punishment of warning.

As the accused Inspector had preferred an application to Chairman Services Tribunal Peshawar requesting therein that he was suffering from fever/illness and was unable to attend the Honorable Court personally and requested to release his salary as his act/omission was not intentional/deliberate. The Honourable tribunal accepted the request/plea of the accused officer and directed to release his pay.

In view of the above facts the matter has been disposed off by the Honorable Tribunal itself. Therefore, he is being **warned** to be careful in future and his pay is hereby released.

Order Announced.


(Muhammad Ashraf Noor), PSP
Commandant,
Police Training College Hangu.

No. 1422 /PA dated Hangu The, 30/8 /2014.

Copy of above is forwarded to the:-

1. W/Provincial Police Officer/IGP, Khyber Pakhtunkhwa, Peshawar for favour of information please.
2. Registrar Service Tribunal Peshawar vide his letter No. 1236-37/ST dated 22.08.2014. The pay of the delinquent officer has been reopened as per direction and rule.
3. Inspector Nazar Hussain, Pay Officer, SRC for necessary action.

Put up to the court
with relevant appeal.
Reader
concerned

4/9/14

P

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.105-P/2014

Ex-Constable Muhammad Rauf S/o Haji Sherin Dil
.....Appellant.

Versus

The Provincial Police Officer and othersRespondents.

**REJOINDER ON BEHALF OF APPELLANT IN
RESPONSE TO REPLY FILED BY
RESPONDENTS.**

Respectfully Sheweth,

Preliminary Objections:

05
22.02.13

Preliminary objections raised by answering Respondents are erroneous and frivolous, as having no factual and legal backing. The respondents have failed to explain as why the appellant has got no locus standi and cause of action, how the appeal suffers from laches and time bar, how appellant is estopped by his conduct, how the appellant is not an aggrieved person in terms of Section 4 of the Khyber Pakhtunkhwa Service Tribunal and how the appeal is not maintainable. No plausible explanation has been provided/submitted by the answering respondent in support of their contentions. No specific and due objection regarding the controversial question of facts involved in the instant writ petition has been raised, therefore, the appellant is unable to submit proper

rejoinder to the preliminary objections raised by the respondents.

Facts:

1. That the answering respondents have not rebutted, Para No.1 to 3 of the appeal, therefore, the contention of the appellant has been proved.
2. That no proper answer has been submitted in response to Para No.4 of the appeal. The document annexed by the respondents has proved that appellant has duly submitted application for proceeding on leave. The cause for proceeding on leave was very genuine and has been supported by documentary evidence. The leave sanctioning authority was under legal duty to sanction the same. In case the duty of appellant was somewhat on urgent and need basis, the authority was under legal obligation to inform the appellant regarding the fate of the application with reason thereon, but the authority without adopting the legal procedure on the application of the appellant; marked him as absent. The very nature of so called absence shows that it was not willful, but for reasons of appellant's participation in his schedule examination. Mere absence cannot be termed as willful absence. More so the authority was required to wait for appellant arrival back and then to proceed against him. There was no urgency to go against him ex-party.
3. That reply to Para No.5 of the appeal by the answering respondents is incorrect, hence denied.

Rule 9 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 provide that in case of willful absence a notice shall be served by the competent authority through registered acknowledgment on the absentee home address directing him to resume duty within 15 days of the issuance of the notice and in case the notice is received back as undelivered or no response is received from the absentee within stipulated time, a notice shall be published in at least two leading news papers directing him to resume duty within 15 of the publication of this notice, failing which ex-parte decision shall be taken against him.

In the instant case neither a notice has been served by the competent authority on the home address of the appellant as per provision of the rule ibid nor a notice in leading news papers have been published. In absence of conformity with the prescribed rules cited ibid, the so called efforts as narrated by the respondents cannot be termed as legal. On this score the contention of respondents are erroneous in nature. The Honourable Supreme Court of Pakistan has laid down a law/principle that when a law prescribes something to be done in a particular manner the same should be done in that manner or not at all. The so called procedure adopted by the inquiry officer has no legal backing. The same is not the approved process of law.

4. That reply to Para No.6 of the appeal by the answering respondents is also incorrect, hence denied. The detail answer has already been

submitted by the appellant in Para No.3 of the instant rejoinder, however, it is humbly submitted that probationer being civil servant, therefore, he cannot be outstod without adopting legal required procedure as provided in the statute and statute rules. Reliance is placed on reported judgment 2000 SCMR &75(a).

5. That reply to Para No.7 of the appeal by the answering respondents is incorrect, hence denied. It is very astonish that on one hand the answering respondents deny that no departmental appeal has been submitted by the appellant and whereas on the other hand themselves have attached copy of the departmental appeal with their reply. The diary No 10644/E-II has also been endorsed on the departmental appeal of the appellant.

Grounds:

A-I: The replies to grounds A-I of the appeal are mere repetition of the facts, hence no need of further elucidation. Appellant rely on his grounds already submitted in memo of appeal. However, it is pertinent to explain that the terms and conditions of appellant are governed under Khyber Pakhtunkhwa Civil Servant Act, 1973 and the Rues made there under. Khyber Pakhtunkhwa Govt: Servant (Efficiency and Discipline) Rules, 2011 has been enacted/framed under section 26 of the Civil Servant Act, 1973, therefore, disciplinary action could only be taken under the said Rules.

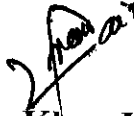
It is, therefore, humbly prayed that the reply of answering Respondents may graciously be rejected and the appeal as prayed for may graciously be accepted with costs.

Through


Appellant


Ashraf Ali Khattak

and


Nawaz Khan Khattak
Advocate, Peshawar.

Dated: _____ / 11/ 2014

Affidavit

I, Ex-Constable Muhammad Rauf S/o Haji Sherin Dil, do hereby affirm and declare on oath that the contents of this rejoinder are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.




Deponent

VAKALATNAMA

IN THE COURT OF KPK Service Tribunal Peshawar

OF 2015

Mohammad Rauf

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Police Department

(RESPONDENT)
(DEFENDANT)

I/We Mohammad Rauf

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. ____/____/2015



CLIENT



ACCEPTED

NOOR MOHAMMAD KHATTAK
(ADVOCATE)

OFFICE:

Room No.1, Upper Floor,
Islamia Club Building, Khyber Bazar,
Peshawar City.

Phone: 091-2211391

Mobile No.0345-9383141

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No. 798 /ST

Dated 16 / 5 / 2016

To


The Commandant Police Training College,
Hangu.

Subject: -

JUDGMENT

I am directed to forward herewith a certified copy of Judgement dated 29.4.2016 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.