

S. No.	Date of Order or proceedings.	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	08.02.2017	<p style="text-align: center;"><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,</u> <u>CAMP COURT SWAT</u></p> <p style="text-align: center;">Service Appeal No. 4072016</p> <p style="text-align: center;">Ali Rehman Versus Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and others.</p> <p style="text-align: center;"><u>MUHAMMAD AZIM KHAN AFRIDI, CHAIRMAN:</u></p> <p>Counsel for the appellant and Mr. Muhammad Zubair, Senior Government Pleader alongwith Khawas Khan S.I (Legal) for 1 respondents present.</p> <p>2. Ali Rehman Ex-constable No. 1355 District Police, Swat hereinafter referred to as the appellant has preferred the instant service appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974 against order dated 14.10.2009 vide which he was dismissed from service on the allegations of wilful absence and where-against his departmental appeal dated 25.02.2012 was also rejected on 18.11.2015 and hence the instant service appeal on 18.04.2016.</p> <p>3. Brief facts of the case of the appellant are that the appellant was appointed as Constable in the year 2008. While serving as such he absented himself from service and dismissed from service vide impugned order referred to above.</p> <p>4. Learned counsel for the appellant has argued that the enquiry was not conducted in the mode and manners prescribed by rules. That similarly placed employees were reinstated in service while appellant was not</p>

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08.02.17

extended similar treatment. That the appellant was not associated with the enquiry proceedings. Reliance was placed on case law reported as 2010-SCMR-532 (Supreme Court of Pakistan), 2004-SCMR-316 (Supreme Court of Pakistan) and 2009-PLC(C.S) 98 (Supreme Court of Pakistan).

5. Learned Senior Government Pleader has argued that the appellant absented himself at the very initial stage of his service. That his departmental appeal was rejected on 27.12.2012 but he did not prefer service appeal within time. That the order dated 18.11.2015 was not passed on departmental appeal and that the same was passed on his miscellaneous application. That the appeal of the appellant is not within time and that no detailed enquiry was required as the appellant has admitted his absence in his application dated 25.02.2012.

6. We have heard arguments of learned counsel for the parties and perused the record.

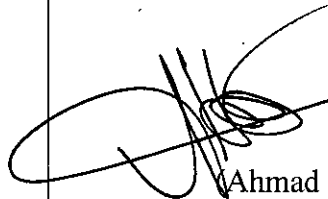
7. It is established from the record and even not denied before us that the appellant absented himself from duty during the days of militancy. It is also in the notice of this tribunal that deserters from police were offered reinstatement in service till 30.11.2010. The appellant has not availed the said offer and as such he cannot claim treatment on the analogy of alike treatment extended to those who availed the offer and joined their duties in the year 2010. Since the absence of the appellant was established as such no detailed enquiry was required in the circumstances for proving charge of absence of the appellant.

8. The appellant was dismissed from service vide order dated 14.10.2009 against which his departmental appeal was rejected on 27.12.2012. The appellant was required to have preferred service appeal within 30 days from the date of final order and in case of non-

05.02.17

communication of the final order within thirty days after expiry of statutory period of 90 days from the date of submission of departmental appeal but he failed to prefer service appeal within the time specified by law. As such we are of the view that the instant service appeal is barred by law on the point of time limitation.

9. For the above mentioned reasons the appeal is dismissed, leaving the parties to bear their own costs. File be consigned to the record room.


(Ahmad Hassan)
Member


(Muhammad Azim Khan Afridi)

Chairman

Camp Court, Swat.

08.02.17.

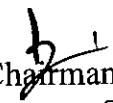
ANNOUNCED

08.02.2017

407/16

10.11.2016

Agent of counsel for the appellant and Mr. Khawas Khan, SI alongwith Mian Amir Qadar, GP for the respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing for 08.02.2017 at camp court, Swat.


Chairman
Camp court, Swat

04.05.2016

Counsel for the appellant present. Learned counsel for appellant argued that the appellant was serving as Constable when lefts for with market during the days of militancy and vide impugned order dated 14.10.2009 appellant was dismissed from service where-against he preferred departmental appeal on 25.2.2012 which was rejected on 18.11.2015 which was not communicated to the appellant and came into his notice about one month before institution of the instant appeal i.e. 18.04.2016.

That neither the prescribed procedure was followed during enquiry nor codal formalities met with. That the allegations of proceedings abroad of the appellant are also devoid of merits.


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

Appellant Deposited
Security & Process Fee


Chairman
Camp Court, Swat

03.08.2016



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


Chairman
Camp court, Swat

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 407/2016

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	18.04.2016	<p>The appeal of Mr. Ali Rehman presented today by Mr. Aziz-ur-Rehman Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p>
2	25-04-2016	<p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to Touring S. Bench at Swat for preliminary hearing to be put up thereon <u>04-05-2016</u></p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE KHYBER PAKHTUNKHWA,
SERVICE TRIBUNAL, PESHAWAR

Service appeal No. 407 of 2016

Ali Rahman

... Appellant

VERSUS

The P.P.O., K.P. and Others

... Respondents

INDEX

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6	Copy of the order dated 18/11/2015	C	9
7	Vakalat Nama	10

Appellant
Through Counsel



AZIZ-UR-RAHMAN
ADVOCATE SWAT
Office: Khan Plaza, Gulshan Chowk,
Mingora, District Swat
Cell No. 0300-9070671

①

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 407 of 2016

Ali Rahman Ex-Constable No. 1355 Javid Iqbal Shaheed
Police Lines Swat.

...Appellant
P.W.F. Province
Service Tribunal
Diary No. 389
Dated 18/04/2016

VERSUS

1. The Provincial Police Officer Khyber Pakhtunkhwa,
Peshawar.
2. The Deputy Inspector General of Police at Saidu
Sharif, District Swat.
3. The District Police Officer District Swat at
Gulkada.

...Respondents

APPEAL UNDER SECTION 4 OF THE
KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL ACT, 1974 AGAINST THE
ORDER OB NO. 148 DATED 14/10/2009
WHEREBY THE MAJOR PENALTY OF
DISMISSAL WAS IMPOSED UPON THE
APPELLANT AGAINST THE LAW, RULES
AND FACTS AND IS LIABLE TO BE SET
ASIDE. FEELING AGGRIEVED OF THE
SAID ORDER THE APPELLANT
PREFERRED DEPARTMENTAL APPEAL
WHICH WAS ALSO REJECTED VIDE
ORDER NO. 5531/15 DATED PESHAWAR
THE 18/11/2015, WHICH WAS NEVE
COMMUNICATED TO THE APPELLANT,
BUT HE GOT THE COPY OF THE SAME
THROUGH HIS OWN EFFORTS ON 05-04-
2016, IN A VERY SUMMARY MANNER AND
AGAINST THE LAW, RULES AND FACTS
AND IS LIABLE TO BE SET ASIDE.

Shaheed
18/4/16

PRAYER:

THAT ON ACCEPTANCE OF THIS APPEAL BOTH THE ORDERS IMPUGNED MAY VERY KINDLY BE SET ASIDE AND THE APPELLANT REINSTATED BACK INTO SERVICE WITH ALL BACK/CONSEQUENTIAL BENEFITS AND BE TREATED LIKE THOSE WHO HAVE BEEN REINSTATED UNCONDITIONALLY.

Respectfully Sheweth:

Facts:

- i. That the appellant was appointed in the Police Force in the year 2008 and performed his duties with honesty and punctuality.
- ii. That in the year 2008 when the menace of militancy emerged in the shape of Tehrik Taliban Pakistan, the Government lost its writ in whole of the Malakand Division, especially in Swat District, where all the Government offices were rendered as non-functional, including the Police.
- iii. That the militancy resulted in the migration of masses of District Swat in which the Government employees also left the District.
- iv. That it was in that period the appellant also being on threat migrated, like many others in order to save his life. In result of which the services of the appellant were dismissed on the ground of absence. Copy of the order is enclosed as Annexure "A".

- v. That on his return to duties the appellant was informed that he has been dismissed from service. Getting the information he got the order impugned and preferred a departmental appeal immediately. Copy of the appeal is enclosed as annexure "B".
- vi. That the appeal of the appellant was also rejected in a very summary manner and he was not given the benefit of general amnesty in result of which scores of police officials were reinstated back into service for reasons best known to the respondents. Copy of the appeal is enclosed as Annexure "C".
- vii. That feeling aggrieved of both the impugned orders this appeal is preferred on the following grounds.

Grounds:

- a. That under the law the respondents were required to have conducted a full dressed inquiry in line with the principles of "audi alteram partem", thus the respondents have not treated the appellant in accordance with the law.
- b. That the appellant has been discriminated with as many others were pardoned and reinstated back into service, though without any back benefits, yet the appellant is singled out for no valid reasons at all, or for the reasons best known to the respondents.

- c. That the respondents have misused their official authority in a very arbitrary and mechanical manner without fulfilling the codal formalities.
- d. That the vested and accrued rights of the appellant have been infringed in a manner not warranted by the law.
- e. That no inquiry, a mandatory under the law, has been conducted at all.

It is, therefore, very respectfully prayed that on acceptance of this appeal both the impugned orders may very kindly be set aside and the appellant reinstated back into service with all back / consequential benefits and be dealt in the same manner like those who have been reinstated unconditionally.

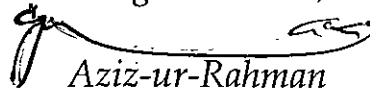
Any other remedy deemed appropriate in the circumstances and not specifically prayed for may also very kindly granted.

Appellant

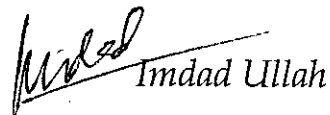


Ali Rahman

Through Counsels,



Aziz-ur-Rahman



Imdad Ullah

Advocates Swat

5

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. _____ of 2016

Ali Rahman Ex-Constable No. 1355 Javid Iqbal Shaheed
Police Lines Swat.

...Appellant

VERSUS

The Provincial Police Officer Khyber Pakhtunkhwa, and
Others.

...Respondents

AFFIDAVIT

It is solemnly stated on Oath that all the contents of
this appeal are true and correct to the best of my knowledge
and belief and nothing has either been misstated or
concealed before this Honourable Tribunal.

Deponent

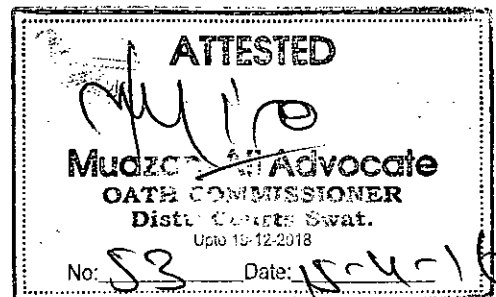
Ali Rahman

Ali Rahman

Identified By:

Imdad
Imdad Ullah

Advocate Swat



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BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. _____ of 2016

Ali Rahman Ex-Constable No. 1355 Javid Iqbal Shaheed
Police Lines Swat.

...Appellant

VERSUS

The Provincial Police Officer Khyber Pakhtunkhwa, and
Others.

...Respondents

ADDRESSES OF THE PARTIES

Appellant:

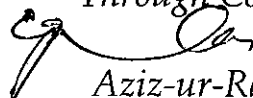
Ali Rahman Ex-Constable No. 1355 Javid Iqbal Shaheed
Police Lines Swat.

Respondents:

1. *The Provincial Police Officer Khyber Pakhtunkhwa,*
Peshawar.
2. *The Deputy Inspector General of Police at Saidu*
Sharif, District Swat.
3. *The District Police Officer District Swat at*
Gulkada.

Appellant

Through Counsel,


Aziz-ur-Rahman

Advocate Swat

1355

A

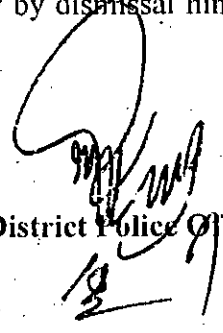
7

ORDER

This order will dispose off the enquiry initiated against Constable Ali Rehman No. 1355, who while posted to Javid Iqbal Shaheed Police Lines Swat absented himself from duty effect from 21/10/2008 till to date vide DD No.32 dated 21/10/2008 and failed to report for duty.


The Enquiry conducted against him has revealed that he has proceed abroad and there is no hope of his return.

The constitutes misconduct / disinterest on his part as such he has liable for action under section 5 sub section (4) of the Removal from Service (Special Power) Ordinance 2000 (Amendment) Ordinance 2001 and dispose with the enquiry proceeding as laid down in the Ordinance and am further satisfied that there is no need of holding further departmental enquiry. Since the defaulter Constable has been found guilty of gross misconduct as defined in the said Ordinance, I Mr. Qazi Ghulam Farooq DPO Swat as a competent authority, therefore impose Major Penalty by dismissal him from service from the date of absence i.e. 21/10/2008.


District Police Officer, Swat

OB No. 1418

Dated 12/1/09 2009

Attested

Advocate

کمیونٹی سٹاب ڈپٹی انسپکٹر جنرل صاحب پولیس محکمہ لاہور

Annexure B

8

درخواست نمبر اڈیشنل انسپکشن

1355

مقامی ... مسائل ... پولیس ...

1536
22/2/12

349
29/2/12

پہلے اس کا ... تفریق کے ...

علی رضا ... 1355

علی رضا ...

No. 1227 / 1E
DT 25/2-2012

DP/Ins
Far Community

DSP/Ins/EC

Attested

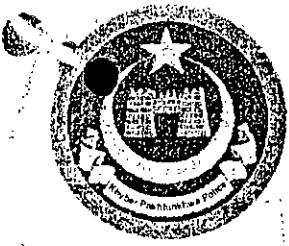
Indel Advocate

Far Community

DP/Ins

EC

DP/Ins/EC



Annexure ⁶

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
Central Police Office, Peshawar

9

No. S/ 5531 /15, Dated Peshawar the 18/11/2015.

ORDER

This Order will dispose off the departmental appeal under Rule 11-a of Khyber Pakhtunkhwa Police Rule-1975 against Ex-Constable Ali Rahman No. 1355; he was awarded punishment of Dismissal from service on account of absence by DPO/Swat vide O.B No. 148, dated 14.10.2009.

In the light of recommendations of Review Appeal Board meeting held on 05.11.2015, the board examined the enquiry file in detail & other relevant documents. He was also heard in person. He has been awarded punishment of Dismissal from service on account of absence i.e 11 months while his total service is less than one year.

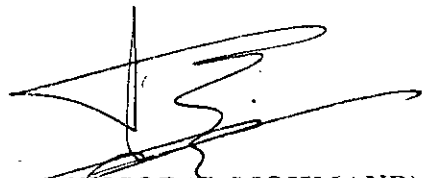
Keeping in view of above, the appeal has no weight hence rejected and filed.

Sd/-
NASIR KHAN DURRANI
Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.


No. S/ 5532-37/15.

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

1. Regional Police Officer, Malakand Region, Saidu Sharif, Swat.
2. District Police Officer, Swat.
3. PSO to IGP/Khyber Pakhtunkhwa, Peshawar.
4. PRO to IGP/Khyber Pakhtunkhwa, Peshawar.
5. Office Supdt: E-IV, CPO, Peshawar.
6. Central Registry Cell (CRC) CPO.


(ASHIF IQBAL MOIMAND)
AIG/Establishment
For Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.

Attested


Advocate

بعدالت صواب اور درجہ اولیٰ و ثانیہ / جلسہ اولیٰ و ثانیہ

10



مورخہ 13
مقدمہ
دعویٰ
جرم

اللہ علیہ السلام
علیٰ احسان بنام حکومتہ

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ آن مقام سروس کی پریزنٹیشن / حسان مالک داد اللہ علیہ السلام مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیاط ہوگا۔ نیز وکیل صاحب کو راضی نامہ و تقرر ثالث و فیصلہ پر حلف دینے جواب دی اور اقبال دعویٰ اور درخواست ہر قسم کی تصدیق زرا اور اس پر دستخط کرنے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری ایک طرف یا اپیل کی برآمد ہوگی اور منسوخ مذکور کے نسل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنی ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقررہ شدہ کو بھی جملہ مذکورہ بالا اختیارات حاصل ہونگے اور اس کا ساختہ برواختہ منظور و قبول ہوگا۔ اور دوران مقدمہ میں جو خرچہ و ہرجانہ التوا ایسے مقدمہ کے سبب سے ہوگا اسکے مستحق وکیل صاحب ہونگے۔ نیز بقایا و خرچہ کی وصولی کرپتے وقت کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام دورہ ہر ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہونگے کی پیروی مقدمہ مذکور لہذا وکالت نامہ لکھ دیا کہ سند ہے

المرقوم 13 ماہ 1 اپریل 1354

Attested and Accepted by

کے لئے منظور ہے

Handwritten signature and name 'Hudad'

بمقام سروس کی پریزنٹیشن / حسان مالک داد اللہ علیہ السلام

جلسہ کو 2

علیٰ احسان علیٰ احسان شاہ شاہ العبدہ العبدہ

1354

BEFORE THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 407/2016

Ali Rahman Ex Constable No. 1335 Javed Iqbal Shaheed Police Lines, Swat

..... (Appellant)

VERSUS

1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar
2. Regional Police Officer, Malakand Region at Saidu Sharif, Swat
3. District Police Officer, Swat

..... (Respondents)

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6.	Finding Report	"C"	7
7.	Final Show Cause Notice	"D"	8


District Police Officer, Swat
(Respondent No. 03)

/

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 407/2016.

Ali Rahman (Ex Constable No. 1355) Javed Iqbal Shaheed Police Lines, Swat

..... (Appellant)

VERSUS

1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar
2. Regional Police Officer, Malakand Region at Saidu Sharif, Swat.
3. District Police Officer, Swat.

..... (Respondents)

PARA-WISE COMMENTS ON BEHALF OF RESPONDENTS

Respectfully Shewith

Preliminary Objections:-

1. That the Service Appeal is badly time barred.
2. That the Service Appeal is not maintainable in its present form.
3. That the appellant has not no cause of action.
4. That the appellant has concealed material facts from this August Tribunal.
5. That the appeal is bad for misjoinder & non joinder of necessary parties.

ON FACTS

- i. Para No. 01 relates to the service record, therefore needs no comments.
- ii. Incorrect. Though insurgency affected official business of civil administration but the law enforcement agencies including police were busy in coping with insurgents as it is the duty of police to restore law & order situation.
- iii. Incorrect. Although people were internally displaced, but police department and officials of police were busy in encountering insurgency as the nation was in dire need of their services.
- iv. Incorrect. The appellant willfully absented himself from duty, retreated and committed cowardice instead of continuing his duty and encountering insurgency, therefore the appellant was dismissed from service after fulfilling all the codal formalities.
- v. Incorrect. The appellant willfully avoided joining service. As such the appellant preferred an application to respondents No. 2 on 31-10-2012 for re-instatement in service, whereas he was dismissed from service on 02-11-2009. It means that the appellant was deliberately waiting for complete peace/normalcy and applied for re-instatement after almost 3 years. Hence his application was time barred.

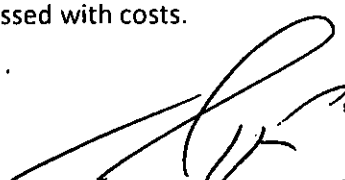
- vi. Incorrect. Application of the appellant for re-instatement was rightly rejected by respondent No. 2 for being badly time barred and devoid of merits. Furthermore, the appellant didn't apply for re-instatement in service well within time (2010) when police personnel dismissed on account of absence were re-instated in service.
- vii. Needs no comments.

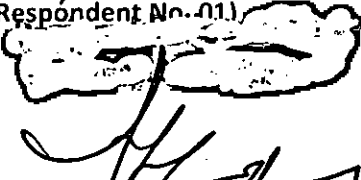
ON GROUNDS

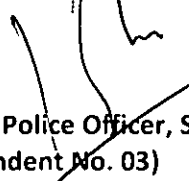
- A. Incorrect. Proper departmental enquiry was conducted against the appellant. The appellant has been treated in accordance with law and rules applicable to him. Vide charge sheet, statement of allegations, Finding Report and final show cause notice as Anex- "A", "B", "C" and "D" respectively.
- B. Incorrect. The appellant has not been discriminated rather the appellant acquiesced over his dismissal order. Other dismissed police personnel were re-instated in service on 30-11-2010, whereas the appellant applied for re-instatement in service on 31-10-2012, which was time barred.
- C. Incorrect. The appellant being member of a disciplined force willfully absented himself without any prior permission or leave, therefore he was rightly dismissed from service.
- D. Incorrect. The appellant can't claim any vested, legal or constitutional right after lapse of 6 years, therefore his dismissal order is warranted by law.
- E. Incorrect. Proper departmental enquiry was conducted against the appellant.

PRAYER

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


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


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


 District Police Officer, Swat
 (Respondent No. 03)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 407/2016.

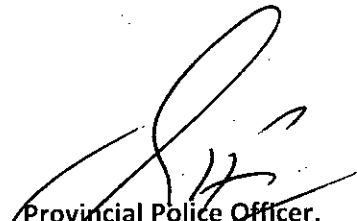
Ali Rahman (Ex Constable No. 1355) Javed Iqbal Shaheed Police Lines, Swat
..... (Appellant)

VERSUS

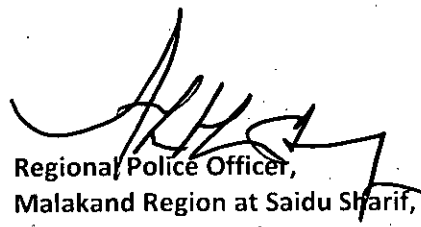
1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar
 2. Regional Police Officer, Malakand Region at Saidu Sharif, Swat.
 3. District Police Officer, Swat.
- (Respondents)

AFFIDAVIT


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



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



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



District Police Officer, Swat
(Respondent No. 03)

Service Appeal No. 407/2016.

Ali Rahman (Ex Constable No. 1355) Javed Iqbal Shaheed Police Lines, Swat

..... (Appellant)

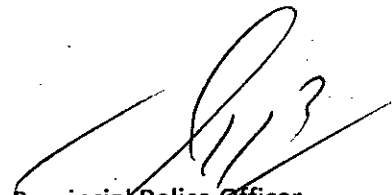
VERSUS

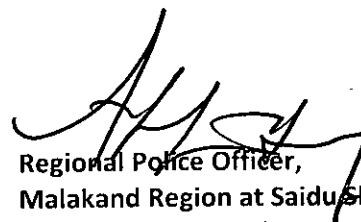
1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar
2. Regional Police Officer, Malakand Region at Saidu Sharif, Swat.
3. District Police Officer, Swat.

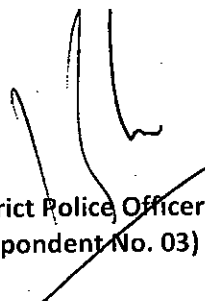
..... (Respondents)

AUTHORITY LETTER

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


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


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


District Police Officer, Swat
(Respondent No. 03)

2
Annex A

CHARGE SHEET

1. QAZI GHULAM FAROOQ District Police Officer Swat as competent authority, hereby charge you, Constable Ali Rahman No. 1355 as following that you, while posted at Javeed Iqbal Shaheed Police Lines committed the following irregularities:

You Constable Ali Rahman No. 1355 while posted to Javeed Iqbal Shaheed Police Lines, Swat absented himself form duty with effect from 21/10/2008 till to date without any permission or leave from your immediate officer vide DD No.32 dated 21/10/2009 of Javeed Iqbal Shaheed Police Lines, Swat.

All these based on your mollified intention, negligence, omission and disinterest in duty which is gross misconduct on your part.

2. By reasons of the above, you appear to be guilty of misconduct under Section-3 of the NWFP (Removal from Service) Special powers 2000, and have rendered yourself labial to all or any of penalties specified in section-3 of the ordinance.

3. You are, therefore, required to submit your written defense within seven days of the receipt of this Charge Sheet to the Enquiry officer / Committee, as the case may be.

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

5. Intimate whether you desire to be heard in person.

6. A statement of allegations is enclosed.


District Police Officer, Swat

No 760 JE,
Date 09/09/2009.

21
Annex B

DISCIPLINARY ACTION.

1. Qazi Ghulam Farooq District Police Officer, Swat as competent authority, am of the opinion that Constable Ali Rahman No. 1355 has rendered him self liable to be proceeded against as he committed the following acts/omissions within the meaning of section 3 of the N.W.F.P Removal from Service (Special Powers) Ordinance, 2000.

STATEMENT OF ALLEGATIONS.

That he while posted to Javeed Iqbal Shaheed Police Lines, Swat absented you self from duty with effect from 21/10/2008 till to date without any permission or leave from your immediate officer vide DD No.32 dated 21/10/2008 of Javeed Iqbal Shaheed Police Lines, Swat.

All these based on your mollified intention, negligence, omission and disinterest in duty which is gross misconduct on your part.

2. For the purpose of scrutinizing the conduct of the said accused with reference to the above allegations, any Enquiry Committee consisting of the following is constituted under section 3 of the Ordinance.

- 1. Mr. Muhammad Ayaz Khan DSP/Legal, Swat.
- 2.

3. The Enquiry Committee shall, in accordance with the provisions of the Ordinance, provide reasonable opportunity of hearing to the accused, record its findings and make within, 25 Days of the receipt of the order, recommendation as to punishment or other appropriate action against the accused.

4. The accused and a well conversant representative of the department shall joint the proceedings on the date, time and place given by the Enquiry Committee.

District Police Officer, Swat.

760

/E, Dated Gulkada the, 9/9

12009.

Copy of above is forwarded to the:

- 1. Mr. Muhammad Ayaz Khan DSP/Legal, Swat

for Initiating proceeding against the Officer/Official under the provisions of the NWFP / Removal from Service (Special Powers) Ordinance 2000.

- 3. Constable Ali Rahman No. 1355

With the direction to appear before the Enquiry Committee on the date time and place fixed by the Committee for the purpose of the proceeding.

فانسیزنگ لوزر

Amend C

صیغه بنام

خواجہ مسعود خان صاحب فاضل دیوبند 760/ع تاریخ 9/7

مدرسہ مدرسہ سہیل سہیل علی ریس 1355

۲۰ حلاوت انوار، مابین طرماوی شروع کرد

کی ایک کتابی نسخہ تحویل مذکورہ مدرسہ میں ارسال

کیوں کہ میں جس میں مدرسہ میں ۲۰ حلاوت درج

کرتے ہیں کہ وہ کوالر میں 32/ع تاریخ 21/7

سے مذکورہ طرماوی

مدرسہ میں کی رپورٹ کو ملاحظہ فرمائیے

میں سے کسی شکایت، تاہم وہ فی طرماوی مدرسہ

میں مقرر ہوئے ہیں۔ (3) تاریخ

میں ۲۰ حلاوت سزا کی سزا میں

ڈی ایچ ایچ ایچ ایچ ایچ ایچ ایچ

تاریخ 7/2

2 10

مدرسہ فاضل دیوبند (12) (11) (10) (9) (8) (7) (6) (5) (4) (3) (2) (1)

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Noti

1/10/01

Anek 02 D

FINAL SHOW CAUSE NOTICE

1355

You Constable Ali Rahman No. _____ while posted to Police

F.S. palwee absented himself from duty with effect from 01-10-08

up-till now without any leave or permission from your immediate office. The EO in his finding report recommended you for Major Punishment.

You are therefore served with this Final Show Cause Notice to Show Cause with in 03 of the receipt of this notice as to why the proposed action, which may included you dismissal from Service should not be taken against you. In case your written reply is not received with in 03 days, you will be definitely dismissed from service.

District Police Officer, Swat

7/10

*A.Haq/-

No. 760 /E

Dated. 8/10 /2009

Constable Ali Rahman No. 1355

S/O _____

R/O Janud Shahed & Wic

District Swat

32
21-10-08

Handwritten notes and signatures in Urdu script, including a signature and the date 17-10-08.

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 371 /ST Dated 16 /2/ 2017


To

The District Police Officer,
Government of Khyber Pakhtunkhwa,
Swat at Gulkada.

Subject: - JUDGMENT

I am directed to forward herewith a certified copy of Judgement dated 8.2.2017 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.