

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

(Camp Court, D.I.Khan)

Appeal No. 336/2019

Date of Institution ... 06.03.2019

Date of Decision ... 15.12.2021

Inayatullah S/O Haji Ghulam Jan Caste Marwat R/O Kata Khel P.S Paniyala Tehsil
Paharpur District D.I.Khan Ex-Constable No. 7821- FRP D.I.Khan.

... (Appellant)

VERSUS

Superintendent of Police, FRP D.I.Khan Range D.I.Khan and others.

... (Respondents)

Present.

Mr. Shoaib Ahmad Khan Marwat,
Advocate

... For appellant.

Mr. Muhammad Adeel Butt,
Addl. Advocate General,

... For respondents.

MR AHMAD SULTAN TAREEN
MRS. ROZINA REHMAN,

... CHAIRMAN
... MEMBER(J)

JUDGMENT

AHMAD SULTAN TAREEN, CHAIRMAN:- The appellant through the service appeal described above in the heading has invoked the jurisdiction of this Tribunal under Section 4 of the Service Tribunal Act, 1974 with the prayer as copied below:-

"On acceptance of instant appeal to set aside the impugned orders of all the three forum below and to reinstate the appellant in his service as Constable FRP D.I.Khan and to allow

all back benefits to him by treating period of his absence from duty as leave with pay."

2. Briefly stated the facts of the appeal are that the appellant was appointed as Constable FRP D.I.Khan on 30.07.2007 and had rendered more than 10 years service when he fell seriously ill and was allowed bed rest for one month by the Medical Officer of DHQ Teaching Hospital D.I.Khan. The appellant informed his high ups and requested for medical leave duly supported by medical prescriptions. Since the appellant was seriously ill and was suffering from back pain, therefore, he remained confined to bed on different occasions and could not perform his official duty. The request of appellant was not accepted and marked him absent from duty. An enquiry was conducted, wherein the appellant has not been associated with the proceedings and finally he was dismissed from service vide order dated 13.07.2018. Feeling aggrieved, the appellant filed a departmental appeal before the Commandant FRP Khyber Pakhtunkhwa Peshawar (respondent No. 2) which was dismissed on 03.12.2018. Thereafter, the appellant filed a Revision Petition before the Provincial Police Officer Khyber Pakhtunkhwa Peshawar (respondent No. 3) which was also rejected vide order dated 11.02.2019, hence the instant appeal on 06.03.2019.

3. The respondents were given notice after admission of appeal for regular hearing. They entered into proceedings and filed their written comments with several legal and factual objections and requested for dismissal of the appeal with cost.

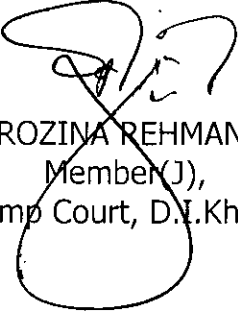
4. We have heard the arguments and have perused the record.

5. The appellant is aggrieved from the order of his removal from service on account of absence from lawful duty w.e.f. 19.11.2017. The appellant in his departmental appeal as annexed with the present appeal submitted that during the days for which he was treated absent, the cause shown by him as to medical ground was neither enquired into nor was made part of the enquiry proceedings. He was not treated in accordance with law while imposing the major penalty upon him. The departmental appeal was also rejected vide order dated 03.12.2018. The respondents while replying to para-1 of the appeal asserted that plea of illness taken by the appellant is a propounded story and he was supposed to have taken this plea before the enquiry officer or before the competent authority. Moreover, proper departmental enquiry was conducted against the appellant. He was summoned time and again by the enquiry officer but he failed to submit his reply to the charge sheet or appear before the enquiry officer. As already discussed above, the appellant took plea of his illness before the appellate authority with the submission that he submitted medical record to the enquiry officer but it was not made part of the enquiry process. The reply of the respondents as to failure of appearance of the appellant before the enquiry officer and not submitting the written reply is not correct. According to the copy of the finding report annexed with the reply, the enquiry officer mentioned that the accused turned up on 12.07.2017 on his summoning and charge sheet was served upon him. On 14.07.2017, he attended alongwith reply to the charge sheet and he was cross-examined by the enquiry officer. The respondents have not attached the copy of said reply of the appellant with the written reply despite the fact that it got mentioned in the enquiry report. Therefore, it is deemed appropriate to direct for denovo enquiry for affording the appellant with




opportunity to defend his position in light of his plea taken in his departmental appeal.

6. For what has gone above, this appeal is accepted. The appellant is reinstated in service for the purpose of denovo enquiry in the light of the above observations which will be concluded within sixty days from receipt of copy of this judgment. Parties are left to bear their own costs. File be consigned to the record room.

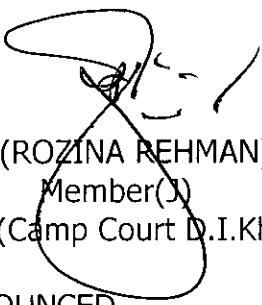
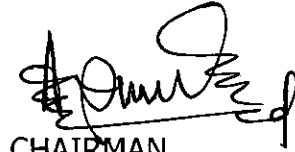


(ROZINA REHMAN)
Member(J),
(Camp Court, D.I.Khan)



(AHMAD SULTAN TAREEN)
Chairman
(Camp Court, D.I.Khan)

ANNOUNCED
15.12.2021

S.No.	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	15.12.2021	<p><u>Present.</u></p> <p>Mr. Soaib Ahmad Khan, ... For appellant. Advocate</p> <p>Mr. Muhammad Adeel Butt, ... For respondents. Addl. A.G.</p> <p>Vide our detailed judgment; this appeal is accepted. The appellant is reinstated in service for the purpose of denovo enquiry which will be concluded within sixty days from receipt of copy of this judgment. Parties are left to bear their own costs. File be consigned to the record room.</p> <p style="text-align: center;">  (ROZINA REHMAN) Member(J) (Camp Court D.I.Khan) </p> <p style="text-align: center;">  CHAIRMAN (Camp Court D.I.Khan) </p> <p><u>ANNOUNCED</u> 15.12.2021</p>

26.7.21 due to COVID-19, the case is adjourned
to 28-10-2021 for same.



28.10.2021

Appellant in person present.

Muhammad Rasheed, learned Deputy District Attorney
alongwith Muhammad Zubair H.C for respondents present.

Former made a request for adjournment as his counsel is
not available today. Request is accorded. To come up for
arguments on 15.12.2021 before D.B at Camp Court, D.I.Khan.



(Atiq-Ur-Rehman Wazir)
Member (E)
Camp Court, D.I.Khan



(Rozina Rehman)
Member (J)
Camp Court, D.I.Khan

23.11.2020

Appellant present through counsel.

Muhammad Jan learned Deputy District Attorney for respondents present.

A request for adjournment was made as issue involved in the present case is pending before Larger Bench of this Tribunal.

Adjourned to 25.01.2021 for arguments, before D.B at Camp Court, D.I.Khan.



(Atiq-ur-Rehman Wazir)
Member (E)
Camp Court, D.I Khan



(Rozina Rehman)
Member (J)
Camp Court, D.I Khan

25.1.2021

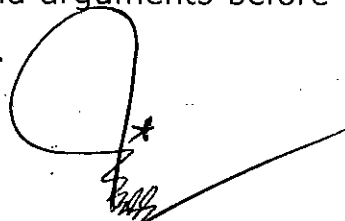
Due to COVID 19, the case is adjourned to 24.3.2021 for the bench.



24.03.2021

Appellant alongwith Messrs, (Mr. Shoaib Ahmad Khan Marwat and Mr. Rehmatullah Mehsood, Advocates) present. They submitted fresh Wakalat Namas on behalf of the appellant, which are placed on file. Mr. Rajb Ali, Senior Clerk alongwith Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Request for adjournment was made on the ground that the issue involved in the present appeal is pending adjudication before Larger Bench of this Tribunal. Adjourned. To come up for rejoinder and arguments before D.B at Camp Court D.I.Khan on 26.07.2021.



(MIAN MUHAMMAD)
MEMBER (EXECUTIVE)
CAMP COURT D.I.KHAN

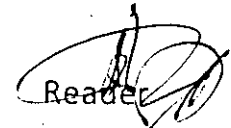


(SALAH-UD-DIN)
MEMBER (JUDICIAL)
CAMP COURT D.I.KHAN

20.4.2020

Due to COVID19, the case is adjourned to

22/9/2020 for the same as before.

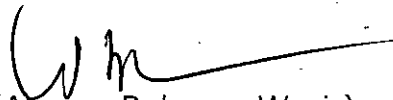
Reader 

22.09.2020

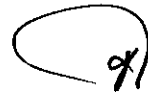
Nemo for appellant.

Mr. Muhammad Jan learned Deputy District Attorney for respondents present.

Issue involved in the present case is pending before Larger Bench of this Tribunal. However, notice be issued to appellant/counsel for 23.11.2020 before D.B at Camp Court D.I Khan.




(Atiq-ur-Rehman Wazir)
Member (E)
Camp Court, D.I Khan

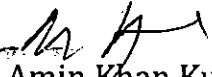


(Rozina Rehman)
Member (J)
Camp Court, D.I Khan

29.01.2020

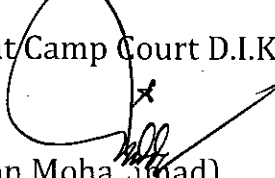
Clerk to counsel for the appellant and Mr. Usman Ghani, District Attorney for the respondents present. Clerk to counsel for appellant requested for adjournment on the ground that learned counsel for the appellant is not available today due to general strike of the Khyber Pakhtunkhwa Bar Council. Adjourned to 26.02.2020 for rejoinder and arguments before D.B at Camp Court D.I.Khan.



(Hussain Shah)
Member
Camp Court D.I.Khan


(M. Amin Khan Kundi)
Member
Camp Court D.I.Khan

26.02.2020

Counsel for the appellant and Mr. Ziaullah, Deputy District Attorney for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned to 20.04.2020 for rejoinder and arguments before D.B at Camp Court D.I.Khan.


(Mian Mohammad)
Member
Camp Court D.I.Khan


(M. Amin Khan Kundi)
Member
Camp Court D.I.Khan

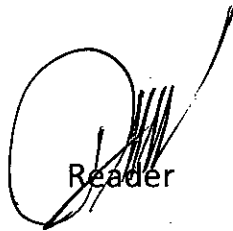
23.09.2019

Appellant in person present. Written reply not submitted. Toqeer H.C representative of the respondent department present and seeks time to furnish written reply/comments. Granted by way of last chance. To come up for written reply/comments on 23.10.2019 before S.B at Camp Court, ~~D.I.Khan~~.


Member
Camp Court D.I.Khan


23/10/2019

Since tour to D.I.Khan has been cancelled .To come for the same on 27/11/2019.


Reader

27.11.2019

Counsel for the appellant and Mr. Ziaullah, Deputy District Attorney alongwith Mr. Toqueer, Head Constable for the respondents present. Representative of the department submitted written reply on behalf of respondents No. 1 to 3 which is placed on record. Case to come up for rejoinder and arguments on 29.01.2020 before D.B at Camp Court D.I.Khan.



(Muhammad Amin Khan Kundi)
Member
Camp Court D.I.Khan

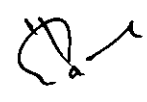
24.04.2019

Learned counsel for the appellant present. Preliminary arguments heard.

The appellant (Ex-Constable) has filed the present service appeal against the order dated 13.07.2018 whereby major punishment of removal from service was awarded to him on the ground of absence from duty. The appellant has also assailed the order dated 03.12.2018 through which the departmental appeal of the appellant against the punishment order was rejected being meritless. The appellant has also challenged the order dated 11.02.2019 of rejection of his revision petition under Rule 11-A of Khyber Pakhtunkhwa Police Rules, 1975.

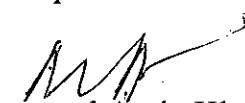
Points urged need consideration. The appeal is admitted for regular hearing subject to all the legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for written reply/comments. To come up for written reply/comments on 26.06.2019 before S.B at Camp Court, D.I.Khan.


Appellant Deposited
Security & Process Fee


Member
Camp Court, D.I.Khan

26.06.2019




Appellant in person present and Mr. Farhaj Sikandar, District Attorney alongwith Mr. Touqeer, Court Clerk for the respondents present. Written reply on behalf of respondents not submitted. Representative of the department requested for further adjournment to file written reply. Adjourned to 23.09.2019 for written reply/comments before S.B at Camp Court D.I.Khan.


(Muhammad Amin Khan Kundi)
Member
Camp Court D.I.Khan

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 336/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	06/03/2019	<p>The appeal of Mr. Inayatullah received today by post through Mr. Muhammad Saeed Bhutta Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR 6/3/19</p>
2-	12-3-19	<p>This case is entrusted to touring S. Bench at D.I.Khan for preliminary hearing to be put up there on <u>27-3-2019</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p>Nemo for appellant.</p> <p>Notices be issued to appellant and his learned counsel for preliminary hearing on 24.04.2019 before S.B at camp court, D.I.Khan.</p> <p style="text-align: right;">Chairman Camp Court, D.I.Khan </p>
	27.03.2019	

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR.

In Re STA No. 3361 of 2019.

Inayatullah VERSUS SP FRP DIKhan etc.

Appellant Respondents

INDEX

S No	Description Of Documents	Annexure	Page
<u>1</u>	Memo & Grounds for STA	---	1-5
<u>2</u>	Memo of Address	A	6
<u>3</u>	Copies of Medical Prescriptions	B A	7-11
<u>4</u>	Copy of Order dated 13-07-2018 of SP FRP D I Khan	B	12
<u>5</u>	Copy of Grounds of Appeal	C	13-14
<u>6</u>	Copy of Order 03-12-2018 of Commandant FRP Peshawar	D	15
<u>7</u>	Copy of Grounds of Revision	E	16-22
<u>8</u>	Copy of Order dated 11-02-2019 of IGP KPK Peshawar	F	23
<u>9</u>	Vakalatnama + id card of petitioners		24-25

Appellant Through Counsel

Date:- 04-03-2019

Advocate High Court D.I.Khan

①

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

**Khyber Pakhtukhwa
Service Tribunal**

STA No. 336 of 2019.

Diary No. 312

Dated 6/3/2019

Inayatullah s/o Haji Ghulam Jan Caste Marwat r/o Kata Khel PS
Paniyala Tehsil Paharpur District DIKhan Ex Constable No.7821- FRP-
DIKhan

Appellant

VERSUS

1. Superintendent of Police. FRP DIKhan Range DIKhan
2. Commandant, FRP KPK Peshawar.
3. Inspector General of Police KPK Peshawar.

Respondents

Appeal against the order No.S/499 Dated 11.02.2019 passed by the
Inspector General of Police KPK Peshawar whereby the Revision
Petition filed by the appellant against the order dated 03-12-2018
passed by the Commandant FRP KPK Peshawar was rejected who had
earlier rejected the departmental appeal of the appellant against the
order No.466/FRP Dated 13-07-2018 of the Superintendent of Police
FRP DIKhan Range DIKhan whereby the appellant was removed from
his service as Constable FRP DIKhan and the period of his absence
from duty from 01-04-2017 to 17-04-2017, 10-09-2017 to 22-09-2017
and 19-11-2017 till date of the passing of the order was treated as
leave without pay.

Filed to-day
23/03/19
Registrar

PRAYER:-

On acceptance of the instant appeal to set aside the impugned orders of all the three forum below and to re-instate the appellant in his service as Constable FRP DIKhan and to allow all back benefits to him by treating period of his absence from duty as leave with pay.

Respectfully Sheweth:-

1. That the appellant after completion of the recruitment course was appointed as Constable FRP DIKhan on 30-07-2007 and had rendered qualifying service for a period of more than 10 years when he fell seriously ill and was allowed bed rest for one month by the Medical Officer of DHQ Teaching Hospital DIKhan. The petitioner in this respect informed his high ups and requested for medical leave duly supported by the Medical prescriptions. Since the appellant was seriously ill and was suffering from back pain therefore he remained confined to bed on different occasions and could not perform his official duty. He informed his high ups on different occasions and requested for grant of leave on medical grounds. The copies of medical prescriptions are enclosed as Annexure A. That the department however did not consider the humble request of the appellant and marked him absent from his duty. The SP FRP DIKhan allegedly got conducted an inquiry and never bothered to associate the appellant with the proceedings of the said departmental inquiry and dismissed the appellant from his service vide order No. 466/FRP Dated 13-07-2018. The copy of the order is enclosed as Annexure B.
2. That dissatisfied with the aforesaid order of the SP FRP DIKhan Range DIKhan the appellant filed a departmental appeal before the Commandant FRP KPK Peshawar who also followed suit and dismissed the appeal of the appellant vide order dated 03-12-2018. The copies of the grounds of the departmental appeal and that of the order are enclosed as Annexure C & D.
3. That feeling aggrieved with the impugned orders of the two forum below the appellant filed a Revision Petition before the IGP KPK Peshawar who also rejected the same vide order No.S/499 Dated 11-02-2019. The copies of the grounds of the revision petition and that of the order are enclosed as Annexure E and F. Hence the instant appeal on inter alia the following grounds.

GROUNDS:-

1. That all the orders of three forums below are against facts, law and justice.
2. That it stands established that the appellant was appointed as Constable FRP DIKhan after qualifying the prescribed test somewhere on 30-07-2007 and had qualifying service for more then 10 years at his credit.
3. That in view of the long tenure of service he was a permanent employee of the police department and was required to be dealt with in accordance with the law on the subject but the SP FRP DIKhan Range has not followed the law on the subject and has dismissed the appellant from his service with his single stroke of pen. His order is therefore corum non judicie and is therefore liable to be set aside.
4. That the so called inquiry officer or the SP FRP DIKhan Range have not made sincere efforts to procure the attendance of the appellant to face the alleged inquiry proceedings initiated against him and all other steps taken in this respect and have not tried to locate the appellant.
5. That neither any show cause notice was served upon the appellant nor his attendance was procured through publications of a proclamation in a daily news paper.
6. That the alleged departmental inquiry or further proceedings in the case were conducted behind the back and without the knowledge of the appellant which amounted to one sided show.
7. That SP FRP DIKhan was legally obliged to have restricted his findings about the recent alleged absence of the appellant from his duty and was not required to agitate the dead issues relating to the past and already closed chapter. He has exercised his jurisdiction quite illegally and has committed material irregularity.
8. That in fact after the completion of traffic course commencing from 01-01-2017 to 21-03-2007 and availing recess for ten days the appellant reported for his duty in FRP Police lines DIKhan on 01-04-2007 thereafter the appellant was transferred to District Police Lines DIKhan where he assumed the charge of his duty on 17-04-2017 but the Moharrir of FRP lines DIKhan did not shown the presence of the appellant on his duty on 01-04-2017 and onwards and marked him absent with malafide intention and for ulterior motives.

4

9. That no codel formalities were observed in the case of the appellant and all the proceedings were conducted behind his back and without his knowledge which amounted to unheard condemnation of the appellant where as equity and justice demands that no one should be condemned unheard.
10. That the appellant has got ten years qualifying service at his credit and was entitled to get pension but he has been removed from service mercilessly which has rendered all the family of the appellant to starvation.

In view of the submissions made above it is respectfully prayed that on acceptance of this appeal the impugned orders of all the three forums below may very kindly be set aside and the appellant may please be reinstated in his service as Constable FRP DIKhan and to allow all back benefits to him by treating his absence as leave with pay as sufficient leave account stands credited in favor of the appellant.

Your humble Appellant

Jammy
Inayatullah Through Counsel

5/3/2019
Muhammad Saeed Bhutta
Advocate High Court DIKhan.
Dated 04-03-2019.

and

SHOAIB AHMED KHAN
Marwat
Advocate High Court

5-3-19

5

Affidavit

I, Inayatullah s/o Haji Ghulam Jan Caste Marwat r/o Katta Khel Paniala District DIKhan Appellant do hereby solemnly affirm and declare on oath that the contents of the accompanying appeal are true and correct to the best of my knowledge and belief and that nothing has been concealed from this honorable Service Tribunal.

Identified by

Muhammad Saeed Bhutta

Advocate High Court DIKhan

DATED: 04-03-2019

Deponent
Inayatullah

6

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR.

In Re STA No. _____ of 2019.

Inayatullah

VERSUS

SP FRP DIKhan etc.

Appellant

Respondents

MEMO OF ADDRESS

Inayatullah s/o Haji Ghulam Jan Caste Marwat r/o Kata Khel PS
Paniyala Tehsil Paharpur District DIKhan Ex Constable No.7821- FRP-
DIKhan

Appellant

VERSUS

1. Superintendent of Police. FRP DIKhan Range DIKhan
2. Commandant, FRP KPK Peshawar.
3. Inspector General of Police KPK Peshawar.

General of Police

Respondents

Your humble Appellant

Inayatullah

Date:- 04-03-2019

Through Counsel

Muhammad Saeed Bhutta

Advocate High Court DIKhan

Muhammad Saeed Bhutta
5/3/2019

Amx
P-7

②

D.H.Q. TEACHING HOSPITAL D.I.KHAN.
OPD PATIENTS DEPARTMENT

Name Ali
Yearly No. 119720 Rs. 10/-

Date/19/11/2017 Disease Backache

Handwritten notes:
Vomiting
Accident
C/Back
① M. Aorta
② M. F...
③ M. P...
M. 75y

Advised apleti
Bed Rest for (one) month

Junior Registrar
D.H.Q. Teaching Hospital
D.I.Khan

①

Amx
P-7

D.H.Q. TEACHING HOSPITAL D.I.KHAN.
OPD PATIENTS DEPARTMENT

Name Ali
Yearly No. 86711 Rs. 10/-

Date/16/9/2017 Disease Backache

Handwritten notes:
M. 75y
Pain
① M. Aorta
② M. F...
③ M. P...
M. 75y

Advised apleti
Bed Rest for (12) days

Junior Registrar
D.H.Q. Teaching Hospital
D.I.Khan

P-8

(4)

D.H.Q. TEACHING HOSPITAL D.I. KHAN.
General Patients Department

Name Ali Zaid
Yearly No. 14701 Rs. 10/-
Date 9/01/2017 Disease Acute Bacteremia

efo, -
- vomitis
- Anemia
- Coxsacki
- synch

Res - Bacteremia
① Cap. Rickettsia
② Sp. Pseudomonas
③ Sp. Pseudomonas

Admitted after 10
Bed Rest for 10 months

Junior Registrar
D.H.Q. Teaching Hospital
D.I. Khan

(3)

D.H.Q. TEACHING HOSPITAL D.I. KHAN.
General Patients Department

Name Ali Zaid
Yearly No. 14701 Rs. 10/-
Date 11/12/17 Disease Bacteremia

efo, -
- vomitis
- Anemia
- Coxsacki
- synch

Res - Bacteremia
① Cap. Rickettsia
② Sp. Pseudomonas
③ Sp. Pseudomonas

Admitted after 10
Bed Rest for 10 months

Junior Registrar
D.H.Q. Teaching Hospital
D.I. Khan

D.H.Q. TEACHING HOSPITAL D.I. KHAN

Name W. S. S. S.

Yearly No. 44760 Rs. 10/-

Date 19/12/2018 Disease Back

of 4
Acute
Pain
in
Lower
back
Advised Complete
Bed Rest for 1 month

Dr. M. Pandey

Dr. H. Farid
Dr. S. P. Vikrom

Junior Registrar
D.H.Q. Teaching Hospital
D.I. Khan

[Signature]

D.H.Q. TEACHING HOSPITAL D.I. KHAN

Orthopedic Department

Name Ch. S. S.

Yearly No. 44741 Rs. 10/-

Date 19/12/2018 Disease Impacted spur

of 4
Acute pain
in back
Advised
Complete
Bed Rest for 1 month

Dr. S. P. Vikrom

Dr. H. Farid
Dr. S. P. Vikrom

Junior Registrar
D.H.Q. Teaching Hospital
D.I. Khan

[Signature]

14
P-9

5

6

Number

P-10

8

DR. J. S. ...

General Patients Department

Name John ...

Yearly No. 69640 Rs. 10/-

Date 19/05/2018 Disease Δ Bacteria

clo
 4. Body
 a person
 2. Lab
 3. Pur
 20-ly
 1. Cap Risk
 2. Ph
 3. Ph
 4. Ph

Advised aple to
 Bed Rest
 (Signature)

Junior Registrar
 D.H.Q. Teaching Hospital

7

DR. J. S. ...

General Patients Department

Name John ...

Yearly No. 68636 Rs. 10/-

Date 19/04/2018 Disease Δ Bacteria

clo
 4. Body
 a person
 2. Lab
 3. Pur
 20-ly
 1. Cap Risk
 2. Ph
 3. Ph
 4. Ph

Advised aple to
 Bed Rest
 (Signature)

Junior Registrar
 D.H.Q. Teaching Hospital

10

D-11

D.H.Q. TEACHING HOSPITAL D.I. KHAN.
OUTPATIENTS DEPARTMENT

Name M. Iqbal

Yearly No. 80369 Rs. 10/-

Date 9/06/2012 Disease 1. Back pain

<p>Acute Pain Muscle Tension</p>	<p>① P₃ V₄ L₅ ② Cap. Rivet ③ B. v. p. l.</p>	<p>SK</p>
--	---	-----------

A. Usmani

Admitted 27 Days

Junior Registrar
D.H.Q. Teaching Hospital
D.I. Khan

Handwritten notes in Urdu script.

Handwritten notes in Urdu script.

POLICE DEPARTMENT

ORDER:-

Am (B)
P-12

My this order will dispose off departmental enquiry conducted against Constable Inayat Ullah No.7821/8616/FRP under Khyber Pakhtunkhwa Police Disciplinary Rules-1975 (Amended in 2014).

According to daily diary reports vide Mad No.79 dated 17.04.2017, No.57 dated 22.09.2017 of District Police Line D.I.Khan, he remained absent from law full duties with effect from 01.04.2017 to 17.04.2017 and 10.09.2017 to 22.09.2017 total (28) days respectively, similarly according to daily diary report No.12 dated 19.11.2017 of Police Station Draban D.I.Khan, he remained absent from law full duties with effect from 19.11.2017 to till date without any leave or permission from the competent authority. To this effect he was served with show cause notice. He was required to submit the reply of said show cause notices within stipulated period of 07 days but he failed to do so. He was issued charge sheet along with summary of allegation, Muhammad Yousaf DSP/FRP D.I.Khan Range was nominated as enquiry officer to unearth the actual facts. After completion of all codal formalities the enquiry officer submitted findings report along with other relevant paper, wherein he stated that defaulter Constable was summoned time and again to record his statement and also for completion of departmental proceedings but he did not attended the enquiry proceedings and recommended defaulter constable for Final Show Cause Notice. He was served with Final Show Cause Notice. He was required to submit the reply of said final show cause notice within stipulated period of 15 days but he failed to do so. He was called in orderly room in the office of undersigned on various dates but he does not appear before the undersigned. From perusal of his service record it revealed that he was enlisted as Constable on 20.07.2007, during his service he remained absent from law full duties for (427) days and awarded minor punishment of confinement to quarter guard for 12 days, fine Rs.200/-, stoppage of one annual increment without cumulative effect and "CENSURE" previously.

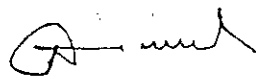
Keeping in view the facts stated above, as well as recommendation of enquiry officer, I MR. AMAN ULLAH KHAN, Superintendent of Police FRP D.I.Khan Range, D.I.Khan, in exercise of powers vested in me under Khyber Pakhtunkhwa Police Disciplinary Rules-1975-amended-2014 hereby taking ex-parte action against Constable Inayat Ullah No.7821/8616/FRP awarded him major punishment of Removal from Service from the date of absence. His absence period i.e 01.04.2017 to 17.04.2017, 10.09.2017 to 22.09.2017 and 19.11.2017 to till date is treated as without pay.


ORDER ANNOUNCED.

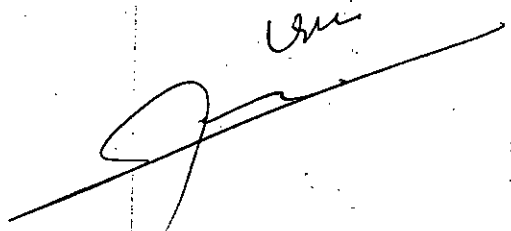
Dated _____/2018.
OB No. 466 /FRP
Dated 13/07/2018

Copy to:-

1. Pay Officer
2. SRC
3. OHC


(AMAN ULLAH KHAN)
Superintendent of Police,
FRP, D.I.Khan Range D.I.Khan.

A deleted in be




معدوقن ميوزنل من كئيبل نسلان 2007 ميوزن ميوزن

مگه ميوزن ميوزن ميوزن ميوزن ميوزن ميوزن ميوزن ميوزن
مغذرت ميوزن ميوزن ميوزن ميوزن ميوزن ميوزن ميوزن ميوزن
كسي ميوزن ميوزن ميوزن ميوزن ميوزن ميوزن ميوزن ميوزن
كاسوق ميوزن ميوزن ميوزن ميوزن ميوزن ميوزن ميوزن ميوزن

عاجيائء - ميوزن آدرنك ميوزن 466 ميوزن 13/18 ميوزن ميوزن
منا - SP-FRP ميوزن ميوزن ميوزن ميوزن ميوزن ميوزن ميوزن
منا ميوزن ميوزن ميوزن ميوزن ميوزن ميوزن ميوزن ميوزن

عاجيائء - ميوزن ميوزن ميوزن ميوزن ميوزن ميوزن ميوزن ميوزن
كسي ميوزن ميوزن ميوزن ميوزن ميوزن ميوزن ميوزن ميوزن
ميوزن ميوزن ميوزن ميوزن ميوزن ميوزن ميوزن ميوزن
كاسوق ميوزن ميوزن ميوزن ميوزن ميوزن ميوزن ميوزن ميوزن
ميوزن ميوزن ميوزن ميوزن ميوزن ميوزن ميوزن ميوزن
داسقل ميوزن ميوزن ميوزن ميوزن ميوزن ميوزن ميوزن ميوزن

عاجيائء - ميوزن ميوزن ميوزن ميوزن ميوزن ميوزن ميوزن ميوزن
ميوزن ميوزن ميوزن ميوزن ميوزن ميوزن ميوزن ميوزن

ميوزن ميوزن ميوزن ميوزن ميوزن ميوزن ميوزن ميوزن
ميوزن ميوزن ميوزن ميوزن ميوزن ميوزن ميوزن ميوزن
ميوزن ميوزن ميوزن ميوزن ميوزن ميوزن ميوزن ميوزن
ميوزن ميوزن ميوزن ميوزن ميوزن ميوزن ميوزن ميوزن

(P.T-0) (1)

Allah

S

یہ تاریخ نظر فرمائی ہے اپنی تندرستی پر بحال تندرست اور باخوش

تازگی جناب کا شکور و ممنون رہیوں گا

السلامت
15/10/18

عنايت اللہ ولد عبدالرحمان قوم مردان سکونت گاہ خلیج -

کھلی پلازہ - ضلع ڈیرہ ایما عبدالرحمان

CHIC 7 12103-445 7069-7

MOB 7 0346-799-8126

الف

7821-8616

FRP - Dilcham Rangia Dilcham

Handwritten signature

Handwritten signature

تندرستی کا خیال ہمراہ رکھنا قابل مبارکباد ہے

ORDER

This order will dispose of the departmental appeal preferred by ex-Constable Inayat Ullah No. 7821/8616 of FRP DI Khan Range, against the order of SP FRP DI Khan Range, vide OB No. 466, dated 13.07.2018, wherein he was awarded major punishment of removal from service. The applicant was proceeded against on the allegations that according to daily diary reports vide Mac No. 70, dated 17.04.2017, No. 57, dated 22.09.2017 of District Police Line DI Khan, he remained absent from lawful duties with effect from 01.04.2017 to 17.04.2017 and 10.09.2017 to 22.09.2017 for total period of 28 days respectively, similarly according to daily diary report No. 12, dated 19.11.2017 of Police Station Draban DI Khan, he remained absent from lawful duties with effect from 19.11.2017 till the date of removal from service i.e. 13.07.2018 for total period of 07 months 24 days without any leaver/permission of the competent authority.

In this regard proper departmental enquiry was initiated against him, as he was issued/served with Show Cause Notice, but he failed to submit his reply Show Cause Notice. He was issued Charge Sheet and Statement of Allegations and Muhammad Yousaf DSP FRP DI Khan Range was nominated as Enquiry Officer to unearth the actual facts. After completion of all codal formalities the Enquiry Officer submitted his findings alongwith other relevant paper, wherein he stated that for completion of departmental proceedings the defaulter constable was summoned time and again to record his statement, but he did not attend the enquiry proceedings and recommended for Final Show Cause Notice.

In the light of recommendation of Enquiry Officer and other material available on record, he was issued/served with Final Show Cause Notice, but he failed to submit his reply. He was called in orderly room by the competent authority on various dates, but he did not turn up. Therefore, he was awarded major punishment of removal from service vide OB No. 466, dated 13.07.2018.

Feeling aggrieved against the impugned order of SP FRP DI Khan Range, DI Khan, the applicant preferred the instant appeal. The applicant was summoned and heard in person in Orderly Room held on 28.11.2018.

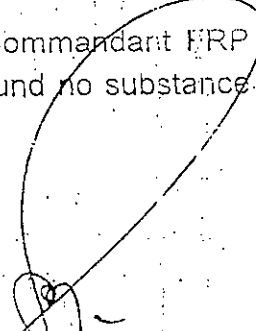
The appellant was heard in person, but he failed to present an justification regarding to his prolong absence.

From perusal of enquiry file it has been found that an ex-parte action was taken against the accused appellant after persistent failure to appear before the enquiry officer. Remaining absent for long period of more than seven months from duties, without any valid permission is a misconduct of serious nature and the punishment imposed was found to be commensurate to the wrong done by the accused official. An imple opportunity of being heard was given to the accused official, but he deliberately waived it necessitating such an action.

There is no cogent reason to interfere with the decision of the competent authority.

Based on the findings narrated above, I, Sajid Ali PSP Commandant FRP Khyber Pakhtunkhwa, Peshawar, being the competent authority, has found no substance in the appeal, therefore, the same is rejected and filed being meritless.

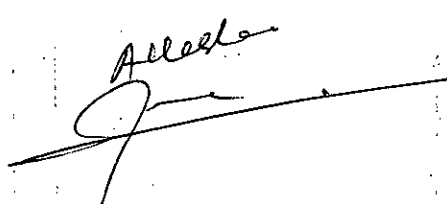
Order Announced.


Commandant
Frontier Reserve Police
Khyber Pakhtunkhwa, Peshawar.

No. 121565/IEC, dated Peshawar the 03/12/2018:

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

1. SP FRP DI Khan Range, DI Khan. His service record alongwith D file sent herewith.
2. Ex-constable Inayat Ullah No. 7821/8616. S/O Ghulam Jan, Police Station Paniala, Village Katta Khel, District DIK.



سرورس اپیل

Annex (E)

P-16

برائے بحالی ملازمت عہدہ کنسٹیبل (BPS-05)

عنوان

بخدمت جناب صلاح الدین خان انسپکٹر جنرل آف پولیس پشاور kpk

برخلاف حکم آرڈر نمبر 466 مورخہ: 13-07-2018

جناب FRP- SP صاحب ڈیرہ

مورخہ: 17-12-2018

اپیل کنندہ:-

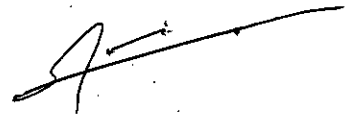
عنایت اللہ ولد غلام جان سکنہ کٹہ خیل تحصیل پہاڑ پور ضلع ڈیرہ اسماعیل خان KPK

سابقہ پولیس کنسٹیبل نمبر FRP / DI Khan 7821-8616

شناختی کارڈ نمبر: 7-12103-4457069

موبائل نمبر: 0345-9829709

A. Ullah



حضرت صاحب دارالعلوم - السیاحہ لکھنؤ میں آفیسر شہارہ (KIP)

ایس کے ایم اے سندھت لیسٹڈ کا ڈپٹی مینجنگ ڈائریکٹر اور ایگزیکٹو ڈائریکٹر

حضرت صاحب! - تدریس حضرت مولانا صاحب نے سال 2007ء کو کوئٹہ میں شروع کی تھی۔ اور تدریس میں بھی حضرت مولانا سے ایام دینا چاہتا رہا تھا۔ کہ اپنا کورس اور فیس آٹھ سو روپے کے ذریعے جمع کر کے بطور فرائض دلا دیا گیا۔

2- کہ میں نے مولانا صاحب کو کورس انٹرویو 01-01 سے 21-03 2017ء تک اور کورس کے فرائض کے بعد مولانا صاحب کے پاس 10 دس

میں رہیں مولانا صاحب کو 31-03 2017ء کو بعد احتیاطی لیسٹڈ میں تیار کیا

01-09 2017ء کو FRP لیسٹڈ میں ایسی خاصی تدریس

مجاہد FRP صلاح کا نام لکھتا ہوں کہ FRP سے ڈسٹریکٹ میں تدریس ہوگی۔ اور تاریخ 17-9 2017ء ڈسٹریکٹ لیسٹڈ میں تدریس ہوگی

3- مولانا صاحب کو FRP لیسٹڈ میں تدریس سے ڈسٹریکٹ لیسٹڈ میں تدریس ہوگی

Attested


حد ARP پر مشتمل ترے تمام ٹریڈنگ اسٹاکس والی
وجہ کرنے کے لئے تجھے حاضر کر دیا۔ جبکہ یہ اس

حوالہ سے تیار ہو گیا اور پھر وہ کی بڑی بڑی کم

میسروں کے لئے اپنے تمام غنیمتیں منگوا لیا۔

4- مینا کی نذر کرنا۔ ہر غنیمت کو محفوظ رکھنا

اور اس طرح اپنے تمام تر کاموں سے بچنا

ہیٹال سے ضروری علاج حاصل کرنا شروع ہوا۔

خارجہ حالت میں نے علاج حاصل اور ضروری عمل سیکھنا

رہ گیا۔ میں نے علاج ڈیکارٹ کیا۔ اس کے لئے خارجہ ڈاکٹر

جس کا نام مورٹن ہے اسے اپنی جان و گھنٹی پر بھیجا

گیا۔ اور خود بخود مہتمم بن گیا۔

Attested



5- یہ سب سب کی چیزیں کہہ کر صرف ایک حد تک اور یہی

جس سے خارجہ حالت میں نے عمل سیکھنا

مورٹن کے ساتھ رہنا اور اپنی جان و گھنٹی پر بھیجنا

کہ۔ حد تک اس سے محفوظ رہنا۔

اس لئے کہ اس سے بچنا اور اس سے بچنا

ہیں۔ اس لئے کہ اس سے بچنا اور اس سے بچنا

کونسی ۔۔

6 - اس بیماری دورانِ تحریر نے یہی موصاف لئے تھے

جکھس بہت بھری ہوئی تھی۔ اور جلد بچنے کے قابل بھی نہ تھی۔

7 - ریڈی میڈ مٹھیاں کے علاوہ میں سائلہ ڈیپارٹمنٹ اور ایڈیٹرز

جیلنگ جو کہ بہت سے علم سے بہرہ مند تھا۔ اور نہ ہی اس میں

مجھے کوئی اطلاع ملی۔ جکھس میں بہت بڑی شرحہ عیالات

میں اپنے آٹائی گھوٹوں میں تھا یہ سائلہ ہی موجود تھا۔

Attested

8 - اسواری جکھس کے دورے ہوئے۔ اس کے آٹا بیرونی

کا سٹاپا رہا۔ کہ مجھے اطلاع نہ دی۔ اور نہ ہی

آٹا مٹھیاں کی کہہ سکی تھیں۔ اور سٹاپا

ہوئے۔ اور پھر سائلہ سہیل کا اور اس سے

ہوئے۔ سائلہ سہیل اسواری سے پوچھنے کے لئے

کاٹائی کرتے تھے اسواری کا غلتا کوڑھا

تھے یہ بلکہ اسواری کے یہ جکھس ماننے

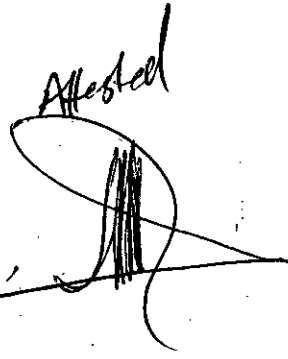
انوائی خرابی کے لئے جو کمری اور جیٹس

FRP کے بھی بنائے گئے اور بے اعتبارات کا

کے درجہ استعمال کر کے پورے قصبے انٹی ملڈر کے

حق سے محروم کر دیا اور درخواست کر دیا اور

یہ طریقہ وزارت کی طرف سے بھی نہیں اور

Attested


نہیں ہے ابھی سے یہ کوئی جبر نہیں کی

9- حکم درخواست کی کے بعد ہی ڈپارٹمنٹ میں خراب

کنڈیشن FRP اور اس کے ذریعے اور یہی صورت

خوب سے نہیں تھی بلکہ یہ طرح بلکہ یہ مسئلہ

کھلا اور یہ مسئلہ بھاری بھاری ہے

یہ مسئلہ نہیں تھا یہ سب اس وقت


کری تھی جو اس کا یہ لفظ

10- اس کے بعد ہی کے لئے اس کے لئے

خودم پر عی و دوسری ایسی ہیرو سکی - اور ماہر محض
 اپنے عہدہ جاتی رہیں جنھیں کہ دوسری شکل میں

ایس کے اہم ندرت ایسٹریٹ ڈیپارٹمنٹ بورڈ

تائیم کردہ ایک لکھنؤ سے حقوق الٹا کرنے
 حقوق میں آتا ہے

Attested


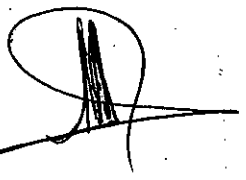
ہی ایسی ہیرو سکی عہدہ نگار -
 بیماری بہت کم ہو رہی ہے اور
 سے اپنی سروس پر بحال فرمایا جائے اور
 کے جملہ قدرتی - مالیاتی - ایسی تقاضے پورے کرانے
 ہیں - اور انکو بہت سروس از 2007 تا
 2018 کا لحاظ میں لیا جائے اور یہ عمل
 آرڈیننس میں بھی کی گئی اور فی روز کار
 رہانے لگا ہے جسکا کہ فی الف

تفصیلاً

تفصیلاً

بنا بر این که ...
اورا ...

Attested



17/12/2018

التحریر

7821 ...
FRP-DIKH ...

قسم ...
قسم ...

0345 982 9709

Signature

ORDER

Annex F (23)

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by Ex-FC Inayat Ullah No. 7821/8616. The petitioner was removed from service by SP/FRP, DI Khan vide OB No. 466, dated 13.07.2018 on the charge of absence from duty w.e.f 01.04.2017 to 17.04.2017 and 10.09.2017 to 22.09.2017 (28 days) and again w.e.f 19.11.2017 till date of removal from service i.e. 13.07.2018 (07 months & 24 days) for total period of 08 months and 22 days.

His appeal was rejected by Commandant, FRP, Khyber Pakhtunkhwa, Peshawar vide order Endst: No. 12150-51/EC, dated 03.12.2018.

Meeting of Appellate Board was held on 31.01.2019 wherein petitioner was heard in person. During hearing petitioner contended that his absence was not deliberate but he was ill.

Petitioner was heard in detail but he failed to advance any plausible explanation in rebuttal of the charges. He has earned 25 bad entries on charge of absence from duty which establishes that he is habitual absentee and there are no prospects of mending his ways. Therefore, the Board decided that his petition is hereby rejected.

This order is issued with the approval by the Competent Authority.

OFFICE OF THE COMMANDANT FRP, KP, PESHAWAR

No. 1532 /SI Legal dated 13/02/2019

copy of the above is forwarded to SP FRP DI Khan Range, DI Khan for information & further necessary action. His service record along with file sent herewith.

No. SI 500-06 /19, For Commandant FRP, KP.

(SADIQ BALOCH) PSP
AIG/Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.

Attested

Copy of the above is forwarded to the:

1. Commandant, FRP, Khyber Pakhtunkhwa, Peshawar. Service record alongwith departmental file of the above named Ex-Constable received vide your office Memo: No. 784/SI Legal, dated 22.01.2019 is returned herewith for your office record.
2. Supdt: of Police, FRP, D.I. Khan.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
5. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-IV CPO Peshawar.

Handwritten notes in Urdu: 1. سپر وکیل، 2. سپر وکیل، 3. سپر وکیل، 4. سپر وکیل، 5. سپر وکیل، 6. سپر وکیل، 7. سپر وکیل

OB/SAC/0116
FOR N/ACTION

SI/Legal
for N/ACTION

13/02/2019
1-2-19



جمہوریہ پاکستان

12103-4457069-7

نام: عمارت اللہ خان

تاریخ پیدائش: 06/04/1988

پتو: ...

...



مبارق ملک

دستخط مسٹر جنرل

دستخط مہل کارڈ

P (25)



V2B94G نامہ ان سیر: 12103-4457069-7

...



15/02/2023 ... 15/02/2013

...



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 336/2019.

Inayat Ullah S/o Haji Ghulam Jan Case Marwat r/o Kata Khel PS Paniyala Tehsil Paharpur District DI Khan Ex-constable No. 7821 FRP, DI Khan Range,Appellant.

VERSUS

1. **Superintendent of Police, FRP,**
DI Khan Range, DI Khan.
2. **Commandant FRP,**
Khyber Pakhtunkhwa, Peshawar.
3. **Provincial Police Officer,**
Khyber Pakhtunkhwa, Peshawar.....**Respondents.**

PRELIMINARY OBJECTIONS

1. That the appeal is badly time barred.
2. That the appeal is not maintainable in the present form.
3. That the appeal is bad for mis-joinder and non-joinder of necessary parties.
4. That the appellant has no cause of action to file the instant appeal.
5. That the appellant has not come to this Honorable Tribunal with clean hands.
6. That the appellant is estopped due to his own conduct to file the instant Service Appeal.
7. That the appellant is trying to conceal material facts from this Honorable Tribunal.

WRITTEN REPLY ON BEHALF OF RESPONDENTS.

RESPECTED SHEWETH.

FACTS:-

1. Para No. 1 is admitted to the extent to the extent of appellant's enlistment in respondent department however, the remaining para is incorrect as the appellant was remained absent from duty with effect from 01.04.2017 to 17.04.2017 and with effect from 10.09.2017 to 22.09.2017 for a period of 28 days, while he was posted to Police Station Draban, District DI Khan, Similarly he again remained absent from lawful duty with effect from 19.11.2017 till the date of removal from service i.e 13.07.2018 for period of (07 months & 24 days) hence his total absence period was 08 months & 22 days, without any leave or prior permission of the competent authority. The plea of illness taken by the appellant in the Para is a propounded story and the appellant supposed to have taken this plea before the Enquiry Officer or before the competent authority. Moreover, Proper departmental enquiry was conducted against the appellant as he was issued Charge Sheet alongwith Statement of Allegation and Enquiry Officer was nominated to conducted proper enquiry against him. During the course of Enquiry, the appellant was summoned time again by the Enquiry Officer, but he failed to submit his reply of Charge Sheet or appear before the Enquiry Officer. After fulfillment of all codal formalities, the appellant was removed from service by the competent authority. (Copy of Enquiry Report & Charge Sheet attached herewith as annexure "A" & "B").

[The text in this section is extremely faint and illegible. It appears to be a list or a series of entries, possibly organized in columns. Some faint words like "number" and "name" might be discernible, but the rest is lost to the quality of the scan.]

2. Incorrect and denied. That departmental appeal submitted by the appellant was thoroughly examined and ample opportunity for defence has already been provided to the appellant, to which he availed too, but he failed to present any cogent reason/justification before the competent authority regarding to his innocence.
3. Para No. 3 is admitted to the extent that revision petition of the appellant was thoroughly examined by the Appellate Board in its meeting and the appellant was heard in person in detail, but he failed to advance plausible justification before the Board concerned. Therefore, his revision petition was rejected on sound grounds. The instant service appeal may kindly be dismissed on the following grounds.

GROUND:-

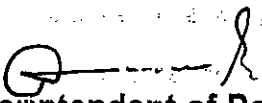
1. Incorrect and denied. The orders passed by the respondents are legally justified and in accordance to law.
2. Para No. 2 is pertains to record needs no comments.
3. Incorrect and denied. The appellant was proceeded against proper departmentally under the relevant law. He was issued Charge Sheet alongwith Summary of Allegations and Enquiry Officer was nominated to conduct enquiry against him to unearth the actual facts. After fulfillment the due codal formalities required as per law, the appellant was dismissed from service by the competent authority in accordance to law and it is settled proposition of law that the law helps the diligent and not indolent.
4. Incorrect and denied. On the allegations of willful absence, the appellant was proceeded against departmentally. During the course of enquiry the appellant was found summoned time and again, but he deliberately to appear before the enquiry officer to defend himself. An ample opportunity of personal hearing was also provided to him by the competent authority, but he failed to avail this opportunity by meaning thereof, that he was no more interest in the service of Police department. After fulfillment of all codal formalities, he was awarded major punishment of removal from service under the law.
5. Incorrect and denied. Upon the findings of Enquiry Officer, he was issued Final Show Cause Notice, with the directions to submit his reply within stipulated period of 15 days positively, but he refused from receiving of Show Cause Notice. He was also contacted on his self phone number to make his arrival report, but he did not turn up.
6. Incorrect and denied. Proper departmental enquiry has already been conducted against the appellant, he was called time and again to appear before the Enquiry Officer but he failed to do so. The Enquiry Officer submitted his findings, wherein the appellant was found guilty of the charges leveled against him and recommended that to issued him a Final Show Cause Notice. In the light of recommendation of Enquiry Officer, he was issued Final Show Cause Notice, but he refused to receive the said Show Cause Notice. He was also called for personal hearing by the competent authority, but he did not turn up. Moreover,

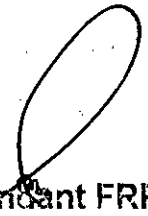
the appellant was well known about the enquiry proceeded but he intentionally failed to participate with the enquiry proceedings.


7. Incorrect and denied. That the appellant was remained absent from duty for a long period of 08 months & 22 days without any leave or prior permission of the competent authority to defend him self. the appellant was proceeded against proper departmentally and all codal formalities has been fulfilled in the case of appellant by the competent authority, required as per law. Moreover, the competent authority is legally not bound to go with the contention of appellant.
8. Incorrect and denied. The appellant was remained absent from duty with effect from 01.04.2017 to 17.04.2017 and with effect from 10.09.2017 to 22.09.2017 for a period of 28 days, while he was posted to Police Station Draban, District DI Khan from wherein he again absented himself from lawful duty with effect from 19.11.2017 till the date of removal from service i.e 13.07.2018 for period of (07 months & 24 days) hence his total absence period comes 08 months & 22 days without any leave or prior permission of the competent authority.
9. Incorrect and denied. Proper departmental enquiry was conducted against the appellant under the law. An ample opportunity of personal hearing had already been offered to the appellant, but he failed to appear before the competent authority to defend himself.
10. Incorrect and denied. The appellant was already proceeded against proper departmentally and during the course of enquiry, he was found guilty of the charges leveled against him. Moreover, the 10 years service is not a solid grounds for reinstatement in service, however, the appellant supposed to have appeared before the Enquiry Officer or before the competent authority during the course of enquiry and to justify his willful absence. After fulfillment of all codal formalities he was removed from service as per law.

PRAYERS:-

It is therefore, most humbly prayed that in the light of aforesaid facts/submission, the service appeal may kindly be dismissed with cost.


Superintendent of Police, FRP,
DI Khan Range, DI Khan.
(Respondent No:1)


Commandant FRP,
Khyber Pakhtunkhwa, Peshawar.
(Respondent No:2)


Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar
(Respondent No.3)

(13)

CHARGE SHEET.

A ✓

WHERE AS, I am satisfied that a departmental enquiry as contemplated by FRP Police Disciplinary Rules 1975 with amendment 2014 is necessary and expedient to be conducted into the allegation contained in the statement attached herewith.

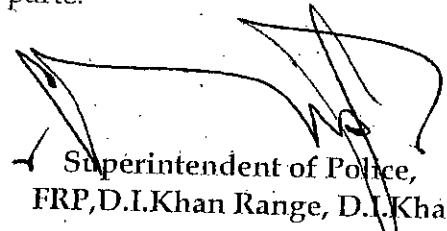
According to daily diary report No.70 dated 17.04.2017 of District Police Line DIKhan, you remained absent from law full duties with effect from 01.04.2017 to 17.04.2017 total (16) days without any leave or permission. Show Cause Notice was served upon you on 30.05.2017, you were required to submit your reply within stipulated period of 07 days but your reply still not received.


AND WHEREAS, I am of the view that the allegation if established would call for award of a major penalty including dismissal from service as defined in Rules 4(i)(B) of the aforesaid rules.

AND WHEREAS, as required by Police Rules 6(1) of the aforesaid rules, I, Mr. MUHAMMAD SHAFIQ KHAN, Superintendent of Police FRP, D.I.Khan Range D.I.Khan, hereby charge you Constable Inayat Ullah No.7821/FRP, with the misconduct on the basis of the statement attached to this charge sheet.

AND, hereby directed you further, under rules 6 (I) (B) of the said rules to put in written defense with-in 7-days of receipt of this Charge sheet as to why you proposed action should not be taken against you and also state at the same time whether you desire to be heard in person.

In case your reply is not received with-in the prescribed period, without sufficient cause, it would be presumed that you have no defense to offer and the proceedings will be completed against you ex-parte.


Superintendent of Police,
FRP, D.I.Khan Range, D.I.Khan.


محمد شفیق خان
7821 نوں دیواریں
19/07/2017
کو خود دیکر داولی کی

W.T. P. 2

DISCIPLINARY ACTION

I, Mr. MUHAMMAD SHAFIQ KHAN, Superintendent of Police FRP, D.I.Khan Range D.I.Khan, as a competent authority am of the opinion that you Constable Inayat Ullah No.7821/FRP, have rendered yourself liable to be proceeded against and committed the following acts/ omissions within the meaning of the Khyber Pakhtunkhwa Police Rule 1975 with amendment-2014.

STATEMENT OF ALLEGATION

According to daily diary report No.70 dated 17.04.2017 of District Police Line DIKhan, you remained absent from law full duties with effect from 01.04.2017 to 17.04.2017 **total (16) days** without any leave or permission. Show Cause Notice was served upon you on 30.05.2017, you were required to submit your reply within stipulated period of 07 days but your reply still not received.

Hence the statement of allegation.

1. For the purpose of scrutinizing the conduct of the said accused with reference to the above allegation SI Shakir Ullah LO/FRP DIKhan Range is appointed as enquiry Officer to conduct proper departmental enquiry under Khyber Pakhtunkhwa Police Rule 1975 with amendment-2014.
2. The enquiry Officer shall in accordance with the provision of the ordinance, provided reasonable opportunity of the hearing to the accused, record its findings and make, within ten (10) days of the receipt of this order recommendations as to punishment or other appropriate action against accused.
3. The accused and a well conversant representative of the department shall join the proceedings on the date time and place fixed by the enquiry officers.

Superintendent of Police,
FRP, D.I.Khan Range, D.I.Khan.

No. 1028-29 /FRP, dated D.I.Khan the 29 /06/2017.

Copy to:-

1. SI Shakir Ullah LO/FRP DIKhan Range. The enquiry officer for initiating proceeding against the defaulter under the provision of Khyber Pakhtunkhwa Police Rule 1975 with amendment-2014. Enquiry papers containing ___ pages are enclosed.
- 2 Constable Inayat Ullah No.7821/FRP, with the direction to appear before the E.O on the date, time and place fixed by the E.O, for the purpose of enquiry proceeding.

Superintendent of Police,
FRP, D.I.Khan Range, D.I.Khan.

فہمیت اللہ 7821 نمبر 14/07 کو
آکس و لول کی

NEXT PAGE

ماریا

B 2

1028-29-FRP

29-0-17

7821 Dik

30 6

17 4

17 4

17 4

17 4

17 4

17 4

17 4

17 4

17 4

17 4

17 4

17 4

17 4

17 4

17 4

17 4

17 4

17 4

روائی کی گئی ہے اور من سائل نے اسنادی ڈاؤن لوڈ 70 فونہ $\frac{4}{17}$ 17
 حاضر کیا ہے۔ تو من سائل کو سرور سٹاف نے پہلے سے
 عنبر صائبر کہا ہوا تھا۔ جو کہ من سائل کو غلط عنبر صائبر کہا گیا تھا
 کیونکہ من سائل فونہ $\frac{4}{17}$ سے لیکر $\frac{4}{17}$ تک لائن FRP
 میں مختلف ڈیوٹی کرتا رہا ہے۔ مذکورہ کا تصدیقی بیان لف
 قابل ملاحظہ ہے۔

مذکورہ بالا کی ٹرننگ کورس سے واپسی بعد اور لائن FRP
 سے باغیب پلاٹوں ڈسٹرکٹ لائن روائی بعد حاصل کی جا کر
 عمرہ لف قابل ملاحظہ ہے۔

مذکورہ بالا کی بطلان حینج بک فونہ $\frac{3}{17}$ 31 کو حاضر کیا گیا
 مذکورہ بالا نے فونہ $\frac{4}{17}$ 5 کو بعد اہتمام کورس حاضر کیا ہے۔

اور مذکورہ بالا فونہ $\frac{4}{17}$ 5 تا $\frac{4}{17}$ 17 تک لائن FRP میں
 ڈیوٹی کرتا رہا ہے۔ جو کہ اس بار میں ڈیوٹی دحسبہ چیک
 کیا گیا ہے جو کہ درست ہے۔ اسی بار میں پلاٹوں
 منشی قیصر فاروق $\frac{7807}{FRP}$ کو طلب کر کے بیان لیا گیا ہے کہ انڈام علیہ بالا
 جب لائن FRP میں ڈیوٹی کر رہا تھا تو ڈسٹرکٹ لائن میں
 سکوں عنبر صائبر کہا گیا تو منشی پلاٹوں نے نبلا یا ہے کہ میں
 خود نہ ہوں ہمارا ڈیوٹی یہ تھا۔ انڈام علیہ بالا کو اسکی عدم موجودگی میں
 عنبر صائبر کہا گیا ہے۔ منشی پلاٹوں کا بیان لف قابل ملاحظہ ہے۔

محنت انوائس اس پر ایسی نتیجہ پر پہنچا ہوں کہ انڈام علیہ بالا کو
 فونہ $\frac{3}{17}$ 22 کو بعد اہتمام ٹرننگ کورس لیا اور سے خارج کیا گیا اور $\frac{3}{17}$ 31
 کو مذکورہ کی حاضر کیا گیا۔ جو کہ مذکورہ بالا نے فونہ $\frac{3}{17}$ 31 کی بجائے $\frac{4}{17}$ 5 کو
 لائن FRP میں حاضر کیا ہے۔ اور لائن FRP میں

(3)

نفی کی کھپا سے جو 5 تا 17⁴/₁₇ تک دلوٹی

کرتا رہا ہے۔ مذکورہ بالا کی جو 17⁴/₁₇ کو لائن FRP

سے باعقب لگاؤنی ڈسٹرکٹ پولیس لائن روایتی کی ہے

مذکورہ بالا کی جو 17⁴/₁₇ تا 5⁴/₁₇ کن (4) یوم غیر صافری تھی ہے

حکے بارب جس مذکورہ بالا بیانی ہے کہ اس سے غلطی سے

ہوئی ہے۔ جو کہ مذکورہ بالا کا یہ بیان کلی بخش نہیں ہے

نہذا مذکورہ بالا کی عمرہ غیر صافری (4) یوم کو

پہلے تنخواہ کرنے کی اس دعا ہوں۔ کہ ہر قسم افسران بالا

افضل ہوگا۔ نام دیکھ لیا ہے

ذکر سائر اللہ FRP-50

17-7-17

No. 372 /FRP

Dated 10-11 /2017

OFFICE OF THE SUPERINTENDENT OF POLICE FRP DIKHAN RANGE DIKHAN

SHOW CAUSE NOTICE

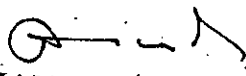
(Under Rule 5(3)(b) KP Police Rules 1975)

- I) Whereas you Constable Inayat Ullah No.7821/FRP of FRP have rendered yourself liable to be proceeded under Rule 5(3) (b) of the Khyber Pakhtunkhwa Police Rules 1975 for the following misconduct.
- a) According to daily diary report No.57 dated 22.09.2017 of District Police Line DIKhan, you remained absent from law full duties with effect from 10.09.2017 to 22.09.2017 total (12) days without any leave or permission from the competent authority.
- II) That the misconduct on your part is prejudicial to good order of discipline in the Police Force.
- III) That by taking cognizance of the matte under enquiry the undersigned as competent authority under the said rule proposed stern action against you by awarding one or more of the punishments as provided in Rule 4 the receipt of the notice failing which an ex-part action shall be taken against you.
- IV) you are further directed to inform the undersigned as to whether you wish to be heard in person or not.

Received By _____
Dated _____/2017

Inayat Ullah
15.11.2017

کونستبل 7821 رقم 13
روزنامہ میں ذکر ہو گیا ہے


(AMAN ULLAH KHAN)
Superintendent of Police, FRP,
DIKhan Range DIKhan

09/11

FINAL SHOW CAUSE NOTICE

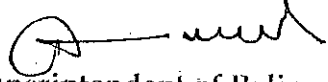
WHEREAS YOU, Constable Inayat Ullah No.7821/8616/FRP found guilty of following misconduct in violation of Khyber Pakhtunkhwa Police Disciplinary Rules 1975 with amendment 2014.

According to daily diary reports vide Mad No.70 dated 17.11.2017, No.57 dated 22.09.2017 of District Police Line DIKhan, you remained absent from law full duties with effect from 01.04.2017 to 17.04.2017 and 10.09.2017 to 22.09.2017 total (28) days respectively, similarly according to daily diary report No.12 dated 19.11.2017 of Police Station Draban DIKhan, you remained absent from law full duties with effect from 19.11.2017 to till date without any leave or permission from the competent authority.

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

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

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


Superintendent of Police,
FRP D.I.Khan Range D.I.Khan.

21/5/18

فاضل عالی!

لڈھیٹر ڈسپ
FRP-DIK

جوائہ ریفرس ایسج برنڈف کینسل عنایت اللہ 7020 جو مختلف
تاریخ میں دن (28) یوم اور پھر جوہ 19/17 سے اپنی ڈوٹی پوسٹ لاپس دیں
سے بدستور عند حاضر ہے جسے خداداد کھانا ماروائی ہو چکی ہے
اور مائل اس کو ماز ہی الشو کیا گیا ہے جو مذکورہ شو ماز
نے سے ہی اس ماز ہے۔ کینسل مذکورہ ان بالا سے
طلب کرنے پر پیشی پر ہی حاضر نہیں آنا اور نہ ہی اپنی لاپس
قصباتی پر حاضر کرنا ہے۔

کینسل مذکورہ کو مل جوہ 9/18 کو نذر ہم جوہ 9829709-0345
جوہ 9:30 بجے رابطہ کیا گیا جو کہ کینسل مذکورہ جوہل پر بذات خود ملا
مذکورہ کو پیشی کینسل طلب کیا گیا تو مذکورہ بیانی ہوا کہ آج میں
کٹھنی نیوہ میں گیا ہوں صبح 9 بجے حاضر اول گام کافی
انتظار کیا گیا مگر حاضر نہ آیا۔

کینسل مذکورہ کافی عرصہ سے یعنی 19/17 سے بدستور
عند حاضر ہے جس سے یہ بات عیاں ہوتی ہے کہ مذکورہ اب
فوری کرنے کا خواہ نہیں ہے۔ مذکورہ کا سابقہ سرویس الیکٹریکل
دست نہ ہے۔

مذکورہ کو تاریخ عند حاضری سے درخواست کرنے
کی سفارش کی جاتی ہے۔ نذر ہم ان بالا افضل ہوگا۔

ظہور الدین خان
DSP-FRP-DIK
10-7-18

ORDER:-

My this order will dispose off departmental enquiry conducted against Constable Inayat Ullah No.7821/8616/FRP under Khyber Pakhtunkhwa Police Disciplinary Rules-1975 (Amended in 2014).

According to daily diary reports vide Mad No.70 dated 17.04.2017, No.57 dated 22.09.2017 of District Police Line DIKhan, he remained absent from law full duties with effect from 01.04.2017 to 17.04.2017 and 10.09.2017 to 22.09.2017 total (28) days respectively, similarly according to daily diary report No.12 dated 19.11.2017 of Police Station Draban DIKhan, he remained absent from law full duties with effect from 19.11.2017 to till date without any leave or permission from the competent authority. To this effect he was served with show cause notices. He was required to submit the reply of said show cause notices within stipulated period of 07 days but he failed to do so. He was issued charge sheet along with summary of allegation, Muhammad Yousaf DSP/FRP DIKhan Range was nominated as enquiry officer to unearth the actual facts. After completion of all codal formalities the enquiry officer submitted his findings report along with other relevant paper, wherein he stated that defaulter Constable was summoned time and again to record his statement and also for completion of departmental proceedings but he did not attended the enquiry proceedings and recommended defaulter constable for final Show Cause Notice. He was served with final Show Cause Notice. He was required to submit the reply of said final show cause notice within stipulated period of 15 days but he failed to do so. He was called in orderly room in the office of undersigned on various dates but he does not appear before the undersigned. From perusal of his service record it revealed that he was enlisted as Constable on 30.07.2007, during his service he remained absent from law full duties for (427) days and awarded minor punishment of confinement to quarter guard for 12 days, fine Rs.200/-, stoppage of one annual increment without cumulative effect and "CENSURE" previously.

Keeping in view the facts stated above, as well as recommendation of enquiry officer, I MR. AMAN ULLAH KHAN, Superintendent of Police FRP D.I.Khan Range, D.I.Khan, in exercise of powers vested in me under Khyber Pakhtunkhwa Police Disciplinary Rules-1975 amended-2014 hereby taking Ex-parte action against Constable Inayat Ullah No.7821/8616/FRP awarded him major punishment of **Removal from Service** from the date of absence. His absence period i.e 01.04.2017 to 17.04.2017, 10.09.2017 to 22.09.2017 and 19.11.2017 to till date is treated as without pay.

ORDER ANNOUNCED.

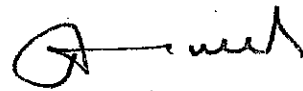
Dated 13-7-2018.

OB No. 466 /FRP

Dated 13-7-2018

Copy to:-

1. Pay Officer
2. SRC
3. OHC


(AMAN ULLAH KHAN)
Superintendent of Police,
FRP, DIKhan Range DIKhan.