

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

**SERVICE APPEAL NO. 689/2016**

Date of institution ... 13.06.2016

Date of judgment ... 04.12.2018

Raham Diaz Ex-Constable No. 1133, Platoon No. 149, Frontier Reserve Police  
Bannu.

... (Appellant)

**VERSUS**

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Additional Inspector General of Police/Commandant, Frontier Reserve Police, Khyber Pakhtunkhwa, Peshawar.
3. Superintendent of Police, Frontier Reserve Police, Bannu Range, Bannu.  
... (Respondents)

APPEAL UNDER SECTION-4 OF THE KHYBER  
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974,  
AGAINST THE ORDER DATED 12.06.2014, WHEREBY THE  
APPELLANT HAS BEEN AWARDED THE MAJOR  
PUNISHMENT OF REMOVAL FROM SERVICE, AGAINST  
WHICH HIS DEPARTMENTAL APPEAL AND  
MERCY/REVIEW PETITION HAVE ALSO BEEN REJECTED  
VIDE ORDERS DATED 18.08.2014 AND 12.05.2016  
RESPECTIVELY.

Miss. Yasir Saleem, Advocate.

.. For appellant.

Mr. Riaz Ahmad Paindakheil, Assistant Advocate General

.. For respondents.

Mr. MUHAMMAD AMIN KHAN KUNDI

.. MEMBER (JUDICIAL)

MR. AHMAD HASSAN

.. MEMBER (EXECUTIVE)

**JUDGMENT**

**MUHAMMAD AMIN KHAN KUNDI, MEMBER: -** Counsel

for the appellant present. Mr. Riaz Ahmad Paindakheil, Assistant Advocate  
General for the respondents present. Arguments heard and record perused.

2. Brief facts of the case as per present service appeal are that the appellant  
was serving in Police Department. He was removed from service vide order

dated 12.06.2014 on the allegation of absence for a period of 295 days. The appellant filed departmental appeal (copy of the same is not available on the record) however, the same was rejected on 18.04.2014 thereafter, the appellant filed revision petition (undated) which was rejected on 12.05.2016 hence, the present service appeal on 13.06.2016.

3. Respondents were summoned who contested the appeal by filing written reply/comments.

4. Learned counsel for the appellant contended that the appellant was serving in Police Department and he was imposed major penalty of removal from service on the allegation of absence from duty. It was further contended that neither proper inquiry was conducted nor any absence notice was issued at home address of the appellant. It was further contended that the appellant was condemned unheard therefore, the impugned order is illegal and liable to be set-aside.

5. On the other hand, learned Assistant Advocate General for the respondents opposed the contention of learned counsel for the appellant and contended that the appellant was removed from service vide order dated 12.03.2014, the appellant filed departmental appeal which was rejected on 18.08.2014 and thereafter, the appellant filed revision petition which was rejected vide order dated 12.05.2016 mainly on the ground that the same is badly time barred therefore, it was vehemently contended that the revision petition is badly time barred and prayed for dismissal of appeal.

6. Perusal of the record reveals that the appellant was serving in Police Department, he was removed from service vide order dated 12.06.2014, the appellant filed departmental appeal however, copy of the same is not available on record but the same was rejected on 18.08.2014. The appellant was required to file revision petition within one month but he has filed revision petition but

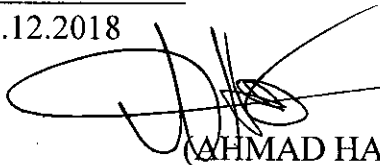
*M. Anwar  
4/12/2018*


has not mentioned any date on the revision petition for the reason best known to the appellant and the same was rejected on 12.05.2016 mainly on the ground that the revision petition of the appellant was badly time barred. As such, the revision petition of the appellant is badly time barred therefore, the present appeal is dismissed being time barred. Parties are left to bear their own costs.

File be consigned to the record room.

ANNOUNCED

04.12.2018

  
(AHMAD HASSAN)  
MEMBER

  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

30.10.2018

Due to retirement of Hon'ble Chairman, the Tribunal is incomplete. Therefore, the case is adjourned. To come up for the same on 04.12.2018.


  
Reader


04.12.2018

Counsel for the appellant present. Mr. Riaz Ahmad Paindakheil, Assistant Advocate General for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today consisting of three pages placed on file, the present appeal is dismissed being time barred. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED  
04.12.2018

  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

  
(AHMAD HASSAN)  
MEMBER

07.06.2018

Clerk to counsel for the appellant and Mr. Kabir Ullah Khattak, learned Additional Advocate General for the respondents present. Due to general strike of the bar, the case is adjourned. To come up for arguments on 04.06.2018 before D.B

  
(Ahmad Hassan)  
Member

  
(Muhammad Hamid Mughal)  
Member

04.06.2018


Clerk to counsel present. Mr. Riaz Paindakheil learned Assistant Advocate General for respondents present. Clerk to counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 06.08.2018 before D.B.


  
(Ahmad Hassan)  
Member

  
(Muhammad Hamid Mughal)  
Member

06.08.2018

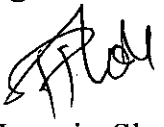
Clerk to counsel for the appellant and Mr. Muhammad Jan, learned Deputy District Attorney present. Clerk to counsel for the appellant seeks adjournment as learned counsel for the appellant is not in attendance. Adjourned. To come up for arguments on 27.09.2018 before D.B.


  
(Muhammad Amin Kundi)  
Member

  
(Muhammad Hamid Mughal)  
Member

27.09.2018


Clerk to counsel for the appellant and Mr. Usman Ghani learned District Attorney for the respondent present. Due to general strike of the bar adjourn. To come up for arguments on 30.10.2018 before D.B.

  
(Hussain Shah)  
Member

  
(Muhammad Hamid Mughal)  
Member

30.05.2017

Clerk of the counsel for appellant present. Mr. Saferullah, Head Constable alongwith Mr. Muhammad Adeel Butt, Additional AG for the respondents also present. Due to strike of the bar learned counsel for the appellant is not in attendance. Adjourned. To come up for rejoinder and arguments on 25.09.2017 before D.B.

  
(GUL ZEB KHAN)  
MEMBER

  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

25.09.2017

Counsel for the appellant and Addl. AG for the respondents present. Since learned Member (Mr. Ahmad Hassan) is on leave, therefore, arguments could not be heard. To come up for arguments on 18.12.2017 before D.B.

  
Chairman

18.12.2017

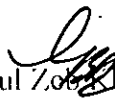
Appellant in person and Mr. Muhammad Jan, DDA alongwith Amir Muhammad SI (Legal) for the respondents present. Counsel for the appellant is not in attendance. Seeks adjournment. Granted. To come up for arguments on 6.02.2018 before the D.B.


  
Member

  
Chairman

06.02.2018

Counsel for the appellant present. Mr. Muhammad Jan DDA for the respondents present. Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 02.04.2018 before D.B.

  
(Gul Zeb Khan)  
Member

  
(Muhammad Hamid Mughal)  
Member

21.03.2017

Mst. Uzma Syed Advocate for appellant present. Wakalatnama submitted. Learned counsel for the appellant argued that the appellant was serving as Constable when removed from service on the allegations of willful absence vide impugned order dated 12.06.2014 where-against he preferred departmental appeal which was also rejected on 18.08.2014 constraining him to prefer mercy petition which was also rejected vide order dated 12.5.2016 communicated to the appellant on 17.05.2016 and hence the instant service appeal on 13.06.2016.

That neither any enquiry in the mode and manners prescribed by rules was conducted nor any opportunity of hearing was ever extended to the appellant.

Points urged need consideration. **Admit subject to limitation.** Appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to the respondents. To come up for written reply/comments on 19.04.2017 before S.B.

Appellant Deposited  
Security & Process Fee

Chairman

19.04.2017

Counsel for the appellant and Mr. Saferullah, HC along with Addl. AG for the respondents present. Written reply submitted. To come up for rejoinder and final hearing on 30.05.2017.

(Muhammad Amin Khan Kundi)

Member

689/2016

25.01.2017

Junior counsel for the appellant and Addl. AG for the respondents present. Learned senior counsel for the appellant is stated busy in the august Supreme Court of Pakistan. Requested for adjournment. Adjourned for preliminary hearing to 14.02.2017 before S.B.

Chairman

14.02.2017

Mr. Yasir Saleem, Junior counsel for senior counsel Mr. Ijaz Anwar, Advocate present and requested for adjournment as senior counsel for appellant is busy before the august Supreme Court of Pakistan. Adjourned for preliminary hearing to 01.03.2017 before S.B.

(ASHFAQUJE TAJ)  
MEMBER

01.03.2017

Clerk to counsel for the appellant present and requested for adjournment. To come up for preliminary hearing on 21.03.2017 before S.B.

(MUHAMMAD AAMIR NAZIR)  
MEMBER



16.11.2016

Counsel for the appellant and Asstt. AG for the respondents present. Learned Asstt. AG requested for adjournment. Adjourned for preliminary hearing to 01.12.2016 before S.B.

  
Chairman

01.12.2016

Agent of counsel for the appellant and Addl. AG present. <sup>Agent of</sup> Counsel for the appellant seeks adjournment as counsel for the appellant is not in attendance. Adjourned for preliminary hearing to 29.12.2016 before S.B.

  
Chairman

29.12.2016

Agent of counsel for the appellant and Addl. AG for the respondents present. Request made on behalf of learned counsel for the appellant for adjournment as he is not present to-day. Last opportunity granted. Adjourned for preliminary hearing to 25.01.2017 before S.B.

  
  
Chairman

22.08.2016

Agent to counsel for the appellant and Additional AG for respondents present. Due to strike of the Bar learned counsel for the appellant is not in attendance before the Tribunal therefore, case is adjourned for preliminary hearing to 27.09.2016 before S.B.

  
Chairman

27.09.2016

Counsel for the appellant and Addl.AG present. Counsel for the appellant seeks adjournment. Adjourned for preliminary hearing to 24.10.2016 before S.B.

  
Chairman

24.10.2016

Counsel for the appellant and Mr. Ihsanullah, ASI alongwith Addl: AG for respondents present. Counsel for the appellant requested for adjournment. Adjournment granted. To come up for preliminary hearing on 16.11.2016 before S.B.

  
(PIR BAKHSH SHAH)  
MEMBER

01.07.2016

Clerk to counsel for the appellant present. Requested for adjournment. To come up for preliminary hearing on 14.07.2016.

  
Member

14.07.2016

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was initially enlisted as Constable in the Frontier Reserve Police in the year 2010. Due to the some domestic problems the appellant remained absence but informed the concerned at the place of duty. No documentary evidence is available on file to substantiate his plea. He was proceeded under the relevant rules and awarded major punishment of removal from service vide order dated 12.6.2014. Feeling aggrieved of this order, he file departmental appeal copy of which is not available on record. His appeal was rejected vide order dated 18.8.2014. The appellant also submitted mercy petition is provided as Police Rules 1975. Relevant petition is available on page-9, but no date is mentioned on it. The same was rejected vide order dated 12.5.2016. The instant appeal was filed on 13.6.2016. Issue of limitation is also involved in this case.



Since the matter required further assistance, therefore, pre-admission notice be issued to SGP/respondents to argue the case particularly on maintainability of appeal. To come up for preliminary hearing on 22.8.2016 before S.B.

  
Member

Form- A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. 689/2016


S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	27/06/2016	<p>The appeal of Mr. Raham Diaz resubmitted today by Mr. Ijaz Anwar 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</p>
2	28-6-2016	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on. <u>01-07-2016</u></p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Ahmad Diaz ex-constable No. 1133 FRP Bannu received to-day i.e. on 13.06.2016 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copy of show cause notice mentioned in the memo of appeal is not attached with the appeal which may be placed on it.
- 2- Copy of departmental appeal is not attached with the appeal which may be placed on it.
- 3- In the memorandum of appeal the name of the appellant is written as Ahmad Diaz while all the documents attached with the appeal, show the name of the appellant as Raham Diaz.

No. 10/9 /S.T,

DL. 13/6 /2016

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Sajid Amin Adv. Pesh.

*Sir*  
*Re Submitted of your Complaint*  
*Please put the case.*



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

Appeal No. 689/2016

*Raham* Diaz Ex. Constable No. 1133, Platoon No.149,  
Frontier Reserve Police Bannu.

(Appellant)

**VERSUS**

The Provincial Police Officer, Khyber Pakhtunkhwa,  
Peshawar and others.

(Respondents)

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3	Copy of the order dated 18.08.2014	B	8
4	Copies of mercy/review petition and order dated 12.05.2016	C & D	9-10
8	Vakalatnama.		

*Raham*  
Appellant

Through

*Ijaz Anwar*  
IJAZ ANWAR  
Advocate Peshawar

*Sajid Amin*  
&  
SAJID AMIN  
Advocate, Peshawar

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

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 627

Dated 13-6-2016

Appeal No. 689 /2016

Raham Diaz Ex. Constable No. 1133, Platoon No.149,  
Frontier Reserve Police Bannu.

(Appellant)

VERSUS

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Additional Inspector General of Police/Commandant, Frontier - Reserve Police, Khyber Pakhtunkhwa, Peshawar.
3. Superintendent of Police, Frontier Reserve Police, Bannu Range, Bannu.

(Respondents)

Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, against the order dated 12.06. 2014, whereby the appellant has been awarded the major punishment of Removal from Service, against which his Departmental Appeal and mercy/review petition have also been rejected vide orders dated 18.08.2014 and 12.05.2016 respectively.

Prayer in Appeal:-

Filed to-day

[Signature]  
Registrar

13/6/16

On acceptance of this appeal the orders dated 12.06.2014, 18.08.2014 and 12.05.2016, may please be set-aside and the appellant may please be re-instated in service with full back wages and benefits of service.

Re-submitted to -day  
and filed.

[Signature]  
Registrar

27/6/16

Respectfully Submitted:

1. That the appellant was initially enlisted as Constable in the Frontier Reserve Police in the year 2010. Ever since his enlistment the appellant performed his duties as assigned to him with zeal and devotion and had never given any chance of complaint whatsoever regarding his performance.
2. That the while serving in the said capacity, the appellant due to his domestic problems remained absent from duty, however he duly informed his place of posting and requested for leave.
3. That due to his absence the appellant was proceeded against departmentally, a charge sheet and statement of allegations were though issued but never communicated to the appellant. Thereafter a partial inquiry was conducted and the inquiry officer without making any endeavour to associate the appellant with the inquiry proceedings, concluded inquiry and submitted his findings wherein he recommended the appellant for major punishment.
4. That thereafter a final show cause notice was also issued to the appellant, however without waiting for the reply of the appellant, Respondent No. 3, awarded the appellant the major punishment of Removal from service vide order dated 12.06.2014. **(Copy of the order dated 12.06.2014, is attached as Annexure A)**
5. That aggrieved from the order dated 12.06.2014, the appellant submitted his departmental appeal to the Respondent No. 2, however, it was also rejected vide order dated 18.08.2014. **(Copy of the order dated 18.08.2014, is attached as Annexure B)**
6. Thereafter the appellant also submitted mercy petition / review petition to the Respondent No.1, however the same was also rejected vide order dated 12.05.2016. The order was however, communicated to the appellant on 17.05.2016. **(Copies of mercy/review petition and order dated 12.05.2016, are attached as Annexure C & D)**
7. That the impugned orders are illegal unlawful against law and facts, hence liable to be set aside inter alia on the following grounds:



**GROUND OF SERVICE APPEAL:**


- A. That the appellant has not been treated in accordance with law, hence his rights secured and guaranteed under the law are badly violated.
- B. That no proper procedure has been followed before awarding the penalty of to the appellant, neither he has been served with charge sheet, statement of allegations or any absence notice nor has he been associated with the enquiry proceedings. No endeavor has been made to associate him with the inquiry, the whole proceedings were conducted ex-party and the appellant has not been allowed opportunity to defend himself thus proceedings so conducted are liable to be set aside.
- C. That the appellant has not been allowed opportunity of personal hearing before the imposition of penalty upon him, thus he has been condemned unheard.
- D. That no charge sheet or statement of allegation has ever been served upon the appellant before awarding him the penalty of removal from service hence he has not been provided opportunity to defend himself against the charges leveled.
- E. That the impugned penalty order has been made with retrospective effect, since no penalty order can be made with retrospective effect, therefore on this score alone the impugned order is liable to be set aside.
- F. That the superior court has held that in case of awarding major penalty, the provision of findings of inquiry report is mandatory so as to enable the accused official to know the grounds on which the inquiry officer / committee proved the charges against him, however in the instant case appellant has neither been served with any show cause notice, nor he has been provided the findings of the inquiry report before awarding him major penalty of dismissal from service.
- G. That no endeavor has been made to associate the appellant with the inquiry proceedings, the inquiry officer never conducted inquiry in accordance with law and has rendered his findings on mere surmises and conjunctures.


- H. That the appellant never committed an act or omission which could be termed as misconduct, albeit he has been awarded the penalty. He never absented himself willfully.
- I. That the appellant is jobless since his illegal dismissal from service he has a large family dependant upon him, due to his illegal dismissal his whole family is suffering.
- J. That the appellant has at about 3 years spotless service career at his credit, the penalty imposed upon him is too harsh and liable to be set aside.
- K. That the appellant seeks permission of this Honourable Tribunal to rely on additional grounds at the hearing of the appeal.

*It is, therefore, humbly prayed that On acceptance of this appeal the orders dated 12.06.2014, 18.08.2014 and 12.05.2016, may please be set-aside and the appellant may please be re-instated in service with full back wages and benefits of service.*

  
Appellant

Through

  
**IJAZ ANWAR**  
Advocate Peshawar  
&

  
**SAJID AMIN**  
Advocate, Peshawar

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

Appeal No. \_\_\_\_\_/2016

*Raham* Diaz Ex. Constable No. 1133, Platoon No.149,  
Frontier Reserve Police Bannu.

**(Appellant)**

**VERSUS**

The Provincial Police Officer, Khyber Pakhtunkhwa,  
Peshawar and others.

**(Respondents)**

**APPLICATION FOR CONDONATION OF DELAY,**  
**IF ANY IN THE TITLED APPEAL**

*Respectfully submitted:*

1. That the appellant has today filed the accompanied appeal before this honourable tribunal in which no date of hearing is fixed so far.
2. That the applicant prays for condonation of delay if any in filing the instant appeal inter alia on the following grounds:-

**GROUND OF APPLICATION**

- A. That the appellant throughout agitated the matter before the departmental authority and never remained negligent in perusing his remedy, he duly submitted his departmental appeal in time, which was rejected vide order dated 18.08.2014, later the appellant submitted a mercy/review petition which was treated as review petition under rule 11-A of the police Rules, the same remained under consideration for quite some time and was lastly rejected vide order dated 12.05.2016, the order was accordingly communicated to the appellant on 17.05.2016. thus delay if any in filing the instant appeal deserves to be condoned.
- B. That no proper procedure has been followed before awarding the penalty of Dismissal from Service to the appellant, neither he has been served with charge sheet, statement of allegations or any absence notice nor has he been associated with the enquiry proceedings. No endeavor has been made to associate him with the inquiry, the whole proceedings were conducted ex-party. Thus an order based on such defective proceedings are defective in nature and no period of limitation is applicable against a void order.

- C. That even the penalty order has been made with retrospective effect, since no penalty can be made to operate with retrospective effect, therefore the impugned order is illegal and void ab initio and no period of limitation run against such an illegal and void order.
- D. That valuable rights of the appellant are involved in the instant case in the instant case, hence the delay if any in filing the instant case deserves to be condoned.
- E. That it has been consistently held by the superior courts that appeal filed within 30 days from the date of communication of the order on departmental representation / appeal would be in time. Reliance is placed on 2013 SCMR 1053 & 1997 SCMR 287 (b)
- F. That it has been the consistent view of the Superior Courts that cases should be decided on merit rather than technicalities including limitation. The same is reported in 2004 PLC (CS) 1014 2003 PLC (CS) 769.

*It is therefore humbly prayed that on acceptance of this application the delay if any in filing the instant appeal may please be condoned.*

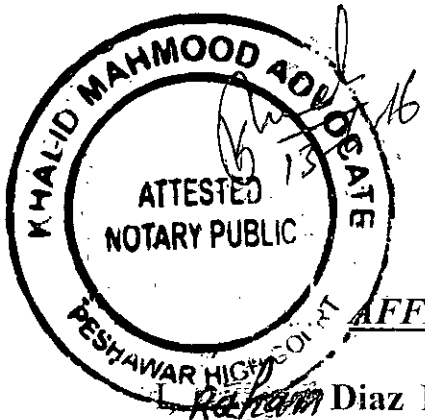
*Raza*  
Applicant

Through

*Ijaz Anwar*  
IJAZ ANWAR  
Advocate Peshawar

&

*Sajid Amin*  
SAJID AMIN  
Advocate, Peshawar



AFFIDAVIT

*Raza* Diaz Ex. Constable No. 1133, Platoon No.149, Frontier Reserve Police Bannu, do hereby solemnly affirm and declare on oath that the contents of the above noted appeal as well as accompanied application for condonation of delay are true and correct to the best of my knowledge and belief and that nothing has been kept back or concealed from this Honourable Tribunal.

*Raza*  
Deponent

**ORDER**

Constable Raham Diaz No.6229/FRP absented himself from duty while posted at PS Cantt Bannu w.e.from 25/12/2012 to 27/01/2013 with subsequent absence w.e.from 29/03/2013 to 01/07/2013 for the total period of 125 days without any leave and justification.

He also again absented himself from duty w.e.from 09/07/2013 to 26/12/2013 for the period of 170 days without any justifications.

He for the third time absented himself from 31-01-2014 till to date without any lawful justifications and the total period of absence has been made out (295) days.

Constable Raham Diaz No.6229/FRP was properly charge sheeted and S/PC Syed Rasool Khan was appointed as Enquiry Officer.

The first charge sheet was issued on 10/04/2013 vide this office No.807-8 while the second charge sheet was issued on 24/09/2013 vide office No.2084-85 and the third charge sheet was issued on 18/3/2014 vide No.797-98. All the three charge sheets / summary of allegations were delivered upon Constable Raham Diaz through special Constable but he did not reply to the any charge sheet.

S/PC Syed Rasool Khan conducted enquiry and placed all relevant record on the enquiry file. He examined the statements of the relevant staff in support of the charges. He has also placed the previous convictions of his absence and declared him habitual absentee. He submitted the findings of 03 charge sheets and proved the absence period without any lawful justification and grounds on the basis of the findings. Final Show Cause notice was issued to him and he received it at his home but did not reply to the said notice up till now and the stipulated period has since been elapsed.


He was recruited as Constable on 25/01/2010. His total service has been made out more than 03 years. He is habitual absentee and has acted negative towards his official duties and his conduct itself his evidence that he has no more interested in service. He has been summoned several times for personal hearing but he did not appear so far.

Therefore I Zar Wali Khan SP/FRP Bannu Range Bannu as competent authority impose upon him the penalty of Major Punishment of Removal from Service from the date of his absence u/s (3) of the Khyber Pakhtunkhwa Police Rules 1975.

OB No. 515

Dated: 12/06/2014

Copy to all concerned.

  
Superintendent of Police,  
FRP, Bannu  
Superintendent Of Police  
FRP/ Bannu



ORDER.

Annexure B<sup>4</sup>

This order shall dispose off on the appeal of Ex-Constable Raham Diaz No.6229 of FRP against the order of SP FRP Bannu Range.

(8)

Brief facts of the case are that he absented himself from duty with effect from 25.12.2012 to 27.01.2013, 29.03.2013 to 01.07.2013 for 125 days and again from 09.07.2013 to 26.12.2013 for 170 days and from 31.01.2014 till date for a total period of 295 days without any leave/permission of the competent authority. He was issued Charge sheet and SI/PC Syed Rasool Khan was appointed as Enquiry Officer. After enquiry the EO submitted finding, wherein he recommended the defaulter constable for Major-punishment. He was issued Final Show Cause Notice, but he failed to submit reply, therefore he was removed from service under Police Rules 1975 by SP FRP Bannu Range vide his OB No. 515 dated 12.06.2014.

Previously he absented himself from duty for 304 days which are as under:-

1. 112 days treated as leave without pay
2. 192 days which was treated as Medical leave.

However from the perusal of record and recommendation of Enquiry officer there are no cogent reason to interfere in the order of SP FRP Bannu Range. Therefore his appeal is rejected.

*M*  
Addl: IG/Commandant  
Frontier Reserve Police  
Khyber Pakhtunkhwa Peshawar  
19/08/2014  
18-8-2014

No. 6296-97 /EC dated Peshawar the

Copy of above is sent to the Superintendent of Police FRP Bannu Range Bannu for information and necessary action w/r to his Memo: No. 2039 dated 18.07.2014. His service record is returned herewith.

*W*  
2. Ex-Constable Raham Dayaz Khan S/o Imtiaz Khan R/o Medain Kakki P/o Kakki district Bannu.

**رحم درخواست**

(9)

محضور جناب والا شان صوبائی پولیس آفیسر صاحب صوبہ خیبر پختونخوا ایشاور

استدعا: بحال فرمانے سائل کنسٹیبل جو جناب SP-FRP صاحب بنوں نے سائل کو بوجہ غیر حاضری بحوالہ OB

نمبر 515 مورخہ 12-06-2014 ملازمت سے ڈسمس کیا ہے۔ جناب مکائنٹ صاحب FRP/KPK

نے بحوالہ نوٹیفیکیشن نمبر 6296-97/EC مورخہ 19-08-2014 اپیل سائل مسترد کیا ہے۔

جناب عالی!

من سائل آنجناب کے حضور ذیل عرض پرداز ہے یہ کہ سائل مورخہ 25-01-2010 کو محکمہ پولیس (FRP) بحیثیت

کنسٹیبل بھرتی ہوا۔ تقریباً ساڑھے تین سال عرصہ ملازمت کی۔ دوران ملازمت بندہ خانگی مسائل سے دوچار ہو کر

تقریباً 2/3 مرتبہ غیر حاضر ہوا لیکن ان غیر حاضریوں کی من سائل کو باقاعدہ طور پر محکمہ نہ مزاد دی گئی ہے۔ سائل نے رخصت ہونا

کے لئے درخواست گذاری۔ چونکہ ان دنوں محکمہ FRP میں رخصت کلاں منظوری کے لئے باقاعدہ افسران بالا کی پائیک کی جاتی

تھی۔ اس پائیک کی میں استدعا نہیں رکھتا تھا کیونکہ غربی کی وجہ سے میں محکمہ پولیس میں بطور کنسٹیبل بھرتی ہوا تھا لیکن افسران

FRP نے میری غربی کو نظر انداز کرتے ہوئے رخصت کلاں منظور نہ لیا۔ بدیں وجہ گھریا مشکلات کی وجہ سے میں غیر حاضری کا

مرتب ہوا جس کا اب مجھے پوری طرح احساس ہے کہ میں نے یہ غلطی کیوں کی۔ چونکہ مجھے جواب دینے کا طریقہ کار معلوم نہ تھا جس

کی وجہ سے میں نے بروقت جاری شدہ چارج شیٹ کا جواب نہ دیا جس کی وجہ سے SP/FRP صاحب نے مجھے نوکری سے

ڈسمس کیا۔

عالیجاہ!

سخت غریب ہوں مجھے اپنی غلطی کا پورا احساس ہے اور وعدہ کرتا ہوں کہ آئندہ کے لئے ایسی غلطی نہیں کرونگا۔ تربیت یافتہ

کنسٹیبل ہوں، مجھے میری غیر حاضری کی سزا ملنی چاہئے لیکن برخاستگی جیسی بڑی سزا میرے چھوٹے بال بچوں کے ساتھ ظلم ہے۔

عاجزانه استدعا کرتا ہوں کہ اگر میری غیر حاضری قابل سزا ہو تو مجھے ٹائم سکیل کنسٹیبل کے عہدے پر بحال کیا جائے۔ قوم ملک کی

خدمت کا جذبہ رکھتا ہوں۔ اللہ تعالیٰ بھی رحم کرنے والوں کو پسند کرتا ہے۔ میرے حال پر رحم فرمایا جاوے۔ تازیت دعا گور ہونگا۔

سائل سابقہ کنسٹیبل رحمد یاز خان نمبر 6229/FRP ضلع بنوں پلاٹون نمبر 149

رابطہ نمبر 0332 9727653

Atteja

ANNEXURE D

10



OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA  
CENTRAL POLICE OFFICE,  
PESHAWAR.

No. S/ 3900 /16, dated Peshawar the 12/05/2016.

**ORDER**

This order is hereby passed to dispose of departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 submitted by Ex-Constable Raham Diyaz No. 6229. The appellant was awarded punishment of removal from service by SP/FRP, Bannu vide OB No. 515, dated 12.06.2014, on charges of absence for a period of 426 days.

He preferred appeal before the Commandant, FRP, Khyber Pakhtunkhwa which was examined and filed / rejected vide Order Endst: No. 6296-97/EC, dated 19.08.2014.

Meeting of Appeal Board was held on 07.04.2016, wherein the appellant was heard in person. The enquiry papers were also examined. On examination of record, it revealed that the petitioner absented himself for a period of 03 months and 05 days. His service length is 04 years and 06 days. He was also awarded punishment of Fine of Rs. 600/- and stoppage of one annual increment without cumulative effect on the charges of absence. He was awarded punishment of 81 days leave without pay. This shows that the appellant is a habitual absentee and is burden on the department. His appeal is also time barred. Therefore, the petition of the petitioner is barred by law and limitation and worth rejection.

This order is issued with approval by the Competent Authority.

*Najeeb*

(NAJEEB-UR-RAHMAN)  
AIG / Establishment,  
For Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar.

No. S/ 3901-08 /16,

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

1. Commandant, FRP, Khyber Pakhtunkhwa, Peshawar.
2. ~~SP/FRP, Bannu.~~
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. PRO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
5. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-IV, CPO, Peshawar.
8. IC Central Registry Cell, (CRC), CPO.

*Najeeb*



POWER OF ATTORNEY

In the Court of Ryhan Poldana Khana Soomra Tohmal  
Dag

} For  
} Plaintiff  
} Appellant  
} Petitioner  
} Complainant

VERSUS

the P.P.O and others

} Defendant  
} Respondent  
} Accused

Appeal/Revision/Suit/Application/Petition/Case No. \_\_\_\_\_ of \_\_\_\_\_

Fixed for \_\_\_\_\_

I/We, the undersigned, do hereby nominate and appoint

**IJAZ ANWAR ADVOCATE, SUPREME COURT OF PAKISTAN**

and Sajid Anwar Advocate

my true and lawful attorney, for me in my same and on my behalf to appear at Dag to appear, plead, act and answer in the above Court or any Court to which the business is transferred in the above matter and is agreed to sign and file petitions. An appeal, statements, accounts, exhibits. Compromises or other documents whatsoever, in connection with the said matter or any matter arising there from and also to apply for and receive all documents or copies of documents, depositions etc, and to apply for and issue summons and other writs or subpoena and to apply for and get issued and arrest, attachment or other executions, warrants or order and to conduct any proceeding that may arise there out; and to apply for and receive payment of any or all sums or submit for the above matter to arbitration, and to employ any other Legal Practitioner authorizing him to exercise the power and authorizes hereby conferred on the Advocate wherever he may think fit to do so, any other lawyer may be appointed by my said counsel to conduct the case who shall have the same powers.

AND to all acts legally necessary to manage and conduct the said case in all respects, whether herein specified or not, as may be proper and expedient.

AND I/we hereby agree to ratify and confirm all lawful acts done on my/our behalf under or by virtue of this power or of the usual practice in such matter.

PROVIDED always, that I/we undertake at time of calling of the case by the Court/my authorized agent shall inform the Advocate and make him appear in Court, if the case may be dismissed in default, if it be proceeded ex-parte the said counsel shall not be held responsible for the same. All costs awarded in favour shall be the right of the counsel or his nominee, and if awarded against shall be payable by me/us

IN WITNESS whereof I/we have hereto signed at Dag  
the \_\_\_\_\_ day to \_\_\_\_\_ the year \_\_\_\_\_

Executant/Executants \_\_\_\_\_

Accepted subject to the terms regarding fee \_\_\_\_\_

**Ijaz Anwar**

Advocate High Courts & Supreme Court of Pakistan

ADVOCATES, LEGAL ADVISORS, SERVICE & LABOUR LAW CONSULTANT  
FR-3 2A, Fourth Floor, Bilour Plaza, Saddar Road, Peshawar Cantt.  
Ph.091-5272154 Mobile-0333-9107225

Sajid Anwar

Sajid Anwar

1  
**BEFORE THE SERICE TRIBUNAL KHYBER PAKHTUN KHWA PESHAWAR**

Appeal No.689/2016

Raham Diaz Ex- Constable No. 1133/6229, Platoon No.149

Frontier Reserve Police Bannu.

.....Appellant

**VERSUS**

- 1) Provincial Police Officer Khyber Pakhtunkhwa, Peshawar.
- 2) Additional IGP / Commandant FRP Khyber Pakhtunkhwa Peshawar.
- 3) Superintendent of Police FRP Bannu.

.....Respondents

**Respectfully Sheweth.**

Para wise Comments on behalf of the respondents are as under:

**Preliminary Objection:**

- 1) Appeal is badly time barred.
- 2) The Appellant is estopped by law & his own conduct.
- 3) Appeal is not maintainable for non joinder and mis joinder.
- 4) That the Appellant approached, to the honorable Tribunal, with uncleaned hands.

**OBJECTION OVER FACTS:-**

- 1) First Para is correct to the extent that the appellant was inducted in the Police Department on 25-01-2010, but the later improvement is clear from the Service Record of the appellant, what to talk about his tall claims regarding devotion and abilities towards his service, thus this Para has got no force.
- 2) In-correct appellant during the course of his duties deliberately absented himself from duty w.e.from 25-12-2012 to 27-01-2013 & with subsequent absence w.e.from 29-03-2013 to 01-07-2013 for the sufficient long period of (125) days and after it w.e.from 09-07-2013 to 26-12-2013 for the period of (170) days. He for the third time absent from duty w.e.from 31-01-2014 till the date of Removal from service vide this office OB No.515 dated 12-06-2014 without any leave or lawful justification, even did not bother to leave any information regarding his absence.

- 3) Incorrect: Appellant deliberately absented himself from duty for the sufficient long period without any lawful permission or justification which inter-alia suggest his unbecoming of good police officer. He was charge sheeted in accordance with law, which was properly served upon him on i.e. 16-04-2013 & 2<sup>nd</sup> charge sheet on 27-09-2013, while 3<sup>rd</sup> one on 07-04-2014 also bearing his signatures on the duplicate copy of the all charge sheets. Appellant did not replied to the charge sheet within stipulated period, also failed to join the enquiry proceedings / departmental proceedings initiated against him. Mr. Syed Rasool Khan SI/PC FRP, Bannu was nominated as an Enquiry officer by the competent authority with the directions to make proper probe into the allegation leveled against the appellant. Accordingly enquiry officer conducted inquiry regarding the appellant and submitted findings report, wherein appellant was reported to have willful and habitual absentee, malinger type official, rendered guilty of the charges, finally recommended for imposition of Major Punishment under the Law/Rules. (Copy of 03 charge sheets as Annex "A")
- 4) In-Correct. On the basis of the findings of the E.O Final Show Cause notice was issued, which was also delivered upon him at his home on 06-06-2013. Appellant was time and again summoned to appear before the enquiry officer, but he didn't bother to make arrival back to duty, even with no reply to the said notice within stipulated period. Appellant was afforded full opportunity of self defense and after observing all legal / codal formalities he was awarded Major Punishment i.e. Removal from service vide OB No.515 dated 12-06-2014. He was found in violation of rules, thus the action one in hand was taken. (Final Show Cause Notice as Annex "B")
- 5) Correct to the extent that after removal from service appellant submitted appeal / representation before the (Respondent No.2) Commandant FRP Khyber Pakhtunkhwa, Peshawar which was perused and examined by the high ups, consequently his appeal for re-instatement in service was rejected vide his good office order Endst:No.6296-97/EC dated 19-08-2014. (Copy of rejection order as Annex "C")
- 6) Correct to the extent that subsequent to rejection of appeal appellant submitted mercy / review petition before R.No.1, for re-instatement in service. A meeting of appeal Board was held on 07-04-2016, wherein the appellant was heard in person as well as enquiry papers was also examined by the high ups. On examination of record, it was described that appellant proved himself as habitual absentee, also his appeal is time barred by law and limitation and worth rejection vide CPO letter.No.3900/16, dated 12-05-2016. (Annex "D")

- 7) In-correct: The orders passed by the respondents were passed in accordance with law, facts and based on justice.

#### OBJECTION ON GROUNDS

- A. Incorrect: Proper enquiry was conducted according to Law / rules, wherein he was found willfully absent from duty without any leave/permission. As per inquiry he was responsible for the above misconduct / willful negligence, consequently Final Show Cause Notice of Major Punishment was issued vide No.1160 dated 04-06-2013, but with no reply to the said notice within stipulated period, nor associated with the enquiry proceedings, hence removal order passed vide this office OB No.515 on 12-06-2014.
- B. In-correct: full fledged Enquiry was conducted against the accused official and after observing all codal formalities SP FRP Bannu awarded major punishment to the appellant for the sufficient long absence. Accused official was found absent from duty for the sufficient long period, which resulted in charge sheet and with Departmental proceedings. The very fact is clear from the record. The Service Record of the accused official also speaks that the accused official has habitual and willfully absentee and not interested in service though full opportunity of self defense was provided to the accused official during the Enquiry proceedings, but he / Appellant failed to join the proceedings. (Enquiry Report Annex "E")
- C. In-correct: Appellant was afforded full opportunity of self defense during the enquiry proceedings, but he failed to join the departmental proceedings, even did not submit his reply to the any charge sheet within stipulated period. Appellant deliberately absented himself from duty without any lawful justification. He was time and again summoned to make arrival back to duty, but in spite of repeated directions from the superiors he did not bother to make arrival, even with no reply to the final show cause notice within stipulated period. Efforts for tracing out the appellant were made but his whereabouts was not known and was removed from service after conducting proper inquiries.
- D. In-correct: Appellant willfully absented himself from duty without any leave or valid permission of the competent authority, resultantly as clear from the record he was charge sheeted based on summary of allegation was personally delivered upon him as stated earlier in Para # 3 as proved from copy of charge sheet duly signed by him. All the opportunities were afforded to the appellant by E.O during inquiry but he failed to join / explain his willful absence as no hope of his arrival back to duty was left, in conclusion recommended for imposition of Major Punishment and finally removal order passed by the competent authority.

- E. In-correct: As stated in earlier Para #“C” Appellant failed to join the enquiry proceedings, which clearly indicates that he (appellant) was no more interested to continue further service in Police Department, that's why this department was left with no option except the one already taken.
- F. As evident from the record, a full fledged enquiry was conducted with the conclusion that the absence charges / allegations framed on the appellant stands proved. The appellant was properly charge sheeted, based upon summary of allegation & Enquiry Officer was nominated to make proper probe into the matter. Enquiry officer recorded the statement of all relevant Police Officers and after fulfilling all legal formalities came to conclusion that appellant didn't interested to continue further service, as appellant didn't join enquiry proceedings nor conveyed any information of his whereabouts, even with no reply to the Charge Sheet, consequently Final Show Cause Notice of Major Punishment was issued, which was properly served upon him on 06-06-2013, but also with no reply to the said notice within stipulated, thus removal order passed vide OB No.515 dated 12-06-2014, which is according to the rules and regulations.
- G. In-correct: In-fact neither irregularity nor unfairness was done and the Enquiry Proceedings was made quite within the four corners of law. Enquiry Officer renders guilty the appellant to be not willing in service and rendered his to be removed from service. Since the absence period was long and with no prior permission thus the Enquiry authority was left with no change except the order is passed.
- H. In-correct: The appellant being member of discipline force was bound under the rule to get prior permission in any situation during his service, while leaving the station of his duty; otherwise too Police Force is run by its own Rules and Regulations. He was found in violation of rules, thus the action one in hand was taken. Besides that Service Record of the appellant is full of different types of punishments awarded time and again by the authority, which clearly revealed appellant was habitual absentee.
- I. The accused official (Appellant) was a discipline force member and the rules and regulations required him to follow the rules strictly according to the prevailing law. As evident from record he remained absent from duty without any lawful excuse and permission of the superior officers, also stated in early Para's. As a result of which Appellant was run down under the disciplinary rules and finally ended with removal from service under the regulations.
- J. In-correct: As per appellant service record he proved himself as habitual absentee, as is evident from different types of punishments / Red entries in his service record i.e. without pay, Stoppage of increment, Fine etc imposed upon him time and again by the authority. (Annex “F”)

- K. That the respondents may also be allowed to raise additional grounds and proof at the time of arguments.

**Prayer:**

Keeping in view of the above facts and circumstances, it is humbly prayed that appeal of appellant, being not maintainable, may kindly be dismissed with costs.



Inspector General of Police  
KPK, Peshawar  
(Respondent No.1)



Commandant FRP,  
KPK, Peshawar.  
(Respondent No. 2)

litg



Superintendent of Police,  
FRP Bannu  
(Respondent No.3)

Annex A

CHARGE SHEET

WHEREAS I am satisfied that a formal inquiry as contemplated in the Khyber Pakhtunkhwa, disciplinary Rules, 1975 is necessary and expedient.

AND WHEREAS, I am of the view that the allegations if established would call for a major penalty as defined in Rules 4-1 (b) of the aforesaid Rule.


NOW, THEREFORE, as required in 6-1 (a) of the aforesaid Rule I, ZARWALI KHAN Superintendent of Police FRP, Bannu as competent authority, hereby charge you Constable Raham Diaz No.6229/FRP for the allegations, attached with this charge sheet.

AND I direct you further under rules 6-1 (b) of the aforesaid Rules to put in written defense within 07 days of the Receipt of this Charge Sheet as to whether major or Minor punishment as defined in Rules 4-1(a)-(b) should not be awarded to you. Also state at the same time whether you desire to be heard in person.

In case, your reply is not received within the prescribed period without sufficient reason, it would be presumed that you have nothing to say in your defense and the undersigned would be at liberty to take ex-parte action straight away against you.

میرزا محمد رفیق  
سرپرست پولیس ایف آر پی بانو

16/4/2013  
0334-9824649

  
Superintendent of Police,  
FRP, Bannu

## SUMMARY OF ALLEGATIONS

You Constable Raham Diaz No.6229/FRP were found to indulge in misconduct under the following allegations.

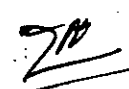
1. You while posted at PS Cantt Bannu, reported to have found absent from duty vide Mad No.17 dated 25/12/2012 without any leave or valid permission of the competent authority and report back vide Mad No.17 on 27/01/2013.
2. Besides that during the course of duties at Police Line II/FRP Bannu absented yourself from duty vide Mad No.17 dated 29/03/2013 till to date without any leave or valid permission of the superiors, resultantly stoppage of pay.
3. Ceased to become a good police officer.

Mr. Sved Rasool Khan SI/PC of Bannu Region is appointed to hold departmental proceedings and submit his to the undersigned after observing legal formalities. The Enquiry Officer shall, in accordance, provide reasonable opportunity of hearing to the accused, record its findings and make within (25) days of the receipt of this order, recommendation as to punishments or other appropriate action against the accused.

  
Superintendent of Police  
FRP, Bannu

Copy to: 807-8  
10-4-013

- 1) The inquiry officer for initiating proceedings against the accused within stipulated period.
- 2) The concerned Constable with the directions to appear before the inquiry officer on the date, time and place fixed by the inquiry officer.

  
Superintendent of Police  
FRP, Bannu



**CHARGE SHEET**


WHEREAS I am satisfied that a formal inquiry as contemplated in the Khyber Pakhtunkhwa, disciplinary Rules, 1975 is necessary and expedient:

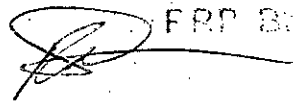
AND WHEREAS, I am of the view that the allegations if established would call for a major penalty as defined in Rules 4-1 (b) of the aforesaid Rule.

NOW, THEREFORE, as required in 6-1 (a) of the aforesaid Rule **I, Zar Wali Khan** Superintendent of Police FRP, Bannu as competent authority, hereby charge you **Constable Raham Diyaz No.6229** for the allegations, attached with this charge sheet.

AND I direct you further under rules 6-1 (b) of the aforesaid Rules to put in written defense within 07 days of the Receipt of this Charge Sheet as to whether major or Minor punishment as defined in Rules 4-1(b) should not be awarded to you. Also state at the same time whether you desire to be heard in person or not.

In case, your reply is not received within the prescribed period without sufficient reason, it would be presumed that you have nothing to say in your defense and the undersigned would be at liberty to take ex-parte action straight away against you.

  
**Superintendent of Police,  
FRP, Bannu**  
Superintendent Of Police  
FRP Bannu



رہام دیاز

رہام دیاز

رہام دیاز

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رہام دیاز

27/9/2023

03349874649

رہام دیاز

6142 50211101-8547527-1

## SUMMARY OF ALLEGATIONS

You Constable Raham Diyaz No.6229 were found to indulge in misconduct under the following allegations.

1. That you Constable Raham Diyaz No.6229 absent yourself from Govt. duty vide DD No.14 dated 09-07-2013 till date without any leave or prior permission of the competent authority.
2. Ceased to become a good police officer


Mr. Syed Rasool Khan SI/PC of Bannu Region is appointed to hold departmental proceedings and submit his to the undersigned after observing legal formalities. The Enquiry Officer shall, in accordance, provide reasonable opportunity of hearing to the accused, record its findings and make within (25) days of the receipt of this order, recommendation as to punishments or other appropriate action against the accused.

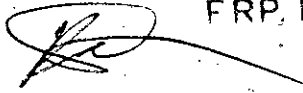
  
Superintendent of Police  
FRP, Bannu

No. 2084-85 Dated: 24/09/2013.

Copy to:

- 1) The inquiry officer for initiating proceedings against the accused within stipulated period.
- 2) The concerned Constable with the directions to appear before the inquiry officer on the date, time and place fixed by the inquiry officer.

  
Superintendent of Police  
FRP, Bannu  
Superintendent Of Police  
FRP, Bannu



**CHARGE SHEET**

A

WHEREAS I am satisfied that a formal inquiry as contemplated in the Khyber Pakhtunkhwa, disciplinary Rules, 1975 is necessary and expedient.

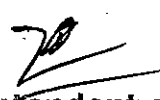
AND WHEREAS, I am of the view that the allegations if established would call for a major penalty as defined in Rules 4-1 (b) of the aforesaid Rule.

NOW, THEREFORE, as required in 6-1 (a) of the aforesaid Rule **I, Zar Wali Khan** Superintendent of Police FRP, Bannu as competent authority, hereby charge you **Constable Raham Diyaz No.6229** for the allegations, attached with this charge sheet.


AND I direct you further under rules 6-1 (b) of the aforesaid Rules to put in written defense within **(07)** days of the Receipt of this Charge Sheet as to whether major or Minor punishment as defined in Rules 4-1(b) should not be awarded to you. Also state at the same time whether you desire to be heard in person or not.

In case, your reply is not received within the prescribed period without sufficient reason, it would be presumed that you have nothing to say in your defense and the undersigned would be at liberty to take ex-parte action straight away against you.

دستور العمل کنڈہ  
دستور العمل کنڈہ

  
**Superintendent of Police,**  
**FRP, Bannu**  
Superintendent of Police  
FRP/ Bannu

07/04/14  
0332-9727653


  
کنڈہ

## SUMMARY OF ALLEGATIONS

You Constable Raham Diyaz No.6229 found to indulge in misconduct under the following allegations.

1. That you Constable Raham Diyaz No.6229 absented himself from Govt: duty w.e. from 31-01-2014 till date without any leave or prior permission of the competent authority.
2. Ceased to become a good Police officer.


Mr. Syed Rasool Khan SI/PC of Bannu Region is appointed to hold departmental proceedings and submit his to the undersigned after observing legal formalities. The Enquiry Officer shall, in accordance, provide reasonable opportunity of hearing to the accused, record its findings and make within (25) days of the receipt of this order, recommendation as to punishments or other appropriate action against the accused.

  
Superintendent of Police  
FRP, Bannu  
Superintendent of Police  
FRP/ Bannu

No. 797-98 Dated: 18 / 03 / 2014.

Copy to:

- 1) The inquiry officer for initiating proceedings against the accused within stipulated period.
- 2) The concerned Constable with the directions to appear before the inquiry officer on the date, time and place fixed by the inquiry officer.

  
Superintendent of Police  
FRP, Bannu



ORDER.

Annex 'C'

1285  
25.8.14

This order shall dispose off on the appeal of Ex-Constable Raham Diaz No.6229 of FRP against the order of SP FRP Bannu Range.

Brief facts of the case are that he absented himself from duty with effect from 25.12.2012 to 27.01.2013 , 29.03.2013 to 01.07.2013 for 125 days and again from 09.07.2013 to 26.12.2013 for 170 days and from 31.01.2014 till date for a total period of 295 days without any leave/permission of the competent authority. He was issued Charge sheet and SI/PC Syed Rasool Khan was appointed as Enquiry Officer. After enquiry the EO submitted finding, wherein he recommended the defaulter constable for Major punishment. He was issued Final Show Cause Notice, but he failed to submit reply, therefore he was removed from service under Police Rules 1975 by SP FRP Bannu Range vide his OB No. 515 dated 12.06.2014.

Previously he absented himself from duty for 304 days which are as under:-

1. 112 days treated as leave without pay
2. 192 days which was treated as Medical leave.

However from the perusal of record and recommendation of Enquiry officer there are no cogent reason to interfere in the order of SP FRP Bannu Range. **Therefore his appeal is rejected.**

Addl: IGP/Commandant  
Frontier Reserve Police  
Khyber Pakhtunkhwa Peshawar

No. 6296-97 /EC dated Peshawar the

17/08/2014  
18-8-2014

Copy of above is sent to the Superintendent of Police FRP Bannu Range Bannu for information and necessary action w/r to his Memo: No. 2039 dated 18.07.2014. His service record is returned herewith.

2. Ex-Constable Raham Dayaz Khan S/o Imtiaz Khan R/o Medain Kakki P/o Kakki district Bannu.

SRC -  
copy of record.

Superintendent of Police  
FRP Bannu  
25/08  
2014

Annex "D"

OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA  
CENTRAL POLICE OFFICE,  
PESHAWAR.

638  
23/5/16

No. SI 3900 /16, dated Peshawar the 12-05-2016

**ORDER**

3523  
13-05-16

This order is hereby passed to dispose of departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 submitted by Ex-Constable Raham Diyaz No. 6229. The appellant was awarded punishment of removal from service by SP/FRP, Bannu vide OB No. 515, dated 12.06.2014, on charges of absence for a period of 426 days.

The preferred appeal before the Commandant, FRP, Khyber Pakhtunkhwa which was examined and filed / rejected vide Order Endst: No. 6296-97/EC, dated 19.08.2014.

Meeting of Appeal Board was held on 07.04.2016, wherein the appellant was heard in person. The enquiry papers were also examined. On examination of record, it revealed that the petitioner absented himself for a period of 03 months and 05 days. His service length is 04 years and 06 days. He was also awarded punishment of Fine of Rs. 600/- and stoppage of one annual increment without cumulative effect on the charges of absence. He was awarded punishment of 31 days leave without pay. This shows that the appellant is a habitual absentee and is burden on the department. His appeal is also time barred. Therefore, the petition of the petitioner is barred by law and limitation and worth rejection.

This order is issued with approval by the Competent Authority.

*NAJEEB*

(NAJEEB-UR-RAHMAN)  
AIG / Establishment,  
For Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar.

No. SI 3901-08 /16,

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

1. Commandant, FRP, Khyber Pakhtunkhwa, Peshawar.
2. SP/FRP, Bannu.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. PRO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
5. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-IV, CPO, Peshawar.
8. I/C Central Registry Cell, (CRC), CPO:

*no 4138* *EC Pde 160516*  
*SP/FRP Bannu*

*3*  
COMMANDANT,  
Frontier Reserve Police,  
Khyber Pakhtunkhwa  
Peshawar

*SRC*  
*for n/action.*

*AW*

*23/5*

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