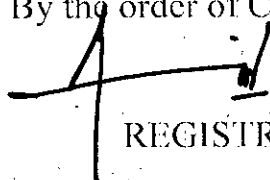


FORM OF ORDER SHEET

Court of _____

Appeal No. 60/2024

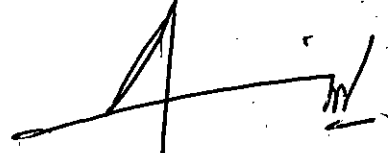
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	03/01/2024	<p>The appeal of Mr. Saeed Ullah resubmitted today by Mr. Kabir Ullah Khattak Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on <u>05/01/24</u>. Parcha Peshi is given to counsel for the appellant.</p> <p>By the order of Chairman  REGISTRAR</p>

The appeal of Mr. Saeed Ullah received today i.e on 01.01.2024 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 Judgment of Service Tribunal mentioned in para-5 of the memo of appeal is not attached with the appeal be placed on it.
- 2- Annexure-D of the appeal is incomplete and illegible be completed and replaced legible/better one.

No. 22 /S.T.

Dt. 2/1 /2024.

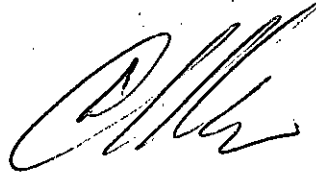


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Kabir Ullah Khattak Adv.
High Court Peshawar.

In Response of objection No. 1
The judgment of Service
Tribunal is not amended
in para 5.

objection No. 2 has been
Removed



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Appeal No. 60 of 2024

Saeed Ullah Ex constable No. 3867/5481, Malik Saad
Shaheed Police Lines Peshawar.

..... Appellant

VERSUS

1. Inspector General of Police KPK Peshawar.
2. Capital City Police Officer KPK Peshawar.
3. SSP Coordination for capital city police officer, KPK
Peshawar.


..... Respondents

INDEX

S.No.	Description of documents	Annexure	Pages
1.	Memo of Appeal		1-6
2.	Addresses of the parties		7
3.	Affidavit		8
4.	Application for condonation of delay		9-10
5.	Copy of Medical prescriptions	A	11-18
6.	Copy of the dismissal order dated 12.10.2012 and rejection order 20.02.2014	B&C	19-20
7.	Copy of the order dated 16.09.2021	D	21
8.	Copy of order dated 17.04.2023	E	22
9.	Copy of impugned dismissal order dated 21.08.2023	F	23
10.	Copy of departmental appeal and rejection order	G&H	24-28
11.	Wakalat Nama		29

Appellant

Through


Kabir Ullah Khattak
Advocates, High Court, Peshawar

(1)

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

Appeal No. 60 of 2024

Saeed Ullah Ex constable No. 3867/5481, Malik Saad
Shaheed Police Lines Peshawar.

..... Appellant

VERSUS

1. Inspector General of Police KPK Peshawar.
2. Capital City Police Officer KPK Peshawar.
3. SSP Coordination for capital city police officer, KPK
Peshawar.

..... Respondents

**APPEAL UNDER SECTION 4 OF THE KPK
SERVICE TRIBUNAL ACT, 1974, AGAINST
THE IMPUGNED ORDER DATED 21/08/2023
ISSUED BY RESPONDENT NO. 3 WHEREBY
THE APPELLANT WAS DISMISSED FROM
SERVICE AS WELL AS THE INTERVENING
PERIOD W.E.F 08.01.2012 TO 28.02.2012 AND
10.02.2012 TO 19.09.2012 (8) MONTHS AND (9)
DAYS AS WELL AS OUT OF SERVICE IS
TREATED AS LEAVE WITHOUT PAY
AGAINST WHICH THE APPELLANT FILED
DEPARTMENTAL APPEAL ON 31.08.2023
WHICH WAS REJECTED ON 29.11.2023 ON
NO GOOD GROUNDS.**

Prayer:

By acceptance of this appeal the impugned orders dated 21.08.2023, and 29.11.2023 may kindly be set aside and the appellant may kindly be reinstated on his service along with all back benefits.

2

Any other remedy which this august tribunal deems fit that may also be onward granted in favor of appellant.

Respectfully Sheweth:

FACTS

The appellant respectfully submits as under:

- 1) That the appellant has been appointed as Constable with respondent department since long time.
- 2) That after appointment the appellant performed his duty regularly with full devotion and hard work and no complaint whatsoever has been made against the appellant.
- 3) That while performing his official duty with respondent department the appellant got serious ill at the year 2012 and was admitted at Lady Reading Hospital Peshawar he remained under treatment for couple of months. That's why was unable to perform his official duty with respondent department. (Copy of Medical prescriptions are attached as Annexure-A).
- 4) That during the said illness period of the appellant, he was proceeded ex-party and without serving him with any show cause notice, charge sheet, statement of allegation, formal and departmental enquiry removed from service on 12.10.2012 against which the appellant filed departmental appeal which was rejected on 20.02.2014. (Copy of the removal order

3

dated 12.10.2012 and rejection order 20.02.2014 are attached as Annexure-B&C).

- 5) That against the above removal order of the appellant filed Service appeal No. 422/2014 before this Honourable Service Tribunal Peshawar which was accepted on 26.07.2021 with the following terms "in the light of the above discussion, the appeal in hand is allowed by setting aside the impugned orders. The appellant is reinstate in service with direction to respondent to conduct denov inquiry strictly in accordance with law and rules within sixty days of the receipt of copy of this judgment, failing which, the appellant shall be considered to have been reinstated in service with all back benefits".
- 6) That in compliance of the above judgment of service Tribunal the respondent department reinstate the appellant on 16.09.2021 for the purpose of denov inquiry. (Copy of the order dated 16.09.2021 is attached as Annexure-D).
- 7) That after reinstatement of his service the appellant performed his duty regularly with full devotion and no complaint whatsoever has been made against him.
- 8) That the respondent department, after two years on the same set of allegation, vide order dated 17.04.2023 imposed minor punishment of stoppage of increment for the period of two years against the appellant. (Copy of order dated 17.04.2023 is attached as Annexure-E).

and the intervening period as treated as leave without pay. (Copy of impugned dismissal order dated 21.08.2023 is attached as Annexure-F).

- 10) That against the said dismissal order the appellant filed departmental appeal on 31.08.2023 which was rejected on 29.11.2023 on no good grounds. (Copy of departmental appeal and rejection order are attached as Annexure-G&H).
- 11) That feeling aggrieved from the impugned orders the appellant filed the instant service appeal on the following grounds.

GROUND

- A). That the impugned orders dated 21/08/2023 and 29.11.2023 are void ab initio orders because it has been passed without fulfilling the codal formalities.
- B). That before imposing the punishment no charge sheet and statement of allegation has been issued or served to the appellant which is clear cut violation of rules 6, A (1) of Police Rules 1975.
- C). That no departmental or regular inquiry has been conducted by the respondent Department and no chance of personal hearing has been provided to the appellant in this respect the appellant relied

- (4)
- 9) That after that the respondent department through another notification of the same Officer SSP Coordination Capital City Officer Peshawar the

upon the Judgment dated 2008 Page SCMR 1369.

- D) That it well settled principal of law no one can be condemn unheard because it is against the natural justice of law and this respect the appellant relied upon the Judgment reported on 2008 SCMR Page 678.
- E). That no statement of witness has been recorded and no opportunity of cross examination has been provided to the appellant.
- F) That the respondent department did not comply the direction of this Honourable Tribunal by conducting the proceeding within specified period of sixty days hence the entire proceeding are coram-non-judice and infective upon the rights of appellant and liable to be set aside.
- G). That the appellant was subjected to double jeopardy as the same authority on the same allegation first imposed minor punishment and the major punishment which is not sustainable in the eyes of law.
- H). That the respondents has not treated the appellant in accordance with law rules and policy on the subject and acted in violation of Article 4 of the Constitution of Pakistan 1973, appellant has been penalized twice for the same set of accusation on one hand he was subjected to pecuniary loss by treating the absence period as leave without pay and on the other hand

appellant has been dismissed from his lawful service the same comes within the ambit of double jeopardy which is against the Provision and spirit of the Constitution of Pakistan 1973, hence the impugned penalty is against law and rules and is therefore, liable to be set aside.

- D) Any other grounds will be raised at the time of arguments with prior permission of this Hon'able Tribunal.

By acceptance of this appeal the impugned orders dated 21.08.2023, and 29.11.2023 may kindly be set aside and the appellant may kindly be reinstated on his service along with all back benefits.

Any other remedy which this august tribunal deems fit that may also onward granted in favor of appellant.


Appellant

Through


Kabir Ullah Khattak

&


Roeda Khan
Advocates, High Court, Peshawar

⑦

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Appeal No. _____ of 2024

Saeed Ullah Ex constable No. 3867/5481, Malik Saad
Shaheed Police Lines Peshawar.

..... **Appellant**

VERSUS

1. Inspector General of Police KPK Peshawar.
2. Capital City Police Officer KPK Peshawar.
3. SSP Coordination for capital city police officer, KPK
Peshawar.

..... **Respondents**

ADDRESSES OF THE PARTIES

Appellant

Saeed Ullah Ex constable No. 3867/5481, Malik Saad
Shaheed Police Lines Peshawar.

Respondents


1. Inspector General of Police KPK Peshawar.
2. Capital City Police Officer KPK Peshawar.
3. SSP Coordination for capital city police officer, KPK
Peshawar.


Appellant

Through


Kabir Ullah Khattak

&


Roeeda Khan
Advocates, High Court,
Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR.

8

Appeal No. _____ of 2024

Saeed Ullah Ex constable No. 3867/5481, Malik Saad
Shaheed Police Lines Peshawar.

..... Appellant

VERSUS

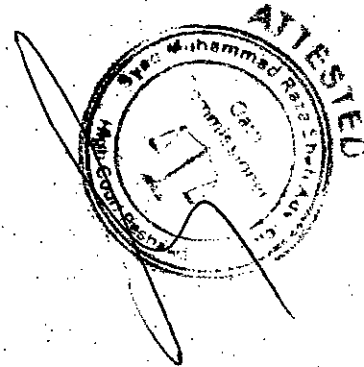
1. Inspector General of Police KPK Peshawar.
2. Capital City Police Officer KPK Peshawar.
3. SSP Coordination for capital city police officer, KPK
Peshawar.

..... Respondents

AFFIDAVIT

I, Saeed Ullah Ex constable No. 3867/5481, Malik Saad Shaheed
Police Lines Peshawar do hereby solemnly affirm and declare on
oath that the content of the above application are true and correct
to the best of my knowledge and belief and nothing has been kept
secret and concealed from this Hon'ble Tribunal.


DEPONENT




3. That as such the Hon' able Service Tribunal was closed to
due to summer vacation w.e.f 23.12.2023 to 31.12.2023. (10)

4. That the appellant was going to filed service appeal on
29.12.2023 but due to the reason mention in para 3 the
appellant was unable to file the instant appeal after lapse
of statutory period.

5. That any other grounds will be raised at the time of
arguments with the prior permission of this Hon' able
court.

It is therefore, requested that the limitation period (if
any) may kindly be condone in the interest of justice.

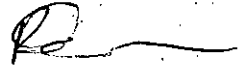
Dated 01.01.2024


Appellant

Through


Kabir Ullah Khattak

&


Roeda Khan

Advocates, High Court, Peshawar

Amir A

11

Aug 11 A 3 (7)

GS&PD.NWFP.15015-LRH Pesh-25.00 Forms-25.8.2007/P4(Z)VF=LRH/Discharge Slip

POSTGRADUATE MEDICAL INSTITUTE,
LADY READING HOSPITAL, PESHAWAR.

DISCHARGE SLIP

Admission No. 191 Bed No. 9
 Name of patient Faid U Waqar Father's Name _____
 Age _____ Sex M
 Address _____
 Date of Admission 11-01-2012 Time of Admission 9:30 AM
 Date of Discharge 09-02-2012 Time of Discharge 8:00 PM
 Diagnosis Widened +ve Entic Javel Condition Stable

TREATMENT IN HOSPITAL

1. _____
2. 1000 Trained 1/4 BD ATD
3. _____
4. 7 Home 1/4 BD (10/11/12)
5. _____
6. 2 Phys 1/4 BD

TREATMENT IN HOME

1. Pat. Welcom
2. 1+1
3. 1+1
4. 1+1
5. 1+1
6. 1+1

Signature and Stamp

Signature

12

MAIN OPD CENTER

8

YARDLY NO.

Room

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12

10-Feb-2012-10:30:45

Said Fikah

Medical

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ad Entree

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Job Jentree D
m 2005 m 1

Mag. Sw. Resident
Lady Resid. Hospital
Post. Med. 1

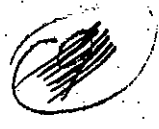
A device 30 days sick leave
10/02/2012 to 09/03/2012

Medical of
Govt. Lady Hospital

Unit
B.A. Postway

Attending

13



State of Ontario

John

J. J. [unclear]

J. J. [unclear]

J. J. [unclear]

Source: 30 days [unclear]

10/23/2012 to 09/04/2012

Attorney
J. J. [unclear]

J. J. [unclear]
M. J. [unclear]
S. B. [unclear]



MAIN OPD CENTER

Room

108152509843

12

09 April 2012 - 11:45:45

Said Ullah

Medical

14

14

old friend of Suroj Jee

Dr. Jee Jee Uro 141 500

Dr. Jee Jee Uro

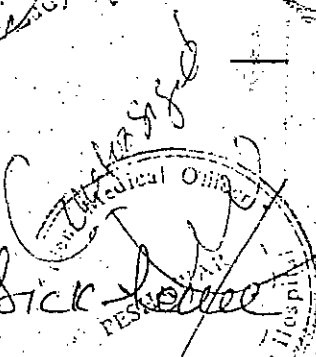
Dr. Jee Jee Uro

Admitted 20 days sick leave

w.e. from 09/04/2012 to 28/5/2012

Dr. Jee Jee Uro
Attn: Jee Jee Uro

Dr. Jee Jee Uro
Medical Officer
M.R.H. Peshawar



MAIN OPD COUNTER

Room

D

08-May-2012-11:15:15

933761756114

Saud Ullah

Medical

~~Handwritten scribble~~

15

No / no treatment
also case of Ent's nose.

Re Tal: Nafceon 7 days
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Tal: Panston 1 time
1 + 1 750 mg

Tal: Valium
1 + 1 5 mg

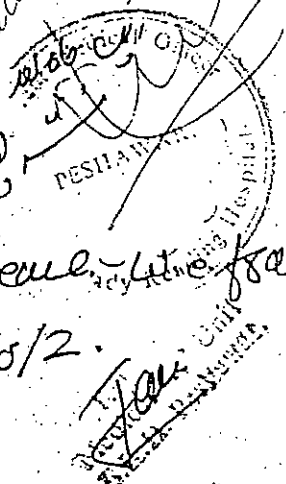
Tal: Saibex 2 times
1 + 1 500 mg

Admire 30 day sick leave
08/05/2012 to 07/06/2012.

Signature
L. S.

Handwritten signature

Handwritten signature



Handwritten signature

MAIN OPD COUNTER



16

Room

12

07-June-2012-11:50:33

752577565055

Sant U'lab

Medical

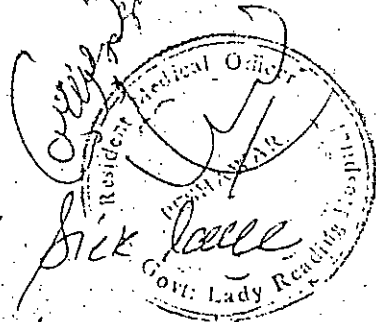
at all possible of
control from
No response

R. Tab. Ceclor 7 day
Scoring

Tab. Pandol
2hr

Tab. Quebec 2
1hr

Admire 30 days sick leave
w. e from 07/06/2012 to
06/07/2012.



Attn: Mr. J. S. S.

Resident
Medical Officer
N. S. S. S. S.

MAIN OPD COUNTER

[Handwritten signature]

17

Name: 75757575799 Room: 12
07 July 2012 11:30 AM
Said Habib Medical

No presence
of patient of ...

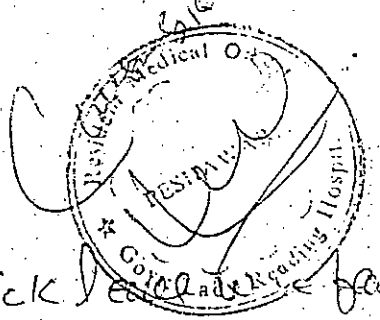
For ...

For ...
For ...
For ...

Advised 30 days sick leave
07/07/2012 to 06/08/2012

Attended
by ...

Medical Officer
Lady Reading Hospital
Peshawar



Medical Officer
Lady Reading Hospital
Peshawar

MAIN OPD COUNTER

~~18~~ - 18

Room

12

10909091010

06-Aug-2012 11:30:33

Said U Bah

Medical

Group Case

Need mrcg

Tas. Anshu 7 days
141 625mg

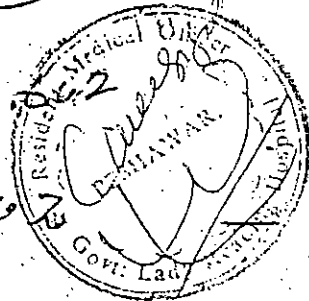
Tas. Pooja
141 400

Tas. Mital

Tas. Valum 10 62
10 3mg

Admission 45 days sick leave w.e.f
06/08/2012 to 19.09.2012

Att. Unit
A. S.



Resident
Unit
Residence

Annexure (B)

19

ORDER

This office order relates to the disposal of formal departmental enquiry against Constable Saidullah No.3867 of Capital City Police Peshawar on the allegations that he while posted at Police Lines, Peshawar absented himself from lawful duty w.e.f 08.01.2012 to 08.02.2012 and 10.02.2012 to 19.09.2012 (08-months & 10-days) without taking permission or leave.

In this regard, he was issued charged sheet and summary of _____ vide No.101/PA/SP/H.Qrs, dated 14.02.2012. SDPO Faqirabad Peshawar was appointed as Enquiry Officer. He conducted the enquiry proceedings and submitted his report that the defaulter constable is a habitual absentee. The E.O further recommended for taking exparte action against the delinquent official vides Enquiry Report No.08/E-ST dated 06.04.2012.

Upon the finding of E.O, he was issued final show cause notice to which he received by himself on 09.04.2012. He was called time & again to submit his explanation in self defence and appear in this office but he failed.

The report of MASI Police Lines, Peshawar was obtained. He reported that the defaulter official has been transferred to Nowshera vide OB No.1779 dated 04.05.2012. He further reported that the said official made departure vide DD No.65 dated 19.09.2012.

In this regard, the report of OASI Nowshera was also obtained. On 14.09.2012, he reported that Constable Saidullah No.3867 has been transferred to District Nowshera vide order No.7892-96/EC-I dated 04.05.2012 but he has not yet been reported arrival while his substitute has already been made his departure. On 11.10.2012, OASI Nowshera was contacted; he reported that the defaulter official reported arrival on 11.10.2012 while he made departure on 19.09.2012 at Police Lines, Peshawar after lapse of 22-days.

In the light of recommendation of E.O and other material available on record, the undersigned came to conclusion that the alleged official found guilty of the charges. Therefore, he is hereby removed from service under Police Disciplinary Rules, 1975 with immediate effect. Hence, the period he remained absent for 8-months & 10-days is treated without pay.

Sd/-

**SUPERINTENDENT OF POLICE
HEADQUARTERS, PESHAWAR**

OB. NO.3744/ Dated 12/10/2012

No.3985-92/PA/SP/dated Peshawar the 12/10/2012.

Copy of above is forwarded for information & n/action to:

- ✓ The Capital City Police Officer, Peshawar.
- ✓ The District Police Officer, Nowshera.
- ✓ DSP/HQrs, Peshawar.

Report of
Revised
Place
19/10

copy

ح

Amal C.P. (20)

This order will dispose off departmental appeal of ex-constable **Saeed Ullah No. 3867** who was awarded the major punishment of **Removal** from service under PR 1975 vide OB No. 3744 dated 12.10.2012 by SP/HQRs: Peshawar, on the charge of deliberate absence for a long time from lawful duty w.e.f. 8.1.12 to 8.2.12 & 10.2.12 to 19.9.12 (**Total 8-months and 9-days**) from Police Lines Peshawar.

Proper departmental proceedings were initiated against him and DSP/Faqirabad (Abdul Saboor Khan) was appointed as the E.O and after completion of all the codal formalities he was awarded the aforementioned punishment.

The relevant record was perused along with his explanation. He was also heard in person in OR on 18/2/2014. The allegations stand proved against him. He could not defend himself. He remained absent for 8-months and 9-days. He deserves no leniency. The order of SP-HQRs: is upheld and his appeal for reinstatement in service is rejected/filed.


CAPITAL CITY POLICE OFFICER,
19/2 PESHAWAR.

No. 276-81 /PA dated Peshawar the 20/2 /14

Copies for information and n/a to the :-

- 1/ SP-HQRs: Peshawar
- 2/ PO/ OASI
- ✓ 3/ CRC along with S.Roll for making n/entry.
- 4/ FMC along with FM.
- 5/ Official concerned.

An name (D) P. (21)

LA 0011111
punishment of dismissal from service by the then SP-HQrs vide OB No.3744 dated 12.10.2012 on the charges that he while posted at Police Lines, Peshawar absented himself from lawful duty w.e.f 08.01.2012 to 08.02.2012 & 10.02.2012 to 19.09.2012 (08-months & 10-days).

He was filed an appeal before CCPO, Peshawar against the above mentioned orders which was rejected/filed by the then CCPO, Peshawar vide order No.276-81/PA dated 20.02.2014.

Now, Ex-Constable Saeed Ullah No.3867 has submitted an application along-with court Judgment, wherein the Hon'able Service Tribunal ordered that "in the light of the above discussion, the appeal in hand is allowed by setting aside the impugned orders. The appellant is re-instated in service with direction to the respondent to conduct de-novo inquiry strictly in accordance with law and rule within 60-days of the receipt of copy of this judgment, failing which, the appellant shall be considered to have been re-instated in service with all back benefits."

As per direction of W/PPO vide letter No.7186/Legal dated 02.09.2021, Judgment of the Hon'ble Service Tribunal & kind approval of CCPO, Ex-Constable Saeed Ullah No.3867 is hereby re-instated in service with immediate effect for the purpose of de-novo enquiry. Hence, the intervening period i.e period of absence & period out of service is treated as leave of kind due.

SUPERINTENDENT OF POLICE
HEADQUARTERS, PESHAWAR

OB. NO. 2420 / Dated 16/9 /2021

No. 3456-73 /PA/SP/dated Peshawar the 16/9 /2021

Copy of above is forwarded for information & n/action to:

- ✓ The Addl: IG of Police, Internal Accountability Branch, CPO Peshawar
- ✓ Capital City Police Officer, Peshawar.
- ✓ DSP/HQrs, Peshawar.
- ✓ Pay Officer
- ✓ OASI, CRC & FMC along-with complete departmental file.
- ✓ Official concerned.

C.C.P.O. _____
 SSP/Coord _____
 SSP/O _____
 SSP/Inv _____
 SP/Cont _____

RH

Better Copy

The Constable Saeed Ullah No. 3867-3481 was awarded major punishment from service by the then SP-HQrs vide OB No. 3744 dated 12.10.2012 on the charges that he while posted at Police Lines, Peshawar absented himself from lawful duty w.e.f 08.01.2012 to 08.02.2012 to 19.09.2012 (08 months & 10 days).

He was filed an appeal before Capital City Police Officer, Peshawar against the above mentioned orders which was rejected/filed by the then Capital City Police Officer, Peshawar vide order No. 276-81/PA dated 20.02.2014.

Now, Ex-Constable Saeed Ullah No. 3867 has submitted an application along with court judgment, wherein the Hon' able Service Tribunal ordered that **"in the light of the above discussion, the appeal in hand is allowed by setting aside the impugned orders. The appellant is reinstated in service with direction to the respondent to conduct de-novo inquiry strictly in accordance with law and rule within 60 days of receipt of copy of this Judgment, failing which, the appellant shall be considered to have been re-instated in service with all back benefits.**

As per direction of W/Provincial Police Officer vide Letter No. 7186/Legal dated 02.09.2021, Judgment of the Hon' able Service Tribunal kind approval of CCPO, Constable Saeed Ullah No. 3867 is hereby r-instated in service immediate effect for the purpose of denovo inquiry. Hence, the intervening period of absence of period out of service is treated as leave of kind due.

SUPERINTENDENT OF POLICE
HEADQUARTERS, PESHAWAR

OB No. 2420/Dated 16/09/2021

No. 3466/PA/SP/dated Peshawar the 16/09/2021

Copy of above is forwarded for information & n/Action to:

1. The Addl: IG of Police, Internal Accountability Branch, CPO Peshawar.
2. Capital City Police Officer, Peshawar.
3. DSP/HQRs, Peshawar.
4. Pay Officer.
5. OASI, CRC & FMC along-with complete departmental file.
6. Official concerned.



Amir (E) P-22

OFFICE OF THE
CAPITAL CITY POLICE OFFICER
PESHAWAR

Phone No. 011-2222222

ORDER

The undersigned departmental enquiry was initiated against the subject Saeed Ullah No. 3867 (X) of CCP Peshawar in accordance with the Military Discipline Policy (MDP) Peshawar was already terminated on 15.03.2021 by the then SDPO (I) dated 15.03.2021 and the then SDPO (I) dated 15.03.2021 and the then SDPO (I) dated 15.03.2021 and the then SDPO (I) dated 15.03.2021.

The subject of the enquiry was issued a Show Cause Notice & Statement of Allegations by the then SDPO (I) dated 15.03.2021 and the then SDPO (I) dated 15.03.2021 and the then SDPO (I) dated 15.03.2021 and the then SDPO (I) dated 15.03.2021. The subject of the enquiry was issued a Show Cause Notice & Statement of Allegations by the then SDPO (I) dated 15.03.2021 and the then SDPO (I) dated 15.03.2021 and the then SDPO (I) dated 15.03.2021 and the then SDPO (I) dated 15.03.2021.

Accordingly FC Saeed Ullah No. 3867 filed timely appeal before the then WCCPO which was rejected by Order No. 216-S/PPA dated 20.02.2014. After on FC Saeed Ullah No. 3867 of CCP Peshawar submitted an appeal before the Khyber Pakhtunkhwa Service Tribunal Peshawar on 19.03.2021 against the punishment of removal from service. On 26.03.2021, Service Tribunal issued order that "The appellant is reinstated to service with the directors to be responsible to conduct the enquiry strictly in accordance with law and rule by setting aside the punishment orders.

As per kind direction of W-PPA vide letter No. 1146/Legal dated 02.09.2021, Court Judgment Constable Saeed Ullah No. 3867 was re-instated in service for the purpose of de-novo enquiry vide OIB No. 2430 dated 26.09.2021. Similarly, in compliance with the directions vide (PS) letter No. 2470/CPD/AB dated 29.09.2021, SSP Coordination, CCP Peshawar, requested DSP Headquarters to conduct De-novo departmental proceedings against the delinquent official DSP Headquarters conducted the De-novo enquiry into the matter and recommended that the absence period 08 months & 09 days along with out of service period may be treated leave of kind day. He further recommended that in provision of false medical documents, he may be awarded the punishment at stoppage of two annual increments without cumulative effect.

In light of finding of E.O. he is awarded the minor punishment of stoppage of increment for a period of 02 years without cumulative effect. Hence, his intervening period i.e. absence period as well as out of service is treated as leave without pay.

(Signature)
AIG (G) PSP
SSP COORDINATION
FOR CAPITAL CITY POLICE OFFICER
PESHAWAR

No. 7145-57 /PA-SSP/Coordination dated Peshawar the 17/09/2021

Copy to:

1. The Worthy Capital City Police Officer, Peshawar
2. The AIG Legal, CPO Khyber Pakhtunkhwa Peshawar with his office Memo No. 7186/Legal dated 02.09.2021.
3. The AIG Enquiries, Internal Accountability Khyber Pakhtunkhwa, Peshawar with his office Memo No. 2470/CPD/AB dated 29.09.2021.
4. The SSP Operations, CCP Peshawar
5. SP Headquarters, Peshawar.
6. DSP Legal Peshawar.
7. ADIF & DSP Headquarters/CCP
8. OS to CCPO Peshawar, Pay Officer, CPO, CASI & FMC along with original complete enquiry file

ORDER

The Denov departmental inquiry was conducted against the Constable Saeed Ullah No. 3867-3481 of CCP Peshawar of CCP Peshawar posted in Police Malik Saad Police Line Peshawar was absent from duty 08.01.2012 to 28.02.2012 and 10.02.2012 to 19.09.2012 (08 months and 09 days) without getting permission or leave.

To this contest, the alleged official was issued Charge Sheet and statement of allegations by the then SP Headquarter No. (No: 101/E/A dated 14.02.2012) and the then SDPO Faqir Abad was appointed as E.O the alleged official was informed through SDPO Faqirabad but he had attended the office of E.O the recommendation him for Ex-party. Similarly a Final Show Cause Notice by the then SP Headquarters was issued to the alleged official to which he received by himself on 09.04.2012 but he absent his explanation within the stipulated period of 7 days not appeared before the then SP Headquarters. Consequently he was removed from his service under Police Disciplinary Rules, 1975 vide OB No. dated 12.10.2012 Endst No. _____/PA/SP dated 12.10.2012 and his absence period was treated as without pay.

Accordingly FC Saeed Ullah No. 1867 final appeal before the WCCPO which was rejected vide order No. 226-81 dated 20.02.2014 FC Saeed Ullah No. 3867 of CCP Peshawar submitted as appeal before the Khyber Pakhtunkhwa Service Tribunal, Peshawar on 19.03.2014 against the punishment of removal from service 26.07.2021 Service Tribunal issued order that the appellant is reinstated in service with the directions to conduct denovo inquiry strictly in accordance with law and rule by setting aside the impugned order.

As per kind direction of W/Provincial Police Officer vide letter No. 7186/Legal dated 02.09.2021 court Judgment constable Saeed Ullah No. 3867 was reinstated in service for the purpose of denovo inquiry vide OB No. 2420 dated 26.09.2021. similarly, in compliance with the directions vide CPO letter No. 2470/CPO/IAB dated 29.9.2021 SSP Coordination CCP Peshawar appointed DSP Headquarters as E.O to conduct denov departmental proceedings against the defaulter official DSP Headquarters conducted the Denovo enquiry into the matter and recommended that the absence period 08 months and 09 days alongwith out of service period may be treated as leave of kind due. He further recommended that on provision of false medical documents he may be awarded the punishment of stoppage annual increments without cumulative effect.

In light of finding of E.O he is awarded the major punishment of increment for a period of 2 years without cumulative effect. Hence his intervening period i.e absence as well as service is treated as leave without pay.

Ayesha Gul PSP
SSP COORDINATION
FOR CAPITAL CITY POLICE
OFFICER PESHAWAR

No. 7645-57/PA-SSP/Coordination dated Peshawar the 17/04/2023.

Copy to

1. The Worthy Capital City Police Officer, Peshawar.
2. The AIG Legal CPO Khyber Pakhtunkhwa, Peshawar w/r to the office memo No. 7186/Legal dated 02.09.2021 & No. 1268/CPO/IAB dated 09.08.2023.
3. The AIG Enquires, Internal Accountability Khyber Pakhtunkhwa, Peshawar w/r to his office Memo No. 2470-71/CPO/IAB dated 29.09.2021.
4. The SSP Operation, CCP Peshawar.
5. SP Headquarters Peshawar.
6. DSP Legal Peshawar.
7. AD IT & DSP Headquarters/CCP.
8. OS to CCPO Peshawar, Pay officer, CRC, OASI & FMC alongwith original completed inquiry file.



Amman (P) (S)

OFFICE OF THE
CAPITAL CITY POLICE OFFICER
PESHAWAR

Phone No. 091-9213757

ORDER

This de-novo departmental enquiry was initiated against Constable Saeed Ullah No. 3867/5481 of CCP Peshawar, he while posted in police Malak Saad Shahed police lines, Peshawar was absent from lawful duty w.e.f 08.01.2012 to 28.02.2012 and 10.02.2012 to 19.09.2012 (08 months & 09 days) without getting prior permission or leave.

To this context, the alleged official was issued Charge Sheet & Statement of Allegations by the then SP Headquarters (No. 101/E/PA dated 14.02.2012) and the then SDPO Faqirabad was appointed as Enquiry Officer. The alleged official was informed through SDPO Faqirabad but he did not attend the office of Enquiry Officer. The then Enquiry Officer had recommended him for Ex-parte decision. Similarly, a Final Show Cause Notice by the then SP Headquarters was issued to the alleged official to which he received by himself on 09.04.2012 but neither he submit his explanation within the stipulated period of 07-days nor appeared before the then SP Headquarters. Consequently, he was removed from the service under Police Disciplinary Rules, 1975.

FC Saeed Ullah No. 3867/5481 of CCP Peshawar submitted an appeal before the Khyber Pakhtunkhwa Service Tribunal, Peshawar on 19.03.2014 against the punishment of removal from service. On 26.07.2021, Service Tribunal issued order that "the appellants is re-instated in service with the directions to the respondent to conduct de-novo inquiry strictly in accordance with law and rule by setting aside the impugned orders.

In compliance with Judgement of Khyber Pakhtunkhwa Service Tribunal and directions of worthy Provincial Police Officer, Khyber Pakhtunkhwa, Ex-Constable Mr. Saeed Ullah was re-instated into service for the purpose of de-novo enquiry, proper Charge Sheet based on Statement of Allegations was issued to defaulter official. DSP Headquarters namely Mr. Razi Khan was appointed as Enquiry Officer. After observing all codal formalities, DSP Headquarters conducted the de-novo enquiry into the matter and recommended that "the medical documents of the delinquent official could not verify due to an old case of 2012, and earlier reply from LRH authorities found fake/bogus therefore, FC Saeed Ullah No. 3867/5481 is found guilty and recommended for appropriate punishment". Consequent upon, the alleged official was also issued Final Show Cause Notice to which he received and replied within the stipulated period of time. He was heard in person. Reply of alleged officials has been perused by the undersigned and found unsatisfactory.

In light of finding of Enquiry Officer and direction of CPO (SP Complaint & Enquiry, Internal Accountability Branch, Khyber Pakhtunkhwa, Peshawar) the alleged official Constable Saeed Ullah No. 3867/5481 is hereby dismissed from service under Police Rule 1975 with immediate effect. His intervening period i.e absence period (08.01.2012 to 28.02.2012, and 10.02.2012 to 19.09.2012 (08 months & 09 days) as well as out service is treated as leave without pay.

SSP COORDINATION
FOR CAPITAL CITY POLICE OFFICER
PESHAWAR

No. 14/473-85 /PA-SSP/Coordination dated Peshawar the 21 /08/2021

Copy to:

1. The Worthy Capital City Police Officer, Peshawar.
2. The AIG Legal, CPO Khyber Pakhtunkhwa, Peshawar w/r to his office Memo: No. 7186/Legal dated 02.09.2021 & No. 1268/CPO/IAB dated 09.08.2021.
3. The AIG Enquiries, Internal Accountability Khyber Pakhtunkhwa, Peshawar w/r to his office Memo: No. 2470-71/CPO/IAB dated 29.09.2021
4. The SSP Operations, CCP Peshawar
5. SP Headquarters, Peshawar.
6. DSP Legal Peshawar.
7. AD IT & DSP Headquarters/CCP.
8. OASI, CRC & FMC alongwith complete Enquiry File & Foji Misal.

ORDER

This de-nov departmental enquiry was initiated against Constable Saeed Ullah No. 3867-3481 of CCP Peshawar, was absent from lawful duty w.e.f 08.01.2012 to 28.02.2012 and 10.02.2012 to 19.09.2012 (08 months and 09 days) without getting permission or leave.

To this contest, the alleged official was issued Charge Sheet and statement of allegations by the then SP Headquarter (No. 101/E/A dated 14.02.2012) and the then SDPO Faqirabad was appointed as enquiry officer. The alleged official was informed through SDPO Faqirabad but he did not attend the office of inquiry officer. The then enquiry officer had recommended him for Ex-party decision. Similarly, a Final Show Cause Notice by the then SP Headquarter was issued to the alleged official to which he received by himself on 09.04.2012 but neither he submit his explanation within the stipulated period of 07 days nor appeared before the then SP Headquarters. Consequently, he was removed from service under Police Disciplinary Rules, 1975.

FC Saeed Ullah No. 3867/5481 of CCP Peshawar submitted an appeal before the Khyber Pakhtunkhwa Service Tribunal, Peshawar on 19.03.2014 against the punishment of removal from service on 26.07.2021 Service Tribunal issued order that the appellant is reinstated in service with the directions to the respondent to conduct denov inquiry strictly in accordance with law and rule by setting aside the impugned orders.

In compliance with Judgment of Khyber Pakhtunkhwa Service Tribunal and directions of worthy Provincial Police Officer, Khyber Pakhtunkhwa, Ex-Constable Mr. Saeed Ullah was re-instated into service for the purpose of denov inquiry, proper charge Sheet based on statement of Allegations was issued to defaulter official,, DSP Headquarters namely Mr Riaz Khan was appointed as Enquiry Officer. After observing all codal formalities, DSP Headquarters conducted the denovo inquiry into the matter and recommended that "the medical documents of delinquent official could not verify due to an old case of 2012, and earlier reply from LRH authorities found fake/bogus therefore FC Saeed Ullah No. 3867/5481 is found guilty and recommended for appropriate punishment for appropriate Consequent upon the alleged official was also issued Final Show Cause Notice to which he received and replied within the stipulated period of time. He was heard in person. Reply of the alleged officials has been perused by the unsigned and found unsatisfactory.

In light of finding of Enquiry Officer and directions of CPO (SP Complaint & Enquiry Officer, Internal Accountability Branch, Service Tribunal, Peshawar) the alleged official Constable Saeed Ullah No. 3867/5481 is hereby dismissed from under Police Rule 197 with immediate effect. His intervening period i.e absence period 08.01.2012 to 28.02.2012 and 10.02.2012 08 months and n 09 days as well as without service is treated as well as out of service is treated as leave without pay

SSP COORDINATION
FOR CAPITAL CITY POLICE
OFFICER, PESHAWAR

No. 14473-85 /PA-SSP/Coordination dated Peshawar the 21/08/2023

Copy to

1. The Worthy Capital City Police Officer, Peshawar.
2. The AIG Legal CPO Khyber Pakhtunkhwa, Peshawar w/r to the office memo No. 7186/Legal dated 02.09.2021 & No. 1268/CPO/IAB dated 09.08.2023.
3. The AIG Enquires, Internal Accountability Khyber Pakhtunkhwa, Peshawar w/r to his office Memo No. 2470-71/CPO/IAB dated 29.09.2021.
4. The SSP Operation, CCP Peshawar.
5. SP Headquarters Peshawar.
6. DSP Legal Peshawar.
7. AD IT & DSP Headquarters/CCP.

Amam (4) (24)

To,

The Chief Capital City Police Officer
Peshawar.

Subject:

DEPARTMENTAL APPEAL AGAINST
THE ORDER OB NO.14473-85/PA-
SSP/COORDINATION DATED 21.08.2023
ISSUED BY SSP CO-ORDINATION
PESHAWAR WHEREBY APPELLANT
HAS BEEN DISMISSED FROM SERVICE
AS WELL AS THE INTERVIEW OF
PERIOD 08.01.2012 TO 28.02.2012 AND
10.02.2012, 19.09.2012 08-MONTHS AND
9 DAYS AS WELL AS OUT OF SERVICE
IS TREATED AS LEAVE WITHOUT PAY.

Prayer:-

ON ACCEPTANCE OF THE INSTANT
DEPARTMENTAL APPEAL ORDER DATED
21.08.2023 MAY KINDLY BE SET ASIDE AND
APPELLANT BE REINSTATED IN HIS
SERVICE ALONGWITH ALL BACK
BENEFITS.

Respected Sir,

With most respect and reference the following
few lines are submitted for your kind
consideration and favorable orders.

1. That the appellant was inducted in police
department since long and the appellant was
dismissed from service on 12.10.2012 after

dismissal order the appellant filed departmental appeal which was also rejected on 20.02.2014.

2. That the appellant filed service appeal in Khyber Pakhtunkhwa Service Tribunal Peshawar on 14.03.2014 against the punishment of dismissal from service.
3. That the Khyber Pakhtunkhwa Service Tribunal accepted service appeal of the appellant with the following terms ((In the light of the above discussion, the appeal in hand is allowed by setting aside the impugned orders. The appellant is re-instated in service with direction to the respondent to conduct de-novo inquiry strictly in accordance with law and rule within 60 days of the receipt of copy of this judgment, failing which the appellant shall be considered to have been reinstated in service with all back benefit)).
4. That the respondent department without complying direction of this Hon'ble Tribunal within stipulated period of 60 days issued reinstatement order dated 16.09.2021 for the purpose of deno inquiry. (Copy of the order dated 16.09.2021 is attached).

5. After reinstatement of his service the appellant performed his duty regularly with full devotion and no complaint whatsoever has been against the appellant.

6. That the respondent department after Two years on the same set of allegation the competent authority vide order dated 17.04.2023 imposed punishment of stoppage of increment for the period of two years. (Copy of order is attached).

7. That vide order dated 21.08.2023 the same authority without any modification in the earlier order dated 17.04.2023, imposed major punishment of dismissal from service and the interview period as treated as leave without pay, however it is not worthy mention that the intervening period has already been treated as leave of the kind due vide order dated 09.02.2022 hence all these orders are not sustainable in the eyes of law and liable to be set aside.

8. That before imposing the punishment no charge sheet no statement of allegation has been issued or served to the appellant which is clear cut violation of rules 6-A(i) of police rules 1975.
9. That the impugned order is also void order because no regular or departmental inquiry was conducted against the appellant which is mandatory before imposing the major penalty and no opportunity of personal hearing and defuse has been provided to the appellant.
10. It is a well settled principal of law no one can be condemned unheard because it is against natural justice of law.
11. That no statement of witnesses has been recorded and no opportunity of cross examination has been provided to the appellant.

It is therefore humbly prayed that on acceptance of the instant departmental appeal order dated 21.08.2023 may kindly be set aside and appellant be reinstated in his service alongwith all back benefits.

Dated: 31.08.2023

Appellant



Saeed Ullah NO.3867



Anwar (HD)

**OFFICE OF THE
CAPITAL CITY POLICE OFFICER,
PESHAWAR**

28

Phone No. 091-9210989 Fax: No. 091-9212597

ORDER.

This order will dispose of the departmental appeal preferred by Ex-Constable Saeed Ullah No. 3867/5481 who was awarded the major punishment of "dismissal from service" under KP PR-1975 (amended 2014) by SSP/Coordination, Peshawar vide order No. 14473-85/PA, dated 21.08.2023.

2- Brief facts leading to the instant appeal are that the defaulter constable was reinstated in service for the purpose of de-novo enquiry on the direction of Hon'able Service Tribunal, Khyber Pakhtunkhwa vide judgment dated 26.07.2021. He was proceeded against departmentally on the charges of his willful absence period w.e.f 08.01.2012 to 28.02.2012 & 10.02.2012 to 19.09.2012 (total 08 months & 09 days) without taking prior permission/leave of the competent authority.

3- He was issued Charge Sheet and Summary of Allegations by SSP/Coordination, Peshawar. DSP/HQrs: Police Lines, Peshawar was appointed as Enquiry Officer to scrutinize the conduct of the accused official. The Enquiry Officer after conducting departmental enquiry submitted his findings in which the accused official was recommended for appropriate punishment. The competent authority in light of the findings of the Enquiry Officer issued him Final Show Cause Notice. However, his reply to the said Final Show Cause Notice was found unsatisfactory and hence, awarded the major punishment of dismissal from service.

4- He was heard in person in Orderly Room. During personal hearing, he was given an opportunity to prove his innocence. However, he failed to submit any plausible explanation in his defense. Therefore, his appeal for setting aside the punishment awarded to him by SSP/Coordination, Peshawar vide order No. 14473-85/PA, dated 21.08.2023, is hereby rejected/filed.

"Order is announced"

**CAPITAL CITY POLICE OFFICER,
PESHAWAR**

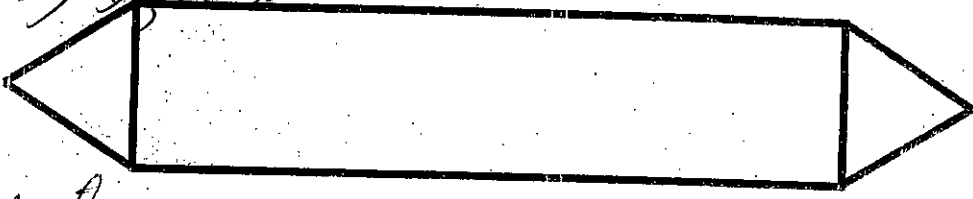
No. 4372-29 /PA/CCP,

dated Peshawar the 29 / 11/2023

Copies for information and necessary action to the:-

1. SSP/Coordination Peshawar.
2. SP/HQrs: Peshawar.
3. AD/IT CCP Peshawar.
4. PO, CRC, OASI.
5. FMC alongwith complete Fuji Misal.
6. Official concerned.

بعدالت



مورخہ

مقدمہ

دعویٰ

جرم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ

آن مقام کے

کیلئے لکھنے والے قلم کار کے

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا اور

وکیل صاحب کو راضی نامہ کرنے ق تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور

بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق

زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی

اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا محتاج ہوگا۔ از بصورت ضرورت

مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے

تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکور با اختیارات حاصل ہوں گے

اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ ہوں گے

سب سے وہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔

کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

ماہ صبر 20

المرقوم

العبد

Handwritten signature and text at the bottom of the page.