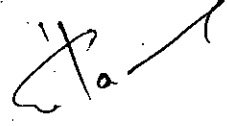


20.01.2020

Learned counsel for the appellant present, submitted copy of order dated 03.01.2020 of appeal/review Board and stated that grievance of the appellant has been redressed in view of above mentioned order. Learned counsel for the appellant also submitted application for withdrawal of the present service appeal.

In view of above, the present service appeal is hereby dismissed as withdrawn. No order as to costs. File be consigned to the record room.



(Muhammad Hamid Mughal)
Member
Camp Court, Abbottabad

ANNOUNCED.

20.01.2020

24.10.2019

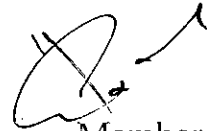
Appellant present in person. Mr. Usman Ghani, District Attorney present. Mr. Misal Khan, ASI for the respondents present and seeks time to furnish reply. Granted. To come up written reply/comments on 20.11.2019 before S.B at camp court, Abbottabad.



Member
Camp court, A/Abad

20.11.2019

Learned counsel for the appellant present. Written reply not submitted. Misal Khan ASI representative of the respondent department present and seeks time to furnish written reply/comments. Granted. To come up for written reply/comments on 16.12.2019 before S.B at Camp Court, Abbottabad.



Member
Camp Court, A/Abad

16.12.2019

Counsel for the appellant and Mr. Ziaullah, Deputy District Attorney alongwith Mr. Misal Khan, ASI for the respondents present. Written reply on behalf of respondents not submitted. Representative of respondents seeks further adjournment. Last chance is granted. Adjourned to 20.01.2020 for written reply/comments before S.B at Camp Court Abbottabad.



(Muhammad Amin Khan Kundi)
Member
Camp Court Abbottabad


12.07.2019

Counsel for the appellant Abdul Wahab present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was serving in Police Department as Constable. He was imposed major penalty of removal from service vide order dated 27.09.2018 on the allegation of absence. The appellant filed departmental appeal on 21.10.2018 which was rejected on 08.04.2019 hence, the present service appeal on 02.05.2019. Learned counsel for the appellant further contended that neither proper inquiry was conducted nor any absence notice was issued to the appellant at his home address nor any absence notice was published in the newspaper therefore, the appellant was condemned unheard which has rendered the whole proceeding illegal and liable to be set-aside.

The contention raised by the learned counsel for the appellant needs consideration. The appeal is admitted for regular hearing. The appellant is directed to deposit security and process fee within 10 days thereafter, notice be issued to the respondents for written reply/comments for 17.09.2019 before S.B at Camp Court Abbottabad.


Appellant Deposited
Security & Process Fee

15/7/19


(Muhammad Amin/Khan Kundi)
Member
Camp Court Abbottabad

17.09.2019

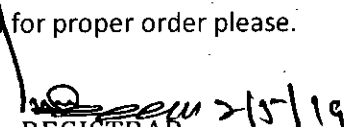


Appellant in person and Mr. Muhammad Bilal Khan, Deputy District Attorney alongwith Mr. Misal Khan, ASI for the respondents present. Written reply on behalf of respondents not submitted. Representative of the department requested for further time to file written reply. Adjourned to 24.10.2019 for written reply/comments before S.B at Camp Court Abbottabad.


(Muhammad Amin Khan Kundi)
Member
Camp Court Abbottabad

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 562/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	02/05/2019	<p>The appeal of Mr. Abdul Wahab presented today by Mr. Muhammad Aslam Tanoli Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2-	10-05-19	<p>This case is entrusted to touring S. Bench at A.Abad for preliminary hearing to be put up there on <u>12-07-19</u></p> <p> CHAIRMAN</p> <p></p>

BEFORE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Appeal No. 562/2019

Abdul Wahab S/O Sardar Bahadar Khan (Ex-Constable No. 22 District Police Haripur) resident of Village Jamia Utman, PO. KTS, Tehsil and District Haripur.

Appellant

VERSUS

1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer Haripur.

Respondents


SERVICE APPEAL

INDEX

S/N	Description of Document	Ann- exure	Page No.
1.	Appeal.		01-08
2.	Charge Sheet dated 21-05-2018 with reply	"A"	09-10
3.	Reply dated 9-7-2018 to the Charge Sheet.	"B"	11-12
4.	Copies of medical treatment papers	"C"	13-17
5.	Order dated 27-09-2018 of DPO Haripur	"D"	18
6.	Departmental Appeal dated 21-10-2018	"E"	19-23
7.	Order dated 08-04-2019 of RPO A/Abad	"F"	24
8.	Wakalatnama		

Appellant 

Through


(Mohammad Aslam Tanoli)
Advocate High Court
at Haripur

Dated: 02-05-2019

①

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

Appeal No.....562/19

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 690

Dated 2-5-19

Abdul Wahab S/O Sardar Bahadar Khan (Ex-Constable No. 22
District Police Haripur) resident of Village Jamia Utman, PO. KTS,
Tehsil and District Haripur.

Appellant

VERSUS

1. The Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
2. The Regional Police Officer, Hazara Region, Abbottabad.
3. The District Police Officer, Haripur

Respondents

**SERVICE APPEAL UNDER SECTION-4 OF THE KPK SERVICE
TRIBUNAL ACT 1974 AGAINST ORDER DATED 27-09-2018
OF THE DISTRICT POLICE OFFICER HARIPUR WHEREBY
APPELLANT WAS DISMISSED FROM SERVICE AND THE
REGIONAL POLICE OFFICER HAZARA REGION
ABBOTTABAD ORDER DATED 08-04-2019 WHEREBY
APPELLANT'S DEPARTMENTAL APPEAL HAS BEEN REJECTED.**

**PRAYER: ON ACCEPTANCE OF INSTANT SERVICE APPEAL
BOTH THE IMPUGNED ORDERS DATED 27-09-2018 AND 08-
04-2019 OF THE RESPONDENTS MAY GRACIOUSLY BE SET
ASIDE AND THE APPELLANT BE RE-INSTATED IN HIS SERVICE
FROM THE DATE OF DISMISSAL WITH ALL CONSEQUENTIAL
SERVICE BACK BENEFITS.**

Respectfully sheweth,

1. That appellant was enrolled as a Constable in the year 2009
in the police department and has rendered more than 09
years.
2. That through out his long services in the Police Department,
appellant c'ways performed his assigned official duties with
devotion and honesty. Because of tremendous services he

File in day
Registrar
2/5/19

②

was awarded with commendation certificates and cash reward on occasions by his High-ups. Appellant has meritorious service record at his credit.

3. That while appellant posted at Police Station Kotnajibullah, the District Police Officer, Haripur served the appellant with a Charge Sheet dated 21-05-2018 alleging therein:-

"that you while posted in PS Kotnajibullah, Haripur absented yourself from his legitimate duty vide daily dairy No.18 dated 02-05-2018 to till date, without any leave or permission from the competent authority, which is gross misconduct on your part in terms of Police Rules 1975, hence charge sheeted".

(Copy of Charge Sheet dated 21-05-2018 is attached as Annex-"A").

4. That the aforementioned Charge Sheet was duly replied on 09-09-2018 explaining all facts and circumstances of the matter in detail denying the allegation incorporated therein against the appellant being incorrect and baseless. **(Copy of reply dated 09-07-2018 to the Charge Sheet is attached as Annex -"B").**

5. That in fact on 02-05-2018 when appellant performing his official duties in PS Kotnajibullah, he slipped down on the floor and injuries on his foot. Appellant was taken to the DHQ Hospital, Haripur where he was treated by the Medical Officer on duty. The Doctor examined the appellant and advised X-Ray. After taking X-Ray it came to the light that appellant had got fracture at his foot. Due to acute pain, the appellant was unable to move. Appellant through his phone informed the Moharrir of PS Kot and apprised him of his ailing position. Moharrir assured the appellant that his leave would be got sanctioned by the SHO PS Kot. Appellant kept incessant contact with the Moharrir and SHO of the PS. He also submitted applications with medical

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treatment documents. Appellant never absented himself from his duty without informing his officers. Appellant's absence was not deliberate or intentional rather due to his illness and circumstances beyond his control. Appellant suffered with a protracted illness for about 05 months. **(Copies of prescriptions, lab tests etc about medical treatment of appellant are attached as Annex-"C")**.

6. That appellant was never communicated about rejection of his medical leave on account of illness despite his repeated requests for its sanction. Time and again the District Police Officer Haripur Office was approached by appellant for grant of his leave but he was kept in darkness on one pretext or the other. On 15-10-2018 when once again appellant approached office of the DPO Haripur then he was informed that he had been dismissed from service.
7. That though appellant had been dismissed from service but he was not provided with the dismissal order. The appellant filed an application dated 15-10-2018 before the DPO Haripur for issuance of dismissal order and hardly then on his specific request he was provided dismissal order dated 27-09-2018. **(Copy of dismissal order 27-09-2018 is attached herewith as Annex-"D")**.
8. That to prove the allegation leveled against the appellant, no proper departmental enquiry was conducted against him. The appellant was neither issued a Final Show Cause Notice nor was he afforded with the opportunity of personal hearing before awarding major punishment of "Dismissal from Service" and principle of natural justice was violated in the case of appellant; hence impugned order needs to be set aside and the appellant be re-instated in service.

9. That in view of the facts narrated here above by no stretch of imagination the appellant can be held responsible for the allegation as leveled against him due to which he has been awarded with the major punishment without any reason. Appellant is an innocent and has committed no fault on his fault, his absence was not deliberate and intentional rather due to compulsions and circumstances beyond his control because of his serious illness. The appellant has been awarded with an extreme major punishment of dismissal from service without considering his ailing condition.
10. That appellant aggrieved of the order dated 27-09-2018 of the District Police Officer Haripur preferred a departmental appeal dated 21-10-2018 before the Regional Police officer, Hazara Region, Abbottabad wherein he agitated all the facts and circumstances of the matter by denying the allegations leveled against him. **(Copy of the departmental appeal dated 21-10-2018 is attached as annex-"E")**.
11. That the Regional Police officer, Hazara Region, Abbottabad without taking into consideration the stance taken by appellant in his memo of appeal rejected the same vide order dated 08-04-2019. **(Copy of the order dated 08-04-2019 is attached as annex-"F")**.

Hence instant service appeal, inter alia, on the following amongst others:-

GROUND:

- a) That both the impugned orders dated 27-09-2018 and 08-04-2019 of respondents are illegal, unlawful against the facts and circumstances of the matter hence are liable to be set aside.

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- b) That no proper departmental inquiry was conducted. No Show Cause Notice was issued to the appellant. Even appellant was not heard in person. The so-called Inquiry Officer acted in a flimsy and whimsical manner. He conducted inquiry in utter violation and negation of the procedure set forth by the law for the dispensation of justice at the preliminary stages during the course of departmental inquiries, hence penalty awarded on the basis of such inquiry through orders impugned herein is liable to be set aside on this score alone.
- c) That the respondents have not treated the appellant in accordance with law, departmental rules & regulations and policy on the subject and have acted in violation of Article-4 of the constitution of Islamic Republic of Pakistan 1973 and unlawfully issued impugned orders, which are unjust, unfair hence not sustainable in the eyes of law.
- d) That the appellate authority has also failed to abide by the law and even did not take into consideration the grounds taken in the memo of appeal. Thus the impugned order of respondent is contrary to the law as laid down in the KPK Police Rules 1934, other departmental rules regulations read with section 24-A of General Clause Act 1897 read with Article 10A of the Constitution of Islamic Republic of Pakistan 1973.
- e) That instant appeal is well within time and this honorable Service Tribunal has got every jurisdiction to entertain and adjudication upon the same.

PRAYER:

It is, therefore, humbly prayed that on acceptance of instant Service Appeal both the orders dated 27-09-2018 and 08-04-

6

2019 of respondents may graciously be set aside and appellant be re-instated in his service from the date of dismissal with all consequential service back benefits.

Through:


Appellant



(Mohammad Aslam Tanoli)
Advocate High Court
At Haripur

Dated -05-2019

VERIFICATION

It is verified that the contents of instant Service Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed thereof.

Dated 02-05-2019



Appellant

7

BEFORE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Abdul Wahab S/O Sardar Bahadar Khan (Ex-Constable No. 22 District Police Haripur) resident of Village Jamia Utman, PO. KTS, Tehsil and District Haripur.

Appellant

VERSUS

1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer Haripur.

Respondents

SERVICE APPEAL

CERTIFICATE

It is certified that no such Appeal on the subject has ever been filed in this Honourable Service Tribunal or any other court prior to instant one.



APPELLANT

Dated: 02-05-2019

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**BEFORE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

Abdul Wahab S/O Sardar Bahadar Khan (Ex-Constable No. 22 District Police Haripur) resident of Village Jamia Utman, PO. KTS, Tehsil and District Haripur. **Appellant**

VERSUS

1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer Haripur.

Respondents

SERVICE APPEAL

AFFIDAVIT:

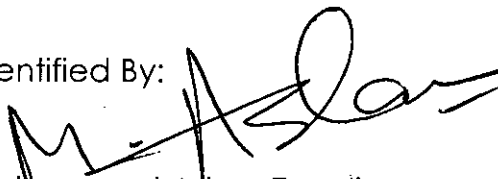
I, Abdul Wahab appellant do hereby solemnly declare and affirm on oath that the contents of the instant Service Appeal are true and correct to the best of my knowledge and belief and nothing has been suppressed from this Honourable Service Tribunal.



Deponent/Appellant

Dated: 02-05-2019

Identified By:



Mohammad Aslam Tanoli
Advocate High Court
At Haripur



Appellant



9
CHARGE SHEET

Amna A'

- (1) I, Syed Khalid Hamdani (PSP, QPM), District Police Officer, Haripur as competent authority, hereby charge you Constable Abdul Wahab No: 22 as enclosed statement of allegations:
- (2) You appear to be guilty of misconduct under Police Efficiency & Discipline Rules 1975 and have rendered yourself liable to all or any of the penalties specified in the said Rules.
- (3) You are, therefore, required to submit your written defense within 07 days of the receipt of this charge sheet and statement of allegation to the Committee/Enquiry Officer as the case may be.
- (4) Your written defense, if any, should reach the Enquiry Officer/Committee within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall follow against you.
- (5) Intimate whether you desire to be heard in person or otherwise.
- (6) A statement of allegations is enclosed.

(Syed Khalid Hamdani) PSP, QPM
District Police Officer
Haripur

Attested
[Signature]

10

DISCIPLINARY ACTION

I, Syed Khalid Hamdani (PSP, QPM), District Police Officer, Haripur as competent authority of the opinion that you Constable Abdul Wahab No: 22 have rendered yourself liable to be proceeded against as you committed the following acts/omissions within the meaning of Police Efficiency & Discipline Rules 1975.

STATEMENT OF ALLEGATION

*That while you posted at PS Kot, absented yourself from the legitimate duty vide Daily Diary No. 18 dated 02.05.2018 to till date without any leave or permission from the competent authority, which is gross misconduct on your part in terms of Police Rules 1975, hence charge sheeted.

(2) For the purpose of scrutinizing the conduct of the said accused officer with reference to the above allegations, an Enquiry Committee consisting of the following is constituted.

DSP Hg

(3) The Enquiry Officer/Committee shall in accordance with the provision of this Ordinance, provide reasonable opportunity of hearing to the accused, record finding and make within 25 days of the receipt of this order, recommendation as to punishment or the appropriate action against the accused.

(4) The accused and a well conversant representative of departmental shall in the proceedings on the date, time and place fixed by the Enquiry Officer/Committee.

(Syed Khalid Hamdani) PSP, QPM
District Police Officer
Haripur

No: 126-28/PA, dated Haripur the 21-05-2018.

Copy of above is submitted to the: -

- 1) Regional Police Officer, Hazara Region, Abbottabad please.
- 2) Enquiry Officer for initiating proceedings against the said accused under Police Efficiency & Discipline Rules 1975.
- 3) Constable Abdul Wahab No: 22 with the direction to submit his defense within 7 days of the receipt of this statement of allegations and also to appear before the Enquiry Officer on the date, time and place fixed for the purpose of departmental proceedings.

District Police Officer
Haripur

Attested
(Signature)

کمزور صحت والی بی بی صاحبہ کو اور کمر جوڑا پور (انٹرویو آئینہ)

عنوان :- ویرا چارج شیٹ برائے 28-128/PA

صحت عالی - ویرا چارج شیٹ عنوان ذیل ہے -

1- لیڈ فورم 2018 کو من مہلکم اپنی ڈیوٹی عفا نہ
 کور مجیب اللہ کو ڈیٹا - کم ٹریکٹر دیکھیں بائول
 کے ٹیکس میں - fracture بریٹ - اور انتہائی
 درد و تکلیف سے کور کو ہسپتال Emergency
 لے جایا گیا - جہاں ڈاکٹر صاحب نے بعد میں X-Ray
 کی بنا پر - چونکہ مہلکم نے X-Ray کر دیا تو علاج
 سہا - نہ ٹیکس میں fracture بریٹ - اس کے من مہلکم
 صلے ہوئے سے بیکل معذور ہو گیا -
 (تقریباً ہسپتال صحت عالی میں داخل ہوا تھا)

2- یہ کہ من مہلکم نے بڑے شدید ٹریفک حادثے میں
 کور کو اطلاع دی - جس نے کور کو کئی کئی
 کہ 8550 صحت کو من مہلکم کو کور کو اطلاع دی

Attested
(Signature)

3۔ یہ ہے کہ بعد از حکم میں راجعہ کے بعد فریضہ سے روکنا۔ تو مجھے بتلانا ہے کہ فریضہ کی ذمہ داری ہے۔ اور اس کی کوئی فریضہ نہیں۔

4۔ یہ کہ وہی فریضہ وہی والدہ ہے۔ بلکہ یہ کہ جنوری اور گنتی fracture ہونے کے سبب سے ہونے سے بعد وہی سبب ہے۔

5۔ یہ کہ یہ سبب مدد کے تقریباً 9 سال پہلے سے ہے۔ اس وقت میں اپنے فریضہ میں بہانہ بنتا تھا کہ وہ دیا مندرجہ ذیل سے سر انجام دے۔ یہی اپنے افسران و شکایت کا موقع نہ دیا۔ اس وقت کارکردگی کے افسران یا ان کی طرف سے (تقریباً) اس بار میں ہوا ہے۔

6۔ یہ کہ اس کی مجبوری بیماری کو بعد نظر رکھتے ہوئے۔ جمع منظر فرمایا جائے۔

7۔ یہ کہ اس سبب کا وقوع دیا گیا۔ تو اس واقعہ عام حادثہ سے آگاہ کر کے اپنے جتنی بھی ثابت ہوئے ہیں ان کا۔

اس کے علاوہ مذکورہ بالا حقائق کی توثیق میں خارج سٹیٹ بڑا کو بلڈ فریڈ کارروائی دفتر میں ہونے کا سفارش فرمائی جاتے۔

۵۹/۵۶
۲۰۱۸

محمد الیاس صاحب

(سہ)

Attested
(سہ)

13

Annex C

EMERGENCY Rs. 10/-
DHQ HOSPITAL HARIPUR
OUT-PATIENTS DEPARTMENT

NAME [Signature]
YEARLY NO. 2731
DATE 2/5/18
DISEASE _____

FACE VALUE RUPEES 10/-

Co
Foot DAD
Rd Srdh Tensa
Amulw
Inj arfel
Actn
N. 500
Tankon
Rd
P.O.P.

Cap 2 melusey 500
No - red
Los - Brufen 400
200
ES Danben 20
1-2

Attested
[Signature]



74

Health Care Clinical Laboratory®

HRA/Reg No. 03036
Facility Available for
Home Collection
Multi Lab Collection Facility

Timings
Monday-Sunday
Open Round The Clock

Phone No. : 01-185060
Patient Name : Abdul Wahab
Receiving Date : 30-07-2018
Ref. By : Self

Lab No. : 742
Age / Sex : Years / Male
Reporting Date : 30-07-2018

HAEMATOTOLOGY REPORT

Test	Result	Unit	Refer	No.	Date	Time	Mode	WB
WBC Count	4,700	/cmm	WBC	9	30/07/2018	11		
R.B.C Count	5.61	Million/cmm	RBC					
Haemoglobin	15.6	g/dl	HGB					
PCV/HCT	44.6	%	HCT					
MCV	79.5	fL	MCV					
MCH	27.8	pg	MCH					
MCHC	35.0	g/dl	MCHC					
Platelet Count	210,000	/cmm	PLT					
Diff. Leuc. Count (DLC)								
Neutrophils	63	%	NEUT#					
Lymphocytes	35	%	LYM#					
Monocytes	01	%	MON#					
Eosinophils	01	%	EOS#					

Note:- The test is performed on SYSMEX IX-21N Haematolog Analyzer from JAPAN.

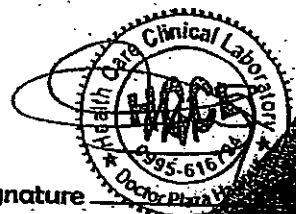
Regret if there is any Typing Error

Please Call For Free Repeat Blood Test With in 24 Hour. Not for Medicoo Legal / Court Use
Address: Ground Floor, Shop # 23 Doctor Plaza, Circular Road, Haripur Ph: 0995-616724

Signature

Dr. Munawar Khan

Attested
(Signature)





15

Health Care Clinical Laboratory®

HRA/Reg No. 03036
Facility Available for
Home Collection
Multi Lab Collection Facility

Timings
Monday-Sunday
Open Round The Clock

Phone No. : 01-185061
Patient Name : Abdul wahab
Receiving Date : 30-07-2018
Ref. By : Self

Lab No. : 743
Age / Sex : Years / Male
Reporting Date : 30-07-2018

SEROLOGY REPORT

TEST	RESULT	REFERENCE RANGE
Typhidot	Positive	Negative
IgG Antibody	Positive	Negative
IgM Antibody	Positive	Negative

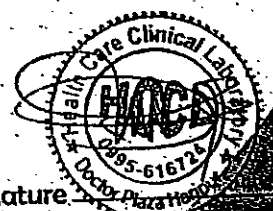
Interpretation:

IgG Positive
IgM Positive
IgM & IgG Positive

Suggestive of previous infection or immunization.
Acute typhoid fever
Acute typhoid fever (in middle stage of infection.)

Note:-

The test is performed by Immunochromatographic (ICT) Method



Signature
Dr. Munawar Khan

Regret if there is any Typing Error

Please Call For Free Repeat Blood Test With In 24 Hour. Not for Medicoo Legal / Court Use
Address: Ground Floor, Shop # 2,3 Doctor Plaza, Circular Road, Haripur Ph: 0995-616724

Attested
[Signature]

ASGHAR
General Hospital
& Maternity Home
Registration No. 63897



اصغر
جنرل ہسپتال اینڈ میٹرنٹی ہوم
3/

Patient's Name: M. Abdul Wahab Khan Age/Sex: 54/5 Date: 02/09/18

Dr. Usman Asghar
M.B.B.S, R.M.P
P.M.D.C. 19698-N
M.D Asghar General Hospital

Dr. Hassan Ali
M.B.B.S, R.M.P
P.M.D.C. 3859-S

Dr. Naghma Abid
M.B.B.S, R.M.P
P.M.D.C. 23600-N

Dr. Maria Basharat
M.B.B.S, R.M.P
P.M.D.C. 23590-N

Keulanka Rom (7) in voren Day
Nill pin R.H. 707

11/8/2018 - Tax Federal Day
TP 7/

Tax Cedar 20
16/8/2018

Dr. Usman Asghar
16/8/2018

Dr. Usman Asghar
M.B.B.S, R.M.P
Medical Officer

Not Valid for Court Purpose

Sher Shah Center Main Chowk K.T.S Haripur Ph: 0995-620343

24 گھنٹے ایمرجنسی، لیبر روم اور آپریشن تھئیٹر کی سہولت موجود ہے

Attested
(Signature)

ASGHAR
 General Hospital
 & Maternity Home
 Registration No. 03897

(17)



اصغر
 جنرل ہاسپٹل اینڈ میٹرنٹی ہوم
 e/4

Patient's Name: Mr. Abdul Wahab

Age/Sex: 34 / M

Date: 01/08/18

Dr. Usman Asghar
 M.B.B.S, R.M.P
 P.M.D.C. 19698-N
 A.D Asghar General Hospital

Dr. Hassan Ali
 M.B.B.S, R.M.P
 P.M.D.C. 3859-S

Dr. Naghma Abid
 M.B.B.S, R.M.P
 P.M.D.C. 23600-N

Dr. Maria Basharat
 M.B.B.S, R.M.P
 P.M.D.C. 23590-N

110 fali from hospital
 Bactera restily beds
 low timber
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Dr. Usman Asghar
 M.B.B.S, R.M.P
 Medical Officer

Not Valid for Court Purpose

Sher Shah Center Main Chowk K.T.S Haripur Ph: 0995-620343

24 گھنٹے ایمرجنسی، لیبر روم اور آپریشن تھئیٹر کی سہولت موجود ہے

Attested
 (Signature)

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Annex-D

Police Department

District Haripur

ORDER


Constable Abdul Wahab No.22, while posted in PS Kotnajibullah, Haripur, absented himself from his legitimate duty, vide daily diary No.18 dated 02.05.2018, to till date, without any leave or permission from the competent authority, hence he was issued charge sheet and statement of allegation upon his misconduct, vide this office endst: No.200-01/PA, dated 30.07.2018, under the Police Rules 1975.


To probe the matter Mr. Sabir Khan, Acting IAS/PO, Haripur, appointed as enquiry officer, who conducted proper departmental enquiry, and submitted his finding, vide his office Memo, No.204 dated 18.07.2018, in which he mentioned that having gone through enquiry papers and service record, it has observe that Constable Abdul Wahab is a habitual absentee, and did not continue his service, during his enquir service he remained absent from duty on different occasion, which shows that he is not interested in his jobs, being police official his act against the law, therefore, enquiry officer recommended him for major punishment.

The defaulter police official called in orderly room for personal hearing, during the appearance, it has observed that he is not interested in police job, and he could not produce solid reason regarding his absence.

Having gone through enquiry papers and recommendation of enquiry officer and after personal hearing of accused Constable Abdul Wahab, the charges of misconduct against the defaulter official stands proved, I am fully satisfied that Constable Abdul Wahab committed gross misconduct, therefore, I, Mansoor Aman District Police Officer, Haripur being competent authority under Khyber Pakhtunkhwa "Efficiency and discipline" rules 1975, awarded major punishment of "Dismissal from Service" from the date of absence i-e 02.05.2018.

Order announced.
OB No. 631 dated 27.09.2018


District Police Officer,
Haripur

Attested


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Annex-'E'

BEFORE HONOURABLE REGIONAL POLICE OFFICER,
HAZARA REGION, ABBOTTABAD.

(Appeal by Abdul Wahab Constable No.22 District Police Haripur)

DEPARTMENTAL APPEAL AGAINST ORDER OB NO. 631 DATED 27-09-2018 OF THE DISTRICT POLICE OFFICER HARIPUR WHEREBY APPELLANT HAS BEEN AWARDED MAJOR PENALTY OF "DISMISSAL FROM SERVICE".

PRAYER: ON ACCEPTANCE OF INSTANT DEPARTMENTAL APPEAL THE IMPUGNED ORDER DATED 27-09-2018 MAY KINDLY BE SET ASIDE AND APPELLANT BE RE-INSTATED IN HIS SERVICE FROM THE DATE OF DISMISSAL WITH ALL CONSEQUENTIAL SERVICE BACK BENEFITS.

Respected Sir,

With most reverence the following few lines are laid down before your Highness for kind consideration and favorable order:-

1. That appellant was enrolled as a Constable in the Police Department and has rendered more than 09 years service.
2. That through out his long services in the Police Department, appellant always performed his assigned official duties with devotion, dedication and honesty to the entire satisfaction of his officers and never provided a chance of reprimand. Because of tremendous services he was awarded with commendation certificates and cash reward on different occasion by his High-ups. Appellant has meritorious service record at his credit.

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3. That during entire service the appellant was never issued even with a single explanation with regard to performance of his official duties or conduct. His services were always appreciated by his officers.
4. That while appellant posted at Police Station Kotnajibullah, the District Police Officer, Haripur served the appellant with a Charge Sheet dated 21-05-2018 which was delivered to him on 07-07-2018 alleging therein:-

"that you while posted in PS Kotnajibullah, Haripur absented yourself from his legitimate duty vide daily dairy No.18 dated 02-05-2018 to till date, without any leave or permission from the competent authority, which is gross misconduct on your part in terms of Police Rules 1975, hence charge sheeted".

(Copy of Charge Sheet alongwith statement allegation dated 21-05-2018 is attached as "A").
5. That the aforementioned Charge Sheet was duly replied on 09-09-2018 explaining all facts and circumstances of the matter in detail denying the allegation incorporated therein against the appellant being incorrect and baseless. **(Copy of reply dated 09-07-2018 to the Charge Sheet is attached as "B").**
6. That in fact on 02-05-2018 when appellant performing his official duties in PS Kotnajibullah, he slipped down on the floor and injuries on his foot. Appellant was taken to the DHQ Hospital, Haripur where he was treated by the

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Medical Officer on duty. The Doctor examined the appellant and advised X-Ray. After taking X-Ray it came to the light that appellant had got fracture at his foot. Due to acute pain, the appellant was unable to move. Appellant through his phone informed the Moharrir of PS Kot and apprised him of his ailing position. Moharrir assured the appellant that his leave would be got sanctioned by the SHO PS Kot. Appellant kept incessant contact with the Moharrir and SHO of the PS. He also submitted applications with medical treatment documents. Appellant never absented himself from his duty without informing his officers. Appellant's absence was not deliberate or intentional rather due to his illness and circumstances beyond his control. Appellant suffered with a protracted illness for about 05 months. **(Copies of prescriptions, lab tests etc with regard to medical treatment of the appellant are attached herewith as "C")**.

7. That appellant was never informed of rejection of his leave on account of illness despite his repeated requests for its sanction. Time and again the District Police Officer Haripur Office was approached by appellant for grant of his leave but he was kept in darkness on one pretext or the other. On 15-10-2018, once again when appellant approached the District Police Officer's Haripur office the he was informed that he had been dismissed from service.
8. That though appellant had been dismissed from service but he was not provided with the dismissal order. The appellant filed an application dated 15-10-2018. before

Attested
[Signature]

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the DPO Haripur for issuance of dismissal order and then hardly on his specific request he was provided dismissal order dated 27-09-2018. **(Copy of dismissal order 27-09-2018 is attached herewith as "D")**.

9. That to prove the allegation leveled against the appellant, no proper departmental enquiry was conducted against him. The appellant was neither issued a Final Show Cause Notice nor was he afforded with the opportunity of personal hearing before awarding major punishment of "Dismissal from Service" and principle of natural justice was violated in the case of appellant; hence impugned order needs to be set aside and the appellant be re-instated in service.
10. That in view of the facts narrated here above by no stretch of imagination the appellant can be held responsible for the allegation as leveled against him due to which he has been awarded with the major punishment without any reason.
11. That appellant is innocent and has committed no fault on his fault, his absence was not deliberate and intentional rather due to compulsions and circumstances beyond his control because of his serious illness. The appellant has been awarded with major punishment of dismissal from service without considering his ailing condition.

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12. That the appellant is a young, well built, educated and experience police official having more than 09 years service at his credit and is the only bread earner of his large family consisting upon his old, ailing parents and minor children.
13. That if the appellant is afforded with the opportunity of personal hearing he will really prove him as innocent by adducing credible facts of the matter.

Sir, in view of the facts and circumstances narrated here above, it is earnestly prayed that impugned order dated 27-09-2018 passed by the District Police Officer Haripur may kindly be sat aside and the appellant be re-instated in his service from the date of dismissal with grant of all consequential service back benefits. Thanking you sir in anticipation.

You're obedient Servant




(Abdul Wahab)
S/O Sardar Bahadar Khan
Ex- Constable No. 22
District Police Haripur

Address: Village: Jamia Utman
P.O. Khalabat Township
Tehsil & District Haripur

Cell No: 0341-1925464
0340- 5043932

Dated 21-10-2018

Attested


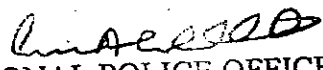
24
ORDER

Annex 'F'

This order is hereby passed to dispose off departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rules 1975 submitted by Constable Abdul Wahab No:22 of Haripur District against the order of punishment i.e. *Dismissal form service* awarded to him by the District Police Officer, Haripur vide his OB No: 631, dated 27.09.2018.

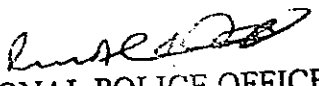
Facts leading to punishment awarded to him are that he while posted in PS Kotnajibullah, Haripur, absented himself from his legitimate duty, vide daily diary No. 18 dated 02.05.2018 to 27.9.2018 (4 month 25 days).

After receiving his appeal, comments of DPO Haripur were obtained which were examined/ perused. The undersigned called him in O.R on 04.04.2019. I went through his service record and found 11 bad entries. He was heard in person, he failed to justify his absence with proper evidence, hence his appeal is hereby filed.


REGIONAL POLICE OFFICER
Hazara Region Abbottabad

No. 1276 /PA, dated Abbottabad the 374 /2019.

Copy of above is forwarded to the District Police Officer, Haripur w/r to his office letter No: 7528, dated 03-12-2018 for information and necessary action. Service Roll & Fauji Missal containing enquiry file are returned for your office record.


REGIONAL POLICE OFFICER
Hazara Region Abbottabad

Attested


DR No: 206
 BC No:

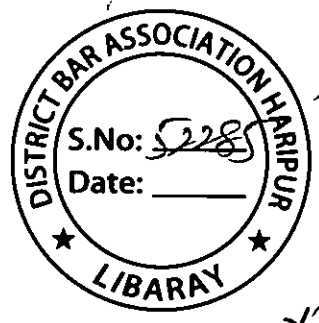
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 Name of Advocate: محمد اسلم قنوی

S.No: 52285



وکالت نامہ



بعدالت: جناب جسٹر عین صاحب جسٹریٹ ہاؤس سروسز کورپوریشن
 عنوان: عیدالوجاب
 منجانب: اسٹیشن
 نوعیت مقدمہ: سروسز ایبل
 باعث تحریر آئیکہ:

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطے پیروی وجود ہی بلئے پیشی یا تصدیق مقدمہ بمقام سروسز کورپوریشن کے لیے
محمد اسلم قنوی کی وکالت کا مدعا

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا رہوں گا اور بروقت
 پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا۔ اگر پیشی پر منظر حاضر نہ ہوا اور مقدمہ میری
 غیر حاضری کی وجہ سے کسی طور پر میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طور پر ذمہ دار نہ ہوں گے نیز وکیل صاحب
 موصوف صدر مقام کچہری کے علاوہ کسی جگہ یا کچہری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ
 ہوں گے اور مقدمہ کچہری کے علاوہ کسی اور جگہ سماعت ہونے پر یا بروز تعطیل یا کچہری کے اوقات کے آگے پیچھے پیش ہونے
 پر منظر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا مختانہ کے واپس کرنے کے بھی صاحب
 موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پر ذمہ دار صاحب موصوف مثل کردہ ذات منظور و مقبول ہوگا اور صاحب موصوف کو
 عرض دعویٰ یا جواب دعویٰ اور درخواست اجراء کے ڈگری و نظر ثانی اپیل نگرانی و ہر قسم درخواست پر دستخط و تصدیق کرنے کا بھی
 اختیار ہوگا اور اور کسی حکم یا ڈگری کرانے اور سرتم کار و پیہ وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور
 اس کے تالی و راضی نامہ و فیصلہ بر حلف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا اور بصورت جانے پیر و نجات از کچہری صدر
 اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم امتناعی یا قرتی یا گرفتاری قبل از گرفتاری و اجراء ڈگری بھی صاحب
 موصوف کو بشرط ادا سنگی علیحدہ مختانہ پیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ
 مزکور یا اس کے کسی جزوی کاروائی کے یا بصورت اپیل کسی دوسرے وکیل کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے وکیل کو
 بھی ہر امر میں وہی اور ویسے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ جو کچھ ہر جانہ
 التوا پڑے گا وہ صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب
 موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے
 برخلاف نہیں ہوگا۔

Acceptance
 M. Aslam
 Adv

لہذا وکالت نامہ لکھ دیا ہے کہ سندر ہے۔

مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔ مورخہ: 02 دن 05 ماہ 2019 سال

(عیدالوجاب اسٹیشن)

Before Honorable Wk Service Tribunal
Peshawar Camp Court
at Abbottabad

Appeal No-562/2019

Abdul Wahab - vs - Dy P/O Wk

Service Appeal

Application for permission to withdraw
in title appeal.

Respectfully Sheweth:

It is submitted that:

1. The titled appeal is pending adjudication before this Honorable Service Tribunal.
2. The Relief sought for from this Honorable Tribunal, has been granted by the Respondents in departmental appeal vide order dated 03-01-2020 (copy attached), hence there is no need to proceed further in the appeal.

It is, therefore, humbly prayed that permission may graciously be accorded to draw in titled appeal.

Applicant/Appellant

M. Adams

Through (Mohammed Adam Tandi)
Advocate High Court
at Abbottabad

Dated 20/01/2020



OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.

No. SI/ 64-70 /20, dated Peshawar the 03 /1/2020.

ORDER

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by Ex-FC Abdul Wahab No. 22. The petitioner was dismissed from service by District Police Officer, Haripur vide OB No. 631, dated 27.09.2018 on the allegations w.e.f 02.05.2018 till date of dismissal from service i.e. 27.09.2018 for a period of 04 months & 25 days. His appeal was filed by Regional Police Office, Hazara vide order Endst: No. 1226/PA, dated 08.04.2019.

Meeting of Appellate Board was held on 13.06.2019 wherein petitioner was heard in person. During hearing petitioner contended that he was slipped on the floor and his foot was fractured. Medical documents available in the record reveal that the petitioner remained absent due to illness. His absence was under compulsion of disease. However, he did not adopt proper way of seeking medical leaves. Previously, he remained absent 11 times and every time, he was warned and advised to adopt proper procedure.

Considering prevailing circumstances of poverty and unemployment, the Board decided that he is hereby reinstated in service from the date of dismissal from service. However, the intervening period is treated as leave of kind due, if any on his credit.

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

(ZAIB ULLAH KHAN)
AIG/Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

No. SI/ 64-70 /20,

Copy of the above is forwarded to the:

1. Regional Police Office, Hazara at Abbottabad.
2. District Police Officer, Haripur.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
5. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-IV CPO Peshawar.

No. 8487/A
dt 9-1-2020
DPO Haripur

For N/A

PA for RPO Hazara
05/01

Handwritten signatures and stamps, including a circular stamp dated 13/1/2020 and a signature dated 8/1/2020.

OHC
For information
DPO-HR
10.01.2020