

Sr. No	Date of order/proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3
	20.11.2019	<p style="text-align: center;"><b><u>BEFORE THE YBER PAKHTUNKHWA SERVICE TRIBUNAL</u></b>  <b><u>At Camp Court, Abbottabad.</u></b>  <b>Service Appeal No. 225/2019</b></p> <p style="text-align: right;">Date of Institution ..... 12.02.2019  Date of Decision ..... 20.11.2019</p> <p>Fiaz son of Fazal ur Rehman Ex-Constable No.902 resident of Village Boraj Tehsil and District Abbottabad.</p> <p style="text-align: right;"><b>Appellant</b></p> <p style="text-align: center;"><b>Versus</b></p> <ol style="list-style-type: none"> <li>1. Government of Khyber Pakhtunkhwa through Secretary Home and Tribal Affairs, Khyber Pakhtunkhwa, Peshawar.</li> <li>2. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.</li> <li>3. Regional Police Officer, Hazara Range.</li> <li>4. District Police Officer, Abbottabad.</li> </ol> <p style="text-align: right;"><b>Respondents</b></p> <p>Mr. Muhammad Hamid Mughal -----Member(J)  Mr. Ahmad Hassan-----Member(E)</p> <p style="text-align: center;"><b><u>JUDGMENT</u></b>  <b><u>MUHAMMAD HAMID MUGHAL, MEMBER:</u></b> Learned counsel for the appellant present. Mr. Usman Ghani learned District Attorney present.</p> <p>2. The appellant (Ex-Constable) has filed the present service appeal against the order dated 25.06.2018 whereby he was awarded punishment of dismissal from service on the ground of willful</p>

20.11.2019

absence from duty w.e.f 07.02.2018 to 21.06.2018. The appellant has also assailed the order dated 09.10.2018 regarding the rejection of his departmental appeal and the order dated 10.01.2019 through which his revision petition under Rule 11-A of Khyber Pakhtunkhwa Police Rules, 1975 was rejected.

3. Learned counsel for the appellant argued that the appellant joined the Police Department in the year 1996; that in the month of January, 2018 the appellant applied for three months leave due to illness of his wife however only five days leave was sanctioned; that the appellant's wife was admitted in Agha Khan Hospital Karachi, so the appellant had to travel to Karachi; that Show Cause Notice was issued and in response, the appellant narrated all the facts, however, the respondent department without considering the genuine reason of absence of the appellant, announced the order of his dismissal from service without observing the codal formalities; that the departmental appeal and the revision petition filed by the appellant were rejected on no good grounds; that the impugned orders are against law and norms of justice; that the appellant had more than 21 year of service at his credit, hence the punishment awarded to the appellant is otherwise harsh and excessive.

4. As against that learned District Attorney argued that earlier on several occasions the appellant was awarded punishments; that the appellant was awarded punishment of six months approved service vide order dated 24.11.2017 on the ground of absence from duty, punishment of stoppage of increment of one year vide order

20.11.2019

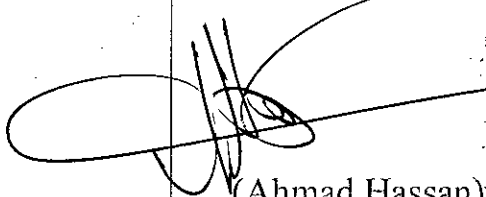
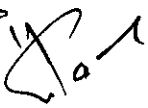
dated 31.12.2013 due to involvement of the appellant in a criminal case, punishment of stoppage of 4 increments vide order dated 02.11.2011 on account of absence from duty, punishment of stoppage of two years increment vide order dated 28.10.2009 and punishment of stoppage of three increments. Further argued that lastly the appellant remained absent from w.e.f 07.02.2018 till 21.06.2018 and the punishment of dismissal from service was rightly awarded to him after issuance of Show Cause Notice, to which the appellant also submitted his reply.

5. Arguments heard. File perused.

6. Admittedly the appellant remained absent from duty w.e.f 07.02.2018 till 21.06.2018 without any permission. Show Cause Notice was issued and the appellant also filed reply of the Show Cause Notice.

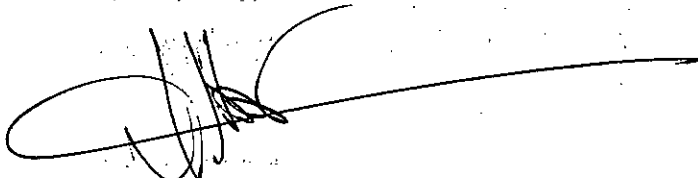
7. This Tribunal is however of the considered opinion that in view of the considerable length of service of the appellant, the contention of learned counsel for the appellant regarding harshness of the punishment of dismissal from service, appears to be genuine. Consequently while keeping in view the length of service of appellant, for the safe administration of justice, the punishment of dismissal from service awarded to the appellant is modified and converted into punishment of reduction in pay (reduction to a lower stage in time scale) for a period of two years. Absence period and the intervening period shall be treated as leave without pay. The present service appeal is partially accepted in the above noted terms.

20.11.2019

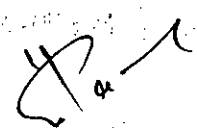
		<p>Parties are left to bear their own costs. File be consigned to the record room.</p> <p> (Ahmad Hassan) Member</p> <p> (Muhammad Hamid Mughal) Member Camp Court, A/Abad</p> <p><u>ANNOUNCED</u> 20.11.2019</p>
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20.11.2019

Learned counsel for the appellant present. Mr. Usman Ghani learned District Attorney present. Vide our separate judgment of today of this Tribunal placed on file, keeping in view the length of service of appellant, for the safe administration of justice, the punishment of dismissal from service awarded to the appellant is modified and converted into punishment of reduction in pay (reduction to a lower stage in time scale) for a period of two years. Absence period and the intervening period shall be treated as leave without pay. The present service appeal is partially accepted in the above noted terms. Parties are left to bear their own costs. File be consigned to the record room.



(Ahmad Hassan)  
Member




(Muhammad Hamid Mughal)  
Member  
Camp Court, Abbottabad

ANNOUNCED.  
20.11.2019

Service Appeal No. 225/2019


11.07.2019

Appellant in person and Mr. Shamraiz Khan ASI alongwith Mr. Muhammad Bilal Khan, Deputy District Attorney for the respondents present. Written reply on behalf of respondents not submitted. Representative of the department requested for further adjournment. Adjourned to 18.09.2019 for written reply/comments before S.B at Camp Court Abbottabad.

  
(Muhammad Amin Khan Kundi)  
Member  
Camp Court Abbottabad

18.09.2019

Learned counsel for the appellant and Mr. Muhammad Bilal Khan, Deputy District Attorney alongwith Mr. Shamraiz Khan, ASI for the respondents present. Written reply on behalf of respondents No. 1 to 4 submitted which is placed on record. Case to come up for rejoinder and arguments on 20.11.2019 before D.B at Camp Court Abbottabad.

  
(Muhammad Amin Khan Kundi)  
Member  
Camp Court Abbottabad

Fiaz

24.05.2019

Counsel for the appellant Fiaz present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was serving in Police Department. He was imposed major penalty of dismissal from service vide order dated 25.06.2018 on the allegation of absence from duty. The appellant filed departmental appeal on 03.07.2018 which was rejected vide order dated 09.10.2018. The appellant filed revision petition before the Inspector General of Police on 30.10.2018 which was also rejected vide order dated 10.01.2019 hence, the present service appeal on 12.02.2019. Learned counsel for the appellant contended that neither proper inquiry was conducted nor any absence notice was issued at the home address of the appellant nor any absence notice was published in the newspaper therefore, the appellant was condemned unheard. It was further contended that the alleged period of absence was 134 days therefore, the dismissal order of the appellant was also harsh, as such, the impugned order is illegal and liable to be set-aside.

The contention raised by the learned counsel for the appellant need consideration. The appeal is admitted for regular hearing subject to all legal objections. 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 11.07.2019 before S.B at Camp Court Abbottabad.

Appellant Deposited  
Security & Process Fee

27/5/19

*MA*

(Muhammad Amin Khan Kundi)



Member

Camp Court Abbottabad

Form- A  
FORM OF ORDER SHEET

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

Case No. 225/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	19/2/2019	<p>The appeal of Mr. Fiaz resubmitted today by Qazi Sheraz 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-19/2/19</p>
2-	28-2-19	<p>This case is entrusted to touring S. Bench at A.Abad for preliminary hearing to be put up there on <u>24-05-2019</u></p> <p style="text-align: right;"> CHAIRMAN</p>



The appeal of Mr. Fiaz son of Fazal-ur-Rehman Ex-Constable no. 902 Distt. Police A.Abad received today by i.e. on 12.02.2019 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- Annexures of the appeal are not in sequence which may be annexed serial wise as mentioned in the memo of appeal.
- ③ Annexures of the appeal may be attested.
- 4- Annexures of the appeal may be flagged.
- 5- Six more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 240 /S.T,

Dt. 12-2- /2019

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Qazi Mkuhammad Sheraz Adv.  
High Court A.Abad.

*Six all objections  
are being removed  
except attested copies  
of annexures are not  
available -*

  
7

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA  
SERVICES TRIBUNAL PESHAWAR

Appeal No. 225/2019

Fiaz son of Fazal-ur-Rehman, Ex-constable No. 902, resident of Village Boraj Tehsil and District Abbottabad.

... APPELLANT

**VERSUS**

Govt. of Khyber Pakhtunkhwa through Secretary Home and Tribunal Affairs, KPK, Peshawar & Others.

...RESPONDENTS


**APPEAL**

**INDEX**

S. No.	Description	Page No.	Annexure
1.	Memo of Appeal alongwith affidavit	1 to 7	
2.	Copy of show cause notice	8	"A-1"
3.	Copy of order dated 25/06/2018	9	"A"
4.	Copy of appeal and order dated 09/10/2018	10 to 13	"B" & "C"
5.	Copy of appeal	14 to 16	"D"
6.	Copies of order dated 10/10/2018	17	"E" & "F"
7.	Wakalatnama	18	

Dated: \_\_\_\_\_/2019

Through

  
 .... APPELLANT

  
 (QAZI SHERAZ)  
 Advocate High Court Abbottabad

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA  
SERVICES TRIBUNAL PESHAWAR

Appeal No. 225 /2019

Fiaz son of Fazal-ur-Rehman, Ex-constable No. 902, resident of Village Boraj Tehsil and District Abbottabad.

... APPELLANT

Khyber Pakhtunkhwa  
Service Tribunal

VERSUS

Diary No. 181

Dated 12-2-2019

1. Govt. of Khyber Pakhtunkhwa through Secretary Home and Tribunal Affairs, KPK, Peshawar.
2. Inspector General of Police, KPK, Peshawar.
3. Regional Police Officer, Hazara Range. *A. Hbal*
4. District Police Officer, Abbottabad.

...RESPONDENTS

APPEAL UNDER SECTION 4 KPK SERVICE TRIBUNAL ACT, 1974, FOR THE DECLARATION TO EFFECT THAT THE ORDER NO. 77 DATED 10/01/2019 PASSED BY RESPONDENT NO. 2 THROUGH WHICH APPEAL FILED BY THE PETITIONER FOR REINSTATEMENT WAS DISMISSED AND DISMISSAL FROM SERVICE ORDER NO. 4843/PA DATED 09/10/2018 PASSED BY RESPONDENT NO. 3 VIDE WHICH ORDER PASSED BY RESPONDENT NO. 4 ORDER NO. 2250-52 DATED 25/06/2018 IS CONFIRMED IS ILLEGAL, UNJUST, ARBITRARY, AGAINST THE

**Filed to-day**  
*[Signature]*  
**Registrar**  
*17/2/19*

**Re-submitted to-day**  
**and filed.**

*[Signature]*  
**Registrar**  
*19/2/19*

PRINCIPLES OF NATURAL JUSTICE AND AGAINST THE COMMON AND KNOWN PRINCIPLE OF LAW THAT "AUDI ALTREM PALTREM, HENCE LIABLE TO BE SET ASIDE.

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**PRAYER:** ON ACCEPTANCE OF INSTANT APPEAL, IMPUGNED DISMISSAL FROM SERVICE ORDER NO. 2250-52 DATED 25/06/2018 BY THE RESPONDENT NO. 4 ON THE BASIS OF THAT ORDER NO. 4843/PA DATED 09/10/2018 ISSUED BY RESPONDENT NO. 3, AND ORDER NO. 77 DATED 10/01/2019 BE SET ASIDE AND RESPONDENTS MAY BE DIRECTED TO REINSTATE THE APPELLANT FROM THE DATE OF DISMISSAL FROM SERVICE WITH ALL SERVICE BACK BENEFITS AND ANY OTHER RELIEF WHICH THIS HONOURABLE COURT DEEM FIT AND PROPER.

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Respectfully Sheweth:-

This appeal mainly proceeds on bellow stated factual and legal grounds.

1. That the appellant joined the police service as constable on 29/07/1996. Copy of order is annexed as Annexure "A".

2. That during the service appellant performed his duties honestly, diligently and efficiently.
3. That while performing awarded routine duties appellant also successfully qualified many courses.
4. That the petitioner is the only bread earner and care take of the wife and kids.
5. That due to illness of wife, appellant applied for three month leave in January 2018, but in response five days were awarded, as petitioner wife was admitted in Agha Khan Hospital Karachi, there is no care taker of kids and attendant of the wife at hospital, so petitioner have to travel to Karachi, and she is still there. All documents would be presented afterwards.
6. That as my application was present on record, so in lieu of inquiring the truthfulness of the matter, show cause notice No. 193 dated 14/03/2018, was issued, petitioner was informed on mobile, petitioner in response narrated all facts but malafidely those were neither mentioned any where nor took into consideration by respondent No. 4. Copy of show cause notice is annexed as Annexure "A".

7. That after show cause notice no inquiry was conducted and respondent No. 4 vide order No. 2250-52 dated 25/06/2018 announced the order of dismissal from service, without fulfilling codal formalities (order is annexed as Annexure "B").
8. That the petitioner filed appeal to respondent No. 3 in time but who have without even perused the matter, reproduce the impugned order 4873 dated 09/10/2018 and impugned dismissal from service order was upheld. (Copy of appeal and order are attached as Annexure "C" & "D").
9. That the petitioner made an appeal to respondent No. 2 but invain, who also put deaf ear towards petitioner voice and dismissed the appeal/ review through order No. 77 dated 10/01/2019. (Copies of appeals and order are attached as Annexure "E" & "F").
10. That the order No. 77 dated 10/01/2019 by respondent No. 2, and order No. 4873/PA dated 09/10/2018 and order No. 2250-52 dated 25/06/2018 are illegal void, discriminatory, against the natural justice and without lawful justification and liable to be set aside hence, the instant appeal is filed inter-alia on the following grounds:-

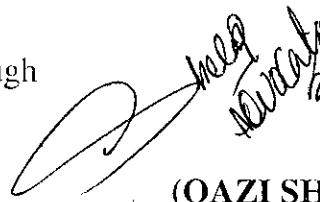
**GROUNDS:**

- (a) That no inquiry as provided by law and principles of natural justice is being conducted in the petitioner's matter which is only and enough ground for declaring whole proceedings void ab-initio.
- (b) That the petitioner who have served for 21 precious years in department, have not been heard properly so condemned unheard.
- (c) That it is the basic obligation on department to provide health facilities to petitioner and family, rather then department have ordered the dismissal from service of the 21 years servant who is only bread earner and care taker of the ill wife.
- (d) That the appellant, tenure of service is satisfactory and always uplifted the norms of department and hard worked for establishment of writ of state.
- (e) That the other points shall be argued at the time of arguments with the kind permission of this Honourable Court Tribunal Court.

It is, therefore, humbly prayed that on acceptance of instant appeal, impugned dismissal from service order No. 2250-52 dated 25/06/2018 by the respondent No. 4 on the basis of that order No. 4873/PA dated 09/10/2018 issued by respondent No. 3, and order No. 77 dated 10/01/2019 be set aside and respondents may be directed to reinstate the appellant from the date of dismissal from service with all service back benefits and any other relief which this Honourable court deem fit and proper.

Dated: 8/2/2019

Through



(QAZI SHERAZ)

Advocate High Court Abbottabad

..... APPELLANT

**VERIFICATION**

Verified that the contents of the foregoing appeal are true and correct and nothing has been suppressed from this Honourable Court.

Dated: 8/2/2019



..... APPELLANT



BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA  
SERVICES TRIBUNAL PESHAWAR

Appeal No. \_\_\_\_\_/2019

Fiaz son of Fazal-ur-Rehman, Ex-constable No. 902, resident of Village Boraj  
Tehsil and District Abbottabad.

... APPELLANT

VERSUS

Govt. of Khyber Pakhtunkhwa through Secretary Home and Tribunal Affairs,  
KPK, Peshawar & Others.

...RESPONDENTS

APPEAL

AFFIDAVIT

I, Fiaz son of Fazal-ur-Rehman, Ex-constable No. 902, resident of Village Boraj  
Tehsil and District Abbottabad, do hereby declare on oath that the contents of  
foregoing appeal are true and correct to the best of my knowledge and belief and nothing  
has been suppressed from this Honourable Tribunal.

DEPONENT



8 *Amir* *AI*

**OFFICE OF THE DISTRICT POLICE OFFICER, ABBOTTABAD**

No. 193 /PA, Dated Abbottabad, the 14/03/2018

**SHOW CAUSE NOTICE**  
**(Unit Rule (3) KPK Police Rules, 1975)**

1. That you Constable Fiaz No. 902 Police Lines Abbottabad, have rendered yourself liable to be proceeded under Rule 5 (3) of the Khyber Pakhtunkhwa Police Rules 1975 for following misconduct;
  1. You while posted at Police Lines Abbottabad absented yourself vide Daily Dairy No. 41, dated 07-02-2018 and are still absent without any leave or permission.
2. That by reason of above, as sufficient material is placed before the undersigned therefore it is decided to proceed against you in general Police proceedings without aid of Enquiry Officer;
3. That the misconduct on your part is prejudicial to good order of discipline in the Police force.
4. That your retention in the police force will amount to encouragement of inefficient and indiscipline officer in the force.
5. That by taking cognizance of the matter under enquiry, the undersigned as Competent Authority under the said Rules, proposes stern action against you by awarding one or more of the kind punishments as provided in the Rules.
6. You are, therefore, called upon to Show Cause as to why you should not be dealt in accordance with the Khyber Pakhtunkhwa Police Rules, 1975 for the misconduct referred above.
7. You shall submit reply to this Show Cause Notice within 07 days of the receipt of the notice failing which an ex parte action shall be taken against you.
8. You are further directed to inform the undersigned that whether you wish to be heard in person or not.
9. Grounds of action are also enclosed with this notice.

District Police Officer  
Abbottabad

APA

Please put up

Tabdul Ahem received

Received by \_\_\_\_\_  
Dated 1 /2018.

7 02 / 18

2 05 / 18

15

دعا علیا  
گزارش 12/03/18  
0344-9481703  
کونستبل فیا ز  
تعمیر کار  
Received by \_\_\_\_\_  
Dated 1 /2018.  
طی 7 روزہ کار ایجا ہوگا  
رہا جس کو 2 اور 1  
9/2  
2018/03/14

Amended 93 A<sup>e</sup> 902 F-11

ORDER

This office order will dispose of the departmental enquiry against Constable Fiaz No. 902 Police Lines Abbottabad. He while posted at Police Lines Abbottabad absented himself vide Daily Diary No. 41 dated 07-02-2018 to 21-06-2018 (134 days) without any leave or permission.

He was issued Show Cause Notice. In response to Show Cause Notice, he submitted his reply which was found unsatisfactory. He was summoned to appear in Orderly Room on 21-06-2018 but he failed to appear in OR.

Therefore, in exercise of the powers vested in the undersigned under Police Disciplinary Rules-1975, I, Syed Ashfaq Anwar PSP, District Police Officer, Abbottabad as a competent authority, am constrained to award him the punishment of Dismissal from service with immediate effect.

Order announced.

District Police Officer  
Abbottabad

2250-52  
No. /PA 25-6-2018  
CC.

1. Establishment Assistant.
2. Pay Officer, DPO Office Abbottabad.
3. OASI DPO Office alongwith complete Enquiry File containing 9 pages for completion of record.

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محضور جناب D.A صاحب پولیس ہیڈ کوارٹر ریحن ایبٹ آباد

اپیل بنارہی حکم صدرہ بحوالہ جیٹی  
انگریزی آفس آرڈر 2250-52/PA  
مورخہ 25/10/18  
D.P.O صاحب ایبٹ آباد جس کے ذریعے  
موصوف نے سائل کی عرصہ 22 سال  
صاف تقریباً ملازمت کے باوجود میری  
قریب ٹرگ بیوی کے علاج کیلئے میرے  
قانونی حق کی تین ماہ کی رخصت کی درخواست  
پر صرف 5 دن رخصت دیکر مجھے بد  
دانتہ طریقہ اختیار کیا ہے جو کہ کسی  
انکوائری کے بغیر مجھے ملازمت سے  
ڈس میس کر دیا ،  
وہتر عرصہ ایبٹ آباد پر مقننہ اور  
میسروانہ عورت فرمایا جا کر سفاک ماتحت  
دشمن D.P.O کا نانا انصافی پر مبنی ظالمانہ  
حکم منسوخ فرمایا جا کر سائل کو ملازمت  
پر بحال فرمایا جاوے ۔

جناب عالی موجبات اپیل عرض ذیل ہیں ۔

۱۔ یہ کہ سائل مورخہ - کو ٹھکر پولیس ضلع ایبٹ آباد میں  
بطور کنیشن بھرتی ہو کر بعد پاس کرنے دیکر وٹس کورس

(11)  
 صلح ایبٹ آباد میں پولیس لائن کی گارڈاٹ وغیرہ اور تھانہ جا  
 چوکیات میں خوش اسلوبی سے عرصہ زائد از ۱۹۷۲ سال  
 خوش اسلوبی سے خدمات سرانجام دیتا رہا .

یہ کہ شوٹی قسمت سے ماہ جنوری ۲۰۱۸ء میں اپنی بیوی کی  
 گونا گوں بیماریوں میں مبتلا ہونے کی وجہ سے پاکستان کی  
 متعدد ہسپتالوں میں علاج معالجوں سے روہیت نہ ہو سکنے  
 کی وجہ سے اسے کراچی کی آغا خان ہسپتال میں کامیاب علاج  
 کی کرن نظر آنے پر اسے کراچی لجا کر علاج کروانے کیلئے  
 سائل نے تین ماہ کی رخصت رعائتی کی درخواست دیا جو  
 جناب DPO صاحب ایبٹ آباد نے میرا حق ثابت ہونے کے  
 باوجود مجھے صرف پانچ یوم کی رخصت دی۔ جو میں اپنی بیوی  
 کو علاج معالجہ کیلئے کراچی لے گیا۔ اور اسے داخل ہسپتال کروانے  
 میں میری منظور شدہ رخصت ختم ہو جانے اور واپس ڈیپارٹ ہونے پر  
 نہ آسکنے پر مجھے مورخہ ۰۶<sup>۲۰۱۸</sup> کو غیر حاضر کر دیا گیا۔ جو  
 اس دوران نہ مجھے کوئی سٹریکاز نوٹس دیا گیا۔ نہ کوئی  
 چارج شیٹ دیکھی نہ میں نے کوئی تنخواہ لی۔ اور مجھے  
 حاضری کا کوئی حکم نامہ یا میری غیر حاضری کا کوئی نوٹس  
 دیا گیا .

فی یہ کہ میری بیوی جو زندگی اور موت کی کشمکش میں داخل  
 ہسپتال تھی۔ کہ ہسپتال میں قدرے افاقہ ہوتے رہی میں  
 مورخہ ۱۲<sup>۲۰۱۸</sup> کو حاضر لائن پولیس ایبٹ آباد ہوا۔ تو  
 مجھے سٹریکاز نوٹس ملنے پر میں نے سٹریکاز نوٹس

کما جواب اپنی بیوی کی بیماری اور کراچی ہسپتال میں داخل ہونے کا رونا روتے ہوئے دیریا۔ جو اس کے بعد نہ تو مجھے کوئی چارج شیٹ دی گئی نہ مجھے کسی نے اردلی روم میں پیش ہونے کا کہا۔ نہ مجھے کسی نے اردلی روم میں پیش کیا۔ حالانکہ میں پولیس لائن میں حاضر رہا۔ اور مجھے پولیس لائن ایسٹ آباد میں موجود رہتے ہوئے کسی نے یہ نہ بتلایا کہ تمہیں ڈسمنس کر دیا گیا ہے۔ جواب پتہ لگنے پر میں نے حکم قہرہ مشوم بڑا کی اپنے وسائل سے معلومات پر نے نقل حاصل کی اور اپیل لکھوا کر پیش حضور ہے۔ زوجہ ام بہ ستر کراچی میں داخل ہسپتال زیر علاج ہے۔

آئی یہ مندرجہ بالا حالات سے میری سزا ڈسمنس کر کے غیر قانونی - غیر آئینی اور غیر اخلاقی خلاف ضابطہ اور تعبیر از انصاف ہے۔ میرے پانچ عرصہ بچے متاثر کے بارے سخت پریشانی ہیں، اور متاثر قریب رہے ہیں۔

اسد عاصیہ صفحہ نمبر فرمایا جا کر 2018ء کا مشورہ غیر قانونی - اور غیر آئینی اور لاتاقونیت سے بھرپور حکم منسوخ و کالعدم فرمایا جا کر مجھے سنبھل جانے اور ملازمت پر بحال فرمائے جائیکہ حکم صادر فرمایا جاوے۔

1 رقم 2018ء 03

غیاث سابق کنٹریل 902 پولیس لائن ایسٹ آباد  
 ولد فضل الرحمن سکس بجورج علاقہ قمانہ حویلیاں  
 ایسٹ آباد رابطہ نمبر 9481703 - 0344


(3) *Maxwell*

ORDER

This order is hereby passed to dispose off departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rules 1975 submitted by *Ex-Constable Fiaz No:902* Abbottabad District against the order of punishment i.e. *Dismissal from service* awarded to him by the DPO Abbottabad vide his office OB No: 189, dated 21.06.2018.

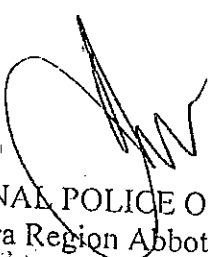
Facts leading to punishment awarded to him are that he while posted at Police Lines Abbottabad absented himself vide Daily Diary No.41, dated 07.02.2018 to 21.06.2018 (134 days) without any leave or permission.

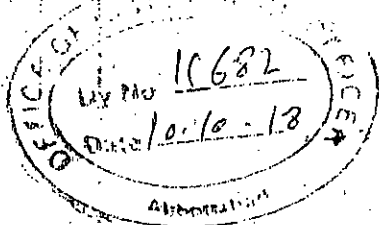
After receiving his appeal, comments of DPO were obtained which were perused. The undersigned called appellant in O.R on 03.10.2018 where he failed to explain any plausible reason in his defence. Therefore the punishment awarded to him by DPO Abbottabad i.e. **Dismissal from service** is genuine, which is upheld and his appeal is *filed*.

  
REGIONAL POLICE OFFICER  
Hazara Region Abbottabad

No. *4873* /PA Dated Abbottabad the *09-10* /2018.

Copy of above is forwarded to the District Police Officer, Abbottabad vide his office Memo: No: 3596, dated 31.08.2018 for information and necessary action. Service Roll & Fauji Missal are returned herewith for your office record.

  
REGIONAL POLICE OFFICER  
Hazara Region Abbottabad



*Re DASI*

*Necessary action OK*

*[Signature]*  
*19x*

(24)

AMMA

بکھنور جناب IG صاحب پولیس، خیبر پختونخوا، پشاور۔

اپیل بنا راضی حکم مصدرہ بحوالہ چٹھی انگریزی آفس آرڈر  
2250-52/PA مورخہ 25-06-2018 جاریہ از دفتر جناب  
DPO صاحب ایٹ آباد جس کے ذریعے موصوف نے سائل کی عرصہ  
22 سال صاف ستھری ملازمت کے باوجود میری قریب المرگ بیوی کے  
علاج کیلئے میرے قانونی حق کی تین ماہ کی رخصت کی درخواست پر  
صرف 5 دن رخصت دیکر مجھے دیدہ دانستہ غیر حاضری پر مجبور کر کے کسی  
انکوائری کے بغیر مجھے ملازمت سے ڈسمن کر دیا جس پر من سائل نے  
جناب DIG کو اپیل کی جنہوں نے بحوالہ چٹھی نمبر 4873/PA مورخہ  
09-10-2018 سائل کی اپیل خارج کرتے ہوئے جناب DPO  
صاحب کے حکم کو بحال رکھا۔

استدعا ہے کہ اپیل ہذا پر منصفانہ اور ہمدردانہ غور فرمایا جا کر  
 سفاک ماتحت دشمن DPO کا نا انصافی پر مبنی ظالمانہ حکم اور جناب  
 DIG ضلع ایٹ آباد کا سابقہ حکم کو برقرار رکھنے والا حکم منسوخ فرمایا  
 جا کر سائل کو ملازمت پر بحال فرمایا جاوے۔

جناب عالی! موجبات اپیل عرض ذیل ہیں۔

(۱)۔ یہ کہ سائل مورخہ 29-07-1996 کو محکمہ پولیس ضلع ایٹ آباد میں بطور کنسٹیبل بھرتی ہو کر  
 بعد پاس کرنے ریکروٹس کورس ضلع ایٹ آباد میں پولیس لائن کی گاردات وغیرہ اور تھانہ  
 جات، چوکیات میں خوش اسلوبی سے عرصہ زائد از ساڑھے 21 سال خوش اسلوبی سے  
 خدمات سرانجام دیتا رہا۔



(۲)۔ یہ کہ شوئی قسمت سے ماہ جنوری 2018ء میں اپنی بیوی کی گونا گوں بیماریوں میں مبتلا ہونے کی وجہ سے پاکستان کی متعدد ہسپتالوں میں علاج معالجوں سے رو بصحت نہ ہو سکنے کی وجہ سے اسے کراچی کی آغا خان ہسپتال میں کامیاب علاج کی کرن نظر آنے پر اسے کراچی لیجا کر علاج کروانے کیلئے سائل نے تین ماہ کی رخصت رعایتی کی درخواست دی جو جناب DPO صاحب ایبٹ آباد نے میرا حق ثابت ہونے کے باوجود مجھے صرف پانچ یوم کی رخصت دی۔ جو میں اپنی بیوی کو علاج معالجہ کیلئے کراچی لے گیا اور اسے داخل ہسپتال کروانے میں میری منظور شدہ رخصت ختم ہو جانے اور واپس ڈیوٹی پر نہ آسکنے پر مجھے مورخہ 07-02-2018 کو غیر حاضر کر دیا گیا جو اس دوران نہ مجھے کوئی شوکار نوٹس دیا گیا نہ کوئی چارج شیٹ دی گئی نہ میں نے کوئی تنخواہ لی اور نہ مجھے حاضری کا کوئی حکم نامہ یا میری غیر حاضری کا کوئی نوٹس دیا گیا۔

(۳)۔ یہ کہ میری بیوی جو زندگی اور موت کی کشمکش میں داخل ہسپتال تھی کو ہسپتال میں قدرے افاقہ ہوتے ہی میں مورخہ 21-06-2018 کو حاضر لائن پولیس ایبٹ آباد ہوا تو مجھے شوکار نوٹس ملنے پر میں نے شوکار نوٹس کا جواب اپنی بیوی کی بیماری اور کراچی ہسپتال میں داخل ہونے کا رونا روتے ہوئے دیدیا جو اس کے بعد نہ تو مجھے کوئی چارج شیٹ دی گئی نہ مجھے کسی نے اردلی روم میں پیش ہونے کا کہا نہ مجھے کسی نے اردلی روم میں پیش کیا۔ حالانکہ میں پولیس لائن میں حاضر رہا اور مجھے پولیس لائن ایبٹ آباد میں موجود رہتے ہوئے کسی نے یہ نہ بتلایا کہ تمہیں ڈسمس کر دیا گیا ہے جو اب پتہ لگنے پر میں نے حکم متذکرہ مشمولہ ہذا کی اپنے وسائل سے معلومات ہونے پر نقل حاصل کی اور اپیل لکھوا کر پیش بحضور ہے، زوجہ ام بدستور کراچی میں داخل ہسپتال زیر علاج ہے۔

(۴)۔ یہ کہ مندرجہ بالا حالات سے میری سزائے ڈسمس صریحاً قانونی، غیر آئینی اور صریحاً خلاف ضابطہ اور بعید از انصاف ہے، میرے پانچ معصوم بچے ممتا کے مارے سخت پریشان ہیں اور ممتا کو ترس رہے ہیں۔

اپنی غیر قانونی ڈسمسل کی منسوخی کی بابت اپیل کی جنہوں نے جناب DPO صاحب کے فیصلہ کو برقرار رکھتے ہوئے بحوالہ چٹھی نمبری PA/4873 مورخہ 09-10-2018 کو سائل کی اپیل خارج کر دی۔

لہذا استدعا ہے کہ منصفانہ غور فرمایا جا کر DPO صاحب و DIG  
صاحب کا مشمولہ غیر قانونی اور غیر آئینی اور لاقانونیت سے بھرپور حکم  
منسوخ و کالعدم فرمایا جا کر مجھے سنے جانے اور ملازمت پر بحال  
فرمائے جانے کا حکم صادر فرمایا جاوے۔

المرقوم:- 30-10-2018

**الارضی**

فیاض سابق کنشیل نمبر 902 پولیس لائن ایبٹ آباد  
ولد فضل الرحمن سکینہ بھورج علاقہ تھانہ حویلیاں ، ایبٹ آباد  
رابطہ نمبر:- 0344-9481703



OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA  
PESHAWAR.

No. S/ 77 /19, dated Peshawar the 10/10/2019.

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 Fiaz No. 902. The petitioner was dismissed from service by DPO/Abbottabad vide order Endst: No. 2250-52/PA, dated 25.06.2018 on the charge of absence from duty for 134 days.

His appeal was filed by Regional Police Officer, Hazara at Abbottabad vide order Endst: No. 4873/PA, dated 09.10.2018.

Meeting of Appellate Board was held on 03.01.2019 wherein petitioner was heard in person. During hearing petitioner contended that his wife was ill and was admitted in Agha Khan Hospital Karachi.

Petitioner failed to advance any plausible explanation in rebuttal of the charges. He has earned 13 bad entries during his service. The Board see no ground and reasons for acceptance of his petition, therefore, the Board decided that his petition is hereby rejected.

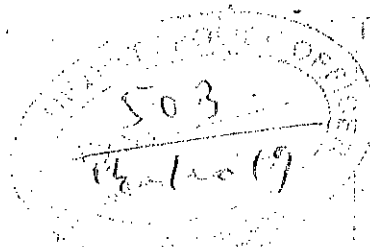
This order is issued with the approval by the Competent Authority.

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

No. S/ 78-83 /19.

Copy of the above is forwarded to the:

1. Regional Police Officer, Hazara at Abbottabad.
2. District Police Officer, Abbottabad. Service Roll alongwith Fauji Missal containing enquiry file of the above named Ex-Constable received vide your office Memo: No. 6545, dated 26.12.2018 is returned herewith for your office record.
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.



E-IV  
Fauji  
N/A  
10/10/19

# وکالت نامہ

کورٹ فیس

بعدالت حناجہ سرویس ٹریڈنگ کمپنی کوئٹہ سٹی

بعدالت

عنوان: حناجہ بنام گورنمنٹ ہائیڈرو پاور

عنوان:

منجانب: راجہ

منجانب:

نوعیت مقدمہ: لم سٹیل

## باعث تحریر آنکے

مقدمہ مندرجہ میں اپنی طرف سے واسطے پیروی و جواب دہی کل کارروائی متعلقہ آل مقام

\_\_\_\_\_

کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا نیز وکیل

صاحب موصوف کو کرنے راضی نامہ و تقرر ثالث و فیصلہ برحلف و دینے اقبال دعویٰ اور بصورت دیگر ڈگری

کرانے اجراء وصولی چیک روپیہ و عرضی دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت

ضرورت مقدمہ مذکور کی کل یا کسی جزوی کارروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ اپنی

جائے تقرر کا اختیار بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا

ساختہ پرداختہ مجھ کو منظور و قبول ہوگا۔ دوران مقدمہ جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب ہوگا اس کے

مستحق وکیل صاحب ہوں گے۔ نیز بقایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہو یا

حد سے باہر ہو تو وکیل صاحب موصوف پابند ہوں گے کہ پیروی مقدمہ مذکورہ کریں اور اگر مختار مقرر کردہ میں

کوئی جز و بقایا ہو تو وکیل صاحب موصوف مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست بمراد

استجارت نالاش بصیغہ منقلسی کے دائرہ کرنے اور اس کی پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کر دیا تاکہ سند رہے۔

المقوم:

بمقام:

*(Handwritten signature)*

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA, SERVICE  
TRIBUNAL PESHAWAR CAMP COURT ABBOTTABAD**

**SERVICE APPEAL NO.225/2019**

Fiaz son of Fazal-ur-Rehman, Ex-Constable No. 902 resident of village Boraj Tehsil and District Abbottabad .

.....(Appellant)

**VERSUS**

1. Government of Khyber Pakhtunkhwa through Secretary Home and Tribal Affairs Department Peshawar.
2. Inspector General of Police, KPK, Peshawar.
3. Regional Police Officer, Hazara Range.
4. District Police Officer, Abbottabad.

.....(Respondents)

**RESPECTFULLY SHEWETH!**

The Para-wise comments on behalf of respondents are submitted as under:-

**PRELIMINARY OBJECTIONS:-**

1. That the instant Service Appeal is not maintainable in the present form.
2. That the appellant is estopped by his own conduct to file the instant appeal.
3. That the appellant has not come to the Hon'ble Tribunal with clean hands.
4. That the appellant has suppressed material facts from the Hon'ble Tribunal.
5. That the instant Service Appeal is not maintainable for non-joinder/ miss-joinder of unnecessary parties.
6. That the instant Service Appeal is badly time barred.
7. That the appellant has filed the instant service appeal just to pressurize the respondents.
8. That both the orders passed by the authorities are as per law and rules, after fulfilling all the codal formalities, hence, the appeal is liable to be dismissed without any further proceeding.

**OBJECTIONS ON FACTS:-**

1. Subject to proof.
2. Incorrect, the appellant Ex-Constable Fiaz No.902 during his service committed several misconducts for which he was awarded following punishments:
  - i. The appellant remained absent for 46 days upon which he was awarded punishment of forfeiture of 06 months approved service and period of absence was treated as leave without pay vide OB No. 297 dated 24.11.2017. (Copy attached as Annexure "A").

- ii. Due to involvement in a criminal case vide FIR No. 401 dated 03.06.2009 u/s 419/420/468/471 PPC PS City he was awarded punishment of stoppage of increment of 01 year without accumulative effect vide OB No. 355 dated 31.12.2013. (Copy attached as Annexure "B").
  - iii. Remained absent from lawful duties for 154 days due to which he was awarded punishment of stoppage of 04 increments and period of absence was treated as leave without pay vide OB No. 374 dated 02.11.2011. (Copy attached as Annexure "C").
  - iv. He was awarded punishment of stoppage of 02 years increment without cumulative effect on complaint of one Muhammad Shamraiz Khan s/o Muhammad Shaffi regarding misplacement of Registration Book of his Jeep bearing No. BB-8233 vide OB No. 331 dated 28.10.2009. (Copy attached as Annexure "D").
  - v. Remained absent from lawful duties for 48 days due to which he was awarded punishment of stoppage of 03 increments and period of absence was treated as leave without pay vide OB No. 331 dated 28.10.2009. (Copy attached as Annexure "E").
3. Subject to proof.
  4. Not related to respondent department; hence, no comments.
  5. Incorrect, the appellant while posted at Police Lines Abbottabad, absented himself from lawful duties, which was reported vide daily dairy No.41 dated 07.02.2018, without any leave or permission from competent authority. (Copy of daily dairy is attached as annexure "F"): The acts/omissions of the appellant were misconduct under Khyber Pakhtunkhwa Police Rules 1975. Therefore, the appellant was issued show cause notice by the then District Police officer Abbottabad, the appellant was contacted on his cell No.0344.9481703 to receive the show cause notice, but the appellant did not bother to receive the same and submit reply. Keeping in view the none serious attitude of appellant, the charges of misconduct stood proved, therefore, on quite legal grounds the appellant was awarded major punishment of dismissal from service by the then District Police Officer, Abbottabad vide order No.2250-52/PA dated 25.06.2018. (Copies of show cause notice and dismissal order are attached as annexure "G & H").
  6. Incorrect, the appellant was neither granted such leave nor he was permitted to proceed on leave, he absented himself from lawful duties, without prior leave or permission from competent authority, and thereby committed misconduct, for which he was proceeded against under the law.


7. In reply to this Para, it is submitted that the appellant was issued show cause notice by the competent authority and appellant was approached to reply the same or give his defense, but the appellant deliberately avoided to submit his reply. Therefore, the charges stood proved and there was no need of enquiry. Being held guilty of gross misconduct, the appellant was awarded lawful punishment.
8. Incorrect, the appellant filed departmental appeal against the order of punishment to the departmental appellate authority the then Regional Police Officer, Hazara Region, Abbottabad, who took into consideration all facts, the relevant evidence and after personal hearing of appellant, the appeal was rejected on quite legal grounds (Copy of order is attached as Annexure "I").
9. Incorrect, the appellant filed revision petition to the competent authority which was considered by the appellate board and was rejected as per law. (Copy of order is attached as Annexure "J").
10. Incorrect, the orders passed by the departmental authorities are quite legal, in accordance with law and maintainable.


**GROUND:-**

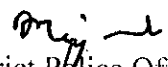
- a. Incorrect, the appellant was dealt with in accordance with law, he was issued show cause notice, containing charges of misconduct, moreover, he was directed to produce defense, but the appellant did not reply the same, therefore, charges were proved and there was no need of departmental enquiry. All the proceedings are lawful and maintainable.
- b. Incorrect, the appellant was given right of personal hearing and self-defense, he was issued show cause notice, beside this, he was also heard in orderly room, so, the punishment was passed after fulfillment of legal requirements. Therefore, the punishment is sound in the eyes of law.
- c. Incorrect, the appellant committed gross misconduct, his acts/omissions rendered him liable for departmental action, hence, the appellant's conduct warranted lawful action, which resulted into his dismissal.
- d. Subject to proof.
- e. The respondent department shall also reply any ground during the hearing of the instant service appeal with the permission of this honorable tribunal.

PRAYER.

In view of above, it is most humbly prayed that the instant service appeal does not hold any legal force which may graciously be dismissed with cost.

  
Provincial Police Officer,  
Khyber Pakhtunkhwa,  
Peshawar  
(Respondent No. 1&2)

  
Regional Police Officer,  
Hazara Region,  
Abbottabad  
(Respondent No.3)

  
District Police Officer,  
Abbottabad  
(Respondent No. 4)



**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA, SERVICE  
TRIBUNAL PESHAWAR CAMP COURT ABBOTTABAD'**

**SERVICE APPEAL NO.225/2019**

Fiaz son of Fazal-ur-Rehman, Ex-Constable No. 902 resident of village Boraj Tehsil  
and District Abbottabad.

.....(Appellant)

**VERSUS**


1. Government of Khyber Pakhtunkhwa through Secretary Home and Tribal Affairs Department Peshawar.
2. Inspector General of Police, KPK, Peshawar.
3. Regional Police Officer, Hazara Range, Abbottabad.
4. District Police Officer, Abbottabad.


.....(Respondents)


**AFFIDAVIT.**

We, do hereby affirm on oath that the contents of written reply are true to the best of our knowledge & belief and nothing has been concealed from the honorable Service Tribunal.

Submitted please.

  
Inspector General of Police,  
Khyber Pakhtunkhwa Peshawar  
Respondent No. 1 &2)

  
Regional Police Officer,  
Hazara Region, Abbottabad  
(Respondent No. 3)

  
District Police Officer,  
Abbottabad.  
(Respondent No. 4)

902

ORDER

This office order will dispose of the departmental enquiry against **Constable Faiz No. 902**. He while posted at Police Lines Abbottabad absented himself vide Daily Dairy No. 40 dated 19-06-2017 to 04-08-2017 (total 46 days) without any leave or permission.

He was issued Charge Sheet along with statement of allegations. **Mr. Amjid Hussain DSP Mirpur** was appointed as Enquiry Officer. He conducted proper departmental enquiry against the delinquent officer and recorded statements of all concerned. He was provided ample opportunity to defend himself and rebut the allegations leveled against him. After conducting proper departmental enquiry, the Enquiry Officer submitted his findings, wherein allegations have been proved. Consequently he was issued Final Show Cause Notice. He was summoned to appear in Orderly Room on 23-11-2017. He was given a patient hearing but he had nothing plausible to state in his defence.

Therefore, in exercise of the powers vested in the undersigned under rules 2 (iii) of Police Disciplinary Rules-1975, 1, Syed Ashfaq Anwar PSP, District Police Officer, Abbottabad as a competent authority, am constrained to award him the punishment of Period of absence be treated as leave without pay. Forfeiture of 06 months approved service with immediate effect.

Order announced.

District Police Officer  
Abbottabad

No. 3162-BPA 4-12-2017

CC.

1. Establishment Assistant.
2. Pay Officer, DPO Office Abbottabad.
3. OASI DPO Office alongwith complete Enquiry File containing 32 pages for completion of record.

\*\*\*\*\*

24-11-17

جواب فائنل شوکار لوٹا (۹۵۲) R ۱۰۰

شوکار فائنل شوکار لوٹا میں مدد میں فون پر آئے کسی شہزادہ کے بارے میں  
دو سہ ماہی نے خبر دی جو ان کے پاس لایا گیا ہے کہ میں نے اس سے ڈرا ہونے  
لائی ہوئی ہے۔ اس میں مذکورہ شخص شہزادہ کو جانتا ہوں اور تم بھی  
میں نے کوئی لائی ہوئی ہے۔ میں نے اس سے پریشان ہونے سے  
تنبیہ کی ہے۔ یہ رپورٹ جواب دہ ہے۔ اس کے دفتر میں کیا گیا ہے وہاں  
اسے پتہ چلا کہ اس شہزادہ کے پاس کس طرح کے دروازے کی آڑ میں ہے وہ  
کو پیش ہونا چاہتا تھا اور وہیں ہی ہوا اس دوران جواب دہ نے  
اسے یہ دفتر لایا گیا میرا اور مذکورہ شہزادہ کا دفتر میں آگیا سنا ہوا  
میں نے جواب دہ کو کہانی کو روکا ہے کیا تم میں اس شخص کو نہیں  
جانتا ہوں۔ اس کے دفتر میں وہاں سے کسی میں میرے دفتر میں آگیا  
کونسا شخص ہے۔ میں نے کوئی لائی نہیں لایا ہے۔ البتہ میں  
کتابوں میں سے کتابیں لایا ہے۔ اس میں سے کچھ کتابوں میں  
میں نے کچھ کتابیں لائی ہیں۔ یہ وہی ہے جس کے دفتر میں  
ایسا ہی لایا ہے۔

Dsp Legat

Dismiss

استدعا سے مندرجہ بالا حالت کو تیز رفتاری سے ختم کرنے کے لئے  
دفتر میں رہنے کے لئے ہمارے پاس ہے۔

Stoppage of  
movement of  
without  
accumulation  
effect

OR  
OB. NO. 355  
31-11-13

Pending till the  
decision of the  
case Reinstated

D.R.  
24/12  
27/12

OB. NO. 355  
31-11-13

۱۸/۱۲  
۱۸/۱۲

Subject :- ENQUIRY AGAINST COSTABLE FIAZ 902 POLICE LINES ABBOTTABAD.

BRIEF OF ALLEGATIONS

Allegations are that while he was transferred from Wireless Operator Piffer to GD Police Lines vide OB No. 82 dated 12.03.2011 failed to report arrival at Police Lines as reported by Lines Officer vide DD No. 20 dated 25.03.2011.

He was issued Show Cause Notice, which was served upon him on 20.07.2011 but his reply is not so far received within stipulated period, which shows that he is not taking interest in the service.

For the purpose of scrutinizing the conduct of the said officer with reference to the above allegations, undersigned is appointed as enquiry officer.

ENQUIRY PROCEEDINGS.

I proceeded accordingly and called the following :-

- 1. FC Fiaz No. 902.
- 2. MHC Jahnzeb Police Lines Abbottabad.

Their statements are recorded and placed with enquiry file.

From the perusal of service record he was enlisted on 30.07.1996. There are 18 bad entries from which 16 are regarding his absence and 02 are of misconduct while 03 good entries are found.

FINDINGS.

From the above recorded statements and his service record. It shows that FC Fiaz No. 902 is habitual absentee and he was also awarded punishment two times for misconduct. He also failed to reply of Show Cause Notice to his seniors. He has no excuse about his absence.

In these circumstances he is recommended for major punishment as allegations leveled against him are proved.

Submitted please.

Dy: Superintendent of Police,  
Cantt Abbottabad.

4 Months  
Stop with  
Commulative  
effect

(154 days without pay)

OB No. 376

2-11-11

No 350

26/10/12

2-9-1254

*[Handwritten notes and signatures in the bottom left corner, including names like 'MHC Jahnzeb']*

*[Handwritten notes and signatures in the bottom right corner, including 'MHC Jahnzeb']*

ORDER

(902)

FM

LR

Constable Fayyaz No.902 while posted as telephone Moharrar in the office of Superintendent of Police Headquarters Abbottabad, received Registration Certificate of Jeep No. BB-8233 from Bagnetar Police, vide receipt No. 88/21. Later on, the owner of the Jeep Muhammad Shemraiz S/o Muhammad Shafi R/o Bagnetar made a complaint regarding non-return of RC of Jeep No.BB-8233.

Charge Sheet/ Disciplinary action were issued and DSP/Legal Abbottabad was appointed as enquiry officer. During enquiry charges levelled against him have been proved and the Enquiry Officer recommended him for the award of minor punishment. He was issued Final Show Cause Notice and his reply was perused. He also heard in person in the OR but he could not submit any cogent reason.


In view of above agreeing with the recommendation of Enquiry Officer, I award him minor punishment of stoppage of two years increment without cumulative effect. Order announced.

D/O No. 331

22.10.07

District Police Officer,  
Abbottabad.

Enter in S. Roll

  
ASRC

**ORDER**

Constable Faz No.902 while posted at Police Lines Abbottabad absent himself from duty, as per following.

S NO	PERIOD OF ABSENCE	DAYS
1	03-05-09 to 01-06-09	29 days
2	03-06-09 to 22-06-09	19 days

Total

48 days

He was issued Charge Sheet and Disciplinary action was initiated and DSP Police Lines Itikhar Khan was appointed as Enquiry Officer. During enquiry, the allegations levelled against him were proved and Enquiry Officer recommended him for suitable punishment.

The defaulter Constable was issued Final Show Cause Notice and also found in person in Orderly Room but he failed to submit any cogent reason for his absence.

In view of above he is awarded punishment of Stoppage of 3 years' increment without cumulative effect and period of absence is treated, as leave without pay. Pay released.

*[Handwritten Signature]*

District Police Officer,  
Abbottabad.

OP No 331

At 25/12/08

Approved by Mr. [Signature]

صلاح علی

قتل ریٹائرڈ افسر کے خلاف

پولیس نے ریٹائرڈ افسر کے قتل کی تہمت لگائی ہے۔ پولیس نے ریٹائرڈ افسر کے قتل کی تہمت لگائی ہے۔ پولیس نے ریٹائرڈ افسر کے قتل کی تہمت لگائی ہے۔

خاندانی

قتل ریٹائرڈ افسر کے خلاف

[Signature]

16-02-2018

Sir  
forwarded

[Signature]

Police Line  
27-2-2018

Pay stop

Add: SP ATD

63 - 20 - 63

27 - 2 - 18

PA

Seal place

[Signature]

**OFFICE OF THE DISTRICT POLICE OFFICER, ABBOTTABAD**

No. 193 /PA, Dated Abbottabad, the 14/03/2018

**SHOW CAUSE NOTICE**  
**(Unit Rule (3) KPK Police Rules, 1975)**

1. That you **Constable Fiaz No. 902 Police Lines Abbottabad**, have rendered yourself liable to be proceeded under Rule 5 (3) of the Khyber Pakhtunkhwa Police Rules 1975 for following misconduct;
  1. You while posted at Police Lines Abbottabad absented yourself vide Daily Dairy No. 41, dated 07-02-2018 and are still absent without any leave or permission.
2. That by reason of above, as sufficient material is placed before the undersigned therefore it is decided to proceed against you in general Police proceedings without aid of Enquiry Officer;
3. That the misconduct on your part is prejudicial to good order of discipline in the Police force.
4. That your retention in the police force will amount to encouragement of inefficient and indiscipline officer in the force.
5. That by taking cognizance of the matter under enquiry, the undersigned as Competent Authority under the said Rules, proposes stern action against you by awarding one or more of the kind punishments as provided in the Rules.
6. You are, therefore, called upon to Show Cause as to why you should not be dealt in accordance with the Khyber Pakhtunkhwa Police Rules, 1975 for the misconduct referred above.
7. You shall submit reply to this Show Cause Notice within 07 days of the receipt of the notice failing which an ex parte action shall be taken against you.
8. You are further directed to inform the undersigned that whether you wish to be heard in person or not.
9. Grounds of action are also enclosed with this notice.

District Police Officer  
Abbottabad

APA

Please put up  
Tabdul Ahemmed

گزارش کے ساتھ  
 14-9481703  
 Received by  
 Dated 1/2018  
 30/04/2018

7 02 / 18  
 2 05 / 18



40 2

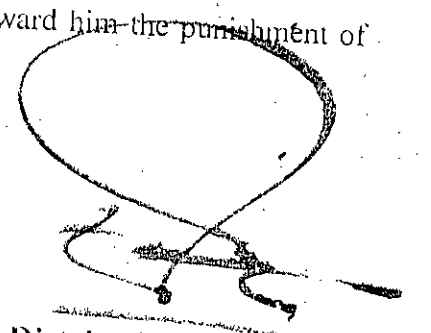
**ORDER**

This office order will dispose of the departmental enquiry against **Constable Fiaz No. 902 Police Lines Abbottabad**. He while posted at Police Lines Abbottabad absented himself vide Daily Diary No. 41 dated 07-02-2018 to 21-06-2018 (134 days) without any leave or permission.

He was issued Show Cause Notice. In response to Show Cause Notice, he submitted his reply which was found unsatisfactory. He was summoned to appear in Orderly Room on 21-06-2018 but he failed to appear in OR.

Therefore, in exercise of the powers vested in the undersigned under Police Disciplinary Rules-1975, I, Syed Ashfaq Anwar PSP, District Police Officer, Abbottabad as a competent authority, am constrained to award him the punishment of **Dismissal from service** with immediate effect.

**Order announced.**



**District Police Officer**  
**Abbottabad**

2250-52  
No. /PA 25-6-2018  
CC.

1. Establishment Assistant.
2. Pay Officer, DPO Office Abbottabad.
3. OASI DPO Office alongwith complete Enquiry File containing 9 pages for completion of record.

\*\*\*\*\*

902  
FM

ORDER

This order is hereby passed to dispose off departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rules 1975, submitted by *Ex-Constable Fiaz No:902* Abbottabad District against the order of punishment i.e. *Dismissal from service* awarded to him by the DPO Abbottabad vide his office OB No: 189, dated 21.06.2018.

Facts leading to punishment awarded to him are that he while posted at Police Lines Abbottabad absented himself vide Daily Diary No.41, dated 07.02.2018 to 21.06.2018 (134 days) without any leave or permission.

After receiving his appeal, comments of DPO were obtained which were perused. The undersigned called appellant in O.R on 03.10.2018 where he failed to explain any plausible reason in his defence. Therefore the punishment awarded to him by DPO Abbottabad i.e. **Dismissal from service** is genuine, which is upheld and his appeal is *filed*.

REGIONAL POLICE OFFICER  
Hazara Region Abbottabad

No. 4873 /PA Dated Abbottabad the 09-10 /2018.

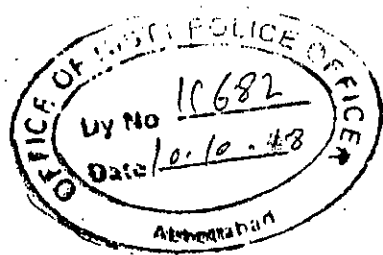
Copy of above is forwarded to the District Police Officer, Abbottabad vide his office Memo: No: 3596, dated 31.08.2018 for information and necessary action. Service Roll & Fauji Missal are returned herewith for your office record,

REGIONAL POLICE OFFICER  
Hazara Region Abbottabad

PA, SRE, OASI

for necessary action

19x



KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 2209 /ST

Dated 16-12-2019

To


The District Police Officer,  
Government of Khyber Pakhtunkhwa,  
Abbottabad.

Subject: -

JUDGMENT IN APPEAL NO. 225/2019, MR. FIAZ.

I am directed to forward herewith a certified copy of Judgement dated 20.11.2019 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.