

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 228/2019

Date of Institution ... 11.02.2019  
Date of Decision ... 08.07.2021

Izhar Zada Ex-Constable No.526 F.R.P, Headquarter, Peshawar.  
... (Appellant)

**VERSUS**

Deputy Commandant F.R.P Head Quarter, Peshawar and two  
others.

... (Respondents)

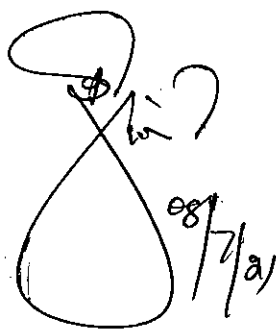
Fida Muhammad Yousafzai,  
Advocate ... For appellant.

Muhammad Adeel Butt,  
Additional Advocate General ... For respondents.

AHMAD SULTAN TAREEN ... CHAIRMAN  
ROZINA REHMAN ... MEMBER (J)

**JUDGMENT**

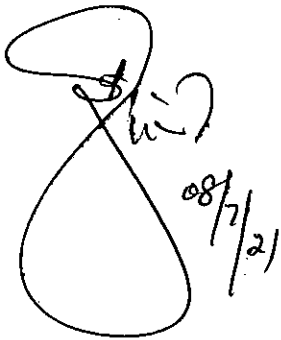
ROZINA REHMAN, MEMBER (J): Facts gleaned out from the memorandum of appeal are that appellant was employee of F.R.P and was on the strength of F.R.P Headquarters Peshawar. He remained absent from official duties without any leave/permission of the competent authority, therefore, he was departmentally proceeded and vide order dated 24.05.2017, he was discharged from service. Feeling aggrieved, he filed departmental appeal which was filed, hence, the instant service appeal.

A handwritten signature in black ink, followed by the date '08/7/21' written vertically.

2. Learned counsel for appellant contends that the impugned orders are against law, facts and norms of justice, therefore, not tenable. He argued that no proper inquiry was conducted and the appellant was never issued any charge sheet and statement of allegations. He further submitted that appellant was not given any opportunity of personal hearing which is mandatory in law and rules before imposing major penalty and lastly, he submitted that Rule-12.21 of the Police Rules, 1934 was applied but in fact, the said Rule was not applicable to the case of appellant.

3. Conversely, learned A.A.G submitted that appellant while posted at Khyber Pakhtunkhwa House Islamabad, remained absent from his lawful duty w.e.f 02.12.2016 till the date of his discharge from service i.e. 24.05.2017 for a period of (05) months and 22 days without any leave or prior permission of his seniors. He submitted that he was issued charge sheet alongwith statement of allegations and Inquiry Officer was nominated to conduct inquiry into the matter. After completion of inquiry, report was submitted by the Inquiry Officer, wherein, the appellant was found guilty of the charges leveled against him. He submitted that appellant was served with final show cause notice but he failed to submit his reply.


4. Perusal of record would reveal that Constable Izhar Zada No.526 of F.R.P/H.Qrs: Peshawar was found absent from Platoon No.13 Khyber Pakhtunkhwa House Islamabad without any information. A report to this effect was entered in daily diary. His pay was stopped and he was served with charge sheet and statement of

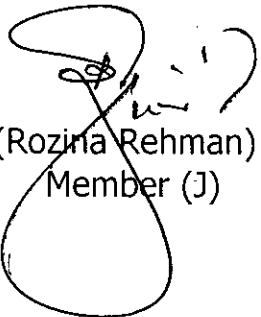
08/7/21

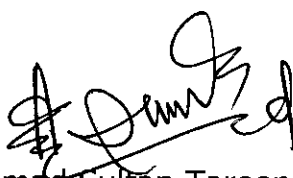
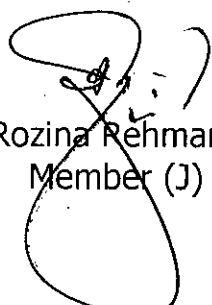
allegation. D.S.P (Admin) F.R.P (H.Qrs) Lines Peshawar was appointed as Inquiry Officer and after observing codal formalities, he submitted inquiry report to the concerned with the recommendation that ex-parte action may be taken against the appellant. From the contents of departmental appeal, it is evident that the appellant remained absent but his absence was not willful rather he was seriously ill and was Jaundiced, therefore, he was unable to join his duties. He had annexed his medical record with his departmental appeal submitted before the Inspector General of Police Khyber Pakhtunkhwa, Peshawar but this aspect of the case was not taken into consideration by the competent authority while disposing of his departmental appeal. He was proceeded against under Rule-12.21 of the Police Rules, 1934, whereas, the record shows that appellant was not a probationer. He was not proceeded against under the relevant rules and his medical record was not taken into consideration, therefore, this Bench is left with no option but to remit the case back to the Department for de-novo inquiry with further directions to respondents to verify his medical record from the concerned hospital but within 90 days positively. The issue of reinstatement and back benefits shall be subject to the outcome of de-novo inquiry. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED.

08.07.2021

  
(Ahmad Sultan Tareen)  
Chairman


  
(Rozina Rehman)  
Member (J)

S.No	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	08.07.2021	<p><u>Present:</u></p> <p>Fida Muhammad Yousafzai, Advocate ... For Appellant</p> <p>Muhammad Adeel Butt, Additional Advocate General ... For respondents</p> <p>Vide our detailed judgment of today of this Tribunal placed on file, instant case is remitted back to the Department for de-novo inquiry with further directions to respondents to verify appellant's medical record from the concerned hospital but within 90 days positively. The issue of reinstatement and back benefits shall be subject to the outcome of de-novo inquiry. Parties are left to bear their own costs. File be consigned to the record room.</p> <p><u>ANNOUNCED.</u> 08.07.2021</p> <div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;">               (Ahmad Sultan Tareen)              Chairman         </div> <div style="text-align: center;">               (Rozina Rehman)              Member (J)         </div> </div>

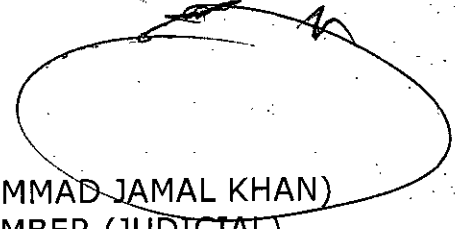
02.02.2021

Mr. Fida Muhammad, Advocate, for appellant is present. Mr. Kabirullah Khattak, Additional Advocate General, for the respondents is also present.

Learned counsel for appellant request for adjournment that he has not prepared the brief. The request is acceded to, the appeal is adjourned to 06.04.2021 on which date file to come up for arguments before D.B.



(ATIQ-UR-REHMAN WAZIR)  
MEMBER (EXECUTIVE)



(MUHAMMAD JAMAL KHAN)  
MEMBER (JUDICIAL)

06.04.2021

Due to demise of Hon'able Chairman, the Tribunal is defunct, therefore, the case is adjourned to 08.07.2021 for the same.



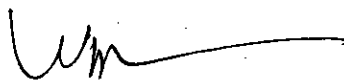
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15.09.2020

Appellant present through counsel.

Mr. Kabir Ullah Khattak learned Additional Advocate General for respondents present.

A requests was made for submission of rejoinder; granted. To come up for rejoinder and arguments on 18.11.2020 before D.B.

  
(Atiq ur Rehman Wazir)  
Member (E)

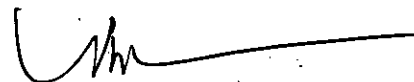
  
(Rozina Rehman)  
Member (J)

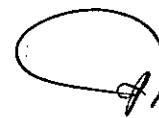
18.11.2020

Counsel for appellant present.

Kabir Ullah Khattak learned Additional Advocate General for respondents present.

Former submitted rejoinder with a request for adjournment. Adjourned. To come up for arguments on 02.02.2021 before D.B.

  
(Atiq ur Rehman Wazir)  
Member (E)

  
(Rozina Rehman)  
Member (J)

13.03.2020

Appellant in person and Mr. Kabirullah Khattak, Additional AG for the respondents present. Neither written reply on behalf of respondents submitted nor representative of the department is present, therefore, notices be issued to the respondents with the direction to direct the representative to attend the court and submit written reply on the next date positively. Last chance is given to the respondents for written reply/comments. To come up for written reply/comments on 22.04.2020 before S.B.

  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

22.04.2020

Due to public holiday on account of COVID-19, the case is adjourned to 16.07.2020 for the same. To come up for the same as before S.B.

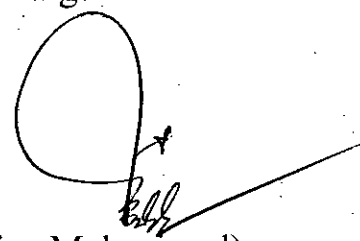
  
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16.07.2020

Appellant in person and Addl: AG alongwith Mr. Ihsan, ASI for respondents present.

Representative of respondents has submitted reply which is placed on file.

To come up for rejoinder and arguments on 15.09.2020 before D.B.

  
(Mian Muhammad)  
Member(E)

26.11.2019

Junior to counsel for the appellant and Mr. Usman Ghani, District Attorney for respondents present.

Written reply/comments on behalf of the respondents not submitted. Learned District Attorney seeks time to submit the same.

Adjourned to 08.01.2020 before S.B.

  
Chairman

08.01.2020

Junior to counsel for the appellant and Addl. AG for the respondents present.

Learned AAG seeks time to contact the respondents and procure written reply/comments. Adjourned to 18.02.2020 on which date the requisite reply/comments shall positively be furnished.

  
Chairman

18.02.2020

Counsel for the appellant and Mr. Kabirullah Khattak, Additional AG for the respondents present. Neither written reply on behalf of respondents submitted nor representative of the department is present, therefore, notices be issued to the respondents with the direction to direct the representative to attend the court and submit written reply on the next date positively. Last chance is given to the respondents to furnish written reply/comments. Adjourned to 13.03.2020 for written reply/comments before S.B.

  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER



Appeal No. 228/2019

*Izhar Zada VS Govt*

26.09.2019

Counsel for the appellant present.

Contends that the impugned order dated 24.05.2017 was void ab-initio, firstly for the reason that it was passed by invoking the provisions of Rule 12.21 of Police Rules, 1934 while the appellant having been appointed on 07.10.2013 had completed the period of probation. Secondly, the reason for proceedings against the appellant has been noted as absence from duty while the period of absence was treated as leave without pay. Therefore, the absence attributable to appellant was impliedly condoned. Arguing about the delay in submission of appeal it was contended that the impugned order being void the period of limitation was not to hamper the submission of appeal by the appellant.

In view of arguments of learned counsel and the available record, instant appeal is admitted for regular hearing subject to all just exceptions. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 26.11.2019 before S.B.

Appellant Deposited  
Security & Process Fee

26/9/19

  
Chairman

30.04.2019

Counsel for the appellant present.


Learned counsel for the appellant requests for adjournment as he has been engaged in the matter today.

Adjourned to 18.06.2019 for preliminary hearing before S.B.

  
Chairman

18.06.2019

Counsel for the appellant present and requested for adjournment. He also submitted application for condonation of delay. The same is placed on record. To come up for preliminary hearing on 05.08.2019 before S.B.

  
(Muhammad Amin Khan Kundi)  
Member

05.08.2019

Counsel for the appellant present.

Learned counsel argued that the appellant had already completed his probation period when he was proceeded against and was discharged from service under Police Rules 12.21, which provision could not be invoked against the appellant.

Learned counsel when required to provide the date of appointment and completion of probation of appellant in service, requested for further time.

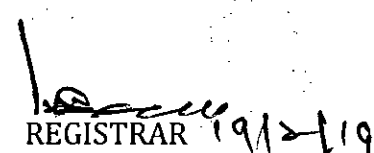

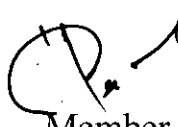
Adjourned to 26.09.2019 before S.B.

  
Chairman

Form- A  
FORM OF ORDER SHEET

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

Case No. 228/2019

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. Izhar Zada resubmitted today by Mr. Ahmad Ali 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-	29.03.2019	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>29-3-19</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> <p>Clerk to counsel for the appellant present and seeks adjournment as learned counsel for the appellant is not available. Adjourn. To come up for preliminary hearing on 30.04.2019 before S.B</p> <p style="text-align: right;"> Member</p>

The appeal of Mr. Izhar Zada Ex-Constable 526 FRP Headquarter Peshawar received today by i.e. on 11.02.2019 is incomplete on the following score which is returned to the counsel for the appellatant for completion and resubmission within 15 days.

- 1- Copy of impugned order dated 24.5.2017 mentioned in the heading of the appeal is not attached with the appeal which may be placed on it.
- 2- Copy of departmental appeal and review petition mentioned in the memo of appeal are not attached with the appeal which may be placed on it.

No. 239 /S.T,

Dt. 12-2- /2019

*[Handwritten Signature]*

REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Ahmad Ali Adv. Nowshera.

R/Sir,  
The Concerned Documents which were not attached in file of appeal And was incomplete. Now has fixed/attached in the file, And is Ready for Re-Submission.  
Dated 17/02/2018

*[Handwritten Signature]*  
17/2/18

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

Appeal No. 228 2019

IZHAR ZADA

.....Appellant

VERSUS

1. Deputy Commandant FRP Head Quarter Peshawar
2. Commandant FRP/ Head Quarter Peshawar
3. I.G.P KP

.....Respondents

INDEX

S/No	Description Of Documents	Annexure	Page No
1	Memo of Appeal	.....	1-3
2	Copy of Impugned Order	-A-	4
3	Copy of Rejection Order by Commandant	-B-	5-6
4	Copy of Rejection of Order by IGP	-C-	7
5	Copy of Departmental Appeal	-D-	8
6	Copy of Rejection Appeal/ Review Petition	-E-	9
7	Copy of Medical Certificate		10-19
8.	Wakalat Nama		20

اظہار زادا  
Appellant

Izhar Zada

THROUGH

Ahmad Ali

Advocate High Court

District Court Nowshera

Mobile No. 0333-9024283

**BEFORE THE KPK SERVICE TRIBUNAL,**  
**PESHAWAR**

Appeal No. 228 /2019.

Khyber Pakhtukhwa  
Service Tribunal

Diary No. 174

Dated 11-2-2019

**IZHAR ZADA**

Ex, Constable, 526 FRP, Head Quarter Peshawar

.....(Appellant)

**VERSUS**

1. Deputy Commandant FRP Head Quarter, Peshawar
2. Commandant FRP / Head Quarter *Peshawar*
3. IGP KP

.....(Respondents)

**APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNALS ACT, 1974 AGAINST THE ORDER OF RESPONDENT NO. 2 DATED 24-05-17 WHEREBY, THE APPELLANT HAS BEEN DISCHARGE FROM SERVICE AND AGAINST THE REJECTION ORDER DATED 02-10-17 & 11-12-18 RESPECTIVELY WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REJECTED FOR NO GOOD GROUNDS.**

**PRAYED:-**

**THAT ON ACCEPTANCE OF THIS APPEAL, THE ORDERS, DATED 24-05-17, 02-10-17 AND 11-12-18 NEVER COMMUNICATED TO THE APPELLANT MAY PLEASE BE SET ASIDE AND THE APPELLANT MAY BE REINSTATED IN TO SERVICE WITH ALL BACK AND CONSEQUENTIAL BENEFITS, ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THATMAY ALSO BE AWARADED IN FAVOUR OF APPELLANT**

**Filed to-day**  
*11/2/19*  
**Registrar**

Re-submitted to-day  
and filed.

**Registrar**  
*11/2/19*

2

**RESPECTFULLY SEWETH:-**

**FACTS:-**

Facts giving rise to the present service appeal are as under:-

1. That the appellant was the employee of the FRP and was on the strength of FRP Headquarter, Peshawar.
2. That the appellant had been some serious domestic problems and illness due to which appellant didn't performed his duties so the absentia of the appellant was not willing full out due to above mentioned reasons.

***(COPY OF MEDICAL CERTIFICATE ATTACHED)***

3. That, thereafter, the appellant was departmentally proceeded, without charge sheet, statement of allegation, regular inquiry and even without show cause notice, the impugned order dated 24-05-17 was passed against the appellant whereby the appellant was discharge from service.

***(COPY OF IMPUGNED ORDER ATTACHED)***

4. That against the said order petitioner filed another appeal before IG KPK which was decided in summary manner which is against the law and fact. and departmental appeal was decided without giving right of hearing and no document / material showing to the petitioner.

***(COPY OF SAID SUMMARY ORDER IS ATTACHED)***

5. That after the decision of appeal which was handed to the appellant few days a back, hence this appeal is within time.
6. That now the appellant come to this august Tribunal on the following grounds amongst others:-

**GROUNDS:-**

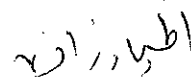
1. That the impugned orders dated 24-05-2017 and 02-10-17, 11-12-18 were against the law, facts, norms of justice and void-ab-initio as has been passed with retrospective effect and material on record, therefore not tenable and liable to be set aside.
2. That the impugned order was retrospective order which was void in the eye of law and according to Superiors Court Judgment reported as 2002 SCMR, 1129 and 2006 PLC 221. And no limitation run against the void order.
3. That there is no order in black and white form to dispense with the regular inquiry which is violation of law and rules and without charge sheet, statement of allegation and proper inquiry the

3

appellant was dismissed from the service vide order dated 24-05-2017 without given personal hearing which is necessary and mandatory in law and rules before imposing major penalty. So the whole procedure conducted has nullity in the eye of law. So the impugned order is liable to be set aside.

4. That the appellant has been condemned unheard and has not been treated according to law and rules.
5. That the appellant has not been treated under proper law despite he was a civil servant of the province, therefore, the impugned order is liable to be set aside on this score alone.
6. That the absent of the appellant was not intestinally but due to some domestic problem and serious illness. So the penalty imposed upon the appellant was so harshed.
7. That no chance of personal hearing was provided to the appellant and as such the appellant has been condemned unheard throughout.
8. That the appellant is young and efficient but due to some serious problems he can't attend the duties, the department taken so harsh view, may kindly be taken lenient view and reinstate the appellant in to service.
9. That the appellant seeks permission to advance other grounds and proofs at the time of hearing.

***IT IS, THEREFORE MOST HUMBLY PRAYED THAT THE APPEAL OF THE APPELLANT MAY BE ACCEPTED AS PRAYED FOR.***



Appellant

**IZHAR ZADA**

Through

  
(AHMAD ALI)

Advocate, High Court,

Distt Courts Nowshera



O.R.D.E.R.

P-16

3/13/16/1

A-4

3603  
24-05-17

This order shall dispose of on the Departmental Enquiry against Constable Izhar Zada No. 526 of FRP/HQrs: Peshawar.

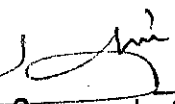
Brief facts of the case are that Constable Izhar Zada No. 526 of FRP HQrs: Peshawar absented himself from duty with effect from 02.12.2016 till-date without any leave/permission of the Competent Authority.

In this regard formal departmental proceedings were initiated against him and DSP Admn: FRP was nominated as Enquiry Officer. After proper enquiry, the EO submitted his findings, stating therein that defaulter was summoned telephonically to appear before the Enquiry Officer, but he failed to appear nor submit reply in response to the Charge Sheet within stipulated period and at the end the Enquiry Officer recommended the delinquent constable for ex-parte action. Upon the findings of Enquiry Officer he was issued Final Show Cause Notice, which was received by his brother namely Akhtar Zada but he failed to submit any reply in response to the Final Show Cause Notice. He was called for personal hearing, but failed to do so. Besides a Notice was also published in daily newspaper "Aaj" dated 10.05.2017 to join duty but in-vain. From perusal of his service record it has found that previously he was awarded the following Major/minor punishment as under:-

1. Discharged from service on a/c of absence vide the then Deputy Commandant FRP KP, Order No. 274-79/PA dated 03.03.2015.
2. On his appeal re-instated in service vide the then Commandant FRP KP, Peshawar order No. 6861-65/EC dated 19.08.2015.
3. Stoppage of 01 Annual Increment without cumulative effect on account of his 40 days absence dated 09.01.2017.

Keeping in view the recommendations of the Enquiry Officer and other materials available on record as well as his previous dirty record, its come clear crystal that the said constable has intentionally absented himself from law full duty without any leave/permission of his seniors and still at large by meaning that he is thereof no more interest in Police Department. He has neither reply in response to the Show Cause Notice nor appear for personal hearing in Orderly Room to produce any cogent reason regarding his prolong absence. There is no likely hood of becoming his good Police in future. Therefore, Constable Izhar Zada No. 526 of FRP HQrs; Peshawar is hereby discharged from service under Police Rules 12.21 from the date of his absence i.e 02.12.2016 and the period of absence treated as leave without pay.

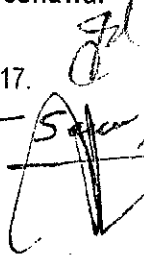
Order announced.

  
Deputy Commandant,  
Frontier Reserve Police  
Khyber Pakhtunkhwa Peshawar

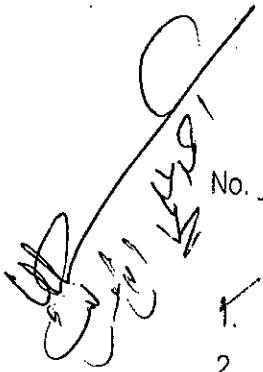
No. 658-62 /PA dated Peshawar, the 24 / 05 /2017.

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

1. Commandant, FRP Khyber Pakhtunkhwa for favour of information please.
2. Accountant /FRP/HQrs: Peshawar.
3. SRC/OASI/FRP HQrs: Peshawar.
5. FMC/ FRP/HQrs: Peshawar with original Enquiry file.

  
COMMANDANT,  
Frontier Reserve Police  
Khyber Pakhtunkhwa Peshawar

24-5-17



## ORDER

This order will dispose of the departmental appeal preferred by Ex-constable Izhar Zada No. 526 of FRP HQrs; against the order of discharged from service passed by Deputy Commandant FRP Khyber Pakhtunkhwa, Peshawar, vide order Endst: No. 658-62 dated 24.05.2017. The applicant was proceeded against on the allegations that he absented himself from lawful duty with effect from 02.12.2016 till the date of discharged from service i.e o 24.05.2017 without taking any leave/permission from his seniors.

Proper departmental proceedings were initiated against him and DSP Admn; FRP was nominated as Enquiry Officer. After proper enquiry, the Enquiry Officer submitted his findings, stating therein that the delinquent officer was summoned telephonically to appear before the Enquiry Officer, but neither did he appear nor submit reply in response to the Charge Sheet within stipulated period. The enquiry officer recommended the delinquent constable for ex-parte action. Upon the findings of Enquiry Officer he was issued Final Show Cause Notice, which was served upon his brother namely Akhtar Zada but the delinquent officer failed to submit any reply in response to the Final Show Cause Notice. He was called for personal hearing, but he failed to do so. Besides a notice was also published in daily newspaper "Ajj" dated 10.05.2017 directing him to join his duty but in-vain. From perusal of his service record it has found that previously he was awarded the following major/minor punishment:-

1. Discharged from service on account of absence vide order No. 274-79/PA, dated 03.03.2015. On his appeal re-instated in service, by the appellate authority vide order Endst: No. 6861-65/EC dated 19.08.2015.
2. Stoppage of 01 annual Increment without cumulative effect on account of his 40 days absence vide OB No. 21, dated 10.01.2017.

Keeping in view the recommendation of Enquiry Officer and other material available on record as well as his previous service record, it is crystal clear that the delinquent officer has intentionally absented himself from lawful duties without any leave/permission of his seniors. He has neither replied to the Show Cause Notice nor appeared for personal hearing in Orderly Room to produce any cogent reason regarding his prolonged absence. There is no likely

hood of becoming his good police officer in future. Hence Deputy Commandant FRP awarded him major punishment of discharged from service, vide order Endst: No. 658-62 dated 24.05.2017.

Feeling aggrieved against the impugned order of Deputy Commandant FRP Peshawar, the applicant preferred the instant appeal. The applicant was summoned and heard in person in Orderly Room held on 28.09.2017.

From perusal of the enquiry file and the service record of the applicant, it has been found that the delinquent official has been showing irresponsible attitude repeatedly in utter disregard of the discipline of the force. He could not present any cogent justification for such long absence from duty.

Based on the appreciation of the situation painted above, I, **Sher Akber, PSP S, St Commandant FRP Khyber Pakhtunkhwa, Peshawar**, being the competent authority, finds no substance in the appeal, therefore, the same is rejected and filed being meritless.

Order Announced.

-Sd-

**Commandant**

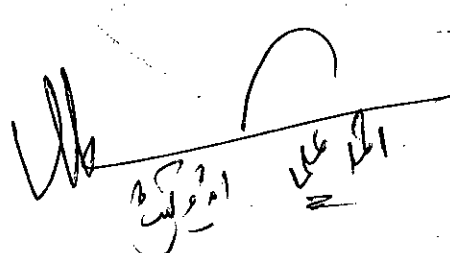
Frontier Reserve Police

Khyber Pakhtunkhwa, Peshawar.

No 726869/EC, dated Peshawar the 02/10 /2017.

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

- 1. Deputy Commandant FRP Khyber Pakhtunkhwa, Peshawar. His service record alongwith D file sent herewith.
- 2. Ex-constable Izhar Zada No. 526 S/o Sher Zada, village Gulzaar Khel PS -Nowshera Kalan, District Nowshera.


  
 The block contains handwritten signatures and stamps. On the left, there is a signature that appears to be 'Ull'. To its right, there is a circular stamp with some illegible text inside. Further right, there is another signature and a rectangular stamp with the number '2' and some illegible text.



BC 7

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

No. SI/ 4060 /18, dated Peshawar the 11-12/2018.

To : The Commandant,  
Frontier Reserve Police,  
Khyber Pakhtunkhwa, Peshawar

Subject: APPEAL (EX-FC IZHAR ZADA NO. 526)

Memo :

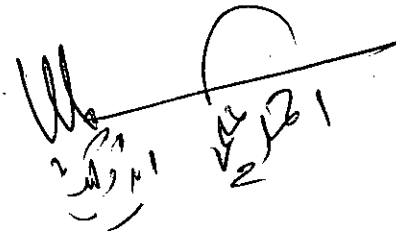
Ex-Constable Izhar Zada No. 526 of FRP, HQrs: Peshawar had submitted appeal to the Worthy Inspector General of Police, Khyber Pakhtunkhwa, Peshawar for re-instatement into service. His appeal was processed / examined at Central Police Office, Peshawar and filed by the competent authority being badly time barred.

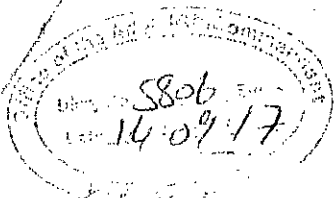
The applicant may please be informed accordingly.

  
(SYED ANISUL-HASSAN)

Registrar,

For Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar.





رہنما (درخواست برائے رقم)

STC  
Please put up S-Records  
and D-File #19/9  
etc

ضامی

اس وقت سائل کو ایس ایف او ایف 2013 اور تیسری سیریف کا - سائل کو  
غیر ملکی طور پر 24/05/2017 کو قلم ہذا سے درخواست سیریف ہے  
سائل کے بھائی اور بہنوں کو من سائل علاج سیریف ملدہ  
تیسری سیریف بیماری میں مبتلا تھا اور علاج سیریف جاری تھا  
سیریف بیماری کی نسبت من سائل علاج سیریف کے جواب دینے سے قاصر تھا  
اب بیماری سے تیسری سیریف قاصر ہے۔ علاج سیریف پر کافی  
رقم خرچ ہوئی ہے غیر ملکی ادویات اور کئی کئی سیریف  
اس سیریف کے دفتر میں من سائل کو تیسری سیریف ملدہ ہے  
لہذا اب صاحبان سیریف من سائل کو رقم فراہم اور من  
کو تاریخ سیریف سے دوبارہ بحال کرنا قاصر ہے اور فراہم  
سائل صاحبان سیریف - من سائل کو

EC  
Hand  
14/9/17

فونڈ زیادہ ادا -  
فبروریہ 25/08/2017  
526 سیریف کو سیریف  
فونڈ 0342-9199087  
0312-0920342

المن  
سائل سیریف  
انٹیمار ڈاؤن  
12/9/17  
14/9/17

صدر صاحب السلہ ہنول اور ایس جیڈ جنوں کو ان سے  
 عنوان اور درخواست براد بجالی سرورس

۹۹۰

گزارش ہے کہ سال 2013 میں بکوریٹس میں مہربانی سوانح  
 اور ویکروٹ کورس میں آئے ہیں اور ڈیوٹی خوش اسلوبی  
 انجام دے رہے ہیں۔  
 چونکہ سال ڈیوٹی کے دوران یہ زمانہ ہی بیماری میں مبتلا ہوا  
 اور اس وجہ سے سال ڈیوٹی انجام دینے سے لاچار رہا ہے  
 اس لیے صرف 24<sup>05</sup> سال کو لوہہ عیدہ فری نوٹری  
 2017  
 سے درخواست کیا گیا ہے۔

اس سال کے خدمات کا اندازہ یہ ہے کہ خدمت میں بجالی  
 کیلئے اپیل کیا اور ساتھ ہی بیماری سے متعلق عملہ کا مذاق  
 بہرہ آہ تک کے تحت کسین سال کے عید کیلئے کا مذاق اور  
 کو نظر انداز کیا گیا اور اس طرح سال کا اپیل جہاں  
 کا اندازہ یہ ہے کہ expect جو کہ نا افسانہ یہ کہیں ہے۔  
 یہ سال قصداً ادا عیدہ صاف نہیں ہوا تھا بلکہ جو  
 سنہ بیماری اور جبوری عیدہ صاف ہوا تھا۔

سال کی بیماری، غربت اور جھوٹوں کو مدنظر رکھتے ہوئے  
 نوٹری پر جلد فراغت سے ساتھ ساتھ بجالی کرنے کا حکم صادر ہوا  
 (الصارفہ)

آپ کا نام فرمان Ex سید اظہار زادہ عیدہ 526 انفارمی ڈیوٹری

اظہار زادہ

۱۲/۱۱/۲۰۱۷

Sent to:

OUT DOOR PATIENT TICKET

District: NSR CRP No: 018  
 Facility Name: \_\_\_\_\_  
 Name: \_\_\_\_\_ Age: \_\_\_\_\_ Sex: \_\_\_\_\_  
 Father's/Husband's Name: D. J. W. / W. J.  
 Monthly OPD Serial No. \_\_\_\_\_

Provisional Diagnosis:

Date	Clinical Findings / Investigations/ Treatment / Referred / Test Findings
03/01/2017	HBS HCV SGPT
Sub CD	Tab Siliver in ITP 150



*[Handwritten signature]*





OUT DOOR PATIENT TICKET

Name: 12 HAR ZADA CRP No: \_\_\_\_\_  
Age: \_\_\_\_\_ Sex: \_\_\_\_\_

Father's/Husband's Name: \_\_\_\_\_

Monthly OPD Serial No. 1342

Provisional Diagnosis: \_\_\_\_\_

Date	Clinical Findings / Investigations / Treatment / Referred / Test Findings
03/12/16 Jansher	
<p>12</p> <p>Stop</p> <p>Anti HCV</p> <p>Wbost</p>	<p>Cap. Evam</p> <p>601 ipu long</p> <p>Syp Depamez</p> <p>601 h1</p> <p>Syp ulsani</p> <p>21272</p>



13

DHIS - 02 (F)

# OUT DOOR PATIENT TICKET

NCR

CRP No: 1899

City Name

Name

Age:

Sex:

Father's/Husband's Name

15/11/11

Monthly OPD-Serial No.

Provisional Diagnosis:

Date

Clinical Findings / Investigations / Treatment / Referred / Test Findings

6/3/17

Jawed

CP Hep to co

CP Ed

CP Ed

CP Ed

mal...

14 #

DHIS - 02 (F)

# OUT DOOR PATIENT TICKET

CRP No: \_\_\_\_\_

Family Name: 0

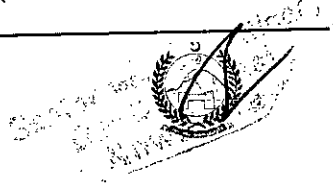
Name: IZHAR ZADA Age: \_\_\_\_\_ Sex: \_\_\_\_\_

Father's/Husband's Name: \_\_\_\_\_

Monthly OPD Serial No. 2881

Provisional Diagnosis: \_\_\_\_\_

Date	Clinical Findings / Investigations / Treatment / Referred / Test Findings
06/04/17	<p><u>Hepatitis</u></p> <p>ES Sulfaci</p> <p>661</p> <p>Syp Hepamez</p> <p>Galaxo-D</p>



15

DHIS - 02 (F)

# OUT DOOR PATIENT TICKET

Facility Name \_\_\_\_\_ CRP No: \_\_\_\_\_  
 Name 02/1/17 Age: \_\_\_\_\_ Sex: \_\_\_\_\_  
 Father's/Husband's Name \_\_\_\_\_

Monthly OPD Serial No. 3860

Provisional Diagnosis: \_\_\_\_\_

Date	Clinical Findings / Investigations / Treatment / Referred / Test Findings
07/05/17	<p style="text-align: right;"><u>Shankar</u></p> <p>Tab - Toxicol 1 2 1</p> <p>Tab - Moteller 1 2 1</p> <p>Cap - Cefitop 400, 60, 400</p> <p>Sol - Hepamin 3</p> <p>Tab - Panadal 30 @ 2, 1, 2</p>



Senior Health Officer  
 D.H. Office  
 Nowshera

16/03

# Moon Medical Laboratory

Regd. Health Regulatory Authority  
HRA/500/F NR/LAB/27

Opp. DHQ Hospital Nowshera City



03142773452

Pat. Name : AZHAR ZADA

Date: 07/05/2017

Consultant : DHQ

Sex : male

Test Advi : S.Bilirubin,AIT SGPT

Age : \*\*\*\*

## Chemistry

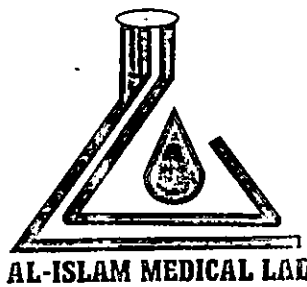
Test	Result	Ref. Range
Bilirubin Total	2.7	0.3 - 1.0 mg/dl
AIT (SGPT)	94	5 - 40 U/L



17/11

# DR. MUHAMMAD ISLAM SURGICAL CLINIC (NOWSHEERA)

میڈیکل  
لیبارٹری



الاسلام

## FINAL REPORT

Patient's Name: \_\_\_\_\_ Age/Sex: \_\_\_\_\_

Physician's Name: \_\_\_\_\_ Date: \_\_\_\_\_

### URINE R/E

COLOUR	PUS CELLS	/HPF
SP. GRAVITY	RBCS	/HPF
REACTION	EPITH CELLS	/HPF
PROTEIN	CASTS	
SUGAR	CRYSTALS	
BILE SALTS	DEAD SPERM	
BILE PIGMENTS		

Lab Incharge

پشاور جی ٹی روڈ نوشہرہ نیشنل پمپ بل مقابل کورہ رسٹورنٹ فون نمبر 0923-560227

\*\*\*\*\*

Patient Name:	Izhar Zada	Sex:	Male	Age:	YEAR: ?
Referred By:	Dr. Muhammad Islam Sb	SPECIMEN:	Urine,		
Test Required:	Urine R/E.	Date:	28-09-2017 -		

\*\*\*\*\*

## U R I N E C O M P L E T E

APPEARANCE	CLEAR	COLOR	Yellow
REACTION	Alkaline	SPECIFIC GRAVITY	Q.N.S
GLUCOSE	Nil	ALBUMIN	Nil

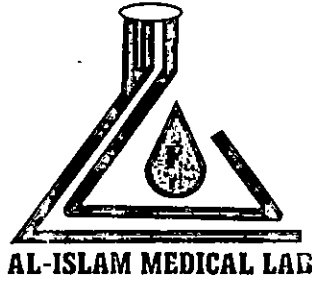
### MICROSCOPIC EXAMINATION

PUS CELLS	02-----03	/HPF	RBC	
Epithelial cells		/HPF	Granular Cast	/HPF
Calcium Oxalate		/HPF	Mucus Thread	/HPF
Amorphous Urates:		/HPF	Amorphous Phosphate	Rare /HPF
Bacteria		/HPF	URIC ACID	/HPF
Dead Sperm		/HPF	TI cast	
Triple Phosphate		/HPF	Yeast Cell	+

18/11/13

# DR. MUHAMMAD ISLAM SURGICAL CLINIC (NOWSHEHRA)

میڈیکل  
سیارٹری



الاسلام

## FINAL REPORT

Patient's Name: \_\_\_\_\_ Age/Sex: \_\_\_\_\_

Physician's Name: \_\_\_\_\_ Date: \_\_\_\_\_

### URINE R/E

COLOUR	PUS CELLS	/HPF
SP. GRAVITY	RBCS	/HPF
REACTION	EPITH CELLS	/HPF
PROTEIN	CASTS	
SUGAR	CRYSTALS	
BILE SALTS	DEAD SPERM	
BILE PIGMENTS		

Lab Incharge

پشاور جی ٹی روڈ نوشہرہ نیشنل پمپ بلڈنگ کو ربرہ رستورنٹ فون نمبر 0923-560227



\*\*\*\*\*

Patient Name:	Izahar Zada	Sex:	male	Age:	?
Referred By:	Dr Muhammad Islam sb	SPECIMEN:	BLOOD		
Test Required:	FBC/RBS/Creat/HBS,HCV		Date:- 28-09-2017		

\*\*\*\*\*

*Test Report*

\*\*\*\*\*

TEST	RESULTS	UNITS	REFERENCE RANGE
HAEMOGLOBIN	15.0	g/dl	Male:14-18/ Female:12
TLC	13,200	/cmm	4000-11000
DIFFERENTIAL OF LEUCOCYTE COUNT			
NEUTROPHILS	77	%	40 - 75
LYMPHOCYTES	18	%	25 - 45
MONOCYTES	03	%	01 - 06
EOSINOPHILS	02	%	01 - 06
GLUCOSE (R)	131	mg/dl	70 - 150
Creatinine	1.0	mg/dl	0.5-1.5

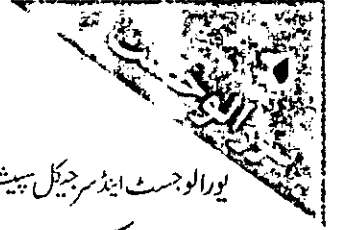
ANTI HCV ANTIBODY===== Negative (-ive)

Method: Immunochromatographic

Hepatitis B Surface Antigen----- Negative (-ive)

Method: Immunochromatographic

19



یورالوجسٹ اینڈ سرجیکل سپیشلسٹ

Urologist & Surgical Specialist

Dr. Muhammad Islam

M.B.B.S, M.C.P.S, F.I.C.S, F.C.P.S  
(General Surgery) F.C.P.S, II (Urology)  
Fellow & Member College of  
Physician & Surgeons Pakistan.

سر محمد اکرم محمد اسلام

ایم بی بی ایس، ایم سی پی ایس، ایف آئی سی ایس، ایف سی پی ایس  
(جنرل سرجری) ایف سی پی ایس II (یورالوجی)  
فیو اینڈ میمبر کالج آف فزیشن اینڈ سرجن پاکستان

Patient's Name: IZHAN ZADA Age: 27 Sex: ♂ Date: 28/9/17

Clinical Record

Rx

- Co. Calc. 20
- Li. R. (H. D. 1000)
- Li. TDP/MD 200

- FBC
- Urine
- S. (Cult)
- RBS
- Hb/O

2

سر محمد اکرم محمد اسلام

رابطہ نمبر: 0312-9127423



Clinic Nowshera:  
Peshawar G.T Road Near Shell Pump Opp Corba Restaurant  
Clinic Peshawar:  
Room: No.A13 Mohmand Medical Center Dabgari Garden.

نووشہرہ کلینک: پشاور جی ٹی روڈ نزد شیل پمپ بالقابل کور بار ریسٹورانٹ  
پشاور کلینک: مہمند میڈیکل سنٹر، کلینک نمبر A13 ڈبگری گارڈن

بعدالت حناہ ضہرہ نختو احواء سروکس ٹریڈونلر ہسٹاور

کورت فیس	
----------	--

20ء منجانب

مقدمہ: لجنہ دار دادہ نام: حاجی محمد یونس ولد

دعویٰ:

جرم:

### باعث تحریر آئیکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن مقام مبھارہ کے لئے احمد علی ادریس و وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ و تقرر ثالث و فیصلہ پر حلف دینے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرانے اجراء اور وصولی چیک روپیہ اور عرضی دعویٰ اور درخواست ہر قسم کی تصدیق ذرا اس پر دستخط کرنے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری یک طرفہ یا اپیل کی برآمد ہوگی اور منسوخی دائر کرنے کی اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مذکور کے عمل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنی ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو بھی جملہ مذکورہ بالا اختیارات حاصل ہونگے اور اس کا ساختہ برداختہ منظور و قبول ہوگا اور دوران مقدمہ میں جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب سے ہوگا اسکے مستحق وکیل صاحب ہونگے۔ نیز بقایا و خرچہ کی وصولی کرتے وقت کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہونگے کی پیروی مقدمہ مذکور لہذا وکالت نامہ لکھ

دیا تاکہ سند ہے

المرقوم 11 ماہ فوری 2019ء

بد گواہ شدہ العبد

بمقام: ہسٹاور کے لئے منظور ہے۔

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

Izhar Zada .....APPELLANT

V E R S U S

Government of KPK & others.....RESPONDENTS

**APPLICATION FOR CONDONATION OF DELAY**

**Respectfully Sheweth:**

1. That the instant service appeal is fixed for today for preliminary hearing and at the time of disposal of instant application the contents of main appeal may be read and considered as integral part of this application.
2. That appellant/applicant was a serious and chronic hepatitis patient and was under continuous treatment by the concerned specialist and due to serious ailment it was advised to have a complete bed rest and due to these reason the alleged delay has been caused.
3. That the appellant/applicant before passing of the impugned orders informed the respondents about his bed ridden ailment but neither the same was considered at the time of original order nor was given any due weightage at the time of appellate order which is gross illegality on the part of respondent and this

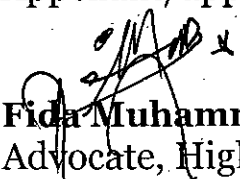
Hon'ble Tribunal with sympathetically considering the ailment may condone any delay pointed out at the time of arguments.

4. That the law of equity Fair play and propriety demand that the adjudication of cases remained on merit rather on technicalities.

It is, therefore, most humbly prayed that the delay (if any) may kindly be condoned in the best interest of justice.

Appellant/applicant

Through

  
**Fida Muhammad Yousafzai**  
Advocate, High court  
Peshawar

Date: 18/06/2019



The first part of the document  
 discusses the general principles  
 of the proposed system. It  
 outlines the objectives and  
 the scope of the project.

The second part of the document  
 describes the methodology used  
 in the study. It details the  
 data collection process and  
 the analysis techniques.

The third part of the document  
 presents the results of the study.  
 It includes a detailed analysis  
 of the data and a discussion  
 of the findings.

The fourth part of the document  
 discusses the implications of the  
 study. It explores the  
 practical applications of the  
 findings and the potential  
 impact on the field.

The final part of the document  
 provides a conclusion and  
 recommendations for future  
 research. It summarizes the  
 key points of the study and  
 offers suggestions for further  
 investigation.

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No.228/2019.

Izhar Zada Ex, constable No. 526 FRP, Head Quarter,  
Peshawar.....Appellant

**VERSUS**

1. Deputy Commandant, Frontier Reserve Police,  
Khyber Pakhtunkhwa, Peshawar.
2. Commandant, Frontier Reserve Police,  
Khyber Pakhtunkhwa, Peshawar.
3. Inspector General of Police  
Khyber Pakhtunkhwa, Peshawar.....Respondents

**PRELIMINARY OBJECTIONS**

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

**WRITTEN REPLY ON BEHALF OF RESPONDENTS**

**FACTS**

**RESPECTED SHEWETH:-**

1. Para No.1 pertains to the appellant record needs no comments.
2. Incorrect and denied. The appellant while posted at Khyber Pakhtunkhwa, House Islamabad, remained absent from his lawful duty with effect from 02.12.2016 till the date of his discharge from service i.e 24.05.2017, for a period of 05 months and 22 days, without any leave or prior permission of his senior.
3. Incorrect and denied. The appellant was proceeded against proper departmentally as he was issued Charge Sheet alongwith Statement of Allegations and Enquiry Officer was nominated to conduct enquiry into the matter. After completion of enquiry, the Enquiry Officer submitted his findings, wherein the appellant was found guilty of the charges leveled against him. Upon the findings of Enquiry Officer the appellant was served with Final Show Cause Notice, but he failed to submit his reply. Besides, a notice was also published in daily newspaper "AAJ" dated 10.05.2017, with directions to report arrival, within 10 days and to submit written statement, but the appellant deliberately failed to do so.
4. Incorrect and denied. Departmental appeal submitted by the appellant was thoroughly examined and rejected on sound grounds. An opportunity of



personal hearing was also provided to the appellant, but he failed to present any justification before the appellant authority.

5. Incorrect and denied. A copy of rejection order was also provided to the appellant vide office order Endst; No. 7268-69/EC, dated 02.10.2017. (Copy of rejection order attached as annexure A).
6. The appellant has not come to this Honorable Tribunal with clean hands. His appeal may be dismissed on the following grounds.

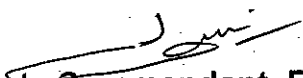
#### **GROUND**


1. Incorrect and denied. The orders passed by the respondent are legally justified and in accordance to law/rules.
2. Incorrect and denied. That after adopting all codal formalities the impugned order was issued by the competent authority under the relevant law.
3. Incorrect and denied. On the allegations of willful absence the appellant was issued Charge Sheet and Statement of Allegations and DSP Admn; FRP was appointed as Enquiry Officer. A regular enquiry was conducted by the Enquiry Officer into the matter and during the course of Enquiry the allegations were fully established against him. The appellant was called time and again for personal hearing, finally he was called through daily newspaper "AAJ", but he deliberately failed to appear before the competent authority. After fulfillment of the due codal formalities, the appellant was discharged from service as per law.
4. Incorrect and denied. As explained in the above paras, a sufficient opportunity was already provided to the appellant, but he failed to avail this opportunity.
5. Incorrect and denied. The appellant was proceeded against the relevant law i.e Police Rules 1975 amended in 2014.
6. Incorrect and denied. The appellant was remained absent from lawful duty without any leave or prior permission of the competent authority. The plea of illness taken by the appellant in the Para is a propounded story.
7. Incorrect and denied. An ample opportunity of personal hearing was also provided to the appellant, as he was called time and against to appear before the competent authority to defend himself, but he failed to do so.
8. Incorrect and denied. The appellant is a indisciplined and irresponsible person as he being a member of disciplined force remained absent from duty without any leave or prior permission of his seniors and after fulfillment of legal formalities he was awarded major punishment of discharge from service, which is commensurate with the gravity of his gross misconduct. Moreover, from perusal of his service record it has been found that in past the appellant has been discharged from service vide order Endst; No. 274-79, dated 03.03.2015, which he subsequently reinstated in service on departmental appeal dated 19.08.2015 (Copy of the discharged order and reinstatement orders are attached as "B & C").


9. The respondent may also be permitted to create additional grounds at the time of arguments.

**PRAYERS**

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

  
**Deputy Commandant, FRP,**  
Khyber Pakhtunkhwa, Peshawar  
(Respondent No.1)

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

  
**Inspector General of Police**  
Khyber Pakhtunkhwa, Peshawar.  
(Respondent No.3)

"A"

ORDER

This order will dispose of the departmental appeal preferred by Ex-constable Izhar Zada No. 526 of FRP HQrs; against the order of discharged from service passed by Deputy Commandant FRP Khyber Pakhtunkhwa, Peshawar, vide order Endst: No. 658-62 dated 24.05.2017. The applicant was proceeded against on the allegations that he absented himself from lawful duty with effect from 02.12.2016 till the date of discharged from service i.e o 24.05.2017 without taking any leave/permission from his seniors.

Proper departmental proceedings were initiated against him and DSP Admn; FRP was nominated as Enquiry Officer. After proper enquiry, the Enquiry Officer submitted his findings, stating therein that the delinquent officer was summoned telephonically to appear before the Enquiry Officer, but neither did he appear nor submit reply in response to the Charge Sheet within stipulated period. The enquiry officer recommended the delinquent constable for ex-parte action. Upon the findings of Enquiry Officer he was issued Final Show Cause Notice, which was served upon his brother namely Akhtar Zada but the delinquent officer failed to submit any reply in response to the Final Show Cause Notice. He was called for personal hearing, but he failed to do so. Besides a notice was also published in daily newspaper "Ajj" dated 10.05.2017 directing him to join his duty but in-vain. From perusal of his service record it has found that previously he was awarded the following major/minor punishment:-

1. Discharged from service on account of absence vide order No. 274-79/PA, dated 03.03.2015. On his appeal re-instated in service, by the appellate authority vide order Endst: No. 6861-65/EC dated 19.08.2015.
2. Stoppage of 01 annual Increment without cumulative effect on account of his 40 days absence vide OB No. 21, dated 10.01.2017.

Keeping in view the recommendation of Enquiry Officer and other material available on record as well as his previous service record, it is crystal clear that the delinquent officer has intentionally absented himself from lawful duties without any leave/permission of his seniors. He has neither replied to the Show Cause Notice nor appeared for personal hearing in Orderly Room to produce any cogent reason regarding his prolonged absence. There is no likelihood of becoming his good police officer in future. Hence Deputy

Commandant FRP awarded him major punishment of discharged from service, vide order Endst: No. 658-62 dated 24.05.2017.

Feeling aggrieved against the impugned order of Deputy Commandant FRP Peshawar, the applicant preferred the instant appeal. The applicant was summoned and heard in person in Orderly Room held on 28.09.2017.

From perusal of the enquiry file and the service record of the applicant, it has been found that the delinquent official has been showing irresponsible attitude repeatedly in utter disregard of the discipline of the force. He could not present any cogent justification for such long absence from duty.

Based on the appreciation of the situation painted above, I, **Sher Akber, PSP S.St** Commandant FRP Khyber Pakhtunkhwa, Peshawar, being the competent authority, finds no substance in the appeal, therefore, the same is rejected and filed being meritless.

Order Announced.

*S*  
Commandant

*c/c* Frontier Reserve Police  
Khyber Pakhtunkhwa, Peshawar.

No. <sup>69</sup> ~~7268~~ /EC, dated Peshawar the 02/10 2017. *etc*

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

1. Deputy Commandant FRP Khyber Pakhtunkhwa, Peshawar. His service record alongwith D file sent herewith.
2. Ex-constable Izhar Zada No. 526 S/o Sher Zada, village Gulzaar Khel PS Nowshera Kalan, District Nowshera.

SRC

*For manip nearby entry  
in his S-record.*

No. 1232/PA.

DT: 05/10/17

*[Signature]*  
By: *Commandant*

B<sup>3</sup>

ORDER

This office order so far it relates to the disposal of Departmental Enquiry against Recruit Constable Izhar Zada No. 384 of FRP/IQrs: Peshawar. Facts are that Recruit Constable Izhar Zada No. 386 of FRP/IQrs: Peshawar absented himself from duty with effect from 24.11.2014 to 10.01.2015 for total period of (53) days without any leave/permission of the Competent Authority.

In this regard formal departmental proceedings were initiated against him and FRP/IQrs: Peshawar was nominated as Inquity Officer, after proper enquiry the IC submitted his findings, wherein he recommended the defaulter constable to Major Punishment. He was issued Final Show Cause Notice to which he received, but his reply was found not sufficient. He was also called for personal hearing but failed to appear before the undersigned.

Keeping in view the recommendations of the Inquity Officer and other material available on record it has come crystal clear that the said Officer is habitual absentee and does not take interest in official duty. His service record shows that he was enlisted on 28.01.1994 and up to 2014 service he remained absent from official duty, on different occasions for a period of 116 days, and were awarded punishment of leave without pay for the likelihood of his good Police Officer in future, which requires the constable to comply with punctual performance of official duty especially in the prevailing law and Order milieu. Therefore, Recruit Constable Izhar Zada No. 384 of FRP/IQrs: Peshawar is discharged from Service under Police Rules 13-14 Part IV, Sub-section 1 with effect from 27.11.2014 and the period of absence is treated as leave without pay.

Order announced.

OB 251  
3-3-15

*[Signature]*  
Deputy Commissioner  
Frontier Regions Office  
Khyber Pakhtunkhwa Department

7th 20-2-2015  
03/03

No. 274-79/P/FRP/IQrs dated Peshawar, the

Copy of the above is forwarded for information of the following:

1. Comdant, FRP Khyber Pakhtunkhwa
2. Accountant/FRP/IQrs: Peshawar.
3. TZO/OAS/FRP/IQrs: Peshawar.
4. FMC/FRP/IQrs: Peshawar with original copy of this order.

Enc (15) files in original

\*\*\*\*\*

P C V

**ORDER**

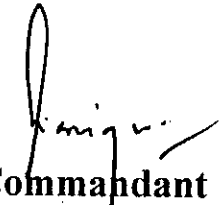
This order shall dispose of the departmental appeal lodged by Ex-Constable Izhar Zada No. 1384 of FRP/HQ, against the order of Dy: Commandant / FRP, KP Peshawar.

Brief facts of the case are that while he was posted in FRP/ HQ, Peshawar remained absent from official duties w.e.f: 24.11.2014 to 16.01.2015 without any leave / permission of the Competent Authority. He issued charge sheet & summary of allegations an enquiry was conducted through RI /FRP/HQ. The EO after conducted departmental enquiry submitted his findings, wherein the applicant recommended for major Punishment.

After receiving the findings of EO, the applicant was served with final Show cause notice but he failed to submit his reply. The Competent Authority i.e. Dy: Commandant FRP, KPK Peshawar, go through with the recommendation of EO and the applicant was dismissed from service under Police Rules 12-21 vide office order Endst: No 274-79/PA, dated 03.03.21015.

The enquiry file was perused and found that the applicant was not participated with enquiry proceedings and no opportunity for defense provide to him.

He was heard in person, Keeping in view his poor family background, I take a lenient view and the order regarding award of punishment i.e. dismissal from service is here by set aside. Ex-constable Izhar Zada No. 1384 of FRP/HQ Peshawar is here by reinstated in service from the date of dismissal from service. The period of absence and the intervening period from service are treated as extra ordinary leave without pay.

  
**Commandant**  
**Frontier Reserve Police**  
**Khyber Pakhtunkhwa, Peshawar.**

No <sup>6861-65</sup> /EC dated Peshawar the 19 / 8 /2015

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

1. Dy: Commandant FRP, KP Peshawar.
2. Accountant FRP HQrs: Peshawar
3. SRC/OASI FRP HQrs: Peshawar
4. Ex-Constable Izhar Zada No.1348 S/o Sher Zada R/o Gulzar Khel

PS: Nowshera Klan Distt: Nowshera.


آج Enquiry Proceeding

لدی 10 مئی 2017

(اطلاع عام)

آپ کا تھیل انٹھارنمبر 526 ایف آر پی ہیڈ کوارٹر پشاور پولیس لائن سے مورخہ 02/12/2016 سے بدستور غیر حاضر ہونے کا رجسٹرڈڈ سٹیٹ ڈسٹری آف انکلیشن انٹھارنٹل شوکار نوٹس ایڈیٹو ہو کر آپ کے گھر کے پتے پر بذریعہ DFC بھیجا جا کر آپ کے مکانی نے دست خود وصول کیا ہے لیکن آپ نے ابھی تک کوئی جواب نہیں دیا۔ آپ کو بذریعہ اشتہار ذرا مطلع کیا جاتا ہے کہ کس دن کے اندر اندر اپنی حاضری تحریری بیان پیش کریں ورنہ تفت کے خلاف کیسز کارروائی میں شامل کی جا سکتی ہیں۔

مختم: ڈی جی کمانڈنٹ ایف آر پی خیبر پختونخوا پشاور

 www.khyberpakhtunkhwa.gov.pk

SAY NO TO  
CORRUPTION  
/DRUGS

INF(P)2148

CHARGE SHEET U/S 6(1) (A) POLICE RULES 1975

DSP  
12/2/17


You Constable Izhar No.526 Posted at FRP/ HQrs: Peshawar is hereby charged for committing the following omission/commissions.

You Constable Izhar No.526 while posted at FRP/HQrs, you remained absent from 02.12.2016 till to date without taking any leave of the competent authority.

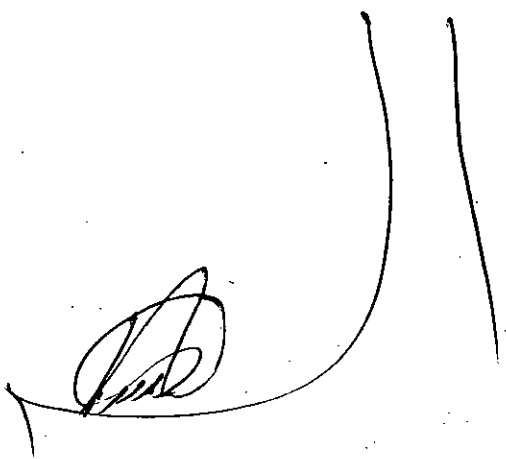
You are hereby called upon to submit your written defense against the above charges before the enquiry officer.

Your reply should reach the Enquiry Officer within seven (7) days from date of receipt of this Charge Sheet, failing which ex-parte action shall be taken against you.

Summary of allegations is enclosed herewith.

  
Deputy Commandant  
Frontier Reserve Police  
Khyber Pakhtunkhwa Peshawar





کو ای

فرماندہ پولیس  
پشاور

عن ullah

27/2/17

MIC # 17201-472042-7

mobile 0300588406

date 27-2-2017



**ORDER**

**UNDER SUB-SECTION-3 & SECTION 5 POLICE RULES, 1975**

I, Deputy Commandant FRP, Khyber Pakhtunkhwa Peshawar as Competent Authority Charge Constable Izhar No.526 of FRP HQrs: is prima facie guilty of the following acts to be dealt with u/s 5 (3) of Police Rules, 1975.

While posted at FRP/HQrs, remained absent from duty w.e from 02.12.2016 till to date without taking any leave/permission competent authority.


The act of delinquent Official falls within the ambit of gross misconduct and is liable to be proceeded under Police Rule 1975.

For the purpose of scrutinizing the conduct of the said accused with reference to the above allegations. I, Deputy Commandant FRP, Khyber Pakhtunkhwa, being authorized officer hereby nominate enquiry officer as below to enquire into the charges within the meaning of 2(iii) under Police Rules 1975.

**DSP, Admn FRP:**

The enquiry officer after completing all enquiry proceedings should submit findings to the undersigned within stipulated period of (10) days per u/s 6(5) of the Rules.

Charge Sheet and Statement of Allegations are issued against the accused officer separately. Reply should be submitted before the Enquiry officer within the period of (07) days from the date of receipt

  
**Deputy Commandant,  
Frontier Reserve Police,  
Khyber Pakhtunkhwa, Peshawar.**

No. 106 /PA, dated Peshawar the

13 10 / 2017

Encl: Papers (03) in Original.

**ENQUIRY REOPORT.**

Constable Izhar No. 526 of FRP/HQrs: Peshawar was found absent from Platoon 13 KPK House Islamabad without any information. A report to this effect was entered in daily diary serial No. 10 dated 02/12/2016. His pay was stopped vide OB No. 1110 dated 26/12/2016. He was served with charge Sheet and summary of allegation vide No. 106/PA dated 13.01.2017 and the undersigned was appointed as Enquiry Officer.

The Charge Sheet was served upon him at his home address by the DFC Wajid Khan. He personally received the Charge Sheet on 27.02.2017 and the report of DFC is placed at Flag "A" for favor perusal please. He failed to submit the reply the received charge Sheet during the stipulated period

**FINDINGS.**

On checking the Service Record of Constable Izhar No. 1526, he was enlisted in FRP on 28.10.2013 as Constable. In the past he was also found absent for (48) days and absence period counted as Leave without pay.

During the course of enquiry he was summoned telephonically but he failed to appear before the undersigned to face the departmental enquiry and also failed to reply the served charge sheet, during the stipulated period. According to the statement of ASI Amir Nawas Khan I/C Platoon 13 KPK House Islamabad that the said constable is still absent with effect from 02/12/2016 till the submission of this report which is placed at Flag "B".

There is no hope from the said constable to become a good police officer in near future. It is, therefore, recommended that Ex-parte action may please be taken against him.

Submitted Please.

  
DSP (Admn :),  
FRP (HQrs ;) Lines Peshawar

No. 39 /Admn,  
Dated 20.03.2017.  
Enclose (65) sheets.

Issue lim Final Show  
cause notice -

  
Deputy Commissioner

ملفوظات

2

**FINAL SHOW CAUSE NOTICE UNDER POLICE RULES 1975.**

I, Deputy Commandant, FRP, KPK as competent authority hereby serve you Constable Izhar No.526 of FRP/HQrs, Peshawar.

(1) i- That consequent upon the completion of enquiry conducted against you by DSP Admn FRP: Peshawar for which you were given full opportunity of hearing.

ii- On going through the findings/recommendations of the Enquiry Officer, the material available on record and other connected papers I, am satisfied that you have committed the following acts/omissions per Police Rules 1975.

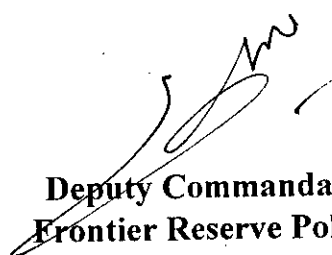
Whereas you Constable Izhar No.526 of FRP/HQRS; Peshawar remained absent from duty w.e. from 02.12.2016 till date without any leave/permission of the competent authority.

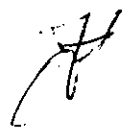
(2) Therefore, I, Deputy Commandant, FRP, KPK as competent authority has tentatively decided to impose upon you Major/Minor penalty including dismissal from service under the said Rules.

(3) You are, therefore, required to Show Cause as to why not the aforesaid penalty should not be imposed upon you.

(4) If no reply to this Final Show Cause Notice is received within the 14 days of its delivery in the normal course of circumstances, it shall be presumed that you have no defence to put in and consequently ex-parte action shall be taken against you.

افسر ناظم  
کراچی

  
Deputy Commandant,  
Frontier Reserve Police,  
Khyber Pakhtunkhwa, Peshawar.



nic # 172019732042-7  
rebr # 03005881106  
date - 10-04-17

**BEFORE SERVICE TRIBUNAL KHYBER  
PAKHTUN KHWA, PESHAWAR**

**Service Appeal No. 228/2019**

**IZHAR ZADA** \_\_\_\_\_ Appellant.

**VERSUS**

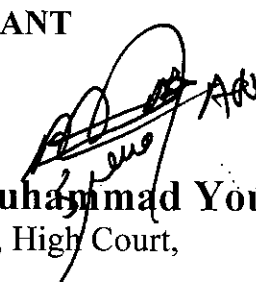
**GOVT. OF KPK, and others** \_\_\_\_\_ Respondents

**INDEX**

S.No	Description of documents	Annex	Pages
1	Rejoinder		1-3
2	Affidavit		4

Through **APPELLANT**

Dated: 18-11-2020

  
**Fida Muhammad Yousafzai**  
Advocate, High Court,  
Peshawar

**BEFORE SERVICE TRIBUNAL KHYBER  
PAKHTUN KHWA, PESHAWAR**

Service Appeal No. 228/2019

**IZHAR ZADA** \_\_\_\_\_ Appellant.

VERSUS

**GOVT. OF KPK, and others** \_\_\_\_\_ Respondents

**RE-JOINDER ON BEHALF OF APPELLANT**

**Respectfully Sheweth:**

The appellant most humbly submits as under:-

**PRILIMINARY OBJECTIONS:-**

1. That the appellant has got a locus standi and has a genuine case in his hand. The appeal of the appellant is well within time, which is evident from the record and this august tribunal has got the power and ample jurisdiction to entertain the matter and to advance relief to the appellant. All the preliminary objections taken by the respondents in their written reply are expressly denied.

**Reply to facts:**

1. Para No. 1 of the written reply needs no comment.
2. Para No. 2 of the written reply is incorrect. The appellant dully informed the immediate officer about his service ailment and the

medical prescription is the proof. Further, no penal action can be passed retrospectively.

3. Para No. 3 of the written reply is incorrect. The respondents have failed to bring on record any proof of service of charge sheet, show cause notice etc. the appellant was suffering from several disease Hepatitis, needless to mention the appellant has been penalized after applying wrong provision of law. Further, the inquiry officer has not recommended any penalty against the appellant.
4. Para No. 4 of the written reply is incorrect. The appellant categorically took plea of his ailment in his appeal but it has not been even discussed in the order dated 02.10.2017 which speaks volume as the respondents were bent upon to discharge the appellant from service. No witness has been produced before the alleged Inquiry Officer or authority which is against E & D Rules 2011.
5. Para No. 5 of the written reply is incorrect. The appellant filed appeal well within time. Further, no limitation run against void order.
6. Reply to Para-6 is incorrect. The appellant has plausible reason and genuine case to be decided as per law.

### **Reply to Grounds of written reply filed by respondents:**

- 1-9 Reply to Grounds is incorrect. The alleged inquiry has been conducted in absence of Appellant. No witness come forwarded to say anything against the appellant (if any). No chance of cross-examination is given which is in violation of E&D Rules-2011. The impugned order has been passed under Police Rules, 1934 while as per law, the action should have been taken under E&D

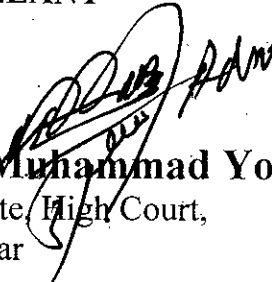
Rules, 2011. There is no provision or even penalty of discharge under 1975 Rules or E&D Rules, 2011. The absence of the appellant was not willfully but due to severe ailment from Hepatitis / Jaundice. The respondents have failed to place on record a single scintilla through which it can be gathered that the appellant was served with a charge sheet, statement of allegation, inquiry notice, inquiry report or show cause even impugned order has not been served upon appellant as they have not placed a single portal receipt on file.

In view of the above, and in addition to the main appeal, it is humbly prayed that this Hon'ble Court may graciously be pleased to pass an appropriate order in accordance with the prayers made in the main appeal.

  
  
APPELLANT

Through

Dated: 18-11-2020

  
Fida Muhammad Yousafzai  
Advocate High Court,  
Peshawar

**BEFORE SERVICE TRIBUNAL KHYBER  
PAKHTUN KHWA, PESHAWAR**

**Service Appeal No. 228/2019**

**IZHAR ZADA** \_\_\_\_\_ Appellant.

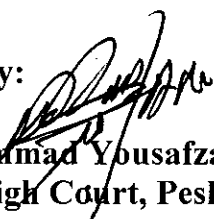
**VERSUS**

**GOVT. OF KPK, and others** \_\_\_\_\_ Respondents

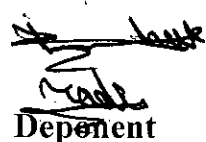
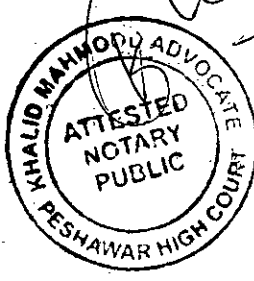
**AFFIDAVIT**

I, **Izhar Zada** Ex. Constable # 526, FRP, Headquarter, Peshawar, do hereby solemnly affirm and declare upon oath that the contents of the titled rejoinder are true and correct to the best of my knowledge & belief and nothing has been concealed or with held there from.

Identified By:

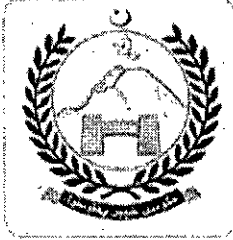


**Fida Muhammad Yousafzai**  
Advocate High Court, Peshawar.

  
Dependent

18-11-20





**KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR**

No. 1438 / ST

Dated: 29/07 /2021

All communications should be  
addressed to the Registrar KPK Service  
Tribunal and not any official by name.

Ph:- 091-9212281  
Fax:- 091-9213262

To

The Commandant FRP/ Headquarters,  
Government of Khyber Pakhtunkhwa,  
Peshawar.

Subject: JUDGMENT IN APPEAL NO. 228/2019, MR. IZHAR ZADA.

I am directed to forward herewith a certified copy of Judgement dated  
08.07.2021 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

  
REGISTRAR

KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR