


S. No.	Date of Order or proceedings.	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	08.03.2017	<p style="text-align: center;"><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,</u> <u>CAMP COURT SWAT</u></p> <p style="text-align: center;">Appeal No. 614/2016</p> <p style="text-align: center;">Abdul Hanan Versus Inspector General of Police, Khyber Pakhtunkhwa, Peshawar and others.</p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p style="text-align: center;"><u>MUHAMMAD AZIM KHAN AFRIDI, CHAIRMAN:</u></p> <p>Counsel for the appellant and Mr. Muhammad Zubair, Senior Government Pleader alongwith Imranullah, Inspector (Legal) for respondents present.</p> <p>2. Abdul Hanan son of Juma Dost hereinafter referred to as the appellant has preferred the instant service appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the impugned order dated 12.10.2009 vide which he was dismissed from service on the allegations of wilful absence w.e.f. 19.1.2009 and where-against his departmental appeal was also rejected vide order dated 19.05.2016 and hence the instant service appeal on 08.06.2016.</p> <p>3. Learned counsel for the appellant has argued that the absence of the appellant was not intentional and that he was kidnapped by militants during the days of insurgency. In support of his stance he has placed reliance on the application submitted by the father of the appellant which was entertained by the D.P.O on 23.01.2009 and marked to the SHO Police Station, Mingora with the directions to make efforts for the release of the appellant. Certificates issued by the office of the DPO signed by P.A to DPO is also suggestive of the fact that the appellant was kidnapped by militants during the days of insurgency.</p>

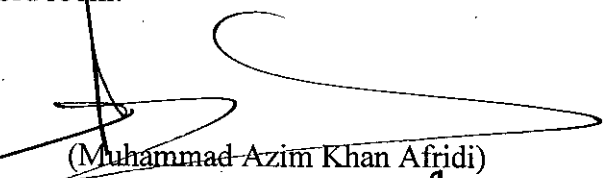
4. Learned Senior Government Pleader has argued that the appellant has failed to participate in the enquiry and as such the appeal is liable to dismissal.

5. We have heard arguments of learned counsel for the appellant as well as learned Senior Government Pleader and perused the record.

6. Perusal of record would suggest that the appellant was not associated with the enquiry proceedings. The enquiry officer has failed to take note of the stance of the appellant due to ex-parte proceedings. We are of the view that the stance of the appellant requires consideration at departmental level.

7. We are therefore constrained to accept the present appeal, set aside the impugned order of dismissal of the appellant from service and reinstate him in service with the directions that the competent authority shall conduct denovo enquiry in the allegations wherein appellant be afforded opportunity of participation and hearing including his defence and where-after the competent authority shall pass orders deemed appropriate within a period of two months from the date of receipt of judgment of this Tribunal. Parties are left to bear their own costs. File be consigned to the record room.



(Ahmad Hassan)
Member


(Muhammad Azim Khan Afridi)
Chairman
08.03.17
Camp Court, Swat.

ANNOUNCED
08.03.2017

06.12.2016

Appellant in person and Mr. Khawas Khan, S.I (Legal) alongwith Mr. Muhammad Zubair, Sr.GP for the respondents present. Rejoinder submitted. Due to incomplete bench arguments could not be heard. To come up for final hearing on 08.03.2017 before D.B at camp court, Swat.


Chairman
Camp court, Swat.

15.06.2016

Counsel for the appellant present. Learned counsel for appellant argued that the appellant was serving as constable when dismissed from service vide impugned order dated 12.10.2009 on the allegations of absence where-against he preferred departmental appeal which was rejected on 19.05.2016 and hence the instant service appeal on 08.06.2016.

That absence of the appellant was not intentional as he was confined by the militants during the days of militancy at Swat and therefore not in a position to perform his duty.

Points urged need consideration. Admit subject to limitation. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents. The case pertains to territorial limits of Malakand Division, hence to come up for written reply/comments for 09.09.2016 before S.B at camp court, Swat.

Appellant Deposited
Security & Process Fee


Chairman

09.09.2016



Appellant in person and Mr. Khawas Khan, SI (Legal) alongwith Mian Amir Qadar, GP for the respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing for 06.12.2016 at camp court, Swat.


Chairman
Camp Court, Swat.

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 614/2016

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1.	08/06/2016	<p>The appeal of Mr. Abdul Hanan presented today by Mr. Saadullah Khan Marwat Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	13.6.2014	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on. <u>15-6-16</u></p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

S.A No. 614 /2016

Abdul Hanan

Versus

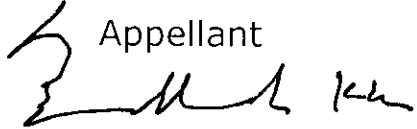
I.G.P & others

I N D E X

S. No	Documents	Annex	P. No.
1.	Memo of Appeal		1-4
2.	Enlistment Order, 04/2006	"A"	5
3.	Mad No. 23, 19.01.09 of Absence	"B"	6
4.	Fathers Application, 23.01.2009	"C"	7
5.	PA Letter, 27.04.2009	"D"	8
6.	Charge Sheet, 01.09.2009	"E"	9-10
7.	Finding Report, 10.09.2009	"F"	11
8.	Final Show Cause Notice, 18.09.2009	"G"	12
9.	Dismissal Order, 12.10.2009	"H"	13
10.	Appeal/Revision Board, 13.10.2014	"I"	14
11.	Representation, dated	"J"	15
12.	Reinstatement Orders,	"K"	16-26
13.	Rejection order, 19.05.2016	"L"	27
14.	Judgment of Tribunal, 02.05.2016	"M"	28-31

Through

Dated: 7.06.2016

Appellant

Saadullah Khan Marwat
Advocate.
21-A Nasir Mansion,
Shoba Bazaar, Peshawar.
Ph: 0300-5872676
0311-9266609

1

BEFORE KPK SERVICE TRIBUNAL PESHAWAR

S.A No. 614 /2016

Abdul Hanan S/o Juma Dost,
R/o Village Manjot, Swat,
Ex - Constable No. 1607,
Police Line, Swat Appellant

**Khyber Pakhtukhwa
Service Tribunal**

Diary No. 601
Dated 08-6-2016

Versus

1. Inspector General of Police,
KP, Peshawar.
2. Regional Police Officer,
Malakand Region, Swat.
3. District Police Officer, Swat Respondents

⇔<=>⇔<=>⇔<=>⇔<=>⇔

**APPEAL U/S 4 OF SERVICE TRIBUNAL ACT,
1974 AGAINST OFFICE ORDER NO. 4058/16,
DATED 19.05.2016 OF R. NO. 1, WHEREBY
DEPARTMENTAL APPEAL AGAINST OB NO. 146,
DATED 12.10.2009 OF R. NO. 2, DISMISSING
APPELLANT FROM SERVICE, WAS REJECTED
FOR NO LEGAL REASON.**

⇔<=>⇔<=>⇔<=>⇔<=>⇔

Respectfully Sheweth;

1. That appellant was enlisted on 31.12.2008 as constable. (Copy as annex "A")
2. That appellant became ill and vide mad No. 23, dated 19.01.2009 he was deputed for treatment to Civil Hospital, Saidu Sharif but did not turn up thereafter. (Copy as annex "B")
3. That on 23.01.2009, father of the appellant submitted application to R. No. 3 (DPO) stating therein that his son (appellant) is not traceable for the last 2/3 days and it is apprehended that he would

Filed to-day
Asad
Registrar
8/6/16

have been kidnapped by miscreants. This application was marked to the SHO of PS concerned to make efforts for the release of appellant from the clutches of miscreants with the help of jirga members. (Copy as annex "C")

4. That on 27.04.2009, Personal Assistant to R. No. 3 wrote letter to department that appellant has been kidnapped by the miscreants during insurgency but no FIR was registered as in the militancy area, Govt. writ was not established as most of the Police Stations were sieged by the miscreants. Press clipping was also enclosed with the said letter regarding the matter. (Copy as annex "D")
5. That on 01.09.2009, charge sheet was issued to appellant but the same was not served upon him being not traceable, so could not be replied the same. (Copy as annex "E")
6. That perhaps enquiry into the matter was initiated but appellant was not associated with the same, being untraced and self made report was submitted to the authority, recommended him for major punishment.
7. That on 10.09.2009, the Inquiry Officer submitted finding report to the department wherein appellant was shown absent from duty. (Copy as annex "F")
8. That on 18.09.2009, final show cause notice was issued for service upon appellant but was not replied, being un-served. (Copy as annex "G")
9. That on 12.10.2009, appellant was dismissed from service by R. No. 3 (D.P.O) from the date of absence from duty i.e. 19.01.2009. (Copy as annex "H")
10. That on 13.10.2014, Review/Revision/Appellate Board was constituted by R. No. 1 (I.G.P) to review the cases of constables, etc. who were disappeared during insurgency. (Copy as annex "I")
11. That appellant submitted representation before R. No. 1 (I.G.P) for reinstatement in service, stating therein that he was not

absent from duty but was kidnapped by the miscreants, so he be reinstated in service. (Copy as annex "J")

12. That in similar circumstances, the authority reinstated Ex-Constable Muhammad Saeed Khan No. 1613, Ex-Constable Ghuas Ali Khan No. 4344, Ex-Constable Shafiullah No. 660, etc. on 19.12.2007, 253 Constables on 30.11.2010, 20 constables on 18.02.2011, 12 constables on 07.02.2012, on 27.01.2015, on 01.03.2016, etc. but appellant was not treated at par with the same, thus discriminated. (Copies as annex "K")
13. That on 19.05.2016, the Appellate Board who held meeting on 14.04.2016, rejected the appeal of appellant. (Copy as annex "L")
14. That similar question of fact and law came under consideration in numerous appeals before this hon'ble Tribunal and after through probe, the same were accepted vide judgment dated 02.05.2016. (Copy as annex "M")

Hence this appeal, inter alia, on the following grounds:-

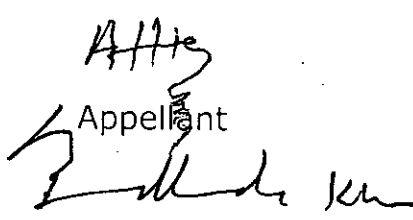
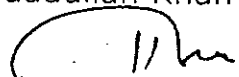
GROUND S:

- a. That appellant never absented from service willfully and intentionally but the same was due to the deteriorated situation of the area.
- b. That the Govt. itself realized the truth and fact that the servants never absented from duties at their own will but was due to the adverse law and order situation.
- c. That for the aforesaid purpose, the Review Committee was constituted and the dismissed/removed servants were directed to file review, revision and appeals to the Board to scrutinized the same and to reinstate them in services but unfortunately, the case of appellant was not properly, fairly and justly scrutinized and bypassed the same for no plausible reason.
- d. That in the circumstances, not only the Board but also the hon'ble Tribunal reinstated numerous constables, etc. into their services and appellant was dropped for no legal reason.

- e. That similarly and equally placed servants be treated similarly and equally and not to discriminate them inter-se.
- f. That when one class is availing the same benefits, depriving the same class tantamounts to malafide.

It is, therefore, most humbly prayed that on acceptance of the appeal, order dated 19.05.2016 or 12.10.2009 of the respondents be set aside and appellant be reinstated in service with all back benefits, with such other relief as may be deemed proper and just in circumstances of the case.

Dated. 7 .06.2016

Through  Appellant
Saadullah Khan Marwat
& 
Arbab Saiful Kamal
Advocates.

A

5

31-12-08

DISTRICT POLICE

SWAT

ENLISTMENT ORDER

Mr. Abdul Hameed S/O Janna Dost
 Caste Afghan Village Barfai
 Police Station Mingora District Swat

Is hereby enlisted as Constable in Swat District Police and allotted this District Police

Constabulary No. 1607 with effect from 30-12-08

Date of Birth 02.01.1988

Domicile Swat

Height 5-6

Chest 34 X 36

Education NIL


 District Police Officer, Swat
 MR 16072 A.Haq/Z

O.B No 237

Dated: 31.12.08

Copy of above to the District Accounts Officer Swat.

Attested


B

6

19-1-09

1607

فصل برائے

گورنمنٹ

نمبر 23 روزانہ فیبروری 1909

نمبر 23 رپورٹ عبد حافی سے وقت 17.00 بجے زرک سے بکری رپورٹ عبد الحئی
 1607 کو حوالہ نمبر 5 والا نوٹس علاج معادہ ہسپتال سوات
 روانہ کیا گیا تھا۔ تا حال واپس نہیں آیا۔ اور نہ کسی قسم کا
 رابطہ قائم کیا۔ سرپرست مذکورہ کو عنبر حافی سے جاننا ہے


جناب عالی

نمبر 23 مطابق فصل برائے

جناب عالی
رپورٹ عبد الحئی 1607

Swat
Pl. 157
8/4/09

مورخہ 19/09 سے عنبر حافی کو کمر بند ہو گیا ہے
 مذکورہ نوٹس ختم کی گئی ہے اور
 کوڑا تیار کیا گیا ہے

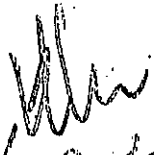


8.4.09

Attested
by

pay stopped and issue
charge sheet.

C.B. No. 55
8.4.09.


 P.P. of Swat
 8.4.09

7
جنوب صاحب ڈپٹی۔ اور۔ صاحب مقام کلکتہ سے

عنوان: درخواست برائے دیئے معلومات

سیاھی عبدالرحمان

صاحب عالی!

لہذا ذیل عرض ہے

1) کہ سیاھی عبدالرحمان میرا بیٹا ہے اور پوسٹ لاٹری میں ڈیوٹی سرانجام دیتا ہے۔

2) یہ کہ عرصہ تقریباً تین دو سے میرا بیٹا ریلوے سے باہر ہے۔

3) یہ کہ حکمرانوں کو خود ضرب حال خدمت ہے کہ سیاھی عبدالرحمان کو طالبان اٹھا کرے گا ہونگے

4) یہ کہ اگر سیاھی عبدالرحمان خیریت سے ہے اور کسی خاص ڈیوٹی پر ہے۔ تو برائے میرا بڑا بھائی ہونا ہم سے باز کرادیں تاکہ میرے اور ڈگر والوں کی سہلی ہوں۔

SHO/Mnga جس دوست

to make efforts for the release of constable A. Ham with the help of Jirga Members

الغرض دوست ولد سیوے (والد سیاھی عبدالرحمان) سہلی بخوبی سوانہ سو بائی نمبر 0346-8703817

SHO/Mnga

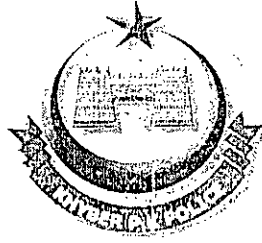
To make efforts for the release of Constable A. Haman with the help of Jirga Members.

self DPO/swat

District Officer

23/1/2009

Attested



TO WHOM IT MAY CONCERN

It is certified that **Muhammad Khan** Stenographer was kidnapped during insurgency and released but no incentive yet been given to him for promotion. Constable Abdul Hanan No. 1607 was also kidnapped by the miscreants during insurgency but no FIR was registered as in the militancy era Govt: writ was not established as most of the Police Stations were siege by the miscreants. The press clipping is enclosed for ready reference.

PA TO DPO Swat

27-4-09

Attested

E 9 1-9-09

CHARGE SHEET

I, Sajid Khan Mohmand, DPO Swat as competent authority, hereby charge you, Recruit Constable Abdul Hanan No.1607 as following that you, while posted at Police Lines Javid Iqbal Shaheed committed the following irregularities:

You recruit Constable Abdul Hanan No. 1607 while posted at Police Line Javid Iqbal Shaheed absented your self from duty vide DD No. 23, dated 19/01/2009 with out any permission or leave from your superior officers.

All these based on your malafied intention, negligence, omission and disinterest in duty which is gross misconduct on your part.


2. By reasons of the above, you appear to be guilty of misconduct under Section-3 of the NWFP (Removal from Service) Special powers ordinance 2000, and have rendered yourself liable to all or any of penalties specified in section-3 of the ordinance.

3. You are, therefore, required to submit your written defense within seven days of the receipt of this Charge Sheet to the Enquiry officer / Committee, as the case may be.

4. Your written defense, if any, should reach the Enquiry Officer/ Committee within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall follow against you.

5. Intimate whether you desire to be heard in person.

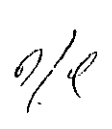
6. A statement of allegations is enclosed.


District Police Officer, Swat

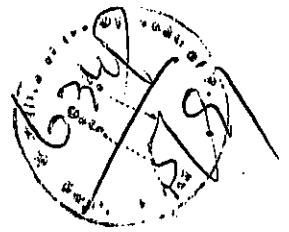
No. 684 /EB

Dated 1/9 / 2009





10



DISCIPLINARY ACTION

I, Sajid Khan Mohmand, DPO, Swat District Police Officer, Swat as competent authority, am of the opinion that Constable Abdul Hanan No.1607 has rendered himself liable to be proceeded against as he committed the following acts/omissions within the meaning of section 3 of the N.W.F.P Removal from Service (Special Powers) Ordinance, 2000.

STATEMENT OF ALLEGATIONS

While posted at Police Line Javid Iqbal Shaheed absented him self from duty vide DD No. 23, dated 19/01/2009 with out any permission or leave from his superior officers.

Handwritten Urdu text: "مذکورہ پر"

All these based on your malafied intention, negligence, omission and disinterest in duty which is gross misconduct on your part.

2. For the purpose of scrutinizing the conduct of the said accused with reference to the above allegations, an Enquiry committee consisting of the following is constituted under section 3 of the Ordinance.

1. Mohammad Ayaz Khan DSP/Legal, Swat
2. _____

3. The enquiry Committee shall, in accordance with the provisions of the Ordinance, provide reasonable opportunity of hearing to the accused, record its findings and make within, 25 Days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused.

4. The accused and a well conversant representative of the department shall join the proceedings on the date, time and place given by the enquiry Committee.

District Police Officer, Swat

Handwritten signature and date: 23/1/09

No. 684 /E, Dated Gulkada the, 119 2009.

Copy of above is forwarded to the:-

1. Mr. Mohammad Ayaz Khan DSP/Legal, Swat
2. _____ } for initiating proceeding against the Official under the provisions of the NWFP/Removal from Service (Special Powers) Ordinance 2000.
3. Constable Abdul Hanan No.1607 with the direction to appear before the enquiry Committee on the date, time and place fixed by the Committee for the purpose of the proceeding.

Handwritten signature and initials at the bottom of the page.

F

11

10-9-09

فائڈنگ رپورٹ

حوائج عالی

مجلس عمومی انکوائری کا قاعدت کیس عبدا رحمان 1607 ہندوستان پورنا کے
سزورہ 19/11/09 سے منبہ حاضر ہوا۔ پوج منبہ حاضر ہوا۔ سزا کا حوالہ
دستخط کر انکوائری کی پورٹ پر

دورن انکوائری کی صورت 19/11/09 پر جس کے دوران
میراج وین اطراف رہا گیا کہ سزورہ صلح ہو کر وہ 27/11/09 کو انکوائری
انکوائری کی آفس کو پیش کیا گیا۔ تاہم اس کا منبہ پورنا پر منبہ کے لئے
شہادت قاطعہ جس کے نتیجے میں دوبارہ راج کٹ کر باہر آ گیا کہ وہ نااطالہ منبہ
ہے۔ اور یہ کہ اس کا حال اس وقت بھی اسی ہے۔ سزورہ انکوائری کی منبہ
سزورہ کے منبہ کے لئے

اس بات کی انکوائری اور دیگر حقائق کے ساتھ
کے منبہ کے ساتھ رہا گیا کہ سزورہ کی موجودہ حالات کا مقابلہ
کے منبہ کے ساتھ کیا گیا۔ تاہم اس کا منبہ پورنا پر منبہ کے لئے
یعنی 19/11/09 سے نااطالہ منبہ کے لئے پورٹ پر منبہ کے لئے
سزورہ کی منبہ کے لئے کی سفارش کی

اگر اس کے لئے
D. S. Legat, Suva
10/11/09

Alberes

G


12

18-9-09

FINAL SHOW CAUSE NOTICE

You Constable Abdul Hamam No. 1607 while posted to Police Police Line absented himself from duty with effect from 19-01-09 up-till now without any leave or permission from your immediate office. The EO in his finding report recommended you for Major Punishment.

You are therefore served with this Final Show Cause Notice to Show Cause with in 03 of the receipt of this notice as to why the proposed action, which may included you dismissal from Service should not be taken against you. In case your written reply is not received with in 03 days, you will be definitely dismissed from service.


District Police Officer, Swat
*A. Haq/-

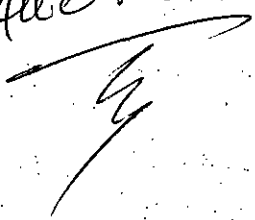
No. 684 /E
Dated 18/9 /2009

Constable Abdul Hamam No. 1607

S/O- _____

R/O Javed Iqbal Sheheed P. Line

District Swat

Attestes


H

(1607)

13

12-10-09

ORDER

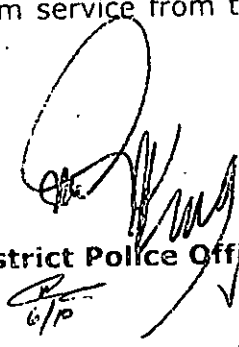
This order will dispose off the enquiry initiated against Constable Abdul Hanan No. 1607, who while posted to Javid Iqbal Shaheed Police Lines Swat, absented himself from duty with effect from 19-01-2009 vide DD No. 23, dated 19/01/2009 and failed to report for duty.

He was issued charge sheet with statement of allegations. Enquiry was initiated against him and DSP Lega! was appointed as Enquiry Officer. The Enquiry Officer in his finding report submitted that the defaulter Constable was summoned time and again, but did not appear to record his statement. Hence he was recommended for Major punishment of the Enquiry Officer. He was issued Final Show Cause Notice No. 684/E, dated 18-9-2009 but no reply has been received.

This constitutes misconduct, cowardice on his part and as such he is liable for action under section 5 sub section (4) of the Removal from service (Special Powers) Ordinance 2000 (Amendment) Ordinance 2001.

This constitutes misconduct/disinterest on his part and as such he is liable for action under section 5 Sub Section (4) of the Removal from service (Special Power) Ordinance 2000 (Amendment) Ordinance 2001 and dispose with the enquiry proceeding as laid down in the Ordinance and am further satisfied that there is no need of holding further departmental enquiry. Since the defaulter Constable has been found guilty of gross misconduct as defined in the said Ordinance, I Mr. Qazi Ghulam Farooq DPO Swat as a competent authority, therefore impose major penalty by dismissing him from service from the date of absence i.e 19/01/2009.

Order announced.


District Police Officer, Swat

O.B. No. 146

Dated: 12-10-09

Attested


I

No 4585-1 Legal

14

PESHAWAR.

dated Peshawar the

13-10-14

13-10-2014

ORDER.

Subject: Appeal / Revision Boards.

1. In exercise of the powers conferred upon me under Article 27 of Police Order 2 read with Rule 11-A of the Khyber Pakhtunkhwa Police Rules 1975 (Amended 2014), the following Review, Revisional and Appeal Boards are hereby constituted till further orders for speedy disposal of reviews, revision and appeals.

i) For DSPs, following shall be the Review, Revisional and Appellate Boards:-

Inspector General of Police	Chairman
Deputy Inspector General of Police, HQrs	Member
AIG/ Establishment CPO	Member.
AIG/ Legal CPO	Member

ii) Appellate /Revisional Boards for Upper & Lower subordinates.

i.	For Inspectors	1. Addl. IGP/ HQr. Khyber Pakhtunkhwa 2. DIG of Police Training
ii.	For SIs/ASIs	1. DIG/HQrs Khyber Pakhtunkhwa 2. AIG/Legal CPO
iii	For HCs/FCs	1. AIG/Establishment CPO 2. AIG/ Logistics CPO

2) Final orders on the recommendations of the Review, Revisional/ Appellate Board shall be passed by Inspector General of Police, Khyber Pakhtunkhwa.

(NASIR KHAN DURRANI)

Inspector General of Police,

Khyber Pakhtunkhwa,

Peshawar.

No. 4591-4660 Legal dated 13/10/2014

Copy of above is forwarded to the:-

1. All: Addl. IGPs of Police in Khyber Pakhtunkhwa.
2. CCPO, Peshawar.
3. All RPOs, Peshawar.
4. All DIGs in Khyber Pakhtunkhwa.
5. All AIGs in Khyber Pakhtunkhwa.
6. All DPOs in Khyber Pakhtunkhwa.
7. All SPs Investigation in Khyber Pakhtunkhwa.
8. District CPO

Attested
[Signature]

Additionaly [Signature]

بھجور جناب انسپکٹر جنرل آف پولیس صاحب بہادر خیبر پختون خواہ پشاور۔

عنوان:- درخواست برآمد بحالی کنسٹیبل سابقہ نمبری 1607 ضلع سوات۔

جناب عالی!

سائل جناب حضور اقدس کے خدمت میں ذیل گزارشات عرض کرنا چاہتا ہے۔

(1) یہ کہ سائل مورخہ 30-12-2008 کو ضلع پولیس سوات میں بحیثیت کنسٹیبل بھرتی ہو کر اپنے ڈیوٹی ایمانداری سے سرانجام دے رہا تھا۔

(2) یہ کہ سائل مورخہ 19-01-2009 کو کشیدہ حالات میں دوران ڈیوٹی بیمار ہو کر علاج معالجے کا خاطر ہسپتال جا رہا تھا۔ کہ راستے میں دہشت گرد طالبان نے اٹھا کر اپنے ساتھ لے گیا۔ اور سائل کو انتہائی خوف، تشدد کے عالم میں رکھ کر ذہنی طور پر مفلوج بنا کر ساتھ رکھا۔ سائل کے ساتھ دیگر مقید ساتھیوں کو بے دردی سے قتل کئے۔

(3) یہ کہ سائل کو اپنے ساتھ طویل عرصہ رکھ کر آخر کار اس شرط پر رہائی دلائی کہ پولیس کی نوکری مزید نہیں کریں گے۔ سائل نے رہائی پاتے ہوئے ڈیوٹی کی جگہ پہنچ کر جہاں پر اُسے معلوم ہوا کہ اُسے غیر حاضری کے وجہ سے برخاست کیا گیا ہے۔ سائل گھر آ کر معلوم ہوا کہ اُس کا خاندان حکومتی اعلان کے مطابق علاقہ سے ترک سکونت زیریں علاقہ پشاور رہائش پذیر ہیں۔

(4) آخر کار سائل کا خاندان تک رسائی حاصل ہو کر معلوم ہوا کہ والد آم نے میرے گمشدگی کی نسبت مقام تھانہ میں رپورٹ کیا تھا۔ چونکہ سائل دہشت گردوں کے ہاتھوں جسمانی اور ذہنی طور پر مفلوج ہو چکا تھا۔

(5) سائل نے صحت بحالی کے خاطر پشاور میں علاج معالجہ جاری رکھ کر صحت یابی تک وہاں خاندان کے ساتھ پشاور میں مقیم رہا۔ جو کہ اب سائل مکمل صحت یاب ہے۔

(6) سائل سے غیر حاضری ارادتا سرزد نہیں ہوا ہے۔ بلکہ سائل دہشت گردوں کے ہاتھوں لگ کر جس سے سائل کو جانی مالی نقصان اٹھانا پڑا۔ اور جھکے نے بغیر کسی تصدیق، معلومات کے ایک طرفہ کارروائی کر کے سائل کو جھکے سے برخاست کیا ہے۔

(7) چونکہ سائل نے حالات، واقعات کے پیش نظر ڈیوٹی سے عدم موجودگی سرزد ہوئی ہے۔ غیر حاضری ارادتا نہیں کیا ہے۔ بلکہ حالات سے متاثر ہو چکا ہے۔

لہذا انجناب کے خدمت میں بذریعہ درخواست استدعا ہے کہ سائل کے حال پر رحم فرما کر دوبارہ اپنے پوسٹ پر بحال کرنے کا حکم صادر فرمائیں۔ تو سائل تاحیات دعا گو رہیگا۔

الحاضر

تابعدار عبدالحمان سابقہ کنسٹیبل نمبری 1607

ولدیت جمعہ دوست ساکن بنجوٹ ضلع سوات۔

Atta Khan

K 4516 -16 19-12-07

C O R D E R:

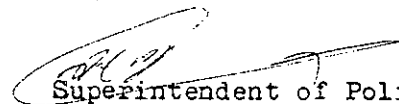
Constable Mohammad Saeed Khan No.1613 of FRP, Swat was absented himself from his lawful duty from 28.10.2007 to 30.11.2007 (30 Days) therefore he has been suspended vide this Office No.1053/EC, dated 7.11.2007.

He was proceeded against departmentally as required under new Special Power Ordinance, 2000, therefore Enquiry Committee consisting on the following officer or FRP/ Swat has been constituted by the Superintendent of Police, FRP Swat in the matter.

The Enquiry Committee completed all the codal formalities, recorded the statement of the above named Constable in which he indicated that he was become a patient of Hifitites, but his village Charbagh was become in the control of Tirrorist that as why he was unable to inform his superior officer and proceeded the Medical Certificates while provide correct by the Enquiry officer in his Finding Report. The Enquiry Officer on Medical Ground and clear medical record of the Constable concerned recommended that the absence period from 28.10.2007 to 30.11.2007 (30 days) be counted as Mediaal Leave.

I the undersigned thoroughly perused all the Enquiry Papers aswell as Finding Report and Service Roll of the above named Constable which found clear, therefore agreed with the Finding Report of the Enquiry Officer. Therefore absence period from 28.10.2007 to 6.11.2007 (10 days) counted as Medical Leave and the remaining period from 7.11.2007 to 30.11.2007 (20 days) counted as Leave without pay, Re-instated in Service from the date of his suspension, whoever issued last worning Pay Released.

OB 346
Dated 12/12/07


Superintendent of Police,
FRP Malakand Range, Swat.



1613
2903
4516

17

30-11-10

ORDER

WHEREAS as per the approval of the Provincial Police Officer, Khyber Pukhtunkhwa a Committee had been constituted vide this office No: 9871-77/E dated 16/11/2010, headed by DPO Swat to reconsider the cases of the personnel dismissed during militancy.

AND WHEREAS the Committee has, after thorough deliberations and scrutiny of the relevant record, submitted its findings vide No: 14732/E dated 29/11/2010 wherein 253 personnel have been recommended for reinstatement in service.

NOW THEREFORE as per the approval of the Provincial Police Officer, the following personnel recommended by the Committee are hereby reinstated in service with effect from the date of their dismissal. The period during which they remained out of service after dismissal and the period of their absence will be treated as leave without pay.

S.No.	Name and No.
1.	Ex-Constable Bahader Khan No. 1322
2.	Ex-HC Mian Said Rehman No.582
3.	Ex-Constable Muhammad Saeed No. 1543
4.	Ex-Constable Fida Hussain No. 751
5.	Ex-Constable Zia-ud-din No.1581
6.	Ex-Constable Sami Ullah No. 103
7.	Ex-Constable Sadiq Akbar No. 340
8.	Ex-Constable Ayaz Ali No. 1482
9.	Ex-PASI Ijaz Ali No.35 (Shaheed Son)
10.	Ex-Constable Farman Ali No.757
11.	Ex-Constable Shafiullah No. 298
12.	Ex-Constable Sher Ali Khan No. 443
13.	Ex-Constable Sabir Hussain No. 1421
14.	Ex-Constable Sharafaz Khan No. 776
15.	Ex-Constable Fazal Anwer No. 1091
16.	Ex-Constable Asmat Ali No. 1304
17.	Ex-Constable Niaz Mehd No. 822
18.	Ex-Constable Abdul Wadod No. 151
19.	Ex-Constable Muhammad Shoib No 112/RR
20.	Ex-Constable Shah Hussain No. 1257
21.	Ex-HC Abdul Wali Khan No. 378
22.	Ex-Constable Naseer Un-din No.1415
23.	Ex-Constable Ajmal Khan No. 1524

Attested


24.	Ex-Constable Gul Faraz Khan No. 1512
25.	Ex-Constable Fazal Waood No. 1238
26.	Ex-Constable Sultanat Khan No. 556
27.	Ex-Constable Bakht Nawab No. 141/RR
28.	Ex-Constable Saeed ulah No. 1043
29.	Ex-Constable Nasir Ali No.1074
30.	Ex-Constable Zahoor Ahmad No. 1038
31.	Ex-Constable Said Akbar No.1118
32.	Ex-Constable Muhamrad Ali No.1850
33.	Ex-Constable Falak Ze No. 887
34.	Ex-Constable Adalat Khan No. 1254
35.	Ex-Constable Malak Zaida No. 953
36.	Ex-Constable Zahoor Ahmad No. 165/RR
37.	Ex-Constable Akhtar Ali No. 49
38.	Ex-Constable Shakir Hussain No. 290
39.	Ex-Constable Akbar A No. 1306
40.	Ex-Constable Akber A No. 1528
41.	Ex-Constable Zoor Muhammad Khan No. 549
42.	Ex-Constable Muhamrad Alam No 512
43.	Ex-Constable Amir Khan No. 30
44.	Ex-Constable Naseer-ullah Khan No. 1428
45.	Ex-Constable Muhamrad Zeb Khan No. 371
46.	Ex-Constable Hayat Muhammad Khan No. 143
47.	Ex-Constable Subhan ullah No. 186/RR
48.	Ex-Constable Asad-ullah Jan No. 1226
49.	Ex-Constable Rasheed Khan No. 33/RR
50.	Ex-Constable Habib-ullah - Rehman No. 205/RR
51.	Ex-Constable Abdulla No. 885
52.	Ex-Constable Niaz Ali Shah No. 130/RR
53.	Ex-Constable Sher Ali Khan No. 144/RR
54.	Ex-Constable Said Mahmood Jan No. 615
55.	Ex-Constable Muhammad Shoaib No. 645
56.	Ex-Constable Ajab Khan No. 172
57.	Ex-Constable Tariq No. 1534
58.	Ex-Constable Karim ullah Khan No. 608
59.	Ex-Constable Shafiq ullah No. 1506
60.	Ex-Constable Bashir Ahmad No. 1457
61.	Ex-Constable Izzat Mond No. 1244
62.	Ex-Constable Shehzada No. 364
63.	Ex-Constable Umar Saib No. 1448
64.	Ex-Constable Majee Khan No. 81

Attested
/

65.	Ex-Constable Shamshe Khan No. 508
66.	Ex-Constable Sabz Ali Khan No. 1447
67.	Ex-Constable Baktawar Khan No. 1251
68.	Ex-Constable Bacha Wali No. 1434
69.	Ex-Constable Rasheed Ahmad No. 1791
70.	Ex-Constable Muhd Sher Ali Khan No. 463
71.	Ex-Constable Adalat Khan No. 275
72.	Ex-Constable Mian Sai Parvez No. 752
73.	Ex-Constable Jahan Parvez No. 293
74.	Ex-Constable Rehmat Ali No. 927
75.	Ex-Constable Abdul Hameed No. 206
76.	Ex-Constable Bakht Ullah No. 92
77.	Ex-Constable Shokat Ali No. 1371
78.	Ex-Constable Zikriya No. 421
79.	Ex-Constable Zahir Ahmad No. 1450
80.	Ex-Constable Said Ahmad Khan No. 917
81.	Ex-Constable Bakht Zamin No. 1694
82.	Ex-Constable Riaz Muhammad No. 1467
83.	Ex-Constable Zahid Ullah No. 1394
84.	Ex-Constable Bakht Narnoz No. 667
85.	Ex-Constable Mian Sai Gul No. 344
86.	Ex-Constable Hidayatullah Khan No. 335
87.	Ex-Constable Umar Roman No. 728
88.	Ex-Constable Gohar Ali No. 625
89.	Ex-Constable Said Azam No. 42/RR
90.	Ex-ASI Aman Khan
91.	Ex-Constable Najib Ullah No. 1481
92.	Ex-Constable Atta Ullah No. 1514
93.	Ex-Constable Feroz Khan No. 961
94.	Ex-Constable Ubaid Ullah No. 190
95.	Ex-Constable Akbar Bach No. 852
96.	Ex-Constable Sher Alan No. 996
97.	Ex-Constable Muhammad Ayaz No. 488
98.	Ex-Constable Anwar-Ullah No. 572
99.	Ex-Constable Muhammad Iqbal No. 369
100.	Ex-Constable Gohar Ali No. 642
101.	Ex-Constable Rizwan Ullah No. 1454
102.	Ex-Constable Yousaf Khan No. 350
103.	Ex-Constable Farooq No. 13
104.	Ex-Constable Muhammad Shoaib No. 1528
105.	Ex-Constable Ali Muhammad No. 1456

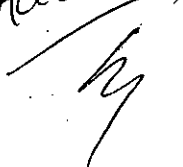
Attest
/s/

106.	Ex-Constable Mumtaz Ali No. 62
107.	Ex-Constable Shah Wali Khan No. 1502
108.	Ex-Constable Mian Khaliq Jan No. 383
109.	Ex-Constable Luqman Ali No. 95
110.	Ex-Constable Jehan Ali No. 195
111.	Ex-Constable Musharraf Khan No. 1113
112.	Ex-Constable Amir Muhammad No. 176/RR
113.	Ex-Constable Alam Khan No. 1078
114.	Ex-Constable Sher Shah No. 862
115.	Ex-Constable Amjid Ali No. 1044
116.	Ex-Constable Sher Ali Khan No. 1353
117.	Ex-Constable Iftikhar No. 564
118.	Ex-Constable Bakht Akbar No. 1288
119.	Ex-Constable Taj Muhammad No. 1111
120.	Ex-Constable Alam Bashah No. 1196
121.	Ex-Constable Liaqat Ali No. 225
122.	Ex-Constable Liaqat Ali No. 253
123.	Ex-Constable Azam Khan No. 1427
124.	Ex-Constable Habib Ullah No. 1446
125.	Ex-Constable Yar Badshah No. 933
126.	Ex-Constable Nadar Shah No. 468
127.	Ex-Constable Nazir Muhammad No. 1379
128.	Ex-HC Asghar Khan No. 31
129.	Ex-Constable Ali Rashid No. 1480
130.	Ex-Constable Fazal Rehman No. 784
131.	Ex-Constable Bakhtaj No. 1329
132.	Ex-Constable Ibrar Hussain No. 420
133.	Ex-Constable Zafar Alam No. 653
134.	Ex-Constable Muhd Rafiq No. 1633
135.	Ex-Constable Sajjad Khan No. 1518
136.	Ex-Constable Umar Kitab No. 1109
137.	Ex-Constable Ahmad Ali No. 1318
138.	Ex-Constable Rehmat Ali No. 175
139.	Ex-Constable Iqbal Hussain No. 1486
140.	Ex-Constable Rehman Ullah No. 1466
141.	Ex-Constable Ayaz Ahmad No. 320
142.	Ex-Constable Sadiq No. 1470
143.	Ex-Constable Shafiqur-Rehman No. 851
144.	Ex-Constable Bashir Ahmad No. 1377
145.	Ex-Constable Liaqat Ali No. 1345
146.	Ex-Constable Aziz-ullah No. 1170

Attested


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147.	Ex-Constable Zakir Hussain No. 308
148.	Ex-Constable Midrarullah No. 533
149.	Ex-Constable Muslim Khan No. 198/RR
150.	Ex-Constable Zafar Ali Shah No. 74
151.	Ex-Constable Najib Ullah Khan No.1439
152.	Ex-Constable Rahim Khan No. 571
153.	Ex-Constable Azam Khan No.45
154.	Ex-Constable Mian Saibacha No. 1362
155.	Ex-Constable Hazrat Alam No. 1570
156.	Ex-Constable Irfan Uddin No. 1549
157.	Ex-Constable Sher Hassan Khan No. 685
158.	Ex-Constable Muhd Raqiq No. 131/RR
159.	Ex-Constable Mian Saib Farooq No. 333
160.	Ex-Constable Muhammad Tahir No. 1703
161.	Ex-Constable Bahadur Nawab Khan No. 1635
162.	Ex-Constable Amir Khan No. 1604
163.	Ex-Constable Samiullah No. 1588
164.	Ex-Constable Muhammad Qasim No. 1688
165.	Ex-Constable Muhd. Af Khan No. 1393
166.	Ex-Constable Asmat Ali No. 1723
167.	Ex-Constable Farhad Ali No. 1761
168.	Ex-Constable Mian Saib Ghani No. 1689
169.	Ex-Constable Inam Ullah No. 1145
170.	Ex-Constable Umar Farooq No. 1677
171.	Ex-Constable Israr Ahmad No. 1622
172.	Ex-Constable Amal Khan No. 1569
173.	Ex-Constable Rehmat Ali No. 496
174.	Ex-Constable Zara Wahab No. 134
175.	Ex-Constable Anwar Ullah No. 1666
176.	Ex-Constable Bakht Khan No. 1800
177.	Ex-Constable Anwar Ali No. 1574
178.	Ex-Constable Aziz Ullah Khan No. 1591
179.	Ex-Constable Hazrat Ehsan No. 1776
180.	Ex-Constable Farman Ali No. 217/RR
181.	Ex-Constable Muhd Alam Khan No. 1774
182.	Ex-Constable Asghar Idris No. 1720
183.	Ex-Constable Abdullah No. 1661
184.	Ex-Constable Mohammd Azim No. 971
185.	Ex-Constable Said Sarfraz No.1600
186.	Ex-Constable Samin Khan No. 1724
187.	Ex-Constable Salman Hashar No. 1575

Accepted


188.	Ex-Constable Hayat Ali	No. 1614
189.	Ex-Constable Liaqat Ali Khan	No. 1414
190.	Ex-Constable Yaqub Khan	No. 1601
191.	Ex-Constable Farman Ali	No. 1069
192.	Ex-Constable Rehmat Ali	No. 1679
193.	Ex-Constable Fayaz Ali	No. 914
194.	Ex-Constable Wali Ahmad	No. 841
195.	Ex-Constable Barkat Ali Khan	No. 190/RR
196.	Ex-Constable Nazir Mahmood	No. 1771
197.	Ex-Constable Mohim Esha	No. 1608
198.	Ex-Constable Muhd. Kashif	No. 1579
199.	Ex-Constable Nisar Ahmad	No. 1565
200.	Ex-Constable Fazal Haq	No. 1589
201.	Ex-Constable Ajab Khan	No. 1553
202.	Ex-Constable Shah Ali Yar Khan	No. 1645
203.	Ex-Constable Hazrat Ali	No. 1797
204.	Ex-Constable Zia Ullah	No. 104/RR
205.	Ex-Constable Naeem Ullah	No. 1716
206.	Ex-Constable Amjid Ali	No. 1624
207.	Ex-Constable Farhad Ali	No. 127
208.	Ex-Constable Hazrat Usman	No. 1691
209.	Ex-Constable Umar Zaman	No. 160/RR
210.	Ex-Constable Zafar Ali	No. 159
211.	Ex-Constable Saeed Ullah	No. 1513
212.	Ex-Constable Sher Badar Shah	No. 211/RR
213.	Ex-Constable Arif Ali Shah	No. 828
214.	Ex-Constable Fazal Ahmad	No. 1647
215.	Ex-Constable Abdur Rehman	No. 1607
216.	Ex-Constable Muhammad Ikram	No. 240
217.	Ex-Constable Inayat Ullah	No. 1665
218.	Ex-Constable Sajid Ullah	No. 1672
219.	Ex-Constable Karim Ullah	No. 1788
220.	Ex-Constable Umar Muhammad	No. 1361
221.	Ex-Constable Nawab Rehman	No. 1664
222.	Ex-Constable Zai Ullah Khan	No. 9/RR
223.	Ex-Constable Qayum Khan	No. 1586
224.	Ex-Constable Imran Ali	No. 531
225.	Ex-Constable Nasir Ali	No. 1623
226.	Ex-Constable Riaz Ali	No. 1559
227.	Ex-Constable Haider Ali	No. 1667
228.	Ex-Constable Badsha Muhammad	No. 142/RR

Attested


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229.	Ex-Constable Sher Zaman No. 1167
230.	Ex-Constable Muhammad Jan No. 1708
231.	Ex-Constable Mian Gul Bacha No. 1696
232.	Ex-Constable Saif Ullah No. 1769
233.	Ex-Constable Zahir Ullah No. 1644
234.	Ex-Constable Parveez Khan No. 65/RR
235.	Ex-Constable Muhammad Naeem No. 1746
236.	Ex-Constable Fazal Bacha No. 605
237.	Ex-Constable Barkat Ali No. 1312
238.	Ex-Constable Amir Zeb No. 1787
239.	Ex-Constable Kalim Ullah Jan No. 1656
240.	Ex-Constable Zai-ur-Rehman No. 1694
241.	Ex-Constable Muhammad Alam No. 1730
242.	Ex-Constable Fazal Hayat No. 1658
243.	Ex-Constable Hazrat Nawaz Khan No. 721
244.	Ex-Constable Ikram Ullah No. 1606
245.	Ex-Constable Tariq Pahim No. 1782
246.	Ex-Constable Wali Khan No. 212/RR
247.	Ex-Constable Abdali Khan No. 188/RR
248.	Ex-Constable Muhammad Parvez No. 63/RR
249.	Ex-Constable Muhammad Zahid No. 71/RR
250.	Ex-Constable Sardar Ali No. 45/RR
251.	Ex-Constable Luqman No. 95
252.	Ex-Constable Bahad Ali No. 4688/FRP
253.	Ex-Constable Sher Aziz No. 4388/FRP

Order announced.

(WAZI JAMIL-UR-REHMAN)
Deputy Inspector General of Police,
Malakand Region, Saidu Sharif, Swat.
SAIF

No. 102.14-16/E,

Dated 30/11/2010.

Copy for information and necessary action to the:-

1. Provincial Police Officer, Khyber Pukhtoon hwa, Peshawar.
2. District Police Officer, Swat.
3. Superintendent of Police, FRP, Swat.

24
(20)

OFFICE ORDER

WHEREAS as per the approval of the Provincial Police Officer, FR, Pukhtunkhwa a Committee had been constituted vide this office No:9871 dated 16/11/2010, headed by DPO Swat to reconsider the cases of the persons absented during militancy.

AND WHEREAS the Committee has, after thorough deliberation scrutiny of the relevant record, submitted its findings vide No:89/OASI, 04/01/2012 wherein 12 personnel have been recommended for reinstatement service.

NOW THEREFORE as per the approval of the Provincial Police Officer, following personnel recommended by the Committee are hereby reinstated service with effect from the date of their dismissal. The period during which remained out of service after dismissal and the period of their absence will be treated as leave without pay.

S.No	Name and No.
1.	Ex-Constable Minhaj-ud-Din No.139
2.	Ex-Constable Zahoor Hussain No.1738
3.	Ex-Constable Ali Baz No.501
4.	Ex-Constable Muhammad Israr.No.118
5.	Ex-Constable Attaullah No.924
6.	Ex-Constable Muhammad Ali No.1653
7.	Ex-Constable Fazal Hanan No.150-1
8.	Ex-Constable Ikram No.1189
9.	Ex-Constable Qaisar Ali Shah No.675
10.	Ex-Constable Bashir Ahmad No.270
11.	Ex-Constable Parwanat Khan No.30
12.	Ex-Constable Fazal Rabbi No.579

Order announced:

(AKHTAR HAYAT KHAN)
Deputy Inspector General of Police
Malakand Region, Saidu Sharif, Swat

No. _____ /E,

Dated 07/02/2012

Copy for information and necessary action to the :-

1. Provincial Police Officer,, Khyber Pukhtunkhwa, Peshawar.
2. District Police Officer, Swat.

AKHTAR HAYAT KHAN
[Signature]
[Signature]

25

27-1-15

ORDER

This order shall dispose off the departmental appeal lodged by, Ex-Constable Ghuas Ali Khan No.4344 of FRP Malakand Range Swat against the order of SP FRP Malakand Range Swat.

Ex-Constable Ghuas Ali Khan No.4344 was enlisted as Constable in Police department on 14.02.2004. He while posted to Platoon No.72 at Gul Kadda Swat absented himself from lawful duty w.e.f 07.01.2009 till his removal from Service. He was issued charge sheet and statement of allegations vide SP FRP Malakand Range Swat office Endst: No.746/EC dated 19.02.2009, but neither he reported for duty nor submitted reply to the charge sheet in stipulated period. Thus issue Final Show Cause Notice, however he failed to submit reply to the Final Show Cause Notice in the stipulated period. The defaulter Constable was recommended for removal from service by the Enquiry Committee.

In the Light of recommendation of the enquiry Committee and material on record, the defaulter Constable Ghuas Ali Khan No.4344 was removed from Service vide SP FRP Malakand Range Swat office O.B No77 dated 30.06.2009

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. removal from service is here by set aside. Ex- Constable Ghuas Ali Khan No.4344 of FRP Malakand Range Swat is here by re-instated in service with immediate effect. However the period of absence and the intervening period from service is treated as extra ordinary leave without pay.

97

Janigmi
Commandant
Frontier Reserve Police
Khyber Pakhtunkhwa Peshawar

9865
No. /EC dated Peshawar the

27-1-11 /2015.

Copy of above alongwith service record is submitted to the SP FRP Malakand Range Swat for information and necessary action.

Adarves

ORDER

26

1-3-16

This order is hereby passed to dispose of departmental appeal under Rule 11-a. of Khyber Pakhtunkhwa Police Rules 1975, submitted by Ex-Constable shafi ullah No. 660 of FRP/Peshawar range, against the order of the SP, FRP/Peshawar Range, Peshawar in which the applicant was removed from service.

Brief facts of the case are that the applicant was enlisted in FRP on 28.05.2007, he absented himself from duty w. e. from 29.09.2008 till to the date of his 13.02.2009, without prior permission or leave of the Competent Authority, for the period of 04 Months and 16 days.

The accused official was issued charge sheet and summary of allegations and Enquiry Officer was nominated to conduct enquiry into the matter, enquiry officer submitted his findings wherein he recommended that to take stern action against him. Upon the findings of EO he was issued final show cause notice to which he received but he failed to submit his reply within stipulated period. Thereafter, on 13.02.2009 the he was removed from service.

The enquiry file of the applicant was perused and found that he has not dealt with proper departmental proceedings as he was not participated with the enquiry proceedings while he was dismissed from service unheard.

He was also heard in person, during the course of hearing he advanced cogent reasons in his defense, his plea was found plausible and satisfactory.

Keeping in view the above and as well as his poor family background I take a lenient view, Ex-Constable shafi ullah No. 660 of FRP/Peshawar range is hereby re-instated in service from the date of dismissal from service. However, his absence period from duty and the intervening period from service are treated as extra ordinary leave without pay.

Order enounced

[Signature]
Commandant
Frontier Reserve Police
Khyber Pakhtunkhwa, Peshawar.

No 1882/EC dated Peshawar the 01/02/2016

Copy of above is forwarded for information and necessary action to the SP, FRP/Peshawar Range, and Peshawar. His service record sent herewith.

[Signature]



27 19-5-16
OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
CENTRAL POLICE OFFICE,
PESHAWAR.

No. S/ 4058 /16, dated Peshawar the 19/05/2016.

ORDER

This order is hereby passed to dispose of departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 submitted by Ex-Constable Abdul Hanan No. 1607. The appellant was awarded punishment of dismissal from service by DPO, Swat vide OB No. 146, dated 12.10.2009, on charges of absence for a period of 08 months and 23 days.

He preferred appeal before the RPO, Malakand which was examined and filed / rejected vide Order No. 2073/E, dated 26.02.2016.

Meeting of Appeal Board was held on 14.04.2016, wherein the appellant was heard in person. The enquiry papers were also examined. On examination of record, it revealed that the petitioner absented himself for a period of 08 months and 23 days. His service length is only 20 days. The impugned order of dismissal was passed in the year 2009 and he submitted appeal in the year 2015. His appeal is badly time barred. Therefore, the petition of the petitioner is barred by law and limitation and worth rejection.

This order is issued with approval by the Competent Authority.

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

No. S/ 4059-66, /16,

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

1. Regional Police Officer, Malakand Region, Swat.
2. District Police Officer, Swat.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. PRO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
5. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-IV, CPO, Peshawar.
8. I/C Central Registry Cell, (CRC), CPO.

Anees

M

28

23-5-12

BEFORE KPK SERVICE TRIBUNAL PESHAWAR

S.A No. 588 /2012

23/05/12

262

23/05/12

Munir Ali S/o Muhammad Mashai Khan,
R/o Char Bagh, Ex-C. No. 4708, FRP,
Police Station Matta, Swat



Appellant

Versus

1. Commandant, FRP, KPK, Peshawar.
2. Superintendent of Police, FRP, Malakand Region, Swat.
3. Provincial Police Officer, KPK, Peshawar. Respondents

APPEAL AGAINST OFFICE ORDER
NO.1964-65/EC, DATED 09.04.2012 OF
R.NO.1 (APPELLATE AUTHORITY)
WHEREBY REPRESENTATION OF
APPELLANT WAS REJECTED AGAINST OR
NO.138 DATED 10.10.2008 OF R.NO.2
TRIBUNAL AUTHORITY) WHO
DISMISSED APPELLANT FROM SERVICE
FOR NO LEGAL REASON.

Handwritten notes and signatures on the left margin, including a circular stamp.

Respectfully Sheweth,

1. That on 25.07.2007, appellant was enlisted as FRP constable in Malakand Range by R.No.1.
2. That it was an admitted fact that the whole Swat valley was under the control of miscreants/Taliban. Normal life was absolutely ineffective. Miscreants/Taliban were kidnapping, killing and harassing Government employees, especially of

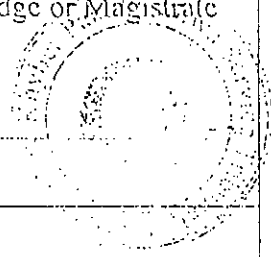
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Handwritten signature at the bottom of the page.

29

2-5-16

Date of Order or proceedings.	2	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
Date of proceedings.	02.05.2016	<p style="text-align: center;">3</p> <p style="text-align: center;">BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, CAMP COURT SWAT.</p> <p style="text-align: center;">APPEAL NO. 588/2012</p> <p style="text-align: center;">(Murad Ali Vs. Commandant FRP, KPK Peshawar & 2 others.)</p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p style="text-align: center;"><u>MUHAMMAD AZIM KHAN AFRIDI, CHAIRMAN:</u></p> <p>Appellant with counsel and Mr. Muhammad Zubair, Senior Government Pleader alongwith Mushtaq Ahmad, Inspector (Legal) for the respondents present.</p> <p>Murad Ali son of Muhammad Mashal Khan hereinafter referred to as the appellant has preferred the instant appeal against order dated 09.4.2012 communicated to the appellant on 02.5.2012 vide which his departmental appeal against original order dated 10.10.2008 of removal from service was regretted.</p> <p>Brief facts giving rise to the present appeal are that the appellant was appointed as Constable in FRP Malakand Range vide appointment order dated 25.07.2007. While serving so he was found absent from duty for a period of 3 months and 8 days and after conducting enquiry removed from service vide order dated 10.10.2008 where-against departmental appeal of the appellant was rejected on 09.4.2012 and hence the instant service appeal on 23.05.2012.</p>



(Handwritten signature/initials)

Adverses

We have heard arguments of the learned counsel for the parties and perused the record.

Perusal of the record would suggest that charge sheet dated 09.08.2008 was communicated to the appellant on the allegations of wilful absence, however, according to findings/report of the enquiry committee appellant had not turned up in response to notice issued to the appellant for resuming duty and facing an enquiry. It is evident from the record that enquiry procedure was not followed by the enquiry committee as the appellant was neither associated with the enquiry proceedings nor any opportunity of hearing afforded to him and, furthermore, in case of absence, publication of any notice in prescribed manners was not made in the newspapers. Furthermore the alleged period of absence was during the days of militancy and, according to the stance of the appellant, similarly placed employees were reinstated in service and that appellant was also entitled to same treatment.

Since the appellant was subjected to enquiry wherein neither prescribed procedure was followed nor appellant associated with the same as such we deem it more appropriate to set aside the impugned original order dated 10.10.2008 as well as the order dated 09.10.2012 and as a consequence thereof reinstate the appellant in service, placing the respondents at liberty to departmentally proceed against the appellant afresh, if need be, and that the plea of the appellant in respect of reinstatement of similarly placed persons in service shall also be taken into account during the enquiry which shall be concluded within the period of 2 month from the date of receipt of this judgment. In case the

EXAMINED
By
Date

Attest
[Signature]

enquiry is not conducted then the period of absence till reinstatement be treated as leave of the kind due. The appeal is disposed of accordingly. Parties are however left to bear their own costs. File be consigned to the record room.

Announced sdt- M. Azim Khan Afzidi,
02.05.2016 Chairman

sdt- Abdul Latif,
Member

Copy to
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10-05-2016
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12-05-2016
12-05-2016

Attended
/s/

یعدالت جناب سرسٹریٹریٹل صوبہ سرحد پشاور

مجناب ایڈوائس

محلہ کوئٹہ

عبدالرحمان

دعوی اپیل

باعث تحریر اینکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن مقام پشاور کیلئے اسعد افسانہ خان سروسٹریٹریٹ ایڈوائس ہائی کورٹ کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کابل اختیار ہوگا نیز وکیل صاحب کو کرنے رضی نامہ و تقرر ثالث و فیصلہ برحلف دینے جواب دہی اور اقبال دعوی اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ اور رضی دعوی اور درخواست ہر قسم کی تقدیق اور اس پر دستخط کرانے کا اختیار ہوگا نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور تیسویں نیز دائر کرنے اپیل نگران و نظر ثانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مشاور قانونی کو اپنے ہمراہ یا اپنی بجائے تقدیر کا اختیار ہوگا اور صاحب مقدمہ مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور قبول ہوگا اور دوران مقدمہ میں جو خرچہ و ہرجانہ التوا مقدمہ کے سبب سے ہوگا اس کے مستحق وکیل صاحب موصوف ہوں گے نیز بقایا و خرچہ کی وصولی کرنے کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام روزہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکور کریں۔

لہذا وکالت نامہ رکھ دیا کہ سند ہے۔

المرقوم 7/6

التعبید

11
آریاب سید اسمان
ایڈوائس

سید الشہ خان مرقت
ایڈوائس

التعبید
A. H.

من رویتہ تاز
ایڈوائس

BEFORE THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 614/2016

Abdul Hanan Ex Constable No.1607 Swat

..... (Appellant)

VERSUS

1. Inspector General of Police Khyber Pakhtunkhwa, Peshawar.
2. Regional Police Officer, Malakand Region at Saidu Sharif, Swat
3. District Police Officer, Swat

..... (Respondents)

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5.	Charge Sheet	"B"	7
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District Police Officer, Swat
(Respondent No. 03)

~~District Police Officer,
Swat~~

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 614/2016

Abdul Hanan Ex Constable No.1607 Swat

..... (Appellant)

VERSUS

- 1. Inspector General of Police Khyber Pakhtunkhwa, Peshawar.
- 2. Regional Police Officer, Malakand Region at Saidu Sharif, Swat
- 3. District Police Officer, Swat

..... (Respondents)

PARA WISE COMMENTS OR BEHALF OF RESPONDENTS.

Respectfully Sheweth:

Preliminary objections:

- 1. That the Service Appeal is badly time burred.
- 2. That the appellant has got no cause of action and locus standi to prefer the instant appeal.
- 3. That the appellant is estopped due to his own conduct.
- 4. That the instant Appeal is not maintainable.
- 5. That the appellant has concealed material facts from this honorable Tribunal.
- 6. That the Instant Appeal is bad in the present form.
- 7. That the order of the competent Authority has got finality and cannot be challenged.

ON FACTS:

- 1. Para No. 1 pertains to the service record of the appellant, hence needs no comments.
- 2. Correct to the extent that the appellant was departed to hospital, but he never returned, Actually the appellant deliberately absented himself from duty and became deserter like others.
- 3. Correct to the extent that application was submitted but the fact has never been proved that the appellant was kidnapped by insurgents.
- 4. Incorrect. The said certificate is issued by the incompetent authority. In fact that certificate was prepared by P.A to Respondent No.3 and signed by him as well. That certificate bears no dispatch number, wherein he has recommended himself for promotion and other incentives, which certificate can't be relied upon.
- 5. Correct to the extent of issuing of charge sheet against the appellant. The appellant deliberately absented himself from duty and thereby willfully avoided receipt of charge sheet.

- 6. Correct to the extent of enquiry against him. The appellant was absented from duty and he willfully avoided association with enquiry proceedings. Proper departmental enquiry was conducted against him and he was proved guilty of willful absence amounting to misconduct. Vide copies of DD report, Charge sheet, statement of allegations, finding reports, final show cause notice and final order as annexure "A", "B", "C", "D", "E" & "F" respectively.
- 7. Correct.
- 8. Correct to the extent of issuing final show cause notice. The appellant deliberately absented himself from duty and was unwilling to either report for duty or reply to show cause notice.
- 9. Correct.
- 10. Incorrect. Revisional Boards were constituted u/s 11-A of Police Rules -1975 to entertain revisions against the appellate orders of the appellate authority within limitation specified therein. The jurisdiction of the revisional Boards was not aimed at entertaining cases of those absent from duty in insurgency in Malakand. The issue of absence, dismissal, penalty and disappearance of Police in times of insurgency (2009) is a past and closed transaction.
- 11. Correct to the extent that application was preferred before the Respondent No.1 The appellant never availed the remedy of departmental appeal which lies to Respondent No.2 against the order of Respondent No.3. Moreover the kidnapping of the appellant is not proved. No FIR has been registered against militants for kidnapping the appellant.
- 12. Incorrect. Every case has its own merits and facts. The appellant never applied for re-instatement in Service when applications were called and 253 personnel were re-instated in to Service, but now the case of the appellant is badly time barred as he can't be re-instated in Service after almost 7 years.
- 13. Correct. The application of the appellant was badly time barred. Moreover he didn't prefer departmental Appeal before the respondent No.2 against the order of respondent No.3.
- 14. Incorrect. Every case has its own merits and facts.


GROUNDS:

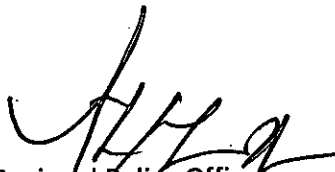
- a. Incorrect. The appellant deliberately absented himself from duty, deserted and committed cowardice.
- b. Incorrect. Being member of law enforcement department, the appellant was duty bound to fight against insurgents. Instead of fighting against militants, the appellant deserted.

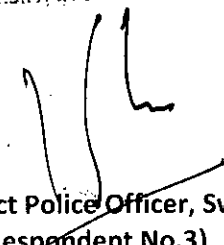
- c. Incorrect. The Revisional Boards have been constituted for the purpose of entertaining revision petition against the appellate orders of the appellate authority U/s 11-A of Police Rules-1975. The case of the appellant is not covered by the said rule. The appellant didn't exhaust the remedy of departmental Appeal within limitation period.
- d. Incorrect. As explained in the preceding paras, the review/revisional boards were not constituted for the purpose of scrutiny of cases of those police personnel who were dismissed from service or removed in the time of insurgency (2008-2009) rather the same was aimed at entertaining revision against the order of the appellate authority. Moreover, the findings of this August Tribunal in different set of cases cannot be applied to the case of the appellant.
- e. Incorrect. The appellant has not been treated differently.
- f. Incorrect. The case of the appellant is time burred for more than 6 years, therefore he cannot claim any benefit

PRAYER.

In view of the above comments on facts and grounds it is prayed that Appeal of the appellant being without cogent reasons may be dismissed with costs.


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


 Regional Police Officer,
 Malakand Region, Swat
 (Respondent No.2)
 Regional Police Officer,
 Malakand, at Sarou Sharif Swat.


 District Police Officer, Swat
 (Respondent No.3)

District Police Officer,
Swat

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 614/2016

Abdul Hanan Ex Constable No.1607 Swat

..... (Appellant)


VERSUS

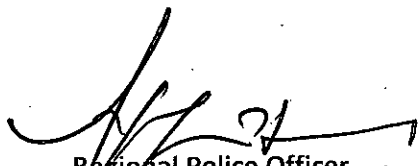
1. Inspector General of Police Khyber Pakhtunkhwa, Peshawar.
2. Regional Police Officer, Malakand Region at Saidu Sharif, Swat
3. District Police Officer, Swat

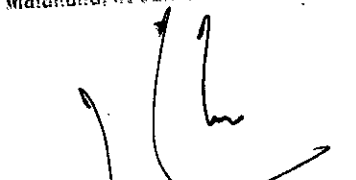
..... (Respondents)

AFFIDAVIT

We the above respondents do hereby solemnly and declare on oath that the contents of the accompanying Para-wise comments of the respondents are correct to the best of our knowledge/belief and nothing has been kept secret from this August Tribunal.


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


 Regional Police Officer,
 Malakand Region, Swat
 (Respondent No.2)
 Regional Police Officer,
 Malakand. at Saidu Sharif Swat.


 District Police Officer, Swat
 (Respondent No.3)
 District Police Officer,
 Swat

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 614/2016

Abdul Hanan Ex Constable No.1607 Swat

..... (Appellant)

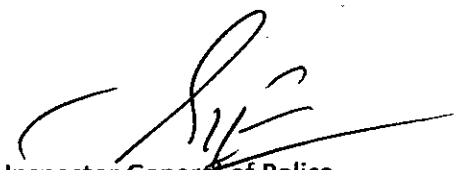
VERSUS

- 1. Inspector General of Police Khyber Pakhtunkhwa, Peshawar.
- 2. Regional Police Officer, Malakand Region at Saidu Sharif, Swat
- 3. District Police Officer, Swat

..... (Respondents)

AUTHORITY LETTER

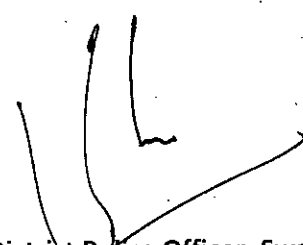
We the above respondents do hereby authorize Mr. Khawas Khan SI Legal Swat to appear in the Service Tribunal on our behalf on each date fixed in connection with titled Service Appeal do whatever is needed.



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



Regional Police Officer,
Malakand Region, Swat
(Respondent No.2)



District Police Officer, Swat
(Respondent No.3)

District Police Officer,
Swat

1607

CA

6

صالح بن

کونسل

نمبر 23 روزنامہ 19/09/19

نمبر 23 راجپوت عورتوں کا وقت 17.00 بجے

1607 کو جو الہ آباد میں لکھنؤ میں 19.1.09
روانہ کیا گیا تھا۔ تا حال وہ ایسی نہیں آیا۔ اور اس کا
رابطہ قائم کیا۔ سرپرست فروری و مئی کے حالات

صالح بن

نمبر 23 راجپوت عورتوں کا وقت

راجپوت عورتوں کا وقت 1607

نمبر 19/09 کو جو الہ آباد میں لکھنؤ میں
روانہ کیا گیا تھا۔ تا حال وہ ایسی نہیں آیا۔ اور اس کا
رابطہ قائم کیا۔ سرپرست فروری و مئی کے حالات

8/4/09

8.4.09

pay stopped and issue charge sheet

O.B. No. 55
8.4.09

D.P. of
8.4.09

Annex — B (7)

CHARGE SHEET

I, Sajid Khan Mohmand, DPO Swat as competent authority, hereby charge you, Recruit Constable Abdul Hanan No.1607 as following that you, while posted at Police Lines Javid Iqbal Shaheed committed the following irregularities:

You recruit Constable Abdul Hanan No. 1607 while posted at Police Line Javid Iqbal Shaheed absented your self from duty vide DD No. 23, dated 19/01/2009 with out any permission or leave from your superior officers.

All these based on your malafied intention, negligence, omission and disinterest in duty which is gross misconduct on your part.

2. By reasons of the above, you appear to be guilty of misconduct under Section-3 of the NWFP (Removal from Service) Special powers ordinance 2000 and have rendered yourself liable to all or any of penalties specified in section-3 of the ordinance.

3. You are, therefore, required to submit your written defense within seven days of the receipt of this Charge Sheet to the Enquiry officer./ Committee, as the case may be.

4. Your written defense, if any, should reach the Enquiry Officer/ Committee within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall follow against you.

5. Intimate whether you desire to be heard in person.

6. A statement of allegations is enclosed.


District Police Officer, Swat

No. 684 /EB

Dated 1/9 / 2009

Ameer C

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DISCIPLINARY ACTION

I, Sajid Khan Mohmand, DPO, Swat District Police Officer, Swat as competent authority, am of the opinion that Constable Abdul Hanan No.1607 has rendered himself liable to be proceeded against as he committed the following acts/omissions within the meaning of section 3 of the N.W.F.P Removal from Service (Special Powers) Ordinance, 2000.

STATEMENT OF ALLEGATIONS

While posted at Police Line Javid Iqbal Shaheed absented him self from duty vide DD No. 23, dated 19/01/2009 with out any permission or leave from his superior officers.

All these based on your malafied intention, negligence, omission and disinterest in duty which is gross misconduct on your part.

2. For the purpose of scrutinizing the conduct of the said accused with reference to the above allegations, an Enquiry committee consisting of the following is constituted under section 3 of the Ordinance.

1. Mohammad Ayaz Khan DSP/Legal , Swat
2. _____

3. The enquiry Committee shall, in accordance with the provisions of the Ordinance, provide reasonable opportunity of hearing to the accused, record its findings and make within, 25 Days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused.

4. The accused and a well conversant representative of the department shall join the proceedings on the date, time and place given by the enquiry Committee.

District Police Officer, Swat

No. 684 /E, Dated Gulkada the, 11/9 2009.

Copy of above is forwarded to the:-

1. Mr. Mohammad Ayaz Khan DSP/Legal, Swat
 2. _____ } for initiating proceeding
- against the Official under the provisions of the NWFP/Removal from Service (Special Powers) Ordinance 2000.
3. Constable Abdul Hanan No.1607 with the direction to appear before the enquiry Committee on the date, time and place fixed by the Committee for the purpose of the proceeding.

فائڈنگ رپورٹ

جوائنٹ

جو کہ منجانب ڈیپوٹی ایجوکیشن آفیسر سے 1607 نمبر پر حاصل کیا گیا ہے۔
ڈیپوٹی ایجوکیشن آفیسر نے 19/11/09ء کو منجانب ڈیپوٹی ایجوکیشن آفیسر سے
دستخط کر کے ڈیپوٹی ایجوکیشن آفیسر کو پیش کیا ہے۔

ڈیپوٹی ایجوکیشن آفیسر نے 16/09/09ء کو منجانب ڈیپوٹی ایجوکیشن آفیسر سے
ڈیپوٹی ایجوکیشن آفیسر کو پیش کیا ہے۔ ڈیپوٹی ایجوکیشن آفیسر نے
ڈیپوٹی ایجوکیشن آفیسر سے 16/09/09ء کو منجانب ڈیپوٹی ایجوکیشن آفیسر سے
ڈیپوٹی ایجوکیشن آفیسر کو پیش کیا ہے۔ ڈیپوٹی ایجوکیشن آفیسر نے
ڈیپوٹی ایجوکیشن آفیسر سے 16/09/09ء کو منجانب ڈیپوٹی ایجوکیشن آفیسر سے
ڈیپوٹی ایجوکیشن آفیسر کو پیش کیا ہے۔ ڈیپوٹی ایجوکیشن آفیسر نے
ڈیپوٹی ایجوکیشن آفیسر سے 16/09/09ء کو منجانب ڈیپوٹی ایجوکیشن آفیسر سے
ڈیپوٹی ایجوکیشن آفیسر کو پیش کیا ہے۔ ڈیپوٹی ایجوکیشن آفیسر نے

ڈیپوٹی ایجوکیشن آفیسر نے 16/09/09ء کو منجانب ڈیپوٹی ایجوکیشن آفیسر سے
ڈیپوٹی ایجوکیشن آفیسر کو پیش کیا ہے۔ ڈیپوٹی ایجوکیشن آفیسر نے
ڈیپوٹی ایجوکیشن آفیسر سے 16/09/09ء کو منجانب ڈیپوٹی ایجوکیشن آفیسر سے
ڈیپوٹی ایجوکیشن آفیسر کو پیش کیا ہے۔ ڈیپوٹی ایجوکیشن آفیسر نے
ڈیپوٹی ایجوکیشن آفیسر سے 16/09/09ء کو منجانب ڈیپوٹی ایجوکیشن آفیسر سے
ڈیپوٹی ایجوکیشن آفیسر کو پیش کیا ہے۔ ڈیپوٹی ایجوکیشن آفیسر نے
ڈیپوٹی ایجوکیشن آفیسر سے 16/09/09ء کو منجانب ڈیپوٹی ایجوکیشن آفیسر سے
ڈیپوٹی ایجوکیشن آفیسر کو پیش کیا ہے۔ ڈیپوٹی ایجوکیشن آفیسر نے

ڈیپوٹی ایجوکیشن آفیسر
DPo/Swat
15/09/09

EC

Issue Final Show Cause Notice.

DPo/Swat.
15/09/09.

Amex - "B"

(10)

FINAL SHOW CAUSE NOTICE

You Constable Abdul Hamam No 1607 while posted to Police Police line absented himself from duty with effect from 19-01-09 up-till now without any leave or permission from your immediate office. The EO in his finding report recommended you for Major Punishment.

You are therefore served with this Final Show Cause Notice to Show Cause within 03 of the receipt of this notice as to why the proposed action which may include your dismissal from Service should not be taken against you. In case your written reply is not received within 03 days, you will be definitely dismissed from service.


District Police Officer, Swat

*Afaq/

No. 684 /E
Dated 2/9 /2009

Constable Abdul Hamam No 1607

S/O _____

R/O Javid ghal Sheheed p line

District Swat

1607

Annex - P

(11)

ORDER


This order will dispose off the enquiry initiated against Constable Abdul Hanan No. 1607, who while posted to Javid Iqbal Shaheed Police Lines Swat, absented himself from duty with effect from 19-01-2009 vide DD No. 23, dated 19/01/2009 and failed to report for duty.

He was issued charge sheet with statement of allegations. Enquiry was initiated against him and DSP Legal was appointed as Enquiry Officer. The Enquiry Officer in his finding report submitted that the defaulter Constable was summoned time and again, but did not appear to record his statement. Hence he was recommended for Major punishment of the Enquiry Officer. He was issued Final Show Cause Notice No. 684/E, dated 18-9-2009 but no reply has been received.

This constitutes misconduct, cowardice on his part and as such he is liable for action under section 5 sub section (4) of the Removal from service (Special Powers) Ordinance 2000 (Amendment) Ordinance 2001.

This constitutes misconduct/disinterest on his part and as such he is liable for action under section 5 Sub Section (4) of the Removal from service (Special Power) Ordinance 2000 (Amendment) Ordinance 2001 and dispose with the enquiry proceeding as laid down in the Ordinance and am further satisfied that there is no need of holding further departmental enquiry. Since the defaulter Constable has been found guilty of gross misconduct as defined in the said Ordinance, I Mr. Qazi Ghulam Farooq DPO Swat as a competent authority, therefore impose major penalty by dismissing him from service from the date of absence i.e 19/01/2009.

Order announced.


District Police Officer, Swat

O B No. 146

Dated 12.2.09