

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No.1185/2019

Date of Institution ... 05.09.2019

Date of Decision ... 27.01.2022

Hamayun Iqbal Ex-Constable No:575 District Karak

... (Appellant)

**VERSUS**

The AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa Peshawar and others. ... (Respondents)

Syed Noman Ali Bukhari & Uzma Syed  
Advocates

... For Appellant

Muhammad Adeel Butt,  
Additional Advocate General

... For respondents

**AHMAD SULTAN TAREEN**  
**ATIQU-UR-REHMAN WAZIR**

...  
...

**CHAIRMAN**  
**MEMBER (EXECUTIVE)**

**JUDGMENT**

**ATIQU-UR-REHMAN WAZIR MEMBER (E):-** Brief facts of the case

are that the appellant was appointed as Constable in Police Department in the year 2007. During the course of his service, the appellant was proceeded against on the charges of absence and was ultimately discharge from service vide order dated 26-03-2009, against which the appellant filed departmental appeal, which was rejected vide order dated 31-10-2012. The appellant filed revision petition, which was rejected vide order dated 08-08-2019, hence the instant service appeal with prayers that the impugned orders dated 26-03-2009, 31-10-2012 and 08-08-2019 may be set aside and the appellant may be re-instated in service with all back benefits.

02. Learned counsel for the appellant has contended that the impugned orders are against law, facts and norms of natural justice, hence not tenable and liable to be set aside; that the impugned order was passed with retrospective effect, which is void in the eye of law and according to superior courts judgments. Reliance was placed on 2002 SCMR 1129 and 2006 PLC CS 221; that no regular inquiry was conducted against the appellant nor there is any order in black & white to show that inquiry has been dispensed with; that the appellant was dismissed from service without adhering to the method prescribed in law; that the appellant has been condemned unheard and has not been treated in accordance with law; that neither any charge sheet/statement of allegations was served upon the appellant nor any show cause, thus skipped the mandatory steps provided in law; that absence of the appellant was not willful, rather due to compelling reason of illness of his mother, which was not taken into consideration; that the appellant has been discriminated as another employee, namely Umar Khan on the same footings was re-instated, whereas case of the appellant was not considered positively; that the appellant was proceeded against under two sets of law, as he was proceeded against under RSO 2000 but penalty was awarded under police rules, which is illegal and on this score alone, the impugned orders are liable to be set aside.

03. Learned Additional Advocate General for the respondents has contended that the appellant absented himself from lawful duty for longer, hence he was proceeded against departmentally on the charges of absence; that proper charge sheet/statement of allegations was served upon the appellant; that inquiry was dispensed with as the appellant was in probation period and there was no need of any inquiry; that after due process of law, the appellant was discharged from service vide order dated 26-03-2009; that departmental appeal of the appellant was rejected being barred by time; that

where departmental appeal is barred by time, the service appeal before this Tribunal is incompetent.

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

05. We have observed that the petitioner remained absent for some time due to illness of his mother and the appellant has taken such stance in his departmental appeal. We are also mindful of question of limitation that the appellant spoiled time between his dismissal and departmental appeal and again filing revision petition at a belated stage. Contention of the learned Deputy District Attorney appearing on behalf of respondents to the effect that regular inquiry was not necessary in the case of appellant as he was proceeded against while still in the probation period, also hold force, but simultaneously the appellant was also a civil servant and the question as to whether the appellant was supposed to be proceeded against under RSO 2000 or Police Rules cannot be ignored, as RSO 2000 having overriding effect over other laws at that particular time and provision in ordinance existed for the appellant. The learned Deputy District Attorney for respondents was still of the opinion that he was rightly penalized under police rule, as there was no other option with the respondent to proceed him as the appellant was still in probation period. Contention of the learned Deputy District Attorney is correct to the extent of probation period, but section 11 of the ordinance bars the respondents to proceed him under any other law except the Ordinance and other option was also available in the Ordinance. The ordinance vide section 3 (a) provides:

"that dismissal, removal and compulsory retirement of certain persons in Govt. or corporation service etc, where in the opinion of the competent authority , a person in Govt. or corporation service is inefficient or has ceased to be efficient for any reason; or is

guilty of being habitually absent from duty without prior approval of leave, the competent authority, after inquiry by the committee constituted under section 5, may notwithstanding anything contained in any law or the terms and conditions of service of such person, by order in writing dismiss or remove such person from service, compulsory retire from service or reduce him to lower post or pay scale, or impose one or more minor penalties as prescribed in the Khyber Pakhtunkhwa Government Servant (Efficiency & Discipline) Rules, 1973 made under Section 25 of Civil Servant Act, 1973."

What we have observed and as is evident from the impugned order of discharge dated 26-03-2009 that the appellant was proceeded against under RSO 2000, whereas penalty was awarded under Police Rules, 1934, as the penalty of Discharge from service is nowhere available in RSO 2000. In a situation, since the impugned action was culminated into its logical conclusion under a misconception of law and under a wrong law, it has vitiated entire proceedings including final order, which could not be sustained under law, hence proceeding as well as final order is liable to be set aside on this score alone and which also disposes of the question of limitation as the impugned order is a void order and no limitation runs against void order. Reliance is placed on 2007 SCMR 229.

06. Without touching other merits of the case, when an order or act relating to disciplinary proceedings was contrary to law then all subsequent proceedings and actions taken thereon would have no basis and would fall. Respondents had penalized the appellant without complying with provisions of law and which smacks malafide on part of the respondents. Reliance is placed on 2009 SCMR 339.

07. In view of the foregoing discussion, the instant appeal is accepted. The impugned orders dated 26-03-2009, 31-10-2012 and 08-08-2019 are set aside

and the appellant is re-instated in service. The intervening period is treated as leave without pay. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED

27.01.2022



(AHMAD SUETAN TAR BEN)  
CHAIRMAN



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


ORDER  
27.01.2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for respondent present. Arguments heard and record perused.

Vide our detailed judgment of today, separately placed on file, the instant appeal is accepted. The impugned orders dated 26-03-2009, 31-10-2012 and 08-08-2019 are set aside and the appellant is reinstated in service. The intervening period is treated as leave without pay. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED  
27.01.2022

  
(AHMAD SULTAN TAREEN)  
CHAIRMAN

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


06.07.2021 Junior to counsel for the appellant and Mr. Kabirullah Khattak, Addl. AG alongwith Waqar Ahmad, PSI for respondents present.

Respondents have furnished reply/comments. The appeal is entrusted to D.B for arguments on 17.11.2021.

  
Chairman


17.11.2021 Appellant in person present. Mr. Waqar Ahmed, PSI alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

The learned Member (Judicial) Mr. Salah-ud-Din is on leave, therefore, arguments could not be heard. Adjourned. To come up for arguments before the D.B on 12.01.2022.

  
(Mian Muhammad)  
Member (E)

12.01.2022 Miss Uzma Syed, Advocate junior of learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl. AG for the respondents present.

Former made a request for adjournment as senior counsel for the appellant has proceeded to his home due to some emergency. Request is accorded. To come up for arguments before the D.B on 30.03.2022.

  
(Atiq-ur-Rehman Wazir)  
Member(E)

  
Chairman

04.01.2021

Junior to counsel for the appellant and Addl. AG alongwith Muhammad Shahid PSI for the respondents present.

Representative of respondents seeks further time to furnish reply/comments. Learned AAG is also required to contact the respondents and submit requisite reply/comments on 16.02.2021 positively.

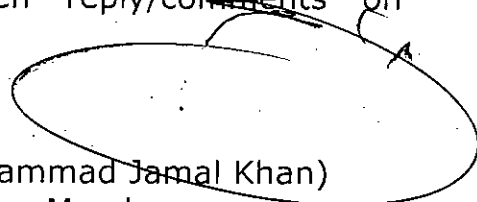


Chairman

16.02.2021

Junior counsel for appellant is present. Mr. Kabirullah Khattak, Additional Advocate General and Mr. Shahid, PSI, for the respondents are also present.

Written reply on behalf of respondents not submitted. Representative of the department is seeking further time for submission of written reply/comments. Last chance is given to the respondents for filing of written reply/comments on 08.04.2021 before S.B.



(Muhammad Jamal Khan)  
Member

08.04.2021

Due to demise of the Worthy Chairman, the Tribunal is defunct, therefore the case is adjourned to 6/07/2021 for the same as before.



Reader



17.09.2020

Counsel for the appellant present.

The appellant was appointed as Constable in June, 2007 but was discharged from service on 26.03.2009 from the date of his absence. He submitted a departmental appeal on 19.06.2012 which was decided on 31.10.2012 where-against a petition under Rule 11-A of Police Rules, 1975 was preferred on 05.08.2019 which was rejected on 08.08.2019. Learned counsel argued that the impugned order dated 26.03.2009 was passed against the appellant with retrospective application which was a void order and delay, if any, occurring in submission of appeal there-against was to be disregarded. She further referred to the order dated 07.04.2017 passed by respondent No. 1, whereby, a similar case of Ex-Constable Umar Khan was treated differently having been discharged on 01.12.2008 and was reinstated on 07.04.2017 under the provisions of Rule 11-A of the rules ibid. The appellant also deserved similar treatment, it was added.

Subject to all just exceptions, instant appeal is admitted to regular hearing. 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 16.11.2020 before S.B.

Appellant Deposited  
Security & Process Fee

  
Chairman

16.11.2020

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

Learned AAG seeks time to contact the respondents and furnish reply/comments on next date of hearing. Adjourned to 04.01.2021 on which date the requisite reply/comments shall positively be furnished.

  
Chairman

20.04.2020

Due to public holiday on account of COVID-19, the case is adjourned to 15.07.2020 for the same. To come up for the same as before S.B.

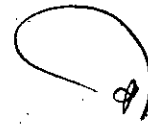
  
Reader

15.07.2020

Counsel for the appellant present.

Nemo for respondent No.3.

It was on 01.11.2019 when notice was issued to respondent No.3 to produce record pertaining to order No.2311-17 passed on 07.04.2017 pertaining to restoration of service of Constable Umar Khan No.646. Till today, no record was produced, therefore, notice be issued to respondent No.3 and learned AAG to make sure presence of the above mentioned record on 17.09.2020 before S.B.



Member (J)

11.12.2019

Appellant present in person and Amir Hussain, PSI on behalf of respondent No. 3 present.

The representative seeks time to produce the copy of requisite order as noted in the last order. Shall do the needful on next date of hearing.

Adjourned to 20.01.2020 before S.B.

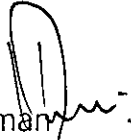
  
Chairman

20.01.2020

Appellant in person and Addl. AG for the respondents present.

Learned AAG is required to ensure appearance of representative of the respondents and production of record as noted in order dated 01.11.2019.

To come up for record and preliminary hearing on 04.03.2020 before S.B.

  
Chairman

04.03.2020

Appellant alongwith counsel present. Mr. Amir Hussain, representative of respondent No. 3 also present. He seeks time to furnish requisite record mentioned in the previous order sheet. To come up for record and preliminary arguments on 20.04.2020 before S.B.

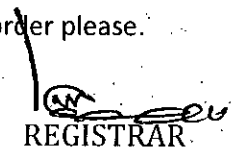


  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

Form- A

# FORM OF ORDER SHEET

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

Case No.- 1185/2019


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	25/09/2019	<p>The appeal of Mr. Hamayun Iqbal resubmitted today by Syed Noman Ali Bukhari Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR 25/9/19</p>
2-	26/09/19	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>01/11/19</u></p> <p> CHAIRMAN</p>
	01.11.2019	<p>Appellant with counsel present.</p> <p>Respondent No. 3 shall be issued notice to produce the record pertaining to order bearing No. 2311-17 passed on 07.04.2017 pertaining to restoration of service of Constable Umar Khan No. 646.</p> <p>Adjourned to 11.12.2019 before S.B.</p> <p> Chairman</p>

The appeal of Hamayun Iqbal Ex-Constable No. 575 District Karak received today i.e. on 05.09.2019 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Memorandum of appeal may be got signed by the appellant.
- 2- Annexures of the appeal may be attested.
- 3- Annexures of the appeal may be flagged.
- 4- Copy of departmental appeal and revision petition mentioned in the memo of appeal are not attached with the appeal which may be placed on it.
- 5- Annexures of the appeal are illegible which may be replaced by legible/better one.
- 6- Five more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 1560 /S.T,

Dt. 6-9- /2019.

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Syed Noman Ali Bukhari Adv.Peshawar.

Dr,

All objections were removed & file resubmitted.

7/9/19



**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

APPEAL NO. 1185 /2019

Hamayun Iqbal

V/S

Police Deptt:

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2.	Copy impugned order	-A-	05
3.	copy of departmental appeal	-B -	06
4.	Copy of rejection order	-C-	07
5.	Copy review petition	-D-	08-10
6.	Copy of 11-A rejection	-E-	11
7.	Copy of order	-F-	12
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*H. Iqbal*  
APPELLANT  
Hamayun Iqbal

THROUGH:

*Syed Noman Ali Bukhari*  
&  
SYED NOMAN ALI BUKHARI

UZMA SYED  
Advocates, High Court  
Peshawar

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

APPEAL NO. 1185 /2019

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 1232

Dated 05/09/2019

Hamyun Iqbal Ex-Constable No: 575  
Distirct Karak.

.....(Appellant)

**VERSUS**

1. The AIG Establishment For inspector Genral of Police, KP. Peshawar.
2. The deputy inspector General of Police Kohat, region kohat.
3. The District Police officer Karak.

.....(Respondents)

APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNALS ACT, 1974 AGAINST THE ORDER of DATED 26.03.2009 WHEREBY, THE APPELLANT HAS BEEN DISCHARGED FROM SERVICE AND AGAINST THE REJECTION ORDER DATED 31.10.2012 WHEREBY THE DEPTT APPEAL OF THE APPELLANT HAS BEEN REJECTED AND AGAINST THE REJECTION ORDER DATD 08.08.2019 OF 11-A REVIEW PETITON FOR NO GOOD GROUNDS.

Filed to-day

Registrar

5/9/19

**PRAYER:**

THAT ON ACCEPTANCE OF THIS APPEAL, THE ORDERs DATED 26.03.2009, 31.10.2012 and 08.08.2019 MAY BE SET ASIDE AND THE APPELLANT MAY BE REINSTATED WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARADED IN FAVOUR OF APPELLANT.

Def submitted  
to-day 25/9/19



**RESPECTFULLY SHEWETH:**

**FACTS:**

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

1. That the appellant was appointed as Constable in Police force in year 2007 and the appellant was performed his duties with entire satisfaction of his superiors.
2. That the appellant had some domestic problems and father of appellant got serious ill, there was no other family member to take care of appellant father therefore appellant was absented from duty which was not willful.
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 26.03.2009 was passed against the appellant whereby the appellant was dismissed from service with retrospective effect which was also never communicated to the appellant but the appellant received the same by his own efforts on 01.10.2012. The appellant been aggrieved from the impugned dismissal order preferred departmental appeal which was rejected vide order dated 31.10.2012 received by the appellant on 30.07.2019 by his own efforts. **(Copy of impugned order. departmental appeal and rejection order is attached as Annexure-A, B & C).**
4. That thereafter the appellant filed review petition under 11-A which was also rejected, vide order dated 08.08.2019 without any specific

ground/ without any cogent reason. **(Copy of review petition and order is attached as Annexure-D & E).**

5. That now the appellant come to this august Tribunal on the following grounds amongst others.

**GROUND:**

- A) That the impugned orders dated 26.03.2009, 31.10.2012 and 08.08.2019 is 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.
- B) 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.
- C) 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 appellant was dismissed from the service vide order dated 02.10.2009 without given personal hearing with retrospective effect 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.
- D) That the appellant has been condemned unheard and has not been treated according to law and rules.
- E) That neither charge sheet, statement of allegation, show cause notice was served upon the appellant nor inquiry was conducted against the appellant, which was necessary and mandatory in law before imposing major punishment which is violation of law, rules and norms of justice.
- F) 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.
- G) That the absent of the appellant was not intentionally but due to some domestic problem and mother illness. So the penalty imposed upon the appellant was so harshed.
- H) That the appellant has been discriminated because the another employee namely Umar Khan on same footing already reinstated by the department but same relief was refused to the appellant which is

violation of article-25 and 4-A and bad in eye of law. **Copy of order is attached as annexure-F.**

- I) That the appellant's guilt has not been proved beyond the shadow of doubt and the appellant has been punished on the basis of conjecture and surmises.
- J) That no chance of personal hearing was provided to the appellant and as such the appellant has been condemned unheard throughout.
- K) That the appellant seeks permission to advance others 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.

*N. Iqbal*  
**APPELLANT**  
Hamayun Iqbal

THROUGH:

*Noman Ali Bukhari*  
**SYED NOMAN ALI BUKHARI**  
&

**UZMA SYED**  
Advocates, High Court  
Peshawar

A (S)

ORDER.

This order is passed on the departmental proceedings initiated against Constable Hamayoun Iqbal No. 575 who found absence on 17.12.2008 vide D.D No. 29 of Police Lines, Karak and again absent with effect from 21.01.2009 till date with out any leave or permission. His pay has been stopped to this effect.

The above named was Charge Sheeted/ Statement of Allegation under NWFP Removal from Service Special Power Ordinance 2000, vide this office No. 1421-24/EC (enquiry) dated 31.01.2008 & DSP Hqr Karak was appointed as enquiry officer to proceed him against departmentally. The enquiry officer has submitted his finding with the remarks that the accused official has gone UAE for earning his livelihood and there is no likelihood that he can resume his service placed on file.

Final Show Cause Notice was sent to him through SHO PS Sabir Abad. The SHO submitted his report on 23.03.2009 placed on file.

In view of the above and finding of the enquiry officer Constable Hamayoun Iqbal No. 575 as hereby discharged from service with effect from the date of his absence, under F.R, 12.21.

OB No. 300.  
Dated 26.03.2009.

District Police Officer, Karak

Handwritten notes in Urdu script, including the date 21/3/09 and other illegible text.

ATTESTED

اپیل برائے بحالی بر خلاف آرڈر مور مورف 26.03.19  
موصول نردن 25.05.19

حیاتِ عالی

موجودہ گذارشیں یہ کہ مسائل کو نوٹری سے پرفارم

کیا یہ ہے جو پرفارم آرڈر مورف 26.03.19 کو یہ کہ مسائل  
تہ والد صاحب سے ہماری میں مسئلہ مورف حسین کی طرف سے  
مسائل نوٹری سے مورف مورف سے مورف مسائل کے  
کلامہ گذر میں لوگ دوسرا بیٹوں موجود نہیں ہو والد صاحب  
کی دیگر بیٹیاں کبریہ مسائل کو غیر حاضری پر بر حاسب کبریہ نکالنا  
یہ کہہ کر اچھے کو غیر حاضری سے نکالیں ہیں دیا گیا  
لہذا گزارشیں کی جائی ہے کہ مسائل کو نوٹری  
پر بحال کیا جائے کیونکہ مسائل کی روزی عا حضرت میں  
زرور ہے مسائل دیکھ رہے ہیں

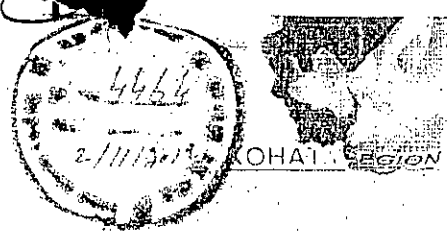
میں  
انجینئر عبدالقادر  
بھائیوں اہل  
575 Constable

مورف 19-6-19

Handwritten signature and stamp

POLICE DEPTT:

ORDER



<sup>Dy. Insp.</sup> This order is passed on Mercy Petition filed by Ex-constable Humayun ~~Khan~~ No. 575 of Karak district against the punishment order of DPO Karak vide which he was discharged from service.

Facts arising of the case are that departmental proceedings were initiated against the applicant by the District Police Officer, Karak, who was found absent from duty vide, Daily Diary No.29 dated 17.12.2008 of Police Lines, Karak. Conclusion of the proceedings resulted in his discharge from service w.e.f date of his absence under Police Rules 12.21, vide OB. NO.300 dated 26.03.2009.

Aggrieved from the above order, he preferred the instant Mercy Petition, requested therein for re-instatement in service.

The petitioner, was called in Order Room held on 24.10.2012, and heard, but he failed to put any plausible explanation.

Perusal of record revealed that the petitioner deliberately absented himself from service, as he had gone abroad without any permission or leave. This fact is evident from record, as well admitted by the applicant during his personal hearing. Furthermore, Final Show Cause Notice was sent at his home address through SHO concerned by DPO, Karak, but no response was received. Now after a lapse of about Three (03) years the petitioner approached to this forum with the request of his re-instatement in service.

In view of the above, the undersigned came to the conclusion that the applicant had committed a gross-misconduct during his short span of service. The punishment order passed by District Police Officer is quite accordance with law and on merits, which is upheld. Hence, the petition being badly time bared and without any substantiate is hereby rejected.

Announced

24.10.2012

(MOHAMMAD IMTIAZ SHAH)  
PSP,QPM

Dy. Inspector General of Police  
Kohat Region, Kohat.

No. 9171-92 JEC

*31/10/12*

Copy for information to the District Police Officer, Karak.  
Service record of the individual is returned herewith.  
2. Petitioner.

(MOHAMMAD IMTIAZ SHAH)  
PSP,QPM

Dy. Inspector General of Police  
Kohat Region, Kohat.

*OB/SR/IAS  
for information*

*27/11/2012  
Karak  
Dy. Insp.*

*OB No 1137  
dt 1-11-12*

**ANNOUNCED**

TO

Inspector General of Police  
Khyber Pakhtunkhwa Peshawar

**Subject:** **REVIEW PETITION Under 11-A AGAINST THE ORDER DATED 26.03.2009 WHEREBY, THE UNDERSIGNED HAS BEEN DISCHARGED FROM SERVICE and AGAINST 31.10.2012 RECEIVED BY THE UNDERSIGNED ON 30.07.2019 WHEREBY THE DEPARTMENTAL APPEAL HAS BEEN REJECTED**

**RESPECTED SIR:**

**FACTS:**

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

1. That the undersigned was appointed as Constable in Police force in year 2007 and the undersigned was performed his duties with entire satisfaction of his superiors.
2. That the undersigned had some domestic problems and father of undersigned got serious ill, there was no other family member to take care of undersigned father therefore undersigned was absented from duty which was not willful.

3. That, thereafter, the undersigned was departmentally proceeded, without charge sheet, statement of allegation, regular inquiry and even without show cause notice, the impugned order dated 26.03.2009 was passed against the undersigned whereby the undersigned was dismissed from service with retrospective effect which was also never communicated to the undersigned but the undersigned received the same by his own efforts on 01.10.2012. The undersigned been aggrieved from the impugned dismissal order

**ATTESTED**

Dy No. 2767/PSO  
5/10/19

preferred departmental appeal which was rejected vide order dated 31.10.2012. (Copy of impugned order. departmental appeal and rejection order is attached).

4. That now the undersigned filling Review Petition under 11-A on the following grounds amongst others.

**GROUND:**

- A) That the impugned orders dated 26.03.2009 and 31.10.2012 is 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.
- B) 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.
- C) 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 undersigned was dismissed from the service vide order dated 02.10.2009 without given personal hearing with retrospective effect 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.
- D) That the undersigned has been condemned unheard and has not been treated according to law and rules.
- E) That neither charge sheet, statement of allegation, show cause notice was served upon the undersigned nor inquiry was conducted against the undersigned, which was necessary and mandatory in law before imposing major punishment which is violation of law, rules and norms of justice.
- F) That the undersigned 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.
- G) That the absent of the undersigned was not intentionally but due to some domestic problem and mother illness. So the penalty imposed upon the undersigned was so harshed.

  
**ATTESTED**



- H) That the undersigned's guilt has not been proved beyond the shadow of doubt and the undersigned has been punished on the basis of conjecture and surmises.
- I) That no chance of personal hearing was provided to the undersigned and as such the undersigned has been condemned unheard throughout.

**PRAYER:**

THAT ON ACCEPTANCE OF THIS REVIEW PETITION, THE ORDERS DATED 26.03.2009 AND 31.10.2012 MAY BE SET ASIDE AND THE APPELLANT MAY BE REINSTATED WITH ALL BACK AND CONSEQUENTIAL BENEFITS.

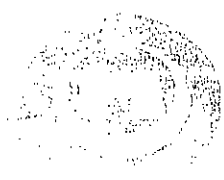
*[Signature]*  
Appellant

Hamayun Iqbal

Ex-Constable No: 575  
Distirct Karak.

Date 05.08.2019

*[Signature]*  
**ATTESTED**



E (1)

OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA  
Central Police Office, Peshawar

No. SI 2840 / 19, dated Peshawar, 18/08/19

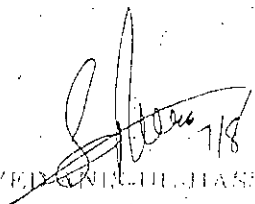
To: The Regional Police Officer,  
Kohat.

Subject: REVISION PETITION.


Memo:

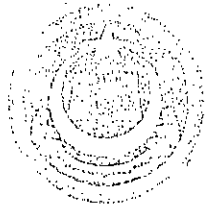
The Competent Authority has examined and filed the revision petition of the constable Hamayun Iqbal No. 575 of Karak District Police against the promotion to the rank of Head Constable awarded by District Police Officer, Karak vide OB No. 300, dated 30/03/19, which is hereby time barred.

The applicant may please be informed accordingly.

  
(SYED GHULAM HASSAN)  
Registrar

AC For Inspector General of Police  
Khyber Pakhtunkhwa  
Peshawar  
7/8/19

  
**ATTESTED**



OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA  
PESHAWAR.

No. SI 2316 /17, dated Peshawar the 07/06/2017.

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 Umar Khan No. 646. The appellant was discharged from service by CPO Karak vide OB No. 1601 dated 01/12/2008 on the charge of absence from Elite Training Center Mardan w.e.f 17.08.2008 to 19.11.2008. 20.11.2008 till date of discharge from service i.e. 01.12.2008 for a period of 03 months and 14 days.

His appeal was filed / dismissed by Regional Police Officer, Kohat vide order No. 6824/EC, dated 08.08.2009.

Meeting of Appellate Board was held on 30.03.2017. Petitioner present and heard. Petitioner stated that his absence was not deliberate but the domestic affairs did not allow him to be on duty. He further contended that his monthly salary was the sole source of income for running the affairs of his family affairs and he is facing great hardship in earning livelihood for his family.

The petitioner service was less than 03 years therefore he was discharged from service. Hence conversion of the discharge order is not justified. Therefore, the Board decided that petitioner is hereby re-instated into service. However, the intervening period shall not be treated considered towards service nor duty. He will not be entitled for any kind of benefits of intervening period.

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

(MASOOD AHMAD KHAN)  
AIC Establishment,  
For Inspector General of Police,  
Khyber Pakhtunkhwa  
Peshawar.

No. SI 2311-17 /17.

Copy of the above is forwarded to the:

1. Regional Police Officer, Kohat
2. District Police Officer, Karak.
3. PEO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. PA to Addl. IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
5. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to AIC/Legal, Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-IV CPO Peshawar.

**ATTESTED**



OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA  
PESHAWAR.

No. S/ 2310 /17, dated Peshawar the 07/10/2017.

Better copy

ORDER

This order is hereby passed to dispose of departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 submitted by Pa-Constable Amir Khan No. 616. The appellant was discharged from service by DPO/Karak vide OI No. 1601, dated 01.12.2008 on the charge of absence from Elite Training Center Mardan w.e.f 17.08.2008 to 19.11.2008, 20.11.2008 till date of discharge from service i.e. 01.12.2008 for a period of 03 months and 14 days.

His appeal was filed / dismissed by Regional Police Officer, Kohat vide order Endst: No. 6824/EC, dated 08.08.2009.

Meeting of Appellate Board was held on 30.03.2017. Petitioner present and heard. Petitioner stated that his absence was not deliberate but the domestic affairs did not allow him to join duty. He further contended that his monthly salary was the sole source of income for running the affairs of his family affairs and he is facing great hardship in earning livelihood for his family.

The petitioner service was less than 03 years therefore he was discharged from service. Hence conversion of the discharge order is not justified. Therefore, the Board decided that petitioner is hereby re-instated into service. However, the intervening period shall not be neither considered towards service nor duty. He will not be entitled for any kind of benefits of intervening period.

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

(MASOOD AHMAD KHANIL)  
AIG Establishment,  
For Inspector General of Police,  
Khyber Pakhtunkhwa,  
Peshawar.

No. S/ 2311-17 /17.

Copy of the above is forwarded to the:

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



**VAKALAT NAMA**

12

NO. \_\_\_\_\_/20

IN THE COURT OF K.P Service Tribunal, Peshawar.

Hamazon IQbal (Appellant)  
(Petitioner)  
(Plaintiff)

VERSUS

Police Deptt. (Respondent)  
(Defendant)

I/We, Hamazon IQbal

Do hereby appoint and constitute **SYED NOMAN ALI BUKHARI, Advocate High Court Peshawar**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/We authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated \_\_\_\_\_/20

[Signature]  
(CLIENT)

ACCEPTED

[Signature]  
**SYED NOMAN ALI BUKHARI**  
Advocate High Court Peshawar.

Cell: (0306-5109438)

[Signature]  
Uzma Syed

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

Service Appeal No. 1185/2019

Hamayun Iqbal ex-const: No. 575

..... Appellant

**VERSUS**

Assistant Inspector General of Police,

Establishment, Khyber Pakhtunkhwa & others

..... Respondents

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4.	Charge Sheet	D	8-9
5.	Service Report	E	10
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7.	Finding Report	G	12



\_\_\_\_\_  
Respondents  
Through Representative

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

---

Service Appeal No. 1185/2019  
Hamayun Iqbal ex-const: No. 575

..... Appellant

**VERSUS**

Assistant Inspector General of Police,  
Establishment, Khyber Pakhtunkhwa & others

..... Respondents

Subject: **PARAWISE REPLY BY RESPONDENTS.**

**Preliminary Objections:-**

- i. That the appellant has got no cause of action.
- ii. The appellant has got no locus standi.
- iii. That the appeal is bad for misjoinder and nonjoinder of necessary parties.
- iv. That the appellant has not approached the honorable Tribunal with clean hands.
- v. That the appellant is estopped to file the instant appeal for his own act.
- vi. That the appeal is badly time barred and liable for dismissal in limine.
- vii. That the appeal is barred by law & limitation.

**Facts:-**

1. Correct to the extent the appellant was appointed as constable on 18.06.2007 in respondent department, vide order book No. 377. He was deputed for basic recruit course and he failed to qualify the requisite recruit course vide Principal Recruit Training Center, Nowshehra Letter dated 22.01.2008. It is added that the appellant was detailed for Elite course at PRC Mardan from where he willful absented from training w.e. from 07.09.2008. **(Copies of letters enclosed as A & B)**
2. Incorrect, the appellant during his initial stage of his recruitment, absented himself from lawful duty vide daily diary No. 29 dated 17.12.2008 of Police Lines Karak and subsequent absence. Copy of daily diary is **annexure C**.
3. Incorrect, though the appellant had earned about one year service in his credit, found inefficient official during his probation period, but despite of that proper departmental proceedings were initiated against him. Charge sheet & statement of allegations were issued, which was served through SHO concerned at his home address. The charge sheet was received by his brother namely Younas Iqbal and signed. It was submitted by appellant's brother that Hamayun Iqbal has proceeded abroad (UAE) for earning livelihood. The appellant after a

lapse of about 03 years from discharge order filed a time barred appeal to respondent No. 2, which was considered and rejected on merits and limitation as well. Copy of charge sheet and service report are **annexure D & E**.

4. The departmental appeal of the appellant was rejected by respondent No. 2 on merit and limitation as well vide order dated 24.10.2012 and the appellant approached to the office of Inspector General of Police, after a lapse of about 07 years. Hence, the revision petition was filed by the competent authority. Copy of order on departmental appeal is **annexure F**.
5. The appellant is estopped to file the instant appeal for his own act and unexplained delay in lodging the aforesaid appeals.

**Grounds:-**

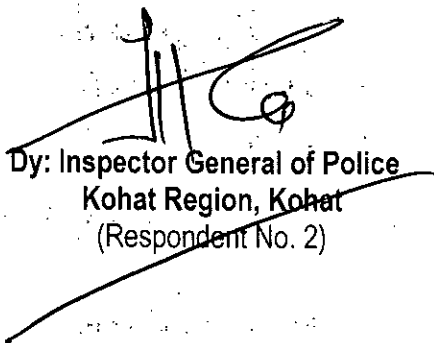
- A. Incorrect, during probation period of service, appellant absented from basic course and duties. Proper departmental proceedings were conducted against the appellant by respondent No. 3. As per evidence, the appellant had proceeded abroad without taking any permission from the competent authority and willfully absented from lawful duties. After observing all codal formalities he was discharged from service by the respondent No. 3 and his departmental appeal was also rejected by respondent No. 2 with speaking & well reasoned orders.
- B. Each and every case has its own facts and merits. The orders of the respondents are based on facts and in accordance with law / rules.
- C. Incorrect, a regular inquiry was conducted against the appellant by respondent No. 2. Copy of inquiry officer finding is **annexure G**.
- D. Incorrect, as established from the statement of brother of the appellant, appellant had proceeded abroad (U.A.E) for earning livelihood. He did not appear before respondent No. 3 and after a lapse of about 03 years and 07 years, filed departmental appeals to respondent No. 2 and IGP KP, respectively, which were disposed off accordingly.
- E. Incorrect, charge sheet and final show cause notice were issued by respondent No. 3 and served through SHO concerned at his home address, but the appellant had proceeded abroad without any permission / leave.
- F. Incorrect, the appellant was proceeded in accordance with the rules and facts.
- G. Incorrect, the appellant had willfully absented himself from lawful duty and without adopting required procedure had gone U.A.E (abroad).
- H. Incorrect, the appellant was proceeded with departmentally in accordance with the relevant law/ rules.
- I. Incorrect, the charges leveled against the appellant was established beyond any shadow of doubt during departmental probe.

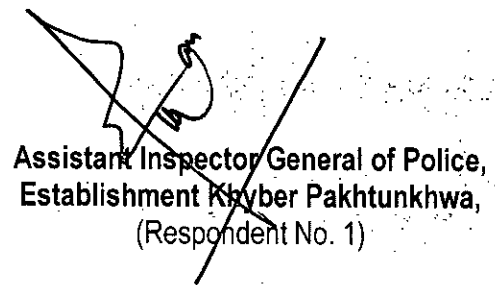


- J. Incorrect, the appellant was reported to have gone abroad during the course of departmental inquiry, however, the appellant was heard in person by respondent No. 2 during the proceedings of his departmental appeal, but the appellant failed to explain his prolong absence and proceeding abroad without any legal permission / leave.
- K. That the respondents may also be allowed to advance other grounds during the course of hearing.

**Prayer:-**

In view of the above facts and circumstances, it is prayed that the appeal being devoid of merits and barred by limitation may graciously be dismissed with costs, please.

  
Dy: Inspector General of Police  
Kohat Region, Kohat  
(Respondent No. 2)

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

  
District Police Officer,  
Karak  
(Respondent No. 3)

Serial No.

## 15-CENSURES AND PUNISHMENTS.

Charge: Absented himself from Elite (Civil)  
Training Centre PRC Morla  
w.e from 7-9-08 to 31-10-08.

Punish: Absence period leave w/out pay  
stoppage of increment for one year  
with a accumulative effect.

OB No. 1524  
17-11-08

*[Signature]*

Revision Petition

Revision Petition against the punishment of  
discharged from service awarded by P  
Korav vide OB No 300 dt 26-3-2019 has  
badly time barred vide PPO Letter No 254-1  
dt 08-8-2019.

*[Signature]*  
District Police Officer  
(Karak)

لیکچر مشورت نمبر 27 روزانہ 21/09

27 گنتی صدر خان، تقسیم آج۔ ایف اے، غنیمت 10 21/09  
 وقت 18:00 گنتی صدر خان کیلئے فارغ از ڈیوٹی صدر خان تمام  
 گنتی میں موجود رہے۔ نوٹریاں خواتین 22 مارچ کو  
 کار گنتی میں سناتا سمجھتی گنتی ڈیوٹی صدر خان پر کونٹری  
 سے 1/2 ضرب دراصل صحیح ایجنڈا درست طور پر آج سے پورا رہے  
 سنا ہے صدر خان حکم ایجنڈا کے گنتی پر اس وقت کیلئے حکم نہیں  
 ہی ایجنڈا 575 گنتی میں عدم موجود یا نہیں ہو  
 حضور میں میں تیار کر کے مقرر کیا ہے۔ انہیں  
 ضروریہ کے صدر پر ایجنڈا غنیمت روزانہ  
 روزانہ نوٹریاں کیلئے غنیمت روزانہ  
 اسرار میں ملے گی خدمت میں ارسال ہوگی۔

ضابطہ کار میں 2009  
 M.M. Karall  
 21-11-09

forwards  
 21/11/09

Barak  
 21-11-09

21-01-2009  
 ممبران غنیمت

M.M. Karall  
 24-01-09

24/1/09

ادارہ پبلک ہسپتال

نمبر 10 روزنامہ 18-1-09

صہبہ

10 صبح 10 18-1-09 وقت 12:30 بجے سوت پین ہی لول انگل

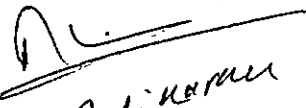
575 نمبر 10 فرزندہ کوالیٹر 29 روزنامہ 17-12-08 سے صاحبزادہ بیادنگ

مہربان بدولت پٹی امسران باہر کفر نور صاحبہ دوست سہیل

10 فرزندہ در 10 روزنامہ 29 نمبر 17-12-08 سے کفر نور صاحبہ

کوالیٹر امسران باہر کفر نور صاحبہ دوست سہیل

صاحبزادہ بیادنگ

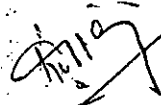


M.M. Karam

18-1-09

Sir

Forwalech



M.M. Karam

18-1-09

لیڈنگ سٹیشن آرڈر

ممبران

نمبر 29 روزنامہ 17-12-08

مردود گتھی مددگار، تقسیم اسکیم، راجپوت، غیر ملکی، 17-12-08

وقت سے 18 گتھی مددگار لکھی، فارغ از ڈیوٹی ہی گتھی میں

موجود یا نہ لگے۔ ضروریات کو اورو 25 ماہ لگائی جا رہی ہیں

میں سوائی کھجائی لکھی۔ ڈیوٹی مددگار پر کوریج ملتی ہے

ضروریات کے لئے اسکیم کے تحت ضروریات پر کوریج ملتی ہے

ضروری حکم اسکیم کے تحت ضروریات پر کوریج ملتی ہے

تعمیراتی اقدار 575 گتھی میں عدم موجودگی یا لگائی

میں ضروریات میں لگائی گئی ہیں اور ضروریات پر کوریج ملتی ہے

تعمیراتی اقدار 575 گتھی میں عدم موجودگی یا لگائی

میں ضروریات میں لگائی گئی ہیں اور ضروریات پر کوریج ملتی ہے

پہلے سے لکھی گئی ہیں اور ضروریات پر کوریج ملتی ہے

M. M. K. K. K.

18.10.09

18.10.09

ممبران

Sir Forwarded to

18/11/09

18/11/09

OR

19/11

18

CHARGE SHEET

1. I, Raja Naseer Ahmad, District Police Officer, Karak as competent authority, hereby charge you Constable Hamayoun Iqbal No.575 as follow: -

You Constable Hamayoun Iqbal No.575 absented yourself from your lawful duty, on 17.12.2008. for a period of 18-hrs: & 30-Minutes, vide D.D.Report No.10, dated 18.12.2008. You again absent from 21.01.2009. till date without any leave or permission, vide D.D.NO.27, dated 21.01.2009. of Police Line Karak. Beside this you have 04-bad entries in Short period of Service about One year and 07-Months. This all speak highly adverse on your part.

2. By reason of your commission / omission, constitute miss-conduct under Section-3 of the NWFP (Removal from Service) Special Power Ordinance-2000 and have rendered your-self liable to all or any of the penalties specified in Section-3 of the ordinance ibid.

3. You are, therefore, required to submit your written defence within 7-day of the receipt of this charge sheet to the enquiry Officer Mr. Anwar Saeed Kund DSP Hqrs:Karak is appointed for the purpose of conducting enquiry.

Your written defence if any should reach the Enquiry Officers within the specified period, failing which it shall be presumed that you have no defence to put in and in that case ex-parte action shall be taken against you.

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

5. A statement of allegation is enclosed.

(RAJA NASEER AHMAD)  
District Police Officer, Karak.

## DISCIPLINARY ACTION

1. I, Raja Naseer Ahmad, District Police Officer, Karak as competent authority, is of the opinion that you Constable Hamayoun Iqbal No. 515 has rendered himself liable to be proceeded against on committing the following act commission within the meaning of Section-3 of NWFP Removal from Service (Special Powers) Ordinance-2000.

### STATEMENT OF ALLEGATION

Constable Hamayoun Iqbal No.515 absented himself from his lawful duty on 17.12.2008. for a period of 18-hrs: & 30-Minutes, vide D.D.Report No.10, dated 18.12.2008. He again absent from 21.01.2009. till-date without any leave or permission, vide D.D.No.27, dated 21.01.2009. of Police Line Karak. Beside this he has 04-bad entries in short period of Service about One Year and 07-months. This all speak highly adverse on his part.

2. The enquiry Officer, Mr. Anwar Saeed Kund, D.P HQrs:Karak shall in accordance with provision of the ordinance may provide reasonable opportunity of hearing to the accused official. record his finding and make within 15-days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused.

3. The accused official shall join the proceeding on the date, time and place fixed by the enquiry officer.

(RAJA NASEER AHMED)  
District Police Officer, Karak.

No. 1422-24/EC (enquiry), dated 3/1/11 2009.

1. The enquiry Officer for initiating proceeding against the accused under the Provision of the NWFP / Removal from Service (Special Power) Ordinance 2000
2. Constable Hamayoun Iqbal No.515 Police Line Karak.
3. OASI to District Police Officer, Karak along with relevant record to assist the enquiry officer.

سچی لیون اقبال ولد خان محمد سلیم صاحب آباد نے دریافت کیا  
ٹائیل سہیلون اقبال کیس کا جوابی سوں۔ میرا والد (UAE) دہلی  
زرداری کر رہا ہے۔ والد نے میرے بھائی عذراہ بالہ علیہ وزیرہ بیچا  
آئیے بیچ کر رہتا ہے تم میرے بھائی دہلی (UAE) چلے گیا ہے۔ وہ  
پس آ رہا جیسا ہے۔ کیونکہ وہ محنت زرداری نے مسلم میں فارن  
دوبارہ پاکستان آنے کا کوئی اہتمام نہیں۔ میں نے جو بیان دیا ہے  
پر سچی ہے۔ ایسا سب جواب دہ ہو گا۔

لیون اقبال ولد خان محمد صاحب آباد

Journal Qabal - 5 - 4306913 - 14202

جہاں سے

سن 2014 میں سچی سہیلون اقبال کیس سے گورنمنٹ آباد جملہ حذوۃ کی پتہ  
جو گورنمنٹ پر موجود تھا۔ اسکا بھائی لیون اقبال ولد خان محمد صاحب  
جو گورنمنٹ پر موجود تھا دریافت پر انہوں نے بیان کیا تم بھائیوں  
ہے۔ میرا والد (UAE) دہلی (UAE) جیسا ہے۔ انہوں نے بھائی سہیلون اقبال  
بیچ کر وہ دہلی (UAE) چلے گیا ہے۔ آئیے آنے کا کوئی اہتمام نہیں  
اور میں نے جو بیان دیا ہے حقیقت پر سچی ہے۔ اس بیان کا سبب  
رپورٹ کے سرفہر ہے۔

2014  
2.2.9

جہاں سے

رپورٹ ہارہ DF سے منسل اور قابل ملاحظہ ہے۔ اصل نذر اللہ لکھنؤ  
مقابلہ سہیلون اقبال کیس میں ارسال شدہ ہے۔ رپورٹ سرفہر

115-5-A  
2-09





KOHAT REGION

POLICE DEPTT:

ORDER

This order is passed on Mercy Petition filed by Ex. constable Humayun <sup>Dy. Dal</sup> ~~Khan~~ No. 575 of Karak district against the punishment order of DPO Karak vide which he was discharged from service.

Facts arising of the case are that departmental proceedings were initiated against the applicant by the District Police Officer, Karak. who was found absent from duty vide, Daily Diary No.29 dated 17.12.2008 of Police Lines, Karak. Conclusion of the proceedings resulted in his discharge from service w.e.f date of his absence under Police Rules 12.21, vide OB. NO.300 dated 26.03.2009.

Aggrieved from the above order, he preferred the instant Mercy Petition, requested therein for re-instatement in service.

The petitioner was called in Order Room held on 24.10.2012, and heard, but he failed to put any plausible explanation. Perusal of record revealed that the petitioner deliberately absented himself from service, as he had gone abroad without any permission or leave. This fact is evident from record, as well admitted by the applicant during his personal hearing. Furthermore, Final Show Cause Notice was sent at his home address through SHO concerned by DPO, Karak, but no response was received. Now after a lapse of about Three (03) years the petitioner approached to this forum with the request of his re-instatement in service.

In view of the above, the undersigned came to the conclusion that the applicant had committed a gross-misconduct during his short span of service. The punishment order passed by District Police Officer is quite accordance with law and on merits, which is upheld. Hence, the petition being bad in time bared and without any substantiate is hereby rejected.

Announced  
24.10.2012

(MOHAMMAD IMTIAZ SHAH)  
PSP,QPM

Dy: Inspector General of Police  
Kohat Region, Kohat.

No. 9171-92 IEC

Copy for information to the District Police Officer, Karak  
Service record of the individual is returned herewith.  
2. Petitioner.

(MOHAMMAD IMTIAZ SHAH)  
PSP,QPM

Dy: Inspector General of Police  
Kohat Region, Kohat.

OB/SRC/OASi  
Form/Action

Inspector  
Karak  
2/11/2012

OB No 1137  
dt 1-11-12

# ANNEXURE "G"

PENDINGs.

Respected Sir,

Kindly refer to your office letter No. 1422-24/EC(enquiry).., dated 31.1.2009 wherein the undersigned was asked to conduct enquiry against Constable Hamayun Iqbal No.515 into the allegations levelled against him in the attached charge sheet. Therefore the present enquiry.

In order to find out actual position the accused official was summoned time and again but he did not turn up for joining the enquiry proceedings. The accused official failed to try for putting in plausible explanation nor he has justified his position. Neither the accused official assign any reasons with regard to his absence nor he appear before the undersigned for recording his statement. It was found during the course of enquiry that the absence on the part of accused official was found wilful and deliberate.

Younis Iqbal S/O Khan Mohammed W/O Sabir Abad brother of the accused official contacted into the matter disclosed that the accused official had gone to U.S.A for earning his livelihood and there is no likelihood that that he can resume his service.

Since the charges of wilful and deliberate absence has been proved against the accused official. In view of the above Constable Hamayun Iqbal No.515 may be dismissed and proceeding U/S 155 of Police order, 2002 is also recommended against him. .

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16/12/09

( ANWAR SABED KUNDI )  
By: Superintendent of Police, Karak.