

**Before The Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar**

**Service Appeal No. 5734/2021**

**Muhammad Sajjad . S/o Mumtaz Khan, Caste Kundi, R/O Village Pai Tehsil & District Tank , Ex-Constable No. 8306-FRP Dera Ismail Khan Cell#0316-9457157.....Appellant**

**VERSUS**

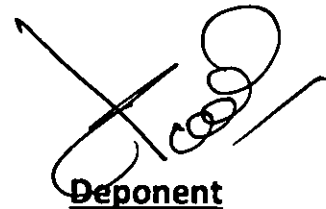
**Provincial Police Officer, Khyber Pakhtunkhwa Peshawar & Others .....Respondents**

**INDUS**

**SCANNED  
KPST  
Peshawar**

<b>S.No</b>	<b>Description of Documents</b>	<b>Annexure</b>	<b>Pages</b>
1	PARA WISE COMMENTNS	-	01-04-
2	Show Cause Notice : Dated 27-03-2018 , 26-09-2018 & Report Line Officer Dated 03-04-2018 , Charge Sheet , Statement Of Allegation & Final Show Cause Notice	"A"	05-10
3	Final Enquiry Report Dated 04-05-2018 , 10-09-2018 Along With Statement Of Ex. Constable Sajjad	"B"	11-13
4	Rejection Order Dated 31-08-2020	"C"	14
5	Authority Letter	"D"	15
6	Affidavit	"E"	16
	Pages Total:		16

Dated : 26 /07/2022.



**Deponent**  
**Mahmood Nawaz**

NIC No.11201-0369959-1

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 5734/2021

**SCANNED  
KPST  
Peshawar**

**Muhammad Sajjad**, S/o Mumtaz Khan, Caste Kundi, R/o Village Pai Tehsil & District Tank. Ex-constable No. 8306-FRP Dera Ismail Khan, Cell# 0316-9457157.....Appellant

**VERSUS**

**Provincial Police Officer, Khyber Pakhtunkhwa Peshawar & others..... Respondents**

**PARAWISE REPLY BY RESPONDENTS.**

**RESPECTFULLY SHEWETH.**

**PRELIMINARY OBJECTIONS**

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

**FACTS:-**

1. Para No. 1 pertains to the appellant record needs no comments.
2. Incorrect in facts the appellant was found an irresponsible person as in past he remained absent from lawful duty on different occasions for a long period of 219 days without any leave or prior permission of the competent authority. Besides, there are 03 bad entries with no good entry in his credit as per his service record.
3. Incorrect, That on 08-02-2018 the appellant was proceeded on 30 days earned leave and after expiry of such leave he failed to report arrival on due date and remained absent from lawful duty with effect from 10-03-2018 to till date, without any leave or prior permission of the competent authority. Moreover, nor the appellant submitted study leave application; neither he was granted any study leave by the competent authority.
4. Incorrect On the allegations of willful absence the appellant was issued Show Cause Notice and constable Irfan No. 8932 was deputed as Special

Messenger vide DD report No. 14 dated 30-03-2018 to serve the Show Cause Notice upon him on his home address, but he refused from receiving of the said Show Cause Notice. In this regard,

report of line Officer dated 03.04.2018 attached herewith as annexure "A" subsequently, he was proceeded against proper departmentally as he was issued charged Sheet alongwith Summary of Allegations and DSP Zahoor ud din was nominated as Enquiry Officer to conduct enquiry into the matter. The charge Sheet was served upon him by the Enquiry Officer through special messenger on his home address and his signature was obtained as a token of receipt, but he deliberately failed to submit his reply. During the course of enquiry he was summoned by the Enquiry officer time and again but he failed to appear well in time and subsequently on the directions of the enquiry officer he was appeared, but failed to present any cogent justification before the enquiry officer. After completion of enquiry, the Enquiry Officer submitted his findings, wherein the appellant was found guilty of the charges leveled against him. (Copy of enquiry Report attached herewith as annexure "B"). Moreover, the appellant was not permitted / granted any leave by the competent authority during his absence period.

5. Incorrect Upon the findings of Enquiry Officer, the appellant was served with Final Show Cause Notice, but he failed to submit his reply within stipulated period. After fulfillment of all codal formalities required as per law / rules he was awarded major punishment of removal from service by the competent authority.
6. incorrect the extent that departmental appeal was submitted by the appellant at very belated stage, which is barred by law and limitation for more than 03 years.
7. Incorrect. The plea of closing of the offices (due to COVID 19) taken by the appellant is a propounded story, However, departmental appeal submitted by the appellant was thoroughly examined and rejected on the grounds of badly time barred and a copy of which has already been endorsed to the appellant on his home address vide this office Endst: 7641-42/EC, dated 31.08.2020. (copy of the rejection order is attached herewith as annexure "C") subsequently the appellant submitted revision petition, which was also rejected vide order No. 3645/20 dated 17.09.2020.
8. The appellant has no cause of action to file the instant appeal and the same may be rejected on the following grounds.

**GROUND:-**

- a. Incorrect. The impugned orders passed by the respondents in the case of appellant are legally justified and in accordance to law / rules as the same were issued after fulfillment of all codal formalities required as per law/rules

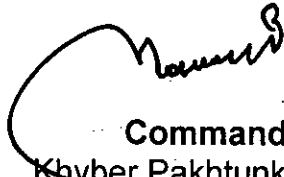
- b. Incorrect, On the allegations of willful absence the appellant was issued Show Cause Notice and Constable No. 8932 was deputed as Special Messenger vide DD report No. 14, dated 30-03-2018 to serve the Show Cause Notice upon him on his home address, but he refused from receiving of Show Cause Notice. Later on proper Departmental enquiry has been conducted against him as he was issued Charge Sheet alongwith Summary of Allegations and DSP Zahoor-Ud-Din was nominated as Enquiry Officer to conduct enquiry into the matter. The Charge Sheet was served upon him by the Enquiry Officer through special Messenger on his home address and his signature was obtained on the duplicate copy as a token, but he deliberately failed to submit his reply. During the course of enquiry he was summoned by the Enquiry Officer time and again but he failed to appear within stipulated period and subsequently on the directions of the enquiry officer he was appeared, but failed to prove himself innocent. After completions of enquiry, the Enquiry Officer submitted his findings, wherein the appellant was found guilty of the charges leveled against him. Upon the findings of Enquiry Officer, the appellant was served with Final Show Cause Notice, but he failed to submit his reply. After fulfillment of all codal formalities required as per law/rules he was awarded major punishment of removal from service by the competent authority.
- c. Incorrect, Proper departmental enquiry was already initiated against the appellant and after fulfillment of due codal formalities required was per law rules the appellant was awarded major punishment of dismissal from service. The instant appeal of the appellant is badly time barred about 04 years and 06 months, which his not tenable at this stage in the eye of law. Besides, the appellant was not granted any study leave, while he remained absent from his lawful duty without any leave or prior permission of the competent authority.
- d. Incorrect, If the appellant belonged to a poor family so he was supposed to performe his assigned duty with great zeal and zest, but he failed to do so and remained absent from his lawful duty for a long period, without prior permission of his senior, which he was proceeded against proper departmentally and the allegations leveled against him were fully established during the course of enquiry.
- e. Incorrect, As the appellant was proceeded under special law i.e Police Rules 1975 amended in the year 2014, which is an applicable law to the case of appellant. Thus the orders passed by the respondents in the case of appellant are legally justified and in accordance with law/rules.
- f. The respondents may also be permitted to raise additional grounds at the time of arguments.

**PRAYERS:**

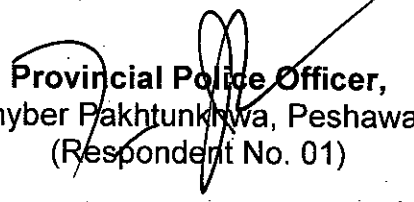
Keeping in view the above facts and circumstances, it is most humbly prayed that the instant service appeal being not maintainable, may kindly be dismissed with costs please.



**Superintendent of FRP,  
DIKhan Range DIKhan  
(Respondent No. 03)**



**Commandant FRP,  
Khyber Pakhtunkhwa, Peshawar  
(Respondent No. 02)**



**Provincial Police Officer,  
Khyber Pakhtunkhwa, Peshawar  
(Respondent No. 01)**

"A" - (05)

(9)

No. 530 /FRP

Dated 27-03 /2018

OFFICE OF THE SUPERINTENDENT OF POLICE FRP DIKHAN RANGE DIKHAN

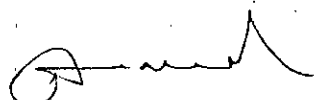
SHOW CAUSE NOTICE

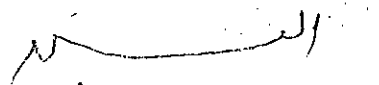
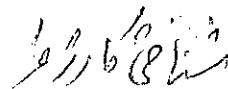

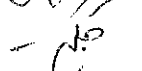
(Under Rule 5(3)(b) KP Police Rules 1975)

- I) Whereas you Constable Muhammad Sajid No.8306/FRP of FRP have rendered yourself liable to be proceeded under Rule 5(3) (b) of the Khyber Pakhtunkhwa Police Rules 1975 for the following misconduct.
- a) According to daily diary report No.10 dated 10.03.2018 of FRP Police Line Tank, on expiry of 30 days leave, you were required to report your arrival at FRP Police Line Tank but you failed to do so and remained absent from law full duties with effect from 10.03.2018 to till date without any leave or permission from the competent authority. This act on your part amount to gross misconduct which is punishable under the Rules.
- II) That the misconduct on your part is prejudicial to good order of discipline in the Police Force.
- III) That by taking cognizance of the matte under enquiry the undersigned as competent authority under the said rule proposed stern action against you by awarding one or more of the punishments as provided in Rule 4 the receipt of the notice failing which an ex-part action shall be taken against you.
- IV) you are further directed to inform the undersigned as to whether you wish to be heard in person or not.

Received By \_\_\_\_\_  
Dated \_\_\_\_\_ /2018

(AMAN ULLAH KHAN)  
Superintendent of Police, FRP  
DIKhan Range DIKhan

  
27/3/18

"A" - 06

No. 712 / FRP

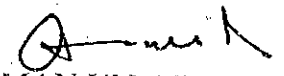
Dated 26-09 / 2018

OFFICE OF THE SUPERINTENDENT OF POLICE FRP DIKHAN RANGE DIKHAN  
SHOW CAUSE NOTICE

(Under Rule 5(3)(b) KP Police Rules 1975)

- I) Whereas you Constable Muhammad Sajjad No.8306/FRP of FRP have rendered yourself liable to be proceeded under Rule 5(3) (b) of the Khyber Pakhtunkhwa Police Rules 1975 for the following misconduct.
- a) according to daily diary report No.07 dated 10.09.2018 of FRP Police Lines Tank, you remained absent from law full duties with effect from 10.09.2018 to till date without any leave or permission from the competent authority.
- II) That the misconduct on your part is prejudicial to good order of discipline in the Police Force.
- III) That by taking cognizance of the matter under enquiry the undersigned as competent authority under the said rule proposed stern action against you by awarding one or more of the punishments as provided in Rule 4 the receipt of the notice failing which an ex-part action shall be taken against you.
- IV) you are further directed to inform the undersigned as to whether you wish to be heard in person or not.

Received By Bekhatow Khan  
Dated 01/10 / 2018

  
(AMAN ULLAH KHAN)  
Superintendent of Police, FRP  
DIKhan Range DIKhan  
26/9/18

12201-1881339-1

دفعہ مارکیٹ / 3 (10/9/18)

60

DISCIPLINE ضلع

فقیر اور ناظم

یوٹیل کنٹریں FRP

14 دسمبر 1987 کو شوقاز نوٹس ٹک مینان 20 مورادہ 3/18 وقت 13:00 بجے اس وقت نوٹس  
کنٹریں عرفان 8932 نوٹس کنٹریں عرفان 8932 سیداد 8306 نوٹس  
سیداری گاڑی پر نوٹس عدلیہ خانہ نوٹس سیداد 8306 نوٹس

37 دسمبر 1987 کو شوقاز نوٹس ٹک مینان 20 مورادہ 4/18 وقت 7:40 بجے اس وقت  
نوٹس کنٹریں عرفان 8932 نوٹس سیداد 8306 نوٹس سیداد 8306 نوٹس  
نوٹس کنٹریں عرفان 8932 نوٹس سیداد 8306 نوٹس سیداد 8306 نوٹس

جناب عالی  
ذیل معائنہ اول  
Lahri

AMHC/FRP/Dilkhon  
05-04-18

Sis  
Forwarded PL  
Lo-FRP-Dilkhon  
05-04-18

Issue charge sheet & statement  
of allegation against FRP Muhammad Yaqub  
nominated as E.O. and P.W. stop. HO

SP/FRP/DHR 1  
06/04/88

SP/Muhammad Yaqub Transfer to  
Tank distt. Now SP/FRP Zahoor Khan  
nominated as E.O.

SP/FRP/12  
04/11



"A" (08)

(b)

No. SS9-60 /FRP

dated: 9-4 /2018

CHARGE SHEET

- I) I, Aman Ullah Khan, SP FRP DIKhan as competent authority, am of the opinion that you Constable Muhammad Sajid No.8306/FRP of FRP DIKhan Range have committed the following acts/omission as defined in Rule 2 (iii) of Police Rules 1975.
- II) According to daily diary report No.10 dated 10.03.2018 of FRP Police Line Tank, on expiry of 30 days leave, you were required to report your arrival at FRP Police Line Tank but you failed to do so and remained absent from law full duties with effect from 10.03.2018 to till date without any leave or permission from the competent authority. Show Cause Notice was prepared and sent to your home address for delivered upon you through Constable Sajjad No.8306/FRP vide daily diary report No.37 dated 31.04.2018 of FRP Police Line DIKhan but you refused to received said Show Cause Notice. Thus you have committed a gross "Misconduct" as defined in Rule 2 (iii) of Police Rules 1975 and have rendered yourself liable to be proceeded against departmentally.
- III) By reason of the above, you seem to be guilty as sufficient materials is placed before the undersigned; therefore it is decided to proceed against you in general police proceeding.
- IV) You are; therefore, required to submit your written reply within 07 days of the receipt of this charges sheet to the Enquiry Officer.
- V) Your written reply, if any, should reach the Enquiry Officer within specific period, failing which it shall be presumed that you have no defense to offer and in that case ex-parte action shall follow against you.
- VI) Intimate as to whether you desire to be heard in person or not?
- VII) A statement of allegation is enclosed.

[Signature]  
12201-7912898-1  
0316 9457157

[Signature]  
(Aman Ullah Khan)  
Superintendent of Police, FRP  
DIKhan, Range DIKha  
11/9/18

A-09

5

DISCIPLINARY ACTION

I, Aman Ullah Khan, SP FRP DIKhan as competent authority, am of the opinion that you Constable Muhammad Sajid No.8306/FRP of FRP DIKhan Range of FRP have committed the following acts/omission as defined in Rule 2 (iii) of Police Rules 1975.

STATEMENT OF ALLEGATION

1. According to daily diary report No.10 dated 10.03.2018 of FRP Police Line Tank, on expiry of 30 days leave, you were required to report your arrival at FRP Police Line Tank but you failed to do so and remained absent from law full duties with effect from 10.03.2018 to till date without any leave or permission from the competent authority. Show Cause Notice was prepared and sent to your home address for delivered upon you through Constable Sajjad No.8306/FRP vide daily diary report No.37 dated 31.04.2018 of FRP Police Line DIKhan but you refused to received said Show Cause Notice. It is a gross "Misconduct" on your part as defined in Rule 2 (iii) of Police Rules 1975 and has rendered yourself liable to be proceeded against departmentally.
2. For the purpose of scrutinize the conduct of said Constable with reference to the above allegation, Muhammad Yousaf DSP/FRP DIKhan is appointed as Inquiry Officer.
3. The Inquiry Officer shall conduct proceeding in accordance with provision of Police Rules 1975 and shall provide reasonable opportunity of defense and hearing to the accused official, record it is finding and make with twenty five (25) days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused official.
4. The delinquent official shall join the proceeding on the date, time and place fixed by the officer.

Sajjad  
 12201-7912898-1  
 0316-9457157

Aman Ullah Khan  
 (Aman Ullah Khan)  
 Superintendent of Police, FRP  
 DIKhan Range DIKhan  
 11-4-2018

DSP-NO: 89  
11-4-2018

G.M.

WHEREAS YOU, Constable Muhammad Sajjad No. 8306/FRP found guilty of following misconduct in violation of Khyber Pakhtunkhwa Police Disciplinary Rules 1975 with amendment 2014.

**FINAL SHOW CAUSE NOTICE**

According to daily diary report No.10 dated 10.03.2018 of FRP Police Line Tank, on expiry of 30 days leave, you were required to report your arrival at FRP Police Line Tank but you failed to do so and remained absent from law full duties with effect from 10.03.2018 to till date without any leave or permission from the competent authority. Show Cause Notice was prepared and sent to his home address for delivered upon you through Constable Said Khan No.8910/FRP vide daily diary report No.37 dated 31.01.2018 of FRP Police Line Dikhan but you refused to received said Show Cause Notice.

After completion the enquiry the Inquiry Officer submitted his finding in which the charges leveled against you were proved without any shadow of doubt. As a result thereof, AMAN ULHAH KHAN, Superintendent of Police, FRP, Dikhan Range D.I.Khan, as competent authority have tentatively decided to impose upon you the penalty of Major/ Minor punishment Under Section 5 of the said ordinance.

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

2. If no reply to this notice is received within 15-days of its delivery in the normal course of circumstances, it shall be presumed that you have no defense to put in and in that case an ex-parte action shall be taken against you.

Superintendent of Police,  
FRP D.I.Khan Range D.I.Khan.

6-2-18

Rec

Received on part  
30/07/2018  
12201-2512/35-5

5441532

10-A

فائلز رپورٹ

ازدختر DSP  
FRP. Dil

جی اے ای! والد چارج شدہ 559-60-FRP جارجیا DSP-11  
9-4-2018

انفیر ڈیل دیل برخلاف کینسل فی سید سجاد 8306 ٹانگ کی  
انوائس جمع توالے ہوئی. حطالہ انوائس سے پایا گیا کہ  
کینسل مذکورہ 30 نوم مذکور شدہ دفعہ کینسل پر  
گور گیا ہوا تھا. بعد ازاں دفعہ کینسل نہ آنے پر  
دفعہ 10/3 کو نوٹس لائن FRP ٹانگ میں منظر حاضر ہوا

کینسل مذکورہ کو لغزین و ہول کرنے چارج شدہ  
ایسٹ و بیل ڈی 0344-9752291 بر رابطہ کر کے مطلع کیا گیا  
جو کہ دفعہ 12/4 کو چارج شدہ و ہول کرنے کا کہا  
کینسل حاضر نہ آیا.

دفعہ 13/4 کو سرور لائن ٹانگ 14 کو ذریعہ و بیل فون  
اطلاع یابی گئی کہ مذکورہ کینسل کو چارج کیلئے مجبوراً جانے  
تو ٹانگ نے بلا پایا کہ کینسل مذکورہ دفعہ 10/3 سے بدستور  
منظر حاضر ہے جسکو اطلاع یابی کراؤن گا.

دفعہ 20/4 کو چارج شدہ مذکورہ بدستور کینسل زین اللہ FRP  
ٹانگ سرور ٹانگ کے پاس مجبوراً گئی. جو کہ سرور لائن ٹانگ  
نے مذکورہ چارج شدہ بدستور کینسل سیدضی 8910 سے  
الذام علیہ کے گور کے پتہ پر چارج تقسیم کراوائی جو کہ مذکورہ  
الذام علیہ بالانے خود 22/4 کو و ہول کسی ہے. جسکا تقریباً  
تو اب ازدرعیاد 7 نوم دنیا کا سیکرین تاحال نہیں دیا ہے  
کینسل مذکورہ تاحال دفعہ 10/3 سے بدستور منظر حاضر ہے  
مذکورہ و بیل فون ہی Attend نہیں کرتا ہے.

نہذا مذکورہ کے خلاف مندرجہ ذیل کارروائی کیلئے  
فائل منمواد الشو کرنے کی سفارش کی جاتی ہے  
ظہور الامین خانی  
DSP-FRP-Dil 4/5/18

از دفتر DSP جناب عالی! FRP-Dik

جوائہ اسکولہ انوائسری برنلاؤ کونسل 3 سجاد بنگر 8306 قصبہ لائن FRP ٹانڈہ  
کی انوائسری جسے ڈالہ ہوئی کونسل مذکورہ فرم  $\frac{3}{18}$  سے پوچھیں لائن FRP  
ٹانڈہ سے بدستور غنیمت صاحبہ سے کونسل مذکورہ (3) بار پیشی کونسل طلب  
کیا گیا ہے مگر حاضر نہیں آیا ہے۔

انڈیل مسئلہ میں کونسل مذکورہ طلب کیا گیا جو کہ حسب طلبا حاضر آیا ہے  
مذکورہ بیان کیا ہے کہ میں MSC تعلیم مکمل کرنے کے لئے غنیمت صاحبہ کی ہے  
مذکورہ کا تفصیلی بیان مہراہ لف ہے۔

کونسل مذکورہ فرم سجاد بنگر 8306 جو کہ فرم  $\frac{3}{18}$  تا  $\frac{9}{18}$  تک  
مہرہ (6) ماہ اپنی ڈیوٹی سے غنیمت صاحبہ رہ گیا ہے۔ اور اب  
 $\frac{9}{18}$  کو حاضر ہو تو کہہ گیا ہے۔ کونسل مذکورہ نے ڈیوٹی  
کی بجائے تعلیم کو ترجیح دی ہے۔ اور ابھی بھی اپنی تعلیم  
MSC مکمل کرنا چاہتا ہے۔ کونسل مذکورہ نے یہ (6) ماہ غنیمت صاحبہ  
بھی تعلیم مکمل کرنے کے لئے کی ہے کی انوائسری سے حضور واریا پاشا ہے

مہرہ غنیمت صاحبہ بلا تنخواہ کرنے کی سفارش کی جاتی ہے  
سید حکیم انسران بالا انصاف سوسائٹی

ظہور الہدیٰ خان

DSP-FRP-Dik

10-09-18

بیان برائے DSP صاحب FRP ڈی آئی ڈی

میں محمد کاد کا ایٹیل FRP 10-3-018 سے غیر طالب ہوں میرا خلیہ  
 Study leave لینا تھا لیکن مجھے ایسی وجہ دیا کہ میں نے NOC ہی آفیس  
 میں بھیجی تھی ایڈمیشن سے پہلے لیکن وہ SP صاحب کو دیا اس  
 کو جب میں نے ایڈمیشن دینے کے لیے فرمیں گواہ لیا تو اس نے  
 میں لائی میں نے B.S تعلیم کی تھی اور M.A بھی کرنا چاہتا تھا اور  
 اگر ایڈمیشن دیا جائے تو میں overage ہو جاتا اس لیے میں نے  
 ایڈمیشن دے لی اور یہی کی درخواست کی ہے لیکن ایسی وجہ  
 دیا کہ میں نے مجھ کو سمجھ کر غیر حامی کی میرا ایسی ہی وہ  
 ایڈمیشن شروع ہے میں چاہتا ہوں کہ میں حامی کروں اور  
 میری Transfer ادوم DTK کو ہو جائے تاکہ میں  
 IST نام کے سر کے سکول اور and نام ڈیوٹی کروں کہ میں  
 مجھ کو یہ اور دل سے یہ کہیں گے کہ ہمارے وہ کہ میری  
 درخواست وہاں ہے۔

9 روزانہ 9-07-18

شکریہ کر جی

Attested  
 DSP | FRP | DTK

Signature  
 محمد کاد FRP

03169457157

Cell No  
 8306

Date  
 06/09/018

P.T-0

س = آپ نے کوئی درخواست کی ہے کہ کوئی اور سے

دیا ہے کہ میں کوئی اور سے درخواست کی ہے کہ کوئی اور سے

DSP FRP  
D.I. Khan

3 - میں نے اندر سے مسئلہ اجازت لینے کے لئے درخواست

کی درخواست دیا ہے۔ لیکن مسئلہ کو اجازت دینے

بنا ہے کہ آپ کی درخواست میں کچھ اور درخواست

کی درخواست کو درخواست میں نہیں دیکھا ہے

س = کیا آپ نے اندر سے مسئلہ کو پیش کیا ہے

3 - میں نے پیش کیا ہے کہ میں نے یہاں تک

دیکھ کر مجھے کہا ہے کہ یہاں سے جانے دیا

اللہ

س = میں نے آپ سے پیش کیا ہے فارغ ہو کر کہاں جانے

DSP FRP  
D.I. Khan

3 - میں نے کوئی اور سے مسئلہ کو پیش کیا ہے

ہو اور نوکری کی جگہ پر تعلیم کو ترجیح دیا

اللہ تعالیٰ میں کوئی اور سے مسئلہ کو پیش کیا ہے

اور میں نے یہاں سے مسئلہ کو پیش کیا ہے

DSP FRP  
D.I. Khan

3 - میں نے یہاں سے مسئلہ کو پیش کیا ہے

میں نے یہاں سے مسئلہ کو پیش کیا ہے

"C" - 14

**ORDER**

This order will dispose of the departmental appeal preferred by ex-constable Muhammad Sajjad No. 8306 of FRP DI Khan Range, against the order of SP FRP DI Khan Range, DI Khan issued vide OB No. 677, dated 17.10.2018, wherein he was awarded major punishment of removal from service. The applicant was proceeded against on the allegations that the applicant was proceeded on 30 days earned leave, but after expiry of the said leave he failed to report arrival and remained absented himself from lawful duty with effect from 10.03.2018 to 07.09.2018 for total period of 05 months & 27 days, without any leave or prior permission of the competent authority.

In this regard, he was issued Show Cause Notice and sent to his home address through constable Saad Khan No. 8910 FRP DI Khan for deliver upon him vide DD report No. 37, dated 31.04.2018, but he refused to receive the said Show Cause Notice.

He was issued Charge Sheet alongwith Summary of Allegations and Zahir Ud Din DSP FRP DI Khan Range was nominated as Enquiry Officer to unearth the actual facts. After completion of enquiry, the Enquiry Officer submitted his findings, wherein he stated that accused constable has arranged regular admission in MSC at Gomal University DI Khan, without any permission of high up. During the course of enquiry the allegations were fully established against him.

Upon the findings of Enquiry Officer, a letter was sent to Chairman Physics Department, Gomal University DI Khan vide office memo NO. 1916/FRP, dated 05.10.2018 for verification about his regular admission. The Chairman Physics Department, Gomal University DI Khan vide his office letter No. 987/PHYS/GU, dated 08.10.2018, verified that the accused constable is a regular student of MSC Physics Semester 2<sup>nd</sup> Session 2017-19 under Class No. 34.

The accused constable once again absented himself from lawful duty with effect 10.09.2018 till the date of removal from service i.e. 17.10.2018 for total period of 01 months & 07 days, without any leave or prior permission of the competent authority.

He was called time and again for personal hearing, but he does not appear before the competent authority, which shown that he is not interested in Govt. service.

Keeping in view the above narrated facts and other material available on record, he was awarded major punishment of removal from service vide OB No. 677, dated 17.10.2018.

Feeling aggrieved against the impugned order of SP FRP DI Khan Range, DI Khan, the applicant preferred the instant appeal. The applicant was summoned and heard in person in Orderly Room held on 13.08.2020.

During the course of personal hearing, the applicant failed to present any justification regarding his innocence. From perusal of enquiry file it has been found that the allegations was fully established against him during the course of enquiry. Thus the applicant has been found to be an irresponsible person in utter disregard the discipline of the force. Therefore any leniency or complacency would further embolden the accused officer and impinge upon the adversely on the over all discipline and conduct of the force. It settled proposition of law that law helps the diligent and not indolent. Thus there doesn't seem any infirmity in the order passed by the competent authority, therefore, no grounds exist to interfere in same.

Based on the findings narrated above, I, Malik Muhammad Tariq PSP, Deputy Commandant FRP Khyber Pakhtunkhwa, Peshawar, being the competent authority, has found no substance in the appeal, therefore, the same is rejected/dissmissed being merilless & badly time barred.

Order Announced  
OB/SAC/HIC/Pe.  
For no action.  
Superintendent of Police  
FRP, D.I. Khan Range  
OB No. 633  
08.09.2020  
Deputy Commandant  
For Commandant FRP  
Khyber Pakhtunkhwa, Peshawar.

No. 2641-92 IEC, dated Peshawar the 31/10/2020.  
Copy of above is forwarded for information and necessary action to

- 1. SP FRP DI Khan Range, DI Khan. His service record and D file sent herewith.
- 2. Ex-constable Muhammad Sajjad No. 8306 S/o Mumtaz Khan R/o village Pai, Police Station Gulistan, District Tank.



"D" 15

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

Service appeal No.5734/2021

**Muhammad Sajjad** Son of Mamtaz Khan Caste Kundi R/O village Pai Tehsil & District Tank.

Ex: Constable No.8306/FRP Derial Ismail Khan.....Appellant

**VERSUS**

**Provincial Police Officer Khyber Pakhtunkhwa Peshawar & others.....(Respondents)**

**AUTHORITY LETTER**

**Respectfully Sheweth:-**

We respondents No.01 to 03 do hereby solemnly authorize Mr. Mahmood Nawaz DSP FRP DIKhan Range to attend the Honorable Tribunal and submit affidavit/Para-wise comments required for the defense of above Service Appeal on our behalf.

**Superintendent of Police FRP,  
DI Khan Range, DI Khan.  
(Respondent No.03)**

**Commandant FRP,  
Khyber Pakhtunkhwa, Peshawar.  
(Respondent No.02)**

**Provincial Police Officer,  
Khyber Pakhtunkhwa, Peshawar.  
(Respondent No.01)**

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

Service appeal No.5734/2021

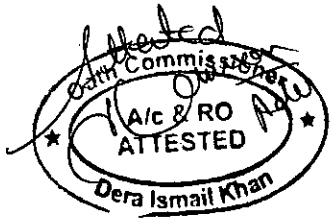
**Muhammad Sajjad** Son of Mamtaz Khan Caste Kundi R/O village Pai Tehsil & District Tank.  
Ex: Constable No.8306/FRP Derial Ismail Khan.....Appellant

**VERSUS**

**Provincial Police Officer Khyber Pakhtunkhwa Peshawar & others.....(Respondents)**

**AFFIDAVIT**

We respondents No.01 to 03 hereby solemnly affirm and declare on oath that the contents of the accompanying Para-wise Comments is correct to the best of our knowledge and belief that nothing has been concealed from this Honorable Court.



Deponent

Mehmood Nawaz

NIC No. 11201-0369959-1