

**BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR
AT CAMP COURT ABBOTTABAD.**

Service Appeal No. 1340/2019

Date of Institution ... 14.10.2019

Date of Decision ... 29.11.2021



Khan Afsar, Constable No. 413, District Police Haripur.

... (Appellant)

VERSUS

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and two others.

... (Respondents)

MR. MOHAMMAD ASLAM TANOLI,
Advocate

--- For appellant.

MR. RIAZ AHMED PAINDAKHEL,
Assistant Advocate General

--- For respondents.

MR. AHMAD SULTAN TAREEN
MR. SALAH-UD-DIN

--- CHAIRMAN
--- MEMBER (JUDICIAL)

JUDGMENT:

SALAH-UD-DIN, MEMBER:-

Precise facts as alleged by the appellant in his appeal are that he was selected for weapon Class Course at Police Training Center Hangu; that on reaching PTC Hangu on 04.01.2001, the appellant fell ill due to asthma and was taken to the hospital; that the appellant was given treatment and was advised three days bed rest, however he could not be recovered from the illness, therefore, he approached the principal PTC Hangu and requested him to relieve the appellant from the training due to illness; that upon granting of permission by the Principal PTC Hangu, the appellant came

back to Haripur and resumed his duty on 10.11.2001; that no departmental proceedings were carried out against the appellant, however when the appellant applied for voluntary retirement from service, he came to know that he has been awarded penalty of forfeiture of approved service for two years somewhere back in the year 2002; that the appellant after procuring of the copy of impugned order dated 24.01.2002, filed departmental appeal, which was declined vide order dated 29.04.2019, hence the instant service appeal.

2. Notices were issued to the respondents, who submitted their comments, wherein they denied the assertions made by the appellant in his appeal.

3. Learned counsel for the appellant has contended that the appellant had duly reported in PTC Hangu for Weapon Class Course, but he became seriously ill due to asthma, therefore, he was taken to hospital and was given medical treatment, however the appellant could not get recover from the disease, therefore, he came back to Haripur after getting permission from Principal PTC Hangu; that the inquiry proceedings were conducted in a slipshod manner without verifying the stance of the appellant regarding his illness from the concerned quarter; that neither any final show-cause notice was issued to the appellant nor copy of the inquiry report was provided to the appellant, which has caused prejudice to the appellant; that the inquiry proceedings were conducted in sheer violation of the relevant provisions of Removal From Service (Special Powers) Ordinance, 2000, therefore, the impugned orders are liable to be set-aside being void ab-initio; that the impugned order dated 24.01.2002 was not at all communicated to the appellant and on attaining knowledge regarding the same, the appellant applied for procuring of the same and on receipt of copy of the impugned order, the appellant filed departmental appeal on 06.05.2019, which is within time; that the appellant as an

abundant caution has also filed application for condonation of delay, which is supported by duly sworn affidavit.

4. On the other hand, learned Assistant Advocate General has contended that the impugned order was passed way back in the year 2002 while the appellant filed departmental appeal in the year 2019, therefore, the departmental appeal of the appellant was badly time barred, hence the instant service appeal is not maintainable; that the appellant deliberately absented himself from the concerned course and came back from PTC Hangu without seeking permission from the competent Authority, which act of the appellant come within the ambit of misconduct; that the inquiry proceedings were conducted by complying all legal and codal formalities and the charge against the appellant stood proved, therefore, he was rightly awarded the impugned penalty. In the last he requested that the appeal in hand being devoid of merit is liable to be dismissed with cost.

J. I.

5. We have heard the arguments of learned counsel for the appellant as well as learned Assistant Advocate General for the respondents and have perused the record.

6. Available on the record are copies of statement of allegations as well as charge sheet issued to the appellant, which indicate that the appellant was proceeded against under Removal from Service (Special Powers) Ordinance, 2000 (hereinafter referred as the ordinance). The penalties which could be awarded to a delinquent civil servant are provided in sub-section (1) of Section-3 of the Ordinance. It is evident from perusal of sub-section (1) of Section-3 of the Ordinance that besides the punishments provided therein, the competent Authority may impose one or more minor penalties as prescribed in the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 1973. Para-(a) of sub-Rule (1) of Rule-4 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 1973 provides minor penalties, which could be awarded to any delinquent civil servant. The appellant has been awarded the impugned

penalty of forfeiture of approved service for two years, however on careful perusal of sub-section (1) of Section-3 of the Ordinance as well as Para-(a) of sub-Rule (1) of Rule-4 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 1973, we have come to the conclusion that the penalty so awarded to the appellant has not at all been provided therein. The impugned order dated 24.01.2002 passed by the competent Authority is thus void ab-initio, hence not sustainable in the eye of law and is liable to be set-aside.

7. The appellant had taken specific plea in his reply to the show-cause notice that it was due to illness of the appellant that he could not undergo the training for Weapon Class Course and returned back to Haripur after getting verbal permission from the Principal PTC Hangu. The inquiry officer has, however not bothered to inquire regarding the stance so taken by the appellant. Moreover, upon receipt of the findings of the inquiry officer, the competent Authority did not pass a separate speaking order and just wrote below the findings as under:-

"Forfeiture of approved service for two years"

The aforementioned fact would show that the impugned order dated 24.01.2002 has been passed in a casual manner, without providing any opportunity of hearing to the appellant.

8. The impugned order was passed in the year 2002, while the departmental appeal has been filed in the year 2019, therefore, the question of limitation is now taken up for discussion. A perusal of the impugned order would show that no copy of the same was ordered to be sent/communicate to the appellant. Moreover, nothing is available on the record which could show that the same was communicated to the appellant. The appellant has alleged that he had submitted application to the competent Authority for providing him copy of the impugned order dated 24.01.2002, which was allowed on 29.04.2019 and he submitted departmental appeal on 06.05.2019. Moreover, the departmental appeal was rejected

on merit and not on the ground of limitation. In view of Section-9 of the Ordinance, the appellant was required to prefer representation/departmental appeal within a period of 15 days from the date of communication of the order and as such the appellant after obtaining of copy of the impugned order, has filed the appeal on 06.052019, which is within time.

9. In view of the above discussion, the appeal in hand is allowed by setting-aside the impugned orders and the forfeited approved service of two years of the appellant is restored with all consequential/back benefits. The respondents shall, however be at liberty to conduct de-novo inquiry in the matter strictly in accordance with relevant law/rules within a period of 30 days of the receipt of copy of this judgment. In case of de-novo inquiry, the consequential/back benefits shall be subject to outcome of the de-novo inquiry. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
29.11.2021

(SALAH-UD-DIN)
MEMBER (JUDICIAL)
CAMP COURT ABBOTTABAD

(AHMAD SULTAN TAREEN)
CHAIRMAN
CAMP COURT ABBOTTABAD

Service Appeal No. 1340/2019

29.11.2021

Appellant alongwith his counsel Mr. Mohammad Aslam Tanoli, Advocate, present. Mr. Iftikhar Ahmed, F.C alongwith Mr. Riaz Ahmed Pindakhel, Assistant Advocate General for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today, separately placed on file, the appeal in hand is allowed by setting-aside the impugned orders and the forfeited approved service of two years of the appellant is restored with all consequential/back benefits. The respondents shall, however be at liberty to conduct de-novo inquiry in the matter strictly in accordance with relevant law/rules within a period of 30 days of the receipt of copy of this judgment. In case of de-novo inquiry, the consequential/back benefits shall be subject to outcome of the de-novo inquiry. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED

29.11.2021



(Ahmad Sultan Tareen)
Chairman
Camp Court Abbottabad




(Salah-Ud-Din)
Member (J)
Camp Court Abbottabad

SA 1340/2019

14.10.2021

Counsel for the appellant and Mr. Muhammad Adeel Butt, Addl. AG alongwith Mujahid Shah, H.C for the respondents present.

Respondents have furnished reply/comments. Placed on record. To come up for arguments on 29.11.2021 before the D.B at camp court, Abbottabad.



Chairman
Camp Court, A/Abad

22.10.2020

Nemo for appellant.


Usman Ghani learned District Attorney alongwith Mujahid Shah Reader for respondents present.

Written reply on behalf of respondents was not submitted. Representative of respondents seeks time to furnish reply; granted. To come up for submission of reply on 17.12.2020 before S.B at Camp Court, Abbottabad.



(Rozina Rehman)
Member (J)
Camp Court, A/Abad

*Due to covid-19 case is
adjourned to 18-03-2021*



Reader

18.03.2021

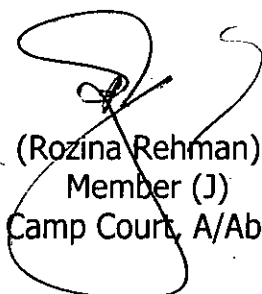
Appellant present through counsel. Preliminary arguments heard. File perused.

Points raised need consideration. Appeal is admitted to regular hearing subject to all legal objections. Appellant is directed to deposit security and process fee within 10 days.

Appellant Deposited
Security & Process Fee

Thereafter, notices be issued to respondents for reply/comments. To come up for written reply/comments on

14/07/2021 before S.B at Camp Court, Abbottabad.



(Rozina Rehman)
Member (J)
Camp Court, A/Abad

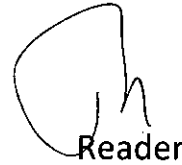
22.01.2020

Appellant in person present. Written reply not submitted. Misal Khan ASI representative of respondents present and seeks time to furnish reply. Granted. To come up for reply/preliminary hearing on 18.02.2020 before S.B at Camp Court Abbottabad.



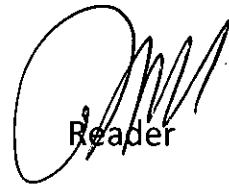
Member
Camp Court, A/Abad

Due to covid ,19 case to come up for the same on 16 / 4 / 20
at camp court abbottabad.



Reader

Due to summer vacation case to come up for the same on 10 / 22
120 at camp court abbottabad.



Reader

19.11.2019

Learned counsel for the appellant present. Heard.

The appellant has filed the present service appeal against the order dated 24.01.2002 whereby he was awarded penalty of forfeiture of approved service for a period of two years. Against the punishment order dated 24.01.2002, the appellant has filed departmental appeal on 06.05.2019, which departmental appeal was rejected vide order dated 18.07.2019.

Learned counsel for the appellant was confronted with the issue that the departmental appeal of the appellant appears to be hopelessly time barred whereupon learned counsel for the appellant answered that the appellant was not in the know of the impugned order dated 24.01.2002. In the interest of justice, pre-admission notice be issued to the respondents for reply. To come up for reply and preliminary hearing on 19.12.2019 before S.B at Camp Court, Abbottabad.



Member
Camp Court, A/Abad

19.12.2019

Due to general ^{strike} of Khyber Pakhtunkhwa Bar Council learned counsel for the appellant is not available today. Mr. Ziaullah, Deputy District Attorney alongwith Mr. Misal Khan, ASI for the respondents present. Representative of the department requested for time to file reply. Adjourned to 22.01.2020 for reply and preliminary hearing before S.B at Camp Court Abbottabad.



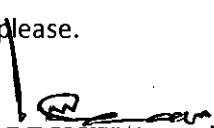
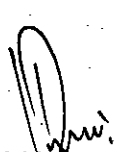
(Muhammad Amin Khan Kundi)
Member
Camp Court Abbottabad

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- _____ 1340/2019 _____

| S.No. | Date of order proceedings | Order or other proceedings with signature of judge | | |
|-------|---------------------------|--|--|--|
| 1 | 2 | 3 | | |
| 1- | 14/10/2019 | <p>The appeal of Mr. Khan Afsar presented today by Mr. Muhammad Aslam Tanoli 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 14/10/19</p> <p>2-</p> | | <p>This case is entrusted to touring S. Bench A.Abad for preliminary hearing to be put up there on <u>19-11-2019</u></p> <p style="text-align: right;"> CHAIRMAN</p> |

BEFORE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Appeal No...1340/2019

Khan Afsar, Constable No. 413, District Police Haripur.

Appellant

VERSUS

1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Haripur

Respondents

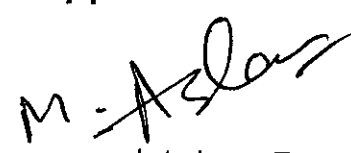
SERVICE APPEAL

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Appellant

Through


(Mohammad Aslam Tanoli)
Advocate High Court
at Haripur

Dated: 14-10-2019

①

BEFORE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Appeal No.....1340/19

Khan Afsar, Constable No..413, District Police Haripur

Appellant

Diary No. 1445

VERSUS

Dated 14-10-2019

1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Haripur

Respondents

SERVICE APPEAL UNDER SECTION-4 OF KPK SERVICE TRIBUNAL ACT 1974 AGAINST ORDER DATED 24-01-2002 OF DISTRICT POLICE OFFICER HARIPUR WHEREBY APPELLANT HAS BEEN AWARDED PENALTY OF "FORFEITURE OF APPROVED SERVICE FOR 02 YEARS" AND REGIONAL POLICE OFFICER HAZARA REGION ABBOTTABAD ORDER DATED 18-07-2019 WHEREBY HIS DEPARTMENTAL APPEAL HAS BEEN REJECTED".

PRAYER: ON ACCEPTANCE OF INSTANT SERVICE APPEAL BOTH THE IMPUGNED ORDERS DATED 24-01-2002 AND 18-07-2019 OF THE RESPONDENTS MAY GRACIOUSLY BE SET ASIDE AND THE APPELLANT BE RESTORED HIS VERY FORFEITED APPROVED SERVICE OF 02 YEARS WITH ALL CONSEQUENTIAL SERVICE BACK BENEFITS ON RENDITION OF ACCOUNT.

Respectfully sheweth,

Filed to-day
Registrar
14/10/19

1. That appellant has rendered more than 26 years service in the police department. He always performed his assigned duties with devotion and honesty. He has unblemished service record.
2. That towards the end of year 2001, the appellant was selected for Weapon Class Course at Police Training

②

Centre Hungu. The appellant reached PTC Hungu on 04-01-2001 but to his bad-luck the very next day on 05-11-2001 he fell seriously ill due to asthma. He was taken to the PTC Hospital by his colleagues. The doctor advised appellant bed rest for 03 days. Appellant was consecutively treated by his doctor at Hungu but he could not be recovered.

3. That ultimately in state of compulsion the appellant approached the Principle PTC Hungu and explained his ailing health and requested for relieving from training and sending him back to his district. The Principle was kind enough and permitted the appellant to join back his district. On 09-11-2001, appellant left PTC Hungu and resumed duty at Haripur on 10-11-2001.
4. That appellant had never absented himself from his training/course at PTC Hungu even for a single day. On resuming his duties at District Haripur, the appellant was called for and enquired verbally by the then DSP Haripur Syed Iqbal Hussain Shah about his illness. The appellant explained his position to the DSP who was fully satisfied with his explanation.
5. That thereafter neither any departmental inquiry was ever conducted against the appellant nor was he was issued with a charge sheet, show cause notice etc or any punishment order since 2001 to till today.
6. That appellant now a week ago when applied for his

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voluntary retirement from service and enquired about recommendation/sanction of his retirement, he was told by the officials in office that some where in the year 2001 he was awarded the penalty of "forfeiture of approved service for 02 years by District Police Officer Haripur.

7. That on this information appellant applied for issuance of punishment order through written application dated 29-04-2019 then he was issued the order dated 24-01-2002. **(Copies of application dated 29-04-2019 & order dated 24-01-2002 are attached annex-"A & B")**.
8. That to prove the allegation against the appellant no proper departmental inquiry was conducted. Appellant was never provided the copy of inquiry findings as well as opportunity of personal hearing and condemned unheard.
9. That now appellant is going to be retired from service and the instant penalty of forfeiture of approved service of 02 years will cause tremendous loss to him in pay, pension and gratuity. The appellant is a low paid employee therefore he cannot afford such a big financial loss. He has a large family but no other source of income. After his retirement he will have to depend upon his pension. If this punishment is not set aside appellant alongwith his family will have to suffer a tremendous financial loss.

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10. That on receipt of impugned punishment order of the District Police Officer Haripur, the appellant preferred a department appeal dated 06-05-2019 before the Regional Police Officer, Hazara Region, Abbottabad explaining all material facts of the matter as well as his innocence in detail. **(Copy of Departmental Appeal dated 06-05-2019 is attached as annexure-"C")**.

11. That the appellate authority without taking into consideration rejected the appellant's departmental without giving any reason vide order dated 18-07-2019 but copy of the same was not provided to him. On appellant's specific written request copy of the said order was issued to him on 03-10-2019. **(Copies of the application dated 03-10-2019 and order dated 18-09-2019 is attached as annexure-"D&E")**. Hence instant service appeal, inter alia, on the following:-

GROUND:

- a) That both the impugned orders dated 24-01-2002 and 18-07-2019 of respondents are illegal, unlawful against the facts and circumstances passed in violation of departmental rules, regulations, superficially; arbitrary and whimsical in manner; hence both the orders of respondents are liable to be set aside.

- b) That no proper departmental inquiry was conducted, no show cause notice was issued to him. Appellant was not confronted with any documentary evidence

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nor was afforded chance to rebut such document, if any. Appellant was condemned unheard.

- c) That the respondents have not treated the appellant in accordance with law, departmental rules & regulations and policy on the subject and have acted in violation of Article-4 of the constitution of Islamic Republic of Pakistan 1973 and unlawfully issued the impugned orders, which are unjust, unfair hence not sustainable in the eyes of law.
- d) That the appellate authority has also failed to abide by the law and even did not take into consideration the grounds taken in the memo of appeal. Thus the impugned order of respondent is contrary to the law as laid down in the KPK Police Rules 1934, other departmental rules regulations read with section 24-A of General Clause Act 1897 read with Article 10A of the Constitution of Islamic Republic of Pakistan 1973.
- e) That appellant was also not provided the opportunity of personal hearing before awarding penalty which was mandatory under law thus he has been condemned unheard.
- f) That instant appeal is well within time and this honorable Service Tribunal has got every jurisdiction to entertain and adjudication upon the same.

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PRAYER:

It is, therefore, humbly prayed that on acceptance of instant Service Appeal both the orders dated 24-01-2002 and 18-07-2019 of respondents may graciously be set aside and the appellant be resorted his forfeited 02 (two) years approved service with all consequential service back benefits. In circumstances of the case any other relief which this Honourable Tribunal deems fit may also be granted.

Through:


Appellant

M. Aslam Tanoli
(Mohammad Aslam Tanoli)
Advocate High Court
At Haripur

Dated 14-10-2019

VERIFICATION

It is verified that the contents of instant Service Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed thereof.

Dated 14-10-2019


Appellant

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BEFORE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Khan Afsar, Constable No. 413, District Police Haripur.

Appellant

VERSUS

1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Haripur

Respondents

SERVICE APPEAL

CERTIFICATE

It is certified that no such Appeal on the subject has ever been filed in this Honourable Service Tribunal or any other court prior to the instant one.


APPELLANT

Dated: 14-10-2019

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BEFORE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Khan Afsar, Constable No. 413, District Police Haripur.

Appellant

VERSUS

1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Haripur

Respondents

SERVICE APPEAL

AFFIDAVIT:

I, Khan Afsar appellant do hereby solemnly declare and affirm on oath that the contents of the instant Service Appeal are true and correct to the best of my knowledge and belief and nothing has been suppressed from this Honourable Service Tribunal.

Dated: -10-2019

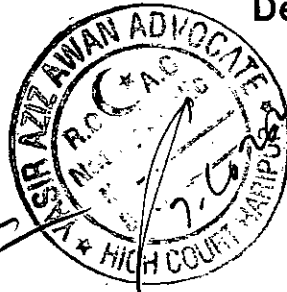
Identified By:

M. Aslam
Mohammad Aslam Tanoli
Advocate High Court
At Haripur

Dated 14-10-2019


Deponent/Appellant


Appellant



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BEFORE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Khan Afsar Constable No. 413, District Police Haripur.

Appellant

VERSUS

1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer Haripur.

Respondents

SERVICE APPEAL

APPLICATION FOR CONDONATION OF DELAY IN FILING THE
APPEAL BEFORE THIS HONOUR SERVICE TRIBUNAL.

Respectfully Sheweth:

1. That Applicant/Appellant has today filed the Service Appeal, which may be considered as part and parcel of this application, against the order dated 24-01-2002 and 18-07-2019 whereby appellant has been awarded the punishment of "Forfeiture of approved service for 02 years" and his departmental appeal has been turned down by the appellate authority illegally, unlawfully against the departmental rules and regulations and against the facts of the matter.
2. That Applicant/appellant, for the review of the aforesaid illegal order of the Authority submitted a departmental appeal but the Appellate Authority without taking into consideration the defense advanced by him has rejected the same leaving the appellant's grievance as unsettled which causes a recurring loss in future with an ultimate loss in pension as well.
3. That as the orders of departmental authorities are void, being passed in sheer violation and derogation of the statutory provisions governing the terms and conditions of service of the appellant, therefore the same are a nullity in the eyes of law and being a void

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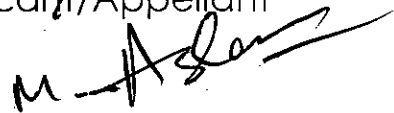
and unlawful orders, causing a recurring cause of action to the Applicant/Appellant can be challenged and questioned irrespective of a time frame.

4. That though impugned orders were passed by the respondents on 24-01-2002 and 18-07-2019 but its copies were not issued to the applicant/appellant well in time and he had to obtain the same through his own enthusiastic efforts by filing written applications. The delay, if any, in filing departmental as well as service appeal is due to the act of respondents.
5. That the instant application is being filed as an abundant caution for condonation of delay, if any.
6. That the impugned orders are illegal, void ab-initio, a nullity in the eyes of law thus liable to be set aside in the interest of justice.

It is therefore respectfully prayed that on acceptance of the instant application the delay, if any, in the filing of the above titled appeal may graciously be condoned.

Through:

Applicant/Appellant



(Mohammad Aslam Tanoli)
Advocate High Court
District Bar Haripur

Dated: 14/10-2019

VERIFICATION:

It is verified that the contents of instant application/appeal are true and correct to the best of my knowledge and belief and nothing has been concealed thereof.

Dated: 14-10-2019

Applicant/Appellant



ضلع جہلم

336 نمبر کی زمین ہے۔ جس میں عرصہ سے رہائش ہے۔
 گھنٹہ گھر کے نام سے۔ جو کہ عرصہ سے رہائش میں
 ہے۔ تیار کیا گیا ہے۔ دفتر بنا۔ تو عرصہ سے
 ہے۔ تو کسی وقت سے رہائش میں ہے۔
 ضلع جہلم میں ہے۔ لیکن جو ایسی کسی زمین پر
 کوئی اطلاع نہیں ہے۔ یا ذرا ہی نہیں ہے۔ اس لیے اس
 کے بارے میں کوئی نقل عطا نہیں ہے۔ بلکہ اس
 بارے میں کوئی اطلاع نہیں ہے۔

29/4/19

خان آفریقہ ٹریڈنگ 413

As per memo. (Signature)

Attested (Signature)

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Annex-B

NO. 06 /SB

DT: 16-01-2002

FINDINGS.

Reference attached Summary of allegation and Charge Sheet bearing No.24/SB, dated 27.12. 2001 regarding departmental enquiry entrusted to the undersigned against constable Khan Afsar No.411 in lieu of his absence.

The statement of constable was recorded, who stated that on 5.11.2001 on the second day of his arrival in PTC Hangu to undergo training as Weapon Class Course, he fell ill due to Asthama. He proceeded to PTC Hospital, from where the doctor advised him bed rest for 03 days. On expiry of 03 days bed rest he went to hospital on 8.11.2001, the doctor again advised him 03 days bed rest. On 9.11.2001, he without informing any one came back to District by absenting from PTC. He could not produced any bed rest chit or any prescription.

Going through the available record, this constable is of nine year service. He was due to appear before his superiors at the time of his selection for weapon course. His absence/dis-qualification report vide commandant PTC Hangu letter No. 4331/SRC, dated:12.12.2001 is worth perusal. During enquiry, this constable also absented himself from 7.1.2002 to 9.1.2002 without any reason.

He seems to be malingerer type, habitual absentee and proved to be guilty conscious, liable for major punishment.

Submitted please.

(Signature)
(SYED IQBAL HUSSAIN SHAH)
Dy:Supdt:of Police
Haripur.
15/01/02

DR
I
Ibala/02

Forfeiture of appointment
Service for 09 years

referred in
Sd/Cell P
15/1/02
SAC B-302

Attended
AF

OB No. 12
24/1/2002
Ibala/02

(13)

Annex-C

BEFORE HONOURABLE REGIONAL POLICE OFFICER,
HAZARA REGION, ABBOTTABAD.

(Departmental Appeal by Constable Khan Afsar No.413 District Police Haripur).

(THROUGH PROPER CHANNEL)

DEPARTMENTAL APPEAL AGAINST ORDER OB NO. 12 DATED 24-01-2002 PASSED BY THE DISTRICT POLICE OFFICER HARIPUR WHEREBY THE APPELLANT HAS BEEN AWARDED WITH THE PENALTY OF "FORFEITURE OF APPROVED SERVICE FOR 02 (TWO) YEARS".

PRAYER: ON ACCEPTANCE OF INSTANT DEPARTMENTAL APPEAL THE IMPUGNED ORDER DATED 24-01-2002 MAY KINDLY BE SET ASIDE AND APPELLANT BE RESTORED HIS 02 (TWO) YEARS FORFEITED APPROVED SERVICE WITH ALL CONSEQUENTIAL SERVICE BACK BENEFITS.

Respected Sir,

With most reverence and humble submission the following few lines are laid down before your Highness for kind consideration and favorable order please:-

1. That towards the end of year 2001, the appellant was selected to undergo training as Weapon Class Course at Police Training Centre Hungu. The appellant reached PTC Hungu on 04-01-2001 but to his bad-luck the very next day on 05-11-2001 he fell seriously ill due to asthma. He was taken to the PTC Hospital by his colleagues. The doctor advised appellant bed rest for 03 days. Appellant was consecutively treated by his doctor at Hungu but he could not get recovered his health.
2. That ultimately due to constrain the appellant approached the Principle PTC Hungu and explained him his ailing health and requested to relieve him from training

Attended
KAS

and send him back to his district. The Principle was kind enough and permitted the appellant to join back his district. On 09-11-2001, appellant left PTC Hungu and resumed duty at Haripur on 10-11-2001.

3. That appellant never absented from his duties even for a single day. The appellant was called for and enquired verbally by the then DSP Haripur Syed Iqbal Hussain Shah about his illness. The appellant explained his position to the DSP who was fully satisfied with his explanation.
4. That no departmental inquiry was ever conducted against the appellant and he was never issued with a charge sheet, show cause notice etc or any punishment order since 2001 to till today.
5. That appellant has now applied for his voluntary retirement from service and when a week ago he enquired about preparation of his retirement papers, he was told by the office that some where in the year 2001 he was awarded the penalty of "forfeiture of approved service for 02 years by District Police Officer Haripur.
6. That on this information appellant applied for issuance of punishment order through written application dated 29-04-2019 thus he was issued the said order dated 24-01-2002. **(Copies of application & order attached "A & B")**.
7. That to prove the allegation against the appellant no

Attested
RT

(15)

proper departmental inquiry was conducted. Appellant was never provided the copy of inquiry findings as well as opportunity of personal hearing.

8. That appellant has rendered about 26 years service in the police department. He always performed his assigned duties with honesty and has unblemished service record.
9. That now appellant is going to be retired from service and the instant penalty of forfeiture of approved service of 02 years will cause tremendous loss to him in pay, pension and gratuity. The appellant is a low paid employee therefore he cannot afford such a big financial loss. He has a large family consisting upon his school and college going children. He also has no source of income. After his retirement the only source of his income would be his pension. If this punishment is set aside it will be of great financial help for the appellant and his children.

Sir, in view of the facts, it is earnestly requested that keeping in view appellant's long service and being low paid employee impugned order dated 24-01-2001 of the District Police Officer Haripur may kindly be set aside and the appellant be restored his forfeited 02 years approved service with all consequential service back benefits. Thanking you sir in anticipation.

Your Obedient Servant



(KHAN AFSAR)
Constable No. 413
Police Line Haripur

Dated: 06-05-2019

Attested


ذیل جاتی۔

گذشتہ عدلیہ من مائل نے آئیڈ محمدانہ اپیل خود فرما $\frac{5}{6}$
 برخلاف حکم خود فرما $\frac{1}{2}$ 24 خدبہ۔ DPo ص۔ ای پور اور پرو
 خدبہ۔ RPo ص۔ HR ایڈیٹ یاد کی تھی۔ کے فصل
 کی فصل نہ دی گئی ہے۔ فصلہ کی فصل فراہم کی جائے
 تاکہ من مائل سرورس اپیل کر سکیں۔ میرا بی بی بی

خان افسر کا نمبر 413 پولیس لائن ہری پور
 المرقوم $\frac{10}{19}$ 30

Attested


(N)
17

ORDER

Annex-E

This order is hereby passed to dispose off departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rules 1975 submitted by Constable Khan Afsar No.413 of Haripur against the order of punishment i.e. *Forfeiture of 02 years approved service* awarded to him by the District Police Officer, Haripur vide his OB No: 12, dated 24.01.2018.

Facts leading to punishment awarded to him are that he was selected for weapon course at PTC Hangu, by the then SP Haripur on 02.11.2001. He absented himself from training course on 05.11.2001 from PTC Hangu without any leave or permission and he was returned unqualified by the Commandant PTC Hangu.

After receiving his appeal, comments of DPO Haripur were obtained which were examined/ perused. The undersigned called him in O.R on 12.07.2019, heard him in person, where he failed to explain any plausible reasons in his defence. Therefore punishment awarded to him by DPO Haripur i.e. Forfeiture of 02 years approved service is seems to be genuine, hence his appeal is rejected.

[Signature]
REGIONAL POLICE OFFICER
Hazara Region Abbottabad

No. 3428 /PA, dated Abbottabad the 18/7/2019.

Copy of above is forwarded to the District Police Officer, Haripur w/r to his office letter No: 3806, dated 30-05-2019 for information and necessary action. Service Roll & Fuji Missal containing enquiry file are returned for your office record.

SRC/OTC
OTC
21/7/19



[Signature]
REGIONAL POLICE OFFICER
Hazara Region Abbottabad

[Signature]
18/7/19



OTC
Attested
[Signature]

Recd on
03/10/2019
[Signature]

| | | |
|---------------------------|---|--|
| قیمت 50 روپے | 2869 |    |
| ایڈوکیٹ: <u>محمد سعید</u> | بار کونسل ایسوسی ایشن نمبر: <u>198/PB</u> | |
| رابطہ نمبر: <u>198/PB</u> | | پشاور بار ایسوسی ایشن، خیبر پختونخواہ |

بعدالت جناب: محمد سعید

| | |
|--------------------------|-------------------------|
| منجانب: <u>محمد سعید</u> | دعویٰ: <u>محمد سعید</u> |
| کانفرنس | علت نمبر: _____ |
| بنام | مورخہ: _____ |
| 198/PB | جرم: _____ |
| | تھانہ: _____ |

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ

آن مقام محمد سعید کے لیے محمد سعید کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق و زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانبہ التوائے مقدمہ کے سب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ لیا تاکہ سند رہے

Accepted
M

المرقوم: 14-10-2019

العبد محمد سعید واہ شد العبد

مقام محمد سعید کے لیے منظور ہے۔

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

SERVICE APPEAL NO.1340/2019

Khan Afsar, Constable No.413, District Police Haripur.

..... (Appellant)

VERSU

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar, and others.

..... (Respondents)

Subject: Reply by respondents No.1, 2 & 3.

PRELIMINARY OBJECTIONS:-

1. That the instant Service Appeal is not maintainable in the present form.
2. That the appellant is estopped by his own conduct.
3. That the appellant has not come to the Honorable Tribunal with clean hands.
4. That the appellant has suppressed material facts from the Honorable Tribunal.
5. That the instant Service Appeal is bad for mis-joinder/ non-joinder of necessary parties.
6. That the instant Service Appeal is badly barred by law and limitation.
7. That the appellant has filed the instant service appeal just to pressurize the respondents.
8. That the order passed by the authorities are based on facts & rules, after fulfilling all the codal formalities, hence, the appeal is liable to be dismissed without any further proceeding.

OBJECTIONS ON FACTS:-

1. Incorrect, the appellant was awarded several punishments during his service, the detail is given below:-
 - i. 03 days extra drill and one day leave without pay, vide OB No. 06 dated 03.01.1995.
 - ii. One day extra drill, vide OB No. 11 dated 10.01.1995.
 - iii. Pay stopped vide OB No. 391 dated 22.11.1994.
 - iv. One day extra drill, vide OB No.161 dated 16.05.1995.
 - v. Period of absence treated as leave without pay out, Fine Rs. 500/- vide OB No. 50 dated 18.02.1996.
 - vi. 02 days leave without pay and fined Rs. 100/- vide OB No. 66 dated 4.03.1996.
 - vii. 01 day leave without pay, and fine Rs.50/- vide OB No. 143 dated 12.05.1996.
 - viii. 01 day leave without pay, and fine Rs.50/- vide OB No. 161 dated 23.05.1996.
 - ix. 01 day leave without pay, and fine Rs.50/- vide OB No. 217 dated 17.07.1996.

- x. 01 day leave without pay and 03 days Quarter Guard vide OB No. 327 dated 22.10.1996.
- xi. 02 days extra drill vide OB No.66 dated 28.02.1997.
- xii. Fine Rs. 50/- vide OB No. 185 dated 09.06.1997.
- xiii. Warning vide OB No. 241 dated 01.08.1997.
- xiv. Forfeiture of 02 years approved service vide OB No.12 dated 24.01.2002.
- xv. 07 days leave without pay vide OB No.215 dated 12.12.2003.
- xvi. Fine Rs. 300/- and 03 days leave without pay vide OB No. 85 dated 26.04.2004.
- xvii. 02 days leave without pay and Fine Rs.300/- vide OB No. 109 dated 25.05.2004.
- xviii. Fine Rs. 50/- vide OB No. 192 dated 29.08.2005.
- xix. 04 days leave without pay vide OB No. 535 dated 05.12.2007.
- xx. 08 days leave without pay vide OB No. 240 dated 16.05.2008.
- xxi. Warning and 07 days leave without pay vide OB No. 367 dated 09.06.2009.
- xxii. 02 days leave without pay vide OB No. 19 dated 06.10.2010.
- xxiii. Stoppage of 01 year increment without cumulative effect and period of absence treated as earned leave.

2. That the appellant Constable Khan Afsar No. 413, was selected for weapon course at PTC Hangu, by the then Superintendent of Police, Haripur, on 02.11.2001. He absented himself from the training course on 05.11.2001 from PTC Hangu, without any leave or permission from, the competent authority and he was returned unqualified by the commandant PTC Hangu, vide his office Letter No. 4331/SRC dated 12.12.2001. The acts and omissions of the appellant were misconduct under Khyber Pakhtunkhwa, Removal from Service (Special power) Ordinance 2001. He was issued charge Sheet with statement of allegations by the then Superintendent of Police, Haripur. DSP Haripur, Syed Iqbal Hussain, was appointed as enquiry officer, who conducted the enquiry and submitted his findings, report vide his office Memo No. 06 /SB dated 16.01.2002, and recommended the appellant for major punishment. The appellant was called in orderly room and heard in person, being found guilty of misconduct, he was awarded minor punishment of forfeiture of 02 years approved service vide OB NO. 12 dated 24.01.2002, by the then Superintendent of Police, Haripur. **(Copy of order is attached as annexure "A")**.
3. Incorrect, the appellant willfully absented himself from the weapon course and thereby committed misconduct under the law. The allegations were established against the appellant.
4. Incorrect, the appellant could not give satisfactory reply of the charge sheet with statement of allegations. Rather, the appellant was found guilty of gross misconduct and he was recommended for major punishment by the inquiry officer, vide his inquiry finding No.06/SB dated 16.01.2002. **(Copy of inquiry is attached as annexure "B")**.
5. Incorrect, proper departmental inquiry was conducted. The appellant joined the inquiry proceedings. His statement was also recorded, similarly, he was given right of personal hearing and self defense. However, the appellant failed to prove his innocence.
6. Incorrect, the appellant is cheating the public authorities. He wants to justify the period of limitations on frivolous grounds. The order of punishment has attained

finality and not challengeable in the instant service appeal as about 18 years have been lapsed. The waiver and acquiesces of the appellant on the punishment has created legal rights of the respondents.


7. Incorrect, the appellant wants to legalize the period of limitations by false grounds and tactics. The instant service appeal is badly barred by law/limitation and not maintainable under the law.
8. Incorrect, proper departmental inquiry was conducted. The appellant joined the inquiry proceedings, the inquiry officer recorded the evidence and held the appellant guilty of misconduct. The appellant was given right of personal hearing and self defense. The order of punishment was passed in his presence.
9. Incorrect, the appellant committed gross misconduct for which he was awarded lawful punishment. The instant service appeal is not maintainable and liable to be dismissed.
10. Incorrect, the appellant waived his right of appeal within the statutory period of limitation for appeal. Filing of any application/appeal by the appellant after the statutory period does not hold any legal force and it does not create any legal right of appeal for the appellant.
11. Incorrect, the appellant is generating concocted stories to get undue advantages not admissible under the law and approached this Honorable Tribunal through unsound grounds:-

GROUND:-


- A. Incorrect, the order of respondents are quite legal, based on facts and justice, hence, the orders are lawful and maintainable.
- B. Incorrect, the appellant has been dealt in accordance with law. Proper departmental inquiry was conducted and appellant was awarded punishment on recommendation of inquiry officer which commensurate with proved charges.
- C. Incorrect, the respondents proceeded fairly, justly and in accordance with law. Therefore, the orders are lawful and maintainable under rules.
- D. Incorrect, proper departmental enquiry was conducted. The appellant was issued charge sheet with statement of allegations. Being found guilty, the appellant was awarded minor punishment. Moreover, all facts circumstances and evidence were taken into consideration while awarding punishment to the appellant.
- E. Incorrect, the appellant joined the enquiry proceedings, he was also given right of personal hearing and self defense. Having fulfilled all legal and codal requirements the appellant was awarded minor punishment.
- F. Incorrect, the service appeal is badly barred by law and limitation and not maintainable under the law/rules

PRAYER:-

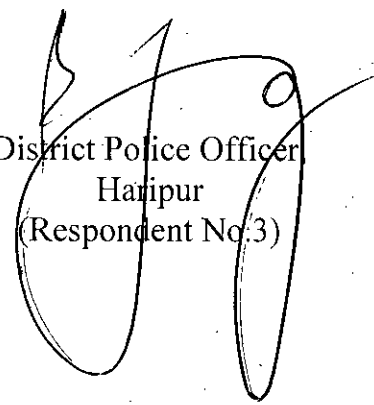
In view of above stated facts it is most humbly prayed that the instant service appeal does not hold any legal force, may kindly be dismissed with costs, please.



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



Regional Police Officer,
Hazara Region,
Abbottabad
(Respondent No.2)



District Police Officer
Haripur
(Respondent No.3)

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

SERVICE APPEAL NO.1340/2019

Khan Afsar, Constable No.413, District Police Haripur.

..... (Appellant)

VERSUS

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar, and others.

..... (Respondents)

**REPLY TO APPLICATION FOR CONDONATION OF DELAY IN SERVICE APPEAL
BY RESPONDENTS.**


Respectfully sheweth:-

The reply to application for condonation of delay of service appeal on behalf of respondents No. 1,2 & 3, is submitted as under:-


1. Incorrect, the appellant Constable Khan Afsar No. 413, was selected for weapon course at PTC Hangu, by the then Superintendent of Police, Haripur, on 02.11.2001. The appellant absented himself from the training course on 05.11.2001 from PTC Hangu, without any leave or permission from competent authority and he was returned unqualified by the commandant PTC Hangu, vide his office Letter No. 4331/SRC dated 12.12.2001. The acts and omissions of the appellant were misconduct under Khyber Pakhtunkhwa, Removal from Service (Special power) Ordinance 2001. The appellant was issued charge Sheet and statement of allegations by the then Superintendent of Police, Haripur. DSP Haripur, Syed Iqbal Hussain, was appointed as enquiry officer, who conducted the enquiry and submitted his findings vide his office Memo No. 06 /SB dated 16.01.2002, and recommended the appellant for major punishment. The appellant was called in orderly room and heard in person, being found guilty of misconduct, the appellant was awarded minor punishment of forfeiture of 02 years approved service vide OB NO. 12 dated 24.01.2002, by the then Superintendent of Police, Haripur. He was awarded lawful punishment, which is maintainable under the law. The instant service appeal is badly time barred and liable to be dismissed.
2. Incorrect, the appellant filed departmental appeal after about 18 years, therefore, his departmental appeal was rejected by the Regional Police Officer, Hazara Region, Abbottabad, vide order No.2428/PA dated 18.07.2019. Moreover, the instant service appeal is devoid of any legal force and liable to be dismissed.
3. Incorrect, the order of punishment was passed as per law and evidence. Therefore, it is proper order, which has attained finality and to be maintainable under the law/rules.
4. Incorrect, the instant service appeal is badly barred by law/limitation and not maintainable under the law/rules.

5. Incorrect, the instant service appeal is not maintainable and liable to be dismissed in limine.
6. Incorrect, the order of punishment is quite legal, based on facts and evidence. Hence, it is sound and maintainable under the law/rules.

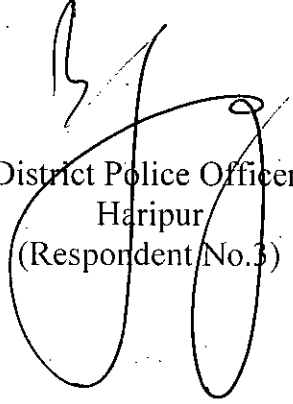
In view of above, it is most humbly prayed that the instant service appeal as well as application for condonation of delay does not hold any legal force, which may kindly be dismissed with cost, please.



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



Regional Police Officer,
Hazara Region,
Abbottabad
(Respondent No.2)



District Police Officer,
Haripur
(Respondent No.3)

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

SERVICE APPEAL NO.1340/2019

Khan Afsar, Constable No.413 District Police Haripur.

.....(Appellant)

VERSUS

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar, and others.

.....(Respondents)

COUNTER AFFIDAVIT

I, do hereby solemnly affirm and declare, that the contents of comments / reply, are true to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.

District Police Officer,
Haripur
(Respondent No.3)

NO. 06 /SB,

DT: 16-01-2002.

FINAL

Reference attached Summary of allegation and Charge Sheet bearing No.24/SB, dated 27.12. 2001 regarding departmental enquiry entrusted to the undersigned against constable Khan Afsar No.411 in lieu of his absence.

The statement of constable was recorded, who stated that on 5.11.2001 on the second day of his arrival in PTC Hangu to undergo training as Weapon Class Course, he fell ill due to Asthama. He proceeded to PTC Hospital, from where the doctor advised him bed rest for 03 days. On expiry of 03 days bed rest he went to hospital on 8.11.2001, the doctor again advised him 03 days bed rest. On 9.11.2001, he without informing any one came back to District by absenting from PTC. He could not produced any bed rest chit or any prescription.

Going through the available record, this constable is of nine year service. He was due to appear before his superiors at the time of his selection for weapon course. His absence/ dis-qualification report vide commandant PTC Hangu letter No. 4331/SRC, dated:12.12.2001 is worth perusal. During enquiry, this constable also absented himself from 7.1.2002 to 9.1.2002 without any reason.

He seems to be malingerer type, habitual absentee and proved to be guilty conscious, liable for major punishment.

Submitted please.

Syeda Iqbal Hussain Shah
(SYED IQBAL HUSSAIN SHAH)
Dy:Supdt:of Police
Haripur.

15/01/02

DR
Iqbal Hussain

*Forfeiture of appointment
Service for 2 x years*

*OB No 12
24-1-2002*

Iqbal Hussain

*Entered in his S- Roll of
SFC B-302*

FINDINGS.

Reference attached Summary of allegation and Charge Sheet bearing No.24/SB, dated 27.12. 2001 regarding departmental enquiry entrusted to the undersigned against constable Khan Afsar No.411 in lieu of his absence.

The statement of constable was recorded, who stated that on 5.11.2001 on the second day of his arrival in PTC Hangu to undergo training as Weapon Class Course, he fell ill due to Asthama. He proceeded to PTC Hospital, from where the doctor advised him bed rest for 03 days. On expiry of 03 days bed rest he went to hospital on 8.11.2001, the doctor again advised him 03 days bed rest. On 9.11.2001, he without informing any one came back to District by absenting from PTC. He could not produced any bed rest chit or any prescription.

Going through the available record, this constable is of nine year service. He was due to appear before his superiors at the time of his selection for weapon course. His absence/dis-qualification report vide commandant PTC Hangu letter No. 4331/SRC, dated:12.12.2001 is worth perusal. During enquiry, this constable also absented himself from 7.1.2002 to 9.1.2002 without any reason.

He seems to be malingerer type, habitual absentee and proved to be guilty concious, liable for major punishment.

Submitted please.

Syeda
(SYED IQBAL HUSSAIN SHAH)
Dy:Supdt:of Police
Haripur.
15/01/02

DR
16/01/02

Signature of appellant
Service for 22 x years

OB No 12
24.1.2002

16/01/02

Entered in
his S-Roll of
16/01/02
SRC B-302

از طرف دفتر SP
پستیشن آفیس، کراچی

تھی طور

کوارٹرس مارٹر کے لیے کیس نمٹانے کے لیے 413 کے متعلق جاننے

کے سلسلہ انوائری درج ذیل کے لیے درخواستیں 15.02.02

دفتروں کے لیے درخواستیں کی گئی ہیں۔ برائے

درج ذیل کے لیے درخواستیں کی گئی ہیں۔

کے لیے ضروری ہے

SF NO. SI. HR.

111

17.1.2002

آئی. اے. ایف. آفیسیشن کو باری
دیکھنے کے لیے درخواستیں کی گئی ہیں۔
23-1-02 کو آفیسیشن خانہ آفیسر کو مطلع کر دیا گیا ہے
SP کے دفتر میں دستاویز
17/1/02

DISCIPLINARY ACTION.

I Capt Ehsan Tufail (PSP) Superintendent of Police, Haripur as competent authority. I am of the opinion that, Constable Khan Afsar No.413 has rendered himself liable to be proceeded against as he committed the following act/omissions with in the meaning of section 3 of the North West Frontier Province Removal from Service (Special Powers) 2000 and (Amended) Ord: 2001.

SUMMARY OF ALLEGATIONS.

Constable Khan Afsar No.411 while posted in Police Station Khanpur was selected for Weapon Course on 04.11.01 at PTC Hangu and where from he absented himself from undergoing weapon class course on 09.11.01 with out leave or permission. He was therefore returned to his parent district i.e. Haripur district as un-qualified vide Commandant PTC Hangu letter No.4331/SRC. dated 12.12.2001. He reported his arrival in Police Lines Haripur with his own sweet well on 10.11.01. His deliberate absence from the course amounts to gross misconduct and also against the good orders of discipline. Hence Summary of allegations.

For the purpose of scrutinizing the conduct of the accused with reference to the above allegations Syed Iqbal Hussain Shah DSP-Haripur is hereby appointed to conduct enquiry under section 5 of the ordinance.

The enquiry officer shall in accordance with the provisions of the ordinance, provide reasonable opportunity of hearing to the accused, record its finding and make with in thirty days of the receipt of this order, recommendations as to why punishment or other appropriate action against the accused.

(Signature)
Superintendent of Police,
Haripur.

No. 24 SB Dated. 27. 12. 2001
Copy of the above is forwarded to: -

- 1 ✓ The Enquiry officer for initiating proceedings against the accused under the provision of the NWFP. Removal from Service (Special Powers) (Amended) Ordinance 2001.
- 2. The accused with the directions to appear before the enquiry officer, on the date, time and place fixed by the officer, for the purpose of enquiry proceedings.

Received today on 01/01/2002 at 1207 hrs

(Signature) 21/01/2002

(Signature) 20-12-2001

CHARGE SHEET.

WHEREAS, I am satisfied from the enclosed Summary of Allegations that the nature of allegations is such that formal enquiry as contemplated in the NWFP Police Rules 1975 read with NWFP Removal from service (Special Powers) Ordinance, 2000 and (amended Ord) 2001 is necessary and expedient as defined in the aforesaid rules.

AND WHEREAS, as contemplated by the said rules, I, Capt Ehsan Tufail (PSP) Superintendent of Police, Haripur charge you Constable Khan Afsar No.411, for alleged misconduct and inefficiency on the basis of Summary of Allegation appended herewith.

I hereby direct you further under the said rules to put a written statement within 7 days of the receipt of this Charge Sheet along with Summary of Allegations failing which it shall be presumed that you have no defence to offer and Ex-parte action shall be taken against you.

B
26/12
Superintendent of Police,
Haripur.

شہادت عالی جو کہ مشورہ چارج ٹرسٹ ہندو سکھ اور اہلکشیتر

موجودہ خدمت پر ہے۔

۱۔ یہ من سال کو صرف $\frac{11}{200}$ کو بڑے واپس
کریا ہے اور پتو پتو منتخب کیا گیا۔

۲۔ یہ من سال کو صرف $\frac{11}{200}$ کو ہی خام کے وقت اپنی حالت ہی
کی رپورٹ کریا ہے پتو پتو ہی۔

۳۔ یہ من سال کو شدید دفعہ ٹکنٹھی۔ جس کے باعث

یہ صرف $\frac{11}{200}$ کو کریا ہے پتو پتو جس کے باعث
یہ باقاعدہ اندراج کر دیا گیا ہے جس کے باعث

۴۔ یہ من سال کے پاس گیا جو ڈائریکٹ نے اروپا
جو کہ ٹکنٹھی من سال کو ۳ یوم تک ہندو پتو کرنے کی

۵۔ یہ من سال نے ڈائریکٹ کا عطا کردہ پتو پتو ٹکنٹھی
۶۔ یہ من سال نے ضلع والی پتو پتو کو دیا جو کہ

۷۔ یہ من سال نے ضلع والی پتو پتو کو دیا جو کہ
۸۔ یہ من سال نے ضلع والی پتو پتو کو دیا جو کہ

۹۔ یہ من سال نے ضلع والی پتو پتو کو دیا جو کہ
۱۰۔ یہ من سال نے ضلع والی پتو پتو کو دیا جو کہ

۱۱۔ یہ من سال نے ضلع والی پتو پتو کو دیا جو کہ
۱۲۔ یہ من سال نے ضلع والی پتو پتو کو دیا جو کہ

۱۳۔ یہ من سال نے ضلع والی پتو پتو کو دیا جو کہ
۱۴۔ یہ من سال نے ضلع والی پتو پتو کو دیا جو کہ

۱۵۔ یہ من سال نے ضلع والی پتو پتو کو دیا جو کہ
۱۶۔ یہ من سال نے ضلع والی پتو پتو کو دیا جو کہ

۱۷۔ یہ من سال نے ضلع والی پتو پتو کو دیا جو کہ

سام قذیبی اور خانجی - دو رہنمائی ہے غریب سگورنے سے ملنے دعوت
اس کے ساتھ ہی بروئے رسم دہم خواتین کے سامنے
توصیف فرمائے انکو امر میں داخل دفتر فرمایا جاوے۔

۲۸/۱۲
۲۰۰۱

اس
سائل کا نیٹیل خان عرف سزبیر
مہینہ بویا بہت بڑا ہے
Am

Received today
on 01/01/2002 at 1200 hrs
D. S. P.

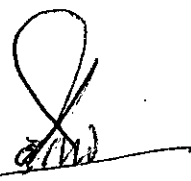
From: The Commandant,
Police Training College, Hangu.


To : The Superintendent of Police,
Haripur.

No. 4331 /SRC Dated Hangu the 12/12 /2001.

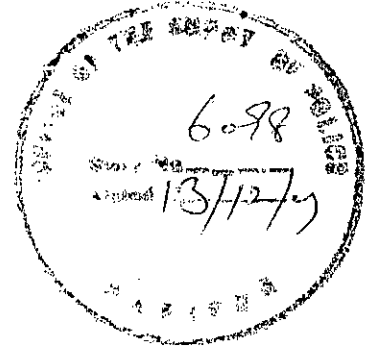
Subject: RETURN TO DISTT: AS UN-QUALIFIED.

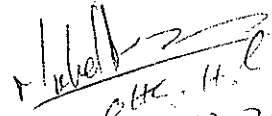
Memo:
Constable Khan Afzar No. 411 of your distt: undergoing, weapon Class course is absent from training programme from 09.11.2001. He was, therefore returned to his parent distt: as un-qualified under Rule-81 of PTC Hangu Manual vide this office OB No. 346 dated 26.4.2001.


COMMANDANT,
Police Training College, Hangu.

CHC
Please put up
detail of the
con. 
13/12/01

جناب عالی
کن خان افزر 411 حورف 12/11/2001 کو واپس کورس پٹا
صبر کھو گیا جو ان کو حورف 11/12/2001 کو واپس کورس
کے لئے پٹا 10 کو واپس کورس 11/12/2001
حورف 54 کے ساتھ حکم بہادر کو 16 مارچ




CHC. H.
22-12-2001

Why?
Proceed departmentally 12/12.

پولیس ڈویژن

صالح بنی

نقل ریڈی حافی خان افر 413
ریڈی

مد 18 حافی خان 10/11/2001 وقت 07:30 بج اس وقت کنٹینل خان افر 413 حافی خان افر 413

کہ میں حور فریڈا کو نغرض و پین کورس پولیس ٹریڈنگ
کالج ہندو گئی تھا جو کہ میں راستہ میں بیمار ہو گیا
کو میں ATC میں حافی کی 5/11/2001 کو سول ہسپتال ہندو
نغرضی علاج معالجہ کیے جو کہ بعد از عینک ان کرنے ڈاکٹر
نے 3 بوم میڈیکل دسٹریکٹ دی جو کہ میں نے میڈیکل ریسٹ مع
صالح بنی کی درخواست اپنے کسی والد ار کودی - درخواست
مجھے پیش نہیں غلطی ہے کہ میں تاثر صبری میں غلطی
آیا ہوں - حافی کی حاجی العیسیٰ صاحبہ
مذکورہ کی حافی دینہ بالڈی نقل ریڈی نغرضی صاحبہ
افرن بالڈی فریڈا خان ہے

صالح بنی

نقل ریڈی حافی خان افر 413

Tariq Sultan
MM
P/c Haripur
22/12/2001

تفلیس میں عدالت عالیہ 9/1
2002

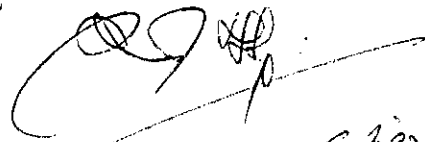
حاکم عالیہ MHE 9/1 قسٹ 10-2002 اس وقت تک تکمیل خان 13 یا غیر حاکم
ریاست کے حوالہ در 24 روز یا 9/1 حاکم یا تکمیل بیانیہ میں
پیشی میں DSP سے سرفیل سرفیل فائبر بلکہ انکوئی کا
غیر ریاستی - پتہ چلا کہ والد بیچارہ ہے - میں اطلاع پاک
گواہی چلا گیا تھا - پتہ چلا کہ میں اطلاع دیتا ہوں کہ - اب
حاکم یا غیر حاکم کی جاوے - آئندہ جو تفاق رہو تفاق رہو
انکوئی تکمیل خان

مقام عالیہ

تفلیس میں عدالت عالیہ

طہ
m.m.ps-Ghazi
9.1.2002

Sir, forwarded



Sir, PS Ghazi


09-01-2002

تعلقہ ریٹ عد 24 روزہ 8-1/2002

ریپورٹ نمبر حافی ASI 8-1/2002 قسط 3 18 و ریپورٹ نمبر نیٹیل خان 13/4
 کو بوالعدو روزہ 7-1/2002 کے نیٹیل صاحب MHC/PS/Alhazi سرکل حافی
 ری پور ڈوائے میا گیا تھا جو نیٹیل مذکورہ سو وقت تک ڈالیا
 نہ آیا۔ جبکہ متعلقہ صاحب ریٹرجسٹرڈ یورسٹریا المہر عی شمار
 خان افسر 13/4 کل نیٹیل حافی نیٹیل ہوا۔ جسے ہم نیٹیل ڈوائے
 ریپورٹ نمبر حافی رجم روزہ 8-1/2002 آفدر نیٹیل حافی مائل جاوہا

صاحب عالی

تعلقہ ریٹ مہاراجا محل



MHC/PS/Alhazi


9.1.2002

SIGNAL.

FROM: SP. HARIFUR.
TO : COMMANDANT, PTC, HANGU.
(W) DIG. HAZARA RANGE ATD:
NO . 13576 (.) DT: 01-11-2001 (.) SUBJECT (.)
WEAPON COURSE (.) KINDLY REFER TO YOUR OFFICE SIGNAL NO.
3837-55. DT: 24.10.2001 (.) CONSTABLE KHAN AFSAR NO.413 IS
SELECTED FOR THE SUBJECT COURSE FROM THIS DISTRICT (.) DIG/
HAZARA FOR FAVOUR OF INFORMATION PLEASE (.)

بادی
رہا
۲۱

OR No: 272
DT: 2.11.2001


01/11/01
SUPDT: OF POLICE,
HARIFUR.

✓

offc

ofc



**KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

No. 2586 /ST

Dated: 27/12 /2021

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

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

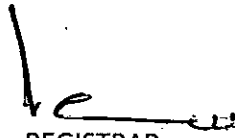
To

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

Subject: JUDGMENT IN APPEAL NO. 1340/2019, MR. KHAN AFSAR.

I am directed to forward herewith a certified copy of Judgement dated 29.11.2021 passed by this Tribunal on the above subject for compliance please.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR