BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBU PESHAWAR

Appeal No. 389/2016

Date of Institution ... 07.04.2016

Date of Decision ... 31.01.2019

Rasheed Gul (No. 3052) S/O Ziarat Gul R/O Mainko Baba Gadgar Tehsil and District Mardan. ... (Appellant)

VERSUS

District Police Officer, Mardan and two others. ... (Respondents)

Present.

MR. JAMAL AFRIDI,
Advocate. ... For appellant

MR. MUHAMMAD RIAZ PAINDAKHEL
Asstt. Advocate General ... For respondents.

MR. HAMID FAROOQ DURRANI, ... CHAIRMAN
MR. HUSSAIN SHAH, ... MEMBER(E)

JUDGMENT

HAMID FAROOQ DURRANI, CHAIRMAN:-

1. The appellant is aggrieved of orders dated 07.01.2013 passed by respondent No. 1 and dated 14.02.2014 passed by respondent No. 2, respectively. Through the former the appellant was dismissed from service while vide latter his departmental appeal was rejected. As per the contents of memorandum of appeal the appellant submitted a mercy/review petition also which remained un-responded, hence the appeal in hand.

2. We have heard learned counsel for the appellant and learned DDA on behalf of the respondents.

It was mainly contended on behalf of the appellant that during the period of absence from duty the appellant had fallen ill and remained under treatment but the said fact was not taken into consideration by the respondents while passing the impugned orders. It was also argued that through the impugned order dated 07.01.2013 the appellant was awarded two penalties i.e. dismissal from service as well as counting the period of his absence as without pay. In his view, the order was liable for setting aside on this score alone.

On the other hand, learned DDA contended that the impugned order of dismissal was passed on 07.01.2013, while the departmental appeal was preferred on 21.01.2014, which was with delay of about one year. In addition to it, service appeal in hand was preferred on 07.04.2016 although the departmental appeal of appellant was decided on 14.2.2014. In view of the said dates the appeal in hand was badly barred by time.

3. The perusal of record clearly suggests that the stance of appellant, in terms of absence due to illness, was introduced for the first time through the grounds of instant appeal. Contrary to that, departmental appeal submitted by the appellant on 21.01.2014, reflected the grounds of absence as unavoidable circumstances and severe threats to the life of appellant. It was further noted therein that there was no member in the house of appellant

who could have timely informed the superior officers for grant of leave. Similarly, in the grounds of mercy/review petition, yet another stance was adopted by the appellant in term that he was poor and had a large family to feed with no significant source of income.

4. It is also gatherable from the contents of impugned order dated 07.01.2013 that the argument of learned counsel for the appellant, regarding imposition of double punishment, did not have any force as the absence period of appellant was not counted as leave without pay. Pertinently, the documents submitted by the respondents alongwith their reply to the appeal reveal that, in past, the appellant was twice warned on account of his absence and was awarded extra drill for absence on at least two occasions.

5. For what has been discussed above and in view of delay in submission of instant appeal we have no option but to dismiss the same. Order accordingly. Parties are left to bear their respective costs. File be consigned to the record room.

(HAMID FAROOQ DURRANI)
CHAIRMAN

(HUSSAIN SHAH)
MEMBER(E)

ANNOUNCED
31.01.2019

S.No.	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	31.1.2019	Present. Mr. Ajmal Khan, Advocate .. For appellant Mr. Muhammad Riaz Painda Khel,Asstt.AG.. For respondents with Attaur Rahman, Inspector (Legal) Vide our detailed judgment of today, the appeal in hand is dismissed. Parties are left to bear their respective costs. File be consigned to the record room. Member Chairman ANNOUNCED 31.1.2019

24.10.2018 Due to retirement of Hon'ble Chairman, the Tribunal is incomplete. Therefore, the case is adjourned. To come up for the same on 11.12.2018.

Reader

11.12.2018 Appellant in person and Addl. AG alongwith Attaur Rahman, S.I (Legal) for the respondents present. Learned counsel for the appellant is not in attendance. The Worthy Chairman is also on leave, therefore, case is adjourned to 31.01.2019 for arguments before the D.B.

Member

31.05.2018 Learned counsel for the appellant present. Mr. Kabir Ullah Khattak, learned Additional Advocate General for the respondents present. Learned counsel for the appellant seeks time to deposit security and process fee. Three days granted to deposit security and process thereafter notices be issued to the respondents for written reply/comments. To come up for written reply/comments on 10.07.2018 before S.B.

Appellant Deposited Security & Process Fee

Member

10.07.2018 Neither appellant nor his counsel present. Mr. Usman Ghani, Sr. GP for the respondents present. Written reply not submitted on behalf of official respondents. Requested for adjournment. Granted. To come up for written reply and comments on ***30.08.2018*** before S.B.

Chairman

30.08.2018 Counsel for the appellant and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Atta-ur-Rehman, S.I (legal) for the respondents present. for the respondents present. Written reply submitted. To come up for rejoinder and arguments on 24.10.2018 before D.B.

(Ahmad Hassan)
Member

20.02.2018 Learned counsel for the appellant present. Preliminary arguments heard and case file perused.

Learned counsel for the appellant argued that the appellant was appointed in Police Force at Mardan in the year 2009. That due to some tense situation in the family because of internal family differences, the appellant became a serious psycho case and as advised by medical advice remained for complete bed rest for many days, as mentioned in the medical prescription and documents. That during this period, the appellant intimated his colleagues to inform his superior. That in the meanwhile the appellant was dismissed from service vide impugned office order dated 07.01.2013 and his absence period of 69 days was counted as without pay. That the no proper inquiry was conducted in the matter, nor any statement of independent witness was recorded. That the appellant preferred departmental appeal on 31.01.2014 which was rejected. That the impugned order is not only illegal, but also against norms of justice and therefore may be set aside.

Points raised need consideration. Admitted for regular hearing subject to all legal objections including limitation. The appellant is also directed to deposit security and process fee within (10) days, whereafter notice be issued to the respondents department for written reply/comments on 09.04.2018 before S.B.

(Gul Zeb Khan)
Member

09.04.2018 None present on behalf of appellant. Mr. Kabir Ullah Khattak, Addl: AG for the respondents present. Security and process fee not deposited. Appellant is directed to deposit security and process fee within seven(7) days, thereafter notices be issued to the respondents for written reply/comments on 31.05.2018 before S.B.

Member

02.01.2018 Appellant in person present and seeks adjournment due to non availability of his counsel. Adjourned. To come up for preliminary hearing on 24.01.2018 before S.B.

(Gul Zeb Khan)
Member (E)

24.01.2018 Learned counsel for the appellant and Mr. Kabir Ullah Khattak, learned Additional Advocate General for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for preliminary hearing on 20.02.2018 before S.B

(Muhammad Hamid Mughal)
MEMBER

19/10/2017

Counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Counsel for appellant not deposited cost of Rs. 2000/- according to order sheet dated 25/9/2017 and requested for further time. Adjourned. To come up for preliminary hearing on 8/11/2017before SB

(GUL ZEB KHAN)
MEMBER

08.11.2017

Appellant in person present and Mr. Usman Ghani, Distirct Attorney for respondents present. Appellant seeks adjournment as his counsel is not in attendance. Adjourned. To come up for preliminary hearing on 07.12.2017 before S.B.

(AHMAD HASSAN)
MEMBER

07.12.2017

Junior counsel for the appellant present and requested for adjournment. Adjourned. To come up for Preliminary hearing on 02.01.2018 before S.B.

(Gul Zeb Khan)
Member (E)

23/8/2017

Counsel for the applicant present. Notices be issued to AAG for submission of reply on 25/9/2017 before SB.

(GUL ZEB KHAN)
MEMBER

25.09.2017

Counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional AG for the respondents also present. Arguments on application for restoration of appeal heard. Learned counsel for the appellant contended that the absence of the appellant was not deliberated. It was further contended that as per judgment of the superior court the appeal is to be decided on merit and not on technicalities. It was further contended that the application for restoration of appeal may be accepted.

On the other hand learned Additional AG Mr. Muhammad Adeel Butt expressed no objection for restoration of appeal.

Keeping in view the above facts the application for restoration of appeal is accepted subject to deposit of cost of 2000/-. The appeal is restored. To come up for preliminary hearing on 19.10.2017 before S.B.

(Muhammad Amin Khan Kundi)
Member

03.05.2017 Clerk to counsel for the appellant present and requested for adjournment. Request accepted. To come up for preliminary hearing on 30.05.2017 before S.B.

(Ahmad Hassan)
Member

30.05.2017 Clerk to counsel for the appellant present and requested for adjournment. Request accepted. To come up for preliminary hearing on 18.07.2017 before S.B.

Registrar

18.07.2017 Counsel for the petitioner present. Mr. Muhammad Adeel Butt, Additional AG for the respondent present. Original record may also be requisitioned. To come up for further proceeding on 23.08.2017 before S.B.

(Muhammad Hamid Mughal)
Member

Form- A

FORM OF ORDER SHEET

Court of _____

Appeal's Restoration Application No. 31/2017

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	24.02.2017	The application for restoration of appeal No. 389/2016 submitted by Mr. Rasheed Gul through Muhammad Jamal Afridi Advocate may be entered in the relevant register and put up to the Court for proper order please. 24-2-17 REGISTRAR
2	27.2.2017	This restoration application is entrusted to S. Bench to be put up there on 08-03-2017. CHAIRMAN
	08.03.2017	None present on behalf of the appellant. Notice be issued to appellant and his counsel for prosecution for 11.04.2017 before S.B. (ASHFAQUE TAJ) MEMBER
	11.04.2017	Counsel for the appellant has sent an application for adjournment due to his engagement in Peshawar High Court Bar Election. Adjourned for preliminary hearing to 03.05.2017 before S.B. Chairman

BEFORE THE HONOURABLE SERVICE TRIBUNAL, PESHAWAR

Restoration application no. 31/2017

Misc Application_____2017

In Re:

Service Appeal No.389/2016

Rasheed Gul.....Applicant/ Appellant

VERSUS

1. District Police Officer Mardan
2. Senior Superintendent of Police Mardan.
3. Deputy Inspector General Of Police Mardan, Region-I Mardan.....Respondents

APPLICATION FOR RESTORATION OF APPEAL NO 389/2016 TITLED ABOVE, WHICH WAS DISMISSED FOR NON-PROSECUTION ON 30.08.2016

RESPECTFULLY SHEWETH:

The applicant/Appellant humbly submits as under:-

1. That the above tilted appeal was fixed on 30.08.2016 in this Honourable Court, which was dismissed for non-prosecution. (Copy of Order dated 30.08.2016 is attached).

2. That as there was summer vacation in judiciary, therefore, the Counsel for Applicant/ Appellant was not available in Peshawar, while the appellant himself was physically not able to attend the court due to illness, which resulted the dismissal of above case for non-prosecution.

3. That the absence of Applicant/ Appellant was not willful and intentional, but due the reason mentioned above.
4. That besides the petitioner/ appellant his uncle too met with paralysis disease (CVA) who later on succumbed to death and the petitioner/ appellant has to look after him (Copy of death certificate is Annexed).

5. That valuable right of Applicant/ Appellant is involved in present case, if the case is not restore, the applicant/ Appellant would suffer irreparable loss.

6. That the instant application is within time.

PRAYER:-

It is, therefore, most humbly prayed that on acceptance of this Application, the main appeal of Applicant/ Appellant may kindly be restored.

Appellant/ Applicant

Through:

(Muhammad Jamal Afridi)
Advocate,
Supreme Court of Pakistan

Dated: _____

AFFIDAVIT:-

It is, solemnly affirm and declare on Oath that the contents of this application are true and correct to the best of my knowledge and belief and nothing has been concealed OR with held from this Hon'ble Court.

DEPONENT

KHALID MAHMOOD ADVOCATE PESHAWAR HIGH COURT ATTESTED NOTARY PUBLIC

BEFORE THE HONOURABLE SERVICE TRIBUNAL, PESHAWAR

Misc Application_____2017
In Re:
Service Appeal No.389/2016

Rasheed Gul.....Applicant/ Appellant

VERSUS

D.P.O Mardan etc.....Respondents

APPLICATION FOR CONDONATION OF DELAY IN FILING RESTORATION APPLICATION.

Respectfully Sheweth:

1. That the instant application is filed alongwith instant application for condonation of delay in which no date of hearing is yet fixed.

2. That grounds mentioned in the restoration application and appeal may kindly be read as part of the instant application.

3. That there is a very legal and serious question involved in the in Appeal, as such its disposal on its merits is very necessary.

4. That valuable rights of the petitioners are attached to the instant application, if the instant petition is not accepted, petitioner will suffer irreparable loss and his career will be badly damaged.

5. That order appeal against is highly arbitrary and illegal, as such its disposal on merits is in the interest of justice.

It is, therefore, most humbly prayed that on acceptance of instant application, order as prayed for may kindly passed in the larger interest of Justice.

Petitioner

Through

Muhmmad Jamal Afridi
Advocate,
Supreme Court of Pakistan

BEFORE THE HONOURABLE SERVICE TRIBUNAL, PESHAWAR

Misc Application_____2017
In Re:
Service Appeal No.389/2016

Rasheed Gul.....Applicant/ Appellant

VERSUS

D.P.O Mardan etc.....Respondents

AFFIDAVIT

I, Rasheed Gul S/o Ziarat Gul, R/o Mainko Baba Gadgar Tehsil and District Mardan, (Petitioner), do hereby solemnly affirm and declare on oath that the contents of instant **application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

Rul

Deponent

CNIC# 1401-9404601-3

Identified by:

Muhmmad Jamal Afridi
Advocate,
Supreme Court of Pakistan

KHALID MAHMOOD ATTESTED NOTARY PUBLIC PESHAWAR HIGH COURT

22-2-17

فارم-E

درخواست فارم برائے اندراج فوتگی

نام یونین کونسل فاطمہ تحصیل ٹاؤن مردان ضلع مردان

نام متوفی رحیم داد شناختی کارڈ نمبر 16101-1118758-3 جنس متوفی مرد

والد کا نام لعل بادشاہ والد کا شناختی کارڈ نمبر

وجہ وفات: فالج

تاریخ وفات 16-9-2017 تاریخ پیدائش متوفی 1-1-1987

مکمل پتہ میاں کوبابا ڈاک خانہ گڈر

جائے وفات کا پتہ مردان

اطلاع کنندہ کا نام نزہارت گل (کمائی) شناختی کارڈ نمبر 16101-2045771-7

اطلاع کنندہ کے دستخط تدفین کنندہ کا نام نزہارت گل (کمائی)

تاریخ 19-09-17 مقبرے کا نام میاں کوبابا

نماز جنازہ پڑھانے والے مولوی صاحب کا نام مولانا ذاکر اللہ صاحب

نوٹ: میونسپل کونسل/انا ظم یونین کونسل یا گریڈ 17 کے آفیسر سے تصدیق کرانا لازمی ہے۔ نیز تصدیق کنندہ کا شناختی کارڈ نمبر درج کرانا لازمی ہے۔

Muhammad Ayaz
Secretary
V/C Gaddar

General Councilor
V.C Gaddar Mardan

رفاہ کمیٹی

شناختی کارڈ نمبر 16101-4376775-7

19-9-2017

گڑھی دوڑ عجیب خان رنا ظلمی

فارم-E

درخواست فارم برائے اندراج فوتگی

نام یونین کونسل فاطمہ تحصیل ٹاؤن مردان ضلع مردان

نام متوفی رحیم داد شناختی کارڈ نمبر 16101-1112758-3 جنس متوفی مرد

والد کا نام لعل بادشاہ والد کا شناختی کارڈ نمبر

وجہ وفات: فالج

تاریخ وفات 16-9-2017 تاریخ پیدائش متوفی 1-1-1987

مکمل پتہ میاں کوبابا ڈاک خانہ گڑھ

جائے وفات کا پتہ مردان

اطلاع کنندہ کا نام نوبادشاہ گل (بھائی) شناختی کارڈ نمبر 16101-2054771-7

اطلاع کنندہ کے دستخط تدفین کنندہ کا نام نوبادشاہ گل (بھائی)

تاریخ 19-09-2017 مقبرے کا نام میاں کوبابا

نماز جنازہ پڑھانے والے مولوی صاحب کا نام مولانا ذاکر اللہ صاحب

نوٹ: ~~میونسپل کونسل~~/نائب یونین کونسل یا گریڈ 17 کے آفیسر سے تصدیق کرانا لازمی ہے۔ نیز تصدیق کنندہ کا شناختی کارڈ نمبر درج کرانا لازمی ہے۔

Muhammad Ayaz
Secretary
V/C Gaddar

LA/Jalbani
General Councillor
V.C Gaddar Mardan

شناختی کارڈ نمبر 16101-4376775-7

19-9-2017

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PUKHTUNKHWA, PESHAWAR

Khyber Pakhtunkhwa Service Tribunal Peshawar

Service Appeal No 389 / 2016

Rasheed Gul (No 3052) S/O Ziarat Gul R/O Mainko Baba Gadgar Tehsil and District Mardan

(Appellant)

VERSUS

N.W.F Province Service Tribunal Diary No 345 Dated 07-4-2016

1. District Police Officer, Mardan
2. Senior Superintendent of Police (Operation) Mardan
3. Deputy Inspector General of Police Mardan Region-I Mardan

(Respondents)

Appeal under Section 4 of Service Act against the order OB No 68 dated 07th January, 2013 and thereafter against the final order dated 14th February, 2014 whereby the Respondent No 2 dismissed the department appeal of the Appellant

30.08.2016

None present on behalf of the appellant despite repeated calls. The Court time is about to over. Dismissed for want of proseeution. File be consigned to the record room.

ANNOUNCED
30.08.2016

Chairman
30.08.16

Certified to be ture copy
Khyber Pakhtunkhwa Service Tribunal, Peshawar

Date of Presentation of Application 23-2-17
Number of Words 400
Copying Fee 4-0
Urgent
Total 4-0
Name of Copyist
Date of Completion of Copy 24-2-17
Date of Delivery of Copy 24-2-17

قیمت 10 روپے

PBA

72530

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

ایڈووکیٹ/دستخط: _____

بارکونسل/بار ایسوسی ایشن نمبر: 1453/417

رابطہ نمبر: 0333-2695100

بعدالت جناب: _____

دعویٰ:	منجانب:
علت نمبر:	
مورخہ:	بنام
جرم:	
تھانہ:	

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی وجواب دہی کاروائی متعلقہ

آن مقام _____ کیلئے _____ کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے وتقرر ثالث وفیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق 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 ونظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہو گا اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ اختیارات حاصل ہوں گے اور اس کا ساختہ پرداختہ منظور وقبول ہوگا دوران مقدمہ میں جو خرچہ ہرجانہ التوائے مقدمہ کے سبب سے ہوگا وہ وکیل موصوف وصول کرنے کا حقدار ہوگا کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہٰذا وکالت نامہ لکھ دیا تا کہ سند رہے۔

المرقوم: 21/02/2017

العبد گواہ شد العبد

مقام _____ کے لئے منظور ہے۔

نوٹ: اس وکالت نامہ کی فوٹو کاپی ناقابل قبول ہوگی۔

14.07.2016 Agent to counsel for the appellant present. Submitted application for adjournment. Application accepted. To come up for preliminary hearing on 15.8.2016 before S.B.

Member

15.08.2016 Counsel for the appellant present. Counsel for the appellant requested for adjournment. Request accepted. To come up for preliminary hearing on 30.08.2016 before S.B.

Member

30.08.2016 None present on behalf of the appellant despite repeated calls. The Court time is about to over. Dismissed for want of prosecution. File be consigned to the record room.

ANNOUNCED
30.08.2016

Chairman
30.08.16

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. **389/2016**

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	12.04.2016	The appeal of Mr. Rasheed Gul resubmitted today by Mr. Altaf Hussain Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please. REGISTRAR
2	14.4.16	This case is entrusted to S. Bench for preliminary hearing to be put up thereon 26.4.16. CHAIRMAN
	26.4.2016	Junior to counsel for the appellant present. Seeks adjournment. Adjourned for preliminary hearing to 03.05.2016 before S.B. Chairman

03.05.2016 None for the appellant present. Notices be issued to the appellant/counsel for the appellant. To come up for preliminary hearing on 01.06.2016

Member

01.06.2016 Counsel for the appellant present. Seeks adjournment. Adjourned for preliminary hearing to 27.06.2016 before S.B.

Chairman

27.6.2016 Agent of counsel for the appellant present. Counsel for the appellant has sent application for adjournment. Adjourned for preliminary hearing to 14.07.2016 before S.B.

Chairman

The appeal of Mr. Rasheed Gul son Ziarat Gul Mainko Baba Gadgar Tehsil and Distt.Mardan received to-day i.e. on 07.04.2016 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

1- Appeal may be got signed by the appellant.
2- Annexure-B of the appeal is illegible which may be replaced by legible/better one.
3- One copy/set of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 571 /S.T,

Dt. 07-04 /2016

REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Iltaf Hussain Adv. Pesh.

Completed as directed & re submitted

11-4-16.

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PUKHTUNKHWA, PESHAWAR

Appeal No. 389/2016

Rasheed Gul

VERSUS

District Police Officer, Mardan etc

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Appellant

Through:

(MUHAMMAD JAMAL AFRIDI)
&

(ALTAF HUSSAIN)
Advocates,
High Court Peshawar
Cell # 0300-5834477

Dated: -11-04-2016

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PUKHTUNKHWA, PESHAWAR

(1)

Service Appeal No 389 / 2016

Rasheed Gul (No 3052) S/O Ziarat Gul R/O Mainko Baba Gadgar Tehsil and District Mardan

(Appellant)

VERSUS

1. District Police Officer, Mardan
2. Senior Superintendent of Police (Operation) Mardan
3. Deputy Inspector General of Police Mardan Region-I Mardan

(Respondents)

Appeal under Section 4 of Service Act against the order OB No 68 dated 07th January, 2013 and thereafter against the final order dated 14th February, 2014 whereby the Respondent No 2 dismissed the department appeal of the Appellant

PRAYER IN APPEAL:-

On acceptance of this appeal, the impugned order for dismissal of Appellant may kindly be set aside and the order for reinstatement of Appellant may kindly be passed.

Respectfully Sheweth:-

Attested

Brief facts given rise to the instant appeal are as under:-

1) That the Appellant was appointed in police force in the year 2009 and since 05 years his performance of his duty to

the vest of his efforts and render his service with devotion and spirit.

2) That the Appellant was posted in police line, Mardan. During these days there was a tense situation in the family because of internal family differences, which created sever family rift, which effected the Appellant physiological severe pain in brain, therefore, the Appellant visited the physician for medical checkup.

3) That after medical examination it was found that the Appellant is a serious patient of retraction. The medical consultant advice for complete bed rest for many days, as mentioned in medical prescription and documents. (Copies of the medical prescriptions are attached herewith).

4) That as the Appellant was on complete bed rest ~~and~~ therefore he could not perform his duty, rather he ~~was~~ has intimated his colleagues to inform his superior.

5) That because of not attending the department, the Appellant was dismissed from service on 07-01-2013.

6) That the Appellant preferred departmental appeal on 31st January, 2014; which was dismissed by the D.I.G Mardan Region-I and maintained the dismissed order. (Copies of the orders dated 07-01-2013 and 14-02-104 respectively.

7) That thereafter the order of D.I.G Mardan, the Appellant was directed to file mercy petition before Inspector General of Police KPK on 27-05-2014, but till-date no order

has been passed on mercy petition. (Copy of the Application is attached herewith).

8) That the Appellant has no other remedy, but to approaches this Honourable Tribunal inter-alia on the following grounds:-

GROUNDS:-

A) That the order of Respondents is illegal against the relevant provisions of law being whimsical, hence liable to be set aside.

B) That the no proper inquiry has been conducted in the matter, no statement of independent witness was recorded; which support the contention of department that the Appellant is intentional and willful absenting himself.

C) That where in reply to the charge sheet, the Appellant agigated his contention regarding family problem, the Inquiry Officer should have to inquire in matter to make a positive effort to sort out, the real fact that whether in fact there was such problem to the Appellant in family, which obstruct the Appellant from discharge his duty.

D) That even to the Inquiry Officer and high official, the Appellant provided his medical certificate and medical examination document but the Respondents did not considered the same and totally discarded, ignore while contrary passed the impugned orders of dismissal.

Attested

E) That the Appellant have served the department for 05 years but earlier in his service tenure, he has never remained absent except the present obstructing, which indicate that the stance of the Appellant regarding family problem and physical disability are based on cogent reason.

F) That the dismissal order dated 07-01-2013 of the Appellant is liable to be set aside.

G) That the other grounds not here specifically may also graciously be allowed to be raised at the time of arguments.

It is, therefore, most respectfully prayed that on acceptance of this Appeal, the impugned order for dismissal of Appellant may kindly be set aside and the order for reinstatement of Appellant may kindly be passed.

Appellant

Through:

(MUHAMMAD JAMAL AFRIDI)

&

(ALTAF HUSSAIN)
Advocate,
High Court Peshawar

Dated: -07-04-2016

NOTE:-

No such appeal for the same Appellant has earlier been filed by me before this Honourable Tribunal prior to instant one.

Advocate

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PUKHTUNKHWA, PESHAWAR

Rasheed Gul

V E R S U S

District Police Officer Mardan etc

AFFIDAVIT

I, Rasheed Gul (No 3052) S/O Ziarat Gul R/O Mainko Baba Gadgar Tehsil and District Mardan, do hereby solemnly affirm and declare on Oath that accompanying appeal are true and correct to be best of my knowledge and belief and nothing has been concealed or withheld from this Honourable Tribunal.

DEPONENT

Identified by:-

Attested

(ALTAF HUSSAIN)
Advocate,
High Court Peshawar

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PUKHTUNKHWA, PESHAWAR

6

Rasheed Gul

VERSUS

District Police Officer, Mardan etc

Application for condonation of delay

Respectfully Sheweth: -

1) That the Appellant is filing the accompanying appeal, the contents of which may kindly be read as integral part and parcel of the instant petition.

2) That as in the grounds of appeal, it is specifically mentioned that because of the disease of appellant, he was constrained to file the instant appeal within time.

3) That delay in filing the accompanying petition was not deliberate, but due to the reasons for beyond control of the Petitioners.

4) That if the instant petition is not allowed, the Petitioners shall suffer irreparable loss.

It is, therefore, humbly prayed that delay if any, in filing the accompanying petition may be condoned.

Appellant

Through:

Attested

(ALTAF HUSSAIN)
Advocates,
High Court Peshawar

Dated: 2-4-16

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PUKHTUNKHWA, PESHAWAR

7

Rasheed Gul

VERSUS

District Police Officer Mardan etc

AFFIDAVIT

I, Rasheed Gul (No 3052) S/O Ziarat Gul R/O Mainko Baba Gadgar Tehsil and District Mardan, do hereby solemnly affirm and declare on Oath that accompanying application are true and correct to be best of my knowledge and belief and nothing has been concealed or withheld from this Honourable Tribunal.

DEPONENT

Identified by:-

(ALTAF HUSSAIN)
Advocate,
High Court Peshawar

Attested

7-4-16

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PUKHTUNKHWA, PESHAWAR

8

Rasheed Gul

V E R S U S

District Police Officer, Mardan etc

MEMO OF ADDRESSES

APPELLANT

Rasheed Gul (No 3052) S/O Ziarat Gul R/O Mainko Baba Gadgar Tehsil and District Mardan

RESPONDENTS

1. District Police Officer, Mardan
2. Senior Superintendent of Police (Operation) Mardan
3. Deputy Inspector General of Police Mardan Region-I Mardan

Appellant

Through:

(ALTAF HUSSAIN)
Advocate,
High Court Peshawar

Dated: 19-09-2014

Attested

A 9

POLICE DEPARTMENT MARDAN DISTRICT

ORDER

It has been reported that you Constable Rasheed Gul No 3052, while posted at Police Lines committed the following act/acts, which is are gross misconduct on his part as defined in Rules 02 (iii) of Police Rules 1975.

That you Constable Rasheed Gul No 3052, while posted at Police Lines has deliberately absented yourself from the lawful duty without prior permission or leaves vide DD No. 11 dated 04.09.2013 to DD No. 09 dated 12.11.2013 *(Total 69 days)*. His pervious absence was 84 days, brining into effect Rule 16.9 of Police Rules.

In this connection, Constable Rasheed Gul No 3052, was charge sheeted vide this office No. 225/R, date 11.12.2013 and also proceeded him against departmentally through Mian Naseeb Jan DSP/HQrs Mardan, who after fulfilling necessary process, submitted his findings to the undersigned vide his office endorsement No. 626/HQrs, dated 30.12.2013, the allegation established against him.

The undersigned agreed with the findings of enquiry officer and the alleged Constable Rasheed Gul No 3052, is dismissed from service and his absence period of 69 days counted as without pay, in exercise of the power vested in me under the above quoted rules.

Order announced
O.B No. 68
Dated 7/1/*2013*

(Gul Afzal Afridi)
District Police Officer,
Mardan.

No. 224-28/ dated Mardan the 07-01 /2013

Copy for information and necessary action to:-

1. The S.P Operations, Mardan.
2. The DSP/HQrs Mardan.
3. The Pay Officer (DPO) Mardan.
4. The E.C (DPO) Mardan.
5. The OASI (DPO) Mardan with (30) enclosures.

Attested

B
(10)

To

The Regional Police Officer
Mardan Region-I, Mardan.

Through Proper Channel.

Appeal/Representation against the Order of District Police Officer Mardan, Order No. 67, 224-28/ Dated 07/01/2014.

Respected Sir,

With reference to the above noted order where by I am awarded the Major punishment (Dismissal from Service).
Beside the other factual and legal aspects of the matter, impugned order is illegal, void and against the principles of natural justice. Hence the same is liable to be set aside on the following amongst many other grounds:

1) That the allegation levelled against me about my remaining absented from my duty is not deliberate.

2) That on the date mentioned I was under severe stress and for the reason I was unable to inform my superior about my unavailability for duty.

3) That there was no male member in my house to inform my superior officer for permission to grant leave.

4) That due to some unavoidable circumstances and severe threats to my life as well as my family I was unable to perform duty and even couldn't inform my duty officer regarding the matter.

5) That soon after I found my life secure I resumed duty on 12/11/2013 which is evident from attendances sheet.

6) That I had served the Police force for five years and never stood guilty and even under any allegation or misconduct.

It is prayed that keeping in view the facts, on acceptance of this appeal, setting aside the impugned order, I may kindly be re-instated into service with back service benefits.

Dated: 21/01/2014.

Yours Obediently

Rashed Gul
(Constable No. 3952)
District Police Mardan.

Attested

BETTER COPY

The Regional Police Officer
Mardan Region-1, Mardan

Through Proper Channel.

Appeal/ representation against the order of district police officer mardan, order no. 67, 224-28/ dated 07/01/2014

Respected Sir,

With reference to the above noted order whereby I am awarded the Major punishment (Dismissal from Service).

Beside the other factual and legal aspects of the matter, impugned order is illegal, void and against the principles of natural justice. Hence the same is liable to be set aside on the following amongst many other grounds:

1) That the allegation leveled against me about my remaining absented from my duty in not deliberated.

2) That on the date mentioned I was under severe stress and for the reason I was unable to inform my superior about my unavailability for duty.

3) That there was no male member in my house to inform my superior officer for permission to grant leave.

4) That due to some unavoidable circumstances and severe threats to my life as well as my family I was unable to perform duty and even couldn't inform my duty officer regarding the matter.

5) That soon after I found my life secure / resumed duty on 12/11/2013 which is evident from attendances sheet.

6) That I had served the Police force for five years and never stood guilty and even under any allegation or misconduct.

It is, prayed that keeping in view the facts, on acceptance of this appeal, setting aside the impugned order, I may kindly be re-instated into service with back service benefits.

Dated: 21/01/2014.

Yours Obediently
Rasheed Gul
(Constable No. 3052)
District Police Mardan

ORDER.

This order will dispose off the appeal [illegible] Ex-Constable Ras [illegible] Gul No. [illegible]82 of Mardan District Police against the order [illegible] District Police Officer, Mardan wherein he was dismissed from Service vide [illegible] No. [illegible] dated [illegible]3.

Brief facts of the case are that he while posted at Police Lines Mardan has deliberately absented from the lawful duty without prior permission [illegible] vide DD No. 13 dated [illegible] [illegible] dated [illegible] [illegible] [illegible] absence was 84 days [illegible] Police Rules [illegible] he was charge sheeted and also proceeded him against [illegible] through Deputy Superintendent of Police Headquarter, Mardan, who after full [illegible] process submitted [illegible] District Police Officer, Mardan [illegible] allegation established against him, [illegible] dismissed from service.

I have perused [illegible] heard [illegible] Room held in this office on 12.03.2013 [illegible] his absence [illegible] advance any ground in his defence. Therefore, I MUHAMMAD [illegible] Inspector General of Police Mardan Region-I, Mardan [illegible] conferred upon me reject the appeal [illegible] competent [illegible]

ORDER ANNOUNCED [illegible]

(MUHAMMAD [illegible] SAEED [illegible])
Deputy Inspector General of Police
[illegible]

[illegible] /ES, [illegible]

Attested

(11)

BETTER COPY

ORDER

This order will dispose-off the appeal referred by Ex-Constable Rasheed Gul No 52 of Mardan District Police against the order passed by District Police Officer (DPO) Mardan, wherein he was dismissed from service vide order OB No 68 dated 7-1-013.

Brief facts of the case are that he while posted at police line Mardan has deliberately absented from the lawful duty without prior permission or leave vide DD No 11 dated 04-09-2013 to DD No 9 12-11-013 total 69 days. His previous absence was 84 days. Bring into effect Rule No 16.9 of Police Rule.

He was charge sheeted and also proceeded him against departmental inquiry by Deputy Superintendent of police Headquarter, Mardan, who after fulfilling the necessary process submitted his report to District Police Officer Mardan, the allegation establish against him, therefore, he dismissed from service.

I have perused the record and heard the applicant in order room held in this office on 12-02-2013. He failed to justify his absence. Period and cannot advance any ground in his defence, therefore, I Muhammad Saeed Khan Inspector General of Police Mardan Region-I, in exercise of power conferred upon me the appeal and do not interfere in the order passed by competent authority.

Muhammad Saeed Khan
Deputy Inspector General of Police
Region-I, Mardan
14-12-14

OB No 1020

Attested

E
2

17

To,

The Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.

Subject: **Mercy Petition for Re-Instatement in Service**

Respected Sir,

Mercy Petition or behalf of petitioner is submitted as under: -

1. That the petitioner was dismissed by DPO Mardan vide OB No. 68 dated 07-01-2014 on the ground of allegation that the petitioner absented himself from duty for 69 days without leave/permission of the competent authority.
2. That against the impugned dismissal order dated 07-01-2014 the petitioner preferred departmental appeal before learned Deputy Inspector General of Police Mardan Regional-1 Mardan. The petitioner/appellant appeared in person in orderly room on 12-02-2014, The DIG hearing me and no action has been taken.
3. That aggrieved from the impugned order dated 7-01-2014, and DIG order dated 12-02-2014 the instant mercy petition inter alia or the following grounds:-
   A. That the petitioner is a poor, honest, hard worker, obedient, able and energetic person and he is supporting a large family alongwith my old, weak and sick parent and two un-married sisters also.
   B. That now the petitioner is jobless and there is no source of income to support my family.
   C. That the petitioner will never repeat this type or act again and his previous absentee was due to domestic affairs.
   D. That the petitioner will perform his duty honestly, devotedly, sincerely, regularly to the best of my ability and will not be committed this kind of act in future.

Attested

(18)

E. That the petition may kindly be entertained on humanitarian ground and the petitioner may be re-instated in service.

It is humbly prayed that or acceptance of this Mercy petitioner. I may kindly be re-instated as a constable. I will pray for your excellency and success and happy life for ever.

Yours obediently,

Attested

Rash id Gul (No. 3052)
S/O Ziarat Gul
R/O Mianko Baba Gadar
Tehsil & Distt: Mardan

Dated: 27-05-2014

(19)

قیمت 10 روپے

41638

ایڈوکیٹ/دستخط: _____

بارکونسل/بارایسوسی ایشن نمبر: 1615

رابطہ نمبر: _____

پشاور بارایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب: _____

دعویٰ: _____

علت نمبر: _____

مورخہ: _____

جرم: _____

تھانہ: _____

منجانب: _____

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی وجواب دہی کاروائی متعلقہ

آن مقام _____ کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے وتقرر ثالث وفیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق 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 ونظر ثانی وپیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہو گا اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ اختیارات حاصل ہوں گے اور اس کا ساختہ پرداختہ منظور وقبول ہوگا دوران مقدمہ میں جو خرچہ ہرجانہ التوائے مقدمہ کے سبب سے ہوگا وہ وکیل موصوف دینے کا حقدار ہوگا کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہٰذا وکالت نامہ لکھ دیا تاکہ سند رہے۔

المرقوم: _____

العبد گواہ شد العبد

مقام _____ کے لئے منظور ہے

نوٹ: اس وکالت نامہ کی فوٹو کاپی ناقابل قبول ہوگی۔

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR.

Service Appeal No. 389/2016.

Rasheed Gul No. 3052..... .....Appellant.

VERSUS.

District Police Officer, Mardan & others.....Respondents.

Respectfully Sheweth:

PRELIMINARY OBJECTIONS:-

1. That the appellant has not come to this Honourable Tribunal with clean hands.
2. That the appellant has got no cause of action.
3. That the appellant has concealed material facts from this Honourable Tribunal.
4. That the appellant is estopped by his own conduct, by law to bring the instant appeal.
5. That the present appeal is bad in its present form hence not maintainable and liable to be dismissed.
6. That the appeal is bad due to non-joinder of necessary parties and mis-joinder of unnecessary parties.
7. That the appeal is badly time-barred.

REPLY ON FACTS.

1. Correct to the extent of enlistment in the year 2009, however, his service record speaks otherwise. The appellant is habitual absentee and found always disinterested in service. **(Copy of bad entries is attached as Annexure-A)**
2. Incorrect. The appellant presented a fake pretext which is not considerable at this belated stage. He was required to ha have presented his reasons of absence at proper time and forum and approached for leave but he did not. Hence, deniable.
3. Incorrect. Non-appearance of appellants before the Inquiry Officers during their departmental inquiries and production of fake medical prescriptions in the Honourable Courts/Tribunal as grounds in absence has become an ugly practice and needs to be discouraged/discontinued. **(Copies of charge sheet, statement of allegations & Inquiry are attached as Annexure-B, C & D).**
4. Incorrect and baseless, hence, denied.
5. Correct, hence, no comments.
6. Correct, hence, his service appeal is badly time-barred.
7. Incorrect as his mercy petition was not considerable due to limitation bar.
8. Incorrect. The appellant holds no grounds, legal or moral, to stand here on in this Honourable Tribunal. Hence, his appeal is worth dismissal even at this form.

REPLY ON GROUNDS:-

A. The impugned orders are legal and in accordance with rules/law, hence, tenable in the eyes of law.
B. Incorrect. Proper inquiry has been conducted and all codal formalities has been fulfilled.
C. Incorrect and baseless, hence, denied.
D. Incorrect and baseless, hence, denied.
E. Incorrect. The appellant service carrier is filled with series of bad entries, hence, not retainable in Police Force.
F. Incorrect. The appellant is habitual absentee and always found disinterested in service. He, therefore, does not deserve to be retained in service any more.

G. The respondents also seek permission to raise additional grounds, if any, at the time of arguments.

PRAYER:-

The instant appeal, being badly time-barred and against the merits, is worth dismissal.

Deputy Inspector General of Police,
Mardan Region-I, Mardan
(Respondent No. 03)

District Police Officer,
Mardan
(Respondent No. 01)

Superintendent of Police
Operations & HQrs, Mardan
(Respondent No. 02)

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR.

Service Appeal No. 389/2016.

Rasheed Gul No. 3052..... .....Appellant.

VERSUS.

District Police Officer, Mardan & others.....Respondents.

COUNTER AFFIDAVIT.

We, the respondents do hereby declare and solemnly affirm on oath that the contents of the Para-wise comments in the service appeal cited as subject are true and correct to the best of our knowledge and belief and nothing has been concealed from this Honourable Tribunal.

Deputy Inspector General of Police,
Mardan Region-I, Mardan
(Respondent No. 03)

District Police Officer,
Mardan
(Respondent No. 01)

Superintendent of Police
Operations & HQrs, Mardan
(Respondent No. 02)

OFFICE OF THE DISTRICT POLICE OFFICER, MARDAN

No. 225 /R/D.A-P.R-1975.

Dated 11-12-- /2013

DISCIPLINARY ACTION UNDER NWFP POLICE RULES – 1975

I, **Gul Afzal Khan** District Police Officer, Mardan as competent authority am of the opinion that Constable **Rasheed Gul No. 3052** himself liable to be proceeded against as he committed the following acts/omission within the meaning of section-02 (iii) of NWFP Police Rules 1975.

STATEMENT OF ALLEGATIONS

That **Constable Rasheed Gul No. 3052,** while posted at Police Lines, deliberately absented himself from the lawful duty vide D.D No. 11 dated 04.09.2013 to vide D.D No. 09 dated 12.11.2013 without any leave / permission of the competent authority. His pay was stopped and he is recommended for departmental action by the DSP/HQrs, Mardan vide his office latter No. 513, dated 18.11.2013.

2. For the purpose of scrutinizing the conduct of the said official with reference to the above allegations **Mian Nasib Jan Khan DSP/HQrs: Mardan** is appointed as Enquiry Officer.

3. The enquiry officer shall conduct proceedings in accordance with provisions of Police Rules 1975 and shall provide reasonable opportunity of defense and hearing to the accused official, record its findings and make within twenty five (25) days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused officer.

4. The accused officer shall join the proceedings on the date, time and place fixed by the Enquiry Officer.

(GUL AFZAL KHAN)
District Police Officer,
Mardan.

OFFICE OF THE DISTRICT POLICE OFFICER, MARDAN.

No. 225 /R, dated Mardan the 11-12- /2013.

Copy of above is forwarded to the:

1. DSP/HQrs: Mardan for initiating proceedings against the accused official / Officer namely Constable Rasheed Gul No. 3052 Police Rules, 1975.
2. Constable Rasheed Gul No. 3052, with the directions to appear before the Enquiry Officer on the date, time and place fixed by the enquiry officer for the purpose of enquiry proceedings.

***** !!! *****

CHARGE SHEET UNDER NWFP POLICE RULES 1975

I, **Gul Afzal Khan** District Police Officer, Mardan as competent authority hereby charge you **Constable Rashedd Gul No. 3052,** as follows.

That you constable, while posted at Police Lines, deliberately absented yourself from the lawful duty vide D.D No. 11 dated 04.09.2013 to vide D.D No. 09 dated 12.11.2013 without any leave / permission of the competent authority. Your pay was stopped and you are recommended for departmental action by the DSP/HQrs, Mardan vide his office latter No. 513, dated 18.11.2013.

This amounts to grave misconduct on your part, warranting departmental action against you, as defined in section - 6 (1) (a) of the NWFP Police Rules 1975.

1. By reason of the above, you appear to be guilty of misconduct under section – 02 (iii) of the NWFP Police Rules 1975 and has rendered yourself liable to all or any of the penalties as specified in section - 04 (i) a & b of the said Rules.
2. You are therefore, directed to submit your written defense **within seven days** of the receipt of this charge sheet to the enquiry officer.
3. Your written defence if any, should reach to the enquiry officer within the specified period, failing which, it shall be presumed that you have no defense to put-in and in that case, an ex-parte action shall follow against you.
4. Intimate whether you desired to be heard in persons.

(GUL AFZAL KHAN)
District Police Officer,
Mardan.

فائنل انکوائری رپورٹ ازان کنسٹیبل رشید گل نمبر 3052 متعینہ پولیس لائن

جناب عالیٰ!

بحوالہ چارج شیٹ نمبری 225/R مورخہ 11.12.2013 کنسٹیبل **رشید گل نمبر 3052** کیخلاف انکوائری کاغذات موصول ہوکر جس میں کنسٹیبل مذکورہ کیخلاف الزام لگایا گیا ہے۔ کہ جب وہ پولیس لائن میں تعینات تھا۔ تو بحوالہ مد 11 روزنامچہ 04.09.13 کو غیر حاضر ہوکر مد 09 روزنامچہ 12.11.13 کو حاضری کر کے کل 69 یوم غیر حاضر رہ چکا ہے۔

دوران انکوائری **رشید گل نمبر 3052** پر مورخہ 14.12.13 کو چارج شیٹ تقسیم ہوکر تحریری جواب داخل دفتر کر کے جس نے بیان کیا کہ گھریلو پریشانی اور اُسکی زندگی غیر محفوظ ہونے کی وجہ سے وہ غیر حاضر ہوا۔ مذکورہ کا سروس ریکارڈ چیک کر کے جسمیں Bad Entries 24 جبکہ کوئی Good Entry نہیں پائی گئی۔ کنسٹیبل **رشید گل نمبر 3052 کی** سروس ریکارڈ اور طویل غیر حاضری سے یہ ثابت ہوتا ہے کہ مذکورہ عادی غیر حاضر باش ہے۔ اور نوکری کرنے کا خواہاں نہیں ہے۔ اور قصداً عمداً 69 یوم غیر حاضر رہ چکا ہے۔ جسکی بابت نہ تو کنسٹیبل نے کوئی میڈیکل لیو یا ڈاکٹری نسخہ پیش کیا۔ اور نہ ہی کوئی ٹھوس جواز پیش کیا۔ اس سلسلے میں پولیس رولز باب 16 فقرہ 9 واضح ہے کہ بار بار چھوٹی سزائیں دینے سے محکمہ پولیس پر بُرا اثر پڑتا ہے۔ اسلئے کنسٹیبل **رشید گل نمبر 3052** کو بوجہ طویل غیر حاضری 69 یوم Major Punishment دینے کی سفارش کی جاتی ہے۔

کل قطعات (12)

(میاں نصیب جان)

ڈپٹی سپرنٹنڈنٹ آف پولیس ہیڈکوارٹر مردان

NO. 626/HQrs dated 30/12/013

Dismissed from Service.

01.01

ORDER.

This order will dispose-off the appeal preferred by **Ex-Constable Rasheed Gul No. 3052** of Mardan District Police against the order passed by District Police Officer, Mardan wherein he was dismissed from Service vide OB: No. 68 dated 07.01.2013.

Brief facts of the case are that he while posted at Police Lines, Mardan has deliberately absented from the lawful duty without prior permission or leaves vide DD No. 11 dated 04.09.2013 to DD No. 09 dated 12.11.2013 for 69 days. His previous absence was 84 days, brining into effect Rule 16.9 of Police Rules. In this connection, he was charge sheeted and also proceeded him against departmentally through Deputy Superintendent of Police Headquarter, Mardan, who after fulfilling necessary process, submitted his findings to District Police Officer, Mardan, the allegation established against him, therefore he was dismissed from service.

I have perused the record and also heard the appellant in Orderly Room held in this office on 12.02.2013. He failed to justify his absence period and could not advance any ground in his defence. Therefore, I **MUHAMMAD SAEED** Deputy Inspector General of Police, Mardan Region-I, Mardan in exercise of the powers conferred upon me reject the appeal and do not interfere in the order passed by the competent authority, thus the appeal is filed.

ORDER ANNOUNCED.

(MUHAMMAD SAEED)PSP
Deputy Inspector General of Police,
Mardan Region-I, Mardan.

No. 1030 **/ES, Dated Mardan the** 14/02 **/2014.**

Copy to District Police Officer, Mardan for information and necessary action w/r to his office Memo: No. 466/LB dated 31.01.2014 He may be informed accordingly.

His Service Record is returned herewith.

(******)

EC

DPO Mdn

Office of The District Police Officer
D. No 249
Date 18-2-14
E B
Mardan

(Co CTER ROLL OF (Continued)

15. CENSURES AND PUNISHMENTS.

He is hereby warned to be careful in future -

OB No: 2967
5-8-11

DPO/MR

Warned for his Absence -

OB No: 217
23-1-13

DPO/MR

(4) days Extra drill for his absence.

OB No. 1977
5-5-13

DPO/MR

(4) days Extra drill for his Absence

OB No. 2092
23-5-13

DPO/MR

16. LEAVE, ABSENCE AND BREAKS IN SERVICE.

All Periods not counting as "approved service" to be entered in red ink.

1.		2.			3.	4.
Date		Extent			No. Of District Order	Description of leave i.e privilege hospital, sick leave or of absence, or forfeiture of approved service.
	To	Years	Months	Days		
				(13)	2168 16-6-10	Leave w/o Pay DPO/MR
				(9)	4246 1-11-10	—do— DPO/MR
				(1)	4754 15-12-10	—do— DPO/MR
				(10)	2842 27-7-11	—do— DPO/MR
				(2)	2967 5-8-11	—do— DPO/MR
				(5)	3060 15-8-11	—do— DPO/MR
				(7)	3211 29-8-11	—do— DPO/MR
				(4)	4239 16-12-11	—do— DPO/MR
				(7)	4270 20-12-11	—do— DPO/MR
				(1)	320 2-2-12	—do— DPO/MR
				(9)	596 28-2-12	—do— DPO/MR

(1) 716 / 7-3-12 Leave c/o P&S – DPO/MR

(1) 2258 / 8-8-12 — do — DPO/MR

(4) 2742 / 5-10-12 — do — DPO/MR

(6) 3227 / 6-12-12 — do — DPO/MR

(9) 52 / 4-1-13 — do — DPO/MR

(1) 55 / 4-1-13 — do — DPO/MR

(1) 568 / 27-2-13 — do — DPO/MR

(2) 961 / 10-4-013 — do — DPO/MR

(1) 1628 / 31-7-013 — do — DPO/MR

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR.

Service Appeal No. 389/2016.

Rasheed Gul No. 3052..... .....Appellant.

VERSUS.

District Police Officer, Mardan & others.....Respondents.

AUTHORITY LETTER.

Mr. Atta-ur-Rahman Sub-Inspector Legal, (Police) Mardan is hereby authorized to appear before the Honourable Service Tribunal, Khyber Pakhtunkhwa, Peshawar in the above captioned service appeal on behalf of the respondents. He is also authorized to submit all required documents and replies etc. as representative of the respondents through the Addl: Advocate General/Govt. Pleader, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

Deputy Inspector General of Police,
Mardan Region-I, Mardan
(Respondent No. 03)

District Police Officer,
Mardan
(Respondent No. 01)

Superintendent of Police
Operations & HQrs, Mardan
(Respondent No. 02)

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR.

Service Appeal No. 389/2016.

Rasheed Gul No. 3052..... .....Appellant.

VERSUS.

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Deputy Inspector General of Police,
Mardan Region-I, Mardan
(Respondent No. 03)

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Mardan
(Respondent No. 01)

Superintendent of Police
Operations & HQrs, Mardan
(Respondent No. 02)