

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

Service Appeal No. 1335/2015

Date of Institution... 24.4.2015

Date of decision... 24.01.2018

Yasir Khan, son of Shah Jehan R/O Regi Badizai, Tehsil and District, Peshawar.
... (Appellant)

Versus

1. SSP, Police Lines, Peshawar and three others. ... (Respondents)

Mr. Noor Muhammad Khattak,
Advocate. ... For appellant.

Mr. Muhammad Riaz Paindakhel,
Astt. Advocate General ... For respondents.

MR. NIAZ MUHAMMAD KHAN, ... CHAIRMAN
MR. GUL ZEB KHAN, ... MEMBER

JUDGMENT

NIAZ MUHAMMAD KHAN, CHAIRMAN: - Arguments of the
learned counsel for the parties heard and record perused.

FACTS

2. The appellant was dismissed from service on 31.12.2014 on the charge of his absence without leave. He filed departmental appeal against the said order on 19.01.2015 which was not responded to and thereafter, he filed the present service appeal on 24.4.2015.

ARGUMENTS

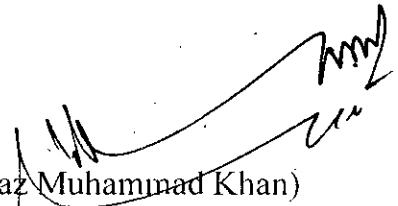
3. The learned counsel for the appellant argued that the very order of dismissal is a void order as the same was given retrospective effect.

4. On the other hand the learned Asstt. Advocate General argued that it was proved that the appellant was absent. That the departmental appeal was time barred by four days. That all the codal formalities were fulfilled before passing the impugned order of dismissal.

CONCLUSION

5. The dismissal order shows that the copy was sent to the appellant on 31.12.2014 therefore, the departmental appeal is within time. The order has been given retrospective effect and this Tribunal in a number of appeals has decided that such retrospective orders are void orders on the basis of a judgment of the august Supreme Court of Pakistan reported as 1985-SCMR-1178. Void order cannot be sustained in the eyes of law on any ground. Therefore, the present appeal is accepted, the appellant is reinstated in service. The Department is however, at liberty to hold denovo proceedings in accordance with law within 90 days from the receipt of this judgment. The issue of back benefits shall be subject to the denovo proceedings and rules on the subject. Parties are left to bear their own costs. File be consigned to the record room.

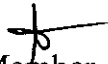

(Gul Zeb Khan)
Member


(Niaz Muhammad Khan)
Chairman

ANNOUNCED
24.1.2018

27.11.2017

Appellant in person and Addl: AG for respondents present.
Due to general strike of the Bar arguments could not be heard.
Adjourned. To come up for arguments on 24.01.2018 before D.B..


Member


Chairman

24.01.2018

Counsel for the appellant and Mr. Muhammad Riaz Paindakhel, Asstt. A.G alongwith Aziz Shah, H.C for the respondents present. Arguments heard and record perused.

This appeal is accepted as per our detailed judgment of today. Parties are left to bear their own costs. File be consigned to the record room.


Member


Chairman

ANNOUNCED

24.01.2018

08.09.2016

Agent to counsel for the appellant and Additional AG for respondents present. Rejoinder not submitted and requested for further time to file rejoinder. To come up for rejoinder and arguments on 5-1-17 before D.B.

Member

Member

05.01.2017

Counsel for the appellant and Additional AG for the respondents present. Learned counsel for the appellant submitted rejoinder which is placed on-file. To come up for arguments on 25.05.2017 before D.B.

MUHAMMAD AAMIR NAZIR
MEMBER

25.05.2017

Counsel for the appellant present. Mr. Kabirullah Khattak, Assistant AG for the respondents also present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 17.08.2017 before D.B.

(GUL ZEB KHAN)
MEMBER

(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

17.08.2017

Junior to counsel for the appellant and Asstt. AG alongwith Muhammad Raziq, H.C for the respondents present. Seeks adjournment as learned counsel for the appellant is not in attendance due to ailment of his mother. Adjourned. To come up for arguments on 27.11.2017 before the D.B.

Member

Chairman

26.1.2016

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was serving as Constable when subjected to inquiry on the allegations of wilful absence and dismissed from service vide impugned order dated 11.12.2014 where-against he preferred departmental appeal on 15.1.2015 which was not responded and hence the instant service appeal on 24.4.2015.

That the appellant was neither afforded any opportunity of hearing nor the prescribed procedure for departmental action in such eventuality was followed by the competent authority.

Points urged need consideration. Admit, subject to limitation. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 29.3.2016 before S.B.

Amount Deposited
Security & Process Fee


Chairman

29.03.2016

Counsel for the appellant and Mr. Hayat Muhammad, Reader alongwith Assistant A.G for respondents present. Written reply not submitted. Requested for adjournment. Last opportunity granted. To come up for written reply/comments on 24.5.2016 before S.B.


Chairman

24.05.2016

Counsel for the appellant and Mr. Aziz Shah, H.C alongwith Addl. AG for the respondents present. Written reply submitted by respondents No. 1 to 3. Learned Addl. AG relies on the same on behalf of respondent No. 4. The appeal is assigned to D.B for rejoinder and final hearing for 08.09.2016.


Chairman

03.12.2015

Agent of counsel for the appellant present. Learned counsel for the appellant is not in attendance. To come up for hearing on office objection on 21.12.2015 before S.B.


Chairman

21.12.2015

Counsel for the appellant present. Learned counsel for the appellant places reliance on rule-7 sub-rule (c) read with rule-8 of KPK Service Tribunal Rules, 1974. Also places reliance on reported case PLC 2003 (CS) 796.

Let the appeal be fixed for preliminary hearing on 26.1.2016 before S.B. The issue arising out of the office objection is to be decided in the main appeal.


Chairman



Sir,

This appeal was presented before this Tribunal on 24/4/2015. There was some deficiency and as such the appellant was directed to do the needful within 15 days vide office note No. 616/ST dated 24/4/2015, but the appellant failed to comply with the direction of office and resubmitted the appeal alongwith application for condonation of delay after seven months & 6 days.

The matter is submitted before the Hon'ble Chairman for appropriate order.

HON'BLE CHAIRMAN

*Be fixed with
office objection for P/H*

02.12.15


REGISTRAR
2/12/2015

The appeal of Mr. Yasir Khan son of Shah Jehan R/o Gagi Badizai Tehsil and Distt. Peshawar received to-day i.e. on 24.04.2015 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- Copies of documents referred to in the memorandum of appeal are not attached with the appeal which may be placed on it.
- ③- Copies of charge sheet, statement of allegations, show cause notice, enquiry report and replies thereto are not attached with the appeal which may be placed on it.
- 4- Copies of impugned termination order and departmental against it are not attached with the appeal which may be placed on it.
- 5- Six more copies/sets of the appeal along with annexures i. e complete in all respect may also be submitted with the appeal.

No. 616 /S.T,

Dt. 24/4 /2015


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Mumtaz Ahmad Adv. Pesh.

Note:

Sir,

*All objections have been removed,
hence re-submitted today dated 27/4/2015.
Further more that charge sheet, statement of allegations
and show cause notice has not been issued to the
appellant*

27/4/2015

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 1335 /2015

YASIR KHAN

VS

POLICE DEPARTMENT

APPLICATION FOR CONDONATION OF
DELAY IN FILING THE ABOVE NOTED
APPEAL

R.SHEWETH:

- 1- That the above mentioned appeal was filed by appellant against the impugned order dated 11.12.2014 by this august Tribunal but the same was returned to counsel for the appellant with certain objections.
- 2- That the said objections have been removed by counsel for appellant but after the stipulated time given by this august Tribunal.
- 3- That the delay caused is neither deliberate nor intentional but caused some unavoidable circumstances.

It is therefore prayed that on acceptance of this application the delay in filing the above noted appeal may please be condoned.

APPELLANT



YASIR KHAN

THROUGH:



NOOR MOHAMMAD KHATTAK
ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 1335 /2015

YASIR KHAN

VS

POLICE DEPARTMENT

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APPELLANT

THROUGH:


NOOR MOHAMMAD KHATTAK
ADVOCATE

BEFORE THE SERVICES TRIBUNAL, KPK,
PESHAWAR

Service Appeal No. 1335 /2015

K.P. Province
Service Tribunal

Case No. 418

Dated 24-4-2015

Yasir Khan,
S/o Shah Jehan,
R/o Regi Badizai, Tehsil and District, Peshawar.....Appellant

V E R S U S

1. SSP, Police Lines, Peshawar
2. S.P, Police Lines, Peshawar
3. CCPO, Police Lines, Peshawar
4. IGP/ PPO, Central Police Office,
Near Civil Secretariat, Peshawar.....Respondents

**Appeal u/s 4 of the Khyber
Pakhtunkhwa Service Tribunal
Act, 1974 against the order dated
11.12.2014 of respondent No.1,
whereby appellant has been
terminated from service.**

Not to-day
Registered
24/4/15

Respectfully Sheweth:

As-submitted to-day
and filed;

The appellant submits as under:

Registered
11/2/15

1. That the appellant appointed as Constable in the Police Force and since then was serving in a Police Department on various stations.
2. That the appellant was deputed for duty during Swat Operation and was posted in Kabal Police Station, Tehsil Kabal, District Swat.
3. That during that operation, the appellant sustained severe injuries when militants blown-up his vehicle alongwith other contingents and beside 7/8 casualties, the appellant was amongst those injured seriously. (Copy of FIR is Annexure "A").
4. That the appellant after that incident developed psychiatric problem and the CCPO, Peshawar had ordered that the appellant may not be posted in far flung areas in District Peshawar.
5. That the appellant was posted again on remote areas and unfortunately there were reportedly two fresh attacks on the check post, where he was on duty and these two attacks refreshed his previous problem.
6. That the appellant continuously remained psychiatric patient and was regular patients with Dr. Muhammad Sultan (Psychiatric). (Copy of relevant medical documents are Annexure "B").

7. That the appellant due to above mentioned psychiatric problem, was unable to perform his duty for certain period and submitted application before the respondent No.3 for leave but that applications are missing from his record. ~~Copy of applications are~~
~~missing from his record.~~
8. That finally, the appellant was dismissed from service on 11.12.2014 by respondent No.2. (Copy of order dated 11.12.2014 is Annexure "C").
9. That the appellant submitted a departmental representation in February, 2015 to the respondent No.3 as against the aforementioned termination order of the appellant. (Copy of the departmental representation is Annexure "D").
10. That the respondent No.3 dismissed the departmental appeal of the appellant and failed to adjudicate upon the representation/ appeal of the appellant. As such the appellant approaches this Honourable Tribunal for the redressal of his grievances, on the following amongst other grounds:

G R O U N D S:

- A. That the impugned termination order of appellant dated 11.12.2014 of respondent No.2, is against the law and facts on record, hence liable to be set aside.

- B. That the reasons advanced in the termination order has not legal and factual justification at all, hence needs to be reversed the same.
- C. That despite the order of respondent No.3 for not posting the appellant at out stations, actually violated by the respondents and resultantly the appellant developed his old problem once again.
- D. That the appellant's services have been terminated on disregard of the procedure prescribed in Khyber Pakhtunkhwa Govt Servants (Efficiency & Discipline), Rules, 1973 as well as Police Rules. The impugned order is therefore, perverse in the eyes of law.
- E. That the Supreme Court of Pakistan in a number of judgments has held that in case of any such like situation, the government employee cannot be subjected to such major penalty.
- F. That the respondents are estopped at this belated stage to take the said adverse action of termination keeping in view the principles of locus poenitentiae.
11. That the appellant seeks leave of this Honourable Tribunal to raise further points at the time of arguments.

It is, therefore, most humbly prayed that on acceptance of the instant service appeal, the impugned termination order dated 11.12.2014 may very graciously be declared illegal and void ab-initio and the same be struck down, and as a consequential relief the appellant's services as Draftsman in Public Health Engineering Department be restored with all back benefits.

Any other remedy which is deemed fit by this Honourable Tribunal in the interest of justice, may also be granted in favour of appellant.



Appellant

Through

Mumtaz Ahmad
Advocate High Court

Date: 20.04.2015

BEFORE THE SERVICES TRIBUNAL, KPK, PESHAWAR

Service Appeal No. _____/2015

Yasir Khan.....Appellant

V E R S U S

IGP, KPK and others.....Respondents

AFFIDAVIT

I, Mumtaz Ahmad Advocate (counsel for appellant), as per instructions of my client, do hereby solemnly affirm and declare that the contents of **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.


DEPONENT

BEFORE THE SERVICES TRIBUNAL, KPK, PESHAWAR

Service Appeal No. _____/2015

Yasir Khan.....Appellant

V E R S U S

IGP, KPK and others.....Respondents

ADDRESSES OF PARTIES

APPELLANT

Yasir Khan,
S/o Shah Jehan,
R/o Regi Badizai, Tehsil and District, Peshawar

RESPONDENTS

1. SSP, Police Lines, Peshawar
2. S.P, Police Lines, Peshawar
3. CCPO, Police Lines, Peshawar
4. IGP/ PPO, Central Police Office,
Near Civil Secretariat, Peshawar

Through

Appellant

Muntaz Ahmad
Advocate High Court

Date: 20.04.2015

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. _____/2015

YASIR KHAN

VS

POLICE DEPARTMENT

APPLICATION FOR CONDONATION OF
DELAY IN FILING THE ABOVE NOTED
APPEAL

R.SHEWETH:

- 1- That the appellant has filed an appeal along with this application in which no date has been fixed so far.
- 2- That the appellant prays for the condonation of delay in filing the above noted appeal inter alia on the following grounds:

GROUND OF APPLICATION:

- A- That valuable rights of the appellant are involved in the case hence the appeal deserve to decide on merit.
- B- That it has been the consistent view of the Superior Courts that cases should be decided on merit rather on technicalities including the limitation. The same is reported in 2004 PLC (CS) 1014 and 2003 PLC (CS) 76.

It is therefore prayed that on acceptance of this application the delay in filing the above noted appeal may please be condoned.

APPELLANT



YASIR KHAN

THROUGH:



NOOR MOHAMMAD KHATTAK
ADVOCATE

Khyber Teaching Hospital, Peshawar OUT - PATIENTS DEPARTMENT

RS-101



S.No: 93390

Casualty: *Muhammad Yasir* Out Door Patient Department

Patient Id. 985400710 Name: Yasir-ali

Age 26 Y Sex M

Date/Time 09-July-2010 09:01 am Address Peshawar

C/O
Depression
phobia after suicidal bombing

1 - Tab. Lithium 10mg
bid

2 - Tab. Xanax 1mg
bid

3 - Tab. Inderal 10mg

Advised bed rest for Ten (10) days
Wef 9-7-10.

ATTESTED

[Signature]

Khyber Teaching Hospital, Peshawar

OUT - PATIENTS DEPARTMENT

(13)

RS: 10/-



301129

S.No: _____

Patient ID 9236598745

OPD

Name: Yasir Ali

Rate: 10

Gender Male

27 YEARS

Date: 27 March 2011

Time: 12:30

Operator Imran Gul

Address: PESHAWAR

BBT.

Mo y BBT.

AP Brain contusion, spine attack.

Dr. M. Tahir

Dr. Yousaf

Dr. M. J. B. Khan

Doctor on Duty
B W Khyber Hospital Peshawar

ATTESTED

14

Khyber Teaching Hospital, Peshawar

OUT - PATIENTS DEPARTMENT

RS: 10/-



S.No: 106143

Patient ID: 6880310112

OPD

Name: YASIR

Gender: MALE

35 YEARS

Rate: 10

Referred To: PSYCHIATRY

Date: 05-JAN-12

Time: 09:50:42

Address: PESHAWAR

*Phobia after Bomb Blast
Insomnia
Anxiety
He started after that Blast.*

Rx

66/20

- 1 - Cap olanzapin 10 mg
5-10-12
- 2 - Tab Proxa 10mg
1/2 tab 2x daily
- 3 - Tab Ativan 2mg
0.25 x 2 x 2
0.25 x 2 x 1/2
- 4 - Syrup Hydnyl
2 x 2

Medical
Psychiatry Unit
Khyber Teaching Hospital
Peshawar
5-1-12

ATTESTED
[Signature]

15

Khyber Teaching Hospital, Peshawar OUT - PATIENTS DEPARTMENT

RS-70/-



S.No: 301136

Patient ID 1818497514
Name: Yasir Ali
Gender Male
Date: 13 January 2011
Operator Subhan ullah

Casualty
Rate: 10

27 YEARS
Time: 11:30
Address: PESHAWAR

Dr J BBS

Pain dispensed at 11:30

Dr. J. BBS

Dr. J. BBS

Dr. J. BBS

Doctor on Duty

Khyber Teaching Hospital Peshawar

ATTESTED

[Signature]



NASEER TEACHING HOSPITAL

Nasir Bagh Road Peshawar.

Tel: 091-5850003-5 Fax: 091-5850006

OUT PATIENTS DEPARTMENT

Rs. 5/-



16

Name	YASIR	OPD	SURGICAL
Age	26 YEARS	Patient No	383421
Gender	MALE	Case No	1197
Address	PESHAWAR	Case Title	W. P. H.

ADV

Go RIA.

Rd
inj TT 1/m Stat

inj inflamc 1/m Stat

Tab Dechil 5mg

سولجیو ایس — 1+1

polyfix Skin oint

1+1

ATTESTED

Signature

Khyber Teaching Hospital, Peshawar OUT - PATIENTS DEPARTMENT

Rs: 10/-



S.No: 93098

Casualty *M. Ali* Out Door Patient Department

Patient Id. 985400710

Name: Yasir ali

Age 26 Y

Sex M

Date/Time 09-July-2010 09:01 am

Address Peshawar

4/0
Depression
ph. obs. after suicidal bombing.

1 - Tab. Lithium long

2 - Tab. Xanax long

3 - Tab. Indural long

Advised bed rest for 10 days
Wef. 9-7-10.

ATTESTED

[Signature]

OUT-PATIENTS DEPARTMENT.

NAME. *[Handwritten Name]*
YEARLY NO. *36205*
DATE. *2-7-2010*
DISEASE *RTA (L) leg.*

FACE VALUE RUPEE

- Tab Voltam
1 + 5mg

- Tab Benidox
1 + *[Signature]*
Medical Superintendent
Police & Services Hospital
Peshawar.

- Wintogens Cream
1 + 1 +

Advised on leave for
(07) one week
wef 2/7/2010

[Signature]
Medical Officer
Police & Services Hospital
Peshawar.

ATTESTED

[Signature]

Khyber Teaching Hospital, Peshawar

OUT - PATIENTS DEPARTMENT

(19)

RS 10/-



S.No: 93990

Casualty. *Mr. Yasir Ali* Out Door Patient Department

Patient Id. 985400710 Name: Yasir ali

Age 26 Y Sex M

Date/Time 09-July-2010 09:01 am Address Peshawar

4%
Depression
phobia after suicidal bombing.

1 - TB lipxir long
2 - TB Xanax 1mg

3 - TB Indural long

Advised bed rest for Ten (10) days
w.e.f 9-7-10.

ATTESTED

[Signature]

Khyber Teaching Hospital, Peshawar

OUT - PATIENTS DEPARTMENT

20

RS: 10/-



S.No: 390830

Patient 11414340118 ID OPD

Name: Yasir
Gender: Male 27 YEARS Rate: 10

Referred To : Psychiatry
Date : 18-May-13 Time: 10:28:18

Address : PESHAWAR

Pt know case Bout Brain

Anxiety vertigo
Insomnia

Adv:
X-Ray Skull

Rx

Tab Xanax
1+1

Tab Epival CR
1+1

Tab Tegretol
1+1

Tab Gabapentin
1+1

Adv: Complete blood
2 weeks

Handwritten signature
Med:
Psychiatry
Khyber

ATTESTED

Handwritten signature



NASEER TEACHING HOSPITAL

Nasir Bagh Road Peshawar.

Tel: 091-5850003-5 Fax: 091-5850006

OUT PATIENTS DEPARTMENT

Rs. 5/-



(21)

Name	YASIR	OPD	SURGICAL
Age	26 YEARS	Patient No	38040
Gender	MALE	Visit No	4197
Address	PESHAWAR	Visit Date	10/12/14

ADV

Go RIA.

Rx

inj TT 1/m Stat

inj inflamoc 1/m Stat

Tab Dectil song

کتاب دیکتیل سونگ — 1+1

polyfix Skin oint

1+1

ATTESTED

[Signature]

Signature

[Signature]

Khyber Teaching Hospital, Peshawar

OUT - PATIENTS DEPARTMENT

122

RS 10/-

Patient: 5285436587
ID:



OPD

S.No: 109491

Name: Yasir

Gender: Male

25 YEARS

Rate: 10

Referred To: Psychiatry

Date: 20- Oct-13

Time: 10:40:15

Address: PESHAWAR

Psychic trauma.

Hx of injuries in

Bomb Blast
injury on

Rx

o/e

Temp: 100

BP: 120/80

Pul: 76

rrg.

Cherishing
Heart = NAD

Tab. Lorazepam

U.S. 1 + 1

Tab. Acetylsalicylic Acid

1 + 1 + 1

Sy: Gaviscon

1 + 1 + 1

Completed by self
for

ATTESTED

[Signature]

Khyber Teaching Hospital, Peshawar

OUT - PATIENTS DEPARTMENT

(23)

RS-10/-



OPD S.No: 109493

Patient 2549987324

ID:

Name: Yasir

Gender: Female

27 YEARS

Rate: 10

Referred To: Psychiatry

Date: 18- Dece-13

Time: 11:40:18

Address: PESHAWAR

Psychiatric Patient

in. Blom Blom Rf

Insomnia

Anxiety

BP

Cher

Pain

Pa. ALP 5.0

1.1

Exp. Ques

Tch. Venotard

W

Ref. Complete bell ver

ATTENDED

[Signature]

Khyber Teaching Hospital, Peshawar

OUT - PATIENTS DEPARTMENT

24

Rs: 10/-



S.No 109492

Patient 121254897

ID:

Name: Yasir

Gender: Male

27 YEARS

Rate: 10

Referred To: Psychiatry

Date: 18-Feb-14

Time: 11:40:18

Address: PESHAWAR

Psychiatry

High in form

Bomb Blast

Insomnia

Stress

Blood Pressure

Anxiety

Rx

Tab. AIP 5mg

1+1

Tab. Nebivolol 5mg

1+1

Tab. Toradol

Count not held 18/2/14

ATTESTED

25

Khyber Teaching Hospital, Peshawar

OUT - PATIENTS DEPARTMENT

RS: 70/-



S.No: 390830

Patient ID 11414340118

OPD

Name: Yasir

Gender: Male

27 YEARS

Rate: 10

Referred To : Psychiatry

Date : 18-May-13

Time: 10:28:18

Address : PESHAWAR

Pt known case Bomb Blast:

Anxiety disorder

Insomnia

By

Advised
W. Ray Sengul

Tab. Xanax
1+1

Tab. Epival CR
1+1

Tab. Tegrasol
1+1

Tab. Gabapentin
1+1

Adv: Complete bed rest
2 weeks

Psychiatry

ATTESTED

Khyber Teaching Hospital, Peshawar

OUT - PATIENTS DEPARTMENT

RS-100



S.No: 390830

Patient 11414340118
ID

OPD

Name: Yasir

Gender: Male

27 YEARS

Rate: 10

Referred To : Psychiatry

Date : 18-May-13

Time: 10:28:18

Address : PESHAWAR

Pt know case Bone Bruise

Amalgia vertigo
Insomnia

Adv:
V. Ray Sial

Rx

Tab

Xanax

1+1

Tab Epival CR

1+1

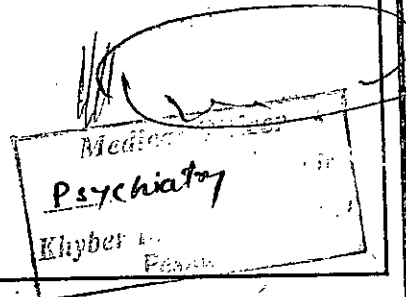
Tab Pregna

1+1

Tab Gaviscon

Adv: Complete bed rest

2 week



ATTESTED

Khyber Teaching Hospital, Peshawar

OUT - PATIENTS DEPARTMENT

RS 10/-



S.No: 261979

26

OPD

Patient 5285436587

ID:

Name: Yasir

Gender: Male

25 YEARS

Rate: 10

referred To: Medical

Date: 12-April-14

Time: 10:40:15

Address: PESHAWAR

Handwritten notes:
c/o Ab to BSA chd's
Aggression
Abuse
Psychotic Depression
R

- 1 - Cap olanzapine 10mg
- 2 - Cap oxetirin 20mg
- 3 - Tab Alp 0.5mg

Advise complete bed rest for two (02) weeks
w.e.f 12-04-14

Handwritten signature

Khyber Teaching Hospital, Peshawar OUT - PATIENTS DEPARTMENT

RS-100



S.No: 93390

Casualty *Yasir ali* *h*
Out Door Patient Department

Patient Id. 985400710

Name: Yasir ali

Age 26 Y

Sex M

Date/Time 09-July-2010 09:01 am

Address Peshawar

4/0
Depression
phobia after suicidal bombing.

1 - Tab Lipoxicilone
1000 mg bid

2 - Tab Xanax 1mg
3 times a day

3 - Tab Indoral 10mg

Advised bed rest for 10 days
from 9-7-10.

APR

ATTACHED

4

(Not Valid For Court)

28

SAYED PSYCHIATRIC CLINIC

PROFESSOR

Dr. Sayed Mohammad Sultan

M.B.B.S., M.C.P.S., D.P.M.

M.R.C. (PSYCH) England

M.Sc. Psychiatry (University of London)

Professor & Head Deptt. Of Psychiatry

Khyber Medical College Peshawar

President SARC Psychiatric Federation

President Pakistan Psychiatric Society



(Consultation by prior appointment)

Dr. Muhammad Riaz

M.B.B.S., D.C.P.S. F.C.P.S. (1) Psychiatry

Miss. Kulsoom Bangash

Clinical Psychologist
M.Sc, PMDCP

Miss. Afshan Psychologist

MSC

Visiting Psychiatrist

Khyber Teaching Hospital Peshawar. &

Govt. Mental Hospital Peshawar.

تاریخ 15/04/15

نام مریض

محمد یاسر

1) Tab Roxiten 20mg

اسانچے ۲ بارے

2) Tab Indoval 10mg

آب ۲ بارے

3) Cap. Ripulsi

سار ۲ بارے

4) Zolam 50mg

آب ۲ بارے

۱/۲ بارے

ATTESTED

تیسرے

رابطہ فون نمبر:
091-5851551
091-5512785

معائنہ کیلئے بعد تشریف لائیں

پروفیسر ڈاکٹر سید محمد سلطان

سید سائیکیاٹرک کلینک غفار آباد نزد شیراز ریسٹورنٹ جہکال یونیورسٹی روڈ پشاور

Age 30y

Last visit

Job
Police

Stressor: Blast

5/12/14

owned

well up

dx
2

Lethargic feeling

Tension

irritability

Headache phobia

Bp 120/80

Pulse 78/min

Temp 98.6

Chp
CIS
CNS
R₂

N
N

SAYED PSYCHIATRIC CLINIC

PROFESSOR

Dr. Sayed Mohammad Sultan

M.B.B.S., M.C.P.S., D.P.M.

M.R.C. (PSYCH) England

M.Sc. Psychiatry (University of London)

Professor & Head Deptt. Of Psychiatry

Khyber Medical College Peshawar

President SARC Psychiatric Federation

President Pakistan Psychiatric Society

~~Working as a consultant~~

Khyber Teaching Hospital Peshawar &

Govt, Menjal Hospital Peshawar.



(Consultation by prior appointment)

Dr. Muhammad Riaz

M.B.B.S., D.C.P.S. F.C.P.S. (1) Psychiatry

Miss. Kulsoom Bangash

Clinical Psychologist

M.Sc, PMDCP

Miss. Afshan Psychologist

MSC

15/09/15 تاریخ نام مریض: محمد یاسر

1 Tab Roxiten 20mg

اساتجے و ماری

2 Tab Indoval 10mg

آب و دوائے ماری

3 Cap. Ripnals

سار و سار

4 Zolam 200mg

آب و دوائے ماری

1/2 سے 1 سے ماری

ATTENDED

قیسرحان

091-5851551
091-5612785

معائنہ کیلئے بعد تشریف لائیں

پروفیسر ڈاکٹر سید محمد سلطان

سید سائیلیا ننگ ٹیکنک خفارا آباد نزد شیراز ریسٹورنٹ تہ کال یونیورسٹی روڈ پشاور

(Not Valld For Court)

30

SAYED PSYCHIATRIC CLINIC

PROFESSOR

Dr. Sayed Mohammad Sultan

M.B.B.S., M.C.P.S., D.P.M.

M.R.C (PSYCH) England

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Professor & Head Deptt. Of Psychiatry

Khyber Medical College Peshawar

President SARC Psychiatric Federation

President Pakistan Psychiatric Society

Teaching Hospital:

Khyber Teaching Hospital Peshawar. &

Govt, Menjal Hospital Peshawar.



(Consultation by prior appointment)

Dr. Muhammad Riaz

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Miss. Kulsoom Bangash

Clinical Psychologist

M.Sc, PMDCP

Miss. Afshan Psychologist

MSC

تاریخ: 15/09/15 نام مریض: _____ پتہ: _____ محترم ماسٹر _____

1) Tab Roxiten 20mg

اساتیب سے جاری

2) Tab Indoval 10mg

آب سے جاری

3) Cap. Ripulsi

سار سے جاری

4) Zolam 50mg

آب سے جاری

5) 11 سے جاری

ATTESTED

تقریر

091.5851551
084.5512786

معاہدہ کیلئے بعد تشریف لائیں

پروفیسر ڈاکٹر سید محمد سلطان

سید سائیکیاٹرک کلینک، غفار آباد نزد شیراز ریسٹورنٹ، تھریکال پونیورسٹی روڈ، پشاور

Age 30y

Last visit

Job
Police

Stressor: Blast

5/12/14
owned
well up

OK

Lethargic feeling

Tension

irritability

Heamato phobia

Bp 120/80

Pulse 78/min

Temp 98.6

Chp
A/C
C/C
R₂

N
N

SAYED PSYCHIATRIC CLINIC

PROFESSOR

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President Pakistan Psychiatric Society

Khyber Teaching Hospital Peshawar &
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(Consultation by prior appointment)

Dr. Muhammad Riaz

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Miss. Kulsoom Bangash

Clinical Psychologist
M.Sc. PMDCP

Miss. Afshan Psychologist

MSC

تاریخ 15/09/15 نام مریض _____ حق مایسٹر _____

1) Tab Roxiten 20mg

اساتینجے کے ماری

2) Tab Indoval 10mg

آب کے ساتھ صبح سے ماری

3) Cap. Ripulsi

سہار کے ساتھ

4) Zolam 200mg

آب کے ساتھ صبح سے

1/2 سے 11 سے صبح سے

ATTESTED

تقریر

091-5851551
091-5512785

معاہدہ کیلئے بعد تشریف لائیں

پروفیسر ڈاکٹر سید محمد سلطان

سید سائیکھانک کلینک، نفاذ آباد نزد شیراز روڈ، سنوٹ، جہکال پور، نیورسٹی روڈ، پشاور

SAYED PSYCHIATRIC CLINIC

32

ESSOR

Sayed Mohammad Sultan

B.B.S., M.C.P.S., D.P.M.
I.R.C. (Psyche) England
M.Sc. Psychiatry (University of London)
Professor & Head. Deptt. of Psychiatry
Khyber Medical College Peshawar.

President SARC Psychiatric Federation
President Elect Pakistan Psychiatric Society

Visiting Psychiatrist
Khyber Teaching Hospital Peshawar &
Govt. Mental Hospital Peshawar.



(Consultation by prior appointment)

Dr. Muhammad Riaz
M.B.B.S., D.C.P.S. F.C.P.S. (I) Psychiatry

Miss. Kulsoom Bangash
Clinical Psychologist
M.Sc. PMDCP

Miss. Afshan Psychologist
M.Sc.

05/12/14 تاریخ

نمبر

نمبر پاس

1. Tab. Roxiten 20mg
1/2 x 4 بار ع 6 صی

2. Tab. Alp 05mg

10 بار ع 1/2 بار ع 6 صی

3. Tab. Lagon

1 x 7 بار

4. Syb Blomalt

1 بار ع 6 صی

5. Cap Repulic

1 بار ع 6 صی

دکتر محمد سلطان

راہد فون نمبر:
091-5851551
091-5512785

معاہدہ کیلئے بعد تشریف لائیں

پروفیسر ڈاکٹر سید محمد سلطان

سید سائیکیاٹرک کلینک غفار آباد نزد شیراز ریسٹورنٹ تہ کمال یونیورسٹی روڈ پشاور

ATTESTED

0344-9832414

Handwritten initials or marks.

(Not Valid For Court)

SAYED PSYCHIATRIC CLINIC

33

PROFESSOR

Dr. Sayed Mohammad Sultan

M.B.B.S., M.C.P.S., D.P.M.
M.R.C.(Psyche) England
M.Sc. Psychiatry (University of London)
Professor & Head Deptt. of Psychiatry
Khyber Medical College Peshawar.

President SARC Psychiatric Federation
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Visiting Psychiatrist

Khyber Teaching Hospital Peshawar &
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(Consultation by prior appointment)

Dr. Muhammad Riaz
M.B.B.S., D.C.P.S. F.C.P.S.(I) Psychiatry

Miss. Kulsoom Bangash
Clinical Psychologist
M.Sc. PMDCP

Miss. Afshan Psychologist
M.Sc.

09/09/14 تاریخ نام مریض نام پتہ نام صوبہ

⊙ Tab Roxiten 20mg
1/2 سے 4 بجے تک 1 بار

⊙ Tab Imidat 25mg
رات سے 7 بجے تک 1 بار

⊙ Tab Kardinal 20mg
رات سے 1 بجے تک

⊙ Tab AP 0.5mg

رات سے 10 بجے تک 1/2 بار سے 10 بجے تک

⊙ Cap Repule

ساتھ سے 50

ATTESTED

(Handwritten signatures)

رابطوں کے لیے
091-5851551
091-5512785

اسما بعد تشریف لائیں

پروفیسر ڈاکٹر سید محمد سلطان

سید سائیلیا نازک کلینک، شفا آباد، ڈیرہ ازبکستان، کراچی، سندھ، پاکستان

(Not Valid For Court)

34

SAYED PSYCHIATRIC CLINIC

ESSOR

Sayed Mohammad Sultan



(Consultation by prior appointment)

Dr. Muhammad Riaz
M.B.B.S., D.C.P.S. F.C.P.S (I) Psychiatry

Miss. Kulsoom Bangash
Clinical Psychologist
M.Sc. PMDCP

Miss. Afshan Psychologist
M.Sc.

B.B.S., M.C.P.S., D.P.M.
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President SARC Psychiatric Federation
President Elect Pakistan Psychiatric Society
Visiting Psychiatrist
Khyber Teaching Hospital Peshawar &
Govt. Mental Hospital Peshawar.

05/12/14 تاریخ

نفر باغ

پتہ

مہتمم باس

1. Tob. Roxiten 20mg

1/2 گچ 4 بار 1 گچ 2 بار

2. Tab Alop 50mg

1 بار 10 بار 1/2 بار 10 بار

3. Tab Lagan

1 بار 7 بار

4. Syp Blomalt

1 بار 1 بار 1 بار 1 بار

5. Cap Repulic

دوا 1 بار 1 بار

ATTESTED

ذریعہ ماح

رابطہ نمبر:
091-5851551
091-5512785

معاہدہ کیلئے

بجائے تشریف لائیں

پروفیسر ڈاکٹر سید محمد سلطان

سید ساجد شاکر کلینک، غفار آباد، وزیر اوزار، ایسٹرن ٹریڈ کالونی، روڈ پشاور

0344-9832419

HYCC
12

(Not Valid For Court)

35

SAYED PSYCHIATRIC CLINIC

Dr. Sayed Mohammad Sultan
 B.B.S., M.C.P.S., D.P.M.
 M.R.C.(Psy) England
 M.Sc. Psychiatry (University of London)
 Professor & Head Deptt. of Psychiatry
 Khyber Medical College Peshawar
 President SARC Psychiatric Federation
 President Elect Pakistan Psychiatric Society
Visiting Psychiatrist
 Khyber Teaching Hospital Peshawar &
 Govt. Mental Hospital Peshawar.



(Consultation by prior appointment)

Dr. Muhammad Riaz
M.B.B.S., D.C.P.S., F.C.P.S. (Psychiatry)

Miss. Kulsoom Banga
Clinical Psychologist
M.Sc. PMDCP

Miss. Afshan Psychol.
M.Sc.

09/09/14 تاریخ نامریع

و با ش
ش

⊙ Tab Roxiten 20mg

1/2 x 4 x 1 x 10

⊙ Tab (midol) 25mg

1/2 x 4 x 1 x 10

⊙ Tab Gardinal 20mg

1/2 x 4 x 1 x 10

⊙ Tab Atp 05mg

1/2 x 4 x 1 x 10

⊙ Cap. Repulsa

1/2 x 4 x 1 x 10

ATTESTED

Amir Ma

51551
512785

رونیسہ ڈاکٹر سید محمد سلطان

University Town Peshawar Ph: # 5845111

SIGNATURE

hyber



کلینیکل لیبوری

Clinical Laboratory

Name: *[illegible]*

Age: ? Years

Specimen: URINE

24 Hours Service

Ref: By Dr. *[illegible]*

Date: September 10, 2014

36

TEST REQ. :- URINE ROUTINE EXAMINATION :-

PHYSICAL EXAMINATION :-

Quantity ----- 15 ml
 Color ----- P. Yellow
 PH ----- Acidic

CHEMICAL EXAMINATION :-

Albumin ----- NIL
 Sugar ----- NIL

MICROSCOPIC EXAMINATION :-

Red Blood Cells ----- 00-01 HPF
 Pus Cells ----- 01-02 HPF

[Signature]
ANALYST

9 Amir Market, Opposit K.T.H. University Town Peshawar Ph: # 5845111

Total Leucocytes Count		
T.L.C.	6,300	4000-11090 /cmm
Platelet Count	2,10,000	1,50,000-4,50,000/cmm

BLOOD SUGAR //S.G.P.T.

TEST	RESULT	NORMAL REFERENCES
Blood Sugar	90	Fasting 70-110 mg/dl Random 80-180 mg/dl
S.G.P.T.	33	F- <31 M- <41 U/L

ATTESTED

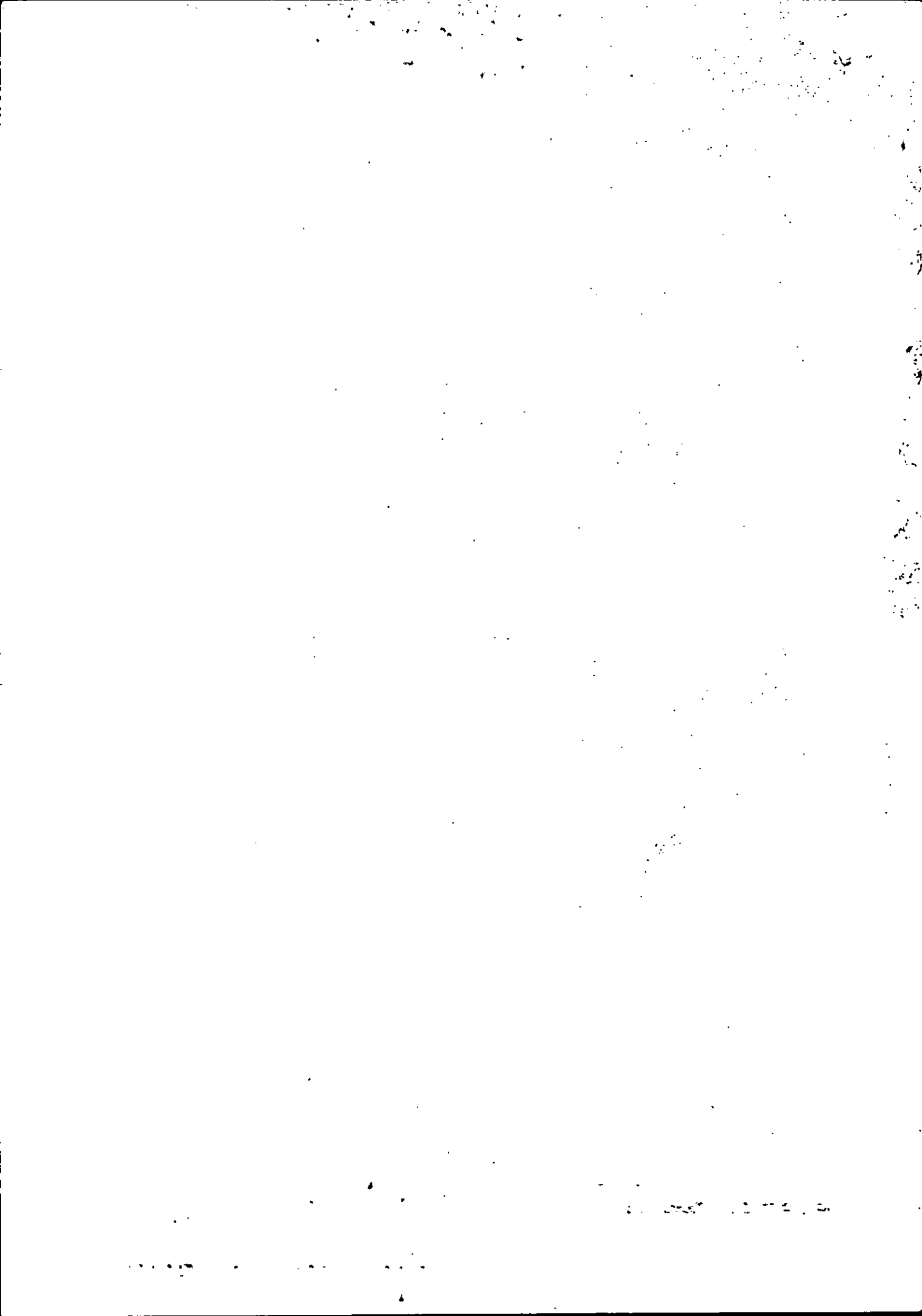
[Signature]

SIGNATURE

9 Amir Market, Opposit K.T.H. University Town Peshawar Ph: # 5845111

0344-9832419

[Signature]



Clinical Laboratory

24 Hours Service

Code :- 10092014-20

Name :- Yasin
Age :- 7 Years
Specimen :- URINE

Ref. By Dr. :-
Date :- September 10, 2014

37

TEST REQ. :- URINE ROUTINE EXAMINATION :-

PHYSICAL EXAMINATION :-

Quantity ----- 15 ml
Color ----- P. Yellow
PH ----- Acidic

CHEMICAL EXAMINATION :-

Albumin ----- NIL
Sugar ----- NIL

MICROSCOPIC EXAMINATION :-

Red Blood Cells ----- 00-01 HPF
Pus Cells ----- 01-02 HPF

[Signature]
SIGNATURE

9 Amir Market, Opposit K.T.H. University Town Peshawar Ph: # 5845114

Total Leucocytes Count		
T.L.C.	6,300	4,500-11,000 /cmm
Platelet Count	2,10,000	1,50,000-4,50,000/cmm

BLOOD SUGAR (S.C.P.T.)

TEST	RESULT	NORMAL REFERENCES
Blood Sugar	90	Fasting 70-110 mg/dl
		Random 80-180 mg/dl
S.G.P.T.	33	F- <31 M- <41 U/L

ATTESTED

[Signature]

[Signature]
SIGNATURE

9 Amir Market, Opposit K.T.H. University Town Peshawar Ph: # 5845114

0342-7832419

[Signature]

Khyber Teaching Hospital, Peshawar

OUT - PATIENTS DEPARTMENT

RS: 10/-



S.No: 301136

38

Patient ID 1818497514
Name: Yasir Ali
Gender Male
Date: 13 January 2011
Operator Subhan ullah

Casualty
Rate: 10

27 YEARS
Time: 11:30
Address: PESHAWAR

Dr J BBS

Pain dispis - Abdom

Dr. JBS

Dr. JBS

Dr. JBS

Doctor on Duty

Khyber Teaching Hospital Peshawar

ATTESTED

[Signature]

Khyber Teaching Hospital, Peshawar

OUT - PATIENTS DEPARTMENT

Rs. 10/-



S.No: 242293

39

NAME: _____
AGE: _____
SEX: _____
RELIGION: _____
ADDRESS: _____

BP = 100/70

HR = 80

① Tab Roxiten 20mg

CS 10 x 2 - 1/1

② Tab AIP 05mg

CS 20 x 2 - 1/2

PROF. DR. SAYED MOHAMMAD SULTAN
Head Dept. of Psychiatry,
Khyber Medical College
Visiting Consultant Khyber Teaching Hospital,
Peshawar.

[Signature]
Prof. Dr. Sayed Muhammad Sultan

ATTACHED

[Handwritten mark]

BOSSAS

Police constantly

ETHC use - 5-10/9

Source - 97r

Eats / abuses tranquils

Not going to job

Was embarked

to suffer - the

Sound of bombs

Strain of Bombola

Not strong

EST 12

7

Khyber Teaching Hospital, Peshawar OUT - PATIENTS DEPARTMENT

RS-105



S.No: 242293

40

NAME: _____
ADDRESS: _____
CITY: _____
PROF. DR. SAYED MOHAMMAD SULTAN
Head Dept. of Psychiatry,
Khyber Medical College
Visiting Consultant Khyber Teaching Hospital,
Peshawar.

BP=100/70

HR=70

① Pab Roxiten 20mg
CSib & 2-100

② Pab Atip 05mg

CS 20 cc = 1/2

PROF. DR. SAYED MOHAMMAD SULTAN
Head Dept. of Psychiatry,
Khyber Medical College
Visiting Consultant Khyber Teaching Hospital,
Peshawar.
Prof. Dr. S. M. Sultan

ATTESTED

Pellu County

IHC Use - 5-10 / 9

Source - 24r

Eats / abuse tranquils

Not going to job

Was embarked

to suffer - the
stress of Bombing.

Stored of bombs

Not always

ORDER

C-41

This is departmental proceedings against Constable Yasir No. 1351, while posted to Police Station Khan Razik Shaheed, on the grounds that he was remained absent with effect from 17.04.2014 vide DD No. 07 till to date with any leave/permission.

Disciplinary proceedings were initiated against him and he was issued Charge Sheet with statement of allegations. SDPO/Faqirabad was appointed as enquiry officer for completion the enquiry against the defaulter.

Findings of the enquiry officer alongwith relevant papers were received and perused by the undersigned. As per findings of enquiry officers, he was issued Final Show Cause Notice vide this office No.4459/SP-City dated 06.06.2014 which was served on his father at his home address through DFC Qasim PS Khan Razik Shaheed on 16.10.2014 duly signed by himself but his reply was not received so far and he has also lost the opportunity of personal hearing before the undersigned.

Keeping in view the recommendation and service record of the defaulter constable, he is a habitual one and several times was punished with stoppage of pay etc. There is no hope of his return to his duty and all this reflected badly over the other Jawans of the force, therefore, the undersigned came to the conclusion to take stern action against him as exparte and he is dismissed from service from the date of his absence under the existing rules 1975.

Order announced.

(Dr. MUSTAFA TANWEEER)PSP
Superintendent of Police City,
Peshawar.

OB: No. 3886

Dated 11 /Dec: 2014.

No. 4679 /SP: City: dated Peshawar, the 31 /Dec: 2014.
Copy for information and necessary action to:

1. The Capital City Police Officer, Peshawar
2. The Senior Superintendent of Police, Operations Peshawar.
4. The Superintendent of Police, Headquarters, Peshawar.
5. SDPOs Faqirabad, City-I
6. CRC
7. OASI Branch
8. Fauji Missal Branch with enquiry report for record.

9 PO

ATTESTED

3
2014

VAKALATNAMA

IN THE COURT OF KPK Service Tribunal Peshawar

_____ OF 2015

Yasir Khan

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Police Department

(RESPONDENT)
(DEFENDANT)

I/We Yasir Khan

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. 27 / 11 / 2015


CLIENT


ACCEPTED

**NOOR MOHAMMAD KHATTAK
(ADVOCATE)**

OFFICE:

Room No.1, Upper Floor,
Islamia Club Building, Khyber Bazar,
Peshawar City.

Phone: 091-2211391

Mobile No.0345-9383141

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR.

Service Appeal No1335/2015.

Yasir Khan Ex- Constable No.1351 Police Line Peshawar.....Appellant.

VERSUS.

1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Capital City Police Officer, Peshawar.
3. Superintendent of Police, HQrs, Peshawar.....Respondents.

Reply on behalf of Respondents No. 1, 2, & 3.

Respectfully shewth:.

PRELIMINARY OBJECTIONS.

1. That the appeal is badly time barred.
2. That the appeal is bad for mis-joinder of unnecessary and non-joinder of necessary parties.
3. That the appellant has not come to this Hon'able Tribunal with clean hands.
4. That the appellant has no cause of action.
5. That the appellant is estopped by his own conduct to file the instant appeal.
6. That the appellant has concealed the material facts from Honorable Tribunal.
7. That this Hon'able Tribunal has no jurisdiction to entertain the appeal.

Facts:-

- (1) Para No.1 pertains to record, hence needs no comments.
- (2) Para No.2 pertains to record, hence needs no comments.
- (3) Para No.3 pertains to record, hence needs no comments.
- (4) Para No.4 is totally incorrect and denied. The appellant deliberately absented himself from his lawful duty without any permission/leave.
- (5) Para No.5 pertains to record, hence needs no comments.
- (6) Para No.6 is for the appellant to prove.
- (7) Para No.7 is totally incorrect and concocted. In fact the appellant did not submit an application for taking leave/permission and deliberately absented himself from his lawful duty without taking leave/permission.
- (8) Para No.8 is correct to the extent that appellant was proceeded departmentally on allegations of wilful absence from duty. Proper enquiry was conducted against him and after fulfilling al codal formalities, he was awarded major punishment of dismissal from service vide OB No.3886 dated 11.12.2014 by SP City Peshawar.
- (9) Para No.9 is correct to the extent that the appellant filed a departmental appeal but his appeal was time barred for about 04 days.

- (10) Para No.10 is incorrect. The appeal of the appellant after due consideration was filed/rejected. It is worth to mention here that his departmental appeal is also time barred for 04 days.

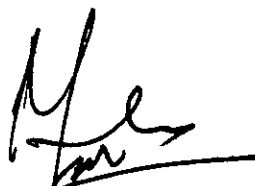
GROUND:-


- (A) Incorrect. The punishment order is in accordance with law/rules. Hence liable to be upheld.
- (B) Incorrect. The allegations leveled against him were stand proved.
- (C) Incorrect. The allegations leveled against replying respondents are false and baseless.
- (D) Incorrect. Being member of a disciplined force the appellant was rightly proceeded under PR 1975.
- (E) Incorrect. The appellant was awarded major punishment after fulfilling all codal formalities.
- (F) Incorrect. The appellant was treated as per law and rules.
- (G) Respondents also seek permission of this Honorable Tribunal to raise additional grounds at the time of arguments.

PRAYER.

It is therefore most. humbly prayed that in light of above facts and submissions, the appeal of the appellant being devoid of merits and legal footing, may kindly be dismissed with cost.


**Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.**


**Capital City Police Officer
Peshawar.**


**Superintendent of Police,
HQrs, Peshawar.**

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR.

Service Appeal No1335/2015.

Yasir Khan Ex- Constable No.1351 Police Line Peshawar.....Appellant.


VERSUS.


1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Capital City Police Officer, Peshawar.
3. Superintendent of Police, HQrs, Peshawar.....Respondents.

AFFIDAVIT

We respondents No. 1 ,2 & 3 do hereby solemnly affirm and declare that the contents of the written reply are true and correct to the best of our knowledge and belief and nothing has concealed/kept secret from this Honorable Tribunal.


**Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.**


**Capital City Police Officer
Peshawar.**


**Superintendent of Police,
HQrs, Peshawar.**

ENQUIRY REPORT

Kindly refer to your office dy.no. 3619 dt 7-5-2014.

It is a departmental enquiry against constable Yasir 1351 P.S Khan Razik Shaheed absented himself from duty w.e.from 12-4-2014 to till date without any information . His act is highly objectionable and amount to gross misconduct on his part.

The alleged constable was put to disciplinary by worthy SP/City ,Peshawar .the undersigned was appointed as enquiry officer to initiate departmental proceeding against the alleged constable with reference to the above mentioned allegation .

PROCEDURE

In this regard the alleged constable Yasir 1351 is called for enquiry proceeding at his posting place but MASI K.R.S sent the DD No.07 dt 20-5-014 report that the alleged constable is continuously absent and did not interest in his lawful duty.(DD Report attached)

FINDINGS :

From the perusal of record it reveals that the above name constable Yasir is habitual absentee and not interest in duty.

RECOMMENDATION:

Therefore being the enquiry officer the undersigned suggested for major punishment. Submitted please.

(Shoukat Ali Khan)
Deputy Superintendent of police
Faqirabad.

28/5/14

W/SP/City: Peshawar
NO 06 /ST
Dated 29/5 /2014.

(4) عدد 7 روزانه 20/5/14 سے منسوخ ہو گیا

SNC
26/08/14

FINAL SHOW CAUSE NOTICE

I, **Dr. Mustafa Tanweer** (PSP), Superintendent of Police, City Peshawar, as competent Authority do hereby serve Show Cause Notice to you Constable Yasir No.1351 while posted at Police Station Khan Razik Shaheed.

Peshawar, as c
Constable Ya
i)

- 121/
- i). That consequent upon the completion of enquiry concerned against you by SDPO Suburb, Enquiry Officer, found you guilty of misconduct.
 - ii) Ongoing through the finding and recommendations of the Enquiry Officer, the material on record and other connected papers, I am satisfied that you have committed the following acts/omission specified in Section-3 of the said Ordinance on the following grounds:-

"You Constable Yasir No..1351 of PS Khan Razik Shaheed absented yourself from duty w.e.from 12.04.2014 till to date with out any leave/permission from your seniors proper departmental enquiry is being initiated against you under the Rule 1975.

2. As a result thereof, I as competent Authority have tentatively decided to impose upon you the major penalty including dismissal from service under section-3 of the said Ordinance.

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

4. If no reply to this notice is received within **(07)** days of its receipt of this notice in the normal course of circumstances, it shall be presumed that you have no defence to put and exparte action shall be taken against you.

(Dr. MUSTAFA TANWEER)PSP
SUPERINTENDENT OF POLICE CITY,
PESHAWAR

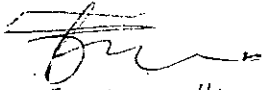
No. 4459 /PA/SP/ City:

Di: 4 /June: 2014.

Constable Yasir No. 1351 PS Khan Razik Shaheed

جیناٹالی

میں نے ایک عدد نقل فولوٹوٹ لپروان شوکار پاسرے ولد
کو حوالہ کیا ہے۔ پاسرے ولد نے بیان کیا پاسرے میں
موجود نہیں ہے اور میں پاسرے کو لپروان حوالہ کروں
گا دفتر بیدا میں حاکم سید کے پاسوں گا



15-10-14

ولد پاسرے شاہ عثمان ولد سلطان جان
سینت بید لپروان

جیناٹالی

پاسرے جو موجود میں موجود نہیں تھا اور اس
وقت بھی سدا تھا اور ایک عدد نقل فولوٹوٹ
لپروان پاسرے ولد کو حوالہ کیا ہے
جو انکی فکاڈ سدا ہے اور ولد نے بیان
کیا کہ میں پاسرے کو زبانی طور پر نہیں
گا کہ وہ دفتر بیدا میں حاکم سید
نشر پاسرے کو بار بار اطلاع دیا ہے لیکن وہ دیکھ دانت
طور پر حاکم نہیں ہوتا۔ دلپور کے عری ہے اصل بیدا
والی ارسال خدمت ہے



D.F.C.K.R.S

16-10-14

26/08/14

No. 06

DISCIPLINARY ACTION

I, **Faisal Mukhtar (PSP)**, Superintendent of Police City Division, Capital City Police Peshawar, as competent authority am of the opinion that he Constable Yasir No. 1351 of P.S. Khan Razik Shaheed has rendered himself liable to be proceeded against as he committed the following acts/omission within the meaning of Section-3 of the Disciplinary Rules 1975.

STATEMENT OF ALLEGATIONS.

“Constable Yasir No. 1351 of PS Khan Razik Shaheed absented himself from duty w.e.from w.e.from 12.04.2014 till to date with out any leave/permission from his seniors proper departmental enquiry is being initiated against him under the Rule 1975.

Steno
Call Constable.

D.S.P. Faisalabad Circle
8/5/14

For the purpose of scrutinizing the conduct of the said constable with reference to the above allegations an enquiry officer **SDPO Faqirabad** is appointed.

The Enquiry Committee/Enquiry Officer shall in-accordance with the provision of the Police Rules (1975), provide reasonable opportunity of hearing to the accused officer/officials and make recommendations as to punish or other appropriate action against the accused.

(FAISAL MUKHTAR)PSP
Superintendent of Police City,
Peshawar

No. 3619 /PA

Di: 7 /April 2014.

Copy to Enquiry officer for conducting departmental enquiry and submit finding within stipulated period under Police Rules 1975.

26/08/14

CHARGE SHEET

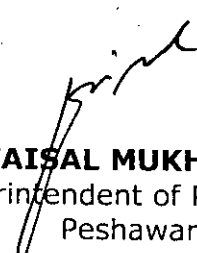
1. Whereas I am satisfied that a Formal Enquiry as contemplated by Police Rules 1975 is necessary and expedient.

2. And whereas, I am of the view that the allegations if established would call for major/minor penalty, as defined in Rule 3 of the aforesaid Rules.

Now therefore, as required by Rule 6 (1) of the said Rules I, **Faisal Mukhtar** (PSP), Superintendent of Police, City Division, Peshawar hereby charge you Constable Yasir No. 1351 PS Khan Razik Shaheed Peshawar on the basis of following allegations:-

“You Constable Yasir No. 1351 of PS Khan Razik Shaheed absented himself from duty w.e.from 12.04.2014 till to date with out any leave/permission from his seniors proper departmental enquiry is being initiated against him under the Rule 1975.

3. By doing this you have committed gross misconduct.
4. And I hereby direct you further under Rules 6 (I) of the said Rules to put in a written defence with in 7 days of the receipt of this Charge Sheet as to why the proposed action should not be taken against you and also stating at the same time whether you desire to be heard in person.
5. And in case your reply is not received within the specific period it shall be presumed that you have no defence to offer and ex-parte action will be taken against you.


(FAISAL MUKHTAR)PSP
Superintendent of Police City,
Peshawar

No. 3619 /PA

Dt: 7 ⁵ April, 2014.

5/1/14
26/08/14

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL No.1335/2015

YASIR KHAN

VS

POLICE DEPTT:

REJOINDER ON BEHALF OF APPELLANT IN
RESPONSE TO THE REPLY SUBMITTED BY THE
RESPONDENTS

R/SHEWETH:

1 TO 7:

All the objections raised by the respondent are incorrect, baseless and not in accordance with law and rules rather the respondents is estopped due to their own conduct to raise any objection at this stage of the appeal.

ON FACTS:

- 1- Admitted correct hence need no comments.
- 2- Admitted correct hence need no comments.
- 3- Admitted correct hence need no comments.
- 4- Incorrect and not replied accordingly. That during the military operation at swat the appellant was posted in Kabal Police Station, District Swat. That during such operation vehicle of the appellant was blown up by militants in which the appellant along with other colleagues were sustained sever injuries. That appellant after that incident developed psychiatric problem and the CCPO, Peshawar ordered that the appellant may not be posted in far flung areas.
- 5- Admitted correct and replied accordingly.
- 6- Admitted correct. That appellant was continuously remained psychiatric patient and was regular patient with Dr. Muhammad Sultan (Psychiatric). That record of such treatment from the concerned Doctor is attached with the memo of appeal.
- 7- Incorrect and not replied accordingly. That appellant has been submitted leave application before the CCPO, Police Lines, Peshawar, but the said application was misplaced from the office of the CCPO.

- 8- Admitted correct to the extent of dismissal order of the appellant while the remaining Para is incorrect and misconceived. That appellant was awarded major punishment of dismissal from service vide dated 11.12.2014 without conducting regular inquiry in the matter. That the respondents has not been given any chance of personal hearing/defense to the appellant before issuing the dismissal order.
- 9- Admitted correct to the extent of dismissal order of the appellant but the impugned order later on was communicated to appellant.
- 10- Incorrect and not replied accordingly. That impugned order was later communicated to the appellant due that reason appellant. That according to the communication date appellant filed properly filed his departmental appeal before the concerned authority within the stipulated time.

GROUND:

All the grounds of main appeal are correct and in accordance with law and prevailing rules and that of the respondent are incorrect and baseless hence denied. That the impugned order dated 11.12.2014 is against the law, facts, norms of natural justice and materials on the record. That appellant has not been treated in accordance with law and rules on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.

It is therefore most humbly prayed that on acceptance of this rejoinder the appeal of the appellant may be accepted in favor of the appellant.

APPELLANT



YASIR KHAN

THROUGH:



**NOOR MOHAMMAD KHATTAK
ADVOCATE**

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No 206 /ST

Dated 26 /01/2018

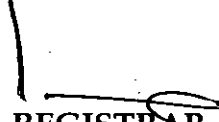
To

The SSP, Police Lines,
Government of Khyber Pakhtunkhwa,
Peshawar.

Subject: **ORDER/JUDGEMENT IN APPEAL NO. 1335/15, MR. YASIR KHAN.**

I am directed to forward herewith a certified copy of Judgment/Order dated 24/01/2018 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

one