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

SERVICE APPEAL NO. 1562/2023

Ex-HC Asad Saeed Ex-Head Constable No. 297 District Police Haripur (Under transfer to District Upper Kohistan) r/o village Mirpur, Tehsil & District Haripur..... **Appellant**

VERSUS

The Inspector General of Police, KPK Peshawar & others **RESPONDENTS**

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Deponent

①

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

SERVICE APPEAL NO. 1562/2023

Ex-HC Asad Saeed Ex-Head Constable No.297 District Police Haripur (Under transfer to District Upper Kohistan) r/o village Mirpur, Tehsil & District Haripur..... **Appellant**

VERSUS

1. The Inspector General of Police, KPK Peshawar
2. The Regional Police Officer, Hazara Region, Abbottabad
3. The District Police Officer, Haripur
4. The District Police Officer, Upper Kohistan..... **RESPONDENTS**

**Khyber Pakhtunkhwa
Service Tribunal**

Diary No. 11648

Dated 6/3/24

PARA WISE COMMENTS/REPLY ON BEHALF OF RESPONDENTS 1, 2 & 4

RESPECTFULLY SHEWETH

PRELIMINARY OBJECTIONS

- The Appellant has got no cause of action to file the instant Appeal.
- The present appeal is not maintainable in its present form.
- The appellant has concealed material facts from this Honorable Court.
- The Appellant has not come to his honorable court with clean hands.

REPLY OF FACTS

1. That, as per service record of the appellant, he was recruited as a constable in District Haripur on 27-07-2007. He was transferred from District Haripur to this District Upper Kohistan, vide, Regional Police Officer Hazara Region, Abbottabad office order No. 3229-30/E dated 11-02-2022 (through an administrative order).
2. Pertains to record, hence needs no comments.
3. That, the appellant was transferred from District Haripur to District Upper Kohistan, vide, Regional Police Officer Hazara Region, Abbottabad office order No. 3229-30/E dated 11-02-2022. (through a legal order).
(Copies of transfer order, departure report DPO Haripur, departure report DPO upper Kohistan are annexed as annexure "A")
4. Incorrect. That, the appellant was transferred from District Haripur to District Upper Kohistan on 11-02-2022. However, by disobeying a legal order, he did not make his arrival in District Upper Kohistan and absented till the date of dismissal i.e 24-06-2022. It is pertinent to mention here that disciplinary action was initiated against the appellant and for the misconduct and charge sheet was issued to the appellant, vide, DPO Upper Kohistan office No. 380-81 /PA dated 01-03-2022 and Mr. Shah Nawaz Khan DSP Circle Dassu was appointed as enquiry officer. The

(2)

enquiry officer delivered the charged sheet to the appellant through DPO Haripur accordingly, vide last bearing Letter No. 1783/R-DSP/Dassu dated 15-06-2023, to which, however, he did not submit any reply. Hence the enquiry officer submitted his finding report and found him as guilty of misconduct. Upon the report of enquiry officer, Final Show Cause Notice was issued to the appellant by the competent authority vide DPO Upper Kohistan office No. 959A/PA dated 18-06-2022. Even again the appellant neither appeared before the enquiry officer nor submitted any documentary proof in his defense, hence the appellant was awarded the punishment of dismissal from service under Police Rule 1975 amended 2014 from the date of his deliberately absence from duty and the period he remained absent from duty (24-02-2022 to 24-06-2022 total 04 months) was counted without pay, vide DPO Upper Kohistan office order No. 995-97/PA dated 24-06-2023.

(Copies of Charge Sheet, enquiry report, Final Show Cause Notice and Dismissal order are attached as annexure "B", "C", "D" & "E", respectively)

5. Incorrect. That the appellant did not submit any application/medical documents etc to DPO Upper Kohistan regarding grant of medical leave during course of inquiry.
6. That, dismissal order of the appellant was communicated to the District Police Officer, Haripur, vide DPO Upper Kohistan office Memo: No. 1797/OSI dated 24-06-2022, because at that time service record and enquiry file of the appellant were lying with district Haripur. However, after dismissal, when the appellant submitted application to the District Police Officer, Upper Kohistan on 10-04-2023 regarding provision of dismissal order, same was allowed and granted accordingly.
7. That, the appellant after dismissal, filed departmental appeal before the Regional Police Officer, Hazara Region, Abbottabad. The Regional Police Officer, Hazara called the appellant in OR on 30-05-2023 and heard him in person, where he has been given reasonable opportunity to defend himself against the charges. However, the appellant failed to advance any justification in his defense. Thus the disciplinary action taken by the competent authority seems genuine and the departmental appeal was liable to be dismissed. Hence the departmental appeal of the appellant was filed/rejected, vide RPO Hazara Office, order No. 10430/E dated 30-05-2023.

(Copy of Comments, rejected order is annexed as annexure "F")

8. Incorrect. That the rejection order of the departmental order of the appellant was provided to the appellant as evident from the fact that the appellant filed Revision Petition against same petition before the Provincial Police Officer, Khyber Pakhtunkhwa, vide Registrar for IGP KPK Peshawar office, Letter No. 7747/23 dated 10-07-2023 and RPO Hazara office Endst: No. 12905/E dated 12-07-2023 is evident for collection of rejected order by the appellant. Applications of the

appellant is totally false, because no any marks etc of any officer is exist in the said applications.

(Copy of Letter of revision petition is annexed as annexure "G")

9. As explained in above Para 8.


REPLY OF GROUNDS

- A. That, impugned order dated 24-06-2022 and 30-05-2023 of the respondents are legal,lawful, in the light of departmental rules, and regulations.
- B. Incorrect. Proper departmental enquiry was conducted, Charge Sheet was issued to the appellant, vide DPO Upper Kohistan office No. 380-81 /PA dated 01-03-2022 and Mr. Shah Nawaz Khan DSP Circle Dassu was appointed as enquiry officer; however, the appellant neither appeared before enquiry officer nor submitted any reasonable information/documentsduring course of inquiry. Further added that Respondent No. 2 also called the appellant in OR during process of departmental appeal, but the appellant failed to advance any plausible explanation in his defense. Thus, the disciplinary action taken by the competent authority seems genuine and the departmental appeal was liable to be dismissed which had been rejected by the appellate authority accordingly.
- C. That, the respondents have treated the appellant in accordance with law, departmental rules and regulations and have acted in the light of Article 4 of the constitution of Islamic Republic of Pakistan 1973 by lawfully issued the impugned orders.
- D. That, the appellate authority as Regional Police Officer, Hazara called the appellant in OR on 30-05-2023 and heard in person, whereinthe appellant has been given reasonable opportunity to defend himself against the charges. However, the appellant failed to advance any justification in his defense. Thus, the disciplinary action taken by the competent authority seems genuine and the departmental appeal was liable to be dismissed.
- E. Incorrect. That, the appellant was transferred from District Haripur to District Upper Kohistan on 11-02-2022 by the competent authority.The appellant neither made his arrival report in District Upper Kohistan nor attend/appeared before the enquiry officer till the date of dismissal i.e 24-06-2022. Further added that the appellant did not submit any application/medical documents etc to DPO Upper Kohistan regarding grant of medical leave till the date of dismissal 24-06-2022.
- F. Pertains to honorable court, hence needs no comments.

PRAYER

(4)

It is therefore, humbly prayed that the instant Service Appeal may graciously dismissed with cost in favour of Respondents.

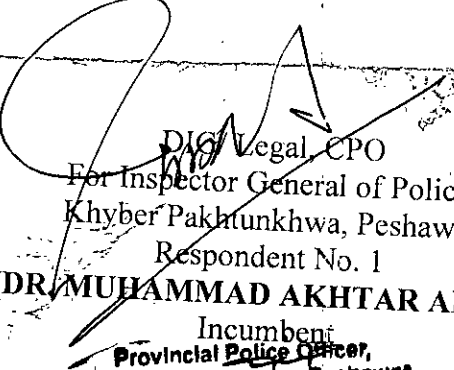

(MOHAMMAD KHALID KHAN)

District Police Officer,
Upper Kohistan
District Police Officer,
Upper Kohistan
Respondent No. 2


(MUHAMMAD NAZ KHAN)PSP

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

Regional Police Officer
Hazara Abbottabad


DIG Legal, CPO
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar
Respondent No. 1

(DR. MUHAMMAD AKHTAR ABBAS)

Incumbent
Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.

5

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

SERVICE APPEAL NO. 1562/2023

Ex-HC Asad Saeed Ex-Head Constable No. 297 District Police Haripur (Under transfer to District Upper Kohistan) r/o village Mirpur, Tehsil & District Haripur..... **Appellant**

VERSUS

The Inspector General of Police, KPK Peshawar & others **RESPONDENTS**

AFFIDAVIT / COUNTER AFFIDAVIT

I Mohammad Khalid Khan, DPO Upper Kohistan do hereby solemnly affirm and declare on oath that the content of the Para wise comments are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court/Tribunal. *It is further stated on oath that in this appeal, the answering respondent neither has been placed ex parte nor their defence was been struck off/cost*

Deponent


M
(MOHAMMAD KHALID KHAN)
District Police Officer,
Upper Kohistan
Respondent No. 4

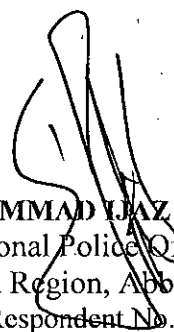
Attested
ABDUL SALAM
Commissioner
District Haripur

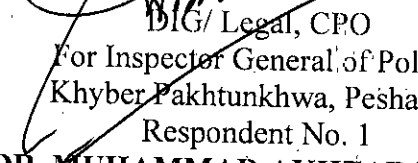
6

AUTHORITY LETTER

Mr. DSP Sajjad Noohammad Police officer District Upper Kohistan is hereby authorized / nominated to submit comments before the Honorable KPK Service Tribunal Peshawar Camp Court Abbottabad in connection with Service Appeal No. 1562/2023 Titled Ex-HC Asad Saeed versus Inspector General of Police, Khyber Pakhtunkhwa Peshawar & others on behalf of the Respondents accordingly.


(MOHAMMAD KHALID KHAN)
District Police Officer,
Upper Kohistan
Respondent No. 4


(MUHAMMAD IJAZ KHAN)PSP
Regional Police Officer,
Hazara Region, Abbottabad
Respondent No. 2
Regional Police Officer
Hazara Abbottabad


DIG/ Legal, CPO
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar
Respondent No. 1
(DR. MUHAMMAD AKHTAR ABBAS)
Incumbent

Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar



7



OFFICE OF THE REGIONAL POLICE OFFICER
HAZARA REGION, ABBOTTABAD
NO: 3228-30/E DATED 11/02/2022

A.

ORDER

Head Constable Asad Saeed No.297 of Haripur District transferred and posted to Upper Kohistan District with immediate effect.
He will draw his pay as usual.

Regional Police Officer
Hazara Region, Abbottabad

Copy of above is forwarded for information and

action to the:-

1. District Police Officer Haripur.
2. District Police Officer Upper Kohistan.

OAS

For N/A

457
14/2/22

DPO KK
14/02/2022

Attested
By: Superintendent Police
Head Quarter Dassi

7

BETTER COPY OF TRANSFER ORDER ANNEXURE" A"

OFFICE OF THE
REGIONAL POLICE OFFICER,
HAZARA REGION, ABBOTTABAD

No. 3229-30/E

Dated Peshawar the 11-02-2022

ORDER

Head Constable Asad Saeed No. 297 of Haripur District is hereby transferred and posted to Upper Kohistan District with immediate effect.

-sd-

Regional Police Officer,
Hazara Region, Abbottabad

Copy of above is forwarded for information and necessary action to the :

1. District Police Officer, Haripur
2. District Police Officer, Upper Kohistan

DPO office Upper Kohistan
Diary No. 437
Dated 14-02-2022

OASI

For n/a

DPO UK
14-02-2022

Attested
[Signature]
By: Superintendent Police
Head Quarter Dassu



DISTRICT POLICE OFFICER
HARIPUR

Ph: 0995-920-6031, Fax: 0995614714, Email: dpoharipur1@gmail.com

No. 1309

dated Haripur the 23 / 02 / 2022

To: The District Police Officer,
Upper Kohistan

Subject: DEPARTURE REPORT

Memo: Kindly refer to the Regional Police Officer Hazara Region Abbottabad,
office Memo: No. 3229-30/E dated 11.02.2022.

It is stated that Head Constable Asad Saeed No. 197 has
departure from this district on 13.02.2022, please.

District Police Officer
Haripur

0310 8498998

0344-9242364



081

~~DP~~ Me
24 / 2 / 22

Attested
By: Superintendent Police
- Head Quarter Dassu

8

BETTER COPY OF LETTER DEPARTURE REPORT DPO HARIPUR ANNEXURE" A"

OFFICE OF THE,
DISTRICT POLICE OFFICER,
HARIPUR

No. 1309

Dated Peshawar the 23-02-2022

To The District Police Officer,
Upper Kohistan

Subject: DEPARTURE REPORT

Memo:

Kindly refer to the Regional Police Officer, Hazara Region, Abbottabad office Memo: No. 3229-30/E dated 11-02-2022.

It is stated that Head Constable Asad Saeed No. 297 has made his departure from this District on 13-02-2023, please.

-sd-

District Police Officer,
Haripur

0310-8498998
0344-9242864

DPO office Upper Kohistan
Diary No. 556
Dated 24-02-2022

OSI

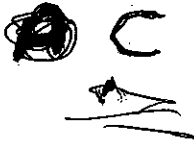
n/a

DPO UK
24-02-2022

Attested
[Signature]
By: Superintendent Police
- Head Quarter Daska



OFFICE OF THE
DISTRICT POLICE OFFICER,
UPPER KOHISTAN
Tel/Fax: 0998-407004/0998-407139
Email: dpkohistan@gmail.com



No. 611 / OSI, dated 25 / 02 / 2022


To, The Regional Police Officer,
Hazara Region Abbottabad.

Subject: - DEPARTURE REPORT.

It is submitted that Head Constable Asad Saeed No. 297 of District Haripur was transferred to this district vide your good office order No. 3229-30/E dated 11.02.2022. Untill now he has not reported his arrival in this district.

Submitted please.


District Police Officer,
Upper Kohistan

Attested

By Superintendent of Police
Head Quarter Derasa

7 of
No.
15

7 of
No.
15

10

D

CHARGE SHEET

I, TAHIR IQBAL, District Police Officer, Upper Kohistan, as a competent authority, is hereby charge you Head Constable Asad Saeed No. 297 while transferred from Haripur district to Upper Kohistan, appear to be guilty of misconduct under Police disciplinary Rules -1975, and have rendered yourself liable to all or any of the penalties specified in the said Police Disciplinary Rules.

You are therefore, required to submit your written defense within **Seven (07) days** on the receipt of this Charge Sheet to the Enquiry Officer.

Your written defense, if any should reach the enquiry officer with in the specified period, failing which it shall, presumed that you have no defense to put in and in that case, expertise action shall follow against you.

Intimate whether you desire to hear in person.

A statement of allegation is enclosed.

~~(TAHIR IQBAL)~~
District Police Officer,
Upper Kohistan

A. H. Saeed
Dy. Superintendent of Police
Head Quarter Dastu

DISCIPLINARY ACTION

I, TAHIR IQBAL, District Police Officer, Upper Kohistan, as competent authority of the opinion that you Head Constable Asad Saeed No. 294, while transferred from Haripur district to Upper Kohistan have rendered yourself liable to be proceed against as you committed the following act/omission within the meaning of Police Disciplinary Rules - 1975.

STATEMENT OF ALLEGATIONS

1. That you have been transferred from district Haripur to this district on complaint basis on 11.02.2022.
2. That your departure has been made from Haripur district to this district on 23.02.2022, but you did not reported your arrival in this district to yet.
3. That, your irresponsible attitude and disinterest toward your duty made you liable for departmental action against you.

For the purpose of scrutinizing the conduct of the said accused official with reference to the above allegations, and conduct formal departmental Enquiry Officer Mr. Shah Nawaz Khan DSP/ Dassu Upper Kohistan.

The enquiry officer shall in accordance with the provision of ordinance, provide reasonable opportunity of hearing the defaulter to furnish findings within seven (07) days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused.

The accused officer and a well conversant representative of the department shall remain present in the proceedings on the date, time and place fixed by the Enquiry Officer.

(TAHIR IQBAL)
District Police Officer,
Upper Kohistan

No. 380-81/PA dated Kohistan the 01/02/2022.

Copy of above is forwarded to:-

1. Mr. Shah Nawaz Khan DSP/ Dassu Upper Kohistan, Enquiry Officers for initiating proceedings against the defaulter under provisions of the Police Disciplinary Rules - 1975.
2. Accused official through Enquiry Officer.

(TAHIR IQBAL)
District Police Officer,
Upper Kohistan

Attested
By: Superintendent of Police
Head Quarter Dassu

فائنڈنگ رپورٹ ازاں HC اسد سعید نمبر 294

جناب عالی!

مکالمہ چارج شیٹ نمبری PA/81-380 مورخہ 01-03-2022 مجاریہ جناب DPO صاحب اپر کوہستان سے موصول ہونے پر ذیل انکوائری کی گئی۔

الزامات:

HC اسد سعید پر یہ الزام عائد کیا گیا کہ اس کی ٹرانسفر مورخہ 11-02-2022 کو ضلع ہری پور سے ضلع ہذا عمل میں لائی گئی تھی جس کی روانگی ہری پور سے مورخہ 23-02-2022 کو ہوئی ہے مگر مذکورہ بالا HC نے ابھی تک اس ضلع ہذا میں حاضری نہیں کی ہے جس کا یہ فعل ڈیوٹی سے عدم دلچسپی ظاہر کرتا ہے بدین وجہ چارج شیٹ جاری ہو کر برائے مزید انکوائری میرے نام مارک ہوئی۔ انکوائری باقاعدہ شروع کی گئی۔

فائنڈنگ انکوائری آفیسر:

دوران انکوائری HC مذکورہ کو پروانہ جات نسبت تقسیم چارج شیٹ جاری کئے گئے جس پر محرر HC پولیس لائن نے بدستور غیر حاضر ہونا تحریر کیا گیا جو کہ بعد ازاں چارج شیٹ اور ڈسپلنری ایکشن رجسٹری جناب DPO صاحب ہری پور کو برائے تعمیل ارسال کیا گیا اور کئی بار اس نسبت ریمائنڈر بھی جاری کئے گئے مزید یہ کہ منظم خان OASI ضلع ہری پور کو موبائل فون سے اس کے ذاتی موبائل نمبر (0300-5643822) پر رابطہ کر کے HC مذکورہ کو مطلع کرنے کی استدعا بھی کی گئی مگر HC مذکورہ نے نہ تو چارج شیٹ کا جواب دیا اور نہ ہی ضلع ہذا میں تاحال حاضری کی ہے۔ انکوائری سے مذکورہ بالا قصور وار پایا جاتا ہے اور سرکاری ڈیوٹی میں کوئی دلچسپی نہیں رکھتا ہے۔ انکوائری رپورٹ بغرض یکطرفہ کارروائی پیش خدمت ہے۔

ڈی۔ ایس۔ پی
سرکل داسو، اپر کوہستان

FA
Issue Show Cause
Notice

District Police Officer,
Upper Kohistan

17/6/2022

Attested
By Superintendent of Police
Head Quarter Dassu

(13)

OFFICE OF THE DISTRICT POLICE OFFICER, UPPER KOHISTAN

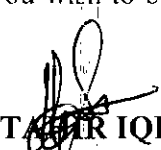
No. 959A /PA,

Dated 18 / 6 / 2022

FINAL SHOW CAUSE NOTICE


I, TAHIR IQBAL, District Police Officer, Upper Kohistan as competent authority under Police Rule -1975 do hereby serve you Head Constable Asad Saeed No. 297 while transferred from District Haripur to Upper Kohistan has committed following misconducts:-

1. That, you have been transferred from district Haripur to district Upper Kohistan on complaint basis vide RPO Hazara office order No. 3229-30/E, dated 11.02.2022.
 2. That your departure has been made from district Haripur to this district on 23.02.2022 vide DPO Haripur office Memo: No. 1309 dated 23.02.2022, but you failed to report your arrival in this district so far.
 3. Charge sheet alongwith disciplinary action issued to you and department enquiry was initiated against you by Mr. Shah Nawaz Khan DSP/Circle Dassu, Upper Kohistan, as per finding of Enquiry officer, you remained absent consistently and recommended for ex parte action.
 4. That, your irresponsible attitude and disinterest in your duty shows gross misconduct.
- viii. That by reason of above, as sufficient material is placed before the undersigned; it is decided to proceed against you in general Police proceeding without aid of enquiry officer.
- ix. That the misconduct on your part is prejudicial to good order of discipline in the Police Force.
- x. That your retention in the police force will amount to encourage inefficient and unbecoming of good police officers;
- xi. That by taking cognizance of the matter under enquiry, the undersigned as competent authority under the said rules, proposes stern action against you by awarding one or more of the kind punishments as provided in the rules.
- xii. You are, therefore called upon to show cause as to why you should not be dealt strictly in accordance with the Khyber Pakhtunkhwa Police Rules, 1975 for the misconduct referred to above.
- xiii. You should submit reply to this Final Show Cause Notice within Seven (07) days of the receipt of the notice failing which an ex-parte action shall be taken against you.
- xiv. You are further directed to inform the undersigned that you wish to be heard in person or not.


(TAHIR IQBAL)
District Police Officer,
Upper Kohistan

Received by _____

Dated _____ / _____ / 2022


Superintendent of Police
Head Quarter Dassu

GROUND OF ACTION

That the Head Constable Asad Saeed No. 297 while transferred from District Haripur to Upper Kohistan has committed following misconducts:-

1. That, he has been transferred from district Haripur to district Upper Kohistan on complaint basis vide RPO Hazara office order No. 3229-30/E, dated 11.02.2022.
2. That his departure has been made from district Haripur to this district on 23.02.2022 vide DPO Haripur office Memo: No. 1309 dated 23.02.2022, but he failed to report his arrival in this district so far.
3. Charge sheet alongwith disciplinary action issued to him and department enquiry was initiated against him by Mr. Shah Nawaz Khan DSP/Circle Dassu, Upper Kohistan, as per finding of Enquiry officer, he remained absent consistently and recommended for ex-parte action.
4. That, his irresponsible attitude and disinterest in his duty shows gross misconduct.

By reasons of above, he has rendered himself liable to be proceeded under Khyber Pakhtunkhwa Police Rules - 1975, hence these ground of action.

(TARIQ BAL)
District Police Officer,
✓ Upper Kohistan

A. Iqbal
By Superintendent of Police
Head Quarter Dassu

ORDER.

15

This is office order for disposal of departmental proceedings against Head constable Asad Saeed No. 294 on the grounds that while he transferred from district Haripur to district Upper Kohistan on complaint basis vide W/RPO office order No. 3229-30/E dated 11.02.2022. Later on 23.02.2022 his departure has been made from district Haripur to this district vide DPO Haripur office Memo: No. 1309 dated 23.02.2022, but he failed to report his arrival in this district and absented vide Daily Dairy No. 16 dated 24.02.2022 to till date (absence period 04 months) without information/permission of his seniors.

Departmental proceedings were initiated against him and Charge Sheet alongwith summary of allegations have served upon him and Mr. Shah Nawaz Khan DSP/Circle Dassu Upper Kohistan was appointed as Enquiry Officer.

The Enquiry Officer, tried to dig out the real facts of the absence, but the delinquent Head constable remained absent and never appeared before the enquiry officer and neither submitted written reply of charges in his defense, who vide his finding submitted that the alleged Head constable does not take interest in his official duty, thus found him guilty and recommended him for ex-parte action.

Final Show Cause Notice along ground of action delivered upon him, but the delinquent Head Constable remained absent. His service record/documents are lying in district Haripur and drawing salary from district Haripur.

In the light of the above circumstances and the recommendations of enquiry officer, the undersigned came to conclusion that the alleged Head constable Asad Saeed No. 297 is guilty of the charges of disobeying/defying of seniors and remained absent from 24.02.2022 to 24.06.2022. Therefore, the undersigned being a competent authority, award him the major punishment of "Dismissal from Service" under police Rules 1975, amended 2014 from the date of his deliberate absence from duty and the period he remained absent from duty (24.02.2022 to 24.06.2022 total 04 Months) is counted without pay. Order announced on 24.06.2022.

RC/arc
noted
compliance.

No. 995-97/PA, dated 24/06/2022

Copy of the above is forwarded for favour of information to the:

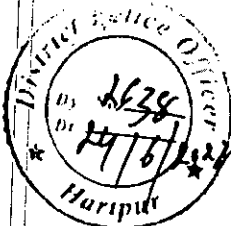
1. The Regional Police Officer, Hazara Region Abbottabad.
2. The District Police Officer, Haripur for further necessary action.
3. OSI DPO Office,

14/5
16
22

OB. No. 93

DT: 24-06-2022

DPO Kohistan.



(TAHQIQBAL)
District Police Officer,
Upper Kohistan.

(TAHQIQBAL)
District Police Officer,
Upper Kohistan.

Attested
By Superintendent Police
Head Quarter Dassu

(15)

F

A

OFFICE OF THE DISTRICT POLICE OFFICER, UPPER KOHISTAN

No. 1188 / Legal,

Dated Upper Kohistan the 11/5/2023

To : The Regional Police Officer,
Hazara Region, Abbottabad

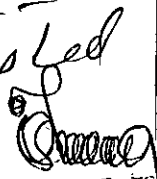
Subject: **APPLICATION FOR DEPARTMENTAL APPEAL**
(HC ASAD SAEED NO.294)

Memo:

Kindly refer to your office Endst: No. 7970/E dated 19-04-2023 on the subject cited above.

It is submitted that Para wise comments on departmental appeal of HC Asad Saeed No. 294 from this District is as under.

1. That, as per departmental appeal of the appellant he was recruited as a constable in District Haripure on 27-07-2007. He was transferred from District Haripure to this District on complaint basis, vide your good office order No. 3229-30/E dated 11-02-2022, and his departure was made from Haripure to this District on 23-02-2022, vide District Police Officer, Haripure office Memo: No. 1309 dated 23-02-2022, but he did not made his arrival report in this District and absented vide DD No. 16 dated 24-02-2022 of Police Line Komila District Upper Kohistan. He was drawing their salary from District Haripure.
2. As discussed in above Para 1, that the appellant service record is lying at District Haripure, he did not made his arrival report in this District till the date of dismissal. Hence contents of instant Para 2 better known by District Police Officer, Haripure.
3. That transfer of the appellant made by your good office being competent authority.
4. As per report of DPO Haripure, vide his office Memo: No. 1309 dated 23-02-2022, but he failed to made his arrival report in this District till the date of dismissal.
5. Strongly denied, that the appellant do not submit any documents to this District regarding illness till yet.
6. That the appellant did not made his arrival report in this District till the date of dismissal i.e 24-06-2022. However, after dismissal the appellant was submitted application to the undersigned on 10-04-2023 regarding provision of dismissal order, which was allowed accordingly which is badly time barred.

Attes Ved

Dy Superintendent Police
Head Quarter Dassu

Scanned with CamScanner

- 7. That the appellant did not submit any application to the undersigned regarding grant of medical leave till the date of dismissal.
- 8. That charge sheet and disciplinary action was issued to the appellant, vide this office No. 380-81 /PA dated 01-03-2022 and Mr. Shah Nawaz Khan DSP Circle Dassu was appointed as enquiry officer. The enquiry officer delivered the charged sheet to the District Police Officer, Haripure, for service upon, vide his office Memos: No. 740/R.DSP/Dassu dated 15-03-2022, Memo No. 1714/R.DSP/Dassu dated 07-06-2022, Memo: No. 1730/R-DSP /Dassu dated 10-06-2022 and last bearing Memo:No. 1783/R-DSP/Dassu dated 15-06-2023, but neither the charge sheet was received nor submit any report by the appellant and also do not join the enquiry officer till the date of dismissal.
- 9. As explained above Paras, hence needs no comments.
- 10. His service record is lying with District Haripure. Hence needs no comments.
- 11. Pertains to competent authority, hence needs no comments.

NOTE. Dismissal order of the appellant was communicated to the District Police Officer, Haripure, vide this office Memo: No. 1797/OSI dated 24-06-2022. Hence his service record and enquiry file are lying with district Haripure.

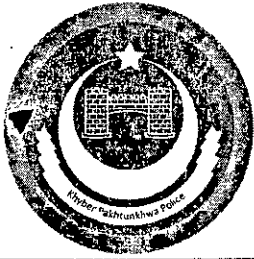
[Signature]
 District Police Officer,
 Upper Kohistan

No. 1189 /2023

Copy of the above is forwarded to the District Police Officer, Haripure with request to please submit the service record and enquiry file ^{original} to the Worthy Regional Police Officer, Hazara Region, Abbottabad, in response of his good office Endst: No. 7970/E dated 19-04-2023 regarding the purpose of departmental appeal of the appellant (Ex- HC Asad Saeed No. 294).

[Signature]
 District Police Officer,
 Upper Kohistan

Attested
[Signature]
 Dy Superintendent Police
 Head Quarter Dassu



(18)
OFFICE OF THE REGIONAL POLICE OFFICER
HAZARA REGION, ABBOTTABAD

0992-9310021

0992-9310023

r.rpohazara@gmail.com

NO: 10436 /E DATED 30/05/2023

ORDER

This order will dispose of departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rules, 1975 submitted by Ex- Head Constable Asad Saeed No. 294 of District Haripur against the punishment of " *Dismissal from Service*" awarded by District Police Officer Upper Kohistan vide OB No. 93, dated 24-06-2022.

Brief facts leading to the punishment are that the appellant was transferred from District Haripur to Upper Kohistan on complaint basis vide RPO Office Order No. 3229-90/E dated 11-02-2022 and his departure was made from Haripur vide Memo No.1309 dated 23-02-2022, but he didn't made arrival report in Upper Kohistan. He absented himself from 24-02-2022 to 24-06-2022 (04 Months) and he neither appeared before the enquiry officer, nor submitted any reason of the disobeying/ defying of the orders.

After receiving his appeal, comments of District Police Officer, Upper Kohistan were sought and examined/perused. The undersigned called the appellant in OR on 30-05-2023 and heard him in person, where he has been given reasonable opportunity to defend himself against the charges, however he failed to advance any justification in his defense. Thus, the disciplinary action taken by the competent authority seems genuine and the appeal is liable to be dismissed. Therefore, in exercise of the powers conferred upon the undersigned under Rule 11-4 (a) of Khyber Pakhtunkhwa Police Rules, 1975 (amended 2014) the instant appeal is hereby *filed/rejected* with immediate effect. Appeal is also time barred.

SRC/OASI
For u/a
DPO Haripur
02-06-2023

2/14
2/16/23
D.P. 33

TAHIR AYUB KHAN (PSP)
Regional Police Officer,
Hazara Region, Abbottabad.

Copy forwarded to:-

1. DPO Upper Kohistan for information and necessary action w/r to his office Memo: No. 1188/Legal, dated 11-05-2023.
2. DPO Haripur for information and necessary action w/r to his office Memo: No. 2022, dated 16-05-2023. Service Record, Fauji Missal containing enquiry file of the appellant is returned herewith for record.

Attested
By Superintendent Police
- Hazara Region - Jhelum



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

No. S/ 1747 /23, dated Peshawar the 10/07/2023.

To: The Regional Police Officer,
Hazara, at Abbottabad.

REVISION PETITION

Memo:

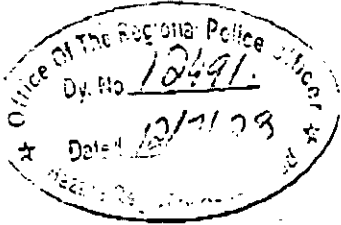
Mr. IC Asad Saeed No. 297 of Upper Kohistan district Police has preferred application to the Worthy SP/Khyber Pakhtunkhwa for re-instatement in service.

In order to proceed further in the matter, a copy of this appeal rejection order may be sent to this office, please.

NO. 128051E
12-7-23

M. Khan
10/7/23

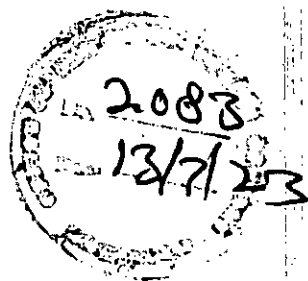
(AFSAR JAN)
Registrar,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.



1280 upper
for under

M. DIG Hazara
12/07

Osi/Si Legal
for NA



[Signature]
DPO UK
13-7-23

Attest
[Signature]
By: Superintendent Police
Head Quarter Dassu.

(19)
BETTER COPY OF LETTER REVISION PETITION ANNEXURE " D "

OFFICE OF THE,
INSPECTOR GENERAL OF POLICE,
KHYBER PAKHTUNKHWA
CENTRAL POLICE OFFICE, PESHAWAR

No.S/ 1747 /23

Dated Peshawar the 10-07-2023

To The Regional Police Officer,
Hazara Region, Abbottabad

Subject: REVISION PETITION

Memo:

Ex-HC Asad Saeed No. 297 of Upper Kohistan District police has preferred application to the Worthy IGP/Khyber Pakhtunkhwa for re-instatement into service.

In order to proceed further in the matter, a copy of his appeal rejection order may be sent to this office please.

-sd-

(AFSAR JAN)

Registrar,

For Provincial Police Officer,
Khyber Pakhtunkhwa Peshawar

IGP office
Diary No. 12491
Dated 12-07-2023

No. 12905/E dated 12-07-2023

DPO Upper Kohistan

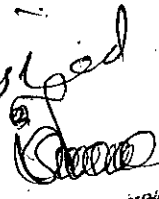
For compliance

-sd-

DIG Hazara
12/07

-sd-

DPO office Upper Kohistan
Diary No. 2083
Dated 13-07-2023

Attested

By Superintendent Police
Head Quarter Dassu

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From : Deputy Superintendent of Police,
Circle Dassu, Upper Kohistan

To : The District Police Officer,
Haripur.

1783/R.DSP/Dassu Dated Kohistan the 15/6/2022

Subject: CHARGE SHEET AND DISCIPLINARY ACTION.

Memo:

Charge sheet and disciplinary action in Respect of Head Constable Asad Saced No.297 of district Haripur was transferred to this district, and also reported his departure from your office vide memo No.1309 dated 23-02-2022, is already sent to your good office which may kindly be served upon him through local Police and the same may be return to this office after obtaining his signature as token of receipt, please.

Deputy Superintendent of Police,
Circle Dassu, Upper Kohistan

Attested

By: Superintendent of Police
Head Quarter Dassu

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From : Deputy Superintendent of Police,
Circle Dassu, Upper Kohistan

To : The District Police Officer,
Haripur.

1730 /R.DSP/Dassu Dated Kohistan the 10/06/2022

Subject: CHARGE SHEET AND DISCIPLINARY ACTION.

Memo:

Enclosed kindly find herewith Charge sheet and disciplinary action in respect of Head Constable Asad Saeed No.297 of district Haripur was transferred to this district, and also reported his departure from your office vide memo No.1309 dated 23-02-2022. until he has not reported his arrival in this district. One copy of Charge sheet and disciplinary action may kindly be served upon him through local Police and another copy may be return to this office after obtaining his signature as token of receipt, please.

Deputy Superintendent of Police,
Circle Dassu, Upper Kohistan

Attested
[Signature]

By: Superintendent Police
Head Quarter Dassu

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From : Deputy Superintendent of Police,
Circle Dassu, Upper Kohistan

To : The District Police Officer,
Haripur.

1714 /R.DSP/Dassu Dated Kohistan the 07/06/2022

Subject: CHARGE SHEET AND DISCIPLINARY ACTION.

Memo:

Charge sheet and disciplinary action in Respect of Head Constable Asad Saeed No.297 of district Haripur was transferred to this district, and also reported his departure from your office vide memo No.1309 dated 23-02-2022, is already sent to your good office which may kindly be served upon him through local Police and the same may be return to this office after obtaining his signature as token of receipt, please.

Deputy Superintendent of Police,
Circle Dassu, Upper Kohistan

Attested
By Superintendent Police
Head Quarter Dassu

(83)

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From : Deputy Superintendent of Police,
Circle Dassu, Upper Kohistan

To : The District Police Officer,
Haripur.

740 /R.DSP/Dassu Dated Kohistan the 15/3/2022

Subject: CHARGE SHEET AND DISCIPLINARY ACTION.

Memo:

Enclosed kindly find herewith Charge sheet and disciplinary action in respect of Head Constable Asad Saeed No.297 of district Haripur was transferred to this district, and also reported his departure from your office vide memo No.1309 dated 23-02-2022. until he has not reported his arrival in this district. One copy of Charge sheet and disciplinary action may kindly be served upon him through local Police and another copy may be return to this office after obtaining his signature as token of receipt, please.

Deputy Superintendent of Police,
Circle Dassu, Upper Kohistan

Attested
By: Superintendent of Police
Head Quarter Dassu