


Sr. No	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3
	06.12.2018 	<p align="center"><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL</u></p> <p align="center">Appeal No. 381/2016</p> <p>Date of Institution ... 24.03.2016 Date of Decision ... 06.12.2018</p> <p>Qayum Khan S/o Hassan Gul R/o Sia Dara P/o Khan Pur Tehsil Adanzai District lower Dir was serving as Constable No. 1728 Posted at Lal Qilla Tehsil Adanzai District Lower Dir. -----Appellant</p> <p>1. Inspector General of Police Khyber Pakhtunkhwa at Peshawar. 2. Regional Police Officer Malakand station at Saidu Sharif District Swat. 3. District Police officer Swat (DPO) District lower at timergarra. -----Respondents</p> <p>Mr. Hussain Shah.....Member Mr. Muhammad Hamid Mughal.....Member</p> <p align="center"><u>JUDGMENT</u></p> <p><u>HUSSAIN SHAH, MEMBER:</u> - Appellant, learned counsel for the appellant and Mr. Usman Ghani learned District Attorney on behalf of the respondents present.</p> <p>2. The appellant was inducted in Police service as Constable on 03.04.2010. He remained absent from duty from 02.09.2013 to 17.01.2014 due to alleged illness. Prior to this he remained absent for period of forty two (42) days which was condoned by the then DPO Dir Lower as Medical leave without pay vide his order OB No. 605, dated 09.05.2013. He</p>

was dismissed from service vide order OB No. 250 dated 04.03.2014 by respondent No.3. Being aggrieved from the order of his dismissal from service he preferred an appeal before respondent No.2 which was rejected vide order No.6919/E dated 02.09.2014. Thereafter the appellant submitted a petition to the respondent No.1 i.e. IG Police Khyber Pakhtunkhwa which was also rejected vide order No. S/703 dated 23.02.2016 hence the service appeal was preferred U/s 4 of Khyber Pakhtunkhwa Services Tribunal Act, 1974 with prayers that the appeal may be accepted and the impugned order dated 23.02.2016 of the respondent No.1 which upheld the impugned orders of respondents No.2&3 dated 02.09.2014 and 04.03.2014 respectively be set aside at the appellant be re-instated with all back benefits and his absence be considered as leave with pay.

Handwritten signature/initials

3. The Learned counsel for the appellant stated that the impugned orders passed by the respondents are against the law and facts as well as material available on file hence untenable and liable to be set aside. To substantiate the aforementioned statement the learned counsel for the appellant argued that the order of respondent No.3 was issued without considering the medical certificate/prescriptions/Advices of the doctor for medical rest. The learned counsel for the appellant pointed out

that to the tribunal to the medical prescription dated 01.09.2013, 02.10.2013, 03.11.2013, 05.01.2014 & 17.01.2014 (Annexed to the appeal). He further argued that the appellant was dismissed from service without issuing any Show Cause notice and without giving him the opportunity of personal hearing in violation of the General Principle of Justice that nobody should be condemned unheard. The learned counsel for the appellant argued that charge against the appellant is absence from duty w.e.f. 02.09.2013 to 17.01.2014 and that the absence of the appellant was beyond his control due to his severe illness therefore the punishment awarded to the appellant is harsh and excessive.

4. The learned District Attorney contested the facts, grounds of the appeal and the arguments of the counsel for the appellant and argued that during the Four (04) years service of the appellant in Police department he remained habitually absent without any leave or prior permission. The respondents issued proper charge sheet and show cause notice but the appellant did not appear before the inquiry officer. It was also stated that a statement of allegation was sent to the appellant which was received by the father of the appellant. The inquiry officer in his detail report has stated that the appellant was found absent on the physical checkup of Police Station where

he was posted. The pay of appellant has been stopped despite the messages sent to the appellant through the control room Tana Ouch on 29.11.2013, 02.12.2013, 06.12.2013 & 18.12.2013 he did not appear before the inquiry officer. A special messenger (Head Constable Iqbal Hussain) was sent to his village on 08.01.2014 who reported that the appellant was working in his field and run away when he saw the Police. The said Head Constable recorded the statement of the person present on the site and asks them to convey the appellant to make his presence on 09.01.2014 before the inquiry officer. The inquiry officer noted that despite the efforts the appellant did not appear before the inquiry therefore he may be dismiss from service. The learned District Attorney stated that in view of the above the appeal may be dismissed with costs.

7. Arguments heard. File perused.

8. There is no dispute that the appellant remain^{ed} absent from duty without any permission. However in view of the plea of the appellant that he fell seriously ill due to which he could not attend his duty and while also keeping in view the absence period of the appellant and fact that the appellant is a low paid employee, the contention of the learned counsel for the appellant that the extreme punishment of dismissal from service awarded to the appellant is harsh, carries weight.

Consequently for the purpose of safe administration of justice, the punishment of dismissal from service awarded to the appellant vide impugned order dated 04.03.2014 is hereby modified and converted into withholding of three (03) annual increments for a period of five (05) years. Resultantly the appellant shall be re-instated in service. Absence period and intervening period shall be treated as leave without pay. The present service appeal is accepted in the above terms. Parties are left to bear their own costs. File be consigned to the record room.



(MUHAMMAD HAMID MUGHAL)
MEMBER



(HUSSAIN SHAH)
MEMBER

CAMP COURT SWAT

ANNOUNCED

06.12.2018

06.12.2018 Learned counsel for the appellant and Mr. Usman Ghani learned District Attorney for the respondents present. Vide separate judgment of today of this tribunal placed on file, the punishment of dismissal from service awarded to the appellant vide impugned order dated 04.03.2014 is hereby modified and converted into withholding of three (03) annual increments for a period of five (05) years. Resultantly the appellant shall be re-instated in service ~~with the same rank and pay as held on the date of his dismissal~~. Absence period and intervening period shall be treated as leave without pay. The present service appeal is accepted in the above terms. Parties are left to bear their own costs. File be consigned to the record room.



(MUHAMMAD HAMID MUGHAL)
MEMBER



(HUSSAIN SHAH)
MEMBER

CAMP COURT SWAT

ANNOUNCED
06.12.2018

04.09.2018

Appellant Qayum Khan in person present. Mr. Akhtar Said, H.C
alongwith Mr. Usman Ghani, District Attorney for respondents present.
Appellant made a request for adjournment. Granted. Case to come up for
arguments on 04.10.2018 before D.B at camp court Swat.


Member


Chairman
Camp Court Swat

04.10.2018

Appellant Qayum Khan in person alongwith his counsel Mr.
Imdadullah Advocate present. Mr. Zewar Khan, S.I (Legal)
alongwith Mr. Usman Ghani, District Attorney for respondents
present.

During the course of hearing, difference of date in charge
sheet and final impugned order was noticed for which the above
named representative and learned District Attorney sought time to
clarify the difference through the record on the next date. To come
up for arguments on 06.12.2018 before the D.B at camp court, Swat.


Member

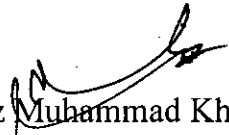

Chairman
Camp Court Swat

23.04.2018

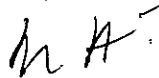
Appellant in person and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Zewar Khan, S.I (legal) for the respondents present. Appellant seeks adjournment on the ground that his counsel is not available today. Adjourned. Since the case was transferred from Camp Court, Swat therefore, to come up for arguments on 10.05.2018 before D.B at Camp Court Swat.



(M. Hamid Mughal)
Member



(Niaz Muhammad Khan)
Chairman



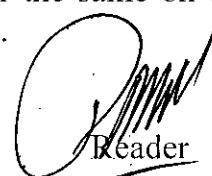
(M. Amin Khan Kundi)
Member



(Ahmad Hassan)
Member

09.05.2018


The Tribunal is non-functional due to retirement of the Worthy Chairman. To come up for the same on 05.07.2018 before the D.B. at camp court, Swat.




Reader

05.07.2018

Appellant Qayum Khan in person present. Mr. Fazle Mabood, Inspector (Legal) alongwith Mr. Muhammad Jan, District Attorney for the respondents present. Appellant requested for adjournment as his counsel is not in attendance. Granted. To come up for arguments on 4.09.2018 before the D.B at camp court, Swat.



Member

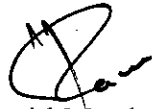


Chairman
Camp court, Swat

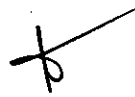
381/16

09.04.2018

Counsel for the appellant and Mr. Usman Ghani, District Attorney alongwith Zewar Khan, SI (Legal) for the respondents present. Due to incomplete bench, arguments could not be heard. To come up for arguments before the larger bench on 12.4.2018.



(M. Hamid Mughal)
Member



(Ahmad Hassan)
Member



(M. Amin Khan Kundi)
Member

12.04.2018

Counsel for the appellant and Mr. Usman Ghani, District Attorney alongwith Zewar Khan, SI (Legal) for the respondents present. Counsel for the appellant seeks adjournment. To come up for arguments on 23.4.2018 before the larger bench.



(M. Hamid Mughal)
Member



Chairman



(M. Amin Khan Kundi)
Member




(Ahmad Hassan)
Member

05.12.2017

Appellant in person and Mian Amir Qadar, District Attorney for the respondents present. Counsel for the appellant is not in attendance. Requested for adjournment. Granted. To come up for arguments on 31.1.2018 before the D.B at camp court, Swat.


Member


Chairman
Camp court, Swat

31.01.2018

Counsel for the appellant present and Addl; AG for the respondents present. Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 04.04.2018 before D.B at Camp Court, Swat.



Member


Chairman
Camp Court, Swat

04.04.2018

Appellant with counsel and Mr. Usman Ghani, District Attorney alongwith Mr. Zawar Khan, S.I (legal) for the respondents present. During the arguments it was noticed that a similar issue has been fixed before the Larger Bench on 09.04.2018 at Principal seat Peshawar. This appeal is also clubbed with the same. To come up for arguments on 09.04.2018 before Larger Bench at Principal Seat Peshawar.



Member


Chairman
Camp court, Swat

381/2016

09.12.2016


Appellant in person and Mr. Zawar Khan, S.I (Legal) alongwith Mian Amir Qadir, GP for the respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing for 05.04.2017 at camp court, Swat.


Chairman
Camp court, Swat

05.04.2017

Clerk of the counsel for appellant present. Mr. Zewar Khan, S.I (legal) alongwith Mr. Muhammad Zubair, Senior Government Pleader for respondents also present. Rejoinder submitted. To come up for arguments on 04.09.2017 before D.B at Camp Court Swat.


(AHMAD HASSAN)
MEMBER


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER
Camp Court Swat.

05.09.2017

Since 4th September, 2017 has been declared as public holiday on account of Eidul Azha, therefore, case is adjourned to 05.12.2017 for the same at camp court, Swat. Notices be issued to the parties for the date fixed.


Chairman
Camp court, Swat.

10.05.2016

Counsel for the appellant present. The learned counsel for the appellant argued that the appellant was appointed as Constable on 03.04.2010. He was proceeded against for the charges of absence from duty with effect from 02.09.2013 to 17.01.2014. He further argued that no inquiry in the case was conducted, no charge-sheet or statement of allegations were served upon the appellant. The appellant preferred departmental appeal on 10.03.2014 which was rejected on 02.09.2014 by the RPO. There-after a review petition was submitted before the AIG Establishment which was dismissed on grounds of limitation and merits during the pendency of the instant service appeal which was filed on 24.03.2016.

Appellant Deposited
Security & Process Fee

The appeal is admitted for regular hearing subject to all legal objections and time limitation at the stage of arguments. Security and process fee be deposited within 10 days where-after notices be issued to the respondents for written reply/comments for 21.07.2016 before S.B.


Member

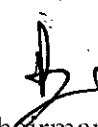
21.07.2016

Counsel for the appellant and Mr. Muqrab Khan, S.I alongwith Additional AG for the respondents present. The appeal pertains to the territorial Jurisdiction of Malakand Division and as such to be posted at Camp Court Swat. To come up for written reply/comments on 06.10.2016 at Camp Court Swat.


MEMBER

06.10.2016




Appellant in person and Mr. Muqaddar Khan, S.I (Legal) alongwith Mian Amir Qadar, GP for the respondents present. The appeal pertains to territorial limits of Malakand Division as such assigned to camp court, Swat. Respondents requested for adjournment. To come up for written reply/comments and on 09.12.2016 at camp court, Swat.


Chairman
Camp Court, Swat

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 381/2016

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	08.04.2016	<p>The appeal of Mr. Qayyum Khan resubmitted today by Malik Muhammad Ajmal Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2	12-04-2016	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>25-04-2016</u></p> <p style="text-align: right;"> CHAIRMAN</p>
25.4.2016		<p>Junior to counsel for the appellant present. Seeks adjournment. Adjourned for preliminary hearing to 10.5.2016 before S.B.</p> <p style="text-align: right;"> Chairman</p>

The appeal of Mr. Qayum Khan son of Hassan Gul r/o Sia Dara P/O Khan Pur Tehsil Adan Zai Distt. Lower Dir received to-day i.e. on 24.03.2016 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- 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.
- 2- Copies of departmental appeal mentioned in para-4&5 of the memo of appeal are not attached with the appeal which may be placed on it.
- 3- Copy of order dated 02.09.2014 is not attached with the appeal which may be placed on it.
- 4- Annexure-C of the appeal is illegible which may be replaced by legible/better one.
- 5- Appeal may be page marked according to the index.
- 6- Annexures of the appeal may be flagged.
- 7- Five more copies/sets of the appeal along with annexures i.e complete in all respect may also be submitted with the appeal.

No. 291 /S.T,

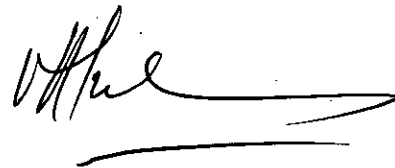
Dt. 24/03 /2016


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Malik M.Ajmal Khan Adv. Pesh.

R/cv

Re-submitted after removal
objections except (1) which are
mentioned in the appeal being
not given



BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

Appeal No. 381/2016

Qayum Khanappellant

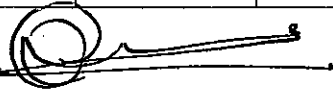
V E R S U S

Inspector General of Police KPK at Peshawar & others



.....Respondents

I N D E X

S.No	Description of Documents	Annex	Pages
1.	<i>Petition with affidavit</i>	*	1-6
2.	<i>Copy of the medical reports, CNIC & relevant documents</i>	"A"	7-14
3.	<i>Copy of the impugned order and application</i>	"B"	15-16
4.	<i>Copy of the impugned order</i>	"C"	17-18
5.	<i>Copy of appeal and impugned order dated 23/02/2016</i>	"D"	19-21
6.	<i>Wakalat Nama</i>	*	22

Appellant 

Through


Malik Muhammad Ajmal Khan
& 
Asad Iqbal Akhunzada
Advocates, Peshawar

Date: 24/03/2016

Office C-10 Haroon
Mansion Khyber Bazaar
Peshawar
Cell # 0301-8866939

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

Appeal no 381/2016

Qayum Khan S/o Hassan Gul R/o Sia Dara P/o Khan Pur Tehsil
Adanzai District lower Dir was serving as constable No. 1728
Posted at Lal Qilla Tehsil Adanzai District Lower Dir

A.W.F. Province
Service Tribunal

Appellant Diary No 261

Dated 24-3-2016

VERSUS

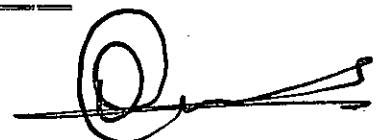
1. Inspector General of Police, KPK at Peshawar
2. Regional police officer Malakand stationed at saidu sharif
swat
3. District Police Officer (DPO) District Dir Lower at
timergara.....Respondents

Regular Service appeal under section 4 of the
service Tribunal Act 1974 along with all those
others provisions of law/ rules governing the
subject matter against the impugned order dated
23/02/2016 rendered by respondent No. 1 by
virtue of which he was rejected the appellant's
appeal and maintained the illegal order of
the respondents No. 2 dated 02/09/2014 and
dated 04/03/2014 respectively.

re-submitted to
and filed.

24/3/16

8/4/16



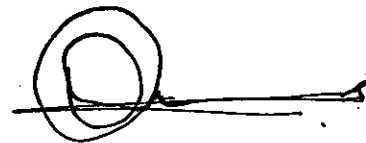
BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

*Qayum Khan S/o Hassan Gul R/o Sia Dara P/o Khan Pur
Tehsil Adenzai District lower Dir who was serving as constable
No. 1728 Posted at Lal Qilla Tehsil Adenzai District Lower
Dir.....Appellant*

V E R S U S

- 1. Inspector General of Police, KPK at Peshawar*
- 2. Regional police officer Malakand Division
stationed at Saidu Sharif swat*
- 3. District Police Officer (DPO) District Dir Lower
at TimergaraRespondents*

*Regular Service appeal under section 4 of
the KPK service Tribunal Act 1974 along
with all those others provisions of law/
rules governing the subject matter against
the impugned order dated 23/02/2016
rendered by respondent No. 1 by virtue of
which he rejected the appellant's appeal
and maintained the impugned orders of the
respondents No. 2 & 3 dated 02/09/2014 and
dated 04/03/2014 respectively.*



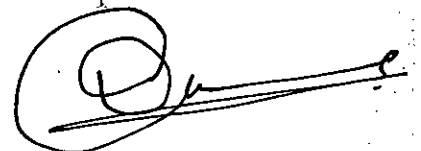
Prayer in appeal:

On acceptance of the instant appeal the impugned order dated 23/02/2016, rendered by respondent No. 1 while maintaining the impugned orders passed by respondents 2 and 3 dated 02-09-2014 & 04-03-2014 respectively may very graciously be set-aside and the appellant be re-instated with all back benefits and his absence be considered as leave with pay as a whole.

Respectfully Sheweth:

The appellant very humbly submits as under:-

1. That the appellant was initially appointed on 03/04/2010 where after he successfully completed his required police training and was posted in police line Timergara district lower dir.
2. That the appellant served his department for a long period of about 4 years, but with dedication honesty and enthusiasm, therefore is no single complaint has been moved by any one from any quarter till the period



of his illness, which was beyond his control. (Copies of the medical reports are attached as annexure "A").

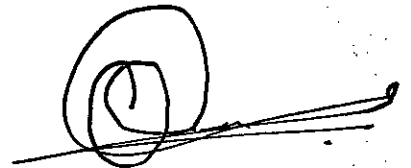
3. That due to the above the petitioner remained absent and the predecessor of respondent No. 3 considered the reports as true and treated his absence as medical leave but without pay and just from 02/09/2013 to 17/01/2014 which is out of imagination and dismissed the appellant from his service vide impugned order No OB No. 250 dated 04/03/2014. (Copy of the impugned order is attached as annexure "B").

4. That the appellant being aggrieved from the order of the respondent No. 3 preferred an appeal before the respondent No. 2 which too, was dismissed vide order No. 6919/E dated 02/09/2014. (Copy the impugned order is attached as annexure "C").

5. That the appellant then preferred an appeal before respondent No. 1 but the same was also dismissed vide order bearing No. S / 703 dated 23/02/2016 hence the instant inter alia appeal on the following amongst others. (Copy of the appeal and vide order dated 23/02/2016 are attached as annexure "D").

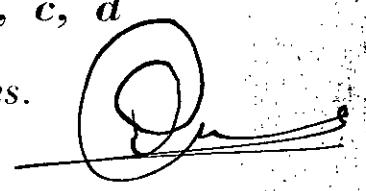
G R O U N D S:

- A. *That the impugned orders passed by the respondents are against law and facts on the subject as well as, material available on file hence untenable and are liable to be set-aside.*
- B. *That when the respondent No. 3 came to the conclusion that the appellant was on bed due to his illness, and was not able to perform his duties, then he was under an obligations to considered the same as a whole and not in parts therefore committed an illegality which is liable to be corrected by setting aside the impugned order No. OB No. 250 dated 04/03/2014.*
- C. *That in the instant case no show cause has been issued by the respondents although it's an obligatory to issue show cause to those who are probationers or even a trainees in case of termination, but the appellant has been condemned unheard and the reported judgment of the August Supreme Court of Pakistan reported as PLJ 2004 SC 454 has totally*



been ignored while dismissing the appellant and imposing the major penalty which is too harsh.

- D. That it has already been settled by the Supreme Court of Pakistan that the principle of natural Justice should invariably be observed by all the courts of the country in the following terms justice required that no person should be condemned without being heard (1) In case of *Muhammad Munir Shahid Vs IS Principal Govt College Sargodha (PLD 1958 Lahr 466)* it was held that "Justice requires that no person should be condemned without being heard, this is a principle that is to be observed not only by the law court, but also by all persons who have the power to condemn or punished their fellow human beings."
- E. That no statement of allegations has been furnished to the appellant in the instant case nor has a regular / proper inquiry been conducted by the respondents which are a dear violation of the inquiry procedure.
- F. That as it is evident from the first impugned order no ground of dismissal has been given by the respondent No. 3 although rule No. 3 of the government servant (efficiency and discipline) rules 1973 specifically mentioned the ground in a shape of a, b, c, d followed by rule 4 under the heading of penalties.



G. That any other ground which has not specifically been taken may also be allowed to be argued at the time of arguments, with the kind permission of this Hon'ble forum.

It is therefore most humbly prayer on acceptance of the instant appeal the impugned order dated 23/02/2016, 02/09/2014 & 04/03/2014 rendered by respondent's No. 1, 2, & 3 may very graciously be set-aside and the appellant be re-instated with all back benefits and his absence be considered as leave with pay as a whole.



Appellant

Through



Malik Muhammad Ajmal Khan

&



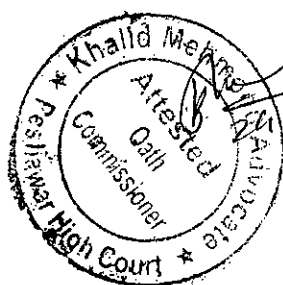
Asad Iqbal Akhunzada

Advocates, Peshawar

Date: 24/03/2016

AFFIDAVIT

I, Qayum Khan S/o Hassan Gul R/o Sia Dara P/o Khan Pur Tehsil Adnenzai District Lower Dir, do hereby solemnly affirm and declare on oath that the contents of instant **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court, intentionally.




DEPONENT

8

ڈاکٹر جاوید اقبال

ایم. بی. بی. ایس
پہلی ایف ڈی، ایم ایس، ایم سی، ایم ڈی
ذاتی ایم ایس۔ سی ایم ڈی
سینئر ڈاکٹر، ہسپتال چکدرہ

۷۸۶
قورڈینیشن

Name: Qayyum Khem. Sia 26 yrs. Date: 2.10.13

H/o of Javeda/Pati
Front Street, 207
S.L.R. Lys., Khasi
+D. N.P. Chit (10113)
Haw (10113)

11 1/2 - Lomulac - 1/2

- 1. To Myocard
- 2. To Myocard
- 3. To Myocard
- 4. To Myocard
- 5. To Myocard
- 6. To Myocard
- 7. To Myocard
- 8. To Myocard
- 9. To Myocard
- 10. To Myocard
- 11. To Myocard
- 12. To Myocard
- 13. To Myocard
- 14. To Myocard
- 15. To Myocard

Advise complete bed rest (Home Rest) for
one month. Ref - 2.10.13 up to 31/1/14

نوٹ: دوبارہ معائنہ کیلئے
..... دن بعد تشریف لائیں۔

رابطہ نمبر: 0300-5746776
کلینک: چکدرہ میڈیکل کمپلیکس چکدرہ

ATTESTED

(Signature)



ڈاکٹر جاوید اقبال

ایم. بی. بی. ایس
پبلک ہیلتھ سائنسٹ خیر میڈیکل یونیورسٹی پشاور
ڈی. ایم. ایس۔ سی. ایم. اے
تعمیل ہیڈ کوارٹر ہسپتال چکدرہ



Diagnosis: 26/11/13 Date: 11/13

Depressive Illness

W.P. - 10.3 F
Clav - 10.3 F
Heart - OK

Ad. Care & Spangrip, 7. Cephal 1 gm

- 1. 7. Cephal 1 gm
- 2. 7. Tormilid 1 gm
- 3. 7. Alve 1500
- 4. 7. Zuber
- 5. 7. Safre-M
- 6. 7. Dep 500
- 7. R. Skipt

Advice Home Rest
for one month

W. of 3. 11. 13 up to 4/13
12. 13.

نوٹ: دوبارہ معائنہ کیلئے
دن بعد تشریف لائیں۔

رابطہ نمبر: 0300-5746776

کلینک: چکدرہ میڈیکل کالج پشاور چکدرہ

ATTESTED

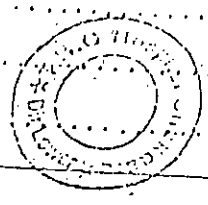
12

Medical No 2
No.

Rs 5/-

OUT-PATIENTS DEPARTMENT

NAME
YEARLY NO.
DATE



FACE VALUE RUPEES 5

OUT PATIENTS DEPARTMENT

Rs 5/-

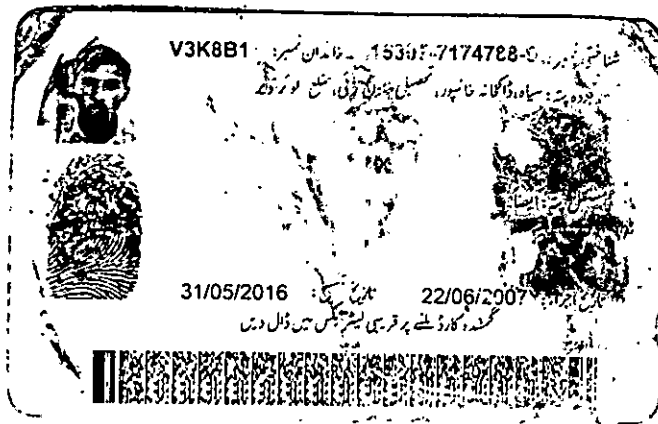
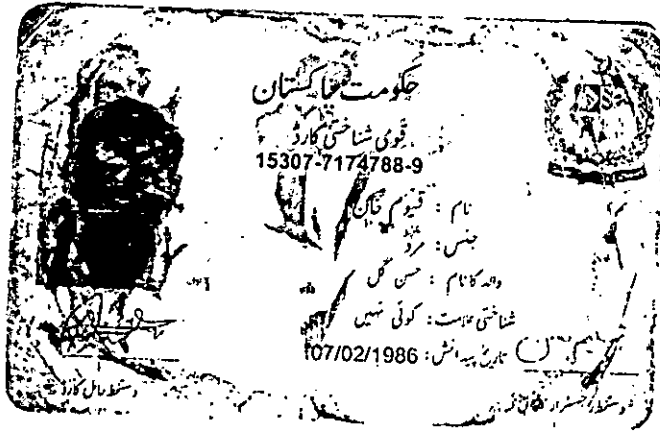
NAME
YEARLY NO. 1807
DATE 17/10/14
DISEASE Filariasis

FACE VALUE RUPEES 5

Certified that Mr.

Rayappa Rao / Khanpur
was suffering from scabiosis
UTI. He was under our
treatment in T.M.O. Hospital
Channarayana. Treatment given,
improved and now he
is fit and can perform
his duties. 17/10/14

ATTESTED



ATTESTED


M/A

از دفتر OHC تیمر گره۔

بخدمت لائن آفیسر صاحب۔

بکار سرکار تحریر ہے کہ مسی محمد علی ولد صنابل
 ساکن سب تھانہ 30/03 ضلع دوسری پانچ
 کو محکمہ پولیس ضلع دیر پانچ میں بحیثیت ٹائم سکیل کنسٹیبل بھرتی کیا جا کر مذکورہ کو ضلع ہذا کا
 کنسٹیبل نمبر 1728 الاٹ کیا گیا۔

لہذا مذکورہ کا حاضری درج روز نامچہ کرنے کے پروانہ ہذا بحسنہ تفہم حاضری بغرض
 تکمیل ریکارڈ دفتر ہذا بھیج دیں۔


 1 او۔ اچ۔ سی، تیمر گره۔

ATTESTED



CHARACTER AND SERVICE ROLL OF

CONSTABULARY NO. () in DISTRICT
 Ditto () in DISTRICT
 Ditto () in DISTRICT

1	Name	Father's Name	Tribe or caste	Village or Town	Post and Telegraph office	Police Station	District	Province	Date of Birth	Height	Chest Measurement	Date on Enrolment	Age on Enrolment	Distinctive Marks
	Gayum Khan	Hassam Gul		Slah		ouch	DUNGL	ALHUPP	04-02-86	5-9	33 x 35	03-04-10		

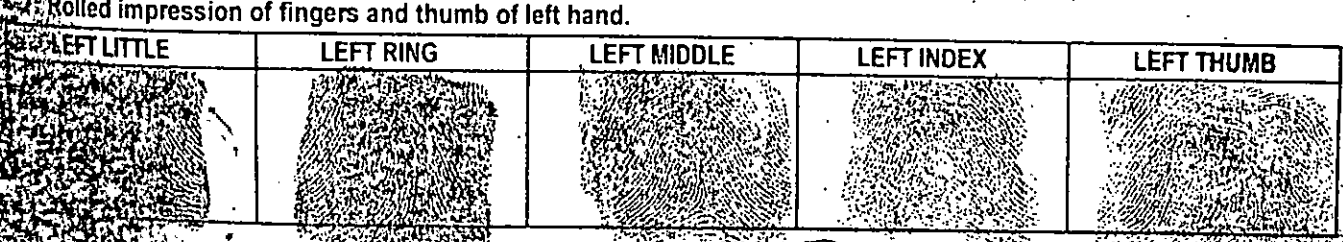
2 Verification Roll Number Dated received back and attached to the Fauji Misal

3 Government service prior to present employment which is approved for pension service


Service or Department	Rank of Grade	Pay of Last Appointment	From	TO	Period		
					Year	Month	Days
		Attested					
4 Cause of And Character on Discharge From above Service		Bonded Distt: Police Officer, Dir Lower at Timergara.	Reference to orders approving above service for pension service in the Police Department				

Agreement— I understand that I have been appointed under section 7 of the Police Act (V of 1861) and the purport of that section and the provisions of the Act and of the Rules issued under it and now in force, by which my discipline and conduct are governed have been explained to me. I agree to serve faithfully under the provisions of the said Police Act and to obey all lawful orders issued to me by my Superior Officers and undertake not to resign my appointment within three years from the date of my enrolment. I have received a certificate of appointment issued under section 8 of the Police Act (V of 1861)

Date: _____ Signature: 



ATTESTED



A B
Signature

15

OFFICE OF THE DISTRICT POLICE OFFICER,
DIR LOWER AT TIMERGARA

ORDER

This is a proper departmental order passed on the departmental enquiry conducted against Constable Qayum Khan No. 1728 on the charge that while he posted at Police Station Lalqilla absented himself from duty with effect from 02/09/2013 to 17/07/2014 without any leave or prior permission from his superior. He was served Charge Sheet with couple of statement of allegation and DSP Hqrs was appointed as Enquiry Officer to conduct proper departmental enquiry against him and submit his finding. The Enquiry Officer conducted proper departmental enquiry, recorded the statements of all concerned and during enquiry proceedings the Enquiry Officer summoned the above named official for recording his statement, but could not do so. The Enquiry Officer in his finding submitted that the defaulter constable has intentionally absented himself, found him unwilling to serve in the department. The Enquiry Officer in his finding report also mentioned that he also remained absent during physical checking and recommended him for dismissal from service from the date of absence. On the receipt of enquiry papers the defaulter official was issued Final Show Cause Notice to state in writing as to whether he wish to be heard in person or not. He was heard in Orderly Room but could produce any cogent reason in his self defence.

I have gone through the enquiry file, finding of the Enquiry Officer and have reached at the conclusion that the defaulter constable is no more interested and has intentionally absented himself from duty; while on perusal of his service record prior to this his 95 days absence was considered by then District Police Officer, Dir Lower as Medical Leave vide this office OB No. 605, dated 09/05/2013 and also remained absent on 07 different occasion from duty, therefore he is hereby dismissed from service. The period of absence i.e 02/09/2013 to 17/07/2014 is treated as leave without pay.

ORDER ANNOUNCED

OB No. 250
Dated 04-03- /2014

OB No. 250
4/3/14

[Signature]
District Police Officer,
Dir Lower at Timergara
2.04/03

ATTACHED

گزارش خدمات - ڈی ای ٹی ایچ ایف (مدکنڈ ڈویژن) سید شریف سوات

درخواست برائے بحالی سرویس کیفیت کانسٹیبل نمبر 1728
مبنیٰ پر گزارہ نمبر 1728

جنرل جلی:

گزارش ہے کہ بندہ پانچ سال سے کیفیت کانسٹیبل اینی ڈویژن
ضلع دیر سوات میں تعینات ہے۔ اور اینی ڈویژن خصوصاً واجی انداز میں ادارہ
میں 27-8-2013 کو اپنا تھک پیماری لادھی ہوئی جس کا وہ حق قسیر بند گزار ہے
دیکھ کر یہ 13-7-13 سے 5-1-2014 تک ایچ ایف کے بعد از ان فارغ ہو کر گزارہ
کا مستورہ دیا۔ دریں اثنا بندہ نے درخواست جمعے تمام کاغذات پیر گزارہ نمبر
میں جمع کئے۔ 27 جنوری 2014 کو باقاعدہ اینی ڈویژن چھوڑا۔
مگر ڈیڑھ مہینہ یعنی 4 مارچ 2014 کو S.P. کا گزارہ بندہ کو
برخاست کیا۔ جس سے بندہ کی زندگی تیزی سے متاثر ہو رہی ہے۔
یہ ایک غیر نیکو اور بے رحم اور بے رحم ہے۔

لہذا پھر یہ درخواست التجا ہے کہ ہم باقی گزارہ بندہ کو دوبارہ
اینی ڈویژن کی تحت ہی رکھنا تاکہ اس کا سہارا ہو سکے۔ بندہ کا
دعا کر رہا ہوں۔

2014
10 مارچ

تاج محمد: قیوم خان کانسٹیبل 1728 پیر گزارہ نمبر 1728

Handwritten signature

DN No: 5771
04-09-2014

Diary No: 6022
Dated: 3-9-14

17

DEPUTY REGIONAL POLICE OFFICER, MALAKAND
DIVISION AT SAIDULSHARI SWAT

Annexure
C

ORDER

This order will dispose off appeal of Ex-Constable Qayum Khan No. 1728
employment in service.

126
-P
SHOPS

- Mr SDPO Adnan Khan to
- Mr SDPO Qayum Khan No. 1728 70 Haddi Gul

Signature of District Police Officer

District Police Officer,
Dir Lower at Timorgara

Signature of District Police Officer
LADLELL YU KHAN) PSP
Regional Police Officer
Malakand Division Swat
"Najir"

Dated 3-9-2014

Copy for information and necessary action to District Police Officer, Dir Lower
with reference to the office Memo: No. 6613/EB, dated 27-03-2014.

EC

Signature

Date 10/11/14

ATTESTED

Signature

She-ouh

For Compliance as directed

Signature
SDM - Adnan

Botter copy (17)
Annexure C

THE REGIONAL POLICE OFFICER, MALAK
REGION, AT SAIDU SHARIF SWAT

ORDER:

This order will dispose off appeal of Ex-Constable Qayum Khan No. 1728 District Dir Lower for reinstatement in service.

Brief is that, the above named Ex-Constable while posted at Police Lalqilla absented himself from duty with effect from 02/09/2013 to 17/01/2014 without any leave or permission of his superiors. He was served with charge Sheet with statement of allegations. DSP was appointed as Enquiry Officer to conduct proper departmental enquiry against him and submit finding. The Enquiry Officer conducted proper departmental enquiry recorded statements of all concerned and during enquiry proceedings the enquiry officer summoned the above named Ex-Constable recording his statement, but he could not do so. The Enquiry Officer in his finding report submitted the defaulter Ex-Constable has intentionally absented, found him unwilling to serve in Police department. The Enquiry Officer in his finding report also mentioned that he also remained absent during physical checking and recommended him for dismissal from service from the date of absence. On the receipt Enquiry papers the defaulter official was issued final show cause notice to state in writing as to whether he wish to be heard in person or not. The applicant was heard in orderly room by the District Police Officer Dir Lower but could produce any cogent reason in his self defence. The District Police Officer Dir Lower gone through the enquiry file, finding of the Enquiry Officer and have reached at the conclusion that he was no more interested in his duty and his intentionally absented himself from duty while on perusal of his service record prior to this, his 95 days absence sympathetically was considered by the then District Police Officer, Dir Lower as Medical Leave vide District Police Office Dir Lower QB No. 605, dated 09/05/2013 and also remained absent on 07 different occasion from duty therefore, he was dismissed from service.

He was called in Orderly Room on 28/08/2014, but he persistently remained absent from orderly room. Therefore, I uphold the order of District Police Officer, Dir Lower, whereby the appellant has been dismissed from service.

Order announced.

(Signature)
(ABDULLAH KHAN) PSP
Regional Police Officer,
Malakand, at Saidu Sharif Swat
Naqi

No. 6919 /EB
Dated 2-9- /2014.

Copy for information and necessary action to District Police Officer, Dir Lower with reference to his office Memo: No. 6613/EB, dated 21/03/2014.

(Signature)
(Signature)
(Signature)

ATTESTED
(Signature)

648
8-9

(18)

THE REGIONAL POLICE OFFICER, MALAKAND
REGION, AT SAIDU SHARIF SWAT

ORDER:

This order will dispose off appeal of Ex-Constable Qayum Khan No. District Dir Lower for reinstatement in service.

Brief is that, the above named Ex-Constable while posted at Police Lalqilla absented himself from duty with effect from 02/09/2013 to 17/01/2014 without any leave or permission of his superiors. He was served with charge Sheet with statement of allegations. DSP was appointed as Enquiry Officer to conduct proper departmental enquiry against him and submit finding. The Enquiry Officer conducted proper departmental enquiry recorded statements of all concerned and during enquiry proceedings the enquiry officer summoned the above named Ex-Constable recording his statement, but he could not do so. The Enquiry Officer in his finding report submitted the defaulter Ex-Constable has intentionally absented, found him unwilling to serve in Police department. The Enquiry Officer in his finding report also mentioned that he also remained absent during physical checking and recommended him for dismissal from service from the date of absence. On the receipt Enquiry papers the defaulter official was issued final show cause notice to state in writing as to whether he wish to be heard in person or not. The applicant was heard in orderly room by the District Police Officer Dir Lower but could produce any cogent reason in his self defence. The District Police Officer Dir Lower gone through the enquiry file, finding of the Enquiry Officer and have reached at the conclusion that he was no more interested in his duty and his intentionally absented himself from duty while on perusal of his service record prior to this, his 95 days absence sympathetically was considered by the then District Police Officer, Dir Lower as Medical Leave vide District Police Office Dir Lower OB No. 605, dated 09/05/2013 and also remained absent on 07 different occasion from duty therefore, he was dismissed from service.

He was called in Orderly Room on 28/08/2014, but he persistently remained absent from orderly room. Therefore, I uphold the order of District Police Officer, Dir Lower, whereby the appellant has been dismissed from service.

Order announced.

(Signature)
(ABDULLAH KHAN) PSP
Regional Police Officer,
Malakand, at Saidu Sharif Swat
Naqi

No. _____
Dated _____/2014.

Copy for information and necessary action to District Police Officer, Dir Lower with reference to his office Memo: No. 6613/EB, dated 21/03/2014.

ATTESTED
(Signature)

(Signature)
000/2014
DR/13

1728
1728
1728

خدمت جناب I.G.P. پولیس حکومت خیبر پختونخوا

عنوان: درخواست برائے بحالی سروس نچھیت کا انسٹیبل نمبر 1728
جناب عالی! گزارش ہے کہ بندہ باغ سال سے نچھیت کا انسٹیبل اپنی ڈیوٹی پر
صلو دیر پائین میں تعینات ہے اور اپنی ڈیوٹی کے طور میں واپس لڑاری سے ہوا کر کے
ہے۔ 2013-27-8 کو اجانک بیماری لاحق ہوئی جسکی وجہ سے تحصیل میڈیکل
کوارٹرز ہسپتال جگدرہ میں 2013-1-9 سے 2014-1-5 تک زیر علاج رہا۔ بعد ازاں
فارغ ہو کر ڈاکٹر نے آرام کا مشورہ دیا۔ دریں اثناء بندہ نے درخواست
سے تمام کاغذات میڈیکل کوارٹرز تھیرگری میں جمع کیے۔ 17 جنوری 2014
کو باقاعدہ اپنی ڈیوٹی پر حاضر ہوا۔ مگر ڈیوٹی پر پہنچنے بعد یعنی
17 مارچ 2014 کو S.P. جناب تھیرگری نے بندہ کو سروس خاست کیا۔
جس سے بندہ کی زندگی شدید متاثر ہونے کا خدشہ ہے۔ میں ایک غریب
گھرانے کا فرد ہوں۔ خاندان کے تمام افراد میرے زیر کفالت ہے۔

لہذا بندہ ہم درخواست التماس ہے کہ میری باقی فرمائش بندہ کو دوبارہ
اپنی ڈیوٹی کی تعیناتی کے احکامات کے مطابق فرمائش منظور فرماویں۔
بندہ تمام حیات دغا گورے گا۔
حرف نمبر 15.12.2015

محمد یونس

تالیخ فرمایا: مقوم خان کا انسٹیبل نمبر 1728 میڈیکل کوارٹرز تھیرگری ضلع
دیر پائین

جمعہ 12/10/15

ATTESTED

[Signature]

[Signature]

10/10/15

(PI) T 571329 mA

REVIEW PETITION AGAINST PUNISHMENT AWARDED TO LOWER SUBORDINATES

INDEX FORM

Date of Hearing: 31.12.2015

1.	Name of Appellant	Ex-RC Qayyum Khan No. 1728	District	Dir Lower	Mobile No.	0345-6102653
2.	Date of Enlistment	03.04.2010 (03 years, 11 month and 01 day)				
3.	Punishment Awarded	Dismissed from service by DPO/Dir Lower vide OB No. 250 dated 04.03.2014.				
4.	Date of Punishment	04.03.2014				
5.	Date of Submission of Review Petition	10.12.2015	Time Barred			
			Yes			
6.	Summary of Charges / Allegations	<p>The above named ex-official absented himself from duty w.e.f 02.09.2013 to 17.01.2014 for a period of 04 months and 15 days.</p> <p>His previous absence of 95 days was sympathetically considered as medical leave by the then DPO Dir Lower vide OB No. 605 dated 09.05.2013 and he was also remained absent on 07 different occasion.</p> <p>His appeal was filed by RPO/Malakand vide order No. 6919/E, dated 02.09.2014.</p>				
7.	Previous Record	<u>Bad Entries:-</u>	12			
		<u>Good Entries:-</u>	Nil			
8.	Proceedings	<p>A meeting of Appellate Board was held on 31.12.2015 in CPO. Petitioner present and was heard in detail. The appellant contended that he was absented himself ^{he did not absen} deliberately but he was suffering from sciatica and was under treatment with Dr. Javed Iqbal who advised him bed rest time and again. The Board decided to remand back his case on medical ground to DPO to verify the actual facts and he ^{and he}</p>				

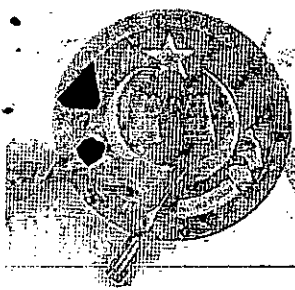
may be reinstated in service for the purpose of de-novo proceedings

(FALAK NAWAZ)
Member
AIG/Legal,
Khyber Pakhtunkhwa, Peshawar

(NAJEEB-UR-REHMAN BUGVA)
Chairman
AIG/Establishment,
Khyber Pakhtunkhwa, Peshawar

APPROVED

ATTESTED
[Signature]



774/E
26-2-16

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

(21)

No. S/ 1703 /16, Dated Peshawar the 23/02/2016.

ORDER

This order is hereby passed to dispose of departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 submitted by Ex-Constable Qayyum Khan No. 1728. The appellant was dismissed from service by DPO/Dir Lower vide OB No. 250 dated 04.03.2014, on charges of absence from duty for 04 months and 15 days. His previous absence of 95 days was sympathetically considered as medical leave by the then DPO Dir Lower No. 605 dated 09.05.20103 and he was also remained absent on 07 different occasion.

His previous appeal was rejected by RPO/Malakand vide order No. 6919/E, dated 02.09.2014.

Meeting of Appeal Board was held on 07.01.2016, wherein the appellant was heard in person in detail. On the perusal of record it revealed that he remained absent from duty for a long period of 04 months and 15 days during his service of about 03 years and 11 months. His petition is also time barred. The board is of the opinion that there are no prospects of his becoming a good police officer.

Furthermore instant review petition of the appellant is also time barred. Thus his appeal is rejected on grounds of limitation and merit as well.

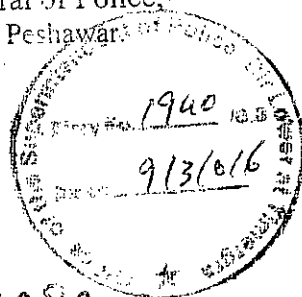
This order is issued with the approval by the Competent Authority.

Najeeb
(NAJEEB-UR-RAHMAN BUGVI)
AIG/Establishment
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

No. S/1704-11 /16,

Copy of the above is forwarded to the:

1. Regional Police Officer, Malakand Region, Saidu Sharif, Swat.
2. District Police Officer, Dir Lower.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. PRO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
5. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-IV CPO Peshawar.
8. Central Registrar, CPO.



No 2090
Di 26-2-016

Respected Sir

Not information

Ec

ATTESTED

WAKALATNAMA
BEFORE THE SERVICE TRIBUNAL,
PESHAWAR

Qayyum Khan.....(Petitioner)

VERSUS

IGP and Others..... (Respondents)

I the undersigned (Petitioner) in the above service matter do here by appoint and constitute **Malik Muhammad Ajmal Khan & Asad Iqbal Akhunzada Advocates** to appear, act, compromise, Plead, withdraw or refer to arbitration to me / us as my / our Counsels in the above noted matter, without any liability for their default and with the authority to engage / appoint any other Advocate / Counsel in my / our matter.

Attested & accepted

CLIENT /


Malik Muhammad Ajmal Khan

&


Asad Iqbal Akhunzada

Advocates C-10, Haroon Mansion

Khyber Bazar, Peshawar

Cell No : 0301-8866939

DATED; 14 / 12 / 2015



Name Qayyum Khan

Address: Sia Dara Post
Office Khanpur Tehsil Adanzai
District Lower Dir

Cell No0345-6102653

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

Service Appeal 381/2016.

Ex Constable Qayoum Khan No 1728 s/o Hassan Gul r/o Lower Dir
..... Appellant.

VERSUS

- 1) Provincial Police Officer, Khyber Pakhtunkhwa Peshawar.
- 2) Regional Police Officer Malakand at Saidu Sharif, Swat.
- 3) District Police Officer Dir Lower..... Respondents.

PARA WISE REPLY ON BEHALF OF RESPONDENTS.

Respectfully Sheweth:

PRELIMINARY OBJECTIONS.

- 1) That the present service appeal is not maintainable in its form.
- 2) That the appellant has not come to this August tribunal with clean hands.
- 3) That the present appeal is badly time barred.
- 4) That this Honorable Service Tribunal has no jurisdiction to entertain the present service Appeal.
- 5) That the appellant has got no cause of action or locus standi.
- 6) That the appellant has suppressed the material facts from this Honorable Tribunal.

ON FACTS:

1. Pertains to record.
2. correct to the extent that appellant serving for 4 years in Police Department but he is habitual absentee and always remained absent for time and again without seeking any leave or prior permission from his superiors, which is clear from his previous record. The enquiry officer in his finding stated that the appellant is no more interested to serve in police Department and intentionally absented himself, from duty.
3. correct to the extent that as per previous record, 95 days absence of the appellant was considered as medical leave vide OB No. 605 dated 09.05.2013. He remained absent on seven

occasions, the absence of which totals up to 42 days and his last absence is from 02.09.2013 to 17.01.2014 due to which he was dismissed from service (Copy of Charge Sheet, Inquiry Report and Final Show cause Notice is attached as annexure "A", -"B" and "C").

4. Pertains to record and needs no comments.
5. Pertains to record and needs no comments.

ON GROUND

- (A). Incorrect, all the Orders of respondents are correct in accordance with Law and rules.
- (B). Incorrect, no such discrimination has been done by the respondents with Appellant.
- (C). Incorrect, the Appellant was properly charge sheeted and show cause Notice issued to Appellant, but he did not bother to appear before the enquiry officer and thus, the competent authority awarding him Major penalty.
- (D). Incorrect, he was summoned by the enquiry officer for time and again to be heard in person and to show cause about his absence, but he did not appear before the enquiry officer therefore the competent authority awarding him Major Punishment for dismissal from Service.
- (E). Incorrect, statement of allegations has been sent to the appellant which was served upon his father and proper departmental enquiry has been carried out according to law and Rules.
- (F). Incorrect, he was properly charge sheeted and the inquiry officer in his finding report declared him guilty and the competent authority rightly awarded Major Punishment.
- (G) The respondents also seeks leave of this Honourable Tribunal to rely on Additional Grounds at the time of arguments/hearing.

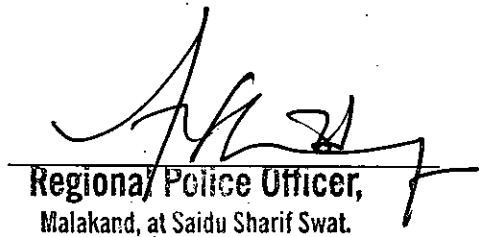
PRAYER:

It is therefore humbly prayed that on acceptance of this Para-wise reply the service appeal may graciously be set aside along with costs.

Provincial Police Officer,
Khyber Pakhtunkhwa Peshawar.

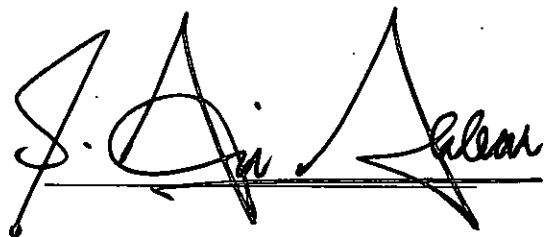


Regional Police Officer,
Malakand at Saidu Sherif, Swat.



Regional Police Officer,
Malakand, at Saidu Sharif Swat.

District Police Officer,
Dir Lower



District Police Officer
Dir Lower at Timergara

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

Service Appeal 381/2016.

Ex Constable Qayoum Khan No 1728 s/o Hassan Gul r/o Lower Dir
..... Appellant.


VERSUS


- 4) Provincial Police Officer, Khyber Pakhtunkhwa Peshawar.
- 5) Regional Police Officer Malakandat Saidu Sharif, Swat.
- 6) District Police Officer Dir Lower..... Respondents.

AFFIDAVIT

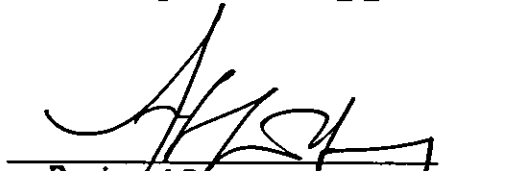
We the following respondents do hereby solemnly affirm and declare on Oath that the contents of Para-wise comments are true and correct to the best of our knowledge and belief and that nothing has been concealed from this Honorable Tribunal.

Provincial Police Officer,
Khyber Pakhtunkhwa Peshawar.



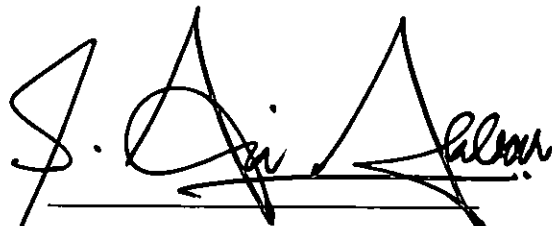


Regional Police Officer,
Malakand at Saidu Sherif, Swat.



Regional Police Officer,
Malakand, at Saidu Sharif Swat.

District Police Officer,
Dir Lower.



District Police Officer,
Dir Lower

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

Service Appeal 381/2016.

Ex Constable Qayoum Khan No 1728 s/o Hassan Gul r/o Lower Dir
..... Appellant.

VERSUS

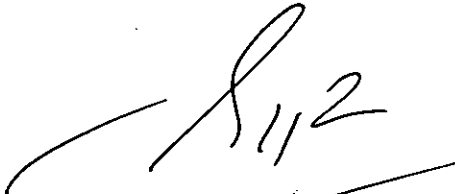

- 7) Provincial Police Officer, Khyber Pakhtunkhwa Peshawar.
- 8) Regional Police Officer Malakand at Saidu Sherif, Swat.
- 9) District Police Officer Dir Upper.

POWER OF ATTORNEY


We the following respondents do hereby authorize Mr. Muqdar Khan SI Legal Dir Lower to appear on our behalf before the Honourable service Tribunal in the above Service appeal and pursue the case on each and every date.

He is also authorized to submit all the relevant documents in connection with the above case.

Provincial Police Officer,
Khyber Pakhtunkhwa Peshawar.

Regional Police Officer,
Malakand at Saidu Sherif, Swat.


Regional Police Officer,
Malakand, at Saidu Sharif Swat.

District Police Officer,
Dir lower.


District Police Officer
Dir Lower at Timergar

Annex "A"

CHARGE SHEET.

I, Muhammad Ijaz Abid, District Police Officer, Dir Lower at Timergara as competent authority, hereby charge you Constable Qayum Khan No.1728 committed as follows: -

That while you posted at Police Post Sar Bala PS Asbanr absented himself from duty with effect from 28.01.2013 to date without any leave or prior permission from his superior, which shows gross mis-conduct on your part.


2- By reason of above, you appear to be guilty of mis-conduct and have rendered your-self liable to all or any of the penalties specified in Rule-4 of the Disciplinary Rules, 1975.

3- You are; therefore, require submit your written reply within 07 days of the receipt of this charge sheet to the enquiry officer.

4- Your written reply, if any, should reach 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 ex-part action shall follow against you.

5- Intimate to whether you desire to be heard in person or not?

6- A statement of allegation is enclosed.


District Police Officer,
Dir Lower at Timergara.

No. 8048 /EB,

Dated 22/4 /2013.

Copy to accused Constable Qayum Khan No.1728 s/o Hassan Gul
r/o Seyah Ouch PS Ouch.

فائینڈنگ رپورٹ

کنشیل قیوم خان 1728 ولد حسن گل ساکن سیاہ خانپور تھانہ اوچھ

بنام:

جناب عالی!

بحوالہ انکوائری کاغذات و ڈسپلنری ایکشن نمبری 21378-79/EC بجاریہ جناب DPO صاحب ضلع دیر
لونیہ برخلاف کنشیل قیوم خان 1728 معروض ہوں۔ کہ مذکورہ تھانہ لعل قلعہ میں تعینات جہاں سے بحوالہ مد 36 روزنامہ
02.09.013 غیر حاضر ہو کر ساتھ ہی بدوران فزیکل چیکنگ بھی غیر حاضر رہا، جسکا تنخواہ بحوالہ آرڈر بک نمبری 1441
مورخہ 07.11.013 سے بند کی گئی ہے۔ مذکورہ کا بدستور غیر حاضر رہنے پر جناب DPO صاحب نے مذکورہ کو چارج
شیٹ دے کر انکوائری کا حکم صادر فرما کر انکوائری کاغذات من DSP ہیڈ کوارٹر کو حوالہ ہوئی۔
حسب قاعدہ انکوائری شروع ہو کر بدوران انکوائری انسپکٹر SHO حبیب اللہ خان، عبدالروف خان MASI تھانہ لعل قلعہ
کے بیانات قلمبند ہو کر شامل انکوائری اور قابل ملاحظہ ہیں۔ نیز مذکورہ کنشیل کو برائے پیشی و اطلاعیاتی کیلئے سچھائے سمور
29.11.013 02.12.013 06.12.013 18.12.013 بذریعہ کنٹرول روم تھانہ اوچھ کے SHO
صاحب کو پاس کی گئی ہیں۔ لیکن مذکورہ نے تاحال دفتر ہذا میں پیش نہ ہو سکا۔
نیز مذکورہ کے والد سہی حسن گل ولد گل زرین کو مذکورہ کا چارج شیٹ حوالہ ہو کر تاحال مذکورہ سے چارج شیٹ پر جواب
موصول نہیں ہوا ہے۔

مذکورہ نے ایک پروانے کی تعمیل پر روبرو گواہان مسلمان رحیم داد خان ولد حسین گل، کنشیل خان ولد حسن گل ساکنان سیاہ
خانپور تحریکی ہے کہ وہ مورخہ 05.12.013 کو دفتر DSP ہیڈ کوارٹر میں اپنا حاضری اپیشی کرے گا۔ مگر تاحال ایسا نہیں کیا
ہے۔

مذکورہ کو بار بار اطلاعیاتی کے باوجود آخری بار ہیڈ کنشیل اقبال حسین برائے اطلاعیاتی و پیشی کیلئے تھانہ اوچھ سے بحوالہ مد 17
روزنامہ 08.01.014 مذکورہ کو برائے اطلاعیاتی و پیشی کیلئے علاقہ سیاہ خانپور جا کر مذکورہ کنشیل اپنے کھیتوں میں موجود
تھا، جب پولیس اہلکاران کو دیکھا تو بھاگ کر کبھی چپ گیا۔ جسکے متعلق مذکورہ ہیڈ کنشیل نے کھیت میں موجود کسان مسلمان
شیر خان ولد ظاہر گل رحیم باچہ ولد محمد ستار ساکنان سیاہ خانپور کے بیانات قلمبند کی ہے۔ اور ساتھ ہی مذکورہ کو
مورخہ 09.01.014 دفتر ہذا میں پیش ہونے کی ہدایت کی ہے۔ لیکن ہفتہ گزرنے کے باوجود مذکورہ کنشیل دفتر ہذا میں
پیش نہ ہو سکا۔

بیانات و معلومات سے پایا جاتا ہے کہ مذکورہ کو بار بار مطلع کیا گیا ہے، اور اسکے باوجود تاحال دفتر ہذا اپیشی گریز کر رہا
ہے۔ مذکورہ کنشیل کا نزدیک انتظار کرنا بے معنی ہے اور ساتھ ہی پولیس کا قہمی وقت ضائع کر رہا ہے۔ اور انکوائری کی تکمیل
دورانیہ بھی مکمل ہو چکا ہے۔ کنشیل مذکورہ بلا جواز مورخہ 02.09.013 سے بدستور غیر حاضر چلا آ رہا ہے۔ جو کہ کل
غیر حاضری ایک سو چھتیس/136 یوم بنتی ہے۔ مذکورہ دیدہ دانستہ اور دلیری سے غیر حاضر کامر تکب ہو رہا ہے۔ اور کسی حال میں
حاضر ہونے کی امید نہیں ہے۔ لہذا محکمہ پولیس سے علیحدہ کرنے کی سفارش کی جاتی ہے۔

Date of Encl. 3-4-20

Aqil Bala Khattar

Gada - Bada

0 - 7

95 days absence

wef 28.12.2013 to 3.5.2

was counted as Medical

leave while on duty

dt 9.5.2013

EC-24.10

DSP/HQRs

تیسرے ضلع دیر پانچین

16-01-014

Issue Final Show Cause
NoticeDPO/Dy. Commr
17/1/2014

Dist No: 28 SDPO
24-1-14

Annex - (C)

OFFICE OF THE DISTRICT POLICE OFFICER,
DIR LOWER AT TIMERGARA

Final SHOW CAUSE NOTICE

WHEREAS AS YOU Constable Qayum Khan No.1728 while posted at Police Station Lal Qilla, absented yourself from your lawful duty with effect from 02/09/2013 up till now without leave or prior permission from your superior.

AND WHERE AS, a proper departmental was conducted against you and the charge leveled against you were established without any shadow of doubt and you as to be awarded major punishment including dismissal from service.

NOW THEREFORE, as required by the NWFP Police Rules, 1975 I, Ghulam Habib Khan, District Police Officer, Dir Lower call upon to show cause as to why you should not be awarded major punishment as defined under rule-4(b) of the said rules.

Your explanation should reach the undersigned within 07-Days of the receipt of this notice.

You should state in writing as to whether you wish to be heard in person or not.

In case, your written explanation is not received, within the specified period, it would be presumed that you have no defense to offer.

[Signature]

District Police Officer,
Dir Lower at Timergara

No. 1116 /E.
Dated. 22-01-2014

Enclosed herewith please find Final Show Cause Notice (un-duplicate) is sent to SHO PS Ouch through SDPO Adenzai for necessary deliver upon Constable Qayum Khan No.1728 son of Hassan Gul resident of Seyah, Khan Pur, Police Station Ouch.

One copy of the Final Show Cause Notice may be delivered upon him and his signature taken as a token of its receipt be returned for further necessary action.

No 7 /
SA 2014

[Signature]

[Signature]

[Signature]

SHO PS OUCH
26-1-14