

Sr. No	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3
	15.01.2019	<p style="text-align: center;"><b><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL</u></b>  <b><u>At Camp Court Abbotabad</u></b>  Appeal No. 1099/2016</p> <p style="text-align: center;">Date of Institution ... 26.10.2016  Date of Decision ... 15.01.2019</p> <p>Ex-Constable Zeeshan Shah No. 697 Police Line Mansehra.  -----<b>Appellant</b></p> <ol style="list-style-type: none"> <li>1. Govt. of Khyber Pakhtunkhwa through Home Secretary Khyber Pakhtunkhwa.</li> <li>2. Regional Police Officer Mansehra.</li> <li>3. District Police Officer Mansehra.</li> <li>4. Deputy Superintendent of Police Head Quarter Mansehra</li> </ol> <p style="text-align: center;">-----<b>Respondents</b></p> <p style="text-align: center;"><b>Mr. Muhammad Hamid Mughal.....Member</b>  <b>Mr. Hussain Shah.....Member</b></p> <p style="text-align: center;"><b><u>JUDGMENT</u></b>  <b><u>HUSSAIN SHAH, MEMBER:</u></b> - Appellant, learned counsel for the appellant and Mr. Muhammad Bilal Khan learned Deputy District Attorney on behalf of the respondents present.</p> <p>2. The appellant was working as a constable in police department since 28.01.2002. Due to his absence from 11.05.2016 to 11.07.2016 the respondent No.3 dismissed the appellant from service on 27.07.2016 after issuing him the charge sheet, conducting inquiry and issuing final show cause notice. The appellant submitted the departmental appeal on 09.08.2016 which was rejected by respondent No.2 on 27.09.2016. Being aggrieved by the order of respondent No.2 dated 27.09.2016 and by the order of respondent No.3 dated 27.07.2016 the instant service appeal was</p>

preferred to this tribunal on 26.10.2016.

3. The learned counsel for the appellant argued that the impugned orders of the respondents are wrong, illegal and against the natural justice, equity and relevant rules law. The reason for his alleged absence was beyond his control being severely ill and was capable enough to perform his duty. He further argued that despite not considering the doctor descriptions the responding authorities did not provide him the copy of inquiry report, the opportunity of cross examining hence the very foundation of allegation/charge is wrong, misconceived therefore the appeal may be accepted and the impugned order may be set aside with direction to reinstate the appellant in service at other appropriate relief may be granted.

4. The learned Deputy District Attorney argued to contest the facts, ground of the appeal and the arguments of the learned counsel for the appellant. He stated that the appellant remained absent without any leave or permission, moreover, the medical slip, present by the appellant has no legal value as the same pertains to the private clinic. He further argued that appellant was proceeded against according to the prescribed procedure and all codal formalities were fulfilled hence the appellant may be rejected with costs.

5. Arguments heard. File perused.

6. After examining the record on file, the arguments of the learned counsel's of the parties concern it appears that the absence of the appellant is an admitted fact however it is also worth

SAH

consideration that being a low paid employee, having been suffering due to illness and taking into account the period of absence, The competent authority took severe view of the matter. This tribunal had already given relief in numerous cases of similar nature.

7. As a sequel to above the penalty of dismissal from service is modified and converted into stoppage of three (03) annual increments for five (05) years. Resultantly the appellant is reinstated in service. The absence period and intervening period shall be treated as leave without pay. The present service appeal is partially 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  
At Camp Court Abbottabad

ANNOUNCED

15.01.2019

17.10.2018

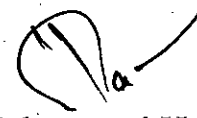
Appellant in person present. Mr. Haq Nawaz, Head Clerk alongwith Mr. Usman Ghani, District Attorney for the respondents present. Appellant made a request for adjournment as his counsel is not available today. Granted. To come up for arguments on 15.01.2019 before the D.B at camp court, Abbottabad.

  
Member

  
Chairman  
Camp Court, A/Abad

15.01.2019

Appellant with counsel and Mr. Muhammad Bilal Khan Deputy District Attorney for the respondents present. Vide separate judgment of today of this tribunal placed on file, the penalty of dismissal from service is modified and converted into stoppage of three (03) annual increments for five (05) years. Resultantly the appellant is re-instated in service. The absence period and intervening period shall be treated as leave without pay. The present service appeal is partially 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

**ANNOUNCED**

**15.01.2019**

22.02.2018

Appellant in person present. Learned Additional Advocate General alongwith Akhlaq Hussain Inspector for the respondents present. Written reply not submitted. Representative seeks time to file written reply/comments. Granted. To come up for written reply/comments on 18.04.2018 before S.B at camp court Abbottabad.



Member  
Camp court, A/Abad.

18.04.2018

Counsel for the appellant and Mr. Usman Ghani, District Attorney alongwith Muhammad Nazir, H.C for the respondents present. Written reply submitted. To come up for rejoinder, if any and arguments on 27.06.2018 before the D.B at camp court, Abbottabad.



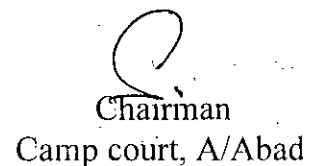
Chairman  
Camp court, A/Abad

27.06.2018

Appellant Zeshan Shah in person present. Mr. Ziaullah, Deputy District Attorney for respondent present. Appellant made a request for adjournment, that his counsel is not available today. Granted. To come up for arguments on 30.08.2018 before D.B at camp court, Abbottabad.



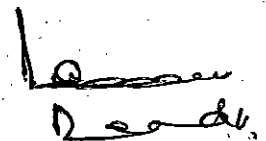
Member



Chairman  
Camp court, A/Abad

30-8-18-

Due to summer vacation, ease to come up for the same on 17-10-18 at camp court Abbottabad.



Reads

20.09.2017

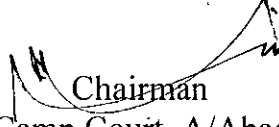
Counsel for the appellant present and preliminary arguments heard.

The appellant is aggrieved from his dismissal order due to absence. Against which he filed departmental appeal on 09.08.2016 which was rejected on 27.9.2016 and thereafter, the appellant filed the present service appeal on 26.10.2016.

The ground as argued by the learned counsel for the appellant is that the enquiry officer proposed compulsory retirement whereas the authority imposed the penalty of dismissal.


The Points raised need consideration. The appeal is admitted to regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to the respondents. To come up for written reply/comments on 25.01.2018 before S.B at camp court, Abbottabad.

Appellant Deposited  
Security & Process Fee

  
Chairman  
Camp Court, A/Abad

15.1.2018

Clerk of counsel for the appellant and Mr. Usman Ghani, District Attorney for the respondents present. Seeks adjournment. To come up for written reply/comments on 22.2.2018 before S.B at camp court, Abbottabad.

  
Chairman  
Camp court, A/Abad.

1099/16

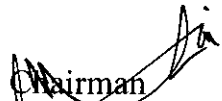
21.07.2017

None present for the appellant. Notice be issued to appellant. To come up for preliminary hearing on 25.08.2017 before S.B. at camp court, Abbottabad.

  
Chairman  
Camp Court, A/Abad

25.08.2017

Clerk of counsel for the appellant present. Seeks adjournment as learned counsel for the appellant has gone to perform Hajj. To come up for preliminary hearing on <sup>10</sup>20.2017 before S.B at camp court, Abbottabad.

  
Chairman  
Camp Court, A/Abad

16.02.2017

Appellant in person present. Due to strike of the bar counsel for the appellant is not in attendance. To come up for preliminary hearing on 16.03.2017 before S.B at camp court, Abbottabad.

Member  
Camp court, A/Abad

16.03.2017

Appellant in person present and requested for adjournment as his counsel is busy before the august Supreme Court of Pakistan. Adjourned for preliminary hearing to 18.05.2017 at camp court, Abbottabad.

Chairman  
Camp Court, A/Abad

25.05.2017

Since tour programme to camp court, Abbottabad for the month of May, 2017 has been cancelled by the Worthy Chairman, therefore, to come up for the same on 21.07.2017 at camp court, Abbottabad. Notices be issued to the parties for the date fixed accordingly




Registrar



Form- A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. 1099 /2016

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	26/10/2016	<p>The appeal of Mr. Zee Shahn Shah presented today by Mr. Khan Afzal 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-	31-10-2016	<p>This case is entrusted to Touring S. Bench at A.Abad for preliminary hearing to be put up there on <u>22-12-2016</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	22.12.2016	<p>None present for appellant present. Notice to counsel for the appellant be issued. To come up for preliminary hearing on 16.2.2017 at camp court, Abbottabad.</p> <p style="text-align: right;"> Chairman Camp court, A/Abad</p>

**BEFORE THE K.P.K SERVICE TRIBUNAL  
PESHAWAR.** *Appeal no. 1099/2016*

Ex. Constable Zeeshan Shah NO 697 Police  
Line Mansehra .....Appellant

**V E R S U S**


1. Govt of K.P.K.through Home Secretary  
K.P.K.etc.....Respondents

**SERVICE APPEAL**

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5	Appointment order, Medical Slips	"A/1 , A"	8 to 10
6	Charge Sheet dt.19.07.2016 , Disciplinary Action	" B "	12 to 14
7	Reply of charge sheet	" C "	15
8	Enquiry report	" D "	16
9	Final Show cause notice	" E "	17
10	Reply of show cause notice	" F "	18
11	Dismissal order dt.27.07.2016	" G "	19
12	Departmental appeal	" H "	20
13	Order dated.27.09.2016	" I "	21
14	Description slip	" J "	22
15	Wakalat Nama		22

Dated: 25<sup>th</sup> October, 2016

  
Zeeshan Shah  
.....Petitioner  
THROUGH  
**KHAN AFZAL ASC**



①

**BEFORE THE K.P.K SERVICE TRIBUNAL  
PESHAWAR.**

*Appeal No. 1099/2016*

Ex. Constable Zeeshan Shah NO 697 Police  
Line Mansehra .....Appellant

Khyber Pakhtukhwa  
Service Tribunal

Diary No. 1128

Dated 26-10-2016

**V E R S U S**

1. Govt of K.P.K.through Home Secretary  
K.P.K.
2. Regional Police Officer Mansehra
3. District Police officer Mansehra .
4. Deputy Superintendent of Police Head  
Quarter Mansehra.....Respondents

Appeal against Order of the Respondent  
No 2 Dated 27.09.2016 Vide Which the  
Department Appeal Of The Appellant was  
filed and order passed by respondent No.3  
dated 27.07.2016,vide which appellant  
was dismissed from the service was  
upheld.

**P R A Y E R**

Filed to-day

*[Signature]*  
Registrar

*26/10/16*

On acceptance of the appeal order of the  
No.2 to 3 may be kindly be set-aside and  
appellant service may be restored with all  
the batch benefits.

**Respectfully Sheweth:**

1. That the appellant was appointed as constable vide order dated 28.01.2002 by the Respondent No.3. **(appointed order is annexed as annexure "A/1")**
2. That the appellant was ill from 11.05.2016 to 11.07.2016, said act of the God appellant was not able to join duty **(Medical Slip is annexed as annexure "A")**
3. That charge sheet was given to appellant by Respondent No. on 19.07.2016 **(Copy of charge sheet annexed as annexure "B")**.
4. That the appellant replied the said Charge Sheet **(copy is annexed as annexure "C")**.
5. That respondent No.4 was appointed as a enquiry Officer by the Respondent NO.3.
6. That the enquiry officer forwarded the enquiry report to authority i.e. respondent No.3 & recommended the appellant for compulsory retirement. **(enquiry Report is annexed as annexure "D")**
7. That respondent NO.3 on 19.07.2016 issued a final show cause notice to appellant. **(annexure "E")**
8. That the appellant replied the said show cause notice to respondent No.3 copy of the said final notice as **(annexed as annexure "F")**.
9. That the by order 119 on dated. 27.07.2016 appellant was dismissed from service by the respondent no.3 **(copy of the order is annexed as annexure "G")**

10. That the appellant submitted departmental appeal to respondent No. 2 on 09.08.2016. (**appeal is annexed as annexure "H"**)
11. That respondent No.2 in order dated 27.09.2016 declared that dismissal related to the appellant service order is genuine and he filed/consigned the appeal. (**order is annexed as annexure "I"**)

Hence this service appeal is on the following grounds

**GROUND S:**

- i. That the impugned order of the respondents are wrong, illegal and, against the national justice, equity and services laws, rules, un-constitutional hence not maintainable.
- ii. That the enquiry report dated 21.06.2016 appellant was recommended that appellant to be retired compulsory from the department but the appellant was dismissed from the service by the respondent No.3 is wrong illegal hence liable to the set-aside.
- iii. That from 11.05.2016 to 11.07.2016 appellant was ill severely and due to the said act of Almighty Allah appellant was not able to perform his duty said absentees was not intentional and this respect Doctor's description dated. 08.07.2016 is (**annexed as annexure "J"**).
- iv. That no summary of allegation nor enquiry report was given to the appellant, the opportunity of cross-examination was given to the appellant

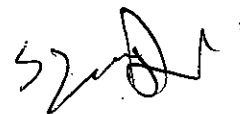
(4)

hence enquiry report is wrong, illegal and ex-party that the respondent did not exercised the jurisdiction wasted in according to the law.

**P R A Y E R**

- a. That the order of the respondent No.2 Regional Police Officer Hazara Region Abbottabad in respondent NO.3 District Police Officer Mansehra dated .27.07.2016 may kindly be set aside and appellatant may be restored on service.
- b. Any other relief which this Honourable Tribunal deems just and proper may kindly be granted to the appellatant.

Dated: 25<sup>th</sup> October.2016



DEPONENT  
Zeeshan Shah  
Through  
**KHAN AFZAL ASC**



**Verification:**

Verify on oath that the contents fore-going service appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal .

**Date:25<sup>th</sup> October,2016**

DEPONENT  
Zeeshan Shah



5

**BEFORE THE K.P.K SERVICE TRIBUNAL  
PESHAWAR.**

Ex. Constable Zeeshan Shah NO 697 Police  
Line Mansehra .....Appellant

**V E R S U S**

1. Govt of K.P.K.through Home Secretary  
K.P.K.etc.....Resondents

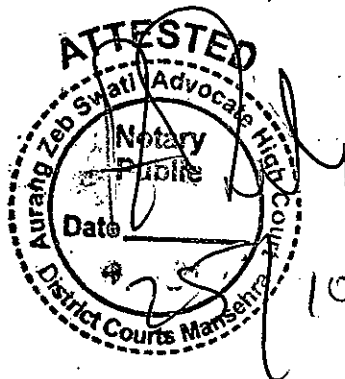
**SERVICE APPEAL**

**AFFIDAVIT**

I, Zeeshan Shah I solemnly affirm and declare on oath that neither this kind of service appeal was filed nor decided and nor pending in any court of law so the affidavit is correct to the best of my knowledge and belief and nothing has been concealed form this Honorable Tribunal

**Date: 25th October, 2016**

DEPONENT  
Zeeshan Shah



25/10/2016

6

**BEFORE THE K.P.K SERVICE TRIBUNAL  
PESHAWAR.**

Ex. Constable Zeeshan Shah NO 697 Police  
Line Mansehra .....Appellant

**V E R S U S**

2. Govt of K.P.K.through Home Secretary  
K.P.K.etc.....Resondents

**SERVICE APPEAL**

**CORRECT ADDRESSES OF THE PARTIES**

**PETITIONER**

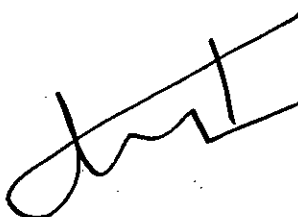
Ex. Constable Zeeshan Shah NO 697 Police  
Line Mansehra .....Appellant

**RESPONDENTS**

1. Govt of K.P.K.through Home Secretary  
K.P.K.
2. Regional Police Officer Mansehra
3. District Police officer Mansehra .
4. Deputy Superintendent of Police Head  
Quarter Mansehra.....Respondents

Dated: 25<sup>th</sup> October, 2016

DEPONENT  
Zeeshan Shah  
.....Petitionr  
Through  
**KHAN AFZAL ASC**





(7)

**BEFORE THE K.P.K SERVICE TRIBUNAL  
PESHAWAR.**

Ex. Constable Zeeshan Shah NO 697 Police  
Line Mansehra .....Appellant

**V E R S U S**

1. Govt of K.P.K.through Home Secretary  
K.P.K.etc.....Respondents

**SERVICE APPEAL**

**LIST OF LAW BOOKS**

1. The Constitution of Islamic Republic of  
Pakistan 1973.
2. K.P.K Civil servant act
3. Any other law book as per need

Dated: 25<sup>TH</sup> October,2016

DEPONENT

Zeeshan Shah

.....Petitioner

**KHAN AFZAL ASC**



(8)

ANNEXURE A/1

CHARACTER AND SERVICE ROLL OF

Constabulary No. (697)  
Ditto ( ) in  
Fitto ( ) in

District  
District  
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 of Enrolment	Age on Enrolment	Distinctive Marks
	123-79-535926.	Syed Zahoor Ali	Syed	DAHATA	DAHATA	Saddar Manshera	Mansehra	N.W.F.P	2-5-1979	5' 10 1/4"	35 x 36 1/2	28-01-2002	22-8-26	A scar on left Arm

2 Verification Roll No. 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 or grade	Pay of last Appointment	From	To	PERIOD			
					Year	Months	Days	
Attested			Taiman Dhone					
Cause of and character of discharge from above service.			Reference to orders approving above service for pension service in the Police Department.					

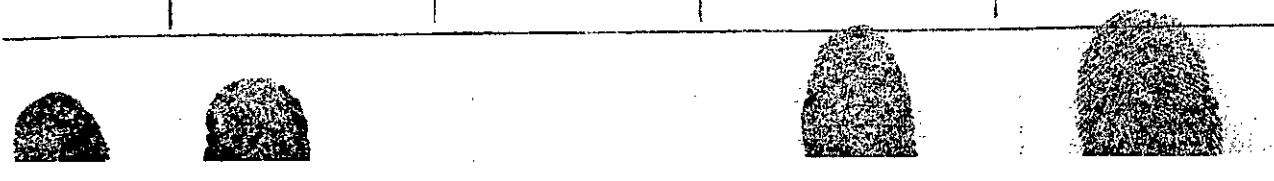
Agreement:— I understand that I have been appointed under section 7 of the Police Act (V of 1861), and the purport of that section and the provisions of the Act and of the Rules issued under it and now in force, by which my discipline and conduct are governed, have been explained to me. I agree to serve faithfully under the provision 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 without their orders 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.....

5. Rolled impression of fingers and thumb of left hand.

SENIOR SUPDT. OF POLICE

Left Little	Left ring	Left middle	Left index	Left thumb



Signature  
S. J. ...

9

CHARACTER ROLL OF 6. APPOINTMENTS, PROMOTION, REDUCTION, DISCHARGES, ETC.

(continue)

1	2	3	4	5
---	---	---	---	---

Appointed, promoted suspended, reduced, discharged, dismissed, resigned or died

To what grade and pay Appointed, promoted or reduced

Date

No. of District Order

Full Signature of Superintendent of Police

Appointed as constable in D.P.S No.5 (2100-100-5100) @ Rs.2100/PM with effect from: 28-1-2002. He is merely appointed on temporary basis and will be liable to be terminated at any time without any notice. He is allotted constabulary No-697.

Allowed P.I as Constable  
 Raising Pay Rs. 2100/PM  
 To 2900/PM W.E.F. 12-02

*[Signature]*  
 District Police Officer  
 Mansehra

*[Signature]*  
 Superintendent of Police  
 Mansehra


Service from 11/7 to 12/12  
 have been verified from the  
 Pay bill & Acq. Roll kept in  
 this office.

Service from 28-1-2002 to 30-11-2002  
 have been verified from the  
 Pay bill & Acq. Roll kept in  
 this office.

TRANSFERS BEYOND THE DISTRICT

1	2	3	4
Date	From	To	Authority for transfer

Nasrullah  
 M.D. (Medicine) (Iran)  
 FRCP (Edin)  
 Professor of Neurology  
 Bahawalpur Medical University

Neuro Clinic  
  
 29-E, Johar Town, Lahore.  
 Tel: (042)3517 1902-3

10

Dr. Ahsan Numair  
 F.C.P.S (Neurology)  
 Associate Professor & Head  
 Dept. of Neurology  
 SMS & Services Hospital

08 JUN 2016

پیشانی

Handwritten signature

3-47

Tah. Hapsicit 20

1/2 گولہ رات 10-11 بجے

دوسرے رات 10-11 بجے

Tah. Hapsicit 20

1/2 گولہ رات 10-11 بجے

دوسرے رات 10-11 بجے

28 JUN 2016

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Handwritten signature

28 JUN 2016

Tah. Hapsicit 20

دوسرے رات 3 بجے

دوسرے رات 2 بجے

Cap. Euron 400

دوسرے رات 3 بجے

Tah. Magnesia 50

1/2 گولہ رات 2 بجے

ANNEXURE "A"

Attested  
 Handwritten signature

Attested

Handwritten signature

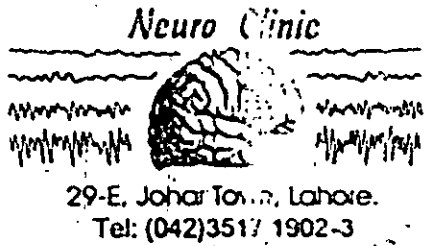
District Police Office

Mansoura

18-10-16

نیورولوجیکل سیک 11 سے 1 بجے، ٹیم 4 سے 8 بجے، فون 3 (042) 3517 1902، 29-ان ڈیڑھ گھنٹوں - ٹھیکہ نئی روڈ - لاہور -  
 (مزید جانچ پڑتال کے لیے پورٹ کالنگس اور فون سٹیشنوں کی ہال کے ساتھ چھٹی میں) بروز اتوار تعطیل۔ آٹے سے پہلے وقت ہائین کریٹیں

Nasrullah  
in Medicine (Iran)  
FRCP (Edin)  
Professor of Neurology  
Jawahar Medical University



Dr. Ahsan Numan  
F.C.P.S (Neurology)  
Associate Professor & Head  
Dept. of Neurology  
SMS & Services Hospital

08 JUN 2016

نیشن

Ar + D.H.

Tab. Hapicit 20

3:47

10 دن  
رکے 1/2

Tab. Prothimolis 25

28 JUN 2016

Perfid

8/1/16

28 JUN 2016

BETTER COPY  
ANNEXUR A

Tab. Hapicit 20

Attested  
Jamun Abene

3 دن  
رکے 2

Cap. Euron 400

Attested

3 دن  
رکے 3

Tab. Magnese 500

M. A.  
District Police Officer  
Mansobra,  
18.10.16

2 دن  
رکے 1/2

12

CHARGE SHEET

ANNEXUR "B"

I, Ch. Ahsan Saifullah, District Police Officer, Manshera as Competent Authority, hereby charge you Constable Zeeshan Shah No. 697 Police Lines as follows.

Vide DD No. 29 dated 11-05-2016 Police Lines it has been reported that you have absented yourself from duty with effect from 11-05-2016 till date without any leave or permission. It amounts to gross misconduct.

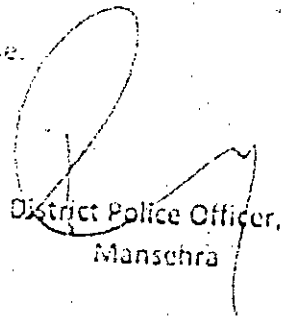
Due to reasons stated above you appear to be guilty of misconduct under Khyber Pakhtunkhwa Police Disciplinary Rules 1975 (amended in 2014) and have rendered yourself liable to all or any of the penalties specified in the said Police Disciplinary Rules.

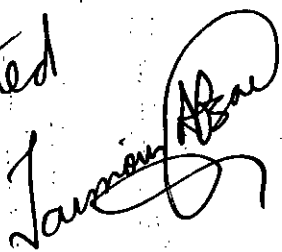
You are, therefore, required to submit your written defense within 07 days of the receipt of this charge sheet to the enquiry officer.

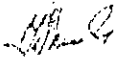
Your written defense, if any, should reach the enquiry officer within the specified period failing which it shall be presumed that you have no defense to put in and in that case expedite action shall follow against you.

Intimate whether you desire to be heard in person or otherwise.

Statement of allegation is also enclosed.

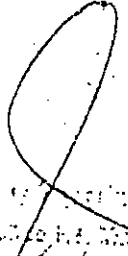
  
District Police Officer,  
Manshera

Attested  


Attested  
  
District Police Officer,  
Manshera.  
12-10-16

Steps

1. Index
2. Order Sheet
3. Call the person

  
District Police Officer,  
Manshera  
12-10-16

13

BETTER COPY  
ANNEXUR "B"

CHARGE SHEET

1. Ch. Ahsan Saifullah, District Police Officer, Manshera as Competent Authority, hereby charge you Constable Zeeshan Shah No. 697 Police Lines as follows.

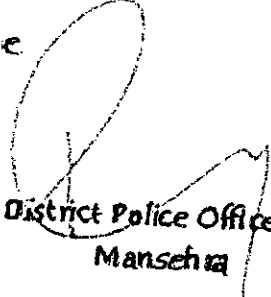
Vide DD No. 29 dated 11-05-2016 Police Lines it has been reported that you have absented yourself from duty with effect from 11-05-2016 till date without any leave or permission. It amounts to gross misconduct.

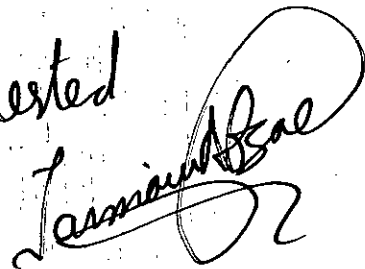
Due to reasons stated above you appear to be guilty of misconduct under Khyber Pakhtunkhwa Police Disciplinary Rules 1975 (amended in 2014) and have rendered yourself liable to all or any of the penalties specified in the said Police Disciplinary Rules.

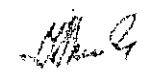
You are, therefore, required to submit your written defense within 07 days of the receipt of this charge sheet to the enquiry officer.

Your written defense, 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 parte action shall follow against you.

Intimate whether you desire to be heard in person or otherwise.  
Statement of allegation is also enclosed.

  
District Police Officer,  
Manshera

Attested  


Attested  
  
District Police Officer,  
Manshera.  
12-10-16

Steno

1. Index
2. Order Sheet
3. Call the person

Office of the District Police Officer,  
Manshera

11-05-2016

— (14)

## DISCIPLINARY ACTION

1. Ch Ahson Saifullah, District Police Officer Manshehra, as Competent Authority of the office. That you Constable Zeeshan Shah No. 697 Police Lines has rendered himself liable to be proceeded against as he committed the following act/omissions within the meaning of Khyber Pakhtunkhwa Police Disciplinary Rules 1975

Wide DD No. 29 dated 22-05-2016 Police Lines it has been reported that you have absented yourself from duty with effect from 22-05-2016 till date without any leave or permission. It is to gross misconduct

For the purpose of scrutinizing the conduct of the said accused officer with reference to the above allegations, Mr. DSP 402 is deputed to conduct formal departmental enquiry against Constable Zeeshan Shah No. 697 Police Lines

The Inquiry Officer shall in accordance with the provisions of the Khyber Pakhtunkhwa Police Disciplinary Rules 1975, provide reasonable opportunity of hearing the accused, record findings and make recommendations as to punishment or other appropriate action against the accused.

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

District Police Officer,  
Manshehra

No 2438-39 /PA dated Manshehra the 31-05-2016

Copy of the above is forwarded to:-

- The Inquiry Officer for initiating proceedings against the defaulter officer under the provisions of The Khyber Pakhtunkhwa Police Disciplinary Rules 1975. Copy of DD No. 29 dated 11-05-2016 Police Lines is enclosed.
2. Constable Zeeshan Shah No. 697 Police Lines with the direction to submit his written statement to the Enquiry Officer within 7 days of the receipt of this charge sheet/statement of allegations and also to appear before the Enquiry Officer on the date, time and place fixed for the purposes of departmental proceedings

Attested  
*Laminated*

Attested  
*4/10/16*  
District Police Officer

District Police Officer,  
Manshehra

18-10-16



(15)

# ANNEXURE "C"

جناب عالی -

نایب مؤدیانہ مروضہ ذمت یوں کہ سائل ایک غریب آدمی ہے - اور سائل کے والدین بچپن میں ہی فوت ہو چکے ہیں - سائل کے تین بھٹے بھٹے بچے ہیں سائل کا زانی گھر بھی نہیں ہے - اور زندگی کی تمام گزیر بسر تنخواہ پر ہی ہے جسکی وجہ سے اکثر گھریلو اور خاندانی معاملات میں مالی پریشانی رہتی ہے جو کہ زینتی کوٹ اور ازب میں مشا رکھی ہے - ایسے ہی کچھ حالات کی وجہ سے شدید پریشانی کے باعث غیر حاضر ہوا - سائل استدعا کرتا ہے سائل پر رقم کرنے سے متعلق جاننا چاہے - آئندہ ایسی دیکھ نہ ہوگی جس میں سزا ہی بیان ہے - جو درست ہے -

کنٹریل سپر زینٹان علی نمبر 697 متبذیر سس لائن

Attachee of.  
M-9  
District Police Officer  
Ghansebra,  
18.10.16.

Attested  
Jamin Bzoe

ANNEXURE "D"

From The Deputy Superintendent of Police, HQs: Mansehra.

To The District Police Officer, Mansehra

Attested

No. 445 DSP HQs Mansehra Dated the 21/06/2016.

Subject: FORMAL DEPARTMENTAL ENQUIRY REPORT

Attested  
District Police Officer  
Mansehra,  
19/10/16.

Memorandum.

Respected Sir,

Kindly refer to your office Ends No.2438-39/PA dated, 31-05-2016.

An enquiry under hand was entrusted to the under signed by the competent authority for digging out the real facts by the competent authority for the charges stated in the statement of allegation that alleged constable Zeeshan Shah No.697 Police lines has rendered himself liable to be proceeded against he committed the following omission, commission within meaning of Khyber Pakhtunkhwa Police Disciplinary Rules 1975.

Vide DD No 29 dated 11-05-2016 Police Lines it has been reported that he you absented himself from duty with effect from 11-05-2016 till date without any leave or permission, It amounts to gross misconduct.

I have called the alleged accused constable Zeeshan Shah No.1060, who appeared before me in my office and submitted his written statement in response of charge sheet in which he stated that he has some domestic problems, due to which he absented himself from duties from 11-05-2016 till to date.

I have checked the Daily Diary and found his absence report made by the Muharrar vide DD.No.29 dated 11-05-2016 mentioned correct and up till now the alleged accused constable had not made his arrival report.

I have recorded the statement of MFC Police Lines which is attached herewith for to day reference.

Due to above circumstances Enquiry Officer come to the conclusion that the alleged accused constable Zeeshan Shah has absented himself without any cogent reasons and he is therefore recommended to be retired compulsory from the department.

Submitted for order, please

Dismissal

(Signature of Hafeez-ur-Rehman)

(Hafeez-ur-Rehman)  
Deputy Superintendent of Police  
Hqs Mansehra.

P-A

SSMC F.S.N

Encl: 2

Attested  
(Signature)

(17)

06 99  
ANNEXURE E

FINAL SHOW CAUSE NOTICE

You Constable Zeeshan Shah No. 697 were proceeded against departmentally with the allegation that vide DD No. 29 dated 11-05-2016 Police Lines it has been reported that you have absented yourself from duty with effect from 11-05-2016 till date without any leave or permission.

In this connection you were proceeded against departmentally. Mr. Hafeez ur Rehman, Enquiry Officer, after conducting proper departmental enquiry has submitted his report and proved the charges leveled against you and recommended major punishment for you. I am agreed with the report of Enquiry Officer and therefore, hereby finally call upon you to show cause as to why you should not be awarded major punishment under the Khyber Pakhtunkhawa Police Disciplinary Rules 1975 (amended in 2014). In case your written reply is not received within 07 days after the receipt of this final show cause notice it shall be presumed that you have no defense to offer. You are also allowed to appear before the under signed, if you so desire. (Copy of the finding of the Enquiry Officer is also enclosed).

District Police Officer,  
Mansehra

No. 2895 /PA dated Mansehra the 19/4/2016

Attended.

SPM Q  
District Police Office  
Mansehra,

19.10.16

Attended

Tamim Abbas

(18)

# ANNEXURE "F"

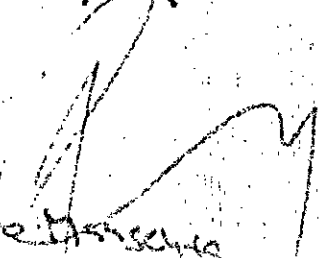
جواب آمدہ فائل شوکار نوٹس نمبری 2895 مورخہ 16/07/19 بجائے جناب جسٹس D.P.O. صاحب مالیرہ:

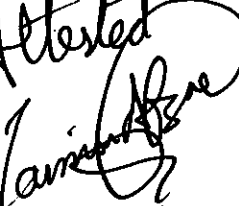
جناب عالی -

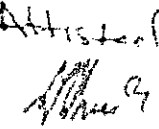
گزشتہ سیدہ سائل خاندانی رجسٹر کے باعث دعویٰ میں سبلا سے  
 گیا تھا۔ اور جادو ٹوٹنے کے اثرات بھی تھے۔ جسکی وجہ سے سائل نوزی سے  
 استغفی دے کر اور اپنا گھر چھوڑ کر چلا گیا تھا۔ سائل کے ماں باپ بچپن  
 میں ہی فوت ہو چکے تھے۔ اب یہ بڑا بھائی ہے جس نے بمشکل سائل  
 کو قابو رکھے لاہور کے آپ اچھے ڈاکٹر سے پرائیویٹ علاج کروایا  
 اور جادو ٹوٹنے کا بھی علاج کروایا۔ حکمے بعد سائل کو کافی افادہ ہوا۔ اور  
 احساس ہوا کہ میری نوزی اور بیوی بچے بھی ہیں جس پر سائل صرف  
 11/07/16 کو حاضر پولیس لائن آیا۔ اور ڈیوٹی سرانجام دے دیا ہے۔ ان  
 حالات میں سائل کو مالی پریشانیوں کے باعث مرض کا بوجھ بھی اٹھانا پڑا  
 سائل غریب آدمی ہے۔ اور تین بھوتے بچے ہیں۔ سائل اب  
 نوزی کرنا چاہتا ہے۔ میرانی ویا کر سائل کے بچوں پر رحم فرمائے  
 سیدھے صاف فرمایا جاوے۔ نفل ریٹ حافی و میڈیکل دستاویز میرا لہ

بس یہی میرا بیان ہے۔ جو درست ہے۔

الطاف -  
 کنٹریل زینٹان سٹاٹس 697 مینجمنٹ پولیس لائن مالیرہ

OHC/OR  
  
 DPc Manshera

Attested  


Attested by  
  
 District Police Officer  
 Manshera.  
 12.10.16

(19)

ANNEXURE "G"



OFFICE OF THE DISTRICT POLICE OFFICER MANSEHRA

ORDER

This office order will dispose off the departmental enquiry proceeding against Constable Zeeshan Ali Shah No. 697 who was proceeded against departmentally with the allegations that vide DD No. 29 dated 11.05.2016 Police Lines. It has been reported that he has absented himself from duty with effect from 11.05.2016 to 11.07.2016 without any leave or permission.

The Enquiry Officer i.e. Mr. Hafeez-ur-Rehman DSP HQrs Mansehra after conducting proper departmental enquiry has submitted his report. On July 26, 2016, the delinquent Constable Zeeshan Ali Shah No. 697 was heard in person in orderly room. But he failed to convince the undersigned in his defense.

I, the District Police Officer, Mansehra therefore, award him major punishment of "Dismissal from Service" to the delinquent Constable Zeeshan Ali Shah No. 697 under Khyber Pakhtunkhwa Police, Disciplinary Rules 1975. His period of absence will be treated as leave without pay.

Ordered announced in absentia.

District Police Officer  
Mansehra

OB No. 119 /dated Mansehra the 27-7- /2016

Attested

*[Signature]*

District Police Officer

Mansehra,

18.10.16

Attested

*[Signature]*

اصل برائے بحالی ملازمت بخدیست جناب کا ادا مددبہ ہزارہ ڈولپٹر نا ایسٹ پیپر

# ANNEXURE "H"

جناب عالی

مشورہ حکم بر خاستگی خوردبانہ معروف خدمت ہوں کے مسائل جو کہ

شدید بیماری اور زوجه ہم غیر حاضر رہا جس کے وجہ سے مسائل کو محکمہ سے

برخاستگی لیا گیا۔ عالیجاہ صاحبہ سے زریعہ آمدی میں جس کے والدین اور

بہنیں نہ ہیں نہ کوئی اور ایسا شخص اور یہ جو مسائل کے بارے میں خاندان

دے پاتا ہے مسائل کے میں جمعوں جمعوں کے میں ہوئی ہے بیماری کی وجہ

سے مجھے اصل خاندان کو اپنے سندھراں جو کہ لاہور میں ہے شفقت فرمادیں

مسائل کا ذاتی تجربہ نہیں ہے اور انہوں کے سکول کا بھی مسئلہ تھا اور ہوئی ہے

بیماری میں صحت پانچ پر کا فائدہ لگائے ان حالات میں مسائل کو شہادہ

پرستاشی سے فرمایا گیا۔  
عالیجاہ: مسائل کے سامنے رہیں نیکوئی و امداد ہوتی ہے مسائل اور بیماری

کا اور جمعوں جمعوں کے بچوں کا و امداد کفیل ہے۔  
جناب عالی مسائل کی حالت غیر بہت اور بچوں پر راج فرما کر دوبارہ ملازمت

بحال فرمایا جاوے۔ مسائل نا اہلیات دعا گو رہے گا۔  
الموقع ۸/۱۶/۰۹

القاری  
ذیشان علی سنان سابق کسٹل ۶۹۷  
فدہ پولیس کانسٹیبل  
۰۳۲۱-۹۸۲۹۵۸۹

Attested  
Jumain

(21)

# ANNEXURE I

657  
5-7-16  
of Police Manshra

## ORDER

This is an order on the representation of *Ex-Constable Zeeshan Ali Khan* No: 697 of Manshra District against the order of major punishment i.e. dismissal from service awarded by the District Police Officer, Manshra vide his OS No.119 dated 27.07.2016.

Attended

Manshra

District Police Officer  
Manshra  
18.8.16

Facts leading to punishment awarded to him are that vide DD No: 29 dated 11.05.2016 Police Lines, Manshra. It has been reported that he has absented himself from duty from 11.05.2016 to 11.07.2016 without any leave or permission.

Proper departmental enquiry was conducted by *Mr. Hafeez-ur-Rehman DSP HQrs: Manshra*. After conducting a demile enquiry, the E.O proved him guilty. On the recommendation of E.O, the District Police Officer Manshra awarded him major punishment of *dismissal from service*.

He preferred an appeal to the undersigned upon which the comments of the DPO Manshra were obtained. He was heard in OR on 21.09.2016 where he offered no cogent reason in his defence to prove his innocence. After thorough probe into the Enquiry Report and the comments of DPO Manshra, it came to light that the punishment awarded to him by the DPO Manshra i.e. *dismissal from service* is genuine, hence his appeal is filed.

REGIONAL POLICE OFFICER  
North Region Abbottabad

9-9-2016

4459

No. IPA, Dated Abbottabad the 27-9-2016  
Copy of above is forwarded to the District Police Officer, Manshra for information and necessary action with reference to his Memo No.17192/GB dated 30.08.2016. The Service Record containing enquiry file of the appellant are returned herewith.

REGIONAL POLICE OFFICER  
North Region Abbottabad

RA/parp...  
Ch... 9/2/16

Dr. ...  
...

27-9-16  
27-10-16  
SHE/...  
For Information  
J...  
27-10-16

Attested  
Jamin Afzal

4-8-16

Nasrullah

M.D. (Medicine) (Hon)  
FRCP (Edin)

Professor of Neurology  
Jawahar Medical University

Neuro Clinic



29-E, Johar Town, Lahore.  
Tel: (042)3517 1902-3

Dr. Ahsan Numan

F.C.P.S (Neurology)

Associate Professor & Head  
Dept. of Neurology  
SIMS & Services Hospital

08 JUN 2016

پیشہ

Tab. Hapicit 20

دو عدد رات

دو عدد رات

Tab. Hapicit 25

دو عدد رات

دو عدد رات

Arif Durrani

3:47

28 JUN 2016

Pervez

8/1/16

28 JUN 2016

Tab. Hapicit 20

دو عدد رات

دو عدد رات

Cap. Euron 400

دو عدد رات

Tab. Magnesia 500

دو عدد رات

Attended

M. A.

District Police Officer

Mansera.

18.10.16

نیز روٹیننگ: صبح 11 سے 1 بجے، شام 4 سے 8 بجے۔ فون: (042) 3517 1902۔ 29- ان ڈیورنگ: شہادت علی روز، ان ڈیورنگ: (نزد جناح ہسپتال - جوہر ایفٹ کیمپس اور سول سولہ سڑکی ہال کے ساتھ کھپلی گلی میں) برڈز آؤٹریچ ٹیمیں۔ آئے سے پہلے وقت کا پتہ لکھیں



# وکالت نامہ

بعدالت جناب بسا اوس رومونل لٹی ور

دعویٰ یا جرم

دستان شاہ بنام حکومت کے پو کسٹ

منجانب

باعث تحریر آنکہ


اندریں مقدمہ عنوان میں اپنی طرف سے برائے بیروی وجواب دہی بمقام بسا اوس رومونل لٹی ور  
خان افضل ایچ منسٹر ڈرام کوونگ آف ہارنمان / سمیر افضل ایچ منسٹر

کو بدیں شرط وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا رہوں گا اور بوقت پکارے جانے وکیل صاحب موصوف کو اطلاع دیکر حاضر کروں گا اگر کسی پیشی پر مظہر حاضر نہ ہوا اور غیر حاضری کی وجہ سے کسی طور پر مقدمہ میرے خلاف ہو گیا تو وکیل صاحب اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب صدر مقام پکھری کے علاوہ کسی اور جگہ پکھری کے مقررہ اوقات سے پہلے یا بروز تعطیل بیروی کرنے کے مجاز نہ ہوں گے۔ اگر مقدمہ مقام پکھری کے علاوہ کسی اور جگہ سماعت ہوا یا پکھری کے اوقات کے آگے یا پیچھے سماعت ہونے پر مظہر کو کوئی نقصان پہنچے تو صاحب موصوف ذمہ دار نہ ہوں گے اور صاحب موصوف کو عرضی دعویٰ اور درخواست اجراء ڈگری و نظر ثانی اپیل نگرانی دائر کرنے نیز ہر قسم کی درخواست و بیان حلفی و تصدیق کرنے اور اس پر دستخط کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کے اجراء کرانے اور ہر قسم کاروبار وصول کرنے اور رسید دینے اور داخل کرنے کا ہر قسم کا بیان دینے اور سپردنالی و راضی نامہ دستبرداری و اقبال دعویٰ کا اختیار بھی ہوگا اور بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یا کطرفہ درخواست حکم امتناعی یا فیصلہ قبل از ڈگری و اجراء ڈگری بھی وکیل صاحب کو بشرط ادا کیگی علیحدہ محتاتاً ادا کرنے کا مجاز ہوگا اور بصورت ضرورت بدوران مقدمہ یا اپیل و نگرانی کسی دوسرے وکیل یا بیرسٹر کو بجائے خود یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانونی کو بھی اس امر میں وہی اختیارات حاصل ہوں گے جیسے وکیل صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب وکیل موصوف کو پورا اختیار ہوگا کہ مقدمہ کی بیروی نہ کریں اور ایسی حالت میں میرا مطالبہ وکیل صاحب موصوف کے برخلاف نہیں ہوگا۔ مجھے کل ساختم پر داختم وکیل مش ذات خود منظور و قبول ہوگا۔ لہذا وکالت نامہ لکھ دیا ہے تاکہ سند رہے۔ مضمون مختار نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

مورخہ 26 اکتوبر 2016

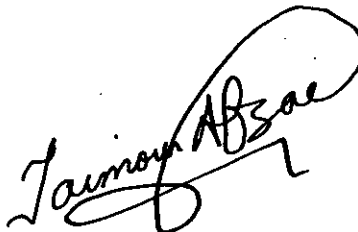
دستخط

ATTESTED & ACCEPTED



25/10/16

ADVOCATE MANHRA



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

Service Appeal No.1099/16

Ex. Constable Zeeshan Shah No. 697

.....(PETITIONER)

**VERSUS**

1. Regional Police officer Abbottabad

2. District Police Officer Mansehra

3. Deputy Superintendent of Police Head Quarter Mansehra.

.....(RESPONDENTS)

Subject: - COMMENTS ON BEHALF OF RESPONDENTS

Respectfully Sheweth:

PRELIMINARY OBJECTIONS:-

1. That the appeal has not been based on facts.
2. That the appeal is not maintainable in its present form.
3. That the appeal is bad for non- joinder of necessary and mis-joinder of unnecessary parties.
4. That the appellant is estopped by his own conduct to file the appeal.
5. That the appeal is barred by law and limitation.
6. That the appellant has not come to the Honorable Tribunal with clean hands.
7. That appellant has suppressed the material facts from this Honorable Tribunal, hence not entitled for any relief and appeal is liable to be dismissed.
8. That appellant has been treated as per Law & Rules.
9. That order passed by the authorities is correct & legal, hence appeal is liable to be dismissed.

*Md  
18/9/16*

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Rules.  
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### **Factual Objections :-**


1. Pertains to record.
2. The appellant, while posted at police line, Mansehra absented himself from duty without any leave or permission with effect from 11/05/2016 to 11/07/2016. The medical slip annexed with the appeal has no legal value as the same was obtained privately without following the procedure requisite for government servant.
3. The appellant was charge sheeted on the ground of absence and DSP Head Quarters was appointed as enquiry office.
4. The appellant submitted his reply to the charge sheet but the reply was found unsatisfactory by the enquiry officer.
5. Correct.
6. The enquiry officer after proper departmental enquiry recommended him for major punishment.
7. Correct. The final show cause notice was properly served upon the appellant.
8. Correct.
9. The appellant after codal formalities, was dismissed from service vide OB No. 109 dated 27/07/2016.

### **Grounds:-**

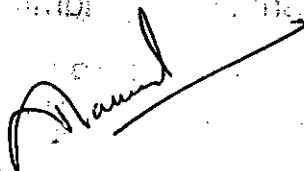
- a. Incorrect. The impugned order is correct, legal and perfectly in accordance with law.
- b. Incorrect. The order of dismissal is in accordance with law. The competent authority can award any punishment as provided in service rules. The order of dismissal is maintainable.
- c. Incorrect, the appellant is malingerer and was required to obtain proper leave or permission from the high ups.
- d. Incorrect, all the codal formalities have been fulfilled.

**Prayer:-**

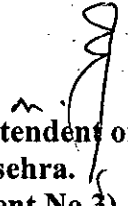
It is therefore, humbly prayed that the appeal in hand may be dismissed with costs.



**Regional Police officer  
Hazara Region, Abbottabad  
(Respondent No.1)**



**District Police Officer  
Mansehra  
(Respondent No.2)**



**Deputy Superintendent of Police  
HQ Mansehra.  
(Respondent No.3)**

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**

**PESHAWAR**

**Service Appeal No.1099/16**

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**.....(PETITIONER)**

**VERSUS**

**1. Regional Police officer Abbottabad**


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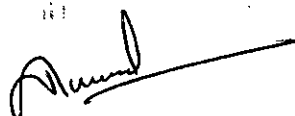
**3. Deputy Superintendent of Police Head Quarter Mansehra.**


**.....(RESPONDENTS)**

**AFFIDAVIT**

We respondents do here by solemnly affirm on oath that the contents of the written reply comments are correct and true to the best of my knowledge and beliefs and that nothing has been concealed from this honorable tribunal.

  
**Regional Police officer  
Hazara Region, Abbottabad  
(Respondent No.1)**

  
**District Police Officer  
Mansehra  
(Respondent No.2)**

  
**Deputy Superintendent of Police,  
HQ Mansehra.  
(Respondent No.3)**

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 290 /ST

Dated 19-2- / 2019

To


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

Subject: -

JUDGMENT IN APPEAL NO. 1099/2016, MR. ZEESHAN SHAH.

I am directed to forward herewith a certified copy of Judgement dated 15.01.2019 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

  
REGISTRAR,  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.