BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 1057/2023 C

Sajjad Said Ex Constable No. 2780 s/o Akbar Said Khan r/o Mohallah Karim Abad Hatian Tehsil Takht Bhai District Mardan.....Appellant

VERSUS

The District Police Officer, Mardan and others
.....Respondents

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30-04-2024
S.B
Peshawar.

DSP Legal
Mardan

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 1057/2023

Sajjad Said Ex Constable No. 2780 s/o Akbar Said Khan r/o Mohallah Karim Abad Hatian Tehsil Takht Bhai District Mardan.....Appellant

VERSUS

The District Police Officer, Mardan and others
.....Respondents

PARA-WISE COMMENTS ON BEHALF OF RESPONDENTS:-

Khyber Pakhtukhwa Service Tribunal
No. 11798
Dated 19-03-2024

Respectfully Sheweth,

PRELIMINARY OBJECTIONS

1. That the appellant has not approached this Hon'ble Tribunal with clean hands.
2. That the appellant has concealed the actual facts from this Hon'ble Tribunal.
3. That the appellant has got no cause of action or locus standi to file the instant appeal.
4. That the appellant is estopped by his own conduct to file the instant Service Appeal.
5. That the appeal is unjustifiable, baseless, false, flawless and vexatious and the same is liable to be dismissed with special compensatory cost in favour of respondents.
6. That the Hon'ble Tribunal has no jurisdiction to adjudicate the matter.
7. That the appeal is bad for miss-joinder and non-joinder of necessary parties.

REPLY ON FACTS

1. Para to the extent of enlistment in Police Department as Constable pertains to record needs no comments.
2. Incorrect. Stance of appellant is baseless, because every Police Officer is under obligation to perform his duty upto the entire satisfaction of his superiors, because his performance was not satisfactory and he is habitual absentee as previously he had been awarded major punishment of dismissal from service vide order book No. 927, dated 25.04.2019. He was reinstated by the appellate authority through order No. 10024/ES dated 24.07.2019. Moreover, the perusal of service record of the appellant revealed that due to his lethargic attitude his entire service record is tainted with bad entries **(Copies previous dismissal, reinstatement order and list of bad entries is attached as Annexure A & B).**
3. Incorrect. Plea taken by the appellant is not plausible, because being a member of disciplined force he was supposed to inform his seniors about his father's illness or submit application for leave but he failed to do so and remained absent from duty without any leave/permission of the competent authority vide DD No. 15 dated 29.09.2021 to DD No.36 dated 04.11.2021,

DD No. 03 dated 01.12.2021 to DD No.11 dated 05.12.2021, DD No. 04 dated 26.12.2021 to DD No. 04 date 28.12.2021 & DD No. 08 dated 01.01.2022 to DD No. 05 dated 02.02.2022, this attitude of the appellant clearly showed that he was no more interested in Police Department, which is gross misconduct under the Police Rules, 1975.

4. Incorrect. Stance taken by the appellant is not plausible because he while posted at Police Station Sheikh Maltoon, remained absent from duty for (36) days without any leave/permission of the competent authority vide DD No. 15 dated 29.09.2021 to DD No.36 dated 04.11.2021. On account of aforementioned allegations, the appellant was issued Charge Sheet with Statement of allegations and enquiry was entrusted to Mr. Inam Jan the then SDPO/City, Mardan vide No. 246/PA dated 02.11.2021. During the course of enquiry the appellant was contacted time and again to appear before the enquiry officer but neither he appeared before the enquiry officer nor submitted his reply. However, after fulfillment of all legal and codal formalities, the Enquiry Officer recommended for taking ex-parte action against the appellant vide his office letter No. 214/S dated 14.02.2022. Besides, the above, the appellant while posted at Police Station Baizo, again remained absent from duty for (37) days without any leave/permission of the competent authority vide DD No. 03 dated 01.12.2021 to DD No.11 dated 05.12.2021, DD No. 04 dated 26.12.2021 to DD No. 04 date 28.12.2021 & DD No. 08 dated 01.01.2022 to DD No. 05 dated 02.02.2022. On account of aforementioned allegations, the appellant was issued Charge Sheet with Statement of allegations and enquiry was entrusted to Mr. Adnan Azam the then SDPO/City Mardan vide No. 38/PA dated 10.02.2022. During the course of enquiry the appellant was contacted time and again to appear before the enquiry officer but neither he appeared before the enquiry officer nor submitted his reply. However, after fulfillment of all legal and codal formalities, the Enquiry Officer also recommended for taking ex-parte action against the appellant vide 381/S dated 30.03.2022. Therefore, the appellant was called for hearing in Orderly Rooms on 30.03.2022, 06.04.2022 & 13.04.2022 respectively on proper notices but he did not bother to comply, nor appeared before the competent authority hence, he was awarded major punishment of dismissal from service which does commensurate with the gravity of misconduct of the appellant **(Copies of Charge sheet with statement of allegations, enquiry papers and dismissal order are attached as annexure-C, D & E).**

5. Correct to the extent that the appellant preferred departmental appeal as well as Revision Petition before the appellate authorities which were filed, being bereft of any substance. As the appellant was provided full-fledged opportunity of defending himself but he bitterly failed to produce any cogent

proofs/reasons to justify his innocence. Hence, after perusal of entire material available on record coupled with enquiry report as well as the order of punishment, the departmental appeal and revision petition were filed being devoid of merit and badly time barred **(Copy of orders is attached as annexure-"F").**

6. That the appeal of the appellant is liable to be dismissed on the following grounds amongst the others.

REPLY ON GROUNDS:

A. Incorrect. Plea taken by the appellant is not plausible because the orders passed by the competent authority as well as appellate authority are, after fulfilling all legal and codal formalities by providing full-fledged opportunity of defending himself before the competent as well as appellate authority but he bitterly failed to produce any cogent reasons in his defense.

B. Incorrect. Stance taken by the appellant is not plausible because due to his long absence from duty without any leave/permission of the competent authority, he was properly proceeded against departmentally through the then SDPO City, during the course of enquiry, the appellant was contacted time and again to appear before the enquiry officer but neither did he appear before the enquiry officer nor did he submit his reply. However, after fulfillment of all legal and codal formalities, the Enquiry Officer recommended for taking ex-parte action against the appellant, therefore, the appellant was called for hearing in Orderly Rooms on 30.03.2022, 06.04.2022 & 13.04.2022 respectively through proper notices but he did not bother to comply, nor appeared before the competent authority hence, the punishment order was passed.

C. Incorrect. Plea taken by the appellant is not plausible, because the respondent have no grudges against the appellant and did not violate any Article of Constitution of Islamic Republic of Pakistan, rather he has been treated in accordance with law.

D. Incorrect. Stance taken by the appellant is not plausible because he was issued Charge Sheet with Statement of allegations vide No. 246/PA dated 02.11.2021 and Charge Sheet with Statement of allegations No. 38/PA dated 10.02.2022 on account of his long absence, which were duly received by the appellant himself and signed the photo copy as token of its receipt **(Photo Copy of receipt of served charge sheet is attached as annexure-G)**.

E. Incorrect. Plea taken by the appellant is baseless because during the course of enquiry the appellant was contacted time and again to appear before the enquiry officer but neither he appeared before the enquiry officer nor submitted his reply. However, after fulfillment of all

legal and codal formalities, the Enquiry Officer recommended for taking ex-parte action against the appellant, therefore, the appellant was called for hearing in Orderly Rooms on 30.03.2022, 06.04.2022 & 13.04.2022 respectively on proper notices but he did not bother to comply, nor appear before the competent authority.

It is added that the appellant preferred departmental appeal in this connection he was summoned and heard in person in orderly room on 22.01.2023 by providing full-fledged opportunity of hearing to the appellant to produce evidence/grounds in his defense, but he failed.

F. Incorrect. Stance taken by the appellant is not plausible because he while posted at Police Station Sheikh Maltoon, remained absent from duty for (36) days without any leave/permission of the competent authority vide DD No. 15 dated 29.09.2021 to DD No.36 dated 04.11.2021. On account of aforementioned allegations, the appellant was issued Charge Sheet with Statement of allegations and enquiry was entrusted to Mr. Inam Jan the then SDPO/City, Mardan vide No. 246/PA dated 02.11.2021. During the course of enquiry the appellant was contacted time and again to appear before the enquiry officer but neither he appeared before the enquiry officer nor submitted his reply. However, after fulfillment of all legal and codal formalities, the Enquiry Officer recommended for taking ex-parte action against the appellant vide his office letter No. 214/S dated 14.02.2022.

Besides, the above, the appellant while posted at Police Station Baizo, again remained absent from duty for (37) days without any leave/permission of the competent authority vide DD No. 03 dated 01.12.2021 to DD No.11 dated 05.12.2021, DD No. 04 dated 26.12.2021 to DD No. 04 date 28.12.2021 & DD No. 08 dated 01.01.2022 to DD No. 05 dated 02.02.2022. On account of aforementioned allegations, the appellant was issued Charge Sheet with Statement of allegations and enquiry was entrusted to Mr. Adnan Azam the then SDPO/City Mardan vide No. 38/PA dated 10.02.2022. During the course of enquiry the appellant was contacted time and again to appear before the enquiry officer but neither he appeared before the enquiry officer nor submitted his reply. However, after fulfillment of all legal and codal formalities, the Enquiry Officer also recommended for taking ex-parte action against the appellant vide 381/S dated 30.03.2022. Therefore, the appellant was called for hearing in Orderly Rooms on 30.03.2022, 06.04.2022 & 13.04.2022 respectively on proper notices but he did not bother to comply, nor appeared before the competent authority hence, he was awarded major punishment of dismissal from service which does commensurate with the gravity of misconduct of the appellant.

G. Incorrect. Para already explained needs no comments.

H. Para pertains to record needs no comments.

I. Incorrect. Plea of the appellant is baseless, due to his long absence he is entitled for the said punishment as per Police Rules 1975, while rest of para is also not plausible, because every Police Officer is under obligation to perform his duty upto the entire satisfaction of his superiors. Moreover, the perusal of service record of the appellant revealed that due to his lethargic attitude his entire service record is tainted with bad entries.

J. The respondents also seek permission of this honorable tribunal to adduce additional grounds at the time of arguments.

PRAYER:-

It is therefore, most humbly prayed that on acceptance of above submissions, appeal of the appellant may very kindly be dismissed **being a badly time-barred** and devoid of merits.

District Police Officer, Mardan.
(Respondent No. 1)
(NAJEEB-UR-REHMAN BUGVI)[PSP]
Incumbent

Regional Police Officer, Mardan.
(Respondent No. 2)
(MUHAMMAD SULEMAN)[PSP]
Incumbent

DIG/Legal, CPO
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar
(Respondent No. 3)
(DR. MUHAMMAD AKHTAR ABBAS)[PSP]
Incumbent

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR.

In Re S.A No. 1057/2023

Sajjad Said Ex Constable No. 2780

VERSUS

Inspector General of Police Khyber Pakhtunkhwa & others

Reply to the application for condonation of delay:-

Respectfully Sheweth,

1. That the application filed by the applicant before this Honorable Tribunal may kindly be dismissed being bereft of any substance.
2. Incorrect. Stance of applicant is baseless, because he is habitual absentee and remained absent from duty without any leave/permission of the competent authority for (59) days due to which previously he had been awarded major punishment of dismissal from service vide order book No. 927, dated 25.04.2019. Later on he was reinstated by the appellate authority through order No. 10024/ES dated 24.07.2019.
3. Incorrect. Plea taken by the applicant is not plausible, because being a member of disciplined force he was supposed to inform his seniors about his father's illness or submit application for leave but he failed to do so and remained absent from duty without any leave/permission of the competent authority vide DD No. 15 dated 29.09.2021 to DD No.36 dated 04.11.2021, DD No. 03 dated 01.12.2021 to DD No.11 dated 05.12.2021, DD No. 04 dated 26.12.2021 to DD No. 04 date 28.12.2021 & DD No. 08 dated 01.01.2022 to DD No. 05 dated 02.02.2022, this attitude of the applicant showed that he was no more interested in Police Department, which is gross misconduct under the Police Rules, 1975.
4. Incorrect. Stance taken by the applicant is not plausible because he while posted at Police Station Sheikh Maltoon, remained absent from duty for (36) days without any leave/permission of the competent authority vide DD No. 15 dated 29.09.2021 to DD No.36 dated 04.11.2021. On account of aforementioned allegations, the applicant was issued Charge Sheet with Statement of allegations and enquiry was entrusted to Mr. Inam Jan the then SDPO/City, Mardan vide No. 246/PA dated 02.11.2021. During the course of enquiry the applicant was contacted time and again to appear before the enquiry officer but neither he appeared before the enquiry officer nor submitted his reply. However, after fulfillment of all legal and codal formalities, the Enquiry Officer recommended for taking ex-parte action against the applicant vide his office letter No. 214/S dated 14.02.2022.

   Besides, the above, the applicant while posted at Police Station Baizo, again remained absent from duty for (37) days without any leave/permission of the

competent authority vide DD No. 03 dated 01.12.2021 to DD No.11 dated 05.12.2021, DD No. 04 dated 26.12.2021 to DD No. 04 date 28.12.2021 & DD No. 08 dated 01.01.2022 to DD No. 05 dated 02.02.2022. On account of aforementioned allegations, the applicant was issued Charge Sheet with Statement of allegations and enquiry was entrusted to Mr. Adnan Azam the then SDPO/City Mardan vide No. 38/PA dated 10.02.2022. During the course of enquiry the applicant was contacted time and again to appear before the enquiry officer but neither he appeared before the enquiry officer nor submitted his reply. However, after fulfillment of all legal and codal formalities, the Enquiry Officer also recommended for taking ex-parte action against the applicant vide 381/S dated 30.03.2022. Therefore, the applicant was called for hearing in Orderly Rooms on 30.03.2022, 06.04.2022 & 13.04.2022 respectively on proper notices but he did not bother to comply, nor appeared before the competent authority hence, he was awarded major punishment of dismissal from service which does commensurate with the gravity of misconduct of the applicant.

5. Correct to the extent that the applicant preferred departmental appeal as well as Revision Petition before the appellate authorities which were filed, being bereft of any substance. As the applicant was provided full-fledged opportunity of defending himself but he bitterly failed to produce any cogent proofs/reasons to justify his innocence. Hence, after perusal of entire material available on record coupled with enquiry report as well as the order of punishment, the departmental appeal and revision petition were filed being devoid of merit and badly time barred.
6. Incorrect. Plea taken by the applicant is not plausible because the orders passed by the competent authority as well as appellate authority, are after fulfilling all legal and codal formalities, by providing full-fledged opportunity of defending himself before the competent as well as appellate authority but he bitterly failed to produce any cogent reasons in his defense.
7. Incorrect. Stance taken by the applicant is not plausible because due to his long absence from duty without any leave/permission of the competent authority he was properly proceeded against departmentally through the then SDPO City, during the course of enquiry the applicant was contacted time and again to appear before the enquiry officer but neither he appeared before the enquiry officer nor submitted his reply. However, after fulfillment of all legal and codal formalities, the Enquiry Officer recommended for taking ex-parte action against the applicant, therefore, the applicant was called for hearing in Orderly Rooms on 30.03.2022, 06.04.2022 & 13.04.2022 respectively through proper notices but he did not bother to comply, nor appear before the competent authority.

8. Incorrect, plea taken by the applicant is whimsical/concocted rather fanciful hence, liable to be set at naught. As the apex court of Pakistan has held that the question of limitation cannot be considered a "technicality" simpliciter as it has got its own significance and would have substantial bearing on merits of the case. *Reliance is placed on the case of „Muhammad Islam versus Inspector General of Police, Islamabad and others" (2011 SCMR 8). In an another judgment it has been held that the law of limitation must be followed strictly. In this regard reliance is placed on the dictum laid down in Chairman, District Screening committee, Lahore and another v. Sharif Ahmad Hashmi (PLD 1976 SC 258), S. Sharif Ahmad Hashmi v. Chairman, Screening Committee Lahore and another (1978 6 Civil Revision No.3364 of 2011 SCMR 367), Yousaf Ali v. Muhammad Aslam Zia and 2 others (PLD 1958 SC (Pak) 104), Punjab Province v. The Federation of Pakistan (PLD 1956 FC 72), Muhammad Swaleh and another v. Messers United Grain and Fodder Agencies (PLD 1949 PC 45), Hussain Bakhsh and others v. Settlement Commissioner and another (PLD 1969 Lah. 1039), Nawab Syed Raunaq Ali and others v. Chief Settlement commissioner and others (PLD 1973 SC 236), Chief Settlement Commissioner, Lahore v. Raja Muhammad Fazil Khan and other (PLD 1975 SC 331), WAPDA v. Abdul Rashid Bhatti, (1949 SCMR 1271), Inspector General of Police, Balochistan v. Jawad Haider and another (1987 SCMR 1606), WAPDA v. Aurganzeb (1988 SCMR 1354), Muhammad Naseem Sipra v. Secretary, Government of Punjab (1989 SCMR 1149), Muhammad Ismail Memon v. Government of Sindh and another 1981 SCMR 244), Qazi Sardar Bahadar v. Secretary, Ministry of Health, Islamabad and others (1984 SCMR 177), Smith v. East Elloe Rural District Council and others (1956 AC 736), Province of East Pakistan and others v. Muhammad Abdu Miah (PLD 1959 SC (Pak), 276 and Mehr Muhammad Nawaz and others. V. Government of Punjab and others (1977 PLC (C.S.T) 165) and Fazal Elahi Siddiqi v. Pakistan (PLD 1990 SC 692)".*

9. Para is for the applicant to prove.

10. Incorrect, plea taken by the applicant is whimsical/concocted rather fanciful hence, liable to be set at naught. As the apex court of Pakistan has held that the question of limitation cannot be considered a "technicality" simpliciter as it has got its own significance and would have substantial bearing on merits of the case. *Reliance is placed on the case of „Muhammad Islam versus Inspector General of Police, Islamabad and others" (2011 SCMR 8). In an another judgment it has been held that the law of limitation must be followed strictly. In this regard reliance is placed on the dictum laid down in Chairman, District Screening committee, Lahore and another v. Sharif Ahmad Hashmi (PLD 1976 SC 258), S. Sharif Ahmad Hashmi v. Chairman, Screening Committee Lahore and another (1978 6 Civil Revision No.3364 of 2011 SCMR 367), Yousaf Ali v. Muhammad Aslam Zia and 2 others (PLD 1958 SC (Pak)*

104), Punjab Province v. The Federation of Pakistan (PLD 1956 FC 72), Muhammad Swaleh and another v. Messers United Grain and Fodder Agencies (PLD 1949 PC 45), Hussain Bakhsh and others v. Settlement Commissioner and another (PLD 1969 Lah. 1039), Nawab Syed Raunaq Ali and others v. Chief Settlement commissioner and others (PLD 1973 SC 236), Chief Settlement Commissioner, Lahore v. Raja Muhammad Fazil Khan and other (PLD 1975 SC 331), WAPDA v. Abdul Rashid Bhatti, (1949 SCMR 1271), Inspector General of Police, Balochistan v. Jawad Haider and another (1987 SCMR 1606), WAPDA v. Aurganzeb (1988 SCMR 1354), Muhammad Naseem Sipra v. Secretary, Government of Punjab (1989 SCMR 1149), Muhammad Ismail Memon v. Government of Sindh and another 1981 SCMR 244), Qazi Sardar Bahadar v. Secretary, Ministry of Health, Islamabad and others (1984 SCMR 177), Smith v. East Elloe Rural District Council and others (1956 AC 736), Province of East Pakistan and others v. Muhammad Abdu Miah (PLD 1959 SC (Pak), 276 and Mehr Muhammad Nawaz and others. V. Government of Punjab and others (1977 PLC (C.S.T) 165) and Fazal Elahi Siddiqi v. Pakistan (PLD 1990 SC 692)".

11. Para is for the applicant to prove. However, it is pertinent to mention here that every case has its own facts and circumstances and the very conduct of the applicant is unbecoming of a disciplined police officer. As during the course of enquiry he did not bother either to report back to his place of duty or join enquiry proceedings. Besides he was called trice in Orderly Rooms by the competent authority but he bitterly failed rather deliberately avoided to appear & defend himself. Hence, if the conduct of applicant during the enquiry proceedings was such then he had no care either to obtain copy or get information regarding the proceedings. Therefore, the issue of communication of punishment order is totally a tailored one.

Keeping in view the above submission, it is humbly prayed that application of the applicant regarding condonation of delay may very kindly be dismissed please.

District Police Officer, Mardan.
(Respondent No. 1)
(NAJEEB-UR-REHMAN BUGVI)[PSP]
Incumbent

Regional Police Officer, Mardan.
(Respondent No. 2)
(MUHAMMAD SULEMAN)[PSP]
Incumbent

DIG/Legal, CPO
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar
(Respondent No. 3)
(DR. MUHAMMAD AKHTAR ABBAS)[PSP]
Incumbent

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 1057/2023

Sajjad Said Ex Constable No. 2780 s/o Akbar Said Khan r/o Mohallah Karim Abad Hatian Tehsil Takht Bhai District Mardan.....Appellant

VERSUS

The District Police Officer, Mardan and others
.....Respondents

COUNTER AFFIDAVIT.

We, the respondents do hereby declare and solemnly affirm on oath that the contents of the Para-wise comments in the service appeal cited as subject are true and correct to the best of our knowledge and belief and nothing has been concealed from this Honorable Tribunal. It is further stated on oath that in this appeal, the answering respondents have neither been placed ex-parte nor their defense has been struck off.

District Police Officer, Mardan.
(Respondent No. 1)
(NAJEEB-UR-REHMAN BUGVI)[PSP]
Incumbent

ATTESTED
Syed Muhammad Raza Shah Advocate
Oath Commissioner
Distt Peshawar

19 MAR 2024

OFFICE OF THE DISTRICT POLICE OFFICER, MARDAN

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpo_mardan@yahoo.com

"A" (1)

(11)

No. 2762-65 /PA

Dated 30 / 4 /2019

ORDER ON ENQUIRY OF CONSTABLE SAJJAD SAID NO.2780

This order will dispose-off a Departmental Enquiry under Police Rules 1975, initiated against the subject official, under the allegations that while posted at Police Station Jabbar (Now under transfer to PS Par Hoti), Proceeded against departmentally through Mr. Gulshed Khan SDPO Katlang vide this Office Statement of Disciplinary Action/Charge Sheet No.9307-08/PA dated 11-12-2018 on account of (59) days absence's period from duty without any leave/approval of the competent authorities vide:-

1) DD 30 dated 05-09-2018 to DD 07 dated 08-09-2018 (03 days).
2) DD 07 dated 25-09-2018 to DD 22 dated 01-10-2018 (06 days).
3) DD 45 dated 02-10-2018 to DD 27 dated 13-10-2018 (11 days).
4) DD 32 dated 25-10-2018 to DD 14 dated 04-12-2018 (39 days).
5) DD 31 dated 02-02-2019 PS Jabbar **till-date,**

The E.O after fulfilling necessary process, submitted his Findings to this Office vide his Office letter No.271/St dated 05-03-2019, holding responsible the alleged official of gross misconduct on account of being habitual offender & non-appearance before Enquiry Officer, despite of given information till finalization of his departmental enquiry **with recommending him for Major Punishment.**

In this connection, the alleged official was served with a Final Show Cause Notice on 13-04-2019 through his brother Lal Said, issued vide this office No.108/PA dated 10-04-2019, to which, his reply was due to reach this office within (07) days on its receipt i.e. up-to 20-04-2019, **but he again failed to comply with till date.**

Final Order

Keeping in view the above facts, I am of the considered opinion that Constable Sajjad Said is an unwilling worker and habitual offender, **as evident that he has earned (19) Bad Entries with no Good Entry in his service record, therefore, awarded him major penalty of dismissal from Police Force with effect from 02-02-2019 (Last absence) with counting his (59) days absence's period, quoted above, as leave without pay** with immediate effect, in exercise of the power vested in me under Police Rules 1975.

OB No. 927

Dated 25/4 2019.

(Sajjad Khan) PSP
District Police Officer
Mardan

Copy forwarded for information & n/action to:-

1) The DSP/HQrs: Mardan.
2) The SDPOs City & Rural Mardan.

ORDER.

This order will dispose-off the appeal preferred by **Ex-Constable Sajjad No. 2780** of Mardan District Police against the order of District Police Officer, Mardan, whereby he was awarded Major punishment of dismissal from service vide OB No. 250 dated 31.01.2019

Brief facts of the case are that, the appellant while posted at Police Station Jabbar, Proceeded against departmentally through Mr. Gulshed Khan SDPO Katlang on account of (59) days absence's period from duty without any leave/approval of the competent authorities vide:-

1) DD 30 dated 05-09-2018 to DD 07 dated 08-09-2018 (03 days).
2) DD 07 dated 25-09-2018 to DD 22 dated 01-10-2018 (06 days).
3) DD 45 dated 02-10-2018 to DD 27 dated 13-10-2018 (11 days).
4) DD 32 dated 25-10-2018 to DD 14 dated 04-12-2018 (39 days).
5) DD 31 dated 02-02-2019 PS Jabbar till-date of dismissal

The Enquiry Officer after fulfilling necessary process, submitted his Findings, held responsible the alleged official of gross misconduct on account of being habitual offender & non-appearance before Enquiry Officer, despite giving information till finalization of his departmental enquiry, thus recommended him for Major Punishment. In this connection, he was served with a Final Show Cause Notice on 13-04-2019 through his brother Lal Said,, his reply was due to reach his office within (07) days from the date of its receipt, but again failed to comply with till date.

Keeping in view the alleged Constable Sajjad Said was found an unwilling worker and habitual offender. He has (19) Bad Entries with no Good Entry in his service record, therefore, awarded him major penalty of dismissal from Police Force with effect from 02-02-2019 (Last absence) with counting his (59) days absence's period, quoted above, as leave without pay

He was called in orderly room held in this office on **18.07.2019** and heard him in person. His previous record was perused and found him habitual absentee. However, taking a lenient view, the punishment of dismissal is set-aside, he is re-instated in service and awarded punishment of Stoppage of 02 years of increment with cumulative effect. The period he remained out of service is treated as leave without pay.

ORDER ANNOUNCED.

(MUHAMMAD ALI KHAN)PSP
Regional Police Officer,
Mardan.

No. 10024/ES, **Dated Mardan the** 24/07 **/2019.**

Copy to District Police Officer, Mardan for information and necessary action w/r to his office Memo: No.294/LB dated 10.07.2019. His Service Record is returned herewith.

(*****)

(13)

CHARACTER ROLL OF ... ER ROLL OF

14. COMMENDATORY ENTRIES - Concld.

Serial No.

ORDER

He was heard in Person on 18-07-2019. His Previous record Perused and found him habitual ob However, taking a lenient view, the of dismissal is set aside, he is re-ins in service and awarded the Punish of stoppage of 02 years increments Cumulative effect. The Period he re... out of Service is treated as leave Vide DIG/Mardan order Endt: No. 100 dated 24.7.2019 and pay fixed Rs. 14

OB No. 1607

Dt:- 24-7-19.

District Police Officer
Mardan

Distt. Comptroller of Accounts
Mardan

(14)

Person 642

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TRF NO 227

Dt 13/01/22 20

Drawn Amount Rs 8743/- for

a/c Pay & Accountant of I P.R.

8742

District Comptroller of Accounts
Jordan

Awarded Minor punishment by forfeiture of one increment without cumulative effect and 20 days leave on average pay.

Dfo Mandar

Dfo 2773

dt. 27/12/2024

Warned to be careful in future.

Dfo Mandar

15

CHARACTER ROLL OF

OLL OF

Serial No.

15. CENSURES AND PUNISHMENTS. — Contd.

ORDER

Awarded him minor punishment of Ce... Awarded From ... his ... as leave without pay & Rest of 08 as ... days as Casual leave.

DPO/MRD

QB NO : 1660
dt : 24/9/2021

ORDER

Awarded him (02) days Quarter Guard and Counted (11) days absence period as Casual Leave.

QB 573
14-03-22

DPO/MRD

(6)

awarded him Major Punishment of dismissal From service w-e-From : 11-04-2022 is counted his absence's period of (73) days, quoted above, as Leave without Pay with immediate effect.

OB NO. 1007
Dated 22-4-2022

District Police Officer
Mardan

ORDER

The apped Therefor, The Same is Rejected and filed. being devoid of merit as well as Time barred by 08 months and 08 days. vide RPO mardan order NO. 738/es dt. 08-02-2023.

DPO mardan.

ORDER

Being badly Time barred. vide Registrar ICP KPK peshawar order NO. 754/s dt: 21-3-2023.

DPO mardan

(17)

CHARACTER ROLL OF

16. LEA
All Periods not

Serial No.

15. CENSURES AND PUNISHMENTS. — Concld.

UADE, 2.

(01) day Quarter guard awarded.

OBNo.218
Dt. 16/12/019

D.I./Sig.

To

ate		Extent			No. Of District Order	Description of leave i.e privilege hospital, sick leave or of absence, or forfeiture of approved service.
	To	Years	Months	Days		
				(2)	1886 9-9-13	Leave W/O Pay DPO/MR
				(1)	2198 8-10-13	do DPO/MR
				(3)	2426 4-1-13	do DPO/MR
				(2)	2688 6-12-13	do DPO/MR
				(4)	2736 11-12-13	do DPO/MR
				(6)	274 30-1-14	do DPO/MR
				(12)	353 1-2-14	do DPO/MR
				(1)	641 11-3-14	do DPO/MR
				(8)	642 11-3-14	do DPO/MR
				(6)	664 13-3-14	do DPO/MR
				(3)	1355 17-7-18	do DPO/MR
				(04)	2947 25/12/17	do DPO/MR
				(02)	45 8/1/018	do DPO/MR
				(01)	250 4/1/018	do DPO/MR

(01) 1085 – DO – DPO/MR
22-5-018

(02) 17 – DO – DPO/MRD
3/1/019

(02) 178 – DO – DPO/MRD
24/1/19

(03) 318 – DO – DPO/MR
8/2/19

(01) 504 – DO – DPO/MR
28/2/19

(03) 2718 – do – DPO/MR
16/12/018

(03) 1267 – do – DPO/MR
2.08-21

Legal

(20)

OFFICE OF THE
DISTRICT POLICE OFFICER,
MARDAN

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpomdn@gmail.com

2021

0345-6579000

No. 246 /PA Dated 24/11/2021

DISCIPLINARY ACTION

I, DR. ZAHID ULLAH (PSP), District Police Officer Mardan, as competent authority am of the opinion that **Constable Sajjad Said No.2780**, himself liable to be proceeded against as he committed the following acts/omissions within the meaning of Police Rules 1975.

STATEMENT OF ALLEGATIONS

Whereas, Constable Sajjad Said No.2780, while posted at Police Station Sheikh Maltoon, remained absent from duty without any leave/permission of the competen. authority vide DD No.44 dated 29-09-2021 **till date.**

For the purpose of scrutinizing the conduct of the said accused official with reference to the above allegations, Mr. Inam Jan SDPO/City Mdn is nominated as Enquiry Officer.

The Enquiry Officer shall, in accordance with the provision of Po ice Rules 1975, provides reasonable opportunity of hearing to the accused Police Official, record/submit his findings and make within (30) days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused Official.

Constable Sajjad Said is directed to appear before the Enquiry Officer on the date + time and place fixed by the Enquiry Officer.

(Dr. Zahid Ullah) PSP
District Police Officer
Mardan

Steno No.
Call him through local police in order to be heard in person.

SDPO City
14-11-2021.

OFFICE OF THE DISTRICT POLICE OFFICER, MARDAN

Tel No. 0937-9230109 & Fax No. 0937-923011'1
Email: dpomdn@gmail.com

2021

(21)

CHARGE SHEET

I, DR. ZAHID ULLAH (PSP), District Police Officer Mardan, as competent authority, hereby charge Constable Sajjad Said No.2780, wh le posted at Police Station Sheikh Maltoon, as per attached Statement of Allegations.

1. By reasons of above, you appear to be guilty of misconduct under Police Rules, 1975 and have rendered yourself liable to all or any of the penalties specified in Police Rules, 1975.

2. You are, therefore, required to submit you r written defense within 07 days of the receipt of this Charge Sheet to the Enquiry Officer, as the case may be.

3. 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.

4. Intimate whether you desired to be heard in person.

(Dr. Zahid-Ullah) PSP
District Police Officer
Mardan

(22)

OFFICE THE
DEPUTY SUPERINTENDENT OF POLICE,
CITY CIRCLE MARDAN.

2022

Phone: 0937-9230129 Email: sdpo.citymdn@gmail.com

No.214/S. 134 Dated: 14/2/2022

The Worthy District Police Officer,
Mardan.

Subject: **DEPARTMENTAL ENQUIRY AGAINST CONSTABLE SAJJAD SAID NO.2780**

Memo: Kindly refer to your office diary No.246/PA dated 02.11.2021.

STATEMENT OF ALLEGATION:

Whereas, **Constable Sajjad Said No.2780** while posted at Police Station Sheik Maltoon, remained absent from duty without any leave/permission of the competent authority vide DD No.15 dated 29-09-2021 ~~till date.~~ to DD No-36 DT: 04-11-2021.

PROCEEDING:

The official under enquiry **Constable Sajjad Said No.2780** was summoned to the office of undersigned but despite repeated contacts/directions, he neither appeared to undersigned nor submitted his written statement. Copy of charge sheet was served upon him through local police PS Lund Khwar.

FINDING:

During the process of enquiry it was found that:

- The alleged Constable Sajjad Said No.2780 has remained absent for about 36 days i,e absent from 29-09-2021 to 04-11-2021 (DD reports are attached).
- He has not given any information to the concerned quarters of department.
- Similarly, he has not given any application in this regard.
- The alleged constable was repeatedly contacted on his mobile phone & through Moharrar staff PS Lund Khwar to appear before the undersigned and submit his written statement but he intentionally avoids such directions.

DSP Legal
Mardan

CONCLUSION.

In view of the above facts, the enquiry officer reached to the conclusion that the alleged Constable Sajjad Said No.2780 has remained absent for about 36 days from his lawful duty without any leave/ permission of the competent authority. His service record was taken from Establishment Branch he is enlisted in police department in 01-12-2010 and in his service; he has 29 Bad entries with No Good entry. The alleged official is habitual in absence and does not bother to produce before the enquiry officer after repeated contacts.

RECOMMENDATION.

Keeping the above mentioned facts in view, it is recommended that **Ex-parte Action** may be taken against him.

Encl: (7)

Absence (36) days

OR
DPO/Mdn

Muhammad Inam Jan
Deputy Superintendent of Police,
City Circle Mardan

(23)

تعلقہ 15 روزنامچہ 29/21 09

درج 15 .. اطلاع ازاں پورٹ .. وتعدرضل .. ! وقت 07:50 بجے 29/21 09
درج ہذا حقیقی رپس وقت یوسف خان ASI انچارج تانہ مردان تانہ
نبری ہے ذریعہ موبائل فون اطلاع دی ۔ کہ کمشنر صاحب ڈویژن
کو بعرض ڈیوٹی تراسٹ کرنے عزم موجود بایا تاہم مذکورہ
کے خلاف رپورٹ غیر حاضری دو۔ روزنامچہ کی جاوے ۔ سر دست
مذکورہ کمشنر کے خلاف رپورٹ غیر حاضری دو۔ روزنامچہ
کی جاکر تعلقہ علیحدہ عریف کرنے بعرض کاروائی ارسال ہے
کہ ارسال ہوگی ۔

صفدر علی خان
نفر عطاق تانہ ہے

POLICE
HQrs-Pk
29-09-021

Sir Forwarded
SHO PS SMT
14-10-021

(24)

تھانہ SMT

نقلہ 36 روزنامچہ 04 11/21

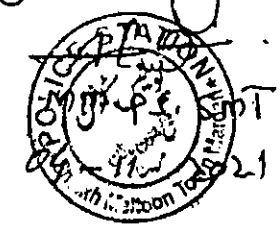
(10)

36 ۔ حاضری عملہ ذوالفقار علی محرر ، وقت 12:30 بجے سرِشام

اسوقت کنیٹبل سجاد مسمی 2780 غیر حاضر مثبہ 15 روزنامچہ 09/21 سے حاضر آیا اور بیان کیا کہ بدوران پیشی افسران بالا کو وجہ غیر حاضری خود بیان کروں گا لہٰذا مذکورہ کنیٹبل کی حاضری درج روزنامچہ کرکے نقلہ علیحدہ مرتب کرکے غرض مناسب کارروائی افسران بالا ارسال ہوگی۔

جہاب عالی!

نقل بمطابق اصل



جوگی بازاری بابا

(25)

26/12/21 نقل مراسلہ موزانہ نمبر (1)

(22)

مراسلہ رپورٹ :- جلسل تھانہ AS1 :- وقت 21:30 بجے مورخہ 26/12/21

غیر حاضری کنسٹبل سجاد سید 2870 موٹین شباشی پر جھوڑا گیا

کنسٹبل مذکورہ تاحال

حسب ہدایت واپسی مطلوب تھی مگر

نہ آسکا مذکورہ کنسٹبل کے خلاف رپورٹ غیر حاضری

جرم موزانہ کی جاتی ہے نقل مراسلہ عالیہ ہمراہ

لف ضمانت حکم احضار اجرائی ماہ کی عدالت میں ارسال

کی جائے گی

جناب عالی

نقل مطابق اصل

Sir Fo... 2

SHO. P.S. DAIZAI

01-01-22

Mhc-pp. G. baba

01-01-022

Legal

ardon

نقلمد روزنامچہ مورخہ 01/02/2022

(26) 16

رپورٹ مراسلہ ذیل بخدمت Amtte وقت 12:30 بجے مورخہ 01/02/2022 درج رجسٹر

وقت گشت سپاہ مسمی 2870 مارک گشتی میں چیک کرکے علم ہوا کہ

مراسلہ ہوئے معلوم ہوا کہ مذکورہ گشتی بغیر اجازت نگرانی علاقہ جا رہے

گشتی مذکورہ کی نگرانی گشتی ڈیوٹی کے وقت میں آنے جانے والی ٹریفک

پاس سے مذکورہ گشتی کے علاوہ رپورٹ غیر حاضری درج روزنامچہ ہوکر

نقل مدعرض کرکے بغرض محکمانہ کاروائی افسران بالا کی خدمت میں

ارسال کی جاتی ہے۔ رپورٹ درج روزنامچہ ہے۔

جبا سلانی

عبدالمطابق الصلح

MHC P.S. Ghazi baba

22-02-022

SI. For...

SHO. PS. ...

22-02-022.

...egai

(27)

MHC PP U. baba

04-01-22 Sir Forwarded Plz

SHO PS. DAIZAI

DSP Legal
Mardan

05 12/21 نقل

28

x x 28

05 12/21 استوفت کتل

12/21 حاضری:- وقت صبح 16/1 سے مورخہ

غیر حاضر شدہ بحوالہ نمبر 03 روزنامچہ

حاضر آیا جسکی حاضری درج 2 روزنامچہ

امران یاد کی خدمت حل بنیاد کی جاتی ہے

حبا - علا

نقل بمطابق اصل

MHC. PP. G. baba

04-01-22

Sir F... Plz

Sm...

OFFICE OF THE
DISTRICT POLICE OFFICER,
MARDAN

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpomdn@gmail.com

2780

29

3483-85 /PA Dated 25/4/2022

ORDER ON ENQUIRY OF CONSTABLE SAJJAD SAID NO2780

This order will dispose-off two Departmental Enquiries under Police Rules 1975, initiated against Constable Sajjad Said No.2780, under the allegations that while posted at Police Station Sheikh Maltoon (now PS Baizo), remained absent from duty for (36) days without any leave/permission of the competent authorities vide DD No.15 dated 29-09-2021 to DD No.36 dated 04-11-2021 PS SMT.

To ascertain facts, he was proceeded against departmentally through Mr. Muhammad Inam Jan, the then SDPO/City Mardan vide this office Statement of Disciplinary Action/Charge Sheet No.246/PA dated 02-11-2021, who (E.O) after fulfillment necessary process, submitted his Finding Report to this office vide his office letter No.214/S dated14-02-2022, concluding that the delinquent official was bound to submit his reply in compliance of delivered Statement of Disciplinary Action/Charge Sheet within stipulated time of (07) days to Enquiry Officer, but neither has he submitted his reply, nor appeared before him (Enquiry Officer) till conclusion of enquiry process, despite repeated information, so recommended him for ex-parte action.

Besides, he also proceeded against departmentally through Mr. Adnan Azam SDPO/City Mardan vide this office Statement of Disciplinary Action/Charge Sheet No.38/PA dated 10-02-2022 on account of (37) days absence's period from duty without any leave/permission of the competent authorities vide DD No.03 dated 01-12-2021 to DD No.11 datec 05-12-2021 (04 days), DD No.04 dated 26-12-2021 to DD No.04 dated 28-12-2021 (02 days) & DD No.08 daetd 01-01-2022 to DD No.05 dated 02-02-2022 (31 days), who (E.O) vide his office letter No.381/S dated 30-03-2022, highlighting that Constable Sajjad Said was bound to present his reply in compliance of delivered Statement of Disciplinary Action/Charge Sheet to Enquiry Officer within stipulated time of (07) days, but neither has he submitted his reply, nor appeared before him (Enquiry Officer) till finalizing the enquiry process, despite repeated information, so the Enquiry Officer also **recommended him for ex-parte action.** It may be mentioned here that at present, he again absented himself from duty without any leave/permission of the competent authorities vide DD No. 03 dated 11-04-2022 till-date.

Final Order

To further verify the issue, Constable Sajjad Said was called for hearing in Orderly Rooms on 30-03-2022, 06-04-2022 & 13-04-2022 respectively on proper notices, but he didn't bother to comply with till-date, indicating that he is not interested in Police Force, while on the other hand, **his service record was found fulled of (29) bad entries with no good entry, which further verified that he is not a willing worker, therefore, awarded him major punishment of dismissal from Mardan Police with effect from 11-04-2022 & counted his absence's period of (73) days, quoted above, as leave without pay with immediate effect, in exercise of the power vested in me under Police Rules 1975.**

OB No. 1007 Dated 22/4/2022.

(Dr. Zahid Ullah) PSP
District Police Officer
Mardan

Copy forwarded for information & n/action to:-

1) The DSsP/HQrs & Katlang in Mardan.
2) The P.O & E.C (Police Office) Mardan.
3) The OSI (Police Office) Mardan with R&P Sheets.

Below (B) (30)

OFFICE OF THE DISTRICT POLICE OFFICER, MARDAN

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpomdn@gmail.com

2022

No 3483-85 /PA Dated 25/4/2022

ORDER ON ENQUIRY OF CONSTABLE SAJJAD SAID NO.2780

This order will dispose-off two Departmental Enquiries under Police Rules-1975, initiated against Constable Sajjad Said No.2780, under the allegations that while posted at Police Station Sheikh Maltoon (now PS Baizo), remained absent from duty for (36) days without any leave/permission of the competent authorities vide DD No.15 dated 29-09-2021 to DD No.36 dated 04-11-2021 PS SMT.

To ascertain facts, he was proceeded against departmentally through Mr. Muhammad Inam Jan, the then SDPO/City Mardan vide this office Statement of Disciplinary Action/Charge Sheet No.246/PA dated 02-11-2021, who (E.O) after fulfillment necessary process, submitted his Finding Report to this office vide his office letter No.214/S dated14-02-2022, concluding that the delinquent official was bound to submit his reply in compliance of delivered Statement of Disciplinary Action/Charge Sheet within stipulated time of (07) days to Enquiry Officer, but neither has he submitted his reply, nor appeared before him (Enquiry Officer) till conclusion of enquiry process, despite repeated information, so **recommended him for ex-parte action.**

Besides, he also proceeded against departmentally through Mr. Adnan Azam SDPO/City Mardan vide this office Statement of Disciplinary Action/Charge Sheet No.38/PA dated 10-02-2022 on account of (37) days absence's period from duty without any leave/permission of the competent authorities vide DD No.03 dated 01-12-2021 to DD No.11 dated 05-12-2021 **(04 days)**, DD No.04 dated 26-12-2021 to DD No.04 dated 28-12-2021 **(02 days)** & DD No.08 daetd 01-01-2022 to DD No.05 dated 02-02-2022 **(31 days)**, who (E.O) vide his office letter No.381/S dated 30-03-2022, highlighting that Constable Sajjad Said was bound to present his reply in compliance of delivered Statement of Disciplinary Action/Charge Sheet to Enquiry Officer within stipulated time of (07) days, but neither has he submitted his reply, nor appeared before him (Enquiry Officer) till finalizing the enquiry process, despite repeated information, so the Enquiry Officer also **recommended him for ex-parte action**. It may be mentioned here that at present, he again absented himself from duty without any leave/permission of the competent authorities vide DD No. 03 dated 11-04-2022 **till-date.**

Final Order

To further verify the issue, Constable Sajjad Said was called for hearing in Orderly Rooms on 30-03-2022, 06-04-2022 & 13-04-2022 respectively on proper notices, but he didn't bother to comply with **till-date**, indicating that he is not interested in Police Force, while on the other hand, **his service record was found fulled of (29) bad entries with no good entry, which further verified that he is not a willing worker**, therefore, awarded him major punishment of dismissal from Mardan Police with effect from 11-04-2022 & counted his absence's period of (73) days, quoted above, as leave without pay with immediate effect, in exercise of the power vested in me under Police Rules 1975.

OB No. 1007 Dated 22/4 2022.

(Dr. Zahid Ullah) PSP
District Police Officer,
Mardan

(31)

ORDER.

This order will dispose-off the departmental appeal preferred by **Ex-Constable Sajjad Said No. 2880** of Mardan District Police against the order of the then District Police Officer, Mardan, whereby he was awarded major punishment of dismissal from service vide OB No. 1007 dated 22.04.2022. The appellant was proceeded against departmentally on the allegations that he while posted at Police Station Sheikh Maltoon, District Mardan remained absent from his lawful duty for (36) days without any leave/permission of the competent authority vide daily diary No.15 dated 29.09.2021 to daily diary No. 36 dated 04. 11.2021 Police Station Sheikh Maltoon, District Mardan.

Proper departmental enquiry proceedings were initiated against him. He was issued charge sheet [redacted] Sub Divisional Police Officer, (SDPO) City, Mardan was nominated as Enquiry Officer. The Enquiry Officer after fulfilling codal formalities, submitted his findings wherein he reported that the delinquent Officer was contacted time and again to appear before the enquiry Officer, but he failed and remained absent, which showed that he was no more interested in Police Service. He recommended the delinquent Officer for ex-parte action.

Besides the above, the appellant was issued another Show Cause Notice alongwith statement of allegations and was proceeded against departmentally through Sub Divisional Police Officer, (SDPO) City, Mardan on account of 37 days absence period from duty without any leave/permission of the competent authority vide daily diary No.03 dated 01.12.2021 to daily diary No.11 dated 05.12.2021, daily diary No. 04 dated 26.12.2021 to daily diary No. 04 dated 28.12.2021 and daily diary No. 08 dated 01.01.2022 to daily diary No. 05 dated 02.02.2022 Police Post Ghazi Baba. The Enquiry Officer after fulfilling codal formalities, submitted his findings wherein he reported that the delinquent Officer was contacted time and again to appear before the enquiry Officer, but he failed and remained absent, which showed that he was no more interested in Police Service. He recommended the delinquent Officer for ex-parte action. It is further added that he again absented himself from lawful duty without any leave/permission of the competent authority vide daily diary No. 03 dated 11.04.2022 till date of his dismissal.

In order to further verify his misconduct, he was called for hearing in Orderly Rooms held on 30.03.2022. 06.04.2022 and 13.04.2022 respectively through notices properly delivered and executed but neither he has appeared before the then District Police Officer, Mardan, nor assumed duty till dates vide mentioned above. The

above mentioned conduct of the appellant clearly depicted that he is no more interested in Police service. While on the other hand, his service record was found filled of 30 bad entries with no good entry. Therefore, he was awarded major punishment of dismissal from service with effect from 11.04.2022 and counted his absence period as leave without pay vide OB: No. 1007 dated 22.04.2022.

Feeling aggrieved from the order of the then District Police Officer, Mardan, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in this office on 25.01.2022.

From the perusal of service record of the appellant, it has been found that allegations leveled against the appellant have been proved beyond any shadow of doubt. The service record of the appellant revealed that he was enlisted in Police Department on 15.03.2009 and earned 30 bad entries with no good entry. Besides, the appellant in his short span of service remained absent for 160 days including the instant absence period, on different occasions which depicts his lethargic attitude towards his official duties with paying no attention of the directives of Senior Officers. On perusal of previous service record of the appellant, it was noticed that he is habitual absentee and prior to this, the appellant was also dismissed from service on account of same allegations i.e absence. Moreover, the appellant approached this forum at a belated stage by filing the instant appeal which is time barred by 08 months and 08 days without advancing any cogent reason regarding such delay. Hence, the very conduct of appellant is unbecoming of a disciplined Police Officer. Therefore, the order passed by the competent authority does not warrant any interference.

Keeping in view the above, I, Muhammad Ali Khan, PSP Regional Police Officer, Mardan, being the appellate authority, find no substance in the appeal, therefore, the same is rejected and filed, being devoid of merit as well as time barred by 08 months and 08 days.

Order Announced.

Regional Police Officer,
Mardan.

No. 738 /ES, **Dated Mardan the** 08/02 **/2023.**

Copy forwarded to District Police Officer, Mardan for information and necessary action w/r to his office Memo: No. 03/LB dated 11.01.2023. His Service Record is returned herewith.

(*****)

Office of The Superintendent of Police
D. No. 1502
Dated 8/2/23

(33)

Sajjad N
Officer, I
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OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
Central Police Office, Peshawar.

No. S/ 711 /23, dated Peshawar the 27/3/2023.

To: The Regional Police Officer,
Mardan.

710
D: 27/3/23.

Subject: **REVISION PETITION.**
Memo:

The Competent Authority has examined and filed the revision petition submitted by Ex- FC Sajjad Said No. 2780 of Mardan, against the punishment of dismissal from service awarded by DPO/Mardan vide OB No. 1307, dated 22.04.2022 being badly time barred.

The applicant may please be informed accordingly.

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

No. 1963/ES
Dt 27-3-23

Office of The Superintendent of Police
D. No. 2856
Date 29/3/23
Mardan

EC
for n/action.

DPO Mardan.
28/3/23

UB DSP Legal
Mardan

\Letters\Letters A.rtf

1) T
2) T
3) T

OFFICE OF THE DISTRICT POLICE OFFICER, MARDAN

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpomdn@gmail.com

(34)

No. 246 /PA Dated 2 / 1 /2021

DISCIPLINARY ACTION

I, DR. ZAHID ULLAH (PSP), District Police Officer Mardan, as competent authority am of the opinion that Constable Sajjad Said No.2780, himself liable to be proceeded against, as he committed the following acts/omissions within the meaning of Police Rules 1975.

STATEMENT OF ALLEGATIONS

Whereas, Constable Sajjad Said No.2780, while posted at Police Station Sheikh Maltoon, remained absent from duty without any leave/permission of the competent authority vide DD No.44 dated 29-09-2021 till date.

For the purpose of scrutinizing the conduct of the said accused official with reference to the above allegations, Mr. Inam Jan SDPO/City Mdn is nominated as Enquiry Officer.

The Enquiry Officer shall, in accordance with the provision of Police Rules 1975, provides reasonable opportunity of hearing to the accused Police Official, record/submit his findings and make within (30) days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused Official.

Constable Sajjad Said is directed to appear before the Enquiry Officer on the date + time and place fixed by the Enquiry Officer.

(Dr. Zahid Ullah) PSP
District Police Officer
Mardan

DS Legal
Mardan

DIST

Tel No: 093

CIARC

authority, hereby char

as per attached S

09

اپنا سٹیٹ کاز نوٹس بھرا کا نمبر آپ کے صاحب سے
نشت طور پر وصول کیا ۔

الف 03457657 Sadaqat
2780
کیپٹن (ر) سجاد سید ولد اکبر سید ساکن کیرج آباد ہاکفیاں

جناب عالی

کیپٹن سجاد سید 2780 سے نمبر صدماتہ کیس اپیل ہذا
دائر کی ارسال خدمت ہے دیوری مرحمت ہو ۔

Legal

12 - 01 - 22

35

OFFICE OF THE DISTRICT POLICE OFFICER, MARDAN

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpomdn@gmail.com

2021

CHARGE SHEET

I, DR. ZAHID ULLAH (PSP), District Police Officer Mardan, as competent authority, hereby charge Constable Sajjad Said No.2780, while posted at Police Station Sheikh Maltoon, as per attached Statement of Allegations.

1. By reasons of above, you appear to be guilty of misconduct under Police Rules, 1975 and have rendered yourself liable to all or any of the penalties specified in Police Rules, 1975.

2. You are, therefore, required to submit your written defense within 07 days of the receipt of this Charge Sheet to the Enquiry Officer, as the case may be.

3. 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.

4. Intimate whether you desired to be heard in person.

(Dr. Zahid Ullah) PSP
District Police Officer
Mardan

Legal
Mardan

DEPUT

Phone: 093

No. 381 /S.

The Worthy District
Mardan.

DEPARTMEN

Subject:

Memo:

Kindly refe

STATEMENT OF A

absent from du

0348-1983744

PSLK 262

11/01/2022

اجراح سٹ کاپی برست کیبل ایجنٹ 262 تھانہ لوئر حوالہ ارسال ہے۔
مذکورہ کو ہدایت ہوئی کہ ایک کاپی مذکورہ کیبل سجاد سید پر تقسیم کرے
دوسری کاپی ہمراہ پیشت ہر تعمیل العبد شبت کرکے دفتر ھذا بھجوائیں۔

سجاد سید ولد اکبر سید سکنہ کریم آباد بالا تھیان کھانہ

0314-9648300

16102-7886923-1

Dt: 11-04-22 - till-date -

(25)

(36)

جوڈیشل مجسٹریٹ

بنام ایکسائز محکمہ سید ولی اکبر سید ساکن تحصیل زیارت

جناب عالی!

آپ کی عدالت سے استدعا ہے کہ مورخہ 30/3/022 کو وقت 09:00 بجے آپ کا حکم DPO صاحب مراد کو نفاذ حکم DPO میں پیش ہو کر حکم عدولی مقدمہ ہذا حاضری متعلقہ تھانہ پر نفاذ حکم DPO

S.
HC. PP: Kalayan
29-03-2022

جناب عالی!

ہم نظام صاحب سید مبارز حسین ولد سید ہمایوں کے جانب سے ہیں آپ کی عدالت سے استدعا ہے کہ مقدمہ ہذا میں ملزمان کو موبائل نمبر 0345 6579000 پر حسن بادشاہ پیش سے مطلع کرنا

0343 9576197

حامد سید ولد اکبر سید ساکن تحصیل زیارت حاجیاں

0344 9169195

معرفت حمزہ ولد اکبر سید ساکن تحصیل زیارت حاجیاں

9490 MM

Sir Forwarded

S.H.O P.S Lund Khwar

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

37

Service Appeal No. 1057/2023

Sajjad Said Ex Constable No. 2780 s/o Akbar Said Khan r/o Mohallah Karim Abad Hatian Tehsil Takht Bhai District Mardan.....Appellant

VERSUS

The District Police Officer, Mardan and others
.....Respondents

AUTHORITY LETTER.

Mr. Wisal Ahmad Superintendent of Police Headquarters Mardan is hereby authorized to appear before the Honorable Service Tribunal, Khyber Pakhtunkhwa, Peshawar in the above captioned service appeal on behalf of the respondents. He is also authorized to submit all required documents and replies etc. as representative of the respondents through the Addl: Advocate General/Govt. Pleader, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

District Police Officer, Mardan.
(Respondent No. 1)
(NAJEEB-UR-REHMAN BUGVI)[PSP]
Incumbent

Regional Police Officer, Mardan.
(Respondent No. 2)
(MUHAMMAD SULEMAN)[PSP]
Incumbent

DIG/Legal, CPO
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar
(Respondent No. 3)
(DR. MUHAMMAD AKHTAR ABBAS)[PSP]
Incumbent