

BHORIE MRS. RASHIDA BANO MEMBER (J)
MISS FARIEHA PAUL MEMBER (E)

Abdus Salam, 5741, Ex-Constable Police Lines, Peshawar, R/O Quarter No. 89-C, Civil Quarters, Kohat Road, Peshawar.

(Appellant)

Versus

1. Government of Khyber Pakhtunkhwa through Inspector General of Police, Police Lines, Peshawar.
2. Revision Board through Additional Inspector General of Police, Headquarters, Khyber Pakhtunkhwa, Peshawar.
3. Superintendent of Police, Headquarters, Peshawar.
4. Deputy Superintendent of Police, Complaints/Inquiries, Capital City Police, Peshawar.
5. Capital City Police Officer, Peshawar CCPO Office, Peshawar. (Respondents)

Mr. Bilal Ahmad Kakarizai,
Advocate
Mr. Muhammad Jan,
District Attorney

For appellants	Date of Institution	11.05.2022
For respondents	Date of Hearing	29.02.2024
	Date of Decision	29.02.2024

JUDGEMENT

FARIEHA PAUL, MEMBER (E): The service appeal in hand has been

instigated under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against impugned original order dated 03.02.2021, appellate order dated 09.09.2021 and revision order dated 13.04.2022. It has been prayed that on acceptance of the appeal the impugned orders might be set aside, being against the law, and the appellant might be reinstated into service with all back wages

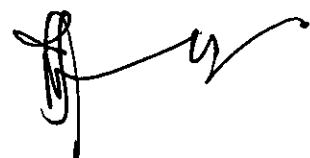
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and benefits, alongwith any other remedy which the Tribunal deemed appropriate.

2. Brief facts of the case, as given in the memorandum of appeal, are that the appellant was the employee of the Police Force. An enquiry was conducted against him for his alleged absence from duty w.e.f 30.01.2020 to 11.07.2020. He appeared in the said proceedings and the Inquiry Officer recommended that he might be awarded minor punishment of censure and his absence period be treated as leave without pay. On 26.11.2020, final show cause notice was issued to him in which it was asked from him that why not the proposed penalty should be imposed upon him. The appellant replied to the said show cause notice. On 03.02.2021, impugned order of dismissal was passed against the appellant in which wrong data was quoted by the respondents. Feeling aggrieved, he preferred departmental appeal which was rejected on 09.09.2021. The appellant then preferred revision petition before the Appellate Board under Rule 11-A of the Khyber Pakhtunkhwa Police Rules, 1975 but he was not allowed to be heard in person. Vide order dated 13.04.2022, his revision petition was rejected; hence the instant service appeal.

3. Respondents were put on notice who submitted their joint parawise comments on the appeal. We heard the learned counsel for the appellant as well as learned District Attorney for the respondents and perused the case file with connected documents in detail.

4. Learned counsel for the appellant, after presenting the case in detail, argued that the respondent department badly failed to reflect the true and actual position of the case. He argued that absence of the appellant was not willful but



5. Learned District Attorney, while rebutting the arguments of learned counsel for the appellants, argued that the appellants were proceeded against departmentally on the charges that he while posted at DAR Peshawar absented himself from his official duty w.e.f. 30.03.2020 to 11.07.2020 and from 13.07.2020 to 03.02.2021, making a total of 12 months, without sanction of leave and prior permission of his seniors. He was issued charge sheet and statement of allegations, and two separate enquiries were conducted against him. Learned District Attorney stated that he was repeatedly summoned and was also contacted on his cell phone to attend the enquiry proceedings but he did not turn up and hence ex-parte proceedings were initiated against him, wherein the allegations of willful absence were proved against him. After

appeal might be accepted.

that he had submitted reply to the show cause notice. He requested that the verified from the contents of appellate order dated 09.09.2021 which stated appellants had not submitted reply to the show cause notice which could be He further argued that according to the impugned order dated 03.02.2021, the that he never used any addictive drugs, except a pain killer for his back pain. the Laboratory in which he was found to be an addict of charas despite the fact of being not addicted to any drugs. The appellants gave samples of his urine to the appellate order, the competent authority ordered to submit medical report introduced a new mode and reason for inflicting punishment, as before passing his requests. Learned counsel further argued that the respondent department Enquiry Officers and the competent authority did not bother to take a look at due to ailment of his son, duly supported by medical certificates but the

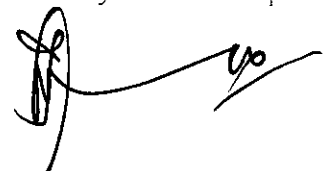
7. On the other hand, the respondents are presenting an altogether different and conflicting picture in their reply as well as during arguments. According to the reply, two inquiries were conducted, one by Assistant Superintendent of Police Faghabad Peshawar and the other by SDCO Warsak. The one conducted by ASP Faghabad was ordered on 14.01.2021 for the period of absence from

6. From the arguments and record presented before us, it transpires that the appellant, who was serving as Constable in the provincial police, was proceeded against departmentally on the charge of absence from duty and awarded major penalty of dismissal from service. The plea taken by the learned counsel for the appellant is that an inquiry was conducted against him by the Deputy Superintendent of Police, Complainant/Inquiry, CCP Peshawar, in which he appeared before the Inquiry Officer and presented his case of absence, from 30.01.2020 to 11.07.2020, in the light of charge sheet dated 18.11.2020, who recommended minor punishment of censure and treating the absence period as without pay. In pursuance of that, a final show cause notice was served upon him, to which he responded. As the response to show cause notice is not available with the appeal nor could it be produced by the learned counsel for the appellant during arguments, therefore we cannot say with certainty that the appellant responded to it.

completion of the enquiry proceedings, the appellant was issued final show cause notice by the competent authority to which his reply was found unsatisfactory. He further argued that the appellant remained willfully absent from his lawful duty for a long period and had rightly been dismissed from service. He requested that the appeal might be dismissed.

30.01.2020 to 11.07.2020, and its report, was submitted by the I.O on 25.01.2021. The other inquiry conducted by SDPO Warsak was ordered on 28.10.2020, for the period from 13.07.2020 to the date when inquiry was ordered, i.e 28.10.2020, and its report was submitted by the I.O on 20.01.2021. Final show cause notice was issued on 25.01.2021 in the light of inquiry conducted by SDPO Warsak. The impugned order of dismissal from service dated 03.02.2021, was issued the light of inquiries conducted by ASP Faqirabad and SDPO Warsak. When confronted about the inquiry conducted by DSP Complaint/Enquiry, CCP, Peshawar, the departmental representative produced the statement of allegations dated 18.11.2020, vide which the DSP Coordination and complaints had been appointed as Inquiry Officer for inquiry of absence from 30.01.2020 to 11.07.2020, alongwith his Inquiry Report dated 26.11.2020. He also produced a copy of final show cause notice dated 26.11.2020, showing the receipt from the appellant that he had received it on 30.11.2020.

8. As regards the point raised by the learned counsel for the appellant that he was unaware of the two inquiries, conducted by ASP Faqirabad and SDPO Warsak, based on which he was dismissed from service by placing him ex-parte, the learned District Attorney as well as the departmental representative were asked to produce any record/evidence whether the charge sheet and statement of allegations in both the inquiries were served upon the appellant. No such record/evidence was produced before us. Moreover, it was noted that two inquiries of the same period of absence, i.e 30.01.2020 to 11.07.2020, were conducted, one by DSP complaint and the other by ASP Faqirabad.



Similarly, inquiry by ASP Faqirabad for the period from 30.01.2020 to 11.07.2020 was ordered at a later date i.e. 14.01.2021 as compared to the one ordered on 28.10.2020 for the period from 13.07.2020 to 28.10.2020.

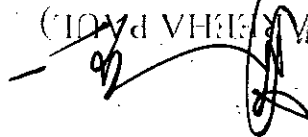
9. In view of the conflicting stance taken by the respondents and not properly associating the appellant with the two inquiries conducted by them, in pursuance of which major punishment was awarded to him, it would be in the fitness of the matter that the case be referred back to the respondents for denovo inquiry. The appeal is partially allowed and the appellant is reinstated into service for the sake of denovo inquiry. Respondents are directed to conduct the inquiry by fully associating the appellant in the process and provide him full opportunity to present his case and fulfill all the necessities of a fair trial, under the relevant law and rules. The entire process of denovo inquiry shall be completed within sixty days of the receipt of copy of this judgment. The grant of back benefits is subject to the outcome of denovo inquiry. Cost shall follow the event. Consign.

10. Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal this 29th day of February, 2024.

(RASHIDA BANO)
Member(J)



(MAKSHHA PAOL)
Member (J)



Fazlesubhan P.S.

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SA 801/2022

29th Feb. 2024 01. Mr. Bilal Ahmad Kakaizai, Advocate for the appellant present. Mr. Muhammad Jan, District Attorney alongwith Qisro Khan, Inspector (Legal) for the respondents present. Arguments heard and record perused.

02. Vide our detailed judgment consisting of 06 pages, the appeal is partially allowed and the appellant is reinstated into service for the sake of denovo inquiry. Respondents are directed to conduct the inquiry by fully associating the appellant in the process and provide him full opportunity to present his case and fulfill all the necessities of a fair trial, under the relevant law and rules. The entire process of denovo inquiry shall be completed within sixty days of the receipt of copy of this judgment. The grant of back benefits is subject to the outcome of denovo inquiry. Cost shall follow the event. Consign.

03. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 29th day of February, 2024.*

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(FARHANA PAUL)
Member (E)


(RASHIDA BANO)
Member(J)

04.09.2023

Clerk of learned counsel for the appellant present. Mr. Asad Ali Khan, Assistant Advocate General for the respondents present.

Due to incomplete bench, the case is adjourned to 28.12.2023 for arguments before the D.B. Parcha Peshi given to the parties.

Peshawar

Naeem Amin

(Salah-ud-Din)
Member (Judicial)

28.12.2023

Due to winter vacation the case is adjourned. To come up for same as before on 27.02.2024 before D.B.

Reader

27.02.2024

1. Learned counsel for the appellant present. Mr. Muhammad Jan learned District Attorney alongwith Qaisro Khan, Inspector (Legal) for the respondents present.

2. Partial arguments heard. Representative of respondent is directed to produce inquiry proceeding alongwith proof of service of charge sheet upon appellant on the next date positively.

Adjourned. To come up for record as well as remaining arguments on 29.02.2024 before D.B. P.P given to the parties.

(Fareeha Paul)
Member (E)


(Rashida Bano)
Member (J)

13.04.2023

Appellant alongwith his counsel present. Mr. Ahmad Jan, S.I (Legal) alongwith Mr. Asad Ali Khan, Assistant Advocate General for the respondents present.

Representative of the respondents again sought time for submission of reply/comments. Last opportunity given. To come up for reply/comments on 31.05.2023 before the S.B. Parcha Peshi given to the parties.

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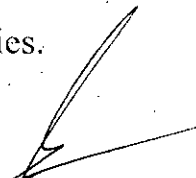

(Salah-Ud-Din)
Member (J)

*Naccm Amin

31.05. 2023

Appellant in person present. Mr. Asif Masood Ali Shah, Deputy District Attorney alongwith Mr. Raziq, H.C for the respondents present.

Reply/comments on behalf of respondents which are placed on file. Copy of the same handed over to the appellant. To come up for rejoinder, if any, and arguments on 04.09.2023 before D.B. Parcha Peshi given to the parties.


(Muhammad Akbar Khan)
Member (E)

Kamranullah

02.02.2023

Clerk of counsel for the appellant present. Muhammad Adeel Butt learned Additional Advocate General for respondents present.

Learned AAG requested for time to contact the respondents for submission of written reply. Adjourned. To come up for written reply on 09.03.2023 before S.B.

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(Rozina Rehman)
Member (J)

09.03.2023

Appellant in person present. Mr. Muhammad Adeel Butt, Additional Advocate General alongwith Mr. Ahmed Jan, S.I for the respondents present.

Reply/comments on behalf of respondents not submitted. Representative of the respondents requested for time to submit reply/comments. Adjourned. To come up for reply/comments on 13.04.2023 before S.B. P.P given to the parties.

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Peshawar



(Muhammad Akbar Khan)
Member (E)

08.07.2022

Due to Public Holiday on account of Eid-UI-Adha case to come for the same on 13.09.2022.


Reader

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Peshawar

13.09.2022

The worthy Chairman is on leave, therefore, the case is adjourned to 27.10.2022 for the same.


Reader



27th Oct., 2022

Counsel for the appellant present. Preliminary arguments heard and record perused.

Points raised need consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to respondents for submission of written reply/comments. To come up for written reply/comments on 20.10.2022 before S.B.

Rs-100/-
Appellant Deposited
Security & Process Fee

A. J. J. J.
31/10/22

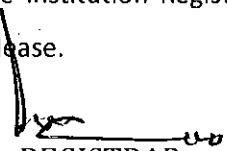

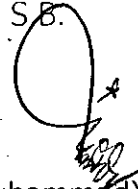

(Fareeha Paul)
Member(E)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- _____ 801/2022


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	17/05/2022	<p>The appeal of Mr. Abdus Salam resubmitted today by Mr. Bilal Ahmad Kakaizai Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2-	23/5/22	<p>This case is entrusted to Single Bench at Peshawar for preliminary hearing to be put there on <u>26-5-22</u>. Notices be issued to appellant and his counsel for the date fixed.</p> <p> CHAIRMAN</p>
	26.05.2022	<p>None present on behalf of the appellant.</p> <p>Notice be issued to the appellant and his counsel for preliminary hearing on 08.07.2022 before S.B.</p> <p> (Mian Muhammad) Member (E)</p>

The appeal of Mr. Abdus Salam Ex- Constable Police Lines Peshawar received today i.e. on 11.05.2022 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

Copy of departmental appeal mentioned in the memo of appeal is not attached with the appeal which may be placed on it.

No. 1042 /S.T,


Dt. 13-5- /2022


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Bilal Ahmad Kakaizai Adv. Pesh.

As per proviso of section 6(2)(g), it is not possible for the Appellant to attach the photocopy of Appeal as the same was submitted before Competent Authority & no photocopy was obtained however Appellate Order is already attached.

P/3 put before Court.



Handwritten text, likely bleed-through from the reverse side of the page. The text is illegible due to extreme fading and blurring. It appears to be a list or series of notes, possibly containing names and dates, but the characters are too light to transcribe accurately.

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

CHECK LIST

Case Title: Abdus Salam V/S IG Police etc

S#	CONTENTS	YES	NO
1	This Appeal has been presented by:	✓	
2	Whether Counsel/Appellant/Respondent/Deponent have signed the requisite documents?	✓	
3	Whether appeal is within time?	✓	
4	Whether the enactment under which the appeal is filed mentioned?	✓	
5	Whether the enactment under which the appeal is filed is correct?	✓	
6	Whether affidavit is appended?		
7	Whether affidavit is duly attested by competent Oath Commissioner?	✓	
8	Whether appeal/annexures are properly pagged?	✓	
9	Whether certificate regarding filing any earlier appeal on the subject, furnished?		
10	Whether annexures are legible?	✓	
11	Whether annexures are attested?		
12	Whether copies of annexures are readable/clear?	✓	
13	Whether copy of appeal is delivered to AG/DAG?		
14	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	✓	
15	Whether numbers of referred cases given are correct?	✓	
16	Whether appeal contains cutting/overwriting?		
17	Whether list of books has been provided at the end of the appeal?	✓	
18	Whether case relate to this court?		
19	Whether requisite number of spare copies attached?	✓	
20	Whether complete spare copy is filed in separate file cover?	✓	
21	Whether addresses of parties given are complete?	✓	
22	Whether index filed?	✓	
23	Whether index is correct?	✓	
24	Whether Security and Process Fee deposited? On	✓	
25	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? On		
26	Whether copies of comments/reply/rejoinder submitted? On		✓
27	Whether copies of comments/reply/rejoinder provided to opposite party? On		✓

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name: Bilal A. Kakaiji

Signature: [Signature]

Dated: 11-05-2022

Bilal A. Kakaiji

BEFORE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR.

Service Appeal No: 801 / 2022

SCANNED
KPST
Peshawar

ABDUS SALAM

Versus

IG Police, Peshawar etc

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Wakalatnama		Nil

Ab Salam.
Appellant

Through:

Bilal Ahmad Kakaizai
BILAL AHMAD KAKAIZAI
Advocate, Supreme Court of
Pakistan.
213, Sunehri Masjid Road,
Peshawar Cantt.
0300-9020098.

①

BEFORE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR.

Khyber Pakhtunkhwa
Service Tribunal

Service Appeal No: 801 / 2022

Diary No. 773

Dated 11/5/2022

ABDUS SALAM, 5741,
Ex-Constable, Police Lines, Peshawar.
R/o Quarter No. 89-C, Civil Quarters, Kohat Road, Peshawar.

..... APPELLANT

Versus

1. GOVERNMENT OF KHYBER PAKHTUNKHWA,
Through Inspector General of Police,
Police Lines, Peshawar.
2. REVISIONAL BOARD,
Through Additional Inspector General of Police,
Headquarters, Khyber Pakhtunkhwa, Peshawar.
3. SUPERINTENDENT OF POLICE,
Headquarters, Peshawar.
4. DEPUTY SUPERINTENDENT OF POLICE,
Complaints / Enquiries, Capital City Police, Peshawar.
5. CAPITAL CITY POLICE OFFICER, PESHAWAR,
CCPO Office, Peshawar.

..... RESPONDENTS

APPEAL UNDER SECTION 4 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
ACT, 1974 AGAINST IMPUGNED ORDER IN ORIGINAL DATED 03.02.2021,
APPELLATE ORDER DATED 09.09.2021 AND REVISIONAL ORDER DATED
13.04.2022.

Filed to-day
Registrar
11/5/22

Re-submitted to-day
filed.

Registrar
17/5/2022

✓

Prayer: That on acceptance of this Service Appeal the Impugned Orders mentioned above may please be set-aside being against the law, and Appellant may please be reinstated in service with all back wages and benefits, with such other relief as may deem fit in the circumstances of the case may also be granted.

Respectfully Sheweth,

Short facts, giving rise to present Service Appeal, are as under:

1. That, being employee of the Police Force, an Enquiry was conducted by the Respondents Department against the Appellant for his alleged absence from duty w.e.f. 30.01.2020 to 11.07.2020. The Appellant appeared in the said proceedings however the Enquiry Officer recommended that the Appellant may be awarded the minor punishment of censure and his absence period be treated as leave without pay, copy of the Departmental Enquiry dated 24.11.2020 is attached as Annexure A.
2. That, on 26.11.2020 Final Show Cause Notice was issued to the Appellant, in which it was asked from the Appellant that why not the proposed penalty should be imposed upon him, copy of the Final Show Cause dated 26.11.2020 is attached as Annexure B. It is important to mention here that the Reply to the said Show Cause Notice was properly submitted by the Appellant when he was before the Competent Authority however the Appellant did not take photocopy of the same with him.
3. That, on 03.02.2021 Impugned Order of Dismissal was passed against the Appellant, in which, malafidely, wrong data was quoted by the Respondents, copy of the Impugned Order dated 03.02.2021 is attached as Annexure C.
4. That, Appellant submitted his Departmental Appeal during the pendency of Epidemic, during which period, the prescribed limitation for filing or initiating any act was not enforceable, for the time being. It merits mentioning here that the Impugned Order was also not communicated to the Appellant by the Department.
5. That, the Departmental Appeal of the Appellant was rejected by the Respondents Department without mentioning any reasons or justifications and without appreciating the provisions of Khyber

Pakhtunkhwa Epidemic Control and Emergency Relief Act, 2020, copy of the Impugned Appellate Order dated 09.09.2021 is attached as Annexure D.

6. That, under Rule 11-A of Khyber Pakhtunkhwa Police Rules, 1975, a Revision Petition was filed before the Board, however the facts and clarifications of the Appellant was never appreciated nor he was actually allowed to be heard in person and vide Order dated 13.04.2022, his revision petition was also rejected, copies of the Revision Petition and Impugned Revisional Order of the Respondents are attached as Annexure E & F, hence this Service Appeal on the following amongst other grounds: -

GROUNDS:

- A. That, the Impugned Orders mentioned in the heading / subject of instant Appeal are illegal, unlawful, void and ineffective.
- B. That, the same are against the principles of Natural Justice, also.
- C. That, the Respondents Department has badly failed to reflect the true and actual position of the case of the Appellant in its Orders / Communications issued in this respect, therefore, the whole structure of allegations and enquiry are in collapsed position which could not be substantiated and culminated in shape of a penalty of dismissal from service.
- D. That, right from the beginning, the Appellant in his replies had mentioned the ailment of his son but the Enquiry Officers and Competent Authority never bothered to take a look on his requests, copies of the Medical Certificates etc of son of the Appellant are attached as Annexure G.
- E. That, the Respondents Department introduced a new mode and reason for inflicting punishment upon its employee as before passing the Appellate Order, the Competent Authority ordered to submit a Medical Report of being not addicted to any drugs. The Appellant gave samples of his urine to the Laboratory, in which he was found to be addicted of Charas. It is important to mention here that Appellant never used any additive Drugs except a pain killer for his backbone pain. The Urine sample submitted by the Appellant may have been altered or changed, mistakenly /

inadvertently, by the Lab Personals, copy of the Medical Report is attached as Annexure H.

F. That, in the Impugned Order dated 03.02.2021, the Respondents Department had asserted that no reply to the Show Cause Notice was submitted by the Appellant despite the fact that the reply to the Show Cause Notice was submitted by the Appellant which can also be verified from the contents of Impugned Appellate Order dated 09.09.2021.

G. That, on one hand in the Impugned Order dated 03.02.2021, it is mentioned by the Respondents Department that Appellant never joined any Departmental Proceedings, while on the other hand in the contents of 1st Enquiry Proceedings, Appellate Order and Revisional Order, it has been mentioned that Appellant was present in the Enquiry Proceedings.

H. That, as per the contents of 1st Enquiry Proceedings, the Appellant was present in the Enquiry on 24.11.2020 or 26.11.2020, than why he was not informed about the pendency of 2nd Inquiry Proceedings.

I. That, infact the 2nd Enquiry Proceedings were kept confidential and have been done by the Respondents Department with the help of a Pen and Paper only and the whereabouts or a place where proceedings were held was never disclosed or intimated to the Appellant.

J. That, the whole proceedings against the Appellant are full of malafides against the Appellant on behalf of the Police Department, probably in order to vacate the sanctioned post held by the Appellant and to accommodate any blue eyed incumbent.

K. That, the Impugned Dismissal Order was never communicated to the Appellant for more than 100 days however soon after getting the same, the Appellant submitted his Departmental Appeal which could not be termed as time barred.

L. That, Respondents Department has no documentary proof of communicating the Impugned Order to the Appellant for more than 3 to 4 months of issuance of the same.

- M. That, even otherwise during the period of Corona Epidemic, the period of filing Appeal or doing any other act has been protected.
- N. That, no meaningful or purposeful chance of personal hearing was afforded to the Appellant nor were any legal and justifiable enquiry proceedings held.
- O. That, since the minor punishment was recommended for the Appellant by the Enquiry Officer, therefore, the Competent Authority malafidely grabs the Appellant in 2nd Enquiry. Needless to mention here that the information about pendency of 2nd Enquiry was never communicated to the Appellant.
- P. That, apart from Inquiry, no Charge Sheet, Statement of Allegations, Explanation or Show Cause Notice was ever issued by the Respondents prior to initiation of proceedings.
- Q. That, the action taken by the Respondents is arbitrary, malafide and an example of bad governance.
- R. That, Impugned Orders are violative of Constitution of Islamic Republic of Pakistan, 1973.
- S. That, since the Respondents have not validly and legally communicated the inflicting of penalty order upon the Appellant, hence his Appeal cannot be treated as time barred.

It is, therefore, requested that subject Appeal be accepted as prayed for.


Appellant

Through:



BILAL AHMAD KAKAIZAI
Advocate, Supreme Court of
Pakistan.

213, Sunehri Masjid Road,
Peshawar Cantt.
0300-9020098.

6

BEFORE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR.

Service Appeal No: _____ / 2022

ABDUS SALAM Versus IG Police, Peshawar etc

AFFIDAVIT

I, ABDUS SALAM, 5741, Ex-Constable, Police Lines, Peshawar, R/o Quarter No. 89-C, Civil Quarters, Kohat Road, Peshawar, Appellant, do hereby on oath affirm and declare that the contents of the Service Appeal are true and correct to the best of my knowledge and belief and nothing has been kept secret from this Honourable Tribunal.

Abdusalam
Deponent

Identified by:

Bilal Ahmad Kakaizai

BILAL AHMAD KAKAIZAI
Advocate, Supreme Court of Pakistan



G/A

BEFORE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR.

Service Appeal No: _____ / 2022

ABDUS SALAM Versus IG Police, Peshawar etc

ADDRESSES OF PARTIES.

APPELLANT:

ABDUS SALAM, 5741,
Ex-Constable, Police Lines, Peshawar.
R/o Quarter No. 89-C, Civil Quarters, Kohat Road, Peshawar.

RESPONDENTS:

1. Government of Khyber Pakhtunkhwa, Through Inspector General of Police, Police Lines, Peshawar.
2. Revisional Board, Through Additional Inspector General of Police, Headquarters, Khyber Pakhtunkhwa, Peshawar.
3. Superintendent of Police, Headquarters, Peshawar.
4. Deputy Superintendent of Police, Complaints / Enquiries, Capital City Police, Peshawar.
5. Capital City Police Officer, Peshawar, CCPO Office, Peshawar.

Appellant

Through:



BILAL AHMAD KAKAIZAI
Advocate, Supreme Court of
Pakistan.

213, Sunehri Masjid Road,
Peshawar Cantt.
0300-9020098.



OFFICE OF THE
DY: SUPERINTENDENT OF POLICE,
COMPLAINT/ENQUIRY, CCP, PESHAWAR



A
7

NO. _____/PA,

DATE: / /2020

To:

The Superintendent of Police, HQR,
Peshawar.

Subject: **DEPARTMENTAL ENQUIRY AGAINST CONSTABLE Abdusalam
NO. 5741 POSTED AT DAR PESHAWAR.**

Kindly refer to the attached enquiry papers received from your good office vide: No.269/PA, dated 18.11.2020 against Constable Abdus Salam No. 5741 on the allegations mentioned below:-

ALLEGATIONS:

"That he while posted at DAR, Peshawar was absent from duty w.e.f **30.01.2020 to 11.07.2020 (05-Months & 11-days)** without taking permission or leave.

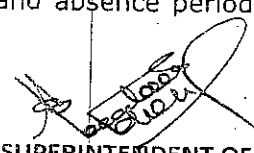
PROCEEDINGS

Accordingly the defaulter constable Abdus Salam No. 5741 was called, heard in person and recorded his written statement, wherein he stated that he was admitted in North West Hospital Hayatabad Peshawar. He appeared and provided written reply on toady i.e 24.11.2020.

He stated in his statement that he is a patient of "Arq-un-Nessa" and was admitted to North West Hospital Hayatabad Peshawar due to which he was marked absent from his duty. His total period of absence is 05-Months & 11-days. He did not produce any solid reason regarding his absence.

RECOMMENDATIONS

After going through the enquiry papers it was found that, the alleged official remained absent for 05-Month & 11-days. Therefore, it is suggested that he may be awarded the minor punishment of censure and absence period be treated as leave "**without pay**" if agreed.


DY: SUPERINTENDENT OF POLICE
COMPLAINT/ENQUIRY CCP PESHAWAR


ATTESTED

FINAL SHOW CAUSE NOTICE

⑧ B

I Superintendent of Police, Headquarters, Capital City Police Peshawar, as competent authority, under the provision of Police Disciplinary Rules 1975 do hereby serve upon you, Constable Abdus Salam No.5741 the final show cause notice.

The Enquiry Officer, DSP Complaint/Enquiry, after completion of departmental proceedings, has recommended you for minor punishment for the charges/allegations leveled against you in the charge sheet/statement of allegations.

And whereas the undersigned is satisfied, you Constable Abdus Salam No.5741 deserve the punishment in the light of the above said enquiry report.

And as competent authority, has decided to impose upon you the penalty of minor/major punishment under Police Disciplinary Rules 1975.

1. You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.
2. If no reply to this notice is received within 7 days of its receipt, in normal course of circumstances, it shall, be presumed that you have no defence to put in and in that case as ex-parte action shall be taken against you.


SUPERINTENDENT OF POLICE,
HEADQUARTERS, PESHAWAR

No. 269/9/PA, SP/HQrs: dated Peshawar the 26/11 /2020.

Copy to official concerned


ATTESTED

ORDER

9c

This is a formal departmental proceeding against Constable Abdus Salam No.5741 on the allegations/charges that he while posted at DAR, Peshawar absented himself on the following period without taking permission or leave.

S#	From	To	Total
01	30.01.2020	11.07.2020	05-months & 11-days
02	13.07.2020	Till date	06-months & 19-days
Total			12-months

In this regard, he was issued charge sheet & summary of allegations. Two separate enquiries were initiated & conducted by ASP Faqirabad & SDPO Warsak.

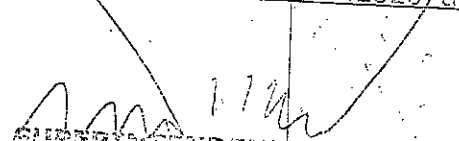
ASP Faqirabad conducted the enquiry proceedings in the 1st absentee & submitted his report/finding that the defaulter official did not attend the enquiry proceedings. The E.O further recommended for taking ex-parte decision against the alleged official vide Enquiry Report No.38/PA dated 26.11.2020.

SDPO Warsak conducted the enquiry proceedings in 2nd absence period & submitted his report/finding that the defaulter official did not attend the enquiry proceedings. The E.O further recommended for taking ex-parte decision against alleged official vide Enquiry Report No.58-E/ST dated 20.01.2021.

Upon the finding of E.O, he was issued final show cause notice & delivered him on home address through local Police PS Kotwali which he received by himself but he failed to submit reply of the said notice as yet.

Note: In this regard, report of Muharrar DAR has also been obtained. He reported that the alleged official is still absent from 13.07.2020 till date.

From perusal of the findings of E.O and other material available on record it has been proved beyond any shadow of doubt that the alleged official is guilty of deliberate absence from lawful duty. Therefore, he is hereby dismissed from service under Police & Disciplinary Rules-1975 with immediate effect. Hence, the period he remained absent from 30.01.2020 to 11.07.2020 & 13.07.2020 till date is treated without pay.

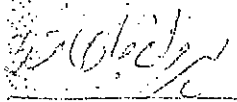

SUPERINTENDENT OF POLICE
HEADQUARTERS, PESHAWAR

OB. NO. 444 / Dated 03/02 /2021

No. 253-58 /PA/SP/dated Peshawar the 3 / 2 /2021

Copy of above is forwarded for information & n/action to:

- ✓ Capital City Police Officer, Peshawar.
- ✓ DSP/HQrs, Peshawar.
- ✓ Pay Officer, OASI,
- ✓ CRC & FMC along-with complete departmental file.


4-2


ATTESTED



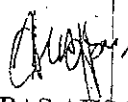
(10) D

OFFICE OF THE
CAPITAL CITY POLICE OFFICER,
PESHAWAR

ORDER.

This order will dispose of the departmental appeal preferred by Ex-FC Abdul Salam No. 5741 who was awarded the major punishment of "dismissal from service" under PR-1975 by SP/HQRs: Peshawar vide OB No. 444, dated 03.02.2021.

- 2- Short facts leading to the instant appeal are that the accused official while posted at DAR Peshawar was proceeded against departmentally on the charges of his wilful absence w.e.f 30.01.2020 to 11.07.2020 and 13.07.2020 Till his dismissal i.e 03.02.21 (Total 12 Months).
- 3- Two separate departmental proceedings were initiated against him and DSP-Compliant and SDPO-Warsak were appointed as enquiry officers to scrutinize the conduct of the accused official. The enquiry officers after conducting proper enquiry submitted their findings and recommended the official for Ex-Parte action. The competent authority in light of the findings of the enquiry officer issued him Final Show Cause Notices, to which he replied but the same was found unsatisfactory, hence awarded him the above major punishment.
- 4- He was heard in person in O.R and the relevant record along with his explanation perused. During personal hearing the appellant failed to submit any plausible explanation in his defence. A report regarding his drug addiction has also been obtained from SP-HQRs: Peshawar and his medical test was reported positive for (THC) Cannabis (charas). Therefore, his appeal for setting aside the punishment awarded to him by SP-HQRs: Peshawar vide OB No. 444 dated 03.02.2021 is hereby rejected/filed, being also time barred.


(ABBAS AHSAN) PSP
CAPITAL CITY POLICE OFFICER,
PESHAWAR

No. 2802-05 /PA dated Peshawar the 09/09 /2021
Copies for information and necessary action to the :-

1. SP/HQRs: Peshawar.
2. OASI, CRC with the direction to made necessary entry in his S.Roll.
3. FMC along with Fuji Missal.
4. Official Concern.


ATTESTED

مخافت جہا۔ انکیٹ جنرل اف پولیس حیدرآباد کو خط لکھا
اس میں بر خلاف حکم جہا کے باوجود یہ سائل کا حکمانہ اس میں
برائے بحالی ملازمت منسوخ کیا گیا ہے۔ رکابی پیرا نمبر 10

عالی!

موردانہ گزارش ہے کہ سائل حکم پولیس میں
سال 2011ء کو جوڑتی ہو کر P.T.C. جنکو سے ریگروٹ کوریڈ
پاس کر کے تاحال درخواستی نہایت ایسا ندری اور
فرض شناسی سے ڈھونڈی سرانجام دی ہے

یہ کہ سائل کو بھیجی گئی سنت ہماری نے پریشان کر دیا ہے
حتی علاج معالجہ کو ضروری جان کر مختلف ڈاکٹروں سے
علاج کروا کر سنت جگر کی بیماری کی وجہ سے سائل
سے تاحیر رہا۔

یہ کہ اس دوران سائل کے خلاف ملکہم اتھو اتھو ہو کر
حتی باوجود سائل کو ملازمت سے ریگروٹ کیا گیا ہے

برخواستہ کہ ہے۔
یہ کہ سائل نے بحالی ملازمت لئے اس میں علی کوئی شہوا
نہ ہو کر سائل کی اسل کو منسوخ کیا گیا ہے۔

یہ کہ سائل نے جوئی کی طرح ملکہم میں کھوئی ہے اور کوئی
خاص نہ رہ کر سائل تنگدستی کا شکار ہو گیا ہے

اس لئے درخواست ہے کہ درہالہ صفت کے
سائل کو انسانی مہارادی کی بنا پر ملازمت پر دریا
ن و ما کہ فیکور و ما اس
313-9642274: Abdalaw
الکائنات عبدالکلام سابقہ PC نمبر 574


ATTESTED



OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.

F
12

ORDER

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by Ex-FC Abdul Salam No. 5741. The petitioner was dismissed from service by Superintendent of Police, HQrs; Peshawar vide OB No. 444, dated 03.02.2021 on the allegations that he while posted at DAR Peshawar absented himself from duty w.e.f 30.01.2020 to 11.07.2020 and 13.07.2020 till date of dismissal from service i.e. 03.02.2021 (12 months). He preferred appeal to Capital City Police Officer, Peshawar wherein a report regarding his drug addiction was also obtained from Superintendent of Police, HQrs; Peshawar and his medical test was reported positive for (THC) cannabis (charas). His appeal was rejected being time barred by Capital City Police Officer, Peshawar vide order Endst: No. 2802-05/PA, dated 09/09.2021.

Meeting of Appellate Board was held on 29.03.2022 wherein petitioner was heard in person. Petitioner contended that his absence was not deliberate but his son was ill.

Perusal of the record revealed that the petitioner remained absent for long period of twelve (12) months. Moreover, he is also addicted to charas. During the proceedings, he could not submit solid evidence of his innocence. The Board see no ground and reasons for acceptance of his petition, therefore, the Board decided that his petition is hereby rejected.

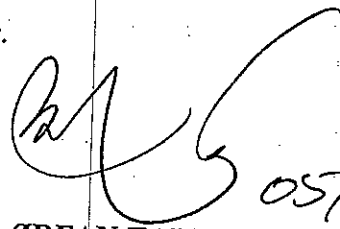
Sd/-

SABIR AHMED, PSP
Additional Inspector General of Police,
HQrs: Khyber Pakhtunkhwa, Peshawar.

No. S/ 713-19 /22, dated Peshawar, the 13/04/2022.

Copy of the above is forwarded to the:

1. Capital City Police Officer, Peshawar. One Service Roll, one Fauji Missal and one enquiry file of the above named Ex-FC received vide your office Memo: No. 2985/CRC, dated 03.11.2021 is returned herewith for your office record.
2. Superintendent of Police, HQrs; Peshawar.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
5. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-IV CPO Peshawar.


05/04/22

(IRFAN TARIQ) PSP
AIG/Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.


ATTESTED

DEPARTMENT OF NEUROLOGY
LADY READING HOSPITAL, PESHAWAR

(13) G

ELECTRO-ENCEPHLOGRAPHIC REPORT

EEG #: 177-2-2015

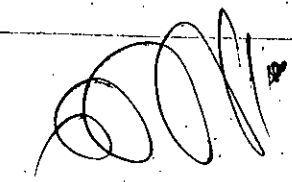
Name: Suliman

Date: 19.2.2015

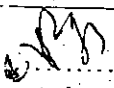
Age: 11 yrs


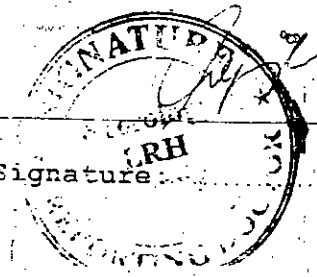
Sex: M

Abnormal EEG favouring generalized epilepsy,
Absence seizures.



ATTESTED

Referred by: 

Signature: 


PROFESSOR
Dr. Adnan Khan
 Head of Neurology
 MBBS (KMC), DIM (London)
 MRCP (UK), FRCP (EDIN.)
 European Certified Epileptologist
 Lady Reading Hospital,
 PGMI, KMU, Peshawar, Pakistan.

(14)

پروفیسر
ڈاکٹر عدنان خان
 ایچ ٹی او جی ہونٹ

ایس ایم ایس (پشاور) ڈی این ایم (لندن)
 ایف آر سی پی (ایڈن)
 خیبر میڈیکل یونیورسٹی ہسپتال، پشاور، پاکستان

Name: MUHAMMAD SULEMAN
 Patient ID: 3560918

Gender: Male 16 Age: Yrs Date: 07 SEP 18
 Pulse: -- /min BP: -- Temp: --

Chief Complaints

Fits Free
 On Rx

* Pos. Spival 25mg
 (Cb, - - 1 + 1 +)
 * Pos. Lamict 50mg
 (Cb, - - 1 + 1)

On Examination

Fundi N
 CNS N
 Cerebellum N
 NLS

ضروری ہدایات:
 براؤنزم شروع کے بعد زوالی بندھ گم آتے ہیں۔
 روزانہ ایک گھنٹہ آگے دوش کریں۔
 مریخ، مصالحے، آئرش اپنیارٹھالی گم کھائیں۔
 آگلی، دہنے کا گوشت، ملائی اور چربی سے پرہیز کریں۔
 دو بارہ بجائے کے وقت پرانا نسخہ ضرور ساتھ لیں۔

تعمیل بروز ہفتہ۔ اتوار

ہر مہینے کے قبل خون پر ملاقات کے وقت آئی لیں۔

Room # 33-34-57 A-Khyber Medical Center, Dabgari Garden Peshawar.
 For Appointment Ph: 091-2563737 (From 9.00 to 2.00 p.m)
 Ph: 0301-8599962, 0333-9135078 Consultation (From 2.00 p.m to 8.00 p.m)


ATTESTED



NUSRAT EEG CLINIC

Back Khyber Medical Center Opp; Mosque Near Peshawar Laboratory,
Dabgari Garden Peshawar. Mob: 0332-9184285

EEG REPORT

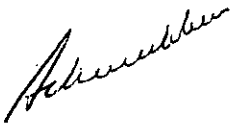
PATEINT NAME MUHAMMAD SULIMAN
AGE: 15 YRS
SEX: M
REFERING DOCTOR: PROFESSOR DR ADNAN KHAN
DATE: 06-02-2020

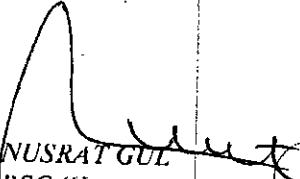
This is a digital EEG machine based on 10-20
Standard international electrode placement

INTERPRETATION:

EEG recorded while the patient was alert and cooperative. Background shows normal rhythmical activity, 8-10 HZ alpha waves as a posterior dominant rhythm on Lt sided leads while Rt sided leads slight attenuation on Lt side. There are slow, sharp waves on Lt sided leads which appeared pre and post phases of hyperventilation. Photic stimulation was unremarkable.

COMMENTS: This is an abnormal EEG record. Keeping in view the presence of slight asymmetry and focal changes it is suggested to do neuro imaging to exclude organic brain lesion.


PROFESSOR DR. ADNAN KHAN
DIM (LONDON), MRCP (UK),
FRCP (EDIN), European certification
in epileptology (ILAE+EUROPEA)
HEAD OF NEUROLOGY UNIT,
PGMI/ LRH PESHAWAR


NUSRAT GUL
BSC (Honours) Neurophysiology
Incharge Clinical Technologist,
Neurophysiology Section,
MTI/ LRH

Note: Normal EEG does not exclude epilepsy which is a clinical diagnosis.


ATTESTED

PROFESSOR
Dr. Adnan Khan
Head of Neurology

MBBS (KMC), DIM (London)
MRCP (UK), FRCP (EDIN.)
European Certified Epileptologist
Lady Reading Hospital,
PGMI, KMU, Peshawar, Pakistan.

(16)

پروفیسر

ڈاکٹر عدنان خان

انچارج نیورالوجی یونٹ

ایم بی بی ایس (پشاور)، ڈی آئی ایم (لندن)
ایم آر سی پی (یو کے)، ایف آر سی پی (ایڈن)
لیڈی ریڈنگ ہسپتال، خیبر میڈیکل یونیورسٹی، پشاور، پاکستان.

Name: MUHAMMAD SULEMAN

Gender: Male

Age: 17 Yrs

Date: 24 JAN, 22

Patient ID: 29107829

Pulse: - /mint

BP: 120/80

Temp: -

Chief Complaints

Fits
On Rx

* Tcb Regal 500mg

(66) = 1 1/2 + 1 1/2 + 1 1/2

* Tcb Epival 500mg

(66) - 1 + 1

* Tcb Molyper 500mg

(66) - 1 + 1

* Tcb Esc

(66) - 1 + 1

* Tcb Dura D

(15) دیکھ کر بیٹا بیٹا

On Examination

Fundi

CNs N

Cerebellum N

N/A

ضروری ہدایات!

براہ کرم مشورہ کے بغیر دوائی بند نہ کیا تبدیل نہ کریں۔

روزانہ ایک گھنٹہ ہلکی ورزش کریں۔

مرحہ، مہلے، تڑپ، اچھا کھانا کھا لیں۔

پیشاب، دہانے کا گوشت، لہائی لہا پر جگ سے پرہیز کریں۔

دوبارہ معائنہ کے وقت پرانا نسخہ ضرور ساتھ لیں۔

تعطیل بروز ہفتہ اتوار

نمائے مہربانی آنے سے قبل فون پر ملاقات کے وقت کی تسلی کریں۔

Room # 33-34-57 A Khyber Medical Center, Dabgari Garden Peshawar.
For Appointment Ph: 091- 2563737, 0334-2309922, 0333-9135078

پشاور (0301) 2563737، خیبر میڈیکل سینٹر، ڈابگاری باغ، پشاور

پشاور (0301) 2563737، 0334-2309922، 0333-9135078


ATTESTED

Hassan Clinical Laboratory

حسن کلینیکل لیبارٹری



CONSULTANT

Prof. Dr. Ejaz Hassan Khan

پروفیسر ڈاکٹر اعجاز حسن خان

M.B.B.S., M.Phil (Pb), Ph.D (Pb), F.R.C.P. (Edn), F.C.P.P.
Certificate in Pathology (U.S.A.), FCPS
Vice Chancellor Gandhara University, Peshawar.
Professor of Pathology
Ex-Principal Khyber Medical College, Peshawar.
Ex-Principal Northwest School of Medicine, Peshawar.

لی 13-14-15-16، اوقاف پلازہ، ڈبگری گارڈن، پشاور شہر۔ فون: 091-2210293

NAME : MUHAMMAD SULEMAN AGE : 17 Years

SEX : MALE

REFERRED BY: PROF.DR.ADNAN KHAN

DATED : 24-Jan-22

Absolute Values, Complete Blood Count and Special Smear

<u>TEST</u>	<u>RESULT</u>	<u>NORMAL RANGE</u>
Haemoglobin	11.1 G/dl	M 13-18 , F 11.5-16.5
WBC Count	4,900 /cmm	4000 - 11000
RBC	5.02 mil/cu-mm	M 4.5-6, F 4.5-5
P.C.V	34.1 vol %	M 40-54, F 37-47
M.C.V	67.8 FL(CAP)	76-96
M.C.H	21.7 Pg(Small)	28-32
M.C.H.C	32.0 G/100 ml	32-36
Platelet Count	257,000	150000-400000
<u>DIFFERENTIAL COUNT</u>		
Neutrophils	50 %	40 - 75%
Lymphocytes	46 %	20 - 45%
Monocytes	02 %	01 - 06%
Eosinophils	02 %	01 - 06%

Test(s) Performed on Abbott Hematology Analyzer

B-13-14-15-16, Auqaf Plaza, Dabgari Garden, Peshawar.
Collection Point/Branch: Khushal Medical Centre, Dabgari Garden, Peshawar.

Pathologist

ATTESTED

(18)

پروفیسر

ڈاکٹر عدنان خان

انچارج نیورالوجی یونٹ

ایم بی بی ایس (پشاور)، ڈی آئی ایم (لندن)

ایم آر سی پی (یو کے)، ایف آر سی پی (ایڈن)

لیڈی ریڈنگ ہسپتال، خیبر میڈیکل یونیورسٹی، پشاور، پاکستان

PROFESSOR
Dr. Adnan Khan
Head of Neurology

MBBS (KMC), DIM (London)
MRCP (UK), FRCP (EDIN.)
European Certified Epileptologist
Lady Reading Hospital,
PGMI, KMU, Peshawar, Pakistan.

Name: MUHAMMAD SULEMAN

Gender: Male

Age: 15 Yrs

Date: 23 JUL, 20

Patient ID: 3240720

Pulse: 78 /mint

BP: 110/70

Temp: --

Chief Complaints

Fits

On Rx

On Examination

Fundi

CNs

Cerebellum

NLS

* Gabapental 200mg

(60) - 1/2 + 1/2 + 1/2

* Gabapental 200mg

کون - 1/2 + 1/2

(60) - 1 + 1

ضروری ہدایات!

براہ کرم مشورہ کے بغیر دوائی بند، کم یا تبدیل نہ کریں۔

روزانہ ایک گھنٹہ ہلکی ورزش کریں۔

مرچ، مصالحے، تھنشا اچھا کھانا کھائیں۔

گھی، دنبے، چکن گوشت، ملائی اور جڑی سے پرہیز کریں۔

دوبارہ معائنہ کے وقت پرانا نسخہ ضرور ساتھ لیں۔


ATTESTED

تعطیل بروز ہفتہ - اتوار

بیمہ بانی آنے سے قبل فون پر ملاقات کے وقت کی تسلی کر لیں۔

Room # 33-34-57 A Khyber Medical Center; Dabgari Garden Peshawar.

For Appointment Ph: 091-2563737 (From 9.00 to 2.00 p.m)

Ph# 0301-8599962, 0333-9135078 Consultation: (From 2.00 p.m to 8.00 p.m)

خیبر میڈیکل سنٹر ڈبگری گارڈن پشاور۔

091-2563737, 0301-8599962, 0333-9135078

PROFESSOR
Dr. Adnan Khan
Head of Neurology

MBBS (KMC), DİM (London)
MRCP (UK), FRCP (EDIN.)
European Certified Epileptologist
Lady Reading Hospital,
PGMI, KMU, Peshawar, Pakistan.

(19)

پروفیسر
ڈاکٹر عدنان خان
جنرل نیورالوجی یونٹ

ایم بی بی ایس (پشاور) ڈی این ای ایم (لندن)
ایف آر سی پی (یو کے) ایف آر سی پی (ایڈن)
ڈی ریڈنگ ہسپتال، خیبر میڈیکل یونیورسٹی، پشاور، پاکستان

Name: MUHAMMAD SELAMAN

Gender: Male

Age: 13 Yrs

Date: 11 JAN 18

Patient ID: 7090118

Pulse: -- /mint

BP: --

Temp: --

Chief Complaints

Fits
On Rx

On Examination

Fundi N
CNS N
Cerebellum N

CNLS

ضروری ہدایات!

براہ کرم مشورہ کے بغیر روائی بند، کم یا تبدیل نہ کریں۔

روزانہ ایک گھنٹہ ہلکی ورزش کریں۔

صحت، صحت اور چھانٹائی آگے رکھیں۔

آئی جی کے ساتھ ساتھ اور جی کے ساتھ ساتھ لیں۔

دوبارہ معائنہ کے وقت پرانا نسخہ ضرور ساتھ لیں۔

Ny

Tab Epival-250mg
wt. 1-1-1

Tab Lamictal-250mg
wt. 1-1-1
14-1-1
14-1-1

Tab Lamictal-500mg
wt. 1-1-1

ATTESTED

تعطیل روز ہفتہ۔ اتوار

پشاور ہائی اسپتال سے قبل فون پر ملاقات کے وقت کی تسلی کر لیں۔

Room # 33-34-57 A Khyber Medical Center, Dabgari Garden Peshawar.

For Appointment Ph: 091- 2563737 (From 9.00 to 2.00 p.m)

Ph# 0301-8599962, 0333-9135078 Consultation (From 2.00 p.m to 8.00 p.m)

پشاور ہائی اسپتال سے قبل فون پر ملاقات کے وقت کی تسلی کر لیں۔

پشاور ہائی اسپتال سے قبل فون پر ملاقات کے وقت کی تسلی کر لیں۔

PROFESSOR
Dr. Adnan Khan
Head of Neurology

MBBS (KMC), DIM (London)
MRCP (UK), FRCP (EDIN.)
European Certified Epileptologist
Lady Reading Hospital,
PGMI, KMU, Peshawar, Pakistan.

(20)

پروفیسر
ڈاکٹر عدنان خان

انچارج نیورالوجی یونٹ

ایم بی بی ایس (پشاور) ، ڈی آئی ایم (لندن)
ایم آر سی پی (یو کے) ، ایف آر سی پی (ایڈن)
لیڈی ریڈنگ ہسپتال ، خیبر میڈیکل یونیورسٹی ، پشاور ، پاکستان۔

Name: SALMAN

Gender: Male

Age: 10 Yrs

Date: 20 APR, 15

Patient ID: 10360415

Pulse: -- /mint

BP: --

Temp: --

Chief Complaints

Episodic LOC

* Episodic 2-3 sec
LOC - 1 + 1 + 1 + 1
* Episodic 2-3 sec
LOC - 1 + 1
* Episodic 2-3 sec
LOC - 2 + 1
* Episodic 2-3 sec
LOC - 1 + 1

On Examination

Fundi. - N

CNs - N

Cerebellum - N

NLS

ضروری ہدایات!

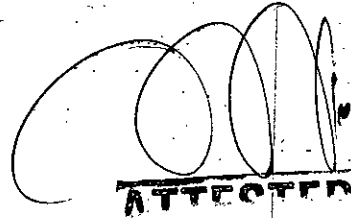
براہ کرم مشورہ کے بغیر دوائی بند، کم یا تبدیل نہ کریں۔

روزانہ ایک گھنٹہ ہلکی ورزش کریں۔

مرچ، مصالحے، ترش اچار، کھٹائی کم کھائیں۔

گھی، دہنے کا گوشت، ملائی اور چربی سے پرہیز کریں۔

دوبارہ معائنہ کے وقت پرانا نسخہ ضرور ساتھ لیں۔


ATTESTED

تعطیل بروز ہفتہ - اتوار

برائے مہربانی آنے سے قبل فون پر ملاقات کے وقت کی تسلی کریں۔

Room # 33-34-57 A Khyber Medical Center, Dabgari Garden Peshawar.

For Appointment Ph: 091-2563737 (From 9.00 to 2.00 p.m)

Ph# 0301-8599962, 0333-9135078 Consultation (From 2.00 p.m to 8.00 p.m)

کراہے ۵۷-۳۳-۳۳ خیبر میڈیکل سنٹر ڈابگری گارڈن پشاور۔

فون نمبر: ۰۹۱-۲۵۶۳۷۳۷ ، ۰۳۳۳-۹۱۳۵۰۷۸

PROFESSOR

Dr. Adnan Khan

Head of Neurology
MBBS (KMC), DIM (London)
MRCP (UK), FRCP (EDIN.)
European Certified Epileptologist
Lady Reading Hospital, MTI, Peshawar

پروفیسر
ڈاکٹر عدنان خان

انچارج نیدرلینڈی ہسپتال
ایم پی بی ایس (پشاور) ڈی آئی ایم (لندن) ایم آر سی پی (یو کے)

لیڈی ریڈنگ ہسپتال ایم پی بی آئی پشاور
6-2-2020

M. Suleman _____ M

15 yrs

Fits

Step Rx

BP-110/60

200mg / 200mg

12 + 12 + 12

(+ 1 + 1)

1 1/2 + 1 1/2 + 1 1/2

Fundi N

Cns N

Cerebellum N

NLS


ATTESTED

ضروری ہدایات!

براہ کرم مشورہ کے بغیر دوائی بند نہ کیا تبدیل نہ کریں

روزانہ ایک گھنٹہ بجی بجلی ورزش کریں۔

مرحہ مصالے، ترش اچار، کھٹائی کم کھائیں۔

گھی، دہنے کا گوشت، مٹائی اور چربی سے پرہیز کریں۔

دوبارہ دوسرا نسخہ کے وقت ہرانا نسخہ ضرور ساتھ لیں۔

تھیل بروز ہفتہ۔ اتوار

NOT Valid For Court

برائے مہربانی آنے سے قبل خون پر ملاقات کے وقت کی تبدیلی کر لیں۔

Room # A-34,35,57,58 Khyber Medical Centre, Dabgari Garden Peshawar.

For Appointment Ph: No: 091-2563737 (from 9:00 a.m to 2.00 p.m)

Consultation 2.00 p.m. To 8.00 p.m. Cell: 0301-8599962 - 0333-9135078

کمرہ نمبر ۵۸، ۵۷، ۳۵، ۳۴، ۳۳، ۳۲، ۳۱، ۳۰، ۲۹، ۲۸، ۲۷، ۲۶، ۲۵، ۲۴، ۲۳، ۲۲، ۲۱، ۲۰، ۱۹، ۱۸، ۱۷، ۱۶، ۱۵، ۱۴، ۱۳، ۱۲، ۱۱، ۱۰، ۹، ۸، ۷، ۶، ۵، ۴، ۳، ۲، ۱

فون: ۰۳۳۳-۹۱۳۵۰۷۸ - ۰۳۰۱-۸۵۹۹۹۶۲ (۰۹۱) ۲۵۶۲۴۴۷

**DEPARTMENT OF FORENSIC MEDICINE & TOXICOLOGY
KHYBER MEDICAL COLLEGE, PESHAWAR**

(Admissible as evidence under section 510 of the Code of Criminal Procedure)

In the case of Ex. FC. Abdul Salam No. 574

- I hereby certify that I received Direct Sample packet from The above person of Police Department H.Q. Pesh alleged to have been dispatched by him/her on the 30th of Aug 2021 referred to in his office No Cell No. 3049 Dated 27-08-2021 and received by me on the 30-08-2021
- The packet consisted of _____ was sealed with a seal bearing the impression of the invoice here on to attached. And reached me with _____ seals intact.
The contents of the packet were as follows:- The urine sample is taken in my presence
 - _____
 - _____
 - _____
 - _____
 - _____
 - _____
- The above seals were opened in my presence and the contents of the packet were duly examined by me remaining under my immediate custody until the examination was completed.
- The material / samples I was led to examine for were: Drugs & Addiction

Rei
ASSISTANT CHEMICAL EXAMINER
(BIOCHEMIST)

4. The result was as follows:-

The Urine sample of the above person is only positive for (THC) Cannabis (H₂O)

5. Note:-

- This report is being issued without any cutting/eraser or over writings.
- For the tests performed to reach the above mentioned results kindly see overleaf.
- Any report without embossing mark is not genuine.

No. 777 /FM/KMC/2021,
KMC, Peshawar.
Chemical examiner office:

The 30-08-2021
Enclosures:-

1. GENERAL ALKALOIDS:-

- Heroin. _____
- Morphine _____
- Cannabinol Positive
- Atropine _____
- Hyoscyne _____
- Strychnine _____
- Brucine _____

2. VOLATILE POISONS:-

- Ethyl Alcohol _____
- Methyl alcohol _____
- Hydrocyanic acid _____
- Formaldehyde _____
- Phenols _____
- Organophosphates _____
- Chlorinated hydrocarbons _____

ALCOHOL ANALYSIS REPORT:

- Potassiumdichromate Test _____
- Sulphomolybdate Test _____
- Ethylbenzoate Test _____

SEMAN ANALYSIS:-

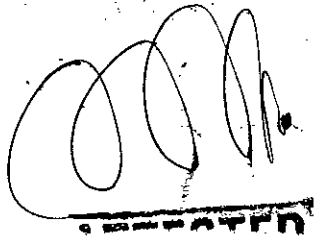
- Berberio's Test. _____
- Florence's Test _____
- Of Spermatozoa. _____

3. METALLIC POISONS:-

- Arsenic _____
- Mercury _____
- Lead _____
- Copper _____
- Silver _____
- Tranquillizer _____
- Barbiturates _____
- Hypnotics _____
- Sedatives _____
- Chloral Hydrates _____

Rei

**CHEMICAL EXAMINER
(BIO-CHEMIST)
DEPARTMENT OF FORENSIC MEDICINE
KHYBER MEDICAL COLLEGE, PESHAWAR.**


GENERATED

بعد التخصیر بحین فی الخ لیسر و سوسر فی فیول لیسر و سوسر

Appellant منجانب

Via Police etc بنام

Abdul Salam

مورثہ

مقدمہ

دعویٰ

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن مقام پشاور کے لیے بلال احمد کے زنی ایڈوکیٹ، مقرر کر کے اقرار کیا جاتا ہے۔ کہ وکیل موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ بر حلف دینے، جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ اور عرضی دعویٰ اور درخواست ہر قسم کی تصدیق زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیار حاصل ہوں گے۔ اور اس کا ساختہ پرواختہ منظور و قبول ہوگا۔ دوران مقدمہ میں جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب سے ہوگا یا کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

المرقوم

بمقام

Attested &
Accepted

Bilal Ahmad Kakaizai — 17301-1353033-7

bc-11-1062 — 0300-9020098

Abdul Salam
عبدالسلام

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.801 /2022.

Ex- Constable Abdul Salam No.5741 of CCP Peshawar..... Appellant.

VERSUS

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and others. . Respondents.

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Khyber Pakhtunkhwa
Service Tribunal
Diary No. 5728
Dated: 31/5/2023

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4.	Copy of allegations	B	7
5.	Copy of inquiries reports	C	8,9
6.	Copy of FSCN	D	10-11
7.	Medical report.	E	12

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①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No.801 /2022.

Ex- Constable Abdul Salam No.5741 of CCP Peshawar..... **Appellant.**

VERSUS

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and others. . **Respondents.**

REPLY BY RESPONDENTS NO. 1 to 5.

Respectfully Sheweth:-

**Khyber Pakhtunkhwa
Service Tribunal**

Diary No. _____

PRELIMINARY OBJECTIONS:-

Dated _____

1. That the appeal is badly barred by law & limitation.
2. That the appeal is bad for mis-joinder and non-joinder of necessary parties.
3. That the appellant has not come to Hon'ble Tribunal with clean hands.
4. That the appellant has no cause of action and locus standi to file instant appeal.
5. That the appellant is estopped by his own conduct to file the instant appeal.
6. That the appellant has concealed the material facts from this Hon'ble Tribunal.
7. That the appeal is not maintainable being devoid of any merit.

REPLY ON FACTS:-

1. Incorrect. The appellant was proceeded against departmentally on the charges that he while posted at DAR Peshawar absented himself from his official duty w.e.f. 30.03.2020 to 11.07.2020 and from 13.07.2020 to 03.02.2021 (total 12 months) without taking leave/permission from his seniors. In this regard, he was issued Charge Sheet and Statement of allegations. Two separate enquiries were initiated against him. The enquiry officers repeatedly summoned the appellant and were also contacted on his Mobile cell No.0313 9642274 to attend the enquiry proceeding however, he did not turn up. The enquiry officers finalized the enquiries and submitted findings report, wherein the allegations of willful absence were proved against him for Ex-parte action.(copy of charge sheet, summary of allegations, enquiry report are annexure as A,B,C).
2. Incorrect. The Competent authority before imposing the major punishment had completed all codal formalities and thereafter, he was issued a final show cause notice to which his reply was found unsatisfactory. Hence after fulfillment of all the codal formalities, the competent authority awarded major punishment under the rules. (copy of FSCN is annexure as D)
3. Incorrect. In fact, two departmental enquires were properly conducted against him to dig out the real facts. During the course of enquires, he was issued summons/parwana time and again. Besides he was also contacted on his cell phone, however, the appellant failed to join enquiry proceedings and remained constantly absent for long period without any

leave/permission which showed his disinterest in official duties. Thus, he was awarded the major punishment of dismissal under the rules.

4. Incorrect and misleading. The appellant deliberately avoided the enquiry proceedings reflecting his disinterest behavior so the appellate authority proceeding as he was well aware about the order dated 03.02.2021 and his departmental appeal.
5. Incorrect. The appellant had preferred a time barred departmental appeal, which was properly processed and the appellate authority also heard him in person. However, he failed to depend himself with plausible/justifiable explanations. Meanwhile department has send his blood sample regarding his drug addiction to KMC, Peshawar as well, wherein it was revealed that appellant has positive for cannabis (THC). Therefore, appeal of the appellant was rejected/filed, being time barred. (Copy of report is annexure as "E").
6. Incorrect. The appellant has preferred revision petition before the appellate board, which after due consideration was also filed/rejected on the grounds that the charges of willful absence was proved against him. Appeal of the appellant being devoid of merit and hit by limitation may be dismissed on the following grounds.

REPLY ON GROUNDS:-

- A. Incorrect. Orders passed by the competent authority are legal, lawful hence, liable to be maintained.
- B. Incorrect. The punishment orders passed by the competent authority according to norms of natural justice hence, liable to be upheld.
- C. Incorrect. Charge sheet with statement of allegations was issue to the appellant. Proper enquiries were conducted after which he was recommended for Ex-Parte action due to his continuous willful absence. Thereafter, he was issued final show cause notice with proper opportunity of personal hearing, however, he failed to defend himself. After fulfillment all the codal formalities and being found guilty of deliberate absence from duty he was awarded the Major punishment of dismissal from service under Police Rules 1975 (amended 2014).
- D. Incorrect. The appellant deliberately absented himself for long period nor joined enquiry proceedings. The appellant has been dealt departmentally for his long deliberate absence. Besides, he has been reported positive for cannabin which reflects bad on a member of uniform force.
- E. Incorrect and misleading. The appellant did not join the enquiry proceedings initiated due to his absence for 02 periods are reported by both Enquiry Officers.
- F. Incorrect. after completion of the enquiry proceedings, the appellant was issued final show cause notice by the competent authority to which his reply was found unsatisfactory. However, during enquiries, he did not attend the proceedings. Therefore, contention of the appellant is misleading.

- G. Incorrect. The appellant badly failed to attend both enquiries as already explained in above paras.
- H. Incorrect and misleading. Both enquiry officers recommended the appellant for Ex-Parte action on lather did not attend enquiry.
- I. Incorrect. During the course of both enquiries the appellant was summoned time and again besides contacting on his personal cell No.0313 9642274 however, he did not appear before the enquiry officers.
- J. Incorrect. The appellant deliberately absented from his lawful duty without leave/permission. After fulfilling all codal formalities, he was awarded major punishment of dismissal from service and no kind of any malafide is involved.
- K. Incorrect. Burden of proof fro no communication of dismissal order is on the appellant. Secondly, his departmental appeal, despite being time barred has been entertained with full opportunities of defense for him.
- L. Incorrect. Para is misleading having no legal footage. The appellant was dismissed on the charges of his deliberately absence and copies of which were circulated to all concerned.
- M. Incorrect. The appellant is pretext of epidemics is misleading as it occurred in the year 2020.
- N. Incorrect. The competent authority before imposing the Major punishment had completed all codal formalities and ample opportunity of self defence was provided to the appellant, but he failed to defend himself. Further the whole departmental proceedings initiated against him purely on merits and accordance with rules.
- O. Incorrect. Both Enquiry Officers have recommended him for Ex-Parte action as he did not attend enquiry.
- P. Incorrect. As already explained, proper Charge Sheet with statement of allegations was issued to appellant. Regular inquires were conducted and thereafter he was issued final show cause notice, besides giving proper opportunity of personal hearing and defence, however, he badly failed to defend himself. Hence he was awarded the Major Punishment of dismissal from service under rules ibid.
- Q. Incorrect. The appellant was deliberately absented from his lawful duty without leave/permission. Therefore, the punishment orders were passed by the competent authority & Appellate authority as per rules.
- R. Incorrect. The appellant was treated as per law/rules and no violation of the Constitution of Pakistan 1973 has been done by the respondent department.
- S. Incorrect. Already explained vide proceedings paras.

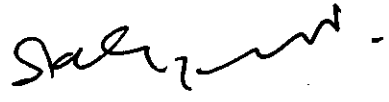
That the respondents also seek permission of this Hon'ble Tribunal to raise additional grounds at the time of arguments.

PRAYER.

It is therefore most humbly prayed that in light of above facts and submissions, the appeal of the appellants being devoid of merit and limitation, may kindly be dismissed with costs please.



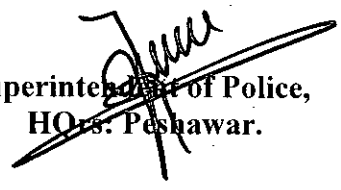
**Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.**



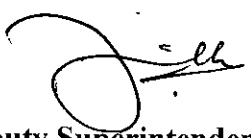
**Additional Inspector General of Police,
HQrs: Khyber Pakhtunkhwa, Peshawar.**



**Capital City Police Officer,
Peshawar.**



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



**Deputy Superintendent of Police,
Complaints/Enquires Peshawar.**

5

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No.801 /2022.

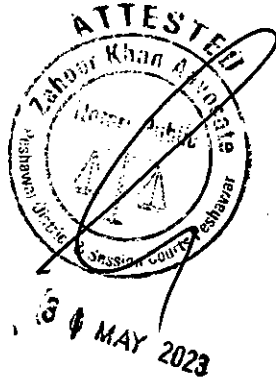
Ex- Constable Abdul Salam No.5741 of CCP Peshawar..... **Appellant.**

VERSUS

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and others. . **Respondents.**

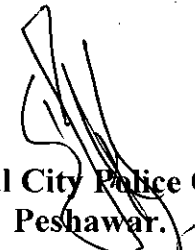
AFFIDAVIT.

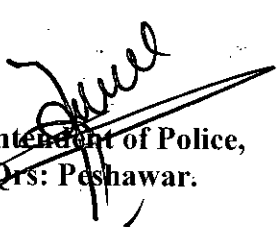
We respondents 1,2,3,4 & 5 do hereby solemnly affirm and declare that the contents of the written reply are true and correct to the best of our knowledge and belief and nothing has concealed/kept secret from this Honorable Tribunal.





Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.


Additional Inspector General of Police,
HQrs: Khyber Pakhtunkhwa, Peshawar.


Capital City Police Officer,
Peshawar.


Superintendent of Police,
HQrs: Peshawar.


Deputy Superintendent of Police,
Complaints/Enquires Peshawar.

(6) (A)

CHARGE SHEET

I, Superintendent of Police, Headquarters, Capital City Police Peshawar, as a competent authority, hereby, charge that Constable Abdus Salam No.5741 of Capital City Police Peshawar with the following irregularities.

"That you Constable Abdus Salam No.5741 while posted at DAR, Peshawar were absent from duty w.e.f 13.07.2020 till date without taking permission or leave. This amounts to gross misconduct on your part and is against the discipline of the force."

You are, therefore, required to submit your written defence within seven days of the receipt of this charge sheet to the Enquiry Officer committee, as the case may be.

Your written defence, if any, should reach the Enquiry Officer/Committee within the specified period, failing which it shall be presumed that have no defence to put in and in that case ex-parte action shall follow against you.

Intimate whether you desire to be heard in person.

A statement of allegation is enclosed.

Attested

Rozay


SUPERINTENDENT OF POLICE,
HEADQUARTERS, PESHAWAR

(7) 'B'

DISCIPLINARY ACTION

I, Superintendent of Police, Headquarters, Capital City Police Peshawar as a competent authority, am of the opinion that Constable Abdus Salam No.5741 has rendered him-self liable to be proceeded against under the provision of Police Disciplinary Rules-1975

32

STATEMENT OF ALLEGATION

"That Constable Abdus Salam No.5741 while posted at DAR, Peshawar was absent from duty w.e.f 13.07.2020 till date without taking permission or leave. This amounts to gross misconduct on his part and is against the discipline of the force."

For the purpose of scrutinizing the conduct of said accused with reference to the above allegations an enquiry is ordered and SPPD Warsale is appointed as Enquiry Officer.

2. The Enquiry Officer shall, in accordance with the provisions of the Police Disciplinary Rules, 1975, provide reasonable opportunity of hearing to the accused officer, record his finding within 30 days of the receipt of this order, make recommendations as to punishment or other appropriate action against the accused.

3. The accused shall join the proceeding on the date time and place fixed by the Enquiry Officer.

[Signature]
SUPERINTENDENT OF POLICE,
HEADQUARTERS, PESHAWAR

No. 246 /E/PA, dated Peshawar the 28/10 /2020

1 SPPD Warsale is directed to finalize the aforementioned departmental proceeding within stipulated period under the provision of Police Rules-1975.

2. Official concerned

Attested
[Signature]



OFFICE OF THE
ASSTT: SUPERINTENDENT OF POLICE
FAQIRABAD SUB DIVISION PESHAWAR
Ph# 091-2049944

No. 01 /PA

dated 25 /01 /2021

FINDING REPORT U/R 6(V) OF THE KP POLICE RULES 1975 IN DEPARTMENTAL INQUIRY AGAINST CONSTABLE ABDUS SALAM NO. 5741 DAR PESHAWAR.

The subject enquiry was referred to the undersigned vide order of enquiry bearing Endst: No. 269/E/PA: dated 14.01.2021 by Superintendent of Police, HQrs, Peshawar in order to ascertain the factum of alleged charge /misconduct, against the subject accused Constable Abdus Salam No. 5741 posted at DAR, Peshawar.

SUMMARY OF CHARGE SHEET (ORIGINAL ATTACHED):-

- Allegation as per record is that accused constable Abdus Salam No. 5741 while posted at DAR, Peshawar was absent from duty w.e.f 30.01.2020 to 11.07.2020 (05 months & 11 days) and 13.07.2020 to till date without taking permission or leave.
- All this amounts to gross misconduct on his part and renders his liable for disciplinary proceedings under Police Rules 1975.

PROCEEDINGS:-

During the course of inquiry the alleged official was contacted on his mentioned mobile number (0313.9642274) as well as called through summons/parwanas (copy attached) to attend the office of the undersigned, but he did not appear before the undersigned. Being a member of the disciplined force, his act of non-appearance before the undersigned is condemnable and amounts to gross misconduct on his part. This act of the Police official shows that he has nothing to say in his defense.

FINDING/RECOMMENDATION:-

Keeping in view the above mentioned circumstances, the undersigned is forced to take an ex-parte decision and declare Constable Abdus Salam No. 5741 guilty of "Gross Misconduct and Negligence of Duty".

All relevant papers are enclosed herewith please.

Attested

[Signature]

[Signature]

(Dr. MUHAMMAD UMER) PSP
ASSISTANT SUPERINTENDENT OF POLICE
FAQIRABAD SUB-DIVISION PESHAWAR.



OFFICE OF THE
SUB DIVISIONAL POLICE OFFICER,
WARSAK, PESHAWAR

No. 58-E/ST, Dated: 20/01/2021

Ph: No. 091-2950336

9 (C)
30

To: Superintendent of Police,
HQrs, CCP Peshawar.

Subject: **FINDING REPORT IN DEPARTMENTAL INQUIRY AGAINST
ABDUL SALAM NO. 5741/FC.**

The subject inquiry was referred to undersigned vide your office letter No. 246/E/PA dated 28.10.2020 with the directives to conduct impartial enquiry of his misconduct that he while posted at DAR, Peshawar was remained absent w.e.f 13.07.2020 till date without taking permission or leave.

The alleged official was called telephonically and directed to appear before the inquiry officer in connection of inquiry proceeding. Later-on he was called several times but he did not appeared before the inquiry officer. In this regard office of SP HQrs, CCP Peshawar was also approached vide this office letter No. 1555 dated 10.11.2020 with the request to direct the alleged official through quarter concern, to appear before the inquiry officer but the subject official has not appeared before undersigned yet. According to telephonic discussion with MM DAR, CCP Peshawar, the alleged official has not reported to DAR, and remained absent since 13.07.2020 till date.

Above in view, the circumstances reflects that the accused official is not interested or has no any prove in his defense to produce before the inquiry officer, it is therefore, he is recommended for Ex-parte action.

The relevant record is enclosed.

*Issue Panel
8/01/21 Cause No. 5741*

(FIDA HUSSAIN)
Sub Divisional Police Officer
Warsak, Peshawar.

Superintendent of Police
HQrs: CCP Peshawar.

Attested

Rozia

(10) (D)
title
154

FINAL SHOW CAUSE NOTICE

I Superintendent of Police, Headquarters, Capital City Police Peshawar, as competent authority, under the provision of Police Disciplinary Rules 1975 do hereby serve upon you, Constable Abdus Salam No.5741 the final show cause notice.

The Enquiry Officer, SDPO Warsak, after completion of departmental proceedings, has recommended you for ex-parte decision for the charges/allegations leveled against you in the charge sheet/statement of allegations.

And whereas, the undersigned is satisfied that you Constable Abdus Salam No.5741 deserve the punishment in the light of the above said enquiry report.

And as competent authority, has decided to impose upon you the penalty of minor/major punishment under Police Disciplinary Rules 1975.


1. You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.
2. If no reply to this notice is received within 7 days of its receipt, in normal course of circumstances, it shall, be presumed that you have no defence to put in and in that case as ex-parte action shall be taken against you.


SUPERINTENDENT OF POLICE,
HEADQUARTERS, PESHAWAR

No. 246 /PA, SP/HQrs: dated Peshawar the 25-1-2021.

Copy to official concerned

Attested



(113) 0313-9642274

'D' (11) R عبدالرحمن 5741

وہم غلام مصطفیٰ

کنڈا اور شادہ بیگم مکان نمبر 2798
کوٹوالی ضلع

0334-9779997/سول سروس علی شاہی / 16-1-2021

سول سروس ڈیپارٹمنٹ

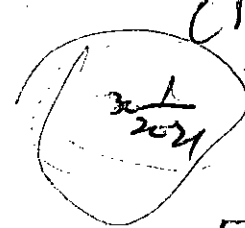
4 hrs
5779997
25/1

تعمیراتی کام کے لیے عبدالرحمن کوٹوالی
مکان نمبر 2798 کوٹوالی ضلع
کوٹوالی ضلع
30/01/2021

مشرف اور شادہ بیگم
عبدالرحمن

CNIC = 17301-13482431

03139642274
Abdullah



عبدالرحمن کوٹوالی ضلع شادہ بیگم مکان نمبر 2798

سول سروس ڈیپارٹمنٹ
کوٹوالی ضلع

17301-5805501-3
0316-9848288

صفا - کوٹوالی ضلع
وہم غلام مصطفیٰ
مشرف اور شادہ بیگم
کوٹوالی ضلع

صفا - کوٹوالی ضلع

Attested
Daziq

DPC-PS-hel
30-1-2021

وَلَا تَلْبِسُوا الْحَقَّ بِالْبَاطِلِ وَتَكْتُمُوا الْحَقَّ وَأَنْتُمْ تَعْلَمُونَ
 اور جگہ کو نہ بھولتے کہ ساتھ گڈ ریکورڈ کرو۔ اور جان بوجھ کر حق بات کو چھپاؤ (القرآن)

(12) E

**DEPARTMENT OF FORENSIC MEDICINE & TOXICOLOGY
 KHYBER MEDICAL COLLEGE, PESHAWAR**

(Admissible as evidence under section 510 of the Code of Criminal Procedure)

the case of Ex-Fc. Abdul Salam No. 574
 I hereby certify that I received by Direct sample packet from The above person
 of Police Department H.O.S. Pesh alleged to have been dispatched by him/her
 on the 30th of Aug 2021 referred to in his office No Letter No. 3049
 Dated 27-08-2021 and received by me on the 30-08-2021

The packet consisted of _____ was sealed with a seal bearing the impression of the invoice here on to attached. And reached me with _____ seals intact.

The contents of the packet were as follows:- The blowing sample is taken in my presence

- (a) _____
- (b) _____
- (c) Urine
- (d) _____
- (e) _____
- (f) _____

2. The above seals were opened in my presence and the contents of the packet were duly examined by me remaining under my immediate custody until the examination was completed.
3. The material / samples I was led to examine for were. Drugs of Addiction

Ravi
 ASSISTANT CHEMICAL EXAMINER
 (BIOCHEMIST)

4. The result was as follows:-

The Urine sample of the above person is only positive for (THC) Cannabis (C/S)

5. Note:-

- (i)
- (ii)
- (iii)

This report is being issued without any cutting/eraser or over writings.
 For the tests performed to reach the above mentioned results kindly see overleaf.
 Any report without embossing mark is not genuine.

Attested
Ravi

No. 777 /FM/KMC/2021,
 KMC, Peshawar.
 Chemical examiner office:

The 30-08-2021
 Enclosures:-

1. GENERAL ALKALOIDS:-

- Heroin _____
- Morphine _____
- Cannabinol Positive
- Atropine _____
- Hyoscine _____
- Strychnine _____
- Brucine _____

2. VOLATILE POISONS:-

- Ethyl Alcohol _____
- Methyl alcohol _____
- Hydrocyanic acid _____
- Formaldehyde _____
- Phenols _____
- Organophosphates _____
- Chlorinated hydrocarbons _____

Ravi

CHEMICAL EXAMINER
 (BIO-CHEMIST)

ALCOHOL ANALYSIS REPORT:-

- Potassiumdichromate Test _____
- Sulphomolybdate Test _____
- Ethylbenzoate Test _____

SEMAN ANALYSIS:-

- Berberio's Test _____
- Florence's Test _____
- Of Spermatozoa _____

3. METALLIC POISONS:-

- Arsenic _____
- Mercury _____
- Lead _____
- Copper _____
- Silver _____
- Tranquillizer _____
- Barbiturates _____
- Hypnotics _____
- Sedatives _____
- Chloral Hydrates _____

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No.801 /2022.

Ex- Constable Abdul Salam No.5741 of CCP Peshawar..... **Appellant.**

VERSUS

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and others. . **Respondents.**

AUTHORITY.

I, **Capital City Police Officer, Peshawar**, hereby authorize **Mr.Ahmad Jan** SI legal of Capital City Police, Peshawar to attend the Hon'ble Court and submit written reply, statement and affidavit required for the defense of above service appeal on behalf of respondent department.

**Capital City Police Officer,
Peshawar.**

CHARGE SHEET

I, Superintendent of Police, Headquarters, Capital City Police Peshawar, as a competent authority, hereby, charge that Constable Abdus Salam No.5741 of Capital City Police Peshawar with the following irregularities.

"That you Constable Abdus Salam No.5741 while posted at DAR, Peshawar were absent from duty w.e.f 13.07.2020 till date without taking permission or leave. This amounts to gross misconduct on your part and is against the discipline of the force."

You are, therefore, required to submit your written defence within seven days of the receipt of this charge sheet to the Enquiry Officer committee, as the case may be.

Your written defence, if any, should reach the Enquiry Officer/Committee within the specified period, failing which it shall be presumed that you have no defence to put in and in that case ex-parte action shall follow against you.

Intimate whether you desire to be heard in person.

A statement of allegation is enclosed.


SUPERINTENDENT OF POLICE,
HEADQUARTERS, PESHAWAR

DISCIPLINARY ACTION

I, Superintendent of Police, Headquarters, Capital City Police Peshawar as a competent authority, am of the opinion that Constable Abdus Salam No.5741 has rendered him-self liable to be proceeded against under the provision of Police Disciplinary Rules-1975

STATEMENT OF ALLEGATION

"That Constable Abdus Salam No.5741 while posted at DAR, Peshawar was absent from duty w.e.f 13.07.2020 till date without taking permission or leave. This amounts to gross misconduct on his part and is against the discipline of the force."

For the purpose of scrutinizing the conduct of said accused with reference to the above allegations an enquiry is ordered and SDPO Wazir is appointed as Enquiry Officer.

2. The Enquiry Officer shall, in accordance with the provisions of the Police Disciplinary Rules, 1975, provide reasonable opportunity of hearing to the accused officer, record his finding within 30 days of the receipt of this order, make recommendations as to punishment or other appropriate action against the accused.

3. The accused shall join the proceeding on the date time and place fixed by the Enquiry Officer.


SUPERINTENDENT OF POLICE,
HEADQUARTERS, PESHAWAR

No. 246 /E/PA, dated Peshawar the 28/10 /2020

1. SDPO Wazir is directed to finalize the aforementioned departmental proceeding within stipulated period under the provision of Police Rules-1975.

2. Official concerned



OFFICE OF THE
SUB DIVISIONAL POLICE OFFICER,
WARSAK, PESHAWAR

No. 5-8-E/ST, Dated: 20/01/2021
Ph: No. 091-2950336

30

To: Superintendent of Police,
HQrs. CCP Peshawar.

Subject: FINDING REPORT IN DEPARTMENTAL INQUIRY AGAINST
ABDUL SALAM NO. 5741/FC.

The subject inquiry was referred to undersigned vide your office letter No. 246/E/PA dated 28.10.2020 with the directives to conduct impartial enquiry of his misconduct that he while posted at DAR, Peshawar was remained absent w.e.f 13.07.2020 till date without taking permission or leave.

The alleged official was called telephonically and directed to appear before the inquiry officer in connection of inquiry proceeding. Later-on he was called several times but he did not appeared before the inquiry officer. In this regard office of SP HQrs. CCP Peshawar was also approached vide this office letter No. 1555 dated 10.11.2020 with the request to direct the alleged official through quarter concern. to appear before the inquiry officer but the subject official has not appeared before undersigned yet. According to telephonic discussion with MM DAR, CCP Peshawar, the alleged official has not reported to DAR, and remained absent since 13.07.2020 till date.

Above in view, the circumstances reflects that the accused official is not interested or has no any prove in his defense to produce before the inquiry officer, it is therefore, he is recommended for Ex-parte action.

The relevant record is enclosed.

Handwritten notes:
Issue Panel
Case No. 5741/FC
SWN

(FIDA HUSSAIN)
Sub Divisional Police Officer
Warsak, Peshawar.

Superintendent of Police
HQrs. CCP Peshawar.

6

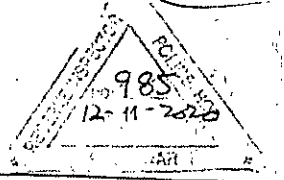


POST IMMEDIATE

No 234 of 12/11/2020

کیپٹل سٹی پولیس، پشاور
دفتر ایس ڈی پی او اور سبک سرکل، پشاور

نمبر 1555/2020



SP
NO

R/S. PHQrs No. 2334

Date: 12/11/2020

جناب ایس پی ہیڈ کوارٹر، سی سی پی پشاور

بجانب:-

ہدایات بابت پیشی سلسلہ انکوائری

عنوان:-

گزارش ہے کہ مندرجہ ذیل پولیس انسپران کے خلاف دفتر پشاور میں ڈیوار
ان تمام کو بار بار فون کیا جا کر ہدایات ہوتی کہ دفتر پشاور میں آئیے لیکن حال حاضر نہیں آتے۔

DYNOI:

1102/R
12-11-2020

1. IHC عزیز خان نمبر 5321
2. LHC داؤد نمبر 3790
3. کنسٹیبل ارشد کمال نمبر 1251
4. کنسٹیبل سبج نمبر 1785
5. کنسٹیبل عامر شہزاد نمبر 1882 ایس پی او
6. کنسٹیبل عالم خان نمبر 5659
7. کنسٹیبل عبدالسلام نمبر 5741
8. کنسٹیبل چھاگتیر نمبر 3653
9. کنسٹیبل ہارون نمبر 4703
10. کنسٹیبل احتطار نمبر 5281

استدعا ہے کہ آر آئی پولیس لائن پشاور کو ہدایت کی جائے کہ مندرجہ بالا
تعمیناتی پر اطلاع دی جائے کہ دو یوم کے اندر اندر وزیر و تھمٹی کے روبرو پیش آئے بصورت دیگر ان کے
سزا کی جائے گی۔

صاحب
PTO

ایس ڈی پی او پشاور

کاپی تفریح فوری کارروائی / اطلاع دہانی:-

آر آئی پولیس لائن پشاور۔

LO / MASQ
for action

OSI/HQ/ri
Fw d/ action

Ri HQ
Fos n/8

RE/HQ
12/11/2020

Supriyada Police
HQ/PHQ/ri
12/11/2020

By: Supt. of Police
Headquarters, C.C.P
12/11/2020

مقامی ایجنسی
 پاکستان ایئر لائنز
 اسلام آباد

(116)
 138

SPHQ

صنایع عام

1. اردو چھٹی لٹر 985.21 اپنا اظہار یا بی جعفری انٹرویو میں - معروف میں
2. 3790 - صدر 0313.0447932 - صدر 07/2020 سے تہذیبی تعاقب ریگی
3. 1251 - آرشدیکال 0345.9673253 - صدر 0314.9402863 - صدر 12/11/2020
4. 1785 - سع 0313.9722617 - صدر 0345.6690008 - صدر 10/22/2020 سے بین سے بصورت تبادا RITPS دونوں ہوگا
5. 882 - عام شہزاد 0300.59979597792 - صدر 07/2020 سے تہذیبی تعاقب نیک حق
6. 3653 - جہانگیر 0313.9642274 - صدر 08/2019 سے تہذیبی تعاقب نیک حق
7. 5741 - عبدالستار 0313.9642274 - صدر 07/2020 سے تہذیبی تعاقب نیک حق
8. 4703 - بادون - صدر 07/2020 سے تہذیبی تعاقب نیک حق
9. 5281 - انتظاریت 0348.8394815 - صدر 04/17/2019 سے تہذیبی تعاقب نیک حق
10. 5659 - عالم خان - صدر 0315.6790003 - صدر 02/25/2020 سے تہذیبی تعاقب نیک حق

DAR
 MM

07/20
 20

رہنما عرفی
 Fl
 Kalim
 13-11-202

39

کمیونل سٹی پولیس پشاور

از دفتر SP ہیڈ کوارٹرز پشاور

خدمت جناب SP / C / P / A

تھانہ

کو مطلع کریں کہ

محمد عبدالرشید

حسب احکم جناب SP ہیڈ کوارٹرز پشاور ہے کہ

بجے بسلسلہ انکوائری / کمپلیٹ دفتر نڈا پیش

۵۹

بوقت

۹/۱۰

موزیہ ۱۲۰۲۰

ہو جائے بصورت دیگر یکطرفہ کارروائی عمل میں لائی جائیگی۔

PA To SP/HQrs:

نوٹ:- پروانہ بعد از تعمیل واپس کرنا لازمی ہے۔

موصوفہ مگر وہ جس میں جاہلی ہے کہ سب سے پہلی جہاں سے عہد کی 9

میں مازور خدمتوں میں آتی ہیں بتدبیر و درود و تعلقانی و کرم

جلد سے قائم تھا اسما و جہ سے کبر حار ہواں میں ما۔ ڈاکٹر

صاحبہ طارق حاشم North West میں زیر علاج تھا علاج

حادثی دکن کے لیے ڈھونڈی تھی اس عہد حار زیا کرم

واحد میں ایک ہواں اسلے اسدی ہے کہ عہد کی 5 ماہ

لہو الی و کبر حار کی ہے اسلے معافان صادر

فرمائیں عائدہ لاکے کسی قسمی کرم حار کی سی ہوگا

عبد السلام 574

۲

0313 9642274



Handwritten notes in the top right corner, including a date: 21:00 30/01/2020.

Handwritten symbol or characters at the top center of the page.

Handwritten number 1390.

Main body of handwritten text, appearing to be a list or series of notes.

Handwritten notes on the left side, including the word 'DAR' and a date '17/12/20'.

Handwritten notes at the bottom left, including 'DAR' and a date '13/21'.

10

DISCIPLINARY ACTION

I, Superintendent of Police, Headquarters, Capital City Police Peshawar as a competent authority, am of the opinion that Constable Abdus Salam No.5741 has rendered him-self liable to be proceeded against under the provision of Police Disciplinary Rules-1975

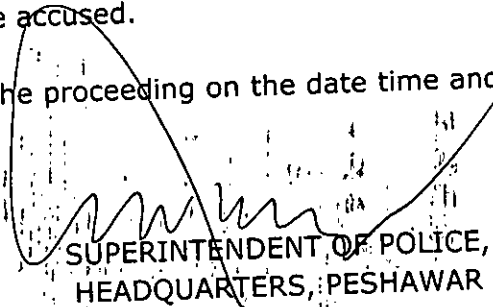
STATEMENT OF ALLEGATION

"That Constable Abdus Salam No.5741 while posted at DAR, Peshawar was absent from duty w.e.f 30.01.2020 to 11.07.2020 (05-months & 11-days) without taking permission or leave. This amounts to gross misconduct on his part and is against the discipline of the force."

For the purpose of scrutinizing the conduct of said accused with reference to the above allegations an enquiry is ordered and DSP/Coordination and Complaints is appointed as Enquiry Officer.

2. The Enquiry Officer shall, in accordance with the provisions of the Police Disciplinary Rules, 1975, provide reasonable opportunity of hearing to the accused officer, record his finding within 30 days of the receipt of this order, make recommendations as to punishment or other appropriate action against the accused.

3. The accused shall join the proceeding on the date time and place fixed by the Enquiry Officer.


SUPERINTENDENT OF POLICE,
HEADQUARTERS, PESHAWAR

No. 269 /E/PA, dated Peshawar the 18/11 /2020

1. DSP/Coordination & Complaints directed to, finalize the aforementioned departmental proceeding within stipulated period under the provision of Police Rules-1975.

2. Official concerned



OFFICE OF THE
DY: SUPERINTENDENT OF POLICE,
COMPLAINT/ENQUIRY, CCP, PESHAWAR



NO. 38 /PA,

DATE: 26/11 /2020

To:

The Superintendent of Police, HQR,
Peshawar.

J.C.

Subject: **DEPARTMENTAL ENQUIRY AGAINST CONSTABLE Abdusalam
NO. 5741 POSTED AT DAR PESHAWAR.**

Kindly refer to the attached enquiry papers received from your good office vide: No.269/PA, dated 18.11.2020 against Constable Abdus Salam No. 5741 on the allegations mentioned below:-

ALLEGATIONS:

"That he while posted at DAR, Peshawar was absent from duty w.e.f **30.01.2020 to 11.07.2020 (05-Months & 11-days)** without taking permission or leave.

PROCEEDINGS

Accordingly the defaulter constable Abdus Salam No. 5741 was called, heard in person and recorded his written statement, wherein he stated that he was admitted in North West Hospital Hayatabad Peshawar. He appeared and provided written reply on toady i.e 24.11.2020.

He stated in his statement that he is a patient of "Arq-un-Nessa" and was admitted to North West Hospital Hayatabad Peshawar due to which he was marked absent from his duty. His total period of absence is 05-Months & 11-days. He did not produce any solid reason regarding his absence.

RECOMMENDATIONS

After going through the enquiry papers it was found that, the alleged official remained absent for 05-Month & 11-days. Therefore, it is suggested that he may be awarded the minor punishment of censure and absence period be treated as leave "**without pay**" if agreed.

*Issue final
show censure notice*

[Signature]
DY: SUPERINTENDENT OF POLICE
COMPLAINT/ENQUIRY CCP PESHAWAR

[Signature]
Superintendent of Police
HQrs: CCP Peshawar.

FINAL SHOW CAUSE NOTICE

2

I Superintendent of Police, Headquarters, Capital City Police Peshawar, as competent authority, under the provision of Police Disciplinary Rules 1975 do hereby serve upon you, Constable Abdus Salam No.5741 the final show cause notice.

The Enquiry Officer, DSP Complaint/Enquiry, after completion of departmental proceedings, has recommended you for minor punishment for the charges/allegations leveled against you in the charge sheet/statement of allegations.

And whereas the undersigned is satisfied, you Constable Abdus Salam No.5741 deserve the punishment in the light of the above said enquiry report.

And as competent authority, has decided to impose upon you the penalty of minor/major punishment under Police Disciplinary Rules 1975.

1. You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.

2. If no reply to this notice is received within 7 days of its receipt, in normal course of circumstances, it shall, be presumed that you have no defence to put in and in that case as ex-parte action shall be taken against you.

SUPERINTENDENT OF POLICE,
HEADQUARTERS, PESHAWAR

No. 269/9/PA, SP/HQrs: dated Peshawar the 26/11 /2020.

Copy to official concerned

ابا عبد شوكا، نوٹس نمبر 269/9/PA

AB Salam

30-11-2020

