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KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

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M. Kamran VS Govt of JPK

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Muharrir  Compilation


29/5/24
Incharge Judicial Branch

MPA میاں نثار کو سفارش کئے تھے۔ جبکہ مذکورین کی درخواستیں OHC ایف آر پی کوہاٹ ریج کے پاس تاحال پڑے ہیں اور مذکورین کو کسی قسم کی OC نہیں ملے ہے۔

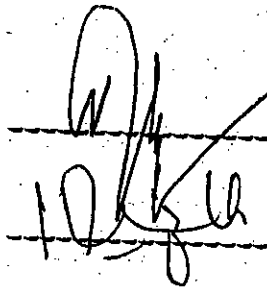
PA فواد نے اپنے بیان میں لکھا ہے کہ متذکرہ آرڈرز LHC اسمد اللہ نمبر 5975 جو کہ ایف آر پی کوہاٹ ریج سے تعلق رکھتا ہے نے اس کو دفتری اوقات کے بعد حوالہ کئے ہیں۔ جبکہ مذکورہ LHC اسمد اللہ نمبر 5975 نے اپنے بیان میں متذکرہ آرڈرز PA فواد کو حوالہ کرنے سے صاف انکار کیا ہے اور لکھا ہے کہ سال 2007 سے PA فواد کے ساتھ کافی تعلقات اور آتا جانا اور مہمان نوازی ہے۔ LHC اسمد اللہ نے اپنے بیان میں لکھا ہے کہ PA فواد کے ساتھ سال 2007 سے تعلق ہے جبکہ مذکورہ سال 2008 کا بھرتی شدہ ہے۔

PA فواد نے اپنے بیان میں قسمیہ لکھا ہے کہ آرڈرز حوالہ ہونے کے وقت یہ علم نہیں تھا کہ یہ Fake / جعلی ہے۔ درج بالا بیانات سے یہ واضح ہوتا ہے کہ PA فواد اور LHC اسمد اللہ نمبر 5975 کے ایک دوسرے کے ساتھ 2007 سے تعلقات ہیں اور ایک دوسرے کو بخوبی جانتے ہیں اور ایک دوسرے کے ساتھ آتا جاتا ہے۔ PA فواد نے اپنے بیان میں لکھا ہے کہ متذکرہ آرڈرز LHC اسمد اللہ نمبر 5975 نے اس کو دفتری اوقات کے بعد دیئے جو کہ اگلے روز مورخہ 24.06.2020 کو PA فواد نے آفس سپرنٹنڈنٹ لے جا کر بمطابق بیان کنسٹیبل شہزاد نمبر 1350 متعینہ آفس سپرنٹنڈنٹ نے دستخط کر کے ریکارڈ برانچ میں ڈاؤن کی ہے۔ جبکہ LHC اسمد اللہ نمبر 5975 نے اپنے بیان میں بتلایا ہے کہ مورخہ 24.06.2020 کو PA فواد کوہاٹ آگراں بارے میں بتلایا کہ متذکرہ آرڈرز کے بارے میں میری مدد کریں۔ بمطابق بیان PA فواد مورخہ 23.06.2020 کو LHC اسمد اللہ نمبر 5975 نے بذات خود متذکرہ آرڈرز دفتری اوقات کے بعد من PA کو حوالہ کئے ہیں۔

مورخہ 24.06.2020 کو دفتری اوقات میں متذکرہ آرڈرز آفس سپرنٹنڈنٹ سے بارک ہو کر ریکارڈ برانچ میں ڈاؤن کیے ہوئے ہیں اور LHC اسمد اللہ نمبر 5975 نے اپنے بیان میں لکھا ہے کہ مورخہ 24.06.2020 کو PA فواد کوہاٹ آیا تھا۔ کنسٹیبل عامر وسیم نمبر 6090، کنسٹیبل رحمت ضمیر نمبر 5138 اور LHC اسمد اللہ نمبر 5975 ان تینوں کا تعلق ایف آر پی کوہاٹ ریج سے ہے۔

لہذا درج بالا حقائق کو مد نظر رکھ کر کنسٹیبل عامر وسیم نمبر 6090، کنسٹیبل رحمت ضمیر نمبر 5138 کے خلاف Major Punishment دینے اور LHC اسمد اللہ نمبر 5975 ایف آر پی کوہاٹ ریج اور PA فواد کے خلاف محکمہ کارروائی کرنے کی سفارش کی جاتی ہے۔

رپورٹ گزارش ہے۔



• DSP ہیڈ کوارٹر ایف آر پی پشاور

• RI ایف آر پی پشاور ریج پشاور

دفعہ نمبر: 191 مورخہ 23.07.2020

کل قطععات 25

Order

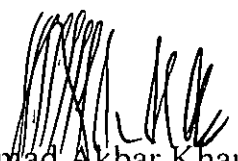
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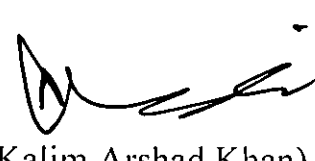
Appeal No.13577/2020 titled "Muhammad Kamran Vs. Government of Khyber Pakhtunkhwa through Secretary Home & Tribal Affairs, Civil Secretariat, Peshawar."

5. There is an application for condonation of delay alongwith the appeal with the only ground that as soon as the order dated 09.05.2019 was communicated to the appellant, he filed appeal without delay, but he has not disclosed as to when had he received any of the orders i.e. original, appellate or the revisional. Therefore, the grounds mentioned in the application for condonation of delay is not worth consideration.

6. Not only the departmental appeal, but the instant service appeal, both are barred by time, therefore, this appeal is dismissed. Costs shall follow the event. Consign.

7. *Pronounced in open Court at Peshawar under our hands and seal of the Tribunal on this 6th day of May, 2024.*


(Muhammad Akbar Khan)
Member (E)


(Kalim Arshad Khan)
Chairman

Mutazem Shah

Service Appeal No.13577/2020 titled "Muhammad Kamran Vs. Government of Khyber Pakhtunkhwa through Secretary Home & Tribal Affairs, Civil Secretariat, Peshawar."

ORDER

6th May, 2024

Kalim Arshad Khan, Chairman. Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

2. The appellant's case in brief is that he was serving in the Police Department and allegedly, due to illness, he could not attend his duties. For the reason, he was dismissed from service vide order dated 18.07.2017. Feeling aggrieved, he filed departmental appeal on 31.12.2019 which was dismissed vide order dated 11.03.2019. Then he filed revision petition under Rule-11 of the Khyber Pakhtunkhwa Police Rules, 1975, but the same was also rejected, hence, the instant service appeal.

3. We have heard learned counsel for the appellant and learned Deputy District Attorney for the respondents and have perused the record.

4. From the record, it is evident that the appellant was dismissed from service vide order dated 18.07.2017. He filed departmental appeal on 31.12.2018, which was hopelessly barred by time as was observed by the Appellate Authority (CCPO Peshawar) vide order dated 11.03.2019, dismissing the departmental appeal. The appellant then filed a revision petition before the Inspector General of Police Khyber Pakhtunkhwa, Peshawar, which was dismissed vide order dated 08.05.2019, holding the same to be barred by time. The appellant then filed appeal before this tribunal on 22.10.2020, which too is barred by time.




3

09.01.2024 1. Clerk of counsel for the appellant present. Mr. Muhammad Jan District Attorney for the respondent present.

2. Lawyers are on general strike, therefore, case is adjourned.

To come up for arguments on 06.05.2024 before D.B. P.P given to the parties..

SCANNED
K. M. T
Peshawar


(Muhammad Akbar Khan)
Member (E)


(Rashida Bano)
Member (J)

3rd July, 2023

1. Learned counsel for the appellant present. Mr. Asad Ali Khan, Assistant Advocate General present.

2. On the previous date an adjournment was sought and last opportunity was granted to the appellant but today again an adjournment was sought. Granted but on payment of cost of Rs. 2000/-. To come up for arguments on 31.10.2023 before D.B. P.P given to the parties.

SCANNED
KPST
Peshawar



(Rashid Bano)
Member (J)



(Kalim Arshad Khan)
Chairman

Adnan Shah

31.10.2023

Clerk of learned counsel for the appellant present. Mr. Zahoor Khan, S.I (Legal) alongwith Mr. Asif Masood Ali Shah, Deputy District Attorney the respondents present.

Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is out of station today. Adjourned. To come up for arguments on 09.01.2024 before the D.B. Parcha Peshi given to the parties.

SCANNED
KPST
Peshawar



(Fareeha Paul)
Member (E)



(Salah-ud-Din)
Member (J)

Naeem Amin

06.02.2023

Learned counsel for the appellant present. Mr. Azam Uzair Khan, Addl. AG for the respondents present.

Learned counsel for the appellant requested for adjournment in order to further prepare the brief. Granted. To come up for arguments on 02.05.2023 before the D.B.

SCANNED
KPST
Peshawar



(FAREEHA PAUL)
Member (E)


(ROZINA REHMAN)
Member (J)

02nd May, 2023

1. Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.
2. Learned counsel for the appellant seeks adjournment for preparation of arguments. Last opportunity is granted. To come up for arguments on 03.07.2023 before the D.B. Parcha Peshi is given to the parties.

SCANNED
KPST
Peshawar


(Salah-ud-Din)
Member (J)


(Kalim Arshad Khan)
Chairman

6

21.06.2022

Appellant in person present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Appellant requested for adjournment on the ground that his counsel is busy in the august Peshawar High Court, Peshawar. Adjourned. To come up for rejoinder, if any, as well as arguments on 12.09.2022 before the D.B.

(Fareeha Paul)
Member (E)

(Salah-ud-Din)
Member (J)

12.09.2022

Learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney for the respondents present.

Mr. Mian Muhammad, learned Member (Executive) is on leave, therefore, arguments could not be heard. Adjourned. To come up for arguments before the D.B on 28.11.2022

(Salah-Ud-Din)
Member (J)

28/11/22

deleted from list to come up for the same on 6/2/23

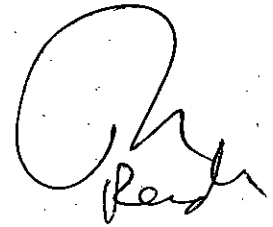
Stipulated period passed reply not submitted.

15.09.2021

Learned Addl, A.G be reminded about the omission and for submission of reply/comments within extended time of 10 days.


Chairman

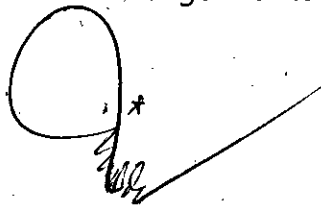
Due to winter vacation the case is adjourned to come up for the same on 14-4-2022



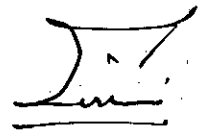
14.04.2022

Learned counsel for the appellant present. Mr. Muhammad Raziq, Head Constable alongwith Mr. Muhammad Rasheed, Deputy District Attorney for the respondents present.

Written reply on behalf of respondents submitted, which is placed on file and copy of the same is handed over to learned counsel for the appellant. Adjourned. To come up for rejoinder, if any, as well as arguments on 21.06.2022 before the D.B.



(Mian Muhammad)
Member (E)



(Salah-ud-Din)
Member (J)

15.03.2021

Due to tour of Camp Court Abbottabad and shortage of Members at Principal Bench Peshawar, the case is adjourned to 24.05.2021 before S.B.


Reader

24.05.2021


Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 03.08.2021 for the same as before.


Reader

03.08.2021

Counsel for the appellant present.

Notices have not been issued due to non-availability of spare sets of Memorandum of appeal. Learned counsel for the appellant is required to furnish spare sets of appeal alongwith documents, complete in all respect within three days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days, positively. If the written reply/comments are not submitted within the stipulated time, or extension of time is not sought through written application with sufficient cause, the office shall submit the file with a report of non-compliance. File to come up for arguments on 27.12.2021 before the D.B.


Chairman

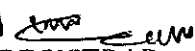

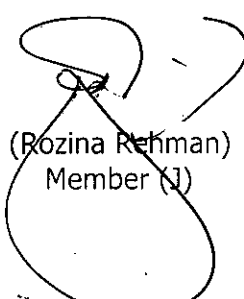
9

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 13577 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	03/11/2020	<p>The appeal of Mr. Muhammad Kamran resubmitted today by Mr. Kaleemullah Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>2-</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>21/12/2020</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	21.12.2020	<p>Appellant present through counsel. Preliminary arguments heard. File perused.</p> <p>Points raised need consideration. Admitted to 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 written reply/comments. To come up for written reply/comments on 15.03.2021 before S.B.</p> <p style="text-align: right;"> (Rozina Rehman) Member (J)</p>

Appellant Deposited Security & Process Fee
21/12/20

The appeal of Mr. Muhammad Kamran son of Banat Gul Ex-Constable No. 5987 Police department received today i.e. on 22.10.2020 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Address of respondent no. 1 is incomplete which may be completed according to the Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 2- Memorandum of appeal may be got signed by the appellant.
- 3- Annexures of the appeal may be attested.
- 4- Annexures of the appeal may be flagged.
- 5- Copies of charge sheet, statement of allegations, show cause notice, enquiry report and replies thereto are not attached with the appeal which may be placed on it.
- 6- All the annexures of the appeal are illegible which may be replaced by legible/better one.
- 7- Six more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

Not removed

No. 3044 /S.T.
Dt. 23/10/2020.



 REGISTRAR
 SERVICE TRIBUNAL
 KHYBER PAKHTUNKHWA
 PESHAWAR.

Mr. Kaleemullah Adv. Pesh.

Respected Sir:

Re submitted after necessary correction. with regard to spare copies rate has be given at the end of index.

Therefore this appeal may kindly be filed before the Honorable members


Advocate

Respected Sir: That objection at ser no 5 could not be filed because those document were never provided to the appellant, hence for the reason

Some could not be annexed
with the appellation
of citizens.
Advocate.

(11)

BEFORE THE HONOURABLE
KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

SCANNED
KPST
Peshawar

Service Appeal No. _____ / 2020

Muhammad Kamran

(Petitioner)

V E R S U S

Govt. of KP through Home & Tribal Affairs and others

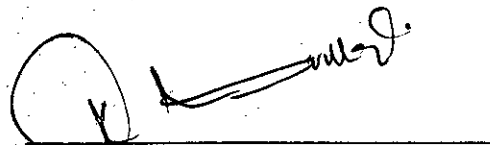
(Respondents)

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4	Copy of dismissal order		9
5	Copy of departmental appeal		10
6	Copy of order dated 11.03.2019		11
7	Copy of application U/s 11A		12
8	Copy of dismissal order		13
9	Copy of medical documents		14-25
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Petitioner

Through



Kaleem Ullah
Advocate High Court,
Peshawar

Dated: 21.10.2020

Note: Extra copies would be provided when the case is admitted for regular hearing. Advocate

12

1

BEFORE THE HONOURABLE
KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 13577 /2020

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 11865

Dated 22/10/2020

Muhammad Kamran S/o Banat Gul
Ex-Constable No. 5987, Police Department, Peshawar

(Petitioner)

VERSUS

- 1) Govt. of Khyber Pakhtunkhwa through ^{Secretary} Home & Tribal Affairs, Peshawar Civil Secretariat Peshawar
- 2) Inspector General of Police, Khyber Pakhtunkhwa, Peshawar Police Lines, Peshawar
- 3) Chief Capital City Police Officer, Police Lines, Peshawar
- 4) Superintended of Police, Cantt Peshawar

(Respondents)

Appeal Under Section 4 of the KP Service

Tribunal Act, 1974 against the order

dated 18.07.2017, whereby the order of

dismissal from service has been passed

against the appellant and against the

order dated 11.03.2019 whereby the

departmental appeal of the appellant

was dismissed and against the order

dated 09.05.2019 whereby revision

petition was dismissed.

Filed to-day

Registrar

22/10/2020

Re-submitted to-day and filed.

Registrar
3/11/2020

Prayer:

That on acceptance of this appeal, the orders dated 18.07.2017 & 11.03.2019 may please be set aside and the appellant be reinstated back to his service with all back benefits OR in alternative the respondent may kindly be directed to award the pensionary benefits to the appellant with all back benefits.

Respectfully Sheweth,

Brief facts given raise to the instant appeal are as below:

- 1) *That the appellant was appointed as Constable and award Belt No. 5987 in the year 2010. (Copy of Service Card is attached)*
- 2) *That the appellant has been serving his department as a police constable by heart and sole and has got at his credit a length of service standing to more than 07 years.*
- 3) *That in the year 2011 when the appellant was serving the police department got injured from Ariel firing and sustained serious injury, however the appellant was fighting against his injuries and despite his injuries the appellant was serving his duty with great zeal and honesty.*

- 4) That the injury of the appellant due to not proper treatment / care was degrading from bed to worse day by day.
- 5) That the appellant time and again requested his high ups that leniency may kindly be shown to him while performing his duty, but all his request was turn down.
- 6) That in the year 2016, the appellant was suffering seriously from his injury and was unable to continue his duty for that reason, the appellant remained absent from his duty, however the appellant moved so many applications to his highups for long leave but that was not entertained.
- 7) That the respondent No. 4 without observing any legal formality and without giving any opportunity to the appellant passed the impugned order dated 18.07.2017 whereby the appellant was awarded major penalty of dismissal from service.
- 8) That feeling aggrieved from the above said order, the appellant moved departmental appeal before the office of respondent No. 3, who turn down the appeal of the appellant vide order dated 11.03.2019 and maintained the order dated 18.07.2017.
- 9) That feeling aggrieved form the above said order the appellant approached the Office of the respondent No. 2, Under Section 11-A of the Khyber Pakhtunkhwa Police Rules, 1975, who also dismissed the revision petition by the office order dated 09.08.2019 and maintained the order dated 18.07.2017 but the order

dated 09.05.2019 was not communicated to the appellant, that's why the appellant could not approach this hon'ble tribunal on time, soon the order dated 09.05.2019 was communicated to the appellant the appellant approach this hon'ble tribunal through instant service appeal.

- 10) That the appellant feeling aggrieved from the above said orders and having no other efficacious remedy, hence to approach this hon'ble tribunal, inter alia o the following grounds.

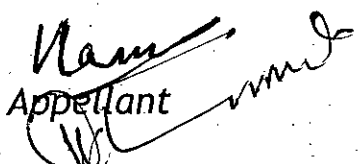
GROUNDS:

- A) That the impugned orders dated 18.07.2017, 11.03.2019 and 09.05.2019 are against the law, facts, norms of natural justice, hence not tenable and liable to be set aside.
- B) That the appellant has not been treated by respondent / department in accordance with law and rules on the subject noted above and as such the respondents violated the provision of the Constitution of Islamic Republic of Pakistan, 1973.
- C) That no show cause notice whatsoever has been served upon the appellant nor any inquiry has been constituted to probe into the matter.
- D) That no opportunity was given to the appellant to be heard by the respondents.

- E) That the impugned orders dated 18.07.2017, 11.03.2019 and 09.09.2019 is a classic example of "nano judicaza" i.e. no one should be condemned unheard.
- F) That the allegation on the basis of which the appellant was dismissed from the service is not supported by any documentary proof nor the appellant was provided any opportunity to advance his stance.
- G) That the appellant seeks permission to advance other grounds and proofs at the time of hearings.

It is, therefore, humbly prayed that on acceptance of this appeal, the orders dated 18.07.2017, 11.03.2019 and 09.5.2019 may please be set aside and the appellant be reinstated back to his service with all back benefits OR in alternative the respondent may kindly be directed to award the pensionary benefits to the appellant.

Dated: 21.10.2020

Through 
 Appellant
 Kaleem Ullah
 Advocate High Court,
 Peshawar

ATTESTED
 21 OCT 2020



AFFIDAVIT

I, Muhammad Kamran S/o Banat Gul, Ex-Constable No. 5987, Police Department, Peshawar, do hereby solemnly affirm and declare on Oath that the contents of instant application are true and correct to the best of my knowledge and belief and nothing has been concealed from this honourable court.

DEPONENT



**BEFORE THE HONOURABLE
KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR**

Service Appeal No. _____ /2020

Muhammad Kamran

(Petitioner)

V E R S U S

Govt. of KP through Home & Tribal Affairs and others

(Respondents)

**Application for condonation of delay
in filing of instant service appeal.**

Respectfully Sheweth,

- 1) That the appellant filed above mentioned appeal along with this application before this august Service Tribunal in which no date has been fixed so far.

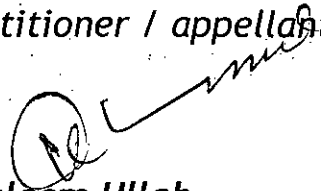
- 2) That the order dated 09.05.2019 was not communicated to the petitioner / appellant on time, that's why the petitioner / appellant could not approach this hon'ble tribunal on time, as soon as the order dated 09.05.2019 was communicated to the petitioner / appellant, the petitioner / appellant approach this hon'ble tribunal without any delay.

3) That delay in filing of the instant appeal was not intentional but due to the reason mentioned above.

It is, therefore, humbly prayed that on acceptance of this application the delay in filing of the instant appeal may kindly be condoned for the ends of justice.

Petitioner / appellant

Through



Kaleem Ullah
Advocate High Court,
Peshawar

Dated: 21.10.2020

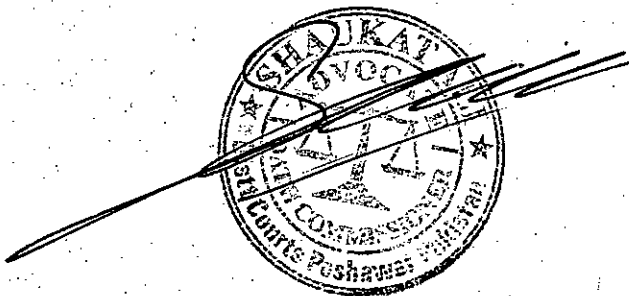
AFFIDAVIT

I, Muhammad Kamran S/o Banat Gul Ex-Constable No. 5987, Police Department, Peshawar, do hereby solemnly affirm and declare on Oath that the contents of instant application are true and correct to the best of my knowledge and belief and nothing has been concealed from this honourable court.

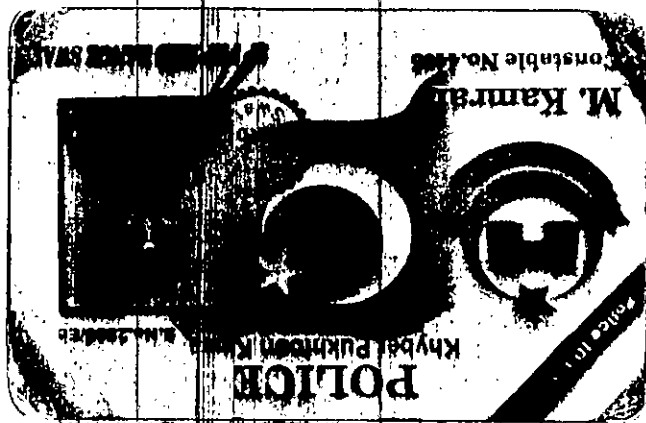
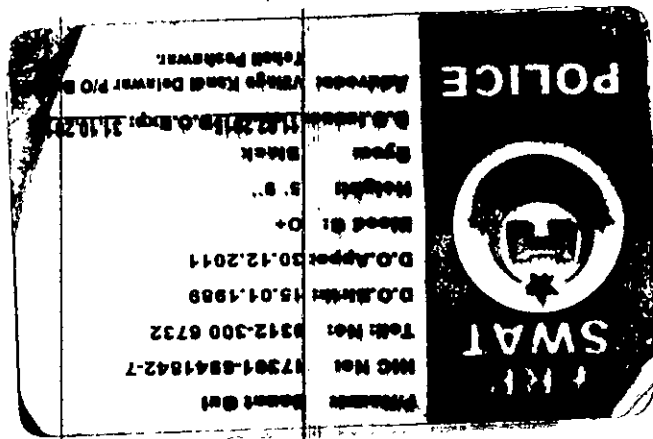

DEPONENT

ATTESTED

MUHAMMAD KAMRAN



21 OCT 2020



21

[Better Copy]

ATTESTED
KALEEM ULLAH
ADVOCATE
Peshawar High Court
A/A

ORDER

This office order will dispose off the departmental proceedings against Constable Kamran No. 5987 who while posted at Police Station Tehkal, remained absent from his lawful duty w.e.f. 27.03.2016 till date without any leave or permission from his senior.

Under Police 1975 proper charge sheet along with summary of allocation were issued against Constable Kamran No. 5987 and SDPO Town appointed as enquiry officer to scrutinize the conduct of Constable Kamran No. 5987.

The enquiry officer submitted finding and recommended the Constable Kamran No. 5987 for major punishment after issuing final show cause notice. Hence, he was issued final show cause notice but he failed to submit his reply to final show cause notice. He is hereby awarded major penalty of dismissal from service.

Keeping in view of the above and recommendations of enquiry officer Imran Ahmad Malik SP Cantt, Peshawar being a competent authority, agree with the recommendation of the enquiry officer. Therefore Under Police Disciplinary Rules 1975, Constable Kamran No. 5987 is hereby awarded major punishment of dismissal from service, with immediate effect.

**SUPERINTENDENT OF POLICE,
CANTT: PESHAWAR.**

No. 1736-43/SP/Cantt. Dated Peshawar, the 18.07.2017.

Copy for information and necessary action to the:-

- 1) The SSP, Operation, Peshawar
- 2) The SP HQrs: Peshawar
- 3) SDPO/Town (E.O)
- 4) Pay Officer
- 5) CRC
- 6) OASI Branch
- 7) Fauji Mishal Branch with enquiry file for record
- 8) Official concerned

Dist No. 1478 PA-CCPO
Date: 31-12-18
Page:

FME اپیل میراد بجالی نوٹری
put up record

No 381-LB
31.12.18

ATTESTED
KALEED ULLAH
ADVOCATE
Faisalwar High Court

گورنمنٹ ہائیڈرو سٹاک جسٹس ذیل عرفی مسائل کے

- 1) پیمہ سٹاک سال 2011 سے ایک بائیں ہاؤس پر اتفاقی طور پر زخمی ہوا۔
- 2) پیمہ سٹاک وڈاگرہ خاندان سے مسائل کی دگریت کافی ثابت ہو چکی تھی۔
- 3) پیمہ سٹاک کو اپنے مزایوں منہی سے جا آوری میں اشتیاقی مشکلات کا سامنا کرنا پڑا تھا۔
- 4) پیمہ سٹاک کو اسٹیشنر بالائی جانب سے ایک سال کے لیے لائٹ ڈپٹی کرنے کا حکم صادر ہوا۔
- 5) پیمہ سٹاک لائٹ ڈپٹی بھی سٹاک اپنے مزایوں منہی ادا کرنے میں دقت سے دوچار ہے۔
- 6) پیمہ سٹاک نے اپنی علاج معالجہ کے لیے اسٹیشنر بالائی کو بھیجی تھی درخواست دی تھی۔
- 7) پیمہ سٹاک کی درخواست پر اسٹیشنر بالائی جانب سے بحالہ دوا آمد نہ ہونے پر سٹاک اپنے مزایوں منہی سے غیر حاضر ہوا۔
- 8) پیمہ سٹاک کی علاج معالجہ کے لیے اشتیاقی بیوری کی بناء پر اپنی مزایوں منہی سے غیر حاضر ہوا۔

P/L

- 9) پیمہ اسٹیشنر بالائی غیر حاضر ہے سٹاک کی نوٹری سے ہر پاسے کر دیا۔
 - 10) پیمہ سٹاک کے تمام ہڈا کیل فائدہ کے سیرہ کے درخواستے ہیں۔
- اسٹیشنر ہائیڈرو سٹاک اشتیاقی غریبے فائز ان سے تعلق رکھتا ہے وہاں اپنے دارے اپنی نوٹری پر بحال کرنے کا حکم صادر فرمائی جا رہا ہے۔

31 12 2018

Komra
آپ کے سامان کا تابع میزان سالہ کیمپل کے قافلہ 5987

0312 - 3006732
0313 - 564276



23
ATTESTED
KALEEM ULLAH
ADVOCATE
Peshawar High Court

11
OFFICE OF THE
CAPITAL CITY POLICE OFFICER,
PESHAWAR

Phone No. 091-9210989
Fax No. 091-9212597

ORDER.

This order will dispose of the departmental appeal preferred by Ex-Constable Kamran No.5987 who was awarded the major punishment of "Dismissal from service" by SP/Cantt: Peshawar vide OB No.2759, dated 18-07-2017.

2- The allegations leveled against him were that he while posted at Police Station Tehkal Peshawar absented himself from his lawful duty w.e from 27-03-2016 till his dismissal i.e 18.07.2017 (01 year, 03 months & 21 days) with out leave or prior permission of the competent authority.

3- He was issued Charge Sheet and Statement of allegations by SP/Cantt: Peshawar and DSP/Town was appointed as enquiry officer. The enquiry officer after conducting proper departmental enquiry submitted his report. The competent authority after examining the findings of the enquiry officer issued him Final Show Cause Notice but he failed to submit his reply within the stipulated period. Hence the competent authority in light of the recommendations of the enquiry officer awarded him the major punishment of dismissal from service.

4- He was heard in person in Q.R. The relevant record perused along with his explanation. During personal hearing the appellant failed to submit any reasonable explanation. Therefore, his appeal is hereby rejected /dismissed being also time barred for 01 year and 05 months.

(QAZI JAMIL UR REHMAN)PSP
CAPITAL CITY POLICE OFFICER,
PESHAWAR

No. 432 - 36 /PA dated Peshawar the 11/03/2019

Copies for information and n'a to the:-

1. SP/Cantt: Peshawar.
2. BO/OASI/CRC for making necessary entry in his S.Roll.
3. FMC along with FM
4. Official concerned.

24

[Better Copy]

N/A

ATTESTED
KALEEM ULLAH
ADVOCATE
Peshawar District Court

**OFFICE OF THE
CAPITAL CITY POLICE OFFICER
PESHAWAR**

Phone No. 091-9210989

Fax NO: 091-9212597

ORDER

This order will dispose of the departmental appeal preferred by Ex-Constable Kamran No. 5987 who was awarded the major punishment of "Dismissal from Service" by SP/Cantt: Peshawar vide OB No. 2759 dated 18.07.2017.

2. The allegations leveled against him were that he while posted at Police Station Tehkal Peshawar absented himself from his lawful duty w.e.f 27.03.2016 till his dismissal i.e. 18.07.2017 (01 year, 03 months & 21 days) without leave or prior permission of the competent authority.

3. He was issued Charge Sheet and Statement of allegations by SP/Cantt: Peshawar and DSP/Town was appointed as enquiry officer. The inquiry officer after conducting proper departmental enquiry submitted his report. The competent authority after examining the findings of the enquiry officer issued him final show cause notice but he failed to submit his reply within the stipulated period. Hence the competent authority in light of the recommendations of the enquiry officer awarded him the major punishment of dismissal from service.

4. He was heard in person in Q.R. the relevant record perused along with his explanation. During personal hearing the appellant failed to submit any reasonable explanation. Therefore, his appeal is hereby rejected / dismissed being also time barred for 01 year and 05 months.

(QAZI JAMIL UR REHMAN) PSP
CAPITAL CITY POLICE OFFICER,
PESHAWAR

No. 432-36/P dated Peshawar the 11.03.2019

Copies for information and to the:-

1. SP/Cantt: Peshawar
2. BO/OASI/CRC for making necessary entry in his S.Roll.
3. FMC along with FM
4. Official concerned.

کلیں

اپنی برائے حال دیکھ کر

جناب صاحب

گراہوں سے نہ کہ اپنی طرف سے 2011 میں
اتفاق ہو گیا مابعد میں یہ یادوں پر مشورہ زنی میں
صورتوں میں ظاہر ہے نامرتدا اور ترمیم معاہدہ
میں دراصل صبر سے ہاں تھا کہ بنا یہ امر ان
نات کے لئے ہے مروت بہا

سائل نے کچھ نہیں پوچھا ہے
یہ ہیں اوزر ان کے جوئے
اپنی مندرجہ مائل آیا

لکھنا ہم دیم درخواست
میں ہر گز اپنے لئے
مستور زمانہ

الکافین

بابتہ مائیل نامہ ان
5987
لکھنا ہر گز اپنے لئے



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

No. 1653

(19, dated Peshawar the 07/05/2011)

To: The Capital City Police Officer,
Peshawar

REVISION PETITION.

The Competent Authority has examined and filed the revision petition submitted by Mr. Habibullah Khan No. 500 of CCP Peshawar against the punishment of dismissal from service awarded by Superintendent of Police, Feroz Peshawar vide O.P. No. 750 dated 18/01/2011 (copy attached).

The applicant may please be informed accordingly.

ATTESTED
(Signature)
KALBEM ULLAH
ADVOCATE
Peshawar High Court

(Signature)
(SYED WAJID HUSSAIN)
Registrar,
Law Inspector General for Police
Khyber Pakhtunkhwa,
Peshawar
10-05-2011

27

[Better Copy]

(3/A)

ATTESTED
KALEEM ULLAH
ADVOCATE
Peshawar High Court

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

To,

The Capital City Police Officer,
Peshawar

Subject: **REVISION PETITIONS.**

The competent authority has examined and filed the revision petition submitted by Ex-Constable Kamran No. 5987 of CCP Peshawar against the punishment of dismissal from his service awarded by Superintendent of Police, Cantt Peshawar vide OB No. 2759 dated 18.02.2019, badly time barred.

The applicant may also be informed accordingly.

(SYED ANIS UL HASSAN)
Registrar
For Inspector General of Police
Khyber Pakhtunkhwa,
Peshawar

Dr. Hussain Ahmad

MBBS, Ph.D (Neurology)
 Certification in Epilepsy (ILAE, Germany)

Medical & Neurophysician

Neurology Deptt:
 Lady Reading Hospital Peshawar.

CLINIC:

Room #: 1,2-A Rahim Medical Center
 G.T. Road, Peshawar.

ڈاکٹر حسین احمد

ایم بی بی ایس، پی ایچ ڈی (نیورالوجی)
 سرٹیفکیشن ان اپیلپسی (جرمنی) یورپیا، جرمنی
 میڈیکل اینڈ نیوروفزیشن
 نیورولاجک لیڈی ریڈنگ ہسپتال، پشاور
 کلینک: کمرہ نمبر A-2، 1، پہلی منزل
 رحیم میڈیکل سنٹر، جی ٹی روڈ پشاور

Name

Age

Sex

Date

Clinical Record

57
 20/10/19
 the ph
 not do

Rx

Tab Alnam
 Tab Calca
 10/10/19

**PLASTIC SURGERY CLINIC
CMH PESHAWAR**



ATTESTED
K. I. ULLAH
ASSOCIATE
Plastic Surgeon
11/1 Court

Date: 28/5/15

Col. Muhammad Rizwan Aslam
FCPS (Plastic Surgery), FRCPS (Surg)
Associate Plastic Surgeon
CMH Peshawar
II Col. Muhammad Zia ul Islam
FCPS (Plastic Surgery), FRCPS (Surg)
Col. Aslam Plastic Surgery

CSW laceration with Scar of Genital nerve
- transfer done
of Genital nerve
and tendon
of genital nerve
CSW laceration with Scar

Rec. 6 months
- 1 year
- 2 years
- 3 years
- 4 years
- 5 years
- 6 years
- 7 years
- 8 years
- 9 years
- 10 years
- 11 years
- 12 years
- 13 years
- 14 years
- 15 years
- 16 years
- 17 years
- 18 years
- 19 years
- 20 years

Reference: 032 4442 009
RIZWAN ASLAM
Col. Aslam Plastic Surgery
FCPS (Plastic Surgery), FRCPS (Surg)
Commanding Officer
CMH Peshawar

(15)

(29)

Dr. Hussain Ahmad

MBBS, Ph.D (Neurology)

Certification in Epilepsy (ILAE, Germany)

Medical & Neurophysician

Neurology Deptt:

Lady Reading Hospital Peshawar.

CLINIC:

Room #: 1,2-A Rahim Medical Center

G.T. Road, Peshawar.

ڈاکٹر حسین احمد

ایم بی بی ایس، پی ایچ ڈی (نیورالوجی)

سرٹیفکیشن ان اپیلپسی (جرمنی) یورپیہ، جرمنی

میڈیکل اینڈ نیوروفزیشن

نیورولاجک لیڈی ریڈنگ ہسپتال، پشاور

کلینک: کمرہ نمبر 1,2-A پہلی منزل

رحیم میڈیکل سنٹر، جی ٹی روڈ پشاور

ATTESTED
KALEEM ULLAH
ADVOCATE
Peshawar High Court

Name _____ Age _____ Sex _____ Date _____

Clinical Record

Rx
Tab Alnamon
Op Plegy
Tab Catap
G.V.D.K
Septic

Handwritten notes in the Clinical Record section, including "Op Plegy" and "Tab Catap".

31

18

HUSSAIN NEURO-DIAGNOSTIC CLINIC
PAK MEDICAL MEDICAL CENTER
ROOM NO 307 KHYBER BAZAR PESHAWAR

ATTESTED
Kaleem Ullah
KALEEM ULLAH
ADVOCATE
Peshawar High Court

Patient MUHAMMAD KAMARAN

Birth Date 1/1/1979

Gender M

Recording Type NCS EXAM

Recording Date 18/02/2017 11:33:15 AM

Impression:

- Neurophysiological Study of Right Tibial / Peroneal nerves show → Severe Neuropathy (Axonal & Demyelinating type) of both nerves
- Sweat Sensory Study normal

Report: Severe Tibial / Peroneal Axonal & demyelinating Polyneuropathy (Distal) with - Assess Clinically

NOT - valid for Court purposes

Hussain

18/02/2017

Dr. Hussain Ahmad

MBBS Ph.D (Neurology)

Certification in Epilepsy (ILAE, Germany)

Medical & Neurophysician

CLINIC:

Room#: 1,2-A Rahim Medical Center

G.T. Road, Peshawar.

Name

Handwritten signature

Age

Sex

Date

31-00-76

ڈاکٹر حسین احمد

ایم بی بی ایس، پی ایچ ڈی (نیورالوجی)

سرٹیفائیڈ ان اپیلپسی (مرگی) یورپ، جرمنی
میڈیکل اینڈ نیوروفزیشن

کلینک: پہلی منزل کمرہ نمبر 1,2-A رحیم میڈیکل سنٹر جی ٹی روڈ پشاور

ATTESTED
KALBEEM ULLAH
ADVOCATE
Peshawar High Court

Clinical Record

Head turns

Paroxysms

Left leg

19/11/76

Level 815

Ref. Nystagmus

Eye 140

cerebella

RX

Handwritten medical notes and prescriptions in Urdu/English script, including various abbreviations and symbols.

Dr. Hussain Ahmad

MBBS Ph.D (Neurology)

Certification in Epilepsy (ILAE, Germany)

Medical & Neurophysician

CLINIC:

Room#: 1,2-A Rahim Medical Center

G.T. Road, Peshawar.

Name _____

محمد عزیز خان

Age _____

Sex M F

Date _____

19-11-16

ATTESTED

KALEEM ULLAH
ADVOCATE
Peshawar High Court

ڈاکٹر حسین احمد

ایم بی بی ایس، پی ایچ ڈی (نیورالوجی)

سرٹیفائیڈ ان اپیلیسی (مرگی) یورپیا، جرمنی

میڈیکل اینڈ نیوروفزیشن

کلینک: پہلی منزل کمرہ نمبر 1,2-A رحیم میڈیکل سنٹر جی ٹی روڈ پشاور

Clinical Record

RX

a. Cep Evergab ^{Edka}
دوست

FAT

Weakness
Rt leg
& wasting

7/8

Rt. D

Power Rt leg

5/5

Weak 5/5

Dr. Hussain Ahmad

MBBS, Ph.D (Neurology)

Certification in Epilepsy (ILAE, Germany)

Medical & Neurophysician

Neurology Deptt:

Lady Reading Hospital Peshawar.

CLINIC:

Room #: 1,2-A Rahim Medical Center

G.T. Road, Peshawar.

ڈاکٹر حسین احمد

ATTESTED

KALEEM ULLAH
ADVOCATE
Peshawar High Court

ایم بی بی ایس، پی ایچ ڈی (نیورالوجی)

سرٹیفائیڈ ان اپی لپسی (مرگی) پور پیا، جرمنی

میڈیکل اینڈ نیوروفزیشن

نیورولاجک لیڈی ریڈنگ ہسپتال، پشاور

کلینک: کمرہ نمبر 1,2-A پبلی منزل

رحیم میڈیکل سنٹر، جی ٹی روڈ پشاور

Name

Age

Sex

Date

Clinical Record

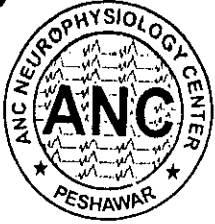
Rx

Dr. Hussain Ahmad

Dr. Hussain Ahmad

Dr. Hussain Ahmad

Dr. Hussain Ahmad



(33)

(22)

ANC NEUROPHYSIOLOGY CENTER DABGARI GARDENS PESHAWAR EMG/NCS REPORT

ATTESTED
[Signature]
KALEEM ULLAH
ADVOCATE
Peshawar High Court

Name: Muhammad Kamran
Age: 28 Years

Ref.by: Dr Col. Muhammad Rizwan Aslam (Plastic Surgeon)
Address: Peshawar
Date: 10-05-2016

FINDINGS:

1. The right common peroneal motor nerve response is unobtainable.
2. The right tibial motor nerve response shows prolonged distal latency, reduced amplitude and slow conduction velocity.
3. The left common peroneal motor nerve response shows normal distal latency, normal amplitude and normal conduction velocity.
4. The left tibial motor nerve response shows normal distal latency, normal amplitude and normal conduction velocity.
5. The right tibial F-wave response is prolonged.
6. The left tibial F-wave response is normal.
7. The right sural sensory nerve response is unobtainable.
8. The left sural sensory nerve response shows normal distal latency, normal amplitude and normal conduction velocity.
9. Needle EMG shows evidence of denervation with inter/simple recruitment pattern with polyphasic potentials in the right tibialis anterior muscle. There is also decrease recruitment pattern in the right gastronemous muscle. All other muscles examined are normal.

FINAL REPORT:

This electrophysiologic study shows evidence of:

- Right sciatic neuropathy at the lower thigh (In the phase of recovery).

Clinical correlation is suggested.

NOTE: *This document is not valid for medico-legal purpose.*

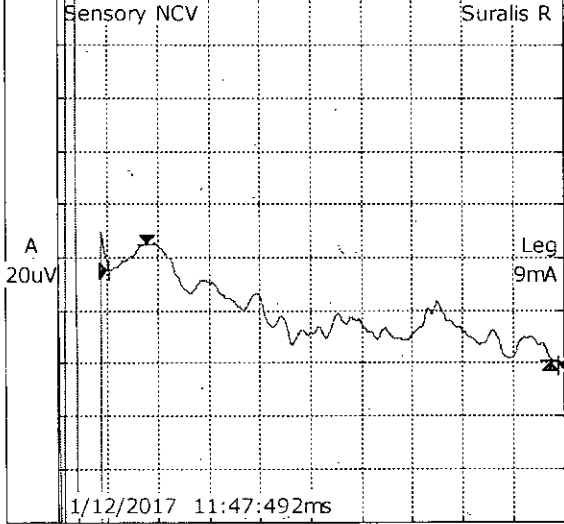
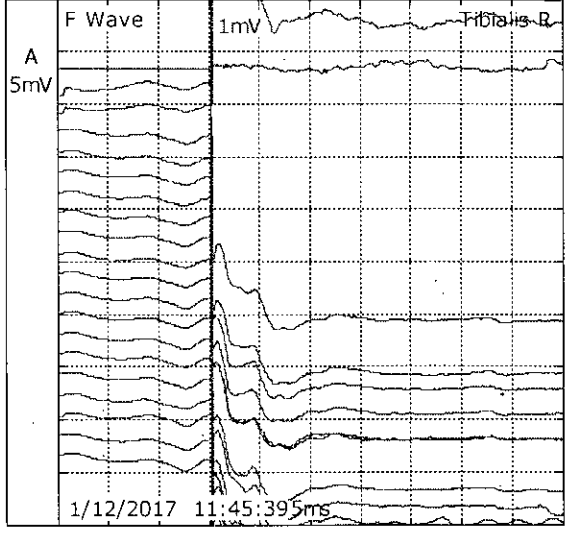
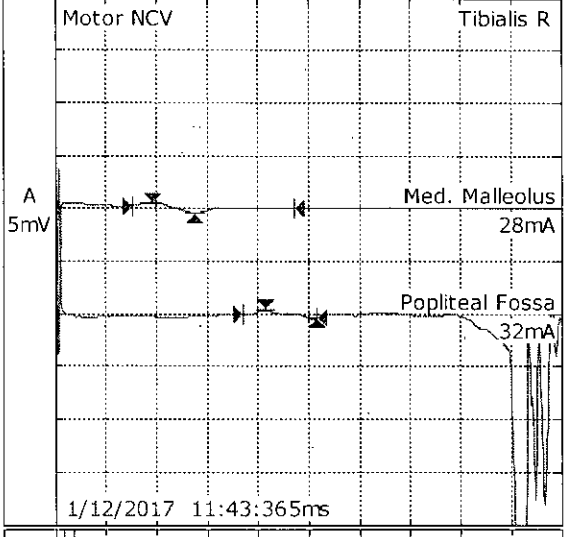
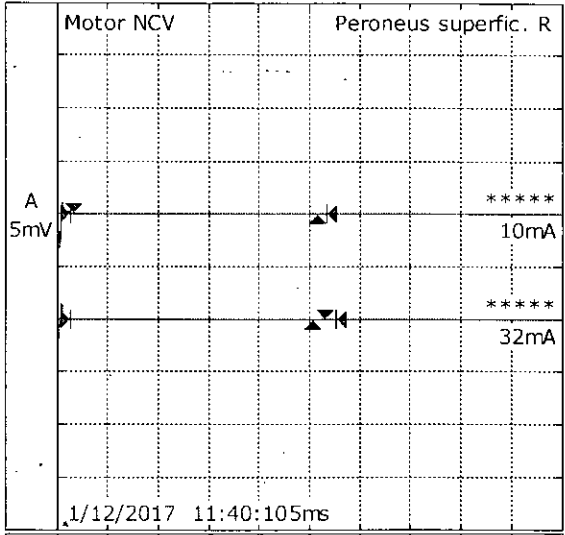
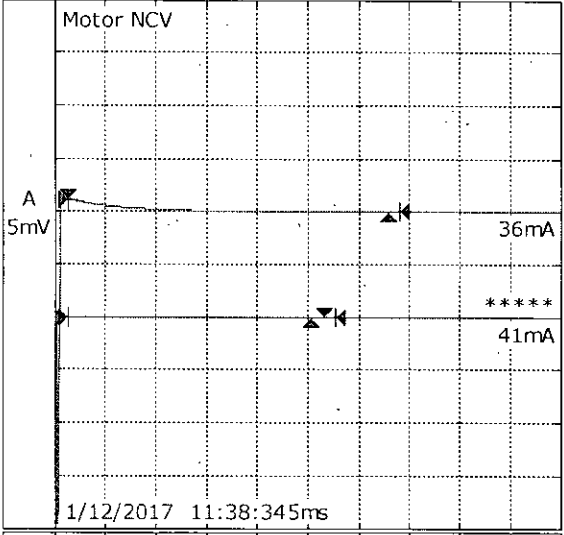
[Signature]
DR S.M ANWAR SHAH
Consultant Neurologist &
Clinical Neurophysiologist
MBBS, MCPS, FCPS-Neurology (PAK)
FAAN, FAANEM (USA), MRCP (UK)
DR SADAF QAZI, MBBS, CNP (AANEM)

[Signature]
MUMTAZ AHMAD SHAH
Neurophysiology Technologist
Bsc Pre Med (PU)
Diploma in computer Science
Diploma in Neurophysiology
JPMC & AGHA KHAN

34

23

F Wave	M latency	F-M latency	F min latency	F max latency	F mean latency	F
	ms	ms	ms	ms	ms	%
Tibialis R	2.1	44.8	10.2	140	67.4	17.7



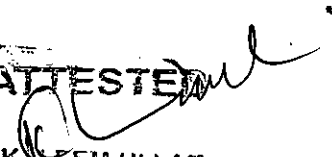
ATTESTED
KALEEM ULLAH
ADVOCATE
Peshawar High Court

35

24

MNCV	Site/Segment	Latency	Amplitude PP	Amplitude P	Distance	NCV	Duration	Area
		ms	mV	mV	mm	m/s	ms	mVms
Peroneus superfic. R	*****	1.3	0.1	0.0			25.4	0.4
	*****_*****	1.3	0.0	0.0			26.3	0.4
Tibialis R	Med. Malleolus-Abd Hallucis	7.6	1.1	1.1	0.3			16.0
	Popliteal Fossa-Med. Malleolus	18.6	0.8	0.8	0.4			7.3

3.4
1.7

ATTESTED 
 KALEEM ULLAH
 ADVOCATE
 Peshawar High Court

(36)

(2)

SNCV	Site/Segment	Latency	Amplitude PP	Amplitude PP	Distance	NCV	Duration	Area
		ms	μ V	μ V	mm	m/s	ms	μ Vms
Suralis R	Leg-Lat. Malleolus	2.1	44.8	10.2	140	67.4	17.7	382.6

ATTESTED
Kaleem Ullah
KALEEM ULLAH
ADVOCATE
Peshawar High Court

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR.

Service Appeal No. 13577 /2020.

Muhammad Kamran No.5987 of CCP, Peshawar.....**Appellant.**

VERSUS

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

REPLY BY RESPONDENTS NO. 1, 2, 3& 4.

Respectfully Sheweth:-

PRELIMINARY OBJECTIONS:-

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'able Tribunal with clean hands.
4. That the appellant has no cause of action and locus standi to file the 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 Honorable Tribunal.
7. That the appeal is not maintainable being devoid of any merit.

REPLY ON FACTS:-

- 1) Incorrect. The appellant was appointed as constable in the year 2011 in the respondent department.
- 2) Incorrect. The appellant has not a clean service record and contains 02 bad entries, on different occasions in his service.
- 3) Para needs to be proved.
- 4) Para needs to be proved.
- 5) Para pertains to record.
- 6) Incorrect. In fact the appellant was posted at PS tehkal, Peshawar absented from his lawful duty w.e.from 27.03.2016 to 18.07.2017(total 01 year, 03 months and 21 days) without taking any Leave/Permission. In this regard, he was issued Charge Sheet with Statement of Allegations. SDPO Town was appointed as Enquiry Officer. The enquiry officer finalized the enquiry and submitted finding report, wherein' the allegations of wilful absence were proved against him. Upon receipt of the findings report, Final Show Cause Notice was issued to him. After observing all codal formalities, he was awarded major punishment of dismissal from service.(copy of charge sheet, statement of allegations, enquiry report and FSCN are annexure as B,,C,D,E)
- 7) Incorrect. The appellant was issued charge sheet with summary of allegations, proper enquiry was conducted and final show cause notice was issued before passing the punishment order. He was provided full opportunity of defense, but he failed to defend

himself. After fulfilling all codal formalities appellant was found guilty, hence awarded major punishment of dismissal from service under the rules.

- 8) Incorrect. The appellant preferred time barred departmental appeal on 31.12.2018 after inordinate delay of about 01 year, 05 months and 13 days, meaning thereby that he was not interested and his departmental appeal was filed/ rejected on the grounds of facts and limitation.
- 9) Incorrect. Appellant preferred revision petition before the appellate authority, which after due consideration was also filed/rejected being time barred.
- 10) That appeal of the appellant being devoid of merits and limitation may be dismissed on the following grounds.

REPLY ON GROUNDS:

- A) Incorrect. The punishment orders are in accordance with law/rules and liable to be upheld.
- B) Incorrect. The competent authority before imposing the major punishment had completed all codal formalities and an ample opportunity of self defense was provided, but appellant being not interested in his official duty remained continuously absented from lawful duty for long period without any leave. The respondents department has not been violated any provision of Constitution of Pakistan 1973.
- C) Incorrect. Proper departmental enquiry was conducted against the appellant. The enquiry officer called time and again but he did not turn up. The allegations were proved against him; thereafter a final show cause notice was issued before passing the punishment order, after fulfilling of all codal formalities he was awarded appropriate punishment in accordance with facts and rules.
- D) Incorrect. The appellant was provided the opportunities of defense, but he willfully avoided. The charges of deliberately absence were proved against him. Therefore, the punishment order was passed by competent authority in pursuance of his long absence period which is not tolerable in the disciplined force.
- E) Incorrect. Being a member of a disciplined force the appellant was well aware about the proceedings and its consequences. However he deliberately absented from his lawful duty without any leave /permission. The punishment order passed by the competent authority is in accordance with law/rules.
- F) Incorrect. The appellant availed the opportunities of defense, but he could not prove his innocence with plausible grounds.
- G) Respondents also seek permission of this Honorable Tribunal to raise additional grounds at the time of arguments.

Prayers:-

Keeping in view the above stated facts & reasons it is, most humbly prayed that the appeal of the appellant being devoid of merits and limitation, may kindly be dismissed with costs please.

Handwritten signature and date: 10/3/2022

**Secretary Home & Tribal Affairs,
Government of Khyber Pakhtunkhwa,
Peshawar.**

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

Handwritten signature
**Capital City Police Officer,
Peshawar.**

Handwritten signature
**Superintendent of Police,
Cantt: Peshawar.**

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR.

Service Appeal No. 13577 /2020.

Muhammad Kamran No.5987 of CCP, Peshawar.....**Appellant.**

VERSUS

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

AFFIDAVIT.

We respondents 1, 2, 3 and 4 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.

Handwritten signature and date: 10/3/2020

**Secretary Home & Tribal Affairs,
Government of Khyber Pakhtunkhwa,
Peshawar.**

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

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**Capital City Police Officer,
Peshawar.**

Handwritten signature
**Superintendent of Police,
Cantt: Peshawar.**

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1. **Name of Official** MUHAMMAD KAMRAN No.5987 S/O BANAT GUL
R/O Kandi dilawer P.O Budai P.S Chamkani District Peshawar
2. **Date of Birth** 15.01.1989
3. **Date of enlistment** 30.12.2011
4. **Education** 10th
5. **Courses Passed** Nil
6. **Total qualifying service** 05 years, 05 months & 28 days.
7. **Good Entries** Nil

8. **Punishment (previous)**
Bad Entries (L.W.O Pay, E/Drill & Warning)
1. 04 days leave without pay vide OB No.105 dt: 17.03.2015
2. 12 days leave without pay vide OB No.262 dt: 28.06.2013
3. 06 days leave without pay vide OB No.4441 dt: 30.12.2016

Minor Punishment

Nil

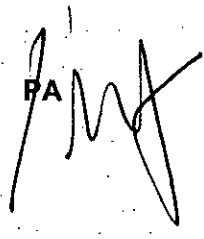
Major Punishment

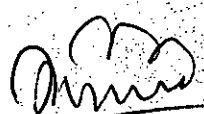
Nil

09. **Punishment (Current)**
• **Awarded major punishment of dismissal from service on the charge of absence w.e.f 27.03.2016 to till date vide OB No.2759 dated 18.07.2017 by SP/Cantt: Peshawar.**

10. **Leave Account**

<u>Total leave at his credit</u>	<u>Availed leaves</u>	<u>Balance</u>
260 days	Nil	260 Days

PA 


CRC 27-2-

W/CCPO

CHARGE SHEET

I, Superintendent of Police, Cantt., Capital City Police Peshawar, as a competent authority, hereby, charge that Constable Kamran No. 5987 of Capital City Police Peshawar with the following irregularities.

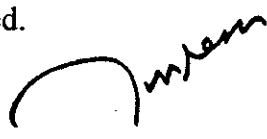
“That you Constable Kamran No. 5987 remained absent from lawful duty w.e.f 27.03.2016 to till date without permission from their senior. This amounts to gross misconduct on your part and against the discipline of the force.”

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

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

Intimate whether you desire to be heard in person.

A statement of allegation is enclosed.



**SUPERINTENDENT OF POLICE,
CANTT, PESHAWAR**



Town Sub-Division

44

Capita

TO: - Superintendent of Police,
Peshawar Cantt.
From: - Deputy: Superintendent of Police,
Town Peshawar.

No. 24-E /PA

Dated.04 July: 2017

Subject: - Departmental Inquiry against Constable Kamran No.5987.

Memo:

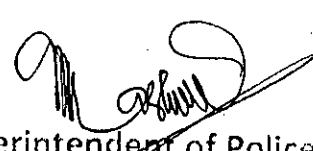
Please refer to your office No.59/E/PA- SPC dated 09/06/2017 on the subject cited above,

A departmental inquiry against Constable Kamran No.5987, was here conducted with the allegations that while he was posted at PS Tehkal Peshawar, he remained absent from his legitimate duty with effect from 27/03/2016 to till date, without any leave or prior permission from his senior officer. Subsequently, proper charge sheet and summary of allegations was issued to him by the W/SP-Cantt Peshawar. The inquiry papers were marked to the undersigned for inquiry and to find out real facts.

Constable Kamran No.5987 was repeatedly summoned to the office. But he did not bother to attend this office for statement and personal hearing.

From the perusal of record and inquiry conducted it revealed that the said constable was remained absent from his duty w.e.f 27/03/2017 to till date. Statement of the said constable was not recorded because he did not bother to attend this office during inquiry process.

In the light of the above circumstances, I the undersigned as inquiry officer recommend Constable Kamran No.5987 for major Punishment after issuance of final show cause notice (Relevant record is attached).


Deputy: Superintendent of Police,
Town Sub-Division Peshawar.

ISSUE final Show cause notice



SP-Cantt

(45)
FINAL SHOW-CAUSE NOTICE

I Superintendent of Police, Cantt, Capital City Police, Peshawar as competent authority, under the provision of Police Disciplinary Rules 1975 do hereby serve you Constable Kamran No. 5987 of Capital City Police, Peshawar as follows.

1 (i) That consequent upon the completion of enquiry conducted against you by the enquiry officer for which you were given opportunity of hearing.

(ii) On going through the findings and recommendation of the enquiry Officer, the material on record and other connected papers produced before the E.O.

I am satisfied that you have committed the following acts/omissions specified in Police Disciplinary Rules 1975 of the said Ordinance.

"That you Constable Kamran No. 5987 while posted at PS/Tehkal, Peshawar were absented from 27.03.2016 till date without taking permission or leave. This act amounts to gross misconduct on your part and against the discipline of the force"

2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you the penalty of major punishment under Police Disciplinary Rules 1975 for absence willfully performing duty away from place of posting.

3. 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.

4. If no reply to this notice is received within 7 days of its delivery, 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 be taken against you.

5. The copy of the finding of the enquiry officer is enclosed.


**SUPERINTENDENT OF POLICE,
CANTT: PESHAWAR**

NO 1604/10

a 12-7-17

P.A
Issue dismissed
order



SPI Cantt.

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SCANNED
KPST
Peshawar

(-WAKALAT NAMA-)

In The Service Tribunal KPK Pesh

Case No. _____

Muhammad Kamran
Plaintiff / Appellant / Petitioner / Complainant

VERSUS

Gout etc.
Defendant / Respondent / Accused

KNOW ALL to whom these presents shall come that I/We, the under appoint **Mr. Kaleem Ullah**, High Court Peshawar having Bar Council Enrollment No. **BC-11-1923**.

To be the advocate for the Appellant in the above mentioned case to do all the following acts, deeds and things or any of these that is to say:

- 1) To act, appear and plead in the above mentioned case in this Court or any other Court in which the same may be tried or heard in the first instance or in appeal or review or revision or execution or in any other stage of its progress until its final decision.
- 2) To present pleadings, appeals cross objections or petitions for execution, review, revision, withdrawal, compromised or other petitions or affidavits or other documents as shall be deemed necessary or advisable for the prosecution/ defense of the said case at all its stage,
- 3) To withdraw or compromise the said case or submit to arbitration any differences or disputes that shall arise touching or in any manner relating to the said case.
- 4) To receive monies and grant receipts therefore and to do all other act and things which may be necessary to be done for the progress in the courses of the prosecution / defense of the case.
- 5) To employ, authorize any other legal practitioner to assist or exercise the power and authority hereby conferred on the Advocate whenever he may think to do so.

And I/WE hereby agree to ratify whatever the Advocate for his substitute shall do in this behalf, and I/We hereby agree not to hold the Advocate or his substitute responsible for the result of the said case consequence of his absence from the court when the said case is called up for hearing.

And I/WE hereby agree that in the event of the whole or any part of the fee agreed by me/us to be paid to the Advocate remaining unpaid he shall be entitled to withdraw from the prosecution/defense of the said case until the same is paid.

WHEREFORE I/We hereunder set my/our hands to these present the contents of which have been explained to and understood by me/us.

The 21st day of Oct in the year 2020 accepted subject to the above terms, and payment of the Full Fee.

Kaleem Ullah

[Signature]
Signature / Thumb Impression