

BEFORE THE SERVICE TRIBUNAL PESHAWAR AT PESHAWAR

APPEAL No ⁵⁷³ ~~537~~ / 2023

Anwar Ul Haq(Petitioner)

VERSUS

Govt of Kp & others(Respondents)

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29/05/2024
ATTORNEY
Sahib Khan Advocate
NOTARY PUBLIC
Peshawar

Applicant
Anwar Ul Haq

Qazi Ishaq Advocate

Rahim & Qazi Law Associate,
Continental Plaza Makan Bagh Swat.

Cell No: 03339747953

BEFORE THE SERVICE TRIBUNAL PESHAWAR AT PESHAWAR

APPEAL No ⁵⁷³ 537/2023

Khyber Pakhtunkhwa
Service Tribunal

Dist: 13053

Date: 29/5/24

Anwar Ul Haq (Petitioner)
VERSUS

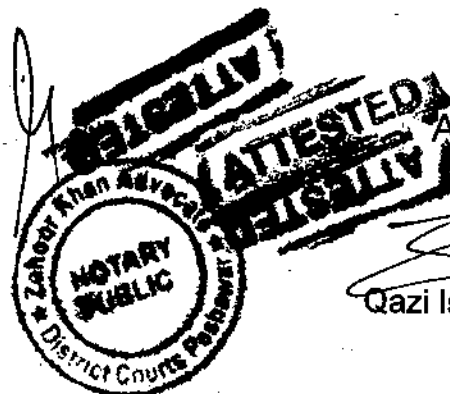
Govt of Kp & others (Respondents)

**APPLICATION TO PLACE ON FILE THE ADDITIONAL
DOCUMENT IN THE ABOVE TITLED APPEAL.**

Respectfully Sheweth:-

1. That the above titled appeal is pending for adjudication before this Honorable Court.
2. That the applicant / appellant have not placed on file necessary documents, and the just decision of the case the perusal of the attached documents are necessary. (copies of the documents are attached "A")
3. That it would be conducive to justice if the aforesaid documents are placed on file.

It is, therefore, humbly prayed, that the additional document may kindly be placed on file, considered for just and proper decision of the case



Applicant
Anwar Ul Haq
Anwar Ul Haq

Qazi Ishaq Advocate
Qazi Ishaq Advocate

BEFORE THE SERVICE TRIBUNAL PESHAWAR AT PESHAWAR

APPEAL No ⁵⁷³ 537 / 2023

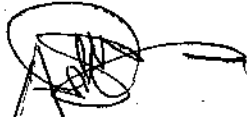
Anwar Ul Haq (Petitioner)

VERSUS

Govt of Kp & others (Respondents)

AFFIDAVIT

I, Anwar Ul Haq constable no.54/930 District dir lower, do hereby solemnly affirm and declare on oath that the contents of the above titled Application are true and correct to the best of my knowledge and belief and nothing has been kept concealed from this Honorable Court.


DEPONENT





47-1607
Sub: Entry made in S-Roll and Enquiry Register. P/s

4
OFFICE OF THE DISTRICT POLICE OFFICER DIR LOWER

ORDER

file FMC
REC-3/6/2021

1. This order will dispose of the departmental enquiry conducted against Constable Anwar Ul Haq No.930 as per report vide DD No.32 dated 04-01-2021 of Police Station Timergara, that he while posted at Jail Guard Timergara absented himself from duty with effect from 04-01-2021 to 12-01-2021 and also remained absent from time to time total (57 days), without any leave or prior permission from his superior, which shows gross misconduct, negligence on his part & Muhammad Zaman DSP/HQrs: Dir Lower was appointed as enquiry officer, to conduct preliminary enquiry against him and submit his finding report.

2. The enquiry officer, during the course of enquiry recorded the statements of all concerned as well as the official concerned. The enquiry officers in his finding report recommended him for suitable punishment.

3. He was called in Orderly Room on 31-05-2021 for personal hearing and found unsatisfactory. Full opportunity was given to him to explain his position, but he failed to produced any cogent reason in his self defense nor satisfy the undersigned.

4. Therefore, I CAPT @ Liaqat Ali Malik (PSP/PPM), District Police Officer, Dir Lower in exercise of power vested under (E & D) Rules 1975 with amendment 2014, "awarded him a Major Punishment of (Dismissal from service with immediate effect and the period of absence with effect from 04-01-2021 to 12-01-2021 is treated as leave without pay)".

ORDER ANNOUNCED

OB No. 573/EB

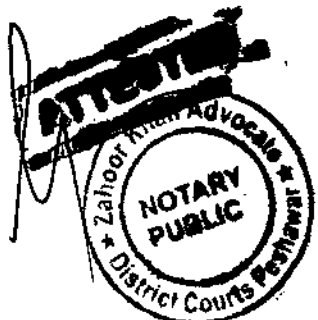
Dated 2-6-2021

CAPT @ LIAQAT ALI MALIK (PSP/PPM)
District Police Officer
Dir Lower
2/06

No. 8100-2/EB,

Copies submitted to the: -

- 1. Regional Police Officer, Malakand at Saidu Sharif, Swat for favour of Information, please.
- 2. Pay Officer Local Office.
- 3. OHC Local Office



مورخہ 09.06.2020 کو 13 یوم رخصت اتفاقیہ حاصل کردہ میں سے مورخہ 15.06.2020 تا 24.06.2020 کل 9 یوم رخصت گزارا ہے۔

☆ بحوالہ مد نمبر 34 روزنامہ 24.06.2020 تا مد نمبر 22 روزنامہ 25.06.2020 ایک یوم غیر حاضر رہا۔

☆ مورخہ 04.07.2020 تا 10.07.2020 اسی طرح قیہ 6 یوم رخصت بھی گزارا ہے۔

☆ بحوالہ مد نمبر 18 روزنامہ 24.07.2020 تا مد نمبر 25 روزنامہ 12.08.2020 کل 45 یوم رخصت کلاں میں سے 19 یوم گزار کر واپس آیا۔

☆ بحوالہ مد نمبر 34 روزنامہ 25.08.2020 تا مد نمبر 17 روزنامہ 27.08.2020 کل 2 یوم غیر حاضر رہا۔

☆ بحوالہ مد نمبر 30 روزنامہ 01.10.2020 تا مد نمبر 04.10.2020 کل 3 یوم غیر حاضر رہا۔

☆ بحوالہ مد نمبر 38 روزنامہ 21.10.2020 تا مد نمبر 24 روزنامہ 22.10.2020 کل 1 یوم غیر حاضر رہا۔

☆ بحوالہ مد 23 روزنامہ 07.11.2020 تا مد نمبر 20 روزنامہ 11.11.2020 کل 4 یوم غیر حاضر رہا ہے۔

☆ بحوالہ مد نمبر 45 روزنامہ 13.11.2020 تا 09.12.2020 پہلے سے بقایا 26 یوم رخصت کلاں گزاری۔

درج بالا رخصت کلاں، رخصت اتفاقیہ، غیر حاضریوں کے علاوہ مورخہ 27.12.2020 کو مذکورہ شب باشی پر جا کر مورخہ

04.01.2021 کو واپس نہ آکر، رخصت 13 یوم جو اس نے دو قسطوں یعنی 9 اور 6 یوم میں گزاری تھی پر پھر روانگی کرنے پر بہ ضد تھا مگر

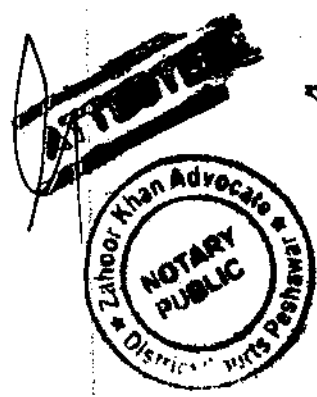
وہ اپنے اس چال میں کامیاب نہ ہو سکا۔ بحوالہ مد نمبر 32 روزنامہ 04.01.2020 غیر حاضر ہو کر بحوالہ مد نمبر 28 روزنامہ 12.01.2020 پولیس لائن روانہ کیا گیا۔

مذکورہ کنٹینٹیل انورالحق نمبر 930 متعینہ جیل گارڈ تیسر گرہ، سال 2020 میں صرف ایک یوم غیر حاضری پر بلا تنخواہ کرنے کا

سزایاب ہوا ہے البتہ سابقہ ریکارڈ، نقل سروس بک کے مطابق کئی بار بلا تنخواہ ہوا ہے جو اس کی عادی غیر حاضری ہونے پر دلالت ہے۔ اسلئے ابتدائی انکوائری سے مذکورہ قصور وار پایا جا کر انکوائری رپورٹ مرتب ہو بمراد مناسب صدور حکم گزارش ہے۔

Damand
محمد زمان

ڈی ایس پی ہیڈ کوارٹریر لوہرا



Asim
Asim

District Police Officer,
Dir. Lower
31/5/21

etc



OFFICE OF THE
REGIONAL POLICE OFFICER, MALAKAND
SAIDU SHARIF SWATI
COLLECTOR GENERAL, MALAKAND
Malakand Region, Saidu Sharif Swat

ORDER

This order will dispose of appeal of Ex-Constable Anwar Ullah No. 910 of Dir Lower District for reinstatement in service.

Brief facts of the case are that Ex-Constable Anwar Ullah No. 910 while posted at Jail Guard Timergara absented himself from duty with effect from 04/01/2021 to 12/01/2021 and also remained absent from time to time total (57 days), without any leave or prior permission from his superior, which show gross misconduct, negligence on his part and DSP/Hqrs Dir Lower was appointed as Enquiry Officer to conduct preliminary enquiry against him and submit his finding report. The Enquiry Officer during the course of enquiry recorded the statements of all concerned as well as the official concerned. The Enquiry Officer in his finding report recommended him for suitable punishment. He was called in orderly room for personal hearing and found him unsatisfactory. Full opportunity was given to him to explain his position, but he failed to produce any cogent reason in his self defense. Therefore, the District Police Officer, Dir Lower in exercise of power vested under (B&D) Rules with amended 2014 awarded him a major punishment of dismissal from service with immediate effect and the period of absence with effect from 04/01/2021 to 102/01/2021 is treated leave without pay vide OB No. 573, dated 04/06/2021

He was called in Orderly Room on 09/09/2021 and heard him in person. The appellant explained his innocence into the matter. Therefore, taking a lenient view the punishment order passed by District Police Officer, Dir Lower is set aside and he is reinstated into service. However, he is awarded the punishment of stoppage of one annual increment without cumulative effect. The period of absence and he spent out of service is treated as leave without pay.

Order announced.

Case No: 103 B-
II, 14/09/2021

No. 10565

Dated 13-9-2021.

EC/DHS
NOTARY PUBLIC
District Police Officer
Dir Lower at Timergara
28/9

Abdul Ghaffoor Afridi (PSP)
Regional Police Officer,
Malakand Region, Saidu Sharif Swat

Copy to District Police Officer, Dir Lower with reference to his office Memo No. 9067/EC dated 18/06/2021. Service Roll and Fauji Missal of the above named officer is returned herewith for record in your office.

Evil's Roll
F. M. ul. Anwar Ullah No. 910 - SDR



OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR

16869
18/10/22

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 Constable Anwar-ul-Haq No. 54/930. The petitioner was dismissed from service by District Police Officer, Dir Lower vide OB No: 573 dated 02.06.2021 on the allegations of absence from duty w.e.f 04.01.2021 to 12.01.2021 and remained absent from time to time total 57-days. The Appellate Authority i.e. Regional Police Officer, Malakand re-instated him in service, however he was awarded punishment of stoppage of one annual increment without cumulative effect and the period of absence and he spent out of service was treated as leave without pay vide order Endst: No. 10565/E, dated 13.09.2021.

Meeting of Appellate Board was held on 27.10.2022 wherein petitioner was heard in person. Petitioner contended that he belongs to a poor family.

The Board decided that his penalty of stoppage of one annual increment without cumulative effect is hereby converted into Censure.

Sd/-
(MUHAMMAD ALI BARAKHEL) PSP
(UNPM, NSWC)
Additional Inspector General of Police
HQrs: Khyber Pakhtunkhwa, Peshawar

No. S. 2773-75 (2) dated Peshawar, the 4-10-2022.

Copy of the above is forwarded to the:

1. Regional Police Officer, Malakand at Swat. One Service Roll and one Payroll Missal of the above named FC received vide your office Memo: No. 1877-78/E, dated 17.02.2022, is returned herewith for your office record.
2. District Police Officer, Dir Lower.
3. PSO to IGP/Khyber Pakhtunkhwa, CPU 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. B-IV/GPO Peshawar.

O.S. / E. / U. A. / G.

ATTESTED



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

18/10/22

[Handwritten Signature]

8

OFFICE OF THE DISTRICT POLICE OFFICER DIR LOWER

No. /EC, dated /2021

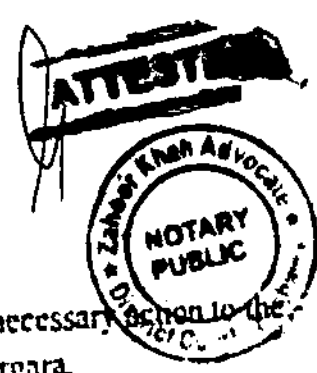
ORDER

The following lower subordinates of this District Police are not entitled for the annual increment of 01-12-2021-2022. Therefore, stopped their annual increments as noted against each their

Rank, Name & No.	Remarks
FC Muhammad Hayat No. 178 M	Stopped his one Annual Increment i.e 01-12-2021 for one year without cumulative effect vide this office OB No. 1039, dated 14-09-2021.
FC Far Khan No. 3155	Stopped his one Annual Increment i.e 01-12-2021 for one year without cumulative effect vide this office OB No. 992, dated 06-09-2021.
FC Muhammad Usman No. 784	Stopped his one Annual Increment i.e 01-12-2021 for one year without cumulative effect vide this office OB No. 1040, dated 14-09-2021.
FC Ghafar Ali No. 09	Stopped his two Annual Increments i.e 01-12-2021 and 01-12-2022 without cumulative effect vide this office OB No. 1064, dated 20-09-2021.
FC Nisar Ahmad No. 312	Stopped his one Annual increment i.e 01-12-2021 for one year without cumulative effect vide this office OB No. 1210, dated 20-10-2021.
FC Muhammad Ishaq No. 123	Stopped his one Annual increment i.e 01-12-2021 for one year without cumulative effect vide this office OB No. 1305, dated 08-11-2021.
FC Sanaullah No. 1738	Stopped his two Annual increment i.e 01-12-2021 and 01-12-2022 for one year without cumulative effect vide this office OB No. 1302, dated 08-11-2021 and OB No. 1401, dated 03-12-2021 respectively.
FC Jazia Said No. 3555	Stopped his one Annual increment i.e 01-12-2021 for one year without cumulative effect vide this office PB No. 1037, dated 14-09-2021.
FC Anjad Ali No. 3623	Stopped his two Annual increment i.e 01-12-2021 and 01-12-2022 without cumulative effect vide this office OB No. 1056, dated 16-09-2021.
FC Anwar Ullah No. 54	Stopped his one Annual increment i.e 01-12-2021 for one year without cumulative effect vide this office OB No. 1038, dated 14-09-2021.
FC Usman Ali No. 1596	Stopped his two year Annual increment i.e 01-12-2021 and 01-12-2022 without cumulative effect vide this office OB No. 1076, dated 22-09-2021.
FC Muhammad Izhar Ahmad No. 01	Stopped his one Annual increment i.e 01-12-2021 for one year without cumulative effect vide this office OB No. 1044, dated 14-09-2021.
FC Muhammad Saleem No. 1202	Stopped his one Annual increment i.e 01-12-2021 for one year without cumulative effect vide this office OB No. 1400, dated 03-12-2021.
FC Muhammad Shafi No. 2766	Stopped his one Annual increment i.e 01-12-2021 for one year without cumulative effect vide this office OB No. 1211, dated 20-10-2021.

CE No 1464

Date 24-12-2021



IRFAN ULLAH KHAN (PSP) District Police Officer Dir Lower

24/12

No. 20209-09/EC

Copy to for information and necessary action to the

District Account Officer, Dir Lower at Timergara.

Officer DPO Office Dir Lower

Handwritten signature



9

**OFFICE OF THE
REGIONAL POLICE OFFICER, MALAKAND**

SAIDU SHARIF SWAT.

Ph: 0946-9240381-88 & Fax No. 0946-9240390

Email: dlpmalakand@yahoo.com

ORDER:

This order will dispose of appeal of Ex-Constable Anwar Ul Haq No. 930 of Dir Lower District for reinstatement in service.

Brief facts of the case are that Ex-Constable Anwar Ul Haq No. 930 while posted at Jail Guard Timergara absented himself from duty with effect from 04/01/2021 to 12/01/2021 and also remained absent from time to time total (57 days), without any leave or prior permission from his superior, which show gross misconduct, negligence on his part and DSP/Hqrs Dir Lower was appointed as Enquiry Officer to conduct preliminary enquiry against him and submit his finding report. The Enquiry Officer during the course of enquiry recorded the statements of all concerned as well as the official concerned. The Enquiry Officer in his finding report recommended him for suitable punishment. He was called in orderly room for personal hearing and found him unsatisfactory. Full opportunity was given to him to explain his position, but he failed to produce any cogent reason in his self defense. Therefore, the District Police Officer, Dir Lower in exercise of power vested under (E&D) Rules with amended 2014 awarded him a major punishment of dismissal from service with immediate effect and the period of absence with effect from 04/01/2021 to 102/01/2021 is treated leave without pay vide OB No. 573, dated 02/06/2021


He was called in Orderly Room on 09/09/2021 and heard him in person. The appellant explained his innocence into the matter. Therefore, taking a lenient view the punishment order passed by District Police Officer, Dir Lower is set aside and he is reinstated into service. However, he is awarded the punishment of stoppage of one annual increment without cumulative effect. The period of absence and he spent out of service is treated as leave without pay.

Order announced.

No. 10565 /E,

Dated 13-9- /2021.




Abdul Ghafoor Afridi (PSP)
Regional Police Officer,
Malakand Region, Saidu Sharif Swat.

Naqi

Copy to District Police Officer, Dir Lower with reference to his office Memo: No. 9067/EC dated 18/06/2021. Service Roll and Fauji Missal of the above named officer is returned herewith for record in your office.

E-1, S Roll
F-1, Missal copy of J/L

