BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 2545/2023

Ikram Ullah Ex-Constable No. 2786 District Police Mardan

.....Appellant

VERSUS

The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar and others

.....Respondents

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DSP Legal
Mardan

12-06-24

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 2545/2023

Ikram Ullah Ex-Constable No. 2786 District Police Mardan.....Appellant

VERSUS

The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar and others .....Respondents

Para-wise comments on behalf of respondents No. 01 to 04:-

Respectfully Sheweth,

PRELIMINARY OBJECTIONS

1. That the appellant has not approached this Hon'ble Tribunal with clean hands.
2. That the appellant has concealed the actual facts from this Hon'ble Tribunal.
3. That the appellant has got no cause of action or locus standi to file the instant appeal.
4. That the appellant is estopped by his own conduct to file the instant Service Appeal.
5. **That appeal of the appellant is badly time barred.**
6. That the appeal is unjustifiable, baseless, false, flawless and vexatious and the same is liable to be dismissed with special compensatory cost in favour of respondents.

REPLY ON FACTS

1. Para to the extent of enlistment in Police Department as Constable pertains to record.
2. Incorrect. Plea taken by the appellant is not plausible because every police officer / official is under obligation to perform his duty regularly and with devotion because in this department no room lies for lethargy, because his performance was not satisfactory and he is habitual absentee as previously he had been awarded two times major punishment of dismissal from service vide order book No. 1898 dated 18.08.2017 due to his long absence 01 month and 07 days and order book No. 992 dated 03.05.2019 on account of 74 days absence. He was reinstated by the appellate authority through order No. 3744/ES dated 11.06.208 & order No. 10852/ES dated 30.08.2019. Moreover, perusal of service record of the appellant reveal that due to his lethargic attitude his entire service record is tainted with bad entries **(Copies previous dismissal, reinstatement order and list of bad entries is attached as Annexure A & B).**
3. Incorrect. Stance taken by the appellant is baseless, because he was supposed to inform his senior officer about his mother illness, but he failed to do so, nor he submitted any application for leave and remained absent

from his lawful duty without any leave/permission from the competent authority. Moreover, the story propounded by the appellant is totally tailored one.

4. Para pertains to personal information of the appellant needs no comments.
5. Incorrect. Plea taken by the appellant is baseless, because being a part of disciplined force the appellant was supposed to submit an application for medical leave or inform his Senior Officer through his relative about his illness but he failed to do so and remained absent from duty without any leave/permission of the competent authority.
6. Incorrect. Stance taken by the appellant is totally against the material available on record because the appellant while posted at Police Station Rustam, remained absent from duty without any leave/permission of the competent authority vide DD No.31 dated 17.05.2022 to till date. On account of aforementioned allegations, the appellant was issued charge sheet with statement of allegations vide No. 249/PA dated 18.08.2022 and enquiry was entrusted to the then SDPO/Katlang, Mardan, which was duly received by the appellant himself on 27.08.2022 and he duly signed the photo copy as token of its receipt **(Copy of receipt is attached as annexure -"C")**. During the course of enquiry the appellant was contacted time and again to appear before the enquiry officer but neither he appeared before the enquiry officer nor submitted his reply. However, after fulfillment of all legal and codal formalities, the Enquiry Officer recommended for taking ex-parte action against him. In light of above, Final Show Cause Notice vide No. 13019-20/PA dated 23.12.2023, which was duly received by the appellant himself on 24.12.2022 to which he was bound to submit his reply within the stipulated time (07) days, but neither he submit his reply to this office, nor assumed duty till date, clarifying that he is not interested in his service, hence, he was awarded major punishment of dismissal from service which does commensurate with the gravity of misconduct of appellant **(Copies of Charge Sheet and enquiry papers, served Final Show Cause Notice and dismissal order dated 31.01.2023 are attached as annexure-"D, E, F & G").**
7. Incorrect. Plea taken by the appellant is not plausible because he was properly issued Charge Sheet with Statement of Allegations and Final Show Cause Notice, but neither he did submit his reply nor appeared before the competent authority and remained kept mum which clearly depicted his disinterest in the official duties.
8. Correct to the extent that the appellant preferred departmental appeal before the appellate authority, while rest of para is incorrect, because the appellant was summoned and heard in person in orderly room held on 30.08.2023 by providing full-fledged opportunity of defending himself but

he bitterly failed to produce any cogent proofs/reasons to justify his innocence. Hence, his appeal was rejected and filed, being devoid of merit as well as badly time barred for 04 months and 13 days **(Copy of rejection order is attached as annexure-"H").**

9. Incorrect. The appellant preferred departmental appeal 04 months and 13 days later, before the appellate authority, but same was decided as per merit as discussed on the above fact para No. 08.
10. Correct to the extent that the appellant preferred Revision Petition. The revisionary authority decided the revision petition on merit. Therefore, the same was filed **(Copy of order is attached as annexure-"I").**
11. That the appeal of the appellant is liable to be dismissed on the following grounds amongst the others.

REPLY ON GROUNDS:

1. Incorrect. Plea taken by the appellant is not plausible because the orders passed by the competent authority as well as appellate authority are legal and lawful as per facts of the case, hence, liable to be maintained.
2. Incorrect. Stance taken by the appellant is baseless because orders passed by the competent authority as well as appellate authority are legal as per law, facts according to norms of natural justice and material available on record, hence liable to be maintained.
3. Incorrect. Stance taken by the appellant is totally against the material available on record because the appellant while posted at Police Station Rustam, remained absent from duty without any leave/permission of the competent authority vide DD No.31 dated 17.05.2022 to till date. On account of aforementioned allegations, the appellant was issued charge sheet with statement of allegations vide No. 249/PA dated 18.08.2022 and enquiry was entrusted to the then SDPO/Katlang, Mardan, which was duly received by the appellant himself on 27.08.2022 and he duly signed the photo copy as token of its receipt. During the course of enquiry the appellant was contacted time and again to appear before the enquiry officer but neither he appeared before the enquiry officer nor submitted his reply. However, after fulfillment of all legal and codal formalities, the Enquiry Officer recommended for taking ex-parte action against him. In light of above, Final Show Cause Notice vide No. 13019-20/PA dated 23.12.2023, which was duly received by the appellant himself on 24.12.2022 to which he was bound to submit his reply within the stipulated time (07) days, but neither he submit his reply to this office, nor assumed duty till date, clarifying that he is not interested in his service, hence, he was awarded major punishment of dismissal from service which does commensurate with the gravity of misconduct of appellant.

It is worth to mention here that the appellant preferred departmental appeal before the appellate authority, and he was summoned and heard in person in orderly room held on 30.08.2023 by providing full-fledged opportunity of defending himself but he bitterly failed to produce any cogent proofs/reasons to justify his innocence. Hence, his appeal was rejected and filed, being devoid of merit as well as badly time barred for 04 months and 13 days.

4. Incorrect. Stance taken by the appellant is not plausible because the respondent department have no grudges against the appellant, but the appellant performance was not satisfactory and he is habitual absentee as previously he had been awarded two times major punishment of dismissal from service vide order book No. 1898 dated 18.08.2017 due to his long absence 01 month and 07 days and order book No. 992 dated 03.05.2019 on account of 74 days absence. He was reinstated by the appellate authority through order No. 3744/ES dated 11.06.208 & order No. 10852/ES dated 30.08.2019, now again thrice he was dismissed from service on the same allegations i.e absentee.
5. Incorrect. Plea taken by the appellant is baseless, because being a part of disciplined force the appellant was supposed to submit an application for medical leave or inform his Senior Officer through his relative about his illness but he failed to do so and remained absent from duty without any leave/permission of the competent authority.
6. Incorrect. The appellant was summoned and heard in person by the appellate authority in orderly room held on 30.08.2023 by providing full-fledged opportunity of defending himself but he bitterly failed to produce any cogent proofs/reasons to justify his innocence. Hence, his appeal was rejected and filed, being devoid of merit as well as badly time barred for 04 months and 13 days.
7. Para pertains to personal information of the appellant needs no comments.
8. Incorrect. Plea taken by the appellant is not plausible because every police officer / official is under obligation to perform his duty regularly and with devotion because in this department no room lies for lethargy, because his performance was not satisfactory and he is habitual absentee as previously he had been awarded two times major punishment of dismissal from service vide order book No. 1898 dated 18.08.2017 due to his long absence 01 month and 07 days and order book No. 992 dated 03.05.2019 on account of 74 days absence. He was reinstated by the appellate authority through order No. 3744/ES dated 11.06.208 & order No. 10852/ES dated 30.08.2019 by the. Moreover, the perusal of service record of the appellant revealed that due to his lethargic attitude his entire service record is tainted with bad entries.
9. Incorrect. As discussed earlier he is habitual absentee due to which he was two times previously dismissed from service and now again thrice he was

dismissed from service due to same allegations, hence he is not able to reinstated into service.

10. Incorrect. Stance taken by the appellant is baseless because orders passed by the competent authority as well as appellate authority are legal and as per law and rules, hence liable to be maintained.
11. The respondents also seek permission of this honorable tribunal to adduce additional grounds at the time of arguments.

PRAYER:-

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

District Police Officer, Mardan.
(Respondent No. 4)
(ZAHOOR BABAR) PSP
Incumbent

Regional Police Officer, Mardan.
(Respondent No. 3)
(NAJEEB-UR-REHMAN BUGVI) PSP
Incumbent

Capital City Police Officer,
Khyber Pakhtunkhwa, Peshawar
(Respondent No. 1)
(SYED ASHFAQ ANWAR) PSP
Incumbent

DIG/Legal, CPO
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar
(Respondent No. 2)
(DR. MUHAMMAD AKHTAR ABBAS) PSP
Incumbent

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR.

In Re. C.M No._____/2023

In S.A No. 2545/2023

Ikram Ullah

VERSUS

Govt of Khyber Pakhtunkhwa & others

Reply to the application for condonation of delay:-

Respectfully Sheweth,

1. That the application filed by the applicant before this Honorable Tribunal may kindly be dismissed being a **badly time-barred.**
2. Incorrect. Plea taken by the applicant is not plausible, because he failed to collect his order within time and tailored the instant story just to cover the limitation issue. It is worth to mention here that the appellant preferred departmental appeal 04 months and 13 days later, before the appellate authority, but same was decided as per merit.
3. Incorrect. Stance taken by the applicant is baseless because he did not bother to respond to the Charge Sheet with statement of allegations, enquiry proceedings as well as Final Show Cause Notice which clearly depicts him lethargic attitude towards his official duties and stance of his alleged illness also seems to be a concocted one just to cover the limitation issue.
4. Incorrect, plea taken by the applicant is whimsical/concocted rather fanciful hence, liable to be set at naught. As the apex court of Pakistan has held that the question of limitation cannot be considered a "technicality" simpliciter as it has got its own significance and would have substantial bearing on merits of the case. *Reliance is placed on the case of „Muhammad Islam versus Inspector General of Police, Islamabad and others" (2011 SCMR 8). In an another judgment it has been held that the law of limitation must be followed strictly. In this regard reliance is placed on the dictum laid down in Chairman, District Screening committee, Lahore and another v. Sharif Ahmad Hashmi (PLD 1976 SC 258), S. Sharif Ahmad Hashmi v. Chairman, Screening Committee Lahore and another (1978 6 Civil Revision No.3364 of 2011 SCMR 367), Yousaf Ali v. Muhammad Aslam Zia and 2 others (PLD 1958 SC (Pak) 104), Punjab Province v. The Federation of Pakistan (PLD 1956 FC 72), Muhammad Swaleh and another v. Messers United Grain and Fodder Agencies (PLD 1949 PC 45), Hussain Bakhsh and others v. Settlement Commissioner and another (PLD 1969 Lah. 1039), Nawab Syed Raunaq Ali and others v. Chief Settlement commissioner and others (PLD 1973 SC 236), Chief Settlement Commissioner, Lahore v. Raja Muhammad Fazil Khan and other (PLD 1975 SC 331), WAPDA v. Abdul*

Rashid Bhatti, (1949 SCMR 1271), Inspector General of Police, Balochistan v. Jawad Haider and another (1987 SCMR 1606), WAPDA v. Aurganzeb (1988 SCMR 1354), Muhammad Naseem Sipra v. Secretary, Government of Punjab (1989 SCMR 1149), Muhammad Ismail Memon v. Government of Sindh and another 1981 SCMR 244), Qazi Sardar Bahadar v. Secretary, Ministry of Health, Islamabad and others (1984 SCMR 177), Smith v. East Elloe Rural District Council and others (1956 AC 736), Province of East Pakistan and others v. Muhammad Abdu Miah (PLD 1959 SC (Pak), 276 and Mehr Muhammad Nawaz and others. V. Government of Punjab and others (1977 PLC (C.S.T) 165) and Fazal Elahi Siddiqi v. Pakistan (PLD 1990 SC 692)".

5. Stance taken by the applicant is not plausible, his application may be filed being badly time-barred.
6. Incorrect. Para already explained needs no comments.

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

District Police Officer, Mardan.
(Respondent No. 4)
(ZAHOOR BABAR) PSP
Incumbent

Regional Police Officer, Mardan.
(Respondent No. 3)
(NAJEEB-UR-REHMAN BUGVI) PSP
Incumbent

Capital City Police Officer,
Khyber Pakhtunkhwa, Peshawar
(Respondent No. 1)
(SYED ASHFAQ ANWAR) PSP
Incumbent

DIG/Legal, CPO
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar
(Respondent No. 2)
(DR. MUHAMMAD AKHTAR ABBAS) PSP
Incumbent

8

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 2545/2023

Ikram Ullah Ex-Constable No. 2786 District Police Mardan.....Appellant

VERSUS

The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar and others .....Respondents

COUNTER AFFIDAVIT.

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

District Police Officer, Mardan.
(Respondent No. 4)
(ZAHOOR BABAR)[PSP]
Incumbent

ATTESTED
Syed Muhammad Razi Shah Advocate
Oath Commissioner
High Court Peshawar

10 JUN 2024

Annex-A

(5)

(9)

OFFICE OF THE
DISTRICT POLICE OFFICER
MARDAN

Tel: 0937-9230109
Fax: 0937-9230111
Email: dpo_mardan@yahoo.com
Facebook: District Police Mardan
Twitter: @dpomardan

No. 1332-33/PA Dated 27/12/2017

ORDER ON ENQUIRY OF CONSTABLE IKRAMULLAH NO.2783

This order will dispose-off a departmental enquiry under Police Rules 1975, initiated against the subject Police Official, under the allegations that while posted at Police Station City, (Now PS Saro Shah), faced departmentally through Inspector Ikhtiraz Khan, Acting DSP/HQrs: Mardan vide this office Disciplinary Action No. 1283-84/PA dated 03.02.2017 on account of One Month & Seven days absence's period without any leave/permission of the competent authority, vide DD report No. 11 dated 22.12.2016 to DD report No. 52 dated 19.01.2017, who after fulfilling necessary process, submitted his finding report to this office, vide his office letter No. 481/HQrs dated 20.06.2017, holding responsible the alleged Constable for gross misconduct & recommended for major punishment.

Final Order

Constable Ikramullah was called twice for O.R held on 19.07.2017 & 16.08.2017, but he did not bother to comply with, meaning that he has nothing to offer in his defense, so awarded him major punishment of dismissal from service with immediate effect with counting his absence's period as leave without pay, in exercise of the power vested in me under Police Rules 1975.

O.B No. 1898
Dated 18/8/2017.

District Police Officer,
Mardan.

Copy forwarded for information & n/action to:-

1. The SP Operations Mardan.
2. The SDPO Takht-Bhai & DSP/HQrs Mardan.
3. The Pay Officer & Estt: Clerk (Police Office) Mardan.
4. The OSI (Police Office) Mardan with ( ) Sheets.

DSP Legal
Mardan

(1) 2 10

ORDER.

This order will dispose-off the appeal preferred by **Ex-Constable Ikramullah No. 2783** of Mardan District Police against the order of District Police Officer, Mardan, whereby he was awarded Major Punishment of dismissal from service vide OB: No. 1998 dated 18.08.2017.

Brief facts of the of the case are that he while posted at Police Station City. (Now PS Saro Shah), had absented himself for One month & Seven Days without any leave/permission of the competent authority and reported vide DD No. 11 dated 22.12.2016 to DD No. 52 dated 19.01.2017. In this connection, the appellant was charge sheeted vide District Police Officer, Mardan office No. 1283-84/PA, dated 03.02.2017 and also proceeded against departmentally through **Ikhtiraz Khan DSP/HQrs: Mardan**, who after fulfilling necessary process, submitted his findings to the District Police Officer, Mardn vide his office letter No. 481/HQrs, dated 20.06.2017, The allegations have been established against him and recommended for major punishment, Keeping in view the facts collected during inquiry, the appellant was called upon in the orderly room but he could not defend plausibly his fault and was awarded major penalty of dismissal from service vide this office OB No. 1998 dated 18.08.2017.

He was called in orderly room held in this office on **08.06.2018** and heard him in person. The penalty of dismissal from service is too harsh and as well as poor family circumstances. therefore, he is re-instated in service and major punishment of dismissal from service is **converted into Minor Punishment of Censure** . However, the intervening period including absence period shall be counted towards service but not on duty. He will not be entitled for any kind of financial benefits including monthly salary for the said period.

ORDER ANNOUNCED.

(Muhammad Alam Shinwari)PSP
Regional Police Officer,
Mardan

No. 3744 **/ES, Dated Mardan the** 11/06 **/2018.**

Copy to District Police Officer, Mardan for information and necessary action w/r to his office Memo: No. 408/LB dated 30.06.2018. The Service Roll is returned herewith.

(******)

OB/Ec, PO/Off.
for Action.

DPO Mardan.

OB: 1227
19.06.18

DSP Legal
Mardan

(3) (1) 17

ORDER.

This order will dispose-off the appeal preferred by **Ex-Constable Ikram Ullah No. 2786** of Mardan District Police against the order of District Police Officer, Mardan, whereby he was awarded Major punishment of Dismissal from service vide OB No. 992 dated 03.05.2019.

Brief facts of the case are that, the appellant while posted at Police Station Saddar, Proceeded against departmentally through ASP Ziaullah SDPO Takht-Bhai, on account of (74) days absence's period from duty without any leave/approval of the competent authority vide daily diary No.12 dated 15-10-2018 to daily diary No.14 dated 31-12-2018. The Enquiry Officer after fulfilling necessary process, submitted his Findings, holding responsible the alleged official of gross misconduct. Worth mentioning here that he again absented himself from duty without any leave/approval of the competent authority vide daily diary No. 07 dated 31.12.2018 till-date of dismissal. (total absentee 06 months & 18 days.

Constable Ikram Ullah was called in Orderly Room on 12-03-2019, 02-04-2019,09-04-2019 & 30-04-2019 to appear before the District Police Officer, Mardan in Orderly Room, but he failed to comply with, meaning that he has nothing to offer in his defense, besides not-interesting in Police Service, therefore, awarded him major punishment of dismissal from Police Force with effect from 15-10-2018.

He was called in orderly room held in this office on 27.08.2019 and heard him in person. Taking a lenient view, the punishment of dismissal from service is converted into Forfeiture of two (02) years approved service and he is re-instated in service. The period he remained out of service is treated as leave without pay.

ORDER ANNOUNCED.

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

No. 10852/ES, Dated Mardan the 30/08/2019.

Copy to District Police Officer, Mardan for information and necessary action w/r to his office Memo: No. 335/LB dated 07.08.2019. His Service Record is returned herewith.

(*****)

District Police Officer
Mardan

1854
4.9.19

DSP Legal
Mardan

OFFICE OF THE DISTRICT POLICE OFFICER, MARDAN

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

12

2019

No. 3964-67 /PA Dated 7/5 /2019

ORDER ON ENQUIRY OF CONSTABLE IKRAM ULLAH NO.2786 PS SADDAR

This order will dispose-off a Departmental Enquiry under Police Rules 1975, initiated against the subject official, under the allegations that while posted at Police Station Saddar, Proceeded against departmentally through ASP Ziaullah SDPO Takht-Bhai vide this office Statement of Disciplinary Action/Charge Sheet No.9610-11/PA dated 24-12-2018, on account of (74) days absence's period from duty without any leave/approval of the competent authority vide DD No.12 dated 15-10-2018 to DD No.14 dated 31-12-2018, who (E.O) after fulfilling necessary process, submitted his Findings to this Office vide his Office letter No.109/ST dated 17-01-2019, holding responsible the alleged official of gross misconduct.

Worth mentioning here that he again absented himself from duty without any leave/approval of the competent authority vide DD No. 07 dated 31.12.2018 till-date.

Final Order

Constable Ikram Ullah was called for 12-03-2019, 02-04-2019, 09-04-2019 & 30-04-2019 to appear before the undersigned in OR, but he failed to comply with, meaning that he has nothing to offer in his defense, besides not-interesting in Police Service, therefore, award him **major punishment of dismissal from Police Force with effect from 15-10-2018** with immediate effect, in exercise of the power vested in me under P.R 1975.

OB No. 492
Dated 3/5/2019.

(Sajjad Khan) PSP
District Police Officer
Mardan

Copy forwarded for information & n/action to:-

1) The SDPO/City Mardan.
2) The DSP/HQrs Mardan.
3) The P.O & E.C (Police Office) Mardan.
4) The OSI (Police Office) Mardan with ( ) Sheets.

DSP Legal
Mardan

Amir B (5) 6 "B" 13

CHARACTER ROLL OF (Cont)ARACTER ROLL

Serial No.

14. COMMENDATORY ENTRIES

Allowed 1½ marks for Posting in FRP equal to OAR vide PPO Unit Peshawar Endst No. 11410-50/E-I, dt: 6.5.2008 and This office Endst No. 609-10 dt: 26.5.2008.

Supdt: of Police FRP, Mkd: Range Swat.

ORDER

Awarded major Punishment of dismissal from service w.e.f 15-10-18 with immediate effect w.e.f 15-10-18

Z/3 No 8 Pg 2

DPO Mardan

03.5.19

DSP Legal Mardan

6 & 8

14

(Contin

CHARACTER ROLL OF

14—COMMENDATORY ENTRIES—concld.

Serial No.

ORDER.

He was Called in OR on 27.8.19 and heard him in Person. Taking a lenient View, the Punishment of dismissal from Service is Converted into Forfeiture of two years approved Service and he is re-instated in Service. The Period he remained out of Service is treated as leave without Pay. Vide Dic'l Mardan order Endst: No 10852/Es. dated 30-8-2019. and Pay fixed Rs: 15260/PM.

CB No. 1854

29.4.8.19.

District Police Officer
Mardan

Verified
[illegible]
Dist. Comptroller of Accounts
Mardan
04/09/19

DSP Legal
Mardan

Note.—Extra pages may be added if necessary and paged 1.A, etc.

ORDER

Awarded him Minor Punishment of Censure
With immediate effect -

DPO/MRD

OB NO = 111
Dt = 14-01-2022

ORDER

Awarded him Minor Punishment OF Censur
With Counting his 167 days absence's period
as Leave of The kind due.

DPO/Mardan

OB NO = 108
Dated = 14-01-2022

DSP Legal
Mardan

(8)

ORDER

Awarded him major punishment of dismissal From service with effect from 17.05.2022 with immediate effect. In exercise of the powers vested in me under police Rules-1975.

OB NO : 243
Dated : 30-1-2023

District Police Officer
Mardan

ORDER

Appeal. Therefore the same is rejected and Filed, being devoid of Merit as well as badly time barred) For 04 Months and 13 days vide RPO Mardan order Endst: NO: 6002/ES dt: 12.9.2023.

DPO Mardan

DSP Legal
Mardan

CHARACTER ROLL OF

15—CENSURES AND PUNISHMENTS.

(2) days absence from duty on 11-01-11 to 14-01-11 d.w.o

Duly vide OB No. 142, dt: 9/2/011.

Supdt: of Police, FRP.
Peshawar Range, Peshawar

1 2

(01) day absence from duty on 15-01-11 d.w.o Duty

vide OB No. 142, dt 9/2/011

Supdt: of Police, FRP.
Peshawar Range, Peshawar

2 3

ORDER

Awarded him Major Punishment of Dismissal from Service with immediate effect with counting his absence period as Leave w/o Pay. under Police Rules 1975.

OB No. 1898
18-5-17

District Police Officer,
Mardan.

4

CHARACTER ROLL OF [redacted]

CHARACTER ROLL OF

18

Serial No.

CENSURES AND PUNISHMENTS—contd.

ORDER

He was called in OR held on 08-06-2018 and heard him in Person. The Penalty of dismissal from Service is too harsh and as well as Poor family Circumstances therefore he is reinstated in service and the Punishment of dismissed from Service is converted into minor Punishment of Censure. However, The intervening Period including absence period shall be counted towards Service but not on duty. He will not be entitled for any kind of financial benefits including monthly Salary for the said Period vide DIG/Mardan order Endst No. 3744/Es, dated 11-6-2018 and Pay fixed Rs:- 14650/Pm.

OB No. 1227

DT 19-06-18.

District Police Officer
Mardan

DSP Legal
Mardan

11
12

(1)

CHARACTER ROLL OF

15—CENSURES AND PUNISHMENTS—concld.

Serial No.

(01) day extra drill for his absence.

ER No 2457

18-10-76

(02) days Quarter guard awarded

OB No. 747

5/5/2020

DPO/MR

ORDER:

He is hereby awarded minor punishment of "Censure" with warning his (11) days as leave w/p pay & rest of (19) days as leave of kind due

OB No. 853

DPO/Mardan

Dt: 11/06/2020

warned to be careful in future

OB No. 762

DPO/MR

07/05/2020

DSP Legal
Mardan

16. LEAVE, ABSENCE AND BREAKS IN SERVICE

20

All periods not counting "approved service" to be entered in red ink.

1 DATE		2 EXTENT			3	4
From	To	Years	Months	Days	No. of District Order	Description of leave i.e., privilege, hospital, sick leave, or furlough, or of absence, or forfeiture of approved service All entries to be initialled by Superintendent of Police.
						15 days C/leave vide 013 No 366 dt 22/10/12. Leave
					(3) 665 10-4-15	Leave w/o pay — DPO/MR
					(1) 910 20-5-15	— do — DPO/MR
					(6) 930 22-5-15	— do — DPO/MR
					(1) 1016 11-6-15	— do — DPO/MR
					(1)	
		(06) M (21) D			2058 30-8-16	E/leave DPO/MRD
					(06) 29 4-1-17	Leave w/o Pay DPO/MR
					(08) 29 4-1-17	— do — DPO/MR
					(01) 2378 05/11/019	— do — DPO/MR
					(01) 2422 07/11/019	— do — DPO/MR
					(04) 366 19/02/2020	— do — DPO/MR
					(10) 366 19/02/2020	— M/leave — DPO/MR
					(01) 2672 10/12/019	— leave w/o — DPO/MR

(04) S ... leave ... - ...

(13)

(07) ... to ... ...

... ...

21) ... ...

24/6/2020

13 7/20 to 20 8/20 OB 2064 (69) E/leave.

19.11.20

D Pol/Mala

(42) - 68

8.1.2021 - D Pol/Mach

Annex "C"

22

پلٹری ایکٹ ... انکوائری 248/PA 18-8-22 جناب DPO صاحب سے
موصول ہوکر خط ۔ SDPO صاحب کو بروز پیر
کو 10:00 بجے مورخہ 28/8/22 کو بروقت پیش ہونے کے

0301-8188375

اکرام اللہ سپیشل نمبر 786 متعینہ تھانہ رستم

بذریعہ

اپیل کنندہ مذکورہ بالا سے کہ اپیل حذا
والا کی ارسال فرمائیں۔

MHC/PS/TB
27-08-022

DSP Legal,
Mardan

OFFICE OF THE DISTRICT POLICE OFFICER, MARDAN

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

No 258 /PA

Dated 18 / 8 /2022

DISCIPLINARY ACTION

I, IRFAN ULLAH KHAN (PSP), District Police Officer Mardan, as competent authority am of the opinion that **Constable Ikram Ullah No.786**, himself liable to be proceeded against, as he committed the following acts/omissions within the meaning of Police Rules 1975.

STATEMENT OF ALLEGATIONS

Whereas, **Constable Ikram Ullah No.786,** while posted at Police Station Rustam, remained absent from duty without any leave/permission of the competent authority vide DD No.31 dated 17-05-2022 **till-date.**

For the purpose of scrutinizing the conduct of the said accused official with reference to the above allegations, **Mr. Gulshed Khan SDPO Kadang Mardan is nominated as Enquiry Officer.**

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

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

(Irfan Ullah Khan) PSP
District Police Officer
Mardan

DSP Legal
Mardan

OFFICE OF THE DISTRICT POLICE OFFICER, MARDAN

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

2022

24

CHARGE SHEET

I, **IRFAN ULLAH KHAN (PSP),** District Police Officer Mardan, as competent authority, hereby charge **Constable Ikram Ullah No.786,** while posted at Police Station Rustam, as per attached Statement of Allegations.

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

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

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

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

(Irfan Ullah Khan) PSP
District Police Officer
Mardan

میں نے رمڈر خان PSP کا شوکاز
نمبر 2 جاری شدہ وصول کی۔

اکرام اللہ
786

PSP Legal
Mardan

Annex "E"

OFFICE OF THE
DEPUTY SUPERINTENDENT OF POLICE,
KATLANG

Phone & Fax No. 0937-575333
Email. sdpo.katlang@gmail.com

25

To: The Worthy District Police Officer,
Mardan.

No. 559/St Dated 14/10/2022

Subject: **DEPARTMENTAL ENQUIRY AGAINST FC IKRAM ULLAH NO2786.**

Memo: Kindly refer to your good office Diary No. 249 / PA dated 18/08/2022.

In pursuance of your kind order, the undersigned completed enquiry in the above subject case. Its step-wise detail is given below.

STATEMENTS OF ALLEGATIONS:

Whereas, **FC Ikram Ullah No.2786** while posted at Police station Rustam, remained absent from duty without any leave / permission of the competent authority vide DD No. 31 dated 17.05.2022 **till date.**

PROCEEDINGS:

The defaulter **FC Ikram Ullah No.2786** was summoned and copy of Charge Sheet was served upon.

CONCLUSION:

He was contacted time and again to appear and produce his written statement and arrival report, but in vain, which reveals that he has no interest in official duty. It is therefore requested that he may be treated as **ex-parte action,** if agreed.

Encl :(11)

Submitted please.

Deputy Superintendent of Police,
Katlang Circle

Issue F.S.C.N

DPO/MDN 31/x/22

DSP Legal
Mardan

OFFICE OF THE DISTRICT POLICE OFFICER, MARDAN

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

No. 13018-20 /PA Dated 23/11/2022

FINAL SHOW CAUSE NOTICE

Constable Ikram Ullah No.2786, while posted at Police Station Rustam, remained absent from duty without any leave/permission of the competent authority vide DD No.31 dated 17-05-2022 till-date.

To ascertain facts, a proper departmental enquiry against you was conducted through Mr. Gulshed Khan, the then SDPO/Katlang vide this office Statement of Disciplinary Action/Charge Sheet No.249/PA dated 18-08-2022, who (EO) after fulfillment necessary process, submitted his Finding Report to this office vide his office letter No.559/St dated 14-10-2022, holding responsible you of gross misconduct & recommended for ex-parte action.

Therefore, it is proposed to impose Major/Minor penalty as envisaged under Rules 4 (b) of the Khyber Pakhtunkhwa Police Rules 1975.

Hence, I Haroon Rashid Khan (PSP) District Police Officer Mardan, in exercise of the power vested in me under Rules 5 (3) (a) & (b) of the Khyber Pakhtunkhwa Police Rules 1975 call upon you to Show Cause Finally as to why the proposed punishment should not be awarded to you.

Your reply shall reach this office within 07 days of receipt of this Notice, failing which, it will be presumed that you have no explanation to offer.

You are liberty to appear for personal hearing before the undersigned.

(Haroon Rashid Khan) T.ST/PSP
District Police Officer, Mardan.

Received by _____

Dated: 24-11-2022

Copy to SHO PS Baizai (Attention Moharrar) to deliver this notice upon Constable Ikram Ullah (0300-9345448) Son of Nimat Ullah resident of Jogi Khel Sangao or any of his closed family member & the receipt thereof shall be returned to this office within (05) days positively for onward necessary action..

DSP Legal
Mardan

(19) گارڈ MMC ہسپتال مردان

11 . 11 . 2022

ابراہیم اللہ 2786 FC

27

جناب عالی!

سپاہی شوکاز نوٹس کنندہ ابراہیم اللہ 2786 جملہ
ہمراہ عکس جس ایک خط مرتبہ کنندہ کے دستخط و مہر
عکس امر دو عدد واپس ارسال خدمت ہے۔

Ibrahim Ullah 2786
Asi PS Rustam
24-12-22

Sir Forwarded Plz
SHO. PS. BAIZAI
24-12-022

Disarm with
DSP Hayatabad Circle
MMC still absent
32/01
23

Still absent
S Pe Mohamra
PH
25/01
23

Sir, e/o Ibrahim Ullah 2786 was bound to
Present his reply in Compliance of FSCN
in hand by 31.12.22, but with non-
Compliance till-now, whilst S Pe
Mohamra PS Rustam, he is still absent
from 17.05.22.

PH 25/01
23

dismissed from
service

DSP Legal
Mardan

OFFICE OF THE DISTRICT POLICE OFFICER, MARDAN

Tel No. 0937-9230109 & Fax No. 0937-9230111
Tel No. 0937-9230108 & Fax No. 0937-9230111
Email: dpomdn@gmail.com

No. 19210/PA /PA
No. 19211/PA /PA

Dated 28/11/2022

FINAL SHOW CAUSE NOTICE

Constable Ikram Ullah No.2786, while posted at Police Station Rustam, remained absent from duty without any leave/permission of the competent authority vide DD No.31 dated 17-05-2022 till-date.

To ascertain facts, a proper departmental enquiry against you was conducted through Mr. Gulshed Khan, the then SDPO/Kaulang vide this office Statement of Disciplinary Action/Charge Sheet No.249/PA dated 18-08-2022, who (EO) after fulfilment necessary process, submitted his Finding Report to this office vide his office letter No.559/St dated 14-10-2022, holding responsible you of gross misconduct & recommended for ex-parte action.

Therefore, it is proposed to impose Major/Minor penalty as envisaged under Rules 4 (b) of the Khyber Pakhtunkhwa Police Rules 1975.

Hence, I Haroon Rashid Khan (PSP) District Police Officer, Mardan in exercise of the power vested in me under Rules 5 (3) (a) & (b) of the Khyber Pakhtunkhwa Police Rules 1975 call upon you to Show Cause Finally as to why the proposed punishment should not be awarded to you.

Your reply shall reach this office within 07 days of receipt of this Notice.

failing which; it will be presumed that you have no explanation to offer.

You are liberty to appear for personal hearing before the undersigned.

Received by

(Haroon Rashid Khan) T.ST/PSP
District Police Officer, Mardan.

Dated 28/11/2022

Copy to SHO PS Baizai **(Attention Moharrar)** to deliver this notice upon Constable Ikram Ullah (0300-9345448) Son of Nimat Ullah resident of Jogi Khel Sangao or any of his closed family member & the receipt thereof shall be returned to this office within (05) days positively for onward necessary action.

OFFICE OF THE DISTRICT POLICE OFFICER, MARDAN

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

No 1081-84 /PA Dated 31/1/2023

ORDER ON ENQUIRY OF CONSTABLE IKRAM ULLAH NO.2786

This order will dispose-off a departmental enquiry under Police Rules 1975, initiated against Constable Ikram Ullah No.2786, under the allegations that while posted at Police Station Rustam (Now under transfer to Guard MMC Hospital), proceeded against departmentally through Mr. Gulshed Khan, the then SDPO/Katlang vide this office Statement of Disciplinary Action/Charge Sheet No.249/PA dated 18-08-2022, on account of absence from duty without any leave/permission of the competent authority vide DD No.31 dated 17-05-2022 **till-date**, who (E.O) after fulfillment necessary process, submitted his Finding Report to this office vide his office letter No.559/St dated 14-10-2022, holding responsible the delinquent official of gross misconduct on the eve of non-presenting his reply in compliance of delivered Statement of Allegations/Charge Sheet, nor appearing to him (Enquiry Officer), therefore, **recommended him for ex-parte action.**

Being held responsible of allegations by Enquiry Officer & to further ascertain facts, on 24-12-2022, Constable Ikram Ullah was served with a Final Show Cause Notice, under Khyber Pakhtunkhwa Police Rules-1975, issued vide this office No.13019-20/PA dated 23-12-2022, to which, he was required to submit his reply to this office within stipulated time of (07) days, but neither has he submitted his reply to this office, nor assumed duty **till-date**, clarifying that he is not interested in his service.

Final Order

The above discussion has clarified that Constable Ikram Ullah is not a willing worker, therefore, awarded him **major punishment of dismissal from service with effect from 17-05-2022** with immediate effect, in exercise of the power vested in me under Police Rules-1975.

OB No. 243
Dated 30/01/2023

(Haroon Rashid Khan) T.ST/ PSP
District Police Officer, Mardan.

Copy forwarded for information & n/action to:-

1) The DSsP/HQrs & Rural in Mardan.
2) The P.O & E.C (DPO Office) Mardan.
3) The In-charge Lab (HRMIS) DPO Office Mardan.

DSP Legal
Mardan

(21)

29

ORDER.

This order will dispose-off the departmental appeal preferred by **Ex-Constable Ikram Ullah No. 2786** of Mardan District Police against the order of the then District Police Officer, Mardan, whereby he was awarded major punishment of dismissal from service vide OB No. 243 dated 30.01.2023. The appellant was proceeded against departmentally on the allegations that he while posted at Police Station Rustam District Mardan absented himself from his lawful duty without any leave or prior permission of the competent authority vide daily diary No. 31 dated 17.05.2022 till date of his dismissal from service.

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

The then District Police Officer, Mardan perused the findings and by agreeing with the recommendations of Enquiry Officer issued him Final Show Cause Notice, but the delinquent Officer neither submitted his reply nor assumed his duty, therefore, he was awarded major punishment of dismissal from service from the date of absence by the then District Police, Mardan vide OB: No. 243 dated 30.01.2023.

Feeling aggrieved from the order of the then District Police Officer, Mardan, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in this office on 30.08.2023.

From the perusal of the enquiry file and service record of the appellant, it has been found that allegations leveled against the appellant have been proved beyond any shadow of doubt. As he has bitterly failed to produce any cogent reason to justify his absence because the same clearly depicts his casual and lethargic attitude towards his official duties. The very conduct of appellant is unbecoming of a disciplined Police Officer. On perusal of previous service record of the appellant, it was noticed that he is habitual absentee and prior to this, the appellant was also dismissed from service twice for his disinterest in the official duties. Hence, order passed by the competent authority does not warrant any interference. Besides the

DSP Legal
Mardan

above, the appellant approached this forum at a belated stage by filing the instant appeal which is badly time barred for 04 months and 13 days without advancing any cogent reason regarding such delay.

Keeping in view the above, **I, Muhammad Suleman, PSP Regional Police Officer, Mardan,** being the appellate authority, find no substance in the appeal, therefore, the same is rejected and filed, being devoid of merit as well as badly time barred for 04 months and 13 days.

Order Announced.

(MUHAMMAD SULEMAN) PSP
Regional Police Officer,
Mardan.

No. 6002 /ES, **Dated Mardan the** 12/09/2023

Copy forwarded to District Police Officer, Mardan, for information and necessary action w/r to his office Memo: No. 106/LB dated 14.07.2023. His Service Record is returned herewith.

(*****)

DSP/Legal, EC
For n/action

DPO/Mardan
12.9.23

762/LB
13-9-23

Office of The Superintendent of Police ★ Mardan ★
O. No. 7186
Date 13/9/23

EC
For n/action

DSP/L

DSP Legal
Mardan

Annexure I

30/6
06/9/23

(31) Annexure I-2

(23)

31

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

No. S/ 2429 /23, dated Peshawar the 04 / 10 /2023

To: The Regional Police Officer,
Mardan.

Subject: **REVISION PETITION.**

Memo:

The Competent Authority has examined and filed the revision petition submitted by Ex-FC Ikram Ullah No. 2786 of District Mardan, against the punishment of dismissal from service awarded by DPO Mardan vide OB No. 243, dated 30.01.2023 being badly time barred.

The applicant may please be informed accordingly.

4/10

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

4182/ES
16-10-23

EC/DPO Mardan
For n/action.

RPO Mardan
5/10/23

DSP Legal
Mardan

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

32

Service Appeal No. 2545/2023

Ikram Ullah Ex-Constable No. 2786 District Police Mardan.....Appellant

VERSUS

The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar and others
.....Respondents

AUTHORITY LETTER.

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

District Police Officer, Mardan.
(Respondent No. 4)
(ZAHOOR BABAR)[PSP]
Incumbent

Regional Police Officer, Mardan.
(Respondent No. 3)
(NAJEEB-UR-REHMAN BUGVI)[PSP]
Incumbent

Capital City Police Officer,
Khyber Pakhtunkhwa, Peshawar
(Respondent No. 1)
(SYED ASHFAQ ANWAR) PSP
Incumbent

DIG/Legal, CPO
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar
(Respondent No. 2)
(DR. MUHAMMAD AKHTAR ABBAS)[PSP]
Incumbent