BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 342/2022

BEFORE: RASHIDA BANO --- MEMBER (J)
MUHAMMAD AKBAR KHAN --- MEMBER (E)

Muhammad Noman Khan S/O Farman Ullah, (Ex-Naib Qasid of Telecommunication and Transport, KPK) R/o Mohallah Javed Abad Achar Road Peshawar, District Peshawar..... (*Appellant*)

VERSUS

1. Government of Khyber Pakhtunkhwa, through Chief Secretary Khyber Pakhtunkhwa, Peshawar.
2. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
3. AIG Establishment for Inspector General of Police, Khyber Pakhtunkhwa. Peshawar.
4. Assistant Inspector General of Police, Telecommunication and Transport, Khyber Pakhtunkhwa, Peshawar.
5. Deputy Inspector General of Police, Telecommunication and Transport, Khyber Pakhtunkhwa, Peshawar..... (*Respondents*)

Present:-

HASEEN ULLAH GAMARYANI,
Advocate --- For Appellant

ASAD ALI KHAN,
Assistant Advocate General --- For respondents.

Date of Institution.....08.03.2022
Date of Hearing..... 30.01.2024
Date of Decision.....30.01.2024

JUDGMENT.

MUHAMMAD AKBAR KHAN, MEMBER(E):- The instant service appeal has been instituted under Section 4 of the Khyber Pakhtunkhwa Service Tribunal, Act 1974 with the prayer copied as under;

"On acceptance of this appeal the order of respondent No. 3 dated 21.02.2022 whereby the appeal of the appellant against

the impugned order of respondent No. 4 and 5 dated 25.10.2021, has been rejected against dismissal from service may kindly be reversed and resultantly the dismissal/discharge from service order of appellant issued by respondent dated 25.10.2021 may kindly be set aside and the appellant may be reinstated in service with all back benefits."

02. Brief facts of the case are that appellant was serving as Naib Qasid in the Police Department; that on 05.09.2021, he fell ill and upon the advice of doctor for bed rest, remained unable to attend the duties; that on 23.09.2021, the appellant was issued Show Cause Notice which was replied by him on 27.09.2021; that on 07.10.2021, charge sheet was issued to him which was also replied by the appellant; that subsequently, vide order dated 25.10.2021, he was discharged from service. Feeling aggrieved from the impugned order dated 25.10.2021, the appellant filed mercy petition followed by departmental appeal on 06.12.2021, which was rejected vide order dated 21.02.2022, hence preferred the instant service appeal on 08.03.2022.

03. Notices were issued to the respondents, who submit their comments, wherein they refuted the assertions raised by the appellant in his appeal. We have heard arguments of learned counsel for the appellant and learned Assistant Advocate General and have gone through the record with their valuable assistance.

04. Learned counsel for the appellant contended that the impugned order was illegal, unlawful, without authority and based on malafide. He submitted that no inquiry had been conducted; that the appellant had been awarded with

maximum punishment and the authority had not fulfilled the legal requirements; that the impugned order was not in accordance with the allegations leveled against him and the same was harsh. He further submitted that no opportunity of hearing had been given to the appellant. Lastly, he submitted that the respondents have violated the Government Servants (Efficiency & Discipline) Rules, 2011 by not giving chance of defense in the inquiry proceedings and the same conduct was also against the fundamental rights enshrined in the Constitution of Islamic Republic of Pakistan. He, therefore, requested for acceptance of the instant service appeal.

05. As against that, learned Assistant Advocate General argued that the respondents acted in accordance with law/rules and order of discharge from service was passed after observing all the codal formalities as per law/rules; that proper inquiry was initiated against the appellant and the codal formalities fulfilled including issuance of Show Cause Notice alongwith statement of allegations and affording opportunity of defense. He further argued that the appellant was a habitual absentee and was not interested in performing his duty. Lastly, he submitted that proper opportunity of cross examination was also given to the appellant but he failed to avail the same, therefore, was rightly dismissed from service.

06. Scrutiny of record reveal that the appellant was appointed as Naib Qasid on 31.10.2019 and posted in Telecommunication & Transport, Khyber Pakhtunkhwa, Peshawar. Later on he was transferred and posted at Wireless Control D.I.Khan. The appellant while on station leave during weekend proceeded to his home city Peshawar and on 05.09.2021 he fell ill and

consulted doctor at Naseerullah Khan Babar Memorial Hospital, Kohat Road Peshawar. The doctor examined him and prescribed medicine for his treatment as outdoor patient. The time period which the appellant remained indisposed was the peak period of COVID-19 which had created a scare around the world including Pakistan. On 23.09.2021 the appellant was served with a Show Cause Notice which the appellant replied on 27.09.2021 and he was charge sheeted on 17.10.2021. The main reason for not accepting the medical leave of the appellant was verification of medical prescriptions from the hospital where the appellant consulted medical doctor. The Hospital authorities verified that the appellant remained as outdoor patient in the hospital but he was not advised bed rest by the doctor concerned which was written on the back of the medical prescriptions. However, the illness of the appellant remained proved and verified under the Khyber Pakhtunkhwa Civil Servants Revised Leave Rules, 1981. Rule 13 of the said rules is reproduced below;

> *Leave on Medical Certificate.---Leave applied for on medical certificate shall not be refused. The authority competent to sanction leave may, however, at its discretion, secure a second medical opinion by requesting the Civil Surgeon or the Medical Board to have the applicant medically examined. The existing provisions contained in Supplementary Rules 212, 213 and Rule 220 to 231 for the grant of leave on medical grounds will continue to apply*

Although we also find that Mr. Saeed Khan, DSP Telecommunication & Transport, Peshawar was nominated as inquiry officer by the competent authority in order to conduct inquiry and reference to this inquiry is made in the impugned

order dated 25.10.2021 but no inquiry report is available on record nor annexed with the reply of the respondents nor the same was submitted during the course of arguments which makes the entire disciplinary proceedings doubtful denying the appellant opportunity of defense and personal hearing by the inquiry officer.

07. Foregoing in view we set aside the impugned orders dated 25.10.2021 & 21.02.2022 reinstate the appellant into service. The period from 25.10.2021 till the date of announcement of the judgment shall be treated as leave without pay. Costs shall follow the event. Consign.

08. Pronounced in open court at Peshawar and given under our hands and seal of the Tribunal on this 30th day of January, 2024.

(Rashida Bano)
Member (J)

(Muhammad Akbar Khan)
Member (E)

Kamranullah

SCANNED
KPST
Peshawar

ORDER

30.01.2024 1. Learned counsel for the appellant present. Mr. Asad Ali Khan, Assistant Advocate General for the respondents present

2. Vide our detailed judgment of today separately placed on file, we set aside the impugned orders dated 25.10.2021 & 21.02.2022 reinstate the appellant into service. The period from 25.10.2021 till the date of announcement of the judgment shall be treated as leave without pay. Costs shall follow the event. Consign.

3. *Pronounced in open court at Peshawar and given under our hands and seal of the Tribunal on this 30th day of January, 2024.*

(Rashida Bano)
Member (J)

(Muhammad Akbar Khan)
Member (E)

Kamranullah

SCANNED
KPST
Peshawar

15.06.2023 Clerk of learned counsel for the appellant present. Mr. Asad Ali Khan, Assistant Advocate General for the respondents present.

Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is not available today due to strike of lawyers. Adjourned. To come up for arguments on 10.10.2023 before the D.B. Parcha Peshi given to the parties.

(Muhammad Akbar Khan)
Member (E)

(Salah-ud-Din)
Member (J)

Naeem Amin

10.10.2023 1. Clerk of counsel for the appellant present. Mr. Muhammad Jan learned District Attorney alongwith Mohammad Javid, Superintendent for the respondents present.

2. Clerk of counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is not available today due to demise of his relative. Adjourned. To come up for argument on 30.01.2024 before D.B. P.P given to parties.

(Muhammad Akbar Khan)
Member (E)

(Rashida Bano)
Member (J)

KaleemUllah

28. 02. 2023 Counsel for the appellant present. Mr. Umair Azam, learned Additional Advocate General alongwith Noor Rehman, Superintendent for respondents present.

Former requested for adjournment in order to further prepare the brief. Adjourned. To come up for arguments on 28.04.2023 before D.B. P.P given to the parties.

(Rozina Rehman)
Member (J)

(Kalim Arshad Khan)
Chairman

28.04.2023 Appellant in person present.

Fazal Shah Mohmand, learned Additional Advocate General for respondents present.

Learned Member Executive (Mr. Muhammad Akbar Khan) is on leave, therefore, case is adjourned. To come up for arguments on 15.06.2023 before D.B. Parcha Peshi given to the parties.

(Rozina Rehman)
Member (J)

Mutazem Shah

07.11.2022 Appellant present in person.

Naseer Ud Din Shah learned Assistant Advocate General for the respondents present.

Former requested for adjournment on the ground that his learned counsel is indisposed today. Adjourned. To come up for arguments on 03.01.2023 before D.B.

(Fareeha Paul)
Member (E)

(Rozina Rehman)
Member (J)

03.01.2023 Appellant alongwith his counsel present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Due to paucity of time arguments could not be heard. Adjourned. To come up for arguments on 28.02.2023 before the D.B.

(Mian Muhammad)
Member (E)

(Salah-Ud-Din)
Member (J)

17.08.2022

Learned counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General alongwith Mr. Qasim Khan, Assistant for the respondents present.

Reply/comments on behalf of respondents submitted which are placed on file. Copy of the same is handed over to learned counsel for the appellant. Adjourned. To come up for rejoinder, if any, and arguments on 07.10.2022 before D.B.

(Mian Muhammad)
Member (E)

07.10.2022

Appellant present in person. Mr. Kabir Ullah Khattak, Additional Advocate General for respondents present.

Appellant requested for adjournment on that ground his counsel is busy before Hon'able Peshawar High Court. Adjourned. To come up for arguments on 07.11.2022 before D.B.

(Mian Muhammad)
Member (E)

(Kalim Arshad Khan)
Chairman

30th May, 2022

None for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Written reply/comments not submitted. Learned AAG seeks time to submit written reply/comments on the next date. Granted. To come up for written reply/comments on 28.06.2022 before the S.B.

(Kalim Arshad Khan)
Chairman

28.06.2022

Appellant alongwith his counsel present. Mr. Kabir Ullah Khattak, Additional AG for respondents present.

Learned AAG seeks further time for submission of written reply/comments. Request accepted by way of last chance. To come up for written reply/comments on 17.08.2022 before S.B.

(Fareeha Paul)
Member (E)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 342 /2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	08/03/2022	The appeal of Mr. Muhammad Noman Khan presented today by Mr. Haseen Ullah Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please. REGISTRAR
	SCANNED KPST Peshawar	
2-		This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put there on 7-4-2022 CHAIRMAN
	Noted Haseen ullah Advocate	
	07.04.2022	Appellant present in person and heard. The appeal is admitted for full hearing subject to all just and legal objections by the other side. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 30.05.2022 before S.B. Chairman
	Rs-700/- Appellant Deposited Security & Process Fee 07/04/2022	

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

CHECK LIST

Case Title: Muhammad Noman Khan VS Govt; of KPK & others

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

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

Name: Haseen ullah Khan Advocate

Signature: [signature]

Dated: 07/03/2022

BEFORE THE SERVICE TRIBUNAL K.P.K. PESHAWAR

Service Appeal No. 342 /2022

Muhammad Noman Khan

.....Appellant

Versus

Government of KPK,.& Others

..... Respondents

INDEX

Appellant
Through:
Haseen Ullah Gamaryani
&
Asif Ali Shah
Advocates High Court, Peshawar

Dated:04.03.2022

(1)

BEFORE THE SERVICE TRIBUNAL K.P.K. PESHAWAR

Service Appeal No. 342 /2022

Muhammad Noman Khan S/O Farman Ullah, (ex-Naib Qasid of Telecommunication and Transport KPK) R/o Mohallah Javeed Abad Achar road Peshawar, District Peshawar..... Appellant

Versus

1. **Government of KPK**, through, Chief Secretary KPK, Peshawar.
2. Inspector General of Police, KPK, Peshawar.
3. AIG Establishment for Inspector General of Police, KPK, Peshawar.
4. Assistant Inspector General of police, Telecommunication and transport, Khyber Pakhtunkhwa, Peshawar.
5. Deputy Inspector General of Police, Telecommunication and transport, Khyber Pakhtunkhwa, Peshawar.

.....Respondents

APPEAL U/S 4 NWFP SERVICE TRIBUNAL ACT 1974 AGAINST THE ORDER OF RESPONDENT NO.3 DATED: 21.02.2022 WHEREBY THE APPEAL OF THE APPELLANT AGAINST THE IMPUGNED ORDER OF RESPONDENT NO.4 AND 5 DATED: 25.10.2021HAS BEEN REJECTED AND DISMISSAL ORDER OF APPELLANT ISSUED BY RESPONDENT NO.4 AND 5 DATED: 25.10.2021 WAS MAINTAINED.

PRAYER IN APPEAL:

ON ACCEPTANCE OF THIS APPEAL THE ORDER OF RESPONDENT NO. 3 DATED: 21.02.2022WHEREBY THE APPEAL OF THE APPELLANT AGAINST THE IMPUGNED ORDER OF RESPONDENT NO.4 and 5 DATED25.10.2021, HAS BEEN REJECTED AGAINST DISMISSAL FROM SERVICE MAY KINDLY BE REVERSED AND RESULTANTLY THE DISMISSAL / DISCHARGE FROM SERVICE ORDER OF APPELLANT ISSUED BY RESPONDENT NO.DATED: 25.10.2021 MAY KINDLY BE SET ASIDE AND THE APPELLANT MAY BE REINSTATED IN SERVICE WITH ALL BACK BENEFITS.

Respectfully Sheweth:

1. That the appellant was serving in Police Department as Naib Qasid in Telecommunication and transport KPK. **(copy of Appointment order is attached as annexure-A)**

2. That the appellant was performing his duties to the satisfaction of his high ups but on 5th of September 2021 the appellant fill ill and in this respect two medical prescriptions issued by Government Naseer Ullah Khan Babar memorial hospital, Kohat road Peshawar in which complete bed rest was advised.**(Medical documents are attached as Annexure-B)**

3. That on 23.09.2021 the respondent No.4 issued a show cause notice to the present appellant for remaining absent from duty, and the appellant properly replied on 27.09.2021, and

without hearing and affording opportunity to defend himself straight away refused to hear and issued a charge sheet to the present appellant on 07.10.2021, which also properly replied on 13.10.2021. But on 25.10.2021 without any cogent reason the appellant was informed through order that he has been dismissed / Discharge from service.

(Copies of show cause notice, reply of show cause notice, charge sheet and reply, Dismissal / Discharge order are Annexure- C, D, and E)

4. That the appellant approached to respondent No.5 and filed a departmental representation / mercy petition on 01.11.2021, but without hearing and affording opportunity to defend himself the appellant was kept unheard.

   (Copy of mercy petition is Annexure-F)

5. The appellant after reasonable time (after some days) filed another departmental appeal against the above said impugned order to Respondent No.2 on 06.12.2021 which was entertained and decided on vide impugned Order dated 21.02.2022.

   (Departmental Appeals & impugned Orders dated: 06.12.2021 and 21.02.2022 are attached as Annexure-G).

6. That the appellant now approaches this Honorable Tribunal against the above said order on the following grounds amongst the others.

Grounds:

a) That the aforementioned orders of dismissal / Discharge from service of the appellant are illegal unlawful without authority/jurisdiction and being based on the malafide intention is liable to be set-aside.

b) That no inquiry proceedings as prescribed under the prevailing laws was ever conducted, still in the findings of the punishment was awarded the major penalty of dismissal from service without mentioning any reasons and passed the impugned order illegally.

c) That the punishment awarded to the appellant was not proportionate with his fault and he was awarded the maximum punishment and the punishing authority did not fulfilled the legal requirement for the service of notice and passed the impugned order in his absentia, which have no value in the eyes of law.

d) That no legal requirement has ever been fulfilled in the appellant case and this factum is clear from the impugned orders, hence, the orders were passed in haphazard manner and liable to be set aside

e) That the dismissal order of the appellant was not in accordance/in-proportionate with the allegations leveled against the appellant and it was a harsh punishment as against the miss-conduct whatsoever mentioned in the proceedings.

f) That the impugned dismissal order is issued without giving any opportunity of hearing to appellant and passed the impugned orders without fulfilling the legal requirements in slipshod manner, such practice adversely effects efficiency of incumbents and also reduces their confidence and faith in public.

g) That the appellant has not been given an opportunity to cross examine any of the witnesses neither the statement of witnesses has been recorded in presence of appellant and never supplied a copy of so called enquiry report which is the clear-cut violation of the Government Servant (Efficiency and Discipline) Rules 2011 and fundamental rights enshrined in the constitution of Islamic Republic of Pakistan, 1973.

IT IS, THEREFORE, HUMBLY PRAYED THAT ON ACCEPTANCE OF THIS APPEAL THE ORDER OF DISMISSAL / DISCHARGE FROM SERVICE PASSED BY THE RESPONDENTS MAY PLEASE BE SET-ASIDE AND THE APPELLANT MAY BE REINSTATED BACK TO HIS SERVICE WITH ALL BACK BENEFITS.

ANY OTHER RELIEF WHICH THIS HON'BLE TRIBUNAL DEEMS PROPERLY AND HAS NOT BEEN ASKED PROPERLY MAY ALSO BE GRANTED.

APPELLANT
Through:
Haseen Ullah Gamaryani
&
Asif Ali Shah
Advocate High Court, Peshawar

Dated:04.03.2022

VERIFICATION:
It is verified that (as per information given me by my client) all the contents of the instant appeal are true and correct and nothing has been concealed intentionally from this Hon'ble Tribunal.

Advocate

Note:
That no such like petition / Appeal on this subject matter has earlier been filed before this Hon'ble Tribunal.

ATTESTED

BEFORE THE SERVICE TRIBUNAL K.P.K. PESHAWAR

Service Appeal No._____/2022

Muhammad Noman Khan.....Appellant

Versus

Government of KPK,.& Others..... Respondents

Affidavit

It is hereby solemnly affirm and declare on oath that all the contents of the instant appeal are true and correct to the best of my Knowledge and belief and nothing has been concealed intentionally from this Honorable Court.

ATTESTED

KHALIDA RAHMAN ADVOCATE
OATH COMMISSIONER
PESHAWAR

Deponent

Annexure "A"

(7)

Ann

ORDER

On the recommendation of Departmental Selection Committee in its meeting held on 29th October 2019, the undersigned is pleased to appoint Mohammad Noman Khan CNIC// 17301-1922558-5 s/o Farman Ullah r/o Mohallah Javeed Abad Achar Road Peshawar as Naib Qasid (Class-iv) in BPS-03 (9610-390-21310) under Rule 10 (2) of Appointment, Promotion & Transfer Rules 1989 from the date of submission of Medical Fitness Certificate & Local Police Verification Certificate and other codal formalities.

The appointment of the above official is purely temporarily and he is likely to be terminated anytime if his services are no longer required or he is unlikely to become a good official. He will however, not be permitted to resign from his post at his own accord within three years of his appointment. If he fails to abide by the term of the agreement recorded in the service rules, the undersigned shall be free within his right to take disciplinary action under the rules.

(NISAR AHMED KHAN)
Deputy Inspector General of Police
Telecommunication & Transport,
Khyber Pakhtunkhwa, Peshawar.

No. 12541-47 /Tele/EC, dated Peshawar the 31/10/2019.

Copy forwarded for information and necessary action to the:-

1. Accountant General, Khyber Pakhtunkhwa Peshawar.
2. SP MT & Telecommunication KP, Peshawar.
3. DSP/Telecomm: KP, Peshawar.
4. Office Supdt: Telecomm: Peshawar.
5. Office Supdt: MT Telecomm: Peshawar.
6. Accountant Telecomm: Peshawar along with original employment registration card.
7. Official concerned.

Attested

Annexure - B

Jordan

2555 16-9-21

Examination

Temp

BP

Investigations

Diagnosis

Government NKB Memorial, Hospital, Kohat, Road Peshawar
EMERGENCY DEPARTMENT (OPD) SLIP
Ph. No. 091-9211467-8

2263 Nizma

Complaints:

Rx

Examination:

Temp:

B.P.

Investigations:

Diagnosis

Attested

10

GOVERNOR'S MEMORIAL HOSPITAL KOHAT ROAD PESHAWAR

Patient's Name: Noman Age ____ Sex M

Hospital No. 865 Date 14/9/24

Investigation Required ____

HAEMATOLOGY

TEST	RESULT	UNITS	NORMAL Range
Haemoglobin	13.3	G/dl	F-12-16 M.14-18
RBC Count		M/cmm	4.5-5.5
WBC Count	5000	/cmm	4000-11000
E.S.R		MM/HURS	F.S-20 M.2-15
D.L.C			
Neutrophils	47	%	45-75
lymphocytes	53	%	20-45
Eosinophils		%	1-5
Monocytes		%	1-6
Bosophils		%	0-1
Platelet Count	183000	/cmm	150000-400000
MP	No MPS		
B.T		Min	2-11
C.T		Min	5-11
P.T:-			
Patients		Seconds	
Control		Seconds	
A.P.T.T			
Patients		Seconds	
Control		Seconds	
F.D.Ps			

IMMUNOLOGY

TEST

Widal Test

To ____ TH ____

Dengue IgM ____

Dengue IgG ____

Dengue N.S1 ____

Brucella Abortus ____ Melitens ____

Reheumatiod Factor (RA) ____

ASO Time ____

S. Toxoplasama IgM ____

S. Toxoplasama IgG ____

B. Group ____

R.H. Factor ____

Monoux Test ____

Hbs Ag ____

H.C.V ____

H.I.V ____

VDRL ____

Typhidot Igm ____ IgG ____

CRP ____

H.PYLORI ____

ICT TB ____

Pregnancy ____

Lab. TECH / Pathologist

Attested

Government NKB Memorial, Hospital, Kohat, Road Peshawar
EMERGENCY DEPARTMENT (OPD) SLIP
Ph. No. 091-9211467-8

691 Numan 12/8

Complaints: Burden in body

Examination:
Temp:
B.P. 120/80

Investigations: covid PCR

Diagnosis:

Rx
Vantolin
½ cannula
Inf paracetamol 1gm
Inj ceftriaxone 1.5gm in 100 ml pm
Inj solumedrol 250 mg iv
Tab Panadol Extra
S — 1 + 1 + 1
Tab Rapicort
S — 1 + 1 5mg
S — 1
Tab Montiker lo
Tab Desora 5mg

Attested

Government NKB Memorial, Hospital, Kohat, Road Peshawar
EMERGENCY DEPARTMENT (OPD) SLIP
Ph. No. 091-9211467-8

2809 نعمان 14/9/21

Complaints:

Rx

Tab CEFIXIM 200/400
1+1

Examination:

Temp: 98°F

B.P. 100/60

Tab Azomax 500
OD

Investigations:

CBC
MP
Typhidot

Diagnosis:

Attested

13 Annexures - C

SHOW CAUSE NOTICE

I Mr. **SOHAIL ZAFAR CHATHA** Assistant Inspector General of Police Telecommunication & Transport, Khyber Pakhtunkhwa Peshawar as competent authority, empowered under Khyber Pakhtunkhwa Police Rules 1975, (Amendments 2014) do hereby serve upon you Naib Qasid Muhammad Noman Khan of this unit Posted at Control DI Khan Show Cause Notice on the allegation/charges as follow.

You Naib Qasid Muhammad Noman Khan while posted at Control DI Khan absented yourself from your lawful duty w.e.f 05.09.2021 and are still absent from lawful duty.

This act amounts to gross misconduct on your part and is against the norms of disciplined force as defined in Para 02 (iii) in the rules abide.

You are, therefore, required to Show Cause as to why you should not be proceeded against departmentally for the above-mentioned act/omission. Also, intimate whether you desire to be heard in-person.

If no reply to this Notice is received within 07 days of its receipt in normal course of circumstances to explain your position, ex-Parte action shall be taken against you.

(SOHAIL ZAFAR CHATHA)
Assistant Inspector General of Police,
Telecommunication & Transport,
Khyber Pakhtunkhwa, Peshawar.

No 13506-7 /Tele/EC, dated Peshawar the 23/9 /2021.

Copies forwarded to the :-

1. Mr. Muhammad Saeed (DSP T&T) (Enquiry officer).
2. Line Officer Tele Peshawar with the direction to deliver the said Show Cause Notice to Naib Qasid Muhammad Noman Khan s/o Farman Ullah r/o Mohalla Javed Abad Achar Road Peshawar and return one copy duly signed by him .

Attested

23/9/2021

جناب عالی

گزارش ہے کہ سائل کو شوکاز نوٹس بحوالہ چٹھی 13506-7 مورخہ 23/9/21 اس وجہ سے دیا گیا ہے کہ سائل مورخہ 05/9/21 سے اب تک ڈیوٹی سے غیر حاضر ہے جبکہ مورخہ 05/9/21 کو اتوار کا دن تھا جس دن عام تعطیل ہوتی ہے سائل کو 6/9/21 سے 5 دن کی میڈیکل دیسٹ ڈاکٹر نے دیا ہے اس کے بعد ڈاکٹر نے مورخہ 16/9/21 سے مزید 3 ہفتے کا میڈیکل دیسٹ دیا ہے ان دونوں میڈیکل دیسٹ چٹھیوں میں بیماری کا ذکر کیا گیا ہے

لہذا میری بات کر کے ڈاکٹر کے چٹھیوں کو مد نظر رکھتے ہوئے میرے غیر حاضری کو میڈیکل دیسٹ منظور کرنے کا حکم صادر فرمائیں (میڈیکل دیسٹ کی چٹھیاں لف ہیں)

العارض

آپکا تابعدار نائب قاصد محمد نعمان خان

Attested

date 27/9/21

Annex - "D"

CHARGE SHEET

I, Sohail Zafar Chatha Assistant Inspector General of Police Telecommunication & Transport, Khyber Pakhtunkhwa, Peshawar as Competent Authority, under Khyber Pakhtunkhwa Government Servants Efficiency and Discipline Rules (2011) hereby charge you as under;

You Naib Qasid Muhammad Noman Khan while posted at Control DI Khan absented yourself from your lawful duty we.f 05.09.2021 vide O1/C Tele DI Khan Signals, dated 06.09.2021, 07.09.2021, 13.09.2021, 14.09.2021, 15.09.2021, 17.09.2021, 20.09.2021, 21.09.2021, 22.09.2021 and are absent till date.

Furthermore, you were served with Show Cause Notice vide No.13506-7/Tele/EC, dated 23.09.2021 for your absence from your duties. You submitted your reply to above mentioned Show Cause Notice on 23.09.2021. In your reply to above mentioned Show Cause Notice, you have attached two medical OPD prescriptions issued by Government Naseerullah Khan Babar Memorial Hospital, Kohat Road, Peshawar. First medical prescription was issued bearing No.2263, dated 06.09.2021 wherein at the back page of prescription, you were allegedly given 10-days complete bed rest by the doctor. At the second OPD medical prescription bearing No.255, dated 16.09.2021 again doctor allegedly gave you complete bed rest for another 03- weeks. This bed rest is also written on the back page of OPD prescription.

The same medical prescriptions issued by the said hospital were sent for verification to Medical Superintendent of Government Naseerullah Khan Babar Memorial Hospital, Kohat Road, Peshawar through official letter wherein it was requested to verify whether these two OPD medical prescriptions were issued by your hospital or otherwise. Besides, it was also requested if same were issued by your hospital, then do these medical prescriptions contain any element of tempering or fabrication.

In reply to this office's official request, the Medical Superintendent issued an official letter and stated that the comments of the Medical Officer who issued these prescriptions have been made on the official letter issued by the office of DIG Police Peshawar. Doctor Mehtab Ullah Kaka Khel who issued these prescriptions have made following comments;

"I have only prescribed medication in casualty but have not given any bed rest".

The concerned doctor's comments indicate that you fabricated of official documents by adding bed rest in your favour by adding what was not written by the concerned doctor. By doing this act, you have committed yourself to offence of forgery/fabrication against which you can also be proceeded legally by registration of FIR.

Regarding your request for leave application which you asked telephonically from the OIC Tele DI Khan, dated 06.09.2021, Incharge Control Room DI Khan was asked to answer questions relating to your conduct, your overall demeanor towards your official duties and issue of your seeking extension in the leave. In reply, the OI/C DI Khan has commented that during few days of your duties at Control Room DI Khan you remained casual towards your duties. Moreover, you never turned up on time at your duty place and were used to evade your duties under different pretexts and leave office before time. Besides, he also told that

Sohail

Attested

when you sought extension in your leave on telephone, you never made mention any illness you were going through, rather, you sought extension in the leave by saying that the public transport was not available due to ongoing Covid pandemic. To give legal cover to your absence, you got medical prescriptions from Government Naseerullah Khan Babar Memorial Hospital, Kohat Road, Peshawar and fabricated them.

By reason of the above, you appear to be guilty of misconduct under the Khyber Pakhtunkhwa Government Servants Efficiency and Discipline Rules (2011) and have rendered yourself liable to all or any of the penalties specified in the said Rules.

You are, therefore, directed to submit your written defence within seven (07) days of the receipt of this Charge Sheet to the Enquiry Officer/Committee.

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

You are directed to intimate whether you desire to be heard in person or otherwise.

(SOHAIL ZAFAR CHATHA)
Asstt: Inspector General of Police,
Telecomm: & Transport,
Khyber Pakhtunkhwa, Peshawar.

No 14239-40 (Tele/EC, dated Peshawar the 7/10 /2021.

Copies forwarded to the:-

Muhammad Saeed (DSP T&T:) (Enquiry officer).

2. Establishment Clerk Tele Peshawar with the direction to delivered the said Charge Sheet to Naib Qasid Muhammad Noman Khan and return one copy duly singed by him.

Attested

BEFORE THE RESPECTED ASSISTANT INSPECTOR GENERAL OF POLICE TELECOMUNICATION & TRANSPORT, KHYBER PAKHTUNKHWA, PESHAWAR.

Written reply_____202

Subject:

WRITTEN REPLY TO THE CHARGE SHEET NO. 14239-40 [TELE/EC, DATED, PESHAWAR THE 7/10/2021; BEFORE THIS AUHTORITY/ENQUIRY OFFICER/COMMITTEE ON BEHALF OF RESPONDENT NAIB QASID, NAMELY (MUHAMMAD NOMAN KHAN).

Respectfully Submitted:-

That the respondent humbly and respectfully submits as under:-

1) That the Petitioner has got no cause of action to file the instant charge sheet against the respondent Naib Qasid namely Mohammad Noman Khan .

2) That the respondent has come to this Hon'ble and Learned Authority/Enquiry Officer/Committee with clean hands.

3) That the instant charge sheet is not in its present form as the respondent is innocent and have not done any illegality.

4) That the charge sheet issued by this learned authority are just to harass and pressurize the respondent for forceful resignation and to end this employment for the sake of other individuals.

5) That the charge sheet is bad in its present form as it is full of wrong allegations against the respondent as which shows from the mentioned in the charge sheet 05.09.2021 where as it comes on Sunday (Holiday).

6) That before the above captioned charge sheet this learned authority i was given a show cause notice No. 13506-7/Tele/EC, dated Peshawar the 23/9/2021 to which even i was so ill and was weak to get up from the bed still respected this authority and submitted the reply vide reply application dated 29/9/2021 (Application, Dated 27/09/2021 is attached)

7) That even I was given a show cause but due to my affection and love towards this learned authority and department; though i was ill and having fever i attended my duty station at DI Khan which is far away from Peshawar and having distance in between, as this department offers no route service of transport after which I got

Attested

more weakness and fever thus remained again absent from my duty to which grudge I have been charge sheeted is totally against the natural justice and equity.

8) That the respondent is having education up to Middle and can't write English and can't even think to fabricate/forger the official document/receipt or anything of the same as i have done many officials works which is crystal clear without any ambiguity/fabrication and doubt.

9) That the respondent belongs from a respectable family and have never done any illegality, fabrications or any such kind of act thus **it may be correct** the same is not written from one and the same concerned doctor **rather it can** be written by another concerned doctor as the respondent was very sick and having weakness and was in doubt that he might infected by the Covid-19/Dengue Fever but due to the lack of facilities in the Naseer Ullah Khan Babar Memorial Hospital, Kohat Road, Peshawar I was not tested properly and was given a bed rest and I being poor litigant didn't approached anywhere else but remained in home while facing with death and life.

10) That it's correct that I have contacted by the phone with the OIC Tele DI Khan dated 06.09.2021, In charge Control Room DI, thus to which I have replied as that i might have been infected by the Covid-19/Dengue and due to which i cannot come to attend my right and lawful duty due to the very lose and weak conditions of health, which have been wronged by the respected authority or might be hearing problem in far distance of Peshawar to Dera Ismail Khan or even it can be a network problem to which the innocent respondent Naib Qasid namely Muhammad Noman Khan can't be placed guilty and rather he can be treated with respected and care being person gone through hard and strong illness and the charge sheet against him can be dismissed/declined in the best of law and justice to the poor and low scale employee.

11) That act of the respondent rest and absentee from his duty does not shows that the respondent is inefficient, disobedient or in-disciplined rather the respondent work history can also be checked from which this learned authority can see that there's nothing against the respondent but a clear and hard performance in his previous station duty which shows a positive side of the respondent.

Attested

It's therefore most humbly and respectfully prayed that on acceptance of this written reply to the above captioned charge sheet no. 14239-40 of dated 7/10/2021 may very graciously be dismissed/cancelled in favour of respondent.

Dated: 13 October 2021.

Respondent/Defendant

Naib Qasid - Muhammad Noman Khan

13.10.21

Annex-"E"

ORDER

Probationary Naib Qasid Muhammad Noman Khan while posted at Wireless Control DI Khan absented himself from his lawful duties w.e.f. 5th September, 2021. To probe further into the matter, he was served with a Show Cause Notice vide No.13506-7/Tele/EC, dated 23.09.21, Charge Sheet with Statement of Allegations vide No.14239-40/Tele/EC, dated 07.10.2021

In reply to Show Cause Notice, issued to him for his wilful continuous absence since 5th September, 2021, he submitted two medical prescriptions issued by Government Naseerullah Khan Babar Memorial Hospital, Kohat Road, Peshawar and took plea for his absence against these medical prescriptions. One medical prescription bearing No. 2263, dated 06th September, 2021 was issued to accused probationary Naib Qasid Muhammad Noman Khan and at back page of medical prescription, doctor advised him 10-days complete bed rest. Second medical prescription was issued to him on 16th September, 2021 bearing No.2555 in which doctor again prescribed 03-weeks complete bed rest as well. This complete bed rest advice was also written on back page of the prescription. The Medical Superintendent Government Naseerullah Khan Babar Memorial Hospital, Kohat Road, Peshawar was requested vide Letter No.13846/Tele/EC, dated 29.09.2021 for proper verification of the medical prescriptions produced by accused probationary Naib Qasid Muhammad Noman Khan and if the same were issued by the concerned hospital, then do these medical prescriptions contain any element of tempering or fabrication.

In reply to this official request, the Medical Superintendent Government Naseerullah Khan Babar Memorial Hospital, Kohat Road, Peshawar intimated vide their office Letter No.7907/GNBMH, dated 01.10.2021 the comments of Doctor Muhib Ullah Kaka Khel who issued these prescriptions which are reproduced "***I have only prescribed medication in casualty but have not given any bed rest***"

Attested

In response to above mentioned official reply from Doctor Muhib Ullah Kaka Khel, Mr. Muhammad Noman Khan was served with Charge Sheet with Statement of Allegation as to why he submitted forged Medical prescription to justify to his wilful absence from his duty.

To probe further into the matter, the accused / delinquent probationary Naib Qasid Muhammad Noman Khan was given a chance for appearance and was heard in person at length. During personal hearing, the delinquent official admitted producing the questioned documents to justify his wilful unauthorized absence. Besides, OI/C Tele DI Khan (DI Khan

was the place of posting of accused Naib Qasid) was also not satisfied with the behaviour of the delinquent official. The Enquiry Officer, therefore, recommended that major punishment may be awarded to the accused probationary Naib Qasid Muhammad Noman Khan under the Khyber Pakhtunkhwa Efficiency & Disciplinary Rules 2011 as he submitted forged medical prescriptions and his overall misdemeanor towards his duties as mentioned by Incharge Wireless Control Room DI Khan.

I, being the competent authority, after perusal of enquiry, have awarded major punishment of "**Discharge from Service**" to probationary Muhammad Noman Khan Naib Qasid with immediate effect under the Khyber Pakhtunkhwa Efficiency & Disciplinary Rules 2011. Therefore, Muhammad Noman Khan Naib Qasid on probation is Discharged from Service today on 25th October, 2021.

Assistant Inspector General of Police,
Telecommunication & Transport,
Khyber Pakhtunkhwa, Peshawar

No. 14970-79 /Tele/EC, dated Peshawar the 25.10.2021

Copies forwarded to the:

1. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar
2. Deputy Inspector General of Police, Telecommunication & Transport, Khyber Pakhtunkhwa, Peshawar.
3. Accountant General, Khyber Pakhtunkhwa, Peshawar
4. SP Telecommunication, Khyber Pakhtunkhwa, Peshawar.
5. SP Motor-Transport, Khyber Pakhtunkhwa, Peshawar.
6. Office Supdt: Telecommunication, Khyber Pakhtunkhwa, Peshawar.
7. DSP Telecommunication & Transport, Khyber Pakhtunkhwa, Peshawar.
8. Accountant Telecommunication, Peshawar.
9. OI/C Tele DI Khan
10. Muhammad Noman Khan s/o Farman Ullah Mohalla Javeed Abad, Achar Road, Peshawar

Attested

Assistant Inspector General of Police,
Telecommunication & Transport,
Khyber Pakhtunkhwa, Peshawar

21

6534
Dtd. 1-11-21

BEFORE THE RESPECTED DEPUTY INSPECTOR GENERAL OF POLICE , TELECOMUNICATION & TRANSPORT, KHYBER PAKHTUNKHWA, PESHAWAR.

Annex-"F"

Mercy application___2021.

SUBJECT:-

MERCY APPLICATION WITH REGARD TO THE ORDER OF A.I.G DATED 25.10.2021, NO 14970-79; OF DISCHARGE FROM SERVICE.

Respectfully Submitted:-

That the innocent petitioner humbly and respectfully submits as under:-

1) That the petitioner is the law abiding citizen of Pakistan and a qualified person.

2) That the petitioner is the bread winner for his family and belongs from a respected family.

3) That the petitioner is innocent and are poor person with having all the liabilities regarding the work and knows the ethics.

4) That the petitioner are having old age parents who are living with the petitioner and he's the is the only person for the welfare, take care and responsible person of his whole family.

Attested

5) That as this learned authority knows well that a person without a stable job or employment is nothing and the petitioner whole family rely upon the instant job, where as its necessary in the interest of justice to re-instate the petitioner by accepting the application in hand in favour of applicant (Muhammad Noman Khan).

6) That the expulsion or termination of the petitioner can cause an irreparable loss to the petitioner as he's the sole source of income for his all family and thus the same can't be procured in any other shape.

It's therefore most humbly and merciful prayed that on acceptance of this mercy application; the applicant may very kindly be re-instated to his service with all back salary.

Dated: 29.10.2021

Applicant-In Person
1/11/2021
Muhammad Noman Khan
(Naib Qasid)

(22)

To

The Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.

21521
6-12-2021

Annex-"G"

Subject: **MERCY WITH REGARD TO THE ORDER OF A.I.G DATED: 25.10.2021, NO. 14970-79 OF DISCHARGE FROM SERVICE.**

Respectfully Sheweth:

The applicant humbly submits as under;

1. That the applicant is a law abiding citizen of Pakistan and a qualified person performing his duty as a Naib Qasib in Telecommunication & Transport, Khyber Pakhtunkhwa, Peshawar.

2. That a show cause notice was issued to the applicant for his willful continuous absence since 5th September, 2021.

3. That the applicant submitted two medical prescription issued by Government Naseerullah Khan Babar Memorial Hopital, Kohat road Peshawar in which complete bed rest was advised in the prescription.

4. That the applicant had earlier submitted an application before the Deputy Inspector General of Police but no mercy has been shown yet and there is an apprehension of discharge from service.

5. That the applicant is the bread winner for his family and belongs to a respected family.

6. That the applicant is innocent and has been falsely charged.

7. That the applicant is having old aged parents who are living with the petitioner and he is the only person for the welfare, take care and responsible person of his whole family.

8. That the expulsion or termination of the applicant can cause an irreparable loss to the applicant as he is the sole source of income for his all family and thus the same cannot be procured in any other shape.

Attested

It is therefore, most humbly prayed that on acceptance of this application, the applicant may kindly not be terminated from his service as he is the sole source of income for his all family.

Yours Sincerely,

6/12/21

MUHAMMAD NOMAN KHAN (NAIB QASIB)
Telecommunication & Transport,
Khyber Pakhtunkhwa, Peshawar.

Dated: 06.12.2021

(23)

OFFICE OF THE
INSPECTOR GENERAL OF POLICE,
CENTRAL POLICE OFFICE,
KHYBER PAKHTUNKHWA PESHAWAR

No. 588-91 **/E-V, dated Peshawar the** 21 / 02 **/2022**

ORDER

This order is hereby passed to dispose off the departmental appeal dated 06.12.2021 preferred by Noman Khan Ex-Naib Qasid of DIG/Telecommunication KPK regarding major punishment of **"discharge from service"** awarded by Assistant Inspector General of Police, Telecommunication KPK vide Order No. 14970-79/Tele/EC dated 25.10.2021 and upheld by the DIG/Telecommunication Khyber Pakhtunkhwa, on the following grounds:-

> *"Naib Qasid Noman Khan while posted at Control DIKhan absented himself from his lawful duties w.e.f 05.09.2021 vide 01/C Tele DIKhan signals dated 06.09.2021, 07.09.2021, 13.09.2021, 14.09.2021, 15.09.2021, 17.09.2021, 20.09.2021, 21.09.2021, 22.09.2021 and are absent till date."*

I, have gone through the whole file/record and comments of DIG/Telecommunication and of the view that Ex-Naib Qasid has intentionally absented himself from official duty, therefore, his appeal is rejected/filed.

21/02/22.

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

Endst: No. & date even.

Copy forwarded to the: -

- Deputy Inspector General of Police, Telecommunication, Khyber Pakhtunkhwa, Peshawar.
- Accountant General Office, Khyber Pakhtunkhwa, Peshawar.
- Registrar CPO, Peshawar.
- Official concerned.

Attested

بعدالت جناب سروس ٹریبونل خیبر پختونخوا پشاور

2 منجانب اپیلانٹ

محمد نعمان خان بنام حکومت

مورخہ _____
مقدمہ _____
دعویٰ _____
جرم _____

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی وجواب دہی وکل کاروائی متعلقہ آن مقام پشاور کیلئے حسین اللہ اینڈ آصف علی شاہ ایڈووکیٹس

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے وتقرر ثالث وفیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور صولی چیک وروپیہ ارعرضی دعوی اور درخواست ہر قسم کی تصدیق زرایں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برامدگی اور منسوخی نیز دائر کرنے اپیل نگرانی ونظر ثانی وپیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بااختیارات حاصل ہوں گے اور اس کا ساختہ پرداختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ وہرجانہ التوائے مقدمہ کے سبب سے وہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھدیا کہ سند رہے۔

المرقوم 06 ماہ مارچ 2022ء

العبد گواہ العبد

بمقام پشاور کے لئے منظور ہے۔

محمد نعمان خان

Accepted
Hussain
03009597866
bC-10-6686

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.342-P/2022

Muhammad Noman Khan.....(Appellant)

Versus

Govt of KP & Others .....(Respondents)

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Respondent Through

Department
Representative

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.342-P/2022

Muhammad Noman Khan..... (Appellant)

Versus

Govt of KP & Others ..... (Respondents)

COMMENTS ON BEHALF OF RESPONDENTS No. 2, 3,4 & 5

Respectfully Sheweth

PRELIMINARY OBJECTIONS: -

a) That the appeal is not based on facts.
b) That the appeal is not maintainable in the present form.
c) That the appeal is bad for non-joinder and miss- joinder of necessary parities.
d) That the appellant is estoppels by his own conduct to file the appeal.
e) That the appellant is not come to the Honourable Court with clean hands.
f) That the appeal is barred by law & limitation.
g) That the appellant has no cause of action to file the instant appeal.

FACTS:-

1. Pertains to record.
2. Incorrect, as reported by Incharge Control Room Dera Ismail Khan the appellant was not interested in his official duties and his attitude towards staff was not exemplary/remarkable.(Copy attached at annex-A). While posted at Control Dera Ismail Khan the appellant absented himself from his lawful duties w.e.f 5th September, 2021 vide Incharge Control Room Dera Ismail Khan Signal No.1/295 DIK, dated.06.09.2021,07.09.2021,13.09.2021,14.09.2021,15.09.2021,17.09.2021,20.09.2021,21.09.2021, 22.09.2021 (Copy attached at annex-B). Show Cause Notice was served upon appellant on account of his wilful absence vide this office Order No.13506-7/Tele/ EC, dated 23.09.2021 which was duly replied by the appellant by taking plea that he was ill and to legitimize his wilful absence,the appellant produced two medical prescriptions issued by Government Naseer Ullah Khan Baber Memorial Hospital Kohat Road Peshawar. First medical prescription bearing No.2263 dated 6th September, 2021 was issued to the appellant and at back page of medical prescription, doctor advised him 10-days complete bed rest. Second medical prescription was issued to appellant on 16th September, 2021 bearing No.2555 in which doctor again prescribed 03-weeks complete bed rest as well. This complete bed rest advice was also written on back page of medical prescription. (Copy attached at annex-C-D).

   To, verify these two medical prescriptions Medical Superintendent of Government Naseer ullah Khan Baber Memorial Hospital Kohat Road, Peshawar was requested vide this office Letter No. 13846/Tele/EC dated 29.09.2021 for proper verification. (Copy attached at annex-E)

   In response to above quoted letter, Medical Superintendent of Government Naseer ullah Khan Baber Memorial Hospital intimated vide their office Letter No.7907/GNBMH, dated 01.10.2021 reproduces the comments of Doctor Muhib ullah Kaka Khel who issued these prescriptions that "I have only prescribed medication in casualty but have not given any bed rest.(Copy attached at annex **-F**)
3. Correct to the extent that Show Cause Notice was served upon appellant on account of his wilful absence, which was duly replied by the appellant by producing two medical prescriptions of Government Naseer ullah Khan Baber Memorial Hospital Kohat Road, Peshawar which were verified from concerned Hospital and declared forged/fabricated.

His replies of Show Cause Notice and Charge Sheet with the statement of allegation were found unsatisfactory and his plea of illness was pre-planned and fabricated. (Copy attached at annex-G-H)

4. Correct, to the extent that the appellant submitted mercy application for re-instatement which was rejected after scrutinizing the enquiry papers and relevant record. (Copy attached at annex-I)
5. Furthermore the appellant was given a chance for personal hearing but failed to justify his wilful absence.
6. Incorrect, there is no rule for the second Departmental Appeal under KP, Police Rules 1975 (Amended 2014)
7. That the appellant wrongly approached to this Honourable court on the following grounds.

GROUNDS

a. Incorrect, respondents have acted in accordance with law/rules and order of **discharge from service** of appellant was passed after observing all codal formalities as per law/rules.
b. Incorrect, proper Departmental Enquiry was initiated against the appellant and after observing all codal formalities as per law/rules i.e issue of Show Cause Notice, Charge Sheet with Statement of allegation and affording personal opportunity for his defence, the order of discharge from service was passed in accordance with law/rules.
c. Incorrect, appellant was not interested in his official duties as reported by Incharge Control Room Dera Ismail Khan and habitually remained absent. The discharge order of appellant was passed as per law/rules. The appellant was given full opportunity to defend himself but failed to justify his absence in legal manner.
d. Incorrect, appellant discharge order was passed after observing all codal formalities as per law/rules.
e. Incorrect, order of the respondents was in accordance with facts and law/rules.
f. Incorrect, appellant was provided opportunities of his defence but failed to justify his wilful absence and thereafter, appropriate order was passed after fulfilling the entire legal requirements as per law/rules.
g. Incorrect, appellant was given opportunity of cross examination but failed to avail the same, moreover the appellant was not interested in his official duty as reported by Incharge Control Room Dera Ismail Khan and habitually remained absent.

PRAYER:-

It is humbly requested that the appeal of the appellant may kindly be dismissed with cost being meritless and the respondents may also be allowed to raise other grounds, if any during the hearing of the case.

AIG Establishment KP, Police
Peshawar
(Respondent No. 3)

Assistant Inspector General of Police,
Telecommunication KP,
Peshawar
(Respondent No. 4)

Deputy Inspector General of Police,
Telecommunication & Transport,
Khyber Pakhtunkhwa,
Peshawar.
(Respondent No. 5)

Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar
(Respondent No. 2)

(3)

SSH

Chief Secretary
Khyber Pakhtunkhwa
(Respondent No.1)

Annex — "A"

درخواست عنوانی نائب قاصد

جناب عالی

(1) معروض خدمت ہوں۔ کہ مذکورہ بالا ملازم نائب قاصد نعمان بعد از تبادلہ وائرلس کنٹرول ڈی آئی خان کو حاضر آیا۔ تو مذکورہ کا زیادہ عرصہ غیر حاضری پر محیط ہیں۔ کنٹرول پر موجودگی کے دوران مذکورہ نے نہ تو کبھی کسی کاری ڈیوٹی میں دلچسپی لی ہوں۔ اور نہ ہی سٹاف کے ساتھ رویہ درست رہا۔

(2) جناب عالی معروض 26-8-21 کو مذکورہ نے 7 یوم رخصت اتفاقیہ کی درخواست کی جو برائے منظوری افسران بالا کو بھیج دیا۔ جس پر 27-8-21 کو اسٹیبلشمنٹ کلرک طفیل نے بذریعہ فون بتایا۔ کہ مذکورہ کی رخصت اتفاقیہ ختم ہو چکی ہے۔ لہذا رخصت کلاں میں معروض 30-8-21 کو صرف 5 یوم رخصت کلاں منظور کی گئی۔ جو کہ مذکورہ کو 30-8-21 رخصت پر چھوڑا گیا۔ نائب قاصد مذکورہ بعد از چھٹی معروض 5-9-21 کو حاضر آتا تھا۔ لیکن بذریعہ فون درخواست کی کہ لاک ڈاؤن کیوجہ سے ٹریفک نہیں ہے۔ میری چھٹی بڑھا دیں۔ جس پر معروض 6-9-21 کو افسران بالا کو بھیج دیا گیا۔ افسران بالا نے درخواست منسوخ کرتے ہوئے حکم کیا۔

(3) نائب قاصد نعمان کو اطلاع کریں۔ کہ وہ اپنی ڈیوٹی پر حاضر ہو۔ مذکورہ سے بذریعہ فون رابطہ کیا گیا۔ کہ آپ کی درخواست منسوخ ہو گئی ہے۔ اپنی حاضری کرو۔ تو مذکورہ نے جواباً کہا۔ کہ ٹریفک نہیں ہے۔ میں نہیں آ سکتا

(4) اسکو سمجھایا کہ لانگ روٹ ٹریفک چل رہی ہے۔ آپ آسانی سے آ سکتے ہو۔ لیکن مذکورہ اپنے قول سے تمام پھرنے لگا۔ اور اپنا موبائل بند کر دیا۔ جس پر اسکو معروض 7-9-21 پر ڈیوٹی سے غیر حاضر کیا جو تاحال غیر حاضر ہے۔

انچارج کنٹرول ڈی آئی خان
05-10-021

Office of the DIG Telecommunication
Diary No. 6078
Date 5-10-21
Khyber Pakhtunkhwa Peshawar

Tele
Tele
Tele
Tele
Tele
ck.
G/Tele 06/10/21

Annex "B" (6)

From: O/C Tele Dir 0608/45/80 W/13 6/9

To: DIG Tele PESH

Nor 1/295/Dir dy 6-9-21 e Rly Ref

This Office S/No 29 EL/287/Dir dy 30-8-21 e Naib Qasid Nomany Khan who was on 05 days E/Leave and due back today by telephonic conversation he informed this office that due to Covid-19 lock down the transport is not available for journey e He requests to extend his leave period upto 12-9-021 e

4635
6.9.21

88-1020

(7)

Diary No 1661

From: O/C TELE DIR-4070900/50 IN 10/7/9

To: DIG TELE PESH

No 1/298/DIR Dt 7-9-2021 @ KINDLY REF THIS OFFICE S/NO 29-EL/287/DIR Dt 30-8-2021 @ NAIB QASID MUHAMMAD NOMAN KHAN WHO WAS ON 05 DAYS E/LEAVE NOT YET REPORTED BACK ON HIS DUTY WHICH WAS DUE ON 05-9-2021 @ HE MAY BE TREATED AS ABSENT FROM THIS DISTT PSEG

071010

E.C Tele

for further n/a

Take report about his presence/absence on daily basis

08/09/21

for PL

7/9

(8)

FM: DI/C TELE DIKHAN 131200/50 IN 12/13/9

TO: DIG TELE PESH

NO 1/303/DIK DT 13-9-2021 (-) KINDLY REF TO THIS OFFICE S/NO 1/298/DIK DT 7-9-2021 (-) NAIB QASID MUHAMMAD NOUMAN IS STILL ABSENT UPTILL NOW PSE (-)

131230 JSMNO

Office of the DIG Tele... 4796 13-9-21

13/09/21

(9)

820
14-9-21

From: O/C Tele Dikhan 14-09-021 IN

To: DIG Tele Deshi 14-09-021

No: 1/308/Dik 14-09-021 O/C Tele

Ref to this office S/No 1/298/Dik 07-09-021

NAIB QASID MOHD NOUMAN is still ABSENT uptill now PSE (.)

14-09-30

SP/Tele
SP/MT
Dy Dir/Tele
DSP/MT
DSP/Tele
OS/Tele
[illegible]/Tele
[illegible]/Tele
[illegible]/Tele
[illegible]nch/Tele
Clerk Tele
[illegible]
[illegible] Clerk

[illegible]le 14/09/21

(10)

IN/3
15/9/21

From:- O/C TELE DIK 150800/SD
To:- DIG TELE PESH
No:- 1/311/DIK dt 15-9-21 e Kindly
Ref THIS OFFICE S/NO 1/298/DIK
dt 7-9-021 e NAIB QASID M. NOUMAN
is ALREADY CONTINUE ABSENT ASLE

Office of the DIG Telecommunication
Diary No. 4847
15-9-21
Khyber Pakhtunkhwa Peshawar
15-0930

SP/Tele
SP/MT
Dy Dir/Tele
DSP/MT
DSP/Tele
OS/Tele
FA/
Acctt/Tele
SRC/Tele
OASI/Tele
E/Branch/Tele ✓
ACR/Clerk/Tele
GSI/Tele
Pension Clerk

DIG/Tele
16/09/21

(11)

IN 3
17/9/21

FROM: O/C DIK 170830/GO

TO: DIG Tele PESH

NO: 1/319/DIK D/17-9-21 (U) REF THIS OFFICE S/NO 1/298/DIK D/7-9-21 (U) N/QASID NOUMAN IS STILL ABSENT PSE (U)

Office of the DIG Telecommunication
Diary No. 4891
Dated 17-9-21
Khyber Pakhtunkhwa Peshawar

170830

SP/Tele
SP/MT
Dy Dir/Tele
DSP/MT
DSP/Tele
OS/Tele
PA/
Acctt/Tele
SRC/Tele
QASI/Tele
E/Branch/Tele
Asst/Clerk Tele
[illegible]
[illegible] Clerk

[illegible]/Tele

21/09/21

Annex - C (13)

SHOW CAUSE NOTICE

I Mr. **SOHAIL ZAFAR CHATHA** Assistant Inspector General of Police Telecommunication & Transport, Khyber Pakhtunkhwa Peshawar as competent authority, empowered under Khyber Pakhtunkhwa Police Rules 1975, (Amendments 2014) do hereby serve upon you Naib Qasid Muhammad Noman Khan of this unit Posted at Control DI Khan Show Cause Notice on the allegation/charges as follow.

You Naib Qasid Muhammad Noman Khan while posted at Control DI Khan absented yourself from your lawful duty w.e.f 05.09.2021 and are still absent from lawful duty.

This act amounts to gross misconduct on your part and is against the norms of disciplined force as defined in Para 02 (iii) in the rules abide.

You are, therefore, required to Show Cause as to why you should not be proceeded against departmentally for the above-mentioned act/omission. Also, intimate whether you desire to be heard in person.

If no reply to this Notice is received within 07 days of its receipt in normal course of circumstances to explain your position, ex-Parte action shall be taken against you.

(SOHAIL ZAFAR CHATHA)
Assistant Inspector General of Police,
Telecommunication & Transport,
Khyber Pakhtunkhwa, Peshawar.

No 13506-7 /Tele/EC, dated Peshawar the 23/9 /2021.

Copies forwarded to the :-

1. Mr. Muhammad Saeed (DSP T&T) (Enquiry officer).
2. Line Officer Tele Peshawar with the direction to deliver the said Show Cause Notice to Naib Qasid Muhammad Noman Khan s/o Farman Ullah r/o Mohalla Javed Abad Achar Road Peshawar and return one copy duly signed by him .

23/9/2021

Annex-D (14)

جناب عالی

گزارش ہے کہ سائل کو شوکاز نوٹس نمبر 135067 مورخہ 23/9/21 اس وجہ سے دیا گیا ہے کہ سائل مورخہ 05/9/21 سے اب تک ڈیوٹی سے غیر حاضر ہے جبکہ مورخہ 05/9/21 کو اتوار کا دن تھا جس دن عام تعطیل ہوتی ہے سائل کو 6/9/21 سے 10 دن کی میڈیکل دیسٹ ڈاکٹر نے دیا ہے اس کے بعد ڈاکٹر نے مورخہ 16/9/21 سے مزید 3 ہفتے کا میڈیکل دیسٹ دیا ہے ان دونوں میڈیکل دیسٹ چٹھیوں میں بیماری کا ذکر کیا گیا ہے

لہذا مہربانی کر کے ڈاکٹر کے چٹھیوں کو مدنظر رکھتے ہوئے میرے غیر حاضری کو میڈیکل دیسٹ منظور کرنے کا حکم صادر فرمائیں (میڈیکل دیسٹ کی چٹھیاں لف ہیں)

العارض

آپکا تابعدار

قاصد محمد نعمان

date 27/9/21

SP/Tele
SI/MT
Dy Dir/Tele
DSP/MT
DSP/Tele
OS/Tele
PA/
Admt/Tele
SP/Tele
C[illegible]/Tele
E-Branch/Tele
ACR/Clerk Tele
GSI/Tele
Pension Clerk

LIO/Tele

Government NKB Memorial, Hospital, Kohat, Road Peshawar
EMERGENCY DEPARTMENT (OPD) SLIP
Ph. No:091-9211467-8

(15)

2263 Nomer 6/9/21

Complaints:

Examination:

Temp:

B.P.

Investigations:

Diagnosis:

Rx

Tab GEN-M 80/120
C-3 (7.)

Tab Moxifas 400
C-5 " (2)

Tab [illegible]
7 7 2

Tab ACP 0.07
- (c)

Tab Estoray 10
2 (1) 0

Tab [illegible]

(16)

Advise:

Complete bed
Rest for 10 days.

6/9/21

Government NKB Memorial, Hospital, Kohat, Road Peshawar
EMERGENCY DEPARTMENT (OPD) SLIP
Ph. No. 091-9211467-8

(17)

Noman 2555 16-9-24

Complaints:

Rx

Rigetm
120
XDV
plodex
CS - 1 - 1

Examination:

Temp:

B.P.

Investigations:

rotaxime
1gm

Diagnosis:

CS - 1 + 1
ipdex
CS - 1 - 1
ipuvex XDV

(18)

Complete bed Rest
For 03 weeks

16/9/21

Annex - "E"

Tel: No.091-9210381
Fax: No.091-9210638

(19)

From : The Deputy Inspector General of Police,
Telecomm: & Transport, Khyber Pakhtunkhwa, Peshawar

To : The Medical Superintendent,
Government NKB Memorial Hospital,
Kohat Road, Peshawar

No. 13846 /Tele/EC, dated Peshawar the 29 / 9 /2021

Subject: **REQUEST FOR VERIFICATION OF MEDICAL PRESCRIPTIONS ISSUED TO ONE MUHAMMAD NOMAN KHAN BY YOUR HOSPITAL**

Dear Sir,

One Muhammad Noman Khan is employee of Category-IV of Telecommunication Headquarter, Peshawar. In reply to one Show Cause Notice issued to him for his continuous absence since 5th September, 2021, he has submitted two medical prescriptions issued by your hospital and has made grounds for his absence against these medical prescriptions.

One medical prescription bearing No. 2263, dated 06th September, 2021 was issued to Muhammad Noman Khan and at back page of medical prescription, doctor advised him 10-days complete bed rest. Second medical prescription was issued to him on 16th September, 2021 bearing No.2555 in which doctor again prescribed 03-weeks complete bed rest as well. This complete bed rest advice is also written on back page of the prescription. These two medical prescriptions supposedly issued by your hospital are being enclosed at Annex-1 & 2 for your perusal and to convey whether these medical prescriptions have been issued by your hospital or otherwise. Besides, if same are issued by your hospital, then do these medical prescriptions contains any element of tempering or fabrication.

Your reply at earliest will highly be appreciated.

Deputy Inspector General of Police,
Telecomm: & Transport,
Khyber Pakhtunkhwa, Peshawar.

E:\PC-01 DATA\routine letters 2015.docx

Pension Clerk

DIG/Tele

Annex-"F" (20)

OFFICE OF THE MEDICAL SUPERINTENDENT
GOVT NASEERULLAH KHAN BABAR MEMORIAL HOSPITAL KOHAT ROAD PESHAWAR

Email. gnkbmhospital@gmail.com Fax 091-2324611 Tele; 091- 9212742

No. 7907 /GNBMH

Dated: 01/10/2021

To

The Deputy Inspector General of Police,
Telcomm: & Transport, Khyber Pakhtunkhwa, Peshawar

SUBJECT: **VERIFICATION OF MEDICAL PRESCRIPTIONS ISSUED TO ONE MOHAMMAD NOMAN KHAN VIDE LETTER NO. 13846/TELE/EC, DATED 29/09/2021**

R/Sir,

In reference to your office letter No. 13846/Tele/EC, dated Peshawar the 29/09/2021 regarding the subject cited above, the attached prescriptions were verified by the concerned medical officer of this institute along with comments given in original on the letter being sent for your information and perusal, please.

MEDICAL SUPERINTENDENT 01/10/2021

E:\PC-01 DA'

(21)

Tel: No.091-9210381
Fax: No.091-9210638

From : The Deputy Inspector General of Police,
Telecomm: & Transport, Khyber Pakhtunkhwa, Peshawar

To : The Medical Superintendent,
Government NKB Memorial Hospital,
Kohat Road, Peshawar

DAIRY NO. 1229
DATED 29/9/2021
GOVT: NASEER ULLAH KHAN BABAR MEMORIAL HOSPITAL PESHAWAR

No. 13846/Tele/EC, dated Peshawar the 29 / 9 /2021

Subject: **REQUEST FOR VERIFICATION OF MEDICAL PRESCRIPTIONS ISSUED TO ONE MUHAMMAD NOMAN KHAN BY YOUR HOSPITAL**

Dear Sir,

One Muhammad Noman Khan is employee of Category-IV of Telecommunication Headquarter, Peshawar. In reply to one Show Cause Notice issued to him for his continuous absence since 5th September, 2021, he has submitted two medical prescriptions issued by your hospital and has made grounds for his absence against these medical prescriptions.

One medical prescription bearing No. 2263, dated 06th September, 2021 was issued to Muhammad Noman Khan and at back page of medical prescription, doctor advised him 10-days complete bed rest. Second medical prescription was issued to him on 16th September, 2021 bearing No.2555 in which doctor again prescribed 03-weeks complete bed rest as well. This complete bed rest advice is also written on back page of the prescription. These two medical prescriptions supposedly issued by your hospital are being enclosed at Annex-1 & 2 for your perusal and to convey whether these medical prescriptions have been issued by your hospital or otherwise. Besides, if same are issued by your hospital, then do these medical prescriptions contains any element of tempering or fabrication.

Your reply at earliest will highly be appreciated.

Deputy Inspector General of Police,
Telecomm: & Transport,
Khyber Pakhtunkhwa, Peshawar.

RMO
Pl. verify and Report
30.9.2021

I have only prescribed medicine in casualty but haven't given any bed rest.

Incharge Medical Deptt.
Govt. Naseerullah Babar Hospital
Kohat Road, Peshawar

E:\PC-01 DATA\routine letters 2016.docx

Pension Cell

DIG/Tele

Annex - "F"

(22)

CHARGE SHEET

I, Sohail Zafar Chatha Assistant Inspector General of Police Telecommunication & Transport, Khyber Pakhtunkhwa, Peshawar as Competent Authority, under Khyber Pakhtunkhwa Government Servants Efficiency and Discipline Rules (2011) hereby charge you as under;

You Naib Qasid Muhammad Noman Khan while posted at Control DI Khan absented yourself from your lawful duty we.f 05.09.2021 vide O1/C Tele DI Khan Signals, dated 06.09.2021, 07.09.2021, 13.09.2021, 14.09.2021, 15.09.2021, 17.09.2021, 20.09.2021, 21.09.2021, 22.09.2021 and are absent till date.

Furthermore, you were served with Show Cause Notice vide No.13506-7/Tele/EC, dated 23.09.2021 for your absence from your duties. You submitted your reply to above mentioned Show Cause Notice on 23.09.2021. In your reply to above mentioned Show Cause Notice, you have attached two medical OPD prescriptions issued by Government Naseerullah Khan Babar Memorial Hospital, Kohat Road, Peshawar. First medical prescription was issued bearing No.2263, dated 06.09.2021 wherein at the back page of prescription, you were allegedly given 10-days complete bed rest by the doctor. At the second OPD medical prescription bearing No.255, dated 16.09.2021 again doctor allegedly gave you complete bed rest for another 03- weeks. This bed rest is also written on the back page of OPD prescription.

The same medical prescriptions issued by the said hospital were sent for verification to Medical Superintendent of Government Naseerullah Khan Babar Memorial Hospital, Kohat Road, Peshawar through official letter wherein it was requested to verify whether these two OPD medical prescriptions were issued by your hospital or otherwise. Besides, it was also requested if same were issued by your hospital, then do these medical prescriptions contain any element of tempering or fabrication.

In reply to this office's official request, the Medical Superintendent issued an official letter and stated that the comments of the Medical Officer who issued these prescriptions have been made on the official letter issued by the office of DIG Police Peshawar. Doctor Mehtab Ullah Kaka Khel who issued these prescriptions have made following comments;

"I have only prescribed medication in casualty but have not given any bed rest".

The concerned doctor's comments indicate that you fabricated of official documents by adding bed rest in your favour by adding what was not written by the concerned doctor. By doing this act, you have committed yourself to offence of forgery/fabrication against which you can also be proceeded legally by registration of FIR.

Regarding your request for leave application which you asked telephonically from the OIC Tele DI Khan, dated 06.09.2021, Incharge Control Room DI Khan was asked to answer questions relating to your conduct, your overall demeanor towards your official duties and issue of your seeking extension in the leave. In reply, the OI/C DI Khan has commented that during few days of your duties at Control Room DI Khan you remained casual towards your duties. Moreover, you never turned up on time at your duty place and were used to evade your duties under different pretexts and leave office before time. Besides, he also told that

Sohail

when you sought extension in your leave on telephone, you never made mention any illness you were going through, rather, you sought extension in the leave by saying that the public transport was not available due to ongoing Covid pandemic. To give legal cover to your absence, you got medical prescriptions from Government Naseerullah Khan Babar Memorial Hospital, Kohat Road, Peshawar and fabricated them.

By reason of the above, you appear to be guilty of misconduct under the Khyber Pakhtunkhwa Government Servants Efficiency and Discipline Rules (2011) and have rendered yourself liable to all or any of the penalties specified in the said Rules.

You are, therefore, directed to submit your written defence within seven (07) days of the receipt of this Charge Sheet to the Enquiry Officer/Committee.

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

You are directed to intimate whether you desire to be heard in person or otherwise.

(SOHAIL ZAFAR CHATHA)
Asstt: Inspector General of Police,
Telecomm: & Transport,
Khyber Pakhtunkhwa, Peshawar.

No 14239-40 [Tele/EC, dated Peshawar the 7/10 /2021.

Copies forwarded to the:-

Muhammad Saeed (DSP T&T:) (Enquiry officer).

2. Establishment Clerk Tele Peshawar with the direction to delivered the said Charge Sheet to Naib Qasid Muhammad Noman Khan and return one copy duly singed by him.

Pension Clerk
DIG/Tele

DISCIPLINARY ACTION

I, Sohail Zafar Chatha Assistant Inspector General of Police Telecommunication & Transport, Khyber Pakhtunkhwa, Peshawar as Competent Authority, am of the opinion that you Naib Qasid Muhammad Noman has rendered yourself liable to be proceeded against, as you have committed the following acts of omissions/commissions within the meaning of Khyber Pakhtunkhwa Government Servants Efficiency and Discipline Rules (2011) hereby charge you as under;

STATEMENT OF ALLEGATIONS

That you Nab Qasid Muhammad Noman Khan while posted at Control DI Khan absented yourself from your lawful duty w.e.f. 05.09.2021 vide OI/C Tele DI Khan Signals, dated 06.09.2021, 07.09.2021, 13.09.2021, 14.09.2021, 15.09.2021, 17.09.2021, 20.09.2021, 21.09.2021, 22.09.2021 and are absent till date.

Furthermore, you were served with Show Cause Notice vide No.13506-7/Tele/EC, dated 23.09.2021 for your absence from your duties. You submitted your reply to above mentioned Show Cause Notice on 23.09.2021. In your reply to above mentioned Show Cause Notice, you have attached two medical OPD prescriptions issued by Government Naseerullah Khan Babar Memorial Hospital, Kohat Road, Peshawar. First medical prescription was issued bearing No.2263, dated 06.09.2021 wherein at the back page of prescription, you were allegedly given 10-days complete bed rest by the doctor. At the second OPD medical prescription bearing No.255, dated 16.09.2021 again doctor allegedly gave you complete bed rest for another 03- weeks. This bed rest is also written on the back page of OPD prescription.

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- " I have only prescribed medication in casualty but have not given any bed rest"

The concerned doctor's comments indicate that you fabricated of official documents by adding bed rest in your favour by adding what was not written by the concerned doctor. By doing this act, you have committed yourself to offence of forgery/fabrication against which you can also be proceeded legally by registration of FIR.

Regarding your request for leave application which you asked telephonically from the OIC Tele DI Khan, dated 06.09.2021, Incharge Control Room DI Khan was asked to answer questions relating to your conduct, your overall demeanor towards your official duties and issue of your seeking extension in the leave. In reply, the OI/C DI Khan has commented that during few days of your duties at Control Room DI Khan you remained casual towards your duties. Moreover, you never turned up on time at your duty place and were used to evade your duties under different pretexts and leave office before time. Besides, he also told that when you sought extension in your leave on telephone, you never made mention any illness you were going through, rather, you sought extension in the leave by saying that the public transport was not available due to ongoing Covid pandemic. To give legal cover to your

DIG/Tele

absence, you got medical prescriptions from Government Naseerullah Khan Babar Memorial Hospital, Kohat Road, Peshawar and fabricated them.

The said acts depict your inefficiency, disobedience and in-disciplined attitude and lack of professionalism which amounts to grave misconduct on your part warranting stern disciplinary action against you.

For the purpose of scrutinizing the conduct of the said officer with reference to the above allegations, an Enquiry Officer **Mr. Saeed Khan DSP Telecomm: & Transport, Peshawar was already nominated.**

(SOHAIL ZAFAR CHATHA) PSP
Asst: Inspector General of Police,
Telecomm: & Transport,
Khyber Pakhtunkhwa, Peshawar.

17 Annex-"B" (26)

BEFORE THE RESPECTED ASSISTANT INSPECTOR GENERAL OF POLICE TELECOMUNICATION & TRANSPORT, KHYBER PAKHTUNKHWA, PESHAWAR.

Written reply_____202

Subject:

WRITTEN REPLY TO THE CHARGE SHEET NO. 14239-40 [TELE/EC, DATED, PESHAWAR THE 7/10/2021; BEFORE THIS AUHTORITY/ENQUIRY OFFICER/COMMITTEE ON BEHALF OF RESPONDENT NAIB QASID, NAMELY (MUHAMMAD NOMAN KHAN).

Respectfully Submitted:-

That the respondent humbly and respectfully submits as under:-

1) That the Petitioner has got no cause of action to file the instant charge sheet against the respondent Naib Qasid namely Mohammad Noman Khan .

2) That the respondent has come to this Hon'ble and Learned Authority/Enquiry Officer/Committee with clean hands.

3) That the instant charge sheet is not in its present form as the respondent is innocent and have not done any illegality.

4) That the charge sheet issued by this learned authority are just to harass and pressurize the respondent for forceful resignation and to end this employment for the sake of other individuals.

5) That the charge sheet is bad in its present form as it is full of wrong allegations against the respondent as which shows from the mentioned in the charge sheet 05.09.2021 where as it comes on Sunday (Holiday).

6) That before the above captioned charge sheet this learned authority i was given a show cause notice No. 13506-7/Tele/EC, dated Peshawar the 23/9/2021 to which even i was so ill and was weak to get up from the bed still respected this authority and submitted the reply vide reply application dated 29/9/2021 (Application, Dated 27/09/2021 is attached)

7) That even I was given a show cause but due to my affection and love towards this learned authority and department; though i was ill and having fever i attended my duty station at DI Khan which is far away from Peshawar and having distance in between, as this department offers no route service of transport after which I got

more weakness and fever thus remained again absent from my duty to which grudge I have been charge sheeted is totally against the natural justice and equity.

8) That the respondent is having education up to Middle and can't write English and can't even think to fabricate/forger the official document/receipt or anything of the same as i have done many officials works which is crystal clear without any ambiguity/fabrication and doubt.

9) That the respondent belongs from a respectable family and have never done any illegality, fabrications or any such kind of act thus **it may be correct** the same is not written from one and the same concerned doctor **rather it can** be written by another concerned doctor as the respondent was very sick and having weakness and was in doubt that he might infected by the Covid-19/Dengue Fever but due to the lack of facilities in the Naseer Ullah Khan Babar Memorial Hospital, Kohat Road, Peshawar I was not tested properly and was given a bed rest and I being poor litigant didn't approached anywhere else but remained in home while facing with death and life.

10) That it's correct that I have contacted by the phone with the OIC Tele DI Khan dated 06.09.2021, In charge Control Room DI, thus to which I have replied as that i might have been infected by the Covid-19/Dengue and due to which i cannot come to attend my right and lawful duty due to the very lose and weak conditions of health, which have been wronged by the respected authority or might be hearing problem in far distance of Peshawar to Dera Ismail Khan or even it can be a network problem to which the innocent respondent Naib Qasid namely Muhammad Noman Khan can't be placed guilty and rather he can be treated with respected and care being person gone through hard and strong illness and the charge sheet against him can be dismissed/declined in the best of law and justice to the poor and low scale employee.

11) That act of the respondent rest and absentee from his duty does not shows that the respondent is inefficient, disobedient or in-disciplined rather the respondent work history can also be checked from which this learned authority can see that there's nothing against the respondent but a clear and hard performance in his previous station duty which shows a positive side of the respondent.

It's therefore most humbly and respectfully prayed that on acceptance of this written reply to the above captioned charge sheet no: 14239-40 of dated 7/10/2021 may very graciously be dismissed/cancelled in favour of respondent.

Dated: 13 October 2021.

Respondent/Defendant

Naib Qasid - Muhammad Noman Khan

13/10/21

Annex-"I"
(28)

OFFICE OF THE
INSPECTOR GENERAL OF POLICE,
CENTRAL POLICE OFFICE,
KHYBER PAKHTUNKHWA PESHAWAR

No. 588-91 **/E-V, dated Peshawar the** 21/02/**2022**

ORDER

This order is hereby passed to dispose off the departmental appeal dated 06.12.2021 preferred by Noman Khan Ex-Naib Qasid of DIG/Telecommunication KPK regarding major punishment of **"discharge from service"** awarded by Assistant Inspector General of Police, Telecommunication KPK vide Order No. 14970-79/Tele/EC dated 25.10.2021 and upheld by the DIG/Telecommunication Khyber Pakhtunkhwa, on the following grounds:-

> *"Naib Qasid Noman Khan while posted at Control DIKhan absented himself from his lawful duties w.e.f 05.09.2021 vide 01/C Tele DIKhan signals dated 06.09.2021, 07.09.2021, 13.09.2021, 14.09.2021, 15.09.2021, 17.09.2021, 20.09.2021, 21.09.2021, 22.09.2021 and are absent till date."*

I, have gone through the whole file/record and comments of DIG/Telecommunication and of the view that Ex-Naib Qasid has intentionally absented himself from official duty, therefore, his appeal is rejected/filed.

21/02/22.

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

Endst: No. & date even.

Copy forwarded to the: -

- Deputy Inspector General of Police, Telecommunication, Khyber Pakhtunkhwa, Peshawar.
- Accountant General Office, Khyber Pakhtunkhwa, Peshawar.
- Registrar CPO, Peshawar.
- Official concerned.

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.342-P/2022

Muhammad Noman Khan..... (Appellant)

Versus

Govt of KP & Others ..... (Respondents)

AFFIDAVIT

I, Ibrahim Shah office superintendent (BPS-17) of Police Telecommunication KPK, Peshawar representative of respondent Department do here by solemnly declare that the contents of accompanying comments on behalf of Respondents Department, i.e. 1,2,3,4,5 are correct to the best of my knowledge and belief and nothing has been concealed from this honourable court.

DEPONENT

Ibrahim Shah
Office Superintendent:
Police Telecomm: KP, Peshawar

ATTESTED

Azmat Ali Advocate
Notary Public
Judicial Complex Peshawar

17-08-2022

بعدالت جناب خیبر پختونخواہ سروس ٹریبونل پشاور

محمد لقمان خان بنام حکومت

درخواست مراد تبدیلی تاریخ پیشی

① یہ کہ درج بالا سروس اپیل عدالت حضور میں آج کے لئے مقرر ہے

② یہ کہ اپیلانٹ کے وکیل کی پھوپھی وفات پائی ہے جسکی وجہ سے آج عدالت میں پیش ہونے سے قاصر ہے۔

③ یہ کہ درج بالا مقدمہ میں تبدیلی تاریخ پیشی کی استدعا ہے۔

لہذا ہے کہ منظوری درخواست ھذا درج بالا اپیل میں تبدیلی تاریخ پیشی کا حکم صادر فرمائیں۔

10/10/2023

المرقوم

العارض

اپیلانٹ

0302 6307114

بذریعہ کلرک ارشاد علی

آفتاب حسین اللہ ایڈووکیٹ