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## KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

EXECUTION NO \_\_\_\_\_

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M. Zeesthan                      vs                      Police Department

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*Muhariq*  
Muhariq Compilation

*[Signature]*  
Incharge Judicial Branch

Phone: - 091-9210100

DIRECTORATE OF ARCHIVES & LIBRARIES,  
KHYBER PAKHTUNKHWA, PESHAWAR.

No. 3017 /3/52/DA Dated 27<sup>th</sup> July, 2017.

To,

The Section Officer(C-IV),  
Higher Education, Archives & Libraries, Peshawar.

Subject: - DEPARTMENTAL APPEAL FOR CORRECTOIN OF SENIORITY OF JUNIOR CLERKS.

Kindly refer to your observations/directions communicated vide your letter No. SO(C-IV)HE/1-7/Seniority/DA&L/2017/111-113 dated 09-06-2017 and letter No. SO(C-IV)HE/1-7/Seniority/DA&L/2017/1626 dated 21-07-2017 sent for furnishing comments into the issues/objections raised in the joint application submitted by Assistants & Senior Clerks of this Office. of on the subject noted above.

02- Para wise comments in light of the aforesaid joint application are as under: -

Para No.	Comments.
03.1-	Correct as explained in para-03.1 of the application. It is further added that the appellant's previous application and his departmental appeal filed for the correction of her retrospective seniority, are mainly based on two issues <i>i.e. changing of the appellant's date of arrival report from 01-08-1994 as 04-08-1994 and deferment of her promotion on the basis of reflection of the CPLA status in the Working Papers:</i> (Annex-A, Page-05) The appellant for the first, raised the issue regarding re-determination of her seniority on the basis of her higher qualification at the time of her appointment in her statement dated 16-11-2016 submitted to the Record Scrutiny Committee(RSC), wherein she falsely mentioned that Mr. Noor Ul Basar was holding 3 <sup>rd</sup> division in SSC at the time of applying to the position of Junior Clerk while as matter of fact Mr. Noor Ul Basar was holding 2 <sup>nd</sup> division SSC (Annex-B, pages-06). However, the SRC did not touch the said issue in its report/findings.
03.2-	Correct. The appellant and Mr. Noor Ul Basar had applied to the posts of Junior Clerk with respective educational qualification of bachelor degree and intermediate certificate in 1994 and after induction in service both acquired their master and bachelor degree in 1998 and 1997 respectively. (Annex-C, pages-05)
03.3-	Correct. The applicant by possessing one step higher education (holding B.A degree) over Mr. Noor Ul Basar(possessing Intermediate certificate) was supposed to have two marks lead in the merit on basis of marks allotted to higher qualification in the then selection criteria, however, it clarified that Mr. Noor Ul Basar(then serving as Mali in Mardan Public Library since 1991) had applied with three years experience certificate in technical work (issued by his Incharge Librarian), was eligible to be considered for the ten marks reserved for three years experience in the criteria, thereof, it can not be ruled out that Mr. Noor Ul Basar might have surpassed the two numbers lead of the appellant in overall merit on basis of the said experience marks plus twenty marks of

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

**Service Appeal No. 46/2022**

BEFORE: MRS. RASHIDA BANO ... MEMBER (J)  
MISS FAREEHA PAUL ... MEMBER(E)

Muhammad Zeeshan, Ex-Constable No. 2413, District Police Mardan.  
.....(Appellant)

Versus

1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.  
2. Regional Police Officer/Deputy Inspector General of Police, Mardan.  
3. District Police Officer, Mardan. ....(Respondents)

Mr. Muhammad Tariq,  
Advocate ... For appellant

Mr. Asif Masood Ali Shah,  
Deputy District Attorney ... For respondents

Date of Institution..... 28.12.2021

Date of Hearing..... 24.04.2024

Date of Decision..... 24.04.2024

**SCANNED**  
**KPST**  
**Peshawar**

**JUDGEMENT**

**FAREEHA PAUL, MEMBER (E):** The service appeal in hand has been instituted under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the order dated 05.08.2020 of respondent No. 3 vide which appellant was awarded major punishment of dismissal from service against which his departmental appeal was rejected vide order dated 31.05.2021. The appellant also filed mercy petition to respondent No. 1 on 06.09.2021 but till filing of the appeal, no order was communicated to him. It has been prayed that on acceptance of the appeal, the impugned orders might be set aside and the appellant be reinstated into service with all back benefits, alongwith any other relief which the Tribunal deemed appropriate.



2. Brief facts of the case, as given in the memorandum of appeal, are that the appellant was appointed as Constable vide order dated 15.12.2008. He was issued charge sheet and statement of allegations on 10.02.2020 by respondent No. 3 with the allegations that he remained absent from duty for 74 days at different intervals. A departmental enquiry was initiated against him and Mr. Sher Nawaz R.O Police Lines Mardan was appointed as Enquiry Officer. The appellant submitted detailed and comprehensive reply to the charge sheet. During the enquiry proceedings, the appellant disclosed that he was ill due to chronic pain of back and left leg, duly supported by medical prescriptions. The Enquiry Officer recommended that his absence of 30 days might be counted as Medical leave and the rest of absence of 44 days be counted as leave without pay. On 04.04.2020, he made his arrival at PS SMT and performed his duty till 12.07.2020. He was then transferred to PS Par Hoti Mardan but due to continuous disease, he did not make his arrival there and went to his village for further treatment. The appellant was marked absent vide DD No. 34 dated 13.07.2020. He was not served any charge sheet and show cause notice and without conducting departmental inquiry, he was dismissed from service vide impugned order dated 05.08.2020. Feeling aggrieved, he filed departmental appeal to respondent No. 2 which was rejected on 31.05.2021. The appellant also filed mercy petition before respondent No. 1 which was not decided till filing of the instant service appeal.

3. Respondents were put on notice who submitted their joint parawise comments on the appeal. We heard the learned counsel for the appellant as well



as learned Deputy District Attorney for the respondents and perused the case file with connected documents in detail.

4. Learned counsel for the appellant, after presenting the case in detail, argued that the respondents had not treated the appellant in accordance with law and rules on the subject and unlawfully dismissed him from service. He argued that charge of absence from service was ill-founded and not based on facts. He further argued that the appellant was not aware of any other enquiry proceedings in that regard as neither any charge sheet nor any show cause notice was issued or served to him and no opportunity of personal hearing was afforded to him which was mandatory under the law. He requested that the appeal might be accepted as prayed for.

5. Learned Deputy District Attorney, while rebutting the arguments of learned counsel for the appellant, argued that the appellant, while posted at Police Station Sheikh Maltoon, remained absent from duty without any leave and permission of the competent authority. Being a member of the disciplined force, he was bound to bring his illness into the notice of the senior officers but he failed to do so. He was issued charge sheet with statement of allegations. Proper departmental enquiry was initiated and entrusted to Mr. Sher Nawaz R.I Police Lines Mardan. He further argued that both the periods of absence were clearly mentioned in the dismissal order. According to him, he was called for Orderly Room on 08.07.2020, 15.07.2020, 22.07.2020, 29.07.2020 and 05.08.2020, on the ground of absence but he did not appear before the competent authority despite receiving and personally signing the notices, hence he was awarded major punishment of dismissal from service and 74 days



absence period was treated as leave without pay. He argued that his departmental appeal was decided on merit because he was called in Orderly Room on 26.05.2021 but he failed to produce any cogent justification in his defence. He requested that the appeal might be dismissed.

6. Arguments and record presented before us show that the appellant was dismissed from service on the ground of willful absence. While posted at P.S Sheikh Maltoon, he absented himself from lawful duty for 74 days. Departmental proceedings were initiated against him by issuing charge sheet and statement of allegations to which he responded. On submission of Inquiry report to the competent authority, he was called for personal hearing in the orderly room through several notices, which, according to the record produced by the respondents, were duly received by him, but he did not pay any heed to them and never appeared before the District Police Officer, Mardan. He was awarded major punishment of dismissal from service vide order dated 05.08.2020 and the period of absence was treated as leave without pay. His departmental appeal dated 24.03.2021 was rejected being time barred. The mercy petition submitted on 06.09.2021 was also rejected on 02.06.2022 after doing the needful.

7. Perusal of record shows that the appellant did not submit any application seeking leave from his competent authority, and the same was admitted by his learned counsel during arguments before us. Learned counsel for the appellant did not deny the bad entries in his service record of ten years as well as absence of 324 days at different occasions. A fact to be kept in view is that the appellant was a civil servant and member of a disciplined force. His services were



governed under a set of rules and he was under obligation to submit an application seeking permission of leave from his competent authority. The admission, of non-submission of any such application, on the part of his learned counsel is enough evidence that the appellant remained absent from his lawful duty which is a misconduct on the part of a civil servant. The department rightly proceeded against him. Impugned order of dismissal from service shows that he was called several times but he did not present himself before his competent authority for personal hearing which is not an acceptable behavior and tantamounts to disobedience.

8. In view of the above discussion, we do not see any merit in this service appeal, hence, the same is dismissed. Cost shall follow the event. Consign.

9. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal this 24<sup>th</sup> day of April, 2024.*



(FAREEHA PAUL)  
Member (E)

\*FazleSubhan P.S\*



(RASHIDA BANO)  
Member(J)


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SA 46/2022

24<sup>th</sup> Apr. 2024 01. Mr. Muhammad Tariq, Advocate for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present. Arguments heard and record perused.

02. Vide our detailed judgment consisting of 05 pages, we do not see any merit in this service appeal, hence, the same is dismissed. Cost shall follow the event. Consign.

03. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 24<sup>th</sup> day of April, 2024.*

  
(FARZEHA PAUL)  
Member (E)

  
(RASHIDA BANO)  
Member(J)

\*Fazal Subhan PS\*



07.03.2024 1. Junior to counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney alongwith Atta Ur Rehman, Inspector for the respondents present.

2. Junior to counsel for the appellant requested for adjournment on the ground that senior counsel for the appellant is busy before Worthy Peshawar High Court, Peshawar. To come up for arguments on 24.04.2024 before D.B. P.P given to the parties.

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Peshawar



(Muhammad Akbar Khan)  
Member (E)



(Rashida Bano)  
Member (J)

10.10.2023

Junior of learned counsel for the appellant present. Mr. Atta-ur-Rehman, Inspector (Legal) alongwith Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Junior of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is busy in the Hon'ble Peshawar High Court, Peshawar. Adjourned. To come up for arguments on 21.12.2023 before the D.B. Parcha Peshi given to the parties.

SCANNED  
KPST  
Peshawar

(Fareeha Paul)  
Member (E)

(Salah-ud-Din)  
Member (J)

\*Naeem Amin\*  
21.12.2023

01. Counsel for the appellant present. Mr. Asif Masood Ali Shah, DDA alongwith Attaur Rehman, Inspector (L) for the respondents present.

02. Miss Fareeha Paul, Learned Member (Executive) is on leave, therefore, the Bench is incomplete. To come up for arguments on 07.03.2024 before the D.B. Parcha Peshi given to the parties.

SCANNED  
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Peshawar

(Rashida Bano)  
Member (J)

12.04.2023

Learned counsel for the appellant present. Mr. Atta-ur-Rehman, Inspector (Legal) alongwith Mr. Asad Ali Khan, Assistant Advocate General for the respondents present.

Para-wise comments on behalf of respondents have been received through Diary No. 4836 dated 12.04.2023. Copy of the same is handed over to learned counsel for the appellant. Adjourned. To come up for rejoinder, if any, as well as arguments on 15.06.2023 before the D.B. Parcha Peshi given to the parties.



(Salah-Ud-Din)  
Member (J)

15.06.2023

Appellant in person present. Mr. Atta-ur-Rehman, Inspector (Legal) alongwith Mr. Asad Ali Khan, Assistant Advocate General for the respondents present.

Appellant requested for adjournment on the ground that his counsel 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)

30.11.2022

All the respondents were put on notice 04/01/2023

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Rs-100/-  
Appellant Deposited  
Security & Process Fee

A. J. Khan  
4/1/23

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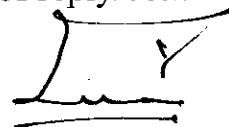
Counsel for the appellant present and requested for time to submit security and process fee. Request accepted with direction to deposit the same within 07 days, whereafter notices be issued to respondents for submission of written reply/comments. To come up for written reply/comments on 09.01.2023 before S.B.

  
(Kalim Arshad Khan)  
Chairman

09.01.2023


Appellant in person present. Mr. Atta-ur-Rehman, Inspector (Legal) alongwith Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present and requested for time for submission of reply/comments. Adjourned. To come up for submission of reply/comments on 23.02.2023 before the S.B.

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(Salah-Ud-Din)  
Member (J)

23.02.2023 Learned counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

Reply/comments on behalf of respondents not submitted. Learned Assistant Advocate General seeks time to contact the respondents for submission of reply/comments. Adjourned. To come up for reply/comments on 12.04.2023 before S.B.

  
(Muhammad Akbar Khan)  
Member (E)

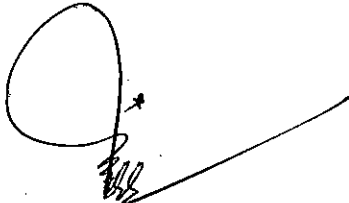
SCANNED  
KPST  
Peshawar

19.07.2022

Mr. Muhammad Tariq, Advocate for the appellant present.

Preliminary arguments heard.

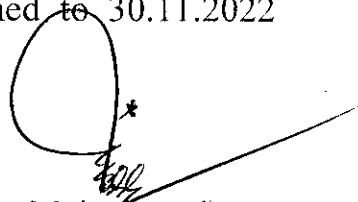
Points raised need consideration. The appeal is admitted to regular hearing, subject to all just and legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments. To come up for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

  
(Mian Muhammad)  
Member (E)

20.10.2022

Nemo for the appellant.

Security and process fee not deposited, therefore, notice be issued to the appellant as well as his counsel to deposit security and process fee on the next date. Adjourned to 30.11.2022 before S.B.

  
(Mian Muhammad)  
Member (E)

*Counsel was informed telephonically for security purpose on 25/10/22*

(7)

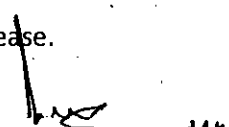


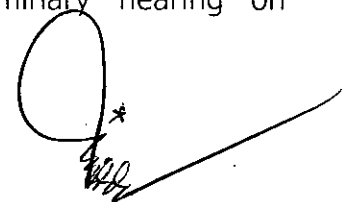
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Form- A

# FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No.- \_\_\_\_\_ 46/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	12/01/2022	<p>The appeal of Mr. Muhammad Zeeshan resubmitted today by Mr. Muhammad Tariq Advocate, may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	28.02.2022	<p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put up there on <u>28/2/22</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	26.05.2022	<p>Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 26.05.2022 for the same as before.</p> <p style="text-align: right;"> Reader</p> <p>Junior to counsel for the appellant present and requested for adjournment on the ground that senior counsel for the appellant is not available today. Adjourned. To come up for preliminary hearing on 10.07.2022 before S.B.</p> <p style="text-align: right;"> (Mian Muhammad) Member (E)</p>

SCANNED  
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The appeal of Mr. Muhammad Zeeshan, Ex-Constable No. 2413, District Police Mardan received today i.e. on 29.12.2021 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

1. Copy of charge sheet, statement of allegation, Enquiry report and replies thereto are not attached with the appeal.
2. Affidavit attested by the Oath Commissioner is not attached with the appeal.
3. Certificate be given to the effect that appellant has not been filed any service appeal earlier on the subject matter before this Tribunal.

No. 2683 /S.T,

Dt. 29/12 /2021

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR

Mr. Muhammad Tariq Adv. Pesh.

Respected Sir,

In ground "H" of instant Service appeal already mentioned that Respondents have not provided the copy of charge sheet, statement of allegation & Enquiry Report. As objection no. 2 & 3 satisfied. Therefore, re-submitted.

  
Advocate

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**KHYBER PAKHTUNHWA SERVICES TRIBUNAL, PESHAWAR**  
**CHECK LIST**

*Muhammad Zeeshan*  
..... Appellant

**Versus**

*Provincial Police Officer Jotter*  
..... Respondents

S NO	CONTENTS	YES	NO
1.	This petition has been presented by: <i>M. Tariq Advocate</i> Court	√	
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?	x	
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:- *Muhammad Tariq Advocate*

Signature:- *Tariq*

Dated:- *29/12/2021*



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**BEFORE THE PROVINCIAL SERVICE TRIBUNAL KHYBER  
PAKHTUNKHUWA PESHAWAR**

Service Appeal No. 46 12021

**SCANNED  
KPST  
Peshawar**


Muhammad Zeeshan                      VERSUS                      Provincial Police Officer & others

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2.	Copy of the OB No.1297 dated 05/08/2020	<u>"A"</u>	07
3.	Copy of Memo of Appeal	<u>"B"</u>	08-10
4.	Copy of Officer endorsement No.2761/ES dated 31/05/2021	<u>"C"</u>	11
5.	Copy of the Departmental Appeal/Mercy Petition	<u>"D"</u>	12-13
6.	Copy of Medical Prescription	<u>"E"</u>	14-18
7.	Wakalat Nama	-	19

Through

Appellant

  
(Muhammad Tariq)  
Advocate, High Court  
Peshawar

**Office Address:** 2<sup>nd</sup> Floor Al-Mansoor Hotel Opposite Gulbahar Police Station  
G.T. Road Peshawar

Cell # 0333-9385283

Email Address: [tariq.adv.hc@gmail.com](mailto:tariq.adv.hc@gmail.com)

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**BEFORE THE PROVINCIAL SERVICE TRIBUNAL KHYBER  
PAKHTUNKHUWA PESHAWAR**

Khyber Pakhtunkhwa  
Service Tribunal

Service Appeal No. 46 /2020<sub>2</sub>

Diary No. 8119

Dated 28/12/2021

Muhammad Zeeshan, Ex-Constable No.2413, District Police Mardan

.....(Appellant)

VERSUS

1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar
2. Regional Police Officer/Deputy Inspector General of Police, Mardan
3. District Police Officer, Mardan

.....(Respondents)

**APPEAL UNDER SECTION 4 OF K.P.K SERVICE  
TRIBUNAL ACT, 1974 AGAINST THE FINAL  
ORDER OB No.1297 DATED 05/08/2020 OF  
RESPONDENT 03 VIDE WHICH APPELLANT WAS  
AWARDED MAJOR PUNISHMENT OF DISMISSAL  
FROM SERVICE, APPELLANT HAS FILED  
DEPARTMENT APPEAL TO THE RESPONDENT 02  
WHICH WAS ALSO REJECTED VIDE ORDER  
No.2761/ES, DATED MARDAN THE 31/05/2021  
AND APPELLANT HAS FILED DEPARTMENTAL  
APPEAL/MERCY PETITION TO THE  
RESPONDENT 01 ON 06/09/2021 BUT TILL DATE  
THE ORDER IS NOT COMMUNICATE TO THE  
APPELLANT INSPIE OF SEVERAL REQUEST**

Filed today  
28/12/21  
M

**Prayer in Appeal**

On acceptance of instant appeal, impugned Final Order OB

No.1297 Dated 05/08/2020 of Respondent 03 whereby Appellant was awarded

Major Punishment of Dismissal from Service and Order No.2761/ES, Dated

Mardan the 31/05/2021 of Respondent 02 vide which Departmental Appeal of the

Registered to - day  
M  
Registrar 2/11/22

(17)

(2)

Appellant was rejected may very graciously be set aside and Consequently, Appellant may please be re-instated in the service with all back benefits and any other order deem proper in the matter may also be passed in favour of Appellant against Respondents.

**Respectfully Sheweth:**

1. That Appellant is the permanent resident of District Mardan and Appellant was appointed as Constable vide Appointment Order No.15/12/2008.
2. That Appellant was issued charged sheet and statement of allegation No.67/PA dated 10/02/2020 by Respondent 03 with the following allegation  
***"That Constable Zeeshan No.2413 while posted at Police Station Sheikh Maltoon, Mardan, absented himself from his lawful duty vide D.D.No.35 dated 19/01/2020 to vide D.D.No.13 dated 03/04/2020 P.S. SMT (74 days) and vide DD No.34 Dated 13/07/2020 of P.S. Par Hoti till date of his dismissal without any leave/prior permission of the Competent Authority."***
3. That in light of above charge sheet, a departmental enquiry was initiated against the Appellant. Mr. Sher Nawaz R/O Lines Mardan was nominated as Enquiry Officer. Appellant produced a detailed and comprehensive reply alongwith relevant documents in response to the charge sheet before the enquiry officer.
4. That initially the enquiry was conducted regarding the absence of 74 days from P.S. SMT Mardan. Appellant disclosed during the course of enquiry before the Enquiry Officer that Appellant is ill due to ***Chronic Pain of back and left leg***. Appellant produced medical prescription/documents in support of his stance before the Enquiry Officer which was positively considered.
5. That as per the story mentioned in the dismissal order, the Enquiry Officer findings to the Respondent 03 with the recommendation that his absence of 30 days may be counted as Medical Leave and the rest of absence of 44 days be counted as Leave Without Pay.

6. That on 04/04/2020, Appellant made his arrival at P.S. SMT and performed his duty till 12/07/2020. During this period, the Appellant was transferred from P.S. SMT to P.S. Par Hoti. Due to continuous previous disease, Appellant did not make his arrival at P.S. Par Hoti and went to his village for further treatment and during stay at his village the Appellant continued his treatment and was lying on bed.
7. That Appellant was marked absent regarding the absence from P.S. Par Hoti vide DD No.34 Dated 13/07/2020. Appellant was not issued any show cause/charge sheet in this regard. Similarly, no departmental inquiry was conducted in this connection. It would not be out of place to mention here that neither any kind of notice regarding appearance is/was served upon the Appellant. Appellant was awarded major punishment in absentia and as such ex-parte action was taken against the Appellant. The Enquiry finding of the Enquiry Officer for the period of absent from 74 days was not considered by Respondent 03. Respondent 03 has mentioned the absence of the Appellant from P.S. Par Hoti in the dismissal Order but in this connection no departmental proceedings were conducted. Similarly, no notice for appearance is/was served upon the Appellant. Respondent 03 illegally dismissed the Appellant from service vide OB No.1297 dated 05/08/2020.(Copy of the OB No.1297 dated 05/08/2020 is Annexure "A")
8. That Appellant did not absent himself from duty deliberately rather it was due to the chronic disease of back pain which is evident from the medical record already placed with departmental enquiry finding.
9. That Appellant aggrieved from the Order of Respondent 03 has filed an Appeal before the Respondent 02 and Respondent 02 vide Officer endorsement No.2761/ES dated 31/05/2021 reject the appeal of the Appellant.(Copy of Memo of Appeal and Officer endorsement No.2761/ES dated 31/05/2021 are Annexure "B" & "C")
10. That impugned both the Orders of Respondent 02 and 03 by filing Departmental Appeal/Mercy Petition before the Respondent 01. But till date, Respondent 01 has not decided the Departmental Appeal/Mercy

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Petition of Appellant inspite of several requests were made by the Appellant but in vain. (Copy of the Departmental Appeal/Mercy Petition is Annexure "D")

11. That Appellant is highly aggrieved from Orders of Respondent 02 and 03 and the unjust and cruel attitude of the Respondents. As such, approach this honorable Tribunal by Challenging the same on the following

**GROUNDS:**

- A. That impugned Orders and acts and deeds of the Respondents are against the law. Hence, not tenable.
- B. That impugned Orders and acts and deeds of the Respondents are incorrect, illegal, without substance, in utter disregard of the well settle principle of law. As such, the same is liable to be set aside.
- C. That impugned Orders and acts and deeds of Respondents are tainted with mala fide; the same are in derogation of provisions of the Constitution.
- D. That the impugned Orders have been issued illegally by not adopting the proper procedure of conduct enquiry etc.
- E. That Respondents have not treated the Appellant in accordance with law, rules and policy on the subject and acted in violation of Article 4 of the Constitution of Islamic Republic of Pakistan, 1973 and unlawfully passed issued the impugned Orders, which are unjust, unfair. Hence, not sustainable in the eyes of law.
- F. That the impugned Orders are against the Article 10-A of the Constitution of Islamic Republic of Pakistan, 1973. As no personal hearing and regular inquiry conducted by the Respondents.
- G. That the charge of absence from duty has fully been explained in the Departmental Appeal/Representation and clear from the record but no heed was given to the explanation offered by the Appellant.
- H. That the Charge of absence from service was also ill founded and not based on facts. It is pertinent to mentioned here that, Appellant has not been issued any charge sheet regarding the absence from

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duty and Appellant is not aware of any other enquiry proceedings  
in that regard nor any show cause notice, statement of allegation  
etc. was given to him. Hence, the charge of absence is also  
untenable, baseless and accordingly the impugned Orders are not  
legally sustainable under the laws and are liable to be set aside.

- I. That Respondent 03 has terminated the Appellant from service by imposing major penalty on the basis of no evidence. Not an iota of material has been brought to prove the allegation leveled against Appellant. Therefore, the impugned Orders are arbitrary, unlawful. Hence, not sustainable in the eyes of law.
- J. That no opportunity of personal hearing was offered to the Appellant by the competent authority which is mandatory requirement of law. Appellant was condemned unheard as the action has been taken at the back of the Appellant which is against the principle of natural justice.
- K. That Appellant has made absentees due to his long standing illness of "severe back pain" for which the necessary medical documents have been produced before the enquiry officer. The Enquiry Officer has given due worth to the medical condition of the Appellant in his Enquiry Officer Report. However, Respondent 02 and 03 have not taken into account the rationale behind the Enquiry Officer Report and acted against the norms of law and justice and Police Rules as well. (Copy of Medical Prescription is Annexure "E")
- L. That Appellant was not given any opportunity of "Personal Hearing" by the competent authority at the time of passing of impugned Orders, which is contrary to the Police Rules 1975. It is settled principle of law that "No one should be condemned unheard."
- M. That the violation was brought into the notice of Respondents by filing Departmental Appeal/Mercy Petition which is still pending.

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It is, therefore, respectfully prayed that on acceptance of instant appeal, impugned Final Order OB No.1297 Dated 05/08/2020 of Respondent 03 whereby Appellant was awarded Major Punishment of Dismissal from Service and Order No.2761/ES, Dated Mardan the 31/05/2021 of Respondent 02 vide which Departmental Appeal of the Appellant was rejected may very graciously be set aside and Consequently, Appellant may please be re-instated in the service with all back benefits and any other order deem proper in the matter may also be passed in favour of Appellant against Respondents.

محمد طارق

Appellant

Through

(Muhammad Tariq)  
Advocate, High Court  
Peshawar

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**BEFORE THE PROVINCIAL SERVICE TRIBUNAL KHYBER**  
**PAKHTUNKHUWA PESHAWAR**

6A

Service Appeal No. \_\_\_\_\_ /2021

Muhammad Zeeshan

VERSUS

Provincial Police Officer & others

**CERTIFICATE**

Certified that no such Service Appeal has been filed earlier on the subject matter  
before this Honorable Court.

محمد زیشان  
(Deponent)



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6B

**BEFORE THE PROVINCIAL SERVICE TRIBUNAL KHYBER  
PAKHTUNKHUWA PESHAWAR**

Service Appeal No. \_\_\_\_\_ /2021

Muhammad Zeeshan

VERSUS

Provincial Police Officer & others

**Affidavit**

It is hereby solemnly affirm and declare on oath that contents of Appeal are true and correct to the best of my knowledge and belief and nothing has been kept from this Honorable Tribunal.

(Deponent) *[Signature]*





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**OFFICE OF THE  
DISTRICT POLICE OFFICER,  
MARDAN**

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

2020

No. 314/52/PA

Dated 18/1/2020

Annex  
"A"

**ORDER ON ENQUIRY OF CONSTABLE ZEESHAN NO.2413**

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 Sheikh Maltoon (now PS Par Hoti), Proceeded against departmentally through Inspector Sher Nawas RI/Police Lines Mardan vide this office Statement of Disciplinary Action/Charge Sheet No.67/PA dated 10-02-2020 on account of the following absence's period from duty without any leave/approval of the competent authority:-

- 1) DD No.35 dated 19-01-2020 to DD No.18 dated 03-04-2020 PS SMT (74 Days)
- 2) DD No.34 dated 13-07-2020 PS Par Hoti till-date.

The Enquiry Officer after fulfilling necessary process, submitted his Binding Report to this office vide his office letter No.167/RI dated 11-06-2020, recommending (30) days his absence's period as medical leave while the rest as leave without pay.

**Final Order**

Constable Zeeshan was called for O.R on 08-07-2020, 15-07-2020, 22-07-2020, 29-07-2020 & 05-08-2020, but he didn't appear despite receiving and personally signing the notice, while on the other hand, as per his previous record, he was enlisted in Police Department on 15-12-2008 and earned (92) bad entries with no good entry, besides (324) days absence's period, meaning that he is an unwilling worker with paying no attention towards the directives of Senior Officers, therefore, awarded him major punishment of dismissal from service with effect from 12-07-2020 with counting his (74) days absence's period as leave without pay with immediate effect, in exercise of the power vested in me under Police Rules-1975.

OB No. 1697

Dated 18/1/2020

(Dr. Zahid Ullah) PSP  
District Police Officer  
Mardan

Copy forwarded for information & n/action to:-

- 1) The DSP/HQrs Mardan.
- 2) The SHO PS Par Hoti.
- 3) The P.O & E.C (Police Office) Mardan.
- 4) The OSI (Police Office) Mardan with ( ) Sheets.

**ATTESTED**

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8

Before the D/O, Malan  
Malan Region - I Malan

Subject: Appeal against the order of DPO Malan issued vide  
DBNO 1297 dated 05.08.2020 whereby the  
appellant has been dismissed from service.

Annex  
B

Respected Sir,

The DPO Malan had issued charge sheet no 67/PA dated  
10.2.20 to the appellant with the following allegation

That you Constable Zeeshan no 2443 while posted  
at PS/SMT remained absent which detail is as in  
1. DDNO 35 dated 19.7.2020 to DDNO 18 dated 3.8.2020  
PS/SMT (74 days).

2. DDNO 34 dated 13.07.2020 PS Pan Hothi till date.

It is submitted that in the light of the above charge sheet  
a departmental enquiry was initiated against the appellant  
Mr Sha Nawaz R/Lines Malan was nominated as EO  
The appellant produced a detailed and comprehensive  
reply in response to the charge sheet before the EO.

1) Justify the enquiry was conducted regarding the absence  
of 74 days from PS/SMT Malan. The appellant  
disclosed during the course of enquiry before the EO  
that the appellant is ill due to chronic pain of back  
and left leg. The appellant produced medical prescription  
before the EO which was positively considered.

2) As per the story mentioned in the dismissal order, the  
EO submitted the enquiry finding to the DPO Malan  
with the recommendation that his absence of 30 days  
may be counted as medical leave and the rest  
of absence of 44 days be counted as leave without  
pay.

3) That on 4-4-2020, the appellant made his arrival  
at PS SMT and performed his duty till 12.7.2020  
During this period, the appellant was transferred  
from PS SMT to PS Pan Hothi. Due to  
continuous previous absence, the appellant did  
not receive his arrival at PS Pan Hothi and

→  
4/

ATTESTED

(Page)

to his village for further treatment

During stay at his village, the appellant continued his treatment and was lying on bed.

→ The appellant was marked absent regarding the absence from PS Par Hoti vide DD NO 34 dated 13.7.2020. The appellant was not issued any show cause / charge sheet in this regard. Similarly no departmental enquiry was conducted in this connection. It would be <sup>to</sup> not to mention here that no any kind of notice regarding appearance in OR was served upon the appellant. The appellant was awarded major punishment in absentia out of such ex-parte action was taken against the appellant. The ending finding of the EO for the period of absence of 74 days was not considered by DPO Marlan. The DPO Marlan has mentioned the absence of the appellant from PS Par Hoti in the dismissal order but in this connection no departmental proceedings were conducted. Similarly no notice for appearance in OR was served upon the appellant. The DPO Marlan illegally dismissed the appellant from service vide OP No 1297 dated 05.08.2020.

(Copy of OP No 1297 dated 05.08.2020 is enclosed)

7) The appellant did not absent himself from duty deliberately rather it was due to the chronic disease of back pain, which is evident from the medical record, already placed / included with departmental enquiry findings.

8) The appellant is still in mental agony and therefore the appeal was delayed. The Supreme Court of Pakistan judgment is very clear; that - Procedural technicalities should not be counted, while granting justice to an individual.

ATTESTED

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(3)

- 9) The appellant belongs to a poor family and is living with his old/sick mother. There is no other source of income of the appellant family except the Police Service of the appellant.
- 10) The appellant was enlisted as constable in Police department on 26.11.2013 and performed his duty with zeal and efficiency.

Keeping in view the above facts and Circumstances, it is humbly prayed that on the acceptance of the instant appeal the order of DPO Maulam may kindly be set aside and the appellant be re-instated in service from the date of dismissal of P.

Yours obediently,  
M. S. S.

24.3.2021

Ex-Constable. Muhammad Zeeshan NO 2413  
District Police Maulam  
Mobile NO. 0346-9123065

ATTESTED

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11

ORDER.

This order will dispose-off the departmental appeal preferred by Constable Zeeshan No. 2413 of Mardan District Police against the order of District Police Officer, Mardan, whereby he was awarded major punishment of dismission from service vide OB No. 1297 dated 05.08.2020. The appellant was proceeded against departmentally on the allegations that he while posted at Police Station Sheikh Mattoon, Mardan, absented himself from his lawful duty with effect from 19.01.2020 to 03.04.2020 and 13.07.2020 till date of his dismissal without any leave/prior permission of the competent authority.

Annex  
C

Proper departmental enquiry proceedings were initiated against him. He was issued Charge Sheet alongwith Statement of Allegations and Inspector Sher Nawaz Khan the then Reserve Inspector Police Lines, Mardan was nominated as Enquiry Officer. The Enquiry Officer after fulfilling codal formalities submitted his findings wherein he recommended that 30 days absence period of the delinquent Officer may be treated as medical leave while the rest of absence period as leave without pay.

The delinquent Officer was called in Orderly Room on 08.07.2020, 15.07.2020, 22.07.2020, 29.07.2020 and 05.08.2020 respectively by the District Police Officer, Mardan, but he failed to appear in connection with his defense which shows that he had nothing to offer in his defense, therefore, he was awarded major punishment of dismissal from service by the District Police Officer, Mardan vide his office OB No. 1297 dated 05.08.2020.

Feeling aggrieved from the order of 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 26.05.2021.

From the perusal of service record of the appellant, it has been found that allegations leveled against the appellant have been proved beyond any shadow of doubt. The service record of the appellant revealed that he was enlisted in Police Department on 15.12.2008 and earned 92 bad entries with no good entry. Besides, the appellant in his span of service remained absent for 324 days on different occasions which depicts his lethargic attitude towards his official duties with paying no attention of the directives of Senior Officers. The appellant has filed the instant appeal which is time barred by 07 months and 21 days. Hence, order passed by the competent authority does not warrant any interference.

Keeping in view the above, I, Yaseen Farooq, PSP Regional Police Officer, Mardan, being the appellate authority, find no substance in the appeal, therefore, the same is rejected and filed, being time barred.

Order Announced.

Regional Police Officer,  
Mardan

**ATTESTED**

No. 2761 /ES,

Dated Mardan the

31 - 05 - 2021.

Copy forwarded to District Police Officer, Mardan for information and necessary action w/r to his office Memo: No. 98/LB dated 15.04.2021. His Service

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**BEFORE THE PROVINCIAL POLICE OFFICER, KPK PESHAWAR**

**Subject: MERCY PETITION AGAINST OB NO.1297 DATED 05-08-2020 ISSUED BY DPO MARDAN, WHEREBY THE PETITIONER HAS BEEN AWARDED MAJOR PUNISHMENT OF DISMISSAL FROM SERVICE, AND REJECTION OF APPEAL BY DIG MARDAN ISSUED VIDE OFFICE ENDORSEMENT NO.2761/ES DATED 31-05-2021.**

Annex  
D

Respected Sir,

The petitioner submits as under:

1. It is submitted that petitioner was issued charge sheet and statement of allegations No. 67/PA dated 10-02-2020 by DPO Mardan with the following allegations:-

**"That Constable Zeeshan No.2413, while posted at Police Station Sheikh Maltoon ,Mardan absented himself from his lawful duty vide DD NO.35 dated 19-01-2020 to vide DD No13 dated 03-04-2020 PSSMT (74 days) and vide DD No.34 dated 13-07-2020 of PS Par Hoti till date of his dismissal without any leave/prior permission of the competent authority".**

2. It is submitted that in the light of above charge sheet, a departmental Enquiry was initiated against the Petitioner . Inspector Sher Nawaz Khan, the then Reserve Inspector Police Lines, Mardan was appointed as Enquiry Officer. The Petitioner submitted a detailed and comprehensive reply to the charge sheet before the EO but his version was not considered in true letter and spirit. The EO submitted his enquiry findings vide letter no.167/RI dated 11-06-2020 after fulfilling codal formalities wherein he recommended that 30 days absence period of the petitioner may be treated as medical leave while the rest of absence period as leave without pay.
3. That DPO Mardan awarded major punishment of **"dismissal from service wef 12-07-2020 with counting his 74 days absence period as leave without pay with immediate effect "** to the petitioner vide his office OB No.1297 dated 05-08-2020 against the essence of the EO findings which is a sheer miscarriage of justice and against the Police Rules 1975. **(Copy of DPO Order is enclosed)**
4. That feeling aggrieved from the order of DPO Mardan, the Petitioner filed an Appeal before the DIG Mardan on 24-03-2021. That DIG Mardan vide his office endorsement No.2761/ES dated 31-05-2021 rejected the appeal of the petitioner and regarded the appeal as time barred by 07 months and 21 days and hence **the present mercy petition.(Copy of the order of DIG Mardan is enclosed).**

**GROUND OF MERCY PETITION :**

- i. That the petitioner has made absentees due to his long standing illness of **"severe Backache"** for which the necessary medical documents have been presented before the Enquiry Officer. The EO has given due worth to the medical condition of the petitioner, in his EO report. However, the DPO/DIG Mardan have not taken into account the rationale behind the

**ATTESTED**

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EO report and acted against the norms of law & justice and Police Rules as well.

- ii. That The petitioner was not given any opportunity of "**PERSONAL HEARING**" by the competent authority at the time of passing of impugned punishment Order, which is contrary to the Police rules 1975. It is a settled principle of law that "**No one should be condemned unheard**".
- iii. That it is the general principle of law that "**no one should be vexed twice for the same offence**" and if the petitioner has committed any mistakes in the past service that should not be made consequential basis for the present punishment of dismissal from service .
- iv. That the petitioner would like to state that it is well settled principle of law that procedural technicalities should not be allowed on dispensation of substantial justice. Procedural laws are meant to advance the cause of justice and not to thwart it. The supreme court of Pakistan in **criminal original petition No. 90/2009** has further emphasized that while deciding a case, principles of natural justice "**audi alteram partem**" and other fundamental rights should be observed.
- v. That the petitioner was enlisted as constable in police department on 26-11-2008 and performed his duty with zeal and efficiency .The lengthy police service of the petitioner may kindly be given appropriate worth and be re-instated in service.
- vi. The petitioner is residing and supporting his old age sick mother and the entire livelihood of his family is dependent upon the police service and have no other source of income.

Keeping in view the above facts and circumstances, it is humbly requested that in the light of instant mercy petition, both the impugned orders of DPO/DIG Mardan may be filed and the petitioner may graciously be re-instated in police service on humanitarian basis from the date of Dismissal, please.

Your's Obediently,

محمد زیشان

(EX.CONSTABLE ZEESHAN NO.2413)  
DISTRICT POLICE MARDAN  
(NOW DISMISSED FROM SERVICE)  
CELL NO.0314-9032390

Dated: 26 September, 2021.

ATTESTED



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**DISTRICT HEAD QUARTER HOSPITAL  
MARDAN**  
Out Patient Department

Annex  
E

OPD #	313	Date	18-3-2020	Paid	10
Name	Mohammad Zeeshan	Sex	Male		
H/F/Name		Age			
Department	Orthopedic	Contact	0000000000000000		
Address					

History	<p><i>[Handwritten notes and signatures]</i></p> <p>28. Prof. P</p> <p>28. Call of</p> <p>28. Ardy. Col. u</p> <p><i>[Signature]</i></p>
Clinical Examination	
Provisional Diagnosis	
Investigations Required	

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**ATTESTED**

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**DISTRICT HEAD QUARTER HOSPITAL  
MARDAN**  
Out Patient Department

OPD #	187	Date	19-2-2020	Paid	10
Name	Mohammad Zeeshan	Sex	Male		
H/F/Name		Age			
Department	Orthopedic	Contact	00000000000000 00000000000000 000		
Address					

History	<p><i>2</i></p> <p><i>28 Feb 2020</i></p> <p><i>28 March</i></p> <p><i>28 April</i></p> <p><i>for Puc weekly</i></p> <p><i>9-10-20</i></p> <p><i>[Signature]</i></p> <p><small>DISTRICT HEAD QUARTER HOSPITAL MARDAN</small></p>
Clinical Examination	
Provisional Diagnosis	
Investigations Required	

*by*  
**ATTESTED**

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**DISTRICT HEAD QUARTER HOSPITAL  
MARDAN**  
Out Patient Department

OPD #	15	Date	04-2-2020	Paid	10
Name	Mohammad Zeeshan	Sex		Male	
H/F/Name		Age			
Department	Orthopedic	Contact		00000000000000	00000000000000
Address					

<p>History</p> <p>Clinical Examination</p> <p>Provisional Diagnosis</p> <p>Investigations Required</p>	<p><i>[Handwritten notes and signatures]</i></p> <p>28 Dec 2019</p> <p>28 Nov 2019</p> <p>28 Oct 2019</p> <p><i>[Signature]</i></p>
--	---

*[Handwritten mark]*  
**ATTESTED**


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**DISTRICT HEAD QUARTER HOSPITAL  
MARDAN**  
Out Patient Department

OPD #	482	Date	03-3-2020	Paid	10
Name	Mohammad Zeeshan	Sex	Male		
H/F/Name			Age		
Department	Orthopedic	Contact	00000000000000	000000000000	
Address					

History	<p><i>Handwritten notes:</i></p> <p>28 Feb 2020</p> <p>28 March 2020</p> <p>28 April 2020</p>
Clinical Examination	
Provisional Diagnosis	
Investigations Required	
 MEDICAL OFFICER DHO Mardan	

*up*  
**ATTESTED**

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**DISTRICT HEAD QUARTER HOSPITAL  
MARDAN**  
Out Patient Department

OPD #	587	Date	20-1-2020	Paid	10
Name	Mohammad Zeeshan	Sex	Male		
H/F/Name		Age			
Department	Orthopedic	Contact	00000000000000		0
Address					

History	<i>Handwritten notes</i>	
Clinical Examination	<i>Handwritten notes</i>	
Provisional Diagnosis	<i>Handwritten notes</i>	
Investigations Required	<i>Handwritten notes</i>	
	<i>Handwritten signature</i>	

**ATTESTED**

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50 روپے	106379
ایڈویکٹ: محمد طارق	
بار کونسل/ایسوسی ایشن نمبر: bc-11-1564	
رابطہ نمبر: 0333-9385283	



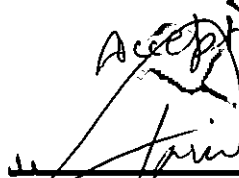
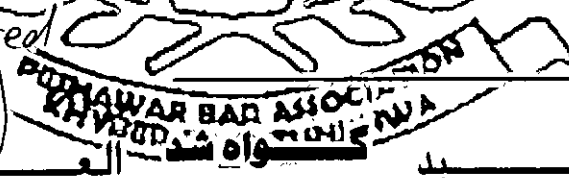
پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب: صوبائی سروس ٹریبونل خیبر پختونخواہ پشاور

منجانب: ایڈوانٹ	دعویٰ:
 <p>محمد ذیشان علی بنام پرو نسیب پوریس</p>	علت نمبر:
	مورخہ:
	جرم:
	تھانہ:
<b>باعث تحریر آنگہ</b>	

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ

آن مقام لسٹاؤر ایگے محمد طارق کاندوکیٹ کو وکیل 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 کرہے و تقریر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور پیشگی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے لے لیا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ برداشت منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ اتوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سندر ہے

المرقوم:  

مقام لسٹاؤر کے لیے منظور ہے۔

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

Khyber Pakhtunkhwa  
Service Tribunal

**Service Appeal No. 46/2022**

Diary No. 4836

Muhammad Zeeshan Ex-Constable No. 2413, District Police  
Mardan.....Appellant.

Dated 12/4/2023

**VERSUS**

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

**INDEX**

**SCANNED**  
**KPST**  
**Peshawar**  
12/4/23

S. No.	Description of Documents	Annexure	Pages.
1.	Copy of Written Reply.	--	1-6
2.	Copy of Affidavit.	--	7
3.	Copy of Charge Sheet Statement of Allegations , Enquiry, Order & Complaint	A, B & C	8-20
4.	Copy of Dismissal Order	D	21
5.	Copy of Dismissal Order	E	22
6.	Copy of rejection orders	F & G	23-24
7.	Copy of Authority Letter.	--	25

*Witnessed*  
*[Signature]*  
*[Signature]*

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

**Service Appeal No. 46/2022**

Muhammad Zeeshan Ex-Constable No. 2413, District Police  
Mardan.....Appellant.

**VERSUS**

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

**Para-wise comments by respondents:-**

**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 the appeal is unjustifiable, baseless, false and vexatious and the same is liable to be dismissed with special compensatory cost in favour of respondents.
6. That the appeal is bad for miss-joinder and non-joinder of necessary parties.

**REPLY ON FACTS**

S. NO.	Para of the Facts/Grounds	Reply with Annexure
1.	That the appellant is the permanent resident of District Mardan and appellant was appointment as Constable vide appointment Order No.15/12/2008.	pertains to record, needs no comments.
2.	That appellant was issued charged sheet and statement of allegation No.67/PA dated 10/02/2020 by respondent No. 03 with the following allegation.  "That Constable Zeeshan No.2413 while posted at Police Station Sheikh Maltoon, Mardan, absented himself from his lawful duty vide D.D. No. 35 dated 19/01/2020 to DD No. 34 dated 13/07/2020 of P.S. Par Hoti till date of his dismissal without any leave/prior permission of the Competent Authority"	Correct to the extent that the appellant while posted at Police Station Sheikh Maltoon remained <u>absent from duty without any leave/permission of the competent authority vide DD report No. 35 dated 19.01.2020 to DD No. 18 dated 03.04.2020 and DD No. 34 dated 13.07.2020 PS Par Hoti till date of his dismissal. That on account of aforementioned allegations, the appellant was issued charge sheet with statement of allegations. (Copies of Charge Sheet with Statement of Allegations, Enquiry Papers, and notice receiving receipt are attached as annexure "A, B &amp; C").</u>
3.	That in light of above charge sheet, a departmental enquiry was initiated against the appellant. Mr. SHER Nawas	Correct to the extent that <u>proper departmental enquiry was initiated and enquiry was entrusted</u>



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	R/O Lines Mardan was nominated as Enquiry Officer. Appellant produced a detailed and comprehensive reply alongwith relevant documents in response to the charge sheet before the enquiry officer.	to Mr. Sher Nawas RI Police Lines Mardan. Rest of the para relates to enquiry proceedings.
4.	That initially the enquiry was conducted regarding the absence of 74 days from P.S .SMT Mardan. Appellant disclosed during the course of enquiry before the Enquiry Officer that appellant is ill due to <b>Chronic Pain of back and left leg.</b> Appellant produced medical prescription/documents in support of his stance before the Enquiry Officer which was positively considered.	Correct to the extent that the appellant was proceeded departmentally on account of his long absence from lawful duty without any leave/prior permission of officers. Therefore, the appellant being member of disciplined Force was bound to bring into notice of the senior officers regarding his illness and or leave thereof.
5.	That as per the story mentioned in the dismissal order, the Enquiry Officer findings to the Respondent 03 with the recommendation that his absence of 30 days may be counted as medical Leave and the rest of absence of 44 days be counted as Leave Without Pay.	Incorrect. The competent authority is not bound to agree with the recommendation of Enquiry Officer, as enunciated in Rule 5 Sub Rule 05 of Police Rules 1975 (amended 2014) which is reproduced as under:-  "On receipt of findings of the Inquiry Officer or where no such officer is appointed, on receipt of the explanation of the accused, if any, the authority shall determine whether the charge has been proved or not. In case of, the charge is proved the authority shall award one or more of major or minor punishment as deemed necessary". Hence, after giving ample opportunities to the appellant by calling in numerous Orderly Rooms, the non-appearance of appellant clearly showed him guilty of misconduct. Besides, the appellant has 92 bad entries & 324-days absence which showed that he is an unwilling worker. Therefore, he was awarded appropriate punishment which does commensurate with the gravity of misconduct of the appellant.
6.	That on 04/04/2022, appellant made his arrival at P.S SMT and performed his duty till 12/07/2020. During this period, the appellant was transferred from P.S SMT to P.S Par Hoti. Due to continuous previous disease, appellant did not make his arrival at P.S Par Hoti and went to his village for further treatment and during stay at his village the appellant continued his treatment and was lying on bed.	Incorrect. Already explained in above Para-4.

(43) (3)

7.	That appellant was marked absent regarding the absence from P.S Par Hoti vide DD No. 34 dated 13/07/2020. Appellant was not issued any show cause/charge sheet in this regard. Similarly, no departmental inquiry was conducted in this connection. It would not be out of place to mention here that neither any kind of notice regarding appearance is/was served upon the appellant. Appellant was awarded major punishment in absentia and as such ex-parte action was taken against the appellant. The Enquiry finding of the Enquiry Officer for the period of absent from 74 days was not considered by Respondent 03. Respondent 03 has mentioned the absence of the appellant from P.S Par Hoti in the dismissal Order but in this connection no departmental proceedings were conducted. Similarly, no notice for appearance is/was upon the appellant. Respondent 03 illegally dismissed the appellant from service vide OB No. 1297 dated 05/08/2020. (Copy of the OB No. 1297 dated 05/08/2020 is Annexure "A")	Incorrect. Both period of absence is clearly mentioned in dismissal order, he was called for <u>Orderly Room on 08.07.2020, 15.07.2020, 22.07.2020, 29.07.2020 &amp; 05.08.2020 on the same ground of absence in which charge sheet with statement of allegations was already issued but he did not appear before the competent authority despite receiving and personally signing the notice, hence, he was awarded major punishment of dismissal from service with counting his (74) days absence's period as leave without pay. (Copy of dismissal order is attached as annexure "D").</u>
8.	That appellant did not absent himself from duty deliberately rather it was due to the chronic disease of back pain which is evident from the medical record already placed with departmental enquiry finding.	Incorrect. Being a part of disciplined force the appellant was supposed to <u>submit an application for 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.</u>
9.	That appellant aggrieved from the Order of Respondent 03 has filed an appeal before the Respondent 02 and Respondent 02 vide Office endorsement No.2761/ES dated 31/05/2021 reject the appeal of the appellant. (Copy of Memo of appeal and office endorsement No.2761/ES dated 31/05/2021 are Annexure "B" & "C")	Correct to the extent that the appellant preferred <u>departmental appeal which was also decided on merit because he was called in Orderly Room on 26.05.2021, but this time too he failed to produce any cogent justification in his defense. Therefore, his departmental appeal was rejected and filed being time barred.</u>
10.	That impugned both the Orders of Respondent 02 and 03 by filing Departmental Appeal/Mercy Petition before the Respondent 01. But till date, Respondent 01 has not decided the Departmental Appeal/Mercy Petition of appellant inspite of several requests were made by the appellant but in vain. (Copy of Departmental Appeal/Mercy Petition is Annexure "D")	Correct to the extent that the appellant challenged both the orders i.e order of competent authority as well as order of appellate authority but it is pertinent to mention here that <u>the appellant had preferred the revision petition at a belated stage. Also his departmental appeal was dismissed being bereft of any substance as</u>

(44)


		well as time barred ( <b>Copy of Revision Petition Order is attached as annexure "E"</b> ).
11.	That appellant is highly aggrieved from Orders of Respondent 02 and 03 and the unjust and cruel attitude of the Respondents. As such, approach this honorable Tribunal by Challenging the same on the following.	That appeal of the appellant is not maintainable in law & rule, is liable to be dismissed on the following grounds.
<b><u>REPLY ON GROUNDS:</u></b>		
A.	That impugned Orders and acts and deeds of the Respondents are against the law. Hence, not tenable.	Incorrect. Orders passed by the competent authority as well as appellate authority are legal and lawful, hence, liable to be maintained as tenable in the eye of law.
B.	That impugned Orders and acts and deeds of the Respondents are incorrect, illegal, without substance, in utter disregard of the well settle principle of law. As such, the same is liable to be set aside.	Incorrect. Para already explained needs no comments.
C.	That impugned Orders and acts and deeds of the Respondents are tainted with mala fide; the same are in derogation of provisions of the Constitution.	Incorrect. Orders passed by the respondents are as per law, constitution and the respondents did not violate any article of the Constitution.
D.	That impugned Orders have been issued illegally by not adopting the proper procedure of conduct enquiry etc.	Incorrect. As the appellant has been dealt by way of proper departmental enquiry and by affording several opportunities of defense.
E.	That Respondents have not treated the appellant in accordance with law, rules and policy on the subject and acted in violation of Article 4 of the Constitution of Islamic Republic of Pakistan, 1973 and unlawfully passed issued the impugned Orders, which are unjust, unfair. Hence, not sustainable in the eyes of law.	Incorrect. That the appellant has been treated in accordance with law, rules, policy and the respondents did not violate any Article of the Constitution of Islamic Republic of Pakistan and orders passed by the competent authority as well as appellate authority are legal, lawful, hence, liable to be maintained.
F.	That the impugned Orders are against the Article 10-A of the Constitution of Islamic Republic of Pakistan, 1973. As no personal hearing and regular inquiry conducted by the Respondents.	Incorrect. Para already explained needs no comments.
G.	That the charge of absence from duty has fully been explained in the Departmental Appeal/Representation and clear from the record but no heed was given to the explanation offered by the appellant.	Incorrect. Stance taken by the appellant is not plausible, because his departmental appeal was decided on merit because he was called in Orderly Room on 26.05.2021, but this time too he bitterly failed to produce any cogent justification in his defense. Therefore, his departmental appeal was <b>rejected and filed being time barred.</b>
H.	That the charge of absence from service was also ill founded and not based on facts. It is pertinent to mentioned here that, appellant has not been issued any charge sheet regarding the absence from duty and appellant is not aware of any other enquiry proceedings in the regard nor any show cause notice, statement of allegation etc, was given to him. Hence ,	Incorrect. Para explained earlier needs no comments.

	the charge of absence is also untenable, baseless and accordingly the impugned Orders are not legally sustainable under the laws and are liable to be set aside.	
I.	That Respondent 03 has terminated the appellant from service by imposing major penalty on the basis of no evidence. Not an iota of material has been brought to prove the allegation leveled against appellant. Therefore, the impugned Orders are arbitrary, unlawful. Hence, not sustainable in the eye of law.	Incorrect. Stance taken by the appellant is not plausible, because he while posted at Police Station Sheikh Maltoon remained absent from duty without any leave/permission of the competent authority vide DD report No. 35 dated 19.01.2020 to DD No. 18 dated 03.04.2020 and DD No. 34 dated 13.07.2020 PS Par Hoti till date of his dismissal. That on account of aforementioned allegations, the appellant was issued charge sheet with statement of allegations. Besides, the appellant was called for Orderly Room by the competent authority on 08.07.2020, 15.07.2020, 22.07.2020, 29.07.2020 & 05.08.2020 but he did not appear despite receiving and personally signing the notice, hence, he was awarded major punishment of dismissal from service.
J.	That no opportunity of personal hearing was offered to the appellant by the competent authority which is mandatory requirement of law. Appellant was condemned unheard as the action has been taken at the back of the appellant which is against the principle of natural justice.	Incorrect. Already explained vide preceding Paras.
K.	That appellant has made absentee due to his long standing illness of "severe back pain" for which the necessary medical documents have been produced before the enquiry officer. The Enquiry Officer has given due to the medical condition of the appellant in his Enquiry Officer Report. However, Respondent 02 and 03 have not taken into account the rationale behind the Enquiry Officer Report and acted against the norms of law and justice and Police Rules as well. (Copy of Medical Prescription is Annexure "E")	Incorrect. Plea taken by appellant is not plausible, being a part of disciplined force he was supposed to submit an application for 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.
L.	That appellant was not given any opportunity of "Personal Hearing" the competent authority at the time of passing of impugned Orders, which is contrary to the Police Rules 1975. It is settled principle of law that "No one should be condemned unheard."	Incorrect. Para already explained needs no comments.
M.	That the violation was brought into the notice of Respondents by filing Departmental Appeal/Mercy Petition which is still pending.	Incorrect. Stance taken by the appellant is not plausible, because his departmental appeal as well as Revision Petition were decided on merit because he was called in Orderly Room on 26.05.2021, but this time too he bitterly failed to produce any cogent justification in his defense. Therefore, his departmental appeal as well as Mercy Petition were <b>rejected and filed being time barred (Copies of Orders are attached as annexure "F &amp; G")</b> .


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**PRAYER:-**

Keeping in view the above facts, it is most humbly prayed that the appeal of the appellant, being badly barred by law and limitation, may kindly be dismissed with costs, please.

  
**Provincial Police Officer,  
Khyber Pakhtunkhwa,  
Peshawar.**  
(Respondent No. 01)

  
**Regional Police Officer,  
Mardan.**  
(Respondent No. 02)

  
**District Police Officer,  
Mardan.**  
(Respondent No. 03)

47

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

**Service Appeal No. 46/2022**

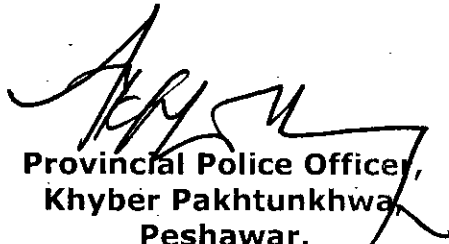
Muhammad Zeeshan Ex-Constable No. 2413, District Police  
Mardan.....Appellant.

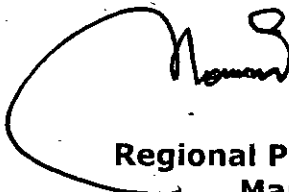
**VERSUS**


The Provincial Police Officer, 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 Honourable Tribunal.

  
**Provincial Police Officer,  
Khyber Pakhtunkhwa,  
Peshawar.**  
(Respondent No. 01)

  
**Regional Police Officer,  
Mardan.**  
(Respondent No. 02)

**ATTESTED**  
  
12/04/2023

  
**District Police Officer,  
Mardan.**  
(Respondent No. 03)

OFFICE OF THE  
DISTRICT POLICE OFFICER

MARDAN

Tel No. 0937-9230109 & Fax No. 0937-9230111  
Email: dcp@mrdan.ppd.gov.pk

57

P/A

Dated 12-12-2020

DISCIPLINARY ACTION

1. SALJAD KHAN (PSP), District Police Officer Mardan, as competent authority am of the opinion that Constable Zeeshan No.2413, himself liable to be proceeded against, as he committed the following admissions within the meaning of Police Rules 1975.

STATEMENT OF ALLEGATIONS

Whereas Constable Zeeshan No.2413, while posted at PS Sheikh Malqou, remained absent from duty without any leave/permission of the competent authority vide D/O No.35 dated 19-01-2020 till date.

For the purpose of scrutinizing the conduct of the said accused official with reference to the above allegations, Justice Sheer Nawaz HI Police Lines designated 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 Officer, record/submits 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 Zeeshan is directed to appear before the Enquiry Officer on the date & time and place fixed by the Enquiry Officer.

(SALJAD KHAN) PSP  
District Police Officer  
Mardan

*[Handwritten notes and signatures in Urdu, including names like Zeeshan and Khattak, and various dates and initials.]*

8

Amended

OFFICE OF THE  
DISTRICT POLICE OFFICER,  
MARDAN

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

CHARGE SHEET

I, SAJJAD KHAN (PSP), District Police Officer Mardan, as competent authority, hereby charge Constable Zeeshan No.2413, while posted at PS Sheikh Maltoon, as per Statement of Allegations.

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.

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.

Your written defense, if any, should reach the Enquiry Officers 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.

Intimate whether you desired to be heard in person.

(SAJJAD KHAN) PSP  
District Police Officer  
Mardan

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لکھنؤ 29 جولائی 13 57

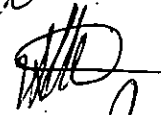
قانون پارٹی

3/13

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 جس نے زاحال اینڈ اسٹریٹس لاجسٹکس رپورٹ فرم اسٹریٹس  
 کٹرہ لکھنؤ علیحدہ صورت لکھنؤ لکھنؤ لکھنؤ لکھنؤ  
 ارسال کیجئے

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 30-07-2020

Attested  
  
 ps

کتابخانه مجلس

تعداد: ۳ و ۱/۲۰

مهره

جز ۱۸ ظاهری عالیها اثر ... ۳ و ۱/۲۰ ...  
 ذیشان ۲۳۱۳ ...  
 آینه ...  
 صورت ...

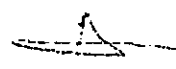
کتابخانه

کتابخانه مجلس

June - 95 - cont  
 3-4-2020

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END PG 001

No-37-R

30-1-020

1950

(12) (50)

کتابخانه

17:10

1950

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ارسلان

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جناب عالی!

چارج شیٹ نمبر 67/PA مورخہ 10.02.2020 مجاریہ دفتر جناب DPO صاحب مردان۔

الزامات: کنشیل محمد ذیشان نمبر 2413 کا تبادلہ تھانہ لونڈ خٹوڑ سے تھانہ شیخ ملتون ہو چکا تھا جو کہ انتظار کے باوجود مذکورہ تھانہ شیخ ملتون میں حاضری نہ کر کے بحوالہ مد 35 روز ناچے 19.01.2020 رپورٹ غیر حاضری برخلاف مذکورہ دور روز ناچے کی جبکہ بحوالہ مد 18 روز ناچے 03.04.2020 کو اپنی حاضری کی رپورٹ تھانہ شیخ ملتون میں کر کے جس سے کل 74 یوم غیر حاضری بنتی ہیں جس پر مذکورہ کو دفتر جناب DPO صاحب سے چارج شیٹ جاری ہو کر من RI کو انکوائری آفیسر مقرر کیا گیا۔

کاروائی: کنشیل محمد ذیشان نمبر 2413 کو بابت تقسیم کرنے چارج شیٹ اس کے موبائل نمبر 0343-9210427 پرسرکاری ٹیلی فون سے رابطہ کی کوشش کی گئی مگر رابطہ نہ ہو سکا پھر رابطہ کے لئے متعلقہ تھانہ کے محرر سے بذریعہ فون رابطہ کیا گیا جس پر بیٹ آفیسر نے مذکورہ سے باقاعدہ تمیل کر کے پروانہ ارسال کیا (پروانہ لف ہے) بعد میں مذکورہ بحاضری دفتر آ کر اپنا چارج شیٹ وصول کیا اور اپنا تحریری بیان مع میڈیکل چٹ ہائے پیش کر کے مذکورہ سے بابت غیر حاضری سوالات کئے گئے مذکورہ نے بتلایا کہ اُس کو کمر درد اور عرق النساء کی شکایت تھی جس کے لئے DHQ ہسپتال سے علاج کروایا ہے۔ والد صاحب بھی فوت ہو چکا ہے، آمدنی کا کوئی معقول ذریعہ نہیں ہے وہ ایک غریب آدمی ہے۔ مذکورہ کے پیش کردہ میڈیکل چٹ ہائے کو چیک کر کے 05 قطعہ میڈیکل چٹ اور ڈاکٹر کا تحریر کردہ ریٹ پایا گیا اور زبانی بھی مذکورہ نے بیماری بتلایا ہے۔ لیکن کنشیل مذکورہ نے کوئی قانونی طریقہ کار اختیار نہیں کیا ہے۔ یعنی محکمہ ہذا کے کسی اصول پر عمل نہیں کیا ہے کیونکہ محکمہ پولیس ایک ڈسپلن فورس ہے اور اُس نے بروقت کسی آفیسر کے نوٹس میں نہیں لایا ہے اور نہ ہی میڈیکل ریٹ کے ساتھ تحریری استدعا کی ہے۔

دوران انکوائری کنشیل محمد ذیشان نمبر 2413 کا سابقہ ریکارڈ چیک کر کے 15.12.2008 کا بھرتی شدہ ہے۔  
Good Entry-Nil, Bad Entry-92 and Absence Bad entries-324days درج پائی گئی۔

اس سلسلہ میں محرر تھانہ شیخ ملتون کا بیان قلم بند کیا گیا ہے۔ (جملہ کاغذات ہمراہ لف ہیں)۔

سنارشات: کنشیل محمد ذیشان نمبر 2413 نے جو کل 74 یوم غیر حاضری بغیر کسی اجازت کے گزاری ہے معلومات پر پتہ چلا کہ بیمار تھا لیکن محکمہ ہذا کے کسی بالا آفیسر کو بروقت آگاہ نہیں کیا گیا اور نہ ہی میڈیکل ریٹ بروقت منظور کیا ہے۔ اس لئے بوجہ بیماری 30 یوم غیر حاضری کو میڈیکل لیو میں شمار کرنے جبکہ 44 یوم غیر حاضری کو بلا تخواہ کرنے کی سنارشات کی جاتی ہے۔ رپورٹ

بمراہ مناسب حکم گزارش ہے۔

RI پولیس لائن مردان - 11/6/2020

11/6/2020

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نمبر 167/RI مورخہ 11/6/2020

کل صفحات: (23)

Constable Ferguson C/2413  
is absent since

Handwritten notes in Arabic script, including the acronym "DPO" and other illegible characters.

Constable Ferguson C/2413 was called in  
on 3.7.2020, 15.7.2020, 22.7.2020

on 5.8.2020 but he  
did not attend hospital receiving  
and was absent since then

note  
Ferguson C/2413 is continuously absent  
since 3.7.2020. He has not been seen since  
15.7.2020. He is not attending hospital receiving  
and is absent since then.  
C/2413  
22.7.2020  
23.7.2020  
24.7.2020

031  
C

(14) (54) اطلاع / فیکر لکھنؤ

Date  
20

میں صہمی زینت خان ولدہ عبد الحمید صاحبہ کو کھل کر اس  
مقامی پولیس سٹیشن کے ذریعے خبردار ہو چکا ہوں  
کل انیسوا لاکھ صبح 08:00 بجے حساب DPO  
کے اردنی اہم میں حاضر ہو گیا۔

0311-4788352  
0306-2420166

الہ دین خان

زینت خان ولدہ عبد الحمید

42510-9934699-5

حاجہ عالی

میں زینت خان ولدہ عبد الحمید صاحبہ کو کھل کر اس  
حساب DPO کے اردنی اہم سے مطلع کیا  
جا چکا ہے۔ کل صبح 08:00 بجے حساب DPO  
کے اردنی اہم میں حاضر ہو گیا۔ اطلاع دہریوں کے  
دستیابیت کے لیے

Attested  
[Signature]  
[Signature]

ASI-PS-JBR  
04-08-20

حاجہ عالی زینت خان ASI  
انکھن لکھنؤ پولیس سٹیشن  
پہلے اطلاع ہو گیا ہے  
4-8-20 45-982

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کتابخانه

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کتابخانه و نشان من 2413  
کتابخانه و نشان من 2413  
کتابخانه و نشان من 2413

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کتابخانه

www.ps-jbr

9-3-2000

کتابخانه و نشان من

www.ps-jbr  
9-3-2000

Attest  
[Signature]  
[Signature]

جہانگیر احمد

کھار سکر سکر بر صدر کسک ڈسٹریکٹ 2413 ولایت گلبرگ  
گڈ کو پٹن رس کسک سکر بر صدر کسک ڈسٹریکٹ 2413  
DP کو وارڈ کی رقم میں پیشی کسک ڈسٹریکٹ میں پیشی کسک ڈسٹریکٹ

PS BR  
8-7-2020

جہانگیر احمد  
مقامی پولیس کے اہلکار دی ام ڈسٹریکٹ 2413  
کو جہانگیر احمد صاحب نے اردی رقم پیشی کسک ڈسٹریکٹ  
دی ام ڈسٹریکٹ میں اس رقم میں موجود نہیں ہے اور پیشی  
کسک ڈسٹریکٹ اہلکار دسکا

343-8220472

سید ایمان دین محمد

جہانگیر احمد  
تعمیرات کے لیے فراہم کیے گئے ہیں  
والیوں اور سال فرسٹ کے لیے  
PS BR  
28-7-20

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دعا

3

کتاب آمار تحریر ہے کہ کہب سیمی سلطان طہ عبد الحمید شاہان  
 ظہر کلہاں گہرا آپ کو قلم دیا جاتا ہے کہ آپ کیشل ذبیران 2913  
 کے ہار دیتے ہیں۔ سے پتیل ذبیران کے بارے میں مطومہ کرتے گھم میں  
 موجود ہیں ہیں۔ (مورائل) نمبر 8420166-0806 م رابطہ کرتے چھوٹے  
 نے بتلایا کہ میں علامہ سادو لہ شہید میں کہی کام میں وہ ہیں اور  
 تم ہرگز تاریخ نہیں کے بارے میں سوال کی کہ اس ہرگز تاریخ میں جاننے پر  
 اس سلسلے میں کیشل ذبیران کے ہار سلطان کیشل ہرگز

0343-8220472

Signature

سلطان دار عبد الحمید شاہان گہرا

Steel  
 The  
 real

بہارہ اطلاع دینا

قائمہ

لیڈل زیشان و ل عمید الحمیر سہانی گدار

آپ کو بنا بیو پروانہ کار سرکار مطلع کیا جاتا ہے۔

مل نور علی 15/3/2015 کو بوقت 15:30 بجے جناح - 100 م  
گورنمنٹ ہسپتال آہ - جناح - 100 م میں آفسی طور پر  
سینا حاضر ہوئے۔ حاضرہ نے پھر سے بی صورت ہو  
ایکے مہلک حالت میں آہ گیا جا کے۔ یہاں سے اطلاع کی گئی۔

فہارہ

کو بظاہر

کو پیشہ

0363 9910 9966  
زیخان

0363 9910 9966  
14-3-2015



بہارہ اطلاع دینا  
گورنمنٹ ہسپتال آہ - جناح - 100 م  
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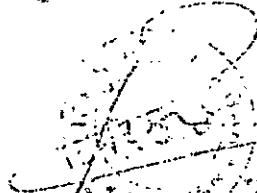
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پروفیسر اظہار احمد

قمار سوسائٹی کے لئے کنٹریکٹ ڈیپازٹ 2415 ڈیڑھ لاکھ روپے  
 کو عدالت نے 7 جولائی 2024 کو 15:30 بجے تصدیق دے دی ہے۔  
 کو عدالت نے 7 جولائی 2024 کو 15:30 بجے تصدیق دے دی ہے۔

  
 27-07-2024  
 141-07-2024

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پروانہ

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دفاعہ فوجیہ کے لئے کیمپل نرسنگ اسکول 2413 دہلی کے لئے  
کے ریکورڈوں میں سے کیمپل نرسنگ اسکول 2413 دہلی کے لئے  
DPD میں درج آئی ہے۔

کیمپل  
PS JBR  
2020

الذی  
آفیسر نرسنگ اسکول  
5793938 - 5340

دہلی نرسنگ اسکول  
53434210427

PS JBR  
2020-7-7-020

attested  
the  
myself

OFFICE OF THE  
DISTRICT POLICE OFFICER,  
MARDAN

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

31-5-20/PA

Dated 6/8/2020

ORDER ON ENQUIRY OF CONSTABLE ZEESHAN NO.2413

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 Sheikh Maltoon (now PS Par Hoti), Proceeded against departmentally through Inspector Sher Nawas RI/Police Lines Mardan vide this office Statement of Disciplinary Action/Charge Sheet No.67/PA dated 10-02-2020 on account of the following absence's period from duty without any leave/approval of the competent authority:-

- 1) DD No.35 dated 19-01-2020 to DD No.13 dated 03-04-2020 PS SMT (74 Days)
- 2) DD No.34 dated 13-07-2020 PS Par Hoti till-date.

The Enquiry Officer after fulfilling necessary process, submitted his Finding Report to this office vide his office letter No.167/RI dated 11-06-2020, recommending (30) days his absence's period as medical leave while the rest as leave without pay.

Final Order

Constable Zeeshan was called for O.R on 08-07-2020, 15-07-2020, 22-07-2020, 29-07-2020 & 05-08-2020, but he didn't appear despite receiving and personally signing the notice, while on the other hand, as per his previous record, he was enlisted in Police Department on 15-12-2008 and earned (92) bad entries with no good entry, besides (324) days absence's period, meaning that he is an unwilling worker with paying no attention towards the directives of Senior Officers, therefore, awarded him major punishment of dismissal from service with effect from 12-07-2020 with counting his (74) days absence's period as leave without pay with immediate effect, in exercise of the power vested in me under Police Rules-1975.

OB No. 12/07

Dated 21/5/2020

(Dr. Zahid Ullah) PSP  
District Police Officer  
Mardan

Copy forwarded for information & n/action to:-

- 1) The DSP/HQrs Mardan.
- 2) The SHO PS Par Hoti.
- 3) The P.O & E.O (Police Officer) Mardan.
- 4) The OSI (Police Officer) Mardan with ( ) Sheets.

*W. Ullah*  
*Dr. Zahid Ullah*  
*21/5/2020*



OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA  
PESHAWAR.

62

Annexure

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ORDER

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by Ex-FC Zeeshan No. 2413. The petitioner was dismissed from service by District Police Officer, Mardan vide OB No. 1297, dated 05.08.2020 on the allegations that he while posted at Police Station Sheikh Malkoon, Mardan absented himself from duty w.e.f 19.01.2020 to 03.04.2020 and 13.07.2020 till date of dismissal from service i.e. 05.08.2020 for a period of 03 months & 07 days. During his service he remained absent for 324 days on different occasions. His appeal was rejected being time barred by Regional Police Officer, Mardan vide order Endst: No. 2761/ES, dated 31.05.2021.

Meeting of Appellate Board was held on 19.05.2022 wherein petitioner was heard in person. Petitioner contended that he was suffering from severe backache.

Perusal of the record revealed that petitioner remained absent for long period of 03 months & 07 days. He has earned 92 bad entries during his ten years service. During his service he remained absent for 324 days on different occasions which establishes that he is habitual absentee and there is no prospects of mending his ways. During the proceedings, he could not submit solid evidence of his innocence. His revision petition is also time barred. Therefore, the Board decided that his petition is hereby rejected.

Sd/-

SABIR AHMED, PSP

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

No. SI/1183-89/22, dated Peshawar, the 2/6/2022.

Copy of the above is forwarded to the:

1. Regional Police Officer, Mardan. One Service Roll and one Fauji Missal of the above named Ex-FC received vide your office Memo: No. C013/ES, dated 22.10.2021 is returned herewith for your office record.
2. District Police Officer, Mardan.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
5. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to DIG/HQrs: Khyber Pakhtunkhwa; Peshawar.
7. Office Supdt: E-IV CPO Peshawar.



EC/OSI  
for in action.

3.6.22

DR. FAHIM ULLAH PSP  
AIG/Establishment,  
For Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar.

Attended  
AKK  
NSPK

"F" (B3) 2413

ORDER.

This order will dispose-off the departmental appeal preferred by Ex-Constable Zeeshan No. 2413 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. 1297 dated 05.08.2020. The appellant was proceeded against initially on the allegations that he while posted at Police Station Sheikh Maitoon, Mardan, absented himself from his lawful duty with effect from 19.01.2020 to 03.04.2020 and 13.07.2020 till date of his dismissal without any leave/prior permission of the competent authority.

(23)

Proper departmental enquiry proceedings were initiated against him. He was issued Charge Sheet alongwith Statement of Allegations and Inspector Sher Nawaz Khan the then Reserve Inspector Police Lines, Mardan was nominated as Enquiry Officer. The Enquiry Officer, after fulfilling formalities submitted his findings wherein he recommended that 30 days absence period of the delinquent Officer may be treated as medical leave while the rest of absence period as leave without pay.

The delinquent Officer was called in Orderly Room on 08.07.2020, 15.07.2020, 22.07.2020, 29.07.2020 and 05.08.2020 respectively by the District Police Officer, Mardan, but he failed to appear in connection with his defense which shows that he was not willing to offer in his defence, therefore, he was awarded major punishment of dismissal from service by the District Police Officer, Mardan vide his office OB: No. 1297 dated 05.08.2020.

Feeling aggrieved from the order of District Police Officer, Mardan, the appellant preferred the instant appeal. He was summoned and heard in person in Enquiry Room held in this office on 25.05.2021.

From the perusal of service record of the appellant, it has been found that he has been involved again in the appellant have been proved beyond any shadow of doubt. The service record of the appellant also shows that he was enlisted in Police Department in 2006 and earned 27 bars awards with no good entry. Besides, the appellant in the span of service remained absent for 224 days on different occasions which depicts his attitude towards his official duties with paying no attention of the directives of Senior Officers. The appellant has filed the instant appeal which is time barred by 37 months and 21 days. Hence, order passed by the competent authority does not warrant any interference.

Good  
01/06/21

S.R. not  
received  
AC

DSP/ Legal  
EC/CS/O  
27/05/21

Keeping in view the above, I, Yasoon Fareeq, PSP Regional Police Officer, Mardan, being the appellate authority, find no substance in the appeal and hence the same is rejected and filed being time barred.

DPD/Mardan  
3.15/21

Order Announced.

Regional Police Officer,  
Mardan.

No. 2413 /GS. Dated Mardan the 31-05-2021.

Copy forwarded to District Police Officer, Mardan for information and necessary action vide to this office Memo No. SC/LR dated 15.04.2021. His Service

Handwritten signature and initials at the bottom right of the page.



OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA  
PESHAWAR.

"G"  
64  
24

ORDER

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by Ex-FC Zeeshan No. 2413. The petitioner was dismissed from service by District Police Officer, Mardan vide OB No. 1297, dated 05.08.2020 on the allegations that he while posted at Police Station Sheikh Maltoon, Mardan absented himself from duty w.e.f 19.01.2020 to 03.04.2020 and 13.07.2020 till date of dismissal from service i.e. 05.08.2020 for a period of 03 months & 07 days. During his service he remained absent for 324 days on different occasions. His appeal was rejected being time barred by Regional Police Officer, Mardan vide order Endst: No. 2761/ES, dated 31.05.2021.

Meeting of Appellate Board was held on 19.05.2022 wherein petitioner was heard in person. Petitioner contended that he was suffering from severe backache.

Perusal of the record revealed that petitioner remained absent for long period of 03 months & 07 days. He has earned 92 bad entries during his ten years service. During his service he remained absent for 324 days on different occasions which establishes that he is habitual absentee and there is no prospects of mending his ways. During the proceedings, he could not submit solid evidence of his innocence. His revision petition is also time barred. Therefore, the Board decided that his petition is hereby rejected.

Sd/-

SABIR AHMED, PSP

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

No. S/ 1183-89/22, dated Peshawar, the 2/6/2022.

Copy of the above is forwarded to the:

1. Regional Police Officer, Mardan. One Service Roll and one Fauji Missal of the above named Ex-FC received vide your office Memo: No. 6013/ES, dated 22.10.2021 is returned herewith for your office record.
2. District Police Officer, Mardan.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
5. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-IV CPO Peshawar.

*Alleged*  
*negl*



EC/CSI  
for action.  
BPE/Mardan  
3.6.22

(DR. AHMED ULLAH) PSP  
AIG/Establishment,

For Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar.



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23

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

**Service Appeal No. 46/2022**

Muhammad Zeeshan Ex-Constable No. 2413, District Police  
Mardan.....

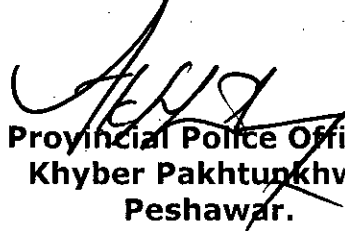
SCANNED  
KPST  
Peshawar  
Appellant.

**VERSUS**


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

**AUTHORITY LETTER.**

Mr. Atta-ur-Rehman Inspector Legal Branch, (Police) Mardan is hereby authorized to appear before the Honourable 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.

  
**Provincial Police Officer,  
Khyber Pakhtunkhwa,  
Peshawar.**  
(Respondent No. 01)

  
**Regional Police Officer,  
Mardan.**  
(Respondent No. 02)

  
**District Police Officer,  
Mardan.**  
(Respondent No. 03)