

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1617/2022.

**Imran Ullah, Ex-constable (No. 6214) of FRP Bannu
.....Appellant.**

VERSUS

**Inspector General of Police, Khyber Pakhtunkhwa, Peshawar &
others.....Respondents.**

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RESPONDENTS

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1617/2022.

Imran Ullah, Ex-constable (No. 6214) of FRP Bannu
.....**Appellant.**

**Khyber Pakhtunkhwa
Service Tribunal**

VERSUS

Diary No. 12641

Dated 8/5/24


**Inspector General of Police, Khyber Pakhtunkhwa, Peshawar &
others.....****Respondents.**

REQUEST FOR SUBMISSION OF ADDITIONAL DOCUMENTS.

Respectfully Sheweth:-

1. That the above titled case is pending/adjudication before this Hon'ble Tribunal, which next date is fixed on 06.06.2024.
2. That the Hon'ble Service Tribunal vide order dated 14.02.2024 directed the respondents to submit additional documents in the instant appeal.

In the light of direction of Hon'ble Tribunal it is therefore, humbly prayed that the respondents may kindly be allowed to place the additional documents before the Hon'ble Tribunal in the instant appeal.

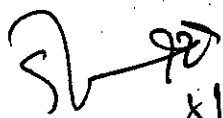

Commandant FRP
 Khyber Pakhtunkhwa, Peshawar.
 (Respondent No. 02) *etc*
Asif Bahadar PSP
 Incumbent

محکمہ انکوائری بر خلاف کنسٹیبل عمران اللہ نمبر 6214 حال ان لون پلاٹون نمبر 86 در لوکرتیمگرہ (2)

جناب عالی!

معروض خدمت ہوں کہ کنسٹیبل عمران اللہ 6214 نے بصورت تبادلہ آن لون بحوالہ مد 12 روزنامچہ 17-04-2022 پلاٹون 86 میں حاضری کے رپورٹ کی تھی۔ مورخہ 18-04-2022 کو ڈیوٹی سے انکار کرتے ہوئے اپنے مرضی سے چلا گیا تھا۔ جس کے خلاف پلاٹون انچارج نے رپورٹ غیر حاضری اغیر ڈسپلن بحوالہ مد 06 روزنامچہ 18-04-2022 درج روزنامچہ کر کے نقل مد بغرض مناسب حکم افسران بالا کو بھجوا کر کنسٹیبل متذکرہ بالا کے خلاف جناب SP صاحب FRP ملاکنڈ ریج سوات نے چارج شیٹ نمبری 26/EC، سٹیٹمنٹ آف الیگیشن نمبری 1329-30/EC مورخہ 21-04-2022 جاری کر کے محکمہ انکوائری کا حکم کر کے انکوائری مجھے حوالہ کیا ہے انکوائری کاغذات موصول ہو کر حسب ضابطہ انکوائری شروع کی گئی۔ چونکہ کنسٹیبل عمران اللہ 6214 بنوں ریج کا سکوتی ہے۔ مذکورہ کے چارج شیٹ بمع سٹیٹمنٹ آف الیگیشن جناب SP صاحب FRP ملاکنڈ ریج سوات نے بحوالہ چھٹی انگریزی نمبری 1339/EC مورخہ 22-04-2022 کو بغرض تعیل جناب SP صاحب FRP بنوں ریج بھجوائے گئے تھے۔ جو چارج شیٹ بر وقت موصول نہ ہو کر مورخہ 16-05-2022 افسران بالا کو بغرض جاری کرنے ریمائنڈ تحریری استدعا کی گئی۔ مورخہ 17-05-2022 کو جناب SP صاحب FRP نے جناب SP صاحب بنوں ریج کو چھٹی نمبری 1500-02/EC مورخہ 17-05-2022 جاری کیا۔ مورخہ 26-05-2022 کو دفتر جناب SP صاحب بنوں ریج سے بوساطت بالا چھٹی انگریزی نمبری 720/FRP-BANNU مورخہ 23-05-2022 بمع تعیل شدہ چارج شیٹ نمبری 26/EC، سٹیٹمنٹ آف الیگیشن نمبر 1329-30/EC مورخہ 21-04-2022 موصول ہو کر ملاحظہ کرنے پر چارج شیٹ، سٹیٹمنٹ آف الیگیشن متذکرہ بالا کنسٹیبل عمران اللہ 6214 نے مورخہ 13-05-2022 کو وصول کیا ہے۔ چھٹی انگریزی اور تعیل شدہ چارج شیٹ، سٹیٹمنٹ آف الیگیشن کے نقل شامل انکوائری کی گئی۔ لیکن تا حال کنسٹیبل مذکورہ بالا نے نہ بیان کیلئے پیش ہوا اور نہ ہی چارج شیٹ پر اپنا جواب جمع کیا۔

Attested



8/5/22

(3)

جناب والا!

حالات واقعات سے معلوم ہوا کہ کنسٹیبل عمران اللہ 6214 نے ڈیوٹی سے انکار کرتے ہوئے مورخہ 18-04-2022 کو اپنی مرضی سے چلا گیا ہے۔ جس کے خلاف پلاٹون انچارج نے رپورٹ غیر حاضری انگریز ڈسپلن بحوالہ مد 06 روزنامہ 18-04-2022 کو درج روزنامہ کیا ہے۔ مذکورہ نے چارج شیٹ، سٹیٹمنٹ آف الیکشن وصول کرنے کے باوجود نہ بیان کیلئے پیش ہوا اور نہ ہی چارج شیٹ پر جواب جمع کیا ہے۔ اس سے یہ معلوم ہوتا ہے کہ کنسٹیبل عمران اللہ 6214 نوکری کرنے کو تیار نہیں ہے۔ اس کے علاوہ کنسٹیبل عمران اللہ 6214 سابقہ انکوائری میں بحوالہ آرڈر نمبر 1647-50/EC اور OB نمبر 69 مورخہ 25-05-2022 بوجہ غیر حاضری محکمہ سے ڈسمس کیا گیا ہے۔ نقل آرڈر ہمراہ لف ہے۔ رپورٹ عرض ہے۔

Blada

انکوائری افسر DSP بخت زادہ

ایف۔ آر۔ پی دیویلوڑ تیرگرہ

مورخہ 27-05-2022

Sir,

Constable Imran no 6214
an loan from R/R Baran
dismissed from service with
this order OB no. 69, dated
25/5/2022 please.

(Signature)

Attested

(Signature)
25/5/22

تعلیم 06 روز ناچیز 18/04/22

ریپورٹ ٹیچر حاضری

غیر ڈسپن

12:20 بجے اس وقت درج ذیل کٹڈن

ٹائیڈلٹھ 6213 عمران اللہ 6214 جو کہ بحال حد 12 روز ناچیز 17/04/22 کو وقت
 1900 بجے FRP لائن دیر کوئی سے بلاکوں غیر 86 آمد حاضری آئے آج
 کو وقت بالر کٹڈن بالر کو دفتر روز ناچیز طالب سر کے بلاکوں ڈیوٹی کے بارے
 میں آگاہ کیا گیا۔ جس پر کٹڈن بالر نے انکار کرتے پھر ٹیوٹوریل کے بارے
 میں آگاہ کیا گیا جس پر کٹڈن بالر نے انکار کیا۔ بتلایا ہم دولوں کے بارے
 میں کسی سے ڈیوٹی نہیں ہے۔ اور ہم بڑی شب سر میں آئے۔ حکم دولوں کو رہائی
 خوش اخلاقی کیا تو بتلایا کہ یہاں کے بلاکوں کے عام ملازمین کا ڈیوٹی
 سہا رہی جیٹھی وغیرہ کا جو روٹیشن ہے ان کے حساب سے اب لوگوں کی
 ڈیوٹیاں اور جیٹھی آپنی کے حساب سے ملے گا اور اب دولوں کا جیٹھی حساب
 DSF اور R کے حساب سے ہم منظور کرتے ہم آگے روانگی کریں
 گے۔ جس پر دولوں نے انکار کیا کہ ہمیں یہ منظور نہیں ہے اور دفتر

روز ناچیز سے باہر چلے گئے۔ اب کو وقت 12:50 بجے ملاک کٹڈن حیدر
 جائزہ لکھیں میں تلاش کرتے عدم وجود پائلر پتھر ہزار می پر معلوم ہوا کہ
 مذکورہ بلاک کٹڈن ایسا ساناں انکار لکھیں کہ تو بتائے ہوئے بلاکوں کے
 سے ایسی سرگئی سے چلے گئے۔ جیم مذکورہ بلاک کٹڈن ٹیچر اللہ 6213 کے ذاتی
 موبائل نمبر 03437284801 پر منشی شریف اللہ 3211 نے رابطہ کر کے مذکورہ
 بلاک نے جواب دیا کہ ہم جیٹھی۔ ملازمت سے FRP کو پیشی کریں گے

اور عہدے بعد آئیں گے۔ کیس مذکورہ کیلئے سرمدت رپورٹ ٹیچر حاضری
 اور غیر ڈسپن رپورٹ درج روز ناچیز کرتے تعلیم کے مناسب ماہر کی افران
 بلاک کے حروف میں اور مال ہوگی خا

تعلیم کے مطابق

Handwritten signature

MM-FRP-D12 L
27-05-022

Attester

Handwritten signature and date 15/5/22

CHARGE SHEET.

I, **Zafar Khan**, Superintendent of Police, FRP, Malakand Range as a competent authority hereby charged you ^{that} **Incharge Platoon No. 86 Dir Lower** reported that you **Constable Imran No. 6214** reported arrival vide D.D No. 12 dated 17/04/2022 about 19:00 Hrs: you was informed regarding Platoon Duties, but you refused and stated that I will performed may duty on my choice and I will be performed duty on Bady ship. The Incharge Platoon advice you that you will proceed on leave equally to other Employees of the Platoon, but you refused from the said advice and go away from the Roznamcha. Your this act is a gross misconduct on your part. In this connection Charge Sheet and statement of allegation are issued to you.

- 1.) By reasons of the above, you appear to be guilty of misconduct and rendered yourself liable to all or any of the penalties specified in Rule-4 of the Disciplinary Rule 1975.
- 3.) You are, therefore required to submit your written reply within 07 days of the receipt of this charge sheet to the Enquiry officer, as the case may be.
- 4.) Your written reply, if any, should reach the Enquiry Officer 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 shall follow against you.
- 5.) Intimate whether you desire to be heard in person or not.
- 6.) A statement of allegation is enclosed.

No. 26 /EC

Dated: 21/4/22

**Superintendent of Police, FRP,
Malakand Range, Swat**

6214 = Imran

11101-4599828-5 = ...

0332-9743906 = ...

13-05-22 = ...

Attested
[Signature]
8/5/22

(6) C D

DISCIPLINARY ACTION.

I, **Zafar Khan**, Superintendent of Police, FRP Malakand Range as a competent Authority, is of the opinion that he **Constable Imran No. 6214 of this Range, on loan from FRP Bannu Range** has rendered himself liable to be proceeded against departmentally as he has committed the following acts/omissions as defined in Rule 2(iii) of Police Rules 1975, as per Provincial Assembly of Khyber Pakhtunkhwa Notification No. PA/Khyber Pakhtunkhwa/Bills/2011/44905 dated 16/09/2011 and C.P.O, K.P.K, Peshawar Memo; No. 3037-62/Legal, dated 19/11/2011.

STATEMENT OF ALLEGATIONS.

.. It has been reported that he, while presently posted in Platoon No. _____ committed the following act, which is gross misconduct on his part as defined in Rules 2 (iii) of Police Rules 1975.

That ~~he~~ **Incharge Platoon No. 86 Dir Lower** reported that you **Constable Imran No. 6214** reported arrival vide D.D No. 12 dated 17/04/2022 about 19:00 Hrs: you was informed regarding **Platoon Duties**, but you refused and stated that I will perform may duty on my choice and I will be perform duty on **Bady ship**. The Incharge Platoon advice you that you will proceed on leave equally to other Employees of the Platoon, but you refused from the said advice and go away from the **Roznamcha**.

2. For the purpose of scrutinizing the conduct of the said officer with reference to the above allegations, Mr. Bakht Zada DSP FRP Timergara Dir Lower is appointed as Enquiry officer.
3. The enquiry officer shall conduct proceedings in accordance with provisions of Police Rules 1975 and shall provide reasonable opportunity of defense and hearing to the accused officer, record its findings and makes within twenty five (25) days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused officer.
4. The accused officer shall join the proceeding on the date, time and place fixed by the enquiry officer.


Superintendent of Police, FRP,
Malakand Range, Swat.

No. 1329-30/EC, dated Saidu Sharif the 21/04 /2022.

Copy of above is forwarded to the:

1. Mr. Bakht Zada DSP FRP, Timergara Dir Lower for initiating proceeding against the accused officer/official namely **Constable Imran No. 6214** under Police Rules 1975.
2. **Constable Imran No. 6214** with the direction to appear before the enquiry officer on the date, time and place fixed by the enquiry officer for the purpose of enquiry proceeding.

11101-4599828-5
0332-9743906
13-05-022

= unic
= فیس
= ع

6214 Imran = سید
Attested
907
8/5/22



(7) ' E '
OFFICE OF THE
SUPERINTENDENT OF POLICE, FRP,
MALAKAND RANGE, SWAT.
Telephone & Fax. 0946-9240258.

To: The Superintendent of Police, FRP,
Bannu Range, Bannu.

No. 1339 /EC, dated Saidu Sharif the 22/04/2022.

Subject:- FINAL SHOW CAUSE NOTICE/CHARGE SHEETS.

Memorandum.

Please find enclosed herewith Final Show Cause Notice/Charge Sheet and statement of allegation issued to the following Constables presently performing their duties on loan basis vide this office Endst: No. 19-A/EC, dated 14/04/2022, No. 25/EC, and No. 26/EC, Even dated 21/04/2022 for disbursement upon them and taken of receipts may please be returned to this office for further necessary action please.

1. FC Imran Ullah No. 6214 Final Show Cause.
2. FC Shahid Ullah No. 6213 Charge Sheet.
3. FC Imran Ullah No. 6214 Charge Sheet.

Superintendent of Police, FRP,
Malakand Range, Swat.
22/04/2022

Attested
[Signature] 22/04/22



18) u F v
OFFICE OF THE
SUPERINTENDENT OF POLICE, FRP,
MALAKAND RANGE, SWAT.
Telephone & Fax. 0946-9240258.

FINAL SHOW CAUSE NOTICE.

You Constable Imran No. 6214 on loan from FRP Bannu Range, while posted in FRP Police Lines Kabal Swat absented yourself from your lawful duty vide D.D No. 19 dated 10/03/2022 till to date.

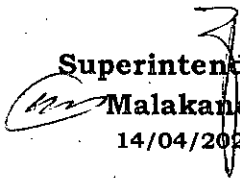
Proper Charge Sheet No. 19/EC, dated 11/03/2022 was issued to you and Mr. Sultanat Khan DSP FRP, HQrs: Swat appointed as enquiry officer to conduct proper departmental enquiry against you.

The enquiry officer, Sultanat Khan DSP FRP, HQrs: Swat conducted proper departmental enquiry against you and submit his findings, wherein he intimated that the above named Constable not yet reported arrival in FRP Police Lines Kabal Swat nor there is no chance in future of his coming for duty.

You are therefore, served with this Final Show Cause Notice to show your position in written within 07 days of the receipt of this notice as to why major punishment as mentioned in Rules-4 of Police disciplinary Rules 1975 should not be imposed on you. Your failure in this respect will be deemed that you have no defence on your part and why ex-parte action will not take against you.

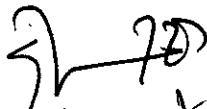
No. 19-A /EC,

Dated. 14/04 /2022.


Superintendent of Police, FRP,
Malakand Range, Swat.

14/04/2022

Attested



8/5/22

(9) 9

To: The Superintendent of Police, FRP,
Bannu Range, Bannu.

(10)

No. 1500-22/EC, dated Saidu Sharif the 17/05/2022.

Subject: FINAL SHOW CAUSE NOTICE/CHARGE SHEET/STATEMENT OF ALLEGATION.

Memorandum.

Reference this office Memo: No. 1339/EC, dated 22/04/2022.

It is submitted that Final Show Cause Notice as well as Charge Sheet/Statement of Allegation issued to the following Constables presently performing their duties on loan basis from your Range sent to your office for disbursement upon them, but their acknowledgement are still awaited. To finalize their enquiries their acknowledgement are required.

S#	Name & No.	Reference No.
1	FC Imran Ullah 6214	No. 19-A, Dated 14/04/2022.
2	FC Shahid Ullah 4213	No. 25/EC, Dated 21/04/2022
3	FC imran Ullah 6214	No. 26/EC, Dated 21/04/2022

It is therefore, requested that if the above mentioned Final Show Cause Notice/Charge Sheet and Statement of Allegation disbursed upon them, their acknowledgement may please be sent to this office to proceed further into the matter please.

Superintendent of Police, FRP,
Malakand Range, Swat.
16/05/2022

No. & Date Even.

Copy of above is submitted to:-

1. The Commandant FRP, Khyber Pakhtunkhwa, Peshawar for favour of information please.
2. DSP, FRP, Timergara with reference to his application dated 16/05/2022.

Attested

Superintendent of Police, FRP.

[Handwritten Signature]
16/05/22



(10)

H 1

OFFICE OF THE
SUPERINTENDENT OF POLICE, FRP,
MALAKAND RANGE, SWAT.

(21)

O.B No. 69
Dated 25-05-2022

ORDER.

This order shall dispose off the departmental enquiry against Constable Imran No. 6214. Brief facts are that, while he received on transfer from FRP Bannu Range vide Commandant FRP, Khyber Pakhtunkhwa, Peshawar order No. 11612-14/OSI, dated 31/12/2021, and he has been relieved from FRP Bannu Range vide D.D No. 10 dated 25/01/2022 with the direction to report at FRP Police Lines Kabal Swat, but he did not report arrival was due on time in this Range, later on he was reported arrival for duty vide D.D No. 15 dated 29/01/2022. He was proceed on 03 days casual leave vide D.D No. 12 dated 04/02/2022, his arrival due on 07/02/2022 but he absented himself vide D.D No. 15 dated 07/02/2022. Departmental proceedings initiated against him and issued charge sheet/statement of allegation vide this office Endst: No. 15 dated 24/02/2022 and Mr. Sultanat Khan DSP FRP HQrs: Swat appointed as enquiry officer. After conducting proper departmental proceeding the E.O proved him guilty and recommended him for punishment, thus he was awarded 03 days quarter guard with absence period i.e. 07/02/2022 to 22/02/2022 for total 15 days is counted as leave without pay vide O.B No. 32 dated 09/03/2022, but he refused to deposit his cell phone with Muharrer FRP Kabal Swat and also insisted upon that he will be came out time to time for quarter guard for refreshment and also refused to appear before the undersigned and take away his quilts from FRP Police Lines Kabal Swat and absented himself vide D.D No. 26 dated 10/03/2022. On this regard once again departmental proceeding initiated against him and issued him charge sheet/statement of allegation vide this office Endst: No. 19/EC, dated 11/03/2022 and Mr. Sultanat Khan DSP FRP HQrs: Swat appointed as E.O. After conducting departmental enquiry the E.O found him guilty and recommended for issuance of Final Show Cause Notice. Thus he was issued Final Show Cause Notice vide this office Endst: No. 19-A/EC, dated 24/04/2022 and disbursed him through SP, FRP Bannu Range on 13/05/2022 and token of receipt obtained from him, but till the date he neither reported arrival for duty nor he replied of the Final Cause Notice in the stipulated period.

Keeping in view the aforesaid discussion, finding of the enquiry officer and not reply on the Final Show Cause Notice, the undersigned have come to the conclusion that the Constable concerned is actually guilty/not interested in his official job. Therefore, I, Zafar Khan, Superintendent of Police, FRP, Malakand Range, Swat as a competent authority to constrained to exercise the powers vested in me under the Police Rules 1975 (4-b-iv) awarding major punishment to Constable Imran No. 6214 i.e. dismissed from service with effect from the date of his absence.

"ORDER ANNOUNCED"

O.B No. = 69
25-05-2022

Superintendent of Police, FRP,
Malakand Range, Swat.

No. 1647-59/EC, dated Saidu Sharif the 25/05/2022.
Copy of above is submitted to the:-

1. Worthy Commandant FRP, Khyber Pakhtunkhwa, Peshawar for favour of information please.
2. Superintendent of Police, FRP, Bannu Range Bannu. Enquiry papers containing 30 pages are enclosed herewith for placing in his Fuji Missal please.
3. OHC, FRP, Swat.
4. Ex-Constable Imran No. 6214 through Superintendent of Police FRP Bannu for info.

Attested

25/05/2022

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1617/2022.

**Imran Ullah, Ex-constable (No. 6214) of FRP Bannu
.....Appellant.**

VERSUS

**Inspector General of Police, Khyber Pakhtunkhwa, Peshawar &
others.....Respondents.**

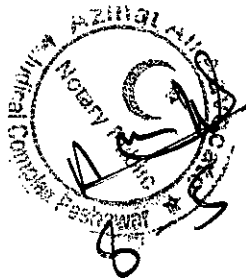
AFFIDAVIT

It is hereby affirmed and declared on oath that the additional documents are true copies of the official record, duly attested by the representative of this department. All the additional documents are correct, to the best of my knowledge and nothing had been concealed from this Hon'ble Tribunal.

Deponent

**Commandant FRP
Khyber Pakhtunkhwa, Peshawar.
(Respondent No. 02)
Asif Bahadar PSP *itf*
Incumbent**

ATTESTED



2024