

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

Service Appeal No. 647/2024

Akbar Hussain (Ex-Constable No.889 District Police Charsadda)

.....Appellant

V E R S U S

PPO/KPK & others

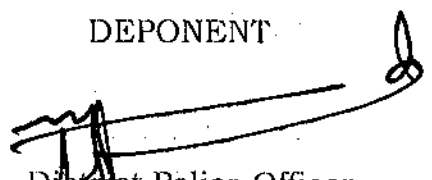
.....Respondents

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DEPONENT

Through


District Police Officer,
Charsadda.

1

BEFORE THE HONOURABLE, KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal
Diary No. 15162
Dated 23/8/24

Service Appeal No. 647/2024

Akbar Hussain (Ex-Constable No.889 District Police Charsadda)

.....Appellant

V E R S U S

PPO/KPK & others

.....Respondents

REPLY BY RESPONDENTS NO.1 to 3

Respectfully Sheweth:

Preliminary Objections

1. That the appellant has got no cause of action.
2. That the appeal is badly barred by law and limitation.
3. That the appellant has been estopped by his own conduct to file the instant appeal.
4. That the appeal is not maintainable in its present form.
5. That the appellant has not come to the Honourable Tribunal with clean hands.
6. That the appeal is bad for mis-joinder and non-joinder of necessary parties.

REPLY ON FACTS

1. Para to the extent of enlistment of the appellant pertains to record, while rest of the para is incorrect as the appellant has never been devoted to his official duty throughout the service which is evident from his service record. During his service he remained absent multiple times for which appropriate orders were passed as per law. Besides, appellant earlier also been removed from service on account of absence (Copy of removal order is attached at 'A' while other orders are attached at 'B').
2. Incorrect. Appellant was/is addicted to drug (ICE) and in this connection, he was admitted to Al-Syed Drug Rehabilitation Center on 13.01.2023 and discharged on 20.06.2023 meaning thereby that he had recovered on 20.06.2023 but he appeared for official duty before respondent No.3 on 22.08.2023, which has been admitted by him. From 20.06.2023 till 22.08.2023 (Copy of discharged slip is annexed as 'C') he has given no plausible reason for his absence from duty. Even then when a lenient view was taken and his salary was released by

respondent No.3, he again absented himself from duty on 03.09.2023. Respondent No.3 on 26.09.2023 called him to his office but he did not bother to appear and remained absent till the time of his dismissal.

3. Incorrect & misleading as the appellant is habitual absentee and on 03.09.2023, he again got absent from his official duties. Therefore, departmental proceedings were initiated against him as he was issued Charge Sheet alongwith Summary of Allegations and SDPO Sardheri was appointed as Enquiry Officer. The Enquiry Officer by fulfilling all codal formalities during course of enquiry established charges against the appellant. Thus he was awarded punishment of dismissal of service as per law. Copy of enquiry is **annexed as 'D'**
4. Correct to the extent that appellant's departmental appeal was rejected by the appellate authority being devoid of merit. Copy of departmental appeal and rejection order is **annexed as 'E' & 'F'**.
5. Incorrect & misleading. The Revision Petition of the appellant was rejected on 06.02.2024. However, the appellant took the plea of non-communication of order to him on 12.04.2024, only to cover limitation time.
6. Para incorrect. Orders issued against the appellant are in accordance with law & rules, thus the instant appeal is liable to be dismissed inter alia on the following grounds;

GROUND

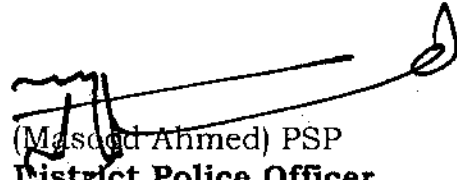
- A. Incorrect. Orders passed by the competent authority as well as by the appellate authority are in accordance with law & rules.
- B. Incorrect. Appellant was treated in accordance with law. He was issued Charge Sheet and Statement of allegations and enquiry was also conducted through the then DSP Sardheri.
- C. Already explained above.
- D. Incorrect as Charge sheet and Final Show Cause notice had been issued to the appellant as per law. (Copies of charge sheet/statement of allegation No.560-61/HC dated 10.05.23, final show cause notice No.880/HC dated 13.06.2023, reply and dismissal order are **annexed as 'G' , 'H' & 'I'**).
- E. Incorrect as proper departmental enquiry was conducted through the then DSP Sardheri, which has already been annexed as **annexed as 'D'**
- F. Incorrect as already explained above.
- G. Incorrect as explained at para-2 that Respondent No.3 on 26.09.2023 called the appellant to his office but he did not bother to appear and remained absent till the time of dismissal.


3

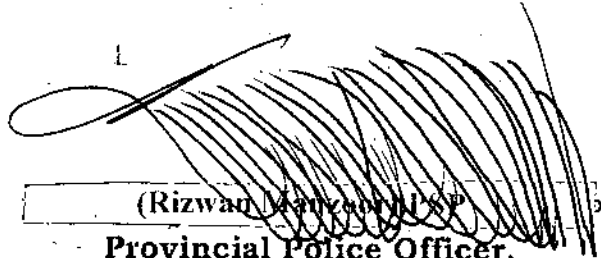
- H. As explained above appellant was discharged from rehabilitation center on 26.06.2023 but he appeared before Respondent No.3 on 22.08.2023 only to get his pay released. After receiving some pay he again absented himself from 03.09.2023 without any sanctioned leave.
- I. As the appellant is a habitual absentee, which is evident from his previous record. Moreover, enquiry findings established the charges of willful absence against him. Thus he was proceeded by the Competent Authority as per law.
- J. Incorrect as the appellant is habitual absentee and his service record is blemished with numerous bad entries for his intransigent behavior. Moreover, he has been proceeded as per law.
- K. Incorrect as explained vide proceeding paras.
- L. Para needs no comments.
- M. As replied in above para.
- N. That the respondents may also be allowed to advance additional grounds/documents at the time of hearing before this Hon'ble Tribunal.

PRAYER:

Keeping in view the facts above, it is therefore humbly prayed that the appeal of appellant, being devoid of merits and substance, may kindly be dismissed with cost, please.


(Masood Ahmed) PSP
District Police Officer,
Charsadda
(Respondent No.3)
Incumbent


(Najeeb-ur-Rehman Bugvi) PSP
Regional Police Officer,
Mardan.
(Respondent No.2)
Incumbent


(Rizwan Khan) PSP
Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar
(Respondent No.1)
Incumbent

4

Annexure - A

ORDER

This order will dispose off on the departmental enquiry against Constable Akbar Hussain No.2588 of FRP Peshawar Range.

Brief facts of the case are that as reported by Line Officer FRP HQrs: Peshawar vide DD No. 20 dated 29.10.2019 that Constable Akbar Hussain No.2588 of FRP Peshawar Range was detailed for special emergency duty at Islamabad, but he absented himself from duty with effect from 25.10.2019 till date without any leave/permission of the competent authority. Before it, the officials concerned was briefed by SP FRP Peshawar Range with regard to the special duty at Islamabad and proper Anti Riot equipments was dully/ properly issued and distributed upon him. But it is astonishing to note that whenever the FRP Strength was dispatched for special duty to Islamabad in the meanwhile the said constable disappeared from the premises of FRP HQrs: Police Lines Peshawar and absented himself from lawful duty. He was informed time and again through his cell number but in vain. The act of constable shows cowardice act and found negligence on his part being a member of discipline Force. Therefore he was issued Show Cause Notice under Police Rules 1975 amended 2014 to which he replied, but his reply was found un-satisfactory. He was called in Orderly Room for hearing, but failed to advance any cogent reason in his defence.

Keeping in view his absence from special emergency duty as well as his disappearance from the spot while troops were ready for departure to Islamabad for special emergency duty found negligence, cowardice, highly objectionable and also misconduct on his part under section No. 118 of Police Act 2017. Thus he was found to be an irresponsible person in utter discharged the discipline of the Force. His further retention in service may impugned upon over all moral and affect adversely of the Force.

Keeping in view the findings narrated above, I, Malik Muhammad Tariq, PSP, Deputy Commandant FRP Khyber Pakhtunkhwa Peshawar being a competent authority is hereby awarded Major punishment of Removal from service to Constable Akbar Hussain No.2588 of FRP Peshawar Range under Police Rules 1975 amended 2014 with immediate effect. However his absence period is treated as absence without pay.

Deputy Commandant,
Frontier Reserve Police,
Khyber Pakhtunkhwa, Peshawar.

No. *7008/2019* IPA, dated Peshawar the *17th* *11th* 2019.

Copy of above is forwarded to the:-

1. Worthy Commandant Frontier Reserve Police Khyber Pakhtunkhwa Peshawar for information please.
2. SP FRP Peshawar Range.
3. Establishment Clerk FRP HQrs Peshawar.

Attested
[Signature]
Dy: Superintendent
of Police, Legal
Charsadda

(5)

Annexure - B

(5)

ORDER

This order will disposed off departmental inquiry against Constable Akbar Hussain No. 889 while posted to Police Lines Charsadda, remained absent from his lawful duty for a total period of 06-days on various occasions i.e. w.e.from 21.06.2022 to 22.06.2022 (01-day) vide DD No. 34 dated 22.06.2022, from 18.06.2022 to 19.06.2022 (01-day) vide DD No. 21 dated 19.06.2022, from 11.06.2022 to 12.06.2022 (01-day) vide DD No. 29 dated 12.06.2022, from 14.06.2022 to 15.06.2022 (01-day) vide DD No. 34 dated 15.06.2022 and from 08.06.2022 to 10.06.2022 (02-day) vide DD No. 18 dated 10.06.2022 and did not bothered to obtain prior leave or permission from his senior officers which shows his negligence and lack of interest in the performance of his official duties.

On the above allegation, he was issued charge sheet together with statement of allegations under sub section 3, Section 5 of Police Rules 1975 and Mr. Bilal Ahmad (PSP), ASP Shabqadar was appointed as Enquiry Officer. Proper departmental enquiry was conducted into the matter and on fulfillment of all codal formalities, submitted his findings.

After going through the enquiry papers and recommendation of the enquiry officer, FC Akbar Hussain No.889 "warned" to be careful in future and his absence period i.e. 06-days is treated as "Leave without Pay" whereas, his pay is hereby released with immediate effect.

District Police Officer,
Charsadda

No. 37475/PA, dated Charsadda the 04/10/2022.

Copy for information to the:-

- 1) ASP Shabqadar
- 2) Pay Officer/EC/FMC

O.B. No. 935

Date: 03-10-2022

Attested
[Signature]

Dy: Superintendent
of Police, Legal
Charsadda

(6)

(6)

ORDER

This order will disposed off departmental inquiry against Driver FC Akbar Hussain No. 889, who while posted to Police Lines, Charsadda, absented himself from his lawful duty w.e.from 04.03.2022 to 23.05.2022 (79-days) evident vide DD No. 22 dated 23.05.2022 without any leave or permission from his senior officers which shows his negligence and lack of interest in the performance of his official duties.

On the above allegation, he was issued charge sheet together with statement of allegations under sub section 3, Section 5 of Police Rules 1975 and Mr. Bilal Ahmad (PSP), ASP Shabqadar was appointed as Enquiry Officer. Proper departmental enquiry was conducted into the matter and on fulfillment of all codal formalities, submitted his findings.

After going through the enquiry papers, recommendation of the enquiry officer and absence due to illness, FC Akbar Hussain No.889 is hereby awarded CENSURE and his absence period i.e. 15-days treated as Medical Leave, 15-days counted as leave of kind due and the remaining 49-days absence period is treated as "Leave without Pay" whereas, his pay is hereby released with immediate effect.


District Police Officer,
Charsadda

No. 304-07/PA, dated Charsadda the 14/09/2022

Copy for information to the:-

- 1) ASP Shabqadar
- 2) Pay Officer/EC/FMC

O. B. N. D. - 838

Date of - 14-09-2022

Attested



Dy. Superintendent
of Police, Legal
Charsadda

(7)

ORDER

This order will dispose of the departmental enquiry against Constable Akber Hussain No. 889, while posted at Police Lines Charsadda, On 07.06.2021 he was transferred from district Mohimmand to this district but he failed to report his arrival at Police lines Charsadda well in-time and thus absented himself from his lawful duty w.e from 03.07.2021 to 18.08.2021 (46-days) without any leave or prior permission from his senior officers. Absence report recorded vide D.D No. 39, dated 03.07.2021. This shows his inefficiency and lack of interest in the performance of your official duties. On the above allegation he was issued Charge Sheet together with statement of allegations under Sub Section 3, Section 5 of Police Rules 1975. The Inquiry Officer Muhammad Ishaq Khan DSP Tangi was nominated for probing into the matter by conducting departmental inquiry against him and he after fulfillment of codal formalities has submitted his findings.

Subsequently, Constable Akber Hussain No. 889 was issued Final Show Cause Notice U/S 5(3) Police Rules 1975 reply to which was received.

After perusal of the enquiry papers & recommendation of the enquiry officer, the official is hereby awarded the minor punishment of censure & strictly warned to remain careful in future, his absence period is also treated as without pay and his pay is also released.


ZAIB ULLAH KHAN (PSP)
DISTRICT POLICE OFFICER
CHARSADDA

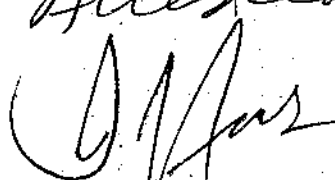
O.B No 944

Date 24-09/2021

No. 627-30 /HC, dated Charsadda the 24/09 /2021

CC.

Pay Officer/OASI
EC/FMC

Attested

Dy. Superintendent
of Police, Legal
Charsadda

8

ORDER

This order will dispose of the departmental enquiry against Constable Akber Hussain No. 889, while posted at Police Lines Charsadda, On 14.03.2021 he was relieved vide D.D No. 11 from PS Mandani to police lines Charsadda but he failed to report his arrival at police lines charsada well in-time and thus absented himself from his lawful duty w.e from 14.03.2021 to 08.05.2021 (54-days) without any leave or prior permission from his senior officers. Absence report recorded vide D.D No. 31 dated 16.03.2021. This shows his inefficiency/negligence and lack of interest in the performance of his official duties.

On the above allegation he was issued Charge Sheet together with statement of allegations under Sub Section 3, Section 5 of Police Rules 1975. The Inquiry Officer Mr. Sabir Gul Khan DSP Sardheri was nominated for probing into the matter by conducting departmental inquiry against him and he after fulfillment of codal formalities has submitted his findings.

Subsequently, Constable Akber Hussain No. 889, has been issued Final Show Cause Notice U/S 5(3) Police Rules 1975 reply to which was not received so far.

After perusal of the enquiry papers and recommendation of the enquiry officer, the official is hereby awarded the minor punishment of censure & strictly warned to remain careful in future and his absence period is also treated as without pay. His pay is also released with immediate effect.


ZAIB ULLAH KHAN (PSP)
DISTRICT POLICE OFFICER
CHARSADDA


O.B No 683

Date 12-7/2021

No. 314-17 /HC, dated Charsadda the 13 / 07 /2021

CC.

Pay Officer/OASI
EC/FMC

Attested

Dy: Superintendent
of Police, Legal
Charsadda

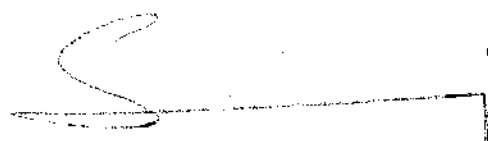
9

ORDER

This order will dispose of the departmental inquiry against Constable Akbar Hussain No. 889, while posted at Police Station Mandani, absented himself from his lawful duty w,e from 02.09.2020 to 14.09.2020 (Total 12 days) without any leave or prior permission from his senior officers. Absence report recorded vide D.D No. 29, dated 02.09.2020.

On the above allegation he was issued Charge Sheet together with statement of allegations under Sub Section 3, Section 5 of Police Rules 1975. The Inquiry Officer Mr. Bashir Ahmad was nominated for probing into the matter by conducting departmental inquiry against him and he after fulfillment of codal formalities has submitted his findings.

After perusal of the enquiry papers and recommendation of the enquiry officer, the absence period of Constable Akbar Hussain No. 889 is hereby treated without pay, he is warned to be carful and his pay is released with immediate effect.


MUHAMMAD SHOAIK KHAN (FSP)
DISTRICT POLICE OFFICER
CHARSADDA


O.B No. 1032

Date 23.11/2020

No. 1439-61/HC, dated Charsadda the 23.11 /2020

CC.

Pay Officer,
EC/FMC,
OASI.

Attested

Dy: Superintendent
of Police, Legal
Charsadda


10

ORDER

This office Order relates to the disposal of formal departmental inquiry against Constable Akbar Hussain No.2588, while posted at FRP Peshawar Range, Peshawar absented himself from lawful duty w.e.from 16.03.2019 to 21.03.2019 for the total period of (05) days without taking any leave/permission of Competent Authority.

In this connection Constable Akbar Hussain No.2588, was charge sheeted vide this office order No.183/PA, dated 25.04.2019 and also proceed him against departmentally through RI/Mushtaq Shah of FRP/PR. Who after fulfilling necessary process submitted his findings wherein the I.O mentioned that the said constable submitted reply of charge sheet but as an Enquiry Officer I am not agree with his statement and recommend his total absence period of (05) days may be treated as without pay.

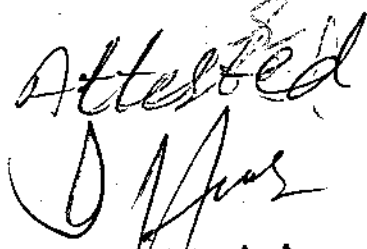
Keeping in view all of the above the undersigned agreed with the recommendation of the E.O that therefore, his total (05) days absence period is treated as leave without pay along with stern warning to be careful in future. His pay is hereby released with immediate effect.


Superintendent of Police, FRP
Peshawar Range, Peshawar.

No. 1899/1 /PA dated Peshawar the 08 / 05 /2019

Copy to:-

1. The Accountant FRP/PR Peshawar
2. The SRC/FRP/PR Peshawar
3. The OASI/FRP/PR Peshawar


Dy: Superintendent
of Police, Legal
Charsadda

ORDER

This office Order relates to the disposal of formal departmental Inquiry against Constable Akbar Hussain No.2588, while posted at FRP Peshawar Range, Peshawar absented himself from lawful duty w.e.from 20.11.2017 to 08.12.2017 for the total period of (17) without taking any leave/permission of Competent Authority.

In this connection Constable Akbar Hussain No.2588, was charge sheeted vide this office order No.530/PA, dated 27.12.2017 and also proceeded against him departmentally through LO/Zahid Khan FRP/PR. Who after fulfilling necessary process submitted his findings wherein the I.O mentioned that the said constable produced medical certificates of his mother. The I.O further recommended that his total absence period of (17) days in which (05) days as leave without pay and remaining (12) days as causal leave.

The Undersigned agreed with the recommendation of Inquiry Officer that therefore, his total (17) days absence period in which (05) days treated as leave without pay and remaining (12) days as causal leave alongwith stern warning to be careful in future. His pay is hereby released.

Superintendent of Police, FRP
Peshawar Range, Peshawar

No. ~~44-46~~ /PA dated Peshawar Range the 11 / 01 /2018.

Copy to:-

1. The Accountant FRP/PR Peshawar
2. The SRC/FRP/PR Peshawar
3. The OASI/FRP/PR Peshawar

Attested

Dy: Superintendent
of Police, Legal
Charsadda

نشیات کافاتر Drug Rehabilitation Center منجھارا



السید منشیات ریہیبیشن سنٹر ظہیر آباد منڈی

پر داکٹر: سبزی علی 0346-9113595 ایم۔ ڈی: سید محمد طیب منشی 0333-8586161 0300-5837498

ڈسچارج سلیپ

005 یریل نمبر

تاریخ داخلہ 13-1-23 ڈسچارج کرنے کی تاریخ 20-6-23

مریض کا نام اکبر حسین

مریض کے والد کا نام سید محمد حسین

Attested

Signature of Dy. Superintendent

Dy. Superintendent of Police, Legal Charsadda

ڈسچارج کرنے کی وجہ خروج مکمل ہو گیا

جس کے ساتھ ڈسچارج کیا؟ انور حسین دستخط Anwar Hussain

شناختی کارڈ نمبر 0612724-11715-11 لیس کے رشتہ دار کا نام انور حسین

مریض کا دستخط Apin



مریض کا گھونٹھا

MUFTI TAYYEB HAQAANI Director Al Syed Welfare Organization Mandani, Charsadda

ڈپٹی انچارج دستخط (موسیٰ عسکری) چیئر مین دستخط



13

Annexure

Government of Khyber Pakhtunkhwa Office of the
Sub-Divisional Police Officer Sardheri
No. 296/S, dated Sardheri the 07/06/2023.

To: District Police Officer,
Charsadda

Subject: - DEPARTMENTAL ENQUIRY AGAINST CONSTABLE AKBER
HUSSAIN NO. 889 OF POLICE LINES CHARSADEA.

1. The subject inquiry was referred to this office vide Endst: No. 560-61/HC dated 10.05.2023 for proceeding under the law with respect to the charges that Constable Akber Hussain No. 889, while posted to Police Lines Charsadda absented himself with effect from 11.01.2023 to till date without any leave or prior permission from his senior officer. Absence report recorded vide DD No. 26 dated 11.01.2023 at Police Lines Charsadda. His act is reveals his inefficiency and lack of interest in the performance of his official duty. This amounts gross misconduct on his part and warrants departmental action against him.
2. A written Parwana was issued to SHO PS Umerzai to inform the alleged official Constable Akber Hussain No. 889 to appear before the undersigned (Place on file as annexure "A"). His brother namely Anwar Hussain appear to the office of undersigned. He provided his written statement (Place on file as annexure "B") wherein he stated that his brother Akber Hussain was addicted to Ice, he was admitted in Al-Syed Welfare Organization Drug Rehabilitation Center Mandani Charsadda for treatment and still hospitalized, to get rid of addiction to be able and perform his duty after recovery, he requested that absence period of his brother due to illness may please be consider as medical leave, and his departmental inquiry would be filed without any action.
3. Anwar Hussain provided medical document of his brother FC Akber Hussain No. 889 duly certified by the director of Al-Syed Welfare Organization Drug Rehabilitation Center Mandani Charsadda (Place on file as annexure "C"). Pay of the alleged official Constable Akber Hussain No. 889 was already stopped vide letter No. 2203-05/Acctt: dated 28.12.2022 (Placed on file as annexure "D")
5. After conducting proper enquiry into the matter, the undersigned reached to the conclusion that Constable Akber Hussain No. 889 absented himself with effect from 11.01.2023 to till date without any leave or prior permission, his pay was already stopped and he is still hospitalized for treatment.

Therefore, it is suggested that when he recovered from illness and arrival back he may be awarded appropriate Punishment under the KP Police Rules 1975 (amended 2014).

Enclosed: (11 pages)

He
Issue F.P.C.N.

17/6/23
Sub-Divisional Police Officer,
Sardheri

DP
U.D.P.O. Charsadda
07-06-2023

Attested
[Signature]
Dy: Superintendent
of Police, Legat
Charsadda

بیان ازاں ولد شیرین صاحبہ زینت احمد خانہ

صی شیرین ولد شیرین صاحبہ زینت احمد خانہ کے بارے میں
 کہ میں بھی حکم پولیس میں بطور کیس نمٹاتا ہوں۔ میرا چھوٹا بھائی شیرین
 بیٹا نمبر 889 جو کہ حکم پولیس میں جاریہہ میں نمٹاتا ہے۔ جو کہ 2023ء سے غیر
 ہے اور یہ سوشل میڈیا پر بھی آئیٹس کا نشانہ کرتا تھا۔ جو کہ ہم
 انسداد بلیغ آرٹیکلز میں تنظیم برائے ارداد منشیات سوشل ویلفیئر میں داخل
 ہوتا ہے۔ تاکہ منہ نشہ سے بچاتے رہا جاوے۔ تاکہ منہ نشہ چھوڑ
 کر کبھی بھی اپنا ڈیوٹی بحالی میں نہ آسکیں۔ براہ کرم بھائی صاحبہ کو
 زبردستی ہسپتال میں نہ لے جائیں۔ جتنا بھی غیر ماضی ہے۔ زندگی تنخواہ سے بھٹی رہی ہے۔
 تاکہ بھائی صاحبہ کو ہسپتال میں نہ لے جائیں۔ اور اپنا ڈیوٹی بحالی میں نہ آسکیں۔
 صرف ڈیٹس باؤل کے بیوی اور 4 چھوٹے چھوٹے بچے ہیں۔ کرم فرمائیں
 بیان ازاں کیا تو ہسپتال کے صلیف بیان ریسٹریکشن، داخلہ نام لڑائی ہو رہی ہے۔

17102-0527224-3
 0300-9399018.

الو شیرین
 شیرین ولد شیرین صاحبہ زینت احمد خانہ

Attested
 Dy: Superintendent
 of Police, Legal
 Charsadda

15

Annexure - E

بخدمت جناب ریجنل پولیس آفیسر مردانہ

20/10/23

(درخواست ہمارا سروس بخالی)



جناب عالی

گزشتہ ایک سال جو کہ محکمہ پولیس ضلع چارسدہ میں سال 2009 سے بطور کنسٹیبل اپنے فرائض میں انجام دے رہا تھا، چونکہ مذکورہ کنسٹیبل کی والدہ صاحبہ بہت سخت بیمار تھی اور ہسپتال میں زیر علاج تھی جس نگرانی کے لیے اس کے علاوہ کوئی نہیں تھا جسکی وجہ سے اس کا بچہ خضر رہا اور غیر حاضری کے بنا پر مذکورہ کنسٹیبل کو بحوالہ ضلعی پولیس آفیسر چارسدہ آرڈر نمبری 1823-26 مورخہ 27/09/2023 پر رخصت کیا گیا (آرڈر کاپی ہمراہ لف ہے)۔

اب چونکہ مذکورہ کنسٹیبل کے چھوٹے چھوٹے بچے ہیں اور اس کے علاوہ دوسرا کوئی ذریعہ معاش بھی نہیں ہے۔

اس لیے بذریعہ درخواست استدعا ہے کہ مذکورہ کنسٹیبل کے بچوں پر رحم کر کے اس کو دوبارہ اپنے ملازمت پر بحال کرنے کے احکامات صادر فرما کر مشکور فرمائیں، بندہ تا قیامت دعاگو رہے گا۔

No. 6560/E

dt 09-10-23

العارض

03-10-2023

مورخہ: 20/10/2023

سابقہ کنسٹیبل اکبر حسین نمبر 889 سکشن 3 تحصیل تنگی ضلع چارسدہ

موبائل نمبر: 03152548173

E. C. / P. O. Charsadda

for witness to

Attested

[Signature]

Dy. Superintendent of Police, Charsadda

DSP/Inq/E C
For witness and
Commandant

[Signature]

[Signature]

DPO/Chd.
10-10-23

(16)

Annexure - F

D


ORDER.

This order will dispose-off the departmental appeal preferred by Ex-Constable Akbar Hussain No. 889 of Charsadda District Police against the order of the then District Police Officer, Charsadda, whereby he was awarded major punishment of dismissal from service vide OB No. 1343 dated 27.09.2023. The appellant was proceeded against departmentally on the allegations that he while posted at Police Lines, Charsadda absented himself from his lawful duty without any leave or prior permission of the competent authority with effect from 11.01.2023 to 22.08.2023 and from 03.09.2023 till date of his dismissal. Absence report was recorded vide daily diary No. 26 dated 11.01.2023 and daily diary No. 11 dated 03.09.2023.

Proper departmental enquiry proceedings were initiated against him. He was issued Charge Sheet alongwith Statement of Allegations and the then Sub Divisional Police Officer, (SDPO) Sardheri, Charsadda was nominated as Enquiry Officer. The Enquiry Officer after fulfilling codal formalities submitted his findings to the then District Police Officer, Charsadda, wherein he recommended the delinquent Officer for appropriate punishment.

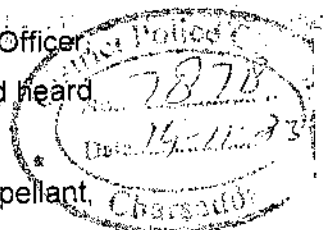
He was served with Final Show Cause Notice to which his reply was received through his relative namely Asif serving in CTD Charsadda.

After perusal of the enquiry papers and recommendation of the enquiry officer and his reply to the Final Show Cause Notice, the then District Police Officer, Charsadda reached to the conclusion that the official is drug i.e "ICE" addict and remain under treatment at rehabilitation center. On 16.06.2023 his enquiry was kept pending till the recovery of his health and on 22.08.2023, he reported his arrival at Police Lines Charsadda and also appeared before the then District Police Officer, Charsadda in connection with his enquiry, he was heard in person and his pay was released on compassionate grounds, he was given a final chance and was kept under watch at Police lines Charsadda but he again absented himself on 03.09.2023 till date of his dismissal. He was again summoned to the office of the then District Police Officer, Charsadda on 26.09.2023 but he deliberately avoided to attend his office. Keeping in view the above, it revealed that the delinquent Officer doesn't deserve to be retained in Police Force, hence, he was awarded Major punishment of dismissal from service with immediate effect.

Attested

Dy: Superintendent
of Police, Legal
Charsadda



Feeling aggrieved from the order of the then District Police Officer, Charsadda, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in this office on 08.11.2023.



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

Keeping in view the above, I, **Muhammad Suleman, PSP Regional Police Officer, Mardan**, being the appellate authority, find no substance in the appeal, therefore, the same is rejected and filed, being devoid of merit.

Order Announced.

(MUHAMMAD SULEMAN) PSP
Regional Police Officer,
Mardan

No. 7318 /ES, Dated Mardan the 10/11 /2023.

Copy forwarded to District Police Officer, Charsadda, for information and necessary action w/r to his office Memo: No. 4010/EC dated 24.10.2023. His Service Record is returned herewith.

EC
For information
DP/dhd
14-11-23

Attested
[Signature]
Dy: Superintendent
of Police, Legal
Charsadda



OFFICE OF THE
DISTRICT POLICE OFFICER, CHARSADDA
PHONE# 091-9220400 FAX#091-9220401
EMAIL: charsaddadpo@yahoo.com

DISCIPLINARY ACTION UNDER KPK POLICE RULES -1975


I, Muhammad Arif, District Police Officer Charsadda, as competent authority am of the opinion that FC Akber Hussain No. 889, has rendered himself liable to be proceeded against as he has comitted the following acts/omissions within the meaning of section - 02 (iii) of KPK Police Rules-1975.

STATEMENT OF ALLEGATIONS

That he FC Akber Hussain No. 889, while posted at Police Lines Charsadda, absented himself from his lawful duty w.e from 11.01.2023 till date without any leave or prior permission from his seniors. Absence report recorded vide D.D No. 26, dated 11.01.2023. This shows his inefficiency and lack of interest in the performance of his official duties.


This amounts to grave misconduct on his part, warranting Departmental action against him.

For the purpose scrutinizing the conduct of the said official, Mr. Sambhar Ichan DSP Sandheri, is hereby deputed to conduct proper departmental enquiry against the aforesaid official, as contained in section -6 (I) (a) of the afore mentioned rules. The enquiry officer after completing all proceedings shall submit his verdict to this office within (10) days. FC Akber Hussain No. 889, is directed to appear before the enquiry officer on the date, time and placed fixed by the later (enquiry officer) a statement of charge sheet is attached herewith.


MUHAMMAD ARIF
DISTRICT POLICE OFFICER
CHARSADDA

No. Sp-51/HC, dated Charsadda the 10/05/2023

- CC:
1. Mr. Sambhar Ichan DSP (Enquiry Officer)
2. FC Akber Hussain No. 889 (Police Lines)

Attested

By: Superintendent
of Police, Legal
Charsadda

رکھ دے، قانون کے
تحتیماً کی ضرورت ہے



19

2

OFFICE OF THE
DISTRICT POLICE OFFICER, CHARSADDA
PHONE# 091-9220400 FAX#091-9220401
EMAIL: charsaddadpo@yahoo.com
CHARGE SHEET UNDER KPK POLICE RULES 1975


I, **Muhammad Arif**, District Police Officer Charsadda, as competent authority hereby charge you FC Akber Hussain No. 889, as follows.

That you FC Akber Hussain No. 889, while posted at Police Lines Charsadda, absented yourself from your lawful duty w.e from 11.01.2023 till date without any leave or prior permission from your seniors. Absence report recorded vide D.D No. 26, dated 11.01.2023. This shows your inefficiency and lack of interest in the performance of your official duties.

This amounts to grave misconduct on your part, warranting Departmental action against you as defined in section-6(I) (a) of the KPK Police Rules 1975.

1. By reason of the above, you appear to be guilty of misconduct under section 02(III) of the KPK Police Rules 1975 and has render your self liable to all or any of the penalties as specified in section 04 (I) a & b of the said rules.
2. You are therefore, directed to submit your written defense within seven days of the receipt of this Charge Sheet to the Enquiry Officer.
3. Your written defense, if any should reach to the enquiry officer within the specified period, in case of failure, it shall be presumed that you have no defense to put-in and in that case an ex-parte action shall follow against you.
4. Intimate, whether you desired to be heard in person.


MUHAMMAD ARIF
DISTRICT POLICE OFFICER
CHARSADDA

Attested

Dy: Superintendent
of Police, Legal
Charsadda

20



Annexure - H

FINAL SHOW CAUSE NOTICE

Whereas, the charge of absence was referred to enquiry officer for General Police Proceedings, contained u/s 5(3) Police Rules 1975.

AND

Whereas, the enquiry officer has submitted his findings, recommending you for appropriate Penalty.

AND

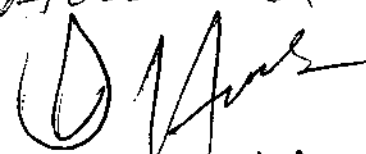
Whereas, I am satisfied with the recommendation of the enquiry officer that you FC Akber Hussain No. 889, while posted at Police Lines Charsadda, remained absent yourself from your lawful duty w.e from 11.01.2023 till date without any leave or prior permission from your seniors. Absence report recorded vide D.D No. 26, dated 11.01.2023. This shows his inefficiency and lack of interest in the performance of your official duties.

2. Thus the act amounts to gross misconduct and renders you liable for punishment, under Police Rules 1975.
3. Therefore, I, Muhammad Arif, District Police Officer, Charsadda in exercise of the powers vested in me under rules 5(3) (a) (b) of Police Rules 1975, call upon you to explain as to why the proposed punishment may not be awarded to you.
4. Your reply should reach the undersigned within 07-days of receipt of this notice, failing which disciplinary action pertaining to your dismissal from service will be taken ex-parte.
5. You are at liberty to appear in person before the undersigned for personal hearing.

No. 880 /HC

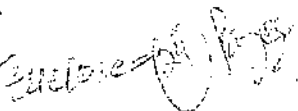
Dated 13/06 /2023


DISTRICT POLICE OFFICER
CHARSADDA

Attested

Dy: Superintendent
of Police, Legal
Charsadda

Pay Officer

EC/FMC
I/C Lab



جو الہ فائل شوکارڈس انٹرنیٹ نمبر 880/1145/13-06-2023 جاری ہے صاحبان ۵۶۵ صاحبان چار سدا

معروف خدمت ہوں کہ سائل فرم 2023-24-11 سے نا حال اسکیم ویلفیئر آرگنائزیشن
مذنی چار سدا میں زیر عمل ہے۔ تمام میڈیکل دستاویزات انٹرنیٹ کے ہمراہ لیا
سائل ایک نیماہ میں خاندان سے تعلق رکھتا ہے اور اپنے نگر کا واحد تھیل ہے۔
سائل کی نحواہ بھی جو غیر جائزی بند ہے۔ اب سائل کے اوپر سٹپال کے
اخراجات کا کس بھی وجوہ آئی ہے۔

آپ صاحبان سے بڑا چیم درخواست اس کے لیے کہ سائل کی نحواہ ریٹرن
کرنے کے احکامات جاری کرنا کا حکم صادر فرمائیں مشورہ فرمائیں۔ تاکہ سائل سٹپال کے
بل ادا کرے اپنی ڈیوٹی دوبارہ سے آجائیں کر سکیں۔ مزید صاحبان بیمار کے خدمت
میں عرض ہے کہ سائل کو بعد از ڈیوٹی جوائن کرنا اپنے سامنے اردو ہی رقم میں
سٹپ کر کے اور سائل کا موقف سننے کا موقع دیا جائے۔ اور بسلسلہ
انٹرنیٹ مزید احکامات بعد میں جاری کیے جائیں۔

Attested
Dy. Superintendent
of Police, Legal
Charsadda

السارنی
آپ کا تابع فرمان کنسٹبل ابرار حسین 889/1145/13-06-2023
20-6-23 Ahussain Hc

PO -
his pay may be
released.

Keep pending the enquiry
decision till his recovery
or otherwise.

Dy. Superintendent
22/6/23

Dy. Superintendent
16/6/23


ORDER

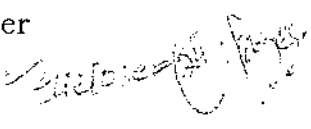
This order will dispose off the departmental enquiry against FC Akber Hussain No. 889, while posted at Police Lines Charsadda, remained absent from his lawful duty w.e from 11.01.2023 to 22.08.2023 (07-Months & 11-days) & from 03.09.2023 till date without any leave or prior permission from his seniors. Absence report recorded vide D.D No. 26 dated 11.01.2023 & No. 11 dated 03.09.2023. This shows his inefficiency and lack of interest in the performance of his official duties.


On the above allegation he was issued Charge Sheet together with statement of allegations under, Section 5 Sub Section 3 of Police Rules 1975 and Mr. Sanobar Khan the then DSP Sardheri was nominated as inquiry officer for probing into the matter by conducting departmental inquiry against him and he after fulfillment of codal formalities has submitted his findings and recommend him for appropriate punishment.

Subsequently, FC Akber Hussain No. 889, was issued Final Show Cause Notice U/S 5(3) Police Rules 1975, which was received by his relative Asif serving in CTD Charsadda, reply to which was received.

After perusal of the enquiry papers & recommendation of the enquiry officer and his reply to the final show cause notice, The undersigned reached to the conclusion that the official is drug i.e "ICE" addict and remain under treatment at rehabilitation center. On 16.06.2023 his enquiry was kept pending till the recovery of his health and on 22.08.2023 he report his arrival at police lines charsadda and also appear before the undersigned in connection with his enquiry, he was heard in person and his pay was released on compassionate grounds, he was given a final chance and was kept under watch at police lines charsadda but he again remained absent on 03.09.2023 till date. He was again summoned to the office of the undersigned on 26.09.2023 but he is deliberately avoiding to attend this office. Keeping in view all the above it is derived that the official doesn't deserve to be the part of police force further more, hence awarded the Major punishment of dismissal from service with immediate effect.


(Muhammad Arif) PSP
DISTRICT POLICE OFFICER
CHARSADDA

O.B No 1343
Date 27/09 /2023
No. 1823-26 /HC, dated Charsadda the 27/09 /2023
CC.
Pay Officer
EC/FMC 
I/C Lab

Attested

Dy. Superintendent
of Police, Legal
Charsadda

23



GOVERNMENT OF KHYBER PAKHTUNKHWA
OFFICE OF THE DISTRICT POLICE OFFICER CHARSADDA
PHONE# 091/9220400 FAX# 091-9220401
EMAIL: charsaddadpo@yahoo.com

**AUTHORITY IN SERVICE APPEAL No.647/2024 TITLED AKBAR
HUSSAIN (EX-CONSTABLE) VS PPO & OTHERS.**

Mr. Ijaz Hussain, Deputy Superintendent of Police, Legal Charsadda, is hereby authorized to appear before the Honorable Service Tribunal, Peshawar in the above captioned Service Appeal on behalf of answering respondents. He is also authorized to submit all required documents and replies etc as representative of the answering respondents through the Additional Advocate General, Khyber Pakhtunkhwa Peshawar.

(Masood Ahmed) PSP
District Police Officer,
Charsadda
(Respondent No.3)
Incumbent

(Najeeb-ur-Rehman Bugvi) PSP
Regional Police Officer,
Mardan.
(Respondent No.2)
Incumbent

(Rizwan Manzoor) PSP
Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar
(Respondent No.1)
Incumbent

BEFORE THE HONOURABLE KPK SERVICES TRIBUNAL PESHAWAR

Service Appeal No. 647/2024

Akbar Hussain (Ex-Constable No.889 District Police Charsadda)

.....**Appellant**

V E R S U S

PPO/KPK & others

.....**Respondents**

AFFIDAVIT

I, Masood Ahmed, District Police Officer, Charsadda, do hereby solemnly affirm and declare on Oath that contents of the parawise comments are true and nothing has been concealed from this Hon'ble Tribunal.

It is further stated on oath that in this appeal, the answering respondents have neither been placed ex-parte nor their defense has been struck off.



2/18/24



DEPONENT:
(Masood Ahmed) PSP
District Police Officer,
Charsadda
(Respondent No.3)