


FORM OF ORDER SHEET

Court of _____

Appeal No. 983/2024


S.No.	Date of order -proceedings	Order or other proceedings with signature of judge
1	2	3
1-	15/07/2024	<p>The appeal of Mr. Inayat ur Rehman resubmitted today by Mr. Saadullah Khan Marwat Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 22.07.2024. Parcha Peshi given to counsel for the appellant.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

The appeal of Mr. Inayat ur Rehman received today i.e on 04.07.2024 is incomplete on the following score which is returned to the appellant for completion and resubmission within 15 days.

1[✓] Annexures-A, C, D, F and G of the appeal are illegible be replaced by legible/better one.

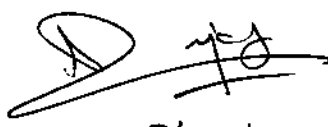
No. 302 /Inst./2024/KPST,

Dt. 5/7 /2024.


OFFICE ASSISTANT
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Saeed Ullah Khan Marwat Adv.
Supreme Court at Peshawar.

Dtr,
Re-submitted after removing the
objections.


15/7/24.

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

C. M. No. _____ / 2024

IN

S.A. No. 983/2024

Inayat-ur-Rehman

versus

SP & Others

**APPLICATION FOR HEARING OF THE SUBJECT
PETITION AT PRINCIPAL SEAT AT PESHAWAR:**

Respectfully Sheweth,

1. That applicant filed the subject Appeal before this hon'ble Tribunal today.
2. That R. No. 02 and 03 hails at Peshawar and appellant temporarily residing at Peshawar for medical treatment, so it will be convenient for appellant to heard the subject case on the Principal seat at Peshawar.

It is, therefore, most humbly prayed that the application be accepted as prayed for.

Appellant

Through



Saadullah Khan Marwat

Advocate

Dated 03-07-2024

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

S.A No. 983 /2024

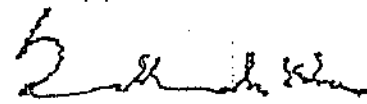
Inayat-ur-Rehman

versus

SP & Others

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Through Appellant

Saadullah Khan Marwat
Advocate.
21-A Nasir Mansion,
Shoba Bazaar, Peshawar.
Ph: 0300-5872676

Dated.03-07-2024

1

BEFORE KPK SERVICE TRIBUNAL PESHAWAR

S.A No. 983 /2024

Inayat-ur-Rehman S/O Ajmal Khan
R/O Babak Mandar Khel, Lakki Marwat.
Ex-Constable No. 6092, Office of SP
FRP Bannu Region Appellant

Versus

1. Superintendent of Police,
FRP Bannu.
2. Commandant FRP, KP
Peshawar.
3. Inspector General of Police,
KP, Peshawar Respondents

**APPEAL U/S 4 OF SERVICE TRIBUNAL ACT, 1974
AGAINST OB NO. 78 DATED 08-02-2023 OF R.
NO. 01 WHEREBY APPELLANT WAS DISMISSED
FROM SERVICE OR OFFICE ORDER NO. 3040
DATED 28-03-2023 OF R. NO. 02 WHEREBY
REPRESENTATION OF APPELLANT WAS
REJECTED OR OFFICE ORDER NO. 1300 DATED
07-06-2024 OF R. NO. 03 WHEREBY THE
REVISION PETITION WAS FILED FOR NO LEGAL
REASON:**

Respectfully Sheweth;

1. That appellant was enlisted in service as Constable in the year 2009 and since then performed his official duties to the best of his ability.
2. That appellant became ill at the first stance in the year 2021 and was admitted in the Caring House for treatment on 29-11-2021. He was further admitted in the said Centre on 30-11-2021 for initial

- period of 06 months until treated for the increased depression level till get well. (Copies as annex "A")
3. That on 15-06-2022, appellant was declared normal. 09 months treatment was also suggest to be continued. (Copy as annex "B")
 4. That from the record it is transpired that Show Cause Notice as well as Final Show Cause Notice was issued to appellant but same was not served upon him directly nor received by him as at the same time he was under treatment.
 5. That in October 2022, appellant again joined duty and served till 15-02-2023. Monthly salaries since the date of appointment till dismissal from service was also received by him. During this period he also went through Refresh Course.
 6. That despite the aforesaid facts when appellant rejoined his service, he was dismissed from service by R. No. 01 vide order dated 08/15-02-2023. (Copy as annex "C")
 7. That on 16-02-2023, appellant submitted representation before R. No. 02 for reinstatement in service which appeal was remitted for comments by R. No. 02 to 01 on 27-02-2023. (Copy as annex "D")
 8. That on 28-03-2023, representation of appellant was rejected by R. No. 02. (Copy as annex "E")
 9. That appellant submitted Revision Petition before R. No. 03, who remitted the same to R. No. 02 being appellate authority to decide the same as per law and rules vide letter dated 09-08-2023 which copy was received from the office of R. No. 01 on 30-04-2024. (Copy as annex "F")
 10. That thereafter on 27-05-2024, appellant filed Revision Petition before R. No. 03 for setting aside order of R. No. 02 which was rejected / filed on 07-06-2024. (Copies as annex "G" & "H")

Hence this appeal, inter alia, on the following grounds:-

GROUNDS:

- a. That appellant never absented from service willfully and the dates mentioned by the appellate authority since 19-10-2021 to 07-12-2022 total 414 days was under treatment in the hospital.
- b. That the documents of treatment were already submitted before the authority for his perusal and proper action.
- c. That absence of 601 days was already dealt with by R. No. 01 as during this period appellant was neither suspended from service nor any punishment was awarded to him. At the same time, he was in active service of the department.
- d. That no regular enquiry in the matter was conducted. No statement of any concerned was recorded. Appellant was never associated with the same and no opportunity of cross examination being mandatory was afforded to him. Even opportunity of personal hearing was also not provided to him.
- e. That from the facts of the record, it is quite clear that appellant never absented from duty but at the same time he was undergoing treatment as is evident from the attached document.
- f. That absence if not willful nowhere constitutes misconduct.
- g. That appellant has 14 years unblemished service record in his credit but no benefit of the same was ever extended to him rather imposed upon him 03 major punishment for no legal reason.
- h. That the impugned orders of the respondents were not per the mandate of law, so based on malafide.


It is, therefore, most humbly prayed that on acceptance of appeal, orders dated 08-02-2023, 28-03-2023 and 07-06-2024 of the respondents be set aside and appellant be reinstated in service with all consequential benefits, with such other relief as may be deemed proper and just in circumstances of the case.


عنايت الرحمان

Appellant

Through


Saadullah Khan Marwat


Arbab Saiful Kamal


Amjad Nawaz
Advocates.

Dated 03-07-2024

AFFIDAVIT

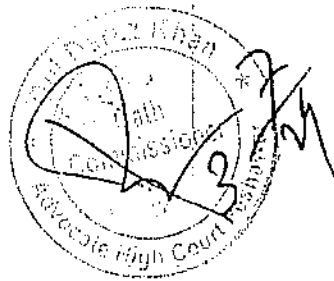
I, Inayat-ur-Rehman, R/O Babak Mandar Khel, Lakkī Marwat. Ex-Constable FRP Bannu Region (Appellant), do hereby solemnly affirm and declare that contents of **Service Appeal** are true and correct to the best of my knowledge and belief.

عنايت الرحمان
DEPONENT

CERTIFICATE:

As per instructions of my client, no such like Service Appeal has earlier been filed by the appellant before this Hon'ble Tribunal.


ADVOCATE





Caring House

Psychiatric / Psychological Treatment & Rehabilitation Centre

Patient Name: INAYAT BAKHMAN Age: 34/25
 Diagnosed: INCREASED ANXIETY & DEPRESSION
 Date of Admission: 27th Nov 2021 Date of Discharge: _____

Follow up Plan

It is to certify that;

The above mentioned patient remained admitted with us for rehabilitation. He had symptom of depression & disturbed sleep. He was treated with needed pharmacological and psychological remedies. He needed treatment and admission because his physical health and family at risk because of slowly increasing anxiety /depression.

He had developed some serious Behavioral problems like increased Aggression, poor tolerance, irritability and mild negative tendencies. He had pressured speech at the day of admission & had symptoms of self-neglect and social withdrawal.

The patient will remain admitted for initial period of Six (06) months until treated for the increased depression level & he gets along well.

Special Thanks to: Phase 1, Near ...
 ...



Caring House

Psychiatric / Psychological Treatment & Rehabilitation Centre

Patient Name: _____ Age: 37

Diagnosed: Major Depressive Disorder

Date of Admission: 30/11/21 Date of Discharge: _____

Follow up Plan

It is to certify that;

The above mentioned patient remained stable with us for rehabilitation. He had symptoms of depression & disturbed sleep. He was treated both with needed pharmacological and psychological remedies. He needed treatment and rehabilitation because his physical health and family life was at risk because of slowly increasing anxiety /depression.

He had developed some serious Behavioral issues like increased Aggression, poor tolerance and irritability with mild negative tendencies. He had prosopagnosia at the day of admission & the symptoms of self-neglect and social withdrawal.

The patient will remain admitted for initial period of Six (06) months until treated for the increased depression level & he gets along well.

CARING HOUSE
A CENTRE FOR
PSYCHIATRIC PATIENTS

Head Office: 101, ...
...
...
...
...

PureHealth Lab

Lab

TRACK ONLINE



VERIFY PATIENT



PATIENT NAME: BRAYAT BR KHEEMAN

DOB: 10/15/95

PHYSICIAN: L.M.C.

REF #

PATIENT ID

Age: Sex: 28 Years / Male

Sample Collection Date: 00-11-2023 10:31 PM

Report Date: 00-11-2023 04:17 PM

PHYSICIAN: L.M.C.

PHONE: 0333333333

URINE (12 DRUGS)

Result

Amphetamine

Cocaine

Heroin

Marijuana

Oxycodone

Propoxyphene

Valium

Xanax

Zanax

Alcohol

Barbiturates

Benzodiazepines

Tranquilizers

Electronically Generated - All the signatures required

Dr. [Name] - Physician
 Dr. [Name] - Pathologist
 Dr. [Name] - Laboratory Director





Islamic Medical Center

Addiction Treatment and Rehabilitation Center

Letter
133 DE

Date: 15-06-2022

DR. KHAYAT UR REHMAN S/O. MD. ASMA KHAN AGE 30/YR

To Whom It May Concern,

Patient: "KHAYAT UR REHMAN S/O MD. ASMA"
Admitted On 29th Nov, 2021 For Treatment
Of "Induce Psychosis". Patient received with
Low-Mood, Lack Of Appetite & Mild Persecution
Of Social With Irrational Behaviour.

Patient Treated Both Pharmacologically &
Psychologically & Discharged On 15th June, 2022,
With A Very Stable Health, Normal Mental
Condition & Follow-Up Of 09-Months Advised
Regular Exercise, Patience & Proper Food-
Intake Briefed.



DR. SYED TALHA NASEEM
M.B.B.S. F.M.A.P. (107636P)
ISLAMIC MEDICAL CENTER
CARING HOUSE

GASIM AKHTAR
Admin @
Islamic Medical Center
Caring House, Islamabad.
15-06-2022

ORDER

My this order will dispose off the departmental proceedings initiated against Constable Inayat Ur Rehman No.6092 who remained absent from Govt duty till date of dismissal vide Daily Diary No 31 dated 19-10-2021 to 07-12-2022 for the total period (414) days without any leave or prior permission of the competent authority. Thus he was properly charge sheeted with appointment of Enquiry Officer of FRP Bannu Range for proper Departmental Enquiry against him.

The Enquiry Officer deeply probed into the facts and conducted enquiry with submission of his findings report wherein the E.O reported that the charge sheet was properly served upon Muhammad Ayoub (Uncle) of the defalture official on 13-01-2022, who presented his statement, in which he narrated that defalture official is siological and mentally disturbed patient and his treatment was made through local doctors, however with no fruitful result so far achieved. On 29-11-2021 the accused official is admitted in Caring Center Islamabad for batter treatment, as and when the condition of official concerned is stable, he will surely reported back to duty. Consequently Final Show Cause bearing No.299 dated 22-02-2022, which was properly served upon the Muhammad Ayoub (Uncle) of the defalture official on 22-02-2022. He was summoned time and again to appear before the competent authority for personal hearing but he did not appear so far, resultantly it was presumed that he don't want to produce any defence. Moreover previously he also remained absent from duty for (601) days without any leave or prior permission. He had not stand his way. Therefore his extension in Police department is not to be allowed.

Therefore I, Muhammad Tabir Shah Superintendent of Police FRP Bannu Range, Bannu, being competent authority, in exercise of the powers conferred to me under the Police Rules, 1973 do hereby impose upon him the Major punishment of Dismissal from Service with immediate effect. His absence period is also treated as leave without pay because of non-performance of Govt duty during entire period.

Case No. 72

Date: 08/02/2023

No. 60 dated 15/02/2023

Copy to: PO, SRC & OHC for necessary action.

(Signature)
Superintendent of Police
FRP Bannu Range

(Stamp)
08/02/2023

301-8759 43

71-2016-1150 = 100 10/16

5-4695023-11311 = 0 11 7 300

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27-2-23

From: The Commandant,
Frontier Reserve Police,
Khyber Pakhtunkhwa, Peshawar

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

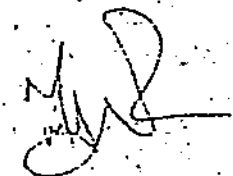
No: 1930 /SI Legal, dated Peshawar the 27/2/2023.

Subject: APPEAL

Memo:

Please enclosed find herewith an appeal submitted by Ex-constable
Inayat Ur Rehman No. 6092 FRP Bannu Range for your comments.

His Service Record along with D file may be sent to this office for
disposal of his appeal.


For Commandant,
Frontier Reserve Police,
Khyber Pakhtunkhwa, Peshawar

6092
FRP
مستند
مستند
مستند

ORDER

E

12

28-3-23

This order will dispose of the departmental appeal preferred by ex-constable Inayat Ur Rehman No. 6092 of FRP Bannu Range, against the order of SP FRP Bannu Range issued vide OB No. 78, dated 08.02.2023, wherein he was awarded major punishment of dismissal from service.

Brief facts of the case are that the delinquent constable remained absent from duty with effect from 19.10.2021 to 07.12.2022 for a total period of 414 days without any leave or prior permission of the competent authority. He was proceeded against proper departmentally as he was issued charge sheet alongwith summary of allegations and enquiry officer nominated to conducting enquiry against him.

The Enquiry officer deeply probed into facts with submission of his findings report, wherein he reported that the charge sheet was served upon his uncle, namely Mohammad Ayub through special messenger on his home address, who disclosed in his statement that the defaulter official is Physiologically and mentally disturbed and is being under treatment. He further disclosed that on 29.11.2021 the accused official was admitted in Caring Center Islamabad for better treatment and ensure when he become stable, he will report back for duty.

Consequently Final show Cause bearing No. 299 dated 22.02.2022 was properly served upon Mohammad Ayub (uncle) of the defaulter official on 22.02.2022. The uncle of accused officer submitted reply of Show Cause Notice on 28.02.2022, which was found unsatisfactory.

Keeping in view the above facts he was accordingly dismissed from service by the competent authority vide OB NO. 78 dated 08.02.2022.

Feeling aggrieved against the impugned order of SP FRP Bannu Range, Bannu, the applicant preferred the instant appeal. The applicant was summoned and heard in person in Orderly Room held on 24.03.2023.

During the course of personal hearing, the applicant failed to present any justification regarding to his prolong absence. From perusal of enquiry file it has been found that the allegations leveled against the appellant were fully established during the course of enquiry. Perusal of his service record reveals that previously he also remained absent from duty for a long period of (601) days with award of certain punishments, but he did not mend his way. Thus there doesn't seem any infirmity in the order passed by the competent authority, therefore no ground exist to interfere in same.

Based on the findings narrated above, I, Commandant FRP Khyber Pakhtunkhwa, Peshawar, being the competent authority, has found no substance in the appeal, therefore, the same is rejected and filed being meritless.

Order Announced.


Commandant
Frontier Reserve Police
Khyber Pakhtunkhwa, Peshawar.

No 3040 /SI Legal, dated Peshawar the 28/3/2023.

Copy of above is forwarded for information and necessary action to the:-

1. SP FRP Bannu Range, Bannu. His Service record alongwith D-file sent herewith.
2. Ex-constable Inayat Ur Rehman No. 6092 FRP Bannu S/o Ajmal Khan R/o Village Dabak Mandra Khel, Police Station Lakki Marwat, District Lakki Marwat.

2136/28

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Subject: Pakistan, Peshawar
For Inspector General of Police
Peshawar
(GASAL 158)

Handwritten signature and date: 9/18/23

The applicant is not the holder of a valid passport. The applicant has not preferred appeal to the Appellate Authority. Therefore, the application is sent back to your good office bearing the appropriate authority to process it in the future, please.

REVISION LETTER

The Commandant,
Peshawar District Police,
Peshawar

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
PESHAWAR DISTRICT POLICE
PESHAWAR



9-18-23

14

5

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

No. S/ 1500 /24, dated Peshawar the 07 / 12 / 2024

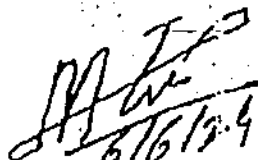
To: The Commandant,
Frontier Reserve Police,
Khyber Pakhtunkhwa, Peshawar.

Subject: REVISION PETITION.

Memo:

The Competent Authority has examined and filed the revision petition submitted by Ex-FC Inayat-Ur-Rehman No. 6092 of FRP Bannu Range, against the punishment of dismissed from service awarded by SP FRP Bannu Range vide OB No. 78, dated 03.02.2023 being badly time barred.

The applicant may please be informed accordingly.


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

یعدالت جناب سرسٹریٹس ٹریڈ پورٹل صوبہ سندھ پشاور

مجناب ایڈوائس

عنابت اسرجن نام

دعوی اپیل

باعضرت سرسٹریٹس ٹریڈ پورٹل

مستند مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی و عمل کاروائی متعلقہ آن مقام پشاور کیسٹم اسٹیشن اڈا خان سرور سے ایڈوائس ہائی کورٹ کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی عمل کاروائی کا مکمل اختیار ہوگا نیز وکیل صاحب کو کرنے باہمی نامہ و تقریر ثالث و فیصلہ برعکس دینے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ اور رضی دعویٰ اور درخواست ہر قسم کی تقدیر اور اس پر دستخط کرنے کا اختیار ہوگا نیز بصورت عدم پیروی یا ڈگری کی طرف یا اپیل کی برآمدگی اور تسویعی نیز دائر کرنے اپیل نگرانہ نظر ثانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ بنا کر کے عمل یا تقریر کاروائی کے واسطے اور وکیل یا مفاد قانونی کو اپنے ہمراہ یا اپنے بجائے تفرک اختیار ہوگا اور وکیل مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ پروا منتہی منظور قبول ہوگا اور دوران مقدمہ میں جو خرچہ و ہرجانہ التوا مقدمہ کے سبب سے ہوگا اس کے مستحق وکیل صاحب موصوف ہوں گے نیز بقایا و فرحہ کی وصولی کرنے کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام درجہ پر ہو یا عدت سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکور کریں۔

لہذا وکالت نامہ رکھ دیا کہ مستند ہے۔

الرقوم 24-7-02

العقد

التبید

العقد

ارباب سینگ اگمال
ایڈوائس

سید الشہد خان مروت
ایڈوائس

عنابت اسرجن

محمد کوان
ایڈوائس

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

S.A No. _____/2024

Inayat-ur-Rehman

Versus

SP & Others

APPLICATION FOR CONDONATION OF DELAY, IF ANY.

Respectfully Sheweth:

1. That applicant filed the subject appeal before this hon'able Tribunal today.
2. That though the appeal is well within time but if any delay exists, the same shall be condoned in the interest of justice, especially when the applicant was facing abnormality.
3. That the apex Supreme Court held time and again in its judgments that vested rights shall not be killed on the score of limitation and cases be decided on merit.

It is, therefore, most humbly requested that delay, if any, be condoned in the best interest of justice.

عنایت الرحمٰن
Applicant

Through


Saadullah Khan Marwat
Advocate

Dated: 03-07-2024

AFFIDAVIT

I, Inayat-ur-Rehman S/O Ajmal Khan, R/O Babak Mandar Khel, Lakki Marwat (Appellant), do hereby solemnly affirm and declare that contents of **Service Appeal** are true and correct to the best of my knowledge and belief.



عنایت الرحمٰن
DEPONENT