

Cost of Rs. 5,000/- received in Service Appeal No. 239/2023

Titled IAZ VS. Police Department

in the office of Registrar Vide Order 20-02-2024

Dated: 29/08/2024

**Registrar**  
**Khyber Pakhtunkhwa**  
**Service Tribunal**  
**Peshawar**  
**REGISTRAR**  
**Khyber Pakhtunkhwa**  
**Service Tribunal, Peshawar**

*29/8/24*

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

**Service Appeal No.239/2023**

Ejaz s/o Atlas Khan, Ex Constable#2551 SWTD, Caste Wazir Yar-Gul Khel,  
r/o Spin, Tehsil Wana, SWTD

...(Appellant)

**Versus**

1. Government of KP, through Home Secretary Home & Tribal Affairs Department, Khyber Pakhtunkhwa, Peshawar.
2. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
3. Additional Inspector General of Police (Establishment), Khyber Pakhtunkhwa, Peshawar.
4. Regional Police Officer, Dera Ismail Khan.
5. District Police Officer, SWTD. ....(Respondents)

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**DEPONENT**

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

Service Appeal No.239/2023

Ejaz s/o Atlas Khan, Ex Constable#2551 SWTD, Caste Wazir Yar Gul Khel,  
r/o Spin, Tehsil Wana, SWTD

**Khyber Pakhtunkhwa  
Service Tribunal**

Diary No. 15282

...(Appellant) 29.08.24  
Dated

**Versus**

1. Government of KP, through Home Secretary Home & Tribal Affairs Department, Khyber Pakhtunkhwa, Peshawar.
2. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
3. Additional Inspector General of Police (Establishment), Khyber Pakhtunkhwa, Peshawar.
4. Regional Police Officer, Dera Ismail Khan.
5. District Police Officer, SWTD. ....(Respondents)

**PARAWISE COMMENTS ON BEHALF OF RESPONDENTS (1 to 5)**

Respectfully sheweth,

Parawise Comments are submitted as under:-

**PRELIMINARY OBJECTIONS**

1. That the appellant has got no cause of action.
2. That the appeal is bad for misjoinder/non-joinder of necessary parties.
3. That the appeal is badly time barred.
4. That the appellant has not come with clean hands.
5. That the appellant is stupid due to his own conduct.
6. That the appellant has concealed the material facts from Honourable Tribunal.

**REPLY ON FACTS**

1. Pertains to record, needs no reply.
2. Incorrect. That the appellant while selected for training with Pak Army in the training Center of South Waziristan vide SWTD office letter No. 1935 dated 02.09.2020 but he failed to report at the training Center. He intentionally absent from mandatory training without prior approval/permission from the high ups.
3. Incorrect. Appellant wilfully absented himself from mandatory training without any approval/permission from the high ups, which amounts to his gross misconduct. A proper charge sheet vide No.1726-28/EC, dated 23.09.2020 has been served and departmental enquiry was conducted by SDPO Sarwakai. The enquiry officer stated in his finding that the defaulter constable neither report to Training Center DC Compound, nor received his Charge Sheet and Final Show Cause Notice and recommended for ex-parte action. A final show cause notice vide No. 1711, dated 02.10.2020 was issued and ample opportunities of defence was provided to the appellant, but he failed to prove his innocence. Hence, he was awarded major punishment of Dismissal from Service vide OB No. 71, dated 04.11.2020 in the light of Section 5(5) of Police Rules 1975 (Amended 2014).

"On receipt of the 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 the charge is proved the authority shall award one or more of major or minor punishments as deemed necessary".

Copies of charge sheet, Inquiry, Final Show Cause Notice and dismissal order are annexed as Annexure-A, B, C & D respectively

4. Correct to the extent that the departmental appeal of appellant has been filed by the Appellate Authority (Respondent No.4) vide Order No. 1134-35/ES, dated 12.03.2021 after observing all the codal formalities. An opportunity of personal hearing was given to the appellant in orderly room held on 23.02.2021 but the appellant deliberately/intentionally not appear before the appellate authority. Hence the appellate authority rejected the appeal of appellant being meritless. **(Copy Annex "E")**
5. That departmental appeal was rejected vide order dated 12/03/2021 and appellant has not attached the copy of revision petition as to when it was lodged, however, the affidavit on page 6 of the appeal shows the date 21/06/2022, wording to which appellant was required to lodge service appeal after statutory period of 03 months but instant appeal has been lodged on 27/01/2023 after considerable delay. **(Copy Annex "F")**
6. Incorrect, the appellant has lodged the instant service appeal after considerable delay, which is not maintainable on the following grounds.

#### **REPLY ON GROUNDS**

- i. Incorrect. The orders passed by the respondents are in accordance with law/rules. Whereas the appellant is stupid due to his own conduct, as he has failed to lodge instant appeal within the statutory period.
- ii. Incorrect. A charge sheet alongwith statement of allegation was issued vide No. 1726-28/EC/SWTD, dated 23.09.2020 and departmental inquiry was conducted by SDPO Sarwakai who found him guilty and recommended him for ex-parte action. Final Show Cause Notice vide No. 1711, dated 02.10.2020 was issued, but the appellant failed to prove his innocent. The allegation of misconduct was proved against him hence, he was awarded major punishment of dismissal from service vide OB No. 71, dated 04.11.2020 in accordance with law/rules.
- iii. Incorrect. A Final Show Cause Notice vide No. 1711, dated 02.10.2020 was issued and ample opportunities of defence was provided to the appellant, but he failed to prove his innocence, hence the order was passed in accordance with law/rules.
- iv. Incorrect. That the appellant while selected for training with Pak Army in the training Center of South Waziristan vide SWTD office letter No. 1935 dated 02.09.2020 but he failed to report at the training Center. He intentionally absent from mandatory training without prior approval/permission from the high ups. In this regard, a charge sheet alongwith statement of allegation was served upon him and departmental enquiry was conducted by SDPO Sarwakai who submitted in his finding that the appellant failed to join the enquiry and recommend for major punishment. A Final Show Cause Notice was issued vide No. 1711, dated 02.10.2020 and ample opportunities of defence was provided to the appellant, but he failed to prove his innocence. Hence, he was awarded major punishment of Dismissal from Service vide

OB No. 71, dated 04.11.2020 in the light of Section 5(5) of Police Rules 1975 (Amended 2014).

**“On receipt of the 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 the charge is proved the authority shall award one or more of major or minor punishments as deemed necessary”.**

- v. Correct to the extent, but in vain the appellant is neither charged criminally nor has any action been taken beyond the rules and regulations. Similarly, the Judgment of Honourable Sindh High Court Bench at Sukkur is worthy consideration in which the Honourable Court order that:

**The Hon'ble Supreme Court of Pakistan has time and again deprecated the grant of any indulgence to the employees who remained absent from duties without prior leave or permission and reference in this regard may be made to the cases reported as Deputy Inspector General of Police v Sarfraz Ahmed [2022 PLC (CS) 278], Secretary Elementary & Secondary Education v Noor ul Amin [2022 PLC (CS) 132]; National Bank of Pakistan v Zahoor Ahmed Mengal (2021 SCMR 144) and Federation of Pakistan v Mamoon Ahmed Malik (2020 SCMR 1154). (Copy Annex "G")**

- vi. Incorrect. In fact, as per Police Rules Chapter 19 Rule 2, recruitment training is mandatory after the appointment of a constable.

**Training of recruits**


- (1) Except in exceptional circumstances, which shall be reported to the Deputy Inspector General of the range, recruits shall not be passed into the ranks until they have undergone six months' training and instruction.
- (2) The following training and instruction shall be given to recruits:-
  - (a) A course of drill and instruction on the lines laid down in Chapter I of the Police Drill Manual 1929. A separate programme and time-table shall be made out for each squad of recruits and shall be kept to throughout the course.
  - (b) A course of instruction in the headquarters lines school as laid down in rule 19.10.


And the appellant while selected for mandatory training with Pak Army in the training Center of South Waziristan vide SWTD office letter No. 1935 dated 02.09.2020 but he failed to report at the training Center. He intentionally absent from mandatory training without prior approval/permission from the high ups. In this regard a charge sheet alongwith statement of allegation vide No.1726-28/EC/SWTD, dated 23.09.2020 and departmental enquiry was conducted by SDPO Sarwakai who stated in his finding that the appellant failed to join the enquiry neither submit reply of charge sheet. A final show cause notice vide No. 1711, dated 02.10.2020 issued but he failed to produce any plausible explanation/evidence in his defence. The allegation of misconduct was proved against him, hence he was awarded major punishment of Dismissal from Service vide OB No. 71, dated 04.11.2020 in accordance with law/rules.

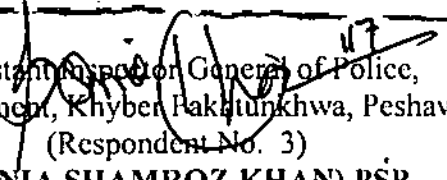
- vii. That respondents also seeks permission to raise further grounds at the time of arguments.

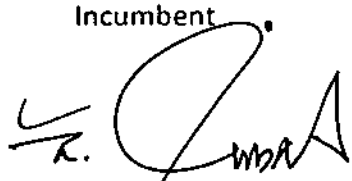
**PRAYER**

In view of above, it is prayed that on acceptance of these Parawise Comments, the instant appeal may kindly be dismissed, being meritless and time barred.


  
**District Police Officer**  
**South Waziristan Lower**  
(Respondent No.5)  
Farman Ullah Khan  
Incumbent

  
**Regional Police Officer,**  
Dera Ismail Khan  
(Respondent No.4)  
NASIR MEHMOOD SATTI (PSP)  
Incumbent

  
Assistant Inspector General of Police,  
Establishment, Khyber Pakhtunkhwa, Peshawar  
(Respondent No. 3)  
**(SONIA SHAMROZ KHAN) PSP**  
Incumbent

  
**DIG/Legal, CPO**  
For Inspector General of Police,  
Khyber Pakhtunkhwa,  
(Respondent No.2)  
**(DR. MUHAMMAD AKHTAR ABBAS)**  
Incumbent

*Authority  
Lettin*

  
**Additional Chief Secretary**  
Home & Tribal Affairs Department,  
Khyber Pakhtunkhwa, Peshawar  
(Respondent No.1)  
**(ABID MAJEED)**  
Incumbent

**Additional Chief Secretary**  
Home & T.As Department  
Khyber Pakhtunkhwa,

*11/1/2012  
Lettin*



OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA  
PESHAWAR

No. 134 /PA/DIG/HQrs

Dated Peshawar, the 08/11/2023

**ORDER**

Inspector General of Police, Khyber Pakhtunkhwa is pleased to authorize Deputy Inspector General of Police, Legal, Khyber Pakhtunkhwa to sign the replies to Writ Petitions and Service Appeals instituted at different judicial forums on behalf of Inspector General of Police, Khyber Pakhtunkhwa and other Court matters. Besides, Deputy Inspector General of Police, Legal, Khyber Pakhtunkhwa shall apprise/ consult and seek guidance from the Worthy Inspector General of Police, Khyber Pakhtunkhwa in cases being contested at different judicial forums.

*This issues with approval of Inspector General of Police, Khyber Pakhtunkhwa.*

(RIZWAN MANZOOK) PSP  
Deputy Inspector General of Police, Legal,  
For Inspector General of Police,  
Khyber Pakhtunkhwa,  
Peshawar

CC:

- Copy of above is forwarded to the:-
1. Addl: Inspector General of Police, HQrs Khyber Pakhtunkhwa.
  2. Deputy Inspector General of Police, Legal, Khyber Pakhtunkhwa.
  3. AIG/Establishment, Khyber Pakhtunkhwa.
  4. AIG/Legal, Khyber Pakhtunkhwa.
  5. PSO to Worthy Inspector General of Police, Khyber Pakhtunkhwa.
  6. Registrar CPO.
  7. OS, Legal Branch, CPO.

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

Service Appeal No.239/2023

Ejaz s/o Atlas Khan, Ex Constable#2551 SWTD, Caste Wazir Yar Gul Khel,  
r/o Spin, Tehsil Wana, SWTD

...(Appellant)

**Versus**

1. Government of KP, through Home Secretary Home & Tribal Affairs Department, Khyber Pakhtunkhwa, Peshawar.
2. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
3. Additional Inspector General of Police (Establishment), Khyber Pakhtunkhwa, Peshawar.
4. Regional Police Officer, Dera Ismail Khan.
5. District Police Officer, SWTD.

...(Respondents)

**AFFIDAVIT ON BEHALF OF RESPONDENTS**

I, respondent do hereby solemnly affirm and declare on oath that the contents of comments-written reply to Appeal are true & correct to the best of my knowledge and nothing has been concealed from this Honourable Tribunal. It is further stated on oath that in this appeal, the answering respondents have neither been placed ex-parte nor their defense have been struck off/cost.



**District Police Officer**  
**South Wazir Khan Lower**  
(Respondent No.5)  
Farman Ullah Khan  
Incumbent





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

Service Appeal No.239/2023

Ejaz s/o Atlas Khan, Ex Constable#2551 SWTD, Caste Wazir Yar Gul Khel,  
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**Versus**


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3. Additional Inspector General of Police (Establishment), Khyber Pakhtunkhwa, Peshawar.
4. Regional Police Officer, Dera Ismail Khan.
5. District Police Officer, SWTD. ....(Respondents)

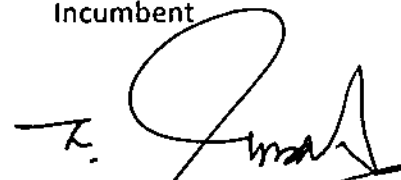
**A U T H O R I T Y**


Mr. Syed Asghar Ali Shah DSP/Inv: SWTD is hereby authorized to appear before the Service Tribunal Khyber Pakhtunkhwa, Peshawar on behalf of Respondents. He is also authorised to produce/ withdraw any application or documents in the interest of Respondents and the Police Department.

  
District Police Officer,  
South Wazir Khan Lower  
(Respondent No.5)  
Farman Ullah Khan  
Incumbent

  
Regional Police Officer,  
Dera Ismail Khan  
(Respondent No.4)  
NASIR MEHMOOD SATTI (PSP)  
Incumbent

  
Assistant Inspector General of Police,  
Establishment, Khyber Pakhtunkhwa, Peshawar  
(Respondent No. 3)  
(SONIA SHAMROZ KHAN) PSP  
Incumbent

  
DIG/Legal, CPO  
For Inspector General of Police,  
Khyber Pakhtunkhwa,  
(Respondent No.2)  
(DR. MUHAMMAD AKHTAR ABBAS)  
Incumbent

  
Additional Chief Secretary  
Home & Tribal Affairs Department,  
Khyber Pakhtunkhwa, Peshawar  
(Respondent No.1)  
(ABID MAJEED)  
Incumbent

Additional Chief Secretary  
Home & T.As Department  
Khyber Pakhtunkhwa.

C  
A

OFFICE OF THE  
DISTRICT POLICE OFFICER,  
SOUTH WAZIRISTAN TRIBAL DISTRICT.

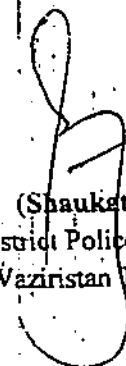
CHARGE SHEET

I) I Shaukat Ali District Police Officer, South Waziristan as Competent Authority, hereby charge you EC 907 SH 2551 S/O ATLAS KHAN as follows:-

- i) That you were selected for training at Darazinda/Draband vide this office Memo:- No.1935 dated 02.09.2020, but you badly failed to report at training center will in time.
- ii) That You were absented from lawful duty without prior approval/permission from the high ups
- iii) Being a part of uniformed force your this act shows gross misconduct on your part.

By reason of the above, you appear to be guilty of misconduct under Police Disciplinary Rules, 1975 with amendments 2014 and have rendered yourself liable to all or any of the penalties specified in the Rules:-

- 2) You are, therefore required to submit your written defense within 7 days of the receipt of this Charge Sheet to the Enquiry Officer as the case may be.
- 3) Your written defense, if any, should reach to the Enquiry Officer within the specified period failing which it shall be presumed that you have no defense to put in and in that case, exparte action will be taken against you.
- 4) You are also at liberty, if you wish to be heard in person.
- 5) Statement of allegation is enclosed.

  
(Shaukat Ali)  
District Police Officer,  
South Waziristan Tribal District

*Allo*

SUMMARY OF ALLEGATIONS

11. I, Shaukat Ali, District Police Officer, South Waziristan Tribal District, am of the opinion that EC 9JAZ SH 2551 S/O ATLAS KHAN of this district has rendered himself liable to be proceeded against as he committed the following acts/omissions within the meaning of Police Disciplinary Rules, 1975 read with Amendments 2014.

STATEMENT OF ALLEGATIONS.

- i) That he was selected for training at Darazinda/Draband vide this office Memo:- No.1935 dated 02.09.2020, but he badly failed to report at training center will in time.
- ii) That he was absented from lawful duty without prior approval/permission from the high ups
- iii) Being a part of uniformed force this act shows gross misconduct on his part.

2). For the purpose of scrutinizing the conduct of the said accused with reference to the above allegations, Mr. Sharif Ullah Khan SDPO Sarwakai is appointed as Enquiry Officer, to conduct enquiry under the Rules.

3). The Enquiry Officer shall, in accordance with the provision of the Police Disciplinary Rules, 1975 read with Amendments 2014 provide reasonable opportunity of hearing to the accused, record its findings and make within 15 days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused.

(Shaukat Ali)  
District Police Officer,  
South Waziristan Tribal District.

No. 1726-28 /EC/SWTD

Dated Peshawar int 23 /09/2020

Copy of above is forwarded to the:-

- 1. Regional Police Officer D I Khan for favour of information.
- 2. Enquiry Officer of this district is directed to initiate departmental proceedings against the accused under the Police Disciplinary Rules, 1975 read with Amendments 2014.
- 3. EC 9JAZ SH 2551 to appear before the Enquiry Officer on the date time and place fixed by the Enquiry Officer for the purpose of enquiry proceedings.

(Shaukat Ali)  
District Police Officer,  
South Waziristan Tribal District.

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B

FINAL SHOW CAUSE NOTICE.

Whereas, You Constable QJAZ / C.No. 2557 of this district has been found guilty in the formal departmental enquiry of having the following allegations on your part that:-

- i. That you were selected for training with Pak Army in the training centers of South Waziristan vide this office letter No. 1935 dated 02-09-20, but you badly failed to report the training center.
- ii. You were contacted to receive your charge sheet along with summary of allegations but you did not receive your charge sheet will in time.
- iii. Being a part of uniform force your this act shows gross mis-conduct on your part.

Hence, it has been proposed to impose a suitable punishment on you, as envisaged under Police rules, 1975 read with amendment 2014.

Therefore, I, SHAUKAT ALI, District Police Officer, South Waziristan hereby call upon you Constable QJAZ to show cause within 07 days as to why the proposed punishment should not be awarded to you.

If your reply is not received within stipulated period, it will be presumed that you have no defence to make and ex-parte decision will be passed in the case.

You are also allowed to appear before the undersigned for personal hearing if you want.

(SHAUKAT ALI)  
District Police Officer,  
South Waziristan Tribal District.

No. 1711

Dated 02/10 / 2020.

*[Handwritten signature]*

(13)

OFFICE OF THE  
DISTRICT POLICE OFFICER,  
SOUTH WAZIRISTAN TRIBAL DISTRICT.

**ORDER**

My this order will dispose off departmental proceedings initiated against Constable Ijaz No. 2557 on the score of allegations that he was selected for training with pak Army in the training centers of South Waziristan vide this office letter No. 1935, dated 02.09.2020, but he badly failed to report the training center. He was intentionally absented from mandatory training without prior approval/permission from the high ups.

He was Charge Sheeted vide this office No. 1726-28/EC dated 23-09-2020. Mr. Sharif Ullah Khan SDPO/Sarwakai has been nominated as enquiry officer to conduct proper departmental enquiry in to the matter. The enquiry officer conduct proper departmental enquiry and submit finding reports ibat the said constable neither report to DC compound nor receive his charge sheet & Final Show Cause Notice. Therefore, recommended for ex-parte action.

He was called again in Orderly Room and proper opportunity were provided to defend himself but he did not defend himself nor satisfied the undersigned.

In light of findings/recommendations of the Enquiry Officer and available record on file against the delinquent official, I Shaukat Ali, District Police Officer, South Waziristan Tribal District being Competent Authority, hereby awarded "Major punishment of dismissal from service" with immediate effect.

OB No. 71  
Dated: 11/11/2020

  
District Police Officer  
South Waziristan Tribal District.

No. 2152-57 /SWTD

Dated 04/11/2020.

Copy of above is submitted to:-

- b. The Regional Police Officer, DI Khan Region for favour of information.
- & Acctt: PA, OASI, Reader, SRC for information and further necessary action.

  
District Police Officer  
South Waziristan Tribal District.

2170879334355

Supreme Court of  
Enrollment No: 4994

0336323222



OFFICE OF THE  
REGIONAL POLICE OFFICER  
DERA ISMAIL KHAN  
REGION

No. 1134 /ES, Dated DI Khan, the 12/03/2021

**ORDER**

This order is aimed to dispose of the departmental appeal of Ex-Constable Eiaz No. 2551 of District Police SWTD against the Major Punishment order i.e. Dismissal from Service by DPO SWTD vide OB No. 71 dated 01.11.2020, on the following allegations:

Facts arising of the case are that he was selected for training with Pak Army in the training centers of South Waziristan vide SWTD office letter No.1935 dated 02.09.2020, but he failed to report at the training Center. He Intentionally absent from mandatory training without prior approval/permission from the high ups.

He was issued charge sheet and proper departmental proceedings was initiated against him. Enquiry into the matter was conducted by Mr. Sharifullah Khan SDPO Sarwakaj. The inquiry officer submitted his finding report in which he stated that the above mentioned constable neither reported to DC compound nor received his Charge Sheet and Final Show Cause Notice. Therefore, recommended for ex parte action. Hence, DPO SWTD has passed the order dated 04.11.2020.

He preferred an appeal to the undersigned on 25.11.2020 against the order of DPO SWTD. His appeal was sent to DPO SWTD for comments and to provide his service record vide this office letter No. 9907/ES dated 27.11.2020. DPO SWTD vide his office memo: No. 2574/SWTD dated 18.12.2020 has furnished the comments on the subject appeal.

The undersigned perused the file of the appellant thoroughly. He was called in orderly room on 23.02.2021 but he deliberately/intentionally not appeared before the undersigned.

Therefore, I, YASEEN FAROOQ, Regional Police Officer, Dera Ismail Khan, in exercise of the powers conferred upon me under Rule-11(4)(a) of Police Rules 1979 amended 2014, uphold the major punishment of Dismissal from Service awarded by DPO SWTD and his appeal is hereby rejected being meritless.

*[Signature]*  
REGIONAL POLICE OFFICER  
DERA ISMAIL KHAN

*[Signature]*  
REGIONAL POLICE OFFICER  
DERA ISMAIL KHAN

No. 1135 /ES

/ES

Copy of above is sent to the DPO SWTD alongwith service records w.r.t his office memo: No. 2574/SWTD dated 18.12.2020.

*DPO/SWTD*  
*OB*  
*EC/SRC*  
*for info action/Exec.*  
*29/03*  
*ALST*

*24/03/2021*  
*0304-5996640*

Supreme Court of  
Enrollment No: 4994

*0336323222 NO. 068*



(17) F

**OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA  
PESHAWAR.**

**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 Ejaz No. 2551. The petitioner was dismissed from service by District Police Officer, South Waziristan Tribal District vide OB No. 71, dated 01/11/2020 on the allegations that he was selected for training with Pak Army in the training centers of South Waziristan vide SWTD office letter No. 1935 dated 02.09.2020, but he failed to report at the training center. He intentionally absent from mandatory training without prior approval/permission from the high ups. His appeal was rejected by Regional Police Officer, DIKhan vide order No.1134-35/ES, dated 12.03.2021.

Meeting of Appellate Board was held on 29.03.2022 wherein petitioner was heard in person. Petitioner contended that he was not informed about training.

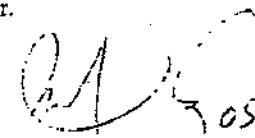
Petitioner failed to advance any plausible explanation in rebuttal of the charges. Therefore, the Board decided that his petition is hereby rejected.


Sd/-  
**SABIR AHMED, PSP**  
Additional Inspector General of Police,  
HQrs: Khyber Pakhtunkhwa, Peshawar.

No. S/ 829-35 /22, dated Peshawar, the 14/4 /2022.

Copy of the above is forwarded to the:

1. Regional Police Officer, DIKhan. One Service Roll alongwith copy of complete enquiry file of the above named Ex-FC received vide your office Memo: No. 2971/ES, dated 12.07.2021 is returned herewith for your office record
2. District Police Officer, South Waziristan Tribal District.
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.

  
**(QURESH TARIQ) PSP**  
AIG Establishment,  
For Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar.



Supreme Court of  
Enrollment No: 4994

03363232222



'G'

**IN THE HIGH COURT OF SINDH,**  
**Bench at Sukkur**

**C. P. No. D – 1953 of 2018**

**(Gulshan Ali V/S P.O. Sindh & Others)**

**Hearing of Case**

1. For orders on office objection
2. For hearing of Main Case.

**Before:**

Mr. Justice Muhammad Junaid Ghaffar  
Mr. Justice Zulfiqar Ali Sangi

Date of Hearing: **22-02-2022**

Date of Decision: **22-02-2022**

Mr. Qurban Ali Kalwar, Advocate for the Petitioner.  
Mr. Mehboob Ali Wassan, Assistant A.G.

**ORDER**

**Muhammad Junaid Ghaffar, J.** – Through this Constitutional Petition, the Petitioner has prayed for the following relief(s):

*“i)* That this Hon'ble Court may be pleased to direct the respondents to release the salary of petitioner for the period from November, 2017 to March, 2018, and from the month of September, 2018 to date.

*ii).* To direct the respondents to allow the petitioner to continue as Head Master Govt. Boys Primary School Shah Murad Jagirani taluka Kotdiji”.

2. Notices were ordered and comments have been filed, wherein it is stated that the Petitioner continuously remained absent without prior intimation or grant of leave, whereas he was also issued a show-cause notice in this regard. It is further stated that he has remained absent for a total period of 789-days starting from 01.09.2018 to 29.10.2020.

3. While confronted, Counsel for the Petitioner has denied this stance of the Respondents. However, he has not been able to satisfactorily respond to this very specific allegation of petitioner's absence without leave. We in our constitutional jurisdiction cannot decide this factual aspect of the matter, whereas if the Petitioner has remained on duty then

he was supposed to place on record some convincing material including rejoinder affidavit to contradict the stance of the respondents. Nothing has been place on record; therefore, we cannot go into this factual dispute.

4. Even otherwise, the Hon'ble Supreme Court has time and again deprecated the grant of any indulgence to the employees who remained absent from duties without prior leave or permission and reference in this regard may be made to the cases reported as Deputy Inspector General of Police v Sarfraz Ahmed [2022 PLC (CS) 278], Secretary Elementary & Secondary Education v Noor ul Amin [2022 PLC (CS) 132]; National Bank of Pakistan v Zahoor Ahmed Mengal (2021 SCMR 144) and Federation of Pakistan v Mamoon Ahmed Malik (2020 SCMR 1154). Accordingly, this Petition being misconceived is hereby dismissed.

**JUDGE**

**JUDGE**

Ahmad



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

No. 2108 /Legal SAC dated the 17/05/2024

To: The District Police Officer,  
South Waziristan.

Subject: SERVICE APPEAL NO. 239/2023 EJAZ VS GOVT OF KP ETC

Memo:-

Please refer to your office letter No. 1302 dated 15.05.2024 on the subject noted above.

2. The Para-wise comments in the subject service appeal received to CPO for favor of signature of W/IGP Khyber Pakhtunkhwa are hereby returned with remarks that the comments are insufficient, reply to each para may be explained with supporting annexures and resubmit the same for further necessary action, please.

Encl: complete file of your office

**DSP/LEGAL**

For Assistant Inspector General of Police,  
Legal, Khyber Pakhtunkhwa, Peshawar

17.05.2024