

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

**Service Appeal No. 2489/2023.**

**Tilawat Shah S/o Munaf Khan, R/o Village Urmar Miana, Tehsil and district Peshawar, Ex-Constable No. 650 FRP Headquarters Peshawar.....Appellant.**

**VERSUS**

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

**INDEX**

<b>S. NO</b>	<b>DESCRIPTION OF DOCUMENTS</b>	<b>ANNEXURE</b>	<b>PAGE No.</b>
1.	Para wise comment		03
2.	Punishment order dated 10.03.2009	A	04
3.	Progress report CIO	B	05
4.	DD-report	C	06
5.	Copy of Charge Sheet	D	07.
6.	Reply of Charge Sheet	E	08
7.	Enquiry report	F	09-11
8.	Final Show Cause Notice	G	12
9.	Authority letter		13
10.	Affidavit		14
11.	total		14

  
**RESPONDENTS**

09-05-24

Peshawar

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR****Service Appeal No. 2489/2023.****Tilawat Shah S/o Munaf Khan, R/o Village Urmar Miana, Tehsil and district Peshawar, Ex-Constable No. 650 FRP Headquarters Peshawar, .....Appellant.****VERSUS****Inspector General Police, Khyber Pakhtunkhwa, Peshawar & others.....Respondents****PARAWISE REPLY BY RESPONDENTS 1 to 4.****Khyber Pakhtunkhwa  
Service Tribunal****RESPECTFULLY SHEWETH.****Diary No. 12469****PRELIMINARY OBJECTIONS:-****Dated 20-04-2024**

1. That the appeal is badly barred by law & limitation.
2. That the appeal is bad for mis-joinder and non-joinder of necessary and proper parties.
3. That the appellant has no cause of action and locus stand to file the instant appeal.
4. That the appellant has not come to this Honorable Tribunal with clean hands.
5. That the appellant is estopped due to his own conduct to file the instant Service Appeal.
6. That the appellant is trying to conceal the material facts from this Honorable Tribunal.

**FACTS:-**

1. Correct to the extent that the appellant was appointment as constable in Police Department, while the rest of para is incorrect as perusal of his service record the appellant found an inefficient police officer as earlier he was remained absent from lawful duty with effect from 02.09.2008 to 09.03.2009 for total period of 06 months and 11 days without any leave or prior permission of the competent authority, which he was awarded major punishment of removal from vide OB No. 482, dated 10.03.2009 and later on he was reinstated in service on departmental appeal. (Copy of punishment order dated 10.03.2009 attached herewith as annexure "A").
2. Incorrect. The appellant was involved in a criminal case vide FIR No. 550, dated 13.07.2020 U/S 302/34/149 PPC Police Station Urmar, which he obtain BBA, but the appellant failed to appear before the Hon'ble Trial Court on due date and time, therefore his BBA was canceled and he was declared as proclaimed offender in the above criminal case as per progress report of CIO concerned. Besides, he was also remained absent from lawful duty with effect from 17.01.2021 vide DD report No. 09, dated 17.01.2021. (Copies of progress report of CIO & DD report are attached herewith as annexure "B & C").
3. Incorrect. On the allegations of willful absence as well as involvement in criminal case the appellant was placed under suspension and closed to Line. He was issued Charge Sheet alongwith Summary of Allegations and Mr. Noor Zamin Shah DSP FRP HQrs; was appointed as Enquiry Officer. After completion of enquiry, the

Enquiry Officer submitted his finding report, wherein he reported that in the reply of Charge Sheet the appellant has denied from the allegations leveled against him, however, according to the statement of Investigation Officer of the criminal case the appellant was obtained BBA, but he failed to attend the court concerned on due date. Therefore, the BBA was canceled and the appellant was declared as proclaimed offender in such criminal case. (Copies of Charge Sheet & his reply are attached herewith as annexure "D & E"). Hence, the Enquiry Officer recommended for departmental action. Upon the findings of Enquiry Officer he was issued Final Show Cause Notice and served upon him through post mail, but he failed to submit his reply. The appellant was offered sufficient opportunity of personal hearing, but he deliberately failed to avail this opportunity/ (Copies of enquiry report and Final Show Cause Notice attached herewith as annexure "F & G"). Thus after fulfillment of all codal formalities he was awarded major punishment of removal from service as per law/rules.

4. Incorrect. Departmental appeal of the appellant was thoroughly examined and rejected on the grounds of time barred and a copy of the same has already been endorsed to the appellant to his home address vide this office Endst; No. 9775-78/SI legal, dated 05.10.2023. The revision petition of the appellant has also rejected being badly time barred. The appellant has no cause of action to file the instant appeal and the same being devoid of merits may kindly be dismissed on the following grounds.


**GROUND:-**

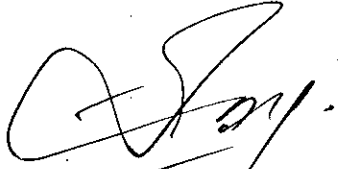
- A. Incorrect. The appellant was absolutely treated in accordance with law within the meaning of Article 4 of the constitution by giving him sufficient and proper opportunities at every level of defense and that the entire proceedings were carried out in accordance with existing laws and rules.
- B. Incorrect. The appellant was already proceeded against proper departmentally as explained in the preceding para 3 of facts. Hence, after fulfillment of all codal formalities he was awarded major punishment of removal from service as per law/rules.
- C. Incorrect. As during the pendency of enquiry the BBA of the appellant has been canceled by the Hon'ble Trial Court and he was declared as proclaimed offender in the criminal case quoted and according to Police Rules 14-11 such official will be dismissed from service.
- D. Incorrect. The case of Head Constable Azghar Mehmood of Punjab Police mentioned by the appellant in the para is not at par with the case of appellant. As the appellant deliberately failed to appear before the Trial Court and to face the case trial, for which he was declared as proclaimed offender. Besides, a regular enquiry has also been conducted against him as discussed above.

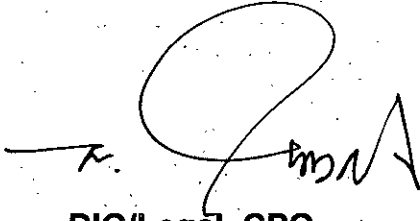
- E. Incorrect. The appellant willfully remained absent from lawful duty and the willful absence of a civil servant is fallen in the virtue/ambit of a gross misconduct, which liable to be punished.
- F. Incorrect. In fact, the appellant was proceeded against departmentally under Police Rules 1975, within the meaning of Section-3-sub section (a & b) of Police disciplinary rules amended in 2014, which is applicable law for an employee of police department.
- G. Incorrect. The appellant was absolutely treated in accordance with law/rules by giving him sufficient and proper opportunities at every level of defense, but he deliberately failed to avail this opportunity.
- H. Incorrect. The order of removal from service passed by the competent authority is legally justified and in accordance to law/rules as the same has issued after fulfillment of all codal formalities.
- I. The respondents may also be permitted to raise additional grounds at the time of arguments.

**PRAYERS:-**

Keeping in view the above facts and circumstances, it is most humbly prayed that the instant service appeal being not maintainable may kindly be dismissed with costs please.

  
**Deputy Commandant FRP,**  
 Khyber Pakhtunkhwa, Peshawar  
 (Respondent No.3 & 4)  
**(Asif Bahadar PSP)**  
 Incumbent

  
**Commandant FRP,**  
 Khyber Pakhtunkhwa, Peshawar  
 (Respondent No.2)  
**(Tahir Ayub Khan PSP)**  
 Incumbent

  
**DIG/Legal, CPO**  
**For Inspector General of Police,**  
 Khyber Pakhtunkhwa, Peshawar  
 (Respondent No.1)  
**(Dr. Muhammad Akhtar Abbas)**  
 Incumbent

(4)

"A"

**O.R.D.E.R**

This Office Order relates to the disposal of formal departmental proceedings against Constable Tilawat Khan, No.2454, of FRP/HQrs Peshawar, while selected for Elite Course held at PRC Mardan remained absent from duty w.e.from 02-09-2008 till-to date without taking any leave/permission of the competent authority.

In this connection he was issued charge sheet and summary of allegations and LO/FRP/HQrs was nominated as Enquiry Officer. The Enquiry Officer after fulfilling all codal formalities submitted his findings wherein he held responsible for his intentional fault of absence without any cogent reason. Despite repeated reminders, he totally failed to report back for duty. His service record is also a negative asset for him which depict that he is not interested in service. He was issued Final Show Cause Notice to which he received but failed to submit his reply in the prescribe period of (14) days.

From the perusal of official record it came to light that he was enlisted in Police Department on 25-10-2004 thus his total service comes to (04) years and (05) months only.

Keeping in view the recommendation of the Enquiry Officer and other material available on record it has become crystal clear that the delinquent official always remained absent from duty on one pretext or the other. Therefore, in exercise of Powers vested to me under the NWFP, Removal from Service (Spl: Powers) Ordinance 2000. Constable Tilawat Khan, No.2454, of FRP/HQrs, is hereby Removed from Service and the period of absence is treated as Leave without pay.

**Order Announced.**

*Awal Khan*

**(AWAL KHAN)**  
Dy: Commandant,  
Frontier Reserve Police,  
NWFP, Peshawar.

No. *650* - *52*/PA/FRP/HQrs: dated Peshawar, the *4* /03/2009.

Copy of the above is forwarded to:-

1. The OSI/ FRP/HQrs: Peshawar
2. The Accountant /FRP/HQrs: Peshawar.
3. The SRC/FRP/HQrs: Peshawar
4. The FMC/ FRP/HQrs: Peshawar with original Enquiry file.

*Attested*  
*[Signature]*  
*30/11/21*

\*\*\*\*\*

**FRP HQ**  
O.B. No. *482*  
Date *18/03/09*

تفاتیہ

پرائمری اسکول

ضلع لاہور

فقدانہ نمبر 550 حوتہ 13<sup>07</sup> 2020ء حرم 148/49-324-302 لاہور  
صاحبانہ کلاسنگ ہاؤس و بلڈنگ صاف خان سکین لاہور ضلع لاہور  
ضلع لاہور

فقدانہ نمبر 550 حوتہ 13<sup>07</sup> 2020ء حرم 148/49-324-302 لاہور  
صاحبانہ کلاسنگ ہاؤس و بلڈنگ صاف خان سکین لاہور ضلع لاہور  
ضلع لاہور

Amor  
011 PM UR  
11-07-2021

Handwritten signature and initials

Attested

Handwritten signature and date 24/4/21

1557/R1 (6) C 1  
10/02/021

FRP  
HQ

نقل 19 روزنامه 17/01/021

شیخ ملرزوان: ارشد خان آغا وقت 18:15 بجے 17/01/021 درج معینہ دستخط

گنئی ملرزوان کسٹمز۔ برودان گنئی تلویت نکالا 650 ہینا نقل

1009 عدم موجودی وارڈ گنئی ملرزوان رپورٹ غنیمت حاصلہ 17/01/021  
روزنامہ کسٹمز

صاحب عالی

نقل بطور اصل دے

2 نفر غنیمت حاصلہ

Exp

*[Signature]*

27/01/021

01/02/021

*[Signature]*

01 02 021

pay stopped  
have charge sheet  
Dsp/Hems: us 6.0.

Arrested

*[Signature]*  
30/1/21

158  
17/1/21

*[Signature]*  
Deputy Commandant  
Frontier Reserve Police  
KPK, Peshawar  
17/2/21

17/3/24  
HO

(7)

"D"

**CHARGE SHEET U/S 6(1) (A) POLICE RULES 1975**

You Charge Constable Tilawat shah No.650 of FRP HQrs: Peshawar is hereby charged for committing the following omission/commissions.

While posted at FRP HQrs: Peshawar absented himself from duty w.e from 17.01.2021 till date without taking any leave/permission of the competent authority.

You are hereby called upon to submit your written defense against the above charges before the enquiry officer.

Your reply should reach the Enquiry Officer within seven (7) days from date of receipt of this Charge Sheet, failing which ex-parte action shall be taken against you.

Summary of allegations is enclosed herewith.



Deputy Commandant  
Frontier Reserve Police  
Khyber Pakhtunkhwa Peshawar

Attested



30/4/24





انکوائری رپورٹ

جناب عالی!

بحوالہ مشمولہ انکوائری کاغذات برخلاف کنسٹیبل تلاوت شاہ نمبر 650 ایف آر پی ہیڈ کوارٹر پشاور معروض خدمت ہوں کہ مذکورہ کنسٹیبل بحوالہ مقدمہ علت نمبر 550 مورخہ 13.07.2020 جرم PPC 302/34/148/149 تھانہ ارملہ ضلع پشاور میں ملوث ہے۔ جس پر مذکورہ کنسٹیبل کو بحوالہ آرڈر نمبر 1121-24/PA مورخہ 05.08.2020 پر جناب ڈپٹی کمائنٹ صاحب ایف آر پی خیبر پختونخواہ پشاور نے معطل لائن کرنے کا حکم صادر فرمایا اور ساتھ ہی مذکورہ کنسٹیبل کے خلاف چارج شیٹ و سمری آف ایلیگیشن جاری کر کے کاغذات بغرض انکوائری من DSP ہیڈ کوارٹر کو حوالہ کئے۔

دوران انکوائری کنسٹیبل تلاوت شاہ نمبر 650 ایف آر ہیڈ کوارٹر پشاور پر چارج شیٹ و سمری آف ایلیگیشن حسب ضابطہ تقسیم کر کے مذکورہ سے زبانی پوچھ گچھ کر کے تحریری بیان لیا گیا جس کا خلاصہ ذیل ہے۔

خلاصہ بیان ازاں کنسٹیبل تلاوت شاہ نمبر 650 ایف آر پی ہیڈ کوارٹر پشاور :- مذکورہ نے اپنے بیان میں لکھا ہے کہ اس کے خلاف بحوالہ مقدمہ علت نمبر 550 مورخہ 13.07.2020 جرم PPC 302/34/148/149 تھانہ ارملہ ضلع پشاور درج ہو ہے اس روز وہ ایڈوکیٹ جنرل پشاور ہوئی کورٹ میں میں ڈیوٹی پر تعینات تھا۔ ساکن بے گناہ ہے اور بوقت وقوعہ موقعہ پر موجود نہیں تھا بلکہ اپنی ڈیوٹی پر پشاور ہائی کورٹ میں موجود تھا۔ ساکن نے مورخہ 16.07.2020 کو BBA کیا ہوا ہے۔ بیان ہمراہ لف ہے۔

اندریں سلسلے CIO تھانہ ارملہ ضلع پشاور بحوالہ مقدمہ علت نمبر 550 مورخہ 13.07.2020 جرم PPC 302/34/148/149 تھانہ ارملہ ضلع پشاور میں پراگرس رپورٹ بذریعہ DFC طلب کیا گیا۔ جس کا خلاصہ ذیل ہے۔

خلاصہ پراگرس رپورٹ CIO تھانہ ارملہ ضلع پشاور :- CIO تھانہ ارملہ ضلع پشاور نے اپنے رپورٹ میں لکھا ہے کہ کنسٹیبل تلاوت شاہ نمبر 650 کے خلاف مقدمہ درج رجسٹر ہو کر جس کی FIR کاپی پراگرس کیساتھ لف ہے۔ ملزم بالا نے مقدمہ ہذا میں BBA کر کے جس سے غیر حاضر ہو کر اب ملزم بالا کے خلاف کارروائی رپوش مکمل ہو کر ملزم بالا مجرم اشتہاری گردانا گیا ہے۔ جس کی گرفتاری کی جاری ہے۔ پراگرس رپورٹ ہمراہ لف ہے۔

اس سلسلہ میں محرر آر پی ہیڈ کوارٹر پشاور سے کنسٹیبل تلاوت شاہ نمبر 650 کے ریکارڈ کے بابت تحریری رپورٹ طلب کیا گیا جس کے مطابق کنسٹیبل تلاوت شاہ نمبر 650 بحوالہ مقدمہ علت نمبر 550 مورخہ 13.07.2020 جرم PPC 302/34/148/149 تھانہ ارملہ ضلع پشاور میں ملوث ہو کر بحوالہ آرڈر نمبر 1121-24/PA مورخہ 05.08.2020 پر حسب الحکم افسران بالا صاحبان معطل لائن ہے اور کنسٹیبل مذکورہ بحوالہ مد 19 روز نامچہ 17.01.2021 سے بدستور غیر حاضر ہے۔ رپورٹ ہمراہ لف ہے۔

جناب عالی!

جملہ ریکارڈ ہمراہ لف شدہ کی رو سے انکوائری افسر بعد از انکوائری اس نتیجہ پر پہنچا ہوں کہ کنسٹیبل تلاوت شاہ نمبر 650 ایف آر پی ہیڈ کوارٹر پشاور سے ایڈوکیٹ جنرل پشاور ہائی کورٹ پشاور کیساتھ بطور گنر تعینات تھا۔ مذکورہ بحوالہ مقدمہ علت نمبر 550 مورخہ 13.07.2020 جرم PPC 302/34/148/149 تھانہ ارملہ ضلع پشاور میں ملوث ہے۔ مذکورہ نے اپنے بیان میں لکھا ہے کہ وقوعہ کے وقت وہ پشاور ہائی کورٹ میں ڈیوٹی پر موجود تھا مقدمہ ہذا میں وہ بے گناہ ہے۔ بمطابق رپورٹ CIO تھانہ ارملہ ضلع پشاور کنسٹیبل تلاوت شاہ

نمبر 650 نے مقدمہ ہذا میں BBA کر کے جس سے غیر حاضر ہو کر اب ملزم بالا کے خلاف کارروائی رپوش مکمل ہو کر ملزم بالا مجرم اشتہاری گردانا گیا ہے۔ جس کی گرفتاری مطلوب ہے۔

بمطابق رپورٹ محرر ایف آر پی ہیڈ کوارٹر پشاور کے کنسٹیبل مذکورہ بحوالہ مد 19 روزنامہ

17.01.2021 سے بدستور غیر حاضر ہے۔ رپورٹ ہمراہ لف ہے

لہذا درج بالا حالات اور ریکارڈ کو مد نظر رکھ کر کنسٹیبل تلاوت شاہ نمبر 650 کے خلاف کارروائی کرنے کی

سفارش کی جاتی ہے۔

رپورٹ گزارش ہے۔

DSP ہیڈ کوارٹر

ایف آر پی پشاور

ڈیو نمبر۔ 87 مورخہ

15/3/21

18

Issue F.S.C.N

Dy: Comdt FRP

Attested

3/20/21

PA

112

'G'

FINAL SHOW CAUSE NOTICE UNDER POLICE RULES 1975.

I, Deputy Commandant, FRP, KPK as competent authority do hereby serve you Constable Tilawat Shah No. 650 of FRP/HQrs, Peshawar.

- (1) i- That consequent upon the completion of enquiry conducted against you by DSP FRP HQrs: Peshawar for which you were given full opportunity of hearing, but you failed to submit reply in response to the Charge sheet/statement of allegation and recommend you for Major punishment.
- ii- On going through the findings/recommendations of the Enquiry Officers, the material available on record and other connected papers I, am satisfied that you have committed the following acts/omissions per Police Rules 1975.

You Constable Tilawat Shah No. 650 of FRP HQrs: Peshawar being involved in case FIR No.550 U/S 302/34/148/149 PPC dated 13-07-2020 also absented yourself from duty with effect from 17.01.2021 till to date without any leave/permission of the competent authority. In this connection an enquiry was entrusted to DSP FRP HQrs: Peshawar, who after enquiry recommend you for Major punishment.

- (2) Therefore, I, Deputy Commandant, FRP, KPK as competent authority has tentatively decided to impose upon you Major/Minor penalty including dismissal from service under the said Rules.
- (3) You are, therefore, required to final Show Cause as to why not the aforesaid penalty should not be imposed upon you.
- (4) If no reply to this Final Show Cause Notice is received within fifteen days of its delivery in the normal course of circumstances, it shall be presumed that you have no defence to put in and consequently ex-parte action shall be taken against you.

*Attended*  
 3) PA  
 Deliver the show cause as per discussion on 05/4/21

*Order*  
 Deputy Commandant,  
 Frontier Reserve Police,  
 Khyber Pakhtunkhwa, Peshawar.  
 "Remove from Sen"

No. 346 /PA, dated 19/03 /2021

*14/6*

4

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

**Service Appeal No. 2489/2023.**

**Tilawat Shah S/o Munaf Khan, R/o Village Umar Miana, Tehsil and district Peshawar, Ex-Constable No. 650 FRP Headquarters Peshawar.....Appellant.**

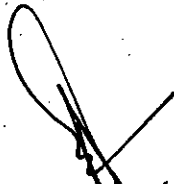
**VERSUS**

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


**AUTHORITY LETTER**

Respectfully Sheweth:-

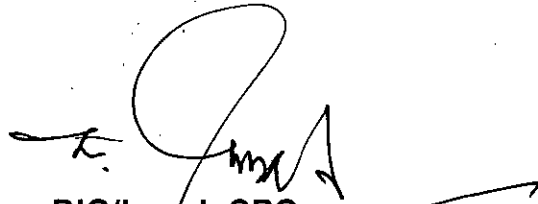
We respondents No. 1 to 4 do hereby solemnly authorize Mr. Ghassan Ullah ASI FRP HQrs; to attend the Honorable Tribunal and submit affidavit/Para-wise comments required for the defense of above Service Appeal on our behalf.



**Deputy Commandant FRP,**  
Khyber Pakhtunkhwa, Peshawar  
(Respondent No.3 & 4)  
**(Asif Bahadar PSP)**  
Incumbent



**Commandant FRP,**  
Khyber Pakhtunkhwa, Peshawar  
(Respondent No.2)  
**(Tahir Ayub Khan PSP)**  
Incumbent



**DIG/Legal, CPO**  
**For Inspector General of Police,**  
Khyber Pakhtunkhwa, Peshawar  
(Respondent No.1)  
**(Dr. Muhammad Akhtar Abbas)**  
Incumbent

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

**Service Appeal No. 2489/2023**

**Tilawat Shah** S/o Munaf Khan, R/o Village Urmar Miana, Tehsil and district Peshawar, Ex-Constable No. 650 FRP Headquarters Peshawar.....Appellant.

**VERSUS**

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

**AFFIDAVIT**

I respondent No. 03 do hereby solemnly affirm and declare on oath that the contents of the accompanying Para-wise Comments is correct to the best of my knowledge and belief that nothing has been concealed from this Honorable Court.

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/costs.

**Deputy Commandant FRP,**  
Khyber Pakhtunkhwa, Peshawar.  
(Respondent No. 03)  
**Asif Bahadar (PSP)**  
Incumbent

**ATTESTED**

