

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal No. 465/2024

Saeed Khan Ex-Constable No. 2451 District Mardan

.....Appellant

VERSUS

The District Police Officer, Mardan and others

.....Respondents

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Handwritten notes:
Saeed Khan
AD
9.3.24

Signature
**DSP Legal
Mardan**

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

Service Appeal No. 465/2024

Saeed Khan Ex-Constable No. 2451 District Mardan

.....Appellant

C Eng (1)

VERSUS

The District Police Officer, Mardan and others

.....Respondents

PARA-WISE COMMENTS ON BEHALF OF RESPONDENTS:-

Respectfully Sheweth,

PRELIMINARY OBJECTIONS

1. That the appellant has not approached this Hon'ble Tribunal with clean hands.
2. That the appellant has concealed the actual facts from this Hon'ble Tribunal.
3. That the appellant has got no cause of action or locus standi to file the instant appeal.
4. That the appellant is estopped by his own conduct to file the instant Service Appeal.
5. That the appeal is unjustifiable, baseless, false, flawless and vexatious and the same is liable to be dismissed with special compensatory cost in favour of respondents.
6. That the Hon'ble Tribunal has no jurisdiction to adjudicate the matter.
7. That the appeal is bad for miss-joinder and non-joinder of necessary parties.

REPLY ON FACTS

1. Para to the extent of enlistment in Police Department as Constable pertains to record needs no comments.
2. Incorrect. Stance of appellant is baseless, because every Police Officer is under obligation to perform his duty upto the entire satisfaction of his superiors, because his performance was not satisfactory and he is habitual absentee. Moreover, the perusal of service record of the appellant revealed that due to his lethargic attitude his entire service record is tainted with bad entries **(Copies of list of bad entries is attached as Annexure A)**.
3. Incorrect. Plea taken by the appellant is not plausible, because being a member of disciplined force he was supposed to inform his seniors about his mother's illness or submit application for leave but he failed to do so and remained absent from duty without any leave/permission of the competent authority vide DD No. 41 dated 30.06.2021, this attitude of the appellant clearly showed that he was no more interested in Police Department, which is gross misconduct under the Police Rules, 1975.
4. Incorrect. Para for the appellant to prove.

- 2
5. Incorrect. Stance taken by the appellant is not plausible because he while posted at Police Station Sheikh Maltoon, remained absent from duty without any leave/permission of the competent authority vide DD No. 41 dated 30.06.2021 till date of dismissal. On account of aforementioned allegations, the appellant was issued Charge Sheet with Statement of allegations vide No. 181/PA dated 02.08.2021 and enquiry was entrusted to Mr. Sadat Ali the then DSP Security Mardan.
 6. Incorrect. Stance taken by the appellant is not plausible because he while posted at Police Station Sheikh Maltoon, remained absent from duty without any leave/permission of the competent authority vide DD No. 41 dated 30.06.202 till date of dismissal. On account of aforementioned allegations, the appellant was issued Charge Sheet with Statement of allegations and enquiry was entrusted to Mr. Sadat Ali the then DSP Security Mardan, which was received by the appellant on 14.08.2021. During the course of enquiry the appellant was contacted time and again to appear before the enquiry officer but neither did he appear before the enquiry officer nor did he submit his reply. However, after fulfillment of all legal and codal formalities, the Enquiry Officer recommended the delinquent officer for major punishment. In light of above, the appellant was called for Orderly Room on 03.11.2021, 08.12.2021, 15.12.2021, 22.12.2021, 29.12.2021 & 05.01.2022 respectively through notices but neither he appeared nor assumed duty till date of dismissal. Besides, the appellant was issued Final Show Cause Notice vide No. 991-92/PA dated 01.03.2022 which was received by the appellant on 05.02.2022 to which he was bound to submit his reply within stipulated time but he failed, nor he assumed duty till date of dismissal hence, he was awarded Major Punishment of dismissal from service, which does commensurate with the gravity of misconduct of the appellant **(Copy of Served Charge Sheet with statement of allegations, enquiry papers, Final Show Cause Notice, Receiving receipt of Final Show Cause Notice and dismissal order are attached as Annexure-B, C, D & E).**
 7. Incorrect. Stance taken by the appellant is not plausible because he has been proceeded against departmentally by issuing him charge sheet with statement of allegations on account of willful absent from duty without any leave/permission of the competent authority vide DD No. 41 dated 30.06.2021 till date of dismissal and enquiry was entrusted to Mr. Sadat Ali the then DSP Security Mardan, which was received by the appellant on 14.08.2021. During the course of enquiry the appellant was contacted time and again to appear before the enquiry officer but neither he appeared before the enquiry officer nor submitted his reply. However, after fulfillment of all legal and codal formalities, the Enquiry Officer recommended for major punishment. In light of above, the appellant was called for Orderly Room on 03.11.2021,

08.12.2021, 15.12.2021, 22.12.2021, 29.12.2021 & 05.01.2022 respectively through notices but neither he appeared nor assumed duty till date. Besides, the appellant was issued Final Show Cause Notice vide No. 991-92/PA dated 01.03.2022 which was received by the appellant on 05.02.2022 to which he was bound to submit his reply within stipulated time but he failed, nor he assumed duty till date, hence he was awarded Major Punishment of dismissal from service, which does commensurate with the gravity of misconduct of the appellant.

8. Correct to the extent that the appellant preferred departmental appeal before the appellate authority which was filed, being devoid of merit. As the appellant was provided full-fledged opportunity of defending himself but he bitterly failed to produce any cogent proofs/reasons to justify his innocence. Hence, after perusal of entire material available on record coupled with enquiry report as well as the order of punishment, the departmental appeal was rejected and filed being devoid of merit and badly time barred **(Copy of orders is attached as annexure-"F")**.
9. That the appeal of the appellant is liable to be dismissed on the following grounds amongst the others.

REPLY ON GROUNDS:

- A. Incorrect. Stance taken by the appellant is baseless because order passed by the competent authority is legal as per law, facts according to norms of natural justice and material available on record, hence liable to be maintained, because all legal & codal formalities have been fulfilled.
- B. Incorrect. Plea taken by the appellant is not plausible, because the respondents have no grudges against the appellant, hence denied.
- C. Incorrect. Stance taken by the appellant is baseless because order passed by the competent authority as per law, rules and policy, hence liable to be maintained.
- D. Incorrect. Stance taken by the appellant is not plausible because he while posted at Police Station Sheikh Maltoon, remained absent from duty without any leave/permission of the competent authority vide DD No. 41 dated 30.06.2021 till date of dismissal. On account of aforementioned allegations, the appellant was issued Charge Sheet with Statement of allegations and enquiry was entrusted to Mr. Sadat Ali the then DSP Security Mardan, which was received by the appellant on 14.08.2021. During the course of enquiry the appellant was contacted time and again to appear before the enquiry officer but neither he appeared before the enquiry officer nor submitted his reply. However, after fulfillment of all legal and codal formalities, the Enquiry Officer recommended for major punishment. In light of above, the appellant was called for Orderly Room on 03.11.2021, 08.12.2021, 15.12.2021, 22.12.2021, 29.12.2021 &

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05.01.2022 respectively through notices but neither he appeared nor assumed duty till date of dismissal. Besides, the appellant was issued Final Show Cause Notice vide No. 991-92/PA dated 01.03.2022 which was received by the appellant on 05.02.2022 to which he was bound to submit his reply within stipulated time but he failed, nor he assumed duty till date of dismissal hence, he was awarded Major Punishment of dismissal from service, which does commensurate with the gravity of misconduct of the appellant.

- E. Incorrect. Plea taken by the appellant is not plausible, because being a member of disciplined force he was supposed to inform his seniors about his mother's illness or submit application for leave but he failed to do so and remained absent from duty without any leave/permission of the competent authority vide DD No. 41 dated 30.06.2021, this attitude of the appellant clearly showed that he was no more interested in Police Department, which is gross misconduct under the Police Rules, 1975. However, after fulfilling all legal and codal formalities by providing full-fledged opportunity of defending himself before the competent as well as appellate authority but he bitterly failed to produce any cogent reasons in his defense, Hence he was awarded Major Punishment of dismissal from service, which does commensurate with the gravity of misconduct of the appellant.
- F. Incorrect. Plea taken by the appellant is not plausible, because the appellant was called for Orderly Room on 03.11.2021, 08.12.2021, 15.12.2021, 22.12.2021, 29.12.2021 & 05.01.2022 respectively through notices but neither he appeared nor assumed duty till date of dismissal. Besides, the appellant was issued Final Show Cause Notice vide No. 991-92/PA dated 01.03.2022 which was duly received by the appellant on 05.02.2022 to which he was bound to submit his reply within stipulated time but he failed, nor he assumed duty till date of dismissal, however, after fulfilling all legal and codal formalities the competent authority passed the said order as per law.
- G. Incorrect. Stance taken by the appellant is not plausible because he while posted at Police Station Sheikh Maltoon, remained absent from duty without any leave/permission of the competent authority vide DD No. 41 dated 30.06.2021 till date of dismissal. On account of aforementioned allegations, the appellant was issued Charge Sheet with Statement of allegations and enquiry was entrusted to Mr. Sadat Ali the then DSP Security Mardan, which was received by the appellant on 14.08.2021. During the course of enquiry the appellant was contacted time and again to appear before the enquiry officer but neither he appeared before the enquiry officer nor submitted his reply. However, after fulfillment of all legal and codal formalities, the Enquiry Officer recommended for major

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punishment. In light of above, the appellant was called for Orderly Room on 03.11.2021, 08.12.2021, 15.12.2021, 22.12.2021, 29.12.2021 & 05.01.2022 respectively through notices but neither he appeared nor assumed duty till date of dismissal. Besides, the appellant was issued Final Show Cause Notice vide No. 991-92/PA dated 01.03.2022 which was received by the appellant on 05.02.2022 to which he was bound to submit his reply within stipulated time but he failed, nor he assumed duty till date, hence he was awarded Major Punishment of dismissal from service, which does commensurate with the gravity of misconduct of the appellant.

- H. Incorrect. Stance taken by the appellant is not plausible because he is a habitual absentee, after perusal of service record of the appellant revealed that due to his absence and lethargic attitude his entire service record is tainted with bad entries.
- I. Incorrect. Stance taken by the appellant is not plausible because he while posted at Police Station Sheikh Maltoon, remained absent from duty without any leave/permission of the competent authority vide DD No. 41 dated 30.06.202 till date of dismissal. On account of aforementioned allegations, the appellant was issued Charge Sheet with Statement of allegations and enquiry was entrusted to Mr. Sadat Ali the then DSP Security Mardan, which was received by the appellant on 14.08.2021. During the course of enquiry the appellant was contacted time and again to appear before the enquiry officer but neither he appeared before the enquiry officer nor submitted his reply. However, after fulfillment of all legal and codal formalities, the Enquiry Officer recommended for major punishment. In light of above, the appellant was called for Orderly Room on 03.11.2021, 08.12.2021, 15.12.2021, 22.12.2021, 29.12.2021 & 05.01.2022 respectively through notices but neither he appeared nor assumed duty till date of dismissal. Besides, the appellant was issued Final Show Cause Notice vide No. 991-92/PA dated 01.03.2022 which was received by the appellant on 05.02.2022 to which he was bound to submit his reply within stipulated time but he failed, nor he assumed duty till date, hence he was awarded Major Punishment of dismissal from service, which does commensurate with the gravity of misconduct of the appellant.
- J. Incorrect. Stance taken by the appellant is baseless because order passed by the competent authority is as per norms of law and natural justice, hence maintainable in the eyes of law.
- K. Incorrect. Stance taken by the appellant is baseless because orders passed by the competent as well as appellate authority are legal as per law and rules. The respondents also seek permission of this honorable tribunal to adduce additional grounds at the time of arguments.

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PRAYER:-

It is therefore, most humbly prayed that on acceptance of above submissions, appeal of the appellant may very kindly be dismissed **being a badly time-barred** and devoid of merits.



District Police Officer, Mardan.
(Respondent No. 4)
(ZAHOOR BABAR)^{PSP}
Incumbent



Regional Police Officer, Mardan.
(Respondent No. 3)
(ZAHOOR BABAR)^{PSP}
Incumbent

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

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Service Appeal No. 465/2024

Saeed Khan Ex-Constable No. 2451 District Mardan

.....Appellant

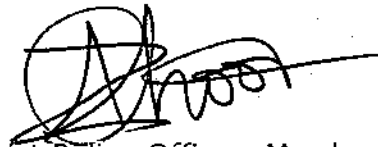
VERSUS

The District Police Officer, Mardan and others

.....Respondents

COUNTER AFFIDAVIT.

We, the respondents do hereby declare and solemnly affirm on oath that the contents of the Para-wise comments in the service appeal cited as subject are true and correct to the best of our knowledge and belief and nothing has been concealed from this Honorable 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.



District Police Officer, Mardan.
(Respondent No. 4)
(ZAHOOR BABAR)^{PSP}
Incumbent

ATTESTED



09-09-2024

① Annex A ②

14. COMMENDATORY ENTRIES - Cond.

Seri. A

DR. E. S.

B

DR. E. S.

E.

DR. E. S.

DR. E. S.

DR. E. S.

DR. E. S.

DR. E. S.

DR. E. S.

DR. E. S.

DR. E. S.

DR. E. S.

DR. E. S.

DR. E. S.

SP Legal Mardan

BETTER COPY

ANNEX "A"

14. Commendatory Entries – Conf. (Page 8)

ORDER:

37 days absence period or hereby counted as leave without pay and strictly warned to be careful in future, with immediate effect.

OB No: 104

Dated: 15/1/18

DPO, Mardan

ORDER:

He is hereby awarded minor punishment of "Censure" and Rs. 28 days absence period is treated as earned leave, with immediate effect.

OB No: 369

Dated: 19/02/18

DPO, Mardan

ORDER:

He is hereby awarded minor punishment of Censure with immediate effect

OB No: 1830

Dated: 11/10/2021

DPO, Mardan

2

9

Serial No.

15. CENSURES AND PUNISH.

(1)

Constable Saad Khan No. ... was absented himself from lawful duty for 29 days. R/Campus was appointed as signing officer. E.O recommended him for major punishment. He is awarded the punishment of stoppage of 02 annual increment without accumulation effect and the period of absence i.e 29 days treated as leave without pay vide this Office O/B No. 65 dt. 13.2.2013.

[Signature]
 COMMANDANT
 Campus Peace Corps
 University Campus Peshawar

(2)

Three days absence vide Home No. 196-2013 to 22/6/2013 Treated as leave without pay vide O/B No. 200 dt. 5/7/2013.

[Signature]
 COMMANDANT
 Campus Peace Corps
 University Campus Peshawar

(3)

Charge of 7 days absence from duty from 20.05.2014 to 27.05.2014.

(4)

Charge of 3 days Treated leave without pay, CO No. 4/ps dated 02-01-2014.

[Signature]

(3)

(10)

15. MEASURES AND PUNISHMENTS - Contd.

(4) (4)

...able Saad Khan NO 110 of cpc
 was relieved on "Shabbashi" but he
 was not reported back for duty therefore
 he was marked absent for 37 days without
 any leave/permission from his seniors.
 His this act is a gross misconduct on
 his part. Absence period i.e. 27 days
 treated as without pay & strictly warned
 to be careful in future. The remaining
 10 days treated as leave [copy attached]

CC No 145 cpc
 Dated 15-07-2014

(5) (5)

... Saad Khan NO 110 of
 cpc has absented himself on different
 cases on vide DD No 17 dated 17-07-2014
 for 10 days and vide DD No 20 dated
 28-07-2014 for 07 days without any leave
 permission from his seniors. His this act
 is a gross misconduct on his part.

... punishment of
 without pay and his absence period i.e.
 17 days treated as leave without pay
 He is being released.

CC No 182 cpc dt. 04-07-2014

[Signature]
 DSP Legal
 Mardan

(6)

... absence from duty.

... Ten days absence period is treated
 as without pay. From 24-11-2014 to 4-12-2014 DD
 CC No 265-cpc dt. 15-12-2014

(9)

④ ⑪

(Continued)

Serial No.

15. CENSURES AND PUNISHMENTS - Contd.

Order

He is hereby awarded minor punishment forfeiture of 2 years service with immediate effect under P.R-1975.

CB No 1472
25/8/15

sd/Popmal

ORDER

He is hereby awarded a minor punishment of censure with immediate effect.

CBNO-2370

dt 16/10/17

DPO/Mardan

ORDER

He is hereby awarded physical punishment of 06 days extra drill and his pay released with immediate effect.

CBNO-2836

dt 11/12/2017

DPO/Mardan

[Signature]
TSP Legal
Mardan

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(12)

15. CENSURES AND PUNISHMENTS - Contd.

ORDER

He is hereby awarded minor punishment
+ Censure for his absence without leave in exercise
of the powers conferred on me under PR 1975.

CR No. 5:

08/2/6

Sd/- Mardan

ORDER:-

awarded minor punishment by stopping
his one increment without commutation
with counting his (22) days
of absence period as leave without
pay.

CR No. 122:

3-0-19

Sd/-
DPO/Mardan

ORDER

awarded him minor punishment of
censure & 12 days absence period
as casual leave -

CR No. 625

dt: 29.3.2021

Sd/-
DPO Mardan

Sd/-
DPO Legal
Mardan

BETTER COPY

15. Censures and Punishment – Conf. (Page 12)

ORDER:

He is hereby awarded minor punishment of Censure with immediate effect in exercise of the power vested in me under PR 1975.

OB No: 290

Dated: 08/02/16

DPO, Mardan

ORDER:

Awarded minor punishment by stopping his one increment without commutation effect with counting his 22 days absence period as leave without pay.

OB No: 1220

Dated: 03/06/19

DPO, Mardan

ORDER:

Awarded him minor punishment of Censure and 12 days absenes period as Casual leave.

OB No: 628

Dated: 29/03/2021

DPO, Mardan

13

16. LEAVE, ABSENCE AND BREAKS IN SERVICE

All periods not counting as "approved service" to be entered in red ink.

8

1		2			3	4
DATE		EXTENT			No. of District Order	Description of leave, i.e. Privilege, hospital, sick leave, or furlough of or of absence, or forfeiture of approved service. All entries to be initialed by Superintendent of Police.
From	To	Years	Months	Days		
				(13)	1206 13-7-15	Leave w/o pay - DPO/MR
				(4)	1579 25-4-16	do - DPO/MR
				(5)	1567	do - DPO/MR
				(03)	1017/07 1853	do - DPO/MR
				(06)	1518/08 2631	do - DPO/MR
				(03)	04/12/03 2690 13/12/09	do - DPO/MR

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[Signature]
Marden

7

14

ORDER

Abstract in self from lawful duty
w.e.f. 30-6-21 to date. It refers awarded
in major punishment of dismissal from service
w.e.f. 30-6-21 with immediate effect, in exercise
of power vested in me under DR-1975.

CBAC/SIS

25/2/22

DPO/Mardan

ORDER

The appeal is rejected and subject being in
days of merit advised as badly time
worse of year, 2 months and 22 days.

By RPO/Mardan No. 4905/ES Dated 01/24/24

DPO/Mardan


DSP Legal
Mardan

BETTER COPY

15. Censures and Punishment – Conf. (Page 14)

ORDER:

Absented him self from lawful duty wef 30/06/21 till date, therefore, awarded him major punishment of dismissal from service wef 30/06/21 with immediate effect, in exercise of power vested in me under PR 1975

OB No: 515

Dated: 25/02/22

DPO, Mardan

ORDER:

His appeal is rejected and filed being devoid of merit as well as badly time barred 01 year, 07 months and 22 days. Vide RPO/ Mardan No. 4905/ES, dated 01/03/24

OB No: 1220

Dated: 03/06/19

DPO, Mardan



**OFFICE OF THE
DISTRICT POLICE OFFICER,
MARDAN**

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpomdn@gmail.com

Annex B^M 2/

(3)

2021

15

No. 181 /PA

Dated 28 /2021

DISCIPLINARY ACTION

I, **DR. ZAHID ULLAH (PSP)**, District Police Officer Mardan, as competent authority am of the opinion that **Constable Saeed Khan No.2451**, himself liable to be proceeded against, as he committed the following acts/omissions within the meaning of Police Rules 1975.

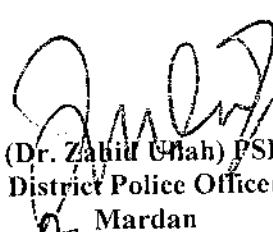
STATEMENT OF ALLEGATIONS

Whereas, **Constable Saeed Khan No.2451**, while posted at Police Station Shiekh Maltoon, remained absent from duty without any leave/permission of the competent authority vide DD No.41 dated 30-06-2021 till date. DD 22 dt: 09-9-21

For the purpose of scrutinizing the conduct of the said accused official with reference to the above allegations, **Mr. Sadat Ali DSP/Security Mdn is nominated as Enquiry Officer.**

The Enquiry Officer shall, in accordance with the provision of Police Rules 1975, provides reasonable opportunity of hearing to the accused Police Official, record/submit his findings and make within (30) days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused Official.

Constable Saeed Khan is directed to appear before the Enquiry Officer on the date + time and place fixed by the Enquiry Officer.


(Dr. Zahid Ullah) PSP
District Police Officer
Mardan


**DSP Legal
Mardan**

3

محمد علی خان صاحب

0343-0996387

0312-0992405

14-8-21

DSP Legat
Mardan



DIST

authorit
Mahr



**OFFICE OF THE
DISTRICT POLICE OFFICER,
MARDAN**

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpomdn@gmail.com

10

2021

16

CHARGE SHEET

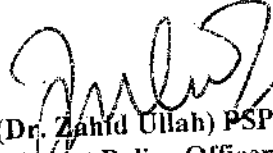
1. **DR. ZAHID ULLAH (PSP)**, District Police Officer Mardan, as competent authority, hereby charge **Constable Saeed Khan No.2451**, while posted at Police Station Shiekh Maltoon, as per attached Statement of Allegations.

1. By reasons of above, you appear to be guilty of misconduct under Police Rules, 1975 and have rendered yourself liable to all or any of the penalties specified in Police Rules, 1975.

2. You are, therefore, required to submit your written defense within **07 days** of the receipt of this Charge Sheet to the Enquiry Officer, as the case may be.

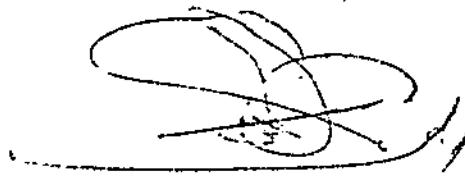
3. Your written defense, if any, should reach the Enquiry Officer within the specified period, failing which, it shall be presumed that you have no defense to put-in and in that case, ex-parte action shall follow against you.

4. Intimate whether you desired to be heard in person.


(Dr. Zahid Ullah) PSP
District Police Officer
Mardan


**DSP Legal
Mardan**

Handwritten text in Urdu script, possibly a signature or title.



Handwritten numbers and text: 2651 and 20092605.

**DSK Legal
Mardan**

(17)

Annex 12

(12)

انکوائری ازان کنسٹیبل سعید خان نمبر 2451 متعینہ تھانہ شیخ ملتون مردان۔

Annex 12
جناب عالی!

حوالہ چارج شیٹ نمبری 181/PA مورخہ 02.08.2021 مجاریہ از دفتر جناب DPO صاحب
انکوائری ازان کنسٹیبل سعید خان نمبر 2451 متعینہ تھانہ شیخ ملتون چوکی درب کلمے مردان معروض خدمت ہوں کہ مذکورہ کنسٹیبل
تقدم نمبری 41 مورخہ 30.06.2021 کو تھانہ شیخ ملتون چوکی درب بوکلی سے غیر حاضر ہو کر نکلدا افسران بالا کو بخش قانون
کاروائی موصول ہو کر جس پر جناب DPO صاحب نے مذکورہ کنسٹیبل کو چارج شیٹ بمعہ ٹیمٹ آف ایگلیشن جاری کیا اور سن
DSP کو بروئے انکوائری مارک کیا۔

مورخہ 13.08.2021 کو مذکورہ کنسٹیبل کو بذریعہ پروانہ دفتر طلب کر کے چارج شیٹ حوالہ ہوئی اور ساتھ
ہدایت کی گئی کہ اپنے تحریری بیان کے ساتھ اپنا حاضری کا نکلدا بھی دفتر میں جمع کریں۔ کافی عرصہ گزرنے کے باوجود مذکورہ کنسٹیبل
کو اپنے دفتر سے بار بار فون نمبری 0312-0992405، 0308-8081124 اور 0343-0996381 پر رابطہ کیا
گیا مگر مذکورہ کنسٹیبل ڈیڑھ ماہ گزرنے کے باوجود بھی جان بوجھ کر دفتر آنے کی زحمت نہ کی۔ تاکہ انکوائری کا بروقت تکمیل ہو
سکے۔

دوران انکوائری محرر تھانہ شیخ ملتون سے بھی بیان لیا گیا ہے جس نے اپنے بیان میں تحریر کیا ہے کہ مذکورہ کنسٹیبل
بصورت تبادلہ DFC سے چوکی درب بوکلی ہوا تھا جو کہ تقدم نمبری 41 مورخہ 30.06.2021 کو غیر حاضر ہوا ہے۔ جو کہ تقدم
نمبری 22 مورخہ 09.09.2021 کو حاضری کر کے دوبارہ اسی دن تقدم نمبری 37 مورخہ 09.09.2021 کو غیر حاضر
ہوا اور اپنی ڈیوٹی سے انشیر کسی جائزہ کے تاحال غیر حاضر ہے۔ (محرر تھانہ شیخ ملتون کا بیان لف انکوائری ہے)

مذکورہ کنسٹیبل کا سروس ریکارڈ بذریعہ SRC کلرک چیک کیا گیا جس کے مطابق مذکورہ کنسٹیبل سال 2008ء کا
بھرتی شدہ ہے۔ مذکورہ کنسٹیبل کے 12 سالہ سروس ریکارڈ میں Bad-21 انٹریاں پہلے سے موجود ہیں مذکورہ کنسٹیبل کی کل
143 دن غیر حاضریاں پہلے سے سروس ریکارڈ میں درج ہیں (SRC پروانہ لف انکوائری ہے)

دوران انکوائری محرر تھانہ شیخ ملتون سے رابطہ کیا گیا جس کے مطابق مذکورہ کنسٹیبل تقدم نمبری 41 مورخہ
30.06.2021 سے تاحال غیر حاضر ہے جس کی کل 88 یوم غیر حاضری بنتی ہے۔ مذکورہ کنسٹیبل ڈسپلن کا پابند نہیں ہے۔ کی گئی
انکوائری سے معلوم ہوا ہے کہ مذکورہ کنسٹیبل ایک عادی غیر حاضر باش ہے اور اپنی ڈیوٹی میں دلچسپی نہیں لیتا۔ لہذا مذکورہ کنسٹیبل
کے لئے (Major Punishment) کی سفارش کی جاتی ہے۔

27-9-21
DSP کیو رنی مردان

OR
DIP MON

DSP Legal
Mardan



OFFICE OF THE
DISTRICT POLICE OFFICER,
MARDAN

Tel No. 0937-9230189 & Fax No. 0937-9230111
Email: dpomdr@gmail.com



Amc D⁴

(18)

No. 0991-82 /PA

Dated 3 / 12 / 2022

FINAL SHOW CAUSE NOTICE

Constable Saeed Khan No.2451, while posted at Police Station Sheikh Maltoon, remained absent from duty without any leave/permission of the competent authority vide DD No.41 dated 30-06-2021 till-date.

In this connection, during the course of Departmental Enquiry, conducted by Mr. Saadat Ali DSP Security Mardan vide his office letter No.542/DSO dated 27-09-2021, in pursuance of this office Statement of Disciplinary Action/Charge Sheet No.181/PA dated 02-03-2021, holding responsible you of gross misconduct and recommended for major punishment.

To ascertain facts, you were called for hearing in Orderly Room on 03-11-2021, 08-12-2021, 15-12-2021, 22-12-2021, 29-12-2021 & 05-01-2022 through proper delivered notices, but you have failed to comply with.


At last on 12-01-2022, you appeared before the undersigned in OR, during which, you requested the undersigned for giving a last chance to continue Police Service, upon which, I have taken a lenient view against you by directing to assume duty at PS Sheikh Maltoon today (12-01-2022), but you have failed to comply with till-date, meaning that you are not interested in Police Service.

Therefore, it is proposed to impose Major/Minor penalty as envisaged under Rules 4 (b) of the Khyber Pakhtunkhwa Police Rules 1975.

Hence, I Dr. Zahid Ullah (PSP) District Police Officer Mardan, in exercise of the power vested in me under Rules 5 (3) (a) & (b) of the Khyber Pakhtunkhwa Police Rules 1975 call upon you to Show Cause Finally as to why the proposed punishment should not be awarded to you.

Your reply shall reach this office within 07 days of receipt of this Notice, failing which; it will be presumed that you have no explanation to offer.

You are liberty to appear for personal hearing before the undersigned.

Received by 

Dated: 5 / 2 / 2022


(Dr. Zahid Ullah) PSP
District Police Officer
Mardan

Copy to SHO PS Rustan (Attention Moharwar) to deliver this Notice upon Constable Saeed Khan (6313-9199913) Son of Diyar Khan Resident of Bhai Khan or any of his closed family member & the receipt thereof shall be returned to this office within (03) days positively for onward necessary action.


**DSP Legal
Mardan**

(19)

دراوٹر قس

(24)

جایالی

حوالہ شوکارڈز نوٹس بزر PAC 92-951 کیس سپروائزر

2451 کو کفایت طلب کر کے شوکارڈز نوٹس کی کاپی فرا

کر کے ریویو کاپی پر تعین شد

MAST.PS.Ptm
5.2.2022

جایالی

مدرسہ ماسٹ پاس رولڈ

اصل عجز واپس اور ال قریب

DSP Legal
Mardan

MAST.PS.Ptm
5-2-2022

Sir,

c/ Saad Khan No. 2451 was bound to submit his reply within (07) days but neither he produced his reply nor assumed duty till date, as verified by Mohazzeb PS SMT on phone.

The officer is habitual absentee. He was called time to again in O.R. but he remained absent despite receiving notices. Keeping in view his record, material on record & findings of the I.O, c/2451 Saad Khan is dismissed from service.

MAST.PS.Ptm
24/2/22
PA



④
**OFFICE OF THE
DISTRICT POLICE OFFICER,
MARDAN**

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpomdn@gmail.com

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2022

No. 1806-8 /PA

Dated 01/3/2022

ORDER ON ENQUIRY OF CONSTABLE SAEED KHAN NO.2451

This order will dispose-off a Departmental Enquiry under Police Rules 1975, initiated against the subject official, under the allegations that while posted at Police Station Sheikh Maltoon (Mardan), remained absent from duty without any leave/permission of the competent authority vide DD No.41 dated 30-06-2021 **till-date**.

To ascertain facts, he was proceeded against departmentally through Mr. Saadat Ali DSP/Security Mardan vide this office Statement of Disciplinary Action/Charge Sheet No.181/PA dated 02-08-2021, who (E.O) after fulfilling necessary process, submitted his Finding Report to this office vide his office letter No.542/DSO dated 27-09-2021, holding responsible the delinquent official of gross misconduct on the eve of not submitting his reply in compliance of delivered Statement of Disciplinary Action/Charge Sheet within stipulated time of (07) days to him (Enquiry Officer), nor assumed duty at PS Sheikh Maltoon till finalizing the enquiry process.

In order to further verify his misconduct, he was called for hearing in Orderly Rooms on 03-11-2021, 08-12-2021, 15-12-2021, 22-12-2021, 29-12-2021 & 05-01-2022 respectively on proper notices delivered upon him through local Police of PS Rustam, but he failed to comply with. At last on 12-01-2022, he appeared before the undersigned in O.R, during which, he made a request to the undersigned for a last chance to continue Police Service, upon which, I have taken a lenient view against him by directing to assume duty at his place of duty i.e. PS Sheikh Maltoon today on 12-01-2022, but he failed to comply with **till-date**.

He was given another chance to join Police service in the shape of Final Show Cause Notice, under Khyber Pakhtunkhwa Police Rules-1975, issued vide this office No.991-92/PA dated 03-02-2022, which was served on him through local Police of PS Rustam on 05-02-2022 & in compliance, he was bound to submit his reply to this office within stipulated time of (07) days, but neither has he submitted his reply, nor assumed duty **till-date**, clarifying that he is not interested in Police Force.

Details of his absence's period from 30-06-2021 are as under:-

S #	Reference & date	Reference & date
1	DD No.41 dated 30-06-2021	DD No.22 dated 09-09-2021
2	DD No.37 dated 09-09-2021	DD No.17 dated 15-12-2021
3	DD No.37 dated 15-12-2021	Till-date


Final Order

In the light of above discussion, findings of Enquiry Officer & material on record, the undersigned is of the considered opinion that Constable Saeed Khan is not interested in Police Service, therefore, awarded him major punishment of dismissal from Police Force with effect from 30-06-2021 with immediate effect, in exercise of the power vested in me under Police Rules-1975.

OB No. 515

Dated 25/02/2022


**DSP Legal
Mardan**


**(Dr. Zahid Ullah) PSP
District Police Officer
Mardan**

Copy forwarded for information & n/action to:-

- 1) The DSsP Sheikh Maltoon & HQrs Mardan
- 2) The P.O & EV (Police Office) Mardan.
- 3) The OSI (Police Office) Mardan with () Sheets.

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ORDER.

This order will dispose-off the departmental appeal preferred by **Ex-Constable Saeed Khan No. 2451** of Mardan District Police against the order of the then District Police Officer, Mardan, whereby he was awarded major punishment of dismissal from service vide OB No. 515 dated 25.02.2022. The appellant was proceeded against departmentally on the allegations that he while posted at Police Station Sheikh Maltoon, District Mardan on account of absence from his lawful duty without any leave or prior permission of the competent authority vide daily diary No. 41 dated 30.06.2021 till date of his dismissal from service.

Therefore, proper departmental enquiry proceedings were initiated against him. He was issued Charge Sheet alongwith Statement of Allegations and the then Deputy Superintendent of Police, Security, Mardan was nominated as Enquiry Officer. The Enquiry Officer after fulfilling codal formalities submitted his findings to the then District Police Officer, Mardan, wherein he reported that the delinquent Officer was contacted time and again to appear before the enquiry Officer, but he failed and remained absent, which showed that he was no more interested in Police Service. He recommended the delinquent Officer for ex-parte action.

He was also provided opportunity of self defense by summoning him in the Orderly Rooms by the then District Police Officer, Mardan on 03.11.2021, 08.12.2021, 15.12.2021, 22.12.2021, 29.12.2021 and 05.01.2022, but he failed to appear. At last on 12-01-2022, he appeared before the then District Police Officer, Mardan in Orderly Room, during which, he made a request to the then District Police Officer, Mardan for a last chance to continue Police Service, upon which, taken a lenient view against him by directing to assume duty at his place of duty i.e. Police Sheikh Maltoon on 12-01-2022, but he failed to comply with till-date of his dismissal.

He was given another chance to join Police service in the shape of Final Show Cause Notice, which was served on him through local Police of Police Station, Rustam on 05-02-2022 and in compliance, he was bound to submit his reply stipulated time of (07) days, but neither has he submitted his reply, nor assumed duty till-date of his dismissal, clarifying that he was not interested in Police Force.

Details of his absence's period from 30-06-2021 are as under:-

1. Daily diary No.41 dated 30-06-2021 to daily diary No. 22 dated 09.09.2021.
2. Daily diary No. 37 dated 09.09.2021 to daily diary No. 17 dated 15.12.2021.
3. Daily diary No. 37 dated 15.12.2021 till date of his dismissal.


**DSP Legal
Mardan**



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In the light of above discussion the delinquent Officer was not a willing worker and his retention in Police department will be bothered for Government Exchequer, therefore, awarded him major punishment of dismissal from service with effect from 30.06.2021 vide OB: No. 515 dated 25.02.2022 by the then District Police Officer, Mardan.

Feeling aggrieved from the order of the then District Police Officer, Mardan, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in this office on 22.02.2024.

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 had been earlier punished on various occasions on account of his misconduct. Hence, order passed by the competent authority does not warrant any interference. Besides the above, the appellant approached this forum at a belated stage by filing the instant appeal which is badly time barred for 01 year, 07 months and 22 days without advancing any cogent reason regarding such delay.

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 as well as badly time barred 01 year, 07 months and 22 days.

Order Announced.

(MUHAMMAD SULEMAN) PSP
Regional Police Officer,
Mardan.

No. 4905 /ES, Dated Mardan the 01/03 /2024.

Copy forwarded to District Police Officer, Mardan, for information and necessary action w/r to his office Memo: No. 198/LB dated 21.12.2023. His service record is returned herewith.

(*****)

DSP/Legal, EC

For reaction

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DPO/Mardan
4.3.24

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4/3/24

**DSP Legal
Mardan**



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

Service Appeal No. 465/2024

23

Saeed Khan Ex-Constable No. 2451 District Mardan

.....Appellant

VERSUS

The District Police Officer, Mardan and others

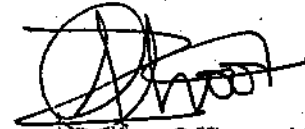
.....Respondents

AUTHORITY LETTER.

Mr. Atta-ur-Rehman Deputy Superintendent of Police Legal Mardan is hereby authorized to appear before the Honorable Service Tribunal, Khyber Pakhtunkhwa, Peshawar in the above captioned service appeal on behalf of the respondents. He is also authorized to submit all required documents and replies etc. as representative of the respondents through the Addl: Advocate General/Govt. Pleader, Khyber Pakhtunkhwa Service Tribunal, Peshawar.



District Police Officer, Mardan.
(Respondent No. 4)
(ZAHOOR BABAR)^{PSP}
Incumbent



Regional Police Officer, Mardan.
(Respondent No. 3)
(ZAHOOR BABAR)^{PSP}
Incumbent