

# INDEX

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

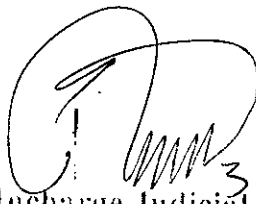
APPEAL NO	INSTITUTION	ORIGINAL INSTITUTION	DECISION	PAGES
7495/21		09.09.2021	29.04.24	48

VS

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 Muhaimin  
 31/5/24  
 Compilation

  
 Incharge Judicial Branch  
 3/6/24

00514722 SBAMID  
 QTC: 1350308009819  
 Desig: CERTIFIED TEACHER (80044391)  
 Grade: 15  
 GFFP: 524242  
 101.331.00

0001 Basic Pay	17,320.00	3015 GFF Subscription - Rs	1,965.00-
1000 House Rent Allowance	1,566.00	3501 Benevolent Fund	180.00-
1300 Medical Allowance	1,500.00	3511 Adml Group Insurance	13.00-
1923 QAA-OTRER 2011(1-15)	1,000.00	3604 Group Insurance	115.00-
1948 Adhoc Allowance 2010	2,370.00	3550 Exp.Edu. Fund KPK	105.00-
2148 1st Adhoc Relief All	1,905.00		
2174 Adhoc Relief Allow-2	1,270.00		
2159 Adhoc Relief Allow-8	1,732.00-		
<b>TOTAL</b>	<b>28,663.00</b>		

DEDUCTIONS  
 HABIB BANK LOGGED 2,373.00-  
 —BAFTA

PADDATE  
 Branch Code: 221387  
 BAFTA

NET PAY  
 KANSEKUA  
 26,290.00 01.01.2016 31.01.2016  
 Accn. No: 7100045603

*[Signature]*  
 District Accounts Officer  
 Baitung

*[Handwritten marks]*

(1)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL**  
**PESHAWAR**

BEFORE: RASHIDA BANO ... MEMBER (J)  
MUHAMMAD AKBAR KHAN ... MEMBER (E)

*Service Appeal No. 7495/2024*

Date of presentation of Appeal.....09.09.2021  
Date of Hearing.....29.04.2024  
Date of Decision.....29.04.2024

Mr. Sadat Khan, Ex-Constable No. 412/Traffic, Traffic Police Lines,  
Peshawar.....(Appellant)

**VERSUS**

1. The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
2. The Chief Capital City Police Officer, District Peshawar
3. The Chief Traffic Police Officer, District Peshawar.....(Respondents)

UZMA SYED,  
Advocate

-----

--- For appellant.

ASIF MASOOD ALI SHAH,  
Deputy District Attorney

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--- For respondents

**JUDGMENT**

**MUHAMMAD AKBAR KHAN MEMBER (E)**:- The instant service appeal has been instituted under Section 4 of the Khyber Pakhtunkhwa Service Tribunal, Act 1974 with the prayer copied as under;

*"That on acceptance of this service appeal the impugned orders dated 29.06.2021 and 13.08.2021 may very kindly be set aside and the appellant be re-instated into service with all back benefits. Any other remedy which this august Tribunal deems fit that may also be granted in favor of the appellant."*

**SCANNED!**  
KF ST  
Peshawar

02. Brief facts of the case are that the appellant was serving as Constable in Traffic Unit Peshawar; that during service, he feel ill and approached to the high ups for medical leave but the said request was refused by the authority. The appellant left his lawful duty without granting/permission of proper medical leave; that after recovery from the illness he approached the concerned quarter for rejoining his duty but he was handed over the impugned order dated 29.06.2021 whereby he was dismissed from service. Feeling aggrieved from the impugned order dated 29.06.2021, the appellant filed departmental appeal which was rejected on 13.08.2021, hence preferred the instant service appeal on 09.09.2021.

03. Notices were issued to the respondents, who submitted their comments, wherein they refuted the assertions raised by the appellant in his appeal. We have heard arguments of learned counsel for the appellant and learned Deputy District Attorney for the respondents and have gone through the record with their valuable assistance.

04. Learned counsel for the appellant contended that the impugned orders 29.06.2021 & 13.08.2021 are against the law, fact, norms of natural justice hence liable to be set aside; that the appellant has not been treated in accordance with law, rules and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan; that neither Show Cause Notice has been issued to the appellant nor opportunity of personal hearing was afforded to the appellant; that the entire proceedings were carried out at the back of the appellant and he has been condemned unheard. He submitted that no

AD  
Peshawar

regular inquiry has been conducted in the matter which is mandatory obligation on the part of competent authority; that the illness of the appellant was in the knowledge of respondents but despite that respondent No. 2 issued the impugned order dated 29.06.2021 which is not tenable in the eyes of law.

05. On the other hand, learned Deputy District Attorney contended that the impugned orders of the respondents are based on fact, justice and are in accordance with law and rules; that the appellant was treated in accordance with law/rules and the respondents never infringed any provisions of the Constitution of Islamic Republic of Pakistan; that the appellant was tried to serve with charge sheet alongwith summary of allegations through cell phone but to the sheer disappointment of the enquiry officer, the appellant did not receive the telephone call, therefore, ex-parte action was taken against the appellant through order dated 29.06.2021; that the appellant did not follow proper departmental procedure to obtain leave from the competent authority; that the impugned order dated 29.06.2021 was passed in view of recommendation of the inquiry officer as well as the blemished service record of the appellant.

06. Perusal of record shows that the disciplinary proceedings were initiated against the appellant on the allegations that he was detailed for rigorous training at PTC Hangu but he remained absent from duty on 24.04.2021. Charge sheet and statement of allegations were issued to the appellant, however the available record shows that the same were not served upon the appellant. Moreover, the Supreme Court of

Pakistan has held in so many judgments that issuing of final Show Cause Notice is necessary prior to awarding of penalty to a civil servant. Nothing is available on the record, which could show that final Show Cause Notice was issued to the appellant prior to awarding of major penalty of dismissal from service to him.

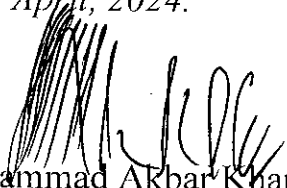
07. The appellant has categorically stated in his appeal that he joined the ongoing course at PTC Hangu on 09.06.2021. In this regard the appellant has also annexed copy of Mad No. 101 dated 09.06.2021 alongwith his appeal. In their comments, respondents have not specifically denied the reporting of the appellant for the course on 09.06.2021, however it is their assertions that he attended the course with a delay of 45 days. It is thus evident that during the pendency of inquiry proceedings, the appellant had already made arrival in PTC Hangu 09.06.2021 but the ex-parte proceedings regarding absence of the appellant remained continued and he was dismissed from service vide order dated 29.06.2021 passed by the competent authority. Furthermore, the appellant had taken the plea in his departmental appeal that his absence from duty was due to his illness, however the appellate authority has not given any finding in this respect in its order dated 13.08.2021 whereby departmental appeal of the appellant was rejected. Moreover, this Tribunal has already decided similar nature service appeal No. 7455/2022 titled "Haider Ali Versus Inspector General of Police, Khyber Pakhtunkhwa, Peshawar & others" vide judgment dated 17.06.2022. In these circumstances, conducting of de-

novo inquiry in the matter is necessary for reaching a just and right conclusion.

08. Foregoing in view the appeal in hand is allowed by setting aside the impugned orders dated 29.06.2021 & 13.08.2021 and the appellant is reinstated in service for the purpose of de-novo inquiry. The respondents shall conduct denovo inquiry strictly in accordance with relevant law/rules within a period of 60 days after receipt of the judgment by providing opportunity of hearing and self-defense to the appellant. Costs shall follow the event. Consign.

09. *Pronounced in open court at Peshawar and given under our hands and seal of the Tribunal on this 29<sup>th</sup> day of April, 2024.*

  
(Rashida Bano)  
Member (J)

  
(Muhammad Akbar Khan)  
Member (E)

6

ORDER

29.04.2024

1. Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present. Arguments heard and record perused.

2. Vide our detailed judgment of today separately placed on file, the appeal in hand is allowed by setting aside the impugned orders dated 29.06.2021 & 13.08.2021 and the appellant is reinstated in service for the purpose of de-novo inquiry. The respondents shall conduct denovo inquiry strictly in accordance with relevant law/rules within a period of 60 days after receipt of the judgment by providing opportunity of hearing and self-defense to the appellant. Costs shall follow the event. Consign.

3. *Pronounced in open court at Peshawar and given under our hands and seal of the Tribunal on this 29<sup>th</sup> day of April, 2024.*



(Rashida Bano)  
Member (J)



(Muhammad Akbar Khan)  
Member (E)

SCANNED  
PESHAWAR  
DISTRICT  
ATTORNEY



(7)

22.04.2024 1. Learned counsel for the appellant present. Mr. Asif Masood Ali Shah learned Deputy District Attorney for the respondents present.

2. Learned counsel for the appellant requested for adjournment in order to further prepare the brief. Absolute last chance is given to argue the case on the next date, failing which case will be decided on the basis of available record without providing further adjournments and chance of arguments. Adjourned. To come up for arguments on 29.04.2024 before D.B. P.P given to parties.



(Fareeha Paul)  
Member (E)



(Rashida Bano)  
Member (J)

SCANNED  
BY  
KALEEMULLAH

22<sup>nd</sup> Feb, 2024

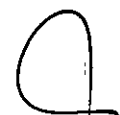
1. Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

2. These cases involve question of grant of retrospective effect to the impugned orders. Most of these cases are pending since 2018, therefore, the learned counsel were requested to give a date of their own choice, so that a last chance be given to all of the parties and their counsel to argue these appeals on the said date of their choice. The learned counsel, after consultation with each other, agreed that matters may be fixed for 22.04.2024. Adjourned accordingly to the above date, the date is given on their own choice with the observation that no further adjournment will be granted on any ground and in case any of the learned counsel could not argue, the other counsel would argue and the cases would be decided forthwith. And in case again further adjournment is sought, all the matters shall be deemed to have been adjourned sine-die. In that eventuality, the counsel or parties whenever desirous to argue may make an application for restoration of the appeals to get those argued and decided. P.P given to the parties.



(Fareeha Paul)  
Member (E)

\*Adnan Shah\*



(Kalim Arshad Khan)  
Chairman

14<sup>th</sup> Nov, 2023

1. Appellant in person present. Mr. Asad Ali Khan, Assistant Advocate General for the respondents present.

2. Appellant requested for adjournment on the ground that his counsel is not available today. Adjourned. To come up for arguments on 09.01.2024 before D.B. P.P given to the parties.

SCANNED  
KPST  
Peshawar



(Muhammad Akbar Khan)  
Member (E)



(Rashida Bano)  
Member (J)

\*kamranullah\*

09.01.2024

Clerk of learned counsel for the appellant present.


Mr. Noman Khan, S.I (Legal) alongwith Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

SCANNED  
KPST  
Peshawar

Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is unable to appear before the Tribunal today due to strike of lawyers. Adjourned. To come up for arguments on 22.02.2024 before the D.B. Parcha Peshi given to the parties.



(Fareeha Paul)  
Member (E)



(Salah-ud-Din)  
Member (J)

\*Naeem Amin\*

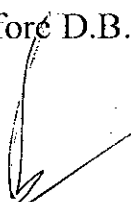
10.05.2023

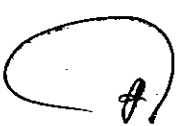
Learned counsel for the appellant present.

Asad Ali Khan, Assistant Advocate General for the respondents present.

Learned counsel for the appellant requested for adjournment in order to prepare the brief. Adjourned. To come up for arguments on 26.07.2023 before D.B. Parcha Peshi given to the parties.

SCANNED  
KPST  
Peshawar

  
(Muhammad Akbar Khan)  
Member (E)

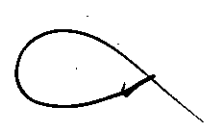
  
(Rozina Rehman)  
Member (J)

\*Kamranullah\*

- 26<sup>th</sup> July, 2023
1. Appellant in person present. Mr. Muhammad Jan, District Attorney for the respondent present.
  2. Appellant submitted an application for adjournment, wherein he stated that his counsel is indisposed today and unable to attend the Tribunal. Adjourned. To come up for arguments on 14.11.2023 before D.B. P.P given to the parties.

SCANNED  
KPST  
Peshawar

  
(Farecha Paul)  
Member (Executive)

  
(Kalim Arshad Khan)  
Chairman

\*Adnan Shah\*

30.01.2023

Learned counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has not made preparation for arguments. Adjourned.

To come up for arguments on 05.04.2023 before the D.B.

SCANNED  
KPST  
Peshawar



(Fareeha Paul)  
Member (E)



(Salah-ud-Din)  
Member (J)

05.04.2023

Appellant alongwith his counsel present.

Asad Ali Khan, Assistant Advocate General for the respondents present.

Former made a request for adjournment in order to further prepare the brief. Adjourned. To come up for arguments on 10.05.2023 before D.B Parcha/Peshi given to the parties.

SCANNED  
KPST  
Peshawar



(Muhammad Akbar Khan)  
Member (E)



(Rozina Rehman)  
Member (J)


10.11.2022


Counsel for the appellant present.

Naseer Ud Din Shah learned Assistant Advocate General for the respondents present.

Former requested for adjournment on the ground that he has not prepared the brief. Adjourned. To come up for arguments on 09.01.2023 before D.B.

SCANNED  
KPST  
Peshawar

  
(Fareeha Paul)  
Member (E)

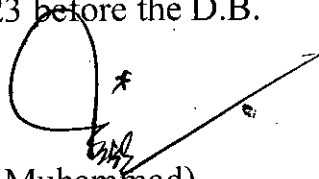
  
(Rozina Rehman)  
Member (J)


09.01.2023

Learned counsel for the appellant present. Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.

SCANNED  
KPST  
Peshawar

Learned counsel for the appellant seeks further time for preparation of arguments. Adjourned. To come up for arguments on 30.01.2023 before the D.B.

  
(Mian Muhammad)  
Member (E)

  
(Salah-Ud-Din)  
Member (J)



06.04.2022

Appellant present in person. Mr. Sarmad Ali, SI (Legal) for the respondents present.

Representative of the respondents furnished reply/comments. Placed on file. To come up for arguments on 07.07.2022 before the D.B. The appellant may submit rejoinder, within a fortnight, if so advised.



Chairman

07.07.2022

Appellant in person present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Appellant requested for adjournment on the ground that his counsel is not available today due to strike of lawyers. Adjourned. To come up for arguments on 31.08.2022 before the D.B.



(Mian Muhammad)  
Member (E)



(Salah-ud-Din)  
Member (J)

31.08.2022

Bench is incomplete, therefore, case is adjourned to 10.11.2022 for the same as before.

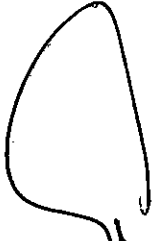


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30.11.2021

Counsel for the appellant present. Preliminary arguments have been heard.

Learned counsel for the appellant argued that the appellant has been dismissed from service vide impugned order dated 29.06.2020 and his departmental appeal was also rejected/filed vide appellate order dated 13.08.2021 both the orders are impugned and assailed in the service appeal which has been filed in the Service Tribunal on 09.09.2021. It was further contended that the appellant was sick and requested for medical leave but he was rather proceeded against for willful absence. However, necessary requirements under Rule-9 of the Khyber Pakhtunkhwa Civil Servants (Efficiency & Discipline) Rules 2011 have not been fulfilled and the appellant has been condemned unheard violating his fundamental rights guaranteed under Article-4 and 25 of the Constitution.



Appellant Deposited Security & Process Fee

The appeal is admitted to regular hearing subject to all just legal objections including limitation. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to respondents for submission of reply/comments. To come up for reply/comments on 02.02.2022 before S.B.

(Mian Muhammad)  
Member(E)

02.02.2022

Counsel for the appellant present. Mr. Muhammad Adeel Butt, Add: AG alongwith Mr. Sarmad Ali, ASI for respondents present.

SCANNED  
KPST  
Peshawar

Written reply not submitted. Representative of the respondents seeks time for submission of written reply/comments on the next date. Adjourned. To come up for written reply/comments on 06.04.2022 before S.B.

(Attiq Ur Rehman Wazir)  
Member(E)





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Form- A

### FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No.- 7495 / 2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	04/08/2021	<p>The appeal of Mr. Saadat Khan resubmitted today by Muhammad Arif Jan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put up there on <u>30/11/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
2-		

(15)

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR  
CHECK LIST

Case Title: Sadat Khan vs Police Department 20th

S.#	Contents	Yes	No
1.	This appeal has been presented by: _____		
2.	Whether Counsel / Appellant / Respondent / Deponent have signed the requisite documents?	✓	
3.	Whether Appeal is within time?	✓	
4.	Whether the enactment under which the appeal is filed mentioned?	✓	
5.	Whether the enactment under which the appeal is filed is correct?	✓	
6.	Whether affidavit is appended?	✓	
7.	Whether affidavit is duly attested by competent oath commissioner?	✓	
8.	Whether appeal/annexures are properly paged?	✓	
9.	Whether certificate regarding filing any earlier appeal on the subject, furnished?	✓	
10.	Whether annexures are legible?	✓	
11.	Whether annexures are attested?	✓	
12.	Whether copies of annexures are readable/clear?	✓	
13.	Whether copy of appeal is delivered to A.G/D.A.G?		✓
14.	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	✓	
15.	Whether numbers of referred cases given are correct?	✓	
16.	Whether appeal contains cuttings/overwriting?		✓
17.	Whether list of books has been provided at the end of the appeal?		✓
18.	Whether case relate to this Court?	✓	
19.	Whether requisite number of spare copies attached?	✓	
20.	Whether complete spare copy is filed in separate file cover?	✓	
21.	Whether addresses of parties given are complete?	✓	
22.	Whether index filed?	✓	
23.	Whether index is correct?	✓	
24.	Whether Security and Process Fee deposited? on		
25.	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? on		
26.	Whether copies of comments/reply/rejoinder submitted? on		
27.	Whether copies of comments/reply/rejoinder provided to opposite party? on		

It is certified that formalities/documentation as required in the above table have been fulfilled.


Name: Muhammad Arif Jan Af  
Signature: Arifa Advocate High Court  
Dated: 30/09/2021 Mob: 0333-8807676

The appeal of Mr. Saadat Khan, Ex-Constable No. 412/Traffic, District Peshawar received today i.e. on 09.09.2021 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Check list is not attached with the appeal.
- 2- Copy of medical prescription mentioned in para-3, annexed as A is not attached with the appeal which may place on it.
- 3- Annexures of the appeal are not in order.
- ④ Date and diary of departmental appeal is not mentioned in the submitted documents, complete in all respect according to KP service tribunal rules.
- ⑤ Copy of charge sheets & enquiry report is not attached with the appeal which may also be submitted with the appeal.

No. 1805 /S.T,

Dt. 09/09/2021

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Uzma Syed Adv. Pesh.

Respected  
I was submitted Service appeal  
before the Honorable appellate Service Tribunal  
but the appeal was returned with objections  
I have not resubmitted the file & not removed  
the objection. I was ill & not in position to  
resubmitted the appeal. I have requested  
to re-submit the file & I <sup>will</sup> removed all  
the objections after giving the time.  
with your kind permission.

Mohammad Arif Jan  
Arif Jan

10 days time further extended.

NO 1898/ST

dated 24/09/2021

~~24/9/2021~~  
24/9/2021

Objections has been removed  
Resubmitted

AAFAI

30/9/21

~~A/~~

Muhammad Arif Jan Afridi  
Advocate High Court  
Mob: 0333-8807676

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR**

Service Appeal No. 7495 of 2021

Sadat Khan ..... Appellant

**SCANNED  
KPST  
Peshawar**

**VERSUS**

Police Department and others

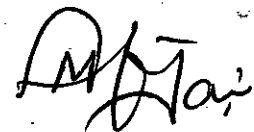
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5-	Department appeal	"C"	7
6-	Appellate Court order	"D"	8
7-	Date & Dairy Number	"E"	9
8-	Roznamcha	"F"	10
9-	Charge Sheet	"G"	11
10-	Wakalat Nama	In original	12

Dated 09/09/2021

Appellant

Through



Muhammad Arif Jan Afridi  
Advocate  
High Court, Peshawar  
Cell # 0333-8807676

19

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

Khyber Pakhtunkhwa  
Service Tribunal

SERVICE APPEAL NO. 7495/2020

Diary No. 7537

Mr. Saadat Khan, Ex-Constable No. 412/Traffic,  
Traffic Police Lines, Peshawar.....

Dated 09/9/2021

APPELLANT

**VERSUS**

- 1- The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
- 2- The Chief Capital City Police Officer, District Peshawar.
- 3- The Chief Traffic Police Officer, District Peshawar.

.....RESPONDENT

**APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDERS DATED 29.06.2021 WHEREBY MAJOR PENALTY OF DISMISSAL FROM SERVICE HAS BEEN IMPOSED ON THE APPELLANT AND AGAINST THE IMPUGNED APPELLATE ORDER DATED 13.08.2021 WHEREBY DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REJECTED ON NO GOOD GROUNDS**

**PRAYER:**

That on acceptance of this service appeal the impugned orders dated 29.06.2021 and 13.08.2021 may very kindly be set aside and the appellant be re-instated into service with all back benefits. Any other remedy which this august Tribunal deems fit that may also be granted in favor of the appellant.

**R/SHEWETH:**  
**ON FACTS:**

1- That the appellant was the employee respondent Department and was serving as Constable No.412/Traffic quite efficiently and up to the entire satisfaction of his superior.

Filed to-day  
Registrar  
9/9/21

2- That during service the appellant was seriously ill and due to illness the appellant approached the high ups for medical leave but the authority concerned refused the said request of the appellant. That due to savior illness the appellant left his lawful duty without granting proper medical leave.

Re-submitted to -day  
and filed.  
Registrar  
4/10/21

3- That the appellant approached the doctor for medical checkup and after detail checkup the doctor concerned advised the appellant for complete bed rest. Copy of the medical prescriptions are attached as annexure.....A.

4- That after recovery from the said illness the appellant approached the concerned quarter for re-joining of his duty but the authority concerned handed over the impugned order dated 29.06.2021 whereby the appellant has

been dismissed from service. Copy of the impugned order is attached as annexure.....B.

- 5- That appellant feeling aggrieved from the impugned order dated 29.06.2021 preferred Departmental appeal before the appellate authority but the same has been rejected on no good grounds. Copies of the Departmental appeal & appellate order are attached as annexure.....C & D.
- 6- That appellant feeling aggrieved and having no other remedy but to file the instant service appeal on the following grounds amongst the others.

**GROUND:**

- A- That the impugned orders dated 29.06.2021 & 13.08.2021 are against the law, facts, norms of natural justice and materials on the record, hence not tenable and liable to be set aside.
- B- That appellant has not been treated by the respondent department in accordance with law and rules on the subjected noted above and as such respondents violated the Article 4 and 25 of the Constitution of Islamic Republic of Pakistan.
- C- That the respondent Department acted in arbitrary and malafide manner while issuing the impugned order dated 29.06.2021 which is not tenable in the eye of law, hence liable to be set aside.
- D- That no absence notice has been served on the appellant before issuing the impugned order dated 29.06.2021.
- E- That no publication has whatsoever been made by the respondent Department before issuing the impugned order dated 02.02.2018 which is necessary as per Rule-9 of the Civil Servant (Efficiency & Discipline) Rules, 2011.
- F- That absence of appellant was not willful but due to cause of his illness, therefore, the impugned order dated 29.06.2021 is not tenable in the eye of law and liable to be set aside.
- G- That illness of the appellant was in knowledge of the respondents but inspite of that the respondent No.3 issued the impugned order dated 29.06.2021 which is not tenable in the eye of law.
- H- That no chance of personal hearing/defense has been provided to the appellant before issuing the impugned order, dated 29.06.2021 which is necessary as per judgment of the Apex Court before taking punitive action against the civil servants.
- I- That the appellant seeks permission to advance any other ground and proofs at the time of hearing.

21

It is therefore, most humbly prayed that the appeal of the appellant may be accepted as prayed for.

Dated: 07.09.2021




APPELLANT

SAADAT KHAN

THROUGH:

UZMA SYED

  
Muhammad Arif  
Advocate High Court  
Mob: 0333-8807676

ADVOCATES

**CERTIFICATE:**

It is certified that no other earlier appeal was filed between the parties.



DEPONENT

**LIST OF BOOKS:**

- 1- CONSTITUTION OF PAKISTAN, 1973
- 2- SERVICES LAWS BOOKS
- 3- ANY OTHER CASE LAW AS PER NEED



22

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**

APPEAL NO. \_\_\_\_\_ /2021

**SAADAT KHAN**

**VS**

**POLICE DEPTT:**

**AFFIDAVIT**

I Uzma Syed, Advocate High Court, Peshawar on the instructions and on behalf of my client do hereby solemnly affirm and declare that the contents of this **service appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.



UZMA SYED  
Advocate  
High Court, Peshawar



# TAHIR MEDICAL CENTER



HCC Reg

0300-5870006

# طاہر میڈیکل سنٹر

Patient's Name: Sadiq Khan Age: ..... Sex: M Date: 3/6/2022

## Clinical Record

### R<sub>x</sub>

Not Valid For Court

Prick  
B-7  
6.95  
Flash

- 1) Lab Diagnostic p
- 2) Lab COVID-19
- 3) Cap Laser 2mm  
Curlie in
- 4) TB Dye 2

Dr. M. TAHIR  
MBBS (MD,  
PMDC ISLAMABAD)

Temp

98.4

10/90

24

Ⓞ Ⓞ Ⓞ

B-6

ORDER

This order will dispose off the departmental enquiry initiated against Constable Saadat Khan No.412 for absenting himself from duty with effect from 24.04.2021 and still at large without leave/permission of the competent authority. He was detailed for rigorous training to PTC Hangu vide AIG/Trg CPO letter No.4216/Trg, dated 20.04.2021 for his absenteeism and lack of interest towards duty but he failed to report his arrival at PTC Hangu. He was therefore, charge sheeted and SP/Hqrs. Traffic was nominated as Enquiry Officer to conduct formal departmental proceedings against him under the Khyber Pakhtunkhwa Police Rules 1975.

He was served with charge sheet but failed to submit his written reply within the stipulated period of 07-days. The Enquiry Officer therefore, recommended in his findings that ex parte action may be taken against him for his willful and continuous absence.

From on perusal of his service record, it was found that accused constable was enlisted on 30.12.2016. During his short span of service, he earlier remained absent for a period of 35 days on different occasions. Besides this, he has also been awarded minor punishment of forfeiture of 02 years approved service vide this office endst. No.692-95/PA, dated 29.12.2020 (OB No.755, dt. 31.12.2020) by SP/Hqrs. Traffic for involvement in case FIR No.560, dated 16.06.2020 U/S 337-A(2)/34 PPC, PS Badhaber, Peshawar.

Keeping in view recommendation of the Enquiry Officer as well as his blemish service record, an ex-parte action is therefore, taken against accused constable Saadat Khan No.412 <sup>and he</sup> is awarded major punishment of dismissal from service under the Khyber Pakhtunkhwa Police Rules 1975 from the date of his absence i.e. 24.04.2021.

*mj*  
(ABBAS MAJEED KHAN MARWAT) P  
CHIEF TRAFFIC OFFICER,  
PESHAWAR.

No. 843-46/PA, Dated Peshawar the 29/06/2021.  
Copies for necessary action to the:-

O.B No. 48  
Date 29/6

1. SP/Hqrs. Traffic, Peshawar.
2. Accountant
3. OSI
- ✓ 4. SRC (along-with complete enquiry file consisting of 06 pages)

~~ATTESTED~~

بخدمت جناب کسٹیل سٹی پولیس انسپر صاحب پشاور  
 معنون :- درخواست برائے بحالی ملازمت و بر خلاف  
 آرڈر نمبر 484 مورخہ 29/06/2021 جسکی بناء پر  
 سائل کو ملازمت سے برقرار کیا گیا ہے۔

جناب عالی! خود باہم گزارش ہے کہ سائل سال 2016ء کو محکمہ پولیس میں  
 جوبھی ہو کر ریکورڈ کورس پاس کیا ہے۔

1۔ کہ سائل نے خلاف عہدہ حاضری کی بناء پر محکمہ انکوائری شروع ہو کر سائل کی  
 سائل کو سزا کے طور پر P.T.E. میں سبب دینا اور خلاف قیامت کورس کھینچے روانہ کیا گیا  
 2۔ کہ چونکہ سائل کو P.T.E. روانگی سے متعلق بروقت مطلع نہیں کیا گیا اور جوبھی  
 سائل کو سبب دینا تو سیدھا P.T.E. دینا چاہئے اور سبب شروع ہو کر  
 جسکی مددات حاضری و روانگی پر لگے۔

3۔ کہ اس سے باوجود سائل نے خلاف محکمہ انکوائری شروع ہو کر جسکی مدد  
 کو صفائی کا موقع بااکن نہیں دیا گیا۔ سائل کو ملازمت سے درخواست کیا گیا۔

4۔ کہ سائل نے خلاف عہدہ نمبر 560 مورخہ 16/07/2020 (2) A-337 تمام نمبر  
 دنہ رہ کر جسکی مددات سائل نے اپنے آپ کو قانون کے حوالہ کر کے بالآخر حاصل کیا ہے۔

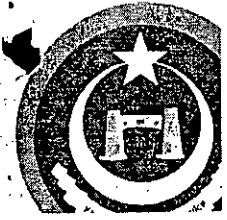
5۔ کہ سائل نے کال بھی کیا تھا۔  
 6۔ کہ سائل نے خلاف 35 دن کا عہدہ حاضری جو کہ مختلف اوقات تک ہے جو کہ  
 سائل کو سزا دینا چاہئے تھا۔ حالانکہ یہی عہدہ حاضری نومبر 2016ء میں سبب دینا ہے۔  
 7۔ کہ سائل نے لکھا ہے کہ اگر عہدہ منصفانہ طور پر ملازمت سے برقرار کیا گیا ہے۔

اس لئے درخواست ہے کہ عہدہ بالادست سے سائل کو سبب دینا اور  
 اس کے لئے درخواست ہے کہ عہدہ بالادست سے سائل کو سبب دینا اور

ATTESTED

(Signature)

4/12/2021



26

OFFICE OF THE  
CAPITAL CITY POLICE OFFICER,  
PESHAWAR


ORDER.

This order will dispose of the departmental appeal preferred by Ex-Constable Sadat Khan No. 412/T who was awarded the major punishment of "Dismissal from service" under PR-1975 by CTO/Peshawar vide OB No. 484 dated 29.06.2021.

2- Short facts leading to the instant appeal are that the appellant while posted at traffic unit Peshawar was proceeded departmentally on charges that he was detailed for rigorous training to PTC Hangu for his absenteeism and lack of interest towards duty but he failed to report his arrival at PTC Hangu.

3- He was issued proper Charge Sheet and Summary of Allegations by CTO/Peshawar and SP/HQ: City Traffic was appointed as enquiry officer to scrutinize the conduct of the accused official. The enquiry officer after conducting proper enquiry submitted his findings while recommending the official for Major punishment. The competent authority in light of the findings of the enquiry officer awarded the above major punishment.

4- He was heard in person in O.R and the relevant record along with his explanation perused. During personal hearing the appellant failed to submit any plausible explanation in his defence. Therefore, his appeal for setting aside the punishment awarded to him by CTO/Peshawar vide OB No. 484 dated 29.06.2021 is hereby rejected/filed.

  
(ABBAS AHSAN) PSP  
CAPITAL CITY POLICE OFFICER,  
PESHAWAR

No. 2522-23 /PA dated Peshawar the 13 / 08 /2021

Copies for information and necessary action to the :-

1. CTO/Traffic, Peshawar along with enquiry file w/r to his office No. 2311/SRC-II dated 16.07.2021.
2. Official Concerned

**ATTESTED**

27

9

ست  
NO: 870/DAEP  

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12/07/2021

~~ATTACHED~~

نمبر 88 در تاریخ 06/07/2021

بھارت ریورس روٹنگ خان جسٹس 140 یوسف علی خاں 06/07/2021

وقت 18:10 بجے درجہ صغیر کنستبل (ب) سادانہ قہ 412

بھارت ریورس روٹنگ خان جسٹس 140 یوسف علی خاں 06/07/2021

بھارت ریورس روٹنگ خان جسٹس 140 یوسف علی خاں 06/07/2021

843.46.99  
439.42.21  
29.06.02

بھارت ریورس روٹنگ خان جسٹس 140 یوسف علی خاں 06/07/2021

174 قہ 06/07/2021

بھارت ریورس روٹنگ خان جسٹس 140 یوسف علی خاں 06/07/2021

بھارت ریورس روٹنگ خان جسٹس 140 یوسف علی خاں 06/07/2021

06/07/2021

ATTACHED

29

(a) - (11)

**CHARGE SHEET**

1. WHEREAS I am satisfied that a formal enquiry as contemplated by Police Rules 1975 is necessary and expedient:

2. AND whereas, I am of the view that the allegations if established would call for major/minor penalty, as defined in Rule-3 of the aforesaid Rules.

3. Now therefore, as required by Rule 6 (1) (a) & (b) of the said Rules I, **ABBAS MAJEED KHAN MARWAT**, Chief Traffic Officer, Peshawar hereby charge you Constable Haider Ali No.650 under Rules 5 (4) of the Police Rules 1975 on the basis of following allegations:-

i). That you were detailed for rigorous training at PT C Hangu but absented yourself from 24.04.2021 and still at large without leave/permission of the competent authority.

4. By doing this you have committed gross misconduct on your part.

5. AND I hereby direct you further under Rule 6 (1) (b) of the said Rules to put-in written defence within 07-days of the receipt of this Charge Sheet as to why the proposed action shall not be taken against you and also state whether you desire to be heard in person.

6. AND in case your reply is not received within the stipulated period to the enquiry officer, it shall be presumed that you have no defence to offer and in that case, ex-parte action will be taken against you.

**(ABBAS MAJEED KHAN MARWAT)**  
CHIEF TRAFFIC OFFICER,  
PESHAWAR.

(Competent Authority)

فویا شیل  
سنا جی کارڈ  
ریشہ

**ATTESTED**



30

**BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA**

**PESHAWAR**

**Service Appeal No. 7495/2021**

Sadat Khan Ex-Constable No.412/Traffic ..... (Appellant)

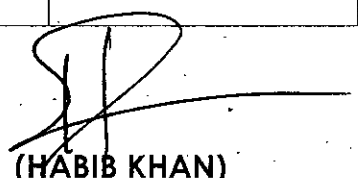
VERSUS

The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar & two others. .... (Respondents)

SCANNED  
KPST  
Peshawar

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3.	Annexure A	05-10
4.	Annexure B	11-13



(HABIB KHAN)  
DSP Legal, City Traffic Police,  
Peshawar

**BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA****PESHAWAR****Service Appeal No. 7495/2021**Sadat Khan Ex-Constable No.412/Traffic ..... **(Appellant)**

VERSUS

The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar & two others. .... **(Respondents)****PARAWISE-COMMENTS ON BEHALF OF RESPONDENTS NO. 1, 2 & 3****RESPECTFULLY SHEWETH****PRELIMINARY OBJECTIONS.**

1. That the appeal is badly barred by law & limitation.
2. That the appeal is bad for miss-joinder and non-joinder of necessary and proper parties.
3. That the appellant has not come to this Hon'able Tribunal with clean hands.
4. That the appellant has no cause of action and locus standi to file the instant appeal.
5. That the appellant is estopped by his own conduct to file the instant appeal.
6. That the appellant has concealed the material facts from this Honorable Tribunal.
7. That this tribunal lacks jurisdiction to adjudicate upon the matter.

**FACTS:**

1. Correct to the extent that appellant was employee of respondent department but pursuing the course of service, the performance of the appellant was not upto mark (bad entries, enquiries and punishments are annexed as "A").
2. Incorrect, appellant did not follow proper departmental procedure to obtain leave from the competent forum.
3. Incorrect, medical leave has not been granted/verified by government-sanctioned medical officers as per chapter 8 "leave" of Police Rules 1934.
4. Incorrect, order dated 29.06.2021 was passed by keeping in view recommendation of the enquiry officer as well as the blemish service record of the appellant.

5. Incorrect, appellant was heard in person in Orderly Room but during personal hearing the appellant failed to submit any plausible explanation in his defense, thus his appeal was rejected.
6. The appeal of appellant being devoid of any merit may kindly be dismissed on the following grounds:


**Grounds:**

- A. Incorrect, orders of the respondents are based on facts, Justice and are in accordance with law/rules.
- B. Incorrect, appellant was treated in accordance with law/rules and the respondents never infringed any provisions of the constitution of Pakistan.
- C. Incorrect, order dated 29.06.2021 was passed by keeping in view recommendation of the enquiry officer as well as the blemish service record of the appellant.
- D. Incorrect, appellant was tried to serve with charge sheet along-with summary of allegations through Cell No. 0300-984684 but to the sheer disappointment of the enquiry officer, the appellant did not received the telephone call, thus ex-parte action was taken against appellant through order sheet dated 29.06.2021 (annexure "B" is attached as proof of charge sheet and summary of allegations).
- E. Incorrect and irrelevant, there is no such record of order dated 02.02.2018 concerning the appellant.
- F. Incorrect, appellant did not follow proper departmental procedure to obtain leave from the competent forum while order dated 29.06.2021 is based on facts, justice and is in accordance with law/rules.
- G. Incorrect, appellant did not follow proper departmental procedure to obtain leave from the competent forum. Whereas, medical leave has not been granted/verified by government sanctioned medical officers as per chapter 8 "leave" of Police Rules 1934.
- H. Incorrect, appellant was tried to serve with charge sheet along-with summary of allegations through Cell No. 0300-984684 but to the sheer disappointment of the enquiry officer, the appellant did not received the telephone call, thus ex-parte action was taken against appellant through order dated 29.06.2021.

1. That respondent may also be allowed to advance any additional grounds at the time of hearing of the appeal.

**PRAYER:**

It is therefore, most humbly prayed that in the light of above facts and submission, the appeal of appellant being devoid of merits may kindly be dismissed with cost.

  
PROVINCIAL POLICE OFFICER,  
KHYBER PAKHTUNKHWA,  
PESHAWAR

  
CAPITAL CITY POLICE OFFICER  
PESHAWAR

  
~~CHIEF TRAFFIC OFFICER,  
PESHAWAR~~

**BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA**

**PESHAWAR**

**Service Appeal No. 7495/2021**

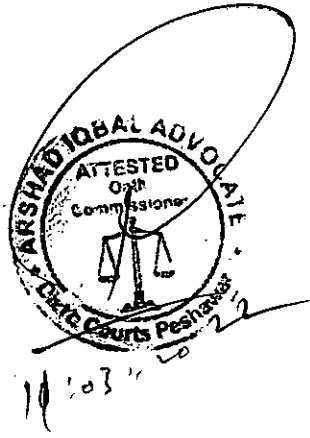
Sadat Khan Ex-Constable No.412/Traffic ..... (Appellant)

VERSUS

The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar & two others..... (Respondents)

**AFFIDAVIT**

We Respondents 1,2 & 3 do hereby solemnly affirm and declare that the contents of the written apply are true and are correct to the best of our knowledge and belief and Nothing has been concealed from this Honorable Court.



*[Signature]*  
PROVINCIAL POLICE OFFICER,  
KHYBER PAKHTUNKHWA,  
PESHAWAR

*[Signature]*  
CAPITAL CITY POLICE OFFICER  
PESHAWAR

*[Signature]*  
CHIEF TRAFFIC OFFICER,  
PESHAWAR

35

A 5

(Continued)

CHARACTER ROLL OF

Serial No.

15. CENSURES AND PUNISHMENTS - Contd.

Charge from: 12 <sup>11</sup>/<sub>019</sub>, 01 day absent from duty  
 Punishment absent period as 1 w.o pay.  
 O.B. No. - 532.  
 dt. - 26-11-019

*[Signature]*  
 CHIEF TRAFFIC OFFICER,  
 PESHAWAR.

Charge from: 20 <sup>11</sup>/<sub>019</sub>, 01 day absent from duty  
 Punishment absent period as 1 w.o pay.  
 O.B. No. - 555.  
 dt. - 5-12-2019

*[Signature]*  
 CHIEF TRAFFIC OFFICER,  
 PESHAWAR.

Charge from: 26 <sup>11</sup>/<sub>019</sub>, 01 day absent from duty  
 Punishment absent period as 1 w.o pay.  
 O.B. No. - 560.  
 dt. - 9-12-2019

*[Signature]*  
 CHIEF TRAFFIC OFFICER,  
 PESHAWAR.

Charge from: 06 <sup>12</sup>/<sub>019</sub>, 01 day absent from duty  
 Punishment absent period as 1 w.o pay.  
 O.B. No. - 589.  
 dt. - 30-12-019

*[Signature]*  
 CHIEF TRAFFIC OFFICER,  
 PESHAWAR.

Charge from: 13.14 <sup>12</sup>/<sub>019</sub>, 02 days absent from duty  
 Punishment absent period as 1 w.o pay.  
 O.B. No. - 590.  
 dt. - 30-12-019

*[Signature]*  
 CHIEF TRAFFIC OFFICER,  
 PESHAWAR.

ROLL OF

15. CENSURES AND PUNISHMENTS - Contd.

Charge from:- 27 <sup>12</sup>/<sub>01</sub>, 01 day absent from duty,  
Punishment absent Period as l.w.o pay.

OB, No. - 13  
dt. 06-01-2020

CHIEF TRAFFIC OFFICER,  
PESHAWAR.

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Charge from:- 06 <sup>01</sup>/<sub>2020</sub>, 01 day absent from duty.  
Punishment absent Period as l.w.o pay.

OB, No. - 22  
dt. 15-01-2020

CHIEF TRAFFIC OFFICER,  
PESHAWAR.

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Charge from:- 16 <sup>01</sup>/<sub>2020</sub>, 01 day absent from duty.  
Punishment absent Period as l.w.o pay.

OB, No. - 41  
dt. 23-01-2020

CHIEF TRAFFIC OFFICER,  
PESHAWAR.

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Charge from:- 08 <sup>01</sup>/<sub>2020</sub>, 01 day absent from duty.  
Punishment absent Period as l.w.o pay.

OB - NO. - 26  
dt. 21-01-2020

CHIEF TRAFFIC OFFICER,  
PESHAWAR.

RS.  
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2020

Charge from 27 <sup>02</sup>/<sub>2020</sub>, 01-day absent from duty.  
Punishment absent period as l.w.o pay

OB NO 70  
dt. 10-02-2020

CHIEF Superintendent of Police  
Traffic Peshawar

Charge from: 9 <sup>7</sup>/<sub>2020</sub>, 01 day absent from duty.  
Punishment absent Period as l.w.o pay.

OB - No: 303  
dt: 20-7-2020

CHIEF TRAFFIC OFFICER,  
PESHAWAR.

Serial No.

15. CENSURES AND PUNISHMENTS - Contd.

Charge from: 27 <sup>05</sup>/<sub>07</sub>, 01 day absent from duty.  
 Punishment: absent period as L.W.O pay.  
 OB. No. - 256.  
 dt: 01-07-2020

CHIEF TRAFFIC OFFICER,  
 PESHAWAR.

Charge from: 23 <sup>07</sup>/<sub>2020</sub>, 01-day absence from duty.  
 Punishment: Absence period as L.W.O pay and 01-day incentive deducted.

OB. No. 359  
 dt. 18-08-2020

CHIEF TRAFFIC OFFICER,  
 PESHAWAR.

Charge from: 17 <sup>9</sup>/<sub>2020</sub>, 01 day absent from duty.  
 Punishment: absent period L.W.O pay and 01 day incentive deducted.

OB. No. 533  
 Date: 28 <sup>09</sup>/<sub>2020</sub>

CHIEF TRAFFIC OFFICER,  
 PESHAWAR.

Charge from: 12 <sup>10</sup>/<sub>02</sub>, 01 day absent from duty.  
 Punishment: absent period as L.W.O pay and 01 day incentive deducted.

OB. No. - 613.  
 dt: 23-10-2020

CHIEF TRAFFIC OFFICER,  
 PESHAWAR.

Charge from: 14 <sup>10</sup>/<sub>02</sub>, 01 day absent from duty.  
 Punishment: absent period as L.W.O pay and 01 day incentive deducted.

OB. No. 614.  
 dt: 23 <sup>10</sup>/<sub>02</sub>

CHIEF TRAFFIC OFFICER,  
 PESHAWAR.



Serial No.

15. CENSURES AND PUNISHMENT

Charge from 09-12-2017 To 10-12-2017.

One (1) day absent from duty.

Punishment absence Period as L.W.O Pay.

OB No. 430 dated 20-12-2017.

SSP / Traffic  
Peshawar.

Charge from: 22-03-2018 To 23-03-2018 One

(1) day absence from duty.

Punishment absence Period as L.W.O Pay.

OB No: 143

Dt: 4-4-2018.

SSP / Traffic  
Peshawar.

Charge from: 22-01-2019, 01 day absent from duty.

Punishment absent period as L.W.O Pay.

OB No: -176

Dt: 20-5-019

CHIEF TRAFFIC OFFICER,  
PESHAWAR.

Charge from: 16-2-2019, 01 day absent from duty.

Punishment absent period as L.W.O Pay.

OB No: -289

Dt: 2-8-2019

CHIEF TRAFFIC OFFICER,  
PESHAWAR.

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Charge from - 19 <sup>10</sup>/<sub>020</sub>, 01 day absent from duty.  
Dismissment absent period as 1-w-o pay  
and 01 day incentive deducted.

OTB No. - 619.  
Dt. 27-10-2020.

*[Signature]*  
CHIEF TRAFFIC OFFICER,  
PESHAWAR.

Charge from - 24 <sup>10</sup>/<sub>020</sub>, two days absent from duty.  
Dismissment absent period as 1-w-o pay  
and two days incentive deducted.

OTB No. - 627.  
Dt. - 30 <sup>10</sup>/<sub>020</sub>

*[Signature]*  
CHIEF TRAFFIC OFFICER,  
PESHAWAR.

Charge from - 26 <sup>10</sup>/<sub>020</sub>, 01 day absent from duty.  
Dismissment absent period as 1-w-o pay  
and 01 day incentive deducted.

OTB No. - 636.  
Dt. 4-11-2020.

*[Signature]*  
CHIEF TRAFFIC OFFICER,  
PESHAWAR.

Charge from - 30 <sup>10</sup>/<sub>020</sub>, 01 day absent from duty.  
Dismissment absent period as 1-w-o pay. and  
01 day incentive deducted.

OTB No. - 646.  
Dt. 6-11-2020.

*[Signature]*  
CHIEF TRAFFIC OFFICER,  
PESHAWAR.

Order.

This is an order on the departmental enquiry initiated  
against Constable Saadul Khan No: 412 for involvement  
in case FIR No: 560, dated, 16-06-2020 U/S 337-A (2)/  
34 P.P.C, P.S Badshahi, Peshawar. He was Charge-  
Sheeted and DSP/HQPS Trabbie was nominated as  
enquiry to conduct formal departmental Proceedings  
under the Whyyer Pakhtunkhwa Police Rules 1975  
and Submit his finding.

(40) (10)

**ORDER**

This order will dispose off the departmental enquiry initiated against Constable Saadat Khan No.412 for absenting himself from duty with effect from 24.04.2021 and still at large without leave/permission of the competent authority. He was detailed for rigorous training to PTC Hangu vide AIG/Trg CPO letter No.4216/Trg, dated 20.04.2021 for his absenteeism and lack of interest towards duty but he failed to report his arrival at PTC Hangu. He was therefore, charge sheeted and SP/Hqrs. Traffic was nominated as Enquiry Officer to conduct formal departmental proceedings against him under the Khyber Pakhtunkhwa Police Rules 1975.

He was served with charge sheet but failed to submit his written reply within the stipulated period of 07-days. The Enquiry Officer therefore, recommended in his findings that ex parte action may be taken against him for his willful and continuous absence.

From on perusal of his service record, it was found that accused constable was enlisted on 30.12.2016. During his short span of service, he earlier remained absent for a period of 35 days on different occasions. Besides this, he has also been awarded minor punishment of forfeiture of 02 years approved service vide this office endst. No.692-95/PA, dated 29.12.2020 (OB No.755, dt. 31.12.2020) by SP/Hqrs. Traffic for involvement in case FIR No.560, dated 16.06.2020 U/S 337-A(2)/34 PPC, PS Badhaber, Peshawar.

Keeping in view recommendation of the Enquiry Officer as well as his blemish service record, an ex-parte action is therefore, taken against accused constable Saadat Khan No.412 <sup>and he</sup> is awarded major punishment of dismissal from service under the Khyber Pakhtunkhwa Police Rules 1975 from the date of his absence i.e. 24.04.2021.

*Majid*  
**(ABBAS MAJEED KHAN MARWAT) PSP**  
CHIEF TRAFFIC OFFICER,  
PESHAWAR.

No. 843-46 /PA, Dated Peshawar the 29/06/2021.  
Copies for necessary action to the:-

1. SP/Hqrs. Traffic, Peshawar.
2. Accountant
3. OSI
- ✓ 4. SRC (along-with complete enquiry file consisting of 06 pages)

O.B No. 484  
Date 29/6/21

4-9-2020


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CHARGE SHEET

1. WHEREAS I am satisfied that a formal enquiry as contemplated by Police Rules 1975 is necessary and expedient.
2. AND whereas, I am of the view that the allegations if established would call for major/minor penalty, as defined in Rule-3 of the aforesaid Rules.
3. Now therefore, as required by Rule 6 (1) (a) & (b) of the said Rules I, **ABBAS MAJEED KHAN MARWAT**, Chief Traffic Officer, Peshawar hereby charge you Constable Saadat Khan No.412 under Rules 5 (4) of the Police Rules 1975 on the basis of following allegations:-
  - i) That you were detailed for rigorous training at PTC Hangu but absented yourself from 24.04.2021 and still at large without leave/permission of the competent authority.
4. By doing this you have committed gross misconduct on your part.
5. AND I hereby direct you further under Rule 6 (1) (b) of the said Rules to put-in written defence within 07-days of the receipt of this Charge Sheet as to why the proposed action shall not be taken against you and also state whether you desire to be heard in person.
6. AND in case your reply is not received within the stipulated period to the enquiry officer, it shall be presumed that you have no defence to offer and in that case, ex-parte action will be taken against you.

  
(**ABBAS MAJEED KHAN MARWAT**)  
CHIEF TRAFFIC OFFICER,  
PESHAWAR.

(Competent Authority)

Done  
MASI-TR  
4-9-2020

\_\_\_\_\_  
\_\_\_\_\_

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**DISCIPLINARY ACTION**

1. I, **ABBAS MAJEED KHAN MARWAT**, Chief Traffic Officer, Peshawar as competent authority, am of the opinion that Constable Saadat Khan No.412 has rendered himself liable to be proceeded against, as he committed the following acts/omission within the meaning of section 03 of Police Rules 1975.

**SUMMARY OF ALLEGATIONS**

2. i) That he was detailed for rigorous training at PTC Hangu but absented himself from 24.04.2021 and still at large without leave/permission of the competent authority.

3. For the purpose of scrutinizing the conduct of the said accused official with reference to the above allegations, an Enquiry Committee comprising of the following officer(s) is constituted:-

a. Mr. Iftikhar Ali, SP/Traffic Hqrs. Peshawar.

b. \_\_\_\_\_

4. The enquiry committee/officer shall in accordance with the provision of the Police Rules 1975 provide reasonable opportunity of hearing to the accused officer/official and make recommendations as to punishment or any other appropriate action against the accused.



**(ABBAS MAJEED KHAN MARWAT)**  
CHIEF TRAFFIC OFFICER,  
PESHAWAR.

(Competent Authority)

MASI-7L  
4-9-2020

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REFERENCE ATTACHED

The contents of the Charge Sheet issued to FC Sadaat Khan No. 412 by W/CTO Peshawar, envisages that he was detailed for rigorous training at PTC Hangu but absented himself from 24.04.2021 till date. The undersigned was nominated as enquiry officer.

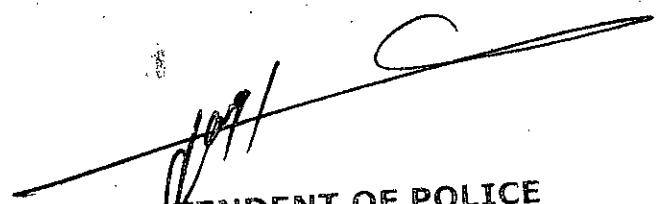
**SCANNED**  
**KPST**  
**Peshawar**

In order to conduct the enquiry, the delinquent constable was tried to serve with charge sheet. But to the sheer disappointment of the undersigned FC Sadaat Khan No. 412 didn't received the telephone call. He was time and again tried through cell No. 0300-5984684.

It is pertinent to note here that Constable Sadaat Khan No. 412 was nominated/recommended for rigorous training owing to his absenteeism and lack of interest in official duty. However, the delinquent official failed to comply with the directions of W/CTO and is still absent.

In the light of foregoing circumstances it is recommended that owing to his unscrupulous attitude and lack of interest in duty, ex-parte action may be taken against FC Sadaat Khan No. 412, hence he is recommended for **major punishment.**

Submitted, please.

  
**SUPERINTENDENT OF POLICE**  
**HQRS: CITY TRAFFIC POLICE**  
**PESHAWAR.**

No. 485 /R dated Peshawar the 28 /06/2021

4-9-2020