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KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

EXECUTION NO _____


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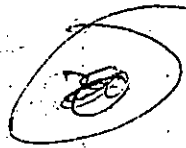
Sanam Naz vs Police

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Muharib Complainant


Incharge Judicial Branch



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to the PAS / PCS & PMS Officers, working against the scheduled posts of Establishment & Administration Department. Learned Addl. AG at the very outset, objected to the maintainability of the writ petition in view of the judgment reported as 2018 PLC (CS) Note-40 and unreported judgment of this Court rendered in writ petition bearing No. 1226-A/2018 dated 30.05.2019, and states that allowances in question are part and parcel of the pay falling in terms and conditions of service, for which the Service Tribunal has the jurisdiction in view of Article-212 of the Constitution.

4. Although, learned counsel representing petitioners in rebuttal of the maintainability has also placed reliance on some reported judgments, however, we without going to the merits of the case, are of the view that let the matter be referred to the Chief Secretary, Govt. of Khyber Pakhtunkhwa, on the analogy of other writ petitions, referred to by this Court, with the direction to look into the matter and

ATTESTED
EXAMINER
Peshawar High Court

ATTESTED
[Signature]

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Service Appeal No.1117/2022 titled "Sanam Naz Vs. Police Department"

ORDER

16th May, 2024

Sanam Naz

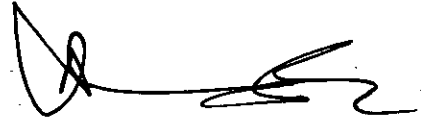
Kalim Arshad Khan, Chairman: This case was fixed for 25.06.2024, however, on the written request of appellant, file was requisitioned for today. Appellant in person present. Mr. Muhammad Jan, District Attorney for the respondents present.

2. Appellant requested for withdrawal submitted an application for withdrawal of the instant service appeal. As a token of admission of his submission, she signed the margin of order sheet. Dismissed as withdrawn. Consign

3. *Pronounced in open Court at Peshawar and given our hands and seal of the Tribunal on this 16th day of May, 2024.*



(Rashida Bano)
Member (J)



(Kalim Arshad Khan)
Chairman

Mutazem Shah

23.01.2024

1. Learned counsel for the appellant present. Mr. Syed Asif Masood Ali Shah learned Deputy District Attorney alongwith Ahsan Khalid, H.C for the respondents present.

2. Former requested for adjournment on the ground that he has not prepared the brief. Adjourned. To come up for arguments on 23.04.2024 before D.B at camp court, Abbottabad. P.P given to parties.

SCANNED
KPST
Peshawar

*KaleemUllah

(Muhammad Akbar Khan)
Member (E)

(Rashida Bano)
Member (J)
Camp Court, Abbottabad

23rd Apr. 2024

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

2. Former made a request for adjournment in order to prepare the brief. Adjourned. To come up for arguments on 25.06.2024 before D.B at Camp Court, Abbottabad. P.P given to the parties.

SCANNED
KPST
Peshawar

*Mutazem Shah *

(Muhammad Akbar Khan)
Member (E)
Camp Court, A/Abad

(Kalim Arshad Khan)
Chairman
Camp Court, A/Abad

20th June, 2023

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

2. Learned counsel for the appellant requested for adjournment in order to prepare the brief. Adjourned. To come up for arguments on 25.10.2023 before D.B at camp court, Abbottabad. P.P given to the parties.

SCANNED
KPST
Peshawar



(Rashida Bano)
Member (J)
Camp Court, Abbottabad



(Kalim Arshad Khan)
Chairman
Camp Court, Abbottabad

Kaleemullah

25th Oct. 2023

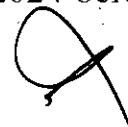
1. Learned counsel for the appellant and Mr. Asif Masood Ali Shah Deputy District Attorney for the respondents present.

2. Former made a request for adjournment in order to prepare the brief. Adjourned. To come up for arguments on 23.01.2024 before D.B at Camp Court, Abbottabad. P.P given to the parties.

SCANNED
KPST
Peshawar



(Fareeha Paul)
Member (E)



(Kalim Arshad Khan)
Chairman
Camp Court, Abbottabad

*Mutazem Shah *

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22nd Feb, 2023

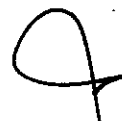
Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General alongwith Mr. Israr Shah, ASI for the respondents present.

Learned Additional Advocate General seeks time to prepare the case. Adjourned. To come up for arguments on 27.04.2023 before the D.B at Camp Court Abbottabad.

SCANNED
KPST
Peshawar



(Salah-ud-Din)
Member (J)
Camp Court Abbottabad



(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad

27th April, 2023

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

2. Learned counsel for the appellant seeks some time for preparation for arguments. Adjourned. To come up for arguments on 20.06.2023 before the D.B at Camp Court Abbottabad. Parcha Peshi is given to the parties.

SCANNED
KPST
Peshawar



(Salah-ud-Din)
Member (J)
Camp Court Abbottabad



(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad

Naeem Amin

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14.11.2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Reply/comments on behalf of respondent are still awaited. Learned Additional Advocate General shall intimate the respondents to submit reply/comments on 13.12.2022 before the S.B at Camp Court Abbottabad.



(Salah-Ud-Din)

Member (J)

Camp Court Abbottabad

**SCANNED
KPST
Peshawar**

13.12.2022

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

Reply/comments on behalf of respondents submitted, copy of which handed over to learned counsel for the appellant. Adjourned. To come up for rejoinder, if any, as well as arguments on 22.02.2023 before the D.B at Camp Court Abbottabad.



(Salah-Ud-Din)

Member (J)

Camp Court Abbottabad

**SCANNED
KPST
Peshawar**

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19th Sept 2022

Counsel for the appellant present and submits that against the impugned order dated 01.03.2022, the appellant has filed departmental appeal on 05.04.2022 which is beyond thirty days period provided under the law for filing representation. Learned counsel for the appellant submits that the appellant received the order late and has explained such delay in the application of condonation of delay. Awaiting ninety days waiting period after filing the departmental appeal, the appellant has filed this appeal on 18.07.2022. The appeal before the Tribunal is within time. The question whether it would be maintainable or not because the departmental appeal was barred, would be decided at the time of final hearing. This appeal is admitted to full hearing subject to all just and legal objections by the other side. Appellant is directed to deposit security fee. Out district respondents be summoned through TCS, the expenses of which be deposited by the appellant within three days, while the local respondents be summoned through process serving agency of the learned Senior Civil Judge, Peshawar. To come up for written reply/comments on 14.11.2022 before the S.B at camp court Abbottabad.

Rs 100/-
Appellant Deposited
Security & Process Fee
29/9

SCANNED
KPST
Peshawar



(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad


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Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- _____ 1117 /2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	18/07/2022	<p>The appeal of Mst. Sanam Naz presented by Mr. Muhammad Aslam Khan Tanoli Advocate. It is fixed for preliminary hearing before the touring Single Bench at A.Abad on <u>19-09-2022</u>. Notices be issued to appellant and her counsel for the date fixed.</p> <p>By the order of Chairman  REGISTRAR</p>
2-	<p>SCANNED KPST Peshawar</p>	

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BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
CHECK LIST

Case Title: _____ vs _____

S.#	Contents	Yes	No
1.	This appeal has been presented by: <i>Advocate J. Sanam Naz Appellant</i>	✓	
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?	✓	4
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:

Sanam Naz
Appellant

Signature:

Sanam Naz

Dated:

18/07/2022

وکیل صاحب کا ای۔ای۔ میں ایڈیشن
نہیں ہے

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BEFORE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Appeal No.....1117.../2022

SCANNED
KPST
Peshawar

Sanam Naz Ex-Lady Constable No. 725 District Police Haripur
R/O Opposite Faiza Rasheed CNG Tehsil & District Haripur.
.....(Appellant)

VERSUS

1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Haripur.

(Respondents)

SERVICE APPEAL

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S/No	Description of Document	Ann- exure	Page No.
1.	Appeal and condonation application.		01-08
2.	Dismissal Order dated 01-03-2022	"A"	09
3.	Departmental Appeal dated 05-04-2022	"B"	10-13
4.	Wakalatnama		

Sanam Naz
Appellant

Through

(Mohammad Aslam Tanoli)
Advocate High Court
at Haripur

Dated: 18-07-2022

0333-5958997

-1

(10)

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Appeal No.....11.7/2022

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 714

Dated 18/7/2022

Sanam Naz Ex-Lady Constable No. 725 District Police Haripur
R/O Opposite Faiza Rasheed CNG Tehsil & District Haripur.

.....(Appellant)

VERSUS

1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Haripur.

(Respondents)

**SERVICE APPEAL UNDER SECTION-4 OF KPK SERVICE TRIBUNAL
ACT 1974 AGAINST ORDER DATED 01-03-2022 OF THE DISTRICT
POLICE OFFICER HARIPUR WHEREBY APPELLANT HAS BEEN
"DISMISSED FROM SERVIE" ILLEGALLY AND AGAINST THE
DEPARTMENTAL RULES AND REGULATIONS GOVERNING THE
TERMS AND CONDITIONS OF APPELLANT SERVICE.**

**PRAYER: ON ACCEPTANCE OF INSTANT SERVICE APPEAL THE
IMPUGNED ORDER DATED 01-03-2022 OF THE RESPONDENT MAY
KINDLY BE SET ASIDE AND APPELLANT BE REINSTATED IN SERVICE
FROM THE DATE OF DISMISSAL WITH ALL CONSEQUENTIAL
SERVICE BACK BENEFITS.**

Respected Sir,

1. That appellant was inducted in District Police Haripur in the year 2014 and since then appellant has been performing her duties with devotion, dedication and honesty. Appellant has exemplary service record.

2. That on 01-01-2022, while appellant posted at Police Lines, Haripur was telephonically informed from abroad Dubai by her cousin (daughter of his Aunt) that she was seriously ill and admitted to Hospital and there was no one to look after her. The appellant in emergency

Filed to-day

Registrar

informed In-charge Police Lines Haripur of the situation and started preparation for abroad.

3. That due to serious illness of her cousin abroad, appellant informed her In-charge to get her leave sanctioned from her officers and left for abroad. Appellant when reached abroad she found her cousin in a very serious condition and admitted to hospital. In such a situation the appellant had to stay with her as an attendant in the Hospital as her cousin was helpless and was without any attendant to be cared.
4. That no sooner the appellant's cousin felt some better, the appellant get her discharged from the hospital and managed returned air tickets to bring her home. Appellant alongwith her cousin reached home in Pakistan on 28-03-2022. Just after reaching appellant reported for her duties at police lines Haripur and appeared before the District Police Haripur on 29-03-2022 and explained the entire situation and problems and requested for grant of covering sanction of leave for already availed 60 days.
5. That the honorable District Police Officer Haripur did not pay any heed to the appellant's request of compulsions and problems and told that she had been dismissed from service vide order dated 01-03-2022 which was then delivered on 05-04-2022. **(Copy of dismissal order dated 01-03-2022 is attached as "A")**.
6. That appellant has 08 years service in the police department and during the entire service she has never

obtained even a single day **EARNED LEAVE** and sufficient leave balance is available in her credit and she can be granted 60 days leave from her balance.

7. That absence of appellant was not a deliberate and willful act rather due to acute compulsion for serious illness of her cousin (daughter of aunt) but these facts were never taken into consideration by DPO Haripur and dismissed her within a short time of her absence.
8. That no proper departmental inquiry was conducted against the appellant. Neither she was issued with a Charge Sheet nor Show Cause Notice before awarding major penalty of dismissal from service. Even the appellant was not given copy of inquiry report. The appellant was condemned unheard and principle of natural justice was seriously violated in her case.
9. That appellant aggrieved of the dismissal order preferred a departmental appeal before the Regional Police Officer, Hazara Region, Abbottabad on 05-04-2022 which was never responded within statutory period by the respondent appellate authority. **(Copy of appeal dated 05-04-2022 is attached as Annex-"B")**.
10. Hence this service appeal inter alia on the following grounds:-

GROUND:

- A) That orders dated 01-03-2022 of the respondents is illegal, unlawful, against the facts, departmental rules & regulations, Police E&D Rules 1975, passed in a whimsical,

arbitrary & cursory manner; hence liable to be set aside.

- B) That no proper departmental inquiry was conducted. No Charge Sheet and Show Cause Notice was issued to her. Copy of enquiry report, if any, was also not given to appellant. Even opportunity of personal hearing was not afforded to him and he was condemned unheard.
- C) That the appellate authority has also failed to abide by the law, neither had he taken into consideration the grounds of appeal presented by appellant in his departmental appeal nor was it replied within statutory period. Thus act of the appellate authority is contrary to the Police E&D Rules 1975 read with section 24-A of General Clause Act 1897 and Article 10A of the Constitution of Islamic Republic of Pakistan 1973.
- D) That appellant was wrongly dismissed from service and departmental inquiry also could not bring any thing adverse on record against the appellant and she has been penalized without any reason and justification.
- E) That instant service appeal is well within time and this honorable Service Tribunal has got every jurisdiction to entertain & adjudicate upon the lis.

PRAYER:

It is, therefore, humbly prayed that on acceptance of instant Service appeal order 01-03-2022 of the respondent may graciously be set aside and appellant be re-instated in service from the date of dismissal with grant of all consequential

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Back benefit : Any other relief which this honorable court deems fit may also be granted.

Sarwan Jaz
Appellant

Through:

M. Aslam
Muhammad Aslam Tanoli
Advocate High Court
At Haripur

Dated: 18-07-2022

Verification:

It is verified that the contents of the instant appeal are true and correct to the best of my knowledge & belief & nothing has been suppressed.

Dated: 18-07-2022

Sarwan Jaz
Appellant

BEFORE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Sanam Naz Ex-Lady Constable No. 725 District Police Haripur
R/O Opposite Faiza Rasheed CNG Tehsil & District Haripur.
.....(Appellant)

VERSUS

- 1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
- 2. Regional Police Officer, Hazara Region, Abbottabad.
- 3. District Police Officer, Haripur. (Respondents)

SERVICE APPEAL

CERTIFICATE

It is certified that no such Appeal on the subject has ever been
filed in this Honourable Service Tribunal or any other court prior
to the instant one.

Sanam Naz
APPELLANT

Dated: 18-07-2022

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BEFORE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Sanam Naz Ex-Lady Constable No.1024 725 District Police
Haripur R/O Opposite Faiza Rasheed CNG Tehsil & District
Haripur.

.....(Appellant)

VERSUS

1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Haripur.

(Respondents)

SERVICE APPEAL

AFFIDAVIT:

I, Sanam Naz appellant do hereby solemnly declare and affirm on oath that the contents of the instant Service Appeal are true and correct to the best of my knowledge and belief and nothing has been suppressed from this Honourable Service Tribunal.



Sanam Naz
Deponent/Appellant

Dated: 18-07-2022

Identified By:

M. Aslam

Mohammad Aslam Tanoli
Advocate High Court
At Haripur

Dated: 18-07-2022

Sanam Naz
Appellant

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BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Sanam Naz Ex-Lady Constable No.725 District Police Haripur R/O
Opposite Faiza Rasheed CNG Tehsil & District Haripur.

.....(**Appellant**)

VERSUS

1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Haripur. (**Respondents**)

APPLICATION FOR CONDONATION OF DELAY IN FILING SERVICE APPEAL BEFORE THIS HONOURABLE SERVICE TRIBUNAL.

Respectfully Sheweth:

1. That applicant/appellant has filed today Service Appeal, which may be considered as part and parcel of this application, against order dated 01-03-2022 passed by departmental authority whereby appellant's represent has been dismissed from service.
2. That as the impugned order has been passed in violation and derogation of the statutory provisions of law, rules and regulations governing the terms and conditions of her service, therefore causing a recurring cause of action to applicant/appellant can be challenged and questioned irrespective of a time frame.
3. That impugned order passed by the respondent on 01-03-2022 and communicated on 05-04-2022 is illegal, without lawful authority and whimsical in manner. The applicant/appellant filed departmental appeal well in time and has rigorously been pursuing his case. The delay, if any, in filing departmental as well as service appeal needs to be condoned.
4. That instant application is being filed as an abundant caution for the condonation of delay, if any. The impugned order is liable to be set aside in the interest of justice.

It is, therefore, respectfully prayed that on acceptance of the instant application the delay, if any, in filing of above titled appeal may graciously be condoned.

Through:

Sanam Naz

Applicant/Appellant

M. Aslam Tanoli

(Mohammad Aslam Tanoli)

Advocate High Court

At Haripur

Dated *18*-07-2022

VERIFICATION:

It is verified that the contents of the instant application/appeal are true and correct to the best of my knowledge & belief & nothing has been suppressed.

Dated *18*-07-2022

Sanam Naz
Applicant

9 (18) Annex A

ORDER.

LFC Sanam Naz No.725, while she posted at Police Lines, Haripur absented herself from her legitimate duties without any leave or information from the competent authority w.e.f 25.09.2021 to 26.09.2021 (01) day, vide DD No.06 dated 25.09.2021 Police Lines, 23.10.2021 to 25.10.2021 (02) days, vide DD No.28 dated 23.10.2021 Police Lines, 18.11.2021 to 21.11.2021 (03) days, vide DD No.19 dated 18.11.2021 Police Lines, and 01.01.2022 to till date vide DD No.22 dated 01.01.2022 Police Lines. She was also not taking interest towards her legitimate duties. Her acts were severe violation of discipline, inefficiency and a gross misconduct in terms of Khyber Pakhtunkhwa Police Efficiency & Discipline Rules 1975 (amended-2014). Therefore, she was served with charge sheet and statement of allegations vides this office Endst No. 08-09/PA, dated 28.01.2022.

To probe the allegations Deputy Superintendent of Police, HQrs, Haripur, was appointed as Enquiry Officer, who conducted proper departmental enquiry and submitted his findings, vide his office Memo No. 144 dated 10.02.2022 and held that the LFC Sanam Naz No. 725 willfully absented herself from duties and proceeded abroad without any leave or permission/NOC. The enquiry officer held the charges of misconduct against the defaulter official proved and recommended her for major punishment of dismissed from service under section-4 of Khyber Pakhtunkhwa Police Efficiency & Discipline Rules 1975 (amended-2014). Hence, she was issued with Final Show Cause Notice, vide this office Endst: No.19/PA dated 15.02.2022, but she did not submit her written reply within the stipulated period.

On receiving the recommendation of enquiry officer and relevant record, I, am fully satisfied that the charges of misconduct are proved against the defaulter police official LFC Sanam Naz No. 725 who absented herself from lawful duties without any leave or permission from the competent authority. She also went abroad without any NOC. So, the charges of misconduct stands proved beyond any doubt. Therefore, I, Lt. Cdr @ Kashif Aftab Ahmad Abbasi (PSP), District Police Officer, Haripur being competent authority under the Khyber Pakhtunkhwa, Police Efficiency and Discipline Rules 1975 (amended-2014), awarded her major punishment of "Dismissed from Service", with immediate effect.

OB No. 144
Dated. 01-3-2022

3/13/22
Lt. Cdr @ Kashif Aftab Ahmad Abbasi, PSP
District Police Officer,
Haripur 2022

Accepted
Sanam Naz

*Approved in S.O
of District Haripur*
18/3/22

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(19)

Amree B

**BEFORE HONOURABLE REGIONAL POLICE OFFICER,
HAZARA REGION, ABBOTTABAD.**

(4 sheets)

Departmental Appeal
By Lady Constable Sanam Naz No. 725
District Police Haripur

DEPARTMENTAL APPEAL AGAINST ORDER OB NO. 149 DATED 01-03-2022 PASSED BY THE DISTRICT POLICE OFFICER HARIPUR WHEREBY THE APPELLANT HAS BEEN AWARDED WITH THE PENALTY OF "DISMISSAL FROM SERVICE".

PRAYER: ON ACCEPTANCE OF INSTANT DEPARTMENTAL APPEAL THE IMPUGNED ORDER DATED 01-03-2022 OF DPO HARIPUR MAY KINDLY BE SET ASIDE AND APPELLANT BE GRANTED EARNED LEAVE OUT OF HIS ACCOUNT AND RE-INSTATED IN SERVICE FROM THE DATE OF DISMISSAL WITH ALL CONSEQUENTIAL SERVICE BACK BENEFITS.

Respected Sir,

Respectfully the following few lines are submitted for kind consideration and favorable order please:-

1. That on 01-01-2022, while appellant posted at Police Lines, Haripur was informed telephonically from abroad Dubai by her cousin (daughter of his Aunt) that she was seriously ill and admitted to Hospital and there was no one to look after her. The appellant in emergency informed In-charge Police Lines Haripur of the situation and started preparation for abroad.
2. That due to serious illness of her cousin abroad, the appellant could not spare time for approaching her officers with regard to sanction of her leave and she verbally informed her In-charge to get her leave sanction from her officers and left for abroad. Appellant when reached abroad she found her cousin in a very serious condition and admitted to

Received
6/4/2022

All-Set
Sanam Naz

hospital. In such a situation the appellant had to stay with her as an attendant in the Hospital as her cousin was helpless and was without any attendant to care her.

3. That no sooner the appellant's cousin felt some better, the appellant get her discharged from the hospital and managed returned air tickets to bring her home. Appellant alongwith her cousin reached home in Pakistan on 28-03-2022. Just after reaching appellant reported for her duties at police lines Haripur and appeared before the District Police Haripur on 29-03-2022 and explained the entire situation and problems to his highness and requested for grant of covering sanction of leave for 60 days.
4. That the honorable District Police Officer Haripur did not pay any heed to the appellant's request of compulsions and problems and straight way dismissed her from service vide order dated 01-03-2022 without any reason. **(Copy of dismissal order dated 01-03-2022 is attached as "A")**.
5. That no proper departmental inquiry was conducted against the appellant. Neither she was issued with a Charge Sheet nor Show Cause Notice before awarding major penalty of dismissal from service. Even the appellant was never provided with the opportunity of personal hearing. The appellant was condemned unheard and principle of natural justice was seriously violated in her case.

Attested
Samana Jai 2

6. That the appellant was appointed as Constable in the Police Department in the year 2014 and thus has rendered more than 08 years service. She always performed her assigned official duties with devotion, dedication and honesty and to the entire satisfaction of her officers and never provided them a chance of reprimand. Appellant had meritorious service at her credit.
7. That appellant is the only bread earner of her family consisting upon her aged ailing parents and minor school going brothers and sisters. The appellant is already under financial distress. She had to spend handsome amount on her medical treatment of her parents and now has been dismissed from service as well.
8. That as the appellant has more than 08 years service, therefore, has sufficient leave balance at her credit. The appellant deserve to be granted Earned Leave out of her own Leave balance.
9. That if the appellant is provided with a chance of personal hearing she will really prove her innocence before your Highness about her constrains which she had to face during illness of her cousin.

It is, therefore, earnestly requested that keeping in view the aforementioned facts & circumstances the impugned order dated 01-03-2022 of the District Police Officer Haripur may kindly be set aside and the appellant be granted earned

Alister
Samam Naz

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leave, for the period she has been treated as absent, out of his leave account and re-instated her in service from the date of dismissal with all consequential service back benefits. Appellant shall always pray for your good health and long life. Thanking you sir in anticipation.

Sanam Naz

(Mst. Sanam Naz)

EX-LFC No. 725

District Police Haripur

ADDRESS: Opposite Faiza Rasheed CNG
Tehsil & Distt: Haripur.
Cell No.0314-5080642

Dated: 05-04-2022

Attested

Sanam Naz

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR CAMP COURT ABBOTTABAD**

23

SERVICE APPEAL No.1117/2022

Sanam Naz Ex-Lady Constable No.725, District Police Haripur r/o opposite Faiza
Rasheed CNG Tehsil & District Haripur.

..... (Appellant)

VERSUS

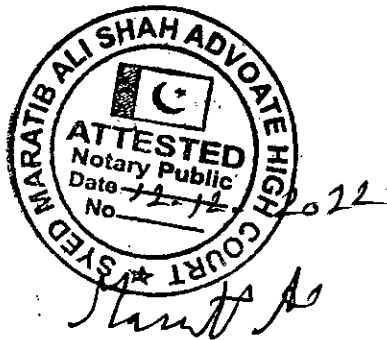
Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar, and others.

..... (Respondents)

COUNTER AFFIDAVIT

I, do hereby solemnly affirm and declare, that the contents of comments / reply, are true to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.

ATTESTED



[Handwritten Signature]
District Police Officer,
Haripur
(Respondent No.3)

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA, SERVICE
TRIBUNAL PESHAWAR CAMP COURT ABBOTTABAD**

SERVICE APPEAL NO. 1117/2022

24

Sanam Naz Ex-Lady Constable No.725 District Police Haripur r/o opposite Faiza Rasheed
CNG Tehsil & District Haripur

..... (Appellant)

VERSUS

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and others.

.... (Respondents)

Reply/comments by respondents No.1, 2 & 3.

Respectfully Sheweth.

PRELIMINARY OBJECTIONS:-

1. That the instant Service Appeal is not maintainable in the present form.
2. That the appellant is estopped by his own conduct.
3. That the appellant has not come to the Honorable Tribunal with clean hands.
4. That the appellant has suppressed material facts from the Honorable Tribunal.
5. That the instant Service Appeal is bad for mis-joinder and non-joinder of necessary and proper parties.
6. That the instant Service Appeal is badly barred by law and limitation.
7. That the appellant has filed the instant service appeal just to pressurize the respondents.
8. That the order passed by the authorities are based on facts & rules, after fulfilling all the codal formalities, hence, the appeal is liable to be dismissed without any further proceeding.

REPLY ON FACTS:-

1. In reply to this para, it is submitted that the appellant Ex-LFC Sanam Naz No.725, hile posted at police lines Haripur, absented herself from legitimate duties without any leave or permission from the competent authority with effects from 25.09.2021 to 26.09.2021 (01) days vide daily dairy No.06 dated 25.09.2021 Police Lines, 23.10.2021 to 25.10.2021 (02) days vide daily dairy No.28 dated 23.10.2021 Police lines, 18.11.2021 to 21.11.2021 (03) days vide daily dairy No.19 dated 18.11.2021 Police lines, and 01.01.2022 to till date vide daily dairy No.22 dated 01.01.2022 Police Lines Haripur. She was also not taking interest towards her legitimate duties. The acts and omissions of the appellant were misconduct under Khyber Pakhtunkhwa, Police Efficiency and Discipline Rules 1975. Therefore the appellant was issued charge sheet and statement of allegations by the then District Police Officer, Haripur, vide his office Endst: No. 08-09/PA dated 28.01.2022. (Copy of charge sheet and stamen of allegation is attached as annexure "A"). Mr. Fida Muhammad Deputy Superintendent of Police, HQrs Haripur was appointed as enquiry officer/ E.O. who conducted proper departmental enquiry and submitted his findings vide his

office Memo No.144 dated 10.02.2022, in which he held that the appellant willfully absented from duties and proceeded abroad without any leave or permission/NOC. (Copy of inquiry findings is attached as annexure "B"). The E.O. held that the charges stood proved against her and recommend her for major punishment of dismissal from service. Therefore, she was issued Final Show Cause Notice vide this office Endst: No.19/PA dated 15.02.2022. (Copy of Final Show Cause Notice is attached as annexure "C") Hence, the appellant was awarded lawful punishment of dismissal from service vide OB.No.149 dated 01.03.2022 by the then District Police Officer, Haripur. (Copy of order is attached as annexure "D"). Therefore, the appellant filed departmental appeal against the punishment to the Regional Police Officer, Hazara Region, Abbottabad, who filed/rejected appeal of appellant, vide his office order No. 115/PA dated 02.08.2022. (Copy of order is attached as annexure "E")

2. Incorrect, the appellant is generating false stories. She proceeded abroad without any leave or permission from competent authority. Her conduct was contrary to discipline of police force.
3. Incorrect, the appellant is deceiving the authorities. She absented herself from lawful duties and proceeded abroad. Being government servant she ought to follow the law, rules and regulations of government/department, she was member of police force and her leaving the country without following the law, rules, regulations and procedures is neither warranted nor overlooked in public interests. Her conduct was probed and she was held guilty of gross misconduct. Having fulfilled all legal requirements, she was awarded major punishment of dismissal from service.
4. Incorrect, the appellant took the law in her hands. She proceeded abroad without any leave or permission from competent authority. There is no proof of any such illness of her alleged cousin, it is worth mentioning that the appellant was not health specialist, who allegedly proceeded abroad for treatment. She has admitted her proceeding abroad. Her conduct was a security threat/risk. She is not entitled for re-instatement in service, as she would tarnish the image of police in public. Her misconduct was proved in the departmental enquiry, to which she was awarded quite legal punishment. Moreover, leave is not vested right of civil servant, rather it is desecration of competent authority.
5. Incorrect, the appellant had committed gross misconduct. Therefore, lawful action was taken and proper departmental inquiry was conducted against the appellant. She was found guilty of gross misconduct. Therefore, the appellant was awarded quite legal punishment of dismissal from service by the then District Police Officer, Haripur vide OB. No.149 dated 01.03.2022. All facts, circumstances and

relevant evidence were taken into consideration while passing punishment to the appellant.

(26)

6. Incorrect, the appellant does not possess meritorious service record, rather she was awarded several punishments during her past service on account of absence from duties. She is habitual absentee. The detail is given below:-
 - i. Warning vide OB.No.446 dated 21.06.2018.
 - ii. Warning vide OB.No.691 dated 15.10.2018.
 - iii. Fine Rs.300/- vide OB.No.789 dated 21.10.2020.
 - iv. Warning vide OB.No.709 dated 30.12.2021.
7. Incorrect, the appellant willfully absented from lawful duties and proceeded abroad without prior leave or permission from the competent authority. She breached the law, rules and regulations and resorted to arrogant acts. Her conduct is also affecting the discipline of member of police force. Her willful absence from duty was proved through cogent evidence. All facts, circumstances and evidence were taken into consideration by the then District Police Officer, Haripur while passing punishment to the appellant. The punishment awarded to the appellant commensurate with the gravity of charges.
8. Incorrect, proper departmental inquiry was conducted, the enquiry officer collected the relevant evidence, she was held guilty of gross misconduct by the enquiry officer, on receiving enquiry finding, she was issued Final Show Cause Notice under the law/rules. Hence, all legal requirements and principles of were fulfilled while awarding punishment to the appellant.
9. Incorrect, the departmental appellate authority i.e. Regional Police Officer, Hazara Region, Abbottabad vide his office order No.115/PA dated 02.08.2022 rejected the departmental appeal of appellant on lawful grounds and justification.
10. Incorrect, the instant service appeal is not maintainable on the following grounds.

REPLY ON GROUNDS:-

- A) Incorrect, the order of punishment of the respondents dated 01.03.2022 and 02.08.2022, are quite legal, based on facts and evidence. Hence, the orders are lawful and maintainable.
- B) Incorrect, proper departmental inquiry was conducted. She did not join the departmental inquiry despite repeated summons by enquiry officer. She was held guilty of misconduct in the departmental enquiry and recommended for major punishment. Therefore, she was also issued Final Show Cause Notice under the law/rules. She was awarded punishment of dismissal from service on lawful grounds and evidence. Hence, all legal requirements were fulfilled while passing punishment to the appellant.
- C) Incorrect, the appellant was dealt in accordance with law/rules. The departmental appellate authority took into consideration all facts, evidence and relevant enquiry

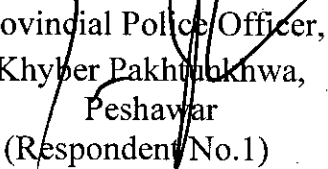
(27)


Papers, moreover, the appellant was also heard in person by the appellate authority and being satisfied with punishment order of competent authority, the departmental appellate authority rejected the departmental appeal of appellant vide order No.115/PA dated 02.08.2022. All principles of natural justice were observed, hence, the punishment awarded to the appellant is lawful and maintainable.

- D) Incorrect, the appellant committed gross misconduct to which lawful departmental action was taken and she was awarded major punishment of dismissal from service on lawful grounds, evidence, reasons and justification. Hence, the punishment is maintainable under the law/rules.
- E) Incorrect, the instant service appeal is time barred and not maintainable under the law/rules.

PRAYER:-

In view of above stated facts it is most humbly prayed that the instant service appeal does not hold any legal force, may kindly be dismissed with costs, please.


Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar
(Respondent No.1)


Regional Police Officer,
Hazara Region,
Abbottabad
(Respondent No.2)


Regional Police Officer
Hazara Abbottabad

District Police Officer,
Haripur
(Respondent No.3)

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR CAMP COURT ABBOTTABAD**

28

SERVICE APPEAL No.1117/2022

Sanam Naz Ex-Lady Constable No.725, District Police Haripur r/o opposite Faiza
Rasheed CNG Tehsil & District Haripur.

..... (Appellant)

VERSUS

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar, and others.

..... (Respondents)

**REPLY TO APPLICATION FOR CONDONATION OF DELAY IN SERVICE
APPEAL BY RESPONDENTS.**

Respectfully Sheweth:-

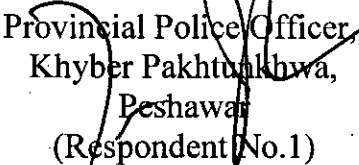
The reply to application for condonation of delay of service appeal on behalf of respondents No. 1,2 & 3, is submitted as under:-

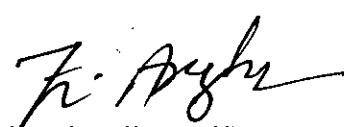
1. Incorrect, it is submitted that the applicant/appellant Ex- LFC Sanam Naz No.725, while posted at Police Lines Haripur, absented from legitimate duties without any leave or permission from the competent authority with effect from 25.09.2021 to 26.09.2021 (01) day vide Daily Dairy MADD No.06 dated 25.09.2021 Police Lines, 23.10.2021 to 25.10.2021 (02) days vide Daily Dairy MADD No.28 dated 23.10.2021 Police Lines, 18.11.2021 to 21.11.2021 (03) days vide Daily Dairy MADD No.19 dated 18.11.2021 Police Lines, and 01.01.2022 till date vide Daily Dairy MADD No.22 dated 01.01.2022 Police Lines Haripur. She was also not taking interest in her legitimate duties. The acts and omissions of the appellant were tantamount to misconduct under Khyber Pakhtunkhwa, Police Efficiency and Discipline Rules 1975. Therefore the appellant was issued charge sheet and statement of allegations by the then District Police Officer, Haripur, vide his office Endst: No. 08-09/PA dated 28.01.2022. Mr. Fida Muhammad Deputy Superintendent of Police, HQrs Haripur was appointed as Enquiry Officer/ (E.O.), who conducted proper departmental enquiry and submitted his findings vide his office Memo No.144 dated 10.02.2022, in which he held that the appellant willfully absented from duties and proceeded abroad without any leave or permission/NOC. The E.O. held that the charges stood proved against her and recommend her for major punishment of dismissal from service. Therefore, she was issued Final Show Cause Notice vide this office Endst: No.19/PA dated 15.02.2022. Hence, the appellant was awarded lawful punishment of dismissal from service vide OB.No.149 dated 01.03.2022 by the then District Police Officer, Haripur. The instant servicer appeal is badly time

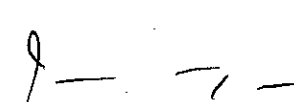
barred and not maintainable under the law. Moreover, statutory rights have accrued to the respondents department. 29

2. Incorrect, the respondents dealt the applicant/appellant in accordance with law/rules. The orders of punishment passed by the respondents are quite legal, based on evidence and facts, hence, maintainable under the law/rules. Moreover, the applicant has no cause of action to file the instant service appeal, as it is time barred.
3. Incorrect, the orders of punishment are quite legal, based on facts, evidence and principles of natural justice, hence, maintainable under the law/rules.
4. Incorrect, the application condonation of delay does not hold any legal force and liable to be dismissed.

In view of above, it is most humbly prayed that the instant service appeal as well as application for condonation of delay does not hold any legal force, which may kindly be dismissed with cost, please.


Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar
(Respondent No.1)


Regional Police Officer,
Regional Police Officer,
Hazara Region,
Abbottabad
(Respondent No.2)


District Police Officer,
Haripur
(Respondent No.3)

CHARGE SHEET

30

I, Lt. Cdr @ Kashif Aftab Ahmad Abbasi, PSP, District Police Officer, Haripur as competent authority, hereby charge you LFC Sanam Naz No.725 as enclosed statement of allegations.

(1) You appear to be guilty of misconduct under Police Efficiency & Discipline Rules 1975 and have rendered yourself liable to all or any of the penalties specified in the said Rules.

(2) You are, therefore, required to submit your written defense within 07 days of the receipt of this charge sheet and statement of allegation to the Committee/Enquiry Officer as the case may be.

(3) Your written defense, if any, should reach the Enquiry Officer/Committee 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 desire to be heard in person or otherwise.

(5) A statement of allegations is enclosed.

Lt. Cdr @ Kashif Aftab Ahmad Abbasi, PSP
District Police Officer
Haripur

1
2022

DISCIPLINARY ACTION

31

I, Lt. Cdr @ Kashif Aftab Ahmad Abbasi, PSP, District Police Officer, Haripur as competent authority of the opinion that you LFC Sanam Naz No.725 have rendered yourself liable to be proceeded against as you committed the following acts/omissions within the meaning of Police Efficiency & Discipline Rules 1975.

STATEMENT OF ALLEGATION

"It has been reported that you while posted at Police Lines, Haripur absented yourself from your legitimate duty without any leave or information from the competent authority w.e.f 25.09.2021 to 26.09.2021 (01) day, vide DD No.06 dated 25.09.2021 Police Lines, 23.10.2021 to 25.10.2021 (02) days, vide DD No.28 dated 23.10.2021 Police Lines, 18.11.2021 to 21.11.2021 (03) days, vide DD No.19 dated 18.11.2021 Police Lines, and 01.01.2022 to till date vide DD No.22 dated 01.01.2022 Police Lines . You are also not taking interest towards your legitimate duties. Your this act is a severe violation of discipline, inefficiency and a gross misconduct in terms of Police E&D Rules 1975" hence you are charge sheeted".

(2) For the purpose of scrutinizing the conduct of the said accused officer with reference to the above allegations, an Enquiry Committee consisting of the following is constituted.

Mr. Fida Muhammad SDPO HQrs., Haripur

(3) The Enquiry Officer/Committee shall in accordance with the provision of this Ordinance, provide reasonable opportunity of hearing to the accused, record finding and make within 25 days of the receipt of this order, recommendation as to punishment or the appropriate action against the accused.

(4) The accused and a well conversant representative of departmental shall in the proceedings on the date, time and place fixed by the Enquiry Officer/Committee.

Lt. Cdr @ Kashif Aftab/Ahmad Abbasi, PSP
District Police Officer
Haripur

No: 08-09 /PA dated Haripur the 28/01/2022.

Copy of above is submitted to the: -

- 1) Enquiry Officer for initiating proceedings against the said accused under Police Efficiency & Discipline Rules 1975.
- 2) LFC Sanam Naz No.725 with the direction to submit her defense within 7 days of the receipt of this statement of allegations and also to appear before the Enquiry Officer on the date, time and place fixed for the purpose of departmental proceedings.

Lt. Cdr @ Kashif Aftab Ahmad Abbasi, PSP
District Police Officer
Haripur

ضلع ہری پور

محکمہ پولیس

منجانب: ڈپٹی سپرنٹنڈنٹ آف پولیس سرکل ہیڈ کوارٹر
 منجانب: جناب ڈسٹرکٹ پولیس آفیسر صاحب ضلع ہری پور
 مضمون: انکوائری بر خلاف لیڈی کنسٹیبل صنم ناز پیلٹ نمبر 725

نمبر: 144 مورخہ 2022/2/10

الزام: غیر حاضری۔

کاروائی:

بجوالہ چارج شیٹ نمبر 08-09/PA مورخہ 28.01.2022 آمدہ جناب ڈسٹرکٹ پولیس آفیسر صاحب ضلع ہری پور کی نسبت معروض خدمت ہوں کہ لیڈی کنسٹیبل صنم ناز نمبر 725 پولیس لائن سے مختلف اوقات میں مورخہ 25.09.2021 تا 26.09.2021، 23.10.2021 تا 25.10.2021، 18.11.2021 تا 21.11.2021، 21.11.2021 تک غیر حاضر ہوئی اور مورخہ 01.01.2022 سے بدستور غیر حاضر ہے۔ جو آج مورخہ 10.02.2022 تک ٹوٹل ایک ماہ 16 دن سے بدستور غیر چلی آ رہی ہے۔ جسکی نسبت چارج شیٹ برائے انکوائری موصول ہوئی۔

لیڈی کنسٹیبل صنم ناز نمبر 725 کو پروانہ نمبری 35 مورخہ 08.02.2022 بذریعہ SHO تھانہ صدر برائے انکوائری اندر 02 یوم روبرو من انکوائری افسر طلب کیا۔ جس پر SHO تھانہ صدر نے اپنی تعمیلی رپورٹ میں تحریر کیا کہ مذکورہ لیڈی کنسٹیبل صنم ناز نمبر 725 سکنہ جامعہ سے ترک سکونت کر کے ہری پور میں منتقل ہو گئی ہے۔ جس پر پروانہ نمبری 36 مورخہ 08.02.2022 SHO تھانہ سٹی کو تحریر کیا کہ مذکورہ لیڈی کنسٹیبل صنم ناز نمبر 725 کو مطلع کیا جائے کہ مذکورہ بغرض انکوائری روبرو من انکوائری افسر اندر 02 یوم حاضر ہو۔ پروانہ / نوٹس حقیقی ہمیشہ مسماۃ رقیہ بانود ختر محمد سلیمان سکنہ حال ڈھینڈہ چوک ہری پور نے وصول کر کے بتلایا کہ مذکورہ کو مطلع کر دوں گی جو کہ کہیں بیرون ملک مقیم ہے۔

اندریں حالات یکطرفہ کاروائی انکوائری عمل میں لائی جا کر ضروری گواہان بروے نوٹس نمبر 38

مورخہ 09.02.2022 برائے انکوائری طلب کیے۔ جو کہ نوٹس طلبی ہمراہ آئے ہیں۔

✓
 محرر پولیس لائن ہری پور LHC سمیع اللہ نمبر 659 نے اپنے بیان میں بتلایا کہ لیڈی کنسٹیبل صنم ناز نمبر 725 مد 22 روز نامچہ 01.01.2022 پولیس لائن ہری پور سے غیر حاضر ہوئی اور تاحال واپس ڈیوٹی پر نہیں آئی۔ لیڈی کنسٹیبل صنم ناز نمبر 725 بلا اجازت، چھٹی افسران مجاز من مرضی سے غیر حاضر ہوئی۔ نقل روز نامچہ ہمراہ لف ہے۔ (بیان سمیع اللہ محرر پولیس لائن ہمراہ لف ہے)۔

RI پولیس لائن ہری پور انسپکٹر محمد نازک نے بیان میں بتلایا کہ لیڈی کنسٹیبل صنم ناز نمبر 725 بحوالہ روز نامچہ 22 مورخہ 01.01.2022 سے بلا اجازت و چھٹی افسران بالا، من مرضی سے ڈیوٹی سے غیر حاضر ہے۔ (بیان انسپکٹر محمد نازک ہمراہ لف ہے)۔

دوران انکوائری معلوم ہوا کہ وہ بیرون ملک جا چکی ہے جسکی تصدیق کرنا ضروری تھی۔ جس کا شناختی کارڈ نمبر 4-24023282-13302، پاسپورٹ نمبر VK 9892821، ویریفیکیشن کے لیے جناب ڈسٹرکٹ پولیس آفیسر صاحب کو لیٹر تحریر کیا گیا۔ جس کی کاپی ہمراہ لف ہے۔

جناب ڈسٹرکٹ پولیس آفیسر صاحب ہری پور نے بحوالہ لیٹر نمبر 379/PA مورخہ 02.02.2022 کو اسسٹنٹ ڈائریکٹر رپورٹنگ فیڈرل انویسٹیگیشن ایجنسی ہیڈ کوارٹر اسلام آباد پر اے تصدیق بھجوا یا گیا۔ جس کی رپورٹ موصول ہوئی۔ لیڈی کنسٹیبل صنم ناز نمبر 725 مورخہ 01.01.2022 بوقت 23:37 بجے بینظیر بھٹو انٹرنیشنل ایئر پورٹ اسلام آباد سے بذریعہ فلائٹ ED210 سے یونائیٹڈ عرب امارات جانا تصدیق ہوئی۔ جس کا ریکارڈ (ٹریولنگ ہسٹری) ہمراہ لف ہے۔

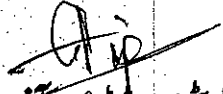
لیڈی کنسٹیبل صنم ناز نمبر 725 بغیر کسی حکمانہ NOC کے اور بیرون ملک چھٹی کے اپنی مرضی سے غیر حاضر ہو کر گئی ہے۔ جو لیگل طریقہ نہیں ہے۔ چونکہ مذکورہ ایک پولیس فورس کی ملازم ہے۔

فائنڈنگ:

دوران انکوائری گواہان کے بیانات و جملہ شہادتوں سے یہ بالکل عیاں اور ثابت شدہ ہے کہ لیڈی کنسٹیبل صنم ناز نمبر 725 بحوالہ مد 22 روز نامچہ 01.01.2022 پولیس لائن سے بغیر کسی اجازت و چھٹی افسران مجاز غیر حاضر ہوئی اور بیرون ملک مقیم ہو گئی۔ جو تاحال غیر حاضر ہے اور بیرون ملک کسی منفی سرگرمی میں بھی ملوث ہو سکتی ہے۔ جس سے ملک و محکمہ پولیس کی بدنامی بھی ہو سکتی ہے۔ لیڈی کنسٹیبل صنم ناز نمبر 725 نے من مرضی سے اپنی ڈیوٹی سے بلا اجازت افسران مجاز غیر حاضر ہوئی ہے اور بیرون ملک چلی گئی۔

جس کے لیے لیڈی کنسٹیبل صنم ناز نمبر 725 کوئی Ex. Pakistan leave بھی حاصل نہ کی۔ لہذا الزامات عائد کردہ بحوالہ چارج شیٹ نمبر PA/08-09 مورخہ 28.01.2022 بر خلاف لیڈی کنسٹیبل صنم ناز نمبر 725 ثابت ہوتے ہیں۔

لہذا لیڈی کنسٹیبل صنم ناز نمبر 725 کو (Major Punishment) سروس سے برطرف کرنے کی سفارش کی جاتی ہے۔


ڈپٹی سپرنٹنڈنٹ آف پولیس
سرکل ہیڈ کوارٹر



55

**DISTRICT POLICE OFFICER
HARIPUR**

Ph: 0995-920100/01, Fax-0995614714, Email:- dpoharipur1@gmail.com

No. 19 /PA

dated Haripur the 15/02/2022

FINAL SHOW CAUSE NOTICE

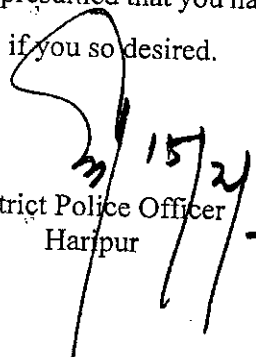
I, Lt. Cdr. © Kashif Aftab Ahmad Abbasi, (PSP), District Police Officer, Haripur as Competent Authority under KPK Police Rules 1975 amended 2014, do hereby serve Final Show Cause Notice upon you LFC Sanam Naz No.725 on the following grounds:-

“It has been reported that you while posted at Police Lines, Haripur absented yourself from your legitimate duty without any leave or information from the competent authority w.e.f 25.09.2021 to 26.09.2021 (01) day, vide DD No.06 dated 25.09.2021 Police Lines, 23.10.2021 to 25.10.2021 (02) days, vide DD No.28 dated 23.10.2021 Police Lines, 18.11.2021 to 21.11.2021 (03) days, vide DD No.19 dated 18.11.2021 Police Lines, and 01.01.2022 to till date vide DD No.22 dated 01.01.2022 Police Lines. You are also not taking interest towards your legitimate duties. Your this act is a severe violation of discipline, inefficiency and a gross misconduct in terms of Khyber Pakhtunkhwa Police E&D Rules 1975 amended 2014”.

(1) For the purpose of scrutinizing the conduct on your part with reference to the above allegations, you were served with a Charge Sheet/Statement of allegation and Deputy Superintendent of Police Circle HQrs: Haripur was appointed as enquiry officer vide this office Endst No. 08-09/PA dated 28.01.2022.

(2) The enquiry officer after conducting proper departmental enquiry submitted his finding vide his office letter No.144 dated 10.02.2022, in which he held the charges of misconduct proved and recommended you for major punishment of dismissal from service under section-4 of the KPK Police E&D Rules 1975.

(3) Keeping in view of above allegations on your part and recommendation of enquiry officer you are hereby called upon to Show Cause within (07) days of the receiving/delivery of this Final Show Cause notice as to why you should not be awarded major punishment of dismissal from service under the KPK Police Rule 1975. If your written reply is not received within stipulated period. It shall be presumed that you have no defense, you are also allowed to appear before the undersigned, if you so desired.


District Police Officer
Haripur

Received by _____

Dated _____

سماة صنم ناز میری حقیقی بہن ہے جو کہ دوسری ہمیشہ سے بیمار
اُسکے پاس بیرون ملک روٹی گئی ہوئی ہے میرا اُسکے ساتھ کوئی
رابطہ نہیں ہے اگر اس نے میرے ساتھ رابطہ کیا تو میں
متعلقہ شوکار نوٹس کے بارے میں آگاہ کر دوں گی۔
جو میں نے وصول کیا ہے لکھ کر رہی ہوں تاکہ سدر ہے۔

الو رقیہ علیٰ دفترا محمد سلمان کٹر ڈھنڈہ نزد خانزہ رشیدہ
0316-0853549

Rashid Bano

خانزہ رشیدہ

سماة صنم ناز کی قبیل کے سلسلہ میں ڈھنڈہ جو کہ نزد
ڈاکٹر خانزہ رشیدہ میں گیا جو کہ ہم رشتہ دار ہوگی مذکورہ
کی بہن رقیہ علیٰ علیہ ہوئی جس نے شوکار نوٹس وصول کر لیا ہے
اور یہی ہے میری بہن بیرون ملک روٹی گئی ہوئی ہے
اسل عدو الیہ رسالہ خدمت سے الیہ کے عرفی ہے

خانزہ رشیدہ

0316-0853549

15/2/22

ORDER.

LFC Sanam Naz No. 725, while she posted at Police Lines, Haripur absented herself from her legitimate duties without any leave or information from the competent authority w.e.f 25.09.2021 to 26.09.2021 (01) day, vide DD No.06 dated 25.09.2021 Police Lines, 23.10.2021 to 25.10.2021 (02) days, vide DD No.28 dated 23.10.2021 Police Lines, 18.11.2021 to 21.11.2021 (03) days, vide DD No.19 dated 18.11.2021 Police Lines, and 01.01.2022 to till date vide DD No.22 dated 01.01.2022 Police Lines. She was also not taking interest towards her legitimate duties. Her acts were severe violation of discipline, inefficiency and a gross misconduct in terms of Khyber Pakhtunkhwa Police Efficiency & Discipline Rules 1975 (amended-2014). Therefore, she was served with charge sheet and statement of allegations vides this office Endst No. 08-09/PA, dated 28.01.2022.

To probe the allegations Deputy Superintendent of Police, HQrs, Haripur, was appointed as Enquiry Officer, who conducted proper departmental enquiry and submitted his findings, vide his office Memo No. 144 dated 10.02.2022 and held that the LFC Sanam Naz No. 725 willfully absented herself from duties and proceeded abroad without any leave or permission/NOC. The enquiry officer held the charges of misconduct against the defaulter official proved and recommended her for major punishment of dismissed from service under section-4 of Khyber Pakhtunkhwa Police Efficiency & Discipline Rules 1975 (amended-2014). Hence, she was issued with Final Show Cause Notice, vide this office Endst: No.19/PA dated 15.02.2022, but she did not submit her written reply within the stipulated period.

On receiving the recommendation of enquiry officer and relevant record, I, am fully satisfied that the charges of misconduct are proved against the defaulter police official LFC Sanam Naz No. 725 who absented herself from lawful duties without any leave or permission from the competent authority. She also went abroad without any NOC. So, the charges of misconduct stands proved beyond any doubt. Therefore, I, Lt. Cdr @ Kashif Aftab Ahmad Abbasi (PSP), District Police Officer, Haripur being competent authority under the Khyber Pakhtunkhwa, Police Efficiency and Discipline Rules 1975 (amended-2014), awarded her major punishment of **"Dismissed from Service"**, with immediate effect.

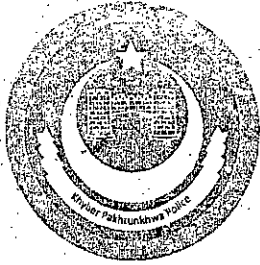
OB No. 149

Dated. 01-3-2022

Lt. Cdr @ Kashif Aftab Ahmad Abbasi, PSP
District Police Officer,
Haripur 2022

Copy v.
P
L
Y
D Base
R 154
Statement
Stamp
6/12/2022

Approved in S. Hall
at Punishment Register
8/3/22
08/3/22



38

OFFICE OF THE REGIONAL POLICE OFFICER
HAZARA REGION, ABBOTTABAD

0992-9310021-22

0992-9310023

r.rpohazara@gmail.com

0345-9560687

NO: 115 /PA DATED 02/08/2022

ORDER

This order will dispose of departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rules, 1975 submitted by Ex. LFC Sanam Naz 725 of district Haripur against the order of punishment i.e. *dismissal from service* awarded by DPO Haripur vide OB No.149 dated 01.03.2022.

Brief facts leading to the punishment are that the appellant while posted at Police Lines Haripur absented herself from legitimate duties and proceeded abroad without any leave/permission and NOC from the competent authority (absence 02 months and 06 days).

The appellant was issued charge sheet alongwith summary of allegations and DSP Hqrs Haripur was deputed to conduct departmental enquiry. The EO held the appellant responsible of misconduct and recommended her for major punishment. The appellant was issued final show cause notice but she failed to advance any cogent reason before the competent authority. Consequently, DPO Haripur awarded her major punishment of dismissal from service. Hence, the appellant submitted this present appeal.

After receiving her appeal, comments of DPO Haripur were sought and examined/perused. The undersigned called the appellant in OR and heard her in person. However, she failed to advance any plausible justification in her defense. The allegations leveled against the appellant were proved beyond reasonable doubt. She despite been part and parcel of a disciplinary force deliberately violated the rules/procedures and without permission went abroad. Such practices are unacceptable in a disciplined force. Thus, the disciplinary action taken by the competent authority seems suitable and the appeal is liable to be dismissed. Therefore, in exercise of the powers conferred upon the undersigned under Rule 11-4 (a) of Khyber Pakhtunkhwa Police Rules, 1975 the instant appeal is hereby filed/rejected with immediate effect.

SRC/OTC
S/O MIA
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3182
318222
DPO

Mirza Niaz (PSP)
REGIONAL POLICE OFFICER
HAZARA REGION, ABBOTTABAD

No. 116 /PA, dated Abbottabad the 02-8 /2022.

DPO Haripur for information and necessary action with reference to his office Memo No 1078/2022/66/ dated 04-07-2022. Service Roll and Fuji Missal containing enquiry file of the appellant is returned herewith for record.

03/08/2022

IN THE HON'BLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR **SCANNED**

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 12819

Dated 16/5/24

Appeal No. 1117/2022

Next Date 25.05.2024

40

Sanam Naz Ex-Lady Constable No.725 District
Police Haripur R/o Opposite Faiza Rasheed CNG
Tehsil & District Haripur.

Petitioner/Appellant

Versus

Provincial Police Officer, KPK, Peshawar & Others
Respondents

**APPLICATION FOR WITHDRAWAL TITLE APPEAL
NO.1117/2022 PENDING BEFORE THIS HON'BLE
TRIBUNAL AND IS FIXED FOR FINAL ARGUMENTS
ON 25.05.2024 AT CAMP COURT ABBOTTABAD.**

Respectfully Sheweth:-

- A. That the title petition is pending adjudication before this Hon'ble Service Tribunal and is fixed for 25.05.2024 for final arguments at Camp Court Abbottabad.
- B. That petitioner/Appellant does not want to carry on further proceedings of the titled appeal hence seeks permission to withdraw the same unconditionally.
- C. That it is, therefore, humbly prayed to kindly accord permission for withdrawal of titled appeal.

Dated: 16-05-2024

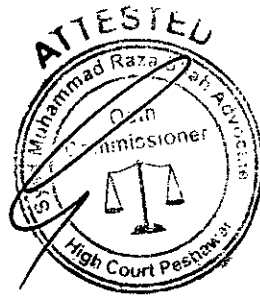
Sanam Naz
Petitioner/Appellant

AFFIDAVIT

41

I, Sanam Naz Ex-Lady Constable No.725 District Police Haripur R/o Opposite Faiza Rasheed CNG Tehsil & District Haripur, do hereby solemnly affirm and declare that all the contents of the **application** are true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Hon'ble Court.

Sanam Naz
Deponent



وکالت نامہ

بعدالت جناب محمد عزیز الرحمن صاحب کوئی کٹر مشیر 1998
منجانب اسلام آباد

صاحبزادہ محمد عزیز الرحمن
Uk Proper etc

دعوی یا جرم سب سے پہلے باعث تحریر آنکہ

مندرجہ بالا عنوان میں اپنی طرف سے بیرونی وجوہات ہی مقام ایڈووکیٹ

کے لئے ایڈووکیٹ بدیں شرط وکیل مقرر کیا۔ کہ میں ہر پیشگی پر خود یا بذریعہ مختار خاص

رہبر و عدالت حاضر ہوتا ہوں گا۔ اور بوقت پکارے جانے وکیل صاحب موصوف کو اطلاع دے کر حاضر کروں گا۔ اگر کسی

پیشگی پر مظہر حاضر نہ ہوا۔ اور حاضری کی وجہ سے کسی وجہ پر مقدمہ میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ

ہوئے۔ نیز وکیل صاحب موصوف صدر مقام کچہری کے علاوہ کسی اور جگہ یا کچہری کے مقرر اوقات سے پہلے یا بروز

تفصیل بیرونی کرنے کے مجاز نہ ہوئے۔ اگر مقدمہ مقام کچہری کے کسی اور جگہ سماعت ہونے یا بروز کچہری کے اوقات

کے آگیا یا پیچھے ہونے پر مظہر کو کوئی نقصان پہنچے تو ذمہ دار یا اس کے رابطے کی معاوضہ ادا کرنے مختار نامہ واپس کرنے کے

بھی صاحب موصوف ذمہ دار نہ ہوئے۔ مجھے کل ساختہ پرواختہ صاحب مثل کردہ ذات خود منظور و قبول ہوگا اور صاحب

موصوف کو عرضی دعویٰ اور درخواست اجرائے ڈگری و نظر ثانی اپیل نگرانی دائر کرنے نیز ہر قسم کی درخواست پر دستخط تصدیق

کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کے اجرا کرنے اور ہر قسم کا روپیہ وصول کرنے اور رسید دینے اور داخل کرنے

کا ہر قسم کا بیان دینے اور پیر و ثالثی و راضی نامہ و فیصلہ بر خلاف کرنے اقبال دعوے کا اختیار ہوگا۔ اور بصورت اپیل و

برآمدگی مقدمہ یا منسوخی ڈگری یا کٹرفر درخواست حکم اتمامی یا ڈگری قبل از فیصلہ اجرائے ڈگری بھی صاحب موصوف کو

بشرط ادا سنگی علیحدہ بیرونی مختار نامہ کرینکا مجاز ہوگا۔ اور بصورت ضرورت اپیل یا اپیل کے واسطے کسی دوسرے وکیل یا بیر شز

کو بجائے اپنے ہمراہ مقرر کریں اور ایسے مشیر قانونی کو بھی اس امر میں وہی اختیارات حاصل ہوئے جیسے صاحب

موصوف کو۔ پوری فیس تاریخ پیشگی سے پہلے ادا نہ کروں گا۔ تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی بیرونی نہ

کریں اور ایسی حالت میں میرا مطالبہ صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا مختار نامہ لکھ دیا ہے کہ مندرجہ ذیل

مختار نامہ سن لیا ہے اور اچھی طرح سمجھ لیا اور منظور ہے۔
Accept
M. A. J.

2022

السنة النبوية

Sanam Jaz

212

"A"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

Rogd
No.

TB A/Abad

APPEAL No..... 1117 of 20 22

Sarim Naz

Appellant/Petitioner

Versus

PPO Peshawar

RESPONDENT(S)

Resp No 3

Notice to ~~Appellant/Petitioner~~

DIST Police officer
Haripur

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 14-11-22 at 9:00 AM

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

at camp court
A/Abad
For Reply

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

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"A"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

Rgd
No.

TB A/Abad.

APPEAL No. 1117 of 20 22

Sanam Naz

Appellant/Petitioner

Versus

P/PO Peshawar

RESPONDENT(S)

Notice to Appellant/Petitioner Resp No 2 Regional Police officer
Hazara Region
A/Abad.

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 14-11-22 at 9:00 AM

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

at Camp Court
A/Abad.
For Reply

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

44

"A"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

TB A/Abad

No.

APPEAL No. 1117 of 2022.

Sanam Naz

Appellant/Petitioner

Versus

P.P.O Peshawar

RESPONDENT(S)

Resp No I

Notice to ~~Appellant/Petitioner~~

Provincial Police officer
Peshawar

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 14-11-22 at 9:00 AM.

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

cf. camp court
A/Abad

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

14/11/22