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## KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

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Zia-ur-Rehman vs Police

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*Muharir*  
16/07/24  
Muharir Compilation

*Incharge*  
10/7/24  
Incharge Judicial Branch

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR

Service Appeal No. 2430/2023

Muhammad Zubair, District Attorney.....Appellant.

Versus

Govt. of Khyber Pakhtunkhwa through Chief Secretary and others...  
.....Respondents.

Khyber Pakhtunkhwa  
Service Tribunal

REJOINDER ON BEHALF OF APPELLANT Diary No. \_\_\_\_\_

RESPECTFULLY SHEWETH:

Dated \_\_\_\_\_

Preliminary objections:

- (1-9) Objections 1-9 raised by the respondents are incorrect and baseless. Rather the respondents are estopped to raise any objection due to their own conduct.
10. Objection No. 10 raised by respondents is also incorrect and baseless. The representative of the Deputy Commissioner/ District Collector, Shangla was not interested in his duties. Neither he was regular in court attendance nor was interested in his duties. The matter was reported to the Deputy Commissioner, Shangla vide District Attorney Shangla letter No. 80-81/DA, dated 19.8.2022(Annexure-A), letter No. 125-126/DA, dated 8.12.2022(Annexure-B), letter No. 153/DA, dated 15.2.2023(Annexure-C), letter No. 158-59/DA, dated 28.2.2023(Annexure-D), letter No. 168-69/DA, dated 24.2.2023(Annexure-E), letter No. 170-73/DA, dated 27.3.2023(Annexure-F), letter No. 180-81/DA, dated 31.3.2023(Annexure-G), letter No. 182-85/DA, dated 3.4.2023(Annexure-H), letter No. 197-200/DA, dated 13.4.2023(Annexure-I). Moreover, two land acquisition references were decided by the hon'ble court of District Judge, Shangla against the government on 10.12.2022(Annexure-J&K). The hon'ble court sent copies of

2023/10/10 10:10:10  
10/10/2023 10:10:10  
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10/10/2023 10:10:10  
10/10/2023 10:10:10

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

**Service Appeal No. 1774/2023**

BEFORE: MRS. RASHIDA BANO ... MEMBER (J)  
MISS FAREEHA PAUL ... MEMBER(E)

Zia-ur-Rehman S/O Fazal-ur-Rehman R/O Ali Sherzai, Village Sharif Central Kurram, District Kurram, Ex-Constable (Personal No. 00669169) of District Police Kurram. ....(Appellant)

Versus

1. District Police Officer, Kurram.
2. Deputy Superintendent of Police, Investigation, District Kurram.
3. Deputy Inspector General of Police Kohat Region, Kohat.
4. Regional Police Officer, Kohat Region, Kohat. ....(Respondents)

Mr. Farhanullah Shabanzai,  
Advocate

... For appellant

Mr. Muhammad Jan,  
District Attorney

... For respondents

Date of Institution..... 04.09.2023

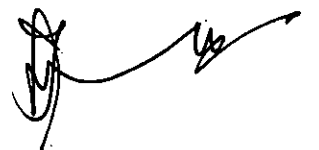
Date of Hearing..... 29.05.2024

Date of Decision..... 29.05.2024

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**KPST**  
**Peshawar**

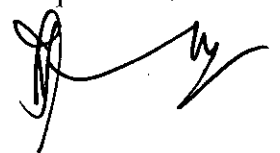
**JUDGEMENT**

**FAREEHA PAUL, MEMBER (E):** The service appeal in hand has been instituted under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the order dated 08.08.2023 of respondent No. 4 whereby departmental appeal of the appellant against the order dated 12.07.2021 was dismissed, whereby major penalty of dismissal from service was imposed upon the appellant by respondent No. 1. It has been prayed that on acceptance of the appeal both the impugned orders dated 08.08.2023 and 12.07.2023 might be set aside and the appellant might be considered as retired on the basis of incapacitation from service in the light of report of Standing Medical Board



and accordingly all the pension benefits be extended to him, alongwith any other remedy which the Tribunal deemed appropriate.

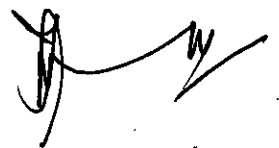
2. Brief facts of the case, as given in the memorandum of appeal, are that the appellant was appointed as Khassadar in Kuram Khassadar Force on 07.03.2011. After merger of Kurram Agency into Khyber Pakhtunkhwa, he, vide notification dated 14.02.2020, was absorbed as Constable in the Police Department and continued his duty under the supervision of respondent No. 1, the District Police Officer, Kurram. He performed his duty for 10 years and 03 months regularly. On 06.02.2021, he was referred for training at District Swabi, where the appellant remained for 32 days, but during training, both the shoulders were dislocated and due to that, he was unable to perform his duties as he was unable to lift the weapon. On 17.06.2021, he filed an application to the DPO Kurram for constitution of Standing Medical Board to examine him because of health issues. Accordingly DPO Kurram vide letter dated 30.06.2021, referred the matter to the Medical Superintendent, District Headquarter Teaching Hospital, Kohat for constitution of Standing Medical Board to ascertain the fitness of the appellant. On 25.05.2021, a charge sheet was issued by the DPO, Kurram but neither the appellant was informed about initiation of any departmental proceedings/inquiry nor was he provided any opportunity of personal hearing. A final report was prepared by respondent No. 2 on 01.07.2021 and forwarded to the DPO Kurram. Neither any proper service was effected upon the appellant nor any show cause notice was issued to him and on the basis of final report of respondent No. 2, the DPO Kurram imposed major penalty of dismissal from service with immediate effect upon the



appellant vide order dated 12.07.2021. The appellant came into the knowledge on 05.08.2021 about his dismissal from service and he immediately filed departmental appeal on 10.08.2021. After his personal hearing, the appellate authority, vide letter dated 16.03.2022, inquired about the fate of the letter dated 30.06.2021 and progress regarding constitution of Standing Medical Board, which was previously referred by the DPO Kurram. The matter was further referred by Medical Superintendent, DHQT Hospital (KDA) Kohat to the Director General Health, Khyber Pakhtunkhwa Peshawar for constitution of Sanding Medical Board regarding appellant's fitness vide letter dated 24.03.2023. Vide letter dated 11.05.2023, Standing Medical Board declared the appellant unfit for the job, which was sent to the Departmental Appellate Authority by Medical Superintendent DHQ Hospital, Parachinar. After going through the said documents, the appellate authority refused to accept the plea of the appellant and his departmental appeal was rejected vide order dated 08.08.2023; hence the instant service appeal.

3. Respondents were put on notice who submitted their joint parawise comments on the appeal. We heard the learned counsel for the appellant as well as learned District Attorney for the respondents and perused the case file with connected documents in detail.

4. Learned counsel for the appellant, after presenting the case in detail, argued that the departmental inquiry proceedings were not initiated in accordance with proper procedure and the entire proceedings were completed in a haphazard manner. Neither any charge sheet was served upon the appellant nor any show cause notice was issued to him, and hence he was condemned



unheard which was violation of the principle of natural justice and had no sanctity in the eyes of law. He further argued that health problems faced by the appellant were not considered by the respondents. As far as the allegation of absence from duty was concerned, the appellant brought the matter into the knowledge of his highups which was clear from the letter dated 17.06.2021 but that fact had been ignored by the respondents. He further argued that the Standing Medical Board furnished their opinion on 11.05.2023 whereby the appellant was declared unfit for the job, hence the respondents were required to dispense with the services of the appellant due to incapacitation and declare him as retired from service, which was not done by them. He requested that the appeal might be accepted as prayed for.

5. Learned District Attorney, while rebutting the arguments of learned counsel for the appellant, argued that the appellant filed an application for constitution of Standing Medical Board to examine him properly and requested for retirement from Police service. The DPO, Kurram, vide letter dated 30.06.2021, referred the matter to the Medical Superintendent DHQT Hospital Kohat to ascertain the fitness of the appellant whether he could perform his duty in the Police Department. Learned District Attorney further argued that the appellant absented himself from Police Training Centre Swabi w.e.f. 13.02.2021 to 28.03.2021 (45 days) for which a charge sheet was issued to him on the allegation of absence on 25.05.2021. Proper departmental inquiry proceedings were initiated against him and after fulfilling codal formalities, the inquiry officer submitted his findings, wherein he reported that the appellant was contacted time and again to appear before him and was given opportunities



to defend himself, but he did not bother to appear which showed that he was no more interested in police service and hence the competent authority rightly dismissed him from service. He requested that the appeal might be dismissed.

6. Arguments and record presented before us transpire that the appellant absented himself from the training at District Swabi and hence was proceeded against departmentally. While posted at Central Kurram, the appellant was referred for training at District Swabi from where he absented himself with effect from 13.02.2021. In his service appeal, the appellant himself admitted that he was referred for training on 06.02.2021 and from there he absented himself due to some illness and later on through an application dated 17.06.2021, he requested for constitution of a medical board. When asked whether he submitted any application before leaving his training or informed his highups, learned counsel for the appellant frankly admitted that no such application was available on record neither the highups were informed by the appellant. He, however, insisted that the appellant was not well and was not in a position to continue his training and therefore, he requested for constitution of medical board to determine whether he was fit for continuing his service or otherwise.


7. From simple perusal of record, it is clear that the appellant was absent from the training without informing his highups and the same fact has also been admitted by his learned counsel before us. One must keep in view that the appellant was a member of the provincial police which was a disciplined force, bound by certain laws and rules in order to maintain that discipline. He did not stick to the rules governing his service and that breach rendered him liable to



be proceeded against departmentally. In view of the misconduct on his part in the form of absence from duty, his request for constitution of medical board after almost four months of his absence became secondary and of no importance. It would have been appropriate for him to immediately inform his highups about his illness, if there was any, get his leave sanctioned and then proceed accordingly, but record and clear admission of absence by his learned counsel showed that the appellant miserably failed to do so.

8. In view of the above discussion, the service appeal in hand is dismissed being devoid of merit. Cost shall follow the event. Consign.

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

  
(FARVEHA PAUL)  
Member (E)

  
(RASHIDA BANO)  
Member(J)

\*FazleSubhan P.S\*



SA 1774/2023

29<sup>th</sup> May, 2024 01. Mr. Farhanullah Shabanzai, Advocate for the appellant present. Mr. Muhammad Jan, District Attorney for the respondents present. Arguments heard and record perused.

02. Vide our detailed judgment consisting of 06 pages, the appeal in hand is dismissed. Cost shall follow the event. Consign.

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



(FARISCHA PAUL)  
Member (E)



(RASHIDA BANO)  
Member(J)

\*Fazal Subhan PS\*

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Peshawar

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SA 1774/23

07<sup>th</sup> Feb. 2024

01. Junior to counsel for the appellant present. Mr. Muhammad Jan, Distinct Attorney for the respondents present.

02. Reply/comments on behalf of the respondents received through office, a copy whereof handed over to junior of learned counsel for the appellant. To come up for rejoinder, if any, and arguments on 29.05.2024 before the D.B. P.P given to the parties.

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(Farecha Paul)  
Member(E)

*\*Fazle subhan P.S\**

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10 Oct. 2023

1. Junior to counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney alongwith Mr. Javed Shah, Focal Person for the respondents present.

2. Reply/comments on behalf of respondents not submitted. Representative of the respondents requested for time to submit reply/comments. Granted. To come up for reply/comments on 22.11.2023 before S.B. P.P given to the parties.

(Muhammad Akbar Khan)  
Member (I)

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Peshawar

22.11.2023 1. Clerk of counsel for the appellant present. Mr. Asad Ali Khan learned Assistant Advocate General for respondents present.

2. Written reply on behalf of respondents not submitted. Learned Assistant Advocate General seeks time for submission of written reply. To come up for written reply on 27.12.2023 before S.B. P.P given to the parties.

(Rashida Bano)  
Member (J)

\*KaleemUllah\*



27-12-23 Due to Winter Variation  
Therefore case is adjourned  
to 7-2-2024

FORM OF ORDER SHEET

10

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

Appeal No. 1774/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	04/09/2023	<p>The appeal of Mr. Zia-ur-Rehman presented today by Mr. Farhan Ullah Shahbanzai Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 07.09.2023</p> <p style="text-align: right;">By the order of Chairman                        REGISTRAR</p>
07.09.2023		<p>Learned counsel for the appellant present and argued that the appellant was dismissed from service vide order dated 12.07.2021 against which appellant filed departmental appeal on 10.08.2021 which was rejected vide order dated 08.08.2023 therefore, he filed service appeal on 04.09.2023 under Section 4 of Khyber Pakhtunkhwa Service Tribunal Act, 1974. Points raised need consideration. Instant appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security fee within 10 days. Thereafter, notices be issued to respondents for submission of written reply/comments. Respondents be summoned through TCS the expenses of which be deposited by the appellant within 3 days. Adjourned. To come up for written reply/comments on 19.10.2023 before S.B. P.P given to learned counsel for the appellant.</p> <p style="text-align: right;">                       (Rashida Bano)                      Member (J)</p>

SCANNED  
KPST  
Peshawar

SCANNED  
KPST  
Peshawar

(11)

**KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR**

**CHECK LIST**

صبا شاکر

**versus**

DPO, Kurram and others

..... Appellant

..... Respondents

S NO	CONTENTS	YES	NO
1.	This petition has been presented by: <u>Farhanullah Advocate High Court Peshawar</u>	✓	
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 AG/DAG?	✓	
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 cutting/overwriting?	x	
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:- Farhan ullah shahbano

Signature:-

Dated:- 04/09/2023

**BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR**

Appeal No. 1774 / 2023.

Zia-ur-Rehman

Appellant.

VERSUS

DPO, Kurram & another.

Respondents.

**I N D E X**

Sr. No.	Description of Documents	Annexure	Page No.
1)	Memo of Appeal Along with Affidavit and Addresses of the Parties		1-7
2)	Copy of appointment order	A	8
3)	Copies of medical prescript & application dated:17-06-2021	B & C	9-10
4)	Copy of letter dated 30.06.2021 to medical Superintendent	D	11
5)	Copy of charge sheet dated: 25-05-2021 & Final Report dated: 01-07-2021	E & F	12-13
6)	Copy of dismissal from service order dated: 12-07-2021 of respondent No.01	G	14
7)	Copy of Departmental Appeal	H	15
8)	Copy of letter No.4650/EC, dated 16.03.2022 about progress medical report	I	16
9)	Copy of letter No.3021/F-6, dated 24.03.2023 to DG Health	J	17
10)	copy of letter No.562/MB, dated 11-05-2023, regarding medical report of the Standing Medical Board	K	18-18-A
11)	Copy of dismissal of departmental Appeal order dated:08-8-2023 of respondent No.04	L	19-19A
12)	Waqalat Nama		20

*Zia*  
APPELLANT.

Dated; 04/09/2023

Through:-

*(Farhan Ullah Shahbanzai)*  
Advocate High Court,  
PESHAWAR

Cell No.0321-9171522

Office- F.F :30, 5<sup>th</sup> Floor, Bilour Plaza Peshawar Cantt,

Email: farhanullah190@gmail.com

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

Appeal No. 1774 / 2023

Zia-ur-Rehman S/O Fazal-ur-Rehman R/O Ali Sherzai, Village Sharifa Central Kurram, District Kurram ex. Constable (Personal No.00669169) of District Police Kurram.

.....Appellant.

VERSUS

Khyber Pakhtunkhwa Service Tribunal

Entry No. 7340

Dated 4/9/2023

- 1) District Police Officer, DPO, Kurram.
- 2) Deputy Superintendent of police, Investigation, District Kurram.
- 3) Deputy Inspector General of Police Kohat, Region at Kohat
- 4) Regional Police Officer, Kohat Region, Kohat.

.....Respondents.

**APPEAL U/S 4 OF THE KPK SERVICES TRIBUNAL ACT, 1974**  
**AGAINST THE ORDER DATED: 08/08/2023 OF**  
**RESPONDENT NO.04 WHEREBY DEPARTMENTAL APPEAL**  
**OF THE APPELLANT AGAINST THE ORDER DATED**  
**12/07/2021 WAS DISMISSED, WHEREBY MAJOR PENALTY**  
**DISMISSAL FROM SERVICE WAS IMPOSED UPON THE**  
**APPELLANT BY RESPONDENT NO.01.**

**PRAYER**

~~Heard by~~  
 Recd by  
 04/09/23

On acceptance of the appeal the both the orders dated: 08/08/2023 & 12/07/2021, may graciously be set aside, and the appellant may graciously be considered as Retired on the base of incapacitation from service in light of Report of Standing Medical Board, accordingly all the pension benefits be extend to the appellant, and any other orders deem proper may also be passed in favor of the appellant in the matter.

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**Respectfully Sheweth:-**

1. That the appellant was appointed as Khassadar in Kurram Khassadar Force on 07.03.2011, wherein after merger of Kurram Agency into Khyber Pakhtunkhwa (KPK) the appellant vide notification dated 14.02.2020, was absorbed as Constable (Personal No.00669169) in Police Department and the appellant continued his duty under the supervision of respondent No.1 (DPO Kurram), and during his entire service he has got no adverse remarks or any other charge and as such having an excellent record and spot less service.

(copy of appointment order of the appellant is annexed as "A")

2. That the appellant performed his duty for 10-years and 03-months regularly, whereby on 06.02.2021 the appellant was referred for training at District Swabi, wherein the appellant remained for 32-days, but during training appellant both shoulders dislocated and due to the said reason he was unable to perform his duties as he was even unable to lift the weapon.

(copy of medical prescript is annexed as "B")

B-2-3-2021.  
17-6-2021.3. That on 17.06.2021, the appellant filed an application to the respondent No.1 for constitution of Standing Medical Board to examine the appellant as the appellant was unable to perform his duty due to the aforementioned health issues.

(copy of application dated 17.06.2021 is annexed as "C")

4. That accordingly respondent No.1 vide letter No.2043-47, dated 30.06.2021, referred the matter to the Medical Superintendent, District Headquarter Teaching Hospital, Kohat, for constitution of Standing Medical Board to ascertain the fitness of the appellant.

(copy of letter dated 30.06.2021 to medical Superintendent is annexed as "D")

5. That neither the appellant was provided any opportunity of personal hearing, nor appellant was informed about initiation of any departmental proceeding/inquiry, as such vide letter No.1622/PA, dated 25.05.2021, appellant was charge sheeted by inquiry officer, it is pertinent to mention that the appellant was not in knowledge of the said inquiry proceedings.

(copy of charge sheet dated 25.05.2021 is annexed as "E")

6. That even in absence of the appellant final report was prepared by respondent No.2, on 01.07.2021, and the same was forwarded to the inquiry officer.

(copy of final report dated 01.07.2021 is annexed as "F")



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7. That neither any proper service was effected upon the appellant, nor any show cause notice was issued to the appellant by the inquiry officer and on the basis of final report of respondent No.2, the respondent No.1 impose major penalty "dismissal from service" with immediate effect upon the appellant vide order dated 12.07.2021.

(copy of order of dismissal from service, dated 12.07.2021, is annexed as "G")

8. That being aggrieved from the order of respondent No.1, which came into the knowledge of the appellant on 05.08.2021, and thus the appellant filed departmental appeal, dated 10.08.2021, which was entered as Diary No.7827, dated 03.09.2021, before the Appellate Departmental Authority.

(copy of Departmental Appeal is annexed as "H")

9. That after personal hearing of the appellant, the appellate authority vide letter No.4650/EC, dated 16.03.2022, has inquired the fate of letter No.2043-47, dated 30.06.2021, in respect of progress regarding constitution of Standing Medical Board, which was previously referred by respondent No.1.

(copy of letter No.4650/EC, dated 16.03.2022 about progress is annexed as "I")

10. That the matter was further referred by Medical Superintendent DHQT Hospital (KDA), Kohat, to the Director General Health, Khyber Pakhtunkhwa, Peshawar, for constitution of Standing Medical Board regarding appellant's fitness vide letter No.3021/F-6, dated 24.03.2023.

(copy of letter No.3021/F-6, dated 24.03.2023 to DG Health is annexed as "J")

11. That vide letter No.562/MB, dated 11.05.2023, Standing Medical Board declared the appellant as unfit for the job, which was send to Departmental Appellate Authority by Medical Superintendent DHQ Hospital, Parachinar.

(copy of letter No.562/MB, dated 11.05.2023, is annexed as "K")

12. That after going through the said documents, the Departmental Appellate Authority has refused to accept the plea of the appellant, as such vide impugned order dated 08.08.2023, the Departmental Appeal of the appellant was dismissed by respondent No.4 and order dated 12.07.2021, from dismissal of service was maintained.

(copy of impugned order dated 08.08.2023,, is annexed as "L")

13. That the appellant now approaches this Hon'able court / tribunal for setting aside both the impugned orders through the instant service appeal on the following grounds amongst others.

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**G R O U N D S.**

- A. That order of the respondent No.1 & 4 are against the law, facts and violation of the procedure as provided under the law, hence the same is liable to be struck down.
- B. That so-called departmental inquiry proceeding has not been initiated in accordance with proper procedure, and the entire proceeding has been completed in haphazard manner, neither any notice has been served upon the appellant nor any show cause notice was issued to the appellant, as such the appellant has been condemned unheard which is violation of principle of natural justice, hence the same is having no sanctity in the eye of law.
- C. That the both the learned forums have failed to consider the factual aspect of the case in true prospect as neither the letter dated 30.06.2021 regarding constitution of Standing Medical Board was looked in, nor the health problems which was facing by the appellant were considered in a justified manner, which required consideration of this Hon'ble Tribunal.
- D. That as far as allegation of absence from duty is concerned, the appellant has categorically brought the matter into the knowledge of his high-ups, which is clear from the letter dated 17.06.2021, even the appellant has unblemished service of more than 10-years, but all these facts has given ignored by both the forums.
- E. That on one hand vide letter dated 30.06.2021, respondent No.1 has himself referred the case of the appellant for constitution of Standing Medical Board regarding fitness of the appellant, and on another hand on the back of the appellant charge sheet was prepared on 25.05.2021, which shows the unrealistic, improper and illegal approach towards the case of the appellant, hence such inquiry proceedings rose eye-brows as justice was not done in the case of the appellant as it was required.
- F. That being a regular employee the appellant has served the department honestly and whole heartedly for sufficient time, and perform his duties candidly and unequivocally, thus the appellant cannot be dismissed from his service with just a stroke of pen as done by the respondent No.1 & 4.
- G. That the conduct of the respondent No.1 & 4 clearly suggests that the appellant has highly been discriminated which is not permissible under the constitution of Islamic Republic of Pakistan, 1973.

- 17
- 5
- H. That after sending the matter regarding fitness of the appellant vide letter dated 30.06.2021, which was again repeated vide letter dated 16.03.2022, and 24.03.2023, and lastly Standing Medical Board furnished his opinion on 11.05.2023, whereby the appellant was declared unfit for the job, hence respondents were required to dispense the services of the appellant due to incapacitation and the appellant was declared to be stood retired from the service, but the same was not considered within the true legal spectrum, which requires consideration.
- I. The contents of the departmental appeal/representation may be considered as integral part of the instant appeal.
- J. That on the permission of this Hon,able court the appellant may urge other additional ground if any, at the time of arguments.


It is therefore most humbly prayed that on acceptance of the instant appeal, the impugned order, dated 08.08.2023 of the respondent No.04, whereby the Departmental Appellate Authority maintained the order of respondent No.01, dated 12.07.2021, whereby appellant was dismissed from service, the same may graciously be set aside, and the appellant may graciously be considered as Retired on the basis of incapacitation from service in light of Report of Standing Medical Board, dated 11.05.2023, accordingly all the pension benefits be extend to the appellant, and any other orders deem proper may also be passed in favour of the appellant in the instant matter.

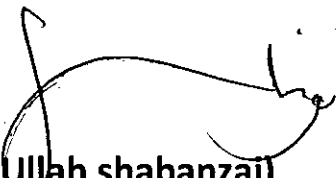
317

APPELLANT

Dated; 04/09/2023

Through:-

  
(Rafi Ullah KHAN Wazir)  
Advocate Peshawar,  
PESHAWAR

  
(Farhan Ullah shabanzai)  
Advocate High Court,  
PESHAWAR

(18) (6)

**BEFORE THE K.P.K SERVICES TRIBUNAL PESHAWAR.**

Appeal No. \_\_\_\_\_ / 2023

Zia-ur-Rehman

.....Appellant.

VERSUS

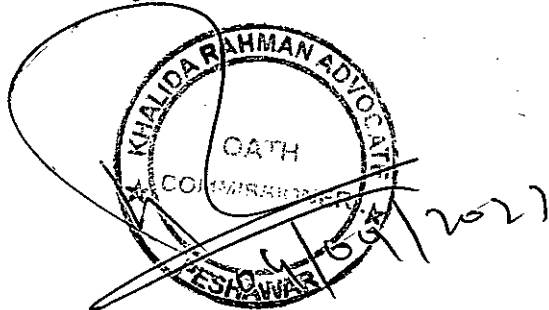
DPO, Kurram & another.

.....Respondents.

**AFFIDAVIT**

I, Zia-ur-Rehman S/O Fazal-ur-Rehman R/O Ali Sherzai, Village Sharifa Central Kurram, District Kurram ex. Constable (Personal No.00669169) of District Police Kurram, do hereby solemnly affirm and states on oath that the contents of accompanying appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon' able Court.

**ATTESTED**



*Zia*

(Deponent)

CNIC No#21302-7441692-9

Mobile No. 0302-8327350

19

7

**BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR**

Appeal No. \_\_\_\_\_ / 2023.

Zia-ur-Rehman

.....Appellant.

VERSUS

DPO, Kurram & another.

.....Respondents.

Zia-ur-Rehman S/O Fazal-ur-Rehman R/O Ali Sherzai, Village Sharifa Central Kurram, District Kurram ex. Constable (Personal No.00669169) of District Police Kurram

.....Appellant.

VERSUS

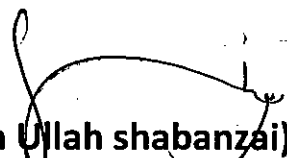
- 1) District Police Officer, DPO, Kurram.
- 2) Deputy Superintendent of police, Investigation, District Kurram.
- 3) Deputy Inspector General of Police Kohat, Region at Kohat
- 4) Regional Police Officer, Kohat Region, Kohat.

.....Respondents.

  
APPELLANT

Dated; 04/09/2023.

Through:-

  
(Farhan Ullah shabanzai)  
Advocate High Court,  
PESHAWAR

20

8

Annex "A"

OFFICE OF THE POLITICAL AGENT,  
KURRAM AGENCY, PARACHINAR.

No. 314-20 / Kurram Levy  
Dated 7 / 03 / 2011.

The following individuals are hereby appointed as Khassadars against the created posts of Kurram Khassadars Force with immediate effect, subject to the production of Health/Age Certificates and Surety Bonds.

1. Liaqat Khan. s/o Farid Khan Parachamkani r/o Daya
2. Dawood Khan s/o Machakai Parachamkani r/o Nargas.
3. Rehman Gul s/o Zeri Gul Alisherzai r/o Shamkhai.
4. ✓ Zia ur Rehman s/o Fazal Rehman Alisherzai r/o Zaya.
5. Naeem Khan s/o Sabir Khan Alisherzai r/o Tindo.
6. ✓ Ihsanullah s/o Saifullah Massozai r/o Ossay.
7. ✓ Abul Manan s/o Abdul Khanan Massozai r/o Dogar.
8. Muhammad Jamil s/o Muzafar Khan Massozai r/o Dargai.
9. Muhammad Amin s/o Taj Muhammad Zaimusht r/o Zarana.

*M. W. J.*  
Political Agent, Kurram

No. and date even

Copy forwarded to the:-

1. Assistant Political Agent, Central Kurram at Sadda
2. Agency Accounts Officer Kurram.
3. Political Naib Tehsildar Central Kurram, at Sadda.
4. Superintendent PA'S Office.
5. Subedar Major Kurram Khassadar Force.
6. Quarter Master Kurram Levy Force.
7. Official concerned.

*M. W. J.*  
Political Agent, Kurram

ATTESTED

*[Signature]*

21

9

Amer "B"



# OUTPATIENT DEPARTMENT (OPD)

Khyber Teaching Hospital  
Medical Teaching Institution Peshawar  
Khyber Pakhtunkhwa - Pakistan

Ref:   
:

21/03/2016

Complaints:

R.

Findings:

1st degree burn, 2nd degree burn  
admission

Investigations:

Plant. Necrosis Surgery.  
Fluorescence microscopy  
Histopathology

Date for Admission:

16/03/2016

Diagnosis:

21/03/16

Fero ied

ATTESTED

[Signature]

REGISTRAR  
Khyber Teaching Hospital  
Peshawar

Next Visit:

Consultant Name:

Signature:

الغرض صاب والذبحان ۲۵۰ جہاں تک کہ دم امانہ  
معاون بلا وقت لکھنے ان وقت اللہ کو اس میں استعمال

در وقت اللہ کو اس میں استعمال کی رہائش میں رہیں۔

عاشقانی جو بیانہ لکھتا ہے کہ میں تم کو اس میں استعمال کرنے سے  
بچاؤں گا۔ میں تم کو اس میں استعمال کرنے سے بچاؤں گا۔  
دعا ہے کہ تم میں سے ہر ایک کو اللہ تعالیٰ سے ملنے میں  
معاون ہو۔ اللہ تعالیٰ سے ملنے میں معاون ہو۔  
اللہ تعالیٰ سے ملنے میں معاون ہو۔ اللہ تعالیٰ سے ملنے میں  
معاون ہو۔ اللہ تعالیٰ سے ملنے میں معاون ہو۔

اللہ تعالیٰ سے ملنے میں معاون ہو۔ اللہ تعالیٰ سے ملنے میں  
معاون ہو۔ اللہ تعالیٰ سے ملنے میں معاون ہو۔

17/06/21

اللہ تعالیٰ سے ملنے میں معاون ہو۔ اللہ تعالیٰ سے ملنے میں  
معاون ہو۔ اللہ تعالیٰ سے ملنے میں معاون ہو۔

CNIC No 21302-7741692-9  
Code No 0169  
Mobile No 0302-0327350  
Enlist Date Appointment 07-07-2011

Send him  
medical books

30/8/2021

ATTESTED



23

11

Ameer "D"



OFFICE OF THE  
DISTRICT POLICE OFFICER  
KURRAM, KHYBER PAKHTUNKHWA  
Tel/Fax: 0926-311354 Email: policekurram@gmail.com  
No. 2043-67 Dated Parachinar 3/2/2021

To: The Medical Superintendent,  
District Headquarter Teaching Hospital,  
District Kohat.

Subject: CONSTITUTION STANDING MEDICAL BOARD FOR PENSION EMOLUMENTS.  
Memorandum.

An application dated: 17/06/2021 submitted by Constable Zia ur Rehman's/o Huj  
Fazal ur Rehman Caste, Alisherzai resident of village Zaya Sharifa Central Kurram requesting  
therein for grant of standing medical board for pension as he is suffering mentally & physically  
illness and he is unable to perform his official duties is enclosed herewith for report.

*Fd*  
562  
9/7/2021

District Police Officer,  
Kurram.

No. & date is even.  
Copy forwarded to the:

1. Superintendent of Police (Investigation) at Sadda.
2. District Accounts Officer, District Kurram.
3. Deputy Superintendent of Police Central Kurram.
4. OASI, Kurram, Police.
5. Official Concerned.

*with  
in light of DG's report  
directed  
SMB report prominently*

*M.S. Khan  
9/7/2021*

District Police Officer,  
Kurram.

13/7/2021

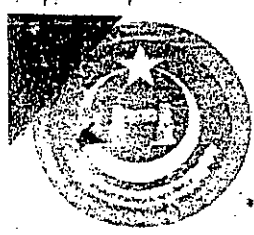
ATTESTED

*[Signature]*

24

12

Annex E



OFFICE OF THE  
DISTRICT POLICE OFFICER  
KURRAM, KHYBER PAKHTUNKHWA

Tel/Fax: 0926-311354\*Email:policekurram@gmail.com

No. 1622...../PA Dated Parachinar 25-5-2021.

**CHARGE SHEET**

**MR. TAHIR IOBAL DISTRICT POLICE OFFICER KURRAM** as competent authority under Khyber Pakhtunkhwa Police Rule 1975 (amended 2014), am the opinion that you Constable Zia ur Rehman s/o Fazal Rehman P.No.00669169 had rendered yourself liable to be proceeded against as you have committed the following act within the meaning of the Police Rules 1975 amended 2014.

**That you are willingly absent from Swabi Training which is a gross misconduct on your part..**

By reason of the above, you appear to be guilty of misconduct under the Police Rule 1975 (amended 2014) and have rendered yourself liable to all or any of the penalties specified in the Police Rules.

You are, therefore, required to submit your written statement within (03) days of the receipt of this charge sheet to the inquiry officer.

Your written defense if any should reached the inquiry officer within the specified period, failing which it shall be presumed that you have no defense to put in and ex-parte action shall be taken against you.

A statement of allegation is enclosed.

District Police Officer  
Kurram

ATTACHED

*[Handwritten signature]*

ATTESTED

No. 196/ Dt. 01/07/21

03P (ms) Kumam 01/7/2021

*[Handwritten signature]*

*[Handwritten signature]*

اسات درسا ہے -  
میں نے (Major Fundament) کے ساتھ ساتھ 0500-0500 - خانہ - خانہ میں بھی  
میں نے (amended 2014) کے ساتھ ساتھ 0500-0500 - خانہ - خانہ میں بھی  
میں نے 1975 میں بھی 0500-0500 - خانہ - خانہ میں بھی  
میں نے 0500-0500 - خانہ - خانہ میں بھی  
میں نے 0500-0500 - خانہ - خانہ میں بھی

میں نے 0500-0500 - خانہ - خانہ میں بھی  
میں نے 0500-0500 - خانہ - خانہ میں بھی  
میں نے 0500-0500 - خانہ - خانہ میں بھی  
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میں نے 0500-0500 - خانہ - خانہ میں بھی

میں نے

*[Handwritten signature]*

Ammer

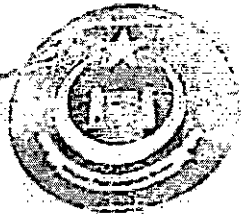
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Amex "G"



**DISTRICT POLICE**  
**OFFICER KURRAM, KHYBER PAKHTUNKHWA**  
Tel/Fax: 0926-311354\*Email:policekurram1@gmail.com  
No. 2197-99/PA Dated Parachinar. 12-7-2021

**ORDER**

This order is passed on the Charge Sheet against Constable Zia u Rehman s/o Fazal Rehman Salary No. 00669169 under the Khyber Pakhtunkhwa, Police Rules, 1975 (Amendment 2014).

Brief facts are that while posted at Center Kurram had absented himself from official duty and Training reported by OHC since long time without any leave or Permission from the competent authority, which shows his in-efficiency and lack of interest in the discharge of government duties.

He was served with charge sheet, he never bothered to reply charge sheet.

In view of the above I, Tahir Iqbal District Police Officer Kurram in exercise of the powers conferred upon me, hereby award him a major punishment of "Dismissal from Service" with immediate effect and his absence period is treated as leave without pay.

OB No. 236

Date. 12 / 07 / 2021

District Police Officer  
Kurram

No and Date is even:

Copy of the above is forwarded to the:

1. Regional Police Officer, Kohat.
2. District Account Officer, Kurram.
3. Reader/RI/SRS/OHC for necessary action.

District Police Officer  
Kurram

**ATTESTED**

*[Handwritten signature]*

27

(15)

Annex "H"

بھضور جناب DIG صاحب کوھاٹ، ریجن کوھاٹ

(درخواست برادرانہل رحم و بحالی کرنے اور انصاف دلانے)

7827  
3/9/21

جناب عالی!

موربانہ گزارش ہے کہ سائل کرم پولیس فورس میں عرصہ دس (10) سال اور چار (4) مہینے سے بطور کانسٹیبل ڈیوٹی احسن طریقے سے سرانجام دے کر مورخ 06/02/2021 کو سائل کا نام بہ مقام صوابی برائے ٹریننگ، اسٹ میں شامل کر کے سائل نے 32 ایام ٹریننگ کی۔ اس دوران سائل کے کندھے کا تانبہ اپنی جگہ سے پھسل اور نکل کر سائل شدید تکلیف میں مبتلا ہوا۔ جو کہ سائل کے دونوں کندھوں کے پھسلنے اور اپنی جگہ سے ہٹنے کا نقص موجود ہے۔ بوجہ شدید تکلیف کے سائل برائے معائنہ خیر چیکنگ ہاسپتال پشاور جا کر بعد از معائنہ ڈاکٹر نے سرجری کا مشورہ دیکر ایڈمٹ کرنے کی تاریخ دی۔ چونکہ سائل سے قبل دو (2) دیگر بندوں نے سرجری کی تھی، لیکن انکو کوئی خاطر خواہ صحت یابی حاصل نہیں ہوئی تھی۔ اور معالج نے بھی کامیاب سرجری ہونے کا مطمئن جواب نہیں دیا۔ سائل مشورے کے بعد واپس آیا، اور اس وجہ سے Mentally Distrub بھی ہوا۔ تو بحوالہ ڈسپلینری ایکشن نمبر 1621/PA مورخ 25/05/2021 کو بحوالہ لیڈ نمبر 1622/PA چارج شیٹ کیا۔

سائل نے مورخ 30/06/2021 کو ایک استغاثہ جناب DPO صاحب ضلع کرم کو پیش کیا، کہ مذکورہ مشکلات کی بناء پر سائل اپنی ڈیوٹی نہیں کر سکتا۔ کوئی وزنی چیز بچتی کہ بندوق تک نہیں اٹھا سکتا۔ سائل نے دس (10) سال چار (4) مہینے ڈیوٹی سرانجام دی ہے۔ سائل نے ملازمت سے ریٹائرمنٹ اور ماہوار پنشن دلوانے کی استدعا کی، جس پر DPO صاحب ضلع کرم نے بحوالہ لیڈ نمبر 2043-47 مورخ 30/06/2021 میڈیکل سپرنٹنڈنٹ ڈسٹرکٹ ہیڈ کوارٹر کوھاٹ سے رائے طلب کی۔ تیرہ (13) ایام پورے نہیں ہوئے تھے کہ سائل کو بحوالہ حکم نامہ نمبر 2197-99/PA مورخ 12/07/2021 کو نوکری سے (Dismiss) پرخواست کیا۔

حالیجاہ!

سائل ایک غریب اور بال بچے والا ہے، اور بچوں کی کفالت کرنے اور روزی روٹی کمانے کا واحد ذریعہ ہے، اور سائل اس کے علاوہ اور کوئی ذریعہ معاش نہیں رکھتا ہے۔ لہذا استدعا ہے کہ سائل کی مذکورہ بیماری اور بچوں کی مستقبل کی خاطر، درخواست مذکورہ بالا پر نظر ثانی فرما کر سائل کو اپنی نوکری پر بحالی اور میڈیکل بورڈ ریفر کر کے پنشن دلوانے کا حکم صادر فرما کر مشکور فرماوے۔ سائل تاحیات دعا گو رہے گا۔ عین نوازش ہوگی۔

BC  
02/09

الرقوم: 10/08/2021

ارض

الشیاء الرحمان ولد حاجی فضل الرحمان قوم ملی شیرزئی، سکنہ صدرہ، ضلع کرم

Mobile# 0302-8327350

Zia

DPO/Kurram

Office of The District Police Officer  
Dy No. 2227  
D.I. 10-9-21  
District Kurram

SRC  
For Report

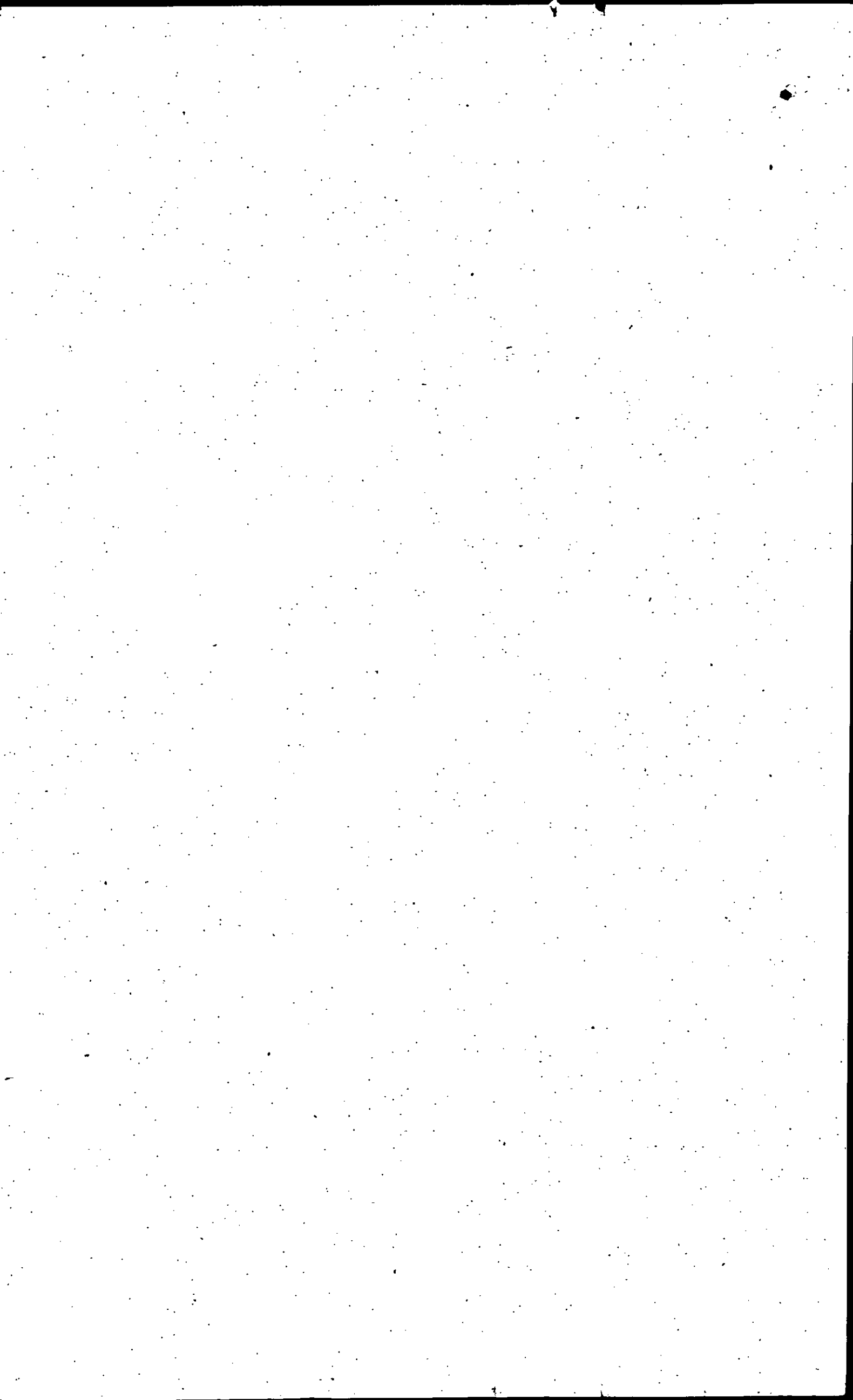
For Comments at

10/09/21

provision of Service to  
& enquiry File for  
in action

321  
021

ATTACHED



28

16

Ammer 'I'



OFFICE OF THE  
REGIONAL POLICE OFFICER,  
KOHAT REGION

E-mail: [ccregionofficekohat@gmail.com](mailto:ccregionofficekohat@gmail.com); Phone: No. 0922-9260115; Fax No. 0922-9260114

To: - The Medical Superintendent,  
DHQ Teaching Hospital,  
KDA Township, Kohat.

No. 4650 /EC Dated Kohat the 16/03/2022

Subject: - CONSTITUTION OF STANDING MEDICAL BOARD.

MEMO:

Please refer to District Police Officer, Kurram Letter No. 2043/47, dated 30.06.2021 on the subject quoted above.

It is intimated that DPO Kurram vide above quoted reference had requested you for constitution of Standing Medical Board for medical examination of Constable Zia-ur-Rehman of district Kurram but no response has been received after a lapse of considerable time.

It is, therefore, requested that Standing Medical Board may please be constituted for medical examination of Ex-Constable Zia-ur-Rehman of district Kurram and opinion whatsoever may be conveyed to this office for disposal of his appeal.

*[Signature]*  
Regional Police Officer,  
Kohat Region.

*fb*  
*48105*  
*18/3/22*

*170*  
*21/3/2022*

*29/3/2022*

ATTESTED

*[Signature]*

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Ames J

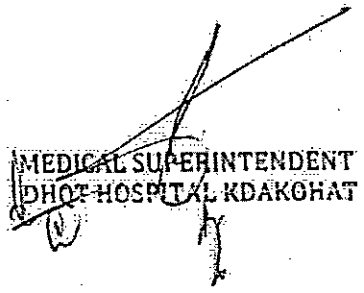
OFFICE OF THE  
MEDICAL SUPERINTENDENT  
DHQ TEACHING HOSPITAL  
KDA, KOHAT  
No. 3021 /F.6  
Dated Kohat the 24/03/2023

To:

✓  
The Director General  
Health Services Khyber Pakhtunkhwa  
Peshawar.

SUBJECT: CONSTITUTION OF STANDING MEDICAL BOARD.  
Memo;

Enclosed please find here with a copy of letter No.4650/EC, dated, 16.03.2022  
Received from Regional Police Officer Kohat Region in respect of Ex-Constable Zia -Ur-Rehman of  
Kurrm District for convening of standing medical board, please.


  
MEDICAL SUPERINTENDENT  
DHQ HOSPITAL KDA KOHAT

Endst. No. & Date even:

Copy forwarded to the Regional Police Officer, Kohat Region for information  
With reference to his letter No. referred to above, please.

  
MEDICAL SUPERINTENDENT  
DHQ HOSPITAL KDA KOHAT

ATTESTED





30

18

Annex "K"



OFFICE OF THE MEDICAL SUPERINTENDENT DHQ HOSPITAL PARACHINAR  
HEALTH DEPARTMENT DISTRICT KURRAM MERGED AREA KHYBER PAKHTUN KHWA  
PHONE NUMBER 0976312345 FAX NUMBER 0325310311

NO 562 /MB

DATE: 011<sup>th</sup> May 2023

TO:

The D.I.G Pol of  
Kohat KPK

Subject: MEDICAL BOARD REPORT  
ET.

It is certified that Mr. Zia U Rehman Constable s/o Fazal U Rehman patient is  
examined by me giving history of both shoulder recurrent dislocation X-rays not available  
apprehension test of both shoulder positive

According to history, he is med only unfit for job at the moment but surgical  
procedure is available for stability of joints.

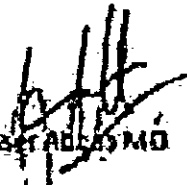
SD/

MEDICAL SUPERINTENDENT DHQ H PCR

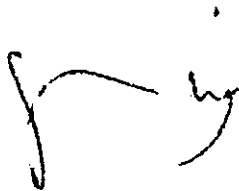
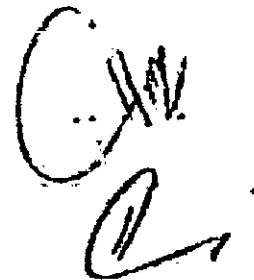
NO 562 /MB dated Parachinar the 11/05/2023

Copy forwarded to Director General Health KPK for information please

  
Dr. Ghayas Hussain M.D.  
(Ortho-Unit)

  
Dr. Daud Ahmad M.D.

Counter signed

31

Better copy

18-A

OFFICE OF THE MEDICAL SUPERINTENDENT DGQ HOSPITAL PARARCHINAR  
HEALTH DEPARTMENT DISTRICT KURRAM MERGED AREA KHYBER  
PAKHTUNKHWA

No. 562 /MB

DATE: 11<sup>TH</sup> May 2023

To

The D.I.G Police,  
Kohat, KPK.

Subject MEDICAL BOARD REPORT

Sir,

It is certified that Mr. Zia-Ur-Rehman Constable S/O Fazal Ur Rehman patient is examined by me giving history of both shoulder recurrent dislocation X-ray not amiable apprehension test of both shoulder positive

According to history, he is medically unfit for job at the moment but surgical procedure is available for stability of joints.

SD/-

Medical Superintendent DHQH, PCR

No. 562 /MB

Dated

Parachinar 11/05/2023

Dr . Ghayur Hussain MO

Dr. Qaiser Abbas MO

(Ortho; unit)

Countersigned

Medical Superintendent

District Head Quarter,

Parachinar

ATTESTED



32 19 ANNEX "L"  
ORDER.

This order will dispose of the departmental appeal, preferred by Ex-Constable Zia Ur Rehman S/O Fazal Rehman Personnel No. 00669169 of district, Kurram against the order of District Police Officer, Kurram whereby he was awarded major penalty of dismissal from service and absence period was treated as leave without pay vide OB No. 236 dated 12.07.2021. **Brief facts of the case** are that the appellant while posted at Central Kurram absented himself from official duties and Training program with effect from 13.02.2021 till the date of his dismissal from service i.e. 12.07.2021.

Proper departmental enquiry proceedings were initiated against him and DSP Investigation Kurram was nominated as Enquiry Officer. The Enquiry Officer after fulfillment of all codal formalities submitted his findings wherein he stated that the appellant neither appeared before Enquiry Officer nor submitted his reply to Charge Sheet. He was, therefore, recommended for major penalty under the relevant rules.

Keeping in view recommendations of the Enquiry Officer and the above cited circumstances, the delinquent official was awarded major punishment of dismissal from service and leave without pay under the relevant rules by the District Police Officer, Kurram vide OB No. 236 dated 12.07.2021.

Feeling aggrieved from the order of District Police Officer, Kurram, the appellant preferred the instant appeal on 03.09.2021. Comments were requisitioned from DPO Kurram in this regard. He was heard in person in Orderly Room held in this office on 15.03.2022. It merits a mention here that on 30.06.2021, an application of the appellant had been referred to the Medical Superintendent, District Headquarters Hospital Kohat for constitution of Standing Medical Board. However, on the completion of the departmental enquiry proceedings, the appellant was awarded major punishment of dismissal from service on 12.07.2021. He was heard in person in O.R in this office on 15.03.2022 by the then Regional Police Officer, Kohat. Subsequently, in pursuance of the Letter of District Police Officer, Kurram vide No. 2043-47, dated 30.06.2021, this office wrote a Letter to Medical Superintendent, DHQ Hospital KDA Kohat for constitution of Standing Medical Board and submission of opinion. The opinion of Medical Board was received to this office on 17.05.2023 wherein it was recommended that he is medically unfit for job at the moment but surgical procedure is available for stability of joints. He was again summoned and heard in person in Orderly Room held in the office of the undersigned on 18.07.2023. During personal hearing the appellant contended that his absence was not intentional and deliberate but due to his illness.

From the perusal of the enquiry file, service record of the appellant and the reasons advanced by Ex-Constable Zia-ur-Rehman during personal hearing it is clear that the appellant had been proceeded against departmentally for willful absence from duties. The allegations leveled against him were established during the course of regular departmental enquiry. On the basis of recommendations of Enquiry Officer, the DPO Kurram awarded him major punishment of dismissal from service. The report of Standing Medical Board was received vide MS DHQ Parachinar Kurram Letter No. 562/MB dated 11.05.2023 wherein he has been declared medically unfit for the job at the moment.

Since the appellant has remained absent for a period of about 05-months without any authorization from his senior officers, and his appeal is also time-barred about 23-days; therefore, the undersigned is not inclined to interfere with the order of dismissal from service passed by District Police Officer, Kurram vide order No. 2197-99/PA dated 12.07.2021.

Based on the above, I, Sher Akbar, PSP S.St, Regional Police Officer, Kohat being the appellate authority, do not find any substance in his appeal. Hence, the instant appeal is hereby rejected, being without merits and time-barred.

**ATTESTED**

Order Announced

  
Regional Police Officer  
Kohat Region

No. 8495 /EC, Dated Kohat the 8/8 /2023

Copy forwarded to District Police Officer, Kurram for information and necessary w/r to his office Memo: No. 1622/PA, dated 25.05.2021. His Service Record is returned herewith.

33

19-A

Better Copy

**ORDER.**

This order will dispose of the departmental appeal, preferred by Ex-Constable Zia Ur Rehman S/O Fazal Rehman Personnel No. 00669169 of district, Kurram against the order of District Police Officer, Kurram whereby he was awarded major penalty of dismissal from service and absence period was treated as leave without pay vide OB No. 236 dated 12.07.2021. Brief facts of the case are that the appellant while posted at Central Kurram absented himself from official duties and Training program with effect from 13.02.2021 till the date of his dismissal from service i.e. 12.07.2021.

Proper departmental enquiry proceedings were initiated against him and DSP Investigation Kurram was nominated as Enquiry Officer. The Enquiry Officer after fulfillment of all codal formalities submitted his findings wherein he stated that the appellant neither appeared before Enquiry Officer nor submitted his reply to Charge Sheet. He was, therefore, recommended for major penalty under the relevant rules.

Keeping in view recommendations of the Enquiry Officer and the above cited circumstances, the delinquent official was awarded major punishment of dismissal from service and leave without pay under the relevant rules by the District Police Officer, Kurram vide OB No. 236 dated 12.07.2021.

Feeling aggrieved from the order of District Police Officer, Kurram, the appellant preferred the instant appeal on 03.09.2021. Comments were requisitioned from DPO Kurram in this regard. He was heard in person in Orderly Room held in this office on 15.03.2022. It merits a mention here that on 30.06.2021, an application of the appellant had been referred to the Medical Superintendent, District Headquarters Hospital Kohat for constitution of Standing Medical Board. However, on the completion of the departmental enquiry proceedings, the appellant was awarded major punishment of dismissal from service on 12.07.2021. He was heard in person in O.R in this office on 15.03.2022 by the then Regional Police Officer, Kohat. Subsequently, in pursuance of the Letter of District Police Officer, Kurram vide No. 2043-47, dated 30.06.2021, this office wrote a Letter to Medical Superintendent, DHQ Hospital KDA Kohat for constitution of Standing Medical Board and submission of opinion. The opinion of Medical Board was received to this office on 17.05.2023 wherein it was recommended that he is medically unfit for job at this moment but surgical procedure is available for stability of joints. He was again summoned and heard in person in Orderly Room held in the office of the undersigned on 18.07.2023. During personal hearing the appellant contended that his absence was not intentional and deliberate but due to his illness.

From the perusal of the enquiry file, service record of the appellant and the reasons advanced by Ex-Constable Zia-ur-Rehman during personal hearing it is clear that the appellant had been proceeded against departmentally for willful absence from duties. The allegations leveled against him were established during the course of regular departmental enquiry. On the basis of recommendations of Enquiry Officer, the DPO Kurram awarded him major punishment of dismissal from service. The report of Standing Medical Board was received vide MS DHQ Parachinar Kurram Letter No. 562/MB dated 11.05.2023 wherein he has been declared medically unfit for the job at the moment.

Since the appellant has remained absent for a period of about 05-months without any authorization from his senior officers, and his appeal is also time-barred about 23-days, therefore, the undersigned is not inclined to interfere with the order of dismissal from service passed by District Police Officer, Kurram vide order No. 2197-99/PA dated 12.07.2021.

Based on the above, I, Sher Akbar, PSP S.St. Regional Police Officer, Kohat, being the appellate authority, do not find any substance in his appeal. Hence, the instant appeal is hereby rejected, being without merits and time-barred.

Order Announced

  
Regional Police Officer,  
Kohat Region

No. 2495 /EC, Dated Kohat the 21/8 /2023

Copy forwarded to District Police Officer, Kurram for information and necessary w/r to his office Memo: No. 1622/PA, dated 25.05.2021. His Service Record is returned herewith.

**ATTESTED**



2023.03.11.11

34

20

بعدالت حسب الحق والعدل

رسول

2023 پنجاب ایلڈسٹریٹس  
صیاد الرحمن بنام DPO ضلع سرگودھا

مورخہ 04  
مقدمہ  
دعوی  
مزم

باعث تحریر آنکے

وزیر اعلیٰ محمد عبداللہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی دیکھ کر روایتی متعلقہ  
آن مقام کے درمیان کے لیے صریحاً اللہ کے نام سے  
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کابل اختیار ہوگا۔ نیز  
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دینے جواب دہی اور اقبال دعویٰ اور  
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق  
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری کی طرف یا اپیل کی برآمدگی  
اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت  
مقدمہ مذکور کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے  
تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیار حاصل ہوں گے  
اور اس کا ساختہ پر داخیت منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانبہ التوائے مقدمہ کے  
سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں  
گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھد یا کہ سند ہے۔

المرقوم 04  
تاریخ 2023

محمد

العبد الغدگ

کے لئے منظور ہے۔

صیاد الرحمن وکیل ضلع سرگودھا

90

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

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 10693

Dated 22/1/24

Service Appeal No.1774/2023

Mr.Zia Ur.Rehman s/o Fazal Ur Rehman, Village Sharifa Central Kurram,  
District Kurram.

.....Petitioner.

**VERSUS.**

SCANNED  
KPST  
Peshawar

1. District Police Officer, Kurram.
2. Deputy Superintendent of Police, Investigation, District Kurram.
3. Regional Police Officer, Kohat Region, District Kohat.

22/1/24

.....Respondents.

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Javed Shah

(Focal Person DPO Kurram)

Respondent No.1

07-2-24

(91) (1)

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

**SA No. 1774/2023**

Zia Ur Rehman S/O Fazal Ur Rehman R/O Ali Sherzai, Village Sharifa Cental Kurram,  
District Kurram.

**VERSUS**

1. District Police Officer, Kurram.
2. Deputy Superintendent of Police, Investigation, District Kurram.
3. Regional Police Officer, Kohat.

**COMMENTS ON BEHALF OF RESPONDENTS No 1,2,& 3.**

RESPECTFULLY SHEWETH:

**Preliminary Objections:-**

That the instant appeal is not maintainable under the law.

That the appeal is not based on facts.

That the appellant has got no cause of action and locus standi.

That the appellant has concealed the real fact from the honorable court.

That the appellants estopped to file the appeal by his own conduct.

That the appeal is barred by law & limitation.

**Para wise Comments.**

1. Correct: pertains To record, regarding appointment of appellant who was appointed as Khassadar Vide Order No. 314-20/Kurram Levy, dated 07/03/2011.in Kurram Levy. After promulgation of 25<sup>th</sup> Constitutional Amendment, the Services of erstwhile Levies/Khassadars have been absorbed in Khyber Pakhtunkhwa, Police in accordance with Khyber Khassadar Force Act, 2019 and Khassadar Force (Absorption in the Khyber Pakhtunkhwa Police) Rules, 2019. Hence, the appellant was absorbed in Khyber Pakhtunkhwa Police, newly merged District Kurram.
2. Needs no comments.
3. Correct: That the appellant filed an application for Constitution of Standing Medical Board to exams the appellant properly and requested to have retirement from Police Service to the Respondent No.1 dated 17/06/2021. The respondent No.1 vide Letter No.2043-47 dated 30/06/2021 referred the matter to the Medical Superintendent, District Headquarter Teaching Hospital, Kohat for Constitution of Standing Medical Board to ascertain the fitness of the appellant whether he can perform his duty in Police Service.
4. As already explained in preceding Para.

5. Incorrect: The appellant was willingly absent from Swabi Training Center w.e.f 13.02.2021 to 28.03.2021 (45 days), therefore, a Charge Sheet was issued to the appellant on the allegations of absence from training in Swabi No. 1622/PA dated 25/05/2021. Hence, proper Departmental Inquiry proceedings were initiated against the appellant. The Inquiry Officer was nominated for proper inquiry against him that the inquiry Officer after fulfilling codal formalities submitted in findings, wherein the Inquiry Officer reported that the appellant was contacted time and again to appear before the inquiry Officer and was given opportunities to defend himself, but he failed and remained absent which showed that he was no more interested in Police Service. Upon the findings and recommendation of the Inquiry Officer Final report dated 01/07/2021. The appellant was dismissed from service from Order No.236 dated 12/07/2021, in accordance with rule/policy.
6. Needs no comments.
7. As already explained in preceding Para.
8. Correct to extent that the appellant approached to the Office Concern, but the appellant failed to provide any cogent justification regarding absence from training. Hence, his appeal was rejected on solid ground by the Region Police Officer, Kohat Region Vide Order No.8495/EC, date 08/08/2023.
9. Pertains to Medical Board Record.
10. Pertains to Medical Board Record.
11. Pertains to Medical Board Report.
12. As already explained in preceding Para.
13. Incorrect and Misleading: Both the Orders were convincing, based on cogent reasons and in accordance with rules/policy of Government and the Departmental appeal being unsatisfactory, hence rejected. Appellant has got no cause of action; therefore, the instant appeal may kindly ne dismissed on the following grounds.

#### GROUNDS:-

- A. Incorrect. Both the Orders were convincing, based on reason and in accordance with rule/policy of the Government and the departmental appeal being unsatisfactory, hence rejected.
- B. Incorrect: As already explained in preceding Para.
- C. Incorrect: As already explained in preceding Para.
- D. Incorrect: As already explained in preceding Para.
- E. As already explained in Para and Answering respondents never violated Art 10-A of the constitution of Pakistan nor deprived the appellant from his fundamental rights.
- F. Needs no comments.



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G. Incorrect: The appellants have been treated in accordance with Law/rules and no violation of constitution of Islamic Republic of Pakistan 1973, exist of answering respondents.

H. Needs no comments.

I. Needs no comments.

J. The Respondents seek leave to raise additional grounds at the time of arguments.

**PRAYERS:**

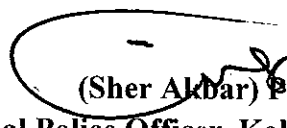
Keeping in view the above stated facts it is humbly prayed that the appeal being not maintainable, barred by law/ limitation may kindly be dismissed with costs, please.



(Mazhar Jehan)  
Deputy Superintendent of Police,  
Investigation, District Kurram  
(Respondent No. 02)

(Muhammad Imran) PSP  
District Police Officer Kurram  
(Respondent No.01)

21/12/23



(Sher Akbar) PSP, S.ST  
Regional Police Officer, Kohat Region, Kohat.  
(Respondent No. 03)

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**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA,**

**SERVICE TRIBUNAL, PESHAWAR.**

**Service Appeal No.1774/2023**

Mr. Zia Ur Rehman S/O Fazal Ur Rehman R/O Alisherzai, Village Sharifa Central Kurram,  
District Kurram.

.....Petitioner.

**VERSUS.**

1. District Police Officer, Kurram.
2. Deputy Superintendent of Police, Investigation, District Kurram.
3. Regional Police Officer, Kohat.

.....Respondents.

**AFFIDAVIT.**

I, Mr. Muhammad Imran District Police Officer Kurram (Respondent No.1) do hereby solemnly affirm and declare on oath that the contents of this accompany Para-Wise Comments on behalf of respondents are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court

It is further stated on oath that in this appeal, the answering respondents have neither been placed ex-parte nor their defense has been struck off/cost.

Muhammad Imran), PSP  
District Police Officer Kurram  
(Respondent No.1)



22 JAN 2024

(45) (J)

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

**SA No. 1774/2023**


Zia Ur Rehman S/O Fazal Ur Rehman R/O Ali Sherzai, Village Sharifa Cental Kurram,  
District Kurram.


**VERSUS**


1. District Police Officer, Kurram.
2. Deputy Superintendent of Police, Investigation, District Kurram.
3. Regional Police Officer, Kohat.

**AUTHORITY LETTER.**

Mr. Javed Shah s/o Said Wazir Focal Person bearing CNIC No. 21303-92733132-9  
is hereby authorized to institute para-wise comments duly signed by respondents in the Honorable  
Court on behalf of the respondents.

  
(Mazhar Jehan)  
Deputy Superintendent of Police,  
Investigation, District Kurram  
(Respondent No. 02)

  
(Muhammad Imran) PSP  
District Police Officer Kurram  
(Respondent No.01)  
21/12/2023

  
(Sher Akbar) PSP, S.ST  
Regional Police Officer, Kohat Region, Kohat.  
(Respondent No. 03)

OFFICE OF THE POLITICAL AGENT,  
KURRAM AGENCY, PARACHINAR.

No 314-20 / Kurram Levy  
Dated 7 / 03 / 2011.

ORDER

The following individuals are hereby appointed as Khassadars against the newly created posts of Kurram Khassadars Force with immediate effect, subject to the production of Health/Age Certificates and Surety Bonds.

1. Liaqat Khan s/o Farid Khan Parachamkani r/o Daya
2. Dawood Khan s/o Machakai Parachamkani r/o Nargas.
3. Rehman Gul s/o Zeri Gul Alisherzai r/o Shamkhai.
4. ✓ Zia ur Rehman s/o Fazal Rehman Alisherzai r/o Zaya.
5. Naeem Khan s/o Sabir Khan Alisherzai r/o Tindo.
6. Ihsanullah s/o Saifullah Massozai r/o Ossay.
7. ✓ Abul Manan s/o Abdul Khanan Massozai r/o Dogar.
8. Muhammad Jamil s/o Muzafar Khan Massozai r/o Dargai.
9. Muhammad Amin s/o Taj Muhammad Zaimusht r/o Zarana.

*M. M. M.*  
Political Agent, Kurram

No. and date even  
Copy forwarded to the:-

1. Assistant Political Agent, Central Kurram at Sadda
2. Agency Accounts Officer Kurram.
3. Political Naib Tehsildar Central Kurram, at Sadda.
4. Superintendent PA'S Office.
5. Subedar Major Kurram Khassadar Force.
6. Quarter Master Kurram Levy Force.
7. Official concerned.

*M. M. M.*  
Political Agent, Kurram

Attested

*M. M. M.*  
District Police Officer  
Kurram



**OFFICE OF THE  
DISTRICT POLICE OFFICER  
KURRAM, KHYBER PAKHTUNKHWA**  
Tel/Fax:0926-311354\*Email:policekurram@gmail.com  
No. 2043/47 Dated Parachinar, 30/06/2021

To

The Medical Superintendent,  
District Headquarter Teaching Hospital,  
District Kohat.

Subject: CONSTITUTION STANDING MEDICAL BOARD FOR PENSION EMOLUMENTS.

Memorandum.

An application dated: 17/06/2021 submitted by Constable Zia ur Rehman s/o Haji Fazal ur Rehman Caste, Alisherzai resident of village Zaya Sharifa Central Kurram requesting therein for grant of standing medical board for pension as he is suffering mentally & physical illness and he is unable to perform his official duties, is enclosed herewith for report.

  
District Police Officer,  
Kurram.

No. & date is even.

Copy forwarded to the:-

1. Superintendent of Police (Investigation) at Sadda.
2. District Accounts Officer, District Kurram.
3. Deputy Superintendent of Police, Central Kurram.
4. OASI Kurram Police.
5. Official Concerned.

*Attested to be  
true copy*

  
District Police Officer,  
Kurram.

  
District Police Officer  
Kurram

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8



**OFFICE OF THE  
DISTRICT POLICE OFFICER  
KURRAM, KHYBER PAKHTUNKHWA**

Tel/Fax: 0926-311354\*Email: polioekurram@gmail.com

No. 1621/PA Dated Parachinar 25-5-2021

**DISCIPLINARY ACTION**

**MR. TAHIR IQBAL DISTRICT POLICE OFFICER KURRAM** as competent authority, am the opinion that you Constable Zia ur Rehman s/o Fazal Rehman P.No.00669169 have rendered yourself liable to be proceeded against departmentally under Khyber Pakhtunkhwa Police Rule 1975 (amended 2014) as you have committed the following act.

**STATEMENT OF ALLEGATIONS**

**That you are willingly absent from Swabi Training which is a gross misconduct on your part.**

For the purpose of conduct inquiry with reference to the above allegations DSP Investigation is appointed as Inquiry officer. The inquiry officer shall in accordance with the provision of the Police Rule 1975 (amended 2014), provide reasonable opportunity of hearing to the above official within (07) days of the receipt of this order, recommendations as to punishment or other appropriate action against the official.

The official shall join the proceeding on the date, time and place fixed by the inquiry officer.

*[Signature]*  
District Police Officer  
Kurram

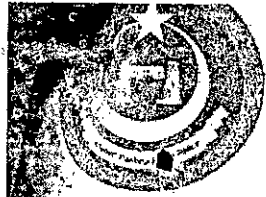
**Copy to the:**

1. Inquiry Officer for initiating proceedings against the official under the provision of Police Rule 1975.
2. The official with the direction to appear before the Inquiry Officer on the date, time and place fixed by him for the purpose of inquiry proceedings.

*Attested to be  
true copy*

*[Signature]*  
District Police Officer  
Kurram

*[Signature]*  
District Police Officer  
Kurram



49

9

OFFICE OF THE  
DISTRICT POLICE OFFICER  
KURRAM, KHYBER PAKHTUNKHWA

Tel/Fax: 0926-311354\*Email:policekurram@gmail.com

No. 1622...../PA Dated Parachinar 25-5-2021.

**CHARGE SHEET**

**MR. TAHIR IQBAL DISTRICT POLICE OFFICER KURRAM** as

competent authority under Khyber Pakhtunkhwa Police Rule 1975 (amended 2014), am the opinion that you Constable Zia ur Rehman s/o Fazal Rehman P.No.00669169 had rendered yourself liable to be proceeded against as you have committed the following act within the meaning of the Police Rules 1975 amended 2014.

**That you are willingly absent from Swabi Training which is a gross misconduct on your part..**

By reason of the above, you appear to be guilty of misconduct under the Police Rule 1975 (amended 2014) and have rendered yourself liable to all or any of the penalties specified in the Police Rules.

You are, therefore, required to submit your written statement within (03) days of the receipt of this charge sheet to the inquiry officer.

Your written defense if any should reached the inquiry officer within the specified period, failing which it shall be presumed that you have no defense to put in and ex-parte action shall be taken against you.

A statement of allegation is enclosed.

Attested

District Police Officer  
Kurram

District Police Officer  
Kurram

فائل رپورٹ

جناب عالی

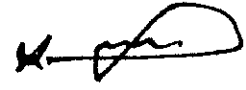
توالہ چارج شیٹ نمبر 1621 مورخہ 25-05-2021 مجاریہ جناب DPO صاحب کرم مہروڑی خدمت میں کہ کانٹینٹیل ضیاء الرحمن ولد فضل رحمان مہری 00669169 کو جناب DPO صاحب صوابی پولیس ٹریننگ سے پندرہ ماہی کے بناء پر چارج شیٹ کیا ہے۔ منکوره کانٹینٹیل کو بار بار مزید یہ ٹیلی فون OHC سے رابطہ کیا۔ کہ منکوره کانٹینٹیل کے حلف چارج شیٹ جاری ہو ہے۔ وہ فوراً اپنی صفائی پیش کرنے کیلئے انکوائری آفس کو حاضر دے۔ اور اپنے ڈیوٹی سرانجام دینے کیلئے پولیس اسٹیشن بار چارج حاضر ہو جاوے۔ مگر منکوره کانٹینٹیل کی طرف سے چارج شیٹ کا کوئی جواب طلبی نہیں ہوئی ہے۔ منکوره کانٹینٹیل تاحال بدستور غیر حاضر ہے۔

عالیجاہ:-

منکوره کانٹینٹیل پولیس ٹریننگ صوابی سے بھی پندرہ ماہ رہا ہے۔ اور صفائی پیش کرنے کیلئے انکوائری آفس بھی نہیں آیا ہے۔ اور نہ ہی آئیناب کے دیے ہوئے چارج شیٹ کا کوئی جواب دیا ہے۔ جو کہ جواب دینے کا وہ پابند ہے۔ پولیس رول 1975 اپنی (amended 2014) کے تحت منکوره کانٹینٹیل سسراد کا مستحق ہے۔ لہذا کانٹینٹیل ہال کا انکوائری مکمل ہو کر جناب DPO صاحب کو (Major Punishment) سزا کیلئے ارسال خدمت ہے۔

رپورٹ عمل ہے

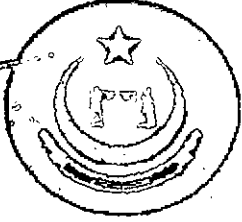
Attested to be  
true copy
  
District Police Officer  
Kurram

  
DSP (inv) Kurram

01/7/2021

No 196/  
dt. 01/07/21





(11)

**DISTRICT POLICE**

**OFFICER KURRAM, KHYBER PAKHTUNKHWA**

Tel/Fax: 0926-311354\*Email: policekurram1@gmail.com

No. 2197-99/PA Dated Parachinar. 12-7-2021

**ORDER**

This order is passed on the Charge Sheet against Constable Zia u Rehman s/o Fazal Rehman Salary No. 00669169 under the Khyber Pakhtunkhwa, Police Rules, 1975 (Amendment 2014).

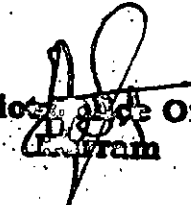
Brief facts are that while posted at Center Kurram had absented himself from official duty and Training reported by OHC since long time without any leave or Permission from the competent authority, which shows his in-efficiency and lack of interest in the discharge of government duties.

He was served with charge sheet, he never bothered to reply charge sheet.

In view of the above I, Tahir Iqbal District Police Officer Kurram in exercise of the powers conferred upon me, hereby award him a major punishment of "Dismissal from Service" with immediate effect and his absence period is treated as leave without pay.

OB No. 236

Date. 12 / 07 / 2021

  
District Police Officer  
Kurram

**No and Date is even:**

Copy of the above is forwarded to the:

1. Regional Police Officer, Kohat.
2. District Account Officer, Kurram.
3. Reader/RI/SRS/OHC for necessary action.

Attested

  
District Police Officer  
Kurram

  
District Police Officer  
Kurram

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**ORDER.**

This order will dispose of the departmental appeal, preferred by **Ex-Constable Zia Ur Rehman S/O Fazal Rehman Personnel No. 00669169** of district, Kurram against the order of District Police Officer, Kurram whereby he was awarded major penalty of dismissal from service and absence period was treated as leave without pay vide OB No. 236 dated 12.07.2021. **Brief facts of the case** are that the appellant while posted at Central Kurram absented himself from official duties and Training program with effect from 13.02.2021 till the date of his dismissal from service i.e. 12.07.2021.

Proper departmental enquiry proceedings were initiated against him and DSP Investigation Kurram was nominated as Enquiry Officer. The Enquiry Officer after fulfillment of all codal formalities submitted his findings wherein he stated that the appellant neither appeared before Enquiry Officer nor submitted his reply to Charge Sheet. He was, therefore, recommended for major penalty under the relevant rules.

Keeping in view recommendations of the Enquiry Officer and the above cited circumstances, the delinquent official was awarded major punishment of dismissal from service and leave without pay under the relevant rules by the District Police Officer, Kurram vide OB No. 236 dated 12.07.2021.

Feeling aggrieved from the order of District Police Officer, Kurram, the appellant preferred the instant appeal on 03.09.2021. Comments were requisitioned from DPO Kurram in this regard. He was heard in person in Orderly Room held in this office on 15.03.2022. It merits a mention here that on 30.06.2021, an application of the appellant had been referred to the Medical Superintendent, District Headquarters Hospital Kohat for constitution of Standing Medical Board. However, on the completion of the departmental enquiry proceedings, the appellant was awarded major punishment of dismissal from service on 12.07.2021. He was heard in person in O.R in this office on 15.03.2022 by the then Regional Police Officer, Kohat. Subsequently, in pursuance of the Letter of District Police Officer, Kurram vide No. 2043-47, dated 30.06.2021, this office wrote a Letter to Medical Superintendent, DHQ Hospital KDA Kohat for constitution of Standing Medical Board and submission of opinion. The opinion of Medical Board was received to this office on 17.05.2023 wherein it was recommended that he is medically unfit for job at the moment but surgical procedure is available for stability of joints. He was again summoned and heard in person in Orderly Room held in the office of the undersigned on 18.07.2023. During personal hearing the appellant contended that his absence was not intentional and deliberate but due to his illness.

From the perusal of the enquiry file, service record of the appellant and the reasons advanced by Ex-Constable Zia-ur-Rehman during personal hearing it is clear that the appellant had been proceeded against departmentally for willful absence from duties. The allegations leveled against him were established during the course of regular departmental enquiry. On the basis of recommendations of Enquiry Officer, the DPO Kurram awarded him major punishment of dismissal from service. The report of Standing Medical Board was received vide MS DHQ Parachinar Kurram Letter No. 562/MB dated 11.05.2023 wherein he has been declared medically unfit for the job at the moment.

Since the appellant has remained absent for a period of about 05-months without any authorization from his senior officers, and his appeal is also time-barred about 23-days, therefore, the undersigned is not inclined to interfere with the order of dismissal from service passed by District Police Officer, Kurram vide order No. 2197-99/PA dated 12.07.2021.

Based on the above, I, Sher Akbar, PSP S.St, Regional Police Officer, Kohat, being the appellate authority, do not find any substance in his appeal. Hence, the instant appeal is hereby **rejected**, being without merits and time-barred.

Order Announced

*Attested*

District Police Officer  
Kurram

Regional Police Officer,  
Kohat Region

No. 8495 /EC, Dated Kohat the 8/8 /2023

Copy forwarded to District Police Officer, Kurram for information and necessary w/r to his office Memo: No. 1622/PA, dated 25.05.2021. His Service Record is returned herewith.