


FORM OF ORDER SHEET

Court of _____

Appeal No. 1417/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	09-Sep-24	<p>The appeal of Mr. Walced Ullah presented today by Mr. Saadullah Khan Marwat Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 20-Sep-24. Parcha Peshi given to counsel for the appellant.</p> <p>By order of the Chairman  REGISTRAR</p>

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

S.A No. 1417 /2024

Waleed Ahmad

versus


DPO & Others

I N D E X

S. No	Documents	Annex	P. No.
1.	Memo of Appeal		1-3
2.	Certificate	"A"	4
3.	Visa and Ticket	"B"	5-6
4.	Dismissal order dated 20-12-2023	"C"	7
5.	Representation dated 11-06-2024	"D"	8
6.	Rejection order dated 12-08-2024	"E"	9-10

Through

Appellant



Saadullah Khan Marwat
Advocate.

21-A Nasir Mansion,
Shoba Bazaar, Peshawar.

Ph: 0300-5872676

Dated.05-09-2024.

BEFORE KPK SERVICE TRIBUNAL PESHAWAR

S.A No. 1417 /2024

Waleed Ahmad S/O Nihar,
R/O Swabi, Razzar.
Ex-Constable No. 951,
Police Line Swabi Appellant

Versus

1. District Police Officer,
Swabi.
2. Regional Police Officer,
Mardan Region Mardan Respondents

**APPEAL U/S 4 OF SERVICE TRIBUNAL ACT, 1974
AGAINST OB NO. 1376 DATED 20-12-2023 OF R.
NO. 01 WHEREBY APPELLANT WAS DISMISSED
FROM SERVICE OR OFFICE ORDER NO. 2667 /
ES DATED 12-08-2024 OF R. NO. 02 WHEREBY
REPRESENTATION OF APPELLANT WAS
REJECTED / FILED FOR NO LEGAL REASON:**

Respectfully Sheweth;

1. That appellant was initially appointed as Constable on 21-10-2021 and served the department with devotion wherever posted.
2. That appellant gained remarkable certificate from the authorities for his good performance in Polio Campaign. (Copy as annex "A")
3. That in the year 2023, appellant applied for foreign admission for the purpose of higher study at Azer Bahijan. After observance of legal formalities, he left the country for Azer Baijan on 01-11-2023 for taking admission as there was only one month time for cooping

the need but due to higher expenses of study, etc. he returned back. (Copies as annex "B").

4. That in the meanwhile, proceeding against appellant was initiated at his back and culminated the same into his dismissal from service for his absence from duty on 20-12-2023. (Copy as annex "C")
5. That the impugned order of dismissal from service was never endorsed to the appellant and the same was received by him from the office of R. No. 01 on 03-06-2024.
6. That on 11-06-2024, appellant preferred departmental appeal before R. No. 02 for reinstatement in service which was rejected / filed on 12-08-2024 for no legal reason. (Copies as annex "D" & "E")

Hence this appeal, inter alia, on the following grounds:-

GROUND S:

- a. That absence from duty was not deliberate but was for the compelling circumstance for higher education abroad.
- b. That the absence was for a very short period, so major punishment was not warranted under the law.
- c. That code of formalities were not observed while dismissing appellant from service.
- d. That appellant preferred departmental appeal as soon as he got the impugned order from the office. The same was never endorsed to him as per law and rules so the departmental appeal was not barred by time.
- e. That the punishment imposed upon the appellant is very harsh and does not commensurate with the nature of guilty.
- f. That appellant has reached to the age of 26 years, so becomes over age and cannot apply for any other post, so the case is one of hardship.

- g. That no regular enquiry was ever conducted into the matter, no statement of any witness(s) was recorded what to speak of giving opportunity of cross examination upon the witness(s)

It is, therefore, most humbly prayed that on acceptance of appeal, orders dated 20-12-2023 and 12-08-2024 of the respondents be set aside and appellant be reinstated in service with all consequential benefits, with such other relief as may be deemed proper and just in circumstances of the case.

Waleed Ahmad S.

Appellant

Through

Saadullah Khan Marwat

Saadullah Khan Marwat

Arbab Saiful Kamal

Arbab Saiful Kamal

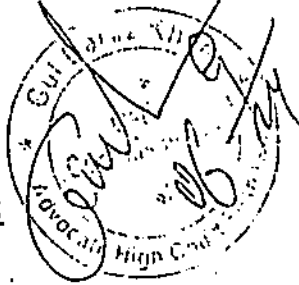
Amjad Nawaz

Amjad Nawaz
Advocates.

Dated 05-09-2024

AFFIDAVIT

I, Waleed Ahmad S/O Nihar, R/O Swabi Razzar, Ex-Constable No.951 Police Line Swabi (Appellant), do hereby solemnly affirm and declare that contents of **Service Appeal** are true and correct to the best of my knowledge and belief.



Waleed Ahmad S.

DEPONENT

CERTIFICATE:

As per instructions of my client, no such like Service Appeal has earlier been filed by the appellant before this Hon'ble Tribunal.

Saadullah Khan Marwat

ADVOCATE

A

POLICE TRAINING SCHOOL MANSEHRA



Commendation Certificate III
is awarded to

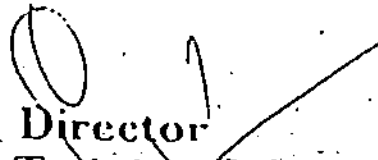
Waleed Ahmad 951

In recognition of

Good Performance during
Polio duty

OB No. 01 (i)

Dated 17.01.2023


Director
Police Training School
Mansehra



Azərbaycan Respublikası / Republic of Azerbaijan
Elektron viza / Electronic visa
AE103581059



103581059

asan
viza
evisa.gov.az

Tarixdən / Valid from:	27.10.2023
Tarixədək etibarlıdır / Valid until:	25.01.2024
Vizanın növü / Type of visa:	Electronic visa
Girişlərin sayı / Number of entries:	Single entry
Səfərin məqsədi / Purpose of visit:	Education
Qalma müddəti / Duration of stay:	30
Vizanın rəsmiləşdirən orqan / Visa issuing authority:	Republic of Azerbaijan Ministry of Foreign Affairs
Şəxsi məlumatlar / Personal information	
Soyadı / Surname:	AHMAD
Digər adları / Other names:	WALEED
Vətəndaşlığı / Citizenship:	Pakistan
Vətəndaşlığı olmayan şəxsin daimi yaşadığı ölkə / Country of habitual residence of a stateless person:	
Doğum tarixi / Date of birth:	20.03.1998
Doğum yeri / Place of birth:	Pakistan, SWABI PAK
Cinsi / Sex:	Male
Sərhədkəcmə sənədinə dair məlumatlar / Travel document's information	
Növü / Type:	Ordinary
Nömrəsi / Number:	ZF1163042
Etibarlılıq müddəti / Date of expiration:	02.06.2028
Qeydlər / Notes	<p>This visa is a pre-entry permission for you to travel to and seek entry into the Republic of Azerbaijan. The entry may be refused in the cases prescribed by the Migration Code of Republic of Azerbaijan. Electronic visa is not stickered in passport and must be presented with passport at the border control post. If the Electronic visa is not used within the period of validity, it becomes invalid.</p> <p>Please note that e-visa is issued on the basis of provided information in the e-visa application and if the information on a travel document does not match with the information on issued e-visa, then the e-visa is invalid. Please note that an applicant is responsible for information provided in e-visa application form. You must leave the territory of the Republic of Azerbaijan with the e-visa that was used to enter the country (except in cases when the period of temporary stay in the country is extended or a temporary residence permit is issued by the State Migration Service of the Republic of Azerbaijan).</p> <p>Foreigners or stateless persons temporarily staying in the Republic of Azerbaijan for more than 15 days have to register upon place of stay. For registration, the foreigner within 15 days after arrival in the country, has to apply via electronic services of the official website of the State Migration Service of the Republic of Azerbaijan, e-government portal and e-mail (qeydiyyat@migration.gov.az) or in-person to regional migration departments, or "ASAN service" centers.</p>



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Pliz issue this tkit pnr 8QAKLF pk lne Baku 1.11.2023

T-message

Muhammad Jawad <hajaraswadtravels@gmail.com>

To: MUHAMMAD ali <alitravel256@gmail.com>, accounts hajaraswad <acc.hajaraswadtrvl@gmail.com>

41

103680*2/-

From/To	CARRIER CODE	FLIGHT NO	RES. CLASS	DATE	DEP. TIME	STATUS	FARE BASIS	BAGGAGE ALLOWANCE	ST.	NVA	NVA
Lahore Baku Heydar Aliyev International	PK	159	M	01.11.2023	12:00	OK	MLOWPK	30 KG	OK	01.11.2023	01.11.2023

2142423327724

TICKET FARE 329.00 USD

EQUIV FARE 90,930.00 PKR

JL 2,562.00 PKR

RG 6,000.00 PKR

YD 2,000.00 PKR

SP 2,000.00 PKR

FCFI C

TOTAL 103,682.00 PKR



OFFICE OF THE
DISTRICT POLICE OFFICER, SWABI
PHONE# 0938-920050 FAX# 0938-920054
EMAIL: dpo_swabi@yahoo.com

No. 1376-16/PA

Dated: 20/12/2023

ORDER

This order is aimed to dispose-off the departmental proceedings conducted against Constable Waleed Ahmad No.951 of this district Police, under the Khyber Pakhtunkhwa Police Rules, 1975 (amendment 2014) vide this office No. 169/DC/PA dated 24.10.2023 on the following allegations.

While posted at Police Lines Swabi, he absented himself from duty w.e.f. 29.09.2023 to 01.09.2023, 15.09.2023 to 01.10.2023 and 08.10.2023 till date without any leave/prior permission of the competent authority.

He was issued charge sheet on the said allegations and enquiry proceedings were entrusted to DSP HQrs Swabi under Police Rules-1975 amended-2014. The Enquiry Officer conducted departmental enquiry, collected evidence, recorded statements of all concerned and submitted his finding report, wherein the enquiry officer recommended the defaulter Constable for Major punishment. The undersigned thoroughly perused the findings of the Enquiry Officer and issued him Final Show Cause Notice. The Final Show Cause Notice was served upon him at his home address through local Police on 02.12.2023. He was clearly directed vide para No.05 of the Final Show Cause Notice to submit his reply within 07 days of its delivery, otherwise it will be presumed that he has no defence to offer and ex-parte action will be taken against him. He was due to respond by 09.12.2023 respectively, but he did not, which means that he has nothing to offer in his defence and deserves ex-parte action.

Keeping in view findings report of the Enquiry Officer and conduct of the defaulter Constable, the undersigned came to the conclusion that the charges levelled against him have been proved beyond the shadow of doubt.

In view of situation painted above, in exercise of powers vested upon undersigned, I, Haroon Rashid Khan T.ST/PSP, District Police Officer Swabi hereby, award Constable Waleed Ahmad No.951 Major Punishment of "Dismissal from Service" with immediate effect. The pay for the period of his absence is hereby deducted from his salary.

Order Announced

OB No. 1376

Dated: 20/12/2023

HAROON RASHID KHAN, (T.ST/PSP)
DISTRICT POLICE OFFICER

SWABI

3/6/24

OFFICE OF THE DISTRICT POLICE OFFICER, SWABI

Copies to the:-

1. Pay Officer.
2. Establishment Clerk.
3. I/C PAL
4. Fauji Messal Clerk.

01
Journal dated
3/6/24
3/6/24 ✓

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ORDER.

This order will dispose-off the departmental appeal preferred by Ex-Constable Waleed Ahmad No. 951 of Swabi District Police against the order of District Police Officer, Swabi, whereby he was awarded major punishment of dismissal from service vide OB No. 1376 dated 20.12.2023. The appellant was proceeded against departmentally on the allegations that he while posted at Police Lines Swabi, absented himself from duty with effect from 29.08.2023 to 01.09.2023, 15.09.2023 to 01.10.2023 and 08.10.2023 till date of his dismissal without any leave/prior permission of the competent authority.

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

The District Police Officer, Swabi perused the findings and by agreeing with the recommendations of Enquiry Officer issued him Final Show Cause Notice, but the delinquent Officer neither submitted his reply nor assumed his duty till date of his dismissal.

In the light of above, it clearly depicted that the delinquent Officer was not a willing worker and his retention in Police department will certainly be a liability for Government Exchequer, therefore, he was awarded major punishment of dismissal from service vide OB No. 1376 dated 20.12.2023 by the District Police Officer, Swabi.

Feeling aggrieved from the order of the District Police Officer, Swabi, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in this office on 07.08.2024.

From the perusal of the enquiry file and service record of the appellant, it has been found that allegations leveled against the appellant have been proved beyond any shadow of doubt. As he has bitterly failed to produce any cogent reason to justify his absence because the same clearly depicts his casual and lethargic attitude towards his official duties. The very conduct of appellant is unbecoming of a

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disciplined Police Officer. On perusal of previous service record of the appellant, it was noticed that he is habitual absentee and prior to this, the appellant had been earlier punished on various occasions on account of his misconduct. Hence, order passed by the competent authority does not warrant any interference. Besides the above, the appellant approached this forum at a belated stage by filing the instant appeal which is time barred for 03 months and 03 days without advancing any cogent reason regarding such delay.

Keeping in view the above, I, Najeeb-Ur-Rehman Bugvi, PSP Regional Police Officer, Mardan, being the appellate authority, find no substance in the appeal, therefore, the same is rejected and filed, being devoid of merit as well as time barred 03 months and 03 days.

Order Announced.

(Najeeb-Ur-Rehman Bugvi) PSP
Regional Police Officer,
Mardan.

No. 2457 /ES, Dated Mardan the 18 / 08 /2024.

Copy forwarded to District Police, Swabi for information and necessary action w/r to his office Memo: No. 123/Legal dated 18.07.2024. His Service Record is returned herewith.

(*****)

یعد الت جتای سروس ٹریڈ میوٹل صوبہ سندھ پشاور

متواہب ایڈوائس

وکید احمد نامہ مجاہد کولٹی

دعویٰ اپیل

یا عرضہ محترمہ ایڈوائس

© ————— ©

بستر مذکورہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن مقام پشاور کیلئے استعانت اہلس حضانہ سے وکیت ہائی کورٹ کو وکیل مقرر کر کے اختیار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی وکل کاروائی کا کامل اختیار ہوگا نیز وکیل صاحب کو کرنے والی نامہ و تقریر نامہ و فیصلہ برتلاف میں جواب دہی اور اقبال دعویٰ اور لکھنؤ ڈگری کرنے اجازت اور دوسری چیک و ریپیہ اور رجسٹری دعویٰ اور درخواست ہر قسم کی تجدید اور اس پر سختی کرنے کا اختیار ہوگا نیز بھرتہ عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور رجسٹری بائز دائر کرنے اپیل ٹرانزیشن و نظر ثانی و پیروی کرنے کا اختیار ہوگا اور بھرتہ ضرورت مقدمہ مذکورہ کے وکل یا رجسٹری کاروائی سے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنی جگہ نے تقریر کا اختیار ہوگا اور وہ اپنے مقرر شدہ کو بھی وہی جواب مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ پرداخت منظور قبول ہوگا و دوران مقدمہ میں جو خرچہ و ہرجانہ التوا مقدمہ کے سبب ہوگا اس کے مستحق وکیل صاحب موصوف ہوں گے نیز بغایا و فریبہ کی وصولی کرنے کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام مذکورہ پر ہو یا عدسے باہر ہو تو وکیل صاحب یا بندہ ہوں گے کہ پیروی مذکور کریں۔ لہذا رکالت نامہ رکھ دیا کہ سند ہے۔

الرقوم 5/9/24

Wakil Ahmed
Wakil Ahmed
Saddiq Khan
A. B. Khatun
Arbab Singh
Arbab Singh
Arbab Singh
A. B. Khatun