


FORM OF ORDER SHEET

Court of _____

Appeal No. 1466/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	16/09/2024	<p>The appeal of Mr. Waqar Ali presented today by Mr. Muhammad Arif Jan Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 25.09.2024. Parcha Peshi given to counsel for the appellant.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 1466/2024

Waqar Ali EX-PASIAppellant

VERSUS

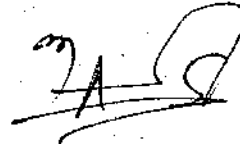
Capital City Police Officer and others.....Respondents

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Appellant

Through



Muhammad Arif Jan
Advocate High Court

Cell: 0333-2212213

Dated: 13.08.2024

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

Service Appeal No. 466 /2024

Waqar Ali EX-PASI Police Department Police line Peshawar.

..... Appellant

VERSUS

1. **Capital City Police Officer**
Head Quarters Police Line, Peshawar
2. **Superintendent Police, Head Quarters Police Line, Peshawar**
..... Respondents

**APPEAL UNDER SECTION-4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974.**

Respectfully Sheweth;

Appellant very humbly pleads to invoke the jurisdiction
of this Honorable Tribunal, as follow;

Facts leading to this appeal:

1. That the Appellant was appointed as PASI under deceased SHUHADA, quota on 25-01-2016 and was posted in Police Line Peshawar.
2. That the appellant did complete his basic training from PTC Hangu in the year, 2017.
3. That the appellant while posted in Police Line Peshawar, was selected for Basic Elite Course for which the appellant proceeded vide DD No-46• 21.11.2022, but due her ailing mother where she was in critical condition and later on then was passed away. It is to be added that prior to this the father of the appellant was also embarrassed SHAHDAT, thus the appellant went in great shock and became depression patient, thus couldn't join the alleged training well in time and being late for few days, the appellant was dis-allowed to participate and was reported back to Police Line Peshawar where the appellant submitted his arrival report vide DD No-15 dated 18.12.2022.

4. That the appellant regularly performed his duties in Police Line Peshawar and was also performed the duties in Recent General Election Security duty being Incharge at Govt. Girls Middle School No-2 Hazar Khwani, Peshawar upon the direction of high ups on 08.02.2024 along with other officials subordinate to the appellant, But surprisingly, the appellant have been shown absent from 21.11.2022 till 20.12.2023 and then 30.12.2023 till removal order which is strange enough and not applicable to prudent mind as in fact the appellant was not remained absent for the period mentioned above and also have been paid monthly salaries against his duties. **(Copy of duty roster is attached as ANNEX-A).**
5. That no proper inquiry into the matter was conducted except the charge sheet which was served upon the appellant, however for rest of the inquiry, the appellant was neither served with any show cause notice, statement of allegations etc nor heard in person, it is to be added here that the appellant after the so called ex parte inquiry performed his duties till the General Election, 2024, but just after Election duty, the appellant has been shown as removed from service vide order dated 13.02.2024 of respondent No-2 but the copy of removal order has not provided nor communicated to the appellant. **(Copies of inquiry report and order dated 13.02.2024 are attached as ANNEX-B & C respectively).**
6. That the appellant came to know on 09.04.2024 regarding the removal order thus immediately applied for to obtain the record and then filed departmental appeal on 09.04.2024 before respondent No-1 which was rejected vide order dated 16.08.2024. **(Copies of departmental appeal and order dated 16.08.2024 are attached as ANNEX-D & E respectively).**
7. That the appellant being aggrieved and having no other remedy except to approach this Hon'ble Tribunal on the following amongst other grounds;

Grounds warranting this Service appeal:

Impugned acts and omissions of the respondents in respect of removal of the appellant vide order dated 13.02.2024 and then the rejection order dated 16.08.2024 of the appellate authority (hereinafter impugned) are liable to be declared illegal, un-lawful, without lawful authority and of no legal effect and to be set aside and by reinstating the appellant may also be allowed to keep and continue his duties with all back benefits:

- A. Because, the respondents have not treated the appellant in accordance with law, rules and policy on subject and acted in violation of Articles 4 and 10-A of the Constitution of Islamic Republic of Pakistan, 1973 and unlawfully removed the appellant which is unjust and unfair, hence not sustainable in the eyes of law.
- B. Because, while passing the impugned orders, respondents are badly failed to follow the existing Law, Rules and Regulations governing the subject matter, but keeping in view the illness/and subsequent death, of mother of the appellant, even then passed the impugned orders.
- C. Because, the respondents are also badly failed to hold proper inquiry in proper manner, passed the impugned orders in hasty manner without perusal of record just to deprive the appellant from his legal and constitutional right of service.
- D. Because, the appellant has rightly been appointed as regular civil servant by the competent authority under SHUHADA quota and served the department with unblemished record by providing his services to the entire satisfaction of his superiors, but while passing the impugned orders, the respondents also badly failed to consider the same thus this act of the respondents is amounts to abuse of Law.
- E. Because, the dishonest attitude of the respondents is even established from the non-holding of proper inquiry into the matter and further also deprive the appellant to defend himself before the Inquiry Officer, but astonishingly ex-parte proceedings has been initiated against the appellant, hence invites consideration of this hon'ble Tribunal. Moreover the appellant never remained absent for the alleged period.
- F. Because, the appellant is a poor person having and the only bread winner of the entire family, thus there is no alternate source of income except the service in Police Department, hence the impugned orders are liable to be set-aside.
- G. Because, it is settled law that while passing any major punishment/ penalty, the authorities are required to hold proper inquiry into the matter, but in the present case, the competent authority has badly failed to follow the law, rules and regulation governing the subject matter.
- H. Because, it is also settled law that, no person should be condemned unheard, but in the present case, no opportunity of fair trial along with statement of allegation etc have been

provided, thus the impugned orders are based on "mala-fide as well as base upon the principle of "MIGHT IS RIGHT".

- I. That any other ground, which has not specifically been mentioned may also be permitted to raise at the time of hearing.

It is therefore, humbly prayed that on acceptance of the instant appeal, the impugned order dated 13.02.2024 and order dated 16.08.2024 passed by respondents No-1 & 2 respectively against the appellant may very graciously be set-aside and the appellant may kindly be reinstated into his service with all back benefits.

Any other remedy deemed appropriate in the circumstances and not specifically asked for may kindly also be granted in favor of appellant.

Dated: 13.09.2024

W. Saqib Ali
Appellant

Through *MAJ*
Muhammad Arif Jan
Advocate High Cour.

Certificate.

It is certified that no such like appeal has earlier been filed before this hon'ble Tribunal.

W. Saqib Ali
Deponent

5

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. _____/2024

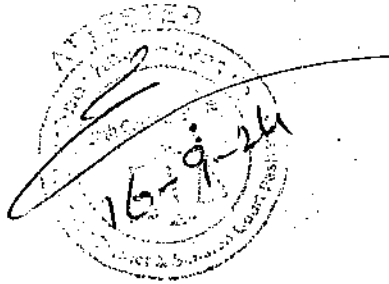
Waqar Ali EX-PASIAppellant

VERSUS

Capital City Police Officer and others.....Respondents

AFFIDAVIT

I, **Waqar Ali EX-PASI** Police Department Police line Peshawar do hereby affirm and declare on oath that the contents of the appeal are true and correct to the best of my knowledge and belief and nothing material has been concealed from this hon'ble Tribunal.



Waqar Ali
Deponent

6

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. _____/2024

Waqar Ali EX-PASIAppellant

VERSUS

Capital City Police Officer and others.....Respondents

ADDRESSES OF PARTIES

APPELLANT

Waqar Ali EX-PASI Police Department Police line Peshawar

RESPONDENTS

1. **Capital City Police Officer**
Head Quarters Police Line, Peshawar.
2. **Superintendent Police**, Head Quarters Police Line, Peshawar

Appellant

Through



Muhammad Arif Jan
Advocate High Court

Annex A

حاضری پر بنیاد پر فوری پوائنٹیشن جرنل اسٹیشن 08 فروری 2024ء ضلع شیخوپورہ

7

ذیلی کی اجراء کی	ذیلی کی اجراء کی		مقام قیام جس کی حد درجہ ہوگا	مقام پوائنٹیشن	موجودہ جامعہ تھانوں جہاں سے اسٹیشن کی ذیلی کیلئے آیا ہے	مقام/وقت	حضر	مقام پوائنٹیشن پر	نمبر شمار
	ذیلی ہے	مقام ہے							
طالعہ 10/11/2024	ذیلی ہے	قائد رحمان	قائد رحمان	قائد رحمان	قائد رحمان	شام	حاضر	قائد رحمان	1
و	ذیلی ہے	قائد رحمان	قائد رحمان	قائد رحمان	قائد رحمان	شام	حاضر	قائد رحمان	2
و	ذیلی ہے	قائد رحمان	قائد رحمان	قائد رحمان	قائد رحمان	شام	حاضر	قائد رحمان	3
و	ذیلی ہے	قائد رحمان	قائد رحمان	قائد رحمان	قائد رحمان	شام	حاضر	قائد رحمان	4
و	ذیلی ہے	قائد رحمان	قائد رحمان	قائد رحمان	قائد رحمان	شام	حاضر	قائد رحمان	5
و	ذیلی ہے	قائد رحمان	قائد رحمان	قائد رحمان	قائد رحمان	شام	حاضر	قائد رحمان	6
و	ذیلی ہے	قائد رحمان	قائد رحمان	قائد رحمان	قائد رحمان	شام	حاضر	قائد رحمان	7
و	ذیلی ہے	قائد رحمان	قائد رحمان	قائد رحمان	قائد رحمان	شام	حاضر	قائد رحمان	8

Pasi/PCP
 قائد علی رحمان

قائد رحمان

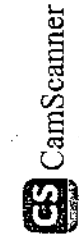
Pasi/PCP
 قائد علی رحمان

12
 2-2-24

ATTSTED

Name of Polling Station: گورنمنٹ پبلک سکول - گورنمنٹ پولیس اسٹیشن 22 (C/12)

Name of Incharge: Waqar Ali Pasi



8

S. No.	Police Deployment / Name / Cell #	Other Department / Name / Department		Remarks
		S. No.	Department	
1.	Waqar Ali Pasi	1.		
2.	Waqar Khan	2.		
3.	Jamal Khalid	3.		
4.	Masim Shah	4.		
5.	Hadia Bibi	5.		
6.	Basmeha Bibi	6.		

ATTYEE

Sign
7-2-24

تاریخ: 08.12.2023
عنوان: انکوائری رپورٹ بر خلاف PASI ڈائریکٹر ایف ڈی ایف 17/P متعین پولیس لائن پشاور۔
بالا (اصل لف شدہ ہے)۔
انکوائری مراحل:

Ames
B

PASI ڈائریکٹر ایف ڈی ایف 17/P متعین پولیس لائن پشاور بحوالہ CPO جنسی نمبر 13017/Trg مورخہ 17.11.2022 اور نمبر Endst: 11271-81/EC-II مورخہ 21.11.2022 ایلیٹ کورس کے لیے منتخب ہوا تھا اور اسے ڈیپارٹمنٹ میں حاضر ہونا تھا۔ اس نے مورخہ 18.12.2022 کو پولیس لائن میں بحوالہ نمبر 15 حاضر ہو کر ایف ڈی ایف 17/P متعین پولیس لائن میں حاضر ہو گیا۔ اس کے بارے میں کوئی معلومات نہیں اور مورخہ 21.11.2022 سے غیر حاضر ہے اور مسلسل اپنی تنخواہ وصول کرتا ہے۔ اس کی مورخہ 21.11.2022 سے اب تک 1 سال 16 ماہ غیر ضروری بنتی ہے۔ جملہ بالا حالات کی روشنی میں وہ ناظران نظر آتا ہے اور اس کی مورخہ 21.11.2022 سے اب تک 1 سال 16 ماہ غیر حاضر رہا ہے۔ جو کہ نہایت ہی غفلت اور لاپرواہی ہے اسی غفلت و لاپرواہی کے پیش نظر جناب SP صاحب بیڈ کوارٹرز نے انکوائری مقرر کرتے ہوئے کارروائی:

انکوائری بڈ بحوالہ نمبر بالا پر کارروائی کر کے PASI ڈائریکٹر ایف ڈی ایف 17/P متعین پولیس لائن پشاور کو بذریعہ پروانہ 2072 مورخہ 12.12.2023 کو طلب کیا۔ دو مورخہ 14.12.2023 کو دفتر بڈا حاضر آیا اور پیش ہو کر اپنا چارج شیٹ وصول کیا۔ OASI بڈا جی سے مذکورہ پوسٹنگ ریکارڈ حاصل کی۔

مقرر لائن پشاور سے PASI ڈائریکٹر ایف ڈی ایف 17/P کی غیر ضروری و حاضری کی نقس عدالت طلب کی۔ جس نے ذیل تفصیل ارسال کی ہے۔

نمبر شمار	ڈیپارٹمنٹ	تاریخ	امام غیر حاضری
1	ڈیپارٹمنٹ 46 روزانہ	21.11.2022	امام غیر حاضری
2	ڈیپارٹمنٹ 60 روزانہ	30.12.2023	ڈیپارٹمنٹ 44 روزانہ
			ڈیپارٹمنٹ 367
			ڈیپارٹمنٹ 12
			ڈیپارٹمنٹ 379

بڈ کور PASI ڈائریکٹر ایف ڈی ایف 17/P کے بابت OASI سٹرکٹ اپڈ سے پوسٹنگ ریکارڈ طلب کی۔ جنہوں نے مذکورہ پوسٹنگ ریکارڈ ارسال کی۔ یہ مطابق OASI ریکارڈ مورخہ 25.01.2016 کو PASI بڈا جی سے لیا گیا ہے۔

انکوائری بڈا میں تمام تر حالات و واقعات نقل شدہ غیر حاضری و حاضری، پوسٹنگ ریکارڈ کا باریکہ یعنی سے جائزہ لیا گیا۔ انکوائری میں پایا گیا کہ PASI ڈائریکٹر ایف ڈی ایف 17/P مورخہ 21.11.2022 کو ایلیٹ ٹریننگ کے لیے EPTC ڈیپارٹمنٹ روانہ کیا گیا تھا جس نے حاضری نہیں کی اور غیر حاضر ہو کر مورخہ 20.12.2023 کو پولیس لائن میں حاضری کی جس کی کل 367 غیر حاضری بنتی ہے۔ اور اب 12 ماہ سے بڈا سٹرکٹ اپڈ میں غیر حاضر ہے۔ مذکورہ پوسٹنگ ریکارڈ سے اپنا چارج شیٹ مورخہ 14.12.2023 کو وصول کیا ہے جس نے ابھی تک اپنا دفائی جمع نہیں کی اور نہ ہی اپنی غیر حاضری کے بارے میں کوئی پیشگی۔ جس سے صاف ظاہر ہوتا ہے کہ وہ سرکاری ملازمت اور لائن میں عدم دلچسپی رکھتا ہے اور نوکری کر کے کا خواب نہیں ہے۔

لہذا مذکورہ PASI ڈائریکٹر ایف ڈی ایف 17/P کی جملہ غیر حاضری 379 ماہ پر ہی سزا (Major Punishment) عجز کی جاتی ہے۔ مناسب سزا سزا فرمائی جاوے۔ انکوائری رپورٹ ارسال خدمت ہے۔

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انکوائری
ڈی ایف ڈی ایف 17/P متعین پولیس لائن پشاور

ATTESTED
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Annex 'C'

10

ORDER

This order will dispose of departmental inquiry initiated against PASI Waqar Ali Shah No. 17/P on the charges that :-

- (i) As per records PASI Waqar Ali No. 17/P was selected for Basic Elite Course vide CPD order No. 13017/Arg dated 17.11.2022 Endorsed by this office vide No. 112/1814 C II dated 21.11.2022. He was directed to report at FPIC Nowshera on 21.11.2022 vide DD No. 46 dated 21.11.2022 but he absented. He neither did report at training centre nor at Police Lines and reported absent in Police Lines vide DD No. 82, dated 01.12.2022.
 - (ii) On 18.12.2022, he reported back at Police Lines vide DD No. 10 but no reason for his absence been given. He was again directed to report at FPIC Nowshera for Basic Elite Course vide last referred DD.
 - (iii) During scrutiny of officials who are performing duty and those who are drawing Salary, it was found that above PASI is missing and no place of posting or no proof verified where he performed official duty. He was absent since 21.11.2022 and draws salary regularly. His absence period since 21.11.2022 till now is more than one year and 10 days.
2. In this regards enquiry in the matter was entrusted to DSP HQrs. he reported that PASI Waqar Ali was summoned vide Notice bearing No. 2072 Dated 12.12.2023. He acknowledged the charge sheet on 14.12.2023, however, he didn't submit his written reply till date of finalization of enquiry i.e. 11.01.2024.
3. The Enquiry Officer further reported that the absence details of the delinquent official is mentioned hereunder:-

DD of absence	DD of arrival	Absence duration
DD No. 46 dated 21.11.2022	DD 4 dated 20.12.2023	367 days
DD No. 60 dated 30.12.2023	Till date	44 days
Total absence		411 days

3. The Enquiry Officer further reported that the official doesn't seem to be interested in continuing his services any more.

4. The enquiry officer recommended that an ex-parte action might be taken against PASI Waqar Ali Shah No. 17/P and major punishment be awarded to him.

5. Upon receiving of the finding report, this office vide constt. No. 829/PA dated 30.12.2024 issued FSCN to him.

6. Several notices were issued to (C) Police Lines to inform PASI Waqar Ali about the FSCN, but he didn't appear.

ALISTED

ATTACHED

- 1. The Capital City Police Officer, Peshawar.
- 2. The SSP Operations, Peshawar.
- 3. The SSP Coordination, Peshawar.
- 4. DSI, Mrs. Peshawar.
- 5. Puy Officer, CASI, CRC.
- 6. P.N. G. along with complete enquiry file.
- 7. Wagon All Shall Resident of King Road.
- 8. Latifabad District Peshawar.

Copies to:

18/02/2024
18/02/2024
No. 1395-1807
IP/AS/P dated Peshawar dt. 18/02/2024

SUPERINTENDENT OF POLICE
HEADQUARTERS, PESHAWAR

without pay

7. In this connection the NIASI Police Jancy reported on 12.02.2024 that the official is still absent. That he is a habitual absentee. That he was contacted several times on his cell number 031-9829115 but he doesn't report his arrival in Police Lines.
8. The accused officer was serving in a discipline force and in no way entitled or empowered to absent and withdraw himself from duty. The sheer violation of section 80 read with section 79 of Police Act keeping in view his 207 previous absence and 44 days continuous absence and the finding report of the Inquiry Officer, P.N. G. along with complete enquiry file is hereby removed from service. His absence period for 44 days is hereby removed from service.

Better Copy

12

ORDER

This order will dispose of department inquiry initiated against PASI WAQAR ALI SHAH No.17/P on the charges that;

i, As per records PASI Waqar Ali No, 17/P was selected for Basic Elite Course vide CPO order No,13017/Trg dated 17.11.2022 Endorsed by this office vide No.11271-81/EC-11 dated 21.11.2022. He was directed to report at EPTC Nowshera on 21.11.2022 vide DD NO.46 dated 21.11.2022 but he absented. He neither did report at training center nor at police lines and reported absent in Police Lines vide DD NO.82,dated 01.12.2022.

ii. On 18.12.2022. He reported back at Police Lines vide DD No.15 but no reason for his absence been given. He was again directed to report at EPTC Nowshera for Basic Elite Course vide last referred DD.

iii. during scrutiny of officials who are performing duty and those who are drawing salary. It was found that above PASI is missing and no place of posting or no proof verified where he performed official duty. He was absent since 21.11.2022 and draws salary regularly. His absence period since 21.11.2022 till now is no more than once year and 16 days.

2 .In this regards enquiry in matter was entrusted to DSP HQrs. He reported that PASI Waqar Ali was summoned vide Notice bearing No2072/Dated 12.12.2023. He acknowledged the charge sheet on 14.12.2023. However, He didn't submit his written reply till date of finalization of enquiry i.e 11.01.2024.

3. The enquiry Officer further reported that the absence details of the delinquent official is mentioned hereunder;

<u>DD of Absence</u>	<u>DD of Arrival</u>	<u>Absence duration</u>
<u>DD No-46</u>	<u>DD 44</u>	<u>367 days</u>
<u>Dated 21.11.2022</u>	<u>dated 20.12.2023</u>	
<u>DD 60</u>		
<u>Dated 30.12.2023</u>	<u>Till date</u>	<u>44 days total 411 days</u>

3. The Enquiry officer further reported that the official doesn't seem to be interested in continuing his services any more.

4. The enquiry recommended that an ex parte action might be taken against PASI Waqar Ali Shah No-17/P and Major Punishment be awarded to him.

5. Upon receiving of the finding report, this office vide Cnstt No-829/PA dated 16-01-2024 issued FSCN to him.

6. Several Notices were issued to I.O Police line to inform PASI Waqar Ali about the FSCN, but he didn't appear.

ATTSTED

(13)

7. In this connection the MASI Police Lines reported on 12.2.2024 that the official is still absent. That he is a habitual absentee. That he was contacted several times on his cell No-03119829115 but he doesn't report his arrival in Police Lines.

8. The accused officer was serving in a discipline force and in no case he was entitled or empowered to absent and withdraw himself from duty, this is sheer violation of section 80 read with section 79 of Police Act.

9. Keeping in view his 367 previous absence and 44 days continues absence and the finding report of the inquiry officer, PASI Waqar Ali Shah No-17-P is hereby removed from service, his absence for period 411 days is treated as without pay.

SUPERINTENDENT OF POLICE
HEADQUARTERS, PESHAWAR

OIB No- 360

Dated 13.02.2024

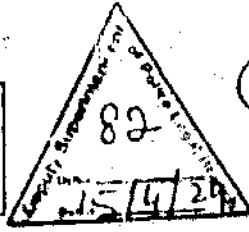
No-1795-1804/PA/SP/dated Peshawar the 13.02.2024

Copies to

1. The Capital City Police Officer Peshawar.
2. The SSP Operations, Peshawar.
3. The SSP Coordination.
4. DSP, Headquarters, Peshawar.
5. Pay Officer, OASI, CRC.
6. FMC along with complete enquiry file.
7. Waqar Ali Shah resident of Ring Road, Latif Abad District Peshawar.

ATTESTED
7/

1139
9-4-21
PASTO



14

Annexed

بخدمت CCPO پشاور
(درخواست بمراد سروس بحالی)

عنوان:-

جناب عالی!

مودبانہ گزارش کی جاتی یکے ساکن سال 2016 کو بحیثیت PASTO برقی ہو کر سال 2019 کو بیسک کورس
PTC بنگو سے پاس کیا۔ اس دوران مختلف پیریڈز مکمل ہوئے اور بحوالہ آرڈر نمبر 17/130-17 مورخہ
17.11.2022 پر بیسک ایلٹ کورس حکیم آباد کے لئے منتخب کیا گیا اور من ساکن بحوالہ مد 16 روزنامہ 1.11.2022
پر بغرض حاضری سٹریڈ اور نہ کیا گیا لیکن اس دوران من ساکن کی والدہ صاحبہ کی طبیعت اچانک خراب ہوئی اور وفات پا
گئی جس کے تدفین کے بعد من ساکن بھی ذہنی دباؤ کا شکار ہوا اور ڈپریشن بیماری میں مبتلا ہوا۔ جس وجہ سے من ساکن ذہنی
پر حاضری نہ کر سکا اور من ساکن کو ملکہ ہذا سے بحوالہ آرڈر نمبر 17/1804-1795 مورخہ 13.02.2024 پر
برخواست کیا گیا۔

چونکہ ساکن کا والد صاحب بھی سال 2000 میں جام شہادت نوش کر کے شہید ہوا ہے اور والدہ
صاحبہ سال 2022 میں وفات پا گئی۔ والدین کو جوان العمری میں کھو کر ساکن کے گمراہی حالات اور مسائل اور بھی بڑھ
گئے ہیں۔ چھوٹے بہن بھائی کی دیکھ بھال اور تعلیمی اخراجات بھی ساکن کے کندھوں پر ہے اور پولیس نوکری کے علاوہ اور
کوئی ذریعہ معاش نہیں ہے۔

لہذا ساکن کی مجبوری کو مد نظر رکھ کر ساکن کی غیر حاضری کو چھین میں شمار کر کے ساکن کو نوکری پر بحال
کرنے کے احکامات صادر فرما کر منظور فرمادیں۔ ساکن کا عمر 35 سال ہے۔
میں نوازش ہوگی۔

آپ کا تعلق فرماں PASTO اور 17/17 ڈسٹرکٹ پشاور
0311-9829115

FMC
Dr. Sadiq of PASTO
Legal CCPO/Pastor
15/4/24

for comments PLS
15-06-2024

ATTACHED

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OFFICE OF THE
CAPITAL CITY POLICE OFFICER,
PESHAWAR

Phone No. 091-9210909 Fax: No. 091-9212597

ORDER.

This order will dispose of the departmental appeal preferred by Ex-PASI Waqar Ali No. 17/P, who was awarded the major punishment of "dismissal from service" under KP PR-1975 (amended 2014) by SP/HQr. Peshawar vide OB No. 360, dated 13.02.2024.

2. Brief facts leading to the instant appeal are that the defaulter PASI while posted at Police Lines, Peshawar was proceeded against departmentally on the charges that he was selected for Basic Elite Course at EPTC, Nowshera but he neither report at the Training Center nor at Police Lines, Peshawar and absented himself from lawful duty on multiple occasions consisting of long absence for a total period of 411 days without prior permission/leave of the competent authority.

3. He was issued Charge Sheet and Summary of Allegations by SP/HQrs, Peshawar. DSP/HQr, Peshawar was appointed as Enquiry Officer to scrutinize the conduct of the accused official. The Enquiry Officer after conducting departmental enquiry submitted his findings in which he was recommended for major punishment. The competent authority in light of the findings of the Enquiry Officer issued him Final Show Cause Notice but he did not appear for personal hearing despite multiple notices and failed to submit reply. Therefore, he was awarded the major punishment of dismissal from service.

4. He was heard in person in Orderly Room. During personal hearing, he was given an opportunity to prove his innocence. However, he failed to submit any plausible explanation in his defense. Therefore, his appeal for setting aside the punishment awarded to him by SP/HQrs, Peshawar vide OB No. 360, dated 13.02.2024 is hereby rejected/filed being also time barred for 26 days.

"Order is announced"

CAPITAL CITY POLICE OFFICER,
PESHAWAR

No. 4925-32 /PA/CCP,

dated Peshawar the 16 /08/2024

Copies for information and necessary action to the:-

1. SP/HQrs: Peshawar
2. AD/IT CCP Peshawar.
3. PO, EC-II, CRC, OASI & FMC alongwith complete Fuji Misal.
4. Official concerned.



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ATTSTED

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(16)

WAKALATNAMA

IN THE COURT OF K.P Service Tribunal Peshawar

Waqar Ali

Plaintiff(s)
Petitioner(s)
Complainant(s)

VERSUS

Capital City Police Office and
of the

Defendant(s)
Respondent(s)
Accused(s)

By this, power-of-attorney I/we the said Applicant in the above case, do hereby constitute and appoint **MUHAMMAD ARIF JAN** Advocate as my attorney for me/us in my/our name and on my/our behalf to appear, plead, give statement, verify, administer oath and do all lawful act and things in connection with the said case on my/our behalf or with the execution of any decree or order passed in the case in my/our favour/ against which I/we shall be entitled or permitted to do myself/ourselves, and, in particular, shall be entitled to withdraw or compromise the case or refer it to arbitration or to agree to abide by the special oath of any person and to withdraw and receive documents and money from the Court or the opposite party and to sign proper receipts and discharges for the same and to engage and appoint any other pleader or pay him as his fee irrespective of my/our success or failure in case, provided that, if the case is heard at anyplace other than the usual place of sitting of the Court the pleader shall not bound to attend except on my agreeing to pay him a special fee to be settled between us.

Signature of Client

Waqar Ali

Accepted.

Muhammad Arif Jan

Muhammad Arif Jan

Advocate High Court

0333-2212213

Bc No.10-6663

arifjanadv1@yahoo.com

Office No.212, New Qatar Hotel,

G.T Road, Sikandar Town,

Peshawar.