


FORM OF ORDER SHEET

Court of _____

Appeal No. _____ **1580/2024**


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	23/09/2024	<p>The appeal of Mr. Israr Khan resubmitted today by Mr. Yasir Saleem Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 27.09.2024. Parcha Peshi given to counsel for the appellant.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p>

The appeal of Mr. Israr Khan received today i.e on 11.09.2024 is incomplete on the following score which is returned to the counsel for the appellatant for completion and resubmission within 15 days.

- 1- Memorandum of appeal is not signed by the appellatant.
- 2- Copy of civil suit mentioned in para-4 of the memo of appeal is not attached with the appeal be placed on it.
- 3- Page nos. 9, 11 and 12 of the appeal are illegible be replaced by legible/better one.
- 6- According to sub-rule-4 of rule-6 of Khyber Pakhtunkhwa Service Tribunal rules 1974 respondent nos.1 is un-necessary/improper party, in light of the rules ibid and on the written direction of the Worthy Chairman the above mentioned respondent number be deleted/struck out from the list of respondent.

No. 743 /Inst./2024/KPST,

Dt. 12/9 /2024.


OFFICE ASSISTANT
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Yasir Salim Adv.
High Court Peshawar.

R. Sio.

All objections are
remove resubmitted



BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR

Service Appeal No:- 1580 /2024

Israr Khan, Ex-Constable 3037, Police Station Sher Garh Tehsil and District Mardan. Appellant

Versus


1. **Provincial Police Officer** Peshawar.
2. **Regional Police Officer** Mardan.
3. **District Police Officer** Mardan. Respondents

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1.	Memo of appeal		1-3
2.	Copies of charges and FIRs etc <i>g</i>	A & B	4-5
3.	Copy of charge sheet and statement of allegations dated 14.06.2023	C	6-7
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Through

Appellant


YASIR SALEEM
Advocate Supreme Court
Cell: 0331-8892589
Email: yasirsaleemadvocate@gmail.com.

&

M. SHUJA UDDIN
Advocate High Court
Office FR: 4 Fourth Floor
Bilour Plaza Peshawar Cantt.

(1)

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR

Service Appeal No:- 1580 /2024

Israr Khan, Ex-Constable 3037, Police Station Sher Garh Tehsil and District Mardan.

..... Appellant

Versus

1. **Provincial Police Officer** Peshawar.
2. **Regional Police Officer** Mardan.
3. **District Police Officer** Mardan.

..... Respondents

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974, AGAINST THE ORDER DATED 23.10.2023 COMMUNICATED TO THE APPELLANT ON 27.06.24 WHEREBY THE APPELLANT WAS AWARDED MAJOR PENALTY OF DISMISSAL FROM SERVICE WITH RETROSPECTIVE EFFECT AGAINST WHICH HIS DEPARTMENTAL APPEAL DATED 25.07.2024 HAS BEEN REJECTED VIDE APPELLATE ORDER DATED 19.08.2024.

Prayer in appeal:

ON ACCEPTANCE OF INSTANT APPEAL, BOTH THE ORDERS MAY KINDLY BE SET-ASIDE AND THE APPELLANT MAY KINDLY BE RE-INSTATED IN SERVICE WITH ALL BACK AND CONSEQUENTIAL BENEFITS

OR

IN ALTERNATE THE PENALTY OF DISMISSAL FROM SERVICE MAY BE MODIFIED TO COMPULSORY RETIREMENT.

Respectfully Sheweth:-

The appellant humbly submit as under;

1. That the appellant was appointed as constable vide office order dated 05.09.2009.
2. That thereafter, the appellant was medically examined and when found fit, submitted his arrival report and started performing his duties.
3. That ever since his appointment the appellant performed his duties with zeal and devotion and upto the entire satisfaction of his superiors.

4. That due to property dispute with some people of the locality enmity arose in between the appellant's family and those people which initially resulted in civil suits and thereafter FIRs were lodged, the appellant, therefore, had no other choice but to go underground. *(Copies of civil suits and FIRs etc are attached as A & B)*
5. That due to his absence for the reasons mentioned above, a charge sheet was served, though not communicated upon him and a partial inquiry was conducted in the matter without digging the actual truth. *(Copy of charge sheet and statement of allegations dated 14.06.2023 are attached as Annexure C)*
6. That a final showcase notice was also served upon the appellant, though not communicated vide letter dated 04.09.2023. *(Copy of the final show cause notice dated 04.09.2023 is attached as D)*
7. That later major penalty of dismissal from service was imposed upon the appellant vide order dated 21.10.2023. It is pertinent to mention here that copy of dismissal order was communicated to the appellant on 27.06.2024. *(Copy of dismissal order dated 21.10.2023 is attached as Annexure E).*
8. That feeling aggrieved the appellant preferred departmental appeal to the respondent No. 3, however the same was rejected vide appellate order dated 19.08.2024. *(Copy of departmental appeal is attached as Annexure F).*
9. That feeling aggrieved, the appellant preferred instant service appeal inter-alia in the following grounds.

GROUND:


- A. That the appellant has not been treated in accordance with law on the subject hence his right secured and guaranteed under the Constitution of Pakistan 1973 are badly violated.
- B. That the appellant never committed any act or omission which could be termed as misconduct. His absence from duty was intentional but due to the reasons in above paras. Due to the severe enmity FIRs were lodged against the close relatives of the appellant and due to this reason the appellant had no other choice but to go underground.
- C. That no endeavor was made to dig out the truth that why the appellant was absent.

(3)

- D. That no opportunity of personal hearing was given to him while rejecting his departmental appeal.
- E. That it is pertinent to mention here that the appellant had more than 14 years of service and in case he was found guilty he should have been compulsorily retired from service but he was dismissed from service and thus was deprived of his pensionary benefits.
- F. That the appellant is jobless ever since his illegal dismissal.

*It is therefore most humbly prayed that on acceptance of this appeal, on acceptance of instant appeal, both the orders may kindly be set-aside and the appellant may kindly be re-instated in service with all back and consequential benefits
or
in alternate the penalty of dismissal from service may be modified to compulsory retirement in the better interest of justice.*

Dated:-04.08.2024

Through
Appellant

YASIR SALEEM
Advocate Supreme Court
Cell: 0331-8892589
Email:yasirsaleemadvocate@gmail.com.

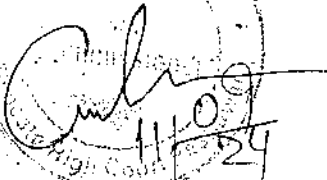
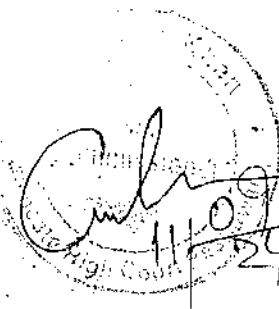
&

M. SHUJA UDDIN
Advocate High Court

AFFIDAVIT

It is solemnly affirm and declare on oath that the contents of the instant service appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable tribunal.

Deponent


11/08/24


Attested to be true

20/4/2017

Handwritten text in Urdu, likely a legal document or affidavit, containing various names and dates. The text is written in a cursive style and is somewhat difficult to read due to the image quality. It appears to be a declaration or statement of facts.

7	قائمہ شدہ سند	
6	سند کے تحت زمین کی خرید و فروخت کی تفصیلات	سند نمبر 2281
5	سند کے تحت زمین کی خرید و فروخت کی تفصیلات	سند نمبر 2281
4	سند کے تحت زمین کی خرید و فروخت کی تفصیلات	سند نمبر 2281
3	سند کے تحت زمین کی خرید و فروخت کی تفصیلات	سند نمبر 2281
2	سند کے تحت زمین کی خرید و فروخت کی تفصیلات	سند نمبر 2281
1	سند کے تحت زمین کی خرید و فروخت کی تفصیلات	سند نمبر 2281

Handwritten text at the bottom of the page, including a signature and some administrative markings. There is a circular stamp on the left side and some numbers and dates written in Urdu.

Better copy of FIK

ابتدائی اطلاعی رپورٹ

ابتدائی اطلاع کیفیت جرم قابل دست اندازی پولیس رپورٹ شدہ زبردستی ۱۵۴ ضابطہ نو جداری

طلوع مردان

تاریخ وقت وقوع 8/10/2021 وقت 10:14

Ames 20

تھانہ 964 علت نمبر

1	تاریخ رپورٹ 08/10/2021 وقت 35:15	چاکیڑگی پرچہ 08/10/2021 وقت 16:10 نمبر
2	نام و سکونت اطلاع دہندہ مستفیث	مجرد جی یونس خان ولد رستم خان قوم افغان ہجر 25/26 سال ساکن طلبہ کے
	مختصر کیفیت جرم (معدوہ حال اگر کچھ لیا گیا ہو)	ppc 302-324-337Aii-148-149
3	جائے وقوعہ فاصلہ تھانہ سے اور دست	راستہ روڈ و طلبہ کے طور پر نذرانہ بجرو حیان واقع طلبہ کے
5	نام سکونت جرم	(1) اسلم خان، (2) میر عالم پسران مکرم، (3) مکرم ولد طلبہ ساکنان طلبہ کے
6	کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا ہو تو وجہ بیان کرو	برسیدگی مراسلہ مقدمہ قائم کیا جاتا ہے
7	تھانہ سے روانگی کی تاریخ و وقت	بہ سبیل جام

ابتدائی اطلاع نیچے درج کروں بوقت صدور سچ ایک تحریری مراسلہ منجانب داؤد خان ASI

ہسپتال MMC کچھلئی سے بدست عنایت 2531 سے موصول ہو کر چکی مضمون ذیل ہے جناب SHO صاحب تھانہ طور و بھرو میں یونس ولد رستم خان قوم افغان ہجر 25/26 سال رستم خان ولد عمر 57/58 سال بجات بے ہوشی ساکنان طلبہ کے بسواری پر ایڈیٹ موٹر کار کچھلئی ہسپتال MMC مردان میں مجرد جی یونس جو کہ بدست ہوش و حواس ہے پور پورٹ کرتا ہے کہ امر روز میں معدوہ اللہ ام مجرد بال اچھا زادگان ام محمد بلال، علی پسران پورول ساکنان دیہہ ام تھانہ جائے وقوعہ راستہ تنازعہ کی دید یو اپنی ذاتی موبائل فون سے بنا رہا ہے چونکہ اس تنازعہ راستہ عدالت دیوانی مردان میں تمہارے اور مخالف فریق اسلم، میر عالم پسران مکرم ساکنان کیس زیر سماعت ہے۔ اسی دوران مسیاب (1) اسلم خان (2) میر عالم پسران مکرم (3) مکرم ولد طلبہ ساکنان دیہہ ام آکر اسلم خان مذکورہ سب کا شکوف تھا۔ اور مذکورہ نے یکدم اپنے کلا شکوف سے ہم بالا کسان پر بارادہ قتل فائرنگ شروع کر کے جگے فائرنگ سے میں اور والد ام لگ کر زخمی ہوئیں جبکہ چچا زادگان محمد بلال، علی مذکورین بالا بال ہال فوج گئے وہ عناد راستہ پر تنازعہ ہے۔ وقوعہ ہذا میرے اور والد ام چچا زادگان ام بالا کا ہمدید ہے یوں اپنے اور والد ام کی مجردیت اور بارادہ قتل فائرنگ کرنے کا برخلاف ہر سہ کسان بالا دعویٰ دار ہوں العبد دستخط انگریزی محمد بلال ہجر 23/24 سال علی ہجر 18/19 سال پسران پورول ساکنان دیہہ ام نے رپورٹ بالا کی تائیدی اور وقوعہ کو چشم خورد دیکھنا بیان کیا۔ العبد دستخط انگریزی، العبد دستخط اردو کارروائی پولیس حسب گفتہ سائل رپورٹ درج صدر ہو کر پڑھ کر سنایا گیا درست تسلیم کر کے زیر رپورٹ خود جبکہ تائید شدہ کسان نے تائیدی العبادت ثبت کیئے، مجرد جی کان فرد حائے بمطابق زخیات رسیدہ مرتب ہو کر بغرض علاج معالجہ فرورائے ڈاکٹری زیر حفاظت حمید 1693 حوالہ ڈاکٹر صاحب ہے۔ اس مضمون رپورٹ سے صورت جرم بالا کا پورا مراسلہ بغرض قائمی مقدمہ بدست عنایت 2531 در سال تھانہ تفتیش کی جاوے دستخط انگریزی داؤد خان ASI ہسپتال MMC مردان کارروائی تھانہ زیر آمدہ مراسلہ حرف بہ حرف درج صدر ہو کر پرچہ جرم فوق مرتب ہو اقل FIR بمعدوہ مراسلہ بمرا تفتیش حوالہ انچارج شعبہ تفتیش کے جاتے ہیں جبکہ بحوالہ مد 19 روز نامہ 9/10/21 رپورٹ مقدمہ بنا رہا التناہل ہے۔ پرچہ گزارش ہے۔

Altam Hussain Advocate
High Courts & Federal Shariat Court
District Courts, Mardan
(BC-46317)

Attested to be true
Copy

(9) (5) (4) (3) (2) (1)
Hussain

Attest
مکتوب
تقریر 17 اور تاریخ 8-10-21

2105
14-05
13-05

نمبر 17 اور 18 یعنی ملاں ولد محمد علی محمد احمد
نمبر 14 یعنی جمال قوم اصناف یعنی 21/20
نمبر 13 یعنی محمد علی احمد اصناف یعنی 21/22
نمبر 12 یعنی محمد علی احمد اصناف یعنی 21/20
نمبر 11 یعنی محمد علی احمد اصناف یعنی 21/20
نمبر 10 یعنی محمد علی احمد اصناف یعنی 21/20
نمبر 9 یعنی محمد علی احمد اصناف یعنی 21/20
نمبر 8 یعنی محمد علی احمد اصناف یعنی 21/20
نمبر 7 یعنی محمد علی احمد اصناف یعنی 21/20
نمبر 6 یعنی محمد علی احمد اصناف یعنی 21/20
نمبر 5 یعنی محمد علی احمد اصناف یعنی 21/20
نمبر 4 یعنی محمد علی احمد اصناف یعنی 21/20
نمبر 3 یعنی محمد علی احمد اصناف یعنی 21/20
نمبر 2 یعنی محمد علی احمد اصناف یعنی 21/20
نمبر 1 یعنی محمد علی احمد اصناف یعنی 21/20

8-10-21
Attest
مکتوب

Attested to be true
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Hussain Advocate
High Courts & Federal Shariat Court
District Courts, Mardan
(BC-10-6517)

ضلع مردان
Attested

تقلمد 19 روز نامہ 8/10/21

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بد 19 رپورٹ مسی مکرم خان ولد طلب خان قوم افغان بصر 78/77 سال بشمول رشید اران بھانجا سیف الرحمان
بصر 28/27 سال ساکنان طلب کلے بوقت 15:45 مورخہ 8/10/21 بحاضری تھانہ اکر مکرم پور پورٹ کرتا
ہے کہ امر دز میں بمعہ دیگر اہلخانہ گھر خود کے نزدیک حجرہ خود میں بوقت 14:10 بجے موجود تھے کہ اس دوران
مسیمیان 1 رستم ولد مسافر 2 سجاد 3 حماد پسران رستم 4 بلال 5 علی 6 ساجد پسران پورڈول ساکنان و پسران چونکہ
ہمارے خونی رشید اری ہے مسیمیان بالا یکدم حجرہ خود میں با مسلح داخل ہو کر اور حجرہ خود میں پڑی ہوئی ماربل کے پتھر
سے مسی یونس اور دیگر کسان نے اٹھا کر اور میرے سر پر زوردار گزارات شروع کیے جسکے گزارات سے میں سامنے
پیشانی اور سر پر شدید زخمی ہو چکا ہوں۔ دوران ہاتھ پھائی فرزند ان ام اگر ہمارے مابین خلاصی کرنی اور مسیمیان فر
زند ان ام پر بھی گزارات کیے ہے وجہ تازہ راستہ روئندہ موجود ہے اور کئی بار مسیمیان بالا کے ساتھ زبانی تکرار ہوئی
ہے میں اپنے مارنے پینے اور سر پر زخمی ہوئی پر 7 کسان بالا دعوی دار ہوں رپورٹ لکھی جائے العبد انگوٹھا جبکہ
بھانجاش نے رپورٹ بالا کی تائید کی العبد دستخط انگریزی کاروائی تھانہ حسب گفتہ سائل رپورٹ درج صدر ہو کر
پڑا ہلکے سنایا جا کر زیر رپورٹ خود انگوٹھا جبکہ تائید کنندہ نے تائیدی دستخط ثبت کی جسکی میں تصدیق کرتا ہوں مجروح کا
نقشہ ضرر برطابق ضمانت ضربات مرتب کر کے بعرض علاج معالجہ زیر حفاظت، انصار ASI ہسپتال سواڑیان بھجوا یا جا
تا ہے رپورٹ کا تقلمد علیحدہ مرتب کر کے بعراض کاروائی بیٹ افسر نہار ASI کو حوالا کیا جاتا ہے نقشہ ضرر سے جیسی
بھی صورت حال پائی جا کر نذید کاروائی عمل میں لائی جائیگی۔

Attested to be true
Copy

Altaf Hussain Advocate
High Courts & Federal Shariat Court
District Courts, Mardan
(BC-10-6317)



Annex
①
②

**OFFICE OF THE
DISTRICT POLICE OFFICER,
MARDAN**

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpomdn@gmail.com

2023

CHARGE SHEET

I, **NAJEEB-UR-REHMAN BUGVI (PSP)**, District Police Officer Mardan, as competent authority, hereby charge **Constable Israr Khan No.3037**, while posted at PS Sher Garh (now under suspension Police Lines Mardan), as per attached Statement of Allegations.

By reasons of above, you appear to be guilty of misconduct under Police Rules, 1975 and have rendered yourself liable to all or any of the penalties specified in Police Rules, 1975.

You are, therefore, required to submit your written defense within **07 days** of the receipt of this Charge Sheet to the Enquiry Officer, as the case may be.

Your written defense, if any, should reach the Enquiry Officer within the specified period, failing which, it shall be presumed that you have no defense to put-in and in that case, ex-parte action shall follow against you.

Intimate whether you desired to be heard in person.

(Najeeb-ur-Rehman Bugvi) PSP
District Police Officer, Mardan.

Attested to be true
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25
OFFICE OF THE
DISTRICT POLICE OFFICER,
MARDAN

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpomdn@gmail.com

2023

No. 160 /PA

Dated 14/6/2023

DISCIPLINARY ACTION

I, NAJEEB-UR-REHMAN BUGVI (PSP), District Police Officer Mardan, as competent authority am of the opinion that Constable Israr Khan No.3037, himself liable to be proceeded against, as he committed the following acts/omissions within the meaning of Police Rules 1975.

STATEMENT OF ALLEGATIONS

Whereas, Constable Israr Khan No.3037, while posted at (PS) Sher Garh (now under suspension Police Lines Mardan), remained absent from duty without any leave/permission of the competent authority vide DD No.19 dated 01-05-2023 till-date.

For the purpose of scrutinizing the conduct of the said accused official with reference to the above allegations, Insp: Sher Nawas RI Police Lines Mardan is nominated as Enquiry Officer.

The Enquiry Officer shall, in accordance with the provision of Police Rules 1975, provides reasonable opportunity of hearing to the accused Police official, record/submit his findings and make within (30) days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused official.

Constable Israr Khan is directed to appear before the Enquiry Officer on the date + time and place fixed by the Enquiry Officer.

(Najeeb-ur-Rehman Bugvi) PSP
District Police Officer, Mardan.

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Attested to be true
Copy



**OFFICE OF THE
DISTRICT POLICE OFFICER,
MARDAN**

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpomdn@gmail.com

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5703
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"D"

No. 8263-64 /PA

Dated 4/19/2023

FINAL SHOW CAUSE NOTICE

Whereas, you Constable Israr Khan No.3037, while posted at PS Sher Garh (now under suspension Police Lines Mardan), remained absent from duty without any leave/permission of the competent authority vide DD No.19 dated 01-05-2023 till-date.

To ascertain facts, a proper departmental enquiry against you was conducted through Inspector Sher Nawas RI Police Lines Mardan vide this office Statement of Disciplinary Action/Charge Sheet No.160/PA dated 14-06-2023, who (EO) after fulfillment necessary process, submitted his findings to this office vide his office letter No.51 dated 10-08-2023, holding responsible you of gross misconduct & recommended for ex-parte action.

Therefore, it is proposed to impose Major/Minor penalty as envisaged under Rules 4 (b) of the Khyber Pakhtunkhwa Police Rules 1975.

Hence, I Najeeb-ur-Rehman Bugvi (PSP) District Police Officer Mardan, in exercise of the power vested in me under Rules 5 (3) (a) & (b) of the Khyber Pakhtunkhwa Police Rules 1975 call upon you to Show Cause Finally as to why the proposed punishment should not be awarded to you.

Your reply, if any, shall reach this office within 07 days of receipt of this Notice, failing which; it will be presumed that you have no explanation to offer & an ex-parte action shall be taken against you.

You are liberty to appear for personal hearing before the undersigned.

Received by _____

Dated: ___/___/2023

(Najeeb-ur-Rehman Bugvi) PSP
District Police Officer, Mardan.

Copy to SHO PS Toru to deliver this notice upon delinquent Constable Israr Khan (0347-9447377) Son of Darwesh of Toru or any of his closed family member with name & relationship & the receipt thereof with date, shall be returned to this office within a week time positively.

Attested to be true
Copy

6-9-2023
SHO/PS Toru



**OFFICE OF THE
DISTRICT POLICE OFFICER,
MARDAN**

Tel No. 0937-923011 & Fax No: 0937-9230111
Email: dpo_mardan@gmail.com

2023

No. 8376-43 /PA

Dated 23/10/2023

ORDER ON ENQUIRY OF CONSTABLE ISRAR KHAN NO.3037

This order will dispose-off a departmental enquiry under Police Rules 1975, initiated against Constable Israr Khan No.3037 under the allegations that while posted at PS Shergarh (now under suspension Police Lines Mardan), was placed under suspension vide this office OB No.1080 dated 06-06-2023, issued vide order/endorsement No.3070-72/081 dated 07-06-2023, on account of absence from duty without any leave/permission of the competent authority vide DD No.19 dated 01-05-2023 till-date.

To ascertain facts, he was proceeded against departmentally through Inspector Sher Nawas RI Police Lines Mardan vide this office Statement of Disciplinary Action/Charge Sheet No.160/PA dated 14-06-2023, who (E.O) after fulfillment necessary process, submitted his Finding Report to this office vide his office letter No.51 dated 10-08-2023, concluding that the delinquent official has left for foreign country Malaysia without any leave/permission of the competent authority & recommended for ex-parte action.

To further verify the allegation, on 20-09-2023 Constable Israr Khan was served with a Final Show Cause Notice, under Khyber Pakhtunkhwa Police Rules-1975, issued vide this office No.8263-64/PA dated 04-09-2023 through his relative Pervez Khan, who in his report also ascertained that the alleged Constable has already been left for Malaysia.

In compliance, he was bound to submit his reply to this office within stipulated time of (07) days i.e up-to 27-09-2023 but with non-compliance till-date, verifying that he is not interested in Police Service.

Final Order In the light of above discussion, I am of the considered opinion that Constable Israr Khan is not a willing worker & his more retention in Police Force will be bothered for Government Exchequer, therefore, awarded him major penalty of dismissal from Mardan Police with effect from 01-05-2023, in exercise of the power vested in me under Police Rules-1975.

OB No. 2104 Dated 23/10 2023

(Signature)
(Najeeb-ur-Rehman Bugvi) PSP
District Police Officer, Mardan.

Copy forwarded for information & n/action to:-

- 1) The DSP/HQrs Mardan.
- 2) The E.C & P.O (DPO Office) Mardan.
- 3) The In-charge Lab (HRMIS) DPO Office Mardan.
- 4) The OSI (DPO Office) Mardan.

**Attested to be true
Copy**

بخدمت جناب DIG صاحب مردان

2024-25
25/7/24

جناب عالی! درخواست من مسائل حسب ذیل غرض ہے۔

- 1: یہ کہ من مسائل 2009 میں محکمہ پولیس میں بطور کنسٹبل بھرتی ہوا۔
- 2: یہ کہ من مسائل نے 14 سال اپنی ذیوبی احسن طریقے سے انجام دی اور کبھی بھی افسران بالا کو شکایت کا موقع نہیں دیا۔
- 3: یہ کہ من مسائل بد دوران ڈیوبی زخمی بھی ہوا اور کئی بار بد دوران ڈیوبی موت کو قریب سے دیکھا۔
- 4: یہ کہ من مسائل کو بذریعہ شوکارڈ نوٹس مورخہ 23-10-2023 کو ڈگری سے برطرف کیا گیا کہ من مسائل غیر حاضر ہے۔
- 5: یہ کہ من مسائل اور اس خاندان والوں کی دشمنی ہے اہل من مسائل پر دشمنوں کی طرف سے کئی بار حملے بھی ہوئے۔ اور من مسائل کئی بار موت سے بچا۔
- 6: یہ کہ من مسائل اس دشمنی کی وجہ سے خود اور اپنے اہل عیال کو لے کر کچھ عرصہ اپنے علاقہ سے روپوش رہا۔
- 7: یہ کہ من مسائل نے چشمی کی بابت درخواست بھی گزار دی۔ جو کہ منسوخ کی گئی۔
- 8: کہ من مسائل غریب شخص ہے اور پانچ بچوں کا باپ ہے اور کرایہ کے گھر میں رہتا ہے اور مذکورہ حکم سے من مسائل کو شدید
سزا ہوئی۔
- 9: یہ کہ من مسائل آئندہ افسران بالا کو شکایت کا موقع نہیں دے گا۔

لہذا استدعا ہے کہ منظور دی درخواست ہذا مسائل کی دوباری بحال کرنے کے احکامات صادر فرمائیں نیز دیگر
داد رسی جو بھی قرین انصاف و حصول ہو مرحمت فرمائیں مسائل تا عمر دعا گو رہے گا۔

تحریر 25-07-2024

امرار خان ولد درویش خان

سکہ طلب کے طور پر سوکھی مردان

پتہ نمبر 3037

0347 9447377

Attested to be true
Copy

Najeeb

Amir PL

(14)

ORDER.

This order will dispose of the departmental appeal preferred by Ex-Constable Israr Khan No. 3037 of Mardan District against the order of the then District Police Officer Mardan whereby he was awarded major punishment of dismissal from service vide O.B. No. 2109 dated 23.10.2023. The appellant was proceeded against departmentally on the allegations that he while posted at Police Station, Shergarh District Mardan was placed under suspension on account of absence from duty without any leave/permission of the competent authority vide daily diary No.19 dated 01-05-2023 till date of his dismissal.

Therefore, proper departmental enquiry proceedings were initiated against him. He was issued Charge Sheet alongwith Statement of Allegations and Reservé Inspector of District Mardan was nominated as enquiry Officer. The Enquiry Officer after fulfilling nodal formalities submitted his report to the then District Police Officer, Mardan concluding therein that the delinquent Officer has proceeded abroad without any leave/ prior permission of the competent authority and was found guilty for the misconduct and recommended for major punishment.

To further verify the allegations, on 20.09.2023 he was served with a First Show Cause Notice through his relative Pervez Khan, who in his report also stated that the delinquent Officer was already left for Malaysia.

He was bound to submit his reply within stipulated time of (07) days i.e. up-to 27.09.2023, but failed to respond to the same till date of dismissal, verifying that he was not interested in Police Service.

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 with effect from 01.05.2023 vide O.B. No. 2109 dated 23.10.2023 by the then District Police Officer, Mardan.

Feeling aggrieved from the order of the then District Police Officer, Mardan, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in the office on 23.10.2024.

From the perusal of the enquiry file and service records of the appellant, it has been found that allegations leveled against the appellant have been proved beyond any shadow of doubt. As he has literally failed to produce any cogent reason in justification of his absence because the same clearly denotes his casual and derelict

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(18)

attitude towards his official duties. The very conduct of appellant is unbecoming of a disciplined Police Officer. 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. The appellant approached this forum at a belated stage by filing the instant appeal which is badly time barred by 08 months and 02 days without advancing any cogent reason regarding such delay. Moreover, he could not present any cogent justification to warrant interference in the order passed by the competent authority.

Keeping in view the above, I, Najeed-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 badly time barred by 08 months and 02 days.

Order Announced.

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

No. 2750 /ES, Dated Mardan the 19 / 08 /2024.

Copy forwarded to District Police Officer, Mardan for information and necessary wr to his office Memo: No. 211/Leg dated 08.08.2024. His service record is returned herewith.

(****)

Attested to be true
Copy

POWER OF ATTORNEY

In the court of Service Tribunal Peshawar

Yasir Khan

Versus

Govt

..... Petitioner/Plaintiff/Appellant

..... Respondent/Defendant

KNOW ALL to whom these presents shall come that I the undersigned appoint:

Mr. YASIR SALEEM, Advocate Supreme Court of Pakistan, (herein after called the advocate) to be the Advocate for the Petitioner/Plaintiff/Appellant or Respondent/Defendant in the above mentioned case, to do all the following acts, deeds and things or any of them, that is to say

- 1) To act and plead in the above mentioned case in this court or any other Court in which the same may be tried or heard in the first instance or in appeal or review or execution or in any other stage of its progress until its final decision.
- 2) To sign, verify and present pleadings, appeals, cross-objections, petitions for execution, review, revision, withdrawal, compromise or other petition or affidavits or other documents as shall be deemed necessary or advisable for the prosecution of said case in all its stages.
- 3) To withdraw or compromise in the said case or submit to arbitration any difference or dispute that shall arise touching or in any manner relating to the said case.
- 4) To receive money and grant receipts therefore and to do all other acts and things which may be necessary to be done for the progress and the course of the prosecution of the said case.
- 5) To engage any other Legal practitioner authorizing him to exercise the power and authorities hereby conferred on the Advocate whenever he may think fit to do so.

AND I hereby agree to ratify whatever the Advocate or his substitute shall do in the promises.

AND I hereby agree not to hold the Advocate or its substitute responsible for the result of the said case and in consequence of his absence from the court when the said case is called up for hearing

AND I hereby that in the event of the whole or any part of the fee agreed by me to be paid to the Advocate remaining unpaid, He shall be entitled to withdraw from the prosecution of the said case until the same is paid.

IN WITNESS WHEREOF I hereunto set my hand to these presents the contents of which have been explained to and understood by me, this _____ day of _____ 2024.

Executant/Executants Yasir

Accepted subject to the terms regarding Professional Fee



YASIR SALEEM

Advocate Supreme Court of Pakistan
Legal Advisor, Services & Labor Law Consultant
FR-4, 4th Floor, Bilour Plaza, Peshawar Saddar.
Cell No. 0331-8892589 Email: yasirsaleemadvocate@gmail.com