



FORM OF ORDER SHEET

Court of _____

Appeal No. 1240/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	23/08/2024	<p>The appeal of Mr. Sajid Khan presented today by Mr. Shahzad Irfan Zia Advocate. It is fixed for preliminary hearing before touring Single Bench at Bannu on 19.09.2024. Parcha Peshi given to counsel for the appellant.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p>
<p><u>Note</u></p> <p>4th October, 2024 The case could not be fixed before S.B at Camp Court, D.I.Khan due to cancellation of tour. Therefore, instant case be fixed on 09/10/2024 for preliminary hearing before S.B at the Principal Seat, Peshawar. Counsel be informed telephonically.</p> <p> (Habib Ul Rehman Orakzai) Registrar</p>		

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

SERVICE APPEAL NO 1240 / 2024

MR. SAJID KHAN

V/S

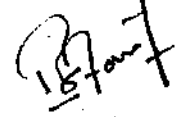
POLICE DEPTT:

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S. NO.	DOCUMENTS	ANNEXURE	PAGE
1.	Memo of appeal with affidavit	1-5
2.	Copy medical certificates	A	6-16(a)
3.	Copy of Show Cause Notice,	B	17-
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5.	Copy of impugned order	D	20
6.	Copy of departmental appeal	E	21-23
7.	Vakalat Nama	

Dated: 22-08-2024

APPELLANT
THROUGH:


SHAHZADA IRFAN ZIA
ADVOCATE HIGH COURT
CELL No 0300-9345297

✓

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

SERVICE APPEAL NO 1240 / 2024

Mr. Sajid Khan, Ex- Assistant Sub Inspector,
S/o Jurabaz Khan, Police Lines Bannu,
Village Mira Mast Khel District Bannu

..... APPELLANT

VERSUS

- 1- Province of Khyber Pakhtunkhwa through Inspector General of Police, Central Police Lines, Peshawar
- 2- Regional Police Officer Bannu Region, Bannu

..... RESPONDENTS

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 03/05/2024, WHEREBY THE APPELLANT HAS BEEN AWARDED A MAJOR PENALTY OF REVERSION FROM ASI TO THE POST OF HEAD CONSTABLE WITH IMMEDIATE EFFECT AND HIS DEPARTMENTAL APPEAL DATED 15/05/2024 ELICITED NO RESPONSE WITHIN THE STATUTORY PERIOD.

R/SHEWETH:

ON FACTS:

Brief facts giving rise to the present appeal are as under:

1. That the appellant while holding the post of ASI under the administrative control of respondent No 2, on 26/01/2024 at night he visited the Police Hospital Bannu due to pain in

2/

gallbladder and he was referred to the DHQ Hospital Bannu for treatment as no Medical Officer was available in Police Hospital at that time.

2. That on 26/01/2024 the appellant was examined by the Medical Staff of the DHQ Hospital Bannu and he was referred to Urologist for further examination, who after proper checkup/examination referred the appellant to a Surgeon for operation and advised bed rest for 3 months. On 27/01/2024 an experienced Surgeon examined the appellant and held him "A High Risk patient". (Annexure-A)
3. That due to severe medical condition, the appellant visited the Office of Worthy DPO Bannu for sanctioning of medical leave on medical certificates and the concerned officer allowed the appellant rest and suggested and allowed the leave after General Election.
4. That as per the direction of the Worthy DPO Bannu the appellant performed security duty at GPS Kot Qalander during General Election and on 10/02/2024 went on leave according to the directions of the officer concerned.
5. That on 30/01/2024 the Incharge Control Room sent an information to the appellant that he has been transferred from Operation Staff Bannu to Investigation Staff Bannu, but no transfer order was communicated to the appellant. On visit of the appellant to the concerned office, he informed the authority that

he is on medical leave and after vacation of the same he will join his new place of posting.

6. That unfortunately on 26/02/2024 the appellant was served with a Show Cause Notice wherein the charges of absence of duty were alleged against him, despite of the fact that he was on medical leave duly sanctioned by the Worthy DPO Bannu. That the appellant submitted his reply to the Show Cause Notice and vindicated his plea and position, but to his utter dismay that his reply went unheeded and the respondent No 2 on 03/05/2024 passed the impugned order and imposed the major penalty of reversion from the rank of ASI to the rank of Head Constable upon the appellant. (Annexure B, C & D)

7. That the appellant filed his departmental appeal dated 15/05/2024 against the impugned order, which was not responded within the statutory period of 90 days. (Annexure-E)

Hence the instant appeal has been filed inter alia on the following grounds:-

GROUND:

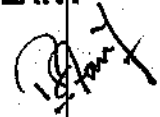
A- That the Worthy DPO Bannu sanctioned medical leave on medical certificates in favour of appellant, therefore, the allegations of absence from duty are baseless, unfounded and untenable, thus the impugned order is illegal and unsustainable before the law.

- B- That as per KPK Leave Rules, 1981 a leave applied for on medical certificates shall not be refused. The authority competent to sanction leave may however, at its discretion secure a second medical opinion by requesting the Civil Surgeon or the Medical Board to have the appellant medically examined. The act of the Worthy DPO Bannu is in accordance with the rules and the order of leave is correct and according to the law.
- C- That before imposing the major penalty, the legal procedure was not followed by the authority and no chance of personal hearing was given to the appellant, hence he condemned unheard.
- D- That no inquiry was conducted in the matter to dig-out the truth, therefore, the entire proceedings are illegal and a pre determined decision.
- E- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore, most humbly prayed that on acceptance of this appeal the impugned order dated 03/05/2024 may very graciously be set aside being illegal and void, directing the respondents to restore the appellant to his original rank i.e. ASI with all back benefits.

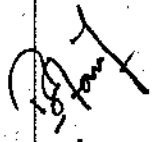
Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant with all back benefits.

Dated: 22-08-2024

APPELLANT
THROUGH:

SHAHZADA IRFAN ZIA
ADVOCATE, PESHAWAR
CELL No 0300-9345297

CERTIFICATE:

No such like appeal is pending or filed between the parties on the subject matter before this Honorable Tribunal.


Advocate

AFFIDAVIT

I, Mr. Sajid Khan, Ex- Assistant Sub Inspector, S/o Jurabaz Khan, Police Lines Bannu, Village Mira Mast Khe District Bannu, do hereby solemnly affirm and declare on oath that the contents of this **Service Appeal** are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble tribunal.

DEPONENT

18-01-24

حضرت صاحب ڈاکٹر صاحبوں کو سوسائٹیل ہسپتال میں
قریب صبح میں آدھ گھنٹہ پہلے سے 1096 گروپ میں
تقریباً 10 گھنٹہ تک رہے۔ اور پھر صبح 10 گھنٹہ کو
نہرے میں۔



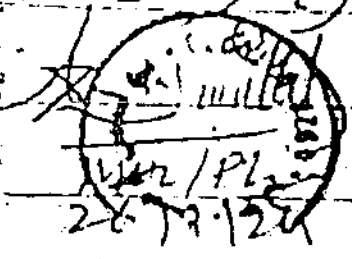
Pt Younas 1096 visit Police Hospital
for kidney issue, refer to DHO/UGM
18-01-24 for further investigation &
treatment

18-01-24

Police, P.O. & other Hospitals
BANNU

24-5-24 کویت 19:00

حضرت صاحب ڈاکٹر صاحبوں کو سوسائٹیل ہسپتال میں
3 گھنٹہ تک رہے۔ اور پھر صبح 10 گھنٹہ کو
تقریباً 10 گھنٹہ تک رہے۔ اور پھر صبح 10 گھنٹہ کو
نہرے میں۔



→ Ush: has Cystic Abs. Ston
Know DM + HTN - Refer to
Urologist for Rx & management.
C.M.O. (Civil) Bannu

attested

~~(scribble)~~

Armed Forces Institute of Cardiology
&
National Institute of Heart Diseases

The Mall, Rawalpindi, Pakistan. Phone: +92-51-9271002, Fax: 051-9271015
Email: nihd.afic@afic.gov.pk, Website: www.afic.gov.pk



Li Col Dr
M.RIZWAN BHATTI
MBBS, FCPS
Classified Radiologist

051-9271002; Ext - 3019

Name: Sajid	ID No: 179
Age: _____ Years	Date: 4/1/24

ULTRASOUND ABDOMEN/PELVIS

LIVER: Liver is enlarged measuring 19.1cm and shows increased parenchymal echogenicity with distal sound attenuation. Margins are smooth. No intra or extra hepatic biliary dilatation is seen. Portal vein measures _____ cm. Hepatic veins are normal in caliber.

GALL BLADDER: It shows normal walls. Multiple calculi are seen in it, largest one measure 16.9mm. No mass is seen. CBD is not dilated measuring 3.8mm at porta hepatis.

SPLEEN: Spleen is normal & has normal parenchymal echotexture. No focal lesion is seen.

PANCREAS: Visualized pancreas is normal in size & has normal parenchymal echotexture. No visible focal lesion.

RIGHT KIDNEY: It is normal in size. No focal lesion is seen. Parenchymal echogenicity is normal. No calculus, cyst or hydronephrosis is seen. Ureter is not dilated. Few tiny concretions are seen in it without focal or diffuse effects. The largest one measures 2.8mm.

LEFT KIDNEY: It is normal in size. No focal lesion is seen. Parenchymal echogenicity is normal. No calculus, cyst or hydronephrosis is seen. Ureter is not dilated. Few tiny concretions are seen in it without focal or diffuse effects. The largest one measures 3.3mm. A cyst measuring 2.4x2.0cm is noted in inter polar region

URINARY BLADDER: It shows slightly thickened and irregular walls. No mass or calculus is seen.

PROSTATE: prostate is of normal size and weight 25gms

IMPRESSION:

- > Fatty liver
- > Bilateral renal concretions along with element of cystitis
- > Left renal cortical cyst

attested
RF

(Signature)
Li Col Dr
M.RIZWAN BHATTI
Classified Radiologist

مہارن

نمبر 66 رینج 1/26

والہیہ سہیل اور سہیلہ صاحبان Asi کو 26/1/24 کو وقت 21:30

درج ذیل مسائل کا وقت بخیر اور دعا کے ساتھ لیدر اور فریڈ

خلیج خلیج DHQ سہیل خوں سے والیہ آہ بہ سہیل

میں رہتے ہیں۔ ڈاکٹر صاحب کے ساتھ کہ

میں سہیل اور الو صاحب کو چیک آپ کرانے کا سہوہ

دیا۔ جو کہ وقت DHQ سہیل میں OPD میں

موتی ہے اس لئے بااثر مجبوراً برائوٹ لور الو صاحب سے

چیک آپ کرانے کے بعد ساتھ میں سہیل کو سن (تین

رہتے ہیں اور سہیل سے سہیل کے ساتھ سہیل سے

موتی کے ساتھ سہیل کے ساتھ سہیل کے ساتھ

سہیل کے ساتھ سہیل کے ساتھ سہیل کے ساتھ

سہیل کے ساتھ

نقل سہیل کے ساتھ

mm. Pk



26/1/24

Handwritten signature or initials at the bottom right.

District Headquarter Teaching Hospital MTI Bannu

System User: Murad Ali Now
Printed By: Murad Ali Now

OPD Room No: --

EMERGENCY

26-Jan-24

7:29:17 PM

W2401261991 - Sajid

Age 50-Years

Appointment # 301

Address Bannu

Gender Male

OPD Fee 30



Complaints

1 ACUTE ABDOMIN

Acc to Hx
Pain
left Renal
cystis

Rx
- Refer to urologist
for further
management

↓
multiphasic
calculi in
C₁₃₀

- any Eziondrom in wound phlo
- any Terminal form
any Neph. 40
1000
phlo

Investigations

Adv

Ecg -

RBS -

U/S KUB

Umic R/L

RFIS

LFIS

and
Dike
MTI Bannu

checked
SA

ologist

.Not valid for court

Dr. Zahid Ullah Khan

MBBS
FCPS (Urology)
Specialist Registrar Department of
Urology Institute of Kidney Diseases
(IKD) Hayat Abad Medical Complex
Peshawar.



پشاور
ڈاکٹر زاہد اللہ خان

ایم بی بی ایس
ایف سی پی ایس (یورالوجی)
سپیشلسٹ رجسٹرار ڈیپارٹمنٹ آف یورالوجی انسٹیٹیوٹ
آف کنڈنی ڈیزیزز (آئی کے ڈی) حیات آباد میڈیکل کمپلیکس پشاور

Name: Sajid Khan Age: 49 yr Sex: MC Date: 26 JAN 2024
Address: Bannu

Clinical Record

vomited

Low B/C level / HPL

Exyosis

Dm
180

415

24.01.2024

Diagnose

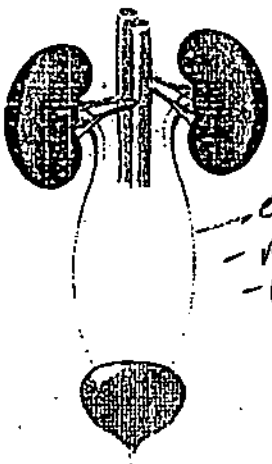
AFIC

→ GIB calculus

→ Bil renal Calculus

→ @ control cyst

ODF



CBU
- AFP
- Urea 42

attached
BT

→ renal + GIB
→ Bil renal Calculus
→ Bil renal Calculus
→ @ control cyst
Referred to S. Sana
for Admission: (Cardiology
opinion)

Admission - Bil renal Calculus
اپر امراض: گردہ، مثانہ، پتھری، پیشاب کی نالی، چھوٹی اور بڑی پونجیوں کی پتھری، مردانہ کمزوری، بے اولادگی یا بچہ پنا

موبائل: 0333-9745179
موبائل: 0333-9723002

ہیڈ کوارٹر: پشاور میڈیکل سٹریٹ، قاضی ڈی ایچ ایچ ایچ ہسپتال گیت نمبر 2، بنوں شہر
Dr. Zahid Ullah Khan
اوقات کار: ہفتہ اور راتوں

Dr. Javed Iqbal Mughal

General & Laparoscopic Surgeon
M.B.B.S
M.C.P.S
F.C.P.S



ڈاکٹر جاوید اقبال مغل

جنرل اینڈ لاپرو اسکوپک سرجن
ایم۔ بی۔ بی۔ ایس
ایم۔ سی۔ پی۔ ایس
ایف۔ سی۔ پی۔ ایس

PName Sajid Khan Age 47 Sex M Date 27/1/24

Clinical Record

Rx 14c h DM
IHD

no
Pain etc
Tender
etc

415 clot thrombus
2

Advised surgery
after weeks

high risk patient

- Adv
- Cardiologist
- open
- Rn
- low
- low
- low

- Dr. Asim
- Dr. Raza
- Dr. Usman

Don't run strongly

Attended
[Signature]

11(a)

PAKISTAN INSTITUTE OF MEDICAL SCIENCES ISLAMABAD
Islamabad Hospital

Rs. 00

PCN : P-05/24-34554
OPD Name : Emergency (Ridge)
Patient Name : SAJJID KHAN
Age : 17 year(s) 0 month(s) 0 day(s) old
Department Type : (IAC) Ridge
City : ISLAMABAD
Address :

OPD #: 020/24/05/20522 OPD Visit #: 1
Date : 15/05/2024 01:27:49PM
IPN : HIRABAZ
Sex : Male
CNIC :
Phone : 00

600

یہ کاپی اسٹینڈرڈ کنٹرول نمبر ہے۔ یہ سنبھال کر دیکھیں اور اس وقت ہسپتال کے لیے اپنے ساتھ لائیں۔

نوٹ۔ ڈاکٹر سے مشورے کے بعد ہسپتال میں موجود ادویات حاصل کرنے کے لیے فارمی سے رابطہ کریں۔

Priority Time: _____

P1 P2 P3 P4 P5

Complaint / Diagnosis: _____ Treatment: _____

BP: _____
PULSE: _____
O2SAT: _____
TEMPERATURE: _____
RESPIRATION: _____
COVID-19: _____

DM + IHD

40

DM
HTNE

High Risk Patient

CaB = calcium
+ calcium inhibitors (Chlorthalidonin)
+ 0 cortical cyst.
No active complaint.

Advice

Blood CP
FT AFT, SG

18mm diameter
calculus.

Need Bed Rest for 2-3 months

Printed on: 15/05/2024 01:27:49 PM

25/5/24

Surgery
PTD
020

Follow up in G. Surgery
Soon

attested
19

Scanned with CamScanner

ایک

کراچی کے ایک دل اور سوز کا درد
 ہے۔ اس کے گروہ ^{فینہ} میں بھی گامی مشاعرے لکھے
 ہیں۔ اس کے ڈاکٹر صاحب سے صفا سزا اور
 ڈاکٹر صاحب نے اس کو راجستھان اور ساہیوال میں بھی
 راجستھان کے سب سے بڑے شاعر کے طور پر
 بزرگی دے دی ہے۔

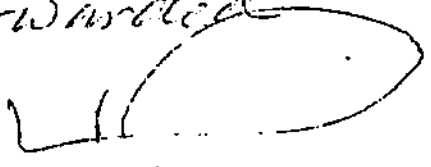
بزرگی دے دی ہے۔ اس کے ساتھ ساتھ اس کو
 بھی راجستھان کے سب سے بڑے شاعر کے طور پر

عین نورانی صاحب
 29/1/24

راجستھان

راجستھان کے سب سے بڑے شاعر کے طور پر

attached
187

Sir,
 Forwarded


6-5/11
 29/1/24

سہ ماہی

گزارش سے کہل کے عرض و فوٹو دیکھیں۔
 وہ جواب دہ نہیں ہونا چاہیے،
 اس کے لئے کہل کو پیشتر پرے کر دینا
 دیکھ لو فرماتے ہیں۔

علی زفر

124

نور

اس کے بارے میں اس کے بارے میں

Sm,
 Forwarded

Cal/Ph
 29/11/24

Just Almost
 can't leave after
 election

Handwritten initials

OB NO: 124
 dt: 29/01/24

DPW
 District...

Handwritten notes in Urdu at the top left.

Censure
file
and Reinstated into service

Handwritten notes in Urdu at the top right, including 'NHC3' and 'پاکستان'.

Main handwritten text in Urdu, enclosed in a wavy border. It discusses SRC (Service Review Commission) and mentions '122' and '29/11/24'.

29/11/24
13:05

29
29/11/24

attached
PA

Karnatafed 11111

SRC

شماره پالیسی اینڈ ہونڈ

مقامی ساہجوانی پٹر 60/B کو اطلاع تھی کہ حساب DPD صاحب بنوار

نے بجلی اڈا درختوں 122 حورج 24.07.29 پیر کو پیر کٹھنہ ختم

لیمنٹ جنر طور کی ہے اور شہر کے پیر بعد از انکسٹن کا حکم جاری ہے

SRC

29.07.24

attested
BT

دس پیسے کے لئے

انجارج بکریں سے کھروٹی صاحبہ خانہ آدھ بکریں نصری سے

چارے ساتھ کھربنیات ڈھول سببیت خوشی اختراقی

خوشی اور سوبی اور فرہتی سٹاٹس سے سترانی
دی ہے۔ رکورد ہے

1
Saidam
کھربنیات فصل



1
Saidam

attested
27

LEAVE ACCOUNT

Detail of leave account in r/o the Applicant

ASI Sajid Khan

Is submitted as under:

Date of appointment

04.05 - 1993

Total service

30Y - 08M - 25.D

Leave availed:

180 days

Total leave on his credit:

129.5 days

Last leave availed

60 day in year

Report is submitted please

(S)
SAC
29.

attested
[Signature]

SHOW CAUSE NOTICE

(Annex: B) 17

You, ASI Sajid Khan No.B/60 while posted to Investigation Staff District Bannu, have rendered yourself liable to be proceeded under rule 5(3) of the Khyber Pakhtunkhwa, Police Rules, 1975 (amended in 2014) for committing the following misconduct:-

- That vide this office order Endst: No.479-80/EC dated 25.01.2024 you have been transferred from Operation Staff Police Lines Bannu and posted to Investigation Staff Bannu but you did not report your arrival till date as reported by SP Investigation Bannu vide his office letter No.782/Inv: dated 22.02.2024.
- That you were time and again contacted on your mobile phone No.0334-9363737 as well as through wireless control room Bannu to make arrival and appear before the Superintendent of Police, Investigation Bannu but you turned deaf ear and did not comply the orders.
- Your act / wilful absence from legitimate duty amounts to gross misconduct and liable to be punished.

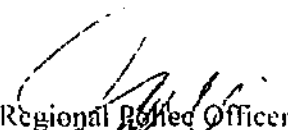
That by taking cognizance of the matter, the undersigned as competent authority under the said rules, proposes stern action against you by awarding one of the major punishments as provided in the rules.

You are, therefore called upon to show cause as to why you should not be imposed upon one of the major punishments for the said deviant misconduct under Khyber Pakhtunkhwa, Police Rules 1975 (amended in 2014).

You should submit reply to this show cause notice within seven (07) days of the receipt of this notice, failing which an ex parte action shall be taken against you.


You are further directed to inform the undersigned that as to whether you wish to be heard in person or not.

ASI Sajid No.B/60
Inv: Staff Bannu.


Regional Police Officer,
Bannu Region
Bannu

No. 23-25/PA. Dated: 26/02/2024
CC:

- ✓ DPO, Bannu for information.
- ✓ SP Inv, Bannu for information w/r to his office No.782/Inv: dated 22.02.2024.
- ✓ OS/EC RPO Office, Bannu.


Regional Police Officer,
Bannu Region
Bannu

The Worthy Regional Police Officer
Bannu Region, Bannu.

(Annex: C)

18

Subject: Reply to Show Cause Notice

This is with reference to the Show Cause Notice dated 26-2-2024, received by the undersigned on 02-3-2024.

Respected Sir,

1. It is submitted that the undersigned is a heart patient and a few days ago due to pain in gallbladder he visited the DHQ Teaching Hospital, Bannu. The undersigned was referred to urologist for further check up by the doctors of DHQ, Hospital, Bannu and the urologist advised the undersigned complete bed rest for 3 months and referred the undersigned to surgeon and on 27th January 2024 the surgeon examined the undersigned and found him in severe condition and a high risk patient. (Medical certificates are attached)

2. That on 29-01-2024 the undersigned was informed by SRC, DPO office that his leave is allowed by the worthy DPO, but it is strange that despite of the leave of the undersigned on 30-1-2024 the undersigned was informed about his transfer from operation staff to investigation staff, Bannu.

3. That the undersigned is on medical leave duly sanctioned by his immediate officer the worthy DPO, Bannu, therefore the allegation of misconduct is misconceived and the undersigned is on medical leave as per direction of the worthy DPO, Bannu.

4. That it is worth to mention that the undersigned performed Election duty on 08-2-2024 and after rendering the said duty at GPS, Kot Qalandar, Bannu the undersigned departed and went on medical leave as per direction and order of the worthy DPO, Bannu.

5. That it is worth mentioning that during the entire ¹⁹ service career the undersigned availed only 180 days leave and about 1295 days leave is at the credit of the undersigned in his leave account. As per Leave Rules, 1981, leave applied on medical certificate cannot be refused and an employee is entitled for medical leave on medical certificate as per law.
6. That the undersigned is a cardiac patient and suffering from serious medical condition and he is on medical leave duly sanctioned and allowed by the competent authority and not absent from duty. The undersigned has committed no misconduct and his conduct is according to law, as he availed his medical leave according to law and rules.

In view of the aforesaid submissions it is humbly prayed that the show cause notice may kindly be dropped and the undersigned be exonerated from the alleged misconduct.

Yours obediently



Sajid Khan
ASI, Police Lines, Bannu
(on medical leave)
Cell: No: 0334-9363737

08.03.2024

(Annex: D) 20

ORDER

This order will dispose of departmental proceedings, conducted ASI Sajid Khan No. B/60. He while posted to Investigations Staff District Bannu have rendered himself liable to be proceeded under rule 5(3) of the Khyber Pakhtunkhwa Police Rules 1975 (amended in 2014) for committing the following misconduct:-

- That vide office order Endst No. 479-80/EC dated 25-01-2024 he has been transferred from Operation Staff Police Lines Bannu and posted to Investigation Staff Bannu but he did not report his arrival till date as reported by SP Investigation Bannu vide his office Letter No. 782/Inv dated 22-02-2024.
- That he was time and again connected on his mobile phone No. 0334-9363737 as well as through wireless control room Bannu to make arrival and appear before the Superintendent of Police, Investigation Bannu but he turned deaf ear and did not comply the order of competent authority.

On the above mentioned act/willful absence from legitimate duty, he was served with Show Cause Notice Reply to the SCN was received and on 12-03-2024 he was heard in person. He was directed to submit (arrival report in Investigation Wing Bannu but he failed to comply, with till date.

Therefore, I Qasim Ali Khan, Regional Police Officer Bannu Region Bannu, in exercise of the powers vested in me under Khyber Pakhtunkhwa Police Rules 1975 (amended in 2014) hereby award him a major punishment of reversion in rank from ASI to the rank of Head Constable with immediate effect.

Regional Police Officer
Bannu Region,
Bannu.

No. 286-89/PN dated Bannu the 03/05/2024

CC:

- DPO Bannu for information and necessary action.
- SP Investigation Bannu for information and necessary action w/r to his office letter No. 782/Inv/dated 22-02-2024.
- DAO Bannu the necessary action.
- Office Supdt.E.O RPO Office, Bannu.

ORDER:

This order will dispose of departmental proceedings, conducted against ASI Sajid Khan No.B/60. He while posted to Investigation Staff District Bannu, have rendered himself liable to be punished under rule 2(3) of the Khyber Pakhtunkhwa, Police Rules, 1975 (amended in 2014) for committing the following offence:-

That vide his office order Enlist No.479-80/EC dated 25.01.2024 he has been transferred from Operation Staff Police Lines Bannu and posted to Investigation Staff Bannu but he did not report his arrival till date as reported by SP Investigation Bannu vide his office letter No.782/Inv dated 22.02.2024.

That he was called and again contacted on his mobile phone No.0394-9363737 as well as through wireless control room Bannu to make arrival and appear before the Superintendent of Police, Investigation Bannu but he turned deaf ear and did not comply the order of competent authority.


On the above mentioned date of his absence from legitimate duty, he was served with Show Cause Notice. Reply to the said Notice received and on 12.03.2024 he was heard in person. He was directed to submit arrival report in Investigation Wing Bannu but he failed to comply with till date.

Therefore, I, Qasim Ali Khan, Regional Police Officer, Bannu Region Bannu, in exercise of the powers vested in me under Khyber Pakhtunkhwa Police Rules, 1975 (amended in 2014) hereby award him a major punishment of reversion in rank from ASI to the rank of Head Constable with immediate effect.

Regional Police Officer,
Bannu Region,
Bannu

No. 288-2024, dated Bannu for 02/05/2024

- > DPO Bannu for information and necessary action.
- > SP Investigation Bannu for information and necessary action w.r to his office letter No.782/Inv dated 22.02.2024.
- > DAC Bannu for necessary action
- > Office Superd.E.C. RPO Officer, Bannu.


Regional Police Officer,
Bannu Region,
Bannu

attested
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(1)

To.

The Worthy Inspector General of Police
KPK, Peshawar

This is with reference to the impugned order dated
03-5-2024.

(Through Proper Channel)

Subject: Departmental Appeal against the impugned
order of Worthy RPO, Bannu, dated
03-5-2024, whereby the major penalty of
Reversion from the Post of ASI to Head-
Constable has been imposed upon the appellant.

Respected Sir,

1. That the appellant while holding the Post of ASI, Bannu
-Police Lines, Bannu, on 26-1-2024 due to severe pain
in his Gall Bladder visited the DHQ Hospital, Bannu.
The Medical officer-DHQ Hospital, Bannu, after proper
check up referred the appellant to Urologist, who
examined the appellant and referred him to Surgeon
and recommended three months bed rest for
the appellant. (Copies of Medical certificates are
attached)
2. That on 27-1-2024 the appellant was examined by the
Surgeon and after detailed examination he declared
the appellant "A High Risk Patient".
3. That on 29-1-2024 the appellant approached the Worthy
DPO, Bannu and applied for 3 months leave on
medical certificates and the Worthy DPO, Bannu,
allowed the same and directed the appellant to
perform the Election duty and after that his request
for medical leave was allowed. (Copy attached)
4. That as per the direction of DPO, Bannu, the appellant
performed security duty at GPS, Kot Qalandar during

(2)

Election and on 10-2-2024 went on Leave as per direction of the Worthy DPO, Bannu. (Copy attached)

5. That on 30-1-2024 the Incharge Control Room sent an information that the appellant has been transferred from Operation Staff, Bannu to Investigative Staff, Bannu, but the transfer order was not communicated to the appellant. The appellant visited the office of Worthy RPO, Bannu, and informed the authority that he is on leave for 3 months duly sanctioned and allowed by the Worthy DPO, Bannu, and after completion of his leave he will join the office of his new place of Posting i.e Investigative Staff, Bannu.

6. That Surprisingly on 26-2-2024 a Show Cause Notice was served upon the appellant on the allegation of absence from duty despite of the fact that the appellant was on leave on medical certificates, duly sanctioned by the DPO, Bannu. The appellant submitted his reply to the Show Cause Notice and vindicated his plea and position, but on 03-5-2024 the impugned order of Reversion was passed by the worthy RPO, Bannu, which is harsh and against the principles of justice and fairplay.

7. That the appellant is on medical leave on medical certificates which cannot be refused as per Leave Rules, 1981 and the Worthy DPO, Bannu, sanctioned the same as per law and rules. The allegation of absence from duty is without any force and not correct as the period of duly sanctioned leave cannot be treated as absence from duty. Therefore, the impugned order dated 03-5-2024 passed by Worthy RPO, Bannu, is illegal, void and not sustainable under the law.

(B) "I wish to be heard in Person"

attached
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(3)

In view of the afore mentioned Submissions of the appellant it is humbly Prayed that on acceptance of this departmental appeal, the impugned order RPO, Bannu, dated: 09-5-2024 may kindly be Set aside being Illegal and Void and the appellant may kindly be restored to his original Post i.e. ASI with all back benefits.

Yours obediently

[Signature]

Sajid Khan

Ex. ASI, Bannu. Police Lines,
Bannu.

Cell: 0354-9363797

Dated: 15/5/2024

attested
[Signature]

Before the KPK Service Tribunal, Pesh
بعد الت



Sajid Khan

بنام
Province of KPK

22-8-2024
Sajid Khan
مقدمہ
دعویٰ
مقام

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیردی اور جواب دہی دکل کاروائی متعلقہ
Shahzada Irfan Zia کیلئے Keshawar
آج مقام

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار دیا گیا۔ نیز
دیکل صاحب کو راضی نامہ کرنے و تقرر ثالثتہ فیصلہ بر حلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور صولی چیک دروپہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
ذرائع پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیردی یا ڈگری کی طرفہ یا اپیل کی برآمدگی اور منسوخی
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیردی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کاروائی کے واسطے اور دیکل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ
پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔

کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو دیکل صاحب پابند ہوں گے۔ کہ پیردی
مذکورہ کریں۔ لہذا وکالت نامہ لکھد یا کہ سند ہے۔

Accepted by
2024 Aug 22nd

واہ الب
Pesh

بقام
Bc.No. - 10-7608
کے لئے منظور ہے۔