

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

SERVICE APPEAL No. 749/2024.

Muhammad Bilal EX- Junior Clerk.....Appellant.

VERSUS

Inspector General of Police, Khyber Pakhtunkhwa Peshawar &  
others.....Respondents.

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*[Handwritten Signature]*  
Legal Council  
Smt. Tri  
10/10/24

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

**SERVICE APPEAL No. 749/2024.**

**Muhammad Bilal Ex-Junior Clerk.....Appellant.**

**VERSUS**

**Inspector General of Police, Khyber Pakhtunkhwa Peshawar &  
others.....Respondents.**

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

Respectfully Sheweth

**Khyber Pakhtunkhwa  
Service Tribunal**

Diary No. 16547

Dated 10-10-24

**Preliminary Objections.**

1. That the appellant has got no cause of action and locus standi to file instant appeal.
2. That the appeal is bad due to misjoinder and nonjoinder of necessary parties.
3. That the appeal is barred by law and & limitation.
4. That the appellant has not come to this Tribunal with clean hands.
5. That the instant appeal is not maintainable in its presents form.
6. That the appellant concealed the material facts from this Hon'ble Tribunal.
7. That the appellant has been estopped by his own conduct to file the appeal.

**REPLY ON FACTS.**

1. Para is correct to the extent of enlistment, however, appellant during service proved himself an efficient and habitual absentee.
2. Para No. 2 pertains to service record, hence need no comments.
3. Appellant while posted at investigation wing Swabi absented himself from duties w.e.f 02.12.2022 to 05.06.2023 and 05.06.2023 to till date of his dismissal without any leave/prior permission of the competent authority. On account of habitual absence and disinterest in official work, appellant was transferred to district Mohmand by the order of respondent No.2 vide order Endst: No. 342-44/ES dated 19.01.2023 but he did not report his arrival and thereby disobeyed the order of senior officer, hence on account of such mis-conduct appellant was placed under suspension vide order No. 1418-20 dated 08.03.2023. (Copies of bad entries, transfer and suspension orders are as annexure "A, B")

4. Para is incorrect being member of discipline forced, he was supposed to apply for medical leave or ultimate competent authority if he was suffering from the alleged illness, but he himself availed self-sanctioned leave and absented himself from lawful duties.
5. Incorrect and misleading. Plea taken by the appellant is totally baseless rather he has looked the story just to give cover his willful absence.
6. Para is incorrect and misleading. Appellant was posted as Pay Officer in the office of SP investigation, who was found unwilling worker habitual absentee and absented himself from lawful duties w.e.f 28.03.2022 to 15.06.2022 without any leave/prior permission of the competent authority. Therefore, on account of such misconduct he was issued charge sheet along with summary of allegations and after proper departmental proceedings appellant was awarded major punishment of reduction to lower post. (**Copies of charge sheet, summary of allegations, and Enquiry report along with order are attached as annexures C,D,E & F** ). It is worth mentioning here that: appellant has not challenged such order before appellate forum and such order got finality.
7. Para is incorrect and misleading. Despite of his reduction from senior clerk to junior clerk on account of his willful absence, he did not mend his way and after few months of his reduction order, he again absented himself from lawful duties w.e.f 02.12.2022 to 05.06.2023 and from 05.06.2023 till his dismissal i.e 18.08.2023. On account of such misconduct, he was proceeded against departmentally, for which he was served with charge sheet/summary of allegations and proper departmental enquiry was conducted in accordance with law/rules during which he was found guilty. After issuance of Final Show Cause Notice, he was dismissed from service being not interested in job through speaking order (**Copy of charge sheet, enquiry report, Final Show Cause Notice and order are attached as annexure "G,H,I & J"**)
8. Incorrect and misleading; on account of absence, he was transferred to district Mohmand and was well-informed regarding his transferred but he did not report to district Mohmand for duty as a result he was suspended by respondent No. 2. Moreover, he took this whimsical plea just to save his skin in terms of his willful absence
9. Incorrect and misleading. Appellant during service proved himself a habitual absentee and unwilling worker, on account of which he was awarded major punishment after fulfillment of all legal and codal formalities through proper departmental enquiry wherein the appellant was full-fledged opportunity of defending himself but he bitterly failed to prove his innocence.

3

10. Incorrect. Plea taken by the appellant is totally bereft any legal footing because the punishment in question were passed, after due course of law/rules regarding the issue in question by fully abiding /adhering to the proceeding devised for the purpose. Moreover, the order 15.06.2022 regarding reduction in rank has attained finality as he has not challenged such order before appellate forum.
11. Incorrect and unfounded, the orders are quite legal and in accordance with law passed by the competent authorities.
12. Incorrect, after proper departmental enquiry appellant was awarded punishment.
13. Incorrect, the appellant is treated in accordance with law/rules and no discrimination whatsoever has been made by the respondents as ill will or grudge is found on the part of respondents.
14. Incorrect, reply given vide para above.
15. Incorrect, appellant has got no cause of action and orders passed by the respondents are quite legal in accordance with law/rules. Hence, his appeal is liable to be dismissed with cost.

**PRAYERS:**

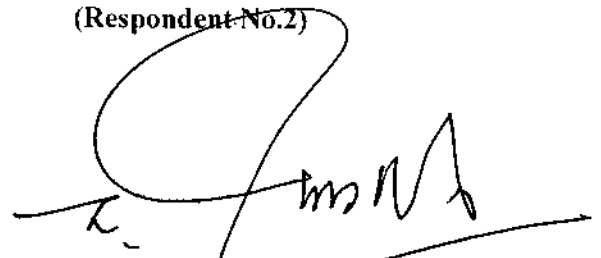
It is, therefore, requested that the instant appeal being devoid of merits may be dismissed with costs.



(HAROON RASHID KHAN)PSP  
District Police Officer, Swabi.  
(Respondent No.3)



(NAJEEB -Ur- REHMAN BAGVI)PSP  
Regional Police Officer, Mardan  
(Respondent No.2)



DIG/Legal, CPO  
For Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar  
(Respondent No. 1  
(DR. MUHAMMAD AKHTAR ABBAS)PSP  
Incumbent

4

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

SERVICE APPEAL No. 749/2024.

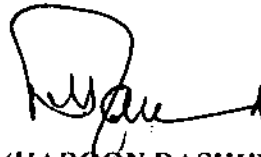
Muhammad Bilal Ex- Junior Clerk.....Appellant.

VERSUS

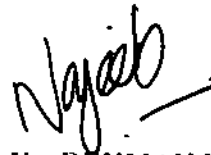
Inspector General of Police, Khyber Pakhtunkhwa Peshawar &  
others.....Respondents.

POWER OF ATTORNY.

We, the respondent No. 1, 2 & 3 do hereby appoint Mr, Akbar Ali Khan DSP/  
investigation Swabi as special representative on our behalf in the above noted Service Appeal.  
He is authorized to represent us before the Tribunal on each and every date fixed and to assist  
the Govt: Pleader attach to Tribunal.



(HAROON RASHID KHAN)PSP  
District Police Officer, Swabi.  
(Respondent No.3)



(NAJEEB -Ur- REHMAN BAGVI)PSP  
Regional Police Officer, Mardan  
(Respondent No.2)



DIG/Legal, CPO  
For Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar  
(Respondent No. 1  
(DR. MUHAMMAD AKHTAR ABBAS)PSP  
Incumbent

5

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

**SERVICE APPEAL No. 749/2024.**

**Muhammad Bilal Ex-Junior Clerk.....Appellant.**

**VERSUS**

**Inspector General of Police, Khyber Pakhtunkhwa Peshawar &  
others.....Respondents.**

**AFFIDAVIT:-**

I the respondent No. 3 do hereby solemnly affirm and declare on oath that the contents of the written reply are correct/true to the best of my knowledge/ belief and nothing has been concealed from the honorable Tribunal. It is further stated on oath that in this appeal, the answering respondents have neither been placed ex-parte nor their defense has been struck off/ cost.



**(HAROON RASHID KHAN)PSP  
District Police Officer, Swabi.  
(Respondent No.3)**

**ATTESTED**

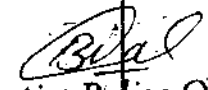
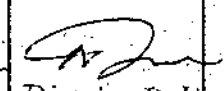
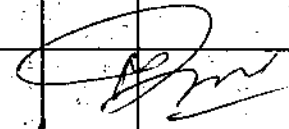


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"A"

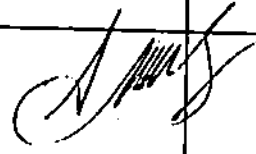


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8	9	10	11	12	13		14	15
					Leave			
Signature of Government	Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination or appointment.	Reason of termination such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting officer.	Nature and duration of leave taken.	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government	Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure or praise of the Government Servant.
					Period	Government to which debitable		
					Type Test			
					Failed the type test held on 12 <sup>5</sup> / <sub>2011</sub> under the supervision of DSP Gadoon.			
		OB No. 544 dt: 18-5-2011			 District Police Officer SWABI			
					Suspend with immediate effect			
		OB No 1379 dt 27/12/2011			in connection with initiation of departmental enquiry vide PPO order Encl T: No. 26652-54/E III, dt 24-12-2011.			
					 District Police Officer SWABI			
					Re-instated in Service and awarded major increment of "Time Scale" in BPs No-7 and pay fixed @ Rs. 5800/pm, vide PPO RPK, Peshawar's order no. 11009-11/E-III dated 30/5/2012, and No. 11195-96/E III dated 1/6/2012.			
		OB No. 696 dated 13/6/2012			Orders attached.			
					ATTESTED  PIO District Police Officer, Swabi.			

"A/1"

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1	2	3	4	5	6	7	8	9	10	11	12	13		14	15	
												Signature of the head of the office or other attesting officer	Leave			
													Nature and duration of leave taken.			Allocation of period of leave on average pay upto four months for which leave salary is debit to another Government
												Period	Government to which debit			
<u>ORDER</u>																
Awarded major punishment of Reduction to a lower post from Senior Clerk to Junior Clerk with immediate effect.																
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p>CB No. 589</p> <p>Mo. No. 6-2023</p> </div> <div style="width: 45%; text-align: right;">             District Police Officer  <b>SWABI</b> </div> </div>																
<u>ORDER:</u>																
Awarded major punishment of Dismissal from Service from the date of absence i.e. 2-12-2022.																
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p>CB No. 962</p> <p>Mo. No. 5-2023</p> </div> <div style="width: 45%; text-align: right;">             District Police Officer  <b>SWABI</b> </div> </div>																
<b>ATTESTED</b>  District Police Officer, Swabi.																



"B/1"

9

ORDER

Junior Clerk Muhammad Bilal of Investigation Office Swabi is hereby transferred and posted to Investigation Office Mohmand with immediate effect and his duties are:-

Regional Police Officer,  
Mardan.

Dated Mardan the 19/01/2023.

Copy for information and necessary action to the:-

District Police Officer, Swabi.

Superintendent of Police Investigation Swabi w/r to his office Memorandum, 24/EC, dated 09.01.2023.

Superintendent of Police Investigation Mohmand.

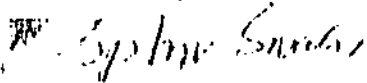
ATTESTED

PIO

District Police Officer, Swabi.

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24-1-2023

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24/1/2023

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**ORDER**

Junior Clerk Muhammad Bilal of Investigation Office Swabi is hereby transferred and posted to Investigation Office Mohmand with immediate effect and till further orders.

-sd-  
Regional Police Officer,  
Mardan.

No. 342-44/ES Dated Mardan the 19/01/2023.

Copies for Information and necessary action to the:-

1. District Police Officer Swabi.
2. Superintendent of Police Investigation Swabi w/r to his office Memo No.24/ES dated 09.01.2023.
3. Superintendent of Police Investigation Mohmand.

"B"

8

ORDER.

Junior Clerk Muhammad Bilal of Investigation Wing, Swabi (transferred to Investigation Wing, Mohmand) is hereby placed under suspension with immediate effect on account of absence. Pay of the said Junior Clerk is hereby stopped forthwith.

*Muhammad*  
Regional Police Officer,  
Mardan.

No. 1418-20/ES, Dated Mardan the 08 / 03 /2023.

Copy forwarded for information and necessary action to the:-

1. ✓ District Police Officer, Swabi with the direction to initiate departmental proceeding against the above named Junior Clerk under Khyber Pakhtunkhwa Efficiency and Disciplinary Rules, 2011 and outcome of proceedings thereof be submitted to this office at the earliest.
2. Superintendent of Police Investigation, Swabi w/r to his office Memo: No. 24/EC dated 09.01.2023.
3. Superintendent of Police Investigation, Mohmand w/r to his office endorsement No. 120/EC dated 28.02.2023.

(\*\*\*\*\*)

**ATTESTED**

PIO *[Signature]*  
District Police Officer, Swabi.

*PA.*  
*For depn. Proceeding.*

*Deoswabi*  
*1073.*



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OFFICE OF THE  
DISTRICT POLICE OFFICER SWABI  
PHONE# 0938-920050 FAX# 0938-920054  
EMAIL: [dpo\\_swabi@yahoo.com](mailto:dpo_swabi@yahoo.com)

CHARGE SHEET UNDER CIVIL SERVANTS (E&D) RULES 2011

Whereas I am satisfied that formal enquiry as contemplated by Civil Servants (E&D) Rules 2011 is necessary and expedient.

And whereas I am of the view that the allegations if established would call for Major/Minor penalty as defined in Rules 4 (b) a & b of the aforesaid Rules.

Now therefore as required by Rules 6(1) of the aforesaid Rules I **Muhammad Shoaib Khan, PSP**, District Police Officer Swabi charge you **Senior Clerk Muhammad Bilal**, on the basis of statement of allegations attached to this charge sheet.

In case your reply is not received within seven days without sufficient cause it will be presumed that you have no defence to offer and exparte action will be taken against you.

**MUHAMMAD SHOAIB KHAN (PSP)**  
DISTRICT POLICE OFFICER, SWABI

**ATTESTED**

PIO

District Police Officer, Swabi

SP Invt. Swabi  
25/4



"D"

(11)

OFFICE OF THE  
DISTRICT POLICE OFFICER SWABI  
PHONE# 0938-920050 FAX# 0938-920054  
EMAIL: [dpo\\_swabi@yahoo.com](mailto:dpo_swabi@yahoo.com)

DISCIPLINARY ACTION UNDER KPK CIVIL SERVANTS (E&D) RULES 2011

I, **Muhammad Shoaib Khan**, District Police Officer, Swabi as competent authority am of the opinion that **Senior Clerk Muhammad Bilal** has rendered himself liable to be proceeded against as he has committed the following acts/omission within the meaning of Civil Servants (E&D) Rules 2011.

STATEMENT OF ALLEGATIONS

It is alleged that Senior Clerk Muhammad Bilal, while posted as Pay Officer in the office of Superintended of Police Investigation Swabi, has been found unwilling worker and habitual absentee, he was absented himself from lawful duty w.e.f 28.03.2022 till date without any leave/prior permission of the competent authority, which is highly against the discipline and amount to gross mis-conduct. Therefore, he was issued with Show Cause Notice. He has been directed time and again to receive his Show Cause Notice but all these directions fell on deaf ears, hence summary of allegations.

This amounts to grave misconduct on his part, warranting departmental action against him.

For the purpose of scrutinizing the conduct of the said official Mr. Iftikhar Ali SDPO Lahor is hereby deputed to conduct proper departmental enquiry against the aforesaid official, as contained in section 6 (I) (a) of the afore mentioned rules. The enquiry officer after completing all proceedings shall submit his verdict to this office within (7) days, SC Muhammad Bilal is directed to appear before the enquiry officer on the date, time and place fixed by the later (enquiry officer). A statement of charge sheet is attached herewith.


**MUHAMMAD SHOAIB KHAN (PSP)**  
DISTRICT POLICE OFFICER  
SWABI

No. 32 /CC/PA

Dated: 15/04 /2022

**ATTESTED**

PIO   
District Police Officer, Swabi.

  
SP Invt. Swabi  
25/4

E<sup>n</sup> (12)

Dated 30/05/2022

DEPARTMENTAL ENQUIRY OF SENIOR CLERK MUHAMMAD BILAL PAY OFFICER INVESTIGATION WING SWABI.

Reference attached:-

Allegations:-

It is alleged that Senior Clerk Muhammad Bilal, while posted as Pay Officer in the office of Superintendent of Police Investigation Swabi, has been found unwilling worker and habitual absentee, he was absented himself from lawful duty w.e.f 28.03.2022 till date without any leave/prior permission of the competent authority, which is highly against the discipline and amount to gross mis conduct.

Hence, the Worthy District Police Officer, Swabi as a competent authority served him Charge Sheet and summary of allegations and the enquiry was entrusted to the undersigned to scrutinize the conduct of the said delinquent official.

Proceedings:-

To unearth the real facts the undersigned summoned to the delinquent Senior Clerk Muhammad Bilal vide letter No.261/L dated 18.04.2022 and No.303/L dated 12.05.2022 (letters attached).

On 13.05.2022 the delinquent Pay Officer Muhammad Bilal appear before the undersigned and disclosed that he did not absent for his lawful duty deliberately but due to illness he was absented. In this connection the undersigned directed him to produce medical documents and record his statement regarding his illness and to prove his innocence. After some time he went into hiding from the office of undersigned and did not recorded his statement. A few days later, he handed over medical documents to another unknown person which are attached herewith but failed to submit his statement. After this, the delinquent pay officer (Muhammad Bilal) was contacted several times through his Cell no.0300-1761777, 0301-9755000 but unfortunately his Cell numbers were found switched-off which is clearly shows that he has not solid evidence/proof regarding his innocence.

Keeping in view the above, the undersigned reckons that the delinquent Pay officer Muhammad Bilal was absented himself from lawful duty w.e.f 28.03.2022 till date. His total absent period is 62 days continuously. He is found guilty.

Hence, it is recommended that a lenient view may please be taken and he may be awarded with a suitable punishment if agreed.

ATTESTED

PIO

District Police Officer, Swabi.

Sub-Divisional Police Officer,  
Lahor.

SP. Investigation Swabi.

"F"

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**ORDER**

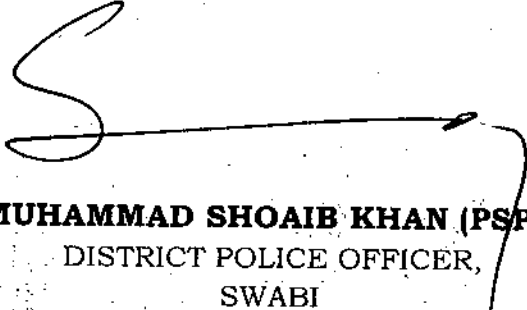
This Order will dispose of the departmental enquiry against **Senior Clerk Muhammad Bilal**, who while posted as Pay Officer in the office of Superintendent of Police, Investigation, Swabi, has been found unwilling worker and habitual absentee. He absented himself from duty w.e.f 28.03.2022 to 15.6.2022 without any leave/prior permission of the competent authority. Therefore, he was issued with charge sheet alongwith summary of allegations and SDPO Lahor was appointed as Enquiry Officer. The enquiry officer conducted proper departmental enquiry, recorded statements of all concerned, collected evidence and submitted his findings, wherein he recommended the defaulter Senior Clerk Muhammad Bilal for suitable punishment.

The undersigned has gone through the enquiry papers and findings of the enquiry officer and by agreeing with the recommendations of the enquiry officer issued Final Show Cause Notice to the defaulter. The defaulter Senior Clerk Muhammad Bilal submitted his reply to the Final Show Cause Notice, which was perused and he was heard in Orderly Room but his reply was found un-satisfactory.

Therefore, I, **Muhammad Shoaib Khan, PSP**, District Police Officer, Swabi, in exercise of the powers vested in me under Khyber Pakhtunkhwa Civil Servants (E&D) Rules 2011, hereby award **Senior Clerk Muhammad Bilal**, Major Punishment of Reduction to a lower post from Senior Clerk to Junior Clerk with immediate effect. The pay for the period of his absence is hereby deducted from his salary.

O.B No. 588

Dated 15/06/2022.

  
**MUHAMMAD SHOAIB KHAN (PSP)**  
DISTRICT POLICE OFFICER,  
SWABI

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

No. 3586-92/PA, dated Swabi, the 16/06/2022.

Copies to the: -

1. Regional Police Officer Mardan.
2. SP Investigation Swabi.
3. Establishment Clerk.
4. Pay Officer, Swabi
5. Official concerned.

**ATTESTED**

  
PIC  
District Police Officer, Swabi.

Copy for information and necessary action to the:-

District Police Officer, Swabi.

Superintendent of Police Investigation Swabi w/r to his office Memo  
24/EC, dated 09/01/2023.

Superintendent of Police Investigation Mohmand.

162  
24-1-2023

24/1/2023





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OFFICE OF THE  
DISTRICT POLICE OFFICER SWABI  
PHONE# 0938-920050 FAX# 0938-920054  
EMAIL: [dpo\\_swabi@yahoo.com](mailto:dpo_swabi@yahoo.com)

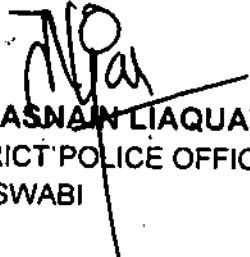
**CHARGE SHEET UNDER CIVIL SERVANTS (E&D) RULES 2011**

Whereas I am satisfied that formal enquiry as contemplated by Civil Servants (E&D) Rules 2011 is necessary and expedient.

And whereas I am of the view that the allegations if established would call for Major/Minor penalty as defined in Rules 4 (b) a & b of the aforesaid Rules.

Now therefore as required by Rules 6(1) of the aforesaid Rules I Najmul Hasnain Liaquat, PSP, District Police Officer Swabi charge you Junior Clerk Muhammad Bilal, on the basis of statement of allegations attached to this charge sheet.

In case your reply is not received within seven days without sufficient cause it will be presumed that you have no defence to offer and ex parte action will be taken against you.

  
NAJMUL HASNAIN LIAQUAT (PSP)  
DISTRICT POLICE OFFICER,  
SWABI

ATTESTED

PIO   
District Police Officer, Swabi.



G/1 (15)

OFFICE OF THE  
DISTRICT POLICE OFFICER SWABI  
PHONE# 0938-920050 FAX# 0938-920054  
EMAIL: [dpo\\_swabi@yahoo.com](mailto:dpo_swabi@yahoo.com)

**SUMMARY OF ALLEGATIONS**

I, Najmul Hasnain Liaquat, District Police Officer, Swabi as competent authority am of the opinion that Junior Clerk Muhammad Bilal has rendered himself liable to be proceeded against as he has committed the following acts/omission within the meaning of Civil Servants (E&D) Rules 2011.

1. He while posted at investigation wing Swabi absented himself from duty w.e.f. 02.12.2022 till date without any leave/prior permission of competent authority. He also switched off his cell phone so that he cannot be contacted. He is habitual absentee and does not take interest in his official duties. He has been transferred to District Mohmand by Regional Police Officer Mardan vide his office Endst: No.342-44/ES dated 19.01.2023, but he did not report.
2. Above commission/omission falls under the purview of mis-conduct and is punishable under Rules Civil Servants (E&D) Rules 2011.

For the purpose of scrutinizing the conduct of the said official Mr. Nazir ul Amin DSP HQs is hereby deputed to conduct proper departmental enquiry against the aforesaid official, as contained in section 6 (I) (a) of the afore mentioned rules. The enquiry officer after completing all proceedings shall submit his verdict to this office within (7) days, Junior Clerk Muhammad Bilal is directed to appear before the enquiry officer on the date, time and place fixed by the later (enquiry officer). A statement of charge sheet is attached herewith.

  
NAJMUL HASNAIN LIAQUAT (PSP)  
DISTRICT POLICE OFFICER  
SWABI

No. 30 /CC/PA

ATTESTED

Dated: 15/03 /2023

  
PIO

District Police Officer, Swabi.

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**OFFICE OF THE DEPUTY SUPERINTENDENT OF POLICE,**  
**HEADQUARTER, SWABI.**

Phone No. 0938-280279, E-Mail: dsphqswabi@gmail.com

To: The District Police Officer,  
Swabi.

No: 367 /H.Qrs: Swabi dated, 14 / 06 / 2023.

Subject: - **DEPARTMENTAL ENQUIRY AGAINST JUNIOR CLERK**  
**MUHAMAD BILAL**

**Memo:**

Kindly refer to your office Endorsement No. 30/CC/PA dated 15.03.2023 on the subject cited above.

**SUMMARY OF ALLEGATION:-**

It is alleged that Junior Clerk Mummad Junaid has rendered himself liable to be proceeded against as he has committed the following acts/omission within the meaning of section 02 (iii) of KPK Police Rules-1975

1. It is alleged that Junior Clerk Muhammad Bilal while posted to Investigation Wing Swabi absented himself from duty w.e.f 02.12.2022 till date without any leave/prior permission of competent authority. He also switched off his cell phone so that he cannot be contacted. He is habitual absentee and does not take interest in his official duties. He has been transferred to District Mohmand by Regional Police Officer Mardan vide his office Endst: No.342-44/ES dated 19.01.2023, but he did not report.
2. Above commission/omission falls under the purview of mis-conduct and is punishable under Rules Civil Servants (E&D) Rules 2011.

**PROCEEDINGS**

The undersigned perused the relevant enquiry file and summoned the delinquent officer for personal hearing and recording his statement.

**STATEMENT OF JUNIOR CLERK MUHAMMAD JUNAID**

He briefly sated that he was on duty at Investigation wing Swabi that suddenly one day he felt ill and went to Peshawar Institute of Cardiology, for he had heart problems. The Doctor after inspection advised him bed rest. He during his ailment also developed mental strain. He denied having performed any laxity during duty. He further expressed to provide the required medical documents soon. He prayed for exoneration. (Enclosed)

**ATTESTED**

PIO   
District Police Officer, Swabi.

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#/1

(17)

**CROSS EXAMINATION:-**

He was cross examined in order to verify his statement as to whether he has anything to conceal. The cross examination did not satisfied the undersigned. (Enclosed)

**FINDINGS:-**

After the perusal of enquiry papers, relevant record at hand, and careful deliberations the undersigned reached to the conclusion that:-

1. The fact that the alleged officer total period of absence is about 185 days (w.e.f 02.12.2022 to 05.06.2023).
2. The fact that the alleged officer failed to provide any good reason for his absence.
3. He failed to provide any Medical Documents to this office as asserted in his statement.

**RECOMMENDATIONS:-**

Forgoing in view, the undersigned is of the considerate opinion that the Junior Clerk Muhammad Bilal is guilty as charged. Ergo, he is recommended for "Suitable Punishment" if agreed, please.

(Muhammad Iqbal Khan)

Deputy Superintendent of Police,  
H.Qrs, Swabi.

ATTESTED

PIO

do u

District Police Officer, Swabi

PIO

*[Signature]*

ATTESTED

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**FINAL SHOW CAUSE NOTICE**

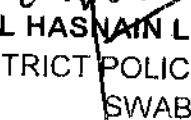
**Naïmul Hasnain Liaquat, District Police Officer, Swabi** as competent authority under Civil Servants (E&D) Rules 2011, hereby serves upon you, **Junior Clerk Muhammad Bilal** as follow:

1. While posted at investigation wing Swabi, you absented yourself from duty w.e.f. 02.12.2022 to 05.06.2023 without any leave/prior permission of competent authority. You also switched off your cell phone so that you cannot be contacted. You are habitual absentee and do not take interest in your official duties. You have been transferred to District Mohmand by Regional Police Officer Mardan vide his office Endst: No. 342-44/ES dated 19.01.2023, but you did not report.
2. The above commission/omission falls under the purview of mis-conduct and is punishable under Civil Servants (E&D) Rules 2011.

In this connection you were charge sheeted and served with summary of allegations and DSP HQrs Swabi was appointed to conduct proper departmental enquiry. The enquiry officer held enquiry, collected evidence, recorded statements of all concerned and submitted his findings, wherein he recommended you Junior Clerk Muhammad Bilal, for Suitable Punishment.

You are hereby directed to show cause of your irresponsible acts towards performing your professional responsibilities within 07 days, as to why you should not be punished in light of under Civil Servants (E&D) Rules 2011.

In case of none submission of your reply within 07 days of its delivery in the normal course of circumstances, it shall be presumed that you have nothing to offer in defence and ex-parte action shall be taken against you.

  
NAJMUL HASNAIN LIAQUAT (PSP)  
DISTRICT POLICE OFFICER  
SWABI

**ATTESTED**

  
PIO  
District Police Officer, Swabi.

District Police Officer, Swabi.

PIO.

ATTESTED

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OFFICE OF THE  
DISTRICT POLICE OFFICER, SWABI  
PHONE# 0938-920050 FAX# 0938-920054  
EMAIL: [dpo\\_swabi@yahoo.com](mailto:dpo_swabi@yahoo.com)

No. 4429-33/PA,

Dated. 18/08/2023

**ORDER**

This order is aimed to dispose-off the departmental proceedings conducted against **Junior Clerk Muhammad Bilal** of this district, under the Khyber Pakhtunkhwa, Civil Servants (E&D) Rules 2011, vide this office No.30/CC/PA dated 15.03.2023 on the following allegations:

While posted at investigation wing Swabi, he absented himself from duty w.e.f. 02.12.2022 05.06.2023 and 05.06.2023 till date without any leave/prior permission of competent authority. He also switched off his cell phone so that he cannot be contacted. He is habitual absentee and does not take interest in his official duties. He has been transferred to district Mohmand by Regional Police Officer Mardan vide his office Endst: No. 342-44/ES dated 19.01.2023, but he did not report. Therefore, Regional Police Officer, Mardan placed him under suspension and directed the undersigned to initiate departmental proceedings against him vide his office endst: No.1412-20/ES, dated 08.03.2023.

He was issued charge sheet on the said allegations and enquiry proceedings were entrusted to **DSP HQrs Swabi** under Police Rules-1975 ammended-2014. The Enquiry Officer conducted departmental enquiry, collected evidence, recorded statements of all concerned and submitted his finding wherein he found Junior Clerk Muhammad Bilal guilty for the mis-conduct and recommended him for suitable punishment. The undersigned thoroughly perused the findings of the Enquiry Officer. Therefore, he was served with Final Show Cause Notice at his home address through DPO Mardan on 14.07.2023. 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 21.07.2023 but even after a month, 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 Junior Clerk, the undersigned came to the conclusion that the charges leveled against him have been proved beyond the shadow of doubt.

**ATTESTED**

PIO   
District Police Officer, Swabi.



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In view of situation painted above, in exercise of powers vested upon undersigned, I, Najmul Hasnain Liaquat, PSP District Police Officer Swabi hereby, award Junior Clerk Muhammad Bilal Major Punishment of "Dismissal from Service" from the date of absence i.e. 02.12.2022.

**Order Announced**

OB No. 962

Dated: 18/08/2023

  
NAJMUL HASNAIN LIAQUAT, (PSP)  
DISTRICT POLICE OFFICER  
SWABI

**OFFICE OF THE DISTRICT POLICE OFFICER, SWABI.**

Copies to the: -

1. Regional Police Officer, Mardan w/r to his office endst. No.1418-20/ES, dated 08.03.2023.
2. Superintendent of Police, Investigation, Swabi.
3. Pay Officer
4. Establishment Clerk
5. I/C PAL

**ATTESTED**

PIO   
District Police Officer, Swabi.