

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

**Service Appeal No. 733/2024**

*C P*

Mubarak Zeb Ex Constable No. 1892 Police Lines Mardan.....Appellant

**VERSUS**

The District Police Officer, Mardan and others

.....Respondents

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*14-10-24*

  
**DSP Legal  
Mardan**

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

**Service Appeal No. 733/2024**

Mubarak Zeb Ex Constable No. 1892 Police Lines Mardan.....Appellant

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The District Police Officer, Mardan and others

.....Respondents

**PARA-WISE COMMENTS ON BEHALF OF RESPONDENTS:-**

Respectfully Sheweth,

**\* PRELIMINARY OBJECTIONS**

1. That the appellant has not approached this Hon'ble Tribunal with clean hands.
2. That the appellant has concealed the actual facts from this Hon'ble Tribunal.
3. That the appellant has got no cause of action or locus standi to file the instant appeal.
4. That the appellant is estopped by his own conduct to file the instant Service Appeal.
5. That the appeal is unjustifiable, baseless, false, flawless and vexatious and the same is liable to be dismissed with special compensatory cost in favour of respondents.
6. That the Hon'ble Tribunal has no jurisdiction to adjudicate the matter.
7. That the appeal is bad for miss-joinder and non-joinder of necessary parties.

**REPLY ON FACTS**

1. Para to the extent of enlistment in Police Department as Constable pertains to record needs no comments, while rest of para is incorrect, because every Police Officer is under obligation to perform his duty upto the entire satisfaction of his superiors. However, appellant during service proved himself an inefficient Police Official as from the perusal of his service record he is habitual absentee. Previously he had been awarded major punishment of dismissal from service vide order book No. 887 dated 23.04.2019 on account of absent, but later on reinstated by the appellate authority through order No. 8815/ES dated 18.06.2019. Despite of dismissal on account of absence he did not mend his way and again absented himself from lawful duties. Moreover, the perusal of service record of the appellant revealed that due to his lethargic attitude his entire service record is tainted with bad entries (**Copies previous dismissal, reinstatement order and list of bad entries is attached as Annexure A & B**).
2. Incorrect. Plea taken by the appellant is not plausible, because being a member of disciplined force he was supposed to inform his seniors about his father's illness/loan or submit application for leave but he availed self sanctioned leave and remained absent from duty without any

**Khyber Pakhtunkhwa  
Service Tribunal**

Diary No. 16611

Dated 11-10-2024

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leave/permission of the competent authority vide DD No. 41 dated 20.05.2023 till the date of dismissal. Such attitude of the appellant clearly showed that he was no more interested in Police Department, which amount to gross misconduct under the Police Rules, 1975.

3. Incorrect. Stance taken by the appellant is not plausible because he while posted at Police Lines Mardan, remained absent from duty without any leave/permission of the competent authority vide DD No.41 dated 20.05.2023 till date of dismissal. On account of aforementioned misconduct, the appellant was issued charge sheet alongwith statement of allegations and proper departmental enquiry was entrusted to Mr. Saadat Ali DSP/Traffic Mardan vide No. 162/PA dated 14.06.2023. During the course of enquiry the appellant was contacted time and again to appear before the enquiry officer but neither he appeared before the enquiry officer nor submitted his reply which shows his disinterest in his job. However, after fulfillment of all legal and codal formalities, the Enquiry Officer recommended the appellant for awarding major punishment vide his office letter No. 155/ST/Traffic dated 24.07.2023. Consequent upon receipt of recommendation of Enquiry Officer, the appellant was issued Final Show Cause Notice vide No. 7504/PA dated 03.08.2023 he was bound to submit his reply within stipulated time but he failed, nor he assumed duty. Hence, he was awarded major punishment of dismissal from service, which commensurate with the gravity of misconduct of the appellant **(Copies of Charge sheet with statement of allegations, enquiry papers, Final Show Cause Notice and dismissal order are attached as annexure-C, D, E & F)**.
4. Correct to the extent that the appellant preferred departmental appeal before the appellate authority which was filed, being bereft of any substance. As the appellant was provided full-fledged opportunity of defending himself but he bitterly failed to produce any cogent proofs/reasons to justify his innocence. Hence, after perusal of entire material available on record coupled with enquiry report as well as the order of punishment, the departmental appeal was rejected and filed being devoid of merit as well as time barred for 22 days **(Copy of orders is attached as annexure-"G")**.
5. That the appeal of the appellant is liable to be dismissed on the following grounds amongst the others.

**REPLY ON GROUNDS:**

- A. Incorrect. The order passed by the competent as well as appellate authorities are legal as per law, facts according to norms of natural justice and material available on record, hence liable to be maintained, because all legal & codal formalities have been fulfilled.

B. Incorrect. Stance taken by the appellant is not plausible because he while posted at Police Lines Mardan, remained absent from duty without any leave/permission of the competent authority vide DD No.41 dated 20.05.2023 till date of dismissal. On account of aforementioned misconduct, the appellant was issued charge sheet alongwith statement of allegations and proper departmental enquiry was entrusted to Mr. Saadat Ali DSP/Traffic Mardan vide No. 162/PA dated 14.06.2023. During the course of enquiry the appellant was contacted time and again to appear before the enquiry officer but neither he appeared before the enquiry officer nor submitted his reply which shows his disinterest in his job. However, after fulfillment of all legal and codal formalities, the Enquiry Officer recommended the appellant for awarding major punishment vide his office letter No. 155/ST/Traffic dated 24.07.2023. Consequent upon receipt of recommendation of Enquiry Officer, the appellant was issued Final Show Cause Notice vide No. 7504/PA dated 03.08.2023 he was bound to submit his reply within stipulated time but he failed, nor he assumed duty. Hence, he was awarded major punishment of dismissal from service, which commensurate with the gravity of misconduct of the appellant.

It is added that the appellant preferred departmental appeal in this connection he was summoned and heard in person in orderly room on 22.02.2024 by providing full-fledged opportunity of hearing to the appellant to produce evidence/grounds in his defense, but he failed to prove himself innocent.

- C. Incorrect. Stance taken by the appellant is not plausible because he was issued Charge Sheet with Statement of allegations vide No. 162/PA dated 14.06.2023 on account of his long absence, on 20.06.2023 the same was duly received by the appellant and signed the same photo copy of same is attached as token of its receipt **(Photo Copy of receipt of served charge sheet is attached as annexure-H)**.
- D. Incorrect. Stance taken by the appellant is ill based, because he was issued Final Show Cause Notice vide No. 7504/PA dated 03.08.2023 to which he was bound to submit his reply within stipulated time but he failed, which shows his disinterest in official duties.
- E. Incorrect. Plea taken by the appellant is not plausible, because being a member of disciplined force he was supposed to inform his seniors about his father's illness/loan or submit application for leave but he failed to do so and availed self sanctioned leave and remained absent from duty without any leave/permission of the competent authority vide DD No. 41 dated 20.05.2023 till the date of dismissal, this attitude of the appellant

clearly showed that he was no more interested in Police Department, which is gross misconduct on the part of appellant.

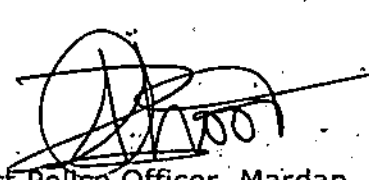
F. Incorrect, the appellant has been treated in accordance with law, rules and the respondents have not violated any law and rules, hence, the orders of respondents are liable to be maintained.

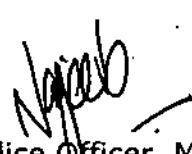
G. Incorrect. Plea taken by the appellant is not plausible, because the respondent have no grudges against the appellant, rather he has been treated in accordance with law.

H. The respondents also seek permission of this honorable tribunal to adduce additional grounds at the time of arguments.

**PRAYER:-**

It is therefore, most humbly prayed that on acceptance of above submissions, appeal of the appellant may very kindly be dismissed being devoid of merits.

  
District Police Officer, Mardan.  
(Respondent No. 2)  
( **ZAHOOB BABAR** )<sup>PSP</sup>  
Incumbent

  
Regional Police Officer, Mardan.  
(Respondent No. 1)  
( **NAJEEB-UR-REHMAN BUGVI** )<sup>PSP</sup>  
Incumbent

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

**Service Appeal No. 733/2024**

Mubarak Zeb Ex Constable No. 1892 Police Lines Mardan.....Appellant

**VERSUS**

The District Police Officer, Mardan and others

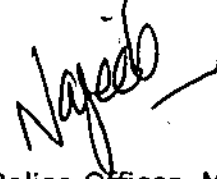
.....Respondents

**COUNTER AFFIDAVIT.**

We, the respondents do hereby declare and solemnly affirm on oath that the contents of the Para-wise comments in the service appeal cited as subject are true and correct to the best of our knowledge and belief and nothing has been concealed from this 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.



District Police Officer, Mardan.  
(Respondent No. 2)  
**( ZAHOOR BABAR )<sup>PSP</sup>**  
Incumbent



Regional Police Officer, Mardan.  
(Respondent No. 1)  
**( NAJEEB-UR-REHMAN BUGVI )<sup>PSP</sup>**  
Incumbent



11 OCT 2024



(7) Annexure 'A'

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

Tel No. 0937-9230109 & Fax No. 0937-9230111  
Email: [dpo\\_mardan@yahoo.com](mailto:dpo_mardan@yahoo.com)



No. 2616-21 /PA

Dated 24/4/2019

**ORDER ON ENQUIRY OF CONSTABLE MUBARIK ZEB NO.1892**

This order will dispose-off a Departmental Enquiry under Police Rules 1975, initiated against Constable Mubarik Zeb No. 1892 of this District Police, now on deputation at PTS Mansehra, Proceeded against departmentally through Mr. Shakil Ahmad DSP/HQrs Mardan vide this Office Statement of Disciplinary Action/Charge Sheet No.48/PA dated 08-02-2019 on account of repatriation to Mardan District Police vide CPO Peshawar order/endorsement No. 8675-76/E-IV dated 15.10.2018, but as Principal PTS Mansehra vide letter No. 1249 dated 04.12.2018, in pursuance of this office letter No. 8430/OSI dated 14.11.2018, the alleged Constable remained absent from duty with effect from 06.09.2018 till-date, who (E.O) after fulfilling necessary process, submitted his Finding Report to this Office vide his Office letter No.160/HQrs dated 28-02-2019, holding responsible the alleged official of gross misconduct on account of non-submitting his reply in compliance of Statement of Disciplinary Action/Charge Sheet, nor appearance before E.O despite of given information till finalization of his departmental enquiry and recommended for ex-parte action (Major Punishment).

In this connection, the alleged official was served with a Final Show Cause Notice on 09-03-2019 through his father Sabz Ali, issued vide this office No.70/PA dated 06-03-2019, to which, his reply was due to reach this office within (07) days on its receipt i.e. up-to 16-03-2019, but he again failed to comply with till date.

**Final Order**

The above mentioned facts manifest that Constable Mubarik Zeb is an un-willing/uninteresting official towards Police Service & has nothing to offer in his defense. therefore, an ex-parte action is taken against him by dismissing from Police Force with effect from 06-09-2018 (absence's date) with immediate effect, in exercise of the power vested in me under Police Rules 1975.

OB No. BB7  
Dated 23/4 2019.

(Sajjad Khan) PSP  
District Police Officer  
Mardan

Copy forwarded for information & n/action to:-

- 1) The Inspector General of Police K.P Peshawar, please.
- 2) The Regional Police Officer Mardan, please.
- 3) The Director Police Training School, Mansehra.
- 4) The DSP/HQrs: Mardan
- 5) The PO + EC (Police Office) Mardan.
- 6) The OSI (Police Office) Mardan with ( ) Sheets.

**DSP Legal  
Mardan**

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(1)

**ORDER.**

This order will dispose-off the departmental appeal preferred by **Ex-Constable Mubarak Zaib No. 1892** of Mardan District Police against the order of District Police Officer, Mardan, wherein he was awarded Major Punishment of Dismissal from Service by the District Police Officer, Mardan vide his office OB: No. 887 dated 23.04.2019.

Brief facts of the case are that the appellant while on deputation to PTS Mansehra from Mardan District, Proceeded against departmentally through Mr. Shakil Ahmad DSP/HQrs Mardan on account of repatriation to Mardan District Police vide CPO Peshawar order/endorsement No. 8675-76/E-IV dated 15.10.2018, but as Principal PTS Mansehra vide letter No. 1249 dated 04.12.2018, in pursuance of District Police Officer, Mardan office letter No. 8430/OSI dated 14.11.2018, the alleged Constable remained absent from duty with effect from 06.09.2018 till-date of his dismissal. The Enquiry Officer after fulfilling necessary process, submitted his Finding Report, holding responsible the alleged official of gross misconduct on account of non-submitting his reply in compliance of Statement of Disciplinary Action/Charge Sheet and non appearance before the Enquiry Officer despite several notices till finalization of his departmental enquiry and recommended him for ex-parte action (Major Punishment).

In this connection, the alleged official was served with a Final Show Cause Notice on 09-03-2019 through his father Sabz Ali. His reply was due to reach within (07) days on its receipt i.e. up-to 16-03-2019, but he again failed to comply with till date.

The above mentioned facts manifest that the alleged Constable is an un-willing/uninteresting official towards Police Service & has nothing to offer in his defense, therefore, an ex-parte action was taken against him by dismissing from Police Force with effect from 06-09-2018.

He was called in orderly room held in this office on 13.06.2019 and heard in person. Punishment being too harsh is set-aside and the appellant is re-instated into service and awarded Minor Punishment of Forfeiture of two years approved service. Period of absence is treated as leave without pay.

ORDER ANNOUNCED.

**DSP Legal  
Mardan**

**(MUHAMMAD ALI KHAN) PSP**  
Regional Police Officer,  
Mardan.

No. 8815 /ES,

Dated Mardan the

18/06/2019.

Copy to District Police Officer, Mardan for information and necessary action w/r to his office Memo: No. 260/LB dated 29.05.2019. The Service Record is returned herewith.

Superintendent  
No. 5813  
21.06.19

DSP/legel  
EC, PO, OSI  
OB.

Ex n lactam

DPD/Mardan  
19-6-19

OB 1311  
18-6-19  
Nannur



DSP Legal  
Mardan



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2.2.2

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14. COMMUNICATIONS

Annexure B

Serial No.

Serial No.

CHARACTER ROLL OF

CHARACTER ROLL OF

15.6.19

1311

Alford

Vida

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CRD

District Police Officer  
Mardan

C.B.N. 6.1311  
07/18.6.19.

Veria  
07/18/19

14650/19

granted vide OBNc 887 dt. 23-4-2019 is to  
be punished of dismissal from service  
of the nature of the govt. approval device the period  
of absence is treated as leave without pay  
with 1/3 Mardan order no 8815/ES  
dated - 18-6-19 and pay fixed Rs. 15870/19

C.R.D.R

C.B.N. 6.1311  
23-4-19

CRDR is taken against  
Ex part action is taken against  
number by discharging from service  
of the nature of the govt. approval device

9

DSP Legal  
Mardan

*[Handwritten signature]*

9/24/2021

805

DDO/Mardan

Added minor punishment  
with counting his  
is 33 days as  
of

*[Faded and mostly illegible text, possibly a list or table]*

Pay in  
10/20

was heard in person in CR  
-2019-2020

10

COMMENTARY BY - CMAA

Serial No.

HARAC ROLL OF

0-12  
CR No.  
S. J. J.

0-12  
CR No.

0-12

Per

fu

v

0-12

0-12

0-12

0-12

0-12

16. CENSURES AND PUNISHMENTS.

For Shri Prakash Chandra (2) Two days suspension  
ward for his bed turnover during

General Provide DP Mardan

CR No - 4474 DP Mardan

24-11-10 3

Wanted to be careful in  
future and his absence's  
period of six days counted

in effect - DP Mardan

DB No: 125  
31-5-013

5 days extra should be Absence

CR No - 2700  
2-12-15

DP Mardan

**DSP Legal Mardan**

He is hereby Absence under suspension with on account of  
absence from duty without any leave/permission of the competent  
authority vide DP No dated 20.05.2023 to till date.

CR No - 1079  
Dated 06-06-2023

DP Mardan

DSP Legal  
Mardan

DSP/Mardan  
S J

OB

At 1-3-2024

has office order Enforcement No. 4806/EJ  
for 22 days ~~of~~ RPO Mardan while  
absent of duty as well as that he is  
not to be reported & fined during  
order

OB No. 1063  
At 25-4-2022

DPO Mardan

ORDER  
Awarded him 35 days absence's period  
counting his earned leave duration  
on basis of his positive  
David and his pay- (fine)

OB No. 182  
Dt. 28/11/2020

DPO/Mardan

ORDER  
Wanted to be carried in  
future and 08 days absence's period  
as c/leave

ORDER

Awarded him major Punishment of Dismissal from service with effect from 20.05.2023, in exercise of the power vested in me under Police Rules - 1975.

*[Signature]*

District Police Officer Mardan

Order 2260 Dated 14-11-2023

Order:

The competent authority has examined & filed the revision petition submitted by Ex-FC Mardan No 1892 of this district against the punishment of dismissal from service ~~awarded~~ by district Police Officer Mardan vide no 08-2260 dt 14.11.23. Being finding time barred vide no. M. 1328 dt 24-5-24.

*[Signature]*  
DPO Mardan

DSP Legal Mardan

*[Signature]*

Sp. J. at  
L-13  
V.O. 18.8.96  
D. No. 170207/  
J. No. 232 M. 17/5/23

*[Signature]*  
17/5

**16. LEAVE, ABSENCE AND BREAKS IN SERVICE.**  
 All Periods not counting as "approved service" to be entered in red ink.

14

1. Date		2. Extent			3. No. Of District Order	4. Description of leave i.e privilege hospital, sick leave or of absence, or forfeiture of approved service.
From	To	Years	Months	Days		
				(2)	1432 2-24-60	Leave w/o pay DPO/MR
				(2)	1265 27-5-60	do DPO/MR
				(24)	2741 21-7-60	do DPO/MR
				(16)	3543 11-2-60	do DPO/MR
				(10)	1855 7-5-61	do DPO/MR
				(1)	2573 19-9-62	do DPO/MR
				(91)	3436 31-12-62	El leave on full pay
				(2)	51 2-1-63	Leave w/o pay DPO/MR
				(6)	1202 31-5-63	Leave DPO/MR
				(5)	1561 7-7-64	Leave w/o pay DPO/MR
9/16	to 11/16			(222)	383 13-2-67	Leave w/o pay DPO/MR
				(15)	525 06-3-2023	El leave - DPO Mardan



Ammeable C 15  
OFFICE OF THE  
DISTRICT POLICE OFFICER,  
MARDAN

Tel No. 0937-9230109 & Fax No. 0937-9230111  
Email: [dpomdn@gmail.com](mailto:dpomdn@gmail.com)

2023

No. 162 /PA

Dated 14/16/2023

DISCIPLINARY ACTION

I, NAJEEB-UR-REHMAN BUGVI (PSP), District Police Officer Mardan, as competent authority am of the opinion that Constable Mubarak Zeb No.1892, 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 Mubarak Zeb No.1892, while posted at Police Lines Mardan (now under suspension Police Lines Mardan), remained absent from duty without any leave/permission of the competent authority vide DD No.41 dated 20-05-2023 till-date.

For the purpose of scrutinizing the conduct of the said accused official with reference to the above allegations, Mr. Saadat Ali DSP/Traffic 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 Mubarak Zeb 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.

  
DSP Legal  
Mardan





16

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


Tel No. 0937-9230109 & Fax No. 0937-9230111  
Email: [dpomdn@gmail.com](mailto:dpomdn@gmail.com)

2023

**CHARGE SHEET**

I, NAJEEB-UR-REHMAN BUGVI (PSP), District Police Officer Mardan, as competent authority, hereby charge Constable Muharak Zeb No.1892, while posted at Police Lines Mardan (now under suspension Police Lines Mardan), as per attached Statement of Allegations.

1. 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.
2. 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.
3. 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.
4. Intimate whether you desired to be heard in person.

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

  
**DSP Legal  
Mardan**

DSP Legal  
Mardan

26  
86-90-98

030-9496959

مردان

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مردان

مردان

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□



از دفتر ٹریفی سپرنٹنڈنٹ آف پولیس

ٹریفک مردان

فون نمبر: 9230346-0937

Email: [traffickmardan@gmail.com](mailto:traffickmardan@gmail.com)

2023

سورخ: 24 / 07 / 2023

نمبر: 155 / ایس ٹی / ٹریفک

بجانب: محترم جناب ڈسٹرکٹ پولیس آفیسر

مردان

عنوان: محکمہ کاروائی بر خلاف کانسٹیبل مبارک زیب 1892

بجوالہ چھٹی انگریزی نمبری PA/162 مورخہ 14.06.2023 بعنوان مندرجہ بالا معروض خدمت ہوں۔ کانسٹیبل مبارک زیب 1892 جو کہ پولیس لائن میں تعینات تھا بغیر کسی پیشگی اجازت مجاز آفسر کے اپنی ڈیوٹی سے غیر حاضر رہا۔ جسکی غیر حاضری کی رپورٹ مد 41 روزنامچہ 20.05.2023 میں درج کی جا چکی ہے۔ متذکرہ بالا کانسٹیبل تاحال غیر حاضر ہے جسکی بنا پر اس کے خلاف محکمہ کاروائی کا آغاز کیا گیا ہے۔ اور زیر دستخطی کو مذکورہ کانسٹیبل کا انکوائری آفیسر مقرر کیا گیا ہے۔

اس ضمن میں کانسٹیبل مبارک زیب 1892 کو دفتر زیر دستخطی طلب کیا اور چارج شیٹ باقاعدہ طور مورخہ 20.06.2023 اس کے حوالہ ہوئی۔ اس نے چارج شیٹ کا باقاعدہ جواب داخل کرنے کے لیے دو تین دن بعد آنے کی یقین دہانی کرائی اور اس دن سے ملے کر اب تک بار بار اس کے موبائل فون پر اطلاع دینے کی کوشش کی گئی لیکن اس کا موبائل مسلسل بند آرہا ہے۔ علاوہ ازیں کانسٹیبل ارشاد متعین ٹریفک سٹاف کے ذریعے اس کے گھر ایک نوٹس اس کی والدہ صاحبہ کے حوالہ کیا گیا۔ مگر مذکورہ نے کافی دن گزرنے کے باوجود اپنا تحریری جواب دفتر زیر دستخطی میں جمع نہیں کیا ہے۔

کی گئی انکوائری میں مذکورہ کانسٹیبل مبارک زیب 1892 جو کہ بجوالہ مد 41 روزنامچہ 20.05.2023 سے تاحال غیر حاضر ہے۔ اس طرح اس کے غیر حاضری کا دورانیہ آج تک 64 یوم بنتا ہے۔ کانسٹیبل مذکورہ کو چارج شیٹ باقاعدہ حوالہ کیا گیا ہے مگر چارج شیٹ کا جواب 34 دن گزرنے کے باوجود بھی جمع نہ کیا۔ جو کہ اس کی غیر ڈسپلن کا مظاہرہ ہے۔ کانسٹیبل مذکورہ کا سابقہ سردس ریکارڈ مندرجہ ذیل ہے۔

Bad Entries	Previous Absence	Dismissal
15	284 دن	01

مندرجہ بالا حقائق سے کانسٹیبل مبارک زیب 1892 کے کردار اور غیر ذمہ داری کا اندازہ ہوتا ہے کہ وہ ایک اچھا پولیس آفیسر نہیں ہے اس لیے اس کو ماضی میں بھی سزا کا سامنا کرنا پڑھا ہے۔ جس میں مذکورہ کانسٹیبل ایک دفعہ ملازمت سے برخواست بھی ہوا ہے۔ جبکہ اب بھی

DSP Legal  
Mardan

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**OFFICE OF THE  
DISTRICT POLICE OFFICER  
MARDAN**

Tel No. 0937-9230109& Fax No. 0937-9230111  
Email [dpo\\_mardan@yahoo.com](mailto:dpo_mardan@yahoo.com)  
Facebook: District Police Mardan  
Twitter: @dpomardan

2023

**POLICE DEPARTMENT**

**DISTRICT MARDAN**

**ORDER**

The following officials absented themselves from official duties from various places as noted against each:-

S#	Rank, Name & Belt No	Date of Enlistment	Place of Posting	Home PS	Previous absence	Either dismissed or not	Entries		DD No. With Date	Period of absence
							Good	Bad		
1.	LJC Saleem No. 2296	22.12.2014	Police Line	Saro Shah	09 days	Nil	01	06	DD No. 05 dated 21.03.2023	Still Absent
2.	FC Naseem Hayat No. 869	21.10.2008	-do-	Lund Khwar	75 days	Nil	Nil	53	DD No. 45 dated 08.05.2023	Still Absent
3.	FC Mubarak Zeb No. 1892	11.05.2009	-do-	Jabbar	284 days	01	Nil	15	DD No. 41 dated 20.05.2023	Still Absent
4.	FC Mumtaz Hussain No. 1055	29.05.2023	-do-	Gachi Kapoora	300 days	Nil	06	11	DD No. 67 dated 29.05.2023	Still Absent
5.	LHC Siyab Khan No. 1859	08.05.2009	Kharki	-Lund Khwar	08days	Nil	01	03	DD No. 22 dated 27.05.2023	Still Absent
6.	FC Musa Khan No. 774	30.12.2019	Sher Garh	Takht Bhai	Nil	Nil	Nil	Nil	DD No. 20 dated 02.01.2023	Still Absent
7.	FC Israr Khan No. 3037	05.09.2009	-do-	Foru	123 days	Nil	Nil	24	DD No. 19 dated 01.05.2023	Still Absent
8.	FC Zarshad No. 42	05.01.2011	-do-	Takht Bhai	32 days	Nil	Nil	07	DD No. 27 dated 02.03.2023	Still Absent

Order W/DPO

*Handwritten notes and signatures on the right side of the table, including "Order W/DPO" and various illegible signatures.*

OB No. 1072  
Dated. 05.10.2023

*DISMISS*

*[Signature]*  
District Police Officer  
Mardan

**DSP Legal  
Mardan**

/QSI, Dated     /     /2023.  
Copy to the:-  
A to DPO Mardan



OFFICE OF THE  
DISTRICT POLICE OFFICER,  
MARDAN.

Tel No. 0937-9230109 & Fax No. 0937-9230111  
Email [dpo\\_mardan@yahoo.com](mailto:dpo_mardan@yahoo.com)  
Facebook: District Police Mardan  
Twitter: @dpomardan

2023

ORDER

Constable Mubarak Zeb No. 1892, while posted at Police Line Mardan is hereby placed under suspension with immediate effect on account of absence from duty without any leave/permission of the competent authority vide DD No. 41 dated 20.05.2023 to till date.

OB No. 1079

Dated 6-6 /2023.

District Police Officer  
Mardan

OFFICE OF THE DISTRICT POLICE OFFICER MARDAN.

No. 3073-75/OSI, dated Mardan the 07/06/2023

Copy is forwarded for information to the: -

1. DSP/HQrs: Mardan
2. EC,
3. PA to issue Charge Sheet & Summary of Allegation to the delinquent Constable.

DSP Legal  
Mardan

DPA

DSP Legal  
Mardan

29/05/23  
16.55  
219

Deputy Superintendent Of Police,  
HQ's Mardan

Submitted please.

Therefore, he is recommended for strict departmental action.

It is submitted that Constable Muबारاك Zeb No. 1892, remained absent from his lawful duties without any leave/permission of the competent authority vide ID No. 41 dated 20.05.2023 to 01 June (ID) report is attached).

RECOMMENDATION FOR DEPARTMENTAL ACTION

The Superintendent of Police,  
Operations Mardan

Subject:

Memo:

To:

No. 18/110rs

Dated 26/05/2023

Government of Khyber Pakhtunkhwa  
Office of the Deputy Superintendent of Police,  
Ph: No. 0937-9230610 Email: d-superintendent@gnptil.com

2023



BSP Legal  
Mardan

11/11/2023

4/10/2023

20/05/2023

20/05/2023

20/05/2023

RI/Line / Mardan  
25-05-2023

Form 111

*[Large block of handwritten text, likely a list or detailed notes, mostly illegible due to cursive and bleed-through.]*

20/05/2023



TFC Mubarak Zeb 1892

27

Subject: NOTICE

An inquiry is initiated against you while you have received the notice sheet from the office of undersigned on time but you have failed to submit your written response. Through this notice, you are directed to submit your reply to this office within 15 days. Otherwise, one-sided action will be taken against you.

*[Handwritten signature]*  
3-7-23

Reader (DSP) Mardan

Mardan

*[Handwritten initials]*

*[Handwritten notes in Urdu]*  
مذکورہ / 1892 / TFC

*[Handwritten notes in Urdu]*  
3-7-2023

*[Handwritten signature]*  
**DSP Legal  
Mardan**



② OFFICE OF THE *Annexure*  
DISTRICT POLICE OFFICER, "E"  
MARDAN

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

292  
5JBR

2023

24

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No. 7504 /PA

Dated 03/08/2023

FINAL SHOW CAUSE NOTICE

Whereas, you Constable Mubarak Zeb No.1892, while posted at Police Lines Mardan (Now suspended), remained absent from duty without any leave/permission of the competent authority vide DD No.41 dated 20-05-2023 till-date.

To ascertain facts, a proper departmental enquiry against you was conducted through Mr. Saadat Ali DSP/Traffic Mardan vide this office Statement of Disciplinary Action/Charge Sheet No.162/PA dated 14-06-2023, who (EO) after fulfillment necessary process, submitted his findings to this office vide his office letter No.155/ST dated 24-07-2023 holding responsible you of gross misconduct & recommended for major punishment.

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 the 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.

03109496939  
1892

Received by

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

Date: 04/08/2023

Copy to SHO PS Jabbar (Attention Moharrar) to deliver this notice upon Constable Mubarak Zeb (0310-9496939) Son of Sabz Ali resident of Mohallah Yaqoob Khan Sawalder any of his closed family member with name & relationship & the receipt thereof to be submitted by SHO with date, shall be returned to this office within a week time positively.

**DSP Legal  
Mardan**

SHO P:  
03-8-0

DSP Legal  
Mardan



FORMAL REPORT  
6-08-23

Handwritten notes in Urdu, including a circled signature and some illegible text.

6869646

6-1-07-9

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40 25 (12)

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

Tel No. 0937-9230109 & Fax No. 0937-9230111  
Email: [dpomdn@gmail.com](mailto:dpomdn@gmail.com)



REFERENCE ATTACHED

On 04-08-2023 Constable Mubarak Zeb No.1892 was served with the attached Final Show Cause Notice No.7504/PA dated 03-08-2023 on account of absence from duty with effect from 20-05-2023 till-date, as per mm Anis Mohd

In compliance, he was bound to submit his reply to this office within stipulated time of seven days i.e. by 19-08-2023, but with non-compliance till-date, meaning that he has nothing to offer in his defense and is deserve for an ex-parte action.

*[Signature]*  
PA 06/11/23

Worthy DPO/Mardan

o in sb

put-up his default  
and then may discuss  
with DPO sb on his direction.

*[Signature]*

**BSP Legal  
Mardan**

*[Signature]*  
PA 07/11/23

26

انکوائری اذان کنشیل مبارک زیب نمبر 1892

معروض خدمت ہوں کہ کنشیل مبارک زیب نمبر 1892 معطل پولیس لائن مردان کا سروس ریکارڈ چک کر کے پایا گیا کہ مذکورہ مورخہ 11.05.2009 کا بھرتی شدہ ہے۔ 15 بیڈ انٹری سابقہ غیر حاضری 284 یوم ہے۔ قبل از 07 ماہ 17 دن غیر حاضری پر ایک طرفہ کاروائی ہو کر نوکری سے برطرف ہو چکا ہے۔ جبکہ موجودہ غیر حاضری کے دوران یہ 168 یوم بنتا ہے۔ اور تاحال بدستور غیر حاضر ہے۔ انکوائری افسر کا رپورٹ مفصل ہے۔ رپورٹ گزارش ہے۔

اندریں بارہ مناسب حکم صادر فرمائیں  
Awarded major punishment  
of suspension from  
service  
OSI Mardan  
10/11/2023

W/D/O Mardan  
10/11/2023

DSP Legal  
Mardan

W/D/O



(3) OFFICE OF THE *Annexable "F"*  
DISTRICT POLICE OFFICER,  
MARDAN

Tel No. 0937-9230109 & Fax No. 0937-9230111  
Email: [dpomdn@gmail.com](mailto:dpomdn@gmail.com)

No. 9867-70 /PA

Dated 16/11/2023

ORDER ON ENQUIRY OF CONST: MUBARAK ZEB NO.1892

This order will dispose-off a Departmental Enquiry under Police Rules 1975, initiated against Constable Mubarak Zeb No.1892, under the allegations that while posted at Police Lines Mardan (now under suspension Police Lines Mardan). was placed under suspension vide this office OB No.1079 dated 06-06-2023, issued vide order/endorsement No. 3073-75/OSI dated 07-06-2023, on account of absence from duty without any leave/permission of the competent authority vide DD No.41 dated 20-05-2023 till-date.

To ascertain facts, he was proceeded against departmentally through Mr. Saadat Ali DSP/Traffic Mardan vide this office Statement of Disciplinary Action/Charge Sheet No.162/PA dated 14-06-2023, who (E.O) after fulfillment necessary process, submitted his Finding Report to this office vide his office letter No.155/ST Traffic dated 24-07-2023, holding responsible the delinquent official of grave misconduct & recommended for major punishment, being failed to present his reply, in compliance of delivered Statement of Disciplinary Action/Charge Sheet within stipulated period of seven days, to him (EO).

To further verify the allegations, on 04-08-2023, he was served with a Final Show Cause Notice, under Khyber Pakhtunkhwa Police Rules-1975, issued vide this office No.7504/PA dated 03-08-2023, to which, he was bound to submit his reply to this office within stipulated time of (07) days i.e up-to 11-08-2023, but with non-compliance till-date, while on other hand, he didn't assume duty till-date, indicating that he is not interested in Police Service.

Final Order

In the light of above discussion, I am of the considered opinion that Constable Mubarak Zeb is not a willing worker & his more retention in force will bother for government exchequer, therefore, awarded him major punishment of dismissal from service with effect from 20-05-2023, in exercise of the power vested in me under Police Rules-1975.

OB No. 2260

Dated 14/11/2023

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

Copy forwarded for information & n/action to:-

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

*[Signature]*  
DSP Legal  
Mardan

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①

Amme x Use "G"

ORDER.

This order will dispose-off the departmental appeal preferred by Ex-Mubarak Zeb No. 1892 of Mardan District Police against the order of the District Police Officer, Mardan, whereby he was awarded major punishment of dismissal from service vide OB No. 2260 dated 14.11.2023. The appellant was proceeded against departmentally on the allegations that he while posted at Police Lines, Mardan absented himself from his lawful duty without any leave or prior permission of the competent authority vide daily diary No. 41 dated 20.05.2023 till date of his dismissal from service.

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

On 04.08.2023, he was issued Final Show Cause Notice through his to which he was bound to submit his reply within stipulated time of 07 days but he failed, indicating that he was not interested in Police service.

In the light of above discussion the delinquent Officer was not a willing worker and his retention in Police department will be bothered for Government Exchequer, therefore, awarded him major punishment of dismissal from service with effect from 20.05.2023 vide OB: No. 2260 dated 14.11.2023 by the District Police Officer, Mardan.

Feeling aggrieved from the order of the District Police Officer, Mardan, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in this office on 22.02.2024

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

  
**DSP Legal  
Mardan**

his official duties. The very conduct of appellant is unbecoming of a disciplined Police Officer. On perusal of previous service record of the appellant, it was noticed that he is habitual absentee and prior to this, the appellant was also dismissed from service for his disinterest in the official duties. Hence, order passed by the competent authority does not warrant any interference. Besides the above, the appellant approached this forum at a belated stage by filing the instant appeal which is time barred for 22 days without advancing any cogent reason regarding such delay.

Keeping in view the above, I, Muhammad Suleman, PSP Regional Police Officer, Mardan, being the appellate authority, find no substance in the appeal, therefore, the same is rejected and filed, being devoid of merit as well as time barred for 22 days.

Order Announced.

(MUHAMMAD SULEMAN) PSP  
Regional Police Officer  
Mardan

No. 4906 /ES, Dated Mardan the 01/03/2024

Copy forwarded to District Police Officer, Mardah, for information and necessary action w/r to his office Memo: No. 23/LB dated 23.01.2024. His Service Record is returned herewith.

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

*DSP/ Legal EC*  
*for n/ action*  
*DPO/ Mardahan*  
*5-3-24*

~~Signature~~  
**DSP Legal  
Mardan**

1600  
6/3/24



DRP Legal  
Marden

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20-9-28

030-9496959

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

**Service Appeal No. 733/2024**

Mubarak Zeb Ex Constable No. 1892 Police Lines Mardan.....Appellant

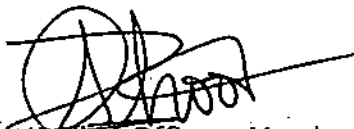
**VERSUS**

The District Police Officer, Mardan and others

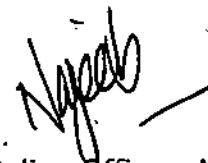
.....Respondents

**AUTHORITY LETTER.**

Mr. Atta-ur-Rehman Deputy Superintendent of Police Legal Mardan is hereby authorized to appear before the Honorable Service Tribunal, Khyber Pakhtunkhwa, Peshawar in the above captioned service appeal on behalf of the respondents. He is also authorized to submit all required documents and replies etc. as representative of the respondents through the Addl. Advocate General/Govt. Pleader, Khyber Pakhtunkhwa Service Tribunal, Peshawar.



District Police Officer, Mardan.  
(Respondent No. 2)  
**( ZAHOOR BABAR )<sup>PSP</sup>**  
Incumbent



Regional Police Officer, Mardan.  
(Respondent No. 1)  
**( NAJEEB-UR-REHMAN BUGVI )<sup>PSP</sup>**  
Incumbent