

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

Service Appeal No 573/2023

Mr. Anwar -u-Haq Constable No. 54/930 Dir Lower .....Appellant.

**VERSUS.**

Inspector General of Police, Khyber Pakhtunkhawa and others.....Respondents.

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(Ibrahim Khan)  
DSP Legal Dir Lower

(1)

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

Service Appeal No 573/2023

Mr. Anwar-ul-Haq Constable No. 54/930 Dir Lower .....Appellant.

**VERSUS.**

Inspector General of Police, Khyber Pakhtunkhwa and others.....Respondents.

**PARA WISE COMMENTS ON BEHALF OF RESPONDENTS.**

Respectfully Sheweth:

**PRELIMINARY OBJECTIONS.**

- 1) That the service appeal is not maintainable in its present form.
- 2) That the appellant has not come to this honourable Service Tribunal with clean hands.
- 3) That the present Service appeal is badly barred by law and limitation.
- 4) That this honorable Service Tribunal has got no jurisdiction to entertain the present service appeal.
- 5) That the appellant has suppressed the material facts from this honorable service tribunal.
- 6) That the appeal is bad due to mis-joinder and non-joinder of necessary parties.

**ON FACTS:**

1. Incorrect, the appellant was recruited in police department as constable on 24.04.2009. During service appellant proved himself an inefficient official. There are certain bad entries in his service record. (Copies of bad entries enclosed as annexure "A").
2. Incorrect, appellant during service absented himself from lawful duty with effect from 04.01.2021 to 12.01.2021 and also remained absent from time to time total 57 Days without any prior leave of the competent authority. On account of which he was proceeded against departmentally in accordance with rules.
3. Incorrect, the appellant absented himself from lawful duty with effect from 04.01.2021 to 12.01.2021 and also remained absent from time to time total 57 days within the meaning of misconduct under Rules 4 of Police ( efficiency & disciplined) Rules, 1975. Mr. Muhammad Zaman Khan DSP/ HQrs: was appointed as enquiry officer to conduct preliminary enquiry. The enquiry officer scrutinized the available record, recorded statements of concerned and heard the appellant in person. After fulfilling all codal and legal formalities, the enquiry officer concluded the enquiry and held the appellant guilty of gross misconduct. The enquiry officer submitted his finding report wherein he recommended the appellant for appropriate punishment. On receipt of enquiry finding, the competent authority dismissed the appellant from service vide order No. 573/EB dated 02.06.2021. The appellant filed department appeal before the appellate authority, which was partially allowed by taking lenient view and the appellant was re-instated into service. However punishment of dismissal was converted into stoppage of one annual increment without cumulative effect, while the period of absence spent

Khyber Pakhtunkhwa  
Service Tribunal

Case No. 17303

Dated 29/10/24

(2)

out of service was treated as leave without pay. (Copy of enquiry report, dismissal order and order on departmental appeal enclosed as annexure B-C-D).

4. Incorrect, the appellant filed review petition before the revisional authority and the appellate board in its meeting held on 27.10.2022 called the petitioner and he was head in person. The appellant contended that he belongs to a poor family. The board converted the punishment of stoppage of one annual increment without cumulative effect into "Censure". Moreover the appellant is not entitled for the salary for period of absence on the principal of "no work no pay". As the appellant was not in active service during the intervening period, therefore the appellate authority passed the order rightly in accordance with principle of natural justice. (Copy of order enclosed as "E").
5. That appellant has got no cause of action to file the instant appeal and the instant appeal being devoid of merit is liable to be dismissed on the following grounds.

#### GROUNDS

- A) Incorrect, the order of respondent are in accordance with law, facts and based on justice. As already discussed in preceding paras, that the appellant remained out of service during the intervening period and the principle of "no work no pay" was applied to the case of present appellant.
- B) Incorrect, the appellant was properly associated with the enquiry proceedings and his statement including others have been recorded properly and he was dismissed from service however on partial acceptance of his appeal/ revision his punishment was modified. (Copies of statement of appellant and other enclosed as F-G-H-v).
- C) Incorrect, the order of re-instatement passed by the appellate authority is justifiable and in accordance with law and no violation has been committed by the respondents.
- D) Reply already given in para above.
- E) Incorrect, as already discussed in preceding paras, that the appellant was habitual absentee and remained absent for 56 days without leave of the authority. The allegations of absence were proved during enquiry here keeping in view his conduct, he was awarded punishment as per law/rules.
- F) Incorrect, the appellant committed gross misconduct during service and he was responsible for his conduct, neither the department. Moreover each and every case, has its own facts and circumstances.
- G) Incorrect, the appellant was not restrained from performing his duty; rather absented himself from duties deliberately without seeking any leave or permission from his authority.
- H) Incorrect, the interpretation of the judgment of honorable Supreme Court is very much clear.

because the appellant being member of disciplined force absented himself from duty without leave or permission from his seniors. Moreover he is habitual absentee as evident from finding report conducted by the enquiry officer. As appellant has not performed any duty here not entitled for any monetary benefits or the principle of "no work no pay"

- I) Incorrect, the appellant was remained out of service during the intervening period and principle a "no work no pay" is applicable to the case of appellant. The appellant deliberately absented himself from duty and he is not entitled for salaries of the period which he spent out of service.
- J) The respondents also seek permission of this honorable Service Tribunal to adduce additional grounds at the time of arguments/ hearing.

**PRAYER:**

It is therefore humbly prayed that on acceptance of this Para-wise reply, the appeal may graciously be dismissed with cost.

District Police Officer  
Dir Lower

Respondent No.03

~~SALEEM ABBAS KULACHI (PSP)~~  
Incumbent

~~Regional Police Officer  
Dir Lower at Timargara~~

Regional Police Officer,  
Malakand at Saidu Sharif Swat  
Respondent No. 02

~~IRFAN ULLAH KHAN (PSP)~~  
Incumbent

~~Regional Police Officer,  
Malakand at Saidu Sharif Swat~~

*Awal Khan*

Additional Inspector General of Police,  
HQRs Khyber Pakhtunkhwa, Peshawar

Respondent No. 01  
(AWAL KHAN PSP)  
Incumbent

4

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

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**VERSUS.**

Inspector General of Police, Khyber Pakhtunkhawa and others.....Respondents.

**POWER OF ATTORNEY**

Mr. Ibrahim Khan DSP Legal Dir Lower is hereby authorized to appear on our behalf and submit all the relevant documents as required by the Honorable Service Tribunal in the above Service Appeal.

District Police Officer  
Dir Lower

Respondent No.03

**SALEEM ABBAS KULACHI (PSP)**  
Incumbent

District Police Officer  
Dir Lower at Timargara

Regional Police Officer,  
Malakand at Saidu Sharif Swat  
Respondent No. 02

**IRFAN ULLAH KHAN (PSP)**  
Incumbent

Regional Police Officer,  
Malakand Region,  
Saidu Sharif, Swat.

*Awal Khan*

Additional Inspector General of Police,  
HQRs Khyber Pakhtunkhawa, Peshawar

Respondent No. 01

**(AWAL KHAN PSP)**

Incumbent

(5)

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

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**AFFIDAVIT.**

I, Saleem Abbas Kulachi District Police Officer Dir Lower do hereby solemnly affirm and declare on Oath that the contents of Para-wise reply is true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honorable Tribunal. It is further stated on oath that the answering respondents have neither been placed ex-party, nor their defence has been struck off.

29 OCT 2024



District Police Officer,  
Dir Lower  
Respondent No. 03  
**Saleem Abbas Kulachi (PSP)**  
Incumbent  
District Police Officer  
Dir Lower

Approved  
DSP/Logan  
1375/10

11-05-010  
SHO. PS. Asdank  
11-05-010

Approved  
11-05-010

Sin formal  
11-05-010

Approved  
11-05-010

Dr No 693  
21/5/10

Handwritten text in Urdu script, likely a letter or report, containing several lines of text.

Handwritten text in Urdu script, possibly a signature or date.

Handwritten signature or name in Urdu script.

DSP/legat

Approved

Approved

OB No 843  
16-7-10

9/6/10  
SPP/Adangan

Handwritten notes in Urdu, including "میں نے" and "میں نے"

540/MS-Asbamer  
07.06.10

Handwritten signature

MM. P.S. Asbamer  
6-6-10

Handwritten signature

Handwritten notes in Urdu, including "میں نے" and "میں نے"

3 3/6  
35

Handwritten signature

Handwritten signature

(7)

"A"





28/11/2010

Approved

APPO Dir

Approved

MM/ps-Asbarr  
17/11/2010

OB No. 1718  
29.11.10

MM/ps-Asbarr

Approved

12/11/2010

Handwritten notes in Urdu script, likely detailing a process or report.



18/11/2010

930

(9)

28

SPDO-Adangan  
25-11-2010

DU  
TAM  
NGI  
AKI  
SUL  
CA  
DI

depl/egal

Handwritten signature

18-7-79

1152

13-7-79  
5th. ps. 1. oilre

10-2-011  
om. ps. 1

forwarded

side

Handwritten notes

Main body of handwritten text, likely a letter or report, containing several lines of script.

12-7-79  
om. ps. 2

Handwritten signature and initials

Second main body of handwritten text, continuing the letter or report.

47/37

930

(10)

Handwritten mark

CB No 4-4-19

616

2-4-12

SHOPS/CO-OP

Sripour Madan 3-4-012

Handwritten notes in Hindi, including "SHOPS/CO-OP" and "SHOPS/CO-OP".

Handwritten note in Hindi.

Main body of handwritten text in Hindi, containing several lines of notes and calculations.

16 12/3 54

Handwritten signature or name.

Second main body of handwritten text in Hindi, continuing the notes.

Handwritten signature or name.

14 12/3 37

430

(11)

Handwritten mark or signature.

1

BB No 15/2/12

14-02-12  
S.P.O. Madhav

Legal

31  
11-2-012  
S.H.O. P.S. - Madhav  
Kasappa Madhav

Madhav  
S.P.O. Madhav  
14-02-12

10-2-012  
S.H.O. P.S. - Madhav  
Kasappa Madhav

Handwritten notes in Kannada script, possibly a signature or address.

Handwritten notes in Kannada script.

Main body of handwritten text in Kannada script, containing several lines of notes or a short letter.

Handwritten signature and name, possibly 'Kasappa Madhav'.

10-2-12  
S.H.O. P.S. - Madhav  
Kasappa Madhav  
Handwritten notes in Kannada script.

Large block of handwritten text in Kannada script, likely a detailed report or letter.

Handwritten notes in Kannada script.

920

Handwritten notes in Kannada script.

(A)

(12)

OSP/UGar

174

Approved

SDPO London  
14-01-02

Approved

13-1-12

9NSP/SHops/Car/19

Approved

930

Approved

OSP/UGar

Approved

174

Approved  
930  
OSP/UGar

Approved

Approved  
930  
OSP/UGar

Approved

930

(13)

Approved

DSP/ Legal

Musand

SDPO Madani  
18-03-2011

Approved

28-3-2011

Approved  
16-3-2011

5th. ps. L. G. Madani

Financially

Sir

ذریعہ سہولت  
میں 12 1/3 فیصد  
930 کے تحت

میں

15-3-2011

Madani L. G.

Signature

میں 12 1/3 فیصد سہولت کے تحت 930 کے تحت  
میں 12 1/3 فیصد سہولت کے تحت 930 کے تحت  
میں 12 1/3 فیصد سہولت کے تحت 930 کے تحت  
میں 12 1/3 فیصد سہولت کے تحت 930 کے تحت  
میں 12 1/3 فیصد سہولت کے تحت 930 کے تحت

15-3-2011

Madani L. G.

Signature

میں 12 1/3 فیصد سہولت کے تحت 930 کے تحت  
میں 12 1/3 فیصد سہولت کے تحت 930 کے تحت  
میں 12 1/3 فیصد سہولت کے تحت 930 کے تحت  
میں 12 1/3 فیصد سہولت کے تحت 930 کے تحت  
میں 12 1/3 فیصد سہولت کے تحت 930 کے تحت

میں

930

میں

4A

(14)

ملغ میر لوید

930 ننگہ 34 روزنامہ 22 1/2 مورخہ 22 1/2 وقت 17:30

داتا نسل قلم

قد 34 رپورٹ غیر حاضری SIV/INV میں طلبہ رت عدم موجود  
- نیٹل الوراٹھن 930 لغزف ڈیوٹی سے فروری سے  
ہوئے بارے میں معلوم ہوا ہے کہ بڑا اجازت کے لئے  
سروسٹ اوقات خلاف غیر حاضری درج روزنامہ نیمائی ہے  
پر فضل سال لیا جا رہا ہے شکلاتے بڑھنے مناسب شمارہ آئیں  
بالائی خدمت میں ارسال کی جا رہی ہے جی۔آئی۔ای  
نیل بھائی املی

M. V. P. S. 2011  
28-1-11

ننگہ 25 روزنامہ 24 1/2 مورخہ 24 1/2 وقت 18:05

قد 25 صوفی 24 1/2 مورخہ 24 1/2 وقت 18:05  
930 غیر حاضری مورخہ 24 1/2 مورخہ 24 1/2  
FC بیان ہے کہ بڑا اجازت کے لئے فروری سے  
درج روزنامہ نیمائی ہے شکلاتے بڑھنے مناسب شمارہ آئیں  
پر فضل سال لیا جا رہا ہے شکلاتے بڑھنے مناسب شمارہ آئیں  
بالائی خدمت میں ارسال کی جا رہی ہے جی۔آئی۔ای  
نیل بھائی املی

M. V. P. S. 2011  
29-1-11

جناب عالی!  
ابامیر حاضری درج مورخہ 24 1/2 مورخہ 24 1/2  
ننگہ 25 صوفی 24 1/2 مورخہ 24 1/2 وقت 18:05

SDPO Maidan  
31-1-11

Siv  
Associated  
SHO B 2011  
30-1-11

OB No. 178  
4-2-2011 Approved  
// DPO/DIR, L

Attested  
DSP/ Legal



DSP/UGAR

Received

3/12

13-12-10  
B. M. S. / M. S.

to the engine  
Normal  
of final R

15-12-2010  
SPO - Aden

Forwarded/Please

of the engine

DSP/HQ, Subis

13-12-10

Amte. P. Aden

13-12-10  
SPO - Aden

Amte. P. Aden

Forwarded

of the engine

Handwritten notes in Arabic script, including dates like 13-12-10 and 15-12-2010, and various administrative or technical details.

Handwritten notes at the bottom left, including a date 13/12/10 and other illegible text.

ESP/Logar

Handwritten signature and scribbles

DB. No. 1219  
23-9-13

SPD. Madan  
11-09-13

SHO. P.S. L. 100A  
9-09-013

Forwarded  
SIR

M.N. P.S. L. 100A  
8-09-013

Handwritten notes in Urdu script, including "ASHO" and "18:30"

Handwritten Urdu text

M.N. P.S. L. 100A  
8-09-013

Large block of handwritten Urdu text, including "28 13/8" and "20:30"

Handwritten Urdu text

Handwritten Urdu text

930

(17)

"A"

Dep/ Legal

no. 100

100/1

Approved

18-9-14

Approved

17-09-014

SPO Madan

Handwritten notes in Urdu script, including the word 'Masha' and other illegible text.

15-08-014

MSP SHD 2-014

Forwarded  
MSP 2-014

Large block of handwritten Urdu text, possibly a letter or report, with some dates like 17-08-014 and 15-08-014.

Handwritten Urdu text at the bottom left, including the word 'Masha'.

Handwritten signature or name at the bottom right.

930

18

100

11/10/16



one day E.D. affected  
w/DSF/HA/PO/OSI

one day w/p pay

DSF Mon down  
28/06/16

3/8/2016

OB 836

27/8/16

SHO P.S. 2 down

Handwritten signature and notes in Arabic script, including the number 930.

Handwritten notes in Arabic script, including the date 28/8/16 and the phrase "2 down".

Handwritten signature and initials.

Large block of handwritten Arabic text, likely a detailed report or log entry.

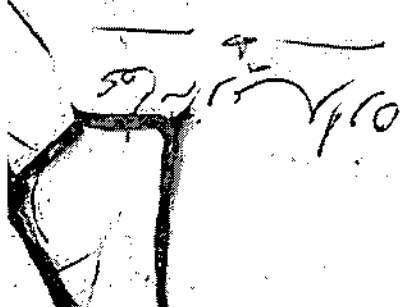
Handwritten text: 28/6

Handwritten signature.

930

(19)

20



DRP/VSP

13-12-16

GB No 1450

6. 12. 16  
8th Levels

ORDER  
06 days L.S.O. Pay.  
06 days ED.

Handwritten notes in Urdu script, including dates like 19/11 and 25/10, and various illegible text.

1-12-016

AMHC P.S. Chakdara

Handwritten signature or name

Handwritten text

Main body of handwritten Urdu text, containing several lines of script.

Handwritten text at the bottom of the main section

Handwritten text on the left side

Handwritten text on the right side

930

90

9A

DSP/6gar

Ausgang

23.07.2020

DF no 46

1-7-20

MSDQ TIMBERHANA

DPO. dir 4

5 No. 137

count. L.W.O part.

one day absence

ORDER

awarded

Handwritten notes in Indonesian, including "sisa" and "untuk" with some illegible text.

30-6-20

Handwritten signature or name.

Handwritten notes in Indonesian.

Large block of handwritten notes in Indonesian, detailing various points and calculations.

Handwritten number "151" in a box.

Handwritten text "6-192" and "Pura ASHO".

Handwritten notes in Indonesian.

Handwritten text "25/6" and "22" with other illegible characters.

Handwritten number "930".

Handwritten number "848".

Handwritten number "11" in a box.

Handwritten number "21" in a circle.

ضلع دیر لور

پیس پی ہیڈ کوارٹرز

فائینڈنگ رپورٹ انکوائری بر خلاف انورالحق نمبر 930 متعینہ جیل گارڈ تیسر گرہ

جناب عالی!

مختصر آیوں ہے کہ کنسٹیبل انورالحق نمبر 930 متعینہ جیل گارڈ تیسر گرہ مورخہ 04.01.2021 سے غیر حاضر ہو کر مورخہ 12.01.2021 بحوالہ حکم نمبری EC/54-653 معطل کر کے پولیس لائن کلوز کر کے سن ڈی ایس پی ہیڈ کوارٹرز کو اسکے خلاف انکوائری کرنے کا حکم صادر فرمایا۔ کاغذات انکوائری موصول ہو کر ابتدائی انکوائری کی گئی۔

چونکہ مذکورہ کنسٹیبل انورالحق نمبر 930 جیل تیسر گرہ گارڈ میں تعینات تھا اسلئے انچارج جیل گارڈ سب انسپکٹر احمد خان، مدد محرم ذاکر اللہ نمبر 1803 طلب کر کے اسکے بیانات لئے گئے۔ جنہوں نے اپنے بیانات میں واضح کیا کہ مذکورہ کنسٹیبل عادی غیر حاضر باش ہے۔ مورخہ 27.12.2020 کو روٹین سیٹھ باقی شب باشی پر چھوڑا گیا تھا مورخہ 04.01.2021 واپس نہ آکر بحوالہ مدد 32 بوقت 17.00 بجہ تھانہ تیسر گرہ غیر حاضر کیا گیا۔ بعدہ مذکورہ نے اطلاع دی کہ اسکی گھر والی کی ڈیلوری ہے مگر وہ پہلے سے غیر حاضر کیا گیا تھا۔ مورخہ 07.01.2021 کو اس نے آکر پھر جب جناب DPO صاحب کو پیش ہوا اور جناب نے معطل کر کے پولیس لائن کلوز کیا۔ مزید انہوں نے مذکورہ کا ایک تفصیلی ریکارڈ متعلق رخصت اتفاقیہ، رخصت کلاں اور غیر حاضری وغیرہ پیش کی۔ جس سے مطابق مذکورہ نے سال 2020 میں کل 56 یوم شب باشی، 84 یوم رخصت / رخصت کلاں اور 56 یوم غیر حاضری کی ہے۔ تفصیلاً لسٹ پیش کردہ ہمراہ لف قابل ملاحظہ ہے۔

☆ بحوالہ آرڈر بک نمبر 906 مورخہ 30.05.2012 کل 22 یوم رخصت کلاں (بمطابق فوجی مثل نقل انڈکس) حاصل کیا ہے۔

☆ بحوالہ آرڈر بک نمبر 149 مورخہ 31.01.2012 (مورخہ 24.12.2012 تا 22.01.2013) کل 29 یوم رخصت کلاں (بمطابق نقل سروس بک) حاصل کیا ہے۔

☆ بحوالہ آرڈر بک نمبری 228 مورخہ 25.02.2016 (مورخہ 25.02.2016 تا 20.03.2016) کل 25 یوم رخصت کلاں (بمطابق سروس بک، فوجی مثل نقل انڈکس) حاصل کیا ہے۔

☆ بحوالہ آرڈر بک نمبری 976 مورخہ 24.08.2017 (مورخہ 24.08.2017 تا 09.10.2017) کل 45 یوم رخصت کلاں (بمطابق سروس بک، فوجی مثل نقل انڈکس) حاصل کیا ہے۔

☆ بحوالہ آرڈر بک نمبر 210 مورخہ 26.02.2020 (مورخہ 13.02.2020 تا 26.02.2020) کل 15 یوم رخصت کلاں (بمطابق نقل سروس بک) حاصل کیا ہے۔

☆ بحوالہ مد نمبر 30 روز نامہ 29.02.2020 تا مد نمبر 31 روز نامہ 14.03.2020 کل 14 یوم رخصت اتفاقیہ لیا ہے۔

☆ بحوالہ مد نمبر 31 روز نامہ 14.03.2020 تا مد نمبر 26 روز نامہ 08.04.2020 کل 25 یوم رخصت کلاں گزارا ہے۔

☆ بحوالہ مد نمبر 26 روز نامہ 08.04.2020 تا مد نمبر 12 روز نامہ 19.04.2020 کل 11 یوم غیر حاضر رہا۔

☆ بحوالہ مد نمبر 23 روز نامہ 01.05.2020 تا مد نمبر 12 روز نامہ 05.05.2020 کل 4 یوم غیر حاضر رہا۔

☆ بحوالہ مد نمبر 27 روز نامہ 06.05.2020 تا مد نمبر 16 روز نامہ 29.05.2020 کل 23 یوم غیر حاضر رہا۔

August

DSP/ Legal

مورخہ 09.06.2020 کو 13 یوم رخصت اتفاقیہ حاصل کردہ میں سے مورخہ 15.06.2020 تا 24.06.2020 کل 9 یوم رخصت گزارا ہے۔

☆ بحوالہ مد نمبر 34 روزنامچہ 24.06.2020 تا مد نمبر 22 روزنامچہ 25.06.2020 ایک یوم غیر حاضر رہا۔

☆ مورخہ 04.07.2020 تا 10.07.2020 اسی طرح لقیہ 6 یوم رخصت بھی گزارا ہے۔

☆ بحوالہ مد نمبر 18 روزنامچہ 24.07.2020 تا مد نمبر 25 روزنامچہ 12.08.2020 کل 45 یوم رخصت کلاں میں سے 19 یوم گزار کر واپس آیا۔

☆ بحوالہ مد نمبر 34 روزنامچہ 25.08.2020 تا مد نمبر 17 روزنامچہ 27.08.2020 کل 2 یوم غیر حاضر رہا۔

☆ بحوالہ مد نمبر 30 روزنامچہ 01.10.2020 تا مد نمبر 04.10.2020 کل 3 یوم غیر حاضر رہا۔

☆ بحوالہ مد نمبر 38 روزنامچہ 21.10.2020 تا مد نمبر 24 روزنامچہ 22.10.2020 کل 1 یوم غیر حاضر رہا۔

☆ بحوالہ مد 23 روزنامچہ 07.11.2020 تا مد نمبر 20 روزنامچہ 11.11.2020 کل 4 یوم غیر حاضر رہا ہے۔

☆ بحوالہ مد نمبر 45 روزنامچہ 13.11.2020 تا 09.12.2020 پہلے سے بقایا 26 یوم رخصت کلاں گزارا۔

درج بالا رخصت کلاں، رخصت اتفاقیہ، غیر حاضریوں کے علاوہ مورخہ 27.12.2020 کو مذکورہ شب باشی پر جا کر مورخہ

04.01.2021 کو واپس نہ آکر، رخصت 13 یوم جو اس نے دو قسطوں یعنی 9 اور 6 یوم میں گزارا تھی پر پھر روانگی کرنے پر بہ ضد تھا مگر وہ اپنے اس چال میں کامیاب نہ ہو سکا۔ بحوالہ مد نمبر 32 روزنامچہ 04.01.2020 غیر حاضر ہو کر بحوالہ مد نمبر 28 روزنامچہ 12.01.2020

پولیس لائن روانہ کیا گیا۔

مذکورہ کنسٹیبل انور الحق نمبر 930 متعینہ جیل گارڈ تیسر گرہ، سال 2020 میں صرف ایک یوم غیر حاضری پر بلا تنخواہ کرنے کا

سزا پایا ہوا ہے البتہ سابقہ ریکارڈ، نقل سروس بک کے مطابق کئی بار بلا تنخواہ ہوا ہے۔ جو اسکی عادی غیر حاضر باش ہونے پر دلالت ہے۔ اسلئے

ابتدائی انکوائری سے مذکورہ تصور دار پایا جا کر انکوائری رپورٹ مرتب ہو۔ برآمد مناسب صدور حکم گزارش ہے۔

*Damard*  
محمد زمان

ڈی ایس پی ہیڈ کوارٹر ڈیر لہور

*Disturbed*  
*Security*

District Police Officer  
Dir. Lower  
31/10/21

*Auzad*

DSP/legat



(24)

"C"



OFFICE OF THE  
DISTRICT POLICE OFFICER  
DIR LOWER

ORDER

1. This order will dispose of the departmental enquiry conducted against Constable Anwar Ul Haq No.930 as per report vide DD No.32 dated 04-01-2021 of Police Station Timergara, that he while posted at Jail Guard Timergara absented himself from duty with effect from 04-01-2021 to 12-01-2021 and also remained absent from time to time total (57 days), without any leave or prior permission from his superior, which shows gross misconduct, negligence on his part & Muhammad Zaman DSP/HQrs Dir Lower was appointed as enquiry officer, to conduct preliminary enquiry against him and submit his finding report.
  2. The enquiry officer, during the course of enquiry recorded the statements of all concerned as well as the official concerned. The enquiry officers in his finding report recommended him for suitable punishment.
  3. He was called in Orderly Room on 31-05-2021 for personal hearing and found unsatisfactory. Full opportunity was given to him to explain his position, but he failed to produced any cogent reason in his self defense nor satisfy the undersigned.
- Therefore, I CAPT @ Liaqat Ali Malik (PSP/PPM), District Police Officer, Dir Lower in exercise of power vested under (E & D) Rules 1975 with amendment 2014, awarded him a Major Punishment of (Dismissal from service with immediate effect and the period of absence with effect from 04-01-2021 to 12-01-2021 is treated as leave without pay)".

ORDER ANNOUNCED

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OB No. 573 /EB

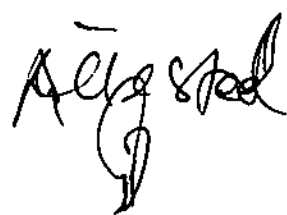
Dated 02-06 /2021

No. 8100-2- /EB,

Copies submitted to the: -

1. Regional Police Officer, Malakand at Saidu Sharif, Swat for favour of Information, please.
2. Pay Officer Local Office.
3. OHC Local Office

  
 CAPT @ LIAQAT ALI MALIK  
 (PSP/PPM)  
 District Police Officer  
 Dir Lower  
02/06

  
 DSP/LEGAL

25

9 D

6460  
28/9/2021



**OFFICE OF THE  
REGIONAL POLICE OFFICER, MALAKAND**

**SAIDU SHARIF SWAT**

Ph: 0946-9240381-88 & Fax No. 0946-9240390

Email: digmalakand@yahoo.com

**ORDER:**

This order will dispose of appeal of Ex-Constable Anwar Ul Haq No. 930 of Dir Lower District for reinstatement in service.

Brief facts of the case are that Ex-Constable Anwar Ul Haq No. 930 while posted at Jail Guard Timergara absented himself from duty with effect from 04/01/2021 to 12/01/2021 and also remained absent from time to time total (57 days), without any leave or prior permission from his superior, which show gross misconduct, negligence on his part and DSP/Hqrs Dir Lower was appointed as Enquiry Officer to conduct preliminary enquiry against him and submit his finding report. The Enquiry Officer during the course of enquiry recorded the statements of all concerned as well as the official concerned. The Enquiry Officer in his finding report recommended him for suitable punishment. He was called in orderly room for personal hearing and found him unsatisfactory. Full opportunity was given to him to explain his position, but he failed to produce any cogent reason in his self defense. Therefore, the District Police Officer, Dir Lower in exercise of power vested under (E&D) Rules with amended 2014 awarded him a major punishment of dismissal from service with immediate effect and the period of absence with effect from 04/01/2021 to 102/01/2021 is treated leave without pay vide OB No. 573, dated 02/06/2021

He was called in Orderly Room on 09/09/2021 and heard him in person. The appellant explained his innocence into the matter. Therefore, taking a lenient view the punishment order passed by District Police Officer, Dir Lower is set aside and he is reinstated into service. However, he is awarded the punishment of stoppage of one annual increment without cumulative effect. The period of absence and he spent out of service is treated as leave without pay.

Order announced.

OB No. 1038  
Dt. 14/09/2021

EC/DHC

No. 10565 /E,

Dated 13-9-2021.

District Police Officer  
Dir Lower at Timergara  
28/9

Abdul Ghafoor Afridi (PSP)  
Regional Police Officer,  
Malakand Region, Saidu Sharif Swat  
"Naqi"

Copy to District Police Officer, Dir Lower with reference to his office Memo: No. 9067/EC dated 18/06/2021. Service Roll and Fauji Missal of the above named officer is returned herewith for record in your office.

Ent. S. Roll  
F. Missal Copyy f. = SW

Auger d  
DSP/legal



AI SAIDU SHARIF SWAT.

4012/E  
14/11/22

OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA  
PESHAWAR.

6969  
18/11/22

ORDER

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by Constable Anwar-ul-Haq No. 54/930. The petitioner was dismissed from service by District Police Officer, Dir Lower vide OB No. 573, dated 02.06.2021 on the allegations of absence from duty w.e.f 04.01.2021 to 12.01.2021 and remained absent from time to time total 57-days. The Appellate Authority i.e Regional Police Officer, Malakand re-instated him in service, however he was awarded punishment of stoppage of one annual increment without cumulative effect and the period of absence and he spent out of service was treated as leave without pay vide order Endst No. 10565/E, dated 13.09.2021.

Meeting of Appellate Board was held on 27.10.2022 wherein petitioner was heard in person. Petitioner contended that he belongs to a poor family.

The Board decided that his penalty of stoppage of one annual increment without cumulative effect is hereby converted into Censure.

Sd/-  
(MUHAMMAD ALI BABAKHEL) PSP  
(UNPM, NSWC)  
Additional Inspector General of Police,  
HQrs: Khyber Pakhtunkhwa, Peshawar.

No. SI 2572-78/22, dated Peshawar, the 14-11-2022.

Copy of the above is forwarded to the:

1. Regional Police Officer, Malakand at Swat. One Service Roll and one Fauji Missal of the above named FC received vide your office Memo: No. 1877-78/E, dated 17.02.2022 is returned herewith for your office record.
2. District Police Officer, Dir Lower.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
5. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-IV CPO Peshawar.

OB/EC/OA/91

District Police Officer,  
Dir Lower at Timedpara

18/11

(IRFAN ULLAH KHAN) PSP  
AIG/Establishment,  
For Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar.

12665 / E / 18/11/22  
15-11-2022  
Ends S. Roll  
F. Missal  
18/11/22  
Regional Police Officer

OB No 1204

18-11-2022

Accepted  
DSP/Legal



