

BEFORE THE HONORABLE,
SERVICE TRIBUNAL, KHYBER PAKTUNKHW, PESHAWAR

Service Appeal No.1057 / 2024

Ex Yasir Adeel r/o District Hangu **Appellant**

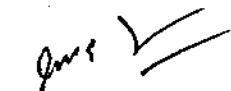
VERSUS

Provincial Police Officer,

Khyber Pakhtunkhwa & others **Respondents**

I N D E X

S, #	Description of documents	Annexed	Pages
1.	Parawise Comments		1-3
2.	Affidavit		4
3.	Copy of absentee	A	5
4.	Copy of charge sheet, parwana/ summon, Enquiry report, Final Show Cause Notice and Dimissal Order.	B,C,D,E,F	6-11
5.	Copy of departmental appeal rejection order	G	12
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Deponent
Inspector Legal, Hangu

①

BEFORE THE HONORABLE,
SERVICE TRIBUNAL, KHYBER PAKTUNKHW, PESHAWAR

Service Appeal No.1057 / 2024

Ex Yasir Adeel Ex-Constable No. 662,

Posted at PTC Hangu, District Hangu. (APPELLANT)

VERSUS

Provincial Police Officer,

Khyber Pakhtunkhwa & others (RESPONDENTS)

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO. 1 to 3.

Respectfully Sheweth:-

Preliminary Objections:-

1. That the appellant has got no cause of action.
2. That the appellant has got no locus standi.
3. That the appellant is estopped to file the instant appeal for his own act.
4. That the appeal is not maintainable in the present form.
5. The appeal is not maintainable due to misjoinder and non-joinder of necessary parties.
6. That the appellant has not come to this Hon'ble Court with clean hands.

Facts:-

1. Para to the extent of appointment as constable pertains to record needs no comments while rest of the para is not plausible. As every police officer is under obligate to perform his duty with devotion & honesty as in this department there is no room lies for any lethargy - moreover, the appellant is habitual absentee who remained absent at different occasions. **(Copy of absentee is attached annexer A).**
2. Incorrect. Plea the taken by the appellant is totally illbased rather a cooked one. He tailored the story of his alleged illness just to give legal cover to his deliberate & willful absence. Moreover, the appellant being member of disciplined force was under obligation to apply for leave to the high-ups but in fiasco. It in pertinent to mention here that appellant while undergoing ethical / rigorous course absented himself from PTC Hangu to avoid the training vide DD& signal No. 1309/GC, dated, 22.07.2022 & cooked story of his alleged illness which is totally bereft of any substance.
3. Incorrect. Plea taken by the appellant is totally bereft of any substance because due to the conduct of appellant, he was selected & sent to PTC Hangu for undergoing Rigorous / Ethic Training. However, he willfully & deliberately absented himself from the said training vide DD No. 118 dated, 16.07.2022 of PTC Hangu & was remained absent. Hence, the commandant PTC Hangu vide Signal No. 1309/GC dated, 22.07.2022 intimated the competent authority regarding the same therefore, in light of said report, the appellant was issued charge sheet statement of allegation vide No.148/EC, dated, 23.11.2022 enquiry was entrusted to DSP HQrs Hangu. The enquiry officer during the course of enquiry summoned the appellant through his personal cell No as well notice was also served upon him through his local police statement but to no

Khyber Pakhtunkhwa
Service Tribunal

Discy No. 17434

Dated 31-10-24

avail. The said exercise was made time & again but neither did the appellant join the enquiry proceedings nor did he report his arrival at PTC Hangu rather remained absent. Hence, often providing ample opportunities by the E.O to the appellant, he (appellant) turned a deaf ear. Therefore, after completion of all legal & codal formalities, the E.O recommended the appellant for awarding major punishment. So, in light of recommendations of the E.O the appellant was called for orderly room but this time too he failed to appear in the orderly room before the competent authority on 09.12.2022. He was also issued Final Show Cause Notice vide No. 340/EC, dated, 12.12.2022 and was directed to submit his reply to the same but in vain. It is pertinent to mention here that a notice was also published in a leading newspaper for issuing of last notice for appearing / making His arrival of police lines Hangu but to no avail. Keeping in view the materials available on record coupled with the recommendations of E.O as well the casual and lethargic attitude towards the official duties, the appellant was awarded appropriate punishment of dismissal from service which does commensurate with the gravity of misconduct of appellant vide order No. 58 dated, 26.01.2023. As the appellant did not bother to produce any cogent justification regarding his absence which clearly depicts that he had nothing to offer / produce in his defense. **(Copy of charge sheet, Parwana, Saman, Enquiry Report, Final Show Cause Notice and Dismissal Order are annexed B,C,D,E & F.)**

4. Correct to the extent that the appellant filed departmental appeal as well as Revision petition, however, the same were paid due consideration coupled with personal hearing of appellant but at each forum he bitterly failed to advance even a single iota of evidence in his defense. Hence, the same were rejected / filed being bereft of any legal footing. **(Copy of Order is annexed G.)**
5. The appeal of the appellant being devoid of merit, is liable to be dismissed on the following grounds.

Ground:-

- A. Incorrect, the orders of respondents are quite legal and in accordance with law / rules hence, tenable in the eye of law, therefore, the same one liable to be maintained.
- B. Incorrect, the appellant was treated strictly in accordance with law & rules by the respondents. The appellant was deliberately avoiding to join the enquiry proceedings despite repeated summons for appearance sent at his home address through local Police station. A notice was also published in the daily Newspaper for report in Police Lines, Hangu within 7-days but the appellant always turned deaf ear and did not appear before the enquiry officer. Which clearly depicted his causal and lethargic attitude towards his official duties.**(Copy of publication Notice of Newspaper as annexure H)**
- C. Incorrect, Charge Sheet and statement of Allegation was duly served upon the appellant at his home address. He was intimated well in time regarding enquiry proceedings against him. Besides a notice was also published in the newspaper but in fiasco.
- D. Incorrect, the appellant was dealt in accordance with law and rules. The appellant was issued Final Show Cause Notice and also provided an opportunity of personal hearing but he intentionally neither submitted any written reply to the Final Show Cause Notice nor appeared before the competent authority. This act of appellant unequivocally shows disinterest in official duties and unprofessionalism. Moreover, issuance of Final Show


Cause Notice is a legal process and the same was issued to him accordingly it is pertinent to mention here that the appellant has categorically admitted the receipt of Final Show Cause Notice, hence that same shows the receipt of other documents i-e charge sheet & statement of allegations.

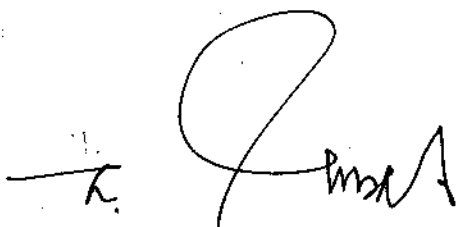
- E. Incorrect, the appellant is habitual absentee and having numerous red entries in his service record. He deliberately absented himself from Police Training College Hangu and did not report back even though he was called time and again to join the duties and appear before the enquiry officer, but to no avail.
- F. Incorrect, the appellant was awarded punishment strictly in accordance with law and rules. The punishment is quite commensurate with the misconduct of appellant.
- G. Incorrect, the appellant was afforded an opportunity of personal hearing by the respondents but he was intentionally avoiding to join the enquiry proceeding. Detailed reply already submitted in the preceding paras.
- H. The respondents will present additional grounds at the time of arguments with the prior permission of this honorable Tribunal.

Prayer:-

In view of the above, it is humbly prayed that the service appeal is devoid of merit may graciously be dismissed with costs, please.

~~District Police Officer,
Hangu
Respondent No.3
MUHAMMAD KHALID PSP
Incumbent~~


Regional Police Officer,
Kohat, Region Kohat
Respondent No.2
SHER AKBAR PSP, S.St
Incumbent


DIG/Legal CPO
For Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.
(Respondent No.1)
DR. MUHAMMAD AKHTAR ABBAS
Incumbent

2

BEFORE THE HONORABLE,
SERVICE TRIBUNAL, KHYBER PAKTUNKHW, PESHAWAR

Service Appeal No.1057 / 2024
Ex Yasir Adeel Ex-Constable No. 662,
Posted at PTC Hangu, District Hangu. (APPELLANT)


VERSUS

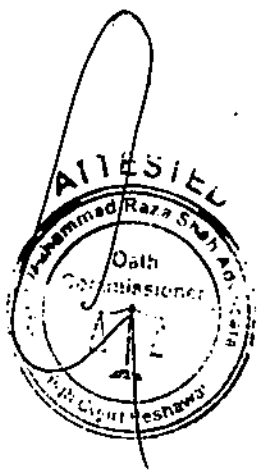
Provincial Police Officer,
Khyber Pakhtunkhwa & others (RESPONDENTS)

AFFIDAVIT

I respondent No.3, Mr. Muhammad Khalid PSP, District Police Officer Hangu and Respondent, do hereby solemnly affirm on oath and declare that contents of these joint parawise comments on behalf of Respondents No.1 to 3 are true and correct to the best of my 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/*cost*.


**DISTRICT POLICE OFFICER,
HANGU**
(Respondent No.3)
(MUHAMMAD KHALID) PSP
Incumbent
CNIC # 15202-1557066-1
Cell # 0324-9191892



31 OCT 2024

A-5

**DETAIL OF PREVIOUS GROSS MISCONDUCT/PUNISHMENT IN RESPECT OF
EX-CONSTABLE YASIR ADEEL NO. 662**

S:#	Allegation	Punishment	OB Nos.
1.	Absented	02 days leave without pay	317 dated 24.04.2009
2.	Absented	02 days leave without pay	269 dated 15.04.2009
3.	Absented	02 days leave without pay	379 dated 09.05.2009
4.	Absented	21 days leave without pay and issue charge sheet	318 dated 02.06.2010
5.	Absented	21 days leave without pay and Fine Rs. 200	392 dated 16.07.2010
6.	Absented	05 days leave without pay	566 dated 02.10.2012
7.	Absented	02 days leave without pay	201 dated 08.03.2013
8.	Absented	21 days leave without pay	416 dated 23.08.2013
9.	Absented	15 days leave out pay	536 dated 16.09.2013
10.	Absented	04 days leave without pay	619 dated 24.10.2013
11.	Absented	04 days leave without pay	638 dated 04.11.2013
12.	Absented	03 days leave without pay	606 dated 22.08.2016
13.	Absented	02 days leave without pay	691 dated 27.09.2016
14.	Absented	04 days leave without pay	819 dated 16.11.2016
15.	Absented	02 days leave without pay	875 dated 09.12.2016
16.	Absented	02 days leave without pay	889 dated 13.12.2016
17.	Absented	02 days leave without pay	56 dated 24.01.2017
18.	Absented	02 days leave without pay	617 dated 09.10.2017
19.	Absented	02 days leave without pay	617 dated 09.10.2017
20.	Absented from Polio Duty	Stoppage of one annual increment without cumulative	678 dated 26.10.2017
21.	Absented	07 days leave without pay and fined Rs. 500	750 dated 09.10.2017
22.	Absented	04 days leave without pay	411 dated 17.07.2017
23.	Absented	02 days leave without pay	367 dated 16.06.2017
24.	Absented	03 days leave without pay	666 dated 22.08.2016
25.	Absented	03 days leave without pay	688 dated 22.09.2016
26.	Absented	02 days leave without pay	691 dated 27.09.2016
27.	Absented	04 days leave without pay	666 dated 22.08.2016
28.	Absented	03 days leave without pay	688 dated 22.09.2016
29.	Absented	04 days leave without pay	819 dated 16.11.2016
30.	Absented	02 days leave without pay	875 dated 09.12.2016
31.	Absented	02 days leave without pay	889 dated 13.12.2016
32.	Absented	03 days leave without pay	317 dated 23.04.2009
33.	Absented	03 days leave without pay	269 dated 15.04.2009
34.	Absented	Censure	379 dated 09.05.2009
35.	Absented	27.04.2010 to 17.05.2010 treated as leave without pay	392 dated 16.07.2010
36.	Absented	01 day leave without pay	209 dated 13.04.2011
37.	Absented	02.01.2011 to 12.05.2011 Dismissed	268 dated 12.05.2011
38.	Absented	01 day leave without pay	208 dated 24.04.2012
39.	Absented	01 day leave without pay	342 dated 04.07.2012
40.	Absented	01 day leave without pay	572 dated 03.10.2012
41.	Absented	05 days leave without pay	566 dated 02.10.2012
42.	Absented	02 days leave without pay	201 dated 08.03.2013
43.	Absented	Censure	269 dated 12.04.2013
44.	Absented	01 day leave without pay	347 dated 30.05.2013
45.	Absented	01 day leave without pay	372 dated 14.06.2013
46.	Absented	14 days leave without pay	536 dated 16.09.2013
47.	Absented	04 days leave without pay	619 dated 24.10.2013
48.	Absented	04 days leave without pay	638 dated 04.11.2013
49.	Absented	Quarter Guard	734 dated 23.12.2013
50.	Absented	01 day leave without pay	473 dated 20.11.2018
51.	Absented	02 days Extra Drill	400 dated 18.11.2021
52.	Absented	61 days leave without pay	307 dated 11.08.2022

Arrested
 On 7
 IN CHARGE LEGAL BUREAU
 HANGU



Serial B-2 (6)

DSP/NO Hangu
Entry No. 1355
Date: 24-11-22

OFFICE OF THE
DISTRICT POLICE OFFICER,
HANGU
Tel No. 0925-623878 & Fax No. 0925-620135
Email: dpohangu8@gmail.com

CHARGE SHEET

I. **MR. ASIF BAHADER, PSP, DISTRICT POLICE OFFICER, HANGU**, as competent authority under Khyber Pakhtunkhwa Police Rules (amendments 2014) 1975, am of the opinion that you **Constable Yasir Adeel No. 662 while undergoing Rigorous/Ethic Training at PTC, Hangu** rendered yourself liable to be proceeded against, as you have omitted the following act/omissions within the meaning of Rule 3 of the Police Rules 1975:-

- i. You, Constable Yasir Adeel No. 662 while undergoing Rigorous/Ethic Training at PTC Hangu have absented yourself from training without any leave or permission vide DD No. 118, dated 16.07.2022 of PTC Hangu and still absented as reported by the Commandant, PTC, Hangu vide his office Signal No. 1309/GC, dated 22.07.2022.
- ii. Your above act shows indiscipline manner, disinterest and amount to gross misconduct on your part.

2. By reasons of the above, you appear to be guilty of misconduct under Rule 3 of the Rules ibid and have rendered yourself liable to all or any of the penalties specified in the Rule 4 of the Rules ibid.

3. You are, therefore, required to submit your written statement within 07days of the receipt of this Charge Sheet to the enquiry officer.

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 ex-parte action shall be taken against you.

A statement of allegation is enclosed.

Stamps
Call him
Yasir PC
7 DSP/HK
24/11/22

Attested
IN CHARGE LEGAL BRANCH
HANGU

[Signature]
DISTRICT POLICE OFFICER,
HANGU



OFFICE OF THE
DISTRICT POLICE OFFICER,
HANGU

Tel No. 0925-623878 & Fax No. 0925-620135
Email: dpohangu8@gmail.com

DISCIPLINARY ACTION

1, **MR. ASIF BAHADER, PSP, DISTRICT POLICE OFFICER, HANGU,** as competent authority, am of the opinion that you, **Constable Yasir Adeel No. 662** have rendered yourself liable to be proceeded against departmentally under Khyber Pakhtunkhwa Police Rule 1975 (Amendment 2014) as you have committed the following acts/omissions.

- i. You, Constable Yasir Adeel No. 662 while undergoing Rigorous/Ethic Training at PTC Hangu have absented yourself from training without any leave or permission vide DD No. 118, dated 16.07.2022 of PTC Hangu and still absented as reported by the Commandant, PTC, Hangu vide his office Signal No. 1309/GC, dated 22.07.2022.
- ii. Your above act shows indiscipline manner, disinterest and amount to gross misconduct on your part.

2. For the purpose of scrutinizing the conduct of said accused with reference to the above allegations **DSP HQrs, Hangu** is appointed as enquiry officer. The enquiry officer shall in accordance with provision of the Police Rule-1975, provide reasonable opportunity of hearing to the accused official, record his findings and make, within twenty five days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused official.

The accused official shall join the proceeding on the date, time and place fixed by the enquiry officer.

**DISTRICT POLICE OFFICER,
HANGU**

No. 148 /EC, dated 23/07/2022

Copy of above to:-

1. **The DSP HQrs, Hangu**:- The Enquiry Officer for initiating proceedings against the accused under the provisions of Police Rule-1975.
2. **The Accused official**:- with the directions to appear before the Enquiry Officer, on the date, time and place fixed by him, for the purpose of enquiry proceedings.

Attested


HANGU

نوٹس برائے حاضری

سسی کنسٹیبل یا سر عدیل نمبر 662 ولد محمد حمزہ اسکند کچ بانڈہ، تحصیل ضلع ہنگو کو بحوالہ چارج شیٹ نمبری 148IEC
23.11.2022 بسلسلہ ڈیپارٹمنٹل انکوائری جاری ہو چکا ہے اور چارج شیٹ کی تعمیل آپ نے بذات خود کی ہے جسکی وصولی کا اٹاخذہ آپ نے
دستخط ثبت کیا ہے۔

لہذا بذریعہ نوٹس ہذا آخری بار اطلاع دی جاتی ہے کہ آپ اس نوٹس کی اشاعت کے سات (07) دن کے اندر اندر پولیس

لاہور ہنگو میں حاضری کریں اور خوات ڈی پی او صاحبہ ہنگو کو بسلسلہ انکوائری جلد از جلد پیش ہو جائیں۔ بصورت دیگر آپ کے خلاف
یکطرفہ حکمانہ کارروائی عمل میں لائی جائے گی۔


ڈسٹرکٹ پولیس آفیسر، ہنگو

Accepted
IN CHARGE LEGAL BRANCH
HANGU

انکوائری رپورٹ بر خلاف کنسٹیبل ماسٹر عدل نمبر 662 حال اخلاقیات کورس PTC ہنگو

جناب عالی!

انکوائری رپورٹ بر خلاف کنسٹیبل ماسٹر عدل نمبر 662 حال اخلاقیات کورس PTC ہنگو کے متعلق 23.11.2022 بجاریہ جناب DPO صاحب ہنگو معروض خدمت ہوں۔ کہ الزام علیہ کنسٹیبل ماسٹر عدل نمبر 662 ڈسٹرکٹ ہنگو جو کہ اخلاقیات کورس کیلئے PTC ہنگو بھجوا یا گیا ہے۔ برطابق مقدمہ نمبر 118 روزنامہ 16.07.2022 PTC ہنگو دوران اخلاقیات کورس غیر حاضر ہونے کی بناء پر جناب کمانڈنٹ صاحب PTC ہنگو نے سنگل نمبر 1309/GC مورہ 22.07.2022 بغرض اطلاعیاتی جناب DPO صاحب ہنگو کو ارسال کیا۔ جس پر الزام علیہ کنسٹیبل کو چارج شیٹ کیا جا کر انکوائری نمبر DSP/HQR کو حوالہ کی گئی۔

دوران انکوائری الزام علیہ کنسٹیبل کو برطابق ڈیٹ شیٹ ذیل تواریخ میں انکوائری ایفسر کیساتھ پیش ہونے کے لئے اطلاعیاتی دی گئی۔

- 01- مورہ 24.11.2022 - بذریعہ موبائل فون اطلاع دی گئی مگر حاضر نہیں آیا۔
- 02- مورہ 25.11.2022 - روزنامہ PTC کو اطلاع دی گئی مگر مذکورہ کنسٹیبل حاضر نہیں آیا۔
- 03- مورہ 29.11.2022 - مذکورہ کنسٹیبل نے موبائل فون آئیڈنٹیفیکیشن اسلئے روزنامہ PTC کو اطلاع دی گئی۔
- 04- مورہ 30.11.2022 - کو بذریعہ تحریری پروانہ مطلع کیا گیا۔ مگر پھر بھی حاضر نہیں آیا۔
- 05- مورہ 06.12.2022 - بذریعہ موبائل فون ایک بار پھر اطلاع دی گئی مگر حاضر ہونے سے قاصر رہا۔

مذکورہ کنسٹیبل کو اس کے موبائل نمبرات 0336-9836735-0336-9120483 پر بالاتواریخ پر رابطہ کی بار بار کوشش کی گئی۔ مگر مذکورہ کنسٹیبل کے موبائل نمبرات کبھی بند اور کبھی ریگ جانے کے باوجود بھی دیدہ دانستہ طور پر موبائل فون آئیڈنٹیفیکیشن کر رہا ہے۔ جس کے عقب بذریعہ تمام سٹی تحریری پروانہ بھی بغرض پیش ہونے بھجوا یا گیا۔ اور پروانہ نوٹ کرنے کے باوجود بھی حاضر نہیں آیا۔ PTC یوسف کینی کمانڈر کی رپورٹ تحریر شدہ مورہ 28.07.2022 کے مطابق اخلاقیات کورس کیلئے 04.03.2022 کو PTC ہنگو میں اپنی حاضری کی رپورٹ کی ہے۔ اور دوران کورس 61 یوم 09 گھنٹے 50 منٹ غیر حاضری کی ہے۔ اور اب بھی بدستور غیر حاضر ہے۔ اور اسی طرح جناب DPO صاحب ہنگو نے بحوالہ OB نمبر 307 مورہ 11.08.2022 مذکورہ کنسٹیبل کو بلا تخواہ اور شو کاز نوٹس جاری کرنے کا حکم صادر فرمایا ہے۔

جناب عالی!

ذمہ مذکورہ کنسٹیبل کو اخلاقیات کورس کیلئے بھجوا یا گیا ہے تو لازمی بات ہے کہ اس کا اخلاق اور ردیہ عوام الناس اور اپنے سنیرز کیساتھ ٹھیک نہیں رہا ہوگا۔ چونکہ پولیس ایک ڈیپلین فورس ہے مگر مذکورہ کنسٹیبل ایک عادی غیر حاضر باش، غیر ڈیپلین اور غیر سنجیدہ پولیس اہلکار ہے۔ رپکارڈ کے مطابق اس کے سرورس رول میں 36 Minor Bad Entries درج ہیں۔ علاوہ ازیں دوران اخلاقیات کورس تقریباً 61 یوم مختلف دنوں میں غیر حاضری کے علاوہ مورہ 22.07.2022 سے PTC ہنگو سے بحال بدستور غیر حاضر اور انکوائری میں پیش ہونے سے بھی قاصر رہا۔ مذکورہ کنسٹیبل کی غیر ذمہ داری اور ذیولٹی میں عدم دلچسپی کا منہ بولتا ثبوت ہے۔

لہذا ریکارڈ اور بالا کی گئی انکوائری سے مذکورہ کنسٹیبل قصور وار پایا جاتا ہے اگر Major Punishment دی جائے تو بہتر ہوگا۔ رپورٹ بمقام صاحب حکم ارسال خدمت ہے۔

Attested

[Signature]

DSP/Hqr: HANGU

IN CHARGE LEGAL BRANCH
HANGU



OFFICE OF THE
DISTRICT POLICE OFFICER,
HANGU

Tel: 0925-623878 Fax 0925-620135

No 310 /EC dated Hangu the 12 / 12 /2022

FINAL SHOW CAUSE NOTICE

1. I, **Asif Bahader, (PSP), District Police Officer, Hangu** as competent authority, under the Khyber Pakhtunkhwa Police Rules 1975, (amended 2014) is hereby serve you, **Constable Yasir Adeel No. 662 while undergoing Rigorous/Ethic Training at PTC, Hangu** as follow:

- i. That consequent upon the completion of inquiry conducted against you by the inquiry officer in which you have given full opportunity of hearing, but you failed to appear the enquiry officer and still absented yourself from training with effect from 22.07.2022 to till date without any leave or permission thus, held you guilty for the charges leveled against and recommended you for awarding a major punishment you vide his office finding No. 1783/DSP/Hq, dated 08.12.2022.
- ii. From going, through the finding and recommendations of the inquiry officer, the material on record and other documentary proof including your defense before the inquiry officer.

I am satisfied that you have committed the following acts/omissions, specified in section 3 of the said ordinance.

- i. You, **Constable Yasir Adeel No. 662 while undergoing Rigorous/Ethic Training at PTC Hangu have absented yourself from training without any leave or permission vide DD No. 118, dated 16.07.2022 of PTC Hangu and still absented as reported by the Commandant, PTC, Hangu vide his office Signal No. 1309/GC, dated 22.07.2022.**
Your above act shows indiscipline manner, disinterest and amount to gross misconduct on your part.

2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you major penalty provided under the Rules *ibid*.
3. You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you also intimate whether you desire to be heard in person.
4. If no reply to this notice is received within 07 days of its delivery in the normal course of circumstances, it shall be presumed that you have no defence to put in and in that case as ex-parte action shall be taken against you.
5. The copy of the finding of inquiry officer is enclosed.

Accepted
IN CHARGE
HANGU

DISTRICT POLICE OFFICER,
HANGU



Sum F (W)

OFFICE OF THE
DISTRICT POLICE OFFICER,
HANGU

Tel: 0925-623878 Fax 0925-620135

ORDER

This order is passed on the departmental enquiry against Constable Yasir Adeel No. 662 under the Khyber Pakhtunkhwa Police Rules 1975 (Amendment 2014).

Brief facts of the case are as under:-

- i. Constable Yasir Adeel No. 662 while undergoing Rigorous/Ethic Training at PTC Hangu has absented himself from training without any leave or permission vide DD No. 118, dated 16.07.2022 of PTC Hangu and still absented as reported by the Commandant, PTC, Hangu vide his office Signal No. 1309/GC, dated 22.07.2022
- ii. His above act shows indiscipline manner, disinterest and amount to gross misconduct on his part.

He was served with Charge Sheet and statements of allegations under the Khyber Pakhtunkhwa Police Rules 1975 (Amendment 2014) vide this office No. 148/EC, dated 23.11.2022, to which he failed to submit his reply to the DSP, HQrs, Hangu, who was appointed as Enquiry Officer to conduct departmental enquiry against him. After completion of enquiry, the Enquiry Officer submitted his finding report vide No. 1783/DSP/HQ; dated 08.12.2022, in which the defaulter Constable Yasir Adeel No. 662 was time & again summoned for giving full opportunity of hearing, but he failed to appear before the enquiry officer and absented himself from training with effect from 22.07.2022 to till date without any leave or permission thus, held him guilty for the charges leveled against him and recommended him for awarding a major punishment.

Also, the defaulter Constable Yasir Adeel No. 662 was called in orderly room on 09.12.2022, but he did not appear before the undersigned. Consequently, a Final Show Cause Notice was issued to him this office vide No. 340/EC, dated 12.12.2022, but he also failed to submit his reply. Subsequently, a Notice was advertised in daily newspaper regarding issuing of Last Notice to him for appearing/making his arrival report at Police Lines Hangu within 07-days positively, but no response could be received from his side so far.

Keeping in view of above and having gone through available record, the undersigned has arrived at the conclusion that defaulter Constable Yasir Adeel No. 662 did not make his arrival report at Police Lines, Hangu up-till now, which indicates that he is not more interested to serve the Police Department. Moreover, in these circumstances, his retention in Police Department is burden on public exchequer, therefore, I, Asif Bahader, (PSP), District Police Officer, Hangu in exercise of the powers conferred upon me under the Rules, ibid, dispense with general proceedings and awarded him a major punishment of Dismissal from Service with immediate effect.

Order Announced.

OB No. 58

Dated 13/11/2023

DISTRICT POLICE OFFICER,
HANGU

OFFICE OF THE DISTRICT POLICE OFFICER, HANGU.

No. 563-66 /EC, dated Hangu, the 30/01/2023

Copy of above is submitted to the Regional Police Officer, Kohat Region, Kohat for favour of information, please.

Pay Officer, EC, Reader & OHC for necessary action.

Arrested
In Charge LEGAL BRANCH
HANGU

DISTRICT POLICE OFFICER,
HANGU

(2)

ORDER.

This order will dispose of the departmental appeal, preferred by Ex-Constable Yasir Adeel No. 662 of district Hangu against the order of District Police Officer, Hangu whereby he was awarded major penalty of dismissal from service vide OB No. 58, dated 26.01.2023. Brief facts of the case are that the appellant while undergoing rigorous / ethics training at PTC Hangu had absented himself from training without availing any leave or prior permission from his seniors vide DD No. 118, dated 16.07.2022 as reported by Commandant, PTC Hangu Signal No. 1309/GC, dated 22.07.2022. His total period of absence comes to about 04-months and 05-days.

Proper departmental enquiry proceedings were initiated against him and DSP HQrs: Hangu was nominated as Enquiry Officer. The Enquiry Officer after fulfillment of codal formalities submitted enquiry findings wherein he was recommended for major penalty under the relevant rules.

The appellant was also called in Orderly Room held on 09.12.2022 by the District Police Officer, Hangu where he did not appear. Consequently, a Final Show Cause Notice was issued to him vide DPO, Hangu office No. 340/EC, dated 12.12.2022 which was not replied to as well. Finally, the last notice for appearance / arrival report within seven (07) days at Police Lines, Hangu was also published in the newspaper. However, he did not respond.

Keeping in view recommendations of the Enquiry Officer and the above cited circumstances, the defaulter official was awarded major punishment of dismissal from service under the relevant rules by the District Police Officer, Hangu vide OB No. 58 dated 26.01.2023.

Feeling aggrieved from the order of District Police Officer, Hangu, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in the office of the undersigned on 23.05.2023. During personal hearing the appellant did not advance any plausible explanation in his defense. Perusal of his Service Record reveals that he has earned 36 bad entries having only one good entry in his career.

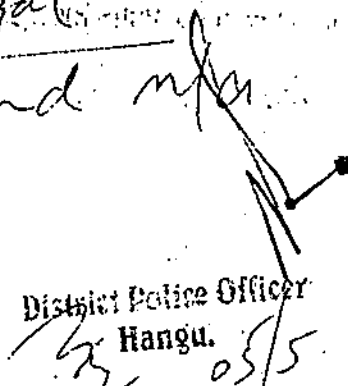
Keeping in view the above, I, Sher Akbar, PSP, S.St, Regional Police Officer, Kohat, being the appellate authority, do not see any illegality in the impugned order passed by DPO Hangu and there is no need for interference. Hence, appeal of Ex-Constable Yasir Adeel No. 662 is hereby rejected, being meritless.

Order Announced


Regional Police Officer,
Kohat Region

No. 5882 /EC, Dated Kohat the 29 / 05 /2023

Copy forwarded to District Police Officer, Hangu for information and necessary w/r to his office Memo: No. 2147/LB, dated 13.04.2023. His Service Record is returned herewith.

DHC/EC/legal
For inf and mtr

District Police Officer
Hangu.
05/5

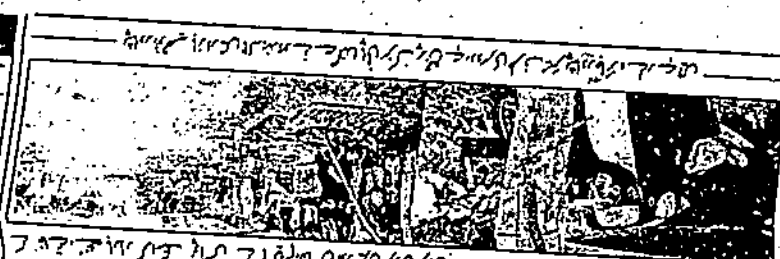


Accepted
Ans
IN CHARGE LEGAL BRANCH
HANGU

MANCOURT

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BEFORE THE HONORABLE,
SERVICE TRIBUNAL, KHYBER PAKTUNKHW, PESHAWAR

Service Appeal No.1057 / 2024

Ex Yasir Adeel Ex-Constable No. 662,

Posted at PTC Hangu, District Hangu. (APPELLANT)

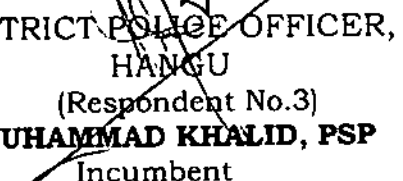
VERSUS


Provincial Police Officer,

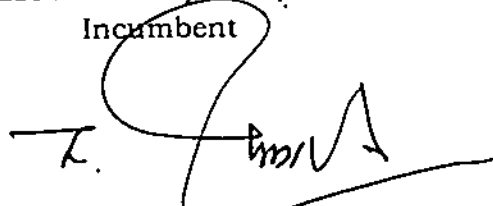
Khyber Pakhtunkhwa Peshawar & others (RESPONDENTS)

AUTHORITY LETTER

Mr. Imad-Ud-Din, DSP HQrs Hangu is hereby authorized /nominated to submit para-wise comments/reply in the instant service appeal in the Hon'ble Khyber Pakhtunkhwa Service Tribunal Peshawar and also to defend instant service appeal on behalf of Respondent's No.1,2 and 3.


DISTRICT POLICE OFFICER,
HANGU
(Respondent No.3)
MUHAMMAD KHALID, PSP
Incumbent


Regional Police Officer,
Kohat, Region Kohat
(Respondent No.2)
SHER AKBAR, PSP, S.St
Incumbent


DIG/Legal CPO
For Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.
(Respondent No.1)
DR. MUHAMMAD AKHTAR ABBAS
Incumbent