

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No.715 /2024

Muhammad Asad

..... (Appellant)

- VERSUS

Khyber Pakhtunkhwa
Service Tribunal

Inspector General of Police, Khyber Pakhtunkhwa etc (Respondents)

Diary No. 17482

Dated. 01-11-24

Subject: **Application for submission of correct page No.02 of the comments**

1. That the case titled above is pending adjudication before this Hon'ble Court wherein next date is fixed as 25.11.2024.
2. That the respondent was directed to submit comments which were done accordingly.
3. That due to some inadvertent mistake during submission of comments by respondents page No.02 of the comments was filed of another case due to which details facts of the case could not be given.
4. That the respondents/Applicant be allowed to replace page No.02 of the comments and be placed before the Hon'ble court.

It is therefore, very humbly prayed that on acceptance of the instant application. Applicant be allowed to submit revised/ correct page No.02 of the comments in the titled case.

Respondents

Through


Naseeruddin Shah

AAG KPK

was given ample opportunity to prove himself innocent of the charges leveled against him but the Appellant failed to satisfy the respondent No 03.

Keeping in view all the above facts and recommendation of the enquiry officer, as well as material available on the record, the above named Constable (Appellant) was found guilty of the gross misconduct. Therefore, the Appellant was awarded minor punishment of **“forfeiture of Two annual increment with cumulative effect”** and given last warning to be careful in future. **Copies of Charge Sheet & Summary of allegations dated 02.10.2023, Reply of Charge Sheet, Statement of the Appellant alongwith cross Examination, Finding reports of the EO, Bogus Medical Prescriptions, ATH verification report No.9025 dated 26.07.2023, Final Show Cause Notice dated 06.11.2023, Reply of Final Show Cause Notice, Order office Endst No.5706-10/EC dated 29.11.2023, Rejection order No.255-58/EC dated 22.01.2024 and Revision Petition Rejection vide order dated 03.04.2024 have been attached as Annexure “A” to “J”.**

- 3) Incorrect, after verification from the concerned hospital (Ayub medical teaching) the medical prescriptions produced by the Appellant were found as fake & bogus. So, the Appellant was issued/ served with charge sheet and statement of allegations vide dated 02.10.2023 to which, the Appellant replied in written but reply was unsatisfactory.
- 4) Incorrect, after proper departmental enquiry, as recommendation of the Enquiry officer as well as material available on the record and the Appellant was found guilty of gross misconduct. Therefore, he was awarded minor punishment of **“forfeiture of Two annual increment with cumulative effect”** while passing order dated 29.11.2023 by the respondent No.03.
- 5) Correct, the departmental appeal of the Appellant was rejected as being meritless by the respondent No.02 on 22.01.2024
- 6) Correct, revision petition preferred by the Appellant before the respondent No.01 was also rejected as time barred on 03.04.2024.
- 7) Incorrect, the appellant has got cause of action and the orders of respondents as quite legal in accordance with law/ rules hence, the instant appeal being time barred is liable to be dismissed, on the following grounds

Grounds

- A. Incorrect, all orders have been issued in accordance with law & rules by the respondents.
- B. Incorrect, after proper departmental enquiry the appellant was found guilty and thus proceeded as per law.
- C. Incorrect, the respondent acted in accordance with law/rules.

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Keeping in view all the above facts and recommendation of the enquiry officer, as well as material available on the record, the above named Constable (Appellant) was found guilty of the gross misconduct. Therefore, the Appellant was awarded minor punishment of **“forfeiture of Two annual increment with cumulative effect”** and given last warning to be careful in future. **Copies of Charge Sheet & Summary of allegations dated 02.10.2023, Reply of Charge Sheet, Statement of the Appellant alongwith cross Examination, Finding reports of the EO, Bogus Medical Prescriptions, ATH verification report No.9025 dated 26.07.2023, Final Show Cause Notice dated 06.11.2023, Reply of Final Show Cause Notice, Order office Endst No.5706-10/EC dated 29.11.2023, Rejection order No.255-58/EC dated 22.01.2024 and Revision Petition Rejection vide order dated 03.04.2024 have been attached as Annexure “A” to “J”.**

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