


FORM OF ORDER SHEET

Court of _____

Appeal No. 2400/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	08/11/2024	<p>The appeal of Mr. Khaled Mansoor presented today by Mr. Zartaj Anwar Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 18/11.2024. Parcha Peshi given to counsel for the appellant.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Appeal No. 2400/2024

Khalid Mansoor Ex. Constable No.1186, at Police Station
Gumbat Kohat Peshawar.

(Appellant)

VERSUS

The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar
and others.

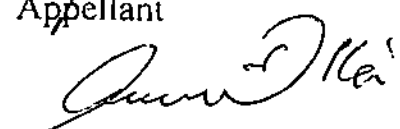
(Respondents)

I N D E X

S.No	DESCRIPTION OF DOCUMENTS	ANNEX	PAGES
1.	Memo of Appeal		1-4
2.	copy of the medical prescriptions	A & B	5-8
3.	Copy of the impugned office order dated 30.08.2024	C	9
4.	Copy of the departmental appeal and rejection order	D & E	10-11
	Wakalatnama		12

Through

(K/m) 
Appellant


ZARTAJ ANWAR
Advocate Supreme Court
Of Pakistan

1

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Appeal No. 2400/2024

Khalid Mansoor Ex. Constable No.1186, at Police Station
Gumbat Kohat Peshawar.

(Appellant)

VERSUS

1. The Provincial Police Officer, Khyber Pakhtunkhwa,
Peshawar.
2. District Police Officer Kohat.

(Respondents)

Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the Office Order dated 30.08.2024, whereby the appellant has been awarded the major penalty of Dismissal from Service, against which the appellant filed Departmental appeal dated 06.09.2024, which was rejected on 15.10.2024.

Prayer in Appeal:

On acceptance of this appeal the impugned orders dated 30.08.2024 and 15.10.2024 may please be set-aside and the appellant may kindly be reinstated into service with all back benefits. Or any other remedy which is not specifically asked for may also be awarded in favour of the appellant.

Respectfully Submitted:

1. That the appellant was enlisted as Constable in the Police Department and has at his credit a bright and spot less service career.

2. It is pertinent to mention here that ever since his enlistment the appellant has performed his duties as assigned to him with zeal and devotion and to the entire satisfaction of his superiors and there was no complaint whatsoever regarding his performance.
3. That the appellant while performing his duties in the Police Station Gumbat, became sick and the appellant approached to the District Headquarters Teaching Hospital Kohat on 29.04.2024 and after examination the attending doctor recommended bed rest for a period of 1 month to recover, upon completion of one month the appellant returned to the doctor for follow up consultation after evaluating his condition the doctor advised that he continue with another month of bed rest to ensure recovery. *(copy of the medical prescriptions are attached as annexure A & B)*
4. That after the health recovery the appellant submitted his arrival and started his duty at Police Station Gumbat but astonishingly the appellant was informed that he was dismissed from his service on the ground of absentee vide impugned office order dated 30.08.2024. *(Copy of the impugned office order dated 30.08.2024 is attached as annexure C).*
5. That being aggrieved from the impugned order dated 30.08.2024, the appellant has submitted his departmental appeal before the competent authority which was rejected vide office order dated 15.10.2024. *(Copy of the departmental appeal and rejection order are attached as annexure D & E).*
6. That the impugned orders are illegal, unlawful, without lawful authority, against the law and facts, hence liable to be set aside on the following grounds;

GROUNDS OF SERVICE APPEAL:

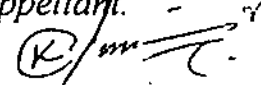
- A. That the appellant has not been treated in accordance with law, and his right secured and guaranteed under the law have been violated.
- B. That no proper procedure has been followed before awarding the major punishment to the appellant, the appellant has not been served with any charge sheet or statement of allegation, no proper inquiry has been conducted, nor the appellant was ever associated properly with the inquiry proceedings, statement of witnesses, if any, were never taken in presence of the appellant, thus the whole proceedings

are defective in the eye of law and orders based on such defective proceedings are liable to be set aside.

- C. That the appellant while performing his duties in the Police Station Gumbat, became sick and the appellant approached to the District Headquarters Teaching Hospital Kohat on 29.04.2024 and after examination the attending doctor recommended bed rest for a period of 1 month to recover, upon completion of one month the appellant returned to the doctor for follow up consultation after evaluating his condition the doctor advised that he continue with another month of bed rest to ensure recovery, so the absence of the appellant was due to his sickness not otherwise, for which the government hospital prescriptions are available.
- D. That the appellant is the only male in his house and his condition was not good enough to join his duty, the absence of the appellant was not willful but due to his sickness.
- E. That according to the section 9 of the E & D Rules the competent authority shall published a notice in at least two leading newspapers directing to resume duty within fifteen days of the publication of the that notice, but in the case of the appellant there was no publication in the newspapers it is also pertinent to mentioned here that in case of absentee there will be removal from service.
- F. That the absence of the appellant from his duties is due to the above mentioned reason not otherwise, therefore the award of major penalty Dismissal from Service is too harsh.
- G. That the appellant never committed any act or omission which could be termed as misconduct, he has been illegally awarded the major penalty of dismissal from service.
- H. That the appellant has at his credit bright and spotless service career, the penalty imposed upon him is too harsh and liable to be set aside.
- I. That the appellant is jobless since his illegal dismissal from service.
- J. That the appellant seeks the permission of this Honourable Tribunal to rely on additional grounds at the hearing of this appeal.

It is therefore prayed that on acceptance of this appeal the impugned orders dated 30.08.2024 and 15.10.2024 may please

be set-aside and the appellant may kindly be reinstated into service with all back benefits. Or any other remedy which is not specifically asked for may also be awarded in favour of the appellant.

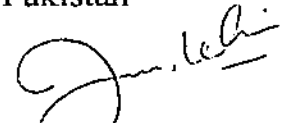

Appellant

Through



ZARTAJ ANWAR
Advocate Supreme Court
of Pakistan

&



IMRAN KHAN
Advocate High Court
Peshawar

AFFIDAVIT

I, *Khalid Mansoor* Ex. Constable No.1186, at Police Station Gumbat Kohat. do hereby solemnly affirm and declare that the contents of the above Appeal are true and correct to the best of my knowledge and belief and that nothing has been kept back or concealed from this Honourable Tribunal.


Deponent

5

Approved A

GOVERNMENT OF KHYBER PAKHTUNKHWA
DISTRICT HEADQUARTERS TEACHING HOSPITAL KOHAT

MEDICAL LEAVE CERTIFICATE

Signatures and Thumb Impression of Patient _____

Certified that Mr./Ms. Khalid Mansoor SIDWIO G. ALLAM Younis
resident of village kagkai
Designation Constable Department Police
having CNIC No. 14301-5410948-7 has been examined in this hospital vide
Emergency / O.P.D / Admission No. 1695-24 dated 29-4-24

He / She is suffering from Lumbar Sciatica
and is advised bed / home rest alongwith the medications prescribed for a period of one month
w.e.f. 29-4-24 to 28-5-24 for the restoration of his / her health.

M. J. J.
Resident
DHQ Hospital
Kohat

Signature Mansoor
Name of Doctor _____
Designation Medical Officer
DHQ Hospital, KDA, Kohat
PM&DC No. _____
Official Seal _____

6

Medical No. 2

Rs. 10/-

No.

OUT-PATIENTS DEPARTMENT

NAME

YEARLY NO.

DATE

(1695)

No.

Rs. 10/-

OUT-PATIENTS DEPARTMENT

NAME

YEARLY NO.

DATE

DISEASE

Handwritten name

29/4/24

JBP

ly musconfin

ly Pinamin SR
1A1

ly Meclizis
1A1

ly Tramcet
1+1

Ad ly Fantaza 40

bed Rest 2 months only
JWP

Dr. Senthil

FACE VALUE RUPEES 10/ FACE VALUE RUPEES 10/

7

Admitted B

GOVERNMENT OF KHYBER PAKHTUNKHWA
DISTRICT HEADQUARTERS TEACHING HOSPITAL KOHAT

MEDICAL LEAVE CERTIFICATE

Signatures and Thumb Impression of Patient _____

Certified that Mr./Ms.

Khalid Mansoor S/D/W/O GHILLAN

resident of _____

village Kaghzal

Designation _____

Const

Department _____

Police

having CNIC No. _____

4301-54-10948-7

has been examined in this hospital vide

Emergency / O.P.D / Admission No. _____

1752

dated _____

He / She is suffering from _____

Lt Scapula

and is advised bed / home rest along with the medications prescribed for a period of _____

one month

w.e.f. 28-5-24 to 29-6-24 for the restoration of his / her health.

Mulla
President
DHQ Teaching Hospital
Kohat

Signature _____

A

Name of Doctor _____

MEDICAL OFFICER
DHQ Teaching Hospital Kohat

Designation _____

PM&DC No. _____

Official Seal _____

8

Medical No. 2 Rs. 10/-

No. **OUT-PATIENTS DEPARTMENT**

NAME

YEARLY NO. 1722

DATE

No. Rs. 10/-

OUT-PATIENTS DEPARTMENT

NAME

YEARLY NO. 1911/14

DATE 28-5-24

DISEASE

FACE VALUE RUPEES 10/ FACE VALUE RUPEES 10/

JBP

of Muscoulon

leg Gidicem 15mg
2' 0, 0

leg Tomoflox p
1 + 1

Acc leg Voltalor

Rest of months



9
Amended: C
**OFFICE OF THE
DISTRICT POLICE OFFICER,
KOHAT**
Tel: 0922-920116 Fax 920125

ORDER

This order is passed on the departmental enquiry against Constable Khalid Mansoor No. 1188 of this district Police, under the Khyber Pakhtunkhwa, Police Rules, 1975 (amendment 2014).

Brief facts of the case are that he while posted at Police station Gumbat has absented himself from official duty vide DD No. 29 dated 29.04.2024 and arrival report vide DD No. 12 dated 02.07.2024 (absence period 64 days) without any leave or permission from his seniors.

The above act of the defaulter official is shows in-efficiency, irresponsibility and did not take interest in lawful duties.

He was served with charge sheet and statement of allegations. SDPO Gumbat Kohat was appointed as enquiry officer to proceed against him departmentally. The enquiry officer submit finding report, found him guilty of the charges and recommended for punishment.

The defaulter constable was called in OR on 28.08.2024, heard in person, but he failed to advance any plausible explanation in his defense.

In view of above and available record, I agree with the findings of enquiry officer, therefore, in exercise of the powers conferred upon me, under the rules ibid I Muhammad Omer Khan, District Police Officer, Kohat is hereby impose a major punishment of "Dismissal from service" and the absence period i.e unauthorized leave is treated as leave without pay.


DISTRICT POLICE OFFICER,
KOHAT

OB No.

763

Date

30-8-2024

No.

6224/25/PA dated Kohat the 02-9-2024.

Copy of above to the:-

1. Reader/SRC/OHC/ Pay officer//C HRMIS for necessary action

خدمت جناب DIG صاحب کوہاٹ

درخواست برآورد۔ بحالی ملازمت یوجہات ذیل

جناب عالی! سائل حسب ذیل عرض رساں ہے۔

- 1- یہ کہ سائل جگر پولیس میں بمقام کمرہ تھانہ میں ڈیوٹی سرانجام دے رہا تھا۔
- 2- یہ کہ سائل شدید علیل تھا اور اپنے علاج میں مصروف تھا جس بنا پر سائل اپنی ڈیوٹی پر غیر حاضر رہا۔
- 3- یہ کہ سائل اپنے علاج کے بعد واپس اپنی ڈیوٹی پر حاضر ہو گیا اور عرصہ کم و بیش ایک ماہ ملازمت بھی کی ہے۔
- 4- یہ کہ سائل کی SP صاحب کے پاس اس سلسلہ میں پیشی ہوئی تھی۔
- 5- یہ کہ سائل یوجہ بیماری اپنی ڈیوٹی پر حاضر نہ ہو سکا تھا اور دوسری کوئی وجہ نہ تھی۔
- 6- یہ کہ سائل بیماری کے بعد واپس اپنی ڈیوٹی پر حاضر ہو چکا تھا اور اپنی ڈیوٹی احسن طریقے سے سرانجام دیتا رہا ہے۔
- 7- یہ کہ سائل کے خلاف قبل ازیں کسی قسم کی کوئی شکایت نہ ہے اور سائل کا ریکارڈ صاف ہے۔
- 8- یہ کہ سائل اپنے خاندان کا واحد کفیل ہے اور سائل کی ملازمت سے گھر کا گزارہ ہوتا ہے۔ دوسرا کوئی ذریعہ معاش نہ ہے۔
- 9- یہ کہ سائل آپ سے ملازمت بحالی کی استدعا کرتا ہے۔

لہذا استدعا ہے کہ حسب ضابطہ سائل کو ملازمت پر بحالی کی استدعا کرتا ہے سائل تادم برگ دعا گو رہے گا۔

سوری 06-9-2024

لاہور کے

سائل خالد منصور پلٹ نمبر 1188 سکنہ کاغذی کوہاٹ

موبائل نمبر 0336-8004849

11
Anwar E

ORDER.

This order will dispose of the departmental appeal preferred by Ex-Constable Khalid Mansoor No. 1186 of district Kohat against the order of District Police Officer, Kohat whereby he was awarded major punishment of dismissal from service vide OB No. 763 dated 30.08.2024.

Brief facts of the case are that he, while posted at Police Station Gumbat, had absented himself from official duty vide DD No. 29 dated 29.04.2024 to 02.07.2024 (total absence 64 days) without any leave or permission from his seniors.

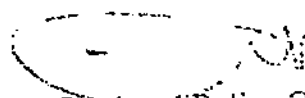
Proper departmental enquiry proceedings were initiated against him and SDPO Gumbat was appointed as Enquiry Officer. The Enquiry Officer, after fulfilment of codal formalities, submitted his findings wherein the appellant was found guilty of the charges leveled against him. He was recommended for suitable punishment under the relevant rules.

On the basis of the recommendations of the Enquiry Officer, the delinquent officer was awarded major punishment of dismissal from service vide OB No. 763 dated 30.08.2024.

Feeling aggrieved from the order of District Police Officer, Kohat, the appellant preferred the instant appeal. On 15.10.2024, he was summoned and heard in person in Orderly Room held in the office of the undersigned. During personal hearing, the appellant did not advance any plausible explanation in his defense.

Foregoing in view, I, Sher Akbar, PSP, S.St, Regional Police Officer, Kohat being the appellate authority, am of considered opinion that allegations leveled against him have been fully established. The punishment of dismissal from service, awarded to the appellant by District Police Officer, Kohat, is justified and, therefore, warrants no interference. Hence appeal of Ex-Constable Khalid Mansoor No. 1186 is hereby rejected, being devoid of substance and merit.

Order Announced
15.10.2024


Regional Police Officer,
Kohat Region

No. PI/53 /EC, Dated Kohat the 23/10/2024

Copy forwarded to District Police Officer, Kohat for information and necessary w/r to his office Memo: No. 5820/LB, dated 23.09.2024. His Service Record and Fauji Misc: are returned herewith.

POWER OF ATTORNEY

In the Court of High Court Peshawar Khwa Saeed Tribunal Peshawar
Khalid Muneer

} For
} Plaintiff
} Appellant
} Petitioner
} Complainant

VERSUS

The P.P. and others

} Defendant
} Respondent
} Accused

Appeal/Revision/Suit/Application/Petition/Case No. _____ of _____
Fixed for _____

I/W, the undersigned, do hereby nominate and appoint

ZARAJ ANWAR & IMRAN KHAN ADVOCATES, my true and lawful attorney, for me in my same and on my behalf to appear at _____ to appear, plead, act and answer in the above Court or any Court to which the business is transferred in the above matter and is agreed to sign and file petitions. An appeal, statements, accounts, exhibits. Compromises or other documents whatsoever, in connection with the said matter or any matter arising there from and also to apply for and receive all documents or copies of documents, depositions etc, and to apply for and issue summons and other writs or subpoena and to apply for and get issued and arrest, attachment or other executions, warrants or order and to conduct any proceeding that may arise there out; and to apply for and receive payment of any or all sums or submit for the above matter to arbitration, and to employ any other Legal Practitioner authorizing him to exercise the power and authorizes hereby conferred on the Advocate wherever he may think fit to do so, any other lawyer may be appointed by my said counsel to conduct the case who shall have the same powers.

AND to all acts legally necessary to manage and conduct the said case in all respects, whether herein specified or not; as may be proper and expedient.

AND I/we hereby agree to ratify and confirm all lawful acts done on my/our behalf under or by virtue of this power or of the usual practice in such matter.

PROVIDED always, that I/we undertake at time of calling of the case by the Court/my authorized agent shall inform the Advocate and make him appear in Court, if the case may be dismissed in default, if it be proceeded ex-parte the said counsel shall not be held responsible for the same. All costs awarded in favour shall be the right of the counsel or his nominee, and if awarded against shall be payable by me/us

IN WITNESS whereof I/we have hereto signed at Peshawar
the _____ day of _____ the year _____
Executant/Executants _____
Accepted subject to the terms regarding fee _____

IMRAN KHAN
Advocate High Court
Mob: 0345-9090648

ZARAJ ANWAR
Advocate Supreme Court Of Pakistan
ADVOCATES, LEGAL ADVISORS, SERVICE & LABOUR LAW CONSULTANT
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CNIC: 17301-1610454-5