


FORM OF ORDER SHEET

Court of _____

Appeal No. 2475/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	19/11/2024	<p>The appeal of Muhammad Amir resubmitted today by Mr. Muhammad Asim Khan Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 22.11.2024. Parcha Peshi given to counsel for the appellant.</p> <p>By order of the Chairman  REGISTRAR</p>

The appeal of Mr. Muhammad Amir received today i.e on 06.11.2024 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

1- According to sub-rule-4 of rule-6 of Khyber Pakhtunkhwa Service Tribunal rules 1974 respondent nos. 1, 4 & 5 are un-necessary/improper parties, in light of the rules ibid and on the written direction of the Worthy Chairman the above mentioned respondent number be deleted/struck out from the list of respondents.


② Address of appellant is incomplete be completed according to rule-6 of Khyber Pakhtunkhwa Service Tribunal rules 1974.

③ Annexures of the appeal are unattested.

④ The law under which appeal is filed is not mentioned.

No. 1035 /Inst./2024/KPST,

Dt. 06 / /2024.


ADDITIONAL REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Asim Khan Adv.
High Court at Peshawar .

Respect Sir.

Objection removed.

*As per objection Govt. is deleted and other
respondent no. 4 and 5 is relevant.*

(Sealed)

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA

Appeal No 2475 /2024

Muhammad Amir S/o Noor Muhammad Khan (Constable) R/o

.....Petitioner

V E R S U S

Inspector General Police, Khyber Pakhtunkhwa Peshawar.

and others

.....Respondents

I N D E X

S NO	DESCRIPTION	ANNEX	PAGE
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Through:

Petitioner

ASIM KHAN
Advocate High Court

①

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA

Appeal No 2475 /2024

Muhammad Amir S/o Noor Muhammad Khan Constable No. 883
(Wireless operator BPS-7) Central Bannu.

.....Appellant

VERSUS

1. Inspector General Police, Khyber Pakhtunkhwa Peshawar.
2. Deputy Inspector General of police, Telecommunication & Transport,
Khyber Pakhtunkhwa Peshawar.

.....Respondents

APPEAL UNDER SECTION 04 OF KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT
1974 AGAINST THE ORDER DATED: 03/06/2024
(RECEIVED ON 25/07/2024) PASSED BY DEPUTY
INSPECTOR GENERAL TELECOMMUNICATION &
TRANSPORT KHYBER PAKHTUNKHWA PESHAWAR.

PRAYER

On acceptance of this appeal, the order Dated
3/06/2024 received on 25/07/2024 may kindly be
set aside/modified and the appellant may graciously
be reinstated in service from his removal order
dated 05/08/2020 till 03/06/2024 with all back
benefits with full pay etc.

BRIEF FACTS:

1. That the appellant has been performing his duties in
Respondents' Department since 14-02-2011 with the
satisfaction of the high-ups.

2. That prior to the present appeal, the appellant was filed as appeal No. 627/2023 against his removal from his service on the basis of basless absentia. The said removal order was set-aside by the Honourable Service Tribunal Khyber Pakhtunkhwa and the case was remanded for Denovo inquiry.
3. That finally, the appellant has exonerated from the charge, reinstated in service w-e-f 27/03/2024 and intervening period of official concerned is hereby treated as per principle of no work no pay vide Order dated 03-06-2024 (25/07/2024).
4. That the appellant being aggrieved, filed departmental appeal before the respondent No.2 against the order dated 03-06-2024 which is still pending and there are no prospects of its decision in near future.


GROUND:

- A. That the impugned order is against the law and rules governing the subject, hence not sustainable in the eyes of law.
- B. That the appellant was removed from his service by the respondents due to the absence from his duty. Furthermore the said removal order has been challenge before the Khyber Pakhtunkhwa Service Tribunal vide appeal No. 627/2023.
- C. That the act of respondents is violation of Article 10A of the Constitution of Islamic Republic of Pakistan which protects the right to fair Trial of the citizens of Pakistan.
- D. That the appellant was performing his duties with the entire satisfaction of his high-ups during his services in Pakistan.
- E. That the action of the respondents by treating the intervening period as leave without pay without cogent reason is highly illegal, unlawful and ineffective upon the right of the appellant.

F. That after conducting Denovo inquiry the illness of the appellant was genuine and his plea was well founded vide inquiry report dated 21/05/2024 and the appellant was exonerated from charges against him.

G. That appellant has not been treated in accordance with law and constitution within the meaning of Articles 4, 8, 25 & 27 of the Constitution, furthermore, duty of the state is to provide jobs to the deserving and not to deprive the citizens from their fundamental rights, hence the impugned order is against the law and deserves to be set at naught.

It is, therefore, respectfully prayed that, by accepting this appeal, the impugned order dated: 03-06-2024 (received on 25/07/2024) passed by Respondents may kindly be set-aside/ modified and the appellant may kindly be re-instated to service from 05-08-2020 with all back benefits with full pay from date of his removal 05/08/2020 to 03/06/2024.


Appellant

Through:

ASIM KHAN
Advocate High Court

CERTIFICATE:

Certificate and the instruction of my client the petitioners have not moved previously this Hon, ble court under section 199 Constitution of Republic of Pakistan 1973 regarding the instant matter.


ADVOCATE

LIST OF BOOK.

- 1. Constitution of Islamic Republic of Pakistan, 1973
- 2. Any other book according to need.


ADVOCATE

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA

Appeal No _____ **/2024**

Muhammad Amir S/o Noor Muhammad Khan (Constable) R/o
.....**Petitioner**

VERSUS

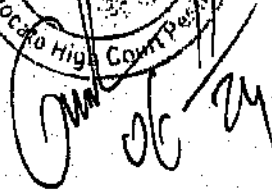
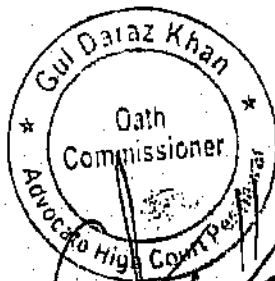
Government of Khyber Pakhtunkhwa Through its Chief Secretary and
others**Respondents**

AFFIDAVIT

I, Muhammad Amir S/o Noor Muhammad Khan, do hereby solemnly
affirm and declare on Oath that all the contents of accompanied
Appeal are true and correct to the best of my knowledge and belief
and nothing has been concealed



DEPONENT



4A

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA

Appeal No _____/2024

Muhammad Amir S/o Noor Muhammad Khan Constable No. 883 (Wireless operator BPS-7) Central Bannu.

.....Appellant

VERSUS

1. Inspector General Police, Khyber Pakhtunkhwa Peshawar.
2. Deputy Inspector General of police, Telecommunication & Transport, Khyber Pakhtunkhwa Peshawar.

.....Respondents

Memo Of Addresses

Appellant:

Muhammad Amir S/o Noor Muhammad Khan Constable No. 883 (Wireless operator BPS-7) Central Bannu.

Respondents:

1. Inspector General Police, Khyber Pakhtunkhwa Peshawar, Civil Secretariate Peshawar
Address: Sahibzada Abdul Qayyum Road, Civil Secretariat, Peshawar, Khyber Pakhtunkhwa, Pakistan
2. Deputy Inspector General of police, Telecommunication & Transport, Khyber Pakhtunkhwa Peshawar
Address: Sahibzada Abdul Qayyum Road, Civil Secretariat, Peshawar, Khyber Pakhtunkhwa, Pakistan

Advocate

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ORDER

The recruitment for the posts of Wireless Operators in Telecommunication was carried out in concerned districts through the respective DPO's on 27th, 28th, 29th January-2011 and 1st, 2nd, 3rd February-2011 respectively. According to the result provided by the DPO's (Attached at annexure "A") the following are recruited as Wireless Operators and allotted the following constabulary numbers as mentioned against each:-

S#	Name	Father Name	District	Constabulary No.
1.	Johar Abbasi	Gulzar-hussain	DIKHTAN	367
2.	Waqar Ali	Khalik Azhar Hussain		1041
3.	Muhammad Liaqat Ali	Huq Nawaz		1117
4.	Muhammad Arsan	Abdul Qayyum		1118
5.	Asad Ullah	Asrar Ullah		1119
6.	Syed Javed Hussain Shah	Syed Ibrahim Shah		1120
7.	Muhammad Ehsan	Taj Din 446		1121
8.	Faramanullah	Khuzaidad		1122
9.	Nimraullah	Khuda Bukhsh		1123
10.	Liaqat Khan	Soba Khan		1124
11.	Muhammad Raouf	Allah Bukhsh		1125
12.	Nurain Nawaz	Silsh Nawaz		1126
13.	Jehanzeb	Asamatullah	1127	
14.	Muhammad yousaf	Muhammad Iqbal	1128	
15.	Fozal Rehman	Khan	1129	
16.	Shahj Amir	Nasarullah	1130	
17.	Magjullah	Gul Ajera	1131	
18.	Fazal Rehman	Abdullah	1132	
19.	Muhammad Rafique	Khan Muhammad	1133	
20.	Muhammad Murtaza	Yaqub Khan	1134	
21.	Irfan Ullah	Muhammad Iqbal	1135	
22.	Latif Ullah Khan	Muhammad Shah	1136	
23.	Inam Ullah	Mubarak Khan	1137	
24.	Kamran Khan	Taj Muhammad Khan	1138	
25.	Akhtar Ullah	Rajah Ali	1139	
26.	Muhammad Israr Khan	Dil Ghafoor Khan	1140	
27.	Israfeel Khan	Usman Ali Khan	1141	
28.	Hizb Ullah	Khurban Nawaz	1142	
29.	Abdullah	Amal Khan	1143	
30.	Muhabbat Khan	Wali Khan	1144	
31.	Muhammad Amir Khan	Muhammad Rabi Khan	1145	
32.	Sabid Ullah Khan	Ghulam Rabi Khan	1146	
33.	Waqar Ali	Dast Ali	1147	
34.	Ishfaq Hussain	Gul Saeed Khan	1148	

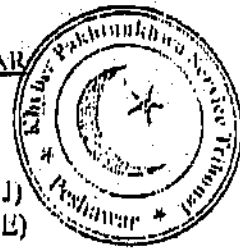
NO. 102/2011/PT/2011
PC-0

vide 0889
12-2-2011

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KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 627/2023



BEFORE: MRS. RASHIDA BANO ... MEMBER (J)
MR. MUHAMMAD AKBAR KHAN ... MEMBER (E)

Muhammad Amir Khan S/O Noor Muhammad Khan Constable No.883
(Wireless Operator BPS-07) Control Bannu. (Appellant)

VERSUS

1. Inspector General of Police Khyber Pakhtunkhwa, Peshawar.
 2. The Assistant Inspector General of Police (Telecommunication and Transport) Khyber Pakhtunkhwa, Peshawar.
 3. Superintendent of Police (Telecommunication & Transport) Khyber Pakhtunkhwa, Peshawar
- (Respondents)

Mr. Nazir Ahmad
Advocate ... For appellant

Mr. Muhammad Jan
District Attorney ... For respondents

 Date of Institution.....22.03.2023
 Date of Hearing.....13.12.2023
 Date of Decision.....13.12.2023

JUDGMENT

RASHIDA BANO, MEMBER (J): The instant service appeal has been instituted under section 4 of the Khyber Pakhtunkhwa Service Tribunal, Act 1974 with the prayer copied as below:

“To accept this appeal and set-aside the impugned order No.7496-7505/Tele/OASI dated 05.08.2020 of respondent No.2 declaring it void-ab-Initio, illegal, discriminatory and against the principle of natural justice, including the charge sheet dated 06.02.2020 of the respondent No.2 and order No.445/23 dated Peshawar 20.02.2023 communicated to the appellant on 20.03.2023 of respondent No.1 whereby the departmental appeal of the appellant is rejected.

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal

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A. Treat the absentee of the appellant during under treatment extra ordinary leave or at least remove the stigma of removal from service.

B. Reinstate him with all back benefits or allow him to tender resignation."

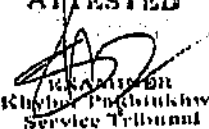
2. Brief facts of the case, as given in the memorandum of appeal, are that the appellant was enlisted in police department as Wireless Operator BPS-07 in the year 2011. During service he fell ill and was unable to perform his official duty, therefore, he filed application for leave. Departmental proceedings were initiated against the appellant which culminated into removal from service of the appellant vide order dated 05.08.2020. Feeling aggrieved, appellant filed departmental, which was rejected, hence the instant service appeal.

3. Respondents were put on notice who submitted written replies/comments on the appeal. We have heard the learned counsel for the appellant as well as the learned District Attorney and perused the case file with connected documents in detail.

4. Learned counsel for the appellant argued that absence of the appellant was not willful but due to his serious illness. He further argued that he doesn't deserve any charge sheet as brought it into the notice of authorities through application that he is under treatment so the impugned order of his removal from service is against the law, hence liable to be set aside. No proper enquiry was conducted into the matter wherein the appellant was not provided opportunity of defence nor cross-examination of witnesses. He further argued that no final show cause notice was served upon him nor afforded him opportunity of personal hearing and he was condemned unheard which is against the principle of natural justice.

5. Conversely, learned District Attorney for the respondent contended that the appellant was a member of disciplined Police Force and did not fulfill the job obligation of discipline force department, willfully absented himself from recruit.

ATTESTED


K. K. Mishra
Kishor Prakash
Service Tribunal
Punjab

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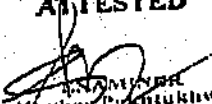
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urse on account of absence, he was proceeded departmentally in accordance with law and rules. A charge sheet alongwith statement of allegations was served upon him, which was duly replied by him. He further contended that proper departmental enquiry was conducted wherein the charge of absence was established against him during the enquiry and has rightly been removed from service. He requested that the appeal may be dismissed.

6. Perusal of record reveals that appellant was serving in Police Department as wireless Operator in BPS-07 from date of his appointment i.e, 14.02.2011. Appellant was posted at Bannu when he was selected for recruit course at Police Station, Kohat which will have to be start from 09.12.2019 during covid-19 period. Appellant being heart and diabetes patient had apprehension of contracted Covid-19 virus, therefore, he filed appeal for grant of leave due to his illness but same was not accepted. Respondent No.3 issued show cause notice dated 13.12.2019 to appellant which was duly replied by the appellant with request for grant of time till recovery but respondent without conducting proper inquiry and without providing chance of self-defense and hearing removed him from service vide order dated 05/08/2020. Appellant filed departmental appeal which was rejected and then service appeal bearing No.1641/2021 which upon oral assertion of reinstatement by respondent was withdrawn filed revision petition against said order on 15.01.2023, with request for setting-aside of impugned order but his revision petition despite commitment and assurance by Inspector General of Police, Khyber Pakhtunkhwa rejected vide order 20.02.2023 on the ground that there shall be only one appeal under 11(3) of Khyber Pakhtunkhwa Police Rules, 1975 and one appeal by the appellant was rejected earlier vide order dated 13.04.2022.

7. Appellant alleged medical ground for his absence and produce medical documents out of which some were sent by the department for verification which

ATTESTED


Khyber Pakhtunkhwa
Service Tribunal

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according to respondent was not verified and fake one. Appellant also annexed medical prescription along with his appeal, perusal of which reveals that prescription sent by the inquiry officer and the one which was annexed by the appellant with his appeal have serial number of the OPD and Serial No. of the Hospital alongwith its date. The date of medical prescription i.e sent for verification und annexed with the appeal are the same but hospital and OPD slips numbers are totally different from each other sent are which are given as under:

Sent for verification				Annexed with the appeal			
S.No	Date	OPD Slip Sr. No.	Hospital OPD No.	S.No.	Date	OPD Slip Sr. No.	Hospital OPD No.
1.	01.01.2020	92403	34	1.	01.01.2020	219482	174
2.	06.02.2020	92402	2631	2.	06.02.2020	83413	6910
3.	27.02.2020	92401	5037	3.	27.02.2020	83457	13317

Appellant also annexed some other medical prescriptions alongwith the appeal different types of medical tests conducted upon advice of doctors to determine his nature of illness.

8. Inquiry officer was duty bound to send original for verification and not the one which on the face of record from OPD slip serial number i.e. 92403, 92402 and 92401 seems to be fake because how can with the interval of one month and 20 days no patient came to the hospital OPD and how it was in reverse order. Inquiry officer if received report from Additional Hospital Director then he will have to call him alongwith record pertaining to OPD of the relevant date and examine him in presence of appellant by providing chance of cross examination. Moreover, inquiry officer allegedly informed appellant through O/C Tale Bannu who in response reported that appellant is running business of cloth with his brother and remain present in his shop every time and he on 14/03/2020 was also

ATTESTED

Attesting Officer
Kashmir Administrative
Service Tribunal
Peshawar

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present there at shop who despite all efforts did not want to resume his duties. Appellant was also not provided with an opportunity of cross examination upon O/C Tele Bannu. Appellant was awarded major punishment of removal from service without providing chance of self-defense specially cross examination upon Hospital Director and O/C Tele Bannu which means he was condemned unheard.

9. It is a well settled legal proposition that regular inquiry is must before imposition of major penalty of removal from service, whereas in case of the appellant, no such inquiry was conducted. The Supreme Court of Pakistan in its judgment reported as 2008 SCMR 1369 has held that in case of imposing major penalty, the principles of natural justice required that a regular inquiry was to be conducted in the matter and opportunity of defense and personal hearing was to be provided to the civil servant proceeded against, otherwise civil servant would be condemned unheard and major penalty of dismissal from service would be imposed upon him without adopting the required mandatory procedure, resulting in manifest injustice. In absence of proper disciplinary proceedings, the appellant was condemned unheard, whereas the principle of '*audi alteram partem*' was always deemed to be imbedded in the statute and even if there was no such express provision, it would be deemed to be one of the parts of the statute, as no adverse action can be taken against a person without providing right of hearing to him. Reliance is placed on 2010 PLD SC 483.

10. Now come towards issue of limitation, appellant admittedly filed earlier service appeal bearing No.16412/2020 within time and same was with drawn upon commitment of respondent for appellant reinstatement which was not honored accordingly. Appellant withdrew first appeal with permission to file fresh one which was accordingly granted to him by this tribunal. Moreover revisional authority in his order dated 20/02/2023 mentioned that earlier

[Handwritten signature]

ATTTESTED
[Signature]
Secretary
Service Tribunal
Peshawar

Date of Presentation of Petition: 01-01-24
 Member (A): (RASHIDA BANO)
 Member (B): (MUHAMMAD AKBAR KHAN)
 Number of Words: 67
 Copying Fee: 20/-
 Total: 30/-
 Name of Court: _____
 Date of Completion: 27-2-24
 Date of Delivery of Copy: 27-2-24

12. Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 13th day of December, 2023.

follow the events. Consign:
 conclude inquiry within sixty days after receipt of copy of this order. Costs shall

essential element/component of fair trial. Respondents are further directed to
 to provide chance of hearing specially cross examination which is foremost
 re-instate appellant into service for the purpose of de-novo inquiry with direction

11. For what has been discussed, we are unison to set-aside impugned order and
 appellant well within time before 20.03.2023.

establish on record that order dated 20/12/2023 was communicated to the
 instant appeal on 22.03.2023 which is within time, because respondent failed to

him which was given to him upon his request on 20.03.2023 and he filed the
 Appellant contended that order dated 20.02.2023 was also not communicated to

that whether it was passed upon departmental appeal or revision petition.
 of order dated 13/04/2022 is not available therefore it could not be ascertained

Rules, 1975 which can be entertained by the I.C.P. Khayr Pakhankhwa. As copy
 departmental appeal but there is provision of revision under Rule 11-A of Police

31/03/2020 is available on file. Admittedly there is no provision of 2nd
 communicated to him, however copy of earlier departmental appeal dated

supports contention of the appellant that neither said order was passed nor
 said order is not annexed with comments and same is not available on file which


departmental appeal was rejected vide order dated 13/04/2022 but copy of the

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ORDER
12.2023

1. Learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney for the respondents present.
2. Vide our detailed judgement of today placed on file, we are unison to set-aside impugned order and reinstate appellant into service for the purpose of de-novo inquiry with direction to provide chance of hearing specially cross examination which is foremost essential element/component of fair trial. Respondents are further directed to conclude inquiry within sixty days after receipt of copy of this order. Costs shall follow the events.
Consign.

3. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 13th day of December, 2023.*


(Muhammad Akbar Khan)
Member (E)


(Rashida Bano)
Member (J)

*Latent/Seal

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FINDING REPORT IN DE-NOVO DEPARTMENTAL ENQUIRY AGAINST EX-CONSTABLE MUHAMMAD AAMIR NO. 883/890 OF TELE-LINES HQRS. PESHAWAR INITIATED VIDE DIARY NO. 604-7/CPO/AB DATED 04.04.2024 BY THE DIG IAB KHUYER PAKISTAN

(A) **BACKGROUND:** FC Muhammad Amir Belt No. 883/890 was charged as follows:-

- i. "That he while posted at control Bannu was selected for recruit course PTS Kohat w.e.f 09.12.2019 but you did not join the said course and marked absent w.e.f 05.12.2019 vide DD No. 13 dated 06.12.2019 and PTS Kohat Letter No. 10173-80/training dated 23.12.2019 and not yet been reported so far
- ii. By reason the above you appear to be guilty of misconduct under the KP Police Rules 1975 (amended 2014) and have rendered yourself liable to all or any of the penalties specified in the said rules.

(B) **PROCEEDINGS** During the Enquiry proceedings accused official was called and heard in person. His statement was also recorded the brief thereof is mentioned hereunder. Similarly the relevant record was also perused.

1. STATEMENT OF CONSTABLE MUHAMMAD AAMIR NO. 883/890.

He stated that he was eager to attend the training courses. however, when he was preparing for the training he fell ill and was advised treatment and bed rest by the District Head Quarter hospital Bannu. That, the doctor advised him tests and relevant diagnosis and was found that he was suffering from diabetes and allergy diseases. That he had submitted lab test reports and leave applications. That, he was on leave as per rule and applied for it. That the charge sheet against him be filed. He provided medical slips as per details mentioned below:-

S.NO	OPD No	Date
1.	3597	16.01.2020
2.	6910	06.02.2020
3.	8699	12.02.2020
4.	13317	27.02.2020
5.	20078	03.06.2020
6.	23899	24.06.2020
7.	174	01.01.2020

His statement is attached as Annexure "A"

2. STATEMENT OF FC NOOR ALI BELT NO. 1891.

He stated that he was entrusted the duty to verify the medical documents of FC Muhammad Amir No. 883/890. That on 17.04.2024 went to DHQ Hospital Bannu and took letter No. 3760/PA dated 17.04.2024 pertaining to verification of medical documents of FC Muhammad Amir No. 883/890. That the hospital staff received the letter and told him that the verification of medical documents will be verified and reply will be sent through letter. His statement is attached as Annexure "B"

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3. This office vide letter No. 3760/PA dated 17.04.2024 sent the medical documents as per below mentioned detail, produced by accused constable, to Medical Superintendent MTI, DHQ Hospital Bannu:-

S.NO	OPD No	Date
1.	3597	16.01.2020
2.	6910	06.02.2020
3.	8699	12.02.2020
4.	13317	27.02.2020
5.	20078	03.06.2020
6.	23899	24.06.2020
7.	174	01.01.2020

The Additional Director DHQTH, MTI, Bannu reported vide letter No. 745/Verification/DHQ/BNU dated 20.04.2024 that all the OPD slips issued by the DHQTH MTI Bannu and all are hereby verified. That all documents are verified from the concerned units of the Hospital.

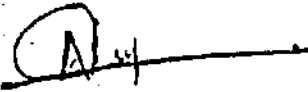
(C) FINDINGS

- i. FC Muhammad Amir was selected for Basic recruit training at PTS Kohat commencing w.e.f 09.12.2019 vide letter No.521/Trs dated 29.11.2019. He was directed to report at PTS Kohat on 08.12.2019 alongwith original CNIC Medical fitness certificate, uniform etc.
- ii. He was informed vide Tele Signal No. 13986-92/Tele/OASI dated 08.12.2019,
- iii. He was closed from Control Bannu to Tele Line HQrs Peshawar vide Signal No. 1449-50/Tele/OASI dated 16.12.2019. He was issued SCN but he didn't submit reply and was served with Charge Sheet and Summary of Allegations by the SP Tele vide their office Endst: No. 1549-51/Tele/OASI dated 06.02.2020. Inspector Inayat Ullah was appointed as E.O.
- iv. The E.O in his finding report stated that the delinquent Constable didn't appear before him and didn't submit his reply. That he rather submitted an application through post stating that he is ill. That the medical documents were verified and found fake.
- v. He was issued FSCN by SP Tele Communication and Motor Transport. It was served though O/C Tele Bannu however, the delinquent official didn't submit reply.
- vi. Resultantly FC Muhammad Amir was proceeded as an ex-parte action and was Removed from service vide AIG Tele order Endst: no. 7496-7505/Tele/OASI dated 05.08.2020.
- vii. His appeal for re-instatement was rejected by the Addl: IG HQrs vide Order Endst: No. 707-12/22 dated 13.04.2022.
- viii. He then filed Service Appeal No. 627/2023 before the Hon'ble Service Tribunal.
- ix. He was re-instated in service vide DIG Tele order Endst No. 332433/Tele/OASi dated 27.03.2024 for the purpose of de-novo enquiry.

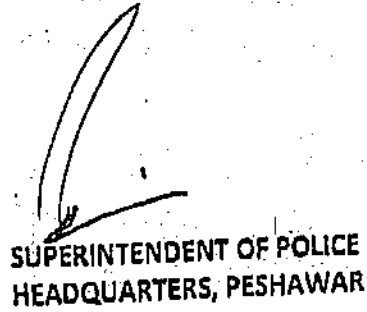
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(D) CONCLUSION.

- (i). The medical prescriptions provided by the official at the time of his appeal and reference made in the judgment order of the Honorable Service Tribunal, Peshawar were verified as genuine by the Addl: Director DHQ MTI Bannu.
- (ii). He was ill and suffering from various diseases his plea well founded, therefore keeping in view the above circumstances he may be exonerated from the charges.
Report is submitted, please.



NOOR HAIDER
SDPO City-I Peshawar


SUPERINTENDENT OF POLICE
HEADQUARTERS, PESHAWAR

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ORDER

In compliance of judgment dated 13.12.2023 of Service Tribunal Peshawar in Service Appeal No. 627/2023 and the recommendations of Departmental Committee vide minutes of the meeting held on 08th March, 2024. Ex-Constable Muhammad Amir No. 890 has been re-instated into service for the purpose of de-novo enquiry on 27.03.2024 vide this Office Order No. 3324-33/Tele/OASI, dated 27.03.2024.

In view of the above, his case was sent to DIG IAB CPO Peshawar for de-novo enquiry. Mr. Raheem Hussain SP HQrs; CCP Peshawar & Mr. Noor Haider Khan SDPO, City-1, Peshawar were nominated Enquiry Officers to conduct enquiry against the official concerned. After completing enquiry, the Enquiry Officers in their finding have recommended the following:-

- i. The medical prescriptions provided by the official at the time of his appeal and reference made in the Judgment Order of the Honorable Service Tribunal Peshawar were verified as genuine by the Addl: Director DHQ MTI Bannu.
- ii. He was ill and suffering from various diseases, his plea well founded, therefore keeping in view of the above circumstance, he may be exonerated from the charges.

Keeping in view of the above, Constable Muhammad Amir No. 890 is hereby exonerated from the charges and enquiry proceeding against the official concerned is filed.

(SP/MT)

For Deputy Inspector General of Police,
Telecommunication & Transport,
Khyber Pakhtunkhwa, Peshawar.

No. 5130-38 /Tele/OASI, dated Peshawar the 21/05 /2024

Copy of above is forwarded to the:-

1. Accountant General of Khyber Pakhtunkhwa Peshawar.
2. DIG Internal Accountability Branch KP, CPO Peshawar
3. SP/Telecomm: & Transport Peshawar.
4. DSP/ Telecomm: & Transport Peshawar.
5. Line Officer Tele Peshawar.
6. Accountant Tele Peshawar.
7. SRC Tele Peshawar.
8. Official concerned.
9. OB.No. 134 /2024

ORDER

In continuation of this office Order No. 3324-33/Tele/OASL, dated 27.03.2024 and No. 5136-33/Tele/OASL, dated 31.03.2024. Constable Muhammad Aamir No.890 is hereby re-instated into service with effect from 27.03.2024. The intervening period of official concerned is hereby treated as per principle of no work no pay.

Dr. Mujib
(ABBAS MAJED KHAN MARWAT) PSP
Deputy Inspector General of Police,
Telecommunication & Transport,
Khyber Pakhtunkhwa, Peshawar.

545266 -

No. /Tele/OASL, dated Peshawar the 3/6 /2024

1. Accountant General of Khyber Pakhtunkhwa Peshawar.
2. DIG Internal Accountability Branch CPO Peshawar.
3. AIG Legal CPO Peshawar.
4. SP/Telecomm: & Transport Peshawar.
5. DSP/Telecomm: & Transport Peshawar.
6. Line Officer Tele Peshawar.
7. Accountant Tele Peshawar.
8. SRO Tele Peshawar.
9. Official concerned.
10. OB.No. 147 /2024

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To,

Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

169/S.B
06/08/24

SUBJECT: APPEAL AGAINST IMPUGNED ORDER DATED 03.06.2024 WHEREBY THE APPELLANT IS REINSTATED INTO SERVICE BUT THE INTERVENING PERIOD IS TREATED AS NO WORK NO PAY WITHOUT COGENT JUSTIFICATION.

Respected Sir,

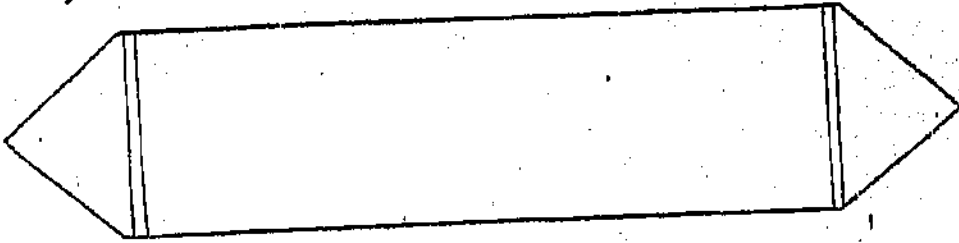
With due regard It is stated that the appellant is serving in your good self-department serving as Constable, and since his appointment dated 14.02.2011 he performed his duties with zeal and zest. That the appellant was removed from his service on the basis of baseless absentia which he challenged in the service tribunal vide appeal no.627/2023 whereby the service tribunal allowed his appeal by setting aside his removal order for the purpose of denovo inquiry. The department after conducting denovo inquiry by DIG Inquiry & SP headquarter Peshawar, he was exonerated from all allegations stating that his illness was genuine and his plea was well founded vide inquiry report dated 21.05.2024. That astonishingly even after exoneration from allegation in inquiry the department though reinstated the appellant into service but treated the intervening period as leave without pay without cogent reason for doing so. The action of the department by treating the intervening period as leave without is against various judgment of service tribunal and Supreme Court wherein it has been mentioned that when appellant is not gainfully employed anywhere else shall be treated as on duty when he is not at fault same is the case of the appellant. So the case of the appellant is very clear and unambiguous in all aspect and treating the leave without pay is against fundamental rights of appellant which the department deliberately violated without provision of any justifiable reason.

It is therefore most humbly prayed that on acceptance of this departmental representation the impugned order dated 03.06.2024 may very kindly be set aside and the appellant be granted all back benefits with full pay from the date of his removal order dated 05.08.2020 till 03.06.2024.

APPELLANT

Muhammad Amir
Muhammad Amir 06/08/24
S/O Noor Muhammad Khan
Constable.890/883
Wireless Operator BPS-7
Control Bannu.

بعدالت
Report for Service Tribunal KPK



مقدمہ
مقدمہ
دعویٰ
مقام

2۔ پنجاب
بنام
Muhammad Amis
Vs
Government of KPK

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی دکن کاروائی متعلقہ
Saeedullah Aslam Khan (AMS) Peshawar

آن مقام
مقررہ کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا مکمل اختیار ہوگا۔ نیز
دیکل صاحب کو راضی نامہ کرنے و تقرر ثالثتہ فیصلہ برحلاف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
دریں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی
نیز دائر کرنے اپیل گرانے و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کاروائی کے واسطے اور دیکل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ
پرداختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جات التزامات مقدمہ کے سبب سے ہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو دیکل صاحب پابند ہوں گے۔ کہ پیروی
مذکور کریں۔ لہذا ادا کالت نامہ لکھ دیا کہ مندر ہے۔

المترجم
20

و ا د الع ب

کے لئے منظور ہے۔
Peshawar

Saeedullah
0305-9797454

Accepted by

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0305-9797454