

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 694/2018

Date of institution ... 17.05.2018

Date of Decision ... 11.06.2019

Zubair-ur-Rehman S/O Habib-ur-Rehman, Constable-997 R/o Shahpur, Kohat.
... (Appellant)

VERSUS

Inspector General of Police, Khyber Pakhtunkhwa, Peshawar and two others.
... (Respondents)

Mr. Hassan U.K Afridi
Advocate.

For appellant.

Mr. M. Riaz Khan Paindakhel
Assistant Advocate General

For respondents.

MR. AHMED HASSAN
MR. HAMID FAROOQ DURRANI

MEMBER(E)
CHAIRMAN

JUDGMENT

AHMED HASSAN, MEMBER:- Arguments of the learned counsel for the parties heard and record perused.

ARGUMENTS

2. Learned counsel for the appellant argued that this is the second round of litigation. Previously, the appellant was dismissed from service on 04.04.2014. He assailed this order by way of filing service appeal in this Tribunal, which was accepted vide judgment dated 06.11.2017. The respondents were placed at liberty to conduct de-novo inquiry against the appellant. De-novo inquiry was conducted and vide impugned order dated 12.02.2018 major penalty of reduction from higher stage to lower stage in the

time scale was imposed on him. He filed departmental appeal on 14.02.2018 and was rejected on 17.04.2018 followed by the present service appeal.

3. De-novo inquiry was not conducted in accordance with the procedure laid down in Police Rules, 1975. Charges leveled against the appellant could not be established during the course of inquiry proceedings.

4. Learned Assistant Advocate General argued that on the directions of this Tribunal de-novo inquiry was conducted against the appellant but he could not defend his position and was found guilty of charges leveled against him. Finally, punishment in accordance with his guilt was awarded to him after observance of all the codal formalities.

CONCLUSION.

5. To re-capitulate the past events attention is invited to the observations of this Tribunal content in Para-5 of the judgment dated 06.11.2017. As opportunity of cross examination was not afforded to the appellant, so it became a solid ground for his reinstatement and placing the respondents at liberty to conduct de-novo inquiry. A cursory glance at the de-novo inquiry report conducted by the respondents would reveal that they again repeated the same old mistake of not recording the statements of the concerned officials and extending opportunity of cross examination to the accused. This alone being a serious illegality amounted to non-observance of procedure laid down in Police Rules, 1975, thus rendered the entire proceedings as in effective, futile and without backing of law.

6. We have no hesitation in concluding that charges contained in the charge sheet/statement of allegations were vague, evasive and ambiguous. It is the requirement of rules that charge has to be precise, specific and conclusive. Our assertions are backed by numerous judgments of superior followed by this Tribunal in many appeals.

7. Furthermore, concocted/unfounded charges of consumption of alcohol, relationship with characterless women were out rightly not proved against him in the inquiry report. As regards the charge of aerial firing while being drunk was not at all properly examined/scrutinized by the inquiry office. This charge is to be read in conjunction with that of using alcohol, which remained unsubstantiated. He remained unable to bring on record any solid evidence against the appellant to prove him guilty. His findings were mainly based on presumptions/suppositions. The appellant admitted that he fired a shot from the weapon but accidentally. It was incumbent upon the inquiry officer to have proved that he was not only drunk but also resorted to aerial intentionally/deliberately. Learned Assistant Advocate General and departmental representative were asked whether empties after aerial were found/collected, but they could not give any convincing reply? In these circumstances, it appears that high ups wanted to teach him a lesson/settle some previous scores, but finally produced a flopped film.

8. In view of the foregoing, the appeal is accepted, impugned order dated 08.02.2018 and 17.04.2018 are set aside. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
11.06.2019



(HAMID FAROOQ DURRANI)
CHAIRMAN



(AHMED HASSAN)
MEMBER

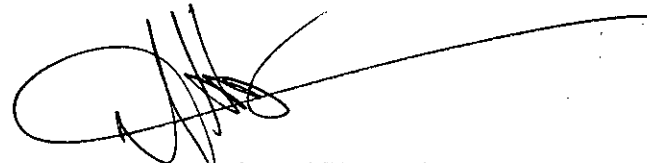
Order

11.06.2019

Counsel for the appellant and Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for respondents present. Arguments heard and record perused.

Vide our detailed judgment of today of this Tribunal placed on file, the appeal is accepted, impugned order dated 08.02.2018 and 17.04.2018 are set aside. Parties are left to bear their own cost. File be consigned to the record room.

Announced:
11.06.2019



(Ahmad Hassan)
Member



(Hamid Farooq Durrani)
Chairman

تفکر 15 روز تا 3/28

صورتی اطلاع / ریاضی کوآرڈر کارڈ روزی ماہ صوری 3/28 صورتی 16/30

بجہ امتیاز طارق 11 صاحبان نے بڑی بے شک صورتی اطلاع (9) کی

~~کامیابی زبیر 997 بڑی باکو کوآرڈر کارڈ میں کوآرڈر کارڈ سے بڑی~~

بجہ اطلاع حبیہ انور 11 صاحبان نے بڑی باکو کوآرڈر کارڈ سے بڑی

بجہ اطلاع 3/28 سے بڑی باکو کوآرڈر کارڈ میں

کوآرڈر کارڈ سے درست طور پر فکا جا رہی جامع تعلیمی

دورہ کے بعد بھی

فیضانِ عالی

ذیل میں ابھی اطلاع

11

11-11-11

8-11-11

~~لکھنؤ~~

لکھنؤ ۲۶ روزنامہ ۳/۱۳ ۲۶

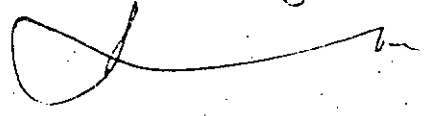
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۲۶ ص ۲۶۱ پیدائش کوادر گاؤں ۵۰ فروری ۳/۱۳ ۲۶ وقت ۱۹۳۵

بسم اس وقت نذیر خان ۱۹۰۹ خاندان سے پہلے ماہنامہ ۲۶۶
لاکھنؤ صدر اطلاع بحوالہ ۳۳ ۵۸ کو درستی طور پر پیدائش
گاؤں رستہ میزین سترہ روز گاؤں کمانڈر کو کڈ
مذہبی گاہ میں ہے

میاں علی

نظم علی (اصل)



M. A. Ali

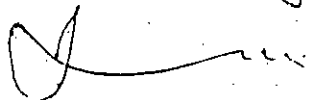
8-14-14

نقلہ ۳۳ روزنامہ ۳/۱۳/۲۰۱۹

ص ۳۳ اطلاع صاحبہ ۳/۱۳/۲۰۱۹ وقت ۱۹:۰۵ بجے اس وقت
 امیر لٹریچر نے پرائیوٹ ٹیوشن اطلاع دی کہ سٹیبل زبیر ۹۹۶
 کو سرکار سے سٹیبل لٹریچر میں رجسٹر کیا گیا ہے
 خصوصاً حسب احکم اقرین ماہ ماہ صاحبان منیر باکوٹر گارڈ
 کریں اور وہ اطلاع درج روزنامہ پھر مذکورہ سٹیبل
 کے لئے لٹریچر باکوٹر گارڈ کی جاوے

مناجعت عالی

ذیل مطالبہ (۱۹۹۶)



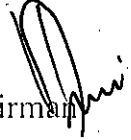
M. M. M.

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07.12.2018

Nemo for the parties.


Notice to parties be repeated. The respondents shall submit requisite reply/comments on 16.01.2019 before S.B.

Chairman 

16.1.2019

Nemo for the appellant. Mr. Bilal Ahmad LHC alongwith Addl. AG for the respondents present.

Written reply on behalf of respondents has been submitted. To come up for arguments before D.B on 25.03.2019. The appellant may submit rejoinder within a fortnight, if so advised.

Chairman 

25.03.2019

Counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Learned counsel for the appellant submitted rejoinder and seeks adjournment for arguments. Adjourned to 11.06.2019 for arguments before D.B.


(HUSSAIN SHAH)
MEMBER


(M. AMIN KHAN KUNDI)
MEMBER

21.06.2018.

Counsel for the appellant present. Preliminary arguments heard and case file perused. Learned counsel for the appellant argued that this is the 2nd round of litigation. Previously the appellant was removed from service vide order dated 04.04.2016. Upon acceptance of his service appeal by this Tribunal vide judgment dated 06.11.2017 the case was remanded back to the respondents to conduct de-novo enquiry. De-novo enquiry was conducted and upon conclusion major penalty of reduction to a lower stage in time scale for a period of three years was imposed on him vide impugned order dated 12.02.2018. The intervening period was treated as leave without pay. Feeling aggrieved he filed department appeal on 14.02.2018 which was rejected on 17.04.2018, hence, the instant service appeal. He has not been treated according to law and rules.

Appellant Deposited
Security & Process Fee

Points urged need consideration. Admit, subject to deposit of security and process fee within 10 days, thereafter, notices be issued to the respondents for written reply/comments for 28.08.2018 before S.B.


(AHMAD HASSAN)
MEMBER

28.08.2018

Counsel for the appellant and Mr. Kabirullah Khattak AAG alongwith Mr. Arif Saleem Stenographer for the respondent present. Written reply not submitted on behalf of the respondents. Requested for adjournment. Adjourned. To come up written reply/comments on 27.10.2018 before S.B

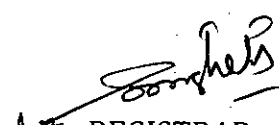

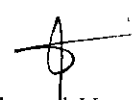

(Muhammad Amin Kundi)
Member

29-10-18 Due To Retirement of Honorable Chairman
The Tribunal is non functional therefore the
case is adjourned to come up for the same on
7-12-2018
Shah
Reddy

Form-A
FORM OF ORDERSHEET

Court of _____

Case No. 694/2018

| S.No: | Date of order proceedings | Order or other proceedings with signature of judge |
|-------|---------------------------|---|
| 1 | 2 | 3 |
| 1 | 21/05/2018 | <p>The appeal of Mr. Zubair-ur-Rehman resubmitted today by Mr. Hassan U.K. Afridi Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> |
| 2- | 28/05/18. | <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>05/06/18.</u></p> <p style="text-align: right;"> CHAIRMAN</p> |
| | 05.06.2018 | <p>Appellant in person present and seeks adjournment. Adjourned. To come up for preliminary hearing on 21.06.2018 before S.B.</p> <p style="text-align: right;"> (Ahmad Hassan) Member</p> |

The appeal of Mr. Zubair-ur-Rehman Constable No. 997 r/o Shah Poor Kohat received today i.e. on 17.05.2018 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Memorandum of appeal may be got signed by the appellant.
- 2- Annexures of the appeal may be attested.

No. 1058 /S.T,

Dt. 18/05 /2018.

Amir
REGISTRAR
for SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Hassan U.K Afridi Adv.

~~Re-submitted~~
after copies of
file sent by
on 21/05/18



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 694 /2018

Zubair ur Rehman.....Appellant

V E R S U S

Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar & others....Respondents

I N D E X

| S# | Description of Documents | Annex | Pages |
|-----|---|-------|-------|
| 1. | Service Appeal | | 1-5 |
| 2. | Affidavit | | 6 |
| 3. | Addresses of parties | | 7 |
| 4. | Service card | | 8 |
| 5. | Made report No.25 | | 9 |
| 6. | Statements of previous inquiry | | 10-13 |
| 7. | Previous dismissal order dt.04.01.2014 | | 14 |
| 8. | Judgment of Hon'ble Service Tribunal dated 06.11.2017 | | 15-17 |
| 9. | De-Novo Inquiry dated 08.01.2018 | | 18-19 |
| 10. | Charge sheet dated 08.01.2018 | | 20 |
| 11. | Statement of allegation | | 21 |
| 12. | Letter to DPO by inquiry officer dated 26.01.2018 | | 22 |
| 13. | Show cause notice dated 31.01.2018 | | 23 |
| 14. | Reply to show cause notice | | 24 |
| 15. | Impugned order dated 08.02.2018 | | 25 |
| 16. | Departmental appeal | | 26 |
| 17. | Order of rejection of appeal dated 17.04.2018 | | 27 |
| 18. | Wakalatnama | | 28 |

Appellant

Through

Dated 17.04.2018

Hassan U.K Afridi
Advocate High Court
Cell No.0300-9151963

1

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 694 /2018

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 725

Dated 17-5-2018

Zubair ur Rehman S/o Habib ur Rehman,
Constable-997 R/o Shah Poor, Kohat.....**Appellant**

V E R S U S

1. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar
2. Deputy Inspector General of Police, Kohat
3. District Police Officer, Kohat**Respondents**

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974, AGAINST THE IMPUGNED ORDER VIDE DATED 08.02.2018 WHEREBY THE MAJOR PENALTY HAS BEEN IMPOSED AS REDUCTION FORM HIGHER STAGE TO LOWER STAGE IN THE SAME TIME SCALE OF PAY FOR THE PERIOD OF THREE YEARS AND INTERVENING PERIOD TO TREATED AS LEAVE WITHOUT PAY, AND THE DEPARTMENTAL APPEAL FILED BY THE APPELLANT ALSO REJECTED ON 17.04.2018 BY THE RESPONDENT NO.2, WHICH ARE AGAINST LAW AND JUSTICE AND ARE LIABLE TO BE SET ASIDE.

Filed to-day

Registrar

Re-submitted to-day
and filed.

[Signature]
21/5/18
Registrar

Prayer in Appeal:-

On acceptance of this appeal, the impugned order vide dated 08.02.2018 and order dated 17.04.2018 in departmental appeal may kindly be set aside and the appellant may please be posted in the Higher stage with full pay and the intervening period may please be considered with full pay and other benefits under the law/rules.

Any the relief, the Honourable Court may deem fit for the safe administration of justice

Respectfully Sheweth:-**Facts of the case**

1. That the appellant was appointed as constable in the Police Department in District Kohat on 02.06.2006. (Copy of the appointed order dated 02.06.2006 is attached).
2. That the appellant has been performing his duty well and to the entire satisfaction of the superiors.

3. That a complaint was filed by the SHO concerned under made No.25 dated 27.03.2013 and an inquiry was conducted and after disciplinary procedure the appellant was dismissed on 04.04.2014 then the appellant was filed department appeal which was also rejected and then service appeal was accepted and the appellant reinstated in his service, however the respondents are at liberty to conduct a proper de-novo inquiry within three months.
4. That the de-novo-inquiry has conducted and the statements of allegations and charge sheet have been issued to the appellant on 08.01.2018 and after conducting inquiry, show cause notice also issued to the appellant.
5. That the appellant replied the show cause notice but the competent authority imposed/awarded the major penalty on 08.02.2018 as reduction from higher stage to lower stage, in the same time scale of pay for the period of three years and intervening period is treated as leave without pay and the department appeal also rejected vide dated

17.04.2018 hence the service appeal on the following amongst the other grounds:

GRUNDS:

- A. That the impugned order vide dated 08.02.2018 and 17.04.2018 are against law fact and justice and are label to be set aside.
- B. That the appellant has not been dealt in accordance with law and rules.
- C. That the disciplinary proceedings initiated against the appellant is not according to law and rules as laid down in service laws.
- D. That the inquiry has not been conducted in accordance with law and the allegations leveled against the appellant have not been proved.
- E. That even the allegations have not been proved but the punishment is very much harsh and against the fundamental rights embodied in the constitution.
- F. That one sided inquiry was conducted, further that the inquiry officer recommended the punishment which is against law and justice

because the inquiry officer has no authority to recommended the penalty.

- G. That three punishments have been awarded, which is against law/rules.
- H. That any other ground will be raised at the time of arguments with the prior permission of this Hon'ble Tribunal.

It is, therefore most humbly prayed that on acceptance of this appeal, the impugned order vide dated 08.02.2018 and order dated 17.04.2018 in departmental appeal may kindly be set aside and the appellant may please be posted in the Higher stage will full pay and the intervening period may please be considered with full pay and other benefits under the law/rules

Any the relief, the Honourable Court may deem fit for the safe administration of justice


Appellant

Through


Hassan U.K. Afridi
Advocate High Court

Dated 17.05.2018

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. _____/2018

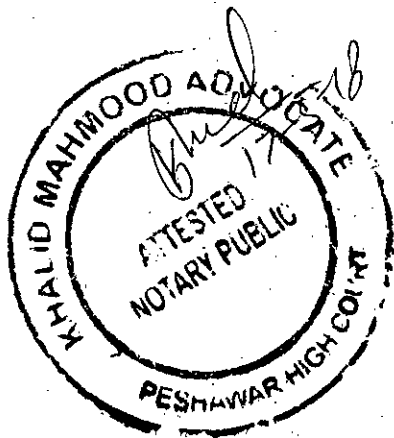
Zubair ur Rehman.....**Appellant**

V E R S U S

Inspector General of Police,
 Khyber Pakhtunkhwa, Peshawar & others....**Respondents**

A F F I D A V I T

I, Zubair ur Rehman S/o Habib ur Rehman,
 Constable-997 R/o Shah Poor, Kohat, do hereby
 solemnly affirm and declare on oath that the contents
 of the accompanying **Service Appeal** are true and
 correct to the best of my knowledge and belief and
 nothing has been concealed from this Hon'ble Court.



Zubair
DEPONENT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. _____/2018

Zubair ur Rehman.....**Appellant**

V E R S U S

Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar & others....**Respondents**

ADDRESSES OF PARTIES

APPELLANT:

Zubair ur Rehman S/o Habib ur Rehman,
Constable-997 R/o Shah Poor, Kohat

RESPONDENTS:

1. Inspector General of Police, Khyber Pakhtunkhwa,
Peshawar
2. Deputy Inspector General of Police, Kohat
3. District Police Officer, Kohat

Through Appellant

Dated 17.05.2018

Hassan U.K Afridi
Advocate High Court



KHYBER PAKHTUNKHWA POLICE

S. No: Kt0875



Name: ZUBAIR-UR-REHMAN

Designation: CONSTABLE

District: KOHAT

Issuing Authority
DPO KOHAT

Zubair-ur-Rehman
Card Holder

(8)

مقامی

25 ستمبر 2013

مقامی

25 ستمبر 2013 کو ڈاکٹر محمد رضا خان انیسٹریٹ 540 ٹورم 27/13 وٹن 30:30
 میں صبح 7 بجے آئے اور 10 بجے تک رہے اور پھر واپس آئے اور ان کے ساتھ
 کچھ گاڑیاں بھی لائے۔ ان کے پاس ATC میں شفا وٹن کے پاس
 آئے۔ دوران گشت پورٹ میں تمام سرورٹس اور ڈیٹا کی جانچ کر لی گئی اور
 رضا خان کو کچھ کھانا بھی دیا گیا۔ ان کے ساتھ کچھ گاڑیاں بھی لائے
 ہیں۔ ان کے پاس وٹن کے پاس کچھ گاڑیاں بھی لائے ہیں۔ ان کے پاس
 وٹن کے پاس کچھ گاڑیاں بھی لائے ہیں۔ ان کے پاس وٹن کے پاس
 کچھ گاڑیاں بھی لائے ہیں۔ ان کے پاس وٹن کے پاس کچھ گاڑیاں
 بھی لائے ہیں۔ ان کے پاس وٹن کے پاس کچھ گاڑیاں بھی لائے
 ہیں۔ ان کے پاس وٹن کے پاس کچھ گاڑیاں بھی لائے ہیں۔ ان کے
 پاس وٹن کے پاس کچھ گاڑیاں بھی لائے ہیں۔ ان کے پاس وٹن کے
 پاس کچھ گاڑیاں بھی لائے ہیں۔ ان کے پاس وٹن کے پاس کچھ
 گاڑیاں بھی لائے ہیں۔ ان کے پاس وٹن کے پاس کچھ گاڑیاں بھی
 لائے ہیں۔ ان کے پاس وٹن کے پاس کچھ گاڑیاں بھی لائے ہیں۔

AH


گشت راجہ پورٹ میں تمام سرورٹس اور ڈیٹا کی جانچ کر لی گئی اور
 رضا خان کو کچھ کھانا بھی دیا گیا۔ ان کے ساتھ کچھ گاڑیاں بھی
 لائے ہیں۔ ان کے پاس وٹن کے پاس کچھ گاڑیاں بھی لائے ہیں۔
 ان کے پاس وٹن کے پاس کچھ گاڑیاں بھی لائے ہیں۔ ان کے پاس
 وٹن کے پاس کچھ گاڑیاں بھی لائے ہیں۔ ان کے پاس وٹن کے پاس
 کچھ گاڑیاں بھی لائے ہیں۔ ان کے پاس وٹن کے پاس کچھ گاڑیاں
 بھی لائے ہیں۔ ان کے پاس وٹن کے پاس کچھ گاڑیاں بھی لائے
 ہیں۔ ان کے پاس وٹن کے پاس کچھ گاڑیاں بھی لائے ہیں۔ ان کے
 پاس وٹن کے پاس کچھ گاڑیاں بھی لائے ہیں۔ ان کے پاس وٹن کے
 پاس کچھ گاڑیاں بھی لائے ہیں۔ ان کے پاس وٹن کے پاس کچھ
 گاڑیاں بھی لائے ہیں۔ ان کے پاس وٹن کے پاس کچھ گاڑیاں بھی
 لائے ہیں۔ ان کے پاس وٹن کے پاس کچھ گاڑیاں بھی لائے ہیں۔

for evidence for four impressions
 ad. border 02/08/13

Handwritten notes in Urdu, including "مقامی" and other illegible text.

بہاولپور میں ایئر ایسٹریبلشن کی طرف سے ۹۹۶

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تعمیراتی کاموں کے لیے جو بیانات میں نے جاری کیے

میں لکھا ہے۔ وہیں میں نے بیان کیا ہے۔

Subscribed
12-04-13

میں نے 27/3/2013 کو رقم کو جمع کیا ہے۔

۱. میں نے اس بارے میں جو بیانات دیے ہیں وہ سب صحیح ہیں۔

۲. گولی نم کے کسی بیرونی حصے سے چلائی گئی ہے۔

۳. گولی میں نے چلائی نہیں ہے۔

۴. عورت کو گولی چلائی ہے۔ جو عمارت کے ساتھ ہے۔

۵. کوئی عورت میرے پاس نہیں ہے۔

۶. ایئر اسٹریبلشن کے خلاف کوئی کام نہیں کیا ہے۔

۷. میں نے AC کے ساتھ ساتھ ساتھ ہی نہیں کیا ہے۔

۸. ایئر اسٹریبلشن کے خلاف کوئی کام نہیں کیا ہے۔

Subscribed
12-04-13

Attested.

Q

E.O.



Product ①

②

③

بیان ادا کا 240 شاہی خانہ ایسٹیل
284

11

غیر کر کا ہوں کہ ایسٹیل زیر المرحوم پر 97

کے خلاف جو رپورٹ بحوالہ عدالت 25 مورخہ 27/3/13
میں لکھی ہے وہ حقیقت پر مبنی ہے۔ عدالت نے ایسٹیل
سے کار کا رائل سے فائرنگ کی تھی۔ ثبوت کے طور پر
کار سے خول پھینکے۔ فریڈ یہ کہ ایسٹیل سے خول اور
قصبے کا ایسٹیل ہے۔

یہ امر ایسا ہے۔

Attested.

Shahid Hussain

W.O.

Attest

16-4-2013

میں شاہی خانہ تم عدالت ایسٹیل پر کوئی سوال نہ کرنا چاہئے

2 میں کوئی سوال نہیں کرنا چاہئے۔

16-4-2013

میں ایسٹیل زیر المرحوم کو کوئی سوال نہ کرے جو؟

2 میں کوئی سوال نہ کرنا چاہئے۔

میں کوئی سوال نہ کرنا چاہئے۔

Jalal

16-04-13

میں کوئی سوال نہ کرنا چاہئے۔
میں کوئی سوال نہ کرنا چاہئے۔

بیان اذان کانٹیل ایوب خان 897 اسپتال

12

تعمیر ہونا بلوں کے نیشنل ریسرچرز فیبر 997 کے متعلق
بیان ہونا بلوں کے مین مریٹوریس میں مذکورہ کانٹیل کے
پہلی کٹاری رائٹ سے کانٹر کیا گیا اور یہ ایک بد افلاکی
اور غیر سائنس کا نیشنل ہے

یہ میرا بیان ہے

Signature
17.7.2013

Attested
A
E.O.

Attested
Signature

بیان از ان کسبیل محمد شکیل 392 سہیل ٹو اٹھان

قصر اتریا میں کہ کسبیل زبیر الرحمن 997 کے متعلق جو رپورٹ
تیار کی گئی ہے میں اس دن متعلقہ ہر گواہ اس واقعہ میں سے لاعلم ہیں
کیونکہ میں موجود نہیں تھا

Attested,

زبیر الرحمن

M Shakil

18-4-13

بیان از کسبیل اعجاز احمد 963 سہیل ٹو

بیان کہ گامیوں میں کسبیل زبیر الرحمن 997 گمارا سا جو سہیل ٹو
گورنٹ میں ڈیپوٹ کے لئے تعینات ہے میری موجودگی میں
موجودہ کسبیل نے فائل کیا ہے جو رپورٹ اس کے حوالہ
دیے گئے ہیں جو حقیقت پر مبنی ہے

زبیر اعجاز احمد

Attested,

Imtiaz Ahmad

19/4/13

Imtiaz Ahmad

E.O

15

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

SERVICE APPEAL NO. 731/2014

Date of institution ... 23.05.2014
Date of judgment ... 06.11.2017



Zubair-ur-Rehman S/o Habib-ur-Rehman
(Constable 997) R/o Shah Poor, Kohat.

... (Appellant)

VERSUS

1. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
2. Deputy Inspector General of Police, Kohat.
3. District Police Officer, Kohat.

... (Respondents)

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER
DISMISSAL OF APPELLANT FROM SERVICE OF THE
RESPONDENT NO. 3, DATED 04.04.2014 AND THE
REPRESENTATION/DEPARTMENTAL APPEAL OF THE APPELLANT
WAS ALSO REJECTED BY THE RESPONDENT NO. 2, ON 08.05.2014,
WHICH ARE AGAINST LAW AND JUSTICE AND LIABLE TO BE SET-
ASIDE.

Mr. Hassan U.K. Afridi, Advocate.
Mr. Muhammad Jan, Deputy District Attorney

... For appellant.
... For respondents.

Mr. MUHAMMAD AMIN KHAN KUNDI
MR. GUL ZEB KHAN

... MEMBER (JUDICIAL)
... MEMBER (EXECUTIVE)

JUDGMENT

MUHAMMAD AMIN KHAN KUNDI, MEMBER:- This appeal

has been filed under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the order dated 04.04.2014 whereby the appellant was removed from service on the allegation that he was involved in league with bad character women, using Alcohol and also made aerial firing during drunk while on duty at special II Kohat. The appellant also filed departmental appeal but the same was

ATTESTED

EX-10
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

also rejected vide order dated 07.05.2014 hence, present service appeal on 23.05.2014.

2. Learned counsel for the appellant contended that the appellant was appointed in Police Department on 02.06.2006 and had performed his duty to the satisfaction of his superior for a period of eight years. It was further contended that during service a complaint was made against the appellant vide Naqal Mad No. 25 dated 27.03.2013 to the effect that he was involved in league with bad character women and using Alcohol. It was further contended that on the basis of said complaint a departmental proceeding was initiated against the appellant but neither proper inquiry was conducted nor opportunity of cross examination was provided nor any witness has stated in his statement recorded during inquiry that the appellant was in league with bad character women and using Alcohol but neither inquiry officer nor the competent authority have properly perused the statement of witnesses. It was further contended that the principle of natural justice was violated therefore, the impugned order is illegal and liable to be set-aside.

M. Amin
6.11.2017

3. On the other hand, learned Deputy District Attorney Mr. Muhammad Jan opposed the contention of learned counsel for the appellant and contended that the appellant was serving in police department but he was in league with bad character women and using Alcohol therefore, departmental proceeding was initiated against the appellant and after serving charge sheet statement of allegation and conducting proper inquiry a final show cause notice was issued to him but he failed to satisfy the competent authority therefore, he was rightly dismissed from service.

4. We have heard the arguments of learned counsel for the parties and gone through the record available on file.

5. Perusal of the record reveals that the appellant was serving in Police Department and during service a complaint was made by the concerned SHO against the appellant stating therein that the appellant was in league with bad

[Handwritten signatures]

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

17

character women and using Alcohol, the said report was entered in Naqal Mad No. 25 dated 23.03.2013 and on the basis of said report a departmental proceedings was initiated and during inquiry statement of witnesses namely Shadi Khan, Ayub Khan, Muhammad Shakeel and Imtiaz Ahmad constable were recorded but the record reveals that the constable Ayub Khan, Muhammad Shakeel and Imtiaz Ahmad have not uttered a single word against the appellant regarding illicit relation of the appellant with bad character women or drinking alcohol. Moreover, the statements of the aforesaid witnesses were recorded but the appellant was not given opportunity to cross examine them. Meaning thereby that the principles of natural justice has been violated which has rendered the aforesaid disciplinary proceedings illegal, therefore, we are constrained to accept the appeal, set-aside the impugned order and reinstate the appellant into service. However, the respondents are at liberty to conduct a proper de-novo inquiry against the appellant in a mode and manner prescribed by law within a period of three months from the receipt of this judgment. In case de-novo inquiry is conducted than the back benefits of the intervening period will be subject to the outcome of de-novo inquiry. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
06.11.2017

SD/
(GUL ZEB KHAN)
MEMBER

Muhammad Amin Khan Kundi
(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

Certified to be true copy

[Signature]
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application 08-11-17
 Number of Words 1200
 Copying Fee 8
 Urgent _____
 Total 8
 Name of Copy [Signature]
 Date of Completion of Copy 24-11-17
 Date of Delivery of Copy 24-11-17

[Signature] *[Signature]*

18

DENVO ENQUIRY AGAINST FC ZUBAIR -UR-RAHMAN NO.997 POSTED AT
POLICE LINES DISTRICT KOHAT

Respected Sir,

Kindly with reference to your good office letter/Order No.222/PA dated 8.01.2018.

I have been appointed as Enquiry Officer to conduct denovo enquiry proceedings against Constable Zubair-ur-Rehman No.997

1. Brief facts of the case are that the accused official while posted Special-II Mobile indulged himself in illegal activities. Therefore, he was served with Charge Sheet along with Statement of Allegation as well :-

As per Daily Diary No.25 dated 27.03.2013 of PS City that he was involved in-league with bad character women, using alcohol and also made aerial firing during drunk while he was on duty at special-II Kohat.

2. In this regard the then DSP City Kohat Lal Farid Khan carried out an enquiry against accused official. On the report of HC Shadi Khan vide DD No.25 dated 27.03.2013 & he was issued Final Show Cause Notice vide No.11053 dated 26.08.2013.

3. On the receipt of finding of DSP-City Kohat the accused official was awarded major punishment of removal from service by the DPO Kohat vide OB No.466 dated 04.04.2014.

4. Later on, the accused official Zubair-ur-Rehman No.997 submitted an appeal to W/DIG Kohat for re-instatement but his appeal was rejected and the order of DPO was upheld.

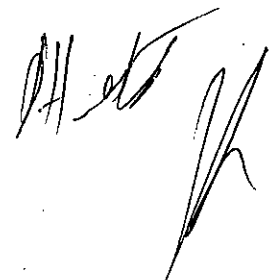
5. Feeling aggrieved, he approached Khyber Pakhtunkhwa Service Tribunal, who vide its judgement dated 06.11.2017 re-instated the accused official and respondents department was directed to hold denovo enquiry against the official.

6. In compliance with judgement and approval of competent authority, the accused official was provisionally re-instated in service. Served with Charge Sheet with Statement of allegation vide No.216-17/PA dated 08.01.2018.

7. Charge Sheet was served upon him, his reply was received within stipulated period. He was given an ample opportunity to defend himself, cross examination was also carried out. He stated that he was fired on official SMG for unknown reason. The other allegation made by HC Shadi Khan is stated to be false.

8. In order to dig-out the factual position statements of the following concerned Police officials were also recorded (placed with enquiry file). All of them affirmed their versions previously recorded in the enquiry.

1. Inspector Jehanger Khan (Retired)
2. LHC Shadi Khan No. 284 I/C squad (Rtd)
3. Constable Ayub No. 897
4. Constable Imtiaz No. 963
5. Constable Shahkeel
6. Const: Mir Qad Ayaz No. 162 Drv:Squad



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From perusal of his previous service record the accused official was found habitual absentee & disinterest in his official job.

FINDINGS

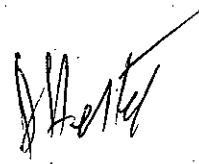

From the above, and available record, I came to the conclusion that the allegations regarding use of alcohol, relation with bad character women is not proved, however, the allegation regarding making aerial firing on Govt: weapon has been established from the enquiry. Furthermore, the service record of the accused official is indifferent as bad entries.

Therefore, It is recommended that the accused official may be awarded a major punishment of time scale for the period of 03-years, and the intervening period may be treated as leave without pay, if agreed.

Submitted please.


(JEHANZEB KHAN)
SUPERINTENDENT OF POLICE
INVESTIGATION, KOHAT

W/DPO KOHAT



Office of the
District Police Officer,
Kohat

No. 216-17/PA

Dated 08/4/2018

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CHARGE SHEET.

ABBAS MAJEED KHAN MARWAT, DISTRICT POLICE OFFICER (as competent authority under Khyber Pakhtunkhwa Police Rules 1975 (Amendments 2014)) am of the opinion that you **Ex-Constable** Zubair Ullah No. 997 rendered yourself liable to be proceeded against, as you have committed the following act/omissions within the meaning of Rule 3 of the Police Rules 1975.

- i. *As per daily diary No. 25 dated 27.03.2013 of PS City that you were involved in-league with bad character women, using Alcohol and also made aerial firing during drunk while you on duty at Special -II Kohat.*
- ii. *On acceptance of appeal, a de-novo enquiry was ordered to be initiated by DIG Enquiry & Inspections with his letter No. 1624/E&I dated 11.12.2017.*

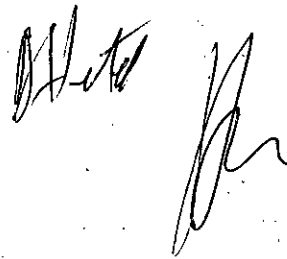
By reasons of the above, you appear to be guilty of misconduct under Rule 3 of the Police Rules 1975 and have rendered yourself liable to all or any of the penalties specified in the Rule 4 of Police Rules 1975.

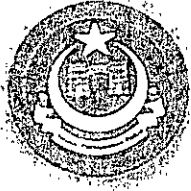
You are, therefore, required to submit your written statement within 07 days of the receipt of this Charge Sheet to the enquiry officer.

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.


DISTRICT POLICE OFFICER,
KOHAT





Office of the
District Police Officer,
Kohat

No. _____/PA

Dated _____/2018

DISCIPLINARY ACTION

I, **ABBAS MAJEED KHAN MARWAT, DISTRICT POLICE OFFICER, KOHAT**, as competent authority, am of the opinion that you Ex-Constable Zubair Ur Rehman No. 997 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.

STATEMENT OF ALLEGATIONS

- a. As per daily diary No. 25 dated 27.03.2013 of PS City that you were involved in-league with bad character women, using Alcohol and also made aerial firing during drunk while you on duty at Special -II Kohat.
- b. On acceptance of appeal, a de-nove enquiry was ordered to be initiated by DIG Enquiry & Inspections vide his letter No. 1624/E&I dated 11.12.2017.

2. For the purpose of scrutinizing the conduct of said accused with reference to the above allegations, **Mr. Jehanzeb Khan SP Investigation Wing Kohat** 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,
KOHAT**

No. 216-17/PA, dated 08-12/2018.

- Copy of above to:-
1. **Mr. Jehanzeb Khan SP Investigation Wing Kohat** :- 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.



Office of the Inspector General of Police
Khyber Pakhtunkhwa, Peshawar.

No. 184 /E&I, dated Peshawar the 26 /01/2018

To: The District Police Officer,
Kohat.

Subject: **DENOVE DEPARTMENTAL ENQUIRY AGAINST
EX-FC ZUBAIR-UR-REHMAN**

Memo:

Please refer to your office letter No.464/PA dated 19.01.2018, on the subject cited above.

2. On perusal of the findings of the denovo departmental enquiry, it has been transpired that the official is guilty of the allegations leveled against him.
3. You being competent authority in the instant case are hereby directed to proceed further in the light of recommendations of the enquiry officer, under intimation to this office, for the perusal of worthy IGP.
4. Enquiry file containing 44 pages is returned herewith.

(SHAHAB MAZHAR BHALLI)PSP
DIG/Enquiry & Inspection
For Inspector General of Police
Khyber Pakhtunkhwa, Peshawar

No:

/E&I,

Copy of above is forwarded for information to:-

1. The Regional Police Officer, Kohat
2. The Superintendent of Police, Investigation Kohat.

(SHAHAB MAZHAR BHALLI)PSP
DIG/Enquiry & Inspection
For Inspector General of Police
Khyber Pakhtunkhwa, Peshawar

3. Constable Ayub No. 897
4. Constable Imtiaz No. 963
5. Constable Shahkeel
6. Const: Mir Qad Ayaz No. 162 Drv:Squad



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OFFICE OF THE
DISTRICT POLICE OFFICER,
KOHAT

Tel: 0922-9260116 Fax 9260125

No 974 /PA dated Kohat the 31/1/2018

FINAL SHOW CAUSE NOTICE

1. I, **Abbas Majeed Khan Marwat, District Police Officer, Kohat** as competent authority, under the Khyber Pakhtunkhwa Police Rules 1975, (amended 2014) is hereby serve you, **Ex-Constable Zubair Ur Rehman No. 997** as follow:-

- i. That consequent upon the completion of inquiry conducted against you by the inquiry officer for which you were given opportunity of hearing vide office No. 216-17/PA dated 08.01.2018.
- ii. On going, through the finding and recommendations of the inquiry officer, the material on record and other connected papers 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.

As per daily diary No. 25 dated 27.03.2013 of PS City that you were involved in-league with bad character women, using Alcohol and also made aerial firing during drunk while you on duty at Special -II Kohat.

On acceptance of appeal, a de-nove enquiry was ordered to be initiated by DIG Enquiry & Inspections vide his letter No. 1624/E&I dated 11.12.2017.

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.

[Handwritten signature]

[Handwritten signature]

[Handwritten signature]
01-2-18

[Handwritten signature]
DISTRICT POLICE OFFICER,
KOHAT

بھصور جناب ڈسٹرکٹ پولیس آفیسر صاحب کوکھاٹ

24

جواب / Reply فائل شوکا ز نوٹس مورخہ 31-01-2018

جناب عالی! سائل ذیل عرض کرتا ہے۔

بھوالہ فائل شوکا ز نوٹس نمبری 974/PA مورخہ 31-01-2018 معروض ہوں۔ کہ سائل کے خلاف جو تین قسم کے الزامات لگائے گئے تھے۔ جس سے یہ ثابت ہوتا ہے کہ سائل کے خلاف بدینتی سے الزامات لگائے گئے۔ اور LHC (ریٹائرڈ) شادی خان کے بیان سے بھی یہ ثابت ہو گیا ہے۔ کہ سائل پر جو الزامات شادی خان صاحب نے لگائے ہیں۔ اس سے خود شادی خان صاحب بھی انکاری ہے۔

جہاں تک سابقہ ریکارڈ کا تعلق ہے۔ میرے خلاف چارج شیٹ منجانب DPO کوھاٹ میں میرے سابقہ ریکارڈ سے متعلق کوئی ذکر نہیں۔ سابقہ ریکارڈ کے متعلق انکوآری افسر کے ریمارکس Terms of Reference سے تجاوز ہے۔ انکوآری افسر صاحب کو چارج شیٹ میں لگائے گئے الزامات تک اپنے آپ کو محدود کرنا چاہیے تھا۔ مزید یہ کہ سابقہ ریکارڈ سے متعلق دوبارہ سزا دینا خلاف قانون ہوگا۔ کیوں کہ اس کی سزا مجھے پہلے دی جا چکی ہے۔

سائل ایک غریب گھرانے سے تعلق رکھتا ہے۔ اور اپنے گھر کا واحد کفیل ہے۔

لہذا استدعا ہے کہ مجھے بری الزمہ قرار دے کر موجودہ حکمانہ کارروائی داخل دفتر کیا جائے۔

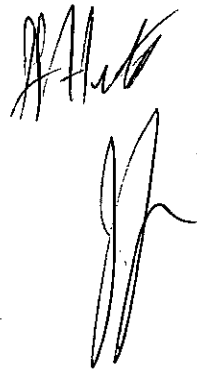
مورخہ 01-02-2018

Suban

آپ کا تابعدار

کنشیل زبیر الرحمن نمبر 942

حال تھانہ شی کوھاٹ





28
OFFICE OF THE
DISTRICT POLICE OFFICER,
KOHAT

Tel: 0922-9260116 Fax 9260125

No 1411-13 /PA dated Kohat the 12/2-2018

ORDER

This order will dispose of de-novo departmental proceedings initiated against Constable Zubair Ur Rehman No. 997/942 of this District Police under the Khyber Pakhtunkhwa, Police Rules, 1975 (amendment 2014).

The essential facts arising of the case are that Constable Zubair Ur Rehman (**hereinafter called accused**) while posted at PS City was removed from service vide order dated 04.04.2014. The accused was involved/in league with bad character women, using Alcohol and also made aerial firing during drunk while on duty at Special - II City, Kohat

In compliance with the judgement of Service Tribunal dated 06.11.2017, denovo departmental proceedings initiated after approval. The SP Investigation Wing, Kohat was appointed as enquiry officer by the competent authorities. Charge Sheet alongwith statement of allegations issued to the accused official. The accused official was associated with the proceedings and afforded ample opportunity of defense by E.O. The accused official was held guilty of the charges vide finding of the enquiry officer.

Final Show Cause Notice alongwith copy of enquiry finding was served upon the accused official. Reply received unsatisfactory, without any plausible explanation.

Therefore, the accused official was called in Orderly Room, held on 08.02.2018 and heard in person, but he failed to submit any explanation to his gross professional misconduct.

Record gone through, which indicates that the accused official had committed the using of Alcohol and link with bad character women/aerial firing. The service record of the accused official also found indifferent.

In view of the above and available record, I agreed with the finding of enquiry officer, therefore, in exercise of powers conferred upon me under the **rules ibid I**, Abbas Majeed Khan Marwat, District Police Officer, Kohat impose a major punishment of reduction from higher stage to lower stage in the same time scale of pay for the period of 03 years on accused constable Zubair Ur Rehman No. 997/942. He is reinstated in service, the **intervening period is treated as leave without pay and pay is hereby released.**

Announced
08.2.2018


DISTRICT POLICE OFFICER,
KOHAT 328/2

OB No. 137
Date 8-2 /2018

No 1411-13 / PA dated Kohat the 12-2-2018.

Copy of above is forwarded for information and necessary action to the Reader Pay officer. SRC and OHC.

بھنور چناب ڈپٹی انسپکٹر جنرل آف پولیس کوہاٹ ریجن کوہاٹ

اپیل برائے ادا یگی تنخواہیں اور سروس وغیرہ جو آرڈر نمبر: 1411-13/PA مورخہ 02.02.2018 کو جناب DPO صاحب نے مجھ کو جو سزا دلوائی گئی ہے۔

جناب عالی!

گزارش کی جاتی ہے کہ سائل سال 2006ء کا بھرتی شدہ ہے۔ شروع ہی سے سائل کے خلاف انکوائری ہوئی۔ جس میں سائل کو بے گناہ تصور کیا گیا اس کے باوجود بھی سائل کو سروس سے برخاست کیا گیا تو سائل نے بہ امر مجبوری سروس ٹریبونل کا دروازہ کھٹکھٹایا اور سائل کو اپنی سروس پر دوبارہ بحال کروایا گیا جس کا آرڈر کاپی لف ہذا ہے۔ اسکے بعد جناب ڈسٹرکٹ پولیس آفیسر صاحب نے بحوالہ آرڈر نمبر 1411-13/PA بمورخہ 02.02.2018 سائل کو (Major Punishment) سزا ہوئی جس میں از قسم بلا تنخواہ اور سروس کٹوتی کی سزا دلوائی گئی جو میرے ساتھ سراسر ظلم اور نہ انصافی ہے۔ چونکہ سائل نہایت غریب ترین گھرانے سے تعلق رکھتا ہے، سائل گھر کا سربراہ ہے چھوٹے چھوٹے بچے ہیں اور کوئی ذریعہ معاش نہیں ہے۔

استدعا کی جاتی ہے کہ بحوالہ آرڈر نمبر 1411-13/PA بمورخہ 02.02.2018 میں سائل کو جتنی سزا ہوئی ہے وہ کالعدم قرار دی جائے۔ تو لہذا مکمل سروس اور تنخواہ کالعدم شدہ دینے کا حکم صادر فرمایا جائے۔ سائل تاحیات دعا گورہیگا۔ نیز عدالت کا فیصلہ اور آرڈر ہائے جناب DPO صاحب کے لف درخواست ہذا ہیں۔

تحریر 14.02.2018

کانشیلر: زبیر الرحمن بیلٹ نمبر: 1942/2017 حال: تحصیل بوسٹ تھانہ سٹی

Zubair

27

ORDER.

This order will dispose of a departmental appeal, moved by Ex-Constable Zubair-ur-Rehman No. 942 of Kohat district Police against the punishment order of time-scale for the period of three years, passed by DPO Kohat vide OB No. 137, dated 08.02.2018 for the allegations of his involving in illegal activities, in-league with bad character women and using alcohol. He while posted at PS City, also made aerial firing in drunk condition.

He preferred appeal to the undersigned, upon which comments were obtained from DPO Kohat and his service record was perused.

I have gone through the available record and came to the conclusion that the allegations leveled against the appellant are proved and the punishment order passed by DPO Kohat is correct. Hence, his appeal being devoid of merits is hereby rejected.

**Order Announced
17.04.2018**

Awal Khan

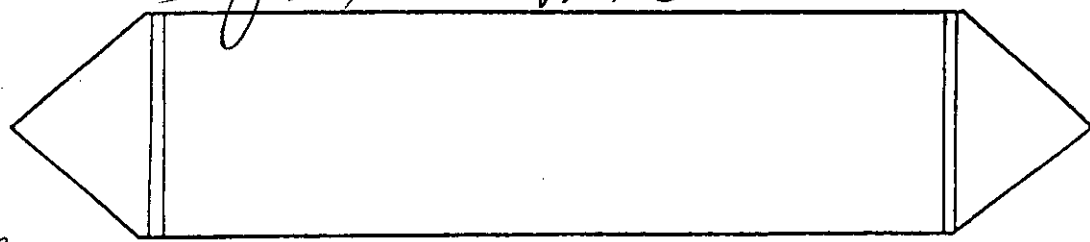
(AWAL KHAN)
Regional Police Officer,
Kohat Region.



No. 4919 / EC, dated Kohat the _____ /2018.

Copy to the District Police Officer, Kohat for information w/r to his office Memo: 6439/LB, dated 27.03.2018. His Service Roll and Fauji Missal / Enquiry File are returned herewith.

[Signature]
[Signature]

بعدالت حسرتی طور پر عدالت کی درخواست



2. منجانب 
بنام  عدالت

زین العابدین

مورخہ
مقدمہ
دعویٰ
جرم

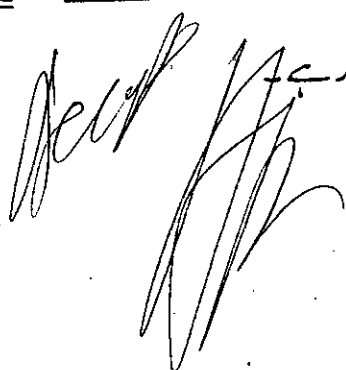
Serve Appeal / 18

باعث تحریر آنکہ

بنام عدالت

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
 آن مقام عدالت کیلئے حسن - لوگوں - دراصل بنام عدالت
 مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
 وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور
 بصورت ڈگری کرنے اجراء اور صولی چیک و روپیہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
 زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی
 نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
 کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
 ہوگا۔ اور صاحب مقرر شدہ کو کبھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ
 پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جائز التوائے مقدمہ کے سبب سے ہوگا۔
 کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
 مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

المترقوم _____ ماہ _____ 20

کے لئے منظور ہے 



بمقام

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

Service appeal No. 694/2018
Zubair ur Rehman

..... Appellant.

VERSUS

Inspector General of Police,
Khyber Pakhtunkhwa, and others

..... Respondents.

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS.

I N D E X

| S.# | Description of documents | Annexure | pages |
|-----|---|----------|-------|
| 1. | Parawise comments | - | 01-02 |
| 2. | Counter affidavit | - | 03 |
| 3. | Copies of inquiry file including impugned orders. | A to F | 4-25 |

①

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

Service appeal.No. 694/2018
Zubair ur Rehman

..... Appellant.

VERSUS

Inspector General of Police,
Khyber Pakhtunkhwa, and others

..... Respondents.

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS.

Respectively Sheweth:-

Parawise comments are submitted as under:-

Preliminary Objections:-

- a. That the appellant has got no cause of action.
- b. That the appellant has got no locus standi.
- c. That the appeal is not maintainable in the present form.
- d. That the appellant has not come to this Hon: Tribunal with clean hands.
- e. That the appeal is bad for misjoinder of unnecessary parties and non-joinder of necessary parties.

FACTS:-


1. Pertains to record, hence no comments.
2. Incorrect, the appellant was found inefficient and awarded different kinds of punishment on 21 occasions including removal from service on charges of moral integrity.
3. Correct, the appellant while in service was proceeded with departmentally, which culminated into his removal from service. Later on, the appellant was proceeded with de-novo inquiry in pursuance of judgment of the Honorable Tribunal.
4. The appellant was proceeded with de-novo departmental inquiry and served with charge sheet alongwith statement of allegation under the law /rules. Copies of charge sheet alongwith statement of allegation, reply, complete inquiry and service notice are annexure "A to F".
5. The appellant failed to defend himself during de-novo proceedings, despite availing defense opportunity. Furthermore, the appellant was held guilty of the charges by the inquiry officer and the inquiry proceedings culminated into awarding punishment which was upheld by the departmental appellate authorities.

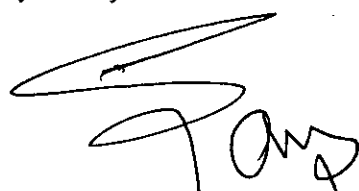
GROUND:-

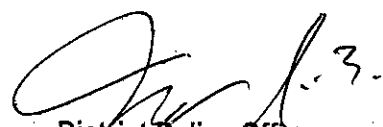
- A. Incorrect, the competent authorities have passed legal orders according to facts, law & rules.
- B. Incorrect, the appellant was dealt with departmentally in accordance with law & rules.

- C. Incorrect.
- D. Incorrect, the de-novo inquiry has been conducted according to law & rules.
- E. Incorrect, the charges levelled against the appellant have been established beyond any shadow of doubt. Previously the appellant was removed from service, however, in de-novo proceedings the competent authority has taken lenient view while awarding punishment.
- F. Incorrect, the de-novo inquiry proceedings were conducted against the appellant in accordance with law & rules.
- G. Incorrect, the appellant remained out of service for a long time, hence on the principle of no work no pay, the appellant is not entitled for pay of intervening period.
- H. The respondents may also be allowed to advance any other grounds at the time of hearing.

Keeping in view of the above that the appeal is without merit and not substantiated. It is, therefore, prayed that the appeal may kindly be dismissed with cost please.


 Dy: Inspector General of Police,
 Kohat Region, Kohat.
 (Respondent No. 2)


 Inspector General of Police,
 Khyber Pakhtunkhwa,
 (Respondent No. 1)


 District Police Officer,
 Kohat
 (Respondent No. 3)

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

Service appeal No. 694/2018
Zubair ur Rehman

..... Appellant.

VERSUS

Inspector General of Police,
Khyber Pakhtunkhwa, and others

.... Respondents.

COUNTER AFFIDAVIT

We, the below mentioned respondents, do hereby solemnly affirm and declare on oath that contents of parawise comments are correct and true to the best of our knowledge and belief. Nothing has been concealed from this Hon: Tribunal.

Dy: Inspector General of Police,
Kohat Region, Kohat
(Respondent No. 2)

Inspector General of Police,
Khyber Pakhtunkhwa,
(Respondent No. 1)

District Police Officer,
Kohat
(Respondent No. 3)

Amer-ur-A to
F.

(4)

ORDER.

This order will dispose of a departmental appeal, moved by Ex-Constable Zubair-ur-Rehman No. 942 of Kohat district Police against the punishment order of time-scale for the period of three years, passed by DPO Kohat vide OB No. 137, dated 08.02.2018 for the allegations of his involving in illegal activities, in-league with bad character women and using alcohol. He while posted at PS City, also made aerial firing in drunk condition.

He preferred appeal to the undersigned, upon which comments were obtained from DPO Kohat and his service record was perused.

I have gone through the available record and came to the conclusion that the allegations leveled against the appellant are proved and the punishment order passed by DPO Kohat is correct. Hence, his appeal being devoid of merits is hereby rejected.

Order Announced
17.04.2018

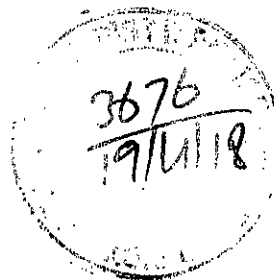
Awal Khan

(AWAL KHAN)
Regional Police Officer,
Kohat Region.

No. 4919 / EC, dated Kohat the _____ /2018.

Copy to the District Police Officer, Kohat for information w/r to his office Memo: 6439/LB, dated 27.03.2018. His Service Roll and Fat ji Missal / Enquiry File are returned herewith.

SRE / OHe
for entries in his
Service Record II



Awal Khan

(AWAL KHAN)
Regional Police Officer,
Kohat Region

18/04



OFFICE OF THE
DISTRICT POLICE OFFICER
KOHAT

Tel: 0922-9260116 Fax 9222

No: _____ /PA dated Kohat the _____ /

ORDER

This order will dispose of the departmental proceedings initiated against Constable Zuba Rehman No. 997/942 of this District Police under the Punjab Pakhtunkhwa, Police Rules, 1975 (amendment 2014).

The essential facts arising of the case that Constable Zubair Ur Rehman (**hereinafter called accused**) posted at PS City was removed from service vide order 04.04.2014. The accused was involved/in league with bad character women, using Alcohol and also made aerial firing during drunk on duty at Special - II City, Kohat

In compliance with the judgement of Service Tribunal dated 06.11.2017 de novo departmental proceedings initiated after approval. The SP Investigation Wing, Kohat appointed as enquiry officer by the competent authorities. Enquiry Sheet alongwith statement of allegations issued to the accused official. The accused official was associated with the proceedings and afforded ample opportunity of defense by E.O. The accused official was held guilty of the charges vide finding of the enquiry officer.

Final Show Cause Notice alongwith finding of enquiry finding was served upon the accused official. Reply received was unsatisfactory, without any plausible explanation.

Therefore, the accused official was summoned in Orderly Room, held on 08.02.2018 and heard in person, but failed to submit any explanation to his gross professional misconduct.

Records gone through, which indicate that the accused official had committed the using of Alcohol and association with bad character women/aerial firing. The service record of the accused official also found indifferent.

In view of the above and available evidence, I agreed with the finding of enquiry officer, therefore, in exercise of powers conferred upon me under the **rules ibid I**, Abbas Majeeb Marwat, District Police Officer, Kohat impose a major punishment of reduction from higher stage to lower stage in the same time and stop pay for the period of 03 years on accused constable Zuba Rehman No. 997/942. He is reinstated in service, the **interim period is treated as leave without pay and pay is hereby released**.

Announced

08.2.2018

**DISTRICT POLICE OFFICER
KOHAT**

OB No. 137

Date 8-2-2018

No 1411-13 / PA dated Kohat the 8-2-2018.

Copy of above is forwarded for information and necessary action to the Reader, Pay officer, SRC and OHC.

محضوہ جناب ڈسٹرکٹ پولیس آفیسر صاحب کوھاٹ

جواب / Reply فائل شوکار نوٹس مورخہ 31-01-2018

لی اسائل ذیل عرض کرتا ہے۔

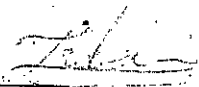
حوالہ فائل شوکار نوٹس نمبری PA/974 مورخہ 31-01-2018 معروض ہوں۔ کہ سائل کے خلاف جو تین قسم کے الزامات لگائے گئے ہیں یہ ثابت ہوتا ہے کہ سائل کے خلاف بد نیتی سے الزامات لگائے گئے۔ اور LHC (ریٹائرڈ) شادی خان کے بیان سے بھی یہ ہے۔ کہ سائل پر جو الزامات شادی خان صاحب نے لگائے ہیں۔ اس سے خود شادی خان صاحب بھی انکاری ہے۔

یہاں تک سابقہ ریکارڈ کا تعلق ہے۔ میرے خلاف چارج شیٹ منجانب DPO کوھاٹ میں میرے سابقہ ریکارڈ سے متعلق کوئی ذکر نہیں ہے۔ ریکارڈ کے متعلق انکوآری افسر کے ریمارکس Terms of Reference سے تجاوز ہے۔ انکوآری افسر صاحب کو چارج شیٹ لگنے کے الزامات تک اپنے آپ کو محدود کرنا چاہیے تھا۔ مزید یہ کہ سابقہ ریکارڈ سے متعلق دوبارہ سزا دینا خلاف قانون ہوگا۔ کیوں کہ اس کی سزا اچانکی ہے۔

سائل ایک غریب گھرانے سے تعلق رکھتا ہے۔ اور اپنے گھر کا واحد کفیل ہے۔

لہذا استدعا ہے کہ مجھے بری الزامہ قرار دے کر موجودہ حکمانہ کارروائی داخل دفتر کیا جائے۔

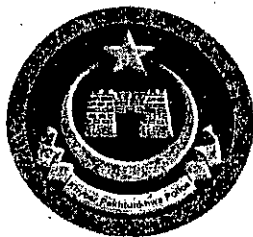
مورخہ 01-02-2018



آپ کا تابعدار

کنسٹیبل زبیر الرحمن نمبر 942

حس تھانہ شی کوھاٹ



OFFICE OF THE
DISTRICT POLICE
KOHAT

Tel: 0922-9260116 Fax

No. 974 /PA dated Kohat the 30

FINAL SHOW CAUSE NOTICE

I, Abbas Majeed Khan Marwat, District Police Kohat as competent authority, under the Khyber Pakhtunkhwa Police Act, 1975, (amended 2014) is hereby serve you, Ex-Constable Zubair Khan No. 997 as follow:-

i. That consequent upon the completion of inquiry against you by the inquiry officer for which you were given opportunity of hearing vide office No. 216-17 dated 08.01.2018.

ii. On going, through the finding and recommendations of the inquiry officer, the material on record and other documents including your defense before the inquiry officer.

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

As per daily diary No. 25 dated 27.03.2013 that you were involved in-league with bad women, using Alcohol and also made aer during drunk while you on duty at Special -II. On acceptance of appeal, a de-nove enquiry was to be initiated by DIG Enquiry & Inspections letter No. 1624/E&I dated 11.12.2017.

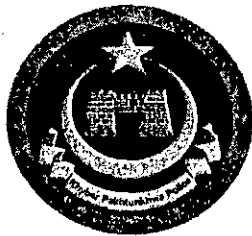
2. As a result thereof, I, as competent authority, have decided to impose upon you major penalty provided under the Rules.

3. You are, therefore, required to show cause as to why the penalty should not be imposed upon you also intimate whether you are heard in person.

4. If no reply to this notice is received within 07 days of the date of this notice 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.


DISTRICT POLICE OFFICER
KOHAT



OFFICE OF THE
DISTRICT POLICE OFFICER
KOHAT

Tel: 0922-9260116 Fax 922-9260117

No 974 /PA dated Kohat the 31/12/2018

FINAL SHOW CAUSE NOTICE

1. I, **Abbas Majeed Khan Marwat, District Police Officer, Kohat** as competent authority, under the Khyber Pakhtunkhwa Police Ordinance 1975, (amended 2014) is hereby serve you, **Ex-Constable Zubair Ur Rehman No. 997** as follow:-

- i. That, consequent upon the completion of inquiry conducted against you by the inquiry officer for which you were given opportunity of hearing vide office No. 216-17/PA dated 08.01.2018.
- ii. On going, through the finding and recommendations of the inquiry officer, the material on record and other connected papers 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

As per daily diary No. 25 dated 27.03.2013 of PS City that you were involved in-league with bad character women, using Alcohol and also made aeria firing during drunk while you on duty at Special -II Kohat.

On acceptance of appeal, a de-nove enquiry was ordered to be initiated by DIG Enquiry & Inspections vide his letter No. 1624/E&I dated 11.12.2017.

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 said 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.


DISTRICT POLICE OFFICER,
KOHAT



Phone: 091-9211947

**Office of the Inspector General of Police
Khyber Pakhtunkhwa, Peshawar.**

No. 134 /E&I, dated Peshawar the 26 /01/2018

To: The District Police Officer,
Kohat.

Subject: **DENOVO DEPARTMENTAL ENQUIRY AGAINST
EX-FC ZUBAIR-UR-REHMAN**

Memo:

Please refer to your office letter No.464/PA dated 19.01.2018, on the subject cited above.

2. On perusal of the findings of the denovo departmental enquiry, it has been transpired that the official is guilty of the allegations leveled against him.
3. You being competent authority in the instant case are hereby directed to proceed further in the light of recommendations of the enquiry officer, under intimation to this office, for the perusal of worthy IGP.
4. Enquiry file containing 44 pages is returned herewith.

(SHAHAB MAZHAR BHALLI)PSP
DIG/Enquiry & Inspection
For Inspector General of Police
Khyber Pakhtunkhwa, Peshawar

No:

/E&I,
Copy of above is forwarded for information to:-

1. The Regional Police Officer, Kohat
2. The Superintendent of Police, Investigation Kohat.

(SHAHAB MAZHAR BHALLI)PSP
DIG/Enquiry & Inspection
For Inspector General of Police
Khyber Pakhtunkhwa, Peshawar

Subject: DENVO ENQUIRY AGAINST FC ZUBAIR -UR-RAHM
POLICE LINES DISTRICT KOHAT

POSTED AT

Respected Sir,

Kindly with reference to your good office letter/Order No.222/PA dated 01.01.2018.

I have been appointed as Enquiry Officer to conduct denove enquiry proceedings against Constable Zubair-ur-Rehman No.997

1. Brief facts of the case are that the accused official while posted Special-II Mobile indulged himself in illegal activities. Therefore, he was served with Charge Sheet alongwith Statement of Allegation as well :-

As per Daily Diary No.25 dated 27.03.2013 of PS City that he was involved in-league with bad character women, using alcohol and also made aerial firing during drunk while he was on duty at special-II Kohat.

2. In this regard the then DSP City Kohat Lal Farid Khan carried out an enquiry against accused official. On the report of HC Shadi Khan vide DD No.25 dated 27.03.2013 & he was issued Final Show Cause Notice vide No.11053 dated 26.08.2013.

3. On the receipt of finding of DSP-City Kohat the accused official was awarded major punishment of removal from service by the DPO Kohat vide OB No.466 dated 04.04.2014.

4. Later on, the accused official Zubair-ur-Rehman No.997 submitted an appeal to W/DIG Kohat for re-instatement but his appeal was rejected and the order of DPO was upheld.

5. Feeling aggrieved, he approached Khyber Pakhtunkhwa Service Tribunal, who vide its judgement dated 06.11.2017 re-instated the accused official and respondents department was directed to hold denove enquiry against the official.

6. In compliance with judgement and approval of competent authority, the accused official was provisionally re-instated in service. Served with Charge Sheet with Statement of allegation vide No.216-17/PA dated 08.01.2018.

7. Charge Sheet was served upon him, his reply was received within stipulated period. He was given an ample opportunity to defend himself, cross examination was also carried out. He stated that he was fired on official SMG for unknown reason. The other allegation made by HC Shadi Khan is stated to be false.

8. In order to dig-out the factual position statements of the following concerned Police officials were also recorded (placed with enquiry file). All of them affirmed their versions previously recorded in the enquiry.

1. Inspector Jehanger Khan (Retired)
2. LHC Shadi Khan No. 284 I/C squad (Rtd)
3. Constable Ayub No. 897
4. Constable Intiaz No. 963
5. Constable Shahkeel
6. Const: Mir Qad Ayaz No. 162 Drv:Squad

(11)


From perusal of his previous service record the accused official was found habitual absentee & disinterest in his official job.

FINDINGS

From the above, and available record, I came to the conclusion that the allegations regarding use of alcohol, relation with bad character women is not proved, however, the allegation regarding making aerial firing on Govt: weapon has been established from the enquiry. Furthermore, the service record of the accused official is indifferent as bad entries.

Therefore, It is recommended that the accused official may be awarded a major punishment of time scale for the period of 03-years, and the intervening period may be treated as leave without pay, if agreed.

Submitted please.


(JEHANZEB KHAN)
SUPERINTENDENT OF POLICE
INVESTIGATION, KOHAT

W/DPO KOHAT

بیان ازان شادی خان LHC 284 ایچ اے سی سی سی اے ڈی اے
پینشنیئر 31.8848-9532

دریافت بیان کیا کہ مرض 27/2013 کو میں صدم
عبرو کابنیل، کابنیل شکیل، گشت برتے کہ کابنیل
نے حوائیل صلا پر اطلاع دی کہ کابنیل زبیر الرحمن
اپنی سرکاری رائیل سے وائیر کیا۔ ہم فوراً ہوگی تاکہ
آئے زبیر کابنیل کے اندر وجود تھا۔ پورے
فکرہ نے تدارک نالیمھی میں جو سے وائیر
میں نے فوراً لعل فرور خان کو وٹوم کر ایلو
اور پٹن DSP لعل فرور خان نے HHC قائم رہا کو
انسٹیج جہانگیر خان سائلم HHC قائم رہا یعنی
پتج گیا۔ سرکاری رائیل کو وٹورہم کابنیل وٹورہ
سے قبضہ کیا۔ اور وٹورہم گارڈ میں بند کیا۔ بند
Shahid

العب شادی خان LHC 284 پینشنیئر
رٹائرڈ 12-01-2018



1

کہ اسے کوئی تدارک ہے

x-کنیں بریبر - عطا بن رولٹ کی کردار درست میں
= xxx = عمو گالی گلوچ دینا ہے - اور کردار کے وقت کوڑوں کے
و لکوہ نیتات پیش میں رکھتے - وہ درست میں ہے

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بیان ازان کانٹیل ایوب خان 897 متبعہ سہیل ٹوٹو
 حال چل خوشحال گڑھ 807 9644-3330

بدریافت بیان کیا کہ میری ڈیوٹی رزرو میس 2013
 دوسری شفٹ میں تھی۔ اور دوست کے کام میں آج
 تھا۔ کہ اچانک فائبر کی آواز آئی۔ سن کر فوراً
 کمرے کی طرف آیا۔ نو دیکھا کہ کانٹیل رزرو میس
 چلے میں رہا تھا۔ جیک ٹوی ڈیوٹی کا لہجہ
 کمرے میں آگئے۔ یوں مجھے پر معلوم ہوا کہ گا
 کو کچھ ذہنی کوفت تھی۔ جس کے لیے وہ "کنڈا
 استعمال کرتا تھا۔ جسکی وجہ سے فائبر عمل میں
 بہت بیان ہے۔

طوبہ
 الکانٹیل ایوب خان 897
 متبعہ سہیل ٹوٹو
 2018-01-12

کریم فائبر کا
 KRA - 5000 ح دولہ میں
 کسی حوالہ کے

المنعم

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بیان ازان کانٹیل، امتیاز احمد 963 متعینہ سیشن لوشن
حال پولیس لاشن کوئی وقت 947 9500 944

بدریافت بیان کیا کہ مورخہ 27/2/13 کو ہم سیشن
ویبائیل ڈیوٹی پر موجود تھے جبکہ کانٹیل زبردستی
کی ڈیوٹی دوسرے شفٹ میں تھے۔ رات فرسٹ
کا وقت تھا۔ چونکہ کانٹیل وزیر کو کچھ دہریہ
اور اسکے لڈے گولین کا استعمال بھی کرتا تھا۔ اس
فائیک آواز آئی۔ اس سے قبل ہم نے کال
کوائف طرف بھیجا۔ تاکہ دوسرے شفٹ پر ڈیوٹی
تیار ہو جائے۔ فائیک کی آواز سن کر
انچارج شادی خان LHC فوراً گڈس کی طرف
دیکھا تو گولی روشن دان سے نکل چکی تھی

مذکورہ سے پوچھنے پر یہ چلا کہ اسے (action
اور لشمہ اور Tablet کہنے سے دماغ نے
انچارج شادی خان LHC نے لعل مراد
کو موقع کی اطلاع دی۔ اس دوران جہاں
سالقم 840 تمام رہی بھی موقع پر پہنچ گئے۔ کار
زیبیر الرحمن سے سرباری رائفل فرسٹ کرنے
کو کوڈنگارڈ بھیج دیا۔ یہ سب پران ہے

الع کانٹیل امتیاز احمد 963
متعینہ پولیس لاشن کوئی وقت
امتیاز احمد 12-01-2018

XXXX - XXX XXXXXXX
اور XXXXXXX
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بیان ازان کانٹیل محمد شکیل 392 قیومنہ گارد تحصیل لاہور
گارد تحصیل لاہور 392 8269845-0334

دریافت بیان کیا کہ روز جمعہ 27/2/2013 کو ہم
ٹوہاٹیل ڈیوٹی پر موجود تھے کانٹیل محمد شکیل نے
ڈیوٹی دعویم منتقل میں تھی۔ اوقت رات 11:30
کا وقت تھا۔ چونکہ کانٹیل مذکورہ کو کچھ ذہنی پریشانی
اور اسی پریشانی کیلئے شہ اور گولیاں استعمال کرنا
کہ اسی دوران اچانک فائبرنگ کی آواز آنی
چوکی کی طرف اسٹیشن ٹوہاٹیل ہوا گا۔ مذکورہ کانٹیل نے
جاریاں سے ہٹھا تھا۔ اور راجہ سی رائفل سے آگ
تھا۔ میں نے رائفل سے آگ سے بچنے کی۔ اور
آن لوڈ unlead کیا۔ اسی اثنا میں ایچ اے
بھی آگیا۔ گولی روشن دان سے باہر نکلی تھی۔

الکانٹیل محمد شکیل 392 قیومنہ گارد
قیومنہ گارد تحصیل لاہور
12-01-2018

فائبر - سرکار رائفل فائبرنگ - آواز
سرکار رائفل

db میں آگ سے ٹوٹی تھارت ہوتی ہے
ٹوٹی تھارت سے ہے

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بیان ازان ڈی رائٹور کانسٹیبل میر قداہ باز 162 قصبہ سہیل
ویب اینل حال سہیل 2 وائیل 333-9638628

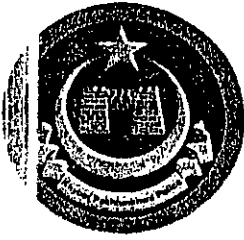
دریافت سے بیان کیا کہ فرض 3/27/13 کو میں نے
شادی خان LHC اور کانسٹیبل شکیل گشت پر
کہ اسی دوران کانسٹیبل ایوب نے ویب اینل فون پر
انچارج شادی خان LHC کو مطلع کیا کہ
زمین الرضیٰ نے اپنی سرکاری لائسنس سے
2/6۔ ہم فوراً جوں کیطرق روانہ ہوئے
کانسٹیبل زمین مگرے میں موجود تھا۔ لیونج
کانسٹیبل فزود نے بتلایا کہ غلطی سے اسے
پہنچا 2/6 LHC شادی خان نے دھوکے میں
DSP لعل فرید خان کے کورٹس میں لاکھ
اسکے بعد انسپکٹر جہانگیر خان LHC کو
آگیا۔ سرکاری لائسنس کو روک دیا کانسٹیبل کے
قرضہ کیا۔ اور کوآرڈینیشن میں بند کیا گیا

میر قداہ باز

ڈی رائٹور کانسٹیبل میر قداہ باز قصبہ سہیل 2

15-01-2018

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OFFICE OF THE
DISTRICT POLICE OFFICER,
KOHAT

Tel: 0922-9260116 Fax 9260125

No. 227-28/PA dated Kohat the 08-11/2018

ORDER

In pursuance of Judgment of Khyber Pakhtunkhwa Service Tribunal Peshawar order dated 06.11.2017 and DIG E&I Khyber Pakhtunkhwa, letter No. 1624/E&I dated 11.12.2017. Ex-Constable Zubair Ur Rehman No. 997 is hereby re-instated in service with immediate effect only for the purpose of denovo enquiry.

OB No. 33

Dated 8-1-/2018


DISTRICT POLICE OFFICER,
KOHAT 28/11

No. 227-28/PA dated 08-11 2018

Copy of above is submitted for favour of information to the Superintendent of Police Investigation Wing Kohat.

2. R.I Police Lines/Pay Officer/Reader/ SRC/OHC for necessary action.


DISTRICT POLICE OFFICER,
KOHAT 28/11

(18)

ORDER

This order is passed on the departmental enquiry against Constable Muhammad Zubair No. 997 of this district Police under Police Rule 1975.

Brief facts of the departmental enquiry are that vide DD report No. 25 dated 27.03.2013 of PS City that he involved/in-league with bad character women, using Alcohol and also made aerial firing during drunk while on duty at Special- II City, Kohat.

He was served with charge sheet/summary of allegations and Mr. Lal Farid Khan, DSP City, Kohat was appointed as Enquiry Officer to proceed against him departmentally. The enquiry officer has submitted his findings and found him guilty of the charges leveled against him.

In-spite of this he was served with Final Show Cause Notice. His reply is perused and found unsatisfactory therefore, the undersigned take a departmental action against him and awarded a major punishment Removed from service under Police Rules 1975 with immediate effect.

OB No. 466
Date 04-04-2014


**DISTRICT POLICE OFFICER,
KOHAT**

J. Farid

ORDER.

This order will dispose of the appeal preferred by Ex-Constable Zubair-ur-Rehman No. 997 of Kohat District Police, wherein he requested for setting aside the punishment order of removal from service vide DPO Kohat O.B No. 466, dated 04.04.2014.

Facts are that the appellant while posted at Police Station, City Kohat involved himself in-league with bad character / immoral character women, using alcohol and also made aerial firing during state of intoxication while on duty at Special-II Kohat.

Charge Sheet & Statement of allegations was issued to him under Police Disciplinary Rule-1975 and Mr. Lal Farid Khan SDPO City Kohat was appointed as enquiry officer, who in his findings report found him guilty of the charges leveled against him. On the conclusion of enquiry, he was awarded major punishment of removal from service by the DPO Kohat vide O.B mentioned above.

Aggrieved from the said order passed by the DPO Kohat, the appellant preferred the instant departmental appeal for reinstatement in service.

Therefore, the defaulter official was heard in person in orderly room held in this office on 07.05.2014, but he could not satisfy the undersigned.

Keeping in view of the position explained above and available record, the undersigned has come to the conclusion that the order passed by the DPO Kohat is accordance with law and rules and no need for interference. Hence, appeal is hereby rejected.

ORDER ANNOUNCED
07.05.2014

[Signature]
(DR. ISHTIAQ AHMAD MARWAT)
Dy: Inspector General of Police,
Kohat Region, Kohat.
07/05

No. 547-48 /EC, dated Kohat the 08/05 /2014.

Copy of above for information and necessary action to the District Police Officer, Kohat w/r to his office Memo: No. 8787/L.B, dated 30.04.2014. His service record is enclosed herewith.

Ex-Constable Zubair-ur-Rehman No. 997 of Kohat district

DSP *[Signature]*
3 Re / of 8
Major *[Signature]*

5368
07/5/14

[Signature]
(DR. ISHTIAQ AHMAD MARWAT)
Dy: Inspector General of Police,
Kohat Region, Kohat.
07/05

بکھنور جناب ڈسٹرکٹ پولیس آفیسر صاحب کوھاٹ

جواب / Reply چارج شیٹ Statement of Allegation مورخہ 03-01-2018

جناب عالی!

چارج شیٹ نمبر PA/17-216 مورخہ 08-01-2018 جاریہ جناب DPO صاحب کوھاٹ معروض خدمت ہیں۔ کہ سائل سپیشل ٹوچو کی میں تعینات تھا۔ مورخہ 27-03-2013 رات کو میری 12:00 بجے سے ڈیوٹی تھی۔ مجھے سے پہلے ستری نے ڈیوٹی رکھے۔ لیے اٹھایا۔ میں نے وردی پہنی۔ اور ڈیوٹی کے لیے تیار ہوا۔ میں ڈیوٹی کے لیے SMG چیک کر رہا تھا۔ کہ اس اثناء فائر ہو گیا۔ میں اس فائر پر خود تیراں ہو گیا۔ اس وقت میں بالکل نارمل حالت میں تھا۔

عالیجاہ! سائل بے گناہ ہے۔ اور انچارج شادی خان HC نے میرے خلاف جو الزامات لگائے ہیں۔ یہ الزامات بالکل بے بنیاد، جھوٹ اور بدینتی پر مبنی ہے۔ نہ تو ان کا کوئی ثبوت ہے۔ اور نہ ہی کوئی چشم دید گواہان ہیں۔ میں ایک شریف اور باعزت خاندان سے تعلق رکھتا ہوں۔

لہذا استدعا ہے کہ سائل کی انکواری فائل دفتر کی جائے۔ سائل تازیت دعا گو رہے گا۔

مورخہ 15-01-2018

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عریضہ
کنشیل زبیر الرحمن نمبر 942
حال متعینہ پولیس لائن کوھاٹ

15/18

۱۔ فائبر سٹریٹ مارشل کرنے کو نہیں رتے جو۔
۲۔ میں ہوں۔ فائبر کے قتل۔ مگر میں نہیں سے باہر ہے
۳۔ اپنے خود نہیں کہ ہے کہ اسوقت حالت نارمل تھا۔
۴۔ کی اس سے سے نارمل پرزیشن؟ مات سے میں رہے جو۔
۵۔ میں ہیں۔
۶۔ میں نے وضوح سے یہاں سے میں کا التزام ہے۔ درست ہے؟
۷۔ میں ہیں۔

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No 216-17/PA

Office of the
District Police Officer,
Kohat

Dated 08-1-2018

CHARGE SHEET.

I, **ABBAS MAJEED KHAN MARWAT, DISTRICT POLICE OFFICER, KOHAT**, as competent authority under Khyber Pakhtunkhwa Police Rules 1975 (amendments 2014) am of the opinion that you **Ex-Constable Zubair Ur Rehman No. 997** rendered yourself liable to be proceeded against, as you have committed the following act/omissions within the meaning of Rule 3 of the Police Rules 1975.

- i. **As per daily diary No. 25 dated 27.03.2013 of PS City that you were involved in-league with bad character women, using Alcohol and also made aerial firing during drunk while you on duty at Special -II Kohat.**
- ii. **On acceptance of appeal, a de-nove enquiry was ordered to be initiated by DIG Enquiry & Inspections vide his letter No. 1624/E&I dated 11.12.2017.**

2. By reasons of the above, you appear to be guilty of misconduct under Rule 3 of the Police Rules 1975 and have rendered yourself liable to all or any of the penalties specified in the Rule 4 of Police Rules 1975.

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.

4. A statement of allegation is enclosed.


DISTRICT POLICE OFFICER,
KOHAT



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Office of the
District Police Officer,
Kohat

No _____/PA

Dated _____/2018

DISCIPLINARY ACTION

I, **ABBAS MAJEED KHAN MARWAT, DISTRICT POLICE OFFICER, KOHAT**, as competent authority, am of the opinion that you **Ex-Constable Zubair Ur Rehman No. 997** 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.

STATEMENT OF ALLEGATIONS

- a. **As per daily diary No. 25 dated 27.03.2013 of PS City that you were involved in-league with bad character women, using Alcohol and also made aerial firing during drunk while you on duty at Special -II Kohat.**
- b. **On acceptance of appeal, a de-nove enquiry was ordered to be initiated by DIG Enquiry & Inspections vide his letter No. 1624/E&I dated 11.12.2017.**

2. For the purpose of scrutinizing the conduct of said accused with reference to the above allegations **Mr. Jehanzeb Khan SP Investigation Wing Kohat** 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,
KOHAT**

No. 216-17/PA, dated 08-1- /2018.

Copy of above to:-

1. **Mr. Jehanzeb Khan SP Investigation Wing Kohat** :- 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.



**OFFICE OF THE
DISTRICT POLICE OFFICER,
KOHAT**

Tel: 0922-9260116 Fax 9260125

No 222 /PA dated Kohat the 08/1/2018

To: - The Superintendent of Police,
Investigation Wing Kohat.

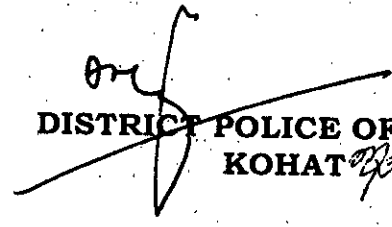
Subject: **DENOVO DEPARTMENTAL ENQUIRY AGAINST
EX-CONSTABLE ZUBAIR UR REHMAN**

Memo: -

Refer to Worthy DIG Enquiry & Inspections
Khyber Pakhtunkhwa office letter No. 1624/E&I, dated 11.12.2017
& W/IGP letter No. 46/Legal dated 03.01.2018.

Charge Sheet alongwith Statement of Allegations
against Ex-constable Zubair Ur Rehman No. 997 is sent herewith
for denove departmental enquiry. The proceedings be completed at
the earliest and send finding along with enquiry file for onward
submission to DIG E&I for the perusal of Worthy IGP.

(Encl: 025)

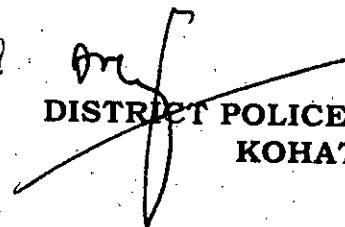

**DISTRICT POLICE OFFICER,
KOHAT**

No 223-24 / PA

Copy of above is submitted for favour of
information to the:

1. Inspector General of Police Khyber Pakhtunkhwa w/r to his letter No. quoted above.
2. DIG E&I Khyber Pakhtunkhwa w/r to his office letter No. quoted above please.

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Superintendent Of Police
Investigation Kohat
09/1/18

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9/1/18

**DISTRICT POLICE OFFICER,
KOHAT**



No 216-17/PA

Office of the
District Police Officer,
Kohat

Dated 08-1-2018

CHARGE SHEET.

I, **ABBAS MAJEED KHAN MARWAT, DISTRICT POLICE OFFICER, KOHAT,** as competent authority under Khyber Pakhtunkhwa Police Rules 1975 (amendments 2014) am of the opinion that you **Ex-Constable Zubair Ur Rehman No. 997** rendered yourself liable to be proceeded against, as you have committed the following act/omissions within the meaning of Rule 3 of the Police Rules 1975.

- i. *As per daily diary No. 25 dated 27.03.2013 of PS City that you were involved in-league with bad character women, using Alcohol and also made aerial firing during drunk while you on duty at Special -II Kohat.*
- ii. *On acceptance of appeal, a de-nove enquiry was ordered to be initiated by DIG Enquiry & Inspections vide his letter No. 1624/E&I dated 11.12.2017.*

2. By reasons of the above, you appear to be guilty of misconduct under Rule 3 of the Police Rules 1975 and have rendered yourself liable to all or any of the penalties specified in the Rule 4 of Police Rules 1975.

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.

4. A statement of allegation is enclosed.


DISTRICT POLICE OFFICER,
KOHAT



Office of the
District Police Officer,
Kohat

No. _____/PA

Dated _____/2018

DISCIPLINARY ACTION

I, **ABBAS MAJEED KHAN MARWAT, DISTRICT POLICE OFFICER, KOHAT**, as competent authority, am of the opinion that you **Ex-Constable Zubair Ur Rehman No. 997** 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.

STATEMENT OF ALLEGATIONS

- a. *As per daily diary No. 25 dated 27.03.2013 of PS City that you were involved in-league with bad character women, using Alcohol and also made aerial firing during drunk while you on duty at Special -II Kohat.*
- b. *On acceptance of appeal, a de-nove enquiry was ordered to be initiated by DIG Enquiry & Inspections vide his letter No. 1624/E&I dated 11.12.2017.*

For the purpose of scrutinizing the conduct of said accused with reference to the above allegations **Mr. Jehanzeb Khan SP Investigation Wing Kohat** 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,
KOHAT

No. 216-17 /PA, dated 08-1- /2018.

Copy of above to:-

- 1 **Mr. Jehanzeb Khan SP Investigation Wing Kohat** :- 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.

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

In Re:
Service Appeal No.694/2018

Zubair Ur Rehman.....**Petitioner**

Versus

I.G.P & others.....**Respondents**

**REJOINDER OF PARAWISE COMMENTS
FILED ON BEHALF OF THE
RESPONDENT**

Respectfully Sheweth:

Preliminary Objections:

That all the Preliminary objections are not relevant and having no legal force.

REPLY ON FACTS:

1. No need of reply.
2. That Para No.2 is incorrect, because no punishment has been awarded except the one, which has already been set aside by this Hon'ble Tribunal.
3. No need of reply.

4. No need of reply.
5. That Para No.5 is incorrect, because alleged charges have not been proved and the penalties awarded to the appellant, are not come under the prevailing rules.

GR OUNDS:-

- A. Para No.A is incorrect, the impugned order are inconsistent with the rules/regulation.
- B. That Para No.B, is incorrect, the allegations have not been proved.
- C. This Para is incorrect
- D. Para No.D is incorrect, the inquiry proceedings are also inconsistent with the rules/regulations.
- E. Para No.E is incorrect, the allegation leveled against the appellant are not proved.
- F. Para No.F is incorrect, the de-novo inquiry has been conducted against law and rules.
- G. That Para No.G is incorrect, the removal order was illegal for the reason that was set aside.
- H. No need of reply.

It is, therefore humbly prayed that on acceptance of this rejoinder, the service appeal filed by the appellant, may please be allowed as prayed for.

Appellant
Through


Hassan U.K Afridi
Advocate, Peshawar

Dated: 25.03.2019

AFFIDAVIT

It is stated on oath that the contents of the accompanying **rejoinder** are true and correct to the best of my knowledge and belief and nothing has been kept concealed from this Hon'ble Court.

DEPONENT

