

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

CHECK LIST

Case Title: Sana Ullah v/s Police etc

S#	CONTENTS	YES	NO
1	This Appeal has been presented by: _____	✓	
2	Whether Counsel/Appellant/Respondent/Deponent have signed the requisite documents?	✓	
3	Whether appeal is within time?	✓	
4	Whether the enactment under which the appeal is filed mentioned?	✓	
5	Whether the enactment under which the appeal is filed is correct?	✓	
6	Whether affidavit is appended?	✓	
7	Whether affidavit is duly attested by competent Oath Commissioner?	✓	
8	Whether appeal/annexures are properly paged?	✓	
9	Whether certificate regarding filing any earlier appeal on the subject, furnished?	x	✓
10	Whether annexures are legible?	✓	
11	Whether annexures are attested?	✓	
12	Whether copies of annexures are readable/clear?	✓	
13	Whether copy of appeal is delivered to AG/DAG?	✓	
14	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	✓	
15	Whether numbers of referred cases given are correct?	✓	
16	Whether appeal contains cutting/overwriting?	x	✓
17	Whether list of books has been provided at the end of the appeal?	✓	
18	Whether case relate to this court?	✓	
19	Whether requisite number of spare copies attached?	✓	
20	Whether complete spare copy is filed in separate file cover?	✓	
21	Whether addresses of parties given are complete?	✓	
22	Whether index filed?	✓	
23	Whether index is correct?	✓	
24	Whether Security and Process Fee deposited? On _____	✓	
25	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? On _____	✓	
26	Whether copies of comments/reply/rejoinder submitted? On _____	✓	
27	Whether copies of comments/reply/rejoinder provided to opposite party? On _____	✓	

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name: Syed Roman Shah
 Signature: [Signature]
 Dated: 18/01/2022

**BEFORE THE SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA PESHAWAR**

Service Appeal No. 60 /2022

Sana Ullah S/o Zardali Khan R/o Near fouji foundation hospital Lachi
Bala district Kohat Appellant

Versus

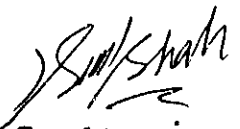
Provincial Police Officer and others.....Respondents

I N D E X

S.No.	Description of Documents	Annexures	Pages
1.	Memo of appeal		1-5
2.	Affidavit		6
3.	Address of the parties		7
4.	Copies of charge sheet, statement of allegations	A	8-11
5.	Copy of reply	B	12
6.	Copy of impugned order dated 01/07/2021	C	13
8.	Copy of departmental appeal	D	14-15
9.	Copy of Impugned order dated 14/09/2021	E	16-17
10.	Copy of review petition and order dated 22/12/2021	F, G	18-21
11.	Copy of other documents		
11.	Wakalat Nama		22


Appellant

Through



Syed Roman Shah
Advocate, High Court
Peshawar
Mob No. 0333-9918830

Dated: 17/01/2022

①

**BEFORE THE SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA PESHAWAR**

Service Appeal No. /2022

Sana Ullah S/o Zardali Khan R/o Near fouji foundation hospital Lachi
Bala district Kohat Appellant

Versus

1. Provincial Police Officer/ Inspector General of Police
Khyber Pakhtunkhwa, Peshawar
2. Deputy Inspector General of Police Kohat Region, Kohat.
3. District Police Officer, Kohat
4. Government of Khyber Pakhtunkhwa through
Chief Secretary, Peshawar
..... Respondents

APPEAL UNDER SECTION 4 OF SERVICE TRIBUNAL ACT, 1974
AGAINST THE ORDER DATED 01/07/2021 PASSED BY
RESPONDENT NO. 3 BY WHICH MINOR PUNISHMENT OF
STOPAGE OF TWO INCREMENTS WITH CUMMALTIVE EFFECT
HAS BEEN AWARDED TO THE APPELLANT AS WELL AS
AGAINST THE ORDER DATED 14/09/2021 OF RESPONDENT NO.
2 BY WHICH THE DEPARTMENTAL APPEAL FILED BY
APPELLANT HAS BEEN DISMISSED AND AGAINST ORDER
DATED 22/12/2021 OF RESPONDENT NO.1 WHEREBY THE
REVIEW PETITION FILED BY THE APPELLANT WAS REJECTED

PRAYER

On accepting this service appeal, the impugned order bearing OB No. 462 dated 01/07/2021, and order dated 14/09/2021 bearing No. 14923/EC, dated Kohat 1419/2021 and order dated 22/12/2021 may graciously be set aside by declaring it illegal, void, unlawful, without authority, based on mala fide, void abinitio and thus not sustainable and the appellant is entitled for all back benefits of pay and service.

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Respectfully Sheweth;

1. That appellant joined police department in the year, 2014 and has rendered satisfactory service in the Department and performed his duties with full zeal and enthusiasm.
2. That respondent No. 3 issued a charged sheet and disciplinary action was proceeded against the appellant on 09/03/2021 containing the allegation of "involvement in smuggling of NCP vehicles and provide all possible assistance to the NCP smugglers and facilitate them for personal gain of the appellant" which has properly been replied by the appellant. (Copies of charge sheet, statement of allegations and reply are attached as annexure A, &B)
3. That after the reply of appellant an enquiry was conducted but nothing material was brought on record against appellant, despite that without issuance of show cause notice passed an impugned order dated 01/07/2021 vide which minor punishment of stoppage of two increments with cumulative effect has been imposed. The mala fide of the respondent is clear from the fact that inquiry report has not been given to the appellant. (Copy of impugned order dated 01/07/2021 is attached as annexure-C)
4. That appellant filed departmental appeal against the impugned order before worthy respondent No.2 who vide order dated 14/09/2021 dismissed the same without complying the codal formalities. (Copy of the representation and impugned order dated 14/09/2021 are attached as annexure-D& E)
5. That feeling aggrieved from the order of respondent No.2 appellant has filed Review petition before the worthy respondent No.1, who vide order dated 22/12/2021 rejected the same, hence the appellant feeling aggrieved from the above orders filing this appeal on the following amongst other ground. (copy of review petition and order dated 22/12/2021 are attached as annexure-F & G)

GROUND:

- a. That the impugned orders of the respondents are illegal, unlawful, without authority, based on mala fide intention, void

abinitio, against the nature justice, in violation of the Constitution mandate and Service Law and equally with out jurisdiction, thus untenable in the eyes of law and is liable to be set aside.

- b. That the impugned orders passed by respondent are very much harsh, without any evidence based on surmises & conjectures and is equally against the principle of natural justice.
- c. That the respondent No. 3 has not issue any show cause notice nor any proper opportunity of hearing has been provided to appellant but this aspect has not been taken into consideration by learned respondent No. 2 at all thus the impugned orders are nullity in the eyes of law and is liable to be set aside.
- d. That it is very much evident from the enquiry report that the allegation leveled in the charge sheet has not been proved through cogent evidence and no statement of any witness of what so ever has been recorded by the enquiry officer.
- e. That the case of appellant has been treated in very arbitrary manners and no evidence what so ever has been brought on record to substantiate the allegation leveled against appellant rather he has been proceeded under the rules and regulation which are not at all applicable to petitioner being a civil servant.
- f. That the whole departmental file against appellant has been prepared in violation of law and rules as the enquiry officer has based his finding on assessment and speculations. The findings have not been based on sound reasons and any solid, material and cogent evidence.
- g. That the defence taken by the appellant in the reply *has not been considered by respondents*
- h. That the enquiry proceedings against appellant suffered from gross infirmities, illegalities and irregularities as no evidence what so ever has been produced or cited in the enquiry report nor any witness has been examined before the appellant.
- i. That it is very much clear from the enquiry report and summons issued by the enquiry officer to the complainant and

his evidence but they badly fails to appear and substantiated the charges leveled against the appellant but still the appellant has been held responsible for unfolded evidence.

- j. That the impugned order has been based on hallowed and unfounded assessments of enquiry officer who was otherwise not competent to conduct enquiry, therefore the orders based on such enquiry are worth set aside.
- k. That no show cause notice under the relevant provision of law has been issued to appellant which is mandatory under the law. Similarly appellant was not personally heard and no opportunity of defense has been provided to appellant nor proper proceeding under proper law has been carried against the appellant.
- l. That appellant in his departmental appeal raised number of material grounds and his progress reports (the same may please be taken as integral part of this appeal too) but the same has not been taken into consideration at all.
- m. That the entire service record of the appellant is unblemished therefore, the impugned order would be a black stigma on the clean service career of the appellant, therefore, the same is liable to be set aside.
- n. That impugned orders are suffered from gross infirmities, illegality, based on no evidence totally contradictory to the enquiry report further appellant being a civil servant has not been proceeded under relevant provision of rules and regulation.
- o. That the learned respondents has not taken into consideration that the rules under which the appellant has been charged are not applicable on him.

It is, therefore, most humbly prayed that on accepting this service appeal, the impugned order bearing OB No. 462 dated 01/07/2021, as well as, order dated 14/09/2021 bearing No. 14923/EC, dated Kohat 1419/2021 and order dated 22/12/2021 may graciously be set aside by declaring

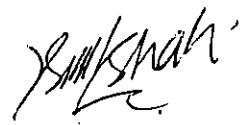
5

it illegal, void, unlawful, without authority, based on mala fide, void abinitio and thus not sustainable and the appellant is entitled for all back benefits of pay and service.

Any other relief not specifically prayed for but deem appropriate in the circumstances of the case may also be granted.


Appellant

Through


Syed Roman Shah
Advocate, High Court
Peshawar

Dated: 17/01/2022

Certified that as per instruction of my client no such appeal has been filed before this Hon'ble Forum.


Advocate

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**BEFORE THE SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA PESHAWAR**

Service Appeal No. /2022

Sana Ullah S/o Zardali Khan R/o Near fouji foundation hospital Lachi
Bala district Kohat Appellant


Versus

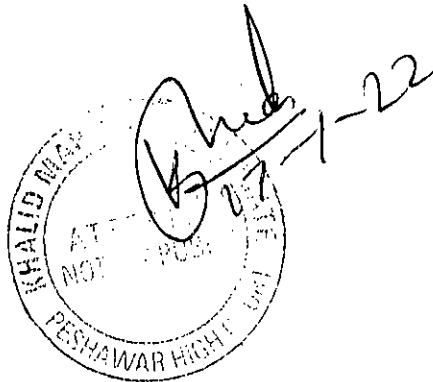
Provincial Police Officer/ Inspector General of Police and
others..... Respondents

Affidavit

I, Sana Ullah S/o Zardali Khan R/o Near fouji foundation hospital
Lachi Bala district Kohat, do hereby solemnly affirm and declare
on Oath that the contents of the above appeal are true and correct
to the best of my knowledge and belief and nothing has been kept
secret from this Hon'ble Tribunal.

Identified by


Syed Roman Shah
Advocate




Deponent

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**BEFORE THE SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA PESHAWAR**

Service Appeal No. /2022

Sana Ullah S/o Zardali Khan R/o Near fouji foundation hospital Lachi
Bala district Kohat Appellant

Versus

Provincial Police Officer and others..... Respondents

ADDRESS OF THE PARTIES

APPELLANT

Sana Ullah S/o Zardali Khan R/o Near fouji foundation hospital Lachi
Bala district Kohat

RESPONDENTS

1. Provincial Police Officer/ Inspector General of Police
Khyber Pakhtunkhwa, Peshawar
2. Deputy Inspector General of Police Kohat Region, Kohat.
3. District Police Officer, Kohat
4. Government of Khyber Pakhtunkhwa through
Chief Secretary, Peshawar



Appellant

Through



**Syed Roman Shah
Advocate, High Court
Peshawar**

Dated: / 7/01/2022

(Annex-A)

Office of the
District Police Officer,
Kohat

Dated 09/3/2023

No 1107-08/M.A

CHARGE SHEET

1. **SOHAIL KHALID, DISTRICT POLICE OFFICER, KOHAT,**
as competent authority under Khyber Pakhtunkhwa Police Rules (amendments
2014) 1975, am of the opinion that you **Constable Sana Ullah No. 721**
rendered yourself liable to be proceeded against, as you have omitted the
following act/omissions within the meaning of Rule 3 of the Police Rules 1975

i. ***That as per source report, you are involved in a
smuggling of NCP vehicles and provide all possible
assistance to the NCP smugglers and facilitate them for
your personal gain which is a gross misconduct on your
part.***

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

3. You are, therefore, required to submit your written
statement within 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

4. A statement of allegation is enclosed.

DISTRICT POLICE OFFICER,
KOHAT 09/3/23

S. Ullah
RECEIVED

(9)
**OFFICE OF THE
DISTRICT POLICE OFFICER,
Kohat**

Better Copy

No. 1107-08-PA

Dated: 09.03.2021


CHARGE SHEET

1. **Sohail Khalid, District Police officer, Kohat, as competent authority under Khyber Pakhtunkhwa Police Rules (amendments 2014) 1975, am of the opinion that you Constable Sana Ullah No. 721 render yourself liable to be proceeded against, as you have omitted the following act/ omissions within the meaning of Rule 3 of the Police Rules 1975.**
 - i. **That as per source report, you are involved in a smuggling of NCP vehicles and provide all possible assistance to the NCP smugglers and facilitate them for your personal gain which is a gross misconduct on your part.**
2. By means of the above, you appear to be guilty of misconduct under Rule 3 of the Rules ibid and have rendered yourself liable to all or any of the penalties specified in the Rule 4 of the Rules ibid.
3. You are, therefore, required to submit your written statement within 07 days of the receipt of this Charge Sheet to the enquiry officer.

Your written defense if any should reach the Enquiry Officer within 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 allegations is enclosed.

Sd/-
**DISTRICT POLICE OFFICER,
KOHAT.**


Sana Ullah



Office of the
District Police Officer,
Kohat

Date: 09.3.2021

No. 1107-08/PA

DISCIPLINARY ACTION

1. **SORAIL KHALID, DISTRICT POLICE OFFICER, KOHAT** as competent authority, am of the opinion that you **Constable Sana Ullah No. 721** have rendered yourself liable to be proceeded against departmentally under Khyber Pakhtunkhwa Police Rule 1975 (Amendment 2015) as you have committed the following acts/omissions:

STATEMENT OF ALLEGATIONS

1. That as per source report, you are involved in a smuggling of NCP vehicles and provide all possible assistance to the NCP smugglers and facilitate them for your personal gain which is a gross misconduct on your part.

2. For the purpose of enquiry, an Enquiry Officer of said rank 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 appear for the proceedings on the date, time and place fixed by the enquiry officer.

**DISTRICT POLICE OFFICER,
KOHAT** *Mpi 7/3*

No. 1107-08/PA, dated 09.3.2021

1. Copy of above to: *DSP/10/1* The Enquiry Officer for the purpose of proceedings against the accused under the provisions of Police Rule-1975
2. The accused official with the directions of the Enquiry Officer, on the date, time and place fixed by the Enquiry Officer for the purpose of enquiry proceedings

[Handwritten signature]

(11)

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

Better Copy

No. 1107-08-PA

Dated: 09.03.2021

Disciplinary action

1. **SOHAIL KHALID, DISTRICT POLICE OFFICER, KOHAT** as component authority, am of the opinion that you **Constable Sana Ullah No. 721** have rendered yourself liable to be proceeded against departmentally under KK Police Rule 1975 (Amendment 2014) as you have committed the following acts/ omissions.

STATEMENT OF ALLEGATIONS

- i. **That as per source report, you are involved in a smuggling of NCP vehicles and provide all possible assistance to the NCP smugglers and facilitate them for your personal gain which is a gross misconduct on your part.**
2. For the purpose of scrutinizing the conduct of said accused with reference to the above allegations HQ DSP 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.

Sd/-
**DISTRICT POLICE OFFICER
KOHAT.**

No. 1107-08/PA, dated: 09.03.2021

Copy of above to:

1. DSP / HQr: 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.



جناب عالی!

بخوالہ چارج شیٹ نمبر 1107/08/PA مورخہ 09-03-2021 معروض ہوں کہ چارج شیٹ میں بیان کردہ الزامات کا حقیقت سے دور تک کا کوئی واسطہ نہیں ہے۔ جملہ الزامات بے بنیاد اور من گھڑت ہیں۔

جناب والا شان!

چارج شیٹ میں عائد شدہ الزامات عام نوعیت کے ہیں اور مختص نہیں ہے۔ عام نوعیت کے الزامات کے بنیاد پر محکمانہ کارروائی کا کوئی قانونی جواز نہیں ہے۔ من ملزم پولیس آفیسر کے خلاف NCP گاڑیوں کے سگٹنگ میں ملوث ہونے کے الزامات عائد کئے گئے ہیں۔ میں بحیثیت ماتحت ادنیٰ انسران کے نگرانی میں ڈیوٹی سرانجام دیتا ہوں لہذا سمگلران کے ساتھ گاڑیوں کے سگٹنگ میں ملوث ہونے کی کوئی تھوک نہیں بنتی ہے۔

جناب والا!

میری سابقہ سروس ریکارڈ صاف اور شفاف ہے۔ انسانی کردار اچانک تبدیل نہیں ہوتی ہے۔ میں نے طویل عرصہ ملازمت میں ایسے الزامات کا سامنا نہیں کیا ہے۔ لہذا بغیر کسی ثبوت کے ایسے الزامات میں اچانک ملوث ہونے کا سوال ہی پیدا نہیں ہوتا ہے۔

جناب والا!

شر پسند عناصر اکثر پولیس اہلکاروں کو جھوٹے الزامات میں ملوث کر کے اپنے مزموم ارادوں کو پورا کرنے کی کوشش کرتے ہیں۔ شر پسند عناصر پولیس اہلکاروں کو کسی خاص مقام پر تبدیلی کے لئے بھی ایسے الزامات لگا کر اپنا مطلب پورا کرتے ہیں۔

جناب والا!

میں قرآن پاک پر ہاتھ رکھنے کو تیار ہوں کہ میرے NCP گاڑیوں کے سمگلران کے ساتھ کوئی تعلق نہیں ہے۔ من ملزم پولیس آفیسر بے گناہ ہوں۔ جملہ الزامات عام نوعیت کے ہیں اور مس کنڈکٹ کے زمرے میں نہیں پڑتے ہیں۔

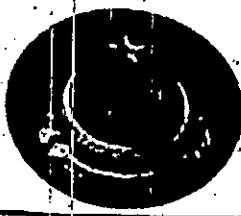
مندرجہ بالا امور اور حقائق کو مد نظر رکھ کر مؤدبانہ التماس کی جاتی ہے کہ من ملزم آفیسر کو جملہ الزامات سے بری الزمہ فرمانے کے

احکامات صادر فرمادیں۔

العارض

شاہ اللہ FC No.721 چک پوسٹ مسلم آباد ضلع کوہاٹ۔

RECEIVED



**OFFICE OF THE
DISTRICT POLICE OFFICER,
KOHAT**
Tel: 0923-9260116 Fax 9260125

ORDER

This order passed on the departmental enquiry against Constable Sana Ullah No: 721 under the Khyber Pakhtunkhwa, Police Rules, 1975 (amendment 2014).

Brief facts of the case are that as per source report, he has involved in a smuggling of NCP vehicles and provide all possible assistance to the NCP smugglers and facilitate them for his personal gain which is a gross misconduct on his part.

Charge sheet alongwith statement of allegations was served upon the defaulter and SDPO HQs Kohat was appointed as enquiry officer. The enquiry officer carried out the proceedings and filed report.

The defaulter was called in Orderly Room and afforded him an opportunity of hearing, but he failed to explain his misconduct.


Therefore, in exercise of powers conferred upon me under the ibid rules I, Sohail Khalid, District Police Officer, Kohat impose a minor punishment of stoppage of 02 increments with cumulative effect.

Announced
29.06.2021


DISTRICT POLICE OFFICER,
KOHAT

OB No. 462
Dated 01-07-2021
No. 2976-78 IPA dated Kohat the 01-07-2021.

Copy of above to the:-
Reader/Pay officer/SRC/OHC for necessary action


ATTACHED

BEFORE THE W/REGIONAL POLICE OFFICER, KOHAT REGION

Subject: **APPEAL FOR SETTING ASIDE THE PUNISHMENT ORDER OF STOPPAGE OF 02 INCREMENTS WITH CUMULATIVE EFFECT PASSED BY DPO KOHAT VIDE OR NO. 462, DATED 01.07.2021.**

R/500

With great veneration the appellant submits the following few lines for your kind sympathetic and judicious consideration:-

1. That the appellant joined police service as Constable on 14.08.2014
2. That the appellant successfully completed basic recruit course from VTC Hanga and posted to Police Lines, Kohat
3. The appellant was performing his duty with great zeal and zest upto the entire satisfaction of my superiors.
4. That up to my utter surprise, I was dealt with departmentally by issuing charge sheet and statement of allegations wherein allegations of my involvement in smuggling of NCP vehicles and providing all possible assistance to NCP smugglers.
5. That DSP/HQrs: Kohat was appointed as Enquiry Officer to probe into the matter. The E.O. has conducted enquiry in haphazard and unsystematic manner as no witness either from public or private was associated with enquiry proceedings.
6. That the whole episode took place on the basis of rumor say as there is nothing mentioned in punishment order or enquiry report as who has probed the matter secretly.
7. That the punishment order passed by Worthy DPO Kohat is defective and discriminative one. It also hits the Fundamental Rule No. 26 wherein it is essential for the authority to specify time limit in which the same shall remain operative.

It is, therefore, humbly prayed that on acceptance of my appeal, the punishment of stoppage of 02 increments with cumulative effect may kindly be set aside.

I shall be very grateful to you for this act of compassion and will pray for your long life and prosperity please.

Date: 30/07/2021.

Appellant



Constable Sana Ullah
Belt No. 721,
Kohat district Police

ATTESTED
Sana Ullah

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BEFORE THE W/REGIONAL POLICE OFFICE, KOHAT REGION

Subject: APPEAL FOR SETTING ASIDE THE PUNISHMENT ORDER OF STOPPAGE OF 02 INCREMENTS WITH CUMULATIVE EFFECT PASSED BY DPO KOHAT VIDE OB NO. 462, DATED: 01.07.2021.

R/Sir,

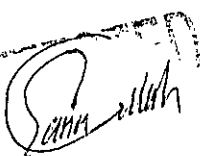
With great veneration the appellant submits the following few lines for your kind, sympathetic and judicious consideration:

1. That the appellant joined police service as Constable on 14.08.2017.
2. That the appellant successfully completed basic recruit course from PTC Hangu and posted to Police Lines, Kohat.
3. The appellant was performing his duty with great zeal and zest upto the entire satisfaction of my superiors.
4. That up to my utter surprise, I was dealt with departmentally by issuing charge sheet and statement of allegations wherein allegations of my involvement in smuggling of NCP vehicles and providing all possible assistant to NCP smugglers.
5. That DSP/ HQrs: Kohat was appointed as Enquiry Officer to probe into the matter. The E.O has conducted enquiry in haphazard and unsystematic manner as no witness either from public or private was associated with enquiry proceedings.
6. That the whole episode took place on the basis of humor say as there is nothing mentioned in punishment order or enquiry report as who has probed the matter secretly.
7. That the punishment order passed by Worthy DPO Kohat is defective and discriminative one. It also hits the Fundamental Rule No. 26 wherein it is essential for the authority to specify time limit in which the same shall remain operative.

It is, therefore, humbly prayed that on acceptance of my appeal, the punishment of stoppage of 02 increments with cumulative effect may kindly be set aside.

I shall be very grateful to you for this act of compassion and will pray for your long life and prosperity please.

Dated: 30.07.2021



Appellant
Sd/-
Constable Sanullah
Belt No. 721,
Kohat District Polce.

POLICE DEPTT.

KOHAT REGION

ORDER.

This order will dispose of a departmental appeal moved by Constable Sana Ullah No. 721 of district Kohat, against the punishment order, passed by DPO Kohat vide OB No. 462, dated 01.07.2021 whereby he was awarded minor punishment of stoppage of two annual increments with cumulative effect on the allegations of his alleged involvement smuggling of NCF vehicles and extending facilitation to the NCF smugglers.

Comments as well as relevant record were requisitioned from DPO Kohat and perused. The appellant was also heard in person in OR held in this office on 09.09.2021. During hearing the appellant did not advance any plausible explanation in his defense to prove his innocence.

Above in view, the undersigned reached to the conclusion that the allegations leveled against the appellant are proved. Being a member of discipline force he was not supposed to indulge himself in such like activities which earns bad name to the department. Therefore, his appeal being devoid of merits is hereby dismissed.

Order Announced
09.09.2021

1222
14/9/21

Mohammad Zafar Ali
(MOHAMMAD ZAFAR ALI) PSP
Region Police Officer,
Kohat Region.

No. 14923 /EC: dated Kohat the 14/9 /2021.

Copy to District Police Officer, Kohat for information and necessary action w/r to his office Memo: No. 10242/L.B, dated 11.08.2021. His Service Roll / Faujl Missal is returned herewith, please.

OFFICER
for info action

Amir
District Police Officer
Kohat.
11/9/21

Mohammad Zafar Ali
(MOHAMMAD ZAFAR ALI) PSP
Region Police Officer,
Kohat Region.

①
SANA ULLAH

POLICE DEPTT:KOHAT REGION**ORDER:**

This order will dispose of a departmental appeal moved by Constable Sana Ullah No. 721 of district Kohat, against the punishment order, passed by DPO Kohat vide OB No. 462, dated: 01.07.2021 whereby he was awarded minor punishment of **stoppage of two annual increments with cumulative effect** on the allegations of his alleged involvement smuggling of NCP vehicles and extending facilitation to the NCP smugglers.

Comments as well as relevant record were requisitioned from DPO Kohat and perused. The appellant was also heard in person O.R held in this office on 09.09.2021. During hearing the appellant did not advance any plausible explanation in his defense to prove his innocence.

Above in view, the undersigned reached to the conclusion that the allegations leveled against the appellant are proved. Being a member of discipline force he was supposed to indulge himself in such like activities which earns bad name to the department. Therefore, his appeal being devoid of merits is hereby dismissed.

Order Announced.
09.09.2021

Sd/-
(MOHAMMAD ZAFAR ALI) PSP
Region Police Officer,
Kohat Region.

No. 14923/EC, dated Kohat the 14.09.2021.

Copy to District Police Officer, Kohat for information and necessary action w/r to his office Memo: No. 10242/LB, dated: 11.08.2021. His Service Roll/ Fauji Missal is returned herewith, please.

RECEIVED
Sana Ullah

(18)

Annex - F

Phone No: 9260112.
Fax No: 9260114.

From: - The Regional Police Officer,
Kohat Region, Kohat.

To: - The Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.


No. 17781 /EC. Dated Kohat the 8 / 11 /2021.

Subject: - APPEAL.

MEMO:

It is submitted that DPO / Kohat vide his Memo: No.13101/SRC, dated 22.10.2021 has forwarded an appeal preferred by Constable Sana Ullah No. 721 before W/IGP requesting therein for setting-aside the punishment of stoppage of 02 annual increments without cumulative effect. His appeal before this forum has already been rejected vide this office order Endst: No. 14923/EC, dated 14.09.2021.

His appeal together with connected papers is enclosed herewith for favour of perusal, please.


Regional Police Officer,
Kohat Region


ATTESTED

The Inspector General of Police,
Khyber Pakhtunkhwa
Peshawar.

through:

Proper Channel

Subject.-

REVIEW PETITION UNDER RULE 11A POLICE RULES 1975
(AMENDED-2014)

Respected Sir,

With profound regards, petitioner submitted Review Petition against the order of District Police Officer, Kohat dated 01.07.2021 OB No. 762 and order of Regional Police Officer Kohat dated 14.09.2021 vide which penalty of stoppage of two (02) annual increment with accumulative effect was imposed on petitioner and departmental appeal was rejected respectively

FACT

- 1 That the petitioner is serving as constable in Kohat Police under your kind command and control
- 2 That District Police Officer, Kohat initiated departmental proceedings against petitioner on charges of developing link and relations with smugglers of Non-custom paid (NCP) vehicles on the basis of source report.
- 3 That petitioner submitted detailed reply in response to the charge sheet requesting therein that petitioner was lower subordinate and perform duties under the direct supervision of senior officer.
- 4 That learned District Police Officer, Kohat imposed the impugned penalty on petitioner without bringing any evidence on the record and in the same way, but departmental appeal of appellant was rejected by Regional officer, hence this Review petition on the following grounds.

GROUNDS

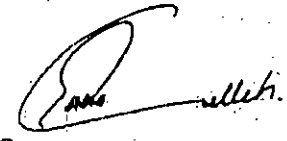
- a That the impugned orders have been based on no evidence. No doubt enquiry was entrusted to DSP Hqrs, but he did not associate the petitioner in the inquiry proceedings. No one was examined as witness in support of the charge in presence of petitioners. The finding report was not supplied to petitioner, therefore, the impugned orders are not sustainable.
- b. That the defense plea of petitioner raised in the reply to charge sheet was neither considered nor rebutted by any cogent reasons and grounds, the penalty was based on hear say evidence.
- c. That petitioner was never confronted with any kind of evidence supporting the charge. The entire departmental file was prepared against the rules and procedure governing disciplinary proceedings.
- d. That the period of penalty has not been specified as envisaged in F.R. 29; Therefore, the impugned orders have been passed contrary to the basic law.
- e. That nothing has been brought on record which may support the charge. The order have been based on source report without proper verification.

REQUESTED
Sumit Mehta

20/11

f. That the previous record of service of petitioner is unblemished belongs to poor family. Stoppage of annual increments with accumulative effect will cause irreparable losses to petitioner. It is therefore requested that the impugned order may be set aside with back benefit.

Your's, Sincerely



Constable Sana Ullah No. 721
Police Station Gumbat

03469090179

11-10-2021


ATTESTED





(21)

P-16 Annex-6

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
Central Police Office, Peshawar.

No. S/ 4535 /21, dated Peshawar the 20/12/2021.

To : The Regional Police Officer,
Kohat.

Subject: APPEAL.

Memo:

11134
22/12/21

Please refer to your office Memo: No. 17781/EG, dated 02.11.2021.

The Competent Authority has examined and filed the revision petition submitted by Constable Sana Ullah No. 721 of Kohat district Police against the punishment stoppage of two annual increments with cumulative effect awarded by District Police Officer, Kohat vide OB No. 462, dated 01.07.2021, being time barred.

The applicant may please be informed accordingly.

EC
22/12/21

(Signature)
(NOOR AFGHAN)
Registrar,

For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

No. 19998
dt 23/12/2021

(Signature)
14/12

DPO/Kohat

For information &

(Signature)
22/12/21

(Signature)

بعدالت سروسز پیرودی ہیرڈ اپنی درخواست



Appellants: 2. پنجاب بینام Sara Ullah
پولیس وغیرہ

موزخہ
مقدمہ
دعویٰ
جرم

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیرودی و جواب دہی دیکل کاروائی متعلقہ
آن مقام کے اتر کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کمال اختیار ہوگا۔ نیز
دیکل صاحب کو راضی نامہ کرنے و تقررات ہ فیصلہ برحلاف دینے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور صولی چیک و روپیہ عرضی دعویٰ اور درخواست ہر قسم کی تقدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیرودی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیرودی 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
پرداخت منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو ڈیکل صاحب پابند ہوں گے۔ کہ پیرودی
مذکور کریں۔ لہذا وکالت نامہ لکھد یا کہ سندر ہے۔

شمارہ ۱۰۰۰۰
نمبر ۱۰۰۰۰

المقام
۲۰
واہ
کے لئے منظور ہے۔
Accepted
by
Appellants

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD
PESHAWAR. S.B

No.

Appeal No. 60 of 20 22

Sanaullah Appellant/Petitioner

1-C-1-KPK Peshawar Respondent

Respondent No. 1

Notice to: —

provincial police officer / inspector General of police K/Pu Peshawar.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on.....20/7/2022.....at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this

office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this.....10th.....

Day on.....June.....20 22

15/7 for Reply

[Signature]

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD, S.B
PESHAWAR.

No.

Appeal No. 60 of 20 22
Sana ullah Appellant/Petitioner

I.G.P. KPK ^{Versus} Peshawar Respondent

Respondent No. 4

Notice to: —

Govt of KPK through chief secretary
Peshawar

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 20/7/2022 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. ~~Copy of appeal has already been sent to you vide this office Notice No.....dated.....~~

Given under my hand and the seal of this Court, at Peshawar this 10th
Day of June 20 22

for Reply

[Signature]

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

- Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.



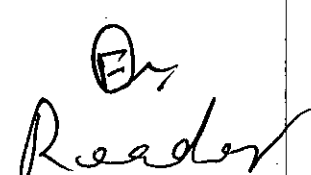
ISSUE BRANCH
CHIEF SECRETARY
Govt. of Khyber Pakhtunkhwa
Peshawar
[Signature]

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- _____ 60/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge		
1	2	3		
1-	18/01/2022	<p>The appeal of Mr. Sana Ullah presented today by Syed Rehman Ali Shah 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> <p>2-</p>	2-3-2022	<p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put up there on <u>02/03/22</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p>Due to retirement of the Hon'ble Chairman the case is adjourned to come up for the same as before on <u>1⁶/2022</u></p> <p style="text-align: right;"> Reader</p>

1st June, 2022

Counsel for the appellant present and submits that the appellant is aggrieved of order OB No. 462 bearing endorsement 2976-78/PA dated 01.07.2021 by way of which he was awarded minor punishment of stoppage of two increments with cumulative effect against which he filed departmental appeal on 30.07.2021 which was dismissed vide order dated 14.09.2021. He then filed revision petition which also met with the same fate and rejected on 20.12.2021 holding the same as barred by time and communicated to the appellant on 23.12.2021. The appellant filed the present appeal on 18.01.2022 which is well within time and admitted for full hearing subject to all just and legal objections by the other side. The appellant is directed to deposit security and process fee and security within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 20.07.2022 before S.B.

Rs-600/-
Appellant Deposited
Security & Process Fee

Kalim Arshad Khan
02/6/22

Q

(Kalim Arshad Khan)
Chairman