

07.04.2022

Learned counsel for the appellant present and heard.

Learned counsel for the appellant when confronted with the situation that appellate order was passed on 16.11.2021 and the present appeal was filed on 23.02.2022, he submitted that against the appellate order dated 16.11.2021, the appellant had filed Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rules, 1975 which has not been responded and he filed the present appeal on 23.02.2022. Since the Revision Petition was not decided and in the meantime 90 days period has elapsed, therefore, the appeal is 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 within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments on 31.05.2022 before S.B.

Rs-700/-  
Appellant Deposited  
Security & Process Fee


A. H. H. H.  
07/04/22

 Chairman

31.05.2022

Learned counsel for the appellant present. Mr. Kabirullah Khattak, Addl. AG for the respondents present.

Written reply/comments on behalf of respondents not submitted. Learned Addl. AG seeks time for submission of written reply/comments. Granted. To come up for written reply/comments on 26.07.2022 before S.B.



  
(Mian Muhammad)  
Member (E)

Form- A

## FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No.- \_\_\_\_\_ 310 /2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	08/03/2022	<p>The appeal of Mr. Mumraiz Khan resubmitted today by Dr. Fawad Jan 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-		<p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put there on <u>7.4.2022</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Mumraiz Khan Head Constable no. 769 Police Station SNGPL Karak received today i.e. on 23.02.2022 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Check list not attached with the appeal.
- 2- Memorandum of appeal may be got signed by the appellant.

No. S36 /S.T,

Dt. 23-2- /2022



Dr. Fawad Jan Adv. Pesh.



REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

objections removed  
&  
re submitted for  
further proceedings.

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Case Title: Mamroz Khan VS Govt <sup>CHECK LIST</sup>

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?	/	
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?		/
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: DR. Fawad Jan  
 Signature: [Signature]  
 Dated: 07/03/2022

**BEFORE K.P.K, SERVICE TRIABUNAL, K.P.K,  
PESHAWAR**

Appeal No. 310/2022

Mamrez Khan .....Appellant

**Versus**

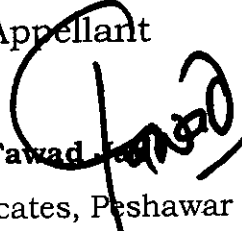
Govt of KPK & Others.....Respondents

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Appellant

Through

Dr. Fawad   
Advocates, Peshawar

Dated: 22.02.2022

**BEFORE K.P.K, SERVICE TRIABUNAL, K.P.K,  
PESHAWAR**

Appeal No. /2022

Mr. Mamrez Khan, Head Constable No.769, Police Station  
SNGPL, Karak  
.....Appellant

Versus

- 1. Government of KPK, through, Secretary Home & Tribal Affairs KPK, Peshawar.
  - 2. Inspector General of Police, KPK, Peshawar.
  - 3. Additional Inspector General of Police Investigation, KPK, Peshawar.
  - 4. Regional Police Officer, Kohat.
  - 5. District Police Officer, Karak.
- .....Respondents

**APPEAL U/S-4 OF THE KHYBER  
PAKHTOONKHWA TRIBUNAL ACT 1974  
AGAINST THE IMPUGNED ORDER DATED:  
16.11.2021 OF THE RESPONDENTS NO.4,  
WHEREBY THE APPELLANT'S  
DEPARTMENTAL APPEAL WAS DISMISSED  
AND THE IMPUGNED ORDER DATED:  
29.09.2021 OF THE RESPONDENT NO.5 WAS  
MAINTAINED WHEREBY THE APPELLANT  
AWARDED THE MAJOR PUNISHMENT OF  
REMOVAL FROM SERVICE, WITHOUT ANY  
REASONABLE AND PROBABLE CAUSE, WHICH  
IS ILLEGAL, AGAINST LAW AND FACTS AND  
LIABLE TO BE REVERSED.**

**Prayer in Appeal:**

ON ACCEPTANCE OF THIS APPEAL THE IMPUGNED ORDER DATED: 16.11.2021 OF THE RESPONDENTS NO.4, AND THE IMPUGNED ORDER DATED: 29.09.2021 OF THE RESPONDENT NO.5 MAY PLEASE BE SET-ASIDE AND THE APPELLANT POSITION MAY KINDLY BE RESTORED WITH ALL BACK BENEFITS.

Respectfully Sheweth..

**Facts:-**

Appellant most humbly submits as under:

1. That the Appellant is serving as Head Constable, in the Operation Wing, from July 2021, the Appellant was posted in Police Station SNGPL, District Karak.
2. That the Appellant performing his job as head constable in the Operation Wing, District Karak, Appellant was punctual / regular in his duties and no complaint against the appellant in the 37 years long service in the District Karak Police.
3. That the appellant native cillage is Gardi Banda, Tehsil Takhte Narati, Karak.
4. That one Mr. Bashir Ahmad Advocate purchased a landed property situated adjacent to the house of appellant. It is pertinent to mention here that the appellant is co-sharer in the property so the appellant rush to the court of law for his redressal through filing pre-emption suit before the court of Civil Judge Takhte Nasrati. {Copy of Challan Form No. 32-A for submitting pre-emption money is attached as Annexure - A.}
5. That after filing pre-emption suit against the said Bashir Ahmad, in order to pressurizing the appellant for withdrawal of pre-emption suit, submitted false and fabricated complaint against the appellant before respondent No. 5. {Copy of Application / Complaint is attached as Annexure - B.}

6. That the appellant was departmentally proceeded against the allegation contained false and concocted complaint.
7. That thereafter, a charge sheet was issued to the appellant on 06/07/2021 and fact findings inquiry order were issued by the District Police Officer on 06/07/2021 nominated Superintendent of Police (Investigation) Karak for probing the matter and statement of allegation was issued. After completing the inquiry, an inquiry report was produced before the Respondent No. 4. **{Copy of Charge Sheet and Inquiry Order are Annexure "C" & "D"}**
8. That thereafter a comprehensive departmental inquiry report was submitted before the Respondent No. 5 on 28/07/2021. **{Copy of Inquiry Report is Annexure "E"}**
9. That Prior to inquiry report, the Appellant file an objection application before the respondent No. 5 which was turned down. **{Copy of Application and Order is attached as Annexure "F"}**
10. That the respondent No.5, without informing and awarding personal hearing to appellant, without any plausible reasons awarded the major punishment of Removal from service vide impugned Order No.587-dated. 29.09.2021, which have no concern with the reality, and against law and the appellant was kept in dark that the proceedings is in process against all the official. **{Copy of impugned Order is attached as annexure-G}**
11. That the appellant impugns the order of respondent No. 5 dated: 29.09.2021, Appellant filed departmental appeal on 07.10.2021 but the respondent No.4 without scrutinizing the matter, passed the impugned Order dated 16.11.2021 and dismissed the departmental appeal. **{Copy of the departmental appeal /Appeal and order are attached as Annexure- H & I ).**
1. That feeling aggrieved from the impugned orders of respondent No. 4 & 5, the appellant files review petition under rule 11 - A of Police Rules - 1975 On 22.11.2021 before respondent No. 2 & 3, but invain. **{Copy of Review Petition is attached as Annexure "K"}**
2. That feeling aggrieved from the impugned orders of respondent No. 4 & 5 and silence of respondents No. 2 and 3 the appellant preferring this service appeal



(4)

before this Hon'ble Tribunal on the following grounds inter alia:-

**GROUND:**

- A. That the impugned orders of Respondent No.4 and 5 dated 29.09.2021 and 16.11.2021 is against law, facts and material on record, hence liable to be set-aside.
- B. That the impugned orders of awarding major punishment to the Appellant have been passed on political influence. It is evident from the impugned order which is violation of rules and legal provision and the authority did not used his mind independently but impugned orders have been passed on mala fide intention.
- C. That the impugned orders are issued without giving any opportunity of hearing to appellant and passed the impugned orders without fulfilling the legal requirements and passed the impugned orders in slipshod manner, such practice adversely effects efficiency of incumbents and also reduces their confidence and faith in public.
- D. That the Appellant per policy of civil servant should be given an opportunity of hearing and the same has not been done, which seems to be injustice with Appellant.
- E. That the appellant belongs to very poor family and according to civil servant laws and impugned orders without fulfilling the legal requirements is nullity in the eye of law and also against all norms of natural justice.
- F. That the impugned Orders dated. 29.09.2021 and 16.11.2021 is totally based on political influence and mala fide intentions are illegal, malafide, without jurisdiction and without lawful authority, therefore, are liable to be set-aside.
- G. That the order of the Respondent No.4 & 5 suffers from legal and factual infirmities and mis-application of law as

5

laid down by the August Supreme Court of Pakistan in subject.

**IT IS, THEREFORE, RESPECTIVELY PRAYED THAT ON ACCEPTANCE OF THIS APPEAL THE IMPUGNED ORDER DATED: 16.11.2021 OF THE RESPONDENTS NO.4, AND THE IMPUGNED ORDER DATED: 29.09.2021 OF THE RESPONDENT NO.5 MAY PLEASE BE SET-ASIDE AND THE APPELLANT MAY KINDLY BE REINSTATED WITH ALL BACK BENEFITS.**

Appellant  
Through:

**Dr. Fawad Jan**  
Advocate, Peshawar

Dated: 22.02.2022

**VERIFICATION:**

It is verified that (as per information given me by my client) all the contents of the instant appeal are true and correct and nothing has been concealed intentionally from this Hon'ble Tribunal.

**Advocate**

**Note:**

That no such like petition / Appeal on this subject matter has earlier been filed before this Hon'ble Tribunal.

**Advocate**

5

laid down by the August Supreme Court of Pakistan in subject.

IT IS, THEREFORE, RESPECTIVELY PRAYED THAT ON ACCEPTANCE OF THIS APPEAL THE IMPUGNED ORDER DATED: 16.11.2021 OF THE RESPONDENTS NO.4, AND THE IMPUGNED ORDER DATED: 29.09.2021 OF THE RESPONDENT NO.5 MAY PLEASE BE SET-ASIDE AND THE APPELLANT MAY KINDLY BE REINSTATED WITH ALL BACK BENEFITS.

Appellant  
Through:

Dr. Fawad Jan  
Advocate, Peshawar

Dated: 22.02.2022

**VERIFICATION:**

It is verified that (as per information given me by my client) all the contents of the instant appeal are true and correct and nothing has been concealed intentionally from this Hon'ble Tribunal.

Advocate

**Note:**

That no such like petition / Appeal on this subject matter has earlier been filed before this Hon'ble Tribunal.

Advocate

(6)

Annex - A

37123342-37231615

# CHALLAN FORM NO.32-A

Provisional / Centre  
Treasury / Sub-Treasury  
(National Bank of Pakistan)  
(State Bank of Pakistan)

By Whom Tended	To Be Filled In By The Remitter		AMOUNT 27/7/21	To Be Filled In By The Department Officer Or The Treasury	
	Name or designation and address of the Person on whose behalf money is Paid	Full particulars of the remittances and the authority (if any)		Head of Account	Order to the Bank
محمد نسر خان دہ ارباز خان خانہ قائم نشین خیال تیز دکان میں وقت سنوٹی بک (مدنی) محمد نسر خان محمد نسر خان محمد نسر خان			Ri 10,00,000/-		Date 9.11.21
			Total Ri 10,00,000/-		Correct, Received and grant Receipt Signature and full designation of the Officer ordering the money to be paid in.

National Bank of Pakistan  
KARHI-E-NASRATI KARAKI 1512  
27 JUL 2021  
B P  
CASH RECEIVED

Signature \_\_\_\_\_ Received Payment \_\_\_\_\_ Date \_\_\_\_\_

Rupees (in word) \_\_\_\_\_ Accountant \_\_\_\_\_

To be used only in the case of remittances to bank through an officer of the Government.  
Treasury Officer / Civil Judge / Jd: Magistrate / Agent / Manager / Karak

کثرت حد - ڈسٹرکٹ پولیس آفیسر (D.P.O) صلہ روک

عبدال - درخواست ملر اور F.I.R اندراج، مطلقاً لکھا

مرشد مگر نیرجان 5/5 آریز جان سیاہی نامہ خان

اور سجاد، محمد الطاف لیران مگر نیرجان نامہ خان

گڑھی کا پتہ -

2- مرشد فراغی پولیس سٹیشن کا پتہ تیرہ نہیں ماحول

نیرجان (موجودہ ماہرین) نامہ خان مگر نیرجان

خانہ عالی

سائینس ڈیپارٹمنٹ کے ذریعہ لکھا گیا ہے

1- پتہ سائینس ایچ اے ایل اے نامہ خان 1011 لکھنؤ 6-276 سال

62 سال زینا سہیلی لکھنؤ پتہ لکھنؤ دارالکتاب لکھنؤ

فروغ لکھنؤ ہے۔ آج سائینس لکھنؤ لکھنؤ لکھنؤ لکھنؤ لکھنؤ

2- کثرت خان لکھنؤ لکھنؤ لکھنؤ لکھنؤ لکھنؤ لکھنؤ

3- لکھنؤ لکھنؤ لکھنؤ لکھنؤ لکھنؤ لکھنؤ لکھنؤ لکھنؤ

لکھنؤ لکھنؤ لکھنؤ لکھنؤ لکھنؤ لکھنؤ لکھنؤ لکھنؤ

4۔ ہم اسے عمر کے ساتھ اپنا بڑا کام اور بڑا کام کر رہے ہیں۔ اس کے ساتھ ساتھ وہ کام کر رہے ہیں۔

5۔ ہم اس کے ساتھ ساتھ اپنے کاموں کو بھی کرتے ہیں۔ اس کے ساتھ ساتھ وہ کام کر رہے ہیں۔ اس کے ساتھ ساتھ وہ کام کر رہے ہیں۔

6۔ ہم اس کے ساتھ ساتھ اپنے کاموں کو بھی کرتے ہیں۔ اس کے ساتھ ساتھ وہ کام کر رہے ہیں۔ اس کے ساتھ ساتھ وہ کام کر رہے ہیں۔

7۔ ہم اس کے ساتھ ساتھ اپنے کاموں کو بھی کرتے ہیں۔ اس کے ساتھ ساتھ وہ کام کر رہے ہیں۔ اس کے ساتھ ساتھ وہ کام کر رہے ہیں۔

- 1۔ لیکن اس کے ساتھ ساتھ وہ کام کر رہے ہیں۔ اس کے ساتھ ساتھ وہ کام کر رہے ہیں۔
- 2۔ لیکن اس کے ساتھ ساتھ وہ کام کر رہے ہیں۔ اس کے ساتھ ساتھ وہ کام کر رہے ہیں۔

3۔ ہم اس کے ساتھ ساتھ اپنے کاموں کو بھی کرتے ہیں۔ اس کے ساتھ ساتھ وہ کام کر رہے ہیں۔ اس کے ساتھ ساتھ وہ کام کر رہے ہیں۔

5/21

Annex - C

(9)

No. 109 /Enq

Dated 06/07/2021

CHARGE SHEET

I, HAROON RASHID KHAN, District Police Officer, Karak as a competent authority, hereby charge you HC Mamraiz Khan No. 769 (suspended) Police Lines Karak as follows:-

"As per complaint submitted by sons of Gul Daraz and Bashir Ahmad etc that you HC Mamraiz Khan No. 769 indulged in extra and illegal departmental activities and misuse of your official power. This is quite adverse on your part and shows your malafide intention and non-professionalism in the discharge of your official obligations. Such act on your part is against the service discipline and amounts to gross misconduct.

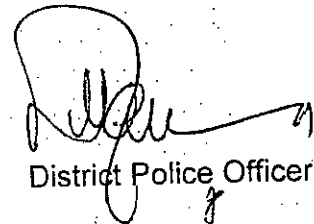
1. By the reason of your commission/omission, constitute miss-conduct under Police disciplinary Rule-1975 (amendment Notification No. 3859/Legal, dated 27.08.2014) Govt. of Khyber Pakhtunkhwa, Police Department, you have rendered your-self liable to all or any of the penalties specified in Police Rule-1975 ibid.

2. You are, therefore, required to submit your written defense within 07-days of the receipt of this charge sheet to the enquiry Officer SP Muneer is hereby appointed for the purpose of conducting enquiry.

Your written defense if any should reach to the Enquiry Officer within a stipulated period, failing which shall be presumed that you have no defense to put in and in that case ex-parte action shall be taken against you.

3. Intimate whether you desire to be heard in person.

4. A statement of allegation is enclosed.

  
District Police Officer, Karak

1311  
12/7/2021

42  
2021

Annex -D

(18)

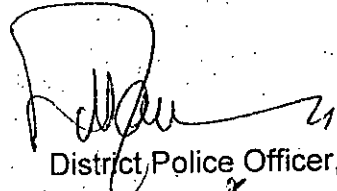
DISCIPLINARY ACTION

I, HAROON RASHID KHAN, District Police Officer, Karak as a competent authority, is of the opinion HC Mamraiz Khan No. 769 (suspended) Police Lines Karak has rendered himself liable to be proceeded against on committing the following act/commission within the meaning of Police Disciplinary Rule-1975 (amendment Notification No. 3859/Legal, dated 27.08.2014) Govt: of Khyber Pakhtunkhwa, Police Department.

STATEMENT OF ALLEGATIONS

"As per complaint submitted by sons of Gul Daraz and Bashir Ahmad etc that HC Mamraiz Khan No. 769 indulged in extra and illegal departmental activities and misuse of his official power. This is quite adverse on his part and shows his malafide intention and non-professionalism in the discharge of his official obligations. Such act on his part is against the service discipline and amounts to gross misconduct.

1. The enquiry Officers SP (Inv) in accordance with provision of the Police Rule-1975 (amendment Notification No. 3859/Legal, dated 27.08.2014) Govt: of Khyber Pakhtunkhwa, Police Department may provide reasonable opportunity of hearing to the accused official, record his finding and make within 10-days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused.
2. The accused official shall join the proceeding on the date, time and place fixed by the enquiry officer.

  
District Police Officer, Karak

No. 110 /Enq, dated 06 / 07 /2021.

Copy to:-

1. The enquiry Officers for initiating proceeding against the accused under the Provision of the Police Disciplinary Rule-1975 (amendment Notification No. 3859/Legal, dated 27.08.2014) Govt: of Khyber Pakhtunkhwa, Police Department.
2. HC Mamraiz Khan No. 769 (suspended) Police Lines Karak





مسی مریز خان ولد آیاز خان سکنہ عالمشیری حال گردی بانڈہ زبردستی طور پر قبضہ خواگی میں سینہ زوری کرتا ہے۔ حالانکہ مریز نہ تو ہمارا رشتہ دار ہے اور نہ ہی متذکرہ اراضی میں انکا کوئی حصہ ہے۔

مریز حوالدار اپنے وردی کا ناجائز استعمال کر کے مجھے قتل کی دھمکیاں دیتا ہے۔ اور کہتا ہے۔ کہ بشیر احمد کو قبضہ حوالہ نہیں کرو گے۔ مریز خان انہر سرکش ہے۔ اور بطور بھتہ خور اور قبضہ مافیامیرے فروخت شدہ اراضی پر ناجائز قبضہ جمانے کے درپے ہیں۔ (تحریری بیان لف کاروائی ہذا ہے)۔

(iv) انکوائری ہذا کے سلسلے میں مسی خان رشید ولد مرد از خان سکنہ خوچکی کلے طلب کر کے مذکورہ نے افتخار اللہ کے بیان کی تائید کی اور بیان پر تائیدی دستخط کیا۔

(v) انکوائری ہذا کے سلسلے میں بشیر احمد ولد ولی داد خان سکنہ آرل بانڈہ کو دفتر ہذا طلب کر کے مذکورہ نے بیان کیا کہ من سائل اور برادران نے افتخار اللہ وغیرہ ساکنان خوچکی کلے سے اراضی کھاتہ نمبر 1011 تعدادی 276 کنال 06 مرلہ میں تقریباً 62 کنال زمین خریدی ہے۔ جس میں تقریباً 57 کنال کی تصدیق ہو چکی ہے۔ جب افتخار اللہ وغیرہ من سائل کو قبضہ حوالہ کرتا ہے۔ تو مریز خان ولد آیاز خان سکنہ عالمشیری حال گردی بانڈہ قبضہ حوالہ نہیں کرتا ہے۔ اور ہندوق کے زور پر من سائل اور افتخار اللہ کو واپس کرتا ہے۔ اور کھلم کھلا بد معاشی کر رہا ہے۔ ایک طرف مریز خان نے من سائل اور برادران کے خلاف حق شفع دائر کیا ہے۔ جو کہ اسکا قانونی حق ہے۔ لیکن دوسرے طرف قانون کو اپنے ہاتھ میں لیا ہے۔ (بشیر احمد کا تحریری بیان لف کاروائی ہذا ہے)۔

مورخہ 27-7-2021 کو جناب DPO صاحب کے ہدایت کے مطابق ہر دو فریقین دفتر ہذا طلب کئے۔ اور باعزت طور پر فریقین کو آمنے سامنے بٹھائے گئے۔

درخواست کنندہ فریق نے ادب اور احترام کے ساتھ اپنا موقف بیان کرتے ہوئے وضاحت کی۔ کہ مریز خان نے میرے اور میرے برادران کے خلاف متذکرہ اراضی کے بابت عدالت میں حق شفع دعویٰ دائر کیا ہے۔ جو کہ انکا قانونی حق ہے۔ لیکن پھر مریز HC قبضہ حوالہ کرنے میں کیوں سینہ زوری کرتا ہے۔ اگر عدالت نے میرے خلاف فیصلہ دے دیا تو میں زمین واپس کرنے کو تیار ہو۔ لیکن سریدست قبضہ مجھے حوالہ کریں۔

مریز HC نے دھکی امیز لہجہ میں اپنا موقف پیش کرتے ہوئے۔ زبردستی کے رو برو درخواست کنندہ فریق کے ساتھ ہنگبرانہ انداز میں باتیں شروع کر کے قبضہ ہرگز حوالہ نہ کرنے کا بتایا۔

زبردستی نے HC مریز کو ڈسپلن کے اندر رہ کر تلسی سے باتیں کرنے کی ہدایت کی مگر مذکورہ نے با آواز بلند باتیں شروع کر کے زبردستی کے ساتھ انتہائی بدتمیزی کی۔ اور ایک ڈسپلن فورس میں ہوتے ہوئے ڈسپلن کے تمام حدیں پار کئے۔

اگر مریز HC کا زبردستی کے ساتھ یہ رویہ ہے۔ تو نہ جانے درخواست کنندہ فریق کے ساتھ اسکا کونسا رویہ ہوگا۔

رائے انکوائری آفیسر:

کردہ انکوائری، بیانات اور ریکارڈ سے پایا گیا۔ کہ HC مریز جو انتہائی بد اخلاقی کے ساتھ غیر قانونی سرگرمیوں میں ملوث پایا گیا۔ اور ڈسپلن فورس میں ہوتے ہوئے سرکاری عہدے کے ناجائز استعمال میں ملوث رہا ہے۔

مسی افتخار اللہ وغیرہ نے اپنی ملکیتی اراضی میں سے 62 کنال اراضی مسی بشیر احمد ایڈوکیٹ پر فروخت کر کے جملہ اراضی کا انتقال بھی کروائی ہے۔ لیکن HC مریز جسکا اس اراضی میں مالکانہ حقوق بھی نہیں ہے۔ بزور قبضہ جمایا ہے۔ اور سینہ زوری اور سرکشی کا مظاہرہ کرتا ہے۔

جس کا منہ بولتا ثبوت یہ ہے۔ کہ دوران انکوائری زبردستی کے ساتھ بھی بدتمیزی کی اور ڈسپلن کے تمام حدیں پار کئے۔ HC مریز کا یہ فعل قابل مہواخذہ ہے اور ناقابل معافی ہے۔ مذکورہ محکمہ پولیس کے لئے زہر قاتل سے کم نہیں ہے۔ انکوائری رپورٹ بمرد مناسب حکم پیش خدمت ہے۔

سپرٹنڈنٹ آف پولیس انوشی گیشن

ضلع کرکڑ

مقام عالی

گزشتہ صدر مائل کا ایف ڈی گاؤں میں کھانپا  
 وغیرہ عمل سرسید کے ساتھ جائیداد  
 پر تنازعہ ہے۔ مخالف خدو مائل  
 کے خلاف جہاں الزامات لگائے گئے ہیں  
 وہی ہے۔ مکی انکوائری اور انویسٹی  
 گیشن کر کے ہے۔ مکی انکوائری ایف  
 ڈی مائل کے خلاف ایک طرف  
 کارروائی کرنے کے لئے ہوا ہے۔ مکی مائل  
 انکوائری ایف ڈی پر ایف ڈی ہے۔  
 الٹا مائل پر مکی انکوائری سید کے  
 لئے ایف ڈی ہے۔ انکوائری مائل  
 کے خلاف مکی انکوائری مائل  
 کے خلاف مکی انکوائری مائل

27/7/2021  
 مقررہ 769  
 142

Sir,  
 Forwarded,  
 P. S. -  
 L.O. Karak  
 27-7-2021

(29)  
R/Sir,

(14)


It is submitted that HC Mamraiz Khan No. 769 (suspended) P/L Karak has preferred an application requesting therein for transfer of his enquiry to another Enquiry Officer due to non-confidence upon the SP Investigation Wing Karak (E.O of the said enquiry).

Submitted for favour of perusal and further order, please.

  
SRC  
DPO office Karak

W/DPO

removal from service -

  
District Police Officer  
(Karak)

OB No: 587

DT 29-9-2021

Annex - 9 (15)

ORDER

My this Order will dispose off the departmental enquiry against HC Mumraiz Khan No. 789 (suspended) of this district Police.

Facts are that as per complaint submitted by sons of Gul Daraz and Bashir Ahmad etc that HC Mamraiz Khan No. 769 indulged in extra and illegal departmental activities and misuse of his official power. This is quite adverse on his part and shows his malafide intention and non- professionalism in the discharge of his official obligations. Such act on his part is against the service discipline and amounts to gross misconduct.

He was issued with Charge Sheet and Statement of allegations. Mr. Zahir Shah, SP Investigation Wing Karak was appointed as an Enquiry Officer to conduct proper departmental enquiry against him and submits his findings within the stipulated time.

The Enquiry Officer reported that HC Mumraiz Khan is involved in illegal extra activities being a member of discipline Force. Iftekhhar Ullah sale 62 Kanal land on Bashir Ahmad Advocate but HC Mumraiz possessed forcibly the said land without having legal rights. He is found guilty of the charges and he is poison for the Police department.

He was called and heard in person in the Orderly Room.

Keeping in view of the available record and facts on file, perusal of enquiry papers and recommendations of the E.O, he is found guilty of the charges, he is involved in extra departmental activities, his services is no more required, therefore, he is awarded major punishment of removal from service with immediate effect.

OB No. 587  
Dated 29/09/2021



District Police Officer, Karak

District Police Officer  
(Karak)

Annex H (16)

To: The Regional Police Officer,  
Kohat Region Kohat

Subject: DEPARTMENTAL APPEAL

With profound regards and great veneration appellant submits departmental appeal against the order dated 29.09.2021 bearing OB No. 58 7, passed by learned District Police Officer, Karak vide which appellant was removed from service.

**FACTS**


1. That appellant was serving as Head Constable District Karak under your kind command and control. Appellant is native of village Alam Sheri, Tehsil Takht-e-Nasrati. Now appellant has shifted his abode to village Gardi Banda and has constructed a house on ancestral property situated at Gardi Banda.
2. That one Bashir Advocate and his brothers purchased 27-Kanal and 04-Marla landed property vide Mutation No. 12295 attested on 18.03.2021, situated at Kata No. 1011 Moza Khojaki Tehsil Takht-e-Nasrati.
3. That appellant house is situated in the said Kata No. and is also co-owner in the said Kata. Therefore appellant lodged a Pre-emption Suit against Bashir and others before the Court of Civil Judge-II Takht-e-Nasrati (Copy of the Suit is attached).
4. That lodging of the pre-emption suit by appellant annoyed Bashir Advocate vender of the landed property and he first offered payment of certain amount for withdrawing the pre-emption suit but appellant did not accept the offer.
5. That Bashir Advocate in order to pressurize the appellant for withdrawing the pre-emption suit submitted a false and fabricated complaint against appellant before District Police Officer, Karak. Appellant was proceeded against departmentally on the allegations contained in false and concocted

compliant of Bashir Advocate and the departmental proceedings culminated in passing the impugned order, hence this departmental appeal on the following grounds.

**GROUND**

- a. That the impugned order has been passed without taking into account the ground realities and facts and evidence on record. The lower authority and enquiry officer did not consider the plausible and detailed reply of appellant submitted in response to the charge sheet.
- b. That the enquiry officer conducted ex-parte proceedings. He did not associate appellant in the enquiry proceedings. He did not examine any witness including the applicant party in the presence of appellant. No chance of cross examination was provided to appellant. Therefore the enquiry proceeding are void ab-imitio.
- c. That appellant was the elder of the family and there was none other member of the family for lodging the pre-emption suit. Therefore appellant lodged the suit in his name. Lodging Civil Suit does not amount to commission of misconduct. No Law and Rules debar a Police officer or civil servant from knocking at the door of Civil Court for defending his civil right. Therefore the charge sheet was wrongly been issued to appellant.
- d. That Bashir Advocate first persuaded the appellant for withdrawal of the pre-emption suit by making payment and than resort to pressurize the appellant for withdrawing the suit by lodging false complaint against appellant before Police authority.
- e. That appellant was proceeded against departmentally on the basis of commission of no departmental charge. No allegation of absence from duty and misuse of official status has been leveled against appellant. Therefore the impugned order is not sustainable.

- f. That no final show-cause notice was issued to appellant. The finding of enquiry officer were not supplied to appellant despite repeated request were placed before the authority.
- g. That the whole departmental file has been prepared in violation of the Law and Rules. Appellant may be allowed to other grounds during personal hearing.

  
Yours Obediently

Mamriz Khan  
Ex-HC No. 769  
District Karak  
Cell: No. 0343-9802069

7. 10. 2021



Annex-I (19)

POLICE DEPTT:

KOHAT REGION

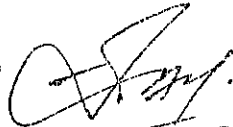
ORDER.

This order will dispose of a departmental appeal, moved by Ex-HC Mamraiz Khan No. 769 of Karak district against the punishment order, passed by DPO Karak vide OB No. 587, dated 29.09.2021 whereby he was awarded major punishment of removal from service on the allegations forcibly occupying land without any legitimate right and his involvement in extra / illegal departmental activities being member of a disciplined force.

He preferred an appeal to the undersigned, upon which comments were obtained from DPO Karak and his service record was perused. The appellant was also called and heard in Orderly Room held in this office on 09.11.2021. During hearing, the appellant did not produce any plausible explanation in his defense to prove his innocence and just advanced lame excuses.

I have gone through the available record and came to the conclusion that the allegations leveled against the appellant are proved beyond any shadow of doubt and the same have also been established by the E.O in his findings. Therefore, in exercise of the powers conferred upon the undersigned, his appeal being devoid of is hereby rejected.


Order Announced  
09.11.2021

  
(TAHIR AYUB) PSP  
Region Police Officer,  
Kohat Region.

No. \_\_\_\_\_ /EC, dated Kohat the \_\_\_\_\_ /2021.

Copy for information and necessary action to the District Police Officer, Karak w/r to his office Memo: No. 65 EC, dated 20.11.2021. His Service File / Fauji Mutual is returned herewith.

*Ee/Off 2021*  
*Rs. 1000/-*  
*17/11*

  
(TAHIR AYUB) PSP  
Region Police Officer,  
Kohat Region.

To

The Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar.

Subject: REVIVE PETITION UNDER RULE 11-A POLICE RULES, 1975  
(AMENDED 2014)

Respected sir,

With great reverence, petitioner very humbly submits petition against the order of District Police Officer, Karak dated 29-09-2021, OB No. 587 vide which petitioner was dismissed from service and order of Regional Police Officer, Kohat Region, Kohat dated 09-11-2021 issued vide No. 18387 M/ME dated 16-11-2021 where-by the departmental appeal of petitioner was rejected.

FACTS:-

- 1) That petitioner was serving in District Karak Police as Head Constable and 37 years long service was at the credit of petitioner. In July, 2021 petitioner was posted to Police Station SNGP, Karak and was referred to disciplinary action.
- 2) That petitioner is native of village Gardi Babana, Tehsil Takhte Nasrati, Karak. One Bashir Advocate purchased a landed property situated adjacent to the house of petitioner and petitioner was also co-sharer in the property. Therefore, petitioner lodged a pre-emption suit before the Court of Civil Judge, Takhte Nasrati.
- 3) That lodging of the pre-emption suit annoyed Bashir Advocate. In order to harass the petitioner lodged a false and concocted complaint against petitioner. He leveled allegations of involvement of petitioner in extra departmental activities and misuse of official authority. That charge sheet based on above allegations was issued to petitioner. Petitioner submitted reply in response to charge sheet. An ex-parte inquiry was conducted in the charges levelled against petitioner through Superintendent of Police Investigation, Karak. That inquiry was without selecting any evidence in support of the charges submitted and made commendation that petitioner was not fit for police service. Eventually District Police Officer Karak passed the impugned order of dismissal from service of petitioner.
- 6) That the departmental appeal of petitioner was also rejected by Regional Police Officer Kohat. Impugned order, hence this petition on the following grounds.

GROUND :-

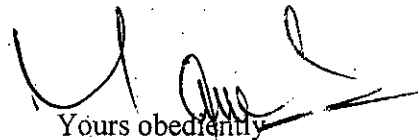
- 1) That the lower authority and appellate authority as well not properly examine the record before passing the impugned order. Petitioner is defending his civil right of pre-emption which does not fall within the ambit of commission of misconduct; therefore the impugned orders are void ab-initio.

(21)

- 2) That Bashir advocate and his brothers make false complaint against petitioner based on charges of involvement in extra departmental activities and misuse of powers. Petitioner has filed civil suit against Bashir and others which does not fall within the mischief of involvement in extra departmental activities. Petitioner being a lower subordinate was unable to misuse his power and authority.
- 3) That no evidence was collected in support of the charges. No one was examined in the presence of petitioner. No chance of cross examination of the witnesses was provided to petitioner. Neither Final Show Cause noticed was issued to petitioner nor copy of findings of inquiry were supplied to petitioner.
- 4) That the inquiry officer allegedly based his opinion on the sole statements of complained makers. He did not take into account the pre-emption suit pending before the court which was the main motive behind the complaint.
- 5) That thirty (37) years long service was at the credit of petitioner and impugned orders were passed without noting the long service of petitioner. The whole departmental file against petitioner was prepared in violation of law and rules.
- 6) That being Police Officer, petitioner was competent to knock at the doors of civil court for seeking civil remedy. Therefore the charge was not tenable.
- 7) That Bashir advocate and his brother have lodged the complaint against petitioner with sole aim and objective of harassing petitioner for withdrawing the pre-emption suit.

It is therefore requested that the impugned orders may be set aside with grant of back benefits.

Enclosures impugned orders



Yours obediently

Mamraz Khan, Ex-HC No 769

District Karak

Cell No 0343-9802069

22-11-2021

بعدالت حساب

سر دس ٹریبونل ضلع راجستھن ایڈوکیٹ

2022ء منجانب

موزخہ 23/02/2022

عسر بن خان  
بنام گورنمنٹ دہلیہ

مقدمہ  
دعویٰ  
جرم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی اور جواب دہی دکل کاروائی متعلقہ  
آن مقام لٹا کیلئے ڈاکٹر فواد جان ایڈوکیٹ  
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 دروپیہ 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 لیا اپنے ججائے تقرر کا اختیار  
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ  
پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جانہ التوائے مقدمہ کے سبب سے دہوگا۔  
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی  
مذکور کریں۔ لہذا دکالت نامہ لکھ دیا کہ سند ہے۔

المرقوم 22 ماہ فروری 20

العبد گواہ

معلقہ

Accepted Fawad

کے لئے منظور ہے۔

بمقام لٹا

Dr. Fawad Jan  
BC. 19-1109  
1714-0278021-9

**"B"**

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

No.

*Recd*

*SB*

Appeal No. *310* of 20*22*

*M. Anvez Khan*

Appellant/Petitioner

*Through Secy Home & Tribal Affairs, PPK, Peshawar*

Respondent

Respondent No. *(S)*

Notice to: — *DPO Kurak*

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.....*31/01/2022*.....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.....*11/4*.....

Day of.....*April*.....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.

**"B"**

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

No.

*Recd*

*SB*

Appeal No. 310 of 20 22

Mamrez Khan Appellant/Petitioner

Versus

Through Secy Home & Tribal Affairs, KPK, Peshawar Respondent

Respondent No. (4)

Notice to: —

*Regional Police Officer, Kohat*

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 31/05/2022 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 along with 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 11th Day of April 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.

**"B"**

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

SB

No.

310

Appeal No. .... of 20<sup>22</sup>

Mamrez Khan

Appellant/Petitioner

Through Secy Home & Tribal Affairs, KPK, Peshawar

Respondent

(3)

Respondent No. ....

Notice to:

Additional Inspector General of Police Investigation, KPK  
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.....<sup>31/05/2022</sup> 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.

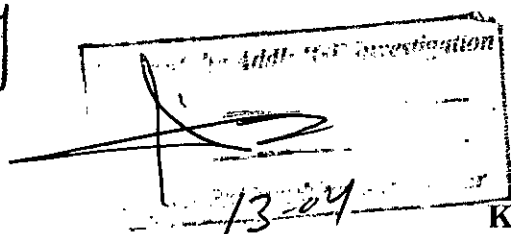
Copy of appeal is attached. ~~Copy of appeal has already been sent to you vide this office Notice No. .... dated.....~~

11/13

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

Day of.....<sup>April</sup> 20<sup>22</sup>

For Reply





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,  
PESHAWAR.

No.

SB

Appeal No. 310 of 20 22

Mamrez Khan Appellant/Petitioner

Through Secy Home & Tribal Affairs, KPK, Peshawar. Respondent

Respondent No. (2)

Notice to: — Inspector General of Police, KPK, 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 31/05/2022 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.

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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 11/4

Day of April 20 22

For Reply

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.  
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**"B"**

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

No.

310

22

Appeal Mamrez Khan ..... of 20 .....

Through Secy Home & Tribal Affairs, KPK, Peshawar ..... Applicant/Petitioner  
..... (1) Respondent

Govt of KPK, through Secy Home & Tribal Affairs ..... Respondent No. 1  
Peshawar

Notice to: —

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 of 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.....at 8.00 A.M. If you wish to urge anything against the appellent/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.

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Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated..... 11/4

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

Day of.....20 .....

For Pesly

13-4-22

[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.

**BEFORE K.P.K, SERVICE TRIABUNAL, K.P.K, PESHAWAR**

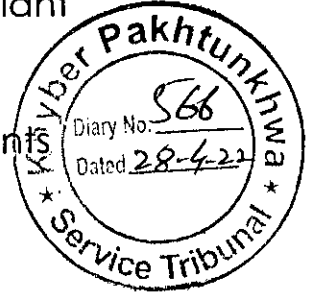
C.M. No. \_\_\_\_\_/2022

In Appeal No.310/2022

Mamrez Khan .....Appellant

**VERSUS**

Govt of KPK & Others.....Respondents



**APPLICATION FOR GRANT OF PERMISSION FOR  
AMENDMENT IN ABOVE TITLED SERVICE APPEAL NO.  
310/2022.**

Respectfully Sheweth:

1. That the applicant/appellant filed the above titled service appeal and which has been admitted for regular hearing by the Honorable Tribunal vide order dated 07.04.2022 and now fixed for 31-05-2022.
2. That through the instant application, the applicant / appellant humbly seeks indulgence of this honorable tribunal for seeking permission to amend the above titled service appeal; proposed amendment are as following:
  - A. That the appellant filed revision petition dated 22.11.2021 under rule 11 -A of the Police Rules 1975 before the respondent No. 2 against the orders of the respondent No. 4 and 5. The revision petition was not responded. Therefore, the applicant/appellant submitted service appeal No. 310/2022 before this honorable service tribunal on the ground mentioned therein.
  - B. That respondent No. 2 partially accepted the revision petition vide order No. S/661-67/22, dated Peshawar, the 11/04/2022 whereby the penalty of removal from service was converted into compulsory retirement from service. (Order is attached)

C.

*That in the view of the above changed scenario appellant place request for amendment of the service appeal and also prayed for the grant of permission of filing amended appeal.*

3. That it is pertinent to mention here that the fact about filing of revision petition has also been mentioned in the memo of appeal in paras relating to facts and the copy of revision petition was also annexed with the above titled appeal. Now after receiving the revisional order dated 11.04.2022 the proposed amendment is necessary for the just and fair decision of the above titled appeal, therefore, permission is sought from this honorable tribunal for amendment of appeal as stated above inter-alia on the following grounds:

### **GROUND S**

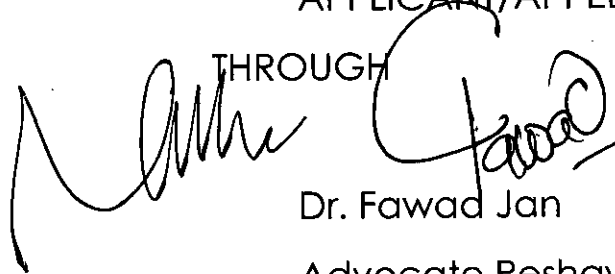
- i. That the aforesaid proposed amendment is not inconsistent with the original version of the applicant/appellant taken in the appeal.
- ii. That the omission to mention the sentence stated above was not available at the time of filing of above titled appeal while the same was brought to the knowledge of applicant/appellant during the pendency of the instant appeal. Hence the non mentioning of the above stated conversion of sentence was neither intentional nor deliberate rather but it is due to change circumstances.
- iii. That the proposed amendment goes to the root of the case and in order to determine the end of justice, it is necessary that proposed amendment may be allowed in accordance with law.
- iv. That if the applicant/appellant is not allowed to amend his appeal as proposed above, the lis would not be decided on its true facts and the applicant/appellant would be deprived of fair trial as enunciated in article 10-A of the constitution of Pakistan 1973.
- v. That applicant/appellant humbly seeks permission of this honorable tribunal to raise additional grounds at the stage of arguments.

**PRAYER**

In aforementioned facts and circumstances, it is humbly prayed that application in hands may kindly be accepted as prayed for & the applicant/appellant may graciously be allowed to amend his appeal as stated above.

APPLICANT/APELLANT

THROUGH



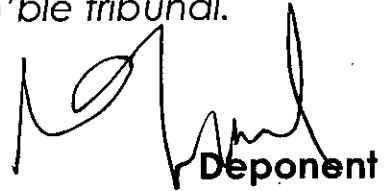
Dr. Fawad Jan

Advocate Peshawar

Dated: 27.04.2022

**AFFIDAVIT**

It is hereby solemnly affirm and declare on oath that all the contents of the instant application are true and correct to the best of my Knowledge and belief and nothing has been concealed intentionally from this Hon'ble tribunal.



Deponent

**ATTESTED**  
Gul Daraz Khan  
Oath  
Commissioner  
Advocate High Court Peshawar





OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA  
PESHAWAR.

ORDER

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by Ex-Head Constable Mamraiz Khan No. 769. The petitioner was removed from service by District Police Officer, Karak vide OB No. 587, dated 09.09.2021 on the allegations that as per complaint preferred by sons of Gul Daraz and Bashir Ahmad etc that the above named ex-official indulged in extra and illegal departmental activities and misuse of his official power. His appeal was rejected by Regional Police Officer, Kohat vide order Endst: No. 18387/EC, dated 16.11.2021.

Meeting of Appellate Board was held on 29.03.2022 wherein petitioner was heard in person. Petitioner contended that he lodged pre-emption suit which annoyed Bashir Advocate and the Bashir Advocate and his brother make false complaint against him to harass him.

The petitioner has long service of 36 years, 11 months & 14 days at his credit.

Keeping in view his long service, the Board decided that the punishment of removal from service is hereby converted into compulsory retirement from service.

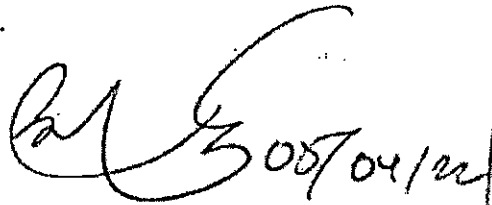
Sd/-

**SABIR AHMED, PSP**  
Additional Inspector General of Police,  
HQrs: Khyber Pakhtunkhwa, Peshawar.

No. SI/661-67/22, dated Peshawar, the 11/14/2022.

Copy of the above is forwarded to the:

1. Regional Police Officer, Kohat. One Service Roll and one Fauji Missal of the above named Ex-HC received vide your office Memo: No. 19701/EC, dated 17.12.2021 is returned herewith for your office record.
2. District Police Officer, Karak.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
5. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-IV CPO Peshawar.

  
**(IRFAN TARIQ) PSP**  
AIG/Establishment,  
For Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar.