

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 2960/2021

Date of Institution ... 16.02.2021

Date of Decision ... 24.01.2022

Kamal Ahmad, Ex-Constable No. 910, District Police Mardan.

... (Appellant)

VERSUS

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

... (Respondents)

Roeeda & Taimur Ali Khan,
Advocates

... For Appellant

Muhammad Adeel Butt,
Additional Advocate General

... For respondents

AHMAD SULTAN TAREEN
ATIQ-UR-REHMAN WAZIR

...

...

CHAIRMAN
MEMBER (EXECUTIVE)

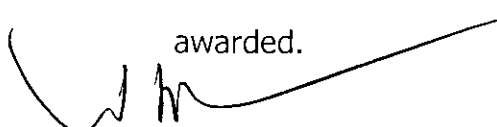
JUDGMENT

ATIQ-UR-REHMAN WAZIR MEMBER (E):- This single judgment shall dispose of the instant service appeal as well as the connected Service Appeal bearing No. 2961/2021 titled "Hayat Zaman Versus The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and two others", as common question of law and facts are involved therein.

02. Brief facts of the case are that while serving as Constable in Police Department was charged in FIR U/Ss 419/420/468/451/188/34 PPC Dated 20-09-2020. The appellant was proceeded departmentally on the same charges and was ultimately dismissed from service vide order dated 29-12-2020, against which the appellant filed departmental appeal dated 05-01-2020, which was rejected vide order dated 22-01-2021, hence the instant service appeal with prayers that the

impugned orders dated 29-12-2020 and 22-01-2021 may be set aside and the appellant may be re-instated in service with all back benefits.

02. Learned counsel for the appellant has contended that the impugned orders are against law, facts and norms of natural justice, therefore not tenable and liable to be set aside; that the appellant has not been treated in accordance with law, hence his rights secured under the Constitution has badly been violated; that the inquiry was not conducted as per mandate of law, as no opportunity of defense was afforded to the appellant; that neither statement of witnesses were recorded in presence of the appellant nor the appellant was afforded opportunity to cross-examine such witnesses, which is violation of law and rule; that the inquiry officer did not conduct proper inquiry and mainly relied on contents of FIR and report of investigation officer and punished the appellant on presumptions; that the appellant has been acquitted of the criminal charges vide judgment dated 06-10-2021, hence there remains no other ground to maintain the penalty so awarded.



03. Learned Additional Advocate General for the respondents has contended that FIR U/Ss 419/420/468/451/188/34 PPC Dated 20-09-2020 was registered against the appellant on the charges of cheating in B-1 exam; that based upon the FIR, charge sheet/statement of allegation was served upon the appellant and proper inquiry was conducted; that during the course of inquiry, the appellant was afforded appropriate opportunity of defense, but the appellant failed to prove his innocence, therefore the inquiry officer recommended him for major penalty of dismissal from service; that the appellant was acquitted of the criminal charges but as it is a well settled legal proposition that departmental and criminal proceedings can run side by side without affecting each other; that the appellant was found guilty of misconduct in departmental proceedings, hence was awarded with major punishment of dismissal from service.

04. We have heard learned counsel for the parties and have perused the record.


05. Record reveals that FIR was lodged against the appellant on the charges of cheating in B-1 examination. Being involved in a criminal case, the respondents were required to suspend the appellant from service under section 16:19 of Police Rules, 1934, which specifically provides for cases of the nature. Provisions of Civil Service Regulations-194-A also supports the same stance, hence the respondents were required to wait for the conclusion of the criminal case, but the respondents hastily initiated departmental proceedings against the appellant and dismissed him from service before conclusion of the criminal case. It is a settled law that dismissal of civil servant from service due to pendency of criminal case against him would be bad unless such official was found guilty by competent court of law. Contents of FIR would remain unsubstantiated allegations, and based on the same, maximum penalty could not be imposed upon a civil servant. Reliance is placed on PLJ 2015 Tr.C. (Services) 197, PLJ 2015 Tr.C. (Services) 208 and PLJ 2015 Tr.C. (Services) 152.

06. The criminal case was decided vide judgment dated 06-10-2021 and the appellant was exonerated of the charges. In a situation, if a civil servant is dismissed from service on account of his involvement in criminal case, then he would have been well within his right to claim re-instatement in service after acquittal from that case. Reliance is placed on 2017 PLC (CS) 1076. In 2012 PLC (CS) 502, it has been held that if a person is acquitted of a charge, the presumption would be that he was innocent. Moreover, after acquittal of the appellant in the criminal case, there was no material available with the authorities to take action and impose major penalty. Reliance is placed on 2003 SCMR 207 and 2002 SCMR 57, 1993 PLC (CS) 460. It is a well-settled legal proposition that criminal and departmental proceedings can run side by side without affecting each other, but in the instant case, we are of the considered opinion that the

departmental proceedings were not conducted in accordance with law. The authority and the inquiry officer badly failed to abide by the relevant rules in letter and spirit. The procedure as prescribed had not been adhered to strictly. All the formalities had been completed in a haphazard manner, which depicted somewhat indecent haste. Moreover, the appellant was acquitted of the same charges by the criminal court; hence, there remains no ground to further retain the penalty so imposed. Accused civil servant in case of his acquittal was to be considered to have committed no offense because the criminal court had freed/cleared him from the accusation or charge of crime – such civil servant, therefore, was entitled to grant of arrears of his pay and allowances in respect of the period. Reliance is placed on 1998 SCMR 1993 and 2007 SCMR 537.

07. In view of the foregoing discussion, the instant appeal as well as the connected service appeal are accepted. The impugned orders are set aside and the appellants are re-instated in service with all back benefits. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED
24.01.2022



(AHMAD SULTAN TAREEN)
CHAIRMAN



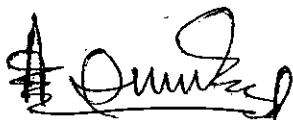
(ATIQ-UR-REHMAN WAZIR)
MEMBER (E)

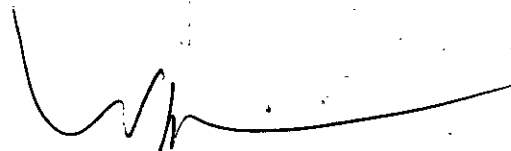
ORDER
24.01.2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for respondents present. Arguments heard and record perused.

Vide our detailed judgment of today, separately placed on file, the instant appeal as well as the connected service appeal are accepted. The impugned orders are set aside and the appellants are re-instated in service with all back benefits. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED
24.01.2022


(AHMAD SULTAN TAREEN)
CHAIRMAN


(ATIQ-UR-REHMAN WAZIR)
MEMBER (E)

26.07.2021

Counsel for the appellant present. Preliminary arguments heard.

Points raised need consideration. The appeal is admitted to full hearing subject to all just and legal objections. 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 in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, or extension of time is not sought through written application with sufficient cause, the office shall submit the file with a report of non-compliance. File to come up for arguments on 08.12.2021 before the D.B.

Appellant Deposited
Security & Process Fee

26/7/21

Chairman

08.12.2021

Mr. Taimur Ali Khan, Advocate, for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

The Worthy Chairman is on leave, therefore, the bench is incomplete. Adjourned. To come up for arguments on 24.01.2022 before the D.B.




(Salah-ud-Din)
Member (J)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 2960 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge		
1	2	3		
1-	22/02/2021	<p>The appeal of Mr. Kamal Ahmad resubmitted today by Mr. Taimur Ali Khan 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>	03.05.2021	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>03/05/21</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p>Due to demise of the Worthy Chairman, the Tribunal is non-functional, therefore, case is adjourned to 17.08.2021 for the same as before.</p> <p style="text-align: right;"> Reader</p>

The appeal of Mr. Kamal Ahmad Ex-Constable No. 910 District Police Mardan received today i.e. on 16/02/2021 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Memorandum of appeal may be got signed by the appellant.
- 2- Copy of enquiry report mentioned in the memo of appeal is not attached with the appeal which may be placed on it.
- 3- Annexures of the appeal may be attested.
- 4- Appeal has not been flagged/marked annexures marks.
- 5- Annexures of the appeal are illegible which may be replaced by legible/better one.
- 6- Five more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 358 /S.T,

Dt. 16/02 /2021



REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Taimur Ali Khan Adv. Pesh.

Respected Sir,

- 1- Removed
- 2- copy of enquiry report is attached on 9-10.
- 3- Removed
- 4- Removed
- 5- Illegible are replaced by better one.
- 6- Removed.

Resubmitted after compliance


22/02/2021

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 2960 /2021

Kamal Ahmad

V/S

Police Deptt:

INDEX

S.No	Documents	Annexure	Page No.
1.	Memo of appeal	-----	01-04
2.	Copy of FIR	A	05
3.	Copies of Charge Sheet, statement of allegations and reply to charge sheet	B,C&D	06-08
4.	Copy of inquiry report	E	09-10
5.	Copies of order dated 19.10.2020, departmental appeal & rejection order	F,G&H	11-13
6.	Copy of bail order dated 08.12.2020	I	14-16
6.	Vakalat Nama	-----	17

THROUGH:

APPELLANT

(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT

&
(ASAD MAHMOOD)
ADVOCATE HIGH COURT.

Room No. Fr-8, 4th Floor,
Bilour Plaza, Peshawar Cantt:
Contact No. 03339390916

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. 2960 /2021

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 2772

Dated 16/2/2021

Kamal Ahmad, Ex-Constable No.910,
District Police Mardan.

(APPELLANT)

VERSUS

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. The Regional Police Officer, Mardan Region Mardan.
3. The District Police Officer, Mardan.

(RESPONDENTS)

APPEAL UNDER SECTION 4 OF THE KP SERVICE TRIBUNALS ACT, 1974 AGAINST THE ORDER DATED 29.12.2020 WHEREBY THE APPELLANT WAS DISMISSED FROM SERVICE AND AGAINST THE ORDER DATED 22.01.2021 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS REJECTED FOR NO GOOD GROUNDS.

PRAYER:

File to day
Registrar
16/2/2021
Re-submitted to-day
and filed.
Registrar
16/2/2021

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 29.12.2020 AND 22.01.2021 MAY KINDLY BE SET ASIDE AND THE RESPONDENTS MAY BE DIRECTED TO REINSTATE THE APPELLANT INTO HIS SERVICE WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF THE APPELLANT.

RESPECTFULLY SHEWETH:

FACTS:

1. That the appellant was appointed as Constable in the year 2013 and has performed his duty with great devotion and honesty, whatsoever, assigned to him and no complaint has been filed against the appellant regarding his performance.
2. That the appellant has passed A-1 examination and applied for B-1 examination, the B-1 exam was conducted by ETEA in Mardan Sports Complex, the appellant appeared in the examination, has done his paper and handed over his paper to the ETEA Staff, which can be proved from the video recording managed by ETEA Staff, but on baseless allegation of cheating during B-1 exam, FIR No.1048 dated 20.09.2020 u/s 419/420/468/451/188/34 PPC PS Hoti was lodged against the appellant. It is pertinent to mention that the real reason of the lodging baseless FIR against the appellant is that, that Wisal Khan who is the brother of the appellant exchanged some harsh words with the SHO, who has assigned Security Incharge duty in Mardan Sports Complex and in retaliation the concerned SHO lodged baseless FIR against the appellant and Wisal Khan. **(Copy of FIR is attached as Annexure-A)**
3. That on the basis of FIR, charge sheet along with statement of allegations were issued to the appellant which was duly replied by the appellant in which he denied the allegations and clearly mentioned that that he has properly done his paper and handed over his paper to the concerned staff and there was proper staff for supervising the examination and if he used unfair means during examination, the concerned staff could make complaint or took action against him and his stance can also be proved from the video recording made during examination hall and also clarified that he has not used unfair means during the examination and was innocent and baseless FIR was lodged against him. **(Copies of Charge Sheet, statement of allegations and reply to charge sheet are attached as Annexure-B,C&D)**
4. That the inquiry was conducted against the appellant in which no opportunity of defence was provided to the appellant as neither statements were recorded in the presence of appellant nor given him opportunity of cross examination and the inquiry officer only relied on content of FIR and report of investigation officer, but despite that the appellant was held responsible by the inquiry officer without conducting proper and regular inquiry to dig out the reality. **(Copies of Inquiry Report is attached as Annexure-E)**
5. That without observing the reply to charge sheet of the appellant, the appellant has awarded major punishment of dismissal from service 29.12.2020, against which the appellant filed departmental appeal on 05.01.2020, which was also rejected on 22.01.2021 for no good

grounds. (Copies of order dated 29.12.2020, departmental appeal & rejection order are attached as Annexure-F,G,&H)

6. That now the appellant has no other remedy except to file the instant appeal in this Honourable Tribunal for redressal of his grievances on the following grounds amongst others.

GROUND:

- A) That the impugned orders dated 29.12.2020 & 22.01.2021 are against the law, facts, norms of justice and material on record, therefore, not tenable and liable to be set-aside.
- B) That inquiry was not conducted according to the prescribed procedure as no opportunity of defence was provided to the appellant as neither statements were recorded in the presence of appellant nor give him opportunity of cross examination, which is violation of law & rules, therefore, the impugned orders are liable to be set-aside on this ground alone.
- C) That video recording has been made by the ETEA staff for the supervision of the candidates in the examination hall and the appellant also mentioned in his reply to the charge sheet that he has properly done his paper and handed over his paper to the concerned staff and his stance can also be proved from the video recording made during examination hall, but inquiry officer did not bother even to checked that video recording, which is against the norms of justice and fair play.
- D) That the inquiry officer did not conduct proper and regular inquiry to dig out the reality about the issue and mostly relied on content of FIR and report of investigation officer and punished the appellant on presumption basis, which is not permissible under the law and rules.
- E) That the real reason of the lodging FIR against the appellant is the retaliation of concerned SHO, who has assigned Security Incharge duty at Mardan Sports Complex, exchange some harsh words with Wisal Khan who is the brother of the appellant and in the response of that harsh words he lodged baseless FIR against the appellant.
- F) That there was proper staff of Superintendent, Invigilators etc for conducting and controlling B-1 Exam in the examination Hall, whose duty to keep strict vigilance on the candidates of examination and it was duty of that staff to take action against candidates who is using unfair means in the examination, but that staff has not taken any action against the appellant nor made any complaint against him that he was doing cheating in the exam, then under what authority the SHO "who has assigned the duty of security in Mardan Sports.

Complex” has lodged FIR against the appellant on the basis of using unfair means during B-1 examination?

- G) That the appellant has done his paper without any cheating or unfair means and handed over to the concerned authority, which can be proved from the video recording done by the staff in the examination hall during the B-1 exam, but he was punished on baseless allegation which shows that the appellant has been punished for no fault on his part.
- H) That the appellant has granted bail on 08.12.2020 by the competent court of law in the FIR on which the appellant was dismissed from service. **(Copy of bail order dated 08.12.2020 is attached as Annexure-I)**
- I) That the appellant should be suspended till the conclusion of the Criminal Case pending against him as per Civil Servants Regulations-194-A, but the appellant was dismissed from service without waiting for the conclusion of Criminal case pending against him, which is clear violation of CSR-194-A.
- J) That the appellant has been condemned unheard and has not been treated in accordance with law and rules.
- K) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

It is, therefore, most humbly prayed that the appeal of the appellant may be accepted as prayed for.



APPELLANT
Kamal Ahmad

THROUGH:-



(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT



(ASAD MEHMOOD)
ADVOCATE HIGH COURT

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

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dp-mrd@p.gov.pk

BO
2020

CHARGE SHEET

I, Dr. Zahid Ullah (PSP), District Police Officer Mardan, as competent authority hereby charge Constable Kamal Khan No.910, while posted at Traffic Staff (now under Police Lines), as per attached Statement of Allegations.

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

You are, therefore, required to submit your written defense within 07 days of the receipt of this Charge Sheet to the Enquiry Officer, as the case may be.

Your written defense, if any, should reach the Enquiry Officers within the specified period, failing which, it shall be presumed that you have no defense to put-in and in that case, no further action shall follow against you.

Intimate whether you desired to be heard in person.

(Dr. Zahid Ullah) PSP
District Police Officer
Mardan

ATTESTED

Better copy - page - 6

**OFFICE OF THE
DISTRICT POLICE OFFICER
MARDAN**

CHARGE SHEET

1. I, Dr. zahid Ullah (PSP) District police officer as Competent authority, hereby charge constable Kamal Khan No. while posted as Traffic Staff (now under suspension police lines) as per attached statement of allegations.

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

3. You are, therefore required to submit your written defence within 07 days of the receipt of the charge sheet to the enquiry officer, as the case may be.

Your written defense, if any, should reach the enquiry officers within the specific period failing which it shall be presumed that you have no defense to put -in and in that case ex-parte action shall follow against you.

Intimate whether you desired to be heard in person.

**(Dr. Zahid ullah) PSP
District Police Officer
Mardan**

ARRESTED

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

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpo.mardan@p.punjab.gov.pk

2020

3/59 JPA

Dated 5/1/2020

DISCIPLINARY ACTION

I, Dr. Zahid Ullah (PSP), District Police Officer Mardan, as competent authority
do hereby report that Constable Kamal Khan No.910, himself liable to be proceeded against, as he
is guilty of the following acts/omissions within the meaning of Police Rules: 1975

STATEMENT OF ALLEGATIONS

Whereas, Constable Kamal Khan No.910, while posted at Traffic Staff (now
under suspension Police Lines), has been involved in a case vide FIR No.1048 dated 20-09-2020 U.S 419,
420, 468, 451, 188 & 34 PPC Police Station Hoti, regarding solving his B-I papers through unfair means.

For the purpose of scrutinizing the conduct of the said accused official with
reference to the above allegations, Mr. Bashir Ahmad SDPO TBI is nominated as Enquiry Officer.

The Enquiry Officer shall, in accordance with the provision of Police Rules 1975,
provide reasonable opportunity of hearing to the accused Police Officer, record/submit his findings and
make within (30) days of the receipt of this order, recommendations as to punishment or other appropriate
action against the accused Official.

Constable Kamal Khan is directed to appear before the Enquiry Officer on the
date & time and place fixed by the Enquiry Officer.

(Dr. Zahid Ullah) PSP
District Police Officer
Mardan

0/1

[Signature]

Better Copy Page - 7

OFFICE OF THE
DISTRICT POLICE OFFICER
MARDAN

No.368/PA

Dated 5/10/2020

DISCIPLINARY PROCEEDING

1. I, Dr. Zahid Ullah (PSP) District Police Officer Mardan as Competent authority am of the opinion that Constable Kamal Khan No. 910, himself liable to proceeded against, as he committed the following acts/omission within the meaning of Police Rules 1975.

STATEMENT OF ALLEGATIONS

Whereas, **Constable Kamal Khan No. 910**, While posted as Traffic Staff (now under suspension police lines) have been involved in a case vide FIR No.1048 dated 20.09.2020 U/S 419, 420, 468 451, 188 & 34 PPC Police Station Hoti, Regarding solving his B-1 papers through unfair means.

For the purpose of scrutinizing the conduct of the said accused official with reference to the above allegations, **Mr. Bashir Ahmad SDPO TBI is nominated as Enquiry officer.**

The Enquiry Officer shall, in accordance with the provision of Police Rules 1975, provides reasonable opportunity of hearing to the accused Police Officer, record/submit his finding and make within (30) days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused official.

Constable Kamal Khan is directed to appear before the enquiry officer on the date + place fixed by the enquiry officer.

(Dr. Zahid ullah) PSP
District Police Officer
Mardan


ATTESTED

بیان ازاں کنسٹیبل کمال احمد بٹ نمبر (910)

جناب عالی!

بحوالہ چارج شیٹ نمبر 368/PA مورخہ 05.10.2020 مجاریہ دفتر جناب ڈسٹرکٹ پولیس آفیسر صاحب مردان خلفاً معروض خدمت ہوں کہ من سائل سال 2013 کا بھرتی شدہ ہے سائل نے پہلی مرتبہ اچھے نمبروں سے اے ون پاس کیا ہے بعد ازاں سائل نے B-One امتحان کیلئے اپلائی کیا تھا جس میں سائل کا نام ETEA بورڈ کی طرف سے بمطابق رول نمبر سلسلہ آیا تھا (رول نمبر سلسلہ ہمراہ لف بیان ہذا ہے) من سائل نے مقررہ تاریخ اور وقت پر امتحان دینے کیلئے امتحان ہال (سپورٹس کمپلیکس مردان) پہنچا اور اپنا B-One پیپر شفاف طریقے سے بورڈ آف ایٹا کے حکم کے مطابق حل کیا۔

دوران امتحان باقاعدہ ایٹا بورڈ کی طرف سے کیمرہ مین اور دیگر شفاف (Invigilators) مختص کئے گئے تھے اور باقاعدہ ہال سپرنٹنڈنٹ موجود تھا جو کہ شفاف اور ہال کی نگرانی کر رہا تھا، من سائل اپنی سیٹ پر بیٹھا تھا ویڈیو ریکارڈنگ متعلقہ شفاف کے ساتھ موجود ہے شیٹ پر میرے درست طور اپنی دستخط ثبت کر کے ایٹا پیپر تسلی کے ساتھ لکھ کر متعلقہ ایٹا شفاف کو حوالہ کیا ہے۔

جہاں تک FIR میں ذکر ہے کہ من سائل غلط طریقہ سے پرچہ حل کر رہا تھا اندریں بارہ سائل مکمل بے گناہ ہوں اگر ایسی کوئی بات ہوتی تو یہ ذمہ داری متعلقہ ہال سپرنٹنڈنٹ کی ہے کہ اگر کوئی بد عنوانی وغیرہ ہو تو سپرنٹنڈنٹ صاحب اختیار ہے کہ وہ اس بابت قصور وار اہلکار کا پیپر کینسل کریں یا تحریری کمپلیٹ کریں مگر میرے خلاف کسی قسم کی کوئی کمپلیٹ نہیں ہے اس لئے کہ ایٹا شفاف کے متعلقہ انویجیلیٹر کے ساتھ مقررہ وقت پر میں نے پیپر حل کر کے جمع کیا تھا، یہاں یہ بات قابل ذکر ہے کہ پچھلی مرتبہ امتحان میں بد عنوانی کی باعث 200/300 اہلکاران کے خلاف ایٹا کیخلاف سے کمپلیٹ تھا جس میں بعدہ انکو آڑی ہو کر جملہ انکو آڑی فائل کی گئی تھی۔

مزید معروض خدمت ہوں کہ اس FIR کی بابت اپنی بے گناہی ثابت کرنے کی خاطر من سائل (قرآن مجید) کی 30 پاروں کے ایک ایک حرف پر قسم کھاتا ہوں کہ FIR مذکورہ سے میرا کوئی تعلق نہیں ہے بلکل جھوٹ پر مبنی ہے سائل اپنا ایمان اس دنیا کی عارضی عہدوں پر ہرگز خراب نہیں کر سکتا۔

افسران بالا کی خدمت میں عاجزانہ عرض ہے کہ FIR میں جو مستغیث ہے اس کو طلب کر کے (قرآن مجید) پر قسم اٹھائے کہ اس FIR مذکورہ اس نے صحیح کیا ہے یا نہیں اور اگر صحیح کیا ہے تو حال میں موجود ایٹا شفاف کو پر کیوں نظر انداز کیا گیا جو کہ انکی ذمہ داری تھی۔

استدعا ہے کہ من سائل کو انصاف دی جا کر جاری شدہ چارج شیٹ بغیر کسی کارروائی کے داخل دفتر جائیں یہی میرا بیان ہے جو کہ اللہ تعالیٰ کے فضل و کرم سے حق سچ ہے۔

العارض:-

ATTESTED

کنسٹیبل کمال نمبر 910 متعینہ پولیس لائن۔

دستخط انگریزی



OFFICE OF THE
SUB-DIVISIONAL POLICE OFFICER,
TAKHT BHAI CIRCLE

Tel. & Fax: 0937552211, E-Mail: dsp.tbh@gmail.com

No. /SS7 /ST, Dated: 28 / 12 / 2020.

E 9

To,
THE DISTRICT POLICE OFFICER,
MARDAN.

Subject: DISCIPLINARY ACTION AGAINST CONSTABLE KAMAL NO. 910

Memo:

Kindly refer to your office Diary No. 368/PA, dated 05.10.2020.

BRIEF FACTS:

Constable Kamal No. 910, while posted at Traffic Staff (now under suspension Police Lines), has been involved in a case vide FIR No. 1048 dated 20.09.2020 at 419 420 468 451, 188 & 34 PPC Police Station Hoti, regarding solving the B I papers through unfair means.

The competent authority designated undersigned as enquiry officer

PROCEEDINGS:

Enquiry proceedings were initiated and the alleged Constable Kamal No. 910 was summoned. A copy of charge sheet was handed over to him accordingly. He produced his written statement and he was heard in person (Annex, "A"). He stated that he was not using unfair means to solve the paper. He added that the FIR is false.

Constable Kamal No. 910 was questioned and counter questioned at length. While proceeding further in the enquiry, investigation officer of the case was summoned and the report was perused. A report/statement of Investigation Officer was submitted (Annex, "B").

OBSERVATIONS:

The undersigned went through the contents of FIR, statement of the delinquent police official, report of investigation officer and other record


ATTESTED

10

Including case file, the following observations were made:

1. Constable Kamal No. 910 was found guilty during the course of investigation.
2. Delinquent constable being part of discipline force failed to maintain discipline in the hall of examination.
3. He was solving B1 paper through unfair means and cheating which is against the rules of B1 examination hall.

RECOMMENDATION:

Keeping in view the above facts, it is recommended that Constable Kamal No. 910 may please be awarded Major Punishment, if agreed.



Muhammad Qasim Khan (PSP)
Sub-Divisional Police Officer,
Tukht Bhui



ATTESTED

Better copy page. 9d

**OFFICE OF THE
SUB-DIVISIONAL POLICE OFFICER
TAKHT BHAI CIRCLE**

No. 1559/ST, Dated 28/12/2020

To

**THE DISTRICT POLICE OFFICER,
MARDAN**

**Subject: DISCIPLINARY ACTION AGAINST CONSTABLE KANMAL NO.910
Memo.**

Kindly Refer to your office Diary No 368/PA dated 05.10.2020.

BRIEF FACTS:

Constable Kamal No.910 While posted as Traffic Staff (now under suspension Police Lines) have been involved in a case vide FIR No.1048 dated 20.09.2020 U/S 419, 420, 468 451, 188 & 34 PPC Police Station Hoti, Regarding solving his B-1 papers through unfair means.

The competent authority designated undersigned as Enquiry officer

PROCEEDINGS:

Enquiry proceeding were initiated and the alleged Constable Kamal No. 910 was summoned and copy of charge sheet was handed over to him accordingly. He produced his written statement and he was heard in person (**Annex-"A"**). He stated that he was not using unfair means to solve the paper. He added that FIR is false.

Constable Kamal No.910 was questioned and counter questioned at length. While proceeding further in the enquiry, Investigation Officer of the case was summoned and the case file was pursued. A report/statement of investigation Officer was also got recorded. (**Annex-"B"**)

OBSERVATIONS:

The undersigned went through the contents of FIR, statement of the delinquent police official, report of investigation officer and other record including case file, the following observations were made.

1. Constable Kamal No910 was found guilty during the course of investigation.
2. Delinquent constable being part of discipline force failed to maintain in the hall of examination.
3. He was solving B-1 paper through unfair means and cheating which is against the rules of B-1 examination hall.

Th
ATTESTED

Better copy page-10

RECOMMENDATION:

Keeping in view the above facts, it is recommended that constable Kamal No.910 may please be awarded Major Punishment, if agreed.

Muhammad Qasim Khan (PSP)
Sub-Divisional Police Officer,
Takht Bhai


ATTESTED



OFFICE OF THE
SUB-DIVISIONAL POLICE OFFICER,
TAKHT BHAI CIRCLE

Tel. & Fax: 0937552211, E-Mail: dsp.tbh@gmail.com

No. /557 /ST, Dated: 28 / 12/2020.

E (9)

To,
THE DISTRICT POLICE OFFICER,
MARDAN.

Subject: DISCIPLINARY ACTION AGAINST CONSTABLE KAMAL NO. 910

Memo:

Kindly refer to your office Diary No. 368/PA, dated 05.10.2020.

BRIEF FACTS:

Constable Kamal No. 910, while posted at Traffic Staff (now under suspension Police Lines), has been involved in a case vide FIR No. 1048 dated 20.09.2020 of/19-420-468, 451, 188 & 34 PPC Police Station Hou, regarding solving no. B I papers through unfair means.

The competent authority designated undersigned as enquiry officer

PROCEEDINGS:

Enquiry proceedings were initiated and the alleged Constable Kamal No. 910 was summoned and copy of charge sheet was handed over to him accordingly He produced his written statement and he was heard in person (Annex, "A") He stated that he was not using unfair means to solve the paper. He added that the FIR is false

Constable Kamal No. 910 was questioned and counter questioned at length. While proceeding further in the enquiry, investigation officer of the case was summoned and his statement was perused. A report/statement of Investigation Officer was also submitted (Annex, "B").

OBSERVATIONS:

The undersigned went through the contents of FIR, statement of the delinquent police official, report of investigation officer and other record


ATTESTED

Better copy page-11

**OFFICE OF THE
DISTRICT POLICE OFFICER
MARDAN**

No.4316-19

Dated 29.12.2020

ORDER ON ENQUIRY OF CONSTABLE KAMAL KHAN NO.910

This order will dispose-off a departmental Enquiry under Police Rules 1975, initiated against the subject official, under the allegations that while posted at Traffic staff (now under suspension Police Lines Mardan) was placed under suspension vide this office order OB No. 1620 dated 02.09.2020, issued vide order/endorsement No.4841-44/EC dated 23.09.2020 on account of solving his B-1 paper through unfair means & involving in a case vide FIR No.1048 dated 20.09.2020 U/S 419,420,468,451,188,24 PPC PS Hoti.

To ascertain real facts, he was proceeded against departmentally through Mr. Muhammad Qais Khan SDPO Takht-Bhai vide this office. Statement of Disciplinary Action/Charge Sheet No.368/PA dated 05.10.2020, who (E.O) after fulfilling necessary process, submitted his finding report to this vide his letter No.1559/ST dated 28.12.2020 holding responsible the alleged official of misconduct & recommended for major punishment.

Final order

Constable Kamal Khan was heard in OR on 29.12.2020, who failed to present any plausible reasons in his defence, therefore, awarded him major punishment of dismissal from service with immediate effect, in exercise of the power vested in me under Police Rules-1975.

OB. No 2324

Dated 29/12/2020

**(Dr. Zahid Ullah) PSP
District Police Officer
Mardan**

Copy forwarded for information & n/action to:-

- 1) The Regional Police Officer Mardan, please.
- 2) The SP/Investigation & DSP/HQrs Mardan.
- 3) The P.O & E.C (Police Office) Mardan.
- 4) The OSI (Police Office) Mardan with () Sheets.


ATTESTED

درخواست برائے بحالی سروس (اپیل) 12

خدمات عالی

حوالہ تقویٰ انٹرنیٹ PA/19-4516-29-12-29
محترم صاحب - DPO صاحب روان

سروس خدمت دہوں، میں سائیل کو خوردہ 29/12 کو حساب DPO صاحب نے 31 امتحان دینے میں
نقل کرنے پر رضامند کیا ہے۔ یہ کہ میں سائیل ان مصلحتوں کو حلقاً بیان کر رہا ہوں کہ
سائیل کوئی نقل و سیر نہیں کیا ہے۔ یہ کہ میں سائیل بگناہ ہے۔ اور نہ ہی سائیل کے
خلاف (ETEA) کی طرف سے کوئی کمپلیٹ نہیں ہے۔ یہ کہ سائیل ٹوری کا خواہشمند ہے
جو کہ سائیل ایٹ ذہن گوانے سے تعلق رکھتا ہے۔ اور سائیل کا کوئی اور آئڈن بھی نہیں
ہے لہذا سائیل پھر کی خریدی کو مدنظر رکھتے ہوئے دوبارہ نوٹری پر بحال کرنے کا
حکم صادر فرمائیں اور شکریہ ادا کرنا

عین وارث پوری

القاضی

آگے کا باع زمانہ 910

Amal

0310-1915094

الرقوم 01
05 21

ATTESTED

ORDER

H (13)

This order will dispose off the departmental appeal preferred by Ex-Constable Kamal Khan No. 910 of Mardan District Police against the order of District Police Officer, Mardan, whereby he was awarded major punishment of dismissal from service vide OB: No. 2324 dated 29.12.2020. The appellant was proceeded against departmentally on the allegations that he while posted at Traffic Staff, Mardan was found involved in a case FIR No. 1048 dated 20.09.2020 u/s 419/420/468/451/188/34 PPC Police Station Hoti, District Mardan being involved in unfair means during B-I examination.

Proper departmental enquiry proceedings were initiated against him. He was issued Charge Sheet alongwith Statement of Allegations and Sub-Divisional Police Officer, Takht Bhal, Mardan was nominated as Enquiry Officer. The Enquiry Officer after fulfilling codal formalities submitted his findings wherein he recommended the delinquent Officer for major punishment.

He was also provided opportunity of self defense by summoning him in the Orderly Room by the District Police Officer, Mardan on 29.12.2020, but he failed to advance any cogent reasons in his defense. Hence, he was awarded major punishment of dismissal from service vide OB: No. 2324 dated 29.12.2020.

Feeling aggrieved from the order of District Police Officer, Mardan, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in this office on 20.01.2021.

From the perusal of the enquiry file and service record of the appellant, it has been found that allegations of misconduct against the appellant have been proved beyond any shadow of doubt. Being a member of disciplined/uniformed force, the involvement of the delinquent Officer in such like activities has brought a bad name to the entire Police Force in the eyes of the general public. Hence, the retention of appellant in Police Department will stigmatize the prestige of entire Police Force as instead of fighting crime, he has himself indulged in criminal activities.

Keeping in view the above, I, Sher Akbar, PSP S.St Regional Police Officer, Mardan, being the appellate authority, find no substance in the appeal, therefore, the same is rejected and filed, being devoid of merit.

Order Announced.


Regional Police Officer,
Mardan.

No. 391 /ES, Dated Mardan the 22 - 01 - 2021.

Copy forwarded to District Police Officer, Mardan for information and necessary w/r to his office Memo: No. 15/LB dated 14.01.2021. His service record is returned herewith.

ATTESTED

(*****)

I. 14

**IN THE COURT OF UBaidULLAH
ADDITIONAL SESSIONS JUDGE-III, MARDAN.**

Petition No. 438/BBA of 2020

Kamal Ahmad..... versus The state.

**ORDER-07
08.12.2020**

Accused/petitioner on ad-interim pre-arrest bail along with counsel present. APP for the State present.

Accused/petitioner Kamal Ahmad s/o Iftikhar Ahmad r/o Mohallah Yaqoob, Kot Ismailzai, Tehsil and District, Mardan, seeks confirmation of his bail before arrest already granted by this Court vide order dated 21.09.2020 in case FIR No.1043 dated 20.09.2020 under sections 419/420/468/451/188/34 PPC of Police Station Hoti, Mardan.

As per the case record, Mr.Ashiq Hussain SHO, complainant herein, accompanied by other police officials, while allegedly checking security arrangements in connection of ETA B-1 examination at Sports Complex University Road, found two persons, that is co-accused namely Wisal and constable Hayat No.2931 with the said co-accused Wisal having in his hands answer sheet in the name of Kamal, the present accused-petitioner, bearing No.910 serial No.09696 while the co-accused Hayat, when his body search was carried out, was found having concealed in his trouser fold three duplicate copies of answer sheet. Reportedly, on brief interrogation, it was found that the co-accused Hayat, on pretext of going for urination, had come out from the examination Hall and he was solving his paper there while co-accused Wisal was solving paper of his brother, that is of the present accused-petitioner. Thus, they along with the present accused-petitioner were charged for offences under the sections of law *ibid*.

Arguments by learned counsel for the accused-petitioner on one side and other side opposed by learned APP heard, record perused.

438
BBA

بہ ندرت

21/9/20

دور

8/12/20

منہ

Mardan

Add: District & Seesion Judge-III
Mardan

**IN THE COURT OF UBAIDULLAH
ADDITIONAL SESSIONS JUDGE-III, MARDAN.**

Petition No. 438/BBA of 2020

Kamal Ahmad..... versus The state.

The learned counsel for the accused-petitioner, while arguing in support of his pre-arrest bail petition, submitted that accused/petitioner is innocent and has falsely been charged in the case on the basis of mala fide by complainant, no any specific occurrence could be shown by the local police, co-accused have already been on bail of the allegations, thus, requested for acceptance/confirmation of his instant BBA.

APP for state resisted the BBA application in hand and rebutted arguments advanced by the learned counsel for accused/petitioner by submitting that accused/petitioner nominated by co-accused. He further argued that the offence is of heinous nature affecting the society at large, thus, he is not entitled to extra ordinary concession of bail.

It has not been mentioned in the murasila and FIR as to whether the present accused-petitioner for whom his co-accused brother namely Wisal was solving the paper was himself present in the examination Hall or not. If he was there, why not apprehended. How his answer sheet came into the hands of his co-accused brother is another factor requiring further probe into the matter. The co-accused from whom recovery the answer sheets has been shown and on whose statement the present accused-petitioner has been nominated in the case has already been released on bail, therefore, rule of consistency is also attracted to the case of present accused-petitioner. The offences 420,451 and 188 PPC are bailable in nature while remaining sections of law does not fall within the prohibitory clause of section 497 Cr.P.C. Thus, handing him over to the local police would serve no useful purpose. It has been held by the Superior Courts of the country that if case of the accused is found arguable for the grant of post arrest bail, then pre arrest bail can also be granted to him.

2

9/12/20

Addl. District & Session Judge-III
Mardan

16

**IN THE COURT OF UBAlDULLAH,
ADDITIONAL SESSIONS JUDGE-III, MARDAN.**

Petition No. 438/BBA of 2020

Kamal Ahmad..... versus The state.

Consequently, the instant BBA petition of the accused/petitioner Kamal Ahmad is hereby allowed and the ad-interim bail already granted to him is hereby confirmed on the existing bail bonds:

Record be returned and file of this court be consigned to the Record Room after its completion and compilation.

Announced
08.12.2020



(Ubaidullah)
Additional Sessions Judge-III,
Mardan

8/12/2020

Add: District & Seesion Judge-III
Mardan

Handwritten marks at the bottom of the page.

VAKALAT NAMA

NO. _____/2021

IN THE COURT OF KP Secuire Tribunal, Peshawar

Kamal Ahmad

(Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Police Deptt

(Respondent)
(Defendant)

I/We, Kamal Ahmad

Do hereby appoint and constitute **Taimur Ali Khan, Advocate High Court Peshawar**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/We authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated _____/2021

Kamal
(CLIENT)

Asad Mahmood
Advocate

ACCEPTED

Taimur Ali Khan
Advocate High Court
BC-10-4240
CNIC: 17101-7395544-5
Cell No. 0333-9390916

OFFICE:

Room # FR-8, 4th Floor,
Bilour Plaza, Peshawar,
Cantt: Peshawar

08/12 C | کورٹ
**BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR.**

Service Appeal No. 2961/2021

Kamal Ahmad, Ex-Constable No.910, District Police
Mardan.....Appellant

VERSUS

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

.....Respondents

INDEX

S. No.	Description of Documents	Annexure	Pages.
1.	Written Reply.	----	1-3
2.	Affidavit.	----	4
3.	Copy of List of Bad Entries	A	5-8
4.	Copy of FIR	B	9
5.	Copy of Charge Sheet & Enquiry	C & D	10-14
6.	Copy of Dismissal and Rejection Orders	E & F	15-17
7.	Copy of Authority Letter.	----	18

C کورٹ ①

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR.

Service Appeal No. 296D/2021

Kamal Ahmad, Ex-Constable No.910, District Police
Mardan.....

Appellant

VERSUS

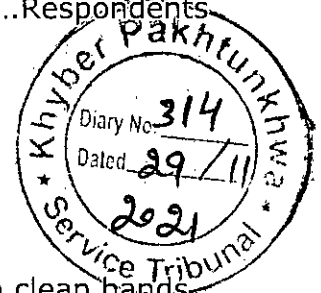
The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and others.

.....Respondents

Para-wise reply by respondents:-

Respectfully Sheweth,

PRELIMINARY OBJECTIONS



1. That the appellant has not approached this Hon'ble Tribunal with clean hands.
2. That the appellant has concealed the actual facts from this Hon'ble Tribunal.
3. That the appellant has got no cause of action or locus standi to file the instant appeal.
4. That the appellant is estopped by his own conduct to file the instant Service Appeal.
5. That the appeal is unjustifiable, baseless, false, flawless and vexatious and the same is liable to be dismissed with special compensatory cost in favour of respondents.
6. That the appeal is barred by law and limitation.

REPLY ON FACTS

1. Para to the extent of enlistment in Police Department of appellant pertains to record needs no comments, while rest of the Para is not plausible because every Police Officer / Official is under obligation to perform his duty regularly and with devotion. But appellant's performance was not satisfactory. Moreover, the perusal of service record of the appellant revealed that due to his lethargic attitude his entire service record is tainted with bad entries (**Copy of list of bad entries are attached as Annexure "A"**).
2. Correct to the extent that the appellant passed A-1 examination and applied for B-1 examination, which was conducted at Sport Complex Mardan. However, rest of para is incorrect hence, denied. Moreover, on 20.09.2020 B-I examination was in progress at Sport Complex Mardan and security duty was assigned to SHOs Police Stations City and Hoti. During checking of security, the SHO Hoti noticed that 02 persons are sitting on the ground near the examination hall. On enquiry by the SHO Hoti, they disclosed their names as Wisal s/o Iftikhar Ahmad r/o Garhi Kapura and Constable Hayat No. 2931 posted at Police Station Saddar. Both of these above named persons were found having answer sheets and B-1 book in the name of Kamal by Wisal while three answer sheets were recovered from Constable Hayat. Hence a proper case vide FIR No. 1048 dated 20.09.2020 u/s 419/420/468/451/188/34 PPC Police Station Hoti Mardan was registered, photo copy of **FIR is annexed as Annexure "B"**. The SHO has

performed his legal duties and he has no grudges against the appellant, therefore, stance of the appellant is devoid of legal footing.

3. Correct to the extent that the appellant was issued charge sheet with statement of allegations on the account of his involvement in the aforementioned FIR. The said enquiry was entrusted to the then SDPO Takht Bhai Mardan, who after fulfilling all legal and codal formalities held the appellant responsible.
4. Incorrect the appellant was issued Charge Sheet with statement of allegations and enquiry was entrusted to the then SDPO Takht Bhai Mardan. Enquiry Officer summoned the appellant and copies of charge sheet with statement of allegations were handed over to him. Enquiry Officer during the course of enquiry provided personal hearing opportunity to the appellant and he was also questioned and counter questioned at length, but he failed to produce any cogent evidence in his defense. Therefore, the Enquiry Officer recommended the appellant for awarding major punishment (**Copy charge sheet with statement of allegations and enquiry report are annexed as annexure "C" & "D"**).
5. Incorrect. The DPO Mardan also called the appellant for Orderly Room on 29.12.2020 by providing right of self defense, but he failed to justify his innocence, therefore, he was awarded major punishment of dismissal from service which does commensurate with the gravity of misconduct of appellant. Besides, the appellant preferred departmental appeal and the appellate authority after paying due consideration, summoned and heard the appellant in Orderly Room held on 20.01.2021, but he bitterly failed to produce any cogent reason in his defense. Therefore, the same was rejected and filed being devoid of merit (**Copy of dismissal & rejection orders are enclosed as Annexure "E & F"**).
6. That appeal of the appellant is liable to be dismissed on the following grounds amongst the others.


REPLY ON GROUNDS:

- A. Incorrect. Plea taken by the appellant is not plausible the orders passed by the competent authority as well as appellate authority are legal, lawful and according to norms of natural justice. Hence, liable to be maintained.
- B. Incorrect the appellant was issued Charge Sheet with statement of allegations and enquiry was entrusted to the then SDPO Takht Bhai Mardan. Enquiry Officer summoned the appellant and copies of charge sheet with statement of allegations were handed over to him. The enquiry officer during the course of enquiry recorded statement of appellant and heard in person and he was also questioned and counter questioned at length, but he failed to produce any cogent evidence in his defense, however, after fulfillment of all legal and codal formalities, the Enquiry Officer recommended the appellant for awarding major punishment and he was also summoned by the competent authority in Orderly Room on 29.12.2020, but this time too, he failed to justify his innocence, therefore, he was awarded major punishment of dismissal from service, which does commensurate with the gravity of

- misconduct of the appellant. Moreover, the respondent did not violate any law & rules, hence, the order liable to be maintained.
- C. Para pertains to ETEA needs no comments. While rest of para is not plausible because SHO has just performed his legal duty and he has no grudges against the appellant, hence, plea of the appellant is totally baseless.
- D. Incorrect para already explained needs no comments.
- E. Incorrect. As discussed earlier the SHO has no grudges / ill-will against the appellant therefore, stance taken by the appellant has no legal footings to stand on.
- F. Incorrect. Para explained earlier needs no comments.
- G. Incorrect stance taken the appellant is totally devoid of merit because he has been arrested red handed being indulged in unfair means.
- H. Incorrect. Plea taken by the appellant is bereft of any substance because criminal and departmental proceedings are two different entities which can run parallel and the fate of criminal case will have no effects on the departmental proceedings. Besides, release on bail does not mean acquittal from the charges rather the same is released from the custody.
- I. Incorrect. Para explained earlier needs no comments.
- J. Incorrect. Stance taken by the appellant is not plausible he was heard and treated as per law and rules.
- K. That the respondents also seek permission of this Honorable Tribunal to raise additional grounds at the time of arguments.

PRAYER:-

It is therefore, most humbly prayed that on acceptance of above submissions, appeal of the appellant may very kindly be dismissed with costs.


Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.
 (Respondent No. 01)


Regional Police Officer,
Mardan
 (Respondent No. 02)


District Police Officer,
Mardan.
 (Respondent No. 03)

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

Service Appeal No. 2961/2021

Kamal Ahmad, Ex-Constable No.910, District Police
Mardan.....Appellant

VERSUS

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

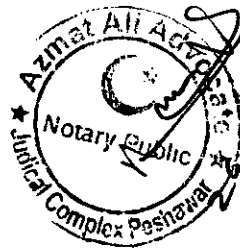
COUNTER AFFIDAVIT.

We, the respondents do hereby declare and solemnly affirm on oath that the contents of the Para-wise comments in the service appeal cited as subject are true and correct to the best of our knowledge and belief and nothing has been concealed from this Honourable Tribunal.

[Signature]
**Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.**
(Respondent No. 01)

[Signature]
**Regional Police Officer,
Mardan**
(Respondent No. 02)

ATTESTED



[Signature]
**District Police Officer,
Mardan.**
(Respondent No. 03)

Serial No.

14. COMMENDATORY ENTRIES.

Passed A-1 Exam held on
23-04-017.

JK
District Police Officer
Mardan

ORDER

He is hereby under suspension & close
to Police Line with immediate effect on
charges solving his B-1 paper through unfair means

OB NO 1626
21/09/2020

AK
DPO Mardan

ORDER

Awarded 01 day Quarter guard

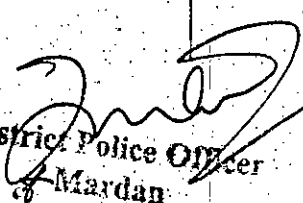
OB NO 1660
28/9/2020

DPO MRD

ORDER

Awarded him Major punishment of dismissal
From service with immediate effect.

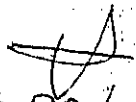
OB NO : 2324
Dated : 29-12-2020


District Police Officer
Mardan

ORDER

Awarded him appeal is rejected
vide RPO mardan order endst NO. 391/ES
dt 22/01/2021.

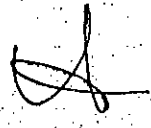
OB NO :
dt :


DPO/MRD

(10)

ORDER

Awarded him appeal is Rejected vide
AIG HQRs Peshawar order no: 3171-80/
dt: 06/7/21.


DPO/MRD

Form No. 118-11293-01/1/2017

(17)

(2)

7

(Continued)

ALL OF

16. CENSURES AND PUNISHMENTS, ... Contd.

days extra drill for his absence

SB No. 1208
22-5-14

DPO/MR

⑧

16. LEAVE, ABSENCE AND BREAKS IN SERVICE.

All Periods not counting as "approved service" to be entered in red ink.

1.		2.			3.	4.
Date		Extent			No. Of District Order	Description of leave i.e privilege hospital, sick leave or of absence, or forfeiture of approved service.
From	To	Years	Months	Days		
				③	1208 22-5-14	Leave w/o pay - DPO/MR
				①	1806 26-8-14	— d — DPO/MR
				①	1983 23-9-14	— d — DPO/MR
				①	2112 16-10-14	— d — DPO/MR
				①	2253 11-11-14	— d — DPO/MR
				②	521 26-2-16	— do — DPO/MR
				⑮	2205 29/10/18	EX-Pakistan DPO/MR leave



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

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpomdn@gmail.com

2020

Annex C
10

No. 368 /PA

Dated 5/10/2020

DISCIPLINARY ACTION

I, Dr. Zahid Ullah (PSP), District Police Officer Mardan, as competent authority am of the opinion that Constable Kamal Khan No.910, himself liable to be proceeded against, as he committed the following acts/omissions within the meaning of Police Rules 1975.

STATEMENT OF ALLEGATIONS

Whereas, Constable Kamal Khan No.910, while posted at Traffic Staff (now under suspension Police Lines), has been involved in a case vide FIR No.1048 dated 20-09-2020 U/S 419, 420, 468, 451, 188 & 34 PPC Police Station Hoti, regarding solving his B-I papers through unfair means.

For the purpose of scrutinizing the conduct of the said accused official with reference to the above allegations, Mr. Bashir Ahmad SDPO TBI is nominated as Enquiry Officer.

The Enquiry Officer shall, in accordance with the provision of Police Rules 1975, provides reasonable opportunity of hearing to the accused Police Officer, record/submit his findings and make within (30) days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused Official.

Constable Kamal Khan is directed to appear before the Enquiry Officer on the date + time and place fixed by the Enquiry Officer.


(Dr. Zahid Ullah) PSP
District Police Officer
Mardan

②

OFFICE OF THE
DISTRICT POLICE OFFICER,
MARDAN

④

⑤

⑥

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpomdn@gmail.com



CHARGE SHEET

I, Dr. Zahid Ullah (PSP), District Police Officer Mardan, as competent authority, hereby charge Constable Kamal Khan No.910, while posted at Traffic Staff (now under suspension Police Lines), as per attached Statement of Allegations.

1. By reasons of above, you appear to be guilty of misconduct under Police Rules, 1975 and have rendered yourself liable to all or any of the penalties specified in Police Rules, 1975.
2. You are, therefore, required to submit your written defense within 07 days of the receipt of this Charge Sheet to the Enquiry Officer, as the case may be.
3. Your written defense, if any, should reach the Enquiry Officers within the specified period, failing which, it shall be presumed that you have no defense to put-in and in that case, ex-parte action shall follow against you.
4. Intimate whether you desired to be heard in person.


(Dr. Zahid Ullah) PSP
District Police Officer
Mardan

(12)



Amar D
**OFFICE OF THE
SUB-DIVISIONAL POLICE OFFICER,
TAKHT BHAI CIRCLE**

Tel. & Fax: 0937552211, E-Mail: dsp.tbi@gmail.com

No. 1559 /ST, Dated: 28 / 12/2020.

To, THE DISTRICT POLICE OFFICER,
MARDAN.

Subject: DISCIPLINARY ACTION AGAINST CONSTABLE KAMAL NO. 910

Memo: Kindly refer to your office Diary No. 368/PA, dated 05.10.2020.

BRIEF FACTS:

Constable Kamal No. 910, while posted at Traffic Staff (now under suspension Police Lines), has been involved in a case vide FIR No. 1048 dated 20.09.2020 u/s 419, 420, 468, 451, 188 & 34 PPC Police Station Hoti, regarding solving his B-I papers through unfair means.

The competent authority designated undersigned as enquiry officer.

PROCEEDINGS:

Enquiry proceedings were initiated and the alleged Constable Kamal No. 910 was summoned and copy of charge sheet was handed over to him accordingly. He produced his written statement and he was heard in person (Annex, "A"). He stated that he was not using unfair means to solve the paper. He added that the FIR is false.

Constable Kamal No. 910 was questioned and counter questioned at length. While proceeding further in the enquiry, investigation officer of the case was summoned and the case file was perused. A report/statement of Investigation Officer was also got recorded (Annex, "B").

OBSERVATIONS:

The undersigned went through the contents of FIR, statement of the delinquent police official, report of investigation officer and other record

9/2

(13) (P)

1

During case file, the following observations were made:

1. Constable Kamal No. 910 was found guilty during the course of investigation.
2. Delinquent constable being part of discipline force failed to maintain discipline in the hall of examination.
3. He was solving B1 paper through unfair means and cheating which is against the rules of B1 examination hall.

RECOMMENDATION:

Keeping in view the above facts, it is recommended that Constable Kamal No. 910 may please be awarded Major Punishment, if agreed.

Muhammad Qasim Khan (PSP)
Sub-Divisional Police Officer,
Takht Bhai

The officer was heard in O.R.
He was given opportunity to
clarify his position but in
vain. The officer was caught
cheating during BI exam.
Keeping in view, the findings of the
EO & material on record
Constable Kamal 910 is awarded
major punishment of dismissal
P.T.O

From service with
immediate effect.

Incl

29.12.2020



No. 368

am of
of

بیان از اس کنشیل کمال احمد پلٹ نمبر (910)

14

جناب عالی!

بحوالہ چارج شیٹ نمبری 368/PA مورخہ 05.10.2020 بجاریہ دفتر جناب ڈسٹرکٹ پولیس آفیسر صاحب
حلفاً معروض خدمت ہوں کہ من ساٹل سال 2013 کا بھرتی شدہ ہے۔ ساٹل نے پہلی مرتبہ اچھے نمبروں سے اے ون پاس کیا ہے۔
ساٹل نے B-One امتحان کیلئے اپلائی کیا تھا جس میں ساٹل کا نام ETEA بورڈ کی طرف سے برطابق رول نمبر سلیپ آیا تھا۔ (رول نمبر
ہمراہ لف بیان ہذا ہے) من ساٹل نے مقررہ تاریخ اور وقت پر امتحان دینے کیلئے امتحان ہال (سپورٹس کیمپلیکس مردان) پہنچا اور اپنا B-One
پیپر شفاف طریقے سے بورڈ آف ایٹا کے حکم کے مطابق حل کیا۔

دوران امتحان باقاعدہ ایٹا بورڈ کی طرف سے کیمرہ مین اور دیگر شٹاف (Invigilators) مختص کئے گئے تھے اور باقاعدہ
ہال سپرنٹنڈنٹ موجود تھا جو کہ شٹاف اور ہال کی نگرانی کر رہا تھا۔ من ساٹل اپنی سیٹ پر بیٹھا تھا ویڈیو ریکارڈنگ متعلقہ شٹاف کے ساتھ موجود ہے
شیٹ پر میرے درست طور پر اپنی دستخط ثبت کر کے اپنا پیپر تسلی کے ساتھ لکھ کر متعلقہ ایٹا شٹاف کو حوالہ کیا ہے۔

جہاں تک FIR میں ذکر ہیکہ من ساٹل غلط طریقہ سے پرچہ حل کر رہا تھا، اندریں بارہ ساٹل مکمل بے گناہ ہوں اگر ایسی کوئی
بات ہوتی تو یہ ذمہ داری متعلقہ ہال سپرنٹنڈنٹ کی ہے کہ اگر کوئی بدعنوانی وغیرہ ہو تو سپرنٹنڈنٹ صاحب اختیار ہیکہ وہ اس بابت قصور وار اہلکار
کا پیپر کینسل کریں یا تحریری کمپلیٹ کریں۔ مگر میرے خلاف کسی قسم کی کوئی کمپلیٹ نہیں ہے اسلئے کہ ایٹا شٹاف کے متعلقہ انویجیلیٹر کیساتھ مقررہ
وقت پر میں نے پیپر حل کر کے جمع کیا تھا۔ یہاں یہ بات قابل ذکر ہیکہ، پچھلی مرتبہ امتحان میں بدعنوانی کی باعث 200/300 اہلکاران
کیخلاف ایٹا کی طرف سے کمپلیٹ تھا جس میں بعدہ انکواریزی ہو کر جملہ انکواریز فائل کی گئی تھی۔

مزید معروض خدمت ہوں کہ، اس FIR کی بابت اپنی بے گناہی ثابت کرنیکی خاطر من ساٹل (قرآن مجید) کی 30
پاروں کے ایک ایک حرف پر قسم کھاتا ہوں کہ FIR مذکورہ سے میرا کوئی تعلق نہیں ہے، بلکل جھوٹ پر مبنی ہے۔ ساٹل اپنا ایمان اس دنیا کی
عارضی عہدوں پر ہرگز خراب نہیں کر سکتا۔

افسران بالا کی خدمت میں عاجزانہ عرض ہیکہ FIR میں جو مستغیث ہے اس کو طلب کر کے (قرآن مجید) پر قسم اٹھانے کے
اس FIR مذکورہ اس نے صحیح کیا ہے یا نہیں اور اگر صحیح کیا ہے تو حال میں موجود ایٹا شٹاف کو پر کیوں نظر انداز کیا گیا جو کہ انکی ذمہ داری تھی۔
استدعا ہیکہ من ساٹل کو انصاف دی جا کر جاری شدہ چارج شیٹ بغیر کسی کارروائی کے داخل دفتر فرمائی جائیں۔ یہی میرا
بیان ہے جو کہ اللہ تعالیٰ کے فضل و کرم سے حق سچ ہے۔

العارض!

کنشیل کمال نمبر 910 متعینہ پولیس لائن۔



15

Annex 'E'
(6)

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

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpomdn@gmail.com



No. 45/16-18/PA

Dated 29/12/2020

ORDER ON ENQUIRY OF CONSTABLE KAMAL KHAN NO.910

This order will dispose-off a Departmental Enquiry under Police Rules 1975, initiated against the subject official, under the allegations that while posted at Traffic Staff (now under suspension Police Lines Mardan), was placed under suspension vide this office OB No. 1626 dated 02.09.2020, issued vide order/endorsement No. 4841-44/EC dated 23.09.2020 on account of solving his B-I paper through unfair means & involving in a case vide FIR No. 1048 dated 20.09.2020 U/S 419, 420, 468, 451, 188, 34 PPC PS Hoti.

To ascertain real facts, he was proceeded against departmentally through Mr. Muhammad Qais Khan SDPO Takht-Bhai vide this office Statement of Disciplinary Action/Charge Sheet No.368/PA dated 05-10-2020, who (E.O) after fulfilling necessary process, submitted his Finding Report to this office vide his office letter No.1559/ST dated 28-12-2020, holding responsible the alleged official of misconduct & recommended for major punishment.

Final Order

Constable Kamal Khan was heard in OR on 29-12-2020, who failed to present any plausible reasons in his defense, therefore, awarded him major punishment of dismissal from service with immediate effect, in exercise of the power vested in me under Police Rules-1975.

OB No. 2324

Dated 29/12/2020.

(Dr. Zahid Ullah) PSP
District Police Officer
Mardan

Copy forwarded for information & n/action to:-

- 1) The Regional Police Officer Mardan, please.
- 2) The SP/Investigation & DSP/HQrs Mardan.
- 3) The P.O & E.C (Police Office) Mardan.
- 4) The OSI (Police Office) Mardan with () Sheets.

Annexure
(F)

16

ORDER.

This order will dispose-off the departmental appeal preferred by Ex-Constable Kamal Khan No. 910 of Mardan District Police against the order of District Police Officer, Mardan, whereby he was awarded major punishment of dismissal from service vide OB: No. 2324 dated 29.12.2020. The appellant was proceeded against departmentally on the allegations that he while posted at Traffic Staff, Mardan was found involved in a case FIR No. 1048 dated 20.09.2020 u/s 419/420/468/451/188/34-PPC Police Station Hoti, District Mardan being involved in unfair means during B-I examination.

Proper departmental enquiry proceedings were initiated against him. He was issued Charge Sheet alongwith Statement of Allegations and Sub Divisional Police Officer, Takht Bhal, Mardan was nominated as Enquiry Officer. The Enquiry Officer after fulfilling codal formalities submitted his findings, wherein he recommended the delinquent Officer for major punishment.


He was also provided opportunity of-self defense by summoning him in the Orderly Room by the District Police Officer, Mardan on 29.12.2020, but he failed to advance any cogent reasons in his defense. Hence, he was awarded major punishment of dismissal from service vide OB: No. 2324 dated 29.12.2020.

Feeling aggrieved from the order of District Police Officer, Mardan, the appellant preferred the Instant appeal. He was summoned and heard in person in Orderly Room held in this office on 20.01.2021.

From the perusal of the enquiry file and service record of the appellant, it has been found that allegations of misconduct against the appellant have been proved beyond any shadow of doubt. Being a member of disciplined/uniformed force, the involvement of the delinquent Officer in such like activities has brought a bad name to the entire Police Force in the eyes of the general public. Hence, the retention of appellant in Police Department will stigmatize the prestige of entire Police Force as instead of fighting crime, he has himself indulged in criminal activities.

Keeping in view the above, I, Sher Akbar, PSP S.St Regional Police Officer, Mardan, being the appellate authority, find no substance in the appeal, therefore, the same is rejected and filed, being devoid of merit.

Order Announced.


Regional Police Officer,
Mardan.

6044
25-1-21

No. 391 /ES, Dated Mardan the 22 - 01 /2021.

✓ Copy forwarded to District Police Officer, Mardan for information and necessary w/r to his office Memo: No. 15/LB dated 14.01.2021. His service record is returned herewith.

DSP/Ka/IE & N
for information

(*****)

DP/Mardan

17

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-FC Kamal Khan No. 910. The petitioner was dismissed from service by District Police Officer, Mardan vide OB No. 2324, dated 2.2.2020 on the allegations that he while posted at Traffic staff, Mardan was found involved in a case FIR 1048, dated 20.09.2020 u/s 419/420/468/451/188/34-PPC Police Station Hoti, District Mardan being involved in unfair means during B-1 examination. His appeal was rejected by Regional Police Officer, Mardan vide order Endst: No. 391/ES, dated 22.01.2021.

Meeting of Appellate Board was held on 15.07.2021 wherein petitioner was heard in person. Petitioner denied the allegations leveled against him.

Perusal of enquiry papers reveals that the allegations leveled against the petitioner have been proved beyond any shadow of doubt. Being a member of disciplined/uniformed force, the involvement of petitioner in such like activities has brought a bad name to the entire Police Force in the eyes of the general public. Moreover, the retention of applicant in Police Department will stigmatize the prestige of entire Police Force as instead of fighting crime, he has himself indulged in criminal activities. The Board sees no ground and reasons for acceptance of his petition, therefore, the Board decided that his petition is hereby rejected.

Encl: S- Roll
F. Missal

Sd/-
KASHIF ALAM, PSP
Additional Inspector General of Police,
HQrs: Khyber Pakhtunkhwa, Peshawar.

No. S/ 3171-8021, dt 06/08/2021

Copy of the above is forwarded to the:

1. Regional Police Officer, Mardan. One Service Roll and one Fauji Missal of the above named Ex-FC received vide your office Memo: No. 1164/ES, dated 26.02.2021 is returned herewith for your office record.
2. District Police Officer, Mardan.
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.

NO 4302/ES
Dt: 13/8/21



EC/DPO, Mardan
For information
along with S-Record

(IRFAN ULLAH KHAN) PSP
AIG Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

EC
for information.

RPO, Mardan
12/8/21

DPO, Mardan
17/8/21

Su
P3 attached
AEC
12/8

06/09/21

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

Service Appeal No. 29610/2021


Kamal Ahmad, Ex-Constable No.910, District Police
Mardan.....Appellant


VERSUS


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

AUTHORITY LETTER.

Mr. Khyal Roz Inspector Legal, (Police) Mardan is hereby authorized to appear before the Honourable Service Tribunal, Khyber Pakhtunkhwa, Peshawar in the above captioned service appeal on behalf of the respondents. He is also authorized to submit all required documents and replies etc. as representative of the respondents through the Addl: Advocate General/Govt. Pleader, Khyber Pakhtunkhwa Service Tribunal, Peshawar.


**Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.**
(Respondent No. 01)


**Regional Police Officer,
Mardan**
(Respondent No. 02)


**District Police Officer,
Mardan.**
(Respondent No. 03)



**KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

No. 943 /ST

Dated: 25-4- /2022

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281
Fax:- 091-9213262

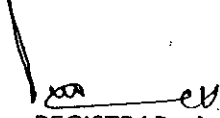
To

The District Police Officer,
Government of Khyber Pakhtunkhwa,
Mardan.

Subject: JUDGMENT IN APPEAL NO. 2960/2021 MR. KAMAL AHMAD & 1 OTHER.

I am directed to forward herewith a certified copy of Judgement dated 24.01.2022 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR.

امیر احمد

Service Appeal No. 296D/2021

Kamal Ahmad, Ex-Constable No.910, District Police
Mardan.....Appellant

VERSUS

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

INDEX

S. No.	Description of Documents	Annexure	Pages.
1.	Written Reply.	----	1-3
2.	Affidavit.	----	4
3.	Copy of List of Bad Entries	A	5-8
4.	Copy of FIR	B	9
5.	Copy of Charge Sheet & Enquiry	C & D	10-14
6.	Copy of Dismissal and Rejection Orders	E & F	15-17
7.	Copy of Authority Letter.	----	18

Oin Jit

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

Service Appeal No. 296D/2021

Kamal Ahmad, Ex-Constable No.910, District Police
Mardan.....Appellant

VERSUS

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

Para-wise reply by respondents:-

Respectfully Sheweth,

PRELIMINARY OBJECTIONS

1. That the appellant has not approached this Hon'ble Tribunal with clean hands.
2. That the appellant has concealed the actual facts from this Hon'ble Tribunal.
3. That the appellant has got no cause of action or locus standi to file the instant appeal.
4. That the appellant is estopped by his own conduct to file the instant Service Appeal.
5. That the appeal is unjustifiable, baseless, false, flawless and vexatious and the same is liable to be dismissed with special compensatory cost in favour of respondents.
6. That the appeal is barred by law and limitation.

REPLY ON FACTS

1. Para to the extent of enlistment in Police Department of appellant pertains to record needs no comments, while rest of the Para is not plausible because every Police Officer / Official is under obligation to perform his duty regularly and with devotion. But appellant's performance was not satisfactory. Moreover, the perusal of service record of the appellant revealed that due to his lethargic attitude his entire service record is tainted with bad entries (**Copy of list of bad entries are attached as Annexure "A"**).
2. Correct to the extent that the appellant passed A-1 examination and applied for B-1 examination, which was conducted at Sport Complex Mardan. However, rest of para is incorrect hence, denied. Moreover, on 20.09.2020 B-I examination was in progress at Sport Complex Mardan and security duty was assigned to SHOs Police Stations City and Hoti. During checking of security, the SHO Hoti noticed that 02 persons are sitting on the ground near the examination hall. On enquiry by the SHO Hoti, they disclosed their names as Wisal s/o Iftikhar Ahmad r/o Garhi Kapura and Constable Hayat No. 2931 posted at Police Station Saddar. Both of these above named persons were found having answer sheets and B-1 book in the name of Kamal by Wisal while three answer sheets were recovered from Constable Hayat. Hence a proper case vide FIR No. 1048 dated 20.09.2020 u/s 419/420/468/451/188/34 PPC Police Station Hoti Mardan was registered, photo copy of **FIR is annexed as Annexure "B"**. The SHO has

performed his legal duties and he has no grudges against the appellant, therefore, stance of the appellant is devoid of legal footing.

3. Correct to the extent that the appellant was issued charge sheet with statement of allegations on the account of his involvement in the aforementioned FIR. The said enquiry was entrusted to the then SDPO Takht Bhai Mardan, who after fulfilling all legal and codal formalities held the appellant responsible.
4. Incorrect the appellant was issued Charge Sheet with statement of allegations and enquiry was entrusted to the then SDPO Takht Bhai Mardan. Enquiry Officer summoned the appellant and copies of charge sheet with statement of allegations were handed over to him. Enquiry Officer during the course of enquiry provided personal hearing opportunity to the appellant and he was also questioned and counter questioned at length, but he failed to produce any cogent evidence in his defense. Therefore, the Enquiry Officer recommended the appellant for awarding major punishment (**Copy charge sheet with statement of allegations and enquiry report are annexed as annexure "C" & "D"**).
5. Incorrect. The DPO Mardan also called the appellant for Orderly Room on 29.12.2020 by providing right of self defense, but he failed to justify his innocence, therefore, he was awarded major punishment of dismissal from service which does commensurate with the gravity of misconduct of appellant. Besides, the appellant preferred departmental appeal and the appellate authority after paying due consideration, summoned and heard the appellant in Orderly Room held on 20.01.2021, but he bitterly failed to produce any cogent reason in his defense. Therefore, the same was rejected and filed being devoid of merit (**Copy of dismissal & rejection orders are enclosed as Annexure "E & F"**).
6. That appeal of the appellant is liable to be dismissed on the following grounds amongst the others.

REPLY ON GROUNDS:


- A. Incorrect. Plea taken by the appellant is not plausible the orders passed by the competent authority as well as appellate authority are legal, lawful and according to norms of natural justice. Hence, liable to be maintained.
- B. Incorrect the appellant was issued Charge Sheet with statement of allegations and enquiry was entrusted to the then SDPO Takht Bhai Mardan. Enquiry Officer summoned the appellant and copies of charge sheet with statement of allegations were handed over to him. The enquiry officer during the course of enquiry recorded statement of appellant and heard in person and he was also questioned and counter questioned at length, but he failed to produce any cogent evidence in his defense, however, after fulfillment of all legal and codal formalities, the Enquiry Officer recommended the appellant for awarding major punishment and he was also summoned by the competent authority in Orderly Room on 29.12.2020, but this time too, he failed to justify his innocence, therefore, he was awarded major punishment of dismissal from service, which does commensurate with the gravity of

misconduct of the appellant. Moreover, the respondent did not violate any law & rules, hence, the order liable to be maintained.

- C. Para pertains to ETEA needs no comments. While rest of para is not plausible because SHO has just performed his legal duty and he has no grudges against the appellant, hence, plea of the appellant is totally baseless.
- D. Incorrect para already explained needs no comments.
- E. Incorrect. As discussed earlier the SHO has no grudges / ill-will against the appellant therefore, stance taken by the appellant has no legal footings to stand on.
- F. Incorrect. Para explained earlier needs no comments.
- G. Incorrect stance taken the appellant is totally devoid of merit because he has been arrested red handed being indulged in unfair means.
- H. Incorrect. Plea taken by the appellant is bereft of any substance because criminal and departmental proceedings are two different entities which can run parallel and the fate of criminal case will have no effects on the departmental proceedings. Besides, release on bail does not mean acquittal from the charges rather the same is released from the custody.
- I. Incorrect. Para explained earlier needs no comments.
- J. Incorrect. Stance taken by the appellant is not plausible he was heard and treated as per law and rules.
- K. That the respondents also seek permission of this Honorable Tribunal to raise additional grounds at the time of arguments.

PRAYER:-

It is therefore, most humbly prayed that on acceptance of above submissions, appeal of the appellant may very kindly be dismissed with costs.


**Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.**
(Respondent No. 01)


**Regional Police Officer,
Mardan**
(Respondent No. 02)


**District Police Officer,
Mardan.**
(Respondent No. 03)

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR.

Service Appeal No. 2961/2021


Kamal Ahmad, Ex-Constable No.910, District Police
Mardan.....Appellant

VERSUS

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

COUNTER AFFIDAVIT.

We, the respondents do hereby declare and solemnly affirm on oath that the contents of the Para-wise comments in the service appeal cited as subject are true and correct to the best of our knowledge and belief and nothing has been concealed from this Honourable Tribunal.


Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.
(Respondent No. 01)


Regional Police Officer,
Mardan
(Respondent No. 02)


District Police Officer,
Mardan.
(Respondent No. 03)

14. COMMENDATORY ENTRIES.

Serial No.

Passed A-1 Exam held on
23-04-017.

JK
District Police Officer
Mardan

ORDER

He is hereby under suspension & close
to Police Line with immediate effect on
charges solving his B-1 paper through unfair means

OB NO 1626
24/09/2020

AK
DPO Mardan

ORDER

Awarded 01 day Quarter guard

OB NO 1660
28/9/2020

A
DPO MRD

ORDER

Awarded him Major punishment of dismissal
From service with immediate effect.

OB NO : 2324
Dated : 29-12-2020


District Police Officer
Mardan

ORDER

Awarded him appeal is rejected
vide RPO mardan order endst no. 391/ES
dt 22/01/2021.

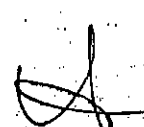
OB NO :
dt :


DPO/MRD

(10)

ORDER

Awarded him appeal is Rejected vide
~~and~~ AIG HODs Peshawar order no. 3171-80/
dt. 06.7.21.


DPO/MRD

Form No. 110-11293-011

(11)

(12)

ILL OF

15. CENSURES AND PUNISHMENTS, ... Contd.

days extra drill for his absence

SB No 1208
22-5-14

DPO/MR

(4)

16. LEAVE, ABSENCE AND BREAKS IN SERVICE.

All Periods not counting as "approved service" to be entered in red ink.

1.		2.			3.	4.
Date		Extent			No. Of District Order	Description of leave i.e privilege hospital, sick leave or of absence, or forfeiture of approved service.
From	To	Years	Months	Days		
				(3)	1208 22-5-14	Leave w/o pay - DPO/MR
				(1)	1806 26-8-14	do - DPO/MR
				(1)	1983 23-9-14	do - DPO/MR
				(1)	2112 16-10-14	do - DPO/MR
				(1)	2253 11-11-14	do - DPO/MR
				(2)	521 26-2-16	do - DPO/MR
				(15)	2205 29/10/18	EX-Pakistan DPO/MR leave

ابتدائی اطلاع رپورٹ

کے 7585657-5
 16101-16101
 2020-2020
 11:25
 11:25

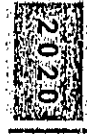
ملحق	سرطان	تاریخ	20/12/20	وقت	10:35
33	1048	تاریخ و وقت رپورٹ	20/12/20	وقت	10:55
نام و سکونت اطلاع دہندہ	0334-232227	شناختی کارڈ نمبر / سولہاکی نمبر	عاشق حسین SHO		
تفصیلی کیفیت جرم (موردہ)	420-468-451-188	ہجرت نمبر	419-419		
جائے وقوعہ	34	نام و سکونت ملزم	عاشق حسین SHO		
کارروائی جو تفتیش کے متعلق کی گئی	2931	کارروائی جو تفتیش کے متعلق کی گئی	2931		

ابتدائی اطلاع نیچے درج کرو۔
 20/12/20
 10:55
 34
 419-419
 2931
 2931
 420-468-451-188
 0334-232227
 عاشق حسین SHO
 11:25
 11:25



OFFICE OF THE
DISTRICT POLICE OFFICER,
MARDAN

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpomdn@gmail.com



No. 368 /PA

Dated 5/10/2020

DISCIPLINARY ACTION

I, Dr. Zahid Ullah (PSP), District Police Officer Mardan, as competent authority am of the opinion that Constable Kamal Khan No.910, himself liable to be proceeded against, as he committed the following acts/omissions within the meaning of Police Rules 1975.

STATEMENT OF ALLEGATIONS

Whereas, Constable Kamal Khan No.910, while posted at Traffic Staff (now under suspension Police Lines), has been involved in a case vide FIR No.1048 dated 20-09-2020 U/S 419, 420, 468, 451, 188 & 34 PPC Police Station Hoti, regarding solving his B-I papers through unfair means.

For the purpose of scrutinizing the conduct of the said accused official with reference to the above allegations, Mr. Bashir Ahmad SDPO TBI is nominated as Enquiry Officer.

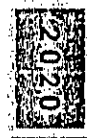
The Enquiry Officer shall, in accordance with the provision of Police Rules 1975, provides reasonable opportunity of hearing to the accused Police Officer, record/submit his findings and make within (30) days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused Official.

Constable Kamal Khan is directed to appear before the Enquiry Officer on the date + time and place fixed by the Enquiry Officer.


(Dr. Zahid Ullah) PSP
District Police Officer
Mardan

② OFFICE OF THE (W) (7) /
DISTRICT POLICE OFFICER,
MARDAN

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpomdn@gmail.com



CHARGE SHEET

I, Dr. Zahid Ullah (PSP), District Police Officer Mardan, as competent authority, hereby charge Constable Kamal Khan No.910, while posted at Traffic Staff (now under suspension Police Lines), as per attached Statement of Allegations.

1. By reasons of above, you appear to be guilty of misconduct under Police Rules, 1975 and have rendered yourself liable to all or any of the penalties specified in Police Rules, 1975.
2. You are, therefore, required to submit your written defense within 07 days of the receipt of this Charge Sheet to the Enquiry Officer, as the case may be.
3. Your written defense, if any, should reach the Enquiry Officers within the specified period, failing which, it shall be presumed that you have no defense to put-in and in that case, ex-parte action shall follow against you.
4. Intimate whether you desired to be heard in person.


(Dr. Zahid Ullah) PSP
District Police Officer
Mardan



A. M. ...
**OFFICE OF THE
SUB-DIVISIONAL POLICE OFFICER,
TAKHT BHAI CIRCLE**

Tel. & Fax: 0937552211, E-Mail: dsp.tbi@gmail.com

No. 1559 /ST, Dated: 28 / 12/2020.

To, THE DISTRICT POLICE OFFICER,
MARDAN.

Subject: DISCIPLINARY ACTION AGAINST CONSTABLE KAMAL NO. 910

Memo: Kindly refer to your office Diary No. 368/PA, dated 05.10.2020.

BRIEF FACTS:

Constable Kamal No. 910, while posted at Traffic Staff (now under suspension Police Lines), has been involved in a case vide FIR No. 1048 dated 20.09.2020 u/s 419, 420, 468, 451, 188 & 34 PPC Police Station Hoti, regarding solving his B-I papers through unfair means.

The competent authority designated undersigned as enquiry officer.

PROCEEDINGS:

Enquiry proceedings were initiated and the alleged Constable Kamal No. 910 was summoned and copy of charge sheet was handed over to him accordingly. He produced his written statement and he was heard in person (Annex, "A"). He stated that he was not using unfair means to solve the paper. He added that the FIR is false.

Constable Kamal No. 910 was questioned and counter questioned at length. While proceeding further in the enquiry, investigation officer of the case was summoned and the case file was perused. A report/statement of Investigation Officer was also got recorded (Annex, "B").

OBSERVATIONS:

The undersigned went through the contents of FIR, statement of the delinquent police official, report of investigation officer and other record

9/2

10

1

During case file, the following observations were made:

1. Constable Kamal No. 910 was found guilty during the course of investigation.
2. Delinquent constable being part of discipline force failed to maintain discipline in the hall of examination.
3. He was solving B1 paper through unfair means and cheating which is against the rules of B1 examination hall.

RECOMMENDATION:

Keeping in view the above facts, it is recommended that Constable Kamal No. 910 may please be awarded Major Punishment, if agreed.



Muhammad Qasim Khan (PSP)
Sub-Divisional Police Officer,
Takht Bhai

The officer was heard in O.R.
He was given opportunity to
clarify his position but in
vain. The officer was caught
cheating during B1 exam.

Keeping in view, the findings of the
EO & material on record
Constable Kamal 910 is awarded
major punishment of dismissal
P.T.O

جناب عالی!

بحوالہ چارج شیٹ نمبری PA/368 مورخہ 05.10.2020 مجاریہ دفتر جناب ڈسٹرکٹ پولیس آفیسر صاحب
حلفاً معروض خدمت ہوں کہ، من مسائل سال 2013 کا بھرتی شدہ ہے۔ مسائل نے پہلی مرتبہ اچھے نمبروں سے اے ون پاس کیا ہے۔
مسائل نے B-One امتحان کیلئے اپلائی کیا تھا جس میں مسائل کا نام ETEA بورڈ کی طرف سے برطابق رول نمبر سلیپ آیا تھا۔ (رول نمبر
ہمراہ لف بیان ہذا ہے) من مسائل نے مقررہ تاریخ اور وقت پر امتحان دینے کیلئے امتحان ہال (سپورٹس کمپلیکس مردان) پہنچا اور اپنا B-One
پہر شفاف طریقے سے بورڈ آف ایٹا کے حکم کے مطابق حل کیا۔

دوران امتحان باقاعدہ ایٹا بورڈ کی طرف سے کیمبرہ مین اور دیگر سٹاف (Invigilators) مختص کئے گئے تھے اور باقاعدہ
ہال سپرنٹنڈنٹ موجود تھا جو کہ سٹاف اور ہال کی نگرانی کر رہا تھا۔ من مسائل اپنی سیٹ پر بیٹھا تھا ویڈیو ریکارڈنگ متعلقہ سٹاف کے ساتھ موجود ہے
شیٹ پر میرے درست طور پر اپنی دستخط ثبت کر کے اپنا پیر تیلی کے ساتھ لکھ کر متعلقہ ایٹا سٹاف کو حوالہ کیا ہے۔

جہاں تک FIR میں ذکر ہیکہ من مسائل غلط طریقہ سے پرچہ حل کر رہا تھا، اندریں بارہ مسائل مکمل بے گناہ ہوں اگر ایسی کوئی
بات ہوتی تو یہ ذمہ داری متعلقہ ہال سپرنٹنڈنٹ کی ہے کہ اگر کوئی بدعنوانی وغیرہ ہو تو سپرنٹنڈنٹ صاحب اختیار ہیکہ وہ اس بابت قصور وار اہلکار
کا پیپر کینسل کریں یا تحریری کمپلیٹ کریں۔ مگر میرے خلاف کسی قسم کی کوئی کمپلیٹ نہیں ہے اسلئے کہ ایٹا سٹاف کے متعلقہ انویجیلیٹر کیا تھا مقررہ
وقت پر میں نے پیر حل کر کے جمع کیا تھا۔ یہاں یہ بات قابل ذکر ہیکہ، پچھلی مرتبہ امتحان میں بدعنوانی کی باعث 200/300 اہلکاران
کیخلاف ایٹا کی طرف سے کمپلیٹ تھا جس میں بعدہ انکواری ہو کر جملہ انکواریز فائل کی گئی تھی۔

مزید معروض خدمت ہوں کہ، اس FIR کی بابت اپنی بے گناہی ثابت کر نیکی خاطر من مسائل (قرآن مجید) کی 30
پاروں کے ایک ایک حرف پر قسم کھاتا ہوں کہ FIR مذکورہ سے میرا کوئی تعلق نہیں ہے، بلکل جھوٹ پڑنی ہے۔ مسائل اپنا ایمان اس دنیا کی
عارضی عہدوں پر ہرگز خراب نہیں کر سکتا۔

افسران بالا کی خدمت میں عاجزانہ عرض ہیکہ FIR میں جو مستغیث ہے اس کو طلب کر کے (قرآن مجید) پر قسم اٹھانے کے
اس FIR مذکورہ اس نے صحیح کیا ہے یا نہیں اور اگر صحیح کیا ہے تو حال میں موجود ایٹا سٹاف کو پر کیوں نظر انداز کیا گیا جو کہ انکی ذمہ داری تھی۔
استدعا ہیکہ من مسائل کو انصاف دی جا کر جاری شدہ چارج شیٹ بغیر کسی کارروائی کے داخل دفتر فرمائی جائیں۔ یہی میرا
بیان ہے جو کہ اللہ تعالیٰ کے فضل و کرم سے حق سچ ہے۔

العارض!

Kamal

کنسٹیبل کمال نمبر 910 متعینہ پولیس لائن۔



Annex 'E'
(6) (13)

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

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpomdn@gmail.com



No. 45/6-18 PA

Dated 29/12/2020

ORDER ON ENQUIRY OF CONSTABLE KAMAL KHAN NO.910

This order will dispose-off a Departmental Enquiry under Police Rules 1975, initiated against the subject official, under the allegations that while posted at Traffic Staff (now under suspension Police Lines Mardan), was placed under suspension vide this office OB No. 1626 dated 02.09.2020, issued vide order/endorsement No. 4841-44/EC dated 23.09.2020 on account of solving his B-I paper through unfair means & involving in a case vide FIR No. 1048 dated 20.09.2020 U/S 419, 420, 468, 451, 188, 34 PPC PS Hoti.

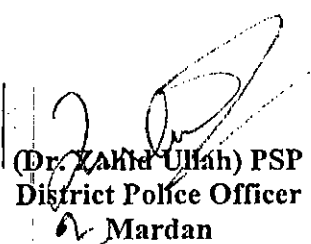
To ascertain real facts, he was proceeded against departmentally through Mr. Muhammad Qais Khan SDPO Takht-Bhai vide this office Statement of Disciplinary Action/Charge Sheet No.368/PA dated 05-10-2020, who (E.O) after fulfilling necessary process, submitted his Finding Report to this office vide his office letter No.1559/ST dated 28-12-2020, holding responsible the alleged official of misconduct & recommended for major punishment.

Final Order

Constable Kamal Khan was heard in OR on 29-12-2020, who failed to present any plausible reasons in his defense, therefore, awarded him major punishment of dismissal from service with immediate effect, in exercise of the power vested in me under Police Rules-1975.

OB No. 2324

Dated 29/12/2020.


(Dr. Zahid Ullah) PSP
District Police Officer
Mardan

Copy forwarded for information & n/action to:-

- 1) The Regional Police Officer Mardan, please.
- 2) The SP/Investigation & DSP/HQrs Mardan.
- 3) The P.O & E.C (Police Office) Mardan.
- 4) The OSI (Police Office) Mardan with () Sheets.

(14) Annexure
(F)

ORDER.

This order will dispose-off the departmental appeal preferred by Ex-Constable Kamal Khan No. 910 of Mardan District Police against the order of District Police Officer, Mardan, whereby he was awarded major punishment of dismissal from service vide OB: No. 2324 dated 29.12.2020. The appellant was proceeded against departmentally on the allegations that he while posted at Traffic Staff, Mardan was found involved in a case FIR No. 1048 dated 20.09.2020 u/s 419/420/468/451/188/34-PPC Police Station Hoti, District Mardan being involved in unfair means during B-I examination.

Proper departmental enquiry proceedings were initiated against him. He was issued Charge Sheet alongwith Statement of Allegations and Sub Divisional Police Officer, Takht Bhal, Mardan was nominated as Enquiry Officer. The Enquiry Officer after fulfilling codal formalities submitted his findings, wherein he recommended the delinquent Officer for major punishment.

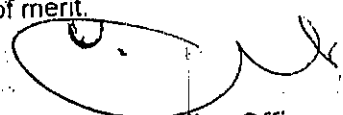
He was also provided opportunity of self defense by summoning him in the Orderly Room by the District Police Officer, Mardan on 29.12.2020, but he failed to advance any cogent reasons in his defense. Hence, he was awarded major punishment of dismissal from service vide OB: No. 2324 dated 29.12.2020.

Feeling aggrieved from the order of District Police Officer, Mardan, the appellant preferred the Instant appeal. He was summoned and heard in person in Orderly Room held in this office on 20.01.2021.

From the perusal of the enquiry file and service record of the appellant, it has been found that allegations of misconduct against the appellant have been proved beyond any shadow of doubt. Being a member of disciplined/uniformed force, the involvement of the delinquent Officer in such like activities has brought a bad name to the entire Police Force in the eyes of the general public. Hence, the retention of appellant in Police Department will stigmatize the prestige of entire Police Force as instead of fighting crime, he has himself indulged in criminal activities.

Keeping in view the above, I, Sher Akbar, PSP S.St Regional Police Officer, Mardan, being the appellate authority, find no substance in the appeal, therefore, the same is rejected and filed, being devoid of merit.

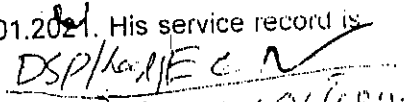
Order Announced.


Regional Police Officer,
Mardan.

6041
25-1-21

No. 391 /ES, Dated Mardan the 22 - 01 /2021.

✓ Copy forwarded to District Police Officer, Mardan for information and necessary w/r to his office Memo: No. 15/LB dated 14.01.2021. His service record is returned herewith.


DSP/Karim
For all action.

(*****)

D.P.O. Mardan

(1)
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-FC Kamal Khan No. 910. The petitioner was dismissed from service by District Police Officer, Mardan vide OB No. 2324, dated 2.2.2020 on the allegations that he while posted at Traffic staff, Mardan was found involved in a case FIR No. 1048, dated 20.09.2020 u/s 419/420/468/451/188/34-PPC Police Station Hoti, District Mardan being involved in unfair means during B-1 examination. His appeal was rejected by Regional Police Officer, Mardan vide order Endst: No. 391/ES, dated 22.01.2021.

Meeting of Appellate Board was held on 15.07.2021 wherein petitioner was heard in person. Petitioner denied the allegations leveled against him.

Perusal of enquiry papers reveals that the allegations leveled against the petitioner have been proved beyond any shadow of doubt. Being a member of disciplined/uniformed force, the involvement of petitioner in such like activities has brought a bad name to the entire Police Force in the eyes of the general public. Moreover, the retention of applicant in Police Department will stigmatize the prestige of entire Police Force as instead of fighting crime, he has himself indulged in criminal activities. The Board see no ground and reasons for acceptance of his petition, therefore, the Board decided that his petition is hereby rejected.

*Encl: S. Roll
F. Missal*

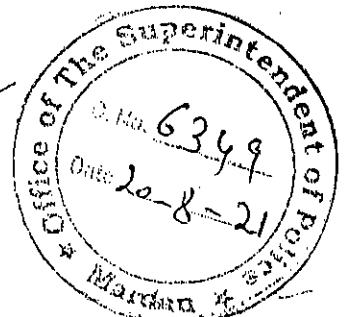
Sd/-
KASHIF ALAM, PSP
Additional Inspector General of Police,
HQs: Khyber Pakhtunkhwa, Peshawar.

No. S. 3171-80/21, dt. 06/08/2021

Copy of the above is forwarded to the:

1. Regional Police Officer, Mardan. One Service Roll and one Fauji Missal of the above named Ex-FC received vide your office Memo: No. 1164/ES, dated 26.02.2021 is returned herewith for your office record.
2. District Police Officer, Mardan.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
5. PA to Addl: IGP/HQs: Khyber Pakhtunkhwa, Peshawar.
6. PA to DIG/HQs: Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-IV CPO Peshawar.

*NO 4302/ES.
Dt: 13/8/21*



EC/DPO, Mardan

*For information
along with S. Record*

(IRFAN ULLAH KHAN) PSP
AIG Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

*EC
for inspection.*

*DPO Mardan,
17/8/21*

*Sd/-
Attached
M
ALEC
12/8*

*RPO Mardan
12/8/21*

no signature

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

Service Appeal No. 2960/2021

Kamal Ahmad, Ex-Constable No.910, District Police
Mardan.....Appellant


VERSUS

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

.....Respondents

AUTHORITY LETTER.

Mr. Khyal Roz Inspector Legal, (Police) Mardan is hereby authorized to appear before the Honourable Service Tribunal, Khyber Pakhtunkhwa, Peshawar in the above captioned service appeal on behalf of the respondents. He is also authorized to submit all required documents and replies etc. as representative of the respondents through the Addl: Advocate General/Govt. Pleader, Khyber Pakhtunkhwa Service Tribunal, Peshawar.


**Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.**
(Respondent No. 01)


**Regional Police Officer,
Mardan**
(Respondent No. 02)


**District Police Officer,
Mardan.**
(Respondent No. 03)

BEFORE THE KP SERVICE TRIBUNAL, PESHAWAR.

Put up to the worthy chairman
with relevant appeal.

Appeal No. _____/2021



Kamal Ahmad

11/6/2021

V/S

Police Deptt:

Readw

.....
**APPLICATION FOR FIXING OF AN EARLY DATE OF
HEARING IN THE ABOVE TITLED APPEAL INSTEAD OF 29.08.2021**
.....

RESPECTFULLY SHEWETH:

1. That the appellant has filed the instant appeal against the order dated 29.12.2020, where the appellant has dismissed from service.
2. That the instant appeal was fixed for preliminary hearing on 03.05.2021, however due to sad demise of Honourable Chairman of KP Service Tribunal, the Service was non-functional and case was adjourned to 18.07.2021 on date fixed i.e 03.05.2021.
3. That as the appellant was dismissed from service, due to which his financial position is very hard and not bearable.
4. That it will be in the interest of justice to fix the case at an early date.

It is, therefore, most humbly prayed that on acceptance of this application, an early date of hearing may kindly be fixed in the above Service Appeal instead of 18.07.2021.

Fix in July, 2021.

THROUGH:

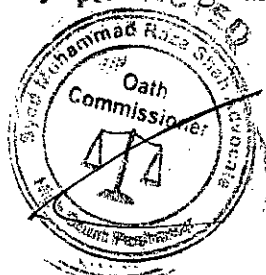
17/6/2021

APPELLANT

(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT,

AFFIDAVIT:

It is affirmed and declared that the contents of the above Application are true and correct to the best of my knowledge and belief.



DEPONENT

BEFORE THE KP SERVICE TRIBUNAL, PESHAWAR.

Appeal No. _____/2021

Kamal Ahmad

V/S

Police Deptt:

.....
**APPLICATION FOR FIXING OF AN EARLY DATE OF
HEARING IN THE ABOVE TITLED APPEAL INSTEAD OF 29.08.2021**
.....

RESPECTFULLY SHEWETH:

1. That the appellant has filed the instant appeal against the order dated 29.12.2020, where the appellant has dismissed from service.
2. That the instant appeal was fixed for preliminary hearing on 03.05.2021, however due to sad demise of Honourable Chairman of KP Service Tribunal, the Service was non-functional and case was adjourned to 18.07.2021 on date fixed i.e 03.05.2021.
3. That as the appellant was dismissed from service, due to which his financial position is very hard and not bearable.
4. That it will be in the interest of justice to fix the case at an early date.

It is, therefore, most humbly prayed that on acceptance of this application, an early date of hearing may kindly be fixed in the above Service Appeal instead of 18.07.2021.

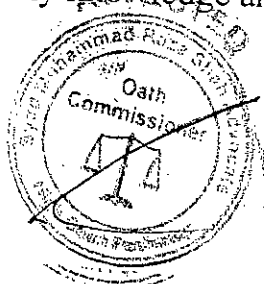
APPELLANT

THROUGH:


(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT,

AFFIDAVIT:

It is affirmed and declared that the contents of the above Application are true and correct to the best of my knowledge and belief.




DEPONENT

BEFORE THE KP SERVICE TRIBUNAL, PESHAWAR.

Appeal No. _____/2021

Kamal Ahmad

V/S

Police Deptt:

.....
**APPLICATION FOR FIXING OF AN EARLY DATE OF
HEARING IN THE ABOVE TITLED APPEAL INSTEAD OF 29.08.2021**
.....

RESPECTFULLY SHEWETH:

1. That the appellant has filed the instant appeal against the order dated 29.12.2020, where the appellant has dismissed from service.
2. That the instant appeal was fixed for preliminary hearing on 03.05.2021, however due to sad demise of Honourable Chairman of KP Service Tribunal, the Service was non-functional and case was adjourned to 18.07.2021 on date fixed i.e 03.05.2021.
3. That as the appellant was dismissed from service, due to which his financial position is very hard and not bearable.
4. That it will be in the interest of justice to fix the case at an early date.

It is, therefore, most humbly prayed that on acceptance of this application, an early date of hearing may kindly be fixed in the above Service Appeal instead of 18.07.2021.

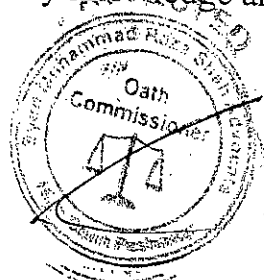
APPELLANT

THROUGH:


(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT,

AFFIDAVIT:

It is affirmed and declared that the contents of the above Application are true and correct to the best of my knowledge and belief.




DEPONENT

BEFORE THE KP SERVICE TRIBUNAL, PESHAWAR.

Appeal No. _____/2021

Kamal Ahmad

V/S

Police Deptt:

.....
**APPLICATION FOR FIXING OF AN EARLY DATE OF
HEARING IN THE ABOVE TITLED APPEAL INSTEAD OF 29.08.2021**
.....

RESPECTFULLY SHEWETH:

1. That the appellant has filed the instant appeal against the order dated 29.12.2020, where the appellant has dismissed from service.
2. That the instant appeal was fixed for preliminary hearing on 03.05.2021, however due to sad demise of Honourable Chairman of KP Service Tribunal, the Service was non-functional and case was adjourned to 18.07.2021 on date fixed i.e 03.05.2021.
3. That as the appellant was dismissed from service, due to which his financial position is very hard and not bearable.
4. That it will be in the interest of justice to fix the case at an early date.

It is, therefore, most humbly prayed that on acceptance of this application, an early date of hearing may kindly be fixed in the above Service Appeal instead of 18.07.2021.

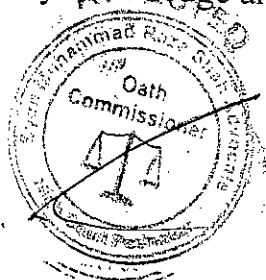
APPELLANT

THROUGH:


(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT,

AFFIDAVIT:

It is affirmed and declared that the contents of the above Application are true and correct to the best of my knowledge and belief.




DEPONENT

BEFORE THE KP SERVICE TRIBUNAL, PESHAWAR.

Appeal No. _____/2021

Kamal Ahmad

V/S

Police Deptt:

.....
**APPLICATION FOR FIXING OF AN EARLY DATE OF
HEARING IN THE ABOVE TITLED APPEAL INSTEAD OF 29.08.2021**
.....

RESPECTFULLY SHEWETH:

1. That the appellant has filed the instant appeal against the order dated 29.12.2020, where the appellant has dismissed from service.
2. That the instant appeal was fixed for preliminary hearing on 03.05.2021, however due to sad demise of Honourable Chairman of KP Service Tribunal, the Service was non-functional and case was adjourned to 18.07.2021 on date fixed i.e 03.05.2021.
3. That as the appellant was dismissed from service, due to which his financial position is very hard and not bearable.
4. That it will be in the interest of justice to fix the case at an early date.

It is, therefore, most humbly prayed that on acceptance of this application, an early date of hearing may kindly be fixed in the above Service Appeal instead of 18.07.2021.

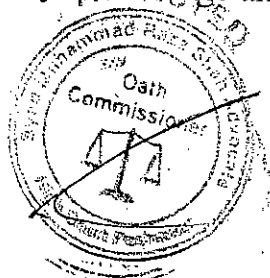
APPELLANT

THROUGH:


(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT,

AFFIDAVIT:

It is affirmed and declared that the contents of the above Application are true and correct to the best of my knowledge and belief.




DEPONENT