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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 7740/2021

Date of Institution ... 10.11.2021

Date of Decision ... 18.01.2022

Muhammad Javed, Ex-ASI (Now Head Constable), Police Station Resalpur,
Nowshera. ... (Appellant)

VERSUS

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

Taimur Ali Khan,
Advocate

... For Appellant

Muhammad Adeel Butt,
Additional Advocate General

... For respondents

AHMAD SULTAN TAREEN
ATIQU-UR-REHMAN WAZIR

...
...

CHAIRMAN
MEMBER (EXECUTIVE)

JUDGMENT

ATIQU-UR-REHMAN WAZIR MEMBER (E):-

Brief facts of the

case are that the appellant while serving as Assistant Sub Inspector in Police Department was proceeded against on the charges of misconduct and was ultimately awarded with major punishment of dismissal from service vide order dated 31-08-2020. Feeling aggrieved, the appellant filed department appeal dated 10-09-2020, which was accepted to the extent that major penalty of dismissal from service was converted into major penalty of reduction in rank to the substantive rank of Head Constable vide order dated 05-11-2020 and intervening period was treated as leave without pay. The appellant filed revision petition dated 10-11-2020, which was rejected vide order dated 29-10-2021, hence the instant service appeal with prayers that impugned orders dated 31-08-2020, 05-

11-2020 and 29-10-2021 may be set aside and the appellant may be restored to his rank of Assistant Sub Inspector 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 departmental proceedings against the appellant were not conducted as per procedure prescribed in law; that no statement of witnesses were recorded in presence of the appellant, hence the appellant was deprived of the opportunity to cross-examine such witnesses, thus skipped a mandatory step as provided in law; that the appellant was not associated with proceedings of inquiry, hence was condemned unheard; that the charges so leveled are factual in nature, when can be ascertained through a regular inquiry, but the respondents relied on surmises and presumption, which is illegal; that time period has not been mentioned in the impugned order of reduction to lower rank, which is violation of FR-29.

03. Learned Additional Advocate General for the respondents has contended that the appellant while posted as Incharge Police Post Etham, was found involved in having close contacts with NCP vehicles smugglers, on account of such misconduct proper departmental inquiry was conducted, for which he was served with charge sheet/statement of allegation; that during the inquiry, the allegation leveled against the appellant proved beyond any show of doubt; that upon submission of the inquiry report, the appellant was served with show cause notice and after providing opportunity of personal hearing, the appellant was awarded with major punishment of dismissal from service; that the appellant preferred departmental appeal, which was accepted to the extent that major penalty of dismissal was converted into major penalty of reduction in rank to the post of head constable; that revision petition of the appellant was rejection on merit.

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

05. Placed on record is a charge sheet/statement of allegation containing the allegation of close contacts of the appellant with non-custom paid (NCP) vehicle smugglers, which made him liable to be proceeded against. An inquiry to this effect was conducted and the inquiry officer in order to justify his stance, had projected the appellant with a tainted past, whereas on the strength of PLJ 2005 Tr.C (Services) 107, 2002 PLC (CS) 391, 2007 PLC (CS) 953 and PLJ 2016 Tr.C. (Services) 324, it cannot be made a ground for awarding penalty to a government servant, particularly when the omission had been adjudicated upon administratively. The inquiry officer has not proved the allegations leveled against him. Neither the inquiry officer recorded statement of any witness nor the appellant was afforded opportunity to cross-examine such witnesses, thus the respondents skipped a mandatory step as prescribed in law. Without solid evidence the appellant cannot be convicted on presumptions, prosecution has to prove the guilt of the appellant beyond all reasonable doubts. Reliance is placed on 1991 SCMR 244. Fact had to be proved and not presumed particularly for awarding major punishment. Reliance is placed on 2002 PLC (CS) 503. The charges leveled against the appellant are general in nature and are not specific, hence, the authorized officer failed to frame the proper charge and communicate it to the appellant's alongwith statement of allegations explaining the charge and other relevant circumstances proposed to be taken into consideration. Framing of charge and its communication alongwith statement of allegations was not merely a formality but it was a mandatory pre-requisite, which was to be followed. Reliance is placed on 2000 SCMR 1743.


06. We are of the considered opinion that the appellant has not been treated in accordance with law as the charges leveled against him were not proved and the appellant was penalized based on presumption, which is not allowable under the law. Needless to mention that the proceedings so conducted are replete with deficiencies, which resulted into reduction in his penalty by the appellate

authority. We are of the firm opinion that no penalty even minor penalty can be awarded without proving the allegations leveled against a civil servant.

07. In view of the foregoing discussion, the instant appeal is accepted. The impugned orders dated 31-08-2020, 05-11-2020 and 29-10-2021 are set aside and the appellant is restored to his rank of Assistant Sub Inspector with all back benefits. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED
18.01.2022


(AHMAD SULTAN TAREEN)
CHAIRMAN

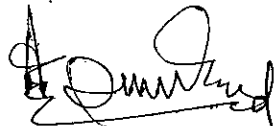

(ATIQ-UR-REHMAN WAZIR)
MEMBER (E)

ORDER
18.01.2022

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 is accepted. The impugned orders dated 31-08-2020, 05-11-2020 and 29-10-2021 are set aside and the appellant is restored to his rank of Assistant Sub Inspector with all back benefits. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED
18.01.2022



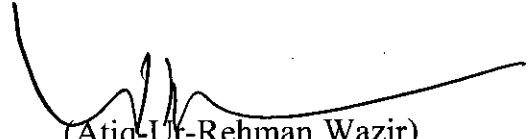
(AHMAD SULTAN TAREEN)
CHAIRMAN



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

13.01.2022

Appellant with counsel present. Mr. Kabirullah Khattak, Addl. AG alongwith Mr. Nawab Ali, Constable for respondents present and submitted rely/comments which are placed on file. To come up for rejoinder if any, and arguments before the D.B on 18.01.2022.



(Atiq-Ur-Rehman Wazir)
Member (E)

12.11.2021

Counsel for the appellant present. Preliminary arguments have been heard. Memorandum of appeal and documents annexed therewith have been perused.

Subject to all just and legal objections including limitation, this appeal is admitted for regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments on 13.12.2021 before the S.B.

Appellant Deposited
Security & Process Fee


Chairman

13.12.2021

Appellant in person present. Mr. Kabirullah Khattak, Addl: AG for respondents present.

Learned AAG seeks time to contact the respondents for submission of written reply/comments. Adjourned. To come up for written reply/comments on 13.01.2022 before S.B.


(MIAN MUHAMMAD)
MEMBER (E)



Form- A

FORM OF ORDER SHEET

Court of _____

Case No. - _____

7740 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	10/11/2021	<p>The appeal of Mr. Muhammad Javed presented 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>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put up there on <u>12/11/2021</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

**BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
CHECK LIST**

Case Title: Muhammad Janed vs Police Deptt


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

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

Name:

Taimur Ali Khan

Signature:



Dated:

10/11/2021

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. 7740/2021

Muhammad Javed

V/S

Police Deptt:

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S.No.	Documents	Annexure	P. No.
1.	Memo of Appeal	-----	01-04
2.	Affidavit		05
3.	Copy of statement	A	06
4.	Copies of order dated 31.08.2020, departmental appeal and order dated 05.11.2020	B,C&D	07-10
	Copies of revision and rejection order dated 29.10.2021	<u>E&F</u>	11-13
5.	Vakalat Nama	-----	14

APPELLANT

THROUGH:


TAIMUR ALI KHAN
(ADVOCATE HIGH COURT)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 7868

Dated 10/11/2021

SERVICE APPEAL NO. 7740/2021

Muhammad Javed, Ex-ASI (Now Head Constable),
Police Station Resalpur, Nowshera.

(APPELLANT)

VERSUS

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

(RESPONDENTS)

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE ORDER DATED 31.08.2020, WHEREBY THE APPELLANT WAS DISMISSED FROM SERVICE, AGAINST THE ORDER DATED 05.11.2020, WHEREBY, THE MAJOR PUNISHMENT OF DISMISSAL FROM SERVICE WAS MODIFIED INTO MAJOR PUNISHMENT OF REDUCTION IN THE RANK FROM THE RANK OF ASSISTANT SUB INSPECTOR TO SUBSTANTIVE RANK OF HEAD CONSTABLE ON THE DEPARTMENTAL APPEAL OF THE APPELLANT AND AGAINST THE ORDER DATED 29.10.2021, WHEREBY REVISION OF THE APPELLANT WAS REJECTED FOR NO GOOD GROUNDS.

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 31.08.2020, 05.11.2020 AND 29.10.2021 MAY KINDLY BE SET ASIDE AND RESPONDENTS MAY FURTHER BE DIRECTED TO RESTORE THE APPELLANT TO HIS RANK/CADRE/SCALE OF ASSISTANT SUB INSPECTOR WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY,

Filed to-day

Registrar

10/11/2021

WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT, MAY ALSO BE AWARDED IN FAVOR OF THE APPELLANT.

RESPECTFULLY SHEWTH:

FACTS:

1. That the appellant was appointed in the Respondent department in the year 1992 as Constable and due to excellent performance, he was promoted to the rank of Assistant Sub Inspector. The appellant since his appointment performing his duty with great devotion and honesty, whatsoever assigned to him and no complaint has been filed against him regarding his performing.
2. That the appellant while posted as Incharge Police post Ethem, some baseless allegations were leveled against the appellant that he has been found involved in close contacts with NCP vehicles, smugglers as no charge sheet along with statement of allegations has been issued to the appellant.
3. That on the basis of baseless allegations, irregular and improper inquiry was conducted against the appellant in which no proper opportunity of defense was provided to the appellant as neither statements were recorded in the presence of the appellant nor gave him opportunity of cross examination. It is pertinent to mentioned here that inquiry officer called the appellant, but he did not meet with verbally told the allegations to the appellant on which the appellant gave his statement in which he denied the allegations and handed over that statement to the reader and the inquiry officer did not bother to met with the appellant. Even the inquiry report was not provided to the appellant. **(Copy of statement is attached as Annexure-A).**
4. That on baseless allegations and one sided inquiry, the appellant was dismissed from service vide order dated 31.08.2020 without issuing show cause to the appellant. The appellant filed departmental appeal on 10.09.2020 against the impugned dismissal order dated 31.08.2020 on which respondent No. 2 passed an order dated 05.11.2020, wherein major punishment of dismissal from service awarded to the appellant was modified into major punishment of reduction in the rank from the rank of Assistant Sub Inspector to substantive rank of Head Constable and reinstated him into service and intervening period was treated as leave without pay. **(Copies of order dated 31.08.2020, departmental appeal and order dated 05.11.2020 are attached as Annexure-B, C & D).**

5. That appellant then filed revision under Rule 11-A of Police Rules 1975 (Amended in 2014) on 10.11.2020, which was rejected on 29.10.2021. (Copies of revision and rejection order dated 29.10.2021 are attached as Annexure E & F).
6. That the appellant has no other remedy except to file the instant appeal in this Honourable Tribunal for redressal of his grievance on the following grounds amongst others.

GROUND:-

- A. That the impugned Order dated 31.08.2020, 05.11.2020 and 29.10.2021 are against the law facts norms of justice and material on record. Therefore, not tenable and liable to be set aside.
- B. That enquiry against the appellant 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 the appellant nor gave him opportunity of cross examination, which is violation of law and rules, therefore, the impugned orders are liable to be set aside on this ground alone.
- C. That one sided inquiry was conducted against the appellant as the inquiry officer did not bother to meet him during the inquiry proceeding and even the statement in which the appellant denied the allegations was handed over to reader of the DSP H,Qrs Swabi (inquiry officer), which is against the norms of justice and fair play.
- D. That in impugned orders, baseless allegations of involvement of the appellant in close contacts with NCP vehicles, smugglers and other illegal activities have been leveled against him, however the authority did not mention the occurrence in which the appellant has involved with NCP vehicles, smugglers and other illegal activities, which means that the appellant has been punished on presumption basis which is not permissible under the law and rules.
- E. That no charge sheet and statement of allegation were issued to the Appellant, which is violation of law and rules.
- F. That the inquiry report was not provided to the appellant which is violation of superior Courts judgments.
- G. That even show cause notice was not issued to the appellant which against the norms of justice and fair play.
- H. That the period has not been mentioned in the order dated 05.11.2020 of punishment of reduction in rank from the rank of ASI to substantive rank of Head Constable, which is violation of FR-29.

- I. That the appellant has not been treated in accordance with law and rules and has been condemned unheard throughout.
- J. That the appellant seeks permission of this Hon'ble Tribunal to advance others grounds and proofs at the time of hearing.

Therefore, most humbly prayed that the appeal of the appellant may kindly be accepted as prayed for.


APPELLANT

Muhammad Javed

THROUGH


(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT,

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. _____/2021

Muhammad Javed

V/S

Police Deptt:

.....
AFFIDAVIT

I, Muhammad Javed, Ex-ASI (Now Head Constable), Police Station Resalpur, Nowshera, (Appellant) do hereby affirm and declare that the contents of this service appeal are true and correct and nothing has been concealed from this august Court.



DEPONENT
Muhammad Javed
(APPELLANT)



سے دریافت کیا گیا کہ اس میں A81 بجلی ایک ماہ سے جو کی رقم میں محنت
 اٹھایا نصیحت ہوں۔ اس دوران NCP کارڈوں کے متعلق کسی قسم کی
 کوئی فعالیت یا بیانات اس کے متعلق کچھ نہیں ہوئے۔ ادھر
 نہیں رہا اور نہ موجود ہے۔ مزید برآں موصولہ تاریخ سٹیٹ ہندہ میں
 سے لے کر اٹھایا جانے والے جو کی آمد سے زبردستی کے NCP کارڈوں کے تحت
 دیا گیا یا اصول سے قطعاً طور پر اس امر کی تصدیق کی کہ جو کہ ہندہ میں
 NCP کارڈوں کی کوئی قابل ذکر تاریخ و کارڈوں میں ہے۔ یہ جو کہ
 ایسی سٹیمپ پر واقع ہے۔ حال ہی میں NCP کارڈوں کی آمد درست ہے۔
 تحریر میں آیا ہے کہ NCP کارڈوں پر بار بار ترسوں تک یا سزاؤں کا
 کوالٹی کرتے ہیں۔ جہاں پر وہ پولیس اور متعلقہ ادارے کو خبر
 کر رہے ہیں۔ لیکن اس بات کا اعلان سے NCP کارڈوں پر
 کی صورت سے ذکر کیا ہے۔ ایسے ساتھ ملا کر سر سے جو کی کی صورت سے
 قطعی طور پر ماہی ہے۔ مزید برآں میں اس بات کو تسلیم کرتے ہیں کہ
 تیار ہوں۔ ماہ سب سے جس میں ماہ پر ہے اس پر موقوفہ ہے۔

تفصیلی و توسعہ شرح کیے تیار ہوں۔
 مزید برآں سری لیبیاں کو مشکل اور سب سے نوائے یہ بات بعد از یہاں سے
 کے دوران میں میرا اولیٰ سرزجول میں دولت کو کارڈوں کے لئے ہر
 رچھ رہا ہوا ہے۔ ان کا سائنہ کے لئے اس کے لئے ہر قسم کے
 لحدہ سائل کو ان سب سے متعلقہ و شرح و توسعہ کے لئے ہر قسم کے
 اس کے ساتھ سائل یہاں سے اس کے لئے ہر قسم کے ہر قسم کے
 سوائے اس کے۔ سائل اس کے لئے ہر قسم کے ہر قسم کے
 اس کے لئے ہر قسم کے ہر قسم کے ہر قسم کے

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بیان ازاں جاوید خان ASI

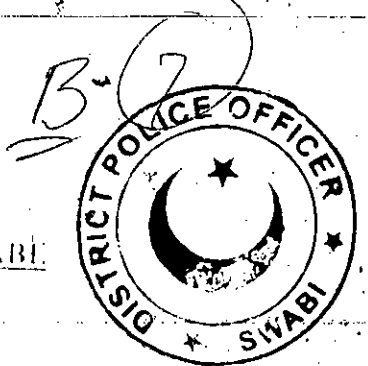
بدریافت بیان کیا کہ من ASI پچھلے ایک ماہ سے چوکی اتم میں بحیثیت انچارج تعینات ہوں۔ اسی دوران NCP گاڑیوں کے متعلق کسی قسم کی کوئی شکایت یا ہدایت افسران بالا کی جانب سے موصول نہیں ہوئی اور نہ ہی ریکارڈ پر موجود ہے۔ مزید برآں موصول چارج شیٹ ہذا میں ASI نے پچھلے انچارجان ہائی چوکی سے رابطہ کر کے NCP گاڑیوں کی بابت دریافت کیا کہ انہوں نے متفقہ طور پر اس امر کی تصدیق کی۔ چوکی ہذا میں NCP گاڑیوں کی کوئی قابل ذکر تاریخ و کارروائی نہیں ہے۔ یہ چوکی چونکہ اسی شاہراہ پر واقع ہے جہاں پر NCP گاڑیوں کی آمد و رفت تقریباً ناپید ہے۔ تجربہ میں آیا ہے کہ NCP گاڑی زیادہ تر موٹروے یا بڑی شاہراہوں کا انتخاب کرتی ہے جہاں پر وہ پولیس اور متعلقہ قانونی اداروں کو چکما دے کر راہ فرار اختیار کرتے ہیں۔ لہذا اس بات کا امکان ہے کہ NCP گاڑیاں میری چوکی کی حدود سے گزر کر یا مجھے اپنے ساتھ ملا کر میرے چوکی کی حدود سے بحفاظت جاسکے، قطعاً طور پر ناپید ہے۔ مزید برآں میں افسران بالا کی اس بابت ہر قسم کی تسلی کرنے کو تیار ہوں یا وہ بنیادی ثبوت جس پر مجھے اس الزام کا قصور وار ٹھہرایا گیا ہے کی مکمل تشفی و توضیح و تشریح کیلئے تیار ہوں۔

مزید برآں میری تعیناتی کو بمشکل ایک مہینہ ہوا ہے۔ یہ بات بعید از قیاس ہے کہ اس ایک مہینے کے دوران میں غیر قانونی سرگرمیوں میں ملوث ہو کر قانون شکن افراد سے مل سکوں، جس شکوک کی بنیاد پر مجھ پر یہ الزام لگایا گیا ہے ان کا معائنہ کر کے ہر قسم کی تسلی و تشفی و توضیح کو تیار ہوں۔ لہذا فائل کو ان شکوک و ثبوت کے معائنے و تشریح و توضیح کا موقع پر کر کے مشکور فرمائی۔

استدعا ہے کہ سائل نہایت فرض شناس اور دیانتداری کیساتھ پیشہ ورا نہ اصول کو من نظر رکھتے ہوئے ڈیوٹی سرانجام دیتا ہے۔ سائل اپنے 28 سالہ سروس میں کبھی بھی اس قسم کی الزامات کا سامنا نہیں کیا۔ استدعا ہے کہ سائل کا چارج شیٹ بغیر کارروائی کی داخل دفتر فرمائیں۔

العارض

جاوید خان



OFFICE OF THE DISTRICT POLICE OFFICER, SWABI.

ORDER.

It is alleged that ASI Javed Khan, while posted as Incharge Police Post Hum, has been found in close contacts with NCP vehicles, smugglers and involved in illegal activities, which is against the discipline and amounts to gross mis-conduct. Therefore, he was issued with Charge Sheet and Summary of Allegations and DSP, H.Qrs, Swabi was appointed to conduct departmental enquiry against him. The Officer conducted enquiry, collected evidence, recorded statements of all concerned and submitted his findings wherein he found ASI Javed Khan guilty for the mis-conduct and recommended him for punishment. The undersigned perused the findings, enquiry papers and by agreeing with the Enquiry Officer served ASI Javed Khan with Final Show Cause Notice. This reply to the Final Show Cause Notice was received, perused and he was also given an opportunity of personal hearing but his reply was found unsatisfactory.

Certified to be True Copy.

Therefore, I, Imran Shahid, PSP, QPM, District Police Officer, Swabi, in exercise of the powers vested in me under Khyber Pakhtunkhwa Police Rules 1975, hereby award ASI Javed Khan, Major Punishment of dismissal from service, with immediate effect.

787 ✓
06-20

O.R No. 956
Dated 31/08/2020

(IMRAN SHAHID) PSP, QPM
District Police Officer, Swabi.

OFFICE OF THE DISTRICT POLICE OFFICER, SWABI.

No. 2451-55/PA, dated Swabi, the 31/08/2020.

- Copies to the: -
- 1. DSP, H.Qrs, Swabi.
 - 2. Pay Officer.
 - 3. Establishment Clerk
 - 4. Fauji Missal Clerk.
 - 5. Official concerned

ATTESTED

PIO
District Police Officer, Swabi.

Date of Presentation of Application: 7-8-2020

Copying Fee: All 'C'

Total Fee: (21)

Name of Copy: Rashid A Qazi

Date of Completion of Copy: 7/9/2020

Date of Delivery of Copy: 7/9/2020

OFFICE OF THE DISTRICT POLICE OFFICER, SWABI

Order

It is alleged that ASI Javed Khan while posted as a Incharge Police Post, Etum has been found in close contact with NCP Vehicle smugglers and involved in illegal activities, which is against the discipline and amount to gross misconduct. Therefore, he was issued charged sheet and summery of allegations and DSP, H, Qrs. Swabi was appointed to conduct departmental inquiry against him. The officer conducted inquiry, collected evidence, recorded statement of all concerned and submitted his findings, wherein he found ASI Javed Khan for misconduct and recommended for punishment. The undersigned perused the findings, inquiry papers and by agreeing with the inquiry officer served ASI Javed Khan with final Show Cause Notice. His reply to final show cause notice was received, perused and he was also given opportunity of personal hearing but his reply was found unsatisfactory.

Therefore, I Imran Shah, PSP QPM District Police Officer, Swabi in exercise of the powers vested in me under Khyber Pakhtunkhwa Police Rules, 1975 hereby award ASI Javed Khan major punishment of dismissal from service with immediate effect.

O.B No. 986dated 31.07.2020

(Imran Shahid) PSP, QPM

District Police Officer, Swabi

OFFICE OF THE DISTRICT POLICE OFFICER, SWABINo.2451-55/PA Dated Swabi, the 31.08.2020

Copy to the:-

- 1 DSP, H,Qrs, Swabi.
- 2 Police Pay Officer
- 3 Establishment Clerk
- 4 Fauji Missal Clerk
- 5 Official concerned

To

The Honourable
Deputy Inspector General of Police
Mardan.

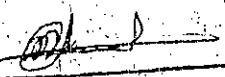
Subject: APPEAL FOR RESTORATION OF EMPLOYMENT.

R/Sir,

It is submitted as under:-

1. That the applicant is working in Police Department since 28 years and currently working at Post of Asstt: Sub Inspector. Which was totally ignored.
2. That on dated 31.08.2020 through order NO.2451-55PA the honourable District Police Officer, Swabi dismissed the applicant basis of allegations of alleged activities and allegations of applicant contact with NCP Vehicles smugglers.
3. That the allegations levelled against the applicant are baseless, false and frivolous.
4. That the applicant has not been involved in such type of allegations during his entire Service period; moreover a single piece of evidence or any person complaint in respect of such allegations had not been lodged or reported against the applicant.
5. That the applicant is innocent and may kindly be restored to his possession on duty. The applicant will pray for your success, long life and prosperity.

Dated: 10.09.2020

Applicant 
(MUHAMMAD JAVED)
Ex. ASI of Distt: Polic
S w a b i.
Mob: NO. 0345-9341255



ORDER.

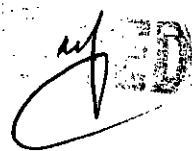
This order will dispose-off the departmental appeal preferred by Ex-ASI Javed Khan No. 661/MR of Swabi District Police against the order of District Police Officer, Swabi, whereby he was awarded major punishment of dismissal from service vide OB: No. 987 dated 31.08.2020. The appellant was proceeded against departmentally on the allegations that he while posted as I/C Police Post Etham (Police Station, Kalu Khan) has been found involved in close contacts with NCP vehicles, smugglers and other illegal activities.

Proper departmental enquiry proceedings were initiated against him. He was issued Charge Sheet alongwith Statement of Allegations and Deputy Superintendent of Police Headquarters, Swabi was nominated as Enquiry Officer. The Enquiry Officer after fulfilling codal formalities submitted his findings wherein he found the delinquent Officer guilty of misconduct and recommended him for major punishment.

He was issued Final Show Cause Notice to which his reply was received and found unsatisfactory. He was also provided opportunity of self defense by summoning him in the Orderly Room by the District Police Officer, Swabi, but he failed to advance any cogent reason in his defense. Hence, he was awarded major punishment of dismissal from Service vide OB: No. 987 dated 31.08.2020.

Feeling aggrieved from the order of District Police Officer, Swabi, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in this office on 27.10.2020.

From the perusal of the enquiry file and service record of the appellant, it has been found that allegations leveled against the appellant have been proved beyond any shadow of doubt. Moreover, his previous conduct regarding tempering in ACR for the year 2017 by self generating and making forged signature of the then ASP: Takht Bhai, Mardan also speaks volumes of his involvement in a conduct unbecoming of a disciplined Police Officer. This conduct of the appellant is bound to affect the discipline of other members of the Police Force. However, keeping in view, the length of service as well as poor financial background, the undersigned is constrained to take a lenient view of the misconduct of the appellant.

A handwritten signature in black ink is written over a rectangular stamp. The signature is cursive and appears to be 'Javed Khan'. The stamp contains some illegible text, possibly a date or official designation.

10

Based on the above, I, Sher Akbar, PSP S.St Regional Police Officer, Mardan, being the appellate authority, hereby modify the major punishment of dismissal from service into major punishment of reduction in rank from the rank of ASI to his substantive rank of Head Constable. Moreover, the intervening period is to be treated as leave without pay.

On re-instatement, he is posted to District Nowshera for further posting to Police Station Nizampur by District Police Officer, Nowshera. He shall be kept under Special Report for a period of one year. District Police Officer, Nowshera shall submit a half yearly report to the office of Regional Police Officer, Mardan. He shall also be kept under strict surveillance.

Order Announced.

Regional Police Officer,
Mardan.

No. 6847-48/ES, Dated Mardan the 05/11 /2020.

Copy forwarded for information and necessary action to the:-

1. District Police Officer, Swabi w/r to his office Memo: No. 169/Insp: Legal dated 05.10.2020. His service record is returned herewith.
2. District Police Officer, Nowshera.

(*****)

S/Record & F/Dismissal Received.

*By 06/11/20
ARC*

OB/Ec/Imp. Legal

for ma

*9/11
30/11/20
by*

ATTACHED

To

The Honourable,
Inspector General of Police,
Khyber Pakhtun Khwa Peshawar.

Subject: APPEAL AGAINST THE ORDER OF RPO
MARDAN OB.NO.6847-48/ES DATED
05.11.2020 vide which the applicant
was re-instated with the reversion
from the Rank of ASI To Head Constable.

R/Sir,

Respectfully Sheweth:-

1. That I was Serving in Police Department since 28 years and was posted at PP Etum in Swabi District.
2. That on 31.08.2020 through order NO. 2451-55/PA District Police Officer Swabi dismissed, the appellant on the basis of allegation with the contact of NCP vehicles and smugglers.
3. That on the enquiry neither I was given a Show Cause notice nor chargesheet. The arbitrary order was passed by District Police Officer Swabi.
4. That during inquiry neither the enquiry officer called me in person nor proved any allegation against the appellant nor iota of evidence was procured against the appellant.
5. That when my appeal was producing before the R.P.O. Mardan the initiate inquiry was not thoroughly considered as no evidence or statement was brought on record.
6. That the order of R.P.O. Mardan is not warranted to law and my lengthy Service in Police Department was totally ignored.
7. That the appellant is totally innocent and is falsely charged in the matter.

...2...

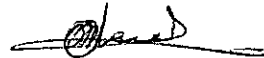
(12)

It is humbly prayed that the order of R.P.O. Mardan may kindly be set-aside and appellant may kindly be restored from the Rank of ASI which is his right. I will be very thankful to you and pray for your success, long life and prosperity.

Yours

Dated: 10.11.2020


Yours Obediently

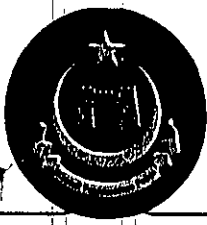


(MOHAMMAD JAVED)

Head Constable District
Nowshera.

Mob: NO. 0345-9341255

APPROVED




OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.

F 13

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 Head Constable Javed Khan (the then ASI). The petitioner was dismissed from service by District Police Officer, Swabi vide OB No. 987, dated 31.08.2020 on the allegations that he while posted as I/C PP Etham was found involved in close contacts with NCP vehicles, smugglers and other illegal activities. The Appellate Authority i.e. Regional Police Officer, Mardan re-instated him in service and modified his penalty of dismissal from service into penalty of reduction in rank from the rank of ASI to his substantive rank of Head Constable and the intervening period was treated as leave without pay vide order Endst: No. 6847-48/ES, dated 05.11.2020.

Meeting of the Appellate Board was held on 28.10.2021, wherein the petitioner was present and heard in detail.


The RPO has already given relief in the case, which is sufficient. Therefore, the Board decided that his petition is hereby rejected.

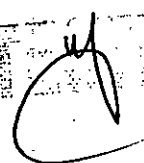
Sd/-
(MOAZZAM JAH ANSARI) PSP
(QPM, UNPM, NSWC)
Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar

No. S/ 4041-50 /21, dated Peshawar, the 29/10 /2021.

Copy of the above is forwarded to the:

1. Regional Police Officer, Mardan. One Service Roll, Two Service Books and one Fauji Missal of the above named appellant received vide your office Memo: No. 4232/ES, dated 11.08.2021 is returned herewith for your office record.
2. District Police Officer, Swabi.
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-III, CPO Peshawar.
8. Office Supdt: E-IV, CPO Peshawar.
9. Officer concerned.


(RAI BABAR SAEED) PSP
Deputy Inspector General of Police, HQrs:
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

ATTACHED


VAKALAT NAMA

NO. _____/2021

IN THE COURT OF KP Service Tribunal, Peshawar

Muhammad Javed (Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Police Department (Respondent)
(Defendant)

I/We, Muhammad Javed

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



(CLIENT)

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

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No. 7740/2021.

Muhammad Javed Ex-ASI now HC.....Appellant

VERSUS

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

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2	Copy of charge sheet.	A & B	4, 5
3	Copy of Enquiry Report	C	6-8
4	Copy of Final Showcause	'D'	9
5	Copy of Reply	'E'	10
6	Copy of Dismissal Order	F	11
7	Copy of Appellate Order	G	12, 13
8			

Javed

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No. 7740/2021.

Muhammad Javed Ex-ASI now HC.....Appellant

VERSUS

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

PARAWISE COMMENTS BY RESPONDENTS.

Respectfully Shewith,

Preliminary Objections.

1. That the appellant has got no cause of action and locus standi to file the present appeal.
2. That the appeal is bad due to misjoinder and nonjoinder of necessary parties.
3. That the appeal is barred by law & limitation.
4. That the appellant has not come to this Tribunal with clean hands.
5. That this Hon'ble Tribunal has got no jurisdiction to entertain the present appeal.
6. That the instant appeal is not maintainable in its present form.
7. That the appellant concealed the material facts from this Hon'ble Tribunal.
8. That the appellant has been estopped by his own conduct to file the appeal.

Reply on facts.

1. Para No. 01 of appeal pertains to service record, however appellant during service proved himself an inefficient Police Officer.
2. Para No. 02 of appeal to the extent of posting of appellant as Incharge Police Post Etham is correct, however during posting he was found involved in having close contacts with NCP vehicles smugglers, on account of such misconduct proper departmental enquiry through DSP/HQrs Swabi was conducted for which he was served with proper Charge Sheet **(Copies of Charge Sheet and Summary of Allegations are attached as Annexure "A&B")**.
3. Para No. 03 of appeal is incorrect. During enquiry, the allegations against appellant have proved beyond any shadow of doubt. On receipt of recommendation from Enquiry Officer, he was served with Final Show Cause Notice and after providing an opportunity of personal hearing, he was awarded major punishment of dismissal from service by respondent No. 03 **(Copies of enquiry report, Final Show Cause Notice, reply and order are attached as Annexure "C,D,E&F")**.
4. Para No. 04 of appeal is correct to the extent that appellant preferred departmental appeal against his dismissal order which was partially accepted

and the appellate authority modified the order of dismissal into reduction in rank **(Copy of order is attached as Annexure "G")**.

- 5. Para No. 05 of appeal is correct to the extent of rejection of revision petition, however the same was rejected on merit.
- 6. That appellant has got no cause of action and the instant appeal is groundless.

Reply on grounds.

- A. Incorrect. The orders of respondents are quite legal and in accordance with the norms of justice.
- B. Incorrect. After proper departmental enquiry in accordance with rules, appellant was awarded punishment of dismissal which was modified by the appellate authority into reduction in rank.
- C. Incorrect. Reply already given vide para above.
- D. Incorrect. During enquiry, the allegations against appellant have been proved beyond any shadow of doubt.
- E. Incorrect. Reply already given vide para above.
- F. Incorrect. Appellant was not only provided copy of enquiry, but also provided an opportunity of self defense.
- G. Incorrect. Reply already given vide para above.
- H. Incorrect. The orders of respondents are quite legal in accordance with law.
- I. Incorrect. Appellant was treated in accordance with law/rules.
- J. That the respondents also seeks permission of this Hon'ble Tribunal to advance other grounds and proofs at the time of hearing.

PRAYERS

Keeping in view the above stated facts it is humbly prayed that the appeal may kindly be dismissed with costs being devoid of merits/legal force.

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

Signature
**Regional Police Officer, Mardan
 (Respondent No. 2)**

Signature
**Dy: Inspector General of Police
 Mardan Region 1 Mardan**

Signature
**District Police Officer, Swabi.
 (Respondent No. 3)**

3

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No. 7740/2021.


Muhammad Javed Ex-ASI now HC.....Appellant


VERSUS


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

AFFIDAVIT:-

We the respondent No. 1 to 3 do hereby solemnly affirm and declare on oath that the contents of the written reply are correct/true to the best of our knowledge / belief and nothing has been concealed from the honorable Tribunal.


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


**Regional Police Officer, Mardan
(Respondent No. 2)**


**Inspector General of Police
Mardan Region 1 Mardan**

**District Police Officer, Swabi.
(Respondent No. 3)**

A

(4)

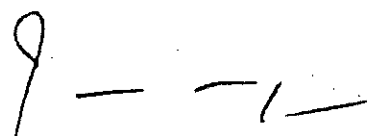
CHARGE SHEET

Whereas I am satisfied that formal enquiry as contemplated by Khyber Pakhtunkhwa Police Rules 1975 is necessary and expedient.

And whereas I am of the view that the allegations if established would call for Major/Minor penalty as defined in Rules 4(b) a & b of the aforesaid Rules.

Now therefore as required by Rules 6(1) of the aforesaid Rules I **Imran Shahid, PSP, QPM, District Police Officer, Swabi** charge you **ASI Javed Khan,** on the basis of statement of allegations attached to this charge sheet.

In case your reply is not received within seven days without sufficient cause it will be presumed that you have no defence to offer and ex parte action will be taken against you.


District Police Officer,
Swabi.

OFFICE OF THE DEPUTY SUPERINTENDENT OF
POLICE,

HEADQUARTER, SWABI.

Phone No. 0938-280279, E-Mail: dsphqswabi@gmail.com

To: The District Police Officer,
Swabi.

No: 437 /HQrs: Swabi dated, 28/08/2020.

Subject: - DEPARTMENTAL ENQUIRY AGAINST ASI JAVED
KHAN

Memo:

Kindly refer to your office 194/CC/PA dated 21.08.2020 on
the subject cited above.

SUMMARY OF ALLEGATION:-

It is alleged that ASI Javed Khan while posted
Incharge Police Post Etum, has been found in close contacts with NCP
Vehicles, smugglers and involved in illegal activities, which is highly
against the discipline and amounts to gross mis-conduct, hence summary
of allegations.

PROCEEDING

The undersigned perused the relevant enquiry file and
summoned the delinquent officer for personal hearing and recording his
statement.

STATEMENT OF ASI JAVED KHAN

He stated in his statement that he was deputed I/C PP Etum
for one month. During the period, no complaint /directions regarding
NCP Vehicles from high-ups was received. There is no history of such
vehicles on record. As such he contacted his predecessors on the receipt
of this charge sheet who confirmed the same. The PP etum is located on
a road, which NCP smugglers seldom use. It has been observed
empirically that NCP Smugglers often Use Motorway etc where, they
can easily elude Police and LEAs. The chances of my connivance with
NCP Smugglers are also almost negligible. He further stated that he is
available for explaining the observations or evidences that led to such
allegations. He further stated that in one month it is almost impossible
that he involve himself in illegal activity or connive with miscreants. He
reiterated his stance for clarifying/explaining any
evidence/deliberations/observations that led to such allegations. In the

end he alluding to his professionally sound career, prayed for exoneration.

DELIBERATIONS

The perusal of his service record revealed that he was awarded the following Minor/Major Punishments.

1. He was censured for Zero Performance in the heads of Pos, Kalashnikovs recovery, etc vide OB No. 3792 dated 19.10.2011 by DPO, Mardan.
2. Another Minor Censure/warning was awarded to him for spoiling a prosecution case vide DPO, Mardan office O.B No. 629 dated 01.03.2013.
3. He was reverted to the rank of HC vide O.B No. 1602 dated 15.07.2014 for negligence in duty.
4. He was awarded reversion to the rank of HC for misbehaving with one Syed Bacha S/O Syed Riassat Ali which was then reduced to reduction in Pay Scale for one year by Rpo, Mardan office order No. 1315/ES dated 02.03.2018
5. He was awarded Minor Punishment of forfeiture of two years approved Service for forging Signatures of ASP, City Mardan and generating Remarks in ACR (2017) vide DPO Mardan office O.B No. 11.03.2019
6. He was awarded Minor Punishment of Rupees 2000/- for not depositing case properties vide OB. No 538 dated 01.06.2020 by Dpo, Swabi.
7. Moreover, from DSB Swabi and other relevant sources a report regarding the verification of allegations was sought. It transpired that he indeed has contacts with criminals, POs etc in his area of Jurisdiction. He used to tip off criminals before raids. It also transpired that movement of smugglers, Of NCP vehicles in and outside his residence was also spotted by many. In brief he had ulterior motives and pursued them instead of serving his nation.

FINDINGS:-

After the perusal of enquiry papers, relevant record at hand, and careful deliberations the undersigned reckons the following:-

1. The perusal of his service book revealed a horrible record refuting his claim of professionalism.
2. The DSB, Swabi and other relevant sources confirmed the allegations through credible cross verification.

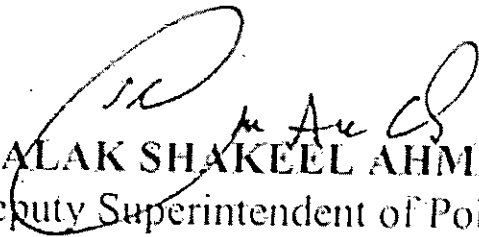
RECOMMENDATION:-

C/2

8

In view of the above the undersigned, suggest that ASI Javed Khan is guilty of allegations leveled. ASI Javed Khan is therefore, recommended for **Suitable Punishment**, if agreed, please.

(Enclosed 11 pages)


(MALAK SHAKEEL AHMAD)
Deputy Superintendent of Police,
H.Qrs, Swabi.

28/8/2020

- DSB - Report.
- Punishment order.

Dismissed from Service.
9 - 31/8/2020.

D

9

-

FINAL SHOW CAUSE NOTICE

Whereas you **ASI Javed Khan**, while posted as Incharge Police Post Etum, have been found in close contacts with NCP vehicles, smugglers and involved in illegal activities, which is against the discipline and amounts to gross mis-conduct.

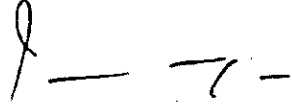
In this connection you were charge sheeted and served with summary of allegation and **DSP, H.Qrs, Swabi**, was appointed to conduct proper departmental enquiry. The enquiry officer held enquiry and submitted his findings, wherein, he found you **ASI Javed Khan**, guilty for the mis-conduct and recommended for punishment.

Therefore, it is proposed to impose Major/Minor penalty including dismissal as envisaged under Rules 4(b) of the Khyber Pakhtunkhwa Police Rules 1975.

Hence, I, **Imran Shahid, PSP, QPM**, District Police Officer, Swabi in exercise of powers vested in me under Rules 5(3) of the Khyber Pakhtunkhwa Police Rules 1975 call upon you **ASI Javed Khan**, to show cause finally as to why the proposed punishment should not be awarded to you.

Your reply should reach to the office of the undersigned within seven days of the receipt of this notice failing which it will be presumed that you have no explanation to offer.

You are also at liberty to appear for personal hearing before the undersigned.


District Police Officer,
Swabi.

صالح علی

کوالم فائنل سٹیڈی کارڈ لفورڈس ہسٹری اور ہسٹری سسٹم
 میں انگریزی کی اہمیت کو تفصیل سے بیان کیا گیا ہے۔
 نیز انگریزی اور فائنل سٹیڈی کارڈ لفورڈس
 میں انگریزی کی اہمیت کو تفصیل سے بیان کیا گیا ہے۔

Aq. Line - Sawab
 31-08-20

F — (11)

OFFICE OF THE DISTRICT POLICE OFFICER, SWABI.

ORDER.

It is alleged that **ASI Javed Khan**, while posted as Incharge Police Post Fnum. has been found in close contacts with NCP vehicles, smugglers and involved in illegal activities, which is against the discipline and amounts to gross mis-conduct. Therefore, he was issued with Charge Sheet and Summary of Allegations and **DSP, H.Qrs. Swabi** was appointed to conduct departmental enquiry against him. The Officer conducted enquiry, collected evidence, recorded statements of all concerned and submitted his findings wherein he found **ASI Javed Khan** guilty for the mis-conduct and recommended him for punishment. The undersigned perused the findings, enquiry papers and by agreeing with the Enquiry Officer served **ASI Javed Khan** with Final Show Cause Notice. His reply to the Final Show Cause Notice was received, perused and he was also given an opportunity of personal hearing but his reply was found unsatisfactory.

Therefore, I, **Imran Shahid, PSP,QPM**, District Police Officer, Swabi, in exercise of the powers vested in me under Khyber Pakhtunkhwa Police Rules 1975, hereby award **ASI Javed Khan**, Major Punishment of dismissal from service, with immediate effect.

O.B No. 987

Dated 31/08/2020.

I — — —
(IMRAN SHAHID) PSP,QPM
District Police Officer, Swabi.

OFFICE OF THE DISTRICT POLICE OFFICER, SWABI.

No 2451-55/PA, dated Swabi, the 31/08/2020.

Copies to the: -

1. DSP, H.Qrs. Swabi.
2. Pay Officer.
3. Establishment Clerk.
4. Fauji Missal Clerk.
5. Official concerned

G

(12)

ORDER.

This order will dispose-off the departmental appeal preferred by **Ex-ASI Javed Khan No. 661/MR** of Swabi District Police against the order of District Police Officer, Swabi, whereby he was awarded major punishment of dismissal from service vide OB: No. 987 dated 31.08.2020. The appellant was proceeded against departmentally on the allegations that he while posted as I/C Police Post Etham (Police Station, Kalu Khan) has been found involved in close contacts with NCP vehicles, smugglers and other illegal activities.

Proper departmental enquiry proceedings were initiated against him. He was issued Charge Sheet alongwith Statement of Allegations and Deputy Superintendent of Police Headquarters, Swabi was nominated as Enquiry Officer. The Enquiry Officer after fulfilling codal formalities submitted his findings wherein he found the delinquent Officer guilty of misconduct and recommended him for major punishment.

He was issued Final Show Cause Notice to which his reply was received and found unsatisfactory. He was also provided opportunity of self defense by summoning him in the Orderly Room by the District Police Officer, Swabi, but he failed to advance any cogent reason in his defense. Hence, he was awarded major punishment of dismissal from Service vide OB: No. 987 dated 31.08.2020.

Feeling aggrieved from the order of District Police Officer, Swabi, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in this office on 27.10.2020.

From the perusal of the enquiry file and service record of the appellant, it has been found that allegations leveled against the appellant have been proved beyond any shadow of doubt. Moreover, his previous conduct regarding tempering in ACR for the year 2017 by self generating and making forged signature of the then ASP Takht Bhai, Mardan also speaks volumes of his involvement in a conduct unbecoming of a disciplined Police Officer. This conduct of the appellant is bound to affect the discipline of other members of the Police Force. However, keeping in view, the length of service as well as poor financial background, the undersigned is constrained to take a lenient view of the misconduct of the appellant.

G2/1

(13)

Based on the above, I, Sher Akbar, PSP S.St Regional Police Officer, Mardan, being the appellate authority, hereby modify the major punishment of dismissal from service into major punishment of reduction in rank from the rank of ASI to his substantive rank of Head Constable. Moreover, the intervening period is to be treated as leave without pay.

On re-instatement, he is posted to District Nowshera for further posting to Police Station Nizampur by District Police Officer, Nowshera. He shall be kept under Special Report for a period of one year. District Police Officer, Nowshera shall submit a half yearly report to the office of Regional Police Officer, Mardan. He shall also be kept under strict surveillance.

Order Announced.

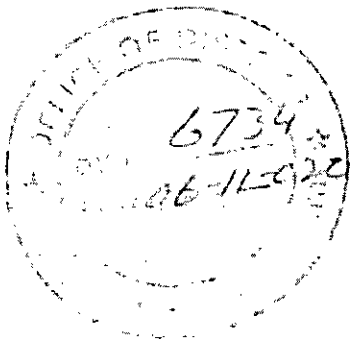
Regional Police Officer,
Mardan.

No. 6847-42/ES, Dated Mardan the 05/11 /2020.

Copy forwarded for information and necessary action to the:-

1. District Police Officer, Swabi w/r to his office Memo: No. 169/Insp. Legal dated 05.10.2020. His service record is returned herewith.
2. District Police Officer, Nowshera.

(*****)



PA/Ee/CHC/PC/FMC

For objection

DPO ASL
05/11/2020



KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

No. 973 /ST

Dated: 18-4- 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,
Swabi.

Subject: JUDGMENT IN APPEAL NO. 7740/2021, MR. MUHAMMAD JAVED

I am directed to forward herewith a certified copy of Judgement dated 18.01.2022 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR

KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR