


S.No. of order or proceedings	Date of Order or proceedings.	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
06	14.01.2015	<p align="center"><u>KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR</u></p> <p align="center"><u>Appeal No. 418/2014</u> <u>(Alamzaib Khan Ex- Inspector-VS-PPO, KPK, Peshawar & two others)</u></p> <p>Appellant with counsel and Mr. Muhammad Shafique, Inspector (Legal) on behalf of respondents alongwith Addl: A.G present.</p> <p>Alamzaib Khan, Ex-Inspector, District Police Mardan, has preferred the instant appeal under section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against order dated 10.12.2013 vide which he was awarded major punishment of compulsory retirement from service. Departmental appeal preferred against the said order was not responded by the authority within the specified period of 90 days and hence the instant appeal.</p> <p>We have heard learned counsel for the appellant and learned Addl: A.G for respondents and have perused the record with their assistance.</p> <p>Learned counsel for the appellant also placed reliance on reported case <u>PLD 1989 Supreme Court 335</u> wherein it was observed by the august Supreme Court of Pakistan that conjecture or suspicion cannot take place of proof of fact.</p> <p>Perusal of inquiry report would suggest that Mian Naseeb Jan, Deputy Superintendent of Police Headquarter, Mardan, Inquiry Officer, has relied on "secret information" collected from general public. The said inquiry officer has also observed that the association of the appellant could not be established with criminals as required. "calling data" was not produced by the Incharge Computer Lab.</p>

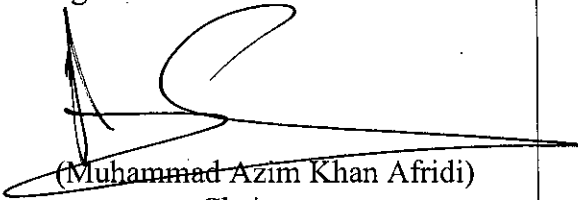
AS
14.01.15

Findings of the learned inquiry officer by itself suggest that no evidence whatsoever was collected by the said inquiry officer and that the appellant was recommended for major punishment only on the basis of suppositions, suspicions, surmises and conjectures and as such we are of the view that the major punishment in the shape of compulsory retirement of appellant from service was contrary to the law and hence not tenable.

In view of the above, we would allow the appeal, and set aside the impugned order dated 10.12.2013 of compulsory retirement and would reinstate the services of the appellant and remit the case back to the competent authority placing the authority at liberty to conduct *de novo* departmental inquiry against the appellant in accordance with law. Service benefits of the appellant shall be subject to the outcome of *de novo* departmental inquiry/proceedings. Parties are, however, left to their own costs. File be consigned to the record.

ANNOUNCED
14.01.2015


(Abdul Latif Khan)
Member

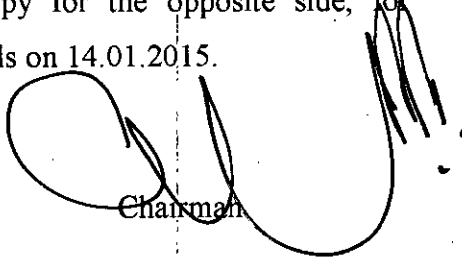

(Muhammad Azim Khan Afridi)
Chairman

14.01.15

8-

25.07.2014

Appellant in person and Mr. Muhammad Shafique, Inspector (legal) with Mr. Muhammad Ghani, ASI and AAG for the respondents present. Written reply/para-wise comments received on behalf of the respondents, copy whereof is handed over to the appellant for rejoinder in the meantime, with copy for the opposite side, for arguments alongwith connected appeals on 14.01.2015.


Chairman

1007
100

Appeal No. 418/2014.
Mr. Alam Zia Khan.

3. 07.04.2014

Counsel for the appellant present and filed an application for early hearing. Case file requisitioned. Application accepted. Preliminary arguments heard and case file perused. Counsel for the appellant contended that the appellant has not been treated in accordance with law/rules. Against the impugned order dated 10.12.2013, whereby the appellant was awarded major punishment of compulsory retirement from service, he filed departmental appeal on 23.12.2013, which has not been responded within the statutory period of 90 days, hence the present appeal on 25.03.2014. Points raised at the Bar need consideration. The appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notices be issued to the respondents. To come up for written reply/comments on 18.06.2014

Appellant Deposited
Security & Process Fee
Rs. 180/- Bank
Receipt is attached with File

4. *CS*

07.04.2014

Member

This case be put before the Final Bench 1 for further proceedings.

Chairman

18-6-14

The Hon'ble Bench is on

vacation cum is adjourned to


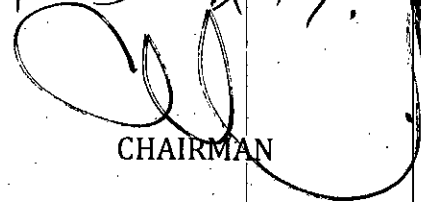
25-7-14.

12
Pasha

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 418/2014

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	25/03/2014	<p>The appeal of Mr. Alamziab Khan Presented today by Mr. Ijaz Anwar Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	31-3-2014	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>19-5-2014</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

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

Appeal No. 418 /2014

Alamzaib Khan Ex Inspector, District Police Mardan.

(Appellant)

VERSUS

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

(Respondents)

INDEX

S. No	Description of Documents	Annexure	Page No
1	Memo of Appeal & Affidavit		1-5
2	Commendation Certificates	A	6-12 ^A
3	Charge Sheet and Statement of Allegations	B	13-15
4	Reply to the Charge Sheet	C	16-17
5	Inquiry Report	D	18-19
6	Penalty Order dated 10.12.2013	E	20
7	Departmental Appeal dated 23.12.2013	F	21-23
8	Vakalatnama.		24

Through


Appellant

IJAZ ANWAR
Advocate Peshawar

&

SAJID AMIN

Advocate, Peshawar

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

Appeal No. 418/2014

457
25/3/14

Alamzaib Khan Ex Inspector, District Police Mardan.
(Appellant)

VERSUS

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Deputy Inspector General of Police, Mardan Region- I, Mardan.
3. District Police Officer, Mardan.

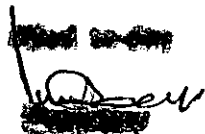
(Respondents)

Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, against the order dated 10.12.2013, whereby the appellant has been awarded major punishment of Compulsory Retirement From Service against which his Departmental dated 23.12.2013, has not been responded despite the lapse of 90 days Statutory Period.

Prayer in Appeal: -

On acceptance of this appeal the order dated 10.12.2013, may please be set-aside and the appellant may please be re-instated in service with full back wages and benefits of service.

Respectfully Submitted:


25/3/14

1. That the appellant was initially enlisted as Constable on 01.06.1972 in the Police Department. During the Course of his Service, the appellant also promoted to different Ranks, lastly he was promoted as Adhoc Inspector on the 14.11.2009.
2. That ever since his appointment, the appellant had performed his duties as assigned to him with zeal and devotion and there was no complaint whatsoever regarding his performance. It is pertinent to mention here that during his entire service, the performance of the appellant remained commendable, he traced and arrested criminals who were required to the Police in some high profile cases, besides

this during the roar of militancy, he always remained in the front line against the militants and demonstrated exceptional performance, gallantry and devotion beyond the call of duty. His performance was also appreciated by the High Ups and he was awarded number of Commendation Certificates and Cash awards. (*Copies of the Commendation Certificates are attached as Annexure A*)

3. That while serving in the said capacity, the appellant was served with charge Sheet and statement of allegations dated 23.10.2013, containing certain unfounded and baseless allegations. The allegations leveled in the Charge Sheet are reproduced below:

“You are carrying bad reputation in terms of inefficiency, corruption and involvement in criminal activities.”

(Copy of the Charge Sheet and Statement of Allegations is attached as Annexure B)

4. That the appellant duly replied the Charge Sheet and refuted the allegations leveled against him as false and baseless vide reply dated 01.11.2013. (*Copy of the Reply is attached as Annexure C*)
5. That without associating the appellant with the inquiry proceedings, a partial inquiry was conducted and the inquiry officer submitted his inquiry report wherein he recommended the appellant for major punishment.
(Copy of the Inquiry Report is attached as Annexure D)
6. That thereafter the competent authority without issuing Final Show Cause Notice to the appellant, while agreeing with the findings of the Inquiry Officer, awarded him the major punishment of “Compulsory Retirement from Service” vide order dated 10.12.2013 to the appellant. (*Copy of the Order dated 10.12.2013 is attached as Annexure E*)
7. That the appellant also filed his departmental appeal on 23.12.2013, however it has not been responded despite the lapse of 90 days Statutory Period. (*Copy of the departmental appeal is attached as Annexure F*)
8. That the impugned Penalty Order is illegal unlawful against law and facts hence liable to be set aside inter alia on the following grounds :

- G. That the appellant has never been served with any Show Cause Notice, nor was he provided the copy of the inquiry report, before the imposition of penalty upon him, which is mandatory in case of awarding major penalty.
- H. That the appellant has never indulged in any such activities beneficial to his person except for the public good. The allegations leveled against the appellant are based on hearsay evidence which has got no footings in the service laws. The Superior Courts have always held that no one should be condemned without solid reasons/ proof.
- I. That appellant has never committed any act or omission which could be termed as misconduct, albeit been awarded the penalty of "*Compulsory Retirement from Service.*"
- J. That the appellant has not been associated with the inquiry proceedings, his statement has not been recorded by the inquiry officer, nor any witness have been examined in his presence or if so examined the appellant has not been allowed to cross examine those who may have deposed against him.
- K. That the appellant has about 39 years bright and spotless service career at his credit, the service record of the appellant bear testimony of his spotless service career, the appellant was never communicated any adverse entries nor has any bad entries in his ACRs/ service roll, the penalty imposed upon him is too harsh and liable to be set aside.
- L. That unfortunately the whole proceedings so conducted against appellant were the result of pre-determined mind, the enquiry officer without ascertaining the true facts or collecting any evidence against the appellant, has submitted his report on mere surmises and conjectures, similarly the competent authority has also did not considered the defence plea of the appellant and passed the impugned order in a mechanical manner least caring for the life long service of the appellant.
- M. That the appellant is jobless since the illegal compulsory retirement from service.

N. That the appellant also seeks permission of this Honourable Tribunal to rely on additional grounds at the time of hearing of the instant appeal.

It is, therefore, humbly prayed that on acceptance of this appeal the order dated 10.12.2013, may please be set-aside and the appellant may please be re-instated in service with full back wages and benefits of service.

Alamzaib Khan
Appellant

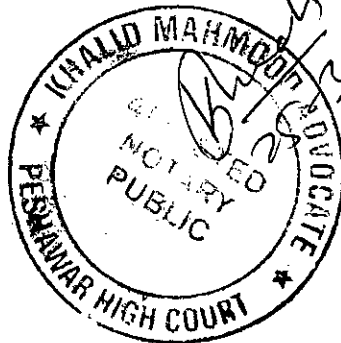
Through

IJAZ ANWAR
Advocate Peshawar

&
Sajid Amin
SAJID AMIN
Advocate, Peshawar.

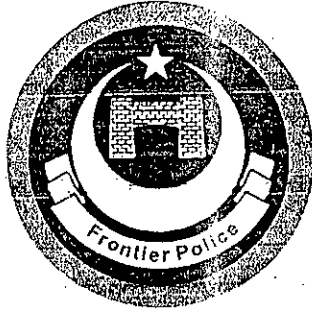
AFFIDAVIT

I, Alamzaib Khan Ex Inspector, District Police Mardan, do hereby solemnly affirm and declare on oath that the contents of the above noted appeal are true and correct and that nothing has been kept back or concealed from this Honourable Tribunal.



Alamzaib Khan
Deponent

ANNEX F
6
KHYBER PAKHTUNKHWA POLICE



COMMENDATION CERTIFICATE
CLASS III
GRANTED BY

MR. WAHID AYUB KHAN, I.D.S.

District Police Officer Mardan

To ATL M. P. KHAN TROOP SHO PS QLEI MARDAN.

Son of _____

District MARDAN.

in Recognition of

FOR HIS GOOD PERFORMANCE.

RS. 2000/-

O.B No. _____

Dated _____ 20

District Police Officer
District Police Officer
Mardan

Attest
[Signature]

(7)

KHYBER PAKHTUNKHWA



Commendation Certificate

Class II

Granted by

Mr. MOHAMMAD ALAM SHEKHARI

**DEPUTY INSPECTOR GENERAL OF POLICE
MARDAN REGION MARDAN.**

TO INSPECTOR AMANZEB SHAIKH MURTAZA

Son of _____

District S.W.A.P.I.

In Recognition of

GOOD PERFORMANCE DURING THE CAMPAIGN AGAINST P.O.s

TRADING OF ARMS AND AMMUNITIONS AND NARCOTICS.

(MARDAN REGION)

O.B. NO. 438 Cash Reward Rs. 4000/-

DATED 22-3-2012.



[Signature]
Deputy Inspector General of Police
Mardan Region Mardan.

[Signature]



8

KHYBER PAKHTUNKHWA POLICE

COMMENDATION CERTIFICATE

Granted to _____

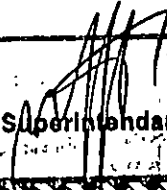
Son of _____ Resident of _____ Village

_____ Police Station _____ District

In recognition of _____

Date _____

O.B. No. _____


Superintendent of Police

NOTE:— (1) If a Police Officer Rank and number in final.
(2) Cash Reward, if any to be specified.

9
North West Frontier Province Police



Commendation Certificate

CLASS I

Granted by

MALIK NAVEED KHAN

Inspector General of Police, N-W.F.P

INSPECTOR ALAMZEB SHO RUSTAM.

To

Son of

District

Mardan.

in Recognition of

FOR HIS GOOD PERFORMANCE OF DUTY.

Cash Reward Rs. 3000/- only.

(MALIK NAVEED KHAN)

Inspector General of Police
N.W.F.P.

Dated 02/02/2010

Attested



16

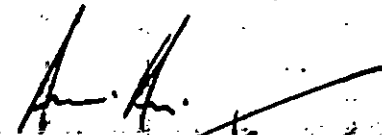
بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

سند اعزاز


مردان پولیس کی جانب سے اشتہاری مجرمان کی گرفتاری میں تعاون اور ان کو رضاکارانہ طور پر خون کو قانون کے حوالے کرنے کیلئے قائل کرنے پر

جناب: **عالمزید خان سب انسپٹر اچارج چوکی پارہوتی**

کی خدمات کے اعتراف کے طور پر انکو اس سند اعزاز سے نوازا جاتا ہے۔ مردان پولیس ان کی خدمات کو خراج تحسین پیش کرتی ہے۔ یقیناً یہ کاوش ضلع مردان میں امن و امان کو مزید بہتر بنانے میں مدد و معاون ثابت ہوگی۔


عابد علی (ڈی پی او مردان)

موزعہ 29 جون 2006ء


محمد سلیمان خان (ڈی آئی جی مردان)

Attest
H

۱۱

ضلعی حکومت مردان



آپ عالم زیب خان SHOU تھانہ لوئر چورڈ کو ضلعی حکومت تعریفی سند دیتی ہے۔
مردان
کہ آپ نے ضلعی حکومت کی طرف سے مہم برائے امداد زلزلہ زدگان و مہم برخلاف ہوائی فائرنگ و آتش بازی
میں بہترین کارکردگی کا مظاہرہ کیا۔

مستقبل میں بھی آپ کے تعاون کا طلب گار رہوں گا۔

حمایت اللہ معیار ایڈوکیٹ
ضلع ناظم مردان

تاریخ 14 نومبر 2005ء

Attestd
AD

North West Frontier Province Police

12



Commendation Certificate

CLASS I

Granted by

SYED KAMAL SHAH

INSPECTOR GENERAL OF POLICE N.W.F.P.

To ASI ALAMZEB KHAN

Son of

District MARDAN

in Recognition of

GOOD INVESTIGATION IN CASE FIR NO.-154

DATED 1.2.1999 POLICE STATION A. DIV:

MARDAN AND ARRESTING THE ACCUSED

AND RECOVERY OF STOLEN PROPERTY

CASH REWARD OF RS.2000/-

Dated 18/3/1999...19

(SYED KAMAL SHAH)
Inspector General of Police,
N.W.F.P.

Attested
to

12 A



N.-W. F. P. POLICE.

COMMENDATION CERTIFICATE

Class III

Granted to Asi Alam Zeb Khan,

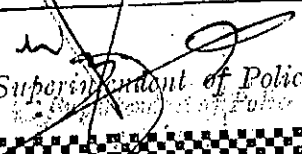
son of _____, resident of _____ village,

Police Station, _____ District,

in recognition of his good performance in recovery of 6 snatched motor cycles on the pointation of accused.

Case No. 2434 }
dt. 22/12/2011 }

Cash Reward Rs 500/-


Superintendent of Police.

Note--(1) If a Police Officer, rank and number in final.
(2) Cash reward if any, to be specified.



CHARGE SHEET UNDER NWFP POLICE RULES 1975.

I, MUHAMMAD SAEED, Deputy Inspector General of Police, Mardan Region-I, Mardan as competent authority, am of the opinion that you Inspector Alam Zeb of Mardan District Police has rendered yourself liable to be proceeded against as you have committed the following acts/omissions within the meaning of section 02 (iii) of the NWFP Police Rules 1975.

You are carrying bad reputation in terms of inefficiency, corruption and involvement in criminal activities.

1) By reason of the above, you appear to be guilty of misconduct under section 2 (iii) NWFP Police Rules 1975 and has rendered yourself liable to all or any of the penalties as specified in section 04 (i) a & b of the said Rules.

2) You are therefore, directed to submit your written defense within seven days of the receipt of this charge sheet to the enquiry Officer.

3) Your written defense if any should reach to the enquiry Officer within the specified period, failing which it shall be presumed that you have no defense to put- in and in that case an ex-part action shall follow against you.

4) Intimate whether you desired to be heard in person.

(MUHAMMAD SAEED)PSP
Deputy Inspector General of Police,
Mardan Region-I, Mardan.

Attested by
Inspector
K.P.K Police
13-12-13

Attested
D

14

Government of Khyber Pakhtunkhwa
Office of the Deputy Inspector General of Police
Mardan Region-I, Mardan

Phone No. 0937-9230113, Fax No. 0937-9230115

From: The Deputy Inspector General of Police,
Mardan Region-I, Mardan

- To:** 1. The District Police Officer, Mardan.
2. The District Police Officer, Swabi.
3. The Superintendent of Police, Investigation, Mardan.
4. The Superintendent of Police, Investigation, Charsadda.

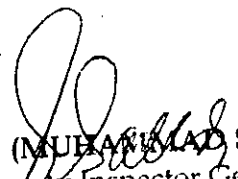
No. 4530-33/ES.

23, October, 2013.

Subject: DEPARTMENTAL ENQUIRY.

Memo: Charge Sheet alongwith Summary of allegation of the following Police Officers of your respective District/unit are sent herewith for delivery upon them. One copy of each duly signed by them may please be returned to this office for further proceeding.

S. No.	Name & Rank	Place of Posting
1	SI/Inspector Malook Shah (adhoc promotee)	Swabi District
2	Inspector Abdur Raouf	Investigation Wing, Mardan
3	Inspector Gohar Khan	Investigation Wing Charsadda
4	Inspector Alam Zeb	Mardan District


(MUBARAK SAAD)PSP
Deputy Inspector General of Police,
Mardan Region-I, Mardan.

Attest
TC

DISCIPLINARY ACTION UNDER NWFP POLICE RULES 1975.

18

I, MUHAMMAD SAEED, Deputy Inspector General of Police, Mardan Region-I, Mardan as competent authority, am of the opinion that you Inspector Alam Zeb Khan of Mardan District Police has rendered yourself liable to be proceeded against as you have committed the following acts/omissions within the meaning of section 02 (iii) of the NWFP Police Rules 1975.

STATEMENT OF ALLEGATIONS.

You are carrying bad reputation in terms of inefficiency, corruption and involvement in criminal activities.

This amounts to grave misconduct on your part, which warrants departmental action against you.

For the purpose of scrutinizing the conduct of the said Officer with to the above allegations, Mr. Mian Naseeb Jan Deputy Superintendent of Police Headquarter, Mardan is hereby nominated as Enquiry Officer in section 6 (I) (a) of the aforementioned Rules.

The enquiry Officer after completing all proceedings shall submit its verdict to this office within stipulated time of (10) days, as contained in section 06 (5) of NWFP Police Rules 1975.

You are also directed to appear before the Enquiry Officer on the date, time and place fixed by the enquiry Officer.

(MUHAMMAD SAEED)PSP
Deputy Inspector General of Police,
Mardan Region-I, Mardan.

No. 4524-25/ES.

Dated Mardan, the 23/10/2013.

Copies for information and necessary to the:-

- ✓ 1. District Police Officer, Mardan for information for information and necessary action.
2. Deputy Superintendent of Police Headquarter, Mardan for information and necessary action.

Handwritten Urdu text: "کاپیوں کے لئے ڈسٹرکٹ پولیس آفیسر، مردان اور ڈپٹی سپرنٹنڈنٹ آف پولیس ہیڈ کوارٹر، مردان کو بھیجا گیا ہے۔"

Handwritten signature and date: "1.11.2013" and "Alleged" with a signature.

Handwritten signature and stamp: "Attested by" and "District Inspector Mardan, P.K. Police" with a signature.

جناب عالی!

بحوالہ چارج شیٹ معہ سمری آف ایلیگیشن نمبر: 4824-25/ES مورخہ 23/10/2013 ذیل معروض ہوں۔
چارج شیٹ میں میرے خلاف بدعنوانی، نااہلی اور مجرمانہ سرگرمیوں میں ملوث ہونے کے الزامات لگائے گئے ہیں۔

۱: **بدعنوانی:** یہ الزام جھوٹ، بے بنیاد، بلا ثبوت اور ذاتی / سیاسی عناد پر مبنی ہے۔ میری طویل عرصہ ملازمت کے دوران کسی شخص، ادارہ یا ذرائع نے میرے خلاف بدعنوانی کی کوئی شکایت نہیں کی ہے۔ اور نہ میرے خلاف اس سلسلے میں کوئی کارروائی کی گئی ہے۔ میرے سروس ریکارڈ کے مطابق کسی مجاز افسر نے میرے "ACR" میں بھی اس قسم کا الزام نہیں لگایا گیا ہے۔ پھر ان حالات میں مجھے کیوں اور اس ثبوت کے پیش نظر بدعنوان قرار دیا جا رہا ہے؟

۲: **نااہلیت:** میں نے اپنی ملازمت کے دوران اپنی ذیوقی اہلیت، اخلاص اور ایمانداری سے سرانجام دی ہے۔ اپنی اہلیت کے پیش نظر بغیر کسی رکاوٹ کے ترقیاب ہو کر انسپکٹر کے عہدے تک پہنچا ہوں۔ اپنی پیشہ ورانہ اہلیت کی وجہ سے 8 سے زائد تھانہ جات میں بحیثیت SHO اپنی بیرونی مکمل کر چکا ہوں۔ جو ایک ریکارڈ ہے۔ اگر میں نہ اہل ہوتا تو مجاز افسران مجھے SHO جیسی اہم ذمہ داری ہرگز نہ سونپتے۔ میرے تمام عرصہ ملازمت کے دوران دیئے گئے "ACR" میں مجاز افسران نے مجھے Efficient Police Officer قرار دیا ہے۔ میں مورخہ 01/06/1974 کو بچہ کا انسپل بھرتی ہو کر افسران بالانے مجھے 18/06/1980 کو بچہ ہڈ کا انسپل و 10/03/1998 کو بچہ ASI و 10/06/2005 کو بچہ SUB Inspector اور مورخہ 14/11/2009 کو بچہ انسپکٹر ترقیاب فرمایا ہے جو میری سروس ریکارڈ کا ایک ناقابل تردید ثبوت ہے۔ جبکہ میرے "ACRs" بھی قابل ملاحظہ ہیں۔ تعجب کی بات ہے کہ کس Source کے تحت مجھے مورود الزام ٹھہرایا جا رہا ہے؟

۳: **مجرمانہ سرگرمیوں میں ملوث ہونا:** یہ الزام تو سراسر بے بنیاد، جھوٹ، بلا ثبوت اور ذاتی / سیاسی عناد کا شاخسانہ ہے اب تک اس الزام کے متعلق کسی مجاز افسر نے میرے "ACR" میں کوئی ذکر تک نہیں کیا اور نہ کسی بھی سطح پر قبل ازیں مجھ سے اس سلسلے میں کوئی باز پرس کی گئی ہے۔ اگر میں اس قسم کا افسر ہوتا تو مجاز افسران ضرور میرے "ACR" میں یہ اندراج کروا لیتے مگر حالات اس کے برعکس ہیں۔ اور اس الزام کی تردید میں بھی میرا شاندار سروس ایک ناقابل تردید ثبوت ہے۔

جناب والا! میں مورخہ 1-6-74 کو محکمہ پولیس میں بطور کانسٹیبل بھرتی ہوا ہوں۔ محکمانہ امتحانات پاس کر کے اور **Attestation**
A. D. G. Mandan
Inspector
K.P.K. Police
انتہائی ایمانداری اپنے فرائض سرانجام دیتے ہوئے اپنی باری پر بغیر کسی رکاوٹ کے ترقیاب ہو چکا ہوں۔ اپنی طویل عرصہ ملازمت کے دوران میرے خلاف کوئی محکمانہ کارروائی نہیں ہوئی ہے اور نہ ہی مجھے کسی قسم کی سزا دی گئی

Attestation
H

ہے۔ اس کے علاوہ مجھے مجاز افسران نے تمام عرصہ ملازمت کے دوران کلاس "A" کے "ACR" دی ہیں جو میرے سروس ریکارڈ پر موجود ہیں۔ چارج شیٹ میں درج الزامات سے آگاہ ہو کر تعجب، بے چینی اور بے انصافی کے علاوہ میں اور میرے اہل ہنود دماغی طور پر مفلوج ہونے سے شدید رنج و غم میں مبتلا ہوئے۔ اس سلسلے میں ایک انسان اور پاکستانی شہری ہونے کے ناطے اپنی عدالتی چارہ جوئی کا حق محفوظ رکھتا ہوں۔ میں ایک Efficient, Honest اور ایچھے کردار کا حامل پولیس افسر ہوں جس کی تائید میں میرا سروس ریکارڈ موجود ہے۔ چارج شیٹ میں درج الزامات کی وجہ سے میرے عزت نفس کو نقصان پہنچا ہے، جس کا احاطہ ناممکن ہے۔

اپنی ملازمت کے دوران دیگر کارگزاری کے علاوہ مقدمات High Profile Cases مندرجہ مشمولہ چارج (4) قطعات سلسلہ 1 تا 27 میں کارہائے نمایاں انجام دے چکا ہوں جس کی پاداش میں افسران بالا نے مجھے انعامات اور تعریفی اسناد سے نوازا ہے۔ (تعریفی اسناد کی کاپیاں لف ہذا ہیں)

مندرجہ بالا کارروائی کے علاوہ دیگر تھانہ جات میں کافی مقدار میں منشیات/اسلحہ کی برآمدگی اور بدنام زمانہ مجرمانہ اشتہاری بھی گرفتار کئے ہیں جو میری اہلیت، ایمانداری سے ڈیوٹی سرانجام دینے کا ایک ثبوت ہے۔

جناب والا! میرے خلاف چارج شیٹ میں درج الزامات جھوٹ، بے بنیاد، بلا ثبوت اور ذاتی/سیاسی عناد پر مبنی ہیں۔ میں نے اپنی عرصہ ملازمت کے دوران دیانتداری، اہلیت اور ایچھے کردار کے حامل ہونے کی پوری پوری کوشش کی ہے جس کے ثبوت میں اپنا شاندار سروس ریکارڈ پیش کرتا ہوں۔ چارج شیٹ میں درج الزامات کی وجہ سے مجھے اور میرے اہل ہنود کو شدید رنج و غم پہنچا ہے اور اس سلسلے میں عدالتی چارہ جوئی کا حق محفوظ رکھتا ہوں۔ استدعا ہے کہ میرے خلاف جاری شدہ چارج شیٹ بلا مزید کسی کارروائی کے داخل دفتر فرمایا جائے۔ اور مجھے اپنے عہدے پر بحال فرمایا جائے۔

مورخہ: 01/11/2013

Attested Pl.
 A/District Magistrate
 District Magistrate
 Inspector
 K.P.K Police
 01-11-2013
 عالم زبیر
 انسپیکٹر پولیس لائنز منڈی

Attested
 To

فائل انکوائری آذان انسپکٹر عالم زیب خان ضلع مردان

جناب عالی!

بحوالہ چھٹی انگریزی نمبری 4824-25/ES مورخہ 23.10.13 منجانب دفتر جناب DIG صاحب مردان برخلاف انسپکٹر عالم زیب خان انکوائری کاغذات برائے انکوائری موصول ہو کر جسمیں مذکورہ کے خلاف الزام لگایا گیا ہے۔ کہ دوران سروس مذکورہ نے خراب کارکردگی، رشوت ستانی میں ملوث ہونے اور جرائم پیشہ افراد کے ساتھ تعلقات استوار کئے ہیں۔

دوران انکوائری مذکورہ پر چارج شیٹ تقسیم ہو کر جس نے اپنے بیان میں لگائے گئے سارے الزامات کی تردید کی۔ اپنے آپ کو کسی بھی بد عنوانی میں ملوث ہونے سے صاف انکار کیا۔ اور دوران ملازمت مختلف اوقات میں کمانڈنگ آفسران سے توصلی اسناد اور نقد انعامات وصول کرنا بیان کیا۔ اور اپنے دوران تعیناتی بحیثیت SHO بڑے مختلف مقدمات میں احسن کارکردگی کرنے والے 27 مقدمات کا حوالہ دے کر اسکے علاوہ بڑے پیمانے پر منشیات اور غیر قانونی اسلحہ کی برآمدگی بیان کیا۔ اور جرائم پیشہ افراد کے ساتھ ملوث ہونے کی مکمل تردید کی۔ کہ مذکورہ نے دوران سروس کبھی اپنے آفسران کو اس قسم کی شکایت کا موقعہ فراہم نہیں کیا ہے۔ اور اپنے بے داغ ماضی کو مد نظر رکھتے ہوئے اپنے خلاف جاری انکوائری کو بلا کسی کارروائی کے داخل دفتر کرنے کی استدعا کی ہے۔

دوران انکوائری مذکورہ جن تھانہ جات میں بحیثیت SHO رہ چکا ہے۔ اس علاقوں میں خود بمعہ انور داد خان SI، رشید خان SI اور اپنے ریڈر کو اپنے ساتھ لے جا کر خفیہ طور پر معلومات ہو کر عوام الناس نے مذکورہ کے بارے میں تحریری بیان دینے سے معذرت ظاہر کی ہیں۔ البتہ خفیہ معلومات کرنے سے انسپکٹر عالم زیب خان کی کرپشن کی داستانیں ہر ایک کے زبان پر موجود ہیں۔ مگر پولیس کے ڈر سے کوئی بھی تحریری بیان دینے سے کتراتے ہیں۔ اور عموماً وردی کے ڈر کی وجہ سے ایسا ہی اکثر ہوتا ہے۔

انسپکٹر عالم زیب خان کے سروس ریکارڈ کے بابت عمل نامہ برانچ سے رابطہ کر کے جس نے بیان کیا۔ کہ مذکورہ کا سروس ریکارڈ خزانہ برانچ میں ہے۔ جو کہ اس بابت اکاؤنٹ آفس کو چھٹی انگریزی نمبری 484/HQrs مورخہ 07-11-13 تحریر کر کے مذکورہ کا سروس ریکارڈ منگوایا گیا۔ سروس ریکارڈ چیک کر کے مذکورہ سے بدوران سروس مختلف قسم کی غلطیاں سرزد ہو کر جس پر اسے سزائیں دی گئی۔ مختلف اوقات میں آفسران بالانے کوتاہیوں پر مختلف Advice notice، Displeasure notices دئے گئے ہیں۔ اسکے علاوہ مختلف قسم کی کوتاہیوں پر مختلف اوقات میں سزائیں دی گئی۔

انسپکٹر عالم زیب خان کی انکوائری ہو کر بعد انکوائری جرائم پیشہ افراد سے تعلقات قائم رکھنا اس لئے ثابت نہ ہو سکا۔ کہ مذکورہ کی کالنگ ڈیٹا فراہم کرنے کیلئے بحوالہ درخواست نمبری 442/HQ مورخہ 29-10-13 کو

Attest
[Signature]

Attest
A.D.C. - Mr. 13-12-13
Inspector
K.P.K. Police

انچارج کمپیوٹریب سے استدعا کی گئی ہے۔ لیکن تاحال اس بابت کمپیوٹریب کی طرف سے کوئی پیش رفت نہیں ہوئی۔ اور
کریپشن کے سلسلے میں گوکہ تحریر میں کچھ نہیں۔ لیکن علاقہ میں اسکے خلاف کوپشن میں ملوث ہونے کا تاثر موجود ہے۔ کہ مذکورہ
بغیر رشوت لئے کوئی کام نہیں کرتا۔ اور خراب کارکردگی کو اسکے عمل نامہ سے ظاہر صاف ظاہر ہے۔ کہ اُسے 10 بار کوتاہیاں
کی۔ اور 10 بار سے سزا دی گئی ہے۔ اس سلسلے میں پولیس رولز بار 16 فقرہ 9 واضح ہے۔ کہ بار بار چھوٹی چھوٹی
سزائیں دینے سے محکمہ پر بڑا اثر پڑتا ہے۔ اسلئے انسپکٹر عالم زیب خان کو Major Punishment دینے کی سفارش
کی جاتی ہے۔

(میاں نصیب جان)

ڈپٹی سپرنٹنڈنٹ آف پولیس ہیڈ کوارٹر مردان

9/12/13

Awarded major
punishment of
compulsory
retirement.

10/12

Attested by
Abdus Salam
Inspector
K.P.K Police
13.12.13

Attested
AD

20
ANNEX E
ORDER.

This order will dispose-off a departmental enquiry, under NWFP Police Rules 1975, initiated against Inspector Alam Zeb Khan (ad hoc promotee) of Mardan District Police now under suspension at Police Lines, Mardan for corruption, inefficiency and involvement in criminal's activities.

In this connection, Inspector Alam Zeb Khan (ad hoc promotee) is suspended and closed to Police Lines and charge sheet was issued vide this office endorsement No. 4824-25/ES dated 23.10.2013 and also proceeded him against departmentally through Mr. Mian Naseeb Jan Deputy Superintendent of Police Headquarter, Mardan who after fulfilling necessary process the allegation established against him, submitted his findings to the undersigned who recommended him for major punishment.

The undersigned is agreed with the findings of enquiry Officer and the alleged Inspector Alam Zeb (ad hoc promotee) is hereby awarded major punishment compulsory retired from service in exercise of the power vested me under the above quoted rules

ORDER ANNOUNCED.

(MUHAMMAD SAEED)PSP
Deputy Inspector General of Police,
Mardan Region-I, Mardan.

No. 5798-99/ES, Dated Mardan the 10/12 /2013.

Copy forwarded to the:-

1. Provincial Police Officer, Khyber Pukhtunkhwa, Peshawar for favour of information please.
2. District Police Officer, Mardan for information and necessary action.

He may be informed accordingly.

Attested
(*****)
Bhikhar Shah
Inspector
Police
A.D.C. - Mardan
13.12.13

Attested
to

(21) ANNEX F

To,

The Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.

Subject: DEPARTMENTAL APPEAL AGAINST THE ORDER DATED 10-12-2013, WHEREBY THE MAJOR PENALTY OF COMPLUSORY RETIREMENT FROM SERVICE IS IMPOSED UPON THE APPELLANT. No, 12669/E-I dated 23-12-2013
E-II

Prayer in Appeal:-

ON ACCEPTANCE OF THIS DEPARTMENTAL APPEAL THE ORDERS DATED 10-12-2013, MAY PLEASE BE SET ASIDE AND THE UNDERSIGNED MAY BE REINSTATED INTO SERVICE WITH ALL BACK BENEFITS.

Respected Sir,

I very humbly submit the following few lines for your kind and sympathetic consideration:-

1. That I was initially enlisted as Constable on 01-06-1974. During the Course of my service I was also promoted to different Ranks, lastly I was promoted as Adhoc Inspector on 14-11-2009.
2. That every since my appointment, I had performed my duties assigned to me with zeal and devotion and there was no complaint whatsoever regarding my performance. It is pertinent to mention here that during my entire service my performance remained commendable. I traced and arrested criminal who were required to the Police in some High Profiles cases, besides this during the roar of militancy, I always remained in the front line against the militants and demonstrated exceptional performance, gallantry and devotion beyond the call of duty. My performance was also appreciated by the High Ups and I was awarded number of Commendation Certificates and Cash awards.

Attest
[Signature]

3. That while serving in the said capacity I was served with a charge Sheet and statement of allegations dated 23-10-2013, containing certain unfounded and baseless allegations. The allegations leveled in the Charge Sheet are reproduced below:-
"You are carrying bad reputation in terms of inefficiency, corruption and involvement in criminal activities"
(Copy of the Charge Sheet and Statement of Allegations is attached).
4. That the undersigned duly replied the Charge Sheet and refuted the allegations leveled against him as false and baseless vide reply dated 01-11-2013. *(Copy of reply is attached).*
5. That without associating me with the inquiry proceedings, a partial inquiry was conducted and the inquiry officer submitted the inquiry report wherein he recommended me for major punishment.
(Copy of the Inquiry Report is attached).
6. That thereafter the competent authority without serving upon me the Final Show Cause Notice, while agreeing with the findings of the Inquiry Officer, awarded me the major punishment of **"Compulsory Retirement from Service"** vide order dated 10-12-2013. *(Copy of the Order dated 10-12-2013 is attached).*
7. That the penalty imposed upon me is illegal unlawful against law and facts hence liable to be set aside inter alia on the following grounds:-

GROUND OF DEPARTMENTAL APPEAL.

- A. That I have not been treated in accordance with law hence my rights secured and guaranteed under the law and badly violated.
- B. That no proper procedure has been followed before awarding me the major penalty of *Compulsory Retirement from Service*, no proper inquiry has been conducted, I have not been associated with the inquiry proceedings, statements of witnesses if any were never taken in my presence, nor I have been allowed opportunity of cross examination, moreover, I have not been served with any show cause notice. Thus the whole proceeding are defective in nature.
- C. That the allegations leveled against me are general in nature and no specific instance has been shown where I have been found involved in the charges leveled against me, thus the Charge Sheet in itself is ambiguous and not warranted under the law.
- D. That I have not been allowed opportunity of personal hearing, thus I have been condemned unheard.
- E. That in the Charge Sheet / Statement of Allegations it was alleged that I carry bad reputation in terms of inefficiency, corruption and involvement in criminal activities, however not a single instance has been mentioned wherein I have been found

Alleged


inefficient, corrupt or involved in criminal activities, thus I have not been allowed fair opportunity to defend my self against the charges.

- F. That the charges leveled against me were never proved in the enquiry, the enquiry officer gave his findings on surmises and conjunctures, moreover the inquiry officer had stated in the inquiry report that he secretly collected information from the local people about my character, however neither the names of those person (If any) were brought on record nor I have been allowed to cross examine those person on whom statements the inquiry officer replied and recommended me for major punishment, thus the inquiry report is defective in nature.
- G. That I have never been served with Show Cause notice, nor have I been provided the copy of the inquiry report, before the imposition of penalty upon me, which is mandatory in case of awarding major penalty.
- H. That I have never committed any act or omission which could be termed as misconduct, albeit I have been awarded the penalty of "Compulsory Retirement from Service".
- I. That I have not been associated with the inquiry proceedings, my statement has not been recorded by the inquiry officer, nor any witness have been examined or if so examined, I have not been allowed to cross examine those who may have deposed against me.
- J. That the facts and grounds mentioned in my reply to the Charge Sheet dated 01-11-2013 (Attached herewith) may also be read as integral part of the instant departmental appeal.
- K. That I am jobless since the illegal penalty imposed upon me.
- L. That I have at about 39 years service career at my credit, the penalty imposed upon me is harsh and liable to be setaside.

It is therefore, humbly prayed that on acceptance of this departmental appeal the orders dated 10-12-2013, may please be set aside and the undersigned may be reinstated into service with all back benefits.

Your's Obediently

ALAMZEB KHAN
 23-12-2013
ALAMZEB KHAN
 Ex-Inspector
 District Police, Mardan.

Dated: 23 /12/2013

Alamzeb Khan

POWER OF ATTORNEY

The COURT of Justice J. Iqbal Khan Peshawar
Service Tribunal Peshawar
Alam Zaib Khan Ex Inspector

For:
Plaintiff
Appellant
Petitioner
Complainant

VERSUS

Divisional Police Officer, Khyber
Pakhtunkhwa Peshawar

Defendant
Respondent
Accused

Appeal/Revision/Suit/Application/Petition/Case No: _____ of _____
Fixed for _____

I/WE, the undersigned, do hereby nominate and appoint

MR. IJAZ ANWAR, ADVOCATE, HIGH COURT, PESHAWAR

Sajid Amin Advard my true and lawful attorney, for me in my name and on my behalf to appear at Peshawar to appear, plead, act and answer in the above Court or any appellate Court on any Court to which the business is transferred in the above matter and is agreed to sign and file PETITIONS. An appeal, statements, accounts; exhibits, compromises or other documents whatsoever, in connection with the said matter or any matter arising there-from and also to apply for and receive all documents or copies of documents, depositions etc and to apply for and issue summons and other writs or sub-poena and to apply for and get issued and arrest, attachment or other execution, warrants or order and to conduct any proceeding that may arise there out; and to apply for and receive payment of any or all sums or submit for the above matter to arbitration, and to employ any other Legal Practioner authorizing him to exercise the power and authorities hereby conferred on the Advocate whenever he may think fit to do so, any other lawyer may be appointed by my said counsel to conduct the case who shall have the same powers.

AND to do all acts legally necessary to manage and conduct the said case in all respects, whether herein specified or not, as may per proper and expedient.

AND I/We hereby agree to ratify and confirm all lawful acts done on my/our behalf under or by virtue of this power or of the usual practice in such matter.

PROVIDED always, that I/We undertake at time of calling of the case by the court/ my authorized agent shall inform the Advocate and make him appear in court, if the case may dismissed in default, if it be proceeded ex-parte the said counsel shall not held responsible for the same. All cost awarded in favour shall the right of Counsel or his nominee, and if awarded against shall payable by me/us.

IN WITNESS whereof I/We have hereto signed at _____ the _____ day to _____ in the year _____

Executant/Executants _____
Accepted subject to the terms regarding fee _____

SAJID AMIN
ADVOCATE HIGH COURT

Legal Advisor Service & Labour Laws Consultants
FR-3, 4th Floor, Bilour Plaza Peshawar Cantt.
Ph: 091-5272054, Mob: 0333-4584986, 03339155956

Ijaz Anwar

Advocate High Courts & Supreme Court of Pakistan

ADVOCATES, LEGAL ADVISORS, SERVICE & LABOUR LAW CONSULTANT
FR-3, 4th Floor, Bilour Plaza, Saddar Road, Peshawar Cantt.
Ph: 091-5272054 Mobile: 0333-9107225

Alam Said Aman, Ex. 28 Professor
Barrister, Barrister
Reports the Professor

Administrative Police Officer, Kuching
Barrister, Barrister

3 24710 Aman Aman
Barrister

~~RAK~~

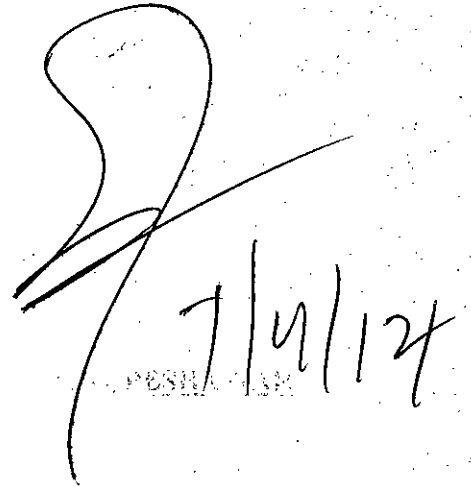
ALAM SAID AMAN
ADVOCATE HIGH COURT
Legal Services / Law Centre
Rt. 11, 1st Floor, Jalan Pagar, Kuching
PA 01-222-2222 033212320

Handwritten scribbles at the bottom of the page.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

In the Matter of

Appeal No. 418 /2014



7/4/14

ALAMZEB KHAN

VERSUS

**PROVINCIAL POLICE OFFICER KPK PESHAWAR AND
OTHERS**

APPLICATION FOR EARLY HEARING

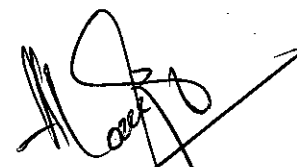
Respectfully Sheweth,

1. That the titled appeal is pending adjudication before this Honourable Tribunal in which 19/05/2014 is the date fixed for hearing.
2. That appellant has in the instant appeal impugned the compulsory retirement order, since the appellant has been illegally awarded the penalty, hence due to illegal order he is suffering great financial loss and as such the titled appeal is disserved to be expedited.
3. That similar nature appeal No. 398/2014 titled "**RAUF VERSUS GOVT. OF KPK AND OTHERS**" is fixed today for preliminary hearing before this Honourable Bench, hence the titled appeal also deserve to be fixed today i.e. 07/04/2014.

4. That the date given for preliminary hearing in the titled appeal is so far, hence deserve to be expedited.
5. That there is no legal impediment in early fixation of the titled appeal.

It is therefore, humbly requested that on acceptance of this application the next date in the noted appeal given for hearing may kindly be expedited and ~~be fixed for today i.e. on 7/04/2014, with appeal No. 398/2014.~~

Dated: 07/04/2014


Applicant

Through


SAJID AMIN

Advocate, Peshawar.

e

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR.

Service Appeal No. 418/2014.

Alam Zeb Khan Ex-Inspector, District Police
Mardan.....

Appellant.

VERSUS.

1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Deputy Inspector General of Police, Mardan Region-I, Mardan.
3. District Police Officer,

Mardan.....Respondents.

Para wise comments on behalf of official respondents are submitted as below.

Respectfully Sheweth:

PRELIMINARY OBJECTIONS

1. That the appellant/petitioner has not come to this Honourable Tribunal with clean hands.
2. That the appellant/petitioner has got no cause of action.
3. That the appellant/petitioner has concealed material facts from this Honourable Tribunal.
4. That the appellant/petitioner is estopped by his own conduct, by law to bring the instant appeal.
5. That the present appeal is bad in its present form hence not maintainable and liable to be dismissed.
6. That the instant appeal is barred by law.

COMMENTS ON FACTS

1. Pertains to record, hence needs no comments.
2. Pertains to record, hence needs no comments.
3. Part 1st of Para-3 is correct while the later part of the Para is incorrect as disciplinary action, under NWFP Police Rules-1975, was initiated on public information against the appellant/petitioner and was, therefore, issued statement of allegations and charge sheet on the grounds of inefficiency, corruption and involvement in criminal activities.

(Copies of statement of allegations & Charge Sheet are enclosed as Annexure-A & B)

4. Correct that charge sheet was duly replied containing allegations, mentioned above in Para-3, were true providing strong base for taking legal/disciplinary action against the appellant/petitioner.
5. Incorrect. No irregularities has been made by respondent No. 3 and the whole departmental proceedings were in accordance with law and the impugned enquiry provides strong base thereto.
6. Pertains to record.
7. Pertains to record.
8. Incorrect. The impugned penalty order is legal, lawful and in accordance with law and facts, hence, liable to be maintained.


COMMENTS ON GROUNDS

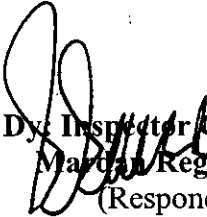
- A. Incorrect. The appellant/petitioner has been treated in accordance with law and there is no violation of his legal and guaranteed rights under the law.
- B. Incorrect. A proper procedure was adopted, including proper enquiry with following all codal formalities, and the appellant was found guilty thereof, hence, punished as he deserved.

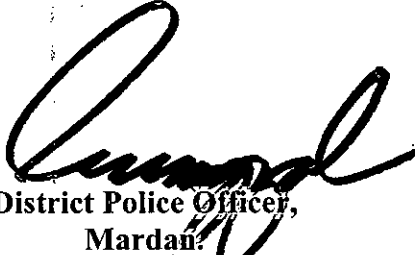
- C. Incorrect. The allegations are based on public information and the material collected from his service record, so, the charge sheet is self-explanatory thereby, making the appellant/petitioner liable for proper departmental enquiry.
- D. Incorrect. The appellant/petitioner has been awarded all opportunities, required under law.
- E. Incorrect. The allegations against the appellant/petitioner were severe, so, he was provided all opportunities to defend himself.
- F. Incorrect. In fact, the allegations against the appellant/petitioner were based on public information and the material collected from his service record, making him guilty and was, therefore, recommended for proper departmental enquiry, later on followed properly and under law.
- G. Incorrect. The law provides that if the authority is satisfied and it is not expedient to give such opportunity, so, it was not necessary to issue Show Case Notice.
(Copy of Rule 5 (3) (c) (proviso) of Police Rules-1975 is enclosed as Annexure-C)
- H. Incorrect. The public information and the material from the service record provides strong base to the legal action against the appellant/petitioner and he also availed all opportunities of defence.
- I. Incorrect. The allegations leveled against the appellant/petitioner comes in the ambit of the term "misconduct" and ultimately awarded, after proper departmental enquiry, major punishment of compulsory retirement.
- J. Incorrect. Nothing has been concealed from the appellant/petitioner and the whole departmental proceedings were run fairly and properly.
- K. Incorrect. In fact, a series of red/bad entries have been noticed in his service record, wherein, he has been awarded advice and displeasure notices.
(Copies of advice and displeasure notices are enclosed as Annexure-D)
- L. Incorrect. No bias/prejudicial mind has been applied, during departmental proceedings, against the appellant/petitioner, rather, facts-based enquiry led him to his final destination of compulsory retirement.
- M. No comments.
- N. The respondents also seek the permission of this Hon'ble Tribunal to raise additional grounds at the time of hearing/argument of the instant case.

Prayer :

In the above circumstances, it is humbly prayed that the appeal of the appellant being baseless and devoid of legal force, may kindly be dismissed.


Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.
(Respondent No. 1)


Dy. Inspector General of Police,
Mardan Region-I, Mardan.
(Respondent No. 2)


District Police Officer,
Mardan.
(Respondent No. 3)

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR.

Service Appeal No. 418/2014.

Alam Zeb Khan Ex-Inspector, District Police
Mardan.....

Appellant.

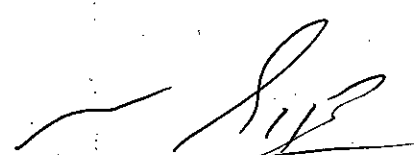
VERSUS.


1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Deputy Inspector General of Police, Mardan Region-I, Mardan.
3. District Police Officer,


Mardan.....Respondents.

AUTHORITY LETTER.

Mr. Muhammad Shafiq 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. 1)


Dy. Inspector General of Police,
Mardan Region-I, Mardan.
(Respondent No. 2)


District Police Officer,
Mardan.
(Respondent No. 3)

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR.

Service Appeal No. 418/2014.

Alam Zeb Khan Ex-Inspector, District Police
Mardan.....

Appellant.


VERSUS.

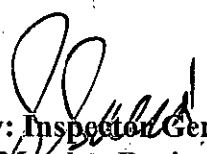
1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Deputy Inspector General of Police, Mardan Region-I, Mardan.
3. District Police Officer,

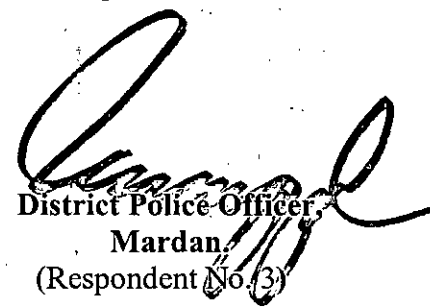
Mardan..... Respondents.

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. 1)**


**Dy: Inspector General of Police,
Mardan Region-I, Mardan.
(Respondent No. 2)**


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

CHARGE SHEET UNDER NWFP POLICE RULES 1975.

I, MUHAMMAD SAEED, Deputy Inspector General of Police, Mardan Region-I, Mardan as competent authority, am of the opinion that you Inspector Alam Zeb of Mardan District Police has rendered yourself liable to be proceeded against as you have committed the following acts/omissions within the meaning of section 02 (iii) of the NWFP Police Rules 1975.

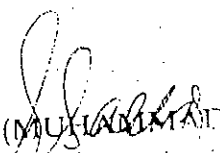
You are carrying bad reputation in terms of inefficiency, corruption and involvement in criminal activities.

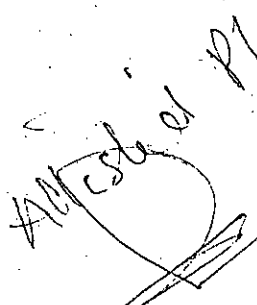
1) By reason of the above, you appear to be guilty of misconduct under section 2 (iii) NWFP Police Rules 1975 and has rendered yourself liable to all or any of the penalties as specified in section 04 (i) a & b of the said Rules.

2) You are therefore, directed to submit your written defense within seven days of the receipt of this charge sheet to the enquiry Officer.

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

4) Intimate whether you desired to be heard in person.


(MUHAMMAD SAEED)PSP
Deputy Inspector General of Police,
Mardan Region-I, Mardan.


Aftab Ali
Inspector
K.P.K Police

A.P.O. Mardan
13-12-13

DISCIPLINARY ACTION UNDER NWFP POLICE RULES - 1975

I, MUHAMMAD SAEED, Deputy Inspector General of Police, Mardan Region-I, Mardan as competent authority, am of the opinion that you Inspector Alam Zeb Khan of Mardan District Police has rendered yourself liable to be proceeded against as you have committed the following acts/omissions within the meaning of section 02 (iii) of the NWFP Police Rules 1975.

STATEMENT OF ALLEGATIONS.

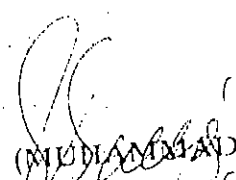
You are carrying bad reputation in terms of inefficiency, corruption and involvement in criminal activities.

This amounts to grave misconduct on your part, which warrants departmental action against you.

For the purpose of scrutinizing the conduct of the said Officer with to the above allegations, Mr. Mian Naseeb Jan Deputy Superintendent of Police Headquarter, Mardan is hereby nominated as Enquiry Officer in section 6 (I) (a) of the aforementioned Rules.

The enquiry Officer after completing all proceedings shall submit its verdict to this office within stipulated time of (10) days, as contained in section 06 (5) of NWFP Police Rules 1975.

You are also directed to appear before the Enquiry Officer on the date, time and place fixed by the enquiry Officer.


(MUHAMMAD SAEED)PSP
Deputy Inspector General of Police,
Mardan Region-I, Mardan.

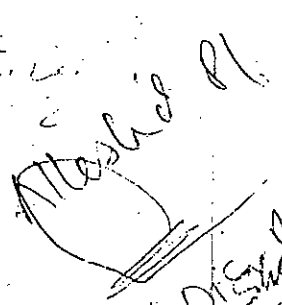
Dated Mardan, the 23/10/2013.

No. 4524-25 /ES.

Copies for information and necessary to the:-

1. District Police Officer, Mardan for information for information and necessary action.
2. Deputy Superintendent of Police Headquarter, Mardan for information and necessary action.

[Handwritten notes in Urdu]
1-11-2013


Mian Naseeb Jan
Deputy Superintendent of Police
K.P.K. Police

جناب عالی!

بحوالہ چارج شیٹ معہ سمری آف ایلیگیشن نمبر: 4824-25/ES مورخہ 23/10/2013 ذیل معروض ہوں۔
چارج شیٹ میں میرے خلاف بدعنوانی، نااہلی اور مجرمانہ سرگرمیوں میں ملوث ہونے کے الزامات لگائے گئے ہیں۔

۱: بدعنوانی: یہ الزام جھوٹ، بے بنیاد، بلا ثبوت اور ذاتی / سیاسی عناد پر مبنی ہے۔ میری طویل عرصہ ملازمت کے دوران کسی شخص، ادارہ یا ذرائع نے میرے خلاف بدعنوانی کی کوئی شکایت نہیں کی ہے۔ اور نہ میرے خلاف اس سلسلے میں کوئی کارروائی کی گئی ہے۔ میرے سروس ریکارڈ کے مطابق کسی مجاز افسر نے میرے "ACR" میں بھی اس قسم کا الزام نہیں لگایا گیا ہے۔ پھر ان حالات میں مجھے کیوں اور اس ثبوت کے پیش نظر بدعنوان قرار دیا جا رہا ہے؟

۲: نااہلیت: میں نے اپنی ملازمت کے دوران اپنی ذہنی اہلیت، اخلاص اور ایمانداری سے سرانجام دی ہے۔ اپنی اہلیت کے پیش نظر بغیر کسی رکاوٹ کے ترقیاب ہو کر انسپکٹر کے عہدے تک پہنچا ہوں۔ اپنی پیشہ ورانہ اہلیت کی وجہ سے 8 سے زائد تھانہ جات میں بحیثیت SHO اپنی پیرڈ مکمل کر چکا ہوں۔ جو ایک ریکارڈ ہے۔ اگر میں نہ اہل ہوتا تو مجاز افسران مجھے جیسی اہم ذمہ داری ہرگز نہ سونپتے۔ میرے تمام عرصہ ملازمت کے دوران دیئے گئے "ACR" میں مجاز افسران نے مجھے Efficient Police Officer قرار دیا ہے۔ میں مورخہ 01/06/1974 کو بچہ 01/06/1974 کو بچہ کا سنبل بھرتی ہو کر افسران بلانے مجھے 18/06/1980 کو بچہ ہیڈ کا سنبل و 10/03/1998 کو بچہ ASI اور 10/06/2005 کو بچہ SUB Inspector اور مورخہ 14/11/2009 کو بچہ انسپکٹر ترقیاب فرمایا ہے جو میری سروس ریکارڈ کا ایک ناقابل تردید ثبوت ہے۔ جبکہ میرے "ACRs" بھی قابل ملاحظہ ہیں۔ تعجب کی بات ہے کہ کس Source کے تحت مجھے مورود الزام ٹھہرایا جا رہا ہے؟

۳: مجرمانہ سرگرمیوں میں ملوث ہونا: یہ الزام تو سراسر بے بنیاد، جھوٹ، بلا ثبوت اور ذاتی / سیاسی عناد کا شاخسانہ ہے اب تک اس الزام کے متعلق کسی مجاز افسر نے میرے "ACR" میں کوئی ذکر تک نہیں کیا اور نہ کسی بھی سطح پر قبل ازیں مجھ سے اس سلسلے میں کوئی باز پرس کی گئی ہے۔ اگر میں اس قسم کا افسر ہوتا تو مجاز افسران ضرور میرے "ACR" میں یہ اندراج کروالیتے مگر حالات اس کے برعکس ہیں۔ اور اس الزام کی تردید میں بھی میرا شاندار سروس ایک ناقابل تردید ثبوت ہے۔

جناب والا! میں مورخہ 17-6-1 کو محکمہ پولیس میں بطور کا سنبل بھرتی ہوا ہوں۔ محکمانہ امتحانات پاس کر کے اور اپنی انتہائی ایمانداری اپنے فرائض سرانجام دیتے ہوئے اپنی باری پر بغیر کسی رکاوٹ کے ترقیاب ہو چکا ہوں۔ اپنی طویل عرصہ ملازمت کے دوران میرے خلاف کوئی محکمانہ کارروائی نہیں ہوئی ہے اور نہ ہی مجھے کسی قسم کی سزا دی گئی

Handwritten signature and stamp: A/Die-Mander, Inspector K.P.K. Police

ہے۔ اس کے علاوہ مجھے مجاز افسران نے تمام عرصہ ملازمت کے دوران کلاس "A" کے "ACR" دی ہیں جو میرے سروس ریکارڈ پر موجود ہیں۔ چارج شیٹ میں درج الزامات سے آگاہ ہو کر تعجب ہے۔ چینی اور بے انصافی کے علاوہ میں اور میرے اہل ہنود دماغی طور پر مفلوج ہونے سے شدید رنج و غم میں مبتلا ہوئے۔ اس سلسلے میں ایک انسان اور پاکستانی شہری ہونے کے ناطے اپنی عدالتی چارہ جوئی کا حق محفوظ رکھتا ہوں۔ میں ایک Efficient, Honest اور اچھے کردار کا حامل پولیس افسر ہوں جس کی تائید میں میرا سروس ریکارڈ موجود ہے۔ چارج شیٹ میں درج الزامات کی وجہ سے میرے عزت نفس کو نقصان پہنچا ہے، جس کا احاطہ ناممکن ہے۔

اپنی ملازمت کے دوران دیگر کارگزاری کے علاوہ مقدمات High Profile Cases مندرجہ مشمولہ جی (4) قطعات سلسلہ 1 تا 27 میں کارہائے نمایاں انجام دے چکا ہوں جس کی پاداش میں افسران بالا نے مجھے انعامات اور تعریفی اسناد سے نوازا ہے۔ (تعریفی اسناد کی کاپیاں لف بند ہیں)

مندرجہ بالا کاروائی کے علاوہ دیگر تھانہ جات میں کافی مقدار میں منشیات / اسلحہ کی برآمدگی اور بدنام زمانہ مجرمانہ اشتہاری بھی گرفتار کئے ہیں جو میری اہلیت، ایمانداری سے ڈیوٹی سرانجام دینے کا ایک ثبوت ہے۔

جناب والا! میرے خلاف چارج شیٹ میں درج الزامات جھوٹ، بے بنیاد، بلا ثبوت اور ذاتی / سیاسی عناد پر مبنی ہیں۔ میں نے اپنی عرصہ ملازمت کے دوران دیانتداری، اہلیت اور اچھے کردار کے حامل ہونے کی پوری پوری کوشش کی ہے جس کے ثبوت میں اپنا شاندار سروس ریکارڈ پیش کرتا ہوں۔ چارج شیٹ میں درج الزامات کی وجہ سے مجھے اور میرے اہل ہنود کو شدید رنج و غم پہنچا ہے اور اس سلسلے میں عدالتی چارہ جوئی کا حق محفوظ رکھتا ہوں۔

استدعا ہے کہ میرے خلاف جاری شدہ چارج شیٹ بلا مزید کسی کاروائی کے داخل دفتر فرمایا جائے۔ اور مجھے اپنے عہدے پر بحال فرمایا جائے۔

مورخہ: 01/11/2013

Atk Steel Pl. K. P. K. Police
 A. D. S. M. S. D. S. K. P. K. Police
 Inspector
 K. P. K. Police
 01-11-2013

فائل انکوائری آڈان انسپکٹر عالم زیب خان ضلع مردان

جناب عالی!

بحوالہ چھٹی انگریزی نمبری 4824-25/ES مورخہ 23.10.13 منجانب دفتر جناب DIG صاحب مردان برخلاف انسپکٹر عالم زیب خان انکوائری کاغذات برائے انکوائری موصول ہو کر جسمیں مذکورہ کے خلاف الزام لگایا گیا ہے۔ کہ دوران سروس مذکورہ نے خراب کارکردگی، رشوت ستانی میں ملوث ہونے اور جرائم پیشہ افراد کے ساتھ تعلقات استوار کئے ہیں۔

دوران انکوائری مذکورہ پر چارج شیٹ تقسیم ہو کر جس نے اپنے بیان میں لگائے گئے سارے الزامات کی تردید کی۔ اپنے آپ کو کسی بھی بدعنوانی میں ملوث ہونے سے صاف انکار کیا۔ اور دوران ملازمت مختلف اوقات میں کمانڈنگ آفیسران سے توصیفی اسناد اور نقد انعامات وصول کرنا بیان کیا۔ اور اپنے دوران تعیناتی بحیثیت SHO بڑے مختلف مقدمات میں احسن کارکردگی کرنے والے 27 مقدمات کا حوالہ دے کر اسکے علاوہ بڑے پیمانے پر منشیات اور غیر قانونی اسلحہ کی برآمدگی بیان کیا۔ اور جرائم پیشہ افراد کے ساتھ ملوث ہونے کی مکمل تردید کی۔ کہ مذکورہ نے دوران سروس کبھی اپنے آفسران کو اس قسم کی شکایت کا موقعہ فراہم نہیں کیا ہے۔ اور اپنے بے داغ ماضی کو مد نظر رکھتے ہوئے اپنے خلاف جاری انکوائری کو بلا کسی کارروائی کے داخل دفتر کرنے کی استدعا کی ہے۔

دوران انکوائری مذکورہ جن تھانہ جات میں بحیثیت SHO رہ چکا ہے۔ اس علاقوں میں خود بھمہ انور داد خان SI، رشید خان SI اور اپنے ریڈر کو اپنے ساتھ لے جا کر خفیہ طور پر معلومات ہو کر عوام الناس نے مذکورہ کے بارے میں تحریری بیان دینے سے معذرت ظاہر کی ہیں۔ البتہ خفیہ معلومات کرنے سے انسپکٹر عالم زیب خان کی کرپشن کی داستانیں ہر ایک کے زبان پر موجود ہیں۔ مگر پولیس کے ڈر سے کوئی بھی تحریری بیان دینے سے کتراتے ہیں۔ اور عموماً وردی کے ڈر کی وجہ سے ایسا ہی اکثر ہوتا ہے۔

انسپکٹر عالم زیب خان کے سروس ریکارڈ کے بابت عمل نامہ برانچ سے رابطہ کر کے جس نے بیان کیا۔ کہ مذکورہ کا سروس ریکارڈ خزانہ برانچ میں ہے۔ جو کہ اس بابت اکاؤنٹ آفس کو چھٹی انگریزی نمبری 484/HQrs مورخہ 07-11-13 تحریر کر کے مذکورہ کا سروس ریکارڈ منگوایا گیا۔ سروس ریکارڈ چیک کر کے مذکورہ سے بدوران سروس مختلف قسم کی غلطیاں سرزد ہو کر جس پر اسے سزائیں دی گئی۔ مختلف اوقات میں آفسران بالانے کوتاہیوں پر مختلف Advice notice، Displeasure notices دئے گئے ہیں۔ اسکے علاوہ مختلف قسم کی کوتاہیوں پر مختلف اوقات میں سزائیں دی گئی۔

انسپکٹر عالم زیب خان کی انکوائری ہو کر بعد انکوائری جرائم پیشہ افراد سے تعلقات قائم رکھنا اس لئے ثابت نہ ہو سکا۔ کہ مذکورہ کی کالنگ ڈیٹا فراہم کرنے کیلئے بحوالہ درخواست نمبری 442/HQ مورخہ 29-10-13 کو

Attested P1
A.D.C. Mans
13.12.13
Inspector
K.P.K. Police

انچارج کمپیوٹریب سے استدعا کی گئی ہے۔ لیکن تاحال اس بابت کمپیوٹریب کی طرف سے کوئی پیش رفت نہیں ہوئی ہے اور
 کرپشن کے سلسلے میں گو کہ تحریر میں کچھ نہیں۔ لیکن علاقہ میں اسکے خلاف کوپشن میں ملوث ہونے کا تاثر موجود ہے۔ کہ مذکورہ
 بغیر رشوت لئے کوئی کام نہیں کرتا۔ اور خراب کارکردگی کو اسکے عمل نامہ سے ظاہر صاف ظاہر ہے۔ کہ آٹے 10 بار کرتا ہیاں
 کی۔ اور 10 بار سے سزا دی گئی ہے۔ اس سلسلے میں پولیس رولز بار 16 فقرہ 9 واضح ہے۔ کہ بار بار چھوٹی چھوٹی
 سزائیں دینے سے محکمہ پر برا اثر پڑتا ہے۔ اسلئے انسپکٹر عالم زیب خان کو Major Punishment دینے کی سفارش
 کی جاتی ہے۔

(میاں نصیب جان)

ڈپٹی سپرنٹنڈنٹ آف پولیس ہیڈ کوارٹر مردان
 9/12/13

Awarded major
 Punishment of
 compulsory
 Retirement.
 10/12

Altestad P
 Hakeem Shah
 Inspector
 K.P.K Police
 Aldis Mandan
 13.12.13

(20) ANNEX E
ORDER.

This order will dispose-off a departmental enquiry, under NWFP Police Rules 1975, initiated against Inspector Alam Zeb Khan (adhoc promotee) of Mardan District Police now under suspension at Police Lines, Mardan for corruption, inefficiency and involvement in criminal's activities.

In this connection, Inspector Alam Zeb Khan (adhoc promotee) is suspended and closed to Police Lines and charge sheet was issued vide this office endorsement No. 4824-25/ES dated 23.10.2013 and also proceeded him against departmentally through Mr. Mian Naseeb Jan Deputy Superintendent of Police Headquarter, Mardan who after fulfilling necessary process the allegation established against him, submitted his findings to the undersigned who recommended him for major punishment.

The undersigned is agreed with the findings of enquiry Officer and the alleged Inspector Alam Zeb (adhoc promotee) is hereby awarded major punishment compulsory retired from service in exercise of the power vested me under the above quoted rules

ORDER ANNOUNCED.

(MUHAMMAD SAEED)PSP
Deputy Inspector General of Police,
Mardan Region-I, Mardan.

No. 5798-99/ES, Dated Mardan the 10/12 /2013.

Copy forwarded to the:-

1. Provincial Police Officer, Khyber Pukhtunkhwa, Peshawar for favour of information please.
2. District Police Officer, Mardan for information and necessary action.

He may be informed accordingly.

Attested
Inspector
Mardan
13.12.13
(*****)
Hikhar Shah
Inspector
Mardan

(21) ANNEX F

The Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.

Subject: DEPARTMENTAL APPEAL AGAINST THE ORDER DATED 10-12-2013, WHEREBY THE MAJOR PENALTY OF COMPLUSORY RETIREMENT FROM SERVICE IS IMPOSED UPON THE APPELLANT. NO, 12669/E-II dated 23-12-2013
E-II

Prayer in Appeal:-

ON ACCEPTANCE OF THIS DEPARTMENTAL APPEAL THE ORDERS DATED 10-12-2013, MAY PLEASE BE SET ASIDE AND THE UNDERSIGNED MAY BE REINSTATED INTO SERVICE WITH ALL BACK BENEFITS.

Respected Sir,

I very humbly submit the following few lines for your kind and sympathetic consideration:-

1. That I was initially enlisted as Constable on 01-06-1974. During the Course of my service I was also promoted to different Ranks, lastly I was promoted as Adhoc Inspector on 14-11-2009.
2. That every since my appointment, I had performed my duties assigned to me with zeal and devotion and there was no complaint whatsoever regarding my performance. It is pertinent to mention here that during my entire service my performance remained commendable. I traced and arrested criminal who were required to the Police in some High Profiles cases, besides this during the roar of militancy, I always remained in the front line against the militants and demonstrated exceptional performance, gallantry and devotion beyond the call of duty. My performance was also appreciated by the High Ups and I was awarded number of Commendation Certificates and Cash awards.

Census and Punishment

He is Reinstated in Service however
He is awarded the Punishment Stoppage of two
increments with ~~a~~ a Cumulative effect.

OB No. 455

DT: 20.3.06

DPO/Mardan
2

ORDER

The punishment order for stoppage of
two Annual increments vide OB No. 455 dated
20.3.06 by DPO/Mardan is converted into
stoppage of one increment with out cumulative
effect vide Dir/R-1 Mardan Endst. No. 3078/EE,
dated 13.7.06.

Cm/
DPO/Mardan

ORDER.

Being charged in criminal case
vide FIR No. 102 dt. 2.3.2004 U/S 302/110F
134 P.C. PS Suddar, muchu therefore he is
placed under suspension with immediate
effect.

OB No 233
DT 3.3.04.

DPD/muchu.

ORDER.

He is hereby provisionally
re-instated in service with immediate
effect.

OB No 851
DT 3.7.04.

DPD/muchu.

a vacation
ate of one
or a civil s
proportion t
into leave c
latter, frac
on for the g
leave on ho

11	12	13		14	15
Reason of termination (such as promotion, transfer, dismissal, etc).	Signature of the head of the office or other attesting officer	Leave		Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant.
		Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitale to another Government		
		Period	Government to which debitale		
		<u>ORDER</u>			
		Being charged in criminal case vide FIR No. 102 dt 2-3-2004 VS 302/108/34 P.P.C.S. etc. etc. therefore he is placed under suspension with immediate effect.			
		OB No. 233 DT: 3-3-04.		DP/MDM	
		<u>ORDER</u>			
		He is hereby provisionally reinstated in service with immediate effect.			
		OB No. 851 DT: 3-7-04.		DP/MDM	
		Pay fixed provisionally in the Revised BPS 2005 @ Rs 6530.1PM With effect from 1.7.2005			
		District Police Officer MARDAN.			
		PI I. as Si @ Rs 775.1- Rs 6865 with effect from 1.12.2005			
		S. P. Mardan			

10	11	12	13		14	15
Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc).	Signature of the head of the office or other attesting officer	Leave		Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant.
			Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		
				Period Government to which debitable		
<u>ORDER</u>						
<p>The punishment stoppage of two increment with accumulative effect awarded by DPO Mardan vide O/B No. 455 dt: 20.3.06 is converted into stoppage of one increment without accumulative effect. vide I/O Mardan Region I Mardan Enclsdt: No. 3078(E) dt: 13.7.2006.</p> <p>O/B No 1242 Dt: 17/7/2006</p> <p style="text-align: right;">↓ DPO Mardan</p>						
<u>ORDER</u>						
<p>He is hereby awarded <u>Censure</u> to improve his performance in future.</p>						
<p>O/B No. 2132 Dt: 22/11/06</p> <p style="text-align: right;">↓ DPO Mardan</p>						

1	10	11	12	13		14	15
				Leave			
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitale to another Government.		
Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc).	Signature of the head of the office or other attesting officer	Period	Government to which debitale	Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant.	
			<u>Suspension</u>				
			<p>He has arrested one Arif Khan Advocate instead of Muhammad Arif of Allah Dad Khil against whom The PESCO has lodged report. The above act on the part of the ASI amounts to high handedness, therefore he is placed under suspension and close to police lines with immediate effect. He should be proceeded against departmentally under the special power Ordinance, 2000.</p>				
	CB No. 392		(order pasted)				
	Dated 6.4.02					SSP/Mardan.	
			<u>ORDER</u>				
			<p>In Compliance with the orders issued vide Inspector General of Police, NWFP Posh: memo No. 13068/E-II dated 8.5.2002. He is hereby Re-instated in service from the date of suspension Enquiry is hereby filed.</p>				
			(orders enclosed)				
	CB No 513					SSP/Mardan.	
	Dated 8.5.2002						
			<p>2001 OFFICE OF THE ACCOUNTANT GENERAL N.W.F.P. PESHAWAR. PAY FIXED IN THE REVISED BASIC PAY SCALES 2001</p>				
			<p>OF RS. 2410-145-6760 AT RS. 5025 P.M.W.F. 1-12-2001 With Next Increment on 1-12-2002</p>				

BEFORE THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL, PESHAWAR

Appeal No. 418/2014

Alamzeb Ex Inspector

..... Appellant

VERSUS

Provincial Police Officer, Khyber Pakhtunkhwa and others

... Respondents

REJOINDER ON BEHALF OF THE APPELLANT.

Respectfully Submitted:-

The appellant submits his rejoinder as under:-

ON PRELIMINARY OBJECTION:

1. Contents incorrect and misleading, the appellant has come to the tribunal with clean hands.
2. Contents incorrect and misleading, since the appellant has illegal been awarded the penalty of compulsory retirement from service, hence he has got the necessary cause of action to file the instant appeal.
3. Contents incorrect and misleading, all necessary facts are brought before this Honourable Tribunal and nothing has been kept back or concealed.
4. Contents incorrect and misleading, no rule of estoppel is applicable to the instant case.

Copy Received
A.A.G. Clerk.
26-9-14

5. Contents incorrect and misleading, the appeal is filed well in accordance with the prescribed rules and procedure, hence maintainable in its present form.
6. Contents incorrect and misleading, the appeal is filed well within prescribed period of limitation.

ON FACTS:

- i. Contents needs no reply, however, contents of Para No. 1 of the appeal are true and correct.
- ii. Contents needs no reply, however, contents of Para No. 2 of the appeal are true and correct.
- iii. Contents to the extent of admission needs no reply, rest of the Para is incorrect, and misleading hence denied, moreover, contents of Para 3 of the appeal are correct.
- iv. Contents of Para 4 of appeal are correct the reply submitted to the Para is incorrect, false and misleading.
- v. Contents of Para 5 of appeal are correct the reply submitted to the Para is incorrect and baseless.
- vi. Contents needs no reply, however, contents of Para No. 6 of the appeal are true and correct.
- vii. Contents needs no reply, however, contents of Para No. 7 of the appeal are true and correct.
- viii. Contents of Para 8 of appeal are correct the reply submitted to the Para is incorrect and baseless.


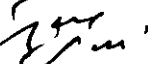
ON GROUNDS

The Grounds (A to N) taken in the memo of appeal are legal and will be substantiated at the time of hearing of the appeal.

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


Appellant


Through


IJAZ ANWAR
And 
SAJID AMIN
Advocate, Peshawar.

AFFIDAVIT

I do hereby solemnly affirm and declare on oath that the contents of the above rejoinder as well as appeal are true and correct and nothing has been concealed from this Honourable Tribunal.


DEPONENT

ATTESTED

23-9-2019
COMMISSIONER
PESHAWAR COURT PESHAWAR