

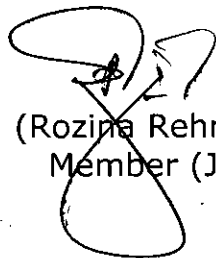
30.03.2022

Nemo for the appellant. Mr. Riaz Ahmed Paindakhel, Assistant Advocate General for the respondents present.

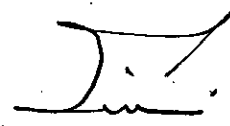
The appeal in hand was called on for hearing after various intervals, however none appeared on behalf of the appellant till closing time, therefore, the appeal in hand stands dismissed in default. File be consigned to the record room

ANNOUNCED

30.03.2022



(Rozina Rehman)  
Member (J)



(Salah-ud-Din)  
Member (J)

03.12.2021

Nemo for parties.

Asif Masood Ali Shah, learned Deputy District Attorney present.

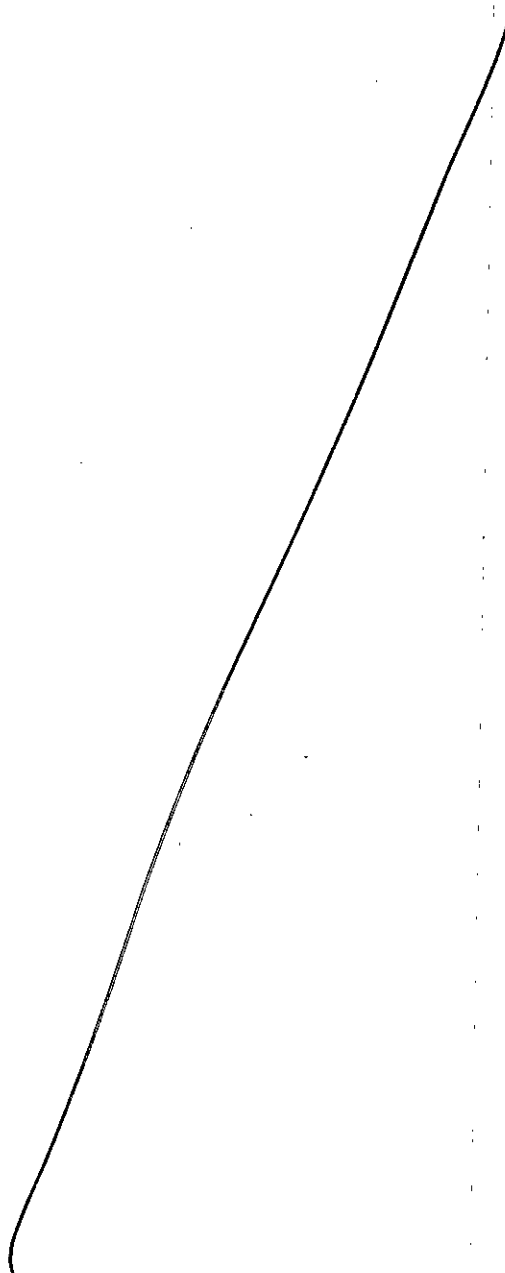
Preceding date was adjourned due to general strike of the Peshawar Bar Association, therefore, both the parties be put on notice for 30/03/2021 for arguments, before D.B.



(Atiq ur Rehman Wazir)  
Member (E)



(Rozina Rehman)  
Member (J)



01.01.2021

Due to summer vacation, case is adjourned to 13.04.2021 for the same as before.



Reader

13.04.2021

Due to demise of Hon'able Chairman, the Tribunal is defunct, therefore, the case is adjourned to 28.07.2021 for the same.



Reader

28.07.2021

None for the appellant and Mr. Usman Ghani, District Attorney for respondents present.

Due to general strike of the Peshawar Bar Association, the case is adjourned to 03.12.2021 for the same before D.B.



(Rozina Rehman)  
Member (Judicial)



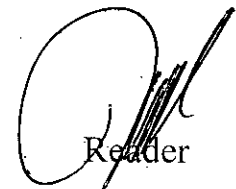
Chairman

10.03.2020 Learned counsel for the appellant present. Mr. Usman Ghani learned District Attorney for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourn. To come up for arguments on 11.05.2020 before D.B.

  
Member

  
Member

11.05.2020 Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 07.08.2020 before D.B.


  
Reader

07.08.2020 Due to summer vacation case to come up for the same on 27.10.2020 before D.B.

  
Reader

27.10.2020 Junior to counsel for the appellant and Addl. AG for the respondents present.

The Bar is observing general strike, therefore, the matter is adjourned to 01.01.2021 for hearing before the D.B.

  
(Atiq-ur-Rehman Wazir)  
Member

  
Chairman

11.11.2019

Appellant in person present. Mr. Kabir Ullah Khattak learned Additional Advocate General present. Appellant submitted application for adjournment. Application allowed. Adjourn. To come up for arguments on 13.01.2020 before D.B.

  
Member

  
Member

13.01.2020

Appellant absent. Learned counsel for the appellant absent. Mr. Zia Ullah learned Deputy District Attorney alongwith Ahmad Ali H.C present. Due to general strike of the Bar on the call of Khyber Pakhtunkhwa Bar Council, the case is adjourned. To come up for further proceedings/arguments on 10.03.2020 before D.B. Appellant be put to notice for the date fixed.

  
Member

  
Member

11.11.2019

Appellant in person present. Mr. Kabir Ullah Khattak learned Additional Advocate General present. Appellant submitted application for adjournment. Application allowed. Adjourn. To come up for arguments on 13.01.2020 before D.B.

Member

Member

14.05.2019

Junior to counsel for the appellant present. Written reply not submitted. Muhammad Nadeem H.C representative of respondent department absent. He be summoned with direction to furnish written reply/comments. Adjourn. To come up for written reply/comments on 01.07.2019 before S.B.



Member

01.07.2019

Appellant with counsel present. Mr. Kabirullah Khattak learned Additional Advocate General alongwith Mr. Abdul Ali Khan ASI for the respondents present. Representative of the respondent department submitted written reply/comments. Adjourned. To come up for rejoinder/arguments on 11.09.2019 before D.B.



Member

11.09.2019

Learned counsel for the appellant present. Mr. Zia Ullah learned Deputy District Attorney present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 11.11.2019 before D.B.



Member



Member

22.02.2019

Learned counsel for the appellant present. Preliminary arguments heard.

The appellant (Ex-Constable) has filed the present service appeal against the order dated 28.03.2018 whereby he was awarded major punishment of dismissal from service. The appellant has also challenged the order dated 30.07.2018 through which his departmental appeal was rejected. The appellant has also made impugned order dated 15.11.2018 whereby the departmental appeal/review under Rule 11-A of Khyber Pakhtunkhwa Police Rules 1975 submitted by the appellant was rejected.

Points raised need consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for written reply/comments. To come up for written reply/comments on 09.04.2019 before S.B.

Appellate Deposited  
Security & Process Fee

  
Member

09.04.2019

Appellant in person and Addl. AG alongwith Muhammad Nadim H.C for the respondents present.

Representative of respondents states that the requisite reply has been prepared and vetted, however, is yet to be signed by the respondents official. He, therefore, requests for adjournment.

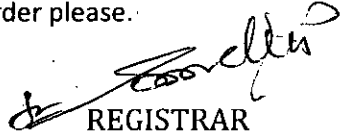
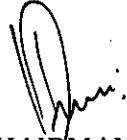
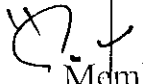
Adjourned to 14.05.2019 before S.B.

  
Chairman

Form- A  
FORM OF ORDER SHEET

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

Case No. 1505/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	20/12/2018	<p>The appeal of Mr. Qaizar Khan presented today by Mr. Ibad-ur-Rehman Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	24/12/18	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>21/01/19.</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	21.01.2019	<p>Appellant in person present. Due to general strike of the bar, Learned counsel for the appellant is not in attendance. Therefore the case is adjourned. To come up for preliminary hearing on 22.02.2019 before S.B.</p> <p style="text-align: right;"> Member</p>



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

Appeal No 1505 /2018

Qaizar Khan (Ex-Constable Belt No 619/697)

Appellant

VERSUS

Inspector General of Police & others

Respondent

**I N D E X.**

S.No.	Description of documents	Annex:	P.No.
1.	Memo & Grounds of appeal		1-4
2.	Copy of FIR 181 with order dated 30-01-2008	A	5 & 6
3.	Earlier dismissal order dated 16-01-2008	B	7
4.	Judgment/order dated 18-12-2017	C	8-12
5.	Reinstatement order dated 19-01-2018	D	13
6.	Charge Sheet with statement of allegations	E	14-15
7.	Reply to charge sheet with covering letter	F	16-17
8.	Show Cause Notice dated Nil No Nil	G	18
9.	Reply to Show Cause Notice	H	19-20
10.	Dismissal order dt: 28-03-2018 (Impugned order)	I	21
11.	Departmental Appeal dt: 25-4-2018	J	22
12.	Appellate order dt: 31/7/2018	K	23-24
13.	Review/Representation to IGP dt: 24/8/2018	L	25
14.	Appellate Board order dated 15.11.2018	M	26
15.	Copy of FIR No. 31	N	27
16.	Copy of Domicile Certificate	O	28-29
17.	Wakalatnama		



**BADUR RAHMAN**  
Advocate, High Court  
127-Sarhad Mansion  
Hashtnagri, GT Road  
Peshawar.

Dated 19<sup>th</sup> /12/2018

Cell: 0300-5932939

1

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

Appeal No 1505 / 2018 **Khyber Pakhtunkhwa Service Tribunal**

Diary No. 1770

Dated 20-12-2018

Qaizar Khan (Ex-Constable Belt No 619/697) s/o Abdul Qadeer Khan  
Resident of Gara Baloch District Tank. .... Appellant

VERSUS

1. Inspector General of Police, Khyber Pakhtunkhwa Peshawar.
2. Assistant Inspector General of Police (Establishment) Khyber Pakhtunkhwa Peshawar.
3. Deputy Inspector General of Police, Dera Ismail Khan.
4. District police Officer, District Tank.

..... Respondents

**APPEAL UNDER SECTION-4 OF SERVICE TRIBUNAL ACT.1974 AGAINST THE IMPUGNED DISMISSAL ORDER DATED 28-03-2018 OF RESPONDENT NO.3, APPELLATE ORDER DATED 31-7-2018 (OF RESPONDENT No.4 AND ORDER DATED 15/11/2018 (RECEIVED ON 22-11-2018) OF RESPONDENT NO.1.**

Filed 15/12/18  
Registrar

Respectfully Sheweth:

Appellant submits as under:-

1. That the appellant belongs to a respectable family of District Tank and has a spotless career.
2. That being fully qualified and eligible, the appellant was selected in police department and was allotted belt No. 619/697 in District Tank.
3. That as per procedure the appellant was sent to police training centre Hangu for necessary training and the appellant joined the said training with full zeal and zest.
4. That during the training, the appellant fell ill due to which the appellant went to his home and there the appellant was informed that some of his rivals have lodged an FIR against the appellant as well as against the brother of the appellant.

5. That after getting the knowledge of the said FIR, the appellant approached the concerned court for bail before arrest but the same was rejected and the appellant was sent to judicial lock-up.
6. That the appellant remained in the judicial for about 20 days and after release from jail, the appellant joined his training at Hangu. (Kindly peruse Annex: A).
7. That in the training centre, the appellant was not allowed to join his training with mala fide and the appellant was sent back to his home District i.e Tank and the appellant accordingly reported his arrival at the office of the respondent No.3.
8. That the respondent No. 3 without giving any chance of explanation, show cause notice, personal hearing or any inquiry and with out any justification, discharged the appellant from Police service vide order dated 15-01-2008. (Copy attached as Annex:-B)
9. That at last the appellant the appellant filed an appeal before this Honourable Tribunal and this honourable Tribunal was kind enough to allow the appeal on 18-12-2017 as under :-

*"As sequel to above discussion, the order being void is set aside and the appellant is reinstated in service however, he shall resume his status of probationer as he was at the time time of impugned order. The department is at liberty to deal with the probationer in accordance with law. And if the department wants to proceed against the probationer on the basis of the charge of absence then the department is at liberty to proceed in accordance with law and rules within a period of ninety days from the date of receipt of this judgment ". (Annex:-C).*

10. That soon after the reinstatement of the appellant a denovo Inquiry was initiated against the appellant and a chage sheet alongwith statement of allegations was submitted to the appellant which was accordingly replied. (Copies attached as Annex: D, E & F.).
11. That the Inquiry Officer submitted his inquiry report, although the same was never communicated to the appellant, on the basis of which a Final Show Cause Notice was served upon the appellant which was also accordingly replied. (Copies attached as Annex:- G & H).

12. That the appellant was illegally dismissed from service vide office order No. 1028-32 dated 28-03-2018 against which the appellant filed a departmental appeal which was also rejected vide order dated 31/7/2018. (Copies attached as Annex: I, J & K).
13. That thereafter the appellant preferred an appeal to Respondent No. 1 which was placed before the Appellate Board but the same was also rejected vide order dated 15/11/2018 (received on 22-11-2018). (Attached as Annex:- L & M).
14. That the appellant have now left with no option but to approach this honourable tribunal on the following grounds amongst others :-

GROUND:-

- A. That the impugned dismissal order dated 28-3-2018 as well as the subsequent rejections orders dated 31/7/2018 & 15-11-2018 (received on 22-11-2018) of the respondents, are illegal, harsh, void ab-initio and without lawful authority.
- B. That this honourable tribunal has clearly advised the respondents for "Denovo" in the matter of absence of the appellant but strange enough that the alleged inquiry was conducted in some other matter which was neither under consideration nor any charge was framed.
- C. That the Inquiry report of the Inquiry Officer was never communicated to the appellant.
- D. That the Inquiry Officer did not conduct the Inquiry in accordance with law and the Final Show Cause Notice was issued on other issues which were neither under dispute nor the same was mentioned in the Charge sheet and statement of allegations. This factum alone speaks about the biased attitude of the Inquiry Officer towards the appellant.
- E. That the Inquiry Officer did not wait for the reply of the appellant for charge sheet and statement of allegations and the reply to charge sheet and statement of allegation was later on communicated to the office of the respondent No. 1.
- F. That the appellant was never charged in FIR No. 31 dated 15.01.2005 and, FIR No. 161 dated 16.9.2006 rather the appellant was charged in another FIR No. 181 wherein too the appellant was acquitted by the competent court. (Kindly peruse Annex: N ~~200~~ ).

- G. That the appellant is the permanent resident of District Tank and the appellant was issued the Domicile Certificate after proper verification from the concerned authorities which is still in tact and has not yet been cancelled. (Attached as Annex:- B).
- H. That the appellant duly performed his duties from 19/1/2018 till 28-3-2018 but the appellant was not paid his monthly salary for the said period which also speaks mala fide on the part of the respondents.
- I. That the impugned dismissal order as well as appellant order/Review order is harsh, bad in law and on facts.
- J. That the appellant be allowed to add any other ground at the time of arguments.

It is, therefore, humbly prayed that on acceptance of the appeal in hand, the impugned dismissal order dated 28-3-2018, order of appellate authority and order of appellate board dated 15-11-2018 (received on 22-11-2018) may graciously be set a side and the appellant be re-instated in service with all back benefits.

Any other remedy deem proper in the matter and not specifically asked for may also please be given with costs.

*[Signature]*  
Appellant

Through:

*[Signature]*  
**IBADUR RAHMAN**  
Advocate, High Court  
127-Sarhad Mansion  
Hashtnagri, GT Road  
Peshawar.

Dated 20 /12/2018

AFFIDAVIT.

Stated on oath that above contents are true and correct to the best of my knowledge and belief.

*[Signature]*  
DEPONENT

(16)  
Annex A

Annex A

پرچم نمبر ۲۳

### ابتدائی اطلاعی رپورٹ

پرچم نمبر ۲۳-۵

الف ۷۰  
BB الف

پولیس رپورٹ نمبر ۱۵۳ مجموعہ ضابطہ نوعداری

ضلع ڈیرہ اسماعیل خان

تاریخ ۱۶/۹/۶۶ وقت ۰۷:۵۵ بجے تقریباً

محمد علی

(781)

تاریخ ۱۶/۹/۶۶	وقت ۰۷:۵۵ بجے تقریباً
پرچم نمبر ۲۳	موضوع ڈیرہ اسماعیل خان
پرچم نمبر ۲۳-۵	موضوع ڈیرہ اسماعیل خان
پرچم نمبر ۲۳-۵	موضوع ڈیرہ اسماعیل خان
پرچم نمبر ۲۳-۵	موضوع ڈیرہ اسماعیل خان
پرچم نمبر ۲۳-۵	موضوع ڈیرہ اسماعیل خان
پرچم نمبر ۲۳-۵	موضوع ڈیرہ اسماعیل خان
پرچم نمبر ۲۳-۵	موضوع ڈیرہ اسماعیل خان

**ابتدائی اطلاع نیچے درج کرو**

مستفت محمد علی ہزارم خانہ (پیشوا) نے عرض کیا کہ میرے والد محمد علی ہزارم خانہ (پیشوا) نے میری والدین کے ساتھ ساتھ میری بہن محمد علی ہزارم خانہ (پیشوا) کو بھی قتل کر دیا۔ میری والدین کے ساتھ ساتھ میری بہن کو بھی قتل کر دیا۔ میری والدین کے ساتھ ساتھ میری بہن کو بھی قتل کر دیا۔ میری والدین کے ساتھ ساتھ میری بہن کو بھی قتل کر دیا۔

میرے والد محمد علی ہزارم خانہ (پیشوا) نے میری والدین کے ساتھ ساتھ میری بہن کو بھی قتل کر دیا۔ میری والدین کے ساتھ ساتھ میری بہن کو بھی قتل کر دیا۔ میری والدین کے ساتھ ساتھ میری بہن کو بھی قتل کر دیا۔

میرے والد محمد علی ہزارم خانہ (پیشوا) نے میری والدین کے ساتھ ساتھ میری بہن کو بھی قتل کر دیا۔ میری والدین کے ساتھ ساتھ میری بہن کو بھی قتل کر دیا۔ میری والدین کے ساتھ ساتھ میری بہن کو بھی قتل کر دیا۔

میرے والد محمد علی ہزارم خانہ (پیشوا) نے میری والدین کے ساتھ ساتھ میری بہن کو بھی قتل کر دیا۔ میری والدین کے ساتھ ساتھ میری بہن کو بھی قتل کر دیا۔ میری والدین کے ساتھ ساتھ میری بہن کو بھی قتل کر دیا۔

میرے والد محمد علی ہزارم خانہ (پیشوا) نے میری والدین کے ساتھ ساتھ میری بہن کو بھی قتل کر دیا۔ میری والدین کے ساتھ ساتھ میری بہن کو بھی قتل کر دیا۔ میری والدین کے ساتھ ساتھ میری بہن کو بھی قتل کر دیا۔

میرے والد محمد علی ہزارم خانہ (پیشوا) نے میری والدین کے ساتھ ساتھ میری بہن کو بھی قتل کر دیا۔ میری والدین کے ساتھ ساتھ میری بہن کو بھی قتل کر دیا۔ میری والدین کے ساتھ ساتھ میری بہن کو بھی قتل کر دیا۔

میرے والد محمد علی ہزارم خانہ (پیشوا) نے میری والدین کے ساتھ ساتھ میری بہن کو بھی قتل کر دیا۔ میری والدین کے ساتھ ساتھ میری بہن کو بھی قتل کر دیا۔ میری والدین کے ساتھ ساتھ میری بہن کو بھی قتل کر دیا۔

میرے والد محمد علی ہزارم خانہ (پیشوا) نے میری والدین کے ساتھ ساتھ میری بہن کو بھی قتل کر دیا۔ میری والدین کے ساتھ ساتھ میری بہن کو بھی قتل کر دیا۔ میری والدین کے ساتھ ساتھ میری بہن کو بھی قتل کر دیا۔

Attested  
[Signature]

نائب مشرک عدوان کان ذراکٹ ذریعہ 714812

[Signature]

6

ORDER SHEET  
State Vs Abdul Waheed etc

Or - 16  
30.01.08

Present both the accused on bail alongwith counsel and SPP for the State. Today all the major LR's of deceased Ghulam Hussain appeared and stated to have affected compromise with both the accused and to have forgiven them in the name of Almighty Allah by waiving their rights of Qisas and Diyat. Their joint Statement recorded and placed on file. Widow of deceased also stated to have compromised the matter on her behalf and on behalf of minor legal heirs namely Irfan, Mst: Mehreen Bibi and Mst: Romana Bibi, being their guardian; that the accused had deposited Rs: 2,29,091/- as share of diyat of minor legal heirs in the Court. Statement of widow of deceased also recorded and placed on file. Joint statement of elders of the area namely Riaz and Kilayatullah also recorded wherein they verified the status of the parties and the compromise. Affidavits of compromise are Ex:PA & Ex:PE, compromise deed is Ex:PB, proforma of compromise is Ex:PC and list of legal heirs is Ex:PD.

Record shows that the accused Abdul Waheed and Qaizar Khan sons of Abdul Qadeer Khan stand charged U/S 302/34 PPC vide FIR No.181 dated 16.09.2006 of PS Kulachi.

Since all the adult legal heirs of deceased have affected compromise with the accused whereas accused have deposited share of diyat amount of the three minor legal heirs and the offence is also compoundable, I therefore accept the compromise and acquit both the accused on the basis of the same. The accused are on bail their sureties are discharged of the liabilities of their bail bonds. Case property be disposed of after the lapse of limitation period for appeal/revision. File be consigned to record room.

Announced.  
Dera Ismail Khan  
Dated 30.01.2008

(MUHAMMAD NASIM)  
ASJ-II, Dera Ismail Khan  
Additional Sessions Judge-II  
Dera Ismail Khan

ATTESTED TO BE TRUE COPY

13-01-2008  
Examiner  
District And Sessions Judge  
Dera Ismail Khan



مل کے شہزاد کے نکاح صاحب آج 30/01/2007 فیصلہ ایسی 03  
مقدمہ 08

Attest  
Attestad  
Dera Ismail Khan

1

7

9

حکم

Annea B

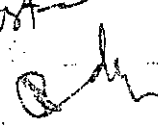
Annea B

رکورد نمائند قریب خان 619 ولد عبدالقدیر شام کسٹمز پور سکس  
گرہ بلچ جرنل برال آرڈر نمبر 1491 مورخہ 23.9.07 تقریباً ایک چارٹرڈ  
08.10.07 کو فزیشن ٹریڈنگ آف اے سیٹنگو جوہا ریگیا تھا۔


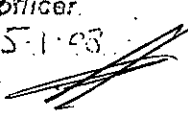
برال ڈیپارٹمنٹ 217/94 مورخہ 14.08.08 کا نوٹس نمبر 15  
سیٹنگو ڈائری نمبر 193 مورخہ 14.10.08 ریکورڈ قریب خان 619 مورخہ 15/12/07  
سے 11.1.08 تک (26) دن غیر جانبدار رہا۔ جو کلائنٹ آف آرڈر  
نے ریکورڈ نمبر کو "ان کوریٹ" کہہ کر ڈسپوز کیا ہے۔  
رکورد نمائند قریب خان 619 DTC گروہ کام کو  
غیر جانبداری کے متعلق مطمئن ہیں اسکا۔ مذکورہ ریکورڈ نمبر  
مستقل میں ایک ایچ اور ڈیال پولیس آفیسر مفتے کی ترقی نہیں  
کی جا سکتی۔

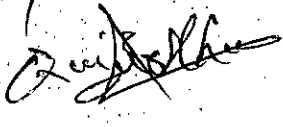
لہذا ریکورڈ نمائند قریب خان 619 کو از روئے مسوئی  
اختیارات پولیس آرڈر 2000 نمبر 2005 قلم پولیس  
15/12/07 ڈیپارٹمنٹ کیا جاتا ہے۔

حکم درج آرڈر نمبر 619

Attested  


24  
15/12/07  
16-01-08

  
District Police Officer  
Tank 15.1.08  


Attested  




BEFORE THE HONOURABLE KPK SERVICE TRIBUNAL  
PESHAWAR

8

Annex: C

APPEAL NO. 609, 2013



W.F. P...  
...  
... 594  
... 27-3-13

Qaizar Khan s/o Abdul Qadeer Khan (Belt No.619),  
Resident of Gara Baloch, District Tank

Appellant

Versus

- 1- Inspector General of Police, Khyber Pakhtunkhwa Peshawar.
- 2- Deputy Inspector General of Police, D.I. Khan.
- 3- District Police Officer, District Tank.
- 4- Commandant, Police Training Centre, Hangu.

Respondents

APPEAL UNDER SECTION-4 OF  
SERVICE TRIBUNAL ACT, 1974.

Respectfully sheweth.

Appellant submits as under :-

- 1- That the appellant belong to a respectable family of District Tank and has a spotless career.
- 2- That being fully qualified and eligible, the appellant was selected in Police Department and was allotted Belt No. 619 in District Tank.
- 3- That as per procedure, the appellant was sent to Police Training Centre Hangu for necessary training and the appellant joined the said training with full zeal and zest.
- 4- That the appellant took keen interest in the training and was taking part in the training whole heartedly.

Attested

*Qaizar Khan*

WITNESSED  
D

15/3/13

submitted to ...

8/4/13

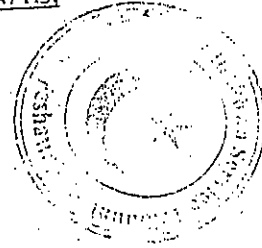
9

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

Service Appeal No. 609/2013

Date of Institution... 27.03.2013

Date of decision... 18.12.2017



Qaizer Khan s/o Abdul Qadeer Khan (Belt No.619), R/o Gara Baloch, District Tank ... (Appellant)

Versus

1. Inspector General of Police Khyber Pakhtunkhwa, Peshawar and three others. ... (Respondents)

MR. Ibad U Rehman Advocate

For appellant.

MR. Mr. Muhammad Jan, Deputy District Attorney

For respondents.

MR. NIAZ MUHAMMAD KHAN,  
MR. MUHAMMAD HAMID MUGHAL,

CHAIRMAN  
MEMBER

JUDGMENT

NIAZ MUHAMMAD KHAN, CHAIRMAN: - Arguments of the learned counsel for the parties heard and record perused.

FACTS

2 The appellant was discharged from service on 15.01.2008 with retrospective effect i.e 15.12.2007. The charge against the appellant was his absence. The appellant filed the departmental appeal (undated) which was not responded to and thereafter the appellant filed a mercy petition (undated) and then

ATTESTED

...  
Peshawar

Attested

10


a reminder was sent to the appellate authority on 18.02.2013 for the decision of departmental appeal which was responded on 27.02.2013. in this latter order the appellant was informed that his departmental appeal had already been filed.

### ARGUMENTS

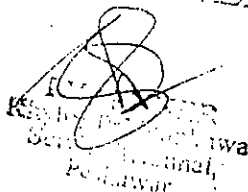
3. Learned counsel for the appellant argued that the impugned order was passed due to absence of appellant on the complaint of Commandant PTC, Hangu. That the said order was passed purportedly under Police Order, 2000 which was further amended in 2005. That there is no Police Order of 2000 as mentioned in the impugned order. That at the relevant time the Khyber Pakhtunkhwa Removal from Service (Special Power) Ordinance 2000 was in vogue. That no charge sheet and statement of allegations were issued to the appellant which was a requirement under the lost mentioned law. That no inquiry was conducted. That no chance of personal hearing was afforded to the appellant.

4. On the other hand the learned Deputy District Attorney argued that the appellant was on probation and he could have been terminated under Rule 12.21 of the Police Rules 1934. That alternatively his services could have been terminated under Section 11 of the Khyber Pakhtunkhwa Civil Servants Act, 1973. That wrong mentioning of any law in the impugned order would not make order illegal. He also argued that the present appeal was time barred. That no second appeal or mercy petition could enlarge the period of limitation.

### CONCLUSION

Attested  


ATTESTED

  
 Khyber Pakhtunkhwa  
 Senior Assistant  
 Registrar

(11)

5 It is correct that no second appeal or mercy petition can enlarge the period of limitation as is settled position of administrative law. However the order is passed from a retrospective date which according to judgment reported as 1985-SUMR-1178 is void and it is also a settled position of law that no limitation runs against void orders. Regardless of the fact under which law or rules, the order is passed, the order is void. The present order is a void order which cannot be sustained in the eyes of law. Secondly if some specific allegation is leveled against a probationer which carries a stigma then service of notice is must even to probationer. Reliance is placed on 2012 PLC CS 838 and 2003 PLC CS 1421. It is correct that the service of probation can be dispensed with without notice. But when some stigma is involved then a probationer cannot be terminated from service without service of notice. In the impugned order the appellant has been stigmatized not only for the reason of his absence but by adding the words that "he cannot become an efficient and good police officer in future."

6. As a sequel to above discussion the order being void is set aside and the appellant is reinstated in service however, he shall resume his status of probationer as he was at the time of impugned order. The department is at liberty to deal with the probationer in accordance with law. And if the department wants to proceed against the probationer on the basis of the charge of absence then the department is at liberty to proceed in accordance with law and rules within a period of ninety days from the date of receipt of this judgment. The issue of back benefits etc. of the appellant shall be subject to the final outcome of denovo proceedings, if any.

Attested

*[Handwritten signature]*

ATTESTED

*[Handwritten signature]*

Resubmit

12

Otherwise the issue of back benefits shall be dealt with in accordance with the rules on the subject. Parties are left to bear their own costs. File be consigned to the record room.

12. Self-Niaz Muhammad Khan,  
Chairman

Self-M. Hamid Mughal,  
Member

ANNOUNCE  
18.12.2017

Certificate to take copy  
K. S. ...  
...

Date of Presentation of ... 18-12-17  
Number of ... 2000  
Copying ... 12  
Urgent ...  
Total ... 12  
Name of ...  
Date of ... 26-12-17  
Date of Delivery ... 26-12-17

Attested  
[Signature]

Annex D

OFFICE ORDER.

Ex-Recruit Constable Qaizar Khan No. 619 was enlisted as Constable in Police Department, Tank on 29.09.2007 vide Order Book No. 1491. He was deputed to Police Training Collect Hangu for qualifying recruit training wherefrom he has absented himself vide Commandant, PTC, Hangu Office Memo: No. 217/GC, dated 09.01.2008 from training. Subsequently, he was Discharged from Service vide DPO/Tank office OB No. 24, dated 16.01.2008 from the dated of his absence 15.12.2017 against which he lodged that Service Appeal No. 609/2013 in the Hon' able Khyber PakhtunKhwa Service Tribunal Peshawar which was decided in favour of appellant with the direction to reinstate the appellant into service and conduct De-nova Departmental enquiry in accordance with the relevant law within a period of ninety days vide Judgment dated 18.12.2017. The Copy of Judgment was submitted to PPO/KP Peshawar and RPO/Dera Ismail Khan Region vide this office Memo: No. 14-15/Legal, dated 01.01.2018 for appropriate order which was returned with the remarks vide PPO/KP Peshawar Memo: No. 144/Legal, dated 11.01.2018 received through RPO/Dera Ismail Khan Region vide Endst. No. 183/ES, dated 12.01.2018 that the Competent Authority has desired that the Judgment may be implemented and original enquiry file along with judgment of the Hon'able Khyber PakhtunKhwa Service Tribunal, Peshawar may be submitted before the Deputy Inspector General of Police, Enquiry & Inspection, CPO/KP, Peshawar for De-novo enquiry proceedings; therefore in compliance with the Judgment of Hon' able Khyber PakhtunKhwa Service Tribunal, Peshawar and prior approval of the Competent Authority, Ex-Recruit Constable Qaizar Khan No. 619 is herewith re-instated into service for De-novo enquiry proceedings with immediate effect.

Announced.

(M) 201  
 (SHAH NAZAR KHAN) PSP  
 District Police Officer,  
 Tank.

No. 254-571 PA dated Tank the 19/1/2018.

1. Copy of above is submitted for kind information to the:-
  2. Registrar, Khyber PakhtunKhwa Service Tribunal, Peshawar.
  3. DIG of Police, E&I, CPO/KP, Peshawar. The Service Record of Recruit Const: Qaizar Khan No. 619 alongwith his order of Discharge From Service with Judgment of the Tribunal is submitted herewith for kind perusal and De-nova departmental proceedings.
  4. AIG/Legal, CPO/KP, Peshawar.
- Office file.

(M) 26  
 (SHAH NAZAR KHAN) PSP  
 District Police Officer,  
 Tank.

CB No 66  
 dt 19-01-2018

*Attested*  
*Qaizar Khan*

STATEMENT OF ALLEGATION.

You Recruit Constable Qaizar Khan No. 619 was enlisted as Constable in Police Department, Tank on 29.09.2007 vide Order Book No. 1491 and deputed to Police Training Collect Hangu for qualifying recruit training wherefrom you have absented yourself vide Commandant, PTC, Hangu Office Memo: No. 217/GC, dated 09.01.2008 from training. Subsequently, you were Discharged from Service vide DPO/Tank office OR No. 24, dated 16.01.2008 from the date of your absence i.e. 15.12.2007 against which you have lodged Service Appeal No. 609/2013 in the Hon'able Khyber Pakhtunkhwa Service Tribunal Peshawar, which was decided in your favour with the direction to reinstate the appellant into service and conduct De-novo Departmental enquiry in accordance with the relevant law within a period of ninety days vide Judgment dated 18.12.2017. The Copy of Judgment was submitted to PPO/KP Peshawar and RPO/Dera Ismail Khan Region vide this office Memo: No. 144/5/ Legal, dated 01.01.2018 for appropriate order which was returned with the remarks vide PPO/KP Peshawar Memo: No. 144/Legal, dated 11.01.2018 received through RPO/Dera Ismail Khan Region vide Endst. No. 183/ES, dated 12.01.2018 that the Competent Authority has desired that the Judgment may be implemented and original enquiry file along with judgment of the Hon'able Khyber Pakhtunkhwa Service Tribunal, Peshawar may be submitted before the Deputy Inspector General of Police, Enquiry & Inspection, CPO/KP, Peshawar for De-novo enquiry proceedings in accordance with compliance with the Judgment of Hon'able Khyber Pakhtunkhwa Service Tribunal, Peshawar and prior approval of the Competent Authority, you Recruit Constable Qaizar Khan No. 619 was re-instated into service for De-novo enquiry proceedings with immediate effect vide Order Book No. 66, dated 10.01.2018. Mr. Gul Naseeb Khan, SP/Investigation Tank was nominated as Inquiry Officer vide office Endst. No. 180-81/ESI, dated 25.01.2018 to conduct De-novo departmental enquiry under Khyber Pakhtunkhwa Police Rules 1975.

Hence the statement of allegation.

(SHAH NAZAR KHAN) PSP  
 District Police Officer,  
 Tank  
 the 7-2-2018.

No. 454-55 /PA Dated Tank

Copy to the:-

1. Mr. Gul Naseeb Khan, SP/Investigation Tank for initiating proceedings against the defaulter under the provision of KPK Police Rules 1975 and submitting report within stipulated period as per prescribed rules.
2. Recruit Constable Qaizar Khan No. 619 with the direction to appear before the Inquiry Officer on the date, time and venue fixed by the Inquiry Officer for the purpose of enquiry proceedings.

1-302  
 [Signature]

Attested  
 [Signature]

(SHAH NAZAR KHAN) PSP  
 District Police Officer,  
 Tank.

CHARGE SHEET.

15

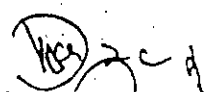
WHEREAS, I, am satisfied that a formal enquiry contemplated under Khyber Pakhtunkhwa Police Rules 1975 with amendment 2014 is necessary and expedient.

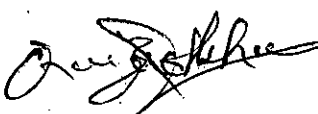
AND WHEREAS, I am of the view that the allegation(s) if established would call for a Major Penalty including Removal From Service as defined in Rules (4) (i) (B) of the aforesaid Rules.

AND THEREFORE, as required by Police Rules 6 (1) of the aforesaid Rules, I Mr. SHAH NAZAR KHAN (PSP), District Police Officer Tank being a competent authority hereby charge you Recruit Constable Qaizar Khan No. 619 of Police Department Tank with the misconduct on the basis of statement of allegation attached to this Charge Sheet.

AND hereby direct you further under rule 6(1) of the said rules to put in written defence within Seven (7) days of receipt of this Charge Sheet as to why the proposed action should not be taken against you and also state that the same time whether you wish to heard in person or otherwise.

In case your reply is not received within the prescribed period, without sufficient cause it would be presumed that you have not defence to offer and exparte action proceedings will be initiated against you.

  
(SHAH NAZAR KHAN) PSP  
District Police Officer,  
(Tank)

Attested  






(16)  
Annex: F

**OFFICE OF THE  
SUPERINTENDENT OF POLICE  
INVESTIGATION DISTRICT TANK**

Ph: No. 0963- 511730. Fax.No.0963-511257.  
Email address. [spinvtank@yahoo.com](mailto:spinvtank@yahoo.com)

No 615 /Inv: Dated Tank the 14/02/2018

To, The Deputy Inspector General of Police,  
Enquiry & Inspection Khyber PakhtunKhwa, Peshawar.

Subject: DENOVE DEPARTMENTAL ENQUIRY AGAINAT EX- RECRUIT  
CONSTABLE QAIZAR KHAN NO.619 DISTRICT TANK.

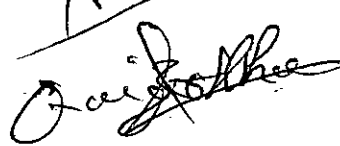
Memo:

Kindly refer to this office Memo: No.588/Inv: Dated.09/02/2018.

It is submitted that statement of Ex-Recruit Qaizar Khan No. 619 is enclosed herewith for attachment with Denove enquiry, please.

  
Superintendent of Police,  
Investigation Tank

Supdt: of Police  
Investigation, Tank

Attested  


جناب عالی

عنوان : جواب ڈینورنگواری کانسٹیبل قمبرارخان

گزارش ہے کہ بندہ ضلع ٹانک گروہ بلوچ کا کوئی

ممبر ہائی ہے۔ ضلع ٹانک حکمہ پولیس میں 29<sup>09</sup>/<sub>2007</sub> میں کانسٹیبل

مہتری ہوا۔ ابھی ڈپوٹی اچھے طریقہ سے انجام دے رہا تھا۔

ٹرننگ کیلئے ہنگو ٹرننگ سٹر چلا گیا۔ دوران ٹرننگ بیمار ہو گیا

دوبھی پر گھر آیا۔ یہاں معلوم ہوا کہ بندہ تھکانے ملاچی میں

دفعہ 302 کے F-I-R میں جا رہے ہیں۔ بندہ اس F-I-R میں سے لٹا

تھا۔ بندہ اپنے آپ کو عدالت میں ضمانت کیلئے 17<sup>12</sup>/<sub>2007</sub> کو پیش کر دیا

مہتری ضمانت سیشن جج II محمد نسیم نے منسوخ کر لی اور میں

سٹرل جیل D-I-Khan منتقل کیا گیا۔ 5<sup>1</sup>/<sub>2008</sub> کو مہتری ضمانت ہو گئی۔

سہیلی کے بعد میں سپرہا ٹرننگ سٹر ہنگو حاضر ہوا۔ وہاں غیر حاضر

تصور کیا گیا اور ضلع واپس بھیجا گیا۔ یہاں پر D-P-O صاحب

ٹانک نے مجھے ڈسچارج کر دیا۔ 30<sup>1</sup>/<sub>2008</sub> کو مجھے عدالت نے مہتری بھی کر دیا۔

بندہ نے محکمانہ اپیلیں بھی کیں مگر بحال نہ ہو سکا۔

عدالت جناب سروس ٹریبیونل K-R-K عرض بحالی جمع کی جس میں

بندہ کو بحال کیا گیا اور ڈینورنگو آفیس کا آرڈر بھی ہوا۔ مہتری غیر حاضری

مستی، نااہلی، قصداً یا غمداً نہ تھی بلکہ بندہ جیل میں ایسٹ تھا۔ مہتری

F-I-R اور جیل ریکارڈ دفتر میں و عدالتی فائلز میں موجود ہے۔

بندہ خاندان کا واحد تقیل ہے۔

لہذا مہربانی فرما کر بندہ کو دوبارہ ادارہ کی خدمت کا

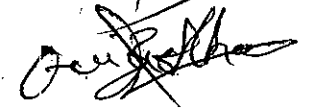
موقع دیا جاوے۔ افسران بالا کی انتہائی شفقت ہوگی۔

بندہ تاحیات دعا گو رہے گا۔

کانسٹیبل قمبرارخان ولد عبدالقدیر خان گروہ بلوچ ضلع ٹانک

Attested

D. I. Khan



FINAL SHOW CAUSE NOTICE.

18  
Annex G<sup>3</sup>

I, MR. SHAH NAZAR KHAN (PSP), District Police Officer, Tank as Competent Authority, under the KPK Dismissal from Service ( Police Rules 1975), do hereby serve upon you Recruit Constable Qaizar Khan No. 619 of Police Lines Tank, this Final Show Cause Notice as follow:-

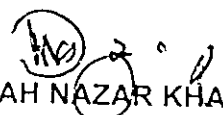
1. That consequent upon the completion of De-Novo Departmental proceedings conducted against you by an Inquiry Officer for which you were given opportunity of provision of defense reply / personal hearing. On going through the findings and recommendations of the Inquiry Officer and other materials on record and connected papers including your defense before the said Inquiry Officer.

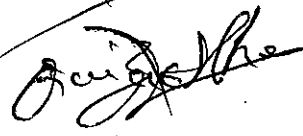
I am satisfied that you have committed the following acts/omissions specified in Section-3 of the Khyber PakhtunKhwā (Police Rules 1975), You while recruited in Police Department Tank found involved in following serious misconduct:-

You Recruit Constable Recruit Const: Qaizar Khan No. 619 of Police Lines Tank while recruited as Constable in Police Department Tank was Proclaimed Offender in Case FIR No. 31 dated 15.01.2005 U/S 324-PPC PS Saddar and FIR No. 161 dated 16.09.2006 U/Ss 302/34-PPC PS Kulachi District Dera Ismail Khan but you have concealed the facts and succeeded to get recruitment of yourself by managing a Domicile Certificate of District Tank later-on. You have also absented yourself from recruit training from PTC Hangu The SP/Investigation Tank was nominated as Inquiry Officer. The De-Nova Departmental enquiry was conducted in which you were held responsible for the allegations leveled against you in the charge sheet.

As a result thereof I, Mr. SHAH NAZAR KHAN, (PSP) District Police Officer, Tank as Competent Authority have tentatively decided to impose one of the Major Punishment Under Section-3 of the Khyber PakhtunKhwā, Police Rules 1975.

2. You are therefore required to show cause as to why the aforesaid penalty should not be imposed upon you.
3. If no reply to the notice is received within seven days of the receipt of this Final Show Cause Notice, in the normal course of circumstances, it shall be presumed that you have no defense to put in and in that case as ex-parte action shall be taken against you.
4. The copy of the findings of the Inquiry Officer is enclosed.

  
(SHAH NAZAR KHAN) PSP  
District Police Officer,  
Tank.

Attested  


خدمت جناب D-P-O صاحب ٹانگہ ضلع

(19)

جناب عالی

عنوان

جواب فائل شوکار نوٹس کانسیبل قنبرا خان مری 19

گزارش ہے کہ بندہ سے شوکار نوٹس میں 4 سوالات

پوچھے گئے ہیں جنکے جوابات درج ذیل ہیں۔

PPC 15<sup>1/2</sup> 2005

1 = F-I-R نمبر 31 324 تھانہ صدر ڈیرہ اسماعیل خان میں میرا نام

بالکل نہیں ہے اور F-I-R کی کاپی بھی جواب کے ساتھ منسلک ہے

302 PPC

2 = F-I-R نمبر 181 تھانہ کلاچی میں بالکل بے گناہ ہوں چارج کیا گیا

میری اسباب کی گواہی مدعیان بھی دینے کو تیار ہیں جو کہ مقبول

کے پسران ہیں۔ اتنے نام سبز علی و عمران پسران غلام حسین ہیں

میرے رہائشی علاقہ گرہ بلوچ کے گواہان بھی میری بے گناہی کی گواہی

دینگے جو کہ مع مدعیان D-P-O صاحب کے سامنے پیش کرنے کو تیار ہوں

3 = قبائلی جھگڑوں کی وجہ سے پچھلے کئی سالوں سے ہم گرہ بلوچ میں

سکونت پذیر ہیں۔ میرا ڈومیسائل پسرانا و نیا شناختی کارڈ

میرا گرہ بلوچ میں ہے جنکی فوٹو کاپیاں جواب کے ساتھ منسلک

Alf  
Alf

ہیں

PTC = 4 ہنگو میں غیر حاضری میرا عدالت میں پیش ہونا تھا۔  
 17<sup>12</sup>/<sub>2007</sub> کو بعدالت پیش حج آج محمد نسیم نے ضمانت منسوخ کر لی  
 ڈسٹرکٹ جیل ڈیرہ اسماعیل متقل کیا گیا۔ 5<sup>1</sup>/<sub>2008</sub> کو ضمانت اور 3<sup>1</sup>/<sub>2008</sub>  
 کو عدالت نے بری کر دیا۔ 1<sup>1</sup>/<sub>2008</sub> کو PTC ہنگو حاضر ہوا۔ وہاں تقریباً 20  
 دن غیر حاضر تصور کیا اور ضلع واپس کیا۔ D.P.O صاحب ٹانک نے ڈسٹریکٹ  
 کیا محکمہ اہیلوں کے باوجود بحال نہ ہو سکا۔ بعدالت جناب سروس ٹریبیونل  
 KPK عرض بحالی کی۔ جس میں بحالی اور ڈینوائٹوٹری کا آرڈر ہوا  
 میری غیر حاضری قصداً یا غداً نہ تھی بلکہ سٹیٹ رولز کی پابندی  
 اور جیل اسٹ تھی۔ جیل ریکارڈ دفتر و عدالتی فائلز میں موجود ہے  
 بندہ عرصہ دس ماہ سے بے روزگار و سخت پریشان ہے۔

لہذا میری فرمائش D.P.O صاحب ضلع ٹانک متفقانہ  
 اختیارات استعمال کرتے ہوئے بندہ کو اپنے ادارہ میں بحال رکھا جائے  
 بندہ تاحیات دعا گو رہے گا۔

سائل کا نشیب قیصر خان عمر 19 سالہ سکندر گروہ بلوچ ضلع ٹانک

@azarkhan  
 19-03-2018

Attested  
 @azarkhan

OFFICE ORDER.

In pursuance with the order of Hon: able Khyber PakhtunKwha Service Tribunal Peshawar vide Judgment dated 18.12.2017 arrived in Service Appeal No. 609/2013 lodged by Ex-Recruit Constable Qaizar Khan No. 619/697 and prior approval of the Competent Authority vide PPO/KP Peshawar office Memo: No. 144/Legal, dated 11.01.2018 received through RPO/Dera Ismail Khan Region vide Endst. No. 183/ES, dated 12.01.2018, the appellant Ex-Recruit Constable Qaizar Khan No. 619/697 was reinstated into service for De-Nova Departmental Proceedings, vide Order Book No. 66, dated 19.01.2018. He was properly charged sheeted containing allegations that he was enlisted as recruit Constable in Police Department, Tank vide Order Book No. 1491 on 29.09.2007 and deputed to Police Training College Hangu for qualifying recruit training wherefrom he has absented himself from training vide Commandant, PTC, Hangu Office Memo: No. 217/GC, dated 09.01.2008. Subsequently, he was Discharged from Service vide DPO/Tank office Order No. 24, dated 16.01.2008 from the date of his absence i.e. 15.12.2017. He has approached in appeal before the Khyber PakhtunKwha Service Tribunal which was accepted and the Impugned order of DPO/Tank was set aside with the direction to reinstate the appellant into service and conduct De-Nova Departmental Enquiry in accordance with the relevant law / rules.

Mr. Gul Naseeb Khan, SP/Investigation Tank was nominated as Inquiry Officer vide DIG of Police, Inquiry & Inspections, KP, Peshawar office Endst; No. 180-81/E&I, dated 25.01.2018. The De-Nova Departmental Enquiry was conducted. The enquiry report was received stating therein that the alleged official is permanent resident of District Dera Ismail Khan. At the time of recruitment he was Proclaimed Offender in heinous crime and required to District Police Dera Ismail Khan. He has managed the Domicile of District Tank and succeeded to get employment in Police Department Tank by concealing the facts; therefore the Inquiry Officer has recommended in his finding report that previous punishment of Discharge From Service of the alleged official may be kept in to keep intact. A Final Show Cause Notice was issued and served upon him properly. His reply to the Final Show Cause Notice was received and found unsatisfactory. He was called on in Orderly Room and heard in person. No plausible reason was explained. Therefore, in light of the recommendation of the Inquiry Officer and other materials placed before me, I MR. SHAH NAZAR KHAN (PSP), District Police Officer, Tank being Competent Authority under Powers vested in me under Khyber PakhtunKwha Police Rules 1975 with amendment Act 2014, awards Major Punishment of DISMISSAL FROM SERVICE to alleged official Recruit Constable Qaizar Khan No. 619/697 with immediate effect.

Announced.

*(Signature)*  
 (SHAH NAZAR KHAN) PSP  
 District Police Officer,  
 Tank.  
 28-03 /2018.

No. 1028-32/P dated Tank the

- 1. Copy of above is submitted for kind information to the:-
- 2. Registrar, Khyber PakhtunKwha Service Tribunal, Peshawar.
- 3. DIG of Police, E&I, CPO/KP, Peshawar.
- 4. Regional Police Officer, Dera Ismail Khan Region.
- 5. AIG/Legal, CPO/KP, Peshawar.
- 6. Office file.

Attested  
*(Signature)*

*(Signature)*  
 (SHAH NAZAR KHAN) PSP  
 District Police Officer,  
 Tank

عنوان: اپیل برخلاف برخاستگی آڈر نمبر 1028.32

مورخہ: 28/03/2018

جناب عالی!

سائل حسب ذیل عرض رساں ہے۔

(1) یہ کہ من سائل کو محکمہ پولیس سے 2008 میں غیر حاضری کی بناء پر بغیر قانونی کارروائی/انکوائری کے نوکری سے برخواست کیا گیا

(2) یہ کہ من سائل نے اپنی برخاستگی کے خلاف سروس ٹریبونل میں باقاعدہ اپیل جمع کی اور سروس ٹریبونل نے مہربانی فرماتے ہوئے من سائل کو نوکری پر بحال کیا اور محکمہ کو ہدایت کی کہ اگر محکمہ چاہیے تو محکمہ پولیس سائل کے خلاف غیر حاضری کی بناء پر باقاعدہ انکوائری کرائیں

(3) یہ کہ سروس ٹریبونل کے حکم کے مطابق من سائل کو بحال تو کر لیا گیا مگر انکوائری شروع کرتے وقت نہ صرف غیر حاضری بلکہ چند دیگر امور بھی شامل انکوائری کیے گئے جسے کہ مطلع ٹانک کا ڈومیسائل اور فوجداری مقدمہ میں سائل کا ملوث ہونا۔

(4) یہ کہ من سائل کے خلاف اصل بات سے ہٹ کر محض بدینتی کی بناء پر انکوائری میں دیگر امور کو شامل کیا گیا۔ کیونکہ ضلع ٹانک کا ڈومیسائل مجاز حکام نے صبح اور درست طور پر من سائل کو جاری کیا ہے جو کہ تاحال منسوخ شدہ نہ ہے جبکہ انکوائری میں جس فوجداری مقدمہ کی بات کی گئی ہے تو اس مقدمہ میں کہیں پر بھی من سائل کا نام شامل نہ ہے ثبوت کے طور پر مقدمہ فوجداری کا ایف آئی آر اور معزز ایڈیشنل سیشن جج کے حکم کی کاپی لف ہے

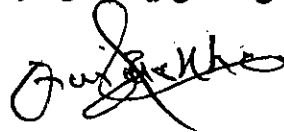
(5) یہ کہ مذکورہ انکوائری بدینتی کی بناء پر کی گئی جس میں سائل کو اپنی صفائی کا موقع بھی فراہم نہیں کیا گیا۔ اور بدوران انکوائری تمام ترقانونی تقاضوں کو بالائے طاق رکھا گیا ہے

لہذا گزارش کی جاتی ہے کہ برخاستگی آڈر مورخہ 28/03/2018 کو منسوخ فرما کر سائل کو نوکری پر بحال کر کے تمام بقایا جات بھی ادا کئے جائیں۔

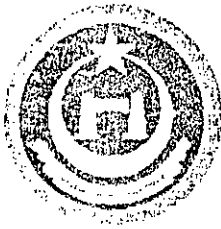
مورخہ: 25/04/2018

السائل

سائل کا نمبر قیصر خان نمبر 619/697 والد عبدالقدیر خان ضلع ٹانک



Attested  

OFFICE OF THE  
REGIONAL POLICE OFFICER  
DERA ISMAIL KHAN  
REGION

23

Annex K

2633  
3/8/18

No. 2722 /ES, Dated DI Khan the 31 / 07 /2018

ORDER

My this order will dispose-of the departmental appeal, preferred by Ex Constable Qaizar Khan No. 619/697 of District Tank wherein he has prayed for setting aside the order of major punishment of Dismissal from Service imposed to him by DPO Tank vide OB No. 295 dated 28.03.2018 after found him guilty of the following allegations:-

That he was earlier discharged from service on the allegations that he was deputed for recruit course wherefrom he absented himself w.e. from 15.12.2007 till the passing of discharge order vide OB No. 24 dated 16.01.2008 (32 days). Against such order appellant lodged service appeal No. 602/2013 before the Honorable KP Service Tribunal Peshawar in which the competent authority was directed to reinstate the appellant and to conduct de-novo enquiry. The decision of Honorable KP Service Tribunal was submitted to CPO Peshawar by DPO Tank vide Endst: No. 15/Legal dated 01.01.2018 for appropriate order. CPO Peshawar vide letter No. 179/E&I dated 25.01.2018 had directed to conduct de-novo enquiry against the appellant and nominated SP Investigation unit Tank as Enquiry Officer. The appellant was reinstated in service by DPO Tank vide order Endst: No. 254-57/PA dated 19.01.2018 subject to conduct de-novo enquiry.

The Enquiry Officer (SP Investigation Tank) conducted the de-novo enquiry and submitted his findings report stating therein that the alleged official is permanent resident of DI Khan District and at the time of recruitment in Tank District, he was declared as Proclaimed Offender in heinous crime and was required to District Police DI Khan. He managed Domicile of District Tank on his own and succeeded to get employment in District Police Tank by concealing the facts. Therefore, the Enquiry Officer in his findings report, recommended that his previous punishment of Discharge from service may be kept intact. He was served with final Show Cause Notice and reply of the same was perused and found unsatisfactory by DPO Tank. He was also called in Orderly Room by the Competent Authority but cannot offer plausible reason against the misconduct. In the light of above mentioned facts, he has been dismissed from service by DPO Tank.

His service record, inquiry papers and comments were received from DPO Tank which were perused and it was found that after completion of De-novo enquiry, appellant was served with Final Show Cause Notice but reply to the same was found unsatisfactory by DPO Tank hence, imposed major punishment of discharge from service upon the appellant vide order dated 28.03.2018.

Attested

*Qaizar Khan*



During the perusal of his service record, it was found that the appellant has served Police Force for 10 months & 22 days and during this period; he has been awarded a major punishment of Discharge from service under PR 12.21 of Police Rules 1934.

The undersigned also provided him opportunity of personal hearing. Keeping in view the above, I can safely infer from the above that the appellant is incorrigible and his appeal is devoid of merit. There is no need of interference in the impugned order. Therefore I, **DAR ALI KHAN KHATTAK, PSP**, Regional Police Officer, DI Khan, in exercise of powers vested in me under Rule 11 clause 4(a) of Khyber Pakhtunkhwa Police Rules 1975 (amended 2014) hereby reject his appeal being grossly time barred and endorse the punishment awarded to him by DPO Tank.



**(DAR ALI KHAN KHATTAK)PSP**  
**REGIONAL POLICE OFFICER**  
**DERA ISMAIL KHAN**

No. 2723 /ES

Copy of above is sent to the DPO Tank for information with reference to his office memo: No. 2166/Legal dated 08.06.2018 alongwith his service record.

Encl:-  
Service Roll  
Fauji Missal



**(DAR ALI KHAN KHATTAK)PSP**  
**REGIONAL POLICE OFFICER**  
**DERA ISMAIL KHAN**

*Attested*  
*[Signature]*

*Sur,*  
*TPS*  
*Witness*  
*08-06-2018*  
*2723*

## بخدمت جناب IGP صاحب پولیس ڈیپارٹمنٹ خیبر پختونخواہ

عنوان: اپیل برخلاف برخواستگی آرڈر نمبر 1028.32

مورخہ: 28/03/2018

جناب عالی!

سائل حسب ذیل عرض رساں ہے۔

(1) یہ کہ من سائل کو محکمہ پولیس سے 2008 میں غیر حاضری کی بناء پر بغیر قانونی کارروائی/انکوائری کے نوکری سے بر خاست کیا گیا

(2) یہ کہ من سائل نے اپنی برخواستگی کے خلاف سروس ٹریبونل میں باقاعدہ اپیل جمع کی اور سروس ٹریبونل نے مہربانی فرماتے ہوئے من سائل کو نوکری پر بحال کیا اور محکمہ کو ہدایت کی کہ اگر محکمہ چاہے تو محکمہ پولیس سائل کے خلاف غیر حاضری کی بناء پر باقاعدہ انکوائری کرائیں

(3) یہ کہ سروس ٹریبونل کے حکم کے مطابق من سائل کو بحال تو کر لیا گیا مگر انکوائری شروع کرتے وقت نہ صرف غیر حاضری بلکہ چند دیگر امور بھی شامل انکوائری کیے گئے جسے کہ ضلع ٹانک کا ڈومیسائل اور فوجداری مقدمہ میں سائل کا ملوث ہوتا۔

(4) یہ کہ من سائل کے خلاف اصل بات سے ہٹ کر محض بددیہتی کی بناء پر انکوائری میں دیگر امور کو شامل کیا گیا۔ کیونکہ ضلع ٹانک کا ڈومیسائل مجاز حکام نے صبح اور درست طور پر من سائل کو جاری کیا ہے جو کہ تاحال منسوخ شدہ نہ ہے جبکہ انکوائری میں جس فوجداری مقدمہ کی بات کی گئی ہے تو اس مقدمہ میں کہیں پر بھی من سائل کا نام شامل نہ ہے ثبوت کے طور پر مقدمہ فوجداری کا ایف آئی آر اور معزز ایڈیشنل سیشن جج کے حکم کی کاپی لف ہے

(5) یہ کہ مذکورہ انکوائری بددیہتی کی بناء پر کی گئی جس میں سائل کو اپنی صفائی کا موقع بھی فراہم نہیں کیا گیا۔ اور بدوران انکوائری تمام تر قانونی تقاضوں کو بالائے طاق رکھا گیا ہے لہذا گزارش کی جاتی ہے کہ برخواستگی آرڈر مورخہ 28/03/2018 کو منسوخ فرما کر سائل کو نوکری پر بحال کر کے تمام بقایا جات بھی ادا کئے جائیں۔

مورخہ: 24/08/2018

السید ارض

سائل کا فیصلہ ڈیپارٹمنٹ نمبر 619/697 والد عبدالقدیر خان ضلع ٹانک

Quirky

Attested

Signature



OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA  
PESHAWAR.

26  
Annex 'M'

No. SI/ 4631 /18, dated Peshawar the 15/11/2018.

ORDER

No. 3633  
22-11-2018  
Rule 11-A of Khyber

This order is hereby passed to dispose of departmental appeal under Rule-11-A of Khyber Pakhtunkhwa Police Rule-1975 submitted by Ex-Constable Quizar Khan No. 619/697.

The brief, yet relevant, facts, of the case are that the petitioner was earlier discharged from service by DPO, Tank vide OB No. 24, dated 16.01.2008 on the allegations that he was deputed for Recruit Course to PTC Hangu wherefrom he absented himself from training w.e.f 15.12.2007 till discharge from service i.e. 16.01.2008 for a period of 32-days vide Commandant, PTC, Hangu office Memo: No. 217/GC, dated 09.01.2008.

He lodged service appeal No. 602/2013 before the Khyber Pakhtunkhwa Service Tribunal, Peshawar in which the competent authority was directed to reinstate the appellant and to conduct de-novo enquiry vide judgment dated 18.12.2017.

The Supdt: of Police, Investigation, Tank conducted de-novo enquiry and submitted finding report stating therein that alleged official is permanent resident of DIKhan District and at the time of recruitment in Tank District, he was declared as Proclaimed Offender in heinous crime and was required to District Police DIKhan. He managed Domicile of District Tank on his own and succeeded to get employment in District Police Tank by concealing the facts and recommended him for punishment of discharge from service.

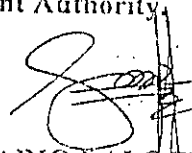
He was again dismissed from service by DPO, Tank vide order Endst: No. 1028-32/PA, dated 28.03.2018. His appeal was rejected by Regional Police Officer, DIKhan vide order No. 2722/ES, dated 31.07.2018.

Meeting of Appellate Board was held on 08.11.2018 wherein petitioner was heard in person. During hearing petitioner contended that he was in PTC Hangu when nominated in FIR u/s 302 and now the case is solved over compromise.

Perusal of record reveals that Petitioner was dismissed from service on the charge of absence from Recruit Course for 32-days. He lodged service appeal No. 602/2013 before the Khyber Pakhtunkhwa Service Tribunal, Peshawar in which the competent authority was directed to reinstate the appellant and to conduct de-novo enquiry vide judgment dated 18.12.2017.

De-novo enquiry was conducted wherein it revealed that petitioner is permanent resident of DIKhan District and at the time of recruitment in Tank District, he was declared as Proclaimed Offender in heinous crime and was required to District Police DIKhan. He managed Domicile of District Tank on his own and succeeded to get employment in District Police Tank by concealing the facts. He was again dismissed from service by DPO, Tank vide order Endst: No. 1028-32/PA, dated 28.03.2018 and his appeal was rejected by RPO, DIKhan vide order No. 2722/ES, dated 31.07.2018. Therefore, the Board decided that his petition is hereby rejected.


This order is issued with the approval by the Competent Authority.

  
(SADIQ HALAQI) PSP  
AIG/Establishment,  
For Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar.

No. SI/ 4632-38 /18.

Copy of the above is forwarded to the:

1. Regional Police Officer, Dera Ismail Khan. Service Roll and Fauji Missal of the above named Ex-Constable received vide your office Memo: No. 3461/ES, dated 08.10.2018 is returned herewith for your office record.
2. District Police Officer, Tank.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. PA to Addl: IGP/HQs: Khyber Pakhtunkhwa, Peshawar.
5. PA to DIG/HQs: Khyber Pakhtunkhwa, Peshawar.
6. PA to AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-IV CPO Peshawar.

Attested  




98

Annex 'O'

# DOMICILE CERTIFICATE

I declare that I was born of parents who are permanently domiciled in N.W.F.P. having belonged to it by birth / settled in it.

along by birth to Village / Mohallah گرمه تاج

Tehsil کلیان District کلیان

مفتی محمد رفیق  
Signature of the applicant /

Thumb Impression

Dated. 15 / 10 / 2007

Pursuance to the declaration dated 1 / 1 / 2007

filed by مفتی محمد رفیق

son / daughter of عبدالرشید خان domiciled in the

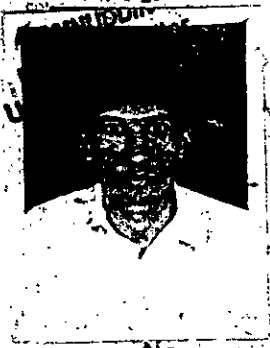
N.W.F.P. it is hereby certified that the said \_\_\_\_\_  
in born of parents who are permanent residents of the N.W.F.P. having belonged to it by birth / settled in it.

I have satisfied myself from my personal knowledge / verification that the above declaration is true and certify.

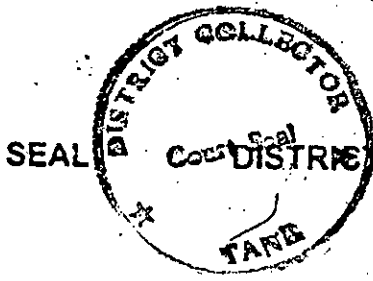
This 19<sup>th</sup> day of Sep 2007

SEAL

DEPUTY DISTRICT REVENUE OFFICER  
TANK.



COUNTERSIGNED



SEAL DISTRICT REVENUE OFFICER  
TANK.

No. 509 Dated: 19 / 9 / 07

Attached  
\_\_\_\_\_

صاحب علی احمد بیگانی کے نام سے قید خان ولد عبد القادر خان قوم گندہ بوند  
گندہ بوند تحصیل و ضلع ٹنک اسٹیشن قید خان درجہ اولیٰ

VERIFICATION

Rural Areas:

3  
17/9/07

Revenue Agencies

(i) Patiala Malga

(ii) Girdwar Circle

(iii) Tehsildar

Nazim

Naib Nazim

Member of District Council

Member of Union Council

Police Station

Urban Areas

Nazim

Naib Nazim

Member of Distt: Council

Member of Union Council

Police Station

Attested

*[Signature]*

*[Signature]*  
Nazim

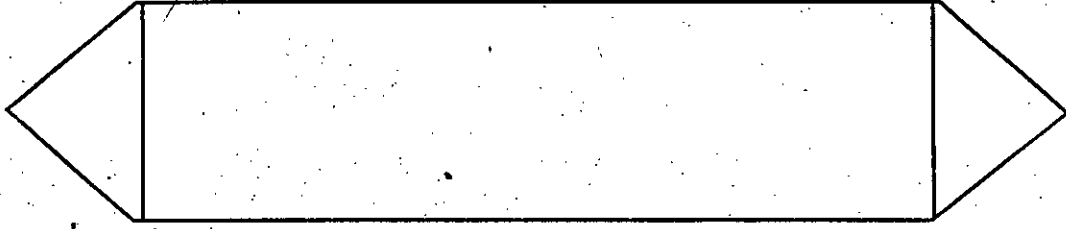
Naib Nazim

میں زین الدین خان کو کسٹریٹڈ بھون لہ  
حسی فیض ارضان ولد عبد القادر خان گندہ بوند  
قوم گندہ بوند تحصیل و ضلع ٹنک اسٹیشن قید خان درجہ اولیٰ

زین الدین  
ZAINUDDIN  
Kisan Councillor  
M.C. G. Baloch. (Tank)

*[Large Signature]*

# بعدالت کا - کپ کے سٹریٹجی



2۔ مخائب اسلام

بنام

مستشار خان نام ایڈووکیٹ ریسٹ

مورخہ  
مقدمہ  
دعویٰ  
جرم

## باعث تحریر آئندہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ  
آن مقام لیسٹ کیلئے شمارہ نمبر 211، عمران خان سسرال کے  
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز  
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور  
بصورت ڈگری کرنے اجراء اور صولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق  
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی  
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور  
کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار  
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ  
پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جانہ التوائے مقدمہ کے سبب سے وہوگا۔  
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی  
مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

2018ء

ماہ دسمبر

19

المرقوم

واہ الع

الع

کے لئے منظور ہے۔

بمقام

*(Signature)*

BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER AKHTUNKHWA  
PESHAWAR.

APPEAL No. 1505/2018.

Ex-Const. Qaizar Khan No. 619/697.

(Appellant).

**Versus**

1. Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar.
2. Asstt: Inspector General of Police, ) Respondents.  
Establishment, Khyber Pakhtunkhwa, Peshawar.
3. Regional Police Officer  
Dera Ismail Khan Region.
4. District Police Officer,  
Tank.

**Para-wise comments on behalf of Respondents**

**Respectfully Shewith,**

Para-wise comments on behalf of Respondents are submitted as under:-

**PRELIMINARY OBJECTIONS:**

1. That the petitioner has got no cause of action and locus standi to file the present Appeal.
2. That the appeal is bad for misjoinder/non-joinder of necessary parties.
3. That the appeal is not maintainable and badly time barred.
4. That the appellant has not come with clean hands to the Hon'able Tribunal.
5. That the appellant is estopped due to his own conduct.
6. That the appellant has concealed the material facts from Honorable Tribunal.
7. That the appeal is not maintainable and incompetent.
8. That the Hon' able Service Tribunal has no jurisdiction to entertain the instant appeal.



## BRIEF ON FACTS.

1. Incorrect. He was bonafide resident of Tehsil Kullachi, District DIKhan and was charged in case FIR No. 31 dated 15.01.2005 U/S 324 PPC PS Saddar District Dera Ismail Khan and FIR No. 181 dated 16.09.2006 U/S 324 PPC PS Kullachi District Dera Ismail Khan and was declared as Proclaimed Offender. Afterwards, he has concealed the facts fraudulently and dishonestly succeeded to get employment in Police Department Tank by producing a domicile of District Tank which is illegal.
2. Pertains to record.
3. Correct to the extent.
4. Incorrect because the Appellant while attaining departmental training at PTC Hangu has absented himself from training without any leave or reasonable cause for 26 days wherefrom he was returned as unqualified vide Commandant PTC Hangu letter No. 217/GC, dated 09.01.2014. Further, the appellant is bonafide resident of Tehsil Kulachi District Dera Ismail Khan where he had been charged in heinous crime of attempt to murder in vide Case FIR No. 31, dated 15.01.2005 U/S 324-PPC PS Saddar District Dera Ismail Khan and FIR No. 181, dated 16.09.2006 U/Ss 302/34-PPC PS Kulachi District Dera Ismail Khan and was declared as Proclaimed Offender. Afterwards, he has concealed the facts fraudulently and dishonestly succeeded to get employment in Police Department Tank by producing a domicile of District Tank which is illegal.
5. Relates to criminal case files.
6. Relates to criminal case files. However as per Commandant PTC Hangu letter No. 217/GC dated 19.01.2014, he absented from training for 26-days and was returned unqualified.
7. Incorrect because the appellant was absent from training wherefrom he was returned as unqualified vide Commandant PTC Hangu letter No. 217/GC, dated 09.01.2014.
8. Incorrect because the order passed by the Competent Authority is legal and in accordance with law.
9. Incorrect because the Hon' able Service Tribunal Khyber PakhtunKhwa, Peshawar has accepted the Service Appeal No. 609/2013 of the appellant. The appellant was reinstated into service by setting asiding the impugned order of DPO/Tank with the direction to conduct denove departmental enquiry vide Judgment dated 18.12.2017. The appellant was reinstated into service vide order No. 254-57/PA, dated 19.01.2018. He was properly charge sheeted in accordance with the law. The Inquiry Officer was nominated. The De-nove Departmental enquiry was conducted. The finding report was received upon which a Final Show Cause Notice was issued and served upon him properly. He was also called on in orderly room and heard in person. Therefore, in light of the same recommendation of the Inquiry Officer and other materials placed, the Competent Authority awarded Major Punishment of Dismissal from Service to the appellant vide Order No. 1028-32/PA, dated 28.03.2018 which is legal and justified. (Copy enclosed as Annexure A & B).
10. Pertains to record.


11. Incorrect. After receipt of finding report of the Inquiry Officer, Final Show Cause Notice coupled with the copy of finding report was served upon the appellant for submission of his defense reply. His defense reply was received. He was also called on in Orderly Room and heard in person.
12. Incorrect. The punishment announced by the Competent Authority to the appellant is legal and in accordance with the existing relevant law / rules against which the appellant has lodged his departmental appeal before the Regional Police Officer, Dera Ismail Khan Region which was also rejected vide RPO/Dera Ismail Khan Region office Order No. 2722-23/ES, dated 31.07.2018 which is legal. (Copy is enclosed as Annexure "C").
13. Pertains to record.
14. Incorrect because the appellant has got no cause of action and the instant Service Appeal is not maintainable.

**GROUND:**


- a. Incorrect because after fulfillment of all legal formalities, the orders passed by the Competent Authorities are legal and justified.
- b. Incorrect, because the De-Novo Departmental enquiry was conducted in light of judgment of Hon' able Service Tribunal Khyber PakhtunKhwā Peshawar vide Judgment dated 18.12.2017. The Inquiry Officer was nominated. The appellant was properly charge sheeted. The finding report was received. A Final Show Cause Notice was issued. He was called on in Orderly Room and heard in person. The proceeding conducted against the appellant is legal and justified.
- c. Incorrect, because the finding report of the Inquiry Officer was provided to the appellant along with Final Show Cause Notice vide Para No. 04 which is Annexure "D".
- d. Incorrect, because the De-Novo Departmental enquiry was conducted in accordance with the relevant law purely on merit. During De-Novo Departmental enquiry, all legal formalities required under the rules were observed thus proceeding conducted against the appellant is legal and justified.
- e. Incorrect, because during De-Novo Departmental enquiry, chances of self defense were provided to the appellant. His defense replies were received and which are available on enquiry file.

- f. Irrelevant Para. Needs no comments.
- g. Irrelevant Para. Needs no comments.
- h. Relates to record.
- i. Incorrect because the orders passed by the Competent Authorities against the appellant are legal and justified.
- j. That the Respondents may also be allowed to raise additional objection at the time of arguments


In view of above, it is humbly prayed that on acceptance of Para-wise comments, the Service Appeal may kindly be dismissed being meritless and badly time barred.



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



**Asstt: Inspector General of Police**  
Estab: Khyber Pakhtunkhwa Peshawar  
Respondent No. 2



**Regional Police Officer,**  
Dera Ismail Khan Region.  
Respondent No. 3



**District Police Officer,**  
Tank.  
Respondent No. 4

BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER AKHTUNKHWA  
PESHAWAR.

APPEAL No. 1505/2018.

Ex-Const. Qaizar Khan No. 619/697.

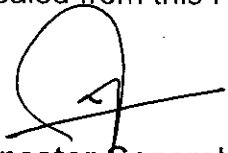
(Appellant).


**Versus**


1. Inspector General of Police,  
Khyber PakhtunKhwa, Peshawar.
2. Asstt: Inspector General of Police, ) Respondents.  
Establishment, Khyber PakhtunKhwa, Peshawar.
3. Regional Police Officer  
Dera Ismail Khan Region.
4. District Police Officer,  
Tank.

**COUNTER AFFIDAVIT ON BEHALF OF RESPONDENTS.**

We, the respondents do hereby solemnly affirm and declare on oath that the contents of Comments / Written reply to Appeal are true & correct to the best of our knowledge and nothing has been concealed from this Honorable Tribunal.

  
**Inspector General of Police**  
Khyber PakhtunKhwa Peshawar  
Respondent No. 1

  
**Asstt: Inspector General of Police**  
Estab: Khyber PakhtunKhwa Peshawar  
Respondent No. 2

  
**Regional Police Officer,**  
Dera Ismail Khan Region.  
Respondent No. 3

  
**District Police Officer,**  
Tank.  
Respondent No. 4

12

معاہدہ

رینڈرک ڈسٹرکٹ قریب خان 619 ول عدالت کوٹہ 1491  
کوٹہ 29-2-07  
رقم 8 10/07 کوٹہ قریب PTC سٹو  
بھجور آیا گیا تھا۔

رینڈرک ڈسٹرکٹ کے قریب 15 12/07 سے  
11 1/08 تک (کل 25) پٹرول لیا گیا ہے جس  
میں سے ڈسٹرکٹ کو PTC سٹو سے ان کو اسی مقدار

میں لیا گیا ہے۔  
نوٹ:- پٹرول 217/95 9-1-08 کے وقت لیا گیا ہے  
برآمد ہونے پر یہ رقم منظور ہے

0A87  
Tance actin miles  
to miles

14-1-08  
14-1-08

District Police Officer  
Tahsil  
14/1/08

کامیاب ہو گیا 217/9-1-2008

3

14-1-08

From The Commandant,  
Police Training College,  
Hangu.  
To The District Police Officer,  
Tank.  
No. 217 /30, dated Hangu, the 9-1-2008.  
Subject:- RETURN TO DISTRICT AS UN-QUALIFIED.

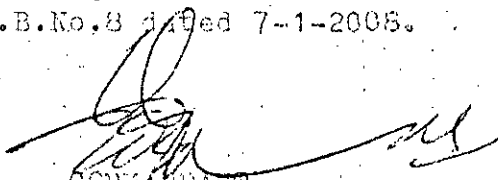
Memorandum.

Inter Recruit Qazier Khan No.619 of your Distt; now undergoing Recruit Course at this college has absented himself wse.from 15-12-2007 todate.

He is therefore, returned to the Distt; as un-qualified vide this office O.B.No.8 dated 7-1-2008.

ms ok  
18/1/08  
OAS/SRE  
For int  
3-1-08

DPG/Tank  
12-1-08

  
COMMANDANT  
Police Training College,  
Hangu.





دستور کے تحت سرحد قائم نمبر ۷۳

# ابتدائی اطلاع رپورٹ

دارم نمبر ۲۳-۵

(۱)

~~Amma~~

ابتدائی اطلاع نسبت مجرم قابل دست اندازی پولیس رپورٹ شدہ ذریعہ ۱۵۳ مجموعہ ضابطہ فوجداری

ضلع ۳ بہاول نگر تحصیل میان

تاریخ ۱۳۰۵

3 (30)

تاریخ وقت وقوع ۱۳۰۵ ۱۵ مئی ۱۵:۴۵ بجے

تاریخ وقت رپورٹ ۱۳۰۵ ۱۵ مئی ۱۵:۲۵ بجے

مقام سکونت اطلاع دہندہ مستفید   
 ضلع ۳ بہاول نگر تحصیل میان

مختصر کیفیت مجرم (معدہ دفعہ) حال اگر کچھ لیا گیا ہو   
 ۳۵۴

جائے وقوعہ فاصلہ قاعدہ سے اور سمت   
 تحصیل میان ضلع ۳ بہاول نگر

نام و سکونت ملزم

کاروائی جو پیش سے متعلق کی گئی اگر اطلاع اور نہ کر دیا تو وقت اور جگہ لکھ کر

قائد سے دراصلی کی تاریخ وقت

ابتدائی اطلاع نیچے درج کردہ بہت سے معلومات

مکمل اور مزید رپورٹیں لیکھ کر اور اس کے ساتھ ساتھ

مختلف اور دیگر اطلاعیں بھی لیکھ کر اور اس کے ساتھ ساتھ

رہبروں کو مطلع کیا جائے گا تاکہ وہ اس کے ساتھ ساتھ

مختلف اور دیگر اطلاعیں بھی لیکھ کر اور اس کے ساتھ ساتھ

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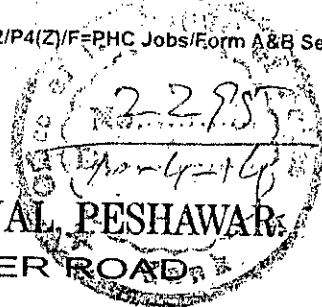
مختلف اور دیگر اطلاعیں بھی لیکھ کر اور اس کے ساتھ ساتھ

مختلف اور دیگر اطلاعیں بھی لیکھ کر اور اس کے ساتھ ساتھ

مختلف اور دیگر اطلاعیں بھی لیکھ کر اور اس کے ساتھ ساتھ



"B"



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

No.

F.B. 11

Appeal No. 609 of 2013

Q. Ali Khan Appellant/Petitioner

Versus

167 Respondent

Respondent No. 3

Notice to: - Distt. Police Officer Distt. Tarnak.

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal on 12-5-2014 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

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

Given under my hand and the seal of this Court, at Peshawar this 7/5/14

Day of March 2014



Dispatches Service Tribunal KPK, Peshawar

Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

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



Reader/Legal For n/ action

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

Service Appeal No. 609/2013  
 Date of Institution... 27.03.2013  
 Date of decision... 18.12.2017



Qaizar Khan s/o Abdul Qadeer Khan (Belt No.619), R/o Gara Baloch, District Tank. ... (Appellant)

Versus

1. Inspector General of Police Khyber Pakhtunkhwa, Peshawar and three others. ... (Respondents)

MR. Ibad Ur Rehman Advocate

For appellant.

MR. Mr. Muhammad Jan,  
Deputy District Attorney

For respondents.

MR. NIAZ MUHAMMAD KHAN,  
MR. MUHAMMAD HAMID MUGHAL,

CHAIRMAN  
MEMBER

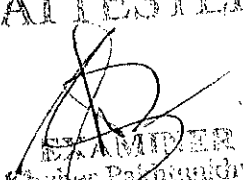
JUDGMENT

NIAZ MUHAMMAD KHAN, CHAIRMAN: - Arguments of the learned counsel for the parties heard and record perused.

FACTS

2. The appellant was discharged from service on 15.01.2008 with retrospective effect i.e 15.12.2007. The charge against the appellant was his absence. The appellant filed the departmental appeal (undated) which was not responded to and thereafter the appellant filed a mercy petition (undated) and then

**ATTESTED**

  
 EXAMINER  
 Khyber Pakhtunkhwa  
 Service Tribunal,  
 Peshawar

a reminder was sent to the appellate authority on 18.02.2013 for the decision of departmental appeal which was responded on 27.02.2013. in this latter order the appellant was informed that his departmental appeal had already been filed.

### ARGUMENTS

3. Learned counsel for the appellant argued that the impugned order was passed due to absence of appellant on the complaint of Commandant PTC, Hangu. That the said order was passed purportedly under Police Order, 2000 which was further amended in 2005. That there is no Police Order of 2000 as mentioned in the impugned order. That at the relevant time the Khyber Pakhtunkhwa Removal from Service (Special Power) Ordinance 2000 was in vogue. That no charge sheet and statement of allegations were issued to the appellant which was a requirement under the lost mentioned law. That no inquiry was conducted. That no chance of personal hearing was afforded to the appellant.

4. On the other hand the learned Deputy District Attorney argued that the appellant was on probation and he could have been terminated under Rule 12.21 of the Police Rules 1934. That alternatively his services could have been terminated under Section 11 of the Khyber Pakhtunkhwa Civil Servants Act, 1973. That wrong mentioning of any law in the impugned order would not make order illegal. He also argued that the present appeal was time barred. That no second appeal or mercy petition could enlarge the period of limitation.

### CONCLUSION

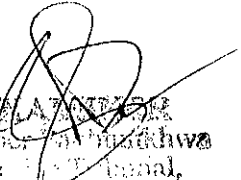
ATTESTED

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

5. It is correct that no second appeal or mercy petition can enlarge the period of limitation as is settled position of administrative law. However the order is passed from a retrospective date which according to judgment reported as 1985-SCMR-1178 is void and it is also a settled position of law that no limitation runs against void orders. Regardless of the fact under which law or rules, the order is passed, the order is void. The present order is a void order which cannot be sustained in the eyes of law. Secondly if some specific allegation is leveled against a probationer which carries a stigma then service of notice is must even to probationer. Reliance is placed on 2012 PLC CS 838 and 2003 PLC CS 1421. It is correct that the service of probation can be dispensed with without notice. But when some stigma is involved then a probationer cannot be terminated from service without service of notice. In the impugned order the appellant has been stigmatized not only for the reason of his absence but by adding the words that "he cannot become an efficient and good police officer in future."

6. As a sequel to above discussion the order being void is set aside and the appellant is reinstated in service however, he shall resume his status of probationer as he was at the time of impugned order. The department is at liberty to deal with the probationer in accordance with law. And if the department wants to proceed against the probationer on the basis of the charge of absence then the department is at liberty to proceed in accordance with law and rules within a period of ninety days from the date of receipt of this judgment. The issue of back benefits etc. of the appellant shall be subject to the final outcome of denovo proceedings, if any.

**ATTESTED**

  
 H. J. J. J.  
 Khyber Pakhtunkhwa  
 Government  
 Peshawar

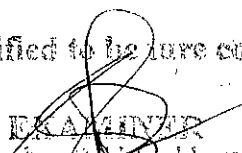
Otherwise the issue of back benefits shall be dealt with in accordance with the rules on the subject. Parties are left to bear their own costs. File be consigned to the record room.

(Niaz Muhammad Khan)  
Chairman

(Muhammad Hamid Mughal)  
Member

ANNOUNCED  
18.12.2017

Certified to be true copy

  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

OFFICE ORDER.

Ex-Recruit Constable Qaizar Khan No. 619 was enlisted as Constable in Police Department, Tank on 29.09.2007 vide Order Book No. 1491. He was deputed to Police Training Collect Hangu for qualifying recruit training wherefrom he has absented himself vide Commandant, PTC, Hangu Office Memo: No. 217/GC, dated 09.01.2008 from training. Subsequently, he was Discharged from Service vide DPO/Tank office OB No. 24, dated 16.01.2008 from the dated of his absence 15.12.2017 against which he lodged that Service Appeal No. 609/2018 in the Hon'able Khyber Pakhtunkhwa Service Tribunal Peshawar which was decided in favour of appellant with the direction to reinstate the appellant into service and conduct De-nova Departmental enquiry in accordance with the relevant law within a period of ninety days vide Judgment dated 18.12.2017. The Copy of Judgment was submitted to PPO/KP Peshawar and RPO/Dera Ismail Khan Region vide this office Memo: No. 14-15/Legal, dated 01.01.2018 for appropriate order which was returned with the remarks vide PPO/KP Peshawar Memo: No. 144/Legal, dated 11.01.2018 received through RPO/Dera Ismail Khan Region vide Endst. No. 183/ES, dated 12.01.2018 that the Competent Authority has desired that the Judgment may be implemented and original enquiry file along with judgment of the Hon'able Khyber Pakhtunkhwa Service Tribunal, Peshawar may be submitted before the Deputy Inspector General of Police, Enquiry & Inspection, CPO/KP, Peshawar for De-novo enquiry proceedings; therefore in compliance with the Judgment of Hon'able Khyber Pakhtunkhwa Service Tribunal, Peshawar and prior approval of the Competent Authority, Ex-Recruit Constable Qaizar Khan No. 619 is herewith re-instated into service for De-novo enquiry proceedings with immediate effect.

Announced.

No. 254-571 PA dated Tank the 19/1/2018

1. Copy of above is submitted for kind information to the:-  
Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.
2. DIG of Police, E&I, CPO/KP, Peshawar. The Service Record of Recruit Const: Qaizar Khan No. 619 alongwith his order of Discharge From Service with Judgment of the Tribunal is submitted herewith for kind perusal and De-nova departmental proceedings.
3. AIG/Legal, CPO/KP, Peshawar.
4. Office file.

(SHAH NAZAR KHAN) PSP  
District Police Officer,  
Tank.

(SHAH NAZAR KHAN) PSP  
District Police Officer,  
Tank.

CB No 66  
dt 19-01-2018

CHARGE SHEET.



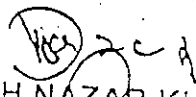
WHEREAS, I am satisfied that a formal enquiry contemplated under Khyber  
Pakhtunkhwa Police Rules 1975 with amendment 2014 is necessary and expedient.

AND WHEREAS, I am of the view that the allegation(s) if established would  
call for a Major Penalty including Removal From Service as defined in Rules (4) (i) (B)  
of the aforesaid Rules.

AND THEREFORE, as required by Police Rules 6 (I) of the aforesaid  
Rules, I Mr. SHAH NAZAR KHAN (PSP), District Police Officer Tank being a  
competent authority hereby charge you Recruit Constable Qaizar Khan No. 619 of  
Police Department Tank with the misconduct on the basis of statement of allegation  
attached to this Charge Sheet.

AND hereby direct you further under rule 6(I) of the said rules to put in  
written defence within Seven (7) days of receipt of this Charge Sheet as to why the  
proposed action should not be taken against you and also state that the same time  
whether you wish to heard in person or otherwise.

In case your reply is not received within the prescribed period, without  
substant cause it would be presumed that you have not defence to offer and ex parte  
action proceedings will be initiated against you.

  
(SHAH NAZAR KHAN) PSP  
District Police Officer,  
Tank

STATEMENT OF ALLEGATION.

Amir

You Recruit Constable Qaizar Khan No. 619 was enlisted as Constable in Police Department, Tank on 29.09.2007 vide Order Book No. 1491 and deputed to Police Training Collect Hangu for qualifying recruit training wherefrom you have absented yourself vide Commandant, PTC, Hangu Office Memo: No. 217/GC, dated 09.01.2008 from training. Subsequently, you were Discharged from Service vide DPO/Tank office OR No. 24, dated 16.01.2008 from the date of your absence i.e. 15.12.2017 against which you have lodged Service Appeal No. 609/2013 in the Hon'able Khyber Pakhtunkhwa Service Tribunal Peshawar which was decided in your favour with the direction to reinstate the appellant into service and conduct De-novo Departmental enquiry in accordance with the relevant law within a period of ninety days vide Judgment dated 18.12.2017. The Copy of Judgment was submitted to PPO/KP Peshawar and RPO/Dera Ismail Khan Region vide this office Memo: No. 14/15/Legal, dated 01.01.2018 for appropriate order which was returned with the remarks vide PPO/KP Peshawar Memo: No. 144/Legal, dated 11.01.2018 received through RPO/Dera Ismail Khan Region vide Endst. No. 183/ES, dated 12.01.2018 that the Competent Authority has desired that the Judgment may be implemented and original enquiry file along with judgment of the Hon'able Khyber Pakhtunkhwa Service Tribunal, Peshawar may be submitted before the Deputy Inspector General of Police Enquiry & Inspection, CPO/KP, Peshawar for De-novo enquiry proceedings. In order to compliance with the Judgment of Hon'able Khyber Pakhtunkhwa Service Tribunal Peshawar and prior approval of the Competent Authority, you Recruit Constable Qaizar Khan No. 619 was re-instated into service for De-novo enquiry proceedings with immediate effect vide Order Book No. 66, dated 19.01.2018. Mr. Gul Naseeb Khan, SP/Investigation Tank was nominated as Inquiry Officer vide office Endst. No. 120-61/ESI, dated 25.01.2018 to conduct De-novo departmental enquiry under Khyber Pakhtunkhwa Police Rules 1975.

Hence the statement of allegation.

(Signature)  
(SHAH NAZAR KHAN) PSP  
District Police Officer,  
Tank

No. 454-55 /PA Dated Tank the Tank 7-2-2018

Copy to the:-

- 1. Mr. Gul Naseeb Khan, SP/Investigation Tank for initiating proceedings against defaulter under the provision of KPK Police Rules 1975 and submit findings within stipulated period as per prescribed rules.
- 2. Recruit Constable Qaizar Khan No. 619 with the direction to appear before the Inquiry Officer on the date, time and venue fixed by the Inquiry Officer for the purpose of enquiry proceedings.

(Signature)  
(SHAH NAZAR KHAN) PSP  
District Police Officer,  
Tank

(Signature)





OFFICE OF THE  
SUPERINTENDENT OF POLICE  
INVESTIGATION DISTRICT TANK

Ph: No. 0963- 511730. Fax.No.0963-511257.  
Email address. [spinvtank@yahoo.com](mailto:spinvtank@yahoo.com)

No 615 /Inv: Dated Tank the 14/02/2018

*Handwritten signature/initials*

To, The Deputy Inspector General of Police,  
Enquiry & Inspection Khyber PakhtunKhwa; Peshawar.

Subject: DENOVE DEPARTMENTAL ENQUIRY AGAINAT EX- RECRUIT  
CONSTABLE QAIZAR KHAN NO.619 DISTRICT TANK.

Memo:

Kindly refer to this office Memo: No.588/Inv: Dated.09/02/2018.

It is submitted that statement of Ex-Recruit Qaizar Khan No. 619 is  
enclosed herewith for attachment with Denove enquiry, please.

*Handwritten signature*

Superintendent of Police,  
Investigation Tank

Supdt: of Police  
Investigation, Tank

OFFICE ORDER.

In pursuance with the order of Hon; able Khyber PakhtunKhwa Service Tribunal Peshawar vide Judgment dated 18.12.2017 arrived in Service Appeal No. 609/2013 lodged by Ex-Recruit Constable Qaizar Khan No. 619/697 and prior approval of the Competent Authority vide PPO/KP Peshawar office Memo: No. 144/Legal, dated 11.01.2018 received through RPO/Dera Ismail Khan Region vide Endst. No. 183/ES, dated 12.01.2018, the appellant Ex-Recruit Constable Qaizar Khan No. 619/697 was reinstated into service for De-Nova Departmental Proceedings vide Order Book No. 66, dated 19.01.2018. He was properly charged sheeted containing allegations that he was enlisted as recruit Constable in Police Department, Tank vide Order Book No. 1491 on 29.09.2007 and deputed to Police Training College Hangu for qualifying recruit training wherefrom he has absented himself from training vide Commandant, PTC, Hangu Office Memo: No. 217/GC, dated 09.01.2008. Subsequently, he was Discharged from Service vide DPO/Tank office Order No. 24, dated 16.01.2008 from the date of his absence i.e. 15.12.2007. He has approached in appeal before the Khyber PakhtunKhwa Service Tribunal which was accepted and the impugned order of DPO/Tank was set aside with the direction to reinstate the appellant into service and conduct De-Nova Departmental Enquiry in accordance with the relevant law / rules.

Mr. Gul Naseeb Khan, SP/Investigation Tank was nominated as Inquiry Officer vide DIG of Police, Inquiry & Inspections, KP, Peshawar office Endst; No. 180-81/E&I, dated 25.01.2018. The De-Nova Departmental Enquiry was conducted. The enquiry report was received stating therein that the alleged official is permanent resident of District Dera Ismail Khan. At the time of recruitment he was Proclaimed Offender in heinous crime and required to District Police Dera Ismail Khan. He has managed the Domicile of District Tank and succeeded to get employment in Police Department Tank by concealing the facts; therefore the Inquiry Officer has recommended in his finding report that previous punishment of Discharge From Service of the alleged official may be kept in to keep intact. A Final Show Cause Notice was issued and served upon him properly. His reply to the Final Show Cause Notice was received and found unsatisfactory. He was called on in Orderly Room and heard in person. No plausible reason was explained. Therefore, in light of the recommendation of the Inquiry Officer and other materials placed before me, I MR. SHAH NAZAR KHAN (PSP), District Police Officer, Tank being Competent Authority under Powers vested in me under Khyber PakhtunKhwa Police Rules 1975 with amendment Act 2014, awards Major Punishment of DISMISSAL FROM SERVICE to alleged official Recruit Constable Qaizar Khan No. 619/697 with immediate effect.

Announced.

(SHAH NAZAR KHAN) PSP  
District Police Officer,  
Tank.

No. 1028-32/Pa dated Tank the 28-03 /2018.

Copy of above is submitted for kind information to the:-

1. Registrar, Khyber PakhtunKhwa Service Tribunal, Peshawar.
2. DIG of Police, E&I, CPO/KP, Peshawar.
3. Regional Police Officer, Dera Ismail Khan Region.
4. AIG/Legal, CPO/KP, Peshawar.
5. Office file.

(SHAH NAZAR KHAN) PSP  
District Police Officer,  
Tank.

OB No 295  
dt 28-3-2018



OFFICE OF THE  
REGIONAL POLICE OFFICER  
DERA ISMAIL KHAN  
REGION

No. 2729 /ES, Dated DI Khan the 31 / 07 /2018

ORDER

My this order will dispose-of the departmental appeal, preferred by Ex Constable Qaizar Khan No. 619/697 of District Tank wherein he has prayed for setting aside the order of major punishment of Dismissal from Service imposed to him by DPO Tank vide OB No. 295 dated 28.03.2018 after found him guilty of the following allegations:-

That he was earlier discharged from service on the allegations that he was deputed for recruit course wherefrom he absented himself w.e.f from 15.12.2007 till the passing of discharge order vide OB No. 24 dated 16.01.2008 (32 days). Against such order appellant lodged service appeal No. 602/2013 before the Honorable KP Service Tribunal Peshawar in which the competent authority was directed to reinstate the appellant and to conduct de-novo enquiry. The decision of Honorable KP Service Tribunal was submitted to CPO Peshawar by DPO Tank vide Endst: No. 15/Legal dated 01.01.2018 for appropriate order. CPO Peshawar vide letter No. 179/E&I dated 25.01.2018 had directed to conduct de-novo enquiry against the appellant and nominated SP Investigation unit Tank as Enquiry Officer. The appellant was reinstated in service by DPO Tank vide order Endst: No. 254-57/PA dated 19.01.2018 subject to conduct de-novo enquiry.

The Enquiry Officer (SP Investigation Tank) conducted the de-novo enquiry and submitted his findings report stating therein that the alleged official is permanent resident of DI Khan District and at the time of recruitment in Tank District, he was declared as Proclaimed Offender in heinous crime and was required to District Police DI Khan. He managed Domicile of District Tank on his own and succeeded to get employment in District Police Tank by concealing the facts. Therefore, the Enquiry Officer in his findings report, recommended that his previous punishment of Discharge from service may be kept intact. He was served with final Show Cause Notice and reply of the same was perused and found unsatisfactory by DPO Tank. He was also called in Orderly Room by the Competent Authority but cannot offer plausible reason against the misconduct. In the light of above mentioned facts, he has been dismissed from service by DPO Tank.

His service record, inquiry papers and comments were received from DPO Tank which were perused and it was found that after completion of De-novo enquiry, appellant was served with Final Show Cause Notice but reply to the same was found unsatisfactory by DPO Tank hence, imposed major punishment of discharge from service upon the appellant vide order dated 28.03.2018.

During the perusal of his service record, it was found that the appellant has served Police Force for 10 months & 22 days and during this period; he has been awarded a major punishment of Discharge from service under PR 12.21 of Police Rules 1934.

The undersigned also provided him opportunity of personal hearing. Keeping in view the above, I can safely infer from the above that the appellant is incorrigible and his appeal is devoid of merit. There is no need of interference in the impugned order. Therefore I, **DAR ALI KHAN KHATTAK, PSP**, Regional Police Officer, DI Khan, in exercise of powers vested in me under Rule 11 clause 4(a) of Khyber Pakhtunkhwa Police Rules 1975 (amended 2014) hereby reject his appeal being grossly time barred and endorse the punishment awarded to him by DPO Tank.

(DAR ALI KHAN KHATTAK)PSP  
REGIONAL POLICE OFFICER  
DERA ISMAIL KHAN

No. 2723 /ES

Copy of above is sent to the DPO Tank for information with reference to his office memo: No. 2166/Legal dated 08.06.2018 alongwith his service record.

Encl:-  
Service Roll  
Fauji Missal

(DAR ALI KHAN KHATTAK)PSP  
REGIONAL POLICE OFFICER  
DERA ISMAIL KHAN

*Handwritten:* 2  
OB/RC/Offc.

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*Handwritten:* [Signature]  
District Police Officer  
Tank

*Handwritten:* 3/18/18

*Handwritten:* OB No 790  
dt 03-08-018

*Handwritten notes on left margin:*  
Six,  
PS  
Attached  
7-8-18  
S. Roll  
Recanal  
7-8-01

FINAL SHOW CAUSE NOTICE.

Annex: 3

I, MR. SHAH NAZAR KHAN (PSP), District Police Officer, Tank as Competent Authority, under the KPK Dismissal from Service ( Police Rules 1975), do hereby serve upon you Recruit Constable Qaizar Khan No. 619 of Police Lines Tank, this Final Show Cause Notice as follow:-

1. That consequent upon the completion of De-Novo Departmental proceedings conducted against you by an Inquiry Officer for which you were given opportunity of provision of defense reply / personal hearing. On going through the findings and recommendations of the Inquiry Officer and other materials on record and connected papers including your defense before the said Inquiry Officer.

I am satisfied that you have committed the following acts/omissions specified in Section-3 of the Khyber PakhtunKhwa (Police Rules 1975), You while recruited in Police Department Tank found involved in following serious misconduct:-

You Recruit Constable Recruit -Const: Qaizar Khan No. 619 of Police Lines Tank while recruited as Constable in Police Department Tank was Proclaimed Offender in Case FIR No. 31 dated 15.01.2005 U/S 324-PPC PS Saddar and FIR No. 161 dated 16.09.2006 U/Ss 302/34-PPC PS Kulachi District Dera Ismail Khan but you have concealed the facts and succeeded to get recruitment of yourself by managing a Domicile Certificate of District Tank later-on. You have also absented yourself from recruit training from PTC Hangu. The SP/Investigation Tank was nominated as Inquiry Officer. The De-Nova Departmental enquiry was conducted in which you were held responsible for the allegations leveled against you in the charge sheet.

As a result thereof I, Mr. SHAH NAZAR KHAN, (PSP) District Police Officer, Tank as Competent Authority have tentatively decided to impose one of the Major Punishment Under Section-3 of the Khyber PakhtunKhwa, Police Rules 1975.

2. You are therefore required to show cause as to why the aforesaid penalty should not be imposed upon you.
3. If no reply to the notice is received within seven days of the receipt of this Final Show Cause Notice, in the normal course of circumstances, it shall be presumed that you have no defense to put in and in that case as ex-parte action shall be taken against you.
4. The copy of the findings of the Inquiry Officer is enclosed.

(SHAH NAZAR KHAN) PSP  
District Police Officer,  
Tank.

فائنڈنگ رپورٹ DENOVE انکوآری برخلاف ریکروٹ کنسٹیبل قیضار خان نمبر 619 ڈسٹرکٹ ٹانک۔

جناب عالی:-

بحوالہ لیٹر انگریزی انڈورسٹمنٹ نمبر E&I/81-180 مورخہ 25.01.2018 مجاریہ جناب ڈپٹی انسپکٹر جنرل آف پولیس انکوآری اینڈ انسپکشن خیبر پختونخواہ پشاور، چارج شیٹ معہ سمری آف ایگیشنز انڈورسٹمنٹ نمبر-454 PA/55 مورخہ 07/02/2018 مجاریہ جناب ڈسٹرکٹ پولیس آفیسر ٹانک، Denove انکوآری برخلاف ریکروٹ کنسٹیبل قیضار خان نمبر 619 ڈسٹرکٹ ٹانک انکوآری عمل میں لاتے ہوئے معروض ہوں۔ کہ کنسٹیبل قیضار خان نمبر 619 مورخہ 29.09.2007 کو محکمہ پولیس میں بطور ریکروٹ کنسٹیبل بھرتی ہوا۔ جسکو بغرض ٹریننگ PTC ہنگو بھجوا یا گیا۔ جہاں سے وہ مورخہ 15.12.2007 کو غیر حاضر ہو کر جسکو بحوالہ لیٹر نمبر GC/217 مورخہ 09/01/2008 مجاریہ کمانڈنٹ PTC ہنگو Unqualified ضلع واپس کیا گیا۔ اور بعدہ DPO صاحب ٹانک نے بحوالہ OB نمبر 24 مورخہ 16/01/2008 محکمہ پولیس سے ڈسچارج کیا۔ تاہم اسوقت مذکورہ کے خلاف کسی قسم کی Proper Departmental Proceedings نہ کی گئیں اور آمدہ لیٹر بالا پر ڈسچارج کیا گیا۔ اس بابت مورخہ 16.01.2008 کو مذکورہ ریکروٹ کنسٹیبل نے Mercy Petition آفسران بالا کو گزاری تاہم سزایابی برقرار رکھی جا کر اسے فائل کیا گیا۔ اسکے بعد مذکورہ نے بحوالہ اپیل نمبر 609/2013 سروس ٹریبونل خیبر پختونخواہ پشاور میں اپیل دائر کی۔ جو کہ اب سروس ٹریبونل خیبر پختونخواہ پشاور نے ریکروٹ کنسٹیبل قیضار خان نمبر 619 کو بحوالہ Judgment مورخہ 18.12.2017 بحال کئے جانے کے احکامات صادر فرمائے۔

Denove انکوآری کے سلسلے میں مذکورہ ریکروٹ کنسٹیبل پر چارج شیٹ معہ سمری آف ایگیشنز درست طور پر تقسیم کی گئیں۔ جس نے چارج شیٹ کا تحریری جواب جمع کرایا اور مذکورہ کو طلب کیا جا کر سنا گیا۔ جس نے اپنے تحریری جواب میں واضح کیا کہ سال 2005 میں اسے بحوالہ مقدمات علت نمبر 31 مورخہ 15/01/2005 بجرم 324 PPC تھانہ صدر ڈیرہ اسماعیل خان، نمبر 161 مورخہ 16/09/2006 بجرم 302/34 PPC تھانہ کلاچی ضلع ڈیرہ اسماعیل خان میں ملزم نامزد کیا گیا تھا۔ جو کہ بوقت بھرتی وہ مذکورہ بالا مقدمات میں ڈیرہ اسماعیل خان پولیس کو مطلوب تھا۔ اس دوران سال 2007 میں وہ ضلع ٹانک میں بطور ریکروٹ کنسٹیبل بھرتی ہو کر باقاعدہ ٹریننگ کیلئے PTC ہنگو چلا گیا۔ بدوران ٹریننگ انکے اور مخالفین فریق کے مابین بوساطت مشران خانگی راضی نامہ طے پایا۔ تو اسے عدالت کے روبرو پیش ہونے کیلئے PTC ہنگو سے غیر حاضر ہو کر واپس آنا پڑا۔ مورخہ 17.12.2007 کو ریکروٹ کنسٹیبل قیضار خان نمبر 619 نے عدالت سے BBA کرائی جو کہ بعد میں کینسل ہو کر جناب جج صاحب نے اسے معہ دیگر ملزمان جیل بھیج دیا۔ بعدہ راضی نامہ Except ہونے پر اسے مخلصی ملی۔ تب تک اسے محکمہ پولیس سے ڈسچارج کیا جا چکا تھا۔ ثبوت کے طور پر متعلقہ کورٹس کے فیصلہ جات پیش کئے جو کہ لف قابل ملاحظہ ہیں۔

جناب عالی:-

یہاں پر دو امور قابل غور ہیں۔

1- پہلا تو یہ کہ ریکروٹ کنسٹیبل قیضار خان نمبر 619 جو کہ بحوالہ مقدمہ علت نمبر 31 مورخہ 15/01/2005 بجرم 324 PPC تھانہ صدر ڈیرہ اسماعیل خان، مقدمہ علت نمبر 161 مورخہ 16/09/2006 بجرم 302/34 PPC تھانہ

کلاچی ضلع ڈیرہ اسماعیل خان میں نامزد ملزم تھا۔ اور گرفتاری سے روپوشی اختیار کئے ہوئے تھا۔ اس کو ضلع ٹانک پولیس میں بطور ریکروٹ کنسٹیبل بھرتی کیا جانا بعید از قیاس ہے۔ اس سلسلے میں مذکورہ کی ویر فیکیشن بھی تھانہ ٹانک سے کی گئی۔ جو کہ لف قابل ملاحظہ ہے۔ بمطابق رپورٹ ریکارڈ تھانہ خاموش ہونا تحریر ہے۔ تاہم مذکورہ کے مستقل رہائشی پتہ دیہہ نکواڑہ تھانہ کلاچی ضلع ڈیرہ اسماعیل خان سے ویری فیکیشن کرنا ضروری نہیں سمجھا گیا۔ اس دوران 02 سال بیت جانے پر ملزم کے خلاف کسی قسم کا پرچہ 12 وغیرہ ندارد۔ اندریں بارہ ذمہ داران کے خلاف محکمہ انکوائری ناگزیر سمجھتا ہوں۔ اس بابت جناب AIG صاحب لیگل خیبر پختونخواہ پشاور مناسب رہنمائی کر سکتے ہیں۔

2۔ علاوہ ازیں بمطابق شناختی کارڈ ریکروٹ کنسٹیبل قیضار خان نمبر 619 کی مستقل سکونت دیہہ نکواڑہ ضلع ڈیرہ اسماعیل خان ہے جبکہ موجودہ پتہ دیہہ گرہ بلوچ ضلع ٹانک تحریر ہے۔ اور شناختی کارڈ Issue ہونے کی تاریخ 26.10.2017 تحریر ہے۔ جس سے عیاں ہوتا ہے۔ کہ ریکروٹ کنسٹیبل مذکورہ نے Recently شناختی کارڈ حاصل کیا ہے۔ جس نے بدوران بھرتی دیہہ گرہ بلوچ کا بوگس ڈومیسائل حاصل کیا تھا۔ اور شناختی کارڈ ٹوکن پر بھرتی کیا گیا تھا۔ چونکہ مذکورہ کی مستقل سکونت دیہہ نکواڑہ ضلع ڈیرہ اسماعیل خان ہے۔ جو کہ بمطابق رولز مذکورہ کو مستقل سکونتی ضلع میں بھرتی ہونا چاہئے تھا۔ جسکو ضلع ٹانک کی خالی ویکینسی پر بھرتی کیا گیا تھا۔ جو کہ قابل غور امر ہے۔

عالیجاہ:-

کی گئی انکوائری سے اس نتیجے پر پہنچتا ہوں کہ ریکروٹ کنسٹیبل قیضار خان نمبر 619 جو کہ قتل / اقدام قتل جیسے سنگین جرائم میں نامزد ملزم تھا۔ جسکو بدوران روپوشی / مفروری محکمہ پولیس ضلع ٹانک میں بھرتی کیا گیا۔ جسکو بعدہ بوجہ غیر حاضری محکمہ سے ڈسچارج کیا گیا۔ اسی طرح مذکورہ کا مستقل سکونتی ضلع ڈیرہ اسماعیل خان ہے۔ جسکو بمطابق رولز مستقل رہائشی ضلع میں بھرتی کیا جانا چاہئے تھا۔ نہ کہ ضلع ٹانک کی خالی ویکینسی پر۔

بالا وجوہات کو مد نظر رکھتے ہوئے ریکروٹ کنسٹیبل قیضار خان نمبر 619 کی سابقہ سزایابی بحال رکھنے کی سفارش کی جاتی ہے۔ مزید حکم آفسران بالا افضل ہو گا۔ انکوائری رپورٹ مرتب ہو کر گزارش ہے۔

سپرینٹنڈنٹ آف پولیس،  
انوسٹی گیشن ٹانک۔

بیان ازالہ Ex-Constable قصبار خاں سے تدریفات بیان کیا کہ

میں 2007ء میں علی پولیس سٹیشن میں بطور اینڈروٹ تقریبی ہوا۔ اہل گورنہ  
ٹرنٹیل کے لئے PCR بنیو جلائی۔ میرا اور کچھ اگلائی میں چونکہ قتل واقعات  
قتل کی FIR درج کر گئیں۔ چونکہ 2005ء میں مذکورہ وقوعیات اوتلا ہوئے تھے  
میری خاندانی رہی کی وجہ سے مجھ پر بھی درخواستیں بنائی تھیں۔ کچھ خاندانی نامہ  
ملے پورے میں PCR بنیو سے والیں آیا۔ اہل گورنہ پولیس میں پورے 3 ماہ  
لے گئے۔ قتل قصور کیا جس کی وجہ سے میں PCR بنیو سے مشغول ہوا  
اہل گورنہ DPO نے مجھے درخواست کر دیا۔ بعدہ سروس ریٹرنل میں  
اپیل کرنا پڑے۔ سروس برکال بنائی۔ اہل Denova انکوائری  
خارج SP سے INV بنیو کو عمارت کی کسی جے میرا ایسی بیان سے

چکہ درست ہے  
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Attested  
[Signature]  
Supdt. of Police  
Investigation, Tank



1324

1. آپ نے 2007 میں کھرتی ہوئے تھے تو آپ نے 302B کا مقدمہ کھلا

2. کھلائی میں ڈی آر جی ہو گیا تھا تب تم لوگوں نے کچھ کھرتی تھے کہ آپ نے

3. ڈی آر جی کا مقدمہ کھلا ہے لہذا معلوم ہونے پر میں نے کچھ کھلا

4. آپ کا سناچی کارڈ کہاں تھا ہے؟

5. سناچی کارڈ کاڈوں پر جو کچھ لکھا ہوا ہے

6. آپ کا DIK کا سناچی کارڈ ہے کیونکہ آپ کا

7. میں نے سناچی کارڈ Renew کیا ہے

8. تم کس وجہ سے رضاعت کیے گئے؟

9. میں نے DIK کیلئے غیر حاضر ہوا تھا میں نے لہذا رضاعت ہوا

Attested  
Supdt. of Police  
Investigation, Tank

Issue Date 26/10/2017

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خدمتِ سما - KP سرویس ٹرانسفرل کے لئے

فتیہ رضوان جامع صورت

درخواست عہدہ تبدیلگی تاریخ پیشگی

صا - مانی

1۔ یہ اپیل لکھوانا بالا عہدہ لھور میں زمرہ کوئی ہے  
جس میں آج تاریخ پیشگی صورت

2۔ یہ ڈیوٹی ایبل ایبلانٹ عہدوں میں سے ہے  
میں تاریخ پیشگی اور عہدہ لھور میں پیشگی

لکھوانا ایبلانٹ عہدہ تاریخ پیشگی

11/2019

الکافی

فتیہ رضوان ایبلانٹ

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