


09.05.2022

Appellant present through counsel. Preliminary arguments heard. Record perused.

Points raised need consideration. Instant 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, notice be issued to respondents for submission of written reply/comments. To come up for reply/comments on 15/06/2022 before S.B.

Rs-600/-  
Appellant Deposited  
Security & Process Fee  
12/5/22

15<sup>th</sup> June 2022

Counsel for the appellant present.   
(Rozina Rehman)  
Member (I)  
Nasrullah  
Khattak, Addl. AG alongwith Nasrullah Shah, Sub Inspector for  
the respondents present.




Respondents have not submitted written reply/comments. The learned AAG seeks time for submission of written reply/comments. Last chance is given. To come up for written reply/comments on 04.08.2022 before S.B.

  
(Kalim Arshad Khan)  
Chairman

## FORM OF ORDER SHEET

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

Case No. - 7924/2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	24/12/2021	<p>The appeal of Sayed Amin presented today by Mr. Amin-ur-Rehman Yousafzai 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-	14.02.2022	<p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put there on <u>14/02/22</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> <p>Due to retirement of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 09.05.2022. for the same as before.</p> <p style="text-align: right;"> Reader</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR

7924  
Service Appeal No. \_\_\_\_\_/2021

Sayed Amin..... Appellant

....VERSUS....

Government of Khyber Pakhtunkhwa & 3 others ..... Respondents

**I N D E X**

S.No.	Description of documents	Annex	Pages
1.	Grounds of Appeal		1-3
2.	Affidavit		4
3.	Addresses of the parties		5
4.	Copy of order dated: 23.07.2012	A	6
5.	Copy of Notification dated: 13.02.2020	B	7-10
6.	Copy of Pay Slip for the month of June 2021	C	11
7.	Copy of FIR No.60/21, dated: 18.06.2021	D	12-14
8.	Copy of order dated: 27.07.2021	E	15
9.	Copy of Departmental Appeal dated: 08.06.2021	F	16-
10.	Copy of Copy of Khyber Pakhtunkhwa Police Rules, 1975	G	20-28
11.	Wakalatnama		30

سید امین

Appellant

Through

Amin ur Rehman Yusufzai

Sajjad Ahmad Mehsud

Khalid Khan Mohmand

&

Muhammad Kareem Afridi

Advocates, Peshawar,  
3-A, Park Avenue, Bhattani Plaza,  
University Town, Peshawar  
Cell No.0321-9022964, 0333-9981464

Dated: 23.12.2021

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

Service Appeal No. 7924/2021

**Sayed Amin** S/O Fazal Amin  
R/O Kuki Khel, Sher Khan Khel,  
Tehsil Jamrud District Khyber

**Appellant**

**...VERSUS...**

1. Government of Khyber Pakhtunkhwa through Secretary Home & Tribal Affairs, Civil Secretariat, Peshawar.
2. Inspector General of Police (IGP), Khyber Pakhtunkhwa, Central Police Office, Peshawar.
3. Chief Capital Police Officer (CCPO), Police Lines, Peshawar.
4. District Police Officer (DPO), Shahkas Jamrud, District Khyber. . . . . **Respondents**

**SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL ACT, 1974, READ WITH ALL ENABLING PROVISIONS OF LAW, GOVERNING THE SUBJECT, AGAINST:**

**ORDER NO.2396/PSO KHYBER, DATED: 27.07.2021 OF DISTRICT POLICE OFFICER KHYBER/RESPONDENT NO.4, VIDE WHICH APPELLANT HAS BEEN AWARDED MAJOR PENALTY OF DISMISSAL FROM SERVICE.**

**PRAYER-IN-APPEAL:**

**On acceptance of instant appeal, impugned orders dated: 27.07.2021 (of Respondent No.4) may be set aside and appellant may be re-instated in service with all consequential benefits.**

=====

**Respectfully Sheweth:**

1. That appellant was enlisted as Sepoy, in Khyber Levy Force (Now merged in Khyber Pakhtunkhwa Police), vide order dated: 23.07.2012, by the Competent Authority and since then till issuance of impugned order dated: 27.07.2021, performed duties with zeal/devotion and utmost satisfaction of the superiors, evident from absorption of his services in the Khyber Pakhtunkhwa Police Department, vide Notification dated: 13.02.2020 (reflecting his name at Serial No.586), needless to add that services of all those employees, having spotless career and outstanding performance, have been absorbed in the Khyber Pakhtunkhwa Police Department.  
**(Copies of order dated: 23.07.2012, Notification dated: 13.02.2020 & Pay Slip for the month of June 2021 are attached as Annexures "A", "B" & "C" respectively).**
2. That Appellant has unilaterally been dismissed from service by Respondent No.4, vide Order dated: 27.07.2021, without fulfillment legal/codal formalities i.e. Charge Sheet, Regular Inquiry, Show Cause Notice and Personal Hearing, on the

sole basis of registration of FIR No.60/21, dated: 18.06.2021, Under Section 9-B, 15 CNSA, 1997, Police Station ANF, Islamabad.

**(Copies of FIR No.60/21, dated: 18.06.2021 & order dated: 27.07.2021 are attached as Annexures "D" & "E" respectively).**

3. That Appellant preferred Departmental Appeal dated: 08.09.2021 to the Appellate Authority/Respondent No.3, against order dated: 27.07.2021 supra of Respondent No.4, however, to no avail so far.

**(Copy of Departmental Appeal dated: 08.06.2021 is attached as Annexure "F").**

4. That Appellant being aggrieved of orders dated: 27.07.2021 of Respondent No.4, approaches this Hon'ble Tribunal for re-instatement in service with all consequential benefits, inter-alia, on the following grounds:

**GROUND S:**

- A. That impugned order dated: 27.07.2021 of Respondent No.4 is against the law and peculiar facts of the case of appellant hence carry no legal weight.
- B. That ANF incarcerated Appellant in case FIR No.60/21 supra, registered under section 9-B & 15 CNSA, by recovering 50 Tablets (Ecstasy), weighing 20 gram, allegedly from his personal possession, on the strength whereof the impugned order of dismissal from service of Appellant was issued, without either affording opportunity of hearing or conducting regular inquiry into his guilt, hence condemned unheard, which attracts the doctrine of audi alteram partem.
- C. That Respondent Department has no lawful authority to punish Appellant for no wrong, rather they are duty bound to treat him in accordance with law and to provide him equal protection of law, but the Respondent Department, instead of following law/rules on the subject, issued the impugned order in a clandestine and surreptitious manner, which has caused grave miscarriage of justice.
- D. That major penalty of dismissal from service has been imposed upon Appellant, mere on the basis of presumptions, that too, without adopting proper mode and manner for substantiating the alleged charges, moreover, the Appellate Authority did not bother to decide Departmental Appeal of Appellant, in accordance with law/rules governing the subject.
- E. That, admittedly, Appellant was member of Service of Khyber Pakhtunkhwa Police i.e. Constable and his services are governed under the Khyber Pakhtunkhwa Police Rules, 1975, which has inbuilt provisions regarding punishments, proceedings, inquiries, appeal & revision, however, he has been proceeded against under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, which are applicable to a member of the Civil Service of the Province of Khyber Pakhtunkhwa, therefore, in view whereof, impugned order is not sustainable being result of misapplication of law, which attracts appellate jurisdiction of this Hon'ble Tribunal in order to ensure fair play and justice.

**(Copy of Khyber Pakhtunkhwa Police Rules, 1975 are attached as Annexure "G")**

E. That any other ground, with the permission of this Hon'ble Tribunal, will be taken at the time of arguments.

It is, therefore, most humbly prayed that on acceptance of instant appeal, impugned orders dated: 27.07.2021 (of Respondent No.4) may be set aside and appellant may be re-instated in service with all consequential benefits.

Any other relief, not specifically prayed for and deemed appropriate by this Hon'ble Tribunal in circumstances of the case, may also be granted.



Appellant

Through

Amin ur Rehman Yusufzai

Sajjad Ahmad Mehsud

Khalid Khan Mohmand

&

Muhammad Kareem Afridi

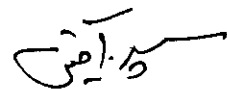
Advocates, Peshawar,  
3-A, Park Avenue, Bhattani Plaza,  
University Town, Peshawar

Cell No.0321-9022964, 0333-9981464

Dated: 23.12.2021

**VERIFICATION:**

Verified on oath that the content of the instant Service Appeal are true and correct to the best of my knowledge and belief and nothing has been kept concealed from this Hon'ble Tribunal.



Deponent

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

Service Appeal No. \_\_\_/2021

Sayed Amin..... **Appellant**

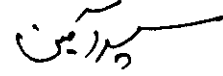
....**VERSUS**....

Government of Khyber Pakhtunkhwa & 3 others..... **Respondents**

**AFFIDAVIT**

I, **Sayed Amin** S/O Fazal Amin R/O Kuki Khel, Sher Khan Khel, Tehsil Jamrud District Khyber, do hereby solemnly affirm declare on oath that the contents of the accompanying **Service Appeal** are true and correct to the best of my knowledge and belief, and that nothing has been kept concealed from this Hon'ble Tribunal.

Identified By:




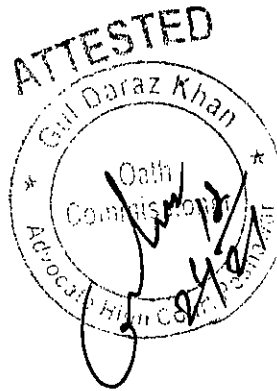
DEPONENT

CNIC #: 21202-5703589-3

Mob:- 03005972853

**Amin-ur-Rehman Yusufzai**  
Advocate, Peshawar





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

Service Appeal No.\_\_\_\_/2021

Sayed Amin..... **Appellant**

....**VERSUS**....

Government of Khyber Pakhtunkhwa & 3 others..... **Respondents**

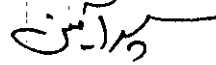
**ADDRESSES OF THE PARTIES**

**APPELLANT:**

**Sayed Amin** S/O Fazal Amin  
R/O Kuki Khel, Sher Khan Khel,  
Tehsil Jamrud District Khyber.

**RESPONDENTS:**

1. Government of Khyber Pakhtunkhwa through Secretary Home & Tribal Affairs, Civil Secretariat, Peshawar.
2. Inspector General of Police (IGP), Khyber Pakhtunkhwa, Central Police Office, Peshawar.
3. Chief Capital Police Officer (CCPO), Police Lines, Peshawar.
4. District Police Officer (DPO), Shahkas Jamrud, District Khyber.



Appellant

Through

**Amin ur Rehman Yusufzai**

**Sajjad Ahmad Memsud**

**Khalid Khan Mehmood**

&

**Muhammad Kareem Afridi**

Advocates, Peshawar,  
3-A, Park Avenue, Bhattani Plaza,  
University Town, Peshawar  
Cell No.0321-9022964, 0333-9981464

Dated: 23.12.2021



Annex = "A"

(6)

OFFICE ORDER

Sayed Amin s/o Fazal Amin, Kuki Khel, Sher Khan Khel is hereby recruited as Levy sepoy in Khyber Levy Force with immediate effect on the terms and conditions laid down in Khyber Levy Force Rules, 2010, subject to medical fitness. As per CNIC No. 21202-5703589-3, his date of birth is 20.01.1988.

Political Agent, Khyber.

No. 3144-47 /SKC dated Peshawar the 23 / 7 /2012.  
Copy to:

1. The Assistant Political Agent, Jamrud.
2. The Political Tehsildar, Jamrud.
3. The Agency Accounts Officer, Khyber at Jamrud.
4. The Subedar Major, K.L.F, Shah Kass Levy Centre, at Jamrud.

For information and necessary action.

Political Agent, Khyber.

ATTESTED

Annex = "B"

GOVERNMENT OF THE KHYBER PAKHTUNKHWA  
HOME AND TRIBAL AFFAIRS DEPARTMENT.

7

NOTIFICATION

Peshawar dated the, 13/2/2020

No.SO(Police)HD/SMY 2019 Merged Area/340-50 In pursuance of the provisions contained in section 9 of the Khyber Pakhtunkhwa Levies Force Act, 2019 (Khyber Pakhtunkhwa Act No.XXXV of 2019) read with rule 3 of the Levies Force (Absorption in the Khyber Pakhtunkhwa Police) Rules, 2019, the Home and Tribal Affairs Department, with the prior approval of the Cabinet and on the recommendation of the Provincial Police Officer, hereby orders absorption of the following members of Levies Force of Khyber Tribal District in the Khyber Pakhtunkhwa Police with effect from the date of the initial appointment of the said members:

S.#	Names	Father Names	Previous Rank	Rank in which Absorbed
1.	Gul Wali	Khyber Shah	N/Subedar (BS-11)	ASI (BS-11)
2.	Nasim Khan	Faqir Khan	N/Subedar (BS-11)	ASI (BS-11)
3.	Muhammad Nafees	Gulat Khan	N/Subedar (BS-11)	ASI (BS-11)
4.	Abdul Manan	Ghaffar Khan	N/Subedar (BS-11)	ASI (BS-11)
5.	Yar Habib	Fazal Khan	N/Subedar (BS-11)	ASI (BS-11)
6.	Muhammad Ayaz	Khair Zaman	N/Subedar (BS-11)	ASI (BS-11)
7.	Muhammad Ibrahim	H.Jaffar Khan	N/Subedar (BS-11)	ASI (BS-11)
8.	Muhammad Hafiz	H.Manzoor	N/Subedar (BS-11)	ASI (BS-11)
9.	Yar Jan	Mirgha Jan	N/Subedar (BS-11)	ASI (BS-11)
10.	IslamudDin	Nasib Khan	N/Subedar (BS-11)	ASI (BS-11)
11.	Niamatullah No. 01	Jamil Khan	N/Subedar (BS-11)	ASI (BS-11)
12.	Janab Shuh	Khaista Shah	N/Subedar (BS-11)	ASI (BS-11)
13.	Hajat Khan	Muhammad Alam	N/Subedar (BS-11)	ASI (BS-11)
14.	Ajar Khan	Hazar Khan	N/Subedar (BS-11)	ASI (BS-11)
15.	Mula Dad	Stana Gul	N/Subedar (BS-11)	ASI (BS-11)
16.	Niamatullah	Dir Alam Khan	N/Subedar (BS-11)	ASI (BS-11)
17.	Rehman Sher	Hunar Khan	N/Subedar (BS-11)	ASI (BS-11)
18.	Tawab Khan	Shehzaid Gul	N/Subedar (BS-11)	ASI (BS-11)
19.	Ghaffar Khan	Zulfigar Khan	N/Subedar (BS-11)	ASI (BS-11)
20.	Umar Khan	Zamin Dar	N/Subedar (BS-11)	ASI (BS-11)
21.	Said Rasool	Lalmir Khan	N/Subedar (BS-11)	ASI (BS-11)
22.	Abdullah	Payo Khan	N/Subedar (BS-11)	ASI (BS-11)
23.	Saida Khan	Zanjcer Khan	N/Subedar (BS-11)	ASI (BS-11)
24.	Ibrahim	Khial Baz	N/Subedar (BS-11)	ASI (BS-11)
25.	Arman Gul	Wazir Gul	N/Subedar (BS-11)	ASI (BS-11)

ATTACHED ATTESTED

S.#	Names	Father Names	Previous Rank	Rank in which Absorbed
573.	Zafranullah	Rehman Gul	Sepoy (BS-05)	Constable (BS-07)
574.	Shujaat	Gulat Khnn	Sepoy (BS-05)	Constable (BS-07)
575.	Noor Qayum	Wadan Shah	Sepoy (BS-05)	Constable (BS-07)
576.	Abid Ullah	Muhammd Afzal	Sepoy (BS-05)	Constable (BS-07)
577.	Amin Shah	Khattar Khan	Sepoy (BS-05)	Constable (BS-07)
578.	Sheruz Khan	Najceb Ullah	Sepoy (BS-05)	Constable (BS-07)
579.	Ayaz Khnn	Niaz Muhammad	Sepoy (BS-05)	Constable (BS-07)
580.	Fazal e Akbar	Noor Akbar	Sepoy (BS-05)	Constable (BS-07)
581.	Amin Akbar	Khan Akbar	Sepoy (BS-05)	Constable (BS-07)
582.	Zakria	Hayat Khan	Sepoy (BS-05)	Constable (BS-07)
583.	Zahid Gul	Muhammad Nawaz	Sepoy (BS-05)	Constable (BS-07)
584.	Shoaib Khan	Nawab Khan	Sepoy (BS-05)	Constable (BS-07)
585.	Akhtar Rasool	Zahid Gul	Sepoy (BS-05)	Constable (BS-07)
586.	Sayed Amin	Fazal Amin	Sepoy (BS-05)	Constable (BS-07)
587.	Nawaz Khan	Khyal Shah	Sepoy (BS-05)	Constable (BS-07)
588.	Said Wali	Gul Jee Khan	Sepoy (BS-05)	Constable (BS-07)
589.	Murad Ali	Ayub Khan	Sepoy (BS-05)	Constable (BS-07)
590.	Zakir Ullah Afridi	Shakir Ullah	Sepoy (BS-05)	Constable (BS-07)
591.	Gulab Sher	Muhammd Alam	Sepoy (BS-05)	Constable (BS-07)
592.	Amir Khan	Ali Akbar	Sepoy (BS-05)	Constable (BS-07)
593.	Gul Anwar	Stana Gul	Sepoy (BS-05)	Constable (BS-07)
594.	Abdul Amin	Seen Akbar	Sepoy (BS-05)	Constable (BS-07)
595.	Gul Muhammad	Samal Jan	Sepoy (BS-05)	Constable (BS-07)
596.	Adil Khan	Nadir Khan	Sepoy (BS-05)	Constable (BS-07)
597.	Sohail	Haider Hussain	Sepoy (BS-05)	Constable (BS-07)
598.	Muhammad Khan	Asif Khyber Khan	Sepoy (BS-05)	Constable (BS-07)
599.	Nasrat Ali	Sardar Gul	Sepoy (BS-05)	Constable (BS-07)
600.	Rehmanullah	Rahmatullah	Sepoy (BS-05)	Constable (BS-07)
601.	Inam Ullah	Hidayat Ullah Shah	Sepoy (BS-05)	Constable (BS-07)
602.	Hamid Khan	Topra Baz	Sepoy (BS-05)	Constable (BS-07)
603.	Tayyab Khan	Rahman Shah	Sepoy (BS-05)	Constable (BS-07)
604.	Noor Muhammad	Zar Muhammad	Sepoy (BS-05)	Constable (BS-07)
605.	Misbah Ul Haq	Murad Ali	Sepoy (BS-05)	Constable (BS-07)
606.	Himat Khan	Nobat Khan	Sepoy (BS-05)	Constable (BS-07)
607.	Razib Gul	Awal Zeb	Sepoy (BS-05)	Constable (BS-07)
608.	Qisam Khan	Chaman Khan	Sepoy (BS-05)	Constable (BS-07)
609.	Abdur Rehman	Sher Rehman	Sepoy (BS-05)	Constable (BS-07)
610.	Hikmat Khan	Zulfiqar Khan	Sepoy (BS-05)	Constable (BS-07)
611.	Zar Muhammad	Biland Khan	Sepoy (BS-05)	Constable (BS-07)
612.	Muhammad Saeed Khan	Said Amin	Sepoy (BS-05)	Constable (BS-07)
613.	Hikmat Shah	Maseet Khan	Sepoy (BS-05)	Constable (BS-07)
614.	Shahi Khan	Hunar Khan	Sepoy (BS-05)	Constable (BS-07)
615.	Munawar Khan	Sakhi Jan	Sepoy (BS-05)	Constable (BS-07)
616.	Sajid Ur Rehman	Dusmal	Sepoy (BS-05)	Constable (BS-07)

ATTENDED  
ATTENDED

9

S.#	Names	Father Names	Previous Rank	Rank in which Absorbed
1077.	Muslim Khan	Asnl Khan	Sepoy (BS-05)	Constable (BS-07)
1078.	Khalil Khan	Mugaram Khan	Sepoy (BS-05)	Constable (BS-07)
1079.	Imtiaz Khan	Naik Muhammad	Sepoy (BS-05)	Constable (BS-07)
1080.	Tahir Shah	Masood Khan	Sepoy (BS-05)	Constable (BS-07)
1081.	Muhammad Sadiq	Saidah Gul	Sepoy (BS-05)	Constable (BS-07)
1082.	Naila Jabbar	W/O Jabbar Ghori	Sepoy (BS-05)	Constable (BS-07)
1083.	Rafat	Abid	Sepoy (BS-05)	Constable (BS-07)
1084.	Melik Pervez	Ghfar Mushi	Sepoy (BS-05)	Constable (BS-07)
1085.	Shahbaz Khan	Daood Khan	Sepoy (BS-05)	Constable (BS-07)
1086.	Asad Khan	Awaldar	Sepoy (BS-05)	Constable (BS-07)
1087.	Jawad Ullah	Saif Ullah	Sepoy (BS-05)	Constable (BS-07)
1088.	Muhammad Younas	Farid Khan	Sepoy (BS-05)	Constable (BS-07)
1089.	Sardar Alam	Minar Gul	Sepoy (BS-05)	Constable (BS-07)
1090.	Afrasiyab	Gul Muhammad	Sepoy (BS-05)	Constable (BS-07)
1091.	Zia Ul Haq	Said Nabi	Sepoy (BS-05)	Constable (BS-07)
1092.	Fazal Karim	Abdul Rauf	Sepoy (BS-05)	Constable (BS-07)
1093.	Alif Jan	Feroz Khan	Sepoy (BS-05)	Constable (BS-07)
1094.	Islam Shah	Akhtar Khan	Sepoy (BS-05)	Constable (BS-07)
1095.	Muhammad Amin	Taimor Khan	Sepoy (BS-05)	Constable (BS-07)
1096.	Jalil Khan	Norshad	Sepoy (BS-05)	Constable (BS-07)
1097.	Nasrullah Jan	Zarmash Khan	Sepoy (BS-05)	Constable (BS-07)
1098.	Sakli Gul	Shahzad Gul	Sepoy (BS-05)	Constable (BS-07)
1099.	Gul Saeed	Khan Haider	Sepoy (BS-05)	Constable (BS-07)
1100.	Kamran Ullah	Gulab Khan	Sepoy (BS-05)	Constable (BS-07)
1101.	Shahab	Akhter Khan	Sepoy (BS-05)	Constable (BS-07)
1102.	Khubaib	Said Rasan	Sepoy (BS-05)	Constable (BS-07)
1103.	Naseem Wali	Gilas Khan	Sepoy (BS-05)	Constable (BS-07)
1104.	Ismail Khan	Jamal Khan	Sepoy (BS-05)	Constable (BS-07)
1105.	Haji Khan	Gulmat Khan	Sepoy (BS-05)	Constable (BS-07)
1106.	Mirdad	Awal Baz	Sepoy (BS-05)	Constable (BS-07)
1107.	Muhammad Karim	Qasim Khan	Sepoy (BS-05)	Constable (BS-07)
1108.	Imdad Ali	Lachi Gul	Sepoy (BS-05)	Constable (BS-07)
1109.	Ikramullah	Liaqat Hussain	Sepoy (BS-05)	Constable (BS-07)
1110.	Masawat Shah	Taj Muhammad	Sepoy (BS-05)	Constable (BS-07)
1111.	Ihsan Ullah	Munir Khan	Sepoy (BS-05)	Constable (BS-07)
1112.	Hazrat Bilal	Razmat Khan	Sepoy (BS-05)	Constable (BS-07)

2. The above absorption shall be subject to the following terms and conditions:

- (i) Their services shall be governed under the Khyber Pakhtunkhwa Police Act, 2017 and the rules made thereunder.
- (ii) A member shall not be entitled for absorption, if he has resigned from Levies Force Service or has been terminated from the Service ibid. on account of misconduct, inefficiency or any other grounds or has been retired from Service under the Federal Levy Force (Amended) Service

ATTESTED

10

Rules 2013, before commencement of the Khyber Pakhtunkhwa Levies Force Act, 2019 (Khyber Pakhtunkhwa Act No. XXXV of 2019).

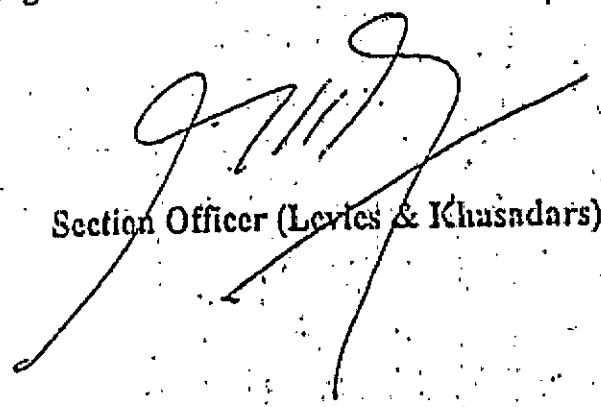
- (iii) Their services shall be considered regular and they shall be eligible for pension and deduction of General Provident fund in terms of the Khyber Pakhtunkhwa Civil Servant Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973).
- (iv) Their seniority shall be determined in accordance with rule 6 of the Levies Force (Absorption in Khyber Pakhtunkhwa Police) Rules 2019.
- (v) They shall undergo training as provided in rule 5 of Levies Force (Absorption in Khyber Pakhtunkhwa Police) Rules, 2019.

Secretary  
 to Government of the Khyber Pakhtunkhwa  
 Home and Tribal Affairs Department

No. & date even.

CC to:

1. Inspector General of Police, Khyber Pakhtunkhwa.
2. Accountant General Khyber Pakhtunkhwa.
3. Regional Police Officer, Peshawar
4. District Police Officer Khyber Tribal District.
5. Deputy Commissioner Khyber Tribal District
6. PS to Chief Secretary Government of Khyber Pakhtunkhwa
7. PS to Secretary, Home & TAs Department, Khyber Pakhtunkhwa.
8. PS to Special Secretary-II, Home & TAs Department, Khyber Pakhtunkhwa.
9. PS to Secretary, Establishment Department, Khyber Pakhtunkhwa
10. Manager Printing Press for notifying the same in the official gazette.
11. Office record file.

  
 Section Officer (Levies & Khasadars)

ATTESTED

ATTESTED

111

khyber

S#:1

Pers #: 50150478 Buckle:  
Name: SAID AMIN  
CONSTABLE

CNIC No. 2120257035893  
GPF Interest Applied  
07 Active Temporary

PAYS AND ALLOWANCES:

0001-Basic Pay	14,650.00
1000-House Rent Allowance	1,589.00
1210-Convey Allowance 2005	1,932.00
1300-Medical Allowance	1,500.00
1528-Unattractive Area Allow	1,000.00
1547-Ration Allowance	681.00
1567-Washing Allowance	150.00
1646-Constabulary R Allowance	300.00
1901-Risk Allowance (Police)	3,530.00
Gross Pay and Allowances	34,217.00

DEDUCTIONS:

GPF Balance	49,060.00	Subrc:	1,010.00
3501-Benevolent Fund			336.00
3530-Police wel:Fud BS-1 to 18			293.00
3534-R. Ben & Death Comp Fresh			450.00

Total Deductions 2,089.00  
32,128.00

D.O.B 01.03.1988 LFP Quota: HABIB BANK LIMITED NEW BARA MARKET 7901088903  
08 Years 11-Months-001 Days

khyber

S#:2

Pers #: 50150478 Buckle:  
Name: SAID AMIN  
CONSTABLE

CNIC No. 2120257035893  
GPF Interest Applied  
07 Active Temporary

PAYS AND ALLOWANCES:

1902-Special Incentive Allowance	775.00
2168-Fixed Daily Allowance	2,730.00
2211-Adhoc Relief All 2016 10%	985.00
2224-Adhoc Relief All 2017 10%	1,465.00
2247-Adhoc Relief All 2018 10%	1,465.00
2264-Adhoc Relief All 2019 10%	1,465.00

Gross Pay and Allowances 34,217.00  
DEDUCTIONS:

GPF Balance	49,060.00	Subrc:	
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Total Deductions 2,089.00  
32,128.00

D.O.B 01.03.1988 LFP Quota: HABIB BANK LIMITED NEW BARA MARKET 7901088903  
08 Years 11-Months-001-Days

ATTENDED



BETTER COPY FIR

13

ابتدائی اطلاعی رپورٹ نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زبردفعہ 154 مجموعہ ضابطہ فوجداری  
مقدمہ نمبر: 60/21 تھانہ: ANF ضلع: اسلام آباد تاریخ و وقت وقوعہ: 18-06-2021 بوقت 06:30 بجے شام

1	تاریخ و وقت رپورٹ 18-06-2021 بوقت 10 بجے	تھانہ سے روانگی کی تاریخ و وقت: بذریعہ انسپشن رپورٹ
2	نام و سکونت اطلاع دہندہ دستغیب	محمد فیضان خواجہ انسپکٹر تھانہ ANF، اسلام آباد
3	مختصر کیفیت جرم (معدہ دفعہ) و مال اگر کچھ کھویا گیا ہے	9b/15, CNSA/1997 51 عدد ایکٹھی گولیاں برنگ مالٹائی وزنی 20 گرام بند پارسل نمبر 1 بغرض تجزیہ سیمائی سر بمہر MFK 50 عدد ایکٹھی گولیاں برنگ پنک مالٹائی وزنی 20 گرام بند پارسل نمبر 2 بغرض تجزیہ سیمائی سر بمہر MFK 200 عدد ایکٹھی گولیاں برنگ گلابی وزنی 85 گرام بند پارسل نمبر 3 بغرض تجزیہ سیمائی سر بمہر MFK 100 عدد ایکٹھی گولیاں برنگ سلیٹی وزنی 63 گرام بند پارسل نمبر 4 بغرض تجزیہ سیمائی سر بمہر MFK
4	جائے وقوعہ و فاصلہ تھانہ سے اور سمت	ANF بروہی روڈ نزد جامع مسجد امام ترمذی G-11 اسلام آباد بقا فاصلہ قریب 30 کلومیٹر جانب شمال مغرب از تھانہ
5	کارروائی متعلقہ تفتیش اگر اطلاع درج کرنے میں کچھ توقف ہوا ہو تو اس کی وجہ بیان کی جاوے	حسب آمد استغاثہ بلا توقف مقدمہ درج رجسٹر کیا گیا ہے۔

(ابتدائی اطلاع نیچے درج کرو)

عہدہ DO/HC

دستخط: \_\_\_\_\_

نوٹ: اطلاع کے نیچے اطلاع دہندہ کا دستخط یا مہر یا نشان اٹکھنا ہونا چاہیے اور افسر تحریر کنندہ (ابتدائی اطلاع) کے دستخط بطور تصدیق ہونے چاہئیں: استغاثہ زبردفعہ  
9b/15, CNSA/1997 مورخہ 18-06-2021 کو اس انسپکٹر ہمراہ افتاد خالد HC اسامہ عثمان، طیب عبید کاشمیران بسواری سرکاری گاڑی  
نمبری RIG-1114 بسلسلہ گشت و پڑتال و انسداد منشیات قریب 06/20 بجے شام سروس روڈ G-11 اسلام آباد موجود تھے کہ مجبر خاص نے آکر سمن انسپکٹر کو  
اطلاع دی کہ حمید خان اپنے ساتھ سید امین کے ہمراہ گاڑی نمبری QU-974 سوزوکی سوڈف برنگ گرے منشیات نشہ آور گولیوں ایکٹھی کی بھاری تعداد کسی  
مخصوص گاہک کے حوالے کرنے کے لئے AK بروہی روڈ نزد جامع مسجد امام ترمذی G-11 اسلام آباد موجود ہیں فوری کارروائی کی صورت میں برآمدگی و گرفتاری  
یقینی ہے اس اطلاع پر فوری طور پر سمن انسپکٹر ہمراہ درج بالا ریڈنگ پارٹی ہمراہ مجبر بسواری سرکاری گاڑی روانہ ہو کر جائے مجبری متذکرہ بالا قریب 06/30 بجے  
شام پہنچے تو وہاں پر سوزوکی سوڈف نمبری QU-974 برنگ گرے جس میں دو اشخاص بیٹھے تھے دکھائی دی جن کو حسب اشارہ و نشان نامی ہمراہی مجبر بر موقع قابو کر  
کے دونوں اشخاص کو گاڑی متذکرہ سے نیچے اتار کر رو برو گواہان سمن انسپکٹر نے نام و پتہ دریافت کئے تو ڈرائیور نے اپنا نام و پتہ حمید خان ولد سردار خان سکند کوکی  
خیل، مینا خیل شاہ زمان گلے جرم و ضلع خیبر ایجنسی جبکہ سیکنڈ سٹیر نے اپنا نام و پتہ سید امین ولد فضل امین سکند کوکی خیل مینا خیل شاہ زمان گلے جرم و ضلع خیبر ایجنسی  
ہونا بتلانی جن کو مجبری شدہ پا کر سمن انسپکٹر کی حسب ضابطہ تلاشی عمل میں لانے پر حمید خان اور سید امین کی دائیں بغلی جیبوں میں سے 1/1 عدد پیکٹ موسی لفافوں  
میں پیک ایکٹھی گولیاں برنگ مالٹائی نمبر آمد ہوئی جبکہ مزید پوچھ گچھ پر دونوں نے بر موقع علیحدہ علیحدہ انکشاف کیا کہ ان کے زیر قبضہ گاڑی کے ڈرائیو میں بھی  
ایکٹھی گولیاں موجود ہیں جس پر گاڑی کی تلاشی سمن انسپکٹر کے عمل میں لانے پر ڈرائیو میں سے 2 عدد پیکٹ موسی لفافوں میں پیک ایکٹھی گولیاں برنگ گلابی  
سلسلہ آمد ہوئی جن کو سمن انسپکٹر نے برآمدہ گولیوں کو کتنی کرنے پر 50 عدد ایکٹھی گولیاں برنگ مالٹائی جو وزن کرنے پر 20 گرام ہوئی جن 16 عدد پارسل بغرض

ATTESTED



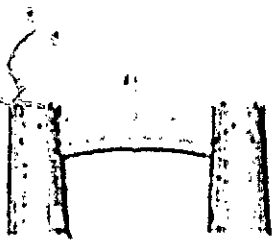
تجزیہ کیائی تیار کر کے پارسل سر بمہراکی MFK سے سر بمہر کر کے پارسل سیریل نمبر 1 میں بند کر کے معہ برآمدہ اشیاء جامع تلاشی کو بذریعہ فرد قبضہ میں لے کر سید آمین سے برآمدہ گولیوں کو کتنی کرنے پر 50 عدد گولیاں ایکٹھی برنگ مالٹائی ہوئیں جو وزن کرنے پر 20 گرام ہوئیں جن کو پارسل سیریل نمبر 2 میں بند کر کے مہراکی MKF سے سر بمہر کر کے معہ برآمدہ اشیاء جامع تلاشی کے بذریعہ فرد قبضہ میں لیا جبکہ گاڑی نمبری Qu974 سڑکی سو فٹ سے برآمدہ گولیاں برنگ گلابی کو کتنی کرنے پر 200 عدد ایکٹھی گولیاں برنگ گلابی جو وزن کرنے پر 85 گرام ہوئیں جن کو پارسل سیریل نمبر 3 میں بند کر کے مہراکی MKF سے سر بمہر کر کے گاڑی متذکرہ سے برآمدی سلیٹی گولیوں کو کتنی کرنے پر 100 عدد ہوئیں جن کا وزن کرنے پر 63 گرام ہوئیں جن کو پارسل سیریل نمبر 4 میں بند کر کے سیل سر بمہراکی NFK سے سر بمہر کر کے گاڑی کی مزید تلاشی عمل میں لانے پر کوئی ممنوعہ شے برآمد نہ ہوئیں گاڑی نمبری QU-974 سڑکی سو فٹ برنگ گرے معہ چابی 2 عدد سر بمہر پارسل سیریل نمبر 3، 4 بغرض تجزیہ کیائی کو بذریعہ فرد قبضہ میں لے کر گواہان سے تکمیل فرمات بر موقع کروائیں چونکہ مزمان متذکرہ بالانے ایکٹھی گولیاں برنگ مالٹائی گلابی و سلیٹی کل تعدادی 400 اور مجموعی وزن 188 گرام اپنے قبضہ خود میں برائے فروغی رکھ کر جرم درج بالا پیشانی کا ارتکاب کیا ہے لہذا استغاثہ ہذا برخلاف مذکوران زیر دفعہ 9B/15 CNSA/1997 بر موقع قریب کر کے اصل استغاثہ بغرض قائمی مقدمہ بدست مندر نواز کنسٹیبل ڈرائیور ارسلان تھانہ ANF اسلام آباد کا مقدمہ درج کر کے نمبر مقدمہ سے آگاہ کریں من انسپکٹر بر موقع مصروف تفتیش ہوں از موقع AK بروقی روز نزد جامع مسجد امام ترمزی IG-11 اسلام آباد بوقت 09 بجے رات دستخط انگریزی محمد فیضان خواجہ انسپکٹر تھانہ ANF اسلام آباد 18-06-2021 کاروائی از تھانہ حسب آمد استغاثہ بلا توقف مقدمہ درج رجسٹر کیا گیا ہے اصل استغاثہ رپورٹ شدہ بعد نقل FIR بدست آرندہ کنسٹیبل ڈرائیور فرزند فرسند انسپکٹر ارسال از موقع ہے نقول FIR حسب ضابطہ جا بجا افسران بالا کی خدمت میں ارسال ہوں گی تکمیل ریکارڈ بابت مقدمہ بذریعہ فرد تھانہ جاری ہے۔

فخر زمان Do/HC

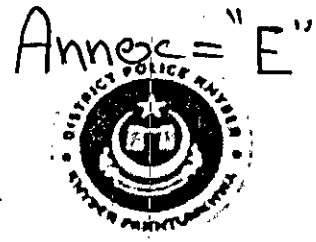
تھانہ ANF اسلام آباد

18-06-2021

ATTESTED



OFFICE OF THE  
DISTRICT POLICE OFFICER  
KHYBER



(15)

**ORDER**

Constable Said Ameen posted as gunner to MPA Baseerat Bibi involved in malpractices and was arrested by ANF Authorities with narcotics consequent upon which proper FIR Vide No. 60/21, dated 18/06/2021 was registered u/s 9B/15 CNSA at PS ANF Islamabad. the undersigned being a competent authority under Govt: Servants Service & Efficiency Rules 2011 issued a Show Cause Notice with the opportunity to be heard in person, which the defaulter official did not availed.

3/5

In reply of the Show Cause notice the defaulter constable failed to submit any cogent reason regarding the allegations leveled against him consequently a comprehensive ground check was conducted and the undersigned is satisfied that the allegation leveled against you are factual.

It is therefore, his involvement in criminal activities and to eliminate the helping hands of Narcotics Cartels in Police Departments, the defaulter constable is hereby awarded major punishment of dismissal from service under Khyber Pakhtunkhwa E&D Rules 2011 (Section 7) with immediate effect.

**DISTRICT POLICE OFFICER,**  
**KHYBER,**

No. 2396 /PSO Khyber, dated Khyber 27, 7 2021.

Copies to all concerned for further necessary action.

**ATTESTED**

Annex = "F"

Dy  
16

No - 1112  
11  
8/11

**BEFORE THE WORTHY  
DEPUTY INSPECTOR GENERAL,  
KHYBER.**

**DEPARTMENTAL APPEAL  
AGAINST THE IMPUGNED ORDER NO. 2396/PSO  
KHYBER, DATED 27-07-2021 PASSED BY DISTRICT  
POLICE OFFICER KHYBER.**

Revered Sir,

1. That the appellant humbly beg to submit before your good-self that the appellant was working as Constable in District Police Khyber and always served the department diligently, honestly, efficiently and up to the entire satisfaction of his superiors. There is no iota of complaint from all four corners against the appellant at any forum rather the services rendered by the appellant were always appreciated by the high ups of the department.
2. That the following allegations were leveled against the appellant: -

*"Constable Said Ameen posted as gunner to MPA Baseerat Bibi involved in malpractices and was arrested by ANF Authorities with narcotics consequent upon which proper FIR Vide No. 60/21, dated 18-06-2021 was registered u/s 9B/15 CNSA at PS ANF Islamabad".*

The said allegations are false and frivolous and do not bear the merits of the case hence, are liable to be set aside.

ATTESTED

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3. That the competent authority without realizing the actual facts of the case and without hearing the appellant, has imposed major punishment of dismissal from service without unveiling the real facts of the case. The appellant has nothing to do with the so called allegation, therefore, contends his departmental appeal inter alia on the following

GROUND S

- a. That the impugned order dated 27-07-2021 is illegal, unlawful and has been passed without appreciating the real facts of the case and even without participating the appellant into departmental proceedings hence, is liable to be set aside.
- b. That in fact, the appellant falsely been roped in the case FIR No. 60/21, dated 18-06-2021, under Section 9B/15 CNSA P.S ANF Islamabad and nothing was recovered from the possession of the appellant and his involvement in the said FIR is result of malafide intention of the ANF authority.
- c. That allegedly the appellant was fired just on the basis of show cause notice, which was not served to the appellant. No proper enquiry was conducted and without adopting due procedure of law as envisaged in Police Efficiency & Discipline Rules, 2011 acted instrumentally. No witness was ever participated in the recovery witness by the ANF authority. The

ATTENDED

punishment just on the basis of fact finding enquiry is illegal and unlawful as held by the Apex Courts in various dictums.

- d. That the appellant has been punished without issuance of any show cause notice, which is mandatory requirement of Police Efficiency & Discipline Rules, 2011. The entire proceedings were conducted without any show cause notice, meaning thereby, the entire superstructure built on hollow ground is liable to be dashed to ground. The impugned order is a void order and is liable to be set aside.
- e. That the proceedings of aforementioned FIR is still pending before the competent court of law, but prior to the judgment of the competent court of law, the imposition of punishment regarding dismissal from service is illegal and unlawful.
- f. That the appellant was not called for personal hearing and was condemned unheard while violating the Latin Maxim Audi Alterm Partem. Thus impugned order was passed in haste during the absence of the appellant without hearing the version of the appellant and against Article 10-A of Constitution of Islamic Republic of Pakistan, 1973.
- g. That it was the primary duty of the authority to first prove the allegation by holding a regular inquiry as has been held by the

**ATTESTED**

ALLEGED

- (p) By order in writing inform the accused of the action proposed against him in regard to him and the grounds of the action and that it is not necessarily his right -
- (q) Justice & Departmental Manual, through an Inquiry Officer if necessary. If he decides the authority shall determine if in the light of facts of the case or in the interests of

referred to above should be dealt with in General Police Proceedings he shall proceed as under-

(3) If the authority decides that the misconduct or act of omission or commission information

necessarily inform them for a maximum period of 7 days to procure additional

(iii) The authority conducting the Police Summary Proceedings may, if deemed mentioned in these rules

is found unsatisfactory, he will be awarded one of the minor punishments etc. The substance of his explanation for the same shall be recorded and if the same

(iii) He shall be apprised by the authority orally the nature of the alleged misconduct shall be brought before the authority in an Orderly room

(i) The accused officer liable to be dealt with in the Police Summary Proceedings shall proceed as under-

(3) In case the authority decides that the misconduct is to be dealt with in Police Police Summary Proceedings in the Orderly Room of General Police Proceedings:

misconduct or the act of omission or commission referred to above should be dealt with in a inquiry if necessary for proper evaluation of the information and shall decide whether the authority shall examine the information and may conduct or cause to be conducted direct of a Police Officer liable for punishment provided in these rules is received, by the authority, the

(1) When information of misconduct or any act of omission or commission on the part Police Officer is proceeded against under these rules:---

(p) General Police Proceedings and the following procedure shall be observed when a The punishment proceedings will be of two kinds, i.e. (a) Summary Police Proceedings and

2. Punishment Proceedings:-

Authority may require him to proceed on leave or suspended duty

In case a Police Officer is accused of supervision, corruption or misconduct the competent

4-V

(c) Employed under a contract, in accordance with the terms of the contract: extension of the period of appointment, or

(p) Appointed, otherwise than under a contract, to hold a temporary appointment on the expiration of training rules applicable to him, or

(v) Appointed on probation, during the period of probation, or in accordance with the

3. In the event of discharge from service does not include the discharge of a

55

c) Give him a reasonable opportunity of showing cause against that action: Provided that no such opportunity shall be given where the authority is satisfied that in the interest of security of Pakistan or any part thereof it is not expedient to give such opportunity.

(4) If the authority decides that it is necessary to have departmental inquiry conducted, through an Inquiry Officer, he shall appoint for this purpose an Inquiry Officer, who is senior in rank to the accused.

(5) On receipt of the findings of the Inquiry Officer or where no such officer is appointed, on receipt of the explanation of the accused, if any, the authority shall determine whether the charge has been proved or not. In case the charge is proved the authority shall award one or more of major or minor punishments as deemed necessary.

6. Procedure of Departmental Inquiry:-

- i. Where an Inquiry Officer is appointed the authority shall-
  - a. Frame a charge and communicate it to the accused together with statement of the allegations explaining the charge and of any other relevant circumstances which are proposed to be taken into consideration;
  - b. Require the accused within 7 days from the day the charge has been communicated to him to put in a written defence and to state at the same time whether he desires to be heard in person;
- ii. The Inquiry Officer shall inquire into the charge and may examine such oral or documentary evidence in support of the charge or in defence of the accused as may be considered necessary and the witnesses against him.
- iii. The Inquiry Officer shall hear the case from day to day and no adjournment shall be given except for reasons to be recorded in writing and where any adjournment is given,
  - a. It shall not be more than a week; and
  - b. The reasons therefore shall be reported forthwith to the authority.
- iv. Where the Inquiry Officer is satisfied that the accused is hampering, or attempting to hamper the progress of the inquiry he shall administer a warning and if thereafter he is satisfied that the accused is acting in disregard of the warning, he shall record a finding to that effect and proceed to complete the departmental inquiry ex parte.
- v. The Inquiry Officer shall within 10 days of the conclusion of the proceedings or such longer period as may be allowed by the authority, submit his findings and grounds thereof to the authority.

ATTESTED

7. Powers of Inquiry Officer:-

- 1) For the purpose of departmental inquiry under these rules, the Inquiry Officer shall have the powers of a Civil Court trying a suit under Code of Civil Procedure, 1908 (Act V of 1908) in respect of the following matters, namely:---
  - (a) Summoning and enforcing the attendance of any person and examining him on oath;
  - (b) Requiring the discovery and production of documents;
  - (c) Receiving evidence on affidavits;
  - (d) Issuing commission for the examination of witnesses or documents.
- 2) The proceedings under these rules shall be deemed to be judicial proceedings within the meaning of sections 193 and 228 of the Pakistan Penal Code (Act XLV of 1860);

8. Rules 5 and 6 not to apply in certain cases.-

Nothing in rules 5 and 6 shall apply in a case-

- (a) where the accused is dismissed or removed from service or reduced in rank, on the ground of conduct which has led to a sentence of imprisonment; or
- (b) where the authority competent to dismiss or remove a person from service, or to reduce a person in rank, is satisfied that for reasons to be recorded in writing by that authority, it is not reasonably practicable to give the accused an opportunity of showing cause.

9. Procedure of inquiry against officers lent to other Government or Authority.-

- i. Where the services of Police Officer to whom these rules apply are lent to any other Government or to a local or other authority, in this rule referred to as the borrowing authority, the borrowing authority shall have the powers of the authority for the purpose of placing him under suspension or requiring him to proceed on leave and of initiating proceedings against him under these rules.
- ii. Provided that the borrowing authority shall forthwith inform the authority which has lent his services, hereinafter in this rule referred to as the lending authority, of the circumstances leading to the order of his suspension or the commencement of the proceedings, as the case may be.
- iii. If in the light of the findings in the proceedings taken against the Police Officer in terms of sub-rule (I) the borrowing authority is of opinion that any punishment should be imposed on him, it shall transmit to the lending authority the record of the proceedings and thereupon the lending authority shall take action as prescribed in these rules.

10. No party to any proceedings under the rules before the authority or Inquiry Officer shall be represented by an Advocate.

ATTESTED



11. Appeal-

For rule 11, the following shall be substituted, namely:

❖ "11. **Appeal.**---(1) An accused, who has been awarded any penalty under these rules except the penalty of confinement of constable and head constable for fifteen days to quarter guards, may, within thirty days from the date of communication of the order, prefer an appeal to the Appellate Authority as provided in sub-rule (2).

(2) The appeal, against the orders of the officer, specified in Schedule-I, who passes it shall lie to the Appellate Authority as may be specified in the table below:

S.No	Punishing Authorities	Appellate/Reviewing Authorities
1.	Provincial Police Officer	Provincial Police Officer (Review)
2.	Regional Police Officer/ Deputy Inspector General of Police/ Capital City Police Officer/ Additional Inspector General of Police.	Provincial Police Officer.
3.	District Police Officer/ Senior Superintendent of Police/ Superintendent of Police.	Regional Police Officer/Deputy Inspector General of Police/ Capital City Police Officer/ Additional Inspector General of Police.
4.	Assistant Superintendent of Police/ Deputy Superintendent of Police.	District Police Officer/ Senior Superintendent of Police/ Senior Superintendent of Police Operations.

Provided that where the order has been passed by the Provincial Police Officer, the delinquent officer/official, may within a period of thirty days submit review Petition directly to the Provincial Police Officer.

(3) There shall be only one appeal from the original order and the order of the Appellate Authority, in appeal, shall be final.

(4) The Appellate Authority or Review Authority, as the case may be, may call for the record of the case and comments on the points raised in the appeal or review, as the case may be, from the concerned officer, and on consideration of the appeal or the review petition, as the case may be, by an order in writing-

- (a) uphold the order of penalty and reject the appeal or review petition; or
- (b) set aside the orders and exonerate the accused; or

❖ Amended vide Notification No: 3859/Legal, dated 27/08/2014 issued by IGP, KPK

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- (c) modify the orders and reduce or enhance the penalty; or
- (d) set aside the order of penalty and remand the case to the authority, where it is satisfied that the proceedings by the authority or the inquiry officer or inquiry committee, as the case may be, have not been conducted in accordance with the provisions of these rules; or the facts and merits of the case have been ignored; with the directions to either hold a de novo inquiry or to rectify the procedural lapses or irregularities in the proceedings:

Provided that where the Appellate Authority or Review Authority, as the case may be, proposes to enhance the penalty, it shall by an order in writing-

- (a) inform the accused of the action proposed to be taken against him and the grounds of such action; and
- (b) give him a reasonable opportunity to show cause against the action and afford him an opportunity of personal hearing.

(5) An appeal or review preferred under this rule, shall be made in the form of a petition, in writing, and shall set forth concisely the grounds of objection to the impugned order in a proper and temperate language".

12. After rule 11, the following new rule shall be inserted, namely:

❖ "11-A Revision"..... (1) The Inspector General, Additional Inspector General, a Deputy Inspector General of Police or a Senior Superintendant of Police may call for the records of awards made by their subordinates and confirm, enhance, modify or annul the same, or make further investigation or direct such to be made before passing orders.

(2) If an award of dismissal is annulled, the officer annulling it shall state whether it is to be regarded as suspension followed by re-instatement, or not. The order should also state whether service prior to dismissal should count for pension or not.

(3) In all cases in which officers propose to enhance an award the officer shall, before passing final orders, give the defaulter concerned an opportunity of showing cause, either personally or in writing, why his punishment should not be enhanced.

(4) The revision petition shall lie or taken cognizance by the authorities under sub rule-(1) within thirty days of the order passed on original appeal.

Provided that the Provincial Police Officer, while acting as revisional authority, in certain cases, may constitute a Revision Board for the speedy disposal of revision petitions, before passing any orders." And

ATTENDED

13.

No order passed under these rules shall be subject to review by any Court/Tribunal.

14. Repeal.-

Any Disciplinary Rules applicable to Police Officers to whom these rules apply are hereby repealed but the repeal thereof shall not affect any action taken or anything done or suffered there under.

**NASIR KHAN DURRANI (PSP)**  
**Inspector General of Police,**  
**Provincial Police Officer,**  
**Khyber Pakhtunkhwa, Peshawar.**

ATTACHED

**POWER OF PUNISHMENT TABLE**

S #	DEPARTMENTAL PUNISHMENTS	AUTHORITIES COMPETENT TO AWARD PUNISHMENT TO:					
		Deputy Superintendent of Police/Deputy Superintendent of Police (Legal)	Inspector/Inspector(Legal)	Sub Inspector/Sub Inspector Legal	Assistant Sub Inspector	Head Constable	Constable
1.	<b>A-Major Punishments:</b> (i) Dismissal, removal from service, compulsory retirement.	Provincial Police Officer	DPO/SSP	DPO/SSP	DPO/SSP/SP	DPO/SSP/SP	DPO/SSP/SP
	(ii) Reduction from substantive rank to lower rank or from higher stage to lower stage in the same time scale of pay.	Provincial Police Officer	DPO/SSP	DPO/SSP/SP	DPO/SSP/SP	DPO/SSP/SP	DPO/SSP/SP
2.	<b>B-Minor Punishments:</b> Withholding of promotion for one year or less.	PPO/Addl: IGP/CCPO/RPO/DIG	DPO/SSP/SP	DPO/SSP/SP	DPO/SSP/SP/ASP/DSP	DPO/SSP/SP/ASP/DSP	DPO/SSP/SP/ASP/DSP
3.	(i) Fine up to rupees Fifteen thousand (15000/-)	Provincial Police Officer	---	---	---	---	---
	(ii) Fine up to rupees Ten thousand (10000/-)	Addl: IGP/CCPO	---	---	---	---	---
	(iii) Fine up to rupees Ten thousand (10000/-)	RPO/DIG	---	---	---	---	---
	(iv) Fine up to rupees Five thousand (5000/-)	---	DPO/SSP/SP	DPO/SSP/SP	DPO/SSP/SP ASP/DSP	DPO/SSP/SP ASP/DSP	DPO/SSP/SP ASP/DSP
	(v) Fine up to rupees one thousand (1000/-)	---	---	---	---	---	---
4.	Stoppage of increments for a period not exceeding three (3) years with or without cumulative effect.	PPO/Addl: IGP/CCPO/RPO/DIG	DPO/SSP/SP	DPO/SSP/SP	DPO/SSP/SP/ASP/DSP	DPO/SSP/SP/ASP/DSP	DPO/SSP/SP/ASP/DSP
5.	Censure	PPO/Addl: IGP/CCPO/RPO/DIG	DPO/SSP/SP	DPO/SSP/SP	DPO/SSP/SP/ASP/DSP	DPO/SSP/SP/ASP/DSP	DPO/SSP/SP/ASP/DSP
6.	Forfeiture of approved service up to two (2) years	PPO/Addl: IGP/CCPO/RPO/DIG	DPO/SSP/SP	DPO/SSP/SP	DPO/SSP/SP/ASP/DSP	DPO/SSP/SP/ASP/DSP	DPO/SSP/SP/ASP/DSP
7.	Confinement to quarters guard up to fifteen (15) days of Constables and Head constables.	---	---	---	---	DPO/SSP/SP/ASP/DSP	DPO/SSP/SP/ASP/DSP

**NASIR KHAN DURRANI (PSP)**  
Inspector General of Police,  
Provincial Police Officer,  
Khyber Pakhtunkhwa, Peshawar.

❖ Amended vide Notification No: 3859/Legal, dated 27/08/2014 issued by IGP, KPK

ATTACHED

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## وکالت نامہ

بعدالت جناب حیدر عتو غوا سروس ٹریبونل پشاور

کیہ امین بنام گورنمنٹ مینسٹری

منجانب Appellant دعویٰ اجرم

تھانہ ایف آئی آر تاریخ

### باعث تحریر آنکہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطے پیروی و جوابدہی بمقام پشاور کے لئے

امین الرحمن یوسفزئی ایڈووکیٹ ہائی کورٹ و فیڈرل شریعت کورٹ آف پاکستان،

سجاد احمد محسود ایڈووکیٹ خالد خان مہمند ایڈووکیٹس ہائی کورٹ، پشاور

کو بدین شرط وکیل مقرر کیا ہے کہ میں ہر پیشگی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا ہوں گا۔ اور بوقت پکار لے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دیکر حاضر عدالت کروں گا اگر پیشگی پر من مظهر حاضر نہ ہوا اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور میرے برخلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام پشوری کے کسی اور جگہ یا پشوری کے مقررہ اوقات سے پہلے یا پیچھے یا بزرگ تعطیل پیروی کرنے کے ذمہ دار نہ ہوں گے۔ اگر مقدمہ علاوہ صدر مقام پشوری کے کسی اور جگہ سماعت ہونے یا بروز تعطیل یا پشوری کے اوقات کے آگے پیچھے پیش ہونے پر من مظهر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا مختار نامہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پر داخستہ صاحب موصوف شکل کردہ ذات خود منظور قبول ہوگا۔ اور صاحب موصوف کو عرضی دعویٰ و جواب دعویٰ اور درخواست اجراء کے ڈگری و نظر ثانی اپیل و نگرانی ہر قسم کی درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کے اجراء کرنے اور ہر قسم کا روپیہ وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور سپردداشت درامتی نامہ کو فیصلہ بر خلاف کرنے، اقبال دعویٰ دینے کا بھی اختیار ہوگا۔ اور بصورت اپیل و برآمدگی مقدمہ یا مستوفی ڈگری یکطرفہ درخواست حکم امتناعی یا قرضی یا گرفتاری یا اجراء ڈگری بھی موصوف کو بشرط ادا ہوگی علیحدہ مختار نامہ پیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو بھی اختیار ہوگا مقدمہ مذکورہ یا اس کے کسی جزو کی کاروائی کے واسطے یا بصورت اپیل، اپیل کے واسطے کسی دوسرے وکیل یا بیرسٹر کو بجائے اپنے یا اپنے ہمراہ مقرر کریں۔ اور ایسے مشیر قانون کو ہر امر میں وہی اور ویسے ہی اختیارات حاصل ہوں گے۔ جیسے کہ صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہر جانہ التوا پڑے گا۔ وہ صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری نسیں تاریخ پیشگی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا یہ مختار نامہ لکھ دیا کہ مندر ہے مورخہ 23-12-74 مضمون مختار نامہ میں لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

ATTESTED & ACCEPTED:

Amin ur Rehman Yusufzai  
Advocate High Court

Federal Shariat Court of Pakistan  
CNIC: 17301-5813582-3  
Cell No. 0321-9022964  
BC-10-7562

Sajjad Ahmad Mehsud  
Advocate High Court  
Peshawar

Khalid Khan Mohmand  
Advocate High Court  
Peshawar  
BC No. 18-1115

**"B"**

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

No.

*Recd*

SB

Appeal No. 7924 of 2021

Sayed Amin Appellant/Petitioner  
Versus

Through Secy Home & Tribal Affairs K.P.K. Peshawar Respondent  
Respondent No. 649

Notice to: — DPO Shehkas Jamrud District Khyber

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on.....1st Oct 2022.....at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

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

Given under my hand and the seal of this Court, at Peshawar this.....12/11.....

Day of.....May.....2022

  
Registrar,

Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

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

**"B"**

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

*SB*

No.

Appeal No. 7924 of 20 21

Sayed Amin Appellant/Petitioner

Through Secy Home & Tribal Affairs KPK Peshawar Respondent

Respondent No. (2)

Notice to: IGP, KPK Central Police Office Peshawar

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on 15/06/2022 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

Given under my hand and the seal of this Court, at Peshawar this 12<sup>th</sup> Day of May 20 22

*For Reply*

*31-5-2022*

*[Signature]*

*[Signature]*  
Registrar,

Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

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

“B”

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

No.

SB

Appeal No. .... 7924 ..... of 20 21

..... Sayed Amin ..... Appellant/Petitioner  
Versus

Through Sey Home & Tribat affairs KPK Peshawar  
Respondent No. .... (3) .....

Notice to: —

CCPO (Police lines Peshawar).

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on..... 15/06/2022 ..... at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

Given under my hand and the seal of this Court, at Peshawar this..... 12/5 .....

Day of..... 20

For Reply  
May 2022  
3/5/22  
22  
Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

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



**"B"**

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

No. 7924 22

Appeal No. Sayed Amir of 20 ..

Appellant/Petitioner  
Through Secy Home & Tribal Affairs KPK Peshawar  
Respondent

Respondent No. Govt of KPK through Secy Home & Tribal Affairs  
Civil Secretariat Peshawar  
Notice to: —

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case 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.....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..... 12th

Given under my hand and the seal of this Court, at Peshawar this.....  
Day of.....20 ..

For Regy

*[Signature]*

*[Signature]*  
Registrar,

**Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.**

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