

Sr. No.	Date of order/ proceedings	Order or other proceedings with signature of Judge/ Magistrate
1	2	3
1.	10.06.2015	<p style="text-align: center;"><u>KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,</u> <u>PESHAWAR.</u></p> <p style="text-align: center;">Appeal No. 197/2014</p> <p style="text-align: center;">Muhammad Saleem Versus Government of Khyber Pakhtunkhwa through Chief Secretary, Peshawar etc.</p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p style="text-align: center;"><u>PIR BAKHSH SHAH, MEMBER.-</u> Appellant with counsel (Mr. Noor Muhammad Khattak, Advocate) and Government Pleader (Mr. Muhammad Jan) for the respondents present. Arguments already heard.</p> <p>2. This appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 is against the impugned order dated 23.12.2013 of the competent authority whereby the appellant has been compulsorily retired from service and against the order dated 07.02.2014, whereby his departmental appeal has been rejected by the appellate authority.</p> <p>3. According to record, charge sheet dated 04.10.2013 was issued to the appellant containing the following charges:-</p> <p style="padding-left: 40px;">"You Head Constable Muhammad Saleem No. 540 while posted in Police Station Wari were allegedly guilty of misconduct for attempting to bring political and outside influence directly to bear on District Police and unwarranted interference in the financial matters of District Police. This shows gross misconduct &amp; prima facie malafide intent on your part."</p>

Charge sheet was also accompanied by statement of allegations which shows that Khurram Rashid (PSB) District Police Officer was appointed as enquiry officer who conducted the enquiry and submitted his enquiry report dated 12.10.2013; recommending therein that the appellant may be dismissed from service.

4. The learned counsel for the appellant submitted that the entire proceedings are against the spirit of law and natural justice for the reason that the competent authority who charge sheeted the appellant also conducted enquiry against the appellant. It was further submitted that on his transfer from the district, the enquiry officer relinquished charge on 12.10.2013 whereas the enquiry report was submitted after relinquishment of charge. It was also submitted that no evidence was collected by the enquiry officer and charges against the appellant are never proved. He submitted that the punishment is too harsh, therefore, the impugned orders may be set aside and the be reinstated into service.

5. The learned Government Pleader resisted the appeal on the ground that all codal formalities have been fulfilled and the impugned order shows that as the enquiry report was received by D.P.O Dir lateron, therefore, the same enquiry report cannot be discarded merely on this ground. He submitted that the appeal may be dismissed.

6. Arguments already heard. Record perused.

7. From careful perusal of the record, we have observed that charge sheet, statement of allegations as well as enquiry was conducted by one and the same officer and that also in a hurry. Hence, requirement of spirit of natural justice and law has been mutilated. The enquiry report does not show that statement of any witness has been recorded. It is evident from perusal of the record that no instance of political influence or corruption has been cited and the charges thus seems to be vague and unspecific nor substantiated through any evidence or probe. The record further reveals that after the impugned order of the competent authority, the appellant has made a well-pleaded appeal with cogent reasons and the appellate authority has not shown the reasons as to why departmental appeal of the appellant was not acceptable.

8. For the afore-stated reasons, the impugned orders dated 23.12.2013 and 07.2.2014 cannot be maintained. The same are set aside. The appellant is reinstated into service. The case is remitted to the respondent-department for fresh departmental enquiry against the appellant strictly in accordance with law. Back benefits etc. will be subject to the outcome of fresh proceedings. The appeal is disposed of accordingly in the above terms. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED  
10.06.2015

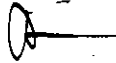
  
(ABDUL LATIF)  
MEMBER

  
(PIR BAKHSH SHAH)  
MEMBER

197/14

20.05.2015

Appellant in person and Mr. Muhammad Jan, GP for the respondents present. Due to rush of work, case is adjourned to 10.6.2015, *for order.*



MEMBER



MEMBER

10.6.2015

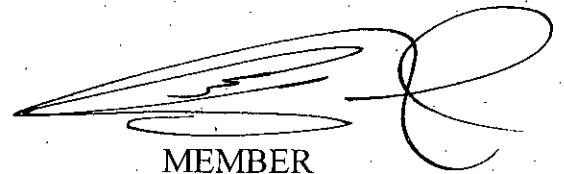
Appellant with counsel and Mr. Muhammad Jan, Government Pleader for the respondents present. Arguments already heard. Record perused. Vide our detailed judgment of to-day and placed on file, this appeal is disposed of as per detailed judgment. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED

10.06.2015



MEMBER



MEMBER

1.1.2015

Junior to for the appellant and Mr. Muhammad Adeel Butt, AAG with Attaullah, Inspector for the respondents present. The Tribunal is incomplete. To come up for the same on 25.2.2015.

  
READER

25.2.2015

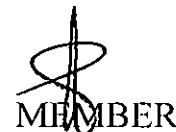
Appellant with counsel and Addl. A.G with Rashid Ahmad, Inspector (Legal) for the respondents present. The learned Judicial Member is on official tour to D.I.Khan, therefore, case is adjourned to 7.4.2015 for arguments.

  
MEMBER

07.4.2015

Counsel for the appellant, and Mr. Muhammad Jan, GP with Rasheed Ahmad, Inspector (Legal) for the respondents present. Arguments heard. To come up for order on 06.5.2015.

  
MEMBER

  
MEMBER

06.05.2015

Appellant with counsel and Mr. Muhammad Jan, GP with Rasheed Ahmad, Inspector (Legal) for the respondents present. The learned Member (Judicial) is on leave, therefore, case to Butt, AAG with Attaullah, Inspector for the respondents present come up for order on 19.05.2015.

  
MEMBER

10.6.2014.

File received from the learned Bench-I and order sheet dated 29.5.2014 perused.

Counsel for the appellant and Mr. Muhammad GP present. Fresh notices be issued to the respondents and case to come up for written reply on 16.7.2014.

MEMBER

MEMBER

16.7.2014

Appellant in person and AAG with Mr. Muhammad Siar, ASI for the respondents present and reply filed. Copy handed over to counsel for the appellant. To come up for rejoinder on 03.09.2014.

MEMBER

MEMBER

03.09.2014

Appellant with counsel and Mr. Muhammad Adeel Butt, AAG with Muzafar Khan, SI (Legal) for the respondents present. Rejoinder received. Copy handed over to the learned AAG. To come up for arguments on 26.11.2014.

MEMBER

27.11.2014

Counsel for the appellant and Mr. Muhammad Jan, GP with Ijaz, PSI for the respondents present. The Tribunal is incomplete. To come up for the same on 01.1.2015.

MEMBER

11.03.2014

Counsel for the appellant present and submitted an application for early hearing of the instant appeal instead of 09.04.2014. Case file requisitioned. Application accepted. Preliminary arguments heard and case file perused. Counsel for the appellant contended that the appellant has not been treated in accordance with law/rules. Against the order dated 23.12.2013, he filed departmental appeal which has been rejected on 07.02.2014, hence the instant appeal on 17.02.2014. He further contended that the appellant has been treated under a wrong law and the impugned final order dated 07.02.2014 has been issued in violation of Rule-5 of the Civil Servant (Appeal) Rules-1986. Points raised at the Bar need consideration. The appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notices be issued to the respondents for submission of written reply/comments on 29.05.2014.

Appellant Deposited  
Security & Process Fee  
Rs. 2000/- Bank  
Receipt is Attached with File.

11.03.2014

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

Member

Chairman

29.5.2014


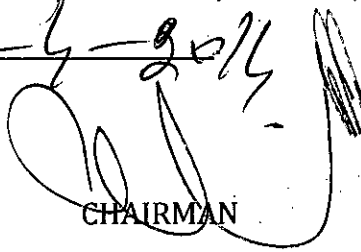
Counsel for the appellant present. Respondents are not present despite their service through the concerned official/registered post. However, the learned counsel for the appellant stated that similar nature cases, involving identical issues for determination, are pending before learned Bench-II, and fixed for further proceedings on 10.6.2014. In order to avoid conflicting decisions and for convenience of both the parties, this appeal alongwith connected appeals are also entrusted to learned Bench-II ~~where~~ <sup>where</sup> the parties are directed to appear for further proceedings alongwith connected appeals pending there on 10.6.2014.

Chairman

Form- A  
FORM OF ORDER SHEET

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

Case No. 197/2014

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	17/02/2014	<p>The appeal of Mr. Muhammad Saleem presented today by Mr. Noor Muhammad Khattak Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	19-2-20/14	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>9-4-20/14</u></p> <p style="text-align: right;"> CHAIRMAN</p>



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

APPEAL NO. 197 /2014

**MOHAMMAD SALEEM**

**VS**

**POLICE DEPTT:**

**INDEX**

<b>S.NO.</b>	<b>DOCUMENTS</b>	<b>ANNEXURE</b>	<b>PAGE</b>
<b>1.</b>	Memo of appeal	.....	1- 3.
<b>2.</b>	Show cause notice	<b>A</b>	4.
<b>3.</b>	Reply to show cause notice	<b>B</b>	5- 11.
<b>5.</b>	Impugned order	<b>C</b>	12.
<b>6.</b>	Departmental appeal	<b>D</b>	13- 14.
<b>7.</b>	Rejection order	<b>E</b>	15.
<b>8.</b>	Vakalat nama	.....	16.

**APPELLANT**

**THROUGH:**

  
**NOOR MOAHAMMAD KHATTAK**  
**ADVOCATE**

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

APPEAL NO. 197 /2014

209  
17-2-14

Mr. Muhammad Saleem, Head Constable No.540,  
O/O District Police Officer, District Dir Upper

.....Appellant

**VERSUS**

- 1- The Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
- 2- The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
- 3- The Deputy Inspector General of Police, Malakand Region at Saidu Sharif, Swat.
- 4- The District Police Officer, District Dir Upper.

..... Respondents

**APPEAL UNDER SECTION-4 OF THE SERVICE TRIBUNALACT 1974 AGAINST THE IMPUGNED APPELLATE ORDER DATED 07-02-2014 WHEREBY THE DEPARTMENTAL APPEAL OF APPELLANT FOR RE-INSTATEMENT WITH ALL BACK BENEFITS HAS BEEN REJECTED ON NO GOOD GROUNDS AND AGAINST THE ORIGINAL IMPUGNED ORGER DATED 23-12-2013 WHEREBY MAJOR PUNISHMENT OF COMPULSORY RETIREMENT WAS IMPOSED ON THE APPELLANT UNDER A WRONG LAW**

**PRAYER:**

That on acceptance of this appeal the impugned orders dated 23-12-2013 and 07-02-2014 may very kindly be set aside and the respondents may be directed to re-instate the appellant with all back benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

**R/SHEWETH:**

**ON FACTS:**

- 1- That the appellant is the employee of the respondent Department for more than eleven (11) years of service at his credit. That right from appointment till impugned order dated 23-12-2013 the appellant has served the respondent Department quit efficiently and up to the entire satisfaction of his superiors.

- 2- That appellant while serving as Head Constable in the Police Station Wari District Dir Upper the appellant served with show cause notice vide dated 22-10-2013 on the allegation that the appellant is guilty of gross misconduct for attempting to bring political and outside influence directly to bear on District. That in response to the said show cause notice the appellant submitted his reply and denied the allegation with proof. Copies of the show cause notice, and reply are attached as annexure ..... **A & B.**
- 3- That vide order dated 23-12-2013 the appellant was awarded major punishment of compulsory retirement from service by the respondent No.4 without conducting regular inquiry in the matter and under a wrong law i.e. Police Rules 1975. That feeling aggrieved and having no other remedy the appellant filed Departmental appeal against the impugned order dated 23/12/2013 but the same was rejected on no good grounds vide order dated 07-02-2014. Copies of order dated 23-12-2013, Departmental appeal and rejection order are attached as annexure ..... **C, D & E.**
- 4- That appellant feeling aggrieved from the impugned orders dated 23-12-2013 and 07-02-2014 and having no other remedy filed this appeal on the following grounds amongst the others.

**GROUND:**

- A- That the impugned orders dated 23/12/2013 and 07/02/2014 are against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside.
- B- That appellant has not been treated by the respondent Department in accordance with law and rules on the subject noted above and as such the respondents violated article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That no charge sheet and statement of allegations has been served on the appellant by the respondent Department before issuing the impugned order dated 23/12/2013.
- D- That no chance of personal hearing/ defense has been given to the appellant before issuing the impugned order dated 23/12/2013.
- E- That no regular inquiry has been conducting against the appellant before issuing the impugned order dated 23.12.2013 which as per Supreme Court judgments is necessary in punitive actions against the civil servants.

- F- That the action against the appellant has been taken by the respondent Department under a wrong law i.e. under Police Rules 1975, therefore the impugned order dated 23-12-2013 is void ab initio under the law.
- G- That the appellant seeks permission to advance other grounds and proofs at the time of hearing.

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

**APPELLANT**



**MUHAMMAD SALEEM**

**THROUGH:**



**NOOR MUHAMMAD KHATTAK  
ADVOCATE**

Attention to Mr. Mahmood I Hassan  
DSP (Legal) A-4

**FINAL SHOW CAUSE NOTICE.**

1. **WHERE AS**, you Head Constable Muhammad Saleem No. 540 while Posted in Police Station Wari you are guilty of gross misconduct for attempting to bring political & outside influence directly to bear on District Police and unwarranted interference in the financial matters of District Police as shown by Enquiry Officer Dr. Muhammad Khurram Rashid (PSP), Ex- DPO Upper Dir. This shows gross negligence & *prima facie mala fide* intent on your part.
2. **WHERE AS**, The Enquiry Officer finalized the enquiry proceeding given you full opportunities of defence. The Enquiry Officer held you guilty of the charges leveled against you as per Charge Sheet.
3. **AND WHERE AS**, Ongoing through the finding and recommendation of Enquiry Officer, The material placed on record including your defence before the said Enquiry Officer, I am satisfied you have committed the misconduct and are guilty of the charge leveled against you which stand proved and render you liable to be awarded punishment under Police Rules 1975.
4. **NOW THEREFORE, I MUHAMMAD JAVAID DISTRICT POLICE OFFICER DIR UPPER**, as competent authority have tentatively decided to impose upon you, any one or More penalties under the said Police Rules 1975.

You are therefore, required to Show Cause within seven days of the receipt of this notice, as to why the penalty / punishment should not be imposed upon you, failing which it shall be presumed that you have no defence to offer and ex-parte action shall be taken against you. Meanwhile also intimate whether you desire to be heard in person or otherwise.

*Javai*  
District Police Officer,  
Dir Upper.

No. 3939 /EB, Dated 22/12/2013.

order-

Awarded a major punishment &  
compulsory Retirement.

*Javai*

24/12/13

ATTESTED ✓

*MJ*

B-(5)

بحوالہ مشمولہ فائنل شوکار نوٹس نمبری EB/3939 مورخہ 22.10.2013

معروضی ہونے کے سبب مسائل نے نہ تو اپنی ڈیوٹی میں کوئی کوتاہی کی ہے اور نہ کوئی سفارش کرائی ہے۔ مورخہ 6.8.2013 کو میرا تبادلہ دفتر پے برانچ سے تھانہ واڑی ہو کر بمورخہ 7.8.2013 تھانہ واڑی میں حاضری کر کے تاحال اپنے فرائض منصبی نہایت ایمانداری سے سرانجام دے رہا ہوں۔ مورخہ 27.9.2013 جناب DIG صاحب ملاکنڈ نے میرا تبادلہ ضلع ڈیر بالا سے ضلع چترال کر کے بمورخہ 1.10.2013 میں دفتر DPO صاحب بخرض و مسولی تنخواہ و اجازت برائے روانگی ضلع چترال کے لئے جناب DPO صاحب کے دیگر امور میں مصروف رہنے کی وجہ سے میں پیش نہ ہو سکا۔ اس سبب مسائل 2002 میں محکمہ پولیس میں بھرتی ہو کر تاحال اپنے فرائض منصبی نہایت ایمانداری سے سرانجام دی ہیں اور اس عرصہ کے دوران نہ تو افسران بالا نہ عوام اور نہ کسی دیگر شخص کو میرے خلاف کوئی شکایت ہوئی ہے۔ نیز میں Financial Matters میں مداخلت کے بارے میں سوچ بھی نہیں سکتا اور نہ اس بارے میں کوئی واضح الزام موجود ہے شوکار نوٹس میں لگائے گئے الزامات سنی سنائی باتوں پر مشتمل اور خلاف واقعات ہیں جن سے مسائل کا کوئی تعلق نہ ہے۔ لہذا استدعا ہے کہ فائنل شوکار نوٹس متذکرہ بالا مزید کارروائی کے داخل دفتر کرنے کا حکم صادر فرمایا جائے۔ یہ میرا بیان ہے۔

Dr. ...  
Gille Poston  
25-1-2013

ATTESTED

Mg

POLICE DEPARTMENT.

DISTT: DIR UPPER.

O R D E R.

Mr. Muhammad Salam Son of


Arab Khan Village Katan Police Station Landagan

Distt: Dir (U) Enlisted as Temporary Constable time scales

With effect from 1-2-2002 and allotted to Constabulary

No. 540 Height 5-10 Chest 33 1/2 x 35

Education 10th age 12-4-83

  
Superintendent of Police,  
Distt: Dir Upper.

O.B.NO. 80

Dated. 2-2-2002

**ATTESTED**



38  
139

دست افامہ  
ORDER

The following transfers/postings of officers/officials is hereby ordered with immediate effect until further order.

- 1) Nasirullah No 166 Police line to GD Ps kalka
- 2) Jan Muhammad 1335 Roznachp. L to GD Ps "
- 3) Obaid Ullah 991 " to " "
- 4) Sami Ullah 994 Police lines to orderly P. clu
- 5) M. G. Smail 523 SPO " to "
- 6) Rahman Wazir 139 HC DPO office to HC Ps K. ko
- 7) Nazir Ahmad 586 DPO House to GD Ps - Div.
- 8) Tahir Zada 738 Police line to Telephone operato<sup>ho</sup>
- 9) Rahim Ullah 100 P/lines to I.B. office Guana
- 10) Yousof 213 P/lines to " "
- 11) Naeem Jan P/lines to Dist: account office<sup>Di</sup>
- 12) Israr Ahmad 632 MT-Branch to GD Ps wari
- 13) Noor Rahman 235 " to " "
- 14) Tili Mohammad HC Driver ASPHQ to P/lines
- 15) Zahir Rahman Driver ps k. kot to GD Ps S. Ab
- 16) Yousof 227 Control Room GD Ps S. Abad
- 17) Alamgeer 767 " " k. kal
- 18) Jamil 1294 " " "
- 19) Sami Ullah " " S. gal
- 20) Soqod 1209 Ps S. Abad to GD P/lines
- 21) Akram Ullah 440 P/lines to GD Ps S. Abad



- 22 Said Ali Jan CV HC officia to cleaner Ps k kot
- 23 Riaz Khan HC Road Branch to HC Ps S. Abad
- 24 Anwar Zob Ps S-Abad to N. 1/2 G-G
- 25 Rahmat Khan 416 BDS to G-G.
- 26 Inamullah 1308 Ps. S. Abad Clothing Brodcast
- 27 Said M. 653 hwy wing to N. 1/2 clothing "
- 28 Murad Ali 1057 PP Sharmai to MM P/Lines
- 29 Javid 1189 HC P/Lines to AMHC P/Lines.
- 30 Jan M. 1397 P/Lines to N. 1/2 General Mass
- 31 M. Salim 540 HC TA Clerk to HC Ps wari 1200
- 32 Juntiaz 1158 Driver ASP Metro Driver Traffic
- 33 Husan ul Haq Ps Sharnjal to D. ASP HO
- 34 Lal M 1311 Ps k-kot. to P-Lines
- 35 Waqifullah 1110 Ps k-kot to " "
- 36 Rehman ullah 1287 Ps k-kot to " "
- 37 Nazam ullah 323 " " "
- 38 M. Nawaz 665 " " "
- 39 Shahid Azam 44 Ps Sgal to " "
- 40 Younas 759 Ps. S-Abad to " "
- 41 Afzal Hosain 1237 Ps wari to " "
- 42 Babul Hosain 1182 " " " "
- 43 Zahid ullah 851 P/Lines Telephone <sup>DPO Hozjo</sup> <sub>of order</sub>
- 44 Bashir 430 MT Police lines to Driver <sup>Kabestan</sup> SDPS

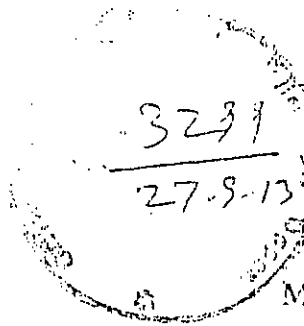
ATTESTED District Police Officer  
 Upper Div.  
 6-8-018

26

9

ORDER:

Head Constable Muhammad Saleem No. 540 of Dir Upper District is hereby transferred and posted to Chitral District with immediate effect and till further order.



*Abdullah Khan*  
ABDULLAH KHAN) PSP  
Regional Police Officer,  
Malakand, at Saidu Sharif Swat  
\*Naqi\*

No. R931-33 /E,

Dated 26-09 /2013.

Copy for information and necessary action to the:-

1. District Police Officer, Dir Upper.
2. District Police Officer, Chitral.
3. Registrar CPO, Peshawar.

\*\*\*\*\*

OB/Ec/Naqi

*D/O Dir Upper*  
27/9/13

OB No 566

27-1-10-13

**ATTESTED**

*17/9*

Attention to Mr. Mohamed W. Hassan DSP Legal ✓ (10)

OFFICE OF THE  
DISTRICT POLICE OFFICER  
DIR UPPER  
\*\*\*\*\*

Subject: ENQUIRY REPORT: GENERAL POLICE PROCEEDING AGAINST HC MUHAMMED SALEEM (No. 540) BY DPO UPPER DIR AS ENQUIRY OFFICER

Background:

1. HC Muhammed Saleem (No. 540) is alleged to have attempted to bring political and outside influences to directly bear on District Police and of unwarranted interference in the financial matters of District Police.
2. He has been issued a Show Cause Notice vide 3744/EB dated 03/10/2013.
3. Departmental Proceedings have been initiated against him under Police Rules 1975 ; General Police Proceedings have been initiated against him and I, Dr. M. Khurram Rasheed, PSP as DPO Upper Dir have conducted the Enquiry as the Enquiry Officer.

Proceedings:

1. HC Muhammed Saleem (No. 540) has been issued a Show Cause Notice vide 3744/EB dated 03/10/2013.
2. HC Muhammed Saleem (No. 540) has been given personal hearings to his satisfaction during the course of this Enquiry.
3. HC Muhammed Saleem (No. 540) has submitted a written reply as regards the allegations levelled against him.

Facts:

1. HC Muhammed Saleem (No. 540) brought perpetual/unending political and outside influences to directly bear on District Police for the getting himself re-posted as TA Clerk of District Police Upper Dir.
2. HC Muhammed Saleem (No. 540) *mala fidely*, vindictively & criminally deleted the computerised database (for Pay purposes) of the entire Constabulary from the Pay Branch (the aforementioned database had to be subsequently re-established)

Findings:

It is the finding of this Enquiry Report that HC Muhammed Saleem (No. 540) is found guilty of not only attempting to bring political and outside influences to directly bear on District Police but also of unwarranted interference in the financial matters of District Police.

Recommendation:

It is the recommendation of this Enquiry Report that HC Muhammed Saleem (No. 540) may be Dismissed from Service for *mala fidely* attempting to bring political and outside influences to directly bear on District Police and of unwarranted interference in the financial matters of District Police ; and for *mala fidely*, vindictively & criminally deleting the computerised database (for Pay purposes) of the entire Constabulary from the Pay Branch.

Dr. M. Khurram Rasheed, PSP  
DPO Upper Dir

No. 3846 / 1 Dated: 12-10-2013

ATTESTED

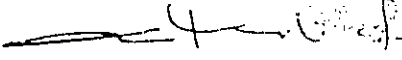
*[Signature]*

SEPA...  
100...  
2013...  
10/10/13

(11)

RELINQUISH CHARGE REPORT.

In connection with the notification issued vide by Provincial Police Officer Khyber Peshawar No. 25497/E-1. Dated 10.10.2013. I Dr. Khurum Rashid BPS District Police officer have relinquished the charge of the Office of the District Police Officer Upper Dir today on 10.10.2013 (AN).


  
(Dr. Khurum Rashid)  
District Police Officer,  
Upper Dir.

OFFICE OF THE DISTRICT POLICE OFFICER UPPER DIR.

No. 3878 - 99/EB, dated Upper Dir the 10/10/2013.

Copy of above is submitted to the:

1. Secretary, Govt: of Pakistan, Establishment Division Islamabad.
2. Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
3. Secretary, Govt: Khyber Pakhtunkhwa; Home and T.As, Deptt: Peshawar.
4. Secretary to Chief Minister, Khyber Pakhtunkhwa, Peshawar.
- 5. Secretary, Govt: Khyber Pakhtunkhwa, Estab: and Admn: Deptt: Peshawar.
- ✓ 6. Director (PD) Establishment Division Govt: of Pakistan, Islamabad.
- ✓ 7. Deputy Secretary (CP-5), Govt: of Pakistan, Cabinet Secretariat Estab: Division Islamabad.
8. Addl: IGsp / Head Quarters, operation, Investigation, Elite Force and Spec Branch Khyber Pakhtunkhwa, Peshawar.
9. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
10. Capital City Police Officer, Peshawar.
11. DISG / Hazara, Malakand HQrs Khyber Pakhtunkhwa, Peshawar.
12. Accountant General, Khyber Pakhtunkhwa, Peshawar.
13. AIG / Establishment CPO, Peshawar.
14. DPOs / Upper Dir and Mansehra.
15. DAOs / Upper Dir and Mansehra.
- 16. S.O (Police E-3), Govt: of Pakistan Estb: Division, Islamabad.
17. PSO to IGP Khyber Pakhtunkhwa, CPO Peshawar.
18. Registrar, Central Police Office, Peshawar.
19. Accountant, CPO Peshawar.
20. Supdt: Secret, CPO Peshawar.
21. Manager national Bank of Pakistan, Upper Dir Branch.
22. U.O.P File.

**ATTESTED**  


Attention to Mr. Mahmood ul Hassan DSP  
(Legal) ✓ C-12

**ORDER.**

This order is passed on the Departmental Enquiry against HC Muhammad Saleem No. 540 while posted in Police Station Wari.

Allegations leveled against the above named defaulter HC is that while posted in PS Wari, was guilty of misconduct for attempting to bring political and outside influence directly to bear on District Police and unwarranted interference in the financial matters of District Police. He also brought perpetual / unending political and outside influence to directly bear on District Police Officer, for the getting him-self re-posted as TA Clerk of District Police Upper Dir. He mala fidely, vindictively & criminally deleted the computerized database (for pay purposes) of the entire Constabulary from the Pay Branch.

In order to initiate proper Departmental Enquiry, Charge Sheet and Statement of allegations were served upon him. Dr. Muhammad Khurram Rasheed (PSP) District Police Upper Dir was appointed as Enquiry Officer. The Enquiry Officer in its finding report stated that the defaulter HC is liable / guilty and recommended him for Dismissal.

On the receipt of the finding report and other connected papers the same was perused, he served Final Show Cause Notice vide this Office Endst: No. 3939/EB Dated 22/10/2013, on the receipt of reply. The above named defaulter Official was called and heard in person in Orderly Room, but he could not defend himself. The enquiry papers were perused and his guilt has been proved beyond any shadow of doubt.

The Case in hand is fit for dismissal but keeping in view his long service & poor family background, the under signed is taking a lenient step against the defaulter HC MUHAMMAD SALEEM NO. 540 of this District Police i.e awarded PUNISHMENT COMPULSORY RETIRED with immediate effect. The Kit/other uniform articles shall immediately be deposited from him in the District Godown.

Order announced.

OB No 822

Dt. 23-12-2013.

**ATTESTED**

*M. A.*

*Jari*  
District Police Officer

Dir Upper.

بخدمت جناب DIG صاحب ملاکنڈ بمقام سید و شریف سوات۔

(اپیل برخلاف حکم جناب DPO صاحب دیر بالا بحوالہ OB نمبر 822

مورخہ 23.12.2013 جسکی رو سے من سائل اپیلٹ محمد سلیم نمبر 540/HC کو

جبری ریٹائرمنٹ کی سزا سنائی گئی۔)

استدعا۔ بمظوری اپیل ہذا حکم جناب DPO صاحب دیر بالا منسوخ و کالعدم قرار دیا جا کر سائل کو

مورخہ 23.12.2013 سے اپنے عہدہ پر بحال کرنے کا حکم صادر فرمایا جائے۔

جناب عالی! گزارش حسب ذیل ہے۔

1- یہ کہ سائل بمورخہ 2.2.2002 کو بحیثیت کنسٹیبل بھرتی ہو کر تاحال اپنے فرائض منصبی نہایت

ایمانداری سے انجام دی ہے۔ اور کبھی بھی سائل کے خلاف کوئی شکایت وغیرہ نہیں ہوئی ہے۔

2- یہ کہ سائل کو بحوالہ حکم نمبر 33/E-8931 مورخہ 26.9.2013 ضلع دیر بالا سے ضلع چترال تبادلہ کا

حکم جاری کیا گیا مگر سائل کو Relieve نہیں کیا گیا اور مورخہ 03.10.2013 کو شوکا ز نوٹس دیا گیا۔

3- یہ کہ سائل کو بمورخہ 10.10.2013 دفتر DPO صاحب نے بذریعہ فون آگاہ کیا کہ کل

11.10.2013 کو جناب DPO صاحب کو پیشی ہے۔ مگر جب سائل دفتر DPO صاحب کو بمورخہ

11.10.2013 پہنچا تو معلوم ہوا کہ DPO صاحب رات کے وقت تبادلہ کی صورت میں مانسہرہ

تشریف لے جا چکے ہیں اور اس طرح سائل کی DPO صاحب کو پیشی نہ ہو سکا۔ تو سائل نے شوکا ز نوٹس کا جواب

دفتر ہیڈ کوارٹر میں جمع کرایا۔

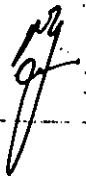
4- یہ کہ حکم جناب DPO صاحب مورخہ 23.12.2013 سے معلوم ہوا کہ سائل کے خلاف یکطرفہ انتقامی

کارروائی کی گئی ہے اور یہ امر واضح ہے کہ سابقہ DPO صاحب نے مورخہ 12.10.2013 کو قائمہ نگار

رپورٹ میں سائل کو گناہ کار قرار دیا ہے حالانکہ DPO صاحب مذکورہ مورخہ 10.10.2013 کو DPO دیر

بالا کا چارج چھوڑ چکے تھے۔ (نقل چارج) رپورٹ DPO صاحب لف ہے۔ اس طرح حکم معترضہ میں سائل کو

ATTEN



چارج شیٹ دینے کا ذکر ہے حالانکہ سائل کو کوئی چارج شیٹ موصول نہیں ہو اور ایک فرضی نمبر دیا گیا ہے۔

5- یہ کہ سائل کو موجود DPO صاحب نے مورخہ 24.12.2013 کو پیشی کے لئے بلایا۔ سائل بوقت 15:30 بجے جناب DPO صاحب پیش ہو کر اپنے معروضات سے آگاہ کیا بعد میں معلوم ہوا کہ سائل کو مورخہ 23.12.2013 کو جبری ریٹائرمنٹ کی سزا پہلے سے سنائی گئی ہے۔ جو کہ قانون کی کھلی خلاف ورزی ہے اور سائل کو اپنا موقف پیش کرنے کا کوئی موقع نہیں دیا گیا۔

6- یہ کہ سائل کے خلاف جو الزامات لگائے گئے ہیں وہ سراسر سنگھڑت غلط اور بے بنیاد ہیں۔ کیونکہ سائل کو بحوالہ آرڈر بک نمبر 439 مورخہ 6.8.2013 کو بے برانچ سے تھانہ واڑی تبدیل ہوا تھا سائل نے مورخہ 7.8.2013 کو اپنے جانے تعیناتی پر حاضری کی رپورٹ کی ہے۔ اور بے برانچ میں تعیناتی کے دوران سائل کے خلاف اس قسم کا کوئی الزام نہیں تھا اور نہ بدوزان انکوائری ایسی کوئی شہادت پیش کی گئی ہیں کہ سائل نے کوئی کوتاہی کی ہو۔

7- یہ کہ سائل کے خلاف کسی قسم کی کوئی انکوائری سرے سے نہیں کی گئی ہے بلکہ سابقہ DPO صاحب نے خود سائل کے خلاف الزامات لگا کر خود ہی اپنے آپ کو انکوائری آفیسر مقرر کر کے فائنڈنگ رپورٹ فرضی طور پر مرتب کی ہے۔

بالا لیکہ مورخہ 12.10.2013 صاحب موصوف بطور DPO ما سہرہ تعینات تھے نہ کہ DPO دیر بالا۔ مزید برآں مورخہ 12.10.2013 کو تھے کاؤن اور چھٹی بھی تھی۔

یہ کہ سائل بالکل بے قصور ہے اور سائل کے مخالفین نے سابقہ DPO صاحب کے کان بھرا کر سائل کے خلاف غیر قانونی طور پر برخلاف قانون انتظامی کارروائی عمل میں لائی گئی ہے۔ اور الزامات کے ثبوت کے طور پر کسی بھی قسم کی شہادت نہیں لی گئی ہیں۔

لہذا استدعا ہے کہ منظور فرمایا جائے کہ سائل کو آسٹریٹارنچ سے بھرتہ جملہ مراعات اپنے عہدہ پر بحال کرنے کا حکم صادر فرمایا جائے۔

تاجیات دُعا گور ہوگا۔

الغرض۔

سائل محمد سلیم ولد عرب خان (مترجم) سابقہ HC سکٹہ کاشن تھانہ گنڈاپار ضلع دیر بالا۔

ATTESTED



E-15

**OFFICE OF THE REGIONAL POLICE OFFICER, MALAKAND REGION, AT SAIDU SHARIF SWAT**

**ORDER:**


This order will dispose off the appeal preferred by Ex-HC Muhammad Salim No. 540 of Dir Upper District for reinstatement in service.

Brief is that, the above named Ex-Head Constable while posted as TA Clerk Police Lines Upper Dir, he was guilty of misconduct for attempting to bring political and outside influence on District Police and unwarranted interference in the financial matters of District Police. He also brought perpetual / unending political and outside influence to directly bear on District Police Officer for getting himself reposted at TA Clerk of District Police Officer, Dir Upper. He vindictively and criminally deleted the computerize data (for pay purposes) of the entire Constabulary from the pay Branch.

He was proceeded against departmentally and was found guilty not only for attempting to bring political and outside influence but also of unwarranted interference in the financial matters of the District Police. He was called in orderly room by District Police Officer, Dir Upper but he could not defend himself and so he was awarded major punishment of compulsory retirement from service under Police Rules 1975 vide District Police Officer, OB NO. 822 dated 23/12/2013.

The appelland was called in Orderly Room on 07/02/2014 and heard in person, but he did not produce any substantive materials in his defense. Therefore I uphold the order of District Police Officer, Dir Upper, whereby the appelland has been awarded major punishment for compulsory retirement from service.

Order announced.

  
(ABDULLAH KHAN) PSP  
Regional Police Officer,  
Malakand, at Saidu Sharif Swat  
\*Naqi\*

No. 1192-93 /E,

Dated 7-2 /2014.

Copy for information and necessary action to the:-

1. District Police Officer, Dir Upper with reference to his office Memo: No. 288/EB, dated 27/01/2014.
2. Ex-HC Muhammad Salim No 540 of Dir Upper District.

\*\*\*\*\*

**ATTESTED**





**VAKALATNAMA**

IN THE COURT OF KPK Service Tribunal Peshawar

OF 2014

Mohammad Saleem

(APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

**VERSUS**

Police Department

(RESPONDENT)  
(DEFENDANT)

I/We Mohammad Saleem

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. \_\_\_\_/\_\_\_\_/2014



**CLIENT**



**ACCEPTED**

**NOOR MOHAMMAD KHATTAK  
(ADVOCATE)**

**OFFICE:**

Room No.1, Upper Floor,  
Islamia Club Building, Khyber Bazar,  
Peshawar City.

Phone: 091-2211391

Mobile No.0345-9383141

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

C.M. NO. \_\_\_\_\_ / 2014

IN APPEALS NO. 197 / 2014

**M.Saleem & 3 others**

**VS**

**Police Department**

**APPLICATION FOR EARLY HEARING OF**  
**THE ABOVE MENTIONED APPEALS**

**R.SHEWETH:**

- 1- That the above mentioned appeals are pending adjudication before this august Court in which ~~9-4-2014 date is~~ *filed for hearing.*
- 2- That in the above mentioned appeals the appellants assailed their impugned order dated 11.12.2013 due to which they were compulsory retired from service under a wrong law and without conducting regular inquiry in the matter.
- 3- That the interest of justice demands that such like matters should be heard as early as possible to meet the ends of justice and also to meet the principles of access to justice.

It is therefore most humbly prayed that on acceptance of this application the appeals in hand may be heard on an early date to meet the ends of justice.

**APPELLANTS**

**THROUGH:** *gf*  
**NOOR MOHAMMAD KHATTAK**  
**ADEVOCATE**

**AFFIDAVIT:**

It is affirm that the contents of this application are true and correct to the best of my knowledge and belief and nothing has been concealed from this august Court.

*for to*  
*gf*  
**DEPONENT**  
*11/3/14*

(1)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**

**PESHAWAR.**

**SERVICE APPEAL NO. 200/2014.**

Mr. Mohammad Salim Head Constable No. 540.....Appellant.

**VERSUS**

The Govt: of K.P through chief secretary & others.....Respondents.

**PARA-WISE COMMENTS ON BEHALF OF RESPONDENTS.**

Respectfully sheweth:

**PRELIMINARY OBJECTIONS :-**

1. That the present service appeal is not maintainable in its form.
2. That the instant service appeal is time barred.
3. That the appellant has not come to this August Tribunal with clean hands.
4. That the appellant has concealed the material facts from this Honorable Tribunal.
5. That the appellant is stopped by his own conduct to file the instant appeal.

**ON FACTS.**

1. Correct to the extent of service, the rest of the para pertains to record.
2. Correct to the extent of show cause Notice, allegation contained therein and reply submitted by the appellant. However the reply to show cause notice was found unsatisfactory and without cogent proof. (copy of reply is annexed as annexure "A")
3. Correct to the extent of punishment, the rest of para is incorrect.

The punishment is in accordance with law & rules. The respondents have completed all the codal formalities. The

departmental appeal was rejected as his guilt was proved beyond any shadow of doubt.

4. Needs no comments.

**ON GROUNDS.**

- A. In-correct, both the orders are in accordance with law and rules.
- B. In-correct, no article of constitution has been violated by the respondents and the appellant has been treated according to the law and rules.
- C. Incorrect the appellant was served with the formalities of law and Mr. Mohammad Khurram Rasheed (PSP) District Police Officer, Dir Upper was appointed as enquiry officer.(charge sheet and statements of allegation annexed) as "B" & "C")
- D. Incorrect, proper opportunity of personal hearing/defence was provided to the appellant.
- E. In-correct, proper departmental enquiry was conducted against the appellant.
- F. In-correct, the action against the appellant has been taken in accordance with the law. The Police rules 1975 is still implemented as Police order 2002 given protection to it.
- G. The respondent also seeks permission to advance other grounds and proofs at the time of hearing.

**PRAYER.**

It is therefore humbly prayed that on acceptance this para-wise comments the instant services appeal may graciously be dismissed with costs.

*Ali*

**Respondents No. 1**  
Chief Secretary Khyber  
Pakhtunkhwa Peshawar.  
Chief Secretary  
Govt. of Khyber Pakhtunkhwa

*[Signature]*

**Respondents No.2**  
Inspector General of Police,  
Khyber Pakhtunkhwa Peshawar.  
*AKIL*

*[Signature]*

**Respondents No. 3**  
Deputy Inspector General of Police,  
Malakand swat.

*[Signature]*

**Respondent No. 4**  
District Police Officer,  
Dir Upper.  
DISTRICT POLICE OFFICER  
DIR UPPER.

(4)

**OFFICE OF THE  
DISTRICT POLICE OFFICER,  
DIR UPPER.**  
\*\*\*\*\*

Dated 03/10 /2013. ✓

No. \_\_\_\_\_ /EB,

Subject: -

**SHOW CAUSE NOTICE.**

WHERE AS YOU, HC Muhamad Saleem No. 540, while posted in Police Station Wari you are guilty of misconduct for attempting to bring political and outside influence directly to bear on District Police and unwarranted interference in the financial matters of District Police. You have been alleged of gross misconduct under E & D Rules, 1973. Therefore you are immediately placed under suspension.

Now, therefore, I Dr. Muhammad Khurram Rashid, District Police Officer Upper Dir, you, are hereby, call upon you to show cause within 07 days of the receipt of this notice as there is sufficient reason to proceed according with rules 6-3(i)(a) & (b) of Police Rules 1975. General Police Proceeding (without Enquiry Officer) as to why Major penalties including dismissal from service may not be imposed against you. If no reply as received within the stipulated period, it shall be presumed you have no defense to offer and the proposed penalty will be awarded to you on ex-party basis. At the same time you state whether you desire to be heard in person.

HC Saleem PS Wari

  
District Police Officer,  
Upper Dir.

No. 3764 /EB.

Copy of above is submitted to the Regional Police Officer, Malakand at Saidu Sharif, Swat for information please.

0.

حوالہ شوکارٹس نمبر EB/3713 نوٹس 3<sup>10</sup>/<sub>013</sub> معروض فرمیت ہوں

کہ نوٹس 8<sup>08</sup>/<sub>013</sub> کو میرا تبادلہ ہے ریلج دیں بلا سے قلم دارٹی ہو کر  
تو اپنی جائے تعیناتی میں حاضر کی رپورٹ کرتی ہے۔ اور ایک ڈیوٹی ہدایت  
ایمانداری سے سرانجام دے رہے ہوں۔ اور خوشی سے فیلڈر کا کام سیکھ رہے ہوں

میرے نے کسی سے سفارش نہیں کرائی ہے اور نہ ایسا کرنے کا ارادہ ہے۔  
میرا ٹکٹ دہری کا ہے وہاں سے اور مال افور میں داخل اندازی کا تعلق ہے  
تو تبادلہ کے بعد میرے نے کسی قسم کی حالت معاملات سے بدافلت یا رفاقت  
نہیں کرتے ہیں۔ اور نہ میں جناب والا کے حکم کی روٹی کا سوچ بھی کرتا ہوں۔  
پھر بھی اندر سے سلسلہ معافی کا خوشخوار ہوں۔ جنہوں نے ہوں۔ شوکارٹس بلا سے

اسی کا ردیال کے قابل کرنے کی استدعا کی جاتی ہیں۔

HEPS Wan  
10-10-013

⑧

CHARGE SHEET.

I, KHURRAM RASHID DISTRICT POLICE OFFICER, UPPER DIR. As competent authority, hereby charge You HEAD CONSTABLE MUHAMMAD SALEEM No.540 While posted in Police Station Wari as follows:-

You Head Constable Muhammad Saleem No.540 while posted in Police Station Wari were allegedly guilty of misconduct for attempting to bring political and outside influence directly to bear on District Police and unwarranted interference in the financial matters of District Police. This shows gross misconduct & prima facie mala fide intent on your part.

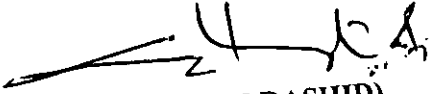
2. By reason of the above, you appear to be guilty of misconduct / negligence and have rendered yourself liable to all or any of the penalties specified in Rule-4 of the Disciplinary Rules 1975.

3. You are therefore required to submit your written reply within 07 days of the receipt of this charge sheet to the enquiry committee.

4. Your written reply, if any should reach to the Enquiry Officer within the Specified period, failing which it shall be presumed that you have no defence to put in and in that case the ex-parte action shall follow against you.

5. Intimate as to whether you desire to be heard in person or not?

6. Statement of allegation is enclosed.

  
(KHURRAM RASHID)  
District Police Officer,  
Upper Dir.

No. 3754/A /EB dated Upper Dir the 4/10 /2013.

Copy to HC M Saleem No. 540 to submit your reply to the charge sheet with stipulated period.

✓



(7)

## DISCIPLINARY ACTION.

I, Khurram Rashid District Police Officer, Upper Dir. As competent authority, is of the opinion that you Head Constable Muhammad Saleem No. 540 while posted in Police Station Wari have rendered yourself liable to be proceeded against departmentally as you have committed the following acts/omission as defined in Rule-2 (iii) of Police Rule 1975.

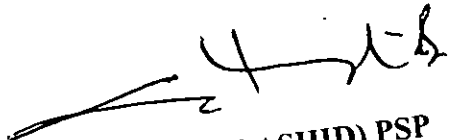
### STATEMENT OF ALLEGATION

Where as Head Constable Muhammad Saleem No. 540 while posted in Police Station were allegedly guilty of misconduct for attempting to bring political and outside influence directly to bear on District Police and unwarranted interference in the financial matters of District Police. This Shows gross misconduct & *prima facie mala fide* intent on your part.

2. For the purpose scrutinizing of the said accused with reference to the above allegations, Khurram Rashid (PSP) District Police Officer is appointed as the Enquiry Officer under the said Rules.

3. The Enquiry Officer shall conduct proceeding in accordance with provision of Police Rules 1975 and shall provide reasonable opportunity of defence and hearing to the accused official, record its findings and make within seven (07) days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused official.

4. The accused official shall join the proceeding on the date, time and place fixed by the Enquiry Officer.

  
(KHURRAM RASHID) PSP  
District Police Officer,  
Upper Dir.

No. 3756/A /EB dated Upper Dir the 4/10 /2013  
Copy of above is forwarded to:-

1. The Enquiry Officer for initiating preceding the accused official under Police Rules 1975.
2. Concerned defaulter official.

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**

**PESHAWAR.**



**SERVICE APPEAL NO. 200/2014.**

Mr. Mohammad Salim Head Constable No. 540.....Appellant. \

**VERSUS**

The Govt: of K.P through chief secretary & others.....Respondents

**POWER OF ATTORNEY.**

We the following respondents do hereby authorized, Mr. Sayar Khan Sub Inspector Legal District Dir Upper to appear, on our behalf before the Honorable Service Tribunal Peshawar in connection with the cited appeal.

He is also authorized to submit all documents required by the Service Tribunal in connection with cited appeal.

*Amir*

**Respondents No. 1**  
Chief Secretary Khyber  
Pakhtunkhwa Peshawar.  
**Chief Secretary**  
Govt: of Khyber Pakhtunkhwa

*[Handwritten signature]*

**Respondents No.2**  
Inspector General of Police,  
Khyber Pakhtunkhwa Peshawar.  
*[Handwritten signature]*

*[Handwritten signature]*

**Respondents No. 3**  
Deputy Inspector General of Police,  
Malakand swat.

*[Handwritten signature]*

**Respondent No. 4**  
District Police Officer,  
**DISTRICT POLICE OFFICER**  
DIR UPPER.

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**

**PESHAWAR.**

**SERVICE APPEAL NO. 200/2014.**

Mr. Mohammad Salim Head Constable No. 540.....Appellant.

**VERSUS**

The Govt: of K.P through chief secretary & others.....Respondents

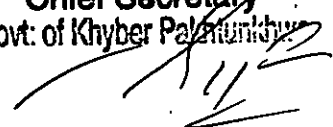
**AFFIDAVIT.**

We the under signed to hereby solemnly affirmed and declared on oath that the contents of the para-wise reply are true and correct to the best of our knowledge and belief and nothing has suppressed or canceled from this Honorable Tribunal.

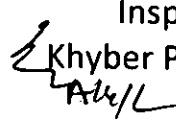
**DEPONENTS.**



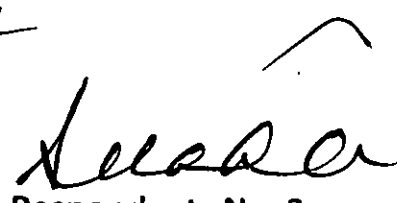
**Respondents No. 1**  
Chief Secretary Khyber  
Pakhtunkhwa Peshawar.  
**Chief Secretary**  
Govt: of Khyber Pakhtunkhwa



**Respondents No.2**  
Inspector General of Police,  
Khyber Pakhtunkhwa Peshawar.



**Respondents No. 3**  
Deputy Inspector General of Police,  
Malakand swat.



**Respondent No: 4**  
District Police Officer,  
Dir Upper.  
**DISTRICT POLICE OFFICER**  
**DIR UPPER.**



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

**APPEAL NO. 201/2014**

**MOHAMMAD SALEEM**

**VS**

**POLICE DEPARTMENT**

**REJOINDER ON BEHALF OF APPELLANT IN**  
**RESPONSE TO THE REPLY SUBMITTED BY THE**  
**RESPONDENTS**

**R/SHEWETH:**

**PRELIMINARY OBJECTIONS:**

**(1 to 5):**

All the preliminary objections raised by the respondents are incorrect and baseless and not in accordance with law and rules rather the respondents are estopped due to their own conduct to raise any objection at this stage of the appeal.

**ON FACTS:**

- 1- Admitted correct by the respondents hence need no comments.
- 2- Incorrect and not replied accordingly. That in response the appellant submitted his detailed reply to the show cause notice and denied all the allegations which were leveled against the appellant. That respondent No.4 with out conducting regular inquiry and with out mentioning any law under which the respondents took action against the appellant imposed major penalty of Compulsory retirement on the appellant vide the impugned order dated 11-12-2013.
- 3- Incorrect and not replied accordingly. That vide impugned order dated 11-12-2013 the appellant was awarded major punishment of compulsory retirement from service by the respondent No.4 under a wrong law. Moreover no reason has been mentioned by the appellate authority while deciding the Departmental appeal of the appellant, therefore the same is in violation of clause 24-A of the General clauses Act 1856.
- 4- Incorrect and not replied accordingly hence denied.

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

**APPEAL NO. 201/2014**

**MOHAMMAD SALEEM**

**VS**

**POLICE DEPARTMENT**

**REJOINDER ON BEHALF OF APPELLANT IN**  
**RESPONSE TO THE REPLY SUBMITTED BY THE**  
**RESPONDENTS**

**R/SHEWETH:**

**PRELIMINARY OBJECTIONS:**

**(1 to 5):**

All the preliminary objections raised by the respondents are incorrect and baseless and not in accordance with law and rules rather the respondents are estopped due to their own conduct to raise any objection at this stage of the appeal.

**ON FACTS:**

- 1- Admitted correct by the respondents hence need no comments.
- 2- Incorrect and not replied accordingly. That in response the appellant submitted his detailed reply to the show cause notice and denied all the allegations which were leveled against the appellant. That respondent No.4 with out conducting regular inquiry and with out mentioning any law under which the respondents took action against the appellant imposed major penalty of Compulsory retirement on the appellant vide the impugned order dated 11-12-2013.
- 3- Incorrect and not replied accordingly. That vide impugned order dated 11-12-2013 the appellant was awarded major punishment of compulsory retirement from service by the respondent No.4 under a wrong law. Moreover no reason has been mentioned by the appellate authority while deciding the Departmental appeal of the appellant, therefore the same is in violation of clause 24-A of the General clauses Act 1856.
- 4- Incorrect and not replied accordingly hence denied.

**GROUND:**  
**(A to G):**

All the grounds of main appeal are correct and in accordance with law and prevailing rules and that of the respondents are incorrect and baseless hence denied. That the impugned orders dated 11-12-2013 and 07-02-2014 are against the law, facts, norms of natural justice and material on the record hence not tenable and liable to be set aside. That no charge sheet, statement of allegation have been served on the appellant before issuing the impugned order dated 23.12.2013. That no chance of personal hearing has been given to the appellant while issuing the impugned order dated 23-12-2013. Moreover respondent No.4 with out mentioning any law under which the respondents took action against the appellant imposed major penalty of Compulsory retirement on the appellant vide the impugned order dated 11-12-2013.

It is therefore most humbly prayed that on acceptance of this rejoinder the appeal of the appellant may be accepted as prayed for.

**APPELLANT**



**MOHAMMAD SALEEM**

**THROUGH:**



**NOOR MUHAMMAD KHATTAK**  
**ADVOCATE**

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR**

NO 971 /ST

DATED 18/6/2015

To,

The District Police Officer,  
District Dir Upper.

Subject:

**SERVICE APPEAL NO. 197/2014 MUHAMMAD SALEEM VS  
CHIEF SECRETARY PESHAWAR AND OTHERS.**

I am directed to forward herewith a certified copy of Judgement dated 10.6.2015 passed by this Tribunal on subject appeal for strict compliance.

Encl: As above

*o/c* + *[Signature]*

REGISTRAR  
KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR