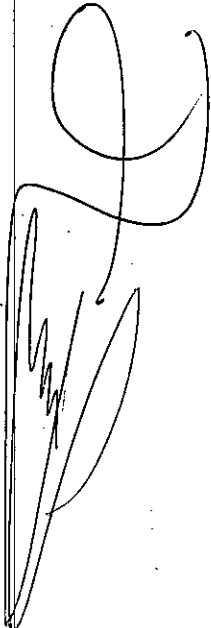


Sr. No.	Date of order/ proceedings	Order or other proceedings with signature of Judge/ Magistrate
1	2	3
1.	09.04.2015 	<p>KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, <u>PESHAWAR.</u></p> <p>Service Appeal No. 163/2014, Tariq Saleem and Service Appeal No. 164/2014, Muhammad Alamgir Vs. Deputy Inspector General of Police, D.I.Khan Region etc.</p> <p><u>JUDGMENT</u></p> <p><u>PIR BAKHSH SHAH, MEMBER.-</u> Appellants with counsel (Mr. Imtiaz Ali, Advocate) and Mr. Muhammad Jan, GP with Nazir Ahmad, H.C for the respondents present.</p> <p>2. Since same charge sheet containing charges of corruption, ill-reputation and inefficiency, was served on both the appellants alongwith 19 other civil servants and enquired into by the same enquiry officer, therefore this single judgment is directed to dispose of both the above appeals jointly.</p> <p>3. Arguments heard. Record perused.</p> <p>4. Learned counsel for the appellant submitted that no specific instance or ground to justify charge of corruption has been given. It was further submitted that there is no evidence on record to substantiate the allegations leveled against the appellants. That the enquiry report shows that the respondents-department had become vindictive due to Writ Petition of the appellants in the Hon'ble High Court. The learned counsel for the appellant further stressed that discrimination has been made by the respondents-department as some of affectees,</p>

influential, were taken back in service or their penalty reduced. It was also submitted that not a single yardstick has been used by the appellate authority who passed order in a whimsical manner when showing leniency in cases of the appellant Muhammad Alamgir by reducing his penalty of removal from service to reduction in rank and refusing the same relief in case of appellant Tariq Saleem. He requested that the appeal may be accepted.

5. The learned Government Pleader while rebutting the arguments submitted that all codal formalities were fulfilled. Charge sheet and statement of allegations were served upon the appellants, opportunity of personal hearing was given to them, and the penalty was recommended by the enquiry officer. He requested that the appeals may be dismissed.

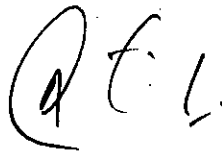
6. Perusal of the charge sheet would show that charges have been leveled against the appellants without citing any instance of corruption, inefficiency and mis-conduct, much-less quoting the relevant span of time of occurrence of any such instance. Report of the enquiry officer was perused wherein he has stated that there is no witness coming forth against the appellants regarding charge of corruption but the appellants are not well reputed in the public. The record shows that during the career of their services, the appellants had also earned one step promotion, which could be strange phenomena if the appellants were ill reputed in the public. The

discriminatory treatment can be noted when departmental appeal of appellant Muhammad Alamgir was partially allowed without any cogent reason but merely, on the basis of a lenient view taken by the appellate authority, The grace not shown in case of the appellant Tariq Saleem.

7. In view of the above, the impugned orders are set aside, the appellants are reinstated into service for denovo enquiry strictly in accordance with law and rule, which shall be completed within three months of the receipt of this judgment. Back benefits shall follow the outcome of departmental enquiry failing which the appeals shall be deemed to have been allowed. The appeals are disposed of in the above terms. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED

09.4.2015



(ABDUL LATIF)
MEMBER



(PIR BAKHSH SHAH)
MEMBER

05.3.2015

Appellant in person and Mr. Muhammad Jan, GP with Nazir Ahmad, H.C for the respondents present. It was brought in our notice that against the same impugned order, the case of Asghar Ali Shah at S.No. 11, is pending before the learned Bench-I. Office is directed to club the case of the said Asghar Ali, Shah and other cases, if any, against the same impugned order. To come up for order/further proceedings on 09.4.2015.



MEMBER



MEMBER

10.12.2014

Clerk to counsel for the appellant and Mr. Muhammad Adeel Butt, AAG with Nazir Ahmad, H.C for the respondents present. The Tribunal is incomplete. To come up for the same on 5.1.2015.


READER

5.1.2015

Clerk to counsel for the appellant and Mr. Ziaullah, GP with Nazir Ahmad, H.C for respondents present. The Tribunal is incomplete. To come up for the same on 17.3.2015.


READER

9.2.2015

Appellant with counsel and Mr. Muhammad Jan, GP with Juma Khan S.I (Legal) for the respondents present. Arguments heard. To come up for order on 26.2.2015.


MEMBER


MEMBER

26.2.2015

Appellant in person and Muhammad Jan, GP with Nazir Ahmad, H.C for the respondents present. Case is adjourned to 05.3.2015 for order.


MEMBER


MEMBER

10.7.2014.

Counsel for the appellant and Mr. Muhammad Jan, GP with representative of the respondents present and submitted before the court that written reply prepared and placed before the respondents for signature. He requested for adjournment. To come up for written reply on 01.09.2014.


MEMBER


MEMBER

01.09.2014

Appellant in person and Mr. Muhammad Jan, GP with Hamid Nawaz, ASI (Legal) J for the respondents present and reply filed. Copy handed over to appellant. To come up for rejoinder on 30.09.2014.


MEMBER

30.09.2014

Appellant with counsel and Mr. Muhammad Adeel Butt, AAG with Muhammad Bilal, H.C for the respondents present. Rejoinder received, copy whereof is handed over to the learned AAG. To come up for arguments on 13.11.2014.


MEMBER

13.11.2014

Clerk to counsel for the appellant and Mr. Muhammad Adeel Butt, AAG with Nazir Ahmad, H.C. for the respondents present. The Tribunal is incomplete. To come up for the same on 10.12.2014.


MEMBER

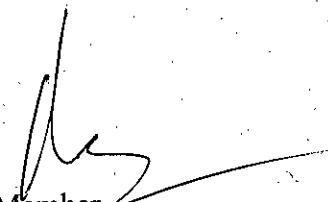
Appeal No. 163/2014.
Mr. Tariq Usman

3. 25.03.2014

Appellant with counsel present. Preliminary arguments heard and case file perused. Through the instant appeal under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974, the appellant has impugned order dated 09.12.2013 vide which the appellant was awarded major penalty of removal from service with immediate effect. Similarly, the departmental appeal filed by the appellant was also dismissed without any justification vide impugned order dated 13.01.2014.

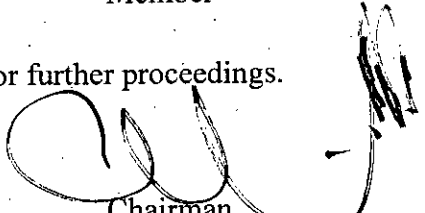
Appellant deposited
Process fee & security
Rs. 2000/- Bank Receipt
attached with file.

Since the appellant alleged malafide on the part of respondents while passing impugned order and the matter pertaining terms to and conditions of service, therefore, the appeal in hand is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notice be issued to the respondents for submission of written reply on 09.06.2014.


Member


5. 25.03.2014

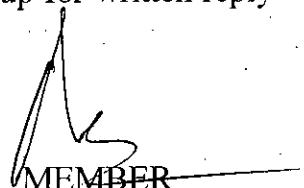
This case be put before the Final Bench π for further proceedings.


Chairman

9.6.2014

Appellant with counsel and AAG present. None is available on behalf of the respondents. Fresh notice be issued to them through registered post. To come up for written reply on 10.7.2014.

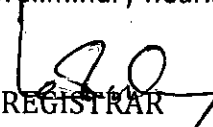


MEMBER


MEMBER

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 163/2014

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	10/02/2014	<p>The appeal of Mr. Tariq Usman presented today by Mr. Imtiaz Ali 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	11-2-2014	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>25-3-2014</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

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

Service Appeal No. 163 / 2014.

Tariq Saleem **APPELLANT**

Versus

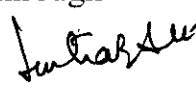
DIG of Police, D.I.Khan & others **RESPONDENTS**

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S. No.	Particulars	Annexure	Pages
1.	Appeal		1-6
2.	Affidavit		7
3.	Memo of Addresses		8
4.	Copy of order dated 23.10.2013	A	9-10
5.	Copy of Writ Petition	B	11-13
6.	Copy of charge sheet	C	14
7.	Copy of statement of allegation	D	15
8.	Copy of judgment dated 19.11.2013	E	16-22
9.	Copy of reply	F	23-25
10.	Copy of final report	G	26
11.	Copy of order dated 09.12.2013	H	27
12.	Copy of departmental appeal	J	28-30
13.	Copy of order dated 13.01.2014	K	31


Appellant

through



Advocates, Peshawar.

Dated: .02.2014.

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

Service Appeal No. **163** / 2014.

Tariq Saleem,
Ex-ASI,
S/o Malik Muhammad Amir,
R/o Village & P.O. Jatta
Tehsil Parova District D.I. Khan..... APPELLANT

163
10-2-14

Versus

1. **Deputy Inspector General of Police,**
Dera Ismail Khan Region.
2. **District Police Officer,**
Dera Ismail Khan.
3. **DSP / DSB (Inquiry Officer),**
Dera Ismail Khan
4. **Regional Police Officer,**
Dera Ismail Khan..... RESPONDENTS

APPEAL u/s 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the order dated **09.12.2013** of Respondent No.2 whereby appellant has been awarded major punishment of removal from service and order **No.132/ES dated 13.01.2014** of Respondent No.1 (Appellate Authority) dismissing departmental appeal of the appellant.

10/2/14

PRAYER IN APPEAL: That orders dated **09.12.2013** and **13.01.2014** may kindly be set aside and appellant may be reinstated in service with

all back benefits from the date when he
was removed from service.

Respectfully Sheweth:

1. **THAT** consequent upon recommendations of NWFP Public Service Commission, Peshawar appellant was appointed as P.ASI on 14.11.2006. That later in the year 2011 he was promoted to the rank of Sub-Inspector.
2. **THAT** while serving as Sub-Inspector and in pursuance of an ex-parte departmental proceeding (*hereinafter referred to as previous departmental proceedings*) appellant was awarded major punishment of reduction from the substantive rank to the lower rank of ASI by Respondent No.2 vide order dated **23.09.2013**.
3. **THAT** while departmental appeal of appellant against aforesaid order dated **23.09.2013** was pending with the Appellate Authority, the District Police Officer Dera Ismail Khan (Respondent No.2) in purported compliance with directions of Respondent No.4, placed appellant along with 20 other police officials under suspension, pending departmental proceedings against each of them vide order dated **23.10.2013**. Copy of order dated 23.10.2013 is enclosed and marked "A".
4. **THAT** all the 21 suspended police officials, including present appellant, questioned their suspension as well as order dated **23.10.2013** of Respondent No.2 through Writ Petition No.421-D/2013 before the Peshawar High Court D.I Khan bench. Copy of Writ Petition is enclosed and marked "B".
5. **THAT** during the pendency of aforementioned Writ Petition appellant as well as the other 20 police officials were issued similar charge sheets and statements of allegations on vague and stereotyped allegations of corruption, ill-reputation and inefficiency. While observing that a formal inquiry is necessary and expedient DSP / DSB Dera Ismail Khan (Respondent No.3) was appointed as Inquiry Officer to conduct

departmental inquiry against appellant, under KPK Police Rules, 1975. Copy of charge sheet and statement of allegations are enclosed and marked "C" & "D".

6. **THAT** the Writ Petition filed by appellant and his other colleagues were dismissed on **19.11.2013** on the ground that the same was hit by the bar contained in Article 212 of the Constitution. Copy of judgment dated 19.11.2013 is enclosed and marked "E".
7. **THAT** notwithstanding the fact that charge sheet as well as statement of allegations did not contain any specific instances or grounds justifying the charge of corruption etc., enabling the appellant to submit/offer a proper defense, he nevertheless submitted a detailed reply to the show cause notice. Copy of reply is enclosed and marked "F".
8. **THAT** Inquiry Officer (Respondent No.3) without specifying any details about the alleged misconduct of appellant and/or referring to any material/evidence in support thereof and also brushing aside detailed reply submitted by the appellant, vide an undated and hurriedly compiled final report, by holding the appellant guilty of the charges, proceeded to recommend imposition of major punishment. Copy of final report is enclosed and marked "G".
9. **THAT** the Respondent No.2 on receipt of aforesaid *perfunctory* inquiry report mechanically and without application of mind, vide order dated **09.12.2013** by endorsing the *erroneous* findings and recommendation of enquiry officer, awarded the appellant major punishment of removal from service. Copy of order dated 09.12.2013 is enclosed and marked "H".
10. **THAT** against the order dated **09.12.2013** appellant preferred an appeal on **23.12.2013** which has also been rejected by Respondent No.1 vide his order No.132/ES dated **13.01.2014**. That it may not be out of place to mention here that appellant's departmental appeal against the order of reversion in rank, in the previous departmental proceedings, has also

filing a separate appeal. Copy of departmental appeal and order dated 13.01.2014 are enclosed marked "J" and "K".

11. **THAT** mortally aggrieved of aforesaid orders of Respondent No.2 dated **09.12.2013** and that of Respondent No.1 dated **13.01.2014**, appellant is constrained to invoke the jurisdiction of this Hon'ble Tribunal, on the following amongst other: -

GROUND:

- A. **THAT** the impugned orders, on the face of it, are *harsh, arbitrary* and *devoid of any reasons*.
- B. **THAT** the charge framed against the appellant and statement of allegations issued thereon were *vague* and *not in accordance with the relevant provisions of law*. Appellant was kept unaware of any particular/specific allegation leveled against him, he thus being denied his right to properly defend himself, has practically been *condemned unheard*.
- C. **THAT** the entire proceedings right from its inception up to its culmination in imposition of major punishment upon appellant suffers from *illegal, arbitrary, and colorful* exercise of powers by the authorities concerned. Neither any specific and tangible charge of corruption, inefficiency etc. was leveled against the appellant nor anything of the sort, even remotely suggesting misconduct has been proved through the *sham* and *fake* inquiry proceedings. The so called final report as well as impugned orders besides being *whimsical* and *arbitrary*, display utter disregard of *principles of natural justice* and absolute non-application of mind by Respondent No.1, to 3.
- D. **THAT** not only relevant provisions of service rules have been violated with impunity but appellant has also been denied his fundamental right to *fair trial* and *due process*, guaranteed by the newly inserted Article 10A of constitution of Islamic Republic of Pakistan.

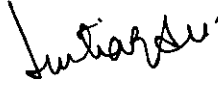
- E. **THAT** bare perusal of the so-called final report reveals that none of the so-called charges have been proved against the appellant and he has only been penalized for filing a Writ Petition before the High Court, along with his other colleagues. Only an extremely *biased* person, with *no understanding of law of the land* could have termed approaching a court of law by a civil servant against an adverse order, as *indiscipline* OR *creating factions/union of comrades in police force*, justifying imposition of major penalty upon appellant, more so when he was not even charged on such count, in the first place. Unfortunately Respondent No.1 and 2 also *erroneously* went along with such *frivolous, illegal and un-constitutional* approach of the inquiry officer.
- F. **THAT** the Authority (respondent no.2) while suspending petitioner and mechanically ordering disciplinary proceedings against the appellant *in compliance of directions of* respondent no.4 vide letter No.3439-40/ES dated 22.10.2013, failed to discharge his statutory obligation in terms of Rule 5 Sub-rule (1) of KP Police Rules, 1975. Under said provision Authority is required to examine and evaluate any information of misconduct against a subordinate, before initiating proceeding against the concerned official. The entire edifice created open such weak and irregular foundation is liable to be set at naught.
- G. **THAT** although as many as 3, albeit vague and un-specific, charges were leveled against the appellant, but impugned orders like the so-called Final Report are silent as to which, if any, charge was proved against him. Imposition of major punishment as a result of proceedings carried out in such a slipshod manner cannot be countenanced, much less endorsed / approved by a court of law or Tribunal.
- H. **THAT** other grounds / pleas may be raised at the time of hearing, with the permission of this learned Tribunal.

For the foregoing reasons, it is, therefore, respectfully prayed that on acceptance of this appeal, the orders dated **09.12.2013** and **13.01.2014** may

kindly be set aside and appellant may be reinstated in service with all back benefits from the date when he was removed from service.



Appellant

through



Imtiaz Ali
Advocate Supreme Court of Pakistan

and


Ishtiaq Ahmad,
Advocate, High Court.

Dated: 08.02.2014

7

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

Service Appeal No. / 2014.

Tariq Saleem **APPELLANT**

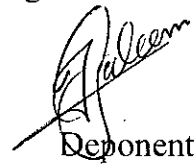
Versus

DIG of Police, D.I.Khan & others **RESPONDENTS**

AFFIDAVIT of Mr.Tariq Saleem, Ex-ASI, S/o Malik Muhammad Amir, R/o Village & P.O. Jatta, Tehsil Parova District D.I Khan.

I, Mr.Tariq Saleem, Ex-ASI, S/o Malik Muhammad Amir, R/o Village & P.O. Jatta, Tehsil Parova District D.I Khan do hereby solemnly declare and state: -

1. That the accompanying appeal has been drafted under the instructions of the appelliant imparted through me.
2. That I am personally conversant with the facts and circumstances of the case as contained therein.
3. That the facts and circumstances mentioned in the accompanying appeal are true and correct to the best of my knowledge and belief.


Deponent

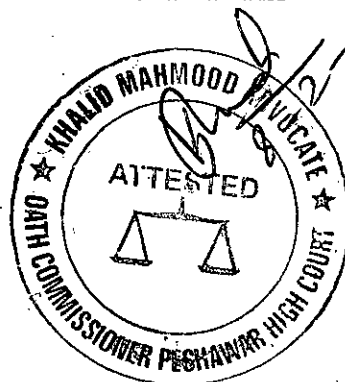
VERIFICATION:

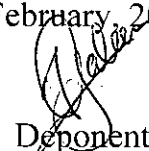
The contents of the above affidavit are true and correct to the best of my knowledge and belief.

Verified on Oath at Peshawar this _____ day of February, 2014.

Identified by:


Advocates.




Deponent

(8)

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

Service Appeal No. / 2014.

Tariq Saleem **APPELLANT**

Versus

DIG of Police, D.I.Khan & others **RESPONDENTS**

MEMO OF ADDRESSES

APPELLANT

Tariq Saleem,
Ex-ASI,
S/o Malik Muhammad Amir,
R/o Village & P.O. Jatta
Tehsil Parova District D.I. Khan

RESPONDENTS

1. **Deputy Inspector General of Police,**
Dera Ismail Khan Region.
2. **District Police Officer,**
Dera Ismail Khan.
3. **DSP / DSB (Inquiry Officer),**
Dera Ismail Khan
4. **Regional Police Officer,**
Dera Ismail Khan


Appellant
through


Advocates, Peshawar.

Dated: .02.2014.

Ⓟ
A

9

ORDER

In compliance of directions received vide letter No. 3439-40/ES, dated 22.10.2013 from the office of Regional Police Officer, Dera Ismail Khan, following officers/officials are hereby placed under suspension and closed to Police Lines with immediate effect, pending departmental proceedings against each.

1. Inspector Muhammad Yousof SHO Kulachi
2. Inspector Sana Ullah SHO-Cantt.
3. Inspector Kifayat Hussain CO/Inv.
4. SI Faiz Kateem SHO Draban.
5. SI Muhammad Imran SHO Paharpur.
6. SI Muhammad Nawaz SHO Band Kurai.
7. SI Ghulam Kazim Addl. SHO Prova.
8. SI Abdul Hamid Incharge Traffic Staff.
9. SI Khalid Mehmood Incharge Inv. PS/University
10. ASI Tong Saqem Police Lines DIKhan (already suspended).
11. SI Asghar Ali Shah Police Lines DIKhan.
12. SI Sagheer Abbas Police Lines DIKhan.
13. SI Muhammad Hashim ASHO PS/Cantt.
14. SI Alamgir Khan Police Lines DIKhan.
15. HC Saad Ullah No. 555 OASI.
16. HC Javed Akbar No. 1170.
17. HC Akhtar Menir No. 319 Police Lines DIKhan.
18. HC Muhammad Ramzan No. 1098 TO Traffic Staff.
19. HC Muhammad Akram No. 1130 TO Traffic Staff.
20. Constable Driver Muhammad Aslam No. 1774
21. HC Said Khan No. 684 Gunmen

Sauq

District Police Officer,
Dera Ismail Khan

No. 23873

Dated DIKhan the 23/10 2013

Copy of above is submitted to Regional Police Officer Dera Ismail Khan for favour of information w/r to his office No. quoted above. It is requested that a formal order on initiation of departmental proceedings against officers mentioned at S.No. 1 to 3 along with issuing of charge sheet/summary of allegation may kindly be issued in light of provisions of Rules, the said officers being of the rank of Inspector.

*Abdul Munir
Munir
Munir*

Sauq

District Police Officer,
Dera Ismail Khan

[Signature]

Better Copy

10

ORDER

In compliance of directions received vide letter No.3439-40/ES, dated 22.10.2013 from the Office of Regional Police Officer, Dera Ismail Khan, following officers / officials are hereby placed under suspension and closed to Police Lines with immediate effect, pending departmental proceedings against each.

1. Inspector Muhammad Yousaf SHO Kulachi
2. Inspector Sana Ullah SHO Cantt.
3. Inspector Kifayat Hussain GO/Inv:
4. SI Faiz Kateem SHO Draban.
5. SI Muhammad Imran SHO Paharpur
6. SI Muhammad Nawaz SHO Band Kurai
7. SI Ghulam Kazim Addl: SHO Prova
8. SI Abdul Hamid Inchage Traffic Staff
9. SI Khalid Mehmood Inchage Inv: PS/Unversity
10. ASI Tariq Saleem Police Lines DIKhan (already suspended)
11. Asghar Ali Shah Police Lines DIKhan
12. SI Sagheer Qadoos Police Lines DIKhan
13. SI Muhammad Hashim ASHO PS/Cantt
14. SI Alamgir Khan, Police Lines DIKhan
15. HC Saadullah No.555 OASI
16. LHC Javed Akbar No.1199
17. HC Akhtar Munir No.819 Police Lines DIKhan
18. HC Muhammad Ramzan No.1098 TO Traffic Staff
19. HC Muhammad Akram No.1130 TO Traffic Staff
20. Constable Driver Muhammad Aslam No.774
21. HC Said Khan No.684 Gunmen

**District Police Officer
Dera Ismail Khan**

No.23873/

Dated DIKhan the 23/10/2013

Copy of above is submitted to Regional Police Officer Dera Ismail Khan or favour of information w/r to his office No. quoted above it is requested that a formal order on initiation of departmental proceedings against officers mentioned at S.No.1 to 3 along with issuing of charge sheet/ summary of allegation may kindly be issued in light of provisions of Rules, the said officers being of the Rank of Inspector.

**District Police Officer
Dera Ismail Khan**

BEFORE THE PESHAWAR HIGH COURT, D.I.KHAN BENCH.

Writ Petition No.

491

D/ 2013.



1. Muhammad Yousuf, Inspector, Office of DPO, D.I.Khan.
2. Sanaullah, Inspector, Office of DPO, D.I.Khan.
3. Kifayat Hussain, Inspector, Office of DPO, D.I.Khan.
4. Raiz Kaleem, Sub Inspector, Office of DPO, D.I.Khan,
5. Muhammad Imran, Sub Inspector, Office of DPO, D.I.Khan.
6. Muhammad Nawaz, Sub Inspector, Office of DPO, D.I.Khan.
7. Ghulam Kazim, Sub Inspector, Office of DPO, D.I.Khan.
8. Abdul Hameed, Sub Inspector, Office of DPO, D.I.Khan.
9. Khalid Mehmood, Sub Inspector, Office of DPO, D.I.Khan.
10. Tariq Saleem, ASI, Office of DPO, D.I.Khan.
11. Asghar Ali Shah, Sub Inspector, Office of DPO, D.I.Khan.
12. Sagheer Abbas, Sub Inspector, Office of DPO, D.I.Khan.
13. Muhammad Hashim, Sub Inspector, Office of DPO, D.I.Khan.
14. Alamgir Khan, Sub Inspector, Office of DPO, D.I.Khan.
15. Sand-ullah, Head Constable, No: 555, Office of DPO, D.I.Khan.
16. Javed Akbar, Lance Head Constable, No: 1199, Office of DPO, D.I.Khan.
17. Akhtar Munir, Head Constable, No: 319, Office of DPO, D.I.Khan.
18. Muhammad Ramzan, Head Constable No: 1098, Office of DPO, D.I.Khan.
19. Muhammad Akram, Head Constable, No: 1130, Office of DPO, D.I.Khan.
20. Muhammad Aslam, Constable/Driver No: 774, Office of DPO, D.I.Khan.
21. Said Khan, Head Constable No: 684, Office of DPO, D.I.Khan.

(Petitioners)

Versus

1. Provincial Police Officer, Khyber Pakhtun-khwa, CPO, Peshawar.
2. Additional Inspector General of Police (Hqs), Khyber Pakhtunkhwa, Peshawar.
3. Addl. Inspector General of Police Investigation, Khyber Pakhtunkhwa, Peshawar.
4. AIG/Traffic, KPK, CPO Peshawar.
5. Deputy Inspector General of Police (RPO), D.I.Khan Range, D.I.Khan.
6. District Police Officer, D.I.Khan.
7. Accountant General, KPK, Peshawar.
8. District Accounts Officer/Comptroller of Accounts, Tank.

(Respondents)

(Note: The address of parties as given above are sufficient for the purpose of service.)

ATTESTED
EXAMINOR
COURT

28/10/13

PETITION UNDER ARTICLE 199, CONSTITUTION OF IRP, 1973.

PRAYER:-

- To kindly direct and require the respondents to act in accordance with law, desist from acting contrary to law, desist from discriminating the petitioners against the provisions of law and rules.
- To declare Order No. 1330/R dated 23.10.2013 of Respondent No.6, issued in consequence of Letter No. 3439-40/ES dated 22.10.2013 emanating from Respondent No.5, as Illegal, Ultra virus, Null and Void ab-initio, issued wrongly to the detriment of petitioners, and thereby direct and require respondents to desist from giving effect to the said Order and any action ancillary / consequential thereto.
- To direct and require the respondents to reinstate the petitioners to regular duty in accordance with law, rules. Besides, grant of any other remedy that this Hon'ble Court may consider appropriate in the circumstances.

Respectfully Stated,

The petitioners prefer instant petition on, inter-alia, the grounds hereinafter submitted apropos the following facts.

BRIEF FACTS:-

1. That the petitioners, sane, adult citizens are residing within territorial jurisdiction of this Hon'ble court and are rightfully eligible for the purpose of relief sought hereby.
2. That the petitioners have been employed in the KPK Police Department and are posted at district D.I.Khan by the respondent Police Officers for discharge of their duties.
3. That by the dint of order issued by Respondent No.6 vide his office No.23873 dated 23.10.2013 in consequence of Letter No.3439-40/ES dated 22.10.2013 emanating from office of Respondent No.5, as impugned hereby, services of the petitioners have been ordered as suspended. Copy of impugned Order is placed at Annex-A while copy of Letter of respondent No.5 could not be obtained despite effort and can be requisitioned through respondent No.5.
4. That aggrieved by the discriminatory action and omission on part of the respondents, in their failure to abide by the Law & Rules in vogue and left with no other remedy available to them, the petitioners approach this Hon'ble court seeking redressal of their grievance as prayed on the grounds mentioned hereinafter.

1. GROUNDS:

1. That the petitioners are duly qualified, as per their due seniority as well professional skills and academics to hold their respective offices and perform active duties in keeping with the provisions of Police Order-2002. Nothing to the adversity of petitioners is available with the respondents to restrain petitioners from performance

23873
26/10/13

ATTESTED
EXAMINOR
28/10/13

of the active duty or for that purpose to suspend the services of petitioners without any lawful justification but under political and extraneous influence.

b. That the act and omission on part of respondents while placing the petitioners under suspension through impugned order is against the spirit of principles governing public / civil service and thereby has caused grave miscarriage of justice to the petitioners provoking interference by this Hon'ble Court in its constitutional jurisdiction to correct, rectify and undo the wrong.

c. That the petitioners have been discriminated and victimized apparently due to extraneous and political interference and without any lawful justification. Withholding and ignoring Law, Rules & good governance besides canons of public / civil service by respondents in placing the petitioners under suspension en-block, appears to be an effort not only to appease political bosses but to frustrate the rights of the petitioners accredited duly by the constitution, law and precedents, thus calling for interference by this Hon'ble court.

d. That counsel for the petitioner may graciously be allowed to raise additional grounds and records, as the case may be, during the course of arguments, if need be.

Prayer:-

In view of the above facts and grounds mentioned hereinfore, it is humbly requested that by graciously declaring the impugned order as Wrong, Improper, Nullity in law, illegal ab-initio, Ultra-Virus and inoperable against petitioners, the respondents may very graciously be directed and required to desist from acting upon or giving effect to the said order, as well any ancillary or consequential acts / effects, and to reinstate the petitioners to active service / duties, together with grant of any other appropriate remedy that this Honourable Court may graciously determine, in the light of relevant circumstances.

Dated: 25/10/2013.

Humbly,
[Signature]
(DIK) Petitioner & Attorney
Through Counsel.

[Signature]
(Muhammad Ismail Alizai)
Advocate High Court, D.I. Khan.

AFFIDAVIT

I, Asghar Ali Shah, the petitioner & attorney for rest, do hereby affirm on Oath and declare that contents of the instant petition are true and correct to the best of my knowledge and as per official records and that nothing has been willfully concealed or kept from this Honourable Court.

Dated: 25/10/2013

Identified by:

[Signature]
(Muhammad Ismail Alizai)
Advocate High Court, D.I. Khan.

[Signature]
Deponent.

On the (Date) 26/10/2013
At (Place) D.I. Khan

2360 26-10-13

ATTESTED

[Signature]
EXAMINER
28/10/13

(14)

b.c.

CHARGE SHEET

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

That you while serving in Police Department have been involved in the following misconduct:-

1. Corruption.
2. Ill reputation.
3. Inefficiency.

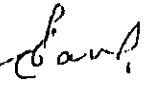
This act on your part amounts to gross misconduct which is punishable under the rules.

AND WHEREAS, I am of the view that the allegation if established would call for a major penalty as defined in rules-4(i)(B) of the aforesaid rules.

AND THEREFORE, as required by Police Rules 6(1) of the aforesaid rules, I Mohammad Nisar Ali (PSP) District Police Officer Dera Ismail Khan hereby charges you ASI Tariq Saleem with the misconduct on the basis of the statement attached to this Charge Sheet.

AND, I, hereby direct you further under rules 6(i)(B) of the said rules to put in written defence with in 7-days of receipt of this Charge Sheet as to why the proposed action should not be taken against you and also state at the same time whether you desire to be heard in person or otherwise.

AND, in case, your reply is not received within the prescribed period, without sufficient case, it would be presumed that you have no defence to offer and that expert proceeding will be initiated against you.


District Police Officer,
Dera Ismail Khan

DISCIPLINARY ACTION

15

D

1. MOHAMMAD NISAR ALI (PSP), District Police Officer, Dera Ismail Khan as a competent authority am of the opinion that you ASI Tariq Saleem have rendered yourself liable to be proceeded against and committed the following acts/omissions within the meaning of the Khyber Pakhtunkhwa Police Rules 1975.

STATEMENT OF ALLEGATION

That you while serving in Police Department have been involved in the following misconduct:-

1. Corruption.
2. Ill reputation.
3. Inefficiency.

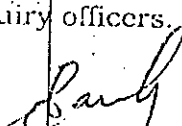
This act on your part amounts to gross misconduct which is punishable under the rules.

Hence the statement of allegation.

2. For the purpose of scrutinizing the conduct of the said accused with reference to the above allegation DSI/DSB Dera Ismail Khan is appointed as enquiry officer to conduct proper departmental enquiry under Police Rules 1975.

3. The enquiry officer shall in accordance with the provision of the ordinance, provide reasonable opportunity of the hearing to the accused, record its findings and make, within ten days of the receipt of this order recommendations as to punishment or other appropriate action against the accused.

4. The accused and a well conversant representative of the department shall join the proceedings on the date time and place fixed by the enquiry officers.


District Police Officer,
Dera Ismail Khan

No. 25085-86 / Dated DIKhan the

28-6 / 2013

Copy to: -

1. DSI/DSB Dera Ismail Khan. The enquiry officer for initiating proceeding against the defaulter under the provision of Khyber Pakhtunkhwa Police Rules 1975. Enquiry papers containing _____ pages are enclosed.
2. ASI Tariq Saleem with the direction to appear before the E.O on the date, time and place fixed by the E.O, for the purpose of enquiry proceeding.


District Police Officer,
Dera Ismail Khan

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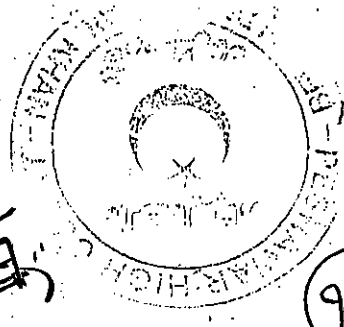
JUDGE
JUDGE
Two handwritten signatures of judges.

ANNOUNCED
19.11.2013

along with its CM No. 523 of 2013 is dismissed.
writ petition No. 490 of 2013 this writ petition No. 491 of 2013
TAL JAN KHATTAR J. - Vide my detailed judgment in

Appellant / petitioner (Muhammad Yousof Ali) by
Mr. Muhammad Ismail Khan Advocate
Respondent (Govt. of P.K. Affairs) by
Mr. Saadullah Khan Advocate A.A.G.

Date of hearing 19-11-2013
W.P. No. 491-D of 2013



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JUDGMENTSHEET
PESHAWAR HIGH COURT D. I. KHAN BENCH
JUDICIAL DEPARTMENT

17



JUDGMENTSHEET
PESHAWAR HIGH COURT D.I.KHAN BENCH
JUDICIAL DEPARTMENT

WP No. 490-D of 2013

Date of hearing: 19-11-2013

Appellant / petitioner: Muhammad Hussain Dethers
Mr. Muhammad Ismail Khan Afzali Advocate
Respondent: Govt. of K.P.K. Dethers
Mr. Saieullah Khan Shaqir A.A.S

LAL JAN KHATTAK J.- Through this common judgment we intend to dispose of writ petition No.490 of 2013 and writ petition No.491 of 2013 as common questions of law and facts are involved therein.

2. Petitioners who are police officials have prayed this court to issue a writ in the following manner:-

- i) "To kindly direct and require the respondents to act in accordance with law, desist from acting contrary to law, desist from discriminating the petitioners against provisions of law and rules."
- ii) To declare Order No.1330/R dated 23.10.2013 of respondent No.6 issued in consequence of letter No.3439-40/ES dated 22.10.2013 emanating from respondent No.5 as illegal,

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ATTESTEL

EXAMINOR
PESHAWAR HIGH COURT

[Signature]
27/12/13

جناب عالی اجنبہ کے ہمیت موجودہ لا ایسی چیز ہے جسے عدالتوں کے پیش نظر پولیس

Ultra virus, null and void ab-initio, issued wrongly to the detriment of petitioners, and thereby direct and require respondents to desist from giving effect to the said Order and any action ancillary/consequential thereto."

iii) *To direct and require the respondents to reinstate the petitioners to regular duty in accordance with law, rules. Besides, grant of any other remedy that this Hon'ble Court may consider appropriate in the circumstances."*

3. Brief facts of the case are that the respondent No.1 on 23.10.2013, passed against the petitioners, the following order:-

"In compliance with the order of Deputy Inspector General of Police, Dera Ismail Khan Range vide his office Memo: No.3439-40/ES, dated 22.10.2013 the following Police Officers/Officials is hereby placed under suspension on the allegation of ill reputation, corruption and inefficiency and closed to Police-Lines, Tank for further departmental proceedings with immediate effect."

Gain

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EXAMINER
22/10/13

4. In pursuance of the afore-said order, disciplinary proceedings have now been initiated against them through an enquiry officer. They have been charge-sheeted and accordingly directed to put in their written defence within seven days.

5. Feeling aggrieved of the afore-said order petitioners have impugned the same through the instant writ petition.

6. Notice of the petition was given to the respondents who appeared and on their behalf the learned AAG raised a preliminary objection to the maintainability of the writ petition on the ground that the petitioners are civil servants and the proceedings initiated against them pertain to terms and conditions of their service on which Service Tribunal has the exclusive jurisdiction to proceed with.

Gan

7. Learned counsel for the petitioners in response to the above contended that though apparently the matter pertains to the terms and conditions of service but as the impugned order has been passed in sheer violation of law and rules on the

ATTEST: subject which is also tainted with mala fide, therefore, in such

EXAMINOR
Peshawar High Court
11/2/13

جناب عالی ایندہ نے ہمیشہ موجودہ لاء اینڈ آرڈر کی صورت حال اور دہشت گردانہ کارروائیوں کے پیش نظر پولیس

20

like situation the High Court is well-possessed with a power to declare it illegal and contrary to law.

8. We have heard learned counsels for the parties and perused the record of the case.

9. Perusal of the record reveals that admittedly the petitioners are civil servants performing their duties in various capacities in the police department. Equally there is no dispute that the order impugned by the petitioners pertains to the terms and conditions of their service as disciplinary proceedings have been initiated against them under the relevant law by the respondents. Likewise there is no denying the fact that there is established a Service Tribunal which has exclusive jurisdiction over the issue agitated by the petitioners in the impugned writ petition.

Gain

10. According to Article 212 of the Constitution of Pakistan, 1973, the matter involved in the instant writ petition exclusively falls within the ambit of service tribunal. For the purpose of advantage Article 212 is reproduced as under:-

ATTESTED

"212. Administrative and Courts and Tribunals.---(1) Notwithstanding anything

EXAMINOR
2/12/13

بجانب علی ایضاً در ذیل کے امور کے پیش نظر یہ ہے

hereinbefore contained, the appropriate Legislature may by act [provide for the establishment of] one or more Administrative Courts or Tribunals to exercise exclusive jurisdiction in respect of---

(a) Matters relating to the terms and conditions of persons [who are or have been] in the service of Pakistan, including disciplinary matter;

(b) -----

(c) -----

(2) Notwithstanding anything hereinbefore contained, where any Administrative Court or Tribunal is established under clause (1), no other Court shall grant an injunction, make any order or entertain any proceeding in respect of any matter to which the jurisdiction of such Administrative Court or Tribunal extends.

11. In view of the above clear cut bar this Court is not possessed with a jurisdiction to entertain the issue agitated in the instant writ petition by the petitioners;

12. So far as the contention of the learned counsel for the petitioner that as the impugned order is based on mala fide, therefore, this court can upset the same notwithstanding the

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ATTESTED

EXAMINOR

21/1/13

پاکستان کے آئین اور قانون کے تحت اور عدالت کے احکامات کے مطابق

bar contained in Article 212 of the Constitution. We are afraid to be in agreement with the learned counsel for the petitioners as it is by now a settled law that even an order based on mala fide too can be assailed before the Service Tribunal.

13. For what has been discussed above, we found the instant writ petition not maintainable before this Court and the same is, therefore, dismissed alongwith CM. However, the petitioners may seek their remedies before the competent forum under relevant the law.

ANNOUNCED
19.11.2013.

[Signature]
JUDGE

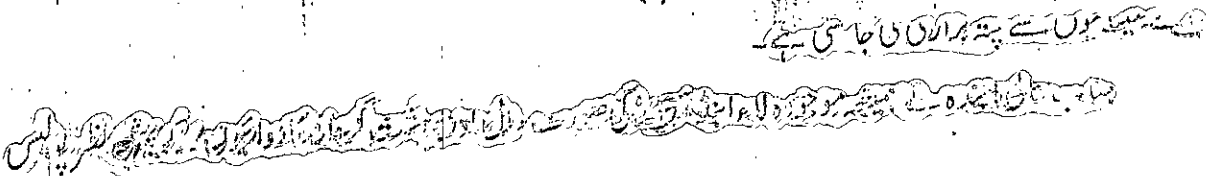
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JUDGE

ATTEST.

EXAMINOR

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30/11



بیان اذان طارق سلیم ASI 22/D معطلی پولیس لائن ڈیورہ اسماعیل خان

جناب عالی!

شمارہ چارج شیٹ اسٹیٹمنٹ آف ایلیکیشن معروض ہوں کہ بندہ پر لگائے جانے والے الزامات میں کوئی صداقت نہیں بندہ مورخہ 10-10-2006 کو بطور PASI بھرتی ہو کر 22-06-2011 کو سب انسپکٹر پر موٹ ہوا اور اپنی اچھی کارکردگی کی بنا پر پر مشن سے قبل SHO تعینات ہوا جن کی تفصیل ذیل ہے۔

نمبر شمار	پوسٹ نام	تفانہ	تھریڈ
1	SHO	یارک	02-03-2012 تا 15-04-2011
2	SHO	صدر	27-08-2013 تا 03-03-2012

جالی قدر بندہ پر جو الزامات لگائے گئے ہیں وہ حقیقت کے منافی ہیں۔

☆ نکتہ اہمیت

دوران سروس بندہ کے خلاف کرپشن کی کوئی شکایت نہیں ہوئی ہے اور نہ ہی کوئی ایسی شہادت / انکوائری موجود ہے جس کی بنیاد پر بندہ کو کرپٹ گردانا جاسکے۔

☆ اہم نکتہ

بندہ ڈسپلن کا پابند اور افسران بالا کے احکامات کے تابع اپنے فرائض منصبی جانفشانی اور دیانتداری سے سرانجام دینے پر یقین رکھتا ہے اس بنا پر کلیدی عہدوں پر تعینات رہا ہے۔

☆ نکتہ اہمیت

دوران سروس کلیدی عہدوں پر تعینات رہنے سے بندہ کی کارکردگی پر کھی جاسکتی ہے۔ بالخصوص ناجائز اسلحہ ایجوکیشن، منشیات، گرفتاری POS برآمدگی مال سرودہ احسن کارکردگی کی مثال ہیں جن کی تفصیل ذیل ہے۔

1	کلاشکوف	39
2	کالا کوف	08
3	رائفل	25
4	بائل	54
5	بندوق	33
6	POs	199
7	ہینڈ گرنیڈ	02

اس طرح کافی مقدار میں منشیات برآمد ہو کر ملزمان پر CNS کے پیسوں مقدمات بھی درج ذیل رجسٹر ہوئے۔

اس طرح ذکیٹی کے سنگین مقدمات جو نہ صرف ٹریس ہوئے بلکہ ملزمان کی گرفتاری اور مال سرودہ کی برآمدگی محکمہ پولیس کے لئے قابل فخر ہیں۔ جن کی تفصیل ذیل ہے۔

تھانہ صدر میں تینوں ملزمان معسر
 کلاشکوف ہائے گرفتار
 تھانہ صدر میں مقدمہ ٹریس ہو امال
 مسروقہ برآمد ملزمان گرفتار
 تھانہ صدر ملزمان گرفتار مال مسروقہ
 موٹر سائیکل برآمد
 تھانہ صدر ملزمان ٹریس ہو گرفتار
 ہوئے
 تھانہ صدر بین الصوبائی گروپ جو
 پولیس وردی میں ڈکیتی کرتا تھا ٹریس
 ہو گرفتار ہو امال مسروقہ دس لاکھ
 روپے طلائی زیورات پولیس وردیاں
 برآمد ملزمان ضلع بھکر، لکی مروت اور
 ڈیرہ اسماعیل خان سے گرفتار۔
 تھانہ صدر چشمہ روڈ پر چاول کے
 کارخانے میں ڈکیتی ہوئی ملزمان
 گرفتار، چینی ہوئی موٹر سائیکل، رقم و
 اسلحہ برآمد ملزم عادل عباس کی
 گرفتاری سے تقریباً 15 فرقہ دارانہ
 قتل و اقدام قتل کے مقدمات ٹریس
 ہوئے۔

جرم PPc 324-392-427-34 28-03-12 مورخہ 149 (1)

جرم PRc 457-380 15-05-2012 مورخہ 246 (2)

جرم PPc 381A-411 28-06-2012 مورخہ 412 (3)

جرم PPc 397-324-511-34 26-09-2012 مورخہ 502 (4)

جرم PPc395-452-342-171-411 03-10-2012 مورخہ 522 (5)

جرم PPc382-381A-454-34-411 01-11-2012 مورخہ 578 (6)

جرم PPc 302-7ATA-324-427-34 09-12-2012 مورخہ 624 (7)

جرم PPc 382-452-34 25-12-2012 مورخہ 644 (8)

جرم PPc382- 12-01-2013 مورخہ 07 (9)

تھانہ صدر راہم نوعیت کا مقدمہ جس
 میں ملزمان ٹریس ہو گرفتار ہوئے۔
 تھانہ صدر میں ملزمان ٹریس ہو کر
 گرفتار ہوئے۔
 تھانہ صدر میں موٹر کار نمبر
 3800/LEB ماڈل
 2012 سرقہ ہوئی مقدمہ ٹریس
 ملزمان گرفتار موٹر کار برآمد ہوئی۔

- (10) مقدمہ نمبر 352 مورخہ 17-07-2013 جرم PPc 395-452-342
تھانہ صدر مقدمہ ٹریس ملزمان گرفتار ہوئے۔
- (11) مقدمہ نمبر 378 مورخہ 04-08-2013 جرم PPc 395-452-342
تھانہ صدر ملزمان ٹریس ہو کر گرفتار مال مسروقہ برآمد
- (12) مقدمہ نمبر 03 مورخہ 07-01-2012 جرم PPc 395-411
تھانہ یارک ضلع بنوں کے ملزمان ٹریس ہو کر گرفتار لاکھوں روپے مال مسروقہ برآمد

بندہ کو جناب ڈی آئی جی ڈیرہ کی جانب سے CC-II کی دو تعریفی اسناد بھی مل چکی ہیں۔

عالی قدر بندہ نے ہمیشہ پولیس مورال کو بلند رکھنے کی کوشش کی ہے اور قانون کی بالادستی برقرار رکھی ہے درج بالا حقائق کی روشنی میں استدعا ہے کہ مشمولہ پر ایف آئی اے کی ایکشن باامرید کاروائی واپس دفتر فرمائی جاوے۔

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ASS

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فائل رپورٹ

تقدمانہ انکوائری بر خلاف ASI طارق سلیم نمبر 22/D معطل پولیس لائن ڈیرہ اسماعیل خان

نمونہ:-

جناب عالی!

جنوب مشمولہ چارج شیٹ نمبر 86-25085 مورخہ 28.10.2013 بجاریہ جناب ڈسٹرکٹ پولیس آفیسر صاحب ڈیرہ اسماعیل خان میں ASI طارق سلیم مذکورہ کے خلاف الزام ہے کہ وہ بری شہرت، ناقص کارکردگی اور کرپشن میں ملوث پایا ہے۔ جن کے خلاف چارج شیٹ جاری فرمائزمن DSP/DSB ڈیرہ اسماعیل خان کو انکوائری آفیسر مقرر کیا۔

ASI مذکورہ نے تحریری جواب چارج شیٹ جو 04 صفحات پر مشتمل ہے پیش کیا۔ جولف انکوائری ہذا ہے جس نے جواب چارج شیٹ میں تحریر کیا ہے کہ ہم پر لگانے گئے الزامات منی برحق نہیں ہیں اور مسترد کرتے ہیں۔

انکوائری کا آغاز کرتے ہوئے ASI مذکورہ کو طلب کر کے سنا گیا جبکہ اسٹیبلشمنٹ رانج سے مذکورہ کا ریکارڈ سرورس رول طلب کر کے ملاحظہ کیا گیا۔ ASI مذکورہ بر مطابق ریکارڈ سرورس رول مورخہ 10.10.2006 کو پبلک سرورس کمیشن کے ذریعے منجھکے ہذا میں بطور ASI بھرتی ہوا ہے۔ ASI مذکورہ قنات جات میں بطور SHO تعینات رہا ہے دوران سرورس ناقص کارکردگی کی بنیاد پر بعد انکوائری SI مذکورہ کو بطور سزا Revert کر کے ASI بنا دیا گیا تھا۔

SI مذکورہ دیگر معطل افسران نے اپنی معطلی کے بارے عدالت عالیہ ہائی کورٹ پشاور بیج ڈیرہ اسماعیل خان میں بھی اپنی معطلی کی خاطر رٹ دائر کی تھی جو عدالت سے خارج ہو چکی ہے۔ عدالت کے فیصلے کی فوٹو کاپی ہمراہ لے ہے۔ حق تو یہ تھا کہ یہ انکوائری کے فیصلے کا انتظار کرتے اور اس کے بعد جو بھی فیصلہ آتا تو سرورس ٹریبونل میں اپیل دائر کرتے اور اپنی بے گناہی ثابت کرتے لیکن ASI مذکورہ نے دیگر معطل افسران کے ساتھ ملکر فورس میں یوٹین اور گروہ بندی بنانے کی کوشش کی ہے جس کا ASI مذکورہ بھی حصہ رہا ہے۔ دیگر ASI مذکورہ کی جیل رپورٹس پتہ چلتی نہیں رہتی۔

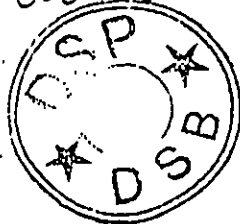
«دوران انکوائری کافی معلومات کی گئیں لیکن کوئی فرد جہاں دینے کے لیے تیار نہیں تھے۔ اور زبانی ASI مذکورہ کے خلاف شکایات کرتے تھے جس پر بری شہرت کی نکاسی کرتی ہے۔»

لیکن انکوائری سے اس نتیجہ پر پہنچا ہوں کہ ASI مذکورہ کو قصور وار پا کر Major Punishment (بڑی سزا) کی سفارش کی جاتی ہے۔ انکوائری رپورٹ مرتب ہو کر گزارش ہے۔

صلاح الدین خان

ڈی ایس پی DSB

ڈیرہ اسماعیل خان



HT

27

ORDER

This order is aimed to dispose off the departmental proceeding against ASI Tariq Saleem No. 22/D on the charges of corruption, ill-reputation and inefficiency.

The defaulter Asstt: Sub Inspector was served with the charge sheet and statement of allegation and an enquiry was conducted into the matter through Mr. Salahuddin Khan DSP DSB DIKhan. The enquiry officer submitted his finding, in which he stated that the defaulter Asstt: Sub Inspector is found guilty of the charges leveled against him and recommended him for major punishment. The defaulter Asstt: Sub Inspector was summoned in Orderly Room on 09.12.2013 and heard in person by giving opportunity of defence but he could not satisfy the undersigned about his misconduct. The enquiry file/available record was perused and the undersigned came to the conclusion that the charges leveled against him are stand proved.

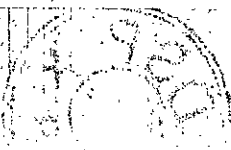
Therefore, in the light of above, I Muhammad Nisar Ali (PSP) District Police Officer DIKhan in exercised of powers conferred upon me under the Police Rules-1975, hereby award him **major punishment of removal from service** with immediate effect.


District Police Officer,
Dera Ismail Khan

ORDER ANNOUNCED

Dated 09.12.2013

OB = 1763
DT 09-12-13



23

J

To, Deputy Inspector General of Police,
Dera Ismail Khan Range,
Dera Ismail Khan,

Subject: DEPARTMENTAL APPEAL/REPRESENTATION AGAINST THE ORDER DATED 09.12.2013, BY DISTRICT POLICE OFFICER, DERA ISMAIL KHAN, VIDE WHICH WHILE AWARDING MAJOR PUNISHMENT THE APPELLANT HAS BEEN REMOVED FROM SERVICE.

Respectfully stated,

1. That the appellant joined the Police Department as probationer ASI on 10-10-2006 after passing public service commission exam, started performing his duties, wherein so many times I was assigned different difficult duties, which were performed by the appellant successfully and later on in the year 2011, I was promoted to the rank of SI and posted as SHO at PS Yarik and Sadder Dera Ismail Khan.
2. That the appellant received charge sheet along with statement of allegations dated 28.10.2013 from the District Police Officer, Dera Ismail Khan, wherein without any reference to the date, time and person three allegations were leveled against the appellant of i). Corruption ii). Ill reputation iii). Inefficiency, therefore, the appellant requested the DPO that as he has been served with statement of allegations, for which he has to submit his reply but allegations are not specified regarding gross misconduct, therefore, he may be provided the complete allegations to enable the appellant to furnish detailed reply but the appellant was refused, therefore, he along with some other Police officials filed a Writ Petition seeking therein direction to the DPO, Dera Ismail Khan That he should act in accordance with Law and should provide the detail of

allegation, which writ Petition was dismissed being not maintainable, as barred by Article 212 of the constitution of Islamic Republic of Pakistan, however the Honorable High Court provided a guided line that such like deficiencies can be agitated before Service Tribunal, the proper forum.

3. That thereafter the DPO office provided some documents regarding previous inquires against the appellant, which were already completed after due process.
4. That the appellant then submitted his detailed reply to the inquiry officer and as no detail of any of the charges were provided either in the statement of allegations or subsequently provided documents so the appellant on his own prepare the reply and negated the allegation rather mentioned therein his achievement during the service in detail, as no specific allegation were alleged in the charge sheet.
5. That the inquiry officer Mr. Salahudin Khan , DSP/DSB, Dera Ismail Khan then submitted his inquiry report , wherein while recommendation the major punishment he mainly stressed upon the filing of Writ Petition before Peshawar High Court Bench by group of Police Officials and termed it to be also misconduct on the part of the appellant was having the proper forum of approaching your good self in appeal in appeal and then the Service tribunal and thereby recommended major punishment, however the appellant was never provided the opportunity of hearing.
6. That after the receipt of inquiry report the District Police Officer, Dera Ismail Khan on 09.12.2013 passed the order vide which while awarding major punishment the appellant was removed from service.

30

7. That it is pertinent to mention here that the requirement of services laws were never complied with, as no Final show cause notice was served nor any opportunities of personal hearing was provided and the inquiry officer did not ever bother of furnish any sort of recommendation regarding the allegation leveled against the appellant, therefore, the entire process, being in total conflict with the law is liable to be set aside.
8. That although the appellant has furnished his reply to an ambiguous statement of allegation but that reply was also not considered by the inquiry officer and that is why there is no mentioned in the inquiry report regarding proof of allegation leveled against the appellant.
9. That there is nothing on record in support of general allegations leveled against the appellant and these general allegation are also not based on any complaint, service record or oral evidence against the appellant .

In view of the above made submission , it is very humbly requested that on gracious acceptance of the instant departmental appeal / representation, the order dated 09.12.2013 passed by DPO, Dera Ismail Khan may very kindly be set aside and the appellant may be reinstated in service with all back benefits. It is future requested that appellant may he heard in person.

Your humble appellant ,

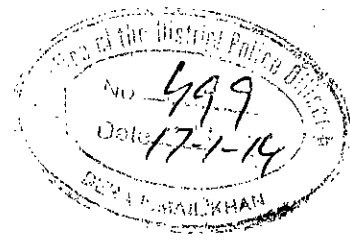


Tariq Saleem
S/o Malik Muhammad Amir
R/o Village Jatta, D.I.Khan.

Dated : 23.12.2013

ORDER:

31



"K"

This order is meant to dispose off the appeal preferred by Ex-ASI Tariq Salêem No.22/D of DIKhan District against the order of major punishment i.e. removal from service, awarded to him by DPO DIKhan vide order dated 09.12.2013. He was proceeded against on the allegations of ill-reputation, corruption and inefficiency. A proper departmental enquiry was initiated and Mr. Salah-ud-Din, DSP DSB DIKhan was appointed as Enquiry Officer to conduct proper departmental enquiry against him. On the recommendation of Enquiry Officer, DPO DIKhan awarded him major punishment of removal from service.

The appellant/ Ex-ASI preferred the instant appeal against the order of DPO DIKhan. I have gone through the enquiry file as well as service record of the appellant and also heard him in person on 02.01.2014.

Therefore in exercise of power conferred upon me I **Abdul Ghafoor Afridi** Dy: Inspector General of Police DIKhan, in exercise of the powers conferred upon me and being a competent authority find no substance in appeal and hold that DPO has correctly passed this order, therefore, this appeal is dismissed and filed.

[Signature]
(ABDUL GHAFOOR AFRIDI)
PSP, PPM

Deputy Inspector General of Police,
Dera Ismail Khan Region.

No. 132 /ES, dt: 13-1-14

Copy to the District Police Officer, DIKhan for information with reference to his office memo: No.31897 dated 31.12.2013. His Service Record is returned herewith.

[Signature]
(ABDUL GHAFOOR AFRIDI)
PSP, PPM

Deputy Inspector General of Police,
Dera Ismail Khan Region

Encl: (1) S. Roll - ①
(2) S. Books - ②
(3) F. Missed - ①

Received

OBJECTION
To
309
Tariq Salêem
23-1-14
23-1-14
23-1-14
28/1

Attested OB 88
21-1-14

[Signature]
23-1-14

POWER OF ATTORNEY

IN THE Service Tribunal K.P.K. Peshawar

In Re service appeal No of 2014

Tariq Saleem

[Plaintiff
[Appellant
[Petitioner
[Complainant

Versus

D-i-G. Police D-i-Khan

[Defendant
[Respondent
[Accused
[Judgment Debtor

I/We Tariq Saleem Ex ASI P.O Jatta Tehsil Parova District D-i-Khan
the petitioner above named hereby appoint Imtiaz Ali and Ishtiaq Ahmad,
Advocates in the above mentioned case, to do all or any of the following acts, deeds and things.

1. To appear, act, and plead for me/us in the above mentioned case in this Court/Tribunal or any other court/tribunal in which the same may be tried or heard, and any other proceedings arising out of or connected therewith.
2. To sign, verify and file or withdraw all proceedings, petitions, appeals, affidavits, and applications for compromise or withdrawal, or for submission to arbitration of the said case, or any other documents, as may be deemed necessary or advisable by them for the conduct, prosecution or defence of the said case at all its stages.
3. To receive payment of, and issue receipts for, all money that may be or become due and payable to us during the course or on the conclusion of the proceedings.

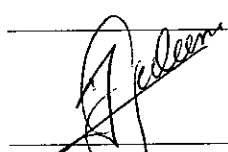
To do all other acts and things which may be deemed necessary or advisable during the course of the proceedings.



AND HEREBY AGREE:

- a. to ratify whatever the said Advocate may do in the proceedings.
- b. not to hold the Advocate responsible if the said case be proceeded ex-parte or dismissed in default in consequence of their absence from the Court/Tribunal when it is called for hearing.
- c. that the Advocate shall be entitled to withdraw from the prosecution of the said case if the whole or any part of the agreed fees remains unpaid.

In witness whereof I / We have signed this Power of Attorney / Vakalatnama hereunder, the contents of which have been read / explained to me/us and fully understood by me / us this _____ day of

_____ at _____


Signature of executant/s



Accepted subject to the term regarding payment of fee.
Imtiaz Ali, Advocate and **Ishtiaq Ahmad**, Advocate,
High Court, Peshawar.

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

Service Appeal No. 163/2014

Tariq Saleem, Ex-ASI
S/o Malik Muhammad Amir
R/o Vilalge PO Jatta Tehsil Prova District DIKhan.....(Appellant)

Versus

1. The Deputy Inspector General of Police, D.I.Khan Range.
2. District Police Officer, DIKhan..... (Respondents 1 & 2)

WRITTEN REPLY ON BEHALF OF RESPONDENTS.

Respectfully Sheweth,

PRELIMINARY OBJECTIONS

1. That the appellant has got no cause of action & locus standi.
2. That the appeal is bad for misjoinder/non-joinder of necessary parties.
3. That the appeal is time barred.
4. That the appellant has not come with clean hands.
5. That the appellant is estopped due to his own conduct.
6. That the appellant has concealed the material facts from this Honourable Tribunal.
7. That appeal is not maintainable & incompetent.

BRIEF FACTS

1. Pertains to record.
2. Correct to the extent the appellant was awarded major punishment of reduction in Rank from SI to ASI vide order dated 23.09.2013. The remaining portion of the para is incorrect. Infact on the report of learned District Public Prosecutor DIKhan the appellant was given show cause notices on the charges of misuse of official powers i.e. return of case properties recovered in case FIR No. 08 dated 12.1.13 u/s 382 PPC, FIR No. 30 dated 31.1.2013 u/s 279/320/337G/427 PPC & FIR No. 39 dated 14.9.2013 u/s 279/320/337G/427 PPC PS Saddar to the owner without lawful authority. Show cause notices were served upon him on 21.03.2013 and 24.04.2013 respectively but after sufficient period even after the

lapse of given period under the rules, he did not submit replies. Therefore, charge sheet and statement of allegations on the above misconduct were issued and a senior officer the then DSP HQrs was appointed Enquiry Officer but as per previous practice the appellant has not submitted reply to the Enquiry Officer nor joined the enquiry proceedings despite repeated message. In due course of time the Enquiry Officer was transferred to other District then his substitute was deputed, who called the appellant through messages with the directions to join the enquiry proceedings but even then he did not bother to join enquiry proceeding which clearly reveals that he had no defence to offer in his favour and did not want to join enquiry intentionally. Therefore, on the recommendation of Enquiry Officer the departmental punishment was awarded.

3. Incorrect. Infact the appellant was placed under suspension by the competent authority on the chronic and serious allegations of Ill-reputation, Corruption & Inefficiency besides some other colleagues of having aforesaid charges.
4. Incorrect. Infact appellant besides his colleagues challenged the lawful authority of superiors by filing a Writ Petition in an improper forum before awarding departmental punishment because under the rules suspension is no punishment especially when a proper charge sheet and statement of allegations were issued and a proper departmental proceedings were started.
5. Incorrect. Infact a proper charge sheet and statement of allegations were issued to the appellant just after his suspension and a proper enquiry through a senior officer the rank of DSP was started under the existing law & rules.
6. Pertains to record.
7. Incorrect. Infact a proper charge sheet and statements of allegations containing the details of charges were served upon him.
8. Incorrect. Infact a proper departmental enquiry was initiated on merits by giving lawful opportunities of defence to the appellant and he was held guilty.
9. Incorrect. The appellant was also heard in person by the competent authority before passing the orders. The order was passed under the law & rules.

10. Correct to the extent that the appellant preferred departmental appeal which has been rejected by the competent authority Respondent No.1. So far as the remaining portion of para is concerned it may be treated as per law and rules.
11. The appellant has got no cause of action to file appeal and instant appeal is liable to be dismissed on the following grounds.

GROUNDS


- A. Incorrect. The order was passed under the law and rules after proper departmental proceedings.
- B. Incorrect. Infact a proper charge sheet and statement of allegations in accordance with law and rules was served upon the appellant. He was also given lawful opportunity of defence including personal hearing.
- C. Incorrect. Infact a proper departmental proceedings were initiated on merit under the law and rules and the appellant was found guilty.
- D. Incorrect. All the departmental proceedings were initiated against the appellant under the existing law & rules on merits and neither fundamental rights, nor due process under the constitution of Pakistan have been violated, nor unfair trial has been made.
- E. Incorrect. Infact the charges levelled against him were proved beyond any shadow doubt in a proper departmental proceedings conducted by the Enquiry Officer purely on merits.
- F. Incorrect. Infact the competent authority has initiated departmental proceedings against the appellant after observing all the legal formalities and no violation of laws has been made. The appellant was dealt strictly in accordance with law and no injustice has been done.
- G. Incorrect. An enquiry was initiated on serious and chronic allegations of Ill-reputation, Corruption & Inefficiency which have been proved against him.
It is worth to mention that he was awarded major punishment of reduction in rank on the similar nature of charges and more than one minor punishment to previously. (Enclosed as Annexure "A").

H. That other grounds/pleas may be raised at the time of hearing, with the permission of Honourable Tribunal.

PRAYER

It is, therefore, most humbly prayed that on acceptance of instant parawise comments, the Appeal of the Appellant is devoid of legal footing and merit may graciously be dismissed.


Deputy Inspector General of Police
DIKhan Range
(Respondent No.1)


District Police Officer,
Dera Ismail Khan
(Respondent No.2)

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

Service Appeal No. 163/2014


Tariq Saleem, Ex-ASI
S/o Malik Muhammad Amir
R/o Vilalge PO Jatta Tehsil Prova District DIKhan.....(Appellant)

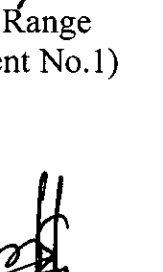
Versus

1. The Deputy Inspector General of Police, D.I.Khan Range.
2. District Police Officer, DIKhan..... (Respondents 1 & 2)

A U T H O R I T Y

We, the respondents do hereby authorised DSP/Legal, DIKhan to appear before the Service Tribunal Khyber Pakhtunkhwa, Peshawar, on our behalf, He is also authorised to produce/ withdraw any application or documents in the interest of Respondents and the Police Department.


Deputy Inspector General of Police
DIKhan Range
(Respondent No.1)


District Police Officer,
Dera Ismail Khan
(Respondent No.2)

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

Service Appeal No. 163/2014


Tariq Saleem, Ex-ASI
S/o Malik Muhammad Amir
R/o Vilalge PO Jatta Tehsil Prova District DIKhan.....(Appellant)

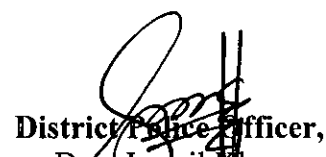
Versus

1. The Deputy Inspector General of Police, D.I.Khan Range.
2. District Police Officer, DIKhan..... (Respondents 1 & 2)

COUNTER AFFIDAVIT ON BEHALF OF RESPONDENTS

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


Deputy Inspector General of Police
DIKhan Range
(Respondent No.1)


District Police Officer,
Dera Ismail Khan
(Respondent No.2)


70

ORDER

This order is aimed to dispose off the departmental proceeding against ASI Tariq Saleem No. 22/D on the charges of corruption, ill-reputation and inefficiency.

The defaulter Asstt: Sub Inspector was served with the charge sheet and statement of allegation and an enquiry was conducted into the matter through Mr. Salahuddin Khan DSP DSB DIKhan. The enquiry officer submitted his finding, in which he stated that the defaulter Asstt: Sub Inspector is found guilty of the charges leveled against him and recommended him for major punishment. The defaulter Asstt: Sub Inspector was summoned in Orderly Room on 09.12.2013 and heard in person by giving opportunity of defence but he could not satisfy the undersigned about his misconduct. The enquiry file/available record was perused and the undersigned came to the conclusion that the charges leveled against him are stand proved.

Therefore, in the light of above, I Muhammad Nisar Ali (PSP) District Police Officer DIKhan in exercised of powers conferred upon me under the Police Rules-1975, hereby award him **major punishment of removal from service** with immediate effect.

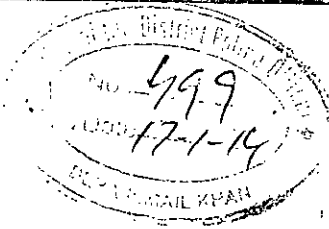

District Police Officer,
Dera Ismail Khan

ORDER ANNOUNCED

Dated.09.12.2013

CB = 1763

DT 09-12-13



ORDER:

This order is meant to dispose off the appeal preferred by Ex-ASI Tariq Saleem No.22/D of DIKhan District against the order of major punishment i.e. removal from service, awarded to him by DPO DIKhan vide order dated 09.12.2013. He was proceeded against on the allegations of ill-reputation, corruption and inefficiency. A proper departmental enquiry was initiated and Mr. Salah-ud-Din, DSP DSB DIKhan was appointed as Enquiry Officer to conduct proper departmental enquiry against him. On the recommendation of Enquiry Officer, DPO DIKhan awarded him major punishment of removal from service.

The appellant/ Ex-ASI preferred the instant appeal against the order of DPO DIKhan. I have gone through the enquiry file as well as service record of the appellant and also heard him in person on 02.01.2014.

Therefore in exercise of power conferred upon me I **Abdul Ghafoor Afridi** Dy: Inspector General of Police DIKhan, in exercise of the powers conferred upon me and being a competent authority find no substance in appeal and hold that DPO has correctly passed this order, therefore, this appeal is dismissed and filed.

(ABDUL GHAFUOR AFRIDI)
PSP, PPM

Deputy Inspector General of Police,
Dera Ismail Khan Region

No. 132 IES, dt: 13-1-14

Copy to the District Police Officer, DIKhan for information with reference to his office memo: No.31897 dated 31.12.2013. His Service Record is returned herewith.

(ABDUL GHAFUOR AFRIDI)
PSP, PPM

Deputy Inspector General of Police,
Dera Ismail Khan Region

Encl: (1) S. Roll - ①
(2) S. Books - ②
(3) F. Missal - ①

Received
Alam
16-01-14

OB/GC/PO
to inactive
2
OB/DA

OB 88.
DI 21-1-14

ORDER:


No - 731
Date: 20-1-14

This order is meant to dispose off the appeal preferred by ASI Tariq Saleem No.22/D of DIKhan District against the order of major punishment i.e. reduction from the rank of Sub Inspector to ASI vide order dated 23.09.2013. He was proceeded against on the allegations that he while posted as SHO at Police Station Saddar DIKhan a case vide FIR No.8 dated 12.01.2013 u/s 382 PPC PS Saddar was registered. According to the report of DPP he returned the Pistol and License copy to the owner which is not under the law. Similarly he handed over possessed motorcar No.LP-1-12 alongwith registration copy and driving license vide FIR No.30 dated 31.01.2013 u/s 279/320/337-G/427 PPC PS Saddar to Muhammad Nisar s/o Fazal Rehman on "Superdari Nama" which is against the law & rules. In another case vide FIR No.23 dated 04.09.2013 u/s 279/337-G/427 PPC PS Saddar was registered, according to the report of DPP he released the motorcycle on Superdari on his owner which is against the law & Rules. A proper departmental enquiry was initiated and on the recommendation of Enquiry Officer the DPO DIKhan awarded him major punishment of reduction from the rank of Sub Inspector to ASI.

The appellant/ Ex-ASI preferred the instant appeal against the order of DPO DIKhan. I have gone through the enquiry file as well as service record of the appellant and also found that the appellant has already been removed from service on the charges of ill-reputation, corruption and inefficiency.

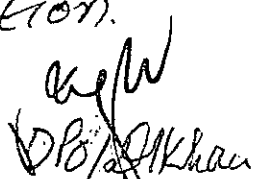
Therefore in exercise of power conferred upon me I Abdul Ghafoor Afridi Dy: Inspector General of Police DIKhan, the competent authority in exercise of the powers conferred upon me find no substance in appeal and hold that DPO DIKhan has correctly passed this order, therefore, this appeal is dismissed and filed.


OB 145
DI 27-1-14


(ABDUL GHAFOOR AFRIDI)
PSP, PPM
Deputy Inspector General of Police
Dera Ismail Khan Region

No. 243 IES Dt: 21-01-14

Copy to the District Police Officer, DIKhan for information with reference to his office memo: No.23879 dated 23.10.2013.

OB / Ex/ASI
for action.

DPO DIKhan
22/1/14


(ABDUL GHAFOOR AFRIDI)
PSP, PPM
Deputy Inspector General of Police.
Dera Ismail Khan Region

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

Service Appeal No.163/2014.

Tariq Saleem, Ex-ASI **APPELLANT**

Versus

DIG of Police, D.I.Khan & others **RESPONDENTS**

REJOINDER

Respectfully Sheweth:

PRELIMINARY OBJECTIONS

Preliminary objections 1 to 7 are wrong, misconceived, and objections for the sake of objections, requiring no serious consideration. Appellant has ample cause of action, appeal is competent and within time and does not suffer from any legal / technical defect.

BRIEF FACTS

1. Needs no comments as none have been offered in the reply.
2. Needs no comments as the issue is subject matter of separate appeal pending before this Hon'ble Tribunal.
3. The contents of para 3 of the appeal are supported by annexure "A" thereof, hence the reply offered is wrong and contrary to record.
4. The contents of para 4 of reply are also baseless and frivolous. Approaching High Court against an illegal order of the authority could not be termed as "*challenge to the lawful authority of superiors*".

5. Needs no comments, so far as issuing of charge sheets and statement of allegation are concern. However, it is reiterated that same is based on vague and stereotyped allegations.
6. No comments.
7. Incorrect, as the very perusal of so called charge sheet / statement of allegations reveal that the same do not contain any specific instances of corruption etc.
8. Incorrect. The so-called departmental inquiry was a ruse and by no stretch of imagination could be termed as "*proper departmental inquiry*".
9. Incorrect. The impugned order was passed mechanically without application of mind.
10. No comments.
11. The appellant has got cause of action on the ground raised in the appeal.

GROUNDS

- A. Contents of grounds (a) of the appeal are correct and are hereby reiterated, while reply thereof is vague and unsustainable.
- B. Incorrect. Contents of ground (b) remain un-rebutted.
- C. Incorrect. Contents of corresponding para of appeal are reiterated.
- D. As above.
- E. Incorrect. Bare perusal of so-called final report supports the instance of appellant.
- F. Incorrect. Contents of corresponding para of reply are re-butted and that of appeal are hereby reiterated.
- G. As above.
- H. Same as above.

PRAYER

The reply offered by the respondents is vague, unsubstantiated and frivolous. The same merits outright rejection and the subject appeal may kindly be allowed as prayed for.



Appellant

through



Intiaz Ali
Advocate Supreme Court of Pakistan

Dated: 26.09.2014

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

Service Appeal No.163/2014.


Tariq Saleem **APPELLANT**

Versus

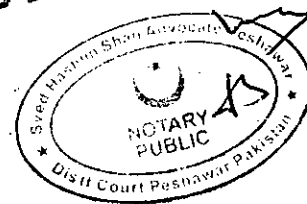
DIG of Police, D.I.Khan & others **RESPONDENTS**

AFFIDAVIT

I, Mr.Tariq Saleem, Ex-ASI, S/o Malik Muhammad Amir, R/o Village & P.O. Jatta, Tehsil Parova District D.I Khan do hereby solemnly declare and state that the accompanying rejoinder has been drafted under my instructions and that I am personally conversant with the facts and circumstances of the case. The facts and circumstances mentioned in the accompanying rejoinder are true and correct to the best of my knowledge and belief.


Deponent.

ATTESTED



30 SEP 2014

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

Service Appeal No.163/2014.

Tariq Saleem, Ex-ASI **APPELLANT**

Versus

DIG of Police, D.I.Khan & others **RESPONDENTS**

REJOINDER

Respectfully Sheweth:

PRELIMINARY OBJECTIONS

Preliminary objections 1 to 7 are wrong, misconceived, and objections for the sake of objections, requiring no serious consideration. Appellant has ample cause of action, appeal is competent and within time and does not suffer from any legal / technical defect.

BRIEF FACTS

1. Needs no comments as none have been offered in the reply.
2. Needs no comments as the issue is subject matter of separate appeal pending before this Hon'ble Tribunal.
3. The contents of para 3 of the appeal are supported by annexure "A" thereof, hence the reply offered is wrong and contrary to record.
4. The contents of para 4 of reply are also baseless and frivolous. Approaching High Court against an illegal order of the authority could not be termed as "*challenge to the lawful authority of superiors*".

5. Needs no comments, so far as issuing of charge sheets and statement of allegation are concern. However, it is reiterated that same is based on vague and stereotyped allegations.
6. No comments.
7. Incorrect, as the very perusal of so called charge sheet / statement of allegations reveal that the same do not contain any specific instances of corruption etc.
8. Incorrect. The so-called departmental inquiry was a ruse and by no stretch of imagination could be termed as "*proper departmental inquiry*".
9. Incorrect. The impugned order was passed mechanically without application of mind.
10. No comments.
11. The appellant has got cause of action on the ground raised in the appeal.

GROUNDS

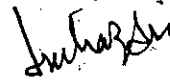
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- F. Incorrect. Contents of corresponding para of reply are re-butted and that of appeal are hereby reiterated.
- G. As above.
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PRAYER

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Appellant

through



Imtiaz Ali
Advocate Supreme Court of Pakistan

Dated: 26.09.2014

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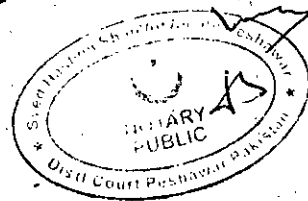
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Deponent.

ATTESTED



30 SEP 2014

جناب عالی

گزارش ہے کہ سٹیٹ پلانٹ سول کورٹ
Appeal no. $\frac{163}{2014}$

د سٹیٹ پلانٹ سول کورٹ Appeal no. $\frac{164}{2014}$ کیلئے کیے گئے ہیں۔

سریس ڈیویژن میں Arguments کیلئے کیے گئے ہیں اور تاریخ 17 $\frac{3}{15}$

ہے۔
جناب سے گزارش ہے کہ کافی عرصہ سے اس کی عدالت میں موجود

ہے لیکن Argument کیلئے Early hearing کیلئے تاریخ قرار

فرمائی جاوے۔

ان کی عین گزارش ہے۔

Allowed. May be
accommodated

18/26/11