

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Appeal No. 35/2014

Date of Institution. ... 08.01.2014
Date of Decision ... 12.06.2014

Inayat-ur-Rahman S/O Hastam Khan, Ex-ASI,
R/O Kheshgi Payan, District Nowshera. ... (Appellant)

VERSUS

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

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER NO. 2042, DATED 09.12.2013 PASSED BY THE DISTRICT POLICE OFFICER, NOWSHERA (RESPONDENT NO.3) AGAINST WHICH A DEPARTMENTAL APPEAL WAS FILED BUT THE SAME WAS DISMISSED ON 02.1.2014.

MR. RIZWANULLAH,
Advocate ... For Appellant.

MR. MUHAMMAD JAN,
Government Pleader ... For Respondents.

MR. MUHAMMAD AAMIR NAZIR, ... MEMBER
MR. SULTAN MAHMOOD KHATTAK, .. MEMBER

JUDGMENT

MUHAMMAD AAMIR NAZIR, MEMBER.- The appellant Inayat-ur-Rahman S/O Hastam Khan, Ex-ASI, District Nowshera through the instant appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 has impugned order dated 09.12.2013, passed by respondent No.3 vide which major penalty of dismissal from service with immediate effect was imposed

12.06.14

upon the appellant. The appellant has also impugned order dated 02.1.2014, vide which his departmental appeal was rejected without any cogent reason.

2. Briefly stated facts giving rise to the appeal in hand are that the appellant was inducted in Police Department as Constable on 13.12.1988 and subsequently promoted as ASI on account of his dedication, devotion and commitment to his job. That the appellant was performing his duty with great zeal and zest, however, he was served with a charge sheet and statement of allegations for mis-conduct due to his alleged involvement in crime and corruption and he was also found in-efficient. That the appellant replied to the charge sheet denying all the charges levelled against him, however, an Enquiry Committee comprising of Syed Muhammad Bilal ASP Cantt. And Mr. Nazir Khan, DSP Hqrs. Nowshera was constituted. That the enquiry was conducted in an illegal manner without following the required procedure. That neither statement of the appellant was recorded during the enquiry nor any witness was recorded during the enquiry and the appellant was held guilty of the charges levelled against him. That on the basis of false and erroneous findings of the enquiry committee, respondent No. 3 vide impugned order dated 09.12.2013 imposed major penalty of dismissal from service upon the appellant. Feeling aggrieved from the impugned order, the appellant filed departmental appeal but the same was rejected without any cogent reason on 02.1.2014, hence the instant appeal.

3. After institution of the instant appeal, it was admitted to regular hearing and the respondents were summoned by the Tribunal. The respondents contested the appeal and submitted written reply. We have heard the arguments of the learned counsel for the parties and have gone through the record available on the file.

12.06.14

4. The learned counsel for the appellant argued before the court that the appellant was an efficient and hard working officer, yet he was victimized and an enquiry was initiated against him on the charges of involvement in crime and corruption and inefficient; that during the enquiry proceedings neither statement of the appellant was recorded nor any witness was summoned in respect of the allegations levelled against the appellant; that no evidence whatsoever, was made available during the enquiry proceedings yet the appellant was victimized and was held guilty of corruption and inefficiency by the enquiry committee; that the appellate authority while overlooking all the illegalities of the Enquiry Committee, rejected the departmental appeal of the appellant without any cogent reason; that since the appellant was victimized and no proper enquiry was conducted against him, therefore, by accepting the instant appeal, the impugned orders may be set aside and the appellant may be reinstated in service with all back benefits.

12-06-14

5. The learned Government Pleader, on the contrary, argued before the court that the appellant was involved in corruption, inefficiency and also remained involve in crimes, hence he was rightly awarded major penalty; that the requisite procedure was adopted before awarding the appellant major penalty; that the instant appeal is devoid of merits, hence the same be dismissed.

6. Perusal of the case file reveals that the appellant while serving as ASI was served with charge sheet coupled with statement of allegations on 24.10.2013, wherein the appellant was charged for corruption, inefficiency and involvement in crimes. Though the appellant submitted reply to the charge sheet and statement of allegations yet while considering his reply unsatisfactory, an enquiry committee comprising of Syed Muhammad Bilal, ASP Cantt: and Mr. Nazir Khan, DSP Headquarters, Nowshera was constituted to probe into the

allegations levelled against the appellant. Perusal of the enquiry report available on file reveals that the appellant was summoned and heard by the committee yet no other person was examined in order to support the allegations levelled against the appellant. Similarly, the appellant was not associated during the enquiry proceedings. In the enquiry report it was held that the accused police official does not enjoy good reputation in general public and that locals of his area of responsibility narrate that the accused police official is in hand and glove with the local rackets of narcotics dealer, however, non from the general public was summoned to record his statement in order to substantiate the charges levelled against the appellant. Similarly, no iota of evidence was annexed with the enquiry report in respect of the allegations levelled against the appellant. Moreover, astonishingly though the enquiry was conducted by two officers, namely Syed Muhammad Bilal, ASP Cantt: and Nazir Khan, DSP Headquarter, Nowshera yet perusal of the enquiry report reveals that the same has been signed only by Syed Muhammad Bilal, ASP Cantt while the other enquiry officer, namely Muhammad Nazir, DSP (Headquarter) has not signed the enquiry report which made the enquiry report as dubious. Furthermore, the enquiry officer Syed Muhammad Bilal who recommended major penalty to the appellant was lateron posted as DPO Nowshera and he himself endorsed the enquiry findings and awarded major penalty of dismissal from service with immediate effect to the appellant. Thus violated the basic principle of natural justice "Nemo Index in Causa Sua", that no one should be a judge in his own cause.

7. In the above stated circumstance, the Tribunal has no other option but to accept the appeal partially, set aside the impugned orders and reinstate the appellant in service by remanding the case back to the competent authority/respondent No.2 with direction to conduct denovo departmental

12.06.14

enquiry/proceedings against the appellant strictly in accordance with the law. The question of back benefits will be subject to the outcome of departmental enquiry/proceedings. Parties are left to bear their own costs. File be consigned to the record.

8. This judgment will also dispose of connected Service Appeal No. 36/2014, Muhammad Alam Khan, No. 37/2014, Sartaj Khan, No. 38/2014 Ijaz Ahmad, No. 39/2014 Badan Khan and No. 40/2014 Jamshed Khan, Versus The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar etc. in the same manner as the above referred appeals have same merits.

ANNOUNCED
12.06.2014.


(SULTAN MAHMOOD KHATTAK)
MEMBER


(MUHAMMAD AAMIR NAZIR)
MEMBER

2.4.2014.

Counsel for the appellant and Mr. Hidayat Shah, Inspector (Legal) with Mr. Muhammad Jan, GP for the respondents present. The learned GP requested for time to go through the record. To come up for arguments on 4.6.2014.

MEMBER

MEMBER

4.6.2014

Appellant with counsel and Mr. Muhammad Jan, GP with Bahroz Pirzada S.I for the respondents present. Arguments heard. To come up for order on 12.6.2014.

MEMBER

MEMBER

12.6.2014

Appellant in person and Mr. Bahroz Pirzada, SI (Legal) for the respondents present. Arguments already heard. Record perused. Vide our detailed judgment of to-day the appeal is partially accepted as per detailed judgment. Parties are left to bear their own costs. File be consigned to the record.

ANNOUNCED
12.06.2014.

MEMBER

MEMBER

Appeal No. 35/2014.
Mr. Qureshi - vs - Reliance.

23.01.2014

Appellant with counsel present. 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 09.12.2013, the appellant filed departmental appeal on 13.12.2013, which has been rejected on 02.01.2014, hence the present appeal on 08.01.2014. Counsel for the appellant contended that the original order has issued by incompetent person further more that Syed Muhammad Bilal, DPO, Newshehra was one of the member of enquiry committee, hence the original order is illegal. He further contended that the impugned order is not a speaking order and 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, Notice be issued to the respondents for submission of written reply on 26.02.2014.

Appellant deposited
process fee & security
of Rs. 10800/- Banded Receipt
attached with file
(A.No. 35/2014)

23.01.2014

This case be put before the Final Bench 11 for further proceedings.

Member

Chairman

26.2.2014

Counsel for the appellant and Mr. Muhammad Jan, GP with Hidayat Shah, Inspector (Legal) for the respondents present and reply filed. Copy handed over to counsel for the appellant. He does not want to file rejoinder. To come up for arguments on 10.6.2014.

MEMBER

3.

17.01.2014

Counsel to the
Appellant

present and submitted an application for early hearing. To come up for arguments on early hearing application on 23.01.2014.

[Signature]
Member



Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 35/2014

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	08/01/2014	<p>The appeal of Mr. Inayat-ur-Rahman presented today by Mr. Rizwanullah Advocate may be entered in the Institution register and put-up-to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR</p>
2	15-1-2014	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>11-2-2014</u></p> <p style="text-align: right;"><i>[Signature]</i> CHAIRMAN</p>

BEFORE THE CHAIRMAN, KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

In the matter
Service Appeal No. 35 /2014

Inyat-ur-Rahman
Ex-ASI

VERSUS

The Provincial Police Officer,
Government of Khyber
Pakhtunkhwa, Peshawar etc.

I N D E X

S.No	Particulars	Annexure	Pages #
1	<i>Service Appeal</i>	—	1-6
2	<i>Affidavit</i>	—	7
3	<i>Copy of Charge Sheet alongwith a statement of allegations</i>	"A and B"	8-9
4	<i>Copy of reply to the Charge Sheet</i>	"C"	10-12
5	<i>Copy of Enquiry Report</i>	"D"	13 to 14
6	<i>Final Show Cause Notice Dated 7-11-2013</i>	"E"	15
7	<i>Reply to Final Show Cause Notice</i>	"F"	16-17
8	<i>Impugned Order Dated 9-12-2013</i>	"G"	18
9	<i>Departmental Appeal Dated 13-12-2013</i>	"H"	19-20
	<i>Rejection of Appeal</i>	"I"	21
10	<i>Wakalatnama</i>	—	—

Appellant

Through

Rizwanullah
M.A. LL.B

**Advocate High Court,
Peshawar**

**BEFORE THE HON'BLE CHAIRMAN, KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

Service Appeal No. 35 /2014

Inyat-ur-Rahman S/O Hastam Khan,
Ex-ASI,
R/O Kheshgi Payan,
District Nowshera.

W. J. P. Peshawar
33
08/01/2014

APPELLANT

VERSUS

1. The Provincial Police Officer, Government of Khyber Pakhtunkhwa, Peshawar.
2. The Deputy Inspector General of Police Mardan Ranger, Mardan Khyber Pakhtunkhwa.
3. The District Police Officer, Nowshera.

RESPONDENTS

**APPEAL UNDER SECTION 4 OF THE
KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL ACT, 1974 AGAINST THE
IMPUGNED ORDER NO. 2042 DATED
9-12-2013 PASSED BY THE DISTRICT
POLICE OFFICER, NOWSHERA
(RESPONDENT NO.3), AGAINST WHICH
A DEPARTMENTAL APPEAL WAS
FILED BUT THE SAME WAS DISMISSED
ON 2-1-2014.**

La. Q.
8/1/14

Prayer in Appeal

By accepting this appeal, the impugned orders No. 2042 dated 9-12-2013 and No. 68/ES, dated 2-1-2014 passed by the respondents No.2 and 3 may very graciously be set aside and the appellant may kindly be re-instated in service with full back wages and benefits.

Any other relief deemed appropriate in the circumstances of the case, not specifically asked for, may also be granted to the appellant.

Respectfully Sheweth,

Short facts giving raise to the present appeal are as under:-

1. *That the appellant joined the service of Police Department as Constable on 13-12-1988 and then rose to the post of Assistant Sub-Inspector on account of his dedication, devotion and commitment to his job. He had 25 years unblemished service record to his credit.*
2. *That the appellant was performing his duty with great zeal and zeast. He was served with a charge sheet alongwith statement of allegations on 24-10-2013 for misconduct due to his alleged involvement in crime and corruption and that he was also found in-efficient (Copy of charge sheet and statement of allegations are appended as Annex-A & B) .*
3. *That the appellant submitted reply to the charge sheet and denied the allegations leveled against him and also termed the same as false and baseless (Copy Annex-C).*
4. *That the aforesaid reply was not found satisfactory and as such Enquiry Committee was constituted against him to probe into the allegations leveled against the appellant in the charge sheet. The Enquiry Committee consisted of two officers namely*

*Syed Muhammad Bilal ASP Cantt : Nowshera and Nazir Khan
DSP Headquarters: Nowshera.*

5. *That the Enquiry Committee conducted the so-called inquiry at the back of the appellant in which the appellant had neither participated nor any witness was examined in his presence (Copy Annex-D).*
6. *That the appellant was not provided any opportunity to cross-examine the prosecution witnesses. The statements of the appellant as well as his witnesses were also not recorded during the enquiry. Thus, he was denied opportunity of defence.*
7. *That the appellant was served with a Final Show Cause Notice on 7-11-2013 (Copy Annex-E). He furnished reply and denied the allegations and also termed the inquiry as farce and mockery in the eyes of law (Copy Annex-F).*
8. *That the appellant was awarded Major Penalty of dismissal from service by an order dated 9-12-2013 passed by the respondent No.3 (Copy Annex-G).*
9. *That the appellant felt aggrieved by the said order No.2042 dated 9-12-2013, filed a Departmental Appeal with the respondent No.2 on 13-12-2013 within the statutory period of law (Copy Annex-H). But the above appeal was dismissed on 2-1-2014 (Copy Annex-I).*
10. *That the appellant is jobless since his dismissal from service.*
11. *That the appellant now files this appeal before this Hon'ble Tribunal inter-alia on the following grounds.*

• GROUNDS OF APPEAL

- A. *That no fair and impartial enquiry was constituted against the appellant. The prosecution witnesses were not examined in the presence of the appellant. He was also not provided any opportunity to cross-examine the witnesses. The statements of appellant and his witnesses were also not recorded by the enquiry committee. Thus, the appellant has been condemned/penalized without being heard, contrary to the basic principle of natural justice known as "Audi Alteram Partem". Therefore, the impugned order is against the spirit of law.*
- B. *That the Enquiry Committee was under statutory obligation to highlight such evidence in the enquiry report on the basis of which they found the appellant guilty of the so-called allegations leveled against him in the charge sheet. But they failed to do so. Moreover, there was no iota of evidence to connect the accused with the commission of offence. Hence, the impugned orders passed by the respondent No.2 and 3 on the basis of such enquiry report are against the spirit of Administration of Justice .*
- C. *That Syed Muhammad Bilal (ASP) Cantt Nowshera was one of the Member of the Enquiry Committee who alongwith another Member unanimously held the appellant guilty of the charges and recommended Major Penalty to him . This officer was later-on elevated as District Police Officer Nowshera and the enquiry file of the appellant was placed before him for necessary action. The said officer maintained the above findings of the Enquiry Committee and awarded Major Penalty of dismissal from service of the appellant despite the fact that he was not competent to pass any order on it in capacity as "Authority" . But he has over looked this important aspect of the case and as such grave injustice has been caused to the*

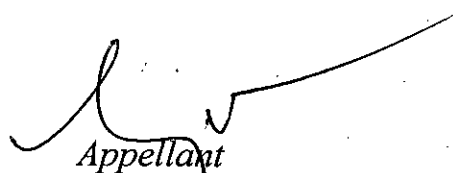
appellant on this count. Moreover, the above officer has also blatantly violated the *First Principle of Natural Justice* known as "*NEMO INDEX IN CAUSA SUA*" which says that *no person should be a judge in his own cause*. Thus, the impugned orders of the respondent No.2 and 3 are not tenable under the law.

- D.** That the appellant was not provided any opportunity of personal hearing before imposition of Major Penalty of dismissal from service. Mere verbal assertion without any cogent evidence and documentary proof is not sufficient to justify the stance of the respondent No.2. Therefore, the impugned orders of the respondent No.2 and 3 are liable to be set aside on this score alone .
- E.** That respondent No. 2 and 3 have passed the impugned orders in mechanical manner and the same are perfunctory as well as non-speaking and also against the basic principle of administration of justice. Therefore, the impugned orders are not warranted by law.
- F.** That the impugned orders of respondent No. 2 and 3 are suffering from legal infirmities and as such causing grave miscarriage of justice to the appellant.
- G.** That the impugned orders of respondent No. 2 and 3 are the result of misreading and non-reading of relevant documents. Hence, the same are liable to be set aside.
- H.** That the impugned orders of respondent No. 2 and 3 are against law, facts of the case and norms of natural justice. Therefore, these are untenable in the eyes of law.

- I.** *That the impugned orders are based on surmises and conjectures. Hence, the same are not sustainable under the law.*
- J.** *That the respondent No. 3 was biased and prejudiced against the appellant and therefore, he has awarded him Major penalty of dismissal from Service for no fault on his part.*

In view of the above narrated facts and grounds, It is, therefore, humbly prayed that the impugned orders No.2042 dated 9-12-2013 and No. 68/ES, dated 2-1-2014 passed by the respondents No.2 and 3 may very graciously be set aside and the appellant may kindly be re-instated in service with full back wages and benefits.

Any other relief deemed proper and just in the circumstances of the case, may also be granted.


Appellant

Through


Rizwanullah
M.A. LL.B

Advocate High Court, Peshawar

BEFORE THE CHAIRMAN, KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

In the matter

Service Appeal No. _____/2014

Inyat-ur-Rahman
Ex-ASI

VERSUS

The Provincial Police Officer,
Government of Khyber
Pakhtunkhwa, Peshawar etc.

AFFIDAVIT

I, Inyat-ur-Rahman S/O Hastam Khan, Ex-ASI, R/O Kheshgi Payan, District Nowshera, do hereby solemnly affirm and declare that the contents of the accompanied Service Appeal are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Tribunal.


Deponent

ATTESTED
 Mukhtar Ahmed Ghaznavi
 Oath Commissioner
 District Court, Peshawar

2014

2

Annex-A

8

CHARGE SHEET

I, WAQAR AHMED, PSP, District Police-Officer Nowshera, as competent authority, hereby charge ASI Inayat-ur-Rehman as per Statement of Allegations enclosed.

1. By reasons of the above, you appear to be guilty of misconduct under the N.W.F.P. Police Rules, 1975 and have rendered yourself liable to all or any of the penalties specified in the N.W.F.P. Police Rules, 1975.
2. You are, therefore, required to submit your written defense within 07 days of the receipt of this Charge Sheet to the Enquiry Officers, or the case may be.
3. Your written defense, if any should reach the Enquiry Committee within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall follow against you.
4. Intimate whether you desire to be heard in persons.

Attested
MP
Adw


District Police Officer,
Nowshera.

DISCIPLINARY ACTION

Annex-B

9

2

I, WAQAR AHMED, PSP, District Police Officer Nowshera as competent authority of the opinion that ASI Inayat-ur-Rehman has rendered himself liable to be proceeded against as he committed the following acts/omissions within the NWFP, Police Rules, 1975.

STATEMENT OF ALLEGATIONS

Whereas ASI Inayat-ur-Rehman while posted at Police Station Akora Khattak, was found in-efficient, involved in crime and corruption which amounts to a grave misconduct and liable him for Minor/Major punishment under the NWFP, Police Rules, 1975.

For the purpose to scrutinize the conduct of the said accused with reference to the above allegations, Enquiry Committee of the following officers is constituted:-

1. Syed Muhammad Bilal ASP Cantt: NSR
2. Mr. Nazir Khan DSP Hqrs: Nowshera.

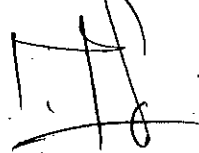
The Enquiry Committee shall in accordance with the provisions of the NWFP, Police Rules, 1975 provide reasonable opportunity of hearing to the defaulter official, record its findings and make immediate recommendations as to punish or other appropriate action against the defaulter official.

ASI Inayat-ur-Rehman is directed to appear before the Enquiry Committee on the date, time and place fixed by the Enquiry Committee.


District Police Officer,
Nowshera.

No. 569/PA,

Dated 26.11/2013.

Attested

Achr

حاجی

حوالہ خارج شدہ، ڈسپنزی ایکٹ نمبری 569-PA جاریہ جاہ مغرب

24.x.13

مات ۵۰۰ کے تحت مخصوص صورتوں میں

غیر۔ صرف ۱۹۸۸ء اور بعد کے نیشنل فیکلٹی لیسٹ میں عرق پور اللہ تعالیٰ کے فضل

و کرم سے اور افسانہ باللہ ہاں کے حکم مانتے ہوئے اور حاضر باسٹل ڈیوٹی کرتے ہوئے

عرق پور ڈیوٹی میں حلف اٹھا چکے ہوں۔ ہاں ایما نڈاری، پُر حلو صل اور

نڈر ڈیوٹی کرتے گا۔ اسی دن سے آج تک دوران ڈیوٹی کئی ایما نڈاری

کے دوران و کچھ ہوں۔ یہی ایسی یا اور ایسی ہیہ افراد کے دیکھوں اور پُر

افسانہ باللہ ہاں کے حکم مانتے ہوئے ایما نڈاری ڈیوٹی کرتے ہوئے اور

بالدہ ہاں کے حکم مانتے ہوئے ایما نڈاری ڈیوٹی کرتے ہوئے اور اس

اور اس ذمہ سیر کے لیے، دس دس ماہ کے گواہ ہیں اور ان سے

کافیہ رپورٹ بھی حاصل کی جا سکتی ہیں۔

میرا یہ بیان سب کے سامنے پیش کیا گیا ہے اور اس کے ذریعے جو میرا یہ بیان

اس بات کی دلیل ہے۔ اس کے ساتھ ساتھ ایما نڈاری کے خلاف کیا گیا۔

بنا جو اصل افغان۔ کیونکہ اس کے ذریعے صلح و صلح کے قتل گمانہ جاتا، جو کیا گیا ہے۔

الغیر ۵۴۰، دس دس ماہ کے سفارتوں اور ان کے التجا پر بھی اکثر افسانہ باللہ

ہاں کے قتل گمانہ جاتا ہے اور بعد میں اور پُر، قس اور خارج ہوئی تھی

جس سے دیگر مواقع کے علاوہ صرف عرق پور ہاں کے حوالہ خارج رہے ہوں۔

Attest
[Signature]
AOW

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اگر میں ڈیڑھی ایمانداری سے خود اسکو جی سے نہ کرتا۔ تو خیر افسران بھی اس قسم کے تقاضات پر تلبیحات نہ کرتا۔

منزید یہ تا جگر افسران اگر مناسب سمجھا تو دیگر تقاضا سے علاوہ تقاضا اور کفار و کفریہ پر فخر پائی کرتا۔ جہاں ترقی و ترقی ہوتی تھی، ہماری ہمدردی اور حیرت و حیرت اور اسی طرح جہاں ماریاں برآمد ہوتی تھیں۔

کبھی بھی کسی جرائم پیشہ افراد کو قانون سے بالذکر تریل سمجھنے کے لئے اور نہ ہی کبھی یہ سمجھنے کے لئے جرائم پیشہ افراد کو یا تو قانون کے خلاف

نہیں۔ میرا برآمد ہونا، گرفتاریاں وغیرہ اسباق کا ثبوت ہے کہ میں کرپشن کے لئے کبھی نہ ہوں۔

اگر میں کرپشن کرتا تو میرا وہ نام کا طرح و خاں کرتا۔

اگر میں کرپشن کرتا تو پھر اسی ہماری ہمدردی اور حیرت، شراب وغیرہ کے طرح برآمد کرتا۔ جیسا کہ ملزمان سزا یا جوبکلا جیل اور ترقی ہمدردی زبردستی بدلتے۔ اسی طرح تھی ہمارا باران بھی گرفتار تھے جیسا۔ جیسا کہ متعلقہ آؤرہ ہارڈ ورک گواہ ہے۔

علاوہ اس کے میرے ساتھ، سب افسران ہاں ایسا تھا، ایماندار اور ایسا اور ملنے پونے ایسا۔ سفارشوں پر ملنے والے تھے قانون کے خلاف وغیرہ کے ہیں۔

اور اب جبکہ اگر میں سب افسران ہاں تھے تو جیسا کہ وہ میرے ساتھ تھے۔

مذکورہ بالہ تشریح گواہی دے گی۔ مذہبی ناخالصی اور جرمی ہم غفلت تھی ہے۔ مذہبی کرپشن تھی ہے۔ اور نہ کبھی سوجھی سکتا ہوں۔ اور نہ ہی میرے خلاف افسران کو کبھی کرپشن اور غیر ترقی کے شکیبیت ملے ہے۔

اگر جرائم پیشہ افراد، جیسا کہ کاروں کی گرفتاری اور ملنے و سنہاں کی گرفتاری کا خاطر اپنا ذرا جرائم و جرائم و جرائم و جرائم کی تھیں ایمان کے حتمیابی لکھی ہوئی ہے۔ جو میں نے اپنے الزامات کے بنیاد ہے۔

ATC
H
Adw

Annex-D

13

The undersigned along with DSP headquarters Mr. Nazir Khan were deputed to conduct the enquiry of ASI Anayat Ur Rehman through letter No. 569/PA dated 24/10/2013 by the worthy District Police Officer Noshehra.

Brief Facts:

ASI Anayat Ur Rehman was suspended on the complaints and reports of inefficiency and corruption while he was posted at PS Akora Khattak. While posted at PS Akora Khattak, being an upper subordinate he was in-charge of a specific area.

Proceedings

The proceedings of the enquiry have been conducted strictly in accordance with the NWFP Police Rules 1975.

Statement of ASI Anayat Ur Rehman

The accused police official appeared before the enquiry committee on 26/10/2013 and submitted his written statement. He was given opportunity to be heard in person. He states that the entire allegations against him are not based upon facts and he has been doing his duty effectively and honestly.

He also furnished a plethora of FIR photocopies as a proof of his efficient working and doing his duty effectively. Most of these FIRs are chalked under sections 302, 324, 337, 506 etc PPC and 9-B, 9-C CNSA and under Gambling Ordinance.

Findings

In the light of the statement of the accused, cross verification of furnished FIRs, collection of information from the general public, and keeping in view the previous performance of the police official, the Enquiry Committee found

- That the accused police official dose not enjoy good repute in general public.
- That the locals of his area of responsibility narrate that the accused police official is in hand and glove with the local rackets of narcotics dealer.
- That his area of responsibility has always remained infested with the criminals and criminal activities.
- That the performance FIRs he furnished are mostly 'progress FIRs' where the case property is absent.
- That his statement is not satisfactory regarding clearance of the allegations
- That he has been involved in abetting and harboring crime and criminals in his area of responsibility
- That his area of responsibility, Adam Zai etc, is notorious for narcotics and other criminal

Attested
AA
Adr

(4)

(14)

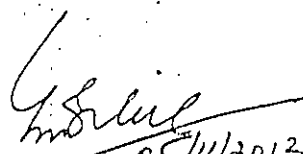
• That he omitted discharge of his official duties.

Recommendations

The Enquiry committee found the accused official as guilty of the charges and recommends that ASI Anayat Ur Rehman may please be awarded with punishment for negligence of his duties, inefficiency, connivance with local drug peddlers, and having a stained-repute in general public.

Submitted Please:


Nazir Khan
DSP Headquarters Noshehra


05/11/2013
(Syed Muhammad Bilal) PSP
ASP Cantt Noshehra

No. 22 S/ST ASP Cantt Noshehra

Dated: 05/11/2013

Encl: 87 Page's

Attest

Adw

3

FINAL SHOW CAUSE NOTICE

Annex-B

15

I, WAQAR AHMED, District Police Officer, Nowshera as competent authority under the NWFP Police Rules, 1975 do hereby serve you ASI Inayatpur Rehman while posted at Police Station Akora Khattak:-

1. i) That consequent upon the completion of enquiry conducted against you by the enquiry Officer for which you were given opportunity of hearing.
- ii) On going through the findings and recommendation of the enquiry officer, the materials on record and other connected papers produced before the Enquiry Officer.

I am satisfied that you have committed the following acts/omissions specified in Police Rules 1975 of the NWFP.

"That you ASI Inayatpur Rehman while posted at PS Akora Khattak was found in-efficient, involved in corruption and with criminals. This act amounts to a gross misconduct on your part and against the discipline of the force.

1. As a result thereof, I, as competent authority, have tentatively decided to impose upon you the penalty of Major punishment under the NWFP Police Rules, 1975.
2. You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.

If no reply to this notice is received within 07 days, it will be presumed that you have no defence to put and in that case ex-parte action shall be taken against you.

Attested
AOW


District Police Officer,
Nowshera.

No. 582 /PA,
Dated 7.11 /2013.

ان اذکار عبادت الرحمن

اعمال

3۔ الہ خاسر شہو کا ذکر و تفسیر نمبر 582-A 7-11-013 جاری ہے
 4۔ DP کا حوالہ ہے جو فٹنگ حصہ ہے جس کا حوالہ ہے۔
 5۔ یہ کہہ کر سے جادو شدہ آٹو انٹری میں نقصان اور خوف
 6۔ یہ کہہ کر سے جادو شدہ آٹو انٹری میں نقصان اور خوف
 7۔ یہ کہہ کر سے جادو شدہ آٹو انٹری میں نقصان اور خوف
 8۔ یہ کہہ کر سے جادو شدہ آٹو انٹری میں نقصان اور خوف
 9۔ یہ کہہ کر سے جادو شدہ آٹو انٹری میں نقصان اور خوف
 10۔ یہ کہہ کر سے جادو شدہ آٹو انٹری میں نقصان اور خوف

- 1۔ یہ کہہ کر سے جادو شدہ آٹو انٹری میں نقصان اور خوف
- 2۔ یہ کہہ کر سے جادو شدہ آٹو انٹری میں نقصان اور خوف
- 3۔ یہ کہہ کر سے جادو شدہ آٹو انٹری میں نقصان اور خوف
- 4۔ یہ کہہ کر سے جادو شدہ آٹو انٹری میں نقصان اور خوف
- 5۔ یہ کہہ کر سے جادو شدہ آٹو انٹری میں نقصان اور خوف
- 6۔ یہ کہہ کر سے جادو شدہ آٹو انٹری میں نقصان اور خوف
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- 10۔ یہ کہہ کر سے جادو شدہ آٹو انٹری میں نقصان اور خوف

(پارہ وائر جواب)

11۔ یہ کہہ کر سے جادو شدہ آٹو انٹری میں نقصان اور خوف
 12۔ یہ کہہ کر سے جادو شدہ آٹو انٹری میں نقصان اور خوف
 13۔ یہ کہہ کر سے جادو شدہ آٹو انٹری میں نقصان اور خوف
 14۔ یہ کہہ کر سے جادو شدہ آٹو انٹری میں نقصان اور خوف
 15۔ یہ کہہ کر سے جادو شدہ آٹو انٹری میں نقصان اور خوف

16۔ یہ کہہ کر سے جادو شدہ آٹو انٹری میں نقصان اور خوف
 17۔ یہ کہہ کر سے جادو شدہ آٹو انٹری میں نقصان اور خوف
 18۔ یہ کہہ کر سے جادو شدہ آٹو انٹری میں نقصان اور خوف
 19۔ یہ کہہ کر سے جادو شدہ آٹو انٹری میں نقصان اور خوف
 20۔ یہ کہہ کر سے جادو شدہ آٹو انٹری میں نقصان اور خوف

صفر 2

جس دنواری کا عدالت کے ساتھ شامل تو FIR میں

یاد دہنیہ پر تم جیسے کہ میں SHH کا عدالت اختیار کا با اختیار
آفسر ہوتا ہے۔ جسے ساتھ ساتھ اور جیسے ہیٹ میں جرائم پیشہ
تو قتل مختلف قسم جوئی میں برابر شریک تھا ہوں۔
آرٹیکل عدالت میں ساتھ ساتھ جڑا جاتا ہے۔ تو یہ انکوائری ہے۔

یاد دہنیہ پر تم دنواری کا عدالت کے ساتھ لف تو FIR ایک صفت
کا ذکر ہے۔ بلکہ پراسا ہیں۔ اور شامل تو FIR میں
سال 2013 کے ہیں۔ جس میں جو ال عدالت کے 83 سے 13.13 جم
تھا اور وہ شخص میں ملزملان عبدالحمید اور فیض محمد
سزا یافتہ ہو چکے ہیں۔ ماسٹر عدالت کے متعلق ملزملان کا نام

یاد دہنیہ پر تم دنواری کے کو دیا یہ بیان بالکل صحت اور یہ

یاد دہنیہ پر تم اس بات کا کوئی ثبوت نہیں تم میں عدالت اختیار میں جرائم پیشہ
تو قتل سے ملتا ہوں۔ بلکہ کار شدہ FIR میں ثبوت ہے۔

یاد دہنیہ پر تم کہیں SHH تھا نہیں تھا ہوں۔ اور جیسے آدم زنی دفتر میں
ملکیات فرسٹوں مختلف قسم جوئیوں کے متعدد حقائق ثابت
ملکیات صحت موجود ہیں۔ جہاں پر اس ملک کے عدالت میں کافی کمی واقع ہے

یاد دہنیہ پر تم اس بارے دار تفصیل جواب کی روشنی میں جو زندہ
دنواری کے Major Punishment کا نام دے دو فرمایا کار انکوائری
ALKAWA دنواری جیڈا کو قابل کرنا کا حکم صادر فرمایا جاوے۔
31/11/12

الزام علیہ عنایت الرحمن اور اس میں لائن وضع
Adw

ORDER

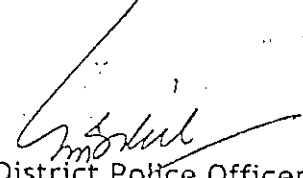
ASI Inayatpur Rehman, was suspended on the Complaints and reports of inefficiency and corruption, while posted to Police Station Akora Khattak. On account of such misconduct, he was issued charge sheet and statement of allegations and an enquiry committee consisting of Syed Mohammad Bilal ASP Nowshera Cantt: and Mr. Nazeer Khan DSP Hqrs: Nowshera was constituted. The enquiry committee, after fulfillment of legal formalities submitted finding report wherein the allegations were established against ASI Inayatpur Rehman. The enquiry committee recommended the accused Police Officer for major punishment.

The defaulter ASI was called and heard in person but he did not defend himself. Therefore, he was issued final show cause notice which was served upon him. He submitted written reply to the final show cause notice, but the same was found not satisfactory.

Therefore, in exercise of powers vested in me under Police rules, 1975, found him guilty of misconduct. Therefore, he is hereby awarded Major punishment of dismissal from service with immediate effect.

OB No. 2042

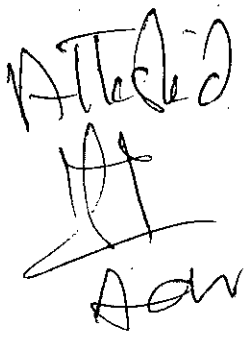
Dated 09.12 2013.


District Police Officer,
Nowshera N

No. 9083-87 /PA, dated Nowshera the 09.12 /2013.

Copy for information and necessary action to the: -

1. Deputy Inspector General of Police, Mardan Region-I, Mardan.
2. Pay officer, Nowshera.
3. EC
4. FMC



(8)

Annex-H

(19)

To,

Dy No: 3776

P.A. D.P.O. NSR

dt 17-12-13

Encls: (1)

The Deputy Inspector General of Police
Mardan Range Mardan Khyber Pukhtunkhwa

EC

For comments

[Signature]
District Police Officer
Nowshera

Subject:- DEPARTMENTAL APPEAL / PRESENTATION

Dear Sir,

The appellant submits as under:-

- 1) That the appellant served the police department as Asstt: Sub-Inspector and remained posted at various stations and performed his duty with commitment.
- 2) That the appellant was proceeded with allegations of in-efficient, involved in corruption and with criminals.
- 3) That at conclusion of enquiry, the appellant was recommended for major punishment i.e. dismissal from the service.
- 4) That appellant was served with final show cause notice and resulting in dismissal of the appellant from service vide order dated 09-12-2013 with immediate effect. Copy of order etc attached.
- 5) That the appellant therefore, prefers this departmental appear requesting for re-instatement to his post / duty on the following reasons amongst others.

[Handwritten signature]
Adv

GROUNDS:-

- A. Because the impugned action taken and order of dismissal is against the law, rules and constitution, therefore, untenable.
- B. Because the allegation, so prevailed upon the enquiry officer, has never been proved nor does enjoying any support much less corroborations.
- C. Because one of enquiry officer, who conducted proceeding and recommended the punishment, has also passed impugned order, thus action taken and order passed are against the natural justice, law, rules and constitution, hence impugned order of dismissal is untenable.
- D. Because the enquiry, so conducted, even not signed by the other member.

E. Condt..P/2

EC

DPO/NSR
For comments

[Signature]
D.P.O. NSR
No. 5953/ES.

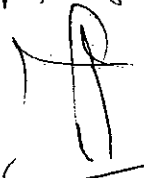
f. 16/12/13

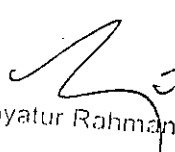
7

- E. Because there is no evidence to prove the alleged charge against the appellant and similarly it has not been proved according to law.
- F. Because the appellant has not been treated in accordance with law and the Constitution; hence dismissal from service is illegal and unwarranted by law, as proceedings against similarly placed employee have been dropped, without any prejudice to enquiry and has been reinstated to his post.
- G. Because the order of dismissal from service of appellant is not based on sound reasons, hence, needs to be recalled.
- H. Because the impugned order regarding punishment and dismissal from service of the appellant has been passed in mechanical way without looking the record.
- I. Because the natural justice also demands that in the given circumstances the impugned orders be recalled and appellant be reinstated to his post/ service.
- J. Because the appellant has a spotless career and action taken, order passed is in vacuum, thus have no footing to stand on in eyes of law.

It is, therefore, requested that by accepting of this departmental appeal/ presentation the impugned order of dismissal may kindly be set aside and the appellant may kindly be re-instated to his duty / post.

Yours faithfully,

Attested

 AGR


 ASI
 Inyatur Rahman Khan, ex-ASI.

13 December 12, 2013

(9)

Annex-1

(2)

ORDER.

This order will dispose-off the appeal preferred by ASI Inayat Ur Rehman of Nowshera District Police against the order of District Police Officer, Nowshera wherein he was dismissed from service vide District Police Officer, Nowshera OB: No. 2042 dated 09.12.2013.

Brief facts of the case are that he was suspended on the complaints and reports of inefficiency and corruption, while posted to Police Station Akora Khattak. On account of such misconduct, he was issued charge sheet and statement of allegations and an enquiry committee consisting of Syed Muhammad Bilal ASP Nowshera Cantt: and Mr. Nazeer Khan DSP Hqrs: Nowshera was constituted. The enquiry committee after fulfillment of legal formalities submitted finding report wherein the allegations were established against the defaulter ASI. The enquiry committee recommended the accused Police Officer for major punishment.

I have perused the record and also heard the appellant in Orderly Room held in this office on 01.01.2014. He failed to justify his innocence and could not advance any cogent reason in his defence. Therefore, I MUHAMMAD SAEED Deputy Inspector General of Police, Mardan Region-I, Mardan in exercise of the powers conferred upon me reject the appeal, not interfere in the order passed by the competent authority, thus the appeal is filed.

ORDER ANNOUNCED.

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

No. 68 /ES, Dated Mardan the 2 - 1 - /2014.

Copy to District Police Officer, Nowshera for information and necessary action w/r to his office Memo: No. 9259/PA dated 20.12.2013.

His Service record is returned herewith.

(*****)

Dismissal is untenable.

D. Because the enquiry, so conducted, even not signed by the other member.

E. Condt..P/2

f. 16/12/13

Before the Honourable KPK Service Tribunal

Inyat-ur-Rehman
& 5 others

vs. Provincial Police
Officer etc.

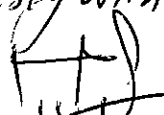
Application for early hearing
of above noted case.

Respectfully Sheweth

1. That the above noted case is fixed for hearing before this Honourable Tribunal on 11-2-2014.
2. That similar Service Appeal no. 25/2014 titled Mubhtiar Muhammad vs. PPO etc stands fixed for hearing on 23-1-2014. In order to avoid conflict decision, the instant appeal may also be heard alongwith said case to meet the ends of Justice.

It is, therefore, requested that the instant appeal may kindly be fixed alongwith above appeal.

Date: 20-1-2014


Rizwanullah
Advocate

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

Service Appeal No. 35/2014

Inayat-ur-Rehman s/o Hastam Khan,
Ex-ASI
R/O Kheshgi Payan,
District Nowshera

.....Appellant

V e r s u s

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

.....Respondents

PARAWISE REPLY ON BEHALF OF RESPONDENTS

Respectfully Sheweth: -

PRELIMINARY OBJECTIONS

1. That the appellant has got no cause of action.
2. That the appeal is badly time-barred.
3. That the appeal is bad in law.
4. That the appellant is estopped from moving the instant appeal due to his own conduct.
5. That the appeal is not maintainable in its present form.
6. That the appellant has not come to the Honourable Tribunal with clean hands.

On Facts

1. Correct to the extent of joining Police Department and promotion to the rank of Assistant Sub Inspector. However, he was promoted on the basis of seniority and fitness. Rest of the para is denied as there is bad entry in his service record. (Copy Annexure "A").
2. Correct to the extent of Charge Sheet and statement of allegations while rest of the para is denied as there is a bad entry in the service record of the appellant.
3. Correct to the extent of reply to the Charge Sheet and statement of allegations.
4. This para is against the facts as the enquiry committee was constituted prior to the reply of the appellant to the Charge Sheet.


5. Incorrect and denied. As is evident from the enquiry report, the appellant appeared before the enquiry committee on 26-10-2013 and had submitted his written statement. Moreover, he was given full opportunity of hearing, but he failed to defend himself. (Copy of enquiry report is Annexure "B").
6. Incorrect. As explained in para 5 above.
7. Correct to the extent of Final Show Cause Notice and reply to the same.
8. Correct.
9. Correct and needs no comments.
10. Not related to the answering respondents.
11. Needs no comments.

On Grounds

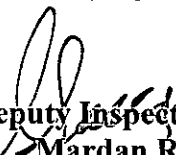
- A. Incorrect. A fair and impartial enquiry was conducted against the appellant and during enquiry proceeding all legal formalities were fulfilled.
- B. Incorrect and denied. The appellant was found guilty of the charges of negligence of his duties, inefficiency/corruption, connivance with local drug peddlers and having a stained reputation in general public by the enquiry committee and thus was recommended for award of punishment.
- C. Correct to the extent of Syed Mohammad Bilal Assistant Superintendent of Police, Nowshera Cantt: as a member of the enquiry committee. Moreover, as he (Syed Mohammad Bilal Assistant Superintendent of Police, Nowshera Cantt:) was given additional charge of District Police Officer, Nowshera as a result of the transfer of District Police Officer, Nowshera, hence, he was competent to issue the order. It is added, that all the orders were issued in official capacity, keeping in mind the general principles of justice.
- D. Incorrect. The appellant was provided full opportunity of personal hearing but he failed to defend himself as is evident from the order passed by the competent authority.
- E. Incorrect and denied. The orders passed by the competent authority as well as appellate authority are based on application of legal mind and principles of natural justice and law/rules.
- F,G,H Incorrect and denied. As explained in paras above.
- & I


J. Incorrect and denied. The respondents have no malafide towards the appellant. The enquiry was conducted in public interest to maintain discipline in the Police force.

It is, therefore, humbly prayed that the appeal may kindly be dismissed with cost.


**Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.**


Respondent No. 1


**Deputy Inspector General of Police,
Mardan Region-I, Mardan.
Respondent No. 2**


**District Police Officer,
Nowshera.
Respondent No. 3**

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

Service Appeal No. 35/2014

Inayat-ur-Rehman s/o Hastam Khan,
Ex-ASI
R/O Kheshgi Payan,
District Nowshera

.....Appellant

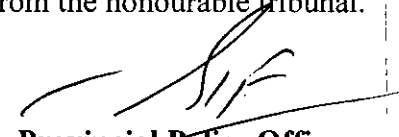
V e r s u s

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

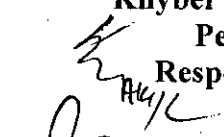
.....Respondents

AFFIDAVIT


We the respondent No. 1,2 & 3 do hereby solemnly affirm and declare on Oath that the contents of parawise comments are true and correct to the best of our knowledge and belief and nothing has been concealed from the honourable tribunal.


**Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.**

Respondent No. 1


**Deputy Inspector General of Police,
Mardan Region-I, Mardan.**

Respondent No. 2


**District Police Officer,
Nowshera.**

Respondent No. 3

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

Service Appeal No. 35 /2014

Inayat-ur-Rehman s/o Hastam Khan,
Ex-ASI
R/O Khesghi Payan,
District Nowshera

.....Appellant


Versus


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


.....Respondents

POWER OF ATTORNEY

We, the respondents No. 1,2&3 do hereby authorize Mr. Ijaz Hussain Sub Inspector Legal, Nowshera to appear on our behalf in the Honourable Service Tribunal, Khyber Pakhtunkhwa, Peshawar. He is also authorized to submit any document etc required by the Tribunal.


**Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.
Respondent No. 1**
Ajmal


**Deputy Inspector General of Police,
Mardan Region-I, Mardan.
Respondent No. 2**


**District Police Officer,
Nowshera.
Respondent No. 3**

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Enquiry Report of ASI Anayat Ur Rehman

The undersigned along with DSP headquarters Mr. Nazir Khan were deputed to conduct the Enquiry of ASI Anayat Ur Rehman through letter No. 569/PA dated 24/10/2013 by the worthy District Police Officer Noshehra.

Brief Facts

ASI Anayat Ur Rehman was suspended on the complaints and reports of inefficiency and corruption while he was posted at PS Akora Khattak. While posted at PS Akora Khattak, being an upper subordinate he was in-charge of a specific area.

Proceedings

The proceedings of the enquiry have been conducted strictly in accordance with the NWFP Police Rules 1975.

Statement of ASI Anayat Ur Rehman

The accused police official appeared before the enquiry committee on 26/10/2013 and submitted his written statement. He was given opportunity to be heard in person. He states that the entire allegations against him are not based upon facts and he has been doing his duty effectively and honestly.

He also furnished a plethora of FIR photocopies as a proof of his efficient working and doing his duty effectively. Most of these FIRs are chalked under sections 302, 324, 337, 506 etc PPC and 9-B, 9-C CNSA and under Gambling Ordinance.

Findings

In the light of the statement of the accused, cross verification of furnished FIRs, collection of information from the general public, and keeping in view the previous performance of the police official, the Enquiry Committee found

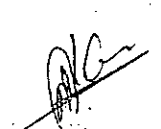
- That the accused police-official dose not enjoy good repute in general public.
- That the locals of his area of responsibility narrate that the accused police official is in hand and glove with the local rackets of narcotics dealer.
- That his area of responsibility has always remained infested with the criminals and criminal activities.
- That the performance FIRs he furnished are mostly 'progress FIRs' where the case property is absent.
- That his statement is not satisfactory regarding clearance of the allegations
- That he has been involved in abetting and harboring crime and criminals in his area of responsibility
- That his area of responsibility, Adam Zai etc, is notorious for narcotics and other criminal activities however, he never dealt the local criminals with stern hands.

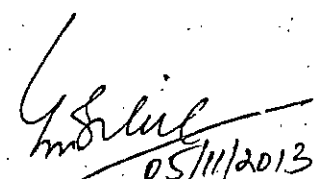
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- That he omitted discharge of his official duties.

Recommendations

The Enquiry committee found the accused official as guilty of the charges and recommends that ASI Anayat Ur Rehman may please be awarded with punishment for negligence of his duties, inefficiency, connivance with local drug peddlers, and having a stained-repute in general public.

Submitted Please:


Nazir Khan
DSP Headquarters Noshehra


05/11/2013
(Syed Muhammad Bilal) PSP
ASP Cantt Noshehra

No. 225/ST ASP Cantt Noshehra

Dated: 05/11/2013

Encl: 87 Page's.

**BEFORE THE HON'BLE SERVICE TRIBUNAL,
KHYBER PAKHTUNKHWA, PESHAWAR.**

1. Inayat ur Rehman
2. Muhammad Alam
3. Jamshed Khan
4. Badan Khan
5. Sartaj Khan
6. Ijaz Khan

APPELLANTS / APPLICANTS

VERSUS

1. The Provincial Police Officer and others.

RESPONDENTS

**APPLICATION FOR EARLY HEARING OF
SERVICE APPEALS.**

Respectfully sheweth:-

1. That the appellants preferred the above titled appeals before this Hon'ble Tribunal praying therein that they may graciously be reinstated in service with full back wages and benefits.
2. That a short point of law is involved for determination in these appeals.
3. That the service/employment in question was the sole source of income of appellants to support their large family.
4. That the said cases are now fixed for arguments on 10-6-2014.
5. That this Hon'ble Tribunal would provide speedy and inexpensive justice to the litigants as per law laid down by August Peshawar High Court in case reported in **PLJ-2013(Peshawar)-277(DB)**. The relevant citation is reproduced herein for facility of reference:-

CONSTITUTION OF PAKISTAN, 1973.

--Art.212--Administrative Courts and tribunals--
Scope of--Purpose of Tribunals or special Courts
is to dispense justice in a speedy and specialized
manner.

*Cases be fixed
for 02-04-2014
Notices be issued
to opposite parties
05/02/14*

*Put up to the
Hon'ble Court with
relevant appeal for
orders.
Reader
concerned*

5/3/14

It is, therefore, humbly prayed that on acceptance of this application the above appeals may graciously be fixed for an early date so as to secure the ends of justice.

Dated:- 5-3-2014

Appellants

Through



Rizwanullah
M.A. LL.B
Advocate High Court
Peshawar.

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

No. 1026 /ST, Dated 02/07 /2014


To:

The Deputy Inspector General of Police,
Mardan Region-I, Mardan.

Subject:- SERVICE APPEAL NO. 35/2014, INAYATUR RAHMAN AND 5
OTHERS VERSUS THE PROVINCIAL POLICE OFFICER, K.P
PESHAWAR ETC.

I am directed to forward herewith a certified copy of
judgment dated 12.06.2014, passed by this Tribunal on the above
mentioned appeals for further necessary action.

Encl. above.


REGISTRAR
KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR.