

Sr. No	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3
	16.08.2018	<p style="text-align: center;"><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL</u></p> <p style="text-align: center;">Service Appeal No. 58/2018</p> <p style="text-align: center;">Date of Institution ... 16.01.2018 Date of Decision ... 16.08.2018</p> <p style="text-align: center;">Hassan Asghar Ex-Constable No.21 Hangu District, Resident of District Hangu.</p> <p style="text-align: right;">Appellant</p> <p style="text-align: center;">Versus</p> <ol style="list-style-type: none"> 1. Inspector General of Police Khyber Pakhtunkhwa Peshawar. 2. Additional Inspector General of Police Khyber Pakhtunkhwa Peshawar. 3. Deputy Inspector General of Police Kohat. 4. Regional Police Officer Kohat Region. 5. District Police Officer Hangu. <p style="text-align: right;">Respondents</p> <p>Mr. Muhammad Hamid Mughal-----Member Mr. Muhammad Amin Kundi-----Member</p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p style="text-align: center;"><u>MUHAMMAD HAMID MUGHAL, MEMBER:</u> -Appellant</p> <p>with counsel and Mr. Kabir Ullah Khattak learned Additional Advocate General present.</p> <p>2. The appellant (Ex-Constable District Hangu) has filed present appeal u/s. 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the order dated 13.10.2017 whereby he awarded major penalty of dismissal 'from service on the charge he was caught red handed in Peshawar while committing i</p>

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activities. Departmental appeal of the appellant was also rejected vide order dated 03.01.2018.

3. Learned counsel for the appellant argued that the appellant was awarded major punishment without observing the legal requirements and collection of concrete evidence by the inquiry officer. Further argued that the impugned punishment is harsh and excessive. Further argued that the impugned orders are against law and principle of natural justice hence liable to be set aside.


4. As against that learned Additional Advocate General resisted the present service appeal and argued that the appellant was involved in the illegal activities and was caught red handed by the people of locality and then apprehended by the local police of Police Station Pahari Pura District Peshawar. Further argued that the illegal activities of the appellant were incorporated in daily diary No.6 dated 16.09.2017 of Police Station Pahari Pura District Peshawar. Further argued that the appellant was posted in District Police Hangu and he badly failed to disclose the lawful purpose of his visit to Pahari Pura District Peshawar. Further argued that original impugned order was issued after observing all the codal formalities.

5. Arguments heard. File perused.

6. Regarding the involvement of the appellant in the immoral/illegal activities Daily diary No.6 dated 16.09.2017 of Police Station Pahari Pura District Peshawar is available on file. Admittedly the appellant was served with Charge Sheet which he also replied. Mr. Umar Hayat Khan SDPO District Hangu

conducted inquiry. Perusal of the impugned order would also show that Final Show Cause Notice was also served upon the appellant, which he also responded. Learned counsel for the appellant remained unable to demonstrate that the finding of the inquiry officer is based on malafide, however in view of the material available on file, this Tribunal is of the opinion that the major punishment of dismissal from service appears to be harsh. Consequently for the purpose of safe administration of justice the impugned major punishment of dismissal from service is modified and converted into withholding of three (03) annual increments for a period of five (05) years. Consequently the appellant is reinstated in service. Intervening period shall be treated as leave without pay. The present service appeal is partially accepted in the above terms. Parties are left to bear their own costs. File be consigned to the record room.


(Muhammad Amin Kundi)
MEMBER

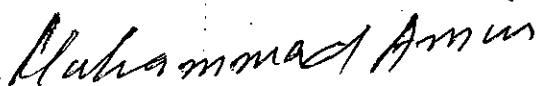

(Muhammad Hamid Mughal)
MEMBER


ANNOUNCED
16.08.2018

16.08.2018

Appellant with counsel and Mr. Kabir Ullah Khattak learned
Additional Advocate General present.

Vide separate judgment of today of this Tribunal placed on file,
the impugned major punishment of dismissal from service is modified
and converted into withholding of three (03) annual increments for a
period of five (05) years. Consequently the appellant is reinstated in
service. Intervening period shall be treated as leave without pay. The
present service appeal is partially accepted in the above terms. Parties
are left to bear their own costs. File be consigned to the record room.


(Muhammad Amin Kundi)
Member


(Muhammad Hamid Mughal)
Member

ANNOUNCED
16.08.2018

12.04.2018

Appellant in person and Addl: AG present. None present on behalf of respondent department. Therefore, fresh notices be issued to the respondent department to attend the court positively. Written reply not submitted. Requested for adjournment. Adjourned. To come up for written reply/comments on 10.05.2018 before S.B.


Member

10.05.2018

The Tribunal is non-functional due to retirement of our Hon'ble Chairman. Therefore, the case is adjourned. To come up for same on 05.07.2018.


Reader

05.07.2018

Counsel for the appellant and Mr. Sardar Shoukat Hayat, Addl: AG alongwith Mr. Zahid Ur Rahman, Inspector for the respondents present. Written reply submitted on behalf of official respondents. To come up for rejoinder if any and arguments on 16.08.2018 before D.B.


Member

29.01.2018

Counsel for the appellant present. Preliminary arguments heard and case file perused. The appellant joined the police department as Constable in 2014. Disciplinary proceedings were initiated against him and upon conclusion major penalty of dismissal from service was imposed on him vide impugned order dated 13.10.2017. He filed departmental appeal on which no date is mentioned which was rejected on 03.01.2018, hence, the instant service appeal. The appellant has not been treated according to law and rules and disciplinary proceedings were initiated on frivolous charges.


Appellant Deposited
Security & Process Fee

Points urged need consideration. Admit. Subject deposit of security and process fee within 10 days, thereafter, notices be issued to the respondents for written reply/comments for 01.03.2018 before S.B.


(AHMAD HASSAN)
MEMBER

01.03.2018

None present on behalf of the appellant. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Zahid-ur-Rehman, Inspector (legal) for the respondents present. Written reply not submitted. Learned Additional AG requested for further adjournment. Adjourned. To come up for written reply/comments on 29.03.2018 before S.B. Notice be also issued to appellant and his counsel for attendance for the date fixed.


(Muhammad Amin Khan Kundi)
Member

29.03.2018

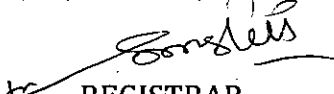

Appellant alongwith counsel and Mr. Kabir Ullah Khattak, Additional AG alongwith Mr. Zahid Ur Rahman, Inspector for the respondent present. Written reply not submitted. Requested for adjournment. Adjourned. To come up for written reply/comments on 12.04.2018 before S.B.


Chairman

Form-A
FORM OF ORDERSHEET

Court of _____

Case No. 58/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	16/1/2018	<p>The appeal of Mr. Hassan Asghar presented today by Naila Jan Advocate, may be entered in the Institution Register and put up to Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	19/01/18	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>29/01/18</u>.</p> <p style="text-align: right;"> MEMBER</p>

IN THE HON'BLE SERVICES TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR

In Re S.A. 58 /2018

Hasasn Asghar Ex-Constable

VERSUS

Inspector General of Police Khyber Pakhtunkhwa & others

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Dated: 15/01/2018

Appellant

Through

NAIHA JAN
Advocate
Peshawar High Court Peshawar

①

IN THE HON'BLE SERVICES TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 42

Dated 16-1-2018

In Re S.A. 58 /2018

Hassan Asghar Ex Constable, No.21, Hangu District, R/o
District Hangu.

.....Appellant

VERSUS

1. Inspector General of police Khyber Pakhtunkhwa Peshawar.
2. Additional Inspector General of police Khyber Pakhtunkhwa Peshawar.
3. Deputy Inspector General of police Kohat *Kohat*
4. Regional Police Officer Kohat Region.
5. District Police Officer Hangu.

.....Respondents

APPEAL U/S 04 OF THE KHYBER
PAKHTUNKHWA SERVICES TRIBUNAL
ACT 1974 AGAINST THE IMPUGNED
OFFICE ORDER DATED 13/10/2017
WHEREBY THE APPELLANT HAS BEEN
AWARDED MAJOR PENALTY OF
DISMISSAL FROM SERVICE AND AGAINST
THE ORDER DATED 03/01/2018 WHEREBY
THE DEPARTMENTAL APPEAL OF THE
APPELLANT HAS BEEN REJECTED FOR NO
GOOD REASON

Filed by
16/1/18

Hassan Asghar

Prayer:

(2)

On acceptance of the instant appeal the impugned orders dated 13/10/2017 and 03/01/2018 may kindly be set aside and the appellant may kindly be reinstated into service with al back benefit.

Respectfully Sheweth,

Appellants submits as under:

1. That the appellants was enlisted in police Department District Hangu, in the year 2014
2. That since his appointment the appellant perform his duty with great zeal and devotion.
3. That the appellant went to Peshawar for getting loan from his relative for the treatment of his father whereby the local police arrested the appellant at Peshawar on suspicious and later on a false story was planted against the appellant vide Daily Diary No.6, dated 16/09/2017 police station Pahari Pura, Peshawar, however the appellant was later on released. (Copy of D.D is annexed as annexure "A")
4. That the appellant was surprised to know that he was issued a charge sheet along with statement of allegation containing vague, false and frivolous allegations which



(3)

was duly replied by the appellant refuted on the allegations. (Copy of Charge Sheet, Statement of allegations and reply are annexed as annexure "B & C" respectively)

5. That without conducting fact finding or regular inquiry or issuance of show cause notice the appellant was dismissed in arbitrary manners vide order dated 13/10/2017. (Copy of the Impugned Order is annexed as Annexure "D")
6. That feeling aggrieved from the above impugned order the appellant filed a departmental appeal, however the same was rejected for no legal reason on 03/01/2018. (Copy of the Departmental Appeal and rejection order are annexed as Annexure "E" & "F" respectively)
7. That having no any other remedy the appellant filed the instant appeal on the following grounds:

Grounds:

- A. That both the impugned orders are against, law, rules and principle of natural justice, hence void and liable to be set aside.
- B. That the appellants has been condemned unheard as no opportunity of defense has been provided to the appellant.

Signature

(4)

- C. That the innocence of the appellant is evident from the fact that no FIR has been registered against the appellant.
- D. That even the daily diary contains no name of the so called girl mentioned in it which is sufficient to proved that the allegations are false and the appellant is innocent.
- E. That even no statement of the alleged girl, police officials of Police Station Pahari Pura or any other witness has been recorded by the inquiry office nor did any opportunity of cross examination has been provided, hence the whole proceeding are void ab-initio.
- F. That the appellant has not been provided right of fair trail as guaranteed by Article 10(A) of the Constitution of Islamic Republic of Pakistan 1973.
- G. That the allegations containing in the Charge Sheet are vague, general in nature and not specific hence the appellant cannot be penalized for the same.
- H. That since the impugned orders the appellant is jobless and the whole family of the appellant is facing starvation.
- I. That the appellant seeks permission to aduees other grounds during course of arguments.

Nasir
Ali

(3)

It is, therefore, most humbly prayed that on acceptance of this Service Appeal the impugned orders dated 13/10/2017 and 03/01/2018 may kindly be set aside and the appellant may kindly be reinstated into service with al back benefit.

Any other relief not specifically asked for may also graciously be extended in favor of the appellant in the circumstances of the case.

Dated: 15/01/2018

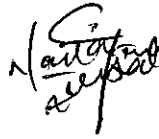
Through

Appellant

NAILAJAN Advocate

Peshawar High Court Peshawar



(6)

**IN THE HON'BLE SERVICES TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR**

In Re S.A. _____/2018

Hasasn Asghar Ex-Constable

VERSUS

Inspector General of Police Khyber Pakhtunkhwa & others

AFFIDAVIT

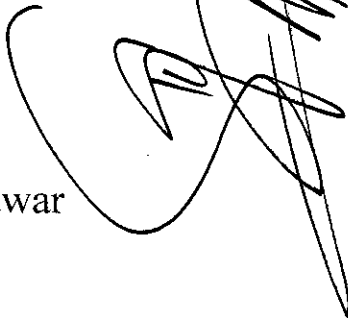
I, Hassan Asghar Ex Constable, No.21, Hangu District, R/o District Hangu, do hereby solemnly affirm and declare on oath that all the contents of the instant Service Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

Identified by:



NAILA JAN Advocate
Peshawar High Court Peshawar

ATTESTED
IRFAN ULLAH ADVOCATE
NOTARY PUBLIC



Rec-10-15

Deponent



(7)

IN THE HON'BLE SERVICES TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR

In Re S.A. _____/2018

Hasasn Asghar Ex-Constable

VERSUS

Inspector General of Police Khyber Pakhtunkhwa & others

ADDRESSES OF PARTIES

APPELLANT:

Hassan Asghar Ex Constable, No.21, Hangu District, R/o District
Hangu.

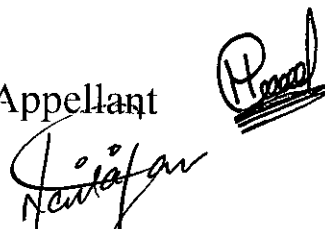
RESPONDENTS

1. Inspector General of police Khyber Pakhtunkhwa Peshawar.
2. Additional Inspector General of police Khyber Pakhtunkhwa
Peshawar.
3. Deputy Inspector General of police.
4. Regional Police Officer Kohat Region.
5. District Police Officer Hangu.

Dated: 15/01/2018

Through

Appellant

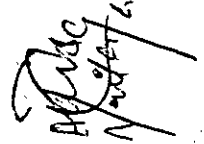

NAILA JAN Advocate
Peshawar High Court Peshawar

A²¹

Amended

(P)

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(9)
- 1 -
173
Ambar "B"

CHARGE SHEET.

I, **Mr. IHSAN ULLAH KHAN, D.P.O, HANGU** as competent authority, hereby charge you **Constable Hassan Asghar No. 21 while posted at DSB Hangu** committed the following irregularities:-

a) You were suspended & closed to Police Lines Hangu vid OB No. 586, dated 18.09.2017 due to you were redheaded in Peshawar with a girl by Pahari Pura Police at Peshawar.

b) Your above act shows your negligence, disinterest, irresponsibility and also amount to gross misconduct on your part which cannot be ignored.

2. By reasons of the above, you appear to be guilty of misconduct Under Police Disciplinary Rules, 1975 and have rendered yourself liable to all or any of the penalties specified in the above rules.

3. You are, therefore, required to submit your written defence within seven days of the receipt of this Charge Sheet to the Enquiry Officer/Committees, as the case may be.

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

5. Intimate whether you desire to be heard in person.

6. A statement of allegation is enclosed.


**DISTRICT POLICE OFFICER,
HANGU**

No. 5638 /PA,

Dated 20/09/2017.



(10)

DISCIPLINARY ACTION.

I, **Mr. IHSAN ULLAH KHAN, D.P.O, HANGU** as competent authority, am of the opinion that **Constable Hassan Asghar No. 21** has rendered himself liable to be proceeded against as he committed the following acts/omissions within the meaning Under Police Disciplinary Rules, 1975:

STATEMENT OF ALLEGATIONS.

a) You were suspended & closed to Police Lines Hangu vid OB No. 586, dated 18.09.2017 due to you were redheaded in Peshawar with a girl by Pahari Pura Police at Peshawar.

b) Your above act shows your negligence, disinterest, irresponsibility and also amount to gross misconduct on your part which cannot be ignored.

2. For the purpose of scrutinizing the conduct of the said accused with reference to the above allegations, an Enquiry Officer consisting of the following is constituted in the above rules: -

i. Mr. Umar Hayat Khan, SDPO Hangu.

3. The Enquiry Officer shall, in accordance with the provisions of the Ordinance, provide reasonable opportunity of hearing to the accused, record its findings and make, within twenty five 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 Officer.

✓
Assesed
n part of a

**DISTRICT POLICE OFFICER,
HANGU**

A copy of the above is forwarded to: -

1. Mr. Umar Hayat Khan, SDPO Hangu. The Enquiry Officer for initiating proceedings against the accused under the provisions of Police Disciplinary Rules, 1975.

2. Constable Hassan Asghar No. 21. The concerned officer with the directions to appear before the Enquiry Officer, on the date, time and place fixed by the Officer, for the purpose of the enquiry proceedings.



بحوالہ مشمولہ چارج شیٹ نمبر PA/5638 مورخہ 20/09/17 معروض خدمت ہوں کہ چارج شیٹ میں لگائے گئے الزامات بنی بردروغ ہیں۔ اصل حقائق کچھ یوں ہے۔ جبکہ من سائل کا والد آم ڈہنی بیمار ہے۔ جس کے علاج معالجہ کیلئے پیسے درکار تھے۔ تو من سائل نے اپنے تر بور سے قرض حسنہ کا تقاضا کیا تھا۔ جس نے کہا کہ آ جاؤ پیسے لے جاؤ اپنے تر بور سمس محمد عارف گل آباد گلبہار کارہائشی ہے۔ اور اس سے پیسے لینے گیا تھا۔ کہ اسی اثناء میں پولیس نے آ کر مجھے مشتبہ گان میں پکڑ لیا میں نے اپنی شناخت کرائی لیکن ایک نہ جانے۔ اور مزید اپنے آنے کا مدعا بیان کیا۔ مگر بے سود۔ جہاں تک لڑکی کی بات کا سوال ہے حقیقت پر مبنی نہیں ہے۔

لہذا استدعا ہے۔ کہ سائل کے مستقبل کو مد نظر رکھتے ہوئے چارج شیٹ داخل دفتر فرمانے کا حکم صادر کیا جائے۔

محررہ

کانٹیبیل حسن اضغر 21 متعینہ حال پولیس لائن ہنگو

Atiqul
Khan

(12)

Asst. D

ORDER

This order of mine will dispose off the departmental enquiry initiated against Constable Hassan Asghar No. 21 on the basis of allegations that while posted at DSB Hangu was suspended and closed to Police Lines Hangu vide No. 586 dated 18.09.2017 due to his red-handed arrest at Peshawar with a girl by Pahari Poora Police. His above act shows his negligence, disinterest, irresponsibility and also amount to gross misconduct on his part which cannot be ignored.

He was served with charge sheet together with statement of allegations vide No.5638/PA, dated 20.09.2017 under Police Disciplinary Rules-1975, to which he submits his reply. Mr. Umar Hayat Khan, SDPO Hangu was appointed as Enquiry Officer to conduct departmental enquiry against him. After the completion of enquiry, the enquiry officer submitted his findings on 03.10.2017 in which the defaulter constable is recommended for appropriate punishment provided by rules.

Thereafter, a Final Show Cause Notice was served upon him vide No. 5842/PA, dated 06.10.2017 in which he submitted his reply which were also found unsatisfactory.

Keeping in view of above and having gone through available record, the undersigned come to the conclusion that according to the finding report of Enquiry Officer the defaulter constable is found guilty, therefore, I, Ihsan Ullah Khan, District Police Officer, Hangu in exercise of the powers conferred upon me, therefore *the defaulter constable is hereby awarded major punishment of Dismissal from service with immediate effect.*

Order Announced.

OB No. 625.

Dated 13/10/2017.

DISTRICT POLICE OFFICER,
HANGU

OFFICE OF THE DISTRICT POLICE OFFICER, HANGU.

No. 5969-71 /PA, dated Hangu, the 13/10/2017.

Copy of above is submitted to the Regional Police Officer, Kohat for favour information please.

2. All concerned for information and necessary action.
3. Ex-Constable Hassan Asghar No. 21

M. Asghar
13/10/17

DISTRICT POLICE OFFICER,
HANGU

BEFORE THE WORTHY DEPUTY INSPECTOR GENERAL OF POLICE, KOHAT REGION KOHAT

Subject: APPEAL AGAINST THE ORDER OF DPO HANGU BEARING OB NO. 625 DATED 13-10-2017 WHEREBY THE APPELLANT EX. CONSTABLE HASSAN ASGHAR NO. 21 OF DISTRICT POLICE HANGU WAS DISMISSED FROM SERVICE WITH IMMEDIATE EFFECT.

Respectfully Sheweth:

With veneration, the appellant submits the instant appeal on the basis of the following facts and grounds for your kind consideration.

FACTS:

Shortly stated, allegation leveled against the appellant is that while posted at DSB Hangu, he was suspended and closed to Police Lines Hangu vide No.586 dated 18-09-2017 due to his red handed arrest at Peshawar with a girl by Phari Pura Police.

On the above count, the appellant was proceeded against departmentally. The departmental enquiry was conducted by Mr. Umar Hayat Khan SDPO Hangu. He submitted his finding report DPO Hangu. Final show cause notice to the appellant by DPO Hangu to which the appellant submitted his reply and thereafter the impugned order was passed by DPO Hangu.

GROUND:

- 1. The charge sheet issued to the appellant was ambiguous. Charge sheet is precise formulation of specific accusation made against a person who is entitled to know its nature at early

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stage. Object of charge sheet is to tell the accused as precisely or / and concisely as possible the matter in which the accused / person is charged and must convey him with sufficient clearances and certainty what department intended to prove against him / her and of which he would have to clear himself during disciplinary proceeding. In the instant case the charge sheet does not contain the name and particulars of the girl and the date of alleged occurrence. Due to the above reason, the impugned order is un-lawful and not sustainable in law.

2. That departmental enquiry has not been conducted properly and in accordance with the rules. Not a single person was examined by the Enquiry Officer in support of the allegation. Thus the allegation remained un-substantiated.
3. No copy of the enquiry report was delivered to the appellant by DPO Hangu along with the final show cause notice thereby depriving the right of defence to the appellant, non-supply of the copy of enquiry report was contrary to the norms of "Natural Justice".
4. The penalty imposed upon the appellant is harsh.

Prayer:

In view of the above submission, it is prayed that by accepting the instant appeal, the impugned order may kindly be set aside and the appellant re-instated in service w.e.f. the date of his dismissal from service please.

I may also be heard in person.

Yours Obediently



Ex. Constable Hassan Asghar No. 21
S/o Mast Asghar
R/o Naway Kalay, Sangerh Hangu.



(15)

Amir "F"

ORDER.

This order will dispose of a departmental appeal, moved by Ex-Constable Hassan Asghar No. 21 of Hangu district Police against the punishment order, passed by DPO Hangu vide OB No. 625, dated 13.10.2017 whereby he was awarded major punishment of Dismissal from service for the allegations of his involvement in illegal activities and arrest by Peshawar Police as mentioned in Daily Diary No. 06, dated 16.09.2017, Police Station Pahar Pura district Peshawar.

He preferred appeal to the undersigned, upon which comments were obtained from DPO Hangu and his service record was perused. He was also heard in person in Orderly Room, held in this office on 03.01.2018.

I have gone through the available record and came to the conclusion that the allegations leveled against the appellant are proved and the punishment order passed by DPO Hangu is correct. Hence, his appeal being devoid of merits is hereby rejected.

**Order Announced
03.01.2018**

Awal Khan

(AWAL KHAN)
Regional Police Officer,
Kohat Region.

No. 114 / EC, dated Kohat the 04/01 /2018.

Copy to the District Police Officer, Hangu for information w/r to his office Memo: 8316/LB, dated 27.11.2017. His Service Record / Fauji Missal is enclosed herewith.

Awal Khan

(AWAL KHAN)
Regional Police Officer,
Kohat Region.

*Verdred
Wardana*

16

قیمت 50 روپے	پشاور بار ایسوسی ایشن PBA	پشاور بار ایسوسی ایشن 22122
ایڈوکیٹ: <u>Naila Jan</u>	پشاور بار ایسوسی ایشن، خیبر پختونخواہ	
بار کونسل ایسوسی ایشن نمبر:		
رابطہ نمبر: <u>0312 9215471</u>		

بعدالت جناب: ضمیر خٹوخواہ سے درج ذیل سٹاؤر

مخاطب: <u>سید انیس</u>	دعویٰ: <u>سرکی اپیل</u>
<u>Hassan Asghar</u>	علت نمبر: <u>58/2018</u>
بنام	مورخہ:
<u>Police</u>	جرم:
	تھانہ:

بامث تحریر آگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ

آن مقام پشاور کیلئے ٹائٹل چارج ایڈوکیٹ ہاخاں کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم: 15/09/2017

الم ————— واہ شد ————— الم

مقام Peshawar کے لیے منظور ہے۔

نوٹ: اس وکالت نامہ کی فونو کاپی ناقابل قبول ہوگی۔

Muhammad Mustafa
 accepted by Naila Jan

کامپلیٹ
حسن اصف بخٹو 21/9/17

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

Service Appeal No. 58/2018

Hassan Asghar No. 21

..... Appellant.

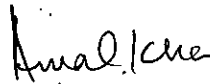
VERSUS

Provincial Police Officer,
Khyber Pakhtunkhwa Peshawar and others

..... Respondents.

COUNTER AFFIDAVIT

We, the below mentioned respondents, do hereby solemnly affirm and declare on oath that contents of parawise comments are correct and true to the best of our knowledge and belief. Nothing has been concealed from this Hon: Tribunal.



**Dy: Inspector General of Police,
Kohat Region, Kohat
(Respondent No. 3/4)**



**Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar
(Respondent No. 1/2)**



**District Police Officer,
Hangu
(Respondent No. 5)**



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

Service Appeal No. 58/2018

Hassan Asghar

..... Appellant.

VERSUS

Provincial Police Officer,
Khyber Pakhtunkhwa, and others

..... Respondents.

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS.

Respectively Sheweth:-

Parawise comments are submitted as under:-

Preliminary objections:-

1. That the appellant has got no cause of action.
2. That the appellant has got no locus standi.
3. That the appellant estopped to file the instant appeal due to his own act.
4. That the appeal is not maintainable due to misjoinder and none misjoinder of necessary party.
5. That the appeal is bad for misjoinder of unnecessary parties and non-joinder of necessary parties.
6. That appellant has not come to this Hon: Tribunal with clean hands as the appellant was involved in immoral activity.

Facts:-

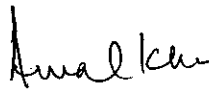
1. Pertains to record, hence no comments.
2. Incorrect, the appellant was involved in immoral/illegal activity.
3. Incorrect, the appellant was proceeded against departmentally on the charges of his involvement in illegally activity based on daily dairy No. 06 dated 16.09.2017, Police Station Pahar Pura district Peshawar. SDPO Hangu was appointed as enquiry officer, who held him guilty. The enquiry proceedings culminated in his dismissal from service vide OB No. 625 dated 13.10.2017.
4. Incorrect, the appellant was proceeded in accordance with law & rules and score of charges mentioned para No. 3.
5. Incorrect, proper departmental inquiry was conducted against him.
6. Incorrect, the departmental appeal was processed accordingly found without any substance/devoid of merit was correctly rejected by respondent No. 3/4.
7. The appellant is stopped to file the instant appeal due to his own conduct .

Grounds:-

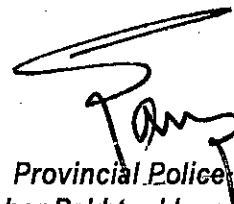
- A. Incorrect, legal and speaking orders are passed by the respondent No. 3/4 & 5.
- B. Incorrect, the appellant was not condemned unheard. He was afforded opportunity of defense accordingly.

- C. The illegal act of the appellant was entered by local police of Police Station Pharpura district Peshawar vide DD No 26 dated 16.09.2017. Copy is annexure "A".
- D. The daily dairy of PS Pharpura is self-explanatory.
- E. The appellant belongs to district Hangu and posted in district police Hangu badly failed the purpose of visit to pharpura, which established his evil designs.
- F. Incorrect, the appellant was treated in accordance with law and rules.
- G. Incorrect, the appellant was proceeded specifically on the charges of immoral activity and misconduct.
- H. The respondents have not in knowledge regarding jobless of the appellant etc.
- I. The respondents may also be allowed to advance arguments at the time of hearing.

Keeping in view of the above, the appeal is devoid of merits/law, without any substance and bad in eyes of law. Therefore, it is prayed that the instant appeal of the appellant may kindly be dismissed with cost.



**Dy: Inspector General of Police,
Kohat Region, Kohat
(Respondent No. 3/4)**



**Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar
(Respondent No. 1/2)**



**District Police Officer,
Hangu
(Respondent No. 5)**

ORDER.

This order will dispose of a departmental appeal, moved by Ex-Constable Hassan Asghar No. 21 of Hangu district Police against the punishment order, passed by DPO Hangu vide OB No. 625, dated 13.10.2017 whereby he was awarded major punishment of Dismissal from service for the allegations of his involvement in illegal activities and arrest by Peshawar Police as mentioned in Daily Diary No. 06, dated 16.09.2017, Police Station Pahar Pura district Peshawar.

He preferred appeal to the undersigned, upon which comments were obtained from DPO Hangu and his service record was perused. He was also heard in person in Orderly Room, held in this office on 03.01.2018.

I have gone through the available record and came to the conclusion that the allegations leveled against the appellant are proved and the punishment order passed by DPO Hangu is correct. Hence, his appeal being devoid of merits is hereby **rejected**.

Order Announced
03.01.2018

Awal Khan

(AWAL KHAN)
Regional Police Officer,
Kohat Region.

No. 114 / EC, dated Kohat the 26/09 /2017.

Copy to the District Police Officer, Hangu for information w/r to his office Memo: 8316/LB, dated 27.11.2017. His Service Record / Fauji Missal is enclosed herewith.

Awal Khan

(AWAL KHAN)
Regional Police Officer,
Kohat Region

SKEPTIC

On record

[Signature]

116
2/11/18

ORDER


This order of mine will dispose off the departmental enquiry initiated against Constable Hassan Asghar No. 21 on the basis of allegations that while posted a DSB Hangu was suspended and closed to Police Lines Hangu vide No. 586 dated 18.09.2017 due to his red-handed arrest at Peshawar with a girl by Pahari Poora Police. His above act shows his negligence, disinterest, irresponsibility and also amount to gross misconduct on his part which cannot be ignored.

He was served with charge sheet together with statement of allegations vide No.5638/PA, dated 20.09.2017 under Police Disciplinary Rules-1975, to which he submits his reply. Mr. Umar Hayat Khan, SDPO Hangu was appointed as Enquiry Officer to conduct departmental enquiry against him. After the completion of enquiry, the enquiry officer submitted his findings on 03.10.2017 in which the defaulter constable is recommended for appropriate punishment provided by rules.

Thereafter, a Final Show Cause Notice was served upon him vide No. 5842/PA, dated 06.10.2017 in which he submitted his reply which were also found unsatisfactory.

Keeping in view of above and having gone through available record, the undersigned come to the conclusion that according to the finding report of Enquiry Officer the defaulter constable is found guilty, therefore, I, Ihsag Ullah Khan, District Police Officer, Hangu in exercise of the powers conferred upon me, therefore *the defaulter constable is hereby awarded major punishment of Dismissal from service with immediate effect.*

OB No. 625 Order Announced.
Dated 13/10/2017.


DISTRICT POLICE OFFICER,
HANGU

OFFICE OF THE DISTRICT POLICE OFFICER, HANGU.

No. 5969-71 /PA, dated Hangu, the 13/10/2017.

Copy of above is submitted to the Regional Police Officer, Kohat for favour information please.

2. All concerned for information and necessary action.
3. Ex-Constable Hassan Asghar No. 21


DISTRICT POLICE OFFICER,
HANGU


جناب عالی!

بحوالہ مشمولہ فائل شوکا ز نوٹس نمبری 5842/PA مورخہ 06/10/17 مجاریہ جناب DPO صاحب ہنگو معروض خدمت ہوں کہ سائل پر فائل شوکا ز نوٹس میں لگائیں گئے الزامات دروغ پر مبنی ہیں۔ اصل حقیقت کچھ اس طرح ہے۔ کہ من سائل کا والد صاحب ذہنی بیمار ہے۔ جسکی علاج معالجہ کیلئے پیسے درکار تھے۔ من سائل نے اپنے تر بور سے بطور قرض حسنہ لینے کا تقاضا کیا تھا۔ جس نے کہا کہ آ جاؤ پیسے لے جاؤ اپنے تر بور مسمی محمد عارف گل آباد گلہار کارہائشی ہے۔ اور اس سے پیسے لینے گیا تھا۔ کہ اسی اثناء میں پولیس نے آ کر مجھے مشتبه گان میں پکڑ لیا میں اپنی شناخت کرائی لیکن ایک نہ جانے۔ اور مزید اپنے آنے کا مدعا بیان کیا۔ مگر بے سود۔ جہاں تک لڑکی کی بات کا سوال ہے۔ حقیقت پر مبنی نہیں ہے۔

لہذا استدعا ہے۔ کہ کے مستقبل کے مد نظر رکھتے ہوئے۔ سائل کا فائل شوکا ز نوٹس فائل کرنے کا حکم صادر فرماویں۔ سائل تاحیات دعا گورہیگا۔

مورخہ 12-10-2017

کانٹیل حسن اصغر نمبر 21 متعینہ حال پولیس لائن ہنگو


12-10-17

~~Dismissed~~

~~wa~~
~~DPO~~

Sir,
Submitted for F/c
Pensat Dr

DPO (H)

12/10/17

FINAL SHOW CAUSE NOTICE

WHEREAS, you Constable Hassan Asghar No. 21 proceeded against departmentally on the basis of allegations that while posted at DSB Hangu suspended & closed to Police Lines Hangu vid OB No. 586, dated 18.09.2017 due to you were redheaded in Peshawar with a girl by Pahari Pura Police at Peshawar. Your above act shows your negligence, disinterest, irresponsibility and also amount to gross misconduct on your part which cannot be ignored.


THEREFORE, you were served with Charge Sheet and statements of allegations under Police Disciplinary Rules 1975 vide No. 5638/PA, dated 20.09.2017, to which you submitted your reply. Mr. Umar Hayat Khan SDPO Hangu was appointed as Enquiry Officer to conduct departmental enquiry against him. After completion of enquiry, the Enquiry Officer submitted your findings on 03.01.2017 in which held you guilty from the charges leveled against you and recommended your for appropriate punishment.

NOW, THEREFORE, I, Ihsan Ullah Khan, District Police Officer, Hangu have vested the power under Police Disciplinary Rules, 1975 liable to take action against you, which will render you.

Your reply to this Final Show Cause Notice must reach to the office of the undersigned within **7 days** of the receipt of Final Show Cause Notice. In case your reply is not received within the stipulated period, it shall be presumed that you have no defence and ex-parte action will be taken against you. Also state, whether you desire to be heard in person?

No. 5842 /PA,

Dt: 06/10/2017.


**DISTRICT POLICE OFFICER,
HANGU**

حکمانہ انکوائری ازاں کنسٹیبل حسن اصغر نمبر 21 متعینہ DSB ضلع ہنگو

فائل رپورٹ

جناب عالی!

بحوالہ چارج شیٹ نمبری 5638/PA مورخہ 20.09.2017 بجاریہ جناب DPO صاحب ہنگو برخلاف کنسٹیبل حسن اصغر نمبر 21 معروض خدمت میں۔
چارج شیٹ ہذا میں کنسٹیبل حسن اصغر پر زیر الزامات لگائے گئے ہیں۔

(1) اپ کنسٹیبل حسن اصغر بحوالہ آرڈر بک نمبر 586 مورخہ 18.09.2017 معطل ہو کر کلوز ٹولائن کیا گیا کیونکہ اچھو پہاڑی پورہ پولیس نے لڑکی کیساتھ رنگے ہاتھوں پکڑا تھا۔

(2) اپ کی یہ حرکت غیر ذمہ داری اور ڈسپلن اور ڈیوٹی میں لاپرواہی ظاہر کرتی ہے جسکو کسی بھی صورت میں نظر انداز نہیں کیا جاسکتا۔
جس پر جناب DPO صاحب نے مذکورہ کنسٹیبل کو چارج شیٹ جاری کیا۔ اور ڈیپارٹمنٹل انکوائری کیلئے SDPO کو انکوائری ایفیسر مقرر کیا۔
اس سلسلے میں کنسٹیبل حسن اصغر حسب طلبی آکر جس نے اپنا تحریری بیان لیا جا کر جو ہمراہ لف انکوائری ہذا ہے۔

کنسٹیبل حسن اصغر اپنے بیان میں گویاں ہوا کہ چارج شیٹ میں لگائے گئے الزامات مبنی بردروغ ہیں۔ اصل حقائق کچھ یوں ہیں کہ اس کا والد آم ڈبئی بیمار ہے۔ جس کے علاج و معالجہ کیلئے پیسے درکار تھے۔ اس نے اپنے تر بور سے قرض حسنه کا تقاضا کیا تھا۔ جس نے کہا کہ آ جاؤ پیسے لے جاؤ اس کا تر بور سمس محمد عارف گل آباد گلہار کا رہائشی ہے۔ اور وہ اس سے پیسے لینے گیا تھا۔ کہ اسی اثناء میں پولیس نے آکر اسے مشتبہ گان میں پکڑ لیا اس نے اپنی شناخت کرائی لیکن ایک نہ مانے۔ اور مزید اپنے آنے کا مدعا بیان کیا۔ مگر بے سود۔ جہاں تک لڑکی کی بات کا سوال ہے حقیقت پر مبنی نہیں ہے۔

اصل حقائق:-

جہاں تک انکوائری کا تعلق ہے لگائے گئے الزامات میں حسب ضابطہ انکوائری شروع کر کے مذکورہ کنسٹیبل کو دفتر طلب کر کے لگائے گئے الزامات کے متعلق تحریری بیان لیا گیا۔ اپنے بیان میں مذکورہ کنسٹیبل نے لگائے گئے الزامات کی تردید کی۔ اور گویاں ہوا کہ چارج شیٹ میں لگائے گئے الزامات مبنی بردروغ ہیں۔ اصل حقائق کچھ یوں ہیں کہ اس کا والد آم ڈبئی بیمار ہے۔ جس کے علاج و معالجہ کیلئے پیسے درکار تھے۔ اس نے اپنے تر بور سے قرض حسنه کا تقاضا کیا تھا۔ جس نے کہا کہ آ جاؤ پیسے لے جاؤ اس کا تر بور سمس محمد عارف گل آباد گلہار کا رہائشی ہے۔ اور وہ اس سے پیسے لینے گیا تھا۔ کہ اسی اثناء میں پولیس نے آکر اسے مشتبہ گان میں پکڑ لیا اس نے اپنی شناخت کرائی لیکن ایک نہ مانے۔ اور مزید اپنے آنے کا مدعا بیان کیا۔ مگر بے سود۔ جہاں تک لڑکی کی بات کا سوال ہے حقیقت پر مبنی نہیں ہے۔ مزید اس کے بیان میں حقیقت معلوم کرنے کیلئے مذکورہ کنسٹیبل پر مزید کراس سوالات کیے گئے۔ دوران کراس سوالات مذکورہ کنسٹیبل نے لگائے گئے الزامات کی تردید کی البتہ یہ بات تسلیم کی کہ وہ ایک غلط گھر میں داخل ہوا تھا۔ جس پر لوگوں نے اسے پکڑ کر اس کو پولیس کے حوالے کیا۔ اس کے موجودہ بیان اور پشاور پولیس کو دوران انٹار وکیشن دیے گئے بیان میں کھلا تضاد ہے۔ تقلمد 06 روز نامہ 16.09.2017 تھانہ پہاڑی پورہ پشاور رپورٹ داؤد خان SHO ہمراہ لف ہے۔

SHO تھانہ پہاڑی پورہ داؤد خان کی رپورٹ حقیقت پر مبنی ہے۔ مذکورہ کنسٹیبل کے اس فعل سے پولیس کا ساکھ مجروح ہوا ہے۔ مذکورہ کنسٹیبل کیلئے مناسب سزا کی سفارش کی جاتی ہے۔

سب ڈویژنل پولیس ایفیسر ہنگو

Issue final
Show Cause
Notice
DPO (H)

Subscribed By
4/10/17

D.P.O. HANGU
Copy No. 154
Date 22-9-2017

CHARGE SHEET.

I, **Mr. IHSAN ULLAH KHAN, D.P.O, HANGU** as competent authority, hereby charge you Constable Hassan Asghar No. 21 while posted at DSB Hangu committed the following irregularities:-

- a). You were suspended & closed to Police Lines Hangu vid OB No. 586, dated 18.09.2017 due to you were redheaded in Peshawar with a girl by Pahari Pura Police at Peshawar.
- b) Your above act shows your negligence, disinterest, irresponsibility and also amount to gross misconduct on your part which cannot be ignored.

2. By reasons of the above, you appear to be guilty of misconduct Under Police Disciplinary Rules, 1975 and have rendered yourself liable to all or any of the penalties specified in the above rules.

3. You are, therefore, required to submit your written defence within seven days of the receipt of this Charge Sheet to the Enquiry Officer/Committees, as the case may be.

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

5. Intimate whether you desire to be heard in person.

6. A statement of allegation is enclosed.


**DISTRICT POLICE OFFICER,
HANGU**

No. 5638 /PA,

Dated 20/09/2017.

DISCIPLINARY ACTION.

I, **Mr. IHSAN ULLAH KHAN, D.P.O, HANGU** as competent authority, am of the opinion that Constable Hassan Asghar No. 21 has rendered himself liable to be proceeded against as he committed the following acts/omissions within the meaning Under Police Disciplinary Rules, 1975:

STATEMENT OF ALLEGATIONS.

a). You were suspended & closed to Police Lines Hangu vid OB No: 586, dated 18.09.2017 due to you were redheaded in Peshawar with a girl by Pahari Pura Police at Peshawar.

b) Your above act shows your negligence, disinterest, irresponsibility and also amount to gross misconduct on your part which cannot be ignored.

2. For the purpose of scrutinizing the conduct of the said accused with reference to the above allegations, an Enquiry Officer consisting of the following is constituted in the above rules: -

1. Mr. Umar Hayat Khan, SDPO Hangu.

3. The Enquiry Officer shall, in accordance with the provisions of the Ordinance, provide reasonable opportunity of hearing to the accused, record its findings and make, within twenty five 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 Officer.


**DISTRICT POLICE OFFICER,
HANGU**

A copy of the above is forwarded to : -

1. Mr. Umar Hayat Khan, SDPO Hangu. The Enquiry Officer for initiating proceedings against the accused under the provisions of Police Disciplinary Rules, 1975.

2. Constable Hassan Asghar No. 21. The concerned officer with the directions to appear before the Enquiry Officer, on the date, time and place fixed by the Officer, for the purpose of the enquiry proceedings.

CHARGE SHEET.

I, **Mr. IHSAN ULLAH KHAN, D.P.O, HANGU** as competent authority, hereby charge you Constable Hassan Asghar No. 21 while posted at DSB Hangu committed the following irregularities:-

- a). You were suspended & closed to Police Lines Hangu vid OB No. 586, dated 18.09.2017 due to you were redheaded in Peshawar with a girl by Pahari Pura Police at Peshawar.
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4. Your written defence, if any, should reach to the Enquiry Officer/Committees within the specified period, failing which it shall be presumed that you have no defence to put in and in that case ex-parte action shall be taken against you.

5. Intimate whether you desire to be heard in person.

6. A statement of allegation is enclosed.


**DISTRICT POLICE OFFICER,
HANGU**

No. 5638 /PA,

Dated 20/09/2017.

DISCIPLINARY ACTION.

I, **Mr. IHSAN ULLAH KHAN, D.P.O, HANGU** as competent authority, am of the opinion that Constable Hassan Asghar No. 21 has rendered himself liable to be proceeded against as he committed the following acts/omissions within the meaning Under Police Disciplinary Rules, 1975:

STATEMENT OF ALLEGATIONS.

a). You were suspended & closed to Police Lines Hangu vid OB No. 58 dated 18.09.2017 due to you were redheaded in Peshawar with a girl at Pahari Pura Police at Peshawar.

b) Your above act shows your negligence, disinterest, irresponsibility and also amount to gross misconduct on your part which cannot be ignored.

2. For the purpose of scrutinizing the conduct of the said accused with reference to the above allegations, an Enquiry Officer consisting of the following is constituted in the above rules: -

i. Mr. Umar Hayat Khan, SDPO Hangu.

3. The Enquiry Officer shall, in accordance with the provisions of the Ordinance, provide reasonable opportunity of hearing to the accused, record its findings and make, within twenty five 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 Officer.

**DISTRICT POLICE OFFICER,
HANGU**

A copy of the above is forwarded to :-

1. Mr. Umar Hayat Khan, SDPO Hangu. The Enquiry Officer for initiating proceedings against the accused under the provisions of Police Disciplinary Rules, 1975.

2. Constable Hassan Asghar No. 21. The concerned officer with the directions to appear before the Enquiry Officer, on the date, time and place fixed by the Officer, for the purpose of the enquiry proceedings.

۱۔ پولیس آفیسر کو لکھا گیا ہے

۹۳۔ مسٹر ایف ڈی بیگم داران، گورنمنٹ ہائی اسکول، گورنمنٹ
پرائمری سکول سے متعلق گورنمنٹ ہائی اسکول، گورنمنٹ ہائی اسکول
سٹیٹ پولیس آفیسر کو لکھا گیا ہے

۹۴۔ ایف بی بیگم صاحبہ کے ذریعہ ایف ڈی بیگم صاحبہ نے ایف ڈی بیگم صاحبہ
کی طرف سے ایک دستاویز پیش کیا ہے جو دوران انٹرویو
نے لکھا گیا ہے۔ حقیقت یہ ہے

۹۵۔ مسٹر ایف ڈی بیگم نے ایف ڈی بیگم صاحبہ کو ایف ڈی بیگم صاحبہ نے ایف ڈی بیگم
کو لکھا ہے کہ اس کے پاس ایف ڈی بیگم صاحبہ کے پاس

۹۶۔ ایف ڈی بیگم نے ایف ڈی بیگم کو لکھا ہے کہ اس کے پاس ایف ڈی بیگم
کا ایک دستاویز ہے۔

۹۷۔ ایف ڈی بیگم نے ایف ڈی بیگم کو لکھا ہے کہ اس کے پاس ایف ڈی بیگم
کا ایک دستاویز ہے۔

Aliested

2

3-10-57

Prasad



OFFICE OF THE
DISTRICT POLICE OFFICER,
HANGU

ORDER

Constable Hassan Asghar No. 12 while posted at D.S.B staff Hangu is hereby suspended and closed to Police Lines with immediate effect as he was arrested by PS Pahardi Pura Peshawar vide DD No. 14 dated 15.09.2017 Police Lines Hangu.

OB. No. 586

Dated 18 / 9 / 2017.


DISTRICT POLICE OFFICER,
HANGU

OFFICE OF THE DISTRICT POLICE OFFICER, HANGU

No. 5562 /PA, dated Hangu the 18 / 09 / 2017

Copy to all concerned for necessary action and information.

پولیس لائن

صلح بند

نقلہ 33 روزنامہ 16/9/17

فر 33 والسی ساور نفی R1 صوف 16/9/17 صبح 8:25 کا اس وقت حاضری

انسپیکٹر عثمان صاحب سے نفی رفتہ حوالہ عد 15 روزنامہ امروزہ سے واس آبا اور بیان کیا کہ کنسٹبل حسن آصف صاحب کو حسب احکام آفسر ان بالا مقام پہاڑ پورہ ساور سے نقلہ پوراہہ لاکر پولیس لائن میں DSP صاحب کو پیش کیا گیا کہ DSP صاحب نے علم کیا کہ مذکورہ کنسٹبل کو شہر لائن کے حوالہ کیا اور شہر کو بدرجہ کیا کہ مذکورہ کنسٹبل لائن کے حدود سے باہر نہیں جاتا گا۔ اور میں کل پاپرسو مذکورہ کنسٹبل کے مسینڈنٹ آرڈر DPD صاحب سے لوں گا۔ دیگر خبریں بیان کی گئی ہیں مذکورہ کنسٹبل حوالہ عد 14 روزنامہ 15/9/17 سے غیر حاضر ہے۔ مذکورہ کنسٹبل کی آمد پر حاضری راج روزنامہ کی جاتی ہے۔ اور پولیس لائن میں موجود رہنے کی پوری دی گئی

Sir forwarded

جناب عالی
نظر عطا کرنا

Post Rail
MHC - Line

17-9-17
Police Lines
Hangu

Phin
18/9/17

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 1729 /ST

Dated 27 / 8 / 2018

To


The District Police Officer,
Government of Khyber Pakhtunkhwa,
Hangu.

Subject: -

JUDGMENT IN APPEAL NO. 58/2018, MR. HASSAN ASGHAR.

I am directed to forward herewith a certified copy of Judgement dated 16.8.2018 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

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

Service Appeal No. 58/2018

Hassan Asghar No. 21

..... Appellant.

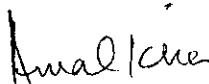
VERSUS

Provincial Police Officer,
Khyber Pakhtunkhwa Peshawar and others

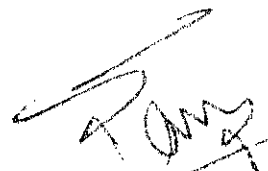
..... Respondents.

COUNTER AFFIDAVIT

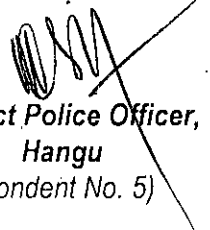
We, the below mentioned respondents, do hereby solemnly affirm and declare on oath that contents of parawise comments are correct and true to the best of our knowledge and belief. Nothing has been concealed from this Hon: Tribunal.



*Dy: Inspector General of Police,
Kohat Region, Kohat
(Respondent No. 3/4)*



*Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar
(Respondent No. 1/2)*



*District Police Officer,
Hangu
(Respondent No. 5)*



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

Service Appeal No. 58/2018

Hassan Asghar

..... Appellant.

VERSUS

Provincial Police Officer,
Khyber Pakhtunkhwa, and others

..... Respondents.

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS.

Respectively Sheweth:-

Parawise comments are submitted as under:-

Preliminary objections:-

1. That the appellant has got no cause of action.
2. That the appellant has got no locus standi.
3. That the appellant estopped to file the instant appeal due to his own act.
4. That the appeal is not maintainable due to misjoinder and none misjoinder of necessary party.
5. That the appeal is bad for misjoinder of unnecessary parties and non-joinder of necessary parties.
6. That appellant has not come to this Hon: Tribunal with clean hands as the appellant was involved in immoral activity.

Facts:-

1. Pertains to record, hence no comments.
2. Incorrect, the appellant was involved in immoral/illegal activity.
3. Incorrect, the appellant was proceeded against departmentally on the charges of his involvement in illegally activity based on daily dairy No. 06 dated 16.09.2017, Police Station Pahar Pura district Peshawar. SDPO Hangu was appointed as enquiry officer, who held him guilty. The enquiry proceedings culminated in his dismissal from service vide OB No. 625 dated 13.10.2017.
4. Incorrect, the appellant was proceeded in accordance with law & rules and score of charges mentioned para No. 3.
5. Incorrect, proper departmental inquiry was conducted against him.
6. Incorrect, the departmental appeal was processed accordingly found without any substance/devoid of merit was correctly rejected by respondent No. 3/4.
7. The appellant is stopped to file the instant appeal due to his own conduct.

Grounds:-

- A. Incorrect, legal and speaking orders are passed by the respondent No. 3/4 & 5.
- B. Incorrect, the appellant was not condemned unheard. He was afforded opportunity of defense accordingly.

- C. The illegal act of the appellant was entered by local police of Police Station Pharpura district Peshawar vide DD No 26 dated 16.09.2017. Copy is annexure "A".
- D. The daily dairy of PS Pharpura is self-explanatory.
- E. The appellant belongs to district Hangu and posted in district police Hangu badly failed the purpose of visit to pharpura, which established his evil designs.
- F. Incorrect, the appellant was treated in accordance with law and rules.
- G. Incorrect, the appellant was proceeded specifically on the charges of immoral activity and misconduct.
- H. The respondents have not in knowledge regarding jobless of the appellant etc.
- I. The respondents may also be allowed to advance arguments at the time of hearing.

Keeping in view of the above, the appeal is devoid of merits/law, without any substance and bad in eyes of law. Therefore, it is prayed that the instant appeal of the appellant may kindly be dismissed with cost.



**Dy: Inspector General of Police,
Kohat Region, Kohat
(Respondent No. 3/4)**



**Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar
(Respondent No. 1/2)**



**District Police Officer,
Hangu
(Respondent No. 5)**