

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
CAMP COURT, D.I.KHAN.

Service appeal No. 871/2018

Date of institution ... 01.07.2018  
Date of decision .... 25.03.2019

Muneer Ahmad (Ex-Constable) son of Shah Muhammad R/O Wanda Feroz, post office Wanda Gandair, Tehsil Paharpur, District, D.I.Khan.  
... (Appellant)

Versus

Government of Khyber Pakhtunkhwa through Secretary Home & Tribal Affairs Department, Peshawar and 4 others. ... (Respondents)

Present

Qazi Ziaur Rahman,  
Advocate ... For appellant.

Mr. Farhaj Sikandar,  
District Attorney ... For respondents.

---

MR. HAMID FAROOQ DURRANI, ... CHAIRMAN  
MR. AHMAD HASSAN, ... MEMBER.

JUDGMENT

HAMID FAROOQ DURRANI, CHAIRMAN:-


1. Instant appeal contains the prayer for setting aside the order dated 26.08.2016, passed by respondent No. 5/District Police Officer, D.I.Khan. The setting at naught of the order dated 17.04.2018 by



respondent No. 4, on the departmental appeal of appellant, is also sought.

2. The facts, as laid in the memorandum of appeal are, that the appellant was appointed as Constable in the Police Department in the year 2007. In the Month of May, 2016 he was booked in case FIR No. 219 dated 14.05.2016 registered for offence U/Ss 420/468/471/417-PPC r/w 155 P.O at P.S Dera Town, D.I.Khan. The appellant was subsequently acquitted from the charge through order dated 26.02.2018 by learned Judicial Magistrate-II, D.I.Khan. In the period interregnum the appellant was proceeded against departmentally and was served with statement of allegations on 17.05.2016, which was followed by an enquiry culminating into impugned order of dismissal of appellant dated 26.08.2016. His departmental appeal was also rejected. The appellant, thereafter, preferred a review/revision petition before the Provincial Police Officer Khyber Pakhtunkhwa on 27.04.2018 which remained un-responded, hence the appeal in hand.

3. We have heard learned counsel for the appellant, learned District Attorney on behalf of the respondents and have also examined the available record.

 At the outset, it was the objection of learned District Attorney that the departmental appeal was preferred by the appellant on

05.03.2018 while the impugned order was passed on 26.08.2016, therefore, the appeal was barred by time. In the said regard learned District Attorney referred to the order dated 17.04.2018 passed by the departmental appellate authority and contended that the appeal was dismissed on the count of delay. He was of the view that in a case where departmental appeal of a civil servant was barred by time, his service appeal would also render incompetent.

Learned counsel for the appellant, while controverting the preliminary objection, contended that under the provisions of Khyber Pakhtunkhwa Civil Servants (Appeal) Rules, 1986, the time of filing of departmental appeal was to run after the communication of order by the competent authority while, in the case in hand, the appellant was never communicated the order of his dismissal from service. The appeal was submitted before the departmental appellate authority after obtaining attested copies of the relevant record upon an application of the appellant, which was duly within time, it was added.

4. We have closely examined the entire record, more particularly, the order dated 17.04.2018 passed by respondent No. 4/departamental appellate authority. The contents of the order transpire that the appeal of appellant was dismissed on merits as well as on the count of being barred by time. Needless to note that the merits of the case of appellant

were discussed in the order. In the circumstances and also in the light of rules quoted by the learned counsel for the appellant, we are unable to agree with the objection advanced by the learned District Attorney.

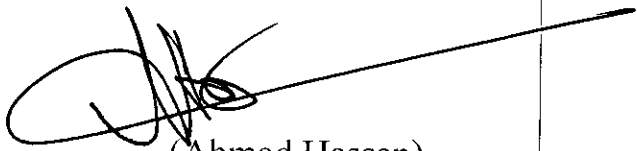
5. It is a matter of record that after passing of impugned order of dismissal from service against the appellant, the departmental appeal was submitted on 05.03.2018 where, in Paragraph No. 3, the factum of acquittal of appellant from the criminal charge in FIR ibid was clearly mentioned. Reading in juxtaposition to the statement of allegations, wherein the only charge against the appellant was regarding FIR No. 19 dated 14.05.2016 and arrest of the appellant in the said case, the appellate authority was obligated to have considered the incidence of acquittal of appellant from the criminal charge. On the contrary, the appellate authority did not even mention the acquittal in the impugned order which was one of the grounds duly taken in the departmental appeal. The significance of the only departmental charge against the appellant also required decision after his acquittal. Needless to note that the said important aspect of the case of appellant was conveniently brushed aside by the appellate authority.

6. As a sequel to the above discussion, we allow the appeal in hand and set aside the order of respondent No. 4 dated 17.04.2018. The matter is consequently remitted to the said respondent for decision



afresh regarding the departmental appeal of appellant. The appellant shall be given fair opportunity of putting forth his defence. The exercise shall be completed by the concerned respondent within a period of sixty days from the receipt of copy of instant judgment.

Parties are left to bear their respective costs. File be consigned to the record room.





(Ahmad Hassan)  
Member



(Hamid Farooq Durrani)  
Chairman  
Camp Court, D.I.Khan.

ANNOUNCED  
25.03.2019

S.No.	Date of Order or proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	25.03.2019	<p><u>Present.</u></p> <p>Qazi Ziaur Rahman, Advocate --- For appellant</p> <p>Mr. Farhaj Sikandar, District Attorney --- For respondents</p> <p>Vide order detailed judgment of today, we allow the appeal in hand and set aside the order of respondent No. 4 dated 17.04.2018. The matter is consequently remitted to the said respondent for decision afresh regarding the departmental appeal of appellant. The appellant shall be given fair opportunity of putting forth his defence. The exercise shall be completed by the concerned respondent within a period of sixty days from the receipt of copy of instant judgment.</p> <p>Parties are left to bear their respective costs. File be consigned to the record room.</p> <p> Member</p> <p> Chairman Camp Court D.I.Khan</p> <p><u>Announced</u> 25.03.2019</p>

27.11.2018

Counsel for the appellant present. Mr. Khalid Nawaz, Inspector (Legal) alongwith Mr. Usman Ghani, District Attorney for respondents present. Written reply on behalf of respondents not submitted. Representative of the respondents requested for time. Granted. To come for written reply/comments on 22.01.2019 before S.B at camp court D.I.Khan.



(M.Amin Khan Kundi)  
Member  
Camp Court D.I.Khan

22.01.2019

Counsel for the appellant and Mr. Farhaj Sikandar, District Attorney alongwith Khalid Nawaz, Inspector (Legal) for the respondents present.

Written reply on behalf of respondents No. 2 to 5 has been submitted. To come up for arguments before the D.B on 25.03.2019 at camp court, D.I.Khan. The appellant may submit rejoinder within a fortnight, if so advised.



Chairman  
Camp Court, D.I.Khan

13.09.2018

Counsel for the appellant Muneer Ahmad present. Preliminary arguments heard. Learned counsel for the appellant contended that the appellant was serving in Police Department as Constable and during service he was dismissed from service vide impugned order dated 26.08.2016 on the allegation of his involvement in case FIR No. 219 dated 14.05.2016 under sections 420/468/471/417/PPC Police Station Dera Town, D.I.Khan. It was further contended that the appellant was acquitted by the competent court from the said charges on 26.02.2018 and the impugned order was also communicated to the appellant on 02.03.2018 therefore, the appellant filed departmental appeal within next 30 days. It was further contended that departmental appeal was rejected on 19.04.2018 therefore, the appellant filed revision petition before the Inspector General of Police on 27.04.2018 which was not responded hence, the present service appeal on 09.07.2018. It was further contended that neither proper inquiry was conducted nor opportunity of personal hearing and defence was provided to the appellant and the appellant was also honorable acquitted by the competent court from the charges leveled against him therefore, the impugned order is illegal and liable to be set-aside.

The contention raised by learned counsel for the appellant needs consideration. The appeal is admitted for regular hearing subject to deposit of security and process fee within 10 days, thereafter notice be issued to the respondents for written reply/comments for 27.11.2018 before S.B at Camp Court D.I.Khan.

Appellant Deposited  
Security & Process Fee

*MA*  
(Muhammad Amin Khan Kundi)  
Member  
Camp Court D.I.Khan



Form- A  
FORM OF ORDER SHEET

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

Case No. 871/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	09/07/2018	<p>The appeal of Mr. Muneer Ahmad presented today by Mr. Zia-ur-Rehman Qazi Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR 9/7/18</p> <p>This case is entrusted to touring S. Bench at D.I.Khan for preliminary hearing to be put up there on <u>13-9-2018</u></p> <p style="text-align: right;"><i>MA</i> <u>MEMBER</u></p>
2-		

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

Service Appeal No of 2018

871/15

Muneer Ahmad

Versus

Government of K.P.K etc

**SERVICE APPEAL**

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	Copy of the acquittal order Dated 26.02.2018	B	19-21
3.	Copies of the charge sheet and statement of allegations	C & D	22-23
4.	Copies of the reply of show cause notice Dated 25.06.2016, reply of final show cause notice Dated 20.07.2016 along with impugned dismissal order No.OB-1514 Dated 26.08.2016	E, F & G	24-29
5.	Copy of the departmental appeal's rejection order Dated 17.04.2018	H	32
6.	Copy of the revision/ appeal before the Worthy Inspector General of Police, Peshawar	I	33-40
7.	Copies of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, Police Rules, 1975 (Amended) 2014 and Khyber Pakhtunkhwa Civil Servants (Appeals) Rules, 1986	J	41-59
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04.07.2018

Appellant  
Through Counsel,  
*Zia-ur-Rahman Kazi*  
Zia-ur-Rahman Kazi  
Advocate High Court  
Dera Ismail Khan

(1)

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

**Khyber Pakhtunkhwa  
Service Tribunal**

Service Appeal No. 871 of 2018

Diary No. 1131

Dated 09-07-2018

**Muneer Ahmad (Ex-Constable) son of Shah Muhammad, Resident of Wanda Feroz, Post Office, Wanda Gandair, Tehsil Paharpur, District Dera Ismail Khan.**

**Petitioner**

**Versus**

1. **Government of Khyber Pakhtunkhwa through Secretary Home & Tribal Affairs, Khyber Pakhtunkhwa Peshawar.**
2. **Inspector General of Police/C.C.P.O, Khyber Pakhtunkhwa, Peshawar.**
3. **Additional Inspector General of Police (Establishment), Khyber Pakhtunkhwa, Peshawar.**
4. **Regional Police Officer, Dera Ismail Khan Range, Dera Ismail Khan.**
5. **District Police Officer, Dera Ismail Khan.**

*Imam Raza Khan*  
4.7.2018

**Filed to-day**  
**Registered**  
9/7/18

**Respondents**

2

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER  
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AIMED  
AGAINST THE IMPUGNED DISMISSAL ORDER NO.OB-1514  
DATED 26.08.2016 PASSED BY RESPONDENT NO.5/  
DISTRICT POLICE OFFICER, DERA ISMAIL KHAN AND  
ALSO AIMED AGAINST IMPUGNED DEPARTMENTAL  
APPEAL'S REJECTION ORDER NO.1450 DATED 17.04.2018  
PASSED BY RESPONDENT NO.4 ALONG WITH IMPLIED  
SECOND DEPARTMENTAL REVISION REJECTION ORDER  
OF RESPONDENT NO.1 BEING PATENTLY ILLEGAL, VOID  
AB INITIO, CORAM NON-JUDICE, ARBITRARY, PERVERSE,  
TAINTED WITH MALAFIDE.

**PRAYER IN APPEAL**

To set aside the impugned Dismissal Order  
No.OB-1514 Dated 26.08.2016 passed by  
Respondent NO 5/District Police Officer, Dera  
Ismail Khan and also set aside the impugned  
departmental appeal's rejection Order No.1450  
Dated 17.04.2018 passed by Respondent No.4  
along with implied second departmental  
revision rejection order of Respondent No.1  
being illegal not sustainable in the eyes of law,  
arbitrary, perverse, tainted with mala-fide and

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*4.7.2018*

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to reinstate the appellant in police service with all back benefits.

Any other relief *ex debito justitiae* may please be extended in favour of the Appellant.

**Note:-** Addresses given above shall suffice the object of service

The Appellant humbly submits as under;

1. **That** Appellant was appointed as police constable in Police Department way back in the year 2007 and after completion of formal training, was performing his official duties with zeal and zest and quite upto the satisfaction of his superiors for almost nine years. In the month of May, 2016, the Appellant was malafidely and with ulterior motives booked in case FIR No.219 Dated 14.05.2016 under Section 420/468/471/417 PPC read with 155 Police Order, Police Station Dera Town, D.I.Khan. Copy of the FIR along with complete challan is enclosed as Annexure-A. It is a matter of record that the Appellant has been acquitted from the said criminal case through acquittal order Dated 26.02.2018 by the competent Court of Judicial Magistrate-II, D.I.Khan. Copy of the acquittal order Dated 26.02.2018 is enclosed as Annex-B.
2. **That** due to illegal and malafide involvement in the FIR ibid, the Departmental Authority/D.P.O, D.I.Khan charge sheeted the Appellant for alleged misconduct and also served statement of allegations on 17.05.2016. Respondent No.5/D.P.O, D.I.Khan was also pleased to

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D.I.Khan  
11.11.18

4.07.2018

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appoint D.S.P City, D.I.Khan. Copies of the charge sheet and statement of allegations are enclosed as Annexures "C&D" respectively.

3. **That** the Inquiry Officer conducted the Inquiry in a patently illegal manner and never recorded the statement of any departmental representative in support of alleged misconduct against the Appellant and submitted his inquiry report to the quarter concerned. On the basis of the inquiry report, the Competent Authority issued final show cause notice to the Appellant which was replied well in time, however; the competent authority at the back of the Appellant and without issue any kind of intimation or notice passed the impugned dismissal order No.OB-1514 Dated 26.08.2016. It is a matter of record that impugned dismissal order Dated 26.08.2016 has never ever been communicated to the Appellant in terms of Rule-3 of Khyber Pakhtunkhwa Civil Servants (Appeal Rules) 1986. Copies of the reply of show cause notice Dated 25.06.2016, reply of final show cause notice Dated 20.07.2016 along with impugned dismissal order No.OB-1514 Dated 26.08.2016 are enclosed as Annexures "E, F & G" respectively.

4. **That** as earlier stated the Appellant was completely kept in darkness about the passing of impugned dismissal order Dated 26.08.2016, so the Appellant on 02.03.2018 applied for getting certified copies of the impugned dismissal order. The same was delivered to the Appellant on 05.03.2018 and after coming into the knowledge of the impugned dismissal order the Appellant challenged it by way of preferring departmental appeal before the Regional Police

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2018  
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Officer/Respondent No.4, which has been rejected through impugned departmental appeal's rejection order Dated 17.04.2018. Copy of the departmental appeal's rejection order Dated 17.04.2018 is enclosed as **Annexure "H"**.

5. **That** later on, as per rules requirement, the Appellant preferred a revision/appeal before the Worthy Inspector General of Police, Peshawar on 27.04.2018 well in time, which has not been responded so far in either way, hence deems to be rejected. Copy of the revision/ appeal before the Worthy Inspector General of Police, Peshawar is enclosed as **Annexure "I"**.
6. **That** as per legal requirements, the Appellant has been left with no other option but to agitate his grievances before this Honourable Tribunal inter alia on the following grounds;

**G R O U N D S**

- a. **That** impugned dismissal from service Notification/Order Dated 26.08.2016 and Departmental Appeal's rejection order Dated 17.04.2018 which were never communicated to the Appellant in time are against law, facts of the case and material available on the record, hence not tenable in the eyes of law and liable to be struck down by this Honorable Tribunal.

*Er. Muhammad Raza*  
*Secretary*

04.07.2018

b. **That** the legal and factual aspects of the controversy have not been appreciated by the Competent Authority, thus the impugned dismissal from service order No.OB 1514 Dated 26.08.2016 was passed at the back of the Appellant and never communicated to the Appellant, hence the Appellant has been condemned unheard and was totally unjustified and have no legal backing, thus liable to be struck down.

c. **That** the impugned dismissal from service Order/ Notification Dated 26.08.2016 and impugned implied appeal's rejection orders are against law, facts of the case, tainted with malafide, and based on mis-conception of law on the subject, hence not legally tenable and liable to be struck down by this Honorable Tribunal in its appellate jurisdiction, rather the Appellant has not been treated in accordance with law.

d. **That** the impugned dismissal from service Order/ Notification Dated 26.08.2016 has been passed in clear cut contravention of fundamental rights guaranteed by the Constitution of Islamic Republic of Pakistan 1973 in Articles 4,10 hence, liable to be set aside.

e. **That** the impugned dismissal from service Order/ Notification Dated 26.08.2016 has been passed in blatant violation of Khyber Pakhtunkhwa Government Servant

*Imran Raza Khan*

4.07.2028



(Efficiency and Discipline Rules) 2011, hence liable to be set aside on this score alone.

f. **That** the impugned dismissal from service Order/ Notification has been passed in a very haphazard manner and, hence not sustainable in the eyes of law, rather the discretion has not been exercised in accordance with law.

g. **That** Appellant has not been treated in accordance with law. The Inquiry Officer never conducted the inquiry within the four legal corners rather the inquiry proceedings and report are the outcome of excess of jurisdiction, having no legal footings at all. On the other hand, the Appellant has been kept in dark by not communicating the impugned orders well in time to enable him for challenging the same thus, the impugned action is the prime example of colourable exercise of jurisdiction calling for interference by this Hon'ble Tribunal. Copies of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, Police Rules, 1975 (Amended) 2014 and Khyber Pakhtunkhwa Civil Servants (Appeals) Rules, 1986 are enclosed as **Annexure-J**.

h. **Counsel** for the Appellant may please be allowed to urge additional grounds at the time of hearing.

Dated:-04.07.2018

It is therefore, most humbly prayed that

Service Appeal may please be allowed as

04.07.2018

*Handwritten signature and initials*

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prayed in the prayer clause of the instant  
appeal.

*Muneer Ahmad*

Muneer Ahmad  
Through Counsel

*Muneer Ahmad*

*Zia-ur-Rahman Kazi*  
Zia-ur-Rahman Kazi  
Advocate High Court  
Dera Ismail Khan

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

Service Appeal No of 2018

**Muneer Ahmad.....Appellant**

**Versus**

**Government of K.P.K etc.....Respondents**

**SERVICE APPEAL**

**AFFIDAVIT**

I, **Muneer Ahmad**, the Appellant, do hereby solemnly affirm and declare on oath:-

1. **That** accompanying service appeal has been drafted by my Counsel following my instructions
2. **That** all para wise contents of the service appeal are true and correct to the best of my knowledge, belief and information;
3. **That** nothing has been deliberately concealed from this August Tribunal nor anything contained therein is based on exaggeration or distortion of facts.

Dated:- 04.0.2018

*Muneer Ahmad*  
**Deponent**

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

Service Appeal No of 2018

**Muneer Ahmad**

**Versus**

**Government of K.P.K etc**

**SERVICE APPEAL**

**APPLICATION FOR CONDONATION OF DELAY**

Respected Sir,

The Appellant humbly submits as under:-

1. That above captioned service appeal is being preferred in this Hon'ble Tribunal and the present application for condonation of delay may please be considered as part and parcel of main service appeal.
2. That impugned dismissal order No.OB-1514 Dated 26.08.2016 has never ever officially communicated or served to the Appellant in terms of Rule-3 of Khyber Pakhtunkhwa Civil Servants Appeals Rules, 1986 by the departmental authorities. The Appellant came to know about the impugned dismissal order on 02.03.2018 and succeeded in getting the certified copies of the same on 05.03.2018.
3. That later on the Appellant filed within time departmental appeal after coming into the knowledge of the impugned dismissal order but the same has wrongly been treated as time barred by the Respondent No.4/Regional Police Officer, Dera Ismail Khan Range.

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Muneer Ahmad  
10/07/2018

4. That valuable rights of the Appellant have been bulldozed by way of impugned orders without looking into the legal aspect of the controversy and treating the case of the Appellant as time barred. The case of the Appellant is within time in all four legal corners however, for keeping things on the safer side, the instant application for condonation of delay is being preferred to condone the un-intentional and out of reach delay.
5. That this Hon'ble Tribunal has vast jurisdiction to accept the instant CM and condone the delay.

It is therefore, most humbly prayed that the instant CM may please be allowed and delay if any, occurred in filing the instant appeal may please be condoned in the interest of justice.

**Dated:04.07.2018**

**Your Humble Appellant,**

*Muneer Ahmad*  
**Muneer Ahmad**  
Through Counsel

*Zia-ur-Rahman Kazi*  
**Zia-ur-Rahman Kazi**  
Advocate High Court  
Dera Ismail Khan

*Kan*  
*sw*  
*4.7.2018*

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

Service Appeal No. \_\_\_\_\_ of 2018

Muneer Ahmad.....Appellant

Versus

Government of K.P.K etc.....Respondents

**SERVICE APPEAL**

**Affidavit**

I, Muneer Ahmad, do hereby solemnly affirm and declare on Oath that all parawise contents of accompanying application are true and correct to the best of my knowledge, belief and that nothing has been kept secret from this Hon'ble Tribunal

*Muneer Ahmad*

Deponent

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

Service Appeal No. \_\_\_\_\_ of 2018

Muneer Ahmad.....Appellant

Versus

Government of K.P.K etc.....Respondents

**SERVICE APPEAL**

**CERTIFICATE**

Certified that this is first Service Appeal involving the instant subject matter and that the Petitioner has not filed any other petition/Appeal earlier in this Honorable tribunal regarding the above stated controversy.

*Muneer Ahmad*

Appellant  
Through Counsel

*Zia-ur-Rahman Kazi*  
Zia-ur-Rahman Kazi 4/7/18  
Advocate High Court  
Dera Ismail Khan

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

Service Appeal No. . of 2018

**Muneer Ahmad.....Appellant**

**Versus**

**Government of K.P.K etc.....Respondents**

**SERVICE APPEAL**

**List of Books refereed:**

1. The Constitution of Islamic Republic of Pakistan, 1973.
2. The K.P.K Civil Servant Act, 1973.
3. The Khyber Pakhtunkhwa Government Servant Efficiency and Discipline Rules 2011.
4. Police Rules, 1975 (Amended) 2014
5. K.P.K Service Tribunal Act, 1974.
6. Judicial Precedents, favouring the case of the Petitioners.

*[Signature]*  
Counsel for Appellant 4/7/18

Note:-

Service Appeal with annexures along with three sets thereof are being presented in three separate enclosed covers.

*[Signature]*  
Counsel for Appellant 4/7/18



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**BEFORE THE HONORABLE SERVICE TRIBUNAL,**

**KHYBER PAKHTUNKHWA, PESHAWAR**

Service Appeal No of 2018

**Muneer Ahmad.....Appellant**

**Versus**

**Government of K.P.K etc.....Respondents**

**SERVICE APPEAL**

**MEMO OF ADDRESSES OF THE PARTIES**

**PETITIONER**

Muneer Ahmad (Ex-Constable) son of Shah Muhammad, Resident of Wanda Feroz, Post Office, Wanda Gandair, Tehsil Paharpur, District Dera Ismail Khan.

**RESPONDENTS**

1. **Government of Khyber Pakhtunkhwa** through Secretary Home & Tribal Affairs, Khyber Pakhtunkhwa Peshawar.
2. **Inspector General of Police/C.C.P.O,** Khyber Pakhtunkhwa, Peshawar.

*Muneer Ahmad*  
4.7.2018

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3. **Additional Inspector General of Police (Establishment),**  
Khyber Pakhtunkhwa, Peshawar.
4. **Regional Police Officer,** Dera Ismail Khan Range, Dera Ismail  
Khan.
5. **District Police Officer,** Dera Ismail Khan.

*M. A. Khan*

Dated:- 04.07.2018

Your Humble Appellant

ابتدائی اطلاقی رپورٹ "A"

Annexure

(فائل) ابتدائی اطلاع نسبت جرم قابل دستبرد لڑائی میں رپورٹ شدہ روز نمبر 152 مجموعہ ضابطہ ذمہ داری

صفحہ 118 D

17

تاریخ 12

تاریخ وقت رپورٹ 14 بجے 20-00 بجے 21-00 بجے  
تاریخ وقت وقوعہ 14/78 14/78 وقت 0-00 0-00 0-00

1	تاریخ وقت رپورٹ 14 بجے 20-00 بجے	چاکلہ سبھی 14 بجے وقت	21-00 بجے
2	نام و کنوینٹ اطلاع دہندہ سفید	لقبہ الکرخان	03469726377
3	مقام کیفیت جرم (موجودہ) حال اگر کوہا گیا	پرہیز 155	420-468-471-417
4	جائے وقوعہ یا ملحقہ جگہ	مختصر تفصیل	جانب غرب بنامہ 1/2 ٹکڑے زمین
5	نام و کنوینٹ جرم	مختصر تفصیل	واٹر ٹوہ غیر منظم طریقہ میں
6	تاریخی جرم پیشہ کی تعلق گی اگر اطلاع درج کرنے کے بعد وقت ہوا تو یہ جان کر	بہرہ گیری سے حاصل ہونے والی رقم	11
7	تاریخ و رات کی تاریخ وقت	اہم ترین ڈی آکے	

ابتدائی اطلاع نیچے درج کردہ غیر منظم طریقہ میں

مختصر تفصیل: مختصر تفصیل میں مذکورہ جرم کے متعلقہ شخصیات کی تفصیل درج کی گئی ہے۔  
 1. نام و کنوینٹ اطلاع دہندہ سفید: الکرخان، 03469726377  
 2. مقام کیفیت جرم (موجودہ) حال اگر کوہا گیا: پرہیز 155، 420-468-471-417  
 3. جائے وقوعہ یا ملحقہ جگہ: مختصر تفصیل، جانب غرب بنامہ 1/2 ٹکڑے زمین  
 4. نام و کنوینٹ جرم: مختصر تفصیل، واٹر ٹوہ غیر منظم طریقہ میں  
 5. تاریخی جرم پیشہ کی تعلق گی اگر اطلاع درج کرنے کے بعد وقت ہوا تو یہ جان کر: بہرہ گیری سے حاصل ہونے والی رقم  
 6. تاریخ و رات کی تاریخ وقت: اہم ترین ڈی آکے

14/5/016  
 Attest  
 [Signature]

ATTACHED

مدرسہ اسلامیہ

کتابچہ نمبر

420-468-477  
417-155

کتاب نمبر

14  
219

کتاب نمبر

تقریریں

ولادت

تفصیل

مطالعہ

مطالعہ

کتاب نمبر 14-121-121

326  
7326

NS-792

مطالعہ

مطالعہ

کتاب نمبر 14-121-121

344  
9403057

NS-792

مطالعہ

مطالعہ

کتاب نمبر 14-121-121

342  
6578532

NS-792

مطالعہ

مطالعہ

کتاب نمبر 14-121-121

346  
7854021

NS-792

مطالعہ

مطالعہ

کتاب نمبر 14-121-121

345  
7852730

NS-792

مطالعہ

مطالعہ

کتاب نمبر 14-121-121

344  
9378558

NS-792

مطالعہ

مطالعہ

کتاب نمبر 14-121-121

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NS-792

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کتاب نمبر 14-121-121

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کتاب نمبر 14-121-121

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9378558

NS-792

مطالعہ

مطالعہ

مطالعہ

حرفان اور انور حرفان کو جو کہ بعض نے دراز ہونے کے لیے صرف ہا اور وا کے ساتھ لکھا ہے  
وہ جو کہ بعض نے صرف ہا اور وا کے ساتھ لکھا ہے وہ جو کہ بعض نے صرف ہا اور وا کے ساتھ لکھا ہے  
جو کہ بعض نے صرف ہا اور وا کے ساتھ لکھا ہے وہ جو کہ بعض نے صرف ہا اور وا کے ساتھ لکھا ہے  
جو کہ بعض نے صرف ہا اور وا کے ساتھ لکھا ہے وہ جو کہ بعض نے صرف ہا اور وا کے ساتھ لکھا ہے  
جو کہ بعض نے صرف ہا اور وا کے ساتھ لکھا ہے وہ جو کہ بعض نے صرف ہا اور وا کے ساتھ لکھا ہے

وہ جو کہ بعض نے صرف ہا اور وا کے ساتھ لکھا ہے

وہ جو کہ بعض نے صرف ہا اور وا کے ساتھ لکھا ہے

وہ جو کہ بعض نے صرف ہا اور وا کے ساتھ لکھا ہے

24-5-16  
8/10/16

8/10/16

21

21

Annexure "B"

19

State Vs Munir Ahmad etc.

Or-----24  
26/02/2018

SPP for the state present. Accused Munir Ahmad is on bail present while accused Chinar Khan is absconding.

Through this order I intend to dispose of an application moved by the accused/petitioner namely Munir Ahmad for his acquittal U/S 249-A Cr.P.C in case FIR No.219 dated 14.05.2016 u/s 420-468-471-417 PPC/155 Police Order, PS Dera Town.

Brief facts of instant case are such that on 14.05.2016 at 20:00 hrs in the criminal jurisdiction of PS Dera Town present, petitioner/accused alongwith absconding accused by misusing his authority transporting non custom paid vehicle by preparing bogus number plate dishonestly and fraudulently used the fake and bogus number plate as genuine, hence, the present FIR was chalked out.

After the completion of investigation complete challan was put in court on 22.10.2016 whereafter accused was summoned. On 16.11.2016 present, accused/petitioner was appeared and provision of section 241-A Cr.P:C were complied to his extent whereas formal charge was framed on 25.11.2016, to which he pleaded not guilt and claimed trial. As co-accused was absconding therefore, after recording statement of SW, prosecution was allowed to produce its evidence. Fazal Rehman No.270 appeared as PW-1 while Ghulam Qasim ASI appeared as PW-2, whereafter accused/petitioner moved instant application u/s 249-A Cr.P.C for his acquittal.

Arguments heard and case file perused.

After having heard learned counsel for the accused/petitioner and from perusal of record it shows it is alleged by the prosecution that at the time of occurrence present accused/petitioner was found misusing his authority transporting non custom paid vehicle by preparing bogus number plate dishonestly and fraudulently used the fake and bogus number plate as genuine, hence, instant case under section 420-468-471-417 PPC/155 Police Order was registered. As per FIR, allegedly accused was found in possession of motorcar bearing registration No.NS-792/Islamabad, however report of Motor Vehicle Registering Authority

JUDICIAL MAGISTRATE-II  
DERA ISMAIL KHAN

Munir Ahmad  
26/2/18  
29/10/16  
628/16

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Islamabad Excise & Taxation Department (vehicle inquiry) Ex.PW-2/6 is regarding vehicle registration No.NS-790. This fact has been admitted by PW-2 during cross examination. Similarly it is alleged in the report that at the time of occurrence present accused/petitioner misused his authority. However, PW-2 admitted during the course of cross examination that he did not remember that whether vide recovery memo Ex.PW-2/1 name plate of present accused/petitioner was recovered or not. PW-2 also admitted that laboratory report is not available on case file. Likewise PW-2 admitted that as per investigation conducted by him, absconding accused Chinar was the real owner. Therefore, in the present scenario there is no probability of conviction of the accused/petitioner even if the evidence of the prosecution is allowed to be produced rather it would be a futile exercise and wastage of precious time of the court.

Keeping in view the above mentioned reasons, as there is no chance of conviction of accused/petitioner in the instant case, therefore, by accepting application in hand accused/petitioner **Munir Ahmad** is hereby acquitted u/s 249-A Cr.P.C of the charges leveled against him. His sureties are also discharged from the liabilities of bail bonds.

In the light of statement of PWs, prosecution has prima facie established guilt of the accused. Since the accused Chinar Khan is absconding and avoiding from his lawful arrest and fugitive of law, therefore, perpetual warrant of arrest be issued against him. The D.C and D.P.O D.I.Khan be informed in this respect to enlist name of the accused in the list of P.Os in P.O Register with the directions to arrest the accused as and when found. Case property be kept intact till the arrest and trial of the accused/PO.

In the instant case Investigation Officer conducted week and meager investigation which is evident from the face of record that allegedly vehicle registration No.NS-792/Islamabad was recovered from the possession of accused while investigation officer sought opinion from the concerned authority regarding vehicle registration No.NS-790 which clearly shows malafide on the part of I.O. Similarly after the completion of investigation complete challan was received by this court through prosecution and it is the duty of prosecution to scrutinize all cases/files

*SACIB KHAN*  
 Judicial Magistrate-II  
 Dera Ismail Khan

*20/03/18*

before forwarding the same to the court for trial and to fulfill lecnas, however in the instant case concerned APP close his eyes during the course of scrutiny and did not perform his duty as per law. Therefore, it would be just and proper to penalize both delinquent officials for their negligence and misconduct. Resultantly copies of this order be sent to DPP D.I.Khan, DG Prosecution, DPO, D.I.Khan, SP INV and IGP KPK, for conducting legal/Departmental action against delinquent officials (concerned APP and Investigation Officer) as per law with the intimation of this court.

File after completion and compilation be consigned to record room.

Announced  
Dated 26/02/2018



*Saqib Khan*  
Saqib Khan  
Judicial Magistrate-II,  
Dera Ismail Khan  
Judicial Magistrate-II, D.I.Khan

RECEIVED BY THE  
*21/3/18*



2776  
Application Received @ 01-03-18  
Date of Copying 01-03-18  
Date of Delivery 01-03-18  
No. of Pages 28  
Copy of [unclear]  
Original [unclear]  
Total Charges [unclear]  
Name of Candidate [unclear]  
Department/District [unclear]  
No. of Examiners [unclear]

*[Handwritten Signature]*

01/03/18

Annexure

(22)

CHARGE SHEET

Where as, I am satisfied that a formal enquiry as contemplated by Khyber Pakhtunkhwa Police Rules 1975 amended-2014 is necessary and expedient.

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

AND THEREFORE, as required by Police Rules 6(1) of the aforesaid rules, I DISTRICT POLICE OFFICER Dera Ismail Khan hereby charge you Constable Munir Ahmad No.1934 with the misconduct on the basis of the statement attached to this Charge Sheet.

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

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

*[Signature]*  
District Police Officer,  
Dera Ismail Khan

*[Signature]*  
Suliana  
Mahar

1/10/2014 JHC/100 14/10/14

*[Signature]*  
ATTENDED

23

DISCIPLINARY ACTION

I, DISTRICT POLICE OFFICER, Dera Ismail Khan as a competent authority am of the opinion that you Constable Munir Ahmad No.1934 have rendered you liable to be proceeded against and committed the following acts/omissions with the meaning of the Khyber Pakhtunkhwa Police Rules 1975 amended-2014.

*Annexure  
"D"*

STATEMENT OF ALLEGATION

You while posted at PS Daraban, D.I.Khan, Charged and arrested in vide FIR No.219 dated 14.05.2016 u/s +20-468-471-417-155 Police Order PS Town D.I.Khan. This act on your part amounts to gross misconduct which is punishable under the rules.

Hence the statement of allegation.

2. For the purpose of scrutinizing the conduct of the said accused with reference to the above allegation DSP City Dera Ismail Khan appointed as enquiry officer to conduct proper departmental enquiry under the Rules 1975 amended-2014.

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

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

*2-6*  
District Police Officer  
Dera Ismail Khan

1388-88

No. /EC Dated DIKhan the 17-05- /2016  
Copy to: -

1. \_\_\_\_\_ Dera Ismail Khan, The enquiry officer initiating proceeding against the defaulter under the provision of Khyber Pakhtunkhwa Police Rules 1975 amended-2014, with the direction to complete the enquiry within 10-days. Enquiry papers containing \_\_\_\_\_ pages are enclosed.
2. Constable Munir Ahmad No.1934 with the direction to appear before E.O on the date, time and place fixed by the E.O, for the purpose of enquiry proceeding.

*2-1*  
District Police Officer  
Dera Ismail Khan

*Attestation  
T. Khan*

*Attestation*

ATTESTED

11/05/2016

Annexure  
"E"

(24)

جوائز سٹور حاجی محمد محمد علی صاحب  
14/05/2016

کھنڈا لیکچر حاجی محمد حاجی  
FIR 129 14/05/2016

120-468-471  
417

کھنڈا لیکچر حاجی محمد حاجی  
155

FIR کھنڈا لیکچر حاجی محمد حاجی

کھنڈا لیکچر حاجی محمد حاجی

کھنڈا لیکچر حاجی محمد حاجی

کھنڈا لیکچر حاجی محمد حاجی

کھنڈا لیکچر حاجی محمد حاجی

کھنڈا لیکچر حاجی محمد حاجی

کھنڈا لیکچر حاجی محمد حاجی

Attested  
Liaqat  
4/2/18

Attested

تذکرہ بی اسٹریٹ  
بی اسٹریٹ  
بی اسٹریٹ

کپڑے سے منسوب کیا جا رہا ہے  
اس کے لئے لکھا گیا ہے

نام بی اسٹریٹ  
اور محلہ لکھا

کے لئے لکھا گیا ہے  
بی اسٹریٹ اور

اسی نام سے کوئی بی اسٹریٹ  
لکھا گیا ہے

اسٹریٹ کے لئے لکھا گیا ہے

اور بی اسٹریٹ  
بی اسٹریٹ

Ashraf  
Signature  
4/2/18

Attested  
ATTESTED

نہی -

کوئی برکا جاے - نامہ عدالت الصفا

کے فیصلہ اور اسوائی فیصلہ فرمائی

اور فیصلہ اللہ الصفا کو

سے اسوائی کہ وہ سب سے جاے

Handwritten signature and date: 4/18

اور عدالت کے حکم سے استغاثہ کی

میں سالہ 12/10/1951ء

مروں کہ حال میں اسوائی

اور کبھی ہی اسوائی سے جاے

اسوائی سے فیصلہ فرمائی

اور اسوائی سے فیصلہ فرمائی

ATTESTED

دور کتابت کے لئے

میری زمینی حدود، گزشتہ

الطاف کے تعاون کے تحت

میرا زمین مندرجہ ذیل ہے

میرا الطاف کے لئے

میں نے ایک ایک

میں نے ایک ایک

میں نے ایک ایک

میں نے ایک ایک

میں نے ایک ایک

میں نے ایک ایک

Attested

M. A. Khan  
4/7/38

M. A. Khan

ATTESTED

Annexure  
"F"

28

Ahmed  
*[Signature]*

To: The Worthy District Police Officer  
Dera Ismail Khan

Subject: Reply to the Final Show Cause Notice issued over No. Nil dated Nil

Respected Sir,

With profound reverence following submissions are made in response to the subject noted notice for your kind & gracious perusal.

1. That I was inducted as Constable in Police Department in the year 2007 and have unblemished service record to my credit, always having performed the duties to the best of my abilities and to the utter satisfaction of the superiors. I have never indulged in any activity prejudicial to the good order and norms of service in any manner, always having discharged official obligations with due diligence, devotion and dedication, never hesitating to respond to the call of duty even at odd hours and at the perils of my life.
2. That the allegations contained in the subject mentioned Notice are apparently based on misconception and misconstruing of true facts, are neither sustainable nor substantiated thus are not maintainable. The facts being otherwise than those projected through the inquiry as mentioned in the notice would speak volumes about my innocence.
3. That there could nothing be sustained to show any complicity on my part except mere allegation that too, for misconstruing of facts. Fact of the matter is that, as already conveyed through reply to Charge-Sheet, I was posted in PS Daraban about 8/9 months priorly and in the course of employment became acquainted with one China Khan Sherani, a resident of Dara-Zinda. As I had to proceed on leave to attend marriage ceremony of a close friend at Abdul-khel, Panyala and was looking for means of transport I had asked above said China Khan Sherani to help me out find a Taxi. In return China Khan asked me to take his motor car since it will cost me only fuel and no hiring charges will have to be paid relieving me of extra burden. I thus out of goodwill accepted the offer and took the vehicle on 14.5.2016 and moved on for Panyalla. It was only on my way that I came across SHO PS Dera Town at Khuti Check Post who suspected the vehicle to be not properly registered. I readily informed the SHO about the true facts, as submitted above, but for reasons best known to the SHO, he was adamant to en-robe me in a criminal litigation. In this direction I also rely on my reply to the Charge-Sheet submitted earlier.
4. That since the matter / case mentioned in the Notice is subject to scrutiny by a court of law, it is always considered justified to defer departmental proceedings till final disposal of criminal case by the court. In present case it may be justified to follow the suit as well to save me from being prejudiced in my defence in the criminal case as well the present proceedings.

Prayer:

In view of the above made submissions, it is humbly requested that the Final Show Cause Notice issued from your good office may very kindly be withdrawn and in consequence thereof the departmental proceedings may very graciously be abated / filed being beyond true position and facts. I solicit for personal audience to further clarify my position, if need be.

Beg to remain, Sir,

Dated. 22/07/2016

Your Obedient Servant,

*Munir Ahmad*  
(Munir Ahmad)  
PC No. 1934  
Police Lines, D.I. Khan.

*[Signature]*  
**ATTESTED**



Annexure

(29)

'G' 1979

Attestation  
Zubair Khan

ORDER

This order is aimed to dispose off the departmental proceeding conducted against Constable Munir Ahmad No.1934 of this District Police on the charges that he while posted at PS/Daraban DIKhan, charged and arrested in case vide FIR No.219 dated: 14.05.2016 u/s 420-468-471-417-155 Police Order PS/Dera Town DIKhan:

The defaulter constable was served with charge sheet/statement of allegations. An enquiry was conducted into the matter by Mr. Arbab Khan DSP/City DIKhan. The Enquiry Officer submitted his finding report in which he stated that the defaulter constable is found guilty of the charges levelled against him & recommended for appropriate action. Final Show Cause Notice was served upon him. Reply of said Final Show Cause Notice received which was perused & found un-satisfactory.

In the light of above 1, DISTRICT POLICE OFFICER, DIKhan in exercise of powers conferred upon me under the Police Rules 1975 amended-2014, hereby award Constable Munir Ahmad No.1934 major punishment of Dismissal from Service with immediate effect.

ORDER ANNOUNCED

*Zah*  
District Police Officer,  
Dera Ismail Khan.

OB 1514  
DI 26-8-16

- (1) Application received on 22-03-2018
- (2) Copy of ...
- (3) Judgment ...
- (4) ...
- (5) ...
- (6) ...
- (7) ...
- (8) ...
- (9) ...
- (10) ...

Attest of  
*[Signature]*  
D.S.P / Legal  
D. I. Khan

*Asif Khan*

*Zubair Khan*  
**ATTESTED**

بخدمت جناب ریجنل پولیس آفیسر صاحب ڈیرہ اسماعیل خان ریج

منیر احمد ولد شاہ محمد قوم مروت بکنہ واٹھہ فیروز، پنیالہ تحصیل پہاڑ پور ضلع ڈیرہ اسماعیل خان۔

سابقہ پولیس کانسٹیبل نمبر 1934

سائل-----

### Mercy Petition/Departmental Appeal

بنیادنگی حکم بحوالہ OB No. 1514 مورخہ 26/08/2016 مجاریہ ڈسٹرکٹ پولیس آفیسر

صاحب ڈیرہ اسماعیل خان جس کی رو سے من سائل کو بے بنیاد و مٹی بر جھوٹ الزامات کی بنیاد پر

ملازمت سے Dismiss فرمایا گیا۔

### استدعا :

منظوری Mercy Petition/Departmental Appeal ہذا، حکم نمبر OB No. 1514

مورخہ 26/08/2016 مجاریہ ڈسٹرکٹ پولیس آفیسر صاحب ڈیرہ اسماعیل خان کو منسوخ فرماتے ہوئے سائل

کو از تاریخ Dismissal بحال فرمایا جاوے اور سائل کی بند شدہ تنخواہیں بھی عطاء کی جاویں۔

جناب عالی! سائل حسب ذیل عرض رساں ہے۔

۱۔ یہ کہ من سائل سال 2007 میں FRP ڈیرہ اسماعیل خان میں بطور کنسٹیبل بھرتی ہو کر بعدہ برائے

ریکروٹ کورس بھجوا یا گیا۔ اور بعدہ من سائل کو ڈسٹرکٹ پولیس میں ٹرانسفر فرمایا گیا۔ سائل نے پولیس لائن مختلف

تھانڈ جات میں اپنے فرائض منصبی جانفشانی کے ساتھ سرانجام دیتا رہا۔

۲۔ یہ کہ تھانڈ ڈیرہ ٹاؤن ڈیرہ اسماعیل خان میں برخلاف من سائل ایک جھوٹی من گھڑت و بے بنیاد FIR

نمبر 219 مورخہ 14/05/2016 زیر دفعات PPC 420,468,471,417,155 بدیتی طور پر

درج رجسٹر کی گئی۔ جس کی وجہ سے یہ کہ بحوالہ OB No. 1514 مورخہ 26/08/2016 مجاریہ ڈسٹرکٹ

پولیس آفیسر صاحب ڈیرہ اسماعیل خان من سائل کو ملازمت سے برخاست کیا گیا۔ نقل لیٹرف ہمراہ درخواست

ہے۔

یہ کہ مقدمہ مذکورہ بالا کا ٹرائل بعدالت جناب جوڈیشل مجسٹریٹ صاحب ڈیرہ اسماعیل خان میں ہوا

ATTESTED

جس میں من سائل کو بروئے حکم مورخہ 26/02/2018 من سائل کو بے گناہ قرار دیتے ہوئے بری فرمایا گیا۔

نقل حکم مورخہ 26/02/2018 لف ہمراہ ہے۔

۴۔ یہ کہ سائل اپنے خاندان کی کفالت کا واحد ذریعہ ہے اور ملازمت سے برخاستگی کی وجہ سے سائل اور دیگر اہلخانہ کی کفالت بھی بہت مشکل ہو چکی ہے سائل تاحال بے روزگار ہے اور اس مہنگائی کے دور میں گھر کے اخراجات چلانا بھی بہت مشکل ہو چکا ہے۔

۵۔ یہ کہ من سائل سال 2007 میں ٹکڑہ پولیس ڈیرہ اسماعیل خان میں بطور کانسٹیبل بھرتی ہوا۔ جو کہ من سائل کی مدت ملازمت 09 سال ہے علاوہ ازیں حکمانہ طور پر مختلف کورس ہائے کی ٹریننگ بھی کر چکا ہے۔ علاوہ ازیں جس FIR کی بنیاد پر سائل کو ملازمت سے برخاست کیا گیا تھا اس میں من سائل کی بے گناہی ثابت ہو چکی ہے بدیں وجہ سائل شفقت اور مہربانی کا حقدار ہے اور سائل کو ملازمت پر بحال فرمایا جانا از حد ضروری و عین قرین الصاف ہے۔

لہذا استدعا ہے کہ بمنظوری Mercy Petition/Departmental Appeal ہذا حکم نمبر OB No. 1514 مورخہ 26/08/2018 مجاریہ ڈسٹرکٹ پولیس آفیسر صاحب ڈیرہ اسماعیل خان کو منسوخ فرماتے ہوئے سائل کو از تاریخ Dismissal بحال فرمایا جاوے۔ اور بند شدہ تنخواہیں بھی عطاء کی جاویں۔

مورخہ: 103/2018

منیر احمد ولد شاہ محمد قوم مردوت سکندوانڈہ فیروز، پنیالہ تحصیل پہاڑ پور ضلع ڈیرہ اسماعیل خان۔

سابقہ پولیس کانسٹیبل نمبر 1934

Attested



*Attested*  
*Zubair*

32

OFFICE OF THE  
REGIONAL POLICE OFFICER  
DERA ISMAIL KHAN  
REGION

*Amexure*  
*"H"*

No. 1450 /ES,

Dated DI Khan the

17 /04/2018

*DYN/1192/EC*  
*19-04-2018*

ORDER

This order will dispose-off the departmental appeal preferred by Ex Constable Munir Ahrnad No. 1934 of District DI Khan against the punishment order of Dismissal from police service passed by DPO DI Khan vide OB No. 1514 dated 26.08.2016.

The appellant has been proceeded against departmentally on the allegations that he while posted at Police Station Daraban, DI Khan was charged in case FIR No. 219 dated 14.05.2016 U/S 420-468-471-417-155 Police Order of Police Station Dera Town. He was charge sheeted and statement of allegations was served upon him. Enquiry into the matter was conducted by DSP City DI Khan. The enquiry officer submitted his findings report wherein the appellant has been found guilty of the charges leveled against him and recommended him for appropriate action. Final Show Cause Notice was served upon the appellant by DPO DI Khan which was perused and found unsatisfactory. In the light of above mentioned facts, the appellant has been awarded major punishment of Dismissal from Police service.

Feeling aggrieved against the orders of DPO DI Khan, the appellant preferred the instant appeal. The appellant was summoned in Orderly Room and heard in person. The undersigned has perused the service record and enquiry file of the appellant which reveals that the appellant was charged and arrested in case FIR No. 219 dated 14.05.2016 U/S 420-468-471-417-155 Police Order of Police Station Dera Town while carrying a motorcar with bogus number plate from FR area towards settled area and was caught red handed at Khutti check post. The punishment order of dismissal was passed by DPO DI Khan on 26.08.2016 but he does not approached to the appellate authority in the prescribed time limit. The point of limitation has been raised in his appeal.

Based on the appreciation of the situation painted above, I Muhammad Karim Khan, PSP, Regional Police Officer, DI Khan, being the competent authority, finds no substance in his appeal hence, reject & filed the same being meritless and time barred.

*Received*  
*S. Roll - 01*  
*F. Missal 18-01*

*Ch. D/S*  
*12-4-18*

*Attested*  
*Shel*

REGIONAL POLICE OFFICER  
DERA ISMAIL KHAN

*OB 607*  
*DT 20-4-18*

No. 1451 /ES

*dtd: 17-02-2018*  
*29/3/18*

Copy of above is sent to the DPO DI Khan for information with reference to his office memo: No. 1094/EC dated 27.03.2018 along with service record.

Encl:-  
Service Roll  
Fauji Missal

01  
01

*OB*  
*EC*  
*OKC*

*for information*

REGIONAL POLICE OFFICER  
DERA ISMAIL KHAN

District Police Officer  
Dera Ismail Khan

**ATTESTED**

مختصر خاک پیمانہ کے تحت زمین کی تفصیلی نقشہ (1:1000)

ایس کے ایچ ایم اے کی منظوری سے  
ڈیپارٹمنٹ آف پلاننگ اور سٹیٹنگ

Attested  
M. H. Khan  
1/7/18

خاک پیمانہ! گورنمنٹ پلاننگ ڈیپارٹمنٹ

1- زمین کی تفصیلی نقشہ سال 2007ء میں معرکی اور اربابی

گورنمنٹ پلاننگ ڈیپارٹمنٹ کے ذریعے فراہم کی گئی تھی۔

میں سرکاری طور پر 219 مربع فٹ 14/05

میں گورنمنٹ پلاننگ ڈیپارٹمنٹ سے منظور کیا گیا۔ 2016ء

جو کہ انتہائی گورنمنٹ پلاننگ ڈیپارٹمنٹ کے پاس ہے

2- زمین کی تفصیلی نقشہ پورے پیمانے پر عدالت پلاننگ ڈیپارٹمنٹ

کروٹی۔ زمین کے پیمانے کی جانچ سے یہ صاف

ڈیپارٹمنٹ آف پلاننگ ڈیپارٹمنٹ کے پاس ہے اور

مختصر خاک پیمانہ سے تیار کیا گیا ہے

تفصیلی نقشہ تیار کیا گیا ہے جو کہ پلاننگ ڈیپارٹمنٹ

Attested

آئینہ صبا اربا خان گورنمنٹ کورٹ میں جو اہل حق  
ہوئے تھوڑی ترقی کی ضرورت ہے اور انہی امور کی کا  
حق نہ بنانا اور انہی حالت سے اید ترقی جو خارج  
شہر لفظ کا مفہوم اس امر کی ہے کہ جس  
الفاظ کے تقاضے پر کہ نہ تھے اور اس لحاظ

Attestation  
[Signature]  
4/1/18

سے اید ترقی ماننے پر اور یہ ظاہر ہے کہ اس  
کوئی ترقی جو کہ یہ ترقی ماننے پر اور یہ  
ہی بیخواس کی از محمد کا عہد ہے اور  
اس طرح الفاظ کے حملہ تقاضے یا مال سے

تھے یہ سنل ترقی کا ترقی عروج نہ رہا کی اور  
نہی تھا اس امر کی آئینہ صبا کے  
تھی کہ ترقی کی اہل حق کا عروج  
بجائے ترقی

Attested

4۔ فتح تدریجی الزما و حاکم می تھواری کا

تدریجی فائدہ نہ تھا یہ اور ہی بنائے ہوئے  
منسب چون ہی لحاظ نہ تھا یہ خاک تدریج

موجود نہ تھا اور الزکا ہی اور کار بھی

مردم چھٹی لہار جوہ الزما کے منافی

تھا اور اس طرح قطع طریق داستان رقم  
کروالی

5۔ خانہ آجواہی آجواہی جوہ کے آجواہی عدم کے

اور ہی مرد قوم سے تعلق رکھتے تھے

پہلے تحریری تفسیر تدریجی بیان بھی شامل

مثلاً تدریج اور ہی طرح تھانوں کو چھایا جا رہا

آجواہی راکرٹ میں مزید اصل بیان اور اصل صورت

کو سامنے نہ دیا جیسی میں تفسیر انداز

Attestation  
L. K. Sharma

Attested

کیا تھا۔ کہہ رہی امور میں کوئی تعلق نہ ہو۔  
خواب کا اور دیباچہ کی کارروائی اور غور و خفا  
کا۔ تاہم ان کا تعلق ہے۔ اور

Attested  
4/1/8

غور و خفا کا فصل ماہیت صفحہ 219 و 245  
تیم زرخ 420-468 ، 417-471  
155 اور 2002

تعمیراتی کارروائی اور آخری فصل  
عمارت کر کے بنائی گئی ہے۔ خواب کا  
شامل امور میں کاغذات خواب کا  
ان کا تعلق ہے۔ اور اس کے  
پر نظر آئے گی اور خواب امور میں  
ابھی تک ہے۔ اس کے  
میں سے تعلق ہے۔ اور

Attested



اور ایک نئی گائینڈا رورٹ کی

Attested

2/2/12

جس میں حج لیا گیا ہے اور عداوت

اور عداوت کی . خابہ اور جی آر کے

دی - اور اس طرح ایک عرصہ کے بعد

خانی سے مل کر ہو گا .

6 - خابہ اور جی آر کے ایک نئی خود اور

لانے وقت کار کے ڈیوٹی سے خابہ اور جی آر کے

کی خوشنودی حال میں کی خوشنودی

یہ عرقانی عمل سے گزر نہیں سکا - اور

خابہ اور جی آر کے نے اپنی گائینڈا رورٹ

اس انداز سے لکالی . کہ اس میں خابہ اور جی آر کے

کو فائدہ ہو گا . اور عداوت

کا رشتہ خابہ اور جی آر کے

Attested

ATTESTED

Attest  
[Signature]

7- اس بیان خارج شدہ کی تائید اور تصدیق  
 میں خاص طور پر جوڈیشل مشنری کے ذریعہ اٹالیا  
 خواتین کی رہائی میں اہم خارجہ فیصلہ فیصلہ  
 249  
 2016  
 سندھو فریڈوم - سی ٹی ٹی ٹی ٹی ٹی ٹی  
 26/02/2018  
 میرا لطفے - اسی طرح اصل بیان خارج شدہ  
 کی کاپی جو میرا لطفے کاغذات کیساتھ لوفٹ  
 بھی میرا لطفے کے ساتھ ہے۔ جوڈیشل  
 عدالت آف انڈیا اور موجودہ اس کا حق لوفٹ

8- خواتین، خواتین اور ان کے ساتھ  
 کے جوڈیشل مشنری کے ذریعہ اٹالیا  
 کا حق لوفٹ کے ذریعہ اٹالیا  
 کے ساتھ اٹالیا کے ساتھ اٹالیا

ATTESTED

Attested  
[Signature]

رہا جا تا ضروری تھا اور عند فیصلہ کے انحراف  
 کیا جا تا . جیسا کہ عدالت العارف کا رابر  
 جامع شخاف فیصلہ راکارڈ پر آج کل کے  
 جس کے الزامات نے جملہ تلافی پر ہے جو کل  
 کیسی . - نوٹ ہے جوئی علی تھا . کہہ رہا  
 صرف حطرتیں نہیں ہوا درست ہے  
 ارتیش نہیں ہوئی اس لئے کہ کوئی نہیں  
 نہ گرفتاری ہے . اور وہی عدالتی لہجہ ہے  
 میں ہر ایک اور ناقصی تفتیش کا عمل ہو کر  
 صرفی عمل عمل کا کہ عدالت العارف جسے عدالت  
 اور یہ دیت کی جو لہجہ لہجہ تو عدالت الراجہ اسی  
 موت آپ لہجہ ہے . اور یہ ساقی ظہیر  
 کی عدالتی رقم ہوگی . اور عدالت العارف کے جملہ

[Signature]

ATTESTED

تکلف اور عہدہ سے

Attested

Muhammad  
Raza

11/7/19

ان خصوصیات کی روشنی میں خالی پر خالی

آئی ایس آر (AIA) نے عام لٹریچر میں

ایسٹریٹ ڈیپارٹمنٹ بورڈ میں شمولیت کا کام

جیسی تھی جیسے سٹاف سے پورے لوگوں میں ایسٹریٹ

کی فریڈوم سٹی جاکر حادری میں بحالی کے وقت

میں بھی منتقلی ہوئی اور اللطف چاہتیں

بہتر قسم کی اس سٹریٹ ڈیپارٹمنٹ جاکر جس کے حق اور کار

میں بحالی فرماتا ہے اور از روز بروز خواہش کی

میں بحالی فرماتا ہے اور اللطف چاہتے

عسکری سرکاری

27/04

2018

1934

محمد نور احمد ولدہ فریدون صاحبہ

(0345 1562044)

Muhammad

الحامی

ATTESTED

Chairman's notice for taking such action as he may deem provided where an interpretation of rule / regulation is involved the matter shall be referred to the Commission.

- (15). In matters for which no provision exists in these rules Chairman may regulate its proceedings in a manner as he fit.

**PART - XIV**

**39. REPRESENTATION.**

Representation addressed to the Commission shall be decided by Commission on merit.

**40. A MENDMENT IN THE REGULATIONS.**

- (a) An amendment or addition to the regulations shall be approved by the full Commission. Such amendments or additions shall have prospective effect.

**RELAXATION IN REGULATIONS.**

- (b) Any of the above regulations may be relaxed by the Commission to avoid hardship provided such relaxation does not amount to violation of any law, rules or Government Orders.

**41. ISSUANCE OF STANDING ORDERS / PROCEDURAL INSTRUCTIONS.**

The Commission for the conduct of its day-to-day business may issue standing orders / procedural instructions in respect of the matters explicitly covered under these Regulations.

**BY ORDER OF THE  
KHYBER PAKHTUNKHWA  
PUBLIC SERVICE COMMISSION**

*Amex wire  
"T"*

**Khyber Pakhtunkhwa  
Service Tribunal Act, 1974**

(Khyber Pakhtunkhwa Act No. I of 1974)

Site of Khyber Pakhtunkhwa, Extraordinary, Page No. 600-606; 28<sup>th</sup> March, 1974]

to provide for the establishment of Service Tribunals to exercise jurisdiction in respect of matters relating to the terms and conditions of service of civil servants

**Preamble.**---WHEREAS it is expedient to provide for the establishment of Service Tribunals, to be called Service Tribunals, to exercise exclusive jurisdiction in respect of matters relating to the terms and conditions of service of civil servants, and for matters connected therewith or ancillary thereto;

It is hereby enacted as follows:--

**1. Short title, commencement and application.**---(1) This Act shall be called the Khyber Pakhtunkhwa Service Tribunal Act, 1974.

(2) It shall come into force at once.

(3) It applies to all civil servants wherever they may be.

**2. Definitions.**---In this Act, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say-

(a) "Civil Servant" means a person who is or has been a civil servant within the meaning of the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973), but does not include a civil servant covered by the Khyber Pakhtunkhwa Subordinate Judiciary Service Tribunal Act, 1991;

(b) "Government" means the Government of the Khyber Pakhtunkhwa;

(c) "Province" means the Khyber Pakhtunkhwa; and

(d) "Tribunal" means a Service Tribunal established under Section 3.

**3. Tribunals.**---(1) The Governor may, by notification in the official Gazette, establish one or more Service Tribunals and, where there are established

Substituted by Khyber Pakhtunkhwa Act No. IX of 1991 dated 10-06-1991. At the time of substitution the said clause was as under:--

"Civil Servant" means a person who is, or has been, a civil servant within the meaning of the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973)"

*Substituted*

more than one Tribunal, the Governor shall specify in the notification the classes of civil servants in respect of whom or the territorial limits within which, each such Tribunal shall exercise jurisdiction under this Act.

(2) A Tribunal shall have exclusive jurisdiction in respect of matters relating to the terms and conditions of service of civil servants, including disciplinary matters.

(3) A Tribunal shall consist of--

(a) a Chairman, being a person who <sup>1</sup>[is], has been, or is qualified to be, Judge of High Court; and

<sup>2</sup>[(b) four members, two of whom shall be from amongst District and Sessions Judges and two from amongst the civil servants in BPS-20 and above]

<sup>3</sup>[(4) The Chairman and members of a Tribunal shall be appointed by the Governor in consultation with the Chief Justice of the Peshawar High Court.]

(5) The Chairman or a member of a Tribunal may resign his office by writing under his hand addressed to the Governor.

(6) The Chairman or a member of a Tribunal may be appointed by name or by designation.

<sup>4</sup>[3A. Adhoc Appointment.---The Governor may, if necessary or expedient, for a particular case or cases, make an adhoc appointment on a Tribunal of person qualified to be Chairman or a member as the case may be.]

<sup>5</sup>[3B. Tenure, terms and conditions of service of Chairman and members.--- (1) The Chairman and a member shall hold office for a period of three years or until he attains the age of sixty years, whichever is earlier, and shall not be eligible for reappointment:

Provided that if a judge of the High Court is appointed as Chairman, he shall hold office for a period of three years or until he attains the age of superannuation as judge of the High Court whichever is earlier.

(2) In case, a retired judge of the High Court is appointed as Chairman under clause (a) of sub-section (3) of section 3, he shall hold office for a period of three years and shall not be eligible for re-appointment.

(3) The other terms and conditions of service of the Chairman and members shall be such as may be determined by the Governor.]

<sup>4</sup> (4) Appeal to Tribunals.---Any civil servant aggrieved by any final order, whether original or appellate, made by a departmental authority in respect of the terms and conditions of his service may, within thirty days of the communication of such order to him <sup>1</sup>[or within six months of the establishment of the appropriate Tribunal, whichever is later,] prefer an appeal of the Tribunal having jurisdiction in the matter:

Provided that--

(a) where an appeal, review or a representation to a departmental authority as provided under the Khyber Pakhtunkhwa Civil Servants Act, 1973, or any rules against any such order, no appeal shall lie to a Tribunal unless the aggrieved civil servant has preferred an appeal or application for review or representation to such departmental authority and a period of ninety days has elapsed from the date on which such appeal, application or representation was preferred; <sup>2</sup>[....]

(b) no appeal shall lie to a Tribunal against an order or decision of a departmental authority determining--

(i) the fitness or otherwise of a person to be appointed to or hold a particular post or to be promoted to a higher post or grade; or

(ii) the quantum of departmental punishment or penalty imposed on a civil servant as a result of a departmental inquiry, except where the penalty imposed is dismissal from service, removal from service or compulsory retirement <sup>3</sup>[; and]

<sup>4</sup>[(c) no appeal shall lie to a Tribunal against an order or decision of a departmental authority made at any time before the 1st July, 1969]

Explanation.---In this section, "departmental authority" means any authority, other than a Tribunal, which is competent to make an order in respect of the terms and conditions of service of civil servants.

5. Constitution of Benches.---(1) There may be constituted one or more Benches, each consisting of--

(a) The Chairman alone; or

<sup>1</sup> Inserted by Khyber Pakhtunkhwa No. IV of 1974.  
<sup>2</sup> The word "and" deleted by Khyber Pakhtunkhwa Act No. IX of 1994.  
<sup>3</sup> The full stop replaced by semicolon and the word "and" inserted by Khyber Pakhtunkhwa Act No. IX of 1974.  
<sup>4</sup> Clause "(c) substituted by Khyber Pakhtunkhwa Act No. IX of 1974.

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Subhan

ATTACHED

1. Inserted by Khyber Pakhtunkhwa Ordinance No. XV of 1982.  
2. Subs. by KP Act XL of 2014, for the following:  
(b) two members, one of whom is a District and Session Judge and the other is a civil servant in BPS-20 and above.  
3. Subs. by KP Act XXII of 2013, for the following:  
(4) The Chairman and members of a Tribunal shall be appointed by the Governor on such terms and conditions as he may determine.  
4. Section "3A" inserted by Khyber Pakhtunkhwa Act No. XIII of 1976.  
5. Inserted by KP Act XXII of 2013

(b) the Chairman and one or more members; or

(c) <sup>1</sup>[one preferably judicial member] or more members,

to be nominated by the Chairman for the purpose admitting appeals for hearing, or dismissing appeals in limine on grounds to be recorded in writing after having heard the applicant or his counsel:

Provided that, notwithstanding anything to the contrary contained in the Act, the Bench consisting of the Chairman and one or more members <sup>2</sup>[or <sup>3</sup>two members], may finally hear and dispose of appeal on merits;

Provided further that no orders shall be made by the Bench under this sub-section before giving the appellant or, as the case may be, the parties and the counsel an opportunity of being heard.

<sup>4</sup>[(2) In case a Bench consisting of more than one member is unable to arrive at a unanimous decision, the appeal shall be referred to the Chairman for consideration by the Tribunal.]

(3) The Chairman may, at any stage, transfer cases from one Bench to another Bench or to the Tribunal.

(4) Any decision made by the Bench shall be deemed to be the decision of the Tribunal.

**6. Hearing of Appeals and their disposal.**---(1) Except otherwise provided, the appeals admitted for hearing shall be heard and decided by the Tribunal, after giving the parties and their counsel an opportunity of being heard.

(2) If any member of the Tribunal is, for any reason, unable to take part in the proceedings of the Tribunal, the Chairman and the other member <sup>5</sup>[...] may hear or continue to hear and finally dispose of the appeal.

(3) If a Tribunal is unable to arrive at a unanimous decision, its decision shall be expressed in terms of the view of the majority.

1. Subs. for the word "one" by KP Act XXII of 2013

2. The words inserted by Act No. XIII of 1976.

3. Subs. for the words "two or more members" by KP Act XXII of 2013

4. Subs. by KP Act XXII of 2013, for the following:

(2) In case a Bench consisting of more than one member is unable to arrive at a unanimous decision, its decision shall be expressed in terms of the view of the majority;

Provided that where no majority view can be formed, the appeal shall be referred to other member, to be nominated by the Chairman, and the decision of the Bench shall be expressed in terms of the view of the majority. The words "or members or, as the case may be two or more members" deleted by KP Act XXII of 2013

5.

<sup>1</sup>[.....]

**7. Power of Tribunals.**---(1) A Tribunal may, on appeal, confirm, set aside, vary or modify the order appealed against.

(2) A Tribunal or a Bench constituted under section 5 shall, for the purpose of deciding any appeal, be deemed to be a civil court and shall have the powers as are vested in such court under the Code of Civil Procedure 1908 (Act V of 1908), including the powers of--

(a) enforcing the attendance of any person and examining him on oath;

(b) compelling the production of documents;

(c) issuing commission for the examination of witnesses and documents <sup>2</sup>]; and]

<sup>3</sup>[(d) execution of its decisions]

(3) No court-fee shall be payable for preferring an appeal to, or filing, exhibiting or recording any document in, or obtaining any document from, a Tribunal.

**8. Abatement of suits and other proceeding.**---(1) Save as otherwise provided in section 10, all suits, appeals, or applications regarding any matter within the jurisdiction of a Tribunal pending in any court immediately before the commencement of this Act shall abate forthwith:

Provided that any party to such a suit, appeal or application may, within ninety days of the commencement of this Act, prefer an appeal to the appropriate Tribunal in respect of any such matter which is in issue in such suit, appeal or application.

(2) Where any suit, appeal or application regarding any matter within the jurisdiction of a Tribunal has been disposed off by any court other than the Supreme Court before the commencement of the Khyber Pakhtunkhwa Service Tribunal Ordinance, 1973 (N.W.F.P Ordinance No.1 of 1974), any party feeling aggrieved by the decision of such suit, appeal or application may, if such decision has not become final, within ninety days of the commencement of this Act prefer an appeal to the appropriate Tribunal in respect of any such matter which was in issue in such suit, appeal or application.

- Sub-section (4) deleted by KP Act XXII of 2013. The deleted sub-section (4) reproduced as :

(4) In case of difference of opinion between the Chairman and member [ ] or members, when the appeal is heard under sub-section (2) and no majority view can be formed, the appeal shall be referred to other member, and the decision of the Tribunal shall be expressed in terms of the view of the majority. Full-stop replaced by a semi-colon and the word "and" by Khyber Pakhtunkhwa Act No. IV of 2010.

Added by Khyber Pakhtunkhwa Act No. IV of 2010

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9. **Limitation.**---The provisions of section 5 and 12 of the Limitation Act, 1908 (Act IX of 1908), shall apply for the purpose of appeals under this Act.

10. **Repeal and transfer of cases.**---(1) The Khyber Pakhtunkhwa Civil Servants (Appellate Tribunals) Ordinance, 1971 (N.W.F.P Ordinance II of 1971) is hereby repealed.

(2) All appeals pending before the Tribunal constituted under the Khyber Pakhtunkhwa Civil Services (Appellate Tribunals), Ordinance, 1971 (N.W.F.P Ordinance II of 1971), shall, with effect from the date of commencement of this Act, stand transferred to the appropriate Service Tribunal established under this Act and shall be deemed as instituted under this Act.

11. **Power to make Rules.**---Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

12. **Repeal.**---The Khyber Pakhtunkhwa Service Tribunals Ordinance, 1973 (N.W.F.P Ordinance No.1 of 1974), is hereby repealed.

**Establishment of Khyber Pakhtunkhwa Service Tribunal**

**GOVERNMENT OF KHYBER PAKHTUNKHWA  
SERVICES & GENERAL ADMINISTRATION DEPARTMENT  
(SERVICES WING)**

**NOTIFICATION**

Dated Peshawar, the 1st April, 1974

No. **SOI(S&GAD)3-120/74.**---In exercise of the powers conferred by section 3 of the Khyber Pakhtunkhwa Service Tribunals Act, 1974 (N.W.F.P Act No. I of 1974), the Governor of the Khyber Pakhtunkhwa is pleased to establish the Khyber Pakhtunkhwa Service Tribunal, to exercise jurisdiction through out the Province of Khyber Pakhtunkhwa, consisting of:

- |    |  |     |          |
|----|--|-----|----------|
| 1. | Mr. Mohammad Khurshid Khan   | ... | Chairman |
| 2. | Mr. Zafar Ali Khan,<br>Secretary Information Services<br>and General Administration Department | ... | Member   |
| 3. | Wazirzada Abdul Qayum,<br>Additional Commissioner,<br>Peshawar Division.                       | ... | Member   |

2. In pursuance of the provisions contained in sub-section (4) of section 3 of the Khyber Pakhtunkhwa Service Tribunals Act, 1974 (N.W.F.P Act No. I of 1974), the Governor of the Khyber Pakhtunkhwa is further pleased to direct that Mr. Zafar Ali Khan and Wazirzada Abdul Qayum, aforementioned Members of the Tribunal, shall perform duties on the Tribunal in addition to their own duties, where as

Muhammad Khurshid Khan, Chairman is appointed whole-time. He will enjoy the same terms and conditions as are available to him on his present assignment.

**Khyber Pakhtunkhwa  
Service Tribunals Rules, 1974**

Official Gazette of Khyber Pakhtunkhwa, Extraordinary, Page No. 224-227, 20<sup>th</sup> September, 1974]

No. **SOS-III (S&GAD) 1-79/73, dated 02-08-1974.**---In exercise of the powers conferred by section 11 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 (Khyber Pakhtunkhwa Act No. I of 1974), the Governor of the Khyber Pakhtunkhwa is pleased to make the following rules, namely:--

1. **Short title and commencement.**---(1) These rules may be called the Khyber Pakhtunkhwa Service Tribunals Rules, 1974.

(2) They shall come into force at once.

2. **Definitions.**---In these rules, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say--

(a) "Act" means the Khyber Pakhtunkhwa Service Tribunals Act, 1974 (N.W.F.P Act No. I of 1974).

(b) "Chairman" means the Chairman of a Tribunal;

(c) "Member" means a member of a Tribunal;

(d) "Registrar" means the Registrar of a Tribunal, and includes any other person authorised by the Tribunal to perform the duties and functions of the Registrar under these rules; and

(e) "Tribunal" means a Tribunal established under section 3 of the Act and includes a bench constituted under section 5 thereof.

3. **Working hours.**---A Tribunal shall observe such hours of sittings as may determine.

4. **Holidays.**---A Tribunal shall observe such holidays as are notified by the Government, and such local holidays as are observed by Civil Courts.

5. **Sitting of Tribunal.**---A Tribunal may hold its sittings at Peshawar or at any other place in the Khyber Pakhtunkhwa which would be convenient to the parties whose matters are to be heard at such sittings.

*M. Khurshid*  
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(iii) in section 1, in sub-section (1) and in sub-section (2), for the words and hyphen, "North-West Frontier Province", "Sarhad", "Frontier" and for letters, dots and hyphen, "N.-W.F.P", wherever occurring, the words "Khyber Pakhtunkhwa" or the words "Province of the Khyber Pakhtunkhwa", as the case may be, shall be substituted; and

(iv) in any other section, for the words and hyphen, "North-West Frontier Province", "Sarhad", "Frontier" and for letters, dots and hyphen, "N.-W.F.P", as the case may be, wherever occurring, the words, "Khyber Pakhtunkhwa", shall be substituted; and

(b) In the rules, regulations, notifications, orders, bye-laws, issued or framed under the provinces of any Act or Ordinance or any other legal instrument of the works and hyphen, "North-West Frontier Province", "Sarhad", "Frontier" and for letters, dots and hyphen, "N.-W.F.P", as the case may be, where ever occurring, the words "Khyber Pakhtunkhwa", shall be substituted.

## Police Rules, 1975

[Gazette of Khyber Pakhtunkhwa, Extraordinary, 27th January 1976]

No. SOS-III(S&GAD) 1-80/73-K ---.In exercise of the powers conferred under section 7 of Police Act 1861, the Government of Khyber Pakhtunkhwa, is pleased to make the following Rules, namely:-

### 1. Short title, commencement and application:-

(i) These rules may be called the Police Rules, 1975.

(ii) They shall come into force at once and shall apply to all Police Officers of and below the rank of Deputy Superintendent of Police.

### 2. Definitions:-

In these rules, unless the context otherwise requires:-

(i) 'Accused' means a Police Officer against whom action is taken under these rules;

(ii) 'Authority' means authority competent to award punishment as per Schedule

(iii) 'Misconduct' means conduct prejudicial to good order of discipline in the Police Force, or contrary to Government Servants (Conduct) Rules or unbecoming of a Police Officer and a gentleman, any commission or omission which violates any of the provisions of law and rules regulating the function and duty of Police Officer to bring or attempt to bring political or other outside influence directly or indirectly to bear on the Government or any Government Officer in respect of any matter relating to the appointment, promotion, transfer, punishment, retirement or other conditions of service of a Police Officer.

(iv) 'Punishment' means a punishment which may be imposed under these rules by authority as indicated in Schedule I.

### 3. Grounds of punishment.-

Where a Police Officer, in the opinion of the authority-

a) Is inefficient or has ceased to be efficient: or

b) Is guilty of misconduct; or

c) Is corrupt or may reasonably be considered corrupt because-

(i) He is or any of his dependents or any other person through him or on his behalf is, in possession (for which he cannot reasonably account) of pecuniary resources of property disproportionate to his known sources of income; or

(ii) He has assumed a style of living beyond his ostensible means; or

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(iii) He has a persistent reputation of being corrupt; or

(d) is engaged Or is reasonably suspected of being engaged in subversive activities, or is reasonably suspected of being associated with others engaged in subversive activities or is guilty of disclosure of official secrets to any unauthorized person, and his retention in service is, therefore, prejudicial to national security, the authority may impose on him one or more punishments.

Comments

Charge against constable was to have received amount from villagers involved in some criminal case by fraudulently representing himself to be personnel of C.I.A. staff. Service Tribunal dismissed appeal of constable. Validity. Villagers had stated before Inquiry Officer that constable was accompanied by a person at relevant time, who made good his escape-No further probe with regard to such person had been made. Evidence collected during course of preliminary inquiry resulting into submission of report by Inquiry Officer eventually culminating into dismissal of constable from service had been misread and misconstrued by departmental forums and had not been taken notice of even by Service Tribunal. Impugned order was not sustainable in law and facts. Supreme Court accepted appeal, set aside impugned order with direction to Departmental Authority to hold further inquiry into allegations against constable, resultantly he stands reinstated in service treating intervening period as any kind of leave due.<sup>1</sup>

Charge against constable was that he had received amount from villagers involved in some criminal case by fraudulently representing himself to be personnel of C.I.A. staff. Appeal before Service Tribunal by constable was dismissed. Validity. Constable had been caught red-handed by villagers. Overwhelming incriminating material had been collected by Inquiry Officer during course of preliminary inquiry. Constable had been issued final show-cause notice and heard by departmental forums, but had failed to explain his position or rebut incriminating material. No part of incriminating evidence had been misread, non-read or misconstrued. Supreme Court dismissed petition for leave to appeal.<sup>2</sup>

Charge of misconduct against police constable. Dispensing with holding of regular inquiry and conducting general police proceedings into such matter. Validity. Powers of Departmental Authority. Scope. Not statutory obligation of Authority to direct for holding a formal inquiry into such allegations. Authority had exclusive

<sup>1</sup> 2006 SCMR 393

<sup>2</sup> 2006 SCMR 393

powers to decide in view of incriminating material or nature of allegations for holding a regular inquiry or dispensing with same and dealing with case in general police proceedings. Principles.<sup>1</sup>

Reversion from officiating position. Service of show-cause notice was not necessary and no enquiry was called for in such eventuality. Reversion from officiating rank was in fact, not a punishment. Where reversion of police officer was made by way of punishment, such reversion however, could only be ordered by observing procedure as detailed in Police Rules, 1975. Such procedure having not been observed, order of reversion was illegal.<sup>2</sup>

**4. Punishments.-**

1. The following are the minor and major punishments, namely:---

**(a) Minor punishments-**

- (i) Confinement of Constables and Head Constables for 15 days to Quarter Guards;
  - (ii) Censure;
  - (iii) Forfeiture of approved service up to 2 years;
  - (iv) With holding of promotion up to one year;
  - (v) Stoppage of increment for a period not exceeding 3 years with or without cumulative effect;
- <sup>3</sup> [(iv) Fine up to Rs 15000/- as per schedule-I. ]

**(b) Major punishments-**

- (i) Reduction in rank/pay;
- (ii) Compulsory retirement;
- (iii) Removal from service; and
- (iv) Dismissal from service.

<sup>1</sup> 2006 SCMR 393

<sup>2</sup> 1995 PLC(CS) 349

<sup>3</sup> Amended vide Notification No: 3859/Legal, dated 27/09/2014 issued by IGP, KPK

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2. (a) Removal from service does not but dismissal from service does, disqualify for future employment.
- (b) Reversion from an officiating rank is not a punishment.
3. In this rule, removal or dismissal from service does not include the discharge of a person.
- (a) Appointed on probation, during the period of probation, or in accordance with the probation or training rules applicable to him; or
- (b) Appointed, otherwise than under a contract, to hold a temporary appointment on the expiration of the period of appointment; or
- (c) Engaged under a contract, in accordance with the terms of the contract.

Comments

*Misconduct. Police Officer was found guilty of negligence/inefficiency and was compulsorily retired from service. Police Officer's departmental appeal and appeal before Service Tribunal were dismissed. Validity. Contention was raised by Police Officer that evidence on record had been misread by Service Tribunal and penalty imposed was excessive. Leave to appeal was granted to re-appraise evidence on record and to consider whether penalty imposed upon Police Officer was justifiable in law.<sup>1</sup>*

*Misconduct, charge of. Removal from service by adopting summary procedure as provided under R. 5(2) of the North-West Frontier Province Police (Efficiency and Discipline) Rules, 1975. Dismissal of appeals by Service Tribunal. Contention of civil servants was that major penalty could not be awarded by adopting summary procedure. Validity. Gravity of allegations levelled against civil servants required strict compliance with said Service Rules. Duty of Department was to probe into matter according to Rules to meet ends of justice. Competent Authority could award major penalty only on receipt of inquiry record. No detailed inquiry had been conducted. Department should have proceeded against civil servants after obtaining report from Inquire Officer. Department after transfer of Inquiry Officer could finalize detailed proceedings against civil servants in terms of R.5(3)(4)(5)*

*read with Rr. 6 & 7 of the said Rules. Supreme Court converted petitions into appeals and allowed the same partially by setting aside removal order of petitioners while directing them to face detailed proceedings, for which steps had already been taken by Department.<sup>1</sup>*

**4-A.**

In case a Police Officer is accused of subversion, corruption or misconduct the Competent Authority may require him to proceed on leave or suspend him.

**5. Punishment proceedings.-**

The punishment proceedings will be of two kinds. i.e.

- (a) Summary Police Proceedings and
- (b) General Police Proceedings and the following procedure shall be observed when a Police Officer is proceeded against under these rules:--
- (1) When information of misconduct or any act of omission or commission on the part of a Police Officer liable for punishment provided in these rules is received by the authority, the authority, shall examine the information and may conduct or cause to be conducted quick brief inquiry if necessary, for proper evaluation of the information and shall decide whether the misconduct or the act of omission or commission referred to above should be dealt with in a Police Summary Proceedings in the Orderly Room or General Police Proceedings.
- (2) In case the authority decides that the misconduct is to be dealt with in Police Summary Proceedings, he shall proceed as under-
- (i) The accused officer liable to be dealt with in the Police Summary Proceedings shall be

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brought before the authority in an Orderly room.

(ii) He shall be apprised by the authority orally the nature of the alleged misconduct, etc. The substance of his explanation for the same shall be recorded and if the same is found unsatisfactory, he will be awarded one of the minor punishments mentioned in these rules.

(iii) The authority conducting the Police Summary Proceedings may, if deemed necessary, adjourn them for a maximum period of 7 days to procure additional information.

(3) If the authority decides that the misconduct or act of omission or commission referred to above should be dealt with in General Police Proceedings he shall proceed as under-

a) The authority shall determine if in the light of facts of the case or in the interests of justice, a departmental inquiry, through an Inquiry Officer if necessary. If he decides that is not necessary; he shall-

b) By order in writing inform the accused of the action proposed to be taken in regard to him and the grounds of the action: and

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

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

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

### Comments

*Misconduct. Police Officer was found guilty of negligence/inefficiency and was compulsorily retired from service. Police Officer's departmental appeal and appeal before Service Tribunal were dismissed. Validity. Contention was raised by Police Officer that evidence on record had been misread by Service Tribunal and penalty imposed was excessive. Leave to appeal was granted to re-appraise evidence on record and to consider whether penalty imposed upon Police Officer was justifiable in law.<sup>1</sup>*

*Dismissal from service for misconduct. Appellant charge-sheeted for receiving illegal gratification and proceeded against by authority viz Superintendent of Police. Major penalty of dismissal from service was imposed by Deputy Inspector-General of Police. Action taken by Deputy Inspector-General of Police, held, was illegal, without jurisdiction and void ab initio because he was the appellate authority and could not take upon himself the role of the authority- Impugned order set aside, appellant re-instated with back benefits and case remanded to Superintendent of Police for taking action in the matter from stage where Deputy Inspector-General of Police passed impugned order.<sup>2</sup>*

*Dismissal from service for misconduct. Appellant, Workshop instructor in Education Department, charged for involvement with a student. No preliminary show-cause notice served on appellant and inquiry conducted on his back. No witness examined on oath which was obligatory for Inquiry Officer who has to perform quasi-judicial functions and comply with legal procedure. Departmental inquiry mostly resting on appellant's alleged involvement with a student during school hours but Inquiry Officer failing to record statement of student concerned who*

<sup>1</sup> 1995 SCMR 1027

<sup>2</sup> 1988 PLC(CS) 387

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was a star witness. Fact, that apprehended indecent act with the said student was not brought to the notice of local Police meant that the charge against appellant was not well-founded. Inquiry conducted in violation of procedure given in Rr.5 & 6 of Efficiency and Discipline Rules, held, could not be deemed legal and proper. Approval of competent authority was not obtained for suspension of appellant after every three months. Appeal accepted and appellant was re-instated in service with all back benefits.<sup>1</sup>

Dismissal from service. No charge-sheet/summary of allegations framed and entire proceedings conducted on basis of show-cause notice served upon appellant. Appellant in his application expressing no confidence in Enquiry Officer at the very outset and serious allegations made therein not replied in clear and unequivocal words. No opportunity given to appellant to cross-examine witnesses in accordance with provisions of Evidence Act. Impugned orders were set aside and case remanded to Senior Superintendent of Police with direction to initiate a de novo enquiry against the appellant within one month by framing charge-sheet/summary of allegations and appointing an efficient and honest Police Officer as Enquiry Officer<sup>2</sup>

Dismissal from service. Police constable. Misconduct, charge of. Charge against constable was to have received amount from villagers involved in some criminal case by fraudulently representing himself to be personnel of C.I.A. staff. Service Tribunal dismissed appeal of constable. Validity. Villagers had stated before Inquiry Officer that constable was accompanied by a person at relevant time, who made good his escape—No further probe with regard to such person had been made. Evidence collected during course of preliminary inquiry resulting into submission of report by Inquiry Officer eventually culminating into dismissal of constable from service had been misread and misconstrued by departmental forums and had not been taken notice of even by Service Tribunal. Impugned order was not sustainable in law and facts. Supreme Court accepted appeal, set aside impugned order with direction to Departmental Authority to hold further inquiry into allegations against constable, resultantly he stands reinstated in service treating intervening period as any kind of leave due.<sup>3</sup>

Dismissal from service. Police constable. Misconduct, charge of. Charge against constable was that he had received amount from villagers involved in some criminal case by fraudulently representing himself to be personnel of C.I.A. staff. Appeal before Service Tribunal by constable was dismissed. Validity. Constable had been caught red-handed by villagers. Overwhelming incriminating material had been collected by Inquiry Officer during course of preliminary inquiry. Constable had been issued final show-cause notice and heard by departmental forums, but had failed to explain his position or rebut incriminating material. No part of incriminating evidence

1987 PLC(CS) 933  
1988 PLC(CS) 379  
2006 SCMR 393

had been misread, non-read or misconstrued. Supreme Court dismissed petition for leave to appeal.<sup>1</sup>

Compulsory retirement—Leave to appeal granted to consider point that provision of r. 5(3) of Rules, 1975 were not complied with and in fact neither an opportunity of personal hearing was afforded to employee nor an opportunity was given to him to rebut allegation levelled against him.<sup>2</sup>

Misconduct, charge of. Removal from service by adopting summary procedure as provided under R. 5(2) of the North-West Frontier Province Police (Efficiency and Discipline) Rules, 1975. Dismissal of appeals by Service Tribunal. Contention of civil servants was that major penalty could not be awarded by adopting summary procedure. Validity. Gravity of allegations levelled against civil servants required strict compliance with said Service Rules. Duty of Department was to probe into matter according to Rules to meet ends of justice. Competent Authority could award major penalty only on receipt of inquiry record. No detailed inquiry had been conducted. Department should have proceeded against civil servants after obtaining report from Inquiry Officer. Department after transfer of Inquiry Officer could finalize detailed proceedings against civil servants in terms of R.5(3)(4)(5) read with Rr. 6 & 7 of the said Rules. Supreme Court converted petitions into appeals and allowed the same partially by setting aside removal order of petitioners while directing them to face detailed proceedings, for which steps had already been taken by Department.<sup>3</sup>

Misconduct. Removal on charges of misconduct in disobeying orders of superior officers. Service Tribunal reduced major penalty of removal from service to minor penalty of withholding two annual increments without accumulative effect. Validity. Contention raised on behalf of Authority was that civil servants were members of disciplined force and they had been proceeded against in proper manner following procedure provided under Police Rules and that they having admitted disobedience, Service Tribunal was not legally correct to, interfere with order in question, in absence of any legal infirmity going to the root of the case and prejudicial to civil servants; that proceedings were conducted under R. 8, North-West Frontier Province Police Rules, 1975, that Service Tribunal had wrongly assumed such proceedings to be under Rr. 5 & 6, North-West Frontier Province Police Rules, 1975 although said Rules were not applicable to the proceedings in question; and that in case any irregularity affecting defence of civil servants was committed, proper course for Service Tribunal was to have remanded case for fresh inquiry in accordance with Police Rules, 1975. Leave to appeal was granted to consider contentions raised by the Authority<sup>4</sup>

1. 2006 SCMR 393  
2. PLD 1985 SC 290  
3. 2003 SCMR 681  
4. 1998 SCMR 2478

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*Show-cause notice for grave misconduct liable to major punishment and subsequent reversion. Police official impugned order of his reversion and show-cause notice in High Court through Constitutional petition on the ground of mala fides which was accepted holding the order of reversion and issuance of show-cause notice to be without lawful authority. Legality. Held: order of reversion and show-cause notice pertained to the terms and conditions of service and under Art.212(2) of the Constitution only authority which could have been approached in the matter was Service Tribunal. Constitutional petition before the High Court was not competent and thus, impugned order was not sustainable.<sup>1</sup>*

*Disciplinary action. Quantum of punishment-Punishment, held, must be appropriate, compatible and reasonable qua act or omission for which an accused official was charged.<sup>2</sup>*

*Dismissal of police constable for absence, without leave. Although show-case notice was served on appellant yet no enquiry was conducted. Rule 5 of Police Rules, 1975 envisaged Summary Police Proceedings and General Police Proceedings. Where Authority was of the view that General Police Proceedings were to be conducted, accused employee would have to be informed in writing and given an opportunity of showing cause. Summary proceedings could not be adopted by Authority in case of dismissal from service. Where appellant had been dismissed from service for his absence, such fact could not be assessed without recording evidence, pro and contra. Satisfaction of Authority must be objective and based on valid and sound reasoning. Appellant was not only deprived of opportunity to defend himself but punishment was also excessive as compared to his act/omission. Appeal against dismissal from service was accepted and back benefits were allowed to petitioner.<sup>3</sup>*

#### 6. Procedure of Departmental Inquiry:-

i. Where an Inquiry Officer is appointed the authority shall-

- a. Frame a charge and communicate it to the accused together with statement of the allegations explaining the charge and of any other relevant circumstances which are proposed to be taken into consideration;
- b. Require the accused within 7 days from the day the charge has been communicated to him to put in a

1990 SCMR 1238  
1988 PLC(CS) 179  
1988 PLC(CS) 872

written defence and to state at the same time whether he desires to be heard in person;

- ii. The Inquiry Officer shall inquire into the charge and may examine such oral or documentary evidence in support of the charge or in defence of the accused as may be considered necessary and the witnesses against him.
- iii. The Inquiry Officer shall hear the case from day to day and no adjournment shall be given except for reasons to be recorded in writing and where any adjournment is given,
  - a. It shall not be more than a week; and
  - b. The reasons therefore shall be reported forthwith to the authority.
- iv. Where the Inquiry Officer is satisfied that the accused is hampering, or attempting to hamper the progress of the inquiry he shall administer a warning and if thereafter he is satisfied that the accused is acting in disregard of the warning, he shall record a finding to that effect and proceed to complete the departmental inquiry ex parte.
- v. The Inquiry Officer shall within 10 days of the conclusion of the proceedings or such longer period as may be allowed by the authority, submit his findings and grounds thereof to the authority.

#### Comments

*Misconduct, charge of. Removal from service by adopting summary procedure as provided under R. 5(2) of the North-West Frontier Province. Police (Efficiency and Discipline) Rules, 1975. Dismissal of appeals by Service Tribunal. Contention of civil servants was that major penalty could not be awarded by adopting summary procedure. Validity. Gravity of allegations levelled against civil servants required strict compliance with said Service Rules. Duty of Department was to probe into matter according to Rules to meet ends of justice. Competent Authority could award major penalty only on receipt of inquiry record. No detailed inquiry had been conducted. Department should have proceeded against civil servants after obtaining report from Inquire Officer. Department after transfer of Inquiry Officer could finalize detailed proceedings against civil servants in terms of R.5(3)(4)(5)*

*Subscribed*

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read with Rr. 6 & 7 of the said Rules. Supreme Court converted petitions into appeals and allowed the same partially by setting aside removal order of petitioners while directing them to face detailed proceedings, for which steps had already been taken by Department.<sup>1</sup>

Misconduct. Removal on charges of misconduct in disobeying orders of superior officers. Service Tribunal reduced major penalty of removal from service to minor penalty of withholding two annual increments without accumulative effect. Validity. Contention raised on behalf of Authority was that civil servants were members of disciplined force and they had been proceeded against in proper manner following procedure provided under Police Rules and that they having admitted disobedience, Service Tribunal was not legally correct to, interfere with order in question, in absence of any legal infirmity going to the root of the case and prejudicial to civil servants; that proceedings were conducted under R. 8, North-West Frontier Province Police Rules, 1975, that Service Tribunal had wrongly assumed such proceedings to be under Rr. 5 & 6, North-West Frontier Province Police Rules, 1975 although said Rules were not applicable to the proceedings in question; and that in case any irregularity affecting defence of civil servants was committed, proper course for Service Tribunal was to have remanded case for fresh inquiry in accordance with Police Rules, 1975. Leave to appeal was granted to consider contentions raised by the Authority.<sup>2</sup>

Misconduct. Police Officer was found guilty of negligence/inefficiency and was compulsorily retired from service. Police Officer's departmental appeal and appeal before Service Tribunal were dismissed. Validity. Contention was raised by Police Officer that evidence on record had been misread by Service Tribunal and penalty imposed was excessive. Leave to appeal was granted to re-appraise evidence on record and to consider whether penalty imposed upon Police Officer was justifiable in law.<sup>3</sup>

Misconduct. Police Officer was found guilty of negligence/inefficiency and was compulsorily retired from service. Police Officer's departmental appeal and appeal before Service Tribunal were dismissed. Validity. Contention was raised by Police Officer that evidence on record had been misread by Service Tribunal and penalty imposed was excessive. Leave to appeal was granted to re-appraise evidence on record and to consider whether penalty imposed upon Police Officer was justifiable in law.<sup>4</sup>

Discharge from service for misconduct. Action taken under 8.12.21 of Police Rules, 1934. Legality. Leave to appeal was granted to examine whether the

Authority was not debarred to pass order of discharge under 8.12.21 of Police Rules, 1934, after initiating proceedings under North-West Frontier Province Police (Efficiency and Discipline) Rules, 1975, as 8.12.21 of Police Rules applies to those Police Officers who bear service of less than three years.<sup>1</sup>

Dismissal from service for misconduct. Appellant charge-sheeted for receiving illegal gratification and proceeded against by authority viz Superintendent of Police. Major penalty of dismissal from service was imposed by Deputy Inspector-General of Police. Action taken by Deputy Inspector-General of Police, held, was illegal, without jurisdiction and void ab initio because he was the appellate authority and could not take upon himself the role of the authority- Impugned order set aside, appellant re-instated with back benefits and case remanded to Superintendent of Police for taking action in the matter from stage where Deputy Inspector-General of Police passed impugned order.<sup>2</sup>

Dismissal from service for misconduct. Appellant, Workshop Instructor in Education Department, charged for involvement with a student. No preliminary show-cause notice served on appellant and inquiry conducted on his back. No witness examined on oath which was obligatory for Inquiry Officer who has to perform quasi-judicial functions and comply with legal procedure. Departmental inquiry mostly resting on appellant's alleged involvement with a student during school hours but Inquiry Officer failing to record statement of student concerned who was a star witness. Fact, that apprehended indecent act with the said student was not brought to the notice of local Police meant that the charge against appellant was not well-founded. Inquiry conducted in violation of procedure given in Rr.5 & 6 of Efficiency and Discipline Rules, held, could not be deemed legal and proper. Approval of competent authority was not obtained for suspension of appellant after every three months. Appeal accepted and appellant was re-instated in service with all back benefits.<sup>3</sup>

Dismissal from service. Appellant, a Foot Constable in Police Force, charged for dealing in narcotics at behest of some outsider who was involved under Prohibition (Enforcement of Hadd) Order 1979. Evidence on record bearing that both Authority and Enquiry Officer failed to follow requisite and mandatory procedure- Authority not even bothering to appoint Authorised Officer which he was bound to do under law. Summary of allegations, charge-sheet and show-cause notice was served upon appellant not by Authority but by an officer not competent to initiate proceedings. Conduct of Enquiry Officer and witnesses who appeared before him was not above board. Accused who was involved in Hadd case, on basis of which appellant was proceeded against, was not summoned by Enquiry Officer, which raised presumption that had he appeared he would not have charged

1 2003 SCMR 681  
2 1998 SCMR 2478  
3 1995 SCMR 1027  
4 1995 PLC(CS) 857

1 1989 SCMR 1035  
2 1988 PLC(CS) 387  
3 1987 PLC(CS) 933

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appellant. Respondent Government failing to afford opportunity of personal hearing to appellant and to supply copy of enquiry report and other documents which was vested right of accused appellant to have under law. Order of dismissal of appellant was set aside and appellant re-instated alongwith all back benefits in circumstances.<sup>1</sup>

Dismissal from service. No charge-sheet/summary of allegations framed and entire proceedings conducted on basis of show-cause notice served upon appellant. Appellant in his application expressing no confidence in Enquiry Officer at the very outset and serious allegations made therein not replied in clear and unequivocal words. No opportunity given to appellant to cross-examine witnesses in accordance with provisions of Evidence Act. Impugned orders were set aside and case remanded to Senior Superintendent of Police with direction to initiate a de novo enquiry against the appellant within one month by framing charge-sheet/summary of allegations and appointing an efficient and honest Police Officer as Enquiry Officer<sup>2</sup>

Dismissal from service on charges of corruption, malice and misconduct. No solid proof or material found against appellant except his cheque book and deposit of a substantial amount in Bank in his name. Prosecution has to prove its case beyond any reasonable doubt. Appellant's Bank deposit and his cheque book could not connect him with charges of corruption, malice and misconduct. In absence of any cogent evidence to connect the appellant with his Bank deposit; no case of misconduct was made out against him. Appellant's dismissal was set aside and he was reinstated in service.<sup>3</sup>

Compulsory retirement-Leave to appeal granted to consider point that provision of r. 5(3) of Rules, 1975 were not complied with and in fact neither an opportunity of personal hearing was afforded to employee nor an opportunity was given to him to rebut allegation levelled against him.<sup>4</sup>

Dismissal from service. Procedure adopted by Enquiry officer not proper and legal. Charge-sheet and summary of allegations not signed by 'Authority' but by Enquiry Officer in violation of K.6 of Police Rules, 1975. Appellant not served with preliminary as well as final notices. Enquiry Officer treating an enquiry witness as a complainant party by allowing him opportunity to cross-examine other witnesses. 'Authority' on receipt of Enquiry report simply endorsing same and approving punishment suggested and failing to give his independent finding by discussing pros and cons of enquiry report and failing to serve upon appellant final notice. order of

dismissal of appellant from service set aside and appellant re-instated with all back benefits.<sup>1</sup>

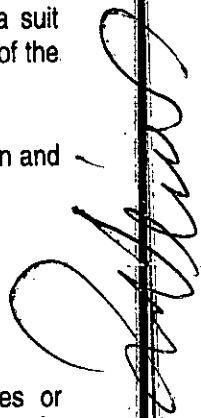
#### 7. Powers of Inquiry Officer:-

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

#### Comments

Misconduct, charge of. Removal from service by adopting summary procedure as provided under R. 5(2) of the North-West Frontier Province Police (Efficiency and Discipline) Rules, 1975. Dismissal of appeals by Service Tribunal. Contention of civil servants was that major penalty could not be awarded by adopting summary procedure. Validity. Gravity of allegations levelled against civil servants required strict compliance with said Service Rules. Duty of Department was to probe into matter according to Rules to meet ends of justice. Competent Authority could award major penalty only on receipt of inquiry record. No detailed inquiry had been conducted. Department should have proceeded against civil servants after obtaining report from Inquire Officer. Department after transfer of Inquiry Officer could finalize detailed proceedings against civil servants in terms of R.5(3)(4)(5) read with Rr. 6 & 7 of the said Rules. Supreme Court converted petitions into appeals and allowed the same partially by setting aside removal order of petitioners

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<sup>1</sup> 1987 PLC(CS) 870  
<sup>2</sup> 1988 PLC(CS) 379  
1989 PLC(CS) 336  
PLD 1985 SC 290



while directing them to have detailed proceedings, for which steps had already been taken by Department.<sup>1</sup>

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

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

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

**Comments**

*Misconduct. Removal on charges of misconduct in disobeying orders of superior officers. Service Tribunal reduced major penalty of removal from service to minor penalty of withholding two annual increments without accumulative effect. Validity. Contention raised on behalf of Authority was that civil servants were members of disciplined force and they had been proceeded against in proper manner following procedure provided under Police Rules and that they having admitted disobedience, Service Tribunal was not legally correct to, interfere with order in question, in absence of any legal infirmity going to the root of the case and prejudicial to civil servants; that proceedings were conducted under R. 8, North-West Frontier Province Police Rules, 1975, that Service Tribunal had wrongly assumed such proceedings to be under Rr. 5 & 6, North-West Frontier Province Police Rules, 1975 although said Rules were not applicable to the proceedings in question; and that in case any irregularity affecting defence of civil servants was committed, proper course for Service Tribunal was to have remanded case for fresh inquiry in accordance with Police Rules, 1975. Leave to appeal was granted to consider contentions raised by the Authority<sup>2</sup>*

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

- i. Where the services of Police Officer to whom these rules apply are lent to any other Government or to a local or other authority, in this rule referred to as the borrowing authority,

the borrowing authority shall have the powers of the authority for the purpose of placing him under suspension or requiring him to proceed on leave and of initiating proceedings against him under these rules.

- ii. Provided that the borrowing authority shall forthwith inform the authority which has lent his services, hereinafter in this rule referred to as the lending authority, of the circumstances leading to the order of his suspension or the commencement of the proceedings, as the case may be.
- iii. If in the light of the findings in the proceedings taken against the Police Officer in terms of sub-rule (1) the borrowing authority is of opinion that any punishment should be imposed on him, it shall transmit to the lending authority the record of the proceedings and thereupon the lending authority shall take action as prescribed in these rules.

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

**11. Appeal**

- (1) An accused, who has been awarded any penalty under these rules except the penalty of confinement of constable and head constable for fifteen days to quarter guards, may, within thirty days from the date of communication of the order, prefer an appeal to the Appellate Authority as provided in sub-rule (2).
- (2) The appeal, against the orders of the officer, specified in Schedule-I, who passes it shall lie to the Appellate Authority as may be specified in the table below:

Sl. No.	Punishing Authorities	Appellate/Reviewing Authorities
1	Provincial Police Officer	Provincial Police Officer (Review)
2	Regional Police Officer/ Deputy Inspector General of Police/ Capital City Police	Provincial Police Officer.

<sup>1</sup> Subs. vide Notification No: 3859/Legal, dated 27/08/2014 issued by IGP, KPK

<sup>1</sup> 2003 SCMR 681  
<sup>2</sup> 1998 SCMR 2478

DISSENT

	Officer/ Additional Inspector General of Police.	
3	District Police Officer/ Senior Superintendent of Police/ Superintendent of Police.	Regional Police Officer/Deputy Inspector General of Police/ Capital City Police Officer/ Additional Inspector General of Police.
4	Assistant Superintendent of Police/ Deputy Superintendent of Police.	District Police Officer/ Senior Superintendent of Police/ Senior Superintendent of Police Operations.

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

- (3) There shall be only one appeal from the original order and the order of the Appellate Authority, in appeal, shall be final.
- (4) The Appellate Authority or Review Authority, as the case may be, may call for the record of the case and comments on the points raised in the appeal or review, as the case may be, from the concerned officer, and on consideration of the appeal or the review petition, as the case may be, by an order in writing-
- (a) uphold the order of penalty and reject the appeal or review petition; or
  - (b) set aside the orders and exonerate the accused; or
  - (c) modify the orders and reduce or enhance the penalty; or
  - (d) set aside the order of penalty and remand the case to the authority, where it is satisfied that the proceedings by the authority or the inquiry officer or inquiry committee, as the case may be, have not been conducted in accordance with the provisions of these rules, or the facts and merits of the case have been ignored, with the directions to either hold a de novo inquiry or to rectify the procedural lapses or irregularities in the proceedings:

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

- (a) inform the accused of the action proposed to be taken against him and the grounds of such action; and
  - (b) give him a reasonable opportunity to show cause against the action and afford him an opportunity of personal hearing.
- (5) An appeal or review preferred under this rule, shall be made in the form of a petition, in writing, and shall set forth concisely the grounds of objection to the impugned order in a proper and temperate language.]

#### Comments

*Departmental appeal and appeal under R. 11 of Police Rules. Not a mere formality. Requirements. Where a comparatively small officer was pitched against the ostensible ire of a superior, placed way up higher than him. it was obligatory upon the departmental functionaries to have exercised their powers in a manifestly just, reasonable and impartial manner. When an enquiry in which a high officer is concerned one way or the other and in which serious matters, such as interpretation of several orders of Courts are posed, is shown speeded up and results in conclusion including the appeal within month, the development cannot go unnoticed. Departmental Officers, having not acted in a transparent and uncontroversial manner, imparting a manifest infirmity to the proceedings, such proceedings could not stand the test of judicial scrutiny.<sup>1</sup>*

#### 11-A Revision

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

*Admitted*

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*[Signature]*

Police Rules, 1975  
I SCHEDULE I

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POWER OF PUNISHMENT TABLE

S #	DEPARTMENTAL PUNISHMENTS	AUTHORITIES COMPETENT TO AWARD PUNISHMENT TO:						
		Deputy Superintendent of Police/Deputy Superintendent of Police (Legal)	Inspector/Inspector(Legal)	Sub Inspector/ Sub Inspector Legal	Assistant Sub Inspector	Head Constable	Constable	
1	<b>A-Major Punishments:</b> (i) Dismissal, removal from service, compulsory retirement. (ii) Reduction from substantive rank to lower rank or from higher stage to lower stage in the same time scale of pay.	Provincial Police Officer	DPO/SSP	DPO/SSP	DPO/SSP/SP	DPO/SSP/SP	DPO/SSP/SP	DPO/SSP/SP
2	<b>B-Minor Punishments:</b> "Withholding of promotion for one year or less."	Provincial Police Officer PPO/Addl. IGP/CCPO/RPO/D/G	DPO/SSP	DPO/SSP/SP	DPO/SSP/SP/ASP/DSP	DPO/SSP/SP/ASP	DPO/SSP/SP/ASP/DSP	DPO/SSP/SP/ASP/DSP

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

- (2) If an award of dismissal is annulled, the officer annulling it shall state whether it is to be regarded as suspension followed by re-instatement, or not. The order should also state whether service prior to dismissal should count for pension or not.
- (3) In all cases in which officers propose to enhance an award the officer shall, before passing final orders, give the defaulter concerned an opportunity of showing cause, either personally or in writing, why his punishment should not be enhanced.
- (4) The revision petition shall lie or taken cognizance by the authorities under sub rule-(1) within thirty days of the order passed on original appeal.

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

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

Comments

Leave to appeal granted to examine whether R.12 had barred the jurisdiction of North-West Frontier Province Service Tribunal to entertain appeal filed by Police employee against his dismissal subject to further examination of the question of limitation in connection with which the petitioner had been permitted to give further facts and details of the grounds taken in the application for condonation of delay.

13. Repeal.-

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

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# Prevention of Corruption Act, 1947

ACT No. II OF 1947

[11th March, 1947]

## An Act for the more effective prevention of bribery and corruption

WHEREAS it is expedient to make effective provision for the prevention of bribery and corruption;

It is hereby enacted as follows:—

**1. Short title and extent.**—(1) This Act may be called the Prevention of Corruption Act, 1947.

<sup>2</sup>[(2) It extends to the whole of Pakistan and applies to all citizens of Pakistan and persons in the service of Government wherever they may be.]

**2. Interpretation.** For the purpose of this Act, "public servant" means a public servant as defined in section 21 of the Pakistan Penal Code (XLV of 1860) <sup>4</sup>[and includes an employee of any corporation or other body or organization set <sup>5</sup>controlled or administered by, or under the authority of,] the <sup>6</sup>[Federal Government]].

1. For Statement of Objects and Reasons, see Gazette of India, 1946, Pt.V. p.374. See also Pakistan Criminal Law Amdt. Act, 1948 (19 of 1948). The Act has been applied to Baluchistan, see Gazette of India, 1947. Pt.I, p.535. The Act has been applied to whole of the Province of West Pakistan by the West Pakistan Ordinance 31 of 1958, s.2. It has been extended to the Leased Areas of Baluchistan by the Leased Areas (Laws) Order, 1950 (G.G.O.3 of 1950). It has also been amended in its application to the Provinces of West Pakistan by W.P.Ord.17 of 1960, s.2 (with effect from the 17th May, 1960)
2. Subs. by the Central Laws (Statute Reform) Ordinance, 1960(21 of 1960), s.3 and 2nd Sch. (with effect from the 14th October, 1955), for the original sub-section (2), as amended by A.O., 1949.
3. The original sub-section (3) omitted by the Prevention of Corruption (Amdt.) Act, 1949 (9 of 1950), s.2.
4. Added by the Anti-Corruption Laws amendment Act, 1965 (12 of 1965).
5. Subs. by the Prevention of Corruption Laws (Amendment) Act, 1977 (13 of 1977)
6. Subs. by F.A.O., 1975, Art.2 and Table, for "Central Government".

## Police Rules, 1975

3.	(i) Fine up to rupees Fifteen thousand (15000/-) (ii) Fine up to rupees Ten thousand (10000/-) (iii) Fine up to rupees Ten thousand (10000/-) (iv) Fine up to rupees Five thousand (5000/-) (v) Fine up to rupees one thousand (1000/-)	Provincial Police Officer Addl: IGP/CCPO RPO/DIG ...	DPO/SSP/SP ...	DPO/SSP/SP ...	DPO/SSP/SP ASP/DSP	DPO/SSP/SP ASP/DSP	DPO/SSP/SP ASP/DSP
4.	Stoppage of increments for a period not exceeding three (3) years with or without cumulative effect.	PPO/Addl: IGP/CCPO/RPO/DIG	DPO/SSP/SP	DPO/SSP/SP	DPO/SSP/SP/ ASP/DSP	DPO/SSP/SP/ P/DSP	DPO/SSP/SP/ ASP/DSP
5.	Censure	PPO/Addl: IGP/CCPO/RPO/DIG	DPO/SSP/SP	DPO/SSP/SP	DPO/SSP/SP/ ASP/DSP	DPO/SSP/SP/ P/DSP	DPO/SSP/SP/ ASP/DSP
6.	Forfeiture of approved service up to two (2) years	PPO/Addl: IGP/CCPO/RPO/DIG	DPO/SSP/SP	DPO/SSP/SP	DPO/SSP/SP/ ASP/DSP	DPO/SSP/SP/ P/DSP	DPO/SSP/SP/ ASP/DSP
7.	Confinement to quarters guard up to fifteen (15) days of Constables and Head constables.	...	...	...	...	...	...

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

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[Signature]

(5)

S.No	Basic Pay Scale of Government Servant	Authority	Authorised Officer
13	Government servants in Basic Pay Scale 5 to 16 serving in the Public Service Commission.	Chairman of the Commission	Secretary of the Commission.
14	Other Government servants in Basic Pay Scale 16.	Head of Attached Department concerned	As authorised by the authority.
15	Government servants in Basic Pay Scale 5 to 15 serving in the Secretariat.	Administrative Secretary concerned	Deputy Secretary (Administration) of the Department Concerned
16	Government servants in Basic Pay Scale 1 to 4 serving in the Secretariat.	Deputy Secretary (Administration) of the Department concerned.	Section Officer (Administration) of the Department concerned
17	Government Servants in Basic the Pay Scale 1 to 14 serving in Public Service Commission.	Secretary of the Commission	As authorised by the authority.
18	Other Government servants in Basic Pay scale 1 to 15.	Appointing authority.	As authorised by the authority.
19	Government servants in Basic Pay Scales 1 to 4 serving in the Chief Minister's Secretariat.	Deputy Secretary-II of Chief Minister's Secretariat.	Section Officer (Co-ordination), Chief Minister's Secretariat.

<sup>3</sup>[Where the Divisional Khidmat Committees, as specified by the Government from time to time, on the basis of their findings, deem necessary to proceed against a civil servant from BPS-1 to BPS-16, posted/working in the Division, the Commissioner of the respective Division shall exercise the powers of authority under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 1973. This provision shall not be applicable to the civil servant serving in the Provincial Civil Secretariat]

1. Substituted by Notification No. SOR II(S&GAD) 5(29)/86, dated 17-07-1992.
2. No.19 added by Notification No. SOR.II(S&GAD)5(29)/86, dated 03-01-1993.
3. Added by Notification No.SOR.II(S&GAD)5(29)/95, dated 21-06-1997.

## Khyber Pakhtunkhwa Civil Servants (Appeal) Rules, 1986

[Gazette of Khyber Pakhtunkhwa, Extraordinary, Page No. 1290-1293, 2nd June, 1986]

No. **SORII (S&GAD) 3(4)/78 (Vol. 11)**.---In exercise of the powers conferred by section 26 of the Khyber Pakhtunkhwa Civil Servants Act, 1973, (Khyber Pakhtunkhwa Act XVIII of 1973), read with section 22 thereof, the Governor of the Khyber Pakhtunkhwa is pleased to make the following rules, namely:--

1. **Short title, commencement and application.**---(1) These Rules may be called the Khyber Pakhtunkhwa Civil Servants (Appeal) Rules, 1986.

(2) They shall come into force at once and shall apply to every person who is a member of the civil service of the Province or is the holder of a civil post in connection with the affairs of the Province and shall also apply to or in relation to a person in temporary employment in the civil service or post in connection with the affairs of the Province.

2. **Definitions.**---In these rules, unless there is anything repugnant in the subject or context;

- (a) "Appellate Authority" means the officer or authority next above the competent authority;
- (b) "Competent Authority" means the authority or authorized officer, as the case may be, as defined in the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 1973, or the authority competent to appoint a civil servant under the rules applicable to him; and
- (c) "Penalty" means any of the penalties specified in rule 4 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 1973.

3. **Right of Appeal.**---(1) A civil servant aggrieved by an order passed or penalty imposed by the competent authority relating to the terms and conditions of his service may, within thirty days from the date of communication of the order to him, prefer an appeal to the appellate authority:

Provided that where the order is made by the Government, there shall be no appeal but the civil servant may submit a review petition:

[Provided further that the appellate or the reviewing authority, as the case may be, may condone the delay in preferring the appeal or the review petition, if it is satisfied that the delay was for the reasons beyond the control of the appellant or that the earlier appeal or review petition was not addressed to the correct authority.]

1. Substituted by Notification No. SORII(S&GAD)3(4)/78/Vol.II dated 03-12-1989.

*H. M. M. M.*  
**ATTESTED**

**Explanation.**---For the purposes of the first proviso, the expression "appeal", where the context so requires, shall mean the "review petition" as well.

(2) Where the order of the competent authority affects more than one civil servant, every affected civil servant shall prefer the appeal separately.

(3) Where the aggrieved civil servant has died, the appeal may be filed, or if already filed by such civil servant before his death, may be pursued, by his legal heir or heirs; provided that the benefit likely to accrue on the acceptance of such appeal is admissible to such legal heir or heirs under any rules for the time being applicable to civil servants.

4. **Form of Memorandum.**---(1) Every memorandum of appeal shall--

- (a) contain full name and address, official designation and place of posting of the appellant;
- (b) state in brief the facts leading to the appeal;
- (c) be accompanied by a certified copy of the order appealed against and copies of all other documents on which the appellant wishes to rely.

**Explanation.**---Where an aggrieved civil servant has died, his legal heir or heirs, while filing the appeal or applying for review, as the case may be, shall also add documents in support of his or their relationship with the deceased civil servant.

(2) The appeal shall be submitted through the Head of the office in which the appellant is posted at the time of filing the appeal, or in the case of a deceased civil servant, where he was last posted before his death. The Head of the office shall forward the appeal to the competent authority, if he himself is not such authority and the competent authority shall after adding his own comments, if any, transmit the appeal to the appellate authority for necessary orders.

(3) No appeal shall be entertained if it contains abusive, disrespectful or improper language.

5. **Action by the appellate authority.**---(1) The appellate authority, after making such further inquiry or calling for such information or record or giving the appellant an opportunity of being heard, as it may consider necessary, shall determine--

- (a) whether the facts on which the order appealed against was based have been established;
- (b) whether the facts established afford sufficient ground for taking action; and
- (c) Whether the penalty is excessive, adequate or inadequate

and after such determination, shall confirm, set aside or pass such order as it thinks proper; provided that no order increasing the penalty shall be passed without giving the appellant an opportunity of showing cause as to why such penalty should not be increased.

(2) The competent authority against whose order an appeal is preferred under these rules shall give effect to any order made by the appellate authority and shall cause the order so passed to be communicated to the appellant without undue delay.

6. **Withholding of appeal in certain cases.**---An appeal be withheld by the competent authority if--

- (a) it is an appeal in a case in which no appeal lies under these rules; or
- (b) it does not comply with the requirements of rule 4; or
- (c) it is not preferred within the time limit specified in sub-rule (1) of rule 3 and no reason is given for the delay; or
- (d) it is addressed to an authority or officer to whom no appeal lies under these rules;

Provided that in every case in which an appeal is withheld, the appellant shall be informed of the fact and reasons for it.

Provided further that an appeal withheld for failure to comply with the requirements of rule 4 or clause (d) of this sub-rule may be resubmitted within thirty days of the date on which the appellant is informed of the withholding of the appeal and, if resubmitted properly in accordance with the requirements of these rules, shall be deemed to be an appeal under rule 3 and shall be dealt with in accordance with the provisions of these rules.

(2) No appeal shall be against the withholding of an appeal under this rule.

7. **Disposal of appeal.**---(1) Every appeal which is not withheld under these rules shall be forwarded to the appellate authority alongwith the comments by the competent authority from whose order the appeal is preferred.

(2) A list of appeals withheld under rule 6, with reasons for withholding them, shall be forwarded quarterly by the withholding authority to the appellate authority.

(3) The appellate authority may call for any appeal admissible under these rules which has been withheld by the competent authority and may pass such order thereon as it considers fit.

8. **Savings.**---Nothing in these rules shall operate to deprive any person of any right of appeal which he would have if these rules had not been made, in respect of any orders passed before they came into force.

*W. P. S.*  
**ATTESTED**

9. **Pending appeals.**---All appeals pending immediately before the coming into force of these rules shall be deemed to be appeals under these rules.

10. **Repeal.**---The Khyber Pakhtunkhwa Civil Services (Punishment and Appeal) Rules, 1943, are hereby repealed.

## Khyber Pakhtunkhwa Civil Servants Revised Leave Rules, 1981

[Gazette of Khyber Pakhtunkhwa, Part I, Page No. 151-160, 23<sup>rd</sup> December, 1981]

No. FD. SO (SR-IV) 5-54 / 80 (Vol:II) dated 17-12-1981.---In exercise of the powers conferred by section 26 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act XVIII of 1973) and in supersession of this Department's Notification No. FD.SO(SR-IV) 1-17/78, dated the 20<sup>th</sup> November, 1979, the Governor of the Khyber Pakhtunkhwa is pleased to make the following rules namely:--

1. **Short title, commencement and application.**---(1) These rules may be called the Khyber Pakhtunkhwa Civil Servants Revised Leave Rules, 1981.

(2) They shall come into force at once.

(3) They shall apply to all Civil Servants under the rule making authority of the Governor except those who opted not to be governed by the Khyber Pakhtunkhwa Civil Servants Leave Rules, 1979.

2. **Admissibility of Leave of Civil Servant.**---Leave shall be applied for, expressed and sanctioned in terms of days and shall be admissible to a civil servant at the following rate and scale:--

(i) A civil servant shall earn leave only on full pay. It shall be calculated at the rate of four days for every calendar months of the period of duty rendered and credited to the leave account as "leave on fully pay" duty period of 15 days or less in a calendar month being ignored and those of more than 15 days being treated as a full calendar month, for the purpose. If a civil servant proceeds on leave during a calendar month and returns from it during another calendar month and the period of duty in either month is more than 15 days, the leave to be credited for both the incomplete months will be restricted to that admissible for one full calendar month only.

(ii) The provisions of clause (i) will not apply to vacation departments. A civil servant of a vacation department may earn leave on full pay as under:--

(a) When he avails himself of At the rate of one day of

vacation in a calendar every calendar month of year. duty rendered;

(b) When during any year he is prevented from availing himself of the full vacation. As for a civil servant in non-vacation Department for that year; and

(c) When he avails himself of only a part of the vacation. As in (a) above plus such proportion of thirty days as the number of days of vacation not taken bears to the full vacation.

(iii) There shall be no maximum limit on the accumulation of such leave.

[Note. Deleted]

3. **When leave earned.**---(a) All service rendered by a civil servant qualifies him to earn leave in accordance with these rules but shall not be earned during the period of leave.

(b) Any period spent by a civil servant in foreign service qualifies him to earn leave provided that a contribution towards leave salary is paid to the Government on account of such period.

4. **Grant of Leave on Full Pay.**---(1) The maximum period of leave on full pay that may be granted at one time by the competent authority shall be as follows:--

(i) Without medical certificate ... 120 days

(ii) With medical certificate ... 180 days

PLUS

(iii) On medical certificate from leave account in entire service. ... 365 days

(2) The maxima prescribed at (i) and (ii) of sub-rule (1) are independent of each other. In other words a civil servant may be granted, at a time, total leave on full pay on medical certificate upto the permissible extent in continuation of leave upto 120 days without medical certificate, subject to given conditions.

5. **Grant of Leave on Half Pay.**---(1) Leave on full pay may be converted into leave on half pay, at the option of the civil servant.

The "Note" at the end of rule 2 deleted by Notification No. FD. 50(SR-IV)5-54/80(Vol.II), dated 01-06-1982.

ATTESTED

# وکالت نامہ

60

قیمتی ایک روپیہ		کورٹ فیس
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BEFORE THE HONORABLE SERVICE TRIBUNAL

K.P.K Peshawar

Petitioner مخائب  
Muneer Ahmad بنام Govt K.P.K etc

دعویٰ یا جرم  
Service Appeal تفصیل دعویٰ یا جرم

## باعث تحریر آنکہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف واسطے بیرونی وجوہ دی برائے پیشی یا تفسیر مقدمہ بنام

Zia-Ur-Rehman Qazi / Advocate / AAMIR Habib Khori

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں پیشی پر خود یا بذریعہ بروعدالت حاضر ہوتا رہوں گا اور ہر وقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا اگر پیشی پر مظہر حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل بیرونی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ صدر پکھری کے علاوہ اور جگہ سماعت ہونے یا بروز تعطیل یا پکھری کے اوقات کے آگے یا پیچھے پیش ہونے پر مظہر کوئی نقصان پہنچے تو اس کے ذمہ دار یا اسکے واسطے کسی معاوضہ کے ادا کرنے یا سخت نہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے مجھ کو کل ساختہ پر داخہ صاحب موصوف مثل کردہ ذات خود منظور قبول ہو گا اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ یا درخواست اجراء اسمائے ذگری نظر ثانی اپیل گمرانی و ہر قسم درخواست ہر قسم کے بیان دینے اور پر ثالثی یا راضی نامہ و فیصلہ برصفت کرنے اقبال دعویٰ کا بھی اختیار ہو گا اور بصورت مقرر ہونے تاریخ پیشی مقدمہ مقرر بیرون از پکھری صدر بیرونی مقدمہ مقرر نظر ثانی اپیل و گمرانی و برآمدگی مقدمہ یا منسوخی ذگری یک طرفہ یا درخواست حکم انتہائی یا قرتی یا گرفتاری قبل از فیصلہ اجراء ذگری بھی صاحب موصوف کو بشرط ادا کی علیحدہ مختصم بیرونی کا اختیار ہو گا اور تمام ساختہ پرواخذہ صاحب موصوف مثل کردہ از خود منظور و قبول ہو گا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہو کہ مقدمہ مذکورہ یا اس کے کسی جزو کی کارروائی یا بصورت درخواست نظر ثانی اپیل گمرانی یا دیگر معاملہ و قدمہ مذکورہ کسی دوسرے وکیل یا بیرونی کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانون کو بھی ہر امر میں وہی اور دیے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہر جانہ التواء پڑے گا وہ صاحب موصوف کا حق ہو گا مگر صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہو گا کہ مقدمہ کی پروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا

لہذا وکالت نامہ لکھ دیا ہے تاکہ سند رہے

مورخہ ۶ ماہ جولائی ۲۰۱۸

مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے

Attention  
accepted

Zia-ur-Rehman Qazi

Accepted  
Amir Habib

Munir Ahmad

منیر احمد

حسن کا بیرونی مشیر اندرون سین زمر مارکیٹ بالقابل جائزہ وکیل ڈیرہ اسماعیل خان



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

**Service Appeal No. 871/2018**

Munir Ahmad Ex-Constable

...(Appellant)

**Versus**

Govt: of Khyber Pakhtunkhwa through Home Secretary

...(Respondents)

**WRITTEN REPLY ON BEHALF OF RESPONDENTS.**

**PRELIMINARY OBJECTIONS**

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

**BRIEF FACTS**

1. This para is correct to the extent that the appellant while posted at Police Station Draban was caught red handed at Khutti Checkpost while carrying a non-custom paid motorcar with bogus number plate from FR. Area toward settled area and case FIR No. 219, dated 14.05.2016 u/s 420/468/471/417 PPC r/w 155 PO at Police Station Dera Town was registered against him.
2. This para is correct to the extent that the appellant was charge sheeted and statement of allegations were served upon him beside inquiry into the matter was conducted by the DSP City DIKhan. Therefore, all the codal formalities were observed according to existing rules. **(Copy of charge sheet & statement of allegation Annex "A&B")**.
3. This para is incorrect. The enquiry was conducted as per rules and the appellant remained associated during the course of enquiry. The Enquiry Officer submitted his finding wherein the appellant was found guilty of charge levelled against him and recommended him for appropriate action. Final Show Cause Notice was also served upon the appellant by the competent authority which was perused and found unsatisfactory so the appellant was awarded

major punishment of dismissal from service. **Copy of Enquiry report & Show Cause Notice Annex "C & D".**

4. This para is incorrect, hence denied. The appellant was summoned by the Appellate Authority in Orderly Room & heard in person. However the departmental appeal was rejected & filed being meritless and time barred.
5. This para is incorrect. No record is available in the department regarding his submission of appeal to the review board.
6. This para is also incorrect. The Tribunal has got no jurisdiction to entertain the instant appeal being time barred.

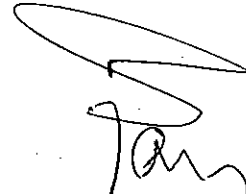
#### **GROUND**

- a. Incorrect. The appellant was found in possession of a motorcar bearing Registration No. NS-792/Islamabad and misusing of his authority by transporting non custom paid vehicle. Hence, he was dismissed after completion of all necessary legal & codal formalities.
- b. Incorrect. A proper departmental inquiry was initiated. Appellant was properly associated with the inquiry proceedings and found him guilty of the charges.
- c. Incorrect. The departmental appeal of the appellant was examined, considered and found no substance, hence rejected & filed being time barred and meritless.
- d. Incorrect. The allegations have been proved against the appellant in the departmental proceeding initiated on merits. Both the impugned orders are in accordance with law & rules.
- e. Incorrect. No provision of law, nor rights of the appellant have been violated. The departmental proceedings were initiated under the Rules and all the legal formalities have been observed. Opportunity of defence was given to him including personal hearing.
- f. Incorrect. The law & rules have been followed by the departmental authority before passing the orders of departmental punishment.

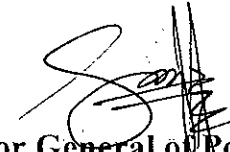
- g. Incorrect. An impartial and independent inquiry was initiated under the law & rules and appellant was found guilty of the charges.
- h. Incorrect. The order was passed after proper departmental proceedings initiating on merit and no illegality has been done.

**PRAYER**

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



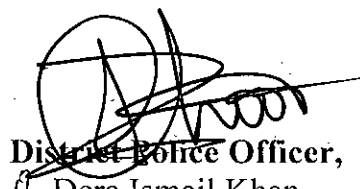
**Provincial Police Officer**  
Khyber Pakhtunkhwa, Peshawar  
(Respondent No.1 & 2)



**Addl: Inspector General of Police,**  
Establishment Khyber Pakhtunkhwa  
Peshawar  
(Respondent No.3)



**Regional Police Officer,**  
Dera Ismail Khan  
(Respondent No.4)



**District Police Officer,**  
Dera Ismail Khan  
(Respondent No.5)

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

**Service Appeal No: 871/2018**

Munir Ahmad Ex-Constable

...(Appellant)

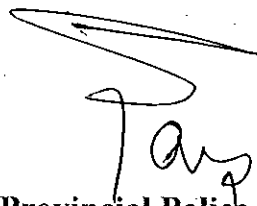
**Versus**

Govt: of Khyber Pakhtunkhwa through Home Secretary

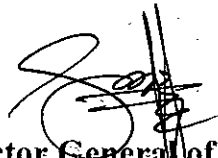
...(Respondents)

**A U T H O R I T Y**

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



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



**Addl: Inspector General of Police,**  
Establishment Khyber Pakhtunkhwa,  
Peshawar  
(Respondent No.3)



**Regional Police Officer,**  
Dera Ismail Khan  
(Respondent No.4)



**District Police Officer,**  
Dera Ismail Khan  
(Respondent No.5)

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

Service Appeal No. 871/2018

Munir Ahmad Ex-Constable

...(Appellant)

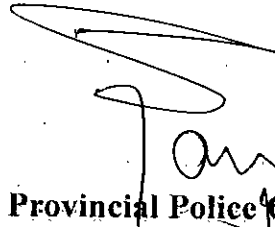
**Versus**

Govt: of Khyber Pakhtunkhwa through Home Secretary

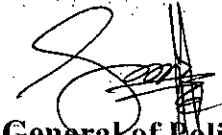
...(Respondents)

**COUNTER AFFIDAVIT ON BEHALF OF RESPONDENTS**

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



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



**Addl: Inspector General of Police,**  
Establishment Khyber Pakhtunkhwa,  
Peshawar  
(Respondent No.3)



**Regional Police Officer,**  
Dera Ismail Khan  
(Respondent No.4)



**District Police Officer,**  
Dera Ismail Khan  
(Respondent No.5)

(A)

CHARGE SHEET

Where as, I am satisfied that a formal enquiry as contemplated by Khyber Pakhtunkhwa Police Rules 1975 amended-2014 is necessary and expedient.

(P)

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

AND THEREFORE, as required by Police Rules 6(1) of the aforesaid rules, I DISTRICT POLICE OFFICER Dera Ismail Khan hereby charge you Constable Munir Ahmad No.1934 with the misconduct on the basis of the statement attached to this Charge Sheet.

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

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

29/10/14  
  
**District Police Officer,**  
Dera Ismail Khan

14/10/14

(B) (B)

**DISCIPLINARY ACTION**

I, **DISTRICT POLICE OFFICER**, Dera Ismail Khan as a competent authority am of the opinion that you **Constable Munir Ahmad No.1934** have rendered yourself liable to be proceeded against and committed the following acts/omissions within the meaning of the Khyber Pakhtunkhwa Police Rules 1975 amended-2014.

**STATEMENT OF ALLEGATION**

16

You while posted at PS Daraban, D.I.Khan, Charged and arrested in case vide FIR No.219 dated 14.05.2016 u/s 420-468-471-417-155 Police Order PS Dera Town D.I.Khan. This act on your part amounts to gross misconduct which is punishable under the rules.

Hence the statement of allegation.

2. For the purpose of scrutinizing the conduct of the said accused with reference to the above allegation DSP City Dera Ismail Khan is appointed as enquiry officer to conduct proper departmental enquiry under Police Rules 1975 amended-2014.

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

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

29/5  
**District Police Officer,**  
Dera Ismail Khan

1388-88  
No. /EC Dated DIKhan the 17-05 - /2016  
Copy to: -

1. \_\_\_\_\_ Dera Ismail Khan. The enquiry officer for initiating proceeding against the defaulter under the provision of Khyber Pakhtunkhwa Police Rules 1975 amended-2014, with the direction to complete the enquiry within 10-days. Enquiry papers containing \_\_\_\_\_ pages are enclosed.
2. **Constable Munir Ahmad No.1934** with the direction to appear before the E.O on the date, time and place fixed by the E.O, for the purpose of enquiry proceeding.

2/6  
**District Police Officer,**  
Dera Ismail Khan

Handwritten signature and date: 14/5/16

جناب عالی!

الزام علیہ کنسٹیبل منیر احمد، 1934 متعینہ تھانہ درابن حال معطل پولیس لائن ڈیرہ اسماعیل خان مقدمہ نمبر 219 مورخہ 04.05.2016 Police Order 420/468/471/417/155-420 تھانہ ڈیرہ ٹاؤن میں ملوث نامزد ملزم ہونے پر جناب ڈسٹرکٹ پولیس آفیسر صاحب نے بحوالہ سری ایکشن لینز نمبر 89-1388 مورخہ 17.05.2016 کو چارج شیٹ جاری کر کے سن DSP انکوائری آفیسر مقرر کیا۔

الزام علیہ کنسٹیبل منیر احمد، 1934 نے چارج شیٹ کے جواب میں تحریراً ظاہر کیا کہ بندہ سال 2007ء کا بھرتی شدہ ہے اور عرصہ 8/9 ماہ سے تھانہ درابن میں تعینات افسران کے تابع فرائض ایمانداری سے ڈیوٹی سرانجام دے رہا ہے۔ اور کبھی کوتاہی اور بددیانتی کا مرتکب نہیں ہوا ہے۔ تھانہ درابن میں تعیناتی کے دوران مسمی چنار خان شیرانی سکندہ درازندہ سے واقفیت ہوئی اور اس سے اپنے دوست کی شادی واقعہ دیہہ عبدالخیل علاقہ تھانہ پنیا لہ جانے کے لیے موٹر کار لی۔ بذریعہ موٹر کار نمبر NS792 اسلام آباد کرولا ماڈل برنگ سفید حوالے کردہ مسمی چنار خان بطرف عبدالخیل روانہ ہوا۔ کھتی چیک پوسٹ پر SHO ڈیرہ ٹاؤن نے روک کر گاڑی کو مشکوک جانتے ہوئے میری ایک نہ سنی۔ بلکہ غیر قانونی طور پر اور بدینتی سے ملوث کر کے اسے گرفتار کر لیا۔ بندہ قطعاً جرم متذکرہ میں ملوث نہ ہے۔ بلکہ SHO صاحب اور تفتیشی کورڈر اول سے بتایا کہ ہے گاڑی چنار خان شیرانی کی ہے لیکن نامعلوم وجوہات پر مجھے مقدمہ میں ملوث کر کے میرے ساتھ نا انصافی کی ہے۔ چارج شیٹ داخل دفتر فرمائی جائے۔

دوران انکوائری FIR مقدمہ نمبر 219 مورخہ 14.05.2016 جرم بالا جو SHO تھانہ ڈیرہ ٹاؤن نقیب اللہ کی مدعیت میں برخلاف الزام علیہ کنسٹیبل منیر احمد، 1934 بوس رجسٹریشن نمبر پلیٹ کی اصلیت اور الزام علیہ کنسٹیبل کی پیش کردہ جواب چارج شیٹ کی روشنی میں SHO ڈیرہ ٹاؤن نقیب اللہ کو طلب کر کے رد برو الزام علیہ بیان قلمبند کیا۔ جس نے FIR کی تائید و تصدیق کی اور جرح میں الزام علیہ کنسٹیبل کو واضح جواب دیا کہ بوقت مقبوضگی گاڑی و گرفتاری ملزم وہ اکیلا یعنی منیر احمد گاڑی چلاتے ہوئے پایا تھا۔ موقع گواہان کنسٹیبل سید امین، 8028، کنسٹیبل ندیم 7326 متعینہ تھانہ ڈیرہ ٹاؤن و ہمراہی SHO ڈیرہ ٹاؤن انعام اللہ، 975 کے بیانات قلمبند کیے اور سن IO کو ان کی طرف سے جرح مکمل کر لی گئی۔ جملہ گواہان نے SHO کے بیان اور FIR کی تائید کی اور الزام علیہ کنسٹیبل منیر احمد، 1934 کے بیان کی نفی کی۔

الزام علیہ کنسٹیبل کو موقع دیا گیا کہ اپنی صفائی میں موٹر کار کے مالک چنار خان شیرانی سکندہ درازندہ جس نے اس کو دوست کی

شادی میں شرکت پر جانے کے لیے موٹر کار حوالے کی تھی کو پیش کرے، اور اسی طرح دیہہ عبدالخیل میں جس دوست کی شادی کے لیے جا رہا تھا اس کو بیانات میں پیش کرے۔

الزام علیہ کنسٹیبل کے دیہہ عبدالخیل کا دوست مسمی فواد اللہ ولد قاسم خان سکندہ عبدالخیل پیش کیا جس نے اپنے تحریری بیان میں واضح کیا کہ کنسٹیبل منیر احمد، 1934 سکندہ واٹھ فیروز اس کا دوست ہے اور اپنی شادی کے لیے اس کو بذریعہ موبائل فون دعوت دی تھی۔ جو میری شادی کو آتے ہوئے پولیس نے گرفتار کر لیا۔ مسمی چنار خان شیرانی سکندہ درازندہ حسب الزام علیہ کنسٹیبل مالک گاڑی و مدعہ بیان نہ آیا۔

15/5/16

Police  
S.I. Khan

15/5/16





(D)

**FINAL SHOW CAUSE NOTICE**

I, DISTRICT POLICE OFFICER, DIKhan as competent authority under the Khyber Pakhtunkhwa Police Rules 1975 amended-2014, do hereby served you Constable Munir Ahmad No 1934 as follow.

1. (i) That consequent upon the completion of enquiry conducted against you by the Enquiry Officer for which you were given opportunity of hearing vide this office communicator No. 1388-89/EC, dated: 17.05.2016.
- (ii) On going through the findings and recommendations of the enquiry officer, the material on record and other connected papers including your defence before the Enquiry Officer.

I am satisfied that you have committed the following acts/omissions specified of the said rules.

(9) You while posted at PS/Daraban DIKhan, charged and arrested in case vide FIR No.219 dated: 14.05.2016 u/s 420-463-471-417-155 Police Order PS/Dera Town DIKhan.

2. As a result thereof, DISTRICT POLICE OFFICER, DIKhan as competent authority have tentatively decided to impose upon you the penalty of Major punishment of the said rules.
3. You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you.
4. If no reply to this notice is received within 7-days of its deliver, in the normal course of circumstances, it shall be presumed that you have no defence to put in and in that case an ex-parte action shall be taken against you.
5. The copy of finding of the enquiry officer is enclosed.

2 a h  
District Police Officer,  
Dera Ismail Khan

Munir Ahmad - 1934

15.7.2018



KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 672 /ST

Dated. 3-4- /2019


To,

Regional Police Officer,  
D.I.Khan Range,  
D.I.Khan.

SUBJECT: - ORDER IN APPEAL NO.871/2018, MUNEER AHMAD VS GOVT.

I am directed to forward herewith a certified copy of Order/Judgment dated 25.03.2019 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR