

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal No. 705/2018

Date of Institution... 23.5.2018

Date of decision... 25.09.2018

Miraj Habib S/o Habib Gul R/o Mughal Kot, District Swabi,
Ex. I.H.C Police Department Mardan. ... (Appellant)

Versus

1. Government of Khyber Pakhtunkhwa through Secretary Home, Civil
Secretariat, Peshawar and three others. (Respondents)

Miss. Roeeda Khan,
Advocate ... For appellant.

Mr. Muhammad Riaz Paindakhel,
Assistant Advocate General ... For respondents.

MR. AHMAD HASSAN, ... MEMBER
MR. MUHAMMAD AMIN KHAN KUNDI, ... MEMBER

JUDGMENT

AHMAD HASSAN, MEMBER:- Arguments of the learned counsel for
the parties heard and record perused.

FACTS

2. Brief facts of the case are that major penalty of removal of the name of the
appellant from list-D was imposed upon the appellant vide impugned order dated
13.03.2018. He filed departmental appeal on 22.03.2018, which was rejected on
14.05.2018, hence, the instant service appeal.

ARGUMENTS

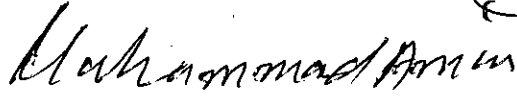
3. The learned counsel for the appellant argued that previously he was dismissed from service vide impugned order dated 15.08.2014. That he filed service appeal no. 1207/2014 which was accepted by this Tribunal on 02.11.2017. Respondents were directed to conduct de-novo enquiry. De-novo enquiry was conducted and after conclusion of proceedings penalty of removal of his name from list-D was imposed on him vide impugned order dated 13.03.2018. Learned counsel for the appellant further argued that penalty imposed on the appellant is not concluded in the list of penalties given in Police Rules 1975, as such, action of the respondents lacked legitimacy. No show cause notice was served on him before imposition of penalty. Opportunity of cross examination was also denied to him, rather condemned unheard.

4. On the other hand, the learned Assistant Advocate General argued that all codal formalities were observed before passing the impugned order. He was treated according to law and rules. Hence, there was no illegality in the said order. The appeal was not maintainable and be dismissed.

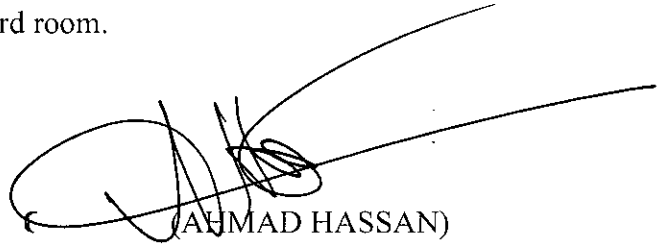
CONCLUSION.

5. At the very outset learned Asstt: AG was confronted on the point whether penalty of removal of the name of the appellant from list-D is included in the list of penalties contained in Police Rules but was unable to give convincing reply? As the aforementioned penalty was not provided in Police Rules 1975 so the impugned order was not a legal instrument, hence, not tenable in the eyes of law. In the presence of this glaring illegality we would not like to touch other loopholes in disciplinary proceedings, as pointed out by the learned counsel for the appellant in her arguments.

6. As a sequel to above, the appeal is accepted and the impugned order 13.03.2018 is set-aside. The intervening period may be treated as leave without pay. Parties are left to bear their own cost. File be consigned to the record room.



(MUHAMMAD AMIN KHAN KUNDI)
Member



(AHMAD HASSAN)
Member

ANNOUNCED
25.09.2018

Order

25.09.2018

Counsel for the appellant present. Mr. Atta Ur Rehman, SI alongwith Mr. Muhammad Riaz Paindakhel, Assistant Advocate General for respondents present. Arguments heard and record perused.

Vide detailed judgment of today of this Tribunal placed on file, the appeal is accepted. The intervening period may be treated as leave without pay. In the circumstances, parties are left to bear their own costs. File be consigned to the record room.

Announced:
25.09.2018

(Ahmad Hassan)
Member
Muhammad Amin
(Muhammad Amin Khan Kundi)
Member

07.06.2018

Counsel for the appellant present. Preliminary arguments heard and case file perused. Learned counsel for the appellant argued that major penalty of dismissal from service was imposed on him vide impugned order dated 15.08.2014. Feeling aggrieved he filed service appeal no. 1260/14 in this Tribunal and vide judgment dated 02.11.2017, the matter was referred back to the respondents to conduct de-novo enquiry. De-novo enquiry was conducted and after conclusion his name was removed from the list-D vide impugned order dated 13.03.2018. He preferred departmental appeal on 22.03.2018 which was rejected on 14.05.2018; hence, the instant service appeal on 23.05.2018. Learned counsel for the appellant when confronted on the point whether the penalty awarded to the appellant was included in the list of prescribed penalties in Police Rules 1975 but was unable to clarify the issue?

Appellant Deposited
Security & Process Fee

Points urged need consideration. Admit, subject to deposit of security and process fee within 10 days, thereafter, notices be issued to the respondents for written reply/comments for 31.07.2018 before S.B.


(AHMAD HASSAN)
MEMBER

31.07.2018



Appellant Mr. Miraj Habib in person present. Mr. Atta Ur Rehman, SI alongwith Mr. Kabiruallah Khattak, Addl. AG for respondents present. Written reply on behalf of the respondents submitted which is placed on file. Case to come up for rejoinder and arguments on 25.09.2018 before D.B.


Chairman

Form-A
FORM OF ORDERSHEET

Court of _____

Case No. 705/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	23/05/2018	<p>The appeal of Mr. Miraj Habib presented today by Miss. Roaeda Khan 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;"> REGISTRAR</p>
2-	28/05/18.	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>07/06/18.</u></p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE HONBLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR

In Re S.A 705 /2018

Miraj Habib

Versus

Government of Khyber Pakhtunkhwa and others

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13.	Wakalatnama		

Dated: 23/05/2018


Appellant

Through


Rozeeda Khan

R &
Afshan Manzoor

Advocates High Court
Peshawar.

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR**

Khyber Pakhtunkhwa
Service Tribunal

In Re S.A 705 /2018

Diary No. 758

Dated 23-5-2018

Miraj Habib S/o Habib Gul R/o MUghal Kot, District Swabi
Ex. I.H.C Police Department Mardan.

-----(*Appellant*)

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Home, Civil Secretariat, Police.
2. Regional Police Officer Mardan.
3. Deputy Inspector General of Police Mardan.
4. District Police Officer Mardan.

-----(*Respondents*).

**APPEAL U/S 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT
1974 AGAINST THE IMPUGNED ORDER
DATED 13/03/2018 WHERE BY THE
APPELLANT HAS BEEN AWARDED MAJOR
PUNISHMENT OF REMOVAL FROM LIST-D
AGAINST WHICH THE DEPARTMENTAL
APPEAL DATED 22/03/2018 OF THE
APPELLANT HAS BEEN REJECTED BY THE
RESPONDENT NO. 3 ON DATED 14/05/2018
ON NO GOOD GROUNDS.**

Filed to-day
23/5/18
Registrar

Prayer:-

ON ACCEPTANCE OF THIS SERVICE APPEAL BOTH THE IMPUGNED ORDER DATED 13/03/2018 WHEREBY THE APPELLANT HAS BEEN AWARDED MAJOR PUNISHMENT OF REMOVED FROM LIST-D AND THE OFFICE ORDER WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT DATED 22/03/2018 HAS BEEN REJECTED ON 14/05/2018 ON NO GOOD GROUNDS MAY KINDLY BE SET ASIDE AND GIVEN DIRECTION TO RESPONDENT DEPARTMENT TO INCLUDE THE NAME OF THE APPELLANT IN LIST-D WITH ALL BACK BENEFITS.

Respectfully Sheweth:-

1. That the appellant has been joined the Police department on dated 25/03/1994 and he performed his duty with full devotion and no complaint what so ever has been made against the appellant.

2. That during service the appellant was charged in a criminal case FIR No. 646 dated 23/06/2014 U/S 3/4 PO/15AA Ps City Mardan. (Copy of FIR is attached as annexure "A")
3. That the Respondent Department dismissed the appellant on 15/08/2014 from service on the allegation of involvement in the said criminal case. (Copy of dismissal order is attached as annexure "B")
4. That later on appellant has been acquitted by the Judicial Magistrate Mardan on dated 02/11/2017. (Copy of acquittal order is attached as annexure "C")
5. That the appellant submitted a departmental appeal on 23/08/2014 which has been rejected on 12/09/2014. (Copy of departmental appeal and rejection order are attached as annexure "D & E")
6. That against the dismissal order dated 12/09/2014 the appellant filed service appeal No.

1207/2014 which has been accepted on 02/11/2017.

7. That according to the judgment dated 02/11/2017 of this Hon'ble Service Tribunal the appeal of the appellant has been accepted and the appellant has been reinstated into the service and the department is directed conduct a proper de-novo inquiry within a period of 4 month. (Copy of judgment is attached as annexure "F")

8. That during the process of de-novo inquiry Respondent department issued charge sheet and statement of allegation on dated 19/01/2018. (Copy of Charge Sheet and Statement of allegation is attached as annexure "G & H")

9. That the appellant submitted reply of charge sheet on 26/01/2018 where the appellant denial level against the appellant. (Copy of reply of charge sheet is attached as annexure "I")

10. That on 13/03/2018 the Respondent department issued impugned order whereby the appellant has been removed from List-D while his intervening period is treated as leave without pay. (Copy of impugned order is attached as annexure "J")

11. That the appellant submitted departmental appeal on 22/03/2018 against the impugned order dated 13/03/2018 which has been rejected on 14/05/2018 on no good grounds. (Copy of departmental appeal and rejection order is attached as annexure "K & L")

12. That the order is liable to be set aside inter alia on the following grounds.

Grounds:

A. That the impugned order is illegal, void and being passed in utter violation of law and rules on the subject.

B. That the appellant has not been treated according to law and mandatory provisions of law have been violated by Respondents.

C. That the alleged recovery of 12 bottles of wine from the possession of the appellant is false, frivolous, concocted and baseless the said recovery allegedly shown in FIR mentioned above is steered by ulterior motive and malafide intention and just damage my flourishing future.

D. That so far as the recovery of the pistol is concern, the pistol is properly licensed in the name of appellant and is in possession of valid license.

E. That the motorcycle is also appellant's personal property and has been given to appellant by the court on superdari and nothing has been recovered from Motorcycle as well.

F. That the alleged amount shown in FIR is also appellant's personal and is nothing to do with the allegation in FIR.

G. That the appellant is totally innocent, that's why he was acquitted in the instant case.

H. That all the witnesses are Police official and due to hidden ulterior motive, appellant have been indulged in the instant case.

I. That no final show cause notice has been issued by the Respondent department which is a mandatory provision before passing the impugned order.

J. That the appellant is neither associated with the inquiry nor any witness examined in presence of appellant.

K. That the appellant is not given any opportunity of cross-examination.

- 8 -

L. That right of fair trial has not been provided
as per article 10-A of the constitution.

M. That the impugned order is against FR-29
hence not maintainable.

N. That the appellant seeks permission of this
Hon'ble Tribunal for further additional
grounds at the time of arguments.

*It is, therefore, most humbly prayed that
on acceptance of the instant Appeal the
impugned order, dated 13/03/2018 and
14/05/2018 may kindly be set aside as prayed
for.*

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

Dated: 23/05/2018



Appellant

Through



Roeda Khan

① &

Afshan Manzoor

Advocates High Court
Peshawar.

NOTE:-

No such like appeal for the same appellant, upon the same
subject matter has earlier been filed by me, prior to the
instant one, before this Hon'ble Tribunal.


Advocate.

BEFORE THE HONBLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR

In Re S.A _____/2018

Miraj Habib

Versus

Government of Khyber Pakhtunkhwa and others

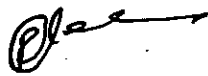
AFFIDAVIT

I, Miraj Habib S/o Habib Gul R/o MUghal Kot, District Swabi Ex. I.H.C Police Department Mardan, do hereby solemnly affirm and declare that all the contents of the accompanied appeal are true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Hon'ble Tribunal.



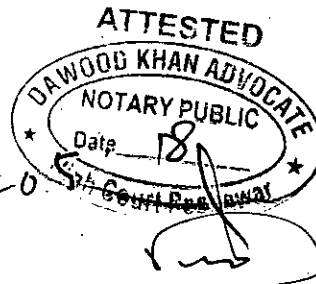
DEPONENT

Identified By:



Rozeeda Khan

Advocate High Court
Peshawar.



**BEFORE THE HONBLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR**

In Re S.A _____/2018

Miraj Habib

Versus

Government of Khyber Pakhtunkhwa and others

ADDRESSES OF PARTIES

APPELLANT.

Miraj Habib S/o Habib Gul R/o Mughal Kot, District Swabi
Ex. I.H.C Police Department Mardan.

RESPONDENTS:

1. Government of Khyber Pakhtunkhwa through
Secretary Home, Civil Secretariat, Police.
2. Regional Police Officer Mardan.
3. Deputy Inspector General of Police Mardan.
4. District Police Officer Mardan.

Dated: 23/05/2018



Appellant

Through



Roeda Khan



Afshan Manzoor

Advocates High Court
Peshawar.

(12) Ann - "B"

Aux - D

POLICE DEPARTMENT

MARDAN DISTRICT

(22)

ORDER

This order will dispose off inquiry against IHC Mairaj Habib No. 2348, while posted as Gurd Commander of Investigation Bureau, Mardan committed the following act, which is are grass misconduct on his part as defined in Rules 02 (iii) of Police Rules 1975.

That IHC Mairaj Habib No. 2348, while posted as Gurd Commander of Investigation Bureau, Mardan, ASI Taimur Khan PS City recovered 12 bottles wine, one Pistol 30 bore with 20 rounds, one Motorcycle and amount of Rs 3000/-selling amount of wine from his possession and registered case vide FIR No. 646 dated 23.06.2014 u/s 3/ PO/15AA PS City against him.

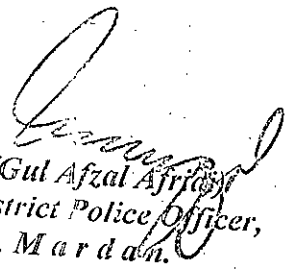
In this connection, IHC Mairaj Habib No. 2348, was served Final Show Cause vide Investigation office No. 125/PA, dated 22.07.2014 and he was also proceeded against departmentally through Mr: Shahid Ahmad Khan SP/Investigation Mardan, who after fulfilling necessary process, submitted his findings to the undersigned vide his office endorsement No. 135/Inv: dated 08.08.2014, as the allegation has been established against him.

After going through Inquiry file the undersigned agree with the findings of enquiry officer and the alleged IHC Mairaj Habib No. 2348, is hereby dismissed from service in exercise of the power vested in me under the Police rules 1975.

Order announced

O.B No. 1727

Dated 15/8 /2014


(Gul Afzal Afridi)
District Police Officer,
Mardan.

No. 8499-3505/R dated Mardan the 18-8 /2014

Copy for information and necessary action to:-

1. The Deputy Inspector General of Police Mardan Region-1, Mardan.
2. The S.P Investigation Mardan.
3. The S.P Operations, Mardan.
4. The DSP/HQrs Mardan.
5. The Pay Officer (DPO) Mardan.
6. The E.C (DPO) Mardan.
7. The OASI (DPO) Mardan.

13/8

ATTN

مہتمم نقل آرڈر ریٹرنڈ ضلعہ ماردان جہاں بر افتاب اقبال JM/IV
 برمنڈہ 19-10-14 07-11-15 09-2-15
 قطعہ "Am" موروم (13)

Or---17

07.11.2015

APP for the state present. Accused present on bail along with counsel.



Through this order I shall dispose off an application u/s 249-A Cr.P.C filed by the accused in case FIR No.646 dated 23.06.2014 u/s 3/4 PO/19 AA P.S. City, Mardan.

Arguments heard and record perused.

Perusal of the record reveals that despite of prior information the local police did not bother to associate two independent private witnesses to the recovery proceedings. No explanation regarding the non-association of witnesses has been mentioned on record thereby the local police has out rightly violated the mandatory provision of sec 103 Cr.P.C. Resultantly the recovery in question became suspicious. Recovery was effected on 23.06.2014 while the recovered wine were sent to FSL on 15.07.2014 i.e. after laps of 23 days and there is nothing available on record that in whose custody the same were kept for that period. Furthermore, the case has been put in court on 21.10.2014 and till yet prosecution has failed to produce only a single witness.

In view of the above it is well established that there is no probability of conviction of the accused if whole the prosecution evidence is brought on record. Therefore, accused facing trial is hereby acquitted u/s 249-A Cr.P.C from the charges leveled against him. Sureties relieved. Case property i.e. pistol has already been returned to licensee while wine be destroyed after expiry of period of appeal/revision. File be consigned to SRR, Mardan after its completion.

Announced
07.11.2015

(Aftab Iqbal)
JM-IV, MARDAN

سقا
بہا
سراج حبیب

سراج حبیب و سقا حبیب کی طرف سے مردان

Name of Applicant	
Application No	17028
Date of Presentation of Application	19-12-16
Date on which copy Prepared	23-12-16
Date on which copy Examined	23-12-16
Signature	01/12
Amount of Copying fee	
Signature	M-P
Date	26-12-16

Copy Department
M. T 23-12-16

ATTACHED

197
Ann (D)
Award (N) (D)
Ann E
(23)

To

The Deputy Inspector General
Of Police.
Mardan

Sub:- Departmental Appeal against the order dated 15/08/2014, communicated to appellant vide letter ondst: No. 8499-8505/R Dt Mardan 18/08/2014, wherein appellant is dismissed from service which is illegal, against law and facts, of superintendent District Jail Mardan.

On acceptance of this appeal, order dated 15/08/2014 may please be set aside and appellant may please be reinstated in service with all back benefits.

Respected Sir,

Appellant Humbly submits as under

1. That appellant was appointed as constable vide order dated 25/03/1994 and promoted vide order dated 05-01-05 as I.H.C.
2. That appellant has got unblemished record of service.
3. That impugned order is illegal, against law and facts on the following grounds.

GROUND

- A. Because appellant is innocent and falsely charged.
- B. Because appellant is only charged which means allegation and as per law appellant is presumed to be innocent.
- C. Because the alleged recovery of 12 bootless of wine from my possession is false frivolous,

concocted and baseless the said recovery allegedly shown in FIR mentioned above is steered by ulterior motive and malafide intention and just damage my flourishing future.

D. Because so far as the recovery of the pistol is concern, the pistol is properly licensed in the name of undersigned and is in possession of valid license. (Copy is Annexed herewith).

E. Because the motorcycle is also my personal property and has been given to me by the court on superdari and nothing has been recovered from Motorcycle as well.

F. Because the alleged amount shown in FIR is also my personal and is nothing to do with the allegation is FIR.

G. That the accused/petitioner is totally innocent that's why I have been released on bail.

H. Because I have been vletimized due to unwarranted concocted allegation leveld in the FIR.

I. Because I am a dutiful person previously not involved in such like cases and my service record is blameless.

J. Because the allegation of transportation of wine and possession of pistol is false and concocted which fact is evident from the fact that inspite of prior information no independent witness has supported the version and no test purchase has been affected.

K. Because the allegation /occurrence as per FIR is *allegedly* taken place on the main road but no independent witness was cited from the public.

L. Because all the witnesses are police official and due to hidden ulterior motive , I have been indulged in the instant case.

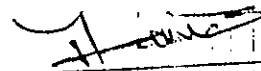
16

25

M. Because as the case is pending and the trial is yet to be commenced, which would determine the fate of undersigned that whether I have committed the offence or not and imposing penalty without waiting for the decision of competent court would amount to imposing/awarding punishment without trial.

So it is very humbly prayed, that on acceptance of this departmental appeal, order dated 15/08/2014 may please be set aside and appellant may please be re-instated in service with all back benefits. I shall pray for your long life.

Your's obediently,



Miraj Habib S/o Habib, Gul R/o
Mughal Kot Distt: Swabi
(I.H.C police Department Mardan)

23/8/2014

Ⓟ

ATTESTED

Ann (E) (77) (26) Ana-E
ORDER.

This order will dispose-off the appeal preferred by Ex-IHC Miraj Habib No. 2348 of Mardan District Police against the order of District Police Officer, Mardan, wherein he was dismissed from service vide district Police Officer, Mardan OB: No. 1727 dated 15.08.2014.

Brief facts of the case are that he while posted as Guard Commander of Investigation Wing Bureau, ASI Taimoor KHAN recovered 12 bottles wine, one Pistol 30 bore with 20 rounds, one Motorcycle and amount of Rs. 3000/- selling amount of wine from his possession and registered case vide No. 646 dated 23.06.2014 u/s 3/4 PO/15AA Police Station City, Mardan against him. In connection he was served with Final Show Cause Notice and also proceeded against departmentally through Superintendent of Police Investigation, Mardan, after fulfilling necessary process, submitted his findings to District Police Officer, and the allegations were established against him, therefore he was dismissed service.

I have perused the record and also heard the appellant in Orderly Room held in this office on 10.09.2014. He failed to justify his innocence and could not advance any cogent reason in his defence. Therefore, I MUHAMMAD SAEED Deputy Inspector General of Police, Mardan Region-I, Mardan in exercise of the powers conferred upon me reject the appeal, not interfere in the order passed by the competent authority, thus the appeal is filed.

ORDER ANNOUNCED.

6/10 (MUHAMMAD SAEED)PSP
Deputy Inspector General of Police,
Mardan Region-I, Mardan.

No. 6169 /ES, Dated Mardan the 12/09 /2014.

Copy to District Police Officer, Mardan for information and necessary action w/r to his office Memo: No. 732/LB dated 02.09.2014.

His service record is returned herewith.

(*****)

R
ATTES

(18)

Ann "S" "F"

1

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

SERVICE APPEAL NO. 1207/2014

Date of institution ... 01.10.2014
Date of judgment ... 02.11.2017



Miraj Habib S/o Habib Gul
R/o Mughal Kot, District Swabi
Ex-I.H.C Police Department Mardan.

... (Appellant)

VERSUS

1. Government of KPK through Secretary Home, Civil Secretariat, Peshawar.
2. Deputy Inspector General of Police Mardan.
3. District Police Officer, Mardan.

... (Respondents)

SERVICE APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 15.08.2014 WHEREBY APPELLANT WAS DISMISSED FROM SERVICE AND ORDER DATED 12.09.2014 OF RESPONDENT NO. 2 WHEREBY DEPARTMENTAL APPEAL OF APPELLANT WAS DISMISSED WHICH ARE ILLEGAL AGAINST THE LAW AND FACTS.

Mr. Amjad Ali .. For appellant.
Mr. Kabirullah Khattak, Additional Advocate General .. For respondents.

Mr. MUHAMMAD AMIN KHAN KUNDI .. MEMBER (JUDICIAL)
MR. MUHAMMAD HAMID MUGHAL .. MEMBER (JUDICIAL)

ATTESTED

JUDGMENT

MEMBER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

MUHAMMAD AMIN KHAN KUNDI, MEMBER: - This appeal has

been filed by the appellant under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the order dated 15.08.2014 passed by District Police Officer Mardan whereby he dismissed the appellant from service on the allegation that FIR No. 646 dated 23.06.2014 under sections 3/4 PO/15AA Police Station City, Mardan was registered against him and in the departmental proceedings the appellant


ATTESTED

was found guilty. The appellant also filed departmental appeal on 23.08.2014 which was rejected on 12.09.2014 hence, the present service appeal on 01.10.2014.

2. Learned counsel for the appellant contended that the appellant was appointed as Constable in the Police Department on 25.03.1994 and was promoted to the post of I.H.C vide order dated 05.01.2005. It was further contended that the appellant was serving in the police department to the satisfaction of ^{his} the superior. It was further contended that during service he was departmentally proceeded on the basis of aforesaid criminal case but neither charge sheet was framed against the appellant nor the appellant was associated with the inquiry proceedings nor any opportunity of cross examination was provided to the appellant. It was further contended that report of alleged departmental inquiry was also not handed over to the appellant at the time of alleged show cause notice to the appellant. It was further contended that the appellant was given show cause notice on 22.05.2014 and 25.06.2014 and the appellant also submitted reply to the aforesaid show cause notices but the inquiry report was prepared on 17.07.2014. It was further contended that the appellant has also been acquitted in the aforesaid criminal case therefore, the impugned order is illegal and liable to be set-aside and prayed for acceptance of appeal.

3. On the other hand, learned Additional Advocate General Mr. Kabirullah Khattak, opposed the contention of learned counsel for the appellant and contended that the appellant was involved in criminal case vide FIR No. 646 dated 23.06.2014 under sections 3/4 PO/15AA Police Station City, Mardan. It was further contended that incriminating recovery were affected from the personal possession of the appellant. It was further contended that a proper inquiry was conducted wherein the inquiry officer also recorded the statement of witnesses and after recording the statement of witnesses the inquiry officer came to the conclusion that the appellant was found guilty and on the basis of the inquiry report proper show cause notices was given to the appellant but the appellant failed to satisfy the competent authority therefore, the competent

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar



ATTESTED

authority has rightly dismissed the appellant from service and prayed for dismissal of appeal.

4. Perusal of the record reveals that the appellant was serving in Police Department since 25.03.1994 and during service he was involved in a criminal case vide FIR No. 646 dated 23.06.2014 under sections 3/4 PO/15AA Police Station City, Mardan. The record further reveals that on the basis of said FIR a departmental proceeding was initiated against the appellant but neither charge sheet was framed nor the same is available on record. Furthermore the inquiry officer has recorded the statement of the witnesses in the inquiry proceedings and it has also been mentioned in para-2 of inquiry report that he has recorded the statement of investigation officer as well as eye witnesses but neither the appellant was provided opportunity of cross examination nor defence nor he was provided opportunity of personal hearing. Furthermore the record reveals that the appellant has submitted reply to show cause notice dated 22.05.2014 and 25.06.2014 where as the inquiry report was finalized on 17.07.2014 which also shows that the show cause notice was issued to the appellant before finalizing the inquiry report by the inquiry officer which also rendered the whole proceedings illegal vide ab-initio. Therefore, we are constrained to accept the appeal set-aside the impugned order and reinstate the appellant in service. However, the department is at liberty to conduct a proper de-novo inquiry in the mode and manner prescribed by law within four months from the receipt of this judgment and in case of de-novo inquiry the issue of back benefits will be subject to the outcome of de-novo inquiry. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
02.11.2017

(MUHAMMAD HAMID MUGHAL)
MEMBER

(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

Certified to be true copy
E. M. Khan
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application 29-11-17
Number of Words 1200
Copying Fee 8-
Urgent 0-
Total 8-
Name of Copyist M. A. Khan
Date of Completion of Copy 30-11-17
Date of Delivery of Copy 30-11-17

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ATTESTED



Ann - 'G' (211)
**OFFICE OF THE
DISTRICT POLICE OFFICER
MARDAN**

Tel: 0937-9230109
Fax: 0937-9230111
Email: dpomardan650@gmail.com
Facebook: District Police Mardan
Twitter: @dpomardan

No. 49 /R.D.A-P.R-1975.
Dated 19-1 /2018.

DISCIPLINARY ACTION UNDER KPK POLICE RULES - 1975

I, Dr. Mian Saeed Ahmed District Police Officer, Mardan as competent authority am of the opinion that IHC Mairaj Habib No. 2348, rendered himself liable to be proceeded against as he committed the following acts/omission within the meaning of section-02 (iii) of KPK Police Rules 1975.


STATEMENT OF ALLEGATIONS

That IHC Mairaj Habib No. 2348, while posted as Guard Commander at Investigation Bureau, Mardan ASI Taimor Khan of PS City Mardan recovered 12-Bottles wine, 01-Pistol 30-Bore with 20-Rounds, 01-Motor Cycle and cash amount Rs. 3,000/- (Selling amount of wine) from his possession and registered a case vide FIR No. 646 dated 23.06.2014 u/s ¼ PO /15AA PS City against him. Later on, he was issued Final show cause notice vide SP/Inv: Mardan office No. 125/PA, dated 22.07.2014 and deputed Mr. Bacha Said Khan, CO HQr as enquiry officer. The same was delivered upon him in person on 23.07.2014 but he failed to defend the charges leveled against him so that the enquiry officer recommended him for major punishment vide SP/Invest: Mardan office Memo: No. 135/Inv: dated 08.08.2014 so that he was awarded major punishment of "Dismissal form Service" vide OB No. 1727, dated 15.08.2014. On 10.09.2014, he approached to the W/DIG, Mardan wherein his appeal was rejected vide his office Order No. 6169/ES, dated 12.09.2014. Then he approached to the Service Tribunal, Khyber Pakhtunkhwa, Peshawar wherein he issued orders for his reinstatement in service / De-novo departmental proceedings vide Judgment dated 02.01.2017. He was recommended for de-novo departmental proceeding by the Addl: Inspector General Police, E&I, Khyber Pakhtunkhwa, Peshawar vide his office letter No. 05-06/E&I: dated 08.01.2017. Therefore, the alleged IHC is liable to proceed against departmentally for above allegations leveled against him.

2. For the purpose of scrutinizing the conduct of the said official with reference to the above allegations **SP Investigation, Mardan** is appointed as Enquiry Officer.

3. The enquiry officer shall conduct proceedings in accordance with provisions of Police Rules 1975 and shall provide reasonable opportunity of defense and hearing to the accused official, record its findings and make within twenty five (25) days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused officer.

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


(Dr. Mian Saeed Ahmed) PSP
District Police Officer,
Mardan


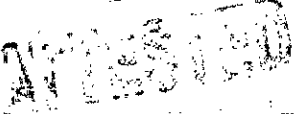
OFFICE OF THE DISTRICT POLICE OFFICER, MARDAN

No. _____ /R. dated Mardan the _____ /2018.

Copy of above is forwarded to the:

1. **SP Investigation, Mardan** for initiating proceedings against the accused official / Officer namely IHC Mairaj Habib No. 2348, under Police Rules, 1975.
2. IHC Mairaj Habib No. 2348, with the directions to appear before the Enquiry Officer on the date, time and place fixed by the enquiry officer for the purpose of enquiry proceedings.

***** !!! *****

Ann - "G" H

(22)

CHARGE SHEET UNDER KPK POLICE RULES 1975

I, **Dr. Mian Saeed Ahmed** District Police Officer, Mardan as competent authority hereby charge you **IHC Mairaj Habib No. 2348**, as follows.

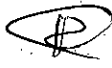
That you **IHC Mairaj Habib No. 2348**, while posted as Guard Commander at Investigation Bureau, Mardan ASI Taimor Khan of PS City Mardan recovered 12-Bottles wine, 01-Pistol 30-Bore with 20-Rounds, 01-Motor Cycle and cash amount Rs. 3,000/- (Selling amount of wine) from your possession and registered a case vide FIR No. 646 dated 23.06.2014 u/s ¼ PO /15AA PS City against you. Later on, you were issued Final show cause notice vide SP/Inv: Mardan office No. 125/PA, dated 22.07.2014 and deputed Mr. Bacha Said Khan, CO HQr as enquiry officer. The same was delivered upon him in person on 23.07.2014 but he failed to defend the charges leveled against him so that the enquiry officer recommended him for major punishment vide SP/Invest: Mardan office Memo: No. 135/Inv: dated 08.08.2014 so that he was awarded major punishment of "Dismissal form Service" vide OB No. 1727, dated 15.08.2014. On 10.09.2014, he approached to the W/DIG, Mardan wherein his appeal was rejected vide his office Order No. 6169/ES, dated 12.09.2014. Then he approached to the Honorable Service Tribunal, Khyber Pakhtunkhwa, Peshawar wherein he issued orders for his reinstatement in service / De-novo departmental proceedings vide Judgment dated 02.01.2017. He was recommended for de-novo departmental proceeding by the Addl: Inspector General Police, E&I, Khyber Pakhtunkhwa, Peshawar vide his office letter No. 05-06/E&I, dated 08.01.2017. Therefore, the alleged IHC is liable to proceed against departmentally for above allegations leveled against him.

This amounts to grave misconduct on your part, warranting departmental action against you, as defined in section - 6 (1) (a) of the KPK Police Rules 1975.

1. By reason of the above, you appear to be guilty of misconduct under section - 02 (iii) of the KPK Police Rules 1975 and has rendered yourself liable to all or any of the penalties as specified in section - 04 (i) a & b of the said Rules.
2. You are therefore, directed to submit your written defense **within seven days** of the receipt of this charge sheet to the enquiry officer.
3. Your written defence if any, should reach to the enquiry officer within the specified period, failing which, it shall be presumed that you have no defense to put-in and in that case, an ex-parte action shall follow against you.
4. Intimate whether you desired to be heard in person.

Received
23-01-018
H. Saeed


(Dr. Mian Saeed Ahmed) PSP
District Police Officer,
Mardan


ATTESTED

Am - "I"

(23)

To

The Head of Investigation,
Mardan

Subject: Reply to Charge Sheet/ statement of allegation dated
19.01.2018

Sir,

- 1) That the allegation/ charge framed is incorrect. Denied specifically.
- 2) That the very charge sheet/ statement of allegation is incorrectly framed and misconceived.
- 3) That the only charge is registration of FIR No.646 dated 23.06.2014 u/s 3/4 P.O./ 15 AA P.S. City Mardan whereas I have been acquitted of the same as order of competent court order dated 7-11-2015. (Attested copy of order of Magistrate dated 7-11-2015 is attached).
- 4) That in view of aforementioned judgment of the Hon'ble Court the F.I.R. is no more in the field.
- 5) That as per PLD 2010 SC 655, 1998 SCMR 1993, 2001 PLC CS 316 when the charge is the same and civil servant is acquitted of the criminal charge then on same charge, inquiry in disciplinary proceedings cannot be made.
- 6) That findings of court is superior to inquiry officer.
- 7) That I am jobless since dismissal.
- 8) That I am declared innocent even by the competent court of law.

ATTESTED

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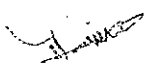
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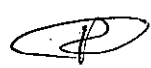
That legally no inquiry of dismissed civil servant be carried out unless reinstated into service.

It is, therefore, humbly prayed that the charge sheet/ statement of allegation may please be filed without any further action and I may please be reinstated in service with all back benefits.

Dated: 26/01/2018

Meraj Habib
Ex.IHC




ATTESTED



Ann-^(J)

(25)

OFFICE OF THE
DISTRICT POLICE OFFICER
MARDAN

Tel: 0937-9230109

Fax: 0937-9230111

Email: dpomardan650@gmail.com

Facebook: District Police Mardan

Twitter: @dpomardan


No. _____/R,

Dated _____/2018.

ORDER

This order will dispose-off departmental (De-novo) inquiry, which has been conducted against IHC Meraj Habib No. 2348, on the allegation that he while posted as Guard Commander at Investigation Bureau, Mardan ASI Taimor Khan of PS City Mardan recovered 12-Bottles wine, 01-Pistol 30-Bore with 20-Rounds, 01-Motor Cycle and cash amount Rs. 3,000/- (Selling amount of wine) from his possession and registered a case vide FIR No. 646 dated 23.06.2014 u/s ¼ PO /15AA PS City against him. Later on, he was issued Final show cause notice vide SP/Inv: Mardan office No. 125/PA, dated 22.07.2014 and deputed Mr. Bacha Said Khan, CO HQr as enquiry officer. The same was delivered upon him in person on 23.07.2014 but he failed to defend the charges leveled against him so that the enquiry officer recommended him for major punishment vide SP/Invest: Mardan office Memo: No. 135/Inv: dated 08.08.2014 so that he was awarded major punishment of "Dismissal from Service" vide OB No. 1727, dated 15.08.2014. On 10.09.2014, he approached to the W/DIG, Mardan wherein his appeal was rejected vide his office Order No. 6169/ES, dated 12.09.2014. Then he approached to the Service Tribunal, Khyber Pakhtunkhwa, Peshawar wherein he issued orders for his reinstatement in service / De-novo departmental proceedings vide Judgment dated 02.01.2017. He was recommended for de-novo departmental proceeding by the Deputy Inspector General Police, E&I, Khyber Pakhtunkhwa, Peshawar vide his office letter No. 05-06/E&I, dated 08.01.2017. Therefore, the alleged IHC was liable to proceed against departmentally for above allegations leveled against him.

In this connection, IHC Meraj Habib No. 2348, was charge sheeted vide this office No. 49/R, dated 19.01.2018 and also proceeded him against departmentally through Mr. Janas Khan, SP / Investigations Mardan, who after fulfilling necessary process, submitted his findings to the undersigned vide his office Memo: No. 459/PA, Inv, dated 06.03.2018. The allegations have been established against him and the Enquiry Officer recommended him for major punishment.


ATTESTED

(26)

After going through enquiry papers and also heard him in Orderly Room on 09.03.2018, the undersigned reached to the conclusion that the name of alleged IHC Meraj Habib No. 2348, is hereby "Removed from list - D" while his intervening period is treated as leave without pay, with immediate effect in exercise of the power vested in me under the above quoted rules.

Order announced

O.B No. 591

Dated 13-3-2018



Dr. Mian Saeed Ahmed (PSP)
District Police Officer,
Mardan.

No. 2622-28/R, dated Mardan the 13-3- /2018.

Copy for information to:-

1. The Deputy Inspector General Police, E&I, Khyber Pakhtunkhwa, Peshawar w.r.t his office letter No. 05-06/E&I, dated 08.01.2017.
2. The Deputy Inspector General of Police Mardan Region-1, Mardan.
3. The S.P Operations, Mardan.
4. The SP/Investigation, Mardan.
5. The Pay Officer (DPO) Mardan.
6. The E.C (DPO) Mardan.
7. The OSI (DPO) Mardan.

*****!!!*****


ATTEST

Am - K (27)

BEFORE THE D.I.G MARDAN REGION-I MARDAN

**Subject: APPEAL AGAINST THE ORDER OF DPO MARDAN
ISSUE VIDE HIS OFFICE O.B NO. 591 DATED
13/03/2018 WHEREBY, THE APPELLANT WAS
AWARDED MAJOR PUNISHMENT OF "REMOVED
FROM LIST-D" AFTER (DE-NOVO) INQUIRY.**

Respected Sir,

The DPO Mardan had issued charge sheet cum statement of allegations to the appellant with the following allegations.

"That IHC Meraj Habib No. 2348 while posted as Guard Commander at Investigation Bureau, Mardan, ASI Taimor Khan of PS City Mardan recovered, 12-Bottles wine, 01-Pistaol 30-Bord with 20-Rounds, 01-Motor Cycle and cash amount Rs. 3,000/- (Selling amount of wine) from his possession and registered a case vide FIR No. 646 dated 23.06.2014 u/s 3/4 Po-15AA PS City Mardan against him."

1. It is submitted that the in the light of the above charge sheet a departmental inquiry was initiated against the appellant Mr. Bacha Said Khan CO HQr, Investigation was appointed as Inquiry Officer. The appellant produced a detailed and comprehensive reply to the charge sheet before the Inquiry Officer regarding his innocence in the case. The version of the appellant was not considered The EO recommended him for major punishment. In the light of the inquiry finding the DPO Mardan awarded major punishment of dismissal from service to the appellant vide OB No. 1727, dated 15.08.2014.

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(28)

2. The appellant filed an appeal before the DIG Mardan against the order of DPO Mardan issued vide OB No. 1727 dated 15.08.2014 but his appeal was rejected vide DIG Mardan Office Order No. 6169/ES, dated 12.08.2014.
3. Being aggrieved from the order of DPO Mardan and rejection of appeal by DIG Mardan, the appellant approached to the Services Tribunal Khyber Pakhtunkhwa, Peshawar vide appeal No. 1207/2014. The Honourable Court vide his judgment dated 02.11.2017 set-aside the order of DPO Mardan and reinstated the appellant in the service with all back benefits. However, as per the court order the department was left at the liberty to conduct (De-Novo) inquiry into the matter. Copy of Court judgment dated 02.11.2017 is enclosed.
4. That in the light of Services Tribunal Judgment dated 02.11.2017 the appellant was reinstated in the service by DPO Mardan and was issued charge sheet cum statement of allegation No. 49 dated 19.01.2018 for (De-Novo) Inquiry. Mr. Janas Khan SP Investigation Mardan was appointed as Inquiry Officer. During the course of (De-Novo) Inquiry the appellant against produced a detailed and comprehensive reply to the charge sheet. It would not be out of place to mention here that the appellant was quite innocent in the Criminal Case registered against him vide FIR No. 646 dated 21/06/2014 U/S 3/4PO/15AA PS City Mardan, in the said case proper trial was continued in the competent Court of Law and vide Court Order No. 17 dated 07/11/2015 the appellant


ATTESTED

was acquitted in the case. (Copy of Court Judgment No. 17 dated 07/11/2015 issued by Aftab Iqbal Judicial Magistrate Mardan is enclosed).

5. That in the light of the (De-Novo) Inquiry finding the DPO Mardan awarded major punishment to the appellant by removing him from promotion list-D vide OB No. 551 dated 13/03/2018. The appellant was badly affected from this order and hence the present appeal. (Copy of OB No. 591 dated 13/03/2018 is enclosed).

GROUNDS OF APPEAL

- a) That the allegations leveled against the appellant are false & baseless. A false and concocted criminal case vide FIR No. 646 dated 23/06/2014 of PS City Mardan was registered against the appellant, wherein this case the appellant has been Honourably acquitted by a competent Court of Law vide Judgment No. 17 dated 07/11/2015.
- b) That the appellant has been Honourable reinstated in his service by the Court of Services Tribunal Khyber Pakhtunkhwa Peshawar. The court order is superior than the inquiry finding submitted by Administrative Officer.
- c) That when the Civil Servant is once acquitted in a Criminal Case by competent Court, then further inquiry proceeding cannot be made and hence the (De-Novo) Inquiry conducted against the appellant is unjustified.

ATTESTED

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- d) That the appellant was enlisted as Constable in Police Department on 25/03/1994. Since then the appellant was neither dealt departmentally nor punished throughout the whole period of service. This fact is evident from the shining service record of the appellant and goes in his credit.
- e) The appellant is highly qualified and is of the hope to get further promotion in his service career but unfortunately the punishment so awarded to the appellant has destroyed the service future of the appellant.
- f) The appellant is married with 5 kids and the livelihood of the entire family is depend upon the Police Service of the appellant.
- Keeping in view the above facts & circumstances, lengthy period of service and service future of the appellant, it is humbly requested that the impugned order of DPO Mardan may kindly be set-aside please. Furthermore, all the back benefits ordered by the Court of Services Tribunal may also be granted to the appellant.

Dated: 22/03/2018

Yours Obediently

[Handwritten Signature]

IHC Meraj Habib No. 2348
Police Line Mardan.

[Handwritten Initials]
ATTESTED

Am - (31)

ORDER.

This order will dispose-off the appeal preferred by **Head Constable Meraj Habib No. 2348** of Mardan District Police against the order of the District Police Officer, Mardan whereby he was awarded Punishment of Removal from list "D" vide District Police Officer, Mardan OB No. 591 dated 13.03.2018.

Brief facts of the case are that he while posted to Guard Commander at Investigation Bureau, Mardan ASI Taimor Khan of PS City Mardan recovered 12-Bottles wine, 01-Pistol 30-Bore with 20-Rounds, 01-Motor Cycle and cash amount Rs. 3,000/- (Selling amount of wine) from his possession and registered a case vide FIR No. 646 dated 23.06.2014 u/s ¼ PO /15AA PS City against him. Later on, he was issued Final show cause notice vide SP/Inv: Mardan office No. 125/PA, dated 22.07.2014 and appointed Mr. Bacha Said Khan, C.O HQrs as enquiry officer. The same was delivered upon him in person on 23.07.2014 but he failed to defend the charges leveled against him so that the enquiry officer recommended him for major punishment vide SP/Invest: Mardan office Memo: No. 135/Inv: dated 08.08.2014 and he was awarded major punishment of "Dismissal form Service" vide OB No. 1727, dated 15.08.2014. On 10.09.2014, he approached to Region Office, Mardan wherein his appeal was rejected vide this office Order No. 6169/ES, dated 12.09.2014. Then he approached to the Service Tribunal, Khyber Pakhtunkhwa, Peshawar wherein he issued orders for his reinstatement in service / De-novo departmental proceedings vide Judgment dated 02.011.2017. He was recommended for de-novo departmental proceeding by the Deputy Inspector General Police, E&I, Khyber Pakhtunkhwa, Peshawar vide his office letter No. 05-06/E&I, dated 08.01.2017. Therefore, the alleged IHC was liable to proceed against departmentally for above allegations leveled against him. In this connection, IHC Meraj Habib No. 2348, was charge sheeted vide this office No. 49/R, dated 19.01.2018 and also proceeded against departmentally through Mr. Janas Khan, SP / Investigations Mardan, who after fulfilling necessary process, submitted his findings to the District Police Officer, Mardan vide his office Memo: No. 459/PA, Inv, dated 06.03.2018, The allegations have been established against him and the Enquiry Officer recommended him for major punishment. After going through enquiry papers and also call in orderly room District Police Officer, Mardan reached to the conclusion that the name of alleged IHC Meraj Habib No. 2348, was "Removed from list - D" while his intervening period was treated as leave without pay vide OB No. 591 dated 13.03.2018.

He was called in orderly room held in this office on **10.05.2018** and heard him in person, but he failed to produced any cogent reason proving himself innocent from the charges leveled against him therefore, I find no grounds to intervene the order passed by the then District Police Officer, Mardan. **Hence Appeal is rejected.**

Muhammad Alam Shinwari)PSP
Regional Police Officer,
Mardan

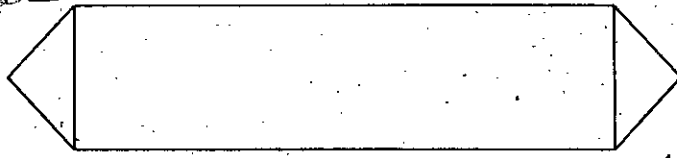
No. 3219 /ES, Dated Mardan the 14 - 5 - /2018.

Copy to District Police Officer, Mardan for information and necessary action w/r to his office Memo: No. 380/ LB dated 07.05.2018. The Service Record is returned herewith.

(*****)

ATTESTED

بعدالت حج



2018ء منجانب

فصل حسب بنام

مورخہ

مقدمہ

دعویٰ

جرم

باعث تحریر آنکے

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

آن مقام کے اقرار کیا جاتا ہے۔ کیلئے روئے قضائے ادا و تسکین

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز

وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر خلف دیئے جواب دہی اور اقبال دعویٰ اور

بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق

زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی

اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت

مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے

تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے

اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے

سبب سے وہ ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں

گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

2018ء

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ماہ

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المرقوم

العہدہ

کے لئے منظور ہے۔

مقام

۱۱/۱۱/۱۱

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR.

Service Appeal No. 705/2018.

Miraj HabibAppellant.

VERSUS.

District Police Officer, Mardan & others.....Respondents.

Respectfully Sheweth:

PRELIMINARY OBJECTIONS:-

1. That the appellant has not come to this Honourable Tribunal with clean hands.
2. That the appellant has got no cause of action.
3. That the appellant has concealed material facts from this Honourable Tribunal.
4. That the appellant is estopped by his own conduct, by law to bring the instant appeal.
5. That the present appeal is bad in its present form hence not maintainable and liable to be dismissed.
6. That the appeal is bad due to non-joinder of necessary parties and mis-joinder of unnecessary parties.

REPLY ON FACTS.

1. Incorrect. The appellant was enlisted as constable on 02.04.1994 and his service record carries numerous bad entries. **(Copies of red/bad entries are attached as Annexure-A).**
2. Correct, hence, no comments.
3. Correct, hence, no comments.
4. Correct, however acquittal him a criminal charge by criminal court having no effect on the departmental proceedings.
5. Correct, hence, no comments.
6. Correct, hence, no comments.
7. Correct, hence, no comments.
8. Correct, hence, no comments.
9. Pertains to record. However, the charges were proved in Inquiry. **(Copy of De-novo Inquiry is attached as Annexure-B)**
10. Correct, hence, no comments.
11. Correct to the extent of rejection order which was on solid grounds.
12. Incorrect. The impugned orders are legal and the instant appeal holds no grounds, legal or moral, to stand here on in this Honourable Tribunal.

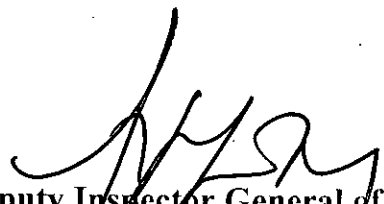
REPLY ON GROUNDS:-

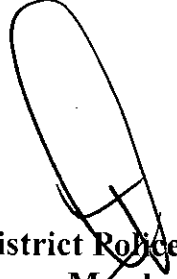
- A. Incorrect. The impugned orders are legal passed in accordance with rules/law. Hence, maintainable in the eyes of law.
- B. Incorrect as the appellant has been treated as per rules/law.
- C. Incorrect. The appellant was arrested red-handed by recovering the alleged bottles of wine and other articles from his person and bike/motorcycle as well. Besides, there is no malafide on the part of respondents. **(Copy of FIR is attached as Annexure-C).**
- D. Incorrect. The appellant had failed to present licence of the said recovered pistol on the spot, hence, denied.
- E. Incorrect. Recovery of wine bottles was affected from him and his motorcycle and the appellant had also failed to produce valid documents/registration. Hence, denied.
- F. Incorrect, hence, denied.
- G. Incorrect, hence, denied.
- H. Incorrect, hence, denied.

- I. Incorrect. All codal formalities has been fulfilled during departmental proceedings. He was provided opportunity of personal hearing. Hence, denied. **(Copies of Charge Sheet & Statement of Allegations are attached as Annexure-E).**
- J. Incorrect. The appellant has been dealt in accordance with rules/law and all codal formalities has been done with.
- K. Incorrect. Hence, denied.
- L. Incorrect and baseless, hence, denied.
- M. Incorrect and baseless, hence, denied.
- N. The respondents also seek permission to raise additional grounds, if any, at the time of arguments.

PRAYER:-

The prayer of the appellant, being baseless & devoid of merits, is liable to be dismissed with costs.


**Deputy Inspector General of Police,
Mardan Region-I, Mardan**
(Respondent No. 2-3)


**District Police Officer,
Mardan**
(Respondent No. 4)

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR.

Service Appeal No. 705/2018.

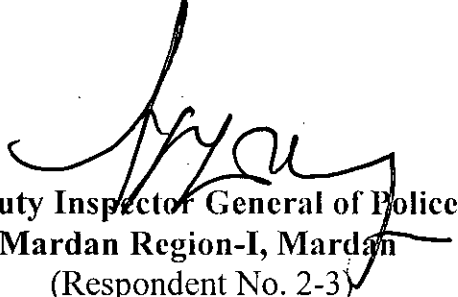
Miraj HabibAppellant.


VERSUS.

District Police Officer, Mardan & others.....Respondents.

COUNTER AFFIDAVIT.

We, the respondents do hereby declare and solemnly affirm on oath that the contents of the Para-wise comments in the service appeal cited as subject are true and correct to the best of our knowledge and belief and nothing has been concealed from this Honourable Tribunal.


Deputy Inspector General of Police,
Mardan Region-I, Mardan
(Respondent No. 2-3)


District Police Officer,
Mardan
(Respondent No. 4)

**BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
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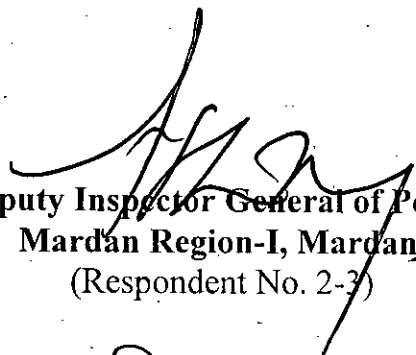
Miraj HabibAppellant.


VERSUS.

District Police Officer, Mardan & others.....Respondents.

AUTHORITY LETTER.

Mr. Atta-ur-Rahman Sub-Inspector Legal, (Police) Mardan is hereby authorized to appear before the Honourable Service Tribunal, Khyber Pakhtunkhwa, Peshawar in the above captioned service appeal on behalf of the respondents. He is also authorized to submit all required documents and replies etc. as representative of the respondents through the Addl: Advocate General/Govt. Pleader, Khyber Pakhtunkhwa Service Tribunal, Peshawar.


**Deputy Inspector General of Police,
Mardan Region-I, Mardan
(Respondent No. 2-3)**


**District Police Officer,
Mardan
(Respondent No. 4)**

15-~~CONTINUED~~ AND ~~CONTINUED~~ - contd.

Name brought on Promotion list
C-I with effect from 20.4.2002

OB No. 745
Dated. 3.7.2002

J
SSP/Mardan.

order

He is hereby dismissed from service
in exercise of the power vested in me under
PR-1975.

Asif Khan
SPO/Mardan

OB No $\frac{1727}{1518/14}$

Appeal/Order

The appeal not interfere in the order passed
by the competent authority, thus the appeal is
filed vide Dir, Mardan office Suda No. 6169/BS,
dt 17/9/14.

Asif Khan
SPO/Mardan

~~in 3P~~
~~4P R d Bill~~
11-12-13-14 P-77
~~9P R d Bill~~
2-15-2009/1-Mich
T No 20 21/5/14
10/10
5/11/14

15-CENSURES AND PUNISHMENTS--contd.

Serial No.

Selected for inter mediate course.

OB No 2046

dt. 5/10/09.

DPD Mardan

OB
Date

Passed Intermediate College Course during
The term ending 20-3-10. vide Commandt.

PTC Hangu Notification No-1255-94/5

dt. 18-6-2010.

DPD

OB No- 262 P

dt. 13-7-2010

DPD Mardan

in
P

ORDER

Being involved in case
FIR No. 646 dated 23-6-14 415 3/4 PO
115 AA PS City. He is hereby placed under
Suspension and closed to P. Line with
immediate effect vide SP/MI No. 3398-
3401/EE dt. 25-6-14.

OB No. 1490

dt. 26.6.14.

DPD Mardan

15-CENSURES AND PUNISHMENTS.

Charge For his absence.

Punishment Awarded 12 days Extra Drill
vide Dy. Commandant P.T.C Hanga
memo no 314.322/RP dt 26.12.94.

OB No. 2328

27.12.94

[Signature]
SP/Morden

Awarded one day E drill for his absence.

OB No. 1895

22.7.97

[Signature]
SP/Morden

TWR 14 - 1159111

M GPR 19 15000 |
A/T NO 2320 dt 27/1/06
DPO NO 2 dt 27/1/06

[Signature]
ASD
27/1/06

FINDINGS.

This is de-novo departmental inquiry against HC Meraj Habib No. 2348 initiated in light of Para (04) of judgment dated 02.11.2017 passed by the Honorable Khyber Pakhtunkhwa, Service Tribunal in appeal No. 12077/2014 filed by the above named official. He was Charge Sheeted for the allegations mentioned therein and enquiry was entrusted to me by the Worthy District Police Officer Mardan vide No. 49/R/D.A-P.R-1975 dated 19.01.2018, in the light of letter No. 05-6/ E&I dated 08.01.2018 of Worthy DIG, E&I KPK, Peshawar. In response to which he submitted his written explanation which was found not satisfactory therefore, formal departmental inquiry against the above named official initiated by the undersigned. The charges against him are as under:-

“That HC Meraj Habib 2348, while posted as Guard Commander at Investigation Bureau, Mardan, ASI Taimoor Khan of PS City Mardan recovered 12 bottles wine, one pistol 30 bore with 20 rounds, 01 motorcycle and cash amount Rs 3000/ (selling amount of wine) from his possession and registered a case vide FIR No. 646 dated 23.06.2014 u/s 3/4 PO/ 15-AA PS City Mardan against him. Later on, he was issued final Show Cause Notice vide SP Investigation Mardan office letter No. 125/PA dated 22.07.2014 and deputed Mr. Bacha Said Khan, CO HQrs: as enquiry officer. The same was delivered upon him in person on 23.07.2014 but he failed to defend the charges leveled against him so the enquiry officer recommended him for major punishment vide SP Invest: office memo No. 135/Inv dated 08.08.2014, he was awarded major punishment of “Dismissal from Service” vide OB No. 1727 dated 15.08.2014. On 10.09.2014, he approached the W/ DIG Mardan wherein his appeal was rejected vide his office order No. 6169/ES dated 12.09.2014. Then he approached to the Service Tribunal, Khyber Pakhtunkhwa Peshawar, wherein he issued orders for his re-instatement in service/ Denovo departmental proceedings vide judgment dated 02.011.2017. He was recommended for denovo departmental proceeding

by the Additional Inspector General of Police, E&I Khyber Pakhtunkhwa Peshawar, vide his office letter No. 5-6/E&I dated 08.01.2018. Therefore the alleged HC is liable to be proceeded against departmentally for the above allegation leveled against him”.

During the course of inquiry the undersigned summoned the PWs namely then ASI Taimoor Khan, ASI Mohammad Iqbal, Constables Farooq Khan No. 1301 and Fawad No.1356 along with defaulter HC Meraj Habib No.2348. I heard them in detail and recorded their statements which are available on inquiry file for kind perusal. However, brief of statements are given below:-

1. PW Taimoor Khan then ASI/I/C PP Baghdada, PS City now SHO, PS Paharipura, Peshawar, deposed in his statement that on 23.06.2014 at 16:00 Hours he along with HC Salman No.1494, Constables Farooq No. 1301 and Fawad No. 1356 were present on patrolling duty near TB Hospital Baghdada. He received information that one Meraj Habib s/o Gul Habib r/o District Swabi presently Sikanderi, Baghdada, Mardan, is selling wines at his motorcycle and he is coming towards Gujar Garhi, Mardan. He conducted Nakabandi at main Gujar Garhi road near TB Hospital, Baghdada, Mardan. He found coming a motorcyclist which he stopped and during search he recovered 12 bottle wines, wrapped in a plastic bag from the carrier of the motorcycle registration No. 9774, one 30 bore pistol without license with 20 rounds and cash amounting to Rs. 3000/-. He took into possession the same along with motorcycle. The accused disclosed his name Meraj Habib as mentioned above and he arrested him. He also drafted mrasila and sent it to PS City Mardan for registration of case on which a case FIR No. 646 dated 23.6.2014 u/s 3/4 PO 15-AA was registered against him.

The defaulter official cross examined the PW but could not make any dent in his statement.

2. PW ASI/IO Iqbal stated that investigation of case FIR No. 646 dated 23.06.2014 u/s 3/4 PO 15-AA PS City registered against accused Meraj Habib was entrusted to him. He visited the spot and prepared site plan as per pointation of seizing officer ASI Taimoor Khan. He recorded the statements

of marginal witnesses of recovery memo. On 24.06.2014 the accused was produced before the Court for obtaining his Police custody which was refused and remanded to judicial lock-up.

During cross examination he admitted that he did not associate an independent witness for investigation. He further added that he was summoned by the trial Court once for recording statement but was not examined and subsequently during trial he was not summoned again for evidence by the Court. He deposed that as per his investigation accused Meraj Habib was found guilty therefore, he was challaned to the Court of law for trial.

3. PW Constable Farooq Khan No.1301 stated that on 23.06.2014 at 16:00 hours he along with ASI Tamoor Khan, HC Salman No.1494 and Constable Fawad No.1356 was present at the spot at Baghdada. ASI Taimoor Khan on receiving information along with Police party conducted nakabandi near TB Hospital and found coming a motorcyclist towards Gujar Garhi which was stopped, from search of the motorcycle registration No. 9774, he recovered 12 bottle wines wrapped in a plastic bag from the carrier of said motorcycle, one 30 bore pistol without license with 20 rounds, cash amount Rs.3000/- and took into possession the same along with motorcycle.

During cross examination he stated that the recovery was made from the above named accused in his presence and he was eye witness of the said recovery.

4. PW Constable Fawad No. 1356 stated that on 23.06.2014 at 16:00 hours he along with ASI Tamoor Khan, HC Salman No.1494 and Constables Farooq No.1301 was present at the spot at Baghdada. ASI Taimoor Khan on receiving information along with Police party conducted nakabandi near TB Hospital and found coming a motorcyclist towards Gujar Garhi which was stopped, from search of the motorcycle he recovered 12 bottle wines wrapped in a plastic bag from the carrier of said motorcycle, one 30 bore pistol without license with 20 rounds, cash amount Rs.3000/- and took into possession the same along with motorcycle.

During cross examination he deposed that the said recovery was made from accused Meraj Habib in his presence and his statement was recorded by the IO during investigation of the said case.

5. HC Meraj Habib No. 2348 defaulter official stated that he has falsely been implicated in the subject case and he has been acquitted by the concerned Court in that case vide order dated 02.11.2017. He further added that he was falsely involved in a baseless enquiry as a result of which he was wrongly awarded the punishment of dismissal from service due to which he was suffering from financial loss as well as mental agony. He requested for re-instatement in service. He produced a copy of judgment 07.11.2015 passed by the JM-IV Mardan whereby he has been acquitted in case vide FIR No. 646 dated 23.06.2014 u/s 3/4 PO/ 15 AA PS City Mardan.

During cross examination he stated that no recovery of wine was made from his possession rather he was called by I/C DSB to the SDPO City office, Mardan and he was booked for the above mentioned offence.

It is worth to mention here that the undersigned has collected order sheets of the learned Court of JM-IV Mardan registered against accused Meraj Habib which reveals that PWs have not made their appearance before the Court despite issuing of summons/ special diaries due to which accused Meraj Habib was acquitted u/s 249-A CrPC. (Order sheets are enclosed herewith). In the opinion of the undersigned the prosecution witnesses have been won over by the defaulter official during trial of the said case. Therefore, they avoided their appearance for evidence before the trial Court. Moreover, the criminal charge against him has also been failed on technical grounds for non associations of independent private witnesses to the recovery memo.

Keeping in view of what has been stated above the charges against the defaulter official namely Meraj Habib No. 2348 have been proved. Therefore, he is recommended for Major Punishment please.

Superintendent of Police,
Investigation Mardan.

*Reduction
in rank
without any
cumulative
penalty*

Printed

09/03/17

09/03/17



OFFICE OF THE
SUPERINTENDENT OF POLICE
INVESTIGATION MARDAN
Phone No. 0937-9230121
Fax No. 0937-9230321

No. 459 /PA / Inv:

Dated 06 /Mar/ 2018.

To: The District Police Officer,
Mardan.


Subject: **DE-NOVO DEPARTMENTAL ENQUIRY AGAINST EX-
IHC MERAJ HABIB NO. 2348, DISTRICT MARDAN.**

Memo:

Kindly refer to your office letter No. 49/R/D.A-P.R-1975 dated 19.01.2018, on the subject noted above.


It is submitted that detailed de-novo departmental enquiry duly conducted by the undersigned in respect of HC Meraj Habib No. 2348, being charged in case FIR No. 646 dated 23.06.2014 u/s 3/4 PO 15-AA PS City, is sent herewith for further action please.

(Enclosure: 58 pages)


Superintendent of Police,
Investigation Mardan.

No. _____ /PA / Inv:

Copy of above is submitted for favor of information to the Deputy Inspector General of Police Enquiry & Inspection, CPO Peshawar w/r his Office letter No. 05-06/E&I dated 08.01.2018, please.


Superintendent of Police,
Investigation Mardan.

Murad Habib

2348 Police Line Mardan

No.

125 1PA

Dated

22/7/2014.

Subject

FINAL SHOW CAUSE NOTICE

WHEREAS you while posted as Guard Commander of Investigation Bureau Guard, SI Taimor Khan PS City recovered 12 bottles wine, one Pistol 30 bore with 20 rounds, one Motor cycle and amount Rs. 3000/- selling amount of wine from your possession and registered case vide IR No. 646 dated 23.06.2014 u/s 3/4PO/15A PS City against you. Therefore you were suspended and proper Charge Sheet and Summary of Allegation were also served upon you and deputed Mr. Bacha Said Khan CO HQr for conducting departmental inquiry.

WHEREAS, enquiry officer finalize the enquiry proceedings, giving you full opportunities of defence. Consequent upon the completion of enquiry proceedings, the enquiry officer held you guilty of the charges leveled against you as per charge sheet.

AND WHEREAS, on going to the finding and recommendation of enquiry officer, the material placed on record, I am satisfied that you have found guilty of the charges leveled against you as per statement of allegations conveyed to you, which stand proved and render you liable to be awarded punishment under Police Rules 1975 NWFP (K.P.K).

NOW, THEREFORE, I, Mr. Shahid Ahmad Superintendent of Police, Investigation, Mardan, as competent authority have tentatively decided to imposed upon you any one or more penalties of dismissal from service under the said Rules.

You are therefore, required to show cause within 07 days of the receipt of this notice, as to why the aforesaid penalty should not be imposed upon you, failing which it shall be presumed that you have no defence to offer and ex-parte action shall be taken against you. Meanwhile, also intimate whether you desired to be heard in person or otherwise.

5/7/14
23/7/14

(SHAHID AHMAD)
Superintendent of Police,
Investigation, Mardan

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Ann - "G" H


CHARGE SHEET UNDER KPK POLICE RULES 1975

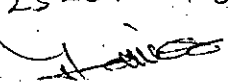
I, **Dr. Mian Saeed Ahmed** District Police Officer, Mardan as competent authority hereby charge you **IHC Mairaj Habib No. 2348**, as follows.

That you **IHC Mairaj Habib No. 2348**, while posted as Guard Commander at Investigation Bureau, Mardan ASI Taimor Khan of PS City Mardan recovered 12-Bottles wine, 01-Pistol 30-Bore with 20-Rounds, 01-Motor Cycle and cash amount Rs. 3,000/- (Selling amount of wine) from your possession and registered a case vide FIR No. 646 dated 23.06.2014 u/s ¼ PO /15AA PS City against you. Later on, you were issued Final show cause notice vide SP/Inv: Mardan office No. 125/PA, dated 22.07.2014 and deputed Mr. Bacha Said Khan, CO HQr as enquiry officer. The same was delivered upon him in person on 23.07.2014 but he failed to defend the charges leveled against him so that the enquiry officer recommended him for major punishment vide SP/Invest: Mardan office Memo: No. 135/Inv: dated 08.08.2014 so that he was awarded major punishment of "Dismissal from Service" vide OB No. 1727, dated 15.08.2014. On 10.09.2014, he approached to the W/DIG, Mardan wherein his appeal was rejected vide his office Order No. 6169/ES, dated 12.09.2014. Then he approached to the Honorable Service Tribunal, Khyber Pakhtunkhwa, Peshawar wherein he issued orders for his reinstatement in service / De-novo departmental proceedings vide Judgment dated 02.011.2017. He was recommended for de-novo departmental proceeding by the Addl: Inspector General Police, E&I, Khyber Pakhtunkhwa, Peshawar vide his office letter No. 05-06/E&I, dated 08.01.2017. Therefore, the alleged IHC is liable to proceed against departmentally for above allegations leveled against him.

This amounts to grave misconduct on your part, warranting departmental action against you, as defined in section - 6 (1) (a) of the KPK Police Rules 1975.

1. By reason of the above, you appear to be guilty of misconduct under section - 02 (iii) of the KPK Police Rules 1975 and has rendered yourself liable to all or any of the penalties as specified in section - 04 (i) a & b of the said Rules.
2. You are therefore, directed to submit your written defense **within seven days** of the receipt of this charge sheet to the enquiry officer.
3. Your written defence if any, should reach to the enquiry officer within the specified period, failing which, it shall be presumed that you have no defense to put-in and in that case, an ex-parte action shall follow against you.
4. Intimate whether you desired to be heard in person.


(Dr. Mian Saeed Ahmed) PSP
District Police Officer,
Mardan

Received
23-01-018




211

Ann - "G"

OFFICE OF THE
DISTRICT POLICE OFFICER
MARDAN

Tel: 0937-9230109
Fax: 0937-9230111
Email: dpomardan650@gmail.com

Facebook: District Police Mardan
Twitter: @dpomardan

No. 49 /R/D.A-P.R-1975.
Dated 19.1 /2018.

DISCIPLINARY ACTION UNDER KPK POLICE RULES - 1975

I, Dr. Mian Saeed Ahmed District Police Officer, Mardan as competent authority am of the opinion that IHC Mairaj Habib No. 2348, rendered himself liable to be proceeded against as he committed the following acts/omission within the meaning of section-02 (iii) of KPK Police Rules 1975.

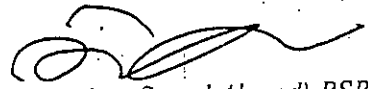
STATEMENT OF ALLEGATIONS

That IHC Mairaj Habib No. 2348, while posted as Guard Commander at Investigation Bureau, Mardan ASI Taimor Khan of PS City Mardan recovered 12-Bottles wine, 01-Pistol 30-Bore with 20-Rounds, 01-Motor Cycle and cash amount Rs. 3,000/- (Selling amount of wine) from his possession and registered a case vide FIR No. 646 dated 23.06.2014 u/s ¼ PO /15AA PS City against him. Later on, he was issued Final show cause notice vide SP/Inv: Mardan office No. 125/PA, dated 22.07.2014 and deputed Mr. Bacha Said Khan, CO HQr as enquiry officer. The same was delivered upon him in person on 23.07.2014 but he failed to defend the charges leveled against him so that the enquiry officer recommended him for major punishment vide SP/Invest: Mardan office Memo: No. 135/Inv: dated 08.08.2014 so that he was awarded major punishment of "Dismissal form Service" vide OB No. 1727, dated 15.08.2014. On 10.09.2014, he approached to the W/DIG, Mardan wherein his appeal was rejected vide his office Order No. 6169/ES, dated 12.09.2014. Then he approached to the Service Tribunal, Khyber Pakhtunkhwa, Peshawar wherein he issued orders for his reinstatement in service / De-novo departmental proceedings vide Judgment dated 02.01.2017. He was recommended for de-novo departmental proceeding by the Addl: Inspector General Police, E&I, Khyber Pakhtunkhwa, Peshawar vide his office letter No. 05-06/E&I, dated 08.01.2017. Therefore, the alleged IHC is liable to proceed against departmentally for above allegations leveled against him.

2. For the purpose of scrutinizing the conduct of the said official with reference to the above allegations SP Investigation, Mardan is appointed as Enquiry Officer.

3. The enquiry officer shall conduct proceedings in accordance with provisions of Police Rules 1975 and shall provide reasonable opportunity of defense and hearing to the accused official, record its findings and make within twenty five (25) days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused officer.

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


(Dr. Mian Saeed Ahmed) PSP
District Police Officer,
Mardan

OFFICE OF THE DISTRICT POLICE OFFICER, MARDAN

No. _____ /R. dated Mardan the _____ /2018.

Copy of above is forwarded to the:

1. SP Investigation, Mardan for initiating proceedings against the accused official / Officer namely IHC Mairaj Habib No. 2348, under Police Rules, 1975.
2. IHC Mairaj Habib, No. 2348, with the directions to appear before the Enquiry Officer on the date, time and place fixed by the enquiry officer for the purpose of enquiry proceedings.

***** ?!! *****

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR

In S.A # 705/2018

Meraj Habib

Versus

Police Department.

REJOINDER on behalf of
Appellant.

Respectfully Sheweth,

All the Preliminary objection raised by the Respondents are incorrect and baseless and not in accordance with law and rules rather the Respondents are stopped due to their own conduct to raised any objection at the stage on the appeal.

Facts

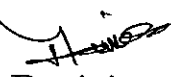
All the facts of the appeal are correct while reply of the Respondent Department is incorrect ~~vide~~ abinitio and illegal, because the whole proceeding is initiated against the appellant under Police Rule 1975, but the punishment has not been given under the said rule. Beside that no final Show-Cause notice has been issued. No witness has been examined in the presence of the appellant. No charge sheet and statement of allegation has been given to the appellant.

ON GROUNDS:-

All the grounds of the appeal are correct and accordance with law and prevailing rules and that of the Respondents are incorrect baseless and not in accordance with law and rules hence denied, because there is no involvement in criminal activities on part of the appellant and so concerned the alleged FIR is false and fabricated the impugned orders are illegal void abinitio because there is no abcenti on the part of the appellant.

It is, therefore, requested that the appeal may kindly be accepted as prayed for.

Dated 25/09/2018



Petitioner

Through



Roeeda Khan

&

Afsha Manzoor

Advocates, High Court

Peshawar.

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR

In S.A # 705/2018

Meraj Habib

Versus

Police Department.

REJOINDER on behalf of
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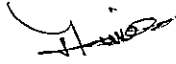
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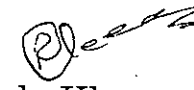
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Dated 25/09/2018


Petitioner

Through


Roeda Khan

&

Afsha Manzoor
Advocates, High Court
Peshawar.

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR

In S.A # 705/2018

Meraj Habib

Versus

Police Department.

REJOINDER on behalf of
Appellant.

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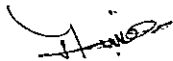
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It is, therefore, requested that the appeal may kindly be accepted as prayed for.

Dated 25/09/2018



Petitioner

Through



Roeeda Khan

&

Afsha Manzoor

Advocates, High Court

Peshawar.

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR

In S.A # 705/2018

Meraj Habib

Versus

Police Department..

REJOINDER on behalf of
Appellant.

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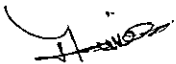
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ON GROUNDS:-

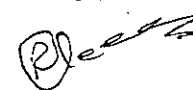
All the grounds of the appeal are correct and accordance with law and prevailing rules and that of the Respondents are incorrect baseless and not in accordance with law and rules hence denied, because there is no involvement in criminal activities on part of the appellant and so concerned the alleged FIR is false and fabricated the impugned orders are illegal void abinitio because there is no abgenti on the part of the appellant.

It is, therefore, requested that the appeal may kindly be accepted as prayed for.

Dated 25/09/2018


Petitioner

Through


Roeeda Khan

&

Afsha Manzoor
Advocates, High Court
Peshawar.

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 1977 /ST

Dated 1 / 10 / 2018

To

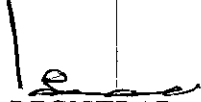
The District Police Officer,
Government of Khyber Pakhtunkhwa,
Mardan.

Subject: -

JUDGMENT IN APPEAL NO. 705/2018, MR. MIRAJ HABIB.

I am directed to forward herewith a certified copy of Judgement dated 25.09.2018 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR -
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.