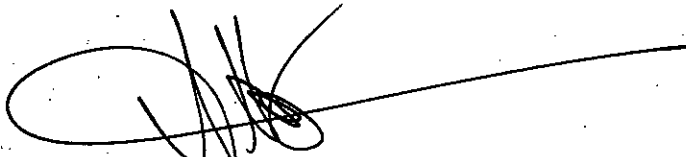
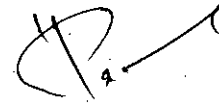


09.07.2019

Learned counsel for the appellant present. Mr. Zia Ullah learned Deputy District Attorney present. Vide common/separate judgment of today of this Tribunal placed on file of service appeal bearing No.1187/2018 filed by Atlas Khan, the present service appeal is accepted and the impugned orders are set aside. Parties are left to bear their own costs. File be consigned to the record room.



(Ahmad Hassan)
Member



(Muhammad Hamid Mughal)
Member

ANNOUNCED

09.07.2019

04.2.2019

Counsel for the appellant and Addl. AG for the respondents present.

Learned AAG requests for adjournment as he has not been contacted by the representative of respondents regarding preparation of requisite reply. Adjourned to 27.03.2019 before the S.B.



Chairman

27.03.2019

Junior to counsel for the appellant and Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Ghareb Khan ASI present. Representative of the respondent department submitted written reply/comments. Adjourn. To come up for rejoinder/arguments on 16.05.2019 before D.B




Member

16.05.2019

Counsel for the appellant and Addl:AG for respondents present. Counsel for the appellant seeks adjournment. Adjourned to 09.07.2019 for arguments before D.B.



(Ahmad Hassan)
Member



(M. Amin Khan Kundi)
Member

12.12.2018

Counsel for the appellant Ali Muhammad present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was serving in Police Department as Constable, he was imposed minor penalty of forfeiture of one increment with immediate effect vide order dated 06.06.2018 on the allegation of misconduct. It was further contended that the appellant filed departmental appeal on 25.06.2018 which was rejected on 02.08.2018 hence, the present service appeal on 01.09.2018. Learned counsel for the appellant further contended that the minor penalty of forfeiture of one increment was passed by the competent authority without any specified period which is against the FR-29. It was further contended that neither any inquiry was conducted nor charge sheet and statement of allegation was served upon the appellant. It was further contended that only show-cause notice was issued to the appellant therefore, the impugned order is illegal and liable to be set-aside.

The contention raised by the learned counsel for the appellant needs consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days, thereafter, notice be issued to the respondents for written reply/comments for 04.02.2019 before S.B.

Appellant Deposited
Security & Process Fee


Muhammad Amin Khan Kundi
Member

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1188/2018


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	26/09/2018	<p>The appeal of Mr. Ali Muhammad resubmitted today by Mr. Saadullah Khan Marwat 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 26/9/18</p>
2-	27-9-2018	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>25-10-2018</u>.</p> <p style="text-align: right;"><i>[Signature]</i> CHAIRMAN</p>
	25.10.2018	<p>Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 12.12.2018.</p> <p style="text-align: right;"><i>[Signature]</i> Reader</p>

The appeal of Mr. Ali Muhammad no. 674 Constable Police Line Lakki Marwat received today i.e. on 01.09.2018 is incomplete on the following score which is returned to the counsel for the appellatant for completion and resubmission within 15 days.

- 1- Memorandum of appeal may be got signed by the appellatant.
- 2- Annexures of the appeal may be attested.
- 3- Annexures of the appeal may be flagged.
- 4- Copy of show cause notice mentioned in the memo of appeal is not attached with the appeal which may be placed on it.
- 5- Copy of departmental appeal having no date be dated.
- 6- Five more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 1785 /S.T,

Dt. 3-9 /2018.


REGISTRAR 3/9/18
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Saadullah Khan Marwat Adv. Pesh.

Sir,

Re-Submitted after completion.

3

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

S.A No. 1188 /2018

Ali Muhammad versus D.P.O & Others

I N D E X

S. No	Documents	Annex	P. No.
1.	Memo of Appeal		1-3
2.	Show Cause Notice	"A"	4 5
3.	Reply to Show Cause Notice	"B"	5 6
4.	Impugned order dated 28-05-2018	"C"	6 7
5.	Representation dated 25-06-2018	"D"	7 8
6.	Rejection order dated 02-08-2018	"E"	8 9

Appellant

Through



Saadullah Khan Marwat
Advocate.

21-A Nasir Mansion,
Shoba Bazaar, Peshawar.

Ph: 0300-5872676

0311-9266609

Dated.01-09-2018

BEFORE KPK SERVICE TRIBUNAL PESHAWAR

S.A No. 1188 /2018

Ali Muhammad, No. 674,

Constable, Police Line,

Lakki Marwat Appellant

VERSUS

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1370

Dated 01-09-2018

1. District Police Officer,
Lakki Marwat.
2. Regional Police Officer,
Bannu Region Bannu.
3. Provincial Police Officer,
KP, Peshawar. Respondents

⇔<=>⇔<=>⇔<=>⇔<=>⇔

APPEAL U/S 4 OF SERVICE TRIBUNAL ACT, 1974

AGAINST OB. NO. 297, DATED 28-05-2018 OF R. NO.

01 WHEREBY PENALTY OF FORE-FEITURE OF ONE

INCREMENT WAS IMPOSED UPON APPELLANT OR

OFFICE ORDER NO. 2035 / EC DATED 02-08-2018 OF

R. NO. 02 WHEREBY REPRESENTATION OF

APPELLANT WAS REJECTED FOR NO LEGAL REASON:

⇔<=>⇔<=>⇔<=>⇔<=>⇔

Filed to-day
Registrar

19/9/18

Re-submitted to-day
and filed.

Registrar

26/9/18 **Respectfully Sheweth;**

1. That appellant was appointed as constable on 27-07-2007. At present he was posted / deputed to Wanda Banochi Check Post, Police Station Pezu, Lakki Marwat on 26-04-2018.

2. That appellant was served with Show Cause Notice regarding of performance below average / poor and not up to the required standard. The said Show Cause Notice was replied on 16-05-2018 by denying the allegations that performance of appellant was up to the standard as is evident from the said reply. (Copies as annex "A" & "B")
3. That R. No. 01 imposed punishment of fore-feiture of one increment imposed upon him vide order dated 28-05-2018. (Copy as annex "C")
4. That on 25-06-2018, appellant submitted departmental appeal before R. No. 02 for setting aside of the said punishment which was rejected on 02-08-2018 for no legal reason. (Copies as annex "D" & "E")

Hence this appeal, inter alia, on the following grounds:

GROUND S:

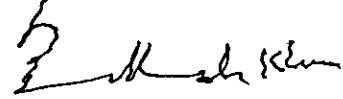
- a. That at the said post, no complaint was ever made either by the public or by the department against appellant.
- b. That performance of appellant was up to the standard as is evident from the reply of the Show Cause Notice.
- c. That appellant remained at the said post for short time and his performance could not be assessed below average.
- d. That before issuing of Show Cause Notice it was the prime duty of the respondents to warn / counsel him regarding the allegations.
- e. That appellant never made any misconduct within the ambit of performance of his official duty as no such allegation was ever made prior to the allegation in hand.

It is, therefore, most humbly prayed that on acceptance of appeal, the impugned office order dated 28-05-2018 and 02-08-2018 of the respondents be set aside and the fore-feiture increment be restored without any encumbrance, with such other relief as may be deemed proper and just in circumstances of the case.

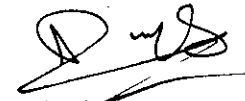


Appellant

Through



Saadullah Khan Marwat



Amjad Nawaz
Advocates.

Dated. 01-09-2018

A **4**
OFFICE OF THE DISTRICT POLICE OFFICER, LAKKI MARWAT.

No. 244/SRC.

Date 10/05/2018.

SHOW CAUSE NOTICE UNDER POLICE RULES 1975.

WHEREAS, you FC Ali Muhammad No. 674 while posted at NB Wanda Banochi were found indulge in the following allegations:-

1. That you while posted at NB Wanda Banochi, your performance is below average/poor and not up to the required standard.
2. That all speaks gross misconduct on your part and makes you liable to be punished under Police Rules-1975.

You are therefore, found guilty of misconduct, as the defined in section 2 (iii) of KPK Police Rules 1975 and as such are liable to action under section 3 of the said Rules.

Based on the above facts, I am satisfied that no enquiry is needed in this case as contained in section 5.3 clauses (a) & (c) under the said Rules.

Now, therefore, you FC Ali Muhammad No.674 are called upon under section 4 (1) of the KPK Police Rules 1975, to show cause within 07 days of the issuance of this notice, as to why one or more penalties including major penalty of dismissal from service should not be imposed upon you.

NOTE:-

Take notice that if you failed to submit reply in compliance of this show cause notice within the stipulated time, it will be presumed that you have nothing to offer in your defense and in that case, an ex-parte action shall straightaway be taken against you without any further notice.

*For Defiance
of Order
Increment*

Arif

24/5

Arif

(Arif Shahbaz Khan) PSP,
District Police Officer
Lakki Marwat

35

شماره سوال نمبر 244/SRC مورخہ 10-05-2018 بجاریڈی پی ایس ایچ کی سرورٹ ساری

مقرر جواب عرض کرنا چاہتا ہے۔

(1) یہ التزام کے دوران آئیناتی وائٹڈ یو پی میٹری کارروائی مطابق معیار نہیں ہے کہ بابت معروض ہوں کہ میں نے اسپتال میں

لے دوران بحوالہ مقدمہ نمبر 126 مورخہ 19-04-2018 جرم 15AA نمبر کو بے غلام قور IHC آتے ہی تھیو ہلاک ہو

ضرب پختوں 30 برسوں تک پھینکے ہیں بحوالہ S عدالت نے 30 برسوں تک یہ سلسلے کے قبضے میں ایک شب پختوں میں آتا ہے

انہوں نے آکر کے معزز ہوئی کرتی ہوا جو میری کارروائی کا منہ دانا ٹوٹا ہے۔

ماں جو مہیہ اس میں ریہا ہے وہی ہیں اسپتال کے دوران باقی میں لڑیا تم کی ہائی کارڈیوں میں ہیں انہوں نے

تعمیر پختوں کا وقت دیا ہے انہوں کی ہر شے پر آجی کارروائی کر کے کی ہر ممکن کوشش تھی اس کے کی ہیں۔ کامیابی اور ہائی کے قبضے

سے دیو انہوں نے ایک کوشش کی سخت پختوں میں اس کے بعد اس کی ماہر نہیں ہائی کے کی کوشش میں اس کے

معدیت کا ہوا تھیں اس کے سبب اس میں اس کے ہوا تھیں اس کے ہوا تھیں اس کے ہوا تھیں اس کے ہوا تھیں اس کے

رہا تو میں نے اس کے اس کے اس کے اس کے اس کے اس کے اس کے اس کے اس کے اس کے اس کے اس کے اس کے

ہو کے اس کے اس کے اس کے اس کے اس کے اس کے اس کے اس کے اس کے اس کے اس کے اس کے اس کے اس کے

سرورٹ ساری پی ایس ایچ کی سرورٹ
مورخہ 10-05-2018

الغرض

سرکار ہائیکورٹ آف پاکستان مورخہ 67 تمہیں داتا دیو پی ایس کی سرورٹ

یہ تحریر

Handwritten signature

ORDER.

My this order will dispose off the departmental enquiry initiated against Constable Ali Muhammad No.674 while posted at NB Wanda Banochi was found to indulge in the following allegations:-

1. That he while posted at NB Wanda Banochi, his performance is below average/poor and not up to the required standard.
2. That this all show gross misconduct on his part and make him liable to be punished under Police Rules-1975.

He was served with Show Cause Notice to this effect. His reply to the Show Cause Notice was perused and was found unsatisfactory and failed to rebut the allegations leveled against him.

Therefore, I Arif Shahbaz Khan PSP, District Police Officer, Lakki Marwat exercise of the power vested in me under Police Rules-1975, is hereby impose upon him minor punishment of "forfeiture of (1) one increment " with immediate effect.

OBND- 297

DP 28-05-18

District Police Officer,
Lakki Marwat.

No 4022-25 Dated Lakki Marwat the 01-06- /2018.

Copy of above is submitted for favour of information to:-

1. The Regional Police Officer, Bannu Region, Bannu for favour of information.
2. HC, EC, PO, Reader and OASI for information & necessary action.

Arif Shahbaz Khan
[Signature]

بخدمت جناب R.P.O صاحب بنوں رینج بنوں

عنوان :- درخواست نظر ثانی بحوالہ پولیس رولز باب نمبر 16 فقرہ نمبر 36 نگرانی بحوالہ پولیس رولز 1975 متعلق احکام بحوالہ D.P.O لگی مروت

جناب عالی! سائل ذیل گزارشات بطور استدعا بشکل درخواست نظر ثانی / نگرانی پولیس رولز 1975 کی روشنی میں بحوالہ احکام O.B-297 مورخہ 28-05-2018 بحاریہ DPO لگی مروت عرض کرنا چاہتا ہوں۔

1- یہ کہ قانونی تقاضوں کی رو سے مجازاً تھارنی کو چاہئے تھا۔ کہ وہ مجھے پیشی کے لیے بلائے۔ اور میری فریاد سننے کے بعد میرے متعلق احکام صادر کرے۔ لیکن DPO صاحب لگی مروت نے مجھے پیشی کا موقع نہ دیا اور نہ ہی میرا بیان / فریاد سنا ہے۔ جو اس طرح اس سطح پر میری حق تلفی ہوئی ہے۔ روئے زمین کا کوئی بھی قانون کسی کا بیان / فریاد سننے بغیر سزا دینے کی اجازت نہیں دیتا ہے۔ اور نہ ہی انسانی بنیاد حقوق، انصاف کے تقاضے کیس کا بیان / فریاد سننے بغیر سزا دینے کی اجازت دیتا ہے۔

2- یہ کہ میں نے قبل از بحوالہ شوکا ز نوٹس کا جواب دیا۔ فوٹو کاپی جواب لف قابل منسلک ہے۔ جس سے میری کاروائی آشکارہ ہے۔ اپنے ذمہ داری کی حد تک میں نے اپنی ذمہ داری پوری کی ہے۔

3- یہ کہ بطور ادنیٰ ماتحت بحیثیت کنسٹیبل اپنے انچارج کی ہدایات کی روشنی میں ڈیوٹی سرانجام دی ہے۔

4- جناب عالی! میری درخواست نظر ثانی / نگرانی پر غور فرمایا جائے اور میری بے قصوری کو مد نظر رکھ کر احکام DPO صاحب لگی مروت جو قانونی معیار کے مطابق پیشی کو کالعدم قرار دیکر میرے سٹاپ شدہ ایٹکر میٹ کو بحال کر کے معاف فرمائیں۔ یہ کہ خداوند قدوس نے روئے زمین کے کسی بھی حصے میں معافی / اصلہ جرمی پر پابندی عائد نہیں کی ہے۔ جبکہ حق پیشی محفوظ رکھتا ہوں۔

مورخہ: 25-06-2018

عنایت ماتحت پروری ہوگی۔

سائل کنسٹیبل علی محمد 674 پولیس لائن لگی مروت

Attends

ORDER

My this order will dispose of appeals, preferred by the following police officers of Lakki District Police, wherein, they have prayed for setting aside the punishment of forfeiture of one increment imposed upon them by DPO Lakki Marwat vide OB No.296, 297, 300, 301 and 302 dated 28.05.2018 after found their performance as below average/poor and not to the required standard during nakabandi at Wanda Banochi PS Pezu:-

1. HC Ghulam Qadar No.193
2. Constable Atlas Khan No.25
3. Constable Iqbal No.264
4. Constable Ali Muhammad No.674
5. Constable Nader No.626

Their service records, inquiry papers and comments, received from DPO Lakki Marwat, were perused and it was found that the appellants were proceeded departmentally (without aid of inquiry) by services upon them show cause notices on the grounds of above misconduct. Their replies to show cause notices were found implausible by competent authority. Thereafter, they were awarded the aforesaid punishments.

Aggrieved from the impugned orders, the appellants submitted the instant appeals to the undersigned that were sent to DPO Lakki Marwat for comments as well as obtaining their service record. DPO Lakki Marwat, vide his letter No.8874-78/EC dated 13.07.2018 submitted para wise comments.

Their service records and inquiry papers were perused and it was found that their performance for the period of posting at nakabani Wanda Banochi remained below average. They were heard in orderly room today on 01.08.2018 held in the office of undersigned and provided them opportunity to defend their appeals but they failed to produce any plausible reasons with regards to their poor performance. Thus, the undersigned has reached to the conclusion that the punishments awarded to them by the competent authority are fully justifiable and there is no need to interfere in the orders passed by DPO Lakki Marwat.

Therefore, I, Muhammad Karim Khan, Regional Police Officer, Bannu Region Bannu, in exercise of the powers vested in me under Rule, 11(4) (a) of Khyber Pakhtunkhwa Police Rules, 1975 (amended 2014) hereby reject their appeals and endorse the punishments awarded to them by DPO Lakki Marwat.

Order announced

No. 2035 /EC, dated Bannu the 02 /08/2018

(MUHAMMAD KARIM KHAN) PSP
Regional Police Officer,
Bannu Region, Bannu

Copy to the District Police Officer, Lakki Marwat for information and n/action w/r to his office Memo: No. quoted above along with the service record containing the inquiry papers of the appellant for record in your office which may be acknowledged please.

(MUHAMMAD KARIM KHAN) PSP
Regional Police Officer,
Bannu Region, Bannu

Attended
3

بعد التّ جناب سرسٹریٹ جوائنٹ صوبہ سندھ پشاور

منجناب ایلٹ
عفی محمد
مقام محکمہ پورس و سٹریٹ
دعوی اپیل

باعث شکریہ ایٹک

بیت رہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن مقام پشاور
کیسٹ اسٹڈنٹ اڈوکیٹ ہائی کورٹ کو وکیل مقرر کر کے اٹار کیا جاتا ہے۔ کہ صاحب
موصوف کو مقدمہ کی وکل کاروائی کا کابل اختیار ہوگا نیز وکیل صاحب کو کرنے راضی نامہ و آڈیٹ ٹائلٹ و فیصلہ برحلف
یہ ہے جواب دہی اور اقبال دعویٰ اور بھرتی ڈگری کرنے اجراء اور وصولی چیک و روپیہ اور مرضی دعویٰ اور درخواست
ہر قسم کی تعدد یعنی اور اس پر دستخط کرنے کا اختیار ہوگا نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی
اور سندھی اپیل دائر کرنے اپیل نگران و نظر ثانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مندرجہ
کے کل یا جزوی کاروائی کے واسطے اور وکیل یا اٹار قانونی کو اپنے ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا
اور اس پر مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ پرواختہ منظور
قبول ہوگا اور دوران مقدمہ میں جو فرجیہ و ہر جائزہ التواء مقدمہ کے سبب سے ہوگا اس کے مستحق وکیل صاحب
تصرف ہوں گے نیز بقایا و فرجیہ کی وصولی کرنے کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام رورہ
پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکور کریں۔
لہذا نکالت نامہ رکھ دیا کہ سند ہے۔

المرقوم

العبد

العبد

العبد

سید محمد

سید محمد خان مروت
ایڈوکیٹ

ارباب سید اہمال
ایڈوکیٹ

الحسن علی
ایڈوکیٹ

عن روضیہ تار
ایڈوکیٹ

محمد عزیز ایٹک

BEFORE THE PESHAWAR HIGH COURT PESHAWAR

Service Appeal No.1188/2018

Ali Muhammad No.674 Constable, Police Lines Lakki Marwat

(Petitioner)

Versus

DPO Lakki Marwat & others

(Respondents)

INDEX

S.No		Annexure	Page
1.	Para wise Reply with, Affidavit		1-3
2.	Authority Letter		4
3.	Acknowledgment receipt		5
6.	Order OB No.297 dated 28-05-2018		6
7.	Order No.2035 dated 02-08-2018		7

Ali Muhammad
Deponent

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR
Appeal No. 1188/2018.

Ali Muhammad No.674 Constable,
Police Line, Lakki Marwat.

(Appellant)

VERSUS

- 1) District Police Officer Lakki Marwat
- 2) Regional Police Officer Bannu Region, Bannu
- 3) Provincial Police Officer KPK Peshawar.

(Respondents)

REPLY BY RESPONDENT NO. 1,2 & 3

Respectfully Sheweth:

PRELIMINARY OBJECTIONS

- 1) That the appeal of applicant is not maintainable under the law and rules.
- 2) That the appellant has concealed the actual facts from the Honorable Tribunal.
- 3) That the appellant has approached the Honorable Tribunal with unclean hands.
- 4) That the appellant is estopped to file the appeal due to his own conduct.

OBJECTIONS ON FACTS

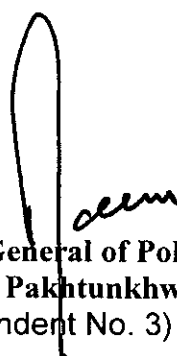
1. Pertains to record.
2. In-correct: in fact the petitioner when posted at Nakabandi Wanda Banochi showed neglectful performance in line of duty, which was considered poor and not up to the required standard of the Police Department, as a result a show cause notice vide No.2441/SRC dated 10-05-2018 was issued and served upon the petitioner. The reply of the petitioner was read thoroughly and found unsatisfactory and failed to rebut the allegations leveled against him.
3. Correct pertains to record, hence need no comments.
4. Correct to the extent that appellant submitted appeal for releasing of annual increment, which was examined and perused by Respondent No.2, however petitioner appeal was rejected vide Order No.2035/EC dated 02-08-2018.


OBJECTION ON GROUNDS

- a) Incorrect: The petitioner showed high inattentive performance in line of duty, which resulted in imposition of minor punishment i.e. forfeiture of one increment vide this office OB No.297 dated 28-05-2018.
- b) Incorrect: During the posting at Nakahandi Wanda Banochi the petitioner performance was below average / poor and not up to the required standard, hence minor penalty was awarded.
- c) Incorrect: The petitioner remained posted at NB Wanda Banochi for the sufficient normal period, but his (petitioner) performance was unsatisfactory and poor one.
- d) In-correct: The petitioner was informed through Show Cause Notice regarding the allegations leveled against him issued by Respondent No.1, but reply of the petitioner was neither convincible nor justifiable.
- e) In-correct: as already explained in above Para "B".

Prayer:

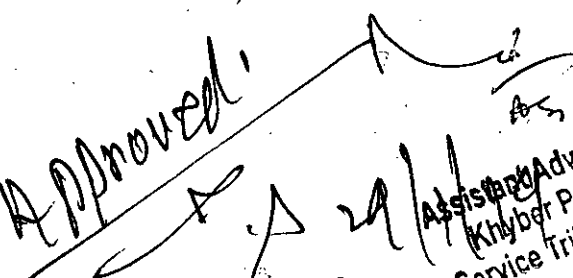
Keeping in view of the above facts and circumstances, it is humbly prayed that appeal of appellant, being not maintainable, may kindly be dismissed with costs.

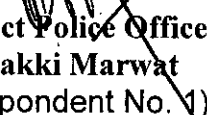

Inspector General of Police
Khyber Pakhtunkhwa
(Respondent No. 3)


Regional Police Officer
Bannu Region, Bannu
(Respondent No. 2)

Dear Sir,

The instant reply is similar
nature and identical case with
S.A No. 1191/18 already vetted

Approved:

Assistant Advocate General
Khyber Pakhtunkhwa
Service Tribunal Peshawar


District Police Officer
Lakki Marwat
(Respondent No. 1)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No. 1188/2018.

Ali Muhammad No.674 Constable,

VERSUS

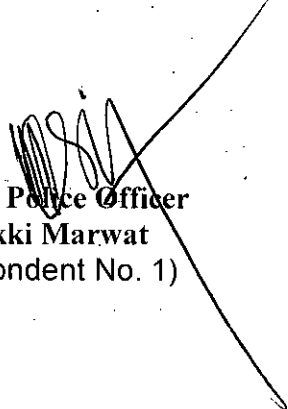
District Police Officer Lakki Marwat & others

AFFIDAVIT

We, the Respondents do hereby solemnly affirm and declare that the contents of the attached Para-wise comments are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

**Inspector General of Police
Khyber Pakhtunkhwa
(Respondent No. 3)**

**Regional Police Officer
Bannu Region, Bannu
(Respondent No. 2)**


**District Police Officer
Lakki Marwat
(Respondent No. 1)**

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No.1188/2018

Ali Muhammad No.674 Constable
Police Line Lakki Marwat

..... (Petitioner)

VERSUS

- 1) District Police Officer Lakki Marwat.
- 2) Regional Police Officer Bannu Region, Bannu.
- 3) Inspector General of Police Khyber Pakhtunkhwa Peshawar.

..... (Respondents)

AUTHORITY LETTER

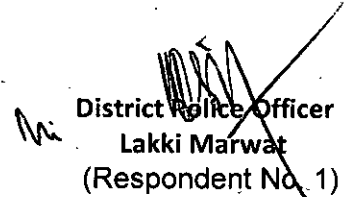
We the respondents No. 2 & 3 do hereby solemnly authorize Respondent No.1 to attend the Honorable Court and submit written reply statement and affidavit required for the defence of above Service Appeals on our behalf.



Inspector General of Police
Khyber Pakhtunkhwa, Peshawar
(Respondent No. 3)



Regional Police Officer
Bannu Region, Bannu
(Respondent No. 2)



mi District Police Officer
Lakki Marwat
(Respondent No. 1)

ORDER.

My this order will dispose off the departmental enquiry initiated against Constable Ali Muhammad No.674 while posted at NB Wanda Banochi was found to indulge in the following allegations:-

1. That he while posted at NB Wanda Banochi, his performance is below average/poor and not up to the required standard.
2. That this all show gross misconduct on his part and make him liable to be punished under Police Rules-1975.

He was served with Show Cause Notice to this effect His reply to the Show Cause Notice was perused and was found unsatisfactory and failed to rebut the allegations leveled against him.

Therefore, I Arif Shahbaz Khan PSP, District Police Officer, Lakki Marwat exercise of the power vested in me under Police Rules-1975, is hereby impose upon him minor punishment of "forfeiture of (1) one increment " with immediate effect.

OB NO- 297

DP 28 05 -18

Arif Shahbaz Khan
District Police Officer,
Lakki Marwat.

No 4022-25 Dated Lakki Marwat the 01-06- /2018.

Copy of above is submitted for favour of information to:-

1. The Regional Police Officer, Bannu Region, Bannu for favour of information.
2. HC, EC, PO, Reader and OASI for information & necessary action.

Attested
Arif Shahbaz Khan
FNS/299

ORDER

My this order will dispose of appeals, preferred by the following police officers of Lakki District Police, wherein, they have prayed for setting aside the punishment of forfeiture of one increment imposed upon them by DPO Lakki Marwat vide OB No.296, 297, 300, 301 and 302 dated 28.05.2018 after found their performance as below average/poor and not to the required standard during nakabandi at Wanda Banochi PS Pezu:-

1. HC Ghulam Qadar No.193
2. Constable Atlas Khan No.25
3. Constable Iqbal No.264
4. Constable Ali Muhammad No.674
5. Constable Nader No.626

Their service records, inquiry papers and comments, received from DPO Lakki Marwat, were perused and it was found that the appellants were proceeded departmentally (without aid of inquiry) by services upon them show cause notices on the grounds of above misconduct. Their replies to show cause notices were found implausible by competent authority. Thereafter, they were awarded the aforesaid punishments.

Aggrieved from the impugned orders, the appellants, submitted the instant appeals to the undersigned that were sent to DPO Lakki Marwat for comments as well as obtaining their service record. DPO Lakki Marwat, vide his letter No.8874-78/EC dated 13.07.2018 submitted para wise comments.

Their service records and inquiry papers were perused and it was found that their performance for the period of posting at nakabani Wanda Banochi remained below average. They were heard in orderly room today on 01.08.2018 held in the office of undersigned and provided them opportunity to defend their appeals but they failed to produce any plausible reasons with regards to their poor performance. Thus, the undersigned has reached to the conclusion that the punishments awarded to them by the competent authority are fully justifiable and there is no need to interfere in the orders passed by DPO Lakki Marwat.

Therefore, I, Muhammad Karim Khan, Regional Police Officer, Bannu Region Bannu, in exercise of the powers vested in me under Rule, 11(4) (a) of Khyber Pakhtunkhwa Police Rules, 1975 (amended 2014) hereby reject their appeals and endorse the punishments awarded to them by DPO Lakki Marwat.

Order announced

No. 2035 /EC, dated Bannu the 02 /08/2018

Copy to the District Police Officer, Lakki Marwat for information and n/action w/r to his office Memo: No. quoted above along with the service record containing the inquiry papers of the appellant for record in your office which may be acknowledged please.

(MUHAMMAD KARIM KHAN) PSP
Regional Police Officer,
Bannu Region, Bannu

(MUHAMMAD KARIM KHAN) PSP
Regional Police Officer,
Bannu Region, Bannu

Attested
Waleed
9/8/2018