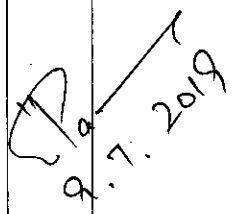


Sr. No	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3
	09.07.2019	<p style="text-align: center;"><b><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL</u></b>  <b>Service Appeal No. 1187/2018</b></p> <p style="text-align: center;">Date of Institution ..... 01.09.2018  Date of Decision ..... 09.07.2019</p> <p>Atlas Khan, No.25, Constable, Police Line, Lakki Marwat.</p> <p style="text-align: right;"><b>Appellant</b></p> <p style="text-align: center;"><b>Versus</b></p> <ol style="list-style-type: none"> <li>1. District Police Officer, Lakki Marwat.</li> <li>2. Regional Police Officer, Bannu Region Bannu.</li> <li>3. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.</li> </ol> <p style="text-align: right;"><b>Respondents</b></p> <p><b>Mr. Muhammad Hamid Mughal-----Member(J)</b>  <b>Mr. Ahmad Hassan-----Member(E)</b></p> <p style="text-align: center;"><b><u>JUDGMENT</u></b></p> <p><b><u>MUHAMMAD HAMID MUGHAL, MEMBER:</u></b> - Learned counsel for appellant and Mr. Zia Ullah learned Deputy District Attorney present.</p> <p>2. This Single/common judgment/order in the above captioned service appeal shall also dispose of appeal bearing No.1188/2018 filed by Ali Muhammad, service appeal bearing No.1189/2018 filed by Nadir Khan, service appeal bearing No.1190/2018 filed by Iqbal Khan</p>



  
9.7.2019

and service appeal bearing No.1191/2018 filed by Ghulam Qadir being identical in nature.

3. The appellant (Constable) has filed the present appeal being aggrieved against the order dated 28.05.2018 whereby penalty of forfeiture of one (01) increment was imposed upon him and against the order dated 02.08.2018 through which the departmental appeals of the appellant and appellants of the connected service appeals, were rejected.

4. Learned counsel for the appellant argued that the appellant was appointed as Constable in the year 2007; that the appellant was served with Show Cause Notice dated 10.05.2018 to the effect that while posted at Nakabandi Wanda Banochi his performance was found below average/poor and not up to the required standard; that the appellant also submitted reply to the Show Cause Notice and denied the allegations however vide order dated 28.05.2018, the impugned punishment of forfeiture of one (01) increment was imposed upon him; that the departmental appeal of the appellant for setting aside the punishment was also rejected vide order dated 02.08.2018 for no good grounds. Learned counsel for the appellant argued that no complaint whatsoever was made against the appellant and that the impugned orders are arbitrary and vague.

5. On the other hand, learned Deputy District Attorney argued that the appellant while posted at Nakabandi Wanda Banochi showed neglectful performance in line of duty and as a result, Show Cause Notice was served upon him to which the appellant also filed his reply;

  
8.7.2019

that the appellant was inattentive towards the performance of his duties hence the minor punishment was rightly awarded to him.

6. Arguments heard. File perused.

7. In the Show Cause Notice issued to the appellant no instance/incident of misconduct on behalf of the appellant was referred to. Similarly, in the punishment order too, the authority has not mentioned any specific event constituting misconduct on the part of appellant.

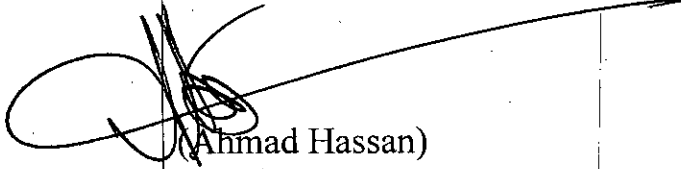
8. No solid material found available on record to suggest that on a particular point in time the appellant remained neglectful in the performance of his duties. Learned Deputy District Attorney remained unable to demonstrate/explain that how the appellant was inattentive towards his duties. Resultantly this Tribunal is of the considered opinion that the impugned orders are not tenable.

9. Needless to mention that the ratio of perpetration of crime is on the surge in our society and for which the officers in the Police Department should be taken to task. Merely making the low paid subordinates scape goats would serve injustice. Nuisance of smuggling of NCP vehicles through the territorial jurisdiction of Police Department District Lakki Marwat and menace of drugs on the highway at Tajazai District Lakki Marwat is no doubt a challenging job for the police officers concerned.

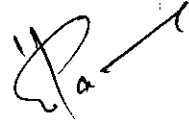
10. As a sequel to above, the present service appeal as well as connected service appeals as mentioned in para-2 of this judgment are accepted and the impugned orders are set aside. Parties are left to bear

9.7.2019

their own costs. File be consigned to the record room.



(Ahmad Hassan)  
Member

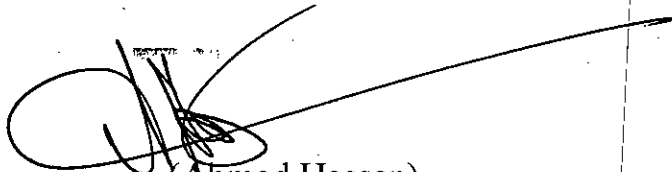


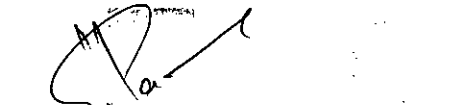
(Muhammad Hamid Mughal)  
Member

ANNOUNCED.  
09.07.2019

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, 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 Atlas Khan 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. 1187/2018

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. Atlas Khan 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;">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;">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;">Reader</p>




The appeal of Mr. Atlas Khan No.25, 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 appellant for completion and resubmission within 15 days.

- 1- Memorandum of appeal may be got signed by the appellant.
- 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. 1784 /S.T,

Dt. 3-9 /2018.

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

Mr. Saadullah Khan Marwat Adv. Pesh.

Sr,

Re-Sub-itted after Completion.



**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

S.A No. 1187/2018

Atlas Khan

versus

D.P.O & Others

**INDEX**

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

Appellant

Through



Saadullah Khan Marwat  
Advocate.

21-A Nasir Mansion,  
Shoba Bazaar, Peshawar.

Ph: 0300-5872676

0311-9266609

Dated.01-09-2018

1

**BEFORE KPK SERVICE TRIBUNAL PESHAWAR**

S.A No. 1187 / 2018

Atlas Khan, No. 25,  
Constable, Police Line,  
Lakki Marwat . . . . . Appellant

VERSUS

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 1368

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. 301, 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:**

⇔<=>⇔<=>⇔<=>⇔<=>⇔

**Respectfully Sheweth:**

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 29-11-2017.

Filed to-day  
19/12  
Registrar

Re-submitted to-day  
and filed.  
26/9/18  
Registrar

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. 2638 /SRC.

Date 10/05 /2018.

**SHOW CAUSE NOTICE UNDER POLICE RULES 1975.**

**WHEREAS**, you FC Atlas Khan No.25 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.

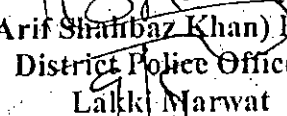
Based on the above facts, I am satisfied that no enquiry is needed in this case as contained in section 5.3 clauses (a) & (c) under the said Rules.

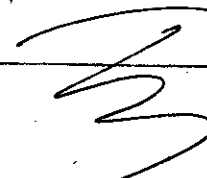
Now, therefore, you FC Atlas Khan No.25 are called upon under section 4 (1) of the KPK Police Rules 1975, to show cause within 07 days of the issuance of this notice, as to why one or more penalties including major penalty of dismissal from service should not be imposed upon you.

**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.

*Handwritten notes:*  
To be taken  
on 11/5  
increased  
11/5/18  
24/5

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

Attest  


10:01 AM 2018 2000/SNC  
مجلس قومی برائے پاکستان

(C) کے تحت عدالت کی طرف سے جاری کی گئی ہے۔

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16-05-2018

العارض

سائبر کاوشیمل اعلیٰ عدالت 25 تقنینی دائرہ بندی ضلع کی صورت

الملحقہ خان

Attorneys

Handwritten signature

C 6

12

ORDER.

My this order will dispose off the departmental enquiry initiated against Constable Atlas Khan No.25 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.

DB No - 301  
28-05-18

District Police Officer,  
Lakki Marwat

No 4088-87 Dated Lakki Marwat the 26-06-2018.

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  
PSP



بخدمت جناب R.P.O صاحب بنوں ریجن بنوں

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

جناب عالی! سائل ذیل گزارشات بطور استدعا بشکل درخواست نظر ثانی انگریزی پولیس رولز 1975 کی روشنی میں بحوالہ احکام O.B-301

مورخہ: 28-05-2018 مجاریہ DPO لگی مروت عرض کرنا چاہتا ہوں۔

1- یہ کہ قانونی تقاضوں کی رو سے مجاز اتھارٹی 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 ان فریاد سنا ہے۔ جو اس طرح اس سطح پر میری حق تلفی ہوئی ہے۔ روئے زمین کا کوئی بھی قانون کسی کا بیان ان فریاد سے بغیر سزا دینے کی اجازت نہیں دیتا ہے۔ اور نہ ہی انسانی بنیاد حقوق، انصاف کے تقاضے کیس کا بیان ان فریاد سے بغیر سزا دینے کی اجازت دیتا ہے۔

2- یہ کہ میں نے قبل از بحوالہ شوکاژ نوٹس کا جواب دیا۔ نوٹو کا پی جواب لف قابل منسلک ہے۔ جس سے میری کارروائی اشکارہ ہے۔ اپنے ذمہ داری کی حد تک میں نے اپنی ذمہ داری پوری کی ہے۔

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

4- جناب عالی! میری درخواست نظر ثانی انگریزی 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 ایکزمینٹ کو بحال کر کے معاف فرمائیں۔ یہ کہ خداوند قدوس نے روئے زمین کے کسی بھی حصے میں معافی اصلہ رحمی پر پابندی عائد نہیں کی ہے۔ جبکہ حق پیشی محفوظ رکھتا ہوں۔

مورخہ: 25-06-2018

عنایت ماتحت پروری ہوگی۔

سائل کنسٹیبل اطلس خان 25 چیک پوسٹ واٹھہ بنوچی لگی مروت

A. A. A.

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

بعد الت جناب سرسٹریٹ ٹریبونل صوبہ سندھ پشاور

منجانب ایڈوائٹ

رکھس خانی بنام محکمہ ٹولیس و غیرہ

دعوی اپیل

باعث شکریہ ایٹکہ

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بتدریج سند و بعنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی و کل کاروائی متعلقہ آن مقام پشاور کیسٹ اسٹیشن آفیسر خان سردار نے ایڈوائٹ ہائی کورٹ کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا نیز وکیل صاحب کو کرنے راضی نامہ و تقرر ثالث و فیصلہ برعکف یعنی جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ اور مرضی دعویٰ اور درخواست ہر قسم کی تعلیم لینی اور اس پر دستخط کرنے کا اختیار ہوگا نیز بصورت عدم پیروی یا ڈگری کی طرف یا اپیل کی برآمدگی اور مستحق بنیاد پر کرنے اپیل نگران و نظر ثانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار 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 پر واختہ منظور قبول ہوگا اور دوران مقدمہ میں جو خرچہ و ہر جائزہ التوا مقدمہ کے سبب سے ہوگا اس کے مستحق وکیل صاحب موصوف ہوں گے نیز بقایا و خرچہ کی وصولی کرنے کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی بمقام درجہ پر ہو یا عدسے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکور کریں۔  
لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

المزوم

القید القید القید

ارباب ایٹیکل ایڈوائٹ  
سید اللہ خان مرشد ایڈوائٹ  
اطلس خان

من رومیہ تار  
ایڈوائٹ  
محمد انوار ایڈوائٹ

**BEFORE THE PESHAWAR HIGH COURT PESHAWAR**

Service Appeal No.1187/2018

Atlas Khan No.25 Constable, Police Lines Lakki Marwat

(Petitioner)

Versus

DPO Lakki Marwat & others

(Respondents)

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Deponent

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR**

**Appeal No. 1187/2018.**

Atlas Khan No.25 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**

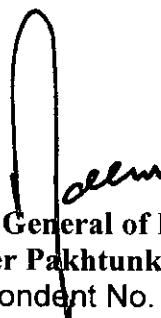
1. Pertains to record.
2. In-correct: in fact the petitioner when posted at Nakabandi Wanda Banochi showed neglectful performance in line of duty, which was considered poor and not up to the required standard of the Police Department, as a result a show cause notice vide No.2638/SRC dated 10-05-2018 was issued and served upon the petitioner. The reply of the petitioner was perused 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.301 dated 28-05-2018.
- b) Incorrect: During the posting at Nakabandi 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 usual period, but his (petitioner) performance was unsatisfactory and poor.
- 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 appellatant, being not maintainable, may kindly be dismissed with costs.

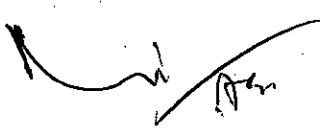
  
Inspector General of Police  
Khyber Pakhtunkhwa  
(Respondent No. 3)

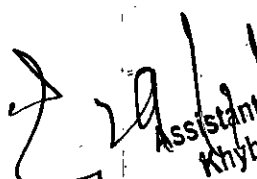
  
Regional Police Officer  
Bannu Region, Bannu  
(Respondent No. 2)

Dear Sirs,

The instat reply is similar  
nature and identical case  
with S/A 491/18 already  
vetted

  
District Police Officer  
Lakki Marwat  
(Respondent No. 1)

  
Approved

  
Assistant Advocate General  
Khyber Pakhtunkhwa  
Service Tribunal Peshawar

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

Service Appeal No. 1187/2018.

Atlas Khan No.25 Constable,

**VERSUS**

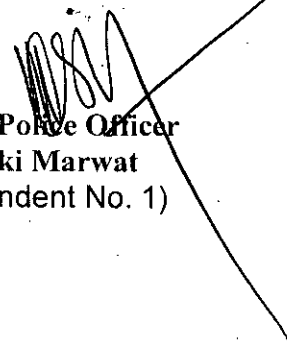
District Police Officer Lakki Marwat & others

**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.1187/2018

Atlas Khan No.25 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.

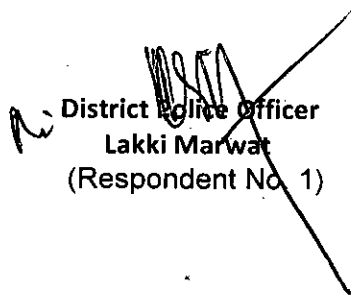
..... (Respondents)

**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)

  
District Police Officer  
Lakki Marwat  
(Respondent No. 1)



ORDER.

My this order will dispose off the departmental enquiry initiated against Constable Atlas Khan No.25 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.

DB No - 301  
28-05-18

District Police Officer,  
Lakki Marwat

No 4083-87 dated Lakki Marwat the 26-06-2018.

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  
certified  
Ansp/Lejal/LK

ORDER

By 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

Attested  
cecuti  
GNSP/Legal/LA

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 1538 /ST

Dated 2-9- / 2019

To


The District Police Officer,  
Government of Khyber Pakhtunkhwa,  
Lakki Marwat.

Subject: -

JUDGMENT IN APPEAL NO. 1187/2018, MR. ATLAS KHAN & OTHERS.

I am directed to forward herewith a certified copy of Judgement dated 09.07.2019 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.