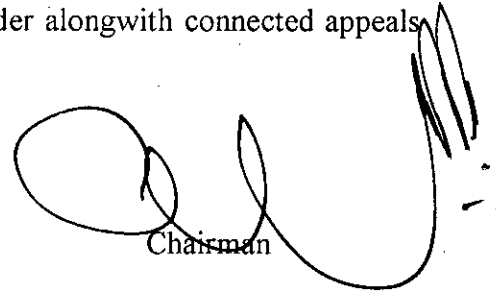


11.9.2014

Counsel for the appellant and Mr. Muhammad Khan, Reader to Inspector (Legal) Tank on behalf of respondents with Mr. Kabirullah Khattak, AAG present. Written reply received on behalf of the respondents, copy whereof is handed over to the learned counsel for the appellant for rejoinder alongwith connected appeals on 12.1.2015.

  
Chairman

12.01.2015

Counsel for the appellant and Mr. Shad Muhammad, S.I (legal) on behalf of respondents with Addl: AG present. Rejoinder received on behalf of the appellant, copy whereof is handed over to the learned Addl: AG for arguments alongwith connected appeals on 29.06.2015.

  
Chairman

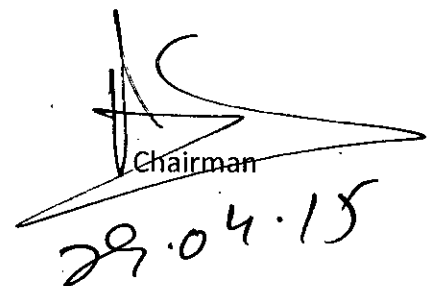
29.04.2015

Appellant in person present. Record of appeal requisitioned as appellant submitted application for withdrawal of appeal.

Appellant requested for withdrawal of appeal as he has applied for redressal of his grievances before the Appellate Board.

In view of application of the appellant placed on record, the appeal is dismissed as withdrawn. File be consigned to the record.

ANNOUNCED  
29.4.2015

  
Chairman  
29.04.15


Appeal No. 145/2014  
Mr. Khurshid

3, 20.03.2014

Counsel for the appellant present. Preliminary arguments heard and case file perused. Counsel for the appellant contended that the appellant has not been treated in accordance with law/rules. Against the original order dated 09.12.2013, he filed departmental appeal on 10.12.2013, which has been rejected on 13.01.2014, hence the present appeal on 06.02.2014. He further contended that the appellant has been treated under wrong law and the impugned order dated 13.01.2014, has been issued in violation of Rule-5 of the Civil Servant (Appeal) Rules 1986. Points raised at the Bar need consideration. The appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notices be issued to the respondents for submission of written reply/comments on 05.06.2014.

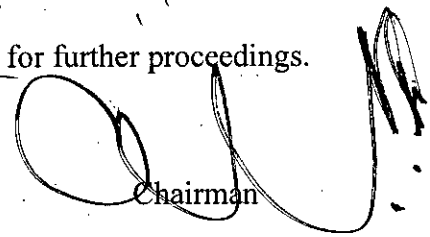
Appellant Deposited  
Security & Process Fee  
Rs. 180/- Bank  
Receipt is Attached with File.

60

  
Member

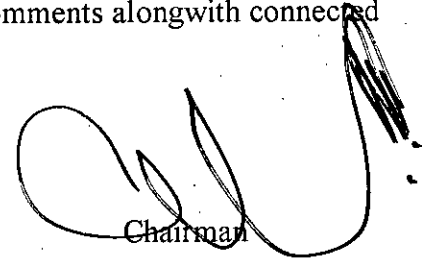
4, 20.03.2014

This case be put before the Final Bench          for further proceedings.

  
Chairman

5.6.2014



Counsel for the appellant present. Respondents are absent despite their service through registered post/concerned official. However, AAG is present on behalf of the respondents and would be contacting them for written reply/comments alongwith connected appeals on 11.9.2014.

  
Chairman

Form- A  
FORM OF ORDER SHEET

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

Case No. 145/2014

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	06/02/2014	<p style="text-align: center;">The appeal of Mr. Khurshid presented today by Mr. Muhammad Asif Yousafzai Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	10-2-2014	<p style="text-align: center;">This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>10-3-2014</u></p> <p style="text-align: right;"> CHAIRMAN</p>

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

Appeal No. 145 /2014

Mr. Khurshid

V/S

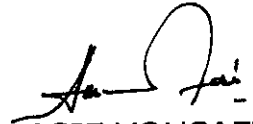
P.P.O. KPK & Others.

**INDEX**

S.No.	Documents	Annexure	Page No.
1.	Memo of Appeal	-----	01-04
2.	Copy of Charge sheet	- A -	05
3.	Copy of Statement of Allegations	- B -	06
4.	Copy of Order (2/12/2013)	- C -	07
5.	Copy of Appeal	- D -	08
6.	Copy of Rejection Order (13.1.2014)	- E -	09
7.	Vakalat Nama	-----	10

APPELLANT  
Khurshid

THROUGH:

  
( M. ASIF YOUSAFZAI )  
ADVOCATE, PESHAWAR.

1

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

Appeal No. 145 /2014

Dr. W. J. P. Peshawar  
Case No. 145  
Date 2-2-14

Mr. Khurshid, Ex-Constable No.312,  
District Police, Tank.

**APPELLANT**

VERSUS

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. The D.I.G. D.I.Khan (Region), D.I.Khan.
3. The District Police Officer, Tank.

**RESPONDENTS**

.....

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 02.12.2013 WHEREBY THE APPELLANT HAS BEEN DISMISSED FROM SERVICE AND AGAINST THE ORDER DATED 13.01.2014 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REJECTED FOR NO GOOD GROUNDS.

.....

**PRAYER:**

THAT ON ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 02.12.2013 AND 13.01.2014 MAY BE SET ASIDE AND THE APPELLANT MAY VERY GRACIOUSLY BE REINSTATED WITH ALL BACK BENEFITS. ANY OTHER REMEDY, WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

Handwritten signature and date 02/14

**RESPECTFULLY SHEWETH:**

1. That the appellant joined the Police Force in the year 2004 and completed all his due training etc and also has good service record throughout.

2. That all of sudden, the appellant was served with charge sheet and statement of allegations under the Police Rules, 1975 in which though the charges of corruption, ill-reputation and inefficiency were leveled against the appellant but without specification of any incident or occurrence which a led to formulate such statement of allegations. However, the appellant submitted his reply and denied all allegations. Copies of Charge-sheet and Statement of Allegations are attached as Annexure-A and B.
3. That then one sided enquiry was conducted against the appellant in which neither the appellant was associated with the enquiry proceedings nor any statement was recorded in the presence of appellant or to cross examine the same. The appellant was also not provided enquiry report till date.
4. That on 2.12.2013, the penalty of dismissal from service was imposed on the appellant under the Police Rules, 1975. The appellant preferred Departmental Appeal on 10.12.2013 which was also rejected for no good ground on 13.1.2014. Copies of Order, Appeal and Rejection Order are attached as Annexure-C, D and E.
5. That now the appellant comes to this Honourable Tribunal on the following grounds amongst the others.

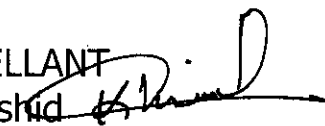
**GROUND:**

- A) That the impugned order dated 02.12.2013 and 13.01.2014 are against the law, facts, norms of justice and material on record, therefore, not tenable and liable to be set aside.
- B) That the appellant has been condemned unheard and has not been treated according to law and rules.

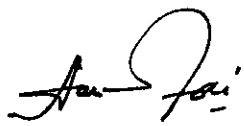
- C) That neither the appellant was associated with the enquiry proceedings nor any statement of the witnesses have been recorded in the presence of appellant. Even a chance of cross examination was also not provided to the appellant which is violation of norms of justice.
- D) That even no final show cause notice was served on appellant which before imposing major penalty of dismissal from service which is the violation of principle of personal hearing and fair play.
- E) That no enquiry paper was provided to the appellant which is the violation of law as held by the Honourable Supreme Court of Pakistan in the case of Mir Muhammad Khan.
- F) That the charge sheet and statement of allegations is vague and contains no specification about in incident or nothing which could based to level in allegations.
- G) That the appellant has not been treated under the proper law despite he was a civil servant of the province, therefore, the impugned order is liable to be set aside on this score alone.
- H) That the penalty of dismissal from service is very harsh which was passed in violation of law and rules, therefore, the same is not sustainable in the eyes of law.
- I) That the appellant has been discriminated because similar like allegations were leveled against 35 officials of District Tank Police and more than 15 officials are reinstated while the same benefits were not extended to the appellant.
- J) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

It is, therefore, most humbly prayed that the appeal of the appellant maybe accepted as prayed for.

APPELLANT  
Khurshid



THROUGH:



( M. ASIF YOUSAFZAI )  
ADVOCATE, PESHAWAR.



(3)

A  
=

**CHARGE SHEET.**

WHEREAS, I, am satisfied that a formal enquiry contemplated under Khyber Pakhtunkhwa Police Rules 1975 is necessary and expedient.

AND WHEREAS, I am of the view that the allegation(s) if established would call for a Major Penalty including dismissal from service as defined in Rules(4(i)(B) of the aforesaid Rules.

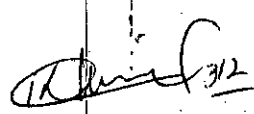
AND THEREFORE, as required by Police Rules 6 (I) of the aforesaid Rules, I, **ANWAR SAEED KUNDI (PSP)** District Police Officer Tank being a competent authority hereby charge you Constable Khurshed 312 with the misconduct on the basis of statement of allegation attached to this Charge Sheet.

AND hereby direct you further under rule 6(I) of the said rules to put in written defence within Seven (7) days of receipt of this Charge Sheet as to why the proposed action should not be taken against you and also state that the same time whether you wish to heard in person or otherwise.

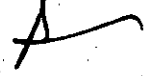
In case your reply is not received within the prescribed period, without sufficient cause, it would be presumed that you have not defence to offer and exparte action proceedings will be initiated against you.

  
(ANWAR SAEED KUNDI) PSP  
District Police Officer,  
Tank

24/10

  
312

ATTESTED



7

B

6

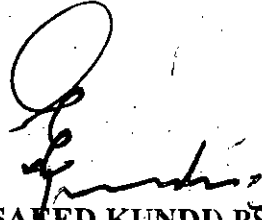
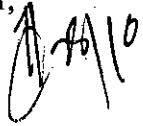
STATEMENT OF ALLEGATION.

That you while serving in Police Department have been found involved in the following misconduct:-

1. Corruption.
2. ill-reputation.
3. Inefficiency.

This amounts to gross misconduct on your part and punishable under the Khyber Pakhtunkhwa Police Rule 1975.

Hence the statement of allegation.

  
(ANWAR SAIED KUNDI) PSP  
District Police Officer,  
Tank  


ATTESTED  






OFFICE OF THE  
DISTRICT POLICE OFFICER  
DISTRICT TANK

Ph. No. 0963-510257.  
Fax no. 0963-510565.

OFFICE ORDER.

My this office will dispose off departmental enquiry initiated against Constable Khurshid No. 312 of this district police on the allegations of ill reputation, corruption and inefficiency against whom proper departmental enquiry was initiated. Charge Sheets along with statement of allegations was issued and served upon him properly. Inspector Faridullah Khan, Circle Officer, Investigation, Tank was nominated as Enquiry Officer. The defaulter constable was summoned and examined. He produced his written reply which is placed on file. After finalization of inquiry, the Enquiry Officer has submitted his finding report. The enquiry report was received and perused. His previous service record was also checked. As per his service record, the accused official has recently been transferred to District Police DIKhan on compliant on loan basis. There is no chance of becoming him good and punctual Police Official. His general reputation in the department is not good. His further retension in the department is unadviceable in total. The allegations framed in the charge sheet are substantiated against him. He is fully derseves to be dismissed from service, therefore **I ANWAR SAEED KUNDI, (PSP)** District Police Officer, Tank being competent authority under the Powers vested me under Khyber PakhtunKhwa Police Rules 1975, award Major Punishment of "**DISMISSAL FROM SERVICE**" to defaulter Constable Khurshid No. 312 of this district police with immediate effect.

Announced.

02/12/13

OB No. 1645

Date: 20-12-2013

(ANWAR SAEED KUNDI) PSP  
District Police Officer,  
Tank.

ATTESTED

بھصور والا شان ڈپٹی انسپکٹر جنرل آف پولیس  
ضلع ڈیرہ اسماعیل خان (ریجن)

8

عنوان :- اپیل برائے بحال ملازمت۔

جناب عالی!

- ۱۔ گزارش بھصور انور ہے کہ جناب ڈپٹی او صاحب ٹانک نے من سال کو مورخہ 02-12-2013 کو سروس سے (Dismiss) کی سزا دیکر محکمہ سے برطرف کرنے کا حکم صادر فرمایا ہے۔
- ۲۔ جناب انکوآئری آفیسر فرید اللہ خان (C.O) ٹانک نے جو فائنڈینگ رپورٹ انکوآئری پیش کی ہے وہ فرضی اور اپنی طرف سے قیاس شدہ ہے۔
- ۳۔ دوران انکوآئری بابت الزامات من سال کے خلاف لگائے گئے الزامات میں سے بفضل خدا کوئی بھی الزام سامنے نہیں آیا ہے۔ صرف محض بالائی سطح پر حکم احکام کی تعمیل کرتے ہوئے انکوآئری آفیسر نے فرضی فائنڈینگ رپورٹ دی ہے۔
- ۴۔ میرے 10 سالہ ریکارڈ کو نہ دیکھا گیا اور نہ مجھے سنا گیا اور نہ ہی دوران انکوآئری کسی کراس کا موقع دیا گیا ہے اور نہ ہی انکوآئری کا حصہ بنایا گیا ہے۔
- ۵۔ دوران سروس پبلک کی طرف سے کوئی تحریری یا زبانی شکایت نہیں ہوئی ہے۔ بلکہ میرے خلاف پبلک کی طرف بابت الزامات کوئی شخص انکوآئری آفیسر کو پیش نہیں ہوا ہے۔ اور نہ ہی کسی طور پر الزامات ثابت ہوئے ہیں۔
- ۶۔ انکوآئری کے دوران میرے سروس ریکارڈ گڈ انٹری کو نظر انداز کیا جا کر میرے 10 سالہ شفاف کیریئر کو چھپایا گیا ہے۔
- ۷۔ میرے 10 سالہ سروس ریکارڈ میں میڈیکل لیو اور غیر حاضری بلا تنخواہ کو ایشو بنا کر میرے خلاف سزا کا تحریر کیا گیا ہے۔ جو میرے خلاف کارروائی (Dismissal) کی گئی ہے۔ حالانکہ انہی میڈیکل وغیر حاضری کی سزا پہلے بھی بھگت چکا ہوں۔
- برائے کرم میری عرضداشت بصورت اپیل پر منصفانہ غور فرما کر مجھے سنا بھی جائے اور بلا وجہ اس بدترین سزا جو اسلامی وانگریزی قانون کی جانب سے ظلم کی مترادف ہے سے نجات دی جائے اور مجھے دوبارہ سروس پر بحال کرنے کا حکم صادر فرمایا جاوے۔

مورخہ 10-12-13

ارض

سائل کنشیل خورشید نمبر 312/Ex ولد شیر زمان قوم کنڈی سکندہ اماخیل ضلع ٹانک

رابطہ نمبر 0344-9353541/0303-5998171

ATTESTED

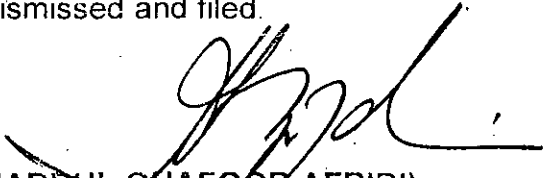
E (9)

ORDER:

This order is meant to dispose off the appeal preferred by Ex-Constable Khursheed No.312 of Tank District against the order of major punishment i.e. dismissal from service, awarded to him by DPO Tank vide OB No.1645 dated 02.12.2013. He was proceeded against on the allegations of ill-reputation, corruption and inefficiency. A proper departmental enquiry was initiated and Mr. Farid Ullah, Circle Officer investigation Tank was appointed as Enquiry Officer to conduct proper departmental enquiry against him. On the recommendation of Enquiry Officer, DPO Tank awarded him major punishment of dismissal from service.

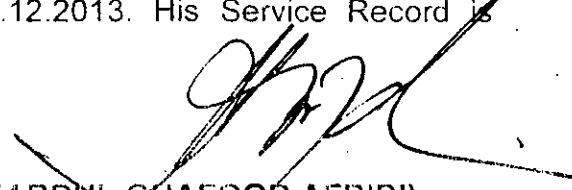
The appellant/ Ex-Constable preferred the instant appeal against the order of DPO Tank. I have gone through the enquiry file as well as service record of the appellant and also heard him in person on 01.01.2014.

Therefore in exercise of power conferred upon me I **Abdul Ghafoor Afridi** Dy: Inspector General of Police DIKhan, the competent authority in exercise of the powers conferred upon me find no substance in appeal and hold that DPO has correctly passed this order, therefore, this appeal is dismissed and filed.

  
(ABDUL GHAFUOR AFRIDI)  
PSP, PPM  
Deputy Inspector General of Police,  
Dera Ismail Khan Region

No. 126 IES, dt 13-1-14


Copy to the District Police Officer, Tank for information with reference to his office memo: No.5718 dated 30.12.2013. His Service Record is returned herewith.

  
(ABDUL GHAFUOR AFRIDI)  
PSP, PPM  
Deputy Inspector General of Police,  
Dera Ismail Khan Region

*CO (S. Rull)*

*OB 75 R/10*

*for action*

*AIESIED*  
  
C.O. INVESTIGATION  
TANK

*DPO Tank*  
*5711/14*

*OB No 28*  
*15-1-14*

# VAKALAT NAMA

10

NO. \_\_\_\_\_/20

IN THE COURT OF \_\_\_\_\_

*Service Tribunal Peshawar.*

*Khurshid*

(Appellant)  
(Petitioner)  
(Plaintiff)

VERSUS

*P.P.O.*

(Respondent)  
(Defendant)

I/We

*Khurshid.*

Do hereby appoint and constitute **M.Asif Yousafzai, Advocate, Peshawar,** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated \_\_\_\_\_/20

*[Signature]*  
( CLIENT )

ACCEPTED

*[Signature]*  
**M. ASIF YOUSAFZAI**  
Advocate

**M. ASIF YOUSAFZAI**  
Advocate High Court,  
Peshawar.

**OFFICE:**

Room No.1, Upper Floor,  
Islamia Club Building,  
Khyber Bazar Peshawar.  
Ph.091-2211391-  
0333-9103240

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

**Service Appeal No. 145/2014**

Khurshid, Ex-Constable No. 312,  
District Police, Tank.....(Appellant)

**Versus**

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. The Deputy Inspector General of Police, D.I.Khan Range.
3. District Police Officer, Tank..... (Respondents 1 to 3)

**WRITTEN REPLY ON BEHALF OF RESPONDENTS.**

**Respectfully Sheweth,**

**PRELIMINARY OBJECTIONS**

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

**BRIEF FACTS**

1. Correct to the extent that the appellant joined Police department in the year 2004 and completed his due training but remaining portion of the para is incorrect.
2. Incorrect. Infact a proper charge sheet and statement of allegations under the rules has been issued on charges of Corruption, Ill-reputation & Inefficiency. The appellant also submitted his reply which was found unsatisfactory.
3. Incorrect. A proper departmental enquiry was conducted against the appellant in which all the lawful opportunities of defence were provided to him.
4. Pertains to record.
5. May be treated in accordance with law & rules.

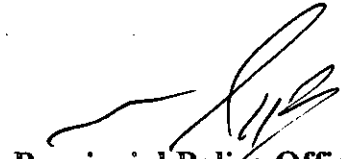
## GROUNDS

- A. Incorrect. The orders were passed by the competent authorities under the existing law & rule, thus are sustainable.
- B. Incorrect. All the lawful opportunities of defence were provided to him including personal hearing.
- C. Incorrect. A proper departmental proceeding under the law were initiated against him in which all the lawful opportunities of defence have been provided to him.
- D. Incorrect. All the legal formalities under the law & rules have been observed before passing order by the competent authorities.
- E. Incorrect. All the relevant documents under the rules have been provided to the appellant.
- F. Incorrect. A proper charge sheet and statement of allegations were issued and served upon the appellant.
- G. Incorrect. A proper departmental enquiry was initiated against the appellant on the charges of Corruption, Ill-reputation & Inefficiency under the law & rules in which appellant was found guilty, thus the orders are sustainable.
- H. Incorrect. The penalty of dismissal from service was awarded under the law & rules by the competent authority after proper departmental proceeding on the severe and chronic charges of Corruption, Ill-reputation & Inefficiency.
- I. Incorrect. Infact such like departmental proceedings were initiated against different officers on the charges of Corruption, Ill-reputation & Inefficiency and departmental punishments were awarded to those officials who were found guilty.
- J. The respondent may also be allowed to advance other grounds at the time of hearing.



**PRAYER**

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

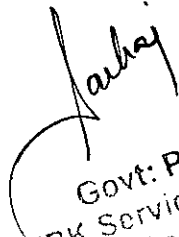


**Provincial Police Officer,**  
Khyber Pakhtunkhwa, Peshawar  
(Respondent No.1)



**Deputy Inspector General of Police**  
DIKhan Range  
(Respondent No.2)

Vetted



Govt: Pleader  
KPK Services Tribunal  
Camp Court D.I.Khan



**District Police Officer,**  
Tank  
(Respondent No.3)

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

**Service Appeal No. 145/2014.**

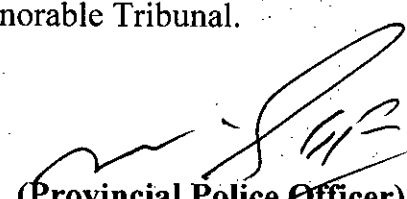
Khurshid Ex-Constable No. 312,  
District Police Tank ..... (Appellant)

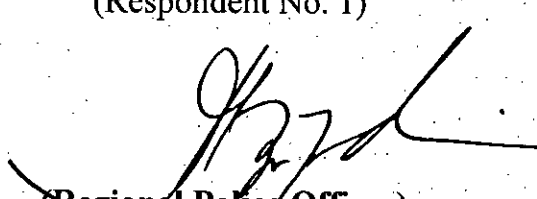
**Versus**

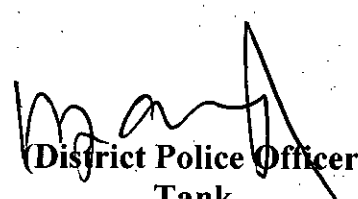
1. The Provincial Police Officer, Khyber Pakhtunkhwa Peshawar.
2. The Regional Police Officer, Dera Ismail Khan Region.
3. The District Police Officer, Tank..... (Respondents 1 to 3)

**COUNTER AFFIDAVIT ON BEHALF OF RESPONDENTS.**

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

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

  
**(Regional Police Officer)**  
Dera Ismail Khan Region  
(Respondent No. 2)

  
**(District Police Officer)**  
Tank  
(Respondent No. 3)

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

**Service Appeal No. 145/2014.**

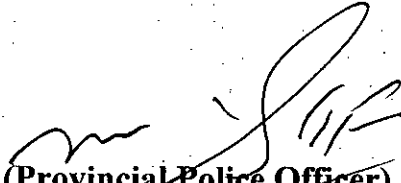
Khurshid Ex-Constable No. 312,  
District Police Tank ..... (Appellant)


**Versus**

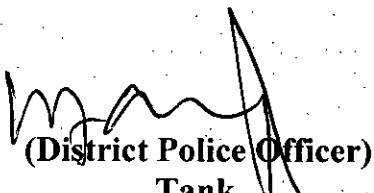
1. The Provincial Police Officer, Khyber Pakhtunkhwa Peshawar.
2. The Regional Police Officer, Dera Ismail Khan Region.
3. The District Police Officer, Tank..... (Respondents 1 to 3)

**AUTHORITY**

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

  
(Provincial Police Officer)  
Khyber Pakhtunkhwa Peshawar  
(Respondent No. 1)

  
(Regional Police Officer)  
Dera Ismail Khan Region  
(Respondent No. 2)

  
(District Police Officer)  
Tank  
(Respondent No. 3)

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

Service Appeal No. 145/2014

Khurshid, Ex-Constable No. 312,  
District Police, Tank.....(Appellant)

**Versus**

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. The Deputy Inspector General of Police, D.I.Khan Range.
3. District Police Officer, Tank..... (Respondents 1 to 3)

**WRITTEN REPLY ON BEHALF OF RESPONDENTS.**

Respectfully Sheweth,

**PRELIMINARY OBJECTIONS**

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

**BRIEF FACTS**

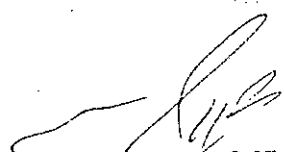
1. Correct to the extent that the appellant joined Police department in the year 2004 and completed his due training but remaining portion of the para is incorrect.
2. Incorrect. Infact a proper charge sheet and statement of allegations under the rules has been issued on charges of Corruption, Ill-reputation & Inefficiency. The appellant also submitted his reply which was found unsatisfactory.
3. Incorrect. A proper departmental enquiry was conducted against the appellant in which all the lawful opportunities of defence were provided to him.
4. Pertains to record.
5. May be treated in accordance with law & rules.


## GROUNDS


- A. Incorrect. The orders were passed by the competent authorities under the existing law & rule, thus are sustainable.
- B. Incorrect. All the lawful opportunities of defence were provided to him including personal hearing.
- C. Incorrect. A proper departmental proceeding under the law were initiated against him in which all the lawful opportunities of defence have been provided to him.
- D. Incorrect. All the legal formalities under the law & rules have been observed before passing order by the competent authorities.
- E. Incorrect. All the relevant documents under the rules have been provided to the appellant.
- F. Incorrect. A proper charge sheet and statement of allegations were issued and served upon the appellant.
- G. Incorrect. A proper departmental enquiry was initiated against the appellant on the charges of Corruption, Ill-reputation & Inefficiency under the law & rules in which appellant was found guilty, thus the orders are sustainable.
- H. Incorrect. The penalty of dismissal from service was awarded under the law & rules by the competent authority after proper departmental proceeding on the severe and chronic charges of Corruption, Ill-reputation & Inefficiency.
- I. Incorrect. Infact such like departmental proceedings were initiated against different officers on the charges of Corruption, Ill-reputation & Inefficiency and departmental punishments were awarded to those officials who were found guilty.
- J. The respondent may also be allowed to advance other grounds at the time of hearing.

**PRAYER**

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

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

  
**Deputy Inspector General of Police**  
DIKhan Range  
(Respondent No.2)

  
**District Police Officer,**  
Tank  
(Respondent No.3)

*Vetted*



**Court Pleader**  
Services Tribunal  
at Court, DIKhan

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

**Service Appeal No. 145/2014.**

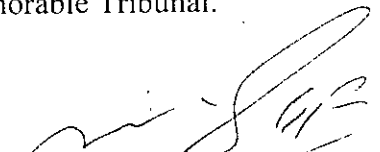
Khurshid Ex-Constable No. 312,  
District Police Tank ..... (Appellant)

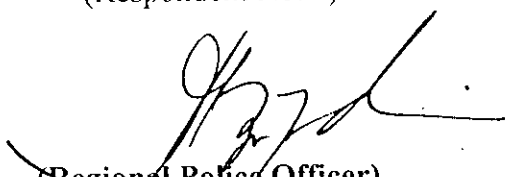
**Versus**


1. The Provincial Police Officer, Khyber Pakhtunkhwa Peshawar.
2. The Regional Police Officer, Dera Ismail Khan Region.
3. The District Police Officer, Tank..... (Respondents 1 to 3)

**COUNTER AFFIDAVIT ON BEHALF OF RESPONDENTS.**

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

  
(Provincial Police Officer)  
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Dera Ismail Khan Region  
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**BEFORE THE HONORABLE SERVICE TRIBUNAL,**  
**KHYBER PAKHTUNKHWA, PESHAWAR**

Service Appeal No. 145/2014.

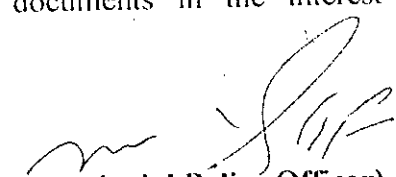
Khurshid Ex-Constable No. 312,  
District Police Tank ..... (Appellant)


**Versus**

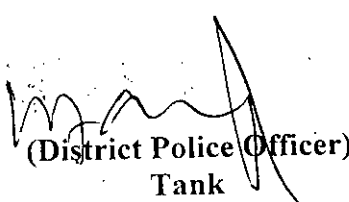
1. The Provincial Police Officer, Khyber Pakhtunkhwa Peshawar.
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**AUTHORITY**

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

  
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Khyber Pakhtunkhwa Peshawar  
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Tank  
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**BEFORE THE KHYBER PAKHTUNKHWA,  
SERVICE TRIBUNAL, PESHAWAR.**

Service Appeal No. 145/2014

Khurshid

VS

Police Deptt:

.....

**REJOINDER ON BEHALF OF APPELLANT**

.....

**RESPECTFULLY SHEWETH:**

**Preliminary Objections:**

(1-8) All objections raised by the respondents are incorrect and baseless. Rather the respondents are estopped to raise any objection due to their own conduct.

**FACTS:**

- 1 Admitted correct by the respondents as the service record is laying in the custody of department.
- 2 First portion of the para is admitted correct. While the remaining portion of the para is incorrect as the charges of corruption, ill reputation and inefficiency were leveled against the appellant but with out specification of any incident or occurrence which led to formulate such charges.
- 3 Incorrect. While para 3 of the appeal is correct.
- 4 Admitted correct by the respondents as the service record is laying in the custody of department.
- 5 No comments.

## **GROUND:**

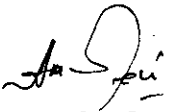
- A- Incorrect. The orders dated 9.12.2013 and 13.1.2014 are against the law, rules, norms of justice and material on record. Therefore not tenable and liable to be set aside.
- B- Incorrect. While para B of the appeal is correct.
- C- Incorrect. While para B of the appeal is correct.
- D- Incorrect. No legal formalities have been observed as even no final show cause notice was served on appellant which is necessary before imposing major penalty of dismissal from service which is violation of principle of personal hearing and fair play.
- E- Incorrect. While para E of the appeal is correct.
- F- Incorrect. the charge sheet and statement of allegations is vague and contain no specification about in incident or nothing which could based to level in allegations
- G- Incorrect. While para G of the appeal is correct.
- H- Incorrect. While para G of the appeal is correct.
- I- Incorrect. The appellant along with 35 other officials were removed from the service on the basis of same allegations but some of them were reinstated while the same benefits were not extended to the appellant. Hence the appellant is discriminated as if the allegations were same and some of the officials were reinstated then it was also the legal right of the appellant to be reinstated.
- J- No comments.

It is, therefore, most humbly prayed that the appeal of appellant may kindly be accepted as prayed for.

APPELLANT

Khurshid

Through:

  
( M. ASIF YOUSAFZAI )  
ADVOCATE,

**AFFIDAVIT**

It is affirmed and declared that the contents of rejoinder are true and correct to the best of my knowledge and belief.

  
DEPONENT



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

Service Appeal No. 145/2014

Khurshid

VS

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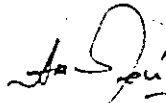
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Khurshid

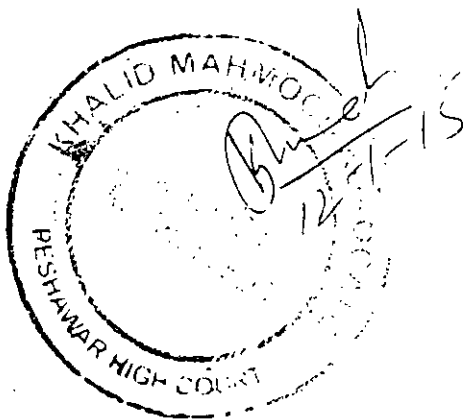
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**AFFIDAVIT**

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DEPONENT



1. The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that proper record-keeping is essential for the integrity of the financial system and for the ability to detect and prevent fraud.

2. The second part of the document outlines the specific procedures for recording transactions. It details the steps involved in the accounting cycle, from identifying the transaction to posting it to the appropriate ledger accounts.

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

Service Appeal No. 145/2014

Khurshid

VS

Police Deptt:

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**REJOINDER ON BEHALF OF APPELLANT**  
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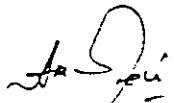
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APPELLANT

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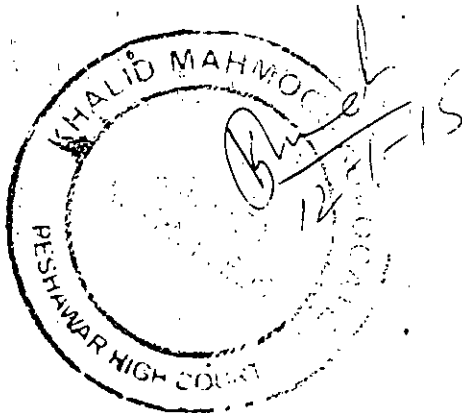
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( M. ASIF YOUSAFZAI )  
ADVOCATE,

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It is affirmed and declared that the contents of rejoinder are true and correct to the best of my knowledge and belief.

  
DEPONENT



BEFORE THE HON'BLE SERVICE TRIBUNAL K.P.K PESHAWAR.

Service Appeal No. 145/2014

Khurshid Ex Constable No.312  
District Police  
Tank.

*Handwritten:*  
A.V.P. Provincial  
Service Tribunal  
Sl. No. 335  
29/4/15

V/S

The Provincial Police Officer K.P.K. etc.

Application for withdrawal of the titled  
Appeal

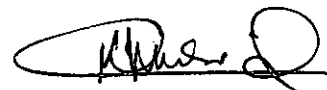
*Handwritten:*  
put up with  
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J.  
28.04.15

Respectfully Sheweth,

That the above titled Service Appeal is pending adjudication before this Hon'ble Tribunal and is fixed on 29.6.2015

That the Respondent authorities ( Police Department ) have been constituted an Appellate Board for the redressal of the Police Cases and the Appellant have requested /submitted to the newly constituted Appellate Board for his grievances. Thus the Appellant wants to withdraw his titled Appeal from the cause list of the Hon'ble Service Tribunal.

It is therefore humbly prayed that the Appellant may kindly be allowed to withdraw the titled Appeal from the Hon'ble Tribunal



Your Humble Appellant.

Khurshid

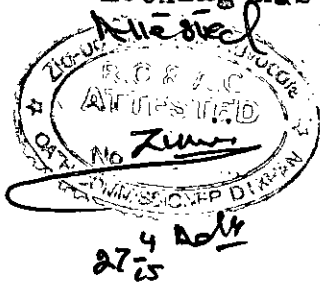
Dated.27.4.2015.

BEFORE THE SERVICE TRIBUNAL K.P.K PESHAWAR.

Khurshid V/S PPO KPK etc.

Affidavit.

I, Khurshid Khan S/O Sher Zaman R/O Village Anna Khel District Tank do hereby solemnly affirm and declare on oath that the contents of the application are true and correct to the best of my knowledge and belief and that nothing has been concealed from the Hon'ble Tribunal.



Deponent.

BEFORE THE HON'BLE SERVICE TRIBUNAL K.P.K PESHAWAR.

Service Appeal No. 145/2014

Khurshid Ex Constable No.322  
District Police  
Tank.

V/S

The Provincial Police Officer K.P.K. etc.

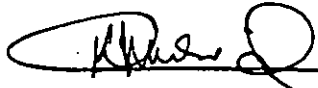
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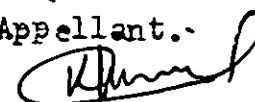
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Your Humble Appellant.-

Khurshid

  
NIC - 12201-7633123-7

Dated.27.4.2015.

BEFORE THE SERVICE TRIBUNAL K.P.K PESHAWAR.

Khurshid V/S PPO KPK etc.

Affidavit.

I, Khurshid Khan S/O Sher Zaman R/O Village Amma Khel District Tank do hereby solemnly affirm and declare on oath that the contents of the application are true and correct to the best of my knowledge and belief and that nothing has been concealed from the Hon'ble Tribunal.

*Khurshid*  
*Zaman*  
27/4/2014



Deponent.