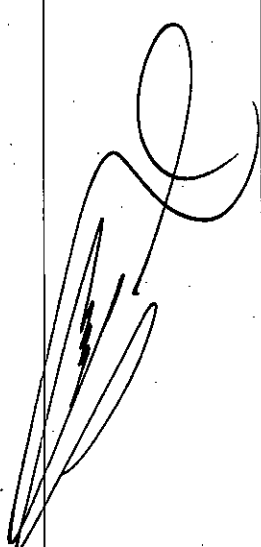


Sr. No.	Date of order/ proceedings	Order or other proceedings with signature of Judge/ Magistrate
1	2	3
1.	13.05.2015	<p data-bbox="630 458 1403 533">KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, <u>PESHAWAR.</u></p> <p data-bbox="878 575 1179 618">Appeal No. 962/2013</p> <p data-bbox="630 657 1511 695">Junaid Khan Versus I.G.P Khyber Pakhtunkhwa, Peshawar etc.</p> <p data-bbox="769 737 964 775"><u>JUDGMENT.</u></p> <p data-bbox="630 829 1520 1029"><u>PIR BAKHSH SHAH, MEMBER.-</u> Appellant with counsel (Mr. Gul Daraz Khan) and Mr. Ziaullah, Government Pleader with Nabi Rahman, ASI for the respondents present.</p> <p data-bbox="630 1148 1520 1589">2. Appellant Junaid Khan Shoulder ASI was dismissed from service vide impugned order dated 09.08.2010. His departmental appeal was also failed as revealed from the order dated 28.5.2013 of the appellate authority, hence this service appeal before this Tribunal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974.</p> <p data-bbox="630 1709 1520 2312">3. According to memo: of appeal, the appellant was enrolled in the Khyber Pakhtunkhwa Police as Constable in the year, 2002. That he put in excellent performance so much so that one terrorist namely Yousaf Gul was also arrested by him. That the said Yousaf Gul was unlawfully handed over to the Army which episode resulted into his statement before the august Supreme Court of Pakistan. According to the appellant, the respondent-department particularly respondent No. 3 due to</p>

his statement before the august Supreme Court of Pakistan turned out as biased against the appellant. Consequently, the appellant was proceeded against under disciplinary rules in the wake of a concocted and false case. That the appellant was dismissed from service vide order dated 09.08.2010. He filed service appeal before this Tribunal which was converted into departmental appeal and on which the respondent department was directed to dispose of the same expeditiously. That this departmental appeal was also rejected on 28.5.2013, hence this appeal before the Tribunal.

Defence of the respondent department is as stated in paragraph No. 6 & 9 of the parawise comments of the respondent-department, ~~is~~ reproduce below:-

- 
- “6. Complaints regarding raids on the houses of innocent people for greedy aims without permission of his senior were received to the local Police. Moreover, the appellant had quarreled with his own colleagues and fired at them with govt. rifle vide report DD No. 27 dated 17.4.2010 Police Station Doaba. Proper departmental proceedings were initiated against the appellant and after the completion of departmental proceedings, he was dismissed from service.
9. In compliance to this honourable Tribunal order dated 18.4.2013 in service appeal No. 2567/2010, respondent No. 2 has passed detailed and speaking order vide his office No. 3735/EC, dated 28.5.2013 with the remarks that appellant

moved departmental appeal before Dy. Inspector General of Police, Kohat Region Kohat on 13.08.2010 which was accepted and ordered to initiate denovo-enquiry vide order dated 29.09.2010.

4. We have heard the learned counsel for the appellant and learned Government Pleader for the respondents and have carefully gone through the record.

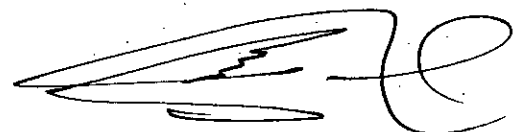
5. It transpired from perusal of the record that when the appellant was dismissed from service vide order dated 09.8.2010, he filed departmental appeal before the DIG of Police Kohat Region which was partly allowed vide order dated 29.9.2010 as a result whereof the major penalty of dismissal from service of the appellant was set aside substituted with order to the competent authority to conduct denovo enquiry against the appellant. A denovo enquiry was conducted against the appellant and again he was dismissed from service vide order dated 27.12.2010. In the meanwhile the appellant filed Service Appeal No. 2567/2010 before this Tribunal decided on 18.4.2013. This Tribunal by way of the above order directed the appellate authority of the respondent department to pass a speaking order on the appeal of the appellant. The record further revealed that the DIG Kohat Region vide his impugned order dated 28.5.2013 has not interfered with dismissal order of the appellant but no reason has been given. This be so as it is but the above situation shows that when the appellant was again

dismissed from service vide order dated 27.12.2010 he did not file any departmental appeal against the said order. On the other hand, the Tribunal vide order dated 18.4.2013 directed the respondent department to pass a speaking order on the appeal of the appellant. The above said situation has properly been recapitulated by the DIG vide his order dated 28.5.2013 and it is evident from this order that there is no service appeal against the dismissal order dated 27.12.2010, much less any appealing order of the appellate authority in the contemplation of Section 24-A of General Clauses Act, 1897. Hence this Tribunal is of the considered opinion to remit the case back to the respondent-department to deal it as departmental appeal against the dismissal order of the appellant dated 27.12.2010 and to decide the same within a period of one month failing which this appeal be deemed to have been accepted. Parties are left to bear their own costs. File be consigned to the record.

ANNOUNCED
13.5.2015



(ABDUL LATIF)
MEMBER



(PIR BAKHSH SHAH)
MEMBER

962/13

11.3.2015

Appellant with counsel and Mr. Ziaullah, GP with Shamim, ASI for the respondents present. Arguments heard. To come up for order on 13.5.2015.


MEMBER


MEMBER

8.5.2014

Counsel for the appellant and Mr. Mujtaba Ali, SI Hangu on behalf of respondents with Mr. Usman Ghani, Sr. GP present. Rejoinder received on behalf of the appellant, copy whereof is handed over to the learned Sr. GP for arguments on 10.9.2014.


Chairman

10.09.2014

Appellant with counsel and Mian Imtiaz Gul, DSP (Legal) on behalf of respondents with Mr. Muhammad Adeel Butt, AAG present. Arguments could not be heard due to incomplete bench. To come up for arguments on 11.3.2015.


Chairman

17.10.2014

Notices be issued to the parties for arguments on 09.01.2015 instead of 11.03.2015.


Chairman

09.01.2015

Appellant with counsel and Mr. Mujahid Hussain, ASI (Legal) on behalf of respondent No. 3 with Mr. Muhammad Adeel Butt, AAG for the respondents present. The Tribunal is incomplete. To come up for arguments on 11.03.2015.


Reader.

Appeal No. 962/2013,
Mr. Tameez Khan.

Counsel for the appellant present and heard on preliminary.

3.

30.09.2013

Appellant deposited
security & process fee
Rs 1800/- Bank
receipt is attached
with file
Jed

Contended that the instant appeal has been filed against the order dated 28.05.2013 where grievances of the appellant still pending. The appellant has not been treated in accordance with law/rules. The appellant was not called for personal hearing nor any chance was given to him, hence the present appeal on 10.06.2013.. Points raised at the Bar need consideration. The appeal is admitted to regular hearing subject to all legal objections/limitation. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, notice be issued to the respondents. Case adjourned to 18.12.2013 for submission of written reply.

Member.

4.

30.09.2013

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

18-12-13.

The Hon'ble Bench is an ^{Chairman} ~~am~~ ~~tant~~ ~~to~~ ~~Abbottabad~~. To come up for further proceedings on 08-2-2014.

Chairman

6.2.2014

Appellant in person and Mr. Aziz-ur-Rehman, DSP (Legal) Hangu on behalf of respondents with AAG present. Written reply/para-wise comments received on behalf of the respondents, copy whereof is handed over to the appellant for rejoinder on 8.5.2014.


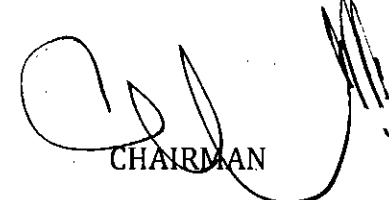
Chairman

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. 962/2013

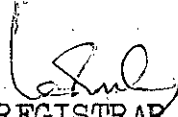
S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	11/06/2013	<p>The appeal of Mr. Junaid Khan resubmitted today by Mr. Gul Daraz Khan Advocate, may be entered in the Institution Register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;">  REGISTRAR </p>
2	15-7-2013	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>30-9-2013</u>.</p> <p style="text-align: right;">  CHAIRMAN </p>

The appeal of Mr. Junaid Khan Shaulder ASI son of Khial Gul R/O Hangu received today i.e. on 10/06/2013 is incomplete on the following scores which is returned to the Counsel for the appellant for completion and re-submission within 15 days:-

- 1- Copies of promotion order mentioned in para-4 of the memo of appeal (Annexure-E) are not attached with the appeal which may be placed on it.
- 2- Copy of departmental appeal is not attached with the appeal which may be placed on it.
- 3- Annexures of the appeal may be attested.
- 4- Five more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

NO. 890 /S.T.

Dt. 10/06 /2013.


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

MR. GUL DARAZ KHAN ADV. PESH.

*objection removed
accordingly. Jeece*

**BEFORE THE HON'BLE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR**

Civil Appeal No. 962/2013

Junaid Khan Shaulder ASI S/o Khial Gul

R/o Hangu.....(Appellant)

VERSUS

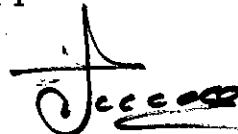
1. I.G.P, Khyber Pakhtunkhwa, Peshawar.
2. Deputy Inspector General of Police Kohat Region Kohat.
3. District Police Officer Hangu.....(Respondents)

I N D E X

S.No	Description of Documents	Annex	Pages
1.	Service Appeal		1-5
2.	Affidavit		6
3.	Addresses of the parties		7
4.	Copy of appointment order	A	8
5.	Copies of Noble Certificate and Cash Reward	B&C	9-12
6.	Copy of letter	D	13
7.	Copy of promotion letter	E	14
8.	Copy of Statement	F	15
9.	Copy of dismissal Order	G	16
10.	Copy of appeal and order	H&I	17-26
11.	Copy of order dated 28/05/2013+ ² Appeal	J	27-28
12.	Wakalat Nama		

Appellant

Through



Dated: 10 /06/2013

Gul Daraz Khan
Advocate High Court,
Peshawar.
Cell No. 0333-9239831

**BEFORE THE HON'BLE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR**

Civil Appeal No. 962/2013

A.W.P. Peshawar
10-6-13

Junaid Khan Shaulder ASI S/o Khial Gul

R/o Hangu.....(Appellant)

VERSUS

1. I.G.P, Khyber Pakhtunkhwa, Peshawar.
2. Deputy Inspector General of Police Kohat Region Kohat.
3. District Police Officer Hangu.....(Respondents)

**SERVICE APPEAL U/S 4 OF NWFP (KPK)
SERVICE TRIBUNAL ACT, 1974 AGAINST
THE ORDER OF RESPONDENT NO. 02
DATED 28/05/2013 WHO (RESPONDENT
NO. 2) WAS DIRECTED BY RESPONDENT
NO. 1 FOR DISPOSAL OF DEPARTMENTAL
APPEAL FAILED BY THE APPELLANT.**

Prayer in appeal:

1. On acceptance of the instant Service Appeal, the orders of the respondents No. 2 dated 28/05/2013 and respondent No. 3 dated 09/08/2010 may graciously be set aside and the petitioner may also be ordered to reinstate to his Service with full back benefits as well as other any remedy which this Hon'ble Court deemed proper be ordered in favour of appellant.
2. While the appellant is only source of income of livelihood of his family, the appellant may please be allowed to duly till the deposed of the instant appeal.

re-submitted to the
and filed,

Respectfully Sheweth:

FACTS:

Short facts giving rise of the instant appeal are as under:

1. That the appellant was enrolled in the police department (KPK) as constable since 18/06/2002. (Copy of appointment order attached as annexure "A").
2. That the appellant performed his duty honestly and remain patriot to the contrary particularly to his department since then, consequently awarded with noble certificate as well as cash reward. (Copies of Noble Certificate and Cash Reward are attached as annexure "B" & "C").
3. That the appellant, during his service, in the area where the law and order situation was very worst, arrested many terrorists including one Yousaf Gul who (Yousaf Gul) afterward, was handed over to Pak Army by respondent No. 3 with out bring this fact in the knowledge of the superior that is respondent No. 1 and 2. (Copy of letter attached as annex "D")
4. That due to best performance of his duty, the appellant was promoted as head constable and then shoulder ASI. (Copy of promotion letter attached as annex "E").
5. That as stated in Para No. 3, one terrorist namely Yousaf Gul, after his arrest, his brother approach to Session Judge and then through Human Rights Commission

Islamabad to Supreme Court in which I have recorded my statement before Supreme Court. (Copy of Statement is attached as annex "F")

6. That while the respondent No. 3 displeased to my statement given in the Supreme Court, arrange false complainants from some inhabitant of the locality and without giving in my knowledge, proceeded against me an inquiry and dismissed me from Service. (Copy of dismissal Order is attached as annex "G").
7. That, what is stated in para No. 6 come to my knowledge after my dismissal order.
8. That the appellant filed an appeal in this Hon'ble Tribunal in 2010. Which was decided in 2013. (Copy of appeal and order is attached as annex "H" & "I" respectively).
9. According to the direction given by this Hon'ble Tribunal, the respondent No. 2 disposed of the appeal/ application of the appellant without giving any cogent reason. (Copy of order dated 28/05/2013 is attached as annexure "J").
10. That the appellant, aggrieved from the same, filed the instant appeal on the following inter-alia grounds amongst other:

GROUND:

- A. That the order of the respondents No. 1 and 2 are against the principles of natural justice as well as against the existed law on the point. Hence not tenable.

- B. That, similarly, the order of the respondent No. 3 is against law, facts and circumstances of the case, hence liable to be set aside.
- C. That, while the procedure according to the prevailing law has not been comply with by respondent No. 3, hence the dismissal order in regard to appellant is against the law and is liable to be set aside.
- D. That the witnesses who has been shown in the inquiry are subordinate to the respondent No. 3 could not rely upon because no independent witness is taken in the inquiry proceeding nor the appellant was given opportunity of cross examination to the witnesses in question, hence for this reason alone the order of the respondent No. 3 is against the law and liable to be set aside.
- E. That all the proceeding of inquiry and dismissal order passed by respondent No. 3 is conducted in absentia of the appellant which is against the principle of natural justice as will as against the principle laid down by the superior Courts of the country. Hence such order is not tenable.
- F. That order of respondent No. 2 dated 28/05/2013 is also against the direction given by this Hon'ble Tribunal to decide the appeal of the appellant according to law but due to no compliance of the same, the respondents commuted contempt of Court, should seriously he taken up.

G. That with prior permission of this Hon'ble Tribunal the appellant may urged other additional grounds, if any, at the time of arguments.

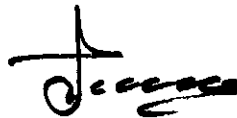
- i. It is therefore, prayed that on acceptance of the instant appeal the orders of respondent No. 2 dated 28/05/2013 and respondent No. 3 dated 09/08/2010 may graciously be set aside and the appellant may also be reinstated with full back benefits and seniority in accordance with law.
- ii. The orders in question may kindly be suspended and the appellant be allowed duty till the disposal of the instant appeal.

Note:

In case the appeal is dismissed the appellant will repay the received salaries to the defendant if this Hon'ble Tribunal directed on conclusion of the instant appeal.

Appellant

Through



Gul Daraz Khan
Advocate High Court,
Peshawar.

Dated: 10 /06/2013

**BEFORE THE HON'BLE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR**

Civil Appeal No. _____/2013

Junaid Khan Shaulder ASI S/o Khial Gul

R/o Hangu.....(Appellant)

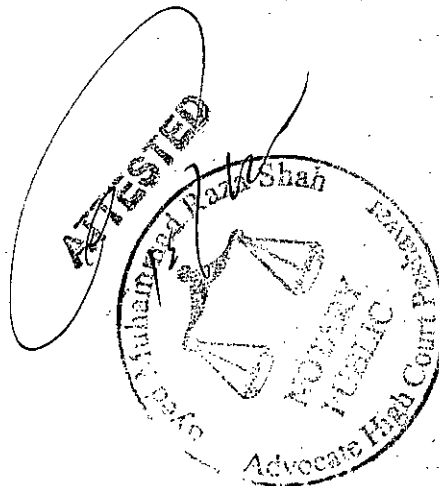
VERSUS

1. I.G.P, Khyber Pakhtunkhwa, Peshawar.
2. Deputy Inspector General of Police Kohat Region Kohat.
3. District Police Officer Hangu.....(Respondents)

AFFIDAVIT

I, Junaid Khan Shaulder ASI S/o Khial Gul R/o Hangu,
do hereby solemnly affirm and declare that the contents of the
Service Appeal are true and correct to the best of my
knowledge and belief and nothing has been concealed from
this Hon'ble Court.


DEPONENT



**BEFORE THE HON'BLE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR**

Civil Appeal No. _____/2013

Junaid Khan Shaulder ASI S/o Khial Gul

R/o Hangu.....(Appellant)

VERSUS

1. I.G.P, Khyber Pakhtunkhwa, Peshawar.
2. Deputy Inspector General of Police Kohat Region Kohat.
3. District Police Officer Hangu.....(Respondents)

ADDRESSES OF THE PARTIES

APPELLANT:

Junaid Khan Shaulder ASI S/o Khial Gul
R/o Hangu.

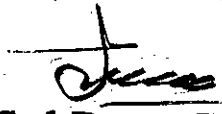
RESPONDENTS:

1. I.G.P, Khyber Pakhtunkhwa, Peshawar.
2. Deputy Inspector General of Police Kohat Region Kohat.
3. District Police Officer Hangu.

Appellant

Through

Dated: 10/06/2013


Gul Daraz Khan
Advocate High Court,
Peshawar.

nr (A)
(8)

O R D E R

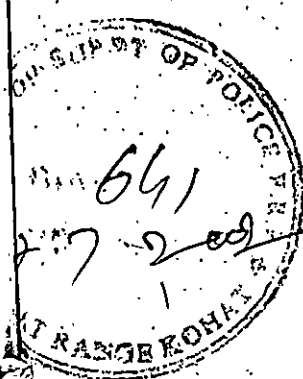
Ex-service man Junaib Khan s/o Khial Gul r/o Kach Banda Hangu is hereby appointed as Constable against the existing vacancy in F.R.P (Old Spl:) with immediate effect. Deficiency in Education and Height are condoned by the W. IGP, NWFP Peshawar is attached herewith.

O.B No. 483

Mk
Superintendent of Police, Hangu.

DATED 18-6-02

afu



OFFICE OF THE SUPERINTENDENT OF POLICE, HANGU.

No. 932-25/E, dated Hangu, the 18-6-1 2002.

Copy of above is submitted to the Inspector General of Police, NWFP Peshawar for f/o information w/r to his Endst: No. 11048-49/E-I dated 4.4.2002.

- 2. Superintendent of Police, F.R.P Kohat Range, Kohat for information and necessary action.
- 3-5. SRC/OHC/PO for necessary action.

HC/SRC/PO

[Signature]
P. F. R. P Kohat

Superintendent of Police, Hangu.

[Signature]
ATTESTED

SECRET

Anex. CD

CERTIFICATE

13

It is certified that undersigned have jointly handed over/taken over 1 x suspect namely S/O Rehman Gul, CNIC No. 21601-9293147-1, age 45 years, District and Tehsil Hangu P/O Shahu, Khel Village Bar Shahu Bazar from Civ Police Hangu.

Handed Over By

Signature [Signature]

No. 263

Rank PSI

Name Niaz Muhammad

Unit Hangu

Dated 26-1-2010

Taken Over By

Signature [Signature]

No. 601030

Rank Sub

Name Nizar Muhammad

Unit 2 Wing Sweet Scouts

Dated 26-1-2010

CS - 336 ID (U/L)

Further handed over 604 FS Sec, HQ 9 Div at Kohat.

Handed Over By

Sign [Signature]

No. 601030

Rank Sub

Name Nizar Muhammad

Unit 2 Wing Sweet Scouts

Dated 26-1-2010

Taken Over By

Sign [Signature]

No. PSG 121323

Rank Sub

Name M. Hayat

Unit 604 FS Sec

Dated 26-1-2010

COUNTERSIGNED

[Signature]
Lt Col
Wing Comd
2 Wing Sweet Scouts

SECRET

[Signature]
ATTESTED

Handwritten notes in Urdu script, including a signature and some illegible text.

Annex E
14

Phone No: 9260112.
Fax No: 9260114.

From:- The Dy: Inspector General of Police,
Kohat Region, Kohat.

To :- The District Police Officer, Hangu.

No. 1249 /EC, Dated Kohat the 9/2 /2010.

Subject:- APPLICATION

Memorandum.

Please refer to your Memo: No.452/EC, dated 01.02.2010.
Application of Head Constable Junaid Khan No.26 of your District received with your above quoted Memo: is returned herewith for comments. His service record may also be sent to this office for the perusal of Region Police Chief.

[Signature]
9/2

(Office Supdt.)
For Dy: Inspector General of Police,
Kohat Region, Kohat.

ASST
[Signature]

[Signature]

ATTESTED

Anex. (C)
①

North West Frontier Province Police



Commendation Certificate

Handwritten signature and date
12-2-2010

CB No: 84
dt: 4-2-2010

CLASS I

Granted by

(MALIK NAYYER KHAN)

Inspector General of Police, N-W.F.P

To Mr. Junaid Khan Head Constable No. 26.

Son of Khail Gul

District Mangu.

in Recognition of

Arrested of name of Yousof Gul wanted in Case FPN No. 682 dt: 30.1.2009 U/S 3/4 Expt

Sub Act 427 FFS Police Station Mangu. Cash reward Rs. 2000/-

APB No: 84
Dated 21/2/2010

ACCEPTED

Signature of Inspector General of Police
Inspector General of Police

GOVERNEMENT OF N.W.F.P.

Amir 17

12

OFFICE OF THE DISTRICT POLICE OFFICER
HANGU



COMMENDATION CERTIFICATE
CLASS - III

Granted by: Aladur-Rashid
DISTRICT POLICE OFFICER, HANGU.

To: Jumaid Khan Rank/No. Head Const: 36

of Hangu Police

In Recognition of: Arrest of Do You say Cant 210: Shahu khet Hangu

with cash of Rs. 1000/-

O.B. No. 74

Date: 27-1-2010

ATTESTED

[Signature]
DISTRICT POLICE OFFICER,
HANGU.

SECRET

Amex. CD

CERTIFICATE

13

It is certified that undersigned have jointly handed over/taken over 1 x suspect namely S/O Rehman Gul, CNIC No.21601-9295147-1, age 45 years, District and Tehsil Hangu P/O Shah, Khel Village Bar Shahu Bazar from Civ Police Hangu.

Handed Over By

Signature [Signature]

No. 243

Rank ASI

Name N. Ahmad

Unit Hangu

Dated 26-1-2010

Taken Over By

Signature [Signature]

No. 601030

Rank SUB

Name Nizar Muhammad

Unit 2 wing SWAT Scouts

Dated 26-1-2010

CS-326 ID 1066

Further handed over 604 FS Sec, HQ 9 Div at Kohat.

Handed Over By

Sign [Signature]

No. 601030

Rank SUB

Name Nizar Muhammad

Unit 2 wing SWAT Scouts

Dated 26-1-2010

Taken Over By

Sign [Signature]

No. PTC 121323

Rank SUB

Name M. Hayat

Unit 604 FS Sec

Date: 26-1-2010

COUNTERSIGNED

[Signature]
Lt Col
Wing Comm
2 Wing SWAT Scouts

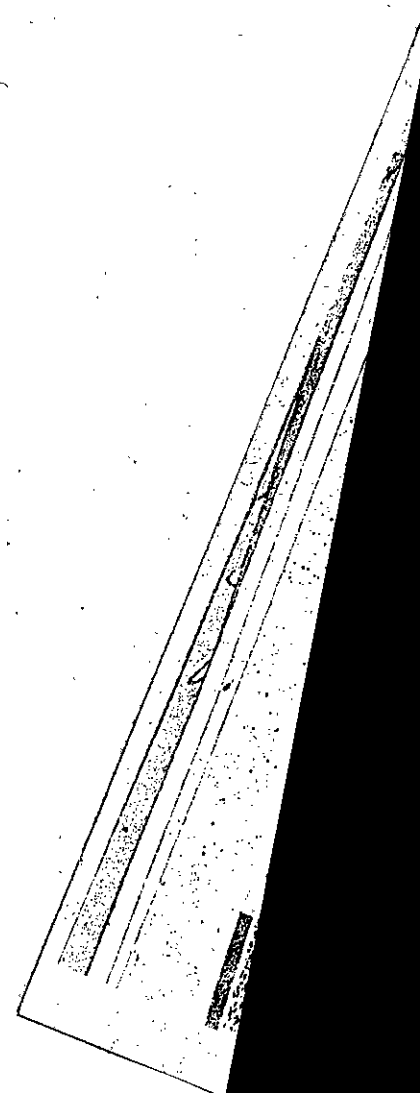
SECRET

[Signature]
ATTESTED

Handwritten notes in Urdu script, including a signature and some illegible text.

AMEX. 13

(13)



Annex E
14

Phone No: 9260112,
Fax No: 9260114.

From:- The Dy. Inspector General of Police,
Kohat Region, Kohat.

To : The District Police Officer, Hangu.

No. 1249 /EC. Dated Kohat the 27/2 2010.

Subject:- APPLICATION

Memoandum.

Please refer to your Memo: No.452/EC, dated 01.02.2010.

Application of Head Constable Junaid Khan No.26 of your District received with your above quoted Memo: is returned herewith for comments. His service record may also be sent to this office for the perusal of Region Police Chief.

[Signature]

(Office Supdt.)

For Dy. Inspector General of Police,
Kohat Region, Kohat

[Handwritten signature]
ASI

[Handwritten signature]

ATTESTED



CoIoED ID: 133

NCMC ID: 3361

نام: جنید خان، سابق ASI، ہنگو پولیس ولدیت: خیال گل

پتہ: کچ بانڈہ، ڈاکخانہ ہنگو، تحصیل و ضلع ہنگو

شناختی کارڈ نمبر: 3-14101-4819938

مورخہ: 21 اپریل، 2011

حلفیہ بیان

میں نے یوسف گل مفرد کو گرفتار کیا تھا۔ یوسف گل کو پاؤں کرہم تھانے لے آئے۔ میں نے تھانہ کے حوالہ کیا اور بعد میں معلوم ہوا کہ اُس کو آرمی کے حوالے کیا گیا ہے میں عارضی طور پر ASI (شولڈر پر مشن) تھا۔ میرے ساتھ حوالدار افتخار (شولڈر پر مشن ASI) بھی تھا۔ مجھے 02 سرٹیفکیٹ ملے اور نقد انعام بھی ملا۔ جو کہ میں مارک 'A' اور مارک B بے پیش کرتا ہوں۔ تھانیدار نیک نواز سرکاری گاڑی میں یوسف گل کو بٹھا کر لے گیا اور بعد میں پتہ چلا کہ اُس کو آرمی والوں کے حوالہ کیا گیا ہے۔

XXX جرح منجانب کیپٹن علی (MoD)

جرح ندارد (موقع دیا گیا)

XXX جرح منجانب کرنل عثمان M.I.

میں نے خود یوسف گل کو آرمی والوں کے حوالہ کرتے ہوئے نہیں دیکھا بلکہ نیک نواز ASI نے مجھے بتایا تھا

XXX جرح منجانب DPO Hangu

یہ درست ہے کہ میرے ڈیوٹی شاہوخیل چیک پوسٹ پر تھی جو کہ آرمی اور پولیس کی مشترکہ چیک پوسٹ تھی۔ گرفتاری صبح کے وقت کی تھی اور آرمی والوں نے کہا تھا کہ ہمارے حوالے کرو مگر میں نے کہا تھا کہ میں اس کو عدالت سزا دے گی۔ از خود کہا کہ میں نے اُس کو تھانہ کے حوالہ کیا۔

XXX جرح منجانب کمیشن

میں نے اندازہ نہیں کیا تھا۔

XXX جرح منجانب سعید گل (بھائی) کی جرح

میں نے 4 لاکھ روپوں کی بات نہیں کی البتہ یوسف گل کی جیب میں رقم تھی اور موبائل بھی تھا میں نے موبائل فون سعید گل کے حوالہ کیا اور تھانہ میں بتا دیا کہ میں رقم کا ذمہ دار نہیں ہوں۔

جنید خان، سابق ASI، ہنگو پولیس

ATTESTED



Annex G

16

ORDER

This case will dispose of the departmental enquiry initiated against SHOuler ASI Junid Khan on the basis of allegations that he while posted at Post Naryab Dam on 15.07.2010, S.F.O Thall reported that many complaints were received against him from general public. As per report of Naryab Dam that he making raids on the houses of innocents peoples for greedy purpose without prior permission of the SHO Police Station Quaha. Besides the SHO Junid Khan quarrelled with their officials in Naryab Dam and also fired upon the SHO with Government rifle vide DD No. 27 dated 11.07.2010 Police Station, Quaha.

He was served with Charge Sheet and Statement of Allegations under W.F.P. Removal from Service (SPECIAL POWERS) Ordinance, 2000 to which he failed to submit his reply. Inspector Afzar Khan I/C Judicial Lock up, Hangu was appointed as Enquiry Officer to conduct departmental enquiry against him. After completion of inquiry, the Enquiry Officer submitted his findings on 09.08.2010 and the defaulter SHOuler ASI Junid Khan raided the houses of innocent proclaimed offender for illegal gratification without prior permission of SHO. The defaulter SHOuler ASI was once and again summoned but, neither he appeared before the enquiry officer for enquiry proceeding nor submitted his written reply to the Charge Sheet. The enquiry officer recommended him for minor punishment dismissal from Service.

Keeping in view of above and having gone through available record, the undersigned has come to the conclusion that the defaulter failed to appear and defend himself, which indicates that he was not interested to serve further. Moreover, these circumstances his retention in Police Department is burden on public treasury, therefore, Abdur Rashid, District Police Officer, Hangu in exercise of the powers conferred upon me, the SHOuler ASI is undisciplined and again he was warned for his unofficial behavior but he is chronic and incorrigible. Therefore, awarded him major punishment of Dismissal from Service from

order Announced.

425
10/08/2010

(ABDUR RASHID)
DISTRICT POLICE OFFICER,
HANGU.

OFFICE OF THE DISTRICT POLICE OFFICER, HANGU

Sd/- Dated Hangu, the 10/08/2010.

Copy of above is submitted to the Dy. Inspector General of Police, Kohat for favour of information please
District Police Officer, Karak.
My Officer, Reader SEC & GIC for necessary action

9-8-10 Dismissed

DIG- 13-8-10 - [Signature]

121 29-1-10

(ABDUR RASHID)
DISTRICT POLICE OFFICER,
HANGU.

ATTESTED

BETTER COPY

ORDER

15
AC Better

This order of mine will dispose of the departmental enquiry initiated against shoulder ASI JUNAID on the basis of allegations that he while posted at police post Naryab Dam. On 05 of 2010, SDPO Thall reported that many complaints have been received against him from general public. As per report of Naryab Dam officials that he making raids on the houses of innocent peoples for greedy purpose conducted without prior permission of the SHO Police Station Doaba. Besides the report JUNAID KHAN quarrelled with their officials in Naryab Dam and also fired upon the officials with Government rifle vide DD NO 27 dated 14-07-2010 Police Station Doaba.

He was served with charge sheet and statement of allegations under N.-W.F.P., Removal from service (SPECIAL POWERS) Ordinance 2000 to which on filed to submit his reply. Inspector AFSAR KHAN I/C Judicial lock up, Hangu was appointed as Enquiry Officer to conduct departmental enquiry against him. After completion of inquiry the inquiry officer submitted his findings on 09-08-2010 and that defaulter Shoulder ASI JUNAID KHAN raided the house of innocent people/proclaimed offender for illegal gratification without prior permission of SHO. The said Defaulter Shoulder ASI was time and again summoned but neither he appeared before the enquiry officer for enquiry proceedings nor submitted his written reply to the charge sheet. The enquiry officer recommended him for major punishment of dismissal from service.

Keeping in view of the above and having gone through the available record, the undersigned has come to the conclusion that the defaulter failed to appear and defend himself. Which indicates that he was not interested to serve further. Moreover in the circumstances his retention in police department is burden on public exchequer, therefore, I, Abdur Rashid, District Police Officer, Hangu in exercise of the powers conferred upon me, the Shoulder A.S.I is

No date on show cause notice

A

BETTER COPY

indiscipline time and again he was warned for his unofficial behaviour but he is chronic and incorrigible. Therefore, awarded him major punishment of Dismissal from service.

ORDER ANNOUNCED

OB NO. 425

DATED 09-08-2010

Sd/ x x x

(ABDUR RAHID)
DISTRICT POLICE OFFICER
HANGU

Lu

Anex (H) (17)

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.



SERVICE APPEAL NO. 2567 OF 2010.

JUNAID KHAN, SHOULDER 'A.S.1, SON OF KHIAL GUL,
RESIDENT OF TEHSIL AND DISTRICT HANGU.

... APPELLANT

V E R S U S

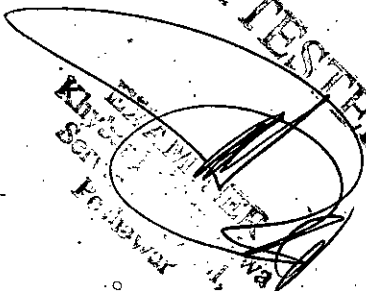
- 1) INSPECTOR-GENERAL OF POLICE, K.P.K, PESHAWAR.
- 2) THE DEPUTY INSPECTOR GENERAL OF POLICE, KOHAT REGION, KOHAT.
- 3) THE DISTRICT POLICE OFFICER, DISTRICT HANGU.

.... RESPONDENTS

SERVICE APPEAL UNDER SECTION-

APPEAL AGAINST THE ORDER OF DISTRICT POLICE OFFICER
HANGU (RESPLT: NO.3) VIDE NO. OB:425 DATED 09-08-2010
WHEREBY THE APPELLANT DISMISSED FROM SERVICE UNDER
N.-W.F.P., REMOVAL FROM SERVICE (SPECIAL POWERS)
ORDINANCE-2000.

ATTESTED



ATTESTED

PRAYER IN APPEAL :

ON ACCEPTANCE OF THE INSTANT SERVICE APPEAL,
THE ORDER OF RESCINDENT NO.3 DATED 09-08-2010, MAY
GRACIOUSLY BE SET ASIDE AND THE APPELLANT MAY KINDLY
BE REINSTATED IN THE SERVICE WITH FULL BACK BENEFITS
ALONGWITH HIS SENNORITY.

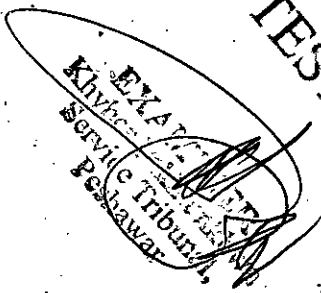
RESPECTFULLY SHEWETH :-

That the appellant respectfully submit the following:-

- 1) That the appellant was enlisted in the Police Department, (then then N.-W.F.P.,) as a Constable on 18-06-2002.
- 2) That the appellant has served his department in various police stations in his District, and as well as in the Divisional Headquarter (i.e., District Kohat) and other Districts of the Province.
- 3) That the appellant has served with his best abilities and capabilities and entire satisfaction of his superiors, especially in the best interests of the public at large and also in the best interests of the State, therefore,

he was promoted soon as Head Constable in the Police Deptt.

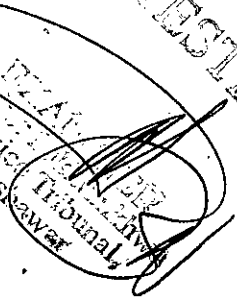
ATTESTED



4) That the appellant always loyal to his country and loves his country from the core of his heart, and the appellant is a patriot citizen of the country, therefore, the appellant always served and performed his duties with honesty.

5) That when the appellant was performing his police duties in District Hangu in an area/locality, where the law and order situation were very worst due to the subversive activities of the Anti-State elements, i.e., Taliban, Terrorist, suicide bombers, extremists, and in these prevailing law and order situation, where the appellant was performing duties, there were so many pro-claimed offenders and they were required by the State for arrest, as there are so many F.I.R's lodged against them earlier and they after declared pro-claimed offenders, were doing subversive activities with the help of servicing personnel of police officials and F.C. officials. The appellant up-hold his hands upon these Anti-State elements/pro-claimed offenders and arrested them with the help of the inhabitants of the locality, where these Anti-State elements destroyed the Ziarat Abbas Alandar, Imam Bar Gahs, Primary Girls School,

ATTESTED


 MEMBER
 Service Tribunal
 Pesawar

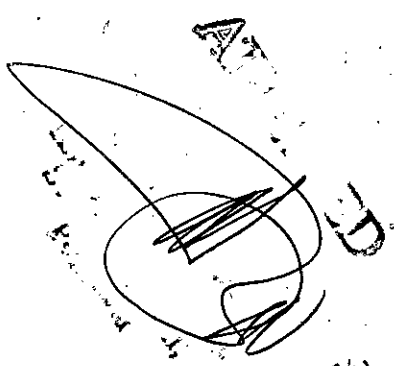
Govt: High School, Academy School, Civil Hospital and many other Govt: institutions/public property and they destroyed these places with out on fire and bomb blasting, for which F.I.R's were also lodged against these Anti-State Elements (Copies of F.I.R. No.580 dated 11-09-2009 U/Ss-3/4 Expl:Subs: Act/436/427/379/18/149 PPC/7 AFA, P.S: HANGU and F.I.R. NO.682 dated 30-9-2009, U/Ss-3/4 Expl: Subs: Act/427 PPC, P.S: HANGU and the same are attached herewith as Annexures 'A' & 'B' respectively).

- 6) That the appellant arrested these Anti-State elements/ proclaimed offenders namely AYUB SON OF TAHIR SHAH R/O SHAHU KHEL (HANGU) alongwith huge quantity of Explosive materials, who required in F.I.R. NO.580 dated 11-09-2009.
- 7) That another proclaimed offender required in case F.I.R. No.682 dated 30-9-2009, namely YOUSAF GUL, was also arrested by the appellant
- 8) That the appellant has also arrested a serving personal of F.C. namely NOOR JAHAN with a huge quantity of 17 K.G. explosives and then after arrest him delivered him to the custody of Pakistan Army .
- 9) That earlier the appellant has also arrested a person, presently name not remembered, with explosive jacket and handed him over to the Pakistan Army.

ATTENDED
 [Handwritten signature and circular stamp]
 F.I.R. No. 580 dated 11-09-2009
 F.I.R. No. 682 dated 30-09-2009
 Peshawar

21

- 10) That the appellant has also arrested a person namely MAJEED GUL SON OF ZAR GUL R/O SHAHU KHEL, (HANGU), pro-claimed offender, required in a Case F.I.R. NO.186 dated 29-01-2009, U/Is-347/348 PPC/14 ISLAMIC LAWS, P.S: USTARZAI, Kohat.
- 11) That the appellant sent an application in the name of I.G. Police Peshawar (K.P.K) in which he described all his details of his duties and activities and requested him for prize money/promotion etc. (Copy of application dated 29-01-2010, which was then sent to the D.P.O Hangu (Respdt: No.3) for comments are also annexed as 'C' & 'D' respectively).
- 12) That atlast, the I.G.Police (K.P.K) pleased to issued Commendation Certificate (Class-I) in favour of the appellant alongwith cash reward of Rs. 2000/= (Copy of the said certificate is also annexed as 'E').
- 13) That the appellant was then promoted as Shoulder A.S.I from the rank of Head Constable on his above-mentioned efforts/services rendered to the Police Department in the best interests of the State and in particular in the interests of the public at large.
- 14) That the Anti-State elements, who were arrested by the appellant, they are very influential personnels of the locality and they have directly linked with the local Taliban and on their protest or complaints (as mentioned

A large, handwritten signature in black ink is written over a circular stamp. The stamp contains some illegible text and a central emblem. The signature is written in a cursive style.

in the dismissal order of Respdt:No.3) but the appellant has got no knowledge about these complaints, transferred him, from District Hangu to District Karak, for duties at P.S. Karak City.

15) That now the appellant has dismissed from service vide Order of D.P.O HANGU (RESPDT:NO.3) bearing its No. 425 dated 09-08-2010. (Copy of the same is annexed as 'F').

16) That the appellant filed his departmental appeal in this behalf to I.G. Police (K.P.K) Peshawar (Respdt:No.1), but (Copy annexed as 'G'). still no response has so far been received, hence the present service appeal on the following inter-alia grounds:--

GROUND S

- A) That the order of the Respdt:No.3 is against law, facts and circumstances of the case, hence liable to be set aside. That the appellant has got no knowledge of any sort of complaint(s) of the locality where he was serving earlier as mentioned in the dismissal order of the appellant.
- C) That the appellant has not served with any show cause notice, and not issued with the statement of allegations and Charge Sheet etc.
- D) That the appellant has got no knowledge about the formation

ATTACHED FILE
 K.P.K. PESHAWAR
 DISTRICT POLICE
 PESHAWAR

of any kind of Inquiry and the appellant was not summoned by the alleged Inquiry Officer for the purpose as mentioned in the order of Respd: No.3.

- E) That no opportunity has been given to the appellant about his personal hearing before the said inquiry to defend him about the alleged allegations as levelled against him, personal hearing is mandatory, but no opportunity was extended to him in this regards.
- F) That from the contents of the Order of Respd: No.3, evident that all the actions against the appellant were taken in his absence, as Ex-Parte, which is against the natural justice and as well as also against the norms of justice.
- G) That the Superior Courts in this regards also clear cut contention that the case may not be decided in absence of the appellant, but decide on merits and in accordance with the services rules implemented for the said purpose in this behalf.
- H) That it is evident from the facts and circumstances of the case, that first the authorities/respondents concerned transferred him from District Hangu to District Karak and then they took action against the appellant, which is illegal and unlawful, requires to be set aside.

I) That the appellant assigned every tasks/duties which assigned to him during service and produced/achieved best results/goals to the entire satisfaction of his superiors.



That the appellant arrested personally some proclaimed offenders/activists and Anti-State elements, who were long links with Taliban etc, therefore, they planned a conspiracy against the appellant and the respondents concerned without having any opportunity to him for hearing. ex-parte alleged inquiry were conducted, resulting the present dismissal order of the appellant, which is not maintainable at all, and is liable to be set aside, in accordance with law.

K) That with the prior permission of this Hon'ble Tribunal, the appellant may urge other additional grounds, if any, at the time of arguments.

It is, therefore, prayed that on acceptance of the instant service appeal, the impugned order of Respd: No.3 dated 09-08-2010, may kindly be set aside and the appellant may kindly be reinstated in the service with full back benefits and seniority in accordance with law.

THROUGH:-

DATED:- 08-2010

APPELLANT.

 (JAVED ALI ASGHAR)

 (KHALIDA RAHMAN)
 ADVOCATES, PESHAWAR

NOTE:- (On the information of my client) no such like appeal has earlier been filed by him in this learned Tribunal).

29.5.2013
 29.5.2013
 29.5.2013
 18
 20
 29.5.2013

Certified Copy
 Kh. Service Tribunal
 Peshawar

Anex. (i)

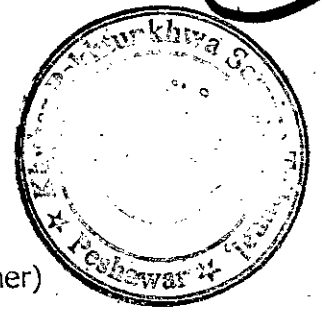
25

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Appeal No. 2567/2010

Junaid Khan, Shoulder ASI son of Khial Gul,
Resident of Tehsil and District Hangu.

(Petitioner)



VERSUS

1. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
2. The Deputy Inspector General of Police, Kohat Range, Kohat.
3. The District Police Officer, District Hangu. ... (Respondents)

S.No.	Date of hearing	Order/other proceedings of the court, with signature of Magistrate/Judge.
1	2	3
	18.4.2013	<p>Appellant with counsel and Mr. Arshad Alam, Government Pleader with Azizur Rahman Inspector (Legal) for the respondents present. Arguments heard and record perused.</p> <p>2. This is an appeal filed by Junaid Khan, the appellant under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974, against the order dated 9.8.2010 passed by District Police Officer, Hangu, whereby he has been dismissed from service. It has been prayed that on acceptance of the appeal, the impugned order may be set aside and the appellant be reinstated into service with all back benefits.</p> <p>3. The appellant has been dismissed from service on 9.8.2010, against which he filed departmental appeal before the D.I.G of Police Kohat Region on 13.8.2013, which has not been decided so far. It would be proper to send the departmental appeal of the appellant to the DIG Kohat Region for disposal in accordance with the law.</p> <p>4. In view of the above, the departmental appeal of the appellant is sent to the DIG Kohat Region to consider it within ninety days and pass a speaking order strictly in</p>

ATTESTED

[Signature]

Khyber Pakhtunkhwa Service Tribunal Peshawar

2/2/11

accordance with the law. Parties are left to bear their own costs. File be consigned.

ANNOUNCED
18.4.2013.

(SULTAN MA)

Sd/ Nasser Ali Al-Baker
Member

Sd/ Sultan Mahmood Khattab
Member

Certificate of signature copy

[Signature]
Khalid
Secretary
Peshawar

Date	29.5.2013
1	800
2	6
3	2
4	8
5	
6	
7	
8	
9	
10	
Date of issue	29.5.2013
Date of expiry	29.5.2013

A next J (27)

POLICE DEPTT:

KOHAT REGION

ORDER.

In pursuance of compliance of the Khyber Pakhtunkhwa Service Tribunal orders dated 18.04.2013 in service appeal No. 2567/2010 of Junaid Khan Ex: Shoulder ASI Vs Inspector General of Police Khyber Pakhtunkhwa and others, it is intimated that as a result of departmental proceedings the appellant was dismissed from service by the DFO Hangu vide order dated 09.08.2010. The appellant moved a departmental appeal before the DIG of Police Kohat Region on 13.08.2013, which has not been decided so far. Hence, the DIG Kohat Region was directed for disposal of his departmental appeal in accordance with the law.

Perusal of record revealed that the date of departmental appeal filed before the DIG Police Kohat Region showing in order of the Service Tribunal as 13.08.2013 seems to be a clerical mistake, while the date mentioned on departmental appeal of the appellant is 13.08.2010.

Record further transpired that the appellant moved a departmental appeal before the DIG Police Kohat on 13.08.2010. He was heard in person by the then DIG Kohat and on acceptance of his departmental appeal a denove enquiry was ordered vide order dated 29.09.2010. The competent authority (DPO Hangu) conducted a denove enquiry, which again resulted dismissal order vide O.B No. 548 dated 27.12.2010. The appellant has not moved any appeal against the above order passed on denove enquiry and instead filed an appeal before the KP Service Tribunal, wherein it has been directed to pass a speaking order on the appeal of appellant dated 13.08.2013, but in fact as per record, the departmental appeal filed by the appellant before the DIG Police Kohat has already been disposed of by the DIG Police Kohat, in term of denove enquiry.

In view of the above the compliance of order of the Khyber Pakhtunkhwa Service Tribunal Peshawar is carried out in terms of the above.

(Signature)
(DR. ISHTIAQ AHMAD MARWAT)
Dy. Inspector General of Police
Kohat Region, Kohat.

OFFICE OF THE DY: INSPECTOR GENERAL OF POLICE KOHAT REGION KOHAT

No. 3735 /EC Dated Kohat the 28/03 /2012

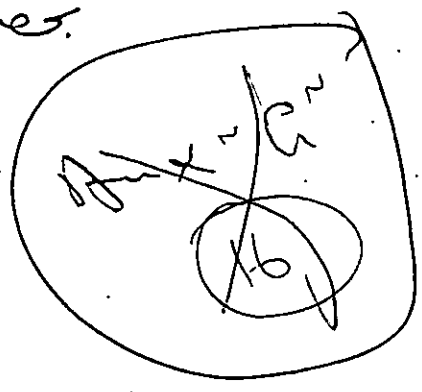
Copy to the District Police Officer, Hangu for necessary entry in the record and inform the appellant accordingly.

incl. Service Roll. etc
F/miss. etc
Ser. Trib APN Ex. etc
3

(Signature)
(DR. ISHTIAQ AHMAD MARWAT)
Dy. Inspector General of Police
Kohat Region, Kohat.

ATTESTED

حصہ درخواب بہرہ دہاں کو معاف



جناب عالی گذارش ہے۔

سائیل بحیثیت (H.C) Sholder A.S.9 ڈسٹرکٹ پولیس سٹیشن
میں تعینات ہے۔ آب منہ کرتے تبدیل ہو چکا ہے۔

سائیل پیر الزامات بحوالہ آرڈر انٹرنیشنل چیمبر سنسکے ہے۔
لگاتے گئے ہیں کہ سائیل ڈپٹی سیکرٹری سے ملا ہو رہے۔

سائیل پریزنٹ رزپنڈنٹ میں۔ جبکہ مجھے کوئی

سکین وصول نہیں ہو رہے۔ اور نہ ہی جناب انکو افسر آفسر
نے انکو افسر proceeding کے تحت پیری جوری مانگا ہے۔
اور نہ ہی اس کے لئے / معافی کے لئے چارج ٹیبلٹ پیش دیا ہے۔
اور نہ ہی جو موقع فراہم کیا ہے۔ اور کارروائی تکمیل کی گئی ہے۔

سائیل نے اپنا ڈیوٹی افسر طریقہ و نحو سے انجام دیا ہے
اور عمر ۵۹ سال ہو کر گئی ہے۔ افسر کو باہر کو کیکر قسم کی
شکایت کا موقع پیش دیا ہے۔

سائیل کو تسلسلہ سے کارروائی خدمات کے تحت طریقہ و بہادری سے
انجام دینے کے سلسلہ میں اسناد بہرہ جاری ہوئے ہیں۔

استدعا ہے کہ درخواست معذرت پر غور فرمایا جائے اور
و بحالی سے اس کے افعال جاری نہ ہائے جا سکیں۔

13 8
2010

جنید خان ڈسٹرکٹ پولیس سٹیشن

HC No: 26
Sholder A.S.9

(نقل آرڈر سنسکے میں)

6

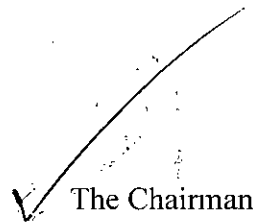
IN THE SUPREME COURT OF PAKISTAN, ISLAMABAD
(Original Jurisdiction) Regd. A.D.

HRC No.28471-B/2013

Application by Junaid Khan S/O Khayal Gul
Kaxh Banda P.o Handu teh & Distt Hangu

02
01-01-14

To



The Chairman,
Services Tribunak, KPK, Peshawar. C/o AR(P).

Take notice that in pursuance of order of the Hon'ble Chief Justice of Pakistan, the above application is forwarded to you for disposal.

Islamabad: November 11, 2013

Director
Human Rights Cell
Phone # 051-9220581/319
Fax # 051-9219516

Encl: Copy of application

put up
with case
file on the
date fixed.
2/1/14

To



The Iftikhar Mohammad Choudhry
Chief Justice of Pakistan,
Islamabad.

Subject: **APPLICATION FOR**
(1). SPEEDY JUSTICE.
(2). COMPLAINANT AGAINST OFFICIALS OF SERVICE
TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR.

Respectfully submitted as under:

1. That the applicant/ complainant is a poor man and is male head member of his family consist of eleven members including small sons and daughters.
2. That the applicant, complainant was appointed as constable in Hangu Police and due to satisfactory working of the applicant the high-up's awarded him cash awards as will as noble certificates.
3. That due to country/ department patriotism of the applicant the high-up's promoted him as head constable and then shoulder ASI.
4. That during his duty as ASI, the applicant arrested many terrorist including one Yousaf Gul who was handed

over to Military authority by my high-up's. But when the hears of Said Yousaf Gul approached the Court of your honour, I was called for statement in the Court of your honour.

5. That after giving statement in regard to Yousaf Gul, the DSP Hangu became displeased and arrange a bogus case against the applicant and dismissed him from service in 2010 without giving opportunity of hearing. Consequently the applicant filed Departmental Appeal and then to Service Tribunal Khyber Pakhtunkhwa, Peshawar.
6. That after filling the appeal to Service Tribunal K.P.K Peshawar the Service Tribunal decided the appeal with in three years in which the department was ~~depicted~~ ^{directed} to decide the departmental appeal with in a specified time.
7. That the departmental authority repeated their previous order without conducting any inquiry. Consequently I have refilled appeal to Service Tribunal of K.P.K on 10/06/2013 in which the Reader of Service Tribunal fixed date of attendance as 30/09/2013 which is against the principle of law and justice.

8. That on contacting the reader of Tribunal in this regard he reply that 03 or 04 months date fixing in a case is their routine working, although the judicial policy is made by your honour for speedy trial and speedy justice however the said aspect of service matter is not discussed in judicial policy 2009. It is very difficult for a jobless poor person to support his such a huge family.

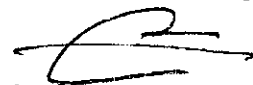
Therefore I request to your honour, keeping in view the status of the applicant, the officials of Service Tribunal K.P.K may please be directed to decide the appeal of the appellant with in a short period of time in a fear manner.

I will be grateful and I and my poor family will pray for your long life and prosperity.

Thanking you and oblige

Dated: 29/07/2013

Yours faithfully



Junaid Khan

S/o Khayal Gul

R/o Kach Banda

P.O Mangu Tehsil

and District Hangu

CNIC: 14101-4819938-3

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

Service Appeal No.962 of 2013

Junaid Khan s/o Khāyal Gul Shoulder ASI

R/O Hangu.....Applicant

VERSUS

1. Inspector General of Police Officer, Khyber Pakhtunkhwa Peshawar.
2. Deputy Inspector General of Police, Kohat Region Kohat.
3. District Police Officer, Hangu.....Respondents

Respectfully, sheweth,

Reply/Parawise comments on behalf of respondent No. 1,2 and 3 are submitted as under:-

Preliminary Objection.

1. That, appeal is time barred.
2. That, appellant has got no cause of action.
3. That, appeal is legally bad in its present form.
4. That, appellant is barred from moving appeal due to his own conduct.
5. That, appeal is not maintainable.
6. That, appellant is stopped by his own conduct.
7. That, appellant has concealed the material facts from this honorable tribunal.

Parawise Comments.

Facts.

1. Pertains to record, hence to comments.
2. Pertains to record, hence to comments.
3. Pertains to record, hence to comments.
4. Pertains to record, hence to comments.
5. Pertains to record, hence to comments.
6. Incorrect. Complaints regarding raids on the houses of innocent people for greedy aims without permission of his senior were received to the local Police. Moreover, the appellant had quarreled with his own colleagues and fired at them with govt rifle vide report DD No.27 dated 14.07.2010 Police Station Doaba. Proper departmental proceedings were initiated against the appellant and after the completion of departmental proceeding, he was dismissed from service. (DD No.27 dated 14.07.2010 is attached).
7. Incorrect, appellant was fully aware of departmentally enquiry initiated against him but he refused to receive the charge sheet & statement of allegation in the presence of computer operator Rahat Ali & Khalid Class IV. (charge sheet & statement of allegation and statement of Rahat Ali & Khalid are annexed)
8. Pertains to record, hence no comments.
9. Incorrect. In compliance to this honourable Tribunal orders dated 18.04.2013 in service appeal No.2567/2010, respondent No.2 has passed detailed and speaking order vide his office No.3735/EC, dated 28.05.2013 with the remarks that

appellant moved departmental appeal before Dy: Inspector General of Police Kohat, Region Kohat on 13.08.2010 which was accepted and ordered to initiate denovo-enquiry vide order dated 29.09.2010. order dated 28.05.2013 and 29.09.2010 are attached)

10. Needs no comments.


GROUND.

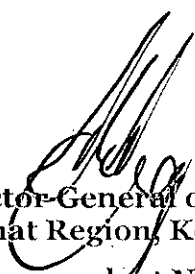
- a. Incorrect. The orders of respondent No.1 and 2 are legal and in accordance with law and rules on the subject which are fit to be upheld in the best interest of justice.
- b. Incorrect. The order of respondent No.3 dated 09.08.2010 is legal and according to rules/law against which the appellant has already filed appeal No.2567/2010 before this Honourable Tribunal while second appeal against same order of respondent No.3 dated 09.08.2010 is totally illegal and against the prescribed rules/procedure.
- c. Incorrect. This para relates to order of respondent No.3 dated 09.08.2010 as discussed in Para (B).
- d. Incorrect as discussed in Para (B).
- e. Incorrect. All the proceeding and dismissal order is conducted/passed after completing all the codal formalities.
- f. Incorrect. In compliance to this honourable Tribunal order dated 18.04.2013, respondent No.2 has passed legal and speaking order dated 28.05.2013.
- g. The respondents seek permission to add additional grounds at the time of arguments.

Prayer

It is therefore, humbly prayed that the instant second appeal is absolutely illegal, defective, meritless and without any substance which may kindly be dismissed with cost please.


**Inspector General of Police,
Khyber Pakhtunkhwa Peshawar.**


(Respondent No.1)


**Dy: Inspector General of Police,
Kohat Region, Kohat**

(Respondent No.2)


**District Police Officer,
Hangu.**

(Respondent No.3)

قلم در 27 روزهای 14⁷/₁₀ صلح و صلح

مد 27 اندر نورج بمنزل انرا 2 روزهای 14⁷/₁₀ وقتاً 18:20 بج اسوقت این خبری

و خبرج بمنزل انرا 2 روزهای 14⁷/₁₀ وقتاً 18:20 بج اسوقت این خبری
شماره 44
تاریخ 10/12/10

Handwritten notes on the right margin, including a signature and some illegible text.

SH 0 Doga
10.12.10

A

M.M Dada
10-12-2010

FER-875 (80)

CHARGE SHEET.


WHEREAS, I am satisfied that a formal enquiry as provided in the Removal from Service (Special Power) ordinance 2000 is necessary and expedient.

AND WHEREAS, I am of the view that the allegations if established would call for Major punishment as defined in section 3 (l) (e) of the aforesaid ordinance.

NOW, THEREFORE, as required under section 6 of the aforesaid ordinance 2000, I, Abdur Rashid District Police Officer, Hangu hereby charge you Shoulder ASI Junid Ali on the basis of the statement of allegations attached to this Charge Sheet.

AND I hereby direct you further as laid down in section 6 of the said ordinance to put in a written defence within 7 days of the receipt of this Charge Sheet as to why you should not be served with one or more major punishments including removal from service as defined under section 3 (l) (e) of the said ordinance and also stating at the same time as to whether you desire to be heard in person?

AND, in case your reply is not received within the prescribed period without sufficient cause, it shall be presumed that you have no defence to offer.


DISTRICT POLICE OFFICER,
HANGU.

No. 3511 /PA,
Dt: 27/07/2010.

آپ کو 30 جولائی 2010ء تک جواب دینا ہے اور اس میں سے
کارروائی کے لیے پیش کی اور منسلکہ میں سے کارروائی کے لیے
دیکھ کر 28/7/10ء

① خواجہ خالد گل صاحب سے مندرجہ بالا
② ڈاکٹر گل صاحب سے مندرجہ بالا
Relief 28/7/10

DISCIPLINARY ACTION

1. **ABDUR RASHID** District Police Officer, Hangu, as competent authority, am of the opinion that Shoulder ASI Junid Ali has rendered himself liable to be proceeded against as he committed the following acts & omissions within the meaning of section-3 of the NWFP Removal from Service (Special Power) Ordinance 2000.

STATEMENT OF ALLEGATIONS

You, Shoulder ASI Junid Ali while posted at Police Post Naryab Dam, on 15.07.2010, SDPO Thull reported that may complaint have received against you from general public. As per report of Naryab Dam official ^{that} you making raids on houses of innocents peoples for greedy purpose, ^{and} he pretend that ^{you} be raids upon the upon the houses of proclaimed offender. On this report Junid Khan quarreled with their officials in Naryab Dam and also fired upon the officials with govt rifle vide DD No. 27 dated 14.07.2010 Police Station Doaba.

Your above act shows your non professionalism and ^{and} gross misconduct but also comes within the ambit of criminal procedure punishable under the aforesaid ordinance 2000.

For the purpose of scrutinizing the conduct of the said official with reference to the above allegations SI Afsar Khan I/C Judicial Lock-up Hangu is appointed as Enquiry Committee. The enquiry officer shall in accordance with the provisions of the ordinance provide reasonable opportunity of hearing to the accused, record its finding and make within thirty days of the receipt of this order, recommendations as to punishment or other appropriate action against the defaulter official.

The accused and a well conversant representative of the department shall join the proceedings on the date, time and place fixed by the Enquiry Officer/Committee.


DISTRICT POLICE OFFICER,
HANGU

A copy of the above is forwarded to :-

1. SI Afsar Khan I/C Judicial Lock-up, Hangu, The Enquiry Officer/Committee for initiating proceedings against the accused under the provisions of the NWFP Removal from Service (Special Power) Ordinance, 2000.
2. Shoulder ASI Junid Ali, The concerned officer with the directions to appear before the Enquiry Officer/Committee, on the date, time and place fixed for the purpose of the enquiry proceedings.

بیان ازان سندس نور مدترم خالد حسین دفتر PA ٹی ڈی ۲۰

صاف عالی

صبح 28/7 کو وقت 02.30 بج میں دفتر PA ٹی ڈی ۲۰ میں
موجود تھا کہ شوٹر ASI جنید خان دفتر میں آیا۔ کمپیوٹر ایئر سٹریٹنگ
نے مذکورہ ASI کو چارج شیٹ کی کاپی وصول کرنے کا کہنا۔ مہربانی
موجودگی میں مذکورہ ASI نے چارج شیٹ کی کاپی وصول کرنے سے
بغاف انکار کیا۔ موقع پر کمپیوٹر ایئر سٹریٹنگ نے چارج شیٹ کی کاپی
سیر اندر میں بارہ رپورٹس جمع دی۔ میں نے رپورٹس سیر اندر گواہ
درست دستخط کیے۔ صاف عالی بیان ہے۔

9/8/10

خالد سندس نور مدترم دفتر PA ٹی ڈی ۲۰
ٹنگو

Attested
D. J. J.
Gmsp-1, Medical Lockup
Hangu

ak
cha.
tact
ordh
Sh
ents
dina
erse
uffic

010
011
012
013
014
015
016
017
018
019

ICE DEPTT:

KOHAT REGION

ORDER.

In pursuance of compliance of the Khyber Pakhtunkhwa Service Tribunal orders dated 18.04.2013 in service appeal No. 2567/2010 of Junaid Khan Ex: Shoulder ASI Vs Inspector General of Police Khyber Pakhtunkhwa and others, it is intimated that as a result of departmental proceedings the appellant was dismissed from service by the DPO Hangu vide order dated 09.08.2010. The appellant moved a departmental appeal before the DIG of Police Kohat Region on 13.08.2013, which has not been decided so far. Hence, the DIG Kohat Region was directed for disposal of his departmental appeal in accordance with the law.

Perusal of record revealed that the date of departmental appeal filed before the DIG Police Kohat Region showing in order of the Service Tribunal as 13.08.2013 seems to be a clerical mistake, while the date mentioned on departmental appeal of the appellant is 13.08.2010.

Record further transpired that the appellant moved a departmental appeal before the DIG Police Kohat on 13.08.2010. He was heard in person by the then DIG Kohat and on acceptance of his departmental appeal a de novo enquiry was ordered vide order dated 29.09.2010. The competent authority (DPO Hangu) conducted a de novo enquiry, which again resulted dismissal order vide O.B No. 548 dated 27.12.2010. The appellant has not moved any appeal against the above order passed on de novo enquiry and instead filed an appeal before the KP Service Tribunal, wherein it has been directed to pass a speaking order on the appeal of appellant dated 13.08.2013, but in fact as per record, the departmental appeal filed by the appellant before the DIG Police Kohat has already been disposed of by the DIG Police Kohat, in term of de novo enquiry.

In view of the above the compliance of order of the Khyber Pakhtunkhwa Service Tribunal Peshawar is carried out in terms of the above.

(DR. ISHTIAQ AHMAD MARWAT)
Dy: Inspector General of Police
Kohat Region, Kohat.

OFFICE OF THE DY: INSPECTOR GENERAL OF POLICE KOHAT REGION KOHAT

No. 3735 /EC Dated Kohat the 28/05 /2013

Copy to the District Police Officer, Hangu for necessary entry in the record and inform the appellant accordingly.

Encl-
Sava Bill - one
P.M. - one
APAL Fd - one
(S. Trib.) - one
3

(DR. ISHTIAQ AHMAD MARWAT)
Dy: Inspector General of Police
Kohat Region, Kohat.

Phone No: 9260112.
Fax No: 9260114.



From:- The Dy: Inspector General of Police,
Kohat Region, Kohat.

To:- The District Police Officer, Hangu.

No. 9102 /EC, Dated Kohat the 29/9 /2010.

Subject:- APPLICATION

MEMORANDUM.

Please refer to the subject cited above.

The Region Police Chief has directed to address DPO Hangu to initiate De-nove enquiry against Ex Shoulder ASI. Junid Khan, and submit finding of enquiry to this office in stipulated period please.

His service Record is return herewith.

(Office Supdt.)

For Dy: Inspector General of Police,
Kohat Region, Kohat

P.A.

for n. action

District Police Officer
Hangu

Denovo

Departmental Enquiry Against Ex-Secretary ASI Jinnah ACI

- ① 10.12.10 :- Denovo Enquiry Against
Ex-Secretary ASI Jinnah Record
today. Jinnah ASI. Pleura
Rha. S. No. 147. Copy of P.P.
No. 27. 147 and Jinnah AM.
was Court 22.12.10
- 11.12.10 :- Jinnah Ex-ASI requested requested
on mobile phone to change the
date because he has to attend the
Court of Justice judge. Therefore
date 22.12.10 is hereby fixed
to Enquiry. Pleura was called
22.12.10
- 22.12.10 :- Pleura Khan S. No. 147. P.P. No. 147
Constable Rasool Khan No. 147
Constable Mohd Sajid No. 1610
FRP Present and their statements
were recorded which are attached
to file. P.P. No. 27 at 147 P.S. Dera
and photo stat No. 147 issued by Pleura
Khan S. No. 147 Jinnah ASI regarding
Pleura, also attached to
file. Jinnah ASI has been called
by mobile No. Briefly and also not
Present appear. He also made
various statements for not appearing
today report in sub-section
Separately.

22.12.10

[Signature]
95 Khan

Finding

This is De novo Enquiry Against Ex ASI
Junaid who has been dismissed
from Service by writty of Pt. Hagan
vide O/B No 425 dt 9/8. The writty
Range chief ordered to De novo Enquiry
into the Allegations levelled against
him, on the basis of which he
was dismissed from Service. The
Enquiry was entrusted to me.

Case Junaid Ex ASI. Constable
Rasool No 1406 Motivator of platoon
FRP Naryal Dam. Mohd Sajid No
1610 FRP Naryal Dam How Distt
Kevok and Akram Khan S/O
Lt Doolo for 20¹² on the request
of Junaid ASI dt 20¹² was changed
to 22¹².

Junaid ASI was also again informed
for date fixed 22¹². He again pretend
for not appearing.

Today Akram Khan S/O Constables
Rasool Khan No 1406, Mohd Sajid
No 1610 appeared for Enquiry at 0900.
I waited for two hours for Junaid
ASI who did not appear before
before undersigned. I recorded
the statements of Akram Khan S/O
Constables, Mohd Sajid No 1610, Rasool
Khan No 1406 FRP which are attached
to Enquiry file. Akram Khan S/O also
produced copy of D/O No 27 dt 14/7/12
Doolo and notice to Junaid ASI
regarding performance of duty at Naryal
Dam.

After reading statements of witnesses and other relevant documents I come to conclusion that ASI was unlawful and disobedience of his seniors, creator of problems for his seniors, misuser of his legal powers.

Furthermore he made a hire with common intention to kill his sub-ordinate, as probably he saved from firing.

In such like circumstances his remaining in Police Force would be injurious to Force. His dismissal from service is step to clean our Black ship from Force.

Finally I recommend that his dismissal from service is meaningful for Force and he should remain in service.

Finding Report Submitted,

22/12/11

(Signature)
DSP. Khan

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

Service Appeal No. 692/2013

Junaid Khan Shoulder ASI.....(Appellant)

VERSUS

Inspector General of Police, Khyber Pakhtunkhwa
Peshawar and others.....(Respondents)

**REPLY/ REJOINDER TO PARAWISE
COMMENTS ON BEHALF OF APPELLANT
WITH PRELIMINARY OBJECTIONS.**

Respectfully Sheweth:

Preliminary Objections:

i.e. 1 to 7 raised in Parawise comments, submitted on behalf of respondents, are incorrect, totally wrong, baseless and not acceptable. Because appellant is an aggrieved person, having strong prima facie case in his favour, has got locus standi and has approached this Hon'ble Tribunal with clean hands under the existed provision of law.

1. Para No. 1 to 5 and 10 of the comments submitted by the respondent has show as pertain to record but there is no mentioned whether these facts of the appeal are correct or not. So according to Qanoon-e-

Shahadat Order 1984, the silence on a particular facts is implied admission, is to be treated as admission at all.

2. Para No. 6 of the comments submitted by the respondents is incorrect because no such like public compliant is produced by the respondents which declare the appellant responsible for misconduct, where as to the quarl with other colleague and proceeding against the appellant in an inquiry is concern, the respondents did not given any show cause, opportunity of hearing or cross-examination of the complainants as well as colleagues to the appellant.

3. Para No. 7 is fully discussed in Para No. 2 above.

4. Para No. 9 of the comments submitted by the respondents is incorrect because the respondent No. 2 neither complied the order of this Hon'ble Tribunal dated 18/04/2013 in Service Appeal No. 2567/2010 nor in connection to this effect the respondent No. 2 called for the appellant which act of respondent No. 2 is totally against the principal of law and justice and ignorance of the order of this Hon'ble Tribunal which constitute a contempt of Court.

Reply to the Grounds, Comments:

A. Incorrect, act of the respondents No. 2 and 3 is quite illegal and against the principle of law and justice.

Because the appellant has not been given opportunity of hearing, no any notice has been given to him by respondents No. 3 nor the respondent No. 2 called for the appellant for explanation of allegations leveled against him in the order of respondent No. 3.

- B. Denied. Answer has been given in Para "A".
- C. Denied, no charge sheet or any kind of statement of charges has been given to the appellant. Copy of such like documents, if any, produced/ attached by the respondents with the comments would be false, bogus and not acceptable.
- D. Denied. As reply given in this regard in Para "A", "B" and "C", however as to statements of both the witnesses are concern, that is false and bogus because, on the one side both of them are close subordinates to the respondent No. 3 and on the other side there is no independent witnesses or evidence is existed on record.
- E. Denied. No opportunity of hearing has been given to the appellant by respondents.
- F. Denied because this Hon'ble Tribunal directed respondent No. 2 to decide the appeal/ representation of the appellant but respondent No. 2 did not do so. Which clearly shows the ignorance of the order of this Hon'ble Tribunal.

G. Ground "G" of the comments need no reply.

It is, therefore, humbly prayed that the comments submitted by the respondents are false and fabricated one in nature and ineffective upon the rights of appellant and on acceptance of the instant reply/ rejoinder, the comments submitted by the respondents may kindly be rejected and the order of respondents No. 2 dated 28/05/2013 as well as the order of respondent No. 3 dated 09/08/2010, may kindly be set aside and the appellant may also kindly be ordered to reinstated in service, with full back benefits and seniority, in accordance with law.

Appellant

Through



Gul Daraz Khan

Advocate High Court,
Peshawar.

Cell No. 0333-9239831

Dated: 30/04/2014

NOTE:

If this Hon'ble Tribunal treated genuine, the appellant is ready to confrontation of witnesses named in the comments submitted by the respondents as well as to the respondents also. However, for justice and proper decision according to principal of justice, it will be most better if all of them i.e. respondents and their witnesses be called for cross examination before this Hon'ble Tribunal.

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

Service Appeal No. 692/2013

Junaid Khan Shoulder ASI.....(Appellant)

VERSUS

Inspector General of Police, Khyber Pakhtunkhwa
Peshawar and others.....(Respondents)

**REPLY/ REJOINDER TO PARAWISE
COMMENTS ON BEHALF OF APPELLANT
WITH PRELIMINARY OBJECTIONS.**

Respectfully Sheweth:

Preliminary Objections:

i.e. 1 to 7 raised in Parawise comments, submitted on behalf of respondents, are incorrect, totally wrong, baseless and not acceptable. Because appellant is an aggrieved person, having strong prima facie case in his favour, has got locus standi and has approached this Hon'ble Tribunal with clean hands under the existed provision of law.

1. *Para No. 1 to 5 and 10 of the comments submitted by the respondent has show as pertain to record but there is no mentioned whether these facts of the appeal are correct or not. So according to Qanoon-e-*

Shahadat Order 1984, the silence on a particular facts is implied admission, is to be treated as admission at all.

2. Para No. 6 of the comments submitted by the respondents is incorrect because no such like public complaint is produced by the respondents which declare the appellant responsible for misconduct, where as to the quarl with other colleague and proceeding against the appellant in an inquiry is concern, the respondents did not given any show cause, opportunity of hearing or cross-examination of the complainants as well as colleagues to the appellant.
3. Para No. 7 is fully discussed in Para No. 2 above.
4. Para No. 9 of the comments submitted by the respondents is incorrect because the respondent No. 2 neither complied the order of this Hon'ble Tribunal dated 18/04/2013 in Service Appeal No. 2567/2010 nor in connection to this effect the respondent No. 2 called for the appellant which act of respondent No. 2 is totally against the principal of law and justice and ignorance of the order of this Hon'ble Tribunal which constitute a contempt of Court.

Reply to the Grounds, Comments:

- A. Incorrect, act of the respondents No. 2 and 3 is quite illegal and against the principle of law and justice.

Because the appellant has not been given opportunity of hearing, no any notice has been given to him by respondents No. 3 nor the respondent No. 2 called for the appellant for explanation of allegations leveled against him in the order of respondent No. 3.

- B. Denied. Answer has been given in Para "A".
- C. Denied, no charge sheet or any kind of statement of charges has been given to the appellant. Copy of such like documents, if any, produced/ attached by the respondents with the comments would be false, bogus and not acceptable.
- D. Denied. As reply given in this regard in Para "A", "B" and "C", however as to statements of both the witnesses are concern, that is false and bogus because, on the one side both of them are close subordinates to the respondent No. 3 and on the other side there is no independent witnesses or evidence is existed on record.
- E. Denied. No opportunity of hearing has been given to the appellant by respondents.
- F. Denied because this Hon'ble Tribunal directed respondent No. 2 to decide the appeal/ representation of the appellant but respondent No. 2 did not do so. Which clearly shows the ignorance of the order of this Hon'ble Tribunal.

G. Ground "G" of the comments need no reply.

It is, therefore, humbly prayed that the comments submitted by the respondents are false and fabricated one in nature and ineffective upon the rights of appellant and on acceptance of the instant reply/ rejoinder, the comments submitted by the respondents may kindly be rejected and the order of respondents No. 2 dated 28/05/2013 as well as the order of respondent No. 3 dated 09/08/2010, may kindly be set aside and the appellant may also kindly be ordered to reinstated in service, with full back benefits and seniority, in accordance with law.

Appellant

Through



Gul Daraz Khan

Advocate High Court,
Peshawar.

Cell No. 0333-9239831

Dated: 30/04/2014

NOTE:

If this Hon'ble Tribunal treated genuine, the appellant is ready to confrontation of witnesses named in the comments submitted by the respondents as well as to the respondents also. However, for justice and proper decision according to principal of justice, it will be most better if all of them i.e. respondents and their witnesses be called for cross examination before this Hon'ble Tribunal.

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

Service Appeal No. 692/2013

Junaid Khan Shoulder ASI.....(Appellant)

VERSUS

Inspector General of Police, Khyber Pakhtunkhwa
Peshawar and others.....(Respondents)

**REPLY/ REJOINDER TO PARAWISE
COMMENTS ON BEHALF OF APPELLANT
WITH PRELIMINARY OBJECTIONS.**

Respectfully Sheweth:

Preliminary Objections:

i.e. 1 to 7 raised in Parawise comments, submitted on behalf of respondents, are incorrect, totally wrong, baseless and not acceptable. Because appellant is an aggrieved person, having strong prima facie case in his favour, has got locus standi and has approached this Hon'ble Tribunal with clean hands under the existed provision of law.

1. Para No. 1 to 5 and 10 of the comments submitted by the respondent has show as pertain to record but there is no mentioned whether these facts of the appeal are correct or not. So according to Qanoon-e-

Shahadat Order 1984, the silence on a particular facts is implied admission, is to be treated as admission at all.

2. *Para No. 6 of the comments submitted by the respondents is incorrect because no such like public complaint is produced by the respondents which declare the appellant responsible for misconduct, where as to the quarl with other colleague and proceeding against the appellant in an inquiry is concern, the respondents did not given any show cause, opportunity of hearing or cross-examination of the complainants as well as colleagues to the appellant.*

3. *Para No. 7 is fully discussed in Para No. 2 above.*

4. *Para No. 9 of the comments submitted by the respondents is incorrect because the respondent No. 2 neither complied the order of this Hon'ble Tribunal dated 18/04/2013 in Service Appeal No. 2567/2010 nor in connection to this effect the respondent No. 2 called for the appellant which act of respondent No. 2 is totally against the principal of law and justice and ignorance of the order of this Hon'ble Tribunal which constitute a contempt of Court.*

Reply to the Grounds, Comments:

A. *Incorrect, act of the respondents No. 2 and 3 is quite illegal and against the principle of law and justice.*

Because the appellant has not been given opportunity of hearing, no any notice has been given to him by respondents No. 3 nor the respondent No. 2 called for the appellant for explanation of allegations leveled against him in the order of respondent No. 3.

- B. Denied. Answer has been given in Para "A".
- C. Denied, no charge sheet or any kind of statement of charges has been given to the appellant. Copy of such like documents, if any, produced/ attached by the respondents with the comments would be false, bogus and not acceptable.
- D. Denied. As reply given in this regard in Para "A", "B" and "C", however as to statements of both the witnesses are concern, that is false and bogus because, on the one side both of them are close subordinates to the respondent No. 3 and on the other side there is no independent witnesses or evidence is existed on record.
- E. Denied. No opportunity of hearing has been given to the appellant by respondents.
- F. Denied because this Hon'ble Tribunal directed respondent No. 2 to decide the appeal/ representation of the appellant but respondent No. 2 did not do so. Which clearly shows the ignorance of the order of this Hon'ble Tribunal.

G. Ground "G" of the comments need no reply.

It is, therefore, humbly prayed that the comments submitted by the respondents are false and fabricated one in nature and ineffective upon the rights of appellant and on acceptance of the instant reply/ rejoinder, the comments submitted by the respondents may kindly be rejected and the order of respondents No. 2 dated 28/05/2013 as well as the order of respondent No. 3 dated 09/08/2010, may kindly be set aside and the appellant may also kindly be ordered to reinstated in service, with full back benefits and seniority, in accordance with law.

Appellant

Through



Gul Daraz Khan

Advocate High Court,
Peshawar.

Cell No. 0333-9239831

Dated: 30/04/2014

NOTE:

If this Hon'ble Tribunal treated genuine, the appellant is ready to confrontation of witnesses named in the comments submitted by the respondents as well as to the respondents also. However, for justice and proper decision according to principal of justice, it will be most better if all of them i.e. respondents and their witnesses be called for cross examination before this Hon'ble Tribunal.

کلنور چیرمین صاحب صوبائی مسرورس ٹریبونل پشاور

Post ap

جنید خان ولد ضیاء گل ساکن پج بانڈہ ڈاکخانہ ہنگو تحصیل و ضلع ہنگو

اللہ رب العالمین

پریس ایسیر (P.A) صوبہ خیبر پختونخوا پشاور دروازہ

اللہ رب العالمین

مسرورس اپیل برائے بجائی صلہ زنت - تاریخ پیشی 11/03/2015

9/10/14

درخواست دربارہ جلد فیصلہ کرنے سے مقدمہ عنونان بالا
بغیر کسی غیر گنروں تاخیر کے۔

اللہ رب العالمین

مقدمہ عنونان بالا صوبہ خیبر پختونخوا اور مسرورس ٹریبونل میں زیر سماعت ہے

9/10/14

جس میں مورخہ 11/03/2015 برائے ضلیمہ مقرر ہے۔

یہ کہ مذکورہ جالہ تاریخ پیشی سے کافی عرصہ قبل بھی برائے ضلیمہ مقرر تھا
لیکن ضلیمہ نہیں آیا اور مذکورہ جالہ میں تاریخ دیدہ گئی جو اصفیٰ اصفیٰ
یہ کہ مقدمہ میں تاخیر خلاف اصفیٰ اصفیٰ تصور ہو گیا ہے۔

کے خلاف مسرورس اپیل کی گئی ہے۔ مسائل کا پریس مسرورس رجسٹر آف آئی جی ایس
یہ کہ مقدمہ عنونان بالا میں دو بارہ انکوائری کی گئی ہے اور اتفاقاً پہلی دربارہ انکوائری

یہ کہ چھٹی دربارہ انکوائری کی گئی ہے اور یہ مقدمہ آج تک فیصلہ نہیں ہو سکا اور

یہ کہ چھٹی دربارہ انکوائری کی گئی ہے اور یہ مقدمہ آج تک فیصلہ نہیں ہو سکا اور

یہ کہ چھٹی دربارہ انکوائری کی گئی ہے اور یہ مقدمہ آج تک فیصلہ نہیں ہو سکا اور

یہ کہ چھٹی دربارہ انکوائری کی گئی ہے اور یہ مقدمہ آج تک فیصلہ نہیں ہو سکا اور

۰۹/۱۰/۲۰۱۴

مینی کلیم سٹاپا بوب
ڈیگوارا ہون ۶

الصارف
جنید خانہ ریفریکٹری سٹورج مینڈیٹ ڈائیٹریٹری ٹیمپریٹری
بقہ A91 ٹھکانہ سٹورج مینڈیٹ





PA & GW /2014/KPK/FATA/348/1/6333
GOVERNMENT OF PAKISTAN
PRIME MINISTER'S PUBLIC AFFAIRS & GRIEVANCES WING
MINISTRY OF PARLIAMENTARY AFFAIRS
CABINET BLOCK, ISLAMABAD

Subject : REQUEST FOR INQUIRY / REINSTATEMENT IN SERVICE.. Islamabad, the 26-Aug-14

Kindly find enclosed a self-explanatory application of Mr. Junaid Khan s/o Khial Gul r/o r/o Kach Banda p/o Hangu, Tehsil & District Hangu, addressed to the Prime Minister of Pakistan, on the above noted subject.

2. It has been desired that the matter be looked into for appropriate action as per rules/policy, conveying its outcome to the applicant, and a report submitted to this Ministry at an early date.


(Zafar Iqbal)

Deputy Secretary-II

Secretary,
Government of Pakistan,
Interior Division,
Islamabad.

Inspector General of Police,
Government of Khyber Pakhtunkhwa,
Peshawar.

- Mr. Junaid Khan s/o Khial Gul , r/o Kach Banda p/o Hangu, Tehsil & District Hangu.

Pd. trace reference.

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

Service Appeal No.962 of 2013

Junaid Khan s/o Khyal Gul Shoulder ASI

R/O Hangu.....Applicant

VERSUS

1. Inspector General of Police Officer, Khyber Pakhtunkhwa Peshawar.
2. Deputy Inspector General of Police, Kohat Region Kohat.
3. District Police Officer, Hangu.....Respondents

Respectfully, sheweth,

Reply/Parawise comments on behalf of respondent No. 1,2 and 3 are submitted as under:-

Preliminary Objection.

1. That, appeal is time barred.
2. That, appellant has got no cause of action.
3. That, appeal is legally bad in its present form.
4. That, appellant is barred from moving appeal due to his own conduct.
5. That, appeal is not maintainable.
6. That, appellant is stopped by his own conduct.
7. That, appellant has concealed the material facts from this honorable tribunal.-

Parawise Comments.

Facts.

1. Pertains to record, hence to comments.
2. Pertains to record, hence to comments.
3. Pertains to record, hence to comments.
4. Pertains to record, hence to comments.
5. Pertains to record, hence to comments.
6. Incorrect. Complaints regarding raids on the houses of innocent people for greedy aims without permission of his senior were received to the local Police. Moreover, the appellant had quarreled with his own colleagues and fired at them with govt rifle vide report DD No.27 dated 14.07.2010 Police Station Doaba. Proper departmental proceedings were initiated against the appellant and after the completion of departmental proceeding, he was dismissed from service. (DD No.27 dated 14.07.2010 is attached).
7. Incorrect, appellant was fully aware of departmentally enquiry initiated against him but he refused to receive the charge sheet & statement of allegation in the presence of computer operator Rahat Ali & Khalid Class IV. (charge sheet & statement of allegation and statement of Rahat Ali & Khalid are annexed)
8. Pertains to record, hence no comments.
9. Incorrect. In compliance to this honourable Tribunal orders dated 18.04.2013 in service appeal No.2567/2010, respondent No.2 has passed detailed and speaking order vide his office No.3735/EC, dated 28.05.2013 with the remarks that

appellant moved departmental appeal before Dy: Inspector General of Police Kohat, Region Kohat on 13.08.2010 which was accepted and ordered to initiate denovo-enquiry vide order dated 29.09.2010. order dated 28.05.2013 and 29.09.2010 are attached)

10. Needs no comments.

GROUND.

- a. Incorrect. The orders of respondent No.1 and 2 are legal and in accordance with law and rules on the subject which are fit to be upheld in the best interest of justice.
- b. Incorrect. The order of respondent No.3 dated 09.08.2010 is legal and according to rules/law against which the appellant has already filed appeal No.2567/2010 before this Honourable Tribunal while second appeal against same order of respondent No.3 dated 09.08.2010 is totally illegal and against the prescribed rules/procedure.
- c. Incorrect. This para relates to order of respondent No.3 dated 09.08.2010 as discussed in Para (B).
- d. Incorrect as discussed in Para (B).
- e. Incorrect. All the proceeding and dismissal order is conducted/passed after completing all the codal formalities.
- f. Incorrect. In compliance to this honourable Tribunal order dated 18.04.2013, respondent No.2 has passed legal and speaking order dated 28.05.2013.
- g. The respondent, seek permission to add additional grounds at the time of arguments.

Prayer

It is therefore, humbly prayed that the instant second appeal is absolutely illegal, defective, meritless and without any substance which may kindly be dismissed with cost please.


Inspector General of Police,
Khyber Pakhtunkhwa Peshawar.

(Respondent No.1)


Dy: Inspector General of Police,
Kohat Region, Kohat

(Respondent No.2)


District Police Officer,
Hangu.

(Respondent No.3)

قلم در بارہ ۲۷ روزانہ ۱۴۷/۱۵ صلح چنگو

مد ۲۷ ایدر پورٹ بمنزل اندرا ۱۴۷/۱۵ وقت ۱۹:۲۵ بج اسوقت ایک فوری
 رپورٹ بمنزل اندرا ۱۴۷/۱۵ روزانہ صلح چنگو سے وصول ہو کر جو درج ذیل
 ہے رپورٹ بمنزل اندرا ۱۴۷/۱۵ روزانہ رپورٹ کسٹل قلم سا جی ۱۶۱۵ مل کوٹن بند انڈیا
 کوٹن بند ۱۴۷/۱۵ وقت ۱۹:۵۵ بج بدوران گشت بھنگ باہ رپورٹ کر چاہے کہ
 ایدر و چند خان ۱۴۷/۱۵ صلح چنگو در بارہ سے واپس آنر منشی رسول خان ایدر صلح چنگو
 کہ لکری تیار کر جو قسم انتہائی اگر کوئی پر موجود ہے میں چھاپہ لگاتا ہوں انشی
 رسول خان سے یہ وار کیا کہ ۱۴۷/۱۵ صلح چنگو سے واپس آنر منشی رسول خان ایدر صلح چنگو
 بھی بچا ہے کہ چھاپہ مہر حکم کے بغیر لگایا کہ اب کون صرف کوکس کوکس
 کی اور ڈیم کی حفاظت کیا کریں تو چند خان ۱۴۷/۱۵ صلح چنگو سے واپس آنر منشی رسول خان کو کہا کہ اب
 کون سے کہ اب فی چھاپہ لگاتے سے منع کرتے ہو تو اس دوران منشی رسول خان کسٹل
 صلح اور چند خان ۱۴۷/۱۵ کے مابین تلخ کلامی شروع ہوئی اور کلامی جھگڑا دینا شروع کئے
 اور قرا منشی صلح اور چند خان ۱۴۷/۱۵ نے کلام کو فٹا کر کوڈ کیا میں نے فوراً چند خان ۱۴۷/۱۵
 اٹھا کر کسٹل کو فٹا کر کے قبضہ میں کیا تو چند خان دور کر کے سے دو ہزار رٹیل ۱۴۷/۱۵
 میں پیش کرتا ہوں یہ ہر قسم سے ۱۴۷/۱۵ سے تھ پیر ایک ناشر کیا جس کا خالی ہو کر
 نے خود دیکھا ہے میں ہر طرف چند خان ۱۴۷/۱۵ حکام کو کاروائی کرنے کا خواہاں ہوں
 دستخط انٹرنیٹی قلم سا جی ۱۶۱۵ کاروائی کوکس بدوران گشت بھنگ کوکس کوکس
 تیار ۱۴۷/۱۵ کسٹل مذکورہ کی رپورٹ صلح چنگو سے واپس آنر منشی رسول خان کو کہا کہ
 رپورٹ خود دستخط انٹرنیٹی کیا گیا امیہ حالات، واقعات بذریعہ فون انٹرن
 باہر صاحبان کے گوشے میں لائے گئے ہیں رپورٹ بمنزل اندرا ۱۴۷/۱۵ روزانہ
 ارسال تھا ہے دستخط انٹرنیٹی صلح چنگو قلم سا جی ۱۶۱۵ کاروائی تھا
 رپورٹ صرف صرف خراج باہ ہو کر قلم مد نفی سناہب کاروائی انٹرن باہ صاحبان
 کو ارسال کی جاتی ہے

Handwritten signature/initials on the right margin.

516
 Foru we de d
 H H 0 Doaba
 10-12-10

صاحب عالی
 قلم چنگو اصل ہے
 H
 M.M Doaba
 10-12-2010

FER-8+5 (80)

CHARGE SHEET.


WHEREAS, I am satisfied that a formal enquiry as provided in the Removal from Service (Special Power) ordinance 2000 is necessary and expedient.

AND WHEREAS, I am of the view that the allegations if established would call for Major punishment as defined in section 3 (1) (c) of the aforesaid ordinance.

NOW, THEREFORE, as required under section 6 of the aforesaid ordinance 2000, I, Abdur Rashid District Police Officer, Hangu hereby charge you Shoulder ASI Junid Ali on the basis of the statement of allegations attached to this Charge Sheet.

AND I hereby direct you further as laid down in section 6 of the said ordinance to put in a written defence within 7 days of the receipt of this Charge Sheet as to why you should not be served with one or more Major punishments including removal from service as defined under section 3 (1) (c) of the said ordinance and also stating at the same time as to whether you desire to be heard in person?

AND, in case your reply is not received within the prescribed period without sufficient cause, it shall be presumed that you have no defence to offer.


DISTRICT POLICE OFFICER,
HANGU

No. 324 /PA.

DI: 27/07/2010.

۱. ۲۰ جولائی ۲۰۱۰ء کو ۱۱:۳۰ بجے ضلع ہانگہ کے دفتر میں آیا اور میں نے
کارڈ پیش کیا اور اس پر اس کے بارے میں پتہ چلا کہ وہ ایک سابق سپاہی ہے
ان کا نام ہے سید جان علی۔
28/7/10

① گواہانہ کے سربراہ کے پاس
Relief 28/7/10
② ڈسٹرکٹ پولیس آفیسر کے پاس

DISCIPLINARY ACTION

I, **ABDUR RASHID** District Police Officer, Hangu, as competent authority, am of the opinion that Shoulder ASI Junid Ali has rendered himself liable to be proceeded against as he committed the following acts / omissions within the meaning of section-3 of the NWFP Removal from Service (Special Power) Ordinance, 2000.

STATEMENT OF ALLEGATIONS

You, Shoulder ASI Junid Ali while posted at Police Post Naryab Dam, on 15.07.2010, SDPO Thall reported that many complaint have received against you from general public. As per report of Naryab Dam officer you making raids on houses of innocents peoples for greedy purpose. ^{you} be ^{be} raids upon the upon the houses of proclaimed offender. On this report Junid Khan quarreled with their officials in Naryab Dam and also fired upon the official with govt rifle vide DD No. 27 dated 14.07.2010 Police Station Doaba.

Your above act shows your non professionalism and criminal gross misconduct but also comes within the ambit of criminal procedure punishable under the aforesaid ordinance 2000.

For the purpose of scrutinizing the conduct of the said officer with reference to the above allegations SI Afsar Khan I/C Judicial Lock-up, Hangu is appointed as Enquiry Committee. The enquiry officer shall in accordance with the provisions of the ordinance provide reasonable opportunity of hearing to the accused, record its finding and make within thirty days of the receipt of this order, recommendations as to punishment or other appropriate action against the defaulter official.

The accused and a well conversant representative of the department shall join the proceedings on the date, time and place fixed with the Enquiry Officer/Committee.

DISTRICT POLICE OFFICER,
HANGU

A copy of the above is forwarded to: -

1. SI Afsar Khan I/C Judicial Lock-up, Hangu, The Enquiry Officer/Committee for initiating proceedings against the accused under the provisions of the NWFP Removal from Service (Special Power) Ordinance, 2000.
2. Shoulder ASI Junid Ali, The concerned officer with the directions to appear before the Enquiry Officer/Committee, on the date, time and place fixed for the purpose of the enquiry proceedings.

بیان ازان ندیس نور محمد زیم خالد عتیقہ دفتر PA ڈی 10

صاف عالی

صبح 7/28 کو وقت 02:30 بج میں دفتر PA ڈی 10 صاف
 موجود تھا کہ شوٹر ASI خندان دفتر میں آیا۔ کمپیوٹر پر شوٹر نے
 مذکورہ ASI کو چارج شیٹ کی کاپی وصول کرنا کہا۔ میری
 موجودگی میں مذکورہ ASI نے چارج شیٹ کی کاپی وصول کرنے سے
 منع انکار کیا۔ موقع پر کمپیوٹر پر شوٹر نے چارج شیٹ کی کاپی
 پر اندر سے بارہ رپورٹ لکھ دی۔ میں نے رپورٹ پر شوٹر کو
 درست دستخط کیے۔ یہاں یہی بیان ہے۔

9/8/10

خالد ندیس نور محمد زیم دفتر PA ڈی 10
 منگو

Attested
 [Signature]
 Insp. Medical Lockup
 Hangu

ICE DEPTT:

KOHAT REGION

ORDER.

In pursuance of compliance of the Khyber Pakhtunkhwa Service Tribunal orders dated 18.04.2013 in service appeal No. 2567/2010 of Junaid Khan Ex: Shoulder ASI Vs Inspector General of Police Khyber Pakhtunkhwa and others, it is intimated that as a result of departmental proceedings the appellant was dismissed from service by the DPO Hangu vide order dated 09.08.2010. The appellant moved a departmental appeal before the DIG of Police Kohat Region on 13.08.2013, which has not been decided so far. Hence, the DIG Kohat Region was directed for disposal of his departmental appeal in accordance with the law.

Perusal of record revealed that the date of departmental appeal filed before the DIG Police Kohat Region showing in order of the Service Tribunal as 13.08.2013 seems to be a clerical mistake, while the date mentioned on departmental appeal of the appellant is 13.08.2010.

Record further transpired that the appellant moved a departmental appeal before the DIG Police Kohat on 13.08.2010. He was heard in person by the then DIG Kohat and on acceptance of his departmental appeal a de novo enquiry was ordered vide order dated 29.09.2010. The competent authority (DPO Hangu) conducted a de novo enquiry, which again resulted dismissal order vide O.B No. 548 dated 27.12.2010. The appellant has not moved any appeal against the above order passed on de novo enquiry and instead filed an appeal before the KP Service Tribunal, wherein it has been directed to pass a speaking order on the appeal of appellant dated 13.08.2013, but in fact as per record, the departmental appeal filed by the appellant before the DIG Police Kohat has already been disposed of by the DIG Police Kohat, in term of de novo enquiry.

In view of the above the compliance of order of the Khyber Pakhtunkhwa Service Tribunal Peshawar is carried out in terms of the above.

(DR. ISHTIAQ AHMAD MARWAT)
Dy: Inspector General of Police
Kohat Region, Kohat.

OFFICE OF THE DY: INSPECTOR GENERAL OF POLICE KOHAT REGION KOHAT

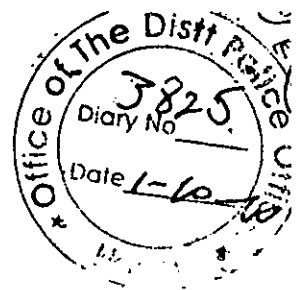
No. 3735 /EC Dated Kohat the 28/05/2013

Copy to the District Police Officer, Hangu for necessary entry in the record and inform the appellant accordingly.

Encl-
Sava Bill - one
P/M... one
APR F... one
(S... - one)
3

(DR. ISHTIAQ AHMAD MARWAT)
Dy: Inspector General of Police
Kohat Region, Kohat.

Phone No: 9260112.
Fax No: 9260114.



From:- The Dy: Inspector General of Police,
Kohat Region, Kohat.

To:- The District Police Officer, Hangu.

No. 9102 /EC, Dated Kohat the 29/9 /2010.

Subject:- **APPLICATION**

MEMORANDUM.

Please refer to the subject cited above.

The Region Police Chief has directed to address DPO Hangu to initiate De-nove enquiry against Ex Shoulder ASI. Junid Khan, and submit finding of enquiry to this office in stipulated period please.

His service Record is return herewith.

(Office Supdt.)

For Dy: Inspector General of Police,
Kohat Region, Kohat

P.A.

for n. action

District Police Officer

Deno

Departmental Enquiry Against
Ex-Subedar ASI Jinnat Ali

10.12.10 :- Deno's Enquiry Against
Ex-Subedar ASI Jinnat Ali
today. Jinnat Ali. Plea
Khan S. H. No. 147
No. 147 and Jinnat Ali
was called on 22.12

11.12.10 :- Jinnat Ex-ASI requested
on mobile phone to change the
date because he has to attend the
court of Justice Judge. Therefore
date 22.12.10 has been fixed
to Enquiry. Plea was called
22.12.10

22.12.10 Plea Khan S. H. No. 147
Constable Rasool Khan No. 147
Constable Mohd Sajid No. 1610
FRP Present and Plea S. H. No. 147
were recorded which are attached
to file. On 22.12.10 at 147 PS goal
and photo stat No. 147 issued by Plea
Khan S. H. No. 147 Jinnat ASI against
Plea, also attached to
file. Jinnat ASI has been called
by mobile No. Briefly and also Plea
Present appears. He also made
various statements for not appearing
today report in Subordinate
Separately.

22.12.10
C. Khan
gskhan

Finding

This is Denovo Enquiry Against Ex ASI
Junaid who has been dismissed
from Service by writ of Pt Hagan
vide O B No 425 dt 9/8. The writ of
Pt Hagan chief ordered to Denovo Enquiry
into the allegations levelled against
him, on the basis of which he
was dismissed from Service. The
Enquiry was entrusted to me.

Called Junaid Ex ASI. Constable
Rasool No 1406 Motivon of Jhatoon
FRP Haryal Dom. Mohd Sajid No
1610 FRP Haryal Dom Hwar Distt
Kavak and Akram Khan Sth
to go for 20/12. on the request
of Junaid ASI date 20/12 was changed
to 22/10.

Junaid ASI was also again informed
for date fixed 22/12. He again pretend
not appearing.

Today Akram Khan Sth. Constables
Rasool Khan No 1406, Mohd Sajid
No 1610 appear for Enquiry at 0900.
I waited for two hours for Junaid
ASI who did not appear before
my signature. I recorded
the statements of Akram Khan Sth.
Constables, Mohd Sajid No 1610. Rasool
Khan No 1406 FRP who are attached
to Enquiry file. Akram Khan Sth also
produced copy of O B No 27 dt 16/7/15
to Enquiry file. Notice to Junaid ASI
regarding performance of duty etc Haryal
Dom.

After recording statements of witnesses and other relevant documents I come to conclusion that Ex and Junaid ASI is an unlawful and disobedience of his seniors, creator of problems for his seniors, misuser of his legal powers.

Furthermore he made a live with common intention to kill his subordinate, as he is likely to be saved from firing.

In such like circumstances his remaining in Police Force would be injurious to Force. His dismissal from service is step to clean and Black ship from Force.

Finally I recommend that his dismissal from service is meaningful for Force and he should remain in service.

Finding Report Submitted

22/12/11

(Signature)
DIP KANAR
DIP Kanar

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No. 759/ST

Dated 20 / 05 / 2015

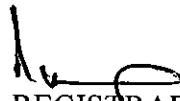
To

The DIG,
Kohat Region Kohat.

Subject: - APPEAL NO. 962/2013 JUNAID KHAN VS IGP KPK Peshawar and Others.

I am directed to forward herewith a certified copy of Judgement dated 13.05.2015 passed by this Tribunal on subject appeal for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.