

1363/2013

18.2.2015

Clerk of counsel for the appellant and Mr. Muhammad Jan, GP with Iqbal Munir, H.C for the respondents present and requested for further time to be granted to submit written reply. To come up for written reply on 01.04.2014 without fail.

MEMBER

01.04.2015

None present for appellant. Mr. Usman Khan, Inspector (legal) alongwith Addl: A.G for respondents present. Submitted copies of office orders dated 9.4.2014 and 23.4.2014 vide which the appellant has been reinstated in service with all back benefits.

In view of the above, the appeal stands disposed of. File be consigned to the record.

ANNOUNCED
01.04.2015

Chairman
01.04.15

28.4.2014

Counsel for the appellant and Sr.GP with Wisal Khan, H.C for the respondents No. 2 & 3 present and requested for further time. Notice issued to respondent No.5 received back due to incomplete address, which has been completed to-day. Fresh notices be issued to respondents No. 1, 4 and 5. To come up for written reply of all the respondents, on 24-6-2014.


MEMBER

24.6.2014.

Clerk to counsel for the appellant, Mr. Ziaullah, GP with Wisal, H.C for respondents No. 2 & 3 present requested for time. None is available on behalf of other respondents. Fresh notices be issued to them. To come up for written reply on 24.09.2014.


MEMBER

24.09.2014

Counsel for the appellant and Mr. Muhammad Jan, GP with Usman Khan, SI (Legal) for the respondents present and requested for time. To come up for written reply on 02.12.2014.


MEMBER

2.12.2014

Clerk to counsel for the appellant and Mr. Muhammad Jan, GP for the respondents present. The Tribunal is incomplete. To come up for the same on 18.2.2015.


READER

ORDER

Case of the following constables being identical and similar in nature, is being disposed off by this single order.

- 1) Constable Zakir Ullah No. 1398
- 2) Constable Daulat Khan No. 1233
- 3) Constable Zubair Shah No. 4017

Short facts are that all the three constables were charged/involved in case vide FIR No. 395 dated 26.04.2013 u/s 353/506/148/149/189/382/301-PPC registered in Police Station Charsadda.

After departmental enquiry on the same charges they were dismissed from service by this office. They approached and referred departmental appeal against the dismissal order under the rules but are till pending subjudice.

The order dated 14.10.2013 passed by Hon'ble Peshawar High Court Peshawar in the criminal case stated above has been quashed, moreover case was also found unfit for CPLA before the august Supreme Court of Pakistan, by the Director General Prosecution, Khyber Pakhtunkhwa.

Therefore, in view of the Hon'ble Peshawar High Court Peshawar order and letter received from DG Prosecution and in the light of Police Rules 16.3, dismissal of the officials stands no more in field. Therefore, their case are worth of consideration.

In circumstances, all the above stated ex-constables are hereby re-instated given effect from the date of dismissal with immediate effect. (Question of back benefits shall be decided after getting opinion from the DSP Legal).

No. (4819-21) PA, dated Charsadda the 9-4-2014.

[Signature]
District Police Officer,
Charsadda

Copies for information to the:

- 1) Deputy Inspector General of Police, Mardan Region-I Mardan.
- 2) Capital City Police Officer, Peshawar w/r to this office Order Endst: No. 7288-92/PA dated 07.06.2013.
- 3) Superintendent of Police, HQrs: Peshawar w/r to this office Order Endst: No. 7288-92/PA dated 07.06.2013 and with the request to make necessary entry in the service roll of Constable Zubair Shah No. 4017.
- 4) Pay Officer/OASI/EC/FMC

[Signature]
District Police Officer,
Charsadda

08010-626
db-10-4-2014

0-10-11

Att: DSP/Legal
Charsadda

ORDER

The comments of DSP Legal reflect that the following Police constables are entitled to all back benefits, they remained out of service, hence order accordingly.

- 1) Constable Zakir Ullah No. 1398
- 2) Constable Daulat Khan No.1233
- 3) Constable Zubair Shah No. 4017


District Police Officer,
Charsadda

No. 012-14 /HC, date Charsadda the 23/04 /2014.

Copies for information and necessary action to the:

- 1) Capital City Police Officer, Peshawar w/r to this office order Endst: No. 4819-21/PA dated 09.04.2014.
- 2) Pay Officer/EC

OB No. 685
dt. 23.4.14

10
01.04.15

Appeal No. 1363/2013
Mr. Dawood Khan

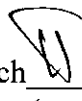
3. 16.12.2013

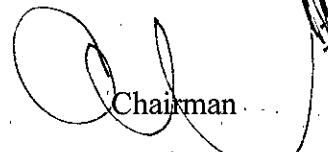
Appellant with counsel present. Preliminary arguments heard and record perused. Counsel for the appellant contended that the appellant has not been treated in accordance with law/rules. Against the impugned order dated 07.06.2013, the appellant filed departmental appeal on 12.06.2013, which has not been responded within the statutory period of 90 days, hence the present appeal on 17.09.2013. Points raised at the Bar need consideration. The appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notice be issued to the respondents for submission of written reply on 12.03.2014.

Appellant deposited
Process fee & Security
As. 280/- Bank Receipt
attached with file.


Member

4. 16.12.2013

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


Chairman

12.3.2014

Counsel for the appellant and Mr. Muhammad Jan GP present. Fresh notices be issued to the respondents. To come up for written reply on 28.4.2014.


MEMBER




MEMBER

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. 1363 /2013


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	24/09/2013	<p>The appeal of Mr. Daulat Khan resubmitted today by Mr. Sherafgan Khattak 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	30-9-2013	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>16-12-2013</u></p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Daulat Khan Ex-Constable No. 1233 received today i.e. on 17.09.2013 is incomplete on the following scores which is returned to the counsel for the appellant for completion and resubmission within 15 days.

1. Memorandum of appeal may be got signed by the appellant.

No. 1329 /S.T.

Dt. 18/09 /2013


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR

Mr. Sherafghan Khattak Adv.Pesh.

24-9-13

Needful has been done &
resubmitted please.

 24/9

SHERAFGHAN KHATTAK
Advocate

BEFORE THE SERVICE TRIBUNAL, KPK, PESHAWAR

Service Appeal No. 1363 /2013

Daulat Khan.....**Appellant**

V E R S U S

District Police Office, Charsadda & others.....**Respondents**

I N D E X

S.No	Description of Documents	Annex	Pages
1.	Service appeal		1-4
2.	Addresses of Parties		5
3.	Copy of FIR	A	6
4.	Copy of charge sheet & statement of allegation	B	7-8
5.	Copy of final show cause notice	C	9
6.	Copy of impugned order dt07.06.13	D	10
7.	Copy of departmental appeal	E	11-17
8.	Wakalat Nama		



Daulat Khan
(Appellant)

Through

Date: 17 / 7 /2013



Sher Afgan Khattak
Advocate Supreme Court
Cell: 0302-8320150

(1)

BEFORE THE SERVICE TRIBUNAL, KPK, PESHAWAR

Service Appeal No. 1363 /2013

B.W.F. Province
Case No. 1384
Dated 17-9-13

Daulat Khan,
S/o Amir Zaman
R/o Pegham Koroona, Utmanzai, Distt Charsadda
Ex-Constable No.1233, Police Force, Charsadda

.....**Appellant**

VERSUS

- 1. District Police Office, Charsadda
- 2. ✓ Capital City Police, Peshawar
- 3. ✓ Superintendent of Police, HQ, Peshawar
- 4. Govt of Khyber Pakhtunkhwa

Through Home Secretary / Provincial Police Officer, Pesh

5- Deputy Inspector General
of Police Pesh.**Respondents**

Service appeal u/s 4 of the KPK
Service Tribunal Act, 1974 against
the order dated 07.06.2013 passed
by respondent No.1

Noted to be
legally
17/9/13

Prayer in Appeal:

On acceptance of this appeal while setting aside the
impugned order the appellant may please be reinstated
with all back benefits.

re-submitted to
and filed;

24/9/13

2

Respectfully Sheweth:

1. That the appellant was appointed as Police Constable in Charsadda Police on 18.07.1998. He rendered dedicated services to the best of his superiors.
2. That the appellant was deputed as a Gunner with Barrister Arshad Abdullah, Ex-Law Minister of Khyber Pakhtunkhwa.
3. That on 26.04.2013 an FIR No.395 was lodged u/s 353, 506, 148, 149, 183, 189 PPC in Police Station, Charsadda. On the next day the appellant came to know that one Tariq Muharrir of Police Post Utmanzai has charged the appellant alongwith others in the above said FIR. (Copy of the FIR is attached as Annexure "A").
4. That on getting knowledge of his false involvement in the FIR, the appellant surrendered before the police and was released on bail in due course of law.
5. That due to registration of criminal case, the departmental authority initiated disciplinary proceedings against the appellant.
6. That Enquiry Officer was appointed and the appellant was served with statement of allegation and charge sheet for the only charge of involvement in case FIR No.395 to which detail reply was given denying the allegations. (Copy of charge sheet & statement of allegation is Annexure "B").

- 7. That after final show cause notice, the impugned order was passed on 07.06.2013, whereby major penalty of dismissal from service was awarded to the appellant alongwith four others. (Copy of show cause notice & impugned order dated 07.06.2013 is Annexure "C & D").
- 8. That the appellant filed departmental appeal against his dismissal from service, but it has not been responded so far. (Copy of departmental appeal is Annexure "E").
- 9. That the impugned order is illegal and has been passed without lawful authority and is void ab-initio, hence liable to be declared as such and the appellant is liable to be reinstated into service with all the back benefits, inter alia, on the following grounds:

GROUND S:

- A. That at the time of alleged occurrence, the appellant was on duty with the said law Minster in public meeting at Rajjar Fatima Khail, Tehsil and District, Charsadda and was relieved late night, hence was not present at the time of occurrence, if any at the place of occurrence.
- B. That the appellant was not afforded an opportunity of presenting evidence in support of his plea of absence at the time of illegal occurrence.

CHARGE SHEET U/S 6 (I) (A) POLICE RULES 1975

You Constable Daulat Khan No.1233, posted at Police Lines Charsadda is hereby charged for committing the following omission /commissions.

“(While posted as Gunner with Former Minister Law (Arshid Abdullah) was found involved incase vide FIR No.395 dated 26.04.2013 u/s 353/506/148/149/183/189 PPC PC Charsadda. Being a member is discipline force your act is highly objectionable and against the rules/regulations. This shows your inefficiency, lack of interest in the performance of your official duty”

You are hereby called upon to submit your written defense against the above charges before the enquiry officer.

Your reply should reach the enquiry officer within 07-days from the date of receipt of this charge sheet, failing which ex-partee proceedings shall be initiated.

Summary of allegations is enclosed herewith

Sd/-
District Police Officer
Charsadda

No. 5475-76/PA, date Charsadda the 27/04/2013

ATTESTED



8

MARY/STATEMENT OF ALLEGATIONS U/S 6 (I) (A) POLICE RULES 1975

"While posted as Gunner with Former Minister Law (Arshid Abdullah) was found involved incase vide FIR No.395 dated 26.04.2013 u/s 353/506/148/149/183/189 PPC PC Charsadda. Being a member is discipline force your act is highly objectionable and against the rules/regulations. This shows your inefficiency lack of interest in the performance of your official duty" the act falls within the preview of misconduct contained u/s 2 (iii) of police rules 1975.

Sd/-
District Police Officer
Charsadda

No.5475-76/PA,

Copies forwarded to:

1. DSP Tangi (Enquiry Officer)
2. Constable Daulat Khan No.1233, Police Line Charsadda

ATTESTED

FINAL SHOW CAUSE NOTICE

Whereas the charge negligence lack of interest was referred to enquiry officer for General Police Proceedings contained u/s 5 (3) Police Rules 1975

And

Whereas the enquiry officer has submitted his findings recommending of the enquiry officer that you Constable Daulat Khan No.1233, while posted as Gunner with Former Minister Law (Arshid Abdullah) was found involved in case vide FIR No.395 dated 26.04.2013 u/s 353/506/148/149/183/189 PPC PC Charsadda. Being a member is discipline force your act is highly objectionable and against the rules/regulations. This shows your inefficiency lack of interest in the performance of your official duty, thus the act amounts to gross misconduct and renders you liable for major punishment, under police Rules 1975

Therefore, I Ghulam Hussain, District Officer, Charsadda in exercise of the covers vested in me under rules 5 (3) (a) (b) of Police rules 1975, call upon you to explain as to why the proposed punishment may not be awarded to you.

Your reply should reach the undersigned within 07-days of receipt of this notice failing which disciplinary action pertaining to you dismissal from service will be taken ex-partee

You are at liberty to appear in person before the undersigned for personal hearing.

Dated 15/05/2013

Sd/-
District Police Officer
Charsadda

ATTESTED

D

(10)

**Government of
Khyber Pakhtunkhwa
Officer of the District Officer, Charsadda**

ORDER

Enquiries against the following accused constables are being disposed off by this single order the charge /allegation against them _____

1. Constable Zakir No.1398
2. Constable Daulat Khan No.1233
3. Constable Asfandyar No.1439
4. Constable Salman Kamal No.1286
5. Constable Zubair No.4017

Short facts are that the aforesaid Police/Constable were posted to Former Minister of Law & Parliamentary Affairs Arshid Abdul dated on 26.04.2013, they misused their duty ouster, assisted the Ex-Minister in the offence punishable u/s 353/506/148/149/183/189-PPC vide FIR No.395, dated 26.04.2013 PS Charsadda

The charges were referred to the enquiry office after issuing charge sheets and summary of allegations to them provided u/r 6 (i) police rules 1975, the enquiry office DSP Abdur Rashid Khan after following the codal formalities submitted his findings u/r 6 (5) of the said rule recommending all the 05 police personnel for award of major penalty to them.

Perusal of the enquiry proceedings findings of the enquiry officer reflects no irregularity of malafide or the part of enquiry officer, hence in exercise of the powers vested in me u/r 2 (ii) of the rules accept the recommendation and award major penalty to all the afore stated accused constables "dismissal from service": provided u/r 4(iv) of the said rules with immediate effect

Sd/-
District Police Officer
Charsadda

No.7288-92/PA, dated Charsadda the 07/06/2013.

Copy of information and necessary action to the:-

1. Capital City Police Officer, Peshawar
2. Superintendent of Police, HQrs; Peshawar with the request to make necessary entry in service roll of constable mentioned in serial No.05.
3. Pay Officer /OAS
4. EC/FMC

Sd/-
District Police Officer
Charsadda

ATTESTED

Before the learned Deputy Inspector General
of Police, Peshawar.

(11)

~~Shahid Khan~~
YAR KHAN

Departmental Appeal No. /2013

Through: proper channel

Daulat Khan — vs — D.P.O. Charsadda
(Appellant) (Respondent)

INDEX

S.No.	Description of documents	Annexure	Page
1.	Departmental Appeal	—	1-6
2.	copy of FIR No. 395 dt. 26.4.013	"A"	7
3.	copy of Appointment orders of Enquiring officers	"B"	8
4.	copy of charge sheet -	"C"	9
5.	copy of statement of allegations	"D"	10
6.	copy of reply of chargesheet -	"E"	11
7.	copy of Final Show cause Notice	"F"	12
8.	copy of reply of final Show cause Notice -	"G"	13
9.	Copy of impugned order dt. 7 ⁶ / ₀₁₃	"H"	14

Dated: 12/6/2013

Yours obediently Daulat Khan
Ex. Constable No. 1233 Police Force
Charsadda.

Daulat Khan

ATTESTED
[Signature]

(10)

Before the worthy Deputy Inspector General
of Police, Peshawar

Departmental Appeal No. /2013

Through: proper channel

Daulat Khan S/o Amir Zaman R/o Pegham
Kuroona ulmanzai Teh. & District Charsadda
Ex. Police Constable No. 1233 Police
Force Charsadda ————— Appellant

versus

District Police Officer, Charsadda — Respondent

Departmental Appeal against the orders
dated 07-06-2013 passed by Respondent
whereby the Appellant was dismissed
from service

PRAYER:- On acceptance of this Departmental
Appeal the impugned order dated 07-6-2013
may be set aside and Appellant
may be reinstated in service with
full back benefits

Respected Sir,

Brief Facts of the case are:

- 1) That the Appellant was appointed as
Police Constable in Charsadda Police in
the year 1998 and thus has rendered
about 15 years service.
- 2) That The Appellant was deputed as Grievances
with one Barrister Arshad Abdullah Esq. Law
Minister of Khyber Pakhtun Khwa and
was performing his duty as such

ATTESTED



honestly, devotedly and hard overzealously and no complaint whatsoever, has been filed to his superiors against him. He on 26-4-2013 he was on duty with the said Ex. Law Minister and it was 3:00 PM. when they were present in a public meeting at Rajjas Fatima khal Teh. & Distt. Charsadda and relieved there soon very late at evening. Constable Zabeerullah was also on that duty with the Appellant. However, constables Salman Kamal & Asfandiyar were on "Shabashi" leave at homes on that very day while constable Zubair Shah was on duty in the hujra of Ex. Law Minister that day.

3) That on the following day he came to know that complainant Tariq Mohsin b. C. of P.P. Utmansai has charged the Appellant along with 20 others in the report on the basis of which case P.R. No. 395 dated 26-4-2013 U.S. 353/506/148/149/183/189/382/201 P.P. was registered in P.S. Charsadda, so he surren-dered himself to the police and was later on bailed out. (copy of FIR is attached as Annexure "A").

4) That the Respondent/Authority directed registration of above cited case FIR, started departmental enquiry against him and others by appointing Enquiry officer (copy of appointment order of the said Enquiry officer is enclosed as Annexure "B").

5) That the Respondent also served the Appellant with Charge Sheet and Statement of allegations (copies of the same are annexed as Annexure "C" & "D").

ATTESTED

- 6) That the Appellant replied the said charge sheet and statement of allegations by rebutting/denying the allegations against him (copy of the said reply is attached as Annexure "E").
- 7) That on submission of report of Enquiry by Enquiry officer to Respondent, he gave Final Show Cause Notice to Appellant. (copy of which is annexed as Annexure "F").
- 8) That the Appellant also submitted his reply to the Final Show Cause notice reiterating his previous stance of his false involvement in the case (copy of the reply is attached as Annexure "G").
- 9) That the Respondent issued the impugned order dated 07-6-2013 whereby the Appellant alongwith his four other colleagues were dismissed from service (copy of the said order is attached as Annexure "H").
- 10) That the Appellant being aggrieved of the said ~~order~~ dismissal order is preferring the instant Departmental Appeal on the following grounds inter-alia, amongst others:-

GROUNDS

- A - That the order passed by Respondent by dint of which the Appellant was dismissed from service, is harsh one, void-ab-initio, against the facts and material available on record, illegal, against the norms of Natural Justice, hence untenable.
- B. That the Appellant was not afforded the

ATTESTED

4

opportunity to lead his evidence in respect of his innocence in the criminal case, on the basis of which the Appellant was dismissed from service, so the impugned order in these circumstances is no order in the eye of law and liable to be set aside.

- C) That the Appellant has 15 years service in credit but with a jerk of pen, his dismissal order was passed illegally by not taking into consideration the future of a large family members of Appellant who are fully dependant on him, as such the order being harsh one is liable to be set aside.
- D) That no proper and regular enquiry in the matter has been conducted and dismissal order from service of Appellant was made cursorily, which is against the law on the subject, hence the impugned order is not sustainable and liable to be set aside.
- E) That if the FIR No. 395 dated 26-4-2013 is perused, it will disclose that full particulars of all the accused of that case including the Appellant i.e. name, parentage & addresses of the accused are given in that FIR, which on the face of record will suggest that the same is pre-planned one and mala fide intention is very much clear from the same, hence the impugned order mostly based on the registration of this FIR, is untenable and liable to be set aside.

ATTESTED

[Signature]

(5)

E) That without complying with the requisite procedure of Enquiry, major penalty of dismissal from service has been made on the report/findings of Enquiry officer, by Respondent vide the impugned order, so the impugned order is no order in the eye of law, hence the same does not deserve to remain in field and is liable to be set aside.

F) That the Appellant has a large family members to feed but since he was dismissed from service, so they were kept in starvation, so natural justice demands that full opportunity of hearing should be provided to the Appellant for defending himself, as such the impugned order is liable to be set aside.

G) That the trial in the cr. case is yet to be held in the competent court of law, which will decide the fate of the case, but penalty was illegally imposed upon the Appellant by dismissing him from service, hence the impugned order is untenable and liable to be set aside.

H) That so many other grounds do exist but the same will be agitated before your honour, with permission of your honour at the time of hearing.

ATTESTED
B

(6)

(17)

It is, therefore, humbly prayed that on acceptance of this Departmental Appeal, the impugned order dated 07-6-2013 may kindly be set aside and the appellant may kindly be re-instated in service with full back benefits.

Dated: 12/6/2013

Yours obediently
Daulat Khan
S/o Amir Zaman R/O Pegham
Kuroona, Umanwai Teh: & Distt.
Charsadda, Ex. Contable No. 1233
Police Force, Charsadda.

Daulat Khan

ATTESTED



 13/6/13


Daulat Khan
do-han
Charsadda

That the contents of this Appeal are true and come to my best knowledge and belief.

Daulat Khan
Deponent
Daulat Khan

14712

بعد الترخیر
Before The Senior Trial



Appellant

2 مخائب

Daulat Khan / Cont. / Police

مورخہ

مقدمہ

دعویٰ

جرم

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
آن مقام SHERAFGAN KHATTAR / PESHAWAR

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقریر ثالثہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور وصولی چیک دروپیا عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ
پر واختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جانہ التوائے مقدمہ کے سبب سے دہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
مذکور کریں۔ لہذا وکالت نامہ لکھدیا کہ سندر ہے۔

المرقوم Sep ماہ 14712 2013

واہ العی

بمقام PESHAWAR کے لئے منظور ہے۔

Handwritten signature and stamp in the bottom left corner.

Handwritten signature on the right margin.


7. That after final show cause notice, the impugned order was passed on 07.06.2013, whereby major penalty of dismissal from service was awarded to the appellant alongwith four others. (Copy of show cause notice & impugned order dated 07.06.2013 is Annexure "C & D").
8. That the appellant filed departmental appeal against his dismissal from service, but it has not been responded so far. (Copy of departmental appeal is Annexure "E").
9. That the impugned order is illegal and has been passed without lawful authority and is void ab-initio, hence liable to be declared as such and the appellant is liable to be reinstated into service with all the back benefits, inter alia, on the following grounds:

GROUND S:

- A. That at the time of alleged occurrence, the appellant was on duty with the said law Minster in public meeting at Rajjar Fatima Khail, Tehsil and District, Charsadda and was relieved late night, hence was not present at the time of occurrence, if any at the place of occurrence.
- B. That the appellant was not afforded an opportunity of presenting evidence in support of his plea of absence at the time of illegal occurrence.

- (4)
- C. That all the enquiry proceedings were conducted illegally, no proper and legal procedure was adopted, hence the impugned order is not sustainable in the eyes of law.
- D. That the only basis for the impugned order is mere involvement in criminal case, which is not a ground for initiating departmental proceedings that ended in the penalty of dismissal from service, the law does not permit imposition of penalty on civil servant for mere involvement in criminal case without punishment by the proper court of law.
- E. That the impugned order is an omnibus order with one single order five civil servants have been dismissed from service, which is illegality and has resulted in miscarriage of justice.

It is, therefore, most humbly prayed that this appeal may please be allowed as prayed for in the heading.


Daulat Khan
(Appellant)

Through


Sherafgan Khattak
Advocate Supreme Court

Date: 17/9/2013

B

BEFORE THE SERVICE TRIBUNAL, KPK, PESHAWAR

Service Appeal No. _____/2013

Daulat Khan.....**Appellant**

V E R S U S

District Police Office, Charsadda & others.....**Respondents**

ADDRESSES OF PARTIES

APPELLANT:

Daulat Khan S/o Amir Zaman
R/o Pegham Koroon, Utmanzai, Distt Charsadda
Ex-Constable No.1233, Police Force, Charsadda

RESPONDENTS:

1. District Police Office, Charsadda
2. Capital City Police, Peshawar
3. Superintendent of Police, HQ, Peshawar
4. Govt of Khyber Pakhtunkhwa
Through Home Secretary / Provincial Police Officer, Pesh.


Daulat Khan
(Appellant)

Through


Sher Afgan Khattak
Advocate Supreme Court

Date: ___/___/2013