

30.1.2015

Counsel for the appellant and Mr. Muhammad Jan, GP with Mir Faraz Khan, Inspector (Legal) for the respondents present. Rejoinder received, copy whereof is handed over to the learned GP. To come up for arguments on 16.3.2015.


MEMBER

16.3.2015

Appellant with counsel (Mr. Sajid Amin, Advocate) and Mr. Ziaullah, GP with Mir Faraz, Inspector (Legal) for the respondents present. Arguments heard. To come up for order on 04.5.2015.

MEMBER

MEMBER

4.5.2015

Appellant in person and Mr. Ziaullah, GP with Mir Faraz, Inspector (Legal) for the respondents present. Arguments heard. Record perused. Vide our detailed judgment of to-day in connected Service Appeal No. 498/2014, titled "Jamshed Ali Shah Versus Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar etc.", this appeal is also disposed of as per detailed judgment. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
04.5.2015.


MEMBER


MEMBER

19.08.2014

Counsel for the appellant and Mr. Muhammad Jan, GP for the respondents present. The learned Member is on official tour to Abbottabad. To come up for the same on 09.09.2014.


READER

09.09.2014

Counsel for the appellant and Mr. Muhammad Jan, GP with Mir Faraz, Inspector (Legal) for the respondents present. Written reply received and copy handed over to counsel for the appellant. To come up for rejoinder on 24.10.2014.


MEMBER

24.10.2014

Junior to counsel for the appellant, and Mr. Muhammad Adeel Butt, AAG for the respondents present. The learned Member is on leave, therefore, case to come up for proceedings as before on 19.11.2014.


READER

19.11.2014

Counsel for the appellant and Mr. Muhammad Jan, GP with Mir Faraz, Inspector for the respondents present. The Tribunal is incomplete. To come up for the same on 29.12.2014.


READER

30.12.2014

Clerk to counsel for the appellant and Mr. Muhammad Jan, GP with Mir Faraz, Inspector (Legal) for the respondents present. The Tribunal is incomplete. To come up for the same on 30.1.2015.


READER


Appeal No. 502/2014.
Mr. Sifatullah.

3. 23.05.2014

Appellant with counsel present. Preliminary arguments heard and case file perused. Counsel for the appellant contended that the appellant has not been treated in accordance with law/rules. Against the original order dated 31.12.2013, he filed departmental appeal, which has been rejected on 10.03.2014, hence the present appeal on 08.04.2014. He further contended that the impugned order dated 10.03.2014, has been issued in violation of Rule-5 of the Civil Servant (Appeal) Rules 1986. Points raised at the Bar need consideration. The appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notices be issued to the respondents. Counsel for the appellant also filed an application for suspension of operation of orders dated 31.12.2013 and 10.03.2014. Notice of application should also be issued to the respondents for reply/arguments. To come up for written reply/comments on main appeal on 20.08.2014 as well as reply/arguments on application on 12.06.2014.


Member

4. 23.05.2014

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


Chairman

11.6.2014

Siraj Khan, Attorney for the appellant alongwith Counsel for the appellant and AAG with Mir Faraz, Inspector (Legal) for the respondents present. Power of attorney placed on file. Respondents need further time. To come up for written reply on main appeal as well as reply/arguments on application for interim relief on 20.8.2014.

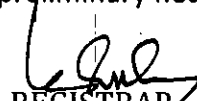
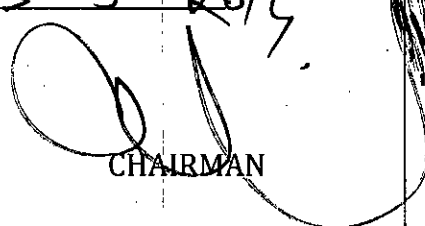

MEMBER


MEMBER

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 502/2014

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	08/04/2014	<p>The appeal of Mr. Sifat Ullah presented today by Mr. Ijaz Anwar 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> <p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>23-5-2014</u></p> <p style="text-align: right;"> CHAIRMAN</p>
2	14-4-2014	

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Appeal No. 502/2014

Sifat Ullah, Ex- Constable No. 1833, District Police, Bannu.

(Appellant)

VERSUS

The Provincial Police Officer, Khyber Pakhtunkhwa,
Peshawar and others.

(Respondents)

INDEX

S. No	Description of Documents	Annexure	Page No
1	Memo of Appeal & Affidavit		1-5
2	Suspension order dated 7.11.2013	A	6
3	Charge Sheet and Statement of Allegations	B	7-8
4	Reply to the Charge Sheet	C	9-11
5	Inquiry Report dated 23.12.2013, and Application dated 10.12.2013	D	12-14
6	Penalty Order dated 31.12.2013	E	15
7	Departmental Appeal and Rejection Order dated 10.03.2014	F & G	16-20
8	Vakalatnama.		21

Through

Appellant



IJAZ ANWAR

Advocate Peshawar

&



SAJID AMIN

Advocate, Peshawar

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Appeal No: 502/2014

J. W. F. Prasad
J. W. F. Prasad
No. 521
Date 08/4/14

Sifat Ullah, Ex- Constable No. 1833, District Police, Bannu.

(Appellant)

VERSUS

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Regional Police Officer Bannu Region Bannu.
3. District Police Officer Bannu.

(Respondents)

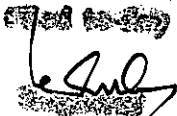
Appeal under Section 4 of The Khyber Pakhtunkhwa Service Tribunal Act, 1974, against the order dated 31.12.2013, whereby the appellant has been awarded the major penalty of Dismissal from Service, against which his departmental appeal has also been rejected vide order dated 10.03.2014 communicated to the appellant on 14.03.2014.

Prayer in Appeal: -

On acceptance of this appeal the impugned orders dated 31.12.2013 and 10.03.2014 may please be set-aside and the appellant may be re-instated in service with all back benefits of service.

Respectfully Submitted:

1. That initially the appellant was enlisted as Constable in police department in the year 2007.
2. That ever since the appointment, appellant had performed his duties as assigned to him with zeal and devotion and there was no complaint whatsoever regarding his performance. It is pertinent to mention here that during the entire service, the performance of the appellant remained commendable, he traced and arrested criminals who were required to the Police in some high profile cases. Beside this, during the roar of militancy, he always remained in the front



8/4/14

line against the militants and demonstrated exceptional performance, gallantry and devotion beyond the call of duty. His performance was also appreciated by the High Ups.

3. That while serving in the said capacity the appellant was suspended from service allegedly on account of having tainted reputation and involvement in anti-social activities. *(Copy of suspension order dated 7.11.2013 is attached as annexure A).*
4. That the appellant was served with Charge Sheet and statement of allegations dated 06.12.2013, containing certain unfounded and baseless allegations. The allegations leveled in the Charge Sheet are reproduced bellow, for ready reference:

“You have been suspended by the regional Police Officer Bannu on the basis of your tainted reputation and your alleged involvement in anti social activities.”

(Copy of the Charge Sheet and Statement of Allegations is attached as Annexure B)
5. That the appellant duly replied the Charge Sheet and refuted the allegations leveled against him as false and baseless vide reply dated 13.12.2013. *(Copy of the Reply is attached as Annexure C)*
6. That a partial inquiry was conducted and the inquiry officer without properly associating the appellant with the inquiry proceedings conducted inquiry and submitted his findings wherein he recommended the appellant for major punishment vide the inquiry report dated 23.12.2013. It is pertinent to mention here that due to the partisan behavior of the inquiry officer, the appellant also submitted an application dated 10.12.2013, for the marking the inquiry to any other officer, however no action was taken on his request. *(Copy of the Inquiry Report and application dated 10.12.2013 are attached as Annexure D).*
7. That thereafter without issuing upon him any Final Show Cause Notice, the appellant was awarded the major punishment of “Dismissal from Service” vides order dated 31.12.2013 to the appellant. *(Copy of the Order dated 31.12.2013 is attached as Annexure E)*
8. That the appellant submitted his departmental appeal, however it has also been rejected vide order dated 10.03.2014. Copy of the rejection order was however communicated to the appellant on 14.03.2014. *(Copies of the departmental appeal and rejection order are attached as Annexure F & G)*

9. That the impugned Orders are illegal unlawful against law and facts hence liable to be set aside inter alia on the following grounds :

GROUND OF APPEAL .

- A. That the appellant has not been treated in accordance with law hence his rights secured and guaranteed under the law are badly violated.
- B. That no proper procedure has been followed before awarding the major penalty of Dismissal from Service, to the appellant. No proper inquiry has been conducted, the appellant has not been associated with the inquiry proceedings, statements of witnesses if any were never taken in his presence nor he has been allowed opportunity of cross examination, moreover he has not been served with any show cause notice, thus the whole proceedings are defective in the eyes of law.
- C. That the allegations leveled against the appellant are general in nature and no specific instance has been shown where he has been found involved in the charges leveled against him, thus the Charge Sheet in itself is ambiguous and not warranted under the law.
- D. That the appellant has not been allowed opportunity of personal hearing, thus he has been condemned unheard.
- E. That in the Charge Sheet/ Statement of allegations it was alleged that the appellant is having *tainted reputation and allegedly involved in anti social activities*, however not a single instance has been mentioned wherein he has been found involved in such like such like activities, thus he has not been allowed fair opportunity to defend himself against the charges.
- F. That the charges leveled against the appellant were never proved in the enquiry, the enquiry officer gave his findings on surmises and conjunctures, moreover the inquiry officer had stated in the inquiry report that he secretly collected information from the local people about the character, however neither the names of those person (if any) were brought on record nor the appellant has been allowed to cross examine those person on whom statements the inquiry officer relied and recommended him for major punishment. Thus the inquiry report is defective in nature.

- G. That the appellant has never been served with Show Cause Notice, nor has he been provided the copy of the inquiry report, before the imposition of penalty upon him, which is mandatory in case of awarding major penalty.
- H. That the appellant has never indulged in any such activities beneficial to his person except the performance of good duty. The allegations leveled against the appellant are quite baseless, based on hearsay evidence which has got no footings in the service laws. The Superior Courts have always held that no one should be condemned without solid reasons.
- I. That appellant has never committed any act or omission which could be termed as misconduct, albeit been awarded the penalty of "*Dismissal from Service.*"
- J. That the appellant has not been associated with the inquiry proceedings, his statement has not been recorded by the inquiry officer, nor any witness have been examined or if so examined the appellant has not been allowed to cross examine those who may have deposed against me.
- K. That the appellant never committed any act and omission that could be termed as misconduct albeit he has been awarded the penalty of dismissal from service. The charges leveled against the appellant were based on mere presumptions, moreover the same also remained unproved during the inquiry. All the proceedings conducted against the appellant and the penalty awarded to him was predetermined.
- L. That the inquiry officer while exceeding his mandate, had conducted inquiry even in those charges which were neither mentioned in the charge sheet nor the appellant was afforded opportunity to defend himself against those unfounded and baseless charges.
- M. That the appellant has at about 7 years bright and spotless service career at his credit, the service record of the appellant bear testimony of his spotless service career, the appellant has never communicated any adverse entries nor has any bad entries in his ACRs, the penalty imposed upon him is too harsh and liable to be set aside.

- N. That the facts and grounds mentioned in the reply to the Charge Sheet and the departmental appeal of the appellants may also be read as integral part of the instant departmental appeal.
- O. That the appellants are jobless since his illegal *Dismissal from Service*.
- P. That the appellants also seek permission of this Honorable Tribunal to rely on additional grounds at the time of hearing of the instant appeal.

It is, therefore, humbly prayed that on acceptance of this appeal the impugned orders dated 31.12.2013 and 10.03.2014 may please be set-aside and the appellants may be re-instated in service with all back benefits of service


Appellant

Through



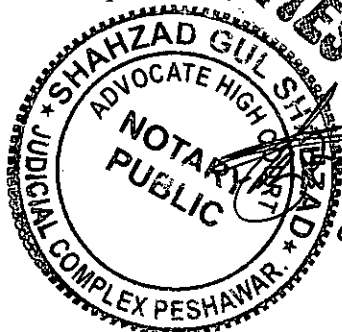
IJAZ ANWAR
Advocate Peshawar
&

SAJID AMIN
Advocate, Peshawar

AFFIDAVIT

I, Sifat Ullah, Ex- Constable No. 1833, District Police, Bannu, do hereby solemnly affirm and declare on oath that the contents of the above noted appeal are true and correct and that nothing has been kept back or concealed from this Honourable Tribunal.


Deponent



ORDER

The following Police Officers/officials are suspended with immediate effect for their failure to fulfill legal obligations coupled with the fact that majority of them have got tainted reputation and allegedly involved in anti-social activities:-

1. Inspector Gul Nawaz SHO PS Haved, District Bannu.
2. ASI Rasool Khan No. 460 PS Jani Khel, District Bannu.
3. ASI Hamidullah Jan No. 407 ASI PS Mandan, District Bannu.
4. ASI Gul Ayub No. 1249 PP Baran Bridge, District Bannu.
5. HC Jamshid No. 782 PS Cantt., District Bannu.
6. HC Pir Hamid Ullah Shah No. 892 I/C Guard KGN Hospital, District Bannu.
7. HC Noor Subhani Shah No. 214 TO-Traffic (Now Police Lines), Bannu.
8. HC Shafid Ullah No. 376 PS Ghoriwala, District Bannu.
9. LHC Mushtaq No. 649 PS Jani Khel, District Bannu.
10. Constable Tariq Ijaz No. 1335 PS Kakki, District Bannu.
11. Constable Jamshid No. 1896 PS Jani Khel, District Bannu.
12. Constable Arif Ullah No. 955 Police Lines, District Bannu.
13. Constable Aman Ullah No. 1977 QRF, Police Lines, District Bannu.
14. Constable Shahid Aslam No. 2067 (Gunner with ASI Saadullah PS City)
15. Constable Saboor No. 293 Police Lines, District Bannu.
16. Constable Shah Qiaz No. 1572 Police Lines, District Bannu.
17. Constable Azmat Ullah No. 1667 Police Lines, District Bannu.
18. Constable Halim Ullah Shah No. 1767 QRF, Police Lines, District Bannu.
19. Driver/Constable Attique No. 1609 PS Township, District Bannu.
20. Driver/Constable Tawab No. 1269 PS Mandan, District Bannu.
21. Driver/Constable Khushdil No. 261 PS Haved, District Bannu.

(SAJID ALI KHAN) PSP
Regional Police Officer,
Bannu Region, Bannu

No. 2606-07/EC, dated Bannu the

07 / 11 / 2013

Copies to:-

1. The Provincial Police Officer, Khyber Pakhtunkhwa for favour of information please.
2. The Additional Inspector General of Police, Operation Khyber Pakhtunkhwa, Peshawar for favour of information please.
3. The Additional Inspector General of Police, Investigation, Khyber Pakhtunkhwa, Peshawar for favour of information please.
4. The District Police Officer, Bannu for necessary action with the direction to initiate proper departmental proceedings against the above mentioned Police Officers (except S/No.1), under Police Rules 1975 and submit the result of action taken within 25 days.

(SAJID ALI KHAN) PSP
Regional Police Officer,
Bannu Region, Bannu

Y/S

7

AMENDED: B

CHARGE SHEET

I, **MUHAMMAD IQBAL** District Police Office, Bannu, as competent authority, hereby charge you **Constable Sifat Ullah No.489 of Police Line Bannu** as you have been suspended by the Regional Police Officer, Bannu on the basis of your tainted reputation and your alleged involvement in anti-social activities. Your activities are against the norms of a disciplined service, morality and impartialness which are badly required for the police force.

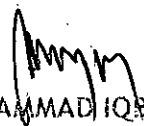
2. By reason of the above you appear to be guilty of misconduct under the police Rules (Amended vide NWFP gazette, 27 January 1976) and have rendered yourself liable to all or any of the penalties specified in the said rules.

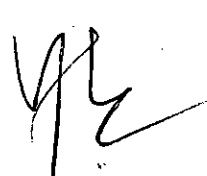
3. You are therefore, directed to submit your defense within 07 days of the receipt of this Charge Sheet to the enquiry officer.

4. Your written defense, if any, should reach the Enquiry Officer within the specified period, failing which, it shall be presumed that you have no defense to put in and in that case an ex-parte action shall be taken against you.

5. You are directed to intimate whether you desire to be heard in person.

6. A statement of allegations is enclosed.


(MUHAMMAD IQBAL)
District Police Officer,
Bannu.




STATEMENT OF ALLEGATIONS:

I, Muhammad Iqbal, District Police Officer, Bannu as competent authority, am of the opinion that Constable Sifat Ullah No.489 of Police Line, Bannu has rendered himself liable to be proceeded against as he has committed the following misconduct within the meaning of Police Rules (amended vide NWFP gazette 27th January 1976).

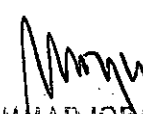
STATEMENT OF ALLEGATIONS:

1. He has been suspended by the Regional Police Officer, Bannu on the basis of his tainted reputation and his alleged involvement in anti-social activities. His activities are against the norms of a disciplined service, morality and impartialness which are badly required for the police force.
2. For the purpose of scrutinizing the conduct of the said accused with reference to the above allegations Mr. Liaqat Shah, DSP Naurang, District Lakki Marwat, is appointed as Enquiry Officer.
3. The Enquiry Officer shall provide reasonable opportunity of hearing to the accused, record statements etc and findings within (25 days) after the receipt of this order.
4. The accused shall join the proceedings on the date, time and place fixed by the Enquiry Officer.


(MUHAMMAD IQBAL)
District Police Officer,
Bannu.

No. 668-701 SRC dt 6-12-013.

Copies to (1) Constable Sifat Ullah No.489 of Police Line Bannu (2 Mr. Liaqat Shah, DSP Naurang, District Lakki Marwat (3) SRC Bannu.


(MUHAMMAD IQBAL)
District Police Officer,
Bannu.



9

Amra-C

To,

The District Police Officer,
Bannu.

Subject: REPLY TO THE CHARGE SHEET BASED UPON
STATEMENT OF ALLEGATION.

Respected Sir,

With reference to your good self-number 668-70 / SRC dated 06/12/13, the petitioner prayed as under:-

1. The petitioner recruited in police deptt. as constable in the year 2007 and after undergoing basic training in the training institution, reported back in the District for performance of duty. The petitioner has been assigned the duties on various police stations which was discharged efficiently.
2. That the petitioner was posted on various establishments in police deptt. and performed the duty with great zeal and zest and this is why that the officers under whom command, I have performed the duty has made no complaint what so ever against the petitioner and was happy for the performance of duty. Most of the period of the petitioner had been spend as gunner of the officers and always performed risky duty in the arrest of PO and against the miscreants. In one case, the services of the petitioner was so much admired by the Commissioner Bannu Division by seizing four Kalashnikovs at PS Miryan vide which five thousand cash reward was given. In another case, the petitioner while arresting the criminals has sustained serious injuries while posted at PS Domeh.
3. That throughout my service since 2007, the petitioner has not done any such thing/action which is against the spirit of police-rules as well as

g/e

disciplinary force. The service record of the petitioner is so much clean that during the entire period of service, no complaint has been received from the public to the officers and this is why that no departmental action has been initiated against the petitioner from any corner on the basis of Anti-Social activities.

4. That the petitioner has performed front line duty in the raid proceeding of police vide which petitioner sustained injuries at the hands of criminals while posted at P.S. Dornel. The petitioner has also performed the duty on so many sensitive places and the services of the petitioner in the performance of duty in such sensitive places has been recognized by the officers with good name.

5. The allegation leveled in the subject Charge Sheet is not based upon facts because the petitioner has not been counseled by the authority in light of the contents of the above allegations. According to service laws whenever no proof is available against any officer/official on the subject of corruption or any other anti-social activities then the official/officer is directed by the authority for reformation or removing the short coming or the same is communicated to the officer/official in shape of adverse remarks in the ACR but in my case no such adverse remarks has been communicated to me in shape of ACR or advice, which suggest that the allegations mention in the above letter is not substantiated by cogent evidence.

6. Sir, the petitioner has never been indulged in any such activities beneficial to the person of petitioner except the performance of good duty vide which I am receiving monthly salary from police Deptt. The allegations in the above charge sheet is quite based upon hearsay evidence which has got no footing in the service laws, furthermore, I do not know that under what source, the same has been communicated to your good self by worthy RPO Bannu because till date I have not even warned by the authority on any score of mis-conduct.

- 7. According to the dicta of Supreme court of Pakistan as well as service tribunal and the constitution of Islamic republic of Pakistan 1973 no official/officer should be condemned without solid reasons / proof of any allegation and in the case of any allegation against the spirit of police rules/service laws, the official/officer will be suspended when there is some clue leading towards the allegations but in the case of petitioner no complaint what so ever has been made against the petitioner nor any kind of tinted allegation has been refereed in the charge sheet. The general allegations without proof is nothing but amounts the harassment of the official.
- 8. The petitioner is the only bread earner of the family and such like defamation will certainly discourage myself as well as other police officials in performance of duty specially in the situation facing by the police in now a days.
- 9. That the allegations in the charge sheet regarding in-morality and un-imparialness are not governed by any cogent/solid proof and no official/officer can be entangle with such like allegations without substantive proof because the petitioner has shown bravery every time during the course of service-in performance of duty.

In light of the above facts and circumstances, it is requested that the allegations mentioned in the charge sheet is ariel in nature and the charge sheet may kindly be filled without further action.

Yours Obediently

Sifat Ullah
Sifat Ullah

FC No. 489

Police Line Bannu.

13-12-13

YE

از دفتر DSP سرکے لوزنگے انڈوسٹری افسر -

تاریخ 23-12-2013

انڈوسٹری ٹائیکے رپورٹ

جناب عالی

معلوم خدمت میں کہ بطابقہ چارج شیٹ و سہری اف ایلیٹین
 668-70/SRC مورخ 6.12.13 جاریہ ڈسٹرکٹ پولیس افسر نے کمانڈ
 صفحہ اللہ 489 معینہ پولیس لائین ہونے کے خلاف الزام عائد کیا
 کہ وہ سماج دشمن عناصر سے فہم طور پر ملا رہے جو محکمہ پولیس
 کیلئے بدنامی کا باعث ہے۔ چارج شیٹ و سہری اف ایلیٹین جاری
 کردہ ہیں جن میں DSP سرکے لوزنگے سید لیاقت شاہ کو انڈوسٹری
 افسر مقرر کرنے کے احکامات جاری کر کے انڈوسٹری کی بساطت
 افسران ہوں، لکھی بذریعہ ڈاک دفتر فلڈ 12/8 کو موصول ہوئی۔

الزام علیہ افسر نے مقررہ معیار جو یوں میں چارج شیٹ و
 سہری اف ایلیٹین و مولے کردہ پیدائش تحریری زندگی میں
 منسلک جواب دیا۔ اور اپنے خلاف لگائے گئے الزامات کو
 رد کرتے ہوئے خود کو بیگناہ ناکردہ ہے قصور تبدیل کیا۔

دوران انڈوسٹری ذلیکے گویان بہ شمول الزام علیہ افسر طلبائے
 حاکم حاکم کے چند بیانات موجود گئے الزام علیہ افسر ملندہ
 الزام علیہ کو گویان پر شرح کرنے اور اپنا دفاع کرنے کا
 بھی پورا پورا حق و اختیار دیا گیا ہے۔

Handwritten signature

1- ASI-0 گلک محمد خان دمتر DP0 صاحب ہوں -

2- ایڈٹنگ ایجارج SRC براغم ہوں شیر احمد خان -

3- کانٹیک صفت اللہ 489 مقیم پولی لائین ہوں -

محطاب خارج شیٹ لگائے گئے الزامات کے بابت الزام علیہ اشیر سے نام متعلقہ بینک یاٹے اور سٹورک قطع سے بھی رپورٹ حاصل کی گئی۔ مگر الزام علیہ اشیر کے کسی بینک میں اکاؤنٹ نہیں اور نہ ہی ان کے نام کوئی زرعی جائیداد وغیرہ موجود ہے۔

محطاب ریکارڈ مذکورہ کانٹیک کے 15 کو حکم FRP سے لہری ہوا

اور مورخہ کے 15 کو ریگولر پولی ضلع ہونے FRP سے انہوں نے تبدیل کیا قریب ایک سال کے 6 ماہ پولی لائین ہونے نام ماؤں شیٹ اور ٹھکانہ جانی ضلع میں ریکورڈ کانٹیک فراٹھین اچھا دیئے گئے

محطاب ریکارڈ SRC، ASI براغم مذکورہ کانٹیک کے کوئی سابقہ سرامابی بھی موجود نہیں ہے۔ یعنی دوران سروس کوئی Bad اپڈیٹ موجود نہ ہے۔ مذکورہ کے خلاف ضمیمہ معلومات دے

پایا گیا کہ نام ماؤں شیٹ اور جانی میں SHOs کیا تو ریکورڈ سر نیماں بقہ خوردی میں ملتا رہا ہے۔ مائٹرسز کی سفارش کیجاتی ہے

رند اسٹریٹ رپورٹ برتیب کر گزارش ہے۔
E/o
23/12/13
کلیات تہا

اس کے ساتھ ساتھ
انما ان بشکر
کا سامان لے گیا تھا۔

Handwritten signature

(14)

خدمت جنات ڈسٹرکٹ پولیس آفیسر بنوں

عنوان: درخواست دربارہ تبدیل کرنے انکوائری آفیسر

جناب عالی!

گزارش کی جاتی ہے۔ کہ سائل بحوالہ لیٹر انگریزی نمبر EC/09-06-26 مورخہ 7.11.2013 جناب RPO

صاحب بنوں نے معطل لائن کیا گیا ہے۔ جو کہ سن سائل کی انکوائری آفیسر DSP صاحب نورنگ ضلع لکی مروت مقرر کیا

گیا ہے۔ جو کہ جناب DSP صاحب نورنگ ہماری ڈیوٹی اور ہمارے اخلاق سے پوری طرح باخبر نہ ہے۔ جس سے

انصاف کی توقع نہیں ہے۔

لہذا استدعا ہے کہ DSP صاحب نورنگ سے انکوائری تبدیل کر کے ضلع بنوں کے کسی بھی انکوائری آفیسر مقرر کرنے کا حکم

صادر فرمادیں۔

عین نوازش ہوگی

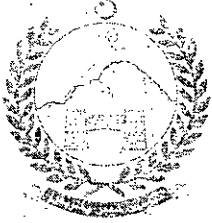
مورخہ 12/10/13

رضی

سائل آغا علی صفحہ 489 - نکتہ اولہ دیکھیں پوریا

رضی

رضی



15

AMBA: E

OFFICE OF THE
DISTRICT POLICE OFFICER,
BANNU.

Phone No: 0928-9270 038

Fax No: 0928-9270045


OB.No. 1464

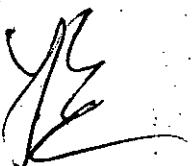
Dated 31.12.2014

To: Constable Sifatullah No.489 of District Bannu Police.

ORDER

1. You, Constable Sifatullah No.489 were charged for the misconduct communicated to you during departmental proceedings, the gist of which is that you had a tainted reputation and remained involved in anti social activities. Accordingly proper departmental enquiry was conducted to find out facts.
2. Mr. Liaqat Shah DSP Naurang District Larkana was appointed as Enquiry Officer who has submitted his findings wherein he has reported that you have been involved in corruption. Besides, during the course of enquiry, you were caught red handed by Lachi police of district Kohat while transporting a non custom paid car. You were then booked an FIR No.433 u/s 279/337/427/419/420 PPC PS Lachi dated 23.11.2013. This is ample proof of your involvement in illegal activities.
3. You were called in the orderly room on 30.12.2013 and were heard in person. You had nothing substantial in your defense. Therefore, I, Mohammad Iqbal, DPO Bannu, as competent authority under Police Rules (amended vide NWFP gazette, 27 January 1976) have come to the conclusion that charges leveled against you are proved beyond any doubt and that your retention in police service would be harmful for the force. I have, therefore, decided to impose major penalty of dismissal from service upon you. This order will take effect immediately.


District Police Officer,
Bannu.



To,

The Regional Police Officer,
Bannu.

Subject:

REPRESENTATION AGAINST THE ORDER OF
DISTRICT POLICE OFFICER BANNU WIDE OR NO. 1464
DATED 31/12/13 MADE WHICH THE PETITIONER WAS
DISMISSED FROM SERVICE.

Respected Sir,

With reference to order of DPO Bannu bearing No. 1464 dated
31/12/13, the petitioner prayed as under:-

1. That it is the basic principal of inquiry proceeding that whenever capital
punishment is to be inflicted upon any official/officer, then proper
departmental inquiry will be conducted into the matter against the
defaulting officer/official but in any case after receipt of reply to the
show cause notice the inquiry officer has submitted his finding
declaring me as guilty of the charges which is not only against the spirit
of inquiry but natural justice.

2. That earlier the fact and figures vide which charge sheet based upon
statement of allegation was given to the petitioner then detail reply to
the charge sheet was given which was based upon solid proof and
supported material, but the inquiry officer without distinguishing any
raised points submitted his finding recommending me for minor
penalty. The dictas laid down by Honorable Supreme court of Pakistan
as well as service tribunal no official/officer should be condemned for
capital punishment without solid proof/evidence.

3. That earlier while giving reply to the charge sheet I have replied in
detail which are reproduced as under for your kind perusal.

4. The petitioner recruited in police deptt. as constable in the year 2007
and after undergoing basic training in the training institutions reported
back in the District for performance of duty. The petitioner has been
assigned the duties in various police stations which was discharge
efficiently.

5. That the petitioner was posted on various establishments in police deptt.
and performed the duty with great zeal and zest and this is why that the
officers under whom command, I have performed the duty has made no
complaint what so ever against the petitioner and was happy for the
performance of duty. The driver is concerned only with the driving of
the vehicle and has got no concerned with other relations of public.
6. That throughout my service since 2007, the petitioner has no
such thing/action which is against the spirit of police force
disciplinary force. The service record of the petitioner
that during the entire period of service, no complaint

Spencer

(16)

from the public to the officers and this is why that no departmental action has been initiated against the petitioner from any corner on the basis of Anti-Social activities or transportation of NCP vehicles.

- 7. The allegation leveled in the subject Charge Sheet is not based upon facts because the petitioner has not been counseled by the authority in light of the contents of the above allegations. According to service laws whenever no proof is available against any officer/official on the subject of corruption or any other anti-social activities then the official/officer is directed by the authority for reformation or removing the short coming or the same is communicated to the officer/official in shape of adverse remarks in the ACR but in my case no such adverse remarks has been communicated to me in shape of ACR or advice, which suggest that the allegations mention in the above letter is not substantiated by cogent evidence.
- 8. According to the dicta of Supreme court of Pakistan as well as service tribunal and the constitution of Islamic republic of Pakistan 1973 no official/officer should be condemned without solid reasons / proof of any allegation and in the case of any allegation against the spirit of police rules/service laws, the official/officer will be suspended when there is some clue leading towards the allegations but in the case of petitioner no complaint what so ever has been made against the petitioner nor any kind of tinted allegation has been refereed in the charge sheet. The general allegations without proof is nothing but amounts the harassment of the official.
- 9. That the allegations in the charge sheet are not governed by any cogent/solid proof and no official/officer can be entangle with such like allegations without substantive proof.
- 10. That the allegations of transportation of non-custom paid vehicle is not governed by any solid proof and according to law no one can be condemned for any allegation not substantiated by any cogent reasons or proof. Aerial allegations against any officer/officials is against The Constitution of Islamic Republic of Pakistan 1973 as well as other laws of the land.
- 11. That only on the basis of receipt of reply to the charge sheet was made the inquiry proceeding which is not called inquiry rather the same suggest that the authority has already decided to dismissed me from the service whatever the result of the inquiry may be. In the inquiry statements of all those persons were recorded in presence of the defaulting official who are supporting the charges of charge sheet but in my case no such statement has been recorded and Omni bus order has been passed by the DPO on the illegal inquiry of the inquiry officer.
- 12. That the finding of the inquiry officer clearly suggest that he has decided to declare me as guilty of the charges by hook and crook because the reasons advanced in the inquiry proceedings and the charges leveled in the charge sheet are quite different. The law of the land and rules prescribed that when ever enquiry officer is inquiring into the matter he should to confront the defaulting officer with specific allegation whereas in my case general allegations has been leveled

against me and specific instant has been quoted in the inquiry. The instant of N.C.P. vehicle quoted in the inquiry proceedings is still adjudication in the court of law and unless and until the same has not been decided from the competent court of law, no one can be blamed for the said charges.

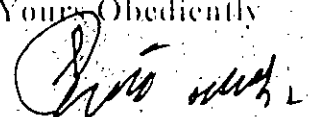
13. That it is the law of the land as well as law of nature that a person is presumed innocent unless and until convicted from the competent court of law but in my case without waiting the result of court order in the case FIR No. 433 dated 23/11/13 U/S 279/337G/427/419/420 PPC PS Lachi, capital punishment has been inflicted upon me in violation of law and rules and in case if my acquittal in the court of law, my grievances will not be redressed in shape of money and my defamation will not be restored on any cost.
14. That the inquiry officer has recorded only two statements while disposing the inquiry proceedings one of Gul Janan and Sho lachi and another of Basher khan Investigating officer without summoning the officer/official mentioned in the statement of the above two officials and without affording opportunity for rebutting the allegations of the above two officers. The inquiry officer was so much in hurry in submission of his finding that even record the statement he has not bouders to record the statement of DWs the name of which are mentioned in my statement given to the inquiry officer. The main deem of the inquiry in the capital charge is to separate grame from the chafe but the attitude of the inquiry officer was not impartial rather speaks his diversion towards my punishment on any cost which has done by him.
15. That actually I along with my Asad Ali Shah Inspector were coming from Peshawar to Bannu and when reached to the taxi adda Peshawar, the motor car bearing no. R/9416-Peshawar was parked on the road and asked us that he is going to Bannu and if we are proceedings to Bannu then we can gold in the motor car on the rent of Rs. 600/= per passenger was fixed because the vehicle was going to Bannu without his number. After fixing the rate with the driver we started from Peshawar to Bannu when we cross the lachi bazaar, the driver of the motor car has not controlled the vehicle and turned down near the Jungara hotel in the mean while police came there the driver fled away from the spot and I along with sifat ullah were arrested by the police in injured condition. I and Asad Ali Shah narrated the true story before the police but the police was reluctant the accept of real contention and booked us in the above case.
16. That I and Asad Ali Shah disclosed the particular of the driver of the vehicle to the IO and SHO but they were not accepting our contention and wrote a statement from our side U/S 161 Cr.PC from his own. Knowing the conduct of the IO, I approached the court 22A(6) Cr.PC and recorded my statement U/S 161 Cr.PC according to the actual fact and circumstance of the case. Admitting my contention by the court the IO was directed accordingly copy of the order is annexed. The driver of the vehicle is claiming the said vehicle and also its driving on the day of occurrence but the local police of kohat is reluctant to do so for the reasons best known to the IO.
17. That the law on the subject is very much clear that the IO is bound to record the statement of accused or any other person coming forward for recording their statement for and against the incident to what ever may

be but the malafide of the IO Basher khan is crystal clear from the facts that he was reluctant to record my statement , statement of sifaf ullah as well as the statement of driver shoukat Ali.

- 18. That on receipt of the finding of inquiry officer the RPO without appreciating the material of inquiry passed an order of dismissal without giving any reasons. According to the dictas of supreme court of Pakistan as well as service tribunals the order for awarding the capital punishment must be based upon solid and cogent reasons. The order must be in a nature to rebut the contention of the defaulting officer without solid proof but the RPO only passed two lines order of dismissal which is alien of the books of law.
- 19. That the DPO while passing the order of dismissal has not assess the charges of charge sheet the proceedings of inquiry , collected evidence of the PWs and contention of myself in rebutting the charges. It was the bounded duty of the RPO to place in justa position all the procedure of the inquiry proceedings and their after passed a appropriate order according to the justice but the inquiry proceedings and the order of the DPO clearly suggest that already decision of dismissal has been passed on me what ever the evidence for and against may be such like order of dismissal is quite against the norms of justice and amounts to discourage me.
- 20. That in the inquiry proceedings proper opportunity will be provided to the defaulting official for cross examination upon the PWs to un-earth the real facts and in my case as evident from the inquiry officer no charge has been proved against me. Furthermore, the inquiry officer has not brought on record any such fact vide which I have approached for choice posting but whenever I have been directed or performance of duty as a driver in any police station, I have discharged my function co-heartedly , scarifying my life in performance of front line duty. The DPO has not considered the material of inquiry proceedings and passed the order of dismissal against the spirit of law and justice.
- 21. The petitioner is the only bread-earner of the family and such like defamation will certainly discourage myself as well as other police officials in performance of duty specially in the situation facing by the police in now a days.

In light of the above facts and circumstances, it is requested that the order of DPO bearing OB No. 1464 dated 31/12/13 may kindly be set-aside and I may be reinstated to the service from the date of suspension. I will pray for your long life and good health.

Your Obediently



Sifat ullah

FC No. 489

42

ORDER

My this order will dispose of departmental appeal preferred by Ex: FC Sifat Ullah No. 489 of Operation Staff, Bannu against the order of Major Punishment of dismissed from service by DPO/Bannu vide Order No. 1464 dated 31-12-2013 for committing of the following omissions:-

- That his reputation was reported to be tainted as well as charged for anti social activities

The said EX: FC was proceeded against departmentally for the above misconduct. Mr. Liaqat Shah, DSP/Naurang, District Lakki Marwat was appointed as Enquiry Officer, who conducted proper departmental enquiry into the allegations and submitted his findings. The delinquent Police FC was reported to be guilty of the charges. Hence, he was awarded major punishment of Compulsory retirement from service by the competent authority under police rule-1975 vide Order Book No and dated quoted above.

The appellant preferred departmental appeal before the undersigned for set asiding the awarded punishment. The undersigned, besides perusing the departmental enquiry file and contents of the appeal, also verified the allegations through various sources which were found accurate. Opportunity of personal hearing was also afforded to the appellant but failed to satisfy the undersigned regarding the allegations leveled against him.

Keeping in view the above, therefore, I SAJID ALI KHAN, Regional Police Officer, Bannu Region, Bannu in exercise of the powers vested in me under Police Rules 1975. hereby file the instant appeal with immediate effect.
Order announced.

(Sajid Ali Khan)PSP
Regional Police Officer,
Bannu Region, Bannu.

No. 607-08/EC, dated Bannu the 10/03 /2014.

Copy to:-

1. The District Police Officer, Bannu along with service record containing departmental proceeding file for information and necessary action w/r to his office memo: No. 811 dated 28-01-2014.
2. ✓ Ex: FC Sifat Ullah No. 489.

(Sajid Ali Khan)PSP
Regional Police Officer,
Bannu Region, Bannu

9/2

POWER OF ATTORNEY

In the Court of KRIC Section T8/Bund Pesh.
Sifatullah

} For
} Plaintiff
} Appellant
} Petitioner
} Complainant

VERSUS

The P.P.O and Others
} Defendant
} Respondent
} Accused
}

Appeal/Revision/Suit/Application/Petition/Case No. _____ of _____
Fixed for _____

I/We, the undersigned, do hereby nominate and appoint

IJAZ ANWAR ADVOCATE, SUPREME COURT OF PAKISTAN

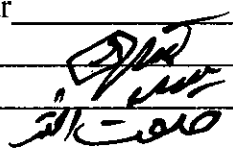
and Sajid Amin Advocate my true and lawful attorney, for me in my same and on my behalf to appear at Pesh. to appear, plead, act and answer in the above Court or any Court to which the business is transferred in the above matter and is agreed to sign and file petitions. An appeal, statements, accounts, exhibits. Compromises or other documents whatsoever, in connection with the said matter or any matter arising there from and also to apply for and receive all documents or copies of documents, depositions etc, and to apply for and issue summons and other writs or subpoena and to apply for and get issued and arrest, attachment or other executions, warrants or order and to conduct any proceeding that may arise there out; and to apply for and receive payment of any or all sums or submit for the above matter to arbitration, and to employ any other Legal Practitioner authorizing him to exercise the power and authorizes hereby conferred on the Advocate wherever he may think fit to do so, any other lawyer may be appointed by my said counsel to conduct the case who shall have the same powers.

AND to all acts legally necessary to manage and conduct the said case in all respects, whether herein specified or not, as may be proper and expedient.

AND I/we hereby agree to ratify and confirm all lawful acts done on my/our behalf under or by virtue of this power or of the usual practice in such matter.

PROVIDED always, that I/we undertake at time of calling of the case by the Court/my authorized agent shall inform the Advocate and make him appear in Court, if the case may be dismissed in default, if it be proceeded ex-parte the said counsel shall not be held responsible for the same. All costs awarded in favour shall be the right of the counsel or his nominee, and if awarded against shall be payable by me/us

IN WITNESS whereof I/we have hereto signed at _____
the _____ day to _____ the year _____
Executant/Executants _____
Accepted subject to the terms regarding fee _____



SAJID AMIN
ADVOCATE HIGH COURT

Legal Advisor Services & Labour Laws Consultants
FR-3-4, Fourth Floor, Bilour Plaza Peshawa: Cantt.
Ph: 091-5272054, Mob: 0333-4584986, 0333-150356

Ijaz Anwar

Advocate High Courts & Supreme Court of Pakistan

ADVOCATES, LEGAL ADVISORS, SERVICE & LABOUR LAW CONSULTANT
FR-3 & 4, Fourth Floor, Bilour Plaza, Saddar Road, Peshawar Cantt
Ph.091-5272154 Mobile-0333-9107225

10/10/10
K/11/10
10/10/10

10/10/10
10/10/10

10/10/10
10/10/10

10/10/10
10/10/10

LEGAL ADVISORY
COURT OF APPEALS
10/10/10
10/10/10
10/10/10

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No. _____/2014

Sifat Ullah Applicant

Versus

Provincial Police Officer and others Respondents

APPLICATION FOR THE SUSPENSION OF
OPERATION OF ORDERS DATED 31/12/2013
AND 10/03/2014 TILL THE FINAL DISPOSAL
OF THE TITLED APPEAL.

RESPECTFULLY SHEWETH,

1. That applicant has filed the titled appeal before this Honourable Tribunal in which today i.e. 23/5/2014 is the date fixed for the preliminary hearing.
2. That the facts and grounds mentioned in the titled appeal may be read as integral part of the instant application.
3. That applicant has got very good prima facie case and is sanguine of his success in the same.
4. That balance of convenience lies in favour of the applicant and an irreparable loss would accrue to him if the instant application was not accepted.

5. That any grounds will be raised at the time of arguments with prior permission of this Honourable Tribunal.

It is therefore, most humbly prayed that on acceptance of this application operation of the orders dated 31/12/2013 and 10/03/2014 may please be suspended till the final decision of the titled appeal.




Applicant

Through



IJAZ ANWAR

And



SAJID AMEEN

Advocates, Peshawar.

AFFIDAVIT:-

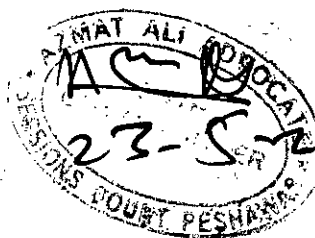


I, do hereby solemnly affirm and declare on oath that all the contents of instant application are true and correct and nothing has been concealed from this Honourable Tribunal.



DEPONENT

ATTESTED



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No. 502 /2014.

Sifat Ullah

.... Applicant

Versus

Provincial Police Officer and others

.... Respondents

**APPLICATION FOR THE SUSPENSION OF
OPERATION OF ORDERS DATED 31/12/2013
AND 10/03/2014 TILL THE FINAL DISPOSAL
OF THE TITLED APPEAL.**

RESPECTFULLY SHEWETH,

1. That applicant has filed the titled appeal before this Honourable Tribunal in which today i.e. 23/5/2014 is the date fixed for the preliminary hearing.
2. That the facts and grounds mentioned in the titled appeal may be read as integral part of the instant application.
3. That applicant has got very good prima facie case and is sanguine of his success in the same.
4. That balance of convenience lies in favour of the applicant and an irreparable loss would accrue to him if the instant application was not accepted.

5. That any grounds will be raised at the time of arguments with prior permission of this Honourable Tribunal.

It is therefore, most humbly prayed that on acceptance of this application operation of the orders dated 31/12/2013 and 10/03/2014 may please be suspended till the final decision of the titled appeal.

Applicant

Through

IJAZ ANWAR

And

SAJID AMEEN

Advocates, Peshawar.

AFFIDAVIT:-

I, do hereby solemnly affirm and declare on oath that all the contents of instant application are true and correct and nothing has been concealed from this Honourable Tribunal.

DEPONENT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No. 502 /2014

Sifat Ullah

.... Applicant

Versus

Provincial Police Officer and others

.... Respondents

APPLICATION FOR THE SUSPENSION OF
OPERATION OF ORDERS DATED 31/12/2013
AND 10/03/2014 TILL THE FINAL DISPOSAL
OF THE TITLED APPEAL.

RESPECTFULLY SHEWETH,

1. That applicant has filed the titled appeal before this Honourable Tribunal in which today i.e. 23/5/2014 is the date fixed for the preliminary hearing.
2. That the facts and grounds mentioned in the titled appeal may be read as integral part of the instant application.
3. That applicant has got very good prima facie case and is sanguine of his success in the same.
4. That balance of convenience lies in favour of the applicant and an irreparable loss would accrue to him if the instant application was not accepted.

5. That any grounds will be raised at the time of arguments with prior permission of this Honourable Tribunal.

It is therefore, most humbly prayed that on acceptance of this application operation of the orders dated 31/12/2013 and 10/03/2014 may please be suspended till the final decision of the titled appeal.

Applicant

Through

IJAZ ANWAR

And

SAJID AMEEN

Advocates, Peshawar.

AFFIDAVIT:-

I, do hereby solemnly affirm and declare on oath that all the contents of instant application are true and correct and nothing has been concealed from this Honourable Tribunal.

DEPONENT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No. 509 /2014

Sifat Ullah

.... Applicant

Versus

Provincial Police Officer and others

.... Respondents

APPLICATION FOR THE SUSPENSION OF
OPERATION OF ORDERS DATED 31/12/2013
AND 10/03/2014 TILL THE FINAL DISPOSAL
OF THE TITLED APPEAL.

RESPECTFULLY SHEWETH,

1. That applicant has filed the titled appeal before this Honourable Tribunal in which today i.e. 23/5/2014 is the date fixed for the preliminary hearing.
2. That the facts and grounds mentioned in the titled appeal may be read as integral part of the instant application.
3. That applicant has got very good prima facie case and is sanguine of his success in the same.
4. That balance of convenience lies in favour of the applicant and an irreparable loss would accrue to him if the instant application was not accepted.

5. That any grounds will be raised at the time of arguments with prior permission of this Honourable Tribunal.

It is therefore, most humbly prayed that on acceptance of this application operation of the orders dated 31/12/2013 and 10/03/2014 may please be suspended till the final decision of the titled appeal.

Applicant

Through

IJAZ ANWAR

And

SAJID AMEEN

Advocates, Peshawar.

AFFIDAVIT:-

I, do hereby solemnly affirm and declare on oath that all the contents of instant application are true and correct and nothing has been concealed from this Honourable Tribunal.

DEPONENT

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUN KHWA PESHAWAR

Appeal No. 502/2014.

Sifat Ullah, Ex-Constable No.489, District Police Bannu.

(Appellant)

VERSUS

- 1) Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
- 2) Regional Police Officer Bannu Region, Bannu
- 3) District Police Officer Bannu

(Respondents)

PARA WISE COMMENTS ON BEHALF OF THE RESPONDENTS No.1 to 3,

Respectfully Sheweth:

PRELIMINARY OBJECTIONS:

- 1) That the appellant has approached the Honourable Tribunal with unclean hands
- 2) That the appellant is estopped to file the appeal due to his own conduct.
- 3) That the appeal is bad due to mis-joinder and non-joinder of necessary parties.
- 4) That the appellant has concealed the actual and material facts from the Honourable Tribunal.
- 5) That the appeal of appellant is not maintainable.
- 6) That the instant appeal is barred by law.

OBJECTIONS ON FACTS

- (1) Pertains to record.
- (2) Incorrect. The appellant has performed duty as routine and never showed any exceptional performance. He was found involved in anti social activities such as transportation of non custom paid vehicle and apprehended by police vide FIR No.433 dated 23.11.2013 u/s 279, 337G/427, 419, 420 PPC Police Station Lachi district Kohat. Copy enclosed as annexure "A"
- (3) Incorrect. After verification through various sources, appellant and other officials were found involved in anti social activities he was suspended and dealt departmentally under Police Rules 1975.
- (4) Incorrect. Well founded charge-sheet based on statement of allegations was issued to appellant followed departmental inquiry.
- (5) The reply of appellant was examined in the light of allegations and found baseless and unsatisfactory.
- (6) Incorrect. Impartial inquiry was conducted. All the opportunities of defense/hearing were provided to the appellant in accordance with law/rules. Application for marking of inquiry to other officer has not been received to the respondents.
- (7) Final show-cause notice is not mandatory under Police Rule 1975. However opportunities of hearing/defense were afforded to appellant before passing of dismissal order.

- (8) Departmental appeal of appellant was found baseless and unsatisfactory and rightly rejected.
- (9) Incorrect. The orders of respondents are lawful, based on facts and justified under the law/rules.

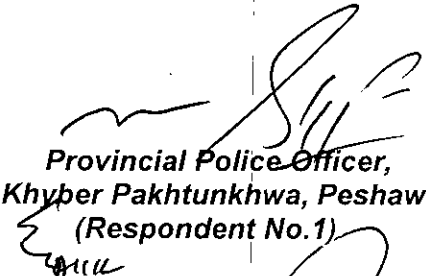
OBJECTIONS ON GROUNDS.

- A.** Incorrect. The appellant has been treated under Police Rules 1975 and no rights of appellant has been violated by the respondents.
- B.** Incorrect. Proper inquiry under the prevailing Rules was conducted through inquiry officer wherein the charges/allegations leveled were established against the appellant and appropriate punishment was given to him after providing all the opportunities of hearing/defense.
- C.** Incorrect. Beside the finding of inquiry report, the appellant was caught red handed by Lachi Police of district Kohat vide Transporting a non custom paid car and booked in FIR No.433 u/s 279, 337, 427, 419, 420 PPC which is an ample proof of his involvement in illegal activities.
- D.** Incorrect. The appellant was heard in orderly room dated 30.12.2013 but he had nothing substantial in his defense.
- E.** Incorrect. The charges have been proved from the inquiry as well as FIR copy already enclosed as annexure "A". All the opportunities of defense were provided to the appellant.
- F.** Incorrect. Regular inquiry through DSP Naurang Lakki Marwat was conducted in accordance with law and rules and all the opportunities of hearing/defense etc were provided to the appellant.
- G.** Incorrect. Charge-sheet based on statement of allegations were issued to the appellant. Issuance of final show-cause notice is not mandatory under the Police rules 1975.
- H.** Incorrect. Regular inquiry under the prevailing rules was conducted and in the light of findings report and involvement of appellant in transporting of non custom paid vehicle as evident from annexure **A**, a legal order was passed by respondent No.3 in accordance with law and rules.
- I.** Incorrect. Misconduct on the part of appellant has been proved from various sources/proof.
- J.** Incorrect. All the codal formalities were observed during the course of departmental inquiry.
- K.** Incorrect. Explained in preceding paras H & I.
- L.** Incorrect. The inquiry was conducted under Police Rules 1975 and all the opportunities of hearing/defense were provided to the appellant.
- M.** Incorrect. During the short period of service the appellant was found involved in smuggling/transporting of non custom paid vehicle as evident from the inquiry report and FIR copy already enclosed as annexure "A".


- N.** Incorrect. The reply and departmental appeal of appellant were found unsatisfactory and baseless.
- O.** Incorrect. The dismissal order was passed in accordance with facts on record and rules.
- P.** That respondents also seek permission of the Honorable Tribunal to rely on additional grounds at the time of hearing of appeal.

Prayer:

In view of the above facts and stated reasons, the appeal of appellant is devoid of legal force, may kindly be dismissed with costs.


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


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


District Police Officer,
Bannu.
(Respondent No.3)

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUN KHWA PESHAWAR
Appeal No. 502/2014.

Sifat Ullah, Ex-Constable No.489, District Police Bannu.

(Appellant)

VERSUS

1) Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.

2) Regional Police Officer Bannu Region, Bannu

3) District Police Officer Bannu

(Respondents)

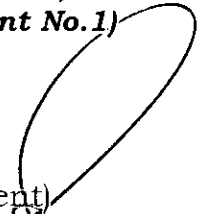
COUNTER AFFIDAVIT

We, do hereby solemnly affirm and declare that the contents of the attached comments are true and correct to the best of our knowledge and belief and nothing has been with held or concealed from this Honorable Tribunal.



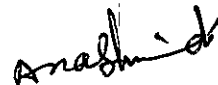
(Deponent)

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



(Deponent)

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



(Deponent)

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

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUN KHWA PESHAWAR

Appeal No. 502/2014.

Sifat Ullah, Ex-Constable No.489, District Police Bannu.

(Appellant)

VERSUS

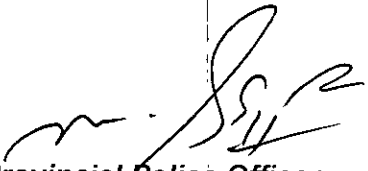
- 1) Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
- 2) Regional Police Officer Bannu Region, Bannu
- 3) District Police Officer Bannu

(Respondents)

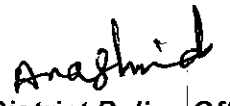
AUTHORITY LETTER.

Mr. Mir Faraz Khan Inspector Legal Bannu is hereby authorized to appear before the Service Tribunal Khyber Pakhtun Khwa Peshawar on behalf of the undersigned in the above cited case.

He is authorized to submit and sign all documents pertaining to the present appeal.


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


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


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

قدم نمبر ۲۲۰۵۰ (۱)

Annexure 1

ابتدائی اطلاع رپورٹ

پیسرے نمبر ۷۲

ابتدائی اطلاع نسبت مجرم قابل دست اندازی پولیس پلہرٹ شدہ زیر دفعہ ۱۵۲ مجموعہ ضابطہ فوجداری

منبع کھلاٹ

لاہی

تاریخ وقوع وقوع ۱۱/۲۳ وقت ۱۵:۱۰

۴۲۳

تاریخ وقوع وقوع ۱۱/۲۳ وقت ۱۵:۱۰	تاریخ وقوع وقوع ۱۱/۲۳ وقت ۱۵:۱۰
منبع کھلاٹ	منبع کھلاٹ
تاریخ وقوع وقوع ۱۱/۲۳ وقت ۱۵:۱۰	تاریخ وقوع وقوع ۱۱/۲۳ وقت ۱۵:۱۰
منبع کھلاٹ	منبع کھلاٹ
تاریخ وقوع وقوع ۱۱/۲۳ وقت ۱۵:۱۰	تاریخ وقوع وقوع ۱۱/۲۳ وقت ۱۵:۱۰
منبع کھلاٹ	منبع کھلاٹ
تاریخ وقوع وقوع ۱۱/۲۳ وقت ۱۵:۱۰	تاریخ وقوع وقوع ۱۱/۲۳ وقت ۱۵:۱۰
منبع کھلاٹ	منبع کھلاٹ

ابتدائی اطلاع فیچر درج کرو اس وقت اب فیچر میں پورا مضمون لکھا گیا ہے۔

۱۔ مقدمہ کی تفصیلات: مقدمہ کی تفصیلات درج ذیل ہیں۔

۲۔ مقدمہ کی تفصیلات: مقدمہ کی تفصیلات درج ذیل ہیں۔

۳۔ مقدمہ کی تفصیلات: مقدمہ کی تفصیلات درج ذیل ہیں۔

۴۔ مقدمہ کی تفصیلات: مقدمہ کی تفصیلات درج ذیل ہیں۔

۵۔ مقدمہ کی تفصیلات: مقدمہ کی تفصیلات درج ذیل ہیں۔

۶۔ مقدمہ کی تفصیلات: مقدمہ کی تفصیلات درج ذیل ہیں۔

۷۔ مقدمہ کی تفصیلات: مقدمہ کی تفصیلات درج ذیل ہیں۔

۸۔ مقدمہ کی تفصیلات: مقدمہ کی تفصیلات درج ذیل ہیں۔

۹۔ مقدمہ کی تفصیلات: مقدمہ کی تفصیلات درج ذیل ہیں۔

۱۰۔ مقدمہ کی تفصیلات: مقدمہ کی تفصیلات درج ذیل ہیں۔

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

In the matter of
Appeal No.502/2014

Sifat Ullah Ex. Constable No. 489, District Police Bannu.
(Appellant)

VERSUS

Provincial Police Officer Khyber Pakhtunkhwa, Peshawar &
others.
(Respondents)

REJOINDER ON BEHALF OF THE APPELLANT

Respectfully submitted:

ON PRELIMINARY OBJECTIONS:

1. Contents incorrect and misleading the appellant has come to the court with clean hands.
2. Contents in correct and misleading the rule of esstople is applicable in the instant case.
3. Contents incorrect and misleading all necessary parties are arrayed in the instant appeal.
4. Contents incorrect and misleading, all necessary facts are brought before this Honouralbe Tribunal and nothing has been concealed from the Honouralbe Tribunal.
5. Contents incorrect and misleading, the appeal being filed well in accordance with the prescribed rules and procedure hence maintainable.
6. Contents incorrect and misleading, the appeal as maintainable.

ON FACTS

1. Contents need no reply, however, contents of Para-1 of the appeal are true and correct.
2. Contents of Para-2 of the appeal are correct, the reply submitted to the Para- is incorrect and misleading.

3. Contents of Para-3 of the appeal are correct, the reply submitted to the Para- is incorrect and misleading.
4. Contents of Para-4 of the appeal are correct, the reply submitted to the Para- is incorrect and misleading.
5. Contents of Para-5 of the appeal are correct, the reply submitted to the Para- is incorrect and misleading.
6. Contents of Para-6 of the appeal are correct, the reply submitted to the Para- is incorrect and misleading.
7. Contents of Para-7 of the appeal are correct, the reply submitted to the Para- is incorrect and misleading.
8. Contents of Para-8 of the appeal are correct, the reply submitted to the Para- is incorrect and misleading.
9. Contents of Para-9 of the appeal are correct, the reply submitted to the Para- is incorrect and misleading.

GROUND

The Grounds (A to M) taken in the memo of appeal are legal and will be substantiated at the time of arguments.

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

[Signature]
Appellant

Through

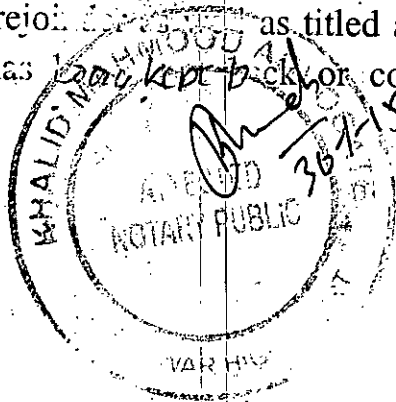
[Signature]
IJAZ ANWAR
Advocate, Peshawar.

&

[Signature]
SALIM AMIN
Advocate, Peshawar.

AFFIDAVIT

I do, hereby solemnly affirm and declare on oath that the contents of the above rejoinder as titled appeal are true and correct and nothing has been kept back or concealed from this Honourable Tribunal.



[Signature]
Deponent