

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

3. 23.05.2014

Appeal No. 500/2014
Mr. Mehboob Khan

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 the rules. Against the original order dated 18.02.2014, he filed depositions appeal on 25.02.2014, which has been rejected on 14.03.2014, the present appeal on 08.04.2014. He further contended that impugned order dated 14.03.2014, 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 18.02.2014 and 14.03.2014. 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 11 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. 500/2014

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. Mehboob Khan 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>
2	14-4-2014	<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>

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Appeal No. 500 /2014

Mehboob Khan S/O Shah Muhammad Khan, Ex- Constable No. 1043, District Police, Bannu.

(Appellant)

VERSUS

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

(Respondents)

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Through

Mehboob Khan
Appellant

Ijaz Anwar
IJAZ ANWAR

Advocate Peshawar

&

Sajid Amin
SAJID AMIN

Advocate, Peshawar

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Appeal No. 500 /2014

524
08/4/14

Mehboob Khan S/O Shah Muhammad Khan, Ex- Constable No.
1043, 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 18.02.2014, whereby the appellant has been awarded the major penalty of Compulsory Retirement from Service, against which his departmental appeal dated 26.02.2014 has also been rejected vide order dated 14.03.2014 communicated to the appellant on 18.03.2014.

Prayer in Appeal: -

On acceptance of this appeal the impugned orders dated 18.02.2014 and 14.03.2014 may please be set-aside and the appellant may be re-instated in service with all back benefits of service.

[Signature]
8/4/14

Respectfully Submitted:

1. That initially the appellant was enlisted as Constable in police department in the year 1981.
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 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. *(Copies of the Appreciation letters/ Good Character Certificates are attached as Annexure A)*

3. That the appellant was served with Charge Sheet and statement of allegations dated 08.01.2014, containing certain unfounded and baseless allegations. The allegations leveled in the Charge Sheet are reproduced bellow, for ready reference:

“You have tainted reputation and are allegedly involved in anti social activities.”

(Copy of the Charge Sheet and Statement of Allegations is attached as Annexure B)

4. That the appellant duly replied the Charge Sheet and refuted the allegations leveled against him as false and baseless vide reply dated 11.01.2014. *(Copy of the Reply is attached as Annexure C)*
5. 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 24.01.2014. *(Copy of the Inquiry Report is attached as Annexure D).*
6. That thereafter without issuing upon him any Final Show Cause Notice, the appellant was awarded the major punishment of ***“Compulsory Retirement from Service”*** vides order dated 18.02.2014 to the appellant. *(Copy of the Order dated 18.02.2014 is attached as Annexure E)*
7. That the appellant submitted his departmental appeal on 26.02.2014, however it has also been rejected vide order dated 14.03.2014. Copy of the rejection order was however communicated to the appellant on 18.03.2014. *(Copies of the departmental appeal and rejection order are attached as Annexure F & G)*
8. 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 Compulsory Retirement 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 "*Compulsory Retirement from Service.*"
- J. That the due to his good character and performance, the appellant was issued good character certificates by four different SHOs of Different Police Stations, however the same were totally ignored by the inquiry officer before recommending the appellant for major punishment.
- K. 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.
- L. That the appellant has at about 33 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.
- M. 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.

- N. That the facts and grounds mentioned in the reply to the Charge Sheet and the departmental appeal of the appellant may also be read as integral part of the instant departmental appeal.
- O. That the appellant is jobless since his illegal *Dismissal from Service*.
- P. That the appellant also seeks 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 18.02.2014 and 14.03.2014 may please be set-aside and the appellant may be re-instated in service with all back benefits of service

Through

Mahooli
Appellant

IJAZ ANWAR

Advocate Peshawar

&

Sajid Amin

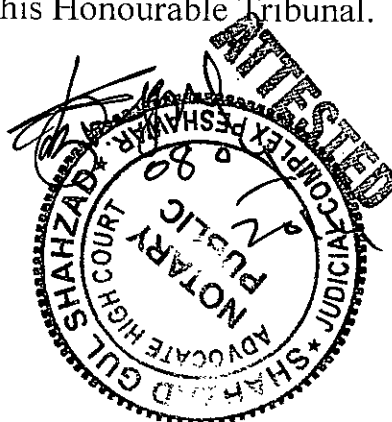
SAJID AMIN

Advocate, Peshawar

AFFIDAVIT

I, Mehboob Khan S/O Shah Muhammad Khan, Ex-Constable No. 1043, 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.

Mahooli
Deponent



سرکاری سرٹ (6)

AMVED: 19
"A"

12

تقریباً 12 کئی قبوٹوں پر 1043 ڈیڑھ تو 2011 میں میرے

ساتھ تھانہ مدرن میں ڈیوٹی سرانجام دیا ہے۔ اس دوران مزکورہ

کرائڈل نے اپنی ڈیوٹی خوش اسلوبی کے ساتھ سرانجام دیا ہے۔ مزکورہ

کرائڈل کے صدف میرے ساتھ ڈیوٹی کے دوران کسی قسم کی شکایت

کر تیں، غیر سلیٹیج کا حرکت وصول نہیں ہوا ہے۔ مزکورہ

کرائڈل اپنے اصدق، شریف کو دار کا ماتہ ہے۔ دوران

تعمیناتی میرے لئے کسی قسم کا مسئلہ نہیں پایا ہے۔

86 متعلقہ نمبر

0302 8087847

SHO / Mandan

11/01/2014



Handwritten signature or initials.

(17)

تعمیراتی محکمہ

ضلع

سینئر جیو پلان 1043 نمبر سائٹ 2013 میں تعمیراتی
 تفصیلات میں ڈیڑھ سائڈ ایم ڈی ای کیٹیگری
 ٹالہ ہار مینڈریٹ سیشن اور کرائی ڈی ای کیٹیگری
 تفصیلات کے دوران کونسل فیڈ بک اور کونسل
 حوالوں میں ہو رہی ہے

3479614772

~~SHD / Saddar~~

10-01-14 بلوچستان سٹو

03479614772



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صناعتی

صنعتی ڈیزائننگ 110 ویں ورلڈ ٹریڈ فیر میں سال 2012 / 2013 میں
 تصانیف رکھی گئیں۔ دوران تصانیف کونسل کی طرف سے 1043 ڈیزائننگ ڈپلومی
 گراہا گیا ہے۔ اس دوران ڈیزائننگ کونسل کو سمیٹہ ڈپلومی پر جو جو رہا گیا ہے۔ یہ دوران
 ڈپلومی کوئی تصانیف کو قبول نہیں ہے۔ سمیٹہ ڈپلومی اور تصانیف اما وقت پر یہ تصانیف

(Handwritten signature)

S-1 ایوان القادسیہ

10/01/2014

0334-8811223

(Handwritten mark or signature)



دہلی کے ایک ایسے شخص کو جو کہ $\frac{10000}{12}$ روپیہ فی ماہ لے کر گیا ہے
 وہاں پر وہ ایک ایسے شخص کو لے گیا ہے جو کہ $\frac{10000}{12}$ روپیہ فی ماہ لے کر گیا ہے
 وہاں پر وہ ایک ایسے شخص کو لے گیا ہے جو کہ $\frac{10000}{12}$ روپیہ فی ماہ لے کر گیا ہے
 وہاں پر وہ ایک ایسے شخص کو لے گیا ہے جو کہ $\frac{10000}{12}$ روپیہ فی ماہ لے کر گیا ہے
 وہاں پر وہ ایک ایسے شخص کو لے گیا ہے جو کہ $\frac{10000}{12}$ روپیہ فی ماہ لے کر گیا ہے

12/1/2014
 محمد زہرا

0334-8879601

۹۶

Serial No.

14. COMMENDATORY ENTRIES

1

Granted by Mr. Khushid Alam SPB
 for his good performance during
 the office duty (with cash reward Rs 50/-)
 OBNO 2419
29-9-83

~~Signature~~
 & SPB
 42

5

2

Granted by Mr. Khushid Alam SPB
 for his good performance during the
 office duty OBNO 2769 (with cash reward Rs 50/-)
3-11-83

Signature
 & SPB

6

3

Granted by Mr. Gulam Sarwar Khan
 Good performance
 OBNO 3028 (with cash reward Rs 25/-)
29-12-84

Signature
 & SPB

7

4

Granted by Mr. Gulam Sarwar Khan
 for his good work in case FIR No 3428
 dated 14.11.85 u/s 292/77 MTO suit
 OBNO 993 (with cash reward Rs 200/-)
17.4.85

Signature
 & SPB

OB

Signature

[Handwritten signature]

(11)

14. COMMENDATORY ENTRIES—contd.

5) Granted by *Fazl Hussain* S/P. Baw.

for his good work.

OB No 706
23.4.88

Cash reward Rs 20/-
[Signature]
S/P. Baw

Name brought on promotion list A (i)

with effect from 8.1.89 vide O No

31 dated 9.1.89

[Signature]
S/P. Baw

6) Granted by *Mohd Akbar Khan Holi* S/P. Baw.

for his good performance his duty.

OB No 1031
20.8.89

Cash reward Rs 120/-

[Signature]
S/P. Baw

7) Granted by *Mohammad Akbar Khan Holi* S/P. Baw.

for his good duty.

OB No 1499
13.11.89

what cash reward Rs 150/-

[Signature]
S/P. Baw

8) Granted by *Mohammad Akbar Khan Holi* S/P. Baw.

for his good performance his duty.

OB No 417
21.3.90

Cash reward Rs 100/-

[Signature]
S/P. Baw

[Handwritten signature]

CHARACTER ROLL OF

14. COMMENDATORY ENTRIES. — conold.

9

Serial

Granted cc by Mian Baz Khan Afridi sp
for his good performance his duty.

OB No 773 / Cash reward Rs 50/-
20.6.90

12/8/90
S/Baron

10

Granted by Mian Baz Khan Afridi sp
for his good performance his duty.

OB No 802 / Cash reward Rs 200/-
26.6.90

3/8/90
S/Baron

11

Granted cc by Mian Baz Khan Afridi sp
for his good work

OB No 1060 / Cash reward Rs 50/-
30.8.90

8/8/Baron

Promotion list C-11

Name brought on Promotion
list C-11 with immediate effect
vide OB No 303 dt. 20.6.05.

D/DPo/B

412 AMED: B

CHARGE SHEET

1. MUHAMMAD IQBAL District Police Office, Bannu, as competent authority, hereby charge you Constable Mehboob Khan No.1043 of PS City, Bannu as you have a tainted reputation and are allegedly involved 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.

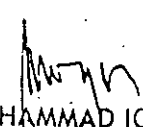
2. By reason of the above you appear to be guilty of misconduct under the police Rules (Amended vide NWFP gazette, 27 January 1976) and have rendered yourself liable to all or any of the penalties specified in the said rules.

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.

46



13

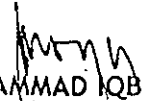


STATEMENT OF ALLEGATIONS:

I, Muhammad Iqbal, District Police Officer, Bannu as competent authority, am of the opinion that Constable Mehboob Khan No.1043 of PS City, 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).

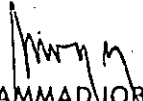
STATEMENT OF ALLEGATIONS:

1. He has tainted reputation and is allegedly involved 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. Muhammad Shafiq Khan, SP Inv: Bannu 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. 706-02/SRC dt-08-1-2014

Copies to (1) Constable Mehboob Khan No.1043 (2) Mr. Muhammad Shafiq Khan, SP Inv: Bannu (3) SRC Bannu.


(MUHAMMAD IQBAL)
District Police Officer,
Bannu.



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 706-08/SRC dated 08/01/14, the petitioner prayed as under:-

1. The petitioner recruited in police deptt: as constable on 1981 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 in various police stations which was discharge efficiently.
2. That the petitioner was posted on various establishment 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.
3. That throughout my service since 1981 the petitioner has not done any such thing/action which is against the spirit of police rules as well as 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.

YB

4. 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.
5. 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.
6. 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.
7. 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.



16



8. That the allegations of morality and impartialness 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. Furthermore such like Ariel allegations without any complaint on the subject of allegations from private sector or from officer are quite unjustified against any/officials and is against The Constitution of Islamic Republic of Pakistan 1973 as well as other laws of the land.

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

Mahboob

Mahboob Khan

FC No. 1043

PS CITY Bannu.

11-1-2014

0331-9155134

YK

فائنڈنگ رپورٹ جملہ نامہ کار وائی سرحدت کائیل محبوب 1043

صاحب عالی

کائیل محبوب خان عمر 1043 جھانسی بیوں پر ذیل السرعات
عامد ہیں۔

- ① آپ غیر سماجی سرگرمیوں میں ملوث ہوئیگی اور بزرگ شہرت رکھتے ہیں
- ② ان سرگرمیوں کی وجہ سے ایک منظم ڈسبلن فورس کی مکمل
حلفت اور ریاست ہے۔ جو ایک اچھے پولیس آفسر بننے کی توقع نہیں۔

جارج سٹیٹ فم سٹیمٹ آف انٹیشن، جو اب خارج سٹیٹ امریکن
ریگولٹری زیر کھٹی عموماً ہو کر خارج سٹیٹ جو اب میں کائیل
محبوب 1043 نے جہلم بابلد السرعات کی تہدید کرنے جو اب خارج سٹیٹ
لف ریگولٹری کا حوزہ ہے۔ ذیل پولیس آفسر انامہ لیب ریگولٹری کا طلب
کرنے صلعتہ بیانات لے گئے۔

- ① اصغر خان $\frac{236}{142}$ محمد حقانہ سی
- ② نورد علی خان $\frac{354}{142}$ نائب OASI
- ③ عالی لور خان $\frac{1597}{142}$ نائب S.R.C.

اصغر خان $\frac{236}{142}$ محمد حقانہ سی بیوں نے دیئے بیان کیا۔ کہ
کائیل محبوب 1043 جھانسی میں تعینات ہے۔ سالہ 5480 جسٹس
کیا کہ بھی گنڈوئی سررجام دے دیا تھا۔ اور اب موجودہ
صاحب محمد رضوان کیا کہ بھی گنڈوئی سررجام دے
رہا ہے۔

نورد علی خان $\frac{354}{142}$ نائب OASI بیوں نے دیئے بیان میں
کہ کائیل محبوب 1043 علیطابق ان کا وائی سرحدت 14.9.81

کا بھرتی شدہ ہے۔ بمطابق پوسٹنگ ریکارڈ مختلف تہذیبیات
میں تعینات رہ چکا ہے۔ پوسٹنگ سٹیٹ میں کر کے لف
آنکوری کا حوالہ ہے۔

نائب س. ر. ع. کونسل عالیہ نور خان 1597 بیوں نے لہجہ رہنے
بیان میں کیا۔ کہ کونسل محبوب خان 1043 بمطابق سروس ریکارڈ
مصر 14.9.81 کا بھرتی شدہ ہے۔ میٹرک تک تعلیم یافتہ ہے۔ صور
20-6-05 کونسل آئی. اے. پر آیا ہے۔ گورنمنٹ آف ایجوکیشن
یو. پی. حیدرآباد میں ہے۔ کونسل۔ 1043 کا یہ حوالہ
بیان میں تھا۔ جو سابقہ خارجہ سٹیٹ بیان سر جیمز نے۔ وزیر
مستقیم کی تبدیلی میں کرنا چاہیہ۔

عالی جاہ :

کونسل محبوب 1043 سے خارجہ سٹیٹ تقسیم ہو کر جواب تحریر
کرنے عائد شدہ الزامات کی تردید کی ہے۔ اصغر خان $\frac{236}{112}$ حیدرآباد
نائب 0A81 بیوں اور علی خان $\frac{354}{112}$ ، نائب س. ر. ع. کونسل عالیہ نور 1597
نے واپس بیانات لے لیے۔ کونسل محبوب 1043 کا نام سنی میں
اب موجودہ ہے گورنمنٹ کی ڈیوٹی سر انجام دیا ہے۔ پوسٹنگ سٹیٹ کا ملاحظہ
ہو کر جس نے کافی عرصہ تک سفارتی ڈیوٹی کی ہے۔ گورنمنٹ بمطابق پوسٹنگ
سٹیٹ سال 1983 میں اردنی $\frac{354}{112}$ ، ڈپٹی پوسٹنگ بھی مینٹ کلرک
CIA سٹاف۔ پینل سکورڈ۔ گورنمنٹ سٹریٹجی۔ DSB سٹاف
اد. س. ر. ع. حوالہ ہے، حتیٰ کہ مزادہ ترقی پونہ حیدر گورنمنٹ سٹریٹجی
میں ہے۔ وسطیٰ حوالہ کونسل کے متعلق معلومات بیوں

UR

کارخانوں و کارخانوں میں یہاں رہ چکا ہے۔ خود، حصہ رکھنے والوں سے
 سے معلوم ہوا ہے۔ پھر مذکورہ کاٹل میں، تین گھنٹے کے لئے پورے
 کھلنے والوں سے یہ حصہ لے لیا گیا ہے۔ وہی طرح قضاوت فرم میں
 ملک اور قضاوت خانہ نمبر ۵۰، چائے پنی سمگلرز اور ڈیٹا رکھنے والوں
 چائے مائزر میں سمگلرز کے لئے جو حصہ رکھنے والوں اور حق کے لئے کر دیا
 پھر ان کے لئے بھی حصہ وصول کرنا ہے۔ مذکورہ کاٹل پولس فورس
 کے لئے مابعد تدریجاً ہی ہونے لگے تھے اور اس وقت دوست
 ثابت ہے۔ حکم پولس سے جمیر کا رٹائرڈ کنسٹبل کے پاس ہے
 انکو رٹائرڈ کنسٹبل کے لئے پورے رٹائرڈ ہے

ERC
 call to OP
 J b/2

سر سید نٹ آف پولس انسٹن
 24.1.14
 ہیں

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(20)

ANNEX: E

ORDER:

Constable Mehboob Khan No.1043 of PS City was charged for his alleged tainted reputation and his alleged involvement in anti-social activities.

To probe into the allegations SP/Investigation was appointed as Enquiry Officer for initiating proper departmental proceeding under Police Rules 1975 and the Enquiry Officer has found him guilty and has established his bad reputation.

He was heard in person but he had nothing substantial in his defence.

In the light of enquiry report, I, Muhammad Iqbal District Police Officer, Bannu in exercise of the powers vested in me under Police Rules 1975, hereby impose major penalty upon him by retiring him Compulsorily from service with immediate effect.


OB NO. 176
Dated: 18-2-2014

District Police Officer,
Bannu.

No. 2323-26 / dated Bannu, the 18 /02/2014.

Copy of above is submitted to:-

1. The Regional Police Officer, Bannu Region, Bannu for favour of information w/r to his Endst No.406/PA dated 28-01-2014.
2. Pay Officer.
3. SRC.
4. OASI


District Police Officer,
Bannu.



To,

The D.I.G Police
Bannu Range Bannu.

①

1-3 (21)

ANNEX: F

Subject :- DEPARTMENTAL APPEAL AGAINST THE ORDER OF THE DPO BANNU VIDE DATED 18-2-2014 WHEREBY THE APPELLANT HAS BEEN PUNISHED BY RETIRING HIM COMPULSORY FROM SERVICE WITH IMMEDIATE EFFECT.

P R A Y E R :-

ON ACCEPTANCE OF THIS DEPARTMENTAL APPEAL, THE IMPUGNED ORDER OF COMPUSORILY RETIREMENT OF THE APPELLANT, MAY VERY KINDLY BE SET ASIDE BY ALLOWING THE APPELLANT TO BE CONTINUED IN SERVICE AS CONSTABLE NO.1043 TILL HIS AGE OF SUPERANNUATION

Respected Sir,

The Appellant respectfully submits as under:-

- 1) That the Appellant was inducted into police service as a constable since, 1981, having an unblemished spotless service career on his credit.
- 2) That all of a sudden, a Charge sheet was given to the appellant by the DPO, Bannu with the statements of allegations dated 18-01-2014 which was accordingly replied by the appellant in detail. (Copies of the charge sheet, allegations and the reply of the appellant are enclosed herewith as marks "A", "B" & "C" respectively).
- 3) That beside the above facts an inquiry was conducted against the appellant, the report thereof dated 24-01-2014 by the Superintendent of Police Investigation Bannu is enclosed herewith as annexure "D"). The said inquiry report is purely based upon conjectures and surmises without any proof or evidence, whatsoever.
- 4) That four different SHOs of district Bannu where the appellant tendered his services under their command, had verified the good character and service efficiency of the appellant by showing certain certificates to the inquiry officer but the same

CB

22

had not been appended with the inquiry report. (Photo copy of that service certificates are annexed herewith as annexure "E", "F, G" & "H" respectively).

- 5) That the impugned Order being mis conceived issued by the DPO, Bannu on 18-2-2014. (Copy of the same is attached herewith as annexure "I").
- 6) That the appellant has got no other choice but to knock at the door of your good office through departmental appeal for the substantial justice, inter alia, on the following grounds:-

GROUND S

- (a) That since ; 1981 the appellant has tendered unblemished and spotless service upto the entire satisfaction of his superiors and there is no complaint on the record against him.
- (b) That the present allegations leveled against the appellant, are totally baseless, whimsical and conjectural and there is no iota of evidence or proof against the appellant , therefore, on such notional presumption, the valuable rights of the appellant, i.e his service could not be assassinated without any lawful justification. Moreover, there are (11) good entries in the Service record of the appellant, which also have not been considered by the DPO, Bannu while imposing penalty upon the appellant.
- (c) That the good character certificates, issued by the four different SHOs of Police Station Mandan, P.S Saddar, P.S Ghoriwala and Police station Lakki have totally been ignored by the inquiry officer, rather the same have not been put before the Authority/DPO Bannu which clearly indicated the malafide and the collusion against the appellant.
- (d) That the appellant has huge family who is the only and lonely source of income of his family and at this stage he is unable to get or do any profession or job as he has spent his life for the police department and also deserve to be treated sympathetically.
- (e) That the reply of the appellant has already been annexed as annexure "C" may also be considered as part and parcel as grounds of this appeal for the sake of avoiding repetition.

(I) That the appellant also seeks personal appearance before your honour for explaining his cause.

It, is therefore humbly prayed that on acceptance of this departmental appeal, the impugned order of the DPO, Bannu dated 18-2-2014 whereby the appellant has been compulsorily retired from service, may very kindly be set aside by allowing the appellant, to be continued his service till his age of superannuation.

Dated 25/2/2014

Obediently yours

Mehboob Khan Bannu

Mehboob Khan

Ex. FC No.1043.

26/2/14

0331-9155134

ORDER

My this order will dispose of departmental appeal preferred by Ex: FC Mehboob Khan No. 1043 of Operation Staff, Bannu against the order of Major Punishment of compulsory retirement from service by DPO/Bannu vide Order No. 176 dated 18-02-2014 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. S.P Investigation Bannu 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. 716-17 /EC, dated Bannu the 14/03 /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. 3540 dated 10-03-2014.
2. Ex: FC Mehboob Khan S/O Shah Muhammad r/o Shah Najeeb Landidak.

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

UP
18/3/14

POWER OF ATTORNEY

In the Court of 18 PK Service Tribunal Lahore

Mehboob Khan } For
} Plaintiff
} Appellant
} Petitioner
} Complainant

VERSUS

J.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

Sajid Amin Advocate my true and lawful attorney, for me
(in my name and on my behalf to appear at 18 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 sub-
poena 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
employee 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 18
the _____ day to _____ the year _____
Executant/Executants Mahboob
Accepted subject to the terms regarding fee مہربوب خان

Sajid Amin
SAJID AMIN
ADVOCATE HIGH COURT

Ijaz Anwar
Ijaz Anwar
Advocate High Courts & Supreme Court of Pakistan

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No. _____/2014

Mehboob Khan

..... Applicant

Versus

Provincial Police Officer and others

.... Respondents

**APPLICATION FOR THE SUSPENSION OF
OPERATION OF ORDERS DATED 18/02/2014
AND 14/03/2014 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 18/02/2014 and 14/03/2014 may please be suspended till the final decision of the titled appeal.

Mahboob

Applicant

Through

IJAZ ANWAR

And

SAJID/AMEEN

Advocates, Peshawar.

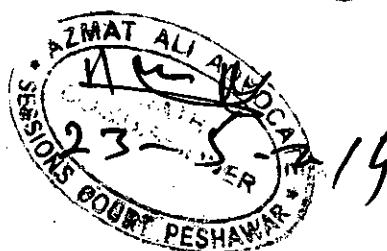
AFFIDAVIT:-

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.

Mahboob

DEPONENT

ATTESTED



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No. 500 /2014

Mehboob Khan

.... Applicant

Versus

Provincial Police Officer and others

.... Respondents

APPLICATION FOR THE SUSPENSION OF
OPERATION OF ORDERS DATED 18/02/2014
AND 14/03/2014 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.
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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 18/02/2014 and 14/03/2014 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. S00 /2014

Mehboob Khan Applicant
Versus
Provincial Police Officer and others Respondents

APPLICATION FOR THE SUSPENSION OF
OPERATION OF ORDERS DATED 18/02/2014
AND 14/03/2014 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.
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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 18/02/2014 and 14/03/2014 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. 520 /2014

Mehboob Khan

.... Applicant

Versus

Provincial Police Officer and others

.... Respondents

APPLICATION FOR THE SUSPENSION OF
OPERATION OF ORDERS DATED 18/02/2014
AND 14/03/2014 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 18/02/2014 and 14/03/2014 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. 500 /2014

Mehboob Khan Applicant
Versus
Provincial Police Officer and others Respondents

**APPLICATION FOR THE SUSPENSION OF
OPERATION OF ORDERS DATED 18/02/2014
AND 14/03/2014 TILL THE FINAL DISPOSAL
OF THE TITLED APPEAL.**

RESPECTFULLY SHEWETH,

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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. 500/2014

Mehboob S/O Shah Muhammad Khan, Ex-Constable No.1043, District Police, Bannu.
(Appellant)

VERSUS

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

REPLY BY RESPONDENT NO.1,2 & 3

Respectfully Sheweth:

PRELIMINARY OBJECTIONS:

- 1) That the appeal is not maintainable in its present form.
- 2) That the appellant has concealed the material facts from the Honorable Tribunal.
- 3) That the appeal of appellant is time barred.
- 4) That the appeal is not maintainable as the appellant has no cause of action.
- 5) That the appellant has no locus standi to file the appeal.
- 6) That the appellant has been estopped by his own conduct to file the appeal.

OBJECTIONS ON FACTS:

- 1) Correct. Pertains to record.
- 2) Incorrect. The appellant has performed his duty as a routine and never showed any exceptional performance as evidence from his service record. He has indifferent record and bad entries are also available in his record.
- 3) Incorrect. In wake of initiatives of Govt: regarding eradication of corruption from the departments, an inquiry was conducted. Appellant and others officials were found of tainted reputation and involved in anti social activities. Proper charge-sheet based on statement of allegations was issued to appellant in accordance with Police Rules 1975. Copy enclosed as annexure "A".
- 4) The reply of appellant was found baseless and unsatisfactory.
- 5) Incorrect. Impartial inquiry was conducted through SP/Inv: Bannu who provided all the opportunities of hearing and defense to the appellant during the course of inquiry. Inquiry report enclosed as annexure "B".
- 6) Final show-cause notice is not mandatory under Police Rules 1975. Opportunities of hearing were afforded to appellant as per rules and lenient view was taken keeping in view the long service of appellant.
- 7) During the disposal of departmental appeal of respondent No.2 besides the inquiry verified the charges through various sources, same was found based on facts and rightly rejected the appeal of appellant.
- 8) Incorrect. The orders of respondents are lawful, valid, based on facts and justice.

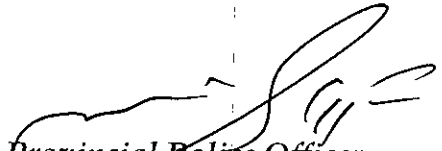
OBJECTIONS ON GROUNDS.

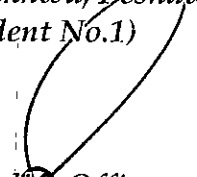
- (A) Incorrect. Appellant has been treated in accordance with Police Rules 1975 on the charges of tainted reputation and involved in anti social activities after providing opportunities of hearing/defense etc.

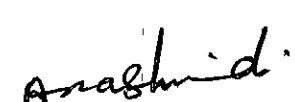
- (B) Incorrect. Proper inquiry was conducted wherein opportunities of defense, cross examination etc were afforded to the appellant.
- (C) Incorrect. Beside the inquiry findings report, the respondents have verified the charges through various sources and the same was well founded/established against the appellant.
- (D) Incorrect. He was heard in person by the respondents but he failed to satisfy the respondents regarding the charges.
- (E) Incorrect. The charges were established during departmental probe and other sources. All the opportunities of defense were provided to appellant.
- (F) Incorrect. Explained in Para No.C.
- (G) Incorrect. Final show-cause notice is not mandatory under the Police Rules 1975. Relevant copies of inquiry were provided to appellant as per rules whenever he approached for the same.
- (H) Incorrect. The respondent No.1 being immediate boss of appellant was well aware about the tainted reputation has acted in accordance with existing rules after conducting and verifying the charges through inquiry officer and various sources respectively which were found to be true.
- (I) Incorrect. The appellant has committed misconduct. The respondents have taken lenient view and awarded punishment of compulsory retirement keeping in view the long service of appellant.
- (J) Incorrect. The appellant has indifferent record. Lastly he was found of tainted reputation and involved in anti social activities which were properly scrutinized through various sources.
- (K) Incorrect. All the opportunities of hearing/defense were provided to appellant during course of inquiry and passing of orders.
- (L) Incorrect. Explained in preceeding Paras.
- (M) Incorrect. Explained in proceeding Paras. All the codel formalities were fulfilled during the inquiry proceeding.
- (N) No comments.
- (O) Incorrect. The impugned order is in accordance with law.
- (P) That the respondents may seek permission to rely on additional grounds at the time of hearing of appeal.

Prayer:

In view of the above facts and circumstances, it is humbly prayed that the appeal of appellant, being not maintainable, may kindly be dismissed with costs.


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


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. 500/2014


Mehboob S/O Shah Muhammad Khan, Ex-Constable No.1043, District Police, Bannu.
(Appellant)

VERSUS

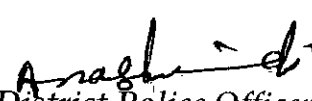
- 1) The Provincial Police Officer Khyber Pakhtunkhwa Peshawar.
 - 2) The Regional Police Officer, Bannu Region, Bannu.
 - 3) The District Police Officer, Bannu.
- (Respondents)

COUNTER AFFIDAVIT

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


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. 500/2014

Mehboob S/O Shah Muhammad Khan, Ex-Constable No.1043, District Police, Bannu.
(Appellant)


VERSUS

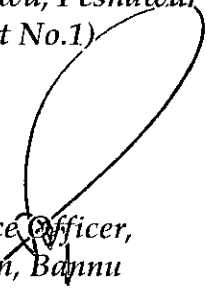
- 1) The Provincial Police Officer Khyber Pakhtunkhwa Peshawar.
- 2) The Regional Police Officer, Bannu Region, Bannu.
- 3) The District Police Officer, Bannu. (Respondents)

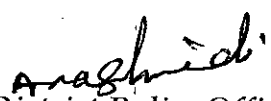
AUTHORITY LETTER.

Mr. Mir Faraz Khan Inspector Incharge legal cell Office of DPO Bannu is hereby authorized to appear before the Service Tribunal Khyber Pakhtunkhwa Peshawar on behalf of the undersigned in the above cited appeal.

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)

Annexure A

CHARGE SHEET

1, MUHAMMAD IQBAL District Police Office, Bannu, as competent authority, hereby charge you Constable Mehboob Khan No.1043 of PS City, Bannu as you have a tainted reputation and are allegedly involved 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.

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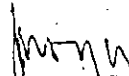
B

STATEMENT OF ALLEGATIONS:

I, Muhammad Iqbal, District Police Officer, Bannu as competent authority, am of the opinion that Constable Mehboob Khan No.1043 of PS-City, 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).

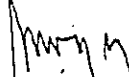
STATEMENT OF ALLEGATIONS:

1. He has tainted reputation and is allegedly involved 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. Muhammad Shafiq Khan, SP Inv: Bannu 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 706-04/SRC dt-08-1-2014

Copies to (1) Constable Mehboob Khan No.1043 (2) Mr. Muhammad Shafiq Khan, SP Inv: Bannu (3) SRC Bannu.


(MUHAMMAD IQBAL)
District Police Officer,
Bannu.

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

Service Appeal No. 500 /2014

Mehboob Khan

....Appellant

V E R S U S

The Provincial Police Officer KPK Peshawar & others

....Respondents

REPLICATION ON BEHALF OF THE

APPELLANT

Respectfully Sheweth:-

The appellant submits his replication as under:

ON PRELIMINARY OBJECTIONS

1. Contents incorrect and misleading the appeal being filed in accordance with the prescribed rules and procedure hence maintainable in its present form.
2. Contents incorrect and misleading all facts necessary for the disposal of the appeal are brought before the Hon'ble Tribunal and nothing has been concealed.
3. Contents incorrect and misleading the appeal is filed well within in the prescribed period of limitation.
4. Contents incorrect and misleading the appellant has illegally been awarded the major penalty hence has got the necessary cause of action to filed the instant appeal.

5. Contents incorrect and misleading the appellant being an aggrieved civil servant has got the necessary locus standi to filed the instant appeal.
6. Contents incorrect misleading no rule of estopple is applicable in the instant case.

ON FACTS

1. Contents need no reply, however contents of para No.1 of the appeal are true and correct.
2. Contents of Para no.2 of the appeal are correct the reply submitted to the para is incorrect and misleading.
3. Contents of Para No.3 of the appeal are correct the reply submitted to the para is incorrect, misleading and without any proof.
4. Contents of Para No.4 of the appeal are correct the reply submitted to the para is incorrect and misleading.
5. Contents of Para No.5 of the appeal are correct the reply submitted to the para is incorrect and misleading.
6. Contents of Para no.6 of the appeal are correct the reply submitted to the para is incorrect and misleading.
7. Contents of Para no.7 of the appeal are correct the reply submitted to the para is incorrect and misleading. Moreover the procedure provided under the Government Servant (E&D) Rules, 2011 has not been adhered to before the imposition of penalty pon

the appellant. The appellant being civil servant, the relevant law for proceeding against him was the said rules.

8. Contents need no reply, however contents of para No.8 of the appeal are true and correct.
9. Contents of Para no.9 of the appeal are correct the reply submitted to the para is incorrect and misleading.

ON GROUNDS:-

Grounds "A" to "O" taken in the memo of appeal are legal and will be substantiated at the time of hearing of the appeal. However the replies submitted to the grounds are incorrect misleading baseless and without any proof.

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

Mahboob
Appellant
Through
Ahmed Farooq

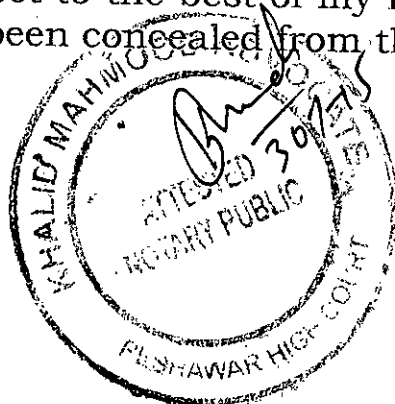
Ijaz Anwar
IJAZ ANWAR
Advocate, Peshawar

&
Sajid Amin
SAJID AMIN
Advocate, Peshawar

Dated 24/10/2014

AFFIDAVIT

I, do hereby solemnly affirm and declare on oath that the contents of the above replication as well as the appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.



Mahboob
DEPONENT
Ahmed Farooq
Appellant