13.09.2022

The worthy Chairman is on leave, therefore, the case is adjourned to 01.11.2022 for the same.

BCANNED KPST Peshawar

Keader

Form-A

FORM OF ORDER SHEET

Court of____

1029/2022 Case No.-Date of order Order or other proceedings with signature of judge S.No. proceedings 2 3 1 The appeal of Mr. Muhammad Manzoor Khan presented today by 27/06/2022 1-Mr. Muhammad Adam Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please. REGISTRAR W 4/7/22 This case is entrusted to Single Bench at Peshawar for preliminary 2hearing to be put there on 13 - 2 - 24. Notices be issued to appellant and his counsel for the date fixed. CHAIRMAN 13.07.2022 Mr. Adam Khan, Advocate for the appellant present. Preliminary arguments heard. Points raised need consideration. The appeal is admitted to regular hearing, subject to all just and legal objections. The appellant is directed to deposit security and Appe process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments. To come up for reply/comments before the S.B on 13,09.2022. (Mian Muhammad) Member (E)

Before The Service Tribunal Peshawar.

Service Appeal No. <u>[066</u> / 2022.

Muhammad Manzoor Khan V/S The Secretary Home Deptt' etc;

INDEX

S.NO	DOCUMENTS	ANNEXURE	PAGE	
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3.	Impugned order.	C		9
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Dated:- 21-06-2022.

Appellant

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(Muhammad Manzoor Khan)

Through:-

Muhammad Adam Khan Advocate, Mardan. Before The Service Tribunal Peshawar

Service Appeal No. ____/060____/ 2022.

4.

Muhammad Manzoor Khan (Ex-Constable/H.C.(T.O) Traffic Police Peshawar) resident of Village Qasim (Toru) District Mardan. <u>Appellant.</u>

Versus

1. The Secretary, Home Department, K.P, Peshawar.

 The Chief Traffic officer, Police Deptt; Peshawar.

3. The Chief Capital Police officer, Peshawar. <u>Respondents.</u>

Appeal Under Section-4 of the Service Tribunal Act, 1973, against the order of The C.T.O/Respondent No.2 contained in Letter No.146-51/PA dated 14.02.2022, whereby the Appellant is awarded the punishment of dismissal from Service and the period of alleged absence period is treated without pay. that the Appellant was appointed as constable (BPs-5) in the Police Deptt on 07.09.2009.

2

🗧 FACTS:-

2. that the CTO/Respondent No.2 served the Appellant with chargesheet and summary of allegations vide endorsement No.1703/PA dated 03.12.2021, leveling the charge of misconduct against him.

(Copy Annexure-"A & B").

3. That the Appellant submitted defence reply there-to, refutting the allegations, levelled against him. The copy thereof is not retained.

4. That the CTO/Respondent No.2 vide as contained in order letter No.146-57/PA dated 14-02-2022, awarded the Appellant with the of dismissal from punishment service and also directed the leave period from 01-12-2021 till date i.e; 03-12-2021 as leave without (Copies are Annexure-"C"). pay.

5. that grieved there-from, the Appellant preferred departmental Appeal dated 07-03-2022 to the CCPO/Respondent No.3, which is not responded.

(Copies are Annexure-"D to F").

That impugned order and relevant the proceedings are illegal and the same is liable to be set-aside, re-instating the Appellant into service with back service benefits, on the following amongst many other grounds:-

GROUNDS:-

(I)

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that the Appellant had never committed the alleged offence of stealing the relevant wallet or anything else there-from. He is innocent in this respect. In fact, the relevant wallet was found lying on ground & on search the same was learnt to belong to Asi Nusrat Khan. Hence, returned to him along with all the items & emoluments there-of. (II)

(V)

(Li

that the Appellant had never absented him-self from duty illegally. He was ailing and medically advised bed rest. Copies of all the medical certificates are Annexed as Annexure-"G to J".

(III) that the impugned order, as well as, the relevent proceedings are carried-out in utter disregard to the relevant rules.

(IV) that the Appellant is condemned unheard and he was not provided the opportunity of proper defence under the law.

> that the Appellant was never called to participate in the alleged inquiry proceedings.

(VI) that no wittiness was called and examined in presence of Appellant during the alleged inquiry proceedings. (VII) that the copies of the relevant documents, were never supplied to Appellant.

S.

(VIII) that the Appellant was never served with final show cause notice.

(IX) that even the copy of alleged inquiry report was not supplied to Appellant.

(X)

that the <u>twew</u> years long standing service of Appellant is clean and unblemished through-out.

(XI) that the impugned order is too harsh in nature.

(XII) that Appellant seeks leave of this Hon,ble Tribunal to claim further grounds, if need arises.

(XIII) that Appellant is jobless through-out.

It is prayed that on acceptance of this Appeal, setting-aside the impugned order, the Appellant may be re-instated into service with all back service benefits.

The costs of this Appeal may also be awarded in favour of Appellant against the Respondents.

Dated:- 21-06-2022.

Appellant

(Muhammad Manzoor khan)

Through:-

Muhammad Adam Khan Advocate, Mardan.

AFFIDAVIT

53

I, Muhammad Manzoor Khan/the Appellant, do hereby stated on solemn affirmation that the contents of the above Appeal are true and correct to the best of my knowledge and belief and nothing is concealed from this Honourable Tribunal.

ansaid that Deponent: (Muhammad Manzoor Khan)

CERTIFICATE:

This is to certify that as per the Appellant, he has not instituted any other Appeal/case of the nature or suit on the same cause of action.

answer what

CHARGE SHEET

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語言を私がためで

Amnexuse A

1. WHEREAS I am satisfied that a formal enquiry as contemplated by Police Rules 1975 is necessary and expedient.

2. AND whereas, I am of the view that the allegations if established would call for major/minor penalty, as defined in Rule-3 of the aforesaid Rules.

3. Now therefore, as required by Rule 6 (1) (a) & (b) of the said Rules, I, **ABBAS MAJEED KHAN MARWAT**, PSP, Chief Traffic Officer, Peshawar hereby charge you **Constable Muhammad Manzoor Khan No.57** (HC on acting charge basis) while on duty at Shimali Market, Hayatabad under Rules 5 (4) of the Police Rules 1975 on the basis of following allegations:-

> That you have stolen the wallet contained of cash amount Rs.12000/-, CNIC, Service Card, ATM Card of ASI Nusrat Khan which was lying under his pillow at P.P Industrial Hayatabad.

ii. That you were also seen in CCTV Cameras of the Bank while drawing the amount Rs. 1000/- through ATM from his (ASI Nusrat Khan) Account.

iii. That your this act has badly tarnished the image of police department.

iv. That you have also absented yourself from 01.12.2021 till date from your duty point Shimali Market.

v. All this amounts to gross misconduct on your part.

/ /2 /202

4. AND I hereby direct you further under Rule 6 (I) (b) of the said Rules to put-in written defence within 07-days of the receipt of this Charge Sheet as to why the proposed action should not taken against you and also state whether you desire to be heard in person.

5. AND in case your reply is not received within the stipulated period to the enquiry officer, it shall be presumed that you have no defence to offer and in that case, ex-parte action will be taken against you.

(ABBAS MAJEED KHAN MARWAT) PSP CHIEF TRAFFIC OFFICER, PESHAWAR. (Competent Authority)

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ATTESTED

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DISCIPLINARY ACTION

1. I, ABBAS MAJEED KHAN MARWAT, Chief Traffic Officer, Peshawar as competent authority, am of the opinion that you Constable Muhammad Manzoor Khan No.57 (HC on acting charge basis) while on duty at Shimali Market, Hayatabad has rendered himself liable to be proceeded against, as he committed the following acts/omission within the meaning of section 03 of Police Rules 1975.

SUMMARY OF ALLEGATIONS

i. That he has stolen away the wallet contained of cash amount Rs.12000/-, CNIC, Service Card, ATM Card of ASI Nusrat Khan which was lying under his pillow at P.P

ii. That he was also seen in CCTV Cameras of the Bank while drawing the amount Industrial, Hayatabad.

Rs. 1000/- through ATM from his (ASI Nusrat Khan) Account.

iii. That his this act has badly tarnished the image of police department.

iv. That the has also absented himself from 01.12.2021 till date from his duty point

Shimali Market.

v. All this amounts to gross misconduct on his part.

2. For the purpose of scrutinizing the conduct of the said accused official with reference to the above allegations, an Enquiry Committee comprising of the following officer(s)

is constituted:-

a.

Mr. FAZAL AHMAD JAN, SP/HQrs: Traffic, Peshawar.

Ь.

The enquiry committee/officer shall in accordance with the provision of the Police Rules

1975 provide reasonable opportunity of hearing to the accused officer/official and make recommendations as to punishment or any other appropriate action against the accused.

(ከ (ABBAS MAJEED KHAN MARWAT) PSP CHIEF TRAFFIC OFFICER, PESHAWAR.

(Competent Authority)

<u>ORDER</u>

ADAM KHAN

tested Araburg

1. Constable Muhammad Manzoor Khan No.57 was issued Charge Sheet alongwith Summary of Allegations vide this office No.1703/PA, dated 03.12.2021, on the charge that he has stolen away the wallet contained of cash amount Rs.12000/-, CNIC, Service Card, ATM Card of ASI Nusrat Khan which was lying under his pillow at P.P Industrial, Hayatabad, He was also seen in CCTV cameras of the Bank while drawing the amount Rs.1000/- through ATM from his (ASI Nusrat Khan) Account. This act has badly tarnished the image of City Traffic Police, Peshawar. He has also absented himself from 01.12.2021 to 13.12.2021 and 31.01.2022 to 07.01.2022 (Total 20-days) from his duty point Shimali Market.

2. Mr. Asif Bahader SP/HQrs: Traffic Peshawar was appointed as the Enquiry Officer. He carried out a detailed inquiry and submitted his report and found him guilty of the charges levelled against him. Besides, his absence period from 01.12.2021 to 13.12.2021 and 31.01.2022 to 07.01.2022 (Total 20-days) may be treated as leave without pay. Besides, it also came to light that he also remained absent from duty w.e.f 10.01.2022 vide D.D No.41, dated 10.01.2022 and reported back on 04.02.2022 (Total 26-days).

3. He was called in O.R. on 10.02.2022. The inquiry file was thoroughly examined alongwith his past record which reveals that he remained absent for 115-days on different occasions for which he was awarded punishments.

4. Keeping in view of the above explained position the undersigned has arrived to the conclusion that the allegation levelled against him stand proved. He is an incorrigible police official. His retention in police force is not justifiable. Therefore, he is awarded the major punishment of **Dismissal from Service** under the Khyber Pakhtunkhwa Police Rules 1975. The absence period from 01.12.2021 to 13.12.2021, 31.01.2022 to 07.01.2022 & from 10.01.2022 to 04.02.2022 is treated without pay.

(ABBAS MAJVED-KHAN MARWAT) PSP CHEEF TRAFFIC OFFICER, PESHAWAR.

No. 146-51 /PA, Dated Peshawar the 14/02 /2022.

Copies to the:-

- 1. SP/HQrs: Traffic, Peshawar.
- 2. SP/Cantt: Traffic, Peshawar.
- 3. DDIT, Traffic, Peshawar.
- 4. Accountant, Traffic, Peshawar.
- 5. SRC-II, (along-with complete enquiry file consisting of 32 pages
- 6. OASI/Reader to CTO, Peshawar.

O.B No. <u>179</u> Date. <u>14/02/202</u>2

egd/A-I

The Chief Capital Police Officer

Peshawar.

То

- رو

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ADAM KHAN

Through Proper Channel.

SUBJECT: REPRESENTATION AGAINST THE ORDER OF THE CHIEF TRAFFIC OFFICER CONTAINED INLETTER NO. 146-51/PA (OB NO. 179) DATED 14/02/2022 DISMISSING THE APPELLANT FROM SERVICE AND TREATING THE PERIOD OF MEDICAL LEAVE IN AS ABSENCE.

Respected sir,

With reference to the above captioned order it is submitted that the allegation as levelled against me are incorrect.

Infact, I had picked the wallet in question lying on ground, and on checking the same it revealed that the same belonged to ASI Nusrat Khan, I returned the same to him, as it was.

I had never been absent from duty during the mentioned period but infact I had been ill and submitted leave applications supported with medical certificates. (Copies are attached)

Moreover I am condemned unheard and without providing me proper chance of defence.

The mentioned inquiry proceedings were carried out in my absence, I was never summoned to participate in the inquiry proceedings nor any witness was examined in presence.

While the witness not subjected to the test of cross-examination his evidence has no legal effect.

I was not served with final show-cause Notice, nor the copy of the inquiry report was supplied to me before the impugned order

The impugned punishment is too harsh.

It is requested that setting aside the impugned order, I may kindly be reinstated into service back service benefits.

Dated: 07.03.22 Address, village Gason Tichs ? Dist

nzoor Kheuk Yours Obediently

Muhammad Manzoor Khan

Constable No. 57 (TO) 03/59766330

ATTESTED ADAM KHAN No.1158 For Insurance Agilies sectorer Stands allied except in case RGL74359944 the initiat weight, and in which this Chine Junde with which 0 J. ackn de constraire pistere d' due tuling on these 5 freel 动雨 I survey for Rs. (in fi when necessary $\mu m_s m h$ Weight (in words) Insurance fee Rs Ø 9**4** E address . of sender

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P/11

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P/12 Umorun ATTESTED ADAM KHAN **RP-54** U U Ô a ★ يهان چنهي " توست کاردْ" " پېك 🖬 🚽 "پارس جو چيز ہو تحرير کرير · صرف بیمد کی صورت میں یہاں اندراج کیا جائے ۔ بصورت دیگر کائ رجىڑىش فىي تىي رويپے-/Rs.30 قيمت: بيس روپ -/Rs.20 R-74359944 יק PAKISTAN POST GEMENT DUE CARD (Registered) CKNOW FN ج منع رخان <u>.</u> il 0313-9127 1 70 ضل ذاكخانه ibr 21/20 F 12

'sychiatrist nnəxure ATTESTED Dr. Junaid Khan MBBS (KMC), ADAM KHAN **MCPS (Psychiatry)** بی ایس، کے ایم می)، ایم می بی ایس) سائیکاٹری) FCPS (Psychiatry) (Khyber Teaching Hospital) ں پی ایس(سائیکاٹری) خیبر ٹیچنگ ہپتال مراض : دماغ ،مر درد، ژ پریشن، شک شبه، عصه، وجهم، رویه کی ترابی، دوره، مرگ کیس پریشانی بگھراہٹ، سائیکوسس، اعصاب، نفسیات، جنسیات کر دارمیں تبدیلی، یا داشت کی کمز ورک، منشیات، پر بتانی مس تحوران پرایتانی، خودیش کے خیالات، اعصابی کمزوری، قزی کمزوری، مرداندوز ناند کمزوری، کمانوں میں آ دازیں آنااور غیر معمولی چیز، ن کادکھانی دیناہ نیو ، ۔ 100 میں محمد کار 100 میں Sex میں Date <u>14/4</u> Address: میں معمد محمد محمد میں معمد محمد کار میں میں محمد کار معرف Mar 20 . 2. Nangoon _ Date 14/16 /2024 Address: ___ P. Name **Clinical Record** 'Rx 9 Kespertfullet, Mr, Manzoorkhan work HC/TO with No. 57, under. SSP, Trappic intosden's superior It is stated that he is my primet and he under my Juin Treatment and manitored prescription. I have requested convertised leaved for the I convery of Dr. Dorata NOT VALID FOR COURT -----دن بعدتشريف لائي اوقات کار: بروز ہفتہ بنج تاشام دوبارہ معائینہ کے۔ S 0010 0500004 بٹ نز دشہید بابامین بازار پی يلوز منوركمال ماركي موبا^{تل:} 0335-1502478 <u>4</u> 13 CHIEF TRAFFIC OFFICER. PESSO

سازكالرم Annexure TESTED chiatrist unaid Khan ADAM KHAN المحرف لي المحر، محراكم في المجمع في المحرف المعادية وفي BS (KMC), PS (Psychiatry) "سرى بى اليم (ما يَوَارَيْ) جَبَرَ فِي كَلْ مَيْوَالَ FCPS (Psychiatry) (Khyher Teaching Hospital) مراجع المراجع وروية ويشكرن المصحب ومسرود المراجع ومرجع المراجع والمراجع الت بالاير على مدى تروالات العمال المالا بعد الماري المراجع المراجع المراجع المراجع المراجع المراجع المراجع ال محمد المراجع ال او إدام ستان Mardan Address: Name 12 Manyort Klan Age 31 m Set Date Clinical Record 12 6091 Stab. Derter Ocarte 0 تيا از با ٦

NOT VALID FOR COURT

بوعف مباریکوز منور کمال مارکیٹ مزد شهیدیایا مین بازار بنی 0335-1502478

ATTESTEE (جزل فزیش) ر**حات** ан Кнар ولم Dr. M. Zubair Khan هوالشاقي (General Physician) M.B.B.S, R.M.F ايم بي بي ايس ،آرايم بي Reg No#29613-N Name_M_ Manzook Age 307 Sex M Date 01.12.2021 lo fener associated sochy aches R Nausee Constipation Tal Coproxim-500" . And pain Q14 . Jener & reing eplado Panadol OFE Temp 101.2°F. Colofac - 35 - S Tal · B.P 100/60 Syp lasout, alest close Cap ESSO former . Tender Rttc: hlidel CBC unine RE ·Typhidot Medica Office Madina Mdd Akora Khattak رالطيمير معائندروزانه 8 - 2 بج نک چینی بروزانوار دخيبر بيبك أكوثر وخثك 0332-0633033

attested طرفتکو نویش (جزل فزیش) مرتحکو نو به رخان BAM KHAN Dr. M. Zubair Khan هوالشافي (General Physician) M.B.B.S, R.M.P ايم بي بي ايس ،آرائم بي Reg No#29613-N Manzoor Age 30 Y Sex M Date 07- 01 - 2022 Name___ Mendache falique Asthenia wants to my Utanew -como F. J. Disturbed Sleep. Tes 6803 SER D.Sc oriented to the place Expension Openile . . B. P110/70 Mild depressive Miners Medical Officer Madina Medical Cent in one month Bed list Adw Akora Khatlak رابطتمير إساسي نز دخيبيريينك اكوثر وخثك معائندوزانه 8-2-بحتك مجعثي بروزاندار 0332-0633033 A

VAKALAT NAMA

Service Tribunal Peshawar. In the Court of

of 20:22

Muhammad Manzook Khan

VERSUS

(Petitioner) (Plaintiff) (Appellant)

The Secretary Home.

(Respondent) (Defendant)

Manzon uli amma lL h pri I/We the above noted do

hereby appoint and constitute **Muhammad Adam Khan, Advocate Mardan** as Counsel in subject proceedings and authorize him to appear, plead etc., compromise, withdraw or refer to arbitration for me/us, as my/our Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel at my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. Dated: 21.06.2022

Bar Coun ADVOCATE . 2 High Court ADAM KHAN No. bC-09-0600 A. Jal -Averenary's Signature Father's Name: BADSHAH GUL Ď. Aduress: VILL GOJAR GARHIDISTI MARDAN 1 Office Tel 0931-63013 Res Tel: 10931-6345 Enrolment Date L.C 03/08/1978 431/05/1990 Enrolment Date H.C Place of Practice: MARDAN Dite of Birth 04/04/1945

N.W.F.P. BAR COUNCIL

Blood Group

N.I.C.No.

AB+VE 16102-4612619-5

arnoos knar

(Signature of Client)

Muhammad ADAM KHAN B.A LLB Advocate HIGH Court MARDAN GS&PD.KP-1952/3-RST-5,000 Forms-27.10.15/P4(Z)/F/PHC Jos/Form A&B Ser. Tribunal

"A"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR. JUDICIAL COMPLEX (OLD), KHYBER ROAD,

PESHAWAR.

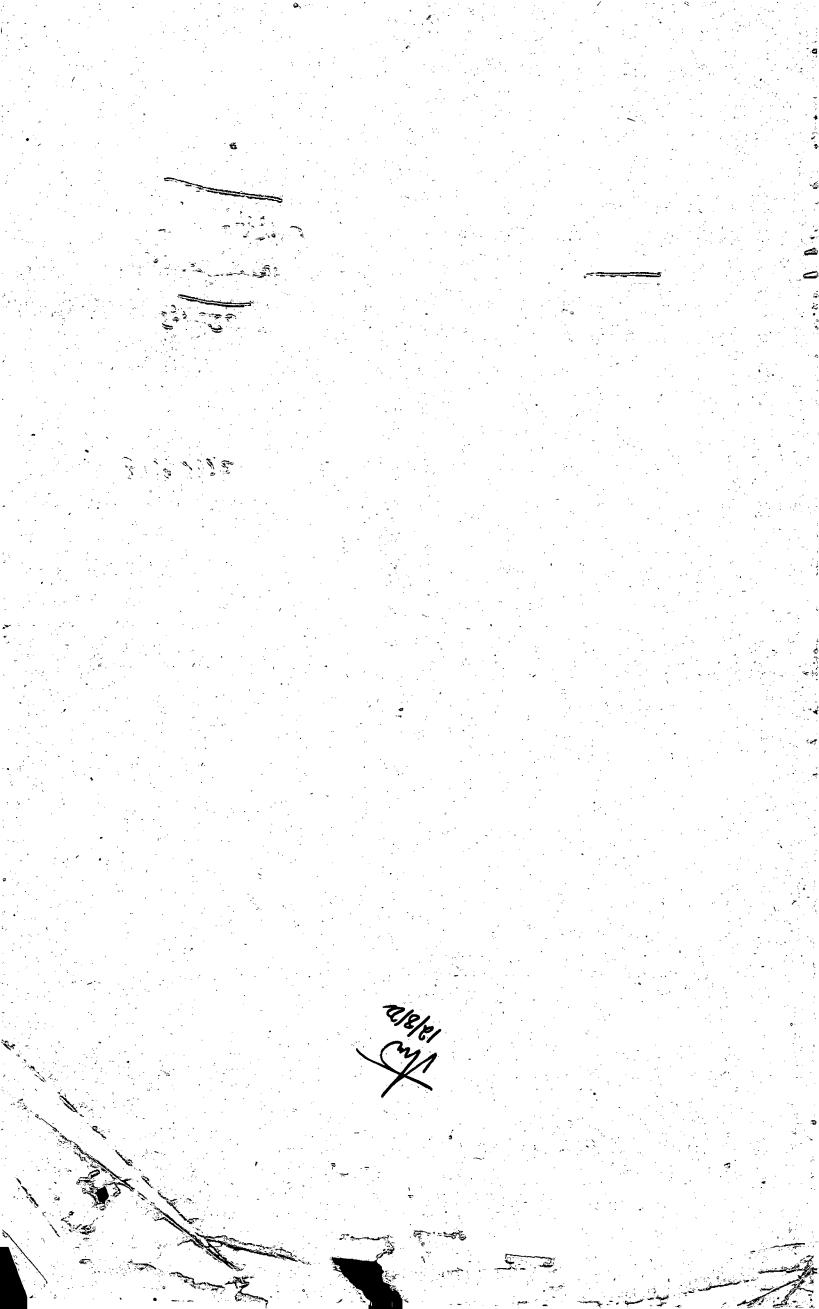
No. 10/50 of 20²?-APPEAL No. Mulammod Manzoor Khan Apellant/Petitioner Versus Secy, Home depart, le P Peshawar. RESPONDENT(S) Notice to Appellant/Petitioner The chief capital Police officer, Peshawar.

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 4.2.69/2022 at

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

For Reply Copy of appeal is attached

Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.



Ster. AF-1952/3-RST-5,000 Forms-27.10.15/P4(Z)/F/PHC Jos/Form A&B Ser. Tribunal

"A"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR. JUDICIAL COMPLEX (OLD), KHYBER ROAD, PESHAWAR.

No. Ale Apellant/Petitioner Versus Secon Horre deput to kep Perhauson RESPONDENT(S) Notice to Appellant/Petitioner The chief Traffic +tier, Police Deptt; Feshawar

Take notice that your appeal has been fixed for <u>Preliminary hearing</u>, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal

on 13/09/2022 at 9-55 arri

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

For Reply Copy of appeal is attached

Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

Ff.

GS&PD.KP.SS-1776/1-RST-5,000 Forms-09.05.18/P4(Z)/F/PHC Jos/Form A&B Ser. Tribunal

«Δ"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR. JUDICIAL COMPLEX (OLD), KHYBER ROAD, PESHAWAR. No. of 2022. 1060 APPEAL No..... Muhammad Manzoor Khan **Apellant/Petitioner** Versus Sery Home department KA Perhawar. Respondent (1) Respondent (1) Sery Home KAK Perhawar. Notice to Appellant/Petitioner. Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal 13/09/2022 at 9:00am

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

Copy of Appeal Aready Sout

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Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar. GS&PD.KP-1952/3-RST-5,000 Forms-27.10.15/P4(Z)/F/PHC Jos/Form A&B Ser. Tribunal

"A"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR. JUDICIAL COMPLEX (OLD), KHYBER ROAD, PESHAWAR.

No. APPEAL No. 1060 of 20 22 BMuhammad Manzour Ichan Apellant/Petitioner Versus Serg, Home depart, kp Peshaukir RESPONDENT(S) Notice to Appellant/Petitioner The secy, Home depart, KP Pesha-uar

Take notice that your appeal has been fixed for <u>Preliminary hearing</u>, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal

13/09/2022 at juic 400 on....

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

Copy of appeal is attached

Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.