


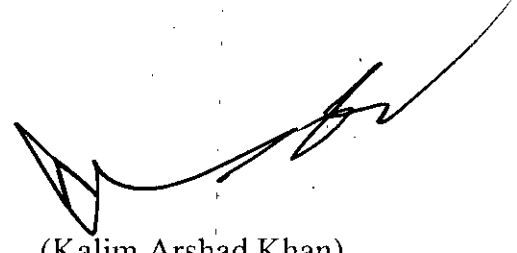
5th Oct, 2022

1. None present for the appellant. Mr. Muhammad Adeel Butt, Additional Advocate General for respondents present.

2. Called several times till last hours of the court but neither appellant nor his counsel is present. In view of the above, the instant appeal is dismissed in default.

3. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 5th day of October, 2022.*


(Fareeha Paul)
Member(E)



(Kalim Arshad Khan)
Chairman

09.05.2022

Appellant in person present. Preliminary arguments heard. Record perused.

Points raised need consideration. Instant appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notice be issued to respondents for submission of written reply/comments. To come up for reply/comments on 15.06.2022 before S.B.


Rs-500/-
Appellant Deposited
Security & Process Fee
Arif Saleem
30/5/22


(Rozina Rehman)
Member (J)

15th June 2022

Counsel for the appellant present. Mr. Kabirullah Khattak, Addl. AG for the respondents present.

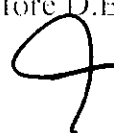
Respondents have not submitted written reply/comments. The learned AAG seeks time for submission of written reply/comments. Last chance is given. To come up for written reply/comments on 03.08.2022 before S.B.


(Kalim Arshad Khan)
Chairman

03.08.2022

Counsel for the appellant. Mr. Kabir Ullah Khattak. Additional Advocate General alongwith Arif Saleem, Stenographer for respondents present.

Written reply/comments on behalf of respondents No. 1 to 3 submitted which is placed on file. A copy of the same is handed over to the learned counsel of the appellant. To come up for rejoinder/arguments on 05.10.2022 before D.B.

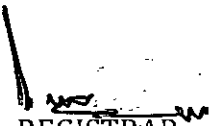




(Kalim Arshad Khan)
Chairman

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- _____ 7934/2021


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	27/12/2021	<p>The appeal of Mr. Ali Faisal resubmitted today by Syed Mudassir Pirzada Advocate, may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	14.02.2022 	<p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put up there on <u>14/02/22</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> <p>Due to retirement of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 09.05.2022. for the same as before.</p> <p style="text-align: right;"> Reader</p>

The appeal of Mr. Ali Faisal Police Constable No. 194 Police Line Kohat received today i.e. on 16.12.2021 is incomplete on the following score which is returned to the counsel for the appellatant for completion and resubmission within 15 days.

- 1- Check list is not attached with the appeal.
- 2- Appeal has not been flagged/marked with annexures marks.
- 3- Index of the appeal is incomplete.
- ④ Copies of charge sheet, statement of allegations, show cause notice, enquiry report and replies thereto are not attached with the appeal which may be placed on it.
- 5- Annexures of the appeal may be attested.
- 6- Five more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 2512 /S.T,

Dt. 17/12 /2021


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Syed Mudassir Pirzada Adv. Kohat.

Note

24-12-2021

Re. Submitted After
removal all the objections.
more over no charge sheet etc
were provided to appellatant
till date.

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

CHECK LIST

Case Title: Original AGP Mr. Jaiside

S#	CONTENTS	YES	NO
1	This Appeal has been presented by:	/	
2	Whether Counsel/Appellant/Respondent/Deponent have signed the requisite documents?	/	
3	Whether appeal is within time?	/	
4	Whether the enactment under which the appeal is filed mentioned?	/	
5	Whether the enactment under which the appeal is filed is correct?	/	
6	Whether affidavit is appended?	/	
7	Whether affidavit is duly attested by competent Oath Commissioner?	/	
8	Whether appeal/annexures are properly paged?	/	
9	Whether certificate regarding filing any earlier appeal on the subject, furnished?	/	
10	Whether annexures are legible?	/	
11	Whether annexures are attested?	/	
12	Whether copies of annexures are readable/clear?	/	
13	Whether copy of appeal is delivered to AG/DAG?	/	
14	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	/	
15	Whether numbers of referred cases given are correct?	/	
16	Whether appeal contains cutting/overwriting?	/	
17	Whether list of books has been provided at the end of the appeal?	/	
18	Whether case relate to this court?	/	
19	Whether requisite number of spare copies attached?	/	
20	Whether complete spare copy is filed in separate file cover?	/	
21	Whether addresses of parties given are complete?	/	
22	Whether index filed?	/	
23	Whether index is correct?	/	
24	Whether Security and Process Fee deposited? On	/	
25	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? On	/	
26	Whether copies of comments/reply/rejoinder submitted? On	/	
27	Whether copies of comments/reply/rejoinder provided to opposite party? On	/	

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name: Syed Mudasir Pirozade

Signature: [Signature]

Dated: 24/12/2021

BEFORE THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal 7935 2021

Constable Ali Faisal No: 194 Police lines Kohat

(Appellant)

VERSUS

1. INSPECTOR GENERAL OF POLICE KPK PESHAWAR.
2. DEPUTY INSPECTOR GENERAL OF POLICE KOHAT REGION KOHAT
3. DISTRICT POLICE OFFICER KOHAT. (Respondent)

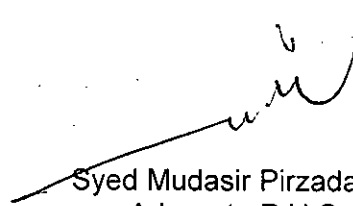
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Sr No	Description of Documents	Annexure	Page
1	Memo of Appeal		1-3
2	Affidavit		4
3	Address of the Parties		5
4	Copy of Impugned order	A	6
6	Copy of charge sheet and reply	B	7
7	Copy of representation and rejection order	C, D	8-9
8	Wakalatnama		10


Appellant

Through

Date 16/12/2021


Syed Mudasir Pirzada
Advocate P H C
0345-9645854

①

BEFORE THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL PESHAWAR.

Appeal No-7935/2021

Constable Ali Faisal No: 194 Police lines Kohat

(Appellant)
Khyber Pakhtunkhwa
Service Tribunal

VERSUS

Diary No. 8048

1. INSPECTOR GENERAL POLICE KPK PESHAWAR.

Dated 16/12/2021

2. DEPUTY INSPECTOR GENERAL OF POLICE KOHAT REGION KOHAT

3. DISTRICT POLICE OFFICER KOHAT.

(Respondent)

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED ORDER DATED 13.10.2017 VIDE OB-NO-839 IN WHICH THE RESPONDENT NO:-3 DIRECTLY AWARD THE MINOR PUNISHMENT OF STOPPAGE OF TWO YEARS INCREMENTS WITH CUMULATIVE EFFECT WITHOUT ANY LAWFUL JUSTIFICATION THE APPELLANT PREFERRED DEPARTMENTAL REPRESENTATION DATED 21.09.2021 AND THE SAME WAS REJECTED ON DATED 16.11.2021

Pray:

In view of above submission it is requested, by accepting of instant appeal the impugned order of Respondent No-3 may be set aside with all consequential back benefits

Respectfully Sheweth,

With great veneration the instant appeal is preferred by the appellant on the following grounds:-

Facts:

1. Briefly facts are that as per the impugned order are that the appellant was posted as PS. Cantt upon the allegations (i) reported reputation is being corrupt (ii) Links with criminals the respondent No: 3 award the punishment of stoppage of two years increments with cumulative effect (Copy of impugned order is annexed as annexure A)

*Filed today
16-12-21
Registrar*

2. That upon the above score allegation the appellant was issued with the charge sheet and the appellant duly submitted his reply to the charge sheet but the inquiry officer in his biased so called conducted enquiry held guilty (Copy of reply to the charge sheet is annexed as annexure B)

3. That the appellant feeling aggrieved from the impugned order prefer departmental representation on dated 21-9-21 which were too rejected on dated 16.11.2021 (Copy of representation along with rejection order annexed as annexure C)

4. That the appellant was not associated in the inquiry proceedings nor called in OR room only on the basis of charge sheet appellant has been awarded impugned punishment as in the absence of issuing final show cause notice

how it appeal to a prudent mind that the inquiry was conducted in accordance with police rules/inquiry rules.

5. That the special rules regarding blessing of impugned punishment were not observed which shows the biasness on the part of inquiry officer as well as the respondent no: 3 deliberately indulged the appellant into the following allegations mentioned above without any lawful justifications which shows again misuse of colorable exercise of power which is bad in eye of la
6. That there is nothing on record which connects the appellant with the allegation.
7. That nothing has been proved beyond any shadow of doubt that the appellant has committed any misconduct or tarnished the image of Police department.
8. That there are numerous good entries in the service record of the appellant which could be verified but this fact has not been taken in consideration while awarding the major punishment which is against to the canon of justice.
9. That the appellant was neither provided an opportunity to cross examine the witnesses nor to produce defense evidence and the enquiry proceedings accordingly defective. Furthermore the requirements of enquiry rules have not been observed while awarding the impugned punishment.
10. That the appellant dragged unnecessarily into litigation which is clearly mentioned in 2008 SCMR 725.
11. That while awarding the impugned punishment the enquiry report has not been given to the appellant which is very much necessary as per 1991 PLC CS 706 & PLC 1991 584.
12. That the appellant never ever admit before any forum regarding any admittance of alleged guilt.

That the appellant is feeling aggrieved from the impugned order hence preferred departmental representation on the following grounds.

Grounds:

- a. That during enquiry none from the general public was examined in support of the charges leveled against the appellant. No allegation mentioned above are practiced by the appellant nor proved against any cogent reason against the appellant.

- b. That the appellant was neither intimated nor informed by any source of medium regarding enquiry proceedings for any disciplinary action which shows bias on the part of quarter concern.
- c. That the punishment is harsh in nature and the appellant is falsely vexed for undone offence which is against the constitution of Islamic republic of Pakistan 1973.
- d. That the appellant is honest and dedicated one and leave no stone unturned to discharge his duties.
- e. That as per universal declaration of human rights 1948 prohibits the arbitral / discretion.
- f. That the DPO Kohat has acted whimsically and arbitrary, which is apparent from the impugned order.
- g. That the impugned order is not based on sound reasons and same is not sustainable in the eyes of law. The same is based on wrong assumption of facts.
- h. That the departmental enquiry was not conducted according to the rules.
- i. That the impugned order is outcome of surmises and conjecture.
- j. That proper rule have not been observed while awarding the punishment for indefinite period.

Pray:

In the view of above circumstances it is humbly prayed that the impugned order of punishment awarded by Respondent No. 3 may graciously please be set aside for the end of justice and the appellant's increments may please be graciously restored and blessed with all consequential back benefits.

Appellant'

Through

Syed Mudasir Pirzada
Advocate HC
0345-9645854

Date ____/____/____

Certificate:-

Certified that no such like appeal has earlier been filed in this Hon able Service tribunal as per instruction of my client.

List of Books

- 1:- Constitution of Pakistan 1973
- 2:- Police Rules
- 3:- Case Law according to need.



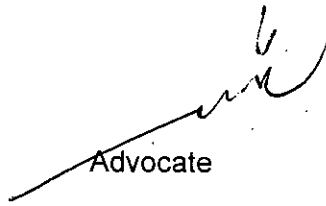
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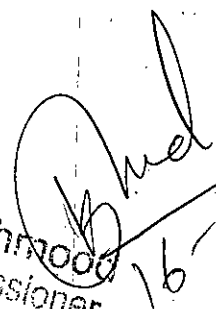
BEFORE THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal _____ 2021

AFFIDAVIT

I, Syed Mudasir Pirzada Advocate, as per instruction of my client do here by solemnly affirm and declare that all the contents of accompanying service appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.


Advocate


Khalid Mahmood
Oath Commissioner
Peshawar High Court

16-12-21

5

BEFORE THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL PESHAWAR.

Constable Ali Faisal No: 194 Police lines Kohat

(Appellant)

VERSUS

1. INSPECTOR GENERAL OF POLICE KPK PESHAWAR.
2. DEPUTY INSPECTOR GENERAL OF POLICE KOHAT REGION KOHAT
3. DISTRICT POLICE OFFICER KOHAT. (Respondent)

ADDRESS OF THE PARTIES

APPELLANT :-

Constable Ali Faisal No: 194 Police lines Kohat

RESPONDENTS

1. INSPECTOR GENERAL OF POLICE KPK PESHAWAR.
2. DEPUTY INSPECTOR GENERAL OF POLICE KOHAT REGION KOHAT
3. DISTRICT POLICE OFFICER KOHAT.



Appellant

Through

Date ____/____/____



Syed Mudasir Pirzada
Advocate PHC
0345-9645854

POLICE DEPTT:**DISTRICT KOHAT****ORDER**

This order is passed on the departmental enquiry against Constable Ali Faisal No. 194 under the Khyber Pakhtunkhwa, Police Rules, 1975 (Amendment-2014).

Brief facts are that while he posted at PS Cantt were found responsible for the following gross misconduct:-

- i. Reportedly reputation is being corrupt.
- ii. Links with criminals.

His above act shows his in-efficiency, irresponsibility and misconduct on his part.

He was issued Charge Sheet & Statement of Allegations. Mr. Zahir Shah DSP Saddar Kohat was appointed as enquiry officer to proceed against him departmentally. The enquiry officer submitted his finding report and found him guilty of the charges leveled against him.

He was called in OR and given him full opportunity but he did not prove himself innocence.

In view of above I, Javed Iqbal District Police Officer, Kohat in exercise of the powers conferred upon me, hereby awarded a minor punishment of "**stoppage of two years increment with cumulative effect**".

OB No. 839
Date 18-10-2017


**DISTRICT POLICE OFFICER,
KOHAT**

No. 7613-15 /PA dated Kohat the 16-10-2017.

Copy of above is forwarded to the Reader/Pay Officer/SRC/OHC for necessary action.


ATTESTED

بخدمت جناب ڈسٹرکٹ پولیس آفیسر صاحب کوہاٹ

عنوان: چارج شیٹ کا جواب

جناب عالی:

گزارش ہے کہ آپ کے چارج شیٹ نمبر PA/10-5009 بتاریخ 21/06/2017 کا جواب پیش خدمت ہے چارج شیٹ میں مجھ پر جو الزامات لگائے گئے ہیں۔ وہ بالکل بے بنیاد ہیں۔ میں پچھلے 9 سال سے پولیس ڈیپارٹمنٹ میں بحیثیت کانسٹیبل اپنے فرائض سرانجام دے رہا ہوں اس دوران مجھ پر کسی قسم کا کوئی الزام نہیں لگایا گیا ہے۔ جس سے میرے کیریئر پر کوئی داغ ہو مزید یہ کہ جو الزامات میرے اوپر چارج شیٹ میں موجود ہیں ان الزامات کے کوئی ٹھوس شواہد موجود نہیں چارج شیٹ میں جو الزامات لگائے گئے ہیں اور جو معلومات آپ کو کسی نے فراہم کی ہیں وہ بالکل بے بنیاد اور بددیانتی پر مبنی ہیں اور وہ درست نہیں ہیں۔

لہذا چارج شیٹ داخل دفتر کیا جائے اور مجھے بری الزامہ قرار دیا جائے۔ میں انتہائی مشکور اور دعا گو رہوں گا۔

العارض

علی فیصل کانسٹیبل

آپکا تابع فرمان 3/7/21

علی فیصل کانسٹیبل نمبر 194 تھانہ کینٹ کوہاٹ

ATTESTED

بخدمت جناب ڈپٹی انسپکٹر جنرل صاحب کوہاٹ

رحم درخواست بابت بحالی دو (2) سال انکریمنٹ سروس

جناب عالی!

بحوالہ آرڈر بک نمبر 839/18-10-2017 مجاریہ جناب DPO صاحب کوہاٹ معروض خدمت ہو کے سائل کنسٹیبل عرصہ قریب 13/14 سال سے اپنی فرائض منصبی انجام دے رہا ہے۔ دوران ملازمت سائل نے آفران بالا صاحبان کو کسی قسم کی شکایت کا موقع نہ دیا گیا۔ یہ کہ مورخہ 21-06-2021 کو سائل کے خلاف آفران بالا صاحبان کو کسی نے شکایات کر کے بتلایا تھا کہ سائل کریمینلز Criminals لوگوں کے ساتھ ملا ہوا ہے اور کرپٹ عناصر کے ساتھ واسطہ ہے اندریں بارہ قبل ازیں سائل اپنی جواب بابت چارٹیٹ میں عرض کر چکا ہوں کہ سائل نہ کرپٹ عناصر اور نہ ہی کریمینلز لوگوں کے ساتھ واسطہ ہے۔ اور محض سائل پر کسی نے بدینتی بنیاد پر الزام لگایا ہے اور اب تک اگر سائل پر مذکورہ الزامات ثابت ہوئے تو بے شک سزا کا مستحق ہوگا۔

یہ کہ سائل نے پہلے بھی اپنے فرائض منصبی نہایت خوش اسلوبی سے انجام دیئے ہیں اور آپ بھی اپنے فرائض منصبی نہایت خوش اسلوبی کے ساتھ سرانجام دے دوں گا اور سائل ایک پولیس ذمہ دار اہلکار ایسا مکروہ دھندہ چلانے کا سوال ہی پیدا نہیں کر سکتا۔ یہ کہ سائل ایک غریب شخص ہے اور مذکورہ تنخواہ سائل کے چھوٹے چھوٹے بچوں اور بوڑھے والدین کا واحد زر بیہ معاش ہے اور سائل سے ہر ماہوار تنخواہ میں دو اینٹکر سینٹ کا نٹھے سے کافی نقصان ہو رہا ہے۔

لہذا استدعا ہے کہ سائل کنسٹیبل پر رحم فرما کر سائل کو دو سال اینٹکر سینٹ بحال کرنے کا حکم صادر فرما کر سائل بمعہ بال و بچوں کے تاحیات دعا گور ہے گا۔

مورخہ 21-09-2021

العارض

کنسٹیبل علی فیصل نمبر 343 متعینہ پولیس لائن کوہاٹ

ATTESTED

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POLICE DEPTT:

KOHAT REGION

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ORDER.

This order will dispose of a departmental appeal, moved by Constable Ali Faisal No. 194 of Kohat district against the punishment order, passed by DPO Kohat vide OB No. 839, dated 13.10.2017 whereby he was awarded minor punishment of **stoppage of two annual increments with cumulative effect** on the allegations of being ill reputed and having links with criminals.

He preferred an appeal to the undersigned, upon which comments were obtained from DPO Kohat and his service record was perused. The appellant was also called and heard in Orderly Room held in this office on 09.11.2021. During hearing, the appellant did not produce any plausible explanation in his defense to prove his innocence.


I have gone through the available record and came to the conclusion that the allegations leveled against the appellant are proved beyond any shadow of doubt and the same have also been established by the E.O in his findings. Therefore, in exercise of the powers conferred upon the undersigned, his appeal being devoid of merits and badly time-barred about is hereby **filed**.

Order Announced
09.11.2021


(TAHIR AYUB) PSP
Region Police Officer,
X Kohat Region.

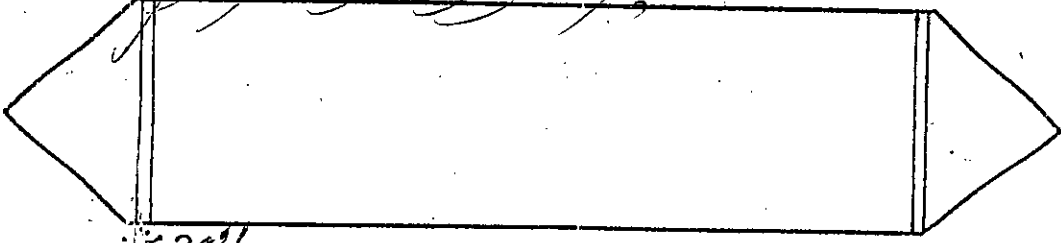
No. 18386 /EC, dated Kohat the 16/11 /2021.

Copy for information and necessary action to the District Police Officer, Kohat w/r to his office Memo: No. 13254/LB, dated 26.10.2021. His Service Roll / Fauji Missal is returned herewith.


(TAHIR AYUB) PSP
Region Police Officer,
X Kohat Region.


ATTESTED

بعدالت حضرت خدیو نواز صاحب مدظلہ العالی



ADPellant

2011ء ستمبر

۱۹۹۹ و ۱۹۹۸

مستطیل علی صاحب بنام

موزخہ
مقدمہ
دعویٰ
جرم

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
 آن مقام ~~مستطیل علی صاحب~~ کیلئے ~~صدر عدالت~~ کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
 مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
 وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور
 بسورت ڈگری کرنے اجراء اور صولی چیک دروپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
 زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور انسوخی
 نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
 کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ لیا اپنے بجائے تقرر کا اختیار
 ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ
 پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے وہوگا۔
 کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
 مذکور کریں۔ لہذا ادکالت نامہ لکھد یا کہ سندر ہے۔

المرقوم 16/11/2011

واہ العبد

مقام کشمیر حضرت خدیو نواز صاحب مدظلہ العالی کے لئے منظور ہے۔

Handwritten notes on the left margin, including 'Kashmir' and 'ADPellant'.

Handwritten notes on the right margin, including 'Kashmir' and 'ADPellant'.

"B"

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

No.

Recd

SB

Appeal No. 7935 of 2022

Ali Faizal Appellant/Petitioner

IGP KPK Peshawar Respondent

Respondent No. C37

Notice to: — DPO Kohat

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on.....15/05/2022.....at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement, alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. ~~Copy of appeal has already been sent to you via this office~~ Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this.....30th.....

Day of.....May.....2022

For Reply

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

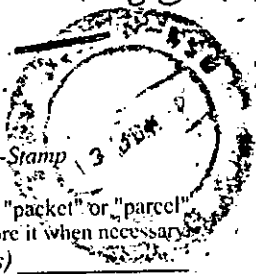
- Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

No. 7

ROL81697858

For details see reverse. Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post Office Guide or on which no acknowledgement is due.

Rs. 80



Delivered a registered*
addressed to _____

Date-Stamp

Write here "letter", "postcard", "packet" or "parcel" with the word "insured" before it when necessary.
Insured for Rs. (in figures) _____ (in words) _____

KHYBER PAKHTUNKHWA
JUDICIAL COMPLEX
PESHAWAR

Insurance fee Rs: _____ Ps. _____ (in words) _____
Name and address of sender: Kohat

No.

Appel. No. _____

Appellant's Petitioner

Respondent

Respondent No. (3)

Notice to: _____

WHEREAS an appeal under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration in the above case by the petitioner in this Court and notice has been ordered to issue, you are hereby informed that the said appeal-petition is fixed for hearing before the Tribunal *on _____ at 8.00 A.M. If you wish to urge anything against the appeal-petitioner you are at liberty to do so on the date fixed, or any other date to which the case may be postponed either in person or by authorised representative or by an Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal-petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal-petition will be deemed to be your correct address and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal-petition.

Copy of appeal is attached. Copy of appeal has already been sent to you with this.

Office Notice No. _____ dated _____

Given under my hand and the seal of this Court at Peshawar this _____ 2035

Day of _____ 2035

Registrar
Khyber Pakhtunkhwa Service Tribunal
Peshawar

Handwritten signature/initials

Note: The hours of attendance in the court are the same that of the High Court except on days when the court is closed. Always quote Case No. While writing any correspondence.

"B"

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

No.

Regd

SB

Appeal No. 7935 of 2022

Mi Faisal

Appellant/Petitioner

Versus

IGP KPK Peshawar

Respondent

Respondent No. (2)

Notice to:

- Deputy Inspector General of Police Kohat Region

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on.....15/06/2022.....at 8.00 A.M. If you wish to urge anything against the appellants/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement along with any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. ~~Copy of appeal has already been sent to you vide this office Notice No.....dated.....~~

Given under my hand and the seal of this Court, at Peshawar: this.....30th.....

Day of.....May.....20 22

For Reply

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

- Note:
1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
 2. Always quote Case No. While making any correspondence.

"B"

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

No.

102

Appeal No. 7437 of 2022

Mi Taisi

Appellant/Petitioner

749 KKR Wakar

Respondent

Respondent No. ()

Notice to: - Deputy Inspector General of Police Kohat Region

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue, for the hereby informed that the said appeal/petition is fixed for hearing before the Tribunal * on at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any of the days to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

~~Copy of appeal is attached. Copy of appeal is attached. Copy of appeal is attached.~~

Office Notice No. dated

30/11

Given under my hand and the seal of this Court, at Peshawar, this

Day of 2022

17/11

102

Registrar
Khyber Pakhtunkhwa Service Tribunal
Peshawar

Note: 1. The hours of attendance in the Court are the same that of the High Court except during the recess period. 2. Always quote Case No. While writing any correspondence.

"B"

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

No.

SB

Appeal No. 7935 of 20 21

Ati Faisal

Appellant/Petitioner

IGP KPK Peshawar ^{Versus}

Respondent:

Respondent No. (1)

Notice to: — IGP KPK Peshawar

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on.....15/06/2022.....at 8.00 A.M. If you wish to urge anything against the appelland/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. ~~Copy of appeal has already been sent to you~~ vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this.....30th.....

Day of.....May.....2022

For Reply

[Signature]
03/06

[Signature]

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

NOTE: Always quote Case No. While writing any correspondence
The hours of attendance in the court are the same as that of the High Court except on Sundays and Gazetted Holidays

BEHAWAR
KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
BEHAWAR

10. 11. 2013

10/11/13
W.A.

BEHAWAR

Day of 2013

Given under my hand and the seal of this Court at Behawar this

office Notice No. dated

Copy of appeal is sent to you by registered post on

this appeal petition.
notice posted to this address by registered post will be deemed sufficient for the purposes of
address given in the appeal petition will be deemed to be your correct address and to other
address. If you fail to furnish such address your address contained in this notice shall be
given to you by registered post. You should inform the Registrar of any change in your
notice of any alteration in the date fixed for hearing of this appeal petition will be

appeal petition will be heard and decided in your presence.
definite of your appearance on the date fixed and in the manner aforementioned, the
along with any other documents upon which you rely. Please also take notice that in
this Court at least seven days before the date of hearing 4 copies of written statement
advocate duly supported by your power of attorney. You are therefore to appear in person
the case may be postponed either in person or by authorized representative. As the
appeal petitioners you are at liberty to do so on the date fixed or any other date to which
order. If you wish to file any further application in the
orderly informed that the said appeal petition is fixed for hearing before the Tribunal
the above case by the petitioner in this Court and notice has been ordered to issue. You are
Provisional Service Tribunal Act, 1974 has been presented for consideration in
WHEREAS an appeal petition under the provision of the Khyber Pakhtunkhwa

Notice to: -

10/11/13 W.A. Behawar

Respondent No.

..... Respondent

10/11/13 W.A. Behawar

..... Applicant/Petitioner

10/11/13 W.A.

Day of 2013

No.

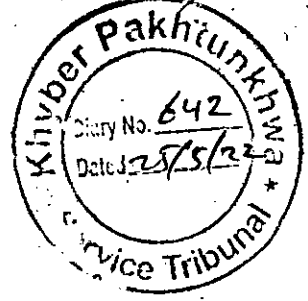
BEHAWAR

JUDICIAL COMPLEX (OGD), KHYBER ROAD,

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, BEHAWAR

«B»

مقرر ہوا کہ جس شخص کو وہ سزا دینی ہے اسے سزا دینی ہے



5A No. 7935/2021

علی رضا خان

دبیر ایف ایف ایف ایف ایف

Put up to the Worthy Chairman
with relevant ~~proof~~

27/5/2022

D. order

مقرر ہے کہ جس شخص کو وہ سزا دینی ہے
اسے سزا دینی ہے
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مقرر ہے کہ جس شخص کو وہ سزا دینی ہے
اسے سزا دینی ہے

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مقرر ہے کہ جس شخص کو وہ سزا دینی ہے
اسے سزا دینی ہے

مقرر ہے کہ جس شخص کو وہ سزا دینی ہے
اسے سزا دینی ہے

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25/5/2022

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BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 7935/2022

Ali Faisal

Constable 194, District Kohat

..... Appellant

VERSUS

Inspector General of Police,
Khyber Pakhtunkhwa & others

..... Respondents

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S #	Description of documents	Annexure	pages
1.	Parawise comments.	-	01-03
2.	Affidavit		04
3.	Copy of charge sheet	A	05-6
4.	Copy of order vide OB No. 839 dated 13.10.2017	B	07
5.	Detail of previous punishment awarded to the appellant	C	08


Deponent

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 7935/2022

Ali Faisal

Constable 194, District Kohat

..... Appellant

VERSUS

Inspector General of Police,
Khyber Pakhtunkhwa & others

..... Respondents

PARAWISE COMMENTS BY RESPONDENTS.

Respectfully Sheweth:-

Preliminary Objections:-

- i. That the appellant has got no cause of action to file the appeal.
- ii. The appellant has got no locus standi to file the instant appeal.
- iii. That the appellant is estopped to file the instant appeal for his own act.
- iv. That the appeal is bad in eyes of law and not maintainable.
- v. That the appeal is not maintainable as, the appellant has not questioned / challenged the order passed by respondent No. 2 on his departmental appeal, nor he prayed in his prayer to setting aside the same.
- vi. That the appellant has not approached the honorable Tribunal with clean hands.
- vii. That the appeal is **badly time barred** and liable to be dismissed in limine.

Facts:-

1. The appellant while posted in Police station Cantt was served with charge sheet alongwith statement of allegations on the charges his ill-reputation by respondent No. 3 and SDPO Saddar Kohat was appointed as inquiry officer in order to scrutinize the conduct of the appellant. The inquiry officer after due process held him guilty of the charges and recommended for major punishment. Thus on completion of codal formalities including personal hearing of the appellant, the respondent No. 3 while taking a lenient view impose a minor punishment on the appellant as stoppage of his two years increment with cumulative effect vide OB No. 839 dated 13.10.2017. Copy of charge sheet and impugned order is **annexure A & B**.
2. Reply is submitted in the above para.

3. The impugned order was passed on 13.10.2017 and it was in knowledge of the appellant while he filed a mercy petition before the respondent No. 2 against the impugned order on 21.09.2021 after a laps of 04 years delay without any justification / explanation of delay, thus the petition of the appellant was found devoid of merit and badly time barred was filed by the respondent No. 2 vide order dated 09.11.2021, against which the appellant did not seek in remedy in the instant appeal.
4. Incorrect, the appellant was associated in the inquiry proceedings heard in person by respondent No. 3 and two respectively. It is added that the appellant had not taken this plea in his petition filed before the respondent No. 2.
5. Incorrect, the impugned order passed by respondent No. 3 is speaking and legal one. It is added that the appellant has in different service record, indulged in illegal activities and awarded different kind of punishment.
6. Incorrect, sufficient evidence in addition previous conduct of appellant was available before the respondent No. 2 & 3, while passing the impugned orders.
7. Incorrect, the allegations / charges leveled against the appellant have been established beyond any shadow of doubt.
8. Incorrect, the appellant is ill-reputed has a number of bad entries having no single good entry in his credit. The appellant was previously proceeded with departmentally on different occasions on different charges and awarded a number of punishment including dismissal from service, but the appellant did not mend his way. Detail of his punishment is **annexure C**.
9. Incorrect, the appellant had not approached with clean hand to this Honorable Tribunal. He was heard in person by respondents No. 2 & 3 afforded him ample opportunity of defense but he failed to defend himself.
10. Incorrect, the appellant was proceeded with departmentally and awarded punishment for his own act.
11. Incorrect, the appellant had not placed any objection before the respondent No. 3 while disposing of the departmental proceeding nor before the respondent No. 2 during the course of disposal of his mercy petition.
12. Incorrect, the charges / allegations have been established against the appellant beyond any shadow of doubt and the appellant is estopped to file the instant appeal for his own act.

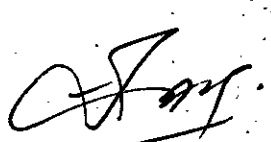
Grounds:-

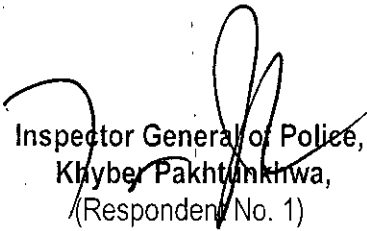
- a. Incorrect, a regular inquiry was conducted against the appellant through an inquiry officer and he filed inquiry report based on facts and evidence as he deems appropriate.
- b. Incorrect, proper charge sheet with summary of allegation was served upon the appellant to which he filed reply and he was also heard in person by respondent No. 3.

- c. Incorrect, the inquiry officer vide his report held the appellant guilty of the charge and recommended for major punishment but the respondent No. 3 while taking a lenient view imposed a minor punishment of forfeiture of his two years increment with cumulative effect, which is not a harsh punishment.
- d. Incorrect, the appellant is an inefficient official as, proved / established from annexure C.
- e. Incorrect, the appellant was proceeded with departmentally under the relevant rules, hence no human right of the appellant is violating by the respondents No. 2 & 3.
- f. Incorrect, the appellant was dealt with departmentally under the relevant rules by respondent No. 3 and a speaking order was passed.
- g. Incorrect, a legal and speaking order was passed by the respondent No. 3 on conclusion of departmental proceedings.
- h. Incorrect, departmental inquiry was conducted in accordance with Khyber Pakhtunkhwa, Rules 1975 (Amended-2014).
- i. Incorrect, reply is submitted in the above paras.
- j. Incorrect, reply is submitted in the above paras.

Prayer:-

In view of the above, it is prayed that the appeal is devoid of merits, bad in eyes of law and badly time barred may graciously be dismissed with costs.


Dy: Inspector General of Police
Kohat Region, Kohat
(Respondent No. 2)


Inspector General of Police,
Khyber Pakhtunkhwa,
(Respondent No. 1)


District Police Officer,
Kohat
(Respondent No. 3)

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

P 4

Service Appeal No. 7935/2022

Ali Faisal

Constable 194, District Kohat

..... Appellant

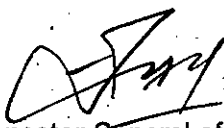
VERSUS

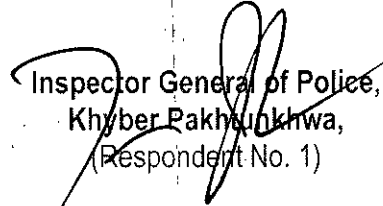
Inspector General of Police,
Khyber Pakhtunkhwa & others

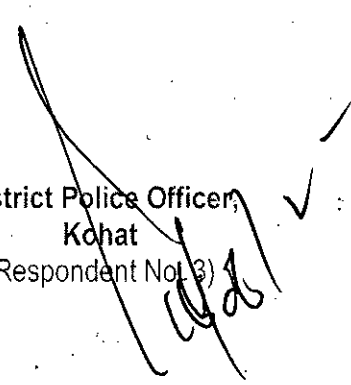
..... Respondents

COUNTER AFFIDAVIT

We, the below mentioned respondents, do hereby solemnly affirm and declare on oath that contents of parawise comments are correct and true to the best of our knowledge and belief. Nothing has been concealed from this Hon: Tribunal.


Dy: Inspector General of Police,
Kohat Region, Kohat
(Respondent No. 2)


Inspector General of Police,
Khyber Pakhtunkhwa,
(Respondent No. 1)


District Police Officer,
Kohat
(Respondent No. 3)

Amr A
P. 05

CHARGE SHEET.

1. **JAVED IQBAL, DISTRICT POLICE OFFICER, KOHAT**, as competent authority, hereby charge you **Constable Ali Faisal No. 194** Under Khyber Pakhtunkhwa, Police Rules, 1975 (Amendment 2014) as you have committed the following illegal act.

While you posted at PS Cantt were found responsible for the following gross misconduct:-

- i. Reportedly reputation is being corrupt.
- ii. Links with criminals.

Your above act shows your in-efficiency, irresponsibility and misconduct on your part.

2. By reasons of the above, you appear to be guilty of misconduct as defined in Rule 2 (iii) of Police Disciplinary Rules, 1975 and have rendered yourself liable to all or any of the penalties explained in rule 04 of the said rules.

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

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

4. A statement of allegation is enclosed.

**DISTRICT POLICE OFFICER,
KOHAT**

21/6

22/6/19
23/6/19

P. 06

DISCIPLINARY ACTION

I, **JAVED IQBAL, DISTRICT POLICE OFFICER, KOHAT**, as competent authority, am of the opinion that you **Constable Ali Faisal No. 194** have rendered yourself liable to be proceeded against departmentally under Khyber Pakhtunkhwa Police Rule 1975 (Amendment 2014) as you have committed the following acts/omissions.

While you posted at PS Cantt were found responsible for the following gross misconduct:-

- i. Reportedly reputation is being corrupt.
- ii. Links with criminals.

Your above act shows your in-efficiency, irresponsibility and misconduct on your part.

2. For the purpose of scrutinizing the conduct of said accused with reference to the above allegations **Mr. Zahir Shah DSP Saddar Kohat** is appointed as enquiry officer. The enquiry officer shall in accordance with provision of the Police Disciplinary Rule-1975, provide reasonable opportunity of hearing to the accused official, record its findings and make, within twenty five days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused official.

The accused official shall join the proceeding on the date, time and place fixed by the enquiry officer.

**DISTRICT POLICE OFFICER,
KOHAT**

No. 5009-10 /PA, dated 21-6 /2017.

Copy of above is forwarded to:-

1. ~~Mr. Zahir Shah DSP Saddar Kohat: The Enquiry Officer for initiating proceedings against the accused under the provisions of Police Rule 1975~~

2. ~~Constable Ali Faisal No. 194: The concerned official/ officers with the directions to appear before the Enquiry officer on the date, time and place fixed by the enquiry officer for the purpose of enquiry proceedings~~

1790
23-6-17

Appendix B P.07

POLICE DEPTT:

DISTRICT KOHAT

ORDER

This order is passed on the departmental enquiry against Constable Ali Faisal No. 194 under the Khyber Pakhtunkhwa, Police Rules, 1975 (Amendment 2014).

Brief facts are that while he posted at PS Cantt were found responsible for the following gross misconduct:-

- i. Reportedly reputation is being corrupt.
- ii. Links with criminals.

His above act shows his in-efficiency, irresponsibility and misconduct on his part.

He was issued Charge Sheet & Statement of Allegations. Mr. Zahir Shah DSP Saddar Kohat was appointed as enquiry officer to proceed against him departmentally. The enquiry officer submitted his finding report and found him guilty of the charges leveled against him.

He was called in OR and given him full opportunity but he did not prove himself innocent.

In view of above I, Javed Iqbal District Police Officer Kohat in exercise of the powers conferred upon me hereby awarded a minor punishment of **stoppage of two years increment with cumulative effect.**

OB No. 839

Date 13-10-2017


DISTRICT POLICE OFFICER
KOHAT

No 7613-15/PA dated Kohat the 16-10-2017

Copy of above is forwarded to the Reader/Pay Officer/SRC/OHC for necessary action.




P. 08

Annexure C

DETAIL OF PREVIOUS CONDUCT OF CONSTABLE ALI FAISAL NO. 343

S #	Charges / allegations	Punishment
1.	Ill-reputation etc	Forfeiture of 02 years increment vide order dated 13.10.2017.
2.	The constable alongwith his other officials misappropriated huge quantity of narcotics and gave a fake FIR No. 658 dated 03.03.2017 u/s 9CNSA PS Cantt Kohat to one Akseer Ali informer in order to embezzlement of narcotics	Dismissed from service vide order dated 12.12.2017. however, he reinstated in service by DIG Kohat vide order dated 29.12.2017 the intervening period is treated as leave without pay and warned to be careful in future.
3.	Absence from duty w.e.from 29.04.2018 to 30.04.2018	Administered warning
4.	Absence from duty w.e.from 20.05.2018 to 21.05.2018	Leave without pay
5.	Absence from duty w.e.from 01.05.2018 to 02.05.2018	Administered warning
6.	Absence from duty w.e.from 24.05.2018 to 25.05.2018	Leave without pay
7.	Absence from duty w.e.from 28.07.2018 to 30.07.2018	Leave without pay
8.	Absence from duty on 22.07.2018	Administered warning
9.	Links with narcotics smugglers	Censure
10.	Inefficiency and cowardice during sensitive duty and security laps	Removal from service on 13.01.2021 and subsequently reinstated in service by DIG Kohat vide order dated 02.08.2021.


N. D. D. A.
DPO office
Kohat

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 7935/2022

Ali Faisal

Constable 194, District Kohat

..... Appellant

VERSUS

Inspector General of Police,
Khyber Pakhtunkhwa & others

..... Respondents

AUTHORITY LETTER

Mr. Arif Saleem steno / Focal person of this district is hereby authorized to file the comments on behalf of respondent in the Honorable Tribunal and other documents as required.

District Police Officer,
Kohat
(Respondent No. 3)

