

30.1.2015

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


MEMBER

16.3.2015

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


MEMBER


MEMBER

4.5.2015

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

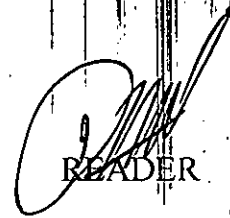
ANNOUNCED
04.5.2015.


MEMBER


MEMBER

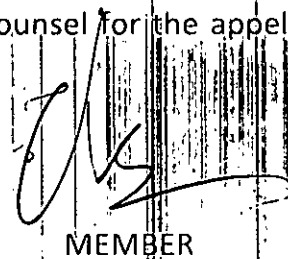
19.08.2014

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


READER

09.09.2014

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


MEMBER

24.10.2014

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


READER

19.11.2014

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


READER

30.12.2014

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


READER

Appeal No. 503/2014
Mr. Sinaj Khan.

3. 23.05.2014

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


Member

4. 23.05.2014

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


Chairman

11.6.2014

Appellant alongwith Counsel for the appellant and AAG with Mir Faraz, Inspector (Legal) for the respondents present. 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.

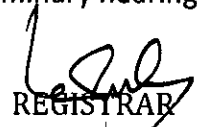
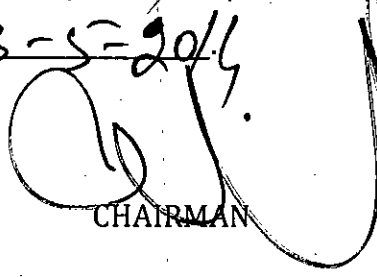

MEMBER


MEMBER

Form-A
FORM OF ORDER SHEET

Court of _____

Case No. 503/2014

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. Siraj 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 23-5-2014</p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Appeal No. 503/2014

Siraj Khan S/O Tajali Khan, Ex- Constable No. 1833, District Police, Bannu.

(Appellant)

VERSUS

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

(Respondents)

INDEX

S. No	Description of Documents	Annexure	Page No
1	Memo of Appeal & Affidavit		1-5
2	Commendation Certificate	A	
3	Suspension order dated 7.11.2013	B	
4	Charge Sheet and Statement of Allegations	C	
5	Reply to the Charge Sheet	D	
6	Inquiry Report dated 25.12.2013,	E	
7	Penalty Order dated 31.12.2013	F	
8	Departmental Appeal and Rejection Order dated 10.03.2014	G & H	
9	Vakalatnama.		

Through


Appellant

IJAZ ANWAR

Advocate Peshawar

&


SAJID AMIN

Advocate, Peshawar

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Appeal No. 503/2014

525
08/4/2014

Siraj Khan S/O Tajali Khan, Ex- Constable No. 1833, District Police, Bannu.

(Appellant)

VERSUS

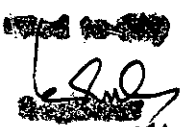
1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Regional Police Officer Bannu Region Bannu.
3. District Police Officer Bannu.

(Respondents)

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

Prayer in Appeal: -

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


8/4/14
Respectfully Submitted:

1. That initially the appellant was enlisted as Constable in police department in the year 2007.
2. That ever since the appointment, appellant had performed his duties as assigned to him with zeal and devotion and there was no complaint whatsoever regarding his performance. It is pertinent to mention here that during the entire service, the performance of the appellant remained commendable, he traced and arrested criminals

who were required to the Police in some high profile cases. Beside this, during the roar of militancy, he always remained in the front 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 and he was awarded number of Commendation Certificates and Cash awards. *(Copy of the Commendation Certificate are attached as Annexure A)*

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

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

(Copy of the Charge Sheet and Statement of Allegations is attached as Annexure C)
5. That the appellant duly replied the Charge Sheet and refuted the allegations leveled against him as false and baseless. *(Copy of the Reply is attached as Annexure D)*
6. That a partial inquiry was conducted and the inquiry officer without properly associating the appellant with the inquiry proceedings conducted inquiry and submitted his findings wherein he recommended the appellant for major punishment vide the inquiry report dated 25.12.2013. *(Copy of the Inquiry Report is attached as Annexure E).*
7. That thereafter without issuing upon him any Final Show Cause Notice, the appellant was awarded the major punishment of “Dismissal from Service” vides order dated 31.12.2013 to the appellant. *(Copy of the Order dated 31.12.2013 is attached as Annexure F)*
8. That the appellant submitted his departmental appeal, however it has also been rejected vide order dated 10.03.2014. Copy of the rejection order was however communicated to the appellant on 14.03.2014. *(Copies of the departmental appeal and rejection order are attached as Annexure G & H)*

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

GROUND OF APPEAL .

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

- G. That the appellant has never been served with Show Cause Notice, nor has he been provided the copy of the inquiry report, before the imposition of penalty upon him, which is mandatory in case of awarding major penalty.
- H. That the appellant has never indulged in any such activities beneficial to his person except the performance of good duty. The allegations leveled against the appellant are quite baseless, based on hearsay evidence which has got no footings in the service laws. The Superior Courts have always held that no one should be condemned without solid reasons.
- I. That appellant has never committed any act or omission which could be termed as misconduct, albeit been awarded the penalty of "*Dismissal from Service.*"
- J. That the appellant has not been associated with the inquiry proceedings, his statement has not been recorded by the inquiry officer, nor any witness have been examined or if so examined the appellant has not been allowed to cross examine those who may have deposed against me.
- K. That the appellant has at about 7 years bright and spotless service career at his credit, the service record of the appellant bear testimony of his spotless service career, the appellant has never communicated any adverse entries nor has any bad entries in his ACRs, the penalty imposed upon him is too harsh and liable to be set aside.
- L. 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.
- M. 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.

- x. That the appellant is jobless since his illegal *Dismissal from Service*.
- O. 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 31.12.2013 and 10.03.2014 may please be set-aside and the appellant may be re-instated in service with all back benefits of service

Through

سرطان
Appellant



IJAZ ANWAR

Advocate Peshawar

&



SAJID AMIN

Advocate, Peshawar

AFFIDAVIT

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

سرطان
Deponent



5

ANNEX A

Police No. 107.

Form No. 15.3 (c)



N.-W. F. P. POLICE

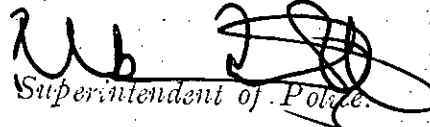
COMMENDATION CERTIFICATE

Granted to FC Siraj Khan no. 1833


Son of _____ Resident of _____ Village
_____ Police Station BRF Police Lines District

in recognition of his good performance

Date 24-03-09 }
O.B. No. 362 } Rs. 200/-


Superintendent of Police.

Note:- (1) If a Police Officer rank and number in final.
(2) Cash reward, if any to be specified.

Accepted


ORDER

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

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

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

No. 2606-09/EC, dated Bannu the

07 / 11 / 2013

Copies to:-

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

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

Attest
[Signature]

⑧ ANNEX C

CHARGE SHEET

1. MUHAMMAD IQBAL District Police Officer, Bannu, as competent authority, hereby charge you Constable Siraj Khan, No.1833 of PS Baka Khel as you have been suspended by the Regional Police Officer, Bannu on the basis of your tainted reputation and your alleged involvement in anti-social activities. Your activities are against the norms of a disciplined service, morality and impartialness which are badly required for the police force.

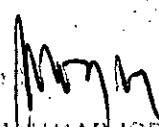
2. By reason of the above you appear to be guilty of misconduct under the police Rules (Amended vide NWFP gazette, 27 January 1976) and have rendered yourself liable to all or any of the penalties specified in the said rules.

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

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

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

6. A statement of allegations is enclosed.


(MUHAMMAD IQBAL)
District Police Officer,
Bannu.



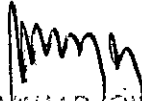
9

STATEMENT OF ALLEGATIONS:

I, Muhammad Iqbal, District Police Officer, Bannu as competent authority, am of the opinion that Constable Siraj Khan, No.1833 of PS Baka Khel, Bannu has rendered himself liable to be proceeded against as he has committed the following misconduct within the meaning of Police Rules (amended vide NWFP gazette 27th January 1976).

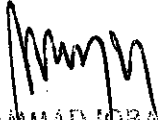
STATEMENT OF ALLEGATIONS:

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


(MUHAMMAD IQBAL)
District Police Officer,
Bannu.

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

Copies to (1) Constable Siraj Khan, No.1833 of PS Baka Khel (PS Baka Khel), Bannu (2) DSP Naurang, District Lakki Marwat (3) SRC Bannu.


(MUHAMMAD IQBAL)
District Police Officer,
Bannu.




Handwritten signature or initials at the top right of the page.

Main body of handwritten text, appearing to be a list or series of entries, possibly in a foreign script.

Handwritten notes or dates on the left side of the page, including the year 1833.

A circled handwritten number, possibly '101'.

Handwritten text at the bottom left, possibly a name or title.

از دفتر DSP سرمل ٹورنگ انوائٹری آفس

تاریخ - 12.2013

جناب عالی! جو امر مشمول چارج شیٹ سہمی آف اینیشن 668.70/ SRC
تاریخ 06¹²/₂₀₁₃ چارج DPہ صاحب بنوں ٹائپل سراج نمبر 1833
کے خلاف الزام عائد کیا ہے۔ کہ انکی سماج دشمن عناصر
سے روابط ہے۔ جو غیر قانونی اور خلاف ڈسپلن ہے اور حکم
پولیس کیلئے بدنامی کا باعث ہے، چارج شیٹ سہمی آف اینیشن
میں فن DSP سرمل ٹورنگ کو انوائٹری آفس مقرر کرنا اور پیش
یوم میں فائنل رپورٹ دینے کے احکامات صادر کئے گئے ہیں۔

الزام علیہ آفس نے چارج شیٹ سہمی آف اینیشن وصول کردہ
پر اپنا جواب تین صفحات پر مشتمل مقررہ معیار میں خواجہ کیا
جس میں مذکورہ نے آئے خلاف لگائے گئے الزامات کی
تردید کی اور خود کو بے گناہ اور بے قصور بتلایا ہے۔
دوران انوائٹری ذیل گواہان بشمول الزام علیہ آفس دفتر خود
طلب کیے جا کر حاضر آئے جسے بنائے موجودگی الزام علیہ
آفس قلمبند کر کے الزام علیہ کو گواہان پر حشر کرنا
اور اپنا دفاع کرنا کما بھی پورا پورا حق، اختیار بھی
دیا گیا ہے۔

① گل محمد OASAI دفتر پولیس بنوں

② سراج احمد اسٹینٹ SR بنوں

اللہ

3) کابٹل سراج نمبر 1833 پورس لائن نیوں

بسطاوت ریکارڈ (R) براج الزام علیہ حرج 06/09 کو حکم پورس
 نیوں میں بطور کابٹل بھرتی ہوا۔ حرج 05/2008 کو ریکورڈ کورس
 مکمل کی اور حرج 05/2008 کو پورس لائن نیوں، QRF اسواڈ،
 تقاضہ میریاں، تقاضہ کینٹ، تقاضہ ٹاؤن شپ، تقاضہ سنٹ، بکاپل
 جانی خیل میں ڈیوٹی سراج نام دستار لیا گیا ہے۔ اور اب حرج 12/7
 2013 کو مکمل ہو کر موجودہ حکمانہ انوائسٹری شروع ہے۔ علاوہ ازیں
 سروس ریکارڈ میں Bed اور Good اینٹری دونوں لائے ہیں۔
 مذکورہ الزام علیہ آفس کے بابت پٹواری صلح زاید ضلع وزیر سے
 قریبی رپورٹ حاصل کی جو مذکورہ کے نام کوئی زرعی جائیداد نہیں ہے۔
 ایسی طرح نیشنل ہیک آف پاکستان نیوں میں اکاؤنٹ نمبر 01010-7
 موجود ہے۔ جو تنخواہ کیلئے کھولا گیا ہے۔ اور اس میں 293 روپے
 بلیکس موجود ہے۔ الزام علیہ کے بارے میں صفحہ ذراغ اینٹری
 جس پر اس کے سے صلحات کی جائے گی تاکہ اس کے ساتھ ساتھ
 اینٹریوں پر مختلف تقاضہ جات، چھٹ و سٹ و اینٹریوں پر
 اکاؤنٹ لیا گیا ہے جو اس کے ساتھ ساتھ چھٹ و سٹ اور چھٹواری
 میں لگتی تھی۔ اس دوران نان کڈ پڈ سٹیکوں میں سے
 روپے میں اس نام سے جس نے اپنی سٹیک کے دوران
 سٹیکوں سے سراج و سٹیک سے سراج و سٹیک

Atta
 [Signature]

صفحہ 12
تاریخ 20/12/2013
مقام لاہور

(3)

مقدماتی طور پر یہ عرض کرنا چاہتا ہوں کہ (MARTAR) سے متعلقہ سہولتوں کی فراہمی کے لیے
 میں نے اپنی تمام صلاحیتوں کو بروئے کار لایا ہے اور اس کے لیے تمام ممکنہ اقدامات اٹھائے ہیں۔
 تاہم اس سہولت کی فراہمی کے لیے اس وقت تک کوئی فیصلہ نہیں ہو سکا ہے۔ اس لیے اس سہولت
 کی فراہمی کے لیے اس وقت تک کوئی فیصلہ نہیں ہو سکا ہے۔ اس لیے اس سہولت کی فراہمی کے لیے
 اس وقت تک کوئی فیصلہ نہیں ہو سکا ہے۔ اس لیے اس سہولت کی فراہمی کے لیے اس وقت تک کوئی
 فیصلہ نہیں ہو سکا ہے۔ اس لیے اس سہولت کی فراہمی کے لیے اس وقت تک کوئی فیصلہ نہیں ہو سکا ہے۔

سید نعت شاہ
 انکوائری آفیسر
 25/12/2013

Atiqur
 [Signature]



(14) ANNEX F

**OFFICE OF THE
DISTRICT POLICE OFFICER,
BANNU.**

Phone No: 0928-9270 038

Fax No: 0928-9270045


O/B No. 1657 /EC

Dated 31.12.2013

To: **Constable Siraj Khan No.1833 of District Bannu Police.**

ORDER

1. You, Constable Siraj Khan No.1833 were charged for the misconduct communicated to you during departmental proceedings, the gist of which is that you had a tainted reputation and remained involved in anti social activities. Accordingly proper departmental enquiry was conducted to find out facts.
2. Mr. liaqat Shah DSP Naurang District Lakki was appointed as Enquiry Officer who has submitted his findings wherein the charges leveled against you have been proved.
3. You were called in the orderly room on 30.12.2013 and were heard in person. You had nothing substantial in your defense. I, Mohammad Iqbal, DPO Bannu, as competent authority under Police Rules (amended vide NWFP gazette, 27 January 1976) have come to the conclusion that charges leveled against you are proved beyond any doubt and that your retention in police service would be harmful for the force. I have, therefore, decided to impose major penalty of dismissal from service upon you. This order will take effect immediately.


District Police Officer,
Bannu.


40

(15) ANNEX-G

To,

The Regional Police Officer,
Bannu.

Subject: REPRESENTATION AGAINST THE ORDER OF DISTRICT POLICE OFFICER BANNU VIDE OB NO. 1457 DATED 31/12/13 VIDE WHICH THE PETITIONER WAS DISMISS FROM SERVICE.

Respected Sir,

With reference to order of DPO Bannu bearing No. 1457 dated 31/12/13, the petitioner prayed as under:-

1. That it is the basic principal of inquiry proceeding that whenever capital punishment is to be inflicted upon any official/officer, then proper departmental inquiry will be conducted into the matter against the defaulting officer/official but in my case after receipt of reply to the show cause notice the inquiry officer has submitted his finding declaring me as guilty of the charges which is not only against the spirit of inquiry but natural justice.
2. That earlier the fact and figures vide which charge sheet based upon statement of allegation was given to the petitioner then detail reply to the charge sheet was given which was based upon solid proof and supported material, but the inquiry officer without distinguishing my raised points submitted his finding recommending me for minor penalty. The dictas laid down by Honorable Supreme court of Pakistan as well as service tribunal that no official/officer should be condemned for capital punishment without solid proof/evidence.
3. That, earlier while giving reply to the charge sheet I have replied in detailed however the points in response to the charge sheet are mentioned below in detail whereas the earlier points in reply to the charge sheet were in brief
4. The petitioner recruited in police deptt: as constable in the year 2007 and after undergoing basic training in the training institution, reported back in the District for performance of duty. The petitioner has been assigned the duties in various police stations which was discharge efficiently.
5. 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

Attorney
to

performed the duty has made no complaint what so ever against the petitioner and was happy for the performance of duty. The driver is concerned only with the driving of the vehicle and has got no concerned with other relations of public.

6. That throughout my service since 2007, the petitioner has 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 or transportation of NCP vehicles.
7. The allegation leveled in the subject Charge Sheet is not based upon facts because the petitioner has not been counseled by the authority in light of the contents of the above allegations. According to service laws whenever no proof is available against any officer/official on the subject of corruption or any other anti-social activities then the official/officer is directed by the authority for reformation or removing the short coming or the same is communicated to the officer/official in shape of adverse remarks in the ACR but in my case no such adverse remarks has been communicated to me in shape of ACR or advice, which suggest that the allegations mention in the above letter is not substantiated by cogent evidence.
8. According to the dicta of Supreme court of Pakistan as well as service tribunal and the constitution of Islamic republic of Pakistan 1973 no official/officer should be condemned without solid reasons / proof of any allegation and in the case of any allegation against the spirit of police rules/service laws, the official/officer will be suspended when there is some clue leading towards the allegations but in the case of petitioner no complaint what so ever has been made against the petitioner nor any kind of tinted allegation has been refereed in the charge sheet. The general allegations without proof is nothing but amounts the harassment of the official.
9. That the allegations in the charge sheet are not governed by any cogent/solid proof and no official/officer can be entangle with such like allegations without substantive proof.
10. That only on the basis of receipt of reply to the charge sheet was made the inquiry proceeding which is not called inquiry rather the same suggest that the authority has already decided to dismissed me from the service whatever the result of the inquiry may be. In the inquiry statements of all those persons were recorded in presence of the defaulting official who are supporting the charges of charge sheet but in my case no such

Atiqul
[Signature]

statement has been recorded and Omni bus order has been passed by the DPO on the illegal inquiry of the inquiry officer.

- 11. That the finding of the inquiry officer clearly suggest that he has decided to declare me as guilty of the charges by hook and crook because the reasons advanced in the inquiry proceedings and the charges leveled in the charge sheet are quite different. The law of the land and rules prescribed that when ever enquiry officer is inquiring into the matter he should to confront the defaulting officer with specific allegation whereas in my case general allegations has been leveled against me and specific instant has been quoted in the inquiry.
- 12. That on receipt of the finding of inquiry officer the DPO without appreciating the material of inquiry passed an order of dismissal without giving any reasons. According to the dictas of Supreme Court of Pakistan as well as Service tribunals the order for awarding the capital punishment must be based upon solid and cogent reasons. The order must be in a nature to rebut the contention of the defaulting officer with solid proof but the DPO only passed two lines order of dismissal which is alien of the books of law.
- 13. That in the inquiry proceedings proper opportunity will be provided to the defaulting official for cross examination upon the PWs to un-earth the real facts and in my case as evident from the inquiry officer no charge has been proved against me. Furthermore, the inquiry officer has not brought on record any such fact vide which I have approached for posting place or I have been found involved in any smuggling of N.C.P vehicle. I have discharged my function co-heartedly , scarifying my life in performance of front line duty. The DPO has not considered the material of inquiry proceedings and passed the order of dismissal against the spirit of law and justice.
- 14. The petitioner is the only bread earner of the family and such like defamation will certainly discourage myself as well as other police officials in performance of duty specially in the situation facing by the police in now a days.

In light of the above facts and circumstances, it is requested that the order of DPO bearing OB No. 1454 dated 31/12/13 may kindly be set-aside and I may be reinstated to the service from the date of suspension. I will pray for your long life and good health.

A. Usman
to

Yours Obediently
Siraj Khan
Siraj Khan
FC No. 1833

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No. 503 /2014

Siraj Khan

.... Applicant

Versus

Provincial Police Officer and others

.... Respondents

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

RESPECTFULLY SHEWETH,

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

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

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

Applicant

Through

IJAZ ANWAR

And

SAJID AMEEN

Advocates, Peshawar.

AFFIDAVIT:-

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

DEPONENT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No. 503/2014

Siraj Khan

.... Applicant

Versus

Provincial Police Officer and others

.... Respondents

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

RESPECTFULLY SHEWETH,

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

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

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

Applicant

Through

IJAZ ANWAR

And

SAJID AMEEN

Advocates, Peshawar.

AFFIDAVIT:-

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

DEPONENT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No. SBZ/2014

Siraj Khan

.... Applicant

Versus

Provincial Police Officer and others

.... Respondents

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

RESPECTFULLY SHEWETH,

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

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

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

Applicant

Through

IJAZ ANWAR

And

SAJID AMEEN

Advocates, Peshawar.

AFFIDAVIT:-

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

DEPONENT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No. _____/2014

Siraj Khan

.... Applicant

Versus

Provincial Police Officer and others

.... Respondents

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

RESPECTFULLY SHEWETH,

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

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

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

Applicant

Through

IJAZ ANWAR

And

SAJID AMEEN

Advocates, Peshawar.

AFFIDAVIT:-

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

DEPONENT

POLICE DEPARTMENT.

(18) ADINA H
BANNU REGION.

ORDER

My this order will dispose of departmental appeal preferred by Ex: FC Siraj No. 1833 of Operation Staff, Bannu against the order of Major Punishment of dismissal from service by DPO/Bannu vide Order No. 1457 dated 31-12-2013 for committing of the following omissions:-

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

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

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

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

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

No. 629-20 /EC, dated Bannu the 10 / 03 /2014.

Copy to:-

1. The District Police Officer, Bannu along with service record containing departmental proceeding file for information and necessary action w/r to his office memo: No. 814 dated 28-01-2014.
Ex: FC Siraj No. 1833.

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

Ali Khan
AD

POWER OF ATTORNEY

In the Court of HRK Service Tribunal Peshawar

Siraj Khan

} For
} Plaintiff
} Appellant
} Petitioner
} Complainant

VERSUS

P.P.O and others

} Defendant
} Respondent
} Accused
}

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

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

IJAZ ANWAR ADVOCATE, SUPREME COURT OF PAKISTAN


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

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

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

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

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


SAJID AMIN
ADVOCATE HIGH COURT
Legal Adviser Services & Labour Laws Consultants
FR-3-4, Fourth Floor, Bilour Plaza Peshawar Cantt.
Ph: 091-5272054, Mob: 0333-4584986, 03339155956


Ijaz Anwar
Advocate High Courts & Supreme Court of Pakistan

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

2000
10/10/00

10/10/00

10/10/00

10/10/00



ADVOCATE HIGH COURT
LEGAL AID SERVICES & LEGAL AID COMMISSION
10/10/00

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No. _____/2014

Siraj Khan

.... Applicant

Versus

Provincial Police Officer and others

.... Respondents

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

RESPECTFULLY SHEWETH,

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

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

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



Applicant

Through



IJAZ ANWAR

And

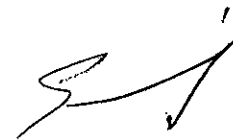


SAJID AMEEN

Advocates, Peshawar.

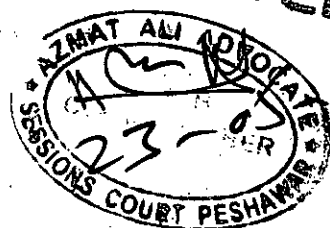
AFFIDAVIT:-

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



DEPONENT

ATTESTED



BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUN KHWA PESHAWAR
Appeal No. 503/2014.

Siraj Khan S/O Taj Ali Khan, EX-Constable No.1833, District Police Bannu. (Appellant)

VERSUS

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

PARA WISE COMMENTS BY THE RESPONDENTS No.1, 2 & 3.

Respectfully Sheweth:

PRELIMINARY OBJECTIONS:

- 1) That the appeal of appellant is time-barred.
- 2) That the order of respondent No.1 is very much legal.
- 3) That the appeal is not maintainable in its present form.
- 4) That the appellant has concealed the material facts from the Honorable Tribunal.
- 5) That the appeal is bad in law due to non-joinder and mis-joinder of necessary parties.
- 6) That the appellant has approached the Honourable Tribunal with unclean hands.
- 7) That the appellant has got no cause of action and locus standi to file the instant appeal.
- 8) 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 duty as routine and never showed any exceptional performance. He was found involved in anti social activities and never arrested any hardened militant in high profile case.
3. Incorrect. After verification through various sources, appellant and other officials were found involved in anti social activities he was suspended and dealt departmentally under Police Rules 1975.
4. Incorrect. Well founded charge-sheet based on statement of allegations was issued to appellant followed by departmental inquiry.
5. Incorrect. The reply of appellant was examined in the light of allegations and found baseless and unsatisfactory.
6. Incorrect. Impartial inquiry was conducted. All the opportunities of defense/hearing were provided to the

- appellant in accordance with law/rules. Inquiry report is annexure "A" ~~8000~~.
7. Final show-cause notice is not mandatory under Police Rules 1975. However opportunities of hearing/defense were afforded to appellant before passing of dismissal order.
 8. Departmental appeal of appellant was found baseless and unsatisfactory and rightly rejected.
 9. Incorrect. The orders of respondents are lawful, based on facts and justified under the law/rules.


OBJECTIONS ON GROUNDS.

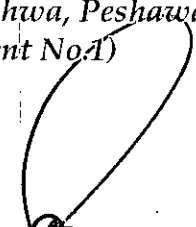
- A. Incorrect. The appellant has been treated under Police Rules 1975 and no rights of appellant has been violated by the respondents.
- B. Incorrect. Proper inquiry under the prevailing Rules was conducted through inquiry officer wherein the charges/allegations leveled were established against the appellant and appropriate punishment was given to him after providing all the opportunities of hearing/defense.
- C. Incorrect. After verification of charges through Agencies, the appellant was given charge sheet based on statement of allegations under Police Rules 1975.
- D. Incorrect. The appellant was heard in orderly room dated 30.12.2013 but he had nothing substantial in his defense.
- E. Incorrect. The charges have been proved from the inquiry report as well as from verification through secret Agencies.
- F. Incorrect. The charges were proved from the regular inquiry conducted by DSP Naurang Lakki Marwat and all the opportunities of hearing/defense etc were provided to the appellant.
- G. Incorrect. Charge-sheet based on statement of allegations were issued to the appellant. Issuance of final show-cause notice is not mandatory under the Police rules 1975.
- H. Incorrect. Regular inquiry under the prevailing rules was conducted and in the light of findings report and involvement of appellant in transporting/dealing of non custom paid vehicle as evident from the inquiry finding report as annexure "A".
- I. Incorrect. Misconduct on the part of appellant has been proved from various sources/inquiry.
- J. Incorrect. All the codal formalities were observed during the course of departmental inquiry.
- K. Incorrect. During the short period of service the appellant was found involved in smuggling/transporting of non custom paid vehicle.
- L. Incorrect. The inquiry was conducted under Police Rules 1975 wherein the allegations were established against the appellant and all the opportunities of hearing/defense were provided to him.
- M. No comments.

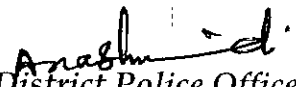
- N. Incorrect. The dismissal order was passed in accordance with facts on record and rules.
- O. That respondents may seek permission of the Honorable Tribunal to rely on additional grounds at the time of hearing of appeal.

Prayer:

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


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


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


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

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUN KHWA PESHAWAR
Appeal No. 503/2014.


Siraj Khan S/O Taj Ali Khan, EX-Constable No.1833, District Police Bannu. (Appellant)

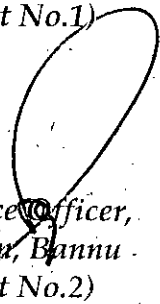
VERSUS


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

COUNTER AFFIDAVIT

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


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. 503/2014.

Siraj Khan S/O Taj Ali Khan, EX-Constable No.1833, District Police Bannu. (Appellant)

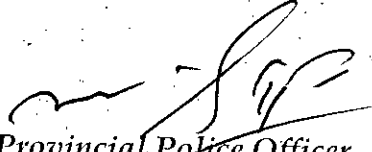
VERSUS

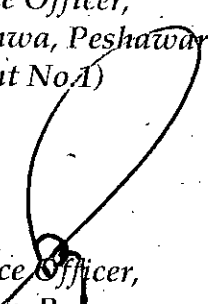
- 1) Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
- 2) Regional Police Officer Bannu Region, Bannu
- 3) District Police Officer Bannu (Respondents)


AUTHORITY LETTER.

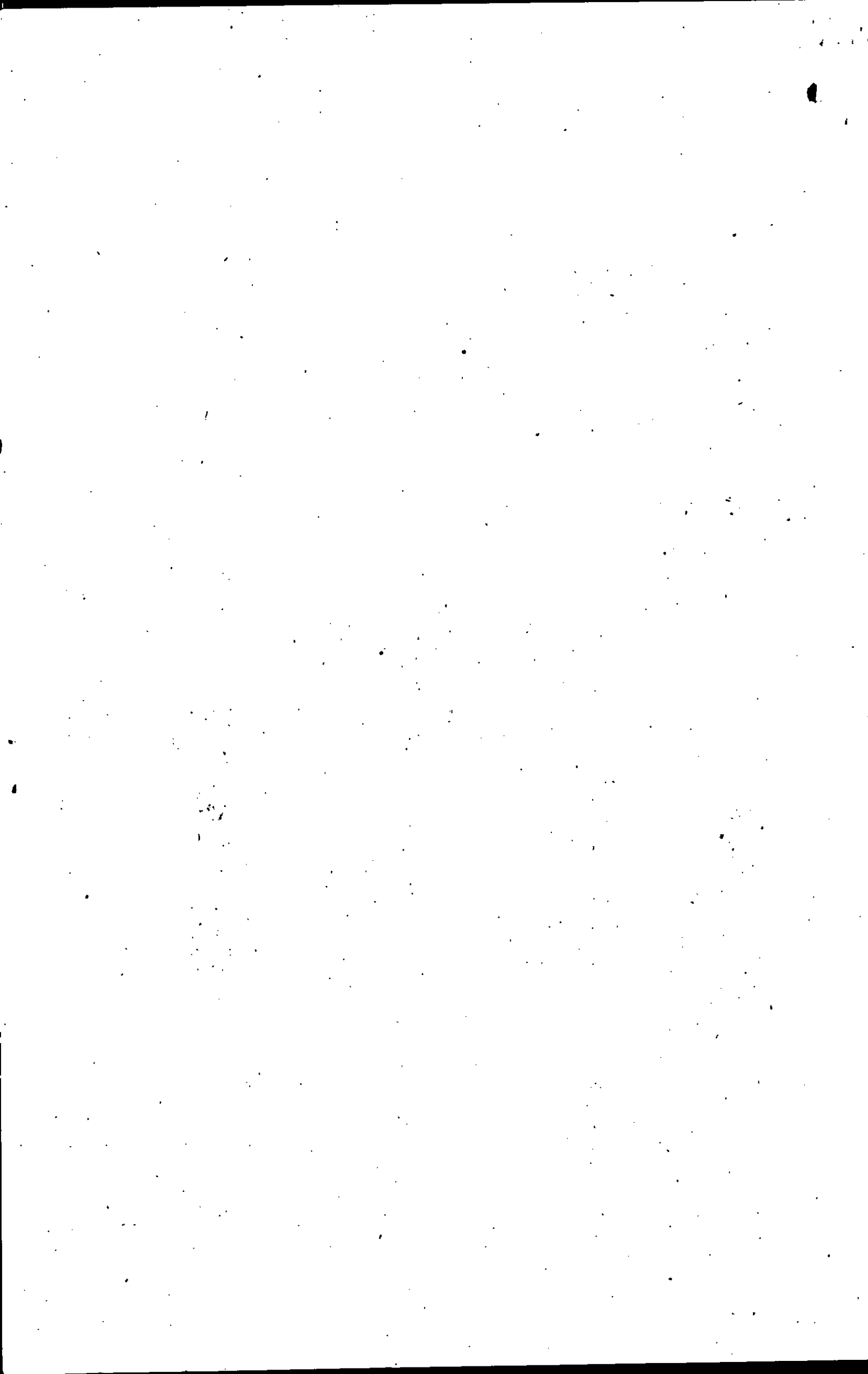
Mr. Mir Faraz Khan Inspector Legal Bannu is hereby authorized to appear before The Service Tribunal Khyber Pakhtun Khwa Peshawar on behalf of the undersigned in the above cited case.

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


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


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


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



Annexure A

Annexure E

از دفتر DSP سرکل ٹورنٹ انٹراکٹیو آفس

تاریخ - 12/2013

جناب عالی! حوالہ مشورہ چارج شیٹ سمری آف الیشن 66870/ SRC
 مورخہ 06/12/2013 چارج DP ہمارے بنوں ٹرانسپیل سراج نمبر 1833
 کا خلاف الزام عائد کیا ہے۔ یہ انکی سماج دشمن عناصر
 سے روابط ہے، جو غیر قانونی اور خلاف ڈیپان ہے اور حکم
 پر ہی کیلئے بدنامی کا باعث ہے، چارج شیٹ سمری آف الیشن
 میں من DSP سرکل ٹورنٹ کو انٹراکٹیو آفس مقرر کرنے اور پکیشن
 یوم میں فائل رپورٹ مرتبہ کرنے کے احکامات صادر کئے گئے ہیں۔
 الزام علیہ آفس نے چارج شیٹ سمری آف الیشن وصول کردہ
 پر اپنا جواب تین صفحات پر مشتمل معرہ معارف میں حوالہ کیا
 جس میں مذکورہ نے آٹھ خلاف لکھائے گئے الزامات کی
 تردید کی اور خود کو بے گناہ اور بے قصور بتلایا ہے۔
 دوران انٹراکٹیو میں ٹوایان بشمول الزام علیہ آفس دفتر خود
 ملک کے حکم ظاہر کئے گئے جس کے بنائے موجودگی الزام علیہ
 آفس تسلیم کر کے الزام علیہ کو ٹوایان پر صرح کرتے
 اور اپنا دفاع کرنے کا بھی پورا پورا حق، اختیار بھی
 دیا گیا ہے۔

① گل محمد OASE دفتر ٹورنٹ بنوں

② سراج سمنٹ سٹیٹ بنوں

3) گائیڈ سراج 1833 کوئی لائن ہوں

بسطاویں ریکارڈنگ سراج الیٹم علیہ صرح 06/09 کو فیکٹوری
ہوں میں لیکچر گائیڈ بھرتی ہوا۔ فرض 08/04 کو ریکورڈ کوئیں

مکمل کی اور فرض 08/05 کو کوئیں لائن ہوں، QRF ریکورڈ

تفانہ پیریاں، تفانہ کینٹ، تفانہ ٹاؤن ٹیپ، تفانہ کینٹ، لیکچر
جانی خیل میں ڈیوٹی سر ایف ایم دیار رہا ہے۔ اور اب فرض 12/7
2013

کو جعلی ہو کر وجودہ قلمخانہ انٹرنیٹ شروع ہے۔ علاوہ انہیں
سروس ریکارڈ میں Bed اور Good انٹرنیٹ دونوں کے

مذکورہ الزام علیہ آفس کے بہت بڑی صلح زاید ضامن وزیر ہے
کوئی ریکورڈ جعلی کی جو مذکورہ کے نام کوئی زرعی جائیداد میں ہے

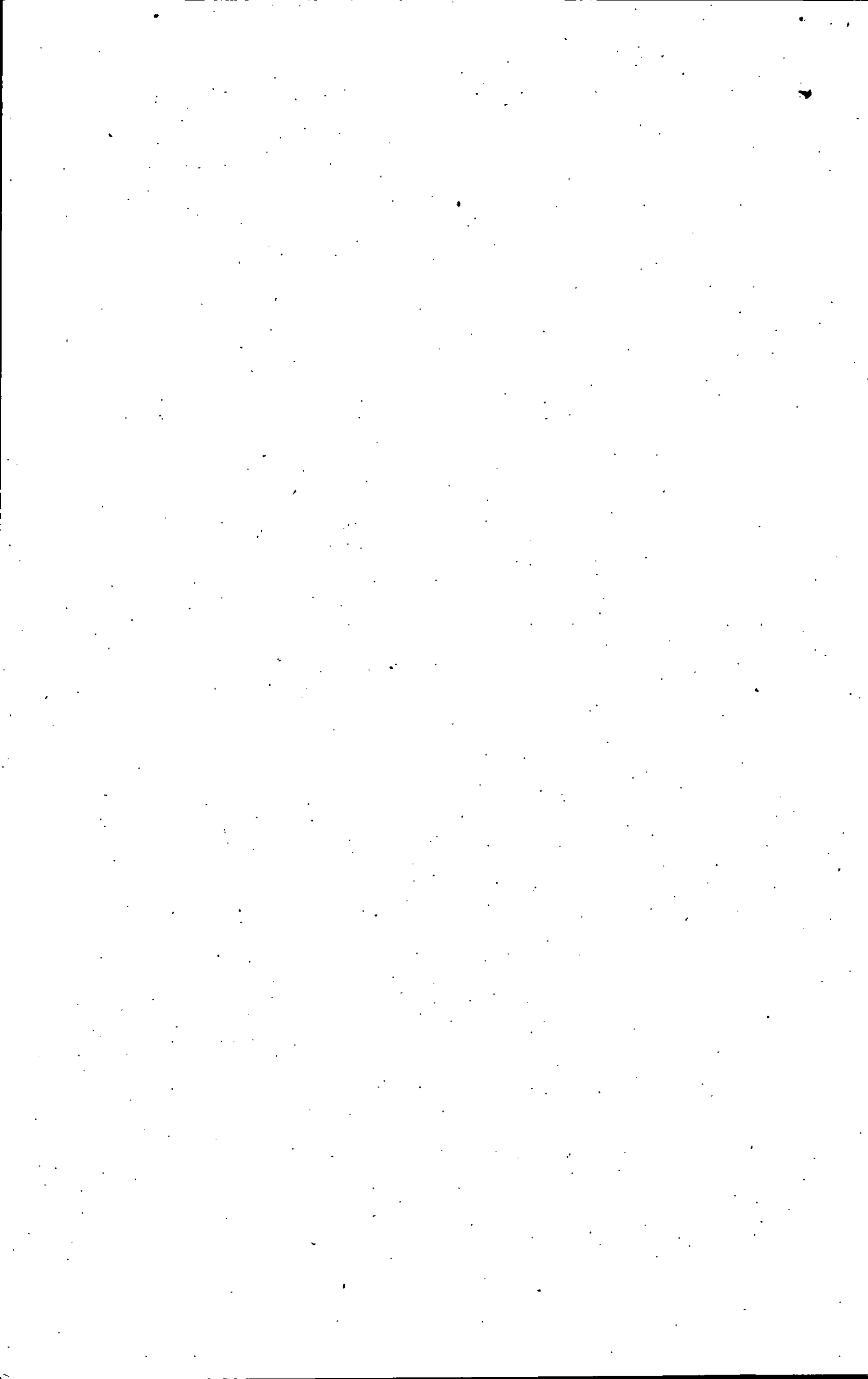
اسی طرح نیشنل بینک آف پاکستان ہوں میں اکاؤنٹ نمبر 7-1015
موجود ہے۔ جو خواہ کیلئے کھولا گیا ہے۔ اور اس میں 293 روپے

بلنس موجود ہے۔ الزام علیہ آفس کے نام میں قلمخانہ انٹرنیٹ
جنس ایجنسی کے صلحت کی جائیداد لیا گیا ہے۔ اور اس میں

بیلوون پیر 30000 تفانہ جات ہے۔ یہ پیر 30000 اور اس میں
گورنر آ رہا ہے جو گورنر آ کے ساتھ ساتھ گورنر آ اور

میں کینٹ کے دونوں نام کے پیر 30000 کے صلحت میں
رکھنے میں اس نام ہے جس کے اپنے پیر 30000 کے

سے گورنر آ کے صلحت میں پیر 30000 کے صلحت میں
P.T.6



BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

In the matter of
Appeal No.503/2014

Siraj Khan Ex. Constable No. 1833, District Police Bannu.
(Appellant)

VERSUS

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

REJOINDER ON BEHALF OF THE APPELLANT

Respectfully submitted:

ON PRELIMINARY OBJECTIONS:

1. Contents incorrect and misleading, the instant appeal has been filed well within the prescribed period of limitation.
2. Contents incorrect and misleading the impugned order is illegal unlawful against the law and facts and is issued in violation of the well settled principles of natural justice.
3. Contents incorrect and misleading, the appeal being filed well in accordance with the prescribed rules and procedure hence maintainable in its present form.
4. Contents incorrect and misleading all necessary facts are brought before this honouralbe Tribunal and nothing has been concealed from the honouralbe Tribunal.
5. Contents incorrect and misleading all necessary parties are arrayed in the instant appeal.

6. Contents incorrect and misleading the appellant has come to the court with clean hands.
7. Contents incorrect and misleading, the appellant has illegally been awarded the penalty of Dismissal from service hence he has got the necessary cause action to file the instant appeal.
8. Contents in correct and misleading no rule of esstople is applicable in the instant case.

ON FACTS

1. Contents need no reply, however, contents of Para-1 of the appeal are true and correct.
2. Contents of Para-2 of the appeal are correct, the reply submitted to the Para- is incorrect and misleading.
3. Contents of Para-3 of the appeal are correct, the reply submitted to the Para- is incorrect and misleading.
4. Contents of Para-4 of the appeal are correct, the reply submitted to the Para- is incorrect and misleading.
5. Contents of Para-5 of the appeal are correct, the reply submitted to the Para- is incorrect and misleading.
6. Contents of Para-6 of the appeal are correct, the reply submitted to the Para- is incorrect and misleading.
7. Contents of Para-7 of the appeal are correct, the reply submitted to the Para- is incorrect and misleading.
8. Contents of Para-8 of the appeal are correct, the reply submitted to the Para- is incorrect and misleading.
9. Contents of Para-9 of the appeal are correct, the reply submitted to the Para- is incorrect and misleading.

GROUND

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

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



Appellant

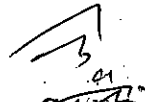
Through



IJAZ ANWAR

Advocate, Peshawar.

&



SAJID AMIN

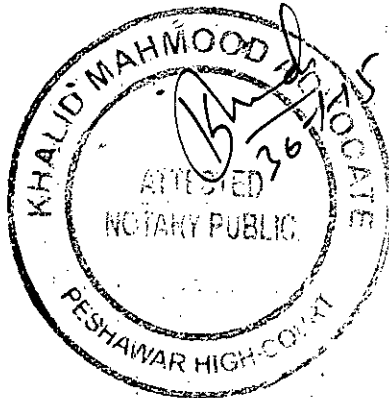
Advocate, Peshawar.

AFFIDAVIT

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



Deponent



P-11B

d. That he failed to consult/discuss the case mutually with Mohammad Noor SHO and Javed Iqbal ASI before appearing for evidence in the court and as a result of which major Contradictions were seen b/w. the evidence of SHO Mohammad Noor & ASI Javed Iqbal and this was also a main factor/ground for the acquittal of the accused.

The copy of the charge sheet and statements of allegations are annexure "B"

3. The Inquiry committee consisting of DSP Elite Force and DSP Naurang conducted the enquiry and submitted the findings. On the basis of findings the petitioner was served upon with show cause notice. The copy of the findings and show cause notice are annexure "C".

4. On the basis of the findings of the enquiry committee the petitioner was awarded the major punishment of reduction to his substantive rank of Sub Inspector. The copy of the order is annexure "D".

Advocate

GROUND FOR APPEAL:-

i. The Enquiry committee has conducted the enquiry surfacely without touching the other major grounds for acquittal. The major reasons/causes of acquittal are as under which have been ignored/omitted during the enquiry process.

"After hearing arguments of the learned P.P and defense counsel and pursuing the record, I am of the view that the recovery of explosive and hand grenades has not been made from the direct personal possession of the accused and neither from his house. In those days, it is admitted position that the school was under the supervision of Farakh Zad and the accused facing trial has got no concerned with it. There is no independent witness of the occurrence in-spite of the fact that peoples were present nearby the spot. All the PWs are police officials and their statements alone can not be relied upon".

The above paragraph of the court judgment relates to the