

THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 16408/2020

Date of Institution ... 10.12.2020

Date of Decision ... 02.02.2022



Haji Muhammad S/O Muhammad Noshad, R/O Ghalader Koroona, Nowshera,
Sub-Inspector Police Station Hayatabad Peshawar.

(Appellant)

VERSUS

Additional Inspector General of Police, HQRs, Khyber Pakhtunkhwa Peshawar and
others. (Respondents)

Arbab Saiful Kamal,
Advocate

For Appellant


Muhammad Adeel Butt,
Additional Advocate General

For respondents

AHMAD SULTAN TAREEN
ATIQU-UR-REHMAN WAZIR

CHAIRMAN
MEMBER (EXECUTIVE)

ATTESTED


CHAIRMAN
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

JUDGMENT

ATIQU-UR-REHMAN WAZIR MEMBER (E):-

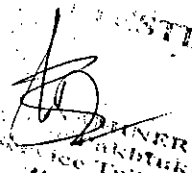
Brief facts of the

case are that the appellant, while posted as SHO of a police station, was proceeded against on the charges of misconduct and was ultimately awarded with major punishment of compulsory retirement from service vide order dated 09-03-2020, against which the appellant filed departmental appeal dated 26-03-2020, which was accepted vide order dated 03-06-2020 to the extent of conversion of major punishment of compulsory retirement into major penalty of reduction in rank from the substantive rank of Sub-Inspector to his substantive rank of ASI. The appellant filed revision petition dated 09-06-2020, which was accepted vide order dated 12-11-2020 to the extent of conversion of reduction in rank into time scale for three years, hence the instant service appeal with prayers that the

impugned order dated 12-11-2020 may be set aside and the appellant may be restored to his original rank of sub-inspector and the penalty of time scale may be set aside and the appellant may be held entitled to all back benefits.

02. Learned counsel for the appellant has contended that the appellant has not been treated in accordance with law, hence his rights secured under the Constitution has badly been violated; that the impugned orders are against law, facts and norms of natural justice, therefore not tenable and liable to be set aside; that the inquiry was not conducted as per mandate of law as no statement of any concerned was recorded in presence of the appellant nor the appellant was afforded opportunity to cross-examine such witnesses; that the appellant being SHO Operation had no concern with the investigation, but he in his own capacity had performed well by arresting the proclaimed offenders; that the allegation so leveled are general in nature, which however, were not proved by the inquiry officer; that the appellant had strong reservations against the inquiry officer and to this effect, had submitted written appeal before the authority to change the inquiry officer, but the inquiry officer was not changed and the one who conducted inquiry was biased, hence submitted a biased report; that all the proceedings were conducted in one day i.e. 09-03-2020, which is beyond understanding of the appellant; that the appellant was due for promotion to the post of inspector but was deprived of his due right due to the case in hand; that conversion of penalty would impliedly means that the penalty so awarded was not in consonance with law.

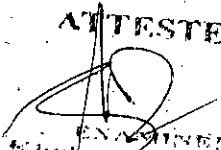
03. Learned Additional Advocate General for the respondents has contended that during his tenure as SHO, the appellant reportedly received illegal gratification and provided un-necessary help to most notorious proclaimed offenders namely Yousaf Amir, who was involved in number of heinous crimes; that the appellant was proceeded against on the same charges and proper inquiry to this effect was conducted; that during the inquiry proceedings the charges

TESTE

 JUNIOR
 Sub-Inspector
 Police Tribunal
 Islamabad

levelled against him proved, hence the appellant was awarded with major punishment of compulsory retirement from service vide order dated 09-03-2020; that such penalty was converted into another major penalty of reduction in rank by the appellate authority vide order dated 03-06-2020; that the revision granting authority further decreased the punishment into time scale for three years; that the appellant has been treated in accordance with law and was rightly penalized, hence his instant appeal being devoid of merit may be rejected.

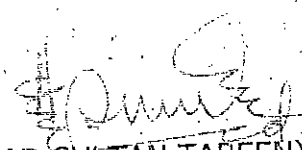
04. We have heard learned counsel for the parties and have perused the record.


05. Record reveals that the appellant during his tenure as SHO, arrested a proclaimed offender namely Yousaf Amir vide Roznamcha dated 14-01-2020, whereas the appellant was served with charge sheet/statement of allegation dated 20-01-2020 containing the allegation of receipt of illegal gratification and providing un-necessary help to the said proclaimed offender, who was already arrested by the appellant on 14-01-2020. Placed on record is an inquiry report conducted against the appellant, which would show that the inquiry officer did not touch the allegations leveled against the appellant, rather commented on the arrest of the proclaimed offender, which according to him was a planned arrest. The inquiry officer failed to establish the charges leveled against him, despite he was recommended for appropriate punishment. The inquiry officer did not bother to record statement of witnesses to show that the appellant had received some illegal gratification or to establish his connections with the proclaimed offender. Main task of the inquiry officer was to prove such allegations with solid evidence, but the inquiry officer badly failed to prove such allegations, hence the inquiry officer preferred to punish the appellant only based on presumptions; facts however, had to be proved and not presumed. Reliance is placed on 2002 P L C (CS) 503 and 2008 S C M R 1369.

ATTESTED

 JUDGE
 Service Tribunal
 Islamabad

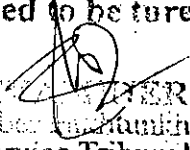
06. We have observed that the punishment of compulsory retirement was converted into reduction in time scale for a period of three years, but such penalty is not available in Police Rules, 1975 (amended 2014), hence the appellant was awarded with wrong penalty, which is illegal and on this score alone, the impugned order is liable to be set aside. The appellate board has also noticed that the penalty so awarded is harsh and the appellant was recommended for penalty of reduction in time scale, which penalty however in neither available in minor punishment nor in major punishment in Police Rules, 1975. We are of the considered opinion that neither any charge was established against the appellant nor the appellant was treated in accordance with law, hence we are inclined to accept the instant appeal. The impugned orders including the penalty of reduction in time scale for three years are set aside and the appellant is restored to his original rank with all back benefits. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED
02.02.2022


(AHMAD SULTAN TAREEN)
CHAIRMAN


(ATIQ-UR-REHMAN WAZIR)
MEMBER (E)

Certified to be true copy


Atiq-ur-Rehman Wazir
Service Tribunal,
Peshawar

Date of Presentation of Application 20/4/22
 Number of Pages 1600
 Copying Fee 10/-
 Urgent 4/5
 Total 22/-
 Date of Completion of Copy 20/4/22
 Date of Delivery of Copy 20/4/22

4th July, 2022

Learned counsel for the petitioner present. Mr. Muhammad Adeel Butt, Addl: AG for respondents present.

Learned Addl: AG seeks time to contact the respondents for submission of implementation report. Respondents are directed to submit proper implementation report on the next date positively. To come up for implementation report on 14.07.2022 before S.B.



(Kalim Arshad Khan)
Chairman

14.07.2022

Petitioner in person present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

02. The department produced copy of office order dated 13.07.2022 whereby the Service Tribunal judgement dated 02.02.2022 has conditionally been implemented subject to the outcome of CPLA pending before the august Supreme Court of Pakistan. Copy of the said office order handed over to the petitioner who stated at the bar that he felt satisfied with the implementation. As such the execution petition stands implemented. Consign.

03. *Pronounced in open court at Peshawar and given under my hands and seal of the Tribunal this 14th of July, 2022.*






(MIAN MUHAMMAD)
MEMBER (EXECUTIVE)

Form- A
FORM OF ORDER SHEET

Court of _____


Execution Petition No. 234/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	18.04.2022	<p>The execution petition of Haji Muhammad submitted today by Mr. Sajjad Ahmed Mehsud Advocate may be entered in the relevant register and put up to the Court for proper order please.</p> <p> REGISTRAR</p>
2-		<p>This execution petition be put up before to Single Bench at Peshawar on <u>03-06-2022</u>. Original file be requisitioned. Notices to the appellant and his counsel be also issued for the date fixed.</p> <p> CHAIRMAN</p>
	2 nd June, 2022	<p>Counsel for the petitioner present. Mr. Muhammad Riaz Khan Panidakhel, Assistant Advocate General for respondents present.</p> <p>Notices be issued to the respondents for submission of implementation report. To come up for implementation report on 04.07.2022 before S.B. Original file also be requisitioned.</p> <p> (Kalim Arshad Khan) Chairman</p>

ORDER

In compliance of judgment dated 02.02.2022 passed in Service Appeal No. 16108/2020 and directions of CPO vide Memo: No. 3311/Legal, dated 13.07.2022, the impugned orders including the penalty of reduction in time scale for three years are set aside and appellant SI Haji Muhammad is hereby restored to his original rank with all back benefits conditionally and provisionally subject to outcome of CPLA pending in the Apex Court.

OB No 669Dated 13.07./2022.


MUHAMMAD SHOAIB KHAN (PSP)
District Police Officer
Swabi.

No. 5767-75/EC, dated Swabi the 13/07/2022


Copy of above is forwarded for information to the:

1. Inspector General of Police, Khyber Pakhtunkhwa Peshawar w/r to above, please.
2. Regional Police Officer, Mardan.
3. Registrar, Khyber Pakhtunkhwa, Services Tribunal, Peshawar.
4. District Police Officer, Nowshera for necessary entry in Service Record.
5. District Account Officers, Swabi & Nowshera.
6. Lawyer for Legal Swabi.
7. Pay Officer.
8. Establishment Clerk.
9. Official concerned.

ORDER

In compliance of judgment dated 02.02.2022 passed in Service Appeal No. 16108/2020 and directions of CPO vide Memo: No. 3311/Legal, dated 13.07.2022, the impugned orders including the penalty of reduction in time scale for three years are set aside and appellant SI Haji Muhammad is hereby restored to his original rank with all back benefits conditionally and provisionally subject to outcome of CPLA pending in the Apex Court.

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3. Registrar, Khyber Pakhtunkhwa, Services Tribunal, Peshawar.
4. District Police Officer, Nowshera for necessary entry in Service Record.
5. District Account Officers, Swabi & Nowshera.
6. Inspector Legal Swabi.
7. Pay Officer.
8. Band-Dispatch Clerk.
9. Official concerned.

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

IMPLEMENTATION PETITION NO. ²³⁴ /2022
IN
SERVICE APPEAL NO.16408/2020

Haji Muhammad

VERSUS

Additional Inspector General of Police & Others

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S.NO.	DOCUMENTS	ANNEXURE	PAGE NO
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2.	Copy of National Identity Card along with service card	"A"	
3.	Copy of judgment dated: 02.02.2022 of this Hon'ble Tribunal	"B"	5-8
4.	Copy of Service Appeal	"C"	9-13
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Petitioner

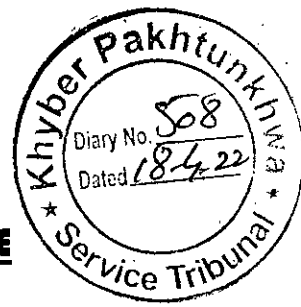
Through

Sajjad Ahmad Mehsud

Advocate

3-A, Park Avenue, Bhattani
Plaza, University town,
Peshawar

Dated: 18.04.2022



BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

IMPLEMENTATION PETITION NO. ²³⁴_____/2022
IN
SERVICE APPEAL NO.16408/2020

Haji Muhammad
S/o Muhammad Noshad,
R/O, Ghalader Koroona, Nowshera.....**Petitioner/Appellant**

VERSUS

1. The Additional Inspector General of Police, HQRs,
Khyber Pakhtunkhwa, Peshawar.
2. The Provincial Police Officer, Khyber Pakhtunkhwa,
Peshawar.
3. The Regional Police Officer, Mardan.
4. The District Police Officer, Sawabi.....**Respondents**

**PETITION FOR IMPLEMENTATION OF JUDGMENT
DATED:02.02.2022, PASSED BY THIS HON'BLE TRIBUNAL
IN SERVICE APPEAL NO.16408/2022 DATED:10.12.2020,
WHEREIN, THE PENALTY OF REDUCTION IN TIME SCALE
FOR THREE YEARS ARE SET ASIDE AND THE PETITIONER IS
RESTORED TO HIS ORIGINAL RANK WITH ALL BACK
BENEFIT, BUT THE RESPONDENTS ARE NOW RELUCTANT
FROM IMPLEMENTATION OF JUDGMENT IBID.**

RESPECTFULLY SHEWETH:

1. That applicant/petitioner/appellant approached to this
Hon'ble Court against the impugned order dated: through
service appeal No. 16408/2020 on 10.12.2020 and the
appeal has been decided by this Hon'ble Tribunal on
02.02.2022 in the favour of appellant.

**(COPIES NATIONAL IDENTITY CARD, JUDGMENT DATED: 02.02.2022 OF
THIS HON'BLE TRIBUNAL & SERVICE APPEAL IS ATTACHED AS ANNEXURE
"A", "B" & "C" RESPECTIVELY).**

2. That petitioner/appellant approached to the respondents for the implementation of judgment 02.02.2022 through representations by they shown reluctance from the implementation of the judgment ibid, in its true letter and spirit, furthermore, they were also denial from the receipt of attested copy of judgment passed by this tribunal.
3. That more than two & half month has been elapsed, but the Judgment dated: 02.02.2022 passed by this Hon'ble tribunal in service Appeal No. 16408/2020 has not been implemented so far.
4. That the respondents have no lawful authority to show reluctance from implementation of the judgment dated: 02.02.2022 of this Hon'ble Court. furthermore, they are legally bound to implement the same in letter and spirit, although, petitioner exhausted all possible efforts to implement the judgment ibid, however, all his cries fell to deaf ears, needless to add that such hostile attitude of respondents tantamount to willful contempt of court, hence liable to proceeded against.
5. That any other ground with the permission of this Hon'ble Court will be taken at the time of arguments.

It is therefore, most humbly prayed, that on the acceptance of instant implementation petition, the judgment dated: 02.02.2022 of this Hon'ble tribunal in Service appeal;16408/2020, may please be implemented in its true letter and spirit and respondents may please be penalized according to law/rules governing the subject in the best interest of justice and equity.

Any other relief not specifically prayed for and deemed appropriate, to this Hon'ble Tribunal Court in circumstances of the case, may very graciously granted to the petitioner.


Petitioner

Through


Sajjad Ahmad Mehsud
Advocate

Dated: 18.04.2022

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

IMPLEMENTATION PETITION NO. ____/2022
IN
SERVICE APPEAL NO.16408/2020

Haji Muhammad

VERSUS

Additional Inspector General of Police & Others

AFFIDAVIT

I, Haji Muhammad S/o Muhammad Noshad R/O Ghalader Koroona, Nowshera, do hereby solemnly affirm declare on oath that the contents of the accompanying implementation petition are true and correct to the best of my knowledge and belief and that nothing has been kept concealed from this Hon'ble Court.



DEPONENT:

Haji Muhammad

17201-22761841



IDENTIFIED BY

Sajjad Ahmad Mehsud
Advocate

ATTESTED



حکومت پاکستان

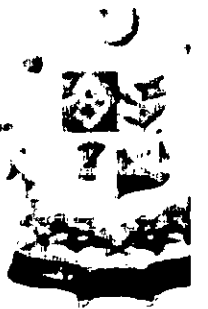
قومی شناختی کارڈ

17201-2276184-1



محمد علی

18/04/1968



پنجاب

محمد طارق احمد
18/04/1968

13888073585

شناختی نمبر: 17201-2276184-1 فاندان نمبر: S6Z6FJ

موجودہ پتہ: غلہ و صحیرہ ڈاکخانہ زندو بانڈو تحصیل و ضلع نوشہرہ

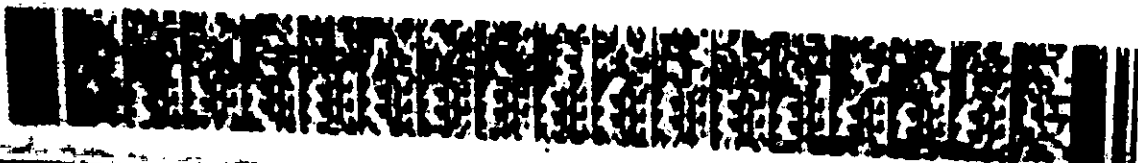
13888073585



محمد طارق احمد

تاریخ منسوخ: 05/09/2022
تاریخ اجراء: 05/09/2012

گمشدہ کارڈ کے برائے ایسی ایئر بکس میں ڈال دیں



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 16408/2020

Date of Institution ... 10.12.2020

Date of Decision ... 02.02.2022



Haji Muhammad S/O Muhammad Noshad, R/O Ghalader Koroona, Nowshera,
Sub-Inspector Police Station Hayatabad Peshawar.

(Appellant)

VERSUS

Additional Inspector General of Police, HQRs, Khyber Pakhtunkhwa Peshawar and
others.

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Advocate

For Appellant

Muhammad Adeel Butt,
Additional Advocate General

For respondents

AHMAD SULTAN TAREEN
ATIQU-UR-REHMAN WAZIR

CHAIRMAN
MEMBER (EXECUTIVE)

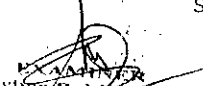
JUDGMENT

ATIQU-UR-REHMAN WAZIR MEMBER (E):-

Brief facts of the

case are that the appellant, while posted as SHO of a police station, was proceeded against on the charges of misconduct and was ultimately awarded with major punishment of compulsory retirement from service vide order dated 09-03-2020, against which the appellant filed departmental appeal dated 26-03-2020, which was accepted vide order dated 03-06-2020 to the extent of conversion of major punishment of compulsory retirement into major penalty of reduction in rank from the substantive rank of Sub-Inspector to his substantive rank of ASI. The appellant filed revision petition dated 09-06-2020, which was accepted vide order dated 12-11-2020 to the extent of conversion of reduction in rank into time scale for three years; hence the instant service appeal with prayers that the

ATTESTED


Chairman
Khyber Pakhtunkhwa Service Tribunal
Peshawar

ATTESTED

impugned order dated 12-11-2020 may be set aside and the appellant may be restored to his original rank of sub-inspector and the penalty of time scale may be set aside and the appellant may be held entitled to all back benefits.

02. Learned counsel for the appellant has contended that the appellant has not been treated in accordance with law, hence his rights secured under the Constitution has badly been violated; that the impugned orders are against law, facts and norms of natural justice, therefore not tenable and liable to be set aside; that the inquiry was not conducted as per mandate of law as no statement of any concerned was recorded in presence of the appellant nor the appellant was afforded opportunity to cross-examine such witnesses; that the appellant being SHO Operation had no concern with the investigation, but he in his own capacity had performed well by arresting the proclaimed offenders; that the allegation so leveled are general in nature, which however, were not proved by the inquiry officer; that the appellant had strong reservations against the inquiry officer and to this effect, had submitted written appeal before the authority to change the inquiry officer, but the inquiry officer was not changed and the one who conducted inquiry was biased, hence submitted a biased report; that all the proceedings were conducted in one day i.e. 09-03-2020, which is beyond understanding of the appellant; that the appellant was due for promotion to the post of inspector but was deprived of his due right due to the case in hand; that conversion of penalty would impliedly means that the penalty so awarded was not in consonance with law.

03. Learned Additional Advocate General for the respondents has contended that during his tenure as SHO, the appellant reportedly received illegal gratification and provided un-necessary help to most notorious proclaimed offenders namely Yousaf Amir, who was involved in number of heinous crimes; that the appellant was proceeded against on the same charges and proper inquiry to this effect was conducted; that during the inquiry proceedings the charges

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

ATTESTED

levelled against him proved, hence the appellant was awarded with major punishment of compulsory retirement from service vide order dated 09-03-2020; that such penalty was converted into another major penalty of reduction in rank by the appellate authority vide order dated 03-06-2020; that the revision granting authority further decreased the punishment into time scale for three years; that the appellant has been treated in accordance with law and was rightly penalized, hence his instant appeal being devoid of merit may be rejected.

04. We have heard learned counsel for the parties and have perused the record.

05. Record reveals that the appellant during his tenure as SHO, arrested a proclaimed offender namely Yousaf Amir vide Roznamcha dated 14-01-2020, whereas the appellant was served with charge sheet/statement of allegation dated 20-01-2020 containing the allegation of receipt of illegal gratification and providing un-necessary help to the said proclaimed offender, who was already arrested by the appellant on 14-01-2020. Placed on record is an inquiry report conducted against the appellant, which would show that the inquiry officer did not touch the allegations leveled against the appellant, rather commented on the arrest of the proclaimed offender, which according to him was a planned arrest. The inquiry officer failed to establish the charges leveled against him, despite he was recommended for appropriate punishment. The inquiry officer did not bother to record statement of witnesses to show that the appellant had received some illegal gratification or to establish his connections with the proclaimed offender. Main task of the inquiry officer was to prove such allegations with solid evidence, but the inquiry officer badly failed to prove such allegations, hence the inquiry officer preferred to punish the appellant only based on presumptions; facts however, had to be proved and not presumed. Reliance is placed on 2002 P L C (CS) 503 and 2008 S C M R-1369.


ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

ATTESTED


06. We have observed that the punishment of compulsory retirement was converted into reduction in time scale for a period of three years, but such penalty is not available in Police Rules, 1975 (amended 2014), hence the appellant was awarded with wrong penalty, which is illegal and on this score alone, the impugned order is liable to be set aside. The appellate board has also noticed that the penalty so awarded is harsh and the appellant was recommended for penalty of reduction in time scale, which penalty however in neither available in minor punishment nor in major punishment in Police Rules, 1975. We are of the considered opinion that neither any charge was established against the appellant nor the appellant was treated in accordance with law, hence we are inclined to accept the instant appeal. The impugned orders including the penalty of reduction in time scale for three years are set aside and the appellant is restored to his original rank with all back benefits. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED
02.02.2022


(AHMAD SULTAN TAREEN)
CHAIRMAN


(ATIQ-UR-REHMAN WAZIR)
MEMBER (E)

Certified to be true copy


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

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 Number of Words 1600
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 Date of Delivery of Copy 21-3-22

ATTESTED





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BEFORE KPK SERVICE TRIBUNAL PESHAWAR

S.A No. 16408 /2020

Haji Muhammad S/O Muhammad Noshad,
R/O Ghalader Koroona, Nowshera,
Sub-Inspector Police Station Hayatabad
Peshawar

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 16352

Dated 10/12/2020

Appellant

Versus

- 1. Additional Inspector General
of Police, HQRs, KP, Peshawar.
 - 2. Provincial Police Officer,
KP, Peshawar.
 - 3. Regional Police Officer,
Mardan
 - 4. District Police Officer,
Swabi
- Respondents

◊<=>◊<=>◊<=>◊<=>◊

APPEAL U/S 4 OF SERVICE TRIBUNAL ACT, 1974
AGAINST ORDER NO 8/4565 DATED 12-11-2020
OF ADDITIONAL INSPECTION GENERAL OF
POLICE HQRs: KP, PESHAWAR, WHEREBY
PENALTY OF REDUCTION FROM THE RANK OF SUB-
INSPECTOR INTO RANK OF ASSISTANT SUB
INSPECTOR IS CONVERTED INTO TIME SCALE FOR A
PERIOD OF THREE YEARS.

Filed to-day
10/12/2020
Registrar

◊<=>◊<=>◊<=>◊<=>◊

ATTESTED

Registrar

Respectfully Sheweth:

- 1. That on 28-03-1988, appellant was appointed as Constable and on satisfactory performances of services promoted to the rank of Head Constable. The said process of promotion was in-vogue when he was further promoted to the rank of Assistant Sub-Inspector and thereafter to the rank of Sub-Inspector in the year, 2016.

Re-submitted to-day
and filed.
Registrar

ATTESTED

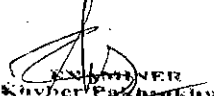
8. That enquiry into the matter was initiated but the same was not conducted as per the mandate of law without recording statement of witnesses / concerned, yet on 03-03-2020, the objected Inquiry Officer submitted Inquiry Report to the authority and recommended appellant for award of suitable punishment, if approved by the authority. (Copy as annex "E")
9. That on 09-03-2020, appellant was served with Final Show Cause Notice by R. No. 04 without supplying departmental proceedings to him which was replied on the said date. i.e. 09-03-2020 and denied the allegations. (Copies as annex "F" & "G")
10. That on 09-03-2020, major punishment of compulsory retirement from service was imposed upon appellant by R. No. 04. (Copy as annex "H")
11. That on 26-03-2020, appellant submitted departmental appeal before R. No. 03 for reinstatement in service which was rejected by him on 03-06-2020. (Copy as annex "I" & "J")
12. That on 09-06-2020, appellant submitted Revision / Mercy Petition before R. No. 02 which was accepted on 12-11-2020 to some extent and major penalty of reduction from the rank of SI to ASI was converted into time scale for a period of three (03) years. Such punishment is also major punishment in law. (Copies as annex "K" & "L")

Hence this appeals, inter alia, on the following grounds:

GROUND S:


- a. That in the body of appeal, it was asserted that Police Station, Kaiu Khan was encircled by Criminals / Robbers / Thieves / Outlaws / Proclaimed Offenders especially, by Yousaf Amir who was involved in numerous FIRs for different crimes.
- b. That prior to posting of appellant in PS Kalu Khan, no one showed any bravery to arrest the notorious Proclaimed Offenders, Amir to show performance to the high ups. Appellant arrested the said PO on 14-01-2020. The high-ups were ethically and legally bound to award him Commendation Certificates and cash prizes but


ATTESTED


 Officer in Charge
 Service Tribunal
 Peshawar

ATTESTED

2. That appellant during the aforesaid period served in various Police Stations and no complaint, whatsoever, was advanced against him.
3. That on 01-01-2020, appellant was posted as SI / SHO in Police Station Kalu Khan and when assumed the charge and on going through the record, he came to know that Police Station Kalu Khan was encircled by notorious criminals, outlaws and Proclaimed Offenders whereby numerous FIRs were registered against them in the Police Station. Appellant tried his best to eradicate the criminals and then on 14-01-2020, Naqal-e-Mad No. 20 was registered whereby one PO, namely Yousaf Amir alias Amir S/O Said Ghafoor R/O Kalu Khan was on account of his best performances was arrested on the said date which arrest was brought into the knowledge of high ups. (Copy as annex "A")
4. That due to the aforesaid dedicated performances, appellant was, in utter dis-regard, served with Charge Sheet along with Statement of Allegations by R. No. 04 to the effect by receiving illegal gratification and providing un-necessary help to the notorious PO namely Yousaf Amir alias Amir. (Copy as annex "B")
5. That in the said Charge Sheet, Janzada SDPO Swabi was appointed as Inquiry Officer to conduct proper departmental enquiry against appellant into the matter.
6. That appellant was in inimical position with the said SDPO as he demanded to hand over vehicles impounded by him in other cases which demand was flatly refused as the same were required in Investigation, so on 06-02-2020 (wrongly written as 06-01-2019). Appellant submitted application before R. No. 04 showing no confidence in the said SDPO / Inquiry Officer. The said letter was marked to DSP Topi for enquiry on 06-02-2020. (Copy as annex "C")
7. That the said Charge Sheet was replied by appellant, giving back ground of the Charge Sheet and denied the Allegations. (Copy as annex "D")


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instead, he was booked for proceedings despite the fact that he has shown no confidence over the Inquiry Officer due to personal grudges / enmity.

- c. That even then, the Inquiry was not conducted as per the mandate of law as no statement of any concerned was recorded nor appellant was afforded opportunity of cross examination what to speak of providing self-defense and personal hearing in the matter, being mandatory.
- d. That in the matter appellant was awarded major punishment of compulsory retirement from service which was modified into major punishment of reduction in rank from SI to ASI, meaning thereby that no relief was awarded to him in the matter.
- e. That appellant was SHO of the PS on Operation side and has nothing to do with Investigation, he in his own capacity performed his official duties up to the mark and cannot compel the court to do this or that.
- f. That general allegations were leveled against appellant of receiving illegal qualification and providing unnecessary help to the PO, yet in fact the same has no concern with him nor no proof to this effect was brought on surface by the respondents.
- g. That as and when no confidence was shown by the appellant over the Inquiry Officer, it was mandatory for the authority to change the same. All the proceeding against him were based on malafide.
- h. That astonished and the interesting one is that all the proceedings were carried out on one and the same date, i.e. 09-03-2020, serving with Final Show Cause Notice, reply to the same and punishment.
- i. That Inquiry Officer recommended appellant for "suitable punishment" and not for major penalty, so the orders are illegal on this score alone.
- j. That appellant was due for promotion to the post of Inspector but was deprived from the same due to the case in hand.

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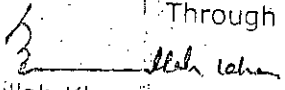

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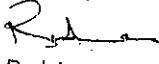
- k. That though the authority converted major punishment to subsequent major punishment of time scale for a period of three (03) years by converting major penalty of reduction from the rank from SI to ASI.
- l. That as and when the authority intervened in the penalty, then there was no need, under the law, to impose subsequent major penalty into Time Scale, meaning thereby that the former penalty was not per the mandate of law.

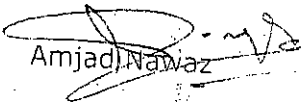
It is, therefore, most humbly prayed that on acceptance of the appeal, order dated 12-11-2020 of the R. No. 01 be set aside and appellant be restored to his original rank of Sub-Inspector with all consequential benefits.


Appellant

Through

Saadullah Khan Marwat


Arbab Saiful Kamal


Miss Rubina Naz


Amjad Nawaz

Dated: 10-12-2020

Advocates

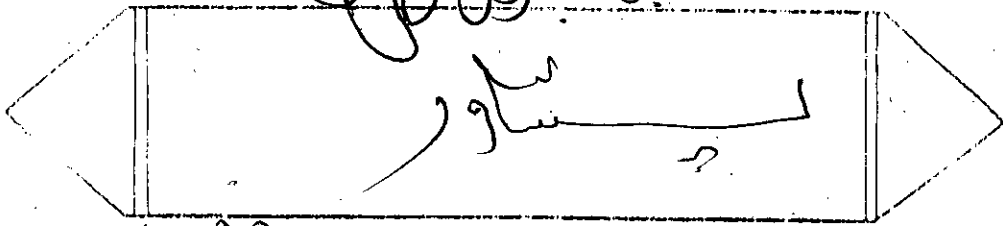
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بعدالت جنتا سوسائٹی



2022ء

بنام حاجی محمد
ایڈیشنل سیکرٹری
وکیل

موردہ
مقدمہ
دعویٰ
جرم

باعث تحریر آئنگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیردی وجوہ اسباب دی دکل کاروائی متعلقہ
آن مقام Per Review سپاہ Sayed Ahmad Mehsud

مقرر کر کے اترار کہا جاتا ہے۔ کہ صاحب موصوفہ کے اقرار کی کاروائی کا اتمام اختیار ہوگا۔ نیز
آئیل صاحب کو مرضی نامہ کر لے لے اقرار و اعتراف ہوا ہے۔ جواب دی اور اقبال دی اور
بصورت ڈگری کر لے لے اجراء اور صولی چیک و روپیہ از مرضی دعویٰ اور درخواست ہر قسم کی تفصیلی
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیردی یا ڈگری یا اہل کی برآمدگی اور سوشل
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 آئیل یا مختار قانونی کو اپنے اسم یا اپنے بجائے اترار کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ لیکر ہوا اختیار است۔ شامل اہل اہل کے اور اس کا ساختہ
پر داخست منظور قبول ہوگا۔ دوران مقدمہ میں جہاں چاہے اہل اہل نے مقدمہ کے سبب سے روکا
کوئی تاریخ پیشی مقام دورہ پر ہوا عدتہ باہر اہل آئیل صاحب پانہ اہل کے کہ پیروی
لیکوز کریں۔ لہذا ادا کالت نامہ کھسار یا کہ سند رہے۔

خانگی محمد ولد محمد لونس

الرقوم 18-04-22

بمقام
سٹار
ایڈیشنل سیکرٹری
وکیل