# BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. 1060/2022
Muhammad Manzoor Khan (Constable No. 57)
(Appellant)

VERSUS .

The Secretary Home Department K.P, Peshawar & others, (Respondents)

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(HABIB KHAN)
DSP Legal,
City Traffic Police,
Peshawar



Ellyber Pakhtukhv Service Tribunal

## BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA

### **PESHAWAR**

## Service Appeal No. 1060/2022

(Appellant)

#### **VERSUS**

The Secretary Home Department K.P, Peshawar & others,

(Respondents)

## PARA WISE COMMENTS BY RESPONDENTS NO. 1, 2 & 3

#### **RESPECTFULLY SHEWETH:**

## PRELIMINARY OBJECTIONS.

1. That the appeal is badly barred by law & limitation.

2 That the appeal is bad for miss-joinder and non-joinder of necessary and proper parties.

3 That the appellant has not come to this Hon'able Tribunal with clean hands.

4 That the appellant has no cause of action and locus standai to file the instant appeal.

5 That the appellant is estopped by his own conduct to file the instant appeal.

6 That the appellant has concealed the material facts from this Honorable Tribunal.

7 That this tribunal lacks jurisdiction to adjudicate upon the matter.

#### **FACTS:**

- 1 Pertains to record.
- 2 Incorrect, appellant was issued charge sheet based upon 5 points i.e.
  - a) appellant has stolen the wallet containing Rs.12000/-, CNIC, Service Card, ATM Card of ASI Nusrat Khan.
  - b) Appellant was seen in CCTV Camera of the bank while drawing the amount Rs.1000/- Through ATM from (ASI Nusrat account).
  - c) This act of the appellant has badly tarnished the image of Police department.
  - d) That the appellant has absented himself from official duty point Shimali Market from 01.12.2021 till date.
  - e) All of this amount to gross misconduct on the part of the appellant.

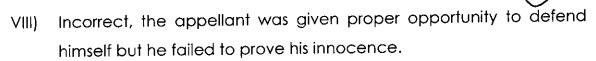
2

- 3 Incorrect, the appellant in his written statement accepted the fact, that he took the wallet of ASI Nusrat Khan and also use the ATM Card to withdraw money from the bank. This incident is also testified by SI Pervez Khan No.116 through Roznamcha report, vide D.D No. 8 dated 03.12.2021, written statements of Imran Khan No. 335/T & ASI Nusrat Khan. (All the written statements are attached as annexure "A").
- Incorrect, CTO/Respondent No. 2 awarded the punishment of dismissal to the appellant based upon the recommendation of Enquiry officer and considering the facts and circumstances of the scenario. While the direction of leave without pay was based upon the absence of appellant from official duty point without permission from the competent authority (DD report of absence is annexed as "B").
- 5 Incorrect, departmental appeal of the appellant is still under process and appellant will be heard in person in the coming orderly room of CCPO/respondent No. 3.

The order of respondent and all the other relevant proceeding of the enquiry are based upon law and facts, therefore this appeal should be sit a side on the following amongst other grounds:-

#### **GROUNDS:**

- 1) Incorrect, as explained in fact No. 3.
- II) Incorrect, the appellant did not provide the medical rest from government sanctioned medical officer as mentioned in police rules 1934.
- III) Incorrect, the order was based upon the recommendations of the enquiry officer, while the proceedings of the enquiry were carried out as per law and rules.
- IV) Incorrect, the appellant was heard in orderly room on dated 10.02.2022 but failed to satisfy his innocence before CTO/respondent No.03.
- V) Incorrect, the appellant was given full opportunity to defend the allegations leveled against him but he failed to provide proper evidence to satisfy the enquiry officer.
- VI) Incorrect, act of the appellant was caught on CCTV Camera of the bank. While written statements of all the relevant officials were recorded and considered during the proceeding of the enquiry.
- VII) Incorrect, all the relevant record of the enquiry was provided to the appellant.



- IX) Incorrect, the appellant was provided with all the relevant documents of the enquiry report.
- X) Incorrect, during the course of service, performance of the appellant was not up to the mark. (Bad entries are annexed as "C").
- XI) Incorrect, the order is based upon the recommendation of the enquiry officer as per facts and law.
- XII) That the respondents also seek permission to raise further points at the time of arguments.
- XIII) Pertains to record.

#### **PRAYER:**

In view of the above, it is therefore, requested that the titled appeal being barred by law and devoid of merits, and may kindly be dismissed being meritless.

SECRETARY HOME & TRIBAL AFFAIRS,
KHYBER PAKHTUNKHWA.

CAPITAL CITY POLICE, OFFICER

CHIEF TRAFFIC OFFICER,
PESHAWAR

## BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA

## **PESHAWAR**

Service	<b>Appeal</b>	No.	<u> 1060/</u>	<u>/2022</u>

Muhammad Manzoor Khan (Constable No. 57) ......(Appellant)

**VERSUS** 

The Secretary Home Department K.P., Peshawar & others,

(Respondents)

## **AFFIDAVIT**

We respondents 1, 2 & 3 do hereby solemnly affirm on oath that the contents of written comments are true and correct to the best of our knowledge and belief. Nothing has been concealed from this Honorable tribunal.

SECRETARY HOME & TRIBAL AFFAIRS,
KHYBER PAKHTUNKHWA.

CAPITAL CITY POLICE, OFFICER
PESHAWAR

CHIEF TRAFFIC OFFICER,
PESHAWAR

مالين سليولان في معلى المرابد و المالين المين ال كوالم طارج سنبع فأرب مينه أرتباع أنسرلب إرعم المر 1703 ورم عاق عدون فردت موں کم مطابق ڈیوں کرم من 15 کی المري المريد ال أصن لمرتئے سے سرا فیم زیا ہے سین من م نے علی کی بہار ہرجوں انترسمنولی استی می میلاسوار امک سیس (بنوم) جوزمش میرا سرا- باکرسائ اکناکر گھرکود ہے گیا۔ اور صبے گھرفود طاکر دیکی کووں المرابع المرابع المرابع الشية كا نفاء من To سے ليا الله علی سرندسوئی جه آمن می فی اسکا Atmلی کار حرف اس کا سین من مر نے ایک لفرٹ کان کو آ پڑا سامان سم 12 رہے جوہراں س قورد کے معما در کے الم دا ہے آور دیگراس مروس کارڈ شنافی کارڈ ار درست طور روالم اندك كان كى جدا نيار 7 جى اندارى كاندارى آوراس نے من مر کو معاض کیا جھے اور میر ضلاف کوئی کاروان کراران کرائی كرنا چا منا چه جدكه من بوا چه سمع عط الني كه سنا د برسوا چه حسن درس الشيان مين - أوربي على متي ين اللي سوف بن الله بعد حينام النه ال عامر في عليطون كاميدا بعي كليطون سه سحكنا بيع لبس اين عليل بيرسي ارا محرلسوال رسیرنگا ۔ سائل کے تھی نے تیم نے مصد جوزر لعثم بھے اس کی رزق کو جار ريف كى فالمرمن مر كومعا و الله الله الله الله مان بع و فوق سرسن سے ا تدن بال صاصان سے معافی کا فلیگار سوں Darror blue ما الم منظور 75 معنال الرنفيكاوت 0315-9766330 13-12-2021

سال ازال آی بروز ریابی حالے آبار ترونی فیلین ورج وفي المح ومن الحالج والرووا في كا درق والمح كا درق الم الرحب برات مركزه ١٥ فنطر ٥٦ في عرائل على ويط درج رزاجي ما على عرف المرف المران الأصالة عرف من المسالة . وتحرفه عَدْ بِيالُوعِ مِنْ سِلِ سَالُوعِ.

Attestic

100 1 - 60 / 10 10 0 57 ide 57 ibito com 1/03/2/1/19 23-24 11 20- 10 - 10 - 10 - 10 - 10 - 23-24 11/200 10 - 10 23-24 11/200 10 200 سرمان کی بیجے سرد رہر) جوری کرے کے تعرف کی میں مراہ کا کوہ دور اور سروس كارد الله كارد ساحى كارد لوجود تع في المرسم مل والون ف a Ains 2 12 218 (6,1 (200,60)/1, -16/0/26/=1 Show I we in Am C in a full well 10 10 10 2 12 1988/11/1/2/57 UR 50 TO / ETURN Consul Vajo (1/1) (2) 13,000/ (1/1) who die 57 R = 16/1/2 6/11/2/355 UNIFE / 3/6 (15 1/3) in y The CEIN NO page - Just = 315 Ups 1 La birsp. 1.561 - W. Jelly 1008/1/06/06/09/08/09/ اس دانع ک معلی با حرارا ۱۵ مرامان 357 در ایس مود در اس) ور المراط درم الرالم المالم ال Charles indicated of the contraction of

1000 لفريدن امرائ mm-IL

3-12-2021

3.12.2021

منابعالی از رس سی تی به ساس تا ای مارست بر د يونى برما به قا اوروبان إسرس المولى جونى س ASI نظرت مان سے بیٹوا کم بیوساتھا دوس دن سے رس سو د میں تقریباً 8 ہزار رو بداور سروس فار ذ مورز کار کے کار د ATM کار زموجوز کھا اور (س) سے القال فارور ATM سے سے میں تعلو ( 2 کو ر 3 (m) with m 21/2/20 ATM om 1/2/10/10 ویتر یو نظر آئی اس کے نعر منظور 10 کے itel elim Il le Ist adjuli le Doider DSP Wholled wort سافت بھی موجو رکھا۔ ال کی قبیل بہان ہے Attested

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- 1215.19

Agi is is the will use it is ful. الدُ سربل سل على من العجم عبدى الدُ سربل سل من عبول مرك ورك سربا درتا ہے۔ می ایک سے مورض کے کوئی کی جائے وئی (بنوا) ما دخت کشیدای می ایم کر کر سسی و بستی یعو حکاسا . حسی ر بابت بحوالم مد روزناچ ربورک اند سربل نسب حدی میں درج اراق علی بین از اور انداز ان فرماً مل فرم مر ATM استمال بيون كا واله و مرام مردان ما رود او دفار د اساس می مردی ام بیاری موردی می ام منظوره آ نايم الميا المي مردان سوران بي الميانسران الميانسران بالر نے نوٹسی میں وا با طا مرحسب تیان امسیلی بالا اس سیس من بنیاری میا ند آرا و گراوار که اور ۱۹ ما می میات آبا و Jehin al 4 i sib 2 is in valo DS?, we is 3/4. (i) را منظور من معاينا بنوا الله شنا في كارر سروكاكادة كاروى رحيسترسيكي عادة وغيروساماني ابر ميلغ ١٥٥٥ براريد ا بي كيل سوم كا مر سومة منورة و حراه و معود عود العرفال المالي عن مرور المع المرسون ومه متلور ۲۰ کید و کسی عی خسم کا تا نود کاروائی کسی مرنا جایتا سرا اسرا اسرا بالاسم مل ارض هم مذكوره بالا وح ألو معافی دیم ارمی امر منظور 15 مجردی وارسی . (1) 1) 2 ex den ; in of 20 most 10-01-022 Attested by 0333-9701376

21/31 12 pl 12:00 in may 3 chais Acted by in ~ 1120018 Six Forwarded 12.21 3 - 120 JAILE 192 31 -12-2021 خارناکی مبلع رئی اور CHIEF TRAFFIC OFFICER!

## **BIO DATA**

1. Name FC Muhammad Manzoor Khan No.57/T

2. D.O.B 10.04.1990

3. D.O.E 08.09.2009

 $\mathbf{B}\mathbf{A}^{\mathbf{i}}$ 4. Edu:

5. Courses passed Basic Recruit Course, Traffic Course

6. **Total Qualifying Service** 12 Years, 05 Months

7. **Good Entries** 

> Bad Entries (L.W.O pay, E/Drill & Warning) 80

## Minor punishment

Censure	15
Fine	11
Quarter Guard	07
Approved Service	Nil
Major nunishment	01

Punishments (Previous) 8. 113

#### 9. Punishments (Current)

He is awarded major punishment of dismissal from services under the KPK, Police Rules 1975 vide CTO Peshawar Order No.146-51/PA, Dated: 14.02.2022 and OB No.179, dated: 14.02.2022.

#### 10. Leave Account

Total Leave at his credit	<b>Availed Leave</b>	<b>Balance</b>
596 Days	30	566Days

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Attested

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