BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 7825/2021
Roman Ullah
Sub Inspector, District Kohat

..... **Appellant**

VERSUS

Inspector General of Police,
Khyber Pakhtunkhwa & others ..... Respondents

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Deponent

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 7825/2021
Roman Ullah ..... **Appellant**
Sub Inspector, District Kohat

VERSUS

Inspector General of Police,
Khyber Pakhtunkhwa & others ..... Respondents

PARAWISE COMMENTS BY RESPONDENTS NO 1, 2 & 3

Respectfully Sheweth:-
Preliminary Objections:-

i. That the appellant has got no cause of action to file the instant appeal.
ii. The appellant has got no locus standi to file the instant appeal.
iii. That the appeal is bad for misjoinder and nonjoinder of necessary parties.
iv. That the 1st impugned order was passed by DPO Karak, who is not placed as respondent and respondent No. 3 has wrongly been placed as respondent.
v. That the appellant is estopped to file the instant appeal for his own act.
vi. That the appeal is bad in eyes of law and not maintainable.
vii. That the appellant has not approached the honorable Tribunal with clean hands.
viii. That the appeal is badly barred law and limitation.

Facts:-

1. Incorrect, one lady constable Bibi Kalsoom of district Karak (respondent No.4) had lodged a complaint against the appellant, leveled allegations of her harassment. Thus the appellant had indulged himself in illegal / immoral activities.
2. The complainant, lady constable named above had lodged a self-explanatory compliant against the appellant. The appellant being member of a disciplined department and senior rank officer had committed a grave professional misconduct. Thus on the basis of compliant a regular departmental inquiry was initiated against the appellant by the competent authority i.e **District Police Officer, Karak (who is not placed as respondent).** Copy of compliant is ***annexure-A***.

3. Incorrect, as replied in the above para, a regular departmental inquiry was conducted against the appellant under the Khyber Pakhtunkhwa, Police Rules 1975 (amended-2014) by District Police Officer, Karak. The allegations / charged leveled against the appellant were established. Hence, The competent authority, District Police Officer, Karak had imposed a punishment reversion from the rank of offig: Sub Inspector to his substantive rank of ASI. Copy of impugned order is ***annexure B***.

4. Though the charges leveled against the appellant was established and District Police Officer, Karak had passed a legal order. The respondent No. 2 while disposing of departmental appeal of the appellant has taken a lenient view and the impugned punishment order was converted into punishment of time scale for the period of 02 years vide order dated 21.11.2019. Copy is ***Annexure C***.

5. The appellant is estopped to file the instant appeal for his own conduct. Furthermore, grievance of the appellant has been resolved by respondent No. 2, as reversion order of appellant passed by DPO Karak has been converted. Therefore, the appellant has got no cause of action.

Grounds:-

1. Para No. 1, of the appeal is irrelevant, hence no comments.
2. Para No. 2 of the appeal is also irrelevant, hence no comments.
3. Para No. 3 of the appeal is irrelevant too. However, it is added that the family of martyred constable (brother of appellant) has been facilitated with Shuhada Package as notified by the Khyber Pakhtunkhwa, government. The appellant has been appointed as PASI under the said package.
4. Incorrect, the appellant indulged himself in illegal activity as complained by respondent No. 4
5. Incorrect / irrelevant, if there was anything wrong / illegal, the appellant being a senior Police officer was at liberty to lodge compliant or report against the respondent No. 4 (lady constable) or her husband.
6. Necessary evidence, material as deem appropriate has been collected and brought on record by the inquiry officer, which fully connected him with the commission of his misconduct.
7. Incorrect, the respondent No. 4 (lady constable) had lodged a complaint against the appellant which is ***annexure A***.
8. Incorrect, the respondent No. 2, had taken a lenient view while disposing of his departmental appeal as punishment of reversion from the rank of offig: Sub Inspector was converted into punishment of time scale for the period of two years.

9. Incorrect, the complainant lady constable respondent no. 4 and enquiry report fully connected the appellant with the commission of his misconduct.

10. Incorrect, the inquiry officer has conducted the proceedings in accordance with the rules and all codal formalities have been full filled.

In addition, the Respondents No. 1 to 3 may be allowed to advance other grounds during the course of hearing.

Prayer:-

In view of the above, it is prayed that the appeal contrary to facts, law & rules, devoid of merits and not maintainable may graciously be dismissed with costs.

Regional Police Officer,
Kohat
(Respondent No. 2)

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

District Police Officer,
Kohat
(Respondent No. 3)

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BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 7825/2021
Roman Ullah ..... **Appellant**
Sub Inspector, District Kohat

VERSUS

Inspector General of Police,
Khyber Pakhtunkhwa & others ..... Respondents

COUNTER AFFIDAVIT

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

Regional Police Officer
Kohat
(Respondent No. 2)

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

District Police Officer,
Kohat
(Respondent No. 3)

SAJID AHMED KHAN ADVOCATE
ATTESTED
OATH
COMMISSIONER
DISTRICT COURT KOHAT

P-5 Annex-A

(23)

محترم جناب ڈی ایس پی صاحب لوئر شریف

جناب عالی

لیڈی کانسٹیبل مسمات کا خاوند لوئر شریف کا لڈا مہر حال

سکنہ ٹبی جوڑا نہ بمارا حال کا بیٹا ہے۔ لوئر شریف کے محکمے

دھونکل دی اور خراڈ میں ایک لاکھ تیس ہزار روپے لئے ہیں جس میں سے

DPO کلرک اور ڈی آئی جی کو ہاش اور آئی جی KPK تک دو دو لاکھ

دی ہے۔ DSP ہیڈ کوارٹر کلرک الجرم ہائے اور صحیح حال سے ہو گوری ہے

وعدہ کرنے بعد میں صحیح ہو جاتا ہے۔

جناب DSP صاحب : DSP ہیڈ کوارٹر الجرم ہائے نے

مجھے اپنے دفتر میں بلایا تھا۔ واپس پر لوئر شریف نے لیڈی کانسٹیبل

مسمات خود دی میں ملوث ہیں۔ میڈیکل کے بارے خود شوہر خاکروب

صفت سفت کے حوالے لیڈی کانسٹیبل مسمات کی موجودگی میں میرے

اوپر بیسٹول سیدھا کر لیا۔ جس سے میں مال مال ہو گیا۔

(2) اور نور شریف نے بستول لیڈی کانسٹیبل کلثوم کو ہوائی فائر کرنے کا کہا گئے۔ تو میں نے تھانہ کرک میں رپورٹ درج کروائی۔ تو نور شریف نے اپنی بیوی لیڈی کانسٹیبل کلثوم کو استعمال کرتے ہوئے مجھ پر الزام عائد کیا کہ جیل چوک میں خورشید خان میرے ساتھ تھا زیادتی کا الفاظ استعمال کیا حالانکہ معاملہ سرے سے تھا۔ چونکہ یہ بالکل جھوٹ پر مبنی بات تھی۔ تھانہ کرک کے SHO ریحان صاحب نے یہ فیصلہ کیا کہ آپ رپورٹ واپس لے۔ تو لیڈی کانسٹیبل کلثوم نور شریف آپریٹر 2 ہزار روپے مانگے۔ لیکن یہ ریحان چھوڑ کر لوئر میں چلے جاتا ہے۔ جو میرے ساتھ یہ معاملہ ریکارڈ پر موجود ہے

جناب عالی ۔۔۔ اس کے علاوہ لیڈی کانسٹیبل کلثوم خاوند نور شریف نے بے شمار لوگوں سے دھوکہ دہی اور فراڈ میں رقم لیے ہیں جو والیبال میں نہیں کرتا اور بدمعاشی پر کرتا ہے۔ نور شریف کا کام یہ ہے کہ لوگوں کے زمینوں پر ناجائز قبضہ کرنا، دھوکہ دہی اور فراڈ میں لوگوں سے رقم ہتھیا کرنا اور رشتہ داری مفروروں کو اپنے گھر میں پناہ دینا اسکے علاوہ چوری کے وارداتوں میں کرتا ہیں

(25) جناب DSP صاحب :- عدت ذات ایک مقدس رشتہ ہے۔ جو نور شریف اپنی بیوی لیڈی کانسٹیبل مکتوم کو استعمال کر کے پامال کر رہا ہے۔ یہ لیڈی کانسٹیبل مکتوم انکے ساتھ رہتی ہے۔ اور تین وقت کا کھانا نہیں کھا سکتا اور لیڈی کانسٹیبل نوکری کرتا نور شریف کو اور انکے بچوں کو کھلا رہی ہے۔ اور نور شریف لوگوں کو بلیک میل کر کے اپنی بیوی لیڈی کانسٹیبل مکتوم کو استعمال کر کے رقم بٹور کرنا چاہتا ہے۔ اسکے علاوہ انکا دوسرا کوئی ذریعہ معاش نہیں ہے۔

جناب DSP صاحب :- یہ جو کچھ میں نے لکھا ہے۔ حقیقت پر مبنی بات لکھی ہے

دعا گو۔ نوروز خان ولد مراد حاصل سکنہ مشکی تحصیل وضلع کرک

شناختی کارڈ 14202 1350379-3

موبائل نمبر 0333-9056915

D-8
Anex-B

(9)

ORDER

My this Order will dispose off the departmental enquiry against **SI Roman Ullah (suspended)** of this district Police.

Facts are that as per complaint submitted by Lady Constable Kalsoom Bibi No. 557 that SI Roman Ullah Investigation Staff PS Sabir Abad made messages and calls to her for his ulterior motives.

Furthermore, a preliminary enquiry was also conducted on her complaint dated 01.04.2020 by SDPO B.D.Shah wherein SI Roman Ullah were found guilty of the charges.

This state of affair is quite adverse on his part and shows his negligence, malafide intention and non professionalism in the discharge of his official obligations. This act on his part is against service discipline and amounts to gross misconduct.

He was issued with Charge Sheet and Statement of allegations. Mr. Zahir Shah SDPO Takhte Nasrati was appointed as an Enquiry Officer to conduct proper departmental enquiry against him and to submit his findings within the stipulated time.

The Enquiry Officer reported that both the officials i.e. SI Roman Ullah and Lady Constable Kalsoom Bibi No. 557 were found guilty of the charges. In such cases, if accused is not awarded with punishment, then its effect falls on others. Therefore, the E.O recommended both the officials for award of suitable punishment.

Keeping in view of the available record and facts on file, perusal of enquiry papers and the recommendations of the Enquiry Officer, he is found guilty of the charges, his this act with his colleagues i.e. lady officials is not tolerable. He is stigma on the Police department. His this act being posted at responsible post of Incharge Investigation is against the service and norms of discipline. The relations between responsible officer and his subordinates staff is like parent but the defaulter official misuse his official power. Therefore, he is reverted in rank from Sub Inspector to the substantive rank of Assistant Sub Inspector with immediate effect. He is also reinstated in service from the date of suspension.

OB No. 174
Dated 29/04/2020

District Police Officer, Karak

OFFICE OF THE DISTRICT POLICE OFFICER KARAK

No 1932 /EC, dated Karak the 29/04/2020

Copy of above is submitted to the Dy: Inspector General of Police, Kohat Region Kohat for favour of information, please.

District Police Officer, Karak

Attested.

ASIF ALTAF
Advocate
Court & District Court
hc-10-4825,

Anex - C
P-9

FH

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.

7366
19-8-21

ORDER

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by **Offg: SI Roman Ullah No. 112/K.** The petitioner was awarded punishment of reduction from the rank of Offg. SI to substantive rank of ASI by District Police Officer, Karak vide OB No. 174, dated 29.04.2020 on the allegations that as per complaint submitted by Lady Constable Kalsoom Bibi No. 557 that the appellant made messages and calls to her for his ulterior motives. The Appellate Authority i.e. Regional Police Officer, Kohat converted his punishment of reduction fro[illegible] he rank of Offg. SI to substantive rank of ASI into time scale for the period of two (02) years vide order Endst: No. 11681-82/EC, dated 25.09.2020.

Meeting of the Appellate Board was held on 01.07.2021, wherein the petitioner was present and heard in detail. Petitioner failed to advance any plausible explanation in rebuttal of the charges.

Therefore, his petition is hereby rejected.

Sd/-
KASHIF ALAM, PSP
Additional Inspector General of Police,
HQrs: Khyber Pakhtunkhwa, Peshawar.

No. S/ 3432-40 /21, dated Peshawar, the 16/8 /2021.

Copy of the above is forwarded to the:

1. Regional Police Officer, Kohat. One Service Roll, Two Service Books and one Fauji Missal of the above named SI received vide your office Memo: No. 5932/EC, dated 17.05.2021 and No. 1361/EC, dated 23.02.2021 is returned herewith for your office record.
2. District Police Officer, Karak.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
5. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-III, CPO Peshawar.
8. Officer concerned.

(RAI BABAR SAEED) PSP
Deputy Inspector General of Police, HQrs:
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

Attested
18/2

ASIF ALTAF
Advocate
[illegible] Court & District Court
[illegible]hat bc-10-4825
Applicant

P-10

Better Copy

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.

14-A

ORDER

This order is hereby passed to dispose of Revision petition under Rule of Khyber Pakhtunkhwa Police **Rule-1975(amended 2014)** submitted by **offg:** SI Roman Ullah **No. 112/K.** The petitioner was awarded punishment of reduction from the rank of **offg:** SI substantive rank of ASI by District police officer. Karak vide **OB No 174**. Dated **29/04/2020** on the allegations that as per complaint submitted by lady constable Kalsoom Bibi **No 577** that the appellant made messages and calls to her for his ulterior motives. The appellate authority i.e. Regional Police Officer, Kohat converted his punishment of reduction from the rank of **Offg:** SI to substantive rank of ASI into time scale for the period of **two (02)** years vide order **Endst: No 11681-82/EC, dated 25.09.2020.**

Meeting of the appellate Board was held on **01.07.2021,** wherein the petitioner was present and heard in detail. Petitioner failed to advance any plausible explanation in rebuttals of the charges.

There fore his petition is hereby rejected.

Sd/-
KASHIF ALAM, PSP
Additional Inspector General of Police,
HQrs: Khyber Pakhtunkhwa, Peshawar.

No. S/_____/21, dated Peshawar, the _____/2021

Copy of the above is forward to the:

1. Regional Police Officer, Kohat. One Service Roll, Two Service Books and one Fauji Missal of the above named SI received vide your office Memo: No. 5932/EC, dated 17.05.2021 and No. 1361/EC, dated 23.02.2021 is returned herewith for your office record.
2. District Police Officer Karak.
3. PSO to IGP/Khyber Pakhtunkhwa, Peshawar.
4. AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
5. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to DIG /HQrs: Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-III, CPO Peshawar.
8. Officer concerned.

ASIF ALTAF
Advocate
High Court & District Court
Kohat 06-10-4825

R-11

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 7825/2021
Roman Ullah ..... **Appellant**
Sub Inspector, District Kohat

VERSUS

Inspector General of Police,
Khyber Pakhtunkhwa & others ..... Respondents

AUTHORITY LETTER

Mr. Arif Saleem steno (Focal Person) of this office is hereby authorized to file the parawise comments and any other registered documents in the Honorable Tribunal on behalf of respondents / defendant and pursue the appeal as well.

District Police Officer,
Kohat
(Respondent No. 3)