

28th June 2022

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

Learned counsel for the appellant sought adjournment to prepare the case. Adjourned. To come up for arguments on 25.07.2022 before D.B at camp court D.I.Khan.



(Mian Muhammad)
Member(E)



(Kalim Arshad Khan)
Chairman
Camp Court D.I.Khan

25-7-22

due to summons vacated the case is adjourned to 26-9-22 for the hearing.



26th September, 2022

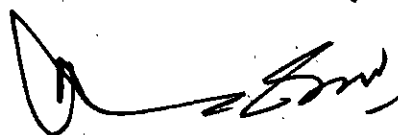
Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for respondents present.

2. Learned counsel for the appellant made a request for withdrawal of the instant appeal saying that grievance of the appellant has been redressed. Dismissed as withdrawn. Consign.

3. *Pronounced in open court in D.I.Khan and given under our hands and seal of the Tribunal on this 26th day of September, 2022.*



(Salah Ud Din)
Member (Judicial)
Camp Court D.I.Khan



(Kalim Arshad Khan)
Chairman
Camp Court D.I.Khan



OFFICE OF THE
DISTRICT POLICE OFFICER
DERA ISMAIL KHAN
☎0966-9280062 Fax # 9280293

957

No. 2523 /EC,

dated D.I.Khan the

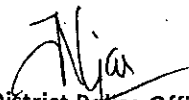
18 /07/2022

ORDER

In the light of directions of W/IGP KP Peshawar contained in letter No. S/2512-20/21, dated 08.06.2021 endorsed to this office vide RPO DIKhan Endst: No.2595/ES, dated 24.06.2021, and under the provisions of findings report of Denovo Enquiry the punishment order issued vide this office order No. 4776/EC dated 14.07.2020, OB No.1560, dated 15.07.2020 so far it relates with the major punishment of "reduction in rank from Head Constable to Constable of Mr. Akbar Jan No.957/FC, is hereby set aside under the Khyber Pakhtunkhwa Police Rule-1975 (amended-2014) and his original rank of Head Constable is hereby restored from the date of reduction.

No. — /EC

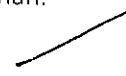
dated DIKhan the


District Police Officer
Dera Ismail Khan
+ /07/2022

Copy of above is submitted to:-

1. Regional Police Officer, DIKhan vide his office Endst: No. quoted above.
2. District Account Officer, DIKhan.
3. Pay Officer, DPO Office, DIKhan.
4. Orderly Head Constable & OB Clerk DPO Office DIKhan.

OB # 1252
Dated. 19 /07/2022.


District Police Officer
Dera Ismail Khan

27.10.2021

Counsel for the appellant present. Preliminary arguments heard.

Points raised need consideration. The appeal is admitted to regular hearing subject to all just and legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, or extension of time is not sought through written application with sufficient cause, the office shall submit the file with a report of non-compliance. File to come up for arguments before the D.B on 16.12.2021 at Camp Court D.I Khan.

Appellant Deposited
Security Process Fee



(ROZINA REHMAN)
MEMBER (J)
CAMP COURT D.I KHAN

17.12.2021

Appellant present through counsel.

Noor Zaman Khan Khattak learned District Attorney for respondents present.

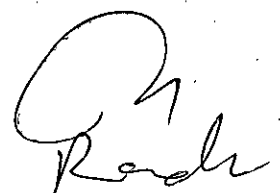
Reply on behalf of respondents was not submitted. Notice be issued to respondents with direction to submit reply within 10 days of the receipt of notice in office, positively. To come up for arguments on 21.02.2022 before D.B at Camp Court, D.I.Khan.



(Rozina Rehman)
Member (J)

Chairman
Camp Court, D.I.Khan

*Due to retirement of the Honorable
Chairman to come up for the same
as before on 28/6/22*






Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 511 /2021 2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	07/01/2021	<p>The appeal of Mr. Akbar Jan presented today by Mr. Muhammad Ismail Alizai Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-		<p>This case is entrusted to touring S. Bench at D.I.Khan for preliminary hearing to be put up there on <u>26.3.2021</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	26.03.2021	<p>Nemo for the appellant.</p> <p>Notice be issued to appellant/counsel for 21.06.2021 for preliminary arguments before S.B at Camp Court D.I.Khan.</p> <p style="text-align: right;"> (SALAH-UD-DIN) MEMBER (JUDICIAL) CAMP COURT D.I.KHAN</p>

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. _____ /2021.

Akbar Jan, Ex Head Constable KP-Police. Appellant.

Versus


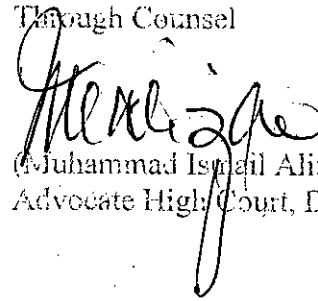
Provincial Police Officer, KPK, and Others. Respondents.

Service Appeal

I N D E X

<u>S.No.</u>	<u>Description of Documents</u>	<u>Annexure</u>	<u>Page(s).</u>
1.	Petition with Grounds of Appeal & affidavit.	--	02 — 05
2.	Copies of Responses <i>sketches</i> etc & Order of DPO.	A	06 — 09
3.	Copies of Deptl: Appeal & Order	B	10 — 12
4.	Copy of Revision Petition.	C	13 — 14
5.	Vakalat-Nama	--	— 15

Dated: 6.01.2021.


 (Akbar Jan) Appellant
 Through Counsel

 (Muhammad Ismail Alizai)
 Advocate High Court, D.I.Khan.

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWARService Appeal No. 511 /2021.Khyber Pakhtunkhwa
Service TribunalDiary No. 500Dated 07/01/2021

Akbar Jan S/o Obaidullah Jan,
Ex-Head Constable No.957, KP Police
Now Constable, posted at P.S. Cantt D.I.Khan,

(Appellant)

Versus

1. The Provincial Police Officer (IGP), Khyber Pakhtunkhwa,
Central Police Office, Peshawar.
2. Regional Police Officer / Deputy Inspector General of Police,
Dera Ismail Khan Region, D.I.Khan.
3. District Police Officer, Dera Ismail Khan.

(Respondents)

Note: The address given above are sufficient for the purpose of service.


Filed to-day**Registrar**

**SERVICE APPEAL u/s 4 OF KP SERVICE TRIBUNAL ACT-1974 AGAINST,
FIRSTLY, ORDER OF DPO / D.I.KHAN ISSUED OVER No.4777/EC dated
14.7.2020 Passed Over OB No.1560 Dated 15.7.2020, SECONDLY AGAINST ORDER
ISSUED VIDE ENDS: No:8960/ES OVER OB NO. 2167 DATED 09.10.2020
WHEREBY DEPARTMENTAL APPEAL OF THE APPELLANT WAS REJECTED
AND LASTLY FROM INACTION BY PPO/KP FOR INDECISION ON REVISION
PETITION OF APPELLANT.**

Respectfully Sheweth: -

The appellant very humbly submits as under: -

1. That the appellant, enrolled as Constable in the Police Department, later earned promotion in due course to the rank of Head constable. The appellant has well over 25 years of unblemished service to his credit, earning good will and praise from his superiors for his hard work and devotion. The appellant has always served the



department with due diligence, dedication and to the utter satisfaction of his superiors thus earning numerous commendations and rewards.

2. During the entire stretch of his service the conduct of appellant remained unblemished. Service record of the appellant is second to none and no adverse inference was ever drawn by the superiors since nothing of the sort was ever conveyed to the appellant.
3. That to the dismay of appellant, he was, through order dated 14.7.2020 passed by DPO/D.I.Khan, awarded punishment of Reduction to Lower Rank of Constable, albeit in sheer derogation of the law, rules and norms of natural justice. Copies of Charge Sheet etc besides impugned order are placed at **Annex-A**.
4. That the petitioner moved an appeal with worthy RPO, D.I.Khan (Respdt No.2) against the above said order however, the appeal did not find any favour and stands dismissed vide order dated 09/6-2020 of RPO, D.I.Khan yet arbitrarily. Copies of departmental appeal and order passed thereon are attached herewith at **Annex-B**.
5. That aggrieved of the above said orders, lacking legal sanction, the appellant moved a Revision Petition with worthy PPO/KP (Resdt; No.3) but till culmination of statutory period it stands undecided. Copy of Revision Petition is placed at **Annex-C**
6. That in consequence of above stated situation and having no other departmental remedy left available to him, the appellant prefers the present appeal on the following grounds,

Grounds:-

- a. That, the order of DPO/ D.I.Khan whereby the appellant was initially punished in terms of Reduction in Rank, besides consequential order of RPO, D.I.Khan, both impugned hereby, are not only against the true facts, law & rules but militate against the principles of justice, equity and good order of public service.
- b. That, the allegations contained in the Charge Sheet culminating into award of one of the punishments of most harsh in its kind were based on misconception of true facts, wrong, incorrect and misconceived and unproven.
- c. That, the appellant has been virtually condemned unheard and subjected to a punishment of the kind "Reduction in Rank" without being provided with an appropriate opportunity to defend his cause beyond any encumbrance, thus calling for interference by this Hon'ble Tribunal to undo the injustice.

- d. That, the impugned order is apparently based on misconception and misconstruing of facts besides law, rules and principle of natural justice thus is liable to be set-aside. There is nothing on records to prove any complicity on part of the appellant in the allegation contained in charge-sheet.
- e. While pushing the inquiry proceedings in a slipshod manner the Inquiry Officer wrongly recommended award of punishment to the appellant as against the facts and law on the subject. The incorrect recommendation made by the Inquiry Officer ought not have been considered by the authority i.e. DPO, D. I. Khan for award of punishment but were liable to be rejected out rightly. The punishing authority chose to inflict maor punishment of Reduction in Rank though beyond facts and in conflict with legal provisions.
- f. That the appellant is innocent and has been subjected to the penalty for no fault of him but for apparently politically & extraneously motivated reasons. DPO/D.I.Khan i.e. Respondent No.3 and RPO / D.I.Khan i.e. (Respondent No.2), while ignoring the law & rules on the subject, erred and failed to regulate proceedings properly besides inflicting punishment onto an innocent person i.e. the appellant.
- g. That the appellant has sufficient length of service over more than two and a half decades rendered for the department. While adjudicating in the matter the departmental authorities utterly ignored not only the provisions of law on the point but the rights too, of the appellant. The appellant was neither afforded with any opportunity of personal audience nor of a fair trial, thus was discriminated being, inter-alia, condemned unheard.
- h. That the orders passed by respondents Nos.2 & 3, as impugned hereby, while inaction on part of PPO/KP in timely decision of revision have infringed the rights and caused grave miscarriage of justice to the appellant without any lawful excuse
- i. That the petition of appeal / appellant is duly supported by law and rules formulated thereunder, besides the affirmation / affidavit annexed hereto.
- j. That this Hon`ble Tribunal is competent and has ample powers to adjudge the matter under reference/appeal.
- k. That the counsel for the appellant may very graciously be allowed to add to the grounds during the course of arguments, if need be.



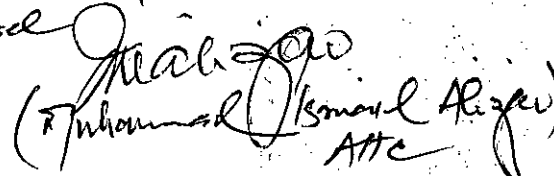
Prayer:-

In view of the above made submissions, it is very earnestly requested that on gracious acceptance of the instant petition, the impugned order of DPO/D.I.Khan passed on 14.7.2020 whereby petitioner is awarded Punishment of Reduction in Rank besides, order dated 09.10.2020 passed by RPO, D.I.Khan over OB No.2167 whereby appeal of petitioner was dismissed / rejected, may kindly be set-aside and the respondents may be required and directed to reinstate the appellant in the rank of Head Constable from due date with grant of all back benefits in the interest of justice. Any other benefit that this Hon'ble Tribunal may deem appropriate is solicited, too.

Dated. 6.01.2021

Most respectfully,

Akbar Jan Ex-Head Constable No.957.
Presently, P.S. Cantt, District D.I.Khan.

Through Counsel 
(Muhammad Aslam) Atte

AFFIDAVIT:

I, Akbar Jan s/o Obaidullah Jan, presently posted at P.S. Cantt; D.I.Khan, the appellant, hereby solemnly affirm and declare on oath this day of Jan; 2021 at D.I.Khan that contents of the petition are true and correct to the best of my knowledge, belief and per official records. Also, that nothing is willfully kept or concealed from this Hon'ble Tribunal.

Dated. 6.01.2021.

(Akbar Jan) Deponent.



No 3918 /EC

Office of The
District Police Officer,
DI Khan

Dated 04-06/2020

CHARGE SHEET.

I, **CAPT @ WAHID MEHMOOD, DISTRICT POLICE OFFICER, DIKHAN,** as competent authority under Khyber Pakhtunkhwa Police Rules (amendments 2014) 1975, am of the opinion that you **HC Akbar Jan No.957** rendered yourself liable to be proceeded against, as you have committed the following act/omissions within the meaning of Rule 3 of the Police Rules 1975.

While you posted as Moharrir at PS/Daraban DIKhan, you are racket links with smugglers and passing NCP Vehicles from your area of jurisdiction. This shows about your negligence/laxity on your part, amounts to gross misconduct, which is punishable under the rules.

2. By reasons of the above, you appear to be guilty of misconduct under Rule 3 of the Rules ibid and have rendered yourself liable to all or any of the penalties specified in the Rule 4 of the Rules ibid.

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

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

4. A statement of allegation is enclosed


DISTRICT POLICE OFFICER,
DIKHAN

Alleged
for DI Khan



Office of the
District Police Officer,
DIKhan

No. 3918 /EC

Dated 04.06/2020

DISCIPLINARY ACTION

I, **CAPT @ WAHID MEHMOOD, DISTRICT POLICE OFFICER, DIKHAN** as competent authority, am of the opinion that you **HC Akbar Jan No.957** have rendered yourself liable to be proceeded against departmentally under Khyber Pakhtunkhwa Police Rule 1975 (Amendment 2014) as you have committed the following acts/omissions.

STATEMENT OF ALLEGATIONS

While you posted as Moharrir at PS/Daraban DIKhan, you are racket links with smugglers and passing NCP Vehicles from your area of jurisdiction. This shows about your negligence/laxity on your part, amounts to gross misconduct, which is punishable under the rules.

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

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

**DISTRICT POLICE OFFICER,
DIKHAN**

No. 3919-20 /EC, dated 04.06 /2020.

Copy of above to:-

1. DSP Kulachi :- The Enquiry Officer for initiating proceedings against the accused under the provisions of Police Rule-1975.
2. The **Accused officer**:- with the directions to appear before the Enquiry Officer, on the date, time and place fixed by him, for the purpose of enquiry proceedings.

Attest
[Signature]
[Signature]

دعا عالی

منجلیہ تاریخ: ۳۹۱۸ تاریخ جاریہ: ۰۶.۰۶.۲۰۲۰

امیرت کے ذریعہ اعلیٰ خان مسعود سے پہلے ۱۱۴۰ھ تکام دروس
 میں لکھور میں قیام کیا اور مسرہ کا نام صرف مقام کے اندر ہوتا ہے
 یعنی حشرات کی تکمیل کرتا ہے۔ اور مسرہ کی کوئی ذرا سی مسرہ بناتا ہے
 ۱۱۴۰ھ میں مسرہ کا الزام لگایا گیا ہے۔ ۱۱۴۰ھ کا شہزادہ کا وزیر
 وہاں سے اعلیٰ خان لکھور گیا کسی سے کسی کو کیا حق و راجہ ہوا یا کسی سے کسی کو
 یہ تو ۱۱۴۰ھ کو اس زمانہ میں مسرہ لکھی گئی تھی کہ ۱۱۴۰ھ میں
 کہ کسی سے کسی کو حق و راجہ ہے۔ اور یہی مقام ہے کہ ہمارے
 مسرہ میں اور اسی ذریعہ تاریخ اور طریقے سے مسرہ نام دے یا
 نہ ہی کسی شخص کو کیا حق و راجہ ہے۔ ۱۱۴۰ھ کو مسرہ کے الزام
 لگایا ہے۔ ۱۱۴۰ھ کی ذریعہ تاریخ سے انہوں نے مسرہ لکھی۔

امیرت کے ذریعہ: ۳۹۱۸ تاریخ جاریہ: ۰۶.۰۶.۲۰۲۰

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 ۱۱۴۰
 Ms. Cantt
 ۱۱.۰۶.۲۰۲۰

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OFFICE OF THE
DISTRICT POLICE OFFICER,
DERA ISMAIL KHAN

Tel: (0966) 9280062
Fax (0966) 9280293

No. 4776 IEC,

Dated. 14 / 07 / 2020

ORDER

(S)

This order will dispose of departmental proceedings conducted against Head Constable Akbar Jan No.957 under the Khyber Pakhtunkhwa, Police Rules, 1975 (amendment 2014).

While he posted as Moharrir at PS Daraban, he is a racket links with smuggler and passing NCP vehicles from his area of jurisdiction. This show about his negligence/laxity on his part, amounts to gross misconduct, which is punishable under the rules.

He was served with charge sheet/statement of allegations. An Enquiry was conducted into the matter through Mr. Khalid Mehmood DSP Chachi Circle DIKhan under Police Rules-1975 ammended-2014. The Enquiry Officer submitted his finding report in which he stated that the accused HC was already transferred from PS Daraban and posted in PS Chachi due to the aforementioned allegations. E.O further added that the subsequent Head Constable was summoned/called on his Mobile but he did not appear before the Enquiry Officer. Hence, it is useless to keep the Enquiry further pending and found guilty.

Keeping in view of finding and recommendations of the Enquiry Officer, the undersigned came to the conclusion that the charge levelled against the accused official has been established beyond any shadow of doubt.

Therefore, in exercise of powers conferred upon me under the ibid Rules, Capt. @ Wahid Mehmood, District Police Officer, DI Khan, award him the Punishment of **Reduction in the rank** with immediate effect being guilty on the recommendation of Enquiry Officer.

Capt: @ WAHID MEHMOOD, PSP
District Police Officer,
11/7 Dera Ismail Khan

4777 IEC,

Information:-

Copy to Worthy Regional Police Officer DIKhan.

OB 1560

DT 15-07-20

Capt: @ WAHID MEHMOOD, PSP
District Police Officer,
11/7 Dera Ismail Khan

100
Application received on 09-10-2020
Copying fee deposited on _____
Judgement read for copies on _____
Words used FC Akbar Jan
Page No: _____
Search No: NO-957
Date of copy: _____
Copy submitted on 07-10-2020
Copy submitted on 9-10-2020
Date of copy: For Appeal

To: The Worthy Deputy Inspector General of Police (RPO),
D.I.Khan Range, Dera Ismail Khan.

Through: *Proper channel.*
Subject: Appeal Against Order No.4777/EC dated 15.7.2020
Passed Over OB No.1560 By DPO/D.I.Khan.

Reverend Sir,

Respectfully, the petitioner / appellant states as under,

1. That the appellant, enrolled as Constable in the Police Department, later earned promotion in due course to the rank of Head constable. The appellant has well over years of unblemished service to his credit, earning good will and praise from his superiors for his hard work and devotion. The appellant has always served the department with due diligence, dedication and to the utter satisfaction of his superiors thus earning numerous commendations and rewards.
2. During the entire stretch of his service the conduct of appellant remained unblemished. Service record of the appellant is second to none and no adverse inference was ever drawn by the superiors since nothing of the sort was ever conveyed to the appellant.
3. That to the dismay of appellant, he was, through order dated 15.7.2020 passed by DPO/D.I.Khan, awarded punishment of Reduction to Lower Rank of Constable, albeit in sheer derogation of the law, rules and norms of natural justice.
4. That in consequence of above stated situation the appellant prefers the present appeal on the following grounds,

Grounds:-

- a. That the order of DPO/ D.I.Khan, impugned hereby is not only against the law & rules but militates against the principles of justice, equity and good order of public service.
- b. That the allegations contained in the Charge Sheet culminating into award of one of the major punishments of harsh kind were based on misconception of true facts, wrong, incorrect and misconceived.
- c. That the appellant has been virtually condemned unheard and subjected to a punishment of the kind "Reduction in Rank" without being provided with an appropriate opportunity to defend his cause beyond any encumbrance, thus calling for interference by your good office to undo the injustice.
- d. That the impugned order is apparently based on misconception and misconstruing of facts besides law, rules and principle of natural justice thus is liable to be set-aside. There is nothing on records to prove any complicity on part of the appellant in either of the allegations nor that given the surrounding facts anything to the contrary was placed before the appellant except bare accusation without any specification / details.
- e. While pushing the punitive proceedings in a slipshod manner the authority i.e. DPO, D. I. Khan awarded the impugned punishment but in utter defiance of law and principle of natural justice.

- (11)
- f. That the appellant has not only rendered protracted service to the cause of department over a stretch of many years, but a large family to feed. The Punishing Authority deprived the appellant and his family of their due earning while ignoring these aspects blatantly.
- g. That your good office has ample powers to set-aside the impugned order of DPO / D.I.Khan in terms of law, rules and precedents.

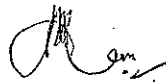
Prayer:-

In view of the above made submissions, it is very earnestly requested that on gracious acceptance of the instant petition, the impugned order of DPO / D.I.Khan passed on 15.7.2020 over OB No.1560 dated 15.07.2020 may kindly be set-aside in the interest of justice.

The appellant also solicits an opportunity for personal audience.

Dated. 20-7-2020.

Your most obedient servant,



(Akbar Jan) Ex-HC No. 957
Now Constable.
District D.I.Khan.

Attested
Officer
^



OFFICE OF THE
REGIONAL POLICE OFFICER
DERA ISMAIL KHAN
REGION

12

No. 8960 /ES, Dated DI Khan the 30/09/2020

ORDER

This order is aimed to dispose of the departmental appeal of Head Constable Akbar Jan No.957 (Now Constable) of District Police DIKhan against the Major punishment order i.e. Reduction in Rank by DPO DIKhan vide OB No.1560 dated 15.07.2020, on the following allegations:

Facts of the case are that while posted at PS Daraban, he is a racket links with smuggler and passing NCP vehicles from his area of jurisdiction.

He was issued charge sheet and proper departmental proceedings were initiated against him. Enquiry into the matter was conducted by Mr. Khalid Mehmood, DSP Kulachi Circle DI Khan who submitted his findings report that in which he stated that the accused Head Constable was already transferred from PS Daraban and posted in PS Cantt due to the aforementioned allegations. Enquiry Officer further added that the delinquent Head Constable was summoned/called on his Mobile but he did not appear before the enquiry officer. Hence, it is useless to keep the enquiry further pending and found guilty. Hence, DPO DIKhan has passed the order dated 14.07.2020.

His appeal was sent to DPO DIKhan for comments and to provide his service record vide this office Endst: No. 3083/ES dated 03.08.2020.

DPO DIKhan vide his office memo: No. 5349/EC dated 19.08.2020 has furnished the comments on the subject appeal.

The undersigned perused the file of the appellant thoroughly as well as heard him in person in Orderly Room dated 23.09.2020. Enquiry into the case was conducted by DSP Kulachi Circle DI Khan, who found him guilty of the charges leveled against him. The undersigned also called the enquiry officer in the office who admitted the finding report.

Therefore, I, **YASEEN FAROOQ**, Regional Police Officer, Dera Ismail Khan, in exercise of the powers conferred upon me under Rule-11(4)(a) of Police Rules 1975 amended 2014, the Major punishment of reduction in rank awarded by DPO D.I.Khan uphold the order of penalty and his appeal is hereby rejected.

(Signature)
(YASEEN FAROOQ) PSP
REGIONAL POLICE OFFICER
DERA ISMAIL KHAN

No. 8961 /ES OB 2167
DF 09-10-2020

Copy of above is sent to the DPO DIKhan alongwith service records w.r.t his office memo: No.5349/EC dated 19.08.2020.

(Signature)
(YASEEN FAROOQ) PSP
REGIONAL POLICE OFFICER
DERA ISMAIL KHAN

- (a) Register No. 100
- (b) Application received on 09-10-2020
- (c) Copying fee accounted on _____
- (d) Judgmental report received on Jan
- (e) Name of appellant AKBAR JAN
- (f) No. of appellant 957
- (g) No. of appeal NO.
- (h) Name of appellant _____
- (i) Copy prepared on 09-10-2020
- (j) Copy delivered on 09-10-2020
- (k) Cause of appeal Reduction in Rank

To: The Worthy Inspector General of Police (PPO),
Khyber Pakhtunkhwa, CPD, Peshawar.

Through: *Proper channel.*

Subject: Appeal / Revision Against Order No.4776/EC dated 14.7.2020((OB No. 1560) of DPO/DIKhan and Order No.8960/ES Dated 30.09.2020(OB No. 2167 dated 09.10.2020) of RPO/D.I.Khan.

Reverend Sir,

Respectfully, the petitioner / appellant states as under,

1. That the appellant was enrolled as Constable in the Police Department, later earned promotion in due course to the rank of Head constable. The appellant has well over 25 years of unblemished service to his credit, earning good will and praise from his superiors for his hard work and devotion. The appellant has always served the department with due diligence, dedication and to the utter satisfaction of his superiors thus earning numerous commendations and rewards.
2. During the entire stretch of his service the conduct of appellant remained unblemished. Service record of the appellant is second to none and no adverse inference was ever drawn by the superiors since nothing of the sort was ever conveyed to the appellant.
3. That to the dismay of appellant, he was, through order dated 15.7.2020 passed by DPO/D.I.Khan over No.4776/EC(OB No.1560) awarded punishment of Reduction to Lower Rank of Constable, albeit in sheer derogation of the law, rules and norms of natural justice.
4. That the appellant moved a departmental appeal with office of RPO/DIG, D.I.Khan seeking setting aside of above said order of DPO. However, unfortunately the appeal didn't succeed and was dismissed vide order issued over No.8960/ES(OB No.21677 dtd.09.10.2020).
5. That in consequence of above stated situation the appellant prefers the present appeal on the following grounds,

Grounds:-

- a. That the subject mentioned order of DPO/ D.I.Khan, and consequential order of RPO, D.I.Khan, impugned hereby are not only against the law & rules but militate against the principles of justice, equity and good order of public service.
- b. That the allegations contained in the Charge Sheet culminating into award of one of the major punishments of harsh kind were based on misconception of true facts, wrong, incorrect and misconceived.
- c. That the appellant has been virtually condemned unheard and subjected to a punishment of the kind "Reduction in Rank" without being provided with an appropriate opportunity to defend his cause beyond any encumbrance, thus calling for interference by your good office to undo the injustice.
- d. That the impugned orders are apparently based on misconception and misconstruing of facts besides law, rules and principle of natural justice thus are liable to be set-aside. There is nothing on records to prove any complicity on the part of appellant nor that given the surrounding facts anything to the contrary was proved against the appellant except bare accusation without any sustenance.

- e. While pushing the punitive proceedings in a slipshod manner the both the authorities below i.e. DPO and RPO, D. I. Khan have awarded the impugned punishment and rejected the appeal yet in utter defiance of law and principle of natural justice.
- f. That the appellant has not only rendered protracted service to the cause of department over a stretch of more than two decades, but a large family to feed. The Punishing Authority deprived the appellant and his family of their due earning while ignoring these aspects blatantly.
- g. That your good office has ample powers to set-aside the subject mentioned impugned orders of DPO and RPO/D.I.Khan in terms of law, rules and precedents.

Prayer:-

In view of the above made submissions, it is very earnestly requested that on gracious acceptance of the instant petition, the impugned orders of DPO/D.I.Khan passed over No.4770/EC(OB No.1560) dated 15.07.2020 and appellate Order of RPO/D.I.Khan passed over No.8960/ES(OB No.2167) dated 9.10.2020 may kindly be set-aside in the interest of justice.

The appellant also solicits an opportunity for personal audience.

Dated. 19.10.2020

Your most obedient servant,


(Akbar Jan) Ex-HC No. 957
Now Constable. P.S. Cantt:
District D.I.Khan.

Alloster

VAKALATNAMA

N.W.F.P. BAR COUNCIL

MUHAMMAD ISMAIL ALIZAI
 Advocate High Court
 N.I.C. 12101-4956025-3
 S.No 1228



Issuing Authority

Father's Name: MUHAMMAD IBRAHIM KHAN ALIZAI
 Address: ALIZAI HOUSE KING ALIZAI, BUKHARIAN
 Office Tel: 03446400121, 0323885770
 Enrollment Dt. L.C. 1994(R 21-43-2307)
 Enrollment Dt. H.C. 25-03-2003
 Place of Practice OLRA ISMAIL KHAN
 Date of Birth: 12-04-1966
 Blood Group: B+ve

1st Floor G-Block, Khyber Road Peshawar Ph: 091-6291172
 E-mail: nwfbarcouncil@yahoo.com, nwfbarcouncil@gmail.com

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR.

In Service Appeal *Akbar Jan Ex-HC vs PPO, KP etc*

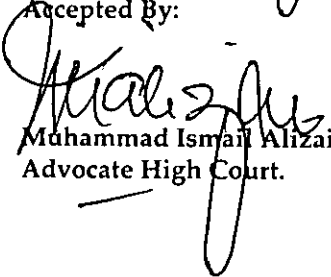
I/WE, *Akbar Jan* Appellant,

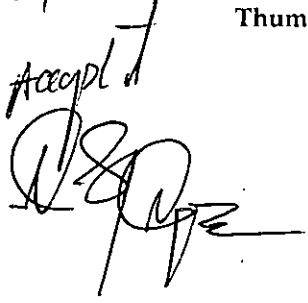
hereby appoint, Mr. Muhammad Ismail Alizai, Advocate High Court, D.I.Khan, *Ahmad Shahbaz Alizai* in the above mentioned matter / case and authorize him/them to do all or any of the following acts, in my/our name and on my/our behalf, that is to say,

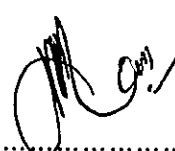
1. To appear, act and plead for me/us in the above mentioned case in this Court/ tribunal in which the same may be tried or heard or any other proceedings what so ever, ancillary thereto, including appeal, revision etc; on payment of fees separately for each court by me / us,
2. To sign, verify, file, present or withdraw all/any proceedings, petitions, appeals, cross objections and application for compromise or withdrawal, or for submission to arbitration of the said case or any other documents, as may be deemed necessary or advisable by him/them and to conduct prosecution or defense of the said case at all its stages,
3. To undertake execution proceedings, deposit, draw and receive money, cheques, cash and grant receipts thereof and to do all other acts and things which may be conferred to be done for the progress and in the course of prosecution of the said case,
4. To appoint and instruct any other Advocate/ legal practitioner authorizing him to exercise the power and authority conferred upon the advocate whenever he/they may think fit to do so and to sign Power of Attorney on our behalf,

I /we, the undersigned do hereby agree to ratify and confirm all acts done by the advocate or his authorized substitute in the matter as my /our own acts, as if done by me/us to intents and purposes, and I / we undertake that I /we or my/our duly authorized agent shall appear in the court on all hearings and will inform the advocate(s) for appearance when case is called and I/we the undersigned agree hereby not to hold the advocate(s) or his/their substitute responsible if the said case be proceeded ex-parte or dismissed in default in consequence of my/our absence from court when it is called for hearing and for the result of the said case, the adjournment costs whenever ordered by the court shall be of the advocate(s) which he/they may receive and retain himself/themselves. I/we the undersigned do hereby agree that in the event of the whole or part of the fees agreed by me/us to be paid to the advocate(s), if remain unpaid, he/they shall be entitled to withdraw from prosecution of the above said case until the same is paid and fee settled is only for the above said case and above court and I /we agree hereby that once fee is paid, I/we shall not be entitled for refund of the same in any case whatsoever.

IN WITNESS WHEREOF, I /we do hereby set my/our hand to these presents, the contents of which have been read / read over, explained fully and understood by me/us on this *6th* Day of *Jan* 20*24*

Accepted By:

 Muhammad Ismail Alizai,
 Advocate High Court.

Accepted by


Thumb Impression / Signature(s) of Executant(s)

 Akbar Jan (Appellant)

NIC 12103-1497913-9

"A"

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

No.

713

APPEAL No.....511..... of 20 21

Akbar Jan

Appellant/Petitioner

Versus

P.P.O.

RESPONDENT(S)

✓
Notice to Appellant/Petitioner

Akbar Jan S/o Obaid Jan

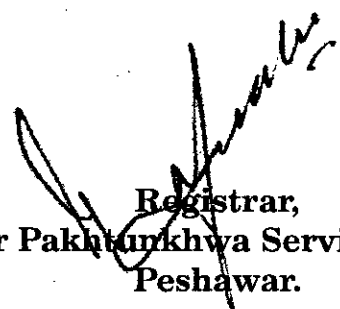
Ex - Head Constable No. 957

now Constable Posted at P.S. Cantt. D.I. Khan

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 21-6-2021 at 9:00 AM

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

at Camp Court D.I. Khan


Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"A"

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

TB

No.

APPEAL No. 511 of 2021.

Akbar Jan

Appellant/Petitioner

Versus

The P.P.O. K.P.T.C. Pesh.

RESPONDENT(S)

Counsel

Notice to Appellant/Petitioner

Muhammad Ismail Aliza
Advocate High Court
D.I. Khan

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at Camp Court D.I. Khan

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.