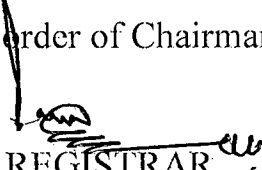


Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 1519/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	21/10/2022	<p>The appeal of Mr. Habib ur Rehman resubmitted today by Mr. Mansoor Salam Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____. Notices be issued to appellant and his counsel for the date fixed.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

The appeal of Mr. Habib-ur-Rehman Ex-Constable No. 461 Police post main Gate Judiciary Complex Lakki Marwat received today i.e. on 14.10.2022 is incomplete on the following score which is returned to the counsel for the appellent for completion and resubmission within 15 days.

- 1- Appeal has not been flagged/marked with annexures marks.
- 2- Annexures of the appeal may be attested.
- 3- Copy of charge sheet and statement of allegations is not attached with the appeal which may be placed on it.
- 4- Four more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 2837 /S.T,

Dt. 17/10 /2022



REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Mansoor Salam Adv. Pesh.

- Appeal has properly flagged with Annexure marked.
- Annexures has been attested.
- Copy of C.S & S of Allegations has been attached with main appeal and with copies.
- All the objections has properly removed and case file has resubmitted, to be placed before Hon'ble tribunal for proper hearing.

Mansoor Salam Advocate

Mansoor Salam
21-10-2022.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

SERVICE APPEAL NO. 1519 /2022

Habib-ur-Rehman

V/S

Police Deptt:

INDEX

S. No.	Documents	Annexure	P. No.
01.	Memo of appeal	-----	1-4
02.	Affidavit	-----	5
03.	Copies of Charge Sheet, Statement of Allegations & Reply	A,B&C	6,7,8
04.	Copy of Final Show Cause Notice	D, D-1	9,10
05.	Copy of Impugned Order of DPO dated 01.08.2022	E	11
06.	Copy of Departmental Appeal	F	12
07.	Copy of the Impugned Rejection Order of RPO dated 12.09.2022	G	13
07.	Wakalat Nama		

حبیب الرحمن
APPELLANT

THROUGH:

(MANSOOR SALAM)
ADVOCATE HIGH COURT
PESHAWAR

Mansoor Salam
→

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

SERVICE APPEAL NO. 1519 /2022

Habib-ur-Rehman Ex-Constable No.461
Police Post main Gate Judicial Complex, Lakki Marwat.

(APPELLANT)

VERSUS

1. The Regional Police Officer, Bannu Region Lakki Marwat.
2. The District Police Officer, Lakki Marwat.

(RESPONDENTS)

APPEAL UNDER SECTION 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974
AGAINST THE ORDER DATED 01.08.2022, WHEREBY THE
APPELLANT WAS DISMISSED FROM SERVICE, AND
AGAINST THE ORDER DATED 12.09.2022, WHEREBY THE
DEPARTMENTAL APPEAL OF THE APPELLANT WAS
REJECTED WITH NO GOOD REASONS/GROUNDS.

PRAYER:

THAT THE ACCEPTANCE OF THIS APPEAL, THE ORDER
DATED 01.08.2022 AND 12.09.2022 MAY KINDLY BE SET
ASIDE AND THE APPELLANT MAY BE REINSTATED
INTO HIS SERVICE WITH ALL BACK AND
CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY
WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND
PROPER MAY ALSO BE AWARDED IN FAVOUR OF
APPELLANT.

RESPECTFULLY SUBMITTED;

FACTS:

1. That the appellant has appointed in the respondent department in the year 2007 and was performing his duty with great devotion and honesty, whatsoever, assigned to him and no complaint or adverse remarks has been filed or passed against him regarding his performance.

2. That the appellant was posted as constable at Police post main gate judicial complex Lakki Marwat, where an incident of murder took place inside judicial complex Lakki Marwat vide FIR No. 206 dated 25.06.2022 u/s 302,324,34 PPC PS Gazni Khel for which the appellant has been held liable for gross misconduct, inefficiency and negligence for not proper body search of accused/murderer. (2)
3. That on the same date of incident, the appellant was issued a charged sheet and statements of allegations vide dated 25.06.2022 wherein appellant was held liable for misconduct, inefficiency and lethargic conduct, which was duly replied within specified time of 07 days by the appellant denying all the charges and allegations that has been leveled against the appellant. **(Copies of Charge Sheet & Statement of Allegations & Reply are Annexure-A, B&C).**
4. That one sided departmental inquiry was conducted by the inquiry officer against the appellant and as a result appellant has been held responsible for committing the act of gross misconduct, negligence & inefficiency, by which the appellant has been issued a final Show Cause Notice, vide dated 19.07.2022. **(Copy of Final Show Cause Notice as Annexure-D)**
5. That after issuing final show cause notice, the appellant has been dismissed from service vide order dated 01.08.2022, without affording an opportunity of personal hearing and condemned unheard by violating natural justice. **(Copy of Impugned Order dated 01.08.2022 as Annexure-E)**
6. That feeling aggrieved from impugned order of DPO Lakki Marwat. The appellant filed departmental appeal vide dated 15.08.2022 to the office of RPO Bannu, against the dismissal order dated 01.08.2022. **(Copy of Departmental Appeal is attached as Annexure-G)**
7. That the departmental appeal of the appellant was rejected on 12.09.2022, however the rejection order dated 12.09.2022 does not communicated to the appellant in person, more so on 16.09.2022 the appellant went to the office of respondent No.2 to know about the fate of his departmental appeal on which the officials of the office of respondent No.2 inform the appellant that his departmental appeal has been rejected on 12.09.2022, but office received the rejection order on 14.09.2022 bearing dairy No.4555 and handed over rejection order to the appellant on 16.09.2022.

8. That the appellant has no other remedy except to file the instant service appeal in this Hon'ble Tribunal on the following grounds amongst others.

(3)

GROUND:

- A. That the impugned orders dated 01.08.2022, 12.09.2029 and are against the law, facts, norms of justice and material on record, therefore, not tenable and liable to be set aside.
- B. That inquiry conducted against the appellant was not according to the prescribed procedure as neither the appellant was properly heard nor the CCTV cameras visuals as evidence were associated with the inquiry proceeding, which is sheer violation of law and rules and as such the impugned orders are liable to be set aside on this ground alone.
- C. That no opportunity of defense was provided to the appellant during inquiry proceeding, which is violation of Article-10A of the Constitution of Pakistan.
- D. That the inquiry officer wholly resting on the discussion of concerned IO of the case, because neither a lady constable was associated in inquiry proceedings nor the visuals of CCTV cameras has been made part of the inquiry proceedings, which is gross violation of facts and evidences.
- E. That the appellant being a constable was posted to take body search of male whereas the female litigants' body search was the responsibility is of lady constable, in judicial complex which were entering via the main gate/walk through gate of the judicial complex however the inquiry officer conducted inquiry in violation of procedure given in KP Police E&D Rules 1975.
- F. That it is pertinent to mention here that appellant in his departmental appeal and in reply of charge sheets has brought the attention of officers for the reasons of security laps but neither attention has been given nor even considered, and appellant has straight away dismissed from service.
- G. That it is cherished principle of law that where law required the things to be done in particular manner, the same is to be done in that manner and not otherwise.

- H. That the law and courts of the country have always encouraged and preferred that rules are to be followed and have deplored, discoursed and depreciated any violation or variation therein.
- I. That neither witness were examined on oath which was obligatory for inquiry officer who has to perform quasi-judicial function nor chance of cross examination have given and not comply with legal procedure. Departmental inquiry mostly resting on accused/murderer statements before police and conducted the formal inquiry just to fill in the blanks.
- J. That it is settled principle of law that no person could be condemned unheard but in the said case the appellant has been condemned unheard and no prior chance of defense or hearing was provided to the appellant while dismissed from service.
- K. That from all prospective, the impugned order is wrong and void and is liable to be set aside and the appellant has been reinstated into his service with all back and consequential benefits.
- L. That the appellant seeks permission of this Hon'ble Tribunal to advance others grounds and proofs at the time of hearing/arguments.

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

حسب الرحمن
APPELLANT

Habib-ur-Rehman Ex-Constable

THROUGH:

Mansoor Salam
(MANSOOR SALAM)
ADVOCATE HIGH COURT
PESHAWAR

CERTIFICATE:

It is certified that no other similar service appeal between the parties has been filed earlier.

حسب الرحمن
DEPONENT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

5

SERVICE APPEAL NO. _____/2022

Habib-ur-Rehman

V/S

Police Deptt:

AFFIDAVIT

I, Habib-ur-Rehman Ex-Constable No.461 Police Post main Gate Judicial Complex, Lakki Marwat (Appellant) do hereby affirm and declare that the contents of this service appeal are true and correct and nothing has been concealed from this august Court.



[Signature]
DEPONENT

Habib-ur-Rehman
(APPELLANT)

CNIC:11201-7537039-3

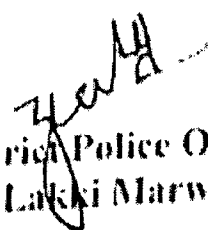
Cell# 0311-1914418

CHARGE SHEET UNDER NWFP POLICE RULES 1975.

I, Zia ud Din Ahmed PSP, District Police Officer, Lakki Marwat as competent authority hereby charge FC Habib Ur Rehman No. 461 posted at judicial udicial Complex Lakki Marwat as follows:-

3. That on 25.06.2022 your negligence and not proper body searching an incident of murder took place in Judicial Complex Lakki Marwat vide FIR No.206 dated 25.06.2022 us 302/324/34 PPC PS Ghazni Khel.
4. This speaks your gross misconduct, inefficiency and lethargic conduct on his part and liable to be punished under Police Rule-1975.
3. By reason of the above, you appear to be guilty or misconduct under section - 02 (iii) of the KPK Police Rules 1975 and has rendered yourself liable to all or any of the penalties as specified in section - 04 (i) and & b of the said rules.
4. You are therefore directed to submit your written defense within seven days (7) of the receipt of this Charge Sheet to the Enquiry Officer.
5. Your written defense if any, should reach to the enquiry officer within the specified period, failing which, it shall be presumed that you have no defense to put-in and in that case, an ex-parte action shall follow against you.
6. Intimate whether you desired to be heard in persons.

No. 487 / Dated Lakki Marwat the 25/06/2022.


District Police Officer
Lakki Marwat

Annex "B"
⑦

OFFICE OF THE DISTRICT POLICE OFFICER, LAKKI MARWAT.

No. 485-86 SRC
Dated: 25/06/2022.

DISCIPLINARY ACTION UNDER KPK POLICE RULES - 1975.

I, Zia ud Din Ahmed PSP, District Police Officer, Lakki Marwat as competent authority am of the opinion that FC Habib Ur Rehman No. 461 posted at Judicial Complex Lakki Marwat has rendered himself liable to be proceeded against as he committed the following acts/commission which fall within the meaning of Section-02 (iii) of KPK Police Rules 1975.

STATEMENT OF ALLEGATIONS.

- 3. "That on 25.06.2022 his negligence and not proper body searching an incident of murder took place in Judicial Complex Lakki Marwat vide FIR No.206 dated 25.06.2022 u/s 302/324/34 PPC PS Ghazni Khel.
- 4. This speaks his gross misconduct, inefficiency and lethargic conduct on his part and liable to be punished under Police Rule-1975.

For the purpose of securitizing the conduct of the said official with reference to the above allegations DSP HQ is appointed as Enquiry Officer for further thorough probe into the matter.

The Enquiry Officer shall conduct proceedings in accordance with provision of Police Rules 1975 and shall provide reasonable opportunity of defense and hearing to the accused official, record its finding and make within twenty five (25) days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused officer.

The accused officer shall join the proceedings on the date, time and place fixed by the Enquiry Officer.

[Signature]
District Police Officer
Lakki Marwat

OFFICE OF THE DISTRICT POLICE OFFICER, LAKKI MARWAT.

No. 485-86 SRC, dated Lakki Marwat the 25/06/2022.

Copy of above is submitted to the:-

- 3. DSP HQ for initiating proceedings against the accused officer under Police Rules 1975.
- 4. FC Habib Ur Rehman No. 461 with the directions to appear before the Enquiry Officer on the date time and place fixed by the enquiry officer for the purpose of enquiry proceedings.

جناب عالی:-

بحوالہ مشورہ ڈیسپلنری ایکشن نوٹس 485 - 861 SRC / 25 - 6 - 22 معروض ہوں۔ کہ

1. من ساہل نے روز وقوعہ (25-06-2022) کو جوڈیشل کمپلیکس کیمروت کے مین گیٹ پر ڈیوٹی پر ہمراہ دیگر سیکورٹی سٹاف اپنی ڈیوٹی نہایت محنت اور جانفشانی سے ڈیوٹی انجام دی۔
2. کسی مرد یا عورت کو بغیر تلاشی کمپلیکس کے اندر داخلے کی اجازت نہیں دی ہے اور نہایت باریک بینی سے تلاشی لی گئی ہے۔
3. وکلاء کے ذاتی گاڑیوں اور ڈیوٹی پر مامور پولیس افسران کے گاڑیوں کے علاوہ کسی بھی گاڑی کو کمپلیکس کے اندر داخلہ نہیں دیا ہے۔
4. وقوعہ ہذا سے قبل بچوں قسم کے کئی واقعات کمپلیکس میں رونما ہو چکے ہیں۔
5. وقوعہ ہذا اور سابقہ واقعات کے بارے میں موجود الوقت سیکورٹی سٹاف کا قوی یقین ہے۔ کہ وقوعہ کرنے والے اشخاص اور وقوعہ میں استعمال ہونے والے اسلحہ وکلاء کے گاڑیوں کے اندر کمپلیکس کے اندر داخل ہو چکا ہے۔
6. کافی کوشش کی گئی ہے کہ وکلاء کی گاڑیوں کو کمپلیکس کے اندر داخلے کے وقت تلاشی کے دائرہ میں لایا جائے لیکن وکلاء کی ہٹ دھرمی کے باعث وکلاء کی گاڑیاں اور ان کے گاڑیوں میں سوار پرائیوٹ اشخاص کا داخلہ ممکن نہ ہو سکا۔

من ساہل اور سیکورٹی پر موجود دیگر سٹاف نے اپنی ڈیوٹی نہایت جانفشانی سے سرانجام دی ہے۔ اور اپنی ڈیوٹی مین کسی قسم کی غفلت یا لاپرواہی نہیں کی ہے۔

من ساہل بے قصور ہے۔

لہذا استدعا ہے کہ ڈیسپلنری ایکشن نوٹس بمعہ چارج شیٹ بلا مزید کارروائی داخل دفتر کرنے کے احکامات صادر فرمائیں۔

عین نوازش ہوگی۔

العارض

کنشیل حبیب الرحمن 461 متعینہ سیکورٹی سٹاف جوڈیشل کمپلیکس کیمروت



OFFICE OF THE
DISTRICT POLICE OFFICER
LAKKI MARWAT

No. 9403 /SRC

Dated 19/07 /2022

Annex "D"

(9)

FINAL SHOW CAUSE NOTICE

You Constable Habib ur Rehman No.461 while posted at main gate Judicial Complex Lakki Marwat are guilty of acts of omission and commission as detailed below:-

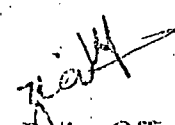
1. That on 25.06.2022 your negligence and not proper body searching an incident of murder took place in Judicial Complex Lakki Marwat vide FIR No.206 dated 25.06.2022 u/s 302/324/34 PPC PS Ghazni Khel.

2. This speaks your gross misconduct, inefficiency and lethargic conduct on your part and liable to be punished under Police Rule-1975.

3. In this regard, charge sheet based upon summary of allegations was issued and DSP/Hqr: Lakki Marwat was appointed as Inquiry Officer. The Inquiry Officer after conducting proper departmental enquiry submitted his finding report and you were found guilty of the misconduct and also recommended for major punishment.

4. NOW THEREFORE, I, Zia ud Din Ahmed PSP, District Police Officer Lakki Marwat call upon you through this Final Show Cause Notice within three (03) days of the receipt of this Final Show Notice that as to why you should not be awarded a major punishment including dismissal from Service as provided under KPK Police Rules, 1975. Also state whether you want to be heard in person.

5. In case your reply is not received within stipulated period without sufficient reasons, it shall be presumed that you have no defense to offer and the undersigned would be at liberty to pass on ex-parte action against you.


District Police Officer
Lakki Marwat

بخدمت جناب سپرنٹنڈنٹ صاحب ضلع لکی مروت

جناب عالی!

بجوالہ فائینل شوکار نوٹس نمبر SRC-9403 مورخہ 19-07-2022 مشمولہ معروض ہوں کہ پہلے شوکار نوٹس میں عرض کر چکا ہوں کہ مورخہ 25-06-2022 کو میری فرانس منشی کے دوران مطلوبہ شخص بجوالہ مقدمہ 206، 2022-26 بجوالہ Ppc 302-324-34 تھانہ غزنی خیل جوڈیشل کپلیکس کے اندر داخل نہیں ہوا تھا۔ اور میری ڈیوٹی سے قبل امر پولیس میں داخل ہوا ہے اس کا مجھے علم نہیں ہے۔ اور لڈ ہی میں نے اس کی تلاشی کی ہے۔

لہذا اس ضمن میں بے گناہ ہوں

استدعا ہے کہ مجھے معاف کرنے کا حکم صادر فرمایا جاوے

مورخہ: 22-07-2022

العارض

کانشیل حبیب الرحمن نمبر 461 ضلع لکی مروت



OFFICE OF THE
DISTRICT POLICE OFFICER

LAKKI MARWAT

Ph: 0969-538244 Fax: 0969-538244

E-mail: dpo@lakki@gmail.com

Annex "E"

(11)

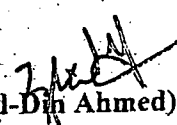
ORDER

My this order will dispose off the departmental enquiry proceedings against Constable Habib ur Rehman No.461 while posted at main gate Judicial Complex Lakki Marwat was found to indulge in the following omission/commission as detail below:-

1. "That on 25.06.2022 his negligence and not proper searching an incident of murder took place in Judicial Complex Lakki Marwat vide FIR No.206 dated 25.06.2022 u/s 302/324/34 PPC PS Ghazni Khel.
2. This speaks his gross misconduct, inefficiency and lethargic conduct on his part and liable to be punished under Police Rule-1975.
3. In this regard, he was charge sheeted and enquiry was marked to DSP/Hqrs: Lakki Marwat for thorough probe into the allegations. The enquiry officer after conducting proper departmental enquiry submitted finding report stated therein that he being present on duty showing negligence, carelessness and irresponsibility, taking the pistol inside even after searching the accused from the main gate and killing his enemy on the front of ASJ No.II has led to his failure, hence found guilty of the misconduct. He was served with Final Show Cause Notice to this effect. His reply to the Final Show Cause notice was perused which was also found un-satisfactory. He was also called in Orderly Room for personnel hearing on 29.07.2022, where he offered no cogent reason to prove his innocent.
4. Therefore, I Zia-ud-Din Ahmed PSP, District Police Officer, Lakki Marwat exercise of the power vested in me under KPK Police Rules-1975, hereby impose upon him major punishment of "Dismissal from service" with immediate effect. He is directed to deposit all the Govt: articles allotted to him to the concerned branches.

OB No. 358

Dated: 01/08/2022.


(Zia-ud-Din Ahmed) PSP
District Police Officer
Lakki Marwat

No. 9846-49 / Dated Lakki Marwat the 01/8 -/2022.

Copy of above is submitted for favour of information to:-

1. The Regional Police Officer, Bannu Region, Bannu.
2. EC, PO, OHC & Lines Officer for necessary action.

بخدمت جناب ریجنل پولیس آفیسر صاحب بنوں ریجن بنوں دام اقبال

عنوان:- درخواست، اپیل برخلاف آرڈر نمبر OB NO 358/ 01.08.2022 مجاریہ جناب D.P.O صاحب لگی مروت/ بحالی مروت۔

جناب عالی:- بحوالہ OB No 358/ 01.08.2022 جناب D.P.O صاحب لگی مروت نے من مسائل کو پولیس فورس سے برخاست کرنے کے حکم صادر فرمایا ہے۔ (کاپی ہمراہ ہے) من مسائل اس سلسلے میں ذیل گزارشات عرض کرنا چاہتا ہے۔

1- مسائل سال 2007 کو محکمہ پولیس میں بطور کنٹریبل بھرتی ہوا تھا۔

2- بروز وقوعہ مورخہ 25.06.2022 کو مسائل جوڈیشل کمپلیکس لگی مروت میں تعینات تھا۔ اور اپنی ڈیوٹی سیکورٹی جوڈیشل کمپلیکس پر موجود تھا۔ اور حسب العکم جناب سیشن جج صاحب لگی مروت صبح 8:00 بجے سے تا عدالت اختتام تا 12:00 بجے اپنی ڈیوٹی پر موجود اور مصروف تھا۔ اس سلسلے میں CCTV کیمرے چیک کئے جاسکتے ہیں۔

عدالت کے تاخیر ختم ہونے کے بعد اگلے روز صبح 8:00 بجے تک پولیس گارڈ بمعہ انچارج مین گیٹ اور دوسرے پوسٹوں پر تعینات ہوتے ہیں۔

3- من مسائل نے اپنی ڈیوٹی نہایت محنت، اور جانفشانی سے انجام دی ہے۔ جو اشخاص واک ٹھرو گیٹ سے داخل ہو چکے ہیں کی باقاعدہ تلاشی لی گئی ہے۔

5- ماسوا دکلاء کے ذاتی گاڑیوں اور پولیس آفسران کے سرکاری گاڑیوں کو مین گیٹ سے داخلہ کی اجازت نہیں دی ہے۔ البتہ جوڈیشل کمپلیکس میں داخلہ کیلئے عینی جانب چند دوسرے راستے بھی موجود ہیں۔

6- یہ امر بھی گزارش کرنا مناسب اور ضروری سمجھتا ہوں کہ وقوعہ ہذا سے قبل چھوٹی قسم کے دیگر وقوعات کمپلیکس کے اندر رونما ہو چکے ہیں۔

7- ڈیوٹی پر موجودہ شاف نے وقوعات کے تدارک کے خاطر ضروری احتیاط اور تدابیر عمل میں لائے ہیں لیکن پھر بھی وقوعات رونما ہوئے۔

8- ان وقوعات کے دوران ڈیوٹی پر موجود سیکورٹی پر ماسوا ہلکاران کا بھی یہ یقین ہے کہ کمپلیکس کے اندر وقوعات رونما کرنے والے اشخاص اور وقوعہ میں استعمال ہونے والے اسلحہ دکلاء کے گاڑیوں سے کمپلیکس کے اندر داخل ہو چکے ہیں۔

9- کمپلیکس کے سیکورٹی ڈیوٹی پر متعین شاف نے ہر وقت یہ کوشش کی ہے کہ دکلاء کے گاڑیوں اور ان کے اندر سوار پرائیویٹ اشخاص کو تلاشی کے دائرے میں لایا جائے تاکہ کمپلیکس کے اندر وقوعات کا تدارک کیا جاسکے۔ لیکن بار کونسل کے چند ممبران کی ہٹ دھرمی اور اپنے آپ کو مافوق الفطرت تخلیق سمجھتے ہوئے عدلیہ اور انتظامیہ کیلئے مسائل کھڑے کرنے کے خوف کے باعث دکلاء کے گاڑیوں اور کالے شیشے والے گاڑیوں کی تلاشی اور ان گاڑیوں کے اندر موجود پرائیویٹ اشخاص کی تلاشی ممکن نہ ہو سکی۔

لہذا استدعا ہے کہ جناب D.P.O صاحب لگی مروت کے آرڈر OB NO 358/ 01.08.2022 کو کالعدم فرمایا جاوے اور من مسائل کو مروتس پر بعد جملہ حقوق بحال کرنے کے احکامات صادر فرمائے۔

تاریخ- 15.08.2022

العارض

سابقہ کنٹریبل حبیب الرحمن 461 متعینہ سیکورٹی جوڈیشل کمپلیکس لگی مروت حال برخاست شدہ

موبائل نمبر- 0311.1914418

ORDER:

4558
14-9-22

This order will dispose of departmental appeal, preferred by Ex-FC Habib-ur-Rehman No.461 of District Police Lakki Marwat, wherein he has prayed for setting aside the order of major punishment of "Dismissal from Service", imposed upon him by DPO Lakki Marwat vide OB No.358 dated 01.08.2022 on the following allegations:-

- > That on 25.06.2022 the appellant while posted at main gate for security of Judicial Complex Lakki Marwat, his negligence and not proper body search an incident of murder took place in Judicial Complex Lakki Marwat vide FIR No.206 dated 25.06.2022 u/s 302,324,34 PPC PS Ghazni Khel.

Comments, service record and enquiry papers were received from DPO Lakki Marwat vide his office letter No.10278/EC, dated 19.08.2022. The DPO Lakki Marwat has reported that the appellant was charge sheeted and enquiry papers were marked to DSP/HQ Lakki Marwat for thorough probe into the allegations. The enquiry officer after conducting proper departmental enquiry submitted findings/report stating therein that the appellant being present on duty showing negligence, carelessness and irresponsibility in taking the pistol from the accused. Resultantly, the accused killed his enemy in front of the court of ASJ No.II, Lakki hence found guilty of the charge. The appellant was served with Final Show Cause Notice by DPO-Lakki. His reply to the Final Show Cause Notice was found unsatisfactory. The appellant was heard in Orderly Room held by DPO-Lakki, but he failed to prove himself innocent. Therefore, the DPO Lakki Marwat awarded him major punishment of "Dismissal from service" vide O.B No.358 dated 01.08.2022. The appellant was also heard in person in orderly room held in RPO Office Bannu on 01.09.2022 in connection with the instant appeal. However, his plea has not been found convincing.

He failed to perform such an important duty and consequently a litigant was killed in front of the court of ASJ No.II Lakki. His conduct/delinquency has not only embarrassed the district police and earned a bad name for it but also resulted in the loss of a precious life. His attitude towards duty has thus been found to be extremely casual.

Therefore, I, Syed Ashfaq Anwar, PSP, Regional Police Officer, Bannu Region Bannu, in exercise of the powers vested in me under Khyber Pakhtunkhwa Police Rules, 1975 (amended in 2014) hereby endorse the order of DPO Lakki Marwat vide his OB No.358 dated 01.08.2022. His appeal is rejected.

ORDER ANNOUNCED

OB No. 287
Dated: 12/9/2022.

SAC
Per Majid
OH
12/9

[Signature]
Regional Police Officer,
Bannu Region,
Bannu

WAKALATNAMA
(POWER OF ATTORNEY)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Habib-ur- Rehman

(Petitioner)
(Plaintiff)
(Applicant)
(Appellant) ✓
(Complainant)
(Decree Holder)

V E R S U S

Police Deptt:

(Respondent)
(Defendant)
(Accused)
(Judgment Debtor)

I/We Habib-ur- Rehman s/o Muhammad Amin
R/O Mohala Azizan, Dello Khel, Lakkimarwat in the above
noted Service Appeal. do hereby appoint and constitute
Mansoor Salam, Advocate, High Court, Peshawar, to appear, plead, act,
compromise, withdraw or refer to arbitration for me/us as my/our Counsels in the
above noted matter, without any liability for their default and with the authority to
engage/appoint any other Advocate/Counsel at my/our matter.

I/We authorize the said Advocate(s) to withdraw and receive on my/our behalf all
sums and amounts payable or deposited in my/our account in the above noted
matter.

The said advocate(s) is/are not liable / responsible for any act done in good
intention.

Accepted & Attested


CLIENT(S)

Mansoor Salam
&



Taimoor Khan
Advocates, High Court,
Cell No: 0333-9730452