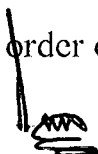


Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 1530/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	25/10/2022	<p>The appeal of Mr. Farzand Ali resubmitted today by Mr. Mansoor Salam Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____.</p> <p>Notices be issued to appellant and his counsel for the date fixed.</p> <p>By the order of Chairman</p> <p> REGISTRAR 07</p>

The appeal of Mr. Farzand Ali Ex-Assistant Sub-Inspector of 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 appellant 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 reply to charge sheet mentioned in the memo of appeal is not attached with the appeal which may be placed on it.
- 4- Copy of show cause notice and its reply is not attached with the appeal which may be placed on it.
- 5- Copy of order dated 12.8.2022 is illegible which may be replaced by legible/better one.
- 6- Four more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 2835 /S.T,

Dt. 17/10 /2022



REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Mansoor Salam Adv. Pesh.

objection ① has removed & Appeal has flagged properly.
objection ② has also removed & Annexures has attested.
objection ③ has removed & copy of reply of chargesheet has attached.

objection ④ copy of reply of show cause Notice has been placed and attached with memo of appeal.

others objections has also rectify and removed properly so place the instant appeal for hearing before Hon'ble Tribunal S.B.

Note: Copy of the show cause Notice date 19.07.2022 on Page: ①, is not available to be annexed with memo of main appeal.

Mansoor Salam
MANSOOR SALAM
Advocate Dallo Khel

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

SERVICE APPEAL NO. _____/2022

Farzand Ali Ex-ASI

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	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		


APPELLANT

THROUGH:

(MANSOOR SALAM) 

ADVOCATE HIGHCOURT
PESHAWAR

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

SERVICE APPEAL NO. _____/2022

Farzand Ali Ex-Assistant Sub Inspector No.295
Police Post main Gate Judicial Complex, Lakki Marwat.

(APPELLANT)

VERSUS

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

(RESPONDENS)

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 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 1996 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 Assistant Sub Inspector 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, and for that the appellant has been held liable for gross

misconduct, inefficiency and negligence for not proper body search of the accused/murderer.

3. That appellant was not present at that day when the aforementioned incident took place in judicial complex; as the appellant was on short leave i.e. **Shabashi**. Appellant handed over the charge to Naib Incharge on 24.06.2022 round about 06:00 PM, factually the appellant's wife was sick & appellant was in doctor clinic when the incident took place on 25.06.2022.
4. 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).**
5. 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)**
6. That after issuing final show cause notice, the appellant has been dismissed from service vide impugned 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)**
7. That feeling aggrieved from impugned order of District Police Officer Lakki Marwat. The appellant filed departmental appeal vide dated 15.08.2022 to the office of Regional Police Officer in Bannu, against the dismissal order dated 01.08.2022. **(Copy of Departmental Appeal is attached as Annexure-G)**
8. 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.4553 and handed over rejection order to the appellant on 16.09.2022.

9. 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.

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.

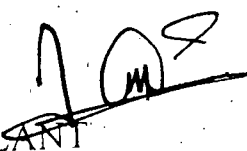
D. That the inquiry office wholly depend on the discussion of the DSP concerned and IO of the case, because neither a lady constable was associated in inquiry proceedings nor the visuals of CCTV cameras has been made part of the inquiry proceedings, more so the doctor prescription of appellant's wife was also presented, but that too was ignored by IO, which is gross violation of facts and collecting evidences.

E. That the appellant was posted at main gate judicial complex Lakki Marwat, for body search of the public, litigants etc entering via the main gate but as mention in above Para appellant was not present and was on short leave i.e. Shabashi 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.

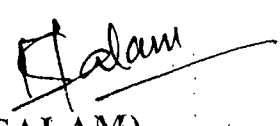
- G. That it is cherished principle of law that where law required the things to be done in particular manner, the same is to be done in that manner and not otherwise.
- H. That the law and courts of the country have always encouraged and preferred that rules are to be followed and have deplored, discoursed and depreciated any violation or variation therein.
- I. That no witnesses examined on oath which was obligatory for inquiry officer who has to perform quasi-judicial function and comply with legal procedure. Departmental inquiry mostly resting on accused/murderer statements before police.
- 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.


 APPELLANT

Farzand Ali Ex-ASI

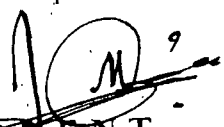
THROUGH:


 (MANSOOR SALAM)

ADVOCATE HIGHCOURT
 PESHAWAR

CERTIFICATE:

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


 DEPONENT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. _____/2022

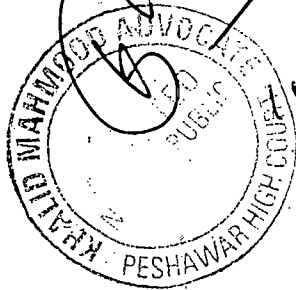
Farzand Ali

V/S

Police Deptt:

AFFIDAVIT

I, Farzand Ali Ex-ASI No.295 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.



[Handwritten Signature]
DEPONENT

Farzand Ali
(APPELLANT)

CNIC:11201-0407648-3

Cell# 0348-9331910

CHARGE SHEET UNDER NWFP POLICE RULES 1975.

I, Zia ud Din Ahmed PSP, District Police Officer, Lakki Marwat as competent authority hereby charge you ASI Farzand Ali while posted as I/C Judicial Complex Lakki Marwat as follow:-

1. "That on 25.06.2022 your negligence and lose supervision 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 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. 480 / Dated Lakki Marwat the 25/6/2022.

**District Police Officer
Lakki Marwat**

OFFICE OF THE DISTRICT POLICE OFFICER, LAKKI MARWAT.

7

No. 479 IPADated: 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 ASI Farzand Ali while posted as I/C security 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.

1. "That on 25.06.2022 his negligence and lose supervision 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.

For the purpose of securitizing the conduct of the said official with reference to the above allegations Ismail Khan DSP H/O 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.


District Police Officer
Lakki Marwat

OFFICE OF THE DISTRICT POLICE OFFICER, LAKKI MARWAT.

No. 479-80/SRC, dated Lakki Marwat the 25/06/2022.

Copy of above is submitted to the:-

3. Ismail Khan DSP for initiating proceedings against the accused officer under Police Rules 1975.
4. ASI Farzand Ali 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.

ضلع ہالی

479/PA

25/6/22

480

25/6/22

حوالہ چارٹریٹ 480 - ڈپٹی کمشنر ایکشن 479/PA
 25/6/22
 محرم میں ہوں کہ تقریباً دو ماہ سے میں اچارج سیکورٹی جوڈیشل
 پولیس کے اقتدار میں ہوں۔ مورخہ 24/6 کو عصریہ گھر سے فون
 آیا کہ زوجہ اسم سوت ہمارے چوہہ اگلے در پہنچ گئی۔ دفتر
 بدین وجہ جوڈیشل پولیس کے سیکورٹی اچارج سیکورٹی
 (ایڈمن) کے ذمہ داری اجازت سے رگھو خورشید گیا اور سیکورٹی
 ذمہ داری لینے نائٹ سمیع اللہ 11C کے حوالہ کی
 بنیادی کو پرائیویٹ ڈائریکٹ سے عدلیہ کے لئے بعد اگلے صبح
 مورخہ 25/6 کو اور اچارج سمیع اللہ 11C کے اطلاع دی
 کہ جوڈیشل پولیس میں قتل کا واقعہ رونما ہوا ہے، فوری طور پر
 اچارج جوڈیشل پولیس میں پولیس اسٹیشن کو جوہر پائے گیا
 جسے ساتھ دیگر سیکورٹی کا ذمہ داری احسن طرقتی سے سرانجام
 دی۔ وقوم کے در نہیں ہو جاتا تھا۔ اور نہ ہی میری ڈیوٹی تھی
 بلکہ میرا نائٹ سمیع اللہ 11C سے جو مجھے پہلے ہی یہاں اقتدار
 حیدر آرہا تھا اسکی ڈیوٹی تھی۔ خواہ اسٹیشن بالکل کو کھیا رہے
 وقوم میری غفلت اور لوز لان کیوجہ سے رونما نہیں ہوا ہے
 بلکہ اللہ تعالیٰ کا مدد تھا اور لوگوں کی جہالت اور عقول کی یہاں
 صورت حقیر ہونے کیوجہ سے رونما ہوا ہے۔ مجھے خواہ مخواہ
 لہذا اسد ماہ کے جن مسائل لائے نہ ابھی اور کچھ ہونے چارٹریٹ
 کو بعد حذیر کا اردو لائے داخل دفتر فرمائی طرف
 بندہ کا دم زہمت دعا گور رہتا

العارف
 وزیر ذمہ داری ASI حقینہ پولیس مدینہ منورہ
 ASI

جاری ہے

بھلاہ شہزادہ کے خوراک کے بارے میں ہے۔ کہ میرا وہی بیان ہے جو پہلے میں چارٹرڈ میں رکھا ہوا ہے

مزید یہ کہ واقعہ کے روز میں جو رپورٹیں تھیں انہی بیمار بھائی کی عیاشی و مصالحت کے لئے جوڈیشل میڈیکل انسٹیٹیوٹ کے سیکورٹی اہلکاروں نے زبان کی اجازت سے گھر فرود کیا ہوا تھا۔ لیکن چونکہ دفتر بند ہے اس لئے اس زمانہ دستاویز نہیں تھے۔ اور بذریعہ جوابدہ خوراک کے وہ ایڈمن سٹریٹ (M) کے ساتھ ساتھ اس زمانہ کی توہین سمجھا گیا ہے۔

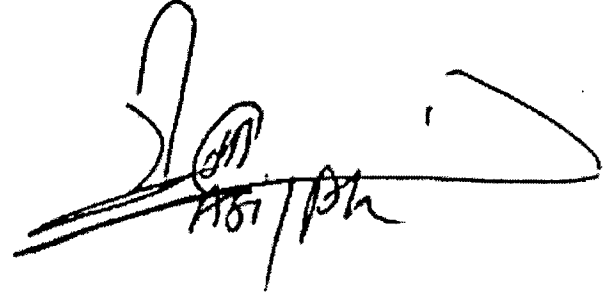
واقعہ تھا کہ میرے گھر کے لوگ ان کے گھر سے روٹا نہیں ہوئے۔ کیونکہ واقعہ کے روز صبح 11 بجے اس سیکورٹی اہلکاروں نے اجازت کی تھی۔ واقعہ کے خلیقین میں سے نہ کسی کو جاننا ہے۔ نہ ان میں سے کسی کے ساتھ کسی قسم کا رابطہ ہے۔

اس زمانہ میں اس بارے میں جوابدہ خوراک اور دیگر تصورات کے بارے میں اس وقت میں کچھ تھا۔ اور اس وقت میں کچھ تھا۔ تو اللہ تعالیٰ کے فضل سے وہ بیمار بھائی اور کچھ بچوں کو زندہ درگور کر رہے ہیں۔ بالکل بے گناہ ہیں۔

لہذا استدعا ہے کہ میری بے گناہی اور غربت اور جھوٹے چھوٹے بچوں کو دیکھتے ہوئے کچھ حائف کرے۔ اور شہزادہ کو زندہ درگور کر کے داخل دفتر فرمائی جاوے۔

بندہ تاجم زہدیت دعا تو رہے گا

الکافریں
فرزند علی ASI پولیس سٹیشن





OFFICE OF THE
DISTRICT POLICE OFFICER
LAKKI MARWAT
The District Police Officer, Lakki Marwat
Lakki Marwat

ORDER

My this order will dispose off the departmental enquiry proceedings against ASI Farzand Ali while posted as I/C Security 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 lose supervision, 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/Hqs: Lakki Marwat for thorough probe into the allegations. The enquiry officer after conducting proper departmental enquiry submitted finding report stated therein that the officer concerned was absented from duty on the day of occurrence without any permission of the competent authority and failure to report for duty the next day also reflects that he had prior knowledge of the occurrence of the incident, 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. 355

Dated: 01/08/2022.

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

No. 9834-37 / Dated Lakki Marwat the

01/08/2022.

Copy of above is submitted for favour of information to:-
1. The Regional Police Officer, Bannu Region, Bannu.
2. The District Police Officer & Lines Officer for necessary action.

اپیل

مخدمت جناب ریجنل پولیس آفیسر صاحب بنوں ریجن بنوں

اپیل برائے بحالی سروس از تاریخ برخواستگی

عنوان:

جناب عالی!

مودبانہ التماس ہے کہ سائل کو جناب DPO صاحب لکی مروت نے بحوالہ OB نمبر 355 مورخہ 01.08.2022 من سائل کو اس

الزام میں ملازمت سے برخاست کیا ہے کہ آپ کی غفلت اور لوز کمانڈ کی وجہ سے جوڈیشل کپلیکس لکی مروت میں قتل کا وقوعہ رونما ہوا۔

عالیجاہ! اس سلسلہ میں من سائل معروض ہوں کہ من سائل بحکم افسران بالا بحیثیت انچارج سیکورٹی جوڈیشل کپلیکس میں ڈیوٹی

سرا انجام دے رہا تھا۔ مورخہ 24.06.2022 کو بوقت عصر ویلہ من سائل کو گھر سے فون کال آیا کہ جلدی گھر پہنچوں ایمر جنسی ہے۔ من سائل گھر کا واحد

سربراہ ہوا اور بچے بہت چھوٹے ہیں جبکہ والد صاحب کافی ضعیف ہے اس لیے سائل کو خود گھر جانا بہت ضروری تھا۔ چونکہ دفتری ٹائم ختم ہو چکا تھا اور افسران

بالا سے تحریری اجازت لینے میں کافی ٹائم لگ جاتا اس لیے سائل نے جوڈیشل کپلیکس کے سیکورٹی ایڈمن سے زبانی اجازت لے کر جوڈیشل کپلیکس میں

اپنے نائب انچارج ہیڈ کانسٹیبل مسیح اللہ کو اپنا چارج سونپ کر بوجہ ایمر جنسی گھر چلا گیا۔ گھر پہنچ کر معلوم ہوا کہ سائل کی بیوی سخت بیمار ہے اور حالت کافی

خراب ہے۔ من سائل اپنے بیوی کو بغرض علاج شہباز خیل لے جا کر پرائیویٹ ڈاکٹر سے علاج کرا کر گھر واپس پہنچایا کہ وقوعہ ہذا کی اطلاع موصول ہو کر

سائل فوراً ڈیوٹی پر واپس آیا۔ اس بابت تعلقہ ہمراہ لف ہے جبکہ جوڈیشل کپلیکس کی CCTV کیمرہ جات بھی ملاحظہ کر سکتے ہیں۔

عالیجاہ! انکوائری آفیسر نے سائل پر جو الزامات لگائے ہیں وہ بے بنیاد اور من گھڑت ہے۔ من سائل فریقین میں سے کسی کو نہ جانتا ہوں

اور نہ کسی کے ساتھ کسی قسم تعلقات یا روابط ہیں۔ انکوائری آفیسر کے پاس اس بابت کسی بھی قسم کا کوئی ثبوت موجود نہیں ہے۔ انکوائری آفیسر نے فریقین میں

سے کسی سے اس بابت کوئی بیان نہیں لیا ہے بلکہ سارے الزامات بدیہی پڑتی ہے۔ اور من سائل کو قصداً اس میں ملوث ٹھہرایا گیا ہے۔ من سائل نے اپنے بے

گناہی کے طور پر اپنی بیمار بیوی کے میڈیکل کاغذات ہمراہ جواب لف کئے تھے جو کہ انکوائری آفیسر نے اسے قصداً گھمادیئے تاکہ سائل مزاحمت نہ کر سکے۔

عالیجاہ! من سائل دائرہ طور پر گھر نہیں گیا تھا بلکہ بوجہ مجبوری گیا تھا۔ اور وقوعہ کی اطلاع موصول ہوتے ہی فوراً ڈیوٹی پر حاضر آیا تھا۔

طور ثبوت تعلقہ ہمراہ لف ہے۔

عالیجاہ! من سائل نے اپنے 26 سالہ سروس میں افسران بالا کو کسی بھی قسم کے شکایت کا موقع نہیں دیا ہے۔ اور ماضی بے داغ اور

صاف ستمرا ہے۔ اس سلسلے میں سائل کے سروس ریکارڈ کو چیک کیا جاسکتا ہے۔

لہذا سائل کی 26 سالہ سروس، چھوٹے چھوٹے بچوں، بیمار بیوی اور بوڑھے باپ کو مد نظر رکھتے ہوئے سائل کے برخاستگی ارڈر کو ختم

کر کے سائل کو سروس پر دوبارہ بحال کیا جائے۔ سائل اس بار محتاط رہے گا اور افسران بالا کو کسی بھی قسم کے شکایت کا موقع نہیں دے گا۔

عین نوازش ہوگی

مورخہ: 10.08.2022

العارض

سائل EX-ASI فرزند علی ضلع لکی مروت

ORDER

This order will dispose of departmental appeal filed by ASI IC/A J. Prasad All No. 295 of District Police Lakki Marwat, wherein he has appealed against the order of major punishment of "Dismissal from Service", imposed upon him by DPO Lakki Marwat vide OB No. 355 dated 01.08.2022 on the following allegations:-

- That on 25.06.2022 his negligence and loss supervision an incident of murder took place in Judicial Complex Lakki Marwat vide FIR No. 206 dated 15.06.2022 u/s 302/304 PPC PS Ghazni Khan.
- This speaks his gross misconduct, inefficiency and lethargy and he is liable to be punished under Police Rules, 1975.

Comments, service record and enquiry papers were received from DPO Lakki Marwat vide his office letter No. 30278/EC dated 19.08.2022. The DPO Lakki Marwat has reported that the appellant was charge sheeted and enquiry papers were marked in DSP/HQ Lakki Marwat for thorough probe into the allegations. The enquiry officer after conducting proper departmental enquiry submitted finding/report stating that the officer concerned had absented from duty on the day of occurrence without any permission of the competent authority and failed to report for duty. The next day also it reflects that he had prior knowledge of the occurrence of the incident hence found guilty of negligence. His plea was found unsatisfactory. On 27.07.2022 he was heard in Orderly Room held by DPO Lakki Marwat where he offered no cogent reason to prove his innocent. Therefore he was awarded major punishment of "Dismissal from Service" vide OB No. 355 dated 01.08.2022. The appellant was also heard in person in orderly room held in DPO 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 ASI No. 11 Lakki. His conduct/delinquency has not only embarrassed the District Police but earned a bad name for it but also resulted in the loss of a precious human life. His plea of duty has thus been found to be extremely casual.

The undersigned, SP, 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. 355 dated 01.08.2022. The appeal is rejected.

ORDER ANNOUNCED
 OB No. 355
 Dated 27/09/2022

SAC

[Handwritten signature]
 Regional Police Officer
 Bannu Region
 Bannu

Regional Police Officer
 Bannu Region
 Bannu

BETTER COPY OF THE PAGE NO. 13

ORDER

This order will dispose of department appeal, preferred by Ex-IHC/ASI Farzand Ali No. 295 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. 355 dated 01.08.2022 on the following allegations.

- That on 25.06.2022 his negligence and lose supervision 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.
- This speaks his gross misconduct, inefficiency and leading ----- liable to be punished under Police Rule-1975.

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 DSOP/HQ; Lakki Marwat for thorough probe into the allegations. The enquiry officer after conducting proper departmental enquiry submitted findings/report stating therein that the officer concerned had absented from duty on the day of occurrence without any permission of the department authority and failed to report for duty. The next day also it refelects that he had prior ----- of the occurrence of the incident, hence found guilty of the

Served with Final Show Cause Notice by DPO-Lakki. His reply to the Final Show Cause Notice was found unsatisfactory. On 29.07.2022 he was heard in Orderly Room held by DPO-Lakki, where he offered a cogent reason to prove his innocent. Therefore, he was awarded major punishment of "Dismissal from serviced" vide O.B No. 355 dated 01.08.2022. the appellant was also heard in person in orderly room held in PRO 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 and earned a bad name for it but also resulted in the loss of a precious life attitude towards duty has thus been found to be extremely counsel.

Therefore, I sayed 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 endrose the order of DPO Lakki Marwat vide his OB No. 355 dated 01.08.2022. His appeal is rejected.

ORDER ANNOUNCED

OB No. 284

Dated 12/09/2022

Regional Police Officer
Bannu Region,
Bannu

WAKALATNAMA
(POWER OF ATTORNEY)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

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

V E R S U S

Police Deptt:
(Respondent) ✓
(Defendant)
(Accused)
(Judgment Debtor)

I/We Farzand Ali s/o Gul Mir R/o Mir Galam Khel
Abdul Khel P/o Tehsil & Distt Lakkimaran 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)

Galam
Mansoor Salam
&

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