

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.15575/2020

Date of Institution ... 03.12.2020
Date of Decision ... 14.07.2022

Riaz Hussain R/O Afzal Hussain R/O Kohat & presently working and posted as Officer Incharge Investigation, P.S Mulana Riaz Shaheed, District Kohat.

(Appellant)

VERSUS

Inspector General of Police, Khyber Pakhtunkhwa Peshawar and two others.

(Respondents)

Sadiq Ali Momand,
Advocate

For appellant.

Riaz Khan Paindakhel,
Assistant Advocate General

For respondents.

Salah Ud Din

Member (J)

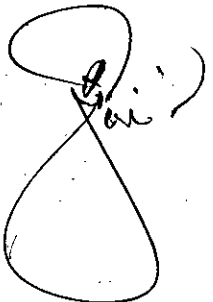
Rozina Rehman

Member (J)

JUDGMENT

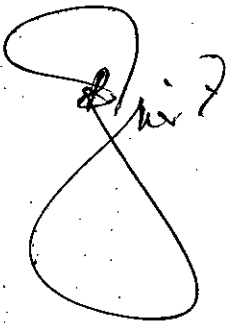
Rozina Rehman, Member(J): The appellant's case in brief is that adverse remarks were communicated to the appellant from his Performance Evaluation Report for the period from 01.01.2019 to 26.09.2019. Feeling aggrieved, he filed departmental appeal for expunction of the impugned adverse remarks but his appeal was rejected, hence, the present service appeal.

2. We have heard Sadiq Ali Momand Advocate learned counsel for appellant and Riaz Khan Paindakhel, learned Assistant Advocate General for the respondents and have gone through the record and the proceedings of the case in minute particulars.



3. Sadiq Ali Momand Advocate, learned counsel for appellant submitted that the adverse observations made in his Performance Evaluation Report are factually incorrect and that they have been made in disregard of the relevant instructions which serve as Guide to Performance Evaluation. It was further pleaded that the appellant was not treated in accordance with law and rules and that the respondents acted in violation of Article-4 of the Constitution of Islamic Republic of Pakistan, 1973; that no adverse remarks were ever recorded in his previous Annual Confidential Reports except the present one and that the unblemished record of the appellant cannot be brushed aside easily. Reliance was placed on 2007 SCMR 1251 and 1993 PLC (C.S) 332. Lastly, he submitted that neither any warning was given to the appellant nor any disciplinary action was initiated in view of the comments of respondents which show that there was no cogent evidence with the Reporting Officer in order to substantiate the guilt of the appellant. He, therefore, requested that the impugned adverse remarks and the rejection order may be declared as illegal, unlawful and without lawful authority and the disputed remarks may kindly be expunged.

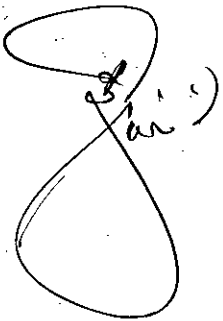
4. Conversely, learned AAG submitted that the appellant was proceeded against departmentally on different occasions and was awarded different kinds of punishments including one of dismissal from service, however, he was reinstated in service in de-novo proceedings. He contended that the appellant did not improve his performance and after going through the performance of the appellant, respondents passed their remarks in his ACR for the period w.e.f 01.01.2019 to 26.09.2019. Lastly, he submitted that service record of the appellant is self-explanatory and that he was heard in



person by respondent No.3 in departmental proceedings and warned to improve himself but fiasco.

5. From the record it is evident that the present appellant was working as Sub Inspector. He was awarded adverse remarks for the period from 01.01.2019 to 26.09.2019. We have given due consideration to the adverse observation in the light of relevant instructions and we are obliged to observe that some of them do not appear to have been strictly observed. It is provided in the guide that the reporting officer is expected to counsel the officer being reported upon about his weak points and advise him how to improve and that adverse remarks should ordinarily be recorded when the officer fails to improve despite counseling. In the present case, however, there is nothing in writing to show that such counseling was ever administered to the appellant. In view of the importance of this instruction, the reporting officer or the countersigning officer should not only impart appropriate advice but also keep a record of such advice having been duly administered. Moreover, the adverse remarks had been awarded for the period from 01.01.2019 to 26.09.2019, whereas, he was awarded Commendation Certificate-III by District Police Officer, Kohat on 10.04.2019. Similarly, another Commendation Certificate-III was awarded on 20.05.2020. He produced list of cases which were registered by the appellant from 15.01.2019 to 20.04.2019 which registration of cases were never denied by the respondents in their comments.

6. For the reasons mentioned above, we are of the opinion that the adverse remarks in this case have been recorded in disregard of the relevant instructions. These are accordingly expunged from the



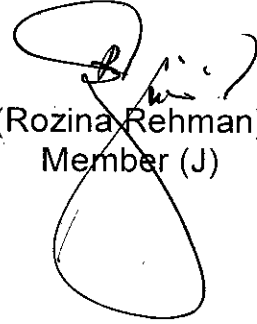
appellant's Annual Confidential Report, in acceptance of the instant appeal. There will be no order as to costs. File be consigned to the record room.

ANNOUNCED.

14.07.2022



(Salah Ud Din)
Member (J)



(Rozina Rehman)
Member (J)

ORDER

14.07.2022

Appellant present through counsel.

Muhammad Riaz Khan Paindakheil, learned Assistant Advocate General for respondents present. Arguments heard. Record perused.

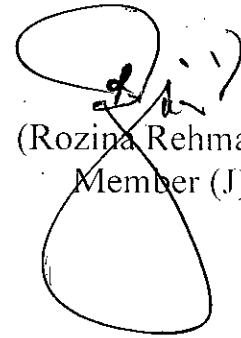
Vide our detailed judgment of today of this Tribunal placed on file, we are of the opinion that the adverse remarks in this case have been recorded in disregard of the relevant instructions which are accordingly expunged from the appellant's Annual Confidential Report, in acceptance of the instant appeal. There will be no order as to costs. File be consigned to the record room.

ANNOUNCED.

14.07.2022



(Salah Ud Din)
Member (J)

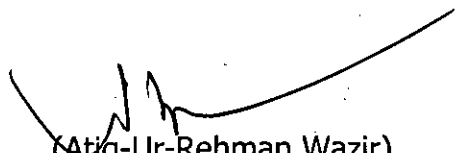


(Rozina Rehman)
Member (J)

23.12.2021

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has made preparation for arguments. Adjourned. To come up for arguments before D.B on 06.04.2022.

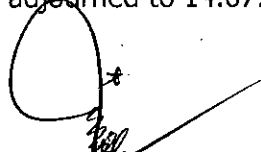

(Atiq-Ur-Rehman Wazir)
Member (E)


Chairman

06.04.2022

Clerk to the counsel for appellant present. Mr. Kabirullah Khattak Adl. AG along with Arif Saleem (Steno) for respondents present.

Counsel are at strike. Therefore the case is adjourned to 14.07.2022 before D.B.


(Mian Muhammad)
Member (E)


Chairman

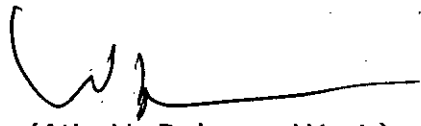
31.03.2021

Junior to counsel for the appellant present.

Addl: AG alongwith for respondents present.

Written reply/comments not submitted. Learned AAG seeks time to contact the respondents for submission of written reply/comments.

Adjourned to 02.06.2021 before S.B.


(Atiq Ur Rehman Wazir)
Member(E)

02.06.2021

Junior to counsel for the appellant and Mr. Kabirullah Khattak, Addl. AG for the respondents present.

Learned AAG is required to contact the respondents for submission of written reply/comments within 10 days. If the written reply/comments are not submitted within the stipulated time, the office is directed to submit the file with a report of non-compliance. File to come up for arguments on 11.10.2021 before the D.B.


Chairman

11.10.2021

Appellant in person present. Mr. Javed Ullah, Assistant Advocate General for the respondents present.

Learned Members of the DBA are observing Sogh over the demise of Dr. Abdul Qadeer Khan (Scientist) and in this regard request for adjournment was made; allowed. To come up for arguments on 23.12.2021 before D.B.


(Atiq-Ur-Rehman Wazir)
Member (E)



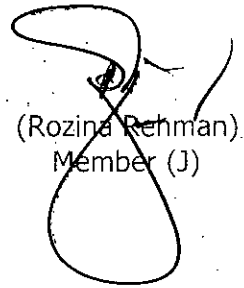

(Rozina Rehman)
Member (J)

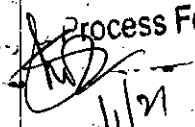
Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 15575 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	03/12/2020	<p>The appeal of Mr. Riaz Hussain presented today by Mr. Umair Iqbal Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2-		<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>18/01/2021</u>.</p> <p> CHAIRMAN</p>
	18.01.2021	<p>Appellant present through counsel. Preliminary arguments heard. File perused.</p> <p>Points raised need consideration. Admitted to regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to respondents for written reply/comments. To come up for written reply/comments on 31.03.2021 before S.B.</p> <p> (Rozina Rehman) Member (J)</p>

Appellant Deposited Security Process Fee

20/1/21

BEFORE KPK SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No: _____ / 2020

Riaz Hussain

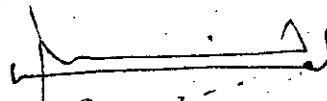
V/S

IGP Khyber Pakhtunkhwa & Others

INDEX

S. No.	Documents	Annexure	Page
1.	Service Appeal	--	1-3
2.	Copy of Impugned ACR	A	4
3.	Copy of Letter Dated 13-07-2020	B	5
4.	Copy of Departmental Representation	C	6-7
5.	Copy of Order Dated 20-10-2020	D	8
6.	Copy of Commendation Certificates	E	9-11
7.	Copy of Cases Registered & Recoveries Made During 15-01-2019 to 20-04-2019	F	12-17
8.	Wakalatnama	--	--

Through Appellant


Counsel

1

BEFORE KPK SERVICE TRIBUNAL, PESHAWAR. Khyber Pakhtunkhwa Service Tribunal

Service Appeal No: 15575 / 2020

Diary No. 16067

Dated 03/12/2020

Riaz Hussain s/o Afzal Hussain
R/o Kohat & presently working and posted as Officer Incharge
Investigation, P.S. Mulana Riaz Shaheed, District Kohat.
Belt No. 32/K.

.....(APPELLANT)

Versus

1. Inspector General of Police, Khyber Pakhtunkhwa,
Central Police Office, Peshawar.
2. Regional Police Officer,
Kohat Region.
3. District Police Officer,
Kohat.

.....(RESPONDENTS)

APPEAL UNDER SECTION 4 OF KPK SERVICE TRIBUNAL ACT, 1974.

Prayer: On acceptance of this service appeal, this hon'ble Tribunal may be pleased to quash and set-aside the impugned order No. S/4085, dated 20/10/2020 whereby the departmental representation of the appellant was rejected; declare the impugned adverse remarks / entry being uncalled for, and unreasonable; and direct the respondents to expunge the adverse remarks / entry from the Annual Confidential Report for the period 01-01-2019 to 26-09-2019.

Filed to-day
ewj.
Registrar

3/12/2020
Respectfully Sheweth!

Brief facts giving rise to present Service Appeal, are as under:

1. That the appellant has the privilege of being in service of the Khyber Pakhtunkhwa police and is presently working and posted as Sub-Inspector ("SI") in district Kohat. The appellant hitherto boasted an excellent career record until the impugned entries herein were recorded in the Annual Confidential Report ("ACR") of the former by respondents No. 2 & 3 for the period 01-01-2019 to 26-09-2019, whereby grave allegations were leveled as against the appellant.
2. That the appellant preferred a departmental representation—copy attached herewith—against the impugned entries to the Inspector General of Police, KPK ("IGP"), but to the former's astonishment, the said representation was rejected—copy of order dated 20-10-2020 is attached herewith. Being left with no other adequate, alternate, and equally

efficacious remedy, the appellant is constrained to file the instant appeal on grounds, *inter alia*, as follows;

GROUNDS:

- A. That it is a matter of record that in appreciation of the appellant's performance in discharging his professional duties, he has time and again been awarded commendation certificates—copies attached herewith—hence the impugned entries are uncalled for; unreasonable; based on surmises and conjunctures; subjectively assessed; a stigma on the unblemished career of the appellant which are liable to be expunged as such.
- B. Without prejudice to the above and in addition thereto, the learned respondent No. 2, being countersigning officer, has endorsed the impugned remarks made by respondent No. 3 in a slipshod manner without application of mind which is in sheer disregard to the instructions issued by the government for performance evaluation reports. This merits that the impugned remarks may be expunged on this score alone.
- C. Without prejudice to the above and in addition thereto, nothing tangible is available on record against the appellant which may have compelled the respondents to record the impugned adverse entries. Furthermore, no reason whatsoever has been given for making the impugned remarks. This all the more suggests that the said entries coupled with order dated 20-10-2020 were recorded / passed without application of mind being subjective in nature and based on surmises and conjunctures. This warrants that the impugned order dated 20-10-2020 along with the adverse remarks in the appellant's ACR may kindly be set-aside on this score alone.
- D. Without prejudice to the above and in addition thereto, no prior warning or counseling was afforded to the appellant before making the adverse entries in the impugned ACRs.
- E. Without prejudice to the above and in addition thereto, the impugned order dated 20-10-2020 and the impugned entries thereto have casted a stigma on the person of the appellant. The said entries and order being purely based on surmises and conjectures, and without the application of mind, have seriously prejudiced the character and career of the appellant, meriting that they be set-aside to save the appellant from grave hardships.
- F. Any other ground which may also be raised with prior permission of this august Tribunal at the time of hearing of this appeal.

It is, therefore, most humbly prayed that on acceptance of this service appeal, this hon'ble Tribunal may be pleased to quash and set-aside the impugned order No. S/4085, dated 20/10/2020 whereby the departmental representation of the appellant was rejected; declare the impugned adverse remarks / entry being uncalled for; based on surmises and conjectures; subjectively assessed; rendered

without application of mind, and unreasonable; and direct the respondents to expunge the adverse remarks / entry from the Annual Confidential Report for the period 01-01-2019 to 26-09-2019.

Any other relief may also be granted if deemed just and expedient in the given circumstances of the case.

[Handwritten Signature]
Appellant,

Through

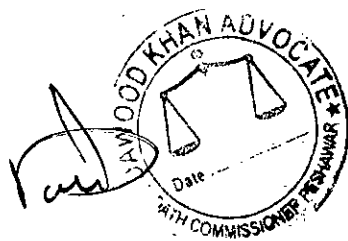
[Handwritten Signature]
Umair Iqbal
Advocate High Court, Peshawar.

Verification

Verified on oath that the contents of the accompanying appeal are true and correct to the best of my knowledge and belief, and that nothing has been concealed from this worthy Tribunal.

[Handwritten Signature]
Deponent

01 DEC 2020 ATETSTED



ANNEX-A

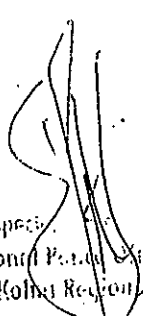
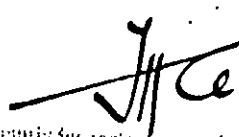
4

No. 13-17

POLICE DEPARTMENT

KHYBER PAKHTUNKHWA POLICE

Annual Confidential Report on the working of Assistant Sub-Inspectors, Sub-Inspectors and Inspectors for the Period /Year 01.01.2019 to 26.09.2019

Name, Provincial or Range No. Rank and Grade	SI Riaz Hussain
Father's Name	Afzal Hussain
Where and on what duties Employed during the period	From 01.01.2019 to 22.02.2019 PS MRS From 23.02.2019 to 07.04.2019 Incharge PP Mills area From 08.04.2019 to 08.05.2019 I/C PP Bannu Gate From 09.05.2019 to 26.09.2019 Police Lines Kohat
Class of Superintendent of Police's Report, i.e. "A" or "B"	B
Is he honest?	No
Remarks by: - (1) Superintendent of Police, (2) Deputy Inspector General of Police From 14-2019 to 27-3-2019  Deputy Inspector General of Police Regional Police Officer Kohat Region 22-3-2019 to 26-9-2019 Agreed with DPO/Khat.  Deputy Inspector General of Police Regional Police Officer Kohat Region	may be removed from service if will be good for K.P. Kohat (Capt. @ Wahid Mehmood) PSP District Police Officer, Kohat ATTESTED as per my client's information he is correct.

ANNEX-B

(5)

Phone No: 9260112.

Fax No: 9260114.

From: - The Regional Police Officer,
Kohat Region, Kohat.

To: - The District Police Officer, Kohat.

No. 2611 /C.C, Dated Kohat the 13/07/2020.

Subject: - COMMUNICATION OF ADVERSE REMARKS / ACRs.

MEMO:

The Annual Confidential Reports of the following Police officials for the period as noted against each received under your office Memo: No: 770/PA, dated 12.02.2020 are returned herewith duly countersigned and converted in 'C':-

S.No.	Rank & Name	Period	Remarks Convey as Adverse
1.	SI Riaz Hussain	01.01.2019 to 27.03.2019	'C' agreed
2.	SI Imran Khan	01.01.2019 to 27.03.2019	'C' agreed
3.	SI Sakhi-ur-Rehman	01.01.2019 to 27.03.2019	'C' agreed

The adverse remarks contained in the ACRs may be conveyed to them so that they may remedy the defects. One copy of the same duly signed by the officials concerned may be returned to this office as token of its receipt. Representation if made should be communicated to concerned within one month from the date of its receipt.

PA.

Convey the adverse remarks to all the three
Sis.

14/7

JKe

Regional Police Officer,
Kohat Region.

RECEIVED

As per my client's
information &
instruction.

7

That the appellant feeling aggrieved from the impugned adverse remarks
on the following grounds:-

ANNEX-C
6

BEFORE THE INSPECTOR GENERAL OF POLICE KPK PESHAWAR

SUBJECT: DEPARTMENTAL APPEAL FOR THE EXPUNGE OF IMPUGNED ADVERSE REMARKS
/ACRs "C" FOR THE PERIOD OF 01-01-2019 TO 27-03-2019

Respectfully Sheweth,

With great veneration the instant appeal is preferred by the appellant on the following grounds:-

Facts:

Briefly facts are that the appellant while serving in department posted at PP Mills Area as in charge and served for the period from 23-02-2019 to 07-04-2019 and the high ups were satisfy from the service of the appellant but in adverbently without any cogent reason and without intimating & without observing the good service record of the appellant directly given adverse remarks (Copy of impugned adverse remarks annexed)

That again an unjust has been done with the appellant that the Honourable District Police officer has award "B" in Column of (Class of Superintendent of Police's Report i.e "A" or "B") ACR on the basis of good service record but the worth Region chief award "C" without any lawful justification.

That if the Honorable District Police Officer were not satisfy from the service of the appellant then why for the same period award commendation certificate III in recognition of good performance along with Cash reward of Rs 1000/- and also declares good in charge of the month (Copy of the certificate is annexed)

That the appellant during posting at PP Mills Area the appellant tenders good service towards public at large as well as register so many criminal cases and apprehended criminals for the logical conclusion and on the above score the high ups award certificates mentioned above (Copy of list of register cases annexed)

That all the proceedings were conducted against the appellant expartly and no opportunity of personal hearing and defense has been provided to the appellant which is against to the service rules as well as against to the Police rules.

That the appellant is young energetic efficient person and having un blemished service record which could be verify from the service record of the appellant.

That the appellant is very dedicated keen and apprehensive towards his assign duty but this factor has not been appreciated and the appellant was blessed with impugned order adverse remarks which is liable to be expunge for the end of justice.

ATTESTED

as per my clients
information in
inspection

[Signature]

That the appellant feeling aggrieved from the impugned adverse remarks submitted the representation on the following grounds:-

Grounds:-

- 1. That the allegations never practice by the appellant and there is nothing on record which connect the appellant with the allegation.
- 2. That while awarding the impugned adverse remarks none from the general public was examined in support of the any charges leveled against the appellant.
- 3. That as per universal declaration of human rights 1948 prohibits the arbitral / discretion.
- 6 That the worthy officer Kohat has acted whimsically and arbitrary, which is apparent from the impugned adverse remarks .
- 7:-That the impugned adverse remarks is not based on sound reasons and same is not sustainable in the eyes of law. The same is based on wrong assumption of facts.
- 8:-That the impugned remarks is outcome of surmises and conjecture.

Pray:

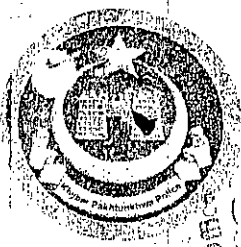
In the view of above circumstances it is humbly prayed that the impugned adverse remarks in ACR of the appellant may graciously be expunge for the end of justice with all needs as per prevailing rules.

Date: 21/7/2020

(Appellant)

(Riaz Hussain.)

ATTESTED
 as per my client's
 information &
 instructions.
 [Signature]



277
22/10/20

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
Central Police Office, Peshawar

ANNEX-D
8

SI 4085 /20, Dated Peshawar the 20/10/2020.

ORDER

This order pertains to the representation preferred by SI Riaz Hussain No. 32/K of Kohat Region for the expunction of Adverse Remarks contained in his ACR for the period from 01.01.2019 to 26.09.2019 recorded by the reporting officer as "Not Honest" and he was awarded "C" report. The same was endorsed by the RPO/Kohat Region. Comments were also obtained.

After going through the relevant record, comments and material on ground the Adverse Remarks recorded in his ACR for the period from 01.01.2019 to 26.09.2019, the representation of SI Riaz Hussain No. 32/K is hereby rejected.

1/c
22/10

OFFICE OF THE DISTRICT POLICE OFFICER
Dy. No. 1259
Dated 28/10/20
KOHAT

Sd/-
DR. ISHTIAQ AHMED, PSP/PPM
Additional IGP/HQrs:
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

No. S/ 4086-87 /2020,

Copy of above is forwarded for information and necessary action, to the:-

1. Regional Police Officer, Kohat Region w/r to his memo: No. 13991/C, dated 17.09.2020. Necessary entry into this effect may also be made in his Character Roll Dossier. The applicant may also please be informed accordingly.
2. District Police Officer, Kohat.
3. Supdt: "E-III" Branch, CPO.

NO 375/ce dt. 23/10/2020

Office of the Deputy Inspector General of Police
Dy. No. 1264
Dated 04/11/2020
Kohat

DPO Kohat
Inform the officer concerned accordingly

(KASHIF ZULFIQAR) PSP
AIG/Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar

Deputy Inspector General of Police
Regional Police Officer
Kohat Region

22/10 Riaz Hussain
OII PS MRS-

SP/investigation

To inform the SI
Riaz Hussain

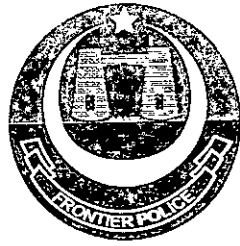
Superintendent of Police
Investigation Kohat

D.P.O. KOHAT
8/2 28/10

4/11/20

ANNEX-E
①

SUPERINTENDENT OF POLICE INVESTIGATION



ATTESTED

as per my
client's
instructions

Commendation Certificate III
is awarded to

1st Rize Hussain

In recognition of

Taking keen interest in investigation and

well public dealings. (Cash Reward Rs. 1000/-)

O.B. No. 86

Dated 04-06-2018

Superintendent of Police Investigation
Wing Kohat

19

DISTRICT KOHAT POLICE



Commendation Certificate III

is awarded to.

SI Riaz Hussain i/c P.P. Mills area

In recognition of

his good performance.

Cash reward Rs. 1000/-

O.B. No. 458

Dated 10.04.2019.

District Police Officer
Kohat

ATTESTED
as per my clients
information &
instruction.
1/2/2

DISTRICT KOHAT POLICE

11



Commendation Certificate III
is awarded to

SI Riaz Hussain Oji P.S. MRS

In recognition of

His good performance vide

Cash FIR NO 198 dated 02-03-2020
vs 302AR P.S. MRS. Cash reward Rs 5000/-

O.B. No. 385

Dated 20/5/20

District Police Officer
Kohat

ATTESIED

as per my clients
information & instructions
[Signature]

فہرست ریٹریڈ مقدمات از 15-1 تا 20-4 مرس

مقدمات	مستواں مقدمات	برآعدگی
1	علت 72 فرض 15-19 صیم 15AA قطانہ MRS	ایک ضرب کلاٹ کٹوف سے فلکیں خارجہ
2	علت 87 فرض 18-19 صیم 15AA	ستول 9MM فلکیں و شہر خارجہ معول 25 عدد کارٹوس
3	علت 90 فرض 19-19 صیم 15AA	ایک ضرب ریسیٹر سے فلکیں و شہر خارجہ 10 عدد کارٹوس
4	علت 93 فرض 20-19 صیم 40	50 گرام صبریں گروہ
5	علت 95 فرض 20-19 صیم 3/4 P0	120 گرام صبریں گروہ
6	علت 96 فرض 20-19 صیم 3/4 P0	20 گرام صبریں گروہ
7	علت 97 فرض 20-19 صیم 3/4 P0	120 گرام صبریں گروہ
8	علت 101 فرض 21-19 صیم 3/4 P0	140 گرام صبریں گروہ
9	علت 115 فرض 25-19 صیم 40	55 گرام صبریں گروہ 3 ڈر لوٹیل محول آئی سنہ
10	علت 121 فرض 26-19 صیم 40-15AA	2 عدد ستول، 5 عدد کارٹوس، 50 گرام صبریں
11	علت 127 فرض 29-19 صیم 15AA	ایک ضرب ستول سے فلکیں خارجہ
12	علت 133 فرض 30-19 صیم 3/4 P0	115 گرام صبریں گروہ
13	علت 150 فرض 2-19 صیم 40	60 گرام صبریں گروہ
14	علت 151 فرض 2-19 صیم 40	50 گرام صبریں گروہ
15	علت 152 فرض 2-19 صیم 40	60 گرام صبریں گروہ
16	علت 153 فرض 2-19 صیم 40	60 گرام صبریں گروہ
17	علت 172 فرض 6-19 صیم 3/4-15AA	42 عدد کارٹوس 30 گرام آئی سنہ، ستول 9MM معول 2 عدد شہر خارجہ

ATTESTED
as per clients
information

18	کانت 173 عرض $6\frac{2}{19}$ سیم 4 کتابه MRS	ایک لوٹل ٹنگر
19	کانت 178 عرض $7\frac{2}{19}$ سیم 7 کتابه MRS	ایک لوٹل سٹول 30 فورس مکین جار 22 عدد سٹیر جار 07 عدد کارٹون
20	کانت 179 عرض $7\frac{2}{19}$ سیم 3/4 P	35 گرام سیرس گڑھ
21	کانت 186 عرض $8\frac{2}{19}$ سیم 3/4 AF-15AA	ایک لوٹل سٹول 30 فورس مکین جار
22	کانت 191 عرض $9\frac{2}{19}$ سیم 4 کتابه	60 گرام سیرس گڑھ
23	کانت 192 عرض $9\frac{2}{19}$ سیم 4 کتابه	55 گرام سیرس گڑھ
24	کانت 218 عرض $12\frac{2}{19}$ سیم 3/4 P	160 گرام سیرس گڑھ
25	کانت 221 عرض $13\frac{2}{19}$ سیم 3/4 P	35 گرام سیرس گڑھ 80 عدد رقم ریزر جاری 96 عدد کارٹون
26	کانت 233 عرض $15\frac{2}{19}$ سیم 14FA 15AA	ایک لوٹل مکلا شگوف مکین جار 03 عدد سٹیر جار 127-62
27	کانت 237 عرض $15\frac{2}{19}$ سیم 15AA-3/4 AF	ایک لوٹل سٹول 30 فورس مکین جار 11 عدد کارٹون 11 سٹیر جار
28	کانت 247 عرض $16\frac{2}{19}$ سیم 3/4 P	210 گرام سیرس گڑھ
29	کانت 264 عرض $22\frac{2}{19}$ سیم 9CCNSA	630 گرام سیرس گڑھ
30	کانت 268 عرض $22\frac{2}{19}$ سیم 9CCNSA	1100 گرام سیرس گڑھ
31	کانت 279 عرض $24\frac{2}{19}$ سیم 15AA	ایک لوٹل مکلا شگوف مکین جار 20 عدد کارٹون 7-62 اور 200 عدد کارٹون 30 اور
32	کانت 280 عرض $24\frac{2}{19}$ سیم 216-15AA	ایک لوٹل مکلا شگوف مکین جار 20 عدد کارٹون
33	کانت 282 عرض $24\frac{2}{19}$ سیم 15AA	ایک لوٹل مکلا شگوف مکین جار 10 عدد کارٹون
34	کانت 285 عرض $25\frac{2}{19}$ سیم 15AA	ایک لوٹل سٹول 30 فورس مکین جار 03 عدد سٹیر جار 11 عدد کارٹون
35	کانت 288 عرض $26\frac{2}{19}$ سیم 10KPK-4P	40 گرام سیرس گڑھ

فائل
 of per my
 client's
 information

	36	مکت 289 حرف 26 $\frac{2}{19}$ RBA 10K10
	37	مکت 296 حرف 26 $\frac{2}{19}$
325 گرم لبرسی گره	38	مکت 292 حرف 26 $\frac{2}{19}$ 9BCNSA
	39	مکت 293 حرف 26 $\frac{2}{19}$ 468-468
ایک فون اسٹیم نمونہ کلاسشون 12 لور 05 درکاروس	40	مکت 298 حرف 27 $\frac{2}{19}$ AF3/4-15AA
	41	مکت 299 حرف 27 $\frac{2}{19}$ RBA-10KPK
50 گرم لبرسی گره	42	مکت 300 حرف 27 $\frac{2}{19}$ 4B
در لبرسی ٹنگر	43	مکت 303 حرف 28 $\frac{2}{19}$ 4B
1130 گرم لبرسی گره	44	مکت 319 حرف 1 $\frac{3}{19}$ 9CNSA
درکاروس (22) 9MM	45	مکت 319 حرف 1 $\frac{3}{19}$ 15AA
ایکون لبرسی 9mm فیکس و شیم لور	46	مکت 320 حرف 1 $\frac{3}{19}$ 9BCNSA
126 گرم لبرسی گره	47	مکت 323 حرف 1 $\frac{3}{19}$ 10RBA-KPK
	48	مکت 324 حرف 1 $\frac{3}{19}$ "
	49	مکت 325 حرف 1 $\frac{3}{19}$ "
	50	مکت 326 حرف 1 $\frac{3}{19}$ "
1200 گرم لبرسی گره	51	مکت 357 حرف 4 $\frac{3}{19}$ 9BCNSA
56970 طاب اللہ ڈیزائننگ ٹیم کی	52	مکت 358 حرف 4 $\frac{3}{19}$ 4-5-6
رکتیم لبرسی	53	مکت 374 حرف 7 $\frac{3}{19}$ PA 27P
	54	مکت 375 حرف 7 $\frac{3}{19}$ 10KPK
160 گرم لبرسی گره	55	مکت 376 حرف 7 $\frac{3}{19}$ 9BCNSA
ایک فون لبرسی 30 لور 25 درکاروس	56	مکت 377 حرف 7 $\frac{3}{19}$ 216-15AA
	57	مکت 380 حرف 8 $\frac{3}{19}$ AF 3/4

ATTESTED
 my pen
 is always
 honest


	MR 3/4 AF 3/4	382	58
انگیز برف ڈیل برل سے عام سرکاری 12 لور	15AA	383	59
1225 گرام سپر گڑہ	9CCNSA	386	60
	10KPK	398	61
420 گرام سپر (9200 فرونگی اقسام)	9BNSA	406	62
انگیز برف ڈیل اسکوف سے ٹیکہ جاری اصول 10 سرکاری	9CCNSA / 15AA	410	63
3750 گرام سپر			
50 گرام سپر گڑہ	4/0	417	64
55 گرام سپر گڑہ	4/0	418	65
40 گرام سپر گڑہ	4/0	419	66
60 گرام سپر گڑہ	279/14	420	67
55 گرام سپر گڑہ	4/0	431	68
50 گرام سپر گڑہ	4/0	432	69
1100 گرام سپر گڑہ	9CCNSA	433	70
(19 سرکاری نم)	15AA / 3/4 AF	444	71
30 لور ولسی شراب	3/4	447	72
	10KPK	451	73
215 گرام سپر	9BNSA	453	74
24 گرام صفی	3/4	458	75

ATTESTE
 as per client's demand

1170 گرام لیس	76	میت 463 صرف 19 $\frac{3}{19}$ 1999 SA قسط
50 عدد کارٹوس 30 لور	77	میت 465 صرف 18 $\frac{3}{19}$ 15AA
	78	میت 471 صرف 21 $\frac{3}{19}$ 15AA $\frac{3/4AF}{15AA}$
انکوب لیتول 30 لور مع فیکس و سٹر جارج 04 عدد کارٹوس	79	میت 472 صرف 21 $\frac{3}{19}$ 15AA
50 گرام لیس گڑھ	80	میت 474 صرف 22 $\frac{3}{19}$ 4P
انکوب لیتول 30 لور مع 24 عدد کارٹوس	81	میت 477 صرف 23 $\frac{3}{19}$ 15AA $\frac{3/4AF}{15AA}$
انکوب لیتول 30 لور مع فیکس و سٹر جارج 20 عدد کارٹوس	82	میت 488 صرف 24 $\frac{3}{19}$ 15AA $\frac{3/4AF}{15AA}$
90 گرام لیس گڑھ	83	میت 491 صرف 25 $\frac{3}{19}$ 4P
انکوب لیتول 9mm مع فیکس و سٹر جارج 43 عدد کارٹوس	84	میت 505 صرف 27 $\frac{3}{19}$ 15AA
انکوب لیتول 30 لور مع فیکس و سٹر جارج 20 عدد کارٹوس	85	میت 508 صرف 28 $\frac{3}{19}$ 15AA $\frac{3/4AF}{15AA}$
انکوب لیتول 30 لور مع فیکس و سٹر جارج 20 عدد کارٹوس	86	میت 509 صرف 28 $\frac{3}{19}$ 15AA $\frac{3/4AF}{15AA}$
	87	میت 525 صرف 1-4-19 216
	88	میت 526 صرف 1 $\frac{4}{19}$ 216
	89	میت 527 صرف 1 $\frac{4}{19}$ 216
انکوب مگلاشکوف بلا لور مع فیکس 15 عدد کارٹوس	90	میت 528 صرف 1 $\frac{4}{19}$ 15AA
کارٹوس 3200	91	میت 529 صرف 1 $\frac{4}{19}$ 4556
50 گرام لیس	92	میت 541 صرف 3 $\frac{4}{19}$ 4P 27P
انکوب لیتول 30 لور مع فیکس جارج 05 عدد کارٹوس	93	میت 542 صرف 3 $\frac{4}{19}$ 15AA

TESTED
 as per my
 inspection
 in house

<p>280 گرام عری ایک گیلن دلسی شراب</p>	<p>3/4 لیٹر 3/4 لیٹر 545 صرف</p>	<p>9</p>
<p>240 گرام عری 12 گرام لکڑی</p>	<p>4 9BCNSA 3/4 لیٹر 546 صرف</p>	<p>9</p>
<p>انکھو لستول 3 لیٹر مٹکن و شراب</p>	<p>15AA 3/4 لیٹر 547 صرف</p>	<p>9</p>
<p>انکھو لستول 3 لیٹر مٹکن و شراب</p>	<p>216.15AA 4/13 لیٹر 549 صرف</p>	<p>9</p>
<p>230 گرام عری</p>	<p>9BCNSA 4/19 لیٹر 557 صرف</p>	<p>9</p>

ATTESTED

 as per my client's
 information.

BEFORE KPK SERVICE TRIBUNAL, PESHAWAR

In Service Appeal _____/2020
FOR Appellant

Riaz Hussain
VERSUS
IGP Khyber Pakhtunkhwa & Others

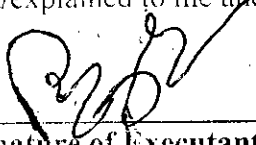
I, Riaz Hussain S/o Afzal Hussain, presently working and posted as Officer Incharge Investigation, P.S. Mulana Riaz Shaheed, District Kohat, do hereby appoint, Mr. SADIO ALI MOMAND AHC; Mr. UMAIR IQBAL AHC; Mr. MUHAMMAD ARIF AHC; & Mr. AMIR KHAN AHC in the above captioned service appeal, to do all or any of the following acts, deeds and things:-

- 1- To appear, act and plead for me in the above captioned service appeal before this Tribunal in which the same may be tried or heard, and any other proceedings arising out of or connected therewith.
- 2- To sign and verify and file or withdraw all proceeding, petitions, appeals, affidavits and applications 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 them for the conduct, prosecution or defense of the said case at all its stages.
- 3- To receive payment of, and issue receipts for, all moneys that may be or become due and payable to us during the course of the proceedings.

AND hereby agree:-


That the Advocates shall be entitled to withdraw from the prosecution of the said service appeal if the whole or any part of the agreed fees remained unpaid.

In witness whereof I have signed this vakalatnama hereunder, the contents of which have been read/explained to me and fully understood by me on this day of 26th November, 2020.


Signature of Executant

Accepted & Attested by:


Sadiq Ali Momand
Advocate High Court


Muhammad Arif
Advocate High Court


Umair Iqbal
Advocate High Court


Amir Khan
Advocate High Court

SADIO ALI MOMAND
Advocate High Court
17-A, The Mall Peshawar Cantt.
Cell +92-301-8856701

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 15575/2020
Riaz Hussain No.32/K

..... Appellant

VERSUS

Inspector General of Police,
Khyber Pakhtunkhwa & others

..... Respondents

PARAWISE COMMENTS BY RESPONDENTS.

Respectively Sheweth:-

Parawise comments are submitted as under:-

Preliminary Objections:-

- i. That the appellant has got no cause of action.
- ii. The appellant has got no locus standi.
- iii. That the appeal is bad for misjoinder and nonjoinder of necessary parties.
- iv. That the appeal is bad in eyes of law and not maintainable.
- v. That the appellant has not approached the honorable Tribunal with clean hands.
- vi. That the appellant is estopped to file the instant appeal for his own act.

Facts:-

1. Incorrect, the appellant has indifferent service record, proceeded with departmentally on different occasions. List of bad / adverse punishments enclosed as **annexure A to L**.
2. The departmental representation of the appellant was proceeded accordingly by respondent No. 1, which was correctly rejected on cogent and reasonable grounds.


Grounds:-


- A. Incorrect, the appellant has indifferent record, as, he was proceeded with departmentally on different occasions and awarded different kind of punishments including once for dismissal from service, however, subsequently reinstated in service in de-novo proceedings, but the appellant did not improve his performance. Copy of orders already annexed as A to L.
- B. The respondents No. 2 & 3 after going through the performance of the appellant passed their remarks in his ACR for the period 01.01.2019 to 26.09.2019, which is based on facts, record and according to their jurisdiction / mandate.

- C. Incorrect, the performance and conduct of the appellant remained unsatisfactory / below standard during the period of ACR.
- D. Incorrect, the appellant was heard in person by respondent No. 3 in departmental proceedings and warned to improve himself but he failed.
- E. Incorrect, the service record of the appellant and his previous conduct is self-explanatory, which based to issue the adverse remarks in his ACR in accordance with performance and rules.
- F. The respondents may also be allowed to advance other grounds at the time of argument.

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)

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 15575/2020
Riaz Hussain No.32/K

..... Appellant


VERSUS

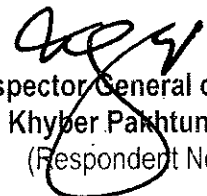
Inspector General of Police,
Khyber Pakhtunkhwa & others

..... 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)

ORDER

This order is passed on the departmental enquiry against ASI Riaz Hussain of this district Police under Police Rule 1975.

Brief facts are that he has joining hands with criminals committed gross misconduct by showing criminal negligence, careless attitude registered a case vide FIR No. 146 dated 04.05.2014 u/s 324/427/34 PPC PS Billitang.

Secondly, due to his negligence/carelessness act, the seriously injured person named above was lying in hospital without any legal process and without medical aid from 07:00 PM to 11:00 PM, despite the fact that local police of PS Billitang was informed.

Thirdly when he came to know that a seriously injured person, has been brought into hospital, he does not proceed there to record report of concerned injured person who was seriously injured at the hands of accused Noor Saeed. It has been reported that he was in-league with criminals and he has shown soft corner to the accused by achieving his desire goals from the criminals namely Noor Said and Shahzeb resident of Godhai Banda Kohat and due to this fact he deliberately delayed registration of case on the report of injured Khadim Hussain to extend benefit to the said criminals.

He was served with Charge Sheet/Summary of Allegations and Mr. Sona Khan SDPO Saddar, Kohat was appointed as Enquiry Officer to proceed against him departmentally and submitted his findings and found him guilty of the charges leveled against him.

In-Spite of this he was served with Final Show Cause Notice. His reply is perused and found un-satisfactory therefore: the undersigned took a departmental action against him and awarded a major punishment of Compulsory Retirement.

OB No. 1085
Date 29-08 /2014
No. 5236 /PA


DISTRICT POLICE OFFICER,
KOHAT

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


DISTRICT POLICE OFFICER,
KOHAT



OFFICE OF THE
DISTRICT POLICE OFFICER,
KOHAT
Tel: 0922-9260116 Fax 9260125

ORDER

This order is passed on the departmental enquiry against ASI Riaz Hussain PS MRS under the Khyber Pakhtunkhwa, Police Rules, 1975 (amendment 2014).

Brief facts of the case are that ASP Saddar, Kohat was called an Explanation vide his No. 145/S dated 23.01.2019, that ASI Riaz Hussain while posted at PS MRS has registered FIR No. 72 dated 15.01.2019 u/s 15 AA PS MRS against the license holder accused Farman Ullah s/o Misal Khan r/o Tajori Lakki Marwat and taken into possession 1 Kalashnikov bearing No. XY-5113 with fix charger while he produced a valid license copy of the said Kalashnikov, which shows his irresponsibility and gross misconduct on his part.

He was served with Show Cause Notice, reply of the Show Cause Notice was received and found unsatisfactory. He was called in OR and heard in person on 14.02.2019.

In view of above I, Capt ® Wahid Mehmood, District Police Officer, Kohat in exercise of the powers conferred upon me, award him a minor punishment of Censure with immediate effect.

Announced

14.02.2019

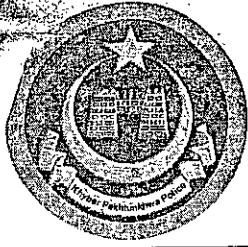
DISTRICT POLICE OFFICER,
KOHAT *WAHID/2*

OB No. 234
Date 15-2-2019

No 1814-15 /PA dated Kohat the 15-2-2019.

Copy of above to the:-

1. Reader/SRC/OHC for necessary action.



OFFICE OF THE
DISTRICT POLICE OFFICER,
KOHAT
Tel: 0922-9260116 Fax 9260125

ORDER

This order is passed on the departmental enquiry against ASI Riaz Hussain PS MRS under the Khyber Pakhtunkhwa, Police Rules, 1975 (amendment 2014).

Brief facts of the case are that, the strength of PTC Hangu were going on Recess. The district Control Room directed to the above driver constable at 07:20 hrs to come on road but his mobile was parked in PS. He was again checked through control at 08:00 hrs, but he did not on road. This act shows his gross misconduct on his part.

He was served with Show Cause Notice, reply of the Show Cause Notice was received and found unsatisfactory. He was called in OR and heard in person on 14.02.2019.

In view of above I, Capt @ Wahid Mehmood, District Police Officer, Kohat in exercise of the powers conferred upon me, the instant enquiry is hereby filed with immediate effect.

Announced

14.02.2019

DISTRICT POLICE OFFICER,
KOHAT 15/2

OB No. 235
Date 15-2- /2019

No 1816-17 /PA dated Kohat the 15-2- 2019.

Copy of above to the:-

1. Reader/SRC/OHC for necessary action.



OFFICE OF THE
DISTRICT POLICE OFFICER,
KOHAT
Tel: 0922-9260116 Fax 9260125

ORDER

This order is passed on the departmental enquiry against ASI Riaz Hussain of PS MRS. under the Khyber Pakhtunkhwa, Police Rules, 1975 (amendment 2014).

Brief facts of the case are It was repeated directed that SHO/Upper subordinates shall be complainant himself in honor killing case. On 04.02.2019 a case of honor killing took place and ASI Riaz Hussain being Acting SHO did not bother to report incident by himself and the case FIR No. 157 dated 04.02.2019 u/s 302/311 PPC / 15 AA PS MRS was register upon report of complainant/accused. For the reason above, he willfully disobeyed the lawful orders / directives of his senior.

He was served with Show Cause Notice, reply of the Show Cause Notice was received and found unsatisfactory. He was called in OR and heard in person.

In view of above I, Capt @ Wahid Mehmood, District Police Officer, Kohat in exercise of powers conferred upon me, award him a minor punishment of Censure with immediate effect.

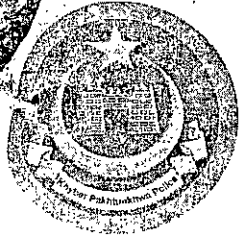
DISTRICT POLICE OFFICER,
KOHAT

OB No. 267
Date 20-2-2019

No 1941-42 /PA dated Kohat the 20-2-2019.

Copy of above to the:-

1. Reader/SRC/OHC for necessary action.



**OFFICE OF THE
DISTRICT POLICE OFFICER,
KOHAT**
Tel: 0922-9260116 Fax 9260125

ORDER

This order is passed on the departmental enquiry against SI Riaz Hussain of Incharge PP Mills area Kohat under the Khyber Pakhtunkhwa, Police Rules, 1975 (amendment 2014).

Brief facts of the case are that as reported by ASP Saddar, Kohat vide his office letter No. 488/S dated 06.03.2019 that SI Riaz Hussain remained careless and unaware of his official duty of Saddar Circle patrolling on 05.03.2019 as per schedule issued by ASP Saddar Office dated 01.03.2019, which shows his irresponsibility and gross misconduct on his part.

He was served with Show Cause Notice, reply of the Show Cause Notice was received and found unsatisfactory. He was called in OR and heard in person on 03.04.2019.

In view of above I, Capt @ Wahid Mehmood, District Police Officer, Kohat in exercise of the powers conferred upon me, award him a minor punishment of "Censure" with immediate effect.

Announced

03.04.2019

DISTRICT POLICE OFFICER,
KOHAT *WA 4/4*

OB No. 436
Date 05-4-2019

No. 3983-84 PA dated Kohat the 08-4-2019.

Copy of above to the:-

1. Reader/SRC/OHC for necessary action



OFFICE OF THE
DISTRICT POLICE OFFICER,
KOHAT
Tel: 0922-9260116 Fax 9260125

ORDER

This order is passed on the departmental enquiry (summary proceedings) against SI Riaz Hussain I/C PP Mills area under the Khyber Pakhtunkhwa, Police Rules, 1975 (amendment 2014).

Brief facts of the case are that as reported by ASP Saddar, Kohat vide his office Explanation No. 702/S dated 02.04.2019, that it has been observed with great concern that on dated 30.03.2019 (Saturday) he was checked by the ASP Saddar in the evening hours and his position was at his home. He were absent from duty without any prior permission from the competent authority. This act shows lack of interest in the discharge of his official duties.

He was served with Show Cause Notice, reply of the Show Cause Notice was received and found unsatisfactory. He was called in OR and heard in person on 15.05.2019.

In view of above I, Capt @ Wahid Mehmood, District Police Officer, Kohat in exercise of the powers conferred upon me, award him a minor punishment of Censure.

Announced
15.05.2019

DISTRICT POLICE OFFICER,
KOHAT 15/5/19

OB No. 561
Date 16-5- /2019

No 6221-22 /PA dated Kohat the 17-5- 2019.
Copy of above to the:-

1. Reader/SRC/OHC for necessary action.



**OFFICE OF THE
DISTRICT POLICE OFFICER,
KOHAT**
Tel: 0922-9260116 Fax 9260125

ORDER

This order is passed on the departmental enquiry (summary proceedings) against Offg: SI Riaz Hussain the then I/C PP Mills area under the Khyber Pakhtunkhwa, Police Rules, 1975 (amendment 2014).

Brief facts of the case are that as reported by ASP Saddar, Kohat vide his office Explanation No. 646/S dated 26.03.2019, after perusal of report of SHO PS MRS vide DD No. 05 dated 24.03.2019, that applications and inquiry u/s 156 (iii) were found pending on his part (list of pending applications and inquiry is enclosed herewith) This act of his highly objectionable being a responsible police officer and reflects your inefficiency and negligence.

He was served with Show Cause Notice, reply of the Show Cause Notice was received and found satisfactory. He was called in OR and heard in person on 15.05.2019.

In view of above I, Capt ® Wahid Mehmood, District Police Officer, Kohat in exercise of the powers conferred upon me, the instant enquiry is hereby filed with immediate effect.

Announced
15.05.2019

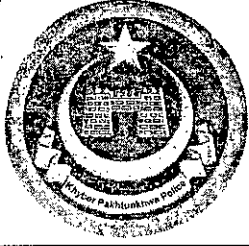
DISTRICT POLICE OFFICER,
KOHAT

OB No. 579
Date 20-5-2019

No 6312-13/PA dated Kohat the 20-5-2019.

Copy of above to the:-

1. Reader/SRC/OHC for necessary action.



**OFFICE OF THE
DISTRICT POLICE OFFICER,
KOHAT**
Tel: 0922-9260116 Fax 9260125

ORDER

This order is passed on the departmental enquiry (summary proceedings) against Offg: SI Riaz Hussain the then I/C PP Mills area under the Khyber Pakhtunkhwa, Police Rules, 1975 (amendment 2014).

Brief facts of the case are that as reported by ASP Saddar, Kohat vide his office letter/Explanation No. 644/S dated 26.03.2019, after perusal of Parwana and case FIR No. 484 dated 24.03.2019 u/s 279 PPC PS MRS, He has charge the accused namely Haji Bat Khan s /o Abdul Ullah Shah r/o Caste Mushti Sangraw Orakzai Agency having CNIC No. 21601-3393793-9. Now he submitted Parwana to the ASP Saddar Kohat regarding falsely charge the accused above instead of Zulfiqar s/o Chamba Gul r/o Barh having CNIC No. 14301-264665-1 in above case FIR, which is a negligence on his part. This act shows in-efficiency and gross misconduct on his part.

He was served with Show Cause Notice, reply of the Show Cause Notice was received and found unsatisfactory. He was called in OR and heard in person on 15.05.2019.

In view of above I, Capt @ Wahid Mehmood, District Police Officer, Kohat in exercise of the powers conferred upon me, award him a minor punishment of "forfeiture of two years approved service" with immediate effect.

Announced
15.05.2019

**DISTRICT POLICE OFFICER,
KOHAT** *Wahid Mehmood*

OB No. 580
Date 20-5-2019

No 6314-15 /PA dated Kohat the 20-5-2019.

Copy of above to the:-

1. Reader/SRC/OHC for necessary action.



OFFICE OF THE
DISTRICT POLICE OFFICER,
KOHAT
Tel: 0922-9260116 Fax 9260125

ORDER

This order is passed on the departmental enquiry against SI Riaz Hussain the then Incharge PP Mills area under the Khyber Pakhtunkhwa, Police Rules, 1975 (amendment 2014).

Brief facts of the case are that SI Riaz Hussain the then Incharge PP Mills area did not entertained the case of Mudasir Pirzada advocate according to law, which is gross misconduct on your part.

He was served with Show Cause Notice, reply of Show Cause Notice was received and found satisfactory. He was called in OR and heard in person on 28.05.2019.

In view of above I, Capt @ Wahid Mehmood, District Police Officer, Kohat in exercise of the powers conferred upon me, award him a minor punishment of Censure with immediate effect.

Announced

28.05.2019

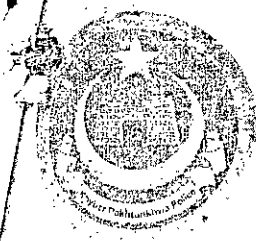
DISTRICT POLICE OFFICER,
KOHAT *28/5/19*

OB No. 673
Date 12-6-2019

No 7158-59/PA dated Kohat the 12-6-2019.

Copy of above to the:-

1. Reader/SRC/OHC for necessary action.



OFFICE OF THE
DISTRICT POLICE OFFICER,
KOHAT

Tel: 0922-9260116 Fax 9260125

ORDER

This order is passed on complaint filed by Offg: SI Riaz Hussain against Syed Mudasir Pir Zada Advocate and SI Ghulam Murtaza of district Karak

Facts are that the complainant SI Riaz Hussain filed a complaint against above named official, wherein he submitted that they blackmailed him in connection with FIR lodged by Jamila against wife of Mudasir Pirzada. He further stated that S.I Ghulam Murtaza has played vital role as front man of Pirzada against him. The complainant further stated that Mudasir brought a forged stamp paper and threatened him for signature in presence of SI Ghulam Murtaza.

SP Investigation Kohat was directed to probed into the matter, who vide his report dated 25.06.2019, submitted that the complainant SI Riaz Hussain did not want further action on his complaint.

From the above and available record I, reached to the conclusion that Offg: SI (Complainant) has patched up the matter with the respondents privately, which proves ill-will/ something wrong between the parties. The official has wastage precious time of this office and enquiry officer as well. It was found that Offg: SI indulged himself in extra departmental activities. Furthermore, the service record of the official is also indifferent.

Therefore, in view of above and extra departmental activities of official 06 months approved service of Offg: SI Riaz Hussain is forfeited with immediate effect.

DISTRICT POLICE OFFICER,
KOHAT *20/7*

OB No. 887
Date 22-7-2019

No 8904-06/EC dated Kohat the 22-7-2019.

Copy of above is submitted to the Regional Police Officer, Kohat please

2. Reader/SRC/OHC for necessary action.

DISTRICT POLICE OFFICER,
KOHAT *20/7*



**OFFICE OF THE
DISTRICT POLICE OFFICER,
KOHAT**

Tel: 0922-9260116 Fax 9260125

ORDER

This order is passed on the departmental enquiry (summary proceedings) against SI Riaz Hussain under the Khyber Pakhtunkhwa, Police Rules, 1975 (amendment 2014).

Brief facts of the case are that as reported by ASP Saddar, Kohat vide his office letter No. 1346/Reader dated 25.06.2019, that an enquiry U/Ss 156 (iii) CrPC vide daily diary No. 04 dated 06.07.2018 PP Mills area was marked to the said SI being Incharge of PP for legal action & report but he did not take any legal action and the enquiry was lying in cold storage and he does not lodged any FIR against the accused for his personal gain.

He was served with Show Cause Notice, reply of the Show Cause Notice was received and found unsatisfactory. The defaulter officer was called in O.R on 26.07.2019.

In view of above I, Capt @ Wahid Mehmood, District Police Officer, Kohat in exercise of the powers conferred upon me, award him a minor punishment of Censure with immediate effect.

DISTRICT POLICE OFFICER,
KOHAT *26/7*

OB No. *932*
Date *30-7* /2019

No *9125-26* /PA dated Kohat the *30-7* 2019.

Copy of above to the:-

1. Reader/SRC/OHC for necessary action.

ORDER

This order is passed on the departmental enquiry against SI Riaz Hussain the then Incharge PP Mills area under the Khyber Pakhtunkhwa, Police Rules, 1975 (amendment 2014).

Brief facts of the case are that as contemplated from preliminary enquiry conducted by ASP Saddar, Kohat that SI Riaz Hussain the then Incharge PP Mills area lodged a fake case of narcotics vide FIR No. 583 dated 07.04.2019 U/S 9-BCNSA PS MRS against Subhan Ullah, which is a gross misconduct on his part.

He was served with Show Cause Notice, reply of the Show Cause Notice was received and found unsatisfactory. He was called in OR on 26.07.2019 and heard in person.

In view of above I, Capt @ Wahid Mehmood, District Police Officer, Kohat in exercise of the powers conferred upon me, award him a minor punishment of forfeiture of two years approved service with immediate effect.

Announced

26.07.2019

DISTRICT POLICE OFFICER,
KOHAT

OB No.

933

Date

30-7-2019

No

9127-29 /PA dated Kohat the 30-7-2019.

Copy of above to the:-

Reader/SRC/OHC for necessary action.

BEFORE KPK SERVICE TRIBUNAL, PESHAWAR.

Rejoinder to Comments

In

Service Appeal No: 15575 / 2020

Riaz Hussain

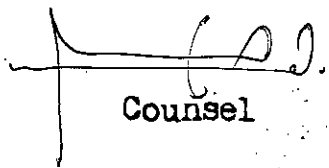
v/s

IGP Khyber Pakhtunkhwa & Others

INDEX

S. No.	Documents	Annexure	Page
1.	Rejoinder	--	1-3
2.	Copy of Order Dated 06-11-2017	R1	4
3.	Copy of Order Dated 17-08-2019	R2	5
4.	Copy of ACRs	R3	6-13

Appellant
Through


Counsel

(1)

BEFORE KPK SERVICE TRIBUNAL, PESHAWAR.

Rejoinder to Comments

In

Service Appeal No: 15575 / 2020

Riaz Hussain

v/s

Inspector General of Police, Khyber Pakhtunkhwa & Others

REJOINDER OF APPELLANT TO THE COMMENTS OF RESPONDENTS

I. Preliminary Objections:

- a. That the comments furnished by the respondents are mere clichés, and are misleading in its entirety. They as such, merit no consideration at all.
- b. That in substance, the comments not only substantiate the plea of the appellant as regards the unreasonableness of the adverse remarks impugned in the captioned appeal, but they also manifestly prove the biased conduct; malice and *mala fide* intent of the respondents in stigmatizing the career of the former. Record in shape of OB No. 887 dated 22-07-2019 is a case in point, whereby respondent No. 03 went all the way out against the appellant in holding that:

" From the above and available record I, reached to the conclusion that Offg: SI (Complainant) has patched up the matter with the respondents private, which proves ill-will / something wrong between the parties. The official has wastage precious time of this office and enquiry officer as well. It was found that Offg: SI indulged himself in extra departmental activities. Furthermore, the service record of the official is also indifferent.

Therefore, in view of above and extra departmental activities of

official 06 months approved service of
Offg; SI Riaz Hussain is forfeited with
immediate effect."

- c. That the respondents have presented cherry-picked and sugar-coated instances against the appellant; conveniently concealing and distorting material facts as they actually transpired. This all the more gives credence to the averments of the appellant being agitated through the captioned appeal; meriting its acceptance as prayed for.

II. Rejoinder to Preliminary Objections in the Comments:

- i. Preliminary objections No. i-vi in the comments filed by contesting respondents are thoroughly misleading; deliberately misconceived; and altogether false, hence denied with vehemence. They have rather attempted to divert the court's attention to a controversy which is not germane to the captioned appeal. The objections as such, are absolutely immaterial and irrelevant for the purposes of deciding the points-in-issue.

III. Rejoinder to 'Reply on Facts' in the Comments:

- 1-2. Incorrect; false; misleading; and deliberately misconceived, hence denied. Without prejudice to the preliminary objections delineated hereinabove, it is reiterated at the cost of repetition that evidently the conduct of respondent No. 03 in shape of record relied upon by the contesting respondents smacked of *mala fide* intent and malice. Furthermore, the bias and ill-will that respondent No. 03 harbored against the appellant is apparent from record, making the impugned entries unreasonable and uncalled for.

IV. Rejoinder to 'Reply on Grounds' in the Comments:

- A-F. Incorrect; false; misleading; and misconstrued as laid, hence denied with force. The contesting respondents have purposely concealed the fact that for one, the appellant was never dismissed from service rather he was 'compulsorily retired', and secondly, he was honorably re-instated back into service with all back benefit after due process of law, wherein he was exonerated of all charges levelled against him. Without prejudice to this and in addition thereto, the appellant's ACRs sans the one impugned in the captioned appeal, manifestly

reveal that he boasts an outstanding service record. Moreover, the appellant has time and again been awarded commendation certificates, including one in the period during which the impugned entries were recorded in his ACR. It is also pertinent to mention here that on representation made to respondent No. 02 against minor punishment imposed upon the appellant by respondent No. 03, the former had set it aside *vide* order No. 7328 / EC dated 17-08-2019.

(Copy of documents attached herewith for ready reference.)

It is, therefore, most humbly prayed that on acceptance of this rejoinder, the captioned service appeal may graciously be allowed as prayed for with costs throughout in the best interest of justice.

[Signature]
Appellant

Through

[Signature]

UMAIR IQBAL
Advocate High Court (bc-17-7485)
0336-0055526
CNIC# 13101-2757229-3
umairiqbal@yahoo.com
Suite D-6, JK Plaza,
University Road, Peshawar.

Affidavit

Stated on oath that the contents of this rejoinder are true and correct to the best of my knowledge and belief, and that nothing has been concealed from this worthy Tribunal.

[Signature]
Deponent



ORDER

This order will dispose of de-novo departmental proceedings conducted against ASI Riaz Hussain of this district, (hereafter called **accused officer**) under the Khyber Pakhtunkhwa, Police Rules, 1975 Amendment 2014.

The brief and essential facts of the case are that he joining hands with criminals committed gross misconduct by showing criminal negligence, careless attitude registered a case vide FIR No. 146 dated 04.05.2014 u/s 324/427/34 PPC PS Billitang.

Secondly, due to his negligence/carelessness act, the serious injured person namely Khadim Hussain was lying in hospital without any legal process and without medical aid from 07:00 pm to 11:00 pm, despite the fact that local police PS Billitang was informed.

Thirdly, when he came to know that a serious injured person, has been brought to hospital, he did not proceed to record report of concerned injured person who was seriously injured at the hands of accused Nour Saeed. It has been reported that he was in-league with criminals and he had shown soft corner to the accused by achieving his desire goals from the criminals namely Nour Said and Shahzeb resident of Godhai Banda Kohat and due to this fact he deliberately delayed registration of case on the report of injured Khadim Hussain to extend benefit to the said criminals.

In pursuance of the judgment de-novo departmental proceedings were initiated against the accused officer and SP Investigation Wing Kohat was appointed as enquiry officer. The accused officer was afforded defense opportunity and heard E.O. The enquiry officer vide his finding exonerated the accused from the charges.

He was called and heard in OR held on 31.10.2017. His reply was satisfactory.

Keeping in view of above the undersigned I, Javed-Iqbal District Police Officer, Kohat, in exercise of powers confirmed upon me, the accused officer is hereby **re-instated with back benefits** and administered warning to be careful in future.

OB No. 920

Date 6-11-2017

DISTRICT POLICE OFFICER,
KOHAT 3/11/17

No. 4836-38/PA dated Kohat the 06-11-2017.

Copy of above is forwarded to the Reader/SRC/OHC

POLICE DEPTT:

ORDER.

This order will dispose of a departmental appeal moved by SI Riaz Hussain of Operation Kohat against the punishment order passed by DPO Kohat vide OB No. 580 dated 20.05.2019 whereby he was awarded minor punishment of forfeiture of two years approved service for the allegations of negligence in discharge of official responsibilities.

He preferred an appeal to the undersigned, upon which contentions were obtained from DPO Kohat and his service record was perused. He was also heard as a person in Orderly Room, held in this office on 07.08.2019. During hearing the appellant advanced plausible explanation in his defense.

I have gone through the available record and came to the conclusion that punishment awarded to him appears to be very harsh as compared to allegations. Therefore, by taking a lenient view, the punishment of forfeiture of two years approved service is hereby set-aside.

Order Announced
07.08.2019

(TAYYAB HAFEEZ) PSP
Region Police Officer,
Kohat Region

No. 7328 I.C. dated Kohat the 17/08 2019.

Copy for information and necessary action to the DPO Kohat with his office Memo No. 12822/LB, dated 16.07.2019. His service record containing two service books, one service roll and Enquiry file is returned herewith.

Handwritten notes:
D.S.P. / ...
for 211 ...
19/8/19

(TAYYAB HAFEEZ) PSP
Region Police Officer,
Kohat Region

Handwritten notes:
12822/LB

Police No. 99
1990-(62)

K.P.K. 1559 F8. 500P. of 100-9-12

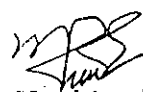
23 6

No. 13-17

POLICE DEPARTMENT

KOHAT DISTRICT

ANNUAL CONFIDENTIAL REPORT ON THE WORKING OF ASSISTANT SUB-INSPECTOR, SUB-INSPECTORS AND INSPECTORS FOR THE YEAR ENDING 31ST DECEMBER 2012 (21.07.2012 to 31.12.2012)

Name, Provincial or Range No. Rank and Grade	P/ASI Riaz Hussain
Where and no what duties Employed during the past 12 months	From 21.07.2012 to 11.09.2012 PS Cantt
Class of Superintendent of Police's Report, i.e. "A" or "B"	A
Is he honest?	No Complaints.
Remarks by :- (1) Superintendent of Police, (2) Regional Deputy Inspector of Police	Period less than three months, hence no comments.  (Mr. Mushtaq Hussain) Dy: Superintendent of Police, City, Kohat From 12.09.2012 to 31.12.2012 PS Cantt He is punctual and hard working.

Attested
①
Seen

Mushtaq Hussain

(MUNAMMAD HANIF SIYAL)
S/PS, PSP
Dy: Inspector General of Police
Lower Region Kohat



(Mr. Lal Farid Khan)
Dy: Superintendent of Police,
City, Kohat

Professional & Hardworking
officer


(DILAWAR KHAN BANGASH)
DISTRICT POLICE OFFICER,
KOHAT

No. 13-17

7

POLICE DEPARTMENT

KHYBER PAKHTUNKHWA POLICE

Annual Confidential Report on the working of Assistant Sub-Inspectors, Sub-Inspectors and Inspectors for the Period /Year 01.01.2013 to 31.12.2013.

Name, Provincial or Range No. Rank and Grade	P/ASI Riaz Hussain 04/K
Father's Name	Afzal Hussain
Where and on what duties Employed during the period	From 01.01.2013 to 31.07.2013 PS KDA. From 01.08.2013 to 31.12.2013 PS Jungle Khel
Class of Superintendent of Police's Report, i.e. "A" or "B"	A
Is he honest?	No Complaint
Remarks by: - (1) Superintendent of Police, (2) Deputy Inspector General of Police	<p>Good and honest Police Officer</p> <p><i>MB</i> (Mushtaq Hussain) Deputy Superintendent of Police, HQrs, Kohat From 01.01.2013 to 31.07.2013</p> <p><i>Dilawar Khan Bangash</i> (Dilawar Khan Bangash) District Police Officer, Kohat From 01.08.2013 to 31.12.2013</p> <p><i>Agreed</i> (Muhammad Saleem Marwat)PSP District Police Officer, Kohat</p>

Agreed

Agreed

(DR. ICHITHI HUSSAIN, KARWAT)
Inspector General of Police
Kohat Region Kohat

Agreed

8

No. 13-17

POLICE DEPARTMENT

KHYBER PAKHTUNKHWA POLICE

Annual Confidential Report on the working of Assistant Sub-Inspectors, Sub-Inspectors and Inspectors for the Period /Year 01.01.2014 to 31.08.2014.

Name, Provincial or Range No. Rank and Grade	P/ASI Riaz Hussain 04/K
Father's Name	Afzal Hussain
Where and on what duties Employed during the period	From 01.01.2014 to 31.08.2014 PS Billitang.
Class of Superintendent of Police's Report, i.e. "A" or "B"	(A1)
Is he honest?	No Complaint
Remarks by: - (1) Superintendent of Police, (2) Deputy Inspector General of Police	<i>Honest Good and hardworking officer</i> (Mirza Ali Khan) Deputy Superintendent of Police, Saddar, Kohat <i>Agreed</i> (Muhammad Saleem Marwat)PSP District Police Officer, Kohat

Agreed!

Agreed

(DR. ISHTIYAZ KHAN) PSP
Dy. Inspector of Police
Kohat

No. 13-17

9

POLICE DEPARTMENT

KHYBER PAKHTUNKHWA POLICE

Annual Confidential Report on the working of Assistant Sub-Inspectors, Sub-Inspectors and Inspectors for the Period /Year 21.07.2017 to 31.12.2017.

Name, Provincial or Range No. Rank and Grade	ASI Riaz Hussain
Father's Name	Afzal Hussain
Where and on what duties Employed during the period	From 21.07.2017 to 26.12.2017 Police Lines Kohat
Class of Superintendent of Police's Report, i.e. "A" or "B"	"A"
Is he honest?	No complaints
Remarks by: - (1) Superintendent of Police, (2) Deputy Inspector General of Police	Good police officer

Agreed.
Awal Khan

AWAL KHAN (PSP)
Regional Police Officer,
Kohat Region

(Abdur Rasheed)
Deputy Superintendent of Police,
HQrs, Kohat
From 21.07.2017 to 22.12.2017

(Javed iqbal)-PSP
District Police Officer,
Kohat

From 24.12.2017 to 31.12.2017
Period less than three months hence no comments

(Abbas Majeed Khan Marwat) PSP
District Police Officer,
Kohat

10

No. 13-17

POLICE DEPARTMENT

KHYBER PAKHTUNKHWA POLICE

Annual Confidential Report on the working of Assistant Sub-Inspectors, Sub-Inspectors and Inspectors for the Period /Year 25.10.2018 to 31.12.2018

Name, Provincial or Range No. Rank and Grade	ASI Riaz Hussain
Father's Name	Afzal Hussain
Where and on what duties Employed during the period	From 25.10.2018 to 31.12.2018 Police Lines Kohat
Class of Superintendent of Police's Report, i.e. "A" or "B"	A
Is he honest?	No Complaint

Remarks by: -

- (1) Superintendent of Police,
- (2) Deputy Inspector General of Police

Period less than three months hence no comments

Wahid
03/01/19

(Capt. @ Wahid Mehmood) PSP
District Police Officer,
Kohat

Attested
D



No.13-17

POLICE DEPARTMENT

K.P.P POLICE

Annual Confidential Report on the working of Assistant Sub –Inspector, Sub- Inspectors and Inspectors for the year ending 31st December 2019.

Name, Provincial or Range No. Rank and Grade	SI Riaz Hussain
Father's Name	Afzal Hussain
Where and on what duties Employed during the past 12 months	From 26-09-2019 To 31-12-2019 OII PS Jungle Khel.
Class of Superintendent of Police's Report i.e. ' A ' or ' B '	' A '
Is he honest?	No Complaint.
Remarks by:- (1) Superintendent of Police, (2) Deputy Inspector General of Police	He is a professional and labourer officer.
<i>Attested!</i> Deputy Inspector General of Police, Admin. In-charge, K.P.P. Kohat Deputy Inspector General of Police Investigation Bannu Region (South) At C.P.O Peshawar	(Abdul Hayee Khan)PSP Superintendent of Police, Investigation Wing Kohat

(ND)

Police No. 99

GS & PD. NWFP 1559 F.S.500P of 1009-12

1990-(62)

Form No. 13-17

Police Department

K.P.Police

Annual Confidential Report on the working Assistant Sub Inspector, Sub Inspectors and Inspectors for the year ending 31 December 2020.

Name Provincial or Range No. Rank and Grade	SI Riaz Hussain
Father Name	Afzal Hussain
Where and on what duties Employed during the past 12 Months	From 01.01.2020 to 12.07.2020 OII PS MRS.
Class of Superintendent of Police's Report i.e. 'A' or 'B'	"A"
Is he Hones?	No Complaint
Remarks By:- (1) Superintendent of Police, (2) Deputy Inspector General of Police	A professional and Hard-working officer. (Abdul Hayee Khan)PSP Superintendent of Police Investigation Wing Kohat

Attested

Z. Afghan
Deputy Inspector General of Police
Investigation (Admn) Khyber Pakhtunkhwa
At CPO Peshawar