Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 1601/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	10/11/2022	The appeal of Mr. Hidayat Ullah resubmitted today by Mr. Ashraf Ali Khattak Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____. Notices be issued to appellant and his counsel for the date fixed. By the order of Chairman REGISTRAR

The appeal of Mr. Hidayat Ullah Head Constable Police Line, Kohat received today i.e. on 4.11.2022 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

1- Check list is not attached with the appeal.
2- Annexures of the appeal may be attested.
3- Copy of departmental appeal against the impugned order 05.10.2022 is not attached with the appeal which may be placed on it.
4- Page no. 62 of the appeal is illegible which may be replaced by legible/better one.

No. 3150 /S.T,

Dt. 7/11 /2022

REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr.Ashraf Ali Khattak Adv. Pesh.

The Order dated 05-10-2022 has been passed on the departmental appeal of the appellant, which is available at page 63 to 66. Since the order dtd 05-10-2022 is final order, therefore, no further departmental could be legally preferred against the same.

Re-submitted with above explanation

Ashraf Ali Khattak
Advocate

Date 10-11-2022

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1601 **2022**

Hidayat Ullah.....**Appellant.**

Versus

The Inspector General of Police & others.....**Respondents.**

INDEX

S.#	Description of Documents	Date	Annexure	Pages
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3.	Copy of the consolidated judgment dated 17-01-2022 in service appeal No. 647/2019 and Service Appeal No.1405/2020		B	10-13
4.	Copy of the inquiry reports		C	14-46
5.	Copy of the service appeal #3439/2021		D	47-53
6.	Copy of Minutes of DPC meeting dated 02-03-2021 and promotion order#3247-51/SRC dated 03-03-2021		E	54-55
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8.	Copy of the DPC meeting dated 08-06-2022 and subsequent promotion order dated 10-06-2022		G	61-62
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Appellant

Through

Ashraf Ali Khattak
Advocate,
Supreme Court of Pakistan

&

Ali Bakht Mughal
Advocate,
District Courts, Peshawar

&

Sadia Umar
Advocate,
District Courts, Peshawar

Dated: ___/___/2022

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No._____ 2022

Hidayat Ullah,
Head Contable (BPS-09),
Police Line, Kohat.....**Appellant.**

Versus

1. The Inspector General of Police,
   Govt. of Khyber Pakhtunkhwa, Peshawar.

2. Deputy Inspector General of Police,
   Kohat Region, Kohat.

3. The District Police Officer,
   District Kohat.....**Respondents.**

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER NO.9370-75 /SRC DATED KOHAT THE 05-10-2022 PASSED ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WHEREIN HE WAS PROMOTED TO THE POST OF OFFG: HEAD CONSTABLE (BPS-09) WITH IMMEDIATE EFFECT.

PRAYER:

i. **Declare** that appellant was entitled for his promotion to the post of Head Constable (BPS-09) w.e.f. 03-03-2021 i.e. the date when colleagues and juniors to him on promotion list C-I were promoted to the post of Head Constable (BPS-09) and the impugned Notification No.9370-75/SRC dated 05-10-2022 wherein appellant has been promoted to the post of Head Constable (BPS-09) with immediate effect as illegal, unlawful to the extent of immediate effect only.

ii. **Declare** that appellant is entitled to be promoted w.e.f. 03-03-2021 when colleagues and juniors to him on promotion list C-I have been promoted.

iii. **Direct** the respondents to bring necessary amendment / corrigendum in the impugned order dated 05-10-2022 and promote the appellant w.e.f. 03-03-2021 when colleagues and juniors to him on promotion list C-I have been promoted.

iv. **Any other relief** as deemed appropriate in the circumstances of the case and not asked for specifically, may also graciously be granted to the appellant.

Respectfully Sheweth,

The facts given rise to the present service appeal are as under;

1. That appellant has been serving in the Police Department. He has long service standing at his credit. He has been awarded numerous Commendation Certificates for his extra ordinary and brave services beyond the call of his duty.

2. That appellant was proceeded against departmentally for certain false allegations and awarded punishment of (i) Reduction from higher stage to lower stage in the same time scale of pay for a period of 03 years with immediate effect vide OB No.299 dated 26-02-2019, which was later on reduced to 02 years by the appellate authority vide Order No.4215/EC dated 10-05-2019 and 2ndly (ii) Reversion from the rank of LHC to the substantive rank of Foot Constable and seniority to be fixed as junior most of the Foot Constables of the District Police vide Order OB No.1249 dated 17-10-2019. (Copies of the orders dated 26-02-2019 and order dated 17-09-2019 are attached as **Annexure-A**.)

3. That appellant impugned both the above penalties in Service Appeal No.647/2019 and Service Appeal No.1405/2020 before this Tribunal. This Hon'ble Tribunal was pleased to allow both the appeals vide Judgment dated 17-01-2022 and directed the official respondents to re-instate the appellant on his original position as LHC with all back benefits. (Copy of the consolidated judgment dated 17-01-2022 in service appeal No. 647/2019 and Service Appeal No.1405/2020 is attached as **Annexure-B).**

4. That it is also pertinent to mention here that appellant was also proceeded with slipshod summary proceedings and awarded major

penalty of dismissal from service by respondent No.3 vide Order OB No. 1392 dated 04-11-2019. Appellant impugned the same through Revision Petition under section 11-C of the Police Rule, 1975. Respondent No.1 was pleased to refer the case to Police Board and the Board recommended reinstatement of the appellant with directions to conduct De Novo inquiry. Two consecutive De Nove inquiries were conducted and appellant was held innocent by both the inquiries officers, but the competent authority imposed minor penalty of Censure along with treating the intervening period as leave without pay. Appellant being aggrieved of the penal order again approached the respondent No.1 by submitting Revision Petition under section 11-C of the Police Rules, 1975. The Board was pleased to allow the Revision petition and resultantly appellant was re-instated and the intervening period was treated as leave of the kind due. Copy of the inquiry reports are attached as **Annexure-C**.

5. That appellant has also impugned the order ibid to the extent of treating the intervening period as leave before this Hon'ble Tribunal in service appeal No.3439/2021 before this Hon'ble Tribunal in which comments have been filed and is fixed for 28-11-2022 for final arguments. Copy of the service appeal #3439/2021 is attached as **Annexure-D.**

6. That during the course of above narrated legal proceeding; Department Promotion Committee was held vide dated 02-03-2021 in the Office of respondent No.3 wherein constables including the appellant on promotion list C-1 were considered for promotion to the substantive posts of LHC. The name of appellant was lying at Serial No.3. The case of appellant was deferred on the ground that major penalties of Reduction from higher stage in the same time scale of pay for two years vide OB No.1249 dated 17-10-2019 and Reversion from the rank of LHC to the rank of LHC to the rank of FC vide OB No.299 dated 26-02-2019 have been imposed upon the appellant. 13 numbers of LHC on promotion List C-1 were promoted and appellant was deprived vide Order No.3247-51/SRC dated 03-03-2021. Copy of Minutes of DPC meeting dated 02-03-2021 and promotion order#3247-51/SRC dated 03-03-2021is attached as **Annexure-E.**

7. That since the respondents were reluctant to implement the judgment of the this Hon'ble Tribunal dated 17-01-2022 in Service Appeal# 647/2019 and Service Appeal No.1405/2020 therefore, appellant filed Execution Petition#281/2022 before this Hon'ble Tribunal. During the course of Execution proceeding; appellant was re-instated on his original position vide order OB#188/SRC dated 21-06-2022. Copy of CoC #281/2022 and re-instatement order OB#188/SRC dated 21-06-2022 are attached as **Annexure-F.**

8. That on 08-06-2022, another DPC meeting was held, wherein 12 numbers of LHCs on promotion list C-1 were considered for regular

promotion to the substantive post of LHCs. The name of the appellant was lying at Serial No.1 of the list. Appellant was under legitimate expectancy for promotion with effect from earlier round of promotion dated 03-03-2021 as the stigma on part of appellant was no more in field.

9. That Departmental Promotion Committee again deferred the case of the appellant for the reason of punishment "Reduction from the rank of LHC to Foot Constable vide OB No.299 dated 17-10-2019 and more so it was also endorsed that the case of the appellant is under litigation.

10. That the departmental Promotion Committee has mis-conceived the spirit and provision of the judgment of this Hon'ble Tribunal. The above mentioned punishment "Reduction from the rank of LHC to Foot Constable vide OB No.299 dated 17-10-2019 was no more in field and were set aside by this Hon'ble Service Tribunal vide consolidated judgment dated 17-01-2022. Respondent No.3 vide Order No.5349-51/SRC dated 10-06-2022 promoted 10 numbers of LHCs on promotion list C-1 to the substantive post of LHC and deprive the appellant from his legitimate right of promotion. Copy of the DPC meeting dated 08-06-2022 and subsequent promotion order dated 10-06-2022 are attached as **Annexure-G**.

11. That upon receiving information; appellant applied for the attested copies of the impugned promotion orders, which were granted on 07-07-2022 and submitted departmental appeal on 01-08-2022 before the respondent No.2; praying thereby to promote the appellant w.e.f. 03-03-2021 when colleagues and juniors to him were promoted to the post of Head Constable (BPS-09). Copy of departmental appeal is attached as **Annexure-H**.

12. That the departmental appeal of the appellant was duly processed and the Worthy respondent No.2 was pleased to direct the respondent No.2 to promote the appellant in accordance with law and rules and in the light of the Judgment of the Hon'ble Supreme Court of Pakistan. Copy of office directions of respondent No.2 vide No.7822/SRC dated 25-08-2022 is attached as **Annexure-I**.

13. That meeting of Departmental Promotion Committee was held in DPO Office, Kohat on 04-10-2022 whereby number of LHCs on promotion list C-1 including appellant were considered and recommended for promotion as officiating Head Constable (BPS-09).

14. That the respondent No.3 vide impugned notification No.9370-75/SRC dated 05-10-2022 promoted appellant alongwith others to the post of offg: Head Constable (BPS-09) with immediate effect instead of promoting the appellant w.e.f. 03-03-2021 i.e. the date when colleagues and juniors to the appellant have been promoted, hence the instant service appeal inter alias on the following **grounds;**

5

A. That the authority has not treated the appellant in accordance with law, rules and policy on the subject and acted in violation of Article 4 of the Constitution of Pakistan,1973. 1st DPC meeting was held on 02-03-2021 wherein all eligible candidates on promotion list C-1 were considered for promotion to the rank of Head Constable (BPS-09). Appellant was at Sr. No.3 of the list but he was deferred due to departmental punishment. All juniors to the appellant were promoted vide order No.3247-51/SRC dated 03-03-2021. 2nd DPC meeting was held on 02-06-2022 and all eligible candidates on promotion list C-1 were considered and promoted to the rank of Head Constable (BPS-09). Appellant was at Sr. No.1 of the promotion list C-1 but was deferred on ground of departmental punishment again. This Hon`ble Tribunal vide Order / Judgment dated 17-01-2022 in Service Appeal No.647/2019 and 1405/2020, set aside the punishment awarded by the departmental authorities. Appellant immediately submitted departmental appeal before respondent No.2 for profarma promotion. Respondent No.2 directed the respondent No.3 to consider appellant in the forthcoming DPC for promotion to the post of Head Constable (BPS-09) in the light of the Judgment of the Hon`ble Supreme Court of Pakistan. Meeting of DPC was held on 04-10-2022 and considered all eligible LHCs on promotion list C-1 including the appellant. Appellant was promoted to the post of Head Constable (BPS-09) on offg: basis and was conditionally promoted to the rank of HC (BPS-09) subject to the outcome of the CPLA filed by the respondents in the Supreme Court of Pakistan against the Judgment of this Hon`ble Tribunal dated 17-01-202 but with immediate effect. Since the stigma of departmental punishment is no more in the field therefore, appellant was entitled to be promoted with effect from the date when juniors to him have been promoted i.e. 03-03-2021. On this score alone, appellant is entitled for his promotion to the rank of Head Constable (BPS-09) with retrospective effect.

B. That every civil servant has legitimate expectancy of rising up in government hierarchy by means of promotion. In the instant case, appellant had legitimate expectancy of promotion with his contemporary junior officers but was deprived of his promotion for no fault on his part. Appellant remained under continues disciplinary actions and was penalized illegally. Since the stigma of penalization is no more in the field therefore, appellant is entitled for his profarma promotion with effect from the date when juniors to him have been promoted. Wisdom has been derived from the Judgment of the Hon'ble Supreme Court of Pakistan reported as 2016 SCMR 1784.

C. That it is now as settled law that profama or antedated promotion orders are made by the Government while exercising the inherent power derived under the provisions of Section 22 of the Act and under this statutory provision, the competent authority is not vested with unlimited or unguided powers rather the power vested or qualified with just and equitable purposes therefore, it is clear that antedated or profarma promotion are granted to the civil servants, who has been

grabbed in continuous disciplinary proceedings without knowing the sin or crime he has committed. Wisdom has derived from the Judgment of the Hon'ble Supreme Court of Pakistan reported as 1995 PLC (C.S) 59.

D. That the Hon'ble Supreme Court of Pakistan in numbers of reported judgments has held that promotion of a civil servants cannot be withheld due to pending proceedings in Court of Law. In the instant case although CPLA has been filed by the respondents against the judgment of this Hon'ble Tribunal, but the same has neither been suspended nor otherwise allowed by the Hon'ble Supreme Court of Pakistan. In circumstance, the respondents have no other option but to accede to the direction of the Hon'ble Tribunal and implement it in letter and spirit. Reliance is placed on the Reported Judgment of the Hon'ble Supreme Court of Pakistan reported as 2007 SCMR 1769, 2007 SCMR 1355.

E. That appellant is eligible and qualified for confirmation against the substantive post of HC with effect from the date when juniors to him were promoted i.e.03-03-2021. The refusal on the part of respondent No.3 is untenable in the eyes of law.

F. That the appellant would like to seek the permission of this Hon`ble Tribunal to advance more grounds at the time of arguments.

In view of the above submissions, it is humbly prayed that the instant service appeal may kindly be allowed as prayed for above

Appellant

Through

Ashraf Ali Khattak
Advocate,
Supreme Court of Pakistan

&

Ali Bakht Mughal
Advocate,
District Courts, Peshawar

&

Sadia Umar
Advocate,
District Courts, Peshawar

Dated: ___/___/2022

7

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No._____ 2022

Hidayat Ullah,
Head Contable (BPS-09),
Police Line, Kohat.....**Appellant.**

Versus

The Inspector General of Police,
Govt. of Khyber Pakhtunkhwa, Peshawar & others.....**Respondents.**

AFFIDAVIT

I, **Hidayat Ullah** Head Constable, Police Force, Kohat, do hereby solemnly affirm and declare on oath that the contents of this service appeal are true and correct to the best of my knowledge, and nothing has been concealed from this Hon'ble Tribunal.

DEPONENT

Humaira Rehman Advocate
Oath Commissioner
Enlist: No. 3370-75

4-11-2022

ANX-A

A

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

8

ORDER

This order is passed on the departmental enquiry (summary proceedings) against LHC Hidayat Ullah No. 881, under the Khyber Pakhtunkhwa, Police Rules, 1975 (amendment 2014).

Brief facts of the case are that it has been noticed through reliable source / secret information that LHC Hidayat Ullah No. 881, indulged himself in the following:-

i. Extra departmental activities.
ii. Miss-use of his authorities for personal gain.
iii. Not paying due attention to his legal obligations/ responsibilities.
iv. Ill-reputed as per source.

The defaulter official was served with Show Cause Notice, to which he submitted reply and found un-satisfactory.

The defaulter official was called in O.R on 25.02.2019 and apprised about his misconduct. He was heard in person, but failed to advance any plausible explanation.

I have gone through the record, which transpires that the defaulter official has earned 16 bad entries in his credit, including punishments awarded to him on the charges of getting illegal gratification and mal-practices. Therefore, on the available record and other source, I am satisfied that the charges leveled against the accused official are established beyond any shadow of doubt. Furthermore, he is also held guilty of charge of submitting anonymous complaints.

Good entries are attached

Therefore, in exercise of power conferred upon me under section 5 (2) of KP Police Rules (amendment 2014)1975, the general proceedings are dispensed with a punishment reduction from higher stage to lower stage in the same time scale of pay for the period of 03 years is imposed on accused official LHC Hidayat Ullah No. 881 with immediate effect.

Announced
25.02.2019

DISTRICT POLICE OFFICER,
KOHAT 26/2

OB No [illegible]
Date 26-2 /2019
No. [illegible] /PA dated Kohat the 30-2 2019.

Syed Mudasir Pirzada
Advocate High Court
District Courts Kohat
0345-9645854

9

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

ORDER

This order will dispose of departmental proceedings initiated against LHC Hidayat Ullah No. 881 **(hereinafter called accused official)** of this district Police, under the Khyber Pakhtunkhwa, Police Rules, 1975 (amendment 2014).

Facts of the proceedings are that it was noticed through reliable source that the accused official had links with a notorious criminal gang known as Tapoo gang Nusrat Khel. The information was confront through different source and CDR of the accused official, which was pursued and proved. Therefore the accused official was served with Show Cause Notice under the rules Ibid: Reply submitted by the accused official received and found unsatisfactory.

① where different sources?
② where CDR.?
③ where is show cause?
④ where is reply to the show cause?

The links / involvement of the accused official was also confront through secret probe, which transpires that the accused official contacted the gang and asked to pressurize the Police through different source from restricting to Police legal action against them (Gang) further proved that the accused official being member of a disciplined department supported the criminal gang in narcotics dealing for his personal gang and committed gross professional misconduct. Therefore, the accused official is stigma on Police department.

where the secret prob?

Record gone through, which transpires that the accused official is ill-reputed, awarded different kind of punishments, but he does not minds his way and indulged himself in illegal activities. Further, the charge/allegation leveled against him has been established beyond any shadow of doubt.

Being ill-reputed and previous conduct of the accused official, I, Capt. ® Wahid Mehmood, District Police Officer, Kohat in exercise of powers conferred upon me under the rules ibid, dispense with general proceedings and a punishment of reversion from the rank of LHC to the substantive rank of Foot Constable is imposed on accused official Hidayat Ullah No. 881 with immediate effect. His seniority be fixed as junior most of Foot Constables of the district Police.

No major penalty without regular inquiry

Announced
17.10.2019

9-10-2019

17-10-2019

DISTRICT POLICE OFFICER,
KOHAT 17/10.

OB No. 1294
Dated 17-10-2019

No 33067-71/PA dated Kohat the 17-10-2019.

Copy of above for necessary action to the::-

1. Reader/Pay officer/SRC/OHC for necessary action.
2. R.I/L.O.
3. Accused official

A

(1) 09-10-2019 - Show Cause - 13- کوارٹر گارڈ

~~(2) 17-10-2019 جواب~~

(2) Order کوارٹر گارڈ (10-10-2019)

(3) 13-10-2019 - بند کوارٹر گارڈ

(4) Missing from Counter Guard

27-10-2019

(5) 17-10-2019 (Reversion from foot constable to constable -

(6) further charge sheet.

17-10-2019.

ANX-B

B

10

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 647/2019

Date of Institution ... 17.05.2019

Date of Decision ... 17.01.2022

Hidayat Ullah LHC No. 881 Operation Staff Karak Police Takht-e-Nusrati.
... (Appellant)

VERSUS

Inspector General of Khyber Pakhtunkhwa Police Peshawar and others.
... (Respondents)

Ashraf Ali Khattak,
Advocate ... For Appellant

Muhammad Adeel Butt,
Additional Advocate General ... For respondents

AHMAD SULTAN TAREEN ... CHAIRMAN
ATIQ-UR-REHMAN WAZIR ... MEMBER (EXECUTIVE)

JUDGMENT

ATIQ-UR-REHMAN WAZIR MEMBER (E):- This single judgment shall dispose of the instant service appeal as well as his connected Service Appeal bearing No. 1405/2020 titled "Hidayat Ullah Versus Inspector General of Khyber Pakhtunkhwa Police Peshawar and others" as common question of law and facts are involved therein.

02. Brief facts of the case are that the appellant has impugned two adverse orders in his separate service appeals. Vide impugned order dated 26-02-2019, punishment of reduction from higher stage to lower stage in the same time scale of pay for the period of three years has been imposed upon the appellant, which was reduced to two years by the appellate authority, whereas in another case, vide impugned order dated 17-10-2019 the penalty of reversion from the rank of

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

LHC to the substantive rank of Foot Constable, which was also challenged by the appellant vide his departmental appeal, which was not responded, hence the appellant filed separate service appeals with respect to both the issues with prayers that the impugned orders may be set aside and the appellant may be restored to his old position as before and the order of punishments may be set aside.

03. Learned counsel for the appellant has contended that the allegations leveled against the appellant were never practiced by the appellant and always earned good name for the department; that it is settled principle of natural justice that one should not be condemned unheard but in case of the appellant no inquiry was conducted; that punishment awarded to the appellant of time scale is neither in the list of relevant rules nor in E&D Rules; that the appellant was penalized on the basis of discreet inquiry, which is not supported by any rule or law; that the appellant was not afforded opportunity to be heard in person, hence the appellant was condemned unheard; that nothing has been proved against the appellant and the appellant was penalized on the basis of presumptions.

04. Learned Additional Advocate General for the respondents has contended that on the one hand the appellant had indulged himself in illegal activities, misused his authority for personal gains and was found ill reputed. On the other hand, the appellant was found involved having links with notorious criminal gangs, therefore he was served with showcause notice separately in both cases; that reply of the showcause notices was found un-satisfactory, hence he was awarded with the punishments from time to time but the appellant did not mend his way; that his service record is full of bad entries and he is not willing to abide by law and rule and has always displayed to be a disobedient subordinate.

05. We have heard learned counsel for the parties and have perused the record.

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal

12

06. Record would suggest the appellant was awarded with major punishment of reduction in time scale for a period of three years, but regular inquiry was dispensed with and the penalty was awarded through summary proceedings, which however is illegal, as major punishment cannot be awarded through summary proceedings. It was also noted that such penalty is not available in the list of penalties in Police Rules, 1975; hence, the penalty so awarded is illegal. The second punishment of reversion from rank of LHC to the substantive ranks of Foot Constable was also awarded to the appellant through summery proceedings, which too was illegal as minor penalty can be imposed in case of summary proceeding but in the instant case, major punishment was awarded through summary proceedings, which too is illegal.

07. Keeping in view the position explained above, the instant appeal as well as the connected service appeal are accepted. The impugned order dated 26-02-2019 and 17-10-2019 are set aside. Respondents however are at liberty to proceed the appellant under General Proceedings by providing him appropriate opportunity of defense. Parties are left to bear their own costs. File be consigned to record room.

to record room.

ANNOUNCED
17.01.2022

(AHMAD SULTAN TAREEN)
CHAIRMAN

(ATIQ-UR-REHMAN WAZIR)
MEMBER (E)

Certified to be true copy

Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Appeal No. 1405/2020 (18)

ORDER
17.01.2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for respondent present. Arguments heard and record perused.

Vide our detailed judgment of today, placed on file of service appeal bearing No. 647/2019 titled "Hidayat Ullah Versus Inspector General of Khyber Pakhtunkhwa Police Peshawar and others", the instant appeal is accepted. The impugned order dated 26-02-2019 and 17-10-2019 are set aside. Respondents however are at liberty to proceed the appellant under General Proceedings by providing him appropriate opportunity of defense. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED
17.01.2022

(AHMAD SULTAN TAREEN)
CHAIRMAN

(ATIQ-UR-REHMAN WAZIR)
MEMBER (E)

Certified to be true copy
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

ANX-C 14

C

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

No_____/PA dated Kohat the ____/____/2020

ORDER

In pursuance of Addl: Inspector General of Police HQrs, Khyber Pakhtunkhwa order No. S/ 3334 /20 dated 11.08.2020. Ex-Constable Hidayat Ullah No. 881 is hereby re-instated in service only for the purpose of denovo enquiry.

DISTRICT POLICE OFFICER,
KOHAT

OB No. 590
Dated 25-08-/2020

No 4225-28 /PA dated 25-8- 2020

Copy of above is submitted to the:-

1. Addl: Inspector General of Police, HQrs Peshawar w/r to his office order No. quoted above, please.
2. Regional Police Officer, Kohat w/r to his office Endst: No. 9108/EC dated 24.08.2020, please.
3. Line Officer/ Reader/ SRC/OHC /Pay Officer for necessary action.

DISTRICT POLICE OFFICER,
KOHAT

15

Office of the
District Police Officer,
Kohat

No 4239-40/PA

Dated 25-8-/2020

DISCIPLINARY ACTION

1. I, **JAVED IQBAL, DISTRICT POLICE OFFICER, KOHAT**, as competent authority, am of the opinion that you **Ex-Constable Hidayat Ullah No. 881 (now reinstated for the purpose of denovo enquiry)** have rendered yourself liable to be proceeded against, departmentally under Khyber Pakhtunkhwa Police Rule 1975 (Amendment 2014) as you have committed the following acts/omissions.

STATEMENT OF ALLEGATIONS

i. That you after your re-instatement in service vide W/Addl: IGP HQrs Peshawar Order No. S/ 3334/20 dated 11.08.2020. Your conduct is mysterious and ill-reputed. It was observed from secret source that you have contacts with criminals / notorious narcotics sellers / peddlers, and support / facilitate them in social crimes.

ii. In the above context, audio recording with contacts and facilitating the criminals has been obtained and saved separate.

iii. You while posted at Police station Shakardara misbehaved with applicant and insulted him inside Police station. In this regard a video was viral on social media which also defamed the image of Police department.

iv. On perusal of your service record you are ill reputed, a stigma on Police department and earned bad name to the entire department.

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

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

DISTRICT POLICE OFFICER,
KOHAT

No. 4239-40 /PA, dated 25-8- /2020.

Copy of above is forwarded to:-

1. **SDPO Saddar, Kohat:-** For denovo departmental proceeding against the accused under the rules ibid.

2. **Accused Constable:-** The accused is directed to appear before the Enquiry officer, on the date, time and place fixed by the enquiry officer, for the purpose of enquiry proceedings.

.....

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OFFICE OF THE
DY: SUPERINTENDENT OF POLICE,
SADDAR CIRCLE KOHAT
Email:dspsaddarkt@gmail.com Phone:0922-9260120

No. 760 /PA

Dated: 30/09/2020

To, The District Police Officer,
Kohat.

Subject: **DENOVO ENQUIRY**

Memo: Enclosed please find a finding report in enquiry against **Constable Hidayat Ullah No. 881** is sent herewith for your worth perusal and further orders.

SANOBAR SHAH
Sub: Divisional Police Officer
Saddar Circle, Kohat
(Enquiry Officer)

Encl: (24)

17

DEPARTMENTAL ENQUIRY AGAINST EX-CONSTABLE HIDAYAT ULLAH NO. 881/198

DATE OF ENLISTMENT			
DETAIL OF GOOD & BAD ENTRIES	**Good Entries**		
	Bad Entries	**Minor**	**Major**
ALLEGATIONS **(PUC Flag A)**	i. That you after your re-instatement in service vide W/Addl: IGP HQrs Peshawar Order No. S/ 3334/20 dated 11.08.2020. Your conduct is mysterious and ill-reputed. It was observed from secret source that you have contacts with criminals / notorious narcotics sellers / peddlers, and support / facilitate them in social crimes. ii. In the above context, audio recording with contacts and facilitating the criminals has been obtained and saved separate. iii. You while posted at Police station Shakardara misbehaved with applicant and insulted him inside Police station. In this regard a video was viral on social media which also defamed the image of Police department. iv. On perusal of your service record you are ill reputed, a stigma on Police department and earned bad name to the entire department.		
CHARGE SHEET/ STATEMENT OF ALLEGATIONS **(Flag B)** AND WRITTEN REPLY **(Flag C)**	Issued and served upon the defaulter official and **SDPO Saddar, Kohat** was appointed as Enquiry Officer.		
FINDING / RECOMMENDATION OF ENQUIRY OFFICER **(Flag D)**	The Enquiry Officer conducted departmental enquiry and submit his finding report and exonerated from the charges leveled against him.		
FINAL SHOW CAUSE NOTICE	Nil		

Submitted for favor of perusal and order please.

W/DPO, KOHAT

PA

18

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

No. 5164 /PA Dated 21-10-/2020

ORDER

The accused official namely constable Hidayat Ullah No. 98 heard personally in orderly room held on 20.10.2020 and record gone through. The undersigned is not satisfied with the enquiry proceedings / report hence, the enquiry report are set aside and ordered for re-enquiry. SP Operations Kohat is appointed as enquiry officer and directed to conclude the re enquiry proceedings within stipulated period.

(Encl:-(25)

DISTRICT POLICE OFFICER,
KOHAT 21/10/22/X.

19

OFFICE OF THE SUPERINTENDENT OF POLICE INVESTIGATION, HANGU

Office Tele: 0925-623887
Office Fax: 0925-622887
Email:spinvestigationhangu@yahoo.com

To : The Regional Police Officer,
Kohat Region Kohat.

No. 1 /Inv: dated Hangu the 06 / 02 /2020.

Subject: DEPARTMENTAL ENQUIRY AGAINST EX-CONSTABLE HIDAYAT ULLAH NO. 881.

Memorandum:

Kindly refer to your office Endst: No. 26/EC dated 01.01.2020, Endst: No. 697/EC dated 15.01.2020 and Endst: No. 2013-14/EC dated 03.02.2020 on the case noted above in the subject.

Departmental Enquiry conducted against Ex- Constable Hidayat Ullah No. 881, finding report along with enquiry documents containing 23 pages is submitted herewith for further necessary action please.

Encl:
Service Roll	=	01
Fujji Missal	=	01
Enquiry File (New/old)	=	01
Memory Card	=	01

Superintendent of Police,
Investigation, Hangu.

No. 467 /Inv: dated Hangu the ____/____/2020.

Copy of the above is submitted to the District Police Officer, Kohat for favour of information w/r to his office Letter No. 40/OHC dated 29.01.2020 please.

1043
7/2/20

Superintendent of Police,
Investigation, Hangu.

OHC
FM 7/2/20

District Police Officer,
Kohat 7/2/20

جناب DPO صاحب کوہاٹ

DENOVO ENQUIRY AGAINST EX-CONSTABLE HIDAYAT ULLAH NO.881 OF DISTRICT POLICE, KOHAT

01. Undersigned was appointed as enquiry officer vide order of enquiry bearing worthy DPO office Kohat letter **No.4239-40/PA** dated 25.08.2020 in order to ascertain the alleged charges of misconduct leveled against Ex-Constable Hidayat Ullah No.881. Vide above mentioned letter, defaulter Police Constable was issued charge sheet along with summary of allegations with the following allegations.

i. *That you after your re-instatement in service vide W/Addl: IGP HQrs Peshawar Order No. S/ 3334/20 dated 11.08.2020. Your conduct is mysterious and ill-reputed. It was observed from secret source that you have contacts with criminals / notorious narcotics sellers / peddlers, and support / facilitate them in social crimes.*
ii. *In the above context, audio recording with contacts and facilitating the criminals has been obtained and saved separate.*
iii. *You while posted at Police Station Shakardara misbehaved with applicant and insulted him inside Police Station. In this regard a video was viral on social media which also defamed the image of Police department.*
iv. *On perusal of your service record you are ill reputed, a stigma on Police department and earned bad name to the entire department.*

02. By the allegations above, Charge Sheet was duly served upon defaulter Police Constable with direction to submit his written defence within given period. As per instructions, defaulter Police Constable currently posted at Police Lines, Kohat produced his written statement stating therein that he has not links/relations with any criminal gang/group and as a proof his previous record is also found clear (Statement attached).

03. defaulter Police Constable was summoned, duly interviewed who negated the overall allegations levelled against him and stated that he is an innocent and always obeyed the good orders of disciplined force. During hearing, defaulter Police Constable presented appeal order issued from the office of worthy DPO, Kohat however, from the perusal of the same, appellant/ defaulter Police Constable has been forgiven by the competent authority (appeal order attached).

04. For scrutinizing the facts, written statements were recorded from DFC, DBS and Beat officer stating in their statements that the allegations levelled against defaulter Police Constable could not stands prove and further strict supervision is underway, in this regard (Statements attached).

05. Upon perusal of statements recorded from area elders, reflected that defaulter Police Constable has no links with criminal group but he is a peace loving person in the area (Statements attached).

06. As far as the allegations vide serial No.iii are concerned, applicant Mubashir Qureshi s/o Niyaz Gul r/o incharge NADRA office Shakardara recorded in his written statement that he has patched up the matter with Muhammad Riyasat r/o Mianwali and now, applicant does not want to take further any action against defaulter Police Constable who is not involved in the case (Statements attached).

07. In the light of the above enquiry conducted, undersigned is of the opinion that Constable Hidayat Ullah No.881 is recommended to be exonerated from the charges framed against him.

All related documents are enclosed with the enquiry file.

Submitted please

Sub: Divisional Police Officer
Saddar Circle, Kohat
(Enquiry Officer)

منور خان

22

بحوالہ چارج شیٹ

بحوالہ چارج شیٹ مجاریہ منجانب ڈسٹرکٹ پولیس آفیسر مورخہ 25-08-2020 نمبری 4239/40/PA موصولہ 1-09-2020 کی بابت معروض ہوں

جناب عالی!

۱) یہ کہ بحوالہ چارج شیٹ من سائل پر عائد کئے گئے الزامات غلط بے بنیاد اور محتاج ثبوت ہیں جس میں کوئی حقیقت نہ ہے۔

۲) یہ کہ من سائل کا کسی گینگ کیساتھ تعلق نہ ہے اور نہ ہی کسی درج شدہ گینگ کے ساتھ کوئی تعلق یا واسطہ ہے۔ اور نہ ہی کسی گینگ کو جانتا ہوں۔

۳) یہ کہ من سائل کا کسی بھی کریمنل لوگوں کیساتھ کوئی تعلق یا واسطہ نہ ہے اور نہ ہی کسی قسم کا کوئی ثبوت من سائل کی طرف ریکارڈ پر موجود ہے۔ جس سے یہ ثابت ہوتا ہو۔ کہ من سائل کو کسی بھی کریمنل یا گینگ سے تعلق ثابت ہوتا ہو۔ جبکہ من سائل کو ایک سازش کے تحت ملوث کیا گیا ہے۔

۴) یہ کہ بمطابق چارج شیٹ مذکورہ بالا کے فقرہ نمبر ۳ میں جو الزام عائد کیا گیا ہے۔ غلط اور بے بنیاد ہے جس میں ہر دو چارج شیٹ ہائے کے اجراء سے قبل حسب ضابطہ انکوائری کر کے جناب DPO صاحب کوہاٹ نے فائل کیا ہے جسکی نقول لف ہے ۔جس میں سائل کیخلاف کسی قسم کا کوئی ثبوت ریکارڈ پر موجود نہ ہے۔

۵) یہ کہ بمطابق چارج شیٹ کے فقرہ نمبر ۴ میں جو الزام عائد کیا گیا ہے۔ بالکل غلط اور بے بنیاد ہے کیونکہ من سائل کا 19 سال سروس ہے اور تمام تر سروس جنرل ڈیوٹی کی ہے۔ اور بدوران سروس کسی افسران بالا کو کسی قسم کی شکایت کا موقع نہیں دیا۔ اور بعد از پیش کرنے جملہ ثبوت بابت بے گناہی جناب DPO صاحب کے حضور پیش کئے۔ تو جملہ ثبوت کی بنیاد پر ایک عدد چھٹی انگریزی بحوالہ نمبر 21248/29-11-2019 صادر فرما کر جس میں سائل کو جناب DPO صاحب نے بحالی کی سفارشات تحریر کی ہے۔ جو کہ من سائل کی بے گناہی کا قوی ثبوت ہے۔

۶) یہ من سائل جملہ ثبوت بابت بے گناہی کی مد میں ذاتی شنوائی کا شرف حاصل کرنے کے بعد جملہ ثبوت پیش کرنا چاہتا ہوں۔

لہذا استدعا کی جاتی ہے کہ من سائل کیخلاف انکوائری کو بغیر مزید کاروائی کے فائل فرمایا جاوے۔

03/09/20 مورخہ:

العارض

Attested

سائل ھدایت اللہ بیلٹ نمبر 98/LHC حال متعینہ پولیس لائن کوہاٹ

Superintendent of Police
Operation
Kohat

03/09/20

بیان حلفی

بیان آزاں قبتر قریشی ولد نیاز گل قریشی سکنہ شکردرہ
بیان کرتا ہوں کہ میں نے اپنی خولدار ہدایت ام عقمان شکردرہ
کے خلاف جو درخواست دی تھی
[illegible]
[illegible]
[illegible] اس درخواست میں
~~خولدار ہدایت ام عقمان شکردرہ کا کوئی قصور نہیں پایا گیا ہے~~
~~میں اپنی درخواست میں مزید کوئی قسم کی کارروائی نہیں چاہتا~~
خولدار ہدایت ام عقمان شکردرہ میں کرتا ہوں
میں یہ درخواست خارج کروا رہا ہوں

قبتر قریشی ولد نیاز گل سکنہ شکردرہ ابخازہ نادرہ افس
شکردرہ
NIC
MOB 03339666576
09.09.2019

File

بیان حلفی

بیان ازاں مبشر قریشی ولد نیاز گل قریشی سکنہ شکر درہ بیان کرتا ہوں کہ میں نے حولدار ہدایت اللہ تھانہ شکر درہ کے خلاف درخواست دی تھی فریق اول رشتہ دار محمد ریاست سکنہ پنجہ سر ضلع میانوالی کے ساتھ علاقہ رسم رواج کے مطابق آپس میں باہمی راضی نامہ کیا ہے اس درخواست میں حولدار ہدایت اللہ تھانہ شکر درہ کی کوئی غلطی نہیں پائی جاتی میں اپنی درخواست پر مزید کسی قسم قانونی کاروائی از خلاف حولدار ہدایت اللہ تھانہ شکر درہ نہیں کرانا چاہتا ہوں میری درخواست فائل کروائیں۔

نوٹ اس پہلے بھی جناب DPO صاحب کوہاٹ کو تحریک بیان دے چکا ہوں

Attested
Superintendent of Police
Operation
Kohat

مبشر قریشی ولد نیاز گل قریشی سکنہ شکر درہ انچارج نادرا آفس شکر درہ

Date 22-09-2020

14301.19783859.

MC. 03330166576

25

بیان حلفی !

بیان ازاں محمد عمران ولد عبدالرشاد سکنہ شکردرہ
میں حلفاً بیان کرتا ہوں کہ ہوالدار پولیس اسٹیشن
تھانہ شکردرہ میں بدوان تعیناتی کسی قسم کی
threat دھمکی سے کوئی واسطہ یا تعلق نہ رہا۔
اور نہ ہے۔ یہ میرا بیان ہے۔

محمد عمران ولد عبدالرشاد سکنہ شکردرہ
CNIC 19301-2005571-7
Mob 0333 9824246

Attested

Superintendent of Police
Operation
Kohat

776

بیان ازاں ملک زمان اللہ خان ولد گالہ مرجان

نے بیان کیا کہ مسمی سمیع اللہ تھانہ شکردرہ

میں عرصہ تعیناتی کے دوران نیک چال چلن رہا

اور کسی قسم کے جرائم پیشہ عناصر کے ساتھ

تعلق نہیں رکھا ہے

[signature]

22-9-20

14301-1947481-3

ملک زمان اللہ خان ولد گالہ مرجان ساکن شکردرہ

Attested

[signature]

Superintendent of Police
Operation
Kohat

27

(02)

جناب عالی!

بحوالہ پروانہ نمبر 7261 مجاریہ 20-9-2020 SDPO صدر سرکل صاحب معروض خدمت ہوں کہ بہ نشستہ شکیل ہدایت اللہ کے چال چلن کے متعلق علاقہ میں معلومات تسلی کر کے مذکورہ ہدایت اللہ نیک چلن پایا کسی قسم کی کریمنل اشخاص کے ساتھ تعلقات نہ پائے گئے۔ اس سلسلہ میں علاقہ کے معتبران حاجی محمد اسحاق۔ علاج خان۔ محمد غلام رفیق ملک محبت شیر۔ رحیم خان ناظم۔ حاجی اسحاق ملک الوک کے بیانات مفصل منسلک ہیں۔

جو لف رپورٹ ہذا ہے

SI MRS.
23-09-2020

Attested

Superintendent of Police
Operation
Kohat

SI

28

Superintendent of Police
Operation
Kohat

29

بیان حلفی

Malik Anwar Khan
Togh Bala Kohat

Superintendent of Police
Operation
Kohat

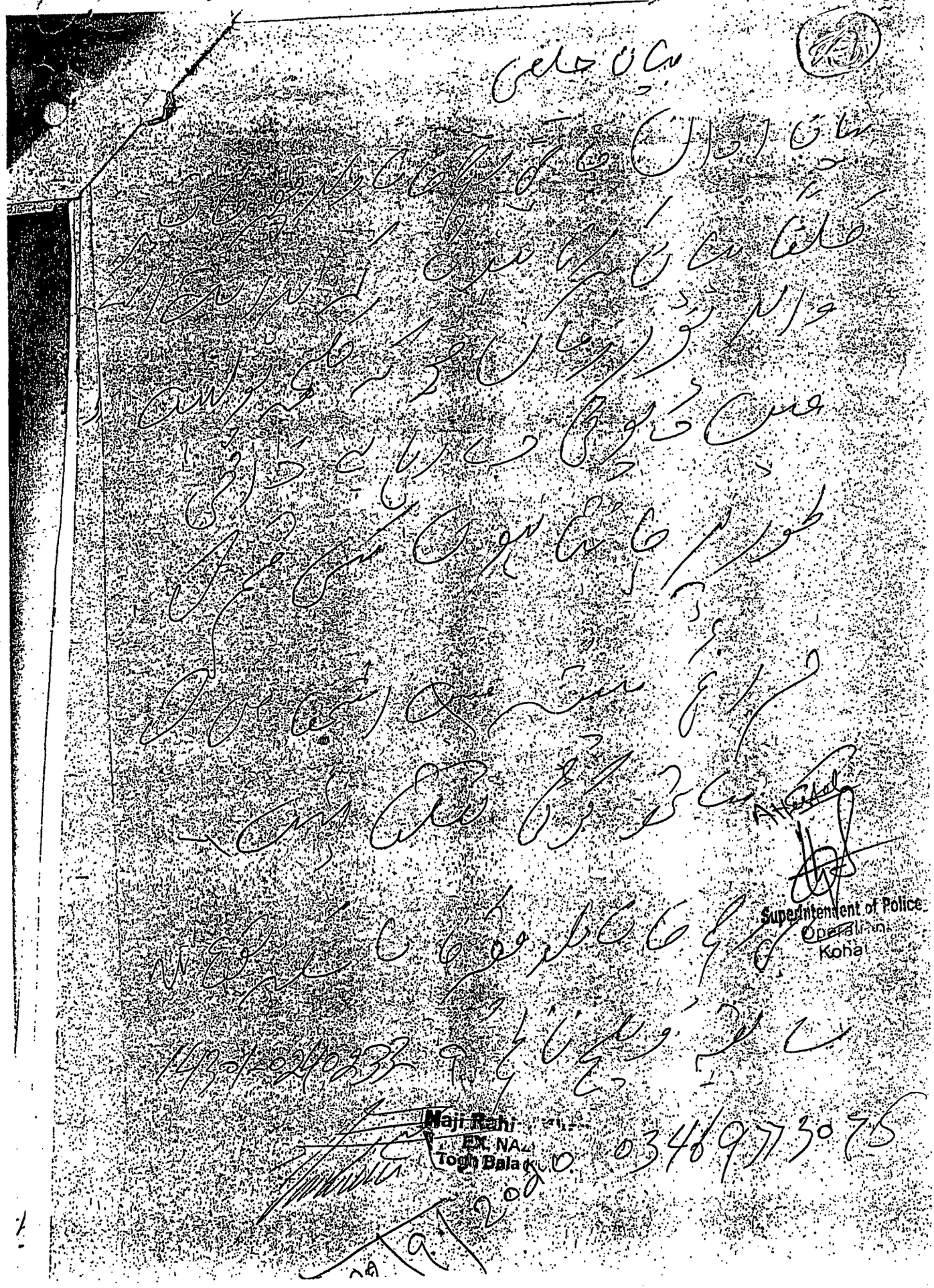
Date 22/09/2020

LAMBARDAR
IMTIAZ AHMED
Togh Bala District Kohat

Attested

Superintendent of Police
Operation
Kohat

M/L 14301-1966419-5
0333-0529379



Attested

Superintendent of Police
Operations
Kohat

Haji Rahi
Ex. NAZ
Togh Bala

بیان حلفیہ

بیان ازاں محمد غلام رفیق ملک ولد ملک محمد حسین سکنہ ٹوغ پایان

حلفاً بیان کرتا ہوں کہ ہولدار ریاست اللہ ولد نور زمان کو

ذاتی طور پر جانتا ہوں دوران سروس نہ کسی قسم کے

لوگوں سے آج تک کوئی تعلق یا واسطہ نہیں رہا اور نہ جرائم

پیشہ لوگوں سے کوئی تعلق ہے یہی میرا بیان ہے

ملک غلام رفیق ولد ملک محمد حسین ٹوغ پایان

Date 23/1/2025

العبد

14203-1912…

NIC

Mob

Numberdar
GULAM RAFIQ
Tough Payan Kohat

Attested

Superintendent of Police
Operation
Kohat

بیان حلفی

بیان ازاں ملک محب جمیر ولد ملک عبدالرحمن سکنہ لوغمان
حلفی بیان کرتا ہوں کہ میں نمبردار لیاقت اللہ ولد نور زمان کو
ذاتی طور پر جانتا ہوں اور یہ دوران سروس کسی
جرم کے کرمنل لوگوں سے نہ تعلق رکھا ہے اور نہ واسطہ
رہا ہے یہ میرا بیان ہے جو کہ حلفاً درست ہے

ملک محب جمیر ولد ملک عبدالرحمن سکنہ لوغمان

دستخط

ملک محب جمیر
نمبردار [illegible]
14301-3861873-3

Date 23/9/2020

ملک محب جمیر

NIC
Mob. 14301-3861873-3
0331-987553

Attested

Superintendent of Police
Operation
Kohat

34

بیان حلفی

بیان ازاں عابد ولد امیر خان سکنہ تورغ بالا بنگش
کرتا ہوں کہ ہدایت ولد نور زمان کو ذاتی طور پر
جانتا ہوں اور یہ کہ کسی قسم کے غلط اور جرائم پیشہ
لوگوں سے کوئی تعلق نہیں رکھتا اور نہ واسطہ ہے
کہ حوالدار ہدایت اللہ کے بارے اللہ کو حاضر جان کر
سچ اور حقیقت پر بیان دے رہا ہوں

عابد ولد امیر خان سکنہ تورغ بالا کوہاٹ

Date 27/09/2020 (signature) العبد

MC-14301-9880376-3
Mob-03339614584

A.Hamid
Superintendent of Police
Operation
Kohat

35

بیان حلفی

بیازاں حاجی محمد اسحٰق ولد ملوک خان سکنہ تو غبالا کوہاٹ
حلفاً بیان کرتا ہوں کہ حوالدار ہدایت اللہ ولد نور زمان سکنہ تو غبالا کوہاٹ
پولیس سروس کرتا ہے آج تک کسی قسم کے جرائم پیشہ افراد سے نہ کوئی
تعلق رکھا ہے اور نہ رکھتا ہے نہ واسطہ ہے یہ درست ہے اور سچ ہے
یہ میرا بیان ہے

Date 23/9/2026

حاجی محمد اسحٰق ولد ملوک خان سکنہ تو غبالا کوہاٹ۔

Attested

M. Ishaq

MC-143018-660265-7
0335-5636157

Superintendent of Police
Operation
Kohat

36

جناب عالی!

کنسٹیبل حمایت اللہ کے بارے میں علاقہ میں
مخفیہ حالات و پتہ کیا گیا۔ مذکورہ کا کسی
قسم کے جرائم پیشہ افراد کیساتھ کوئی رابطہ/تعلق
نہیں ہے۔

رپورٹ عرض ہے

Attested

Superintendent of Police
Operation
Kohat

37

جناب عالی!

گزارش ہے کہ ہدایت اللہ LHC کے بارے میں معلومات کی گئی سرید ست کوئی انفارمیشن نہیں ہے نہ کوئی بدمعاشان نہ کریمنل لوگوں کے ساتھ تعلق ہے رپورٹ عرض ہے۔

DSB: KOHAT

مورخہ: 28.09.2020

Attested

Superintendent of Police
Operation
Kohat

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بیان ازان حاجی محمد اسحاق ولد ملوک خان سکنہ توغ بالا کوہاٹ

حلفاً بیان کرتا ہوں کہ حوالدار ہدایت اللہ ولد نورزمان سکنہ توغ بالا جو کہ پولیس سروس کرتا ہے آج تک کسی قسم کے جرائم پیشہ افراد سے نہ کوئی تعلق رکھا ہے اور نہ رکھتا ہے نہ واسطہ ہے یہ درست اور صحیح ہے۔

یہی میرا بیان ہے۔

M. Ishaq
0335-5636157
143018-660265-7

Attested

Superintendent of Police
Operation
Kohat

SP Operation

39

بیان ازان امام شاہ DFC متعینہ حال تھانہ MRS

حلفاً بیان کرتا ہوں کہ میں بحیثیت DFC تھانہ MRS میں تعینات ہوں بحیثیت علاقہ DFC علاقہ میں مسمی ہدایت اللہ LHC کے بارے میں خفیہ پتہ براری کیگئی کہ وہاں ہدایت اللہ کا کریمینل اشخاص کیساتھ تعلق ہے یا نہیں مگر کسی بھی شخص نے اس بابت کی تصدیق نہیں کہ ہدایت اللہ کی کریمینل اشخاص سے تعلق ہے مزید خفیہ نگرانی جاری ہے معلومات ہونے پر افسران بالا کے نوٹس میں لایا جائیگا۔

یہی میرا بیان ہے۔

تحریر: 26.10.2020

دستخط.....

0332-5651028

Attested

Superintendent of Police
Operation
Kohat

45

بیان ازان ملک حاجی امتیاز احمد ولد غلام ربانی سکنہ توغ بالا

موبائل نمبر 0333-0529379

حلفاً بیان کرتا ہوں کہ حوالدار ہدایت اللہ ولد نورزمان کو ذاتی طور پر جانتا ہوں کہ آج تک کسی قسم کے جرائم پیشہ لوگوں سے نہ تعلق رکھتا ہے اور نہ واسطہ ہے جبکہ ایک نیک اور مخلص انسان ہے۔

یہی میرا بیان ہے۔

تحریر 26.10.2020

دستخط.....

0333052 9377

Attested

Superintendent of Police
Operation
Kohat

41

بیان ازان ملک انور ولد ملک بشیر خان سکنہ توغ بالا

شناختی کارڈ نمبر 14301-1945489-9، موبائل نمبر 0300-9158086

حلفاً بیان کرتا ہوں کہ حوالدار ہدایت اللہ ولد نور زمان سکنہ توغ بالا کو ذاتی طور پر جانتا ہوں آج تک کسی قسم کے جرائم پیشہ لوگوں سے کوئی تعلق یا واسطہ نہیں رکھتا ہے اور نہ عادی لوگوں سے مل جل رکھتا ہے۔

یہی میرا بیان ہے۔

ملک انور

دستخط.....

28/10/2020

Attested

Superintendent of Police
Operation
Kohat

42

بیان ازان ملک غلام رفیق ولد ملک محمد محمد سکنہ توغ پایان

شناختی کارڈ نمبر 14301-1925346-3، موبائل نمبر 0335-5825703

حلفاً بیان کرتا ہوں کہ حوالدار ہدایت اللہ ولد نورزمان ذاتی طور پر جانتا ہوں بدوران سروس کسی قسم کریمینل لوگوں سے نہ تعلق رکھا ہے اور نہ واسطہ ہے اور نہ ہی کوئی جرائم پیشہ لوگوں سے کوئی تعلق ہے۔

یہی میرا بیان ہے۔

دستخط.....

20/12/2022

Attested

Superintendent of Police
Operation
Kohat

43

بیان ازان سابقہ ویلج ناظم ملک حاجی رحیم خان ولد فقیر خان سکنہ توغ بالا

حلفاً بیان کرتا ہوں کہ حوالدار ہدایت اللہ ولد نورزمان جو کہ محکمہ پولیس میں ڈیوٹی دے رہا ہے ذاتی طور پر جانتا ہوں کسی قسم کے جرائم پیشہ اشخاص کے ساتھ کوئی تعلق نہیں۔

یہی میرا بیان ہے۔

تحریر 29.10.2020

دستخط.....

0346 9773075

Superintendent of Police
Operation
Kohat

44

بیان ازان ملک امان اللہ خان ولد کالا خان

حلفاً بیان کرتا ہوں کہ مسمی ہدایت اللہ تھانہ شکر درہ میں عرصہ تعیناتی کے دوران نیک چال چلن رہا اور کسی قسم کے جرائم پیشہ عناصر کے ساتھ تعلق نہیں رکھا ہے۔

یہی میرا بیان ہے۔

دستخط..... 25-10-2020

Attested

Superintendent of Police
Operation
Kohat

45

از دفتر SDPO صدر سرکل

ریڈر نمبر 726 / مورخہ 28.09.2020

پروانہ بنام: SI منظور خان تھانہ MRS

بکار سرکار تحریر کیا جاتا ہے کہ بسلسلہ چارج شیٹ نمبر 4239-40/PA مورخہ 25.08.2020 بجاریہ جناب DPO صاحب برخلاف کنسٹیبل ہدایت اللہ آپ ہیٹ آفیسر کو بذریعہ تحریری پروانہ ہدایت دی جاتی ہے کہ مذکورہ کنسٹیبل کے چال چلن کے متعلق تحریری رپورٹ/بیان سے مطلع کریں کہ آیا مذکورہ کے تعلقات کسی کریمینل اشخاص سے ہے یا نہیں۔

Superintendent of Police
Operation
Kohat

سب ڈویژنل پولیس آفیسر
صدر سرکل

(622)

[redacted]

بحوالہ پروانہ نمبر 7261 مورخہ 20-9-2020 جاری SDPO صدر سرکل ڈیرہ جات (خود)

عرض ہے کہ مشکوک شخص ہدایت اللہ کے چال چلن کے متعلق علاقہ میں معلومات تسلی کر کے مذکورہ ہدایت اللہ نیک چلن پایا کسی قسم کی کرمنل اشخاص کے ساتھ تعلقات نہ پائے گئے۔ اس سلسلہ میں علاقہ کے معتبران حاجی محمد اسحاق۔ عبداللہ خان۔ محمد اعظم رفیق ملک عجب سنز۔ رحیم خان ناظم۔ حاجی اسماعیل خان ملک الوند کے بیانات مفصل ہمراہ کر کے پیش ہیں جو لف رپورٹ ہذا ہے

SI MRS.
23-09-2020

ANX-D 47

BEFOR THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL No.3439 /2021

Hidayat Ullah
Constable No.881,
Police Force, Kohat.

.....: **Appellant**

Versus

1. **The** Regional Police Officer,
   Kohat Region Kohat.
2. **The** District Police Officer,
   Kohat.

.....**Respondents**

Service Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974 against the impugned Final order of the respondent No.1 End: No.1600/EC, dated Kohat the 04-02-2021, wherein he rejected the departmental appeal of the appellant preferred against the order passed by respondent No.2 vide OB No.823 dated 24-11-2020, wherein he awarded minor punishment of censure and the intervening period was treated as unauthorized leave.

Prayer in Appeal:-

On acceptace of the instant service appeal, this Hon'ble Tribunal may graciously be pleased to:-

1. **Declare the impugned order of the respondent No.1 End: No.1600/EC, dated Kohat the 04-02-2021 and impugned order of respondent No.2 vide OB No.823 dated 24-11-2020 as illegal, unlawful and without lawful authority;**
2. **Set aside both the impugned orders and re-instate the appellant with all back benefits including the counting of intervening period as period on active duty.**

moulding of pray

3. **Any other relief deemed appropriate in the circumstances of the case not specifically asked for may also be graciously granted.**

Respectfully Sheweth,

The concise facts giving rise to the present Service Appeal are as under:-

1. That appellant is the employee of police force, Kohat. He has long service standing at his credit. He has been awarded numerous Commendation Certificates for his extra ordinary and brave services beyond the call of his duty (Annexure-A).

2. That appellant was proceeded against departmentally for certain false allegations and was awarded punishment with confinement in quarter guard for fifteen (15) days vide Naqlemad No. 15 dated 10-10-2019 (Annexure-B). (P/16)

3. That later on appellant was again proceeded on the same set of allegations and was awarded penalty of reduction in rank from the substantive rank of LHC to the rank of Foot Constable vide order OB No. 1249 dated 17-10-2019 and that too during confinement period (Annexure-C). (P/16)

4. That being aggrieved from the aforesaid cited order, appellant filed departmental appeal before respondent No.1 which was not decided within statutory period therefore, appellant filed service appeal before the Hon'ble Khyber Pakhtunkhwa Service Tribunal which has been pending adjudication (Annexure-D) (P/17-31) Service Appeal #1405/2020

decided on 17/1/2022 accepted.

5. That respondent No.2 again forced the appellant to undergo departmental proceedings on the same set of allegations and after slipshod summary proceedings awarded appellant major penalty of dismissal from service vide DPO Kohat Order OB No. 1392 dated 04-11-2019 (Annexure-E). (P/32-35)

6. That being aggrieved from the order cited above; appellant submitted departmental appeal before respondent No.1 but the same was also rejected vide order No. 2662 dated 18-02-2020 (Annexure-F).

7. That being aggrieved from the order No. 2662 dated 18-02-2020 of the worthy respondent No.1, appellant preferred revision petition before the worthy Inspector General, Khyber Pakhtunkhwa under rule 11-A of the Khyber Pakhtunkhwa Police Rules, 1975.

8. That respondent No.1 (worthy Inspector General, Khyber Pakhtunkhwa) placed the revision petition before the Revision Board and after examining the facts and circumstances of appellant's case reached to the conclusion that appellant is innocent and the charged leveled against him are totally baseless therefore, appellant was reinstated vide order No. S/3335-3341/20 dated 11-08-2020, however, the competent authority was directed to conduct proper regular inquiry and decide the matter of afresh on the basis of denovo proceedings (Annexure-G).

9. That in pursuance of the order of the worthy Addl. Inspector General, Khyber Pakhtunkhwa appellant was reinstated for the purpose of denovo inquiry vide order dated 25-08-2020. Appellant assumed his charge of duties on 27-08-2020.

10. That the competent authority in pursuance of the afore cited order (worthy DPO, Kohat) initiated denovo proceedings and served the appellant with charge sheet and statement of allegations dated 25-08-2020.

11. That inquiry was conducted and appellant was proved innocent of the whole of the charges.

12. That it is pertinent to mention here that the worthy DPO, Kohat being not satisfied with the recommendations of the inquiry officer again

appointed another inquiry officer for conducting second inquiry on the same set of allegations.

13. That appellant was again proved innocent and the whole of the charges were declared by the inquiry officer as baseless and concocted and recommended that appellant be reinstated with all back benefits.

14. That in spite of the recommendation of both the inquiry officers as discussed above, the worthy DPO, Kohat without serving the appellant with any sort of show cause notice upon the appellant imposed a minor penalty of censure and warned to be careful in future vide order No. 5905-08 dated 24-11-2020. Appellant was reinstated in service and the intervening period was treated as unauthorized leave without pay (Annexure-H).

15. That being aggrieved from the aforesaid order appellant preferred departmental appeal before the respondent No.2 (Annexure-I), which is now been rejected vide order dated 04-02-2021 (Annexure-J).

16. That appellant now being aggrieved of the both the impugned orders of respondent No.1 End: No.1600/EC, dated Kohat the 04-02-2021 and impugned order of respondent No.2 vide OB No.823 dated 24-11-2020 files the instant Service Appeal inter alia on the following **grounds:**

A. That the penal authority has not treated the appellant in accordance with law, rules and policy on the subject and acted in violation of Article 4 of the Constitution of Pakistan,1973. Moreover the act of the respondents amounts to exploitations, which is the violation of Article 3 of the Constitution, 1973. Appellant has been subjected to continuous harassment. He was subjected to undergo continuous departmental proceedings on the same subject matter. Appellant was exonerated by two consecutive inquiries from all the charges leveled against him, but the penal authority ignored the recommendations of the inquiry officer and awarded punishment to the extent of Censure

and treating the interval period in between the dismissal and re-instatement as leave without pay, which has caused huge financial loss to the appellant.

B. That appellant has been subjected to numerous continuous departmental inquiries on the same set of accusation which is against the well known principle of law "Double Jeopardy" and against the spirit and provision of Article 13 of the Constitution of Pakistan, 1973.

C. That section 16 of the Civil Servant Act, 1973 provide that every civil servant is liable for prescribed disciplinary action in accordance with prescribed procedure. In the instant case no prescribed procedure has been adopted therefore, the impugned penal order is nullity in the eyed of law and liable to be set aside.

D. That number of departmental inquiries were conducted by the respondents, but prosecution failed to bring an iota of evidence against the appellant to substantiate their baseless accusation/allegations even in spite of the fact that appellant was not associated with inquiry proceedings and even was not confronted with accusation. Final show cause was not served and no inquiry report was provided, which is mandatory in nature and spirit and the denial thereof is the denial of justice, fair play and equity.

E. That appellant has been condemned unheard being deprived of the right personal hearing.

F. Accused is stated to be a favorite child of law and he is presumed to be innocent unless proved otherwise and the benefit of doubt always goes to the accused and not to the prosecution as it is for the prosecution to stand on its own legs by proving all allegations to the hilt against the accused. Mere conjectures and presumption, however strong, could not be made a ground for removal from service of civil servant [1999 PLC (CS) 1332 (FST)]..... Unless and until prosecution

proves accused guilty beyond any shadow of doubt, he would be considered innocent [1983 PLC (CS) 152 (FST)].

G. That Re-instated employee would be entitled to back benefits as a matter of course unless employer is able to establish by cogent evidence that concerned employee had been gainfully employed elsewhere. In this respect, initial burden would lie upon the employer and not upon the employee to prove that such employee was gainfully employed during period of termination from his service. 2010 TD (Labour) 41.

H. That Civil servant who was dismissed from service through arbitrary and whimsical action of the government functionaries and re instated through judicial order of Service Tribunal would have every right to recover arrears of salaries by way of back benefits due to them during the period of their dismissal and re instatement. It would be very unjust and harsh to deprive them of back benefits for the period for which they remained out of job without any fault on their part and were not gainfully employed during that period.....Supreme Court allowing their appeal and directing payment of back benefits to the appellant. 2006 T D (SERVICE) 551 (a).

I. That the penal order is not a speaking order for the reason that no solid and legal grounds have been given by the penal authority in support of his penal order. On this score the impugned order is liable to be set aside.

J. That as per proviso of section 17 of the Civil Servant Act, 1973, the penal authority while set aside the order of dismissal or removal are under legal obligation to award the delinquent official back benefits for the period a civil servant remained out of service, but the penal authority ignored the mandatory provision of law and not only denied the arrears of pay but also treated the interval period in between the dismissal and re instatement as leave without pay and that too without the support of any legal reason.

K. That appellant would like to seek the permission of Your Kind Honoure for award of personal hearing. Appellant may kindly be granted the opportunity of personal hearing.

Appellant

Through

Ashraf Ali Khattak
Advocate,
Supreme Court of Pakistan

Dated: ___/___/2021

ANX-E E 54

MINUTES OF THE DEPARTMENTAL PROMOTION COMMITTEE MEETING

On 02.03.2021 at 11:00 am a meeting of Department Promotion Committee for the promotion of eligible C-I Constables to the rank of Head Constables (BPS-09) in this office. The following officers committee members vide No.161 dated 01.03.2021.

1. DSP Hqrs: Kohat
2. DSP Saddar Kohat
3. DSP City Kohat
4. Office Superintendant Kohat
5. SRC/OHC Kohat

There are 13 vacant posts of HCs (BPS-9) in this district.

The cases of eligible C-I constables mention below were examined and discussed. The decision arrived is as under:-

S#	Name & Rank	Decision
1.	LHC Syed Khalil Hussain 1205	Recommended
2.	LHC Mehmood Ul Hassan 1170	Recommended
3.	LHC Hidayat Ullah 98	Differed due to major punishment reduction from higher stage to lower stage in same time scale of pay for two year vide OB No.1294 dated 17.10.22019 And reversion from the rank of LHC to the Rank FC vide OB No.299 dated 26.2.2019
4.	LHC Muhammad Ansar 1125	Recommended
5.	LHC Qasim Khan 1135	Recommended
6.	LHC Khan Afsar 08	Recommended subject to the output of the case implementation of Appex court pertain to out of turn promotion
7.	LHC Kamran Bashir 265	Recommended
8.	Badshah Khan 905/CTD	Recommended
9.	LHC Yousaf Khan 1018	Recommended
10.	LHC Saif Ur Rehman 1103	Recommended
11.	Zafar Iqbal 612	Recommended
12.	Muhammad Riaz /EF	Recommended
13.	Muhammad Amir 1117	Recommended
14.	Tariq Mehmood 784	Recommended

(Hadayat Ullah)
Offic Supdt

(Ijaz Abazai)
DSP HQr

(Nazar Hussain)
DSP Saddar

(Bashir Dad)
DSP City

(Javid Iqbal)
Sr Clerk (SRC)

(Yousaf Khan)
OHC

Approved

DISTRICT POLICE OFFICER,
KOHAT

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POLICE DEPARTMENT **DISTRICT KOHAT**

ORDER

On the recommendation of district departmental promotion committee, the following LHCs on list C-I of this district Police are hereby promoted as Head Constables (BPS-09) on the existing vacancy with immediate effect.

1. LHC Syed Khalil Hussain 1205
2. LHC Mehmood Ul Hassan 1170
3. LHC Muhammad Ansar Shah 1125
4. LHC Qasim Khan 1135
5. LHC Khan Afsar 08
6. LHC Kamran Bashir 265
7. LHC Badshah Khan 905/CTD
8. LHC Yousaf Khan 1018
9. LHC Saif Ur Rehman 1103
10. LHC Zafar Iqbal 612
11. LHC Muhammad Riaz /EF
12. LHC Muhammad Amir 1117
13. LHC Tariq Mehmood 784

DISTRICT POLICE OFFICER,
KOHAT

No 3247-57/SRC, dated Kohat the 3-3 /2021.

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

1. Regional Police Officer Kohat Region Kohat.
2. Dy: Inspector General of Police CTD Peshawar.
3. Superintendent of Police Investigation Wing Kohat.
4. Dy: Commandant Elite Force KP Nowshera.
5. OHC/SRC/PO.

OB No 167.
Dated 02.03.2021

DISTRICT POLICE OFFICER,
KOHAT

ANX-F 56 F

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

MISC: APPLICATION NO. 281 /2022

EXECUTION OF THE JUDGMENT

IN

SERVICE APPEAL NO. 647 of 2019

&

Service Appeal No.1405 of 2020

Hidayat Ullah LHC No.88,
Operation Staff,
Police Line, Kohat.....**Applicant/Petitioner**

Versus

The Deputy Inspector General of Police,
Kohat Region, Kohat and others.....Respondents

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S.No.	Description of Documents	Date	Annexure	Pages
1.	Copy of application for execution of the judgment of this Hon'ble Tribunal alongwith affidavit.			1-4
2.	Copy of service appeal No. 3324/2020 alongwith judgment of this Hon'ble Tribunal.	17-01-2022	A	5-8
3.	Wakalat Nama.			9

Applicant/Petitioner

Through **Ashraf Ali Khattak**
Advocate,
High Court, Peshawar

Dated: 13 / 05/ 2022

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

MISC: APPLICATION NO. 281 /2021

EXECUTION OF THE JUDGMENT

IN

SERVICE APPEAL NO. 647 of 2019

&

Service Appeal No.1405 of 2020

Hidayat Ullah LHC No.88,
Operation Staff,
Police Line,
Kohat.....Applicant/Petitioner.

Versus

1. The Deputy Inspector General of Police,
Kohat Region, Kohat.

2. The District Police Officer,
District Kohat.....Respondents.

APPLICATION FOR EXECUTION OF THE JUDGMENT OF THIS HOUNRABLE TRIBUNAL DATED 17.01.2022 IN SERVICE APPEAL NO. 647/2021 and 1409/2020.

Respectfully Sheweth,

The petitioner humbly submits as under;

1. That the applicant/petitioner filed the above titled service appeal in this Hon'ble Tribunal in which he had challenged the notification/order dated 26-02-2019, thereby appellant awarded punishment of reduction from higher stage to lower stage in the same time scale of pay for two years and order dated 17-10-2019, whereby penalty of reversion from the rank of LHC to the substantive rank of Food Constable was imposed.

2. That this Hon'ble Tribunal was pleased to allow both the appeals through a single consolidated judgment as prayed for in the following terms;

07. *"Keeping in view the position explained above, the instant appeal as well as the connect service appeal are accepted. The impugned order dated 26-02-2019 and 17-10-2019 are set aside. Respondents however are at liberty to proceed the appellant under General Proceedings by providing him appropriate opportunity of defense. Parties are left to bear their own costs.File be consigned to record room"*

Copy of the Judgment is attached as **Annexure-A**.

3. That the salary of the appellant/applicant was calculated and fixed in line with the impugned order dated *26-02-2019 and 17-10-2019* i.e. in lowest stage in present time scale and reversion to the substantive rank of Foot Constable Appellant / Petitioner has been receiving her monthly salary in lowest stage in present time scale and as Foot Constable since the impugned orders till date.

4. That after obtaining the attested copy of the judgment dated 17-01-2022, appellant / petitioner submitted an application for implementation of the judgment through proper channel along with attested copy of the judgment.

5. That the application for implementation of the judgment of this Hon'ble Tribunal is still awaited as the respondents are reluctant to implement in its true spirit.

6. That since the both the impugned orders has been declared as illegal and set aside therefore, appellant / petitioner is entitled for re-instatement with all back benefits.

GROUNDS

A. That non-compliance of the aforesaid order of the Hon'ble Tribunal by the respondents is illegal, without lawful authority and mala fide.

B. That every Government functionary is under legal obligation to honour the order of the Court of competent jurisdiction, the respondents by not complying with the order, have not performed their duty in accordance with law.

C. That non-compliance of the order of the Hon'ble Tribunal, speaks malafide on the part of respondents and to lower the position of the judiciary in the eyes of public.

D. That from the facts, mentioned above, it has become crystal clear that the respondents have committed contempt of court.

It is therefore, most humbly prayed that on acceptance of this application, this Hon'ble Tribunal may graciously be pleased to direct the respondents to implement the judgment/order of this Hon'ble Tribunal in letter and spirit without any further delay.

Applicant/Petitioner

Through

Ashraf Ali Khattak
Advocate.
High Court, Peshawar

&

Ali Bakht Mughal
Advocate, Peshawar

&

Sadia Umar
Advocate, Peshawar.

Dated: 13 / 05/ 2022

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(4)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

MISC: APPLICATION NO._____/2022

EXECUTION OF THE JUDGMENT

IN

SERVICE APPEAL NO. 647 of 2019

&

Service Appeal No.1405 of 2020

Hidayat Ullah LHC No.88,
Operation Staff,
Police Line, Kohat .....**Applicant/Petitioner**

Versus

The Deputy Inspector General of Police,
Kohat Region, Kohat and others.....Respondents

AFFIDAVIT

I, Hidayat Ullah LHC No.88 Operation Staff, Police Line, Kohat hereby solemnly affirm and declare on oath that the contents of this execution petition are true and correct to the best of my knowledge, and nothing has been concealed from this Hon'ble Tribunal.

Deponent

13/5/2022

Oath Commissioner
Endst No. 3379-75

ANX-G1 61 G

MINUTES OF THE DEPARTMENTAL PROMOTION COMMITTEE MEETING

Reference this office order Endst: No.5053-54/SRC dated 02.06.2022. Departmental Promotion Committee, meeting for the promotion of eligible senior most C-I constable to the rank of Head Constable (BPS-09) is held on 08.06.2022 at 1430 hrs:. The following Officers are attended the DPC meeting.

1. District Police Officer, Kohat (In chair)
2. SP Operation / Investigation Kohat
3. ASP Hqrs: Kohat
4. DSP City Kohat
5. DSP Lachi Kohat
6. Office Supdt:
7. SRC/OHC

There are 10 vacant posts of HCs (BPS-9) in this district and for promotion against the said vacant post DPC meeting is held. Agenda of the meeting was discussed and record of eligible officials examined. The officials were also apprised about their seniority, who found correct their seniority. Thus the committee came to the decision on the principle of seniority cum-fitness as under.

S#	Name & Rank	Recommendation
1.	LHC Hidayat Ullah No.98	Awarded punishment reduction from the Rank of LHC to Foot Constable vide OB No.294 dated 17.10.2019. His case is under litigation, hence, not approved.
2	LHC Ahmad Shah No.619	Approved for promotion
3	LHC Faiz Ullah No.1316	Approved for promotion
4	LHC Fazal Naeem No.925	Approved for promotion
5	LHC Shakir Ullah No.4209/EF	Approved for promotion
6	LHC Ameen Khan No.1193	Approved for promotion
7.	LHC Muhib Ullah No.641	Approved for promotion
8.	LHC Lal Marjan No.1155	Approved for promotion
9	LHC Muhammad Asif No.1616/EF	Approved for promotion
10.	LHC Muhammad Farhad No.1076	Not considered as he has not been found physically at the strength of this district, nor his service record is available.
11.	LHC Muhammad Aman No.646	Approved for promotion
12.	LHC Muhammad Shahid No.415	Approved for promotion

(Syed Inayat Ali Shah)
SP Operation/ Inv: Kohat

(Usama Amin Cheema)
ASP HQrs Kohat

(Sadat Khan)
DSP City Kohat

(Nazar Hussain)
DSP Lachi Kohat

(Hidayat Ullah)
Office Supdt:

(Tatheer Hussain)
Sr:Clerk (SRC)

(Yousaf Khan)
OHC

Approved

(MUHAMMAD SULEMAN) PSP
District Police Officer,
Kohat

LEGIBLE COPY

APPOINTMENT **DISTRICT KOHAT**

ORDER

On the recommendation of Departmental Promotion Committee in its meeting held in DHO Office Kohat on 08.06.2022, the following senior most / eligible LHC's in list of this district are hereby approved for promotion as offg Head Constables (BPS-09) against the vacant vacancies of this district with immediate effect:

1. LHC Ahmad Shah NO 619
2. LHC Faiz Ullah No 1316
3. LHC Fazal Naeem No 925
4. LHC Shakir Ullah No 4209/EF
5. LHC Ameen Khan No 1193
6. LHC Muhib Ullah No 641
7. LHC Lal Marjan No 1155
8. LHC Muhammas Asid No 1616/EF
9. LHC Muhammad Aman No 646
10. LHC Muhammad Shahid No 415

Endst No 166/KRC
Dated 09.06.2022

(MUHAMMAD SULEMAN)
District Police Officer
Kohat

OFFICE OF THE DISTRICT POLICE OFFICER KOHAT

No. 5349-57/SRC dated Kohat the 10.06.2022.

Copy of above is submitted for favour of information to the Regional Police Office Kohat Region Kohat Please.

2. The Commandant Elite Force Khyber Pakhtunkhwa, Peshawar.

3. Pay Office / PHC.

(MUHAMMAD SULEMAN)
District Police Officer
Kohat

ANX-H

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To

The Regional Police Officer (DIG),

Kohat Region, Kohat.

Subject: **DEPARTMENTAL APPEAL AGAINST ORDER NO. 3247-51/SRC, DATED KOHAT THE 03-03-11-2021 AND ORDER DATED 10 -06-2022 PASSED BY DISTRICT POLICE OFFICER, KOHAT, WHEREIN JUNIOR LHCs ON PROMOTION LIST C-1 HAVE BEEN PROMOTED/CONFIRMED AS HEAD CONSTABLE (BPS-09) WITH IMMEDIATE EFFECT.**

Respected Sir,

With due respect appellant humbly submits as to the following;

1. That appellant has been serving in the Police Department. He has long service standing at his credit. He has been awarded numerous Commendation Certificates for his extra ordinary and brave services beyond the call of his duty.

2. That appellant was proceeded against departmentally for certain false allegations and awarded punishment of (i) Reduction from higher stage to lower stage in the same time scale of pay for a period of 03 years with immediate effect vide OB No.299 dated 26-02-2019, which was later on reduced to 02 years by the appellate authority vide Order No.4215/EC dated 10-05-2019 and (ii) Reversion from the rank of LHC to the substantive rank of Foot Constable and seniority to be fixed as junior most of the Foot Constables of the Disrict Police vide Order OB No.1249 dated 17-10-2019.

3. That appellant impugned both the above penalties in Service Appeal No.647/2019 and Service Appeal No.1405/2020 before the Khyber Pakhtunkhwa Service Tribunal, Peshawar. The Hon'ble Service Tribunal was pleased to allow both the appeals and directed the official respondents to re-place the appellant on his original position as LHC with all back benefits for the intervening period.

4. That it is also pertinent to mention here that appellant was also proceeded with slipshod summary proceedings and awarded major penalty of dismissal from service vide DPO Kohat Order OB No. 1392 dated 04-11-2019. Appellant impugned the same through Revision Petition under section 11-C of the Police Rule, 1975. The Worthy Inspector General of Police was pleased to refer the case to Police Board and the Board recommended reinstatement of the appellant with

SRC

14.8.2022

directions to conduct De Novo inquiry. Two consecutive De Nove inquiries were conducted and appellant was held innocent by both the inquiries officers, but the competent authority imposed minor penalty of Censure along with treating the intervening period as leave without pay. Appellant being aggrieved of the penal order again approached the worth Inspector General of Police by submitting Revision Petition under section 11-C of the Police Rules, 1975. The Board was pleased to allow the Revision petition and resultantly appellant was re-instated with all back benefits.

5. That presently appellant has no stigma of any sort of misconduct or otherwise. Appellant has clean sheeted record and entitled to be considered for promotion to the rank of LHC with effect from the date junior to him have been promoted/confirmed.

6. That during the course of above narrated legal proceeding; Department Promotion Committee was held vide dated 02-03-2021 in the Office of Worthy DPO. Kohat, wherein constables including the appellant on promotion list C-1 were considered for promotion to the substantive posts of LHC. The name of appellant was lying at Serial No.3. The case of appellant was deferred on the ground that major penalties of Reduction from higher stage in the same time scale of pay for two years vide OB No.1249 dated 17-10-2019 and Reversion from the rank of LHC to the rank of LHC to the rank of FC vide OB No.299 dated 26-02-2019 have been imposed upon the appellant. 13 numbers of LHC on promotion List C-1 were promoted and appellant was deprived vide Order No.3247-51/SRC dated 03-03-2021.

7. Those at the relevant time the above cited punishment were impugned before the Hon'ble Service Tribunal in Service Appeal No.647/2020 and Service Appeal No.1405/2019. The Hon'ble Service Tribunal vide consolidated judgment dated 17-01-2022 allowed both the appeals and directed the official respondents to re-place the appellant on his original position as LHC with all back benefits for the intervening period.

8. That on 08-06-2022 another DPC meeting was held, wherein 12 numbers of LHCs on promotion list C-1 were considered for regular promotion to the substantive post of LHCs. The name of the appellant was lying at Serial No.1 of the list. Appellant was under legitimate expectancy for promotion with effect from earlier round of promotion dated 03-03-2021 as the stigma on part of appellant was no more in field.

9. That Departmental Promotion Committee again deferred the case of the appellant for the reason of punishment "Reduction from the rank of LHC to Foot Constable vide OB No.299 dated 17-10-2019 and more so it was also endorsed that the case of the appellant is under litigation.

10. That the departmental Promotion Committee has mis-conceived the spirit and provision of the judgment of the Hon'ble Service Tribunal.

Submitted representation before the worthy DIG Kohat who vide order/comments directed the worth DPO for considering the appellant in the forcomming DPC meeting.

that DPC meeting was held on 04-10-2022 and considered the appellant alongwith and resultantly appellant was promoted to the substantive post of HC subject to the ~~condition~~ outcome of the CPLA filed by the department but with immediate effect

that appellant now being agrieved of the promotion order dtd 5/10/2022 to the extent of immediate effect, ~~and more so~~ files the instant departmental Appeal inter alias on the following grounds.

Promotion w.e from the date when juniors were promoted.

The above mentioned punishment "Reduction from the rank of LHC to Foot Constable vide OB No.299 dated 17-10-2019 is no more in field and has been set aside by the Hon'ble Service Tribunal vide consolidated judgment dated 17-01-2022. The Judgment is worth perusal. The Worthy DPO vide Order No.5349-51/SRC dated 10-06-2022 promoted 10 numbers of LHCs on promotion list C-1 to the substantive post of LHC and deprive the appellant from his legitimate right of promotion.

11. That upon receiving information; appellant applied for the attested copies of the impugned promotion orders, which were granted on 07-07-2022.

12. That appellant now being aggrieved of the minutes of the DPC dated 08-06-2022 and subsequent order of promotion dated 10-06-2022 Submits the instant departmental appeal inter alias on the following grounds.

A. That the Authority has not treated the appellant in accordance with law, rules and policy on the subject and acted in violation of Article 4 of the Constitution of Pakistan,1973. Moreover the act of the authority amounts to exploitations, which is the violation of Article 3 of the Constitution, 1973. The ground on which the promotion of the appellant has been deferred has been washed away by the Hon'ble Service Tribunal vide Consolidated Judgment consolidated judgment dated 17-01-2022. The stigma of misconduct is no more alive on the service record of the appellant therefore, appellant was entitled to be confirmed on the substantial post of HC. The deferment of appellant on the score of his punishment (which are no more in the field) is illegal and unlawful and need interference on Your Kind part to direct the competent authority to confirmed the appellant as HC with retrospective effect i.e from the date when his junior were confirmed as HC dated 03-03-2021.

B. That the Hon'ble Supreme Court of Pakistan has in numbers of reported judgments has held that promotion of a civil servant cannot be withheld due to pending proceedings in Court of Law. In the instant case although CPLA has been filed by the department against the judgment of the Hon'ble Service Tribunal, but the same has neither been suspended not otherwise allowed by the Hon'ble Supreme Court of Pakistan. In circumstance the department has no other option but to accede to the direction of the Hon'ble Tribunal and implement it in letter and spirit. Reliance is placed on the Reported Judgment of the Hon'ble Supreme Court of Pakistan reported as 2007 SCMR 1769, 2007 SCMR 1355.

C. That appellant is eligible and qualified for confirmation against the substantive post of HC on all score and refusal on the part of worthy DPO is untenable in the eyes of law.

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13. In view of the above explained position and on acceptance of the instant departmental appeal, Your Honour may graciously be pleased to initiate proceedings for the promotion/conformation of the appellant against the substantive post of LHC with effect from the date his juniors have been confirmed/promoted i.e vide Order No.3247-51/SRC dated 03-03-2021 and subsequent order dated 10-06-2022 and set aside the deferment of the appellant of/by both the DPC..

Appellant may kindly be granted opportunity of personal hearing.

Applicant

Hidayat Ullah LHC
Constable No.881/98
Police Force, Kohat.
Cell#0333-9637449

Dated: 01/08/2022

Forwarded.

LO Kohat
03/08/022

ANX-I 67

7731
26/8/22

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

No. 7822 /SRC dated Kohat the 25/08 /2022.

To: The Regional Police Officer,
Kohat Region, Kohat.

Subject: **APPEAL OF LHC HIDAYAT ULLAH NO. 98**

Memo: -

It is submitted that LHC Hidayat Ullah No.98 of this district Police has preferred appeal requesting therein for promotion to the rank of Head Constable as well as appear before your good self for personal hearing

His appeal along-with other connected papers, is enclosed herewith please.

Encl:(17)

OFFICE OF THE DISTT: POLICE OFFICER KOHAT
5510
31/8/22

No 12609 /Ec
dt 30/08/22

EC
21/8

(MUHAMMAD SULEMAN) PSP
District Police Officer,
Kohat

DPO Kohat

Promotion as HC is the domain of DPOs concerned, therefore, the same may be decided in accordance with prevelant laws/rules in the light of attached judgement.

DSP

DISTRICT POLICE OFFICER
KOHAT

District Police Officer,
31/8/22 Kohat

POLICE DEPARTMENT

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DISTRICT KOHAT

ORDER

On the recommendation of departmental promotion committee, in its meeting held in DPO Office Kohat on 04.10.2022, the following senior most / eligible LHCs on list "C-1" of this district are hereby approved for promotion as offg: Head Constables (BPS-09) against the existing vacancies of this district, with immediate effect.

S#	Rank Name & No	Remarks
1.	LHC Hidayat Ullah No.98	Promoted conditionally/ provisionally subject to outcome of CPLA filed in Supreme Court of Pakistan against judgement dated 17.01.2022 of KP service tribunal in service appeal No.647/2019.
2.	LHC Faiz Noor No.4236/EF	-
3.	LHC Shahid Noor No.1499/CTD	-
4.	LHC Sheran Gul No.1498/CTD	-
5.	LHC Aftab Ahmed Khan No. 30/KBI	-
6.	LHC Amir Muhammad No. 698	-
7.	LHC Sabeel Muhammad No.537	-
8.	LHC Muhammad Bilal No.29 /KBI	-
9.	LHC Zaheen Shah No.29	Promoted conditionally/ provisionally subject to outcome of CPLA filed in Supreme Court of Pakistan against judgement dated 09.12.2021 of KP service tribunal in service appeal No.1387/2020.
10.	LHC Atif Khan No.74	-
11.	LHC Farhan Shah No.5320/FRP	-
12.	LHC Javed Khan No.339	-
13.	LHC Ahmed Khan No.233	-
14.	LHC Noor Shoaib No.1222	-
15.	LHC Muhammad Abid No.675	-
16.	LHC Zaheer Shah No.136	-
17.	LHC Abbas Haider Mir No. 74/KBI	-
18.	LHC Sher Nawaz No.345	-
19.	LHC Muhammad Kamran No.1328/CTD	-

OB NO. 452 /SRC
Dated. 4.10. /2022

DISTRICT POLICE OFFICER,
KOHAT

OFFICE OF THE DISTRICT POLICE OFFICER KOHAT

No 9370-75/SRC, dated Kohat the 5-10 /2022.

Copy of above is submitted for favour of information to the Regional Police Officer, Kohat Region, Kohat, please.

2. The Commandant, Elite Force Khyber Pakhtunkhwa, Peshawar.
3. The Supreintendant of Police Inevstigation Wing, Kohat.
4. The Supreintendant of Police FRP, Kohat Range, Kohat.
5. The Supreintendant of Police CTD Kohat.
6. Pay Officer / OIIC .

DISTRICT POLICE OFFICER,
KOHAT

POLICE DEPARTMENT

69

DISTRICT KOHAT

ORDER

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2.	LHC Faiz Noor No.4236/EF	-
3.	LHC Shahid Noor No.1499/CTD	-
4.	LHC Sheran Gul No.498/CTD	-
5.	LHC Aftab Ahmed Khan No. 30/KBI	-
6.	LHC Amir Muhammad No. 698	-
7.	LHC Sabeel Muhammad No.537	-
8.	LHC Muhammad Bilal No.29 /KBI	-
9.	LHC Zaheen Shah No.29	Promoted conditionally/ provisionally subject to outcome of CPLA filed in Supreme Court of Pakistan against judgement dated 09.12.2021 of KP service tribunal in service appeal No.1387/2020.
10.	LHC Atif Khan No.74	-
11.	LHC Farhan Shah No.5320/FRP	-
12.	LHC Javed Khan No.339	-
13.	LHC Ahmed Khan No.233	-
14.	LHC Noor Shoaib No.1222	-
15.	LHC Muhammad Abid No.675	-
16.	LHC Zaheer Shah No.136	-
17.	LHC Abbas Haider Mir No. 74/KBI	-
18.	LHC Sher Nawaz No.345	-
19.	LHC Muhammad Kamran No.1328/CTD	-

OB NO. 452 /SRC
Dated. 4-10- /2022

DISTRICT POLICE OFFICER,
KOHAT

OFFICE OF THE DISTRICT POLICE OFFICER KOHAT

No 9370-75/SRC, dated Kohat the 5-10 /2022.

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4. The Supreintendant of Police FRP, Kohat Range, Kohat.
5. The Supreintendant of Police CTD Kohat.
6. Pay Officer / OIIC .

DISTRICT POLICE OFFICER,
KOHAT

بعدالت جناب سروس ٹریبونل لاہور

B.C 1046-05

Mobile 0332 9931616

موزخہ _____

مقدمہ _____

دعویٰ _____

جرم _____

منجانب 2022ء

ہدایت اللہ بنام حکومت

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن مقام لاہور کیلئے استرجی ایڈووکیٹ

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے وتقرر ثالث ہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور صولی چیک وروپیہ ارعرضی دعوی اور درخواست ہر قسم کی تصدیق زرایں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برامدگی اور منسوخی نیز دائر کرنے اپیل نگرانی ونظر ثانی وپیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بااختیارات حاصل ہوں گے اور اس کا ساختہ پرداختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہرجانہ التوائے مقدمہ کے سبب سے وہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھدیا کہ سند رہے۔

Accepted by

المرقوم 4 ماہ 11 2022ء

العبد گواہ العبد

بمقام لاہور

کے لئے منظور ہے۔