

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**  
**PESHAWAR**

**Service Appeal No. 2566/2021**

**BEFORE:**      SAEAH UD DIN      ---      MEMBER(J)  
                     MIAN MUHAMMAD      ---      MEMBER(E)

Anwar Shed Khan HC/TO No. 177 Traffic Warden Police  
Khyber Pakhtunkhwa Peshawar..... (*Appellant*)

**VERSUS**

1. Chief Traffic Officer Peshawar.
2. Capital City Police Officer Peshawar..... (*Respondents*)

**Present:**

ROEEDA KHAN,  
Advocate      ---      For Appellant.

ASIF MASOOD ALI SHAH,  
Deputy District Attorney      ---      For respondents.

Date of Institution.....10.02.2021  
Date of Hearing.....19.10.2022  
Date of Decision.....19.10.2022

**JUDGEMENT**

**MIAN MUHAMMAD, MEMBER(E):-** The service appeal has been submitted with the prayer that “on acceptance of the instant appeal both the impugned orders dated 21.12.2020 and 02.02.2021 may kindly be set aside and the appellant may kindly be allowed two years forfeiture approved service alongwith all back benefits of service”.

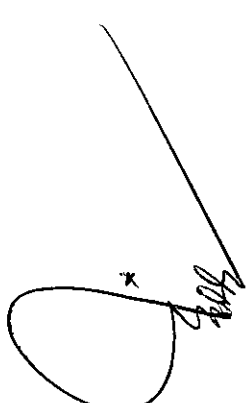
02.      Brief facts as averred in the memorandum of appeal, are that the appellant was proceeded against under the Khyber Pakhtunkhwa Police Rules 1975 on the allegation to have posted

some derogatory remarks against the government and some senior office bearers of the government on social media/facebook. He was imposed the penalty of forfeiture of two years approved service vide impugned order dated 21.12.2020 which was challenged through a departmental appeal. His departmental appeal was also rejected vide impugned appellate order dated 02.02.2021 whereafter the Service Tribunal was approached through the instant service appeal on 10.02.2021.

03. On admission of the service appeal in preliminary hearing on 05.08.2021, the respondents were put on notice to submit written defence through reply/para-wise comments. Reply/Parawise comments were submitted on 14.12.2021. We have heard learned counsel for the appellant as well as learned Deputy District Attorney for the respondents and gone through the record with their assistance.

04. Learned counsel for the appellant vehemently contended that allegation against the appellant is frivolous on the ground that the alleged post on Social Media was actually shared by brother of the appellant on 03.08.2022 when his Mobile was left at home for charging and he forgot to apply password so as to block it from unauthorized use. Moreover, charge sheet dated 04.03.2020, Show Cause Notice dated 04.08.2020 and final Show Cause Notice dated 08.10.2020 were properly replied by the appellant but his replies were not considered, neither by the competent authority nor by the appellate authority despite the fact

that brother of the appellant (Saifullah S/o Gul Shed Khan) submitted an affidavit to the effect that the posts were shared from the Mobile set of appellant by him. The appellant cannot be punished on the basis of wrong done by some other. The impugned orders are therefore, void ab-initio to have been passed without fulfillment of codal formalities and the charge in itself is false, fabricated and baseless having no illegality to have been committed by the appellant. The ends of justice have not been met because neither opportunity of cross examination nor opportunity of personal hearing has been provided to the appellant. No enquiry report has been handed over to the appellant alongwith Show Cause Notice and as such the appellant has been condemned unheard in total disregard to and in violation of the law and constitutional provisions.



05. Learned Deputy District Attorney on the other hand, denied and controverted the arguments of learned counsel for the appellant and argued that a proper enquiry was conducted through DSP Traffic Cantt Peshawar. The appellant was heard and his conduct examined in the light of allegations leveled against him. The enquiry officer found him guilty of misconduct and recommended to the competent authority the imposition of suitable punishment. Moreover, the appellant himself admitted the charge of misconduct which is unbecoming of being personnel of disciplined force.

06. Perusal of the record reveals that the appellant had activated Facebook Account with ID photo in Police uniform. The allegation of sharing/posting of derogatory remarks against the government and some high level office bearers of the government on social media/facebook, was ordered to be enquired by Mr. Abdur Rasheed DSP/Cantt Peshawar, on 13.08.2020. The enquiry officer examined the appellant and gave him the opportunity of self defence. The enquiry officer conducted the enquiry in the prescribed manner under the provisions of Khyber Pakhtunkhwa Police Rules, 1975 and concluded that the appellant "could not provide any cogent reasons of his innocence because he has also shared/viraled many other videos/posts in Police uniform, he wanted to make himself famous on social media, pasting of any kind of pictures are banned, without prior permission of high ups which is his negligence/misconduct". In view of the findings of enquiry officer, the appellant has been found guilty of the charge of misconduct being a personnel of disciplined force. He has been provided adequate opportunity of defence and after having fulfilled all codal formalities, the minor penalty of "forefeiture of two years approved service" under Rule 4 (iii) of the Khyber Pakhtunkhwa Police Rules 1975, was imposed upon the appellant.

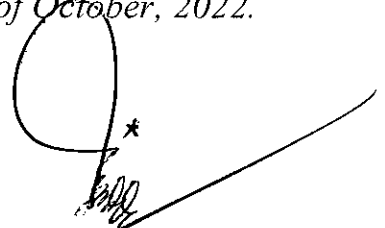
07. As a sequel to the above, we do not find any legal lacunae in the impugned orders to be interfered with by the

Tribunal. The appeal being devoid of merits, is dismissed. Parties are left to bear their own costs. File be consigned to the record room.

08. *Pronounced in open court at Peshawar and given under our hands and seal of the Tribunal this 19<sup>th</sup> day of October, 2022.*



(SALAH UD DIN)  
MEMBER (J)



(MIAN MUHAMMAD)  
MEMBER (E)

**ORDER**

19.10.2022

Miss Roeda Khan, Advocate for the appellant present.

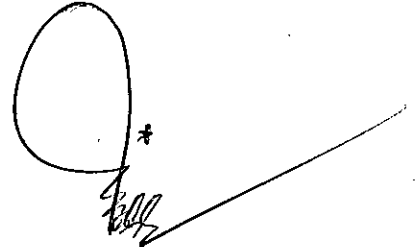
Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

02. Vide our detailed judgement of today separately placed on file containing (05) pages, we do not find any legal lacunae in the impugned orders to be interfered with by the Tribunal. The appeal being devoid of merits, is dismissed. Parties are left to bear their own costs. File be consigned to the record room.

03. *Pronounced in open court at Peshawar and given under our hands and seal of the Tribunal this 19<sup>th</sup> day of October, 2022.*



(SALAH UD DIN)  
MEMBER (J)



(MIAN MUHAMMAD)  
MEMBER (E)


14.07.2022

Learned counsel for the appellant present. Mr. Sarmad, S.I (Legal) alongwith Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Learned counsel for the appellant requested for adjournment on the ground that she has not made preparation for arguments. Adjourned. To come up for arguments on 18.08.2022 before the D.B.



(Rozina Rehman)  
Member (J)



(Salah-ud-Din)  
Member (J)

18-8-22

*due to summer vacation the case is adjourned to 19-10-22 for the hearing.*



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14.12.2021

Junior of learned counsel for the appellant present. Mr. Noor Zaman Khattak, District Attorney alongwith Mr. Habib Khan, Inspector (Legal) for respondents present.

Written reply/comments not submitted. Representative of the respondents seeks time to submit written reply/comments on the next date. Adjourned. To come up for written reply/comments on 22.02.2022 before S.B.

  
(MIAN MUHAMMAD)  
MEMBER (E)


22.02.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 13.04.2022 for the same as before.

  
Reader

13/4/2022

None for the appellant. Mr. Kabirullah Khattak, learned Addl AG for the respondents present. Written reply submitted on behalf of the respondents. To come up for arguments on 14/7/2022 before D.B.

  
Addl AG for the respondents present. Written reply, submitted on behalf of the respondents. To come up for arguments on 14/7/2022 before D.B.  
CHAIRMAN



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ORDER

Mr. Abdur Rasheed, DSP/Cantt. Traffic, Peshawar is nominated as Enquiry Officer to conduct formal departmental proceedings against HC/TO Anwar shed No.177 under the Khyber Pakhtunkhwa Police Rules 1975.

  
CHIEF TRAFFIC OFFICER,  
PESHAWAR. 

(Competent Authority)

No. 792 /PA, Dated Peshawar the 13/8 /2020.

Copy for necessary action to Mr. Abdur Rasheed, DSP/Cantt. Traffic, Peshawar (Enquiry Officer) along-with charge sheet and summary of allegation (in duplicate) and other relevant papers to initiate departmental proceedings against the accused official under Police Rules 1975.

From: The Dy: Superintendent of Police,  
Traffic, Caritt: Peshawar.

To: The Chief Traffic Police Officer,  
Peshawar.

No. 66 /R, dated Peshawar the 08/09/2020.

Subject: - ENQUIRY AGAINST TO HC ANWAR SHED NO.177

Memo:

Kindly refer to your office Endst: No. 792/PA , dated 13.08.2020.

It is submitted that an enquiry against TO HC Anwar Shed No.177 was entrusted/marked to the undersigned for digout the real facts/ positions. The enquiry was conducted by undersigned accordingly, proceedings are as under.

#### SUMMARY OF ALLEGATIONS

The you have posted some derogatory remarks against the government and some high level office bearers of the government on social media/face book which is a highly irresponsible attitude being a member of police department. Face book is a medium of social media for sharing our feelings in social manner but you have misused the medium for insulting the government and other political figures, which amounts to gross misconduct on your part and renders you for punishment.

#### PROCEEDINGS:

The above named TO HC was called to the office of the undersigned, Charge Sheet along with Disciplinary Action was served upon him the accused HC was directed to appear before the undersigned within stipulated period of time i.e 07-days. The accused HC appeared before the undersigned he was heard/ examined, his statement was recorded.

#### Statement of TO HC Anwar Shed No.177 ( attached )

The accused HC in his written statement disclosed that on 13.08.2020 he put his mobile on charge at his home and went out for some important work, at that time his mobile phone did not have lock code, so his brother Saif Ullah who was severely affected by the load shedding shared /posted some derogatory remarks against the government and high level office, regarding load shading etc on social media/face book. When the accused HC returned back to his home and checked his mobile the said posts were shared/posted on social media at that time he tried several time to delete the same but couldn't, because the shared posts were not being deleted. At that time he scolded his brother so much, but the result was pointless, therefore, he is unaware of this act, he is innocent, this mistake was not made by him it was made by his brother so it is therefore, requested that the enquiry may please be

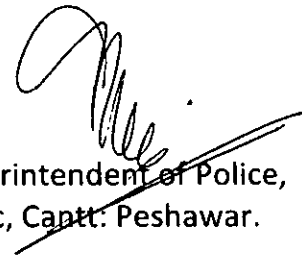
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**FINDINGS:**

From perusal of written statement of HC Anwar Shed as well as his hearing in person and cross examination, the undersigned came to the conclusion that, the above HC could not provided any cogent reasons of his innocence because he has also sheared/ viral many other videos /posts in police uniform, he wanted to make himself famous on social media, pasting of any kind of pictures are banned, without the prior permission of high-up's. which is his negligence/ misconduct.

**RECOMMENDATIONS:**

Keeping In view of the above circumstances HC Anwar Shed No.177 is found guilty, being an E.O he is recommended for suitable punishment.

  
Dy: Superintendent of Police,  
Traffic, Captt: Peshawar.

OR

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سوالات ہڈ کشمیل انور شید خان

سوال: آپ کے موبائل سے مختلف قسم کی ویڈیوز/ایمانات وغیرہ کس طرح شوٹل میڈیا پرووائیئرل ہوئے ہیں؟

جواب: جناب عالی مورخہ 03.08.2020 کو عید کا تیسرا دن تھا اور میرا موبائل گھر میں چارج پر لگا ہوا تھا کہ اس دوران میرے بھائی سیف اللہ نے بغیر مجھ سے اجازت لئے میرے موبائل سے ویڈیوز وغیرہ شیئر کی۔

سوال: آپ کے موبائل سے تو ایک دفعہ نہیں بلکہ کئی بار ویڈیوز شوٹل میڈیا پرووائیئرل ہوئی ہیں تو پھر اُس وقت آپ کہاں تھے؟

جواب: اگر میرے بھائی کے علاوہ میں نے اپنے موبائل سے مزید کوئی ویڈیوز شیئر کی ہوں تو اُس میں کسی قسم کی کوئی غیر قانونی ویڈیوز وغیرہ نہیں۔

سوال: آپ کے جس بھائی نے ویڈیوز شیئر کی ہیں کیا وہ ایجوکیٹڈ ہے؟

جواب: جی ہاں میرے بھائی جس نے ویڈیوز شیئر کی ہیں وہ میٹرک پاس ہے۔

*Muhammad*  
2.09.20



دستخط انور شید خان

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**BEFORE THE HON'BLE SERVICE TRIBUNAL**  
**PESHAWAR**



Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 8974

Dated 25-8-2020

In Re S.A No. 9616/2020

Nasru Ullah SI District Police Charsadda

Appellant

***VERSUS***

1. District Police Officer, Charsadda
2. Deputy Inspector of Police region-I Mardan.
3. Regional Police Officer, Mardan

Respondents

APPEAL U/S-4 OF THE KHYBER  
PAKHTUNKHWA SERVICES TRIBUNAL  
ACT 1974 AGAINST THE ORDER DATED  
16/04/2020, WHEREBY THE APPELLANT  
HAS BEEN AWARDED MAJOR PENALTY  
OF REDUCTION IN PAY BY ONE STAGE  
AND AGAINST THE ORDER DATED  
14.07.2020 WHEREBY THE  
DEPARTMENTAL APPEAL OF THE  
APPELLANT HAS BEEN DECIDED ON  
NO GOOD GROUNDS.

Filed to-day  
Registrar  
25/8/2020

Prayer:-

ON ACCEPTANCE OF THIS SERVICE  
APPEAL BOTH THE IMPUGNED  
ORDERS DATED 16/04/2020 AND  
14/07/2020 MAY KINDLY BE SET ASIDE  
AND THE APPELLANT MAY KINDLY BE  
RESTORE ON HIS ORIGINAL POST  
ALONGWITH ALL BACK BENEFITS ANY ATTESTED

*[Handwritten signature]*

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 9616/2020

Date of Institution ... 25.08.2020

Date of Decision ... 09.06.2021



Nasrullah Sub Inspector District Police Charsadda.

... (Appellant)

**VERSUS**

District Police Officer, Charsadda and two others.

... (Respondents)

MISS ROEEDA KHAN

Advocate

... For Appellant

MUHAMMAD ADEEL BUTT

Additional Advocate General

... For Respondents

MR. SALAH-UD-DIN

MR. ATIQ-UR-REHMAN WAZIR

... **MEMBER (J)**

... **MEMBER (E)**

**JUDGMENT: -**

**Mr. ATIQ UR REHMAN WAZIR:** - Brief facts of the case are that the appellant while serving as Sub Inspector in Police Department, was proceeded against on the charges of his wife being beneficiary of Benazir Income Support Program (BISP) of cash grant. Show Cause Notice dated 03-03-2020 to this effect was served upon the appellant, to which he responded vide his letter dated 04-04-2020 but his reply being unsatisfactory was regretted and major penalty of reduction in pay by one stage along with recovery of the cash grant of BISP received so far vide impugned order dated 16-04-2020. The appellant filed departmental appeal dated 11-05-2020, which was also rejected vide order dated 14-07-2020 with modification of reduction in pay by one stage for one year. The

**ATTESTED**

**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

said order was communicated to the appellant on 27-07-2020. Feeling aggrieved, the appellant filed the instant appeal with prayers that both the impugned orders dated 16-04-2020 and 14-07-2020 may be set aside and status of the appellant may be restored to his original position along with all back benefits.

02. Written reply/comments were submitted by respondents.

03. Learned counsel for the appellant contended that the appellant was convicted for an act, which he has not committed and referred to the judgment of National Law Reported 2003 criminal, where in criminal law every person is liable for his individual act and no one can be convicted for the act of others; that the respondents vide their written reply, failed to quote any rule, whatsoever, which prohibits lower subordinates or their spouses from the benefits of BISP. Learned counsel for the appellant added that only show cause notice was served upon the appellant, to which the appellant responded, but no charge sheet/statement of allegations were served upon the appellant nor any regular inquiry was conducted before imposition of major penalty, which is violation of principles of natural justice and which however was required to be done in accordance with law, where full opportunity of defense is to be provided to the delinquent official. Reliance was placed on 2008 SCMR 1369 and 2009 SCMR 412; that the appellant was not afforded opportunity of personal hearing and where a civil servant is not afforded opportunity of personal hearing before imposition of major penalty, such order would be void ab-initio. Reliance was placed on 2003 PLC (CS) 365; that any decision of the Supreme Court deciding a question of law, was binding on all other courts of the country. Reliance was placed on 2020 CLC 99. Learned counsel for the appellant contended that no final show cause notice was served upon the appellant nor any opportunity of defense and cross-examination has been provided to the appellant. On the question of limitation, the learned counsel for the appellant contended that the appellate order was issued by the respondents on 14-07-2020

**ATTESTED**

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

but was communicated to the appellant on 27-07-2020; hence, the Service Appeal instituted on 25-08-2020 is well within time. Reliance was placed on 2005 PLC (CS) 1095. Learned counsel for the appellant further added that no limitation would run against an order passed in violation of mandatory provisions of law. Reliance was placed on 2007 SCMR 834; that where on merit the respondents had no case, then limitation would not be a hurdle in the way of appellant for getting justice. Reliance was placed on PLD 2002 Supreme Court 84. Learned counsel for the appellant argued that the appellant has not been treated in accordance with law and the impugned orders passed in violation of law. Learned counsel for the appellant prayed that in view of the situation, the impugned orders dated 16-04-2020 and 17-07-2020 may be set aside and status of the appellant may be restored to his original position along with all back benefits.

04. Learned Additional Advocate General appearing on behalf of official respondents contended that the appellant was proceeded against under section 5(3) of Police Rules, 1975, where a show cause notice was served upon the appellant, but his reply being un-satisfactory was rejected and the appellant was rightly awarded major penalty, as the competent authority through a discreet inquiry found that wife of the appellant was availing cash benefits of BISP, to which she was not entitled. Learned Additional Advocate General prayed that the instant appeal being devoid of merit may be dismissed.

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

06. The show cause notice issued to the appellant by the competent authority would show that disciplinary proceedings were initiated against him on the basis of discreet inquiry, which culminated in the imposition of major penalty upon the appellant in the shape of reduction in pay by one stage for one year as well as the recovery of the cash grant received from BISP. It is crystal clear that as

ATTESTED

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar





it was discreet inquiry, therefore, the appellant was deprived of any opportunity to defend himself properly during the disciplinary proceedings. It is mentioned in para-2 of the show cause notice issued to the appellant that why the afore-said penalty should not be imposed upon him, but there is no mentioning of any proposed penalty, which was to be imposed upon the appellant. The show cause notice is thus vague in nature and does not fulfill the criteria of a proper show cause notice. The disciplinary proceedings were taken against the appellant in a slipshod manner and the same are not sustainable in the eye of law. Moreover, it is evident from the record that, while issuing show cause notice to the appellant, the authority was itself not sure as to whether the appellant was beneficiary of BISP or his wife. In view of the allegations, the authority was required to have conducted a proper inquiry for reaching a just and right conclusion of the matter by providing the appellant an opportunity of defense.

07. In light of the above discussion, the instant appeal is accepted by setting aside the penalty awarded to the appellant and he is held entitled to all back benefits. The department may conduct a de-novo inquiry regarding the charges against the appellant, if so desired. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED

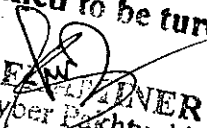
09.06.2021

  
(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

  
(ATIQ UR REHMAN WAZIR)  
MEMBER (EXECUTIVE)

**Date of Presentation of Application** 17-6-21  
**Number of Words** 2000  
**Copying Fee** 22/-  
**Urgent** 4/-  
**Total** 26/-  
**Name of Copyist** \_\_\_\_\_  
**Date of Completion of Copy** 17-6-21  
**Date of Delivery of Copy** 17-6-21

**Certified to be true copy**

  
FAWAD NADER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

05.08.2021

Counsel ~~for~~ the appellant present. Preliminary arguments heard.

Points raised need consideration. The appeal is admitted for hearing subject to all legal objections including that of limitation to be determined during full hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, or extension of time is not sought through written application with sufficient cause, the office shall submit the file with a report of non-compliance. File to come up for arguments on 14.12.2021 before the D.B.

Appellant Deposited  
Security & Process Fee




  
Chairman

Form- A

FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No.- 2566 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	10/02/2021	<p>The appeal of Mr. Anwar, Shed Khan presented today by Roeeda Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR,</p>
2-	19.04.2021	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>19/04/21</u></p> <p>The appeal of Mr. Anwar, Shed Khan presented today by Roeeda Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> CHAIRMAN</p>
2-	19.04.2021	<p>Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 05.08.2021 for the same as before.</p> <p style="text-align: right;"> Reader</p>

**BEFORE THE HON'BLE SERVICE TRIBUNAL**  
**PESHAWAR**

In Re S.A No. \_\_\_\_\_/2021

Anwar Shed Khan

**VERSUS**


Chief Traffic Officer & Other

**INDEX**

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6.	Copies of final show cause notice & reply	"E & F"	14 To 15
7.	Copy of impugned order	"G"	16
8.	Copy of departmental appeal & rejection order	"H & I"	17 To 18
9.	Copy of Affidavit	"J"	19
10.	Wakalatnama		

  
APPELLANT

Through

  
**Roeeeda Khan**  
Advocate, High Court  
Peshawar.

Dated: 10/02/2021

(1)

**BEFORE THE HON'BLE SERVICE TRIBUNAL**  
**PESHAWAR**

Khyber Pakhtunkhwa  
Service Tribunal

In Re S.A No. 2566/2021

Diary No. 2601

Dated 10/2/2021

Anwar Shed Khan HC/TO No.177 Traffic  
Warden Police KPK Peshawar

**Appellant**

***VERSUS***

1. Chief Traffic Officer Peshawar
2. Capital City Police Officer Peshawar.

**Respondents**

**APPEAL U/S-4 OF THE KHYBER**  
**PAKHTUNKHWA SERVICES TRIBUNAL ACT**  
**1974 AGAINST THE ORDER DATED 21/12/2020**  
**WHEREBY THE APPELLANT HAS BEEN**  
**AWARDED MINOR PUNISHMENT OF**  
**FORFEITURE OF TWO YEARS APPROVED**  
**SERVICE AGAINST WHICH THE APPELLANT**  
**FILED DEPARTMENTAL APPEAL ON**  
**30.12.2020 WHICH HAS BEEN REJECTED ON**  
**02.02.2021 ON NO GOOD GROUNDS.**

**Prayer:-**

**Filed to-day**

**Registrar**

*10/2/2021*

**ON ACCEPTANCE OF THIS APPEAL**  
**BOTH THE IMPUGNED ORDERS DATED**  
**21/12/2020 and 02.02.2021 MAY KINDLY**  
**BE SET ASIDE AND THE APPELLANT**  
**MAY KINDLY BE ALLOWED OF TWO**

(2)

YEARS FORFEITURE APPROVED  
SERVICE ALONG WITH ALL BACK  
BENEFITS OF SERVICE. ANY OTHER  
REMEDY WHICH THIS AUGUST  
TRIBUNAL DEEMS FIT THAT MAY  
ALSO BE ONWARD GRANTED IN  
FAVOUR APPELLANT.

Respectfully Sheweth,

1. That the Appellant has been appointed as constable with respondent department since long time.
2. That after appointment the appellant performed his duty regularly and with full devotion and no complaint whatsoever has been made against the appellant.
3. That on 04.03.2020 a charge sheet and statement of allegation has been issued against the appellant which has been properly replied by the appellant whereby the appellant denied all the allegation level against him. (Copies of charge sheet and Reply are attached as annexure "A" & "B").
4. That on 04.08.2020 a show cause notice has been issued against the appellant which has been properly replied by the appellant on 10.08.2020 whereby the appellant denied all

the allegation leveled against him. (Copies of show cause notice and reply are attached as annexure "C" & "D").

5. That on 08.10.2020 a final show cause notice has been issued against the appellant which has been properly replied by the appellant on 14.10.2020 where by the appellant all the allegations. (Copies of final show cause notice & reply are attached as annexure "E" & "F").
6. That on 21.12.2020 the impugned order has been issued against the appellant where by minor punishment of forfeiture of two years approved service has been granted to the appellant. (Copy of impugned order is attached as annexure "G").
7. That the appellant submitted a departmental appeal on 30.12.2020 against the impugned order dated 21.12.2020 which has been rejected on 02.02.2021 by the respondent department on no good grounds. (Copy of departmental appeal & rejection order are attached as annexure "H" & "I").
8. That feeling aggrieved the Appellant prefers the instant service appeal before

(4)

this Hon'ble Tribunal on the following grounds inter alia:-

**GROUND:-**

- A. That the impugned order 21/12/2020 is void and abinitio order because it has been passed without fulfilling codal formalities.
- B. That the charges against the appellant is false, fabricated and baseless because there is no illegality on part of the appellant which is evident from the affidavit. (Copy of Affidavit is attached as annexure "J").
- C. That despite the fact, mention in para B & denied all the allegations in reply of charge sheet as well show cause notices; however the impugned order was passed, which is unjust, unfair and hence not sustainable in the eye of law.
- D. That it is a well settle principle of law that no one can be punished on the wrong of others.
- E. That no statement of witnesses has been recorded by the inquiry officer and no opportunity cross examination has been provided to the appellant.
- F. That no opportunity a personal hearing has been provided to the appellant and no inquiry report has been handed over to the appellant.



5

G. That it is a well settle a principal of law  
that no one can be condemn unheard.

H. That any other ground not raised here may  
graciously be allowed to be raised at the  
time full of arguments on the instant  
service appeal.

*It is therefore, most humbly prayed that*  
on acceptance of this appeal both the  
impugned orders dated 21/12/2020 and  
02.02.2021 may kindly be set aside and the  
appellant may kindly be allowed of two years  
forfeiture approved service along with all back  
benefits of service. any other remedy which  
this august tribunal deems fit that may also  
be onward granted in favour appellant.

*Any other relief not specifically asked*  
*for may also graciously be extended in*  
*favour of the Appellant in the*  
*circumstances of the case.*

*AWM*  
APPELLANT

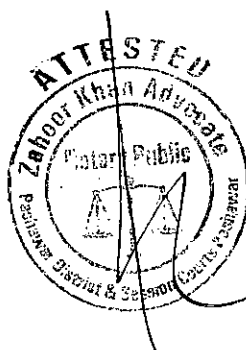
Through

*RK*  
Roeda Khan  
Advocate, High Court  
Peshawar.

Dated: 10/02/2021

**NOTE:-**

As per information furnished by my client, no  
such like appeal for the same petitioner, upon the  
same subject matter has earlier been filed, prior to  
the instant one, before this Hon'ble Tribunal.



Advocate.

10 FEB 2021

(6)

**BEFORE THE HON'BLE SERVICE TRIBUNAL**  
**PESHAWAR**

In Re S.A No. \_\_\_\_\_/2021

Anwar Shed Khan

***VERSUS***


Chief Traffic Officer & Other

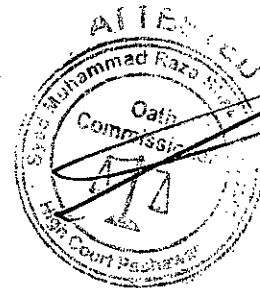
**AFFIDAVIT**

I, **Anwar Shed Khan HC/TO No.177 Traffic Warden Police KPK Peshawar**, do hereby solemnly affirm and declare that all the contents of the **instant appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Hon'ble Court.

  
**DEPONENT**

***Identified by:***

  
**Roeeda Khan**  
Advocate High Court  
Peshawar.



10 FEB 2021

(7)

**BEFORE THE HON'BLE SERVICE TRIBUNAL**  
**PESHAWAR**

In Re S.A No. \_\_\_\_\_/2021

Anwar Shed Khan

***VERSUS***

Chief Traffic Officer & Other

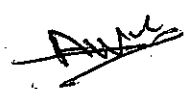
**ADDRESSES OF PARTIES**

***PETITIONER.***

Anwar Shed Khan HC/TO No.177 Traffic  
Warden Police KPK Peshawar

**ADDRESSES OF RESPONDENTS**

1. Chief Traffic Officer Peshawar
2. Capital City Police Officer Peshawar.



**APPELLANT**

Through



**Roeeeda Khan**  
Advocate, High Court  
Peshawar.

Dated: 10/02/2021

(A)  
(8)  
**CHARGE SHEET**

1. WHEREAS I am satisfied that a formal enquiry as contemplated by Police Rules 1975 is necessary and expedient.

2. AND whereas, I am of the view that the allegations if established would call for major/minor penalty, as defined in Rule-3 of the aforesaid Rules.


3. Now therefore, as required by Rule 6 (1) (a) & (b) of the said Rules I, **WASEEM AHMAD KHALIL**, Chief Traffic Officer, Peshawar hereby charge you **HC/TO Anwar shed No.177** under Rules 5 (4) of the Police Rules 1975 on the basis of following allegations:-

i) That you have posted some derogatory remarks against the government and some high level office bearers of the government on social media/face book which is a highly irresponsible attitude being a member of police department. Face book is a medium of social media for sharing our feelings in social manner but you have misused the medium for insulting the government and other political figures.

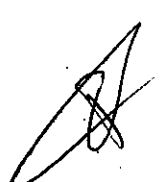
4. By doing this you have committed gross misconduct on your part.

5. AND I hereby direct you further under Rule 6 (1) (b) of the said Rules to put-in written defence within 07-days of the receipt of this Charge Sheet as to why the proposed action should not taken against you and also state whether you desire to be heard in person.

6. AND in case your reply is not received within the stipulated period to the enquiry officer, it shall be presumed that you have no defence to offer and in that case, ex parte action will be taken against you.

  
( **WASEEM AHMAD KHALIL** )  
CHIEF TRAFFIC OFFICER,  
PESHAWAR

(Competent Authority) 13/8



DISCIPLINARY ACTION

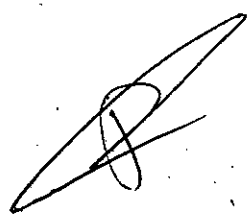
1. I, **WASEEM AHMAD KHALIL**, Chief Traffic Officer, Peshawar as competent authority, am of the opinion that you **HC/TO Anwar shed No.177** has rendered himself liable to be proceeded against, as he committed the following acts/omission within the meaning of section 03 of Police Rules 1975.


SUMMARY OF ALLEGATIONS

- 2 i) That he has posted some derogatory remarks against the government and some high level office bearers of the government on social media/face book which is a highly irresponsible attitude being a member of police department. Face book is a medium of social media for sharing our feelings in social manner but he has misused the medium for insulting the government and other political figures.
3. For the purpose of scrutinizing the conduct of the said accused official with reference to the above allegations, an Enquiry Committee comprising of the following officer(s) is constituted:-

- a. Mr. Abdur Rasheed, DSP/Cantt. Traffic, Peshawar.
- b. \_\_\_\_\_

4. The enquiry committee/officer shall in accordance with the provision of the Police Rules 1975 provide reasonable opportunity of hearing to the accused officer/official and make recommendations as to punishment or any other appropriate action against the accused.



  
( **WASEEM AHMAD KHALIL** )  
CHIEF TRAFFIC OFFICER,  
PESHAWAR.  
(Competent Authority)

Better Copy

جناب عالی:

بحوالہ چارج شیٹ محازیہ جناب چیف ٹریفک پولیس پشاور مورخہ 13.08.2020 معروض خدمت ہوں کہ مورخہ 03.08.2020 کو بوقت فترب دوپہر اپنا موبائل سیٹ جس پر نے لاک کوڈ بھی نہیں لگایا تھا چونکہ بجلی نہ ہونے کی وجہ سے میں اپنی والدہ کے کمرے میں رکھے سولر بیٹری سے چارج کرنے کیلئے رکھ کر میں سودا سلف خریدنے کی غرض سے میں باہر نکلا اسی اثناء میں برادر ام مسی سیف اللہ جو کہ خود بھی لوڈ شیڈنگ سے پریشان اور غصہ میں تھا نے میرا موبائل فون اٹھا کر میرے فیس بک اکاؤنٹ سے ایک پوسٹ بابت لوڈ شیڈنگ اور ایک عدد کنٹنس میرے ایک دوست کے شیئر شدہ پوسٹ پر جو کہ بجلی کے متعلق کیا تھا جب میں نے اسی دن گھر واپس آکر اپنا موبائل چیک کیا تو پتہ چلا کہ میرے بھائی نے اسی قسم کی پوسٹ کی جو کہ اسی وقت میں نے ڈیلیٹ کر کے اپنی باوردی تصویر بھی ID سے چنچ کر دی اور بھائی کے ساتھ اسی بات پر توں توں میں میں کی اور اسکی سرزش کی اس پوسٹ کو شیئر کرنے اور کنٹنس کرنے سے میں لاعلم تھا اور پتہ چلنے پر فوراً ڈیلیٹ کیا۔ پولیس فورس کارکن ہونے اور ایک معزز پاکستانی ہونے کے ناطے میں پاکستان کے تمام اداروں اور پاکستانی حکومت کا تہہ دیل سے عزت و احترام کرتا ہوں۔ لہذا استدعا ہے کہ چارج شیٹ بغیر کسی فتانوی کاروائی کے داخل دفتر کرنے کا حکم صادر فرمائیں۔





"C"

12

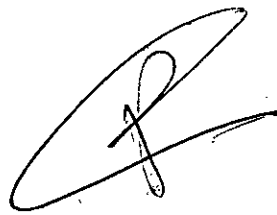
**SHOW CAUSE NOTICE**



**(Under Rules 5 (3) KPK Police Rules 1975)**

1. That you IHC Anwar Shed No.177 while posted in City Traffic Police, Peshawar have rendered yourself liable to be proceeded under Rules 5(3) for the following misconducts:-

i). That you have posted some derogatory remarks against the government and some high level office bearers of the government on social media/face book which is a highly irresponsible attitude being a member of police department. Face book is a medium of social media for sharing our feelings in social manner but you have misused the medium for insulting the government and other political figures.

2. That by reason of above, as sufficient materials is placed before the undersigned; therefore, it is decided to proceed against you in general police proceedings without aid of enquiry officer.
3. That the misconduct on your part is prejudicial to good order of discipline in the police force.
4. That your retention in the police force will amount to encourage in efficient and unbecoming of good police officer.
5. You are, therefore, called upon to show cause as to why you should not be dealt strictly in accordance with the Khyber Pakhtunkhwa Police Rules 1975 for the misconduct referred to above.
6. You should submit reply to Show Cause Notice **within 07-days** of the receipt of the notice failing which an ex-parte action shall be taken against you.
7. You are further directed to inform the undersigned that you wish to be heard in person or not.



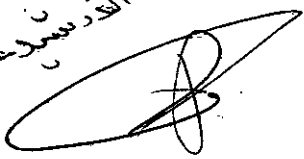
  
( WASEEM AHMAD KHALIL )  
CHIEF TRAFFIC OFFICER,  
PESHAWAR. 



۲

جوابہ مشہور کہ شیوخ از نو نسخے جاریہ جناب صاحب  
 ڈیفٹ پولیس لپٹاورد عدد ۱۰۸۸/۲۰۰۸ کے بعد سے حدیث  
 بیوت کہ عدد ۱۰۸۸/۲۰۰۸ کا لائق مزید دوپہر اپنا پائل  
 سبب پر سبب نے لاک کوڑ بھی سبب لقا یا تھا  
 ہونا چکے نہ بیوت کے وجہ سے سبب نے اپنی والدہ  
 کے گھر سے سبب دفعہ سولر سٹری سے چارج کرنے کیلئے رکو  
 کر سبب سودا سلف خریدنے کے عرف سے گھر سے باہر  
 نکلا۔ اسے انشاء سبب برادر ام قسمی سبب اللہ جو کہ خود  
 گھٹ لوڈ سیدنگ سے سبب پر لپٹاورد اور سبب سے تقا نے  
 میرا جواب تک فون اٹھا کر میرے سبب تک آغاوند سے  
 ایک پوسٹ بابت لوڈ سیدنگ اور ایک عدد گھٹ  
 میرے ایک دوست نے چکے سے فون سبب سبب پوسٹ  
 پر آیا تھا۔ جب سبب نے اسے دن گھر والیے آ کر اپنا پائل  
 چکے کیا تو پتہ چلا کہ میرے گھانے نے اس قسم کی پوسٹ  
 کی ہے۔ جو کہ اس وقت سبب نے (Delete) کرتے اپنی باوردی  
 لہو پر بھیج کر دی اور گھانے لپٹاورد اسے بات پر توں توں  
 دین میں آئی اور اسکی سبب لپٹاورد ہے۔ اسے پوسٹ کو سبب کرنے  
 سے سبب لا علم تھا۔ پتہ چلے پر فوراً (Delete) کیا ہے۔ لہذا اسلحا  
 سبب شیوخ از نو نسخے لپٹاورد آئے ہے دفعہ دفتر کرنے کا  
 حکم صادر فرما کر مسئلہ ختم فرمایا ہے۔

Amir  
 10-08  
 القاسمی خان  
 7c/177



"E"

141

**FINAL SHOW CAUSE NOTICE**

1. I, **WASEEM AHMAD KHALIL**, Chief Traffic Officer, Peshawar as competent authority under Police Disciplinary Rules (amended in 1975), do hereby serve you **HC/TO Anwar Shed No.177** as follows:-

a). That you have posted some derogatory remarks against the government and some high level office bearers of the government on social media/face book which is a highly irresponsible attitude on your part being a member of police force. Face book is a medium of social media for sharing our feelings/views in social manner but you had misused the medium for insulting the government and other political figures.

2. That consequent upon the completion of enquiry conducted against you by SP/Hqrs. Traffic Mr. Iftikhar Ai for which you were given full opportunity of hearing but you failed to satisfy the enquiry officer.


3. Ongoing through the finding and recommendation of the enquiry officer, the material available on record, I am satisfied that you have committed the omission/commission specified Police Disciplinary Rules (amended in 1975).


4. As a result therefore, I, **WASEEM AHMAD KHALIL**, Chief Traffic Officer, Peshawar as competent authority have tentatively decided to impose major penalty upon you including dismissal from service under Police Disciplinary Rules (amended in 1975).

5. You are therefore, directed to show cause as to why the aforesaid penalty should not be imposed upon you.

6. If no reply to this show cause notice is received within seven days of its delivery in the normal course of circumstances, it shall be presumed that you have no defense to put and in that case an ex-parte action shall be taken against you.

7. A copy of the findings of the Enquiry Officer is enclosed.



  
(**WASEEM AHMAD KHALIL**)  
Chief Traffic Officer,  
Peshawar.  
(Competent Authority)  
8/10

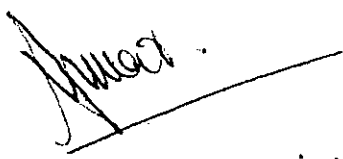
بحوالہ فائل شوکار نوٹس مشمولہ معروض ہوں۔ کہ اپنے بے گناہی کے لئے مختلف بیانات کے ذریعے افسران بالا کو تحریری طور پر جواب دے چکا ہوں۔ جو میرے خلاف محکمانہ کارروائی ریکارڈ پر موجود ہے۔ انکو ازری تکمیل ہو کر مسائل کو صفائی کا کوئی موقع نہیں دیا گیا۔ اور ہی انکو ازری پینل نے مجھے ذاتی طور پر طلب کر کے <sup>عائد</sup>تسخیر کردہ الزامات کے بارے سے اپنا موقف واضح کرنے کا موقع تک نہیں دیا۔ تاکہ میں انکو ازری افسران کو اندریں بارہ مطمئن کر دیتا۔ میرا موبائل فون Miss Use ہوا ہے۔ جسکی ثبوت میرے برادر حقیقی مسمی سیف اللہ کا حلفی بیان انکو ازری کے رد کے لئے اثباتی طور کافی ہے۔ میرا اس میں کوئی دیدہ دانستہ امورات کا کوئی قدم نہ اٹھایا ہے اور نہ ہی سوشل میڈیا پر بیانیہ خداداد پاکستان اور ان کے دفاعی انتظامی امورات چلانے کے لئے مسند پر براجم شخصیات کے خلاف تحریر تو دور کی بات بلکہ حسدیت محبت وطن پاکستانی و سرکاری اہلکار کے سوچ بھی نہیں کر سکتا۔

مندرجہ وضاحت سے عیاں ہے کہ میرا کوئی قصور نہیں بغیر کسی گناہ کے میرا مواخذہ ناقابل انصاف و یک طرفہ کارروائی ذاتی عناد و بدعتی سے تصور کی جاتی ہے۔

نا ایجا... واقعات یو ہے کہ بمورنہ: 03-08-2020 کو بوقت قریب دو پہر اپنا موبائل سینے جس پر میں نے ٹاک کوڈ بھی نہیں لگایا تھا۔ چونکہ بجلی نہ ہونے کی وجہ سے میں اپنی والدہ کے کمرے میں رکھے سولر بیٹری سے چارج کرنے کے لئے رکھ کر میں سوا گھنٹے خرابی کی غرض سے گھر سے باہر نکلا۔ اسی اثناء میں برادر ام مسمی سیف اللہ جو کہ خود بھی لوڈ شیڈنگ سے بہت پریشان اور غصے میں تھا۔ نے میرا موبائل فون اٹھا کر میرے فیس بک اکاؤنٹ اسوسمہ انور خان سے ایک پوسٹ بابت اوڈ شیڈنگ اور ایک عدو کمنٹ میرے ایک دوست کے بجلی سے متعلق شرمندہ پوسٹ پر کیا تھا۔ جب میں نے اسی دن گھر واپس آ کر اپنا موبائل چیک کیا تو تو پتہ چلا کہ میرے بھائی نے اس قسم کی پوسٹ کی ہے۔ جو کہ اسی وقت میں نے ذیلیٹ کر کے اپنی باوردی تصویر بھی چیخ کر دی۔ اور بھائی کیساتھ اس بات پر تو تو میں میں بھی کی اور اس کی سرزنش کی۔ اس پوسٹ کو شہر کرنے سے میں لاعلم تھا۔ پتہ چلنے پر فوراً ذیلیٹ کیا ہے۔ پولیس فورس کارکن ہونے اور معزز پاکستانی ہونے کے ناطے میں اپا پاکستان کے تمام اداروں اور پاکستانی حکومت کا تہ دل سے عزت و احترام کرتا ہوں۔ اور اس طرح امور کا سچ بھی نہیں سکتا۔

لہذا استدعا ہے کہ شوکار نوٹس بغیر کسی کارروائی کے داخل دفتر کرنے کا حکم صادر فرما کر مشاورہ ممنون فرمائیں۔

بیان حلفی صاحب بہر پیراہ لیا ہے۔

انور شید خان TO/177 پشاور ٹریفک پولیس

12-10-20

"G" (16)

**ORDER**

This is an order on the departmental enquiry initiated against HC/TO Anwar Shed No.177 for allegedly posting some derogatory remarks against the government and some high level office bearers of the government on social media/face book which is a highly irresponsible attitude being a member of the police force. He was charge sheeted and DSP/Cantt. Traffic was nominated as Enquiry Officer to conduct formal departmental proceedings under the Khyber Pakhtunkhwa Police Rules 1975 and submit his finding.

He submitted his reply to the charge sheet stating therein that he had not posted the remarks on social media but his brother had misused his cell phone and criticized the government for unprecedented load shedding in their area. During the enquiry proceedings, he also produced an affidavit stating on oath that he has not posted the remarks. The Enquiry Officer however, in his findings held him responsible for posting the derogatory remarks as he failed to prove his innocence. The E.O therefore, recommended him for suitable punishment. He was issued Final Show Cause Notice but his written reply was also found not convincing, therefore, called for personal hearing.

Today on 17.12.2020, he was heard in OR but his verbal explanation was again not satisfactory. Keeping in view recommendations of the Enquiry Officer, HC/TO Anwar Shed No.177 is awarded minor punishment of forfeiture of two years approved service under the Khyber Pakhtunkhwa Police Rules 1975 with immediate effect.

Order announced.

  
**(ABBAS MAJEED KHAN MARWAT) PSP**  
CHIEF TRAFFIC OFFICER,  
PESHAWAR.

No. 1434-<sup>37</sup> /PA, Dated Peshawar the 21/12 /2020.  
Copies for necessary action to the:-

- 1. SP/Hqrs. Traffic, Peshawar.
- 2. Accountant
- ✓ 3. OSI
- 4. SRC (along-with complete enquiry file consisting of 22- pages)

O.B No. 731  
Date. 21/12/2020

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عنوان: اپیل بر خلاف صدور حکم بحوالہ آرڈر نمبر 1434-37/PA

21-12-202

جناب عالی!

گزارش ہے کہ من سائل کے خلاف محکمانہ کارروائی عمل میں لا کر بحوالہ چٹھی انگریزی 1434-37/PA مورخہ 21-12-2020 سائل سے دو سال کی مستقل نوکری ضبط کی گئی ہے صدور حکم بالا کہ سلسلہ آپ صاحبان سے یہ اپیل کرتا ہوں کہ محکمانہ کارروائی میں مجھے کوئی صفائی کا موقع نہیں دیا گیا۔ اور نہ ہی برادر ام سیف اللہ کے بیان حلفی کی طرف یکسر کوئی توجہ دی گئی اور نہ ہی میری حالت زار پر ہمدردانہ غور کیا گیا اور بیک قلم جنبش سائل سے دو سال کی مستقل نوکری کاٹی گئی۔ جو سر اسرنا انصافی کے مترادف ہے۔ میرا موبائل فون Mis Use ہوا ہے جس کا ثبوت میرے برادر حقیقی مسمی سیف اللہ کا حلفیہ بیان انکوائری کے رد کے لیے اثباتی طور پر کافی ہے۔ میرا اس میں کوئی دیدہ دانستہ امورات کا کوئی قدم نہ اٹھایا ہے اور نہ ہی سوشل میڈیا پر پیارے خداداد پاکستان اور ان کے دفاعی، انتظامی امورات چلانے کے لیے مسند پر براجم شخصیات کیخلاف تحریر تو دور کی بات بلکہ خشیت محبت وطن پاکستانی و سرکاری اہلکار کی سوچ بھی نہیں کر سکتا۔

مندرجہ ذیل وضاحت سے عیاں ہے کہ میرا کوئی قصور نہیں ہے بغیر کسی گناہ کے میرا مواخذہ ناقابل انصاف و یک طرفہ کارروائی ذاتی عنوان بدینتی سے تصور کی جاتی ہے۔

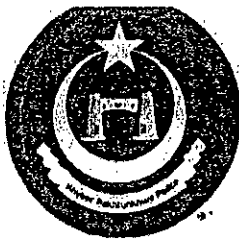
عالیجا! واقعات یوں ہیں کہ مورخہ 03-08-2020 کو بوقت قریب دو پہر اپنا موبائل سیٹ جس پر میں نے لاک کوڈ بھی نہیں لگایا تھا۔ چونکہ بجلی نہ ہونے کی وجہ سے میں نے اپنی والدہ کے کمرے میں رکھے سولر بیٹری سے چارج کرنے کے لیے رکھ کر میں سودا سلف خریدنے کے غرض سے گھر سے باہر نکلا اسی اثنا میں برادر مسمی سیف اللہ جو کہ خود بھی لوڈ شیڈنگ سے بہت پریشان اور غصے میں تھانے میرا موبائل فون اٹھا کر میرے فیس بک اکاؤنٹ الموسومہ انور خان سے ایک پوسٹ بابت لوڈ شیڈنگ اور ایک عدد کمنٹ میرے ایک دوست کے بجلی کے متعلق شیئر شدہ پوسٹ پر کیا تھا۔ جس سے میں لاعلم تھا۔ جب میں نے اس دن گھر واپس آ کر اپنا موبائل چیک کیا تھا تو پتہ چلا کہ میرے بھائی نے اس قسم کی پوسٹ کی ہے جو کہ اسی وقت میں نے ڈیلیٹ کر کے اپنی باوردی تصویر بھی تبدیل کر دی۔ اور بھائی کے ساتھ اس بات پر تو تو میں میں بھی کی اور اس کی سرزنش کی۔ اس پوسٹ کو شیئر کرنے سے میں لاعلم تھا۔ پتہ چلنے پر فوراً ڈیلیٹ کر دیا۔ پولیس فورس کارکن ہونے اور معزز پاکستانی ہونے کے ناطے میں پاکستان کے تمام اداروں اور پاکستانی حکومت کا تہہ دل سے عزت و احترام کرتا ہوں اور اس طرح امور کا سوچ بھی نہیں سکتا۔ لہذا استدعا ہے کہ سائل کی دو سال مستقل ضبط شدہ نوکری بحال کرنے کے احکامات صادر فرمائیں۔ سائل تاحیات دعا گور ہے گا۔

نوٹ: سٹامپ بحیر بیان حلفی برادر مہمراہ لف ہے۔

Muhammad  
30-12-20

آپ کا تابع فرمان انور شید خان TO/HC نمبر 177 پشاور ٹریفک وارڈن پولیس

0345-9398242



(11) (18)  
**OFFICE OF THE  
CAPITAL CITY POLICE OFFICER  
PESHAWAR**

Phone No. 091-9210989

Fax No. 091-9212597


**ORDER**

This order will dispose of departmental appeal preferred by HC/TO Anwar Shed No. 177 who was awarded the minor punishment of "forfeiture of two years approved service" under PR-1975 by Chief Traffic Officer Peshawar vide order No.1434-37, dated 21-12-2020.

2- The allegations leveled against him were that he while posted at Traffic HQrs Peshawar was proceeded against departmentally for allegedly posting some derogatory remarks against the government and some high level office bearers of the government on social media /face book which is a irresponsible attitude being members of the Police force.


3- He was issued proper Charge Sheet and Summary of Allegations by CTO Peshawar and DSP/Cantt Traffic Peshawar was appointed as enquiry officer to scrutinize the conduct of the official. The enquiry officer in his findings held him guilty of posting the derogatory remarks. The competent authority after perusal of the findings of the enquiry officer issued him Final Show Cause Notice to which his reply was also found unsatisfactory and hence awarded the above minor punishment.

4- He was heard in person in O.R. and the relevant record along with his explanation perused. He was given ample opportunity to defend himself but he could not produce any plausible explanation. Therefore his appeal for setting aside the punishment awarded to him by Chief Traffic Officer Peshawar vide No.1434-37, dated 21-12-2020 is hereby rejected/ filed.

  
(ABBAS AHSAN) PSP  
CAPITAL CITY POLICE OFFICER,  
PESHAWAR

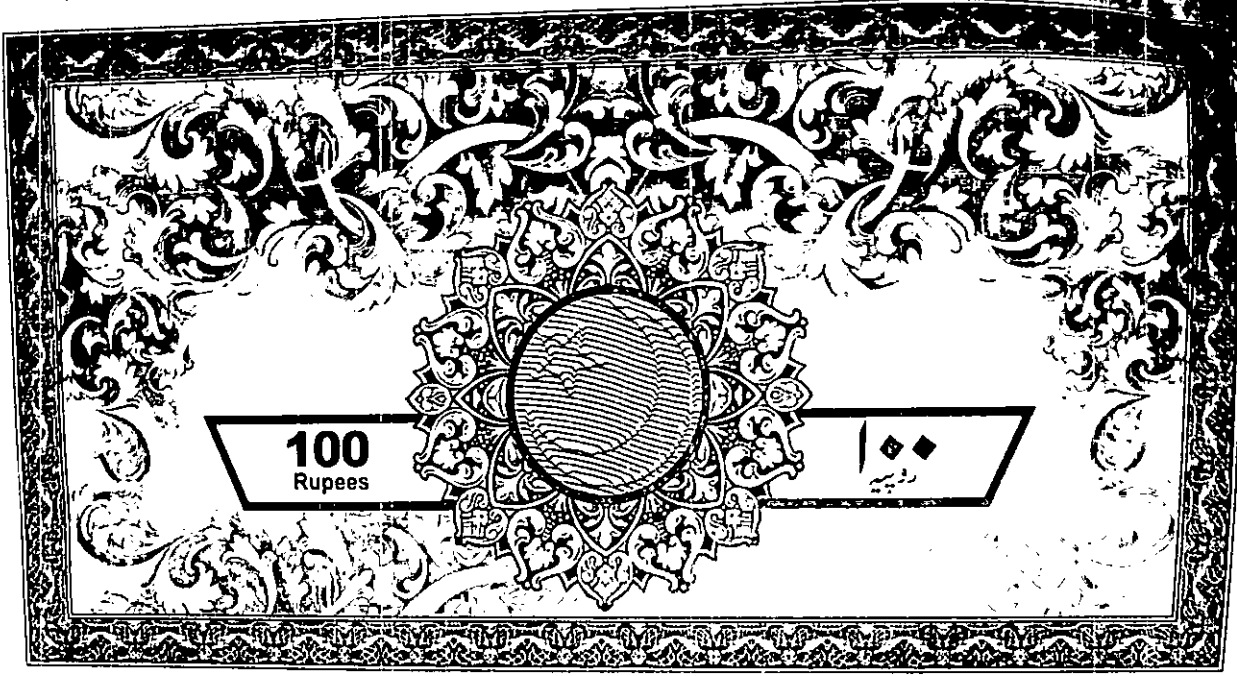
No. 295-300 /PA dated Peshawar the 02-02 - 2021

Copies for information and n/a to the:-

1. Chief Traffic Officer Peshawar.
  2. SP/HQRs Traffic Peshawar
  3. OS/ PA/Accountant Traffic Peshawar.
  4. Official concerned.
- 

F083773

19



## بیان حلفی

منکہ مسی سیف اللہ ولد گل شید خان ساکن نئی داؤد زئی پشاور کا ہوں۔ حلقاً بیان کرتا ہوں کہ من حالف کا بھائی مسی انور شید خان ولد گل شید خان محکمہ ٹریفک پولیس پشاور میں بحیثیت T.O ڈیوٹی سرانجام دے رہا ہے۔ مورخہ 03/08/2020 کو دوپہر کے قریب وقت میں، بھائی مذکور کا ذاتی موبائل والدہ کے کمرے میں سولر چارجر پر چارجنگ پر پڑا تھا اور بھائی گھر سے باہر سودا سلف خریدنے کی غرض سے گیا ہوا تھا۔ اسی اثناء میں میں نے بھائی مذکور کا موبائل اٹھایا، ان کی فیس بک آئی ڈی الموسومہ انور خان کے نام سے موسوم ہے سے ایک پوسٹ برخلاف لوڈ شیدنگ، چلائی تھی اور ایک عدد کنٹ کسی دوسرے شخص کے شیئر کردہ پوسٹ پر کیا تھا۔ بھائی مذکور کو اس کی نسبت کسی قسم کا علم نہ تھا اور لوڈ شیدنگ و کنٹ دونوں من حالف نے بذات خود کئے تھے۔ اس معاملے سے من حالف نے بھائی مذکور کو مطلع نہ کیا تھا۔ بعد ازاں بھائی کو معلوم ہوا تو انہوں نے من حالف کی سرزنش کی اور من حالف سے ناراض ہو گئے کہ تم نے میرا موبائل بغیر اجازت کے کیوں استعمال کیا ہے۔ یہی میرا بیان ہے، بیان بالا میں ہر فورم پر دینے کو تیار ہوں۔

درج بالا مراتب من حالف کے علم و یقین کے مطابق درست ہیں اور کوئی امر مخفی نہ رکھا گیا۔ المرقوم: 12 اکتوبر 2020

پوسٹ و کنٹ لف ہیں۔

سیف اللہ ولد گل شید خان

شناختی کارڈ نمبر 5-17301-0955880







14-12-21

22-02-22

**BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA**

**PESHAWAR**

**Service Appeal No. 2566/2021**

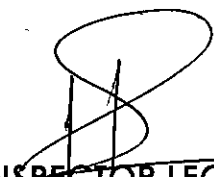
Anwar Shed Khan ..... (Appellant)

VERSUS

Chief Traffic Officer and others ..... (Respondents)

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3.	Annexure	4-9

  
(INSPECTOR LEGAL)  
City Traffic Police,  
Peshawar

**BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA**

**PESHAWAR**

**Service Appeal No. 2566/2021**

Anwar Shed Khan ..... (Appellant)

VERSUS

Chief Traffic Officer and others ..... (Respondents)

**COMMENTS BY RESPONDENTS NO. 1 & 2**

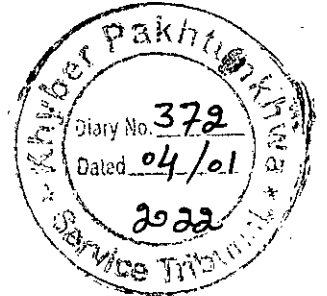
**RESPECTFULLY SHEWETH:**

**PRELIMINARY OBJECTIONS.**

1. That the appeal is badly barred by law & limitation.
2. That the appeal is bad for miss-joinder and non-joinder of necessary parties.
3. That the appellant has not come to this Hon'able Tribunal with clean hands.
4. That the appellant has no cause of action and locus standi to file the appeal.
5. That the appellant is stopped by his own conduct to file the instant appeal.
6. That the appellant has concealed the material facts from this Honorable Tribunal.

**FACTS:**

1. Pertains to record, hence needs no comments.
2. Incorrect, perusing the course of service, the performance of the appellant was not upto mark (bad entries, enquiries & punishments are annexed as "A").
3. Incorrect, appellant failed to satisfy the Enquiry Officer with his reply.
4. Incorrect, appellant failed to satisfy the competent authority with his reply.
5. Incorrect, appellant failed to come-up with proper reply to prove his innocence.
6. After completion of all codal formalities, he was awarded major punishment of forfeiture of two years.
7. Incorrect, departmental appeal was rejected after due consideration by the appellant authority.
8. That the service appeal of the appellant is not maintainable on the following grounds.



**GROUND:**

- A. Incorrect, the order dated 21.12.2020 was passed in accordance with the law/rules and based on facts and justice.
- B. Incorrect, the appellant was treated in accordance with law & rules.
- C. Incorrect, the orders of the respondents are based on facts, justice and in accordance with law/rules.
- D. Incorrect, and for the appellant to prove.
- E. Incorrect, proper charge sheet with summary of allegations was issued to the appellant and was also heard in person (annexure attached).
- F. Incorrect, proper charge sheet with summary of allegations was issued to the appellant and was also heard in person.
- G. Incorrect, proper opportunity of personal hearing was provided to the appellant.
- H. Respondents may be allowed to raise additional grounds at the time of hearing of appeal.

**PRAYER:**

It is therefore, most humbly prayed in the light of the above facts and submission the appeal of appellant may kindly be dismissed with heavy cost.

  
CAPITAL CITY POLICE OFFICER,  
PESHAWAR

  
CHIEF TRAFFIC OFFICER,  
PESHAWAR

**BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA**

**PESHAWAR**

**Service Appeal No. 2566/2021**

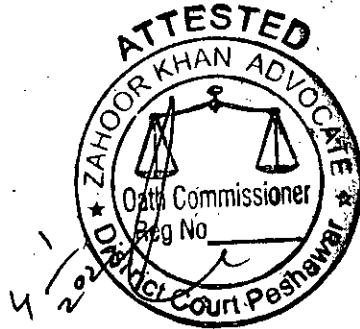
Anwar Shed Khan..... (Appellant)

VERSUS

The Provincial Police Officer and others ..... (Respondents)

**AFFIDAVIT**

We respondents 1 and 2 do hereby solemnly affirm and declare that the contents of the written reply are true and correct to the best of our knowledge and belief and nothing has been concealed/kept secret from this honorable tribunal.



  
CAPITAL CITY POLICE OFFICER,  
PESHAWAR

  
CHIEF TRAFFIC OFFICER,  
PESHAWAR

A

**ORDER**

HC/TO Anwar Shed Khan No.177 was proceeded against for illegally managing to get Benazir Income Support Program (BISP) card on his CNIC in the name of his spouse by concealing his identity as government servant. He has been illegally paid up since long which not only caused great loss to the national exchequer but also deprived the deserving people from the government initiative taken for the needy and poor people. As per the government criteria devised for the beneficiaries of BISP, no government servant or his spouse is eligible to be benefited from the program.

He was therefore, issued show cause notice to explain his position in written. He stated in his written reply that survey was conducted in his village but he is unaware of receiving any amount from the program. He further said that it was the inefficiency of survey team and he has no fault if my family received the amount.

His written reply as well as verbal explanation was found unsatisfactory. Therefore, he is awarded minor punishment of stoppage of one annual increment with cumulative effect under the Khyber Pakhtunkhwa Police Rules 1975 with immediate effect. The amount actually received by his spouse will also be deducted from his monthly salary in equal installments.

Order announced.

( WASEEM AHMAD KHALIL )  
Chief Traffic Officer,  
Peshawar.

- No. 407 - 12 /PA, Dated Peshawar the 04/05/2020.  
Copies for necessary action to :-  
The Capital City Police Officer, Peshawar for information please.
- SP/Hqrs. Traffic, Peshawar.
  - EC
  - Accountant
  - OSI
  - SRC (along-with relevant papers consisting of pages)

( WASEEM AHMAD KHALIL )  
Chief Traffic Officer,  
Peshawar.

**ORDER**

This is an order on the departmental enquiry initiated against HC/TO Anwar Shed No.177 for allegedly posting some derogatory remarks against the government and some high level office bearers of the government on social media/face book which is a highly irresponsible attitude being a member of the police force. He was charge sheeted and DSP/Cantt. Traffic was nominated as Enquiry Officer to conduct formal departmental proceedings under the Khyber Pakhtunkhwa Police Rules 1975 and submit his finding.

He submitted his reply to the charge sheet stating therein that he had not posted the remarks on social media but his brother had misused his cell phone and criticized the government for unprecedented load shedding in their area. During the enquiry proceedings, he also produced an affidavit stating on oath that he has not posted the remarks. The Enquiry Officer however, in his findings held him responsible for posting the derogatory remarks as he failed to prove his innocence. The E.O therefore, recommended him for suitable punishment. He was issued Final Show Cause Notice but his written reply was also found not convincing, therefore, called for personal hearing.

( Today on 17.12.2020, he was heard in OR but his verbal explanation was again not satisfactory. Keeping in view recommendations of the Enquiry Officer, HC/TO Anwar Shed No.177 is awarded minor punishment of forfeiture of two years approved service under the Khyber Pakhtunkhwa Police Rules 1975 with immediate effect. )

Order announced.

  
(**ABBAS MAJEED KHAN MARWAT**) PSP  
CHIEF TRAFFIC OFFICER,  
PESHAWAR.

No. 1434-37 /PA, Dated Peshawar the 21/12 /2020.  
Copies for necessary action to the:-

1. SP/Hqrs. Traffic, Peshawar.
2. Accountant
3. OSI
- ✓ 4. SRC (along-with complete enquiry file consisting of 22- pages)

O.B No. 731

Date. 21/12/2020

2020

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23

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← Search



Anwar Khan

خدمت خلق عین عبادت ہے۔

Message

Lives in Peshawar, Pakistan

From Peshawar, Pakistan

Single.

See Anwar's About info







1/2020

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25

7/24

94%

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6 comments

Like

Comment

Anwar Khan  
1 d ·

دا متھرے گلونہ  
1 d ·



Inam Khan Patwar Payan and 2 others

1.6K Views

Like

Comment

Share

Anwar Khan is with Kashi Jani.  
1 d ·

Eid ul Azha MUBARAK TO All friends...

2020

IMG-20200804-WA0008.jpg

41 & 📶

🔋 96%

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facebook



پیسکو کے اعلیٰ حکام کیساتھ  
ساتھ ڈپٹی سپیکر کے بھی بہت  
مشکور ہیں...

Muhammad Jahangir Afridi and 28 others · 15 comments

Like Comment Share

**Anwar Khan**  
Rora zama pa khyal deputy saib pa bijlay  
mara kai..hahaha ao load kho pa tola dunya  
ke we che 24 ganatay bijli chalu we alta kho  
hr zai ke Ac lagedly we alta kho load moad  
na we da da dwe siasi khalko dramy we.ya  
bewaqofa ye

Write a comment... 📷 😊

**Fahad Umer Afridi**  
16 · 🌐





**OFFICE OF THE  
CAPITAL CITY POLICE OFFICER,  
PESHAWAR**


**ORDER.**

This order will dispose of the departmental appeal preferred by IIC/TO Anwar Shed Khan No. 177 who was awarded the minor punishment of "stoppage of one annual increment with cumulative effect" under PR-1975 by Chief Traffic Officer Peshawar vide order No.407-12/PA, dated 04-05-2020.

2- Shorts facts leading to the instant appeal are that the appellant while posted at Traffic Unit Peshawar was issued Show Cause Notice containing the charge that his spouse has unlawfully and illegally received financial aid from Benazir Income Support program.

3- He was issued Show Cause Notice on the above allegations by Chief Traffic Officer Peshawar to which he replied but the same was found unsatisfactory, hence was awarded the above minor punishment.

4- He was heard in person in O.R and the relevant record along with his explanation perused. During personal hearing the appellant pleaded that the amount received by him under BISP by his spouse has already been deposited on 10-08-2020 at the National Bank of Pakistan. Therefore, his appeal for setting the punishment awarded to him by Chief Traffic Officer Peshawar is hereby accepted. The punishment order of Chief Traffic Officer Peshawar issued vide order No.407-12/PA, dated 04.05.2022 is hereby converted into "CENSURE" and the increment is restored.

1696  
4-6-2022  
  
(MUHAMMAD IJAZ KHAN) PSP  
CAPITAL CITY POLICE OFFICER,  
PESHAWAR

No. 1725-29 /PA

dated Peshawar the 09/06/2022

Copies for information and necessary action to the :-

1. CTO-Peshawar w/r to his office letter No. 1823/EC, dated 01.06.2022.
2. DSP HQrs: Traffic.
3. Accountant & OASI Traffic.
4. Official Copy