27th Sept 2022

Learned counsel for the appellant present.

Learned counsel for the appellant seeks time to prepare the case. To come up for preliminary hearing on 25.10.2022 before S.B at camp court D.I.Khan.

(Kalim Arshad Khan)
Chairman
Camp Court D.I.Khan

25.10.2022 Appellant present through ¢ounsel.

Preliminary arguments heard. Record perused.

Points raised need consideration. Instant appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notice be issued to respondents for submission of written reply/comments. To come up for written reply/comments on 23.11.2022 before S.B at Camp Court, D.I.Khan.

(Rozina Rehman) Member (J) Camp Court, D.I.Khan 22.11.2021

Nemo for the appellant. Notice for prosecution of the appeal be issued to the appellant as well as his counsel and to come up for preliminary hearing before the S.B on 24.01.2022 at Camp Court D.I.Khan.

> (Salah-Ud-Din) Member (J) Camp Court D.I.Khan

Tour to camp coord D-1-Khan
has been Careelled to Come of For
the serve as kelfore on 30/6/2012

Rouds

30th June 2022

Counsel for the appellant present.

Learned counsel for the appellant seeks time to prepare the case. Granted. To come up for preliminary hearing on 23.08.2022 before S.B at camp court D.I.Khan.

(Kalim Arshad Khan) Chairman Camp Court D.I.Khan

23/8/22

Due to summer rocution to come of For the same on 27/9/22

Form- A

FORM OF ORDER SHEET

Court of_	•		
	02.01		•
e No	7418	/2021	

	Case No	/ 5 / 2021
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	4 2.	3
1-	26/08/2021	The appeal of Mr. Arif Mehmood today by Mr. Muhammad Anwar Awan Advocate may be entered in the institution Register and put up to the
	, , , , , , , , , , , , , , , , , , ,	Worthy Chairman for proper order please.
	·	REGISTRAR
2-		This case is entrusted to S. Bench at Peshawar. Notice be issued to
	`	appellant/counsel for preliminary hearing to be put up there on-
-		
		CHAIRMAN
	; ;	
	20.10.2021	None for the appellant present.
	•	Notices be issued to the appellant and his counsel. Adjourned.
	,* T	o come up for preliminary hearing before the S.B on 22.12.2021.
į		(MIAN MUHAMMAD) MEMBER (E)

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Case Title: MARIF Mehmood VS. Govt of KP

	the me of the follow is gove of he		
5#	CONTENTS	YES	NO
1	This Appeal has been presented by: M. Anwax Awan As		
2	Whether Counsel/Appellant/Respondent/Deponent have signed		
	the requisite documents?		
3	Whether appeal is within time?	V	
4	Whether the enactment under which the appeal is filed		
	mentioned?		
5	Whether the enactment under which the appeal is filed is correct?		
6	Whether affidavit is appended?		
7	Whether affidavit is duly attested by competent Oath		m
	Commissioner?		
8	Whether appeal/annexures are properly paged?		
9	Whether certificate regarding filing any earlier appeal on the	. –	
10	subject, furnished?		
10	Whether annexures are legible?		
11	Whether annexures are attested?		
12	Whether copies of annexures are readable/clear?		
13	Whether copy of appeal is delivered to AG/DAG?		
14	Whether Power of Attorney of the Counsel engaged is attested	, _	
1.	and signed by petitioner/appellant/respondents?		
15	Whether numbers of referred cases given are correct?	V S	W.
16	Whether appeal contains cutting/overwriting?	س	1
17	Whether list of books has been provided at the end of the appeal?	ر ا	
18	Whether case relate to this court?		
19	Whether requisite number of spare copies attached?		2
20	Whether complete spare copy is filed in separate file cover?	1/2	
21	Whether addresses of parties given are complete?		フ
22	Whether index filed?		
	Whether index is correct?	<u></u>	
24	Whether Security and Process Fee deposited? On		~
25	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules		
43	1974 Rule 11, notice along with copy of appeal and annexures has		
 	been sent to respondents? On		
26	Whether copies of comments/reply/rejoinder submitted? On		
	Whether copies of comments/reply/rejoinder provided to		
27	opposite party? On		
			1

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name:

Signature:

M. Anway Awan ASC Arway 20/8/2024

Dated:

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

CAMP D.I.KHAN.
Appeal no. 7.3.16 of 2021.

Arif Mehmood

VS

Govt; of KPK and others

INDEX

No.	Particulars	Annexure	Pages
1	Writ		1-4
2	Copy Of Orders.	A	5-6
3	Copy Of Statement.	В	7-10
4	Copy of Inquiry Report.	C	11
5	Copy of Order Dated; 15-04-2020.	D	12
6	Copy of Order.	E	13-15
7	Copy of Revision.	F	16
8	Copy of Order.	G ø	17
9	SPACE.	•	
Po	Wakalat Nama.	н	18

Your Humble Petitioners

Through Counsel

Muhammad Anwar Awan

Advocate Supreme Court

Dated; 25-08-2021.

TEFORE THE KPK SERVICE TRIBUNAL PESHAWAR CAMP D.I.KHAN.

Appeal no..... of 2021.

Arif Mehmood ASI (1181) Police Station Parova, R/O Basti Ustrana Shumali D.I.Khan.

VERSUS

- 1 Provincial Police Officer (PPO) Khyber Pakhtunkhwa Peshawar.
- 2 Inspector General of Police Peshawar.
- 3 Regional Police Officer/DIG Dera Ismail Khan.
- 4 District Police Officer Dera Ismail Khan.

APPEAL UNDER SECTION 4 OF SERVICE TRIBUNAL ACT, 1974 AGAINST STOPPAGE OF TWO YEARS INCREMENTS WITH CUMULATIVE EFFECT VIDE ORDER DATED 17-07-2020.

Pungu

Respectfully Sheweth

The facts leading rise to present writ petition in brief are: -

- That the appellant was serving as ASI in Police Station Parova in 2020 when charge sheet letter No 3017 and Disciplinary Action letter No 3017 dated 13-04-2020 was received on allegation that appellant along with others involved in getting illegal gratification from persons for entrance into the center. Copies of Orders are Annexure A.
- 2. That the appellant recorded his statement and there after inquiry Officer submitted his report. The Respondent No.4 after departmental proceedings awarded major punishment

to Appellant of dismissal from service vide order dated; 15-04-2020. Copy of statements, Inquiry report and order Dated; 15-04-2020 are Annexure B, C and D.

- That feeling aggrieved from the above said action of respondent No. 4, the appellant filed departmental Appeal before Respondent No.3. The respondent No.3 vide order Dated; 17-07-2020, partially accepted the Appeal, set aside the punishment of dismissal from service and converted into stoppage of two-year increment with cumulative effect. Copy of Order is Annexure E.
- 4. Feeling aggrieved from order of respondent No.3, the Appellant filed departmental Revision before respondent No.2. The meeting of the Appellate Board was held on 1-07-2021 where the Petitioner appeared and put his stance before the Appellate Board. The Board vide order Dated; 30-07-2021 rejected the petition. Copy of Revision and Order are Annexure F and G.
- 5. That feeling aggrieved from above said action appellant is constrained to approaches this honorable court on the following amongst other:-

GROUNDS;

- Jurisdiction besides being discriminatory and harsh. The so-called Inquiry proceeding have been virtually conducted at the back of Appellant, neither providing him any opportunity to cross examination to witnesses. No final Show cause notice was issued/served upon Appellant thus rendering the entire proceeding is against Law, rules and natural Justice.
- 2. That during Inquiry no allegation of illegal gratification or providing any protection to other police officials for getting illegal gratification is proved. The Inquiry report consists of any presumptions and conception. No evidence of taking illegal gratification is on file nor any witness charged the Appellant for taking gratification for him.
- 3. It is evident from the record that Appellant is not involved in any type of illegal Act of getting illegal gratification but for awarded stoppage of Two- year increment with cumulative effect which is totally against the Law and rules.

In wake of above submissions, it is respectfully prayed that on acceptance of instant appeal, the Hon'ble Court may graciously be pleased to declare the impugned office order dated; 17-07-2020 to the extent of converting the punishment into stoppage of two year increment with cumulative effect as illegal, void, without jurisdiction and without any lawful authority.

Your Humble Petitioners.

Arif Mehmood.

THROUGH COUNSEL

Dated; 25-08-2021.

Muhammad Anwar Awan Advocate Supreme Court.

www.ab

Certificate:-

It is certified that no service appeal is filed against impugned order nor any appeal is decided.

DEPONANT

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR CAMP D.I.KHAN.

Appeal no..... of 2021.

Arif Mehmood

VS

Govt; of KPK and others

AFFIDAVIT

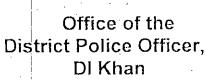
Arif Mehmood, do hereby solemnly affirm and declare on OATH that the contents of the same are true and correct to the best of my knowledge and belief and that nothing has been concealed from this honorable court.

Deponent.

Janvan Ad

OSMISSIONE





Dated 13/04/2020



CHARGE SHEET.

I, CAPT ® WAHID MEHMOOD, DISTRICT POLICE OFFICER, DIKHAN, as competent authority under Khyber Palritunkhwa Police Rules (amendments 2014) 1975, am of the opinion that you ASI Arif Mahmood, 1181 have rendered yourselves liable to be proceeded against, as you have committed the following act/omissions within the meaning of Rule 3 of the Police Rules 1975.

That you while posted at GHSS Ramak as Incharge for the protection of beneficiaries of BISP amount holders. During distribution of said amount you involved your self with FC Muhammad Rafiq No.142 to getting illegal gratification from the following persons for entrance into the center.

S#	Dated	Persons Name	Amount received	Cause of amount received
1.	09.04.2020	Munir	1000	Spare 1 person to enter in the center
2.	10.04.2020	· Jahangir	2000	Spare 04-persons to enter in the
3.	11.04.2020	Qamar	1500	Spare 02-persons to enter in the center
4.	12.04.2020	Qumar	2500	Spare 05 persons to enter in the center

This act on your parts amounts to gross misconduct and lack of interest in official duty on your part, which is punishable under the rules. .

- 2. By reasons of the above, you appear to be guilty of misconduct under Rule 3 of the Rules ibid and have rendered yourself liable to all or any of the penalties specified in the Rule 4 of the Rules ibid.
- 3. You are, therefore, required to submit your written statement within 07days of the receipt of this Charge Sheet to the enquiry officer.

Your written defense if any should reach the Enquiry Officer within the specified period, failing which it shall be presumed that you have no defense to put in and ex-parte action shall be taken against you.

A statement of allegation is enclosed.

DISTRICT POLICE OFFICER,

1/2/

M. Andrar Awan Adverate Supreme Count Dukhan



Office of the District Police Officer, DIKhan

Dated/8 /04/2020

DISCIPLINARY ACTION

CAPT ® WAHID MEHMOOD, DISTRICT POLICE OFFICER, DIKHAN as competent authority, am of the opinion that you ASI Arif Mahmood, 1181 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

That you while posted at GHSS Ramak as Incharge for the protection of beneficiaries of BISP amount holders. During distribution of said amount you involved your self with FC Muhammad Rafiq No.142 to getting illegal gratification from the following persons for entrance into the center.

s#	Dated	Persons Name	Amount received	Cause of amount received
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7.	11.04.2020	Qamar	1500	Spare 02-persons to enter in the center
8.	12.04.2020	Qamar	2500	Spare 05-persons to enter in the center

This act on your parts amounts to gross misconduct and lack of interest in official duty on your part, which is punishable under the rules.

2. For the purpose of scrutinizing the conduct of said accused with reference to the above allegations the Mr. Iftikhar Ali Shah DSP/Paroa: DIKhan 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,

DIKHAN

No. 30/8-19/EC, dated 13/04/2020.

Copy of above to:

<u>DSP/Paroa:</u> The Enquiry Officer for initiating proceedings against the accused under the provisions of Police Rule-1975.

The <u>Accused officer:</u> with the directions to appear before the Enquiry Officer, on the date, time and place fixed by him, for the purpose of enquiry proceedings.

32 16 A41

M. Anwar Awan Advocate Supreme Court D.I.Khan

6-ナー 10/16 ASIS 20/4/11/01/ on while cing It is the work of 530/30 (18) 20/32 ASI 030/2000 (3550) WILL からけんかんかんりゃんりゃんりゃんりゃんいっという ENDENDONDENDE LA LA COMINA JUSCON CONTROLLING COME CONTROLLING CONTRO oswal gre Chilled Chi Color Color of the Col 03901110811112 Signification Color of the Asi Color Septimber 1986. widther the service of the service o UNINDER VIEW 3/42 BENDER 126 V. 11. 632 100 03479310492, Affrond Promo Prova

بهان افران فني الله مان عُفِ فيم والرجمة الله عال من الكالي مو ي مرف لي الله قرى شردان كوسكر وفي كالنائية ماس برداح كورست والأسكل مراست عَلَا تُوصِان بِ قَدْ لَولَ كُنْتُ مِ بِالْحِرَانِيْلِ فَيْرِفِينَ) بِهِ مِلْقَى بُولِ خيري ساعة سوا قبل ازي مه لولي سير كانبل بذوره مالاكر مس ندكرا كرمي سد و فري بينة دارور مين آئ مول يول مرماني كرك أندو سكول كراند داخل كرود فركا فشرا مذكره مالات كما. كم جال بنا الحاج أما خريد اس مات كراني. رسي ف أ كوكها كرجاوس عاوت تمود فيها عد شركرنا بولا توس فياعاف تمود كياس دلائياً ارأ كوكل كرسرة دوقرى رئتردرورس أفأيل. انعد كول كے اندرافل كروہ تو آتى كار جاو كھے رہے رہا اے ليرس وَ لَا كُلُولُ اللَّهِ الْكُلُولُ اللَّهُ الْكُلُولُ اللَّهُ اللَّ ار قرون کا شرم مع دونوں رسته داروں کو سکول کا مدرافل کردیا۔ معرف معدم 4° /12/ توصل دوراره 5 مورثون حركه سي معرف في في من رار دار دار دار الدون الدور المعرف الدوران الدور در المرابع الرومان ركاب الرومان والمرابع والمراب أس ما ننو كول ك المردافل كريا الرسي كحدر العرج وجاعات 15 3 2 2500 / - Light de of wife 2 2 100 تونارف هود کها کردار س اکوکها ترد و رقع آگردال كرك كا للكن أن الم يقرق والم ما وي المرك وي عن المراج على المراج ع موانام من ليا مي - فقر عربي الله الله كورم وال كوول ما بال سوالها ورست بعد الد عليهم Whenter Anwar Awar

Advocate Supreme Court

سال اذان السيط العاملات على عواه عسرافت بان کا که کل مدم ۱۵/۵۱ کو من ۱۸۶ حسر منول لت ساس برندام ملک و لول رمردودی که شفاست مومول کول كركورانسك لمائى كول مردانه مكت برولول رموجود عمال عاد وكالمركل المراضوة م 142 مر دركر العلكاران ترول معرفتي ممكر الول ها دافل روسيمين، وإس كات رور من الله الكول ومك المجا تروجاں رکانے اور میں اللہ عارف فرد کونوام اللہ کے کیا ۔ اور معارف فرد کونوام اللہ کی کے کیا ۔ معارف فرد کونوام اللہ کی اندازی اللہ عالی اللہ کا اسلامی اللہ کا اللہ عالی اللہ کا اللہ لَيْكُي جوهر ومُمدُورِين بالا في مكم طور برلاعلي كا مطاحره كيا . اور لوَّوْلِ معرقع لینم ادر مول میں رافل کے سے انساری بوٹے کوئے من على ويم رمك س كنت رحاك ، كراطساع ملى كرم عرصات مرد سرور اصل کاران گورانست جانی کول سردام رمک آئے جرس ملی موض سی ا توصال بر بیمره کسانو کارگ فيري المرحود كي مس كار في المين المي النفويم طريق كية. موالصفت معين ال K. July July ISHO Krova. 14.4.2020.

M. Anyar Awent Advocate Supreme Court

if which a 9th with the city 3 (2) 20 5 100 mily my 2000 800 1050620 (Women , Usy) com 21 eg shi revisit 11/1 (1) 1/2/2 con 25, 2 ml. 37 il disingulation wild diet; J. 25.36 シントサール・シング a granding of the control of with the fire of one Collis ic i was a policy 2, 41,362 2006 2006 21 41ml 1613144016

ASI عارف محمود پر الزام ہے کہ بدوران ڈیوٹی اس نے گورنمنٹ ہائیر سینڈری سکول رمک پر BISP کے تحت رقم نگاوانے والے لوگوں کو پیسے لے کراندرسنٹر میں داخل کرایا اور کنسٹبل محدر فیق 142 ہے میلخ/3900 روپے اپنا حصہ وصول کیا جس پر جناب DPO صاحب ڈیرہ نے چارج شیٹ نمبر 3916-3017 جاری کرتے ہوئے من DSP کوائکوائری آفیسر مقرر کیا۔

1۔ کنسٹبل محدر فیق نمبر 142 کوطلب کیا جا کر بیانی ہوا کہ میں GHSS رمک میں BISP کے پیپوں کی تقسیم کے دوران مندرجہ ذیل لوگوں سے پیپے لئے ہیں مندرجہ ذیل پیپول میں سے 3500 میں نے خودر کھے اور 3900/ روپے میں نے اکارف کود ہے۔

		general section of the section of th	•	
پیے لینے کی وجہ	حتنے بیسے لئے	نام جس ہے پیے لئے	تاریخ	نمبرشار
ایک بندے کو گیٹ سے اندر داخل کیا۔	1000/-	منير	09.04.2020	1
چار بندوں کو گیٹ ہے اندر داخل کیا۔	2000/-	جہانگیر	10.04.2020	2
توبت+ دوبندول کو گیٹ سے اندر داخل کیا۔	1500/-	تر	. 11.04.2020	3
پانچ بندوں کو گیٹ کے اندر داخل کیا۔	2500/-	تر.	12.04.2020	4

2۔ عارف محمود کوطلب کیا جاکر بیان قامسند کیا جس نے رقم لینے کے حوالے سے صاف انکار کیا جسکا بیان لف انکوائر ک ہے۔

3۔ مزید حقائق جانے کے لئے ISHO پروآ انعام اللہ خان کا بیان لیا جا کرلف انگوائر کی کیا گیا۔

4۔ فتح اللّٰہ غان عرف قمر ولدرحت اله خان قوم لسكاني بلوچ سكنه رمك كے بيانات لئے جاكرلف انكوائري قابل ملاحظة ہے۔

عاليجاه!

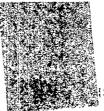
اں فعل ہے نہ صرف محکمہ الیاس کر بدنا ی ہوئی بلکہ عوام میں پولیس کا مورال بھی شاہدین ہوا۔ ASi نکورہ کے اس غیر قانونی اورغیرا حلاقی خوال کو کوبل مواخذ کر دوست و مسلم پیشمنے دیے جانے کی سفارش کی جاتی ہے!

(افقار علی شاه) DSP پروا سرکل

Awar Awari and Suprome Com. MON

H81 13 4 20





RICT POLICE OFFICER, DERA ISMAIL KHAN

Tel: (0966) 9280052 Fax (0966) 9280293

Dated. 65/0 4 /2020

ORDER

This order will dispose of departmental proceedings conducted against ASI Arif Mahmood No.1181 of this district Police, under the Khyber Pakhtunkhwa, Police Rules, 1975 (amendment 2014).

That he while posted at GHSS Ramak as Incharge for the protection of beneficiaries of BISP amount holders. During distribution of said amount he involved himself with FC Muhammad Rafiq No.142 to getting illegal gratification from the following persons for entrance into the center:

	2. 3.	11.04.2020	Persons Name Munir Jahangir Qamar Qamar	1000 2000	
ļ	4.	12.04.2020	Gamer	A TANK	A Committee of the Comm

He was served with charge sheet/statement of allegations. An enquiry was conducted into the matter through Mr. Iffikhar Ali Shah DSP/Paroa: DIKhan, under Police Rules-1975 ammended-2014. The Enquiry Officer submitted his finding report in which stated that defaulter AS! Art. Mahmood, 1181 is found guilty of the charges levelled against him. Enquity Officer further recommended that he may kindly be awarded Major Punishment.

Keeping in view of finding and recommendations of the Enquiry Officer, the undersigned came to the conclusion that the charge levelled against the accused official has been established beyond any shadow of doubt.

Therefore, in exercise of powers conferred upon me under the ibic rules I, Capt. ® Wahid Mehmood, District Police Officer, DI Khan, award him Major Punishment of Dismissal from Police Service, with immediate effect.

OB No. 9481

Dated: 16-14-2020

Capt: ® WAHID MEHMOOD, PSP District Police Officer, Who Derartsmail, Khan

No. 37.30 JEC,

For information:

Copy of above is submitted to Worthy Regional Police Office

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er was well south and the 2020 18:1 13000 achteritarpa for her 752 amp 16) William at new mothy am After

'Anwar Awan Advocate Supreme Court **D.I.Khan**

Capt: ® WAHID MEHMOOD, PSP District Police Officer,

Dera Ismail Khan



Office of the DECID Likhen

1**7**/07/2020

No. 74445

ORDER

is aimed to dispose of the departmental appeal This order Ex-ASI Mohammad Arif No. 1181 of District Police DIKhan against the major punishment order ep. dismissal from service by DPO DIKhan vide OB No. 948 dated 16.04.2020.

the 🗆 🥦

Facts of the case are that, he while posted at GHSS Ramak D.I.Khan as Incharge for the protection of beneficiaries of BISP amount holders, he alongwith constable Rafiq No. 442 was involved in getting illegal gratification by permitting them entrance into the center.

He was served with charge sheet and enquiry into the matter was conducted by Mr. Hijkhar Ali Shah, DSP Parova, D.I.Khan who submitted his findings report and stated that the defaulter ASI is found guilty of taking illegal gratification and recommended him for major programment, DPO D.I.Khan in light of recommendation of Enquiry Officer, passed the order dated 16 04.2020.

He preferred an appeal to the undersigned on 08.05.2020 against the order of DPO DIKhan passed on 16.04.2020. His appeal was sent to DPO DIKhan for comments and to provide his service record vide this office memo: No. 2159/ES dated 07.05.2020. DPO DIKhan vide his office memo: No. 3532/EC dated 08.05.2020 has provided his service record and fornished the comments on the subject appeal.

t. YASEEN FAROOQ, Regional Pólice Officer, Dera Ismail Khan perused the file of are appellant thoroughly as well as heard him in person in Orderly Room dated 15.07.2020. The aliegations upon him that he while posted as Incharge GHSS Ramak, D.I.Khan, it was his duty to regulate and protect the ladies who came from far flung areas being beneficiaries of BISP to occive their money from the government. ASI Mohammad Arif No. 1181, deputed constable Rafic on the entry gate who took illegal gratification to the amount of 7000 rupees on four precisions and allowed 12 ladies to enter the premises out of turn. Although, the charge of sixing illegal gratification deserves the most stringent punishment but keeping in view the small amount of Rs.7000/- the awarding of the punishment of dismissal from service seems to be π is a barsh. Keeping in view the length of his service and seniority, the punishment of awarding dismissal from service is set aside and converted into stoppage of TWO YEARS INCREMENT with cumulative effect. The intervening period is treated as leave without pay.

CROSS ANNOUNCED

(YASEEN FARODO

REGIONAL POLICE CHICER Dera Ismail Khan

Ma. 292,66 allachee Doc/2 Copy of above is sent to the DPO DIKhan with reference to his office EC dated 08.05.2020.

DT - 22-07-2020 (YASEEN FARDOC)

REGIONAL POLICE OFFICER DERA ISMAIL KHAN

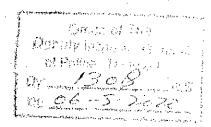
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M. Anwar Awan Advocate Supreme Court p.t.Knan

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The Worthy Deputy Inspector General of Police / RPO Dera Ismail Khan Range, Dera Ismail Khan.



Jubject:

Appeal Against Order Passed Over OB No. 9481 Dated:16.04.2020 By DPO/D.I.Khan.

Reverend Sir.

Respectfully, the petitioner / appellant states as under,

That the appellant, serving the department in the rank of Assistant Sub Inspector has well over 20 years of unblemished service to his credit, earning good will and praise from his superiors for his hard work and devotion. The appellant has always served the department with due diligence, dedication and to the utter satisfaction of his superiors thus earning commendations and rewards.

During the entire stretch of his service the conduct of appellant remained unblomished. Service record of the appellant is second to none and no adverse inference was ever drawn by the superiors since nothing of the sort was ever conveyed to the appellant.

That to the dismay of appellant, white posted at PS Paroa, he has been awarded major punishment of Dismissal from Service through order dated 16.4.2020 passed by DPO/D.L.Khan yet in sheer derogation of the law, rules and norms of natural justice and thereby causing miscarriage of justice to the appellant. Copy of order is placed at Mark-A.

That in consequence of above stated situation the appellant prefers the present appeal on the following grounds,

Grounds:-

- That the order of DPO/ D.I.Khan, impugned hereby is not only against the facts, the law & rules but militates against the principles of justice, equity and good order of public service.
- That the allegations contained in the Charge Sheet dated 13.4.2020 culminating into award of the punishment was based on misconception of true facts besides being utterly wrong, incorrect and misconceived on legal as well factual premises.
- c. That the appellant has been virtually condemned unheard and subjected to a major punishment of the kind "Dismissal from Service" without being provided with an appropriate opportunity to defend his cause beyond any encumbrance, thus calling for interference by your good office to undo the injustice.
- That the impugned order is apparently based on misconception and misconstruing of facts besides law, rules and principle of natural justice thus is liable to be set-aside. There is nothing on records to prove any complicity on part of the appellant in either dishonestly receiving any gratification or amount from public or being in any manner involved in act as alleged. The err in drawing conclusion ought not be made basis by the authority i.e. DPO D. I. Khan for award of punishment.

M. Anwar Awan
Advocate Supreme Court
D.I.Khan

- That the so called inquiry proceedings have been virtually conducted at the back of the appellant, neither providing him any opportunity to confront evidence nor a fair trial. Besides, no opportunity of Personal Hearing was allowed to the appellant nor any Final Show Cause Notice was issued / served upon him thus rendering the entire proceedings violative of the law, Rules and natural justice and thereby liable to be set-aside.
- f. That the appellant has not only rendered service to the cause of department over a good stretch of twenty years but a large family to feed. The Punishing Authority deprived the appellant and his family of their due earning while ignoring these aspects blatantly by inflicting most harsh punishment of Dismissal from Service as against the principle of natural justice.
- That your good office has ample powers to set-aside the impugned order of DPO / <u>.</u>, D.I.Khan in terms of law, rules and precedents.

Tuyeri-

In view of the above made submissions, it is very earnestly requested that on gracious acceptance of the instant petition, the impugned order of DPO / D.I.Khan passed on 16.4.2020 vide OB No.9481 may kindly be set-aside in the interest of justice. The appellant also solicits an opportunity for personal audience.

Dated. 3/5/2020/-

Your most obedient servant.

(Arif Mehmood)

EX-ASI No.1181/D.L.E.han

Presently,

Basti Ustrana Shumali, Dera Ismail Khan.

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For Comments & to provide complete farvice documents of the applellant within of days
to proceed further into the
matter.

M. Anwar Awan Advocate Supreme Couri

D.I.Khan

. حارث بناب شان والا انسبكير جنزل آف بوليس، خيبر بختونخو اه بښاور ♥ درخواست بمراد: بحالى سالانددوانكريمنٹ وعرصه برخاسكى ئىنخواه

جناب عالى!

سائل حسب ذیل عرض رساں ہے۔

کے یہ کہ سائل مور ند 10.06. 1999 کو گلمہ پولیس میں بطور کنسٹیبل بھرتی ہوا۔سال2006 میں لوئراورسال 2009 میں انٹر میڈیٹ کورسز امتیازی حیثیت سے پاس کر کے تا حال اپنی ڈیوٹی نہایت جانفشانی اور دیا نتداری کے ساتھ ڈیوٹی انجام دیتے ہوئے ASI نٹر قیاب ہوا ہے۔

کے سیکہ ن سائل کے بخوالد آرڈرنمبر 46/ES مورخہ 17.07 2020 جناب ریجنل پولیس صاحب نے کہ سائل کوسروس پر بحال فرماتے ہوئے سائل کی سالانہ 02ائکر بینٹ سٹاپ کردیے اور درمیانی عرصہ لیو بلاتنخواہ فرمایا۔

ہے کہ من سائل کی محکمہ پولیس میں 21/22 سروس میں اپنی ڈیوٹی نہایت جان فشانی اور دلیری سے خد مات انجام دیئے جن میں کئی مجر مان اشتہاری کی گرفتاری اور کافی تعداد میں اسلحہ اور منشیات کی برآ مدگی شامل ہے۔

سال 2008 میں بحوالہ مقدمہ نمبر 23 مورخہ 19.01.2008 جرم 7ATA تھانہ کینٹ میں خود کش جس کا نام اعتز از شاہ تھااور نہ کورہ سابقہ پرائم منسٹر بے نظیر قبل کیس کا اہم مجرم تھا کوخود کش جیکٹ سمیت اپنی جان پر کھیل کر گرفتار کیا جس پرسائل کو آفسران بالا کی طرف سے اعلیٰ گار کر دگی کے طور پر -/10,000 روپے نقداور سٹر فیکیٹ سے نوازا گیا۔ اس طرح جب سائل DFC بنیالہ تعینات تھا تو گئی اہم مفروران کو گرفتار کرایا جس پروہ سائل کے جانی دشمن بن گئے اور سائل کو ٹارگٹ کرتے ہوئے دوران ڈیوٹی زخمی کردیا جو سائل کا فی عرصہ ویل چیئر اور لاٹھی کے سہارے چاتار ہا

عاليجاه!

سائل نے اپنی ڈیوٹی میں آفسران بالا اورعوام الناس کو بھی شکایت کاموقع نہیں دیا ہے۔ اپنی ڈیوٹی نہایت ایمانداری ، لگن اور جانفشانی سے انجام دی ہے اورافسران بالا کی طرف شاباشی ، انعام وکرام شیفلیٹ سے بھی نواز گیا ہوں۔

ستدعا

لہذابذر بعددرخواست استدعاہے کہ سائل کے سابقہ ریکارڈ وطویل ملازمت پولیس وخد مات کو مدنظر رکھتے ہوئے سائل کی حالت پررخم فرماتے ہوئے متذکرہ بالا سالانہ 102 نکر یمنٹ بحال فرمائے جاویں اور عرصہ برخاشگی کی تخواہ بحال رنے کا حکم صا در فرمائیں۔

آ کی عین ماتحت پروری ہوگی۔

العارش

ASI عارف محود، متعینه پولیس لائن ضلع ڈیرہ اساعیل خان شناختی کارڈرنمبرد-0984678-12101 موبائل نمبر 03479310492



PESHAWAR.

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by ASI AriT Mehmood No. 1181. The petitioner was dismissed from service by District Police Officer, D.I.Khan vide OB No. 948, dated 16.04.2020 on the allegations that he while posted at GHSS Ramak DIKhan as Incharge for the protection of beneficiaries of BISP amount holders, he alongwith Constable Rafiq No. 142 was involved in getting illegal gratification from the following persons for entrance into the center:-

S#	Dated	Persons Name	Amount received	Cause of amount received
1.	9.4.2020	Munir	1000	Spare 1 person to enter in the center.
2.	10.4.2020	<u>Jahangir</u>	2000	Spare 4 persons to enter in the center.
4.	11.4.2020	Qamar	1500	Spare 2 persons to enter in the center.
16,7	12.4.2020	Qamar	2500	Spare 5 persons to enter in the center.

The Appellate Authority i.e. Regional Police Officer, D.I.Khan re-instated him in service and converted his dismissal from service into atoppage of two years increment with cumulative effect and intervening period was treated as leave without pay vide order No. 2845-46/ES, dated 17.07.2020.

Meeting of the Appellate Board was held on 01.07.2021, wherein the petitioner was present and heard in detail.

Petitioner failed to advance any plausible explanation in rebuttal of the charges. Since he has already been granted relief by Regional Police Officer, D.I.Khan. Therefore, the Board decided that his petition is hereby rejected.

Sd/-

Kaşhif alam, psp

Additional Inspector General of Police,

HQrs: Khyber Pakhtunkhwa, Peshawar,

No. S/ 3212-18 121dt 30/7/02/

Copy of the above is forwarded to the:

- 1. Regional Police Officer, D.I.Khan.
- 2. District Police Officer, D.I.Khan. One Service Roll, one Service Book and one Fauji Missal of the above named appellant received vide your office Memo: No. 965/EC, dated 23.02.2021 and No. 1361/EC, dated 23.02.2021 is returned herewith for your office record.
- 3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar,
- 4: AlG/Legal, Khyber Pakhtunkhwa, Peshawar.
- 5. PA to Addi: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
- 6. PA to DIG/HQrs: Khyber Pakhfunkhwa, Peshawar.
- Office Supdt: E-III, CPO Poshawar.
- Officer concerned.

puty Inspector General of Police, HQrs: For Inspector General of Police,

Khyber Pakhtunkhwa, Peshawar.

VAKALATNAMA

BEFORE THE COURT OF KPK Scrvice Tribunal Peshawar Camp

D. S. Khan

Azif Mehmood VERSUS Gout of KPK cte

Appealant

MUHAMMAD ANWAR AWAN ADVOCATE SUPREME COURT,

in the above Captioned Cases to all or any of the following Acts Deeds & Things.

- To Appear, Act & Plead for Me/Us in the above mentioned cases in this Court/Tribunal in which the same may be tried or heard or any other proceedings out of our connected therewith.
- To Sign, Verify, File OR Withdraw all proceedings, Petitions, Appeals, Affidavits, Applications for Compromise OR Withdrawals OR for the Submission of Arbitration of the said case OR any other Documents may be Deemed Necessary ORAdvisable by them by the Conduct, Prosecution OR Defense of the above case at all its stages.
- ✓ To Receive Payments, Issue receipts for all moneys that may be OR become Due & Payable to us during the course on Conclusion of the Proceedings.
- To do all other Acts & Things, Which may be Deemed NecessaryORAdvisable during the course of Proceedings.

AND HEREBY AGREE:

- > To Ratify Whatever Advocates may do the Proceedings.
- > Not to Hold the Advantages Responsibilities if the said case be proceed Ex-parte OR Dismissed in Default in Consequence of their Absence from the Court when it is called for Hearing.
- That the Advocates shall be entitled to withdraw from the Prosecution of the said case if the Whole or any part of the Agreed Fee Remain Un-Paid.
- That Advocates may be Permitted to argue any other point at the time of Arguments.

In Witness Whereof I/We have signed this Vakalatnama here under the Contents of which have been Read/Explained to Me/Us which is fully understood by Me/Us.

Dated:	
Accepted By:	Huran Lag
MUHAMMAD ANY	WAR AWAN

ADVOCATESUPREMECOURT 03339962231

Mob-- 03479310492

CNIC: -12101-0984678-3

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KHYBER PAKHTUNKHWA	SERVICE TRIBUNAL, PESHAWAI	ţ.
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 PESHAWAR. 73/8 T3 0/10 APPEAL No. 73/8 of 20 2/ No. Arif Mohmond Apellant/Petitioner Versus Poshmour Mohd Anway Auren Notice to Appellant/Petitioner... Supreme Court of Pallistan DIKEVIN Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal 1-1-2022 at 8:00 Am. You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default. Camp Court D/Khu Khyber Pakhtunkhwa Service Tribunal,

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KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR. JUDICIAL COMPLEX (OLD), KHYBER ROAD, PESHAWAR.

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Note:

Appeal No. 73 18 of 20 2;
Arif Nelman Appellant/Petitioner
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Notice to: _ Regional false affices (DIG) Dera Ismailkh
WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribuna *on
Notice of any alteration in the date fixed for hearing of this appeal petition will be given to you by registered post. You should inform the Registrar of any change it your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.
Copy of appeal is attached. Copy of appeal has already been sent to you write this
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Given under my hand and the seal of this Court, at Peshawar this
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The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holizays

Always quote Case No. While making any correspondence.

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KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESIIAWAR. JUDICIAL COMPLEX (OLD), KHYBER ROAD, PESHAWAR

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Versus /
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Respondent No. 4
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WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhw. Province Service Tribunal Act, 1974, has been presented/registered for consideration, it the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribuna *on2
Notice of any alteration in the date fixed for hearing of this appeal petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.
Copy of appeal is attached. Copy of appeal has already been sent to you vide this
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The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays. Always quote Case No. While making any correspondence.

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