Service Appeal No. 7360/2021

28.09.2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present and sought time for submission of reply/comments. Adjourned. To come up for submission of reply/comments on 26.10.2022 before the S.B at Camp Court D.I.Khan.

(Salah-Ud-Din)

Member (J) Camp Court D.I.Khan

26.10.2022

Appellant present in person.

Kabir Ullah Khattak, learned Additional Advocate General alongwith Khalil Khan S.I for respondents present.

Reply on behalf of respondents submitted. Copy of the same was handed over to appellant. To come up for rejoinder, if any, and arguments on 24.11.2022 before D.B at Camp Court, D.I Khan.

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

15.12.2021

Appellant present through counsel. Preliminary arguments heard. Record perused.

Points raised need consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee Thereafter, notices be issued to the within 10 days. respondents for submission of reply/comments. To come up for reply/comments on 21.02.2022 before S.B at Camp Court, D.I.Khan.

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

Due to refisernant of the Hon'ble chairman the case is adjoid to come up for the same as kepone 21222 on 30/6/2020

30th June 2022

Counsel for the appellant present. Mr. Farhaj Sikandar, District Attorney for respondents present.

Appellant Deposited

Due

Security and Process fee has not deposited. Learned ant Deposition a counsel for the appellant deposit the security and process fee today. Notice be issued to the respondents for submission of 1/22 written for reply/comments. То come up written reply/comments on 27.07.2022 before S.B at camp court D.I.Khan.

28/09/2022

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

Readw

27/07/2022

Form-A FORM OF ORDER SHEET

Court of

Case No.-

Date of order

2

S.No.

1

1-

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2021

Order or other proceedings with signature of judge

counsel for the date

proceedings 3 The appeal of Mr. Javed igbal resubmitted today by post by 01/09/2021 Mr. Muhammad Waqar Alam Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please. REGISTRAR CM This case is entrusted to S. Bench for preliminary hearing to be put up there on 25/10/21 Notices be issued to appellant

fined.

25.10.2021

Appellant in person present and seeks adjournment with the request for fixation of this appeal at Camp Court, D.I.Khan. Request is accorded. To come up for preliminary hearing on 15.12.2021 before S.B at camp court, D.I.Khan.

fairman

The appeal of Mr. Javed Iqbal Ex-Head constable D.I.Khan received today i.e. on 09.08.2021 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

Sec. Sec.

- 1- Appeal has not been flagged/marked with annexures marks.
- 2- Certificate be given to the effect that appellant has not been filed any service appeal earlier on the subject matter before this Tribunal.
- 3- Check List is not attached with the appeal.
- 4- One copy/set of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No.____/S.T.,

Dt. 11/08 /2021

REGISTRAR

SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR.

Mr. Muhammad Waqr Alam Adv. High Court D.I.Khan

CHECK LIST

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It is certified that formalities/documentation as required in column No.2 to 18 above, have been fulfilled

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FOR OFFICE USE ONLY

Case No_

Case received_

Complete in all respect (Yes/No)-(if No, the ground

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BEFORE THE HONOURABLE KHYBER PAKHTUNKHWASERVICE TRIBUNAL, CAMP COURT DERA

1. Series 5 10.

Service Appeal No.____/2021

JavedIqbal (Appellant)

VERSUS

Inspector General of Policeand others (Respondents)

SERVICE APPEAL

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Date: 07_/08/2021

Yours Humble Appellant

JavedIqbal

Through Counsel

Muhammad WaqarAlam Advocate High Court

<u>waqaralam1982@gmail.com</u> Mob#0333-995-0616

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWASERVICE TRIBUNAL, CAMP COURT DERA ISMAIL KHAN

Service Appeal No ____/2021

JavedIqbal son of GhulamQasim, Ex-Head Constable, r/o Kalapani, Tehsil PaharpurDera Ismail Khan.

VERSUS

1. Inspector General of Police (PPO) Khyber Pakhtunkhwa, Peshawar.

2. Regional Police Officer/DIG, Region Dera Ismail Khan.

3. District Police Officer, Dera Ismail Khan.

.....<u>Respondents.</u>

.....<u>Appellant</u>

APPEAL UNDER SECTION 4 OF THE KPK SERVICES TRIBUNAL ACT, 1974, AGAINST THE IMPUGNED ORDER#OB-2214 DATED 16/10/2020 ISSUED BY RESPONDENT NO. 3 WHEREBY APPELLANT WAS AWARDED MAJOR PENALITY OF "REDUCTION IN RANK TO CONSTABLE FROM HEAD CONSTABLE" AND AGAINST THE DECISIONSOVERTHE DEPARTMENTAL APPEALS OF THE APPELLANT BY THE RESPONDENT NO.1& 2 VIDE WHICH THE DEPARTMENTAL APPEALS OF THE APPELLANT WERE DISMISSED WITHOUT ANY REASONS & LAWFUL JUSTIFICATION.

<u>PRAYER</u>

On acceptance of this appeal, the impugned order#OB-2214 dated 16/10/2020 issued by respondent No. 3 as well as the impugned orders by the respondent No.1 & 2 may please bedeclared as against the settled law, service laws and regulations, hence, liable

to be set aside in the best interest of justice. Furthermore, the rank of the appellant may kindly be restored with all back benefits.

Respectfully Sheweth:-

The Appellant most respectfully submits as under:-

- 1. That the appellant was inducted in the Police Department Dera Ismail Khan as constable and performed his duties with honestly, zeal and zest and to the entire satisfaction of highups. Thereafter in view of the performance of the appellant, the appellant was promoted as Head Constable. In this respect the service record of the appellant is very much evident. Copies of service cards of the appellant are annexed as <u>Annexure-A & B</u>.
- 2. That the appellant was performing his duties in accordance with departmental policy but ironically one inquiry was initiated against the appellant by the respondent#3 in which the charge sheet was given to the appellant and thereafter the appellant replied the charge sheet before the inquiry officer. Copies of the charge report and its reply was not given to the appellant by the respondent#3. In this respect the application dated 04/08/2021 is enclosed herewith as ready reference as Annexure-C.
- 3. That thereafter the inquiry officer submitted his final report to the respondent#3 in which certain ambiguous findings were made, resultantly the appellant was awarded major penalty of "Reduction in rank to Constable from Head Constable" vide impugned order OB#2214 dated 16/10/2020 without any rhymes and reasons. Copies of final report and the impugned order dated 16/10/2020 are annexed as **Annexure-D & E**.

Ale.

4. That being aggrieved with the order dated 16/10/2020, the appellant preferred departmental а appeal to the respondent#2 being appellate authority which was unfortunately dismissed vide order OB-94 dated 15/01/2021. Similarly the appellant being aggrieved from the order dated 15/01/2021 again filed a departmental appeal/revision to the respondent#1. The respondent#1 called comments from the

respondent#2 which was duly submitted and thereafter the respondent#1 dismissed the revision petition under Rule 11-A of KPK Police Rules 1975 vide impugned order dated 12/07/2021. Copies of departmental appeal dated 23/10/2020, order dated 15/01/2021, revision petition dated 20/01/2021, comments and order dated 12/07/2021 are annexed as **Annexure-F, G, H, I & J**.

5. That feeling aggrieved by the impugned orders mentioned above, the instant appeal is being filed before this learned Tribunal under section 4 of the KPK Service Tribunal Act, 1974, inter alia on the following grounds:

GROUNDS

- A. That the act of respondents is illegal, unjustified and without jurisdiction, hence, liable to be set aside by this HonourableTribunal.
- B. That the respondent#3 has passed the impugned order on the whims and wishes of the inquiry officer which is self explanatory because the appellant has never been involved in any illegal activity for this reasons alone the respondent#3 is legally and morally bound to call a substantial evidence regarding relationship of appellant with the culprits. It is pertinent to mention here that no single complaint whatsoever had been made against the appellant by any citizen or effectee, hence, all the proceedings conducted against the appellant is based on mala-fide and without legal reasons.
- C. That the appellant was not given any opportunity of personal hearing rather condemned unheard during the inquiry proceedings and it is pertinent to mention here that the appellant has never been given chance to cross examine the so-called official witnesses by the inquiry officer, hence, the proceedings conducted against the appellant is totally alien to service as well as police rules. Hence, the impugned orders are liable to be set aside.

- D That the appellant always served the department with honestly and never indulged in any criminal activity as alleged against him in the inquiry report but the inquiry officer conducted a bogus inquiry without following codel formalities i.e. explanation, charge sheet, first show cause notice, final show cause notice which is mandatory under the law while passing the major penalty against any civil servant. In this respect the judgments of the superior courts are very much evident.
- E. That the Counsel for the appellant may kindly be allowed to raise further legal grounds during the course of arguments.

In wake of submission made above, it is humbly prayed that on acceptance of this appeal, the impugned order#OB-2214 dated 16/10/2020 issued by respondent No. 3 as well as the impugned orders by the respondent No.1 & 2 may please be declared as against the settled law, service laws and regulations, hence, liable to be set aside in the best interest of justice. Furthermore, the rank of the appellant may kindly be restored with all back benefits.

Date: 07/08/2021

Yours Humble Appellant

JavedIqbal

Through Counsel,

Muhammad WaqarAlam Advocate High Court 07/08/2021

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWASERVICE TRIBUNAL CAMP COURT DERA ISMAIL KHAN

Service Appeal No.____/2021

÷.

JavedIqbal (Appellant)

VERSUS

Inspector General of Policeand others (Respondents)

SERVICE APPEAL

<u>AFFIDAVIT</u>

I, **JavedIqbal** son of GhulamQasim, Ex-Head Constable, r/o Kalapani, Tehsil PaharpurDera Ismail Khan, do hereby solemnly affirm and declare on oath that contents of above Service Appeal are true & correct to the best of my knowledge and that nothing has been concealed from this Honourable Court.

Dated: <u>07</u>/08/2021

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DEPONENT

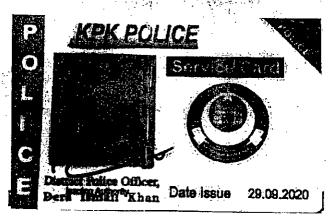


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Name: Javad Into Hight 5.9 Ghutam One F/Name: Ever: Black Designation: HCartan B/No2463-B/Group:A+ye Visible Maric Nil COMMANDO R.R.F Dvof Birth: 10/04/1981 - D. of Appointment: 15/02/2002 Add: Vilketa Pari Kil Mario Tahal Pahmir & Dist Dilkhan NIC: 12103-3088244-3 S/No:4382





hmer: B

KPK	POLICE	8.No.	9029	
Name: F/Name:	Javad kibal Giutam Cantin	Beits. Height	1084	
	Head Constable	B/Group		
D.O.Birth:	10:04:1881		10-2.42	
Address: C NIC# .	Kala Paul Tehali Pahar 12103-3198244-3	pux, initian		

Annexure ." C" -9-بخدمت جناب DPO صاحب شلى دُيره اساعيل خان

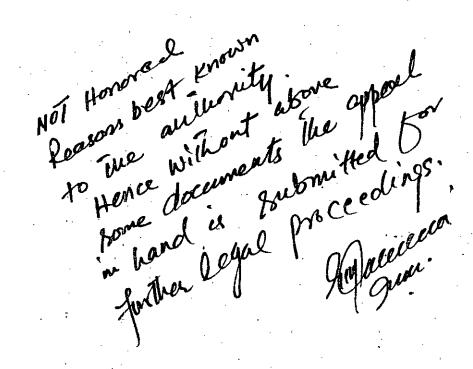
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<u>درخواست بمرادفراہم کیئے جانے مندرجہ ذیل نقولات مصدقہ برائے اپنل۔</u>

Adescolution Court Deraysmall Shan جناب عالى! نقل جارج شيث مصدقه نقل جواب جارج شيث مصدقه ٢. نقل DSP انكوائري خالد محمود مصدقه نقل بیانات انگوائر کConstable _1~ فأتنل ريورث انكوائرى مصدقه ۵_ نقل آرڈ ر DPO صاحب مورخہ 16/10/2020 _* ' اپل DIG صاحب مصدقه بمعدة رد رمور = 15/01/2021 -4 اپیل IGP صاحب بمعدآ رڈ رمور خد IGP /20/10 ۸ــ

مورند 08/2021/<u>4</u>0

جاويدا قبال ولدغلام قاسم --- كنستيل 1084 0313-9318536- رابطة نبر: - 0313-9318536



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محكمه يوليس منجانب ذين سيرننند نب آف يوليس آفيسر سركل كلاجي -بخدمت د سر ك يوليس أ فيسر د يره اساعيل خان-

2255 مورند 14/10/2020

عنوان: - فائنل رپورٹ تحکمانہ انکوائر کی برخلاف جاوید نمبر 1084/HC متعینہ چیک پوسٹ ہتھا لہ تھانہ کلاچی ضلع ڈیرہ اساعیل خان -

جناب عالى! معروض موں كه چارج شيف وسمرى آف التهليكيش نمبر EC / 2000 - 900 5 مورخه 22/08/2020 بغرض كاردائى موصول موتى _ جس ميں من DSP كلا چى كواكلوائرى آفيسر مقرر كيا كيا ملاحظه موكر پايا كيا كه جاويد نمبر 1084/HC پر الزام ب كەتم متصاله چيك پوسٹ پر بدوران تعيناتى آپ كاسمگروں سے ساتھ درابطه به اس وجہ سے چارج شيٹ اور سمرى آف التهليكيش جارى كى گئى كه اس كا يغل تخت خلاف ڈسپلن بے اور قواعد كى خلاف ورزى ہے۔ اندر يں سلسله با قاعدہ الكوائرى عمل ميں لائى گئى الزائم عليہ كوبذ ريعة من طلب كيا كيا جس كاتر برى جواب چارج شيٹ پر سرى ان روانى كيا جولف الكوائرى ہے جس ميں موقف خلام كيا كي كہ محمد چار ماہ سے بطور انچارج متحمد الہ چيك تعينات موں ميراكى كيا جولف الكوائرى ہے جس ميں موقف خلام كيا كيا كہ عرصہ چار ماہ سے بطور انچارج متحمد الہ چيك تعينات ہوں ميراكى

کساتھ کوئی تعلق واسط نہ ہے احسن طریقے ۔ ڈیوٹی سرانجام دے دہا ہوں آئندہ بھی مختاط رہونگا۔ الزام علیہ چیک پوسٹ متھالہ پر جب سے لگایا گیا ہے افسران کو دھو کہ دے دہا ہے جو دقتا فو قتا سمگلروں سے رات کو گاڑیاں گزارتا رہا ہے یہ بات میں افسران بالا کوٹس میں لاکر انفاد مرام خبر مقرر کیا جو کہ اطلاع دیتا اور گا ڈیاں آ پکڑی جاتی تھیں اس کے علاوہ پیاز وآلو، سیب اور لکڑی کی گا ڈیوں سے بھی نمبر لیتا ہے متعدد بار چیک پوسٹ تھا نہ پر چا کر ہاتھ بائد ھرکر منت کی گئی افسران کو تھا ری ہر چوری گاڑی کا علم ہو جاتا ہے لیکن منع نہیں ہوا۔ ایک بار جناب چا کر ہاتھ بائد ھرکر منت کی گئی افسران کو تھا ری ہر چوری گاڑی کا علم ہو جاتا ہے لیکن منع نہیں ہوا۔ ایک بار جناب مال کی باتھ میں اس کے علاوہ پیاز وآلو، سیب اور لکڑی کی گاڈیوں سے بھی نمبر لیتا ہے متعدد بار چیک پوسٹ تھا نہ پر جا کر ہاتھ بائد ھرکر منت کی گئی افسران کو تھا ری ہر چوری گاڑی کا علم ہو جاتا ہے لیکن منع نہیں ہوا۔ ایک بار جناب مال کی پاتھ بائد ھرکر منت کی گئی افسران کو تھا رہ سیب اور لکڑی کا علم ہو جاتا ہے لیکن منع نہیں ہوا۔ ایک بار جناب مال کی باتھ بائد ہو کہ من ہوں جاتا ہے کہ پوسٹ متھالہ کے ساتھ لگانے پر کوار ٹر گارڈ میں بھی ڈالا واپس آ کر مختاط ہو ای لیکن اعتادی نہیں ہوا ہی کافی دنوں سے کوئی معلومات گاڑی چھوڑ نے کی نہیں مل کی ہا س کے علاوہ انفار مرتخر بھی بتلار ہا ہے کہ بیا بھی سی کافی دنوں سے کوئی معلومات گاڑی چھوڑ رہا ہے۔ سیر کیو کی گئی انکوائری سے قسور وار

WARKALAM

خالدمحمودخان DSP با مركل ديره اساعيل خان 14/10/2020

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> Adio Alexandri Alexandri Dorallamaii Khan

BETTER COPY

OFFICE OF THE DISTRICT POLICE OFFICER DERA ISMAIL KHAN.

> Tel: (0966) 9280062 Fax: (0966) 9280293

No. 6409/EC

Dated. 16/10/2020

ORDER

This order will dispose of departmenal proceedings conducted against haid constable javed No.1084, of this district police under the khebrpakhtunkhwa police roles 1975 (amendment 2014).

It has been probed through secret that while he posted at CP hathala PS colachi be invoived himself with link of smugglers and poses smugling goods Vehicles bay taking illigal gratification, this Act on his part amounts to gross misconduct and lack of interest in his official outhes which ifs punishable under the rules.

He was served with charge sheet/statment of allegations an enquiry was conducted in to the matter theoghMr.<u>KhalidMehmood khan SDPO/kulachi circle</u>DIKhan under police rules -1975 ammended-2014 the enquiry officer submitted this fainding report in which he stated that the above named head constable his found guility of the charges levelled against him.

Therefore in exercse of powers conferred upen me under the rules! Capt: Wahid Mehmood District police officer DIKhan award him Major punishment of reduction in rank from <u>head constable</u> to the rank of <u>constable</u> with immediate effect.

OB No. 2214

Dated. 16/10/2020.

Capt: WAHID MEHMOOD, PSP District police officer Dera ismail khan.



OFFICE OF THE DISTRICT POLICE CFFICER DERA ISMAIL KHAN

Tel: (0956) 9280052 Fax (0956) 9280293

No. 6403.20

Dated. 16 10 2020

ORDER

This otder will dispose of departmental proceedings conducted against Head Constable Javed No.1084, of this district Police Under the Knytter Pawntunkitwa, Police Rules, 1975 (amendment 2014)

It has been probed through secret, that while he posted at CD Hathau 5. Kulachr he involved property with tinks of smugglers and passes smugging goods/vehicles by taking idegal gratifications. This act childres which is pureshable under the rules.

He was served with charge sheet/statement of allegations. An enquiry was conducted into the matter through Mr. <u>Khalid Metimood</u> <u>Khan SDPO/Kulachi Circle DiKnan under Police Rules-1975</u> ammended-2014 The Engury Crice Submitted his finding report in the stated that the above named Head Constable is found guilty of

Therefore in exercise of powers conferred upon me under the ford Lines - Capit & Wahid Mehmood Distail Power Of per Di Kinen award hom Most of Pulliphent of reduction in rank from <u>Meed Constable</u> to the rank of <u>Constable</u> with promotiant effect

08 No. 2214 Dated 16/10/2020.

Capt & WAH:D'MEHMOOD, PSP

Annexuve_F" -14_ عزت ماب جناب ريجنل يوليس افسر ڈير ہ اساعيل خان ابیل برخلاف حکم نمبر 6409/EC مورخه 16/10/2020 جو که DPO صاحب ڈیرہ اساعیل خان نے اونی نمبر 2214 میں جاری کیا ہے۔ سائل درخواست گزار حسب زیل عرض کرتا ہے 1- پیرکہ سائل محکمہ پولیس میں بطور کانشیبل بھرتی ہوااور بعدازاں ترقی کرتے ہوئے حوالدار کے رینک پر پہنچا۔ بیرکہ سائل کی تمام سروں غیر داغدارتھی اورسائل نے اپنے افسران بالہ ہے عزت اورشہرت پائی ۔ میہ کہ ساکن نے اپنی تمام سروس میں ہمیشہ ایما نداری دمحنت سے اداکی اور ا پنی اسی شیلی بخش کارکردگی کی وجہ ہے اپنے افسران بالہ ہے مختلف انعامات حاصل کئے ہیں۔ 2- سائل کی پوری سروس میں سائل کا کردار ہمیشہ صاف تھرار ہا ہے سروئں ریکارڈ سائل کے کردار کا غمازی ہے اور نہ ہی تبھی افسران بالہ نے ا سکے متفاد کوئی بات کی ہے(اخذ کی ہے) 3- پیر که بقمتی ہے مورخہ 16/10/2020 کو جناب DPO صاحب ڈیرہ اساعیل خان نے سزادیتے ہوئے سائل کی تنزلی کرتے ہوئے اور کانشیبل بنادیا جو که قانون ،رولز اورانصاف کے تقاضوں کے منافی ہے 4- بیر که وجوهات باله کی روشن میں سائل ان دلائل کے ساتھا پیل کرر ہا ہے۔ elit anna elit A- بیرکته م زیرا پل DPO صاحب ند صرف قانون کے خلاف ہے بلکہ رولز کے بھی خلاف ہے اورانصاف کے شہری اصولوں ،مسادات اور سروں ریکارڈ کے بھی خلاف اور منافی ہے۔ B- بیر که الزمات جو که چارج شیٹ کئے ہیں جن تے تحت سائل کو سخت سے شخت سزادی گئی ہے وہ تمام غلط نہی ، حقائق سے ل^{اعل}م ہونے کی بناء C- بیرکہ سائل کو شنوائی کا موقعہ نہ دیا گیا ہے اور سائل کو تخت سزاد بیتے ہوئے عہدے میں تنزلی کی گئی ہے اور سائل کو دفاع کا موقعہ میں دیا۔ پن پر جاری کئے گئے ہیں جناب سے حکم متعرضہ میں مداخلت کی درخواست ہے۔ D-بیر کہ متعرضہ (یعنی جناب DPO صاحب والہ) واضع طور پر غلط ہی، حقائق کو پر کھنے میں نا کام ہونے کی وجہ ہے ہوا ہے جس میں فانون،ردلزادرانصاف کے تقاضوں کومدنظر ہیں رکھا گیا جو کہ بدیں دجہ قابل منسوخی ہے اسی طری فائل پرموجود نہ ہی تو کوئی مواد برخلاف سائل موجود ہےاور نہ ہی الزامات کی نسبت کوئی تفصیل دی گئی ہے ماسوائے زبانی الزامات کے۔ E-بیر که سرزادیتے وقت جنابDPO صاحب نے جلد بازی کا مظاہرہ کیاہے جو کہ قانون اورانصاف کے اصولوں کی صریحہ خلاف درزی ہے F- یہ کہ سائل نہ صرف ایک طویل عرصے تک محکمہ کی خدمت کی ہے بلکہ سائل ایک بڑے خاندان کالفیل بھی ہے (لیعنی پال رہا ہے) جو کہ سزا دینے دالی اتھارٹی نے سائل اور سائل کے خاندان کواسی زرایعہ معاش سے محروم کردیا ہے اور بری طرح سے مذکورہ پہلو کونظرا نداز کیا ہے G-بیرکه جناب دالہ کو جنا بDPO صاحب کے حکم کومنسوخ کرنے کے دسیع آختیارات حاصل ہیں جو کہ بسطابق قانون رولزاورنظیرات حاصل ہے

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OFF!ØE OF DPO D.I.KHAN DY	1994 - Aline Angelerie († 1994) 1997 - Aline Angelerie († 1994) 1997 - Aline Angelerie († 1994)	DERA IS	MAIL KHAN GION
DT20 THO:/ES	Dated:	DIKhan	the

This order is aimed to dispose of the department appeal of <u>Head</u> <u>ConstbaleJaved No. 1084 (Now Constable)</u>of district Police D.I.Khan against the major punishment order i.e reduction to rank from HC to Constable by DPO D.I.Khan vide OB No 2214 dated 10.10.2020 on the score of lowing allegations.

Facts of the case are that it has been probed through secret, he while posted at Chcek Post Hathala P/S Kulachi, he involved himself with links of smugglers and passing smuggling goods/ vehicles by taking illegal gratifications.

He was issued charged sheet and proper department proceeding were initiated against him. Enquiry into the matter was conducted by <u>Mr. Khalid</u> <u>Mehmood, DSP Kulachi Circle D.I.Khan</u> who submitted his finding reports that in which he stated that the above named Head Constable is found guilty of the charge leveled against him. Hence, DPO D.I.Khan has passed the order dated 16.10.2020.

He preferredonappeal to the undersigned on 12.11.2020 against the order of DPO D.I.Khan. His appeal was sent to DPO D.I.Khan for comments and to provide his service record vide this office Endst: 9973/ES dated 16.11.2020 DPO D.I.Khan vide his office merrio: No 6991/EC dated 25.11.2020 has furnished the comments on the subject appeal.

The undersigned perused the file of the appellant thoroughly as well as heard him in person in Orderly room dated: 06.01.2021. As per findings report of Inquiry Officer and also confirmed from E.O for his involvement by taking illegal gratification from smugglers.

Therefore, I, **YASEEN FAROOQ**, Regional Police Officer, Dera Ismail Khan, in exercise of the powers conferred upon me under Rule-11(4)(a) of Police Rules 1975 amended 2014, uphold the major punishment of reduction in rank from Head Constable to Constable awarded by DPO D.I.Khan and his appeal is hereby rejected being meritless.

YASEEN FAROOQ (PSP) REGIONAL POLICE OFFICER DERA ISMAIL KHAN

NO:

Copy of above is sent to the DPO D.I.Khan alongwith service records w.r.t his office memo: No. 6991/EC dated: 25.11.2020.

/ES

(YASEEN FAROOQ) PSP REGIONAL POLICE OFFICER

Annexure H" - 17-عزت ماب جناب انسپکٹر جنرل آف پولیس صوبہ خیبر پختنو خوہ ايل برخلاف علم نمبر 244 مورد 13/01/2021 جوكه RPO صاحب ورد العاعيل خان اونی تمبر 94 مورخه 15/01/2021 میں جاری کیا۔ ساکل درخواست گز ارحسب زیل عرض کرتا ہے۔ ہیر کہ سائل تحکمہ پولیس میں بطور کنٹیل بھرتی ہوا اور بعدازاں ترقی کرتے ہوئے حولدار کے رینک پر پہنچا۔ لیر کنسائل کی تما مسروں دغیر ارتھی اور سائل نے اپنے افسران بالا سے عزت اور شہرت پائی۔ سیر کہ سائل نے اپنی تمام سروس میں ہمیشہ ایمانڈاری دمحنت سے اداکی اور اپنی سلی بخش کارکردگی کی وجہ سے اپنے افسران بالا سے مختلف انعامات حاصل کتے ہیں سائل کی بوری سروس میں سائل کا کردار کاہمیشہ صاف شخرا رہا ہے سروس ریکارڈ سائل کے کردار کا غمازی کرتا ہے اور نہ ہی تھی افسران نے اسکے متضاد کوئی بات کی ہے (اخل^ا کی ہے) یہ کی بذشتی سے مورجہ 0/2020 16/1 کوتکم نمبر DPOجنابOP صاحب ڈیرہ اساعیل نے بحوالہ OB نمبر 2214 سزا ج ہوئے سائل کو تنزلی کرنے ہوئے لوٹر کانٹیبل بنادیا جو کہ قانون ،رولز اور انصاف کے نقاضوں کے منافی ہے۔ یہ کہ وجو ہات بالا کی روشن میں سائل کے ساتھ اپیل کرر ہاہے ہیر کہ تکم زیرا بیل DPO صاحب نڈ صرف قانون کے خلاف ہے بلکہ رولز کے بھی خلاف ہے اور انصاف کے تنہری اصولوں ،مساوات اور س ریکارڈ کے بھی خلاف اور منافی کے ہیر کہ الزمات جو چارج شیٹ کئے گئے ہیں جن کے تحت سائل کو سخت سے سخت سزادی گئی ہے وہ تمام غلط نہی حقائق سے لاعلم ہونے کے بنا پر ى كئے گئے ہیں ہیر کہ سائل کوشنوائی کا موقع نہ دیا گیا ہے اور سائل کو تخت سزا دیتے ہوئے عہدہ میں تنزلی کی گئی ہے اور سائل کو دفاع کا موقعہ نہیں دیا گیا ہے ، جناب ہے حکم متعز ضہ میں مداخلت کی درخواست ہے بيركة مستعز ضه يعنى DPO صاحب والداً رژرنمبر 4609/EC مورخه 16/10/2020 او بي نمبر 2214 واضع طور برغلط نبى حقائق كو کھنے میں ناگام ہونے کی وجہ سے ہوا کہے جس میں قانون رولزا درانصاف کے تقاضوں کو مدنظر ہیں رکھا گیا جو کہ بدیں دجہ قابل منسوخی ہے رح فائل پرموجود نہ ہی تو کوئی مواد برخلاف سائل موجود ہے اور نہ ہی الزامات کی نسبت کوئی تفصیل دی گئی ہے ماسوائے زبانی الزامات کے۔ ی ہیں مزادیتے دفت جناب DPO صاحب نے جلد بازی کا مظاہرہ کیا ہے جو کہ قانون اورانصاف کے اصولوں کی صربحہ خلاف ورز ی ۔ بیرکد سائل نہ صرف ایک طویل عرصہ تک محکمہ کی خدمت کی ہے بلکہ سائل ایک بڑے خاندان کا کیفیل بھی ہے جوسز ادینی والی اتھار ٹی نے ۔ ل اور سائل کے خاندان کواسی زریعہ معاش ہے محرد م کردیا ہے اور بری طرح سے مذکورہ پہلو کونظرا نداز کیا ہے

8. G- بیركمن سائل فے جناب DPO صاحب تي تظم فظاف RPO صاب ڈیرہ كوا پال كی تھی جومور دیہ (2021 آ 3/0 is. .H. جناب والدکو DPO صاحب و RPO صاحب کے علم کومنسوخ کرنے کے وسیع آختیارات حاصل ہیں جو بمطابق قانوا ادرنظريات حاصل تين ترام معروضات کی روشی میں جناب سے التماس ہے کہ اپیل ندکورہ کو منظور کرتے ہوئے تھم جناب DPO صاحب مور خص 16/10/2020 اوني نمبر 2214 و RPO صاحب ارد رنمبر 244 مورف 13/01/2021 اوني نمبر 94 مورجه 15/01/2021 كومنسوخ وكالعدم فرمايا جاد --سائل كنسيل جاويدا قبال بيك نمبر 1084 متعائن بوليس لائن دريره اساعيل خان رابط نبر | 0313-9318536=0345-9829597 avel youl 20-1-2021 A Belly Dere

Annexine I



OFFICE OF THE REGIONAL POLICE OFFICER DERA ISMAIL KHAN REGION

No. 1399	/ES, Dated	DI Khan the		2-4
То	, The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar		:	

REVISION PETITION

Subject Memo:

Kindly refer to your office letter No.5/641/21, dated 25.02.2021.

The Para-wise comments on the revision petition of FC Javed Iqbal No.1084 of District Police DI Khan duly forwarded by DPO D.I.Khan vide his office letter No.1225/EC dated 12.03.2021 is submitted as under:

- 1. Correct to the extent that the applicant was enlisted as a Constable on 16.02.2002 and subsequently promoted to the Head Constable, while the remaining portion of the Para is incorrect.
- 2. That the service record of appellant reveals many good as well as bad entries.
- 3. It was secretly reported that the delinquent FC was indulged in taking bribe for omitting to take against smuggling of goods by smuggler, while being posted at Hathala check Post.
- 4. A proper charge sheet alongwith statement of allegations was served upon him and departmental enquiry was conducted by SDPO Kulachi who found him guilty of the charges leveled against him. Hence, he was awarded major punishment of reduction in rank from head Constable to Constable vide OB No.2214 dated 16.10.2020.

5. In view of above, the instant appeal is not maintainable on the following grounds:

Reply on grounds

A١

Incorrect. That the impugned order as well as the order of appellate authority was passed in accordance with law & rules and all the codal formality were observed.

- B) Incorrect. It has been probed through secret sources that he took illegal gratification for passing smuggled goods/vehicle in his jurisdiction.
- C) Incorrect. Ample opportunity of defence was provided to the appellant but he failed to give any plausible explanation in his defence.
- D) Incorrect. The mater was probed/scrutinized through SDPO Kulachi, who found him guilty on the charges leveled against him; hence the impugned order was passed in accordance with law.
- E) Incorrect. The order was passed after proper departmental inquiry and taking all the codal formalities which is not liable to be setaside.

As per record of DPO Office DI Khan, no such notice has been received from KP Service Tribunal.

6. He preferred an appeal to the undersigned on 12.11.2020 against the order of DPO DI Khan. The undersigned perused the file, heard the appellant thoroughly in person in orderly room on 06.01.2021. As per findings of the Inquiry Officer, he was found indulged in taking illegal gratification from smugglers. Hence, the punishment awarded to him was found justified and his appeal was rejected vide this office order No.244/ES,dated 13.01.2021.

Moreover, service records i.e Service Roll & Fuji Missal alongwith

copy of complete enquiry file are enclosed herewith for kind perusal and further proceedings, please.

REGIONAL POLICE OFFICER

his defence.

ጋገ ተጨከ INSPECTOR GENERAL OF POLICE 621 KHYBER PAKHTUNKHWA PESHAWAR. No. S/ 21, dated Peshawar the 1.1.07/2021.

<u>ORDER</u>

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by Constable Javed Iqbal No. 1084 (the then Head Constable). The petitioner was awarded penalty of reduction in rank from Head Constable to the rank of Constable by District Police Officer, D.I.Khan vide OB No. 2214, dated 16.10.2020, on the allegations that he while posted at check post Hathala Police Station Kulachi, was involved himself with links of smugglers and passes smuggling goods/vehicles by taking illegal gratification. His appeal was rejected by Regional Police Officer, D.I.Khan vide order No. 244-45/ES, dated 13.01.2021.

Meeting of Appellate Board was held on 22:06.2021 wherein petitioner was heard in person. During hearing-petitioner contended that he is innocent and the allegations against him are baseless.

The Board see no ground and reasons-for acceptance of his petition, therefore, the Board decided that his petition is hereby rejected.

No. 51 3053-59 121.

Sd/-KASHIF ALAM, PSP Additional inspector General of Police, HQrs: Khyber Pakhtunkhwa, Peshawar.

Copy of the above is forwarded to the:

- 1. Regional Police Officer, D.I.Khan. One Service Roll and one Fauji Missal alongwith copy of complete enquiry file of the above named FC received vide your office Memo: No.-1399/ES, dated 02.04.2021 is returned herewith for your office record.
- 2. District Police Officer, D.I.Khan.
- 3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
- 4. AIG/Legal, Khyber Pakhtunkhwa, Peshawara
- 5. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa; Peshawar.

CGIQMAL POLICE OF

- 6. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar,
- 7. Office Supdt: E-IV CPO Peshawar.

5AF 3165 1ESDPo D. J. Kran please inform Pathioner according Maseover one Schinice Rell one Fauj; Mitsal alongwith copy Complete enquiry File are herewith for your

(IRFAN) PSP AIG/Establishment, For inspector, Ceneral of Police, Khyber Pakhankhwa, Peshawar,

Dera

License # B.C (KPK) 1049-44 وكالت نا N.N.F.P. BIAR COUNC MMAD WAGAP ALAN figh Court 101-42835*** JakhTunkhawa Service Tobunal Verhawar llant bal -ru IGP & otheris دعوى ماجرم ervie تفصيل دعوي ماجرم باعث تحريراً نكر مقدمہ مندرجہ بالاعنوان میں اپنی طرف داسطے پیروی وجوابد ہی برائے پیشی یا تصفیہ مقدمہ بمقام محمد وقارعالم ايثه ووكيث مائي كورث کو صب ذیل شرائط پروکیل مقرر کی ہے، کہ ہر پیشی پرخود بذریعہ تختیار خاص روبر دعدالت حاضر ہوتا رہوں گا۔ادر ہر دقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاح د یکر حاضر عدالت کرول گا، اگرییشی پرمظمر حاضرند ہوا، ادرمقد مدمیری غیر حاضری کی دجہ ہے کسی طور پرمیرے برخلاف ہوگیا، توصا حب موصوف اسکے کسی طرح زمہ دارنہ ہوں کے نیز وکیل صاحب موصوف صدر مقام چکہری کے علادہ کے اوقات سے پہلے یا پیچھے یا بروز تعطیل پیردی کرنے کے ذمہ دارنہ ہوں گے۔ادر مقد مصدر کچہری کے علاوہ اور جگہ تاحت ہونے یا بروز تعطیل یا کچہری کے اوقات کے آئے بیٹی چونے پر مظمر کوکوئی نقصان پنچے تو اس کے ذمہ داریا اس کے داسطے سی معاد ضہ کے اداکرنے پایپاندوا پس کرنے کے بھی موصوف ذمہ دارنہ ہوں گے۔ مجھکوکل ساختہ پرداخطہ صاحب موصوف مشل کردہ ذات خود منظور دقبول ہوگا۔ادرصاحب موصوف کو عرضى دحوما ياجواب دعوئ يا درخواست اجرائ ذكرى دنظر ثانى ايجل تحمرانى وبرقتم درخواست پر ديتخط وتصديق كرنے كالبحى اختيار ہوگا۔اوركس عظم يا ذكرى كرانے ادر برقتم كا ر دیسے دصول کرنے اور رسید دینے اور داخل کرنے اور ہوتم کے بیان دینے اور اُس پر ثالثی یا راضی نامہ د فیصلہ پر حلف کرنے ، اقبال دعویٰ کا بھی اختیار ہوگا ، اور بصورت مقرر ہونے تاریخ پیشی مقدمہ ندکورہ بیردن از پچہری صدر پیردی مقدمہ ندکورہ نظر تانی داہیل دنگرانی د براآ یدگی مقدمہ یا منسوخی ڈگری یکطرف یا درخواست بھم امتاعی یا ترقی یا مرفتاری قبل از فیصله اجرائے ڈگری بھی صاحب موصوف کو بشرط ادائیکی علیحد دیمتانہ پروی کا اختیار ہوگا اور تمام ساختہ پر داختہ صاحب موصوف مش کردہ ذات خود منظور و قبول ہوگا۔ادربصورت ضرورت صاحب موصوف کو سیم محکا اختیار ہوگا کہ مقدمہ ندکورہ یا سکے کسی جز دکی کا روائی پابسورت درخواست نظر ثانی اپیل یائکرانی یا دیگر معالمہ مقدمہ نہ کورہ کی دوسرے دکیل یا ہیرسٹر کواپنے بحبائے یا اپنے ہمراہ مقرر کریں،ادرا یسے مشیر قالون کو بھی ہرامر میں وہی ادر دیسے افتیارات حاصل ہوں گے، جیسے صاحب موصوف کو حاصل ہیں،اوردہ ان مقدمہ میں جو کچھ ہرجانہ التواء پڑیگا، دہ صاحب موصوف کاحق ہوگا۔ مکر صاحب موصوف کو پوری فیس تاریخ پیٹی سے پہلے ادانہ کر دں گا۔تو صاحب موصوف کو پوراافقیار ہوگا کہ کی مقدمہ کی پیروی نہ کریں اور ایک صورت میں میراکو کی مطالبہ کی تم کا صاحب موصوف کے برخلاف نہیں ہوگا۔ لنذادكالت تامدككعد بإب-تاكدسندرب Acceseptes *-*20 مغبون دكالت نامة تن لياب - ادراجهي طرح سمجوليا ب ادرمنظور ب كر هل ا مجروقارعالم ايثرودكيث 03459829597 Mob: 0333-9950616 Email: waqaralam1982@gmai.com 0313-9318536.

License # B.C (KPK) 1049-44 وكالبعث نام NW.FP BAR COUNCILS MUHAMMAD WANAP ALAM dvocate High C hyber JakhTunkhawa Service 125 bunal بعدالت جنار DellanI pothoris rt. IGY دعوني ياجرم نفصيل دعويٰ ياجرم _ ervite باعث تح برآ نك مقدمه مندرجه بالاعنوان میں اپن طرف داسطے پیردی دجوابد بی برائے پیشی یا تصفیہ مقدمہ بمقام محمد وقارعالم ايثرودكيث بإنى كورث کو حسب ذیل شرائط پردیک مقرر کی ہے، کہ ہر پیشی پرخود بذرید پختیار خاص رو بر دعدالت حاضر ہوتا رہوں گا۔ادر ہردت پکارے جانے مقدمہ دکیل صاحب موصوف کو اطلاع دیکر حاضر عدالت کرول گا، اگرییشی پرمظمر حاضرنه بوا، ادرمقد مدمیری غیرحاضری کی دجہ سے کسی طور پرمیرے برخلاف ہو گیا، توصا حب موصوف اسکے کسی طور 7 ذمہ دارنہ ہول گے۔ نیز دکیل صاحب موصوف صدر مقام کچہری کے علاوہ کے اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہدار نہ ہوں گے۔اور مقدمہ صدر کچہری کے علاوہ ادرجگہ ساحت ہونے یا بروز تعطیل یا کچہری کے ادقات کے آگے پیچیے پیش ہونے پر مظمر کوکوئی نقصان پنچے تو اس کے ذمہ داریا اس کے داسطے سی معادضہ ے اداکرنے پابیاندوا پس کرنے کے بھی موصوف ذمہ دارنہ ہوں گے۔ جھ کوکل ساختہ پردا خطہ صاحب موصوف مش کردہ ذات خود منظور وقبول ہوگا۔اورصاحب موصوف کو عرضى دعونى ياجواب دعونى يا درخواست اجرائ ذكرى دنظر ثانى اپيل تكرانى و برتىم درخواست پر د شخط وتصديق كرنى كابھى اختيار ہوگا۔ادر كى تحكم يا ذكرى كرانے ادر برتسم كا رو پیدوصول کرنے اوررسید دینے اور داخل کرنے اور ہرتم کے بیان دینے اور اُس پر ثالثی یا راضی نامہ د فیصلہ پر حلف کرنے ،ا قبال دعو کی کا بھی اختیار ہوگا ،اور بصورت مقرر ہونے تاریخ پیشی مقدمہ ندکورہ ہیردن از کچہری صدر پیردی مقدمہ ندکورہ نظر ثانی دائیل ونگرانی د براآ یہ کی مقدمہ یا منسوخی ڈگری یکطرف یا درخواست بھم امتراع یا ترقی یا مرفمارى قبل از فيصله اجرائے ذكرى بھى صاحب موصوف كوبشرط ادائيكى عليمده پختانيہ پيردى كا اختيار ہوگا اورتمام ساختہ پر داختہ صاحب موصوف مثل كردہ ذات خود منظور و تبول بهوكا اوربصورت ضرورت صاحب موصوف كويبيهمي اختيار بهوكا كه مقدمه ندكوره بااسطحكي جزوكي كاروائي يابصورت درخواست نظر ثاني اييل بإنكراني ياديكر معامله مقدمه ندکورہ کمی دوسرے دکیل یا ہیر شرکواینے بجائے یااینے ہمراہ مقرر کریں،اورایسے مشیر قانون کوبھی ہرامر میں وبی اور ویسے اختیارات حاصل ہوں گے، جیسے صاحب موصوف کو حاصل میں ،ادروہ ان مقدمہ میں جو کچھ جرجاندالتوا میزیکا، دہ صاحب موصوف کاحق ہوگا۔ محرصاحب موصوف کو پوری فیس تازیخ پیشی سے پہلےادا ندکر دن گا۔توصاحب موصوف کو پوراا فقیار ہوگا کہ کی مقدمہ کی پیروی نہ کریں اور ایس صورت میں میراکوئی مطالبہ کی قتم کاصاحب موصوف کے برخلاف نہیں ہوگا۔ لېذادكالت تامدكھىديا ب-تاكەسندرب Acceepte مضمون دكالت نامدين لياب- ادرات على طرح مجم لياب ادرمنظور ب 2 6 4 6 -/ Wellers 03459829597 محمد وقارعالم ايثر ووكيب باتي كورز 0313-9318536. Mob: 0333-9950616 Email: wagaralam1982@gmai.com