

27th Oct 2022

Learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney for respondents present.

Learned counsel for the appellant seeks adjournment on the ground that he has not prepared the brief. Adjourned as a last chance to argue the case on the next date, failing which the case will be decided on the available record without arguments on 24.11.2022 before D.B at camp court D.I.Khan. P.P given to the parties.



(Rozina Rehman)
Member(J)



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

24.05.2022

Learned counsel for the appellant present.

He requested for adjournment in order to prepare the brief of the case. Adjourned. To come up for preliminary hearing on 27.07.2022 before S.B at Camp Court, D.I.Khan.



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

27th September, 2022

Learned counsel for the appellant present.

Learned counsel for the appellant submits that against the impugned order of awarding minor punishment of forfeiture of two years approved service passed by the DPO, D.I.Khan on 29.05.2020, the appellant filed departmental appeal which was rejected by the Regional Police Officer on 14.10.2020. Whereafter revision petition was filed before the IGP which was dismissed vide order bearing endorsement No. 3289-99 dated 06.08.2021 and according to the appellant that was not communicated to him and he had applied for copy of the same was supplied on 13.09.2021. The appellant filed this appeal on 20.10.2021 which is though slightly barred by limitation. This appeal is admitted to full hearing subject to all just and legal objections by the other side regarding limitation. Mr. Kahlil, SI for the respondents present and submitted that the respondents had already prepared reply in this appeal, therefore, they accepted the notice of this appeal and since the reply has been filed, the appeal be fixed before the D.B for arguments. To come up for arguments on 27.10.2022 before D.B at camp court D.I.Khan.



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

As per
Appellant's
Security & Process Fee

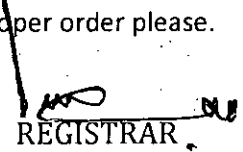

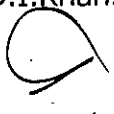
4/10

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 7772/2021


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	18/11/2021	<p>The appeal of Mr. Ehsan Ullah resubmitted today by Mr. Muhammad Saeed Bhutta 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-	29.03.2022	<p>This case is entrusted to S. Bench at D.I Khan for preliminary hearing to be put there on <u>29-03-2022</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p>Counsel for the appellant seeks some time to assist the court. Adjourned. To come up for preliminary hearing on 24.05.2022 before S.B at camp court, D.I.Khan.</p> <p style="text-align: right;"> CHAIRMAN, Camp Court, D.I.Khan</p> <p style="text-align: left;">F</p>

The appeal of Mr. Ehsan Ullah S/O Haji Kashmir Khan, Caste Marwat, L.H.C No.1071 presently posted at PS Paniyala, R/O P/O Gilloti, Paniyala, Tehsil Paharpur and District D.I.Khan received today i.e. on 20.10.2021 is incomplete on the following score which is returned to the counsel for the appellatant for completion and resubmission within 15 days.

1. Check list is not attached with the appeal.
2. Appeal has not been flagged/marked with annexures marks.
3. Approved file cover is not used.
4. Member copy should be attached in separate file cover.
5. Certificate be given to the effect that the appellatant has not been filed any service appeal earlier on the subject matter before this Tribunal.
6. Impugned Order dated 14/10/2020 & 24/08/2021 attached with the appeal are illegible which may be replaced by legible/better one.
7. Two more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 2096 /S.T,

Dt. 20/10 /2021


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

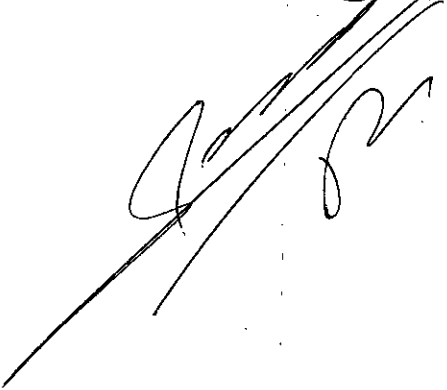
Mr. Muhammad Saeed Bhutta Adv.
High Court D.I.Khan. DBA -

Respected Sir,

with due respect, All the objections raised by your worthy office has been met out/fulfilled.

Date. 11, 11, 2021

The Petitioner
Ehsan Ullah
through counsel
M. Saeed Bhutta Advocate.



**BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
CHECK LIST**

Case Title: Ehsan Ullah vs DPO D.I. Khan etc.

S.#	Contents	Yes	No
1.	This appeal has been presented by: _____		
2.	Whether Counsel / Appellant / Respondent / Deponent have signed the requisite documents?	✓	
3.	Whether Appeal is within time?	✓	
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 commissioner?	✓	
8.	Whether appeal/annexures are properly paged?	✓	
9.	Whether certificate regarding filing any earlier appeal on the 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 A.G/D.A.G?	✓	
14.	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	✓	
15.	Whether numbers of referred cases given are correct?	✓	
16.	Whether appeal contains cuttings/overwriting?	✓	
17.	Whether list of books has been provided at the end of the appeal?	✓	
18.	Whether case relate to this Court?	✓	
19.	Whether requisite number of spare copies attached?	✓	
20.	Whether complete spare copy is filed in separate file cover?	✓	
21.	Whether addresses of parties given are complete?	✓	
22.	Whether index filed?	✓	
23.	Whether index is correct?	✓	
24.	Whether Security and Process Fee deposited? on _____	✓	
25.	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 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 _____		
27.	Whether copies of comments/reply/rejoinder provided to opposite party? on _____		

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

Name:

M. Lameed Bhatti

Signature:

Adv Hsqm
[Signature]

Dated:

P=1

**BEFORE THE SERVICE TRIBUNAL KPK
PESHAWAR**

S.T.A No 7772 of 2021.

Ehsan Ullah

Versus

DPO D.I.Khan etc

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4	Copy of impugned order of Regional Police Officer D.I.Khan alongwith Copy of appeal	"B"	10
5	Copy of impugned order of Inspector General of Police of KPK Peshwar Alongwith Copy of revision petition	"C"	11-16
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Your Humble appellent

Dated: 10/10/2021

Ehsan Ullah I.H.C No.1071

Through Counsel

Muhammad Saeed Bhutta
Advocate High Court DIKhan.

**BEFORE THE SERVICE TRIBUNAL KPK
PESHAWAR**

Khyber Pakhtunkhwa
Service Tribunal

S.T.A No 7772 of 2021.

Diary No. 7759

Dated 20/10/2021

Ehsan Ullah S/o Haji Kashmir Khan Caste Marwta P/o Gilloti Tehsil
Pharpur Paniyala District D.I.Khan I.H.C No.1071 presently Posted at
PS Paniyala District DIKhan.

Appellant.

VERSUS

- 1. District Police officer DIKhan.
- 2. Regional Police Officer DIKhan.
- 3. Provincial Police Officer/Inspector General of Police KPK Peshawar.

Respondents.

Filed to-day

Registrar

20/10/2021

SERVICE TRIBUNAL APPEAL AGAINST THE ORDER DATED 06-08-2021 PASSED BY THE INSPECTOR GENERAL OF POLICE KPK PESHAWAR VIDE WHICH THE REVISION PETITION FILED BY THE APPELLANT AGAINST THE ORDER PASSED BY THE REGIONAL POLICE OFFICER DIKHAN DATED 14-10-2020 WAS REJECTED WHEREAS THE ORDER OF THE DISTRICT POLICE OFFICER DIKHAN DATED 29-06-2020 WAS MAINTAINED AND UPHELD TO WHICH THE APPELLANT WAS AWARDED PENALTY OF FORFEITURE OF TWO YEARS APPROVED SERVICE ON THE GROUNDS THAT THE APPELLANT HAD NOT CHECKED THE TRUCK NO.EA/3054 LOADED WITH BURNING WOOD AT HIS CHECK POST AT HATALA CHECKPOST TEHSIL KULACHI DISTRICT DIKHAN THROUGH WHICH THE SAID TRUCK SUCCEEDED TO SMUGGLE ALMONDS FROM YOUR CHECK POST BUT WAS SEIZED AT KUNDIYAN CHECK POST DISTRICT MIANWALI (PUNJAB BRANCH).

Received and filed.

Registrar
18/11/2021

PRAYER:-

ON ACCEPTANCE OF THE INSTANT APPEAL TO SET ASIDE THE IMPUGNED ORDERS OF THE THREE FORUMS BELOW AND TO ABSOLVE THE APPELLANT FROM PENALTY AWARDED TO HIM FOR FOFEITURE OF HIS TWO YEARS SERVICE.

RESPECTFULLY SHEWETH.

1. That the appellant was posted as L.H.C. Incharge Hatala Check post Tehsil Kulachi at DIKhan and a truck No. EA 3054 loaded with fire wood was passed towards Punjab side but when it reached at check post Kundiyan District Miyanwali it was found that some bags of almonds were hidden under the fire wood and were being smuggled to Punjab Province and the Incharge of Kundiyan Check post captured it and an inquiry to this effect was ordered to be conducted as the appellant has not performed his duty properly due to which the truck inquestion passed through the check post of the appellant and succeeded to reach in the limits of Punjab Province. It was negligence and the misconduct on the part of the appellant as alleged by the respondent.

2. That after completion of the inquiry the appellant was found guilty and was awarded punishment for forfeiture of his two years service vide order dated 29-06-2020 passed by District Police Officer DIKhan. The copy of the order is enclosed as **Annexure A**.

3. That dissatisfied with the aforesaid order of the DPO DIKhan the appellant filed an appeal before the Regional Police Officer DIKhan but he rejected the appeal of the appellant on flimsy grounds vide his order dated 14-10-2020. The copy of the order along with grounds of appeal is enclosed as **Annexure B**.

4. That aggrieved with the orders of the two forums below the appellant filed the revision petition before the inspector General of

Police KPK Peshawar who also rejected the same vide order dated 06-08-2021. The copy of the order along with grounds of revision is enclosed as **Annexure C.**

5. That the appellant has now come in appeal before this honorable Service Tribunal for setting aside the impugned orders of the three forums below and to exonerate the appellant for the charges levelled against him on inter alia the following grounds.

GROUND.

1. That the impugned orders of all the three forums below are. against facts, law and justice.

2. That the appellant is a senior employee of the police department DIKhan and has got more than 21 years qualifying service record at his credit and is innocent.

3. That during his long tenure of service no charge of misconduct or negligence was ever levelled against the appellant and the appellant performed his duties to the entire satisfaction of his superiors.

4. That the District Police Officer DIKhan had not afforded the opportunity of personal hearing to the appellant and has passed the impugned order arbitrarily. The inquiry officer has also not associated the appellant with the inquiry proceedings and has submitted his report arbitrarily. Thus the impugned order of the DPO DIKhan is not maintainable.

5. That the Regional Police Officer DIKhan and the Inspector General of Police have also passed impugned orders very cursory manner and have not appreciated the facts reported appellant. That the appellant have his unblemished record of the service have not been appreciated properly and there is no evidence available against the petitioner for his negligence and misconduct and proper procedure was not adopted by the three forums mentioned above.

6. That the most important aspect of the case the truck by the appellant at Hatala checkpost Tehsil Kulachi District DIKhan and nothing sort was found therein that was taking fire wood and was not equipped with smuggled goods like almonds. The said truck was travelled about 200/300 Km away freely with out any check by the appellant appellant was supposed accompany with it towards Punjab Province however at the time of checking staff of Kundiyan check Post District Mianwali Punjab Province was found that the truck in question was loaded with smuggled almonds bags hidden under the burning wood. In attending circumstances can safely gathered that the truck driver might loaded almonds in truck place situated between the limits of DIKhan and Mianwali District after passing the Hatala checkpost Tehsil Kulachi District DIKhan. one can over rule such. The appellant has been made scapegoat with malafide intention.

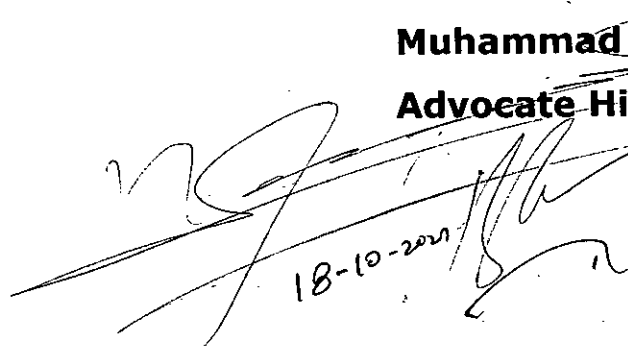
Therefore, In wake of the submissions made above it is respectfully prayed that on acceptance of this appeal the impugned orders of the three forums below may graciously be set aside and the appellant may please be absolved from the charge levelled against him to meet the end of justice.

Your Humble appellant

Ehsan Ulfah I.H.C No.1071

Through Counsel

Muhammad Saeed Bhutta
Advocate High Court DIKhan.


18-10-2021

P=6

**BEFORE THE SERVICE TRIBUNAL KPK
PESHAWAR**

S.T.A No _____ of 2021.

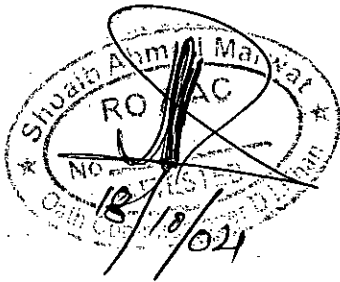
Ehsan Ullah

Vs

District Police officer DIKhan etc

AFFIDAVIT

1, Ehsan Ullah S/o Haji Kashmir Khan Caste Marwta P/o Gilloti Tehsil Pharpur Paniyala District D.I.Khan I.H.C No.1071 presently Posted at PS Paniyala District DIKhan, appellant do hereby solemnly affirm & declare on oath that the contents of the accompanying appeal are true & correct to the best of my knowledge & belief & that nothing has been concealed from this Honorable Service Tribunal.



Deponent

Identified by

Muhammad Saeed Bhutta

Advocate High Court DIKhan

18-10-2021

P = 6 (A)

Before the Service Tribunal KPR Peshawar.

Ehsan ullah versus DPO D.I. Khan etc.

Service Appeal

• certificate

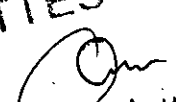
Respected Sir,

It is stated on oath that no such appeal has ever been filed by the appellants before this honourable Service Tribunal.

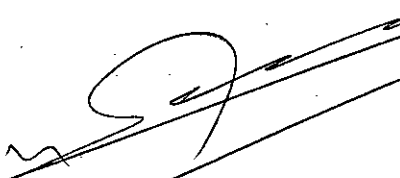
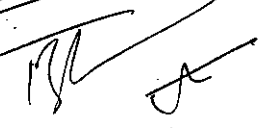
Dated 11-11-2021

Appellant,

Ehsan ullah.

ATTESTED!

S.No. 11-11-2021
with Commissioner
D.I. Khan

through



D.I. Khan

P=7

**BEFORE THE SERVICE TRIBUNAL KPK
PESHAWAR**

S.T.A No _____ of 2021.

MEMO OF ADDRESS


Ehsan Ullah S/o Haji Kashmir Khan Caste Marwta P/o Gilloti Tehsil
Pharpur Paniyala District D.I.Khan I.H.C No.1071 presently Posted at
PS Paniyala District DIKhan.

Appellant.

VERSUS

1. District Police officer DIKhan.
2. Regional Police Officer DIKhan.
3. Provincial Police Officer/Inspector General of Police KPK Peshawar.

Your humble appellant


Ehsan Ullah I.H.C No.1071
through Counsel


Muhammad Saeed Bhutta
Advocate High Court DIKhan.

18-10-2021

Annexure = A

P=8

1071



OFFICE OF THE
DISTRICT POLICE OFFICER,
DERA ISMAIL KHAN

Tel: (0966) 9280062
Fax (0966) 9280293

No. 3830/EC

dt 29/05/20

ORDER

This order will dispose of departmental proceedings conducted against HC Ehsan Ullah No.1071 of this district Police, under the Khyber Pakhtunkhwa, Police Rules, 1975 (amendment 2014).

While he posted as Incharge at Hathala Check Post, suspicious truck bearing No.EA-3054 loaded with burning wood was passed through his Check Post on 14.04.2020, timing from 06:00 hours to 14:00 hours without any proper checking. The said truck was checked in Punjab in which almonds were hidden under the burning woods. This act on his part amounts to gross misconduct and negligence and lack of interest in official duties which is punishable under the rules.

For the above, thoughtful/professional misconduct of the accused official, charge sheet along-with statement of allegations was served upon the accused official. An enquiry was conducted into the matter through Mr. **Muhammad Saleem Tariq, DSP HQrs: DI Khan**, was appointed as enquiry officer to scrutinize/investigate the conduct of ~~accused official~~. The Enquiry Officer submitted his finding report and recommended for Minor Punishment.

Foregoing 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.

OB 1228

DT 02-06-2020

Therefore, in exercise of powers conferred upon me under the ibid rules I, **Capt. @ Wahid Mehmood**, District Police Officer, DI Khan, award him Minor Punishment of forfeiture of two years approved service.

Capt: @ WAHID MEHMOOD, PSP
District Police Officer,
Dera Ismail Khan

21/04/2020 3243/EC 21/04
PDP

مشورہ خارج شدہ
ڈیڑھ گھنٹہ کے اجلاس میں

حالی

جن ۱۱۴۷ کی ایک رپورٹ میں (پتہ) کے ساتھ ساتھ
پر الزام لگایا گیا ہے۔ اس کے ساتھ EA 3054 جو کہ ایک
سے گود کا - لیٹر میں ہے جو کہ ہے

جو کہ اجلاس میں ۱۱۴۷ کے ساتھ ساتھ ایک رپورٹ میں
کا کہنا ہے کہ - جس کے لیے اس کے ساتھ ساتھ

المانڈری سے اس کے ساتھ ساتھ ایک رپورٹ میں
کا کہنا ہے کہ - جس کے ساتھ ساتھ ایک رپورٹ میں
سے گود کا - لیٹر میں ہے جو کہ ہے

Abstract
S

29-06

جس کے ساتھ ساتھ ایک رپورٹ میں
کا کہنا ہے کہ - جس کے ساتھ ساتھ ایک رپورٹ میں
سے گود کا - لیٹر میں ہے جو کہ ہے

اس کے ساتھ ساتھ ایک رپورٹ میں
کا کہنا ہے کہ - جس کے ساتھ ساتھ ایک رپورٹ میں
سے گود کا - لیٹر میں ہے جو کہ ہے

جس کے ساتھ ساتھ ایک رپورٹ میں
کا کہنا ہے کہ - جس کے ساتھ ساتھ ایک رپورٹ میں
سے گود کا - لیٹر میں ہے جو کہ ہے

المانڈری سے اس کے ساتھ ساتھ ایک رپورٹ میں
کا کہنا ہے کہ - جس کے ساتھ ساتھ ایک رپورٹ میں
سے گود کا - لیٹر میں ہے جو کہ ہے

۱۱۴۷ کی ایک رپورٹ میں
کا کہنا ہے کہ - جس کے ساتھ ساتھ ایک رپورٹ میں
سے گود کا - لیٹر میں ہے جو کہ ہے

۱۱۴۷ کی ایک رپورٹ میں
کا کہنا ہے کہ - جس کے ساتھ ساتھ ایک رپورٹ میں
سے گود کا - لیٹر میں ہے جو کہ ہے



OFFICE OF THE
REGIONAL POLICE OFFICER
DERA ISMAIL KHAN
REGION

Annexure = B

P=10

No. 9193 /ES, Dated DI Khan the 14 /10/2020

ORDER

This order is aimed to dispose of the departmental appeal of HC Ehsan Ullah No.1071 of District Police DIKhan against the minor punishment order i.e. forfeiture of two years approved service by DPO DIKhan vide OB No. 1228 dated 02.05.2020, on the following allegations:

Facts of the case are that he while posted as I/C at Hathala Check Post, suspicious truck bearing NO.EA-3054 loaded with burning wood passed through his Check Post on 14.04.2020 timing from 0600hrs to 1400hrs without any proper checking. The said truck was checked in the Punjab check post kundian, District Mianwali, in which almonds were found hidden under the burning wood.

He was issued charge sheet and proper departmental proceedings were initiated against him. Enquiry into the matter was conducted by Mr. Muhammad Saleem Tariq, the then DSP HQs DIKhan who submitted his findings report and recommended him for Minor Punishment. In the light of recommendations of enquiry officer, DPO DIKhan has passed the order dated 02.05.2020.

He preferred an appeal to the undersigned on 06.07.2020 against the order of DPO DIKhan. His appeal was sent to DPO DIKhan for comments and to provide his service record vide this office Endst: No. 2720/ES dated 06.07.2020. DPO DIKhan vide his office memo: No. 4837/EC dated 20.07.2020 has furnished the comments on the subject appeal.

The undersigned perused the enquiry file of the appellant thoroughly as well as heard him in person in Orderly Room on 23.09.2020. As per findings of the enquiry officer, the charges of misconduct stand proved against the defaulter HC, as he failed to check the truck whereas it was checked in Punjab check post and smuggled items were recovered.

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, the minor punishment of two years approved service awarded by DPO DIKhan uphold the order of penalty and his appeal is hereby rejected.

ORDER ANNOUNCED

(Signature)
(YASEEN FAROOQ) PSP
REGIONAL POLICE OFFICER
DERA ISMAIL KHAN

No. 9194 /ES
Copy of above alongwith service record is sent to the DPO DIKhan

*EC/OB/BAC/PO
for int action*

*Pls attached
4/10*

DPO DIKhan

Abashed
(Signature)

✓

Annexure = B
p-10(A)

Office of the
Regional Police officer
Dera Ismail Khan
14-10-2020

No. 9193 Dated DI Khan the

ORDER:

This order is aimed to dispose of the departmental appeal of **HC EHSAN ULLAH No.1071** of district Police DIKHAN against the minor punishment order i.e forfeiture of two years approved service by DPO DIKHAN vide OB No.1228 dated 02.06.2020, on the following allegations:

Facts of the case are that he while posted as I/C at Hathala Check Post, suspicious truck bearing No.EA-3054 loaded with burning wood passed through his check post on 14.04.2020 timing from 06:00hrs to 14:00hrs without any proper checking. The said Truck was checked in the Punjab Check post Kundian, District Mianwali, in which almonds were found hidden under the burning woods.

He was issued charge sheet and proper departmental proceedings were initiated against him. Enquiry into the matter was conducted by Mr. Muhammad Saleem Tariq, the then DSP HQs D.I.Khan who submitted his findings report and recommended him for Minor Punishment. In the light of recommendation of enquiry officer, DPO D.I.Khan has passed the order dated 02.06.2020.

He preferred an appeal to the undersigned on 06.07.2020 against the order of DPO DIKHAN. His appeal was sent to DPO DIKHAN for comments and to provide his service record vide this office Endst: No. 2720/Es dated 06-07-2020. DPO DIKHAN vide his office memo: No. 4837/EC dated 20.07.2020 has furnished the comments on the subject appeal.

The undersigned perused the enquiry file of the appellant thoroughly as well as heard him in person in Orderly Room on 23.09.2020. As per findings of the enquiry officer, the charges of misconduct stand proved against the defaulter HC as he failed to check the truck whereas it was checked in Punjab check post and smuggled items were recovered.

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, the minor punishment of two years approved service awarded by DPO D.I.Khan uphold the order of penalty and his appeal is hereby rejected.

ORDER ANNOUNCED

**(YASEEN FAROOQ)PSP
REGIONAL POLICE OFFICER
DERA ISMAIL KHAN**

No.9194/ES

Copy of above alongwith service record is sent to the DPO DIKHAN



2213
18/8/21

(11)

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.

Annexure = C
P-11

ORDER

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by Head Constable Ehsan Ullah No. 1071. The petitioner was awarded penalty of forfeiture of two years approved service by District Police Officer, D.I.Khan vide OB No. 1228, dated 02.06.2020 on the allegations that he while posted at I/C Hathala Check Post, suspicious truck bearing No. EA-3054 loaded with burning wood passed through his check post on 14.04.2020 timing from 06:00 hrs to 14:00 hrs without any proper checking. The said truck was checked in the Punjab check post Kundian District Mianwali in which almonds were found hidden under the burning woods. His appeal was rejected by Regional Police Officer, D.I.Khan vide order No. 9193-9194/ES, dated 14.10.2020.

Meeting of Appellate Board was held on 15.07.2021 wherein petitioner was heard in person. Petitioner denied the allegations leveled against him.

Perusal of enquiry papers reveals that the allegations leveled against the petitioner have been proved as he failed to check the truck whereas it was checked in Punjab check post and smuggled items were recovered. The Board see no ground and reasons for acceptance of his petition, therefore, the Board decided that his petition is hereby rejected.

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

Attested
[Signature]

No. SI 3287-99 121, dt: 04/08/2021

Copy of the above is forwarded to the:

1. Regional Police Officer, D.I.Khan. One Service Roll, one Fauji Missal and complete enquiry papers of the above named HC received vide your office Memo: No. 415/ES, dated 26.01.2021 and No. 1731/ES, dated 30.04.2021 respectively 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, Peshawar.
5. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-IV CPO Peshawar.

3466 ES
D.P.O D.I. Khan
Not with 18/8/21
Please inform me
Petitioner
Moreover 1-Service Roll
1-Fauji Missal & complete enquiry
papers are returned herewith
for your office record

EC/OHC/OB
26/8
DPO/D.I.Khan
(TARIQ ULLAH KHAN) PSP
AIG/Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

OB - 1379
DT - 31-8-2021

1870121
ADDITIONAL POLICE OFFICER
D.I. KHAN

157

1. Register No.	9-9-2021
2. Application received on	
3. Copying fee received on	
4. Judgment fee for copying on	
5. No. of work sheets	
6. Name of HC	Ehsan Ullah
7. Search No.	No - 1071
8. Name of officer	
9. Copy completed on	9.9.2021
10. Copy delivered on	13.9.2021
11. Name of officer	Appel

**OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUN KHUWA
PESHAWAR**

ORDER

This order hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by **Head Constable EHSAN ULLAH No.1071**. The petitioner was awarded penalty of forfeiture of two years approved service by District Police Officer, D.I.Khan vide OB No. 1228, dated 02.06.2020 on the allegations that he while posted at I/C Hathala Check Post, suspicious truck bearing No. EA-3054 loaded with burning wood passed through his check post on 14.04.2020 timing from 6:00 hrs to 14:00 hrs without any proper checking. The said truck was checked in the Punjab check post Kundian District Mianwali in which almonds were found hidden under the burning woods. His appeal was rejected by Regional Police Officer, D.I.Khan vide order No.9193-9194/ES, dated 14.10.2020.

Meeting of Appellate Board was held on 15.07.2021 wherein petitioner was heard in person. Petitioner denied the allegations leveled against him.

Perusal of enquiry papers reveals that the allegations leveled against the petitioner have been proved as he failed to check the truck whereas it was checked in Punjab check post and smuggled items were recovered. The Board see no ground and reasons for acceptance of his petition, therefore, the Board decided that his petition is hereby rejected.

Sd/-

KASHIF ALAM, PSP

Additional Inspector General of Police,
HQrs: Khyber PakhtunKhuwa, Peshawar.

No.S/3289-99/21,dt 06-08-2021

Copy of the above is forwarded to the:

1. Regional Police Officer, D.I.Khan, One service Roll, one Fauji Missal alongwith copy of complete enquiry file of the above named HC received vide your office Memo: No. 415/ES, dated 26.01.2021 and No, 1731/ES, dated 30.04.2021 respectively 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, Peshawar.
5. PA to Addl: IGP/HQrs: Kyber Pakhtunkhwa, Peshawar.
6. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-IV CPO Peshawar.

(IRFAN ULLAH KHAN) PSP

AIG/Establishment,
For Inspector General of Police,
Khyber PakhtunKhuwa, Peshawar.

Annexure = C
P=12

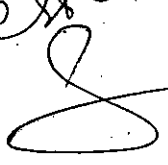
To: Worthy Provincial Police Officer/ Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

Through: Proper Channel.

Subject: Revision Petition Under Rule 11-A of Police Rules-1975 Against Order Of DPO, D.I.Khan Passed over Ob No.1228 dated 2.6.2020 and Consequential Appellate Order of RPO/DIG, D.I.Khan, Passed Over No.2222 Dated 16.10.2020.

Reverend Sir,

Respectfully, the petitioner states as under,

Alleged


1. That the petitioner was enrolled as Constable in the Police Department at district of Dera Ismail Khan and earned promotion to the rank of Head Constable, earning good will and praise from his superiors for his hard work and devotion. The petitioner has about 20 years of unblemished service and has always served the department with due diligence, dedication and to the utter satisfaction of his superiors. Service record of the petitioner is second to none and no adverse inference was ever drawn by the superiors since nothing of the sort was ever conveyed to the petitioner.
2. That the petitioner always has striven hard to discharge and fulfill the duties and tasks assigned to him with due diligence and dedication. Service record of the appellant is clean and devoid of any adverse marking.
3. That during April-2020 the petitioner was subjected to departmental action on the allegation of misconduct & negligence in discharge of official duties.
4. That the matter was assigned for inquiry to DSP/Hqs, D.I.Khan who while pushing the proceedings in a slipshod manner, conveyed complicity on part of the petitioner in his inquiry report yet without any lawful, justifiable and sustainable basis or foundation or evidence brought on records in any manner yet recommended award of minor punishment to the petitioner.
5. That the petitioner was in no manner involved in any misconduct but was condemned for an apparent misconceived opinion drawn on the basis of an erroneous inquiry report.
6. That the matter having been put-up for consideration to the authority i.e DPO, D.I.Khan culminated in award of punishment to the petitioner of the kind "Forfeiture of 2 years of approved service" after a cursory proceedings yet neither held nor processed in accordance with the provisions of the relevant rules.
7. That on coming to know of the impugned order a departmental appeal was preferred with the office of RPO/DIG, D.I.Khan which also failed vide order dated 16.10.2020 yet without proper appraisal of facts and law / rules on the subject. Copies of impugned orders are placed herewith at Annexes-A & B, respectively.
8. That aggrieved from the orders of DPO & RPO/ DIG, D.I.Khan and left with no other remedy, the petitioner approaches your kind office seeking revision of the impugned orders on gracious acceptance of the instant petition on grounds hereinafter preferred.

Grounds:

1. That the order passed by DPO, D.I.Khan and consequential order of departmental appellate authority i.e RPO/ DIG, D.I.Khan, as impugned hereby, are discriminatory, arbitrary in nature, legally and factually incorrect, ultra-vires, void ab-initio and militate against the principles of natural justice thus are liable to be set-aside and nullified.
2. That the petitioner is innocent and has been subjected to the penalty for no fault on his part.
3. That the petitioner has sufficient length of service rendered for the department. While adjudicating in the matter the authorities below utterly ignored not only the provisions of law on the point but the rights, too, of the petitioner.
4. That the punishing as well departmental appellate authorities utterly failed to follow due procedures hence erred in disposal of the matter in accordance with the law and rules. The impugned orders passed by DPO, D.I.Khan & consequential order of RPO/DIG, D.I.Khan thus lack in legal sanction and therefore, are liable to be set-aside in the interest of justice.
5. That the petitioner has been virtually condemned unheard and never was afforded with an opportunity to defend himself beyond encumbrance hence the entire proceedings were nothing less than grave miscarriage of justice.
6. That your good office has ample powers to adjudge the matter under reference in the interest of justice and equity.

Prayer:

In view of the fore mentioned submissions, it is very humbly requested that the impugned orders dated 02.06.2020 passed by DPO, D.I.Khan and consequential order of RPO / DIG, D.I.Khan dated 16.10.2020 may be very graciously set-aside and the forfeited service of the petitioner may in consequence thereof be very kindly restored with grant of back benefits in the interest of justice.

Dated: 2-11-20

Humble Petitioner,



(Ehsan Ullah) Petitioner,
Head Constable No.1071,
Police Station Kulachi,
District Dera Ismail Khan.

0346-7842125

Amexue = C

P=14

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

سروس اپیل

اپیل دربارہ بحالی 02 سالہ ضبطگی سروس

THROUGH PROPER CHANNEL

بخدمت جناب عزت مآب یسین فاروق صاحب

ڈپٹی انسپکٹر جنرل آف پولیس، ڈیرہ اسماعیل خان

بحوالہ آرڈر نمبر 3830/EC مورخہ 29.05.2020

آرڈر نمبر 1228 مورخہ 02.06.2020

مجاہد جناب ڈسٹرکٹ پولیس آفیسر صاحب، ڈیرہ اسماعیل خان

Accepted

IHC احسان اللہ نمبر 1071

متعینہ حال تھانہ کلاچی، ضلع ڈیرہ اسماعیل خان

موبائل نمبر 03467842125

جناب عالی!

سائل حسب ذیل عرض رساں ہے۔

1. یہ کہ سائل مورخہ 15.03.2001 کو محکمہ پولیس میں بطور کنسٹیبل بھرتی ہو کر اپنی ڈیوٹی بطور ہیڈ کنسٹیبل نہایت ہی جانفشانی اور دیانتداری سے انجام دے رہا ہوں۔ اور ضلع ہذا کے اکثر تھانہ جات پر تعینات رہ کر کبھی بھی افسران بالا کو شکایت کا موقع نہیں دیا ہے۔

2. یہ کہ من سائل پر الزام ہے کہ من سائل کی موجودگی میں لکڑیوں سے بھرا ٹرک نمبر EA-3054 بغیر کسی چیکنگ کے گزر کر چلا گیا۔ کوسر سری طور پر چیک کیا گیا ہے کیونکہ ٹرک متذکرہ بالا سرے سے لے کر آخر تک لکڑیوں سے لوڈ تھا جو ہمارے پاس چیک پوسٹ ہذا پر ایسا کوئی آلہ وغیرہ نہیں تھا کہ اس طرح لوڈ شدہ ٹرک کے اندرونی حصہ کو چیک کیا جاسکے اور نہ ہی ٹرک متذکرہ بالا کی بابت کوئی انفارمیشن وغیرہ بھی نہیں تھی چیک پوسٹ ہذا سے روٹین کے مطابق گزرا ہے اس میں من IHC کی کوئی بددیانتی نہیں ہے۔

جس پر جناب DPO صاحب نے من سائل کو بحوالہ آرڈر بک نمبر 1228 مورخہ 02.06.2020 کو سزا کے طور پر سائل کی دو سائل سروں ضبط کرنے کا حکم جاری کر دیا۔ جو کہ انصاف کے تقاضوں کے منافی اور زیادتی ہے۔

Attested

3. یہ کہ من سائل نے اپنی 20 سالہ سروں میں اپنی ڈیوٹی بطور پولیس آفیسر جانفشانی اور ایمانداری سے انجام دی ہے اور افسران بالا کی طرف سے ہمیشہ شباشی و انعام و کرام سے نوازا گیا ہوں۔ اور کبھی بھی افسران بالا کو شکایت کا موقع فراہم نہیں کیا ہے۔

عالیجا!

سائل پر لگائے گئے الزامات سراسر بے بنیاد ہیں جن میں کوئی صداقت نہیں ہے اور نہ ہی سائل کی کسی قسم کی کوئی بددیانتی شامل نہیں ہے۔

استدعا

لہذا بذریعہ درخواست استدعا ہے کہ سائل کے سابقہ خدمات پولیس اور مدت ملازمت کو مد نظر رکھتے ہوئے سائل کی سزا معاف فرماتے ہوئے 02 سرون بحال فرمائی جائے۔ سائل تازیسٹ دُعا گورہے گا۔

العارضے

IHC احسان اللہ نمبر 1071

متعینہ حال تھانہ کلاچی، ضلع ڈیرہ اسماعیل خان

موبائل نمبر 03467842125

Attested
S



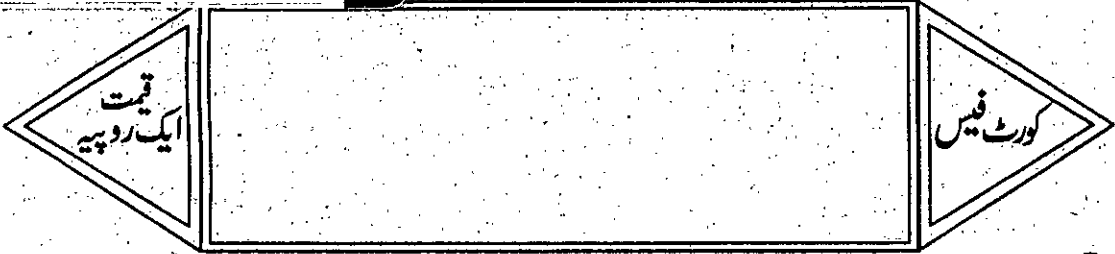
SHOAIB AHMAD KHAN

Advocate
bc-14-5125
Date of Issue: February 2019
Valid upto: February 2022



وکالت نامہ

Secretary
KP Bar Council



بعدالت جناب سروس شریونل سینا اور حیدر بخش خواہ

منجانب احسان اللہ بنام D.P.O ڈی پو اسماعیل خاں اوٹھرو

دعویٰ یا جرم
تفصیل دعویٰ یا جرم سروس ایپیل

باعث تحریر آنکہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف واسطے بیرونی وجوہات ہی برائے پیشی یا تصفیہ مقدمہ بمقام ڈی پو اسماعیل خاں کیلئے مستحکم احمد جان شریف اینڈ وکٹریٹ اسکوٹس

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے، کہ میں ہر پیشی پر خود بذریعہ اختیار عاقل رو بروعدالت حاضر ہوتا ہوں گا۔ اور ہر وقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دیکر حاضر عدالت کروں گا، اگر پیشی پر منظر حاضر نہ ہوں اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے برخلاف ہو گیا۔ تو صاحب موصوف اسکے کسی طرح ذمہ دار نہ ہوں گے، نیز وکیل صاحب موصوف صدر مقام بکھری کے علاوہ کسی جگہ یا بکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل بیرونی کرنے کے ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام بکھری کے علاوہ کسی جگہ یا بکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل بیرونی کرنے کے ذمہ دار نہ ہوں گے۔ اور مقدمہ صدر بکھری کے علاوہ اور جگہ سماعت ہونے یا بروز تعطیل یا بکھری کے اوقات کے آگے پیچھے پیش ہونے پر منظر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا عطا نہ ہوں گے۔ مجھ کو کل ساختہ پر داخلہ صاحب موصوف میں کردہ ذات خود منظور و قبول ہوگا۔ اور صاحب موصوف کو عرضی دعویٰ، یا جواب دعویٰ یا درخواست اجراءے ڈگری و نظر عاقلی اپیل گرانہ و ہر قسم درخواست پر دخلہ و تصدیق کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کرانے اور ہر قسم کاروبار وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور اس پر عاقلی یا راضی نامہ دینے پر حلف کرنے، و اقبال دعویٰ کا بھی اختیار ہوگا۔ اور بصورت مقرر ہونے تاریخ پیشی مقدمہ مذکورہ بیرون از بکھری صدر بیرونی مقدمہ مذکورہ نظر عاقلی و اپیل و گرانہ و برآمدگی مقدمہ یا منسوفی ڈگری کی طرف یا درخواست حکم انتہائی یا قرقی یا گرفتاری قبل از فیصلہ اجراءے ڈگری بھی صاحب موصوف کو بشرط ادا جنگی طعنے و عتاب بیرونی کا اختیار ہوگا اور تمام ساختہ پر داخلہ صاحب موصوف میں کردہ ذات خود منظور و قبول ہوگا۔ اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکورہ یا اسکے کسی جزو کی کارروائی یا بصورت درخواست نظر عاقلی اپیل یا گرانہ یا دیگر معاملہ مقدمہ مذکورہ کسی دوسرے وکیل یا پھر شریک اپنے بجائے یا اپنے ہمراہ مقرر کریں۔ اور ایسے شریک قانون کو بھی ہر امر میں دی اور دیئے اختیارات حاصل ہوں گے، جیسے صاحب موصوف کو حاصل ہیں، اور دوران مقدمہ میں جو کچھ ہر جانہ التواء پڑے گا، وہ صاحب موصوف کا حق ہوگا۔ مگر صاحب موصوف کو پوری ٹیس تاریخ پیشی سے پہلے اذانہ کروں گا۔ تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی بیرونی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

لہذا وکالت نامہ لکھ دیا ہے۔ تاکہ سند رہے
مورخہ 18 مارچ 2021

مضمون وکالت نامہ سن لیا ہے۔ اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

العبد العبد العبد

Accepted
18/10/21

احسان اللہ ولا حاجی کشمیر خان و شریونل سکند
گلوٹی تحصیل بہاولپور پنڈیالہ ضلع ڈی پو اسماعیل خاں
ایمیل منٹ



GHULAM SAEED

Advocate

bc-10-4838

Date of issue: March 2019

Valid upto: March 2022



Secretary
KP Bar Council

وکالت نامہ

کورت فیس

قیمت ایک روپیہ

بعدالت جناب سروس ٹریڈنگ سٹورس و سٹورس
منجانب اسٹورس
احسان اللہ ڈی پو اسٹورس اسٹورس

دعویٰ یا جرم
تفصیل دعویٰ یا جرم

باعث تحریر آنکہ
D. 1. 19
Saeed Shikhu Adar

کوجب ذیل شرائط پر وکیل مقرر کیا ہے، کہ میں ہر پیشی پر خود بذریعہ اختیار حاصل رو برو عدالت حاضر ہوتا ہوں گا۔ اور ہر وقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دیکر حاضر عدالت کروں گا، اگر پیشی پر مطلع حاضر نہ ہوں اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے برخلاف ہو گیا۔ تو صاحب موصوف اسکے کسی طرح ذمہ دار نہ ہوں گے، نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ کسی جگہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل بیرونی کرنے کے ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ کسی جگہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل بیرونی کرنے کے ذمہ دار نہ ہوں گے۔ اور مقدمہ صدر مقام پکھری کے علاوہ اور جگہ سماعت ہونے یا بروز تعطیل یا پکھری کے اوقات کے آگے پیچھے پیش ہونے پر مطلع کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضے کے ادا کرنے یا نفاذ نہ ہوں گے۔ مجھ کو کل ساختہ پر داخل صاحب موصوف مثل کردہ ذات خود منظور و قبول ہوگا۔ اور صاحب موصوف کو عرضی دعویٰ یا جواب دعویٰ یا درخواست اجراءے ڈگری و نظر ثانی اپیل و ہرجم درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کرنے اور ہرجم کاروبار وصول کرنے اور رسید دینے اور داخل کرنے اور ہرجم کے بیان دینے اور اس پر حاشی یا راضی نامہ دینے پر حلف کرنے، اقبال دعویٰ کا بھی اختیار ہوگا۔ اور بصورت مقرر ہونے تاریخ پیشی مقدمہ مذکورہ بیرون از پکھری صدر بیرونی مقدمہ مذکورہ نظر ثانی و اپیل و گمرانی و برآمدگی مقدمہ یا منسوخی ڈگری کی طرف یا درخواست حکم انتہائی یا قرتی یا گمرانی جن از لہذا اجراءے ڈگری بھی صاحب موصوف کو بشرط ادا ایسی طبعہ و عتد بیرونی کا اختیار ہوگا اور تمام ساختہ پر داخل صاحب موصوف مثل کردہ ذات خود منظور و قبول ہوگا۔ اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکورہ یا اسکے کسی جزو کی کارروائی یا بصورت درخواست نظر ثانی اپیل یا گمرانی یا دیگر معاملہ مقدمہ مذکورہ کسی دوسرے وکیل یا پکھری کو اپنے بجائے یا اپنے ہمراہ مقرر کریں۔ اور ایسے مشیر کا کوئی نام بھی ہر امر میں وہی اور ویسے اختیارات حاصل ہوں گے، جیسے صاحب موصوف کو حاصل ہیں، اور دوران مقدمہ میں جو کچھ ہر جائد التواء ہوگا، وہ صاحب موصوف کا حق ہوگا۔ مگر صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا۔ تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی بیرونی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی حکم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

201

مورثہ

مضمون وکالت نامہ سن لیا ہے۔ اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

احسان اللہ وکیل کشفیر خان قوم مروت سکند

جگہ کی تحصیل بہار بلور پیناہ صلح ڈی پو اسٹورس اسٹورس

ایسٹ

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

Service Appeal No. 7772/2021

Ehsan Ullah s/o Haji Kashmir Caste Marwat r/o P/O Gilloti Tehsil Paharpur
District Dera Ismail Khan, IHC NO. 1071 ... (Appellant)

Versus

1. The District Police Officer, DIKhan.
2. The Regional Police Officer, DIKhan.
3. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.

... (Respondents)

WRITTEN REPLY ON BEHALF OF RESPONDENTS No. 1 to 3

PRELIMINARY OBJECTIONS

1. That the appellant has got no cause of action to file the instant appeal.
2. That the appeal is bad for misjoinder/non-joinder of necessary parties.
3. That the appeal is badly barred by law & limitation.
4. That the appellant has not come to the Honourable Tribunal with clean hands.
5. That the appellant is estopped due to his own conduct to file the instant appeal.
6. That the appellant has concealed the material facts from the Honourable Tribunal.

REPLY ON FACTS

1. Correct to the extent that the appellant while posted as Incharge Police Checkpost CRBC, on 14.04.2020 between 06:00 to 10:00 hrs a suspicious truck No. EA-3054 loaded with fire-woods passed without any checking, the said truck was caught at the Punjab check post Kundian Mianwali having almonds hidden under the fire-woods which shows gross misconduct, negligence and lack of interest in official duties.
2. Correct to the extent that after completion of inquiry, the Enquiry Officer found him guilty, hence was awarded minor punishment of forfeiture of two years approved service vide OB No. 1228, dated 02.06.2020. **(Copy Annexed "A")**

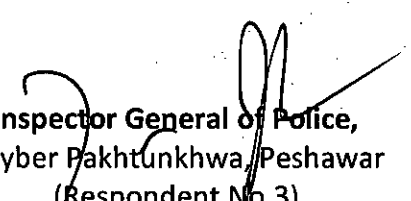
3. Correct to the extent that his departmental appeal was rejected by worthy RPO DIKhan vide order No.9193-94/ES, dated 14.10.2020, as the allegations were proved against him. (Copy Annexed "B")
4. Correct to the extent that the appellant filed a revision petition to the worthy Inspector General of Police KP Peshawar. A meeting of Appellate Board was held on 15.07.2021 and the appellant was heard in person. Perusal of enquiry papers reveals that the allegations levelled against the appellant stand confirmed as he failed to check the truck whereas the same was intercepted at Punjab checkpost and smuggled items were recovered. The Board witnessed no grounds/reasons for acceptance of this petition, hence the Board decided to reject his petition vide No. 3289-99/21, dated 06.08.2021. (Copy Annexed "C")
5. That the impugned orders of Respondents passed in accordance with law & rules. Hence, the instant appeal is not maintainable on the following ground.

REPLY ON GROUNDS

1. Incorrect. The impugned orders passed by the forums based on facts and in accordance with law/rules.
2. Correct to the extent that the appellant has 21 years' service but the remaining portion of the para is incorrect. The service record of appellant reveals bad entries on the account of misconduct.
3. Incorrect. The entire service record of appellant reveal bad entries in which one of the said punishment shows misconduct of appellant.
4. Incorrect. The District Police Officer DIKhan afforded opportunity of personal hearing to the appellant before his lawful decision but the appellant failed to prove his innocence. Similarly, the Enquiry Officer has also associated the appellant provided him opportunities of defence but did not proved his innocence. Therefore, the impugned order of DPO DIKhan (Respondent-1) is tenable under the law/rules.
5. Incorrect. The orders of the Regional Police Officer DIKhan as well Appellate Board of Worthy Inspector General of Police Khyber Pakhtunkhwa were passed after observing all codal formalities including personal hearing, hence the impugned orders were passed in accordance with law & rules.
6. Incorrect. In fact, a suspicious truck number EA-3054 loaded of fire-woods passed through Hathala check post in Tehsil Kalachi and was allowed without checking on the directions of Incharge (Appellant). The truck in-question was intercepted at Punjab Check Post Kandian Mianwali having smuggled almond hidden under the fire-woods. This act of appellant fall under the category of negligence, inefficiency & lack of interest in official duties, which is punishable under the rules.


PRAYER

It is, therefore, humbly prayed that in the light of parawise comments, the Appeal of the Appellant is devoid of legal footings and merits, hence may graciously be dismissed.


Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar
(Respondent No.3)


06/07/22

Regional Police Officer,
Dera Ismail Khan
(Respondent No.2)


District Police Officer,
Dera Ismail Khan
(Respondent No.1)

BEFORE THE HONOURABLE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA,
PESHAWAR.

Service Appeal No. 7772/2021

Ehsan Ullah s/o Haji Kashmir Caste Marwat r/o P/O Gilloti Tehsil Paharpur
District Dera Ismail Khan, IHC NO. 1071 ... (Appellant)

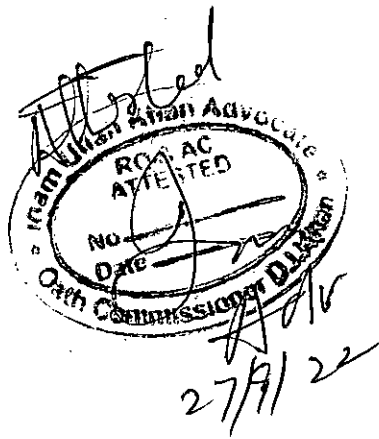
Versus

1. The District Police Officer, DIKhan.
2. The Regional Police Officer, DIKhan.
3. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.

... (Respondents)

COUNTER AFFIDAVIT ON BEHALF OF RESPONDENTS

We, the respondents do hereby solemnly affirm and declare on oath that the contents, of Comments/Written reply to Appeal are true & correct to the best of our knowledge and nothing has been concealed from this Honourable Tribunal.



Inspector General of Police
Khyber Pakhtunkhwa, Peshawar
(Respondent No.3)


26/07/22

Regional Police Officer
Dera Ismail Khan
(Respondent No.2)


District Police Officer
Dera Ismail Khan
(Respondent No.1)

BEFORE THE HONOURABLE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA,
PESHAWAR.

Service Appeal No. 7772/2021

Ehsan Ullah s/o Haji Kashmir Caste Marwat r/o P/O Gilloti Tehsil Paharpur
District Dera Ismail Khan, IHC NO. 1071 ... (Appellant)

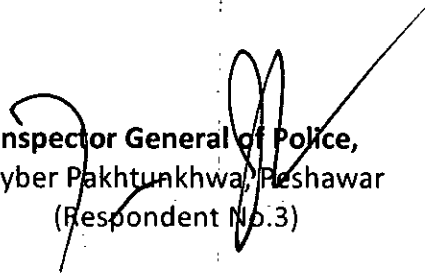
Versus


1. The District Police Officer, DIKhan.
2. The Regional Police Officer, DIKhan.
3. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.


... (Respondents)

A U T H O R I T Y

We, the respondents do hereby authorised Inspector/Legal, DIKhan to appear before the Service Tribunal Khyber Pakhtunkhwa, Peshawar, on our behalf, He is also authorised to produce/ withdraw any application or documents in the interest of Respondents and the Police Department.


Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar
(Respondent No.3)


Regional Police Officer,
Dera Ismail Khan
(Respondent No.2)


District Police Officer,
Dera Ismail Khan
(Respondent No.1)



OFFICE OF THE
DISTRICT POLICE OFFICER,
DERA ISMAIL KHAN

Tel: (0966) 9280062
Fax (0966) 9280293

No. 3830/EC

dt 29/05/2020

ORDER

This order will dispose of departmental proceedings conducted against HC Ehsan Ullah No.1071 of this district Police, under the Khyber Pakhtunkhwa, Police Rules, 1975 (amendment 2014).

While he posted as Incharge at Hathala Check Post, suspicious truck bearing No.EA-3054 loaded with burning wood was passed through his Check Post on 14.04.2020, timing from 06:00 hours to 14:00 hours without any proper checking. The said truck was checked in Punjab in which almonds were hidden under the burning woods. This act on his part amounts to gross misconduct and negligence and lack of interest in official duties which is punishable under the rules.

For the above, thoughtful/professional misconduct of the accused official, charge sheet along-with statement of allegations was served upon the accused official. An enquiry was conducted into the matter through Mr. **Muhammad Saleem Tariq, DSP HQrs: DI Khan**, was appointed as enquiry officer to scrutinize/investigate the conduct of accused official. The Enquiry Officer submitted his finding report and recommended for Minor Punishment.

Foregoing 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 ibid rules I, **Capt. ® Wahid Mehmood**, District Police Officer, DI Khan, award him Minor Punishment of **forfeiture of two years approved service**.

Capt: ® WAHID MEHMOOD, PSP
District Police Officer,
Dera Ismail Khan



Office of The
District Police Officer,
DI Khan

No 3243 /EC

Dated 21-04 /2020

CHARGE SHEET.

I, **CAPT @ WAHID MEHMOOD, DISTRICT POLICE OFFICER, DIKHAN,** as competent authority under Khyber Pakhtunkhwa Police Rules (amendments 2014) 1975, am of the opinion that you **HC Ehsan Ullah No.1071** rendered yourself liable to be proceeded against, as you have committed the following act/omissions within the meaning of Rule 3 of the Police Rules 1975.

i. ***While you posted as Incharge at Hathala Check Post, suspicious truck bearing No.EA-3054 loaded with burning wood was passed through your Check Post on 14.04.2020, timing from 06:00 hours to 14:00 hours without any proper checking. The said truck was checked in Punjab in which almonds were hidden under the burning woods. This act on your part amounts to gross misconduct and negligence and lack of interest in official duties 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 07 days 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.

4. A statement of allegation is enclosed.


DISTRICT POLICE OFFICER,
DIKHAN



Office of the
District Police Officer,
DIKhan

No. 3243 /EC

Dated 21-04/2020

DISCIPLINARY ACTION

I, **CAPT @ WAHID MEHMOOD, DISTRICT POLICE OFFICER, DIKHAN** as competent authority, am of the opinion that you **HC Ehsan Ullah No.1071** 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

While you posted as Incharge at Hathala Check Post, suspicious truck bearing No.EA-3054 loaded with burning wood was passed through your Check Post on 14.04.2020, timing from 06:00 hours to 14:00 hours without any proper checking. The said truck was checked in Punjab in which almonds were hidden under the burning woods. This act on your part amounts to gross misconduct and negligence and lack of interest in official duties which is punishable under the rules.

2. For the purpose of scrutinizing the conduct of said accused with reference to the above allegations **Muhammad Saleem Tariq DSP/HQrs: DIKhan** 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. 3244-45 /EC, dated 21-04 /2020.

Copy of above to:-

1. **DSP HQrs: DIKhan:-** The Enquiry Officer for initiating proceedings against the accused under the provisions of Police Rule-1975.
2. The **Accused officer:-** with the directions to appear before the Enquiry Officer, on the date, time and place fixed by him, for the purpose of enquiry proceedings.

Received

1071 HC/21

HC
22-4
020

SRMA
19.10.20



OFFICE OF THE
REGIONAL POLICE OFFICER
DERA ISMAIL KHAN
REGION

1796
16-10-2020

76

No. 9193 /ES, Dated DI Khan the

14/10/2020

ORDER

This order is aimed to dispose of the departmental appeal of HC Ehsan Ullah No.1071 of District Police DIKhan against the minor punishment order i.e. forfeiture of two years approved service by DPO DIKhan vide OB No. 1228 dated 02.06.2020, on the following allegations:

Facts of the case are that he while posted as I/C at Hathala Check Post, suspicious truck bearing No.EA-3054 loaded with burning wood passed through his Check Post on 14.04.2020 timing from 0600hrs to 1400hrs without any proper checking. The said truck was checked in the Punjab check post kundian, District Mianwali, in which almonds were found hidden under the burning woods.

He was issued charge sheet and proper departmental proceedings were initiated against him. Enquiry into the matter was conducted by Mr. Muhammad Saleem Tariq, the then DSP HQs D.I.Khan who submitted his findings report and recommended him for Minor Punishment. In the light of recommendations of enquiry officer, DPO D.I.Khan has passed the order dated 02.06.2020.

He preferred an appeal to the undersigned on 06.07.2020 against the order of DPO D.I.Khan. His appeal was sent to DPO DIKhan for comments and to provide his service record vide this office Endst: No. 2720/ES dated 06.07.2020. DPO DIKhan vide his office memo: No. 4837/EC dated 20.07.2020 has furnished the comments on the subject appeal.

The undersigned perused the enquiry file of the appellant thoroughly as well as heard him in person in Orderly Room on 23.09.2020. As per findings of the enquiry officer, the charges of misconduct stand proved against the defaulter HC, as he failed to check the truck whereas it was checked in Punjab check post and smuggled items were recovered.

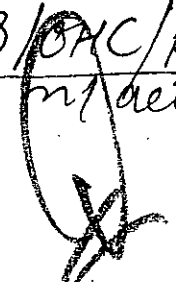
Therefore, I, **YASEEN FAROOQ**, Regional Police Officer, Dera Ismail Khan, in exercise of the powers conferred upon me under Rule-11(4)(a) of Police Rules 1975 amended 2014, the minor punishment of two years approved service awarded by DPO D.I.Khan uphold the order of penalty and his appeal is hereby rejected.

ORDER ANNOUNCED


(YASEEN FAROOQ) PSP
REGIONAL POLICE OFFICER
DERA ISMAIL KHAN

No. 9194 /ES

Copy of above alongwith service record is sent to the DPO DIKhan

EC/OB/OHC/PO
for int action


PPS attached
14/10

OB-2222
DI-16-10-20

DPO DIKhan



2813
18/8/21

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.

ORDER

1405
24/08/21

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by Head Constable Ehsan Ullah No. 1071. The petitioner was awarded penalty of forfeiture of two years approved service by District Police Officer, D.I.Khan vide OB No. 1228, dated 02.06.2020 on the allegations that he while posted at I/C Hathala Check Post, suspicious truck bearing No. EA-3054 loaded with burning wood passed through his check post on 14.04.2020 timing from 06:00 hrs to 14:00 hrs without any proper checking. The said truck was checked in the Punjab check post Kundian District Mianwali in which almonds were found hidden under the burning woods. His appeal was rejected by Regional Police Officer, D.I.Khan vide order No. 9193-9194/ES, dated 14.10.2020.

Meeting of Appellate Board was held on 15.07.2021 wherein petitioner was heard in person. Petitioner denied the allegations leveled against him.

Perusal of enquiry papers reveals that the allegations leveled against the petitioner have been proved as he failed to check the truck whereas it was checked in Punjab check post and smuggled items were recovered. The Board see no ground and reasons for acceptance of his petition, therefore, the Board decided that his petition is hereby rejected.

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

No. S/ 3289-99/21, dt: 04/08/2021

Copy of the above is forwarded to the:

1. Regional Police Officer, D.I.Khan. One Service Roll, one Fauji Missal and complete enquiry papers of the above named HC received vide your office Memo: No. 415/ES, dated 26.01.2021 and No. 1731/ES, dated 30.04.2021 respectively 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, Peshawar.
5. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-IV CPO Peshawar.

EC/OHC/OB

26/8

DPO/D.I.Khan

(~~IREAN ULLAH KHAN~~) PSP
AIG/Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

24/08/21

cd
D.P.O D.I. Khan No of 3466 ES
dt: 18/8/21
Please inform me
Petitioner
Moreover, 1- Service Roll,
1- Fauji Missal & complete enquiry
papers are returned herewith
for your office record.

OB - 1379
DT - 31-8-2021

lc
18/08/21
REGIONAL POLICE OFFICER
D.I. KHAN