

28th September, 2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General alongwith Mr. Muhammad Khalil, S.I (Legal) for respondents present.

Para-wise reply on behalf of respondents No. 2 to 4 submitted, copy of which handed over to learned counsel for the appellant, who seeks adjournment on the ground that he has not gone through the comments submitted by respondents No. 2 to 4 today. Adjourned. To come up for arguments on 27.10.2022 before the D.B at Camp Court D.I.Khan.



(Salah Ud Din)
Member (Judicial)
Camp Court D.I.Khan



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

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 25.11.2022 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

26.01.2022


Tour is Cancelled, therefore, case is adjourned to 25.05.2022 for the same as before.

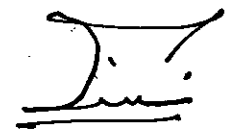

Reader.

25.05.2022

Appellant in person present. Mr. Muhammad Khalil, S.I (Legal) alongwith Mr. Farhaj Sikandar, District Attorney for the respondents present and sought time for submission of reply/comments.

Respondents are directed to submit reply/comments within 15 days in office positively, failing which their right for submission of reply/comments shall be deemed as struck off. Adjourned. To come up for arguments on 27.07.2022 before the D.B at Camp Court D.I.Khan.


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


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

27-07-2022

Due to Summer vacations, the case is adjourned to 28-9-2022 for the same as before

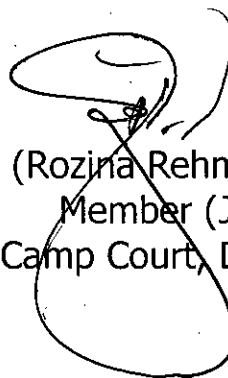
Reader.

25.10.2021

Appellant present in person present. 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 within 10 days. Thereafter, notices be issued to the respondents for submission of reply/comments in office within 10 days of the receipt of notices, positively. If the reply/comments are not submitted within stipulated time, the office shall submit the file with a report of non-compliance. To come up for arguments on 14.12.2021 before D.B at Camp Court, D.I.Khan.

Appellant Deposited
Security & Process Fee



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

14.12.2021

Counsel for appellant present.

Muhammad Adeel Butt, learned Additional Advocate General for respondents present.

Notices be issued to the said respondents with direction to furnish reply/comments within 10 days of the receipt of notice in office, positively. To come up for arguments on 26.01.2022 before the D.B at Camp Court, D.I.Khan.



(Rozina Rehman)
Member (J)


Chairman
Camp Court, D.I.Khan

27.09.2021

Nemo for the appellant.

Previous date was changed on Note Reader, therefore, notice be issued to the appellant and his counsel for preliminary hearing before the S.B on 25.10.2021 at Camp Court D.I Khan.


(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)
CAMP COURT D.I KHAN

25.10.2021 Appellant present in person 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 within 10 days. After, notices be issued to the respondents for submission of reply/comments. To come up for written reply/comments on 14.12.2021 before S.B at Camp Court, D.I Khan.

(Roziya Rehman)
Member (S)
Camp Court, D.I Khan

52:03:5051

25.03.2021

Appellant present and requested for adjournment on the ground that his counsel has gone for appearing in a case in the court at Tehsil Pharpoor. Adjourned. To come up for preliminary arguments before S.B at Camp Court D.I.Khan on 24.05.2021.



(SALAH-UD-DIN)
MEMBER (JUDICIAL)
CAMP COURT D.I.KHAN

Due to COVID-19 therefore to
come up for the same on 27-9-21

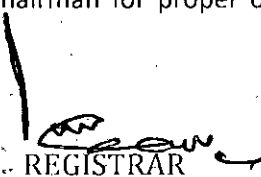


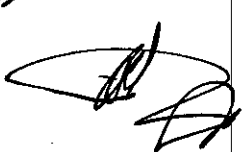
On
Ready

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. - 12171 /2020


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	16/10/2020	The appeal of Mr. Muhammad Arshad resubmitted today by post through Mr. Ghulam Asghar Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.  REGISTRAR
2-	11-11-2020	This case is entrusted to touring S. at D.I.Khan Bench for preliminary hearing to be put up there on <u>23-11-2020</u> .  CHAIRMAN
	23.11.2020	Nemo for appellant. Notice be issued to appellant/counsel for 21.12.2020 for preliminary hearing before S.B at Camp Court, D.I. Khan.  (Rozina Rehman) Member (J) Camp Court, D.I. Khan
	21-12-2020	<i>Due to COVID 19, the case is adjourned to 25.3.2021 for the same.</i> 

The appeal of Mr. Muhammad Arshad son of Jahangir Gul Ex-Constable No. 1378 Police District D.I.Khan received today i.e. on 06.10.2020 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Annexures of the appeal may be attested.
- 2- Annexures of the appeal may be flagged.
- 3- One more copy/set of the appeal along with annexures i.e complete in all respect may also be submitted with the appeal.

No. 2859 /S.T,

Dt. 07/10 /2020.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Ghulam Asghar Khan Advocate,
High Court Dera Ismail Khan

BEFORE THE HONOURABLE KPK SERVICE TRIBUNAL

PESHAWAR

APPEAL No. _____ -D/2020

MUHAMMAD ASHRAF 12174 (Appellant)


Versus

Govt: of KPK etc..... (Respondents)

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Your Humble Appellant



Through Counsel



 Ghulam Asghar Khan
Advocate High Court,
Dera Ismail Khan.

①

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

Service Appeal No. _____ of 2020

Muhammad Arshad S/o Jahangir Gul Ex-Constable No. 1378, Police District D. I.
Khan

APPELLANT

VERSUS

1. Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa
2. Inspector General Police Khyber Pakhtunkhwa.
3. Regional Police Officer D. I. Khan Range.
4. District Police Officer D. I. Khan.
5. *Mr. Zahoor ud Din DSP City Circle D.I.Khan*
6. District Account Officer D.I.Khan

RESPONDENT

**SERVICE APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNAL ACT, 1974
AGAINST ORDER NO. 1253 DATED 03.06.2020 VIDE WHICH THE SERVICES OF
THE APPELLANT WAS DISMISSED.**

PRAYER:

**TO PLEASE TAKE COGNIZANCE OF THIS SERVICE APPEAL AND BY SETTING
ASIDE THE IMPUGNED ORDER DATED 03.06.2020. THE APPELLANT MAY
PLEASE BE REINSTATED IN THE SERVICE WITH ALL BACK BENEFITS.**

Respectfully Sheweth:

1. That appellant was appointed as Constable in the Police Department D. I. Khan on
Dated 05-01-2011
2. That the appellant was performing his official duties regularly and in the meanwhile he
was implicated in a criminal case by the Police Station Cantt D. I. Khan vide FIR No. 505
dated: 24.04.2020 Under Section 118 Police Act 2017. Copy of FIR is enclosed as
Annexure A.
3. That the respondent No. 4 issued statement of allegation and charged sheet dated
29.04.2020, Malafidely, illegally and unlawful. Copy of the same are enclosed as
Annexure B & C.
4. That on the basis of so-called FIR, the District Police Officer D. I. Khan vide impugned
office order bearing No.1253 dated 03.06.2020 imposed the penalty of dismissal from
service upon the appellant. Copy of same is enclosed as **Annexure D.**
5. That Appellant was totally unaware of the one side decision vide Office Order bearing
No.1253 dated 03.06.2020 and upon getting knowledge of the same, appellant filed a
departmental appeal. Copy of Departmental is enclosed as **Annexure E.**
6. That aggrieved of the order dated 03.06.2020. The Appellant wants to impugn the
same through the present appeal for setting aside the same on, inter alia, the following
grounds.

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GROUNDS

- i. That the impugned Office Order bearing No. 1253 dated 03.06.2020 are against law and facts, illegal, unlawful, based on malafide and against the admitted realities thus, the same is liable to be set aside.
- ii. That the very foundation of impugned office Order No. 1253 dated 03.06.2020 i.e. The FIR is illegal, unlawful and without any legal backing.
- iii. That it is worthy to mention here that the inquiry officer recommended that inquiry papers may kindly be kept pending till the decision of Court.
- iv. That it is worthy to mention here that the case FIR No. 505 dated 24.04.2020, with triggered the departmental proceeding against appellant, is pending trial before the learned court D. I. Khan.\
- v. That the mandate of the Law for the purpose of the termination of the civil servant as provided in the KP Government servants (Efficiency & Discipline) Rules 2011, has not been fulfilled and as such the impugned office order are squarely illegal, unlawful and are without any legal backing. Thus, the same are not warranted under the law.
- vi. That the appellant has not been given a fair chance to defend his valuable rights rather he was condemned un-heard. Even no proper inquiry was conducted into the matter nor any proper legal procedure had been adopted before issuing the impugned Office Order dated 03.06.2020. Hence, a great injustice has been done to the Appellant.
- vii. That it is now settled that if a civil servant has a transparent service record then at the time of the awarding any penalty during departmental proceedings, his previous service record should be kept in mind.
- viii. That the impugned office order is based on malafide and the appellant has not been treated in accordance with the relevant law & record. There is flagrant violation of the law & rules dealing the matters pertaining to the civil servants and no proper procedure as provided under the law governing matters of civil servants, was adopted.
- ix. That the impugned orders are hit by the doctrine of audi alteram partem which are thus liable to be set aside.
- x. That the counsel for appellant may be allowed to raise additional grounds at the time of hearing.

It is therefore, humbly prayed that on acceptance of the present Service Appeal and by setting aside the impugned order the appellant may please be reinstated into service with all back & future benefits.

Your Humble Appellant

M. ARSHAD
THROUGH COUNSEL


Ghulam Asghar Khan
Advocate High Court

Dated: 25/9/2020

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CERTIFICATE:

I, the Appellant do hereby verify on this day of 25/9/2020 (herein mentioned above) D. I. Khan that it is the first service Appeal on behalf of appellant and no appeal on the subject has earlier been filed.


APPELLANT



AFFIDAVIT:

I, M. Arshad S/o Jahangir Gul the Appellant, do hereby solemnly affirm and declare on oath that all the Para-wise contents of above Service Appeal are true & correct to the best of my knowledge and belief and nothing has been deliberately concealed from this Honourable Court.

Identified by Counsel:



Arshad
25/9/20

DEPONENT



ابتدائی اطلاعی رپورٹ

(گامبلی) ابتدائی اطلاع یافتہ مجرم قابل دست اندازی پولیس ریورٹ نمبر 184 مجموعہ ضابطہ مندری
 ضلع D14 تاریخ وقت رپورٹ - نام ملزم

(505)

وقت رپورٹ 22:04 بجے وقت 18:20 بجے	پولیس اسٹیشن 24 وقت 18:00 بجے
پہلو سے اطلاع دہندہ سٹیٹ	انسپیکٹر فیصلہ رحیم خان S110 کیس نمٹا
پہلو سے مجرم (معدومہ) مال اگر کچھ لیا ہو	118 پولیس اسٹیشن 2017 نمبر
آئے اور عدالت کے ساتھ سے اور مت مختلف عدالت	علاقہ جڑو سرد تھما اہل کینیٹ
میں کوئی طرح محمد ارشد نور لکٹ نمبر 1378 عدالت	حال میں کینیٹ پولیس اسٹیشن لاہور ٹریڈ سوسائٹی 50-52-54-56-58-60-62-64-66-68-70
رواں پر پیش کے متعلق کی ملی اگر اطلاع دیا کہ نے عذر وقت درجہ بیان کر	صوبہ الحکم امتیازان بالا مقدرہ قائم ہوا۔
نام سے روائی کی تاریخ وقت	پہلو سے سنیل شراکت

ابتدائی اطلاع نیچے درج کردہ مستندات سے ملتا ہے۔

ملزم منیر محمد خان نمبر 5 محمد علیہ صاحبہ کا روز راجیہ 22:04 گھنٹہ کینیٹ میں رپورٹ درج کی کہ کینیٹ محمد ارشد نمبر 1378 شراکت پولیس اسٹیشن لاہور سے ایک 3000 روپے قیمت کا شراب خرید کر اور بلانے کا عادی ہے۔ حال میں جڑو سرد تھما میں نہیں ہے۔ اور پولیس کے لیے بروائی کا باعث ہے۔ رقمہ امتیازان بالا کو کھول لی گئی جس سے امتیازان بالا نے مجرم والا مقدرہ درجہ پر مشورہ کرنے کا حکم ہمارے پاس ہے۔ حکم امتیازان بالا مقدرہ درجہ پر مشورہ کیا گیا ہے۔ قتل FIR نمبر 114 کی جالی ہے۔ پر ایگزازیشن ہے۔ نقل ذیل ہے۔

ریورٹ متعلق رحیم خان S110 عذرہ 22:04 بجے وقت 18:20 بجے درج ہے کہ کینیٹ S110 کی عدالت رپورٹ کے صدر کینیٹ درج ہائون کا سکونت ہے اور شراکت پولیس اسٹیشن لاہور میں کینیٹ سے شراب کی خلاف ورزی کے متعلق سے معلومات ہوئی ہیں اور کافی شکایات ہیں کہ عدالت کینیٹ شراب پینے کا عادی ہے، شراب پینا ہے اور علاقے میں شراب پینے کے پلانے کی غرض سے عدالت کے لیے پوری پشیمانی کرنا ہے اور اس کے متعلق درجہ ہے اور پولیس ریورٹ اور کینیٹ کے لیے پوری کا باعث ہے۔ جہاں پر عدالت میں کینیٹ کے خلاف رپورٹ کے خلاف رپورٹ میں درج کر کے نقل ملزمہ درجہ کر کے پوری کا باعث ہے حکم امتیازان بالا کو بروائی کے خلاف عدالت میں

S110 - Court
 24-04-20



Office of the
District Police Officer
DIKhan

No. 3266 /TC

Date 29-04/2020

DISCIPLINARY ACTION


1. CAPT @ WAHID MEHMOOD, DISTRICT POLICE OFFICER, DIKHAN as competent authority, am of the opinion that you Constable Arshad No.1378 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 in Police Lines DIKhan, a case FIR No.505, dated 24.04.2020 U/S 118 Police ACT-2017 PPC PS/Cantt DI Khan, was registered against you. This act on your part amounts to gross misconduct which is punishable under the rules.

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

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


DISTRICT POLICE OFFICER,
DIKHAN

No. 3266-67 /EC, dated 29-04 /2020.

Copy of above to:-

1. DSP city :- 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.



Office of the
District Police Officer,
DIKhan

No 3266/TC

Dated 29/4/2020

CHARGE SHEET.

1. CAPT @ WAHID MEHMOOD, DISTRICT POLICE OFFICER, DIKHAN, as competent authority under Khyber Pakhtunkhwa Police Rules (amendments 2014) 1975, am of the opinion that you Constable Arshad No.1378 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.


While you posted in Police Lines DIKhan, a case FIR No.505, dated 24.04.2020 U/S 118 Police ACT-2017 PPC PS/Cantt DI Khan, was registered against you. This act on your part amounts to gross misconduct 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



7
7

OFFICE OF THE
DISTRICT POLICE OFFICER,
DERA ISMAIL KHAN

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

No. 3875 JEC

Dated. 01 / 06 / 2020

ORDER

This order will dispose of departmental proceedings conducted against Constable Arshad No.1378, of this district Police, under the Khyber Pakhtunkhwa, Police Rules, 1975 (amendment 2014).

While he posted in Police Lines DI Khan, a case FIR No.505, dated 24.04.2020 U/S 118 Police ACT-2017 PPG PS/Cantt. DI Khan, was registered against him.

He was served with charge sheet/statement of allegations. An enquiry was conducted into the matter through Mr. Zahoor ud Din DSP/City Circle, DI Khan, under Police Rules-1975 amended-2014. The Enquiry Officer submitted his finding report in which he stated that complete challan has been sent to court concerned for hearing. Enquiry Officer recommended that enquiry papers may kindly be kept pending till the decision of Court.

From the perusal of the relevant record, I am satisfied that the charges of misconduct stand proved against him 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 a Major Punishment Dismissal from service with immediate effect.

OB No. 1253

Dated. 03 / 06 / 2020

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

13
1. Application received on
2. Copy of the report to
3. Report of the enquiry officer
4. Report of the enquiry officer
5. Report of the enquiry officer
6. Report of the enquiry officer
7. Report of the enquiry officer
8. Report of the enquiry officer
9. Report of the enquiry officer
10. Report of the enquiry officer

۵/۸

بخدمت جناب ڈپٹی انسپکٹر جنرل آف پولیس ریجن ڈیرہ اسماعیل خان

Departmental appeal

برخلاف حکم OB-No1253 مورخہ No.3875/EC جاری شدہ ازاں

جناب ڈسٹرکٹ پولیس آفیسر صاحب ڈیرہ اسماعیل خان

استدعائے اپیل:-

بمظوری اپیل ہذا حکم متدعوئیہ نمبر OB-No1253 مورخہ 03/06/2020
No:3875/EC جاری شدہ ازاں جناب DPO صاحب ڈیرہ اسماعیل خان کو منسوخ فرما کر من
اپیلانٹ کو ملازمت پر With all bach banefits بحال فرمایا جائے۔

جناب عالی! اپیلانٹ حسب ذیل عرض رساں ہے۔

۱۔ یہ کہ من اپیلانٹ سال 2011 میں FRP ڈیرہ اسماعیل خان میں بطور کانٹریبل بھرتی ہوا تھا اور پولیس
لائسنس ڈیرہ اسماعیل خان میں اپنی ڈیوٹی سرانجام دے رہا تھا اور اپنی 9/10 سال سروس میں من اپیلانٹ کے خلاف
کسی قسم کی کوئی شکایت وغیرہ عوام الناس کی طرف سے نہیں تھی اور نہ ہی من اپیلانٹ کی دوران ملازمت پولیس
ڈیپارٹمنٹ میں کوئی شکایت / Misconduct محکمہ کے ساتھ رہا ہو بلکہ من اپیلانٹ اپنی نیک جاتی اور

ایمانداری کے ساتھ ڈیوٹی سرانجام دیتا رہا۔

۲۔ یہ کہ سائل اپیلانٹ کو بروئے حکم متدعوئیہ نمبر No.3875/EC OB-No 1253 مورخہ
01/06/2020 جاری شدہ ازاں DPO صاحب ڈیرہ اسماعیل خان نے بے بنیاد الزامات کی بناء پر ملازمت
سے Dismiss فرما دیا جس پر من اپیلانٹ نے DPO صاحب لف اپیل ہے۔

۳۔ یہ کہ حکم جناب DPO صاحب خلاف قانون، خلاف واقعات اور صرف الزامات کا سہارا لے کر من
اپیلانٹ کو برطرف ملازمت کیا گیا جو بدیں طور پر قابل منسوخ ہے۔ اور من اپیلانٹ کو سروس پر بحال کر کے
انصاف کے تقاضے پورے کئے جائیں عین انصاف ہوگا۔

وجوہات اپیل:-

۱۔ یہ کہ من سائل کے خلاف ایک جھوٹی FIR نمبر 505 مورخہ 24/04/2020 کو زیر دفعہ 118 پولیس ایکٹ 2017 کی بنیاد پر جناب DPO صاحب نے ملازمت سے برطرف کر دیا۔ FIR جو کہ مبنی بر حقیقت نہیں ہے اور صرف من اپیلانٹ کو نقصان پہنچانے کی خاطر اور سازشی طور پر جناب SHO صاحب تھانہ کینٹ میں درج فرمائی اور صفحہ مشل پر وہ مان تفتیش کوئی کوئی ایسی شہادت موجود نہیں ہے جس سے میرے خلاف لگائے گئے سنگین الزام کی تائید ہوتی ہو اور نہ ہی عوام کی طرف سے من اپیلانٹ کے خلاف کوئی شہادت کی گئی ہو۔ یہاں پر یہ امر بھی قابل ذکر ہے کہ استغاثہ کی طرف سے لگائے گئے الزام کو ثابت کرنا ضروری ہے جبکہ صفحہ مشل پر کوئی ایسی ٹھوس شہادت موجود نہیں ہے جس سے یہ بنیاد FIR کی تائید ہوتی ہو۔

۲۔ یہ کہ من اپیلانٹ نے اپنی 09/10 سالہ سروس میں ہمیشہ ایمانداری کے ساتھ ڈیوٹی سرانجام دی ہے۔ اور قبل

اپیلانٹ پر لگائے گئے الزامات جھوٹ پڑنی ہے۔ جن کا حقیقت کے ساتھ کوئی تعلق واسطہ نہ ہے۔

الزامات مبنی بر جھوٹ ہیں جن کا حقیقت کے ساتھ کوئی تعلق واسطہ نہیں ہے۔

۳۔ یہ کہ اعلیٰ عدالتوں کے مختلف فیصلہ جات میں یہ بھی تحریر کیا گیا کہ FIR میں لگائے گئے الزامات کوئی ٹھوس شہادت نہیں ہے جس کی بنیاد پر سخت سے سخت سزا دی جائے جبکہ من سائل کو ایسی ہی ایک جھوٹی FIR کی بنیاد پر الزام لگایا گیا ہے جو کہ ملازمت سے بلا طرف کیا گیا ہے۔ جو کہ قانون اور انصاف کے خلاف ہے۔

۴۔ یہ کہ من سائل جو کہ ایسے محکمے سے وابستہ ہے جو کہ جرائم کی جڑیں کاٹتا ہے اس میں ملازمت کرتے ہوئے ایسے غیر قانونی و غیر اخلاقی جرائم کو کرنا تو دور کی بات ہے ایسا سوچ بھی نہیں سکتا ہے۔

۵۔ یہ کہ انکوائری آفیسر جناب DSP سٹی صاحب نے انکوائری میں یہ امر واضح طور پر تحریر فرمایا ہے کہ مقدمہ زیر تجویز عدالت ہے۔ اور اس کا فیصلہ آنا ابھی باقی ہے۔ اس وقت تک من سائل کے خلاف کوئی ایسی بڑی سزا دینا غیر قانونی ہے۔ جبکہ DPO صاحب نے اس کو بھی مد نظر نہیں رکھا اور من سائل کو ملازمت سے برطرف کر دیا جو کہ خلاف قانون ہے۔ صرف الزامات کی بنیاد پر کسی ملازم کو اتنی بڑی سزا نہیں دی جاسکتی اور جناب DPO صاحب نے اپنے اختیارات کا ناجائز استعمال کیا ہے اور یہ بھی تحریر فرمایا ہے کہ انکوائری آفیسر نے عدالت کے فیصلہ آنے تک اس انکوائری کو Pending رکھا جائے مگر جناب DPO صاحب نے اس امر کو قابل غور نہیں لایا۔

(10)

جو کہ ہمیں بطور حکم DPO قابل منسوخی ہے۔ اور حکم DPO خلاف قانون ہے۔

یہ کہ من اپیلانٹ کا دیگر کوئی ذریعہ روزگار نہیں ہے اور بوڑھے والدین ہے اور من اپیلانٹ نے زندگی

کے 9/10 سال اس محکمے میں اپنی خدمات سرانجام دی ہیں میری ان تمام مجبوریوں کو مد نظر رکھا کر حکم DPO

صاحب کو منسوخ فرمایا جا کر مجھ پر رحم کرتے ہوئے دوبارہ سروس پر بحال کیا جانا عین ترین انصاف ہوگا۔

باقی ماہ نامہ

استدعا کی جاتی ہے کہ منظوری اپیل ہذا حکم مورخہ 01/06/2020 جناب DPO صاحب کو منسوخ فرما کر من

سائل اپیلانٹ کو ملازمت پر بحال فرمایا جانا عین ترین انصاف ہوگا اور ساری عمر من سائل دعا گو رہے گا۔

مورخہ 15/06/2020

ارشاد۔۔۔۔۔ کاٹھیٹیل نمبر 1378/1378 سائل اپیلانٹ

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

Service Appeal No. **12171/2020**

Muhammad Arshad s/o Jahangir Gul
Ex-Constable No. 1378, Police District DIKhan

...(Appellant)

Versus

1. The Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa.
2. The Inspector General of Police Khyber Pakhtunkhwa.
3. The Regional Police Officer, D.I.Khan.
4. The District Police Officer, D.I.Khan.
5. Mr. Zahoor ud Din DSP City Circle D.I.Khan.
6. The District Account Officer, D.I.Khan. ... (Respondents).

WRITTEN REPLY ON BEHALF OF RESPONDENTS No. 2 to 4

PRELIMINARY OBJECTIONS

1. That the appellant has got no cause of action.
2. That the appeal is bad for misjoinder/non-joinder of necessary parties.
3. That the appeal is badly barred by law & imitation.
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.
6. That the appellant has concealed the material facts from the Honourable Tribunal.
7. That the instant appeal is badly time barred.
8. That the instant appeal is not maintainable in its present form.

REPLY ON FACTS

1. Correct to the extent that the appellant was enlisted in police department on 05.01.2011.
2. Correct to the extent that during the posting of appellant at Police Lines DIKhan, a criminal case vide FIR No. 505 dated 24.04.2020 U/S 118 Police Act, 2017 Police Station Cantt DIKhan was registered against him. Moreover, the appellant was also involved in two others criminal cases vide FIRs No. 1033 dated 06.09.2020 u/s 324/353/7ATA/474/448/15AA/186/148/149 PPC and FIR No. 1120 dated 17.09.2020 u/s 452/506/186/427/34 PPC PS registered at Police Station Cantt DIKhan. **(Copy Annexed "A1, A2, A3")**
3. Correct to the extent that on the above misconduct, a charge sheet alongwith statement of allegation was served upon him in accordance with law/rules. **(Copy Annexed "B")**

4. Incorrect. A departmental inquiry was conducted wherein he was found guilty and was awarded major punishment of dismissal from service vide OB No. 1253, dated 03.06.2020.
5. Incorrect. The appellant knew about it and he filed a departmental appeal and same was rejected by the Regional Police Officer, DIKhan (Respondent No. 3) on cogent reasons. Similarly, he was also involved in two criminal cases vide FIRs No. 1033 dated 06.09.2020 u/s 324/353/7ATA/474/448/15AA/186/148/149 PPC and FIR No. 1120 dated 17.09.2020 u/s 452/506/186/427/34 PPC PS registered at Police Station Cantt DIKhan.
6. Incorrect. That the instant Service Appeal is not maintainable on the following grounds.

REPLY ON GROUNDS

1. Incorrect. The allegation of misconduct was proved against him, hence the order passed by Respondent No. 04 (DPO DIKhan) vide OB No. 1253, dated 03.06.2020 is legal, lawful, based on facts and in accordance with law/rules.
2. Incorrect. The appellant was involved in immoral/illegal activities and is addicted to drinking. Moreover, there are several complaints to the local police that the appellant organize drinking parties and selling drugs. His immoral activities have brought a bad name to the police department. A case to this effect vide FIR No. 505 dated 24.04.2020 u/s 118 Police Act, 2017 was registered against him at PS/Cantt DIKhan.
3. Incorrect. Criminal and departmental proceedings can run parallel side by side.
4. Pertains to record of Honourable trial Court needs no comments.
5. Incorrect. All the codal formalities were observed, hence the impugned order was passed in accordance with law/rules.
6. Incorrect. Ample opportunity of defence including personal hearing was provided to appellant but he failed to advance any plausible explanation in his defence.
7. As far as the previous service record of appellant is concerned, it reveals following bad entries in short term of service.

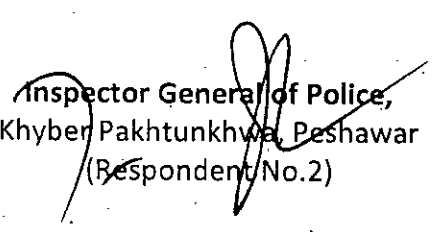
S#.	Punishment Awarded	Allegations	Order No.	Dated
1.	Leave w/o pay	Absent from 24.8.12 to 31.8.12 & 29.9.12 to 02.10.12	1064/FRP	06.12.2012
2.	Leave w/o pay	Absent from 10.08.13 to 19.08.13 & 13.09.13 to 17.09.13	575/FRP	12.09.2013
3.	Leave w/o pay	Absent from 19.09.13 to 24.09.13 & 28.10.13 to 31.10.13	14/FRP	06.01.2014
4.	Leave w/o pay	Absent from 09.12.13 to 16.12.13	15/FRP	06.01.2014
5.	Leave w/o pay	Absent from 05.05.14 to 07.05.14	588/FRP	19.06.2014
6.	Leave w/o pay	Absent from 21.11.14 to 24.11.14	1177/FRP	10.12.2014
7.	Leave w/o pay	Absent from 02.01.15 to 04.01.15	65/FRP	19.01.2015
8.	Leave w/o pay	Absent from 30.03.17 to 01.04.17	684	11.04.2017
9.	Dismissal from service	Involved in immoral/illegal activities an FIR No. 505 dt: 24.4.2020 u/s 118 Police Act 2017 PS Cantt registered against him	1253	03.06.2020

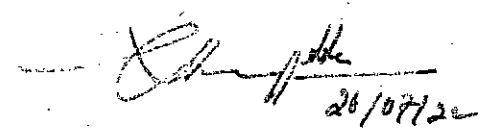
8. Incorrect. No malafide or violation exists in instant case. Furthermore, the appellant was dealt in accordance with law/rules.
9. Incorrect. Ample opportunity of defence including personnel hearing was given to the appellant, hence the orders were passed under the justice.
10. The Respondents also seek additional permission to produce additional documents/grounds at the time of arguments/hearing of instant service appeal.


PRAYER

PRAYER

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


Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar
(Respondent No.2)


Regional Police Officer,
Dera Ismail Khan
(Respondent No.3)


District Police Officer,
Dera Ismail Khan
(Respondent No.4)

BEFORE THE HONOURABLE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA,
PESHAWAR.

Service Appeal No. 12171/2020

Muhammad Arshad s/o Jahangir Gul
Ex-Constable No. 1378, Police District DIKhan

...(Appellant)

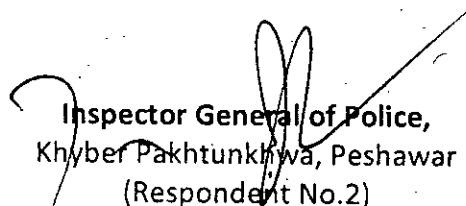
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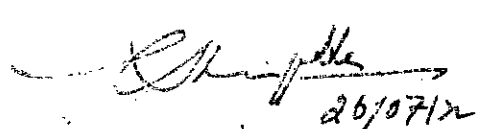
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2. The Inspector General of Police Khyber Pakhtunkhwa.
3. The Regional Police Officer, D.I.Khan.
4. The District Police Officer, D.I.Khan.
5. Mr. Zahoor ud Din DSP City Circle D.I.Khan.
6. The District Account Officer, D.I.Khan.


...(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.2)


Regional Police Officer,
Dera Ismail Khan
(Respondent No.3)


District Police Officer,
Dera Ismail Khan
(Respondent No.4)

BEFORE THE HONOURABLE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR.

Service Appeal No. **12171/2020**

Muhammad Arshad s/o Jahangir Gul
Ex-Constable No. 1378, Police District DIKhan

...(Appellant)

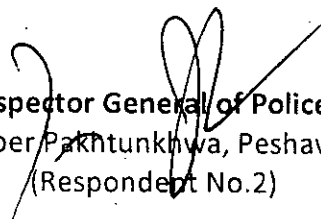
Versus

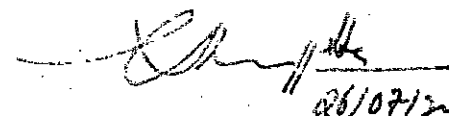
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2. The Inspector General of Police Khyber Pakhtunkhwa.
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5. Mr. Zahoor ud Din DSP City Circle D.I.Khan.
6. The District Account Officer, D.I.Khan.


...(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.2)


Regional Police Officer,
Dera Ismail Khan
(Respondent No.3)


District Police Officer,
Dera Ismail Khan
(Respondent No.4)

ابتدائی اطلاع رپورٹ

(فائل) ابتدائی اطلاع نمبر 5110-04-200
 تاریخ وقوع: 21-04-2004
 مقام: 181-00 بجے

5110-04-2004	181-00 بجے
21-04-2004	22 بجے
5110-04-2004	181-00 بجے
21-04-2004	22 بجے
5110-04-2004	181-00 بجے
21-04-2004	22 بجے
5110-04-2004	181-00 بجے
21-04-2004	22 بجے

ابتدائی اطلاع پیچھے درج کرو مستندت ملنے پر تمام تھانوں پر اطلاع
 ملنے مندرجہ، خانہ نمبر 5 محلہ لاہور، محلہ 64، روزنامہ 22 بجے، 5110-04-2004
 محمد ارشد، محلہ 1378، ڈیپارٹمنٹ لائسنس، ڈیپارٹمنٹ لائسنس، ڈیپارٹمنٹ لائسنس
 کرورٹ، ڈیپارٹمنٹ لائسنس، ڈیپارٹمنٹ لائسنس، ڈیپارٹمنٹ لائسنس، ڈیپارٹمنٹ لائسنس
 لیسے لڑائی کا نام ہے۔ نقلہ امیران والا کو بھیجی گئی جس پر امیران والا نے مجرم والا مندرجہ
 رپورٹ کرنے کا حکم صادر فرمایا ہے۔ حکم امیران والا مندرجہ درج ہے۔ رپورٹ کرنے کا نام ہے۔ نقلہ
 تفتیشی عدالت علی 1114 کی عدالت ہے۔ رپورٹ گزار دی ہے۔ نقلہ ذیل ہے۔
 (رپورٹ) مندرجہ خانہ نمبر 5110-04-2004 بجے 22 بجے، 181-00 بجے، 21-04-2004
 حدود خانہ نمبر 1378، ڈیپارٹمنٹ لائسنس، ڈیپارٹمنٹ لائسنس، ڈیپارٹمنٹ لائسنس، ڈیپارٹمنٹ لائسنس
 درجہ کے خلاف مندرجہ ذیل سے معلومات ہوئی ہیں اور کافی شکاں ہے کہ مندرجہ ڈیپارٹمنٹ لائسنس
 میں کا عادی ہے، شراب پینے اور علاقے میں شراب پینے کے خلاف مندرجہ خانہ نمبر 5110-04-2004
 مندرجہ ذیل سے معلومات ہوئی ہیں اور کافی شکاں ہے کہ مندرجہ ڈیپارٹمنٹ لائسنس

کا نام ہے۔ مندرجہ خانہ نمبر 5110-04-2004 بجے 22 بجے، 181-00 بجے، 21-04-2004
 کر کے نقلہ ملنے پر تمام تھانوں پر اطلاع ملنے مندرجہ، خانہ نمبر 5 محلہ لاہور، محلہ 64، روزنامہ 22 بجے، 5110-04-2004
 محمد ارشد، محلہ 1378، ڈیپارٹمنٹ لائسنس، ڈیپارٹمنٹ لائسنس، ڈیپارٹمنٹ لائسنس، ڈیپارٹمنٹ لائسنس
 کرورٹ، ڈیپارٹمنٹ لائسنس، ڈیپارٹمنٹ لائسنس، ڈیپارٹمنٹ لائسنس، ڈیپارٹمنٹ لائسنس
 لیسے لڑائی کا نام ہے۔ نقلہ امیران والا کو بھیجی گئی جس پر امیران والا نے مجرم والا مندرجہ
 رپورٹ کرنے کا حکم صادر فرمایا ہے۔ حکم امیران والا مندرجہ درج ہے۔ رپورٹ کرنے کا نام ہے۔ نقلہ
 تفتیشی عدالت علی 1114 کی عدالت ہے۔ رپورٹ گزار دی ہے۔ نقلہ ذیل ہے۔
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 حدود خانہ نمبر 1378، ڈیپارٹمنٹ لائسنس، ڈیپارٹمنٹ لائسنس، ڈیپارٹمنٹ لائسنس، ڈیپارٹمنٹ لائسنس
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5110-04-2004
 21-04-2004

ابتدائی اطلاعی رپورٹ

(فائل) ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ ۱۵۲ مجموعہ ضابطہ فوجداری

ضلع Dik

تھانہ کورٹ

تاریخ وقت وقوع 06/09/20 وقت 11:20 بجے

(1033)

نمبر

1	تاریخ وقت رپورٹ 06/09/20 وقت 10:40 بجے	جلالنگی 06/09/20 وقت 11:20 بجے
2	نام و سکونت اطلاع دہندہ مستغیث شہزاد الہ آبادی ASHO	تھانہ کورٹ
3	مختصر کیفیت مجرم (معدومہ) حال اگر کچھ لیا گیا ہو 186-148-149-15AA	324-353-7ATA 447-448-15AA
4	جائے وقوع یا صحت نہ سے اور متعلقہ کارروائی کی تاریخ	داتو سولہ روڈ کراچی شرقی محلہ 2/2 کوٹھڑی آزادانہ
5	نام و سکونت ملزم	
6	کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہو اور وہ وجہ بیان کرے	پریسنگی کوٹھڑی بسٹنک ہار ہارم مقدمہ قائم چھوڑا
7	تھانہ سے روانگی کی تاریخ و وقت	منزلہ پولیس کورٹ

ابتدائی اطلاع نیچے درج کرو ASHO ضابطہ 22 مافی حقہم پر رپورٹ کا تین عنصر الہ آبادی
 1063 حوالہ سے پشاور پولیس سٹیٹیشن نمبر 1001 فارم نمبر 22 پر رپورٹ شدہ زیر دفعہ 152 مجموعہ ضابطہ فوجداری
 مختصر کیفیت مجرم (معدومہ) حال اگر کچھ لیا گیا ہو 186-148-149-15AA
 جائے وقوع یا صحت نہ سے اور متعلقہ کارروائی کی تاریخ
 نام و سکونت ملزم
 کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہو اور وہ وجہ بیان کرے
 تھانہ سے روانگی کی تاریخ و وقت

پشاور پولیس سٹیٹیشن نمبر 1001 فارم نمبر 22 پر رپورٹ شدہ زیر دفعہ 152 مجموعہ ضابطہ فوجداری
 مختصر کیفیت مجرم (معدومہ) حال اگر کچھ لیا گیا ہو 186-148-149-15AA
 جائے وقوع یا صحت نہ سے اور متعلقہ کارروائی کی تاریخ
 نام و سکونت ملزم
 کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہو اور وہ وجہ بیان کرے
 تھانہ سے روانگی کی تاریخ و وقت

پشاور پولیس سٹیٹیشن نمبر 1001 فارم نمبر 22 پر رپورٹ شدہ زیر دفعہ 152 مجموعہ ضابطہ فوجداری
 مختصر کیفیت مجرم (معدومہ) حال اگر کچھ لیا گیا ہو 186-148-149-15AA
 جائے وقوع یا صحت نہ سے اور متعلقہ کارروائی کی تاریخ
 نام و سکونت ملزم
 کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہو اور وہ وجہ بیان کرے
 تھانہ سے روانگی کی تاریخ و وقت

جو وقوع سے غیر ارادہ و غیر متعمد ہے۔ حرمین سرکاری کوارٹرز و خانہ اراچی سرکاری دفتر
ماہانہ کرنٹ اور مقامی پولیس کوڈ کی کمی سے باز رکھنے بہرینقت قتل کرنے کا مقصد رکھنے والی شخص
۱۹۹۹ء گری خوف سے اس کے قتل کرنے میں جین جینا بہ فعل قابل حوالہ نہ (۱۹۹۹ء)
بالا یاد کی چار حرمین متذکرہ بالا کو قتل کرنے والا حرمین نے لفظ گرفتار کیا جا کر حرمین برآمدہ ہوئے
و لیکچر بلایا گیا جو کوئی حرمین جواز سے نہیں جاتا۔ حرمین نے گرفتاری کے بعد حرمین کے قتل
سزا میں حرمین عالی حرمین بریت کا نیشنل عبدالرحمن ۱۰۶۶ اربال کے نام سے حرمین حرمین کے قتل
کا نیشنل بریت کیا جاوے دستخط آنکر حرمین احمدی ۱۰۶۶ کا روٹی کے نام سے حرمین حرمین حرمین
بالا یاد کی چار حرمین بالا سر حرمین حرمین بالا حرمین کے قتل FIR ایف ڈی تینس حرمین IN
سزا میں جاتی ہے وقوع حرمین اطلاع اس پر بالا کو قتل جاری ہے لہذا حرمین حرمین حرمین

گزارش ہے ۱۹۹۹ء
M.H.C. 11111
06-09-2020

دستخط

عہدہ

نوٹ: اطلاع کے نیچے اطلاع دہندہ کا دستخط ہوگا۔ یا اس کی مہر یا نشان لگایا جائیگا۔ اور اس پر تحریر کنندہ ابتدائی اطلاع کا ذکر ضرور متعین ہوگا۔ حروف الصیاب
سرخ روشنائی سے بالقابل نام پر ایک مزم یا شہر علی المرتبہ واسطے باشندگان علاقہ غیر

Handwritten signature and notes at the top left.

ابتدائی اطلاعی رپورٹ

(فائل) ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ 153 مجموعہ ضابطہ تجدیدی

ملع Dik

تھانہ گھنٹہ

تاریخ وقت وقوع 17/09/09 وقت 18:00

نمبر 23

(1120)

1	تاریخ وقت رپورٹ 18/09/09 وقت 18:30	جانگدگی 27/09/09 وقت 18:30
2	نام و سکونت اطلاع دہندہ مستفیض میرا جھنگل خراجہ کھنڈہ	ڈیپو سکونت ایف اے ایم اے / کمال علی خان
3	مختصر کیفیت مجرم (معدومہ) حال اگر کچھ ایسا گیا ہو	PR 452-506-186-427/34
4	جائے وقوعہ فائنڈیشن سے اور متعلقہ کارروائی کو ایئر براؤن سپر ایب جارجیل بند کرنے سے 10 دن قبل شروع ہوا ہے	
5	نام و سکونت ملزم	
6	کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف یا تاخیر ہو بیان کر دو	3037 DDA کو ایئر براؤن سپر ایب جارجیل بند کرنے سے 10 دن قبل شروع ہوا ہے
7	تھانہ سے روانگی کی تاریخ و وقت	پرسنل ڈاک

ابتدائی اطلاع نیچے درج کرو

مختصر DDA صاحب خان ولد عمر صاحبان بھتیجی صاحبی حضرت کو ساطت جناب DPO صاحبان حصول میجر جوجن ASH کو ساطت بھتیجی صاحبان سپر ایب جارجیل بند کرنے سے 10 دن قبل شروع ہوا ہے

میرا نام میرا جھنگل خراجہ کھنڈہ (1) جہانگیر گل ولد پتیل (2) محمد ارشد ولد جہانگیر (3) محمد شہباز ولد جہانگیر (4) حسنا بھتیجی بی بی خود جہانگیر (5) حسنا خورشیدی بی بی خود ارشد ساکنان بھتیجی ساون جوجن کے نقل فراہم کیا گیا ہے۔ درخواست حوالے ایف اے ایم اے / کمال علی خان کی گئی ہے۔ لہذا گزارش ہے کہ درخواست ختم سے پہلے اس کا سلسلہ گزارش ہے کہ سائل مجرم ڈیپو سکونت ایف اے ایم اے / کمال علی خان کے پاس ہے۔

میرا نام میرا جھنگل خراجہ کھنڈہ (1) جہانگیر گل ولد پتیل (2) محمد ارشد ولد جہانگیر (3) محمد شہباز ولد جہانگیر (4) حسنا بھتیجی بی بی خود جہانگیر (5) حسنا خورشیدی بی بی خود ارشد ساکنان بھتیجی ساون جوجن کے نقل فراہم کیا گیا ہے۔ درخواست حوالے ایف اے ایم اے / کمال علی خان کی گئی ہے۔ لہذا گزارش ہے کہ درخواست ختم سے پہلے اس کا سلسلہ گزارش ہے کہ سائل مجرم ڈیپو سکونت ایف اے ایم اے / کمال علی خان کے پاس ہے۔

میرا نام میرا جھنگل خراجہ کھنڈہ (1) جہانگیر گل ولد پتیل (2) محمد ارشد ولد جہانگیر (3) محمد شہباز ولد جہانگیر (4) حسنا بھتیجی بی بی خود جہانگیر (5) حسنا خورشیدی بی بی خود ارشد ساکنان بھتیجی ساون جوجن کے نقل فراہم کیا گیا ہے۔ درخواست حوالے ایف اے ایم اے / کمال علی خان کی گئی ہے۔ لہذا گزارش ہے کہ درخواست ختم سے پہلے اس کا سلسلہ گزارش ہے کہ سائل مجرم ڈیپو سکونت ایف اے ایم اے / کمال علی خان کے پاس ہے۔

میرا نام میرا جھنگل خراجہ کھنڈہ (1) جہانگیر گل ولد پتیل (2) محمد ارشد ولد جہانگیر (3) محمد شہباز ولد جہانگیر (4) حسنا بھتیجی بی بی خود جہانگیر (5) حسنا خورشیدی بی بی خود ارشد ساکنان بھتیجی ساون جوجن کے نقل فراہم کیا گیا ہے۔ درخواست حوالے ایف اے ایم اے / کمال علی خان کی گئی ہے۔ لہذا گزارش ہے کہ درخواست ختم سے پہلے اس کا سلسلہ گزارش ہے کہ سائل مجرم ڈیپو سکونت ایف اے ایم اے / کمال علی خان کے پاس ہے۔

نے سرکار کو اس کے لئے قرضہ کی رقمیں
 دیں۔ میں نے اس کے لئے قرضہ کی رقمیں
 سرکار سے لیں اور اس کے لئے قرضہ کی رقمیں
 سرکار سے لیں اور اس کے لئے قرضہ کی رقمیں
 سرکار سے لیں اور اس کے لئے قرضہ کی رقمیں

As Ho Kamil
 27-09-2020

دستخط

عہدہ

اطلاع کے نیچے اطلاع دینے کا دستخط ہوگا۔ اس کی مہر یا نشان لگایا جائیگا۔ اور اس پر تحریر کنندہ ابتدائی اطلاع کے لئے
 سرخ روشنائی سے بالقابل نام پر ایک طوم یا شہرہ کی ترتیب واسطے باشندگان علاقہ غیر

56



Office of the
District Police Officer,
DIKhan

No 3266 /EC

Dated 29/7/2020

Arshad

CHARGE SHEET.

1, **CAPT @ WAHID MEHMOOD, DISTRICT POLICE OFFICER, DIKHAN**, as competent authority under Khyber Pakhtunkhwa Police Rules (amendments 2014) 1975, am of the opinion that you, **Constable Arshad No.1378** 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.

While you posted in Police Lines DIKhan, a case FIR No.505, dated 24.04.2020 U/S 118 Police ACT-2017 PPC PS/Cantt DI Khan, was registered against you. This act on your part amounts to gross misconduct which is punishable under the rules.

2. By reasons of the above, you appear to be guilty of misconduct under Rule 3 of the Rules ibid and have rendered yourself liable to all or any of the penalties specified in the Rule 4 of the Rules ibid.

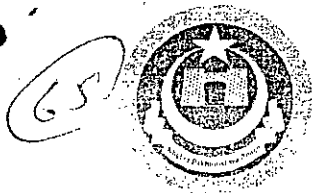
3. You are, therefore, required to submit your written statement within 07days of the receipt of this Charge Sheet to the enquiry officer.

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

4. A statement of allegation is enclosed.

DISTRICT POLICE OFFICER,
DIKHAN

29/7



Office of the
District Police Officer,
DIKhan

No 3266 /EC

Dated 29-04/2020

DISCIPLINARY ACTION

1. CAPT @ WAHID MEHMOOD, DISTRICT POLICE OFFICER, DIKHAN as competent authority, am of the opinion that you Constable Arshad No.1378 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 in Police Lines DIKhan, a case FIR No.505, dated 24.04.2020 U/S 118 Police ACT-2017 PPC PS/Cantt DI Khan, was registered against you. This act on your part amounts to gross misconduct which is punishable under the rules.

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

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


DISTRICT POLICE OFFICER,
DIKHAN

No. 326667 /EC, dated 29-04 /2020.

Copy of above to:-

1. DSP CTR :- 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.


18/05/2020

1378

595
Office

58



OFFICE OF THE
DISTRICT POLICE OFFICER,
DERA ISMAIL KHAN

Tel: (0966) 9280062
Fax (0966) 9280293

No. 3875/EC,

Dated. 01/06/2020

94

ORDER

This order will dispose of departmental proceedings conducted against **Constable Arshad No.1378**, of this district Police, under the Khyber Pakhtunkhwa, Police Rules, 1975 (amendment 2014).

While he posted in Police Lines DIKhan, a case FIR No.505, dated 24.04.2020 U/S 118 Police ACT-2017 PPC PS/Cantt DI Khan, was registered against him.


He was served with charge sheet/statement of allegations. An enquiry was conducted into the matter through Mr. **Zahoor ud Din DSP/City Circle** DI Khan, under Police Rules-1975 ammended-2014. The Enquiry Officer submitted his finding report in which he stated that complete challan has been sent to court concerned for hearing. Enquiry Officer recommended that enquiry papers may kindly be kept pending till the decision of Court.

From the perusal of the relevant record, I am satisfied that the charges of misconduct stand proved against him 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 a Major Punishment **Dismissal from service** with immediate effect.

OB No. 1253

Dated. 03/06/2020


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

SRNA
16-10-20

AB

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1795
16-10-20



OFFICE OF THE
REGIONAL POLICE OFFICER
DERA ISMAIL KHAN
REGION

No. 9197 /ES, Dated DI Khan the 14/10/2020

ORDER

This order is aimed to dispose of the departmental appeal of Ex-Constable Arshad No.1378 of District Police DIKhan against the order of major punishment of Dismissal from service by DPO DIKhan vide his office OB No. 1253 dated 03.06.2020, on the following allegations:

Facts of the case are that he while posted at Police Lines D.I.Khan, a case vide FIR No. 505 dated 24.04.2020 U/S 118 Police Act-2017 PPC PS Cantt D.I.Khan was registered against him.

He was issued charge sheet and proper departmental proceedings were initiated against him. Enquiry into the matter was conducted by Mr. Zahoor ud Din, DSP City D.I.Khan who submitted his findings report that complete Challan has been sent to the court concerned for hearing and the enquiry papers may be kept pending till decision of court, but, DPO DIKhan has passed the order dated 03.06.2020.

He preferred an appeal to the undersigned on 15.06.2020 against the order of DPO DIKhan. His appeal was sent to DPO DIKhan for comments and to provide his service record vide this office Ends: No. 2510/ES dated 18.06.2020. DPO DIKhan vide his office memo: No. 4348/EC dated 03.07.2020 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 23.09.2020. Challan into the instant case has been sent to Court of law for hearing. Another two FIRs vide No.1033 dated 06.09.2020 u/s 324/353/7ATA/474/448/15AA/186/148/149 PPC PS Cantt DI Khan and FIR No.1120 dated 17.09.2020 u/s 452-506-186-427/34PPC PS Cantt DI Khan have also been registered against the delinquent Ex-Constable Arshad No.1378.

Therefore, I, **YASEEN FAROOQ**, Regional Police Officer, Dera Ismail Khan, seeing the different FIRs against him, in exercise of the powers conferred upon me under Rule-11(4)(a) of Police Rules 1975 amended 2014, the Major punishment of Dismissal from Service awarded by DPO D.I.Khan is upheld and his appeal is hereby rejected.

EC/OHC/OB/PO
No. 9198

OB 2223
DT 16-10-20

(YASEEN FAROOQ) PSP
REGIONAL POLICE OFFICER
DERA ISMAIL KHAN

Copy of above is sent to the DPO DIKhan alongwith service records with this office memo: No.4348/EC dated 03.07.2020.

DPO DIKhan

As attached
10/10

(YASEEN FAROOQ) PSP
REGIONAL POLICE OFFICER
DERA ISMAIL KHAN

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.

2564

14/7/21

No. S/ 2900

/21, dated Peshawar the 30/06/2021.

ORDER

1268 IEC
27/07/2021

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by Ex-FC Arshad No. 1378. The petitioner was dismissed from service by District Police Officer, DIKhan vide OB No. 1253, dated 03.06.2020 on the allegations that he while posted at Police Lines, DIKhan, a case vide FIR No. 505, dated 24.04.2020 u/s 118 Police Act-2017 PPC Police Station Cantt: DIKhan was registered against him. Later on two another FIRs vide No. 1033 dated 06.09.2020 u/s 324/353/7ATA/474/448/15AA/186/148/149 PPC Police Station Cantt: DIKhan and FIR No. 1120, dated 17.09.2020 u/s 452/506/186/427/34 PPC Police Station Cantt: DIKhan were also registered against them. His appeal was rejected by Regional Police Officer, DIKhan vide order No. 9197-98/ES, dated 14.10.2020.

Meeting of Appellate Board was held on 03.06.2021 wherein petitioner was heard in person. Petitioner was acquitted on benefit of doubt in case FIR No. 505, dated 24.04.2020 u/s 118 Police Act-2017 PPC Police Station Cantt: DIKhan by the court of Judicial Magistrate-I, DIKhan vide judgment dated 30.11.2020.

The Board decided that his petition is hereby rejected.

Sd/-

KASHIF ALAM, PSP

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

No. S/ 2901-10 /21,

Copy of the above is forwarded to the:

1. Regional Police Officer, DIKhan. One Service Roll and one Fauji Missal of the above named Ex-FC received vide your office Memo: No. 1175/ES, dated 18.03.2021 is returned herewith for your office record.
2. District Police Officer, DIKhan.
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.

OB - 1285
DT 30-07-2021
EC/OB/OTTE
27/7

D.P.O / D.G. Khan Nol 3038/ES dt 17/7/21.

please inform the petitioners accordingly. Moreover, one Service Roll & Fauji Missal are also returned herewith.

(IRFAN ULLAH KHAN) PSP
AIG Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar. 27/07/21

REGIONAL POLICE OFFICER
DERA ISMAIL KHAN
14/7

EC
24/7

OTTE
For info.

"A"

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

TB

No.

APPEAL No. 12171 of 20

Muhamamad Arshad

Appellant/Petitioner

Versus

Through Chief Secy: P.P.C. Pesh.

RESPONDENT(S)

Counsel

Notice to Appellant/Petitioner

Glulam Asghar Khan
Advocate High Court
Dera Ismail Khan
0340-6891565

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 21-12-20 at 9:00 AM

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

at Camp Court D. I. Khan

[Signature]
Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"A"

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

No.

APPEAL No..... of 20.....

12171

20

TB

Muhammad Arshad

Appellant/Petitioner

Versus

Through Chief Secy. Pesh.
RESPONDENT(S)

Notice to Appellant/Petitioner

*Muhammad Arshad S/o
Jahangir Gul Ex-Constable
No. 1378 Police Distt. D.I. Khan*

وہی جہانگیر گل سابقہ پولیس ڈسٹرکٹ ڈی ایچ خان

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 21-12-2021 at 9.00 AM

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

at Camp Court D.I. Khan

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"A"

J B Dike

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

No.

APPEAL No.....12171..... of 2020.

Muhammad Arshed

Appellant/Petitioner

Versus

Court of KPK through Chief Secretary KPK Peshawar

RESPONDENT(S)

Counsel

Notice to Appellant/Petitioner Ghulam Asghar Khan Advocate

High Court, Dera Ismail Khan

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 25-10-2021 at 9 am at D.I. Khan

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

(At Camp Court D.I. Khan)

for Eukhan

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

“B”

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

No.

TB D/1Ch

Appeal No. 12/71 of 20 20

M. Arshad Appellant/Petitioner

VERSUS

Through Chief Secy. Respondent

Respondent No. 3

Notice to: Regional Police officer: D/1Cham

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 28/1/22 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, on any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforesaid, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No. dated

Given under my hand and the seal of this Court, at Peshawar this 21 Day of 12 20 21

at camp court
D/1Cham

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

"B"

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

No.

Appeal No. 12171 of 20

M. Arshad Appellant/Petitioner

Imogh Chief Versus Sayid Respondent

Respondent No. 6

Notice to: DISTT Account officer
Dikhan

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 28-1-22 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this 21

Day of 12-21 2021

at camp court

Dikhan



Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

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"B"

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

No.

TB 121K

Appeal No. 12171 of 20 20

M. Arshad Appellant/Petitioner

Versus

Imaghi Chief Sery Respondent

Respondent No. 5

Notice to: - Zahoor ud Din DSP City
circle Dikhan

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 28/1/22 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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Copy of appeal is attached. Copy of appeal has already been sent to you vide this

office Notice No. dated.

Given under my hand and the seal of this Court, at Peshawar this 21

Day of 12 20 21

at camp court
Dikhan




Registrar,

Khyber Pakhtunkhwa Service Tribunal,
 Peshawar.

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"B"

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

No.

TB D10u

Appeal No. 12171 of 20 20

M. Arshad Appellant/Petitioner

Versus

Through Chief Secy Respondent

Respondent No. 4

Notice to:

DIST. Police officer D1Km

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 28-1-22 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this 21

Day of 12 20 21

at camp court

D1Km



**Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.**

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