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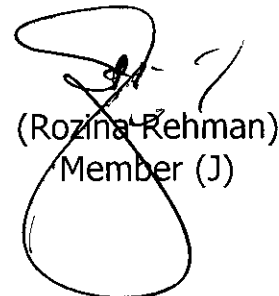
Appellant present through counsel.

Kabir Ullah Khattak, learned Additional Advocate General for respondents present.

At the very outset an application was submitted seeking sine die adjournment of the case till the decision of criminal case which is still pending trial. This application was not objected to by the learned AAG.

In view of the written request of the learned counsel for appellant, instant appeal stands adjourned sine die till the decision of criminal case by the competent court of Law. The appellant would be at liberty to seek its restoration after the decision of criminal case. File be consigned to the record room.


(Fareeha Paul)
Member (E)


(Rozina Rehman)
Member (J)


16203/20

17.06.2021

Junior to counsel for the appellant and Mr. Kabirullah Khattak, Addl. AG for respondents present.

Learned AAG seeks time to submit reply/comments. He is required to contact the respondents for submission of written reply/comments in office within 10 days, positively. If the written reply/comments are not submitted within the stipulated time, the office shall submit the file with a report of non-compliance. File to come up for arguments on 29.10.2021 before the D.B.

Stipulated period has passed and reply has not been submitted.


Chairman

P.S

01.07.2021

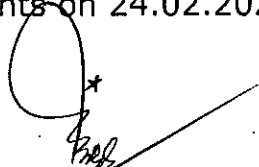
Learned Addl. A.G be reminded about the omission and for submission of Reply/comments within extended time of 10 days.


Chairman

29.10.2021

Appellant in person present. Mr. Fayaz, Head Constable alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Appellant requested for adjournment on the ground that his counsel is not available today. Adjourned. To come up for arguments on 24.02.2022 before the D.B.


(Mian Muhammad)
Member (E)


(Salah-Ud-Din)
Member (J)

24.2.22

*Due to retirement of worthy Chairman
The case is adjourned to 1-6-22 for Mr. Fayaz*


Judge

29.01.2021

Mr. Hafiz Noor Muhammad, Advocate, for appellant is present.

The contentions of the learned counsel representing appellant are that on being nominated in case FIR bearing no. 430 dated 13.06.2020 under section 324 PPC of P.S Nowshera Kalah, disciplinary proceedings were initiated, comprising of charge sheet and statement of allegations coupled with show-cause notice which was duly responded and the matter was inquired by DSP Akora. The proceedings lastly followed with issuance of final show-cause notice which was duly responded however, appellant was awarded major penalty of dismissal from service by virtue of impugned order dated 22.09.2020 which was followed by departmental appeal which was not entertained hence, the present service appeal.

The point so agitated at the bar needs consideration. The appeal is admitted for regular hearing subject to all just legal objections. The appellant is directed to deposit security and process fee within 10 days, thereafter, notices be issued to the respondents for written reply/comments for 27.04.2021 before

Appellant Deposited
Security & Process Fee

S.B.

(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

27.04.2021

Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 17.06.2021 for the same as before.

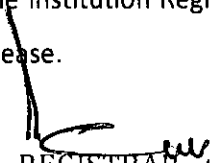

READER

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. - 16203 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge	
1	2	3	
1-	21/12/2020	<p>The appeal of Mr. Muhammad Qasim presented today by Mr. Hafiz Noor Muhammad 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> <p>2-</p>	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>29/01/2021</u></p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE KPK SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal No. _____/20

EX-Constable Muhammad Qasim

Appellant

VERSUS

DPO Nowshera & another

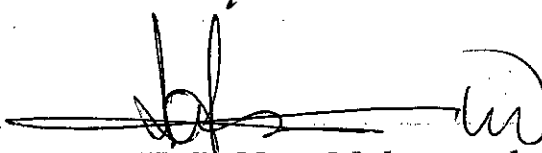
Respondents

INDEX

Sr. No.	Description of Documents	Dated	Annexure	Pages
1.	Appeal with Affidavit			1-6
2.	Impugned Order	22.09.2020	A	7
3.	Departmental Appeal	25.10.2020	B	8-9
4.	Appellate Order	24.11.2020	C	10
5.	Disciplinary Action and Charge Sheet	16.06.2020	D	11-12
6.	Reply	26.06.2020	E	13
7.	F.I.R	13.06.2020	F	14-15
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Through


APPELLANT


Hafiz Noor Muhammad
Advocate High Court
Islamabad

Cell 0331-5533123

- 1 -

BEFORE THE KPK SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal No. 16203 /20

Ex-Constable Muhammad Qasim S/o Rahat Shah, R/o Mohallah Ghareeb
Abad, Khuweshgi Payan, The: & Distt Nowshehra.

Appellant
Khyber Pakhtukhwa
Service Tribunal

Versus

Diary No. 16800

Dated 21/12/2020

1. The District Police Officer, at Police Lines Headquarters Nowshehra.
2. The Regional Police Officer, Mardan.

Respondents

APPEAL UNDER SECTION-4 OF KPK SERVICE TRIBUNAL
ACT-1974, AGAINST THE ORDER DATED 22.09.2020 (ANNEX-
A), PASSED BY THE RESPONDENT NO. 01 AGAINST WHICH
DEPARTMENTAL APPEAL DATED 25.10.2020 (ANNEX-B) WAS
SUMMITTED BEFORE THE RESPONDENT NO.02 AND THAT
HAS BEEN REJECTED BY RESPONDENT NO.02 VIDE ORDER
DATED 24.11.2020 (ANNEX-C).

Filed to-day Respectfully Sheweth:

Registrar

21/12/2020

FACTS:

1. That the appellant was appointed as Constable in Distt Police Nowshehra on 11.09.2017 and posted to various police stations as well as Distt Security Branch, Nowshehra, and at Police Lines Headquarters Nowshehra. The performance of appellant always remained outstanding.

2. That the appellant was served with Disciplinary Action/ Charge Sheet/ Statement of Allegations Show Cause Notice dated 16.06.2020 (Annex-D), which was replied vide detailed reply dated 26.06.2020 (Annex-E), submitted to the DSP Akora, the Inquiry officer, and the factual and legal position clarified. The allegation was registration of a criminal case vide FIR No. 430 dated 13.06.2020 u/s 324 PPC, PS Nowshera Kalan (Annex-F).
3. That after that, the appellant was served with Final Show Cause Notice dated 16.09.2020 (Annex-G) which was also replied vide reply (Annex-H), after which the respondent No. 01, dismissed the appellant from police service vide order dated 22.09.2020 (Annex-A). Against that, the appellant filed departmental appeal dated 25.10.2020 (Annex-B), which has been dismissed by the respondent No. 02 vide order dated 24.11.2020 (Annex-C), hence this Appeal inter alia on the following grounds: -

GROUND:

- A. That both the orders passed by the respondents, are against law, facts and materials on record, malafide against the principles of natural justice, hence untenable.
- B. That as per impugned order the appellant remained absent for 78 days from 02.06.2020 to 19.06.2020. This is not the true factual position and shows the mala fide of the respondent No. 01. The appellant remained absent for 22 days, as below (Annex-I):-
 1. From 06.05.2020 to 07.05.2020 (01 day)
 2. From 25.05.2020 to 02.06.2020 (08 days)
 3. From 03.06.2020 to 16.06.2020 (13 days).
- C. That the above absence was not willful, as father of the appellant was suffering from Cardiac disease and was often taken care off, by the appellant.

- D. That both the orders passed by the respondents are against the principles of natural justice as neither opportunity of defence nor even the opportunity of presence during the so-called inquiry was extended to the appellant. Therefore, the orders need to be set aside.

- E. That neither statement of any witness was recorded in presence of the appellant during so-called inquiry nor was he afforded any opportunity to cross examination. The appellant was thus condemned unheard. On this point the appellant would rely on 2003 SCMR 207 and 2004 SCMR 317.

- F. That simple registration of a criminal case is no ground to deprive the appellant from his livelihood which is a constitutional right to life of the appellant; hence the orders may be set aside.

- G. That both the orders are in utter disregard of Article-10A of the Constitution of Islamic Republic of Pakistan-1973, hence may kindly be set aside.

- H. That the appellant was not supplied with the material/ pieces of evidence if any, used against him in support of the allegations contained in the show cause notice. Even the copies of statements recorded during preliminary inquiry, if any, were not supplied to the appellant. Non-supply of relevant record materially prejudiced the appellant in defending himself. The appellant was thus condemned unheard which is against the principles of natural justice and fair play.

- I. That neither any statement of witness was recorded in the presence of the appellant nor was he afforded an opportunity to cross examine them. The appellant was thus condemned unheard. On this point the appellant would rely on 2003 SCMR 207 and 2004 SCMR 317.



- J. That by imposition of the major penalty, the appellant has been deprived of the means of livelihood without considering his viewpoint, which is against the constitutional obligation imposed on the state and its agencies regarding promotion of social justice. On this reliance may be placed on 1994 SCMR 2232.
- K. That the impugned orders are without jurisdiction and in conflict with Rule-5 & 6 of the KPK Police (E & D) Rules-1975 in as much as the respondents were not vested with the authority to pass an order of dismissal from service in the instant case and the whole action taken against the appellant is, thus, Coram non-judice and of no legal effect.
- L. That the respondents acted illegally and with material irregularity in proceedings against the appellant on the basis of alleged charges of "misconduct" in as much as the appellant never committed any such act which could warrant disciplinary proceedings against him.
- M. That the respondents failed to give meaningful hearing to the appellant. He was thus condemned unheard which is against the principles of natural justice and fair play.
- N. That the malafide of the respondents are apparent from the face of the record. It is thus crystal clear that the respondents did not apply their judicious and independent minds before the imposition of penalty upon the appellant and rejecting of appeal.
- O. That the impugned orders are in negation with the express provisions of law laid down by this Hon' able Tribunal, superior courts of the country including that of Supreme Court of Pakistan in which it has been ruled unequivocally that in case a major penalty is proposed to be inflicted upon the civil servants then concrete evidence is necessary and regular inquiry is to be held. In the instant

case, neither any evidence is available nor any regular inquiry in accordance with law is conducted.

P. That the appellant seeks leave of this Hon' able Tribunal to advance more grounds at the time of arguments.

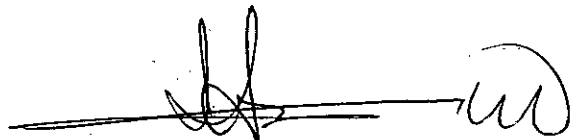
PRAYER:

It is, therefore, most humbly prayed that on acceptance of this Appeal, both the impugned orders may kindly be set aside and the appellant reinstated into service from the date of dismissal i.e. 22.09.2020 with all back and consequential benefits, and the absence period of 22 days, as mentioned in Ground-B of this appeal, above, may be treated as leave of the kind due.

Any other relief which this Hon' able Tribunal deem fit and appropriate, may also be granted in the interest of justice.


APPELLANT

Through



Hafiz Noor Muhammad
Advocate High Court,
CC No.50798
Cell:0331-5533123

BEFORE THE KPK SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal No. _____/20

EX-Constable Muhammad Qasim

Appellant

VERSUS

DPO Nowshera & another

Respondents

AFFIDAVIT

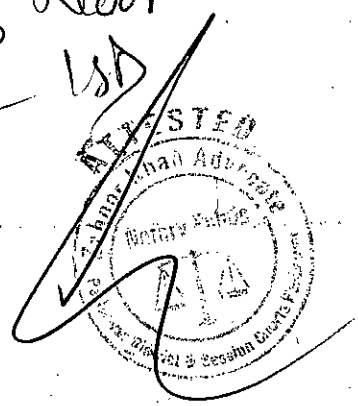
AFFIDAVIT OF:

I, the above named deponent do hereby solemnly declare and affirm as under: -

That the contents of the attached Appeal are true and correct to the best of my knowledge and belief and nothing has been kept concealed from this Hon' able Tribunal.

Identified by
[Signature]
Hafiz Noor
Attc 1st

[Signature]
Deponent



-22-

WAKALATNAMA

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

VERSUS

I/ we, the undersigned do hereby appoint Hafiz Noor Muhammad, Advocate in the above mentioned case, to do all or any of the following acts, deeds and things: -

3. To appear, act and plead for me/ us in the above mentioned case in the Court/ Tribunal in which the same may be tried or heard, and any other proceedings arising out of or connected herewith.
4. To sign, verify and file appeals, petitions, suits, affidavits and applications etc for compromise or withdrawal or for referring to arbitration of the said case as may be deemed necessary or advisable by him for the conduct, prosecution or defense of the said case at all its stages.

AND hereby agree: -

- b. That the advocate shall be entitled to withdraw from the prosecution of the said case if the whole or any part of the agreed fee remained unpaid.

In witness whereof I/ we have signed this Wakalatnama hereunder, the contents of which have been read/ explained to me/ us and fully understood by me/ us.

Signature of executant _____



Accepted by:



Hafiz Noor Muhammad

Advocate High Court,

Islamabad.

CC: 50798

Cell: 0345-5550699 & 0331-5533123

i. hnoorm@hotmail.com

ii. hafiznoormohd@yahoo.com

MIR AND YOUSAF ZAI LAW CHAMBER

Office No.19, 1st Floor, Moscow Plaza, 64-West, Jinnah Avenue, Blue Area, Islamabad Cell: 0331-5533123, 0345-5550699, 0315-5500660

29/10
DB 1
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**BEFORE THE HONOURABLE, KHYBER PAKHTUNKHWA, SERVICE
TRIBUNAL PESHAWAR**

Service Appeal No. 16203/2020

Ex-Constable Muhammad Qasim s/o Rahat Shah r/o Mohallah Ghareeb Abad,
Khuweshgi Payan, Teshil & District Nowshera.

.....Appellant


V E R S U S

The District Police Officer, Nowshera etc

.....Respondents

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S.No.	Description of documents	Annexure	Pages
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3.	Detail of bad entries	A	05
4.	Copy of departmental enquiry	B	06
5.	Copy of punishment order	C	07
6.	Copy of daily diary report	D	08
7.	Copy of order of appellate authority	E	09
8.	Copy of FIR	F	10
9.	Copy of reply of show cause notice	G	11
10.	Copy of rules 1975	H	12


**Inspector Legal,
Nowshera**

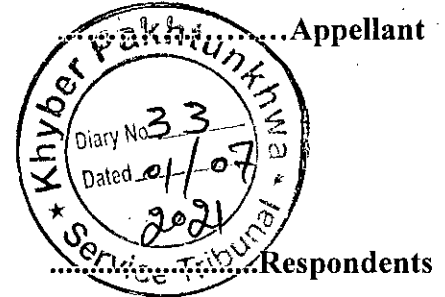
**BEFORE THE HONOURABLE, KHYBER PAKHTUNKHWA, SERVICE
TRIBUNAL PESHAWAR**

Service Appeal No. 16203/2020

Ex-Constable Muhammad Qasim s/o Rahat Shah r/o Mohallah Ghareeb Abad,
Khuweshgi Payan, Teshil & District Nowshera.

V E R S U S

1. The District Police Officer, Nowshera.
2. The Regional Police Officer, Mardan.



REPLY ON BEHALF OF RESPONDENTS

Respectfully Sheweth: -

PRELIMINARY OBJECTIONS

1. That the appellants have got no cause of action.
2. That the appeal is badly barred by law and limitation.
3. That the appellants have been estopped by their own conduct to file the instant appeal.
4. That the appeal is not maintainable in its present form.
5. That the appellants have not come to the Honourable Tribunal with clean hands.
6. That the appeal is bad for mis-joinder and non-joinder of necessary parties.

On Facts

1. Para correct to the extent of enlistment of appellants in Police Department in the year 2017, while posting to different Police Stations or units is part of official duty. Para regarding outstanding performance is incorrect, as service record of the appellants is tainted with bad entries. (Detail of bad entries is annexed as annexure "A").
2. That as the appellants were charged in a criminal case vide FIR No. 430 dated 13-06-2020 u/s 324 PPC Police Station, Nowshera Kalan, therefore, departmental enquiry proceeding was initiated against him. He was issued charge sheet alongwith statement of allegations and SDPO Akora Khattak was nominated as enquiry officer. The enquiry officer after fulfilling codal formalities submitted his findings, wherein the allegations against the appellants were proved, hence, the enquiry officer recommended the appellants for punishment. Appellants were issued final show cause notice, to which he submitted his reply but the same was found unsatisfactory. He was also heard in Orderly Room by the respondent No. 01 but the appellants failed to advance any cogent reason in his defense. Hence, he was awarded major punishment of dismissal from service. Besides, appellants also remained absent from duty vide daily diary No. 20 dated 02-04-2020 to daily diary No. 15 dated 19-06-2020 without any leave or proper permission and the occurrence for which he was charged in the aforementioned FIR also took

place during his absence period. (Copy of enquiry is annexed as annexure "B", punishment order is annexure "C" and daily diary report is annexed as annexure "D").


3. Correct to the extent that appellant was issued final show cause notice to which he submitted his reply but the same was found unsatisfactory hence, he was awarded major punishment of dismissal from service. Appellant filed departmental appeal before the respondent No. 02 but the same was also filed. (Copy of order of the appellate authority is annexed as annexure "E").

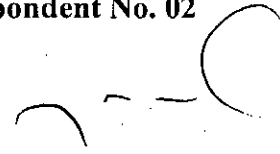
GROUNDS

- A. Incorrect. Orders passed by the replying respondents are legal, lawful and in accordance with law/rules.
- B. As per available daily diary reports mentioned in the preceding paras, appellant remained absent for 78 days. However, if stance of the appellant is considered as true, even then he has admitted his 22 days absence. It is worth to mention here that appellant was not dismissed from service due to his absence from duty rather his absence period was considered as leave without pay and he was awarded major punishment of dismissal from service for his involvement in a criminal case mentioned above. (Copy of FIR is annexed as annexure "F").
- C. Incorrect. Stance of the appellant is not plausible, because, in his reply to show cause notice, he concocted another story regarding his absence. (Copy of reply of show cause notice is annexed as annexure "G").
- D. Incorrect. Orders passed by respondents are in accordance with natural justice besides, appellant was also provided opportunity of self defense but he failed to defend himself.
- E. Incorrect. During the course of enquiry, it transpired that appellant was directly and alone charged by the complainant of the case. Similarly, there was also eye witness to occurrence, hence, prima facie, appellant was connected with the occurrence. Besides, on the day of occurrence, appellant was absent from duty without any leave or permission which also ascertained his presence at place of occurrence.
- F. Incorrect. Appellant was directly and alone charged in a heinous crime. In this respect a proper enquiry was also conducted. The enquiry officer after fulfillment of legal and codal formalities, recommended the appellant for punishment.
- G. Incorrect. No violation of Article-10A has been made rather order of the competent as well as appellate authority are in accordance with law and rules.
- H. Incorrect. Appellant was issued charge sheet and statement of allegation to which he submitted his reply but the same was found unsatisfactory. Besides, proper enquiry was conducted and the enquiry officer after fulfillment of all legal formalities recommended the appellant for punishment.

- I. Para already explained, hence, needs no comments.
- J. Incorrect. As explained above, appellant was charged in a criminal case in respect of which enquiry was conducted and on the recommendation of enquiry officer, appellant was awarded major punishment.
- K. Incorrect. Khyber Pakhtunkhwa, Police rules 1975 (Schedule-I) authorizes District Police Officer, to dismiss any Police Officer/Official from the rank of constable upto Inspector. (Copy of rules is annexed as annexure "H").
- L. Para already explained, hence, needs no comments.
- M. Para already explained, hence, needs no comments.
- N. Incorrect. Punishment order of appellant was passed after fulfillment of all legal and codal formalities and by providing opportunity of self defense to the appellant. Similarly, when appellant moved departmental appeal before the appellate authority, he was also given opportunity of personal hearing but he could not present any cogent justification to warrant interference in the order passed by the competent authority.
- O. Incorrect. Not only solid evidence in shape of FIR and eye witness against appellant is present but proper enquiry was also conducted in the matter.
- P. The respondents also seek permission of this Honourable Tribunal to advance additional grounds at the time of arguments.

It is, therefore, most humbly prayed that on acceptance of above submissions the appeal of the appellant may very kindly be dismissed with cost, please.


**Regional Police Officer,
Mardan Region-I, Mardan.
Respondent No. 02**


**District Police Officer,
Nowshera.
Respondent No.01**

(4)

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

Service Appeal No. 16203/2020

Ex-Constable Muhammad Qasim s/o Rahat Shah r/o Mohallah Ghareeb Abad,
Khuweshgi Payan, Teshil & District Nowshera.

.....Appellant

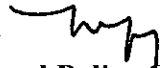
V E R S U S

1. The District Police Officer, Nowshera.
2. The Regional Police Officer, Mardan.

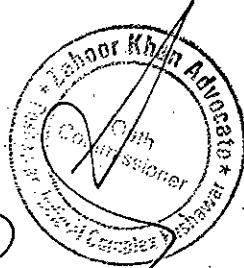
.....Respondents

AFFIDAVIT

We the respondents No. 1 & 2 do hereby solemnly affirm and declare on Oath that the contents of reply to the appeal are true and correct to the best of our knowledge and belief and nothing has been concealed from the Honourable tribunal.


**Regional Police Officer,
Mardan Region-I, Mardan.
Respondent No. 02**


**District Police Officer,
Nowshera.
Respondent No.01**



5

DETAIL OF BAD ENTRIES OF EX-CONSTABLE MUHAMMAD QASIM NO. 384

1. warned to be careful in future vide OB No. 610 dated 23-05-2018.
2. 52 days absence treated as leave without pay vide OB No. 831 dated 22-09-2020.
3. Dismissed from service vide OB No. 834 dated 22-09-2020.
4. One day absence period treated as leave without pay vide OB No. 589 dated 18-05-2018.
5. 04 days absence period treated as leave without pay vide OB No. 642 dated 18-06-2019.
6. 05 days absence period treated as leave without pay vide OB No. 910 dated 28-08-2019.
7. 16 days absence period treated as leave without pay vide OB No. 909 dated 23-08-2019.
8. 11 days absence period treated as leave without pay vide OB No. 1168 dated 14-10-2019.
9. 11 days absence period treated as leave without pay vide OB No. 558 dated 13-07-2020.

* * * * *



OFFICE OF THE ⑥
SUB-DIVISIONAL POLICE OFFICER, AKORA CIRCLE.

Tel: 0923-561619, E-Mail: sdpo_akora@yahoo.com

No. 613 /ST, Dated: 16 /09/2020.

ENQUIRY REPORT OF FC QASIM NO. 384 POLICE STATION AZAKHEL.

The undersigned was entrusted to conduct the departmental inquiry of FC Qasim No. 384 through letter No.73/PA dated 16.06.2020.

ALLEGATIONS:-

While posted at Police Station Azakhel, now under suspension at Police Lines, Nowshera is reportedly involved in case FIR No. 430 dt 13.06.2020 u/s 324 PPC PS Kalan. Involvement of aforementioned official in criminal case amounts to grave misconduct on his part and render him liable for minor/major punishment under Khyber Pakhtunkhwa Police Rules 1975.

PROCEEDINGS:

During the course of inquiry he was called to the office of the undersigned, served Charge Sheet/ statement of allegations upon him, to which he submitted his reply stating therein that, no doubt that vide FIR No.430 dated 13-06-2020 PPC of PS Nowshera Kalan, he was charged for the offence of attempted of murder. The occurrence as stated in the FIR is absolutely false, fabricated, frivolous and malicious. The true picture of the occurrence has already been reported to the police vide DD No 08 dated 13.06.2020 of PS Nowshera Kalan but the local police have taken no action as per law, so far.

The defaulter official has requested that the departmental proceedings may please be kept pending till the final decision of the court.

CONCLUSION:-

From the above detail inquiry conducted into the matter. During the course of inquiry it has been found that the alleged Police official is charged in case FIR No. 430 dated 13.06.2020 u/s 324 PPC PS NSR Kalan. The case is under investigation. The accused is on interim bail, the next hearing date fixed on 26.09.2020. The matter was also confirmed from I.O of the case SI Munir Khan PS NSR Kalan.

The defaulter official is on interim bail and the case is sub-judice in the court of Sofia Waqar Khattak Additional Session Judge-II Nowshera. However, during the course of enquiry it transpired that defaulter official was directly and alone charged by the complainant. Similarly there is also eye witness to the occurrence, hence prima facie; defaulter official was connected with the occurrence. Besides, on the day of occurrence he was also absent from duty without any leave or permission which also ascertains his alleged presence at place of occurrence. As per D.D report of PS Azakhel vide No. 20 dated 02.04.2020 defaulter official remained absent from duty w.e.f 02.04.2020 till 19.06.2020, while the occurrence took place on 13.06.2020 meaning thereby that the alleged occurrence took place during the absent period of defaulter official.

RECOMMENDATIONS:-

The defaulter official is hereby recommended for appropriate action, if agreed please.


Deputy Superintendent of Police,
Akora Circle

304

(7)

POLICE DEPARTMENT

203

DISTRICT NOWSHERA

ORDER

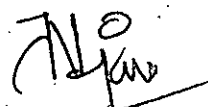
This order will dispose of the departmental enquiry initiated under Khyber Pakhtunkhwa Police Rules-1975, against Constable Muhammad Qasim No. 384 that he while posted at Police Station Azakhel, remained involved in case FIR No.430 dated 13.06.2020 u / s 324 PPC PS, Nowshera Kalan.

On account of which, he was suspended, closed to Police Lines, Nowshera and proceeded against departmentally through Mr. Ayaz Mehmood, DSP Akora, who after fulfillment of legal formalities submitted his report to undersigned vide his office No. 613 / St: dated 16.09.2020, wherein he highlighted that the defaulter official was directly and alone charged by the complainant and there is also eye witness to the occurrence, hence, prima facie, defaulter official was connected with the occurrence. Besides, he was absented from duty vide DD No.20 dated 02.04.2020 to 19.06.2020, PS, Azakhel (78) days which also ascertains his alleged presence at place of occurrence, therefore, recommended him for appropriate action.

He was served with Final Show Cause Notice, to which, he submitted his reply, perused by the undersigned and found unsatisfactory.

He was heard in orderly room, wherein he failed to satisfy the undersigned, therefore, he is hereby awarded major punishment of dismissal from service with immediate effect and treated his absence period as leave without pay, in exercise of powers vested in me under Khyber Pakhtunkhwa Police Rules-1975.

OB No. 234
Dated 22/09 /2020


District Police Officer,
Nowshera

No. 2517-21 /PA, dated Nowshera, the 22/09 /2020.
Copy for information and necessary action to the:

1. Pay Officer.
2. Establishment Clerk.
3. OHC.
4. FMC with its enclosures (14 pages).
5. Official concerned.

(8)


تقدیر مورخہ 02/04/20

تعداد اعلامی

ضلع قونڈہ

مرد 20 رجسٹر عدلیہ/ ضلع قونڈہ/ مورخہ 02/04/20 رجسٹر 384
 رجسٹر عدلیہ/ ضلع قونڈہ/ مورخہ 02/04/20 رجسٹر 384
 اطلاع برائے ضلع قونڈہ کے لیے ضلع قونڈہ کے رجسٹر
 رجسٹر عدلیہ/ ضلع قونڈہ/ مورخہ 02/04/20 رجسٹر 384
 رجسٹر عدلیہ/ ضلع قونڈہ/ مورخہ 02/04/20 رجسٹر 384

تعداد اعلامی
 ضلع قونڈہ
 02



Sir
 FORWARDED
 9/04/20
 SHO Azakhal

5

NSR

ORDER.

This order will dispose-off the departmental appeal preferred by **Constable Muhammad Qasim No. 384** of Nowshera District Police against the order of District Police Officer, Nowshera, whereby he was awarded major punishment of dismissal from service vide OB: No. 834 dated 22.09.2020. The appellant was proceeded against departmentally on the allegations that he while posted at Police Station Azakhel, District Nowshera, remained involved in a criminal case vide FIR No. 430 dated 13.06.2020 u/s 324-PPC Police Station Nowshera Kalan.

Proper departmental enquiry proceedings were initiated against him. He was issued Charge Sheet alongwith Statement of Allegations and SD- Divisional Police Officer, (SDFO) Akora, Nowshera was nominated as Enquiry Officer. The Enquiry Officer after fulfilling codal formalities, submitted his findings wherein the allegations leveled against him were proved and recommended the delinquent Officer for punishment.

He was issued Final Show Cause Notice to which his reply was received and found unsatisfactory. He was also provided opportunity of self defense by summoning him in the Orderly Room by the District Police Officer, Nowshera, but he failed to advance any cogent reason in his defense. Hence, he was awarded major punishment of dismissal from Service vide OB: No. 834 dated 22.09.2020.

Feeling aggrieved from the order of District Police Officer, Nowshera, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in this office on 17.11.2020.

From the perusal of the enquiry file and service record of the appellant, it has been found that allegations leveled against the appellant have been proved beyond any shadow of doubt. Moreover, the appellant also remained absent from his lawful duty with effect from 02.04.2020 to 19.09.2020. The retention of appellant in Police Department will stigmatize the prestige of police Police Force as instead of fighting crime, he has himself indulged in criminal activities. Moreover, during the course of personal hearing, he could not present any cogent justification to warrant interference in the order passed by the competent authority.

Keeping in view the above, I, **Sher Akbar, PSP S.81 Regional Police Officer, Mardan**, being the appellate authority, find no substance in the appeal, therefore, the same is rejected and filed, being devoid of merit.

Order Announced.

Regional Police Officer,
Mardan.

No. 7277/2020 JES, Dated Mardan the 26-11-2020.
Copy forwarded to District Police Officer, Nowshera for information and necessary w/r to his office Memo: No. 2839/PA dated 26.10.2020. His service record is returned herewith.

(*****)

No. 1673/PA
dt 26/11/2020

Fmc/EC

For m. action

[Handwritten signature]

ابتدائی اطلاع ریپورٹ (5)

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس ریپورٹ شدہ زیر دفعہ 154 جمعہ ضابطہ فوجداری

تاریخ نمبر 05-22

9329035

مکس کار

تاریخ وقوع

17201-2304469-5

0343-9130692

430

13⁶/₂₀ وقت 18:50

وقت رپورٹ

13⁶/₂₀ وقت 19:35

حاکم دینی پورہ 13⁶/₂₀ وقت 20:00

دستہ اطلاع دہنده مستفیض

عروج نصیر ولد شہزاد نغز 33/33 سال پکانہ قرب اعتریب آباد کوٹلی

نسبت جرم (مزدحمہ) مال اگر کچھ لایا گیا ہو

324

دوستہ روزندہ نزد کان زرناج واقع قرب اعتریب آباد کوٹلی پکانہ

ذاتی مصلحت سے درست

نام مہلک راہب شاہ پکانہ قرب اعتریب آباد کوٹلی

مہلک راہب کی مشق کی گئی اگر اطلاع درج کرنے میں توقف ہوا ہو تو وجہ بیان کرو

درویشی ڈانٹ

ابتدائی اطلاع پیجے درج کرو۔ مہلک راہب درج خدمت چاہے 540- چکان ٹوٹھ منڈل شہزاد پورہ
DHO پکانہ نزد منڈل پورہ عروج نصیر ولد شہزاد نغز 33/33 سال کوٹلی کوٹلی
شہرہ صحت لگاتاری درست خوش و خواص سے لول رپورٹ کرنا ہے کہ میں ہم
آم ارشاد دینی ولد شہزاد شاہ پکانہ درج خدمت چاہے ہے۔ کہ یہ
وقوم ماہ 10 بجھے تو اس دوران نام مہلک راہب شاہ پکانہ قرب اعتریب آباد کوٹلی پکانہ
نظام چاہے وقوع ماہ 10 بجھے وہ خود کا ہمیں دیکھے ہی ہمارے ساتھ عفت
شروع ہی اس دوران شہزاد شہزاد نغز داخل ہو کر انسانی اور باہر آ کر ہم
ہم اپنی اسلو آتے ہیں ہے ہم بہار ارہ محل ماہ 10 شروع ہی کہے نام
ہم خانی گاہے کی نہیں ہے۔ اور تمام ماہ 10 وقوع شروع ہے منار
عندہ سابقہ منار وقوع ہوا ہے عدوہ ہمدانی آ آ ارشاد علی بالاکانہ
ہے۔ من ارشاد دینی آ آ ارشاد ارہ تمام ماہ 10 شروع ہے کالہ انجی
کا مہلک راہب نام ماہ 10 دعوت آ رہی ہے اس کا ابھرا اس 7 ماہ اور اس
رپورٹ کو ہم نے درج با لا ہو کر پکانہ اس پہلا و سچا لیا۔ کہہ نے
ہم رہے خود انکو کالہ کیا جسے مانہ کتھہ نے اسدی ایلو سنا ہے کالہ
لعدوہ کا پول خود کا لعدوہ فرمایا فرمایا کہ یہ ہے منار عفت
و انہی دوران الٹی یونی ڈی اے CM ہے۔ کالہ ہے۔ عفت کالہ
ماہ 10 حیدرآباد بعد میں کالہ ہے۔ کالہ ہے۔ کالہ ہے۔ کالہ ہے۔

جناب عالی !

بحوالہ مشمولہ شوکا ز نوٹس نمبری 175/PA مورخہ 16.09.2020 معروض خدمت ہوں کہ

مورخہ 13.06.2020 کو گاؤں میں ایک ناخوشگوار واقعہ رونما ہوا جس میں میرا والد مسمی راحت شاہ وفات ہوا۔ جبکہ میرے خلاف تھانہ نوشہرہ کلاں میں مقدمہ بجرم PPC 324 درج ہو کر من سائل معطل ہو کر جسکی انکوائری DSP صاحب اکوڑہ کر رہے ہیں۔

مورخہ 19.07.2020 سے میں مسلسل بیمار تھا۔ ڈاکٹر صاحب کی ہدایت پر میں نے اپنا ٹائیفائیڈ ٹیسٹ کروایا جو کہ پازیٹیو آیا۔ مسلسل ٹائیفائیڈ بخار کی وجہ سے میں چلنے پھرنے سے قاصر تھا۔ ڈاکٹر صاحب نے بیڈ ریسٹ تجویز کی تھی۔ جو کہ بوجہ بیماری بروقت ارسال نہ کر سکا۔ میڈیکل کاغذات ہمراہ لف ہیں۔ اب اپنی حاضری کو یقینی بنا کر افسران کے حکم کی تعمیل کر رہا ہوں۔ آئندہ نوکری میں محتاط رہونگا۔

استدعا ہے کہ سائل کا شوکا ز نوٹس بغیر کسی کارروائی کے داخل دفتر فرمایا جائے۔

العارض

آپکا تابع فرمان کنستبل محمد قاسم 384 متعینہ معطل پولیس لائن۔

Unsatisfactory reply
Dismissed from service / without pay

Ali

12

(H)

❖ SCHEDULE-I

POWER OF PUNISHMENT TABLE							
S #	DEPARTMENTAL PUNISHMENTS	AUTHORITIES COMPETENT TO AWARD PUNISHMENT TO:					
		Deputy Superintendent of Police/Deputy Superintendent of Police (Legal)	Inspector/Inspector(Legal)	Sub Inspector/Sub Inspector Legal	Assistant Sub Inspector	Head Constable	Constable
1.	A-Major Punishments: (i) Dismissal, removal from service, compulsory retirement.	Provincial Police Officer	DPO/SSP	DPO/SSP	DPO/SSP/SP	DPO/SSP/SP	DPO/SSP/SP
	(ii) Reduction from substantive rank to lower rank or from higher stage to lower stage in the same time scale of pay.	Provincial Police Officer	DPO/SSP	DPO/SSP/SP	DPO/SSP/SP	DPO/SSP/SP	DPO/SSP/SP
2.	B-Minor Punishments: Withholding of promotion for one year or less.	PPO/Addl: IGP/CCPO/RPO/DIG	DPO/SSP/SP	DPO/SSP/SP	DPO/SSP/SP/ASP/DSP	DPO/SSP/SP/ASP/DSP	DPO/SSP/SP/ASP/DSP
3.	(i) Fine up to rupees Fifteen thousand (15000/-)	Provincial Police Officer	---	---	---	---	---
	(ii) Fine up to rupees Ten thousand (10000/-)	Addl: IGP/CCPO	---	---	---	---	---
	(iii) Fine up to rupees Ten thousand (10000/-)	RPO/DIG	---	---	---	---	---
	(iv) Fine up to rupees Five thousand (5000/-)	---	DPO/SSP/SP	DPO/SSP/SP	DPO/SSP/SP	DPO/SSP/SP	DPO/SSP/SP
	(v) Fine up to rupees one thousand (1000/-)	---	---	---	DPO/SSP/SP ASP/DSP	DPO/SSP/SP ASP/DSP	DPO/SSP/SP ASP/DSP
4.	Stoppage of increments for a period not exceeding three (3) years with or without cumulative effect.	PPO/Addl: IGP/CCPO/RPO/DIG	DPO/SSP/SP	DPO/SSP/SP	DPO/SSP/SP/ASP/DSP	DPO/SSP/SP/ASP/DSP	DPO/SSP/SP/ASP/DSP
5.	Censure	PPO/Addl: IGP/CCPO/RPO/DIG	DPO/SSP/SP	DPO/SSP/SP	DPO/SSP/SP/ASP/DSP	DPO/SSP/SP/ASP/DSP	DPO/SSP/SP/ASP/DSP
6.	Forfeiture of approved service up to two (2) years	PPO/Addl: IGP/CCPO/RPO/DIG	DPO/SSP/SP	DPO/SSP/SP	DPO/SSP/SP/ASP/DSP	DPO/SSP/SP/ASP/DSP	DPO/SSP/SP/ASP/DSP
7.	Confinement to quarters guard up to fifteen (15) days of Constables and Head constables.	---	---	---	---	DPO/SSP/SP/ASP/DSP	DPO/SSP/SP/ASP/DSP

NASIR KHAN DURRANI (PSP)
Inspector General of Police,
Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.

❖ Amended vide Notification No: 3859/Legal, dated 27/08/2014 issued by IGP, KPK

Before the KP Service Tribunal Peshawar.

Appeal 16 2031/2020

Muhammad Qasim vs Police

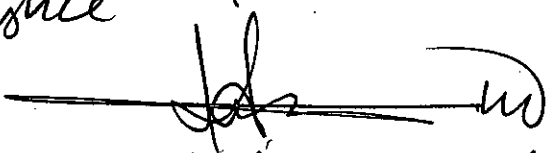
Request for Sine die adjournment.

Respectfully Sheweth

1. That the appellant is charged in a Criminal case, which Criminal case is still pending trial and there is no likelihood of its conclusion in the near future. The appeal is fixed for hearing for today. That the instant appeal may be adjourned sine die, if the accused is acquitted then the appeal would be heard and decided on merit and in case of guilty verdict, the appeal would be dismissed.

It is prayed that the appeal may kindly be adjourned sine die in the interest of justice.

Date 1-6-2022


Hafiz Noor Muhammad
Counsel for appellant