

05.10.2022

Appellant in person present. Mr. Muhammad Jan, District Attorney 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 09.11.2022 before the D.B at Camp Court Swat.



(Rozina Rehman)  
Member (J)  
Camp Court Swat



(Salah-Ud-Din)  
Member (J)  
Camp Court Swat

17<sup>th</sup> June 2022

Mr. Mujeebur Rehman, Advocate, junior to counsel for the appellant present. Mr. Kabirullah Khattak, Addl. AG for respondents present.

Respondents No. 2 is RPO Swat and respondent No.3 is DPO, Dir Upper are directed to be summoned through TCS. The appellant is directed to deposit TCS expenses within 03 days. To come up for written reply/comments on 01.08.2022 before S.B at camp court Swat.

(Kalim Arshad Khan)  
Chairman

1-8-22

*Due to summer vacation the date is adjourned to 5.9.22 for the same.*

05.09.2022

Nemo for the appellant. Mr. Asif Masood Ali Shah, Deputy District Attorney alongwith Mr. Zewar Khan, Inspector for the respondents present.

Reply/comments on behalf of respondents submitted which are placed on file. Notice be issued to the appellant and his counsel to attend the court on the next date. Adjourned. To come up for rejoinder, if any, and arguments on 05.10.2022 before D.B at Camp Court, Swat.

*Noted  
H. A. H.  
28/9/22*

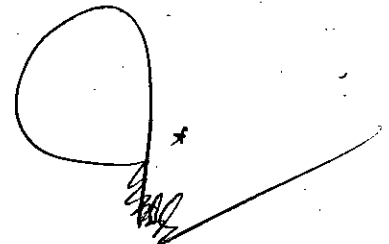
(Mian Muhammad)  
Member (E)  
Camp Court, Swat

31.01.2022

Counsel for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant argued that the appellant was nominated/booked in FIR No. 438 dated 24.11.2020 under PCNSA. He was bailed out by the Peshawar High Court Mingora Bench (Dar-Ul-Qaza) Swat on 18.12.2020. However, he was departmentally proceeded against and dismissed from service vide impugned order dated 06.01.2021 w.e.f his absence i.e 11.11.2020. His departmental appeal was turned down vide appellate order dated 19.02.2021. His revision petition submitted under Rule-11-A of the Khyber Pakhtunkhwa Police Rules, 1975 was also rejected vide order dated 06.08.2021 where-after the service Tribunal was approached through the service appeal on 23.09.2021. It was further contended that the criminal case is still under trial but the department in a very hasty manner dismissed him from service without holding regular enquiry and affording him personal hearing before awarding him major penalty of dismissal from service.

The appeal is admitted to 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 respondents for submission of reply/comments. To come up for reply/comments on 31.03.2022 before S.B.



(Mian Muhammad)  
Member(E)

31.03.2022

Clerk of learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl: AG for respondents and present.

Security and process fee not deposited. Clerk of learned counsel for the appellant seeks time to deposit the same. Appellant is directed to deposit security and process fee within 7 days, thereafter, notices be issued to the respondents for submission of written reply/comments. Adjourned. To come up for written reply/comments on 17.06.2022 before S.B.



(MIAN MUHAMMAD)  
MEMBER(E)

Rs-500/-  
Appellant Deposited  
Security & Process Fee

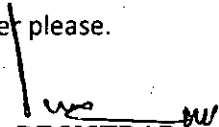

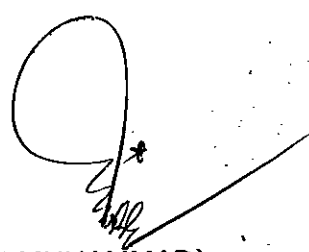
Amy  
07/04/22

Form- A

FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No.- 7483 /2021


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	29/09/2021	<p>The appeal of Mr. Farmanullah resubmitted today by Mr. Noor Muhammad Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-		<p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put up there on <u>26/11/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	26.11.2021	<p>Clerk of counsel for the appellant present.</p> <p>Former requests for adjournment on the ground that learned counsel is not available. Adjourned. To come up for preliminary hearing on 31.01.2022 before S.B.</p> <p style="text-align: right;"> (MIAN MUHAMMAD) MEMBER (E)</p>

The appeal of Mr. Farmanullah Ex-FC No. 106 District Police Dir Upper received today i.e. on 23.09.2021 is incomplete on the following score which is returned to the counsel for the appellants for completion and resubmission within 15 days.

- 1- Departmental appeal having no date be dated.
- 2- In the memo of appeal places have been left blank which may be filled up.

No. 1901 /S.T,

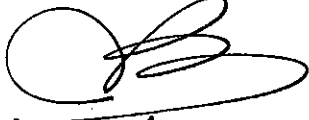
Dt. 24/09 /2021

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Noor Muhammad Khattak Adv. Pesh.

R/Sir,

- Since, the Departmental Appeal & Revision petition both are filed by the appellants-dated, rather both are filed within time and decided on merit.
- The blank spaces are therefore removed with whitener.
- Re-Submit and requested to place before the bench.

  
29<sup>th</sup> Sep 2021

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

Case Title: FARMAN ULLAH

V/S

POLICE DEPTT:

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

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

Name:

**NOOR MOHAMMAD KHATTAK**

Signature:

Dated:

2021

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

APPEAL NO. 7483 /2021

**FARMAN ULLAH**

**V/S**

**POLICE DEPTT:**

**INDEX**

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Dated: 23.9.2021

**APPELLANT**

Through:

**NOOR MOHAMMAD KHATTAK**  
**ADVOCATE**

Khattak Law Associate,  
Flat No. 4, 2<sup>nd</sup> Floor, Juma Khan Plaza,  
Warsak Road, Peshawar.

**0345-9383141**

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

**APPEAL NO. 7483 /2021**

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 7629

Dated: 23/9/2021

FARMAN ULLAH, EX-FC No. 106,  
District Police Office, Dir Upper.

..... APPELLANT

**VERSUS**

- 1- Inspector General of Police, Khyber Pakhtunkhwa, Central Police Office, Peshawar.
- 2- Regional Police Officer, Malakand Region, Saidur Sharif Swat.
- 3- District Police Officer, District Dir Upper.

..... RESPONDENTS

**APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 06-01-2021 WHEREBY MAJOR PENALTY OF DISMISSAL FROM SERVICE HAS BEEN IMPOSED UPON THE APPELLANT AND AGAINST THE APPELLATE ORDER DATED 27-08-2021 WHEREBY REVISION PETITION OF THE APPELLANT HAS BEEN REGRETTEED ON NO GOOD GROUNDS**

**PRAYER:**

**That on acceptance of this appeal the impugned Dismissal order dated 06-01-2021 & appellate order dated 27-08-2021 may very kindly be set aside and the appellant may kindly be re-instated into service with all consequential back benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.**

**R/SHWETH:**

**ON FACTS:**

1. That appellant is the employee of the respondent Department as constable and since from the date of appointment the appellant has worked quite efficiently, whole heartedly and upto the entire satisfaction of his superiors.

2. That the appellant was booked in a concocted FIR no. 438 dated 24-11-2020 under section 9 (d) Khyber Pakhtunkhwa Control of Narcotics Substances Act 2019 of Police Station Wari wherein the appellant was charge and arrested in

Filed to-day  
Registrar

Registrar

29/9/21

Re-submitted to-day  
and filed.



smuggling of Chars in his motorcar hence, the appellant was arrest on 24-11-2020. Copy of FIR is attached as Annexure ..... **A.**

3. That the appellant approached the proper court of Law against the FIR for release on bail and finally approached Peshawar High Court, Mingora Bench (Dar-ul-Qaza) Swat for bail which was very graciously allowed vide judgment dated 18-12-2020 passed in Cr.M.BA No. 688-M/2020 and the appellant was released on bail after necessary procedure required for bail. Copy of the judgment dated 18.12.2020 is attached as annexure ..... **B.**

4. That after the release on bail the appellant approached his duty station for rejoining his duty but the appellant came to know that an ex-parte inquiry 16-12-2020 has been conducted against the appellant on the ground that the appellant is absent from duty since 11-11-2020 despite the fact the respondents was well aware of the fact that a concocted FIR has been lodge against the appellant and without waiting for the outcome of the criminal case. Copy of Inquiry Report dated 16.12.2020 is attached as annexure ..... **C.**

5. That respondent no. 2 without waiting for the outcome of the criminal case and knowing the fact that the appellant is bail out in the criminal case but issued the impugned dismissal order dated 06-01-2021. Copy of the Impugned dismissal order dated 06.01.2021 is attached as annexure ..... **D.**

6. That the appellant feeling aggrieved from the impugned dismissal order dated 06-01-2021 filed Departmental Appeal ~~before respondent no. 2~~ before respondent no. 2 which was rejected/filed vide order dated 19-02-2021. Copy of Departmental Appeal & order dated 19.02.2021 is attached as annexure ..... **E & F.**

7. That feeling highly aggrieved from the inaction of the respondent no. 3 filed revision petition under rule 11-A of the Amended Police Rule 2014 before respondent no. 1 which was also rejected vide order dated 06-08-2021 endorsed to the appellant vide OB No. 599 dated 27-08-2021. Copy of the Revision Petition and appellate order dated 27.08.2021 is attached as Annexure ..... **G & H.**

8. That appellant feeling highly aggrieved and having no other remedy but to file the instant appeal on the following grounds amongst the others.

**GROUND:**

- A- That impugned dismissal order dated 06-01-2021 & appellate order dated 17-08-2021 issued by the respondents are void in nature against the law, facts and norms of natural justice hence not tenable and is liable to be set aside.
- B- That appellant has not been treated by the respondent Department in accordance with law and rules on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That the codal formalities required for the major penalty has not been fulfilled by the respondents while issuing the impugned dismissal order dated 06-01-2021 & where after appellate order dated 17-08-2021.
- D- That, the respondents acted in an arbitrary and malafide manner while issuing the impugned dismissal order dated 06-01-2021 & where after appellate order dated 17-08-2021.
- E- That, no codal formalities were fulfilled required for the major penalty of "Dismissal from Service" has been adopted by the respondents while issuing the impugned dismissal order dated 06-01-2021 & where after appellate order dated 17-08-2021.
- F- That, no regular or fact-finding inquiry is conducted in the matter which is pre-requisite as per the judgments of the Apex Supreme Court of Pakistan in punitive matters.
- G- That, the respondents while issuing impugned dismissal order dated 06-01-2021 & where after appellate order dated 17-08-2021 has not looked the actual position of the appellant and such the appellant has been punished for the fault of others.
- H- That act of the respondent while issuing impugned dismissal order dated 06-01-2021 & where after appellate order dated 17-08-2021 is against Article-38 (e) of the constitution.
- I- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore, most humbly prayed that appeal of the appellant may be accepted as prayed for, please.

Dated: 25-09-2021

APPELLANT

فرمان الله  
**FARMAN ULLAH**

THROUGH:

**NOOR MOHAMMAD KHATTAK**

**MUHAMMAD MAAZ MADNI**  
ADVOCATES,  
High Court Peshawar

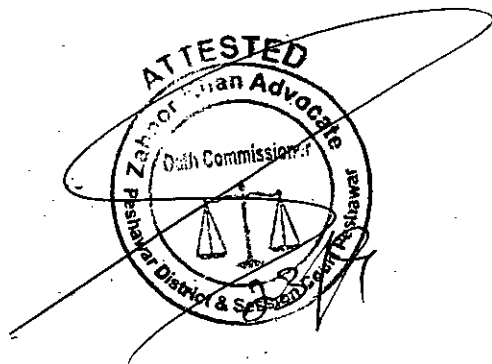
CERTIFICATE:

No such like appeal is pending or filed between the parties on the subject matter before this Honourable Tribunal.

ADVOCATE

**AFFIDAVIT**

I, Muhammad Imran s/o Muhammad Arif r/o Hassan Garhi District Peshawar do hereby solemnly affirm on oath that the contents of the above appeal are true and correct to the best of my knowledge and believe and nothing has been concealed from this Honourable Tribunal



فرمان الله  
Deponent



6

ANNEXURE B

JUDGMENT SHEET

PESHAWAR HIGH COURT  
Mingora Bench (Dar-ul-Qaza) Swat  
(Judicial Department)

Cr.M.B.A. No. 688-M/2020

ORDER

Date of hearing: 18.12.2020

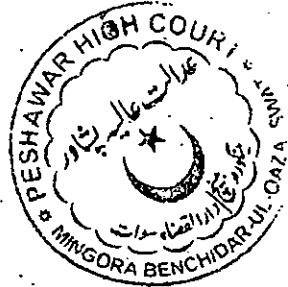
Petitioner:- (Farman Ullah) by Mr. Javed Roghani, Advocate.

Respondents:- (The State & another) by Mr. Sohail Sultan, Astt:A.G.

WIOAR AHMAD, J:- This order is directed to dispose of application filed by petitioner namely Farman Ullah for grant of post arrest bail in case FIR No. 438 dated 24.11.2020 registered under section 9 (D) of the Khyber Pakhtunkhwa Control of Narcotic Substances Act, 2019 at Police Station Wari District Dir Upper.

2. As per contents of FIR, complainant namely Shah Faisal Khan, Sub Inspector along with other police 'Nafri' had laid a picket (Nakabandi) at the place of occurrence. They stopped an Alto motorcar bearing No. CRE-1388 which was being driven by accused/petitioner Farman Ullah. During search of the motorcar, the police recovered three packets of Chars total weighing 3600 grams from its

Navab (S.B.) Hon'ble Mr. Justice Wiqar Ahmad



ATTESTED

Free  
Be sent to prosecution  
for n/a.

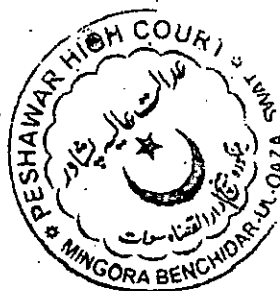
DSJ  
18/12/2020

7

secret cavities, lying in yellow colour bags. 'Murasila' was drafted which culminated into *ibid* FIR registered against accused/petitioner and other co-accused at police station concerned.

3. Arguments heard and record perused.

4. Perusal of record reveals that the local police had allegedly recovered Chars weighing 3600 grams from the motorcar being driven by accused/petitioner at the relevant time. Yet registration number of the motorcar wherefrom the contraband Chars had been recovered was shown in the 'Murasila' as well as FIR as CRE-1388 while in the recovery memo registration number of the car has been written as LRE-1388, therefore learned trial Court would be in a better position to ascertain after recording of evidence that from which motorcar the alleged recovery of contraband Chars had in-fact been made. Moreover, FSL report has not yet been received to affirm as to whether the allegedly recovered stuff was Chars or otherwise. In this respect, reliance is placed on judgment of Hon'ble Supreme Court of Pakistan rendered in the case of "Murad Khan v/s The State" reported as "2020 SCMR 431". Case



ATTESTED

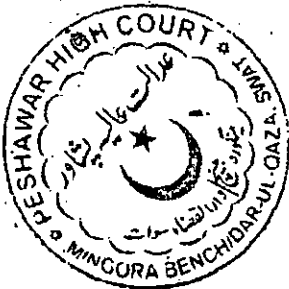
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against accused/petitioner, in such circumstances, is one of further inquiry and he is therefore entitled to the concession of bail. These are reasons for my short order of even date, which read as follows;

*"For reasons to be recorded later, this application for bail is allowed and accused/petitioner Farman Ullah involved in case FIR No. 438 dated 24.11.2020 registered under section 9 (D) of the Khyber Pakhtunkhwa Control of Narcotic Substances Act, 2019 at Police Station Wari District Dir Upper is directed to be released on bail provided he furnishes bail bonds in the sum of Rs. 400,000/- (four hundred thousand) with two sureties each in the like amount to the satisfaction of learned trial Court, who shall ensure that the sureties are local, reliable and men of means."*

Announced

Dt: 18.12.2020



JUDGE

Certified to be True Copy

*[Signature]*  
**Examiner**  
 Peshawar High Court Bench  
 Mingora/Dar-ul-Qaza, Swat.

**ATTESTED**

*[Signature]*

Office  
 24/12  
 WIR

9

فائینڈنگ رپورٹ

ANNEXURE - C

تحریر ہے کہ چارج شیٹ نمبری SB/80-2979 مورخہ 26/11/2020 بر خلاف کنسٹیبل فرمان اللہ نمبر 106 مجازیہ محترم جناب DPO صاحب دیر بالا موصول ہو کر ملاحظہ کرنے پر پایا گیا کہ کنسٹیبل فرمان اللہ نمبر 106 پولیس لائن دیر بالا میں تعینات ہے۔ بحوالہ مد 12 مورخہ 11/11/2020 بغیر حصول اجازت رخصت غیر حاضر ہے۔ دوران غیر حاضری سوزوکی الٹو نمبر 1388 LRE کا ڈرائیونگ کرتے ہوئے آٹھ گرام چیک پوسٹ پر کھڑا کیا۔ عبدالستار خان ASI انچارج CP آٹھ گرام نے گاڑی کے خفیہ خانوں سے تلاشی کے دوران 3600 گرام چرس بہ موجودگی عوام، پولیس جوانوں برآمد کر کے مقدمہ علت 438 مورخہ 24/11/2020 جرم 9DKPCNSA تھانہ واڑی آپکے خلاف درج رجسٹر ہو کر آپ بد چلتی کے سر تکب ہوئے ہے۔ جناب DPO صاحب نے من SDPO سرکل کوہستان کو انکواری آفسر مقرر کر کے رپورٹ طلب فرمایا ہے۔ اندریں بارہ جملہ متعلقین ملزم کنسٹیبل فرمان اللہ نمبر 106 باجازیب خان SI/OH تھانہ واڑی شاہ فیصل خان SI انچارج چوکی آٹھ گرام عبدالستار ASI کنسٹیبل عمران خان نمبر 2002 چوکی آٹھ گرام ضیاء اللہ خان ASI محرر پولیس لائن کے بیانات قلمبند کر کے حالات واقعات انکواری ذیل پائے گئے۔

حالات واقعات انکواری بیانات سے پایا گیا کہ مورخہ 24.11.2020 کو شاہ فیصل SI چوکی آٹھ گرام مع عبدالستار ASI کنسٹیبل عمران خان نمبر 2002 دیگر نفری پولیس CP آٹھ گرام میں موجود تھا۔ کہ جانب خال سے ایک موٹر کار الٹو گاڑی نمبر LRE/1388 اتاہوار کو ایاجس کے ڈوائیونگ کنسٹیبل فرمان اللہ نمبر 106 متعینہ پولیس لائن دیر بالا کر رہا تھا۔ گاڑی کی تلاشی حسب ضابطہ عمل میں لائے جا کر گاڑی کی خفیہ خانوں سے تین عدد زرد تھلیوں میں بند تین بیگ چرس برآمد ہو کر بر موقعہ بذریعہ ڈیجیٹل ترازو وزن کرنے پر 3600 گرام نکلی۔ چرس قبضہ شدہ پارسل ہائے ایک تاجار میں بند بہ سر بمہر کر کے فرد بر موقع مرتب کر کے گواہان فرد عبدالستار ASI کنسٹیبل عمران خان نمبر 2002 سے تکمیل کی گئی۔ ملزم کنسٹیبل فرمان اللہ نمبر 106 کو مرتکب جرم پا کر جس کے خلاف شاہ فیصل ASI نے مراسلہ ضبط تحریر میں لا کر ارسال تھانہ واڑی کی۔ جس پر مقدمہ علت 438 مورخہ 24.11.2020 جرم 9DKPCNSA تھانہ واڑی درج رجسٹر ہوئی۔ موٹر کار کو سرقہ شدہ

ATTESTED





امشتبہ جان کر بحوالہ مد 25 روزناچہ 24.11.2020 بجرم 523/550 ض ف قبضہ پولیس کی۔ ملزم کنسٹیبل نمبر 106 کو گرفتار کر کے زیر حراست تھانہ واڑی بھجوادیا۔ ملزم فرمان اللہ نمبر 106 کے کارڈ گرفتاری نقل پرچے، مراسلہ، فرد مقبوضگی چرس بغرض تفتیش بادشاہ زیب SI / OH تھانہ واڑی کو حوالہ ہو کر تفتیش شروع۔ کی ملزم کنسٹیبل فرمان اللہ نمبر 106 پولیس لاکین دیر بالا میں تعینات ہے۔ اور محرر ضیا اللہ ASI کے بیان کے روشنی میں بحوالہ مد 12 روزناچہ 11.11.2020 سے بدستور غیر حاضر ہے۔ تفتیش افسر نے محکمہ کاروئی کیلئے تحریری درخواست افسران بالا کے خدمت میں ارسال کی۔ ملزم فرمان کے حق میں مجاز عدالت سے ایک یوم حراست پولیس منظور کر کے دوران اشارو گیشن ملزم کنسٹیبل فرمان اللہ نے انکشاف کیا۔ کہ ملزم ابراہیم ولد باچا گل، حشمت علی ولد صناف گل چرس کے خرید، فروخت کا کاروبار کرتا ہے۔ اور ابراہیم اسکی گاڑی اکثر اوقات چرس لاتا تھا۔ اور حشمت علی بھی چرس ڈیلر کو ابراہیم کے طرف رقم بھجوانے اور چرس کے کوالٹی کا زمہ دار ہوتا تھا۔ بروز وقوعہ صبح ملزم حشمت علی نے اپنے موبائل نمبر سے ملزم ابراہیم کے موبائل نمبر پر نامعلوم چرس ڈیلر کے اکاؤنٹ نمبر 20020095003731010 بک الجیب پشاور SMS کی۔ اور ابراہیم کو ہدایت کی کہ چرس ڈیلر نامعلوم ایڈوانس میں ادھار رقم کا حصول چاہتا ہے جو کہ ابراہیم نے GT روڈ نیز دھاجی کیمپ آڈہ کے بیک الجیب کے برانچ میں درج بالا اکاؤنٹ نمبر میں اپنے شناختی کارڈ نمبر پر مبلغ / 60000 روپے جمع کی۔ اور کچھ وقت بعد ایک شخص آکر ابراہیم کو یہی چرس حوالہ کی چرس کو گاڑی کے ناز میں بند کر کے گاڑی کی ڈیگی کے خفیہ خانوں میں سمجھال کر رکھی۔ تفتیش افسر نے ملزم کنسٹیبل فرمان اللہ کے انکشاف پر متعلقہ بینک میں درج اکاؤنٹ نمبر کا سٹیٹمنٹ حاصل کر کے جو واقعی ابراہیم اپنے شناختی کارڈ نمبر 5-8217093-15701 پر مورخہ 24.11.2020 کو مسی ناصر خان کے اکاؤنٹ بالا میں رقم جمع کی ہے۔ بینک الجیب اور ملزم حشمت علی کے موبائل نمبر سے لی گئی سکرین شارٹ نے ملزم فرمان اللہ کے بیان / انکشاف کی درست تائید ہوئی۔ ملزم فرمان اور ابراہیم اسی گاڑی میں پشاور سے تیرگرہ ایک ساتھ آئے۔ ملزم فرمان کے ہمیشہ اش مسماة فروین بی بی برادر اش کیساتھ بغرض علاج معالجہ لیڈی ڈاکٹر مسرت تیرگرہ میں تھی۔ تیرگرہ سے کنسٹیبل فرمان کے ساتھ ہمیشہ اش، برادر اش اس گاڑی میں سوار ہو کر بوجہ گاڑی میں جگہ نہ ہونے ابراہیم مذکورہ دوسری گاڑی میں سوار ہو کر دیر کیلئے روانہ ہوا اسی طرح ملزم حشمت علی نے دوران اشارو گیشن انکشاف کیا کہ کنسٹیبل فرمان اپنے رشتہ دار ابراہیم کیلئے چرس لایا کرتا تھا اور بطور کرایہ دار تیل، روٹی خرچہ کے علاوہ سات ہزار تا دس ہزار روپے بطور کرایہ اجرت لیتا تھا۔ بروز وقوعہ فرمان اللہ نے ابراہیم سے گاڑی تیل خرچہ کے علاوہ مبلغ / 2000 روپے نقد لیے تھے۔ جبکہ دیگر حساب کتاب بقایا تھا۔ ملزم ابراہیم نے اپنے 161 ض ف بیان میں ملزم

ATTESTED



OFFICE OF THE  
DISTRICT POLICE OFFICER  
DIR UPPER

12

ANNEXURE - ~~D~~

ORDER.

This order is passed on the Departmental Enquiry conducted against Constable Farman No. 106 while posted in Police Lines. He while posted in Police Lines absented himself from his lawful duty with any prior permission from his superior officer and a detail report was incorporated in Roznamcha register vide DD No. 12, dated 11.11.2020. During his absence, he while driving Suzuki Alto No. CRE-1388 was stopped at Police Check Post Akhagram; on the search of the vehicle conducted by ASI Abdul Sattar i/c CP Akhagram, Chars weighting 3600 Grams were recovered in the presence of public and police personnel from secret cavities of the vehicle. A case to this effect vide case FIR No. 438, dated 24.11.2020, U/S 9D-KPCNSA PS Wari was registered against him, so this amount a gross misconduct on his part.

In order to initiate proper Departmental Enquiry, Charge Sheet and Statement of allegations were served upon him. Mr. Ghulam Sadiq Khan DSP Kohistan was appointed as Enquiry Officer. The Enquiry Officer in its finding report stated that the defaulter Constable is liable / guilty and recommended for Major Punishment.


On the receipt of the finding report and other connected papers the same was perused and his guilt has been proved beyond any shadow of doubt. He was called in orderly room and heard in person.

Therefore in exercise of powers vested to the undersigned under Police efficiency and discipline rules, I Tariq Iqbal, District Police Officer, Dir Upper hereby dismissed Constable Farman No. 106 from Police service from the date of his absence i.e 11.11.2020.

Order announced.

OB No. 02

Dated: 06-07- /2021.

  
District Police Officer  
Dir Upper.

**ATTESTED**  


بخدمت جناب ڈپٹی انسپکٹر جنرل آف پولیس ملاکنڈ ریجن سوات

عنوان اور خواست: برادری دوبارہ بحالی بحیثیت کنسٹیبل

13

جناب عالی!

سائل ذیل عرض گزار ہے۔

1. گزارش ہے کہ سائل سال 2006 کو محکمہ پولیس میں بھرتی ہو کر اپنی ڈیوٹی نہایت ایمانداری سے سرانجام دے رہا تھا۔

2. سائل کو جناب DPO صاحب دیر بلانے بعد از محکمانہ انکوائری پر بحوالہ آرڈر بک نمبر 02 مورخہ 06.01.2021 کو محکمہ ہذا سے برخاست کیا ہے۔ (انقولات لف درخواست ہذا ہے)

3. سائل ایک غریب خاندان سے تعلق رکھتا ہے۔ بچوں اور ضعیف العمر والدین کا سہارا ہے۔ تنخواہ کے علاوہ دوسرا کوئی ذریعہ معاش نہیں ہے۔ سائل کو نوکری سے فارغ کرنے پر سائل کے والدین اور بچے دوسروں کے سامنے ہاتھ پھیرنے پر مجبور ہونگے۔

لہذا مستحبتاً استدعا ہے کہ سائل کے بچوں اور ضعیف العمر والدین کے حالت پر رحم فرما کر سائل کو معاشی بحران میں ڈوبنے سے بچانے کیلئے دوبارہ محکمہ پولیس میں بحیثیت کنسٹیبل بحال کرنے کے احکامات صادر فرمائیں۔

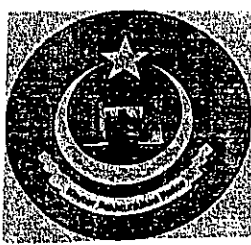
سائل آپ صاحبان کے نفاذ کریم کا منتظر اور تاحیات دعا گو رہے گا۔

العارض۔ محمد فرمان ولد برخان ساکن کاشو دیر سابقہ پولیس کنسٹیبل نمبر 106

موبائل نمبر: 0315.9381873

ATTESTED

A



OFFICE OF THE  
REGIONAL POLICE OFFICER, MALAKAND

SAIDU SHARIF SWAT.

Ph: 0946-9240381-88 & Fax No. 0946-9240390

Email: dtgmalakand@yahoo.com

14

ORDER:

ANNEXURE-5

This order will dispose off appeal of Ex-Constable Farman Ullah No. 106 of Dir Upper District for reinstatement in service.

Brief facts of the case are that Ex-Constable Farmanullah No. 106 while posted at Police Lines absented himself from his lawful duty without any prior permission or leave from his superior officer and a report to this effect was incorporated in DD No. 12, dated 11/11/2020. During his absence, he while driving Suzuki Alto Car No. CRE-1388 was stopped at Police Check Post Akhagram, on search of the vehicle conducted by ASI Incharge Check Post Akhagram, Chars weighting 3600 Grams were recovered from secret cavities of the vehicle in presence of general public and Police personnel present at the spot. A case to this effect vide FIR No. 438, dated 24/11/2020, u/s 9D-KPCNSA Police Station Wa was registered against him, so this was amount a gross misconduct on his part. He was issued Charge Sheet coupled with statement of allegation and SDPO Kohistan was appointed as Enquiry Officer. The Enquiry Officer in his finding report stated that defaulter Constable was found guilty of the charges leveled against him and recommended him for major punishment. On the receipt of the enquiry papers, finding report and other connected papers was perused and his guilt was proved beyond any shadow of doubt, therefore he was called in orderly room and heard him in person, but he could not produce any cogent reason in his defense. Therefore, in exercise of power vested to District Police Officer, Dir Upper under Police efficiency and discipline rules 1975 amended 2014 was awarded him major punishment of dismissal from service from the date of his absence i.e 11/11/2020 as well as on the charges of recovery of 3600 Grams Chars vide OB No. 02, dated 06/01/2021.

He was called in Orderly Room on 17/02/2021 and heard him in person. The appellant could not produce any cogent reason in his defence. The appellant has been caught red handed at the spot. He is not deserving for any laxity as he has used the Police uniform for his personal ugly aim. Besides, his service record show that there are 15 bad entries in his service, which also indicate his disinterest in Police Job. Therefore, I agreed with the decision of District Police Officer, Dir Upper and uphold the order passed by him and his appeal is hereby filed.

Order announced.

Regional Police Officer,  
Malakand Region, Saidu Sharif Swat  
\*Naqi

No. 2144 /E,  
Dated 19-02- /2021.

Copy of above for information and necessary action to District Police Officer, Dir Upper with reference to his office Memo: No. 907/EB(F/5-12) dated 04/02/2021. Service Roll, Fauji Missa and enquiry file of the above named officer is returned herewith for record in your office.

\*\*\*\*\*

ATTESTED

A

بخدمت جناب انسپکٹر جنرل آف پولیس خیبر پختونخواہ پشاور

15



ANNEXURE

عنوان اور خواست براد دوبارہ بحال بحیثیت کنسٹیبل

9G

جناب عالی

سائل ذیل عرض گزار ہے۔

1. گزارش ہے کہ سائل سال 2006 کو محکمہ پولیس میں بھرتی ہو کر اپنی ذیوقی نہایت ایمانداری سے سرانجام دے رہا تھا۔

2. سائل کو جناب DPO صاحب دیر بالا نے بعد از محکمہ انکوائری پر بحوالہ آرڈر بک نمبر 02 مورخہ 06.01.2021 کو محکمہ ہذا سے برخاست کیا ہے۔

3. سائل نے دوبارہ بحالی کے خاطر جناب DIG صاحب ملاکنڈ کو درخواست دائر کیا تھا جو DIG صاحب نے بحوالہ آرڈر نمبر 2144/ مورخہ 19.02.2021 کو لاکھل کیا ہے۔

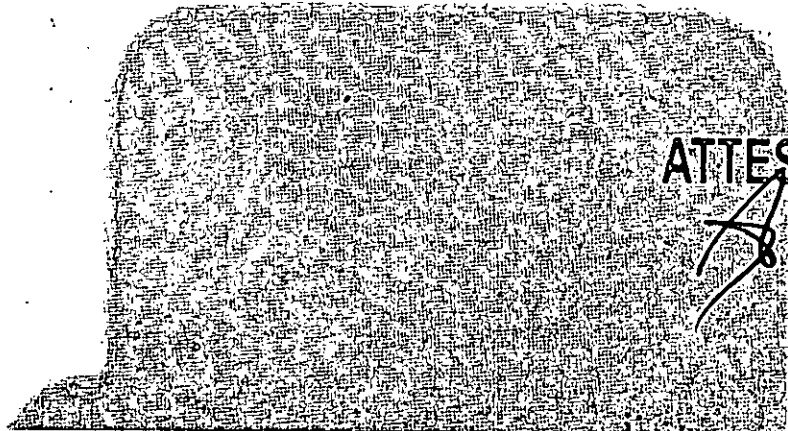
4. سائل ایک غریب خاندان سے تعلق رکھتا ہے۔ بچوں اور ضعیف العمر والدین کا سہارا ہے۔ تنخواہ کے علاوہ دوسرا کوئی ذریعہ معاش نہیں ہے۔ سائل کو نوکری سے فارغ کرنے پر سائل کے والدین اور بچے دوسروں کے سامنے ہاتھ پھیرنے پر مجبور ہو چکے ہیں۔

لہذا دست بستہ استدعا ہے کہ سائل کے بچوں اور ضعیف العمر والدین کے حالت پر رحم فرما کر سائل کو معاشی بحران میں ڈوبنے سے بچانے کیلئے دوبارہ محکمہ پولیس میں بحیثیت کنسٹیبل بحال کرنے کے احکامات صادر فرمادیں۔ سائل آپ صاحبان کے نگاہ کرم کا منتظر اور تاحیات دعا گو رہے گا۔

العارض۔

محمد فرمان ولد برخان ساکن ککٹو دیر سابقہ پولیس کنسٹیبل نمبر 106

موبائل نمبر: 0315.9381873



ATTESTED



16 17/8/21  
ANNEXURE-H

ORDER

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by Ex-FC Farman Ullah No. 106. The petitioner was dismissed from service by District Police Officer, Dir Upper vide OB No. 02, dated 06.01.2021 on the allegations that he while posted at Police Lines, absented himself from duty and a report of this effect was incorporated in DD No. 12, dated 11.11.2020. During his absence, he while driving Suzuki Alto car No. CRE-1388 was stopped at Police Check Post Akhgram, on search of the vehicle conducted by ASI Incharge Check Post Akhgram, Chars weighting 3600 grams were recovered from secret cavities of the vehicle in presence of general public and Police personnel present on the spot. A case to this effect vide FIR No. 438, dated 24.11.2020 u/s 9D-KPCNSA Police Station Wari was registered against him. His appeal was filed by Regional Police Officer, Malakand vide order Endst: No. 2144/E, dated 19.02.2021.

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

Perusal of enquiry papers reveals that the allegations leveled against the petitioner have been proved and he was found guilty. During hearing, petitioner failed to advance any plausible explanation in rebuttal of the charges. The Board see no ground and reasons for acceptance of his petition, therefore, the Board decided that his petition is hereby rejected.

OFFICE OF THE  
Dy: 3593  
Date: 23-8-21  
Additional Inspector General of Police UPPER DIR  
HQrs: Khyber Pakhtunkhwa, Peshawar.

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

No. SI 3300-10 121. d/t: 26/08/2021

Copy of the above is forwarded to the:

1. Regional Police Officer, Malakand at Swat. One Service Roll and one Fauji Missal containing departmental enquiry file of the above named Ex-FC received vide your office Memo: No. 4583-84/WPC, dated 08.04.2021 is returned herewith for your office record.
2. District Police Officer, Dir Upper.
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.

CB Nos 599

27-08-21

No 9420/E  
Date 17.8.21

EC  
Dy  
CPO

Encls: S. Roll  
F. Missal.

Regional Police Officer,  
Malakand, Swat.  
Saidu Sharif, Swat.

OB/EC  
inform line according

Handwritten signature and initials

(IRFAN ULLAH KHAN) PSP  
Establishment,  
For Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar.

ATTESTED  
Handwritten signature

VAKALATNAMA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR

APPEAL NO \_\_\_\_\_ OF 2021

Farman ullah

(APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

VERSUS

Police Deptt :-

(RESPONDENT)  
(DEFENDANT)

I/We Farman ullah

Do hereby appoint and constitute **NOOR MUHAMMAD KHATTAK, Advocate, HIGH COURT, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. \_\_\_\_/\_\_\_\_/2021

[Signature]  
CLIENT

[Signature]  
**ACCEPTED**  
**NOOR MUHAMMAD KHATTAK**  
[Signature]  
**KAMRAN KHAN**  
[Signature]  
**SAID KHAN**  
[Signature]  
**UMAR FAROOQ MOHMAND**  
& [Signature]  
**HAIDER ALI**  
**ADVOCATE**

**OFFICE:**  
Flat No.4, 2<sup>ND</sup> Floor,  
Juma khan plaza near  
FATA secretariat, warsak road  
Peshawar City.  
Mobile No.0345-9383141

**“B”**

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

SB

No.

Appeal No. 7483 of 20 22

Fayman Ullah Appellant/Petitioner

Versus

IGP, KPK, Central Police Office, Peshawar Respondent

Respondent No. (1)

Notice to: — Inspector General of Police, KPK, Central Police Office, Peshawar

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.....7/6/2022.....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.

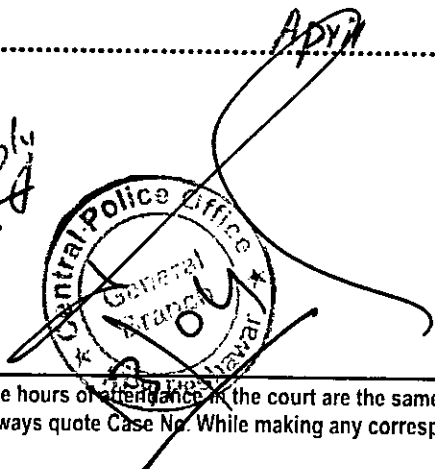
Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition 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 7th

Day of.....ADYA.....20 22

For Reply



[Signature]  
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.

*Recd*  
Appeal No. 7483 of 20 21 <sup>SB</sup>  
..... Farman Ullah Appellant/Petitioner  
Versus  
..... IGP Central Police Office Peshawar  
Respondent No. (3)

Notice to: —

DPO District Dir Upper

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~~ 7/06/2022 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner 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.

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 25

Day of.....20

*For Recd*  
May

22  
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.

*Regd*

*SB*

Appeal No. 7483 of 271.

Fayman Allah Appellant/Petitioner

IQP Central Police Office Peshawar Respondent

Respondent No. (2)

Notice to: — RPO Malakand Saidu Sharif Swat

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 17/06/2022 at 8.00 A.M. If you wish to urge anything against the appellants/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 25

Day of May 2022

*(For Regd)*

*Jm*

*[Signature]*  
 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. 7483 of 20 22

Farman Ullah Appellant/Petitioner

IGP Central Police Office Peshawar Respondent

Respondent No. (9)

Notice to: — IGP KPK Central Police Office Peshawar

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.....17/06/2022.....at 8.00 A.M. If you wish to urge anything against the appelland/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.....25.....

Day of.....May.....20 22

For Reply  
31-5-2022

[Signature]  
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.

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

Service Appeal No. 7483/2022.

Farman Ullah s/o Bara Khan r/o Kalsho Dir District Dir Upper  
..... Appellant

Versus

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Regional Police Officer Malakand at Saidu Sharif Swat.
3. District Police Officer Dir Upper. .... Respondents.

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**DSP Legal,**  
**Dir Upper.**

①

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

Service Appeal No. 7483/2022.

Farman Ullah s/o Bara Khan r/o Kalsho Dir District Dir Upper  
..... Appellant

Versus

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Regional Police Officer Malakand at Saidu Sharif Swat.
3. District Police Officer Dir Upper.  
..... Respondents.

**PARA WISE COMMENTS ON BEHALF OF RESPONDENTS 1 TO 3.**

Respectfully Sheweth:

Preliminary objections:

1. That the present appeal is not maintainable in its present form.
2. That the appellant has not come to this Honorable Tribunal with clean hands.
3. That this honorable Service Tribunal has no jurisdiction to entertain the present service Appeal.
4. That the Appellant has got no cause of action to file the instant appeal.
5. That the appellant has deliberately concealed/suppressed the material facts from this honorable Tribunal.
6. That the appeal is barred by law & limitation.
7. That the appeal is bad due to mis-joinder and non-joinder of necessary parties.

**ON FACTS.**

- 1) Pertains to record.
- 2) Incorrect, the appellant was caught red-handed and recovered three packets of chars weighted 3600 grams from his possession and FIR against him and was arrested.(FIR is annexed as .....A)
- 3) Pertains to record.
- 4) Incorrect, a proper departmental inquiry and charge sheet/statement of allegation was served upon the appellant, but he badly failed to defend himself and the inquiry officer recommended for major punishment. (Charge sheet/statement of allegation annexed as .....B)

- 5) Incorrect, as mentioned in the preceding Para the inquiry officer recommended for major punishment after providing reasonable opportunity of personal hearing.
- 6) Incorrect, the orders passed by the District Police Officer and Regional Police Officer being competent authorities and are in accordance with law and rules.
- 7) Incorrect, the respondents No.1 legally and lawfully rejected the revision petition keeping in view the findings of the inquiry officer and the offence committed by the appellant.
- 8) Incorrect.

**GROUND.**

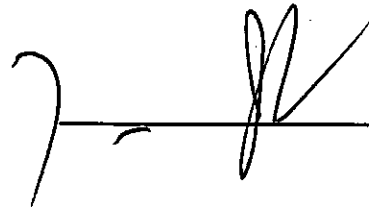
- A. Incorrect, all the orders issued by the respondents are valid in accordance with law, facts and norms of natural justice and is liable to be up held/maintained.
- B. Incorrect, the appellant has been treated by the respondent in accordance with law/rules on the subject cited above and the respondent has never been violated any fundamental right of the petitions.
- C. Incorrect, the respondent departmental fulfilled all the codal formalities as required by law/rules.
- D. Incorrect, the respondent acted in accordance with law/rules.
- E. Incorrect, the respondents fulfilled all the codal formalities and a proper Departmental inquiry was initiated against the appellant under the rules.
- F. Incorrect, as mentioned in the above para that all the codal formalities have been fulfilled.
- G. Incorrect, appellant was caught red-handed while smuggling chars in his possession and recovered by the local Police and booked in FIR under existing law of narcotics.
- H. Incorrect, the orders passed by the respondent are in accordance with law/rules and no right of the appellant has been violated.
- I. The respondents seek permission to argue any other grounds at the time of hearing of appeal.

(3)


Prayer.

Keeping in view the above facts and reasons it is humbly prayed that the appeal being not maintainable may kindly be dismissed costs, please.

1. **Provincial Police Officer,**  
Khyber Pakhtunkhwa, Peshawar.

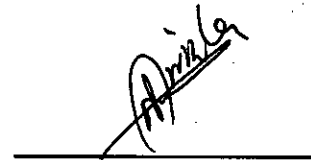


2. **Regional Police Officer,**  
Malakand at Saidu Sharif, Swat.



**Regional Police Officer,**  
Malakand Region,  
Saidu Sharif, Swat.

3. **District Police Officer,**  
Upper Dir.



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

Service Appeal No. 7483/2022.

Farman Ullah s/o Bara Khan r/o Kalsho Dir District Dir Upper  
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Versus

- 1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
- 2. Regional Police Officer Malakand at Saidu Sharif Swat.
- 3. District Police Officer Dir Upper. .... Respondents.

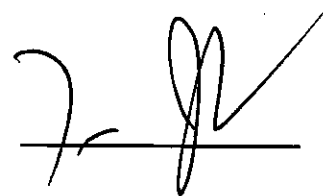
**Power of Attorney**

We, the undersigned do hereby authorized Zewar Khan DSP Legal to appear on our behalf before the honorable Court in the cited above case on each and every date.


He is also authorized to file Para wise comments/ reply, prefer appeal and to submit the relevant documents before the court.

**Respondents:**

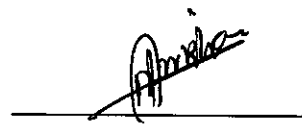
1. **Provincial Police Officer,**  
Khyber Pakhtunkhwa, Peshawar.



2. **Regional Police Officer,**  
Malakand at Saidu Sharif, Swat.

  
Regional Police Officer,  
Malakand Region,  
Saidu Sharif, Swat.

3. **District Police Officer,**  
Upper Dir.





5

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

Service Appeal No. 7483/2022.

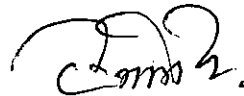
Farman Ullah s/o Bara Khan r/o Kalsho Dir District Dir Upper  
..... Appellant

Versus

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Regional Police Officer Malakand at Saidu Sharif Swat
3. District Police Officer Dir Upper. .... Respondents.

**Affidavit**

I, Zewar Khan, DSP/ Legal do hereby solemnly affirm and declared that the contents of parawise reply are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable court.



**DEPONENT**  
Zewar Khan DSP Legal,  
Upper Dir.

**ATTESTED**  
*A. Malik*  
**ANBAR ALI KHAN ADVOCATE**  
**NOTARY PUBLIC**  
L.No. SC/04/DIR/UP/24015/2021/109  
\* No. 73-Bt. 05-29  
**DISTRICT COURTS SWAT**



(3)

Annex B

**DISCIPLINARY ACTION.**

I, Tariq Iqbal, District Police Officer, Dir Upper, as competent authority, is of the opinion that Constable Farman No. 106 while posted in Police lines, have rendered him liable to be proceeded against departmentally as he has committed the following acts/omission as defined in Rule-2 (iii) of Police Rule 1975.


**STATEMENT OF ALLEGATION.**

Whereas, Constable Farman No. 106 while posted in Police Lines absented himself from his lawful duty vide DD No. 12, dated 11.11.2020 without any prior permission or leave from his superior officer. During absence, he while driving Suzuki Alto No. CRE-1388 was stopped at Police Check Post Akhagram; on search of the vehicle conducted by ASI Abdul Sattar I/C CP Akhagram, Chars weighting 3600 Grams were recovered in the presence of public and police personnel from secret cavities on the vehicle. A case to this effect vide case FIR No. 438 dated 24.11.2020 u/s 9D-KPCNSA PS Wari was registered against him. So, this amounts a gross negligence/ misconduct on his part.

2. For the purpose of scrutinizing of the said accused with reference to the above allegations, **Mr. Ghulam Sadiq, SDPO Circle Kohistan** is appointed as the Enquiry Officer under the said Rules.

3. The Enquiry Officer shall conduct proceeding in accordance with provision of Police Rule 1975 and shall provide reasonable opportunity of defence and hearing to the accused official, record its findings and make within fifteen days (15) days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused official.

4. The accused official shall join the proceeding on the date, time and place fixed by the Enquiry Officer.

  
(Tariq Iqbal)  
**District Police Officer,**  
**Dir Upper.**

No. 2979-80 /SB, Dated Dir Upper the  
Copy of the above is forwarded to:-

/2020.

1. The Enquiry Officer for initiating proceeding against the accused official under Police Rule, 1975.
2. Concerned defaulter official.