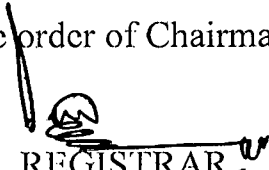


FORM OF ORDER SHEET

Court of _____

Case No. - _____ 1660/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	23/11/2022	<p>The appeal of Mr. Zahoor Khan resubmitted today by Mr. Khalid Khan Mohmand Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____. Notices be issued to appellant and his counsel for the date fixed.</p> <p style="text-align: right;">By the order of Chairman</p> <p style="text-align: right;"> REGISTRAR</p>

The appeal of Mr. Zahoor Khan son of Hukam Khan Assistant Sub Inspector received today i.e. on 10.11.2022 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.


- 1- Copy of reinstatement order mentioned in the memo of appeal is not attached with the appeal which may be placed on it.
- 2- Annexure-E is illegible which may be replaced by legible/better one.

No. 3171 /S.T,

Dt. 14/11 /2022

Khaled Khan Mohmand Adv. Pesh.

R/siv


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Objection no. 1 has been removed,
copy of the re-instatement order is
attached, Page 17/A.

Objection No. 2 has been removed.

Kamilid
23-11-022

**BEFORE THE HON'BLE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR**

Service Appeal No. 1660/2022

Zahoor Khan S/O Hukam Khan Assistant Sub Inspector (BPS -11), District
Mardan

.....**Appellant**

Versus

**The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar. &
Others**

.....**Respondents**

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3.	Copy of CNIC	A	5
4.	Copy of FIR	B	6
5.	Copy of the memo of appeal & order dated:15.09.2021 and Order	C D	7-17
6.	Copy of the Departmental Appeal	E	18
7.	Wakalat Nama	---	19

THOROUGH:

APPELLANT
Zahoor Khan

Khalid Khan Mohmand
&
Haider Ali
Advocates, High Court
Peshawar

Dated:10.11.2022

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. _____/2022

Zahoor Khan S/O Hukam Khan Assistant Sub Inspector (BPS -11),
District Mardan.

.....**APPELLANT**

VERSUS

- 1- **The Inspector General of Police,**
Khyber Pakhtunkhwa, Peshawar.
- 2- **The District Inspector General,**
District Mardan.
- 3- **The District Police Officer,**
District Mardan.

.....**RESPONDENTS**

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED
ORDER DATED 17-09-2020 PASSED BY
DEPARTMENT/RESPONDENT NO.03 IN WITHCH
DEPARMENTAL APPEAL OF THE APPELLANT FOR THE BACK
BENEFITS WAS TURN DOWN BY PESPONDENT NO.03. THE
RESPONDENT BY NOT DECIDING THE DEPARTMENTAL
APPEAL OF THE APPELLANT WITHIN THE STATUTERY
PERIOD OF NINETY DAYS.

PRAYER:

On acceptance of instant appeal this honorable tribunal may graciously be pleased to set aside the impugned order passed by respondent in which back benefits of the applicant was turn down by respondent vide order dated:15.09.2022

That further prayed that the appeal of appellant may kindly be allowed w.e.f dated:12.10.2020 to till date.

**R/SHEWETH:
ON FACTS:**

Brief facts giving rise to the present appeal are as under:

- 1- That the appellant is law abiding & peaceful citizen of Pakistan & permanent resident of District Mardan. **(Copy of CNIC is annexed as Annexure "A")**.
- 2- That the appellant was initially appointed as Police Constable in respondent Department vide order dated:2009.
- 3- That appellant while performing his duty diligently, efficiently & honestly throughout his service and certain awards were given by the respondents.
- 4- That the appellant was falsely charged in Criminal case FIR No.589 Dated:12.07.2020 U/S 452-354-506-34 PPC P.S Saddar Mardan while the appellant was dismissed from service by the respondents. **(Copy of FIR is annexed as Annexure "B")**
- 5- That the appellant then challenge his dismissal order from service before the worthy KP Service Tribunal whereas, the service of appellant was re-instated by the worthy Service Tribunal vide order dated:15.09.2021 along with all back benefits in the prayer of appeal of the appellant. **(Copy of the memo of appeal & order dated:15.09.2021 is annexed as Annexure "C")**.
- 6- That in compliance of the order dated: 15.09.2021 passed by worthy service Tribunal appellant was reinstated by respondents vide order dated:15.09.2021 however, appellant was re-instated not according to the judgment passed by this Hon'ble Tribunal.
- 7- That the appellant filed Departmental Appeal for his back benefits in the light of the order dated 15.09.2021 passed by Worthy

Service Tribunal but the departmental appeal has not yet been decided till date. **(Copy of the Departmental Appeal is annexed as annexure "D")**.

8- That appellant feeling aggrieved approached this Hon'ble Tribunal Inter alia on the following amongst other grounds:-

GROUND:

A- That respondents have not treated the appellant in accordance with law, rules and policy on subject and acted in violation of Article 4 of the Constitution of Islamic Republic of Pakistan 1973.

B- That grant of back benefits to the appellant have illegal been denied as per law laid down by the Supreme Court of Pakistan in 1982 SCMR 1394 & 2018 PLC (C.S) 126.

C- That the notification order does not show a single valid reason as to why back benefits has been denied, which is against the provision of Section 24-A of the General Clauses Act.

D- That there is no prohibition in the law regarding granted back benefits which is the fundamental rights of every employee.

E- That any other ground will be raised at the time of arguments with the prior permission of this Hon'ble Tribunal.

It is therefore, most humbly prayed that **On acceptance of instant appeal this honorable tribunal may graciously be pleased to set aside the impugned order passed by respondent in which back benefits of the applicant was turn down by respondent vide order dated:15.09.2022**

That further prayed that the appeal of appellant may kindly be allowed w.e.f dated:12.10.2020 to till date.

THOROUGH:

Zahoor Khan
APPELLANT
Zahoor Khan

Khalid Khan Mohmand
Khalid Khan Mohmand
&
Haider Ali
Haider Ali
Advocates, High Court
Peshawar

Dated:10.11.2022

**BEFORE THE HON'BLE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR**

Service Appeal No. _____/2022

Zahoor Khan S/O Hukam Khan Assistant Sub Inspector (BPS -11), District
Mardan

.....**Appellant**

Versus

**The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar. &
Others**

.....**Respondents**

AFFIDAVIT

*I, Zahoor Khan S/O Hukam Khan Assistant Sub Inspector (BPS -11),
District Mardan do hereby solemnly affirm and declare on oath that the
contents of the accompanying **Service Appeal** are true and correct to the
best of my knowledge and belief and nothing has been concealed from this
Hon'ble Court.*



DEPONENT

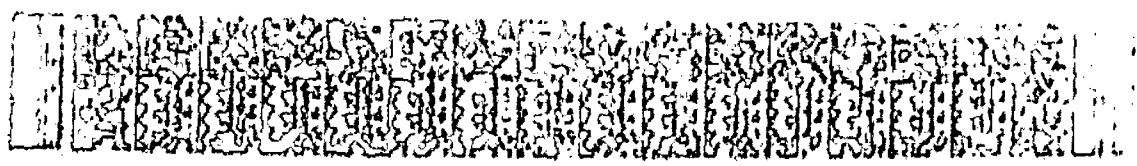
CNIC#16101-3970802-5

Cell# _____

1. The Government of Punjab, Pakistan
 2. Ministry of Health and Family Welfare
 3. Government of Punjab, Pakistan
 4. Lahore
 5. Punjab
 6. Pakistan

VB3320 : 15107-09702/1
 15107-09702/1

20/05/2020 : 20/05/2020
 20/05/2020



ATTESTED

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21	589	خارجہ
تاریخ: 2010	تاریخ: 2010	تاریخ: 2010
نام و سکونت اطلاع دہندہ: شفیق شاہی کارڈ نمبر: 1010	حالیہ حال: محمد عبدالرحمن خان	تاریخ: 2010
محقق کیفیت جرم (معدومہ): 3-506-354-355	جائے وقوعہ: قاضی صاحبہ خانہ	تاریخ: 2010
نام و سکونت ملزم: ظہور احمد خان	تاریخ: 2010	تاریخ: 2010
کارروائی جو پیش کے متعلق کی گئی: اطلاع درج کرنے میں توقف ہوا اور توجہ بیان کر کے	تاریخ: 2010	تاریخ: 2010
تفصیلات: ...	تاریخ: 2010	تاریخ: 2010

ابتدائی اطلاع نیچے درج کرو۔

ظہور احمد خان (ملزم) نے اطلاع دہندہ کو مطلع کیا کہ وہ اپنے گھر پر ایک شخص کو قتل کر دیا ہے۔ اطلاع دہندہ نے اس شخص کی شناخت کی اور اس کی شناخت کی۔ اطلاع دہندہ نے اس شخص کی شناخت کی اور اس کی شناخت کی۔ اطلاع دہندہ نے اس شخص کی شناخت کی اور اس کی شناخت کی۔

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ATTESTED

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ANNEX - C

7

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 15782 /2020

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 14239

Dated 09/11/2020

Mr. Zahoor

Ex-HC,

District Police, Mardan Appellant

VERSUS

1. The Inspector General of Police
Khyber Pakhtunkhwa, Peshawar
2. The Regional Police Officer,
Mardan Region, Mardan.
3. The District Police Officer,
District Mardan Respondents

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 17.09.2020 WHEREBY MAJOR PUNISHMENT OF DISMISSAL FROM SERVICE WAS IMPOSED UPON THE APPELLANT AGAINST WHICH HE PREFERRED DEPARTMENTAL APPEAL TO RESPONDENT NO.2 ON 22.09.2020 BUT THE SAME WAS UNLAWFULLY REJECTED VIDE IMPUGNED APPELLATE ORDER DATED 12.10.2020.

Filed to-day

Registrar
PRAYER:

9/11/2020

On acceptance of the instant appeal, the impugned order dated 17.09.2020 passed by Respondent No.3 and impugned appellate order dated 12.10.2020 passed by Respondent No.2 may graciously be set aside/modified and appellant may be re-instated into service w.e.f. 17.09.2020 with all back benefits.

Respectfully Sheweth,

Facts giving rise to the present appeal are as under:-

1. That the appellant was employed in the Police Force as Constable way back in the year 2009 and has rendered meritorious service for the Department.

Re-submitted to-day
and filed.
Registrar 06/11/2020

[Handwritten signature]

(8)

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During service, the appellant has never been departmentally proceeded against and even a minor penalty has not been imposed upon him so far, thus the service of the appellant remained unblemished and spotless throughout on the basis of the same he was promoted against the post of HC.

2. That the appellant while performing duties at Special Squad Police Lines Mardan, was suspended from service on 13.07.2020 on account of departmental proceedings. Later on, he was issued Charge Sheet and Statement of Allegations (*Annex:-A*) for the reasons mentioned therein. Since the charges were unfounded, misplaced therefore, appellant refuted the same and furnished a detailed reply (*Annex:-B*) explaining his position before the Competent authority. (Copy of the reply may be considered as integral part of this appeal.)
3. That thereafter an enquiry was conducted into the matter by the Deputy Superintendent of Police HQrs, Mardan on 27.08.2020 (Inquiry Report *Annex:-C*) by holding that:-

RECOMMENDATION:-

“Keeping in view of the above facts and findings and after thoroughly examined the attached statements of the all relevant, DD Report and copy of FIR revealed that case is already under trial in court and on 26.08.2020 BBA of the alleged HC Zahoor No. 2646, has been confirmed by the honorable learn court of ASJ-II.

Therefore, the alleged Constable may temporarily be reinstated, till the court decisions, if agreed.

Thereafter report *ibid*, was then submitted to the Competent Authority and appellant was predicting a favourable decision from him but to his utter bewilderment reportedly the Competent Authority got conducted another inquiry clandestinely wherein the appellant was allegedly recommended for major punishment of dismissal from service. Neither the appellant was associated with the inquiry nor inspite of repeated requests, the report of the

R. K. Patel
ATTESTED

so called inquiry was provided to the appellant.

4. That without issuing the Show Cause Notice, appellant was imposed upon major penalty of dismissal from service vide impugned order dated 21.09.2020 (*Annex:-D*) against which he preferred Departmental Appeal (*Annex:-E*) to Respondent No.2 on 22.09.2020 who by means of impugned appellate order dated 12.10.2020 (*Annex:-F*) unlawfully rejected the same.
5. That appellant, being aggrieved of the impugned orders *ibid*, files this appeal, *inter-alia*, on the following grounds:-

Grounds:

- A. That Respondents have not treated appellant in accordance with law, rules and policy on subject and acted in violation of Article 4 of the Constitution of Islamic Republic of Pakistan, 1973 and unlawfully issued the impugned orders, which are unjust, unfair and hence not sustainable in the eye of law.
- B. That it is momentous to aver that on the day of incident neither appellant misused his official authority nor he entered into the house of Khaista Rahman which is crystal clear from the contents of Daily Diary No.23, dated 05.07.2020 (*Annex:-G*) wherein complainant himself admits that appellant did not enter his house rather he was standing outside of the house. Subsequently a false and concocted FIR No.589 (*Annex:- H*) dated 12.07.2020 U/S 452, 354, 506, 34 was chalked out against the appellant and his wife Mst. Iqbala wherein it was wrongly alleged that on the day of occurrence the appellant and his wife had entered into the house of Complainant and forcibly took away his wife Mst. Shagufta (Sister-in-law of appellant). Moreover, on the day of occurrence Mst. Shagufta wife of complainant insisted upon the appellant to register a case against one Murad brother-in-law of her husband because he was instrumental in causing strained relations between Mst. Shagufta and her husband (Complainant). It would not be out of place to put here that Mst. Shagufta Rahman has recorded a Statement U/s 164 (*Annex:-I*) before the learned Judicial Magistrate, Mardan on 28.07.2020 and also gave a statement U/S 161 P.P.C (*Annex:-J*) on 17.07.2020 wherein she categorically conceded that she had visited the house of her sister Mst. Iqbala on free will rather her husband (Complainant) himself permitted her. After registration of the

ATTESTED

F.I.R, the appellant alongwith his wife filed a BBA Application in the Court of learned Additional Session Judge, Mardan wherein Mst. Shagufta Rahman also executed an Affidavit (*Annex:-K*) exonerating the appellant and his wife on the basis of which the BBA was confirmed vide order dated 20.08.2020 (*Annex:-L*).

- C. That the appellant was not issued Show Cause Notice which is a mandatory requirement of law and without issuing such Show Cause Notice the passing of the impugned penalty is highly arbitrary, unlawful and hence cannot be sustained under any canons of law, justice and fair-play. Thus the impugned orders are against the principle of natural justice and hence liable to be brushed aside.
- D. That in utter violation of the law and rules and principle of natural justice after the first Inquiry Report, the second Inquiry was clandestinely got conducted at the back of the appellant and the appellant was got recommended for major punishment. No Notice was served upon the appellant nor the reasons are known to the appellant that how the first Inquiry was rejected and second Inquiry was conducted and that who was the Inquiry Officer as copy of the Inquiry Report has also not been provided to him. Such being the case, the appellant has been highly prejudiced and the impugned order appears to be the result of pre-determination and pre-set mind and hence not sustainable.
- E. That neither regular inquiry was conducted into the case in hand nor any documentary or oral evidence was recorded in presence of the appellant nor was he provided opportunity of cross-examination. The entire action was taken at the back of the appellant and thus he was condemned unheard. It is a settled law that where a major penalty is to be imposed then regular inquiry is necessary which has not been done in the case in hand. Even the copy of the second Enquiry Report was not provided to appellant, which was mandatory in law.
- F. That Article-10A of the Constitution of the Islamic Republic of Pakistan, 1973 read with Section-16 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 provides for the right of fair trial as per prescribed law and Rules. Even the second Enquiry Report was not provided to the appellant which

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was the mandatory requirement of law and also appellant was condemned unheard, thus the impugned orders are void, ab-initio as well as against the principle of natural justice.

- G. That instead of a regular enquiry, an irregular, fact finding second enquiry was conducted although appellant was exonerated in the first Inquiry Report. In the second inquiry, the Inquiry Officer in a highly pre-judicial manner and without any evidence drew the conclusion on the basis of mere surmises and conjectures declaring charges as proved in utter deviation of the procedure and Rules on the subject which has resulted into serious miscarriage of justice.
- H. That it is a settled law that mere registration of an F.I.R cannot be taken as a Gospel truth inas much as the allegations have to be established in the competent court of law and until then the accused is presumed innocent. In this view of the matter C.S.R 194 mandates that a civil servant who is charged for a criminal case and is arrested is to be deemed as suspended and until finally convicted by the competent court of law, mere on the basis of F.I.R he cannot be dismissed from service. The appellant has already been granted BBA by the competent Court and has not been convicted for the offence. In this view of the matter, the impugned order is highly arbitrary inas much as the appellant was kicked out of service on the basis of unconfirmed and unproved allegations.
- I. That no meaningful opportunity of personal hearing was afforded to the appellant neither by the competent authority, nor by the Inquiry Officer nor by the appellate authority which are the mandatory requirements of law. Thus appellant was condemned unheard as the action has been taken at the back of the appellant which is against the principle of natural justice.
- J. That the appellant served the Department for long 11 and during this period, the appellant has never been departmentally proceeded against nor even a minor penalty has ever been imposed upon him, thus the service of the appellant remained unblemished, spotless throughout. It is pertinent to add here that appellant has been awarded long ATC Course Certificate wherein he got first position in Pakistan. He also qualified another short

ATTESTED

ATC course and ATS Course vide Certificates (*Annex;-M*) and was also commended by the DPO, Mardan. Furthermore, appellant was seriously injured in a terror attack at Par Hoti, Mardan in which Inspector Mazhar Shah Khan embarrassed martyrdom, resultantly four terrorist terrorists/attackers were succumbed to death pursuant to which appellant was commended and awarded a cash prize by the IGP (Naqal Madd No.28 by Mst. Shagufta *Annex:-N*).

K. That appellant would like to offer some other grounds during the course of arguments.

It is, therefore, humbly prayed that the instant appeal may graciously be accepted as prayed for above.

Any other relief as deemed appropriate in the circumstances of case not specifically asked for, may also be granted to appellant.

Through

Appellant

Khaled Rahman,
Advocate,
Supreme Court of Pakistan

&

Muhammad Anis Ayub
Advocate, High Court

&

Muhammad Ghazanfar Ali
Advocate, High Court

Dated: ___/11/2020

ATTESTED

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.15182/2020

Date of Institution ... 09.11.2020
Date of Decision ... 15.09.2021

Mr. Zahoor Ex-H.C District Police, Mardan.

... (Appellant)

VERSUS

The Inspector General of Police, Khyber Pakhtunhwa Peshawar
and two others.

... (Respondents)

Muhammad Amin Ayub,
Advocate

... For Appellant.

Asif Masood Ali Shah,
Deputy District Attorney

... For Respondents.

AHMAD SULTAN TAREEN
ROZINA REHMAN

... CHAIRMAN
... MEMBER (J)

JUDGMENT

ROZINA REHMAN, MEMBER (J): Brief facts of the case are that appellant was inducted in the Police Force as Constable. While performing duties at Special Squad Police Lines Mardan, he was suspended from service on account of departmental proceedings. He was charge sheeted and an inquiry was conducted into the matter, where-after, major penalty of dismissal from service was imposed upon appellant. He filed departmental appeal which was rejected, hence, the present service appeal.

2. We have heard Muhammad Amin Ayub Advocate appearing on behalf of appellant and Asif Masood Ali Shah learned Deputy District

Attorney for the respondents and have gone through the record and the proceedings of the case in minute particulars.

3. Learned counsel for appellant contended that the appellant was not treated in accordance with law, rules and policy and that the respondents acted in violation of Article-4 & 25 of the Constitution of Islamic Republic of Pakistan, 1973. He contended that the appellant neither misused his official authority nor entered into the house of Khaista Rehman which is evident from the record and that complainant of case admitted the presence of appellant outside his house. That a false and concocted F.I.R was registered against the appellant and his wife. That mandatory requirement of law in shape of issuance of show cause notice was violated as no show cause notice was ever issued to the appellant and that in utter violation of law and principles of natural justice, after the first inquiry report, the second inquiry was clandestinely conducted at the back of the appellant and he was recommended for major punishment. That no notice was served upon the appellant nor reasons were shown as to how the first inquiry report was rejected and second inquiry was conducted and as to who was the Inquiry Officer as copy of the Inquiry report was not provided to the appellant. He submitted that neither regular inquiry was conducted nor any evidence was recorded in presence of appellant and that proper opportunity of defense was not given to the appellant. Lastly, he submitted that he was proceeded against departmentally on the allegations that he was involved in case F.I.R No.589 dated 12.07.2020 and that was the only stigma but the appellant was acquitted by competent court of Law, therefore, the impugned orders may kindly be set aside.

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4. Conversely learned Deputy District Attorney submitted that appellant while posted at Special Squad, Police Lines Mardan, was placed under suspension on account of involvement in case F.I.R No.589 dated 12.07.2020 at Police Station Saddar, Mardan. On account of the aforementioned allegations, he was issued charge sheet with statement of allegations and inquiry was entrusted to D.S.P Headquarter, Mardan. He contended that Inquiry Officer during the course of inquiry, provided all lawful opportunities to the appellant to produce evidence in his defense but fiasco and that after fulfillment of all codal formalities, report was submitted and appellant was rightly dismissed from service.

5. From the record, it is evident that appellant Zahoor Khan Ex-Head Constable of Mardan Police was proceeded against departmentally on the allegations that he while posted at Special Squad, Police Lines, Mardan was involved in F.I.R No.589 dated 12.07.2020 U/S 452, 354, 506/34 P.P.C Police Station Saddar, Mardan. The impugned order of District Police Officer Mardan is available on file which clearly shows that appellant was proceeded against departmentally through Mr. Gulshad Khan D.S.P Headquarter, Mardan and accordingly he was awarded major punishment of dismissal from service vide O.B No.1599 dated 17.09.2020. The inquiry report submitted by D.S.P Headquarter, Mardan is available on file as "Annexure-C" and this inquiry was conducted vide office No.318/PA dated 13.07.2020. The Inquiry Officer recommended temporary reinstatement of appellant till the Court decision. The entire record is silent as to why this inquiry report was not taken into consideration and as to how another order was passed for second

ATTESTED
 [Signature]
 DISTRICT ATTORNEY
 MARDAN


inquiry. The statement of allegations available on file bearing No.318/PA dated 13.07.2020 shows that one Shakeel Ahmad D.S.P Headquarter was also nominated as Inquiry Officer. The respondents miserably failed to prove the service of charge sheet and statement of allegations upon the appellant and his association in the inquiry proceedings conducted by Shakeel Ahmad D.S.P.

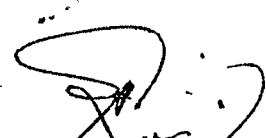
6. As discussed earlier that the only allegation against the appellant was his involvement in the criminal case but the appellant was acquitted in the criminal case registered against him vide F.I.R No.589 by the competent court of Law on 06.04.2021.

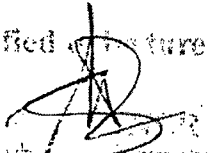
7. It has been held by the superior fora that all the acquittals are certainly honorable. There can be no acquittal which may be said to be dishonorable. Involvement of the appellant in the criminal case was the only ground on which he had been dismissed from service and the said ground had subsequently disappeared, therefore, his acquittal, made him re-emerge as fit and proper person entitled him to continue with his service.

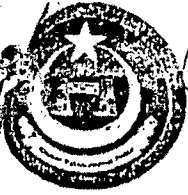
8. For what has been discussed above, we allow this appeal as prayed for. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED.
15.09.2021


(Ahmad Sultan Tareen)
Chairman


(Rozina Rehman)
Member (J)

Certified

Khyber Pakhtunkhwa
Service Tribunal
Peshawar



OFFICE OF THE
DISTRICT POLICE OFFICER,
MARDAN

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpomdn@gmail.com



ANNEX D

17

No. 3490-81/PA

Dated 21/11/2020

ORDER ON ENQUIRY OF HC ZAHOOR NO.2640

This order will dispose-off a Departmental Enquiry under Police Rules 1975, initiated against the subject official, under the allegations that while posted at Special Squad Police Lines, (Now under suspension Police Lines), Proceeded against departmentally through Mr. Gulshed Khan DSP/HQrs Mardan vide this office Statement of Disciplinary Action/Charge Sheet No.318/PA dated 13-07-2020 on account that as per report of DSP City Mardan vide his office letter No.794/S dated 06-07-2020, complaining wherein that HC Zahoor has misused official power and interference in domestic affairs of one Khaista Rehman Son of Abdur Rehman Resident of Nisatta Road vide DD report No.23 dated 05-07-2020 PS Saddar, bringing a bad name for entire Police Force, who was later-on charged in a case vidē FIR No.589 dated 12-07-2020 u/s 452, 354, 506, 34 PPC PS Saddar and placed under suspension vide OB No.1446 dated 13-07-2020, issued vide order endorsement No.3462-65/OSI dated 14-07-2020. The Enquiry Officer after fulfilling necessary process, submitted his Finding Report to this office vide his office letter No.442 dated 11-09-2020, holding responsible of alleged official of misconduct.

Final Order

HC Zahoor was heard in O.R on 16-09-2020, but failed to present any plausible reasons in his defense and his this act has brought a bad name to Police Department, therefore, awarded him major punishment of dismissal from service with immediate effect, in exercise of the power vested in me under Police Rules-1975.

OB No. 1599

Dated 17/08/2020.

(Dr. Zahid Ullah) PSP
District Police Officer
Mardan

Copy forwarded for information & n/action to:-

- 1) The SP/Investigation Mardan.
- 2) The DSP/HQrs: Mardan.
- 3) The P.O & E.C (Police Office) Mardan.
- 4) The OSI (Police Office) Mardan with () Sheets.

ATTESTED

ATTESTED

OFFICE OF THE

District Police Officer
Mardan.ORDER

On acceptance of the Plea Filed by Ex-Constable Zahoar Khan No. 2640 by Honorable K.P Service Tribunal in Service appeal No. 15182/2020 in its order announced on dated 15.9.2021 Ex-Head Constable Zahoar Khan No. 2640 is hereby Provisionally / Conditionally re-instated in to service from the date of decision i.e 15.9.2021 - subject to the outcome of (CPLA) Filed against the above mentioned, orders.

OB No. 104

Dated. 14-01-2022

District Police Officer
Mardan

No. 311-17/FC dated. 14-01-2022

COPY For information to.

- 1- D.I.G. of Police Mardan Region - I. Mardan.
2. Superintendent of Police Operations Mardan.
3. DSP / Legal
4. DSP / HQs
5. Pay Officer
6. OSI
7. DA

17/A



**OFFICE OF THE
DISTRICT POLICE OFFICER,
MARDAN**

TO NO. 1277/1000/1000/1000/1000
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ORDER

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[Signature]
**District Police Officer
Mardan**

Issued 14 / 1 / 2022

- 1. District Police Officer
- 2. District Police Officer
- 3. District Police Officer
- 4. District Police Officer
- 5. District Police Officer
- 6. District Police Officer
- 7. District Police Officer
- 8. District Police Officer
- 9. District Police Officer
- 10. District Police Officer

DEPARTMENTAL APPEAL :-

To,

The District Police Officer

Morden

Subject: Departmental Appeal For The Grant Of Back Benefits to The Appellant in the light of the, Judgment of K.P Service Tribunal vide Order dated 15/9/2021

R/sir

It is stated that the appellant is employee of your good SELF-department and is serving as constable, since his appointment the appellant has been performing his duty quite efficiently and up to the entire satisfaction of his superiors.

That during service the appellant was falsely charge in F.I.R No. 589 u/s 452, 354, 506, 34 PPC dated. 12-07-2020 P/S Sudder Morden, Later on, the appellant. was dismissed from service by the competent authority. That the only allegations against the appellant was his - involvement on the Criminal case but the appellant was acquitted in the Criminal case registered against him vide Order of the competent Court on 06-04-2021. That the appellant, aggrieved, from the Orders of his superior officer hence he approached.

(2)

18/A

the Hon'ble Service Tribunal Peshawar and Field on appeal, the said appeal was allowed by the K.P Service Tribunal.

Keeping in view the above-mentioned Facts, it is therefore requested that this appeal may please be allowed and back benefits may graciously be granted to the appellant w.e.f 15-09-2020.

Dated: 22-07-22

APPELLANT

ZAHOOY KHAN H.C

District Police Mardan.

755 / CB

27-07-22

Dairy No. 6286

Dated: 27/7/22

DEPARTMENTAL APPEAL

To:

The Director of the Office of the Director of the Department of Health and Family Welfare, Government of Karnataka, Bangalore.

From:

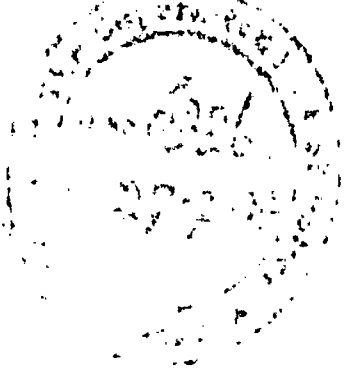
Mr. [Name], [Address], [City], [District], [State]
Appellant of the Departmental Order No. [Number] dated [Date].

I am directed to inform you that your application for the appointment of [Post] in the [Department] of the Government of Karnataka, Bangalore, was considered by the competent authority on [Date]. The authority has decided to [Action] your application. The reasons for the decision are as follows: [Reasons]. The authority has also advised that you may appeal against the decision of the authority to the Director of the Department of Health and Family Welfare, Government of Karnataka, Bangalore. The appeal should be filed within [Time Limit] from the date of the receipt of the copy of the order. The copy of the order along with the memo of appeal is attached herewith for your information.

In view of the above mentioned facts, it is therefore recommended that you may appeal against the decision of the authority to the Director of the Department of Health and Family Welfare, Government of Karnataka, Bangalore, within the time limit specified above.

27/07/2020

27/07/2020



[Handwritten signature]

[Official stamp]

ATTESTED

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VAKALATNAMA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

NO: _____ OF 2022

Zahoor Khan (APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

I. G. P (RESPONDENT)
(DEFENDANT)

I/We Zahoor Khan
Do hereby appoint and constitute **KHALID KHAN MOHMAND Advocate, 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. ____/____/2022

جانجو
CLIENTS

ACCEPTED
KHALID KHAN MOHMAND
&
HAIDER
ADVOCATES

Khushid
Haider Ali