

11.08.2022

Mr. Ibrar Ul Haq, Advocate for the appellant present and submitted Wakalatnama which is placed on file. Mr. Kabir Ullah Khattak Additional, Additional Advocate General alongwith Arif Saleem, Stenographer for respondents present.

Representative of the respondent department submitted written reply/comments which is placed on file. A copy of the same is handed over to the learned counsel of the appellant. To come up for rejoinder/arguments on 23.11.2022 before D.B.

(Fareeha Paul)
Member (E)

23.11.2022 Due to rush of work. This case has been deleted. To come up for the same as before on 23.01.2023.

Cy/
Reader.

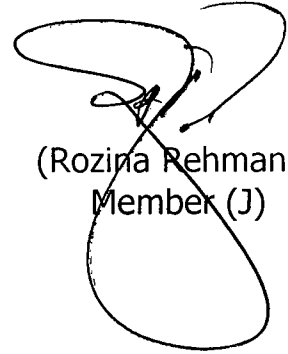
10.05.2022

Appellant present through counsel. Preliminary arguments heard. Record perused.

Points raised need consideration. Instant appeal is admitted for regular hearing subject to all legal objections with direction to appellant to deposit security and process fee within 10 days. Thereafter, notices be issued to respondents for reply/comments. To come up for written reply/comments on 22.06.2022 before S.B.

Rs-500/-
Appellant Deposited
Security & Process Fee

A. Arif
10/5/22




(Rozina Rehman)
Member (J)

22nd June, 2022

Clerk of counsel for the appellant present. Mr. Naseerud Din Shah, Asstt. A.G. alongwith Arif Saleem, Steno for the respondents present.

Learned AAG seeks further time to submit reply/comments. Last chance is given. To come up for written reply/comments on 11.08.2022 before S.B.



(Kalim Arshad Khan)
Chairman

01.12.2021

Appellant in person present.

Appellant seeks adjournment on the ground that his counsel is not available today. Adjourned. To come up for written reply/preliminary hearing on 24.01.2022 before S.B.

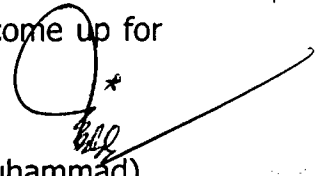


(MIAN MUHAMMAD)
MEMBER (E)

24.01.2022

Junior of learned counsel for the appellant present.

Former requests for adjournment on the ground that learned senior counsel is not available today. Adjourned. To come up for preliminary hearing on 22.03.2022 before S.B.

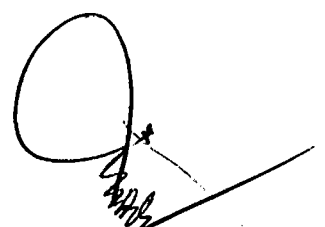


(Mian Muhammad)
Member(E)

22.03.2022

None for the appellant present.

Notices be issued to the appellant and his counsel. Adjourned. To come up for preliminary hearing on 10.05.2022 before S.B.






(MIAN MUHAMMAD)
MEMBER(E)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 2278 /2021


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	16/08/2021	<p>The appeal of Mr. Abdul Majeed resubmitted today by Mr. Shahab ud Din Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2-		<p>This case is entrusted to S. Bench at Peshawar. Notice be issued to appellant/counsel for preliminary hearing to be put up there on- <u>04/10/21</u>.</p> <p> CHAIRMAN</p>
04.10.2021		<p>Appellant in person present and requested for adjournment on the ground that his counsel is not available today. Adjourned. To come up for preliminary hearing before the S.B on 01.12.2021.</p> <p> (SALAH-UD-DIN) MEMBER (JUDICIAL)</p>

The appeal of Mr. Addul Majeed Ex-Constable Incharge Bosti Khel Check Post Dara received today i.e. on 26.07.2021 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- ✓ 1- Memorandum of appeal may be got signed by the appellant.
- ② Annexures of the appeal may be attested.
- ✓ 3- Certificate be given to the effect that appellant has not filed any service appeal earlier on the subject matter before this Tribunal.
- ✓ 4- Check list is not attached with the appeal.
- ✓ 5- Annexures-A and E of the appeal are illegible which may be replaced by legible/better one.
- ✓ 6- Copy of departmental appeal is not attached with the appeal which may be placed on it.
- 7- Three more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 1412 /S.T,

Dt. 27/07 /2021


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Shahab ud Din Khattak Adv. Pesh.

Sir!
Objections complied
with & resubmitted
again.
Am
Advocate

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

Service Appeal No. ____-P/2021

Abdul Majeed

Versus

District Police Officer DPO, Kohat etc.

INDEX

S.No.	Description of Documents	Annexure	Pages
1.	Appeal alongwith Affidavit		1-6
2.	Copy of pay slip	"A"	7
3.	Copies of charge sheet and reply	"B & C"	8-10
4.	Copy of the order dated 27.04.2020	"D"	11
5.	Copy of order dated 21.06.2021 <i>by Appeals</i>	"E"	12-12-A, 12-B 12-C
6.	Wakalatnama		13

Appellant,

Through,

Shahab Ud Din Khattak

&

Jamal Ud Din Khattak

Advocates, Peshawar

①

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

Service Appeal No. _____-P/2021

Abdul Majeed S/o Akhtar Gul R/o Caste Bosti Khel, P.O
Dara Bazar, Nasir Villa Tehsil and District Kohat (Ex-
Constable Incharge, Bosti Khel Check Post, Dara).

.....**Appellant**

Versus

1. District Police Officer DPO, Kohat
2. Deputy Inspector General of Police Kohat Region, Kohat.
3. Provincial Police Officer / I.G.P, Khyber Pakhtunkhwa,
Peshawar.

.....**Respondents**

APPEAL UNDER SECTION 4 OF SERVICE
TRIBUNAL ACT, 1974 AGAINST THE
IMPUGNED ORDER NO. 1881-84/PA
dated 27.04.2020, OB No. 254 PASSED BY
THE RESPONDENT NO. 1, WHEREBY THE
APPELLANT HAS BEEN DISMISSED FROM
THE POST OF FOOT CONSTABLE AGAINST
WHICH THE APPELLANT FILED
DEPARTMENTAL APPEAL ADDRESSED TO

2

**THE RESPONDENTS, BUT THE SAME HAS
ALSO BEEN DISMISSED.**

PRAYER:

On acceptance of this appeal, the impugned order dated 27.04.2020 of the respondent No.1 may kindly be set aside and the appellant may please be Re-instated on his post with all back benefits/Consequently relief.

Respectfully Sheweth:

1. That the appellant was posted as Khasadar in District Levis and due to merger of FATA with the Khyber Pakhtunkhwa province, the appellant was converted into rank of "Foot Constable" in Police Department, Khyber Pakhtunkhwa. (Copy of pay slip is attached as Annexure A).
2. That the appellant was suddenly suspended on 06.03.2020 and informed telephonically about his suspension.
3. That appellant was served with charge sheet to which the appellant submitted detailed reply, completely denying the ligation leveled against

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him. (Copies of charge sheet and reply are attached as Annexure B & C).

4. That appellant was dismissed from service vide order dated 27.04.2020. (Copy of the order dated 27.04.2020 is attached as Annexure D).
5. That the appellant submitted an appeal to the high ups, which was also rejected vide order dated 21.06.2021. (Copy whereof was handed over to the appellant by hand in the District Police Office, Kohat on 10.07.2021. (Copy of order dated 21.06.2021 is attached as Annexure E).
6. That the appellant during the course of employment performed his official duty with every zeal and zest and till, no complaint reported or otherwise even moved against the appellant.
7. That the appellant seriously aggrieved from the above orders of dismissal from service, the appellant preferred instant service appeal , inter alia on the following grounds:

GROUNDS:

- A. That the order passed against the appellant is against the law, facts and circumstances of the case.

- B. That the appellant has not been treated in accordance with law as well as fundamental rights guaranteed by the constitutional, 1973.

- C. That no regular inquiry has been conducted nor any dispensation order ever issued.

- D. That no proper procedure has been adopted and the appellant was never associated with any inquiry.

- E. That no final show cause notice has been issued and the appellant was condemned unheard.

- F. That no right of defense has been given to the appellant nor he was confronted with any material of purported inquiry.

- G. That the respondents issued the impugned order in a slip shot and arbitrary manner.

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- H. That the act of the respondents is clearly violation of the Article 10-A as well as 25 of constitution of Pakistan .
- I. That the impugned order is unlawful, void and not tenable in the eyes of law.
- J. That the appellant seeks permission of this Hon'ble Court to advanced other relevant grounds at the time of arguments.

It is, therefore, most humbly prayed that on acceptance of this appeal, the impugned order dated 27.04.2020 of the respondent No.1 may kindly be set aside and the appellant may please be Re-instated on his post with all back benefits/Consequently relief.

Any other relief if not specifically asked for, may also be extended to the appellant for the best interest of justice.

Appellant,

Through,

Shahab Ud Din Khattak

&

Jamal Ud Din Khattak

Advocates, Peshawar

6

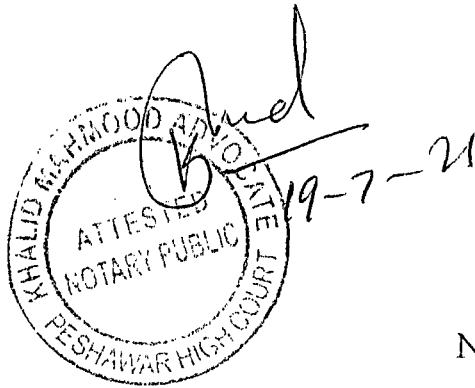
BEFORE THE HON'BLE KHYBER PAKTUNKHWA
SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. ____-P/2021

Abdul Majeed
Versus
District Police Officer, Kohat and others

AFFIDAVIT

I, Abdul Majeed S/o Akhtar Gul Cast Bosti Khel, P.O Dara Bazar, Nasir Maila, Tehsil and District Kohat, 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.



کدلا مگیر
DEPONENT

NIC No.22401-70159309

Cell No. 0304-9166411



GOVERNMENT OF PAKISTAN
ACCOUNTANT GENERAL KHYBER PAKHTUNKHWA
DISTRICT
PAYROLL SYSTEM

(7)

PAYMENT ADVICE

FORM CO1

NAME GRADE POST DISTRICT

PAYMENT ORDER NO. DATE AMOUNT

BPS

DEPTT CODE

<p> PAYMENT ORDER NO. _____ DATE _____ AMOUNT _____ PAYEE'S NAME _____ GRADE _____ POST _____ DISTRICT _____ ACCOUNTANT GENERAL _____ KHYBER PAKHTUNKHWA </p>	<p>NET AMOUNT PAYABLE</p>
---	----------------------------------

QUALIFYING YRS	SERVICE MON

SIGNATURE DATE

Handwritten signature

GOVERNMENT OF PAKISTAN
 ACCOUNTANT GENERAL KHYBER PAKHTUNKHWA
 DISTRICT
 PAYROLL SYSTEM

PAYMENT ADVICE

P Sec: 001, Month December 2019
 KT4475 Khasadar Darra (SD)

Pers	00167588	Buckle:	0
Name	ABDUL MAJEED CONSTABLE		
CNIC No.	15982034204		

KHASADDAR DARRA (SD)	
NTN:	0
GPF #:	
Old #:	15982034204

BPS Interest Applied
 BPS

DEPTT CODE

KT 4475

07 Active Temporary	
PAYS AND ALLOWANCES	
0001-Basic Pay	14650
1000- House Rent Allowance	1589
1210- Convey Allownce 2005	1932
1300- Medical Allowance	1500
1538-Inattractive Area Allowance	1000
1547- Ration Allowance	681
1567- Casting Allowance	150
1666- Allowance	200
1901- Risk Allowance (Police)	3530
Gross Pay.Allowances	34451
Deductions	
GPF Balance	-5,050.00
3530-Police Wel: Fund BS-1 to 18	293
4004-R Benefits & Death Comp:	690
Total Deduction	1993
Net Amount	32458

QUALIFYING SERVICE
YRS MON
19YEARS 03 Months 010 days

D.O.B	LPP Quota
01.06.1982	HABIB BANK LIMITED HANGU ROAD, KOHAT
	7901276203

8

DATA SUB DIVISION
FEROZKOT

No 102/1 4/2024
Dated 18/4/24



CHARGE SHEET.

I. CAPT @ MANBOOR AMAN, COMMANDANT, DATA SUB DIVISION/EPO KOHAT, as competent authority under Khayat Publications, am of the opinion that you Khasadar constable Majeed Mulla Checkpost rendered yourself liable to be proceeded under Section 106 as you have committed the following act/omissions:

It has been reported by ATO PA Dara Sub Div Ferozkot 03.03.2020, that you bring bad character woman with the help of a civil person namely Arshad Khan for immoral activities to the Post Post Kohat, which was already vacated and the strength was closed by you in your own authority.

ii. On this information, Muqarab Khan Niaz Incharge Khasadar verified the facts and found two ladies namely Nusrat Bibi & Balma r/o Masha Khan present.

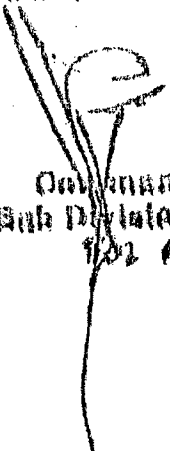
iii. Your this act shows professional gross misconduct on your part.

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

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

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

4. A statement of allegation is enclosed.


Commandant,
Data Sub Division, Ferozkot
102 4/24

Arshad Khan

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OFFICE OF THE COMMANDANT,
DARA SUB DIVISION/
DPO KOHAT

No 1241-42 /PA
Dated 26-3-2020

DISCIPLINARY ACTION

I, CAPT @ MANSOOR AMAN, COMMANDANT, DARA SUB DIVISION / DPO KOHAT as competent authority, am of the opinion that you sadar constable Majeed Incharge Bosti Khel Checkpost have rendered self liable to be proceeded against departmentally under Khyber Pukhtunkhwa disciplinary & efficiency rules as you have committed the following acts/omissions.

STATEMENT OF ALLEGATIONS

Recently
an
Majeed
Kheli.
Mela
an
Distt
hat
03049166411
It has been reported by SHO PS Dara vide DD Dated 03.03.2020, that you bring bad character women with the help of a civil person namely Arshad Khan for immoral activities to the Post Bosti Khel, which was already vacated and the strength was closed by you on your own authority.

On this information, Muqarab Khan Niab Incharge Khasadar verified the facts and found two ladies namely Nusrat Bibi & Salma r/o Masho Khel Peshawar present.

iii. Your this act shows professional gross misconduct on your part.

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

The accused official shall appear in the proceeding on the date and place fixed by the enquiry officer.

Commandant

DPO Kohat

بیان الزام نمبر 1741 صوبہ دار (خاصہ دار فرائض) محمد اول اختر گنگی اسکے قوم کو متاثر کرنے کا بیان

بحوالہ چھٹی انگریزی نمبری 42-1241 مورخہ 06.03.2020 ص 6 بہ دست ہول جہاں تک خاصہ دار چیک پوسٹ پوسٹ ہوتی تھی وہ آہم خط کو ہاٹ

میں شخصیت اختیار خاصہ دار ڈپٹی عرصہ 20 سال سے سرانجام دے رہا۔ بدوران ڈپٹی انفران بالا صاحبان کو کسی قسم کے شکایت کا موقع نہیں

دیا۔ مورخہ 03.03.2020 بوقت 15:50 بجے میں کٹھن سلطان سلطان، اولی اور عمر خان کو پھلڈ فائرنگ بغرض چیکنگ سمندی میلہ قوم سٹی لائن کے

لئے بھیجا گیا تھا۔ اور خود چیک پوسٹ ہڈا میں موجود تھا کہ بوقت تقریباً 10:51 بجے سوز کی ڈرائیور ارشد خان جمع مسماۃ نصرت بی بی، سلمہ بی بی کو پوسٹ

ہڈا میں آئے بیان کیا کہ یہ مسماں جہاں پٹیارو شومیل کی مقامی باشندے ہیں اسکے گاڑی کا بندوبست کروں گا۔ انہی چند ہی منٹ گزرے تھے کہ ایک

مورخان تحریر شاہ اختیار حق در آمد پٹیل آئے ظاہر کیا کہ مسماۃ نصرت جہاں میں نے واضح کیا کہ یہ گاڑی کے بندوبست کرنے کے

ظاہر پوسٹ سے مدد کے خاطر آئے ہیں۔ لیکن مسویدہ از تشریب خان سائیر کی بات ماننے کے بجائے میری خلاف رپورٹ دینے میں نے

بطور اختیار چیک پوسٹ فرائض منجھی اور دوسری کے خاطر چونکہ علاقہ حالہ نیم شدہ ہے چونکہ رات کا وقت تھا اور عورتوں کے لئے غیر محفوظ تھا۔ انسانی

ہمدردی اور فرائض منجھی کے لئے محفوظ جگہ فراہم کرنے اور قانونی مدد دینے کے خاطر چیک پوسٹ جو سائل کا بطور اختیار فرج فرض تھا سرانجام دیا کہ کوئی

کوٹاہی یا غیر اخلاقی حرکت نہیں کی۔ اگر سائل نے اس قسم کام کی حرکت کی، وہی تو موجود مسماں صاحب کو بطور کھلیت اختیار کر آتی جو کہ

قابل دست اندازی جرم بنتا ہے۔ اور نہ موجودہ صاحب نے اور نہ کسی اور اور سپریم نے ان مستورات سے بیان لیا جاتا تھا کہ پورا قصہ واضح ہو جاتا ہے۔

رپورٹ میں گھڑت، خود ساختہ اور غلطی نہیں ہے سائل جو کہ شادی شدہ اور بال بچے دار ہے اور سائل ایک شریف عزت دار شخص ہے چونکہ خاصہ دار کو کوئی

قومی کوکری ہے اس قسم کے الزامات سائل کے علاقہ میں بنائی اور گھڑا جازے کے مترادف ہے۔ لہذا آپ صاحبان سے گزارش ہے کہ سائل کی

پیشیت / حکما کا روئی کو قتل کر کے سٹونرز یا کسی سائل کی تاحیات ڈنٹا نہ ہو سکتا۔





OFFICE OF THE COMMANDANT,
DARA SUB DIVISION / DPO KOHAT

ORDER

This order will dispose of departmental proceedings conducted against Erstwhile Khasadar constable Abdul Majeed No. 1741 under the Khyber Pakhtunkhwa, disciplinary & efficiency Rules.

Facts arising are that it has been reported by SHO PS Dara vide DD Dated 03.03.2020, that he bring bad character women with the help of a civil person namely Arshad Khan for immoral activities to the Post Bosti Khel, which was already vacated and the strength was closed by him on his own authority.

ii. On this information, Muqarab Khan Niab Incharge Khasadar verified the facts and found two ladies namely Nusrat Bibi & Salma r/o Masho Khel Peshawar present.

iii. This act shows professional gross misconduct on his part.

For the above, serious / professional misconduct of the accused official, charge sheet alongwith statement of allegations was served upon the accused official. SP Operations, Kohat was appointed as enquiry officer to scrutinize the conduct of accused official. The Enquiry officer vide his report established the charges against the defaulter and were found guilty of the charges and recommended for major punishment.

I have gone through the available record and finding of the enquiry officer, which transpires that the accused official had committed a professional gross misconduct on his part.

Therefore, in exercise of powers conferred upon me under the ibid rules I, Capt. @ Mansoor Aman, District Police Officer, Kohat impose a major punishment of dismissal from service on accused Erstwhile Khasadar constable Abdul Majeed No. 1741 with immediate effect. Kit etc issued be collected.

Announced
22.04.2020

Commandant,
Dara Sub Division / DPO Kohat

OB No. 254

Dated 27-4-20

No. 1891-84 / PA dated Kohat the 26-4-2020

Copy of above is forwarded to the:

1. Reader / Pay officer / SRC / OHC for necessary action.
2. R./L.O for clearance report

[Handwritten Signature]

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OFFICE OF THE
INSPECTOR GENERAL OF POLICE,
KHYBER PAKHTUNKHWA
PESHAWAR.

5693

27/58

/21, dated Peshawar the 21/06/2021

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 Aftab Ahmad No. 8764. The petitioner was dismissed from service by District Police Officer, Kohat vide O/B No. 254, dated 27.04.2020 on the allegations that he was bringing bad character women/prostitutes to the Police Post with the help of a staff person namely Arshad Khan for immoral activities and granting leave to the officials deployed there at his own beckon as per report of SHO Police Station Darna vide DD dated 03.03.2020. His appeal was rejected by Regional Police Officer, Kohat vide order Polst. No. 6877/EC, dated 06.07.2020.

Meeting of Appellate Board was held on 03.06.2021 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 were proved and the Enquiry Officer recommended him for major punishment. During the proceedings, he did not furnish solid evidence of his innocence. The Board see no ground and reasons for acceptance of his petition, therefore, the Board decided that his petition is hereby rejected.

KASHIF ALAMI, PSO
Additional Inspector General of Police,
HQrs: Khyber Pakhtunkhwa, Peshawar

SI 2759-66/21.

Copy of the above is forwarded to the:

1. Regional Police Officer, Kohat. One Service Roll and one Fauji Miscel of the above named Ex-FC received vide your office Memo: No. 1244/EC, dated 27.01.2021 is returned herewith for your office record.
2. District Police Officer, Kohat.
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.
- Office Supt: E-IV CPO Peshawar.

Stamp: 28/6/21
Handwritten: 28/6/21
Handwritten: 28/6/21

Spa Kohat
For V.V.P. verified these are correct
service roll numbers as mentioned
reference to file letter dt. 12/11/20
dt. 25.01.2021

(KASHIF ALAMI, PSO)
AIG/Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar

Signature

Page #

OFFICE OF THE
INSPECTOR GENERAL OF POLICE,
KHYBER PAKHTUNKHWA,
PESHAWAR

No. 2758/21

Dated Peshawar the 21.04.2021

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 Abdul Majeed No. 1544 and petitioner was dismissed from service by District Police Officer, Kohat vide OB No. 254 dated 27.04.2020 on the allegations that he was bringing bad character women/prostitutes to the Police Post with the help of Chief person namely Arshad Khan for immoral activities and granting leave to the official deployed these of his own as per report of SHO Police Station Darra vide DD dated 03.03.2020. His appeal was rejected by the Regional Police Officer, Kohat vide order Endst: No. 6877/EC, dated 06.07.2020.

Meeting of appellate Board was held on 03.06.2021 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 covered and the Enquiry Officer recommended him for major punishment. During the proceedings he could submit solid evidence of his innocence. The Board see no ground and reasons for acceptance of this petition, therefore, the Board decided that his petition is hereby rejected.

-Sd-

Kashi Alam PSP
Additional Inspector General of Police,
HQrs Khyber Pakhtunkhwa, Peshawar

No. 2759-66/21.

Copy of the above is forward to the :-

1. Regional Police Officer, Kohat. One Service Roll and Fauji Missal of the above Learned Ex-FC received vide your office Memo No. 1244/C, dated 27.01.2021 is returned herewith for your office record.
2. District Police Office, Kohat.
3. PSO to IGP/Khyber Pakhtunkhwa, Peshawar.
4. AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
5. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
7. Office Supd: E-IV CPO, Peshawar.

22-A

BEFORE THE HONOURABLE DEPUTY INSPECTOR GENERAL
OF POLICE KOHAT REGION, KOHAT

Subject: Departmental Appeal against the order of the Worthy
District Police Officer Kohat Dated 27-4-2020 vide which
the Appellant was Dismissed from service without any
Legal Justification

Respected Sir,

With great respect and veneration the appellant may please be allowed to submit the following for your kind and sympathetic consideration.

Facts of the case

1. That appellant is the bona fide resident of Darra Adam Khel and belongs to the tribe Bosti Khel Nasir Mela.
2. That in the year 2001, the appellant was enrolled in Khasa Dar Force.
3. That due to hard work, efficiency and honesty, the appellant earned confidence of his seniors and assigned a number of sensitive and risky assignments which were successfully done by the appellant.
4. That since long the appellant was performing as incharge Khasadar post Bosti Khel Darra Adam Khel. During this period the appellant did not provide opportunity to his seniors to make complaint against him.
5. That the appellant while performing his Job satisfactory, unfortunately charge sheet and statement of allegations were served upon the appellant wherein it was alleged that the appellants had brought bad character women with the help of a civil person namely Arshad Khan for immoral activities to the Bosti Khel post and that Muqarab Khan Naib Incharge Khasadar verified the facts and found two ladies namely Nusrat Bibi and Salma R/O Masho Khel Peshawar.
6. That the appellant submitted reply to the charge sheet wherein he totally denied the allegation. (Copy of reply is enclosed).
7. That on 28-4-2020, the appellant came to know that the he was dismissed from service. (Copy of the order is enclosed).
8. That the order of punishment has aggrieved the appellant therefore, following are some of the grounds of appeal among others.

Grounds of Appeal.

- A. That the impugned order of punishment is not in accordance with law, rules and evidence on record, hence it is liable to be set aside.
- B. That though charge sheet and statement of allegations were served upon the appellant but during enquiry the appellant was not summoned.
- C. That the entire enquiry was conducted at the back of the appellant.
- D. That during enquiry the appellant was deprived of his right of defence.
- E. That during enquiry no evidence whatsoever was recorded in the presence of the appellant.
- F. That the appellant submitted reply to the charge sheet but in the impugned order nothing has been said regarding reply of the appellant.

Attested
A.S.V.

12-B

- G. That on 3-3-2020 the appellant had sent constables Sultan, Murad Ali and Umer Khan to the near by area for checking the aerial firing. There was no mala fide on the part of the appellant regarding sending the constables to near by area for checking the violation of law.
- H. That since Darra Adam Khel is a sensitive and risky area, therefore, it is not advisable to send one or two constables for patrolling the area but this fact has not been considered by the competent authority while deciding fate of the appellant.
- I. That with the civil person Arshad Khan the appellant has got no connection. Because the night was fastly approaching Suzuki driver Arshad Khan considered it suitable to leave the ladies at the police post Bosti Khel from assigning transport for onward journey towards Peshawar.
- J. That it is impossible to conduct immoral activities in presence of two ladies but this important aspect has been ignored by the competent authority.
- K. That it has been mentioned in the impugned punishment order that Muqarab Khan Naib Incharge Khasadar verified the facts and found two ladies namely Nusrat Bibi and Salma R/O Masho Khel Peshawar. However, Muqarab has not stated anything about the character of the ladies. Thus simple presence of ladies in a public place like police station, police post, district courts, offices is not a crime unless and until some mala fide is established regarding the occupier of the building. Thus in view of the impugned order no misconduct on part of the appellant has been established.
- L. That if the appellant would have any mala fide, doors of the Khasadar post would have been bolted/chained but conversely the entire building was open and any body could enter the building without any restriction. Thus, this fact also verifies that the appellant was having no mala fide and thus the punishment order was not justified.
- M. That no where in the enquiry it has been alleged that the appellant was caught with objectionable position.
- N. That the ladies have not made any complaint against the appellant.
- O. That during enquiry no probe was conducted regarding character of ladies. The enquiry should have brought in black & white that the ladies were of bad character and they were brought for immoral purpose but no such probe was conducted. Thus the enquiry is inconclusive and is opened to a number of question. Under such state of affair no punishment is attracted.
- P. That the appellant was neither summoned to join enquiry nor was provided opportunity to examine Arshad, Muqarab and two ladies. Thus from this fact can hold that one sided, unilateral and prejudicial enquiry was conducted against the appellant which has got no force in the eyes of law and the punishment was not justified in the eyes of law.
- Q. That the appellant is a married person. He has 2 sons 5 daughters. In the triba area such like activities unknown. That appellant keeping in view customs of hi area cannot think of involving/ including himself in such like immoral activities.
- R. That during 20 years of his service the appellant has never been indulged in such immoral activities.
- S. That the punishment is the out come of misunderstanding punishment based on misunderstanding sermises and conjectures is not sustainable in the eyes of law.
- T. That the punishment is one sided unilateral and harsh thus it is not sustainable in the eyes of law.
- U. That neither the enquiry nor the impugned punishment order have fulfilled the ends of justice.
- V. That upon un established facts a stern and harsh action has been taken which has deprived the appellant from earning his bread and butter which may cause starvation to his large family.
- W. That the appellant belongs to a respectable family and the dismissal from service on unestablished and unproved facts is likely to damage his good reputation in the society.

Attested
[Signature]
A.T.V.

12-C

Prayer:-

It is therefore, humbly prayed that the impugned order of dismissal from service dated 27-4-2020 being not in accordance with law and facts may kindly be set aside.

In the large interest of law and justice and the appellant may kindly be re-instated in service from the date of dismissal. The appellant will be thankful to you for this act of kindness.

Dated: 12-05-2020




Yours Obediently

کبیر مکی

Ex- Khasadar Constable Majeed
R/O Bosti Khel Nasir Melu Durra Adam Khel
District Kohat
Mob.0304-9166411

Attested
by
Adv.

13

قیمت 50 روپے	88254			
ایڈوکیٹ جنرل Jamaluddin Khalid		پشاور بار ایسوسی ایشن، خیبر پختونخواہ		
بار کونسل ایسوسی ایشن نمبر: BC-19-1671				
رابطہ نمبر: 03139646264				

بعدالت جناب: Senior Tribunal, PBA

مخانب Appellant	دعویٰ Appeal
علت نمبر: D. Sul	
مورخہ Tajeeb	
جرم:	
تھانہ TDP, Khush	

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ آن مقام Shahabuddin Jamal کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم:

بد _____ واہ شد _____ بد _____
مقام Khush
کے لیے منظور ہے۔

نوٹ: اس وکالت نامہ کی فوٹو کاپی ناقابل قبول ہوگی۔

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کیا خبر

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 7278/2021
Abdul Majeed
Ex-Khassadar, Dara Kohat

..... Appellant

VERSUS

District Police Officer, Kohat & others

.... Respondents

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2.	Affidavit	-	04
3.	Copy of SHO report	A	05
4.	Copy of order on departmental appeal passed by respondent No. 2	B	06
5.	Copy information conveyed to appellant on rejection of appeal by respondent No. 3	C	07
6.	Copy of complaint against appellant.	D	08-09
7.	Authority letter	-	10

Deponent

P. 01

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 7278/2021
Abdul Majeed
Ex-Khassadar, Dara Kohat

..... Appellant

VERSUS

District Police Officer, Kohat & others

..... Respondents

PARAWISE COMMENTS BY RESPONDENTS.

Respectfully Sheweth:-
Preliminary Objections:-

- i. That the appellant has got no cause of action to file the instant appeal.
- ii. The appellant has got no locus standi to file the instant appeal.
- iii. That the appellant is estopped to file the instant appeal for his own act.
- iv. That the appeal is bad in eyes of law and not maintainable in its present forum.
- v. That the appellant has not questioned / challaned the orders passed by respondents No. 2 & 3 on his applications / petitions against the impugned order of respondent No. 1, hence, the appeal is not maintainable.
- vi. That the appellant has not approached the honorable Tribunal with clean hands.
- vii. That the appeal is bad for law and limitation.

Facts:-

1. Pertains to record, the appellant was absorbed in Khyber Pakhtunkhwa Police district Kohat after merger of FATA in districts, according to after 25th Constitutional amendment.
2. Departmental proceedings were initiated against the appellant and he was not placed under suspension by respondent No. 1.
3. On 03.03.2020, SHO Police station Darra Adam Khel reported that Abdul Majeed while posted Bosti Khel Picket in connivance with one Arshid Khel brought two ladies for immoral activities. On the report of SHO the respondent No. 1 has initiated departmental proceedings against the appellant under the relevant rules of Khyber Pakhtunkhwa, Police Rules 1975 (amended-2014). The reply submitted by the appellant to the charge sheet before respondent No. 1 was found unsatisfactory and without any plausible explanation. Copy of SHO report is **annexure A**.

- of. u
4. A regular inquiry was conducted in aid of inquiry officer, wherein the appellant was held guilty of the charge. Therefore, on completion of all codal formalities, the respondent No. 1 reached to the conclusion that the allegations leveled against the appellant have been established, hence, the appellant is correctly dismissed from service by respondent No. 1 vide order dated 27.04.2020.
 5. The appellant had filed departmental appeal against the impugned order before the respondent No. 2, which was rejected on merit vide order dated 25.06.2020, which is neither questioned by the appellant, nor challaned in the present appeal. Subsequently, the appellant approached the respondent No. 3 in an appeal, wherein the appellant was heard in person and he failed to advance solid evidence regarding his innocence, the appeal was rejected vide order dated 21.04.2021. The appellant was in knowledge of rejection of his appeal and he was also informed telephonically by concerned official of respondent No. 1, On 29.06.2021. **Copy** of order on departmental appeal passed by respondent No. 2 & information conveyed to appellant on rejection of appeal by respondent No. 3 are **annexure B & C**.
 6. Incorrect, the appellant was found ill-reputed. Besides, present misconduct one Nazar Din r/o Darra Adam Khel had filed a complaint against the appellant, wherein he alleged that the appellant had passed into the house of his nephew Attiq ur Rehman who is deaf & dumb for immoral act with his wife. Copy of application is **annexure D**.
 7. The appellant is estopped to file the instant appeal for his own act and involvement in immoral activities, which earned a bad name to a disciplined department.

Grounds:-

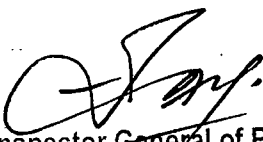
- A. Incorrect, the impugned order passed by the respondent No. 1 is legal, speaking one and based on inquiry conducted against the appellant. Further added that the orders passed on departmental appeal by respondents No. 2 & 3 are also legal and an accordance with facts / rules.
- B. Incorrect, the appellant has been treated in accordance with the relevant rules.
- C. Incorrect, a regular inquiry was conducted against the appellant by respondent No. 1 with appointment of inquiry officer (SP Operation Kohat).
- D. Incorrect, all codal formalities have been fulfilled during the course of departmental proceedings.
- E. Incorrect, the appellant was heard in person by respondents, but failed to defend himself. The allegations were established against the appellant and the respondent No. 1 deems appropriate to dispose of the inquiry on the basis of available evidence, hence, there was no need of issuance final show cause notice, which is not mandatory under the rules *ibid*.

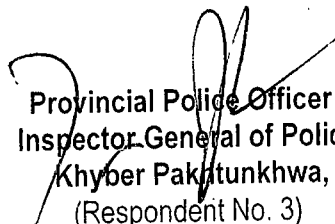
P. 05

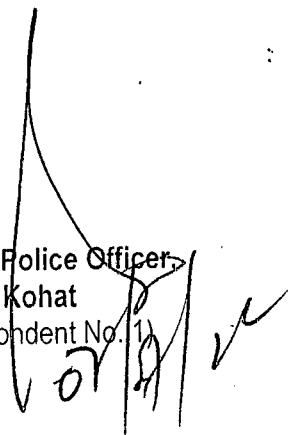
- F. Incorrect, the appellant was provided ample opportunity of defense, but he failed to advance any plausible explanation.
- G. Incorrect, the impugned orders are correct, legal, speaking and passed in accordance with the relevant rules.
- H. Incorrect, the appellant was treated in accordance with the relevant rules.
- I. Incorrect, legal and speaking orders are passed by respondents.
- J. The respondents may also be allowed to advance other grounds during the course of arguments.

Prayer:-

In view of the above, it is prayed that the appeal being devoid of merits, badly time barred may graciously be dismissed with costs.


Dy: Inspector General of Police
Kohat Region, Kohat
(Respondent No. 2)


Provincial Police Officer /
Inspector General of Police
Khyber Pakhtunkhwa,
(Respondent No. 3)


District Police Officer
Kohat
(Respondent No. 1)

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

P. 04

Service Appeal No. 7278/2021
Abdul Majeed
Ex-Khassadar, Dara Kohat

..... Appellant

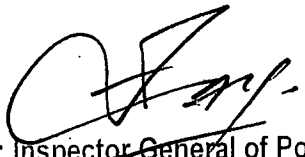
VERSUS

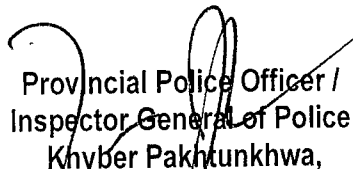
District Police Officer, Kohat & others

.... Respondents

COUNTER AFFIDAVIT

We, the below mentioned respondents, do hereby solemnly affirm and declare on oath that contents of parwise comments are correct and true to the best of our knowledge and belief. Nothing has been concealed from this Hon: Tribunal.


Dy: Inspector General of Police
Kohat Region, Kohat
(Respondent No. 2)


Provincial Police Officer /
Inspector General of Police
Khyber Pakhtunkhwa,
(Respondent No. 3)


District Police Officer,
Kohat
(Respondent No. 1)

نقل کوہاٹ 16 نقطہ روزنا 3 3 2020

اطلاع / رپورٹ وقار احمد 340 مورخہ 3/20 3 وقت 23:00، درجہ صک
اطلاع ملی کم کینٹل مجید صوبیدار خاصہ دار ایچارج یوسی خیل پیکٹ 2 خاصہ دار نفری
کو پیکٹ ہذا سے گھروں کو فارغ کر کے پیکٹ خالی کی ہے اور خود مجید پرائیویٹ
شخص کے پیکٹ ہذا میں بدکار عورتوں کو بدکاری کی خاطر لائے ہیں اطلاع کے
پیش نظر فوراً نائب ایچارج خاصہ دار ایویسٹ خوس مقرب خان مجید نفری کو فون
پر مطلع کیا گیا کہ فوراً یوسی خیل پیکٹ پنج ہائے اور نفری مجید ایچارج کو چیک
کریں جس پر مقرب خان مجید نفری کے بمقابلہ گاڑی سرکاری پیکٹ یوسی خیل
جا کر پزیرید فون بتلایا کہ پیکٹ ہذا میں مجید صوبیدار مجید پرائیویٹ شخص
نمی ارشد خان ولد اقبال سہ یوسی خیل سنائی کارڈ نمبر 3-7027293-22401-17301
اور دستورات 1- نفرت بی بی زوجہ سید حسن سنائی کارڈ نمبر 8522668-17301-17301
2- مسماہ سلمیٰ زوجہ تمین خانمان ماشوگر خیل بڈھ پیر پشاور پیکٹ کے
اندر موجود ہیں ہر دو دستورات سے مقرب خان صوبیدار نے فوٹو گرافی
کی ہے اور دستورات کو اپنی گاڑی میں بٹھا کر پیکٹ سے نکال کر فارغ
کئے مذکورہ صوبیدار مجید ہو کہ محکمہ پولیس میں تصنیات ہونے پر بدکار
عورتوں کو سرکاری بیڈرنگ میں زنا کی خاطر لائے ہے جو کہ محکمہ پولیس
کیلئے بدنامی کا باعث ہے اور محکمہ پولیس کیلئے ناسور ہے صوبیدار مجید
کے خلاف رپورٹ درج روزنا چھ کر کے نقل مد بعرض حکمانہ کارروائی افسران
بارا کو ارسال کی جاتی ہے۔

ذیل عالی

نقل مطابق اصل ہے

(Signature)

MHC-Ps-Darra Ak

3.3.2020

Superintendent of Police
Operation
Kohat

POLICE DEPTT:

KOHAT REGION

ORDER.

This order will dispose of a departmental appeal, moved by Ex-Khasadar Constable Abdul Majeed No. 1741 of Sub-Division Dara Adam Khel, Kohat against the punishment order, passed by DPO Kohat vide OB No. 254, dated 27.04.2020 whereby he was awarded major punishment of dismissal from service on the allegations of bringing bad character women / prostitutes to the Police Post and granting leave to the officials deployed there at his own behest.

He preferred an appeal to the undersigned upon which comments were obtained from DPO Kohat and his service documents were perused. He was also heard in person in Orderly Room, held on 25.06.2020. During hearing, he did not advance any plausible explanation in his defense to prove his innocence.

I have gone through the available record and came to the conclusion that the allegations leveled against the appellant are proved beyond any shadow of doubt and the same has also been established by the E.O in his findings. Therefore, his appeal being devoid of merits is hereby rejected.

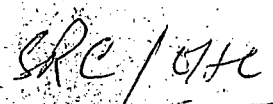
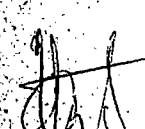
Order Announced
25.06.2020

2466
8/7/20


(TAYYAB HAFEEZ) PSP
Region Police Officer,
Kohat Region.

No. 6877 /EC, dated Kohat the 6/7 /2020.

Copy to DPO/Kohat for information w/r to his office Letter No. 6064/LB, dated 28.05.2020. His Service Book & Enquiry File is returned herewith.


SPC/SH
For n. action



(TAYYAB HAFEEZ) PSP
Region Police Officer,
Kohat Region.

675

only S/Roll received

SPC
28/06/2021

① F. Missal

۱۵

عبدالحیید ۱۷۴۱
۲۸/۰۶/۲۰۲۱

جناب عالی

شہر قفازہ درہ آدج ضلع اور پویشی ضلع
ایہ پانچ درجہ کو مطلع کیا گیا کہ اس کا سٹیبل

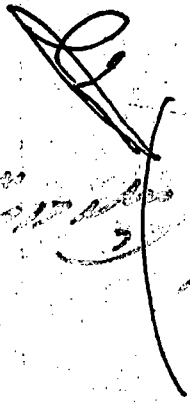
عبدالحمید ۱۷۴۱ آف ایس آف ایس (G.A)
سے خارج کیا جا چکا ہے۔ مطلع کیا جا رہا ہے۔

نور علی ۲۹/۰۶/۲۰۲۱

29-6-21

Anna-D p08

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NO = 598 / R
16 / 03 / 2020

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یہ ایک عوامی دستخط ہے جس کا مقصد ہے
اور اس کی ضرورت ہے کہ اس میں
زیادتی نہ ہو۔

یہ ایک عوامی دستخط ہے جس کا مقصد ہے
اور اس کی ضرورت ہے کہ اس میں

یہ ایک عوامی دستخط ہے جس کا مقصد ہے
اور اس کی ضرورت ہے کہ اس میں

13
2020

یہ ایک عوامی دستخط ہے جس کا مقصد ہے
اور اس کی ضرورت ہے کہ اس میں



نور محمد

1 - 10

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 7278/2021
Abdul Majeed
Ex-Khassadar, Dara Kohat

..... Appellant

VERSUS

District Police Officer, Kohat & others

..... Respondents

AUTHORITY LETTER

Mr. Arif Saleem steno (Focal Person) of this office is hereby authorized to file the parawise comments and any other registered documents in the Honorable Tribunal on behalf of respondents / defendant and pursue the appeal as well.

District Police Officer,
Kohat
(Respondent No. 1)

قیمت
50 روپے

31498



ایڈوکیٹ: ABRAR UL HAQ

بار کونسل / ایسوسی ایشن نمبر: BC-10-7394

رابطہ نمبر: 0333-9313919

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب: خیبر پختونخوا سروس ٹریبیونل، پشاور

مخانب: <u>اپیلانٹ</u>	دعوی:
	علت نمبر:
	مورخہ:
	جرم:
	تھانہ:

باعث تحریر آئکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ
آن مقام پشاور سروس ٹریبیونل ایڈوکیٹ ابرار الحق کو وکیل مقرر
کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو
راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق
زیریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز
داغ گرگنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا اجزائی
کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب
مقرر شدہ کو کوئی جملہ مذکورہ با اختیار انت حاصل ہوں گے اور اس کا سہاختہ پر دستخط منظور و قبول ہوگا
دوران مقدمہ میں ہر چیز چہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے
باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، البتہ وکالت نامہ لکھ دیا تاکہ سند رہے

المقوم: 11/08/2022
PESHAWAR BAR ASSOCIATION
KHYBER PAKHTOONKHWA

مقام پشاور کے لیے منظور ہے

Abraar
Haq

نوٹ: اس وکالت نامہ کی کوئی کاپی ناقابل قبول ہوگی۔