

11.08.2015

Appellant in person and Rashid Ahmad, Inspector (Legal) alongwith Muhammad Jan, GP for the respondents present. Appellant requested for adjournment due to non-availability of his counsel. To come up for arguments on 22-12-2015



Member



Member

10.09.2015

Appellant with counsel present and requested for requisition of file for to-day. File has been requisitioned.

Counsel for the appellant submitted an application for withdrawal of the appeal. Application placed on file. Signature of the appellant also obtained in the margin of order sheet. As such the appeal is dismissed as withdrawn. File be consigned to the record room.

ANNOUNCED  
10.09.2015.



MEMBER



MEMBER

1.1.2015

Junior to for the appellant and Mr. Muhammad Adeel Butt, AAG with Attaullah, Inspector for the respondents present. The Tribunal is incomplete. To come up for the same on 25.2.2015.

  
READER

25.2.2015

Appellant with counsel and Addl. A.G with Rashid Ahmad, Inspector (Legal) for the respondents present. The learned Judicial Member is on official tour to D.I.Khan, therefore, case is adjourned to 7.4.2015 for arguments.

  
MEMBER

07.4.2015

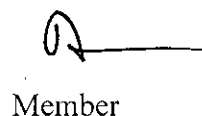
Counsel for the appellant, and Mr. Muhammad Jan, GP with Rasheed Ahmad, Inspector (Legal) for the respondents present. Due to rush of work, arguments could not be heard. To come up for arguments on 14.5.2015.


  
MEMBER

  
MEMBER

14.05.2015

Appellant in person and Mr. Abdul Jalil, ASI along with Muhammad Jan, GP for the respondents present. Appellant requested for adjournment. Adjourned to 11.08.2015 for arguments before D.B.

  
Member

  
Member

10.6.2014.

File received from the learned Bench-I and order sheet dated 29.5.2014 perused.

Counsel for the appellant and Mr. Muhammad GP present. Fresh notices be issued to the respondents and case to come up for written reply on 16.7.2014.

MEMBER

MEMBER

16.7.2014

Appellant in person and AAG with Mr. Muhammad Siar, ASI for the respondents present and reply filed. Copy handed over to counsel for the appellant. To come up for rejoinder on 03.09.2014.

MEMBER

MEMBER

03.09.2014

Appellant with counsel and Mr. Muhammad Adeel Butt, AAG with Muzafar Khan, SI (Legal) for the respondents present. Rejoinder received. Copy handed over to the learned AAG. To come up for arguments on 26.11.2014.

MEMBER

27.11.2014

Counsel for the appellant and Mr. Muhammad Jan, GP with Ijaz, PSI for the respondents present. The Tribunal is incomplete. To come up for the same on 01.1.2015.

READER

11.03.2014

Counsel for the appellant present and submitted an application for early hearing of the instant appeal instead of 09.04.2014. Case file requisitioned. Application accepted. Preliminary arguments heard and case file perused. Counsel for the appellant contended that the appellant has not been treated in accordance with law/rules. Against the order dated 23.12.2013, he filed departmental appeal on 30.12.2013, which has been rejected on 07.02.2014, hence the instant appeal on 17.02.2014. He further contended that the appellant has been treated under a wrong law and the impugned final order dated 07.02.2014 has been issued in violation of Rule-5 of the Civil Servant (Appeal) Rules-1986. Points raised at the Bar need consideration. The appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notices be issued to the respondents for submission of written reply/comments on 29.05.2014.

Appellant Deposited  
Security & Process Fee  
Rs. 200/- Bank  
Receipt is Attached with File.

Member

11.03.2014

This case be put before the Final Bench D for further proceedings.

Chairman

29.5.2014


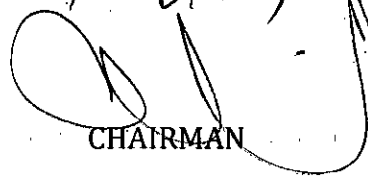
Appellant with counsel present. Respondents are not present despite their service through the concerned official/registered post. However, the learned counsel for the appellant stated that similar nature cases, involving identical issues for determination, are pending before learned Bench-II, and fixed for further proceedings on 10.6.2014. In order to avoid ~~a~~ conflicting decisions and for convenience of both the parties, this appeal alongwith connected appeals are also entrusted to learned Bench-II <sup>where</sup> ~~where~~ the parties are directed to appear for further proceedings alongwith connected appeals pending there on 10.6.2014.

Chairman

Form- A  
FORM OF ORDER SHEET

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

Case No. 199/2014

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	17/02/2014	<p>The appeal of Mr. Khairul Akbar presented today by Mr. Noor Muhammad Khattak Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	19-2-2014	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>9-4-2014</u></p> <p style="text-align: right;"> CHAIRMAN</p>

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

APPEAL NO. 199 /2014

**KHAIRUL AKBAR**

**VS**

**POLICE DEPTT:**

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<b>3.</b>	Reply to show cause notice	<b>B</b>	5- 6.
<b>4.</b>	FIR	<b>C</b>	7.
<b>5.</b>	Impugned order	<b>D</b>	8.
<b>6.</b>	Departmental appeal	<b>E</b>	9- 10.
<b>7.</b>	Rejection order	<b>F</b>	11.
<b>8.</b>	Vakalat nama	.....	12.

**APPELLANT**

**THROUGH:**

  
**NOOR MOAHAMMAD KHATTAK**  
**ADVOCATE**

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

APPEAL NO. 199 /2014

208  
17-2-14

Mr. Khair-ul-Akbar, Ex: ASI,  
O/O District Police Officer, District Dir Upper ..... **Appellant**

**VERSUS**

- 1- The Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
- 2- The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
- 3- The Deputy Inspector General of Police, Malakand Region at Saidu Sharif, Swat.
- 4- The District Police Officer, District Dir Upper.

..... **Respondents**

**APPEAL UNDER SECTION-4 OF THE SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED APPELLATE ORDER DATED 07-02-2014 WHEREBY THE DEPARTMENTAL APPEAL OF APPELLANT FOR RE-INSTATEMENT WITH ALL BACK BENEFITS HAS BEEN REJECTED ON NO GOOD GROUNDS AND AGAINST THE ORIGINAL IMPUGNED ORDER DATED 23-12-2013 WHEREBY MAJOR PUNISHMENT OF COMPULSORY RETIREMENT WAS IMPOSED ON THE APPELLANT UNDER A WRONG LAW**

**PRAYER:**

That on acceptance of this appeal the impugned orders dated 23-12-2013 and 07-02-2014 may very kindly be set aside and the respondents may be directed to re-instate the appellant with all back benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

**R/SHEWETH:**

**ON FACTS:**

- 1- That the appellant is the employee of the respondent Department for more than twenty one (21) years of service at his credit. That right from appointment till impugned order dated 23-12-2013 the appellant has served the respondent Department quit efficiently and up to the entire satisfaction of his superiors.
- 2- That appellant while serving as ASI/MASI in the Police station Gandigar District Dir Upper the appellant served with

17/2/14

show cause notice dated 08-11-2013 on the allegation that the appellant showed negligence in a case FIR No.111 dated 25-08-20-13 under section 13 A.O. That in response to the said show cause notice the appellant submitted his reply and denied the allegation with proof. Copies of the show cause notice, reply and FIR are attached as annexure ..... **A, B, & C.**

- 3- That vide order dated 23-12-2013 the appellant was awarded major punishment of compulsory retirement from service by the respondent No.4 without conducting regular inquiry in the matter and under a wrong law i.e. Police Rules 1975. That feeling aggrieved and having no other remedy the appellant filed Departmental appeal against the impugned order dated 23/12/2013 but the same was rejected on no good grounds vide order dated 07-02-2014. Copies of order dated 23-12-2013, Departmental appeal and rejection order are attached as annexure ..... **D, E, & F.**
- 4- That appellant feeling aggrieved from the impugned orders dated 23-12-2013 and 07-02-2014 and having no other remedy filed this appeal on the following grounds amongst the others.

**GROUND:**

- A- That the impugned orders dated 23/12/2013 and 07/02/2014 are against the law, facts, norms of natural justice and materials on the record hence not tenable and 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 no charge sheet and statement of allegations has been served on the appellant by the respondent Department before issuing the impugned order dated 23/12/2013.
- D- That no chance of personal hearing/ defense has been given to the appellant before issuing the impugned order dated 23/12/2013.
- E- That no regular inquiry has been conducting against the appellant before issuing the impugned order dated 23.12.2013 which as per Supreme Court judgments is necessary in punitive actions against the civil servants.



- F- That the action against the appellant has been taken by the respondent Department under a wrong law i.e. under Police Rules 1975, therefore the impugned order dated 23-12-2013 is void ab initio under the law.
- G- That the appellant seeks permission to advance other grounds and proofs at the time of hearing.

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

**APPELLANT**



**KHAIR-UL-AKBAR**

**THROUGH:**



**NOOR MUHAMMAD KHATTAK  
ADVOCATE**

A-4

**SHOW CAUSE NOTICE**

You ASI Khairul Akber, while posted as MASI PS: Gandigar, a case FIR No. 111, Dated 25.08.2013 U/S 13AO was registered against Aman Ullah s/o Shah Haider r/o Wari Bala. The recovery was shown in Nakabandi some distance away from Police Station, but the real facts does not matching with the FIR. While you have done intentionally this practice, which shown negligence on your part.

Now, therefore, **I MUHAMMAD JAVED, DISTRICT POLICE OFFICER**, Dir Upper, hereby call on you to explain your position in written in a period of 07 days from receipt of this notice as to why Departmental proceedings under Police Rules 1975, should not be initiated against you.

In case your reply to the above notice is not received within the stipulated period, it shall be presumed that you have no defence to offer departmental proceedings will be initiated against your straight away. You are also at liberty if you wish to be heard in person.

*[Signature]*  
**District Police Officer,**  
Dir Upper.

No. 4144 /EB,  
Dated 8-11- /2013.

SI Khairul Akbar MASI PS: Gandigar..

**ATTESTED**

*[Signature]*

Handwritten notes in Urdu at the bottom of the page, including the name 'SI Khairul Akbar' and other illegible text.

کالی ا۔ کمالہ کھول کر مشورہ نماز کو پیش کر 4144-EB 23 11 8 013

خارجہ صاحب - 070 ص 40۔ دریا لا حضور و خدیجہ علیہما السلام کہ کتب شریفہاں  
حاکم ح 317 013 کو جان لیکر کتبہاں میں کہ ح 28 013 28 013

بہ نسبت ان عبد الملک 1197 حضور خانی 764 کو الہ حد 7 روزہ 25-8 013  
مسلکہ نامی ندی نزد کھاا فرنیٹ موٹا روزہ حاکم تا 013 25-8 013

حصانہ کی وقت 09.30 ص 09 (حصانہ) جب 13A02 مدرسہ کھینچل مسطور خان 764  
پر خلاف عدم اہلی اللہ ولد شاہ حیدر خانی ساکن دہلی یا سزا کھدیجہ صاحبہ

کھاا حاکم ح 25-8 013 حصہ 13A0  
25-8 013 ح 25-8 013 حصہ 13A0  
545 ح 25-8 013 حصہ 13A0

اصدوز خان کھدیجہ صاحبہ کی اولاد سے اہلی حق و عدل اور انہی کی اولاد سے اسحاق  
دوہانی صاحب اور اللہ ولد شاہ حیدر صاحب دہلی نزد کھاا ح 09-45

شروع ہو کر فرقہ مخالف شہداء عبد القیوم وغیرہ مسکنانی بنیو جوئی کے زور  
ازمانی اور شہداء شروع کی تاجیم آئے مسکنان و جوڑہ کھاا کسی سے ح 09-45

کلی اللہ مسکنان خلاصی گمراہی اہلی اللہ ولد شاہ حیدر صاحب اور فرزند خان  
شہداء دیکھ کر مسکنان بنیو جوئی افضل بنا کر خان 013 25-8 013

حصہ 147-149 013 ح 25-8 013 حصہ 147-149 013  
25-8 013 ح 25-8 013 حصہ 147-149 013

نے حضور کو اللہ و لہ عز و ان سچ بنیو جوئی مخالف فریق - مسکنان بنیو جوئی  
ولد عبد القیوم مسکن بنیو جوئی ہی فریق اگر مہار یا کہ ح 25-8 013 حصہ 147-149 013

ATTESTED  
11/2/19

P-10



D-8

ORDER.

This order is passed on the Departmental Enquiry against ASI Khair Ul Akbar while posted as MASI PS Jagam

Allegations leveled against the above named defaulter ASI is that while posted as MASI PS Jagam, in case FIR NO. 111 dated 25/08/2013 U/S 13A O PS Jagam, the incident took place 50/55 steps East-wards of the PS but according to the source report both the parties were quarreling inside the Police Stations in front of the SHO Office.

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

On the receipt of the finding report and other connected papers the same was perused, he served Final Show Cause Notice vide this Office Endst: No. 4572/EB Dated 16/12/2013, on the receipt of reply. The above named defaulter Officer was called and heard in person in Orderly Room, but he could not defend himself. The enquiry papers were perused and his guilt has been proved beyond any shadow of doubt.

The Case in hand is fit for dismissal but keeping in view his long service & poor family background, the under signed is taking a lenient step against the defaulter ASI Khair Ul Akbar of this District Police i.e awarded PUNISHMENT COMPULSORY RETIRED with immediate effect. The Kit other uniform articles shall immediately be deposited from him in the District Godown.

Order announced.

OB No. 813

DC 23/12/2013

**ATTESTED**

[Signature]  
District Police Officer  
Dir Upper.

Handwritten notes at the bottom of the page, including file numbers and dates: 116547.146, 25.01.2013, 11/12/2013, 23/12/2013, and other illegible scribbles.

کمزور اہلکاروں کی حالت پر غور کیا گیا اور ان کے مسائل کو حل کرنے کے لیے اقدامات کیے گئے۔

اپنی طرف سے تمام اہلکاروں کو DPo کے بارے میں بتایا گیا۔

اسی کے ساتھ ساتھ 813 اور 23 12/013 کے بارے میں بھی اہلکاروں کو بتایا گیا اور ان کے مسائل کو حل کرنے کے لیے اقدامات کیے گئے۔

اس کے علاوہ، بنٹوری اپنی طرف سے تمام اہلکاروں کو DPo کے بارے میں بتایا گیا اور ان کے مسائل کو حل کرنے کے لیے اقدامات کیے گئے۔

عامی طور پر اہلکاروں کے مسائل کو حل کرنے کے لیے اقدامات کیے گئے۔

1۔ یہ کہ مسائل کو حل کرنے کے لیے اقدامات کیے گئے۔

2۔ یہ کہ مسائل کو حل کرنے کے لیے اقدامات کیے گئے۔

4۔ یہ کہ مسائل کو حل کرنے کے لیے اقدامات کیے گئے۔

ایئر لائن کو سزا دینے کی سفارش کی کہ میں سائیل نے 540 کی رقم کو نہیں  
معا، حکومت کے خلاف بیانیہ حالانکہ صحتی خدمات کی بنیاد پر  
سزا کی سفارش کی ہے آسٹریلیا کے سفارت خانے اور سائیل کا کوئی تعلق  
نہیں۔ کیونکہ عدالت نے 11 جولائی 2013ء کو 258/25 حکم 13A0 معا، حکومت  
کو بحال خانی ASI کے مراسلہ پر 540 معا نے خود درج کیا ہے

صحتی خدمات، عدالت نے 11 جولائی 2013ء کو 258/25 حکم 147/506 معا، حکومت  
سائیل اور اللہ خانی دارلشہادہ خانی صحتی واپسی یا سزا کی اجازت  
پر افضل ناہ خانی کو 11 جولائی 2013ء کو 258/25 حکم 147/506 معا، حکومت  
کا عدالت کی طرف سے کوئی تعلق نہیں ہے، اور اس سے کوئی تعلق نہیں ہے

کی کہ یہ سائیل / ایئر لائن بارکلے ہے ہے۔ اور سائیل کے خلاف  
کئی قسم کی شہادت موجود ہے، جسے انکوٹری کہتی ہے۔ حساب  
DPD ہے۔ دریا لانے سائیل کے وقف، شہادت و حکم اجور کی  
مکمل طور پر نظر انداز کی سائیل کو بے گناہ ہونے کے باوجود سزا  
دی گئی جو خلاف قانون و معاق ہے،

کی کہ یہ کہ خلاف قانون ہے سزا سے سب سے ہے۔ کہ رخصت کو نہیں 540  
کے خلاف انکوٹری کی فائٹنگ سے سب سے نقل مکانی صرف سائیل  
کا نام ڈالا گیا ہے۔ حالانکہ حکم اجور سے سائیل کا کوئی تعلق نہیں ہے

کی کہ اسٹریٹ حکم بن گوری ایسی ہے حکم اجور۔ DPD ہے  
دریا ہلا صحتی و معاہدہ کو اردو بار سائیل کو بحال کرنے کا  
حکم صادر کیا گیا ہے

12/30

الفاروق

سائیل جسیر الاکبر سائیل ASI حکم درج کیا ہے

ATTACHED  
147

F-11

**OFFICE OF THE REGIONAL POLICE OFFICER, MALAKAND**  
**REGION, AT SAIDU SHARIF SWAT**

**ORDER:**


This order will dispose off the appeal preferred by Ex-ASI Khair Ul Akbar of Dir Upper District for reinstatement in service.

Brief facts are that the above named Ex-ASI while posted as MASI Police Station Jagam, some information received from different sources, regarding his involvement in corruption, as like he had registered a case FIR No. 111 dated 25/08/2013 U/S 13 AO, which is gross misconduct on his part. In light of allegation leveled against the defaulter ASI was proceeded against departmentally, Charge Sheet and Statement of allegation was served upon him. Mr. Gul Noor Khan SDPO Kohistan and SI Nisar Ahmad PIO Police Lines were appointed as Enquiry Officers. The Enquiry Committee in its finding report stated that the said ASI found guilty and recommended him for major punishment.

On the receipt of the finding report and other connected papers the same was perused, he served Final Show Cause Notice vide District Police Officer, Dir Upper Endst: No. 4572/EB, dated 16/12/2013. The defaulter officer was called in Orderly Room by District Police Officer, Dir Upper and heard in person but he could not defend himself. The Enquiry Paper was perused and his guilt has been proved beyond any shadow of doubt. The District Police Officer, Dir Upper vide his office OB No. 813 dated 23/12/2013 awarded him major punishment of compulsory retirement under Police Rules 1975.

The appellant was called in Orderly Room on 07/02/2014 and heard in person, but he did not produce any substantive materials in his defense. Therefore I uphold the order of District Police Officer, Dir Upper, whereby the appellant has been awarded major punishment for compulsory retirement from service.

Order announced.

  
(ABDULLAH KHAN) PSP  
Regional Police Officer,  
Malakand, at Saidu Sharif Swat  
\*Naqi\*

No. 1194-95 /E,

Dated 7-2 /2014.

Copy for information and necessary action to the:-

1. District Police Officer, Dir Upper with reference to his office Memo: No. 289/EB, dated 27/01/2014.
2. Ex-ASI Khair Ul Akbar of Dir Upper District.

\*\*\*\*\*

**ATTESTED**  




**VAKALATNAMA**

IN THE COURT OF KPK, Service Tribunal Peshawar.

OF 2018

Khairul Akbar

(Appellant)  
(Plaintiff)  
(Petitioner)

VERSUS

Police Department

(Respondent)  
(Defendant)

I/We Khairul Akbar

Do hereby appoint and constitute NOOR MOHAMMAD KHATTAK, 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. \_\_\_/\_\_\_/2018



CLIENT



ACCEPTED

NOOR MOHAMMAD KHATTAK  
(ADVOCATE)

**OFFICE:**

Room No.1, Upper Floor,  
Islamia Club Building, Khyber Bazar,  
Peshawar City.

Phone: 091-2211391

Mobile No.0345-9383141

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

Service Appeal No: 199/2014.

Mr. Khair Ul Akbar Ex ASI .....Appellant.

**Versus.**

The Govt: of KPK through Chief Secretary & others..... Respondents.

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2	Show case notice/ reply	A	4,5,6
3	Charge Sheet/ Statements of allegation	B&C	7,8
4	Power of attorney		9
5	Affidavit		10



**Sub Inspector Legal,  
Dir Upper**

①

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**

**PESHAWAR.**

**SERVICE APPEAL NO. 199/2014.**

Mr. Khair Ul Akbar ex-ASI .....Appellant.

**VERSUS**

The Govt: of K.P. through chief secretary & others.....Respondents.

**PARA-WISE COMMENTS ON BEHALF OF RESPONDENTS.**

Respectfully sheweth:

**PRELIMANRY OBJECTIONS :-**

1. That the present service appeal is not maintainable in its form.
2. That the instant service appeal is time barred.
3. That the appellant has not come to this August Tribunal with clean hands.
4. That the appellant has concealed the material facts from this Honorable Tribunal.
5. That the appellant is stopped by his own conduct to file the instant appeal.

**ON FACTS.**

1. Correct to the extent of service, the rest of the para pertains to record.
2. Correct to the extent of show cause Notice, allegation contained therein and reply submitted by the appellant. However the reply to show cause notice was found unsatisfactory and without cogent proof.(copy of reply is annexed as annexure "A")
3. Correct to the extent of punishment, the rest of para is incorrect. The punishment is in accordance with law & rules. The respondents have completed all the codal formalities. The

departmental appeal was rejected as his guilt was proved beyond any shadow of doubt.

4. Needs no comments.

**ON GROUNDS.**

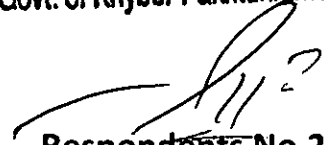
- A. In-correct, both the orders are in accordance with law and rules.
- B. In-correct, no article of constitution has been violated by the respondents and the appellant has been treated according to the law and rules.
- C. Incorrect, the appellant was served with the formalities of law and Mr. Gul Noor khan SDPO Sheringal was appointed as enquiry officer.(charge sheet and statements of allegation annexed) as "B & "C"
- D. Incorrect, proper opportunity of personal hearing/defence was provided to the appellant.
- E. In-correct, proper departmental enquiry was conducted against the appellant.
- F. In-correct, the action against the appellant has been taken in accordance with the law. The Police rules 1975 is still implemented as Police order 2002 given protection to it.
- G. The respondent also seeks permission to advance other grounds and proofs at the time of hearing.

**PRAYER.**

It is therefore humbly prayed that on acceptance this para-wise comments the instant services appeal may graciously be dismissed with costs.



**Respondents No. 1**  
Chief Secretary Khyber  
Pakhtunkhwa Peshawar.  
**Chief Secretary**  
Govt: of Khyber Pakhtunkhwa



**Respondents No.2**  
Inspector General of Police,  
Khyber Pakhtunkhwa Peshawar.



**Respondents No. 3**  
Deputy Inspector General of Police,  
Malakand swat.



**Respondent No. 4**  
District Police Officer,  
Dir Upper.

**DISTRICT POLICE OFFICER**  
Dir Upper



کے والد شیو کمار کوٹس صاحب 4144-EB 27 11 8 11/213

جاری ہے۔ 500 روپے کا لاٹری ٹکٹ خریدا گیا ہے جس کی رقم 28 11/213

میں 31 7/213 کو جان لے کر کھتیاں ہیں کہ 28 11/213

میں 25 8/213 اور 25 8/213

13800 روپے کی رقم 25 8/213

13800 روپے کی رقم 25 8/213

13800 روپے کی رقم 25 8/213

13800 روپے کی رقم 25 8/213

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13800 روپے کی رقم 25 8/213

13800 روپے کی رقم 25 8/213

جس کا نام مذکور ہے اس کے خلاف جو کارروائی ہو چکی ہے اس کا مکمل ریکارڈ فراہم کیا گیا ہے۔  
 جس کا نام مذکور ہے اس کے خلاف جو کارروائی ہو چکی ہے اس کا مکمل ریکارڈ فراہم کیا گیا ہے۔  
 لہذا اندر سے عملدرآمد ہو رہا ہے۔

MA SI-PS Jagann  
 13. 11. 2013

P.A.  
 Reply is not satisfactory. Issue  
 Charge sheet + statement of illegality.  
 Also Constituent Enquiry Committee.

2/12/13.



7

CHARGE SHEET.

I, MUHAMMAD JAVED DISTRICT POLICE OFFICER, DIR UPPER. As competent authority, hereby charged You ASI Khair Ul Akbar while posted as MASI PS: Jagam as follows:-

You ASI Khair Ul Akbar while posted as MASI PS: Jagam, some information received from different sources, regarding your involvement in corruption, as like you registered a case vide FIR No. 111 Dated 25.08.2013 U/S 13AO, which is gross misconduct on your part as defined in Rules 2 (iii) of Police Disciplinary Rules, 1975.

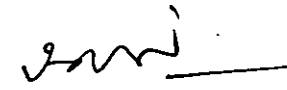
2. By reason of the above, you appear to be guilty of misconduct and have rendered yourself liable to all or any of the penalties specified in Rule-4 of the Disciplinary Rules 1975

3. You are therefore; require to submit your written reply within 07 days of the receipt of this charge sheet to the enquiry committee.

4. Your written reply, if any should reach to the Enquiry Committee within the specified period, failing which it shall be presumed that you have no defence to put in and in that case the ex-parte action shall follow against you.

5. Intimate as to whether you desire to be heard in person or not?

6. Statement of allegation is enclosed.

  
(MUHAMMAD JAVED)  
District Police Officer,  
Dir Upper.

No. 4390 /EB, Dated Dir Upper the 4-12/2013.

Copy to ASI Khair Ul Akbar to submit your reply to the charge sheet with stipulated period.

21 (2946) 23 / 2608 6

8

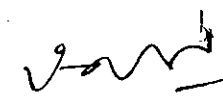
**DISCIPLINARY ACTION.**

I, **MUHAMMAD JAVED DISTRICT POLICE OFFICER, DIR UPPER.** As competent authority, is of the opinion that you **ASI Khair Ul Akbar** while posted as **MASI PS: Jagam** have rendered yourself liable to be proceeded against departmentally as you have committed the following acts/ omission as defined in Rule-2 (iii) of Police Rule 1975.

**STATEMENT OF ALLEGATION.**

*Whereas ASI Khair Ul Akbar while posted as MASI PS: Jagam, some information received from different sources, regarding involvement in corruption, as like he registered a case vide FIR No. 111 Dated 25.08.2013 U/S 13AO, which is gross misconduct on his part as defined in Rules 2 (iii) of Police Disciplinary Rules, 1975.*

2. For the purpose of scrutinizing of the said accused with reference to the above allegations, an enquiry committee consisting of the following is constituted of the said Rules.
  1. *Mr, Gul Noor Khan SDPO Kohistan.*
  2. *SI Nisar Ahmad PIO Police Lines.*
3. The Enquiry Committee 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 twenty five (25) 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 Committee.

  
(MUHAMMAD JAVED)  
District Police Officer,  
Dir Upper.

No. 4391-99 /EB, Dated Dir Upper the 4-12 /2013.

**Copy of the above is forwarded to:-**

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

21(29) 46423 2605 6

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**

**PESHAWAR.**

**SERVICE APPEAL NO. 199/2014.**

Mr. Khair Ul Akbar ex-ASI .....Appellant.

**VERSUS**

The Govt: of K.P. through chief secretary & others.....Respondents

**POWER OF ATTORNEY.**

We the following respondents do hereby authorized, Mr. Seyar Khan Sub Inspector Legal District Dir Upper to appear, on our behalf before the Honorable Service Tribunal Peshawar in connection with the cited appeal.

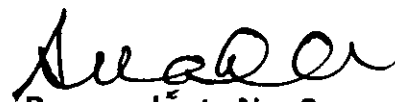
He is also authorized to submit all documents required by the Service Tribunal in connection with cited appeal.



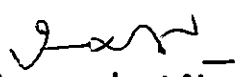
**Respondents No. 1**  
Chief Secretary Khyber  
Pakhtunkhwa Peshawar.  
Govt: of Khyber Pakhtunkhwa



**Respondents No.2**  
Inspector General of Police,  
Khyber Pakhtunkhwa Peshawar.



**Respondents No. 3**  
Deputy Inspector General of Police,  
Malakand swat.



**Respondent No. 4**  
District Police Officer,  
Dir Upper.  
DISTRICT POLICE OFFICER  
DIR UPPER

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR.

10

SERVICE APPEAL NO. 199/2014.

Mr. Khair Ul Akbar ex-ASI .....Appellant.

VERSUS

The Govt: of K.P. through chief secretary & others.....Respondents

AFFIDAVIT.

We the under signed to hereby solemnly affirmed and declared on oath that the contents of the para-wise reply are true and correct to the best of our knowledge and belief and nothing has suppressed or canceled from this Honorable Tribunal.

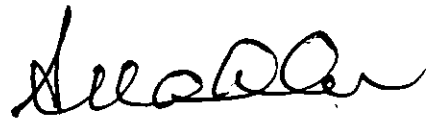
DEPONENTS.



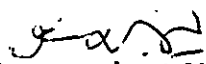
Respondents No. 1  
Chief Secretary Khyber  
Pakhtunkhwa Peshawar.  
Chief Secretary  
Govt: of Khyber Pakhtunkhwa



Respondents No.2  
Inspector General of Police,  
Khyber Pakhtunkhwa Peshawar.



Respondents No. 3  
Deputy Inspector General of Police,  
Malakand swat.



Respondent No. 4  
District Police Officer,  
Dir Upper.

DISTRICT POLICE OFFICER  
DIR UPPER.

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

**APPEAL NO. 199/2014**

**MR KHAIRUL AKBAR                      VS                      POLICE DEPARTMENT**

**REJOINDER ON BEHALF OF APPELLANT IN**  
**RESPONSE TO THE REPLY SUBMITTED BY THE**  
**RESPONDENTS**

**R/SHEWETH:**  
**PRELIMINARY OBJECTIONS:**  
**(1 to 5):**

All the preliminary objections raised by the respondents are incorrect and baseless and not in accordance with law and rules rather the respondents are estopped due to their own conduct to raise any objection at this stage of the appeal.

**ON FACTS:**

- 1- Admitted correct by the respondents hence need no comments.
- 2- Incorrect and not replied accordingly. That in response the appellant submitted his detailed reply to the show cause notice and denied all the allegations which were leveled against the appellant. That respondent No.4 with out conducting regular inquiry and with out mentioning any law under which the respondents took action against the appellant imposed major penalty of Compulsory retirement on the appellant vide the impugned order dated 23-12-2013.
- 3- Incorrect and not replied accordingly. That vide impugned order dated 23-12-2013 the appellant was awarded major punishment of compulsory retirement from service by the respondent No.4 under a wrong law. Moreover no reason has been mentioned by the appellate authority while deciding the Departmental appeal of the appellant, therefore the same is in violation of clause 24-A of the General clauses Act 1856.
- 4- Incorrect and not replied accordingly hence denied.

**GROUND:**  
**(A to G):**

All the grounds of main appeal are correct and in accordance with law and prevailing rules and that of the respondents are incorrect and baseless hence denied. That the impugned orders dated 23-12-2013 and 07-02-2014 are against the law, facts, norms of natural justice and material on the record hence not tenable and liable to be set aside. That no charge sheet, statement of allegation have been served on the appellant before issuing the impugned order dated 23.12.2013. That no chance of personal hearing has been given to the appellant while issuing the impugned order dated 23-12-2013. Moreover respondent No.4 with out mentioning any law under which the respondents took action against the appellant imposed major penalty of Compulsory retirement on the appellant vide the impugned order dated 23-12-2013.

It is therefore most humbly prayed that on acceptance of this rejoinder the appeal of the appellant may be accepted as prayed for.

**APPELLANT**



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**KHAIRUL AKBAR**

**THROUGH:**



**NOOR MUHAMMAD KHATTAK**  
**ADVOCATE**

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

**APPEAL NO.199/2014**

*10/19*

**KHAIR UL AKBAR**

**VS**

**POLICE DEPARTMENT**

**APPLICATION FOR WITHDRAWAL OF THE ABOVE**  
**MENTIONED APPEAL**

**R.SHEWETH:**

- 1- That the above mentioned appeal is pending adjudication before this august Tribunal in which 22.12.2015 date is fixed for hearing.
- 2- That in the above mentioned appeal the appellant has challenged the order dated 23.12.2013 whereby the major penalty of compulsory retirement was imposed on the appellant.
- 3- That as the appellant filed Departmental appeal before the Deputy Inspector General of Police Malakand Region against the above mentioned order which is still pending adjudication before the above mentioned authority.
- 4- That the above mentioned appellate authority i.e. Deputy Inspector General of Police Malakand Region is willing to re-instate the appellant in to service, therefore the appellant is no more interested in the instant appeal and seeks the permission of this august Tribunal to withdraw the same.

It is therefore most humbly prayed that on acceptance of this application the above mentioned appeal may kindly be dismissed as withdrawn.

**APPELLANT**

*[Signature]*

**KHAIR UL AKBAR**

**THROUGH:**

*[Signature]*

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