BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR.

Service Appeal No. 7346/2021

Date of Institution ... 01.09.2021

Date of Decision ... 22.08.2022

Muhammad Ashfaq S/O Sami Ud Din, (ASI) R/O Aza Khel Bala, Tehsil and District Nowshera, presently Police Lines Peshawar.

... (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Home & Tribal Affairs, Civil Secretariat Peshawar and three others.

... (Respondents)

MALIK USMAN KHATTAK, Advocate --- For appellant.

MR. NASEER-UD-DIN SHAH, Assistant Advocate General --- For respondents.

MR. SALAH-UD-DIN --- MEMBER (JUDICIAL)
MS. ROZINA REHMAN --- MEMBER (JUDICIAL)

JUDGMENT:

SALAH-UD-DIN, MEMBER:- Through the instant service appeal, the appellant has invoked jurisdiction of this Tribunal with the prayer copied as below:-

> *"on acceptance of this appeal, the impugned order dated 13.08.2021 of respondent No. 3 and order dated 25.05.2021 of respondent No. 4 may kindly be set-aside and the appellant may kindly be ordered to be restored to his original rank with all back benefits.*

2. Briefly stated the facts giving rise to filing of instant service appeal are that the appellant while serving as Officiating Inspector in Traffic Unit Peshawar, was proceeded against on the allegations of abuse of power, high

handedness and beating one Khan Muhammad S/O of Lal Muhammad resident of Peshawar. Vide order dated 25.05.2021, passed by Chief Traffic Officer Peshawar, the appellant was awarded major penalty of reversion from the substantive rank of Sub-Inspector to the rank of Assistant Sub-Inspector, which was challenged by the appellant through filing of departmental appeal, which was also rejected by Capital City Police Officer Peshawar vide order dated 13.08.2021, hence the instant service appeal.

3. Respondents contested the appeal by way of submitting para-wise comments, wherein they refuted the assertions raised by the appellant in his appeal.

4. Learned counsel for the appellant has contended that neither any show cause nor any charge sheet or statement of allegations was issued to the appellant and he was wrongly and illegally awarded major penalty without conducting any regular inquiry; that the appellant was not issued any show-cause notice and no opportunity of personal hearing was provided to him, hence he has been condemned unheard; that the allegations leveled against the appellant were factual in nature but neither statement of the complainant was recorded nor the appellant was provided any opportunity of self defense; that the allegations against the appellant were totally baseless and no misconduct was committed by the appellant; that the competent Authority has not at all mentioned in the impugned order that for how much period, the appellant shall remain as an Assistant Sub-Inspector, therefore, the impugned orders are not sustainable in the eye of law.

5. On the other hand, learned Assistant Advocate General for the respondents has contended that the appellant had beaten the complainant namely Khan Muhammad, therefore, departmental action was rightly taken against him; that the appellant had confessed his guilt before the Chief Traffic Officer, Peshawar, therefore, he was rightly awarded the punishment of reversion from the rank of Sub-Inspector to the rank of Assistant Sub-Inspector; that as

the appellant had confessed his guilty before the competent Authority, therefore, there was no need of regular inquiry in the matter.

6. We have heard arguments of learned counsel for the parties and have perused the record.

7. A perusal of the record would show that neither any show-cause nor any charge sheet or summery of allegations was issued to the appellant. While going though the impugned order dated 25.05.2021 passed by competent Authority, we have observed that a novel procedure for conducting of inquiry was adopted by the competent Authority and the appellant was awarded major penalty without conducting of inquiry in accordance with the relevant rules of Khyber Pakhtunkhwa Police Rules, 1975. In its order dated 25.05.2021, the competent Authority has though mentioned that statements of parties were recorded and that the appellant had admitted his guilt during the proceedings, however the departmental representative namely Habib Khan, DSP (Legal), who is present before us, has frankly stated that no statement of the appellant or the complainant was available in their record. In case of awarding of penalty of reversion, the punishing Authority is required to specify the period for which an accused officer shall remain on the reverted post, however the impugned order dated 25.05.2021 would show that the competent Authority has not mentioned as to for how much period, the appellant shall remain on the post of Assistant Sub-Inspector. Moreover, there are numerous rulings of worthy apex court, wherein it has been held that for awarding of major penalty, conducting of regular inquiry is necessary. We have observed that the competent Authority has passed the impugned order dated 25.05.2021 in a slipshod manner and the appellate Authority has also rejected departmental appeal in a mechanical way. The impugned orders are not sustainable in the eye of law and are liable to be set-aside.

8. In view of the above discussion, the impugned orders are set-aside and the appeal in hand is allowed as prayed

for. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
22.08.2022

(SALAH-UD-DIN)
MEMBER (JUDICIAL)

(ROZINA REHMAN)
MEMBER (JUDICIAL)

ORDER
22.08.2022

Appellant alongwith his counsel present. Mr. Habib Khan, DSP (Legal) alongwith Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today, separately placed on file, the impugned orders are set-aside and the appeal in hand is allowed as prayed for. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
22.08.2022

(Rozina Rehman)
Member (Judicial)

(Salah-Ud-Din)
Member (Judicial)

21.02.2022 Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 17.03.2022 for the same as before.

Reader.

17.03.2022 Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 21.04.2022 for the same as before.

Reader

21th April, 2022 Counsel for the appellant present. Mr. Kabirullah Khattak, Addl. AG alongwith Sarmad Ali, ASI for the respondents present.

Representative of the respondents has submitted reply/comments. Placed on file. To come up for arguments on 03.06.2022 before the D.B. The appellant may furnish rejoinder in the meantime if so advised.

Chairman

03.06.2022 Bench is incomplete, therefore, case is adjourned to 22.08.2022 for the same as before.

Reader.

Muhammad Ishfaq, 7346/2021

20.10.2021 Learned Counsel for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant argued that the appellant is aggrieved of the order dated 25.05.2021 whereby he was awarded the major punishment of reversion from his substantive rank of Sub-Inspector to the rank of ASI. The appellant submitted departmental appeal against the said impugned order on 27.05.2021 which was rejected on 13.08.2021, hence, the instant service appeal filed on 1.09.2021. It was prayed that the appellant had joined the respondent-department on 22.03.1986 and promoted to the rank of Inspector on 17.12.2020. Neither proper enquiry has been conducted against the appellant nor any charge sheet/statement of allegation or show cause notice issued to the appellant. He has been condemned unheard and the ends of justice have not been met before passing the impugned order which is liable to be set aside and the appellant be restored to his original rank with all back benefits.

Points raised need consideration. The appeal is admitted to regular hearing, subject to all just and legal objections including limitation. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time or extension of time is not sought, the office shall submit the file with a report of non-compliance. File to come up for arguments on 21.02.2022 before the D.B.

Appellant Deposited
Security & Process Fee

26/10/21

(Mian Muhammad)
Member(E)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 7346 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	01/09/2021	The appeal of Mr. Muhammad Ashfaq presented today by Mr. Malik Usman Rahim Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please. REGISTRAR
2-		This case is entrusted to S. Bench for preliminary hearing to be put up there on 20/10/2021 CHAIRMAN

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR

CHECK LIST

Muhammad Ashfaq **Versus** Govt: of KPK & others

.... Appellant ....Respondents

✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧

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

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

Name:- Muhammad Usman Rahim Khattak

Signature:- Malik Usman Khattak Advocate High Court & Federal Shariat Court of Pakistan BC No: 10-7555

Dated:- 31/8/2021

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR

Service Appeal No:- _____/2021

Muhammad Ashfaq **Versus** Govt: of KPK & others

..... Appellant .....Respondents

✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧

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Dated:-31/8/2021

Appellant

Through:-

Malik Usman Rahim Khattak
Advocate High Court &
Federal Shariat Court of Pakistan
Mob: 0345-9120512, 091-5272154

Malik Usman Rahim Khattak
Advocate High Court

(1)

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR

Khyber Pakhtukhwa
Service Tribunal
Diary No. 7520
Dated 01/09/2021

Service Appeal No:- 7346 /2021

Muhammad Ashfaq S/o Sami Ud Din, (ASI) R/o Aza Khel Bala, Tehisl & District Nowshera, presently Police Lines Peshawar.

..... Appellant

Versus

1. Government of Khyber Pakhtunkhwa through Secretary Home & Tribal Affairs, Civil Secretariat, Peshawar.
2. The Provincial Police Officer, Khyber Pakhtunkhwa, CPO, Peshawar.
3. Chief Capital City Police Officer, Police Lines, Peshawar.
4. Chief Traffic Officer, Peshawar.

.....Respondents

Filedto-day
Registrar
01/09/2021

✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧

APPEAL U/S 4 OF THE KPK SERVICE TRIBUNAL ACT 1974 AGAINST THE ORDER DATED 13/08/2021 PASSED BY RESPONDENT NO 3 WHERE BY DEPARTMENTAL APPEAL OF THE APPELLANT FILED AGAINST THE ORDER DATED 25/05/2021 OF RESPONDENT NO 4 HAS BEEN REJECTED.

Prayer in appeal:

On acceptance of this appeal the impugned order dated 13/08/2021 of respondent No 3 and Order dated 25/05/2021 of respondent No 4 may kindly be set aside and the appellant may kindly be ordered to be restored to his original rank with all back benefits.

Respectfully Sheweth:-

1. *That the appellant joined Police Department as a Constable in District Peshawar on 22/03/1986 and promoted to the rank of Inspector on 17/12/2020 and since then performed his duties with honesty and full devotion.* ***(Copy of Notification is attached as annexure "A").***

2. *That the appellant was transferred to the Traffic Police Peshawar and performed his duties alongwith other Traffic Officials on G.T Road, near Nishter Abad, Peshawar on 21/05/2021. The Complainant namely Khan Muhammad while riding is motorcycle was passing through Central Media (Prohibited area for crossing the road through motorcycle) upon which the appellant who was bound under the law/rules on the subject to prohibit him from doing such an unlawful act as it may cause a fatal accident on the road, therefore, he was warned and admonished not to do the same act again. As the appellant has done all this in good faith yet the rider was displeased and threatened the appellant for facing dire consequences.*

3. *That the rider being not a law abiding citizen, has went on to the extent that he filed an application against the appellant mentioning therein altogether a different story which is prima facie based on malafide the result of his malice towards the appellant for false reasons.*

4. *That respondent No 4 without observing legal formalities i.e. no charge sheet, statement of allegations given to the appellant and inquiry was also not conducting, but the appellant was awarded two steps reversion as punishment by respondent No 4 i.e. reverted from the rank of Inspector to the rank of ASI vide order dated 25/05/2021.* ***(Copy of the order dated 25/05/2021 is attached as annexure "B").***

5. *That the appellant filed departmental appeal on 27/05/2021 against the aforesaid impugned order before respondent No 3.* ***(Copy of departmental appeal is attached as annexure "C").***

6. *That respondent No 3 without any legal formalities, personal hearing of the appellant rejected his appeal vide order dated 13/08/2021.* ***(Copy of the order dated 13/08/2021 is attached as annexure "D").***

7. *That the impugned order dated 25/05/2021 of the respondent No 3 and order dated 13/08/2021 of respondent No 4 are against the law, facts and principals of justice on ground inter alia as follows:-*

Grounds:-

A. *That impugned order dated 25/05/2021 of the respondent No 4 and order dated 13/08/2021 of respondent No 3 are illegal*

and void ab-initio, being passed in utter violation of law and policy on the subject.

B. *That the appellant has not been treated in accordance with law and rules on the subject.*

C. *That the both the impugned orders are against the pronouncement of the superior judiciary of the country.*

D. *That ex-parte action has been taken against the appellant and he has been condemned unheard.*

E. *That no Show Cause Notice, charge sheet, statement of allegations given to the appellant nor proper inquiry in the matter was conducted.*

F. *That the allegations against the appellant are totally false, frivolous and baseless.*

G. *That the appellant has spotless career spanning about 35 years with clean record and has always earned excellent ACRs throughout his service career.*

H. *That mandatory provisions of law and rules has badly been violated by the respondents and the appellant has not been*

treated according to law and rules and the appellant did nothing that amounts to misconduct.

I. *That no time period has been mentioned in the impugned order as to far how much time the impugned order will be effective.*

J. *That the allegations are factual in nature, which needs through probe, which can only be done through regular inquiry.*

K. *That the appellant seeks permission to advance other grounds at the time of hearing.*

It is, therefore, most humbly prayed that on acceptance of this appeal the impugned order dated 13/08/2021 of respondent No 3 and Order dated 25/05/2021 of respondent No 4 may kindly be set aside and the appellant may kindly be ordered to be restored to his original rank with all back benefits.

\Dated:- 31 /08/2021

Appellant

Through:-

Malik Usman Rahim Khattak
Advocate High Court &
Federal Shariat Court of Pakistan
Mob: 0345-9182313, BC No: 10-7596

Malik Usman Rahim Khattak
Advocate High Court

Certificate:-

It is certify that no such like ***Service Appeal*** *has earlier been filed by the Appellant in this Honourable Tribunal.*

Malik Usman Rahim Khattak
Advocate High Court &
Federal Shariat Court of Pakistan
Mob: 0345-9182313, BC No: 10-7596

Advocate.

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR

Service Appeal No:- _____/2021

Muhammad Ashfaq **Versus** Govt: of KPK & others

..... Appellant .....Respondents

✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧

AFFIDAVIT

I, ***Muhammad Ashfaq*** *S/o* ***Sami Ud Din****, (ASI) R/o* ***Aza Khel Bala, Tehisl & District Nowshera, presently Police Lines Peshawar****, (The appellant) do hereby solemnly affirm and declare on oath that the contents of this accompanying* ***Service Appeal*** *are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.*

KHALID MAHMOOD ADVOCATE ATTESTED NOTARY PUBLIC PESHAWAR HIGH COURT

DEPONENT
CNIC No:- 17201-8023226-3
Cell No:- 03349441521

(7)

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR

Service Appeal No:- _____/2021

Muhammad Ashfaq **Versus** Govt: of KPK & others

..... Appellant .....Respondents

✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧

APPLICATION FOR SUSPENSION OF THE BOTH IMPUGNED ORDER DATED 25/05/2021 OF THE RESPONDENT NO 4 AND DATED 13/08/2021 OF RESPONDENT NO 3, TILL THE FINAL DECISION OF THE INSTANT SERVICE APPEAL.

Respectfully Sheweth:-

1. *That the above noted appeal has been filed in this Honourable Tribunal in which no date is yet fixed.*

2. *That the petitioner has got a prima facie case and hopeful for its success.*

3. *That the balance of convenience is also lies in his favour and if the both the impugned order dated 25/05/2021 of the respondent No 4 and order dated 13/08/2021 of respondent No 3 are not suspended then the petitioner/appellant would suffer irreparable loss.*

4. *That for issuing interim relief, the contents of main appeal may kindly be considered as integral part of this application.*

It is, therefore, humbly prayed that on acceptance of this application, both the impugned order dated 25/05/2021 of the respondent No 4 and order dated 13/08/2021 of respondent No 3 may kindly be suspended, till the final decision of the titled appeal.

Dated:- ___/___/2021

Appellant

Through:-

Malik Usman Rahim Khattak
Advocate High Court

Certificate:-

It is certify that no such like ***application*** *has earlier been filed by the Appellant in this Honourable Tribunal.*

Advocate.

(9)

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR

Service Appeal No:- _____/2021

Muhammad Ashfaq **Versus** Govt: of KPK & others

..... Appellant .....Respondents

✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧

AFFIDAVIT

I, ***Muhammad Ashfaq*** *S/o* ***Sami Ud Din****, (ASI) R/o* ***Aza Khel Bala, Tehisl & District Nowshera, presently Police Lines Peshawar****, (The appellant) do hereby solemnly affirm and declare on oath that the contents of this accompanying* ***application*** *are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.*

KHALID MAHMOOD ADVOCATE ATTESTED NOTARY PUBLIC PESHAWAR HIGH COURT

4-8-21

DEPONENT
CNIC No:- 17201-6023226-3
Cell No:- 03349441521

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR

Service Appeal No:- _____/2021

Muhammad Ashfaq **Versus** Govt: of KPK & others

..... Appellant .....Respondents

✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧

ADDRESSES OF PARTIES

APPELLANT

Muhammad Ashfaq S/o Sami Ud Din, (ASI) R/o Aza Khel Bala, Tehisl & District Nowshera, presently Police Lines Peshawar.

RESPONDENTS

1. Government of Khyber Pakhtunkhwa through Secretary Home & Tribal Affairs, Civil Secretariat, Peshawar.

2. The Provincial Police Officer, Khyber Pakhtunkhwa, CPO, Peshawar.

3. Chief Capital City Police Officer, Police Lines, Peshawar.

4. Chief Traffic Officer, Peshawar.

Dated:- 21 / 8 /2021

Appellant

Through:-

Malik Usman Rahim Khattak
Advocate High Court
Federal Shariat Court of Pakistan
Mob: 0345-9182313, BC No. 10-7596

Malik Usman Rahim Khattak
Advocate High Court

Annexure – A

FOR PUBLICATION IN THE KHYBER PAKHTUNKHWA POLICE GAZETTE PART-II, ORDERS BY THE PROVINCIAL POLICE OFFICER KHYBER PAKHTUNKHWA, PESHAWAR.

(11)

NOTIFICATION

No. 3446 E-III, ADMISSION TO LIST "F" AND PROMOTION AS OFFG: INSPECTOR (BPS-16):- Dated: 28 / 12 /2020

As per recommendation made by the Departmental Promotion Committee in its meeting held on 17.12.2020, the following confirmed Sub-Inspectors of KPK Police on list "F" are hereby promoted as Offg: Inspectors (BPS-16) with immediate effect:-

S.#	NAME & NO.	REGION	RECOMMENDATION
1.	SI Zahid Ali No. MR/134	Mardan	The DPC examined his case and **recommended** him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. **According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.**
2.	SI Bakht Zahir No. M/207	Malakand	The DPC examined his case and **recommended** him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. **According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.**
3.	SI Muhammad Saleem No. B/10	Bannu	The DPC examined his case and **recommended** him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. **According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.**
4.	SI Muhammad Israr No. P/145	CCP/Peshawar	The DPC examined his case and **recommended** him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. **According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.**
5.	SI Inam Ullah No. P/96	CCP/Peshawar	The DPC examined his case and **recommended** him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. **According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.**
6.	SI Sajawal No. P/97	CCP/Peshawar	The DPC examined his case and **recommended** him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. **According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.**
7.	SI Karim Dad No. P/98	CCP/Peshawar	The DPC examined his case and **recommended** him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. **According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.**
8.	SI Abdur Rauf No. P/347	CCP/Peshawar	The DPC examined his case and **recommended** him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. **According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.**
9.	SI Yahya Shah No. P/100	CCP/Peshawar	The DPC examined his case and **recommended** him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. **According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.**

Malik Usman Rahim Khattak
Advocate High Court &
Federal Shariat Court of Pakistan
Mob: 0345-9182313, BC No: 10-7596

10.	SI Jamshid No. P/101	CCP/Peshawar	The DPC examined his case and **recommended** him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. **According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.**
11.	SI Muhammad Ishfaq No. P/102	CCP/Peshawar	The DPC examined his case and **recommended** him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. **According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.**
12.	SI Muhammad Riaz No. P/103	CCP/Peshawar	The DPC examined his case and **recommended** him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. **According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.**
13.	SI Ghulam Ali No. P/104	CCP/Peshawar	The DPC examined his case and **recommended** him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. **According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.**
14.	SI Fazal Khaliq No. P/393	CCP/Peshawar	The DPC examined his case and **recommended** him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. **According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.**
15.	SI Muhammad Naaz No. P/106	CCP/Peshawar	The DPC examined his case and **recommended** him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. **According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.**
16.	SI Yousaf Ali No. P/107	CCP/Peshawar	The DPC examined his case and **recommended** him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. **According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.**
17.	SI Mujahid Shah No. P/108	CCP/Peshawar	The DPC examined his case and **recommended** him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. **According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.**
18.	SI Fazal Diyan No. P/110	CCP/Peshawar	The DPC examined his case and **recommended** him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. **According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.**
19.	SI Buhran-un-Din No. P/111	CCP/Peshawar	The DPC examined his case and **recommended** him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. **According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.**
20.	SI Muhammad Sabir No. P/112	CCP/Peshawar	The DPC examined his case and **recommended** him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. **According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.**
21.	SI Fazli Rokhan No. P/113	CCP/Peshawar	The DPC examined his case and **recommended** him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. **According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.**
22.	SI Hassan Gul No. P/114	CCP/Peshawar	The DPC examined his case and **recommended** him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. **According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.**

Malik Usman Rahim Khattak,
Advocate High Court &
Shariat Court of Pakistan
Mob: 0345-9182312, 10-7596

23.	SI Muhammad Ibrahim No. P/115	CCP/Peshawar	The DPC examined his case and **recommended** him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. **According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.**
24.	SI Tilawat Shah No. P/116	CCP/Peshawar	The DPC examined his case and **recommended** him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. **According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.**
25.	SI Fazal Rabi No. P/117	CCP/Peshawar	The DPC examined his case and **recommended** him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. **According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.**
26.	SI Akhtar Ali No. P/120	CCP/Peshawar	The DPC examined his case and **recommended** him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. **According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.**
27.	SI Faiz Ullah No. P/121	CCP/Peshawar	The DPC examined his case and **recommended** him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. **According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.**
28.	SI Fazli Elahi No. P/123	CCP/Peshawar	The DPC examined his case and **recommended** him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. **According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.**
29.	SI Mian Mohib Jan No. P/124	CCP/Peshawar	The DPC examined his case and **recommended** him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. **According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.**
30.	SI Mohammad Tabreez No. P/127	CCP/Peshawar	The DPC examined his case and **recommended** him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. **According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.**
31.	SI Sher Mohammad No. P/128	CCP/Peshawar	The DPC examined his case and **recommended** him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. **According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.**
32.	SI Amir Nawab No. P/129	CCP/Peshawar	The DPC examined his case and **recommended** him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. **According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.**
33.	SI Ghafir Ullah No. P/130	CCP/Peshawar	The DPC examined his case and **recommended** him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. **According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.**
34.	SI Ghaffar Ali No. P/133	CCP/Peshawar	The DPC examined his case and **recommended** him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. **According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.**
35.	SI Farukh Zada No. P/135	CCP/Peshawar	The DPC examined his case and **recommended** him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. **According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.**

36.	SI Shahjee Hussain No. P/136	CCP/Peshawar	The DPC examined his case and **recommended** him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. **According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.**
37.	SI Ahmad Gul No. P/395	CCP/Peshawar	The DPC examined his case and **recommended** him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. **According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.**
38.	SI Umar Shah No. P/144	CCP/Peshawar	The DPC examined his case and **recommended** him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. **According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.**
39.	SI Syed Sardar Ali Shah No. P/157	CCP/Peshawar	The DPC examined his case and **recommended** him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. **According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.**
40.	SI Akhtar Hussain No. P/163	CCP/Peshawar	The DPC examined his case and **recommended** him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. **According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.**
41.	SI Sehat Ali No. P/247	CCP/Peshawar	The DPC examined his case and **recommended** him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. **According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.**
42.	SI Riaz Ali Shah No. P/291	CCP/Peshawar	The DPC examined his case and **recommended** him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. **According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.**
43.	SI Fazal Akbar No. P/297	CCP/Peshawar	The DPC examined his case and **recommended** him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. **According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.**
44.	SI Ijaz Nabi No. P/406	CCP/Peshawar	The DPC examined his case and **recommended** him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. **According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.**
45.	SI Syed Khalid Shah No. P/298	CCP/Peshawar	The DPC examined his case and **recommended** him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. **According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.**
46.	SI Irfan No. P/299	CCP/Peshawar	The DPC examined his case and **recommended** him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. **According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.**
47.	SI Naeem Haider Khan No. P/300	CCP/Peshawar	The DPC examined his case and **recommended** him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. **According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.**
48.	SI Sajjad Ahmad No. P/407	CCP/Peshawar	The DPC examined his case and **recommended** him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. **According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.**

Malik Usman Rahim Khattak
Advocate High Court &
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Mob: 0345-9182313, BC No: 10-7596

49.	SI Imran Alam No. P/315	CCP/Peshawar	The DPC examined his case and **recommended** him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. **According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.**
50.	SI Khalid Anwar No. P/334	CCP/Peshawar	The DPC examined his case and **recommended** him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. **According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.**
51.	SI Ahmad Rasheed No. P/336	CCP/Peshawar	The DPC examined his case and **recommended** him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. **According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.**
52.	SI Muhammad Abid Afridi No. P/337	CCP/Peshawar	The DPC examined his case and **recommended** him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. **According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.**
53.	SI Shakir Ullah No. P/340	CCP/Peshawar	The DPC examined his case and **recommended** him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. **According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.**
54.	SI Gul Dad Khan No. P/341	CCP/Peshawar	The DPC examined his case and **recommended** him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. **According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.**
55.	SI Habib ur Rehman No. 19/M	Malakand	The DPC examined his case and **recommended** him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. **According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.**
56.	SI Nazir Rahman No. 343/M	Malakand	The DPC examined his case and **recommended** him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. **According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.**
57.	SI Ahmad Ali No. 464/M	Malakand	The DPC examined his case and **recommended** him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. **According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.**
58.	SI Farid Khan No. 466/M	Malakand	The DPC examined his case and **recommended** him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. **According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.**
59.	SI Shahi Room No. 505/M	Malakand	The DPC examined his case and **recommended** him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. **According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.**
60.	SI Bakht Afsar No. 517/M	Malakand	The DPC examined his case and **recommended** him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. **According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.**
61.	SI Muhammad Ismail No. 523/M	Malakand	The DPC examined his case and **recommended** him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. **According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.**

Attested

Malik Usman Rahim Khattak
Advocate High Court &
Federal Shariat Court of Pakistan
Mob: 0345-9182313, BC No: 10-7596

62.	SI Hazrat Hussain No. 527/M	Malakand	The DPC examined his case and **recommended** him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. **According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.**
63.	SI Ubaidullah No. 532/M	Malakand	The DPC examined his case and **recommended** him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. **According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.**
64.	SI Zahoor ud Din No. 29/M	Malakand	The DPC examined his case and **recommended** him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. **According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.**
65.	SI Sultanat Khan No. 437/M	Malakand	The DPC examined his case and **recommended** him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. **According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.**
66.	SI Imran Khan No. 119/M	Malakand	The DPC examined his case and **recommended** him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. **According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.**
67.	SI Azizur Rahman No. 72/M	Malakand	The DPC examined his case and **recommended** him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. **According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.**
68.	SI Anwar ul Haq No. 788/M	Malakand	The DPC examined his case and **recommended** him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. **According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.**
69.	SI Tasweer Hussain No. 627/M	Malakand	The DPC examined his case and **recommended** him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. **According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.**
70.	SI Falak Naz No. 675/M	Malakand	The DPC examined his case and **recommended** him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. **According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.**
71.	SI Miftah ud Din No. 629/M	Malakand	The DPC examined his case and **recommended** him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. **According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.**
72.	SI Tanveer Ahmed No. H/168	Hazara	The DPC examined his case and **recommended** him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. **According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.**
73.	SI Muhammad Yasin No. H/169	Hazara	The DPC examined his case and **recommended** him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. **According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.**
74.	SI Muhammad Sajjad No. H/170	Hazara	The DPC examined his case and **recommended** him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. **According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.**

Advocate

Malik Usman Rahim Khattak
Advocate High Court &
Federal Shariat Court of Pakistan.
Mob: 0345-9182313, BC No: 10-7596

(17)

25.	SI Muhammad Khushal No. 10171	Hazara	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
SUB INSPECTOR FSL			
01.	SI Syed Amarat Ali Shah	FSL	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.

Sd/-
DR. ISHTIAQ AHMAD PSP/PPM
Addl: IGP/HQrs:
For Inspector General of Police
Khyber Pakhtunkhwa, Peshawar.

Endst: No. & Dated even

Copy forwarded to the:-

1. Addl: IsGP/HQrs: & Investigation Khyber Pakhtunkhwa Peshawar.
2. Capital City Police Officer, Peshawar.
3. Regional Police Officer, Mardan Region, Mardan.
4. Regional Police Officer, Malakand Region Swat.
5. Regional Police Officer, Hazara Region Abbottabad.
6. Director, FSL, Khyber Pakhtunkhwa, Peshawar
7. PSO to Worthy Inspector General of Police Khyber Pakhtunkhwa Peshawar.
8. Office Supdt: Secret, CPO/Peshawar.
9. Office Supdt: E-II, CPO/Peshawar.
10. Office Supdt: CPU, CPO/Peshawar.
11. U.O.P files.

(ZAHID DILAWAR AFRIDI)PSP
AIG/Establishment
For Inspector General of Police
Khyber Pakhtunkhwa,

Malik Usman Rahim Khattak
Advocate High Court &
Fed... Court of Pakistan
Mob: ...2313, BC No: 10-7596

ORDER Annexure. B (18)

This is an order on the enquiry of the complaint lodged by one Khan Mohammad s/o Lal Mohammad r/o Peshawar against Officiating Inspector Mohammad Ashfaq No.P/102 for his abuse of power, highhandedness and beating the complainant. Both the parties were summoned to the office of the undersigned, heard and their statements were recorded. During the proceedings, accused Officiating Inspector admitted his guilt. Therefore, under the Khyber Pakhtunkhwa Police Rules 1975 (amended in 2014), Officiating Inspector Mohammad Ashfaq No.P/102 is given the major punishment of reversion from his substantive rank of Sub Inspector to the rank of Assistant Sub Inspector with immediate effect.

(**ABBAS MAJEED KHAN MARWAT**) PSP
CHIEF TRAFFIC OFFICER,
PESHAWAR.

No. 703-07 /PA, Dated Peshawar the 25/05/2021.

Copies to :-

1. The Capital City Police Officer, Peshawar for favour of information, please.
2. All SsP City Traffic Police, Peshawar.
3. EC
4. OSI
5. Accountant

For necessary action, please.

(**ABBAS MAJEED KHAN MARWAT**) PSP
CHIEF TRAFFIC OFFICER,
PESHAWAR.

Malik Usman Rahim Khattak
Advocate High Court &
Federal Shariat Court of Pakistan.
Mob: 0345-9102313, BC No: 10-7596
31/8/2021

Annexure- C

1

BEFORE THE CHIEF CAPITAL CITY POLICE OFFICER, PESHAWAR.

Subject:- DEPARTMENTAL APPEAL AGAINST THE ORDER DATED 25/05/2021 PASSED BY THE CHIEF TRAFFIC OFFICER, PESHAWAR.

Respected Sir,

1. *That the appellant joined Police Department as a Constable in District Peshawar on 22/03/1986 and promoted to the rank of Inspector on 17/12/2020 and since then performed his duties with honesty and full devotion.* ***(Copy of Notification is attached).***

2. *That the appellant alongwith other Traffic Officials perform his duties on G.T Road, near Nishter Abad, Peshawar on 21/05/2021. The Complainant namely Khan Muhammad while riding is motorcycle was passing through Central Media (Prohibited area for crossing the road through motorcycle) upon which the appellant who was bound under the law/rules on the subject to prohibit him from doing such an unlawful act as it may cause a fatal accident on the road, therefore, he was warned and admonished not to do the same act again. As the appellant has done all this in good faith yet the rider was displeased and threatened the appellant for facing dire consequences.*

P.T.O (2)

Malik Usman Rahim Khattak
Advocate High Court &
Federal Shariat Court of Pakistan
Cell: 0345-9182313, BC No. 10-7595

31/8/21

3. *That the rider being not a law abiding citizen, has went on to the extent that he filed an application against the appellant mentioning therein altogether a different story which is prima facie based on malafide the result of his malice towards the appellant for false reasons.*

4. *That no charge sheet, statement of allegations given to the appellant and inquiry was also not conducting, but appellant was awarded double punishment i.e. reverted from the rank of Inspector to the Rank of A.S.I.* ***(Copy of order is attached).***

5. *That the impugned order dated 25/05/2021 of Chief Traffic Officer is against the law, facts and principles of justice on the following grounds:-*

Grounds:-

A. *That the impugned order is illegal and void ab-initio, being passed in utter violation of law and policy on the subject.*

B. *That the appellant has not been treated in accordance with law and rules on the subject.*

C. *That the impugned order is against the pronouncement of the superior judiciary of the country.*

P.T.O (3)

Malik Usman Rahim Khattak
Advocate High Court &
Federal Shariat Court of Pakistan
Mob: 0345-9182713, BC No: 10-7555

(21)

D. *That ex-parte action has been taken against the appellant and he has been condemned unheard.*

E. *That no Show Cause Notice, charge sheet, statement of allegations given to the appellant nor proper inquiry in the matter was conducted.*

F. *That the appellant seeks permission to advance other grounds at the time of hearing.*

It is, therefore, most humbly prayed that on acceptance of this departmental appeal, the impugned order dated 25/05/2021 passed by learned Chief Tariff Officer, Peshawar vide Order No 703-07/PA dated Peshawar the 25/05/2021 may kindly be suspended and be declared null and void, against the law, and set aside, the appellant may graciously be restored to his original rank of Inspector

Dated:- 27 /05/2021

Appellant

Muhammad Ashfaq
No P/102

Malik Usman Rahim Khattak
Advocate High Court &
Federal Shariat Court of Pakistan
Mob: 0345-9182313, BC No: 10-7596

31/8/2021

Annexure-D (22)

OFFICE OF THE
CAPITAL CITY POLICE OFFICER,
PESHAWAR

ORDER.

This order will dispose of the departmental appeal preferred by **ASI Muhammad Ishfaq No. P/102** who was awarded the major punishment of **" reversion from substantive rank of SI to the rank of ASI"** by CTO, Peshawar vide order No. 703-07/PA, dt: 25.05.2021

2- Short facts leading to the instant appeal are that the accused officer while posted as officiating Inspector at Traffic Unit was charged for his abuse of power, highhandedness and beating the complainant Lal Muhammad s/o Khan Muhammad r/o Peshawar. In order to dig out the real facts, the competent authority called both the parties and heard them in persons and also recorded their statements. During the proceedings, the accused officer admitted his guilt therefore, he was awarded the above major punishment.

4- He was heard in person in O.R and the relevant record along with his explanation perused. During personal hearing the appellant failed to submit any plausible explanation in his defence. Therefore, his appeal setting **aside the punishment awarded to him by CTO/Peshawar vide No. 703-07/ PA, dated 25.05.2021 is hereby rejected/filed.**

(ABBAS AHSAN) PSP
CAPITAL CITY POLICE OFFICER,
PESHAWAR

No. 2526-28 /PA dated Peshawar the 13 / 08 /2021

Copies for information and necessary action to the :-

1. CTO/Peshawar along with S.Roll & S.Book w/r to his office No. 1692/SRC-I dated 03.06.2021
2. EC-I, EC-II,
3. Official Concern.

Malik Usman Karim Khattak
Advocate High Court &
Federal Shariat Court of Pakistan
Mob: 0345-9182313, BC No: 10-7596

31/8/2021

(23)

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR

Service Appeal No:- _____/2021

Muhammad Ashfaq **Versus** Govt: of KPK & others

..... Appellant .....Respondents

✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧

NOTICE UNDER RULE 11 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL RULES 1974 FOR FILLING OF SERVICE TRIBUNAL

To

1. Government of Khyber Pakhtunkhwa through Secretary Home & Tribal Affairs, Civil Secretariat, Peshawar.
2. The Provincial Police Officer, Khyber Pakhtunkhwa, CPO, Peshawar.
3. Chief Capital City Police Officer, Police Lines, Peshawar.
4. Chief Traffic Officer, Peshawar.

Respected Sir

Please take notice that I am going to file a Service Appeal before the Honourable Khyber Pakhtunkhwa Services Tribunal, Peshawar against the both the impugned order dated 25/05/2021 of the respondent No 4 and order dated 13/08/2021 of respondent No 3, whereby the appellant has been reverted from the rank of Inspector to the Rank of A.S.I, you are hereby informed regarding the filing of instant appeal.

Dated:- 31 / 8 /2021

Appellant

Through:-

Malik Usman Rahim Khattak
Advocate High Court

Malik Usman Rahim Khattak
Advocate High Court &
Federal Shariat Court of Pakistan
Mob: 0345-9182313, BC No: 10-7595

31/8/21

BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA

PESHAWAR

Service Appeal No. 7346/2021

Muhammad Ashfaq S/O Sami Ud Din ASI R/O Aza Khel Bala, Tehsil & District Nowshera, presently Police Lines, Peshawar.....**(Appellant)**

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Home & Tribal Affairs, Civil Secretariat Peshawar & three others..... **(Respondents)**

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(HABIB KHAN)
DSP Legal, City Traffic Police,
Peshawar

BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA

PESHAWAR

Service Appeal No. 7346/2021

Muhammad Ashfaq S/O Sami Ud Din ASI R/O Aza Khel Bala, Tehsil & District Nowshera, presently Police Lines, Peshawar.....**(Appellant)**

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Home & Tribal Affairs, Civil Secretariat Peshawar & three others..... **(Respondents)**

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO. 2, 3 & 4

RESPECTFULLY SHEWETH

PRELIMINARY OBJECTIONS.

1. That the appeal is badly barred by law & limitation.
2. That the appeal is bad for miss-joinder and non-joinder of necessary and proper parties.
3. That the appellant has not come to this Hon'able Tribunal with clean hands.
4. That the appellant has no cause of action and locus standai to file the instant appeal.
5. That the appellant is estopped by his own conduct to file the instant appeal.
6. That the appellant has concealed the material facts from this Honorable Tribunal.
7. That this tribunal lacks jurisdiction to adjudicate upon the matter.

FACTS:

1. Correct to the extent that appellant is the employee of respondent department but persuing the course of service, the performance of the appellant was not upto mark i.e. punishment order dated 25.05.2021.
2. Incorrect, appellant mis-used his power by beating the complainant Khan Muhammad.
3. Incorrect, appellant accepted his guilt infront of Chief Traffic Officer, Peshawar.
4. Incorrect, appellant confessed his guilt infront of Chief Traffic Officer, Peshawar. Thus there was no need for any further formality. On the other hand, the appellant was given major punishment of reversion from his Substantive rank of SI to the rank of ASI.
5. Incorrect, appellant was heard in person in Orderly Room but failed to submit any plausible explanation in his defense. Therefore, his appeal was rejected/filed.
6. Incorrect, as explained in Para 5.
7. Incorrect, orders of the respondents are based on facts, justice and are in accordance with law/rules.

Grounds:

A. Incorrect, as explained in Para 7.

B. Incorrect, appellant was treated in accordance with law and rules on the subject.

C. Incorrect, as explained in Para 7.

D. Incorrect, as explained in Para 5.

E. Incorrect, as explained in Para 4.

F. Incorrect, appellant confessed his guilt infront of Chief Traffic Officer, Peshawar. Thus there was no need for any further formality. Thus the allegations against the appellant are truthful.

G. Incorrect, persuing the course of service, the performance of the appellant was not upto the mark i.e. punishment order dated 25.05.2021.

H. Incorrect, the respondents treated the appellant according to law/rules.

I. Incorrect, the appellant was given major punishment of reversion from his substantive rank of SI to the rank of ASI under KP Police Rules 1975 (amended in 2014).

J. Incorrect, appellant confessed his guilt infront of Chief Traffic Officer, Peshawar. Thus there was no need for any further formality.

K. That respondent may also be allowed to advance any additional grounds at the time of hearing of the appeal.

PRAYER:

It is therefore, most humbly prayed that in the light of above facts and submission, the appeal of appellant being devoid of merits may kindly be dismissed with cost.

PROVINCIAL POLICE OFFICER,
KHYBER PAKHTUNKHWA,
PESHAWAR

CAPITAL CITY POLICE OFFICER
PESHAWAR

CHIEF TRAFFIC OFFICER,
PESHAWAR

BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA

PESHAWAR

Service Appeal No. 7346/2021

Muhammad Ashfaq S/O Sami Ud Din ASI R/O Aza Khel Bala, Tehsil & District Nowshera, presently Police Lines, Peshawar.....**(Appellant)**

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Home & Tribal Affairs, Civil Secretariat Peshawar & three others..... **(Respondents)**

AFFIDAVIT

We Respondents 2, 3 & 4 do hereby solemnly affirm and declare that the contents of the written apply are true and are correct to the best of our knowledge and belief and Nothing has been concealed from this Honorable Court.

ARSHAD IQBAL ADVOCATE ATTESTED Oath Commissioner DMC Courts Peshawar

11 / 03 / 202

PROVINCIAL POLICE OFFICER,
KHYBER PAKHTUNKHWA,
PESHAWAR

CAPITAL CITY POLICE OFFICER
PESHAWAR

CHIEF TRAFFIC OFFICER,
PESHAWAR

2

قیمت 100/- روپے

وکالت نامہ

بعدالت جناب سیشن جج / سپیشل جج

نام ایڈوکیٹ ملک عثمان رحیم خٹک

بارکونسل/ایسوسی ایشن نمبر BC-10-7596

رابطہ نمبر 0345-9182313

منجانب --------

دعویٰ --------

علت نمبر --------

مورخہ --------

جرم --------

تھانہ --------

-------- بنام --------

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن مقام

-------- کیلئے **ملک عثمان رحیم خٹک ایڈوکیٹ ہائی کورٹ، پشاور**

مقرر کرکے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے وتقرر ثالث و فیصلہ برحلف دیئے جواب دعویٰ اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک ورو پیہ ارعرضی دعویٰ اور درخواست ہرقسم کی تصدیق زرایں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی نیر دائر کرنے اپیل نگرانی و پیروی کرنے کا اختیار ہوگا۔ از 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 بھی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پرواختہ منظور قبول ہوگا دوران مقدمہ میں جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی مذکورہ کریں۔

لہذا وکالت نامہ لکھ دیا تا کہ سند رہے۔

المرقوم:- 31 ماہ 8 2021ء

بمقام -------- کے لئے منظور ہے۔

Accepted

Malik Usman Rahim Khattak
Advocate High Court &
Federal Shariat Court of Pakistan
Mob: 0345-9182313, BC No: 10-7596

31/8/2021

Malik Usman Rahim Khattak

Advocate High Court, Pehsawar

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