

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

**Service Appeal No. 1522/2022**

**Nouman Haider Ex-Constable No. 420 District Hangu .....Appellant**

**VERSUS**

Inspector General of Police,  
Khyber Pakhtunkhwa & others

.....Respondents

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**Deponent**  
**SI Legal, Hangu**

**BEFORE THE HONOABLE KPK SERVICE TRIBUNAL PESHAWAR.**

**Service Appeal No 1522 /2022**

**Nouman Haider S/o Rafi ud din R/o Moh Bahadar Gari Hangu Ex Constable Belt No: 420**

**Appellant**

Khyber Pakhtunkhwa  
Service Tribunal

**Versus**

Diary No. 2859

**The Inspector General of Police KPK Peshawar and Other..... Respondent. 10-1-2023**

**Para wise reply/Comments on behalf of respondent No: 1.2 & 3**

**Respected Sheweth,**

**Reply to Preliminary Objection :-**

1. That the appellant has got no cause of action locus standi.
2. That the instant Service appeal is badly time barred.
3. That the appellant has concealed material facts from the Honourable Tribunal in the instant appeal.
4. That the instant service appeal is against the relevant provisions of law.
5. That the appellant has not come to this Hon'able Tribunal with clean hands.
6. That the instant appeal is liable to be dismissed for mis-joinder & non-joinder of the necessary parties to the present appeal.
7. That the appellant is estopped by his own conduct to file the instant appeal.
8. That the instant service appeal is not maintainable in the present form & circumstances of the Case.

**Facts Reply:-**

- 1: That Para No: 1 of the fact is based on record.
2. That Para No: 2 of the fact correct to the extend that the appellant was indulge in criminal gross misconduct rest of the para pertains to record.
3. That Para No 3 of the fact is correct to the extent that proper show cause notice charge sheet & statement of allegations was served in which he himself admitted the charges leveled against him and entered into compromise deed for dispenses of criminal proceedings which is against the norms of respondent department and as matter of fact compromise is in it self confession hence the impugned order is just and legal. Hence Para denied (**Copy of impugned order & show cause notice along with reply is annexed as annexure A**)
4. That Para No; 4 of the fact is correct to the extent that upon the allegation enquiry was conducted to scrutinize the conduct of the appellant along with allegation which transpires that the appellant is guilty of the charges hence issued appropriate order in accordance with the rules as enshrined in enquiry rules it is pertinent to mentioned here that appellant himself admitted in memorandum of appeal that proper enquiry was conducted( **Copy of enquiry finding report is annexed as annexure B**)
5. That Para No: 5 of the fact is correct to the extent that after conclusion of enquiry findings report charges were proved and issued legal and speaking order which is still intact as proper enquiry was conducted and issued charge sheet against the appellant and the charges were proved through cogent evidence available on record and the appellant deliberately not replied to the enquiry proceedings as a

matter of fact sufficient material is available which suggest the punishment order without holding further proceedings hence the rejection order is just and legal . **(Copy of orders annexed as annexure C),.**

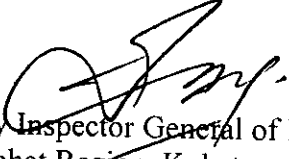
6. That Para No: 6 of the fact is legal have no concern hence no comments.

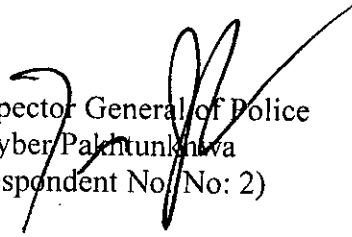
**Grounds:-**


- A. That Para No: A of the ground is incorrect and irrelevant, all the orders were issued in accordance with the rules after completing of all codal formalities issued the removal order which is still intact.
- B. Respondent department is well aware of its responsibilities towards enquiries and their conducted in accordance with the rules/regulations. The appellant was issued proper charge sheet in a moral aptitude case in which the appellant played a role of extremely disgraceful rogue in nature.
- C. That Para No: C of the ground is incorrect as the appellant himself stated in memorandum Para of the appeal that enquiry was conducted and show cause notice and charge sheet was issued and proper ample opportunity was given to him and also heard in person but the appellant failed to submit any satisfactory reply to enquiry officer. It is considered to be a confession in a moral aptitude case hence the ground so established by the appellant is not sustainable in eye of law.
- D. That Para No: D of the ground is incorrect as already explained in above reply of the ground it is worth mentioning here that the appellant was the employee of discipline force and seeking shelter of constitution but ignored this factum that being member of state institution indulge in criminal activities which is against the service rules as well as police rules. **(Copy of DD.s annexed as annexure E).**
- E. That Para No: E of the ground is incorrect, charge sheet and statement of allegation was issued to the appellant and the appellant was associated with the enquiry proceedings wherein he filed a compromise with the complainant, which is itself confession of the guilt. Final show cause notice was served upon the appellant to which he filed reply and he admitted his guilt. The appellant was heard in person in orderly room held on 12-07-2022, hence, all codal formalities have been fulfilled during the course of departmental proceedings.
- F. That Para No: F of the ground is incorrect as reported above, all codal formalities have been fulfilled and the enquiry report was provided to the appellant, also provide him final show cause notice and non provision of the said report has not been mentioned by the appellant in his reply to the notice.
- G. That Para No: G of the ground is incorrect ,the appellant being member of discipline department indulge himself in illegal activities charge in criminal case and earned a bad name to the department it is also worth mentioning that the appellant was enrolled in police department on 31-12-2019 and during his short span of his service less than three years, he earned a number of bad entries in his credit i.e remain will full absent from various occasions and awarded different kind of punishment ,failed basic recruit course and also indulge himself in illegal activities .therefore ,retention of such like elements in a discipline department is un warranted under the rules and shall also badly damage the image of police . **(Copy of necessary documents are annexed as annexure F)**
- H. That Para No: H of the ground is incorrect and irrelevant hence needs no comments.
- I. That Para No-I is legal, it is worth mentioning here the appellant .

PRAYER

In the light of the above stating material fact and record, the appeal in hand is merit less, not maintainable and badly time barred and liable to be dismissed with cost on the score of concealing the material facts before the hon'able tribunal.

  
Dy Inspector General of Police  
Kohat Region, Kohat  
(Respondent No: No: 1)

  
Inspector General of Police  
Khyber Pakhtunkhwa  
(Respondent No/ No: 2)

  
District Police Officer  
Hangu  
(Respondent No: No: 3)

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

**Service Appeal No. 1522/2022**  
**Nouman Haider Ex-Constable No. 420 District Hangu .....Appellant**


**V E R S U S**

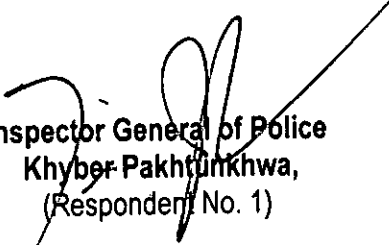
**Inspector General of Police,  
Khyber Pakhtunkhwa & others**


.....Respondents

**COUNTER AFFIDAVIT.**

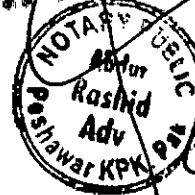
We, the below mentioned respondents do hereby solemnly affirm and declare on oath that contents of parawise comments are correct and true to the best of our knowledge and belief. Nothing has been concealed from this Hon: Tribunal.

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

  
**Inspector General of Police  
Khyber Pakhtunkhwa,  
(Respondent No. 1)**

  
**District Police Officer,  
Hangu  
(Respondent No. 3)**

**ATTESTED**



**11 0 JAN 2023**

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

**Service Appeal No. 1522/2022**  
**Nouman Haider**  
Ex-Constable 420, District Hangu

..... **Appellant**

**VERSUS**

Inspector General of Police,  
Khyber Pakhtunkhwa & others


..... **Respondents**

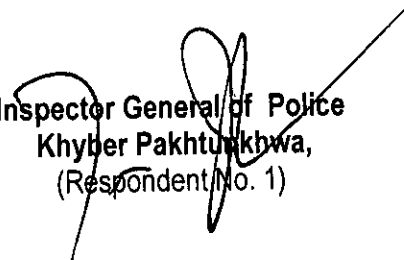
**REPLY TO APPLICATION FOR CONDONATION OF DELAY**

**RESPECTIVELY SHEWETH:**

1. Para No. 1 of the application is legal however, the application has not yet been discussed hence, needs no comments.
2. Para No. 2 of the application is pertained to record.
3. Para No. 2 of the application is incorrect as the appellant should explain each and every day for delaying purpose to justify his position in the light of the judgments of apex courts.

Therefore, it's humbly prayed that the captioned above may graciously be turn down being meritless.

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

  
Inspector General of Police  
Khyber Pakhtunkhwa,  
(Respondent No. 1)

  
District Police Officer,  
Hangu  
(Respondent No. 3)



Annex (A)

OFFICE OF THE  
DISTRICT POLICE OFFICER  
HANGU

Tel: 0925-623878 Fax 0925-62013.

## ORDER

This order is passed on the departmental enquiry against Constable Noman Haider No. 420 under the Khyber Pakhtunkhwa Police Rules 1975 (Amendment 2014).

Brief facts of the case are as under:-

- i. One complainant Zayab s/o Haroon Rashid r/o Moh: Al-Sheravi, District Hangu bearing Mobile No. 0347-9452707 was appeared before the undersigned and complained against you, Constable Noman Haider No. 420 regarding his blackmailing on social media through your WhatsApp No. 0336-9583028 by submitting the photocopy of messages (copy annexed).
- ii. Besides he being a member of disciplined force, a habitual absentee, narcotics addicted and found involved in attempt of child kidnapping vide DD No. 32, dated 01.04.2021 P.S City, Hangu as such acted in disciplinary manner and criminal gross misconduct on his part, which cannot be ignored.

He was served with Charge Sheet and statements of allegations vide this office No. 21/EC, dated 19.05.2022, to which he submitted his reply to the SP, Investigation Hangu who was appointed as Enquiry Officer to conduct departmental enquiry against him. After completion of enquiry, the Enquiry Officer submitted finding report vide his office Memo: No. 1606/Inv: dated 17.06.2018 in which defaulter Constable Noman Haider No. 420 is indisciplined official having criminal mind and he is a bad name for police force as well as he could not become a good police officer in future while under three. Similarly, his total service is 02 years, 09 months & 19 days in which his one year approved service has already forfeited in light of his activities and reputation as per his service record; therefore, the enquiry officer recommended him for awarding a major punishment of Removal from Service under Police Rules 12-21.

Consequently, he was called in orderly room on 06.07.2022 and heard in person, but he failed to submit any plausible reply in his self defence.

Subsequently, Final Show Cause Notice was issued to him vide No. 119/EC dated 06.07.2022 to which he submitted his reply on 12.07.2022 and found unsatisfactory as well.

Keeping in view of above and having gone through available record, the undersigned has arrived at the conclusion that defaulter Constable Noman Haider No. 420 is a indisciplined official by conducting the above mentioned gross misconduct, irregularities, irresponsibility and non-professionalism, which indicates that he was not interested to serve further. Moreover, in these circumstances his retention in Police Department is burden on public exchequer, therefore, I, Asif Bahader, (PSP), District Police Officer, Hangu in exercise of the powers conferred upon me under the Rules ibid, dispense with general proceedings and awarded him a major punishment of Removal from Service under Police Rules 12-21 with immediate effect.

Order Announced.

OB No. 244

Dated 19/7/2022

DISTRICT POLICE OFFICER,  
HANGU

OFFICE OF THE DISTRICT POLICE OFFICER, HANGU.

No. 4128-30/EC, dated Hangu, the 19/07/2022

Copy of above is submitted to the Regional Police Officer, Kohat Region, Kohat for favour of information, please.

2. Pay Officer, EC, Reader & OASI for necessary action.

DISTRICT POLICE OFFICER,  
HANGU

(7)

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

Tel: 0925-623878 Fax 0925-620135

No 119 /EC dated Hangu the 6 /07 /2022

**FINAL SHOW CAUSE NOTICE**

1. I, **Asif Bahader, (PSP), District Police Officer, Hangu** as competent authority, under the Khyber Pakhtunkhwa Police Rules 1975, (amended 2014) is hereby serve you, **Constable Noman Haider No. 420 while posted at Dallan Pul Check Post** as follow:-

- i. That consequent upon the completion of inquiry conducted against you by the inquiry officer Mr. Arshad Mehmood, SP, Investigator Hangu in which you have given full opportunity of hearing, but you failed to submit any reasonable response in your self defence and recommended you for removal from service under Police Rules 12-21 vide his office Memo: No. 1606/Inv; dated 17.06.2022.
- ii. From going, through the finding and recommendations of the inquiry officer, the material on record and other documentary proof including your defense before the inquiry officer.

I am satisfied that you have committed the following acts/omissions specified in section 3 of the said ordinance.

- i. **One complainant Zayab s/o Haroon Rashid r/o Moh: Al-Sheravi District Hangu bearing Mobile No. 0347-9452707 was appeared before the undersigned and complained against you, Constable Noman Haider No. 420 regarding his blackmailing on social media through your WhatsApp No. 0336-9583028 by submitting the photocopy of messages (copy annexed).**
- ii. **Besides you being a member of disciplined force, a habitual absentee, narcotics addicted and found involved in attempt of child kidnapping vide DD No. 32, dated 01.04.2021 P.S City Hangu as such acted indisciplined manner and criminal gross misconduct on your part, which cannot be ignored.**

2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you major penalty provided under the Rules *ibid*.

3. You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you also intimate whether you desire to be heard in person.

4. If no reply to this notice is received within 07 days of its delivery in the normal course of circumstances, it shall be presumed that you have no defence to put in and in that case as ex-parte action shall be taken against you.

5. The copy of the finding of inquiry officer is enclosed.

  
**DISTRICT POLICE OFFICER,  
HANGU**



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13/07  
2022

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Annex B ① ②

## FINDING REPORT

This departmental enquiry was conducted against Constable Noman Haider No. 420 under Police disciplinary Rules 1975 with amendment in 2014 on the following charges:-

- (i) ***One complainant Zayab s/o Haroon Rashid r/o Mohalla Al-Sheravi, District Hangu bearing Mobile No. 0347-9452707 has appeared before the DPO Hangu and complained against him, Constable Noman Haider No. 420 regarding his blackmailing on social media through***
- (ii) ***Your above act shows your dishonesty, negligence, disinterest and also amount to gross misconduct on your part.***

On receipt of enquiry papers from the office of District Police Officer, Hangu vide his office Endst: No. 21/EC dated 19.05.2022, defaulter constable was summoned in this office time and again on 24.05.2022, 26.05.2022, 30.05.2022, 08.06.2022 & 10.06.2022 on his cell phone No. 0336-9583028 to submit his reply of the Charge Sheet along-with Statement of Allegations already received by him, his brother Constable Imran of Elite Force attended his cell phone. In the last week of May-2022, his brother Constable Salman Haider of Elite Force Police Lines Hangu was summoned in the office of the undersigned and was directed to present his defaulter brother Noman Haider and also submit his reply. But after lapse of considerable time, he neither submit his reply nor any response received from his brother Salman Haider. After that on 13.06.2022, Constable Noman Haider sent his reply to Head Clerk of this office. His reply perused by the undersigned which is found unsatisfactorily.

On 14.06.2022, complainant and the defaulter Constable were summoned by the undersigned. The complainant & defaulter Constable were heard in person one by one and one Rahim Umar @ Rahim Mula r/o Bagato was also accompanied with complainant and he has given a written statement in which he stated that he along-with other Jirga Members have resolved the issue with defaulter Constable Noman Haider on compromise basis on the request of complainant father. The father of complainant requested to Rahim Umar (his father friend) to resolve the issue and to restrict his son from the defaulter Constable Noman Haider. The complainant stated in his statement that his father is in foreign country and the defaulter Constable is a cruel person and the complainant is very pathetic person in-front of him, he was forced by the defaulter Constable for compromise. Complainant Zayab s/o Haroon Rashid r/o Mohalla Al-Sheravi District Hangu further disclosed in his statement that

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(2)

able Noman Haider always blackmail him for dire consequences. During month of Holly Ramazan-ul-Mubarak, in main bazaar Hangu he forcibly snatched a mobile phone from him in which he has family pictures/data. He always sent him messages full of nasty words as well as blackmail him for sharing his pictures on internet.

The defaulter Constable was restricted by Muhammad Rahim to change his attitude with complainant Zayab. Their statements are placed with enquiry file for favour of kind perusal.

The compromise/deed agreement of Rahim Umar is placed with enquiry file which is verified from the complainant.

Incharge Police Post Mamo Khawara reported Constable Noman Haider No. 420 is absent from lawful duty with effect from 09.05.2022 to still absent vide DD No. 04 of Police Post Mamo Khawar.

On the perusal of his service record of Constable Noman Haider No. 420 by the undersigned in which it was found that the said Constables was enlisted in Police departmental on 31.12.2019. In short period of his service, many reports against him entered in daily dairy due to his disinterest in official duty, indiscipline attitude & absence from his lawful duty are present on record, detail of which is as under:-

- i. The defaulter Constable was ordered for extra drill punishment, he deliberately disobeyed the legal order of his senior vide DD No. 17 dated 07.12.2021.
- ii. The defaulter Constable deployed at Khair Shah Banda refused from the punishment of quarter guard. Due to his negligence and professional gross misconduct he was awarded minor punishment by the then DPO Hangu vide OB No. 143 dated 26.04.2022 & order Endst: No. 2623/EC, dated 27.04.2022.
- iii. The defaulter Constable posted at Police Lines Hangu had absented himself from duty as well as intentionally disobeyed the orders of his senior. Therefore, the then DPO Hangu awarded him minor punishment of stoppage of one annual increment vide OB No. 143 dated 26.04.2022 & order Endst: No. 2622/EC, dated 27.04.2022.
- iv. It is worth mentioning that Constable Noman Haider No. 420 was involved in another case vide FIR No. 350 dated 04.05.2020 u/s 337FV, 337 Aii PPC of Police Station City Hangu in which he is released by the court of Senior Civil Judge Hangu on compromise basis. His reputation in the area is very awful.
- v. The defaulter Constable is also involved in attempt to kidnap of child namely Sifat Ahmad s/o Saif Ullah aged 13/14 years caste Misti District Orakzai presently residing at Bahadar Banda Hangu on motorcycle vide DD No. 32 dated 01.04.2021 of PS City Hangu.

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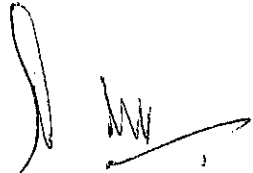
That the DPO Hangu ordered for confinement of defaulter Constable in quarter guard, he refused from confinement & disobeyed the order of his senior vide DD No. 45 dated 07.02.2022. In this connection the enquiry officer i.e. DSP City Hangu recommended him for appropriate punishment as he is indiscipline official, habitual absentee & drug abductee.

- vii. The defaulter Constable was habitual absentee & was creates problems to Police department. The then DPO Hangu has addressed to worthy RPO Kohat for his out district transfer vide his office letter No. 806/OASI, dated 10.02.2022.

**CONCLUSION / RECOMMENDATION:-**

In the light of above circumstances and perusal of service record, the undersigned has come to the conclusion that the defaulter Constable Noman Haider No. 420 is undisciplined official, have criminal mind and he is a bad name for Police force. He may not become a good Police officer in future. *He is under 03, his total service is 02 years, 05 months & 19 days in which one year his approved service has already forfeited vide order no quoted above. He is not confirmed now as Constable. In the light of his activities & reputation and Police service record. I as enquiry officer recommended him for removal from service under Police Rules 12 - 21.*

Submitted for favour of perusal and kind order please.

  
(ARSHAD MEHMOOD)

Enquiry Officer/Superintendent  
of Police Investigation Hangu

ORDER.

This order will dispose of a departmental appeal, moved by the Ex-Constable Nouman Haider No. 420 of district Hangu against the punishment order, passed by DPO Hangu vide OB No. 244, dated 19.07.2022 whereby he was awarded major punishment of removal from service on the allegations of blackmailing one Zayab Khan s/o Haroon Rashid r/o Alsheravi district Hangu and having dubious character i.e. absenteeism and narcotics addiction etc.

He preferred appeal to the undersigned, upon which comments were obtained from DPO Hangu and his service record was perused. He was also heard in person in Orderly Room held in this office on 13.09.2022. During hearing the appellant did not advance any plausible explanation in his defense to prove his innocence.

I have gone through the available record which indicates that the allegations leveled against the appellant have been proved and the same have also been established by the E.O in his findings. The appellant has tried to blackmail the complainant through Whatsapp, copy / print of which was also produced by the complainant to DPO Hangu. Record indicates that the appellant is a habitual absentee and previously found involved in attempt of child kidnapping. Therefore, in exercise of the powers conferred upon the undersigned, his appeal being devoid of merits is hereby rejected.

Order Announced  
13.09.2022

*(Signature)*  
(TAHIR AYUB KHAN) PSP  
Region Police Officer,  
Kohat Region.

No. 3471 /EC, dated Kohat the 14/09 /2022.

Copy to District Police Officer, Hangu for information and necessary action w/r to his office Letter No. 4965/LB, dated 06.09.2022. His Service Record is returned herewith.

*S rejected*  
*By Nazim*  
*D.P.O Hangu*  
*15/09/2022*

*(Signature)*  
(TAHIR AYUB KHAN) PSP  
Region Police Officer,  
Kohat Region.



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Amir

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موضوع	تاریخ
پیشہ کاروں کے لئے ایچ سی او کی طرف سے دیئے گئے ہیں۔	19/04/05
پیشہ کاروں کے لئے ایچ سی او کی طرف سے دیئے گئے ہیں۔	27/05/05
پیشہ کاروں کے لئے ایچ سی او کی طرف سے دیئے گئے ہیں۔	03/06/05
پیشہ کاروں کے لئے ایچ سی او کی طرف سے دیئے گئے ہیں۔	09/06/05
پیشہ کاروں کے لئے ایچ سی او کی طرف سے دیئے گئے ہیں۔	15/06/05
پیشہ کاروں کے لئے ایچ سی او کی طرف سے دیئے گئے ہیں۔	21/06/05

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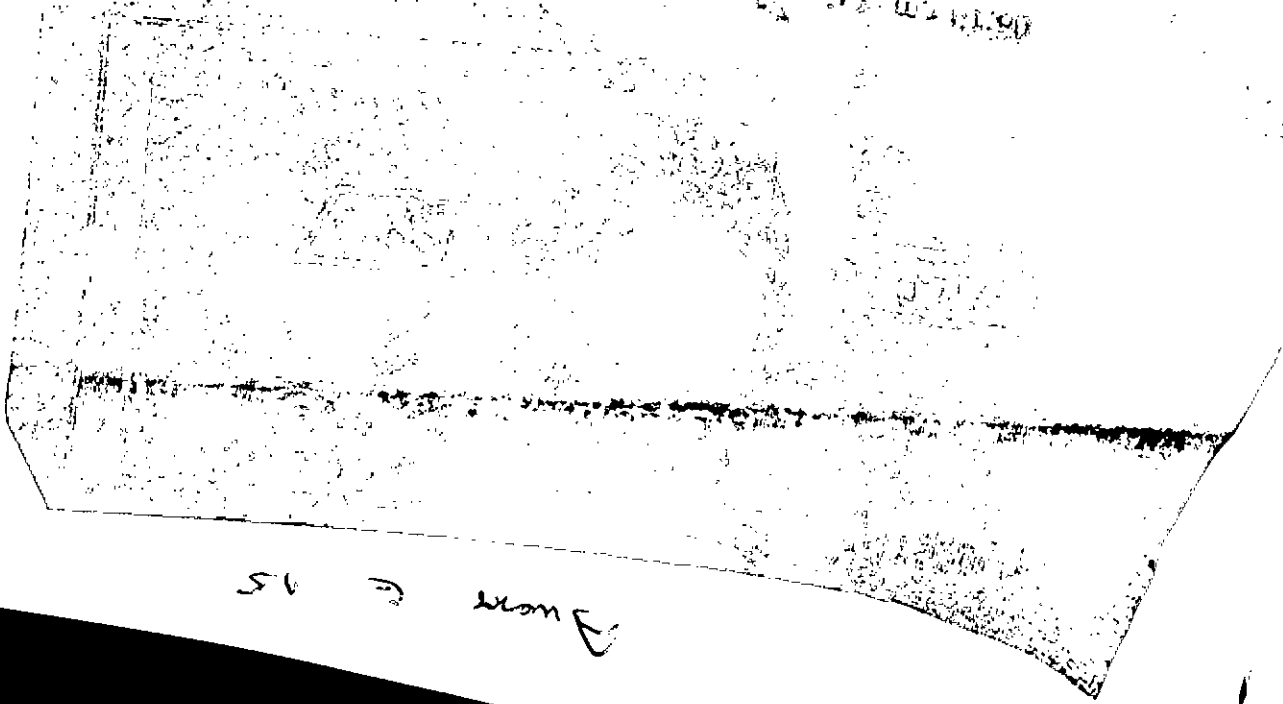
1101-827465-1

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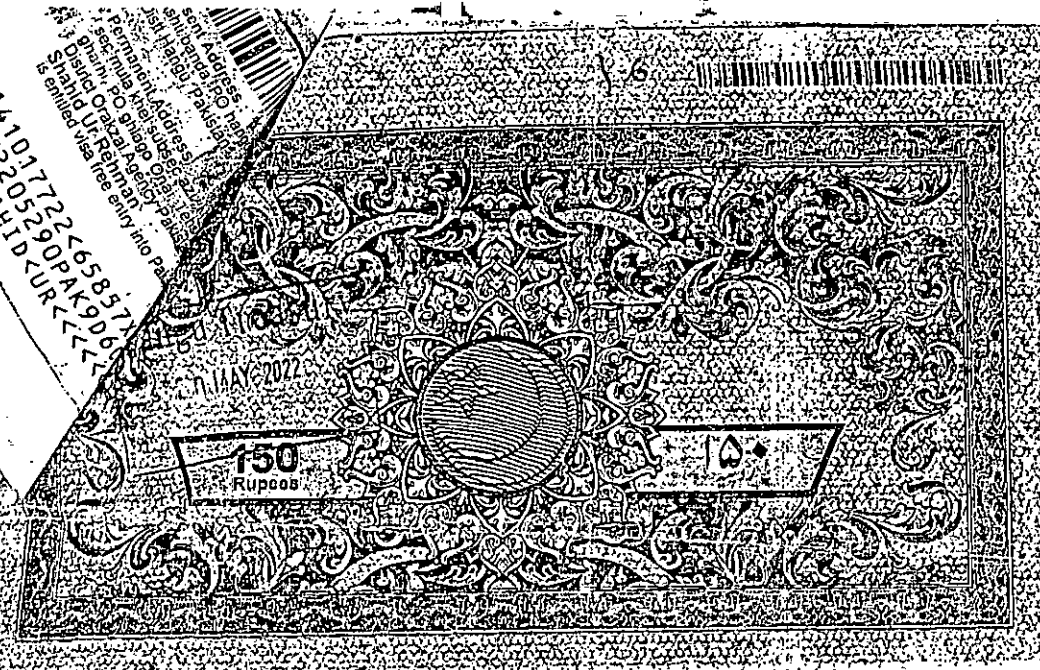
1101-827465-1

1101-827465-1



Answer = 15

PAKISTAN AIR MAIL  
 1410177226585  
 REHMAN SHAHID KUR



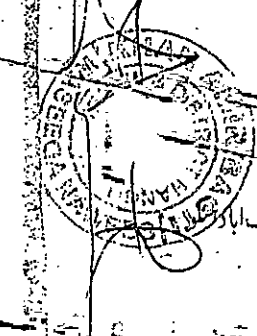
قرآن نامہ بوقت تحریر 04-30PM بمقام پٹی افس ہنگو  
 بپانکہ زیاب جان ولد ہارون شید سکندھ سٹریٹ نمبر 3 محلہ الشیر دای تحصیل ضلع ہنگو۔ فریق اول  
 سلمان حیدر ولد رفیع الدین سکندھ محلہ ملک آباد تحصیل ضلع ہنگو۔ فریق دوم  
 بہرگاہ من فریق اول اور فریق دوم کے مابین مورخہ 19-05-2022 تلخ کلامی ہوئی تھی۔ حسمہ من فریق اول نے فریق دوم کے خلاف درخواست بھی دی ہے۔ مذکورہ تلخ کلامی استاز سے کے متعلق آج یوم دونوں فریقین رو بروئے ذہن گواہان تصدیق صلح کر کے ایجنسی بغل گیر ہونے۔ آج یوم کے بعد دونوں فریقین مذکورہ تنازعے تلخ کلامی کے متعلق ایک دوسرے سے کسی قسم کا دعویٰ مطالبہ نہیں کریں گے۔ من فریق اول فریق دوم کے خلاف قانونی کارروائی کرونگا اور فریق دوم کے خلاف دیا ہوا درخواست بھی واپس لینے کا پابند ہونگا۔ دونوں فریقین مذکورہ تنازعے تلخ کلامی کے متعلق ایک دوسرے کے خلاف کسی قسم کی قانونی چارہ جوئی نہیں کریں گے۔ دونوں فریقین اپنے اپنے وارثان کے ذمہ دار ہونگے۔ لہذا آج یوم قرار نامہ لکھنا تاکہ سند رہے مورخہ 01-06-2022

العبد (فریق دوم)  
 سلمان حیدر

14101-1074953-7

العبد (فریق اول)  
 زیاب جان

14101-5229906-5



گواہان  
 شاہد الرحمن ولد ایوب خان سکندھ مشٹو بانڈہ تحصیل ضلع ہنگو،  
 تیمور رحمان ولد سعید الرحمن سکندھ عید گاہ روڈ ملک آباد تحصیل ضلع ہنگو

14101-9327465-1

14101-7722658-5

رجیم عمر ولد الیز خان سکندھ بکو تحصیل ضلع ہنگو

14101-0784862-3

سجاد علی ولد فضل نبی سکندھ مدرسہ روڈ ہنگو

14101-9753313-9

POLICE OFFICER,  
 HANGU

14/107/2022  
 Reader & OASI for necessary action.

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14101-3310000

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14101-9827455-1

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