

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 9265/2020

Date of Institution ... 10.08.2020

Date of Decision ... 15.09.2021

Taswir Jan S/O Mir Alam Jan, Senior Clerk, Office of S.PFRP Bannu.

... (Appellant)

VERSUS

Inspector General of Police, Khyber Pakhtunkhwa Peshawar and two others.

... (Respondents)

NAILA JAN

Advocate

... For Appellant

KABIRULLAH KHATTAK,

Additional Advocate General

... For Respondents

SALAH-UD-DIN

ATIQ-UR-REHMAN WAZIR

... **MEMBER (JUDICIAL)**

... **MEMBER (EXECUTIVE)**

JUDGMENT

ATIQ-UR-REHMAN WAZIR MEMBER (E):- Brief facts of the case are that the appellant while serving as senior clerk in the office of Regional Police Officer, Bannu, was proceeded against on the charges of misconduct and was awarded minor punishment of forfeiture of two years service vide order dated 23-01-2020. Feeling aggrieved, the appellant filed departmental appeal dated 20-02-2020, which was rejected vide order dated 01-07-2020 and communicated to the appellant on 10-07-2020, hence the instant service appeal instituted on 07-08-2020 with prayers that

the impugned orders dated 23-01-2020 and 01-07-2020 may be set aside and forfeited service of the appellant may be restored with all back benefits.

02. Learned counsel for the appellant has contended that the appellant was proceeded against under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 but penalty was imposed under police rules, which is illegal; that the appellant was proceeded against on the charges, which had already been settled; that the inquiry so conducted was in questionnaire form, which practice has already been discouraged by the apex court and which shows that no opportunity of defense was afforded to the appellant, nor he was afforded an opportunity to cross-examine witnesses; that the appellant belongs to ministerial staff and competent authority for such staff is Provincial Police Officer, whereas the impugned order has been passed by an incompetent authority i.e. respondents No. 3, hence the impugned order is ~~is~~ coram non-judice, thus void order; that the inquiry so conducted is self contradictory and the inquiry officer failed to prove the charges, rather he admitted the fact that there is no solid evidence to prove the charges against him, but even then, the appellant was recommended for award of major punishment; that the appellant has not been provided any opportunity of fair trial as guaranteed by article-10 of the constitution and was condemned unheard;

03. Learned Additional Advocate General appearing on behalf of respondents has contended that the appellant was proceeded against in accordance with law, as proper charge sheet/statement of allegations were served upon the appellant, to which he responded; that a proper inquiry was conducted and final show cause notice was issued to the appellant, to which he also responded; that the inquiry officer recommended major penalty, but the competent authority taking a lenient view, awarded minor penalty of forfeiture of two years service, which does

commensurate with guilt of the appellant; that proper opportunity of personal hearing was afforded to the appellant, but he failed to prove his innocence.

04. We have heard learned counsel for the parties and have perused the record. Record reveals that in 2017, upon an anonymous compliant, the appellant was proceeded against on the charges of delayed submission of case of SI Asmatullah, which resulted into depriving him of his fundamental rights, alteration in seniority list of police officials for bringing their names on list B-1 and reported to be corrupt. An inquiry to this effect was conducted by an inquiry committee constituted for the purpose, which submitted its report on 09-03-2017 and exonerated the appellant of all the charges and the case was filed. On 20-11-2019, the RPO Bannu served charge sheet/statement of allegations under the same charges upon the appellant and appointed an inquiry officer to probe again into such allegations which had already been quashed by the inquiry committee in 2017. Inquiry officer appointed to this effect, conducted an inquiry and submitted its report. The inquiry officer in his findings has confessed that no solid proof was found against the appellant, still he was recommended for major punishment. The inquiry so conducted cannot be termed as a regular inquiry, as the appellant was not associated with the inquiry proceedings nor he was afforded opportunity to cross-examine witnesses. Based upon such inquiry report, final showcause notice was served upon the appellant, which was also responded by the appellant and finally minor penalty of forfeiture of two year service was imposed upon the appellant. we have observed that the appellant, being a ministerial staff, was rightly proceeded against under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, but penalty was awarded under Police rule, as there is no concept of penalty of forfeiture of approved service in Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, rather such penalty comes under the category of minor

penalties in police rules, hence the penalty so awarded is illegal and is liable to be set aside. Needless to mention that no charges were established against the appellant in different inquiries but the respondent No. 3 was bent upon penalizing the appellant on any pretext, which action was based on malafide and without any legal justification.

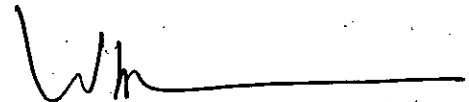
05. In view of the foregoing the instant appeal is accepted. The impugned orders dated 23-01-2020 and 01-07-2020 stands set aside and forfeited service of the appellant stands restored with all consequential benefits, if any. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED

15.09.2021



(SALAH-UD-DIN)
MEMBER (JUDICIAL)



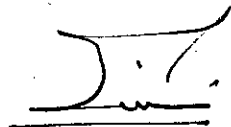
(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)

ORDER
15.09.2021

Appellant alongwith his counsel Ms. Naila Jan, Advocate present. Mr. Yaqoob H.C alongwith Mr. Kabirullah Khattak, Additional Advocate General for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today, separately placed on file, the instant appeal is accepted. The impugned orders dated 23-01-2020 and 01-07-2020 stands set aside and forfeited service of the appellant stands restored with all consequential benefits, if any. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED
15.09.2021



(SALAH-UD-DIN)
MEMBER (JUDICIAL)



(ATIQU-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)

21.01.2021

Counsel for appellant present.

Noor Zaman Khattak learned District Attorney alongwith
Yaqoob Khan H.C for respondents present.

Written reply was not submitted. Representative of
respondents made a request for time to furnish
reply/comments; granted. To come up for written
reply/comments on 16.03.2021 before S.B.



(Rozina Rehman)
Member (J)

16.03.2021

Due to tour of Camp Court Abbottabad and shortage
of Members at Principal Bench Peshawar, the case is
adjourned to 25.05.2021 before S.B.


Reader

25.05.2021

Counsel for the appellant and Mr. Kabirullah Khattak,
Addl. AG alongwith Yaqub Khan, H.C for the
respondents present.

Respondents No. 1, 2 and 3 have submitted their
parawise comments/reply. The appeal is assigned to D.B
for arguments on 15.09.2021.



Chairman

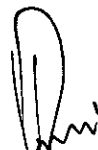
02.10.2020

Counsel for the appellant present.

Argued that the appellant belongs to the ministerial cadre of Police, therefore, he was not supposed to be proceeded against under the provisions of Police Order, 2002 but the proceedings should have been taken under the Khyber Pakhtunkhwa Government Servants (E&D) Rules, 2011. Further argued that the impugned orders dated 23.1.2020 and 01.07.2020 were passed by officers who were not competent for the purpose.

Subject to all just exceptions, instant appeal is admitted to regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 30.11.2020 before S.B.

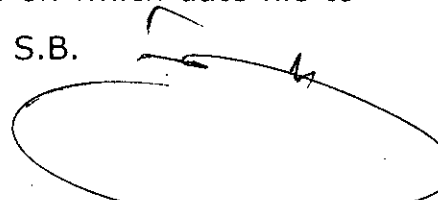
Appellant Deposited
Security & Process Fee
02/10/20


Chairman

30.11.2020

Junior counsel for appellant is present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents is also present.

Written reply on behalf of respondents not submitted. Learned Additional Advocate General is directed to ensure presence of representative of the department and submit reply on the next date. Adjourned to 21.01.2021 on which date file to come up for written reply/comments before S.B.

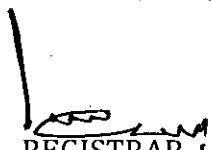


(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- _____ /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	11/08/2020	<p>The appeal of Mr. Taswir Jan resubmitted today by Naila Jan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-		<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>02/10/2020</u></p> <p style="text-align: right;"> CHAIRMAN</p>

R 65
2020

The appeal of Mr. Taswir Jan son of Mir Alam Jan Senior Clerk Office of S.P FRP Bannu received today i.e. on 10.08.2020 is incomplete on the following score which is returned to the counsel for the appellatant for completion and resubmission within 15 days.

- ✓ 1- Annexure-E of the appeal is illegible which may be replaced by legible/better one.
- ✓ 2- Addresses of respondent no. 2 & 3 are incomplete which may be completed according to the Khyber Pakhtunkhwa Service Tribunal rules 1974.
- ✓ 3- Memorandum of appeal may be got signed by the appellatant.
- ✓ 4- Affidavit may be got attested by the Oath Commissioner.
- ✓ 5- Annexures of the appeal may be attested.
- ✓ 6- Annexures of the appeal may be flagged.

No. 2352 /S.T,

Dt. 11-08 /2020


REGISTRAR

SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Naila Jan Advocate Peshawar.

*Removed all
the objections
and resubmitted by
Taswir Jan
11/8/2020*

BEFORE THE HONBLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR

Service Appeal No: 9265 /2020

Taswir Jan

VERSUS

IGP Peshawar & Others

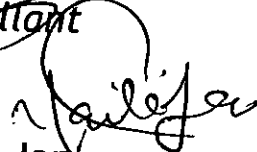
INDEX

S#	Description of Documents	Annex	Pages
1.	Grounds of Appeal.		1-8
2.	Application of Condonation of Delay		9-10
3	Affidavit.		11
4	Addresses of Parties		12
5	Copy of list showing the rating of ACR(s)	"A"	13-50
6	Copy of Charge Sheet & Detail of Inquiries	"B & C"	51-55
7	Copies of the Reply to Charge Sheet & Inquiry Reports	"D & E"	56-60
8	Copies of the Show Cause Notice & Reply	"F & G"	61-64
8	Copy of Impugned order dated 23/01/2020	"H"	65
9	Copy of Departmental appeal and Appellate Order	"I & J"	66-72
10	Wakalat Nama		73

dated: 07/08/2020


Appellant

Through


Naila Jan
Advocate, High Court
Peshawar.

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**BEFORE THE HONBLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR**

Khyber Pakhtunkhwa
Service Tribunal

Appeal No. 9265 /2020

Diary No. 2573

Dated 10/8/2020

Taswir Jan S/o Mir Alam Jan, Senior Clerk, Office of
S.PFRP Bannu.

-----**(Appellant)**

VERSUS

1. Inspector General of Police, Khyber Pakhtunkhwa Peshawar.
2. Additional Inspector General of Police. *kp peshawar*
3. Regional Police Office. *Bannu Region Bannu.*

-----**(Respondents).**

**APPEAL U/S 4 OF KHYBER
PAKHTUNKHWA SERVICES
TRIBUNAL ACT -1974 AGAINST
THE IMPUGNED ORDER DATED
23/01/2020 WHEREBY THE
APPELLANT WAS AWARDED
PUNISHMENT OF FORFEITURE OF
2 YEARS APPROVED SERVICE IN
VIOLATION OF LAW AND E & D
RULES 2011 AND ORDER DATED
01/07/2020 WHEREBY
DEPARTMENTAL APPEAL OF
APPELLANT HAS BEEN REJECTED
IN A CURSORY AND ILLEGAL
MANNER.**

Filed to-day

ew
Registrar
10/8/2020

**Re-submitted to -day
and filed.**

ew
Registrar
11/8/2020

refused

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PRAYER IN APPEAL:-

ON ACCEPTANCE OF THIS SERVICE APPEAL THE IMPUGNED ORDERS DATED 23/01/2020 & ORDER DATED 01/07/2020 MAY KINDLY BE SET ASIDE, BEING AGAINST THE LAW, RULES, VOID AB-INITIO AND CORUM-NON-JUDICE, THE FORFEITED SERVICE OF THE APPELLANT MAY KINDLY BE RESTORED WITH ALL BACK BENEFITS.

Respectfully Sheweth;

The Appellant submits as under

1. That the appellant was inducted into service as Junior Clerk vide order dated 28/12/1999 and after appointment, the appellant performed his duties with great zeal, zest and to the entire satisfaction of his superiors and due to his excellent service record, devotion and honesty, the appellant was promoted as Senior Clerk vide order dated 11/12/2011.

also

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2. That due to the excellent and devoted performance, the appellant was awarded almost "A" grade in all ACR(s) and during his entire service, the appellant got no adverse remarks. (Copy of list showing the rating of ACR(s) is annexure "A")

3. That appellant was issued a charge sheet along with statement of allegations containing same baseless allegations by an incompetent authority i.e. Respondent No:3. It is worth mentioning that the charges leveled were inquired previously in the year 2017 and 2019 by the competent authority and the same was filed. However, in the charge sheet malafidely against the appellant was proceeded on the same charges. (Copy of the Charge Sheet is "B" and detail of inquires are "C")

4. That the appellant submitted a detail reply to the charges mentioned in the charge sheet, however, a one sided inquiry was conducted in Question/ Answer form and without affording

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proper opportunity of cross-examination and the inquiry officer on one hand himself admitted that there is no solid proof against the appellant. However, on the other hand malafidely recommended the appellant for Major Punishment. (Copies of the Reply to Charge Sheet & Inquiry Reports are Annexure "D & E").

5. That the appellant was issued a show-cause notice which was replied by the appellant. (Copies of the Show Cause Notice & Reply are annexure "F & G").

6. That without providing opportunity of personal hearing, the appellant was awarded the punishment of forfeiture of two years approved service by incompetent authority i.e Respondent No:3 vide impugned order dated 23/01/2020. (Copy of Impugned order dated 23/01/2020 is annexure "H")

7. That feeling aggrieved from the impugned order dated 23/01/2020, the appellant filed

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departmental appeal which was again rejected without any speaking order by an incompetent authority / respondent No:2 (AIG) instead of Inspector General / Respondent No: 1, vide order dated 01/07/2020 communicated on 10/07/2020. (Copy of Departmental appeal and Appellate Order are annexure "I & J").

8. That feeling aggrieved from both the impugned orders, the appellant filing the instant appeal on the following grounds:-

GROUND:

- A. That the impugned order is against the law, rules and principle of natural justice, hence void ab-initio.
- B. That the inquiry has been conducted in questioning form which is sufficient to prove that no proper opportunity of cross-examination or defense has been provided to the appellant.
- W/O*

6

C. That the appellant belongs to ministerial staff, was to be dealt under E & D Rules 2011. However the appellant has not been dealt with the ibid rules as the appellant has been awarded punishment which is nowhere mentioned in the E & D Rules 2011.

D. That as per Rule 2 (F) (I) competent authority means the appointing authority and as per section 44 (1) of KP Police Act 2017, the appointing authority is IGP/ PPO i.e Respondent No:1. However, the impugned order dated 23/01/2020 has been passed by an incompetent authority i.e. Respondent No: 3 (RPO). Hence the impugned order is Corum-Non-Judice, thus void orders.

E. That not only the original order dated 23/01/2020 is corum-non-judice but the appellate order dated 01/07/2020 is also corum-non-judice, as the appeal of the appellant has also been rejected by an

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incompetent authority i.e. Respondent No:2 (AIG) instead of Respondent No:1 (I.G.P).

F. That the inquiry report is self contradictory as the inquiry officer failed to prove the charges and this fact has been admitted by the inquiry officer. However, contrary to the above in the conclusion, the appellant has been considered guilty and recommended for major punishment, thus this fact is sufficient to declare the impugned orders malafide and illegal.

G. That all the charges are baseless and the inquiry officer is failed to bring in iota of evidence against the appellant.

H. That the appellant has been made escape goat, thus he has been subjected to discrimination, which is violation of Article 25 of the Constitution of the Islamic Republic of Pakistan 1973.


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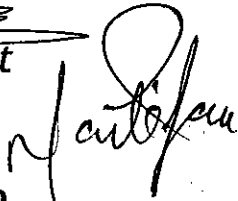
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- I. That the appellant has not been provided opportunity of fair trial as guaranteed by Article 10-A of the Constitution of 1973.
- J. That both the impugned orders are not speaking orders.
- K. That the inquiry officer did not record statement of any witness nor did the statements of the witnesses has been provided.
- L. That as per instruction of S & GD anonymous or pseudonymous complaints are to be filed without any proceedings. However, the appellant has been subjected to impugned orders on the basis of anonymous complaints. (Copy of the Instructions is annexure "J")
- M. That the appellant has been condemned unheard.
- N. That any other grounds will be raised at the time of arguments with the prior permission of this Hon'ble Tribunal.

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

Dated: 07/08/2020


Appellant

Through 
Naila Jan
Advocate, High Court
Peshawar.

90

BEFORE THE HONBLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR

Service Appeal No: _____/2020

Taswir Jan

VERSUS

IGP Peshawar & Others

APPLICATION FOR CONDONATION OF DELAY

RESPECTFULLY SHEWETH:-

Application submits as under.

1. That the above mentioned appeal is filing before this Hon'ble Court in which no date is fixed for hearing so far.
2. That the final impugned order was communicated to the appellant on 10/07/2020 and the instant appeal is within time, however if it would be considered time barred then the limitation is condonable on the following grounds

GROUND:

- A. That the impugned order is void order and coram-non-judice.

B. That the final order was communicated to the appellant on 10/07/2020.


C. That there are number of precedents of Supreme Court of Pakistan which provides that the cases shall be decided on merits rather than technicalities.

It is therefore requested that the limitation period (if any) may kindly be condone in the interest of justice.

Dated: 07/08/2020


Appellant

Through


Naila Jan
Advocate, High Court
Peshawar.

BEFORE THE HONBLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR

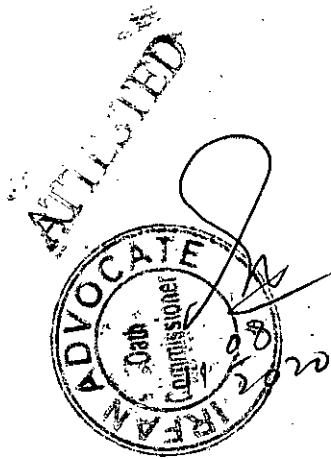
Service Appeal No: _____/2020

Taswir Jan

VERSUS

IGP Peshawar & Others

AFFIDAVIT



I, Taswir Jan S/o Mir Alam Jan, Senior Clerk, Office of S.PFRP Bannu. do hereby solemnly affirm and declare that all the contents of the application for condonation of delay are true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Hon'ble Tribunal.

DEPONENT

IDENTIFIED BY:

NAILA JAN
Advocate, High Court
Peshawar.

12

BEFORE THE HONBLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR

Service Appeal No: _____/2020

Taswir Jan

VERSUS

IGP Peshawar & Others

ADDRESSES OF PARTIES

APPELLANT.

Taswir Jan S/o Mir Alam Jan, Senior Clerk, Office of
S.PFRP Bannu.

ADDRESSES OF RESPONDENTS

1. Inspector General of Police, Khyber Pakhtunkhwa
Peshawar.
2. Additional Inspector General of Police. *KP Peshawar*
3. Regional Police Office. *Bannu Region Bannu.*

Dated: 07/08/2020

Bannu
Appellant

Through

Naila Jan
Naila Jan
Advocate, High Court
Peshawar.

13

DETAIL OF ANNUAL CONFIDENTIAL REPORT FOR THE YEAR 2008 TO 2019

Period	Name of reporting officer	PART-II														PART-III		PART-IV		PEN PICTURE
		(A) PERFORMANCE				(B) PERSONAL TRAITS										Recommendation		General Assessment		
		(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(a)	(b)	i	ii	
		Referencing, paging of notes and correspondence	Movement of files & Records of suspense	Keeping files and papers in tidy conditions	Promptness and accuracy in disposing of	Intelligence	Knowledge of procedure and regulations	Punctuality	Cooperation and tact	Amenability and tact	Skill in drafting	Integrity	Knowledge of typing and computer	Trust worthiness	Any disciplinary action	Fit for promotion	Acceleratory promotion	Very good	Good	
03.06.08 to 31.12.08	Mohd: Alam Shinwari (DPO/Bannu)	A	A	A	A	A	A	A	A	A	A	No complt:	Yes	Yes	No	Yes			Yes	A good police officer
22.02.09 to 31.12.09	Mohd: Iqbal Khan Marwat, DPO/Bannu	A	B	A	A	A	B	A	A	A	A	do-	Yes	Yes	No	Yes	Nil	Yes		Intelligent, efficient and hard working and
16.02.10 to 31.12.10	Sijjad Khan, DPO/Bannu	A	B	B	A	A	A	B	A	B	Incorrupt-tible	Yes	Yes	No	Yes	Nil	Nil	Yes		An efficient, punctual and hardworking official
01.01.11 to 31.12.11	-do-	A	A	A	A	A	A	A	A	A		Yes	Yes	No	Yes		Yes			He is well conversant with the rules and regulations. He is reliable and efficient
14.04.12 to 31.12.12	Waqar Ahmad, DPO Bannu.	A	A	A	A	A	A	B	A	B		Yes	Yes	No	Yes	Nil	Yes	Nil		A well disciplined and hardworking officer.
01.01.13 to 15.03.13	Do-	A	A	A	A	A	A	A	A	A		Yes	Yes	No	Yes	Nil	Yes	Nil		An intelligent officers
26.06.13 to 31.12.13	Mohd: Iqbal, DPO/Bannu.	A	A	A	A	A1	A1	A1	A1	A		Yes	Yes	No.	Nil	Yes	Yes	Nil		A good police official
13.10.14 to 31.12.14	Abdur Rashid Khan, DPO Bannu.	A1	A1	A1	A1	A1	A1	A1	A1	A1		Yes	Yes	No.	Nil	Yes	Yes	Nil		A very competent, professional, highly educated, trust worthy and hard working police official who is having full command on his job. Due to his honest and efficient dealing and quick disposal of official work, he was always assigned extra duties which were also effectively shouldered by him up to the full satisfaction of the undersigned. He proved himself to an asset for the force.

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Period	Name of reporting officer	PART-II														PART-III		PART-IV		PEN PICTURE
		(A) PERFORMANCE				(B) PERSONAL TRAITS										Recommendation		General Assessment		
		(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	14	(a)	(b)	i	ii	
Referencing, paging of notes and correspondence	Movement of files & Record of suspense	Keeping files and papers in tidy conditions	Promptness and accuracy in disposing of	Intelligence	Knowledge of procedure and regulations	Punctuality	Cooperation and tact	Amenability and tact	Skill in drafting	Integrity	Knowledge of typing and computer	Trust worthiness	Any disciplinary action	Fit for promotion	Acceleratory promotion	Very good	Good			
16.09.16 to 31.12.16	Kifayat Ullah Khan, SP.RIB.	A1	A1	A1	A1	A1	A1	A1	A1	A1	A1	Yes	Yes	No.	Nil	Yes	Yes	Nil	A very competent, professional, highly educated, trust worthy and hard working police official who is having full command on his job. Due to his honest and efficient dealing and quick disposal of official work, he was always assigned extra duties which were also effectively shouldered by him up to the full satisfaction of the undersigned. He proved himself to an asset for the force.	
01.01.17 to 07.08.17	-do-	A1	A1	A1	A1	A1	A1	A1	A1	A1	A1	Yes	Yes	No.	Nil	Yes	Yes	Nil	-do-	
08.08.17 to 31.12.17	Dar Ali Khan Khattak, RPO Bannu.	A1	A1	A1	A1	A1	A1	A1	A1	A1	A	Yes	Yes	No.	Nil	Yes	Yes	Nil	He is very diligent and professionally competent officer, rather the only officer in this office he has full command over his job. He can prove to be an asset for police and role model for other to follow.	
01.01.18 to 22.06.18	-do-	A1	A1	A1	A1	A	A	A1	A1	A1	A	Yes	Yes	No.	Yes	Nil	Yes	Nil	A hardworking and competent officer whose overall performance remained very good.	
22.06.18 to 23.10.18	Mohd: Karim Khan, RPO Bannu.	A	A	A	A	A	A	A	A	A	A	Yes	Yes	No.	Yes	Nil	Yes	Nil	A hard working official	
01.01.19 to 05.09.20	Abdullah Khan, RPO Bannu.	A	A	A	A	A	A	A	A	A	A	No complt:	Yes	Yes	No.	Yes	Nil	Yes	He is very much well conversant with law laws rules, excellent in drafting, reliable official, work with full devotion and dedication.	

15

Received with

PP0/NO/8826/12

Dated 30-11-2010

FORM "G" (Received)
Assistant and Clerks

page = 26

GOVERNMENT OF N.W.F.P

POLICE DEPARTMENT

Ammeuz - H

Annual Confidential Report

For the period from 03 / 06 / 2008 to 31 / 12 / 2008

PART-I

- 1. Name TASWIR JAN
- 2. Designation JUNIOR CLERK
- 3. Date of Birth 03 / 01 / 1973
- 4. Date of Entry into Govt: Service 01 / 12 / 2000
- 5. Branches in which employed during the year, with period.
(Establishment Clerk District Police Office, Bannu)

Supervisor
Bannu District
ED

PART-II

A PERFORMANCE		A I	A	B	C	D
1.	Referencing, paging of notes and correspondence.		AB			
2.	Movement of files and record of suspense cases.		AB			
3.	Keeping files and papers in tidy conditions.		AB			
4.	Promptness and accuracy in disposing of work.		AB			
B PERSONAL TRAITS						
5.	Intelligence		AB			
6.	Knowledge of procedure and regulations		AB			
7.	Punctuality		AB			
8.	Cooperation and tact.		AB			
9.	Amenability of discipline		AB			
10.	Skill in drafting.		AB			

Jan

PEN PICTURE

(16) 16

A good officer

Reporting Officer

A. Minn

Name (in block letters)

Muhammad Alam Shinwari

Dated

28/1/2010

Designation

DPO Bannu

from 3-6-08 to 31-12-2008.

General Remarks by higher officers.

See

Masood

(M: MASOOD KHAN AFRIDI) PS2
Regional police officer,
Bannu Region, Bannu.

[Signature]

Signature of
Inspector of
Police (T1)
Bannu Region
ED

Countersigning Officer

See mp

Name (in block letters)

ABDUL MAJEED KHAN

Designation

Addl. Inspector General of Police,
HQs: Khyber Pakhtunkhwa,
Peshawar

Dated

[Signature]

17) Dubcat C Reserved
PPO/NO 518826/12
Datad 30-11-2012

FORM "G" (Received)
Assistant and Clerks

GOVERNMENT OF N.W.F.P
POLICE DEPARTMENT

Ammeene-h

Annual Confidential Report

For the period from 22 / 02 / 2009 to 31 / 12 / 2009

PART-I

- 1. Name TASWIR JAN
- 2. Designation JUNIOR CLERK
- 3. Date of Birth 03 / 01 / 1973
- 4. Date of Entry into Govt: Service 01 / 12 / 2000
- 5. Branches in which employed during the year, with period.
(Establishment Clerk District Police Office, Bahnu)

PART-II

A PERFORMANCE		A 1	A	B	C	D
1.	Referencing, paging of notes and correspondence.		nt			
2.	Movement of files and record of suspense cases.		nt			
3.	Keeping files and papers in tidy conditions.		nt			
4.	Promptness and accuracy in disposing of work.		nt			
B PERSONAL TRAITS						
5.	Intelligence		nt			
6.	Knowledge of procedure and regulations		nt			
7.	Punctuality			nt		
8.	Cooperation and tact.		nt			
9.	Amenability of discipline		nt			
10.	Skill in drafting		nt			

Signature
ED

Signature

قورقون و بون بون

PEN PICTURE

18

Intelligent efficient and
hardworking official

Reporting Officer [Signature]
Name (in block letters) Muhamamad Iqbal Khan
Designation District Police Officer BANNU

Dated _____

From 22-2-09 to 31-12-2009.

General Remarks by higher officers.

I agree

[Signature]
Asst. Inspector General of Police,
HQs: Khyber Pakhtunkhwa,
Peshawar

Dated _____

[Signature]
Countersigning Officer
Name (in block letters) (M. MASOUB KHAN AFRIDI) P.S.O.
Designation Regional police officer,
Bannu Region, Bannu.

[Signature]
Senior Inspector of
Police
Bannu Region
P.O.

*Duplicate copy
received vide P.P.
Foghawood's Memo
No 5/5905/11 d
25-10-2011
2/27/11*

GOVERNMENT OF N.W.F.P
POLICE DEPARTMENT

Annual Confidential Report

Ammeul - H

For the period from 16 / 02 / 2010 to 31 / 12 / 2010

PART-I

- 1. Name TASWIR JAN
- 2. Designation JUNIOR CLERK
- 3. Date of Birth 03 / 01 / 1973
- 4. Date of Entry into Govt: Service 21 / 01 / 2000
- 5. Branches in which employed during the year, with period.
(SRC/ESTABLISHMENT CLERK)

AK

PART-II

A PERFORMANCE		A1	A	B	C	D
1.	Referencing, paging of notes and correspondence.					
2.	Movement of files and record of suspense cases.					
3.	Keeping files and papers in tidy conditions.					
4.	Promptness and accuracy in disposing of work.					
B PERSONAL TRAITS						
5.	Intelligence					
6.	Knowledge of procedure and regulations					
7.	Punctuality					
8.	Cooperation and tact.					
9.	Amiability, discipline					
10.	Skill in drafting					

EO

M. Masood Khan
Regional Police Officer
Bannu Region

Reporting Officer _____

Name (in block letters) M. MASOOD KHAN

Dated 1.9.10

Designation Regional Police Officer

From 16.2.2010 to 31.3.2010.

General Remarks by higher officers.

[Handwritten signature]
Regional Police Officer
Bannu Region
1.9.10

[Handwritten signature]
[Handwritten signature]

Countersigning Officer _____

Name (in block letters) (M. MASOOD KHAN)

Dated 1.9.10 to 31.12.2010

Regional Police Officer,
Bannu Region, Bannu.

(**M. MASOOD KHAN**)
Regional Police Officer,
Bannu Region, Bannu.

[Handwritten signature]
[Handwritten signature]
(**ABDUL KAZIM KHAN**)
PSP
Add: Inspector General of Police,
HQs: Rawalpindi.

Handwritten notes: "side pp 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32", "no 5/25/12", "27-4-2012"

GOVERNMENT OF N.W.F.P

POLICE DEPARTMENT

Annexure - H

ANNUAL CONFIDENTIAL REPORT

For the period from 01 / 01 / 2011 to 31 / 10 / 2011
31-12-2011

PART-I

1. Name TASWIR JAN
2. Designation JUNIOR CLERK
3. Date of Birth 03 / 01 / 1973
4. Date of Entry into Govt: Service 01 - 12 - 2000
5. Branches in which employed during the year, with period.
(Establishment Clerk)

Handwritten signature and stamp: "Superintendent of Police, Bahawalpur" and "EO"

PART-II

A PERFORMANCE		A 1	A	B	C	D
1.	Referencing, paging of notes and correspondence.		9			
2.	Movement of files and record of suspense cases.		9			
3.	Keeping files and papers in tidy conditions.		9			
4.	Promptness and accuracy in disposing of work.		9			
B PERSONAL TRAITS						
5.	Intelligence		9			
6.	Knowledge of procedure and regulations		9			
7.	Punctuality		9			
8.	Cooperation and tact.		9			
9.	Amenability of discipline		9			
10.	Skill in drafting		9			

11. Integrity

(i) Incorruptible _____

9

(ii) Reported to be corrupt _____

(iii) Believed to be corrupt, because of _____

(a) Monetary consideration _____

22

Ammeus - H

GOVERNMENT OF N.W.F.P
POLICE DEPARTMENT

Annual Confidential Report

For the period from 14 / 04 / 2012 to 31 / 12 / 2012

PART-I

1. Name TASWIR JAN
2. Designation Senior Clerk
3. Date of Birth 03 / 01 / 1973
4. Date of Entry into Govt: Service 21 / 01 / 2000
5. Branches in which employed during the year, with period.
(GENERAL CLERK)

Supervisor of
Police
Bannu
ED

PART-II

A PERFORMANCE		A I	A	B	C	D
1.	Referencing, paging of notes and correspondence.		///2			
2.	Movement of files and record of suspense cases.		///2			
3.	Keeping files and papers in tidy conditions.		///2			
4.	Promptness and accuracy in disposing of work.		///2			
B PERSONAL TRAITS						
5.	Intelligence		///2			
6.	Knowledge of procedure and regulations		///2			
7.	Punctuality		///2			
8.	Cooperation and tact.			///2		
9.	Amenability of discipline		///2			
10.	Skill in drafting.			///2		

AK

A well disciplined and hardworking officer.

Performance of the officer during the period of his service is reported to be satisfactory.

Reporting Officer

[Signature]

Name (in block letters)

WABAR AHMAR

Dated

Designation

DDO BXU

General Remarks by higher officers.

Performance remained satisfactory.

From 30.04.2012 to 31.12.2012.

[Signature]

ED

Dated

Countersigning Officer

[Signature]

Name (in block letters)

(NIGAR AHMED KHAN)

Designation

Regional Police Officer,
Bannu Region, Bannu.

(KHALID MASOOD)

PSP

Add: IGP/Headquarters,
Khyber Pakhtunkhwa, Peshawar.

24
page = 35

Duplicate

GOVERNMENT OF N.W.F.P
POLICE DEPARTMENT

Ammeure H

Annual Confidential Report

For the period from 01 / 01 / 2013 to 15 / 03 / 2013

PART-I

1. Name TASWIR JAN
2. Designation SENIOR CLERK
3. Date of Birth 03 / 01 / 1973
4. Date of Entry into Govt. Service 21 / 01 / 2000
5. Branches in which employed during the year, with period.
(SRC/ESTABLISHMENT CLERK)

PART-II

A PERFORMANCE		A1	A	B	C	D
1.	Referencing, paging of notes and correspondence.		///			
2.	Movement of files and record of suspense cases.		///			
3.	Keeping files and papers in tidy conditions.		///			
4.	Promptness and accuracy in disposing of work.		///			
B PERSONAL TRAITS			///			
5.	Intelligence		///			
6.	Knowledge of procedure and regulations		///			
7.	Punctuality		///			
8.	Cooperation and tact.		///			
9.	Amenability of discipline		///			
10.	Skill in drafting		///			

ED

17

25
page 236

11. Integrity

- (i) Incorruptible _____
- (ii) Reported to be corrupt _____
- (iii) Believed to be corrupt, because of:
 - (a) Monetary consideration _____
 - (b) Other Consideration _____

///

Yes No

- 12. Knowledge of Typing.
- 13. Trust worthiness in confidence and secret matters: Yes
- 14. Any disciplinary action taken during the period under report No

PART-III

	By Reporting Officer	By Countersigning Officer
(a) Recommended for accelerated promotion.		
(b) Fit for Promotion	///	///
(c) Recently promoted / appointed consideration for promotion nature.		
(d) Not yet be for promotion.		
(e) Unfit for further promotion.		

PART-IV		
General Assessment	By Reporting Officer	By Countersigning Officer
I. Very Good	///	///
II. Good		///
III. Average		
IV. Below Average		
V. Poor		

[Handwritten signature]
ED

[Handwritten signature]

26

An intelligent officer

Reporting Officer [Signature]

Name (in block letters) _____

Dated _____

Designation WAQAR AHMA
PS
District Police Office
BANNU

General Remarks by higher officers:

Performance remained satisfactory.

[Signature]

Countersigning Officer [Signature]

Name (in block letters) NISAR AHMAD KHAN
PSP

Dated 27/01/2013

Designation Regional Police Officer
Bannu

[Signature]

ED

[Signature]

(ISMAIL AHMED)
PSP
Add: IOP/Headquarters,
Khyber Pakhtunkhwa, Peshawar

60/ee
15.5 14
D/A Benu.

27 page=38
RESTRICTED original.

GOVERNMENT OF K.P.K
POLICE DEPARTMENT.

Annexure - H

CONFIDENTIAL REPORT

For the period from 9.4.2013 to 25.6.2013

PART - I

- 1-Name Taswir Jan. 1(a) Father's Name:- Mir Alam Jan.
- 2-Designation Senior Clerk.
- 3-Date of Birth 3.1.1973. 3(a) Qualification: - MA.
- 4-Date of Entry into Govt: Service 2000.
- 5-Section/Branches in which employed during the year, with period: 9.4.2013 to 25.6.2013
As Incharge Ghazir/Shahed Clerk/Pension Clerk.

PART-II

A PERFORMANCE		AI	A	B	C	D
1	Referencing, paging of notes and correspondence					
2	Movement of files & record of suspense cases.					
3	Keeping files and papers in tidy conditions.					
4	Promptness and accuracy in disposing of work					
B PERSONAL TRAITS						
5	Intelligence					
6	Knowledge of procedure and regulations					
7	Punctuality					
8	Cooperation and tact					
9	Amcnability of discipline					
10	Skill in drafting					

PERIOD LESS THAN
THREE MONTHS HENCE
NO COMMENTS

11. Integrity

- I. Incorruptible
- II. Reported to be corrupt
- III. Believed to be corrupt, because of.
 - (a) Monetary consideration
 - (b) Other Consideration

Yes No

- 12. Knowledge of Typing/Computer.
- 13. Trust worthiness in confidence and secret matters.
- 14. Any disciplinary action taken during the period under report

[Handwritten Signature]
Superintendent of Police
Karnataka Region

By Reporting Officer By Countersigning Officer

- (a) Recommended for accelerated promotion.
- (b) Fit for Promotion.
- (c) Recently promoted/appointed consideration for promotion pre-mature.
- (d) Not yet fit for promotion.
- (e) Unfit for further promotion.

PART-IV		
General Assessment	By Reporting Officer	By Countersigning Officer
I Very Good		
II Good		
III Average		
IV Below Average		
V Poor		

PEN PICTURE

Period less than three months
no comments

Reporting Officer's Signature Abdul Ghafoor Khan Afridi

Name (in Block letters) (Abdul Ghafoor Khan Afridi)

Designation District Police Officer, Bannu.

General Remarks by higher Officer..

From: 24-04-2013
To: 25-06-2013

Period less than three months hence no comments

Countersigning Officer

Name (in Block letters) AZAD KHAN (PSP)

Dated / / 20

Designation

Regional Police Officer
Bannu Region Bannu

FORM "G" (Received)
Assistant and Clerks

Annexur - 17

GOVERNMENT OF KHYBER PAKHTUNKHWA

POLICE DEPARTMENT

Annual Confidential Report

For the period from 26 / 06 / 2013 to 31 / 12 / 2013

PART-I

1. Name TASVEER JAN
2. Designation SENIOR CLERK
3. Date of Birth 03.01.1973
4. Date of Entry into Govt: Service 2000
5. Branches in which employed during the year, with period.
(Record / Contingency Clerk)

PART-II

A	PERFORMANCE	A 1	A	B	C	D
1.	Referencing, paging of notes and correspondence.		✓			
2.	Movement of files and record of suspense cases.		✓			
3.	Keeping files and papers in tidy conditions.		✓			
4.	Promptness and accuracy in disposing of work.		✓			
B	PERSONAL TRAITS					
5.	Intelligence		✓			
6.	Knowledge of procedure and regulations		✓			
7.	Punctuality		✓			
8.	Cooperation and tact.		✓			
9.	Amnability of discipline		✓			
10.	Skill in drafting		✓			

11. Integrity

- (i) Incorruptible _____
- (ii) Reported to be corrupt _____
- (iii) Believed to be corrupt, because of.

✓

- (a) Monetary consideration _____
- (b) Other Consideration _____

--

Superintendent of
Police
Police Department
EO

30

	Yes	No
12. Knowledge of Typing.	+	
13. Trust worthiness in confidence and secret matters.	+	
14. Any disciplinary action taken during the period under report		+

PART-III

	By Reporting Officer	By Countersigning Officer
(a) Recommended for accelerated promotion.		
(b) Fit for Promotion	+	+
(c) Recently promoted/appointed consideration for promotion nature.		
(d) Not yet be for promotion.		
(e) Unfit for further promotion.		

PART-IV		
General Assessment	By Reporting Officer	By Countersigning Officer
I. Very Good		+
II. Good	+	
III. Average		
IV. Below Average		
V. Poor		

PEN PICTURE

A good official

ED

Reporting Officer _____
 Name (in block letters) _____
 Designation _____

Dated _____

FROM: 26.06.2013 To 09-09-2013

General Remarks by higher officers.
 Period less than 3 months

Countersigning Officer _____
 Name (in block letters) **AZAD KHAN (PSP)**
 Designation **Regional Police Officer Bannu Region Bannu**

Dated _____

FROM: 17-09-2013 To 31-12-2013

(KHALID MASOOD)
 PSP
 Addl: IGP/Headquarters,
 Khyber Pakhtunkhwa, Peshawar

SAYED ALI KHAN (PSP)
 Regional Police Officer
 Bannu Region Bannu

Form for
Assistant and Clerks

31

Ammeerik - H

GOVERNMENT OF KHYBER PAKHTUNKHWA

POLICE DEPARTMENT

PERFORMANCE EVALUATION REPORT

For the period from 13.10.2014 TO 31.12.2014

PART-I

1. Name (in block letters):- Taswir Jan (a) Father's Name: Mir Alam Jan
2. Designation:- Senior Clerk
3. Date of Birth: 03-01-1973 3(a) Qualification:- MA POLITICAL SCIENCE
4. Date of entry into Government Service: 28-12-1999
5. Sections/Branches in which employed during the year, with period: SRC (DPO Office) Bannu.

PART-II

(A) PERFORMANCE	AI	A	B	C	D
(1) Reference, paging of notes correspondence.	2				
(2) Movement of files and record of suspense cases.	2				
(3) Keeping files and papers in tidy condition.	2				
(4) Promptness and accuracy in disposing of work.	2				
(B) PERSONAL TRAITS					
(5) Intelligence.	2				
(6) Knowledge of procedure and regulations	2				
(7) Punctuality.	2				
(8) Cooperation and tact.	2				
(9) Amenability to discipline.	2				
(10) Skill in drafting.	2				

Signature
ED

32) PK = 43

(11) Integrity:

Assessment

- (i) Incorruptible *Assessed*
- (ii) Reported to be corrupt
- (iii) Believed to be corrupt, because of :
 - (a) Monetary consideration
 - (b) Other considerations

- 12. Knowledge of Typing/Computer YES
- 13. Trust worthiness in confidential and secret matters. YES
- 14. Any disciplinary action taken during the period under report. NO.

PART-III

BY REPORTING OFFICER BY COUNTERSIGNING OFFICER

- (A) Recommended for accelerated promotion. *Assessed* *[Signature]*
- (B) Fit for promotion.
- (C) Recently promoted/appointed—consideration for promotion pre- mature.
- (D) Not yet fit for promotion.
- (E) Unfit for further promotion.

PART-IV

General Assessment	By reporting Officer	By countersigning Officer
(i) Very Good	<i>Assessed</i>	<i>[Signature]</i>
(ii) Good		
(iii) Average		
(iv) Below Average		
(v) Poor		

33

Page = 4/1

3

PEN PICTURE

A very competent ,professional , highly educated, trust worthy and hard working police official who is having full command on his job .Due to his honest and efficient dealing and quick disposal of official work , he was always assigned extra duties which were also effectively shouldered by him up to the full satisfaction of the undersigned. He proved himself to an asset for the force.

Reporting Officer's Signature:- *Arashid*
Name (In Block Letters):- **(ABDUR RASHID) PSP**
Designation: District Police Officer, Bannu.

dated _____

General Remarks by Higher Officer's.

Countersigning Officer's:- _____
Name (In Block Letters):- **Sajid Ali Khan (PSP)**
Designation: Regional Police Officer,
Bannu Region, Bannu.

dated _____

[Handwritten signature]
Bannu Region
BD

[Handwritten signature]
[Handwritten signature]
[Handwritten signature]

34

page 45
= DUP

GOVERNMENT OF K.P.K
POLICE DEPARTMENT

Ammeaw - H

CONFIDENTIAL REPORT

For the period from 16-09-2016 to 31-12-2016

PART-I

- 1-Name: TASWIR JAN 1(a) Father's Name:- MIR ALAM JAN
 2-Designation: Senior Clerk
 3-Date of Birth: 03-01-1973 3(a) Qualification:- M.A Political Science
 4-Date of Entry into Govt: Service 28-12-1999 as a Junior Clerk.
 5-Section/Branches in which employed during the year, with period: (HEAD CLERK RIB OFFICE) 16-09-2016 to 31-12-2016

PART -II

A PERFORMANCE		A1	A	B	C	D
1	Referencing, paging of notes and correspondence	WA				
2	Movement of files & record of suspense cases.	WA				
3	Keeping files and papers in tidy conditions.	WA				
4	Promptness and accuracy in disposing of work	WA				
B PERSONAL TRAITS						
5	Intelligence	WA				
6	Knowledge of procedure and regulations	WA				
7	Punctuality	WA				
8	Cooperation and tact	WA				
9	Amenability of Discipline	WA				
10	Skill in drafting	WA				

11. Integrity

Assessment

- i. Incorruptible _____
 ii. Reported to be corrupt _____
 iii. Believed to be corrupt, because of
 (a) Monetary consideration _____
 (b) Other consideration _____

Yes

No

12. Knowledge of Typing/Computer. _____
 13. Trust worthiness in confidence and secret matters. _____
 14. Any disciplinary action taken during the period under report _____

Handwritten notes and signatures on the left side of the page.

Handwritten signature on the right side of the page.

PART-III

	By Reporting Officer	By countersigning Officer
(a) Recommended for accelerated promotion.		
(b) Fit for Promotion.		
(c) Recently promoted/appointed consideration for promotion pre-mature.		
(d) Not yet fit for promotion.		
(e) Unfit for further promotion.		

<u>PART-IV</u>			
<u>General Assessment</u>		<u>By Reporting Officer</u>	<u>By Countersigning Officer</u>
I	Very Good		
II	Good		
III	Average		
IV	Below Average		
V	Poor		

PEN PICTURE

A very competent, professional, highly educated, trust worthy, and hardworking police officer. He has full command on his job. He was always assigned extra duties which were also tackled by him. In short, he has proved himself as an asset for the force.

Reporting Officer's Signature

Name:

(KIRAYAT ULLAH KHAN / OPM. PSP)

Designation:

Superintendent of Police,
Regional Investigation Branch,
Bannu.

EO General Remarks by Higher Officer..

A competent officer

Countersigning Officer's Signature

Name (in Block Letters) MOHAMMAD ALI Khan (PSP)

Designation:

Regional Police Officer,
Bannu Region, Bannu.

10/07

Additional copy to be submitted to the concerned authorities

GOVERNMENT OF KHYBER PAKHTUNKHWA,
POLICE DEPARTMENT
PERFORMANCE EVALUATION REPORT

Annexure - H

For the period from 01.01.2017 to 07.08.2017

PART-I

1. Name (in block letters): Taswir Jan (a) Father's Name: Mir Alam Jan
2. Designation: Senior Clerk
3. Date of Birth 03.01.1973 3. (a) Qualification:- M.A Political Science
4. Date of Entry into Govt: Service 01.12.1999
5. Branches in which employed during the year, with period. (Head Clerk RIB Bannu)

PART-II

A	PERFORMANCE	A 1	A	B	C	D
1.	Referencing, paging of notes and correspondence.	✓				
2.	Movement of files and record of suspense cases.	✓				
3.	Keeping files and papers in tidy conditions.	✓				
4.	Promptness and accuracy in disposing of work.	✓				
B	PERSONAL TRAITS					
5.	Intelligence.	✓				
6.	Knowledge of procedure and regulations	✓				
7.	Punctuality	✓				
8.	Cooperation and tact.	✓				
9.	Amenability of discipline	✓				
10.	Skill in drafting	✓				

Signature
EO

Signature

37

page = 48

11. Integrity

Assessment

- (i) Incorruptible _____
- (ii) Reported to be corrupt _____
- (iii) Believed to be corrupt, because of.
 - (a) Monetary consideration _____
 - (b) Other Consideration _____

yes

YES

NO

12. Knowledge of Typing.

13. Trust worthiness in confidence and secret matters.

14. Any disciplinary action taken during the period under report.

yes

no

PART-III

ED

- (a) Recommended for accelerated promotion.
- (b) Fit for Promotion
- (c) Recently promoted / appointed consideration for promotion nature.
- (d) Not yet be for promotion.
- (e) Unfit for further promotion.

By Reporting Officer

By Countersigning Officer

	B

PART-IV

General Assessment		By Reporting Officer	By Countersigning Officer
I.	Very Good	yes	B
II.	Good		
III.	Average		
IV.	Below Average		
V.	Poor		

Handwritten mark

PEN PICTURE

He is very hardworking, Intelligent, Competent & professional, highly educated, trustworthy and responsible police officer. He has full command on his job. He was assigned extra duties which were also shouldered by him effectively up to the satisfaction of the undersigned. He proved himself as an asset for the force.

Reporting Officer's Signature

[Signature]

Name (in block letters) KIFAYAT ULLAH KHAN

Designation Superintendent of Police RIB/Banna PSP

Dated _____

General Remarks by higher officers.

From: 01.01.2017 To: 27.04.2017

A good official

Countersigning Officer's Signature

[Signature]

Name (in block letters) MUHAMMAD ALI KHAN PSP

Designation Regional Police Officer
Bannu, Region Bannu

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ED

[Signature]
Additional IGP Headquarters
Khyber Pakhtunkhwa
Peshawar

[Handwritten mark]

GOVERNMENT OF KHYBER PAKHTUNKHWA.

POLICE DEPARTMENT.

Amman - H

PERFORMANCE EVALUATION REPORT.

For the period from 08-08-2017 to 31-12-2017

PART-I

1- Name (in block letters) TASWIR JAN

2. Father's Name MIR ALAM JAN

3-Designation SENIOR CLERK

4-Date of Birth 03-01-1973

5. Qualification M.A Political Science

6-Date of Entry into Government Service 01.12.1999

7-Sections/Branches in which employed during the year, with period ESTABLISHMENT CLERK, REGIONAL POLICE OFFICE, BANNU REGION.

PART-II

(A) PERFORMANCE	A1	A	B	C	D
(1) Referencing, paging of notes and correspondence	A				
(2) Movement of files & record of suspense cases.					
(3) Keeping files and papers in tidy conditions.					
(4) Promptness and accuracy in disposing of work					
(B) PERSONAL TRAITS					
(5) Intelligence	A				
(6) Knowledge of procedure and regulations					
(7) Punctuality					
(8) Cooperation and tact					
(9) Amenability to discipline					
(10) Skill in drafting		A			

[Handwritten signature]
 Director of Police
 Bannu Region
 EO

(2)

(11) Integrity:-

Assessment

I. Incorruptible.....	<input checked="" type="checkbox"/>
II. Reported to be corrupt.....	<input type="checkbox"/>
III. Believed to be corrupt, because of:	
(a) Monetary consideration.....	<input type="checkbox"/>
(b) Other Consideration.....	<input type="checkbox"/>

	<u>Yes</u>	<u>No</u>
(12) Knowledge of Typing/Computer.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(13) Trust worthiness in confidence and secret matters.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
(14) Any disciplinary action taken during the period under report.	<input type="checkbox"/>	<input type="checkbox"/>

PART-III

	By Reporting Officer	By Countersigning Officer
(a) Recommended for accelerated promotion.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Fit for Promotion.....	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Recently promoted/appointed consideration for promotion pre-mature.	<input type="checkbox"/>	<input type="checkbox"/>
(d) Not yet fit for promotion.....	<input type="checkbox"/>	<input type="checkbox"/>
(e) Unfit for further promotion.....	<input type="checkbox"/>	<input type="checkbox"/>

PART-IV

General Assessment	By Reporting Officer	By Countersigning Officer
(i) Very Good	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
(ii) Good	<input type="checkbox"/>	<input type="checkbox"/>
(iii) Average	<input type="checkbox"/>	<input type="checkbox"/>
(iv) Below Average	<input type="checkbox"/>	<input type="checkbox"/>

[Handwritten Signature]

[Handwritten Signature]
Reporting Officer of
 Police Station
 Police Station
 EN

(3)

41 page = 52

He is very diligent and professionally competent officer, rather the only officer in this office who has full command over his job. He can prove to be an asset for police and role model for others to follow.

From:- 08-08-2017 to 31-12-2017

D. Ali Khan Khattak

Reporting Officer's Signature

Dated 13.02.2018

Name (in Block letters):- (DAR ALI KHAN KHATTAK) PSP
Designation:- Regional Police Officer,
Bannu Region, Bannu

Remarks by Countersigning Officer:-

agreed

Countersigning Officer's Signature

Imdad

Name (in Block letters)

Additional District Officer
Khyber Pakhtunkhwa
Peshawar

Dated

Designation

ED

[Signature]

29/6/18 R70/Bannu

42

page = 53

RESTRICTED

GOVERNMENT OF KHYBER PAKHTUNKHWA.

POLICE DEPARTMENT.

Annexure - 14

PERFORMANCE EVALUATION REPORT.

For the period from 01-01-2018 to 22-06-2018

PART-I

1- Name (in block letters) TASWIR JAN

2. Father's Name MIR ALAM JAN

3-Designation SENIOR CLERK

4-Date of Birth 03-01-1973

5. Qualification M.A Political Science

6-Date of Entry into Government Service 01.12.1999

7-Sections/Branches in which employed during the year, with period ESTABLISHMENT CLERK, REGIONAL POLICE OFFICE, BANNU REGION.

PART-II

(A) PERFORMANCE	A1	A	B	C	D
(1) Referencing, paging of notes and correspondence	D				
(2) Movement of files & record of suspense cases.	D				
(3) Keeping files and papers in tidy conditions.	D				
(4) Promptness and accuracy in disposing of work	D				
(B) PERSONAL TRAITS					
(5) Intelligence		D			
(6) Knowledge of procedure and regulations		D			
(7) Punctuality	D				
(8) Cooperation and tact	D				
(9) Amenability to discipline	D				
(10) Skill in drafting		D			

Superintendent of
Police
Bannu
EO

43

Page 254

(2)

(11) Integrity:-

Assessment

I. Incorruptible.....

II. Reported to be corrupt.....

III. Believed to be corrupt, because of.

(a) Monetary consideration.....

(b) Other Consideration.....

(12) Knowledge of Typing/Computer.

Yes

No

(13) Trust worthiness in confidence and secret matters.

(14) Any disciplinary action taken during the period under report.

[Signature]

PART-III

(a) Recommended for accelerated promotion.....

(b) Fit for Promotion.....

(c) Recently promoted/appointed consideration for promotion pre-mature.

(d) Not yet fit for promotion.....

(e) Unfit for further promotion.....

PART-IV

General Assessment	By Reporting Officer	By Countersigning Officer
(i) Very Good	<input checked="" type="checkbox"/>	
(ii) Good		
(iii) Average		
(iv) Below Average		

[Signature]
ED

(3)

44

A hardworking and competent officer
whose overall performance remained
Very good.

From: - 01-01-2018 to 22-06-2018

Reporting Officer's Signature

Dated 30-5-2019

Name (in Block letters):- (DAR ALI KHAN KHATTAK)PSP
Designation:- Regional Police Officer,
Bannu Region, Bannu

Remarks by Countersigning Officer:-

Agreed
From: 01-01-2018 to 22-06-2018

Countersigning Officer's Signature

Name (in Block letters)

Dated

Designation

Inspector Paktiyamba
Bannu Region

Stamp: Bannu Region
ED



OFFICE OF THE
REGIONAL POLICE OFFICER,
BANNU REGION BANNU

pen = 576
WS

CERTIFICATE

Period Less than three Months

It is certified that Senior Clerk Taswir Jan s/o Mir Alam Jan Served as Establishment Clerk, Range Office Bannu during the period with effect from 23.10.2018 to 31.12.2018.

Hence, the mentioned period for Performance Evaluation Report is less than three months, so the report/remarks as (No comments).

(ABDULLAH KHAN) PSP
Regional Police Officer,
Bannu Region, Bannu.

EO

Annexure - 14

46

APPENDIX "F" vide 3.1 (i)
Form for
Assistant and Clerks

RESTRICTED

GOVERNMENT OF KHYBER PAKHTUNKHWA.

Page = 23

POLICE DEPARTMENT.

PERFORMANCE EVALUATION REPORT.

For the period from 22-06-2018 to 23-10-2018

PART-I

1- Name (in block letters) TASWIR JAN

2. Father's Name MIR ALAM JAN

3-Designation SENIOR CLERK

4-Date of Birth 03-01-1973

5. Qualification M.A Political Science.

6-Date of Entry into Government Service 01.12.1999

7-Sections/Branches in which employed during the year, with period ESTABLISHMENT CLERK, REGIONAL POLICE OFFICE, BANNU REGION.

PART-II

(A) PERFORMANCE		A1	A	B	C	D
(1)	Referencing, paging of notes and correspondence		l			
(2)	Movement of files & record of suspense cases.		l			
(3)	Keeping files and papers in tidy conditions.		l			
(4)	Promptness and accuracy in disposing of work		l			
(B) PERSONAL TRAITS						
(5)	Intelligence		l			
(6)	Knowledge of procedure and regulations		l			
(7)	Punctuality		l			
(8)	Cooperation and tact		l			
(9)	Amenability to discipline		l			
(10)	Skill in drafting		l			

[Handwritten signature]
Surgeon General
Bannu
Bannu Division
120

9

Page: 25

(3)

A hard working official

From:- 22-06-2018 to 23-10-2018

Reporting Officer's Signature _____

Name (in Block letters):- (MUHAMMAD KARIM KHAN)PSP
Designation:- Regional Police Officer,
Bannu Region, Bannu

Dated _____

Remarks by Countersigning Officer:-

Countersigning Officer's Signature _____

Name (in Block letters) _____

Dated _____

Designation _____

[Handwritten signature]
S.D.
E.D.

[Handwritten signature]

48

POLICE DEPARTMENT

BANNU REGION

ORDER

After carrying out necessary verification, the following newly appointed Office Assistants (BPS-16), vide CPO Peshawar Order No.813-26/E-V dated 18.02.2019, are hereby posted to the offices noted against each with immediate effect:-

S.#	Name of Office Assistant	Place of posting
1.	Arif Khan	General Clerk, Regional Police Office Bannu
2.	Hafeez Ullah	Establishment Clerk, Regional Police Office Bannu
3.	Hajra Rehman	DPO Office Bannu
4.	Ashiq Muhammad	DPO Office Lakki Marwat

(Signature)
 (ABDULLAH KHAN) PSP
 Regional Police Officer,
 Bannu Region, Bannu

No. 1514-18 /EC, dated Bannu the 05 /04/2019

Copies to:-

1. The Provincial Police Officer, Khyber Pakhtunkhwa Peshawar for information w/r to CPO Peshawar order number quoted above.
2. The District Police Officers, Bannu & Lakki Marwat. { For information & necessary action. }
3. The District Account Officers, Bannu & Lakki Marwat. { For information & necessary action. }

(Signature)
 Superintendent of Police
 Bannu Region
 Bannu
 E.O

(ABDULLAH KHAN) PSP
 Regional Police Officer,
 Bannu Region, Bannu

(Signature)

(Signature)
 Bannu

49

RESTRICTED

GOVERNMENT OF KHYBER PAKHTUNKHWA.

POLICE DEPARTMENT.

PERFORMANCE EVALUATION REPORT.

For the period from 01.01.2019 to 05.09.2019

PART-I

1- Name (in block letters) TASWIR JAN

2. Father's Name MIR ALAM JAN

3-Designation SENIOR CLERK

4-Date of Birth 03-01-1973

5. Qualification M.A Political Science

6-Date of Entry into Government Service 01.12.1999

7-Sections/Branches in which employed during the year, with period ESTABLISHMENT CLERK, REGIONAL
POLICE OFFICE, BANNU REGION.

PART-II

(A) PERFORMANCE	A1	A	B	C	D
(1) Referencing, paging of notes and correspondence		A			
(2) Movement of files & record of suspense cases.		A			
(3) Keeping files and papers in tidy conditions.		A			
(4) Promptness and accuracy in disposing of work		A			
(B) PERSONAL TRAITS					
(5) Intelligence		A			
(6) Knowledge of procedure and regulations		A			
(7) Punctuality		A			
(8) Cooperation and tact		A			
(9) Amenability to discipline		A			
(10) Skill in drafting		A			

[Handwritten signature]

(3)

50

He is very much well consent
with Laws Rules Excellent - nothing
dropping an reliable official work
with full devotion & dedications

From: - 01.01.2019 to 05.09.2019

Reporting Officer's Signature

Dated _____

Name (in Block letters):-
Designation:-

(ABDULLAH KHAN)^{PSP}
Regional Police Officer,
Bannu Region, Bannu

Remarks by Countersigning Officer:-

Countersigning Officer's Signature _____

Name (in Block letters) _____

Dated _____

Designation _____

CHARGE SHEET

50

Amir 'B'

RNo-2366A

20-11-079

I, Abdul Ghafoor Afridi, Regional Police Officer, Bannu Region, Bannu as competent authority, hereby charge you, Senior Clerk Taswir Jan, posted as Establishment Clerk RPO Office Bannu as follows:-

- That you intentionally and deliberately delayed submission of recommendations of this office to CPO Peshawar on the prescribed form 13.15(1) for the reasons best known to you pertaining to the promotion of confirmed SI Asmat Ullah Khan of Special Branch to the promotion list-F which resulted into depriving of the police officer from his fundamental rights.
- That you while posted as SRC in DPO Office Bannu also altered the seniority list of police officials eligible for bringing their names on list B-1, resultantly certain officials were deprived of qualifying lower college course, who later on made a serious nature complaint against you already placed on record.
- That you have always ^{been} complained through anonymous complaints for taking of illegal gratification upto 500/- from constable to ASI as well upto Rs.1000/- from SIs etc which is also proving from the existing record.
- That as a result of secret and confidential inquiries made by the undersigned against you, it have been proved without any shadow of doubt that you are a habitual and extremely corrupt, dishonest and un-trusted official by using different techniques in processing of certain affairs of interested officials.

1. By reason of the above you appear to be guilty of misconduct under the Khyber Pakhtunkhwa Government Servants (Efficiency and Disciplinary) Rules, 2011 vide Notification No.SO(REG-VI)E&AD/2-6/2010, dated 16th September, 2011 while exercising powers delegated vide Khyber Pakhtunkhwa Gazette Notification Endst: No.8511-8615/E-V, dated 28.12.2015 (amended vide CPO Peshawar addendum Notification No.4740-4850/E-V, dated 29.08.2017) and have rendered yourself liable to all or any of the penalties specified in the said rules.

2. You are therefore, directed to submit your defense within 07 days of the receipt of this Charge Sheet to the enquiry officer.

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

4. You are directed to intimate whether you desire to be heard in person.

5. A statement of allegation is enclosed.

Taswir Jan

Abdul Ghafoor Afridi
ABDUL GHAFOOR AFRIDI) PSP
Regional Police Officer,
Bannu Region, Bannu

SP

STATEMENT OF ALLEGATIONS:

I, Abdul Ghafoor Afridi, Regional Police Officer, Bannu Region, Bannu as competent authority, am of the opinion that Senior Clerk Taswir Jan has rendered himself liable to be proceeded against as he has committed the following misconduct within the meaning of Khyber Pakhtunkhwa Government Servants (Efficiency and Disciplinary) Rules, 2011 vide Notification No. SO(REG-VI)E&AD/2-6/2010, dated 16th September, 2011 while exercising powers delegated vide Khyber Pakhtunkhwa Gazette Notification Endst: No. 8511-8615/E-V, dated 28.12.2015 (amended vide CPO Peshawar addendum Notification No. 4740-4850/E-V, dated 29.08.2017).


SUMMARY OF ALLEGATIONS:

- That he intentionally and deliberately delayed submission of recommendations of this office to CPO Peshawar on the prescribed form 13.15(1) for the reasons best known to him pertaining to the promotion of confirmed SI Asmat Ullah Khan of Special Branch to the promotion list-F which resulted into depriving of the police officer from his fundamental rights.
- That he while posted as SRC in DPO Office Bannu also altered the seniority list of police officials eligible for bringing their names on list B-1, resultantly certain officials were deprived of qualifying lower college course, who later on made a serious nature complaint against him already placed on record.
- That he has always ^{been} complained through anonymous complaints for taking of illegal gratification up to 500/- from constable to ASI as well up to Rs.1000/- from SIs etc which is also proving from the existing record.
- That as a result of secret and confidential inquiries made by the undersigned against him, it has been proved without any shadow of doubt that he is a habitual and extremely corrupt, dishonest and un-trusted official by using different techniques in processing of certain affairs of interested officials.

1. For the purpose of scrutinizing the conduct of the said accused with reference to the above allegations WAQAR, SP C.I.D is appointed as Enquiry Officer.

2. The Enquiry Officer shall provide reasonable opportunity of hearing to the accused, record statements etc and findings within the targeted days after the receipt of this order.

3. The accused shall join the proceedings on the date, time and place fixed by the Enquiry Officer.


(ABDUL GHAFOOR AFRIDI) PSP
Regional Police Officer,
Bannu Region, Bannu

No. 4259 /EC, dated Bannu the 20 /11/2019

Copy to Enquiry Officer for necessary action.



13

(S3) Ametoo ' C'

No. 122-HO /Dated. 09/05 / 2017.

POLICE DEPARTMENT

DISTRICT BANNU

DEPARTMENTAL ENQUIRY

Reference. Charge sheet No. 09-11/SRC dated 13.01.2017 &
No.7273-74 dated 8.02.2017.

Accused. Senior Clerk Taswweer jan (the then SRC).

Allegations. On drayage of Constables Azeem Hussain No. 6398/FRP, Tariq Aman No.937/EF and Azzem Ullah No.1604 mentioned at serial number 8-20 and 54 respectively of the promotion list of B-1 issued from the Regional police office Bannu , the next alleageable three constables of serial numbers 55,56,57 were required to be selected for the first term lower college course at PTC Hangu but instead he deliberately and willfully by mis using his official powers selected constables Haqdad No.943/EF and Fazal Malik No. 686 whose names were lying serial No. 57 and 111 respectively of the said promotion list of B-1.

Besides above neither the departmental enquiry of Constable Tariq No.710 who had directly been charged four year ago for involvement in a murder case u/s 302 PPC PS Domel, Bannu could to processed further nor could get it finalized from the competent authority during such along period of four year accept keeping it as pending for the reason best known to him.

Statements. Senior clerk Taswir Jan denied the charge. that he deliberately and willfully by mis using his official powers selected constables Haqdad No.943/EF and Fazal Malik No. 686 whose names were lying at serial No. 57 and 111 respectively of the promotion list of B-1. on the ground that SRC is not the selection authority and he has not power the power to misuse it. He further stated initiation of inquiry on anonymous correspondence is the violation the laid down rules. He also explained the process of selection to the low college course to the effect that it was the last day of selection to lower

AK

59

college course and only 03/4 hours were remained. In the meantime, constables Hussain No. 6398/FRP and Azim Ullah No. 1604 requested from the competent authority to drop their names from the selection of first term lower college course that were allowed by the authority. Similarly, Constable Tariq Aman was under inquiry. Hence, to select police officials of the remaining terms against these three vacant seats, he informed SRCs of FRP and Elite units through his Assistant Anwar Ullah to get willingness of the willing police officials for selection to lower college course. Similarly, efforts were also made to get willingness of the officials through the available Cell phone no. In the last, only the willingness of Aziz ur Rehman Shah No. 6461/FRPm, Haqdad No. 943/E and Fazal Malik No. 686 at Serial No. 55, 57 and 111 were received and selected by competent authority and no one has complained against the said selection except this anonymous complaint. Accused clerk further clarified that selection either in first or third term can not affect the seniority of anyone because the seniority of lower subordinates is reckoned from the date of appointment/confirmation. The accused senior clerk also rebutted the charge of keeping pending inquiry of Constable Tariq No. 710 and explained that the said enquiry was kept pending under the order of Mr. Iqbal Khan, the then competent authority by the then SRC on dated 06-11-2013, while he has taken over the charge of SRC on dated 23-02-2015. Just after taking over the charge of SRC, all the pending inquiry including the same were put up before the then DPO Bannu by him and resultantly, SP Investigation was addressed vide this office letter No. 3936-37 dated 25-03-2015 to obtain the update of all the pending inquiries initiated on the basis of criminal charges. That in the year, 2016, the said inquiry was put up before Mr. Gul Afzal Afridi by Sher Mali Khan OASI, DPO Office, Bannu. He further explained that being a custodian of record, he had kept the said on record and have put up before every competent authority during his posting as SRC while decision is the prerogative of competent authority not of SRC and in the last, he requested to file the enquiry (his statement is enclosed for favour of perusal).

Moreover, statements of Shermali OASI, Head constable Kamran, SRC Elite Office, Bannu, LHC Azmat No. 6386/FRP (Naib SRC FRP Office), Head constable Rukhniaz (record keeper of enquiry SRC Branch DPO Office, Head constable Anwar Ullah, SRC Branch, constables of B-I list name Obaid Ullah 6635/FRP

33

SPL, Haqqad Khan No. 943/EF, Aziz ur Rehman No. 6461/FRP, and Fazal Malik No. 686 were recorded that have been placed on enquiry file. Their statements lead to the exoneration of the accused senior clerk.

Conclusion:- after going through the recorded statements and material placed on the enquiry file, the committee has reached to the conclusion that there is no solid evidence/proof which establish the charges leaved against the delinquent clerk, rather number of evidence are available on enquiry file which support the version of delinquent clerk.

Furthermore, the base of inquiry is anonymous complaint and authority S&GAD letter NO. SORII(S&GAD)5(29)97Vol-II dated 15-11-1999 is well explanatory in this regard (copy enclosed at F/A).

Therefore, the committee has got no other option except to exonerate the said Senior Clerk from the charges; hence the enquiry papers are worth to be filed please.


1. (MOHAMMAD IQBAL KHAN)
DSP/RURAL BANNU


2. (GUL HAMEED KHAN)
SDPO HQrs. BANNU.



56
Asmat Ullah

The Superintendent of Police,
CTD, Bannu (Inquiry officer)

Subject: REPLY TO THE CHARGE SHEET BASED UPON
SUMMARY OF ALLEGATION.

R/Sir,

Kindly refer to the subject charge sheet issued by RPO Bannu vide endst No. 4259/EC dated 20.11.2019. ~~DPO Bannu vide his office endst: No. 178 79/SRC dated 15.06.2017,~~ wherein, certain allegations have been leveled against me. Reply to each allegation is submitted as under:

S/No	Allegations	Reply
1	That I Intentionally and deliberately delayed submission of recommendations of RPO Office in respect of SI Asmat Ullah on the prescribed form 13.15(1) which resulted into depriving of his fundamental right.	It is incorrect that recommendations are made by RPO but it is SP (now DPO) who shall submit recommendation on behalf of SI to DIG (now RPO) who will either endorse the recommendation of SP Or file it. In case of endorsement, it will be forwarded to IGP. The Recommendation roll of SI Asmat Ullah, On Form No.13.15(1), has been received to Establishment Branch <u>on 26.12.2018</u> . (copy is attached at <u>annexure-A</u>). <u>On 27.12.2018</u> , a proper note sheet was drafted on it and put up to the then RPO Bannu (copy is attached at <u>annexure-B</u>). In next orderly Room, held on <u>08.01.2019</u> , the recommendations of DPO was endorsed by RPO Bannu and on <u>09.01.2019</u> , the recommendation of SI Asmat Ullah along with others, who were senior to him, were submitted to CPO, Peshawar vide RPO Office memo No. 152/EC dated 09.01.2019. (copy is attached at <u>annexure-C</u>). It is further pointed out that recommendation rolls, as per Police rule 13.15, will be submitted on 15 th January each year by SP to DIG but in order to expedite the process we contacted CPO in this regard as evident from the note sheet and submitted the recommendation of DPOs to CPO before the prescribed date. Police rule 13.15 is explanatory in this regard. Moreover, I have already offered detailed reply in this regard, in response to the explanation notice, issued from RPO Office vide No. 3968/EC dated 31.10.2019. The same is submitted herewith at <u>annexure- D</u> which may be considered part and parcel of the instant reply. Therefore, it is not based on fact that I have delayed the recommendation roll of SI Asmat Ullah.
2.	That during posting as SRC in DPO Office Bannu, altered the seniority list of police officials, eligible for bringing	It is incorrect that I have altered the seniority list of police officials. No doubt, I have remained posted in SRC Branch on different occasions but I have not made any alteration in the seniority list because the dealing hand has not any power to make or change any seniority list etc. The dealing hand is the custodian of record and is to abide by the order of competent authority. So far serious

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57

<p>were deprived of qualifying lower college course who later on made serious nature complaint against him already placed on record.</p>	<p>opportunity freely. Once anonymous dairy; with regards to non selection of constable Azim Ullah No. 6398/FRP, Tariq Aman No. 937/EF and Azim Ullah No. 1604 in the first term; was received. Tariq Aman was under inquiry and the other two constables had appeared before the then DPO/ Bannu by OASI Sher Mali Khan for dropping their names from the first term because the said term was to be conducted in the month of Ramamazan. As per their personal request, DPO Bannu dropped them from the first term but it is incorrect that they were not selected for lower school course. In subsequent terms, both were selected. However, a proper inquiry was conducted on this anonymous complaint by a committee, comprising of the then DSP/Rural and Acting SDPO HQrs and the committee disproved the allegations. Though the same has become past and closed transaction and can not be re-opened as per law. However, copy is attached at <u>annexure-E</u>. Moreover, since the issuance of standing order No. 14/2014, all those Police Officers who qualify B-I examination shall be sent to PTC Hangu for lower college course, hence it is incorrect that certain eligible officials were deprived from lower college course. Besides the above, the names of B-I exam: qualified candidates are brought on promotion list "B" by RPO and every candidates is given opportunity of appeal in this regard. Moreover, the list, in which the alleged alteration, stated to be made, may be specified and a copy thereof may be provided to me so that I could be able to offer plausible and to the point reply.</p>
<p>3 That I have always been complained through anonymous complaints for taking of illegal gratifications up to 500/- from constable to ASI as well as up to Rs.1000/- SI etc which is also proving from the existing record</p>	<p>It is correct that once anonymous complaint was lodged against me by some disgruntled elements, wherein, the charges of illegal gratification were leveled. To which, I had submitted detailed reply which is <u>annexure-F</u> and after conduct of inquiry by incumbent SP/ Investigation Bannu on it, the same was filed vide his office memo No. 2922/Inv dated 16.07.2019 (copy is attached at <u>annexure-G</u>). The same has become past and closed transaction. However, my previous reply at <u>annexure-F</u> is sufficient to rebut this charge with the addition that nothing has been proved against me on record but each and every anonymous complaint, lodged by disgruntled elements, have been disproved by inquiry officer</p>
<p>4 That as a result of secret and confidential inquiries it has been</p>	<p>In this connection it is submitted that according to 2005 PLC (C.S) 1015 (P.S.J.S.T), no person without evidence could be declared as corrupt person unless proved by cogent sufficient evidence. Since my appointment till date, no reporting and countersigned officers has</p>

58

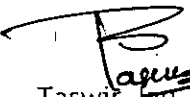
dishonest and un-trusted official by using different techniques in processing of certain affairs of interested officials.

time but even 02 reporting Officers have been declared me, in their reports, as an asset for the department. Thus declaring incorruptible and trustworthy by number of DPOs & DisG rank police officers since my posting up till now and duly approved by each DisG Hqrs, as evident from ACRs (copy are attached at annexure-H) is sufficient to rebut this charge. Similarly, there are 02 Posts i.e traffic clerk and Pay Officer, to which clerks are trying to make their postings but I have not been remained posted as Pay Officer or traffic clerk so far which testify my incorruptible position. Moreover, those who make corruption started to live beyond their ostensible sources of income. I am still indebted of Rs. 200000/- to Mr. Sharif Ullah, my cousin and at about 10 kanal land have been given by me on mortgage to shopkeeper Nekzaman and his brother r/o Sardi khel in lieu of Rs. 200000/- for about 5/6 years. I also drew Rs. 130000/- from my G.P and in the recent past, the same have been cleared by me on installment basis in spite of the fact that I earn sufficient income by farming my paternal land. The above facts may be verified by any source deemed appropriate. So far establishment Post of RPO Office is concerned; I had requested on three different occasions to Mr. Abdullah Khan, the then RPO Bannu for my replacing but in vain. At last, as per my request. Mr. Abdullah Khan made the posting of Hafiz Ullah Khan Assistant Grade clerk as Establishment clerk on 05.04.2019. Copy of the same is attached at annexure-I and he is still performing the duty of E.C. Hence, this charge has no legs to stand upon and may be outcome of misunderstanding OR wrong information.

Besides the above, I may be given an opportunity of cross examination of the prosecution evidence if, any.

As most of the above allegations have been leveled on the previous anonymous complaints and the inquiry Officers/committee have also disproved it which have become past and closed transaction and keeping in view my point to point replies on plausible ground it is, therefore, requested that the charge sheet, issued to me, may graciously be filed for the best interest of justice please.

Enclosures = 57


Taswir Jan, Senior Clerk,
RPO Office, Bannu.

26/11/2019.

Received on 26/11/2019 along with
il.



59

Amir E

FINDINGS REPORT:

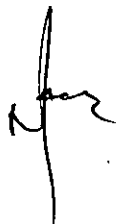
It is submitted that Senior Clerk Taswir Jan was charge sheeted by the Regional Police Officer Bannu Region Bannu vide his office Endst No.4259/EC dated 20-11-2019 by committing the following allegations:-

- That he intentionally and deliberately delayed submission of recommendations of this office to CPO Peshawar on the proscribed form 13-15(3) for the reason best known to him pertaining to the promotion of confirmed SI Asmat Ullah Khan of Special Branch to the promotion list F which resulted into depriving of the police officer from his fundamental rights.
- That he while posted as SRC in DPO Office Bannu also altered the seniority list of police officials eligible for bringing their names on list B-I, resultantly certain officials were deprived of qualifying lower collage course, who later on made a serious nature complaint against him already placed on record.
- That he has always been complained through anonymous complaints for taking of illegal gratification up to 500/ from constable to ASI as well up to Rs.1000/ from Sis etc which is also proving from existing record.
- That a result of secret and confidential enquiries made by the undersigned against him, it has been proved without any shadow of doubt that he is a habitual and extremely corrupt, dishonest and un-trusted official by using different techniques in processing of certain affairs of interested officials.

The enquiry papers were entrusted to the undersigned to probe into the matter and submit findings report. Charge sheet based upon statement of allegations were received by Senior Clerk Taswir Jan on dated 21-11-2019 and submitted reply to the charge sheet and statement of allegations within stipulated period.

STATEMENT OF SENIOR CLERK TASWIR JAN:

Senior Clerk Taswir Jan stated in his statement that neither he took any illegal gratification of Rs.500/ up to 1000/ from police officials (Upper/Lower subordinates) nor delayed the promotion/confirmation case of SI Asmat Ullah of Special Branch Bannu (charge sheet and statement of allegations reply along with relevant documents is placed on enquiry file).



60

STATEMENT OF SI ASMAT ULLAH SPECIAL BRANCH BANNU:

He stated in his statement that he did not give illegal gratification of Rs:5000/ to senior Clerk Tasvir Jan but he confessed to blame Tasvir Jan in order to pressurise him and make his name enlisted in promotion list (DPC) (statement of SI Asmat Ullah Special Branch Bannu is placed on enquiry file).


The following ministerial/executive staffs of Bannu police were also heard in person by the undersigned but no solid proof was found against Tasvir Jan.

1. Senior Clerk Tehseen Ullah the then Establishment Clerk presently serving as traffic Clerk.
2. Junior Clerk Wasim ACR Clerk Range Office Bannu.
3. Junior Clerk Muhammad Younas SRC DPO Office Bannu.
4. HC Anwar Ullah the then Assistant SRC Bannu presently Investigation Staff Bannu.

CONCLUSION:

After perusal of the enquiry papers/relevant record, interviewed/cross examinations and from the statements of the concerned dealing hands (Ministerial/Executive Staff), I, reached to the conclusion that Tasvir Jan was promoted as Senior Clerk on dated 11.12.2012 and remained posted as Establishment Clerk w.e.f 03.02.2014 to 12.10.2014 and 08.08.2017 to 05.04.2019 and has bad reputation. Tasweer Jan while posted as establishment clerk disturbed the seniority lists and deprived many officials from their due promotions. He did all this gross misconduct and violation of rules quite cunningly and shrewdly. Establishment clerk Tasweer Jan is recommended for major punishment.

Findings report is submitted for further order as desired please.


Superintendent of Police,
CTD, Bannu Region



FINAL SHOW CAUSE NOTICE

620 Asmat 2 F

Abdul Ghafoor Afridi, Regional Police Officer, Bannu as competent authority, within the meaning of Khyber Pakhtunkhwa Government Servants (Efficiency and Disciplinary) Rules, 2011 vide Notification No.SO(REG-VI)E&AD/2-6/2010, dated 16th September, 2011 while exercising powers delegated to me under Article 31 of Police Order 2002 vide Khyber Pakhtunkhwa gazette Notification Endst: No.8512-8615/E-V, dated 28.12.2015 hereby serve you Taswir Jan, Senior Clerk with this final show cause notice for committing the following misconduct which has been established by the Inquiry Officer in his findings.

- That you intentionally and deliberately delayed submission of recommendations of this office to CPO Peshawar on the prescribed form 13.15(1) for the reasons best known to you pertaining to the promotion of confirmed SI Asmat Ullah Khari of Special Branch to the promotion list-F which resulted into depriving of the police officer from his fundamental rights.
- That you while posted as SRC in DPO Office Bannu also altered the seniority list of police officials eligible for bringing their names on list B-1, resultantly certain officials were deprived of qualifying lower college course, who later on made a serious nature complaint against you already placed on record.
- That you have always been complained through anonymous complaints for taking of illegal gratification of Rs.500/- from constable to ASI as well as Rs.1000/- from SIs etc which is also proving from the existing record.
- That as a result of secret and confidential inquiries made by the undersigned against you, it has been proved without any shadow of doubt that you are a habitual and extremely corrupt, dishonest and un-trusted official by using different techniques in processing of certain affairs of interested officials.

That consequent upon the completion of inquiry conducted through inquiry officer SP/CTD, Bannu Region for which you were given opportunity of hearing and on going through the findings and recommendations of Inquiry Officer, the material on record and other connected papers including your defense before the inquiry officer, I am satisfied that you have committed gross misconduct by proving allegations and you have committed the above commission and omission.

As a result, I, as competent authority, have tentatively decided to impose upon you one or more punishments including dismissal as specified in the rules.

You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you.

If no reply to this notice is received within seven days of its delivery, it shall be presumed that you have no defense to put in and in that case an exparte action shall be taken against you.

[Handwritten signature]

[Handwritten signature]
(ABDUL GHAFUOR AFRIDI) PSP
Regional Police Officer,
Bannu Region, Bannu
[Handwritten initials]

The Worthy Regional Police Officer
Bannu Region, Bannu.

62
Asmat Ullah 'G'

REPLY TO THE SHOW CAUSE NOTICE.

Kindly refer to the subject show cause notice issued from RPO Office Bannu and served upon me on 26.12.2019, whereby, my showing case has been asked for committing the following commission and omissions:

That the petitioner intentionally and deliberately delayed submission of recommendations of RPO Office in respect of SI Asmat Ullah on the prescribed form 13.15(1) which resulted into depriving of his fundamental right.

That during posting as SRC in DPO Office Bannu, altered the seniority list of police officials, eligible for bringing their names on list B-. Resultantly certain officials were deprived of qualifying lower college course.

That I have always been complained through anonymous complaints for taking of illegal gratifications up to 500/- from constable to ASI as well as up to Rs.1000/-.

That as a result of secret and confidential inquiries it has been proved that the petitioner is a habitual and extremely corrupt, dishonest and un-trusted official by using different techniques in processing of certain affairs of interested officials.

REPLY TO THE SHOW CAUSE NOTICE-

That the allegations, mentioned in the Show cause notice, have not been proved by the inquiry officer in his findings. These allegations were part of charge sheet and I have already rebutted it by offering cogent, solid and documentary evidence and my reply to this effect has not been refuted through any evidence by the E.O so far. My that reply may be considered as part and parcel of the reply to the instant Show cause notice.

That the statements of SI/Asmat Ullah/other ministerial/executive police officials and the conclusion of inquiry report being based upon the said statements are highly contradictory and repugnant to each other. On one hand, the E.O mention that nothing solid proof was found against accused official while on the other hand, in his conclusion, he proposed major punishment which is totally against the law and principle of justice. Even SI. Asmat Ullah has confessed before the inquiry officer that he had blamed Taswir Jan to pressurize him for enlisting his name in DPC and this fact has been testified by the E.O in his findings too.

That accused officer has got an unblemished and spotless service record and posted on sensitive/responsible posts where some of the police officials may annoyed from him due to not favoring the unjust causes of them as evident from the case of SI Asmat Ullah, who was reverted to the Rank of ASI in the year 2014 but in spite of that he

Asmat

wearing the rank of SI and drawing pay in the same scale deceitfully. During the year 2017, after checking his service record for the DPC, received from special Branch, it was disclosed that he was not SI but was ASI, since then, he started baseless allegations against me. Moreover, since appointment till date, every reporting officers have recorded almost A1/A, incorruptible, trustworthy and good report in his ACR duly testified by each countersigning authorities as well as each DIGs Headquarters ^{and even} but some reporting officers have declared him as an asset for the department while recording their general remarks in his ACR.

That the whole procedure adopted by the E.O is totally against law/rules and code of formalities which obviously indicate the BIASNESS, prejudice and malafide as evident from the conduct of inquiry by way of questionnaire. Copy of questionnaire served upon me can be produced and is available on inquiry file. Addition was made, from time to time, in questionnaire and I agitated this fact in reply to the questions, made through questionnaire, before the inquiry Officer. As per (1) 2008 PLC (C.S)973 [F.S.T] (2) 2006 PLC (C.S)604(F.S.T) See also 2012 PLC (C.S)280 [F.S.T]32010 PLC (C.S)1299 (KP Service tribunal] 2007 PLC (C.S)265 [F.S.T]; 1997 PLC (C.S) 671[Karachi Hig Court] and 2007 PLC (C.S) 555 [F.S.T] (3) 1993 SCMR 1440=1993 PLC (C.S)1140 [S.C] see also 2004 PLC (C.S) 328 [S.C]; 1996 SCMR 802=1996 PLC (C.S) 88; 1997 PLC (C.S) 348 [F.S.T] ; 2005 PLC (C.S) 1384 [F.S.T] (4) AIR 1966 SC 1312. See also AIR 1974 SC 1589 and 2005 PLC (C.S) 263 [S.S.T], Inquiry by way of questionnaire without recording evidence is not consistent with the requirement of Rules; not permissible in law and amounts to denial of affording reasonable opportunity.

That the inquiry officer instead of proving the leveled allegations, has based his inference/recommendations on the ^{malafide} facts which are not part of statement of allegations. No evidence on inquiry file is available which has supported the above allegations but the E.O has based his conclusion/recommendation on assumptions/presumption as well as conjecture which can not take the place of proof. Likewise, evidence produced, can not be read beyond the charge even if it establishes misconduct but the inquiry officer intentionally based his recommendation beyond the charges with malafide intention.

That the statements have not been recorded nor cross examined in accordance with law but with whims and assumption of the E.O which is obviously nullity in law. The prosecution witness was required to be cross examined by me but such opportunity was not provided and no such proceedings have been brought on inquiry file. Cross examination, made by inquiry Officer himself is an evidence of Bias and the attitude of the inquiry officer was invited toward BIAS by me in reply to the questionnaire provided to me. Moreover, number of defense evidence, in documentary form, are available on inquiry file but instead the inquiry officers has recommended me the major punishment which clearly show BIAS on the part of inquiry Officer. Similarly, it is not the duty of Inquiry Officer to make recommendations but his duty is to prove or

disprove the allegations. In order to dispose of the inquiry on the basis of his BIAS, the inquiry Officer made his utmost effort to record any evidence against me but in vain. At last, he (inquiry Officer) threatened SI Asmat Ullah to record his statement against Taswir Jan and filled in the prescribed questionnaire but he denied. I can produce evidence to this effect. The questionnaire, on behalf of SI Asmat Ullah available on inquiry file, has not been filled in by SI Asmat Ullah because no signature of SI Asmat Ullah is existing on the questionnaire. In short, the inquiry Officer has acted as prosecutor/departmental representative and as such he became judge in his own case and likewise due process of law has been violated in every stage.

Keeping in view the above it is therefore, humbly requested that instant show cause notice, issued to me, on the basis of faulty proceedings may graciously be filled in the best interest of justice please.

TASWIR JAN,

Senior Clerk RPO Office, Bannu

11/2020

Received

hm

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11/2020

ORDER

My this order will dispose of the departmental proceedings initiated, against Senior Clerk Taswir Jan, under Khyber Pakhtunkhwa Government Servants (Efficiency and Disciplinary) Rules, 2011 vide Notification No.SO(REG-VI)E&AD/2-6/2010, dated 16th September, 2011 and delegation of power under article 31 of Police Order 2002 vide Khyber Pakhtunkhwa gazette Notification Endst: No.4740-4850/E-V, dated 29.08.2017. The accused senior clerk had committed the following misconduct:-

- That he intentionally and deliberately delayed submission of recommendations of this office to CPO Peshawar on the prescribed form 13.15(1) for the reasons best known to him pertaining to the promotion of confirmed SI Asmat Ullah Khan of Special Branch to the promotion list-F which resulted into depriving of the police officer from his fundamental rights.
- That he while posted as SRC in DPO Office Bannu also altered the seniority list of police officials eligible for bringing their names on list B-1, resultantly certain officials were deprived of qualifying lower college course, who later on made a serious nature complaint against him already placed on record.
- That he has always complained through anonymous complaints for taking of illegal gratification upto 500/- from constable to ASI as well upto Rs.1000/- from SIs etc which is also proving from the existing record.

The delinquent senior clerk was proceeded departmentally and the inquiry papers were entrusted to SP CTD, Bannu. The Inquiry Officer conducted inquiry into the allegations and submitted his findings, wherein, he (E.O) recommended him for major punishment. Final show cause notice was issued to him and also heard in person in orderly room on 22.01.2020.

Keeping in view the above, I, Abdul Ghafoor Afridi, Regional Police Officer, Bannu Region Bannu, in exercise of the powers vested in me under article 31 of Police Order 2002 vide Khyber Pakhtunkhwa gazette Notification Endst: No.8512-8615/E-V, dated 28.12.2015, hereby impose upon him minor punishment of "forfeiture of two years service".

Order announced

(ABDUL GHAFUOR AFRIDI) PSP
Regional Police Officer,
Bannu Region, Bannu

No. 37c-7/EC, dated Bannu the 23/01/2020

Copy to Accountant & Confidential Clerk, Regional Police Office, Bannu for information.

(ABDUL GHAFUOR AFRIDI) PSP
Regional Police Officer,
Bannu Region, Bannu

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Amir "1"

BEFORE THE WORTHY PROVINCIAL POLICE OFFICER, KHYBER PAKHTUNKHWA,
PESHAWAR.

Subject: DEPARTMENTAL APPEAL AGAINST THE ORDER OF PUNISHMENT OF "FORFEITURE OF 02 YEARS APPROVED SERVICE" ISSUED BY RPO BANNU VIDE ORDER ENDST NO. 370-71/EC DATED 23.01.2020.

Respected Sir,

The appellant most respectfully and humbly submits as under:-

1. That the appellant hails from a poor family in the backward area of Bakka Khel Sardi Khel P. S Jani Khel. The appellant has done master in political science, having proficiency in computer as well as type writing.
2. That in the year 1999, the appellant joined police department as a junior clerk and after rendering meritorious services, the appellant was promoted to the rank of senior clerk on 11.12.2012. During the course of service, appellant has discharged duties on various posts i.e typist, SRC, General Clerk, computer operator, I/C computer Cell, building clerk, inquiry clerk, Steno DSP Saddar, pension clerk, head clerk, Range Establishment Clerk, Range General Clerk etc but for the last 3 years, the appellant has also extended helping hands to P/A and Office Supdt: of Regional office Bannu along with discharging the assigned duty of Establishment Clerk. These are such posts, to which, most of ministerial staff (clerks) are dithering to serve on it but the appellant has shouldered the responsibilities of these posts dedicatedly and with full satisfaction of heads of offices.
3. That throughout the entire service, the appellant has been awarded almost A1&A ACRs by reporting ^{officers} ACRs owing to his competency, hardworking, honesty and efficiency etc. No adverse ACR has been given to the appellant so far but even Mr. Dar Ali Khan, Khattak, the then RPO Bannu, has recorded the following remarks on my ACR "He is the only Officer in RPO Office, Bannu who has full command over his job". Similarly, Mr. Abdur Rashid Khan and MR. Kifyat Ullah Khan, the then DPO Bannu and SP RRB, respectively, have recorded the following remarks on his ACRs. "A very competent, professional, highly educated, trustworthy and hardworking Police Official who is having full command on his job. Due to his honest and efficient dealing and quick disposal of official work, he was always assigned extra duties which were also effectively shouldered by him up to the full satisfaction. He proved himself to an asset for the force"

TS
20/2/2020

[Signature]

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4. That during the course of service, the appellant had to suffer a lot at the hands of disgruntled elements in the department/outside the department because the appellant has remained posted on sensitive/responsible posts where some of the police officials may have been annoyed from him due to not favoring the unjust causes of them. Its brief description is that (i), Once the appellant, after adopting proper procedure and qualifying test /interview, was offered the post of computer operator in IB Department but due to malafide role of dealing hands(disgruntled element)at CPO level, Mr. Rifat Pasha, the then IGP, KP Peshawar did not allow him to join the post of computer operator in IB department. When the appellant requested an interview of W/IGP for the purpose, he was rather proceeded departmentally instead of giving him chance of an interview. Though, the inquiry was filed subsequently, yet the appellant was deprived of his golden chance of life because the IB authority had withdrawn the offer before disposal of the inquiry (ii) that in the year 2009, a DPC was held at CPO Peshawar for promotion to the rank of Senior Clerk. wherein, the name of appellant was not included malafidly even the appellant was lying at death's door at that relevant time because of attempted murder attack on his life by the terrorists/militants vide case FIR No. 88 dated 23.07.2009 u/s 324/34/7ATA PS Miryan.

20/2/2020

5. That owing to malafide role of some disgruntled elements, the appellant, all of a sudden, was served with charge sheet (copy is attached at annexure-A) by the incumbent authority (RPO Bannu), on the basis of previous anonymous complaints which were already proved baseless by each inquiry officer and had become passed and closed transaction because of filling it by each competent authority in the years 2014, 2015 etc. Though, the appellant defended against the leveled so called charges by presenting cogent, plausible and documentary evidence at every stage of this faulty and unlawful proceedings yet the competent authority, from the very beginning, BIASED/made up his mind and was dotted upon to penalize the appellant by every hook and crook and that is why, the appellant was awarded the unjust/unlawful punishment via the impugned order dated 23.01.2020 on the basis of faulty/BIASED proceedings by violating every principles of natural justice/law, which is also without jurisdiction, bade in law, arbitrary and not maintainable in the eyes of law as well as void ab initio on the following grounds:

68

GROUNDS:

I. That the very act of RPO Bannu is without jurisdiction/void ab initio because competent authority as per KP Govt: Servants (Efficiency and Discipline) Rules, 2011, under which, the appellant has been proceeded departmentally, will be the respective appointing authority while the appellant's appointment authority is IGP, not RPO, under section 44 sub section (1) of KP Police Act 2017. Likewise, the appellant was/shall be under the direction and control of PPO under section (2) of section 44 ibid and the power of direction and control shall include the powers of discipline and dismissal vide Sub Section 3 of the said section. Thus, RPO, as per law, was/is not competent authority for initiating departmental proceedings/awarding punishment to the appellant. So far delegations of powers of disciplinary proceeding under Article 31 of police order 2002 is concerned; it is itself void ab initio because after promulgation of Police Act, 2017, police order 2002 has become inactive. Moreover, as per 1971 (2) SLR 914 (All), delegations of power with regards to dismissal cannot be delegated to the authority, subordinate to the appointing authority. Similarly, as per AIR 1973 PC 27, the powers of appointing authority cannot be delegated. Thus without delegation the authority of appointment, the authority with regards to the punishment cannot be delegated. In other words, if the powers of appointment are delegated by virtue of the provision of statute, rules or regulations, the powers to punish will be run together. According to PLD 1976 SC 258 see also 2001 PLC (S.C) 1123 [S.S.T] an order of punishment by a person having no authority will be ab initio void. Similarly, 2001 PLC [C.S] 581 [S.S.T] further stipulates that an order without jurisdiction is void, it binds no body; such order neither creates nor recognizes any right or liability and legal incidents attach to it. It will be, if it was never made. Thus, the impugned order has no legal footings to stand upon.

II. That the whole procedure adopted by the authority (RPO Bannu) /E.O was totally against law/rules and code formalities and thus due process was violated at every stage on the basis of BIASNESS, prejudice and malafide as evident from the fact that when no obvious ground was found against the appellant by the authority in spite of his utmost efforts (which will be stated at the time of hearing), he (authority) initiated proceedings against the appellant on previous anonymous filed complaints which too had become past and closed transaction and could not be reopened as per law, however, the appellant rebutted all the leveled allegations in reply to the charge sheet by producing documentary/tangible evidence (copy is attached at annexure-B) but the E.O, having no prosecution evidence for supporting the charges, adopted indifferent

Law
20/2/2020

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for

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procedure and conducted the inquiry, by way of questionnaire without recording evidence which is inconsistent with the requirement of Rules; law and amounted to denial of affording reasonable opportunity vide 2008 PLC (C.S)973 (FST) (2) 2006 PLC (C.S)604(F.S.T) See also 2012 PLC (C.S)280 [F.S.T]32010 PLC (C.S)1299 (KP Service tribunal] 2007 PLC (C.S)265 [F.S.T]; 1997 PLC (C.S) 671[Karachi High Court] and 2007 PLC (C.S) 555 [F.S.T] (3) 1993 SCMR 1440=1993 PLC (C.S)1140 [S.C] see also 2004 PLC (C.S) 328 [S.C]; 1996 SCMR 802=1996 PLC (C.S) 88; 1997 PLC (C.S) 348 [F.S.T] ; 2005 PLC (C.S) 1384 [F.S.T] (4) AIR 1966 SC 1312. See also AIR 1974 SC 1589 and 2005 PLC (C.S) 263 [S.S.T].

III. That though the appellant agitated the adopted procedure in reply to the questions in questionnaire, however, each question of the questionnaire was answered on cogent grounds (copy is attached at annexure-C) but the inquiry officer at the instance of competent authority based his inference/recommendations on assumptions/presumption as well as conjecture in contrary to the facts available on inquiry file. It is the settled principle of law that finding is to be based on evidence and not on suspicions or speculation or extraneous facts but in the instant proceedings no prosecution statement has been recorded nor any cross examination record has been brought on inquiry file which was obviously nullity in law. Cross examination, made by inquiry Officer himself on his whims and assumption is an evidence of Bias on the part of E.O. Thus the impugned order passed on the basis of faulty inquiry is required to be quashed.

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22/2/2020

IV. That the statements of SI/Asmat Ullah/other ministerial/executive police officers and the conclusion of inquiry report (copy is attached at annexure-D) being based upon the said statements by itself contradictory and repugnant to each other. On one hand, the E.O mention that no solid proof was found against the appellant while on the other hand in his conclusion, he proposed major punishment which is totally against the law and principle of justice. Even SI, Asmat Ullah has confessed before the inquiry officer that he had blamed Taswir Jan to pressurize him for enlisting his name in DPC and this fact had been mention by the E.O in his findings too.

V. That the allegations conveyed to the appellant in form of Final show cause notice were not proved by the inquiry officer in his findings, however, the allegations contained in FSN were rebutted by the appellant in reply to it as well as during personal hearing. (copy is attached at annexure-E). Moreover, the competent authority has not issued any contradictory remarks/order with

20


regards to the explanations offered by the appellant in response to the FSC as well as during personal hearing which testify the very innocence of the appellant and groundless position of the competent authority.

VI. That "Show cause" is meant to allege and prove sufficient cause. As per PLD 1963 Lah 295 it does not mean merely to allege cause without proving it or in other words merely to object. The allegations leveled in the show cause notice have not been proved by E.O and thus the "show cause notice", issued on the basis of allegations mentioned in the charge sheet; not on the basis of finding of E.O; did not prove the cause but as explained above that the competent authority had a direct interest in the proceedings and was adamant to punish the appellant by one way or the other issued the impugned order/decision being violative of maxim " memo debet esse judex in propria causa". Therefore, the impugned order has violated every principles of natural justice and is not maintainable under the law.

VII. That the punishment "forfeiture of 2 years approved service", awarded by the competent authority is not existing in KP, Govt: Servants (Efficiency and Discipline) Rules, 2011, under which, the appellant has been proceeded departmentally. Thus, the awarded punishment is bad in law and has no legal status which needs to be set aside.

For the above stated grounds and reason and other to be stated at the time of hearing of the appeal it is, therefore, most humbly prayed that on acceptance of this appeal, the impugned order of punishment, i.e "forfeiture of 02 years approved service" dated 23-01-2020 (copy is attached at annexure-F) may kindly be set aside for the best interest of justice please.



Appellant.

(Taswir Jan, Senior Clerk)

On loan to FRP Office, Bannu.

20/2/2020



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

No. 1885-89 /E-V, dated Peshawar the 01/10/2020

ORDER

This order is hereby passed to dispose off the Departmental Appeal dated 20.02.2020 preferred by Taswir Jan Senior Clerk (BPS-14) of FRP Bannu regarding minor punishment of "forfeiture of two years service" awarded by Regional Police Officer, Bannu vide order No. 370-71/EC, dated 23.01.2020, on the following grounds:-

- "1. The appellant intentionally and deliberately delayed submission of recommendations of this office to CPO Peshawar on the prescribed form 13.15(1) for the reasons best known to him pertaining to the promotion of confirmed SI Asmat Ullah Khan of Special Branch to the promotion list-F which resulted into depriving of the police officer from his fundamental rights.
2. The appellant while posted as SRC in DPO Office Bannu also altered the seniority list of police officials eligible for bringing their names on list B-1, resultantly certain officials were deprived of qualifying lower college course, who later on made a serious nature complaint against him already placed on record.
3. The appellant has always complained through anonymous complaints for taking of illegal gratification upto Rs. 500/- from constable to ASI as well upto Rs. 1000/- from SIs etc which is also proving from the existing record."

He was called to OR on 30.06.2020, heard him in detail and questioned regarding his conduct. He could not satisfy the undersigned regarding his misconduct and willful delay of suitable cases of officials, hence his appeal is rejected.

Received today on 10-7-2020
by
10/7/2020-

(DR. ISHTIAQ AHMED) PSP/PPM
Additional Inspector General of Police,
Headquarters, Khyber Pakhtunkhwa,
Peshawar

Endst: No. & date even.

Copy forwarded to the: -

- Regional Police Officer, Bannu.
- Superintendent of Police, FRP, Bannu w/r to his letter No. 318/FRP dated 20.20.2020.
- Registrar CPO Peshawar.
- Office Superintendent Secret Branch CPO Peshawar.
- Official concerned. - S/c Taswir Jan.

[Handwritten signature]

تہیت 50 روپے	54214			
ایڈوکیٹ: Naila Jan		پشاور بار ایسوسی ایشن، خیبر پختونخواہ		
بار کونسل ایسوسی ایشن نمبر: Bc-13-4172				
رابطہ نمبر: 03129215471				

بعدالت جناب: صدیق محمد خان سے جس نے درخواست لکھی ہے۔

مخانب: اسد انصاف	دعوی:
لقویہ: لکھیہ جان	علت نمبر:
بنام: لکھیہ جان	مورخہ:
لکھیہ جان	جرم:
لکھیہ جان	تھانہ:

باعت تحریر آگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ
 آن مقام لکھیہ جان کے لیے اٹا لکھیہ جان کے حضور
 کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کمال اختیار ہوگا، نیز وکیل صاحب کو
 راضی نامہ کرنے و تقرر ثالث و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق
 زاریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری کی طرف یا اپیل کی برآمدگی اور منسوخی، نیز
 دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی
 کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب
 مقرر شدہ کو وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داخست منظور و قبول ہوگا
 دوران مقدمہ میں جو خرچہ ہر جانبہ التوائے مقدمہ کے سبب سے ہوگا کوئی تاریخ پیشی مقام دورہ یا حد سے
 باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھیہ جان دیا تاکہ سند رہے
 المرقوم: 07/08/2020

المقام لکھیہ جان کے لیے منظور ہے۔

نوٹ: اس وکالت نامہ کی فونو کاپی تا قابل قبول ہوگی۔

Attes See
 Accepted
 (4) lue
 Naila Jan

اسد انصاف لکھیہ جان
 سندھ کلرک بنوں لکھیہ

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

Appeal No.9265/2020

Taswir Jan s/o Mir Alam Jan, Senior Clerk, Office of S.P FRP Bannu.

Appellant

Versus

The Inspector General of Police Khyber Pakhtunkhwa Peshawar and others.

..... Respondents

INDEX

S/No	Description of Documents	Annexure	Page
1	Comments/Reply		1-3
2	Authority Letter		4
3	Affidavit		5
4	Copy of letter of AIG/HQrs	"A"	6
5	Copy of order of AIG/HQrs	"B"	7

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Appeal No.9265/2020

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The Inspector General of Police Khyber Pakhtunkhwa Peshawar and others.

..... Respondents

PARA WISE COMMENTS/REPLY BY RESPONDENTS NO.1, 2 & 3

Respectfully Sheweth

Preliminary Objections

1. That the appeal of the appellant is barred by law & limitation.
2. That the appeal is not maintainable in its present form.
3. That the appellant has concealed the actual facts from this Honorable Tribunal.
4. That the appeal is bad in law due to mis-joinder and non-joinder of necessary parties.
5. That the appellant has approached the Honourable Tribunal with unclean hands.
6. That the appellant has got no cause of action and locus-standi to file the instant appeal.
7. That the appellant has been estopped by his own conduct.

OBJECTIONS ON FACTS:

1. Pertains to record. Hence, needs no comments.
2. Pertains to record. Hence, needs no comments.
3. Incorrect. Respondent No.3 is a competent authority as per notification diary No.4740 to 4850/EV dated 29.08.2017 which explains the power of disciplinary action against Ministerial Staff, were delegated RPOs/DPOs within the meaning of article 31 of Police order 2002 (Now incorporated in section 44(4) of KPK Police Act 2017) vide notification No.8511/E-V dated 28.12.2015. Police Policy Board at CPO Peshawar approved delegation of power of disciplinary action in respect of the ministerial staff to Addl: IGPs/DIGs Head of Unit of Police and SSPs/Deputy Commandant of the unit of police which explains that Addl: IGPs/DIGs can take action against Senior Clerk etc. Rest of the para pertains to record. Copy of order attached as annexure-A.
4. Incorrect. proper charge sheet with summary of allegations and final show cause notice was issued to the appellant. Proper inquiry through SP CTD was conducted wherein all the opportunities of self-defense, cross examination and hearing were provided. As the charges were established against the appellant and was recommended for punishment by the inquiry officer. (Copies of charge sheet,

Final show cause notice and inquiry finding report are enclosed as annexures "B", "C" & "D").

5. Pertain to record, hence, needs no comments.
6. Incorrect. according to OB NO.370-71/EC dated 23.01.2020, the appellant was called by the competent authority (Respondent No.3) and also heard in person in orderly room on 22.01.2020. (Copy of order annexed as annexure-E). But the appellant badly failed to rebut the allegations.
7. Incorrect. Addl: Inspector General of Police KP Peshawar (Respondent No.2) is a competent authority according to Memo No.4740-4750 dated 29.08.2017 issued by AIG Establishment CPO Peshawar. (Copy annexed as annexure "F").
The appeal of appellant was rejected by the competent authority in accordance with facts material evidence on record, the order is well reasoned and speaking.
8. Incorrect. The appellant has wrongly assailed the legal and valid order of respondent through unsound grounds.

OBJECTIONS ON GROUNDS

- A. Incorrect. The orders of respondents are based on facts, quite legal and in accordance with law/rules.
- B. Incorrect. proper charge sheet/ summary of allegations was issued to the appellant and inquiry was conducted wherein the charges were proved by providing all opportunities of defense to the appellant.
- C. Correct to the extent that the appellant belongs to the Ministerial staff and he was dealt departmentally in accordance with existing rules.
- D. Incorrect. According to newly promulgated laws i.e. Police Act 2017, AIGPs/DIGs can take action against senior clerk etc. so the order has been passed by competent authority under the rules.
- E. Incorrect. Both the orders have been passed by competent authorities under the rules.
- F. Incorrect. proper departmental inquiry was conducted by SP CTD, the allegations leveled against him was proved hence, recommended for major punishment by the I.O.
- G. Incorrect. Reply has already been given in the above para.
- H. Incorrect. The Respondents did not violate Article 25 of the Constitution of Islamic Republic of Pakistan. The appellant was awarded major punishment after establishment of charges against the appellant proved beyond any shadow of doubts.
- I. Incorrect. Proper charge sheet with summary of allegations was issued to the appellant. Moreover, he was personally heard by the Respondents in Orderly room, but he failed to rebut the charges satisfactorily.
- J. Incorrect. both the orders are legal and in accordance with law/rules.

- K. Incorrect. proper departmental inquiry was conducted and I.O held responsible the Appellant for having bad reputation, while he was posted as Establishment Clerk, disturbed the seniority lists and deprived many officials from their due promotions. He did all this with ulterior motive and malafide intention.
- L. Incorrect. The appellant was awarded major punishment after establishing of charges in an impartial inquiry conducted by SP CTD.
- M. Incorrect. Reply has already been in the above para.
- N. The Respondents department may kindly be allowed to advance any other grounds/record at the time of arguments.

PRAYER:

In view of the above stated facts, it is most humbly prayed that the appeal of the appellant being not maintainable, may kindly be dismissed with costs, please.

Amal Khan

**Regional Police Officer,
Bannu Region, Bannu
(Respondent No.3)**

**Addl: Inspector General of Police,
Head Quarter,
Khyber Pakhtunkhwa Peshawar
(Respondent No.2)**

[Signature]
**Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar
(Respondent No.1)**

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

Appeal No.9265/2020

Taswir Jan s/o Mir Alam Jan, Senior Clerk, Office of S.P FRP Bannu.

Appellant

Versus

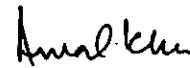
The Inspector General of Police Khyber Pakhtunkhwa Peshawar and others.

..... Respondents


AUTHORITY LETTER.


Mr. Muhammad Farooq Khan, Inspector Legal is hereby authorized to appear before The Service Tribunal Khyber Pakhtunkhwa Peshawar on behalf of the undersigned in the above cited case.

He is authorized to submit and sign all documents pertaining to the present appeal.



**Regional Police Officer,
Bannu Region, Bannu
(Respondent No.3)**


**Addl. Inspector General of Police,
Head Quarter,
Khyber Pakhtunkhwa Peshawar
(Respondent No.2)**


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

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

Appeal No.9265/2020

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Appellant

Versus

The Inspector General of Police Khyber Pakhtunkhwa Peshawar and others.

..... Respondents

AFFIDAVIT

I, **Muhammad Farooq Khan**, Inspector Legal representative for Respondent Nos. 1, 2 & 3, do hereby solemnly affirm and declare that the contents of the accompanying comments submitted by me are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honourable Tribunal.



DEPONENT

11101-1483421-1

Noted by the undersigned. The powers of discipline are hereby delegated to the head of unit of Police and SSSP/DY. Therefore, an order is hereby issued for the powers of disciplinary actions against the members of units of Police as per detailed below:

DESIGNATION	UNIT
Addl. IGP (Disc.) head of unit of Police	...
SSSP/DY Commandants	...

Amended No. 8 of 1974

Copy to be sent to...

- 1. Addl. IGP (Disc.)
- 2. Addl. IGP (Disc.)
- 3. Addl. IGP (Disc.)
- 4. Addl. IGP (Disc.)
- 5. Addl. IGP (Disc.)
- 6. Addl. IGP (Disc.)
- 7. Addl. IGP (Disc.)
- 8. Addl. IGP (Disc.)
- 9. Addl. IGP (Disc.)
- 10. Addl. IGP (Disc.)
- 11. Addl. IGP (Disc.)
- 12. Addl. IGP (Disc.)
- 13. Addl. IGP (Disc.)
- 14. Addl. IGP (Disc.)
- 15. Addl. IGP (Disc.)
- 16. Addl. IGP (Disc.)
- 17. Addl. IGP (Disc.)
- 18. Addl. IGP (Disc.)
- 19. Addl. IGP (Disc.)
- 20. Addl. IGP (Disc.)

DISMISSAL IN II

The above named ...
 ...
 ...

1
2
3

The above ...
 ...
 ...

...

...



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

Annexure B3

No. 1885-89 /E-V, dated Peshawar the 01/10/2020

ORDER

This order is hereby passed to dispose off the Departmental Appeal dated 20.02.2020 preferred by Taswir Jan Senior Clerk (BPS-14) of FRP Bannu regarding minor punishment of "forfeiture of two years service" awarded by Regional Police Officer, Bannu vide order No. 370-71/EC, dated 23.01.2020, on the following grounds:-

- "1. The appellant intentionally and deliberately delayed submission of recommendations of this office to CPO Peshawar on the prescribed form 13.15(1) for the reasons best known to him pertaining to the promotion of confirmed SI Asmat Ullah Khan of Special Branch to the promotion list-F which resulted into depriving of the police officer from his fundamental rights.
2. The appellant while posted as SRC in DPO Office Bannu also altered the seniority list of police officials eligible for bringing their names on list B-1, resultantly certain officials were deprived of qualifying lower college course, who later on made a serious nature complaint against him already placed on record.
3. The appellant has always complained through anonymous complaints for taking of illegal gratification upto Rs. 500/- from constable to ASI as well upto Rs. 1000/- from SIs etc which is also proving from the existing record."

He was called to OR on 30.06.2020, heard him in detail and questioned regarding his conduct. He could not satisfy the undersigned regarding his misconduct and willful delay of suitable cases of officials, hence his appeal is rejected.

Received today on 10-7-2020

10/7/2020

(DR. ISHTIAQ AHMED) PSP/PPM
Additional Inspector General of Police,
Headquarters, Khyber Pakhtunkhwa,
Peshawar

Endst: No. & date even.

Copy forwarded to the:-


- o Regional Police Officer, Bannu.
- o Superintendent of Police, FRP, Bannu w/r to his letter No. 318/FRP dated 20.20.2020.
- o Registrar CPO Peshawar.
- o Office Superintendent Secret Branch CPO Peshawar.
- o Official concerned. - S/c Taswir Jan

AFGHANISTAN POLICE PESHAWARADDENDUM

No 4740-4850

E-V. DISCIPLINARY ACTION Powers of disciplinary action against Ministerial Staff were delegated to RPOs / DPOs within the meaning of Article 31 of Police Order 2002 (Now incorporated in Section 44(A) of Khyber Pakhtunkhwa Police Act, 2017) vide this office Notification No. 8511/E-V dated 28-12-2015. Police Policy Board approved delegation of the powers of disciplinary action against the Ministerial Staff to Addl. IGsP / DIsG, head of unit of Police and SSsP / Dy. Commandants of the unit of Police in line with the notification ibid. Therefore an addendum is issued in continuation of notification ibid and powers of disciplinary actions against the Ministerial Staff are also delegated to the authorities of units of Police as per detailed below:-

DESIGNATION	ACTION IS TO BE TAKEN AGAINST THE MINISTERIAL STAFF
Addl. IGsP / DIsG, head of unit of Police	Office Supdt. (BPS-17), Steno-graphers (BPS-16) Assistant Grade Clerks (BPS-16), Steno Typist (BPS-14) and Senior Clerks (BPS-13)
SSsP/DY Commandants	Junior Clerks (BPS-12) and Naib Qasid/Class-IV (BPS-1 to 4)


 (Muhammad Ashraf Noor) PSP
 Addl. IGP/HQrs.
 For Inspector General of Police,
 Khyber Pakhtunkhwa,
 Peshawar

Endst: No. & Date even.

Copy forwarded to the:-

- All Addl. Inspectors General of Police of Khyber Pakhtunkhwa
- All RPOs of Khyber Pakhtunkhwa
- Capital City Police Officer Peshawar
- All DIsG of Khyber Pakhtunkhwa
- Commandants, FRP and PTC, Hangu
- All DPOs of Khyber Pakhtunkhwa
- All AIsG of Khyber Pakhtunkhwa
- Director I.P., Khyber Pakhtunkhwa Peshawar
- Director FSI, Khyber Pakhtunkhwa Peshawar
- Commandant CPC University Campus, Peshawar
- Deputy Director Audit, CPO Peshawar
- Registrar CPO Peshawar
- Budget Officer, CPO Peshawar
- All Office Superintendents of CPO Peshawar

From : The Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.

All Heads of Police Offices,
in Khyber Pakhtunkhwa.

All Office Superintendents,
in CPO.

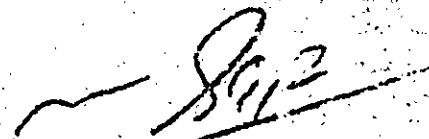
727-91 /E-V, dated Peshawar the 07th 10/2014.

PUNISHMENT.

As approved by the Worthy Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar disciplinary cases of ministerial staff will be dealt by the officers noted against their designations:-

S.NO.	DESIGNATION	
1.	Addl: IGP/HQrs:	Office Superintendents & Stenographers
2.	DIG/HQrs:	Assistants, Steno Typists & Senior Clerks
3.	AIG/Establishment	Junior Clerks & Class IV

The above mentioned officers are also authorized to issue transfer posting orders of the above mentioned Ministerial Staff. Therefore, Explanation Sheet with Statements of Allegation will also be issued under their signature.


(MIAN MUHAMMAD ASIF)
Addl: IGP/HQrs;
For Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.

9/7



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

Annexure B

No. 1885-89 /E-V; dated Peshawar the 01/10/2020

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10/7/2020

(DR. ISHTIAQ AHMED) PSP/PPM
Additional Inspector General of Police,
Headquarters, Khyber Pakhtunkhwa,
Peshawar

Endst: No. & date even.

Copy forwarded to the:-

- o Regional Police Officer, Bannu.
- o Superintendent of Police, FRP, Bannu w/r to his letter No. 318/FRP dated 20.20.2020.
- o Registrar CPO Peshawar.
- o Office Superintendent Secret Branch CPO Peshawar.
- o Official concerned. - S/c Taswir Jan



**KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

No. 2018 /ST

Dated: 11/10 /2021

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281
Fax:- 091-9213262

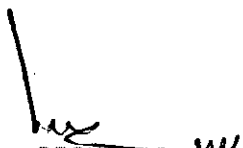
To

The Regional Police Officer,
Government of Khyber Pakhtunkhwa,
Bannu Region Bannu.

Subject: JUDGMENT IN APPEAL NO. 9265/2020, MR. TASWIR JAN

I am directed to forward herewith a certified copy of Judgement dated 15.09.2021 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR