

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR.

Khyber Pakhtunkhwa
Services Tribunal

W.P No. 1154-P/2022

Case No. 3179

Muhammad Idress (Petitioner)

26-1-2023

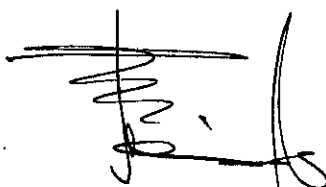
Versus

Government of Khyber Pakhtunkhwa and others (Respondents)

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DEPONENT,



Rifaqat Ullah Khan

SI LEGAL KHYBER

CNIC No #17201-3533074-3

Mobile# 0348-5007134

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BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRINUNAL, PESHAWAR.

Service Appeal No.1154-P/2022.

Muhammad Idress (Appellant)

Versus

Inspector General of Police Khyber Pakhtunkhwa (Respondents)

PARAWISE COMMENTS BY RESPONDENTS NO.1, 2 & 3.

RESPECTFULLY SHEWETH:

PRELIMINARY OBJECTION:-

- a) That the Appellant has got no cause of action to file the present Appeal.
- b) That the Appeal is not based on facts.
- c) That the Appeal is not maintainable in the present form.
- d) That the Appeal is bad for mis-joinder and non-joinder of necessary parties.
- e) That the Appellant has not come to this Honorable Tribunal with clean hands
- f) That the Appellant is estopped by his own conduct from filing the Appeal.
- g) That the appeal is barred by law and limitation.

FACTS:

1. Pertain to record.
2. Incorrect. Appellant while posted at police station Bara, involved in criminal activities, and was arrested by Peshawar Police with Narcotics, consequent upon which proper FIR vide No. 893, dated 16/07/2021 U/S 9D CNSA was registered in PS Chamkani Peshawar, 2nd Para is correct to the extent that the appellant was later acquitted by the Court in case FIR No. 893.
3. Incorrect and misleading. The appellant was issued Show Cause Notice by the competent Authority to which the appellant failed to submit any cogent reply. Therefore, the competent authority checked the ground realities for factual position and upon having satisfied awarded major punishment to the appellant for his misconduct. **(Annexure-A Show Cause Notice)**
4. As already explained in Para 02, the appellant was heard in person in orderly room and the relevant record along with his explanation examined during personal hearing, however, the appellant failed to submit any plausible explanation or correct proof in his defense to declare him (appellant) innocent in the case, hence, departmental appeal, being also time barred for 08 months and 15 days, was rejected accordingly. **(order is attached as Annexure-B)**

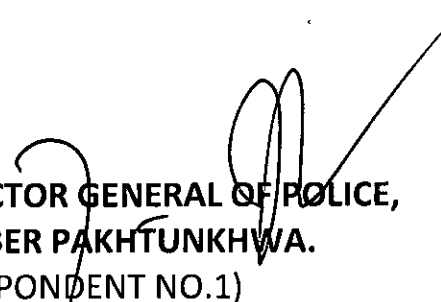
5. Incorrect, appellant has got no cause of the appeal; therefore, the instant appeal may kindly be dismissed on the following grounds.

Grounds:

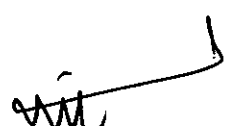
- A. Incorrect, the order has been passed in accordance with law/ rules and no injustice, or illegality has been done with the appellant.
- B. Incorrect, as already explained in Para 03.
- C. Incorrect. The order has been passed by competent authorities in accordance with KP Police rules. (Amended 2017)
- D. Incorrect, appellant has already been dealt with according to law, rules and regulations; no injustice has been done to the appellant.
- E. Incorrect. The order dated 27.07.2021 passed due to the involvement of the appellant in the criminal case and to eliminate the helping hand of Narcotics cartels in rank and file of the Police department.
- F. Incorrect, as already explained in the preceding Paras.
- G. Respondents may also be allowed to raise other grounds at the time of arguments.

Prayer:

Keeping in view of above stated facts, it is humbly prayed that the Service Appeal is based on wrong grounds may kindly be dismissed with costs, please.


**INSPECTOR GENERAL OF POLICE,
KHYBER PAKHTUNKHWA.
(RESPONDENT NO.1)**


**CAPITAL CITY POLICE OFFICER,
PESHAWAR.
(RESPONDENT NO.2)**


**DISTRICT POLICE OFFICER,
KHYBER.
(RESPONDENT NO.3)**

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BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR.

W.P No. 1154-P/2022

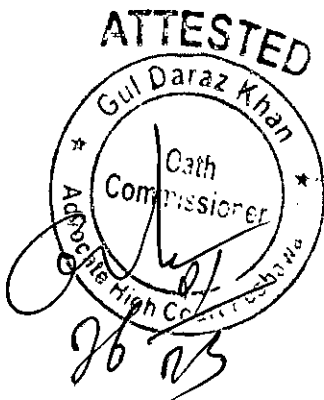
Muhammad Idress (Petitioner)

Versus

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AFFIDAVIT.

I, Razaqat Ullah Khan SI Legal, do hereby solemnly affirm on oath that the contents of accompanying comments on behalf of District Police Officer Khyber are correct to the best of my knowledge and belief. Nothing has been concealed from this Honorable Court.



DEPONENT

Razaqat Ullah Khan

SI LEGAL KHYBER

CNIC No #17201-3533074-3

Mobile# 0348-5007134

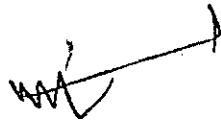
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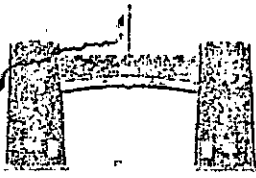
OFFICE OF
THE DISTRICT POLICE OFFICER
KHYBER



AUTHORITY LETTER

I, **Imran Khan**, District Police Officer, Khyber hereby Authorize **Rafaqat Ullah Khan SI Legal** of District Khyber to attend all the cases and submission of Para Wise comments pertaining to this Office in Peshawar High Court, Khyber Pakhtunkhwa Service Tribunal and Lower Courts on behalf of the undersigned.


(IMRAN KHAN) PSP
DISTRICT POLICE OFFICER,
KHYBER.



OFFICE OF THE
DISTRICT POLICE OFFICER
KHYBER



NO. _____ / Showcause/PSO/Khyber,
Dated: /05/2020.

SHOW CAUSE NOTICE

Whereas you Constable Muhammad Idrees while posted at PS Jamrud, District Khyber committed the following gross misconduct on your part:

"that you were arrested by Peshawar Police with Narcotics & proper FIR vide No. 893, dated 16/7/2021, u/s 9DCNSA was registered against you at PS Chamkani Peshawar. Being a member of a disciplined Force involvement in a criminal case is a gross misconduct on your part"

If this allegation is proved against you, Proper departmental action will be initiated against you which may result in dismissal from Service as per E&D Rules Khyber Pakhtunkhwa 2011 Section 7.

Now I, Waseem Riaz (PSP) District Police Officer, Khyber, being the competent authority, call upon you to Show Cause within 03 days of the receipt of this notice as to why you should not be dismissed from service under rules mentioned above. Also intimate that whether you desire to be heard in person.

If you failed in submitting any reply an ex-parte action shall be taken against you.



Waseem Riaz
(DISTRICT POLICE OFFICER)
KHYBER.

Revised Copy

Annexure (B)
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OFFICE OF THE
CAPITAL CITY POLICE OFFICER
PESHAWAR

Order.

This order will dispose of the departmental appeal preferred by Ex-Constable Muhammad Idress No.3060. Who was awarded the major punishment of “Dismissal from service” under PR-1975 by DPO Khyber vide order No.2397 PSO/Khyber dated 27.07.2021.

2- Short facts leading to the instant appeal are that the appellant while posted at PS Bara district Khyber was issue show cause notice containing the charge of his involvement in case FIR No.893 dated 16.07.2021U/S 9D CNSA PS Chamkani Peshawar.

3- He was issue show cause notice on the above allegations by District Police Khyber to which he replied but his reply to the show cause notice was found unsatisfactory by the competent authority, hence awarded the above major punishment.

4- He was heard in person in O.R in the relevant record along with his explanation perused. During personal hearing the appellant failed to submit any plausible explanation to produce some solid proof in his defense to declare him innocent in the case. Therefore, his appeal for setting aside the punishment awarded to him by DPO Khyber Vide order No.2397-PSO/Khyber dated 27.07.2021 is hereby **rejected/filed being also time barred for 08 months and 15 days.**

(MUHAMMAD IJAZ KHAN) PSP
CAPITAL CITY POLICE OFFICER,
PESHAWAR.

No. 2001-05/ PA

dated Peshawar the 01/07/2022

Copies for information and necessary action to the:-

1. District Police officer Khyber along with complete inquiry file.
2. DSP HQrs Khyber
3. Accountant & OASI Khyber.
4. Official concerned.