

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 9616/2020

Date of Institution ... 25.08.2020

Date of Decision ... 09.06.2021

Nasrullah Sub Inspector District Police Charsadda.

... (Appellant)

VERSUS

District Police Officer, Charsadda and two others.

... (Respondents)

MISS ROEEDA KHAN

Advocate

...

For Appellant

MUHAMMAD ADEEL BUTT

Additional Advocate General

...

For Respondents

MR. SALAH-UD-DIN

...

MEMBER (J)

MR. ATIQ-UR-REHMAN WAZIR

...

MEMBER (E)


JUDGMENT: -

Mr. ATIQ UR REHMAN WAZIR: - Brief facts of the case are that the appellant while serving as Sub Inspector in Police Department, was proceeded against on the charges of his wife being beneficiary of Benazir Income Support Program (BISP) of cash grant. Show Cause Notice dated 03-03-2020 to this effect was served upon the appellant, to which he responded vide his letter dated 04-04-2020 but his reply being unsatisfactory was regretted and major penalty of reduction in pay by one stage along with recovery of the cash grant of BISP received so far vide impugned order dated 16-04-2020. The appellant filed departmental appeal dated 11-05-2020, which was also rejected vide order dated 14-07-2020 with modification of reduction in pay by one stage for one year. The

said order was communicated to the appellant on 27-07-2020. Feeling aggrieved, the appellant filed the instant appeal with prayers that both the impugned orders dated 16-04-2020 and 14-07-2020 may be set aside and status of the appellant may be restored to his original position along with all back benefits.

02. Written reply/comments were submitted by respondents.

03. Learned counsel for the appellant contended that the appellant was convicted for an act, which he has not committed and referred to the judgment of National Law Reported 2003 criminal, where in criminal law every person is liable for his individual act and no one can be convicted for the act of others; that the respondents vide their written reply, failed to quote any rule, whatsoever, which prohibits lower subordinates or their spouses from the benefits of BISP. Learned counsel for the appellant added that only show cause notice was served upon the appellant, to which the appellant responded, but no charge sheet/statement of allegations were served upon the appellant nor any regular inquiry was conducted before imposition of major penalty, which is violation of principles of natural justice and which however was required to be done in accordance with law, where full opportunity of defense is to be provided to the delinquent official. Reliance was placed on 2008 SCMR 1369 and 2009 SCMR 412; that the appellant was not afforded opportunity of personal hearing and where a civil servant is not afforded opportunity of personal hearing before imposition of major penalty, such order would be void ab-initio. Reliance was placed on 2003 PLC (CS) 365; that any decision of the Supreme Court deciding a question of law, was binding on all other courts of the country. Reliance was placed on 2020 CLC 99. Learned counsel for the appellant contended that no final show cause notice was served upon the appellant nor any opportunity of defense and cross-examination has been provided to the appellant. On the question of limitation, the learned counsel for the appellant contended that the appellate order was issued by the respondents on 14-07-2020

but was communicated to the appellant on 27-07-2020; hence, the Service Appeal instituted on 25-08-2020 is well within time. Reliance was placed on 2005 PLC (CS) 1095. Learned counsel for the appellant further added that no limitation would run against an order passed in violation of mandatory provisions of law. Reliance was placed on 2007 SCMR 834; that where on merit the respondents had no case, then limitation would not be a hurdle in the way of appellant for getting justice. Reliance was placed on PLD 2002 Supreme Court 84. Learned counsel for the appellant argued that the appellant has not been treated in accordance with law and the impugned orders passed in violation of law. Learned counsel for the appellant prayed that in view of the situation, the impugned orders dated 16-04-2020 and 17-07-2020 may be set aside and status of the appellant may be restored to his original position along with all back benefits.

04. Learned Additional Advocate General appearing on behalf of official respondents contended that the appellant was proceeded against under section 5(3) of Police Rules, 1975, where a show cause notice was served upon the appellant, but his reply being un-satisfactory was rejected and the appellant was rightly awarded major penalty, as the competent authority through a discreet inquiry found that wife of the appellant was availing cash benefits of BISP, to which she was not entitled. Learned Additional Advocate General prayed that the instant appeal being devoid of merit may be dismissed.


05. We have heard learned counsel for the parties and perused the record.

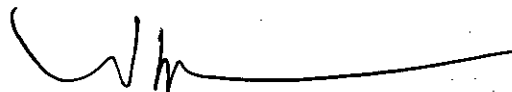
06. The show cause notice issued to the appellant by the competent authority would show that disciplinary proceedings were initiated against him on the basis of discreet inquiry, which culminated in the imposition of major penalty upon the appellant in the shape of reduction in pay by one stage for one year as well as the recovery of the cash grant received from BISP. It is crystal clear that as

it was discreet inquiry, therefore, the appellant was deprived of any opportunity to defend himself properly during the disciplinary proceedings. It is mentioned in para-2 of the show cause notice issued to the appellant that why the afore-said penalty should not be imposed upon him, but there is no mentioning of any proposed penalty, which was to be imposed upon the appellant. The show cause notice is thus vague in nature and does not fulfill the criteria of a proper show cause notice. The disciplinary proceedings were taken against the appellant in a slipshod manner and the same are not sustainable in the eye of law. Moreover, it is evident from the record that, while issuing show cause notice to the appellant, the authority was itself not sure as to whether the appellant was beneficiary of BISP or his wife. In view of the allegations, the authority was required to have conducted a proper inquiry for reaching a just and right conclusion of the matter by providing the appellant an opportunity of defense.

07. In light of the above discussion, the instant appeal is accepted by setting aside the penalty awarded to the appellant and he is held entitled to all back benefits. The department may conduct a de-novo inquiry regarding the charges against the appellant, if so desired. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED
09.06.2021


(SALAH-UD-DIN)
MEMBER (JUDICIAL)


(ATIQ UR REHMAN WAZIR)
MEMBER (EXECUTIVE)

ORDER

09.06.2021

Appellant alongwith his counsel Miss Roeda Khan Advocate, present. Mr. Shah Jehan ASI (Legal) alongwith Muhammad Adeel Butt, 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 by setting aside the penalty awarded to the appellant and he is held entitled to all back benefits. The department may conduct a de-novo inquiry regarding the charges against the appellant, if so desired. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED
09.06.2021



(SALAH-UD-DIN)
MEMBER (JUDICIAL)



(ATIQ UR REHMAN WAZIR)
MEMBER (EXECUTIVE)

12.01.2021

Counsel for appellant is present. Mr. Kabirullah Khattak, Additional Advocate General and Mr. Shah Jehan, S.I (Legal) for the respondents, are also present.

Representative of the department submitted written reply on behalf of respondents No. 1 to 3, which is placed on record. File come up for rejoinder and arguments on 10.03.2021 before D.B.


(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)


10.03.2021

Appellant present through counsel.

Noor Zaman Khan Khattak learned District Attorney for respondents present.

Former made a request for adjournment; granted. To come up for arguments on 04/06/2021 before D.B.


(Atiq ur Rehman Wazir)
Member (E)


(Rozina Rehman)
Member (J)

21.09.2020

Counsel for the appellant present.

Contends that the impugned penalty was imposed upon the appellant only on the basis of conjectures when it was noted in the order that either the appellant himself or his spouse was beneficiary of Banazir Income Support Program of cash grant. The appellant was not directly held responsible for an offence, the penalty, therefore, was not sustainable under the law, it was added.

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 23.11.2020 before S.B.


Appellant Deposited
Security & Process Fee


An application for condonation of delay has also been preferred with the appeal. Notice of the application be also given to the respondents for the date fixed.


Chairman

23.11.2020

Appellant is present in person. Mr. Kabirullah Khattak, Additional Advocate General and Mr. Shah Jehan, S.I, for the respondents are also present.

Written reply on behalf of respondents not submitted. Representative of the department seeks further time for submission of written reply/comments. Time given. File to come up for written reply/comments on 12.01.2021 before S.B.




(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 9616 /2020

| S.No. | Date of order proceedings | Order or other proceedings with signature of judge |
|-------|---------------------------|---|
| 1 | 2 | 3 |
| 1- | 25/08/2020 | <p>The appeal of Mr. Nasrullah presented today by Roeeda Khan 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> <p>2-</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>24/09/2020</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> |

BEFORE THE HON'BLE SERVICE TRIBUNAL
PESHAWAR

In Re S.A No. 9616/2020

Nasr Ullah

VERSUS

District Police Officer, Charsadda & Others

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| 6. | Copy of reply of show cause notice | "B" | 12, 13 |
| 7. | Copy of impugned order | "C" | (14) |
| 8. | Copy of departmental appeal, forwarding orders and rejection order | "D, E & F" | 15 to 20 |
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Nasrullah
APPELLANT

Through

Roeeda Khan
Roeeda Khan
Advocate, High Court
Peshawar.

Dated: 25/08/2020

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BEFORE THE HON'BLE SERVICE TRIBUNAL
PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 8974

Dated 25-8-2020

In Re S.A No. 9616/2020

Nasru Ullah SI District Police Charsadda

Appellant

VERSUS

1. District Police Officer, Charsadda
2. Deputy Inspector of Police region-I Mardan.
3. Regional Police Officer, Mardan

Respondents

APPEAL U/S-4 OF THE KHYBER
PAKHTUNKHWA SERVICES TRIBUNAL
ACT 1974 AGAINST THE ORDER DATED
16/04/2020, WHEREBY THE APPELLANT
HAS BEEN AWARDED MAJOR PENALTY
OF REDUCTION IN PAY BY ONE STAGE
AND AGAINST THE ORDER DATED
14.07.2020 WHEREBY THE
DEPARTMENTAL APPEAL OF THE
APPELLANT HAS BEEN DECIDED ON
NO GOOD GROUNDS.

Prayer:-

ON ACCEPTANCE OF THIS SERVICE
APPEAL BOTH THE IMPUGNED
ORDERS DATED 16/04/2020 AND
14/07/2020 MAY KINDLY BE SET ASIDE
AND THE APPELLANT MAY KINDLY BE
RESTORE ON HIS ORIGINAL POST
ALONGWITH ALL BACK BENEFITS ANY

Filed to-day
Registrar
25/8/2020

(2)

OTHER REMEDY WHICH THIS TRIBUNAL DEEMS FIT MAY ALSO BE GRANTED IN FAVOR OF THE APPELLANT.

Respectfully Sheweth,

1. That the appellant is working in police department since long time and while performing his duty no complaint what so ever has been made against the appellant.
2. That due to hard work and unblemished record the appellant has been promoted to the rank of Sub Inspector.
3. That while posted at District police Charsadda a Show cause notice has been served to the appellant on 13.03.2019 with the allegation that your self or your spouse for beneficiary of being the receiver of Benazir Income Support Programme of cash grant. (Copy of show cause notice is attached as Annexure "A").
4. That the appellant properly submitted reply of the show cause notice on 04.04.2020 to respondent department whereby the appellant denied all the allegation level against the appellant. (Copy of reply of

show cause notice is attached as annexure "B").

5. That on 16.04.2020 the respondent department without fulfilling the codal formalities issued the impugned order against the appellant whereby the appellant has been awarded major penalty of reduction in pay by one stage alongwith recovery of the cash grant of BISP received (Copy of impugned order is attached as annexure "C").
6. That the appellant submitted departmental appeal on 11.05.2020 to respondent department against the order dated 16.04.2020 has been forwarded for further proceeding and lastly rejected on 14.07.2020 but the said rejection order has been communicated the appellant on 27-07-2020. (Copy of departmental appeal, forwarding orders and rejection order are attached as annexure "D, E & F").
7. That feeling aggrieved the Appellant prefers the instant service appeal before this Hon'ble Tribunal on the following grounds inter alia:-

GROUNDS:-

- A. That the appellant has not been treated in accordance with law and hence his rights secured and guaranteed under the Constitution of 1973 were badly violated.
- B. That no charge sheet & statement of allegation has been issued or served to the appellant.
- C. That no final show cause notice has been issued to the appellant by the Respondent department.
- D. That no opportunity of defense and cross examination has been provided to the appellant.
- E. That no departmental or regular inquiry has been conducted by the Respondent department.
- F. That there is no illegality and specification on part of the appellant.
- G. That the appellant have no knowledge regarding the said allegation relied upon the famous maxim "That one swallow does

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not make a summer" worth mentioning that the police officers are on 24 hours duty and pay rare/often visits to home/village, therefore remained unaware of various things.

H. That it is a well settled principal of law that every person is liable for his individual act and one cannot be made liable/convicted for the act of other.

I. That when an action is taken against the person without his knowledge it is also clear cut violation of nature justices.

J. That no statement of witness has been recorded by the inquiry officer.

K. That the punishment is harsh one.

L. That any other ground not raised here may graciously be allowed to be raised at the time full of arguments on the instant service appeal.

It is therefore, most humbly prayed that on Acceptance of this Service Appeal both the Impugned Orders Dated 16/04/2020 and 14/07/2020 may Kindly Be Set Aside and

6)

The Appellant may kindly be restore on his original post alongh with all back benefits any other remedy which this tribunal deems fit may also be granted in favor of the appellant.

Nasrullah
APPELLANT

Through



Roeeda Khan

Advocate, High Court

Dated: 25/08/2020

Peshawar.

NOTE:-

As per information furnished by my client, no such like appeal for the same appellant, upon the same subject matter has earlier been filed, prior to the instant one, before this Hon'ble Tribunal.



Advocate.

(7)

BEFORE THE HON'BLE SERVICE TRIBUNAL
PESHAWAR

In Re S.A No. _____/2020

Nasr Ullah

VERSUS

District Police Officer, Charsadda & Others

AFFIDAVIT

I, **Nasru Ullah SI District Police Charsadda**, do hereby solemnly affirm and declare that all the contents of the **instant appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Hon'ble Court.

Nasru Ullah
DEPONENT

Identified by:

Roeeda Khan

Roeeda Khan
Advocate High Court
Peshawar.



25-08-2020

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BEFORE THE HON'BLE SERVICE TRIBUNAL
PESHAWAR

In Re S.A No. _____/2020

Nasr Ullah

VERSUS

District Police Officer, Charsadda & Others

ADDRESSES OF PARTIES

PETITIONER.

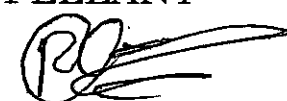
Nasru Ullah SI District Police Charsadda.

ADDRESSES OF RESPONDENTS

1. District Police Officer, Charsadda
2. Deputy Inspector of Police region-I Mardan.
3. Regional Police Officer, Mardan.


APPELLANT

Through


Roeda Khan
Advocate, High Court
Peshawar.

Dated: 25/08/2020

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BEFORE THE HON'BLE SERVICE TRIBUNAL
PESHAWAR

In Re S.A No. _____/2020

Nasr Ullah

VERSUS

District Police Officer, Charsadda & Others

APPLICATION FOR CONDONATION OF DELAY (IF ANY)

Respectfully Sheweth,

Petitioner submits as under:

1. That the above mentioned appeal is filing before this Hon'ble Tribunal in which no date is fixed for hearing so far.
2. That the rejection order dated 14-07-2020 has been communicated to the appellant on 27-07-2020.

Grounds:

- A. That the impugned order is void and illegal and no limitation run against the void orders because there is no illegality and specification on part of the appellant and it is a will settle principal of law that every person is liable for his individual act and one cannot be made liable/convicted for the act of other.


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B. That there are number of precedents of the 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.


APPELLANT

Through


Roeda Khan
Advocate, High Court
Peshawar.

Dated: 25/08/2020

(11)

AMF/A



SHOW CAUSE NOTICE.

I. Irfan Ullah Khan, District Police Officer Charsadda as competent authority under police disciplinary rules, 1975, do hereby serve you, SI Nasrullah as follow.

1. You SI Nasrullah while posted at this district, it came to light through discreet enquiry that either yourself or your spouse were beneficiary of being the receiver of Benazir Income Sport Program of cash grant since long. Your conduct is pre-judicial.
2. you are therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.
3. If no reply to this notice is received within 07-days of its delivery in the normal course of circumstances, it shall be presumed that you have no defense to put in and in that case as ex-parte action shall be taken against you.

No. 152 /HC/AS

Dated 3-13 /2020

~~District Police Officer,
Charsadda~~

AKS
R

جو الہ نیکو کار ٹرسٹ نئی 152-0452 جاریہ جناب ڈی ڈی احمد علی صاحب

30.3-020

میں سے خدمت میں دیکھ رہے ہیں۔ مقررہ مبلغ جاریہ کے علاوہ...

جاریہ کا ہاتھ لگا کر۔ سال 2010 میں جو یہ رقم ایک ماہ کن میلب...

جن کی ذمہ داری ہے۔ اس کے علاوہ اس سال کے لئے لکھنؤ...

جو نیکو کار ٹرسٹ سے اسی میلب اور یہ سولہ کی ذمہ داری ہے...

تفصیل دیکھ کر ہے۔ اسی میں وہ رقم کو ریلیف اور لکھنؤ...

کوئی طرح سے یہ رقم اور یہ سولہ کی ذمہ داری ہے...

جو نیکو کار ٹرسٹ سے جاریہ کے لئے ہے۔ اس میں...

جو نیکو کار ٹرسٹ سے جاریہ کے لئے ہے۔ اس میں...

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جو نیکو کار ٹرسٹ سے جاریہ کے لئے ہے۔ اس میں...

جو نیکو کار ٹرسٹ سے جاریہ کے لئے ہے۔ اس میں...

جو نیکو کار ٹرسٹ سے جاریہ کے لئے ہے۔ اس میں...

جو نیکو کار ٹرسٹ سے جاریہ کے لئے ہے۔ اس میں...

ATG
By
[Signature]

حایر کردیگا۔ وقتاً میں ایک فیس آدی جوں میرے 77 بجے میں جو کہ زیر تعلیم
 ہے جیک میرا والہ میرے پاس ہے جوڑی دھڑ میں مبتلا ہے۔ میری زوجہ کے
 نام پر کون کون سند بھیس یا جا پیدا نہیں ہے میں اپنے خاندان کا
 واحد کفیل جوں اب میری خواہ بہر مسئلہ تیار ہوا ہے۔ مذکورہ
 کارڈ حاصل کرنے میں میری کونج بدیشی مسائل نہ بنی اب نہ ہی میں
 گھبر والی نے کسی بدیشی سے کارڈ حاصل کیا تھا۔ مذکورہ سے نظر انکم
 صورت پر وگرنہ کارڈ بلکہ جو کارڈ
 اسد عادی سے ہو گا تو اسے بصیر کسی کارڈ والی کے داخل دفتر فرمادی
 طرف

Mus. Sultan

4-4-2020

4-4-2020

AMC

(14)

ORDER

SI Nasar Ullah, while posted at this district. It came to light through discreet enquiry that either he himself or his spouse were beneficiary of being the receivers of Benazir Income Support Program of cash grant since long. His conduct is pre-judicial to good order/service of discipline.

In the above allegation he was issued Show Cause Notice under Police Rules 1975. Reply to which was received but found un-satisfactory.

Therefore, I *Irfan Ullah Khan PSP District Police Officer Charsadda* exercise of the power vested in me under Police rules 1975, hereby impose upon him minor punishment of "**Reduction in pay by one stage**" with immediate effect along with recovery of the cash grant of BISP received so far and directed to deposit the same amount with the accountant of the undersigned.

Irfan Ullah Khan
District Police Officer,
Charsadda

O.B No 352

Date 16/4 /2020

No. 1293-97/HC, dated Charsadda the 16/04 /2020

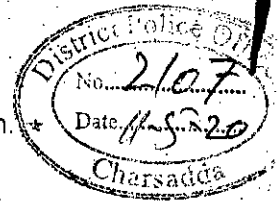
Copy for information and necessary action to the:-

1. Worthy Inspector General of Police Khyber Pakhtunkhwa Peshawar w/r to CPO Peshawar letter No. CPO/E-1/437 dated 19.02.2020.
2. Worthy Deputy Insepctor General of Police Mardan region I Mardan w/r to their office letter No. 2041-44/ES dated 21.02.2020.
3. Pay Officer
4. EC/OASI/FMC

AMC
BY
[Signature]

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AM (D)



Before the Hon'able Deputy Inspector General Of Police Region 1 Mardan

Through: Proper Channel

Subject: Departmental Appeal u/r 11(2) of Police Rules 1975 (Amended 2014), against the impugned order, Passed by W/DPO Charasdda vide Endost No. 1293-97/HC dated 16.04.2020.

Sir,

I, the appellant respectfully prefer this appeal against the impugned order of W/DPO. Charasdda, inter-alia on the following grounds, amongst others, including preliminaries. (Order enclosed as **Annexure A**).

PRELIMINARIES:

1. As per law/rules and series of judgments of various courts, including the Hon'ble Supreme court of Pakistan on the plane proceedings, the alleged charge was required to be inquired through detailed inquiry through inquiry officer within the meaning of rule 5(4) police rules 1975 in order to ascertain the factuality of my connivance as beneficiary of the BISP grant but I was served through show cause notice u/r 5(3)(c) of rules 1975 with no any incriminating evidence and **even I was not served with final show cause notice, mandated in rule 16.25(ix) PR 1934.**
2. I, the appellant was also not given an opportunity of personal hearing which as per case law, **reported in judgment 2005 PLC (CS)1982 is mandatory hence the impugned order is not maintainable on this score only as the appellant was condemned unheard.**
3. I would like to humbly submit that the alleged act of enlistment of my wife with BISP is the solitary/sole transaction of my wife and neither I had the knowledge of it, nor I gave any support or participate in obtaining the BISP card. I never remained the beneficiary of the grant. **During 29/30 years of my service career**, there shall be no any such like instance or other likewise act on my part which could shatter my integrity. With due apology, I beg to refer the famous maxim "**That one swallow does not make a summer**" Worth mentioning that we the police officers are on 24 hours duty and pay rare/often visits to home/Village, therefore, remained unaware of various things.
4. With due apology, this may to submit that each and every person is liable for his own individual act and omission, therefore for the act of my wife, I should not be condemned rather penalized. It is settled principle under the law that no one can be held responsible/suffers for the act of other; therefore the circumstances do not warrant/justify the penalty under subject. As per reported case law NLR 2003 April Cr-Lhr 244, one cannot be convicted for the act of others.
5. With due apology that act, omission or offence needs the following ingredients.
 - a. **Malice and mala-fide**, if exists are required to be proved by leading evidence and vague allegation on the question of mala-fide would be of no avail, reported in the Hon'able Supreme Court judgment 2011 SCMR 1886.

E.C
for action

11 DPO Charsdda
11-05-2020

AMST
BY

161

- b. **Intention**, is a mental condition and is to be determined from facts and surrounding circumstances, seldom available through affirmative evidence, reported in judgments **2005 PcRLJ 1384** and **2007 SCMR 1539**.
- c. **Common Intention**, has to be gathered from facts disclosed in evidence and surrounding circumstances. (**2005 PcRLJ 794**)
- **By grace of Almighty Allah, none of the ingredients for sharing common intention with my wife can be made available hence I am innocent.**
6. My indulgence and dragging to the alleged act of my wife, is not justified and is considerable on the following few stances.
- Under the law of torts, the independent act of a person is not imputable to another person.
 - Every person is liable for his individual act and one cannot be made liable / convicted for the act of other. (**NLR 2003 –Apr Cr: Lah 244**)
 - The principle of natural justices would be violated only when an action is taken against a person without his knowledge. (**NLR 214 April QTA**) I swear that the alleged act was kept secret by my wife from me and she arranged the same from someone else in the area. **It has been held by Hon'able Court that without knowledge, conviction is illegal and it was set aside (NCR 2004 Feb P-84 Peshawar)**

ON FACTS:

1. The BISP authorities intimated the registration of BISP grant in the name of my wife and the appellant was issued show cause notice and after reply, the authority awarded "major penalty of reduction in pay by one stage" along with BISP recovery vide order under subject. I have been vexed with 02 penalties i.e. reduction in pay and deposit of BISP grant, therefore, harsh punishment.
2. The impugned order is harsh, unjust/unlawful and without authority, hence corams non iudice and void abenatio, assailable on the following grounds.

GROUND:

1. The inquiry proceedings have not been conducted as per provisions, contained under police rules 1975, therefore without jurisdiction
2. The alleged charge is not justified and is considerable on the following few stances:-
 - a. Vicarious liability cannot be attracted when strong circumstances showing to be existed (2015 PCrJ 1384). Principle of vicarious liability cannot be invoked unless and until, common intention is proved or established (2015 PCrJ 1442).
 - b. The principle of natural justices would be violated only when an action is taken against a person without his knowledge (NLR 214 April QTA) I swear that the alleged charge of no good command/unsatisfactory performance bears no authenticity or veracity but basing on malafide. It has been held by Hon'able Court that without knowledge, conviction is illegal and it was set aside (NCR 2004 (Feb P-84 Peshawar).
3. The appellant has spotless service record of 29/30 years and throughout his carrier he has been awarded commended and given best postings / blessings. The

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impugned order shall cause irreparable loss to me/my carrier and my family hence needs sympathetic consideration.

4. Since, the appellant has joined this force he performed dedicatedly and to the entire satisfaction of superiors. Always acted beyond the call of duty at the risk of his life, fought against criminals to culminate the menace of crimes from the area, where remained posted. He has an unblemished service record of long service, which clearly speaks sincerity / dedication towards the job as a professional officer.
5. Worth clarifying that I belong to poor family, joined this force in the year 1991 and since then I am the only earning source of my family, comprising 09 members i.e my wife, 07 children (04 sons(school going) + 03 daughters), therefore, without exaggeration I hardly meet and run the expenses of my house. May be added here that I also look after my Old mother **and the expenses of my ailing Cancer patient father.**

PRAYER

Above in view, it is humbly prayed that by accepting this appeal, the impugned order dated 16.04.2020 may very kindly be set aside, to meet the ends of justice. (Except BISP grant recovery which is requested to be recovered in reasonable installments)

I further request for personal hearing, to explain the reality and factuality behind the alleged charge.

Sincerely Yours

Nasarullah

SI NasarUllah
District Police Charasdda

11-05-2020

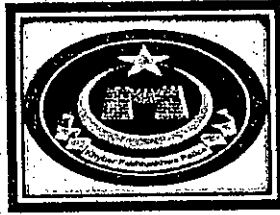
18

Amir

2

AKR
BY
A

1598
18-5-20



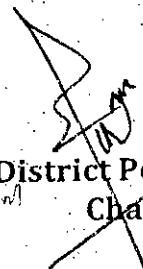
GOVERNMENT OF KHYBER PAKHTUNKHWA,
OFFICE OF THE DISTRICT POLICE OFFICER,
CHARSADDA
PH 9220408, FAX 9220401
eccharsadda@gmail.com

No. 829 /EC, dated Charsadda the 14/05/2020.

To,
The Regional Police Officer,
Mardan.

Subject: **APPLICATION.**
Memo:

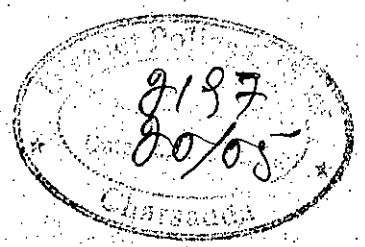
Enclosed kindly find herewith a self explanatory application in respect of SI Nasar Ullah Khan No.1191/P of this district police for the favour of consideration & further necessary action, please.



 District Police Officer,
 Charsadda

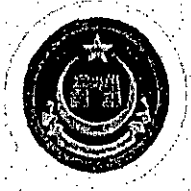
EC/DPO CHD
For Comments.

NO. 3313 /ES
dt 18.5.20


RPO/Mardan.



DSP Legal/E-c
For action

" DPO Charsadda



191

Amir

Attested
By
[Signature]

GOVERNMENT OF KHYBER PAKHTUNKHWA

OFFICE OF THE

DISTRICT POLICE OFFICER, CHARSADDA

No. 832 /EC, dated Charsadda the 25/06/2020

To: **The Deputy Inspector General of Police,
Mardan Region-I, Mardan.**

Subject: **APPEAL OF SI NASRULLAH KHAN.**

Memo:

Kindly refer to your office Endst: No.3313/ES, dated 18.05.2020.

It is submitted that departmental appeal filed by SI Nasrullah Khan, against the punishment order of “**reduction in pay by one stage**” passed by this office O.B No. 352 dated 16.04.2020, on the charges that either he or his spouse were beneficiary of being the receivers of Benazir Income Support Program of cash grant since long.

On the above allegation he was issued Show Cause Notice under Police Rules 1975, reply to which was received but the same was found unsatisfactory, hence, the aforementioned punishment was awarded.

Perusal of the record further reveals that the order passed by this office was strictly in accordance with the law. His appeal is not worth considerable, hence, recommended to be filed.

[Signature]
District Police Officer,
Charsadda

ORDER.

This order will dispose off the departmental appeal preferred by Sub Inspector Nasrullah Khan No. 1191/P of Charsadda District against the order of District Police Officer, Charsadda, whereby he was awarded major punishment of reduction in pay by one stage alongwith the recovery of received cash grant under the Benazir Income Support Program from his salary vide OB: No. 352 dated 16.04.2020. The appellant was proceeded against departmentally on the allegations that, he while posted at District Charsadda was found involved in getting monetary benefits from Benazir Income Support Program through his spouse vide CPO/Peshawar letter No. CPO/E-I/437 dated 19.02.2020.

He was issued Show Cause Notice to which his reply was received and found unsatisfactory. Therefore, The District Police Officer, Charsadda, awarded him major punishment of reduction in pay by one stage with recovery of the paid amount from salary of the appellant vide OB: No. 352 dated 16.04.2020.

Feeling aggrieved from the order of District Police Officer Charsadda, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in this office on 07.07.2020.

From the perusal of the enquiry file and service record of the appellant, it has been established that the allegations against the appellant regarding receipt of cash grant under the Benazir Income Support Program by the spouse of the appellant have been proved. However, the punishment awarded by the competent authority is suffering from legal infirmity as no period as envisaged in Rule 29 of Fundamental Rules, has been mentioned regarding the aforementioned order. Therefore, the punishment awarded by the competent authority needs interference.

Based on the above, I, Sher Akbar, PSP S.St Regional Police Officer, Mardan, being the appellate authority, hereby modify the major punishment of reduction in pay by one stage into major punishment of reduction in pay by one stage for a period of one year. Moreover, the order of District Police Officer, Charsadda regarding the recovery of paid amount shall remain intact.

Order Announced.

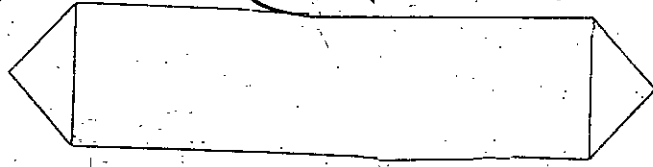
No. 4349 /ES, Dated Mardan the 14-7 /2020.

Regional Police Officer,
Mardan.

Copy forwarded to District Police Officer, Charsadda for information and necessary w/r to his office Memo: No. 890/EC dated 05.06.2020. His Service record is returned herewith.

(*****)

27/7/2020



اسلام آباد
پولیس
سٹیشن

2020ء جناب
لغز اللہ بنام

مورخہ
مقدمہ
دعویٰ
جرم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے دستاویز کا کارروائی متعلقہ

آن مقام کے لیے روٹوں کی مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے و تقریر ثالث و فیصلہ پر حلف دینے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق و زرائع پر دستخط کرانے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت مقدمہ مذکور 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 بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے وہ ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

مستطاب
لغز اللہ

المرقوم 28 ماہ الستا 2020ء

مقام منظور
Acceptd By
[Signature]

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 9616/2020

Nasrullah SI District Police Charsadda.....Appellant

V E R S U S

IGP KPK etc:Respondents

INDEX

| S.No | Documents | Annexure | pages |
|------|---|----------|-------|
| 1 | Reply | --- | 1-2 |
| 2 | Letter No.2041-44/ES dated 21.02.2020 alongwith list | A | 3-6 |
| 3 | Affidavit | - | 7 |

RESPONDENTS

Through


Shah Jehan, ASI
Charsadda

BEFORE THE HONOURABLE KPK SERVICES TRIBUNAL PESHAWAR

Service Appeal No. 9616/2020

Nasrullah SI District Police Charsadda.....Appellant

V E R S U S

IGP KPK etc:Respondents

REPLY/PARAWISE COMMENTS BY THE RESPONDENT NO. 1 TO 3.

Respectfully Sheweth:

Preliminary Objections:

1. That appellant has not approached this Hon'ble tribunal with clean hands.
2. That appellant has suppressed actual facts/factual position from this Hon'ble tribunal.
3. That the appeal of appellant is not based on facts.
4. That the appeal of appellant is bad for non-joinder of necessary parties.
5. That the appellant is estopped by his own conduct to file the present appeal.

REPLY ON FACTS:

1. Para correct to the extent that appellant is the employee of this Department.
2. Para pertains to the promotion of appellant to the rank of Sub-Inspector, hence needs no comments. It is pertinent to mention here that no promotion in Police Department is made due to hard work rather police officials/officers are promoted to the next rank after fulfillment of requisite criteria.
3. Para correct to the extent that appellant was issued Show Cause Notice because as per list provided to this office by the office of Regional Police Officer Mardan vide his office letter No.2041-44/ES dated 21.02.2020, wife of the appellant was found to be the beneficiary of Benazir Income Support Program, to which she was not entitled. Copy of letter alongwith the list is attached as annexure A.
4. Though appellant denied the allegations however, it is evident from the attached list that his wife was the beneficiary of BISP.
5. It was proved beyond any shadow of doubt that family of appellant was beneficiary of the BISP to which he or his family were not entitled, hence he was awarded major penalty in reduction of pay by one stage with recovery of cash grant of BISP received.
6. Correct to the extent that appellant against the order of punishment, awarded by the competent authority, moved department appeal which

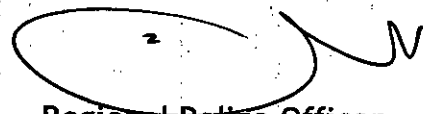
was modified to the extent that major punishment of reduction in pay by one stage into major punishment of reduction in pay by one stage for a period of one year.

7. That appeal of appellant is liable to be dismissed on the following grounds amongst the others.

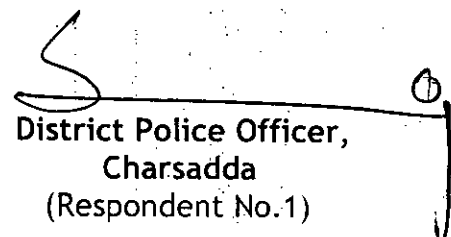
GROUND:

- A. Incorrect. Appellant has been treated in accordance with law & rules and no right of the appellant has been violated.
- B. Incorrect. At para 3 of the appeal appellant himself admitted that he was served with a show cause notice on 13.03.2019.
- C. Para already explained.
- D. Incorrect. Appellant was awarded opportunity of self defense but he failed to provide any cogent evidence/reason in his defense.
- E. There was sufficient materials were available on record wherein spouse of the appellant was found to be the beneficiary of BISP and this fact has not been denied by the appellant, hence the matter did not need any further probe.
- F. That only those women were entitled to receive benefits of BISP who has no source of income while as the appellant was/is in service therefore she was not entitled to get this benefit.
- G. Incorrect. It is not appealable to a provident fund that wife of the appellant was receiving amount through BISP and he was not aware of this fact.
- H. Para already explained.
- I. Para already explained.
- J. Para already explained.
- K. Incorrect. A very lenient view has been taken in case of the appellant.
- L. That the respondent seeks permission of this Hon'ble Tribunal for further additional grounds at the time of arguments.

Keeping in view the facts above, it is therefore humbly prayed that the appeal of appellant being without merit and substance, may be dismissed with cost.



Regional Police Officer,
Mardan
(Respondent No.2&3)



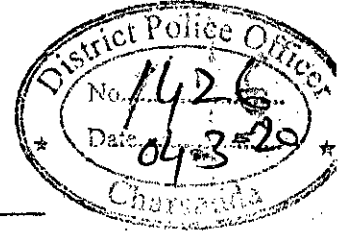
District Police Officer,
Charsadda
(Respondent No.1)

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Annexure - A

GOVERNMENT OF KHYBER PUKHTUNKHWA,
Office of the Regional Police Officer,
Mardan

Phone No. 0937-9230113, Fax No. 0937-9230115.
Email. digmardan@gmail.com



To: All the District Police Officers,
of Mardan Region.

No. 2041-44 /ES, dated Mardan Region, the 21/02/2020

Subject: GOVERNMENT OF KHYBER PAKHTUNKHWA EMPLOYERS OR THEIR SPOUSES WHO WERE BENEFICIARIES OF BENAZIR INCOME SUPPORT PROGRAMME (BISP).

Memo:

Kindly refer to AIG Establishment, Khyber Pakhtunkhwa. Peshawar office letter No. CPO/E-I/437, dated 19.02.2020.

It is submitted that enclosed list of officers who either themselves or their spouses were beneficiary of being the receivers of Benazir Income Support Program of cash grant. Their conduct as such is pre-judicial to good order / service discipline and provides sufficient grounds for initiation of disciplinary proceedings against them as provided in the relevant disciplinary rules.

In light of the afore-referred instructions issued by the Central Police Office, Peshawar vide reference quoted above, the Worthy Regional Police Chief, Mardan has issued directions that after proper sifting of the attached lists, those officers / officials below the rank of BPS-17 under your administrative command if found involved in terms of beneficiary as stated above, they be dealt with through initiating departmental proceedings. Report thereof, be also sent to this office at the earliest.

It is therefore, requested that the above mentioned directions of the Worthy Regional Police Chief, Mardan may very kindly be complied within its true letter and spirit.

Encls: 08 pages

ADIG
Regional Police Officer,
Mardan.

OAS
For n/a/cion

10/03/2020

KPK Employees

| Sr# | Name | Father Name | CNIC | Grade | Cost Center | Descrip |
|-----|--------------------------|------------------|---------------|----------|------------------------|---------|
| 331 | ABDUL HAKIM | HAKIM DUL | 1520116393453 | grade 03 | Deputy District Off | spouse |
| 332 | ABDUL HAKIM | ABDUL GHAFOOR | 1320207383849 | grade 07 | Dist Police Officer | spouse |
| 333 | ABDUL HAKIM | KHAN MUHAMMAD | 1220113308373 | grade 04 | Executive Engineer | spouse |
| 334 | ABDUL HAKIM | MIAN HAZRAT NABI | 1560110016553 | grade 04 | Govt. Primary Schools | spouse |
| 335 | ABDUL HAKIM | AZAD KHAN | 1560213568799 | grade 03 | Govt. Primary Schools | spouse |
| 336 | ABDUL HAKIM | ABDUL MALIK | 1620210096829 | grade 09 | Police Station Lahor | spouse |
| 337 | ABDUL HAKIM | RAHIM JAN | 2110519859581 | grade 16 | Principal GHS Nawaga | spouse |
| 338 | ABDUL HALEEM | MUHAMMAD ASHRAF | 1210109780405 | grade 06 | A.D LS&DD DIK (G.HOS | spouse |
| 339 | ABDUL HALEEM | AJAB NOOR KHAN | 2160189352293 | grade 12 | DEO Primary Educatio | spouse |
| 340 | ABDUL HALEEM | ABDULLAH | 2110322971743 | grade 15 | DEO Primary Educatio | spouse |
| 341 | ABDUL HALEEM | ABDUL JALIL | 1560244164617 | grade 04 | DC (ADMN& DEV) SECY | spouse |
| 342 | ABDUL HALEEM | CHALA MALIK | 1340338512419 | grade 16 | District Health Offi | spouse |
| 343 | ABDUL HALEEM | CHALA MALIK | 1340338512419 | grade 16 | District Health Offi | spouse |
| 344 | ABDUL HALEEM | ABADYAMAN | 1340115122035 | grade 15 | Dy. DO PRIMARY (M) KD | spouse |
| 345 | ABDUL HALEEM | MUHAMMAD HALEEM | 1110108995955 | grade 04 | HEAD MISRESS GGHIGH | spouse |
| 346 | ABDUL HALEEM | ABDUL ALI | 2250151505281 | grade 11 | Head Master GHS Kand | spouse |
| 347 | ABDUL HALEEM KHAN | HAKHEEM KHAN | 2120367010491 | grade 07 | Khasadar Khyber | spouse |
| 348 | ABDUL HALIM | YAMIN | 1550122563761 | grade 16 | DDO (M) PRIMARY SHAN | spouse |
| 349 | ABDUL HALIM | POURD L KHAN | 1720121241395 | grade 15 | Govt Primary School | spouse |
| 350 | ABDUL HALIM | QALANJAR | 1340383976657 | grade 12 | Govt: Primary School | spouse |
| 351 | ABDUL HALIM | AHMED JAN | 2110622696275 | grade 16 | Head Master GHS Batw | spouse |
| 352 | ABDUL HALIM | ABDUR RAHMAN | 1610222902953 | grade 16 | PRINCIPAL G.H.S PARK | spouse |
| 353 | ABDUL HALIM | ABDUL MALIK | 1220138800989 | grade 16 | PRINCIPAL GOVT HIGH | spouse |
| 354 | ABDUL HALIM | ABDUL HAKIM | 1710211333033 | grade 07 | S.S.P CHARSADDA (PRO | spouse |
| 355 | ABDUL HAMEED | SALEH MOHAMMAD | 1210307099593 | grade 04 | A.D LS&DD DIK (G.HOS | spouse |
| 356 | ABDUL HAMEED | BASHIR | 1210121597071 | grade 03 | AD Animal Husbandary | spouse |
| 357 | ABDUL HAMEED | HADI KHAN | 1560203677817 | grade 04 | ARCHAEOLOGICAL MUSIO | spouse |
| 358 | ABDUL HAMEED | MIRA JAN | 1220127449887 | grade 03 | DHO-Health-Tank (RHC | spouse |
| 359 | ABDUL HAMEED | AJRAM KHAN | 1540139395097 | grade 11 | DISTT: OFFICER COMMU | spouse |
| 360 | ABDUL HAMEED | SYED RASOOL | 1120103970497 | grade 10 | District Director | spouse |
| 361 | ABDUL HAMEED | HAIDER KHAN | 1220109096781 | grade 03 | Executive Engineer | spouse |
| 362 | ABDUL HAMEED | GUL SA'WAR | 1110168983933 | grade 16 | Government Middle Sc | spouse |
| 363 | ABDUL HAMEED | HAVI KHAN | 1410156283261 | grade 02 | Govt Primary Schools | spouse |
| 364 | ABDUL HAMEED | BAR, KATSHAH | 1340320131583 | grade 04 | Govt: Primary School | spouse |
| 365 | ABDUL HAMEED | MUHAMMAD AFZAL | 1210165147667 | grade 04 | H.M. G H S RAMAK D.I | spouse |
| 366 | ABDUL HAMEED | GHULAM HAMEED | 1530593543411 | grade 10 | LIVESTOCK & DAIRY DE | spouse |
| 367 | ABDUL HAMEED | AZEEM KHAN | 1210248249639 | grade 03 | XEN Gomal Zam Dam Ir | spouse |
| 368 | ABDUL HAMEED KHAN | sher azan: khan | 1120150350051 | grade 03 | GHSS BACHKAN AHME | spouse |
| 369 | ABDUL HAMEED KULACHI NOI | SHAH JEHAN | 1210221561167 | grade 02 | DY: DISTT: OFFICER (FP | spouse |
| 370 | ABDUL HAMID | NASIR KHAN | 1210221344687 | grade 03 | A.D LS&DD DIK (G.HOS | spouse |
| 371 | ABDUL HAMID | MUHAMMAD AFZAL | 1210118371915 | grade 04 | DO ('S&L') F DIK (T | spouse |
| 372 | ABDUL HAMID | ABDUL SATTAR | 1210221339925 | grade 01 | DY: DISTT: OFFICER (FP | spouse |
| 373 | ABDUL HAMID | ABDUL SATTAR | 1320118273987 | grade 04 | Executive Engineer C | spouse |
| 374 | ABDUL HAMID | ABDUL SATTAR | 1320118273987 | grade 04 | Executive Engineer C | spouse |
| 375 | ABDUL HAMID | HAMZA | 1510103346177 | grade 04 | GPS MALE BUNER | spouse |
| 376 | ABDUL HAMID | ABDUL KARIM | 4220145053295 | grade 02 | GPSs FEMALE SWABI | spouse |
| 377 | ABDUL HAMID | MUHAMMAD | 1560286620561 | grade 03 | Govt. Primary Schools | spouse |
| 378 | ABDUL HAMID | ABDUL GHANI | 1350136401529 | grade 03 | Govt. Primary Schools | spouse |
| 379 | ABDUL HAMID | ESA | 1340301528841 | grade 04 | Govt: High School Ba | spouse |
| 380 | ABDUL HAMID | ABC | 1340301630521 | grade 15 | Govt: Primary School | spouse |
| 381 | ABDUL HAMID | DALIL | 1340381242497 | grade 04 | Govt: Primary School | spouse |
| 382 | ABDUL HAMID | GUL SANAT | 2250143300313 | grade 16 | Head Master GHS Sham | spouse |
| 383 | ABDUL HAMID | ZAR JANAN | 2160341975539 | grade 07 | Levies Orakzai | spouse |
| 384 | ABDUL HAMID KHAN | ABDUL KABIR KHAN | 1530247275759 | grade 02 | GOVT. MIDDLE SCHOOLS(| spouse |
| 385 | ABDUL HAMID KHAN | MINA GUL | 1420281211855 | grade 15 | Headmaster GHS Wargh | spouse |

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15

KPK Employees

| Sr# | Name | Father Name | CNIC | Grade | Cost Center | Descrip |
|-------|-------------------|------------------|---------------|----------|-----------------------|---------|
| 17876 | NASR ULLAH | AJAZ KHAN | 1220169237305 | grade 07 | DISTT POLICE OFFICER | spouse |
| 17877 | NASR ULLAH | NAWSHAIR WAN | 1320118296611 | grade 15 | DY DISTT OFFICER EDU | spouse |
| 17878 | NASR ULLAH | SHAFI ULLAH | 1530119586973 | grade 11 | Frontier Corps | spouse |
| 17879 | NASR ULLAH | GUL WALI KHAN | 1420320548981 | grade 16 | Headmaster GHS Thaka | spouse |
| 17880 | NASR ULLAH | GUL MULA JAN | 1570137611371 | grade 07 | Population Welfare D | spouse |
| 17881 | NASR ULLAH | SAEED ULLAH | 1710103874931 | grade 14 | S.S.P CHARSAJDA (PRO | spouse |
| 17882 | NASRAT ALI | NOOR AHMAD SAID | 1540232207605 | grade 06 | Executive Engineer | spouse |
| 17883 | NASRAULLAH | HAZRAT GULAB | 1540179013789 | grade 07 | Levies Malakand | spouse |
| 17884 | NASREEN | FARAMAZ | 1560205107843 | grade 03 | DO (FEMALE SCHOOLS) | spouse |
| 17885 | NASRUD DIN | GUL MAST KAHN | 1570571232719 | grade 04 | H.M GHS AKHAGRAM | spouse |
| 17886 | NASRULLAH | SAHIB ZADA | 1730180085711 | grade 04 | AGRI RES:INSTT | spouse |
| 17887 | NASRULLAH | MUHAMMAD AFZAL | 1530209275235 | grade 14 | COMMANDANT F.R. POLI | spouse |
| 17888 | NASRULLAH | MUHAMMAD ALAM | 2110421755259 | grade 12 | DEO Primary Educatio | spouse |
| 17889 | NASRULLAH | SAID WALI JAN | 1610180266141 | grade 03 | Deputy Commissioner | spouse |
| 17890 | NASRULLAH | MAROOF KHAN | 1350448536917 | grade 15 | Govt. Primary School | spouse |
| 17891 | NASRULLAH | BASHIR | 1550502123249 | grade 07 | S.P SHANGLA (POLICE | spouse |
| 17892 | NASRULLAH | SHAH WAZIR KHAN | 1550502148503 | grade 09 | S.P SHANGLA (POLICE | spouse |
| 17893 | NASRULLAH | | 1120104094537 | grade 07 | SP DIK (SUPERINTAND | spouse |
| 17894 | NASRULLAH | AFZAL | 2110547613965 | grade 07 | Sub Inspector Bajaur | spouse |
| 17895 | NASRULLAH 2135 | BANARIS KHAN | 1730116939033 | grade 07 | DDO FOR CAPITA | spouse |
| 17896 | NASRULLAH JAN | WALA JAN | 1350444083279 | grade 16 | GHS Mera Madda Khef | spouse |
| 17897 | NASRULLAH JAN | LAL KHAN | 1110114701927 | grade 04 | HEAD MASTER GHS SBAD | spouse |
| 17898 | NASRULLAH JAN | ALAF KHAN | 1610105819587 | grade 09 | NR4010 Law and Order | spouse |
| 17899 | NASRULLAH JAN | MALIK JAN | 1610242368531 | grade 05 | PRINCIPAL G.H.S PARK | spouse |
| 17900 | NASRULLAH KHAN | HAKIM KHAN | 1120142816633 | grade 04 | Assit Director LG&RD | spouse |
| 17901 | NASRULLAH KHAN | | 1730102257743 | grade 05 | DDO FOR CAPITA | spouse |
| 17902 | NASRULLAH KHAN | SAIDA GUL | 1710120579661 | grade 04 | DEPUTY DISTRICT OFFI | spouse |
| 17903 | NASRULLAH KHAN | MAJN KHAN | 1710103604883 | grade 04 | DEPUTY DISTRICT OFFI | spouse |
| 17904 | NASRULLAH KHAN | ROSHAN DIN | 1720142132169 | grade 07 | DIG/ Cominandant Elit | spouse |
| 17905 | NASRULLAH KHAN | HABIB ULLAH KHAN | 1220139628583 | grade 10 | DISTRICT DIR: LS | spouse |
| 17906 | NASRULLAH KHAN | YAR MULLAH KHAN | 1570225033401 | grade 15 | DY DISTT OFFICR PRY | spouse |
| 17907 | NASRULLAH KHAN | MIRA KHAN | 1730190400257 | grade 03 | DistSuptMngrPPHI-I | spouse |
| 17908 | NASRULLAH KHAN | | 1710139545187 | grade 03 | GOVERNMENT PLEADER M | spouse |
| 17909 | NASRULLAH KHAN | AMANULLAH KHAN | 1550502150545 | grade 15 | Govt. Primary Schools | spouse |
| 17910 | NASRULLAH KHAN | AKBER KHAN | 1430119813083 | grade 09 | LAW & ORDER KOHAT | spouse |
| 17911 | NASRULLAH KHAN | ZOOR ZAMIN KHAN | 1540182977531 | grade 07 | Levies Malakand | spouse |
| 17912 | NASRULLAH KHAN | HAKIM KHAN | 1120136874071 | grade 07 | Levies Wazir (SD) | spouse |
| 17913 | NASRULLAH KHAN | SHERULLAH KHAN | 1620103186695 | grade 03 | PRINGHSS AYUB KHAN K | spouse |
| 17914 | NASRULLAH KHAN | MUHAMMADSULIMAN | 1550576807107 | grade 07 | S.P SHANGLA (POLICE | spouse |
| 17915 | NASRULLAH KHAN | MIRULLAH KHAN | 1120103813513 | grade 07 | SUPDT: OF POLICE POL | spouse |
| 17916 | NASUR ULLAH | AQIL ZARIN | 1710211482087 | grade 07 | S.S.P CHARSAJDA (PRO | spouse |
| 17917 | NASURULLAH JAN | MUHAMMAD ALI | 2260172142433 | grade 07 | DHO Health Tank (RHC | spouse |
| 17918 | NASWALI KHAN | ZAR WALI KHAN | 1420352986359 | grade 04 | DY:DO PRY:(F) T/NASR | spouse |
| 17919 | NASWEER KHAN | SARDAR KHAN | 2160386712607 | grade 07 | Levies Orakzai | spouse |
| 17920 | NASWEER KHAN | SARDAR KHAN | 2160386712607 | grade 07 | Levies Orakzai | spouse |
| 17921 | NAUMAN HUSSAIN | ADAM KHAN | 2140428627297 | grade 03 | AD L&DD Mohmand | spouse |
| 17922 | NAUROZ ALI | ZAWAR HUSSAIN | 2160385780309 | grade 04 | DEO Primary Educatio | spouse |
| 17923 | NAUROZ KHAN | DAURAN BADSHAH | 2140605531855 | grade 07 | Khassadar Mohmand | spouse |
| 17924 | NAURUZ GUL | FAZLI AHMAD | 1710211590791 | grade 16 | Govt. High School Zi | spouse |
| 17925 | NAUSHAD ALI | SAKHI AKBAR KHAN | 1610269906605 | grade 03 | DY.DISTRICT EDUCATIO | spouse |
| 17926 | NAUSHER WAN | FAZAL KASAI | 2110323050725 | grade 03 | Executive Engineer P | spouse |
| 17927 | NAVED KHAN | REHMAN SHAH | 2120326151855 | grade 07 | Levies Khyber | spouse |
| 17928 | NAVEED AKHTAR 468 | AKHTAR ALI | 1730114084117 | grade 09 | D.I.G. OF POLICE SPE | spouse |
| 17929 | NAVEED ALAM KHAN | DILARAM KHAN | 1730123827885 | grade 03 | Headmistress Govt. G | spouse |
| 17930 | NAVEED ALI | MALIK WAHID ALI | 2160377833627 | grade 09 | Directorate OF Adopt | spouse |

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Last Page

KFK Employees

| Sr# | Name | Father Name | CNIC | Grade | Work Center | Descrip |
|-------|--------------------|-----------------|---------------|----------|---------------------------|---------|
| 26401 | ZARIF UD-DIN | MUHAMMAD ASHRAF | 1210361356633 | grade 07 | SF D'K (SUPERINTAND | spouse |
| 26402 | ZARIN BADSHAH | ZARAWAR KHAN | 1570112142275 | grade 07 | Levies Dir Upper | spouse |
| 26403 | ZARIN DAD SHAH | SAID AKMAL SHAH | 1510195729095 | grade 05 | DISTT POLICE OFFICE | spouse |
| 26404 | ZARIN GHAZ | UMAR | 4200071150235 | grade 03 | Executive Engineer | spouse |
| 26405 | ZARIN GUL | KHIAL BADSHAH | 1410161581997 | grade 04 | DEO Primary Educatio | spouse |
| 26406 | ZARIN KHAN | BACHA KHAN | 1710211562041 | grade 15 | HEAD MASTER GOVERNME | spouse |
| 26407 | ZARIN SAID | NOOR HAWAS | 1710207885973 | grade 07 | S.S P CHARSA DDA (PRO | spouse |
| 26408 | ZARIN SHAH | ABDULLAH SHAH | 1730170451373 | grade 03 | AA) TO D.G AGR EXTN | spouse |
| 26409 | ZARIN TAJ | ITBAR GUL | 2140386152031 | grade 07 | Khasadar Orakzai | spouse |
| 26410 | ZARIN ZADA | BASHA KHAN | 550190941733 | grade 15 | DDO (M) PRIMARY / LPU | spouse |
| 26411 | ZAR MALI KHAN | DILAWER KHAN | 1410201501563 | grade 03 | Executive Engineer | spouse |
| 26412 | ZAR MAN KHAN | ZAR MAST KHAN | 2120254544073 | grade 04 | DEC Primary Educatio | spouse |
| 26413 | ZAR MAST KHAN | ROZI KHAN | 2230129857253 | grade 03 | DHC Health D.I Khan | spouse |
| 26414 | ZAR MAT KHAN | ABDULGAFFAR | 1730113620579 | grade 18 | Universities & Colle | spouse |
| 26415 | ZAR MEEN KHAN | SALEEM KHAN | 1350422133641 | grade 03 | Primary S (Female) | spouse |
| 26416 | ZAR MIR KHAN | RAJA MIR | 4240117173837 | grade 04 | DEO Primary Educatio | spouse |
| 26417 | ZAR NOSH | UMAR KHAN | 2140357480839 | grade 07 | Levies Mohmand | spouse |
| 26418 | ZAR NOSH KHAN 1476 | | 1730116262445 | grade 07 | DDO FOR CAPITA | spouse |
| 26419 | ZAR NOSH KHAN | Mohammad | 2140287535415 | grade 04 | Medical Superintende | spouse |
| 26420 | ZAR O GUL | ALI AKBAR KHAN | 2260195293301 | grade 04 | Principal GSS GCI & | spouse |
| 26421 | ZAR O JAN | | 1210 21205065 | grade 03 | COMA ANDANT F.R. POLI | spouse |
| 26422 | ZAR RAB GUL | SHER GUL | 2120340763253 | grade 05 | Govt. Primary Schools | spouse |
| 26423 | ZAR SHAD | KHAN DAD | 1730114077939 | grade 11 | Excise and Taxation | spouse |
| 26424 | ZAR SHAD | TILA MUHAMMAD | 1711183805099 | grade 03 | MCH Program Khyber P | spouse |
| 26425 | ZAR SHAD ALI | SHUJA KHAN | 1550122463511 | grade 16 | District Public Saf | spouse |
| 26426 | ZAR SHAD KHAN | | 1610209031355 | grade 07 | DISTT POLICE OFF MR | spouse |
| 26427 | ZAR SHAD KHAN | AZEEM KHAN | 1576111925109 | grade 15 | DY. DISTT OFFICR PRY | spouse |
| 26428 | ZAR SHAD KHAN | SHAMSHAD KHAN | 1710125774355 | grade 03 | Govt. Primary Schools | spouse |
| 26429 | ZAR SHAD KHAN | ABDUL GHANI | 1620292569205 | grade 16 | PRIN GHSS TARAKAI SW | spouse |
| 26430 | ZAR SHER KHAN | KHAN SHER | 214035713811 | grade 07 | Khasadar Mohmand | spouse |
| 26431 | ZAR SHID | SULEMAN SHAH | 162009567933 | grade 04 | PRIN GHSS KALU KHAN | spouse |
| 26432 | ZAR TAB KHAN | ABDUL HADI | 1350403533753 | grade 01 | District Police Offi | spouse |
| 26433 | ZAR TAJ AHMAD | SHARIF ULLAH | 1730194828265 | grade 05 | EXECUTIVE ENGR. TUBEW | spouse |
| 26434 | ZAR TAJ KHAN | MUMTAZ KHAN | 1510112882261 | grade 17 | G'S CHANAR BUNER | spouse |
| 26435 | ZAR TAJ KHAN | ABDUL HAKEEM | 1510124480595 | grade 04 | Govt. Primary Schools | spouse |
| 26436 | ZAR TAJ KHAN | MUNTAHAJ KHAN | 1730112696943 | grade 04 | PRL AHITI, KHYBER PA | spouse |
| 26437 | ZAR ULL KHAN | SHARIF ZAR KHAN | 1350429723133 | grade 01 | District Police Offi | spouse |
| 26438 | ZAR WALI JAN | ZARO JAN | 1120178154365 | grade 09 | Levies Bhitani (SD) | spouse |
| 26439 | ZAR WALI KHAN | SHER ZADA | 2140315770779 | grade 04 | DEO Primary Educatio | spouse |
| 26440 | ZAR WALI KHAN | HAZRAT KHAN | 1430141280911 | grade 04 | Govt. Primary School | spouse |
| 26441 | ZAR WALI KHAN | Rahim Dad | 1620208350353 | grade 16 | PRIN GHSS NO 1 SALIM | spouse |
| 26442 | ZAR WALI KHAN | SHERAZ | 62010160113 | grade 03 | PRIN. GDE. GREE COLLEGE S | spouse |
| 26443 | ZAR WAR KHAN | AMIR JAMAL | 2110524791361 | grade 07 | Levies Bajaur | spouse |
| 26444 | ZAR WAR KHAN | ABDUL HUSSAIN | 2160223832209 | grade 04 | Secondary Education | spouse |
| 26445 | ZAR ZAIE KHAN | ARSALA KHAN | 1530292577993 | grade 09 | SP DIR AT TIMERGARA | spouse |
| 26446 | ZAR ZAR | DOSHAM KHAN | 1340301662261 | grade 03 | D.O AGR EXT (PP) KOH | spouse |
| 26447 | ZAWAR ALI | ADAL KHAN | 1610113564953 | grade 14 | DY. DISTRICT EDUCATIO | spouse |
| 26448 | ZAWAR ALI | WALI AMAN | 1620165852679 | grade 03 | Executive Engineer I | spouse |
| 26449 | ZAWAR DIN | ZAR WALI KHAN | 2170201407889 | grade 03 | Head Mistress GHS D | spouse |
| 26450 | ZAWAR HUSSAIN | GOHAR ALI | 161018 714933 | grade 03 | DY. DISTRICT EDUCATIO | spouse |
| 26451 | ZAWAR KHAN | ABC | 1530202264503 | grade 14 | SP DIR AT T MERGARA | spouse |
| 26452 | ZAWAR KHAN | ABDUR REHMAN | 212037435547 | grade 07 | Levies Khyber | spouse |
| 26453 | ZEENAT KHAN | ZARBAT KHAN | 2120205551781 | grade 12 | DEO Primary Educatio | spouse |
| 26454 | ZEENAT KHAN | | 1710117573093 | grade 04 | THQ Hospital Shabqad | spouse |
| 26455 | ZEENAT SHAH | | 2120458582455 | grade 04 | DEO Primary Educatio | spouse |

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KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 1072 /ST Dated 23/06/2021

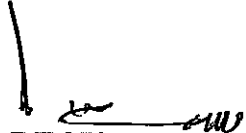
To

The District Police Officer,
Government of Khyber Pakhtunkhwa,
Charsada.

Subject: JUDGMENT IN APPEAL NO. 9616/2020, MR. NUSRU ULLAH.

I am directed to forward herewith a certified copy of Judgement dated 09.06.2021 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

9/6/2021 D.B. Saleh-ud-Din Sb
x

Imprisoned. 16/4/2020
D.A. 11/5/2020
Decided. 17/7/2020
S.A. 28/8/2020

Reduction in pay by one stage,
punishment under police rules

No charge sheet / statement of allegation
No mention in reply or any other
paper -

No depth inquiry before imposing major
penalty -

No opportunity of personal hearing -

No final show cause notice

No rules to prohibit constable or his
spouse from BISP
para 3 of reply.

D.D.A/-

Discreet inquiry - Rule ?

Police Rule 1975 (Rule 5)