

15.06.2021

Appellant in person present and states that on his revision petition, respondent No. 3 has passed the order dated 26.04.2021, whereby penalty of reduction in time scale for period of two years was reduced to to reduction to time scale for one year. In view of the said development, he submitted an application for withdrawal of instant appeal with permission to file fresh one.

In view of the above, the appeal is dismissed as withdrawn. The appellant is at liberty to file fresh appeal, if so advised subject to all just and legal objections. File be consigned to the record room.


Chairman

ANNOUNCED

15.06.2021

9407/20

01.06.2021


Counsel for the appellant present. Preliminary arguments heard.

The original order of the imposition of punishment was passed on 29.11.2019 which was challenged through departmental appeal on 10.12.2019 within time. The departmental appeal was decided on 25.06.2020 with relief in reduction of the punishment. The present appeal follows the order of the Appellate Authority. When the departmental appeal has been accepted with partial relief, the original order stood merged in the Appellate order. Although this appeal has been preferred beyond 30 days of the pressing of impugned order but in view of Section 30 of the Khyber Pakhtunkhwa Epidemic Control and Emergency Relief Act, 2020, the limitation period provided under any law shall remain frozen. This appeal having been filed after promulgation of the said Act, is not affected by bar of limitation. Points raised need consideration. The appeal is admitted for regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days of the receipt of notices positively. If the written reply/ comments are not submitted within the stipulated time, the office is directed to submit the file with a report of non-compliance. File to come up for arguments on 29.09.2021 before the D.B.


Chairman

24.11.2020

Mr. Shahid Qayum Khatta, Advocate, is present. He submitted application for adjournment that he is busy in election of Bar Council being a candidate. Application is placed on record. Adjournment granted. File to come up for preliminary hearing on 10.02.2021 before S.B.



(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

10.02.2021

Junior to counsel for appellant present and made a request for adjournment as senior counsel is busy in the Apex Court; granted. To come up for preliminary hearing on 01.06.2021 before S.B.






(Rozina Rehman)
Member (J)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 9407 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	18/08/2020	<p>The appeal of Mr. Rehman Ullah presented today by Mr. Shahid Qayum Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please</p> <p> REGISTRAR</p>
2-	21.09.2020	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>21/09/2020</u></p> <p> CHAIRMAN</p> <p>Junior to counsel for the appellant present. Requests for adjournment as learned counsel is engaged today before the Courts at Charsadda. Adjourned to 24.11.2020 before S.B.</p> <p> Chairman</p>

BEFORE THE HONOURABLE JUDGE SERVIC TRIBUNAL
KHYBER PAKHTUNKHWA, PESHAWAR

Rehman Ullah

(Appellant)

Versus

The District Police Officer & others

(Respondents)

I N D E X

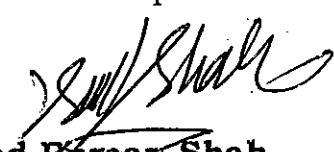
S.#	Description of Documents	Annex	Pages
1.	Service Appeal		1-8
2.	Affidavit		9
3.	Application for Condonation of Delay with Affidavit		10-11
4.	Addresses of Parties		12
5.	Copy of Charge Sheet No.426-27/PA(Enq), Dated 12.11.2019	A	13
6.	Copy of OB No. 517 dated 29.11.2019	B	14
7.	Copy of Departmental Appeal	C	15-19
8.	Copy of Order No. 6891/EC, Dated Kohat the 25.06.2020	D	20
9.	Copies of Other Relevant Documents		21-26
10.	Wakalatnama		27


Appellant

Through


Shahid Qayum Khattak
Advocate Supreme Court

&


Syed Roman Shah
Advocate High Court

BEFORE THE HONOURABLE JUDGE SERVIC TRIBUNAL
KHYBER PAKHTUNKHWA, PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 8953

Dated 18-8-2020

Rehman Ullah No. 597/LHC, CDR Section DPO Office, Kohat.

(Appellant)

Versus.

1. The District Police Officer, Karak.
2. The Region Police Officer, Kohat Region.
3. Inspector General of Police, KP Peshawar.

(Respondents)

APPEAL AGAINST ORDER OF THE REGION POLICE OFFICER,
KOHAT REGION NO.6891/EC, DATED KOHAT THE 25.06.2020
WHEREBY MAJOR PUNISHMENT OF REDUCTION TO "TIME
SCALE" FOR PERIOD OF THREE (03) YEARS AWARDED BY
THE DISTRICT POLICE OFFICER, KARAK TO THE APPELLANT
VIDE ORDER BEARING OB NO. 517 DATED 29/11/2019 HAS
BEEN REDUCED TO TWO YEARS.

Filed to-day

Registrar

PRAYER:

18/8/2020

On acceptance of the instant appeal, order of the District Police Officer, Karak dated 29/11/2019 as well as Order dated 25.06.2020 passed by Region Police Officer, Kohat Region may please be set aside and the charge sheet No. 426-27/PA(Enq), dated 12.11.2019 issued to the appellant/official, contained in the Statement of Allegations No. 545/Hqrs: Dated 25/11/2019 may graciously be annulled and the appellant/official may please be exonerated from the charge leveled against him.

Respectfully Sheweth;**FACTS:**

Short, but relevant facts giving rise to the instant appeal are that an FIR No. 538 dated 22.10.2019 U/s 302 PPC Police Station Latamber was initially registered against unknown accused and the appellant/official being in-charge of DSB, Karak was the member of the constituted J.I.T meant for tracing out the actual culprits and the appellant/official while putting in his best efforts succeeded to rightly name Mst. Farah Naz to be the actual murderer. However, the daughter of accused Mst. Farah Naz namely Mst. Sidrat-ul-Muntaha moved an application to the respondent No. 2 against the appellant/official, blaming him for enticing her away for sexual intercourse upon which an inquiry was initiated vide charge sheet No.426-27/PA(Enq), Dated 12.11.2019 (**annexure "A"**) and ultimately vide Order of the District Police Officer, Karak bearing OB No. 517 dated 29.11.2019 (**annexure "B"**) major punishment of reduction to "Time Scale" for period of three (03) years was imposed upon the appellant/official with immediate effect. The appellant/official being aggrieved of the above-mentioned order preferred departmental appeal (**annexure "C"**) before the respondent No. 2, which was though dismissed, but the quantum of punishment awarded to the appellant/official was reduced to two years vide Order No. 6891/EC, Dated Kohat the 25.06.2020 (**annexure "D"**).

The appellant/official being aggrieved of the above order submits the instant appeal on the following grounds:-

GROUND:

1. That the appellant/official since his induction has always tried to bring fame and to avoid the department from being painted with any stigmas.
2. That the appellant has been trained all the way in the service for tracing out the men behind the guns.
3. That the impugned order dated 29.11.2019 is running shot of the actual and factual facts as the case FIR No. 538 dated 22.10.2019 U/s 302 PPC Police Station Latamber was initially registered against unknown accused and the appellant/official being in-charge of DSB, Karak was the member of the constituted J.I.T meant for tracing out the actual culprits and the appellant/official while putting in his best efforts succeeded to rightly name Mst. Farah Naz to be the actual murderer. The gist of the inquiry proceedings is clearly supports the implied tactics of the appellant for tackling the matter in the right way; that after the arrest of accused Mst. Farah Naz, the weapon of offence was yet to be recovered, therefore, he was playing his best cards through contacts with the daughter of accused to recover the weapon of offence and his act was not aimed for having any illicit relation with the

daughter of Farah Naz (accused in the case), namely Mst. Sidrat-ul-Muntaha.

4. That the alleged relations with the daughter of accused, named above, if really considered, was a meager reward at the cost of the rendered services of the appellant.
5. That the enquiry proceedings which have culminated in the major punishment of reduction to "Time Scale" for three years upon appellant/official is the result of conspiracy for showing down the appellant/official in the ranks of the department as the appellant/official, being in-charge of DSB, Karak as well as member of J.I.T was competent in tracing out the unknown culprits of the case.
6. That appellant was implicated in departmental charges on the basis of fabricated charges planted by female accused arrested in murder case. Again the involvement of the accused in the blind murder case was traced with the efforts initiated by appellant. The award of punishment to appellant on the basis of hallowed charges leveled by the daughter of accused will discourage the police officers in taking action against the accused.

7. That the allegations against the appellant/official had no sound footings, otherwise, it would not have been refused by the S.P Investigation, Karak to proceed with it himself.
8. That the enquiry proceedings are based on the proceedings carried out by the then Enquiry Officer/SDPO, Banda Daud Shah which were objected to by the appellant/official for posing no confidence in the real and truthful search of the facts.
9. That the appellant/official has not been given the right of cross-examination of the enquiry witnesses who have boxed in against him.
10. That none of the witnesses have admitted for seeing the appellant with their naked eyes for being in contact with the complainant/Sidrat-ul-Muntaha at the time as stated by the complainant.
11. That the mobile recovered by the appellant/official from Sidrat-ul-Muntaha/complainant have been taken vide recovery memo of the case mentioned above, therefore, no question of contacts with Sidrat-ul-Muntaha arises hereinafter of the recovery of the mobiles, therefore, the allegation of handing over the mobile phones back to complainant/Sidrat-ul-Mantaha is groundless and without proof.

12. That CDR of the mobile phone of the appellant has not been made part of the enquiry proceedings.
13. That the inquiry officer has not recommended/suggested any punishment against the appellant/official.
14. That the punishment awarded to the appellant/official is contradictory to the facts rather manipulated and fabricated, hence not tenable.
15. That no final Show Cause Notice was issued to the appellant/official. Copy of the findings of Enquiry Officer was also not supplied to the appellant/official before passing the impugned order, therefore, in view of the procedure and legal lapses on the part of lower authority, the impugned order is not sustainable.
16. That the enquiry proceedings are running full of legal shortcomings and lacunas, therefore, the impugned order bears no effect and be considered null and void.
17. That the appellant authority vide the impugned order has held that the punishment order passed by the DPO, Karak appears to be harsh as compared to allegation, but instead to set aside the punishment, it was just reduced from three

year's time-scale to two years, therefore, the impugned order is not sustainable.

18. That the appellant has been penalized twice for the same offence i.e. first by reduction of time scale for period of three years and secondly by issuance of transfer order of the appellant to District Hangu vide Order No. 269-70/EC, dated Kohat the 03.01.2020, hence the impugned orders are liable to be set aside.
19. That if the impugned orders are let to have its effect then in that case the service of the appellant will remain dented, painted and stigmatized, therefore, the impugned order repugnant with certain drawbacks be reversed.
20. That the appellant/official has been awarded two Commendation Certificates-II for his good performance in case FIR NO. 129 dated 27.03.2019 u/s 324/353/399/400/401/34 PPC r/w section 15 AA of PS Yaqoob Khan Shaheed (Karak) from the office of your good-self as well as Commendation Certificate-III and case reward of Rs: 3000/- from the office of the District Kohat Police for his good performance during duty, but the good performance and unblemished record of service of the appellant/official was not taken into account before passing the impugned order.

21. That the appellant/official wishes to be heard in person for the narration of the facts articulately.

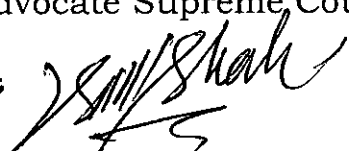
Therefore, it is most humbly prayed that, on acceptance of the instant appeal, impugned order dated 25.06.2020 passed by the Region Police Officer, Kohat Region may please be annulled and consequently order of the District Police Officer, Karak dated 29/11/2019 may please also be set aside and the charge sheet No. 426-27/PA(Enq), dated 12.11.2019 issued to the appellant/official, contained in the Statement of Allegations No. 545/Hqrs: Dated 25/11/2019 may graciously be withdrawn and the appellant/official may please be exonerated from the charge leveled against him.

Dated: 18.08.2020

Through


Appellant


Shahid Qayum Khattak
Advocate Supreme Court


Syed Roman Shah
Advocate High Court

BEFORE THE HONOURABLE JUDGE SERVIC TRIBUNAL
KHYBER PAKHTUNKHWA, PESHAWAR

Rehman Ullah

(Appellant)

Versus

The District Police Officer & others

(Respondents)

AFFIDAVIT

I, Rehman Ullah No. 597/LHC, CDR Section DPO Office, Kohat, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been kept concealed from this Hon'ble Tribunal.

Rehman Ullah

DEPONENT

CNIC: 14202.5958844-3

Cell: 0333.9714838



BEFORE THE HONOURABLE JUDGE SERVIC TRIBUNAL
KHYBER PAKHTUNKHWA, PESHAWAR

Rehman Ullah

(Appellant)

Versus

The District Police Officer & others

(Respondents)

APPLICATION FOR CONDONATION OF
DELAY, IF ANY, IN FILING THE INSTANT
APPEAL.

Respectfully Sheweth:

1. That the accompanying appeal is being filed before this Honourable Tribunal, which is yet to be fixed for its hearing.
2. That the order reflects that has been announced on 25.06.2020 but issued on 06.07.2020 but the copy of the same order has not been delivered/communicated to the applicant/ appellant.
3. That when applicant came to know regarding the passing of impugned order on 23.07.2020, he applied for the same and accordingly the copy of the order has been provided to applicant/ appellant on 23.07.2020.
4. That from receipt of copy of order this appeal is well within time, but if this Hon'ble Tribunal deem it otherwise, then applicant/ appellant requests for condonation of delay.

5. That the delay in filing the appeal is neither intentional nor willful, but due to aforesaid reasons.
6. That valuable rights of the applicant/appellant are involved, therefore, it is just, fair as well as in the larger interest of justice that the delay in filing the appeal be condoned.


It is, therefore, prayed that by accepting this application, the delay in filing the instant appeal, if any, may please be condoned in the best interest of justice.

Dated: 18.08.2020

Through

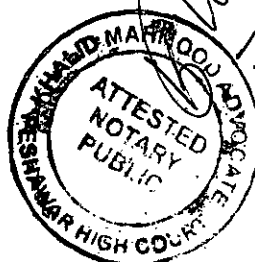

Applicant/ Appellant

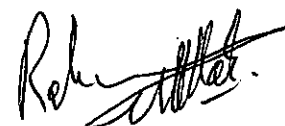

Shahid Qayum Khattak
Advocate Supreme Court

& 
Syed Roman Shah
Advocate High Court

AFFIDAVIT

I, Rehman Ullah No. 597/LHC, CDR Section DPO Office, Kohat, do hereby solemnly affirm and declare on oath that the contents of the **Application** are true and correct to the best of my knowledge and belief and nothing has been kept concealed from this Hon'ble Tribunal.




DEPONENT
CNIC: 14202.5958844-3
Cell: 0333. 9714838

BEFORE THE HONOURABLE JUDGE SERVIC TRIBUNAL
KHYBER PAKHTUNKHWA, PESHAWAR

Rehman Ullah

(Appellant)

Versus

The District Police Officer & others

(Respondents)


ADDRESSES OF THE PARTIES

APPELLANT:

Rehman Ullah No. 597/LHC, CDR Section DPO Office, Kohat.

RESPONDENTS:

1. The District Police Officer, Karak.
2. The Region Police Officer, Kohat Region.
3. Inspector General of Police, KP Peshawar.

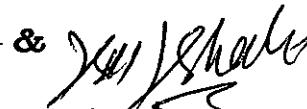


Appellant

Through



Shahid Qayum Khattak
Advocate Supreme Court

& 

Syed Roman Shah
Advocate High Court

(13)

Annexure - A

(L)

No. 426 /PA(Enq)
Dated 12-1-11 /2019

CHARGE SHEET

I, NAUSHER KHAN, District Police Officer, Karak as a competent authority, hereby charge you LHC Rohman Ullah No. 598 I/C DSB Karak follow:-

"As per Daily Diary Report No. 17 dated 10.11.2019 that accused Mst: Farah Naz r/o district Bannu presently confined in the Central Jail Karak in offence of murder. You LHC Rohman Ullah No. 598 contacted her daughter namely Mst: Sidra for unknown reason who is medical attendant of her mother at KDA hospital Karak. Wherein immoral conversation was recorded in her mobile, in which you LHC Rehman Ullah No. 598 entice her for your undesirable needs as per mobile recording. This is quite adverse on your part and shows your indiscipline attitude in the discharge of official obligations. This act on your part is against service discipline and amounts to gross misconduct."

1. This act on your part is against the service discipline and amounts to gross misconduct. By the reason of your commission/omission, constitute miss-conduct under Police disciplinary Rule-1975 (amendment Notification No. 3859/Legal, dated 27.08.2014) Govt: of Khyber Pakhtunkhwa, Police Department, you have rendered your-self liable to all or any of the penalties specified in Police Rule-1975 ibid.

2. You are, therefore, required to submit your written defense within 07-days of the receipt of this charge sheet to the enquiry Officer Sh. N. Khan is hereby appointed for the purpose of conducting enquiry.

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

3. Intimate whether you desire to be heard in person.

4. A statement of allegation is enclosed.

Pto

Rehman Ullah
Attested

Sh. N. Khan
District Police Officer, Karak

ORDER

My this Order will dispose off the departmental enquiry against LHC Rehman Ullah No. 598 of this district Police.

Facts are that as per Daily Diary Report No. 17 dated 10.11.2019 that accused Mst. Farah Naz r/o district Bannu presently confined in the Central Jail Karak in offence of murder. LHC Rehman Ullah No. 598 contacted her daughter namely Mst. Sidra for unknown reason who is medical attendant of her mother at KDA hospital Karak. Wherein immoral conversation was recorded in her mobile, in which LHC Rehman Ullah No. 598 entice her for his undesirable needs. This is quite adverse on his part and shows his indiscipline attitude in the discharge of official obligations."

He was issued with Charge Sheet and Statement of allegations. Initially, Mr. Muhammad Ashraf SDPO B.D.Shah was appointed as an Enquiry Officer. Meanwhile, accused official submitted an application requesting therein that he has no confidence over the Enquiry Officer. His request was accepted and the said enquiry was marked to Mr. Amjid Ali SDPO Karak to conduct proper departmental enquiry against him and to submit his findings within the stipulated time.

The Enquiry Officer reported that perusal of relevant record and adopting all legal and procedural formalities as well as listening the audio call recording between defaulter official and Mst. Sidra Tul Munteha; the allegations leveled against defaulter official LHC Rehman Ullah No. 598 are hereby proved.

Keeping in view of the available record and facts on file; perusal of enquiry papers and recommendations of the Enquiry Officer, he is found guilty of the charges, his this act is against service discipline and shows his contaminated mindset and indiscipline attitude in the discharge of his official obligations being a member of discipline Force although the defaulter official at initial stage performed important role in tracing the accused in case FIR No. 538 dated 22.10.2019 u/s 302 PPC PS Latamber but later on he deviated from his lawful obligations. He enticed stranger women for undesirable needs, therefore, in exercise of power conferred upon me, I, NAUSHER KHAN, District Police Officer, Karak is hereby imposed a major punishment of reduction to "Time Scale" for period of three (03) years upon the defaulter LHC Rehman Ullah No. 598 with immediate effect.

No. 517
d 29/11/2019

Rehman Ullah

Nausher Khan
District Police Officer, Karak

Handwritten notes and signatures at the bottom of the page, including a signature that appears to be 'Tajwar' and other illegible scribbles.

**BEFORE HONOURABLE THE DEPUTY INSPECTOR GENERAL OF
POLICE, KOHAT REGION KOHAT**

Departmental Appeal against Order of the District Police Officer, Karak bearing OB No. 517 dated 29/11/2019 whereby major punishment of reduction to "Time Scale" for period of three (03) years has been imposed upon LHC Rehman Ullah No. 598 (the appellant/official) with immediate effect.

PRAYER:

On acceptance of the instant departmental appeal, order of the District Police Officer, Karak dated 29/11/2019 may please be set aside and the charge sheet No. 426-27/PA(Enq), dated 12.11.2019 issued to the appellant/official, contained in the Statement of Allegations No. 545/Hqrs: Dated 25/11/2019 may graciously be annulled and the appellant/official may please be exonerated from the charge leveled against him.

Through: Proper Channel.

Respected Sir,

The appellant/official submits the instant departmental appeal to catch your sympathetic and compassionate attention on the following grounds.

GROUND:

1. That the appellant/official since his induction has always tried to bring fame and to avoid the department from being painted with any stigmas.
2. That the appellant has been trained all the way in the service for tracing out the men behind the guns.

Rehman Ullah
Attested

3. That the impugned order dated 29.11.2019 is running shot of the actual and factual facts as the case FIR No. 538 dated 22.10.2019 U/s 302 PPC Police Station Latamber was initially registered against unknown accused and the appellant/official being in-charge of DSB, Karak was the member of the constituted J.I.T meant for tracing out the actual culprits and the appellant/official while putting in his best efforts succeeded to rightly name Mst. Farah Naz to be the actual murderer. The gist of the inquiry proceedings is clearly supports the implied tactics of the appellant for tackling the matter in the right way; that after the arrest of accused Mst. Farah Naz, the weapon of offence was yet to be recovered, therefore, he was playing his best cards through contacts with the daughter of accused to recover the weapon of offence and his act was not aimed for having any illicit relation with the daughter of Farah Naz (accused in the case), namely Mst. Sidrat-ul-Muntaha.
4. That the alleged relations with the daughter of accused, named above, if really considered, was a meagre reward at the cost of the rendered services of the appellant.
5. That the enquiry proceedings which have culminated in the major punishment of reduction to "Time Scale" for three years upon appellant/official is the result of conspiracy for showing down the appellant/official in the ranks of the department as the appellant/official, being in-charge of DSB, Karak as well as member

Re: ~~_____~~
Attested

- of J.I.T was competent in tracing out the unknown culprits of the case.
6. That appellant was implicated in departmental charges on the basis of fabricated charges planted by female accused arrested in murder case. Again the involvement of the accused in the blind murder case was traced with the efforts initiated by appellant. The award of punishment to appellant on the basis of hallowed charges leveled by the daughter of accused will discourage the police officers in taking action against the accused.
 7. That the allegations against the appellant/official had no sound footings, otherwise, it would not have been refused by the S.P Investigation, Karak to proceed with it himself.
 8. That the enquiry proceedings are based on the proceedings carried out by the then Enquiry Officer/SDPO, Banda Daud Shah which were objected to by the appellant/official for posing no confidence in the real and truthful search of the facts.
 9. That the appellant/official has not been given the right of cross-examination of the enquiry witnesses who have boxed in against him.
 10. That none of the witnesses have admitted for seeing the appellant with their naked eyes for being in contact with the complainant/Sidrat-ul-Muntaha at the time as stated by the complainant.

Rehmatullah
Attested

11. That the mobile recovered by the appellant/official from Sidrat-ul-Muntaha/complainant have been taken vide recovery memo of the case mentioned above, therefore, no question of contacts with Sidrat-ul-Muntaha arises hereinafter of the recovery of the mobiles, therefore, the allegation of handing over the mobile phones back to complainant/Sidrat-ul-Mantaha is groundless and without proof.
12. That CDR of the mobile phone of the appellant has not been made part of the enquiry proceedings.
13. That the inquiry officer has not recommended/suggested any punishment against the appellant/official.
14. That the punishment awarded to the appellant/official is contradictory to the facts rather manipulated and fabricated, hence not tenable.
15. That no final Show Cause Notice was issued to the appellant/official. Copy of the findings of Enquiry Officer was also not supplied to the appellant/official before passing the impugned order, therefore, in view of the procedure and legal lapses on the part of lower authority, the impugned order is not sustainable.
16. That the enquiry proceedings are running full of legal shortcomings and lacunas, therefore, the impugned order bears no effect and be considered null and void.
17. That if the impugned order is let to have its effect then in that case the service of the appellant will remain dented, painted and

Rehman
Attested

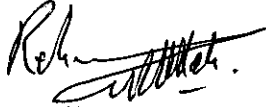
stigmatized, therefore, the impugned order repugnant with certain drawbacks be reversed.


18. That the appellant/official has been awarded two Commendation Certificates-II for his good performance in case FIR NO. 129 dated 27.03.2019 u/s 324/353/399/400/401/34 PPC r/w section 15 AA of PS Yaqoob Khan Shaheed (Karak) from the office of your good-self as well as Commendation Certificate-III and case reward of Rs: 3000/- from the office of the District Kohat Police for his good performance during duty, but the good performance and unblemished record of service of the appellant/official was not taken into account before passing the impugned order.

19. That the appellant/official wishes to be heard in person for the narration of the facts articulately.

It is, therefore, most humbly prayed that, on acceptance of the instant departmental appeal, impugned order of the District Police Officer, Karak dated 29/11/2019 may please be set aside and the charge sheet No. 426-27/PA(Enq), dated 12.11.2019 issued to the appellant/official, contained in the Statement of Allegations No. 545/Hqrs: Dated 25/11/2019 may graciously be annulled and the appellant/official may please be exonerated from the charge leveled against him.

Dated: 10 /12/2019


(Appellant/Official)
LHC Rehman Ullah No. 598
Police Lines, Karak.


Attested

POLICE DEPTT:

KOHLAT REGION

ORDER.

This order will dispose of a departmental appeal, moved by LHC Rehman Ullah No. 17 of Operation Staff Karak against the punishment order, passed by DPO/Karak vide OB No. 517, dated 29.11.2019 whereby he was awarded punishment of three years time-scale on the allegations of developing illicit / immoral relations with one Sidrat-ul-Muntaha d/o accused Mst: Farah Naz involved in a criminal case.

He preferred an appeal to the undersigned, upon which comments were obtained from DPO Karak and his service record perused. He was also heard in person in Orderly Room, held in this office on 25.06.2020. During hearing, the appellant did not advance plausible explanation to prove his innocence.

I have gone through the available record and came to the conclusion that the allegations leveled against the appellant are proved and the same has also been established from audio recording saved in phone memory of Sidrat-ul-Muntaha. However, the punishment order passed by DPO Karak appears to be harsh as compared to allegations. Therefore, three years time-scale punishment awarded to the appellant is hereby reduced to two years.

Order Announced
25-06-2020

JHc
(TAYYAB HAFEEZ) PSR
Region Police Officer,
Kohat Region.

No. 6891 /EC, dated Kohat the 6/7 /2020.

Copy for information and necessary action to the District Police Officer. Karak w/r to his office Memo: No. 246/EC, dated 08.01.2020. His Service Roll & Fauji Missal is returned herewith.

Reviewed *Attested*

Handwritten notes and signatures on the left margin.

District Police Officer
Karak
Signature
07/2020

Signature
Dy: Supt. Of Police
Karak
6-8-2020

JHc
(TAYYAB HAFEEZ) PSR
Region Police Officer,
Kohat Region.

(21)

No. 545 /Hqrs:

Dated. 25-11-2019

FINDING

Kindly refer to Charge Sheet No426-27/PA(Enq), dated 12.11.2019, issued to LHC Rehman Ullah No. 598 I/C DSB Karak:-

ALLEGATIONS:

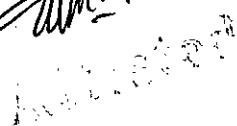
"As per daily diary report No. 17, dated 10.11.2019 that accused Mst: Farah Naz r/o district Bannu presently confined in the Central Jail Karak in offence of murder. LHC Rehman Ullah No. 598 contacted her daughter namely Mst: Sidra for unknown reasons who is medical attendant of her mother at KDA hospital Karak wherein immoral conversion was recorded in her mobile in which LHC Rehman Ullah No. 598 did entice her for illicit relations.

Initially, the departmental enquiry entrusted to SP Investigation, Karak who due to huge burden of official works did excuse from conducting the enquiry proceedings and the same marked to SDPO Banda Daud Shah who recorded the statements of Mst: Sidratul Muntah d/o Ghulam Mustafa r/o district Bannu and IHC Zahid Asghar incharge guard MLC KDA Hospital. During the enquiry proceedings, the defaulter official, LHC Rehman Ullah preferred an application that he has no hope of fair and transparent enquiry proceedings from SDPO Banda Duad Shah hence requested for changing of enquiry officer. The competent authority entrusted the enquiry to the undersigned.

According to the statement of Sidratul Muntah d/o Ghulam Mustaf recorded to SDPO Banda Duad Shah that her mother was arrested in the case FIR No. 538, dated 22.10.2019, u/s 302 PPC PS Latamber and was under treatment in KDA hospital Karak and she was there for her mother help, LHC Rehman Ullah, Incharge DSB Karak frequently made mobile phone calls at her mobile number for illicit relations. She further stated that one day LHC Rehman Ullah alongwith Constable Zia taken her to unknown place and enticed her sexual intercourse but she denied and pretended.

IHC Zahid Asghar Incharge guard MLC ward KDA hospital in his statement recorded to then (E.O) SDPO Banda Duad Shah that 10.11.2019, at about afternoon, accused Farah Naz mother of Sidrat ul Muntah made noise in the ward and complained about unknown person telephonic calls to her daughter Sidratul Muntah for harassment. Incharge guard brought the same issue into the notice of RI Police Lines Karak who visited the spot. RI Police Lines Karak heard





the telephonic call and recognized him as LHC Rehman Ullah, Incharge DSB Karak.

Similarly, the statements of SHO Jamshed Khan and OII Maqsood Khan Latmaber were recorded, placed on enquiry file. Both the officers appreciated the efforts of the defaulter official concerning to the case FIR No. 538/2019 of PS latamber and mentioned in their statements that the case was successfully workout due to his strenuous efforts upon the CDRs. As regard the allegation regarding illicit relation with the daughter of the accused Farah Naza Mst: Sidra tul Muntaha who was attendant with her mother at KDA Hospital Karak, no complaint from the accused was received to them, they added.

Apart from the crux of statements recorded by then E.O SDPO Banda Duad Shah which cannot be altered, the undersigned summoned the following Police officials, heard in person and recorded their statements in order to reach a logical conclusion.

1. Inspector Muhammad Iqbal, RI Police Lines, Karak.
2. LHC Rehman Ullah (defaulter/accused official)
3. HC Habib Ullah Shah (Incharge Causlity KDA hospital)
4. Constable Amin Gul No. 286
5. Constable Noor Islam No. 374
6. Constable Muhammad Sajid No. 05
7. Constable Uzair Ullah No. 313
8. Constable Arshad Iqbal No. 169
9. Constable Zia ur Rehman No. 385
10. L/Constable Samreen Begum No. 247

All the above Police officer/officials endorsed in their statements that LHC Rehman Ullah, incharge DSB Karak made a telephonic call to Sidratul Muntaha for illicit relations except Constable Uzair Ullah and Arshad Iqbal at Serial No. 7&8 who were on (Shabasi) leave while Constablè Zia (accomplice official) repudiated the allegations leveled against LHC Rehman Ullah.

The defaulter official LHC Rehman Ullah confessed in his written statement that he made telephonic call to Sidratul Muntaha, daughter of accused Mst Farah Naz for recovery of some evidences, and SIMs used in the offence through different strategy and tactics.

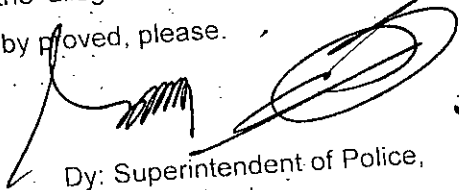
Apart from the above proceedings, an application submitted before Reserve Inspector Karak by the constable Amin Gui No. 286 wherein the applicant expressed that the defaulter LHC met to him at main gate of the office of undersigned and told him to record his statement in his favour. Application further

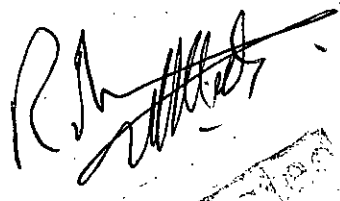
Rehman Ullah
Attested

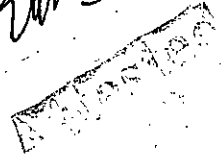
reveals that the said constable denied to do so and also disclosed that he will record his statement based on facts instead of his favour. The application of the said constable was shown in the daily diary No. 33 dated 15.11.2019 police lines, Karak, placed on file.

Conclusion.

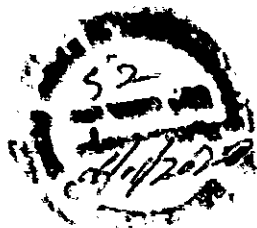
From the perusal of the relevant record and adopting all legal and procedural formalities as well as listening the audio call recording between the defaulter official and Mst. Sidra tul Muntaha (preserve in the attached USB), the undersigned reached to the conclusion that the allegations leveled against the defaulter LHC Rehman Ullah No. 598 are here by proved, please.


Dy: Superintendent of Police,
Hqrs, Karak





(24)



ORDER.


LHC_Ramzan Ullah No. 598 of Operation Staff Karak is hereby transferred / posted to Operation Staff Hangu with immediate effect.


(TAYYAB HAFEEZ) PSP
Regional Police Officer,
Kohat Region.

No. 269-70 /EC. dated Kohat the 3/1/2020.

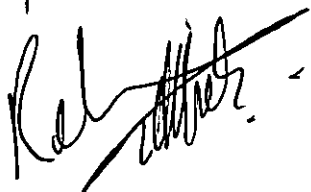
Copy for information and necessary action to the:

1. The District Police Officer, Karak
2. The District Police Officer, Hangu.


(TAYYAB HAFEEZ) PSP
Regional Police Officer,
Kohat Region.

✓
OHC/SRC/PO

For m/a



ORDER

LHC Rehman Ullah No.598 of Operation Staff
Karak is hereby transferred/posted to Operation Staff
Hangu with immediate effect.

Sd/-
(TAYYAB HAFEEZ) PSP
Regional Police Officer,
Kohat Region

No.269-70/EC, dated Kohat the 3/1/2020

Copy for information and necessary action to the:

1. The District Police Officer, Karak.
2. The District Police Officer, Hangu.

Rehman Ullah
Attested

Sd/-
(TAYYAB HAFEEZ) PSP
Regional Police Officer,
Kohat Region

25

KHYBER PAKHTUNKHWA POLICE



COMMENDATION CERTIFICATE CLASS-II

Granted by

Capt: (R) Wahid Mehmood PSP

Deputy Inspector General of Police Kohat Region

To HC Rehman Ullah No. 598 Incharge DSB Karak

Son Of PILAD KHAN

Resident of Mohallah / Village _____

Police Station Yaqoob Khan Shaheed District Karak

In recognition of

His good performance vide case FIR No. 129 dated 27.03.2019 U/Ss 324, 353, 399, 400,

401/34 PPC, 15 AA Police Station Yaqoob Khan Shaheed

No. 1081 /PA

Dated 27/3/2019

[Signature]
Deputy Inspector General of Police,
Kohat Region, Kohat

[Signature]

ACCEPTED

(26)

KHYBER PAKHTUNKHWA POLICE



Commendation Certificate

CLASS-II

Granted By

Mr. Tayyab Hafeez Cheema P.S.P.
Deputy Inspector General of Police, Kohat Region

To HC Rehman Ullah No. 598 DSB, Kk.

Son of _____

Resident of Mohallah / Village _____

Police Station DSB District Karak

In recognition of

his Good performance in Case FIR No. 313
dt. 02.06.2019 u/s 302, 324, 452, 34 PPC
Police Station Karak.

Cash Reward Rs. 2000/- (Two thousand only.)

No. 332/cc

Dated 17/08/2019

Deputy Inspector General of Police
Kohat Region, Kohat

Services Tribunal پاکستان بعدالت

Appellant

2 جناب

1 G Petitioner **Rehman Ullah**

66-10-7677

- موزخہ
- مقدمہ
- دعوی
- جرم

باعث تحریر آئیکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی دیکل کاروائی متعلقہ
 آن مقام سید اور کیلئے سید ارشد علی شاہ اور سید اسد علی شاہ کے نام سے درخواست کی گئی ہے کہ صاحب موصوف کو مقدمہ کی نکل کاروائی کا کامل اختیار و مکات نیز
 مقرر کر کے اترار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی نکل کاروائی کا کامل اختیار و مکات نیز
 وکیل صاحب کو راضی نامہ کرنے و تقرر ثنالتہ فیصلہ بر حلف دیئے جواب دہی اور اقبال دعوی اور
 بصورت ڈگری کرنے اجراء اور صولی چیک ور و پیہ اور عرضی دعوی اور درخواست ہر قسم کی تصدیق
 زرایں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری کی طرفہ یا اپیل کی برآمدگی اور منسوخ
 نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
 کے نکل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
 ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا سائنس
 پر واختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانا التوائے مقدمہ کے سبب سے وہوگا۔
 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 لکھد یا کہ سندر ہے۔

الرقوم 18 باہ 08 2020

عثمان اللہ ولد بیلا خان کی طور پر حصد
 قلم و کلمہ کرنی
 CNIC: 149025958844-3

Attested & Accepted
 [Handwritten Signature]

بمقام سید اور کے لئے منظور ہے۔

[Handwritten Signature]
 mob no: 0333-9195776

Before Services Tribunal Peshawar

Rehman Ullah

VS

Police

Appeal number: 9407/2020


Application for adjournment of the case to
any other date convenient to this honorable
court

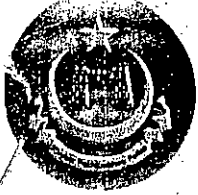
Respectfully sheweth,

1. That, the above titled mentioned case is pending adjudication before this honorable court in which the date of hearing is fixed for today, i.e. 24/11/2020.
2. That, the applicant is the counsel in the above case and is the candidate of bar council in the upcoming election, therefore, is unable to attend the case today.

It is therefore most humbly prayed that by acceptance of this application the case may please be adjourned to any other date convenient to this court.

Date: 24/11/2020

 Applicant
Shahid Qayum Khattak
Advocate Supreme Court



OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.

3968
29/4/21 No. SI 1684 /21, dated Peshawar the 26/04/2021.

ORDER

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by LHC Rehman Ullah No. 597. The above named official was awarded punishment of reduction to time scale for period of three years by District Police Officer, Karak vide-OB No. 517, dated 29.11.2019 on the allegations that accused Mst: Farah Naz r/o district Bannu presently confined in the Central Jail Karak in offence of murder. The petitioner contacted her daughter namely Mst: Sidra for unknown reason who is medical attendant of her mother at KDA hospital Karak. Wherein immoral conversation was recorded in her mobile, in which the petitioner entice her for his undesirable needs. The Appellate Authority i.e. Regional Police Officer, Kohat has reduced his punishment of three years time-scale to two years vide order Endst: No. 6891/EC, dated 06.07.2020.

Meeting of Appellate Board was held on 11.03.2021 wherein petitioner was heard in person. Petitioner contended that he being Incharge DSB Karak traced out the blind case and arrested Mst: Farah Naz. After her arrest, the weapon of offence was yet to be recovered, therefore he contacted her daughter.

The petitioner has long service of 13 years, 08 months & 10 days at his credit. Keeping in view his long service, the Board decided that his penalty of reduction to time scale for period of two years is hereby reduced to reduction to time scale for one year.

Sd/-

KASHIF ALAM, PSP.

Additional Inspector General of Police,
HQrs: Khyber Pakhtunkhwa, Peshawar.

No. SI 1685-90/21,

Copy of the above is forwarded to the:

1. Regional Police Officer, Kohat. One Service Roll and one Fauji Missal of the above named LHC Rehman Ullah No. 597 received vide your office Memo: No. 11963/EC, dated 30.09.2020 is returned herewith for your office record.
2. District Police Officer, Karak.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
5. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-IV CPO Peshawar.

Received
6/5/21

SS77 lhc d 29/4/21
DPO/Karak

For n/a along with above
Service documents please.

(IRFAN ULLAH KHAN) PSP
AIG/Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

District Police Officer
Karak

29/4
KOHAT

(کاپی)

مذکورہ شخص کو بحوالہ آرڈر گزشتہ

1385-90 مورخہ 26 مارچ 2021ء

تہ نامہ جس میں دو سالہ قید کا حکم دیا گیا ہے

دو سالہ قید اور دو سالہ قید اور دو سالہ قید

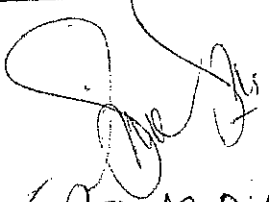
تاریخ

06
11-08-2021

مذکورہ شخص کو 598 نمبر پر وارنٹ

دیا گیا ہے۔

Sir Farnadek



OTAsi/PS-010/PSUKK

11-08-2021

Allowed



District Police Officer
(Karachi)

Received Photo Copy

Rahattat

598 جن کو
UIC

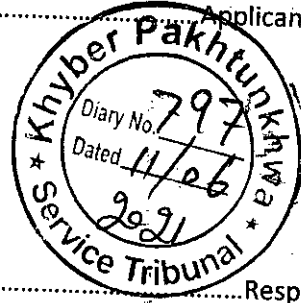
14/06/2021

BEFORE THE SERVICE TRIBUNAL KYBER PAKHTUNKHWA, PESHAWAR

Appeal No. 9407/2020

Rehman Ullah

Applicant/ Appellant



Put up to the worthy chair - on
with relevant appeal.

VERSUS

The District Police Officer and others

Respondents

APPLICATION FOR WITHDRAWAL OF THE ABOVE NOTED APPEAL WITH
PERMISSION TO FILE A FRESH ONE

Respectfully Sheweth;

Applicant / appellant humbly submits as under;

1. That the above noted appeal is pending before this Hon'ble Tribunal and is now fixed for hearing on 29/09/2021.
2. That applicant / appellant filed revision petition before the worthy IGP and now the concerned office informed telephonically applicant that his revision petition has partially been accepted and the penalty of reduction to time scale for period of two years has been reduced to one year.
3. That the same order has not yet been received to applicant but as the instant appeal of applicant has been admitted to regular hearing on 01/06/2021 and the time of security deposit is running out therefore, applicant prefer this application for withdrawal of the same with permission to file a fresh one.
4. That as new order has been passed therefore, the said order is required to be challenged separately, therefore, in the interest of justice the applicant request for withdrawal of instant appeal with permission to file a fresh one.

It is, therefore, most humbly prayed that by accepting this application applicant/ appellant may please be allowed to withdraw this appeal with permission to file a fresh one.

Applicant / appellant

Through

Rehman Ullah

Shahid Qayyum Khan
Advocate Supreme Court