

28.09.2022

Daud Khan, Advocate present on behalf of legal heirs and submitted Wakalatnama which is placed on file.

Nascer Ud Din Shah, learned Assistant Advocate General alongwith Atta Ur Rehman, Inspector for respondents present.

Former requested for adjournment as he has not prepared the brief. Adjourned. To come up for arguments on 14.12.2022 before D.B.



(Fareeha Paul)
Member (E)



(Rozina Rehman)
Member (J)

14th Dec. 2022

Due to strike of the Bar and Mrs. Rozina Rehman, learned Member (J) being on leave, this matter is adjourned to 06.03.2023 before the D.B. Office is directed to notify the next date on the notice board as well as the website of the Tribunal.




(Fareeha Paul)
Member(E)

03.03.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 08.06.2022 for the same as before.

8-6-22

*Proper D.B. is on Tour,
Therefore the case is adjourned to 22-8-22
for same.*


Reader.



22.08.2022

Learned counsel for the appellant present. Mr. Atta-ur-Rehman, Inspector (Legal) alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Learned counsel for the appellant stated at the bar that the appellant has died. Learned counsel for the appellant submitted list of legal heirs of the appellant with the request that they may be impleaded as appellants in the instant appeal. Request seems genuine, therefore, LRs of the appellant are impleaded as appellants in the instant appeal. Muharrar is directed to make necessary entry in this respect in memo of appeal and relevant register accordingly.

Rejoinder on behalf of the appellants also submitted, which is placed on file. To come up for arguments on 28.09.2022 before the D.B.



(Rozina Rehman)
Member (Judicial).



(Salah-Ud-Din)
Member (Judicial)

Stipulated period passed reply not submitted.

29.07.2021

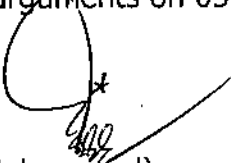
Learned Addl, A.G be reminded about the omission and for submission of reply/comments within extended time of 10 days.



Chairman

10.11.2021

Learned counsel for the appellant. Mr. Kabirullah Khattak, Addl: AG Mr. Khayal Roz, Inspector for respondents present.

Representative of the respondents submitted written reply/comments which is placed on file. A copy of the same is also handed over to the learned counsel for the appellant. Learned counsel for the appellant seeks adjournment to go through the written reply/comments and argue the case on the next date. Adjourned. To come up for arguments on 03.03.2022 before D.B.


(Mian Muhammad)
Member(E)


(Rozina Rehman)
Member(J)

25.06.2021

Counsel for the appellant present. Preliminary arguments heard.

Points raised need consideration. The 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 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 shall submit the file with a report of non-compliance. File to come up for arguments on 10.11.2021 before the D.B.

Appellant Deposited
Security & Process Fee

25/6/21

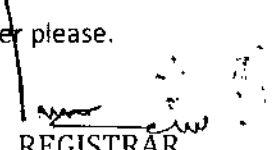


Chairman

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 4999 /2021

| S.No. | Date of order proceedings | Order or other proceedings with signature of judge |
|-------|----------------------------|--|
| 1 | 2 | 3 |
| 1- | 06/05/2021 27/05/21 | <p>The appeal of Mr. Ibrar Ullah presented today by Mr. Muhammad Usman Khan Turlandi 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>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>25/06/21</u></p> <p style="text-align: right;"> CHAIRMAN</p> |
| 2- | | |

①

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR.**

In Ref; to S.A No 4997 of 2021.

Ibrar Ullah, Ex-Constable No. 1629....VS....PPO & others.

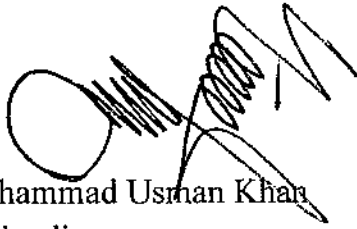
INDEX

| S.No. | DESCRIPTION OF DOCUMENTS | ANNEX | PAGE. |
|-------|---|-------|-------|
| 1. | Main Service Appeal. | ---- | 1-07 |
| 2. | Affidavit. | ---- | 08 |
| 3. | Copy of FIR No. 1494 dated 23-12-2020. | "A" | 09-10 |
| 4. | Copy of the Charge-Sheet. | "B" | 11 |
| 5. | Copy of the Statement of Allegations. | "C" | 12 |
| 6. | Copy of the written defense reply. | "D" | 13 |
| 7. | Copy of the original impugned order of dismissal from service dated 26-02-2021. | "E" | 14 |
| 8. | Departmental appeal dated 08-03-2021 | "F" | 15 |
| 9. | Final impugned order dated 22-04-2021. | "G" | 16 |
| 10. | Power of attorney/Vokatnama. | | 17 |

APPELLANT.

(Ibrar Ullah Ex-Constable No. 1629)

Through:


Muhammad Usman Khan
Turlandi
Advocate Peshawar.

Dated; 04/05/2021.

Office; Flat; C-1, Murad Plaza, Dalazak Road Peshawar City.

Contact # 0333-9153699**0300-5895841**

(2)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR.

In Ref; to S. Appeal No. _____ of 2021.

Ibrar Ullah, Ex-Constable No. 1629, posted at Police Station Takht Bhai,
Mardan.....**APPELLANT.**

VERSUS

- 1) Inspector General of Police / Provincial Police Officer (PPO) Khyber Pakhtunkhwa, Central Police Office (CPO) Peshawar.
- 2) Regional Police Officer, Mardan Range, Mardan.
- 3) District Police Officer Mardan.....**RESPONDENTS.**

Appeal U/S 4 of the Service Tribunal Act against the final impugned office order No. 2102/ES dated Mardan the 22-04-2021 passed by the respondent No. 2 whereby the departmental appeal of the appellant was turned down/rejected and filed and whereas the major penalty of dismissal from service vide OB No. 415 passed by the respondent No. 3 dated 26-02-2021 was up-held.

PRAYERS IN APPEAL:-

On acceptance of this appeal, the final impugned order passed by the respondent No. 2 dated 22-04-2021 whereby the departmental appeal dated 08-03-2021, submitted by the appellant was rejected/filed and the original impugned order of dismissal from service, passed by the respondent No. 3 dated 26-02-2021 was upheld, may be set-aside and the appellant may be reinstated in service with all back benefits and seniority etc. in order to secure the ends of justice.

(3)

RESPECTFULLY SHEWETH:-

- 1) That the appellant being eligible candidate having the requisite qualifications was recruited in the esteemed Police force as Constable and has put marvelous, fabulous and excellent services for a period more than a decade and since his appointment as such, performing his respective duties with great zeal, zest and enthusiasm.
- 2) That no adverse remarks whatsoever has ever been conveyed to the appellant from any quarter and similarly no bad entries was ever recorded in his service role whereas all his immediate and high officers were extremely satisfied of his hard working, efficiency, integrity, discipline and good cooperation.
- 2) That the appellant was surprised to know about his false implication in alleged Criminal case, registered U/S 62 of Antiquity Act. 2016/15AA vide FIR No. 1494 dated 23-12-2020 of Police Station Kalu Khan (Swabi) and resultantly, at the first instance, was suspended vide OB No. 2301 dated 24-12-2020 and was proceeded against, on two counts, both departmental and Criminal proceedings. (Copy of the FIR No. 1494 dated 23-12-2020 is annexure "A").
- 3) That the appellant was charge-sheeted and statement of allegation vide office order No. 14/PA dated 08-01-2021 was served upon whereas the appellant was directed to submit his written defense within 07 days. (Copy of the Charge-Sheet, Statement of Allegation and written defense reply is annexure "B", "C" & "D" respectively).
- 4) That admittedly without conducting any regular inquiry into the false cases, the appellant, on the strength of the baseless allegation given in the FIR, followed by the Charge-Sheet and Statement of Allegation supra, was awarded major penalty of dismissal from service vide order passed by the respondent No. 3 dated 26-02-2021. (Copy of the original impugned order of dismissal from service dated 26-02-2021 is annexure "E").
- 5) That the appellant while aggrieved of the original impugned order, at the first instance, submitted his departmental appeal seeking exoneration from the charged leveled against him and tabled before the respondent No. 2 dated

④

08-03-2021. (Copy of the departmental appeal dated 08-03-2021 is annexure "F").

- 6) That the respondent No. 2 did not bother to requisite the service record of the appellant and to see all the ACRs/ report of the last total period of service and astonishingly stepped into hot water and with a single stroke of pen reject/filed the departmental appeal vide final impugned order dated 22-04-2021. (Copy of the final impugned order passed by the respondent No. 2 dated 22-04-2021 is annexure as "G").
- 6) That the appellant in the given circumstances being a civil servant, having no other efficacious remedy, approaches this august Tribunal for setting-aside the impugned orders supra and seeking his reinstatement in service inter-alia on the following grounds.

GROUND S.

- a) That the impugned order has been passed in the exercise of colorful authority which is unlawful, without lawful authority, without jurisdiction, un-Islamic, un-constitutional, against the norms of equity and natural justice.
- b) That the place of occurrence shown in the FIR No. 1494 dated 23-12-2020 is the landed property owned by one Akhtar zaman not determined, as has been asserted in written reply of the accused, to be the prohibited property being designated as antiquity, which in turn yielding and underlying the unbecoming involvement of the accused in the instant case by the hands of the law enforcing agency which defying his basic fundamental right of freedom is adamantly in want to be adjudged as such by this honorable tribunal.
- c) That admittedly the appellant has committed no offence whatsoever and the whole allegations leveled in the FIR and subsequent statement of allegation being baseless and rootless one, hence his written defense reply was not considered at all and even then, for the reason best known to the respondent No. 3, the appellant was made a scapegoat and his departmental appeal was also rejected in stereotype manner.
- d) That no proper and regular enquiry has ever been conducted and the statements of the concerned PWs have not been recorded in order to unearth

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the actual fact just to fulfill the codal formalities and as such the appellant has been condemned on his back.

- e) That since no statement of PW has been recorded on oath and the appellant has never been given a chance of cross examination and thus no credibility could be relied upon such like baseless allegations and the impugned orders having even no legs to stand upon.
- f) That the first/original impugned order of dismissal from service if seen at a glance, it transpires that the appellant was dismissed from service on account of criminal allegations vide FIRs No. 1494 dated 23-12-2020 of Police Station Kalu-khan (Mardan) wherein no trial has yet been commenced and the charges leveled in the FIRS supra can only be thrashed out in trial proceedings and at this stage the appellant should have been considered innocent having committed no offence whatsoever and pre-trial punishment would be mockery of law and he should have been reinstated in service. In such circumstances, the final impugned order dated 22-04-2021, rejecting the departmental appeal is illegal, unlawful, without lawful authority, without jurisdiction, un-constitutional, un-Islamic and against the law on the subject hence not tenable in the eyes of law.
- g) That the respondent No. 3 while passing the impugned order has never bothered to requisition the service file of the appellant and at least should see the length of spot-less service for about more than 12 years, rendered by the appellant and in such circumstances, the impugned order having no value in the eyes of law, is liable to be set-aside.
- h) That no chance of personal hearing has ever been given to the appellant either by the respondent No. 3 prior to the dismissal of the appellant from his services nor by the respondent No.2 before passing the final impugned order which is mandatory one.
- i) That valuable right was accrued to the appellant whereas his fundamental valuable rights have been encroached by the respondents No. 2 & 3 on their personal whims & wishes and such encroachment is hit by the command of the constitution of the Islamic Republic of Pakistan 1973.

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- j) That the original impugned order of dismissal from service passed by the respondent No. 3 is based on malafide intention and ulterior motive and use of colorful authority, self-innovation and monopoly, which was legally to be struck down by the appellate authority/respondent No. 2 and by not doing so, requires interference by this august Tribunal.
- k) That there is no such evidence ever recorded in the personal file of the appellant which could legally be considered sufficient to support the impugned orders passed on the back of the appellant.
- l) That the respondents for the reason best known to them have ignored totally the law on the subject and precious precedents passed by the superior judiciary hence the impugned orders having no legal sanctity are liable to be declared as such and be set at naught.
- m) That the performance of the appellant during his stay/entire service period was out-standing and up to all standard, during this period neither the appellant was proceeded against, on any disciplinary ground nor he was ever served with any charge sheet, show cause notice, explanation or counseling etc. whatsoever, whereas the appellant has no immoral or criminal record in his past nor has ever been convicted. Hence the impugned orders were passed in quite random and having no base and as such are liable to be set-aside.
- n) That the respondents by neglecting and refusing the legitimate right and status of the appellant is also against the Divine Ordain of Allah Almighty under the principle of natural justice and fundamental human rights and as such the respondents have usurped the right of human being and have thus, bypassed the Divine rule to give due right to everyone.
- o) That the impugned act of the respondents is highly unjust, against the principle of natural justice, highly condemnable, highly deplorable and if allowed to remain in field, then it would perpetuate more injustice and certainly in complete collapse of the Government exchequer and also deprivation of the command of the constitution.

(7)

- p) That the action and inaction on part of the respondents proclaims its own malafide which is contrary to Article 4, 25 and 27 of the Constitution.
- q) That further submission will be advanced at the time of hearing the appellant at the bar.

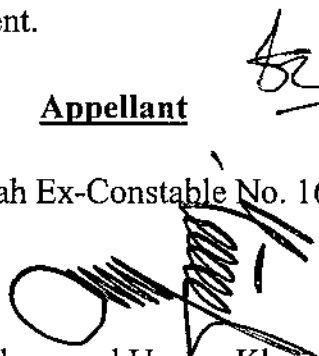
It is, therefore, humbly prayed that on acceptance of this appeal the final impugned order dated 22-04-2021 rejecting the departmental appeal, passed by the respondent No. 2 and the original impugned order of dismissal from service, passed by the respondent No. 3 dated 26-02-2021 may be set-aside and the appellant may be reinstated in service with all back benefits and seniority in order to secure the ends of justice.

Note. No such like service appeal has ever been filed before any competent forum of law as per instruction of my client.

Appellant

(Ibrar Ullah Ex-Constable No. 1629)

Through


Muhammad Usman Khan
Turlandi
Advocate Peshawar.

Dated ____/05-2021.

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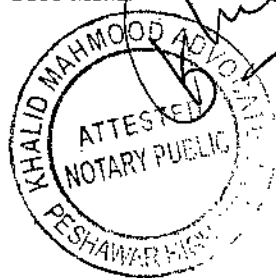
**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR.**

In Ref; to S.A No _____ of 2021.

Ex-Constable Ibrar Ullah No. 1629...VS....PPO & others.

AFFIDAVIT.

I, Ibrar Ullah Ex-Constable No. 1629 posted at police Station Takht-Bhai (Mardan), the appellant, 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 secret or concealed from this august Tribunal.



DEPONENT.

(Ibrar Ullah Ex-Constable No. 1629)

ANNEXURE B

(11)

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

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpomdn@gmail.com

CHARGE SHEET

I, Dr. Zahid Ullah (PSP), District Police Officer Mardan, as competent authority, hereby charge Constable Ibrar Ullah No.1629, while posted at Police Station Takht-Bhai (now under suspension Police Lines Mardan), as per attached Statement of Allegations.

1. By reasons of above, you appear to be guilty of misconduct under Police Rules, 1975 and have rendered yourself liable to all or any of the penalties specified in Police Rules, 1975.
2. You are, therefore, required to submit your written defense within 07 days of the receipt of this Charge Sheet to the Enquiry Officer, as the case may be.
3. Your written defense, if any, should reach the Enquiry Officers within the specified period, failing which, it shall be presumed that you have no defense to put in and in that case, ex-parte action shall follow against you.
4. Intimate whether you desired to be heard in person.

[Signature]
(Dr. Zahid Ullah) PSP
District Police Officer
Mardan

ATTESTED TO BE
TRUE COPY

[Signature]



(12)

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

Tel. No. 0937-9230109 & Fax No. 0937-9230111
Email: dpomdn@gmail.com



ANNEXURE C

No. 14 /PA

Dated 8/10/2021

DISCIPLINARY ACTION

I, Dr. Zahid Ullah (PSP), District Police Officer Mardan, as competent authority am of the opinion that Constable Ibrar Ullah No.1629, himself liable to be proceeded against, as he committed the following acts/omissions within the meaning of Police Rules 1975.

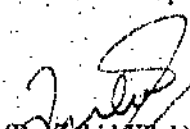
STATEMENT OF ALLEGATIONS

Whereas, Constable Ibrar Ullah No.1629, while posted at Police Station Takht-Bhai (now under suspension Police Lines Mardan), has been charged in a case vide FIR No.1494 dated 23-12-2020 U/S 62 Antiquity Act 2016/15AA PS Kalu Khan (Swabi).

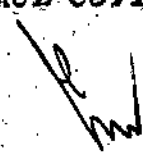
For the purpose of scrutinizing the conduct of the said accused official with reference to the above allegations, Mr. Riaz Khan SDPO Katlang is nominated as Enquiry Officer.

The Enquiry Officer shall, in accordance with the provision of Police Rules 1975, provides reasonable opportunity of hearing to the accused Police Officer, record/submit his findings and make within (30) days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused Official.

Constable Ibrar Ullah is directed to appear before the Enquiry Officer on the date + time and place fixed by the Enquiry Officer.


(Dr. Zahid Ullah) PSP
District Police Officer
Mardan

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(13)

ANNEXURE D

عنوان۔ مخبر کی جواب / بیان بحائب ابرار اللہ کنستبل 1629

صاف علی۔ مخبر کی جواب / بیان حسب ذیل برص نزاریہ

پیکر زیر دستخطی مورخہ 20/01/2021ء 08/ جنوری PA 14 جارج سٹریٹ صدرہ صحافت ڈسٹرکٹ پولیس
انسپیکٹر مردان جوٹکر زیر دستخطی FIR نمبری 1494 مورخہ 12/01/2021ء 23/ زیر دستخطی 62
15/01/2021 ACE 15/01/2021 آغا خان مالوہاں میں نامزد ہو سکا ہے۔ میں وہ زیر دستخطی کو مسلح
کیا جا کر انڈیا کی زیر قیود ہے۔

زیر دستخطی نامزد گناہ ہے۔ اور میں برساؤ میں طور پر مسترد ہندو مت والا میں نامزد گناہ ہے۔
کوئی نمبر 1494 مذکورہ بالا میں جاری ہے اس کا نام ہے اور اسے اور میں انڈیا میں مورخہ 12/01/2021ء
مذکورہ انڈیا میں ذاتی کیفیت ہے اور اس کی اور میں میں ملزمان کی موجودگی کا دعویٰ کرتی ہے جو
میں سرکاری اور میں ہے اور میں میں اس کے نامزد ہے کیا نمبر اسٹریٹ ہے۔ نیز سٹریٹ
شاردھان آئی نے اسے میں اور میں کی نسبت نامزد ہے والوں کے بیان میں لے
میں اور میں میں انہوں نے نامزد ہے کی حالت پر اس کے میں لگی ہے اور میں ان نام حقائق
سے سٹریٹ کی پر میں میں۔ نیز زیر دستخطی FIR مذکورہ میں صورت الزام ہے اور میں
دستخطی کو میں کی نامزد ہے نزاریہ کے کئی میں ہے میں زیر دستخطی کو مسلح کرنا ہے
کوئی نزاریہ کو میں میں میں کے ان کے اور میں کے خلاف ہے۔ اشہری ہے
کہ انڈیا کی کو میں نزاریہ کے اس کے ان کے اور میں کے خلاف ہے۔

ATTESTED TO BE TRUE COPY

مورخہ 29/01/2021ء

2021

ابراہیم اللہ کنستبل 1629



(14)
**OFFICE OF THE
DISTRICT POLICE OFFICER,
MARDAN**

Tel No: 0937-9230109 & Fax No. 0937-9230111
Email: dpomdn@gmail.com

ANNEXURE E



No. 766-70 /PA

Dated 13 /2021

ORDER ON ENQUIRY OF CONSTABLE IBRAR ULLAH NO.1629

This order will dispose-off a Departmental Enquiry under Police Rules 1975, initiated against the subject official, under the allegations that while posted at Police Station Takht-Bhai (now under suspension Police Lines), was placed under suspension and closed to Police Lines Mardan vide this office OB No.2301 dated 24-12-2020, issued vide order/endorsement No.8972-75/OSI dated 29-12-2020, on account of charging in a case vide FIR No.1494 dated 23-12-2020 U/S 62 Antiquity Act 2016/15AA PS Kalu Khan (Swabi) and proceeded against departmentally through Mr. Riaz Khan SDPO/Katlang vide this office Statement of Disciplinary Action/Charge Sheet No.14/PA dated 08-01-2021, who (E.O) after fulfilling necessary process, submitted his Finding Report to this office vide his office letter No.85/ST dated 15-02-2021, holding responsible the alleged official of misconduct & recommended for appropriate punishment.

Final Order

Constable Ibrar Ullah was heard in OR on 24.02.2021, but failed to satisfy the undersigned, therefore, ASI Raees Khan IO of the case & the alleged official were also heard/thoroughly examined & cross examined on 25.02.2021. The alleged Constable was given opportunity to clarify his position, to which, he failed. On perusal of enquiry papers & above discussion, it came to surface that the alleged Constable is found guilty, therefore, awarded him major punishment of dismissal from service with immediate effect, in exercise of the power vested in me under Police Rules-1975.

OB No. 4118

Dated 26/02 2021.

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(Dr. Zahid Ullah) PSP
District Police Officer
Mardan

Copy forwarded for information & n/action to:-

- 1) The Regional Police Officer Mardan, please.
- 2) The District Police Officer Swabi, please.
- 3) The DSP/HQrs Mardan.
- 4) The P.O & E.C (Police Office) Mardan.
- 5) The OSI (Police Office) Mardan with () Sheets.

(16)

ANNEXURE 9

ORDER.

This order will dispose-off the departmental appeal preferred by Ex-Constable Ibrar Ullah No. 1629 of Mardan District Police against the order of District Police Officer, Mardan, whereby he was awarded major punishment of dismissal from service vide OB: No. 415 dated 26.02.2021. The appellant was proceeded against departmentally on the allegations that he while posted at Police Station Takht Bhai, Mardan was found involved in a case vide FIR No.1494 dated 23.12.2020 u/s 62 Antiquity Act 2016/15-AA Police Station Kalu Khan District Swabi.

Proper departmental enquiry proceedings were initiated against him. He was issued Charge Sheet alongwith Statement of Allegations and Sub Divisional Police Officer, Katlang, Mardan was nominated as Enquiry Officer. The Enquiry Officer after fulfilling codal formalities submitted his findings, wherein he recommended the delinquent Officer for appropriate punishment.

He was also provided opportunity of self defense by summoning him in the Orderly Room by the District Police Officer, Mardan on 24.02.2021, but he failed to advance any cogent reasons in his defense. Hence, he was awarded major punishment of dismissal from service vide OB: No. 2323 dated 29.12.2020.

Feeling aggrieved from the order of District Police Officer, Mardan, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in this office on 15.04.2021.

From the perusal of the enquiry file and service record of the appellant, it has been found that allegations of misconduct against the appellant have been proved beyond any shadow of doubt. Being a member of disciplined/uniformed force, the involvement of the delinquent Officer in such like activities has brought a bad name to the entire Police Force in the eyes of the general public. On perusal of previous service record of the appellant, it was noticed that he is habitual absentee and prior to this, the appellant was also dismissed from service for his disinterest in the official duties. Hence, the retention of appellant in Police Department will stigmatize the prestige of entire Police Force as instead of fighting crime, he has himself indulged in criminal activities.

Keeping in view the above, I, Yaseen Farooq, PSP Regional Police Officer, Mardan, being the appellate authority, find no substance in the appeal, therefore, the same is rejected and filed, being devoid of merit.

Order Announced.


Regional Police Officer,
Mardan.

No. 2102 /ES, Dated Mardan the 22 - 4 - /2021.

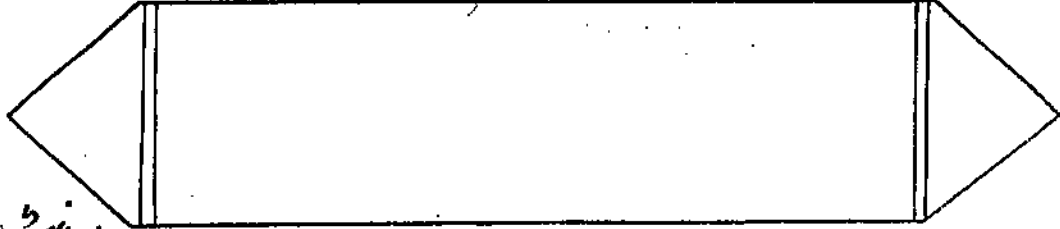
Copy forwarded to District Police Officer, Mardan for information and necessary w/r to his office Memo: No. 82/LB dated 22.03.2021. His service record is returned herewith.

(*****)

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h.s. /

بعد الت خیر تختونو اسروس طینونل بسار



2020ء منجانب ایسٹ

برالہ
سالہ کنسٹبل 1629
تھانہ تخت بہاٹی (مردان)
ایسٹ

۸۵۵ وغیرہ
Respondents

موزخہ
مقدمہ
دعوی
جرم

باعث تحریر آنک

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیرھی صاحبہ کی کارروائی متعلقہ

آن مقام KP-ST کیلئے ایڈووکیٹ پیپر گورٹ آف پاکستان

No-5045

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحبہ موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحبہ کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلف دیئے جواب دی اور اقبال دعوی اور
بصورت ڈگری کرنے اجراء اور صولی چیک و روپیہ ارضی دعوی اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ نیا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحبہ مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیار حاصل ہوں گے اور اس کا ساختہ
پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جائے التوائے مقدمہ کے سبب سے وہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحبہ پابند ہوں گے۔ کہ پیروی
مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند رہے۔

ATTESTED

&
ACCEPTED

2020 مئی مار

0333-9153099

محمد عثمان خان ترلانندی

ایڈووکیٹ پیپر گورٹ آف پاکستان
No: 5045

KP-ST. مقام

ایسٹ
برالہ

C

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 4997/2021.

Ibrar Ullah Ex-Constable No.1629 posted at Police Station Takht Bhai
Mardan.....Appellant

VERSUS

The Inspector General of Police Khyber Pakhtunkhwa, Peshawar & others
.....Respondents

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| 3. | Copy of bad entries & previous dismissal order | "A" & "B" | 6-13 |
| 4. | Copy of charge sheet & enquiry papers | "C" & "D" | 14-28 |
| 5. | Copy of previous Service Tribunal judgment | "E" | 29-33 |
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5. Incorrect. Stance taken by the appellant is totally devoid of merits because he has been properly proceeded against departmentally by issuing him Charge Sheet with Statement of Allegations, which was served upon the appellant. The enquiry officer during the course of enquiry provided full-fledged opportunity to the appellant to produce evidence/grounds in his defense but in fiasco. However, after fulfillment of all legal and codal formalities, the Enquiry Officer recommended the appellant for awarding appropriate punishment. In the light of above, the appellant was called in orderly room, but he failed to justify his innocence, therefore, he was awarded major punishment of dismissal from service, which does commensurate with the gravity of misconduct of the appellant (Copies of charge sheet with statement of allegations and enquiry papers are attached as annexure "C & D").
6. Correct to the extent that the appellant preferred departmental appeal which was also decided on merit because the appellant was provided full-fledged opportunity of defending himself by the appellate authority but he bitterly failed to produce any cogent reasons in his defense. Therefore, the same was rejected/filed being devoid of any merit. Moreover, the appellant being constable has no ACR/PER therefore, there is nothing on record which could show the good performance of appellant.
7. Incorrect. Stance taken by the appellant is not plausible because he was provided full-fledged opportunity of defence by the appellate authority but he bitterly failed to produce any cogent reasons in his defense. Therefore, the same was rejected/filed being devoid of any merit.
8. That the appeal of the appellant is liable to be dismissed on the following grounds amongst the others.

REPLY ON GROUNDS:

- A. Incorrect. Order passed by the competent authority is legal, lawful hence, liable to be maintained.
- B. Incorrect. Stance of the appellant is totally devoid of merit. As the government of KP has enacted law with the name of Khyber Pakhtunkhwa Antiquities Act-2016 and according to section 22, the ownership of antiquities shall vest in government.
- C. Incorrect. Stance taken by the appellant is baseless, because he has been charged in a case vide FIR No.1494 dated 23.12.2020 u/s 62 Antiquity Act 2016/15AA PS Kalu Khan District Swabi, in light of said allegation he has been properly proceeded against departmentally by issuing him Charge Sheet with Statement of Allegations. The enquiry officer during the course of enquiry provided full-fledged opportunity to the appellant to produce evidence/grounds in his defense but in fiasco. However, after fulfillment of all legal and codal formalities, the Enquiry Officer recommended the appellant

3

for awarding appropriate punishment. In the light of above, the appellant was called in orderly room, but he failed to justify his innocence therefore, he was awarded major punishment of dismissal from service, which does commensurate with the gravity of misconduct of the appellant.

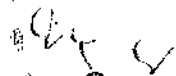
- D. Incorrect. Stance taken by the appellant is totally devoid of merit because he has been properly proceeded against departmentally by issuing him Charge Sheet with Statement of Allegations, which was served upon the appellant. The enquiry officer during the course of enquiry provided full-fledged opportunity to the appellant to produce evidence/grounds in his defense but in fiasco. After fulfillment of all legal and codal formalities, the Enquiry Officer recommended the appellant for awarding appropriate punishment. The appellant was called in orderly room, but he failed to justify his innocence therefore, he was awarded major punishment of dismissal from service, which does commensurate with the gravity of misconduct of the appellant.
- E. Incorrect. Para explained earlier needs no comments.
- F. Incorrect. Plea taken by the appellant is bereft of any substance because criminal and departmental proceedings are two different entities which can run parallel and the fate of criminal case will have no effects on the departmental proceedings. Moreover, release on bail does not mean acquittal from the charges rather the same is a release from the custody and in the case of appellant, he has merely been released on bail. Order passed by the appellate authority is legal, lawful hence, liable to be maintained.
- G. Incorrect. Order passed by the competent authority is legal, lawful hence, liable to be maintained.
- H. Incorrect. Plea taken by the appellant is not plausible, because he was summoned and heard in person in orderly Room on 24.02.2020 by the respondent No. 03 as well as respondent No. 02 also summoned and heard in person in Orderly Room on 15.04.2021, but he failed to justify his innocence.
- I. Incorrect. Stance of the appellant is totally ill-based because no basic fundamental rights of the appellant have been encroached rather he has been treated in accordance with law and rules.
- J. Incorrect. Para already explained needs no comments.
- K. Incorrect. Explained earlier needs no comments.
- L. Incorrect. Order passed by the competent as well as appellate authorities are in accordance with law, facts and material proof available on record. Hence, tenable in the eye of law.
- M. Incorrect. Plea taken by the appellant is not plausible because every Police Officer / Official is under obligation to perform his duty regularly and with devotion because in this department no room lies for lethargy, because his performance was not satisfactory as previously he had been awarded major punishment of dismissal from service vide order book No 2690, dated


20.11.2017. Later on, he was reinstated by the Honorable Service Tribunal vide judgment dated 18.07.2019. Moreover, the perusal of service record of the appellant revealed that due to his lethargic attitude his entire service record is tainted with bad entries (Copy of service tribunal judgment is attached as Annexure "E").

- N. Incorrect. Stance of the appellant is not plausible because the appellant has been treated in accordance with law & rules no deviation whatsoever, has been made either from the principle of natural justice nor fundamental human rights rather the appellant has been provided right of full-fledged defense.
- O. Incorrect plea taken by the appellant is not plausible because respondents have no grudges against the appellant, hence, stance of the appellant is totally ill-founded.
- P. Para explained earlier needs no comments.
- Q. The respondents also seek permission of this honorable tribunal to adduce additional grounds at the time of arguments.

PRAYER:-

Keeping in view the above narrated facts, it is most humbly prayed that the appeal of the appellant being badly barred by law and limitation, may kindly be dismissed with costs please.


**Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.**
(Respondent No. 01)


**Regional Police Officer,
Mardan.**
(Respondent No. 02)


**District Police Officer,
Mardan.**
(Respondent No. 03)

5

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 4997/2021.


Ibrar Ullah Ex-Constable No.1629 posted at Police Station Takht Bhai Mardan
.....Appellant

VERSUS

The Inspector General of Police Khyber Pakhtunkhwa, Peshawar & others
.....Respondents

COUNTER AFFIDAVIT.

We, the respondents do hereby declare and solemnly affirm on oath that the contents of the Para-wise comments in the service appeal cited as subject are true and correct to the best of our knowledge and belief and nothing has been concealed from this Honourable Tribunal.


**Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.**
(Respondent No. 01)


**Regional Police Officer,
Mardan.**
(Respondent No. 02)


**District Police Officer,
Mardan.**
(Respondent No. 03)

14. COMMENDATORY ENTRIES-Contd.

Training Course
The Term
Commandt
00-1551-60/s

passed A-I Examination, vide
Circular PTC H Call Notification
No. 581-83/S, dt. 7-2-013-

OB No. 513

20-2-013

DPO/MR

Po/Madam

Granted cash reward Rs 1000/- for
his good performance.

OB No. 636
7-4-15

3

DPO/MR

ORDER

He is hereby placed under
suspension and close to Pline with immediate
effect being involved vide case FIR No. 1039
dt. 22-8-2014 u/s 401 F.P.S. City.

OB No. 2243
26/5/14

DPO/MR

ORDER

His Enquiry is hereby filed and he is
Re-Instated in service from the date of suspension.

OB No. 569
28/2/16

DPO/MR

Cast.
Performance
DPO/MR

7

CHARACTER ROLL OF

OF

14. COMMENDATORY ENTRIES—Contd.

15. CENSURES AND

ORDER

Appeal is rejected vide Dtg, Morden
order cust no. 451/E, dated
19-1-2018.

^{glew}
T. P. Morden

ORDER

In compliance of the honorable
Service Tribunal order dated 18.7.19,
the order of awarding major punishment
of dismissal from service is set aside
and he is re-instated in service with
immediate effect, and his dismissal is
converted into minor-punishment of withholding
of one increment for a period of one
year and intervening period is treated as
leave of kind due pay fixed Rs. 15870 (Pm)

CB No. 2448

DT 12.11.19.

Dtd 12.11.19
B. Morden

12.11.19
CB No. 2448
13.12.19
He is reinstated
Dismissal
PK 17.11.19
CB No. 2448
12/11/19

(8)

(Continued)

ROLL OF

by Ex-

15-CENSURES AND PUNISHMENTS.

Armed Robbery for has Absence

C.B. Nos. - 1594

12. 5. 10

DP/Mardan

He is hereby awarded to be

useful in future.

C.B. Nos. - 3076

15. 11. 17

DP/MR

(2) 1-11 Extra duty for has Absence

C.B. Nos. 408

12. 2. 11

DP/MR

ORDER

He is hereby awarded major punishment of "Dismissal from Service" with immediate effect in exercise of the power vested in me under

PR 1975.

C.B. No. 2670

C.B. 18/11/2017

District Police Officer
Mardan

could
variable
12. 15,
1. Mardan
order
with
imposed
of
total
15870 (Pr)

11/7/17
11/7/17
23

9

CHARACTER ROLL OF

OF

Serial No.

15-CENSURES AND PUNISHMENTS.—Contd.

IS CENSURED AT

ORDER.

Being Charged in Case FIR No 147,
 Dated: 23-12-2020. u/s 62. Antiquity Act
 2016/15 AA PS Kalo Khan District Smt
 He is hereby placed under surveillance
 & closed police lines Marakani. 1.11.20
 Immediate effect

OBNO : 2301
 Dated : 24-12-2020

District Magistrate

ORDER:-

Awarded major punishment of
 dismissal from service with immediate
 effect, in exercise of the powers vested
 in me under Police Rules 1975

OBNO. 415
 Dated 26-02-2021

District Magistrate

NIG Cont'd.

15-CENTRAL BANK OF NIGERIA - CONT.

1974

1. ...
2. ...
3. ...
4. ...
5. ...

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...

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...

(11)

MENTS—Concln.

16. LEAVE, ABSENCE AND IN SERVICE

All periods not counting "approved service" to entered in red ink.

| | | 2 | | | 3 | 4 |
|----|-------|--------|------|------------------------------|-----------------------|--|
| | | EXTENT | | | No. of District Order | Description of leave i.e. Privilege, hospital, sick leave, or furlough, or of absence, or forfeiture of approved service. All entries to be initialed, by Superintendent of Police. |
| To | Years | Months | Days | | | |
| | | | | (1) $\frac{2324}{28-6-10}$ | Leave w/o pay | DPo/MR |
| | | | | (1) $\frac{4738}{15-12-010}$ | —do— | DPo/MR |
| | | | | (14) $\frac{70}{6-1-011}$ | —do— | DPo/MR |
| | | | | (36) $\frac{605}{2-2-11}$ | —do— | DPo/MR |
| | | | | (3) $\frac{800}{12-2-11}$ | —do— | DPo/MR |
| | | | | (12) $\frac{1094}{7-3-2011}$ | —do— | DPo/MR |
| | | | | (1) $\frac{1316}{4-4-11}$ | —do— | DPo/MR |
| | | | | (1) $\frac{1402}{9-4-11}$ | —do— | DPo/MR |
| | | | | (5) $\frac{1604}{2-5-1-11}$ | —do— | DPo/MR |
| | | | | (5) $\frac{2856}{2-7-7-11}$ | —do— | DPo/MR |

45 7419 E/Leave - DP/HR
13-3-12

8 2267 leave w/o pay DP/HR
8-8-12

408 DP/HR
13-8-14

3 568 DP/HR
2-3-16

30 1645 E/Leave DP/HR
11-7-16

72 1465 Leave w/o pay
29-6-17

~~DP/HR~~

y-m-d: OBN 2449
1-11-22 12-11-19 Leave of kind due
DP/HR

342 2020
10141 80059 ion
11/12/2017 to 31/11/2019
16580
759354

District Controller of Accounts
22/4/2020

Constable
Police Officer
service vide
departmentally
Mandant was
Antiquary
was issued
Officer
habiting
delinquent
Categorically
advance
at dismissal
appellate
Court
has been
beyond
involvement
the
appellant
the
Police
Officer,
Mandant
has
necessity
returned
5) The



OFFICE OF THE
DISTRICT POLICE OFFICER
MARDAN

Annexure "B"
13
Tel: 0937-9230109
Fax: 0937-9230111
Email: dpomardan650@gmail.com
Facebook: District Police Mardan
Twitter: @dpomardan

No. 9912-17 /R,
Dated 21-11 /2017.

ORDER

This order will dispose-off the departmental inquiry, which has been conducted against Constable Ibrar No. 618, on the allegation that he while posted at Police station City, Mardan was deliberately absented himself from lawful duty, vide DD No. 50 dated 23.9.2017, to date without any leave / permission of the competent authority. Moreover as per copy of DD Report No. 19 dated 27.09.2017, PS KHarki he is known bad character and habitual offender and involved in NCP Smuggling. Therefore, he is suspended and closed to Police Lines, Mardan. This attitude adversely reflected on his performance which is an indiscipline act and gross misconduct on his part as defined in rule 2(iii) of Police Rules 1975

In this connection, Constable Ibrar No. 618, was charge sheeted vide this office No. 84/R, dated 18.10.2017, and also proceeded him against departmentally through Mr. Abdur Rauf Babar, SP/Operations/HQrs: Mardan, who after fulfilling necessary process, submitted his findings to the undersigned vide his office endorsement No. 2046/PA/OPS, dated 03.11.2017. The allegations have been established against him and recommended for major punishment.

The undersigned agreed with the findings of the enquiry officer and also heard him in Orderly Room on 17.11.2017, the alleged Constable Ibrar No. 618, is hereby awarded major punishment of "Dismissal from Service" with immediate effect in exercise of the power vested in me under the above quoted rules.

Order announced

O.B No. 2690

Dated 20-11-2017

Dr. Mian Saeed Ahmed (PSP)
District Police Officer,
Mardan.

No. 9912-17 dated Mardan the 21/11 /2017.

Copy for information and necessary action to the:-

1. Deputy Inspector General of Police, Mardan Region-1, Mardan
 2. S.P Operations, Mardan.
 3. DSP/ HQrs, Mardan
 4. Pay Officer (DPO) Mardan
 5. E.C (DPO) Mardan.
 6. OSI (DPO) Mardan.
- *****!!!*****
- Handwritten signature: *Dr. Mian Saeed Ahmed*

Annexure "C"



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

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpomdn@gmail.com



14

No. 14 /PA

Dated 8/10/2021

DISCIPLINARY ACTION

I, Dr. Zahid Ullah (PSP), District Police Officer Mardan, as competent authority am of the opinion that Constable Ibrar Ullah No.1629, himself liable to be proceeded against, as he committed the following acts/omissions within the meaning of Police Rules 1975.

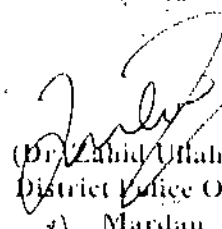
STATEMENT OF ALLEGATIONS

Whereas, Constable Ibrar Ullah No.1629, while posted at Police Station Takht-Bhai (now under suspension Police Lines Mardan), has been charged in a case vide FIR No.1494 dated 23-12-2020 U/S 62 Antiquity Act 2016/T5AA PS Kalu Khan (Swabi).

For the purpose of scrutinizing the conduct of the said accused official with reference to the above allegations, Mr. Riaz Khan SDPO Katlang is nominated as Enquiry Officer.

The Enquiry Officer shall, in accordance with the provision of Police Rules 1975, provides reasonable opportunity of hearing to the accused Police Officer, record/submit his findings and make within (30) days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused Official.

Constable Ibrar Ullah is directed to appear before the Enquiry Officer on the date + time and place fixed by the Enquiry Officer.


(Dr. Zahid Ullah) PSP
District Police Officer
Mardan



36
OFFICE OF THE
DISTRICT POLICE OFFICER,
MARDAN

15



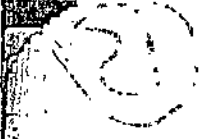
Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpomdn@gmail.com

CHARGE SHEET

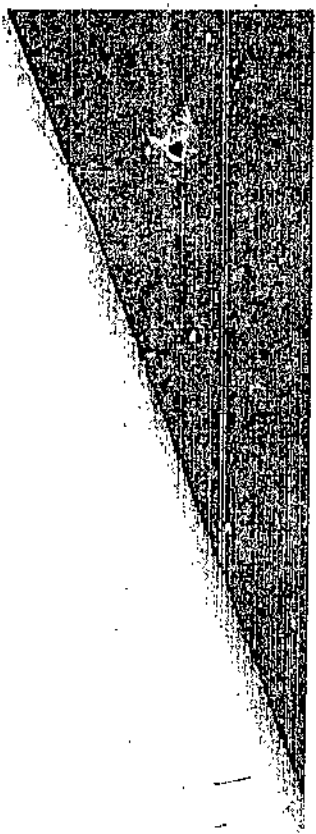
I, Dr. Zahid Ullah (PSP), District Police Officer Mardan, as competent authority, hereby charge Constable Ibrar Ullah No.1629, while posted at Police Station Takht-Bhai (now under suspension Police Lines Mardan), as per attached Statement of Allegations.

1. By reasons of above; you appear to be guilty of misconduct under Police Rules, 1975 and have rendered yourself liable to all or any of the penalties specified in Police Rules, 1975.
2. You are, therefore, required to submit your written defense within 07 days of the receipt of this Charge Sheet to the Enquiry Officer, as the case may be.
3. Your written defense, if any, should reach the Enquiry Officers within the specified period, failing which, it shall be presumed that you have no defense to put-in and in that case, ex-parte action shall follow against you.
4. Intimate whether you desired to be heard in person.


(Dr. Zahid Ullah) PSP
District Police Officer
Mardan



18 01-2021
 1627
 0346-444466



دفتر ذیلی سپرینٹنڈنٹ آف پولیس کاتلنگ سرکل

فون نمبر: 0937-575333

ای میل: sdpo.katlang@gmail.com

مورخہ: 15/02/2021

نمبر: 85/ST

جناب عالی!

حوالہ انکوائری نمبر 14/PA مورخہ 08.01.2021 از ان کانسٹیبل ابرار اللہ نمبر 1629 متعینہ پولیس ایسٹریمر دان

(Suspended) معروض ہوں کہ کانسٹیبل مذکورہ مقدمہ نمبر 1494 مورخہ 23/12/2020 جرم

62 Antiquity Act 2016/15/AA تھانہ کالو خان سوابی میں نامزد ہوا۔ جسکے خلاف حکمانہ کارروائی شروع ہو کر معطل

ہو چکا ہے اور تھانہ انکوائری بغرض معلوم کرنے حقائق و دیگر امور مجھے مارک کی گئی۔ کارروائی انکوائری بہ تفصیل ذیل ہے۔

کارروائی:

دوران انکوائری کانسٹیبل ابرار اللہ نمبر 1629 ولد غافر اللہ ساکن لونڈ خور پر چارج شیٹ کی حسب ضابطہ تعمیل کی گئی۔

کانسٹیبل ابرار اللہ نمبر 1629، مدعی مقدمہ شاد محمد خان SI (تھانہ کالو خان)، تفتیشی افسر رئیس خان IHC (تھانہ کالو خان) و محرر

تھانہ کالو خان بھائی طاہر کے کہنے۔ مذکورین حسب طلبی مجھے پیش ہو کر جن پر مقدمہ ہلدا کے تناظر میں مختلف پہلو پر سوالات و استفسار

کئے گئے۔ جتنے بیانات قلمبند کئے جا کر ہمراہ تلف انکوائری ہلدا ہے۔

جملہ انکوائری کی کارروائی اور بیانات از ان کانسٹیبل ابرار اللہ نمبر 1629، مدعی مقدمہ شاد محمد خان SI و تفتیشی افسر رئیس خان

IHC۔ پایا گیا کہ مورخہ 23.12.2020 کو مدعی مقدمہ شاد علی SI تھانہ کالو خان نے بالمداد دیگر نفری پولیس بمقام اراضی

از ان انتر زمان واقع دیہہ اورینڈ (ہائے قومند) الزام علیہ کانسٹیبل ابرار اللہ نمبر 1629 ولد غافر اللہ ساکن لونڈ خور مردان کو

دیہہ مائیدوں میں بذر بیوڈ بیٹیل آلات و دیگر سامان آثار قدیمہ کی بلا اجازت الا سنس کھدائی و کان کنی میں مصروف پا کر

بے ضابطہ گرفتار کیا۔ جتنے قبضے سے کھوئی آلات اور کانسٹیبل ابرار اللہ کے قبضے سے ایک ضرب پستول 30 بور نمبری

MAF-75/601، مدد کار نوٹس برآمد کر کے بردئے فرد قبضہ پولیس کئے گئے۔ دوران تفتیش ملزمان کی عدالت مجاز

نے 1/1 یوم حراست پولیس ساسل کی گئی۔ دوران تفتیش جملہ ملزمان بشمول کانسٹیبل ابرار اللہ نمبر 1629 کو نقشہ موقع مرتبہ میں

بے ضابطہ۔ تاہم 28/2 دیئے گئے ہیں۔ ملزمان و گواہان کے بیانات زیر دفعہ 161 ض ف قلمبند کئے گئے ہیں۔ ملزمان

نامزد ہونے والا بعد از اختتام حراست پولیس حوالات جوڈیشل میں بھجوائے گئے ہیں۔ یہاں یہ امر قابل ذکر ہے کہ

بہ مطابق رپورٹ محرر قہانہ تخت بھائی کنسٹیبل مذکورہ بحوالہ نمبر 7 روزنامہ 23.12.21 تھانہ تخت بھائی یعنی رو
سائبر تھا۔ اس نسبت نقل، متذکرہ بالا محرر قہانہ کا تصدیقی سرٹیفکیٹ ہمراہ لف ہے۔

نتیجہ انکوائری:

پونڈ تفتیش ایب۔ تیج دائرہ رکھتا ہے اور کردہ تفتیش مقدمہ سے بھی کنسٹیبل ابرار اللہ نمبر 1629 گناہ گار پایا جاتا

ہیاں یہ امر قابل ذکر ہے کہ مقدمہ عدالت مجاز میں زیر سماعت ہے۔ کنسٹیبل ابرار اللہ نمبر 1629 بھی اپنے بے گناہی

نسبت کو یاں ہے مگر کنسٹیبل مذکورہ نے اپنے بے گناہی کے نسبت کسی قسم کا ثبوت پیش نہ کر سکا۔ وقوعہ میں کنسٹیبل متذکر

سب سنا بطور نامزد ہو کر چالان عدالت کیا گیا ہے۔ مزید یہ کہ بمطابق رپورٹ محرر قہانہ تخت بھائی روز وقوعہ کنسٹیبل مذکورہ اپنے

جائے تعیناتی تھانہ تخت بھائی سے غیر حاضر تھا۔

تجویز / سفارش:

نمبر 6 اور 7 والی انکوائری کو مد نظر رکھتے ہوئے کنسٹیبل ابرار اللہ نمبر 1629 کیلئے مناسب مزا کی تجویز / سفارش کی جاتی ہے۔

ڈپٹی سپرنٹنڈنٹ آف پولیس،

سرکل کاتنگ

کی زنگ

20/12/21

اللہ اعلم

Amir

18

Handwritten notes in Urdu script, including the name 'Amir' and other illegible text.

The IO of the case and Constable
 Ibrar Ullah C/1629 were
 examined and cross examined
 On perusal of the enquiry
 paper, it came to surface that
 C/1629 Ibrar Ullah is found
 guilty. He was given opportunity
 to clarify his position but
 he failed.

Keeping above in view the
 Constable Ibrar Ullah is
 awarded major punishment of
 dismissal from service.

عنوان: تحریریں جو اب / بیان مخالف اہل اللہ السنہ 1629

مذکورہ بالا تحریریں جو اب / بیان حسب ذیل ضمنی طور پر

پولیس کے ذریعہ مستعمل ہوئے۔ 08/01/2021 تحریریں PA 14 حاج سنیٹ صدرہ مخالف دستاویز کی پولیس
انچارج کے تحت مستعمل ہوئے۔ 12/2021/23 زیر دفعہ 62 Antiquity
15/11/2016 A.C.C. کے تحت مستعمل ہوئے۔ ان میں سے کچھ تحریریں مستعمل ہوئے۔

زیر مذکورہ بالا تحریریں کے بارے میں برسر اس طور پر مقدمہ نمونہ والا میں نامزد شدہ ہے۔
یہ تمام FIR نمونہ والا میں جاری ہوئے ہیں۔ ان میں سے کچھ تحریریں مستعمل ہوئے ہیں۔
ان میں سے کچھ تحریریں مستعمل ہوئے ہیں۔ ان میں سے کچھ تحریریں مستعمل ہوئے ہیں۔
ان میں سے کچھ تحریریں مستعمل ہوئے ہیں۔ ان میں سے کچھ تحریریں مستعمل ہوئے ہیں۔
ان میں سے کچھ تحریریں مستعمل ہوئے ہیں۔ ان میں سے کچھ تحریریں مستعمل ہوئے ہیں۔
ان میں سے کچھ تحریریں مستعمل ہوئے ہیں۔ ان میں سے کچھ تحریریں مستعمل ہوئے ہیں۔
ان میں سے کچھ تحریریں مستعمل ہوئے ہیں۔ ان میں سے کچھ تحریریں مستعمل ہوئے ہیں۔
ان میں سے کچھ تحریریں مستعمل ہوئے ہیں۔ ان میں سے کچھ تحریریں مستعمل ہوئے ہیں۔

29-01-2021

2021

اہل اللہ السنہ کی دستاویز 1629



OFFICE OF THE
DISTRICT POLICE OFFICER,
MARDAN.

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpo_mardan@pafed.gov.pk
Facebook: District Police Mardan
Twitter: @dpo_mardan


20
2020

ORDER

Being charged in case vide FIR No. 1-19-I dated 23.12.2020 u/s of Antiquity Act 2016/15 AA PS Kalo Khan District Swabi, Constable Ibrar Ullah No. 1629 presently posted at PS Takht, Bhui, is hereby placed under suspension & closed Police Lines Mardan, with immediate effect.

OB No. 23E/

Dated 24-12 2020.


District Police Officer
Mardan

OFFICE OF THE DISTRICT POLICE OFFICER MARDAN.

No. 8972-75 OSI, dated Mardan the 29 / 12 / 2020

Copy is forwarded for information to the:-

1. DSP/HQs: Mardan.
2. EC.
3. Pay Officer to Stop Pay.
4. PA to issue Charge Sheet & summary of allegation to the detailed Constable.

(17)

بار ازان رئیس انجمن آس ایلو سنی مشن دت حقان مالوفان صلح

صوابی

شماره 1362 من 1494 خراج دتہ 12/20 فرم 23 صرم 15AA 62
13 Sept

انگریزی ادب کا بیورو حقان مالوفان من نقش دت یعنی نقش عبادت

برائے اس کے رسم الہی ایلو دت و انبر الہی سائن لوڈ جو سردان

دوران (ازان) کے لئے بنیاد بنایا ہے۔ دوران نقش ملزم الہی

نہ ہونے سے پہلے ہی اس کے لئے ملزم میں ملازم ہے۔

برائے اس کے لئے

رہنم

15-10-25

25-10-25

رسائل نواز کے پیش کردہ ممبروں، دستخط شدہ رسائل نواز کے لئے
میں آئندہ دیکھنے کے لئے براہ کرم ممبروں کے لئے
سرورسٹنٹ کے ذریعہ ممبروں کے لئے

اعمال
ASIPs-24
23-12

دستخط

مہر

اطلاع کے لئے اطلاع دہندہ کا دستخط ہوگا یا اس کی مہر یا نشان لگا یا جائے گا۔ اور اس پر تحریر کنندہ ابتدائی اطلاع کا دستخط بطور تصدیق ہوگا۔ حرف الف یا ب سرخ رنگ میں لکھا جائے گا۔
ایک مضمون یا دستخطی ترتیب واسطے باشندگان علاقہ غیر یا وسط ایشیا یا افغانستان جہاں موزوں ہوں، لکھنا چاہئے۔

اصلی کاغذ ہے

منشیہ قلمیہ
۱۳۸۵
۲۳/۱۲/۲۰۱۶

منشیہ قلمیہ (فارغ ہوا) ۱۸

۲۳/۱۲/۲۰۱۶ صبح ۱۱:۳۵
۲۳/۱۲/۲۰۱۶ صبح ۱۱:۵۰

منشیہ قلمیہ (فارغ ہوا) ۱۸
۲۳/۱۲/۲۰۱۶ صبح ۱۱:۳۵
۲۳/۱۲/۲۰۱۶ صبح ۱۱:۵۰
۲۳/۱۲/۲۰۱۶ صبح ۱۱:۳۵
۲۳/۱۲/۲۰۱۶ صبح ۱۱:۵۰

منشیہ قلمیہ (فارغ ہوا) ۱۸

منشیہ قلمیہ (فارغ ہوا) ۱۸
۲۳/۱۲/۲۰۱۶ صبح ۱۱:۳۵
۲۳/۱۲/۲۰۱۶ صبح ۱۱:۵۰
۲۳/۱۲/۲۰۱۶ صبح ۱۱:۳۵
۲۳/۱۲/۲۰۱۶ صبح ۱۱:۵۰
۲۳/۱۲/۲۰۱۶ صبح ۱۱:۳۵
۲۳/۱۲/۲۰۱۶ صبح ۱۱:۵۰
۲۳/۱۲/۲۰۱۶ صبح ۱۱:۳۵
۲۳/۱۲/۲۰۱۶ صبح ۱۱:۵۰
۲۳/۱۲/۲۰۱۶ صبح ۱۱:۳۵
۲۳/۱۲/۲۰۱۶ صبح ۱۱:۵۰

SI-PS-KY
23-12-2016

پروپوزیشن

1979 3 نومبر 18712 نومبر 62-188A1 انٹرنیٹ ایکٹ
2016

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ف
رف

پریل وارڈ کی طرف سے جاری کیے جانے والے
ممبران کے ناموں کی فہرست کے تحت
پریل وارڈ کی طرف سے جاری کیے جانے والے
ممبران کے ناموں کی فہرست کے تحت
پریل وارڈ کی طرف سے جاری کیے جانے والے
ممبران کے ناموں کی فہرست کے تحت

ڈاک
ب
م
نمبر
صفحہ
دستاویز

پریل وارڈ کی طرف سے جاری کیے جانے والے
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پریل وارڈ کی طرف سے جاری کیے جانے والے
ممبران کے ناموں کی فہرست کے تحت

SI P. K. K
83-12-12

پریل وارڈ کی طرف سے جاری کیے جانے والے
ممبران کے ناموں کی فہرست کے تحت



OFFICE OF THE
DISTRICT POLICE OFFICER,
MARDAN

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Email: dpo@mardan.gov.pk



28

No. 766-70 /PA

Dated 13 / 13 /2021

ORDER ON ENQUIRY OF CONSTABLE IBRAHIM ULLAH NO.1629

This order will dispose-off a Departmental Enquiry under Police Rules 1975, initiated against the subject official, under the allegations that while posted at Police Station Takht-Snai (now under suspension Police Lines), was placed under suspension and closed to Police Lines Mardan vide this office OB No.2301 dated 24-12-2020, issued vide order/endorsement No.8972-75/OSI dated 29-12-2020, on account of charging in a case vide FIR No.1494 dated 23-12-2020 U/S 62 Antiquity Act 2016/15AA PS Kalu Khan (Swabi) and proceeded against departmentally through Mr. Kiaz Khan SDPO/Katlang vide this office Statement of Disciplinary Action/Charge Sheet No.14/PA dated 08-01-2021, who (B.O) after fulfilling necessary process, submitted his Finding Report to this office vide his office letter No 85/S1 dated 15-02-2021, holding responsible the alleged official of misconduct & recommended for appropriate punishment.

Final Order

Constable Ibrahim Ullah was heard in OR on 24.02.2021, but failed to satisfy the undersigned, therefore, ASI Ruces Khan IO of the case & the alleged official were also heard/thoroughly examined & cross examined on 25.02.2021. The alleged Constable was given opportunity to clarify his position, to which, he failed. On perusal of enquiry papers & above discussion, it came to surface that the alleged Constable is found guilty, therefore, awarded him major punishment of dismissal from service with immediate effect, in exercise of the power vested in me under Police Rules-1975.

OB No. 4115

Dated 26/02 2021.

(Dr. Zahid Ullah) DSP
District Police Officer
Mardan

Copy forwarded for information & n/action to:-

- 1) The Regional Police Officer Mardan, please.
- 2) The District Police Officer Swabi, please.
- 3) The DSP/HQrs Mardan.
- 4) The P.O & E.C (Police Office) Mardan.
- 5) The OSI (Police Office) Mardan with 34 Sheets.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR



SERVICE APPEAL NO. 233/2018

Date of institution ... 19.02.2018

Date of judgment ... 18.07.2019

Ibrar Ullah, Ex-Constable No. 618, Police Station City Mardan,
District Police Mardan.

(Appellant)

VERSUS

1. Inspector General of Police/Provincial Police Officer, Khyber Pakhtunkhwa,
Central Police Officer Peshawar.
2. Deputy Inspector General of Police/Regional Police Officer Mardan Range,
Mardan.
3. District Police Officer (DPO) Mardan.

(Respondents)

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, AGAINST THE IMPUGNED ORDER BEARING NO. 451/ES, DATED 19.01.2018 PASSED BY THE RESPONDENT NO. 2, COMMUNICATED TO THE APPELLANT ON 23.01.2018 WHEREBY THE DEPARTMENTAL REPRESENTATION OF THE APPELLANT DATED 14.12.2017 WAS REJECTED AND THE MAJOR PENALTY OF DISMISSAL FROM SERVICE RECORDED VIDE OIB NO. 2690 DATED 20.11.2017 PASSED BY THE RESPONDENT NO. 3 WAS UPHOLD.

Mr. Muhammad Usman Khan, Advocate.

For appellant

Mr. Riaz Ahmad Painsakheil, Assistant Advocate General

For respondents

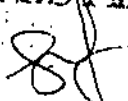
Mr. MUHAMMAD AMIN KHAN KUNDI

MEMBER (JUDICIAL)

MR. HUSSAIN SHAH

MEMBER (EXECUTIVE)

ATTESTED

 JUDGMENT

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

MUHAMMAD AMIN KHAN KUNDI, MEMBER,

Appellant

alongwith his counsel present Mr. Riaz Ahmad Painsakheil, Assistant

Advocate General alongwith Mr. Attas-ur-Rehman, Sub-Inspector (Legal) for

the respondents present. Arguments heard and record perused

2. Brief facts of the case as per present service appeal are that the appellant was serving in Police Department as Constable. He was imposed major penalty of dismissal from service vide order dated 21.11.2017 on the allegation of absence from duty as well as bad character, habitual offender and involvement in NCP Smuggling. The appellant filed departmental appeal on 14.12.2017 which was rejected on 19.01.2018 hence, the present service appeal on 19.02.2018.
3. Respondents were summoned who contested the appeal by filing of written reply/comments.
4. Learned counsel for the appellant contended that the appellant was serving in Police Department as Constable. It was further contended that he was issued charge sheet and statement of allegation dated 18.10.2017, only on the allegation that he remained absent from lawful duty with effect from 23.09.2017. It was further contended that the appellant replied to the charge sheet wherein he explained that he was transferred from Police Line to Police Station City on 22.09.2017 and he was to attend/report in said Police Station on 23.09.2017 however, he did not attend the said police station on 23.09.2017 and when he attend the duty on 27.09.2017, the concerned DPO suspended him from service and was also detained/kept in quarter guard since 27.09.2017 till 10.10.2017. It was further alleged in the reply that after released from quarter guard being suspended he remained present in police line. It was further contended that the appellant also submitted application to the concerned SHO on 22.09.2017 for three days leave as his brother was seriously ill and he want to remain with his ill brother after his transfer order dated 22.09.2017 copy of application dated 22.09.2017 for three days leave is available on record. It was further contended that copy of Naqal Mad No. 41 dated 27.09.2017 available on the record also shows that the appellant was kept/detained in quarter guard by

ATTESTED

[Handwritten Signature]

EXAMINER
Khyber Pakhtunkhwa
Services Tribunal
Peshawar

the high ups on 27.09.2017. It was further contended that the copy of Naqal Mad No. 4 dated 10.10.2017 available on record also shows that the appellant was released from quarter guard on 10.10.2017. It was further contended that from the aforesaid Naqal Mad it is proved that the appellant was kept/detained in quarter guard by the concerned high ups since 27.09.2017 till 10.10.2017 for the reason best known to the respondent-department. It was further contended that the appellant was suspended and he was not allowed to perform his duty in the concerned police station therefore, he was present/available in police line after released from quarter guard till the impugned order. It was further contended that the respondent-department issued charge sheet/statement of allegation on 18.10.2017 for the alleged absent with effect from 23.09.2017 including the period of detention in quarter guard. It was further contended that after excluding the period of detention of quarter guard and suspension period remained in the police line, the appellant was proceeded only for four days absence i.e. w.e.f 23.09.2017 to 26.09.2017 despite the fact that the appellant had submitted application for leave for the three days with effect from 23.09.2017 to 25.09.2017. It was further contended that though the competent authority has also mentioned in the impugned removal order, the allegation of bad character, habitual offender and involvement of the appellant in NCP 'Smuggling' beside his absence from duty but the said allegation of bad character, habitual offender and his involvement in NCP smuggling is irrelevant for the reason that the said allegations are not mentioned in the charge sheet/statement of allegation dated 18.10.2017 but later on the same was inadequately included by the inquiry officer and competent authority in the inquiry report and impugned removal order respectively. It was further contended that neither regular inquiry was conducted nor any show-cause notice was issued to the appellant therefore, the impugned dismissal order from service only on the

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allegation of absence from duty for a less than one month mentioned in the charge sheet is illegal and liable to be set-aside.

5. On the other hand, learned Assistant Advocate General for the respondents opposed the contention of learned counsel for the appellant and contended that the appellant remained absent from duty without the permission of lawful authority. It was also contended that the appellant was also imposed major penalty of dismissal from service on the allegation of habitual offender and involvement in NCP Smuggling. It was further contended that proper inquiry regular inquiry was conducted and the appellant was rightly imposed major penalty of dismissal from service after fulfilling all the codal formalities and prayed for dismissal of appeal.

6. Perusal of the record reveals that the appellant was charge sheeted on 18.10.2017 on the allegation that he remained absent from duty with effect from 23.09.2017. The record further reveals that the application dated 22.09.2017 for three days leave submitted by the appellant to concerned SHO is also available on the record. Moreover, as per Naqal Mad No. 44 dated 27.09.2017 the appellant was kept/detained in quarter guard and as per Naqal Mad No. 4 dated 10.10.2017, he was released from quarter guard. The respondent-department have also admitted in reply that the appellant was in quarter guard from 27.09.2017, to 10.10.2017, meaning thereby, that if the application for leave submitted by the appellant on 22.09.2017 is not taken into consideration for the sake of arguments even than the appellant remained absent only for 3/4 days before his detention in the quarter guard by the high ups and thereafter, he being suspended remained in police line. Meaning thereby, that he was imposed major penalty of dismissal from service for only 3/4 days i.e. with effect from 23.09.2017 to 26.09.2017 therefore, the major penalty of dismissal from service appear to be harsh. Though the competent authority has also mentioned the

ATTENDED

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allegation of bad character, habitual offender and involvement in NCP Smuggling in the impugned order on the basis of daily diary No. 19 dated 29.09.2017 wrongly mentioned as 27.09.2017 (as reveals from copy of daily diary No. 19 dated 29.09.2017 available on record and reply of respondents) beside the absence period of the appellant but the same is irrelevant for the reason that the allegations of bad character, habitual offender and involvement in NCP smuggling was not mentioned by the competent authority in the charge sheet, statement of allegation. Moreover, as per daily diary No. 44 dated 27.09.2017 he was confined in quarter guard and was released from quarter guard on 10.10.2017 vide daily diary No. 4 dated 10.10.2017, the respondent department have also admitted in the reply that the appellant was in quarter guard from 27.09.2017 to 10.10.2017, therefore, the appellant was confined in quarter guard in 29.09.2017. As such the daily diary No. 44 dated 27.09.2017 and daily diary No. 4 dated 10.10.2017 negate the involvement of the appellant in NCP smuggling etc on the basis of daily diary No. 19 dated 29.09.2017 therefore, the allegation of bad character, habitual offender and his involvement in NCP smuggling is not proved. As such, we partially accept the appeal set aside the impugned order, reinstate the appellant into service and convert the major penalty of dismissal from service into minor punishment of withholding of one increment for a period of one year for his absence period. The intervening period will be treated as leave of the kind due. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
18.07.2019

(Signature)
(MUHAMMAD AMIN KHAN RUNDI)
MEMBER

(Signature)
(HUSSAIN SHAH)
MEMBER

Certified to be true copy
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 4997/2021.

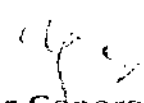
Ibrar Ullah Ex-Constable No.1629 posted at Police Station Takht Bhai Mardan
.....Appellant

VERSUS

The Inspector General of Police Khyber Pakhtunkhwa, Peshawar & others
.....Respondents

AUTHORITY LETTER.

Mr. Khyal Roz Inspector Legal Branch, (Police) Mardan is hereby authorized to appear before the Honourable Service Tribunal, Khyber Pakhtunkhwa, Peshawar in the above captioned service appeal on behalf of the respondents. He is also authorized to submit all required documents and replies etc. as representative of the respondents through the Addl. Advocate General/Govt. Pleader, Khyber Pakhtunkhwa Service Tribunal, Peshawar.


**Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.**
(Respondent No. 01)


**Regional Police Officer,
Mardan.**
(Respondent No. 02)


**District Police Officer,
Mardan.**
(Respondent No. 03)

(1)

Before The Khyber Pakhtunkhwa Service Tribunal Peshawar.

In Ref: to Service Appeal No. 4997/2021.

Ibrar Ullah, Ex-Constable No. 618.....VS.....PPO & others.

Rejoinder on behalf of the appellant to the Comments submitted by the Respondents.

Respectfully Sheweth:

Reply to the preliminary Objections.

- 1) Incorrect. The appellant while seeking redressal of his grievances in quite legal phenomena, having unsoiled and quite clean hands.
- 2) Incorrect. The entire observable and undeniable material facts have been brought and the question of concealment of fact (s) does not arises.
- 3) Incorrect. The appellant after exhausting the departmental remedy has ultimately approached this august Tribunal having good cause of action and locus-standi.
- 4) Incorrect. Rule of estopple is not attracted in the instant case.
- 5) Incorrect. The instant appeal in the instant form fully maintainable in its all respect and aspect.
- 6) Incorrect. The appellant being a civil Servant and his grievances pertain to the terms and conditions of civil Servant Act. Hence, this august Tribunal has the only competent Jurisdiction to adjudicate upon the matter.

Reply on facts:

1. Incorrect. The appellant was devoted, dedicated and very honest Police Constable had also passed his A-I Examination

on 07-02-2013 and being hard-worker was also awarded with cash prizes and commendations.

2. Incorrect. The appellant was a loyal official having the only concept of loyalty, integrity, reliability, honesty, devotion and dedication. Admittedly, he was penalized with major penalty of dismissal from service for no fault whatsoever on his part, hence, while scrutinizing the entire service record, the movement when the appellant stood exonerated from the charges leveled against him, was reinstated in service vide order dated 18-07-2019 passed by this august Tribunal.
3. Incorrect. The whole story is baseless, concocted and unfounded. The respondents could not bring on file single evidence in support of their allegations. The FIR No. 1494 dated 23-12-2020 registered U/S 62 of the Antiquity Act. 2016 of Police Station Kalu Khan (Swabi) if seen at a glance, the offence with which the appellant was charged was not cognizable and the FIR could never have been registered whereas only complaint could be drafted, Hence the criminal case having no legal sanctity.
4. Incorrect. No regular enquiry was conducted to record any such evidence if any and to examine any PW and thus the respondents have very bravely violated the law of the land and the law of the universe.
5. Incorrect. No regular enquiry was conducted to record any such evidence if any and to examine any PW. Admittedly without conducting any regular inquiry into the false cases, the appellant, on the strength of the baseless allegation given in the FIR, followed by the Charge-Sheet and Statement of Allegation supra, was awarded major penalty of dismissal from service vide order passed by the respondent No. 3 dated 26-02-2021 and his reply to the Show-Cause Notice and Statement of allegations has never been considered at all. Had any regular inquiry ever been conducted, the statement of land-owner namely Akhtar Zaman and the statement of the officers/officials of Archeological Department would have been recorded and the ground reality, actual and factual position would certainly have been determined.

6. Incorrect. The reply to the Para-6 is based on biased, prejudiced, whimsical, imaginative malice and capricious grounds having no legal sanctity. The departmental appellate authority has never acted in accordance with law and has bulldozed very bravely the fundamental right pertaining to the fair trial of the appellant under their heavy boots. When regular inquiry has not yet been conducted as evident from the record, then how one could say that the departmental appeal was rejected on valid reason.
7. Incorrect. Detailed reply has been given in Para-5 & 6 above.
8. Incorrect. The appellant has vested rights to raise and agitate any ground by referring the case law on the point which is legally related to his case.

GRUNDS:

- a) Incorrect. The impugned order has been passed in the exercise of colorful authority which is unlawful, without lawful authority, without jurisdiction, un-Islamic, un-constitutional, against the norms of equity and natural justice.
- b) Incorrect. The appellant has been penalized for no fault whatsoever, on his part. The appellant has committed no irregularity or any illegality whatsoever within the ambit of professional misconduct. The statement of land-owner namely Akhtar Zaman and the statement of the officers/ officials of Archeological Department should have been recorded just to unearth the fact that whether the alleged place of occurrence has ever been determined and notified by the Archeological Department or otherwise for the purpose of production of any antiquity, Hence, Section 22 of the Antiquity Act 2016 would not be attracted. Furthermore, no any antique evidently has ever been recovered from the appellant. More so, the appellant has been condemned unheard by not doing fair

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play and none conducting of regular inquiry in matter of the alleged black stigma.

- c) Incorrect. No regular enquiry was conducted to record any such evidence if any and to examine any PW. Admittedly without conducting any regular inquiry into the false cases, the appellant, on the strength of the baseless allegation given in the FIR, followed by the Charge-Sheet and Statement of Allegation supra, was awarded major penalty of dismissals from service vide order passed by the respondent No. 3 dated 26-02-2021 and his reply to the Show-Cause Notice and Statement of allegations has never been considered at all. Had any regular inquiry ever been conducted, the statement of land-owner namely Akhtar Zaman and the statement of the officers/officials of Archeological Department would have been recorded and the ground reality, actual and factual position would certainly have been determined. The FIR No. 1494 dated 23-12-2020 registered U/S 62 of the Antiquity Act. 2016 of Police Station Kalu Khan (Swabi) if seen at a glance, the offence with which the appellant was charged was not cognizable and the FIR could never have been registered whereas only complaint could be drafted, Hence the criminal case having no legal sanctity and as such, the out-come of the criminal case resulting departmental action is liable to be set-aside.
- d) Incorrect. Detailed reply has been given in Para-"c" above.
- e) Incorrect. Detailed reply has been given in Para- "C" above.
- f) Incorrect. Detailed reply has been given in Para- "C" above.
- g) Incorrect. The impugned order has been passed in the exercise of colorful authority which is unlawful, without lawful

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authority, without jurisdiction, un-Islamic, un-constitutional, against the norms of equity and natural justice.

- h) Incorrect. The departmental appellate authority has never acted in accordance with law and has bulldozed very bravely the fundamental right pertaining to the fair trial of the appellant under their heavy boots. When regular inquiry has not yet been conducted as evident from the record, then how one could say that the departmental appeal was rejected on valid reason.
- i) Incorrect. Detailed reply has been given in Para-"h" above.
- j) Incorrect. Detailed reply has been given in Para-"h" above.
- k) Incorrect. Detailed reply has been given in Para-"h" above.
- l) Incorrect. Detailed reply has been given in Para-"h" above.
- m) Incorrect. The appellant was a loyal official having the only concept of loyalty, integrity, reliability, honesty, devotion and dedication. Admittedly, he was penalized with major penalty of dismissal from service for no fault whatsoever on his part, hence, while scrutinizing the entire service record, the movement when the appellant stood exonerated from the charges leveled against him, was reinstated in service vide order dated 18-07-2019 passed by this august Tribunal.
- n) Incorrect. Detailed reply has been given in Para-"g" above.
- o) Incorrect. Admittedly the appellant has committed no offence whatsoever and the whole allegations leveled in the FIR and subsequent statement of allegation being baseless and rootless one, hence his written defense reply was not considered at all and even then, for the reason best known to the respondent No. 3, the appellant was made a scapegoat

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and his departmental appeal was also rejected in stereotype manner.

p) Incorrect. Detailed reply has been given in Para-"o" above.

q) Para-"q" is legal.

PRAYERS.

On acceptance of this rejoinder, the comments of the respondents may please be set at naught and the prayers of the appellant may very graciously be allowed as prayed for in the appeal, in order to meet the ends of justice.

APPELLANT.

Through;



Muhammad Usman Khan
Turlandi
Advocate Peshawar.

Dated. 08/06/2022.

AFFIDAVIT.

I, Muhammad Usman Khan Turlandi, Advocate Supreme Court of Pakistan and council for the appellant namely Ibrar-Ullah Ex- Constable No. 618 Mardan Police, do hereby solemnly affirm and declare on oath that the contents of accompanying Rejoinder are true and correct to the best of my knowledge and belief and that nothing has been kept secret or concealed therein from this august Tribunal.

DEPONENT



Muhammad Usman Khan
Turlandi
Advocate Peshawar.



Appeal No 4997/2021

مورثہ: 2022ء منجانب: _____
 مقدمہ بعنوان: امرا احمد نام: PPO وغیرہ
 مقدمہ نمبر: رجوعہ
 نوعیت مقدمہ: _____
 مقدمہ علت نمبر: مورثہ
 جرم: تھانہ

50 روپے

باعث تحریر آنکہ



مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ

آن مقام رسواہ کیلئے محمد عثمان خان ترانزی ASC۔ داؤد خاں کو وکیل مقرر کیا گیا۔

کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل مقررہ کو راضی نامہ کرنے و تقرر
 ی ثالث و فیصلہ برحلف دینے عرضی دعویٰ، جواب دعویٰ، اقبال دعویٰ، جواب الجواب، عذر داری، درخواست زبردفعہ (2) 12
 ض وہ درخواست برادر آمدگی و ہرج و مرج کی مقدمہ اور درخواست برادر استغاثہ کی کاروائی و ڈکری کی طرف دائر کرنے جواب، جواب
 الجواب وغیرہ درخواست کاروائی اجراء دائر کرنے و وصولی چیک و رقم اور درخواست از ہر قسم کی تصدیق زر اس پر دستخط وغیرہ
 کرنے کا اختیار ہوگا۔ اپیل، اپیل اور اپیل، عمرانی نظر، عمرانی ہرج و مرج داری وغیرہ دائر کرنے کا بھی اختیار ہوگا۔ اور بصورت
 ضرورت مذکورہ کے عمل یا جزوی کاروائی کے واسطے وکیل یا مختار قانونی کو اپنی ہمراہ یا اپنی جہائے تقرر کا اختیار ہوگا۔ اور صاحب
 مقرر شدہ کو بھی جملہ مذکورہ بالا اختیارات حاصل ہونگے اور اس کا ساختہ برداشت منظور و قبول ہوگا اور دوران مقدمہ میں جو خرچہ دہر
 جانہ التوائے مقدمہ کے سبب سے ہوگا اسکے استحقاق وکیل صاحب ہونگے جو نیز بقایا و خرچہ کی وصولی کا بھی اختیار ہوگا۔ اگر کوئی
 تاریخ پیشی پر وکیل موصوف مقام دورہ پر ہوا یا خد سے باہر ہوا یا بیار ہوا کوئی بیروزگی کام ہو۔ تو وکیل صاحب پابند نہ ہونگے کہ
 پیروی مقدمہ مذکورہ کریں لہذا نکات نامہ لکھ دیا تاکہ سند رہے۔

المرقوم: 27-09-2022

مقام: _____ کے لئے منظور ہے۔

نوٹ: ہر نکات کے لئے نوٹ لکھنا ہوتا ہے۔

Muhammad Usman Khan
 Turfandi
 ASC

Advocate I.D: _____
 Bar Council: 2020-2212
 Bar Association: _____
 Contact #: 0300-5895811

Attested & Accepted
 Embossed
 Sanjullah Khan
 Adv.

وفاقی اسرار
 عمر کی سال
 27
 عمر کی سال
 3
 عمر کی سال

Shawin
 سعادت علیہم

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Before The Khyber Pakhtunkhwa Service Tribunal Peshawar.

In Ref: to Service Appeal No. 4997/2021.

Ibrar Ullah, Ex-Constable No. 618.....VS.....PPO & others.

LIST OF LEGAL HEIRS OF THE APPELLANT.

Respectfully Sheweth;

- 1) That the above titled Service Appeal was filed by the appellant himself against the impugned order of dismissals from service, passed by the respondent No. 3 dated 26-02-2021 and is still pending adjudication before this august Tribunal.
- 2) That the appellant was assassinated and the matter was reported vide FIR No. 1408 dated 13-11-2021 U/S 302/324/114/34 PPC of Police Station Garhi-Kapura (Mardan) who left behind him the following legal heirs of the bereaved family. (Copy of the FIR is annexure "A").

1. Mst: Ruqiyya- - - - - Widow. (Issueless)
2. Mst: Shamim Bibi- - - Widow.
3. Iqar Ullah - - - - - Son
4. Waqar Ullah- - - - - Son
5. Izhar Ullah- - - - - Son

(Copy of the death Registration Certificate is annexure "B").

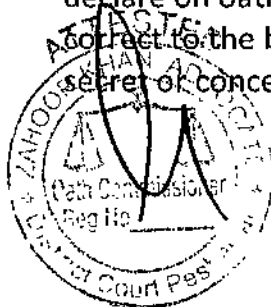
It is, therefore, prayed that the legal heirs of the appellant may be brought on file enabling the bereaved family to get financial/pensionary benefits of the services rendered by the appellant just to meet the ends of justice.

(Council for the Appellant)

Dated: 08/06/2022.

Muhammad Usman Kha
Turlandi
Advocate Peshawar.

AFFIDAVIT I, Muhammad Usman Khan Turlandi, Advocate Supreme Court of Pakistan and council for the appellant, do hereby solemnly affirm and declare on oath that the contents of accompanying **Rejoinder** are true and correct to the best of my knowledge and belief and that nothing has been kept secret or concealed therein from this august Tribunal. **DEPONENT**



Muhammad Usman Khan
Turlandi
Advocate Peshawar.

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ANNEXURE - A



حکومت خیبر پختونخوا پاکستان
the govt khyber pakhtunkhwa pakistan

ادراج وفات سرٹیفکیٹ

Tracking No: 50074810025592
CRMS No: 0500748-21-10833
OLD/M REG #:

Death Registration Certificate

Form No: W12646469

دفتر ادرراج: ذمیری

Deceased Person's Details

| | | | |
|---------------------------|------------------|---------------------------|------------------|
| Name: | IBRARULLAH | نام: | ابراہ |
| Nationality: | Pakistan | قومیت: | پاکستانی |
| CNIC No: | 16102-8113205-9 | شناختی کارڈ نمبر: | 16102-8113205-9 |
| Date of Birth: | 01-April-1990 | پیدائش کی تاریخ: | 01-April-1990 |
| Gender: | Male | جنس: | مرد |
| Religion: | ISLAM | مذہب: | اسلام |
| Sickness Period: | | مدتِ ملامت: | |
| Date of Death: | 07-November-2021 | تاریخ وفات: | 07-November-2021 |
| Date of Burial/Last rite: | 07-November-2021 | تاریخ تدفین آخری رسومات: | 07-November-2021 |
| Place of Death: | HOME | جائے وفات: | گھر |
| Reason of Death: | Natural | کیسٹِ وفات: | طبعی |
| Nature of Death: | Normal | کیسٹِ وفات: | طبعی |
| Buried/Last rite at: | PERSNOL GRAVYARD | تدفین آخری رسومات کی جگہ: | طبعی |

Parental Information

| | | | |
|----------------|-----------------|-------------------|-----------------|
| Father's Name: | GHAFFIRULLAH | والد کا نام: | غفار اللہ |
| CNIC No: | 16102-2273784-9 | شناختی کارڈ نمبر: | 16102-2273784-9 |
| Mother's Name: | ASSR' BEGUM | والدہ کا نام: | اسری بیگم |
| CNIC No: | 16102-7913004-2 | شناختی کارڈ نمبر: | 16102-7913004-2 |

Address

| | | | |
|-----------|---------------------------------|--------|----------------------------|
| Address: | Moti Banda , Village LAK PANI , | پتہ: | موتی بانڈہ ، گاؤں لاک پانی |
| Tehsil: | KATLANG | تھسیل: | کاتلنگ |
| District: | MARDAN | ضلع: | مردان |

Applicant's Details

| | | | |
|-------------------------|-----------------|-------------------|-----------------|
| Name: | RUKHSARULLAH | نام: | رکھسار اللہ |
| CNIC No: | 16102-7943382-1 | شناختی کارڈ نمبر: | 16102-7943382-1 |
| Relation with Deceased: | BROTHER | رشتہ: | بھائی |

Information of Burial/Last rite by

| | | | |
|-------------------------|------------------|-------------------|------------------|
| Name: | RUKHSARULLAH | نام: | رکھسار اللہ |
| CNIC No: | 16102-7943382-1 | شناختی کارڈ نمبر: | 16102-7943382-1 |
| Relation with Deceased: | BROTHER | رشتہ: | بھائی |
| Entry Date: | 07-December-2021 | تاریخ ادرراج: | 07-December-2021 |
| Issue Date: | 07-December-2021 | تاریخ اجراء: | 07-December-2021 |
| Entry Status: | Normal | ادراج کی حالت: | معمول |
| Additional Information: | | اضافی معلومات: | |



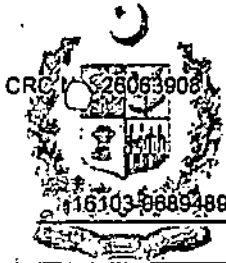
This Certificate can be verified at <https://crms.nadra.gov.pk/verify>

W12646469

Attested

ATTESTED TO BE TRUE COPY

Muhammad Umair Khan,
Tufandi
Advocate Supreme Court
of Pakistan, No: 5045



حکومت پاکستان (20)
 نیشنل ڈیٹا بیس اینڈ رجسٹریشن اتھارٹی (وزارت داخلہ)
 اٹھارہ سال سے کم عمر بچوں کا سرٹیفکیٹ *

شمس بی بی

درخواست دہندہ کا نام:

درخواست دہندہ کا شناختی کارڈ نمبر: 16103-0689489-6

| نمبر شمار | بچے کا نام اور رجسٹریشن نمبر | والد کا نام اور شناختی کارڈ نمبر | والد کا نام اور شناختی کارڈ نمبر | جنس اور رشتہ | پیدائش کا شائع ہونے والا تاریخ | مذہب |
|-----------|------------------------------|----------------------------------|----------------------------------|--------------|--------------------------------|-----------|
| 1 | اربراطہ 16103-0455387-7 | اربراطہ | شمس بی بی 16103-0689489-6 | لڑکی | لاہنگ مردان 2015-07-01 | کوئی نہیں |
| 2 | اربراطہ 16103-0455388-5 | اربراطہ | شمس بی بی 16103-0689489-6 | لڑکی | لاہنگ مردان 2017-05-03 | کوئی نہیں |
| 3 | اربراطہ 16103-0455397-7 | اربراطہ | شمس بی بی 16103-0689489-6 | لڑکی | لاہنگ مردان 2019-01-04 | کوئی نہیں |

- 1- اس جلی کے مندرجہ بالا اٹھارہ سال سے کم عمر 3 بچے ان بچوں کا اندراج ہمارے ویب کارڈ میں موجود ہے۔
- 2- درج شدہ بچے کی عمر اٹھارہ سال ہونے سے شناختی کارڈ کے حصول کیلئے درخواست جمع کروائیں۔
- 3- اس سرٹیفکیٹ کو سنبھال کر نہیں کیونکہ بچوں کے اٹھارہ سال کی عمر کو پہنچنے پر اپنی قبروں کے حوالے سے شناختی کارڈ جاری کئے جائیں گے۔
- 4- نوزائیدہ بچے کا فوری طور پر اندراج کرنا ہے اور تیار رجسٹریشن سرٹیفکیٹ حاصل کریں۔
- 5- کوائف کی تبدیلی کی صورت میں تیار رجسٹریشن سرٹیفکیٹ حاصل کریں۔

محمد طارق ملک

دستخط رجسٹرار جنرل

تاریخ: 13-01-2022



ATTESTED TO BE
TRUE COPY

سرٹیفکیٹ دہندہ، ڈاک خانہ ڈھیری کپانی، کپانی، تحصیل لاہنگ، ضلع مردان



1610306894896

Muhammad Usman Khan
Tufandi
Advocate Supreme Court
of Pakistan. No. 5045

سرٹیفکیٹ درج بالا بچوں کی شناخت اور مندرجہ بالا کوائف و معلومات ثابت کرنے کیلئے تیار ہونے والے (6) 9 نادر آرڈی نیٹس نمبر سے 2000ء بلور شہت قابل قبول ہے۔

