

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Appeal No. 234/2018

Date of Institution ... 19.02.2018

Date of Decision ... 13.03.2019

Hayat Zaman Ex-Constable No.. 2931, Police Station Takht Bhai District
Mardan. ... (Appellant)

VERSUS

Inspector General of Police/Provincial Police Officer, Khyber
Pakhtunkhwa, Peshawar and two others. ... (Respondents)

Present.

Mr. Muhammad Usman Khan Turlandi,
Advocate. ... For appellant

Mr. Muhammad Riaz Khan Paindakhel,
Asstt. Advocate General, ... For respondents.

MR. HAMID FAROOQ DURRANI, ... CHAIRMAN
MR. AHMAD HASSAN, ... MEMBER

JUDGMENT

HAMID FAROOQ DURRANI, CHAIRMAN:-

Instant appeal is directed against the order of respondent No. 3
passed on 20.11.2017, whereby, major punishment of dismissal from
service with immediate effect was passed against the appellant. His
departmental appeal was also rejected on 19.01.2018 by respondent No. 2.

2. The facts as available on record, suggest that the appellant joined the service in Police Department Khyber Pakhtunkhwa as constable in the year 2009. At the relevant time the appellant was posted at Police Station Takht Bhai Mardan, when he was proceeded against departmentally on the allegations of corrupt practices, in-efficiency, close association with criminals and sharing information regarding the movement of Police Officers with miscreants. The appellant was suspended and closed to the Police Lines, Mardan.

3. We have heard learned counsel for the appellant and learned Asstt. A.G on behalf of the respondents.


Learned counsel for the appellant vehemently argued that no proper/formal enquiry was conducted against the appellant in order to prove the grave allegations contained in the charge sheet and statement of allegations, issued on 12.10.2017, to the appellant. He further contended that the allegations in the charge sheet were different than those which prevailed with the enquiry officer who had submitted a scanty report on 03.011.2017. Further stated that no show cause notice was ever issued to the appellant before imposition of major penalty upon him.

On the other hand, learned Asstt. A.G argued that all the codal formalities were fulfilled in the process of proceedings against the appellant. That, the appellant was dismissed on 24.02.2017 due to misconduct and was subsequently reinstated on 10.04.2017. In his view,

the appellant was habitual offender and was rightly awarded the impugned major penalty.

4. We have carefully gone through the available record. The respondents had submitted alongwith their reply to the appeal a purported departmental enquiry report dated 03.11.2017, wherein, it was noted that "on receipt of enquiry constable Hayat Zaman No. 2931 was called in the office and heard at length. His statement was part of the enquiry file. He was questioned and counter questioned. From enquiry following facts were transpired:-

"While posted in Police Post Sari Behlol constable Hayat Zaman on receiving the graft willfully let the accused Hazrat Karim go. Hazrat Karim was wanted in many theft cases and he was under interrogation for the purpose."


The dismissal from service was recommended as punishment against the appellant. The record also contained statement of allegations and charge sheet dated 12.10.2017, wherein, the allegations were of altogether different nature. It was noted therein that constable Hayat Zaman No. 2931 was proceeded against departmentally for the charges of corrupt practices, inefficiency, close association with criminals and sharing information regarding the movement of Police Officers with miscreants. S.P (OPS) was, therefore, appointed as enquiry officer in the matter. Similar  allegations contained in the latter as well.

5. It is evident from one page enquiry report dated 03.11.2017 that in pursuance to memo. dated 12.10.2017 (statement of allegations and charge sheet) the proceedings were conducted in a cursory manner and, except the statement of appellant, no other evidence was ever collected to connect the appellant with serious allegations contained in the statement/charge sheet. The enquiry officer came up with the findings which were not only based on grounds extraneous to those contained in the statement/charge sheet but were rebutted from other record including FIR No. 1611, recorded on 08.10.2017, at P.S Takht Bhai District Mardan as well as Daily Diary of the same Police Station dated 14.10.2017. The FIR pertained to nomination of Hazrat Karim son of Amra Ali alongwith some other persons in offence recorded under Sections 457/380-PPC, while Mad No. 7 dated 14.10.2017 was regarding the arrest of said Hazrat Karim alongwith others on even date. The said record when examined in juxtaposition to the contents of enquiry report and the statement of allegations suggested that on the date the letter was issued Hazrat Karim was not even arrested. On the contrary in the report the only allegation against the appellant was in terms that he willfully let the accused Hazrat Karim go on receiving the graft. We have also remained unsuccessful in laying hands on any show cause notice throughout the record including the reply of respondents. The said factum alone would suggest that the departmental proceedings against the appellant were not conducted in the mode and manner required by the

rules, that too, in a case where major penalty of dismissal from service was awarded to a civil servant.

6. In view of the above discussion, the appeal in hand is allowed as prayed for. Consequently, the appellant is reinstated in service with all back and consequential benefits.

Parties are left to bear their respective costs. File be consigned to the record room.



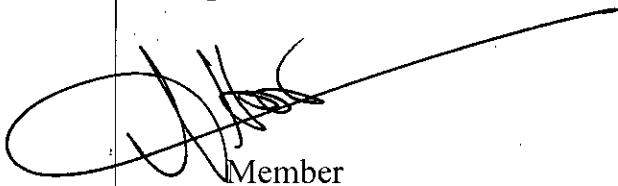
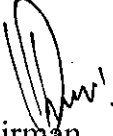
(AHMAD HASSAN)
MEMBER



(HAMID FAROOQ DURRANI)
CHAIRMAN

ANNOUNCED
13.03.2019

234/2018

S.No.	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.	
1	2	3	
	13.3.2019	<p><u>Present.</u></p> <p>Mr. Muhammad Usman Turlandi, Advocate</p> <p>Mr. Muhammad Riaz Khan Paindakhel, Asstt. Advocate General</p> <p>Vide our detailed judgment of today, the appeal in hand is allowed as prayed for. Consequently, the appellant is reinstated in service with all back and consequential benefits.</p> <p>Parties are left to bear their respective costs. File be consigned to the record room.</p> <p> Member</p> <p><u>ANNOUNCED</u> 13.3.2019</p>	<p>.. For appellant</p> <p>... For respondents</p> <p> Chairman</p>

30.10.2018


Due to retirement of Hon'ble Chairman, the Tribunal is incomplete. Therefore, the case is adjourned. To come up for the same on 17.12.2018.


Reader

17.12.2019

Junior to counsel for the appellant and Mr. Zia Ullah learned Deputy District Attorney alongwith Mr. Atta-Ur- Rehman S.I for the respondents present. Junior to counsel for the appellant submitted rejoinder which is placed on file, and requested for adjournment. Adjourned. To come for arguments on 08.02.2019 before D.B.



(Hussain Shah)
Member


(Muhammad Amin Khan Kundi)
Member

08.02.2019

Counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Asst: AG alongwith Mr. Atta Ur Rehman, SI for respondents present. Respondents are directed to produce complete record of enquiry alongwith statements and other connected document on or before the next date of hearing. Adjourned. To come up for such record and arguments on 13.03.2019 for arguments before D.B.


(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

Service Appeal No. 234/2018

04.07.2018

Counsel for the appellant Hayat Zaman present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was serving in Police Department and he was dismissed from service vide order dated 20.11.2017 on the allegation of corruption, inefficiency and close association with criminals. The appellant filed departmental appeal on 10.12.2017 which was rejected on 13.01.2018 hence the present service appeal on 19.02.2018. Learned counsel for the appellant further contended that neither charge sheet, statement of allegation was served upon the appellant nor proper inquiry was conducted nor opportunity of personal hearing and defence was provided to the appellant therefore, the impugned order is illegal and liable to be set-aside.

The contention raised by learned counsel for the appellant need consideration. The appeal is admitted for regular hearing subject to deposit of security and process fee within 10 days thereafter, notice be issued to the respondents for written reply/comments for 20.08.2018 before S.B.

Appellant Deposited
Security & Process Fee


(Muhammad Amin Khan Kundi)
Member

20.08.2018

Counsel for the appellant and Mr. Kabirullah Khattak AAG for the respondent present. Written reply submitted on behalf of official respondent. To come up for rejoinder and arguments on 30.10.2018 before D.B


(Muhammad Amin Kundi)

05.04.2018

Learned counsel for the appellant present and seeks adjournment. Adjourn. To come up for preliminary hearing on 19.04.2018 before S.B



Member

19.04.2018

Counsel for the appellant present and seeks adjournment. Adjourned. To come up for preliminary hearing on 08.05.2018 before S.B.



(Ahmad Hassan)
Member

08.05.2018

The Tribunal is non-functional due to retirement of our Hon'ble Chairman. Therefore, the case is adjourned. To come up for same on 04.07.2018.






Reader

Form-A
FORM OF ORDERSHEET

Court of _____

Case No. 234/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	19/02/2018	<p>The appeal of Mr. Hayat Zaman presented today by Mr. Muhammad Usman Khan Turlandi Advocate may be entered in the Institution Register and put up to Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	26/02/18.	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>08/03/18.</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	08.03.2018	<p>Junior counsel for the appellant present and seeks adjournment. Adjourned. To come up for preliminary hearing on 05.04.2018 S.B.</p> <p style="text-align: right;"> (Gul Zeb Khan) Member</p>

①

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.

In Ref; to Appeal No. 234 of 2018.

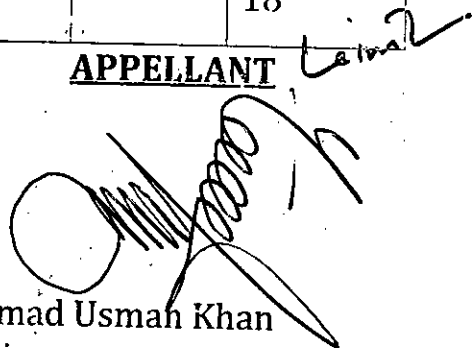
Hayat Zaman, Ex-Constable No. 2931.....VS..... I.G Police & others.

INDEX

S.No.	DESCRIPTION OF DOCUMENTS	ANNEX	P.NO.
1.	Main Service Appeal.	-	01-06
2.	Affidavit.		07
3.	Copy of the Charge-Sheet.	"A"	08-09
4.	Copy of the reply to the Charge-Sheet.	"B"	10-13
5.	Copy of the original order of dismissal from service.	"C"	14-15
6.	Departmental Appeal Dated 14-12-2017.	"D"	16
7.	Impugned Order Dated 19-01-2018.	"E"	17
8.	Vokatnama.		18

APPELLANT

Through;


Muhammad Usmah Khan
Turlandi
Advocate Peshawar.

Dated; 19/02/2018 (Monday).

OFFICE: Flat # C-1 Haji Murad Plaza, Dalazak Road, Peshawar City.

Cell# 0333915-3699 & 03005395841

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.

In Ref; to Service Appeal No. 234 / of 2018.

Khyber Pakhtunkhwa
Service Tribunal
Diary No. 242

Dated 19-2-2018

Hayat Zaman, Ex-Constable No. 2931, Police Station Takht Bhai Mardan,
District Police Mardan.....**APPELLANT.**

VERSUS

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

Appeal U/S 4 of the KPK Service Tribunal Act, against the impugned Order bearing No. 449/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 10-12-2017 was rejected and the major penalty of dismissal from service recorded vide OB No. 2688 dated 20-11-2017 passed by the respondent No. 3 was upheld.

PRAYERS:-

On acceptance of this appeal the impugned order passed by the respondent No. 2 dated 19-01-2018 Communicated to the appellant on 23-01-2018 may be set-aside whereby the departmental appeal filed by the appellant Dated 10-12-2017 was rejected and the major penalty of dismissal from service recorded vide OB No. 2688 dated 20-11-2017 passed by the respondent No. 3 was upheld and the appellant be re-instated in service as Constable with all back benefits, seniority and allied allowances.

RESPECTFULLY SHEWETH:-

1. That the appellant has joined the service in the esteemed Police Department as Constable in the year 2009 and since then is performing

Filed to-day
Registrar
19/2/18

his respective duties with great zeal, zest and enthusiasm throughout his service period and till levelling the instant allegations no adverse remarks whatsoever has ever been assigned to him from any quarter.

2. That the appellant was shocked to get Charge Sheet coupled with the Statement of alligation bearing No. 69/R/D.A-P.R-1975 dated 12-10-2017 and the appellant was advised to submit written defense reply thereof within seven days. Accordingly, the appellant did submit his detailed and parawise reply to the Charge sheet dated 26-10-2017 within given stipulated period. (Copy of the charge sheet and reply thereof is annexure "A" & "B" respectively).
3. That all of a sudden, without any preliminary or final Show-Cause notice and without conducting any regular enquiry, the appellant was awarded major penalty of dismissal from service vide OB No. 2688 Dated 20-11-2017 recorded by the respondent No. 3. (Copy of the order of dismissal from service is annexure "C").
4. That the appellant in the given circumstances, preferred departmental appeal and tabled before the respondent No.2 which was met with the same fate and without applying of legal wisdom and prudent concentration, the appeal was rejected with a single stroke of pen vide impugned order dated 19-01-2018 and communicated to the appellant dated 23-01-2018. (Copy of the departmental appeal and the impugned order thereon dated 19-01-2018 is annexure "D" & "E" respectively).
5. That the appellant while aggrieved of the impugned order of his dismissal from service and having no other adequate remedy available in the circumstances of the case, approaches this august Tribunal for setting-aside both the original and the impugned orders dated 19-01-2018, communicated to the appellant dated 23-01-2018 and seeks his re-instatement in service with all back benefits, seniority and allied allowances on the following amongst other grounds inter-alia.

GROUNDS:-

- a) That since the appellant enlisted as constable in District Police Mardan till passing the original order of dismissal from service, was working with great zeal, zest and enthusiasm and as a token of his regularity, punctually, loyalty, devotion, honesty and remarkable achievements, no adverse remarks whatsoever has ever been assigned to him from any quarter.
- b) That general alligations are levelled in the charge sheet (annexure "A") whereas the appellant has never been involved in any corrupt practices throughout the whole period of his service. This fact is evident from the shining service record of the appellant.
- c) That the appellant remained an efficient police Constable and never ever, the appellant has been marked as ineficient. Similarly the appellant has never been involved in any omission or commission of such like ofences or professional misconduct which would speak about the alleged allegation of close association with criminals.
- d) That non a single allegation has so far been established and the appellant has never thought about sharing information regarding movements of Police officials with miscreants. No explanation and no such like report has ever been made against the appellant in this regard. The charge sheet (annexure "A") carries some concocted allegation and legally such super-structure of dismissal from service can never be bult/stand on such a baseless charge sheet.
- e) That the Charge Sheet and Statement of Allegation contains no specific allegation rather baseless, concocted and generalized allegation are levelled with no legs to stand upon which is unlogical and not appealable to the prudent mined. Both the documents falsify and negates the existance of one and other which speaks loudly about the drama staged by the respondents resulting his dismissal from service.

- f) That admittedly no show cause notice either preliminary or final whatsoever has ever been issued to the appellant prior to passing of the original order of dismissal from service which is mandatory in nature.
- g) That the respondent No.3 did not bother to assess the evidential value of the so-called allegations in its true prospective and legal parameters and also did not bother to tally and compare it with the ground reality, thus the findings of respondent No.3 are totally rootless, frivolous, vague, ambiguous and liable to be declare as such.
- h) That admittedly the appellant has committed no offence whatsoever and the whole allegations are baseless and rootless one but for the reason best known to the respondent No.3 the appellant has been made a scapegoat.
- i) That no proper enquiry has been conducted and no statements of the concerned star and natural witnesses/PWs have ever been recorded and the appellant has been condemned unheard.
- j) That the respondent No. 3 while passing the penalty and similarly the respondent No.2 while passing the impugned order have never bothered to evaluate the charges and to see the service file of the appellant and at least should see the length of spot-less service rendered by the appellant and in such a circumstances the penalty and subsequent impugned order having no value in the eyes of law, which is not sustainable and liable to be set-aside.
- k) 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.
- l) 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

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hit by the law on the subject and by the command of the constitution of the Islamic Republic of Pakistan 1973.

m) That further submissions will be advanced at the time of hearing the appellant at the bar.

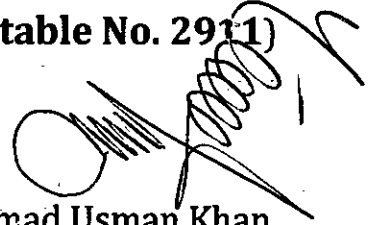
In view of the foregoing facts, circumstances and submissions, it is, therefore, humbly prayed that on acceptance of this appeal the impugned order passed by the respondent No. 2 dated 19-01-2018 communicated to the appellant dated 23-01-2018 whereby the departmental appeal filed by the appellant was rejected and the major penalty of dismissal from service recorded vide OB No. 2688 dated 20-11-2017 passed by the respondent No. 3 was upheld, may be set-aside and the appellant be re-instated in service as Constable with all back benefits, seniority and allied allowances.

Any other remedy is available may be also extended in favour of the appellant to meet the ends of justice.


APPELLANT.

(Hayat Zaman, Ex-Constable No. 2911)

Through


Muhammad Usman Khan
Turlandi
Advocate Peshawar.

Dated; 19/02/2018 (Monday)

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.

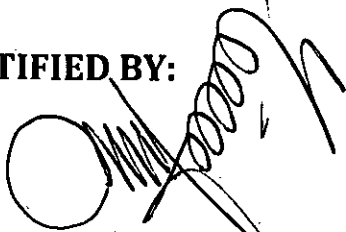
In Ref; to Appeal No. _____ of 2018.

Hayat Zaman, Ex-Constable No. 2931.....VS.....I.G Police & others.

AFFIDAVIT.

I, Hayat Zaman, Ex-Constable No. 2931, Police Station Takht Bhai Mardan, District Police Mardan, 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 therein.

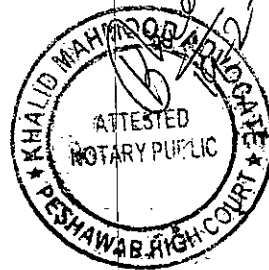
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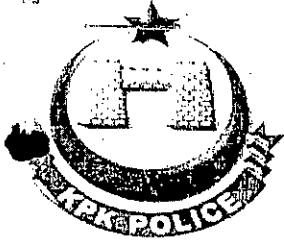


Muhammad Usman Khan
Turlandi
Advocate Peshawar.

Dated: 19/02/2018 (Monday)

DEPONENT





(8)
ANNEXURE A
**OFFICE OF THE
DISTRICT POLICE OFFICER
MARDAN**

No. 69 /R/D.A-P.R-1975.
Dated 12-10-2017.

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

DISCIPLINARY ACTION UNDER KPK POLICE RULES - 1975

I, Dr. Mian Saeed Ahmed District Police Officer, Mardan as competent authority am of the opinion that **Constable Hayat Zaman No. 2931**, rendered himself liable to be proceeded against as he committed the following acts/omission within the meaning of section-02 (iii) of KPK Police Rules 1975:

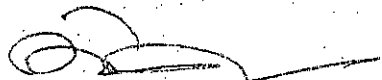
STATEMENT OF ALLEGATIONS

That **Constable Hayat Zaman No. 2931**, while posted at Police Station Takht Bhai, Mardan is proceeded against departmentally for the charges of corrupt practice, inefficiency, close associations with criminals and sharing information regarding the movement of Police Officers with miscreants. Therefore, he is suspended and closed to Police Lines, Mardan.

2. For the purpose of scrutinizing the conduct of the said official with reference to the above allegations SP (Ops) is appointed as Enquiry Officer.

3. The enquiry officer shall conduct proceedings in accordance with provisions of Police Rules 1975 and shall provide reasonable opportunity of defense and hearing to the accused official, record its findings and make within twenty five (25) days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused officer.

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


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

OFFICE OF THE DISTRICT POLICE OFFICER, MARDAN

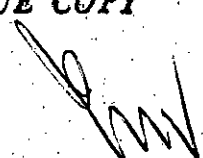
No. _____ /R, dated Mardan the _____ /2017.

Copy of above is forwarded to the:

1. _____ for initiating proceedings against the accused official / Officer namely **Constable Hayat Zaman No. 2931**, under Police Rules, 1975.
2. **Constable Hayat Zaman No. 2931**, with the directions to appear before the Enquiry Officer on the date, time and place fixed by the enquiry officer for the purpose of enquiry proceedings.

***** !!! *****

**ATTESTED TO BB
TRUE COPY**


M. Usman Khan Turlandi
M. A. LL. B Advocate
Peshawar.


CHARGE SHEET UNDER KPK POLICE RULES 1975

I, Dr. Mian Saeed Ahmed District Police Officer, Mardan as competent authority hereby charge you **Constable Hayat Zaman No. 2931**, as follows.

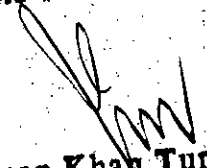
That you **Constable Hayat Zaman No. 2931**, while posted at Police Station Takht Bhai, Mardan is proceeded against departmentally for the charges of corrupt practice, in-efficiency, close associations with criminals and sharing information regarding the movement of Police Officers with miscreants. Therefore, you are suspended and closed to Police Lines, Mardan.

This amounts to grave misconduct on your part, warranting departmental action against you, as defined in section - 6.(1) (a) of the KPK Police Rules 1975.

1. By reason of the above, you appear to be guilty of misconduct under section - 02 (iii) of the KPK Police Rules 1975 and has rendered yourself liable to all or any of the penalties as specified in section - 04 (i) a & b of the said Rules.
2. You are therefore, directed to submit your written defense **within seven days** of the receipt of this charge sheet to the enquiry officer.
3. Your written defence if any, should reach to the enquiry officer within the specified period, failing which, it shall be presumed that you have no defense to put-in and in that case, an ex-parte action shall follow against you.
4. Intimate whether you desired to be heard in person.


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

**ATTESTED TO BE
TRUE COPY**


 M. Usman Khan Turlandi
 M. A. LL. B Advocate
 Peshawar.

Subject: Reply to the charge sheet & Statement of allegations
NO 69 dated 12-x-2017

Respected Sir:

① Your honour had issued to subject charge sheet to the Petitioner with the following allegations, which was handed over to the petitioner on 23.x.2017.

"That constable Hayat Zaman NO 2931 while posted at Police Station Talent Bai, Madra is proceeded departmentally for the charges of Corruption Practices, in officiating, close association with criminals and sharing information regarding the movements of Police Officers with miscreants."

② In the light of the above charge sheet, the instant departmental enquiry has been withheld for which no Petitioner submits as under.

A: The Petitioner has been enlisted as constable in Police department in the year 2005 and his performance has always been good and efficiency. The Petitioner has been blamed for

Corrupt practices:

The Petitioner has never been involved in corrupt practices throughout the whole period of service. No one had made such like complaint against the Petitioner verbally / documentarily. This fact is evident from the existing service record of the Petitioner.

Inefficiency:

The Petitioner remained an efficient Police officer in Post. Any task assigned by the Service to the Petitioner has been fulfilled to the entire satisfaction of the Service and the Petitioner has been never considered as inefficient. No explanation and no report has been made against the Petitioner in this regard.

Close association with Criminals:

The Petitioner never remained involved in such type practices. The Petitioner never mixes like so. There is nothing in record to prove the allegation against the Petitioner. The Petitioner is

ATTESTED TO BE TRUE COPY

M. Usman Khan Surlandi
M. A. LL. B Advocate
Peshawar;

Showing information regarding movement of
Police officers with miscreants

The Petitioner never involved in such type of Practices. Again there is nothing in record regarding the alleged allegation. The Petitioner never think even like so.

3) The actual facts behind the issuance of the arrest charge sheet are that in the month March 2017, the Petitioner was transferred to PP Sani Behlol and remained posted there till 8. x. 2017. On 8. x. 2017 Accused Hazrat Kareem, Gul Bahar and Zahidullah have stolen away the horse of Muhammad Usman vs Haji Sherdil Icha Karwana TBA in Suzuki pickup from the jurisdiction of PS TBA. It was learnt that Accused Hazrat Kareem, Gul Bahar was caught and handed with the stolen property by PS Charsadda. (FIR 1610 dated 8. x. 017 U/S 379 PP/PS TBA) enclos.

4) ASI Zahir Bakhshi / C Prison Behlol disclosed the Petitioner to visit PS Charsadda to bring the arrested accused along with the stolen property. Petitioner along with Hajrat Widas NO 2705 went to PS Charsadda and brought the accused and stolen horse with Suzuki pickup to PS TBA.

5) Accused Hazrat Kareem and Gul Bahar already detained were interrogated, they disclosed that they have stolen away a generator 16 wad from the Ashraf of Murtaza Ilias Babar in the limit of "Bazar ko Bazar". They also disclosed that they have sold the stolen generator in the market of "Bakhshoo PU" PS Khayana Peshawar.

ATTESTED TO BE TRUE COPY

M. Usman Khan Turlandi
M. A. LL. B Advocate
Peshawar.

ASI Zahir Bakhshi along with petitioner and other officials proceeded to Khayana in the company of Accused Hazrat Kareem and Accused Gul Bahar who left in the PP Sani Behlol in the custody of constables Wds: Mohd 777 in main Constable's responsibility.

7) on reaching to the market at "Bakshoo Pul" Ichagana, the stolen generator was recovered. The meter was brought in the notice of Police of PS Ichagana and to this effect Zahir Basha Asri had entered his arrival/ departure in PS Ichagana vide DD no 10 dated 6. x. 017 at 0020 hours PS Ichagana. Similarly another report vide DD no 14 dated 6. x. 017 was also entered in this regard. (Copies are enclosed)

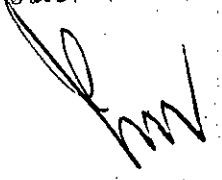
A. separate case vide FIR no 1611 dated 8. x. 017 of S. 457/380 PC. PS TPA has been registered in this regard. (copy enclosed)

8) It is worth mentioning that when Asri Zahir Basha, along with petitioners and other officials reached to the market at "Bakshoo Pul" Ichagana at 0015 hours of 6. x. 2017. Constables 12 named as Wali Muhammad no 777 F.I. both informed Asri Zahir Basha on mobile phone that accused Gul Bahar escaped away from the PP, along with him eye: we made our departure from Peshawar.

9) Petition, along with other officials reached to PP. Sari Bahad at 03.40 hours vide DD no 3 dated 6. x. 017 PP. Sari Bahad. (copy enclosed)

10) It is worth mentioning here that during interrogation at PP Sari Bahad, accused Gul Bahar at one instant disclosed that the stolen generator is in market of "Bakshoo Pul" at the exact place is known to his son. Gul Bahar also said that if his son is contacted, he will bring the stolen generator to PP. Petitioners on his own mobile phone contacted his son and he the accused Gul Bahar talked with him. Accused directed his son to bring the generator to PP. Sari Bahad immediately. The said boy was contacted the Petitioners mobile phone and lastly told that

ATTESTED TO BE TRUE COPY



M. A. LL. B Advocate
Peshawar,

(4)

(13)

It is not necessary to easily make the foundation of that place
This contact was made on petitioner's mobile phone for the
good purpose and this does not fall in the ambit of
Close association with criminals

- 11) The Petitioner has not made any ground play in the above incident
and in the connection copies of FIR and DD reports
as well as personal which are required to be taken
into consideration.
- 12) The Petitioner is married and with 23 kids along with 4
parents. The livelihood of the entire family is dependent upon
the police service of the Petitioner. The
- 13) Petitioner have shown good performance in various cases when
he rewarded with prize along with CC. This fact is
evident from the enclosed papers.

Keeping in view the above facts and circumstances it
is humbly requested that the charge sheet + statement of
allegations may kindly be filed and be reinstated
in service from the date of suspension.

Yours obediently

(Signature)

Hayat Samra No. 2931

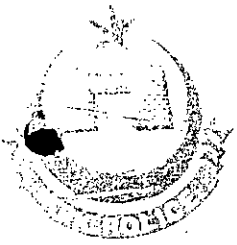
Police Lines Madan

Date: 26.12.2017

**ATTESTED TO BE
TRUE COPY**

(Signature)

M. Usman Khan Turlandi
A. LL. B Advocate
Rahwar.



OFFICE OF THE
DISTRICT POLICE OFFICER
MARDAN

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

No. 9901-06/R,
Dated 21/11/2017.

ORDER

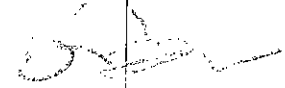
This order will dispose-off the departmental inquiry, which has been conducted against Constable Hayat Zaman No. 2931, on the allegation that he while posted at (Police Station Fakht Bhai, Mardan is proceeded against departmentally for the charges of corrupt practice) in-efficiency, close associations with criminals and sharing information regarding the movement of Police Officers with miscreants. 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(ii) of Police Rules 1975.

In this connection, Constable Hayat Zaman No. 2931, was charge sheeted vide this office No. 69/R, dated 12.10.2017 and also proceeded him against departmentally through Mr. Abdur Rauf Babar, SP/Operations/HQs: Mardan, who after fulfilling necessary process, submitted his findings to the undersigned vide his office endorsement No. 204S/PA/OPS, dated 03.11.2017. The allegations have been established against him and recommended for major punishment.

The undersigned agrees with the findings of the enquiry officer and also heard him in orderly Room on 17.11.2017, the alleged Constable Hayat Zaman No. 2931, 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

C.B.No. 2688
Dated 21/11/2017.

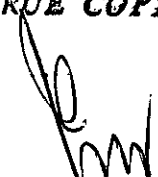

Dr. Mian Saeed Ahmed (FSP)
District Police Officer,
Mardan.

No. 9901-06/R dated Mardan the 21/11/2017.

Copy for information and necessary action to the:-

1. Deputy Inspector General of Police, Mardan Region-I, Mardan.
2. SP/Operations-HQs Mardan.
3. DSP, HQs, Mardan.
4. Pay Officer (DPO) Mardan.
5. E.C (DPO) Mardan.
6. CSI (DPO) Mardan.

**ATTESTED TO BE
TRUE COPY**


M. Usman Khan Turlandi
M. A. LL Advocate
Peshawar,



(15)

**OFFICE OF THE
DISTRICT POLICE OFFICER
MARDAN**

Tel: 0937-9230109

Fax: 09379230111

Email: dpomardan650@gmail.com

Facebook: District Police Mardan

Twitter: @dpomardan

No. 9901-06 /R,

Dated: 21-11 /2017.

Better Copy

ORDER

This order dispose of the departmental inquiry. Which has been conducted against **Constable Hayat Zaman No. 2931**, on allegation that he while posted at police station Takht Bahai, Mardan is proceeded against departmentally for the charges of corrupt practice in efficiency, close associations with criminal and sharing information regarding the movement of police officer with miscreants. Therefore he is suspended and close to police lines Mardan. This attitude adversely reflected on his performance which is an indiscipline act and gross misconduct on his part as define in rule 2(iii) of police rules 1975.

In this connection constable **Hayat Zaman No.2931** was charge sheeted vide this office No.69/R dated 12-10-2017 and also proceeded his against departmentally through **Mr. Abdur Rauf Babar; SP/Operation/HQrs: Mardan**. Who after re

Fulfilling necessary process submitted his pending to the undersigned vide his office endorsement No. 2045/PA/OPS dated 03-11-2017. The allegations have been established against him and recommended for major punishment.

The undersigned agree with the pinding of the enquiry officer and also heard him in orderly room on 17.11.2017, the alleged **constable Hayat Zaman No.2931** 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. 2688

Dated: 20-11-2017

Sd
Dr. Mian Saeed Ahmad (PSP)
District Police officer
Mardan

No. 9901-06 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 Operation Mardan.
3. DSP/HQrs, Mardan.
4. Pay Officer (DPO) Mardan.
5. E.C (DPO) Mardan.
6. OSI (DPO) Mardan.

**ATTESTED TO BE
TRUE COPY**

M. Usman Khan Turlan
M. A. LL. B Advocate
Peshawar.

شرکت ضمانت کی ایک اصلہ صورت راجی

درخواست نمبر 2017-10-12

صاحب عالی

گزارش عدالت سیدیل عمرہ 9 سال سے مجھ کے ہذا سے صفحات

رہنمائی کے ذریعہ دوران سروس ایسی زبرداریاں بنائے قوش اس

کہ ایسا نہ ہو کہ بنا اتفاقاً نہ حورم $\frac{11}{17}$ 21 کو صاحب DPO صاحبہ

ضلع خردان نے سیدیل کے سروس سے یہ سہولت کے احکامات جاری کر دیے

سیدیل نے وقت فوقتاً اعتراض سے بغیر کسی اسناد حاصل کی ہے چونکہ

سیدیل ایک غیر مت اور گو کا کلہ نہیں ہے لہذا اسٹیل کی مجھ

کے ساتھ ساتھ کو مدنظر رکھ کر لیا کرنا ہے کہ سیدیل یہ رقم کے

بھیارہ عالی کا حکم صادر فرمایا جائے

سیدیل تاویات آپ کے ملزم قرار سے دعا گو رہے گا

الفعلیہ 10-12-2017

2931 صاحبہ رضوانہ خانم

0344-9572758

0345-9367391

ATTESTED TO BE TRUE COPY

M. Usman Khan Turlandi
M. A. E. Advocate
Peshawar.

17

ANNEXURE - E

ORDER.

This order will dispose-off the appeal preferred by Ex-Constable Hayat Zaman No. 2931 of Mardan District Police against the order of the District Police Officer, Mardan, whereby he was awarded Major punishment of dismissal from service vide District Police Officer, Mardan OB No. 2688 dated 20.11.2017.

Brief facts of the case are that the appellant while posted at Police Station Takht Bhai, Mardan was proceeded against departmentally for the charges of corrupt practice, in-efficiency, close associations with criminals and sharing information regarding the movement of Police Officers with miscreants. Therefore, he was suspended and closed to Police Lines, Mardan. Consequently he was charge sheeted and also proceeded against departmentally through Mr. Abdur Rauf Babar, SP/Operations/HQrs: Mardan. The Enquiry Officer after fulfilling necessary process, submitted his findings to the District Police Officer, Mardan. The allegations were established against him and recommended him for major punishment of dismissal from service. The District Police Officer, Mardan agreed with the findings of the Enquiry Officer and also heard the alleged Constable in Orderly Room on 17.11.2017 but he could not prove his innocence, therefore the alleged Constable was awarded major punishment of "Dismissal from Service.

He was called in orderly room held in this office on 17.01.2018 and heard him in person, but he did not produce any substantial evidence about his innocence. Besides this the appellant was also dismissed from service earlier on 06.04.2017, due to long absence. Therefore, I find no grounds to intervene the order passed by the then District Police Officer, Mardan. Appeal is rejected.

ORDER ANNOUNCED.

g/c

(Muhammad Alam Shinwari)PSP
Regional Police Officer,
Mardan

No. 449 /ES, Dated Mardan the 19-1- /2018.

Copy to District Police Officer, Mardan for information and necessary action w/r to his office
Memo: No. 13/LB dated 025.01.2018. The Service Record is returned herewith.

(*****)

**ATTESTED TO BE
TRUE COPY**

M. Usman Khan Turland
M, A LL. B Advocate
Peshawar;

بعدالت کے لیے درخواستیں ڈسٹرکٹ بار ایسوسی ایشن

(18)

مورخہ: انیس فروری 2018ء، منجانب: ایم اے ایچ
 مقدمہ بعنوان: حیات و فانی، نام: KPK-PPD
 مقدمہ: Service Appeal رجوع
 نوعیت مقدمہ: _____
 مقدمہ علت نمبر: _____ مورخہ: _____
 جرم: _____ تھانہ: _____



باعث تحریر آنکہ



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

M. Usman Khan Turlandi

M. A. LL. B Advocate

کو وکیل مقرر

آن مقام KPK-ST کیلئے

Peshawar.

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 بر حلف دینے عرضی دعویٰ، جواب دعویٰ، اقبال دعویٰ، جواب الجواب، عذر داری، درخواست زبردفعہ (2) 12
 ض د، درخواست بمراد برآمدگی و سرسبزی مقدمہ، درخواست بمراد منسوخی کاروائی و ڈگری یک طرفہ دائر کرنے جواب، جواب
 الجواب وغیرہ درخواست کاروائی اجراء دائر کرنے و وصولی چیک و رقم اور درخواست از ہر قسم کی تصدیق زراس پر دستخط وغیرہ
 کرنے کا اختیار ہوگا۔ اپیل، اپیل دراپیل، نگرانی، نظر ثانی، رٹ و عذر 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 بجائے تقرر کا اختیار ہوگا۔ اور صاحب
 مقرر شدہ کو بھی جملہ مذکورہ بالا اختیارات حاصل ہونگے اور اس کا ساختہ برداشتہ منظور قبول ہوگا اور دوران مقدمہ میں جو خرچہ دہر
 جانہ التوائے مقدمہ کے سبب سے ہوگا اسکے مستحق وکیل صاحب ہونگے۔ نیز بقایا و خرچہ کی وصولی کا بھی اختیار ہوگا۔ اگر کوئی
 تاریخ پیشی پر وکیل موصوف مقام دورہ پر ہو یا حد سے باہر ہو یا بیمار ہو یا کوئی ضروری کام ہو۔ تو وکیل صاحب پابند نہ ہونگے کہ
 پیروی مقدمہ مذکورہ کریں لہذا کالت نامہ لکھ دیا تاکہ سند رہے۔

المرقوم: 19-02-2018

مقام: KPK-ST

محمد عثمان خان ترلانڈی
 وکیل منظور گاہ
 ایڈووکیٹ پشاور نہائی کورٹ

نوٹ: اس نکات نامہ کو نوکالی تا طبل قبول ہونی۔

Advocate I.D:

Bar Council

Bar Association

Contact #:

Peshawar
0333-9153899

صحت زمان
 وضروریات صحت سائنس بلاگ ڈیسک
 Mob: 0344-9572758
 Nit: 16/01-7585657-5

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR.

Service Appeal No. 234/2018.

Hayat Zaman Ex-Constable No. 2931 District Police Mardan.....Appellant.

VERSUS.

District Police Officer, Mardan & others.....Respondents.

Respectfully Sheweth:

PRELIMINARY OBJECTIONS:-

1. That the appellant has not come to this Honourable Tribunal with clean hands.
2. That the appellant has got no cause of action.
3. That the appellant has concealed material facts from this Honourable Tribunal.
4. That the appellant is estopped by his own conduct, by law to bring the instant appeal.
5. That the present appeal is bad in its present form hence not maintainable and liable to be dismissed.
6. That the appeal is bad due to non-joinder of necessary parties and mis-joinder of unnecessary parties.

REPLY ON FACTS.

1. Correct to the extent of enrolment as constable in the year 2009, however, his service record since his joining Police Service, speaks otherwise i.e filled with a series of red entries including major penalties of dismissal twice. **(Copies of red entries & dismissal orders are attached as Annexure-A & B)**
2. Pertains to record, hence, no comment.
3. Incorrect. Proper departmental inquiry has been conducted through SP Operations Mardan and all codal formalities have been complied with. **(Copy of Inquiry is attached as Annexure-C)**
4. His departmental appeal was rejected by respondent No. 02 after applying legal wisdom and product concentration and in the light of rules/law as well. **(Copy of rejection order is attached as Annexure-D).**
5. Incorrect. The appellant is habitual absentee whose service record is filled with a number of bad entries, including dismissal from service twice in his short service carrier. His service appeal, hence, holds no legal or moral grounds to stand here on in this Honourable Tribunal.

REPLY ON GROUNDS:-

- a. Incorrect. His service carrier, comprising only 08 years, is painted with a bunch of bad entries. He has been dismissed from service twice vide OB No. 530 dated 24.02.2017 and OB No. 2688 dated 20.11.2017 accordingly. Hence, denied.
- b. Incorrect. Proper departmental inquiry through a senior officer of this district was conducted by fulfilling all codal formalities, wherein, the appellant was found guilty of misconduct under rules/law.
- c. Incorrect, hence, denied. As replied above.
- d. Incorrect as the allegations leveled in the charge sheet has been established against him during departmental inquiry, hence, denied.
- e. Incorrect as the charge sheet carries crystal clear allegations and the same has been proved during departmental inquiry.
- f. Incorrect. Proper departmental inquiry conducted in line with rules/law.

- g. Incorrect and baseless, hence, denied. As replied above.
- h. Incorrect and baseless, hence, denied. As replied above.
- i. Incorrect as proper departmental inquiry is conducted by applying relevant rules/law and giving all opportunities of self-defence at all forums of departmental proceedings.
- j. Incorrect. The appellant did not hold spotless service carrier and deserved the impugned penalty under relevant rules/law.
- k. Incorrect. The impugned orders are legal, within jurisdiction and according to norms of equity and natural justice. Hence, constitutional and sustainable.
- l. Incorrect. The appellant's service carrier and his repeated misconducts therein are shining which he can see with his open eyes. Hence, denied.
- m. The respondents also seek permission to raise additional grounds, if any, at the time of arguments.

PRAYER:-

The prayer of the appellant, being baseless & devoid of merits, is liable to be dismissed with costs.



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



**Deputy Inspector General of Police,
Mardan Region-I, Mardan
(Respondent No. 02)**



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

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

Service Appeal No. 234/2018.

Hayat Zaman Ex-Constable No. 2931 District Police Mardan.....Appellant.

VERSUS.

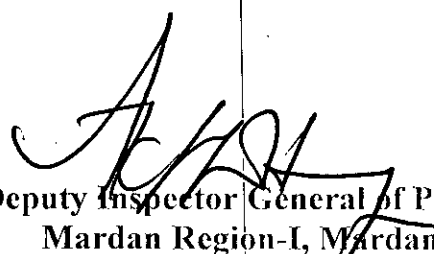
District Police Officer; Mardan & others.....Respondents.

AUTHORITY LETTER.

Mr. Atta-ur-Rahman Sub-Inspector Legal, (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)**



**Deputy Inspector General of Police,
Mardan Region-I, Mardan
(Respondent No. 02)**



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

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

Service Appeal No. 234/2018.

Hayat Zaman Ex-Constable No. 2931 District Police Mardan.....Appellant.

VERSUS.

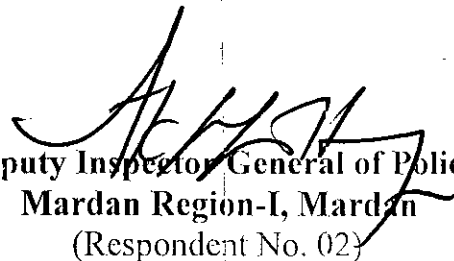
District Police Officer, Mardan & others.....Respondents.

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)**



**Deputy Inspector General of Police,
Mardan Region-I, Mardan
(Respondent No. 02)**



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

15. CENSURES AND PUNISHMENTS.

He is hereby ordered to be dismissed from service with immediate effect in exercise of the powers vested in me under Police Rules 1975

CPN. 26.0
 dt. 20.1.18


 District Police Officer
 Mardan

ORDER

Approved vide D/O, Mardan order
 no. 447/ES, dated 19-1-2018.

DPO, Mardan.



OFFICE OF THE
DISTRICT POLICE OFFICER
MARDAN

Tel: 0937-9230109
Fax: 0937-9230111
Email: dpo_mardan@yahoo.com
Facebook: District Police Mardan
Twitter: @dpomardan

No. 9822-26/PA

Dated 9/1/2017

ORDER ON ENQUIRY OF SI SALEEM KHAN

This order will dispose-off a departmental enquiry under Police Rules 1975, initiated against the subject Police Official, under the allegations that while posted as SHO PS Sheikh Maltoon, (now Police Lines), one Mashal Khan Son of Muhammad Iqbal Khan, a student of Journalism Department Abdul Wali Khan University Mardan was lynched by a Mob of Students on account of unconfirmed charges of blasphemy. On receipt of information, SI Saleem Khan arrived to the University at 1305 hours and remained there till the end of incident. However, during a preliminary enquiry conducted by Worthy Regional Police Officer Mardan in this matter, it was found that he has shown slackness in disposal of his official duty and failed to take concrete steps against the agitating students, resultant the unfortunate mob justice incident took place.

To ascertain real facts, SI Saleem Khan was faced departmentally through Captain F. Ali Bin Tariq SDPO Fakht Bhai vide this office Disciplinary Action No.7743-44/PA dated 08.08.2017, who after fulfilling necessary process, submitted his Finding Report to this office vide his office letter No.2254/ST dated 28.09.2017, holding responsible the alleged official for negligence/misconduct & recommending him for major punishment of dismissal from service.

Final Order

SI Saleem Khan was heard in O.R held at Police Lines on 03.10.2017 & awarded major punishment of reversion to the rank of ASI with immediate effect, in exercise of the power vested in me under P.R. 1975.

O.B No. 22,86

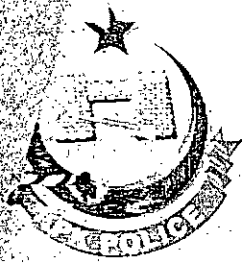
Dated 6/1/2017.

District Police Officer,
Mardan.

Copy forwarded for information & n/action to:-

1. The Deputy Inspector General of Police Mardan Region-I, Mardan, please.
2. The SP Operations Mardan.
3. The DSP/HQs: Mardan.
4. The Pay Officer & E.C (Police Office) Mardan.
5. The OSI (Police Office) Mardan with () Sheets.

ATTACHED



OFFICE OF THE
DISTRICT POLICE OFFICER
MARDAN

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

No. 9901-06/R,
Dated 21-11/2017.

ORDER

This order will dispose-off the departmental inquiry, which has been conducted against **Constable Hayat Zaman No. 2931**, on the allegation that he while posted at Police Station Takht Bhai, Mardan is proceeded against departmentally for the charges of corrupt practice, in-efficiency, close associations with criminals and sharing information regarding the movement of Police Officers with miscreants. 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 Hayat Zaman No. 2931**, was charge sheeted vide this office No. 69/R, dated 12.10.2017 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. 2045/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 Hayat Zaman No. 2931**, 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. 2688

Dated 20/11/2017

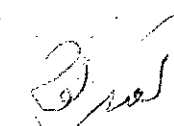

Dr. Mian Saeed Ahmed (PSP)
District Police Officer,
Mardan.

No. 9901-06 dated Mardan the 21-11/2017.

Copy for information and necessary action to the:-

1. Deputy Inspector General of Police, Mardan Region-I, Mardan.
2. S.P Operations, Mardan.
3. DSP/ HQrs, Mardan.
4. Pay Officer (DPO) Mardan.
5. E.C (DPO) Mardan.
6. OSI (DPO) Mardan.

*****!!!*****





OFFICE OF THE
SUPERINTENDENT OF POLICE
OPERATIONS & HEADQUARTERS
MARDAN

Tell: 0937-9230117

Fax: 0937-9230111

E.Mail: Spops1506@gmail.com

No. 2045 /PA,(Ops)

Dated 03/11/2017.

To: The District Police Officer,
Mardan.

Subject: DEPARTMENTAL ENQUIRY CONSTABLE HAYAT ZAMAN
NO. 2931 PP SARI BEHLOL.

Memo:

Kindly refer to your office Memo: No. 69/R/D.A-P.R-1975 dated 12.10.2017 on the subject noted above.

2. In this regard it is submitted that on receipt of enquiry constable Hayat Zaman No. 2931 was called in the office and heard at length. His statement is part of the enquiry file. He was questioned and counter questioned. From enquiry following facts transpired:

While posted in Police post Sari Behlol constable Hayat Zaman on receiving the graft willfully let the accused Hazrat Karim go. Hazrat Karim was wanted in many theft cases and he was under interrogation for the purpose.

3. Keeping in view the above it is clear that constable Hayat Zaman acted with mala-fide intention and is guilty of corruption and misconduct. He may kindly be awarded Major Punishment of "Dismissal from service".

Submitted please.

Superintendent of Police
Operations & Headquarters
Mardan

Dismissal from
Service

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RGE SHEET UNDER KPK POLICE RULES 1975

I, Dr. Mian Saeed Ahmed District Police Officer, Mardan as competent
charge you **Constable Hayat Zaman No. 2931**, as follows.

That you **Constable Hayat Zaman No. 2931**, while posted at Police
Bhai, Mardan is proceeded against departmentally for the charges of corrupt
inefficiency, close associations with criminals and sharing information regarding the
of Police Officers with miscreants. Therefore, you are suspended and closed to Police
Mardan.

This amounts to grave misconduct on your part, warranting departmental
against you, as defined in section - 6 (1) (a) of the KPK Police Rules 1975.

By reason of the above, you appear to be guilty of misconduct under section - 02 (iii) of
the KPK Police Rules-1975 and has rendered yourself liable to all or any of the penalties
as specified in section - 04 (i) a & b of the said Rules.

You are therefore. directed to submit your written defense **within seven days** of the
receipt of this charge sheet to the enquiry officer.

Your written defence if any, should reach to the enquiry officer within the specified
period, failing which, it shall be presumed that you have no defense to put-in and in that
case, an ex-parte action shall follow against you.

Intimate whether you desired to be heard in person.


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

ORDER.

This order will dispose-off the appeal preferred by Ex-Constable Hayat Zaman No. 2931 of Mardan District Police against the order of the District Police Officer, Mardan, whereby he was awarded Major punishment of dismissal from service vide District Police Officer, Mardan OB No. 2688 dated 20.11.2017.

Brief facts of the case are that the appellant while posted at Police Station Takht Bhai, Mardan was proceeded against departmentally for the charges of corrupt practice, in-efficiency, close associations with criminals and sharing information regarding the movement of Police Officers with miscreants. Therefore, he was suspended and closed to Police Lines, Mardan. Consequently he was charge sheeted and also proceeded against departmentally through Mr. Abdur Rauf Babar, SP/Operations/HQrs: Mardan. The Enquiry Officer after fulfilling necessary process, submitted his findings to the District Police Officer, Mardan. The allegations were established against him and recommended him for major punishment of dismissal from service. The District Police Officer, Mardan agreed with the findings of the Enquiry Officer and also heard the alleged Constable in Orderly Room on 17.11.2017 but he could not prove his innocence, therefore the alleged Constable was awarded major punishment of "Dismissal from Service."

He was called in orderly room held in this office on 17.01.2018 and heard him in person, but he did not produce any substantial evidence about his innocence. Besides this the appellant was also dismissed from service earlier on 06.04.2017, due to long absence. Therefore, I find no grounds to intervene the order passed by the then District Police Officer, Mardan. Appeal is rejected.

ORDER ANNOUNCED.

(Muhammad Alam Shinwari)PSP
Regional Police Officer,
Mardan

No. 449 /ES, Dated Mardan the 19-1- 2018.

Copy to District Police Officer, Mardan for information and necessary action w/r to his office Memo: No. 13/LB dated 025.01.2018. The Service Record is returned herewith.

(*****)

975
24-1-18

EC/Insp. Lt. Col. O/S
for 20/Action
DPO, Mardan
22/1/18

Before The Khyber Pakhtunkhwa Service Tribunal Peshawar.

In ref to Service Appeal No. 234/2018.

Hayat zaman Ex-Constable No. 2931.....Versus.....PPO & OTHERS.

Rejoinder on behalf of the appellant to the comments of respondent No.

1, 2 & 3.

RESPECTFULLY SHEWETH:-

REPLY TO THE PRELIMINARY OBJECTION:

- 1) Incorrect. The appellant has come to this honourable Tribunal with quite clean hands.
- 2) Incorrect. The appellant has got good cause of action.
- 3) Incorrect. The appellant has never concealed any slightest/single fact from this honorable court and all the facts have properly been brought in appeal.
- 4) Incorrect. No rule of estoppels is applicable and attracted while filing the instant appeal.
- 5) Incorrect. The appeal is maintainable.
- 6) Incorrect. All the necessary parties have properly been arrayed as respondents therein.

FACTS:-

1. Incorrect. The appellant has served the department with great zeal and zest.
2. As admitted hence no reply, however the service record in credit of the appellant is self explanatory.
3. Incorrect. No proper/regular departmental inquiry has ever been conducted and no such codal formalities have ever been complied with.

4. Incorrect. The departmental appeal was rejected with a single stroke of pen and no chance of personal hearing was bestowed upon the appellant. Hence the impugned order is violative to the law on the subject, natural justice and fundamental rights of the appellant guaranteed by the constitution.
5. Incorrect. The appellant has not been dismissed from service on the allegation of absence nor has absence of the petitioner ever been mentioned either in the original order or final impugned order.

GROUNDS.

- a) Incorrect. The reply to the Para "A" is ambiguous, contrary to the spotless service record of the appellant, hence denied.
- b) Incorrect. Proper/detail reply has been given in Para 3 of the facts above.
- c) Incorrect. Proper/detail reply has been given in Para 3 of the facts above.
- d) Incorrect. Proper/detail reply has been given in Para 3 of the facts above.
- e) Incorrect. Proper/detail reply has been given in Para 3 of the facts above.
- f) Incorrect. Proper/detail reply has been given in Para 3 of the facts above.
- g) Incorrect. Detail reply has been given in Para 3 of the facts above.
- h) Incorrect. Detail reply has been given in Para 3 of the facts above.
- i) Incorrect. Detail reply has been given in Para 3 of the facts above.
- j) Incorrect. The appellant has rendered spotless services as evident from his service career and the impugned order has been passed in hap-hazard manner and his spotless services have been ignored by the department on nepotism.
- k) Incorrect. The impugned order is illegal, unlawful, without lawful authority, without jurisdiction and against the norms of natural justice and equity, hence not sustainable in the eyes of law.

l) Incorrect. The reply to Para "1" is ambiguous and the respondents have departed from the real and legal issue hence their comment are denied.

m) Legal one.

PRAYERS.

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

Signature
APPELLANT

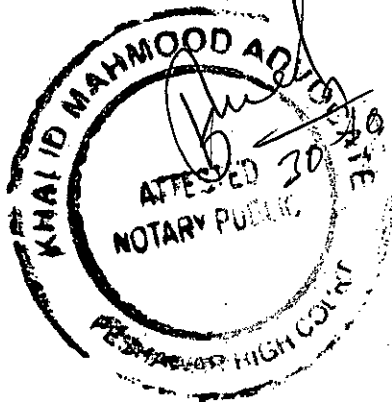
Through;

Signature
Muhammad Usman Khan
Turlandi
Advocate Peshawar.

Dated:- 29/10/2018.

AFFIDAVIT.

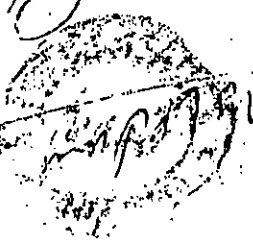
I, Hayat Zaman Ex-Constable No. 2931 Mardan Police , the appellant, do hereby solemnly affirm and declare on oath that the contents of accompanying **Rejoinder** are true and correct to the best of my knowledge and belief and that nothing has been kept secret or concealed therein from this august Tribunal.



Signature
DEPONENT

آٹا ۷ روزہ ۱۰/۱۷ ۱۴

پاکستان کی ۸۵۱ فوٹر ۱۰/۱۷ وقت ۱۸:۳۰ بجے میں جمع ہوئے۔ ان کے بعد
 از پشت عدویہ وقت گزائی ہے و اس میں ۱۴ روزہ کی چون چھ گھنٹہ دورانیہ تھا
 حضرت نے اجماع دی کہ مکتوبان (۱) فطر میں دار فالحرمین، دارالکرامت، دارالاحیاء
 دارالانوار اور گلبرگ اس میں موجودہ (۲) صیب اور دارالکرامت میں رکھنے ہیں (۳)
 قوت (۴) ولد عسرا علی سکتہ حالہ لیل غویبہ میں موجودہ (۵) گلبرگ دار
 شریف سکتہ موجودہ ڈی اے نا اہل موجودہ معلومہ نوالہ مقومہ میں ۱۶
 فوٹر، ۱۰/۱۷ ۲۵/۵۸۰ ۴۵۷/۵۸۰ گمانہ وقت گزائی مقومہ ۱۶۱۵ فوٹر ۱۰/۱۷
 ۳۶۹ گمانہ وقت گزائی مقومہ ۱۶۱۳ فوٹر ۱۰/۱۷ ۳۸۴-A گمانہ وقت گزائی
 قندے ساڑھ میں موجود ہیں جو بلا توقف بازار قندے میں بیچ کر (۱) باغ
 ولد زمان بنی اللہ کو ہم امداد مقیمان مایوم میں آئے جو ہمارے ہرگز کار
 ہرگز قندہ ہا فٹر ملائی ہیں۔ خواہش گمانہ کیا جا رہی ہے۔ ہم نے یہاں کھانا
 ہرگز عدویہ گشت اہل سے

۱۰-۱۱
 نقل ہو کر اہل سے


لکھنؤ 07 روزنامہ 10/14
2017

درجہ 2
رپورٹ تینیس مکرمان
آء

ظاہر بانیہ ASI مورخہ 10/14 وقت 18:30 بجے میں مع

2017

بہریان کے بعد از کسٹ علاقہ کتب بہائی سے واپس آیا۔

حالات کچھ لوگ ہیں۔ کہ دوران کسٹ مقرر نے اطلاع دی کہ مکرمان

1) مظفر خان ولد خالد خان ساکن ناگمان بساؤر 2)

زید اللہ ولد گلپار ساکن میوڑہ 3) حبیب اللہ ولد لعل دین

سکھنہ 4) حفوت کریم ولد عمر اعلیٰ سکھنہ 5) فائز خان خٹو

پیر پور کے 5) گلپار ولد شریف سکھنہ میوڑہ 6) نانہ ولد

میوڑہ مطلوبہ بر 10/16 عدت 16/11 مورخہ 11/8/2017

تھانہ کتب بہائی، مقدمہ نمبر 1610 مورخہ 8/8/2017

نمبر نمبر 1613 مورخہ 10/6/2017

تھانہ کتب بہائی، مقدمہ نمبر 38-A تھانہ کتب بہائی

7) بی بی کبریٰ بازار میں موجود ہیں جو بلا توقف بازار تحصیل

سب سے پہلے رشتہ دار کے بعد لینے مقررہ عام تہنسی

تین ہفتوں کے دوران تھانہ کتب بہائی سے۔ میں مع بہریان کے

دوران بہر سہ علاقہ کسٹ ہوں۔

ابتدائی اطلاع رپورٹ (4)

ابتدائی اطلاع نسبت قابل دست اندازی پولیس رپورٹ شدہ زبردفعہ 152 مجموعہ ضابطہ فوجداری

تاریخ و وقت رپورٹ	5/11/16	ضلع حیدرآباد
تاریخ و وقت وقوعہ	11/11/16	وقت وقوعہ معلوم
تاریخ و وقت رپورٹ	5/11/16	وقت وقوعہ معلوم
نام و سکونت اطلاع دہندہ مستغیث	مرف بابا بولہ سالار درویش سکنہ گوپنڈ گڑھی	حالت وقوعہ 10:45 بجے
شناختی کارڈ نمبر / موبائل نمبر	4345-7331651	16102-8326963-3
تفصیر کیفیت جرم (معہ دفعہ)	حالیہ اگر کچھ لیا گیا ہو۔	457/380
جائے وقوعہ فاصلہ تھانہ سے اور سمت	اڑیش ازبان برہی واقعہ درویش سکنہ گوپنڈ گڑھی	
نام و سکونت ملزم		
شناختی کارڈ نمبر / موبائل نمبر		
کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا ہو تو وجہ بیان کرو		رپورٹ کے بعد ہی سرکاری طور پر
تھانہ سے روانگی کی تاریخ و وقت		بہ سہیل ڈاکن

ابتدائی اطلاع نیچے درج کرو۔ صرف حیدرآباد کے علاقے میں ہی لکھی جائے گی۔

رپورٹ کے وقت سے لے کر اطلاع دہندہ کے پاس پہنچنے تک جو واقعہ درج کیا گیا ہے اسے مندرجہ ذیل کے مطابق لکھا جائے گا۔

1. اطلاع دہندہ کی شناخت اور پتہ
2. اطلاع دہندہ کی شناخت اور پتہ
3. اطلاع دہندہ کی شناخت اور پتہ
4. اطلاع دہندہ کی شناخت اور پتہ
5. اطلاع دہندہ کی شناخت اور پتہ
6. اطلاع دہندہ کی شناخت اور پتہ
7. اطلاع دہندہ کی شناخت اور پتہ
8. اطلاع دہندہ کی شناخت اور پتہ
9. اطلاع دہندہ کی شناخت اور پتہ
10. اطلاع دہندہ کی شناخت اور پتہ

دفعہ 152 کے تحت اطلاع دہندہ نے اطلاع دی ہے کہ اس نے اپنے گھر پر ایک شخص کو قتل کیا ہے۔ اطلاع دہندہ نے اطلاع دی ہے کہ اس نے اپنے گھر پر ایک شخص کو قتل کیا ہے۔ اطلاع دہندہ نے اطلاع دی ہے کہ اس نے اپنے گھر پر ایک شخص کو قتل کیا ہے۔