

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 647/2019

Date of Institution ... 17.05.2019

Date of Decision ... 17.01.2022

Hidayat Ullah LHC No. 881 Operation Staff Karak Police Takht-e-Nusrati.
... (Appellant)

VERSUS

Inspector General of Khyber Pakhtunkhwa Police Peshawar and others.
... (Respondents)

Ashraf Ali Khattak,
Advocate ... For Appellant

Muhammad Adeel Butt,
Additional Advocate General ... For respondents

AHMAD SULTAN TAREEN ... **CHAIRMAN**
ATIQU-UR-REHMAN WAZIR ... **MEMBER (EXECUTIVE)**

JUDGMENT

ATIQU-UR-REHMAN WAZIR MEMBER (E):- This single judgment shall dispose of the instant service appeal as well as his connected Service Appeal bearing No. 1405/2020 titled "Hidayat Ullah Versus Inspector General of Khyber Pakhtunkhwa Police Peshawar and others" as common question of law and facts are involved therein.

02. Brief facts of the case are that the appellant has impugned two adverse orders in his separate service appeals. Vide impugned order dated 26-02-2019, punishment of reduction from higher stage to lower stage in the same time scale of pay for the period of three years has been imposed upon the appellant, which was reduced to two years by the appellate authority, whereas in another case, vide impugned order dated 17-10-2019 the penalty of reversion from the rank of

LHC to the substantive rank of Foot Constable, which was also challenged by the appellant vide his departmental appeal, which was not responded, hence the appellant filed separate service appeals with respect to both the issues with prayers that the impugned orders may be set aside and the appellant may be restored to his old position as before and the order of punishments may be set aside.

03. Learned counsel for the appellant has contended that the allegations leveled against the appellant were never practiced by the appellant and always earned good name for the department; that it is settled principle of natural justice that one should not be condemned unheard but in case of the appellant no inquiry was conducted; that punishment awarded to the appellant of time scale is neither in the list of relevant rules nor in E&D Rules; that the appellant was penalized on the basis of discreet inquiry, which is not supported by any rule or law, that the appellant was not afforded opportunity to be heard in person, hence the appellant was condemned unheard; that nothing has been proved against the appellant and the appellant was penalized on the basis of presumptions.

04. Learned Additional Advocate General for the respondents has contended that on the one hand the appellant had indulged himself in illegal activities, misused his authority for personal gains and was found ill reputed. On the other hand, the appellant was found involved having links with notorious criminal gangs, therefore he was served with showcause notice separately in both cases; that reply of the showcause notices was found un-satisfactory, hence he was awarded with the punishments from time to time but the appellant did not mend his way; that his service record is full of bad entries and he is not willing to abide by law and rule and has always displayed to be a disobedient subordinate.

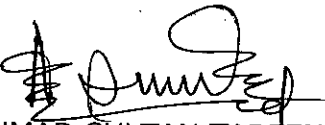
05. We have heard learned counsel for the parties and have perused the record.


06. Record would suggest the appellant was awarded with major punishment of reduction in time scale for a period of three years, but regular inquiry was dispensed with and the penalty was awarded through summary proceedings, which however is illegal, as major punishment cannot be awarded through summary proceedings. It was also noted that such penalty is not available in the list of penalties in Police Rules, 1975; hence, the penalty so awarded is illegal. The second punishment of reversion from rank of LHC to the substantive ranks of Foot Constable was also awarded to the appellant through summary proceedings, which too was illegal as minor penalty can be imposed in case of summary proceeding but in the instant case, major punishment was awarded through summary proceedings, which too is illegal.

07. Keeping in view the position explained above, the instant appeal as well as the connected service appeal are accepted. The impugned order dated 26-02-2019 and 17-10-2019 are set aside. Respondents however are at liberty to proceed the appellant under General Proceedings by providing him appropriate opportunity of defense. Parties are left to bear their own costs. File be consigned to record room.

to record room.

ANNOUNCED
17.01.2022


(AHMAD SULTAN TAREEN)
CHAIRMAN


(ATIQ-UR-REHMAN WAZIR)
MEMBER (E)

ORDER

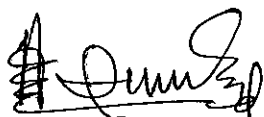
17.01.2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for respondent present. Arguments heard and record perused.

Vide our detailed judgment of today, separately placed on file, the instant appeal as well as the connected service appeal are accepted. The impugned order dated 26-02-2019 and 17-10-2019 are set aside. Respondents however are at liberty to proceed the appellant under General Proceedings by providing him appropriate opportunity of defense. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED

17.01.2022



(AHMAD SULTAN TAREEN)
CHAIRMAN

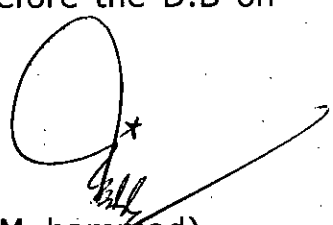


(ATIQ-UR-REHMAN WAZIR)
MEMBER (E)

17.11.2021

Appellant in person present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

The learned Member (Judicial) Mr. Salah-ud-Din is on leave, therefore, arguments could not be heard. Adjourned. To come up for arguments before the D.B on 02.12.2021.



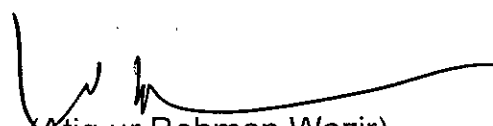
(Mian Muhammad)
Member (E)

02.12.2021


Appellant present through counsel.

Muhammad Adeel Butt, learned Additional Advocate General for respondents present.

Request for adjournment was made on behalf of appellant. Request is accorded. To come up for arguments on 07.12.2021 before D.B.



(Atiq ur Rehman Wazir)
Member (E)

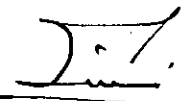


(Rozina Rehman)
Member (J)

07.12.2021

Appellant with counsel present. Mr. Kabirullah Khattak, Addl. AG alongwith Arif Saleem Steno for the respondents present.

Learned AAG seeks time for preparation. Request is accorded. To come up for arguments on 17.01.2022 before the D.B.



(Salah-ud-Din)
Member(J)



Chairman

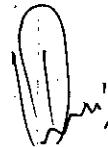
23.02.2021

Nemo for the appellant. Addl. AG for the respondents present.

On the last date the proceedings were adjourned due to COVID, 19 on the strength of reader note. Let the parties be put on notice for next date of hearing. Adjourned to 01.06.2021 for hearing before the D.B.



(Mian Muhammad)
Member(E)



Chairman

01.06.2021

Mr. Ashraf Ali Khattak Advocate, for the appellant present. Mr. Arif Saleem, Steno alongwith Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Learned Additional Advocate General requested for adjournment on the ground that he is not prepared for arguments today. Adjourned. To come up for arguments before the D.B. on 16.08.2021.



(ATIQU-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)



(SALAH-UD-DIN)
MEMBER (JUDICIAL)

16.08.2021

Since 16.08.2021 has been declared as Public holiday on account of Moharram, therefore, case is adjourned to 27.09.2021 for the same as before.



Reader

27.9.21

DB is on Tour case do come up
For the same on Dated 17-11-21

Reader

31.03.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 23.06.2020 before D.B.



Reader

23.06.2020

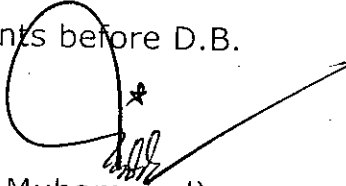
Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 21.09.2020 before D.B.



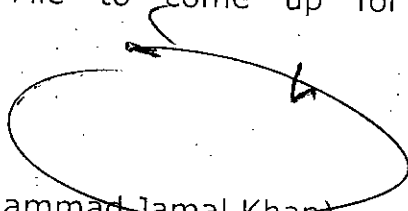
Reader

21.09.2020

Syed Mudasir Pirzada, Advocate for appellant is present. Mr. Riaz Ahmad Paindakheil, Assistant Advocate General for the respondents is present. Learned counsel for appellant requested for adjournment. Adjourned to 02.12.2020. File to come up for arguments before D.B.




(Mian Muhammad)
Member (Executive)



(Muhammad Jamal Khan)
Member (Judicial)

02.12.2020

Due to pandemic of Covid-19, the case is adjourned to 23.02.2021 for the same as before.



Reader

25.10.2019

Appellant in person present. Mr. Zia Ullah learned Deputy District Attorney alongwith Arif Saleem Stenographer for the respondents present.

Representative of the respondents requests for time to furnish requisite reply/comments. Granted. To come up for written reply/comments on 28.11.2019 before S.B.


Chairman

28.11.2019

Nemo for appellant. Addl. AG alongwith Arif Saleem, Stenographer for the respondents present.

Parawise comments of respondents have been furnished, which are made part of the record. The appeal is assigned to D.B for arguments on 30.01.2020. The appellant may furnish rejoinder, within one month, if so desired.


Chairman

30.01.2020

Appellant in person present. Addl: AG alongwith Mr. Arif Saleem, ASI for respondents present. Due to General Strike of the bar on the call of Khyber Pakhtunkhwa Bar Council, the instant case is adjourned. To come up for further proceedings/arguments on 31.03.2020 before D.B.


Member


Member

26.06.2019

Learned counsel for the appellant present. Preliminary arguments heard.

The appellant has filed the present service appeal u/s 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the order dated 26.02.2019 whereby punishment of reduction from higher stage to lower in the same time scale of pay for the period of three years was imposed upon the appellant. The appellant has also assailed the order dated 08.05.2019 whereby the appellate authority modified the original impugned order dated 26.02.2019 to the extent that three year time scale punishment awarded to the appellant was reduced to two years.

Points urged need consideration. The present service appeal is admitted for regular hearing subject to all the legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to the respondents for reply/comments. To come up for written reply/comments on 26.08.2019 before S.B


Member

26.08.2019

Learned counsel for the appellant had submitted in the office an application for extension of time for deposit of security and process fee. The reason noted in the application is to the effect that the appellant was not conversant with the proceedings.

The application is allowed and the period for requisite deposit is extended for three working days from today. The requisite notices to respondents shall be issued after the deposit for submission of written reply/comments on 25.10.2019 before S.B.

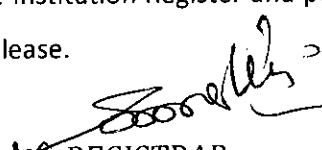

Chairman 

Appellant Deposited
Security Process Fee

26/8/19

Form- A
FORM OF ORDER SHEET

Court of _____
Case No.- 647 /2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	17/05/2019	<p style="text-align: center;">The appeal of Mr. Hidayat Ullah presented today by Syed Mudasir Pirzada 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>
2-	20/05/19.	<p style="text-align: center;">This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>26/06/19</u></p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal 647 2019

Hidayat Ullah LHC No-881 Operation Staff Karak Police Takht-e-Nusrati

(Appellant)

VERSUS

1. INSPECTOR GENERAL OF KPK POLICE PESHAWAR.
2. DEPUTY INSPECTOR GENERAL OF POLICE KOHAT REGION KOHAT
3. DISTRICT POLICE OFFICER KOHAT.

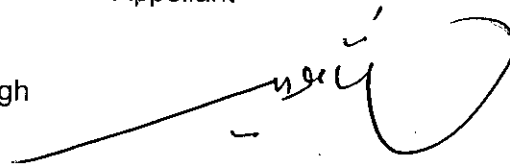
(Respondent)

INDEX

Sr No	Description of Documents	Annexure	Page
1	Memo of Appeal		1-5
2	Affidavit		6
3	Address of the Parties		7
4	Copy of Show Cause Notice & Reply.	A	8-9
5	Copy of impugned Order along with representation and rejection Order dated 10-03-2019 along with transfer order	B	10-15
6	Copy of Appreciation Certificate	C	16-19
7	Copy of FIR 's	D	20-22
	Wakalatnama		


Appellant

Through



Date 17.5.19

Syed Mudasir Pirzada
Advocate HC
0345-9645854

BEFORE THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL PESHAWAR.

Khyber Pakhtukhwa
Service Tribunal

Service Appeal 647 2019

Diary No. 776

Dated 17/5/2019

Hidayat Ullah LHC No-881 Operation Staff Karak Police Takht -e- Nansrahi.

(Appellant)

VERSUS

1. INSPECTOR GENERAL OF KPK POLICE PESHAWAR.
2. DEPUTY INSPECTOR GENERAL OF POLICE KOHAT REGION KOHAT
3. DISTRICT POLICE OFFICER KOHAT.

(Respondent)

APPEAL UNDER SECTION 4 OF KPK SERVICE TRIBUNAL ACT AGAINST THE IMPUGNED ORDER OF DPO KOHAT VIDE DATED 26-02-2019, OB NO:-299 NO 2140-42 IN WHICH WITHOUT ENQUIRING THE ALLEGATIONS DIRECTLY IMPOSED THE PUNISHMENT OF REDUCTION FROM HIGHER STAGE TO LOWER STAGE IN THE SAME TIME SCALE OF PAY FOR THE PERIOD OF 03 YEARS IS IMPOSED WITH IMMEDIATE EFFECT AND APPELLANT PREFERED DEPARTMENTAL REPRESENTATION ON 18-03-2019 IN WHICH THE IMPUGNED ORDER WAS MODIFIED.

Filed to-day

Registrar 17/5/19

Respectfully Sheweth,

With great veneration the instant appeal is preferred by the appellant on the following grounds:-

Facts:

Briefly facts are that the appellant while serving in department since uptill now with the entire satisfaction of the there highup and the appellant was served with the show cause notice on dated 13-02-2019 vide No1615 in which allegations against the appellant was

i:- extra departmental activities ii:-misuse of authority iii:- not paying due attention to his legal obligation /responsibilities iv:-ill -reputed as per source (Copy of Show cause Notice and reply is annexed as annexure A)

That the appellant submitted the reply to the show cause notice but the same was not consider hence the impugned order were issued felling aggrieved from

the impugned order the appellant prefer departmental representation which was rejected and modified .(Copy annexed as annexure B)

That the highup /officers were satisfied with the performance of the appellant and the appellant was awarded a cash rewards (Copy annexed as annexure C)

That by the efforts of the appellant with the collaboration of senior advocate of lachi the deserted accused namely Abid S/o Itibar Gul who was involved in case FIR No:-9 on dated 01-05-2017 U/s 302,324,353,427,148,149,PPC Lachi surrendered himself (Copy of FIR annexed as annexure D)

That by the due attention with legal obligation of the appellant aslo recovered the abductee and arrested the accused involved in case FIR No 918 dated 25.12.2017 U/s 506/365/511/34PPC PS MRS.

That the appellant never ever indulge with any extra departmental activities which could be verify from the service record of the appellant .

That the appellant is very dedicated keen and apprehensive towards his assign duty but this factor has not been appreciated while appellant was blessed with impugned order.

That the appellant feeling aggrieved from the impugned order and submitt the representation on the following grounds:-

Grounds:-

1. That the allegations never practice by the appellant and there is nothing on record which connect the appellant with the allegation.
2. That the appellant always earned the good name for department and potray a excellent image towards the public.
3. That it is the settle principle of justice that no one should be condem un heard but in the case of appellant no enquiry has been conducted to enquire the allegation .
4. That the punishment of retention to time scale awarded to the appellant is neither in the list of relevent rules nor explain in any service rules as well as E&D rules .
5. That again an unjust has been done with the appellant by not giving ample opportunity of cross examination as well as not heard in person nor properly enquired the allegation. Just on the basis of source relying held guilty the appellant without following the prescribed rules relating to enquiry proceedings as per Police Rules 1975 (amended 2014).

6. That nothing has been proved beyond any shadow of doubt that the appellant has committed any mentioned allegation which tarnished the image of Police department.
7. That while awarding the impugned order none from the general public was examined in support of the charges leveled against the appellant. No allegation mentioned above are practiced by the appellant nor proved against any cogent reason against the appellant.
8. That the appellant is honest and dedicated one and leave no stone unturned to discharge his duties.
9. That as per universal declaration of human rights 1948 prohibits the arbitral / discretion.
- 10:- That the DPO Kohat has acted whimsically and arbitrary, which is apparent from the impugned order.
- 11:-That the impugned order is not based on sound reasons and same is not sustainable in the eyes of law. The same is based on wrong assumption of facts.
- 12:-That the impugned order is outcome of surmises and conjecture.

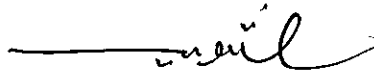
Pray:

In the view of above circumstances it is humbly prayed that the impugned order of DPO Kohat may please be set aside for the end of justice and the appellant may please be graciously restored to the old position as before the order of punishment with all back benefits.

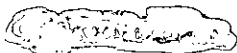
Date: 17/ 5/2019


Appellant

Through


Syed Mudasir Pirzada
Advocate HC
0345-9645854





Certificate :-

Certified that no such like appeal has earlier been filed in this Hon able Service tribunal as per instruction of my client .

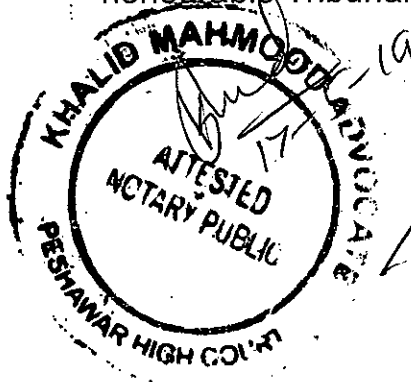
List of Books

- 1:- Constitution of Pakistan 1973
- 2:- Police Rules
- 3:- Case Law according to need.

Service Appeal _____ 2019

AFFIDAVIT

I, Syed Mudasir Pirzada Advocate, as
per instruction of my client do here by
solemnly affirm and declare that all the
contents of accompanying service
appeal are true and correct to the best
of my knowledge and belief and
nothing has been concealed from this
honourable Tribunal



Advocate

BEFORE THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal _____ 2019

Hidayat Ullah LHC No-881 Operation Staff Karak Police *Takht-e-Nasrati*.

(Appellant)

VERSUS

1. INSPECTOR GENERAL OF KPK POLICE PESHAWAR:
2. DEPUTY INSPECTOR GENERAL OF POLICE KOHAT REGION KOHAT
3. DISTRICT POLICE OFFICER KOHAT. (Respondent)

ADDRESS OF THE PARTIES

APPELLANT :-

Hidayat Ullah LHC No-881 Operation Staff Karak Police *Takht-e-Nasrati*

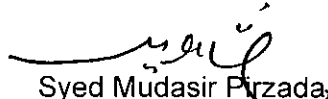
RESPONDENTS

1. INSPECTOR GENERAL OF KPK POLICE PESHAWAR.
2. DEPUTY INSPECTOR GENERAL OF POLICE KOHAT REGION KOHAT
3. DISTRICT POLICE OFFICER KOHAT.

Appellant

Through

Date 17, 5, 19


Syed Mudasir Pirzada
Advocate HC
0345-9645854

Annexure A
P-8/9

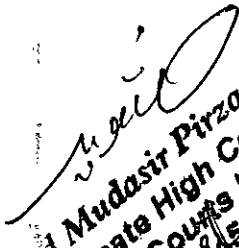
OFFICE OF THE DISTRICT POLICE OFFICER KOHAT

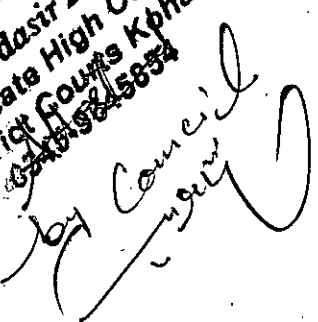
SHOW CAUSE NOTICE

(Under Rule 5(3) KPK Police Rules, 1975)

1. That You LHC Hidayat Ullah No. 881 PS City have rendered yourself liable to be proceeded under Rule 5 (3) of the Khyber Pakhtunkhwa, Police Rules 1975 (Amendment 2014) for following misconduct;
It has been notice through reliable source / secret information that you LHC Hidayat Ullah No. 881, indulged yourself in the following:-
 - i. Extra departmental activities.
 - ii. Mis-use of your authorities for personal gain.
 - iii. Not paying due attention to your legal obligations/responsibilities.
 - iv. Ill-reputed as per source.
2. That by reason of above, as sufficient material is placed before the undersigned, therefore it is decided to proceed against you in general Police proceeding without aid of enquiry officer:
3. That the misconduct on your part is prejudicial to good order of discipline in the Police force.
4. That your retention in the Police force will amount to encourage in efficient and unbecoming of good Police officers.
5. That by taking cognizance of the matter under enquiry, the undersigned as competent authority under the said rules, proposes stern action against you by awarding one or more of the kind punishments as provided in the rules.
6. You are, therefore, called upon to show cause as to why you should not be dealt strictly in accordance with the Khyber Pakhtunkhwa Police Rules, 1975 (Amendment 2014) for the misconduct referred to above.
7. You should submit reply to this show cause notice within 07 days of the receipt of the notice failing which an ex-parte action shall be taken against you.
8. You are further directed to inform the undersigned that you wish to be heard in person or not.
9. Grounds of action are also enclosed with this notice.


DISTRICT POLICE OFFICER,
KOHAT 20/11/20


Advocate Mudasir Pirzada
Advocate High Court
District Courts Kohat
16/15 / PA


Jaj Council

جناب عالی!

مخوالہ شوکا زونوس مجاریہ جناب ڈی پی او صاحب حوالہ نمبر 1615/PA مورخہ 18-02-2019

مستند ہوں کہ جب است میں پولیس میں بھرتی ہوا ہوں میں تاحال نہایت ایمانداری اور خوش اطہاری سے سرانجام دے رہا ہوں اور غفلت یا کوتاہی نہیں کی ہے۔

مدرس عابد ولد امتیاز گل سکول ستاری پاپان لاپتی جو کوالہ بمقدمہ عدالت 09 مورخہ 17-5-20

302/324/353/427/148/149P.P تھانہ لاپتی میں گرفتار ہوا تھا زیر حراست پولیس

مقدمہ عدالت 268 مورخہ 15.08.18 جرم 223/224 تھانہ جرمادرنج رجسٹرڈ ہے جس میں تقریباً 17 پولیس

اینگاروں دستگیر ہوئی۔ مذکورہ منجم کو میں نے مومن شاہ ایڈوکیٹ کی مدد سے حاضر کیا گیا ہے جو کہ ایڈوکیٹ صاحب

شوکا زونوس میں سلسلہ نمبر 1 جز 1 تا 4 میں جو الزامات مجھ پر لگائے گئے ہیں بالکل بے بنیاد ہیں

متفقہ پتہ چینی ن صیبت

میں نے پیش پولیس فورس کے دائرہ اختیار میں رہ کر ڈیوٹی سرانجام دی ہے اپنی ورزشی

اور دیگر امور میں ہر وقت شہادت کا موقع رہا ہے۔ میں انتہائی غریب گھرانے سے تعلق رکھتا ہوں

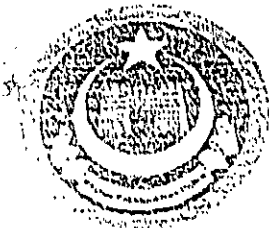
لہذا قصور کیس میں جرم کی بنا پر سزا دی جائے۔

میں نے اپنے جرمات کے خلاف شوکا زونوس مجاریہ جاری ہوائے داخل دفتر فرمایا جاوے

میں نے اپنی سزا کی ہے۔


Syed Mudasir Pirzada
Advocate High Court
District Courts Kohat
0345-9645854

LHC برائیت القامیر 881 متعین تھانہ شی ضلع کوہاٹ



Annexure B
Page: 10-15

ORDER

This order is passed on the departmental enquiry (summary proceedings) against LHC Hidayat Ullah No. 881, under the Khyber Pakhtunkhwa, Police Rules, 1975 (amendment 2014).

Brief facts of the case are that it has been noticed through reliable source / secret information that LHC Hidayat Ullah No. 881, indulged himself in the following:-

- i. Extra departmental activities.
- ii. Miss-use of his authorities for personal gain.
- iii. Not paying due attention to his legal obligations/ responsibilities.
- iv. Ill-reputed as per source.

The defaulter official was served with Show Cause Notice, to which he submitted reply and found un-satisfactory.

The defaulter official was called in O.R on 25.02.2019 and apprised about his misconduct. He was heard in person, but failed to advance any plausible explanation.

I have gone through the record, which transpires that the defaulter official has earned 16 bad entries in his credit, including punishments awarded to him on the charges of getting illegal gratification and mal-practices. Therefore, on the available record and other source, I am satisfied that the charges leveled against the accused official are established beyond any shadow of doubt. Furthermore, he is also held guilty of charge of submitting anonymous complaints.

Therefore, in exercise of power conferred upon me under section 5 (2) of KP Police Rules (amendment 2014)1975, the general proceedings are dispensed with a punishment reduction from higher stage to lower stage in the same time scale of pay for the period of 03 years is imposed on accused official LHC Hidayat Ullah No. 881 with immediate effect.

Announced
25.02.2019

DISTRICT POLICE OFFICER,
KOHAT 26/2

OR No. 299
Date 26-2 /2019

No 2140-42 /PA dated Kohat the 26 2 2019.

Syed Mudasir Pirzada
Advocate High Court
District Courts Kohat
0345-9645854

SUBJECT: APPEAL AGAINST THE IMPUGNED ORDER OF DPO KOHAT
VIDE DATED 26-02-2019, OB NO:-299 NO 2140-42 IN WHICH WITHOUT
ENQUIRING THE ALLEGATIONS DIRECTLY IMPOSED THE PUNISHMENT OF
REDUCTION FROM HIGHER STAGE TO LOWER STAGE IN THE SAME TIME
SCALE OF PAY FOR THE PERIOD OF 03 YEARS IS IMPOSED WITH IMMEDIATE
EFFECT.

Respectfully Sheweth,

With great veneration the instant appeal is preferred by the appellant on the following grounds:-

Facts:

Briefly facts are that the appellant while serving in department since uptill now with the entire satisfaction of the there highup and the appellant was served with the show cause notice on dated 13-02-2019 vide No:615 in which allegations against the appellant was

i- extra departmental activities ii:-misuse of authority iii:- not paying due attention to his legal obligation /responsibilities iv:-ill -reputed as per source

That the appellant submitted the reply to the show cause notice but the same was not consider hence the impugned order were issued.(Copy annexed)

That during the worthy officers were satisfied with the performance of the appellant and the appellant was awarded a cash rewards (Copy annexed)

That by the efforts of the appellant with the collaboration of senior advocate of lachi the deserted accused namely Abid S/o Itibar Gul who was involved in case FIR No:-9 on dated 01-05-2017 U/s 302,324,353,427,148,149,PPC Lachi surrendered himself(Copy of FIR annexed)

That by the due attention with legal obligation of the appellant aslo recovered the abductee and arrested the accused involved in case FIR No 918 dated 25.12.2017 U/s 506/365/511/34PPC PS MRS(Copy annexed)

That the appellant never ever indulge with any extra departmental activities which could be verify from the service record of the appellant .

That the appellant is very dedicated, keen and apprehensive towards his assign duty but this factor has not been appreciated while appellant was blessed with
Impugned order (Copy annexed)

Syed Mudasir Pirzada
Advocate High Court
District Courts Kohat
0345-9645854

That the appellant feeling aggrieved from the impugned order and submit the representation on the following grounds:-

Grounds:-

1. That the allegations never practice by the appellant and there is nothing on record which connect the appellant with the allegation.
2. That the appellant always earned the good name for department and portray a excellent image towards the public.
3. That it is the settle principle of justice that no one should be condem un heard but in the case of appellant no enquiry has been conducted to enquire the allegation .
4. That the punishment of retention to time scale awarded to the appellant is neither in the list of relevent rules.nor explain in any service rules as well as E&D rules .
5. That again an unjust has been done with the appellant 'by not giving ample opportunity of cross examination as well as not heard in person nor properly enquired the allegation. Just on the basis of source relying held guilty the appellant without following the prescribed rules relating to enquiry proceedings as per Police Rules 1975 (amended 2014).
6. That nothing has been proved beyond any shadow of doubt that the appellant has committed any mentioned allegation which tarnished the image of Police department,
7. That while awarding the impugned order none from the general public was examined in support of the charges leveled against the appellant. No allegation mentioned above are practiced by the appellant nor proved against any cogent reason against the appellant.
8. That the appellant is honest and dedicated one and leave no stone unturned to discharge his duties.
9. That as per universal declaration of human rights 1948 prohibits the arbitral discretion.
10. That the DPO Kohat has acted whimsically and arbitrary, which is ~~different~~ order

Mudasin Pirzada
 Mudasin Pirzada
 Advocate High Court
 District Courts Kohat
 0345-9645854

13

11:-That the impugned order is not based on sound reasons and same is not sustainable in the eyes of law. The same is based on wrong assumption of facts.


12:-That the impugned order is outcome of surmises and conjecture.

Pray:

In the view of above circumstances it is humbly prayed that the impugned order of DPO Kohat may please be set aside for the end of justice and the appellant may please be graciously restored to the old position as before the order of punishment with all back benefits.

Date: 18/3/2019

(Appellant)


LHC Hidayat Ullah
No-881

14

POLICE DEPTT:

KOHAT REGION

ORDER.

This order will dispose of a departmental appeal, moved by LHC Hidayat Ullah No. 881 of Operation Staff Kohat against the punishment order, passed by DPO/Kohat vide OB No. 299, dated 26.02.2019 whereby he was awarded punishment of three years time-scale for the allegations of his involvement in extra departmental activities, misusing his authorities and ill-reputation.

He preferred an appeal to the undersigned, upon which comments were obtained from DPO Kohat and his service record perused. He was also heard in person in Orderly Room, held in this office on 08.05.2019. During hearing, the appellant did not advance plausible explanation to prove his innocence.

I have gone through the available record and came to the conclusion that the allegations leveled against the appellant are proved. However, the punishment order passed by DPO Kohat appears to be harsh as compared to allegations. Therefore, three years time-scale punishment awarded to the appellant is hereby reduced to two years.

Order Announced
08.05.2019



[Signature]
(TAYYAB HAFEEZ CHEEMA) PSP
Region Police Officer,
Kohat Region.

No. 4215 /EC, dated Kohat the 10/05 /2019.

Copy for information and necessary action to the District Police Officer, Kohat w/r to his office Memo: No. 6724/LB, dated 04.04.2019. His Service Roll & Fauji Missal / Enquiry File is returned herewith.

Sae
for n/a n/cas

District Police Officer
Kohat

1075

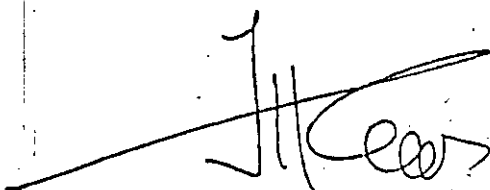
[Signature]
(TAYYAB HAFEEZ CHEEMA) PSP
Region Police Officer,
Kohat Region.

[Signature]
Syed Mudasiy Pirzade
Advocate High Court
District Courts Kohat
0345-9645854

15

ORDER

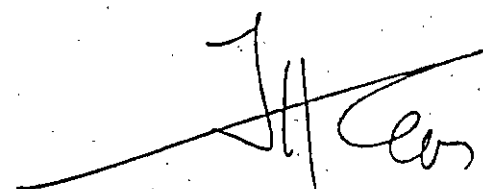
LHC Hidayat Ullah No. 881 of Operation Staff Kohat is hereby transferred / posted to Operation Staff Karak & services are placed at the disposal of SDPO/Takht-e-Nasrati with immediate effect.



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

No. 4222-23 /EC. dated Kohat the 10/05 /2019.

- ✓ Copy for information & necessary action to the:-
1. District Police Officer, Kohat.
 2. District Police Officer, Karak.

Offc / SRe / Po
for mla pleads


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


District Police Officer,
Kohat
10/5



DISTRICT KOHAT POLICE



Commendation Certificate III

is awarded to

LtAC Hidayat Ullah No. 881

In recognition of

Good performance in case FIR NO. 918

dt: 25-12-2017 U/s 506/365/511/34 PPC Ps MR

Cash Reward Rs. 500/-

Mujib
District Police Officer
District Police Officer

Answer
16

DISTRICT KOHAT POLICE



Commendation Certificate III

is awarded to

LHC Hidayat Ullah No.881

In recognition of

For his good performance in case FIR No. 358 dated 18-03-2019

u/s 302 PS City with cash reward of Rs.300/-

O.B. No. 421

Dated 03-04-2019

DPO KOHAT
District Police Officer
Kohat

14

DISTRICT KOHAT POLICE



Commendation Certificate III
is awarded to

1B

LC No. 1114

In recognition of

...

...

O.B No. 1126

Dated

District Police Officer
Kohat

19

POLICE TRAINING COLLEGE HANGU



Commendation Certificate II


is awarded to

Harayanath 881 of Lower course with Cash Rs. 400

in recognition of

his good performance of duty

Dated: 27-08-2012
Order Book No. 714


Commandant
Police Training College Hangu

ہمارے تمام انک ڈراما ڈسٹری بیوٹرز کے ذریعے ہر جگہ ہر جگہ ہر جگہ
 ڈراما ڈسٹری بیوٹرز کے ذریعے ہر جگہ ہر جگہ ہر جگہ
 ڈراما ڈسٹری بیوٹرز کے ذریعے ہر جگہ ہر جگہ ہر جگہ

سہیل ڈسٹری بیوٹرز کے ذریعے ہر جگہ ہر جگہ ہر جگہ
 ڈراما ڈسٹری بیوٹرز کے ذریعے ہر جگہ ہر جگہ ہر جگہ
 ڈراما ڈسٹری بیوٹرز کے ذریعے ہر جگہ ہر جگہ ہر جگہ

03489414852

وقت 25 17 14.00

25 17 12

وقت 25 17 14.30

محمد اللہ خان ولد جگوان کھنہ سہان محل جوڑی

نام و سکونت اطلاع دہندہ و متنبہ
محکم کیفیت جرم (مورد فہم) حال اگر کچھ یا گیا ہو

PPC 506 - 365 - 511 - 34

جائے وقوع نامہ مقدمہ سے ادرسیت

پانی و پے روڈ نزد بازار بوسیل پل پر لے روڈ

نام و سکونت منیم

کارروائی پروفیشن کے مطابق پروفیشنل اور ایگریکچرل ڈپارٹمنٹ کے مطابق (2) عالجی و (3) امان خان ولد لورجیال سہان محل جوڑی

برسنگ مرزا برہم راجا بابا

مخاند سے روانگی کی تاریخ و وقت

ابتدائی اطلاع نیچے درج کرو

540 بوسٹ ٹیل اسد 997 مورل پور جوڑی ذیل پے محرم 1988 میں 90 ماہیاریں
 1007، کانراں علی 820، قند اسد 997، پٹر ٹری لریس گشت ہنگام گریڈ ٹیل
 نیڈن روڈ جوڑی تھا کہ پانی و پے جوڑی ایجنڈہ ہدایت اللہ نے برہم موہن سون اطلاع
 کہ بنام بازار بوسیل میں ایک مردہ ٹرک کے ڈرائیور پرنسپل کان جو حشر کار ماڈل 1988 میں غائب
 ہوا ہے اگر جبہ مردہ ٹیڈرک طرف مال جویشی سے لہڑ جا رہا تھا کہ ڈرائیور پر ہا اور
 نقل ماسٹرنک اور جوڑی کار میں ڈال کر اچھوڑنے لگے کہ ہم لریس نے حتمہ دیر جا لوگ
 اللہ برہم لریس فوراً وضع پر اگر ہدایت اللہ نے لہڑ نے سہان محمد اللہ جان ولد سہان محل
 سہان محل جوڑی، آزاد علی ولد تارہ محل، عالمزیب ولد حکم شاہ، امان خان ولد لورجیال
 جوڑی ہم دو عدد نیڈل 30 پور ہرات 2104، 8216 بہ کاش پانے پیش کیے جس حد اللہ
 سانی ماڈل نمبر 5-313183-8-201-11 جو پائل نمبر 03481975867 لوزن رورٹ کرنا تھا کہ
 فورم 24 12 24 کر ملتان مال جویشی منڈی سے مال جویشی لوڈ کرتے 220000 کراہ پور
 میں جبہ مالک مردہ نظام جان ولد محل لواز سکنہ عاری محل ہسپرٹ جیم دو پیاروں جو
 کڑھے والے تھے ہم لسیا ور کئے پے روانہ ہوئے جو ہما امروز ہومت بنام مالہ بھی لہڑ
 ک لریس سے جوڑی کار نمبر 2159 B ماڈل 1988 رومی سہان مالہ سوار اور پیار مرد
 سے آئے پورک میں روڈ پر پیاری ماڈل ٹولڈا کرتے جو ہما میں سے گاڑی ٹولڈا
 عالمزیب نے فوراً بتوں امان خان کو جو لہڑ کی اور تباہا دیکھ سکاں نے لہڑ ٹیڈر کر
 پھرانے ک ٹوشس سرورنے کی تو امان خان نے پھر پورڈرا سے دفعات کی حاملہ
 ماڈل لہڑ اور لہڑ جوڑی کار میں ڈال کر عالمزیب ڈرائیورنگ سیٹ میں بیٹھ کر جبہ
 سکاں نے لہڑ ٹیڈر کر گاڑی میں ڈال کر روانہ ہوئے کہ اس دوران سہان پیکے ایہ
 اگر جس میں لریس پیاری جوڑی نے ہندرم مالہ سکاں ہم جوڑی کار اسلام کے مالو
 لہڑ ہی ایہ سلف لہڑا کتا کہ اس دوران ایہ سلا جیابا وضع ہوا ہے یہاں ہندوم
 بالاسال کے خلاف ایہ لہڑا کے دفعات کی خاطر پرائی ماسٹرنک لہڑنے اور جوڑی کار میں ڈال

بر خلاف ہر قسم کے لٹاکہ میں سید محمد عویار میں دستخط اردو حیرانگاہان ماروالی
لوہی صاحب نے فیصلہ ہی رپورٹ 20 مارچ 1947ء کو لکھی ہے۔ درج ذیل
ذمہ داریوں اور دستخط اردو لٹاکہ کی جگہ میں تصدیق کرنا ہوں۔ جس میں
اور اعلیٰ درجہ کے اہل کاروں کی طرف سے 20 مارچ 1947ء کو لکھی گئی تھی جس میں
اور اعلیٰ درجہ کے اہل کاروں کی طرف سے 20 مارچ 1947ء کو لکھی گئی تھی جس میں
اور اعلیٰ درجہ کے اہل کاروں کی طرف سے 20 مارچ 1947ء کو لکھی گئی تھی جس میں
اور اعلیٰ درجہ کے اہل کاروں کی طرف سے 20 مارچ 1947ء کو لکھی گئی تھی جس میں
اور اعلیٰ درجہ کے اہل کاروں کی طرف سے 20 مارچ 1947ء کو لکھی گئی تھی جس میں
اور اعلیٰ درجہ کے اہل کاروں کی طرف سے 20 مارچ 1947ء کو لکھی گئی تھی جس میں
اور اعلیٰ درجہ کے اہل کاروں کی طرف سے 20 مارچ 1947ء کو لکھی گئی تھی جس میں

25-12-17
ASMA MARYAM

دستخط

(22)

ابتدائی اطلاع رپورٹ

نمبر 22

کوئٹہ

(ٹائٹل) ابتدائی اطلاع نمبر 22، تاج محل ایسٹ انڈیا پولیس ایڈیشن نمبر 22، 102، جمہوریہ مناسٹریٹ کوئٹہ

نمبر 268

تاریخ و وقت وقوع 15/8/13 بجے

تاریخ و وقت رپورٹ	15/8/13 بجے
نام و سکونت اطلاع دہندہ و منتقل	الیکٹرک عیادت خان SHO
مختصر کیفیت جرم (موزونہ) حال اگر کوئی یا گاہک ہو	No. 223-224
جائے وقوع فاصلہ تھانہ سے اور سمت	احسان ٹریڈنگ کمپنی
نام و سکونت ملزم	
کارروائی اور تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہو تو وجہ بیان کرو۔	لبرائی سیرنگی سراسرہ پیر چیمبر ریاجا تھانہ
تھانہ سے روانگی کی تاریخ و وقت	

بہ سبیل وارنٹ

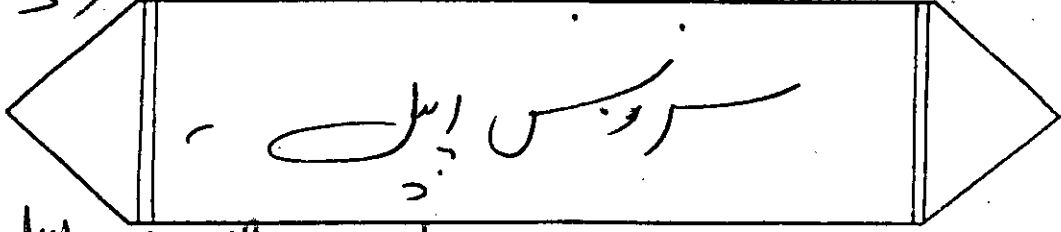
ابتدائی اطلاع آنے پر درج کرو ایک تحریری سراسرہ مخفی نام
 الیکٹرک عیادت خان SHO کی بدست کیس نمٹانے پر 1150 موصول ہو کر ریل کے
 قریب تھانہ جہاں دیوران گتہ اطلاع ملی کہ امروزہ حالانکہ لفزی پولیس سے
 دیوران ڈسٹرکٹ جیل میں ملزمان جمع کرنے ایک ملزم ہکاگ گیا ہے۔ اس اطلاع
 پر میں نے لفزی پولیس سے فوراً جانے موقع آیا۔ موقع پر حالانکہ اجازت
 طارق حمید PAsi موجود یا کر سٹاپ کیا کہ امور میں سے صراط علی Asai
 محمد امین 143، علی زید 394، ضوان 122، سلطان 123،
 عجم 116، اہیاز 303، صلاح الدین 1265، خورشید 1014، یاہ
 بلال 1229، ابرار 1195، عمر نابق 685، آکرام 162، ریاض الدین
 1183، علی بیض 343، صاحب حسین 773، املاز علی شاہ 21 نے حسب عمل
 ڈسٹرکٹ جیل کوٹہ سے ملزمان بہ تعداد 25 لفز ملزمان مختلف جہازم
 میں پیشی کوٹہ، لوئر کوٹہ، لغڑ، پشی جیل سے جمع وارنٹ ملنے
 موصول کر کے لبراز پشی عدالت ہائے ملزمان کو ڈسٹرکٹ جیل کے داخلے
 بذریعہ سہاری گاڑی داخل کر کے جیل میں گاڑی سے اتارے وقت
 ملزم محمد عابد صلہ اعتبار سے کل سہاری یا بیان لائی جو کوالہ مقدمہ
 عدالت 9 وجہ کے 302-321-303، تھانہ لائی نے احاطہ جیل میں
 پٹھری سے ملزم لکال کرنا۔ ہو گیا ہے۔ کافی تلاش احاطہ جیل میں

میں نے اس کے بارے میں سب سے پہلے سنی تھی اور اس کے بارے میں
میں نے اس کے بارے میں سب سے پہلے سنی تھی اور اس کے بارے میں
میں نے اس کے بارے میں سب سے پہلے سنی تھی اور اس کے بارے میں
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میں نے اس کے بارے میں سب سے پہلے سنی تھی اور اس کے بارے میں
میں نے اس کے بارے میں سب سے پہلے سنی تھی اور اس کے بارے میں

Handwritten signature and date: 15/8/58

Handwritten notes and signatures, including a signature that appears to be "Raza Raza" and other illegible text.

بعدالتصادف کے لیے سرکل کی تبدیلی کے بارے میں



2019ء پنجاب ایبلہ بیٹے
بنام IGP - etc

برائے اطلاع

سرکس اپیل

موردہ
مقدمہ
دعویٰ
جرم

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ
 آج مقام پشاور کیلئے سید عدنان پسر زارہ اور ادولہ
 مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز
 وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور
 بصورت ڈگری کرنے اجراء اور صولی چیک و روپیہ ارضی دعویٰ 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 یا اپنے بجائے تقرر کا اختیار
 ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا نسخہ سید عدنان
 پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جائے التوائے مقدمہ کی سبب ہوگا۔
 کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
 مذکور کریں۔ لہذا ادا کالت نامہ لکھ دیا کہ سند ہے۔

ماہ مئی 2019ء

17/5/19

الرقوم

کے لئے منظور ہے۔

بمقام پشاور

P.T. 14

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

Service appeal No. 647/2019
Hidayat Ullah LHC No. 881

.....Appellant

VERSUS

Inspector General of Police,
Khyber Pakhtunkhwa, & others

..... Respondents

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS.

Respectively Sheweth:-

Parawise comments are submitted as under:-

Preliminary Objections:-

- a) That the appellant has got no cause of action.
- b) That the appellant has got no locus standi.
- c) That the appeal is not maintainable in the present form.
- d) That the appellant is estopped to file the instant appeal for his own act and previous in different service record with different kind of punishment.
- e) That the appellant has not come with clean hands to this Honorable Tribunal.

FACTS:-

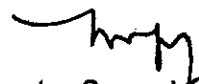
- a. It was ascertained from reliable source that the appellant indulged himself in extra departmental activities, instead of his legal obligations, misused his authorities for his personal gain and found ill-reputed. Therefore, he was served with show cause notice by respondent No. 3 under the relevant provision of Khyber Pakhtunkhwa Police Rules (amended-2014) 1975 and apprised about his conduct. Reply in show cause notice received unsatisfactory, hence the appellant was heard in person by respondent No. 3 and apprised accordingly. The respondent No. 3 having satisfied from the charges leveled against the appellant and proved. Therefore, the proceeding culminated into awarding a punishment of reduction to time scale of pay for the period of 03 years.
- b. The appellant filed departmental appeal before the respondent No. 2 and the impugned order was modified for the period of two years.
- c. Regarding performance of the appellant submitted in facts of the appeal, it is submitted that the appellant has earned about 23 bad entries in his record and awarded different kind of punishment, but did not improve himself. Further added that the appellant has also awarded a punishment of reduction from the rank of LHC to the substantive rank of constable vide respondent No. 3 order dated 17.10.2019. Hence, the appellant is estopped to file the instant appeal for his own act / conduct.


Grounds:-

1. Incorrect, there was sufficient material / information regarding involvement of appellant in extra departmental activities, which are prejudicial to a discipline department.
2. Incorrect, the appellant had earned about 23 bad entries in his credit and awarded different kind of punishment, but he did not improve himself, further the appellant was awarded a punishment of reduction from the rank of LHC to substantive rank of constable. Copy of reduction is **annexure A**.
3. Incorrect, the appellant was heard in person by respondents No. 2 & 3, but the appellant failed to advance any plausible explanation.
4. Incorrect, the punishment was awarded to the appellant in accordance with the rules.
5. There was credible information regarding involvement of appellant in extra departmental activities and found ill-reputed from record, which was sufficient evidence to dispose of the proceedings initiated against the appellant.
6. Incorrect, the charges leveled against the appellant were established by respondent No. 3 beyond any shadow of doubt.
7. Incorrect, the respondent No. 3 being immediate commander of the district was satisfied from the sources that the appellant held guilty for the charges leveled against him.
8. Incorrect, conduct / previous record of the appellant has been submitted.
9. Incorrect, the appellant was proceeded with departmentally in accordance with rules.
10. Incorrect, the respondent No. 3 has conducted proceedings against the appellant in accordance with rules.
11. Incorrect, the orders passed by the respondent No. 2 & 3 are in accordance with law & rules and based on facts / sources verified by the respondent No. 3.

In view of the above, it is submitted that the appeal is devoid of merits and prayed that the appeal may graciously be dismissed.


 Regional Police Officer/DIG,
 Kohat
 (Respondent No. 2)


 Inspector General of Police,
 Khyber Pakhtunkhwa,
 (Respondent No. 1)


 District Police Officer,
 Kohat
 (Respondent No. 3)

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service appeal No. 647/2019
Hidayat Ullah LHC No. 881

.....Appellant

VERSUS

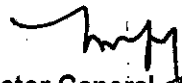
Inspector General of Police,
Khyber Pakhtunkhwa, & others


..... Respondents

COUNTER AFFIDAVIT

We, the below mentioned respondents, do hereby solemnly affirm and declare on oath that contents of reply to restoration application are correct and true to the best of our knowledge and belief. Nothing has been concealed from this Hon: Tribunal.


Regional Police Officer/DIG,
Kohat
(Respondent No. 2)


Inspector General of Police,
Khyber Pakhtunkhwa,
(Respondent No. 1)


District Police Officer,
Kohat
(Respondent No. 3)



OFFICE OF THE
DISTRICT POLICE OFFICER,
KOHAT
Tel: 0922-9260116 Fax 9260125

ORDER

This order will dispose of departmental proceedings initiated against LHC Hidayat Ullah No. 881 (**hereinafter called accused official**) of this district Police, under the Khyber Pakhtunkhwa, Police Rules, 1975 (amendment 2014).

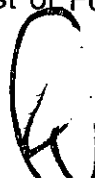
Facts of the proceedings are that it was noticed through reliable source that the accused official had links with a notorious criminal gang known as Tapoo gang Nusrat Khel. The information was confronted through different source and CDR of the accused official, which was pursued and proved. Therefore the accused official was served with Show Cause Notice under the rules Ibid. Reply submitted by the accused official received and found unsatisfactory.

The links / involvement of the accused official was also confronted through secret probe, which transpires that the accused official contacted the gang and asked to pressurize the Police through different source from restricting to Police legal action against them (Gang) further proved that the accused official being member of a disciplined department supported the criminal gang in narcotics dealing for his personal gang and committed gross professional misconduct. Therefore, the accused official is stigma on Police department.

Record gone through, which transpires that the accused official is ill-reputed, awarded different kind of punishments, but he does not mind his way and indulged himself in illegal activities. Further, the charge/allegation leveled against him has been established beyond any shadow of doubt.

Being ill-reputed and previous conduct of the accused official, I, Capt. @ Wahid Mehmood, District Police Officer, Kohat in exercise of powers conferred upon me under the rules Ibid, dispense with general proceedings and a punishment of reversion from the rank of LHC to the substantive rank of Foot Constable is imposed on accused official Hidayat Ullah No. 881 with immediate effect. His seniority be fixed as junior most of Foot Constables of the district Police.

Announced
17.10.2019


DISTRICT POLICE OFFICER,
KOHAT 17/10/19

OB No. 1294
Dated 17-10-2019

No. 33067-71/PA dated Kohat the 17-10-2019.

- Copy of above for necessary action to the:-
1. Reader/Pay officer/SRC/OHC for necessary action.
 2. R.I/L.O.
 3. Accused official





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

Tel: 0922-9260116 Fax 9260125

ORDER

This order is passed on the departmental enquiry against Constable Hidayat Ullah No. 881, under the Khyber Pakhtunkhwa, Police Rules, 1975 (amendment 2014).

Brief facts of the case are that his conduct is mysterious and ill-reputed. It was observed from secret source that he has contacts with criminals / notorious narcotics sellers / peddlers, and support / facilitate them in social crimes.

ii. In the above context, audio recording with contacts and facilitating the criminals has been obtained and saved separately.

iii. He while posted at Police station Shakardara misbehaved with applicant and insulted him inside Police station. In this regard a video was viral on social media which also defamed the image of Police department.

iv. On perusal of his service record he has ill reputation, and is a stigma on Police department wherein he caring a fig for, inspite of many violations of good order and discipline, earned worst name to the entire Police department. He is proved an official in police uniform working against the police.

For the above, serious / professional misconduct of the accused official, charge sheet alongwith statement of allegations was served upon the accused official. DSP HQrs Kohat was appointed as enquiry officer to scrutinize the conduct of accused official. The Enquiry officer vide his report established contact of accused official with criminal gang beyond any shadow of doubt and strongly recommended him for major punishment. The accused official was held guilty of the charges leveled against him.

In view of the above, the accused official was served with **Final Show Cause Notice** to which he did not submit reply as he did not have any defense and relied on his reply to the charge sheet only.

The accused official was heard in person in Orderly Room held along DSP Hqrs at Police Lines and afforded opportunity of defense but he failed to submit any plausible explanation, have gone through the record, which transpires that the defaulter official has earned numerous bad entries in his credit, including punishments awarded to him on the charges of getting illegal gratification and mal-practices/misconduct. Previously, was charged in the above said allegations but he did not mend his way and awarded punishments. Therefore, on the available record and other source, I am satisfied that the charges leveled against the accused official are established beyond any shadow of doubt. Therefore, his retention in a disciplined department ~~will~~ shall cause damage to the image of entire department.

Therefore, in exercise of powers conferred upon me under the ibid rules I, Capt. @ Wahid Mehmood, District Police Officer, Kohat impose a major punishment of **dismissal** from service on absent-accused constable Hidayat Ullan No. 881 with immediate effect who is absent vide DD.No.40 dated 27/10/19. Kit etc issued be collected.

Announced
01.11.2019


DISTRICT POLICE OFFICER,
KOHAT

OB No. 1392
Dated 04.11.2019

No. 39089-93 /PA dated Kohat the 04.11.2019.

Copy of above is submitted for favour of information to the:-

1. Regional Police Officer, Kohat please
2. ASP Saddar Kohat is hereby directed to proceed as per law against the defaulter constable through SHO Jarma
3. Reader/Pay officer/SRC/OHC for necessary action.
4. R.I/L.O for clearance report


DISTRICT POLICE OFFICER,
KOHAT

۱۱/۱۹

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کیو آر ٹی



**KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

No. 1108 /ST

Dated: 23/5 /2022

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281
Fax:- 091-9213262

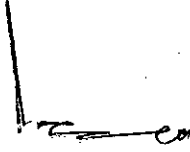
To

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

Subject: JUDGMENT IN APPEAL NO. 647/2019, MR. HIDAYAT ULLAH & 1 OTHER.

I am directed to forward herewith a certified copy of Judgement dated 17.01.2022 passed by this Tribunal on the above subject for compliance please.

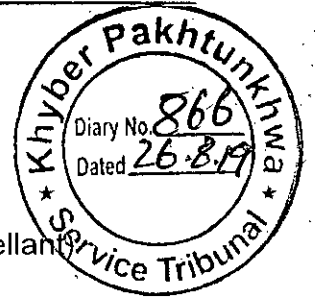
Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal 647 / 2019.

Hidayat Ullah LHC No: 881 Operation staff karak Police.



(Appellant)

Put up to the court with relevant appeal.

Versus

- 1: Inspector General of Police, KPK Police.
- 2: Deputy Inspector General of Police, Kohat Region Kohat.
- 3: District Police Officer Kohat.

26/8/19

(Respondents)

APPLICATION FOR ALLOWING PERMISSION FOR SUBMISSION/DEPOSITING SECURITY AMOUNT.

Respectfully Sheweth,


Appellant state as under

- 1- That the instant service appeal is pending at judicator before the honorable tribunal.
- 2- That the instant service appeal of the appellant is admitted on dated: ~~18-8-19~~ ²⁶⁻⁶⁻²⁰¹⁹ And next date is fixed ~~26-8-19~~ ²⁶⁻⁸⁻²⁰¹⁹
- 3- That the appellant was not well conversant with the tribunal proceedings hence was unable to deposit the security amount with in specific time.
- 4- That non submission of security amount is not deliberate and the appellant intents to deposit the same with the permission of honorable tribunal by today.

Therefore It is humbly prayed that the appellant may graciously be allowed for depositing the security amount.

Appellant

Through


Syed Mudassir Pirzada Advocate