

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**  
**PESHAWAR**

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 3983

Dated 1/3/2023

SERVICE APPEAL No. 1082/2022

ZAHIR ULLAH KHAN..... (Appellant)

**VERSUS**

Provincial Police Officer/ IG Khyber Pakhtunkhwa & Others  
.....(Respondents)

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Respondents

Through



**Abdul Khaliq**

Focal Person for

DPO Mohmand.

Cell: 0345-9426323

CNIC: 17301-1965811-9

Dated: \_\_\_/\_\_\_/2023

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

SERVICE APPEAL No. 1082/2022

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**VERSUS**

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**PARAWISE REPLY BY RESPONDENTS NO 1,2 & 3**

RESPECTFULLY SHEWETH:

**Preliminary Objections:**

1. That the instant service appeal is not maintainable under the law.
2. That the service appeal is not based on facts.
3. That the appellant has got no cause of action.
4. That the appellant has concealed the real fact from the honorable service tribunal.
5. That the appellant is estopped to file the petition by his own conduct.

**FACTS:**

1. Pertains to the record , need no Comments.
2. Correct to the extent of training mentioned in the service appeal, but the appellant was dismissed from service for not attending another basic training prior to the mentioned training in the service appeal of the appellant and also due long absence from lawful duties.
3. Correct to the extent of training mentioned in the service appeal, while remaining par is incorrect, the dismissal order of the appellant dated 21-12-2021 of Respondent No.3 was issued after conducting proper inquiry. it is pertinent to mention that the appellant along with other police constable were nominated for another basic training (prior to the mentioned training) and was time and again directed via wireless control room to report at training center but gave deaf ear to the order and failed to report at training center, therefore they were suspended and their salary was also stopped vide order dated 18.06.2021. To scrutinize the conduct of the appellant, charge sheet together with statement of allegation was issued to the appellant and inquiry was entrusted to Mr. Ayaz Khan DSP Baizai Circle vide this office order No. 1088-1091/PA dated 24.06.2021. The inquiry officer recommended the appellant for major punishment vide his report No. 289/SDPO (UM) dated 22.11.2021 ( **Annexure A**).

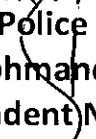
4. Incorrect, the inquiry officer in his report stated that the appellant have not been reported till date after absorption in KP Police. Therefore the appellant was dismissed from service.
5. Incorrect, both the orders were convincing, based on cogent reasons and in accordance with rules/Policy of Government and the Departmental Appeal being unsatisfactory, hence rejected. Appellant has got no cause of action, therefore, the instant appeal may kindly be dismissed on the following grounds.

**REPLY ON GROUNDS:**

- A.** Incorrect, both the orders of Respondents No. 2 & 3 were convincing, based on cogent reasons and in accordance with rules/Policy of Government and the Departmental Appeal being unsatisfactory, hence rejected.
- B.** Correct to the extent of presence of the appellant in the training dated 29-11-2021 to 28-02-2022, while the remaining para is incorrect, because the appellant was dismissed from service after proper inquiry, for not attending another basic training prior to the training mentioned in service appeal and also due long absence from lawful duties, therefore both the orders of Respondents No. 2 & 3 were convincing, based on cogent reasons and in accordance with rules/Policy of Government and the Departmental Appeal being unsatisfactory, hence rejected.
- C.** Incorrect, the inquiry officer after fulfilling all legal and codal formalities conducted the inquiry, wherein it reveals that the appellant was absent for long time and also for not attending another basic training prior to the training mentioned in the service appeal. Both the orders of Respondents No. 2 & 3 were convincing, based on cogent reasons and in accordance with rules/Policy of Government
- D.** Incorrect, according to the report of inquiry officer, the appellant was summoned but he did not appear before the undersigned.
- E.** Incorrect, charge sheet together with statement of allegation was issued to the appellant and proper inquiry was conducted against the appellant.
- F.** Incorrect, already explained in preceding paras.
- G.** Incorrect, already explained in preceding paras.
- H.** Incorrect, already explained in preceding paras.
- I.** Incorrect, already explained in preceding paras.
- J.** Incorrect, both the orders of Respondents No. 2 & 3 were convincing, based on cogent reasons and in accordance with rules/Policy of Government and the Departmental Appeal being unsatisfactory, hence rejected.
- K.** Respondent may kindly be allowed to add any other grounds at the time of hearing.

**PRAYERS:**

Both the orders of Respondent No. 2 dated 13-06-2022 and Respondent No. 3 dated 21-12-2021 were convincing, based on cogent reasons and in accordance with rules/Policy of Government and the Departmental Appeal being unsatisfactory, hence rejected. Keeping in view the above stated facts it is humbly prayed that the appeal being not maintainable, barred by law/ limitation may kindly be dismissed with costs, please.

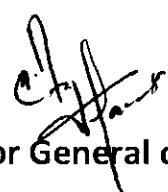


District Police Officer,  
Mohmand  
(Respondent No. 3)

District Police Officer,  
Mohmand



Regional Police Officer,  
Mardan, Khyber Pakhtunkhwa,  
(Respondent No. 2)



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

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**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL, PESHAWAR**

SERVICE APPEAL No. 1082/2022

ZAHIR ULLAH KHAN..... (Appellant)

**VERSUS**


Provincial Police Officer/ IG Khyber Pakhtunkhwa & Others  
.....(Respondents)

**AFFIDAVIT**

I, **Abdul Khaliq** Focal Person for, District Police Officer, Mohmand do hereby solemnly affirm on oath that the contents of accompanying comments on behalf of Respondents No. 1, 2, & 3 are correct to the best of my knowledge and belief Nothing has been concealed from this Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar.



**DEPONENT**

  
**ABDUL KHALIQ**  
Focal Person for,  
DPO, Mohmand  
CNIC: 21407-1965811-9  
CELL: 0345-9426323

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OFFICE OF THE DISTRICT POLICE OFFICER,  
MOHMAND TRIBAL DISTRICT AT HQ GHALLANAI

Email: dpo mohmand@gmail.com  
Ph: 0924-290179 Fax: 0924-290056

No. 211 /DPO/M  
Dated:- 24/03/2021

AUTHORITY LETTER

I do hereby authorized Mr. Abdul Khaliq No.1154 (Focal Person for District Police Officer Mohmand), to submit legal documents, comments and affidavit on my behalf before the Honorable Service Tribunal, Peshawar.

(SALAH UD DIN KUNDLI)  
DISTRICT POLICE OFFICER  
MOHMAND TRIBAL DISTRICT

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**MOHMAND TRIBAL DISTRICT AT HQ GHALLANAI**

Email: [dpotomohmand@gmail.com](mailto:dpotomohmand@gmail.com)

Phone No: 0924-290179

Fax: 0924-290056

**ORDER:**

The following police official were detailed for recruit training held at various centre and directed to report there on date but they did not report for training thus disobey the order of their seniors therefore they are placed under suspension with immediate effect:

S No	Name	F.Name	Belt No.
1.	ZIA-UR-REHMAN	MISRI KHAN	3229
2.	MOHSIN ALI	SAEED KHAN	3246
3.	NABAT KHAN	AMROZ KHAN	3310
4.	IHSAN ULLAH	AZIZ UR REHMAN	3161
✓5.	ABUBAKAR	NOOR SAID Present in Bahai Dug	3394
6.	NOOR ULLAH	GULAB DIN	3444
7.	FAROOQ KHAN	FAZAL RAHEEM	3449
8.	ATIF KHAN	AZIZ-UL-QADUR	3523
9.	WAQAR AHMAD	SADAQAT KHAN	3602
10.	ISRAR ALI	ABDULLAH KHAN	1731
11.	FAZLE MUHAMMAD	ALAM GUL	1737
12.	ABID ULLAH	RASOOL KHAN	1748
13.	IMRAN KHAN	LAL POR	1750
14.	HAMZAL KHAN	NOOR SALAM KHAN	1754
15.	MUHAMMAD ULLAH	TOORAK	1756
16.	IHSAN ULLAH	JALANDAR SHAH	1573
17.	ZAHOOR AHMAD	MUNIR AHMAD	2389
18.	ARSHAD	ASAL KAHN	2395
19.	FAZALI REHMAN	MUHAMMAD ZAMAN	2896
20.	GUL ROZ KHAN	RAHIM DAD	2409
21.	RAHMAT HUSSAIN	QASIM KHAN	2533
22.	RAHMAT SAID	UMAR SAID	2536
23.	SHAH FAHAD	MARGHA	2548
24.	Sahib Zada	Sarkari Khan	2554
25.	Nisar Ahmad	Irat Khan	2558
26.	Muhammad Umer Khan	Irfanullah	2621
27.	Farmanullah	Liaqat Khan	2630
28.	RAMDAD KHAN	ALAM JAN	2636
29.	Noor Khan	Gul Nazir	2656
30.	Bashir Muhammad	Sharif Khan	2657
31.	SARTAJ KHAN	MALIK DOST MUHAMMD	2668
32.	KHAIR MUHAMMAD	SHER BAHADER	2672
33.	GUL DARAZ	WASAL KHAN	2678
34.	M.ISMAIL	AKBAR KHAN	1941
35.	SABAT KHAN	HAJI KACHKOOL	2883
36.	HAZRAT NABI	ISSA KHAN	2884
37.	FAZAL KHALIQ	ABDUL KHALIQ	2886

In Trc  
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38.	SAEH REHMAN	DAWA JAN	2887
39.	SAID MOHD	ZARGAR KHAN	2890
40.	QADIR KHAN	MAZULLAH	2891
41.	ABDUL REHMAN	KACHKOOL	2892
42.	WAHEED	SALIM	2893
43.	INAYAT WALI SHAH	SAZ KHAN	2895
44.	ZIA-UD DIN	SHEHZAD GUL	2897
45.	ZAWAJAT KHAN	ASAD KHAN	2904
46.	MAAZ KHAN	NAMROZ KHAN	2905
47.	SAMIULLAH	JABAR SHAH	2906
48.	MUBARAK SHAH	WAZIR MOHAMMAD	2908
49.	MURAD KHAN	SALIM KHAN	2910
50.	BASHIR KHAN	SALIM KHAN	2911
51.	SAEED MOHAMMAD	MEHMOOD KHAN	2913
52.	AHMAD ALI	KACHKOOL	2914
53.	WISAL KHAN	UMAR DIN	2916
54.	IMTIAZ KHAN	AJANI KHAN	2917
55.	MUSA KHAN	AJANI KHAN	2918
56.	LUQMAN KHAN	HASSAN KHAN	2919
57.	LIAQAT KHAN	AJMAL	2920
58.	AFTAB	IKHTIAR KHAN	2921
59.	HAMZAR	NAUSHAD	2922
60.	UZAIR	SAID HASSAN	2924
61.	BILAL AHMAD	SHAH NAWAZ KHAN	2925
62.	WARIS KHAN	RAHAM DAD	2926
63.	AMJAD KHAN	DARWISH	2928
64.	SABEL	TILA MOHAMMAD	2929
65.	IRFAN KHAN	DARWESH KHAN	2930
66.	EMAL KHAN	WAZIR MOHAMMAD	2939
67.	FAWAD KHAN	INYAT-UR-REHMAN	2942
68.	MOHAMMAD SALIM	UMAR KHITAB	2948
69.	SIRAJ	SHER MOHAMMAD	2958
70.	ABDUL AKBAR	USMAN KHAN	2959
71.	JAWAD AHMAD	PATI SHAH	2962
72.	TEHSEEN ULLAH	JAVED	2964
73.	SARTAJ KHAN	TAZA KHAN	2965
74.	MOHAMMAD NAZIR	ISRAR ALI	2966
75.	BAHADAR KHAN	NAZIR KHAN	2967
76.	ZAHIR ULLAH	RAZAMIN	2969
77.	SULTAN SHAH	JAMAWAR KHAN	2970
78.	MEER NAWAZ	IQBAL SHAH	2999
79.	HAKIM KHAN	SADULLAH	3000
80.	IHSAN ULLAH	IHSAN ULLAH	3003
81.	IKRAM ULLAH	TAJ MUHAMMAD	3047
82.	RIWAYAT ULLAH	NIJAZ MUHAMMAD	3051
83.	YAR MUHAMMAD	AMAN ULLAH	3053
84.	IHSAN ULLAH	MUHAMMAD NAZIR	3059

Order by: 05/11

17/6/21



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86.	UMER ZADA ✓ above 55	DAWAR KHAN	3084
87.	JAN MUHAMMAD	MADAR SHER	3102
88.	SIAD ALI KHAN	ZARYAZKHAN	3104
89.	KAUSAR ALAM ✓ above 55	MUHAMMAD NASEER	3105
90.	NOOR SAL ✓ above 55	UMER SAID	3109

osi(m)

Their departmental proceeding will be initiated separately.

OB No. \_\_\_\_\_  
 Dated: 13/06/2021  
 No. \_\_\_\_\_ OSI.  
 Dated: 18/06/2021

*[Signature]*  
 District Police Officer  
 Mohmand Tribal District

- Copy to:
- All SDPOs/DSPs for Information
  - SHOs/PA/Reader
  - All Concerned

PA/PO/OSI  
 1) Place under suspension  
 2) Stop their salary  
 3) Charge sheet all *[Signature]*

Sohant Khan  
Sohant Khan  
Sohant Khan

576-P/2013  
5516-K

CHARGE SHEET

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1). I, Salah-Ud-Din, District Police Officer, Mohmand Tribal District, as Competent Authority, hereby charge you Zahirullah as follows:-

I) That you were time and again directed via wireless control room to report at respective center for training. But you gave deaf ear to the order and failed to report at training center. This shows your inefficiency and lack of interest in discharge of official duty.

II) Being a member of discipline force, this act shows gross misconduct on your part.

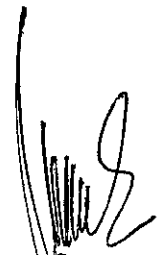
By reason of the above, you appear to be guilty of misconduct under Police Disciplinary Rules 1975 with amendments 2014 and have rendered yourself liable to all or any of the penalties specified in the Rules:-

2) You are, therefore required to submit your written defense within 05 days of the receipt of this Charge Sheet to the Enquiry Officer as the case may be.

3) Your written defense, if any, should reach 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, ex-parte action will be taken against you.

4) You are also at liberty, if you wish to be heard in person.

5) Statement of allegation is enclosed.



**District Police Officer,  
Mohmand Tribal District**

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**SUMMARY OF ALLEGATION.**

1). I, Salah-Ud -Din, District Police Officer, Mohmand Tribal District, am of the opinion that Zahir Ullah No 2967 while posted at Police Line of the district has rendered himself liable to be proceeded against, as he committed the following acts/omissions within the meaning of Police Disciplinary Rules, 1975 read with Amendments 2014.

**STATEMENT OF ALLEGATIONS.**

I) That he was time and again directed via wireless control room to report at respective center for training. But he gave deaf ear to the order and failed to report at training center. This shows his inefficiency and lack of interest in discharge of official duty.

II) Being a member of discipline force this act shows gross misconduct on his part.

2). For the purpose of scrutinizing the conduct of the said accused with reference to the above allegations, Sdpo Baizal Mr Ayaz Ishaq is appointed as Enquiry Officer, to conduct enquiry under the Rules.

3). The Enquiry Officer shall, in accordance with the provision of the Police Disciplinary Rules, 1975 read with Amendments 2014 provide reasonable opportunity of hearing to the accused, record its findings and make within **05** days of the receipt of this order recommendation as to punishment or other appropriate action against the accused.

**District Police Officer,  
Mohmand Tribal District**

No. 1088-1099 /PA

Dated Mohmand the: 24/06/2021

Cc:

- The Regional Police Officer, Mardan for favor of information.
- The Sdpo Baizal Mr Ayaz Ishaq is requested to initiate departmental proceedings against the accused under the Police Disciplinary Rules, 1975 read with Amendments 2014.
- Zahir Ullah to appear before the Enquiry Officer on the date, time & Place fixed by the Enquiry Officer for the purpose of enquiry proceedings.

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TO

District police officer

Mohmand Tribal District

Subject: INQUIRY

Memorandum:

Reference your office letter No.Nill Dated 24-06-2021, regarding inquiry against the following police constables.

1, Abdul akbar Belt.No 2958, (2) jawad ahmad Belt No. 2959,(3) sartaj khan Belt No. 2964,(4) Muhammad Nazir Belt No.2965,(5) Bahadar Khan Belt No.2966, (6) Zaheer Ullah Belt No 2967, (7) Sultan Shah Belt No.2969, (8) Mir Nawaz Belt No. 2970, (9) Ihsan Ullah Belt No .3000, (10) Rawayat khan Belt No, 3047, (11) Hakim Khan Belt No .2999.

The Above police constables were summoned . They have not been appeared before the undersigned .This office have no record no contact No of the above personels .They may be informed through media to report to their respective stations otherwise strict disciplinary action may be intiated against them. It is to be noted that the above constables have not been reported till date after absorption in kpk police .

Submitted for your kind consideration please.

NO 298 SDPO(U/M)

W.A.P.2  
SDPO(U/M)

Dated 22 /11/2021

Order  
29/11/2021

The above mentioned Constables from S.NO I to S.NO 11 are hereby disomised from service due to long absance from law ful duties as after taking disciplinary action recommended by E.O.

W.A.P.2  
DPO/Mohmand  
29/11/2021