

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Mary No. 3982

Dated 1/3/2023

SERVICE APPEAL No. 1085/2022

Sultan Shah..... (Appellant)

VERSUS

Inspector General of Police KPK & 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. 1085/2022

Sultan Shah..... (Appellant)

VERSUS

Inspector General of Police KPK & others.....(Respondents)

PARAWISE REPLY BY RESPONDENTS NO 1,2,3 & 4

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. Pertains to the record , need no Comments.
3. Pertains to the record , need no Comments.
4. 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.
5. Correct to the extent of training mentioned in the service appeal, it is pertinent to mention the appellant was 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, the appellant was suspended from service and his salary was also stopped vide order dated 18.06.2021 (Annexure A). 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 (Annexure B). 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 not attending another basic training prior to the mentioned training in the service appeal,

therefore the inquiry officer recommended the appellant for major punishment vide his report No. 289/SDPO (UM) dated 22.11.2021 (Annexure C). Both the orders of Respondents No. 2 & 3 were convincing, based on cogent reasons and in accordance with rules/Policy of Government.

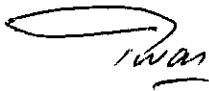
6. Correct to the extent of presence of the appellant in the training dated 29-11-2021 to 28-02-2022, while the remaining para is incorrect, because the appellant was dismissed from service after proper inquiry, for not attending another basic training prior to the mentioned in service appeal and also 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.
7. 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, the appellant was dismissed from service according to rule/policy, after conducting proper inquiry against him, for not attending another basic training prior to the mentioned one in the service appeal of the appellant and also due long absence from lawful duties.
- B) Incorrect, the appellant was dismissed from service after proper inquiry, for not attending another basic training prior to the mentioned one in the service appeal of the appellant and also due long absence from lawful duties.
- C) Already explained in Para 5.
- D) Incorrect, already explained in preceding paras.
- E) Incorrect, the answering respondents never deprived the appellant from vested rights, the appellant was dismissed from service after proper inquiry.
- F) Respondent may kindly be allowed to add any other grounds at the time of hearing.

PRAYERS:

Both the orders dated 21-12-2021 of Respondent No. 2 and order dated 29-04-2022 Respondent No. 3 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.




OSI,
District Police Officer
Mohmand
(Respondent No. 4)



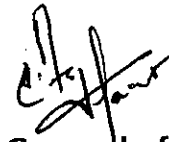
District Police Officer,
Mohmand
(Respondent No. 2)



District Police Officer
Mohmand



Regional Police Officer,
Mardan, Khyber Pakhtunkhwa,
(Respondent No. 3)



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

(4)

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

SERVICE APPEAL No. 1085/2022

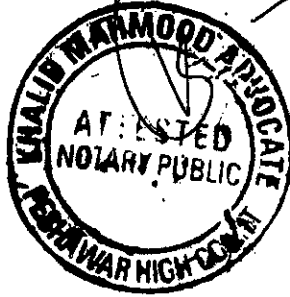
Sultan Shah..... (Appellant)

VERSUS

Inspector General of Police KPK & 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 & 4 are correct to the best of my knowledge and belief. Nothing has been concealed from this Honorable Khyber Pakhtunkwa Service Tribunal Peshawar.



DEPONENT

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

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②



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

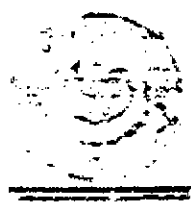
AUTHORITY LETTER

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 GHALLANAJ

Email: qponohmand@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 Dg | 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 | 3502 |
| 10. | ISRAR ALI | ABDULLAH KHAN | 1751 |
| 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 |

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In Tm 21m

Qin asif

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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 | SADIM | 2893 |
| 43. | INAYAT WALI SHAH | SAZ KHAN | 2895 |
| 44. | ZIA-UD DIN | SHEHZAD GUL | 2897 |
| 45. | ZAWAYAT 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 | INAYAT-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 | 3054 |

Order by 05

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

os(2)

Their departmental proceeding will be initiated separately.

OB No. _____/

Dated: 13/06/2021

No. _____ OSI.

Dated. 18/06/2021

District Police Officer
Mohmand Tribal District

Copy to:

- o All SDPOs/DSPs for Information
- o SHOs/PA/Reader
- o All Concerned

PA/PO/OSI

- 1) Place under suspension
- 2) Stop their salary
- 3) Change sheet all

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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 initiated 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)

[Signature]
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 dismissed from service due to long absence from lawful duties as after taking disciplinary action recommended by E.O.

[Signature]
DPO/Mohmand
29/11/2021