

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR
AT CAMP COURT SWAT.

Service Appeal No. 1720/2019

Date of Institution ... 16.03.2020

Date of Decision ... 05.10.2021

Nadeem Iqbal Data Processing Supervisor at Police Training School, District Swat.
... (Appellant)

VERSUS

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

MR. SHABIR AHMAD KHAN
Advocate

... For Appellant

MR. ASIF MASOOD ALI SHAH,
Deputy District Attorney

... For Respondents

ROZINA REHMAN ...
ATIQU-UR-REHMAN WAZIR ...

MEMBER (JUDICIAL)
MEMBER (EXECUTIVE)

JUDGMENT

ATIQU-UR-REHMAN WAZIR MEMBER (E):- Brief facts of the case are that the appellant while serving as data processing supervisor at district swat was dismissed from service on 09-01-2018, against which the appellant filed service appeal No 569/2018, which was decided vide judgment dated 10-01-2019 with directions to the respondents to conduct de-novo inquiry. In pursuance of the judgment, de-novo proceedings were conducted against the appellant and as a result of de-novo proceedings, major penalty of dismissal from service was converted into minor penalty of stoppage of two increments with cumulative effect vide order dated 17-10-2019, against which the appellant filed departmental appeal, which was not

responded, hence the instant service appeal with prayers that the impugned order dated 17-10-2019 may be set aside and annual increments of the appellant may be restored with all back benefits as well as release of his salary.

02. Learned counsel for the appellant has contended that the respondents did not complete the de-novo inquiry as per directions of the Honorable Service Tribunal within the stipulated timeframe of 90 days, hence the impugned order is void; that according to the findings of the inquiry report, the allegations so leveled against the appellant have not been proved; that the appellant has not been treated in accordance with law and rule and the impugned order has been passed in flagrant violation of law and rule tainted with mala fide and is therefore not sustainable in the eye of law; that the allegations leveled against the appellant are baseless, frivolous and have not been proved which is crystal clear from the report of the inquiry committee.

03. Learned Deputy District Attorney for the respondents has contended that in pursuance of judgment of this Tribunal, de-novo proceedings were conducted against the appellant and the appellant was re-instated into service but since he was found negligent of his responsibilities, hence was awarded minor penalty of stoppage of two increments with cumulative effect; that the appellant has been treated in accordance with law and no mala fide is involved; that the appellant was afforded proper opportunity of defense and all the proceedings were conducted as per law and rule.

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

05. Record reveals that the allegations so leveled were technical in nature, hence an inquiry committee comprising of technical staff was constituted for the purpose. The inquiry committee after threadbare examination of the issue has found that the software under inquiry had already been formatted; hence, it would be


impossible to prove the allegations against the appellant. The inquiry committee also found that it would be unjust to prove malafide of the appellant merely on verbal allegations. We are of the considered opinion that noting has been proved against the appellant and awarding minor punishment in a situation, when he was not found guilty, would also amount to injustice.

06. In view of the foregoing discussion, the instant appeal is accepted as prayed for. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED
05.10.2021



(ROZINA REHMAN)
MEMBER (J)
CAMP COURT SWAT



(ATIQ UR REHMAN WAZIR)
MEMBER (E)
CAMP COURT SWAT

ORDER

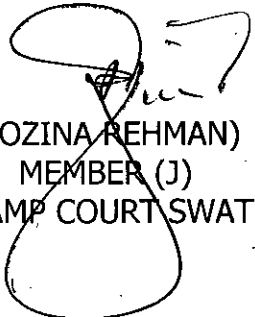
05.10.2021

Mr. Shabir Ahmad Khan, Advocate for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present. Arguments heard and record perused.

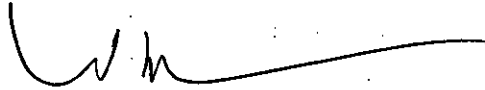
Vide our detailed judgment of today, separately placed on file, the instant appeal is accepted as prayed for. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED

05.10.2021



(ROZINA REHMAN)
MEMBER (J)
CAMP COURT SWAT



(ATIQ UR REHMAN WAZIR)
MEMBER (E)
CAMP COURT SWAT

02.03.2021

Junior to counsel for appellant present.

Noor Zaman Khan Khattak learned District Attorney
alongwith Khawas Khan S.I for respondents present.

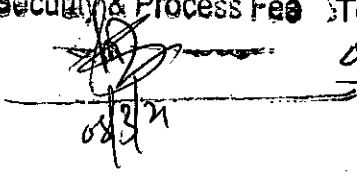
Written reply submitted. Preliminary arguments heard.
File perused.

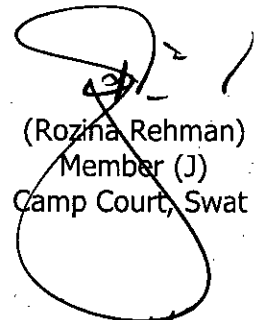
Points raised need consideration. Admitted to regular
hearing subject to all legal objections. The appellant is
directed to deposit security and process fee within 10 days.

Appellant Deposited

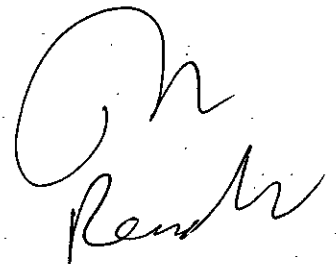
Security & Process Fee

To come up for rejoinder, if any, and arguments on
04/5/2021 before D.B at Camp Court, Swat.




(Rozina Rehman)
Member (J)
Camp Court, Swat

Due to covid, therefore
to come up for the same on
05/10/21



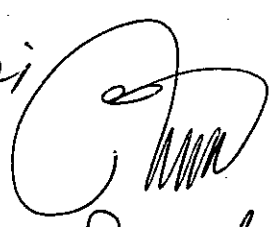
08.10.2020

Appellant is present alongwith Mr. Shabir Ahmad Khan, Advocate. Arguments heard in view of which it is deemed appropriate to issue pre-admission notice to respondents for 10.12.2020 directing them to file written reply alongwith entire set of record before S.B at Camp Court, Swat.


(MUHAMMAD JAMAL KHAN)
MEMBER
CAMP COURT SWAT

10/14/20

Due to COVID-19 case is adjourned to 02/02/2021

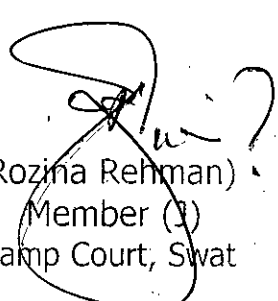

Reader

02.02.2021

Appellant in person present.

Riaz Khan Paindakheil learned AAG alongwith Khawas Khan S.I for respondents present.

Reply was not submitted. Representative of respondents made a request for time to furnish reply. Last chance is given. To come up for reply and preliminary hearing on 02.03.2021 before S.B at Camp Court, Swat

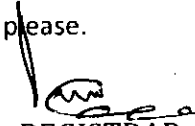
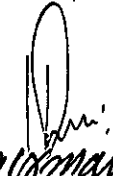
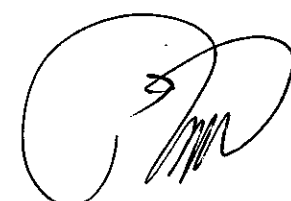

(Rozina Rehman)
Member (I)
Camp Court, Swat

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 1720 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	16/03/2020	<p>The appeal of Mr. Nadeem Iqbal presented today by Mr. Shabir Ahmad Khan Advocate may be entered in the Institution Register and put up to the Learned Member for proper order please.</p> <p style="text-align: right;"> REGISTRAR 16/3/2020</p> <p>This case is entrusted to touring S. Bench at Swat for preliminary hearing to be put up there on <u>07.08.2020</u></p> <p style="text-align: right;"> Chairman MEMBER</p> <p>Due to summer vacation the case is adjourned. To come up for the same on 03-10-2020</p> <p style="text-align: right;"> Reader</p>
2-		

BEFORE THE SERVICE TRIBUNAL
KHAYBER PUKHTUNKHWA AT PESHAWAR

Service Appeal No. 1720 of 2019

Nadeem Iqbal Data Processing Supervisor at Police Training School, District Swat.

...Appellant

Versus

Inspector General of Police, Khyber Pakhtunkhwa at Peshawar and others.

....Respondents

INDEX

S #	Description of documents	Annexure	Pages
1.	Memo of Appeal	....	1-6
2.	Affidavit	....	7
3.	Memo of addresses	....	8
4.	Application for condonation of delay.	....	9-10
5.	Copy of reinstatement order	A	11-12
6.	Copies of execution petition No. 254/2019, order of respondent No. 2 dated 17.10.2019 and reports of the inquiry committee/respondents No. 6 to 8	B, C, D	13-21
7.	Copies of departmental appeal and order dated 03.02.2020	E, F	22-24
8.	Wakalat Nama.	.....	25


Appellant
Through Counsel


Shabir Ahmad Khan (Dawlatkhel)
Advocate High Court. Swat
Dated: 16.03.2020

BEFORE THE SERVICE TRIBUNAL,
KHYBER PUKHTUNKHWA AT PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Service Appeal No. 1720 of 2019

Diary No. 1908

Dated 16/3/2020

Nadeem Iqbal Data Processing Supervisor at Police Training
School, District Swat. ...Appellant

VERSUS

1. Inspector General of Police, Khyber Pakhtunkhwa at Peshawar.
2. Additional Inspector General of Police at Peshawar.
3. Regional Police Officer Malakand Range-III at Saidu Sharif, District Swat.
4. District Police Officer Swat at Gulkada, Swat.
5. Inspector Khurshid Khan (A.DIG) assistant to RPO Malakand at Saidu Sharif, Swat.
6. Malak Ejaz District Police Officer Shangla.
7. Muhammad Salim Ullah Deputy Director I.T. C.P.O, Khyber Pakhtunkhwa at Peshawar.
8. Mujahid Shah Senior Web Technology I.T Board, Khyber Pakhtunkhwa at Peshawar.

...Respondents

Filed to-day

mm
Registrar
16/3/2020

Appeal under Section 4 of the Service Tribunal Act, 1974, against the impugned order of respondent No. 2 dated 17.10.2019 vide letter No. 3179/CPO/IAB, whereby the respondent No. 2 awarded the minor punishment of stoppage of two annual increments with cumulative effect but it is pertinent to mention here that nothing has been mentioned regarding the back benefits. The appellant preferred departmental appeal

**to the respondent No. 1 against the respondent No. 2
but the stipulated period lapsed and the fate of the
departmental appeal has not been decided yet.**

Respectfully Sheweth:
The appellant submits as under:

1. That the appellant was dismissed from service by respondent No. 4 on 09.01.2018. Later on, the appellant was reinstated by this Hon'ble Tribunal vide order dated 10.01.2019 with the directions that respondents are directed to conduct de-novo inquiry strictly in accordance with law with a period of 90 days from the date of receipt of the judgment *ibid*. The issue of back benefits shall be subject to the outcome of the de-novo inquiry. The mentioned period in the reinstatement order/ judgment of this Hon'ble Tribunal lapsed but the respondents not completed the de-novo inquiry as per directions of this Hon'ble Tribunal. (Copy of reinstatement order is herewith attached as **Ann: A**).
2. That the appellant filed execution petition No. 254/2019 before this Hon'ble Tribunal which was admitted for regular hearing and later on fixed for arguments. But in the meanwhile, the respondents No. 6 to 8 (inquiry committee) completed the de-novo inquiry and submitted their final reports to respondent No. 2 and the respondent No. 2 awarded the above mentioned

punishment vide order dated 17.10.2019 to the appellant but didn't mentioned regarding the back benefits of the appellant. It is worth mentioning here that all the details regarding the charge sheets etc. have been explained/ mentioned in the execution petition No. 254/2019. (Copies of execution petition No. 254/2019, order of respondent No. 2 dated 17.10.2019 and reports of the inquiry committee/respondents No. 6 to 8 are herewith attached as **Ann: B, C & D** respectively).

3. That aggrieved from the order or respondent No. 2, the appellant preferred departmental appeal to the respondent No. 1 but the prescribed period lapsed and the fate of the departmental appeal has not been decided by respondent No. 1 and furthermore, the appellant moved an application on 03.02.2020 before this Hon'ble Tribunal to withdraw the execution petition with permission to file a fresh one, if grievances of the appellant not redressed by the respondents and the same was dismissed as withdrawn with permission to file a fresh one under the law. (Copies of departmental appeal, and order dated 03.02.2020 are herewith attached as **Ann: E & F** respectively).
4. That in the light of the withdrawal of the execution petition, the instant service appeal is within time but if the instant appeal is considered from the date of filing

the departmental appeal to respondent No. 1, then there is round about a week time delay in filing the instant service appeal but it is pertinent to mention here that the said delay was not intentionally but when the appellant visited the office of respondent No. 1 in connection of departmental appeal, the respondent No. 1 told to the appellant that come on next Friday i.e. 13.03.2020 and I (respondent No. 1) will heard you (the appellant) in person and will deposed off the departmental appeal. But on 13.03.2020, the appellant came to know that the respondent No. 1 is out of station and went to District Swat, therefore, the delay in filing the instant appeal is not intentionally.

5. That the fate of the departmental appeal has not been decided by respondent No. 1, hence the instant service appeal on the following grounds:-

GROUNDS:-

- a. That the respondents didn't completed the de-novo inquiry as per directions of this Hon'ble Tribunal within the prescribed period (90 days), so the order of respondent No. 2 is void.
- b. That according to the findings of the inquiry committee, no allegations have been proved against the appellant and all the allegations are

only orally and the same are declined by the technical report of the inquiry committee.

- c. That the appellant was not treated in accordance with law and rules on subject and impugned order has passed flagrant violation of law and rules tainted with malafide intention and is therefore not sustainable and liable to be set aside.
- d. That the allegations leveled against the appellant are baseless, frivolous and have not proved which is crystal clear from the report of the inquiry committee.
- e. That the impugned order is un-reasonable, arbitrary and is liable to be aside.
- f. That other important points will be raised during the course of arguments with prior permission of this Hon'ble Tribunal.

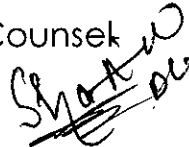
PRAYER:-

It is, therefore, humbly prayed that by acceptance of this service appeal, the order of respondent No. 2 may kindly be set aside and the annual increments may be restored and the back benefits/salaries may kindly be released. Any other relief as deemed appropriate in the

circumstances of the case and not specifically asked/prayed for, may also be granted to the appellant.



Appellant
Through Counsel



Shabir Ahmad Khan (Dawlatkhel)

Advocate High Court. Swat

Dated: 16.03.2020

Certificate:-

It is certified that no such like appeal is either pending or decided by this Hon'ble Court.



Shabir Ahmad Khan (Dawlatkhel)

Advocate High Court. Swat

BEFORE THE SERVICE TRIBUNAL,
KHYBER PUKHTUNKHWA AT PESHAWAR

Service Appeal No. _____ of 2019

Nadeem Iqbal Data Processing Supervisor at Police Training
 School, District Swat. ...Appellant

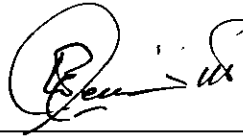
VERSUS

Inspector General of Police, Khyber Pakhtunkhwa at Peshawar
 and others.Respondents

AFFIDAVIT

It is stated on oath that all the contents of the attached
 appeal are true and correct to the best of my knowledge and
 belief. Moreover, no such like appeal is pending or decided by
 this Hon'ble Court.

Deponent: _____



Nadeem Iqbal (appellant) himself



BEFORE THE SERVICE TRIBUNAL,
KHYBER PUKHTUNKHWA AT PESHAWAR

Service Appeal No. _____ of 2019

Nadeem Iqbal Data Processing Supervisor at Police Training
School, District Swat. ...Appellant

VERSUS

Inspector General of Police, Khyber Pakhtunkhwa at Peshawar
and others.Respondents

MEMO OF ADDRESSES

Address of appellant:

Nadeem Iqbal Data Processing Supervisor at Police Training
School, District Swat.
NIC No: 15602-9304344-5
Mobile No: 0342-2123133

Addresses of respondents:

1. Inspector General of Police, Khyber Pakhtunkhwa at Peshawar.
2. Additional Inspector General of Police at Peshawar.
3. Regional Police Officer Malakand Range-III at Saidu Sharif, District Swat.
4. District Police Officer Swat at Gulkada, Swat.
5. Inspector Khurshid Khan (A.DIG) assistant to RPO Malakand at Saidu Sharif, Swat.
6. Malak Ejaz District Police Officer Shangla.
7. Muhammad Salim Ullah Deputy Director I.T. C.P.O, Khyber Pakhtunkhwa at Peshawar.
8. Mujahid Shah Senior Web Technology I.T Board, Khyber Pakhtunkhwa at Peshawar.


Appellant
Through Counsel


Shabir Ahmad Khan (Dawlatkhel)
Advocate High Court. *Swat*
Dated: 16.03.2020

BEFORE THE SERVICE TRIBUNAL,
KHYBER PUKHTUNKHWA AT PESHAWAR

Service Appeal No. _____ of 2019

Nadeem Iqbal Data Processing Supervisor at Police Training
 School, District Swat. **...Appellant**

VERSUS

Inspector General of Police, Khyber Pakhtunkhwa at Peshawar
 and others. **....Respondents**

Application for condonation of delay.

Respectfully Sheweth!

The applicant/appellant submits as under:-

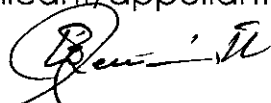
1. That the above cited is going to be filed before this Hon'ble Court in which no date of hearing has yet been fixed.
2. That in the light of the withdrawal of the execution petition, the instant service appeal is within time but if the instant appeal is considered from the date of filing the departmental appeal to respondent No. 1, then there is round about a week time delay in filing the instant service appeal but it is pertinent to mention here that the said delay was not intentionally but when the appellant visited the office of respondent No. 1 in connection of departmental appeal, the respondent No. 1 told to the appellant that come on next Friday i.e. 13.03.2020 and I (respondent No. 1) will heard you (the appellant) in person and will deposed off the

departmental appeal. But on 13.03.2020, the appellant came to know that the respondent No. 1 is out of station and went to District Swat, therefore, the delay in filing the instant appeal is not intentionally.

3. That the valuable rights of the appellant and his family are involved with the instant service appeal
4. That there is plethora of judgments in which it has been discussed that the cases must be decided on merits rather than technicalities.

It is, therefore, humbly prayed that on acceptance of the instant application, delay of round about one week may kindly be condoned.

Applicant/appellant



Nadeem Iqbal (himself)
(applicant/appellant)

AFFIDAVIT:

It is stated on oath that all the contents of this application are true and correct; nothing has been kept concealed from this Hon'ble Tribunal.

Deponent: _____

Nadeem Iqbal (himself)



11

Amex
A

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
CAMP COURT SWAT.

Service Appeal No.569/2018

Date of Institution ... 24.04.2018

Date of Decision ... 10.01.2019



Nadeem Iqbal S/O Sayed Ghafoor Khan R/o Mohallah Mazeed Khail, Manglawar,
District Swat (Ex.DPS at Police Department Swati). ... (Appellant)

VERSUS

District Police Officer, Swat and three others. ... (Respondents)

MR. SHABIR AHMAD KHAN,
Advocate

For appellant.

MIAN AMIR QADAR,
District Attorney

For respondents

MR. AHMAD HASSAN,
MR. MUHAMMAD AMIN KHAN KUNDI

MEMBER(Executive)
MEMBER(Judicial)

JUDGMENT

AHMAD HASSAN, MEMBER:

Arguments of the learned counsel for the parties heard and record perused.

ARGUMENTS.

2. Learned counsel for the appellant argued that on certain allegations, the appellant was proceeded departmentally and thereafter, major penalty of dismissal from service was awarded to him vide impugned order dated 09.01.2018. He filed departmental appeal on 18.01.2018, which was not responded within the given time frame given in the rules, hence, the present service appeal. Disciplinary proceedings were initiated and concluded by DPO, Swat, who was not the competent authority in this case so the impugned order was coram-non-judice being pass by an incompetent authority. He was required to be proceeded under the Khyber

[Handwritten Signature]

Attested to be True Copy
Shabir Ahmad Khan (Advocate)
& Federal Shariat Court

Pakhtunkhwa Police Department (Information Technology Group) Service Rules, 2014.


3. Learned District Attorney argued that all codal formalities were observed before passing the impugned order. The appellant has treated according to law and rules.

CONCLUSION.


4. Record available on the case file revealed that the appellant was appointed by the Addl: Inspector General of Police, while disciplinary proceedings were initiated and finalized by the DPO, Swat, who was otherwise not the competent to proceed in this case. Impugned order passed by the DPO, Swat was coram-non-judice and void ab-initio. As the entire proceedings became null and void due to non-observance of rules, so we did not deem it appropriate not to touch other aspects of the case.

5. As a sequel to above, the appeal is accepted, the impugned order dated 09.01.2018 is set aside and the appellant is reinstated in service. The respondents are directed to conduct de-novo enquiry strictly in accordance with law within a period of ninety days from the date of receipt of this judgment. The issue of back benefits shall be subject to the outcome of the de-novo enquiry. Parties are left to bear their own costs. File be consigned to the record room.


(MUHAMMAD AMIN KHAN KUNDI)
Member


(AHMAD HASSAN)
Member
Camp court Swat

ANNOUNCED
10.01.2019

Certified to be true copy

Responsible

Attested

Shahir Ahmad
Advocate
& Federal Shariat Court

13

Amex
B

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, AT PESHAWAR

C.M NO. _____ OF 2019

In

SERVICE APPEAL NO. 569 OF 2018

NADEEM IQBAL,

VERSUS

DPO swat and others.

S.no	Description	Annexure	Page no
1	Memo of application		1-3
2	Affidavit		4
3	Order of reinstatement dated 10-1-2019	"A"	5-7
4	Copy of Note sheet dated 22-5-2019 and Copy of order dated 25-2-2019 along with better copies	"B & C"	8-11
5	Copy of order of ADDL'IGP HQRs dated 30-5-2019	"D"	12-13
6	Application for suspension of order of ADDL'IGP HQRs dated 30-5-2019		14-15
7	Wakalat Nama		16

Petitioner
Nadeem Iqbal

Through Council,

Shabir Ahmad Khan (Dawlat Khel)

Advocate High Court

Attested to be true Copy
Shabir Ahmad Khan (Dawlat Khel)
Advocate High Court
& Federal Shariat Court

Office address:

Hamza Law chamber ,Near Azad Medicine

Company post office road Mingora Swat.

Cell: 0341-566-6363 /0333-949-9466

Dated: 21/06/2019.

(14)

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

C.M NO. _____ OF 2019

In

SERVICE APPEAL NO. 569 OF 2018

NADEEM IQBAL, Data Processing Supervisor at PTS Swat
..... (Petitioner)

VERSUS

1. District Police Officer Swat at Gulkada Swat
2. Regional Police Officer, Malakand at Saidu Sharif Swat
3. Inspector Khurshed Khan (A.DIG Assistant to Regional Police Officer Malakand at Saidu Sharif Swat)
4. Additional Inspector General of Police KPK at CPO Peshawar
5. Inspector General of Police KPK at CPO Peshawar

..... (Respondents)

APPLICATION FOR RELEASE OF SALARY AND FOR FILING OF DE-NOVO ENQUIRY AS NOT COMPLETED IN THE PRESCRIBED TIME AS PER THE DIRECTIONS OF THIS AUGUST TRIBUNAL AND THE BACK BENEFIT MAY KINDLY BE GRANTED/GIVEN TO THE PETITIONER.

RESPECTFULLY SHEWETH,

The petitioner submits as under:

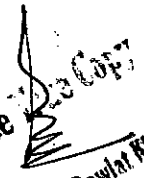
1. That the petitioner while serving as Data Processing Supervisor at District Swat was dismissed from service on 09-01-2018.
2. That the petitioner filed Service Appeal before this honorable tribunal against the impugned order dated 09-01-2018 of DPO Swat which was Accepted and the impugned order dated 09-01-2018 was set aside and the petitioner was reinstated into service, and the respondents were directed to conduct de novo enquiry strictly in accordance with law within the period of Ninety days from the date of receipt of this judgement. The issue of back benefit shall be subject to the outcome of de novo enquiry. It is pertinent to mention here that the stipulated time period for conducting the de novo enquiry is already elapsed and no any order of the respondents have been concluded yet which also amounts to the violation of the order of this honorable tribunal. (Copy of order dated 10-01-2019 of this honorable Tribunal is attached here as Annex A).

Attested to be
Shabir Ahmad Khan (Bawlat Khel)
Advocate High Court
& Federal Shariat Court

15

3. That the petitioner was reinstated and joined the duty on 25-02-2019, then, the petitioner was summoned by the DPO Swat and issued a charge sheet in which the Addl. SP Swat Khankhel was nominated as Enquiry Officer for the purpose of de novo enquiry. The enquiry officer submitted his findings report on 29-03-2019 and recommended the petitioner for minor punishment as already suffered punishment. Then, the recommendations of the Enquiry Officer was sent by DPO Swat to Addl. IG Headquarters vide letter No. 93/PA dated 12-04-2019 duly received by Addl. IG Headquarters, and then, the Addl. IG Headquarter referred the case/finding report of the Enquiry Officer to AIG Legal for expert opinion who responded on 22-05-2019 with the recommendation to issue a fresh charge sheet to the petitioner and committee be constituted for this purpose consisting of IT Experts who shall conclude their enquiry within fifteen days, subject to the approval of the Addl. IG Headquarter. It is pertinent to mention here that all the enquiry documents are in the possession of the Enquiry Officer and Addl. IG Headquarter and the petitioner requested the said documents for the purpose of filing this application, but the same were refused to be provided to the petitioner, hence, not attached herewith this instant petition. While, note sheet regarding the opinion and recommendations of AIG Legal and order dated 25-02-2019 along with better copies are attached herewith as Annex B & C.

4. That on 30-05-2019 Addl. IG Headquarter ordered the de novo enquiry of the petitioner with immediate effect but the same was already conducted by Addl. SP Swat but the same was ignored/skipped in the mentioned order and it did not make any reference to the de novo enquiry which had already been conducted by Addl. SP Swat. It is further averred that time so prescribed and directed by this August Tribunal has been elapsed and the respondents have badly failed to comply with the directions so issued by this honorable tribunal in judgment dated 10-01-2019. The said directed enquiry has been used as a rolling stone to humiliate and degrade the petitioner and his professionalism as the de novo enquiry is already conducted but skipped and ignored in the fresh order of the Addl. IG Headquarter dated 30-5-2019, moreover, the time prescribed by this honorable tribunal has already been elapsed and no further extension has been taken by the respondents which is in total violation of the judgment of this honorable tribunal, and, any such order or enquiry conducted after the expiration of the time so provided, would be totally illegal and in violation as per the spirit of the judgment of this honorable court dated 10-01-

Attested to be  Copy
Shahid Ahmad Khan (Dawlat Khel)
Advocate High Court
& Federal Shariat Court

16

2019. (Copy of order dated 30-05-2019 of Addl. IG Headquarter alongwith better copy is attached herewith as Annex D).

5. That from the date of reinstatement into service till date, the petitioner has discharged and performed his duty regularly but no salary has been paid to the petitioner, moreover, the time prescribed by this honorable tribunal has already been elapsed and no further extension has been taken by the respondents which is in total violation of the judgment of this honorable tribunal, and, any such order or enquiry conducted after the expiration of the time so provided, would be totally illegal and in violation as per the spirit of the judgment of this honorable court dated 10-01-2019, therefore, the salary of the petitioner may kindly be released from the date of reinstatement into service while the said de novo enquiry may kindly be filed and all the back benefits may kindly be extended/given to the petitioner.
6. That the petitioner is a poor person and is pressing hard for the salaries/benefits for which he is entitled under the law.
7. That other important points will be raised during the course of arguments, with prior permission of this honorable tribunal.

PRAYER:

In the view of the above, it is humbly prayed that :

- a. The respondents may kindly be directed to release the salary of the petitioner forthwith w.e.f. 25-02-2019.
- b. Respondents may kindly be directed to file the de-novo enquiry proceedings, if any, as not completed within the prescribed time as per the directions of this honorable tribunal and the back benefits may kindly be extended/given to the petitioner.
- c. Any other remedy/relief, which deems appropriate and not specifically prayed for, may also be given to the petitioner.

Petitioner
Nadeem Iqbal

Through Council,

Shabir Ahmad Khan (Dawlat Khel)

Advocate High Court

Attested to be true copy
Shabir Ahmad Khan (Dawlat Khel)
Advocate High Court
& Federal Shariat Court

Dated: 21/06/2019

(17)

Phone: 091-9211769

Office of the
Inspector General of Police
Khyber Pakhtunkhwa, Peshawar.

AMMOX

C

No. 3177 /CPO/IAB dated Peshawar the 17/10/2019

The District Police Officer,
Swat

Subject: DENOVO DEPARTMENTAL ENQUIRY AGAINST NADEEM IQBAL, DATA PROCESSING SUPERVISOR SWAT

Memorandum

Please refer to your office letter No.15296/Legal dated 07.10.2019, on the subject cited above.

In this connection copy of order in respect of Nadeem Iqbal, Data Processing Supervisor issued by the Addl:IGP/HQrs: is sent herewith for necessary action, please.

Amal Khan

Deputy Inspector General of Police
Internal Accountability
Khyber Pakhtunkhwa,
Peshawar

No. 3179

/CPO/IAB,

Copy of above is forwarded for information to:-

1. The Addl:IGP/HQrs: Khyber Pakhtunkhwa.
2. The Regional Police Officer, Malakand.
3. The Registrar, CPO, Peshawar.
4. The Office Superintendent, Secret Branch, CPO.

Attested to be

Shabir Ahmad Khan
Advocate (S
& Federal Shariat Court

ORDER

18

This order disposes off the departmental enquiry against the delinquent Data Processing Supervisor, Swat Mr. Nadeem Iqbal.

The delinquent official was dismissed from service by DPO Swat on the allegations that while he was posted as Data Entry Incharge for documentation of NCP vehicles he tried to intrude into the system with the intention to steal and manipulate the data.

He lodged service appeal against the order of DPO Swat. The Honorable Tribunal accepted his service appeal vide its judgment dated 10.01.2019 and De Novo enquiry was ordered.

The operative paras 4 & 5 are reproduced as under:-

- Record available on the case file revealed that the appellant was appointed by the Addl. Inspector General of Police (HQrs), while disciplinary proceedings were finalized by the DPO Swat, who was otherwise not competent to proceed in this case vide para 4 (3) (Appointing Authority) and para 14 (Termination) of the Khyber Pakhtunkhwa Police Department (Information Technology Group) Service Rules, 2014. Impugned order passed by the DPO Swat was hence coram-non-judice and void ab-initio. As the entire proceedings became null and void due to non-observance of rules, so it is deemed appropriate not to touch other aspects of the case.

.. As a sequel to the above, the appeal was accepted, the impugned order dated 09.01.2018 was set aside and the appellant was re-instated in service. The respondents were directed to conduct the De Novo enquiry strictly in accordance with law within a period of ninety days from the dated of receipt of this judgment.

To proceed further in De Novo enquiry, he was issued Charge Sheet and Summary of Allegations by the Addl. IGP, HQrs, Khyber Pakhtunkhwa, Peshawar vide No.127/PA/Hqrs dated 18.06.2019 and the following enquiry committee was constituted:-

1. Mr. Malak Ijaz, SP Investigation, Swat now DPO Shangla.
2. Mr Muhammad Saleem Ullah, Dy. Director IT CPO, KP, Peshawar
3. Mr. Mujahid Shah, Senior Web Technology, IT Board KP Peshawar.

The committee submitted their findings on 09.10.2019 wherein the recommendation entailed are summarized as follow:-

- a) As per report of technical experts, prior to this the subject software had been formatted and record has been checked through the Lap Top of Moen Fayaz PRO which revealed that 58 NCP vehicles have been entered out of the 163 numbers of vehicles through the "User Name" of Nadeem, while the remaining 105 numbers have been entered through "User Name" of Malakand Division.


Attested to be
Shabir Ahmad
Advocate High Court
& Federal Shariat Court

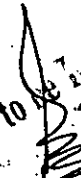
- 19
- b) The enquiry committee while holding the delinquent official as negligent in his duty has established that Nadeem Iqbal has been found guilty of misconduct and was posted out from the NCP registration office. He is found guilty of willful provision of wrong "User Name" password to the officers instead.

In order to mete out Justice, the delinquent official Nadeem Iqbal was also served Final Show Cause Notice by the undersigned and was also heard in person. Both the reply and the personal hearing could not be found satisfactory.

It appears from the findings of the enquiry that Nadeem Iqbal was negligent in discharging his duties; therefore I, Dr. Ishtiaq Ahmed being Competent Authority, hereby award the "minor punishment" of stoppage of 02. (Two) annual increments with cumulative effect in accordance with the Rule 5(b) Khyber Pakhtunkhwa Efficiency & Disciplinary Rules, 2011.

Order announced and issued.


(DR. ISHTIAQ AHMED) PSP, PPM
Additional Inspector General of Police,
Headquarters, Khyber Pakhtunkhwa
Peshawar.


Attested to me
Shabir Ahmad (Dawlat Mahal)
Advocate High Court
& Federal Shariat Court.

فائنل رپورٹ

بحوالہ ڈیٹو ڈاٹکوم انٹرنیٹ بر خلاف عدیم اقبال ڈیٹا سروسز اور حال حاضر پولیس ٹریننگ سکول سوات

خلاصہ ڈیٹو ڈاٹکوم انٹرنیٹ:

عدیم اقبال ڈیٹا پرسنل سروسز پر دائرہ جو کہ بعد حسب ضابطہ ڈاٹکوم انٹرنیٹ جناب شامی پولیس سربراہ صاحب نے تصدیق فرمائی۔ بحوالہ آڈر ایک نمبر 06 مورخہ 09.01.2018 تک پولیس سے درخواست کیا۔ اس طرح تصدیق اور عدیم اقبال کے محکمہ سوات پولیس نمبر 596/2018 سروسز ٹرانسجیکٹو خیرہ پختونخواہ پر ڈیٹو ڈاٹکوم انٹرنیٹ کرنے کے لئے جناب ایڈیشنل انسپکٹر جنرل صاحب ہینڈ کارڈ خیرہ پختونخواہ اور پشاور نے برخلاف تصدیق اور عدیم اقبال چارج شیٹ نمبر 127/PA/HQrs مورخہ 18.06.2019 جاری کر کے جناب اشفاق احمد صاحب شامی پولیس سربراہ سوات کو ڈاٹکوم انٹرنیٹ مقرر فرمایا۔ بعد ازاں تصدیق اور عدیم اقبال بلا کی تحریر درخواست پر جناب ڈپٹی انسپکٹر جنرل اف پولیس انکوائری آف فیسلٹی ٹیم پر پختونخواہ پشاور نے بحوالہ جیسی انگریزی نمبر 2801-5/CPO/AB مورخہ 08/08/2019 کنڈر سروسز مقرر اور پولیس ماہرین کو ایڈیٹ ڈاٹکوم انٹرنیٹ کے لئے مقرر فرمایا۔

خلاصہ الزامات:

- بحوالہ چارج شیٹ نمبر 127/PA/HQrs مورخہ 18.06.2019 بحوالہ دفتر جناب ایڈیشنل انسپکٹر جنرل صاحب ہینڈ کارڈ خیرہ پختونخواہ پشاور تصدیق اور عدیم اقبال بلا پر ذیل الزامات عائد کئے گئے ہیں۔
- 1۔ ایک تصدیق اور عدیم اقبال بلا مورخہ 28.08.2017 کو بوقت 10:00 بجے پڑوید HUIJAWEI-GRA-L09 سمانٹ ڈیٹا سروسز کے NCP گاڑیاں میں پورا ڈیٹو ڈاٹکوم انٹرنیٹ کرنے کی ذمہ داری ہوئی۔
- 2۔ ایک تصدیق اور عدیم اقبال کے User پر 171 عدد گاڑیوں کا ڈیٹو ڈاٹکوم انٹرنیٹ مقرر کیا گیا۔
- 3۔ ایک متذکرہ سمانٹ ڈیٹا سروسز میں 499 عدد گاڑیوں کی ڈیٹو ڈاٹکوم انٹرنیٹ پائی گئی ہے۔

تحقیقات اکاروادی

بدوران ڈیٹو ڈاٹکوم انٹرنیٹ جملہ ریکارڈز متعلقین کے تحریری بیانات حاصل کر کے شامل رپورٹ پڑا ہے۔ بیانات کا بعد شدہ میں تصدیق اور عدیم اقبال نے جملہ عائد الزامات کی تردید کرتے ہوئے الزام نمبر بالا کے حوالے سے اپنے بیان میں واضح کیا کہ NCP گاڑیوں کی رجسٹریشن کے لئے مذکورہ ایک سمانٹ ڈیٹا سروسز کا پرائیویٹ اتھارٹی مذکورہ کے پاس تھی۔ مذکورہ پرائیویٹ سمن ہونے کے ناطے سمانٹ ڈیٹا سروسز کی بحالی کیلئے ہمیں سے بھی اپنے لپ ٹاپ یا موبائل کے ذریعے سسٹم میں لاگ ان (Log In) ہونا تھا۔

الزام نمبر بالا کے متعلق تصدیق اور عدیم اقبال نے واضح کیا کہ 171 عدد گاڑیوں کا سمانٹ ڈیٹا سروسز سے وابستہ ہے۔ جب بھی انٹرنیٹ کے دوران بجلی چلی جانے سے سسٹم سرور بند ہو جاتا تھا تو متذکرہ انٹرنیٹ کا سیرکل نمبر ضائع ہو کر بلاک ہو جاتا تھا جو کسی بھی شخص کے نام جاری یا ایڈیشن نہیں ہو سکتا تھا۔ اس طرح الزام نمبر بالا کے متعلق مذکورہ عدیم اقبال نے واضح کیا کہ یہ کوئی غلطی نہیں ہے NCP گاڑیوں کی سمانٹ ڈیٹا سروسز اس مقصد کے لئے بنایا گیا ہے کہ درج شدہ گاڑی کی جتنی بار خرید و فروخت ہوگی اتنی بار اس کی انٹرنیٹ سسٹم میں کی جائیگی۔

گوہر 696/SPF (سمانٹ ڈیٹا سروسز) نے اپنے بیان میں واضح کیا ہے کہ حسب احکم انسران بلا مذکورہ نے ایک نیا سمانٹ ڈیٹا سروسز کیا جس میں سابق سمانٹ ڈیٹا سروسز کو دوبارہ کرنے کے ساتھ ساتھ کئی نئی نیچرز بھی متعارف کرائے گئے تھے۔ سمانٹ متذکرہ کو سرور پر اپ لوڈ کرنے کے لئے جناب DPO صاحب سوات نے دوبارہ جو یوزر نیم اور پاس ورڈ دئے وہ ناطے تھے، تیسری بار جناب DPO صاحب نے جو پاس ورڈ دئے وہ صحیح تھا جس میں باقاعدہ طور سرور میں داخل ہو کر حسب احکم انسران بلا سرور پر سمانٹ ڈیٹا سروسز کو اپ لوڈ کر رہا تھا کہ اسی دوران سمانٹ ڈیٹا سروسز

Attested to be True Copy
Shahir Ahmad (Dawat Khel)
Advocate High Court
& Federal Shariat Court

فیاض اور گوہر SPF سافٹ ویئر انجینئر کے بیانات اور چارج شیٹ کے مطابق ندیم کا سواری 28.08.2019 بوقت رات 10:00 بجے درمیونڈل ایکس ہونے کا الزام ہے۔ اس طرح حاصل کردہ معلومات اور بیانات، چارج شیٹ میں واضح تقاضا ہے۔

۲۔ مطابق چارج شیٹ الزام نمبر ۲ میں گاڑیوں کی تعداد 171 ہے جبکہ ایک آپ سے حاصل کردہ معلومات کے مطابق 163 گاڑیوں کا اندراج بغیر تفصیلی مالکان انگریزوں کی گئی ہے، جبکہ ٹیکسی ماہرین کے رائے کے مطابق یہ کمزور سافٹ ویئر ڈیٹا سٹنگ کی وجہ ہو سکتی۔ ان 163 گاڑیوں میں سے محض 58 گاڑیاں ندیم کے یوزر نیم سے درج ہوئی ہے۔

۳۔ الزام نمبر ۳ میں جہاں تک 499 گاڑیوں کی دوہری (بار بار) اندراج کا تعلق ہے تو اس نسبت ٹیکسی ماہرین کی رپورٹ کے مطابق ان 499 گاڑیوں میں سے کوئی بھی گاڑی ندیم کے یوزر سے درج نہیں کیا گیا ہے۔ یہ اندراج جملہ ملاکنڈ ڈویژن میں زیر استعمال مختلف یوزر سے ہوئی ہے۔

۴۔ زینی حقائق کے پیش نظر اس امر کو نظر انداز نہیں کیا جاسکتا، کہ تصور واد ندیم اقبال جو کہ NCP رجسٹریشن کے ایک اہم عہدہ پر تعینات تھا اور سافٹ ویئر کا سپرائیسن بھی تھا، جب مذکورہ NCP رجسٹریشن ڈسک سے بنایا گیا تو مذکورہ جان بوجھ کر متعلقہ DPO صاحب کو دوبار متعلقہ سافٹ ویئر کا نٹا پاس ورڈ اور یوزر نیم فراہم کر کے مذکورہ کا یہ فعل تصد ائمڈ انسران بالا کی حکم بندی کرنا بھی زبانی ہے۔

۵۔ ٹیکسی ماہرین کے رپورٹ کے مطابق کمپیوٹر سسٹم اور سافٹ ویئر مائل انگریزوں فارمیٹ کیا جا چکا ہے۔ اس لئے چارج شیٹ میں عائد الزامات پر پیش ہی ثابت کرنا ناممکن ہوا ہے۔

جملہ حالات و واقعات سے انگریزی کمیٹی اس نتیجے پر پہنچی ہے کہ انگریزی ٹیکسی نوٹس کی ہے۔ ٹیکسی ماہرین کی رپورٹ کے مطابق انڈر انگریزی سافٹ ویئر پہلے سے فارمیٹ کیا جا چکا ہے اور الزامات ثابت کرنا ناممکن ہے۔ جبکہ ریکارڈ ہذا میں فیاض PRO کے لپ اپ موجود ہے آپ کے ذریعہ چیک کیا گیا جن میں 163 گاڑیوں میں سے 58 گاڑیوں کا ندیم کے یوزر سے درج ہوئی اور باقی 105 نمبرات رپورٹ ملاکنڈ ڈویژن کے یوزر کی جانب سے درج کی گئی اور الزامات کو بے بنیاد ٹھہرایا۔ مذکورہ ندیم اقبال کو NCP رجسٹریشن سے بنانے پر تصد ائمڈ انسران بالا کو نٹا پاس ورڈ فراہم کرنا مذکورہ کی بدینی کرتا ہے لیکن کر زبانی ہے۔

لہذا مشترکہ رپورٹ مرتب ہو کر برائے مناسب حکم پیش خدمت ہے۔

محمد نسیم اللہ

سینئر ڈیپ ٹیکنالوجی آئی ٹی بورڈ چیئر مین خٹواہ پشاور

ڈپٹی ڈیپٹی آئی ٹی سی پلاؤ خیبر پختونخواہ پشاور

ملک اعجاز
ضلع پٹیالہ سربراہ شانگلہ
(سی ایچ ایس بی انویسٹیشن ضلع سوات)

Attested to be True Copy

Shahir Ahmad (Punjab Khet)
District Court
& Federal Shariat Court

22

Amox
E

To

The Provincial Police Officer,
Khyber Pakhtunkhwa.

Subject: - APPEAL AGAINST THE ORDER OF THE ADDITIONAL INSPECTOR GENERAL OF POLICE KHYBER PAKHTUNKHWA ISSUED VIDE LETTER No. 3179/CPO/IAB, Dated 17-10-2019.

Dear Sir,

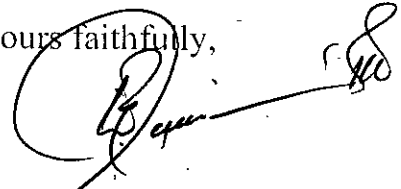
It is refer to the subject noted above and to state that vide the above mentioned letter the Additional Inspector General of Police Khyber Pakhtunkhwa award the "minor punishment" of stoppage of 02(two) annual increments with cumulative effect, to the applicant (copy enclosed).

2. According to the findings of the inquiry committee (copy enclosed), no allegation has been proven against the applicant and all allegations are only orally and the same are declined by the technical report of the inquiry committee.

3. Therefore, it is, humbly prayed that on the above mentioned ground the alleged order may be set aside and the annual increments may be restored and back benefits/salaries of the applicant may be released please. The applicant shall be very thankful for this act of kindness.

Attested to be True Copy
Shahir Ahmad
Advocate, High Court
& Federal Shariat Court
(Dawal Khel)

Yours faithfully,



(Nadeem Iqbal)

Data Processing Supervisor
Police Training School
SWAT 7/11/2019

23

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, AT PESHAWAR

Amza
F
24-5
2019

C.M NO. _____ OF 2019

Execution Petition No. 254/2019

SERVICE APPEAL NO. 569 OF 2018

NADEEM IQBAL, Data Processing Supervisor at PTS Swat

..... (Petitioner)

VERSUS

1. District Police Officer Swat at Gulkada Swat
2. Regional Police Officer, Malakand at Saidu Sharif Swat
3. Inspector Khurshed Khan (A.DIG Assistant to Regional Police Officer Malakand at Saidu Sharif Swat)
4. Additional Inspector General of Police KPK at CPO Peshawar
5. Inspector General of Police KPK at CPO Peshawar

..... (Respondents)

APPLICATION FOR RELEASE OF SALARY AND FOR FILING OF DE-NOVO ENQUIRY AS NOT COMPLETED IN THE PRESCRIBED TIME AS PER THE DIRECTIONS OF THIS AUGUST TRIBUNAL AND THE BACK BENEFIT MAY KINDLY BE GRANTED/GIVEN TO THE PETITIONER.

RESPECTFULLY SHEWETH,

The petitioner submits as under:

1. That the petitioner while serving as Data Processing Supervisor at District Swat was dismissed from service on 09-01-2018.
2. That the petitioner filed Service Appeal before this honorable tribunal against the impugned order dated 09-01-2018 of DPO Swat which was Accepted and the impugned order dated 09-01-2018 was set aside and the petitioner was reinstated into service, and the respondents were directed to conduct de novo enquiry strictly in accordance with law within the period of Ninety days from the date of receipt of this judgement. The issue of back benefit shall be subject to the outcome of de novo enquiry. It is pertinent to mention here that the stipulated time period for conducting the de novo enquiry is already elapsed and no any order of the respondents have been concluded yet which also amounts to the violation of the order of this honorable tribunal. (Copy of order dated 10-01-2019 of this honorable Tribunal is attached here as Annex A).

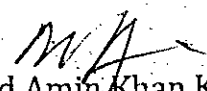
ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

(94)

06.01.2020

Petitioner alongwith his counsel and Mr. Riaz Ahmad Paindakheil, Assistant AG alongwith Mr. Mir Faraz, DSP (Legal) for the respondents present. Respondent-department has already submitted implementation report vide order sheet dated 04.11.2019. The petitioner has expressed objection on it. Case to come up for objection petition and arguments on 03.02.2020 before S.B at Camp Court Swat.



(Muhammad Amin Khan Kundi)
Member
Camp Court Swat

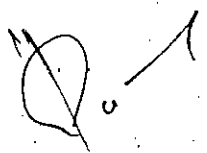
03.02.2020

Petitioner with counsel present. Mr. Riaz Paindakheil learned Assistant Advocate General present. Learned counsel for the petitioner submitted application for withdrawal of the present execution petition with permission to file a fresh one if grievance of the petitioner not redressed by the respondents.

In view of above, the present execution petition is hereby dismissed as withdrawn with permission to file fresh one under the law. No order as to costs. File be consigned to the record room.

Certified to be true copy


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar


(Muhammad Hamid Mughal)
Member
Camp Court, Swat.

ANNOUNCED:

Date of Presentation of Application 4-3-2020

03.02.2020 Number of Words 800

Copying Fee 10

Urgent 4

Total 14

Name of Copyist A

Date of Completion of Copy 4-3-2020

Date of Delivery of Copy 4-3-2020

BEFORE THE SERVICE TRIBUNAL KHAYBER PUKHTUNKHWA
AT PESHAWAR

WAKALAT NAMA

Case No: _____ of 2020

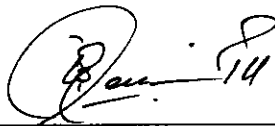
TITLE:-

Nadeem Iqbal **VERSUS** I.G.P and others.

I/we do hereby appoint **SHABIR AHMAD KHAN (DAWLATKHEL)** Advocate High Court in the above mentioned case, to do all or any of the following acts, deeds and things:

1. To appear, act and plead for me/us in the above mentioned case in this Court/Tribunal in which the same may be tried or heard, and any other proceedings arising out of or connected therewith.
2. To sign and verify and file, petitions, appeals, affidavits and applications as may be deemed necessary or advisable by them for the conduct, prosecution or defense of the said case at all its stages.
3. To receive payment of, and issue receipts for, all money that may be or become due and payable to us during the course of the proceedings.
4. To do any act necessary or ancillary to the above acts, deed and things.
5. To appoint any other counsel to do any/all of the acts, dee and things.
6. I/We, shall appear in the court/tribunal on every date of hearing for assistance and if due to my/our non-appearance, any adverse judgment/order/decree is passed, they will not be held responsible.

IN WITNESS whereof I/we have signed this **Wakalat Nama** hereunder, the contents of which have been read/explained to me/us and fully understood by me/us this 16.03.2020



Nadeem Iqbal (Executant)

Attested and Accepted by:



SHABIR AHMAD KHAN (DAWLATKHEL)
Advocate High Court.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No. 1720/2020.

Nadeem Iqbal (Data Processing Supervisor) Police Training School, District Swat.

----- Appellant

VERSUS

Inspector General of Police Khyber Pukhtunkhwa Peshawar & others.

----- Respondents

INDEX

S.No:	Description of Documents	Annexure	Page
1	Para-wise Comments	-	1-2
2	Affidavit	-	3
3	Authority Letter	-	4


District Police Officer, Swat
(Respondent No. 4)

①

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR.

Service Appeal No. 1720/2020.

Nadeem Iqbal (Data Processing Supervisor) Police Training School District Swat.

----- Appellant

VERSUS

Inspector General of Police Khyber Pukhtunkhwa Peshawar & others.

----- Respondents

PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO.01 to 05

Respectfully Shewith:

Preliminary Objections.

1. That the appellant has got no Cause of action and locus standi to file the present appeal.
2. That the appeal is bad due to misjoinder and nonjoinder of necessary and proper parties.
3. That the appeal is time barred.
4. That the appellant has not come to the Tribunal with clean hands.
5. That this Hon'ble Tribunal has got no jurisdiction to entertain the present appeal.
6. That the instant appeal is not maintainable in its present form.
7. That the appellant concealed the material facts from this Hon'ble Tribunal.
8. That the appellant is estopped by his own conduct to file the instant appeal.

FACTS:

1. Correct to the extent that the appellant was dismissed from service as being Data Entry Incharge of Documentation of NCP vehicles the appellant unduly intrude into the system, steal and manipulate the important data of NCP vehicles, from the computer system. However, later on in compliance with Judgment of this honorable Tribunal, a denovo departmental enquiry was conducted, wherein the appellant was re-instated in to service and awarded minor punishment of stoppage of two annual increments with cumulative effect. (copy of charge sheet with statement of allegations, enquiry with finding report and order dated 17/10/2019 are annexed A to C respectively)
2. First portion of the para explained above in detail, however rest of the para pertain to record.
3. Incorrect. The departmental appeal of the appellant was filed to the respondent No.01, however the instant service appeal is badly time barred.
4. First portion of this para pertain to record, however with respect to remaining para the instant service appeal filed by the appellant is time barred, hence not maintainable.
5. As stated above, appeal of the appellant was filed being time barred appeal. The appellant has wrongly invoked the jurisdiction of this honorable tribunal through unsound grounds.


GROUND:


- a. Incorrect. The respondent has complied with the Judgment of this honorable Tribunal by conducting denovo departmental enquiry into the matter, wherein the appellant was re-instated into service and was awarded minor punishment of stoppage of two annual increments.


- b. Incorrect. It has been proved during denovo departmental enquiry that the appellant being posted on responsible post of Data Processing Supervisor of NCP vehicle registration, was found negligent while performing his duty.
- c. Incorrect. The orders of respondents are quite legal in accordance with law/rules and no violation of the law has been made by the respondents.
- d. Incorrect. Para already explained above in detail.
- e. Incorrect. The impugned order is reasonable, legal and passed in accordance with law/rules.
- f. The respondents may be allowed to raised additional grounds at the time of hearing of appeal

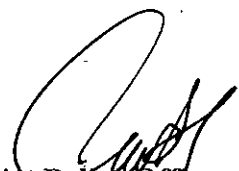
PRAYER:


It is therefore requested that the appeal of appellant may kindly be dismissed with cost being devoid of merits and without any legal substance.


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


**Add:Inspector General of Police
 Khyber Pakhtunkhwa, Peshawar
 (Respondent No. 2)**


**Regional Police Officer,
 Malakand Region
 Regional Police Officer
 Saibu (Shan) Swat.
 Malakand Region
 (Respondent No. 3)**


**District Police Officer, Swat
 (Respondent No. 4)**


**ADIG, Assistant to RPO Malakand
 (Respondent No. 5)**

Service Appeal No. 1720/2020.

Nadeem Iqbal (Data Processing Supervisor) Police Training School, District Swat.

-----Appellant

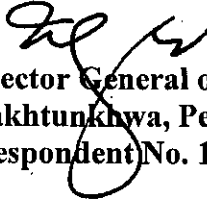
VERSUS


Inspector General of Police Khyber Pakhtunkhwa Peshawar & others.


----- Respondents


AFFIDAVIT

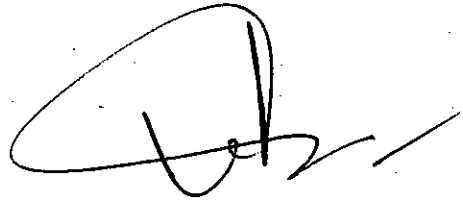
We, the above respondents do hereby solemnly affirm on oath and declare that the contents of the appeal are correct/true to the best of our knowledge/ belief and nothing has been kept secret from the honorable Tribunal.


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


Addl:Inspector General of Police
Khyber Pakhtunkhwa, Peshawar
(Respondent No. 2)


Regional Police Officer,
Malakand Region,
Regional Police Officer
Saidu Sharif, Swat.
Malakand Region
(Respondent No. 3)


District Police Officer, Swat
(Respondent No. 4)


ADIG, Assistant to RPO Malakand
(Respondent No. 5)

Service Appeal No. 1720/2020.

Nadeem Iqbal (Data Processing Supervisor) Police Training School, District Swat.

----- Appellant

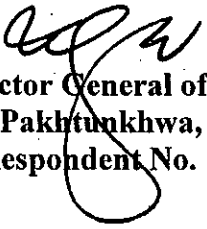
VERSUS


Inspector General of Police Khyber Pukhtunkhwa Peshawar & others.


----- Respondents

AUTHORITY LETTER

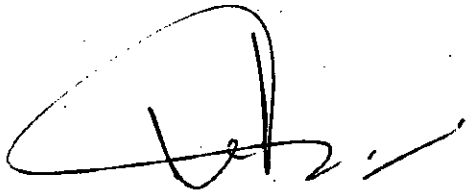
We, the above respondents do hereby authorized Mr. Naeem Hussain DSP/Legal Swat to appear before the Tribunal on our behalf and submit reply etc in connection with titled Service Appeal.


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


Addl. Inspector General of Police
Khyber Pakhtunkhwa, Peshawar
(Respondent No. 2)


Regional Police Officer,
Malakand Region
Regional Police Officer
Saidu Sharada Swat
Malakand Region
(Respondent No. 3)


District Police Officer, Swat
(Respondent No. 4)


ADIG, Assistant to RPO Malakand
(Respondent No. 5)

CHARGE SHEET

I, Amjad Khan, PSP, Addl: IGP/HQrs: Khyber Pakhtunkhwa as the Competent Authority, hereby charge you, Nadeem Iqbal, Data Processing Supervisor that while posted as Data Entry Incharge Documentation of NCP Vehicles You committed the following acts, which amount to gross misconduct on your part as defined in Civil Servants Efficiency and Disciplinary Rules 2011.

You Nadeem Iqbal, Data Processing Supervisor while posted as Data Entry Incharge Documentation of NCP vehicles without official authorization tried to intrude into the system with the intention to steal and manipulate data. You were in the possession of passwords and usernames of the software/server. Your intrusion into the system was detected on August 28, 2017 at 10:00 PM when you without official authorization logged into the system from HUAWEI-GRA-L09. Your actions have been cause of embarrassment to Police department and an attempt to manipulate official data. On data entered under your supervision the following discrepancies have been noted:

- a. Data of 171 vehicles was found deficient with no caretaker details, or vehicles numbers.
 - b. About 499 number of documentation numbers, multiple vehicles have been entered into the system. The deficiencies noted above speak of your ulterior motives in the documentation process of Non Custom Paid Vehicles.
2. Based on the above, you are guilty of misconduct and have rendered yourself liable to all or any of the penalties specified in Civil Servants Efficiency and Disciplinary Rules, 2011.
 3. You are, therefore, required to submit your written reply within seven (07) days of the receipt of this Charge Sheet to the Enquiry Committee.
 4. Your written reply, if any, should reach the enquiry committee within the specified period, failing which it shall be presumed that you have no defense to offer and as such ex-parte action will be taken against you.
 5. If you choose to be heard in person opportunity will be provided.
 6. Statement of Allegations is enclosed.

(AMJAD KHAN)PSP
Addl: Inspector General of Police,
Headquarters, Khyber Pakhtunkhwa,
Peshawar 18.6.2019.

Ameed A

6

Amjad Khan, PSP; Addl: IGP/HQs: Khyber Pakhtunkhwa as a competent authority, hereby charge you, Nadeem Iqbal, Data Processing Supervisor that while posted as Data Entry Incharge Documentation of NCP Vehicles. You committed the following acts, which amount to gross misconduct on your part as defined in civil servant **Efficiency and Disciplinary Rules 2011**.

STATEMENT OF ALLEGATIONS

You, Nadeem Iqbal, Data Processing Supervisor while posted as Data Entry Incharge Documentation of NCP vehicles without official authorization tried to intrude into the system with intention to steal and manipulate the data. You were in the possession of passwords and usernames of the software/server. Your intrusion into the system had been detected on August 28, 2017 at 10:00 PM when you without official authorization logged into the system from HUAWEI-GRA-L09. Your actions have been cause of embarrassment to the Police department and an attempt to manipulate official data. On data entered under your supervision, the following discrepancies have been noted.

- a. Data of 171 vehicles was found defective with no caretaker details, or vehicles number.
- b. About 499 number of documentation numbers, multiple vehicles have been entered into the system. The deficiencies noted above speak of your ulterior motives in the documentation process of Non Custom Paid Vehicles.
2. For the purpose of scrutinizing the conduct of the said officer with reference to the above allegations, a committee comprising of the following officers is hereby constituted.
 - I. Mr. Ashfaq Ahmed, DPO Swat, Chairman.
 - II. Qualified I.T expert, to be nominated by I.T Board.
3. The enquiry committee shall conduct proceedings in accordance with provision of civil servant **Efficiency and Disciplinary Rules 2011**. The committee shall provide reasonable opportunity of defense and personal hearing to the accused officer and finalized the proceedings within twenty five (25) days of the receipt of this order.
4. The delinquent official shall join the proceedings on the date, time and place fixed by the enquiry committee.

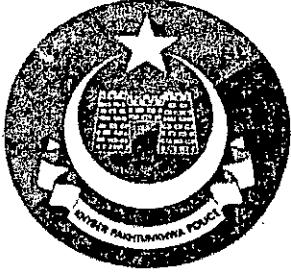
(AMJAD KHAN)PSP
Addl: Inspector General of Police,
Headquarters, Khyber Pakhtunkhwa,
Peshawar

18.6.2019.

Ameer B

7

7



از دفتر ایڈیشن سپرنٹنڈنٹ آف پولیس
ضلع سوات

فون نمبر 0946-9240253

Email: additionalspswat@gmail.com

فائنڈنگ رپورٹ

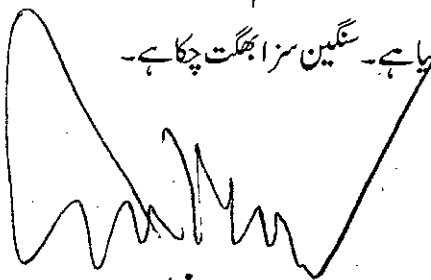
ڈیپوٹ انکوائری بر خلاف ندیم اقبال ڈیٹا سپر وائیزر متعینہ پولیس ٹریننگ سکول سوات

الزامات: ندیم اقبال سابقہ PRO حال ڈیٹا سپر وائیزر متعینہ PTS سوات کے خلاف محکمہ کارروائی ہو کر محکمہ سے درخواست کیا جا کر عدالت نے بحال کر کے کاغذات من ایڈیشنل SP کو بذریعہ ڈاک موصول ہو کر جس میں ڈیپوٹ انکوائری کے غرض سے جناب DPO صاحب سوات نے چارج شیٹ نمبری PA/5/12-03-2019 محررہ جاری کر کے ڈیپوٹ انکوائری کا حکم صادر فرمایا۔

تحقیقات: انکوائری میں ندیم اقبال طلب کیا جا کر جس نے تحریری بیان پیش کر کے جو کہ لف ہے۔ علاوہ ازیں معین فیاض PRO TO DPO سوات اور گوہر علی سافٹ ویئر انجینئر نمبر 696/SPF بھی طلب کئے جا کر ندیم اقبال کے روبرو ہر دونوں کے بیانات لئے گئے۔ ندیم اقبال نے ہر دونوں پر بشکل جرح کئی سوالات کئے جو کہ لف انکوائری ہے۔ انکوائری ہذا سے پایا گیا کہ ندیم اقبال سابقہ PRO نے ایک سافٹ ویئر برائے رجسٹریشن نان کسٹم پیڈ گاڑیاں تیار کر کے جس پر باقاعدہ آفسران بالا کے حکم پر کارروائی ملائڈ ڈویژن میں شروع کیا گیا۔ جب ندیم اقبال کا تبادلہ ہوا تو PRO چارج معین فیاض نے سنبھالی۔ اسی دوران گوہر علی جو کہ سافٹ ویئر کامبر تھا کو محکمہ پولیس میں بحیثیت SPF اہلکار ہرتی کیا گیا۔ سابقہ سافٹ ویئر جس کی یوزر نیم، پاس ورڈ ندیم اقبال کے پاس تھا۔ معین فیاض PRO نے سابقہ DPO اعجاز خان کے نوٹس میں لا کر صاحب موصوف نے ندیم اقبال سے یوزر نیم، پاس ورڈ حاصل کرنے کو کہا دو بار ندیم اقبال نے غلط پاس ورڈ دیکر جب کہ تیسری بار پاس ورڈ پر معین فیاض PRO اور گوہر علی سافٹ ویئر انجینئر SPF اہلکار نے سافٹ ویئر میں داخل ہو کر جس میں ڈیٹا کو Copy کر کے نئے سافٹ ویئر جو کہ گوہر علی انجینئر نے تیار کیا تھا میں Faste کیا۔ ملاحظہ کرنے پر پایا گیا کہ ندیم اقبال کے سافٹ ویئر میں 171 عدد گاڑیوں کے تفصیل اس طرح تھا کہ اس میں گاڑیوں کے تفصیل کا اندراج ABC,XYZ وغیرہ کے شکل میں درج تھا۔ ان 171 گاڑیوں کے نسبت یہ وضاحت مشکل تھا کہ یہ گاڑیاں کس کی ملکیت ہیں اور کس کے نام درج ہیں۔ اس کے علاوہ 499 گاڑیاں جو کہ ڈبل اور ٹریپل درج تھے۔ ان گاڑیوں کے تفصیل معین فیاض نے سابقہ DPO اعجاز خان کے نوٹس میں لا کر DPO صاحب نے ندیم اقبال کو ہدایت کی کہ فوری طور پر اس کی پیشی اور خامیوں کو دور کرنے کیلئے کچھ وقت دفتر PRO میں گزارے۔ ندیم اقبال ایسا کرنے میں ناکام رہا اور مزید جب معین فیاض اور انجینئر گوہر علی سافٹ ویئر میں کام میں مصروف عمل ہوئے تو ندیم اقبال بذریعہ موبائل ریویوٹیڈی اسی سافٹ ویئر میں اندر داخل ہوتا جس کا سکرین شاٹ معین فیاض نے حاصل کی۔ سابقہ DPO صاحب نے ندیم اقبال کو چارج شیٹ جاری کر کے جس پر حسب ضابطہ انکوائری ہو کر DPO واحد محمود صاحب نے ندیم اقبال کو محکمہ سے درخواست کرنے کا حکم صادر فرمایا۔ ندیم اقبال نے اپیل دائر کر کے جناب DPO صاحب نے فائل کر کے ندیم اقبال عدالت کے حکم پر بحال ہو کر ڈیپوٹ انکوائری ہذا شروع ہوئی۔

نتیجہ انکوائری: انکوائری ہذا میں ذیل نکات نوٹ کئے گئے ہیں جو کہ ندیم اقبال کے خلاف ثبوت کے طور پر زیر نظر کئے جاتے ہیں۔

- 01- جب ندیم اقبال سے اعجاز خان سابقہ DPO صاحب نے یوزر نیم، پاس ورڈ دینے کی ہدایت کی تو دوبارہ مذکورہ نے غلط پاس ورڈ دیئے۔ جو اس کے بددیتی کا غمازی کرتا ہے۔
 - 02- 171 اور 499 عدد گاڑیوں کے معاملہ پر مذکورہ نے کوئی ایسی ٹھوس ثبوت پیش نہیں کی۔ جس سے ثابت ہو سکے کہ یہ ٹیکنیکل Mistake ہے۔ جب کہ نئی سافٹ ویئر میں ندیم اقبال کے تیار کردہ سافٹ ویئر سے ہزاروں گاڑیاں زیادہ رجسٹرڈ ہوئے ہیں جس میں یہ خامی نہیں ہے۔
 - 03- ندیم اقبال بذریعہ موبائل فون سافٹ ویئر میں داخل ہو چکا ہے۔ جس کا سکرین شاٹ معین فیاض نے حاصل کیا ہے۔ مذکورہ کا اسی سافٹ ویئر میں بذریعہ موبائل فون ریویوٹیڈ لی Access کئی بددیانتی کا عکاسی ہے۔
- ندیم اقبال قسماً ایسا کرنے کا مرتکب رہا ہے مورخہ 09-01-2018 کو محکمہ پولیس سے برطرف ہو کر تقریباً 13/14 ماہ فوریس سے آؤٹ ہو کر اپنے کئے کا سزا بھگت چکا ہے چونکہ عارضی رجسٹریشن نان کسٹم پیڈ گاڑیوں کی اندراج بند کیا جا چکا ہے۔ الزام علیہ کو سروس ٹریبونل نے دوبارہ بحال کرنے کا حکم صادر کیا ہے۔ سنگین سزا بھگت چکا ہے۔
- Minor Punishment کی سفارش کی جاتی ہے۔

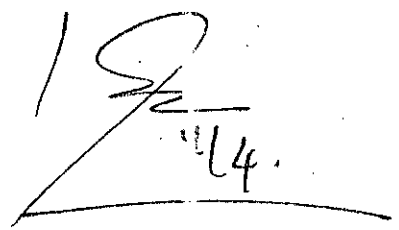


خان ندیم

ایڈیشنل ایس پی سوات

29 مارچ 2019ء

Dismissed from
service



قائمہ نگار رپورٹ

بحوالہ ڈینوڈ انکوآزی پر خلاف عدیم اقبال ڈیٹا سرور انڈر حال تحقیق پولیس ایفیکٹ سوال جوابات

خلاصہ ڈینوڈ انکوآزی:

عدیم اقبال ڈیٹا پرسنگ پر دائرہ جو کہ بعد حسب ضابطہ انکوآزی ڈیٹا پرسنگی پوائنٹ پر واقع ہے اور اس کے بارے میں بحوالہ آرڈر بک نمبر 06 سوری 09 01 2018 مقرر پولیس سے بددیانتی یہ اس نوع تصور کیا گیا ہے۔ ڈینوڈ انکوآزی پر 596/2018 سرورس فراہم کر کے غیر رجسٹرڈ اور ہوا ڈینوڈ انکوآزی کرنے کے لئے جناب ایف اے اے کے ساتھ ساتھ ڈیپٹی سیکرٹری نے یہ خلاف تصور وارنڈیم اقبال چارج شیٹ نمبر 127/PA/HQrs سوری 18 06 2019 جان سے منسلک جناب ایف اے کے ساتھ ساتھ عدالت کے احکام کو نظر انداز کیا۔ بعد ازاں تصور وارنڈیم اقبال بالا کی تحریر درخواست پر جناب ڈیپٹی ایف اے نے جواب دیا ہے کہ یہ بددیانتی و بددیانتی ہے۔ بحوالہ چھٹی انگریزی نمبر 5/CPO/IAB 2801-5 سوری 08/08/2019 جناب ایف اے کی طرف سے لے مقرر فرمایا۔

خلاصہ الزامات:

- بحوالہ چارج شیٹ نمبر 127/PA/HQrs سوری 18 06 2019 کیا یہ عدالت کی جانب سے ایف اے کے خلاف ہے۔
- گوارڈ خیر پختہ نمبر اوپن اور تصور وارنڈیم اقبال بالا پر ایف اے کے الزامات ماخذ کئے گئے ہیں۔
- 1۔ یہ تصور وارنڈیم اقبال سوری 28 08 2017 نوہ وقت 10 00 بجے ہو گیا۔
- 2۔ NCP گاڑیاں تیل پورا اور پوری کرنے کے لئے داخل ہوئے۔
- 3۔ یہ تصور وارنڈیم اقبال کے User پر 171 عدوڈ گاڑیوں وغیرہ تفصیل کئے گئے اور ان کے پاس پاس کیا گیا کہ حدت کروا سافٹ ویئر سٹم میں 499 ہونگا اور ایف اے کی امداد پائی جی ہے۔

تحقیقات کا ردائی

بددیانتی ڈینوڈ انکوآزی بند کر دیا اور متعلقین کے تحریری بیانات حاصل کیے گئے۔ عدالت نے جواب دیئے۔ بیانات کے مقدمہ کے تحت عدالت نے عدالت نے عدالت کے جواب دیئے گئے۔ عدالت نے جواب دیئے گئے۔ عدالت نے جواب دیئے گئے۔ عدالت نے جواب دیئے گئے۔

171 عدوڈ گاڑیوں کا سلسلہ مفصلی ظلمی سے عدالت ہے۔ ڈیپٹی ایف اے نے عدالت کے جواب دیئے گئے۔ عدالت نے جواب دیئے گئے۔ عدالت نے جواب دیئے گئے۔ عدالت نے جواب دیئے گئے۔

گورنر 696/SPF (سافٹ ویئر انجینئر) نے اپنے بیان میں واضح کیا ہے کہ حسب اہم انہر ان بالا مذکورہ نے اپنے بیان میں عدالت کے جواب دیئے گئے۔ عدالت نے جواب دیئے گئے۔ عدالت نے جواب دیئے گئے۔ عدالت نے جواب دیئے گئے۔

فائنل اور گورنر SPF سائنٹ و سٹریٹجی کے بیانات اور چارج شیٹ کے مطابق ندیم کا مورچہ 28.08.2019 بمقام برات 00 10 بجے کی تاریخ پر
ایکسپس ہونے کا الزام ہے اس طرح حاصل کردہ معلومات اور بیانات، چارج شیٹ میں واضح آغوا ہے۔

۲۔ مطابق چارج شیٹ الزام نمبر ۳ میں گاڑیوں کی تعداد 171 ہے جبکہ ایک اپ سے حاصل کردہ معلومات کے مطابق 163 گاڑیوں کا
اندراج دفتر تفصیل مالکان / گھرانہ کی گئی ہے، جبکہ سیکھلی ماہرین کے رائے کے مطابق یہ گزرو سائنٹ و سٹریٹجی سائنٹ کی وجہ سے ملتی ہیں 163 گاڑیوں
گاڑیوں میں سے محض 58 گاڑیاں ندیم کے یوزر نیم سے درج ہوئی ہے۔

۳۔ الزام نمبر ۳ میں جہاں تک 499 گاڑیوں کی دوہری (بار بار) اندراج کا تعلق ہے تو اس نسبت سیکھلی ماہرین کی رپورٹ کے مطابق
499 گاڑیوں میں سے کوئی بھی گاڑی ندیم کے یوزر سے درج نہیں کیا گیا ہے۔ یہ اندراج جملہ ملاکنڈ ڈویژن میں ذریعہ استعمال مختلف یوزر سے
ہے۔

۴۔ رسمی تحقیق کے پیش نظر اس امر کو نظر انداز نہیں کیا جاسکتا کہ قصور وار ندیم اقبال جو کہ NCP رجسٹریشن کے ایک اہم مہم پر تعینات تھا،
سائنٹ و سٹریٹجی ماہرین بھی تھا، جب مذکورہ کو NCP رجسٹریشن ڈسک سے بنایا گیا تو مذکورہ جان بوجھ کر متعلقہ DPO صاحب کو درمیان
و سٹریٹجی پاس ورڈ اور یوزر نیم فراہم کر کے مذکورہ کا یہ فعل قصداً عمداً افسران بالا کی حکم دہلی کرنا بھی ذمہ ہے۔

۵۔ سیکھلی ماہرین کی رپورٹ کے مطابق کمپیوٹر سسٹم اور سائنٹ و سٹریٹجی مافیل انکو آڈی فارمیٹ کیا جا چکا ہے، اس لئے چارج شیٹ میں مذکور
الزامات پر یعنی جی ثابت کرنا ناممکن ہوا ہے۔

حالات و واقعات سے انکو آڈی سیکھلی اس نتیجہ پر پہنچی ہے کہ انکو آڈی سیکھلی نوعیت کی ہے۔ سیکھلی ماہرین کی رپورٹ کے مطابق مذکورہ
انکو آڈی سائنٹ و سٹریٹجی سے فارمیٹ کیا جا چکا ہے اور الزامات ثابت کرنا ناممکن ہے۔ جبکہ ریکارڈ ڈیٹا مین فائنل PRO کے ایپ اپ ڈیٹا
اپ کے ذریعہ چیک کیا گیا جن میں 163 گاڑیوں میں سے 58 گاڑیوں کا ندیم کے یوزر سے درج ہوئی اور
باقی 105 نمبرات پورے ملاکنڈ ڈویژن کے یوزر کی جانب سے درج کی گئی اور الزامات کو بے بنیاد قرار دیا۔ مذکورہ ندیم اقبال کو NCP رجسٹریشن سے
ہٹانے پر قصداً عمداً افسران بالا کو غلط یوزر نیم پاس ورڈ فراہم کرنا مذکورہ کی بددیانتی کرتا ہے لیکن مذموم ہے۔
لہذا مذکورہ رپورٹ مرتب ہو کر رائے مناسب حکم پیش خدمت ہے۔

محمد یونس
محمد یونس اللہ

ڈپٹی ڈیڑی سٹریٹجی سی پی او خیبر پختونخواہ پشاور

سینئر سب انسپکشن آئی ای بی پشاور
محمد یونس اللہ

ملک اعجاز
ملک اعجاز
(سپیشل ایس پی انو سیکشن ضلع سوڈا)

Amal Khan 2
11



Phone:-091-921174916

Office of the
Inspector General of Police
Khyber Pakhtunkhwa, Peshawar.

8387
21.10.19
17/10/2019

No. 3175 /CPO/IAB dated Peshawar the

To: The District Police Officer,
Swat

Subject: DENOVO DEPARTMENTAL ENQUIRY AGAINST NADEEM IQBAL, DATA PROCESSING SUPERVISOR SWAT

Memo:

Please refer to your office letter No.15296/Legal dated 07.10.2019, on the subject cited above.

In this connection copy of order in respect of Nadeem Iqbal, Data Processing Supervisor issued by the Addl:IGP/HQrs: is sent herewith for necessary action, Please.

Amal Khan
Deputy Inspector General of Police
Internal Accountability
Khyber Pakhtunkhwa,
Peshawar

No:-

/CPO/IAB,

Copy of above is forwarded for information to:-

1. The Addl:IGP/HQrs: Khyber Pakhtunkhwa.
2. The Regional Police Officer, Malakand.
3. The Registrar, CPO, Peshawar.
4. The Office Superintendent, Secret Branch, CPO.

Date of dismissal
09-11-2018
Honorable
Tribunal
order dt: 9
10-1-2019
for re-instatement
for denovo enquiry

Since charges were

place on file

SP/Legal Seal
21.10.19

DSM Nijal / PA / E
For M action

21/10

ORDER

This order disposes off the departmental enquiry against the delinquent Data Processing Supervisor, Swat Mr. Nadeem Iqbal.

The delinquent official was dismissed from service by DPO Swat on the allegations that while he was posted as Data Entry Incharge for documentation of NCP vehicles he tried to intrude into the system with the intention to steal and manipulate the data.

He lodged service appeal against the order of DPO Swat. The Honorable Tribunal accepted his service appeal vide its judgment dated 10.01.2019 and De Novo enquiry was ordered.

The operative paras 4 & 5 are reproduced as under:-

- Record available on the case file revealed that the appellant was appointed by the Addl: Inspector General of Police (HQrs:), while disciplinary proceedings were finalized by the DPO Swat, who was otherwise not competent to proceed in this case vide para 4 (3) (Appointing Authority) and para 14 (Termination) of the Khyber Pakhtunkhwa Police Department (Information Technology Group) Service Rules, 2014. Impugned order passed by the DPO Swat was hence coram-non-judice and void ab-initio. As the entire proceedings became null and void due to non-observance of rules, so it is deemed appropriate not to touch other aspects of the case.

- As a sequel to the above, the appeal was accepted, the impugned order dated 09.01.2018 was set aside and the appellant was re-instated in service. The respondents were directed to conduct the De Novo enquiry strictly in accordance with law within a period of ninety days from the dated of receipt of this judgment.

To proceed further in De Novo enquiry, he was issued Charge Sheet and Summary of Allegations by the Addl: IGP, HQrs: Khyber Pakhtunkhwa, Peshawar vide No.127/PA/HQrs: dated 18.06.2019 and the following enquiry committee was constituted:-

1. Mr. Malak Ijaz, SP Investigation, Swat now DPO Shangla.
2. Mr Muhammad Saleem Ullah, Dy: Director IT CPO, KP, Peshawar
3. Mr. Mujahid Shah, Senior Web Technology, IT Board KP Peshawar.

The committee submitted their findings on 09.10.2019 wherein the recommendation entailed are summarized as follow:-


- a) As per report of technical experts, prior to this the subject software had been formatted and record has been checked through the Lap Top of Moen Fayaz PRO which revealed that 58 NCP vehicles have been entered out of the 163 numbers of vehicles through the "User Name" of Nadeem, while the remaining 105 numbers have been entered through "User Name" of Malakand Division.

- b) The enquiry committee while holding the delinquent official as negligent in his duty has established that Nadeem Iqbal has been found guilty of misconduct and was posted out from the NCP registration office. He is found guilty of willful provision of wrong "User Name" password to the officers instead.

In order to mete out Justice, the delinquent official Nadeem Iqbal was also issued Final Show Cause Notice by the undersigned and was also heard in person. Both the reply and the personal hearing could not be found satisfactory.

It appears from the findings of the enquiry that Nadeem Iqbal was negligent in discharging his duties, therefore I, Dr. Ishtiaq Ahmed being Competent Authority, hereby award the "minor punishment" of stoppage of 02 (Two) annual increments with cumulative effect in accordance with the Rule 5(b) Khyber Pakhtunkhwa Efficiency & Disciplinary Rules, 2011.

Order announced and issued.


(DR. ISHTIAQ AHMED) PSP. PPM
Additional Inspector General of Police,
Headquarters, Khyber Pakhtunkhwa
Peshawar.