



06.02.2023

Learned counsel for the appellant present. Muhammad Adeel But, Learned Additional Advocate General for the respondents present.

Learned counsel for the appellant requested for adjournment in order to prepare the brief. Last chance is given. To come up for arguments on 15.02.2023 before D.B.


(Fareeha Paul)
Member (E)


(Rozina Rehman)
Member (J)


15.02.2023

Learned counsel for the appellant present. Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.

Member copy of the appeal is not available, therefore, learned counsel for the appellant requested for adjournment to submit the same. Adjournment is granted to him for providing Member copy before the next date. To come up for arguments on 14.04.2023 before the D.B.

SCANNED
KUST
Peshawar


(Fareeha Paul)
Member (E)


(Salah-ud-Din)
Member (J)

20.07.2022

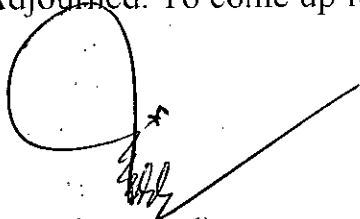
Proper Bench is not available, therefore, case is adjourned
to 19.10.2022 for the same as before.



Reader

19.10.2022

Learned counsel for the appellant present. Mr. Arif Saleem,
Steno alongwith Mr. Naseer-ud-Din Shah, Assistant Advocate
General for the respondents present.

Learned counsel for the appellant submitted rejoinder, copy of
which handed over to learned Assistant Advocate General, who
sought adjournment on the ground that he has not gone through the
same. Adjourned. To come up for arguments on 28.11.2022 before the
D.B.


(Mian Muhammad)
Member (E)


(Salah-Ud-Din)
Member (J)

28/11/22

Deleted from the list to
come up for the same on 6/2/23


Reader

24.02.2022

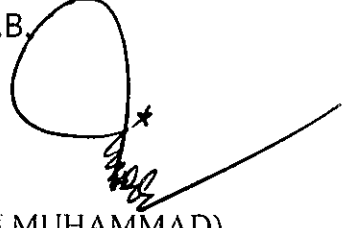
Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 25.03.2022 for the same as before.


Reader

25.03.2022

Appellant in person present. Mr. Kabirullah Khattak, Addl: AG alongwith Mr. Arif Saleem, Steno for respondents present.

Written reply/comments on behalf of respondents not submitted. Representative of the respondents seeks time to submit the same on the next date. Adjourned. To come up for written reply/comments on 13.05.2022 before S.B.


(MIAN MUHAMMAD)
MEMBER(E)

13.05.2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl. AG for the respondents present.

Respondents have submitted reply/comments. Placed on file. To come up for arguments on 20.07.2022 before the D.B. The appellant may submit rejoinder within a fortnight, if so advised.



Chairman

Hidayat Ullah 3439/2021

22.10.2021 Learned Counsel for the appellant present. Preliminary arguments heard.

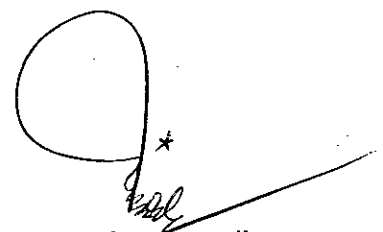
Learned counsel for the appellant argued that the appellant is aggrieved of the impugned order dated 24.11.2020 whereby minor penalty of "censure" was awarded to the appellant and intervening period was treated as "unauthorized leave without pay". The appellant preferred departmental appeal to the appellate authority on 15.12.2020. His departmental appeal was however, rejected vide appellate order date 04.02.2021 where-after the service appeal was submitted in the Service Tribunal on 02.3.2021. It was contended that the authority has not treated the appellant in accordance with law, rules and policy and has acted in violation of Article 3 and 4 of the Constitution. The appellant has been condemned unheard and deprived of the right of personal hearing.

Points raised need consideration. The appeal is admitted to regular hearing, subject to all just and legal objections including limitation. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time or extension of time is not sought, the office shall submit the file with a report of non-compliance. File to come up for arguments on 24.02.2022 before the D.B.

Appellant Deposited
Security & Process Fee

22/10/21

D

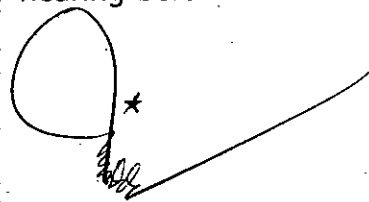


(Mian Muhammad)
Member(E)

21.10.2021

Appellant alongwith his counsel present.

Due to paucity of time preliminary arguments could not be heard. Adjourned. To come up for preliminary hearing before the S.B on 22.10.2021.

A handwritten signature in black ink, consisting of a large, stylized loop followed by a vertical line and a horizontal stroke extending to the right. A small asterisk is placed above the vertical line.

(MIAN MUHAMMAD)
MEMBER (E)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. - 3439 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	08/03/2021	<p>The appeal of Mr. Hidaytullah resubmitted today by Mr. Ashraf Ali Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;">REGISTRAR 08/03/2021</p>
2-		<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>24/05/21</u></p> <p style="text-align: right;">CHAIRMAN</p>
	24.05.2021	<p>Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 07.09.2021 for the same as before.</p> <p style="text-align: right;">Reader</p>
	07.09.2021	<p>None is present for the appellant.</p> <p>Notice be issued to appellant and his learned counsel for the next date. To come up for preliminary hearing on 21.10.2021 before S.B.</p> <p style="text-align: right;">(Mian Muhammad) Member(E)</p>

The appeal of Mr. Hidayatullah constable no. 881 Police Force Kohat received today i.e. on 02/03/2021 is incomplete on the following score which is returned to the counsel for the appellatant for completion and resubmission within 15 days.

1- Page no. 25 and 35 of the appeal are illegible which may be replaced by legible/better one.

No. 458 /S.T,

Dt. 03/03 /2021

REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.


Mr. Ashraf Ali Khattak
Adv. High Court Peshawar.

Sir,

Resubmitted by the removal

objection.

8/3/2021


Mr. Ashraf Ali Khattak

**BEFOR THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

SERVICE APPEAL No. ___/2021

Hidayat Ullah
Constable No.881,
Police Force, Kohat.

..... Appellant

Versus

The Regional Police Officer,
Kohat Region Kohat and others

..... Respondents

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S.No.	Description of Documents	Date	Annexure	Pages
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2.	Copies of Commendations certificate		A	9-14
3.	Copy of Naqlemad No. 15 dated 10-10-2019		B	15-
4.	Copy of order OB No. 1249 dated 17-10-2019		C	16-
5.	Copy of service appeal		D	17-31
6.	Copy of dismissal from service of DPO Kohat Order OB No. 1392 dated 04-11-2019		E	32-33
7.	Copy of order No. 2662 dated 18-02-2020		F	34-
8.	Copy of re-instatement order of appellant for the purpose of inquiry, charge sheet, statement of allegations, reply of the appellant and abstract from inquiry report.		G	35-41
9.	Copy of impugned order of respondent No.2 dated 24-11-2020		H	42
10.	Copy of departmental appeal		I	43-45
11.	Copy of impugned final order dated 04-02-2021		J	46-
12.	Copy of Paper			
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Through

Petitioner

Ashraf Ali Khattak
Ashraf Ali Khattak
Advocate,
Supreme Court of Pakistan

Dated ___/___/2021

BEFOR THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL No. 3438/2021

Khyber Pakhtunkhwa Service Tribunal

Diary No. 3312

Dated 02/3/2021

Hidayat Ullah
Constable No.881,
Police Force, Kohat.

Appellant

Versus

1. The Regional Police Officer,
Kohat Region Kohat.
2. The District Police Officer,
Kohat.

Respondents

Service Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974 against the impugned Final order of the respondent No.1 End: No.1600/EC, dated Kohat the 04-02-2021, wherein he rejected the departmental appeal of the appellant preferred against the order passed by respondent No.2 vide OB No.823 dated 24-11-2020, wherein he awarded minor punishment of censure and the intervening period was treated as unauthorized leave.

Prayer in Appeal:-

On acceptance of the instant service appeal, this Hon'ble Tribunal may graciously be pleased to:-

1. Declare the impugned order of the respondent No.1 End: No.1600/EC, dated Kohat the 04-02-2021 and impugned order of respondent No.2 vide OB No.823 dated 24-11-2020 as illegal, unlawful and without lawful authority;
2. Set aside both the impugned orders and re-instate the appellant with all back benefits including the counting of intervening period as period on active duty.

Filed to-day
Registrar
02/03/2021

Re-submitted
to-day 08/03/2021
filed.

3. Any other relief deemed appropriate in the circumstances of the case not specifically asked for may also be graciously granted.

Respectfully Sheweth,

The concise facts giving rise to the present Service Appeal are as under:-

1. That appellant is the employee of police force, Kohat. He has long service standing at his credit. He has been awarded numerous Commendation Certificates for his extra ordinary and brave services beyond the call of his duty (Annexure-A).
2. That appellant was proceeded against departmentally for certain false allegations and was awarded punishment with confinement in quarter guard for fifteen (15) days vide Naqlemad No. 15 dated 10-10-2019 (Annexure-B).
3. That later on appellant was again proceeded on the same set of allegations and was awarded penalty of reduction in rank from the substantive rank of LHC to the rank of Foot Constable vide order OB No. 1249 dated 17-10-2019 and that too during confinement period (Annexure-C).
4. That being aggrieved from the aforesaid cited order, appellant filed departmental appeal before respondent No.1 which was not decided within statutory period therefore, appellant filed service appeal before the Hon'ble Khyber Pakhtunkhwa Service Tribunal which has been pending adjudication (Annexure-D)
5. That respondent No.2 again forced the appellant to undergo departmental proceedings on the same set of allegations and after slipshod summary proceedings awarded appellant major penalty of dismissal from service vide DPO Kohat Order OB No. 1392 dated 04-11-2019 (Annexure-E).

6. That being aggrieved from the order cited above; appellant submitted departmental appeal before respondent No.1 but the same was also rejected vide order No. 2662 dated 18-02-2020 (Annexure-F).
7. That being aggrieved from the order No. 2662 dated 18-02-2020 of the worthy respondent No.1, appellant preferred revision petition before the worthy Inspector General, Khyber Pakhtunkhwa under rule 11-A of the Khyber Pakhtunkhwa Police Rules, 1975.
8. That respondent No.1 (worthy Inspector General, Khyber Pakhtunkhwa) placed the revision petition before the Revision Board and after examining the facts and circumstances of appellant's case reached to the conclusion that appellant is innocent and the charged leveled against him are totally baseless therefore, appellant was reinstated vide order No. S/3335-3341/20 dated 11-08-2020, however, the competent authority was directed to conduct proper regular inquiry and decide the matter afresh on the basis of denovo proceedings (Annexure-G).
9. That in pursuance of the order of the worthy Addl. Inspector General, Khyber Pakhtunkhwa appellant was reinstated for the purpose of denovo inquiry vide order dated 25-08-2020. Appellant assumed his charge of duties on 27-08-2020.
10. That the competent authority in pursuance of the afore cited order (worthy DPO, Kohat) initiated denovo proceedings and served the appellant with charge sheet and statement of allegations dated 25-08-2020.
11. That inquiry was conducted and appellant was proved innocent of the whole of the charges.
12. That it is pertinent to mention here that the worthy DPO, Kohat being not satisfied with the recommendations of the inquiry officer again

appointed another inquiry officer for conducting second inquiry on the same set of allegations.

13. That appellant was again proved innocent and the whole of the charges were declared by the inquiry officer as baseless and concocted and recommended that appellant be reinstated with all back benefits.
14. That in spite of the recommendation of both the inquiry officers as discussed above, the worthy DPO, Kohat without serving the appellant with any sort of show cause notice upon the appellant imposed a minor penalty of censure and warned to be careful in future vide order No. 5905-08 dated 24-11-2020. Appellant was reinstated in service and the intervening period was treated as unauthorized leave without pay (Annexure-H).
15. That being aggrieved from the aforesaid order appellant preferred departmental appeal before the respondent No.2 (Annexure-I), which is now been rejected vide order dated 04-02-2021 (Annexure-J).
16. That appellant now being aggrieved of the both the impugned orders of respondent No.1 End: No.1600/EC, dated Kohat the 04-02-2021 and impugned order of respondent No.2 vide OB No.823 dated 24-11-2020 files the instant Service Appeal inter alia on the following **grounds**:
 - A. That the penal authority has not treated the appellant in accordance with law, rules and policy on the subject and acted in violation of Article 4 of the Constitution of Pakistan, 1973. Moreover the act of the respondents amounts to exploitations, which is the violation of Article 3 of the Constitution, 1973. Appellant has been subjected to continuous harassment. He was subjected to undergo continuous departmental proceedings on the same subject matter. Appellant was exonerated by two consecutive inquiries from all the charges leveled against him, but the penal authority ignored the recommendations of the inquiry officer and awarded punishment to the extent of Censure

and treating the interval period in between the dismissal and reinstatement as leave without pay, which has caused huge financial loss to the appellant.

- B. That appellant has been subjected to numerous continuous departmental inquiries on the same set of accusation which is against the well known principle of law "Double Jeopardy" and against the spirit and provision of Article 13 of the Constitution of Pakistan, 1973.
- C. That section 16 of the Civil Servant Act, 1973 provide that every civil servant is liable for prescribed disciplinary action in accordance with prescribed procedure. In the instant case no prescribed procedure has been adopted therefore, the impugned penal order is nullity in the eyed of law and liable to be set aside.
- D. That number of departmental inquiries were conducted by the respondents, but prosecution failed to bring an iota of evidence against the appellant to substantiate their baseless accusation/allegations even in spite of the fact that appellant was not associated with inquiry proceedings and even was not confronted with accusation. Final show cause was not served and no inquiry report was provided, which is mandatory in nature and spirit and the denial thereof is the denial of justice, fair play and equity.
- E. That appellant has been condemned unheard being deprived of the right personal hearing.
- F. Accused is stated to be a favorite child of law and he is presumed to be innocent unless proved otherwise and the benefit of doubt always goes to the accused and not to the prosecution as it is for the prosecution to stand on its own legs by proving all allegations to the hilt against the accused. Mere conjectures and presumption, however strong, could not be made a ground for removal from service of civil servant [1999 PLC (CS) 1332 (FST)]...... Unless and until prosecution

proves accused guilty beyond any shadow of doubt, he would be considered innocent [1983 PLC (CS) 152 (FST)].

- G. That Re-instated employee would be entitled to back benefits as a matter of course unless employer is able to establish by cogent evidence that concerned employee had been gainfully employed elsewhere. In this respect, initial burden would lie upon the employer and not upon the employee to prove that such employee was gainfully employed during period of termination from his service. 2010 TD (Labour) 41.

- H. That Civil servant who was dismissed from service through arbitrary and whimsical action of the government functionaries and re instated through judicial order of Service Tribunal would have every right to recover arrears of salaries by way of back benefits due to them during the period of their dismissal and re instatement. It would be very unjust and harsh to deprive them of back benefits for the period for which they remained out of job without any fault on their part and were not gainfully employed during that period.....Supreme Court allowing their appeal and directing payment of back benefits to the appellants. 2006 T D (SERVICE) 551 (a).

- I. That the penal order is not a speaking order for the reason that no solid and legal grounds have been given by the penal authority in support of his penal order. On this score the impugned order is liable to be set aside.

- J. That as per proviso of section 17 of the Civil Servant Act, 1973, the penal authority while set aside the order of dismissal or removal are under legal obligation to award the delinquent official back benefits for the period a civil servant remained out of service, but the penal authority ignored the mandatory provision of law and not only denied the arrears of pay but also treated the interval period in between the dismissal and re instatement as leave without pay and that too without the support of any legal reason.

K. That appellant would like to seek the permission of Your Kind Honour for award of personal hearing. Appellant may kindly be granted the opportunity of personal hearing.



Appellant

Through

Asst →

Ashraf Ali Khattak
Advocate,
Supreme Court of Pakistan

Dated: ___/___/2021

8

**BEFOR THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

SERVICE APPEAL No. _____/2021

Hidayat Ullah
Constable No.881,
Police Force, Kohat..... **Appellant**

Versus

1. **The Regional Police Officer,**
Kohat Region Kohat.
2. **The District Police Officer,**
Kohat.

..... **Respondents**

AFFIDAVIT

I, **Hidayat Ullah** Constable No.881, Police Force, Kohat , do hereby solemnly affirm and declare on oath that the contents of this service appeal are true and correct to the best of my knowledge, and nothing has been concealed from this Hon'ble Court.


Deponent

Anx-A

9

DISTRICT KOHAT POLICE



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*Commendation Certificate III
is awarded to*

LHC Hidayat Ullah No.881

In recognition of

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

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

O.B. No. 421

Dated 03-04-2019

D. P. KOHAT
District Police Officer
Kohat

ATC

10

DISTRICT KOHAT POLICE



Commendation Certificate III

is awarded to

Lt. Hidayat Ullah No. 881

In recognition of

Good performance in case FIR NO. 918

dt. 25-12-2017 U/s 506/365/511/34 PPC Ps M/R

Cash Reward Rs. 500/-

O.B. No. 41

Dated 9.1.18.

Mujib ul
District Police Officer
District Police Officer

Atc-46

(H)

DISTRICT KOHAT POLICE



Handwritten signature

Commendation Certificate III
is awarded to

LEO Hidayat Ullah No. 881

In recognition of

His performance during Duty

Cash Reward Rs. 300/-

O.B No. 1126

Dated 12-12-2043

Handwritten signature
District Police Officer
Kohat

Handwritten signature

POLICE TRAINING COLLEGE HANGU



Commendation Certificate II
is awarded to

Hadayatullah 881 of Lower Course with Cash Rs. 300/-

in recognition of
His good performance of duty

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


Commandant
Police Training College Hangu

24

19

(1) (13)

DISTRICT KOHAT POLICE



Commendation Certificate III
is awarded to

IHC Hidayat Ullah No. 551

In recognition of

His performance during duty

Cash reward Rs. 300/-

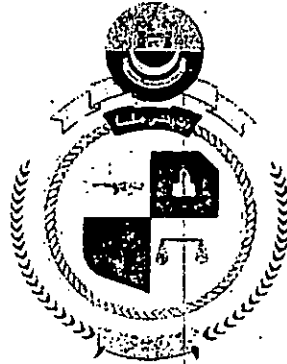
O.B No. 1126

Dated 12/12/2014

District Police Officer
Kohat

ATC
-A-

POLICE TRAINING COLLEGE HANGU



1935

Commendation Certificate II

is awarded to

Muhyatullah S. of Lower Course with Cash Rs. 300.

in recognition of

his good performance of duty

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

Commandant
Police Training College Hangu

Atc
A

پہلے کی طرح

15 روزہ 3 10/19

اند اطلاع Asi/Lo جمع 10/19 وقت 18:00 بجے اس وقت
ایئر پورٹ کا حدیثی بندرگاہ سرکاری فون اطلاع دی، حسب اطلاع
DPO - حسب پورٹ ایئر 881 LHC کو بند نہ کھولے گا 15/15
کرنے اطلاع دینے روزانہ کی صورت میں درج ہے

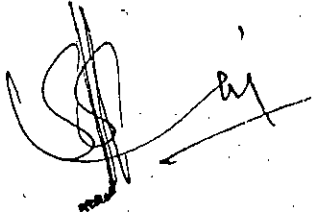
10/19

تعمیراتی امور

AMC - Line - KT

10 - 10 - 19

Sir
Forwarded



Asi/Lo - Line - KT

10 - 10 - 19

ABC


Anx - C

15



OFFICE OF THE
DISTRICT POLICE OFFICER,
KOHAT

Tel: 0922-9260116 Fax 9260125

ORDER

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


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

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

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

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

Announced
17.10.2019


DISTRICT POLICE OFFICER,
KOHAT 17/10

OB No. 1294
Dated 17-10-2019

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

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

ATC
A



Anx-D

(17)

BEFORE THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal _____ 2020

Ex-LHC Hidayat Ullah No-881 R/o Togh Bala Kohat

(Appellant)

VERSUS


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

(Respondent)

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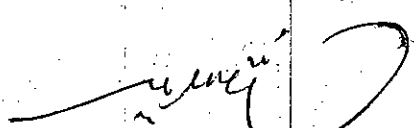
Sr No	Description of Documents	Annexure	Page
1	Memo of Appeal		1-5
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3	Address of the Parties		7
4	Copy of impugned order dated 17-10-2019	A	8
5	Copy of Show Cause Notice along with reply dated 09-10-2019	B	9-10
6	Copy of Charge Sheet & Disciplinary Action dated 17-10-2019	C	11-12
7	Copy of Departmental representation dated 14-11-2019	D	13-15
8	Copy of Certificate	E	16-17
9	Copy of FIR 's dated 04-11-2019	D	18
	Wakalatnama		

{ Application for amendment }


Appellant

Through

Date 3/2/2020


Syed Mudasir Pirzada
Advocate HC
0345-9645854

Atc


18

BEFORE THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal _____ 2020

Ex-LHC Hidayat Ullah No-881 R/o Togh Bala Kohat

(Appellant)

VERSUS

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

(Respondent)

APPEAL UNDER SECTION 4 OF KPK SERVICE TRIBUNAL ACT AGAINST THE IMPUGNED ORDER OF DPO KOHAT VIDE DATED APPEAL AGAINST THE IMPUGNED ORDER OF DPO KOHAT VIDE DATED 17-10-2019, OB NO:-1294 IN WHICH WITHOUT ENQUIRING THE ALLEGATIONS DIRECTLY IMPOSED THE PUNISHMENT OF REVERSION FROM THE RANK OF LHC TO SUBTANTIVE RANK OF FOOT CONSTABLE AND THE APPELLANT SENIORITY BE FIXED AS JUNIOR MOST FOOT CONSTABLE WITH IMMEDIATE EFFECT .

Respectfully Sheweth,

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

Facts:

Briefly facts are that the appellant while serving in department the respondent No-3 blessed with the impugned order upon the allegation as mentioned in the impugned order are that it was noticed through reliable source that the appellant had links with a notorious criminal gang known as Tapoo Gang of Nusrat Khel and the information was confronted through different sources and CDR of the appellant which pursued and proved (Copy of Impugned order dated 17-10-2019 is annexed as annexure A)

That upon the above mentioned allegation the appellant was served with the show cause notice on dated 09-10-2019 and the respondent No-3 demanded that the reply of the show cause notice be submitted with in one hour (Copy of show cause notice & reply is annexed as annexure B)

ABC
[Signature]

That the appellant was not served with the charge sheet along with Disciplinary action and the bias ness of the respondent No-3 is proved from the perusal of the charge sheet that there is difference in the allegation (Copy of Charge Sheet and Disciplinary Action dated 17-10-2019 is annexed as annexure C)

That the appellant submitted the reply to the show cause notice but the same was not consider hence the impugned order were issued felling aggrieved from the impugned order the appellant prefer departmental representation dated 14-11-2019 which was till now not consider nor entertain.(Copy annexed departmental representation is annexed as annexure D)

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

That upon the reply to show cause notice the appellant was served with the charge sheet ,Disciplinary Action as per impugned order and without providing the opportunity of submitting the reply the appellant has been awarded punishment.

That the appellant never ever involve with any gang nor the respondent No-3 has evidence to prove the allegation just on the personal biasness the appellant was blessed with impugned punishment order as well as register a criminal case (Copy of FIR is annexed as annexure F) .

That the appellant is very dedicated keen and apprehensive towards his assign duty but this factor has not been appreciated while at time of awarding the impugned order.

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

That the appellant feeling aggrieved from the impugned order having no alternate remedy except this honourable tribunal on the following grounds:-

Grounds:-

1. That the allegations never practice by the appellant and there is nothing on record which connect the appellant with the allegation.
2. That the appellant always earned the good name for department and pot ray a excellent image towards the public.
3. That it is the settle principle of justice that no one should be condemn un heard but in the case of appellant no enquiry has been conducted to enquire the allegation .

Atc.
[Signature]

4. That again an unjust has been done with the appellant by not giving ample opportunity of cross examination as well as not heard in person nor properly enquired the allegation. Just on the basis of source relying held guilty the appellant without following the prescribed rules relating to enquiry proceedings as per Police Rules 1975 (amended 2014).
5. That nothing has been proved beyond any shadow of doubt that the appellant has committed any mentioned allegation which tarnished the image of Police department.
6. That while awarding the impugned order none from the general public was examined in support of the charges leveled against the appellant. No allegation mentioned above are practiced by the appellant nor proved against any cogent reason against the appellant.
7. That the appellant is honest and dedicated one and leave no stone unturned to discharge his duties.
8. That as per universal declaration of human rights 1948 prohibits the arbitral / discretion.
- 10:- That the respondent No-3 has acted whimsically and arbitrary, which is apparent from the impugned order.
- 11:-That the impugned order is not based on sound reasons and same is not sustainable in the eyes of law. The same is based on wrong assumption of facts.
- 12:-That the impugned order is outcome of surmises and conjecture.

Pray:

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

Date: 3/2/2020

Through

Appellant

Syed Mudasir Pirzada
Advocate HC
0345-9645854

Abdullah

Certificate:-

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

List of Books

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

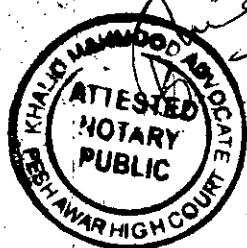
*Abd
A.*

BEFORE THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal _____ 2020

AFFIDAVIT

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



[Handwritten Signature]
3-2-2020
Advocate

BEFORE THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal _____ 2020

Ex-LHC Hidayat Ullah No-881 R/o Togh Bala Kohat

(Appellant)

VERSUS

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

ADDRESS OF THE PARTIES

APPELLANT :-

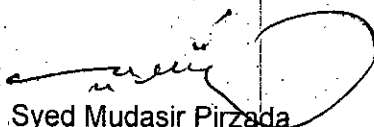
Ex-LHC Hidayat Ullah No-881 R/o Togh Bala Kohat

RESPONDENTS

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


Appellant

Through


Syed Mudasir Pirzada
Advocate HC
0345-9645854

Date 3/2/2020



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

ORDER

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

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

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

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

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

Announced
17.10.2019

OB No. 1294
Dated 17-10-2019

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

Copy of above for necessary action to the:-

1. Reader/Pay officer/SRC/OHC for necessary action.
2. R./L.O.
3. Accused official

DISTRICT POLICE OFFICER,
KOHAT

9-10-2019-501

17-10-2019
order of
reader's report

Handwritten signature/initials

OFFICE OF THE DISTRICT POLICE OFFICER KOHAT

SHOW CAUSE NOTICE

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

1. That You LHC Hidayat Ullah No. 881 Police Lines Kohat have rendered yourself liable to be proceeded under Rule 5 (3) of the Khyber Pakhtunkhwa Police Rules 1975 (Amendment 2014) for following misconduct:
 - i. You have involved yourself to prove as Tapoo Gangs informer and more so you told them how to conspire against Police/pressure Police to get their narcotics business run like old times, which shows your inefficiency and professional gross misconduct on your part.
2. That by reason of above, as sufficient material is placed before the undersigned, therefore it is decided to proceed against you in general Police proceeding without aid of enquiry officer;
3. That the misconduct on your part is prejudicial to good order of discipline in the Police force;
4. That your retention in the Police force will amount to encourage in efficient and unbecoming of good Police officers;
5. That by taking cognizance of the matter under enquiry, the undersigned as competent authority under the said rules, proposes stern action against you for awarding of the kind punishments as provided in the rules;
6. You are, therefore, called upon to show cause as to why you should not be dealt strictly in accordance with the Khyber Pakhtunkhwa Police Rules, 1975 (Amendment 2014) for the misconduct referred to above.
7. You should submit reply to this show cause notice within 07 days of the receipt of the notice, failing which an ex-parte action shall be taken against you.
8. You are further directed to inform the undersigned that you wish to be heard in person or not.
9. Grounds of action are also enclosed with this notice.

No. 50000 /PA

DISTRICT POLICE OFFICER,

Dated 09-10-2019

Att
A.

SCN No. 603/2019

OFFICE OF THE DISTRICT POLICE OFFICER KOHAT
SHOW CAUSE NOTICE
(Under Rule 5(3) KPK Police Rules, 1975)

1. That you LHC Hidayat Ullah no.881 Police Lines Kohat have rendered yourself liable to be proceeded under Rule 5(3) of the Khyber Pakhtunkhwa, Police Rules 1975 (Amendment 2014) for following misconduct.
 - i. You have involved yourself to prove as Tapoo Gangs informer and more so you told them not to conspire against police pressurize police to get their narcotics business run like old times, which shows your inefficiency and professional gross misconduct on your part.
2. That by reason of above, as sufficient material is placed before the undersigned, therefore it is decided to proceed against you in general Police proceeding without aid of enquiry officer.
3. That the misconduct on your part is prejudicial to good order of discipline in the Police force.
4. That your retention in the Police force will amount to encourage in efficient and unbecoming of good police officers.
5. That by taking cognizance of the matter under enquiry, the undersigned as competent authority under the said rules, proposed stern action against you by awarding (sic) provided in the rules.
6. You are, therefore, called upon to show cause as to why you should not be dealt strictly in accordance with the Khyber Pakhtunkhwa Police rules, 1975 (Amended 2014) for the misconduct referred to above.
7. You should submit reply to this show cause notice within 7 days of the receipt of the notice failing which an ex parte action shall be taken against you.
8. You are further directed to inform the undersigned that you wish to be heard in person or not.
9. Grounds of action are also enclosed with this notice.

NO 30000/PA
Dated 09.10.2019

District Police Officer,
Kohat

خدا عالی

جوالڈیوکارز ٹولز جاریہ جناب DPo صاحب کو خط

تقریباً 30000/PA حوض 9¹⁰/₁₉ کی بابت ضرورت میں

(1) یہ کہ جو الزامات مخالف شروکارز ٹولز جاریہ میں بدحذف
 میں سائل LHe لکھائے گئے ہیں۔ بالکل بے بنیاد ہیں اور کسی قسم
 کی کوئی حقیقت نہ ہے۔

(2) یہ کہ میں سائل LHe نہ تو کسی قسم کے گینک کیا تو تعلق ہے
 اور نہ ہی درج شدہ گینک کو جاننا ہوں۔

(3) یہ کہ میں سائل LHe پمپس میں ڈیوٹی ایجنڈاری اور آفسران بالہ LHe

کی بدانت کے مخالف سر انجام دی ہے اور میں سائل LHe کا

Good Service Record ہے۔ اور کسی قسم کے غیر قانونی

برائے میں ملوث اشخاص کیا تو کوئی تعلق یا واسطہ نہ ہے

یونہی یہی درج شدہ الزامات مخالف شروکارز ٹولز مذکورہ

کا کوئی ثبوت ریکارڈ پر نہ ہے۔ جو الزامات کو ثابت کرنے

لینا استدعا ہے کہ سائل LHe کو جاری شدہ شروکارز ٹولز کو

قابل کرنے کے احکامات لہذا فرما کر شکور فرمائیں

سائل بدانت اللہ 881 / LHe متفقہ لوگ میں اس وقت



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17 019

Atc
A.



No. 33072-73/P.A

Office of the
District Police Officer,
Kohat

Dated 17-10/2019

CHARGE SHEET

1. **CAPT @ WAHID MEEMOOD, DISTRICT POLICE OFFICER, KOHAT**, as competent authority under Khyber Pakhtunkhwa Police Rules (amendments, 2014) 1975, and of the opinion that you **Constable Hidayat Ullah No. 881** rendered yourself liable to be proceeded against, as you have committed the following act/omissions within the meaning of Rule 3 of the Police Rules 1975:

- i. *Your conduct is mysterious and ill-reputed. It was observed from secret source that you have contacts with criminals / notorious narcotics sellers / peddlers, and support / facilitate them in social crimes.*
- ii. *In the above context, audio recording with contacts and facilitating the criminals has been obtained and saved separate.*
- iii. *You while posted at Police station Shakardara misbehaved with applicant and insulted him inside Police station. In this regard a video was viral on social media which also defamed the image of Police department.*
- iv. *On perusal of your service record you are ill reputed, a stigma on Police department and earned bad name to the entire department.*

2. By reasons of the above, you appear to be guilty of misconduct under Rule 3 of the Rules ibid and have rendered yourself liable to all or any of the penalties specified in the Rule 4 of the Rules ibid.

3. You are, therefore, required to submit your written statement within 07 days of the receipt of this Charge Sheet to the enquiry officer.

Your written defense if any should reach the Enquiry Officer within the specified period, failing which it shall be presumed that you have no defense to put in and ex-parte action shall be taken against you.

4. A statement of allegation is enclosed.


DISTRICT POLICE OFFICER,
KOHAT

AEC

W.



Office of the
District Police Officer,
Kohat

No. 33072-73/PA

Dated 17-10-2019

DISCIPLINARY ACTION

I, **CAPT @ WAHID MEHMOOD, DISTRICT POLICE OFFICER, KOHAT** as competent authority, am of the opinion that you **Constable Hidayat Ullah No. 881** have rendered yourself liable to be proceeded against departmentally under Khyber Pakhtunkhwa Police Rule 1975 (Amendment 2014) as you have committed the following acts/omissions:

STATEMENT OF ALLEGATIONS

- i. *Your conduct is mysterious and ill-reputed. It was observed from secret source that you have contacts with criminals / notorious narcotics sellers / peddlers, and support / facilitate them in social crimes.*
- ii. *In the above context, audio recording with contacts and facilitating the criminals has been obtained and saved separate.*
- iii. *You while posted at Police station Shakardara misbehaved with applicant and insulted him inside Police station. In this regard a video was viral on social media which also defamed the image of Police department.*
- iv. *On perusal of your service record you are ill reputed, a stigma on Police department and earned bad name to the entire department.*

2. For the purpose of scrutinizing the conduct of said accused with reference to the above allegations **SDPO HQrs Kohat** is appointed as enquiry officer. The enquiry officer shall in accordance with provision of the Police Rule-1975, provide reasonable opportunity of hearing to the accused official, record his findings and make, within twenty five days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused official.

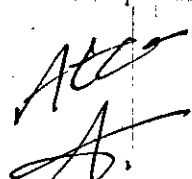
The accused official shall join the proceeding on the date, time and place fixed by the enquiry officer.


DISTRICT POLICE OFFICER,
KOHAT 17/10/19

No. 33072-73/PA, dated 17-10 /2019.

Copy of above to:-

1. SDPO HQrs Kohat The Enquiry Officer for initiating proceedings against the accused under the provisions of Police Rule-1975.
2. The **Accused officer**:- with the directions to appear before the Enquiry Officer, on the date, time and place fixed by him, for the purpose of enquiry proceedings.



(29)

BEFORE THE DEPUTY INSPECTOR GENERAL OF POLICE KOHAT REGION KOHAT

SUBJECT: APPEAL AGAINST THE IMPUGNED ORDER OF DPO KOHAT VIDE DATED 17-10-2019, OB NO:-1294 IN WHICH WITHOUT ENQUIRING THE ALLEGATIONS DIRECTLY IMPOSED THE PUNISHMENT OF REVERSION FROM THE RANK OF LHC TO SUBTANTIVE RANK OF FOOT CONSTABLE AND THE APPELLANT SENIORITY BE FIXED AS JUNIOR MOST FOOT CONSTABLE WITH IMMEDIATE EFFECT.

Respectfully Sheweth,

With great veneration the instant departmental representation is preferred by the appellatant on the following grounds:-

Facts:

Briefly facts as per impugned order are that it was noticed through reliable source that the accused official had links with a notorious criminal gang known as Tapoo gang Nusrat Khel ,on the basis of above allegation the appellatant was served with the show cause notice on dated 09-10-2019 and reply was submitted on the same day as per the order of DPO Kohat (Copy of Impugned order is annexed along with show cause notice & reply)

That as per the allegation mentioned in the show cause notice are that

You have involved your self to prove as Tapoo Gang informer and more sou you told them how to conspire against police /pressurize police to get their narcotics business run like old times which shows your in efficiency and professional gross misconduct on your part.

That upon the reply to show cause notice the appellatant was served with the charge sheet ,Disciplinary Action as per impugned order and without providing the opportunity of submitting the reply the appellatant has been awarded punishment.

That the appellatant never ever involve with any gang nor the DPO Kohat has evidence to prove the allegation just on the personal biasness the appellatant was blessed with impugned punishment order .

That the appellatant is very dedicated keen and apprehensive towards his assign duty but this factor has not been appreciated while at time of awarding the impugned order.

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

All
A.

Grounds:-

1. That the allegations never practice by the appellant and there is nothing on record which connect the appellant with the allegation.
2. That the appellant always earned the good name for department and portray a excellent image towards the public.
3. That it is the settle principle of justice that no one should be condem un heard but in the case of appellant no enquiry has been conducted to enquire the allegation.
4. That the DPO Kohat due to personal biasness issued show cause notice on 09-10-2019 and the reply was ordered to submit with one hour and the appellant had obliged the order and submitted the same and the charge sheet was issued on 17-10-2019 in which already It has been mentioned that with seven days the reply should submitted but on same day impugned order was issued (Copy of Charge sheet is annexed)
5. That the DPO Kohat conducted all the adverse departmental proceedings against the appellant in hasty manner which is proved through the perusal of charge sheet and show cause notice and there is difference in the allegation mentioned in the show cause notice and charge sheet etc.
6. That again an unjust has been done with the appellant by not giving ample opportunity of cross examination as well as not heard in person nor properly enquired the allegation. Just on the basis of source relying held guilty the appellant without following the prescribed rules relating to enquiry proceedings as per Police Rules 1975 (amended 2014).
7. That nothing has been proved beyond any shadow of doubt that the appellant has committed any mentioned allegation which tarnished the image of Police department.
8. That while awarding the impugned order none from the general public was examined in support of the charges leveled against the appellant. No allegation mentioned above are practiced by the appellant nor proved against any cogent reason against the appellant.
9. That the appellant is honest and dedicated one and leave no stone unturned to discharge his duties.

That as per universal declaration of human rights 1948 prohibits the arbitral / discretion.

Att
St.

(5) 30 31

10. That the DPO Kohat has acted whimsically and arbitrary, which is apparent from the impugned order.

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

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

Pray:

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

Date: 14/11/2019

(Appellant)



Ex-LHC Hidayat Ullah

No-881

AC
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OFFICE OF THE
DISTRICT POLICE OFFICER,
KOHAT

Tel: 0922-9260116 Fax 9260125

ORDER

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

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

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

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

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

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

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

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

Att
A.

Therefore, in exercise of powers conferred upon me under the rules I, Capt. @ Wahid Mehmood, District Police Officer, Kohat impose a major punishment of **dismissal** from service on absent-accused constable Hidayat Ullan No. 881 with immediate effect who is absent vide DD.No.40 dated 27/10/19. Absence period may be treated as leave without pay, Kit etc issued be collected.

Announced
01.11.2019

DISTRICT POLICE OFFICER,
KOHAT

OB No. 1372
Dated 04-11-19

No. 32089-93 /PA dated Kohat the 04-11-2019

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

Attest

DISTRICT POLICE OFFICER,
KOHAT

[Signature]

RECEIVED OHC LAW

Attest
A

Anx - F

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POLICE DEPTT:

KOHAT REGION

ORDER.

This order will dispose of a departmental appeal, moved by Ex-Constable Hidayat Ullah No. 881 of Operation Staff Kohat against the punishment order, passed by DPO Kohat vide OB No. 1392, dated 04.11.2019 whereby he was awarded major punishment of dismissal from service on the following allegations:-

- i. Conduct of the appellant was mysterious and ill-reputed which was verified from different sources and found indulged in facilitating criminals / notorious narcotics sellers / peddlers.
- ii. Audio recording with contacts and facilitating criminals has been obtained and saved separately.
- iii. During his posting at PS Shakar Dara, he misbehaved with an applicant and insulted him inside PS, video of which was also viral on social media. The same has defamed the image of Police.

He preferred an appeal to the undersigned upon which comments were obtained from DPO Kohat and his service record was perused. He was also heard in person in Orderly Room, held on 13.02.2020. During hearing, he did not advance any plausible explanation in his defense to prove his innocence and just forwarded lame excuses.

I have gone through the available record and came to the conclusion that the allegations leveled against the appellant are proved beyond any shadow of doubt and the same has also been established by the E.O in his findings. Therefore his appeal being devoid of merits is hereby rejected.

Order Announced
13.02.2020

Tayyab Hafeez
(Signature)
(TAYYAB HAFEEZ) PSP
Region Police Officer,
Kohat Region.

No. 2662 /EC, dated Kohat the 18 / 2 /2020.

Copy to District Police Officer, Kohat for information w/r to his office Letter No. 21248, dated 29.11.2019. His Service Roll & Fauji Missal / Enquiry File with Memory Card is returned herewith.

Tayyab Hafeez
(Signature)
(TAYYAB HAFEEZ) PSP
Region Police Officer,
Kohat Region.

Abdullah
(Signature)



Anx-G

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1

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.

No. S/ 3334 /20, dated Peshawar the 11/8 /2020.

ORDER

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by Ex-FC Hidayat Ullah No. 881. The petitioner was dismissed from service by District Police Officer, Kohat vide OB No. 1392, dated 04.11.2019 on the following allegations:-

- (i) His conduct was mysterious and ill-reputed which was verified from secret source that he had contacts with criminals/notorious narcotics sellers/peddlers, and support/facilitate them in social crimes.
- (ii) Audio recording with contacts and facilitating criminals had been obtained and saved separately.
- (iii) During his posting at PS Shakardara, he misbehaved with an applicant and insulted him inside Police Station which was also viral on social media. The same has defamed the image of Police.
- (iv) On perusal of his service record he has ill reputation, and is a stigma on Police Department wherein he caring a fig for, inspite of may violations of good order and discipline, earned worst name to the entire Police Department.

His appeal was rejected by Regional Police Officer, Kohat vide order Endst: No. 2662/EC, dated 18.02.2020.

Meeting of Appellate Board was held on 21.07.2020 wherein petitioner was heard in person. During hearing petitioner denied the allegations leveled against him.

The Board decided that de-novo enquiry proceeding be conducted and the petitioner is hereby re-instated in service for the purpose of de-novo enquiry. The authority shall conduct proper regular enquiry and decide the matter afresh on the basis of de-novo proceedings.

This order is issued with the approval by the Competent Authority.

Sd/-

DR. ISHTIAQ AHMED, PSP/PPM
Additional Inspector General of Police,
HQrs: Khyber Pakhtunkhwa, Peshawar.

No. S/ 3335-3341 /20,

Copy of the above is forwarded to the:

1. Regional Police Officer, Kohat. One Service Roll, one Fauji Missal/Enquiry file and Memory Card of the above named FC received vide your office Memo: No. 4300/EC, dated 01.04.2020 is returned herewith for your office record.
2. District Police Officer, Kohat.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
5. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-IV CPO Peshawar.

ACC
AB

(KASHIF ZULFIQAR) PSP
AIG/Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

**OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.**

No. S/3334/20 dated Peshawar the 11.8.2020.

ORDER

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkwha Police Rule 1975 (Amended 2014) submitted by Ex FC Hidayat Ullah No.881. The petitioner was dismissed from service by District Police Officer, Kohat vide OB No.1392 dated 04.11.2019 on the following allegations:-

- (i) His conduct was mysterious and ill reputed which was verified from secret source that he had contacts with criminals/ notorious narcotics sellers/ peddlers, and support/ facilitate them in social crimes.
- (ii) Audio recording with contacts and facilitating criminals had been obtained and saved separately.
- (iii) During his posting at PS Shakadara, he misbehaved with an applicant and insulted him inside Police Station which was also viral on social media. The same has defamed the image of police.
- (iv) On perusal of his service record he has ill reputation, and is a stigma on police Department wherein he caring a fig for, inspite of may violations of good order and discipline, earned worst name to the entire police Department.

His appeal was rejected by Regional Police Officer, Kohat vide order Endst No.2662/EC, dated 18.02.2020.

Meeting of Appellate Board was held on 21.07.2020 wherein petitioner was heard in person. During hearing petitioner denied the allegations levelled against him.

The board decided that de novo enquiry proceeding be conducted and the petitioner is hereby re instated in service for the purpose of de novo enquiry. The authority shall conduct proper regulam enquiry and decide the matter afresh on the basis of de novo proceedings.

This order is issued with the approval by the Competent Authority.

Sd/-

Dr. Ishtiaq Ahmed, PSP/ PPM
Additional Inspector General of Police,
HQrs: Khyber Pakhtunkhwa, Peshawar.

No. S/3335-3341/20,

Copy of the above is forwarded to the:

1. Regional Police Officer, Kohat. One service Roll one Fauji Missal/ Enquiry file and Memory Card of the above named FC received vide your office Meo No.4300/FC dated 01.04.2020 is returned herewith for your office record.
2. District Police Officer, Kohat.
3. PSO to IGP/ Khyber Pakhtunkhwa, CPO Peshawar.
4. PA to Addl: IGP/ HQrs: Khyber Pakhtunkwha Peshawar.
5. PA to DIG/ HQrs , Khyber Pakhtunkwha Peshawar.
6. PA to AIG /Legal, Khyber Pakhtunkwha Peshawar.
7. Office Supdt:E-IV CPO Peshawar

Kashif Zulfiqar (PSP)
AIG/ Establishment
For Insepctor General of Police,
Khyber Pakhtunkwha Peshawar.



36

33

OFFICE OF THE
DISTRICT POLICE OFFICER,
KOHAT

Tel: 0922-9260116 Fax 9260125

No _____ /PA dated Kohat the _____ / 2020

ORDER

In pursuance of Addl: Inspector General of Police HQrs, Khyber Pakhtunkhwa order No. S/ 3334 /20 dated 11.08.2020. Ex-Constable Hidayat Ullah No. 881 is hereby re-instated in service only for the purpose of denovo enquiry.

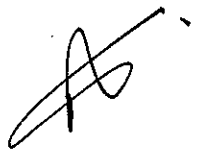

DISTRICT POLICE OFFICER,
KOHAT

OB No. _____
Dated _____ /2020

No _____ /PA dated _____ 2020

- Copy of above is submitted to the:-
1. Addl: Inspector General of Police, HQrs Peshawar w/r to his office order No. quoted above, please.
 2. Regional Police Officer, Kohat w/r to his office Endst: No. 9108/EC dated 24.08.2020, please.
 3. Line Officer/ Reader/ SRC/OHC /Pay Officer for necessary action.


DISTRICT POLICE OFFICER,
KOHAT

AEC


پولیس لائٹ

(39)

(2)

نقل شدہ روزنامہ 26-8-20

عد = 12 حاضریت ملازمت سے بدایت اللہ 8811 مورخہ 26-8-20
وقت 12:15 بجے درج ہے کہ اپیل سے بورڈ GP آفس
CPO لٹا اور نے مورخہ 27-8-20 سے سائل کو ملازمت سے
بحال کرنے اور DENOVO انکو ٹریک کا حکم صادر کیا ہے
لہذا یہ بدایت اللہ 8811 بحوالہ لٹر نمبر S/3334 مورخہ
26-8-20 دوبارہ ملازمت سے اسے اپنے حاضریت کے رپورٹ کرتا
ہوں DENOVO انکو ٹریک درپیش ہے

جناب عالی

نقل شدہ سائل کے


میں

MHC p-line

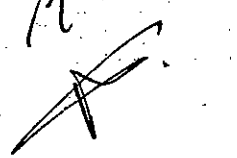
27-8-2020

Six

Forwarded.



L.O. Khat
27-8-2020

Att




No. 4934-40/PA
10227-40/PA

Office of the
District Police Officer,
Kohat

Dated 25-8-2020

CHARGE SHEET

I JAVED IQBAL, DISTRICT POLICE OFFICER, KOHAT, as competent authority under Khyber Pakhtunkhwa Police Rules (amendments 2014) 1975, am of the opinion that you Ex-Constable Hidayat Ullah No. 881 (now reinstated for the purpose of denovo enquiry) rendered yourself liable to be proceeded against, as you have committed the following act/omissions within the meaning of Rule 3 of the Police Rules 1975.


- i. That you after your re-instatement in service vide W/Addl: IGP HQrs Peshawar Order No. S/ 3334/20 dated 11.08.2020. Your conduct is mysterious and ill-reputed. It was observed from secret source that you have contacts with criminals / notorious narcotics sellers / peddlers, and support / facilitate them in social crimes.
- ii. In the above context, audio recording with contacts and facilitating the criminals has been obtained and saved separate.
- iii. You while posted at Police station Shakardara misbehaved with applicant and insulted him inside Police station. In this regard a video was viral on social media which also defamed the image of Police department.
- iv. On perusal of your service record you are ill reputed, a stigma on Police department and earned bad name to the entire department.

2. By reasons of the above, you appear to be guilty of misconduct under Rule 3 of the Rules ibid, and have rendered yourself liable to all or any of the penalties specified in the Rule 04 of the Rules ibid.

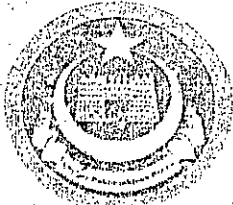
3. You are, therefore, required to submit your written statement within 07 days of the receipt of this Charge Sheet to the enquiry officer.

Your written defense if any should reach the Enquiry Officer within the specified period, failing which it shall be presumed that you have no defense to put in and ex-parte action shall be taken against you.

4. A statement of allegation is enclosed.


DISTRICT POLICE OFFICER,
KOHAT

Atc
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Office of the
District Police Officer,
Kohat

No. 4239-40PA

Dated 25-8-2020

DISCIPLINARY ACTION

1. **JAVED IQBAL, DISTRICT POLICE OFFICER, KOHAT**, as competent authority, am of the opinion that you **Ex-Constable Hidayat Ullah No. 881 (now reinstated for the purpose of denovo enquiry)** have rendered yourself liable, to be proceeded against, departmentally under Khyber Pakhtunkhwa Police Rule 1975 (Amendment 2014) as you have committed the following acts/omissions.

STATEMENT OF ALLEGATIONS

- i. That you after your re-instatement in service vide W/Addl: IGP HQrs Peshawar Order No. S/ 3334/20 dated 11.08.2020. Your conduct is mysterious and ill-reputed. It was observed from secret source that you have contacts with criminals / notorious narcotics sellers / peddlers, and support / facilitate them in social crimes.
- ii. In the above context, audio recording with contacts and facilitating the criminals has been obtained and saved separate.
- iii. You while posted at Police station Shakardara misbehaved with applicant and insulted him inside Police station. In this regard a video was viral on social media which also defamed the image of Police department.
- iv. On perusal of your service record you are ill reputed, a stigma on Police department and earned bad name to the entire department.

2. For the purpose of scrutinizing the conduct of said accused with reference to the above allegations **SDPO Saddar, Kohat** is appointed as enquiry officer. The enquiry officer shall in accordance with provision of the Police Rule-1975, provide reasonable opportunity of hearing to the accused official, record his findings and make, within twenty five days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused official.

The accused official shall join the proceeding on the date, time and place fixed by the enquiry officer.

**DISTRICT POLICE OFFICER,
KOHAT**

No. 4239-40 /PA, dated 25-8-2020.

Copy of above is forwarded to:-

1. **SDPO Sadda, Kohat**:- For denovo departmental proceeding against the accused under the rules ibid.

2. **Accused Constable**:- The accused is directed to appear before the Enquiry officer, on the date, time and place fixed by the enquiry officer, for the purpose of enquiry proceedings.

Acc
[Signature]

بجوالہ چارج شیٹ

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بجوالہ چارج شیٹ مجاریہ منجانب ڈسٹرکٹ پولیس آفیسر نمبر 25-08-2020 نمبر پی 4239/40/PA موصولہ

1-09-2020 کی بابت معروضی ہیں

جناب عالی!

(۱) یہ کہ بجوالہ چارج شیٹ من مسائل پر عائد کئے گئے الزامات غلط ہے بنیاد اور محتاج ثبوت ہیں جس میں کوئی حقیقت نہ ہے۔
(۲) یہ کہ من مسائل کا کسی گینگ کیساتھ تعلق نہ ہے اور یہ ہی کسی درج شدہ گینگ کے ساتھ کوئی تعلق یا واسطہ ہے۔ اور نہ ہی کسی گینگ کو جانتا ہوں۔

(۳) یہ کہ من مسائل کا کسی بھی کریمنل کوئی کیساتھ کوئی تعلق یا واسطہ نہ ہے اور نہ ہی کسی قسم کا کوئی ثبوت من مسائل کی طرف ریکارڈ پر موجود ہے۔ جس سے یہ ثابت ہوتا ہو کہ من مسائل کو کسی بھی کریمنل یا گینگ سے تعلق ثابت ہوتا ہو۔ جبکہ من مسائل کو ایک سازش کے تحت ملوث کیا گیا ہے۔

(۴) یہ کہ بمطابق چارج شیٹ مذکورہ بالا کے فقرہ نمبر ۳ میں جو الزام عائد کیا گیا ہے۔ غلط اور بے بنیاد ہے جس میں ہر دو چارج شیٹ ہائے کے اجراء سے قبل حسب ضابطہ انکوائری کر کے جناب DPO صاحب کو ہاٹ۔ نے فائل کیا ہے جسکی نقول لف ہے جس میں مسائل بخلاف کسی قسم کا کوئی ثبوت ریکارڈ پر موجود نہ ہے۔

(۵) یہ کہ بمطابق چارج شیٹ کے فقرہ نمبر ۴ میں جو الزام عائد کیا گیا ہے۔ بالکل غلط اور بے بنیاد ہے کیونکہ من مسائل کا 19 سال سروس ہے اور تمام تر سروس جنرل ڈیوٹی کی ہے۔ اور بدوران سروس کسی افسران بالا کو کسی قسم کی شکایت کا موقع نہیں دیا۔ اور بعد از پیش کرنے جملہ ثبوت بابت بے گناہی جناب DPO صاحب کے حضور پیش کئے۔ تو جملہ ثبوت کی بنیاد پر ایک عدد چھٹی انگریزی بجوالہ نمبر 21248/28-11-2019 صادر فرما کر جس میں من مسائل کو جناب DPO صاحب نے بحالی کی سفارشات تحریر کی ہے۔ جو کہ من مسائل کی بے گناہی کا قوی ثبوت ہے۔

(۶) یہ من مسائل جملہ ثبوت بابت بے گناہی کی مد میں ذاتی شنوائی کا شرف حاصل کرنے کے بعد جملہ پیش کرنا چاہتا ہوں۔ لہذا استدعا کی جاتی ہے کہ من مسائل بخلاف انکوائری کو بشیر نذیر کا روائی کے فائل فرمایا جاوے۔

مورخہ: 03/09/20

الحاضر

مسائل حدایت اللہ سیٹ نمبر 98/LHC حال متعینہ پولیس لائن کو ہاٹ

Ate
A.

DISTRICT POLICE OFFICER,
MOHAT

کوالہ پور وائٹ نمبر 7261 جارجیہ SDPO درو سرکل میں حضور
20-9-2020

مذکورہ سببوں پر، سیکرٹریسٹریل درو ایڈمنسٹریٹو ڈسٹرکٹ کے حال حلین کے متعلق

ڈسٹرکٹ میں معلومات دستیابی کر کے مذکورہ پیرا میں اللہ

ڈسٹرکٹ حلین یا یا کسی قسم کی کرمنٹل اسٹاف کسٹوڈ

معلومات نہ پائے گئے۔ اس لیے اس میں عدالت کے

حکمران حاجی محمد اسحاق، عابد خان، محمد غلام رفیق

میک ایب سبزی، دھیم خان، ریاض خان، حاجی امین الرحمن

میک اللہ کے بیانات مفصل آگے لائے ہیں۔

جولف دھیم لکھنؤ ہے

Si MRS.
23-09-2020

ACC -
[Signature]

Amx - H

(48)



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

ORDER

This order is passed on the de-nove enquiry against constable Hidayat Ullah No. 98 under the Khyber Pakhtunkhwa, Police Rules, 1975 (amendment 2014).

Brief facts of the case are that he after his re-instatement in service vide W/Addl: IGP HQrs Peshawar Order No. S/ 3334/20 dated 11.08.2020. His conduct is mysterious and ill-reputed. It was observed from secret source that he has contacts with criminals / notorious narcotics sellers / peddlers, and support / facilitate them in social crimes.

- ii. In the above context, audio recording with contacts and facilitating the criminals has been obtained and saved separate.
- iii. He while posted at Police station Shakardara misbehaved with applicant and insulted him inside Police station. In this regard a video was viral on social media which also defamed the image of Police department.
- iv. On perusal of his service record he has ill reputed, a stigma on Police department and earned bad name to the entire department.

He was served with charge sheet & statement of allegations. SDPO Saddar, Kohat was appointed as enquiry officer to proceed against him departmentally. The enquiry report was received but the undersigned was not agreed. Hence SP Operations Kohat was appointed as enquiry officer to probed further into enquiry. The enquiry officer exonerated the accused constable from the charges leveled against him.

The accused official was called in OR and heard in person on 18.11.2020. He submitted a plausible explanation in his defense.

However, in view of the conduct of official I, Javed Iqbal, District Police Officer, Kohat in exercise of the powers conferred upon me, imposed upon him a minor punishment of Censure and warned to be careful in future. He is re-instated in service with immediate effect. The intervening period is treated as un - authorized leave without pay.

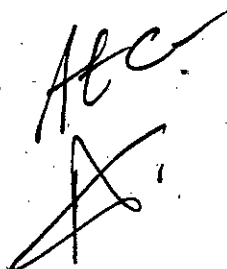

DISTRICT POLICE OFFICER,
KOHAT

OB No. 823
Date 23-11-2020

No 5905-08 IPA dated Kohat the 24-11-2020.

- Copy of above is submitted for favor of information to the:-
1. Additional Inspector General of Police HQrs Khyber Pakhtunkhwa, Peshawar w/r to his office Endst: No.S/3335-3341 dated 11.08.2020.
 2. Regional Police Officer, Kohat w/r to his office Endst: No. 9108/EC, dated 24.08.2020.
 3. Reader/SRC/OHC/Pay officer for necessary action.


DISTRICT POLICE OFFICER,



Anx-I

(42)

To

The Regional Police Officer (DIG),
Kohat Region, Kohat.

Subject: DEPARTMENTAL APPEAL AGAINST ORDER No. 5905-08/PA
DATED KOHAT THE 24-11-2020 PASSED BY DISTRICT POLICE
OFFICER, KOHAT.

Respected Sir,

With due respect appellant humbly submits as to the following;

1. That appellant has been serving in the Police Department. He has long service standing at his credit. He has been awarded numerous Commendation Certificates for his extra ordinary and brave services beyond the call of his duty.
2. That appellant was proceeded against departmentally for certain false allegations and was awarded punishment with confinement in quarter guard for fifteen (15) days vide Naqlemad No. 15 dated 10-10-2019.
3. That later on appellant was again proceeded on the same set of allegations and was awarded penalty of reduction in rank from the substantive rank of LHC to the rank of Foot Constable vide order OB No. 1249 dated 17-10-2019.
4. That being aggrieved from the aforesaid cited order, appellant filed departmental appeal before your kind honour which was not decided within statutory period therefore, appellant filed service appeal before the Hon'ble Khyber Pakhtunkhwa Service Tribunal which has been pending adjudication.
5. That the departmental immediate authority again forced the appellant to undergo departmental proceedings on the same set of allegations and after slipshod summary proceedings awarded appellant major penalty of dismissal from service vide DPO Kohat Order OB No. 1392 dated 04-11-2019.
6. That being aggrieved from the order cited above; appellant submitted departmental appeal before this office but the same was also rejected vide order No. 2662 dated 18-02-2020.
7. That being aggrieved from the order of this office (worthy DIG), appellant preferred revision petition before the worthy Inspector

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15/2/20*

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General, Khyber Pakhtunkhwa under rule 11-A of the Khyber Pakhtunkhwa Police Rules, 1975.

8. That the worthy Inspector General, Khyber Pakhtunkhwa placed the revision petition before the Revision Board and after examining the facts and circumstances of appellant's case reached to the conclusion that appellant is innocent and the charges leveled against him are totally baseless therefore, appellant was reinstated vide order No. S/3335-3341/20 dated 11-08-2020, however, the competent authority was directed to conduct proper regular inquiry and decide the matter afresh on the basis of denovo proceedings.
9. That in pursuance of the order of the worthy Addl. Inspector General, Khyber Pakhtunkhwa appellant was reinstated for the purpose of denovo inquiry vide order dated 25-08-2020. Appellant assumed his charge of duties on 27-08-2020.
10. That the competent authority in pursuance of the afore cited order (worthy DPO, Kohat) initiated denovo proceedings and served the appellant with charge sheet and statement of allegations dated 25-08-2020.
11. That inquiry was conducted and appellant was proved innocent of the whole of the charges.
12. That it is pertinent to mention here that the worthy DPO, Kohat being not satisfied with the recommendations of the inquiry officer again appointed another inquiry officer for conducting second inquiry on the same set of allegations.
13. That appellant was again proved innocent and the whole of the charges were declared by the inquiry officer as baseless and concocted and recommended that appellant be reinstated with all back benefits.
14. That in spite of the recommendation of both the inquiry officers as discussed above, the worthy DPO, Kohat without serving the appellant with any sort of show cause notice upon the appellant imposed a minor penalty of censure and warned to be careful in future vide order No. 5905-08 dated 24-11-2020. Appellant was reinstated in service and the intervening period was treated as unauthorized leave without pay.
15. That appellant now being aggrieved of the impugned order dated 24-11-2020, preferred the instant departmental appeal inter alia on the following grounds;
 - A. That the penal authority has not treated the appellant in accordance with law, rules and policy on the subject and acted in violation of Article 4 of the Constitution of Pakistan, 1973. Moreover the act of the respondents amounts to exploitations, which is the violation of Article 3 of the Constitution, 1973. Appellant has been subjected to continuous

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harassment. He was subjected to undergo continuous departmental proceedings on the same subject matter. Appellant was exonerated by two consecutive inquiries from all the charges leveled against him, but the penal authority ignored the recommendations of the inquiry officer and awarded punishment to the extent of Censure and treating the interval period in between the dismissal and re-instatement as leave without pay, which has caused huge financial loss to the appellant.

- B. That appellant has been subjected to numerous continuous departmental inquiries on the same set of accusation which is against the well known principle of law "Double Jeopardy" and against the spirit and provision of Article 13 of the Constitution of Pakistan, 1973.
- C. That section 16 of the Civil Servant Act, 1973 provide that every civil servant is liable for prescribed disciplinary action in accordance with prescribed procedure. In the instant case no prescribed procedure has been adopted therefore, the impugned penal order is nullity in the eyed of law and liable to be set aside.
- D. That the penal order is not a speaking order for the reason that no solid and legal grounds have been given by the penal authority in support of his penal order. On this score the impugned order is liable to be set aside.
- E. That as per proviso of section 17 of the Civil Servant Act, 1973, the penal authority while set aside the order of dismissal or removal are under legal obligation to award the delinquent official back benefits for the period a civil servant remained out of service, but the penal authority ignored the mandatory provision of law and not only denied the arrears of pay but also treated the interval period in between the dismissal and re-instatement as leave without pay and that too without the support of any legal reason.
- F. That appellant would like to seek the permission of Your Kind Honour for award of personal hearing. Appellant may kindly be granted the opportunity of personal hearing.

In view of the above explained position and on acceptance of the instant departmental appeal, Your Honour may graciously be pleased to set aside the impugned penal order dated 24-11-2020 of the worthy DPO, Kohat and re-instate the appellant with all back benefits.

Appellant may kindly be granted opportunity of personal hearing.

15/12/2020
Hidayat Ullah

Constable No. 881, / 98

Police Force, Kohat.

Cell#0333-9637449

ATC
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Annex-3

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KOHAT REGION

POLICE DEPTT:

ORDER.


This order will dispose of a departmental appeal, moved by Constable Hidayat Ullah No. 98 of Operation Staff Kohat against the punishment order, passed by DPO Kohat vide OB No. 823, dated 24.11.2020 whereby he was awarded minor punishment of Censure and the intervening period was treated as unauthorized leave during denove enquiry on the charged mentioned below:-

- i. Conduct of the appellant was mysterious and ill-reputed which was verified from different sources and found indulged in facilitating criminals / notorious narcotics sellers / peddlers.
- ii. Audio recording with contacts and facilitating criminals has been obtained and saved separately.
- iii. During his posting at PS Shakar Dara, he misbehaved with an applicant and insulted him inside PS, video of which was also viral on social media. The same has defamed the image of Police.

Comments were requisitioned from DPO Kohat and his service record was perused. He was also heard in person in Orderly Room, held on 27.01.2021. During hearing, he did not advance any plausible explanation.


I have gone through the available record and reached to the conclusion that a lenient view has already been taken by the competent authority while passing the impugned order. Therefore, the appeal being devoid of merits is hereby rejected.

Order Announced
27.01.2021


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

No. 1600 /EC, dated Kohat the 4/2 /2021.

Copy to District Police Officer, Kohat for information and necessary action w/r to his office Memo: No. 18464/LB, dated 30.12.2020. His Service Record & Fauji Missal is returned herewith.


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

29/11

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S/roll received

~~ASRE~~

04/02/2021

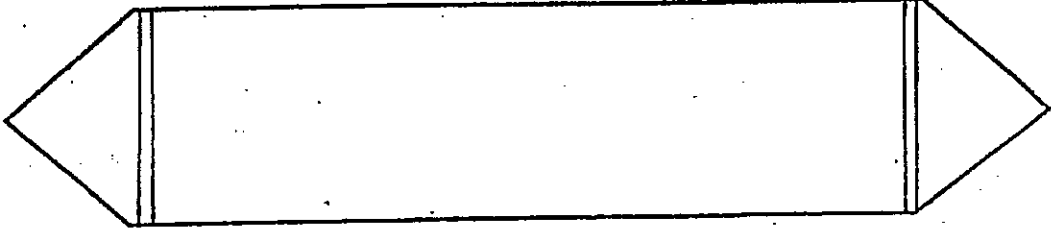
P. Missal

Received

~~ASRE~~

A. Othman
04-02-21

بعدالت مالیه پشاور ہائی کورٹ میں



2 مخائب
بنام

موزعہ
مقدمہ
دعویٰ
جرم

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
آن مقام پشاور کیلئے اسٹریف علی خٹک

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور صولی چیک در و پیہ ار عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخ
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ
پر داخستہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ چاہے جسے التوائے مقدمہ کے سبب سے وہ ہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب یا اپنے ہمراہ کے کہ پیروی
مذکور کریں۔ لہذا اوکالت نامہ لکھ دیا کہ مندر ہے۔

المرقوم 1 مارچ 20

واہ العیاد

بمقام پشاور کے لئے منظور ہے۔

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 3439/ 2021

Hidayat Ullah

Constable No. 981 District Kohat

..... Appellant

VERSUS

Regional Police Officer, Kohat & others

.... Respondents

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4.	List of bad entries of the appellant	B	7-8
5.	Copy of order vide OB No. 823 dated 23.04.2020.	C	09
6.	Copy of rejection order by respondent No. 1.	D	10
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Deponent

P-1

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 3439/ 2021

Hidayat Ullah

Constable No. 98, District Kohat

..... Appellant

VERSUS

Regional Police Officer, Kohat & others

..... Respondents

REPLY BY RESPONDENTS

RESPECTFULLY SHEWETH:

PRELIMINARY OBJECTIONS:-

- i. That the appellant has got no cause of action.
- ii. That the appellant has got no locus standi.
- iii. That the appeal is not based on facts.
- iv. That the appeal is not maintainable in the present form.
- v. That the appeal is bad for mis-joinder and non-joinder of necessary and proper parties.
- vi. That the appellant is estopped to file the instant appeal by his own conduct.
- vii. That the appellant has not come to this Honorable Tribunal with clean hands.
- viii. That the appellant had filed a revision petition before Inspector General of Police, KP against the impugned order, which was under process and facts were concealed by the appellant,
- ix. That the revision petition has been decided by IGP, KP vide order dated 22.02.2022 and the appellant has been redressed. Copy is **annexure A**.
- x. That the order dated 22.02.2022 has not been questioned by the appellant nor the 2nd Appellate Authority has been placed as respondent, therefore, the appeal is bad for law.

FACTS:-

1. Correct to the extent that the appellant is employed of Police department. Reward and punishment run side by side in a disciplined department. The appellant has earned a number of bad entries in his record during his service. Copy is **annexure B**.

2. The appellant was confined in quarter guard by respondents No. 2 in another misconduct committed by him. Furthermore, the respondent No. 2 is competent authority under the Police Rules 1975 (Amended 2014) to impose a minor / major punishment.
3. Incorrect, the appellant was proceeded with departmentally by respondent No. 2 on other allegations and he was dismissed from service vide OB No. 1392 dated 04.11.2019. His departmental appeal was rejected by the respondent No. 1, after which he approached in revision petition to Inspector General of Police, KP which was accepted and a de-novo inquiry was conducted against the appellant. During course of de-novo inquiry, the appellant was re-instated in service with minor punishment of censure and intervening period was treated as leave without pay vide OB No. 825 dated 23.04.2020. Copy is **annexure C**.
4. Correct, the departmental appeal of the appellant was rejected on merit by respondent No. 1. Copy is **annexure D**.
5. Incorrect, the appellant was proceeded with departmentally by respondent No. 2 on other set of allegations detail in punishment order passed in OB No. 1392 dated 04.11.2019 which was set aside by Inspector General of Police Khyber Pakhtunkhwa in a revision petition filed by the appellant and in compliance with the order the appellant was proceeded with de-novo proceedings.
6. The departmental appeal of the appellant against the impugned dismissal order vide OB No. 1392, was devoid of merits and correctly rejected by respondent No. 1.
7. Correct, reply is submitted in para No. 5.
8. Incorrect, the appellant was not declared innocent by Inspector General of Police, in revision petition order dated 11.08.2020, however, the respondent No. 2 was directed to conduct proper regular inquiry and decided the matter a fresh on the basis of de-novo proceedings.
9. Correct.
10. Correct.
11. Incorrect, the appellant was not declared innocent by respondent No. 2 during a de-novo inquiry conducted in compliance with the order of Inspector General of Police. The appellant was awarded a minor punishment of censure and the intervening period was treated as leave without pay as unauthorized leave. The impugned order was later on modified in revision petition as leave of kind due, if any of his credit and punishment of censure is upheld.

- 12. Incorrect.
- 13. Incorrect, reply is submitted in para No. 11.
- 14. The respondent No. 2 being competent authority is empowered to agree or disagree with the recommendation of inquiry officer. Further added that a final show cause notice was served upon the appellant. Copy is annexure E.
- 15. Correct, the departmental appeal of the appellant was correctly rejected by respondent No. 2 and the order is speaking one.
- 16. Besides the instant service appeal the appellant had filed a revision petition before the Inspector General of Police, KP which is concealed by him.

Grounds:-

- A. Incorrect, the impugned orders passed by respondents are based on facts, evidence and material avail on the record. The appellant was proceeded with departmentally under the relevant rules and all codal formalities were fulfilled by the respondents.
- B. The appellant was proceeded with departmentally on various occasions on different set of allegations and awarded different kind of punishments and he did not mend his way. There is no bar to proceed departmentally against the appellant under the different score of charges.
- C. The appellant is a member of Police department. Therefore, the appellant was proceeded with departmentally under the relevant rules of Police rules 1975 (Amended-2014).
- D. Reply is submitted in para No. B.
- E. Incorrect, the appellant was associated with the department proceeding personally heard by the respondent during the course of inquiry and departmental appeal.
- F. Incorrect, the allegation / charges have been established against the appellant and the appellant failed to submit any plausible explanation to his misconduct to the inquiry officer and competent authorities. Furthermore, the impugned orders are based on facts, merits and speaking one.
- G. The appellant was held guilty of the charge and he remained out of service on his own conduct for which he is himself responsible. In addition as per a well establish principle, the intervening period was treated as "No work no pay". However, the competent authority converted the intervening period without pay as leave of kind due. Hence, the appellant has been redressed.

- H. The appellant was re-instated in service during a de-novo inquiry proceeding conducted on the direction of Inspector General of Police.
- I. Incorrect, the impugned orders are legal and speaking one.
- J. The question of dismissal or removal from service is not involved in the instant appeal. The grievances of the appellant i.e leave without pay of intervening period is treated as leave of kind due by Inspector General of Police, hence the appeal is not maintainable.
- K. The respondents may also be allowed to advance other grounds during the course of arguments.

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



District Police Officer,
Kohat
(Respondent No. 2)



Regional Police Officer,
Kohat
(Respondent No. 1)

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 3439/ 2021
Hidayat Ullah
Constable No. 881, District Kohat

..... Appellant

VERSUS

Regional Police Officer, Kohat & others

..... Respondents

COUNTER AFFIDAVIT

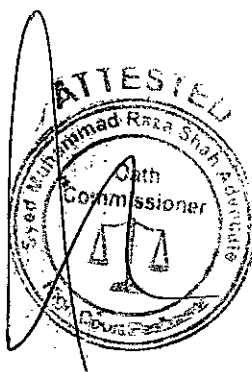
We, the below mentioned respondents, do hereby solemnly affirm and declare on oath that contents of parawise comments are correct and true to the best of our knowledge and belief. Nothing has been concealed from this Hon: Tribunal.

District Police Officer,
Kohat
(Respondent No. 2)

[Handwritten signature]
12/12/21

Regional Police Officer,
Kohat
(Respondent No. 1)

[Handwritten signature]



OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.

Annex - A

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98

ORDER

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by Constable Hidayat Ullah No. 881/98. The applicant was dismissed from service by District Police Officer, Kohat vide OB No.1392, dated 04.11.2019 on the following allegation:-

- (i) His conduct is mysterious and ill-reputed which was verified from secret source that he had contacts with criminals/notorious sellers/peddlers, and support/facilitate them in social crimes.
- (ii) Audio recording with contacts and facilitating criminals had been obtained and saved separately.
- (iii) During his posting at Police Station Shakardara, he misbehaved with an applicant and insulted him inside Police Station which was also viral on social media. The same has defamed the image of Police.
- (iv) On perusal of his service record he has ill reputed, a stigma on Police Department and earned bad name to the entire Department.

His appeal was rejected by Regional Police Officer, Kohat vide order Endst: No. 2662/EC, dated 18.02.2020. His revision petition was discussed in Appellate Board meeting 21.07.2020 wherein the board re-instated him for the purpose of de-novo enquiry. De-novo enquiry was conducted and he was awarded minor punishment of censure and intervening period was treated as un-authorized leave without pay by District Police Officer, Kohat vide OB No.823, dated 23.11.2020.

Meeting of Appellate Board was held on 26.01.2022 wherein petitioner was heard in person. Petitioner contended that he is innocent.

Keeping in view his long service of 20 years, 07 months & 20 days, the Board decided that the intervening period is hereby treated as leave of kind due, if any on his credit.

Sd/-

SABIR AHMED, PSP

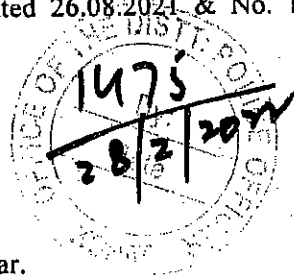
Additional Inspector General of Police,
HQrs: Khyber Pakhtunkhwa, Peshawar.

No. 3566/EC
25/02/2022

No. SI 281-90/22, dated Peshawar, the 22/02/2022.

Copy of the above is forwarded to the:

1. Regional Police Officer, Kohat. One Service Roll and one Fauji Missal of the above named FC received vide your office Memo: No. 13369/EC, dated 26.08.2021 & No. 12272/EC, dated 05.08.2021 is returned herewith for your office record.
2. District Police Officer, Kohat.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
5. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-IV CPO Peshawar.



PO Kohat
Record & F. Missal
returned herewith
for your office
for to his office
Memo No. 10594/SEC
24.8.2021.

28/02/2022
District Police Officer
Kohat

AH/SP/PO
28/2/2022

(IRFANTARIQ) PSP
AIG/Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

District Police Officer
Kohat

انڈکس اذال LHC ہدایت اللہ 98

سکونت	تاریخ بھرتی	ولدیت	نام نمبر
توغ بالا	15.03.2001	نورخان	LHC ہدایت اللہ 98

نمبر شمار	غیر حاضری از حاضری	آڈر بک نمبر	سزا
1	15.07.2002 تا 8.07.2002	901/10.08.2002	7 یوم بلا تنخواہ
2	30.12.02 شکر درہ بسلسلہ رپورٹ	146/14.02.02	غیر حاضری میڈیکل لیو میں شمار کی گئی
3	05.04.04 سٹی بسلسلہ رپورٹ	1384/28.12.04	سنتور
4	09.04.2002 تا 08.04.2002	490-5/06.05.2002	1 یوم بلا تنخواہ
5	11 07.03.2002 گھنٹے 55 منٹ	298-6/11.03.2002	100 روپے مبلغ جرمانہ
6	14.09.2005 تا 13.09.2005	1156-1/30.09.2005	1 یوم بلا تنخواہ
7	21.08.2005 تا 17.08.2005	1054/6.08.2005	4 یوم بلا تنخواہ
8	15.09.2005 گھنٹے 40 منٹ	1157-12/30.09.2005	1 یوم فٹبہ
9	17.09.2005 تا 16.09.2005	1157.22/30.09.2005	1 یوم فٹبہ
10	21.11.2004 تا 18.11.2004	1285-1/07.12.2004	2 یوم بلا تنخواہ
11	12.11.2004 تا 11.11.2004	1288-22/7.12.2004	50 روپے مبلغ جرمانہ
12	16.10.04-17.10.04-31.10.04-02.11.04	1418/07.12.2005	بلا تنخواہ اور مبلغ 100 روپے جرمانہ
13	15.01.2006 تا 13.01.2006	128-6/30.01.2006	1 یوم کوارٹر گارڈ
14	0305.2006 تا 01.05.2006	612-3/2.06.2006	1 یوم کوارٹر گارڈ
15	23.02.2006 تا 20.02.2006	259-3/04.03.2006	2 یوم کوارٹر گارڈ
16	بسلسلہ رپورٹ	588/01.06.2006	مبلغ 100 روپے جرمانہ
17	09.07.2006 تا 08.07.2006	933-02/18.08.2006	4 یوم کوارٹر گارڈ

معطل	489/15.05.2009	علت 357 مورخہ 07.05.2009 جرم PPC 324/186/109 تھانہ جرما	18
معطل سے بحال شد	680/04.07.2009	انکوائری	19
بلا تنخواہ شد	840-1/26.08.2008	5 گھنٹے 45 منٹ	20
مبلغ 40 روپے جرمانا	1009-1/23.10.2008	21.08.2008 تا 20.08.2008	21
16 یوم بلا تنخواہ	792-23/12.08.2009	03.07.2009 تا 16.06.2009	22
10 یوم بلا تنخواہ	284-5/06.04.2010	19.02.2010 تا 08.02.2010	23
سنشور	309/07.03.2014	انکوائری	24
فائل شد	760/10.06.2014	انکوائری	25
سنشور	208/12.03.2015	انکوائری	26
کلوزڈ ٹولائن	406/12.05.2015	انکوائری	27
1 سال اینکریمنٹ	463/17.05.2017	انکوائری	28
فائل شد	598/24.05.2018	انکوائری	29
وارنگ شد	827-24/06.08.2018	22.07.2018 تا 21.07.2018	30
وارنگ شد	109/23.01.2019	انکوائری	31
LHC سے رپورٹ کا نشیبل	299/26.02.2019	انکوائری	32
کنشیل سے رپورٹ ریکروٹ کانشیل	1294/17.10.2019	انکوائری	33
ڈسمس شد	1392/04.11.2019	انکوائری	34
ڈینوپر بحال شد	590/25.08.2020	ڈینوائکوائری	35
بحال بلا تنخواہ شد	823/23.11.2020	انکوائری سروس پر بحال	36



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

Annex-C
P-9

ORDER

This order is passed on the de-novo enquiry against constable Hidayat Ullah No. 98 under the Khyber Pakhtunkhwa, Police Rules, 1975 (amendment 2014).

Brief facts of the case are that he after his re-instatement in service vide W/Addl: IGP HQrs Peshawar Order No. S/ 3334/20 dated 11.08.2020. His conduct is mysterious and ill-reputed. It was observed from secret source that he has contacts with criminals / notorious narcotics sellers / peddlers, and support / facilitate them in social crimes.

- ii. In the above context, audio recording with contacts and facilitating the criminals has been obtained and saved separate.
- iii. He while posted at Police station Shakardara misbehaved with applicant and insulted him inside Police station. In this regard a video was viral on social media which also defamed the image of Police department.
- iv. On perusal of his service record he has ill reputed, a stigma on Police department and earned bad name to the entire department.

He was served with charge sheet & statement of allegations, SDPO Saddar, Kohat was appointed as enquiry officer to proceed against him departmentally. The enquiry report was received but the undersigned was not agreed. Hence SP Operations Kohat was appointed as enquiry officer to probed further into enquiry. The enquiry officer exonerated the accused constable from the charges leveled against him.

The accused official was called in OR and heard in person on 18.11.2020. He submitted a plausible explanation in his defense.

However, in view of the conduct of official I, Javed Iqbal, District Police Officer, Kohat in exercise of the powers conferred upon me, imposed upon him a minor punishment of Censure and warned to be careful in future. He is re-instated in service with immediate effect. The intervening period is treated as un-authorized leave without pay.


DISTRICT POLICE OFFICER,
KOHAT

OB No. 823

Date 23-11-2020

No. 5905-08 /PA dated Kohat the 24-11-2020.

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

1. Additional Inspector General of Police HQrs Khyber Pakhtunkhwa, Peshawar w/r to his office Endst: No.S/3335-3341 dated 11.08.2020.
2. Regional Police Officer, Kohat w/r to his office Endst: No. 9108/EC, dated 24.08.2020.
3. Reader/SRC/OHC/Pay officer for necessary action.


DISTRICT POLICE OFFICER,
KOHAT

ORDER

This order will dispose of a departmental appeal moved by

Constable Hidayat Ullah No. 98 of Operation Staff Kohat against the punishment order, passed by DPO Kohat vide OB No. 823, dated 24.11.2020 whereby he was awarded minor punishment of Censure and the intervening period was treated as unauthorized leave during denove enquiry on the charged mentioned below:-

- i. Conduct of the appellant was mysterious and ill-reputed which was verified from different sources and found indulged in facilitating criminals / notorious narcotics sellers / peddlers.
- ii. Audio recording with contacts and facilitating criminals has been obtained and saved separately.
- iii. During his posting at PS Shakar Dara, he misbehaved with an applicant and insulted him inside PS, video of which was also viral on social media. The same has defamed the image of Police.

Comments were requisitioned from DPO Kohat and his service record was perused. He was also heard in person in Orderly Room, held on 27.01.2021. During hearing, he did not advance any plausible explanation.

I have gone through the available record and reached to the conclusion that a lenient view has already been taken by the competent authority while passing the impugned order. Therefore, the appeal being devoid of merits is hereby rejected.

Order Announced
27.01.2021


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

No. 1600 /EC, dated Kohat the 4/2 /2021.

Copy to District Police Officer, Kohat for information and necessary action w/r to his office Memo: No. 18464/LB, dated 30.12.2020. His Service Record & Fauji Missal is returned herewith.


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

Ru
file
9/1/2021

29/1

8

Sh. Y. S. W.

646 10/20 Annex-D P-10



Annex - E
P-11

OFFICE OF THE
DISTRICT POLICE OFFICER,
KOHAT

Tel: 0922-9260116 Fax: 9260125

No. 36032/PA dated Kohat the 25/10/2019

FINAL SHOW CAUSE NOTICE

Capt. @ Wahid Mehmood, District Police Officer, Kohat as competent authority, under the Khyber Pakhtunkhwa Police Rules 1975 (amended 2014) is hereby serve you **Constable Hidayat Ullah No. 881** as follow:-

- i. That consequent upon the completion of inquiry conducted against you by the inquiry officer for which you were given opportunity of hearing vide office No. 33072-73/PA dated 17.10.2019.
- ii. On going, through the finding and recommendations of the inquiry officer, the material on record and other connected papers including your defense before the inquiry officer.

I am satisfied that you have committed the following acts/omissions, specified in section 3 of the said ordinance.

- a **Your conduct is mysterious and ill-reputed. It was observed from secret source that you have contacts with criminals / notorious narcotics sellers / peddlers, and support / facilitate them in social crimes.**
- b **In the above context, audio recording with contacts and facilitating the criminals has been obtained and saved separate.**
- c **You while posted at Police station Shakardara misbehaved with applicant and insulted him inside Police station. In this regard a video was viral on social media which also defamed the image of Police department.**
- d **On perusal of your service record you are ill reputed, a stigma on Police department and earned bad name to the entire department.**

2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you major penalty provided under the Rules **ibid**.

3. You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you also intimate whether you desire to be heard in person.

4. If no reply to this notice is received within 07 days of its delivery in the normal course of circumstances, it shall be presumed that you have no defence to put in and in that case as ex-parte action shall be taken against you.

5. The copy of the finding of inquiry officer is enclosed.

[Handwritten signature]
28-10-2019
20/10/2019

[Handwritten signature]
DISTRICT POLICE OFFICER,
KOHAT 28/10/19

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 3439/ 2021
Hidayat Ullah
Constable No. 881, District Kohat

..... Appellant

VERSUS

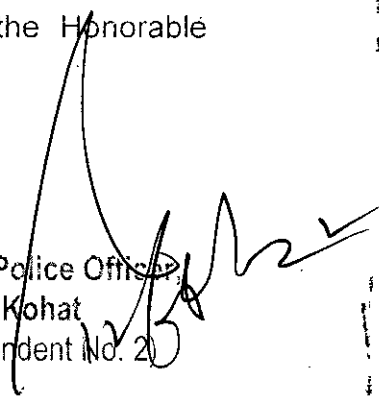
Regional Police Officer, Kohat & others

..... Respondents

AUTHORITY LETTER

Mr. Arif Saleem steno / Focal person of this district is hereby authorized to file the comments on behalf of respondent in the Honorable Tribunal and other documents as required.

District Police Officer
Kohat
(Respondent No. 2)



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.3439/2021

Hidayat Ullah Constible No.98Appellant.

Versus

The Inspector General of Police and othersRespondents.

INDEX

S.No.	Description of Documents	Date	Annexure	Pages
1.	Rejoinder with Affidavit			1-7
2.	Copies of inquiries reports finalized by Superintendent of Police Operation, Kohat and Sub: Divisional Police Officer Saddar Circle, Kohat namely Mr. Sanobar Khan, wherein appellant was completely exonerated from the false and abusive charges of being in league with criminals.		R/J/1	8-42
3.	Copies of Judgment of this Hon'ble Tribunal in Service Appeal No.447/2019 and 14-09-2020.	17-01-2022	R/J/2	43-46
4.	Wakalat Nama.			47-48

Through

Appellant

Ashraf Ali Khattak
Advocate,
Supreme Court of Pakistan

Ali Bakht Mughal
Advocate, Peshawar

Sadia Umar
Advocate, Peshawar

Dated: _____ / 10/ 2022

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**Service Appeal No.3439/2021**

Hidayat Ullah Constible No.98Appellant.

Versus

The Inspector General of Police and othersRespondents.

**REJOINDER ON BEHALF OF APPELLANT IN
RESPONSE TO REPLY FILED BY RESPONDENTS.**

Respectfully Sheweth,

Preliminary Objections:

Preliminary objections raised by answering Respondents are erroneous and frivolous in nature as having no factual and legal backing. The respondents have failed to show/explain as to how and why the appellant has no cause of action and locus standi? How the appellant is estopped by his own conduct? What material facts, appellant has concealed from the notice of this Hon'ble Tribunal? Why the appeal is not maintainable in its present form? What were appellant's previous indifferent service record? Why the appeal is bad for mis-joinder and non joinder of necessary parties? How the appellant is not an aggrieved person within the meaning of section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 read with Rule 19 of the Khyber Pakhtunkhwa Government Servant (Efficiency and Discipline) Rules, 2011 along with Police Disciplinary Rules, 1975. The respondent have also failed to explain as to how the instant service appeal is based on misconception of law and facts or bad in law and not maintainable? How the appeal is time barred? The respondents have failed to raise any solid objection regarding the controversial question involved in the appeal.

So far the question of Revision Petition under section 11 C of the Police Rules 1975 is concerned; section 4 of the Service Tribunal Act, 1974 is very clear on the point, which provides that an aggrieved civil servant shall file service appeal after rejection of departmental appeal within 30 days of the final rejection order. Appellant has filed final rejection order and there is no provision either in Service Tribunal Act, 1974 nor in Police Rule to impugn any order passed in Revision Petition.

Appellant is a civil servant within the meaning of section 2 (b) of the Khyber Pakhtunkhwa Civil Servant Act, 1973 and the matter pertains to term and condition therefore, appellant has Constitutional and Statutory right to invoke the jurisdiction of this Hon'ble Tribunal for the enforcement of his vested right to be dealt with in accordance with law.

Facts:-

1. That reply to Para No.1 of the appeal is incorrect, hence denied. The contention of the answering respondents with respect to the bad entries in service record is concerned, in this respect it is humbly submitted that appellant has already been penalized for the same therefore cannot be re-penalized on the same set of bad entries. The malafide of the answering respondents can best be judged from their contention that it has ignored the commendation certificates granted to the appellant by the authorities for his best performance. The answering respondents has not answered this aspect of the case.

In response to the contents submitted by the respondents vide Para No.1 of their reply, it is humbly submitted that two consecutive inquiries have been held by the respondents through (1) Superintendent of Police Operation, Kohat and (2) Sub-Divisional Police Officer Saddar Circle, Kohat namely Mr. Sanobar Khan. In both these inquiries; appellant has been completely exonerated from all sort of such like abusive

charges. The reports of both inquiries are worth perusal and are attached herewith along with statement of witnesses as Annexure / RJ-1.

2. That reply to Para No.2 of the appeal is incorrect hence denied. Appellant was confined in quarter guard on the same set of allegations, hence treated in violation of the principle of double jeopardy.
3. That detail explanation are already available in the main appeal however, the appellant has annexed the report and proceedings of both the departmental inquiries wherein appellant has been completely exonerated.
4. That reply to Para No.4 is incorrect hence denied. The punishment awarded to the appellant is not a minor penalty but a major one.
5. That reply to Para No.5 of the appeal is incorrect, hence denied. The law in the country is still unchanged and is governed by law of Qanoon-e-Shahadat in Vogue and by virtue of the same, Tribunal has to see, that it is for the prosecution to establish the guilt of the person and if it fails to do so, the result is that benefit goes to the accused of the said failure. It is significant that while referring to civil servant, who is being proceeded against under the Govt: Servant (Efficiency and Discipline) Rules or as the case may be under Police Rules 1975; the word "accused" has been used which indicates that the proceedings conducted by the inquiry officer are akin to a criminal trial [1996 SCMR 127]. A person is presumed to be guilty of misconduct if evidence against him establishes his guilt. The use of the word "guilty" is indicative of the fact that the standard of proof should be akin to one required in criminal cases [PLD. 1983 SC (AJ & K) 95]. In the instant case prosecution has no evidence to establish the alleged allegations against the appellant rather have been

exonerated by inquiries officers as evident from the reports of the inquiries mentioned *ibid*. Appellant has filed service appeal against both the punishments and this Hon'ble Tribunal vide consolidated Judgment dated 17-01-2022 has set aside both the penalties and reinstated the appellant with all back benefits. Judgment of this Hon'ble Court in Service Appeal No.1405/2020 and 647/2019 are attached as **Annexure / Rj-2**.

6. That no reply has been submitted in response to Para No.6 & 7.
7. That no reply has been submitted by the answering respondents to Para No.8, 9 & 10 rather admitted the stance of the appellant.
8. That no proper reply has been submitted by the answering respondents in response to Para No.11 to 15.

Grounds:

A: The reply to grounds of the appeal is incorrect, hence denied.

Section 16 of the Khyber Pakhtunkhwa Civil Servant Act, 1973 provides that a civil servant is liable for prescribed disciplinary action and penalties in accordance with prescribed procedure and not otherwise.

Rule 14 of KP Government Servant (E & D) Rules,2011 provide that on receipt of inquiry report the competent authority shall examine the report and the relevant case material and determine;

- i. Whether the inquiry has been conducted in accordance with prescribed procedure/provisions of E & D Rules?
- ii. Whether charges have been proved?

In the instant case the penal authorities have not scrutinize the evidence on record, wherein all witnesses has categorically denied the involvement of appellant.

Respondent No.3 has further violated the provision of rule 14 of E & D Rules and deprived the appellant deprived from the opportunity of confronting with those pieces of evidence which were apparently going against him/appellant.

Appellant was also deprived from opportunity of personal hearing as per provision of Rule 14(5) and Rule 15 of the E&D Rules, 2011.

Burden of proof on the prosecution to prove the charge.

The law in the country is still unchanged and is governed by law of Qanoon-e-Shahadat in Vogue and by virtue of the same, we have to see, that it is for the prosecution to establish the guilt of the person and if it fails to do so, the result is that benefit goes to the accused of the said failure.

If the allegation against the accused civil servant/employee is of serious nature and if he denies the same, a regular inquiry cannot be dispensed with. In such a case, the initial burden on the department to prove the charge, which cannot be done without producing evidence [1983 PLC (CS) 211 + 1997 PLC (CS) 817 (S.C) + 1997 SCMR 1543].

Standard of proof.....To be akin to one required in criminal cases.

It is significant that while referring to civil servant, who is being proceeded against under the Govt: Servant (Efficiency and Discipline) Rules the word "accused" has been used which indicates that the proceedings conducted by the inquiry officer are akin to a criminal trial [1996 SCMR 127]. A person is presumed to be guilty of misconduct if evidence against him establishes his guilt. The use of the word "guilty" is indicative of the fact that the standard of proof should be akin to one required in criminal cases [PLD 1983 SC (AJ & K) 95].

Prosecution to stand on its legs to prove the allegations.

Accused is stated to be a favorite child of law and he is presumed to be innocent unless proved otherwise and the benefit of doubt always goes to the accused and not to the prosecution as it is for the prosecution to stand on its own legs by proving all allegations to the hilt against the accused. Mere conjectures and presumption, however strong, could not be made a ground for removal from service of civil servant [1999 PLC (CS) 1332 (FST)]..... Unless and until prosecution proves accused guilty beyond any shadow of doubt, he would be considered innocent [1983 PLC (CS) 152 (FST)].

Re-instated employee would be entitled to back benefits as a matter of course unless employer is able to establish by cogent evidence that concerned employee had been gainfully employed elsewhere. In this respect, initial burden would lie upon the employer and not upon the employee to prove that such employee was gainfully employed during period of


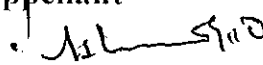
termination from his service. 2010 TD (Labour) 41.

Civil servant who was dismissed from service through arbitrary and whimsical action of the government functionaries and re instated through judicial order of Service Tribunal would have every right to recover arrears of salaries by way of back benefits due to them during the period of their dismissal and re instatement. It would be very unjust and harsh to deprive them of back benefits for the period for which they remained out of job without any fault on their part and were not gainfully employed during that period.....Supreme Court allowing their appeal and directing payment of back benefits to the appellant. 2006 T D (SERVICE) 551 (a).


Replies to grounds of appeal are mere repetition of facts/grounds which have already been responded. Appellant rely on grounds mentioned memo of appeal and would like to seek the permission of this Honorable Tribunal to advance/share grounds in rebuttal.

It is, therefore, humbly prayed that the reply of answering Respondents may graciously be rejected and the appeal as prayed for may graciously be accepted by re-instating the appellant on his original service with all back benefits.

Through


Appellant

Ashraf Ali Khattak
Advocate,
Supreme Court of Pakistan


Ali Bakht Mughal
Advocate, Peshawar


Sadia Umar
Advocate, Peshawar

Dated: _____ / 10/ 2022

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.3439/2021

Hidayat Ullah Constible No.98Appellant.


Versus

The Inspector General of Police and othersRespondents.

AFFIDAVIT

I, Hidayat Ullah, HC, Police Force Kohat do hereby solemnly affirm and declare on oath that the contents of the instant rejoinder are correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.


DEPONENT


Humaira Rehman Advocate
Oath Commissioner
Endst. No. 3370-75

19-10-22

Anx- R1/1 (8)



9160
3-DE-07
No. 27248

OFFICE OF THE
DISTRICT POLICE OFFICER
KOHAT

Tel: 0922-9260116 Fax 9260125

dated Kohat the 29/11/2019

To: The Regional Police Officer, Kohat
Subject: APPEAL (EX-CONSTABLE HIDAYAT ULLAH NO. 881)
Memo: -

Kindly refer to your office Ends: No. 1389/EC dated 29.11.2019.

It is submitted that the departmental appeal of the appellant against punishment order vide OB No. 1392 dated 04.11.2019 may be considered on the ground of forgiveness and apology of the appellant please.

EC
2/12

DISTRICT POLICE OFFICER,
KOHAT

R/Sir

OR? If approved, may call him

Submitted for order please

3/12/2019

~~MA/ES/WR/20~~

OR

Officer
Kohat



OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.

No. SI/3334/20, dated Peshawar the 11/8/2020.

6102
18/8/20
1118/2020

ORDER

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by Ex-FC Hidayat Ullah No. 881. The petitioner was dismissed from service by District Police Officer, Kohat vide OB No. 1392, dated 04.11.2019 on the following allegations:-

- (i) His conduct was mysterious and ill-reputed which was verified from secret source that he had contacts with criminals/notorious narcotics sellers/peddlers, and support/facilitate them in social crimes.
- (ii) Audio recording with contacts and facilitating criminals had been obtained and saved separately.
- (iii) During his posting at PS Shakardara, he misbehaved with an applicant and insulted him inside Police Station which was also viral on social media. The same has defamed the image of Police.
- (iv) On perusal of his service record he has ill reputation, and is a stigma on Police Department wherein he earning a fig for, inspite of may violations of good order and discipline, earned worst name to the entire Police Department.

EC
18/8

His appeal was rejected by Regional Police Officer, Kohat vide order Endst: No. 2662/EC, dated 18.02.2020.

Meeting of Appellate Board was held on 21.07.2020 wherein petitioner was heard in person. During hearing petitioner denied the allegations leveled against him.

The Board decided that de-novo enquiry proceeding be conducted and the petitioner is hereby re-instated in service for the purpose of de-novo enquiry. The authority shall conduct proper regular enquiry, and decide the matter afresh on the basis of de-novo proceedings.

This order is issued with the approval by the Competent Authority. *no 9108/16*

DPo/Kohat
Form/a along with service documents to conduct de-novo enquiry according to SD/-
24/8/20
No. SI/3335-3341/20
Removal of allegations
Copy of the above is forwarded to

DR. ISHTIAQ AHMED, PSM/PPM
Additional Inspector General of Police,
P.S. Khyber Pakhtunkhwa, Peshawar.

- 1. Regional Police Officer, Kohat. One Service Card, one Fauji Missal/Enquiry file and Memory Card of the above named FC received vide your office Memo: No. 4300/EC, dated 01.04.2020 is returned herewith for your office record.
- 2. District Police Officer, Kohat.
- 3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
- 4. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
- 5. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
- 6. PA to AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
- 7. Office Supdt: E-IV CPO Peshawar.

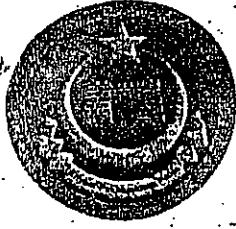
399

3

PA
27/08/20
District Police Officer
Kohat

(KASHIF ZULFIQAR) PSM
AIG/Establishment
Inspector General of Police

4487
24/8/20



10

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

No _____ /PA dated Kohat the _____ / _____ /2020

ORDER

In pursuance of Addl: Inspector General of Police HQrs, Khyber Pakhtunkhwa order No. S/ 3334 /20 dated 11.08.2020. Ex-Constable Hidayat Ullah No. 881 is hereby re-instated in service only for the purpose of *denovo* enquiry.


DISTRICT POLICE OFFICER,
KOHAT

OB No. 590
Dated 25-08-2020

No 4225-28 /PA dated 25-8-2020

Copy of above is submitted to the:-

1. Addl: Inspector General of Police, HQrs Peshawar w/r to his office order No. quoted above, please.
2. Regional Police Officer, Kohat w/r to his office Endst: No. 9108/EC dated 24.08.2020, please.
3. Line Officer/ Reader/ SRC/OHC /Pay Officer for necessary action.


DISTRICT POLICE OFFICER,
KOHAT



No 4239-40PA

Office of the
District Police Officer,
Kohat

Dated 25-8/2020

DISCIPLINARY ACTION

1. I, **JAVED IQBAL, DISTRICT POLICE OFFICER, KOHAT**, as competent authority, am of the opinion that you **Ex-Constable Hidayat Ullah No. 881 (now reinstated for the purpose of denovo enquiry)** have rendered yourself liable to be proceeded against, departmentally under Khyber Pakhtunkhwa Police Rule 1975 (Amendment 2014) as you have committed the following acts/omissions.

STATEMENT OF ALLEGATIONS

- i. That you after your re-instatement in service vide W/Addl: IGP HQrs Peshawar Order No. S/ 3334/20 dated 11.08.2020. Your conduct is mysterious and ill-reputed. It was observed from secret source that you have contacts with criminals / notorious narcotics sellers / peddlers, and support / facilitate them in social crimes.
- ii. In the above context, audio recording with contacts and facilitating the criminals has been obtained and saved separate.
- iii. You while posted at Police station Shakardara misbehaved with applicant and insulted him inside Police station. In this regard a video was viral on social media which also defamed the image of Police department.
- iv. On perusal of your service record you are ill reputed, a stigma on Police department and earned bad name to the entire department.

2. For the purpose of scrutinizing the conduct of said accused with reference to the above allegations **SDPO Saddar, Kohat** is appointed as enquiry officer. The enquiry officer shall in accordance with provision of the Police Rule-1975, provide reasonable opportunity of hearing to the accused official, record his findings and make, within twenty five days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused official.

The accused official shall join the proceeding on the date, time and place fixed by the enquiry officer.

**DISTRICT POLICE OFFICER,
KOHAT**

No. 4239-40 / PA, dated 25-8- / 2020.

- Copy of above is forwarded to:-
1. **SDPO Saddar, Kohat:-** For denovo departmental proceeding against the accused under the rules ibid.
 2. **Accused Constable:-** The accused is directed to appear before the Enquiry officer, on the date, time and place fixed by the enquiry officer, for the purpose of enquiry proceedings.

12



OFFICE OF THE
DY: SUPERINTENDENT OF POLICE,
SADDAR CIRCLE KOHAT

Email: dpsaddark1@gmail.com Phone: 0922-9260120

No. 760/PA

Dated: 30/09/2020

To, The District Police Officer,
Kohat.

Subject: **DENOVO ENQUIRY**

Memo: Enclosed please find a finding report in
enquiry against **Constable Hidayat Ullah No. 881** is sent herewith for your worth perusal
and further orders.

Sanobar Shah
SANOBAR SHAH
Sub: **Divisional Police Officer**
Saddar Circle, Kohat
(Enquiry Officer)

Encl:

(24)

13

**DEPARTMENTAL ENQUIRY AGAINST EX-CONSTABLE
HIDAYAT ULLAH NO. 881/98**

<u>DATE OF ENLISTMENT</u>			
<u>DETAIL OF GOOD & BAD ENTRIES</u>	<u>Good Entries</u>		
	<u>Bad Entries</u>	<u>Minor</u>	<u>Major</u>
<u>ALLEGATIONS (PUC Flag A)</u>	<p>i. That you after your re-instatement in service vide W/Addl: IGP HQrs Peshawar Order No. S/3334/20 dated 11.08.2020. Your conduct is mysterious and ill-reputed. It was observed from secret source that you have contacts with criminals / notorious narcotics sellers / peddlers, and support / facilitate them in social crimes.</p> <p>ii. In the above context, audio recording with contacts and facilitating the criminals has been obtained and saved separate.</p> <p>iii. You while posted at Police station Shakardara misbehaved with applicant and insulted him inside Police station. In this regard a video was viral on social media which also defamed the image of Police department.</p> <p>iv. On perusal of your service record you are ill reputed, a stigma on Police department and earned bad name to the entire department.</p>		
<u>CHARGE SHEET/ STATEMENT OF ALLEGATIONS (Flag B) AND WRITTEN REPLY (Flag C)</u>	Issued and served upon the defaulter official and SDPO Saddar, Kohat was appointed as Enquiry Officer.		
<u>FINDING / RECOMMENDATION OF ENQUIRY OFFICER (Flag D)</u>	The Enquiry Officer conducted departmental enquiry and submit his finding report and exonerated from the charges leveled against him.		
<u>FINAL SHOW CAUSE NOTICE</u>	Nil		

Submitted for favor of perusal and order please.

W/DPO, KOHAT

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[Handwritten signature]
[Handwritten signature]
[Handwritten signature]



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

No. 5164 /PA Dated 21-10-2020

14

ORDER

The accused official namely constable Hidayat Ullah No. 98 heard personally in orderly room held on 20.10.2020 and record gone through. The undersigned is not satisfied with the enquiry proceedings / report hence, the enquiry report are set aside and ordered for re-enquiry. SP Operations Kohat is appointed as enquiry officer and directed to conclude the re enquiry proceedings within stipulated period.

(Encl:- (25))


DISTRICT POLICE OFFICER,
KOHAT 22/10



OFFICE OF THE
SUPERINTENDENT OF POLICE
INVESTIGATION, HANGU

Office Tele: 0925-623887
Office Fax: 0925-622887
Email: spinvestigationhangu@yahoo.com

15

To : The Regional Police Officer,
Kohat Region Kohat.

No. /Inv: dated Hangu the 06/02/2020.

Subject: DEPARTMENTAL ENQUIRY AGAINST EX-CONSTABLE
HIDAYAT ULLAH NO. 881.

Memorandum:

Kindly refer to your office Endst: No. 26/EC dated 01.01.2020, Endst: No. 697/EC dated 15.01.2020 and Endst: No. 2013-14/EC dated 03.02.2020 on the case noted above in the subject.

Departmental Enquiry conducted against Ex- Constable Hidayat Ullah No. 881, finding report along with enquiry documents containing 23 pages is submitted herewith for further necessary action please.

Encl: Service Roll	=	01
Fujji Missal	=	01
Enquiry File (New/old)	=	01
Memory Card	=	01

Superintendent of Police,
Investigation, Hangu.

No. 467 /Inv: dated Hangu the / /2020.

Copy of the above is submitted to the District Police Officer, Kohat for favour of information w/r to his office Letter No. 40/OHC dated 29.01.2020 please.

OHC
7/2/20

District Police Officer,
Kohat 7/2/20

1043
7/2/20

Superintendent of Police,
Investigation, Hangu.

ڈپٹی ڈی پی او

(16)

DENOVO ENQUIRY AGAINST EX-CONSTABLE HIDAYAT
ULLAH NO.881 OF DISTRICT POLICE, KOHAT

01. Undersigned was appointed as enquiry officer vide order of enquiry bearing worthy DPO office Kohat letter No.4239-40/PA dated 25.08.2020 in order to ascertain the alleged charges of misconduct leveled against Ex-Constable Hidayat Ullah No.881. Vide above mentioned letter, defaulter Police Constable was issued charge sheet along with summary of allegations with the following allegations.

- i. That you after your re-instatement in service vide W/Addl: IGP HQrs Peshawar Order No. S/ 3334/20 dated 11.08.2020. Your conduct is mysterious and ill-reputed. It was observed from secret source that you have contacts with criminals / notorious narcotics sellers / peddlers, and support / facilitate them in social crimes.
- ii. In the above context, audio recording with contacts and facilitating the criminals has been obtained and saved separate.
- iii. You while posted at Police Station Shakardara misbehaved with applicant and insulted him inside Police Station. In this regard a video was viral on social media which also defamed the image of Police department.
- iv. On perusal of your service record you are ill reputed, a stigma on Police department and earned bad name to the entire department.

02. By the allegations above, Charge Sheet was duly served upon defaulter Police Constable with direction to submit his written defence within given period. As per instructions, defaulter Police Constable currently posted at Police Lines, Kohat produced his written statement stating therein that he has not links/relations with any criminal gang/group and as a proof his previous record is also found clear (Statement attached).

03. defaulter Police Constable was summoned, duly interviewed who negated the overall allegations levelled against him and stated that he is an innocent and always obeyed the good orders of disciplined force. During hearing, defaulter Police Constable presented appeal order issued from the office of worthy DPO, Kohat however, from the perusal of the same, appellant/ defaulter Police Constable has been forgiven by the competent authority (appeal order attached).

04. For scrutinizing the facts, written statements were recorded from DFC, DBS and Beat officer stating in their statements that the allegations levelled against defaulter Police Constable could not stand prove and further strict supervision is underway, in this regard (Statements attached).

05. Upon perusal of statements recorded from area elders, reflected that defaulter Police Constable has no links with criminal group but he is a peace loving person in the area (Statements attached).


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06. As far as the allegations vide serial No.iii are concerned, applicant Mubashir Qureshi s/o Niyaz Gul r/o incharge NADRA office Shakardara recorded in his written statement that he has patched up the matter with Muhammad Riyasat r/o Mianwali and now, applicant does not want to take further any action against defaulter Police Constable who is not involved in the case (Statements attached).

07. In the light of the above enquiry conducted, undersigned is of the opinion that Constable Hidayat Ullah No.881 is recommended to be exonerated from the charges framed against him.

All related documents are enclosed with the enquiry file.

Submitted please


Sub: Divisional Police Officer
Saddar Circle, Kohat
(Enquiry Officer)

منویر خان

(18)

بحوالہ چارج شیٹ

بحوالہ چارج شیٹ مجاریہ منجانب ڈسٹرکٹ پولیس آفیسر مورخہ 25-08-2020 نمبری PA/40/4239/4239/40 مورخہ

1-09-2020 کی بابت معروض ہوں

جناب عالی!

(۱) یہ کہ بحوالہ چارج شیٹ من مسائل پر عائد کئے گئے الزامات غلط بے بنیاد اور محتاج ثبوت ہیں جس میں کوئی حقیقت نہ ہے۔
(۲) یہ کہ من مسائل کا کسی گینگ کیساتھ تعلق نہ ہے اور نہ ہی کسی درج شدہ گینگ کے ساتھ کوئی تعلق یا واسطہ ہے۔ اور نہ ہی کسی گینگ کو جانتا ہوں۔

(۳) یہ کہ من مسائل کا کسی بھی کریمنل لوگوں کیساتھ کوئی تعلق یا واسطہ نہ ہے اور نہ ہی کسی قسم کا کوئی ثبوت من مسائل کی طرف ریکارڈ پر موجود ہے۔ جس سے یہ ثابت ہوتا ہو۔ کہ من مسائل کو کسی بھی کریمنل یا گینگ سے تعلق ثابت ہوتا ہو۔ جبکہ من مسائل کو ایک سازش کے تحت طوط کیا گیا ہے۔

(۴) یہ کہ بمطابق چارج شیٹ مذکورہ بالا کے فقرہ نمبر ۳ میں جو الزام عائد کیا گیا ہے۔ غلط اور بے بنیاد ہے جس میں ہر دو چارج شیٹ ہائے کے اجراء سے قبل حسب ضابطہ انکوائری کر کے جناب DPO صاحب کو ہاٹ نے فائل کیا ہے جسکی نقول لفظ ہے۔ جس میں مسائل کیخلاف کسی قسم کا کوئی ثبوت ریکارڈ پر موجود نہ ہے۔

(۵) یہ کہ بمطابق چارج شیٹ کے فقرہ نمبر ۴ میں جو الزام عائد کیا گیا ہے۔ بالکل غلط اور بے بنیاد ہے کیونکہ من مسائل کا 19 سال سردس ہے اور تمام تر سردس جنرل ڈیوٹی کی ہے۔ اور بدوران سردس کسی انصران بالا کو کسی قسم کی شکایت کا موقع نہیں دیا۔ اور بعد از پیش کرنے جملہ ثبوت بابت بے گناہی جناب DPO صاحب کے حضور پیش کئے۔ تو جملہ ثبوت کی بنیاد پر ایک عدو چھٹی انگریزی بحوالہ نمبر 2019-11-29/21248/29 صادر فرما کر جس میں مسائل کو جناب DPO صاحب نے بحالی کی شکارشات تحریر کی ہے۔ جو کہ من مسائل کی بے گناہی کا قومی ثبوت ہے۔

(۶) یہ من مسائل جملہ ثبوت بابت بے گناہی کی مد میں ذاتی شتوائی کا شرف حاصل کرنے کے بعد جملہ پیش کرنا چاہتا ہوں۔
لہذا استدعا کی جاتی ہے کہ من مسائل کیخلاف انکوائری کو بغیر مزید کارروائی کے فائل فرمایا جاوے۔

مورخہ: 03/09/20

الحاضر

Attached

مسائل حدایت اللہ بیلٹ نمبر 98/LHC حال متعینہ پولیس لائن کو ہاٹ
Superintendent of Police
General in
Kohat

03/09/20

یاں حلویے

بیان آزان فشر و بیسی ولد نیاز گل قریبی شکر درون
بیان آزان فشر و بیسی ولد نیاز گل قریبی شکر درون
کے خلاف جو درخواست دی تھی

فردار خدایت ام عشاء شکر درون کا جو جی ڈی سی ایف ہے
اس درخواست میں
فردار خدایت ام عشاء شکر درون کی تافوقی عمارتوں پر خلاف
معدار درخواست فرمائیں کروائیں

فشر و بیسی ولد نیاز گل کے شکر درون آغاز 2 ناردر اس میں

شکر درون

NIC
NOB 03339666576

09/09/2019

File 123

بیان حلفی

بیان اراں بشر قریشی ولد نیاز گل قریشی نے شکر درلا کے بیان
 گد تاہوں کہ میں نے حوالدار یدایت اللہ تھانہ شکر درلا کے خلاف
 درخواست دی تھی فریقہ اولہ میں نے محمد ریاست سے
 ایک سر ضلع میا لوالی کے سا لہ علاقہ رسہ راج کے مطابق
 آپ کے میں باہرے راضی نہ کیا ہے اس درخواست میں
 حوالدار یدایت اللہ تھانہ شکر درلا کے کو دخل نہیں پائی جاتی
 میری اپنی درخواست پر مزید کسی قسم کا لوفی کاروائی نہ
 خلاف حوالدار یدایت اللہ تھانہ شکر درلا نہ کرانا چاہتا
 ہوں میری درخواست فائل نہ وائیں۔

نوٹ کے اس پہلے ہی جناب DPO صاحب کو بات کو ایک
 بیان دیے چکا ہوں

Attested
 Superintendent of Police
 Operation
 Khat

بشر قریشی ولد نیاز گل قریشی نے شکر درلا کے بیان
 ارض شکر درلا

Date 22-09-2020

MC
 14301-19783857
 2220166576

بیانِ حلفی

بیانِ ازاں محمد عمران ولد صاحبزادہ سید شکر علی

میں حلفاً بیان کرتا ہوں کہ والد اور بیواہ اسٹا۔

تھانہ شکر علی میں پروان ثقیانی مس قس کی

المعاملہ دنگول سے کوئی واسطہ نہ رکھتا ہے۔

اور یہ ہے۔ یہ میرا بیان ہے۔

محمد عمران ولد صاحبزادہ سید شکر علی

NIC 193012005571-7

MOB 0333 9824246

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Attested

[Signature]

Superintendent of Police
Operation
Kohat

پہلے ان اراکین ملک امن ایجنسی کے ساتھ مل کر کام کیا گیا ہے
تو بیان کیا کہ کسی سرکاری ایجنسی کے ساتھ مل کر
میں کسی لگائی گئی صورت میں جان چلا گیا
اور اس قسم کے جرائم میں ملوث رہا ہے

کلیت میں لگتا ہے
میں

20-9-22

3-47481-19-14301

ملک امن ایجنسی کے ساتھ مل کر کام کیا گیا ہے

Attested

Superintendent of Police
Operation
Kohat

ذات الحیا

کوئٹہ پروانہ نمبر 7261 تاریخ 20-9-2020 SDPO صدر سیکشن مبارک پور

حرفت ہوں، بیکرٹنسل ہدایت اللہ کے حال جلن کے متعلق

علاقہ میں معلومات تسلی کر کے مذکورہ ہدایت اللہ

نیک جلن جا یا کسی قسم کی کرکٹسٹل اسخاص کسارت

تعلقات نہ پائے گئے۔ اس سلسلہ میں علاقہ کے

مسٹر ان حاجی جملا اسحاق، عابد خان، محمد عظیم رفیق

ملکیت ستر، دھیم خان، ریاض ناظم، حاجی اسحاق خان

ملک الواد کے بیانات مفصل آگے لکھے ہیں۔

جولف دلورض لکھڑا ہے

Si MRS.
23-09-2020

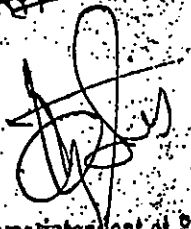
Attested

Superintendent of Police
Operations
Kohat

منظور امر جلن

بیان اذکار امام شاہ دہلی متوفی سال الف کا مکتبہ کلاں
 میں۔ رشتہ مختار دہلی میں تصانیف بیہوش حضرت علامہ
 علامہ مفتی محمد رفیع صاحب مدظلہ العالی کی تالیف ہے جس کا مقصد
 بدعتوں سے کٹ کر عین حق و سچ چلانا اور اسلامی تعلیم و تدریس
 کو درست بنانا ہے۔ اس کتاب کی تصدیق میں امام شاہ دہلی نے
 فرمایا کہ اس کتاب سے تعلق ہے۔ مزید تصدیق کے لیے امام شاہ دہلی کے
 موروثی امراء اور قریبیوں میں ارادہ حاصل کیا
 گیا ہے۔

Javed Shah
 DFC PS MRS

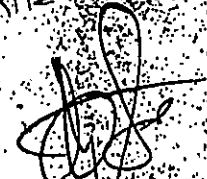
Attest

 Superintendent of Police
 Operation
 Kohat

میں اتران ملک اور ملک اللہ میں کرو اور پھر الہ
 حلفاً بیان کرتا ہوں کہ جو لہذا میں مذکور ہے اور وہ لہذا میں
 سند قریباً کفر حاجی طور پر ہائیں قبول تاج کے لئے
 مشہور ہے جب اہم ہستی درکوں سے کفریہ تعلق بناوا سکر
 ایسے رکھتا ہے اور یہ علط ہو گئی ہے مل جل کر کان کے
 یہ فیصلہ بیان

ملک اور ملک لہذا میں کرو اور پھر الہ

2
 Date 23/02/2020
 ملک اور ملک

430/1945489-9
 Malik Anwar Khan
 Togh Bala Kohat
 N/C

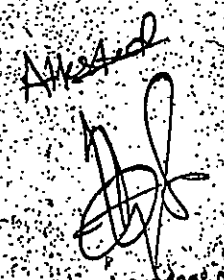
ANWAR

 Superintendent of Police
 Operation
 Kohat

(26) بیان حلفی

بیان ازان ملک حاجہ امینہ زول علیہا السلام کے بیان کے مطابق
حلفاً بیان کرتا ہوں کہ جو لڑائی میرا بیٹا اللہ اور اللہ کے رسول
کو دے گا اور جو میرا بیٹا لے گا وہ میرا بیٹا ہے اور جو میرا بیٹا
لے گا وہ میرا بیٹا ہے اور جو میرا بیٹا لے گا وہ میرا بیٹا ہے
اور جو میرا بیٹا لے گا وہ میرا بیٹا ہے اور جو میرا بیٹا لے گا وہ میرا بیٹا ہے
اور جو میرا بیٹا لے گا وہ میرا بیٹا ہے اور جو میرا بیٹا لے گا وہ میرا بیٹا ہے

حاجہ امینہ زول علیہا السلام کے بیان کے مطابق

Date 23/08/2020

Amir


LAMBARDAR
IMTILANBAR
TAMIAZ AHMED
Jogh Bala District Kohat

Superintendent of Police
Operation
Kohat

NIL 14301-1966419.5
0333-0529379

کتابخانه

کتابخانه
 مورخہ ۱۳۳۷ھ
 مورخہ ۱۳۳۷ھ
 مورخہ ۱۳۳۷ھ
 مورخہ ۱۳۳۷ھ
 مورخہ ۱۳۳۷ھ
 مورخہ ۱۳۳۷ھ
 مورخہ ۱۳۳۷ھ
 مورخہ ۱۳۳۷ھ
 مورخہ ۱۳۳۷ھ
 مورخہ ۱۳۳۷ھ

مورخہ ۱۳۳۷ھ
 مورخہ ۱۳۳۷ھ
 مورخہ ۱۳۳۷ھ

مورخہ ۱۳۳۷ھ
 مورخہ ۱۳۳۷ھ
 مورخہ ۱۳۳۷ھ

Superintendent of Police
 Operations
 Kohat

Major Bahi
 Ex. N.A.
 Toon Balak
 03469773076

بیان حلقہ

غلام

بیان الراجحہ کے لئے
 حلقہ بیان کرتا ہوں کہ
 دائرے طوریہ جا بیان ہو
 لوگوں سے آج تکے لعلی
 کسے لوگوں سے کوئی تعلق
 بیہودہ بیان ہے

مکتبہ غلام رفیقہ و لہ مکتبہ محمد رفیقہ
 کوئی بیان

Date 23/10/20

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Numbered
GULAM RAFIQ
 Tough Payan Kohat

ATTEST

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 Superintendent of Police
 Operati Kohat

بیانِ حالی

بیانِ ازالِ ملک: گنتہ محمدیہ ولہ ملک محمدیہ گنتہ لوہانوال
 حلقہ بیان لکڑیاں ملوں کہ لوہانوال ڈائریٹ الٹرو ولہ فورمان کو
 نہ اتنے طور پر جاننا ہوں اور دورانِ سفر میں بھی
 صمیمیہ کریمپل لوگوں سے نہ تعلق رکھا ہے اور نہ واسطہ
 ہے یہ سب بیان ہے جو کہ حلقہ درگت ہے

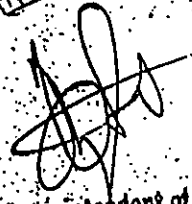
ملک گنتہ محمدیہ ولہ ملک محمدیہ گنتہ لوہانوال

Date 23/9/2020

گنتہ محمدیہ
 14301-3861873-3

M.K.
 Mob. 14301-3861873-3
 0331-987553

Attested



Superintendent of Police
 Operation Kohat

بیان حلفی

بیان اران عابد ولد احمد زمان کہہ کر آج تیار ہوا ہے
 کہ میں نے یہ اہانت و لہو اور زمان کو ذات طور پر
 جاننا نہیں اور یہ کہ کسی قسم کے غلط اور غیر انہی
 لوگوں سے کوئی تعلق ہے نہ کہتا اور نہ واسطہ ہے
 نہ حوالہ دہانت اللہ کے بارے اللہ کو حاضر جان کر
 سچ اور حقیقت پر بیان دے رہا ہوں

عابد ولد احمد زمان کہہ کر تیار ہے

Date 23/09/2020

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MC-14306-9880376-3

MOB = 03339614584

[Signature]
 Superintendent of Police
 Operation
 Kohat

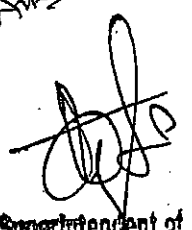
بیان حلفی

بیازاں حاجی محمد اسحق ولد ملوک خان کتہ ڈیپلا کورٹ
 حلفاً بیان کرتا ہوں کہ حوالہ دی گئی ہے اللہ ولد نور زمان کتہ ڈیپلا کورٹ
 پولیس کانسٹیبل کے آج تک کسی قسم کے جراثیم سے متعلقہ افراد سے نہ کوئی
 تعلق رکھتا ہے اور نہ دیکھتا ہے نہ واسطوں کے ذریعے سے اور نہ ہی
 یہ بیان ہے

Date 23/9/2020

حاجی محمد اسحق ولد ملوک خان کتہ ڈیپلا کورٹ۔

M. ISHAQ
 MC-143018-660265-7
 0335-5636157

Attested

 Superintendent of Police
 Operation
 Kohat

ضمانت عالی!

کونسل عدلیت اللہ کے بارے میں علامہ حسین
 فقیر صاحب کے وقت میں پوری کدگی۔ مذکورہ کا کسی
 قسم کے فیصلہ نہیں ہے۔ اس کے ساتھ کوئی رابطہ و تعلق
 نہیں ہے۔

رپورٹ عرض ہے

Attested

Superintendent of Police
Operation
Kohat

33

جناب عالی!

گزارش ہے کہ ہدایت اللہ LHC کے بارے میں معلومات کی گئی سریدست کوئی انفارمیشن نہیں ہے نہ کوئی بد معاشان نہ کریمینٹل لوگوں کے ساتھ تعلق ہے رپورٹ عرض ہے۔


DSB: KOHAT

مورخہ: 28.09.2020

Attest



Superintendent of Police
Operation
Kohat

مورخہ: 28.09.2020
مقام: کوہاٹ

34

بیان ازان حاجی محمد اسحاق ولد ملوک خان سکنہ توغ بالا کوہاٹ

ملفنا بیان کرتا ہوں کہ والد ار ہدایت اللہ ولد نور زمان سکنہ توغ بالا جو کہ پولیس سرورس کرتا ہے آج تک کسی قسم کے جرائم پیشہ افراد سے نہ کوئی تعلق رکھتا ہے اور نہ رکھتا ہے نہ واسطہ ہے یہ درست اور صحیح ہے۔
یہی میرا بیان ہے۔

M. ISHAQ
03355636157
143018-660265-7

Attested
Superintendent of Police
Operation
Kohat

SP Operation

35

بیان ازان امام شاہ DFC متعینہ حال تھانہ MRS

حلفاً بیان کرتا ہوں کہ میں بحیثیت DFC تھانہ MRS میں تعینات ہوں بحیثیت علاقہ DFC علاقہ میں مسکی ہدایت اللہ LHC کے بارے میں خفیہ پتہ براری کیلگی کہ وہاں ہدایت اللہ کا کریمنٹل اشخاص کیساتھ تعلق ہے یا نہیں مگر کسی بھی شخص نے اس بابت کی تصدیق نہیں کہ ہدایت اللہ کی کریمنٹل اشخاص سے تعلق ہے مزید خفیہ نگرانی جاری ہے معلومات ہونے پر افسران بالا کے نوٹس میں لایا جائیگا۔
یہی میرا بیان ہے۔

تحریر: 26.10.2020

دستخط
0332-5651028

حاصل
Attested
Superintendent of Police
Operation
Kohat

36

بیان ازان ملک حاجی امتیاز احمد ولد غلام ربانی سکندہ توغ بالا

موبائل نمبر 0333-0529379

حلفاً بیان کرتا ہوں کہ حوالدار ہدایت اللہ ولد نور زمان کو ذاتی طور پر جانتا ہوں کہ آج تک کسی قسم کے جرائم پیشہ لوگوں سے
بہت تعلق رکھتا ہے اور نہ واسطہ ہے جبکہ ایک نیک اور مخلص انسان ہے۔
یہی میرا بیان ہے۔

26.10.2020



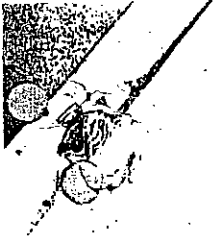
دستخط

03330529377

Attested



Superintendent of Police
Operation
Kohat



(37)

بیان ازان ملک انور ولد ملک بشیر خان سکندہ توغ بالا

شناختی کارڈ نمبر 9-1945489-14301، موبائل نمبر 0300-9158086


حلفاً بیان کرتا ہوں کہ حوالدار ہدایت اللہ ولد نور زمان سکندہ توغ بالا کو ذاتی طور پر جانتا ہوں آج تک کسی قسم کے جرائم پیشہ لوگوں سے کوئی تعلق یا واسطہ نہیں رکھتا ہے اور نہ غلط لوگوں سے مل جل رکھتا ہے۔
یہی میرا بیان ہے۔



ملک الازن

دستخط

28/10/2020

Attest

Superintendent of Police
Operation
Kohat

38

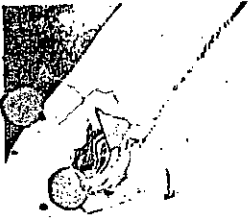
بیان ازان ملک غلام رفیق ولد ملک محمد محمد سکنہ توغ پایان
شہادت کارڈ نمبر 3-1925346-14301، موبائل نمبر 0335-5825703

حلفاً بیان کرتا ہوں کہ حوالدار ہدایت اللہ ولد نور زمان ذاتی طور پر جانتا ہوں بدوران سروس کسی قسم کریمینل لوگوں سے نہ
تعلق رکھا ہے اور نہ واسطہ ہے اور نہ ہی کوئی جرائم پیشہ لوگوں سے کوئی تعلق ہے۔
یہی میرا بیان ہے۔

دستخط
28-12-2022

Attest of

Superintendent of Police
Operation
Kohat



39

بیان ازان سابقہ ویج ناظم ملک حاجی رحیم خان ولد فقیر خان سکندہ توغ بالا

حلفاً بیان کرتا ہوں کہ حوالدار ہدایت اللہ ولد نور زمان جو کہ محکمہ پولیس میں ڈیوٹی دے رہا ہے ذاتی طور پر جانتا ہوں کسی قسم کے جرائم پیشہ اشخاص کے ساتھ کوئی تعلق نہیں۔
یہی میرا بیان ہے۔

تحریر 29.10.2020



دستخط

03469773075

Attested

Superintendent of Police
Operation
Kohat

40

بیان ازان ملک امان اللہ خان ولد کالا خان

حلفاً بیان کرتا ہوں کہ مسکی ہدایت اللہ تھانہ شکر درہ میں عرصہ تعیناتی کے دوران نیک چال چلن رہا اور کسی قسم کے جرائم پیشہ عناصر کے ساتھ تعلق نہیں رکھا ہے۔
یہی میرا بیان ہے۔

A
29-10-2020
دستخط



Attested

Superintendent of Police
Cooperation
Kohat

(41)

از دفتر SDPO صدر سرکل

ریڈ نمبر 726 مورثہ 09.2020

SI منظور خان تھانہ MRS

پروانہ بنام:

بکار سرکار تحریر کیا جاتا ہے کہ بسلسلہ چارج شیٹ نمبر
4239-40/PAU مورثہ 25.08.2020 جاریہ جناب DPO صاحب برخلاف کنشیل ہدایت
اللہ آپ ہیٹ آفیسر کو بذریعہ تحریری پروانہ ہدایت دی جاتی ہے کہ مذکورہ کنشیل کے چال چلن کے متعلق
تحریری رپورٹ ابیان سے مطلع کریں کہ آیا مذکورہ کے تعلقات کسی کریمنیل اشخاص سے یا نہیں۔

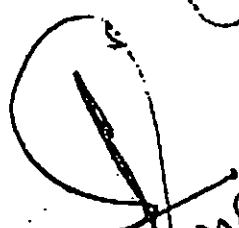
سب ڈویژنل پولیس آفیسر
صدر سرکل

Superintendent of Police
Operation
Kohat

42

الحیا

گوالدر پروانہ نمبر 7261
 20.9.2020 جاریہ SDPO صدر سیکشن ہریہ پورہ
 ہر فورہ میں، بیکرنسٹل صدر ایڈیشن اللہ کے حال جلن کے متعلق
 علاقہ میں مصلوحات تسلی کر کے مذکورہ پراہت اللہ
 نذر جلن پایا کسی قسم کی کرہنسل اشخاص کسی رو
 تعلقات نہ پائے گئے۔ اس سلسلہ میں علاقہ کے
 حسیران حاجی محمد اسحاق، عبدالرحمان، محمد عظیم و فتویٰ
 ملک عبت سیر، دھم خان دلا ناظم، حاجی امین زرقان
 ملک اللہ کے بیانات مفصل آگہند کے ہیں۔
 جولف دھرم لہور اچھے


 Si Mrs.
 23-09-2020

RJ/2

43

(5)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 647/2019

Date of Institution ... 17.05.2019

Date of Decision ... 17.01.2022



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

VERSUS

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

Ashraf Ali Khattak,
Advocate ... For Appellant

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

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

JUDGMENT

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

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

RECEIVED

CHIEF JUSTICE
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR

44

(6)

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

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

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

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

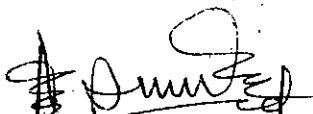
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal

45 (7)

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

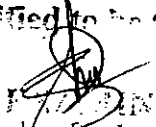
07. Keeping in view the position explained above, the instant appeal as well as the connected service appeal are accepted. The impugned order dated 26-02-2019 and 17-10-2019 are set aside. Respondents however are at liberty to proceed the appellant under General Proceedings by providing him appropriate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

ANNOUNCED
17.01.2022


(AHMAD SULTAN TAREEN)
CHAIRMAN


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

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KHAYDAR PACHTUNKHWA
Service Tribunal
Peshawar

Appeal No. 1405/2020

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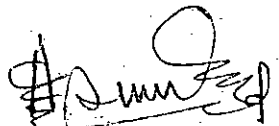
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ORDER
17.01.2022

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

Vide our detailed judgment of today, placed on file of service appeal bearing No. 647/2019 titled "Hidayat Ullah Versus Inspector General of Khyber Pakhtunkhwa Police Peshawar and others", the instant appeal is accepted. The impugned order dated 26-02-2019 and 17-10-2019 are set aside. Respondents however are at liberty to proceed the appellant under General Proceedings by providing him appropriate opportunity of defense. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED
17.01.2022



(AHMAD SULTAN TAREEN)
CHAIRMAN



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

Certified in
Service Tribunal
Peshawar

WAKALAT NAMA

47

IN THE COURT OF Service Tribunal

Peshawar
Midayat Ullah Appellant(s)/Petitioner(s)

VERSUS

Grant of
K.P.R Respondent(s)

I/We Midayat Ullah do hereby appoint
Mr. Ali Bakht Mughal Advocate, District Courts, Peshawar 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, verify and file or withdraw all proceedings, petitions, appeals, affidavits and applications for compromise or withdrawal or for submission to arbitration of the said case, or any other documents, as may be deemed necessary or advisable by them for the conduct, prosecution or defence of the said case at all its stages.
3. To receive payment of, and issue receipts for, all moneys that may be or become due and payable to us during the course of proceedings.


AND hereby agree:-

- a. That the Advocate(s) shall be entitled to withdraw from the prosecution of the said case if the whole or any part of the agreed fee remains unpaid.

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 _____

Attested & Accepted by


Signature of Executants


Ali Bakht Mughal
Advocate,
District Courts, Peshawar

48
WAKALAT NAMA

IN THE COURT OF

Service Tribunal

Peshawar

Hidayatullah

Appellant(s)/Petitioner(s)

VERSUS

Govt of

KPK

Respondent(s)

I/We Hidayatullah do hereby appoint
Miss. **Sadia Umar** Advocate, District Courts, Peshawar 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, verify and file or withdraw all proceedings, petitions, appeals, affidavits and applications for compromise or withdrawal or for submission to arbitration of the said case, or any other documents, as may be deemed necessary or advisable by them for the conduct, prosecution or defence of the said case at all its stages.
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Attested & Accepted by

Sadia Umar

Sadia Umar

Advocate,

District Courts, Peshawar



Signature of Executants

RJ/2

43

(5)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 647/2019

Date of Institution ... 17.05.2019

Date of Decision ... 17.01.2022



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... (Appellant)

VERSUS

Inspector General of Khyber Pakhtunkhwa Police Peshawar and others.
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ATIQ-UR-REHMAN WAZIR ... **MEMBER (EXECUTIVE)**

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INER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

44

(6)

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ATTESTED

EXAMINER

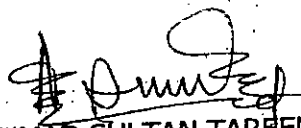
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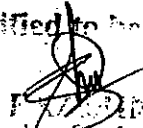
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ANNOUNCED
17.01.2022


(AHMAD SULTAN TAREEN)
CHAIRMAN


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

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Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Appeal No. 1405/2020

(8)

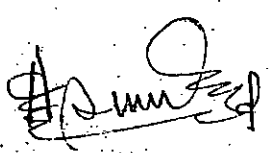
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ORDER
17.01.2022

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ANNOUNCED
17.01.2022



(AHMAD SULTAN TAREEN)
CHAIRMAN



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

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Khyber Pakhtunkhwa
Service Tribunal
Peshawar