

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

Service Appeal No. 1584/2019

BEFORE: MRS. ROZINA REHMAN ... MEMBER(J)  
MISS FAREEHA PAUL ... MEMBER(E)

Kamran S/O Qasim R/O Manyar, Tehsil Barikot, District Swat  
Ex-Constable Belt No. 3108. .... (Appellant)

Versus

1. Provincial Police Officer Khyber Pakhtunkhwa at CPO, Peshawar.
2. Regional Police Officer Malakand R-III at Saidu Sharif, District Swat.
3. District Police Officer Swat.
4. Habib-ur-Rehman S/O Adalat Khan R/O Manyar, District Swat.
5. Mst. Razya wife of Habibur Rehman R/O Manyar, District Swat. (R/O  
Kuz Palaw Manyar Bari Kot, District Swat. .... (Respondents)

Mr. Sabir Ahmad Khan,  
Advocate

... For appellant

Mr. Muhammad Jan,  
District Attorney

... For respondents

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Date of Institution.....25.11.2019

Date of Hearing.....07.03.2023

Date of Decision..... 07.03.2023

**JUDGEMENT**

**FAREEHA PAUL, MEMBER (E):** The service appeal in hand has been instituted under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the order of respondent No. 3 dated 03.07.2019, whereby the appellant was dismissed from service and against the order dated 04.11.2019 of respondent No. 2 whereby his departmental appeal was filed. It has been prayed that on acceptance of the appeal, the



impugned orders might be set aside and the appellant might be reinstated in service with all back benefits.

2. Brief facts of the case, as given in the memorandum of appeal, are that the appellant was initially recruited in the Police Department as Constable. Respondent No. 4 lodged FIR against the appellant on the basis of which he was suspended by respondent No. 3 and closed to the Police Lines, Swat. Respondent No. 3 issued charge sheet to the appellant and entrusted the enquiry to SP Investigation, Swat. After conducting enquiry, the enquiry officer submitted his finding report, on the recommendations of which the appellant was dismissed from service vide order dated 03.07.2019, communicated to him on 16.08.2019. Feeling aggrieved, he preferred departmental appeal to respondent No. 2, but the same was filed on 04.11.2019; hence the instant appeal.

3. Respondents were put on notice who submitted written replies/comments on the appeal. We have heard the learned counsel for the appellant as well as the learned District Attorney for the respondents and perused the case file with connected documents in detail.

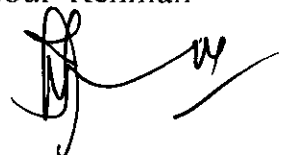
4. Learned counsel for the appellant presented the details of the case and argued that no proper opportunity of hearing was given to the appellant. A sole ground for dismissal of the appellant was FIR lodged against him. Later on, the complainant himself came to the court and recorded his statement and effected a compromise deed with the appellant



stating therein that the appellant was charged merely on the basis of suspicion and that he had no objection over the confirmation of BBA and on the acquittal of the appellant. He further argued that respondent No. 5 also gave an affidavit which further showed the innocence of the appellant. According to him, the appellant was not treated in accordance with law and rules on the subject and hence he requested that the appeal might be accepted as prayed for.


5. The learned District Attorney, while rebutting the arguments of the learned counsel for the appellant, argued that the appellant committed gross misconduct as it was reported that he was involved in illicit relation with a wife of an innocent citizen. According to him, it was further reported that the appellant took the wife of respondent No. 4 and kept her in his custody with ulterior motives and that it was not the first time that he did so, rather the appellant committed such acts on many occasions which brought a bad name for Police Department. Proper inquiry was conducted to probe into the matter and the Inquiry Officer submitted his report wherein the allegations leveled against the appellant were proved beyond any shadow of doubt. He, therefore, requested that the appeal might be dismissed.

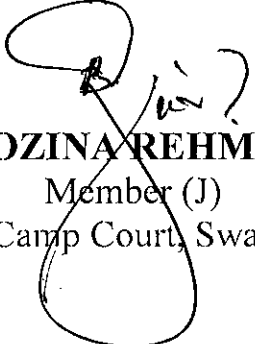
6. From the arguments and record presented before us it transpires that the appellant, while serving as Constable in Police Department, had illicit relationship with one Mst. Razya (respondent No. 5) W/O Habibur Rehman (respondent No. 4). Based on FIR lodged by Habibur Rehman



against the appellant, he was proceeded against departmentally, also. The charges leveled against him were proved in the departmental inquiry and the fact is further supported by the statement of the appellant himself during the proceedings before us that he also married Mst. Razya. The stance taken by the department is strong that the acts of the appellant had earned a bad name for them and hence he was dismissed from service. When the allegations are proved and the appellant himself admits that he married the woman he had relations before marriage, there is no further point left for consideration in the instant appeal and hence the same is dismissed. Parties are left to bear their own costs. Consign.

7. *Pronounced in open court at camp court, Swat and given under our hands and seal of the Tribunal this 07<sup>th</sup> day of March, 2023.*

  
**(FAREEHA PAUL)**  
Member (E)  
(Camp Court, Swat)

  
**(ROZINA REHMAN)**  
Member (J)  
(Camp Court, Swat)


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07<sup>th</sup> Mar. 2023

Mr. Sabir Ahmad Khan, Advocate for the appellant present. Mr. Muhammad Jan, District Attorney for the respondents present. Arguments heard and record perused.

2. Vide our detailed judgment consisting of 04 pages, the appeal in hand is dismissed. Parties are left to bear their own costs. Consign.

3. *Pronounced in open court at camp court, Swat and given under our hands and seal of the Tribunal this 07<sup>th</sup> day of March, 2023.*

  
(FARDEHA PAUL)  
Member (E)  
(Camp Court, Swat)

  
(ROZINA REHMAN)  
Member (J)  
(Camp Court, Swat)