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**BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,**  
**PESHAWAR.**

Khyber Pakhtunkhwa  
Service Tribunal

Service Appeal No.1116-P/2022

Case No. 4684

Anwar Khan ..... (Petitioner)

Date 4/4/2023

Versus

Government of Khyber Pakhtunkhwa and others ..... (Respondents)

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DEPONENT



Rafiqat Ullah Khan

SI LEGAL KHYBER

CNIC No #17201-3533074-3

Mobile# 0348-5007134

**BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR.**

Service Appeal No. 1116-P/2022.

Anwar Khan..... (Appellant)

Versus

Govt: of Khyber Pakhtunkhwa and others..... (Respondents)

**PARAWISE COMMENTS BY RESPONDENTS NO.01 & 02.**

**RESPECTFULLY SHEWETH:**

**PRELIMINARY OBJECTION:-**

- a) That the Appellant has got no cause of action to file the present Appeal.
- b) That the Appeal is not based on facts.
- c) That the Appeal is not maintainable in the present form.
- d) That the Appeal is bad for non-joinder and miss-joinder of necessary parties.
- e) That the Appellant has not come to this Honorable Tribunal with clean hands
- f) That the Appellant is estopped by his own conduct to file the Appeal.
- g) That the appeal is barred by law and limitation.

**FACTS:-**

- 1. Pertain to record, needs no comments.
- 2. Pertain to record of Ex-Political Agent.
- 3. Incorrect, the appellant while posted at police Station Bara was absent from lawful duty w.e.f. 06.08.2019. Subsequently he was arrested by ANF at Islamabad Toll Plaza on 12.09.2019 with 128 Kgs of Narcotics and FIR was registered against the appellant along with other accused. In this regard, Charge Sheet alongwith Summary of allegation was issued with the opportunity to be heard in person. Also, proper departmental enquiry was initiated against the Appellant. in enquiry proceeding's it was established that the appellant is ill reputed and involved in heinous crimes including drugs peddling, after which the appellant was issued a final Show Cause Notice to which reply the defaulter constable failed to submit any cogent reason. Hence, he was dismissed from service. (Annexure A Charge Sheet, Annexure B Summary of allegation Annexure C Enquiry Report Annexure D Final Show Notice Annexure E Reply to final Show Cause Notice F dismissal Order).
- 4. Pertains to record, needs no comments
- 5. Para is correct to the extent that the appellant was later acquitted by Court in case FIR No. 185/19, however, it is pertinent to mention that criminal proceedings and departmental proceedings are two different entities, fate of one does not affect other. Furthermore, offence/charge against the appellant falls in heinous crimes and moral turpitude category also need considerations of the Honorable Court.
- 6. Needs no comments.
- 7. Already explained vide Para-3.


8. Pertain to record, however, the departmental Appeal for the remaining Para it is mentioned that appellant has got no cause of action to file appeal; therefore, the instant appeal may kindly be dismissed on the following grounds.

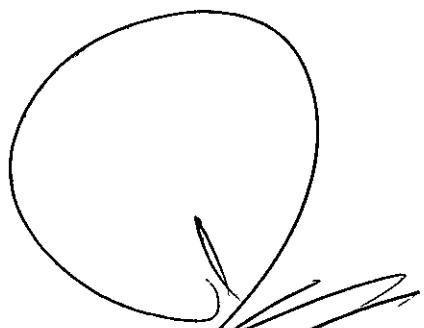
**Grounds:**

- A. Incorrect, appellant has been dealt according to law/ rules as he was involved in offense of moral turpitude
- B. Incorrect. Proper departmental enquiry was conducted against the appellant wherein it was found that the appellant, being member of discipline force is ill reputed and involved in drug peddling which carries bad blame for the police.
- C. Incorrect. As all codal formalities have been fulfill before passing impugned order by the competent Authority.
- D. Incorrect. The appellant was absent w.e.f. 06.08.2019 and his arrest was made in 12.09.2019.
- E. Incorrect and misleading. Enquiry finding remarks that the appellant is ill reputed. Need no comment.
- F. Need no comments.
- G. Respondents may also be allowed to raise other grounds at the time of arguments.

**Prayer:**

Keeping in view of the above stated facts, it is humbly prayed that the service appeal as based on wrong grounds may kindly be dismissed with costs please.

  
**INSPECTOR GENERAL OF POLICE**  
**KHYBER PAKHTUNKHWA**  
**PESHAWAR**  
(Respondent NO.02)

  
**DISTRICT POLICE OFFICER**  
**KHYBER**  
(Respondent NO.01)

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**BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,**  
**PESHAWAR.**

Service Appeal No.1116-P/2022

Anwar Khan ..... (Petitioner)

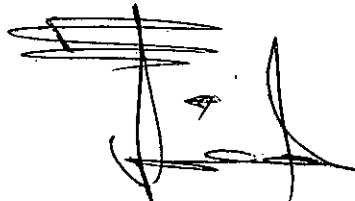
Versus

Government of Khyber Pakhtunkhwa and others ..... (Respondents)

**AFFIDAVIT.**

I, Razaqat Ullah Khan SI Legal, do hereby solemnly affirm on oath that the contents of accompanying comments on behalf of District Police Officer Khyber are correct to the best of my knowledge and belief. Nothing has been concealed from this Honorable Court.

DEPONENT

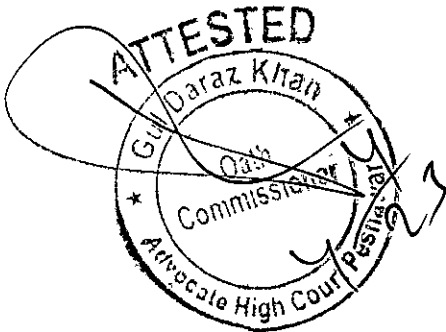


Razaqat Ullah Khan

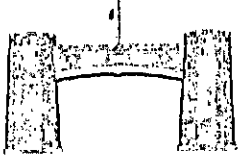
SI LEGAL KHYBER

CNIC No #17201-3533074-3

Mobile# 0348-5007134



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**OFFICE OF  
THE DISTRICT POLICE OFFICER  
KHYBER**



**AUTHORITY LETTER**

I, CAPT.® SALEEM ABBAS KULACHI (PSP), District Police Officer, Khyber hereby Authorize Rifaqat Ullah Khan SI Legal of District Khyber to attend all the cases and submission of Para Wise comments pertaining to this Office in Peshawar High Court, Khyber Pakhtunkhwa Service Tribunal and Lower Courts on behalf of the undersigned.

**CAPT.® SALEEM ABBAS KULACHI (PSP)  
DISTRICT POLICE OFFICER  
KHYBER**

Anwar (A)

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Office of the District Police Officer  
Khyber



**CHARGE SHEET U/S 6(1) (A) POLICE RULES 1975**

You Constable Anwar Khan s/o Shah Said Tribe Sipah, while on duty at Police Station Bara, District Khyber is hereby charged for committing the following omission/commissions:-

**"You are absent from lawful duty from 06/08/2019 and on 12/09/2019 you were arrested in uniform by Anti Narcotics Force at Islamabad Toll Plaza on 12/09/2019 with other accused and 128 KG of narcotics".**

You are hereby called upon to submit your written defense against the above charges before the Enquiry Officer.

Your reply should reach the Enquiry Officer within seven (7) days from the date of receipt of this charge Sheet, failing which ex-parte action shall be taken against you.

Summary of allegations is enclosed herewith.

  
DISTRICT POLICE OFFICER,  
KHYBER

Anwar (B)

(7)

Office of the District Police Officer  
Khyber



**SUMMARY/STATEMENT OF ALLEGATION U/S 6(1) (A) POLICE  
RULES 1975.**

Constable Anwar Khan s/o Shah Said Tribe Sipah while on duty at Police Station Bara has committed the following:-

**"You are absent from lawful duty from 06/08/2019 and on 12/09/2019 you were arrested in uniform by Anti Narcotics Force at Islamabad Toll Plaza on 12/09/2019 with other accused and 128 KG of narcotics".**

Your this act falls within the purview of misconduct as contained u/s 2 (iii) of NWFP (now Khyber Pakhtunkhwa) Police Rules 1975.

  
**DISTRICT POLICE OFFICER,  
KHYBER**

Anp (C)

(8)



**DSP HEADQUARTERS  
KHYBER**



**"Enquiry Report"**

Respected Sir,

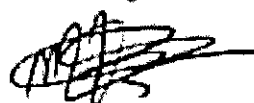
It was reported that FC Anwar Khan s/o Shah Saïd was arrested by ANF at Islamabad Toll Plaza on 12/09/2019 while he was in uniform. The incident was registered vide proper FIR by ANF authorities.

An inquiry was conducted through various sources regarding the above-mentioned official. During the course of inquiry FC Anwar Khan submitted his written reply in which he failed to submit any cogent reasons. Sources revealed that he is ill-reputed and involve in such drug peddling activities. Local sources at Bara, his hometown, also revealed that he is deeply involved in narcotics and illegal activities.

**Recommendation:**

Keeping in view the above, it is recommended that the defaulter official may be awarded with Major punishment.

Submitted, please.

  
**MUHAMMAD NAWAZ,  
DSP HQRs, Khyber**



Ann (D)

(9)

OFFICE OF THE  
DISTRICT POLICE OFFICER  
KHYBER



No. 947-A /PSO Khyber, dated 11/03/2020.

**FINAL SHOW CAUSE NOTICE**

I, Muhammad Iqbal, as competent authority, under the Khyber Pakhtunkhwa Police Rules, 1975 do hereby serve you, Constable Anwar Khan of PS Bara of this District as follows:

1. (i) That consequent upon the completion of enquiry conducted against you by the enquiry officer for which you were given opportunity of hearing.
- (ii) Going through the findings & recommendations of the enquiry officer, the material on record and other connected papers before the enquiry officer.

I am satisfied that you have committed the following act/omission specified in Police Rules 1975:

"That you were absent from lawful duty from 06/08/2019 and on 12/09/2019 you were arrested by ANF at Islamabad Toll Plaza with 128 KGs Narcotics which is a heinous crime & gross misconduct on your part"

2. As a result thereof, I, as Competent Authority, have tentatively decided to impose upon you the penalty of Dismissal from Service.
3. You are, thereof, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.
4. If no reply to this notice is received within 05 days or not more than 03 days of its delivery to put in and in that case an ex-parte action shall be taken against you.
5. A copy of the finding of the enquiry officer is enclosed.

**DISTRICT POLICE OFFICER, KHYBER**

بیان الوریان ولد شاہ سید خان سیدہ کندہ ولد شاہ سید

الوریان ولد شاہ سید شناختی نمبر 1-5929706-592012010 ہو سکتا ہے۔  
 333-9204167 کندہ عالم گورد ملنگ گھڑی کن بدرفت پولیس  
 بیان کیا کہ میں خالد صہبائی اتھارٹی کے دوران محمدان ولد ہاشم خان  
 نائب صدر ANP کے ساتھ بطور سکیورٹی گارڈ حکم SH5 ماٹروہ ورہ  
 ڈیوٹی سرانجام دے رہا تھا۔ محمدان لالا نے مجھے اپنے پسران - شاکر  
 کامران و عرفان کی سکیورٹی پر مامور کر دیا۔ میں ان تینوں بالادرج  
 کسان کے ساتھ سکیورٹی ڈیوٹی پر جا رہا تھا۔ وقوعہ کے دن  
 صبح ثامن میں واقع محمدان لالا کے منگھر واقع لوئیور سٹریٹ ٹیڈی میں میرے  
 کامران و عرفان پسران محمدان لالا و عرفان پسر جو عرفان جو وہ وقت  
 میں گیت پر سکیورٹی دے رہا تھا۔ کہ اس دوران انٹرنیٹ کاٹ گئی فورس  
 نے صبح کو بحال کر دیا۔ اور گرفتار کر کے تھانہ ٹارگٹس / RD / ڈیویژن  
 اسلام آباد میں منتقل کر دیا۔ وقت گرفتاری میں آرٹ پر سکیورٹی  
 سرانجام دے رہا تھا۔ مجھے نہ کسی قسم کے منشیات کا پتہ ہے۔ اور  
 نہ میں کبھی منشیات کا کام کیا ہے۔ میں سرکاری ملازم بیوی ہے اور  
 رسد ملازمت کے سلسلہ میں ان لوگوں کے ساتھ تو کبھی نہیں کر رہا تھا۔

میں نے سرکاری ملازم بیوی ہے اور  
 رسد ملازمت کے سلسلہ میں ان لوگوں کے ساتھ تو کبھی نہیں کر رہا تھا۔

محمدان لالا



سیدہ کندہ

OFFICE OF THE  
DISTRICT POLICE OFFICER  
KHYBER



**ORDER**

Constable Anwar Khan of PS Bara remained absent from Lawful duty from 06/08/2019 and arrested by ANF at Islamabad Toll Plaza on 12/09/2019 with 128 KGs of Narcotics. Proper FIR by PS ANF North Rawalpindi was registered where Constable Anwar Khan was directly charged alongwth other accused and his involvement in drugs peddling consequent upon which the undersigned being a competent authority under Govt: Servants Service & Efficiency Rules 1975 issued a Show Cause Notice with the opportunity to be heard in person which the defaulter official did not availed.

In reply of the Show Cause notice the defaulter constable failed to submit any cogent reason regarding the allegations leveled against him consequently a Charge Sheet with Summary of Allegations was issued & Acting SDPO Hqrs Khyber was appointed as Enquiry Officer vide this office No. 313-14/Khyber, dated 08/10/2019.

The Enquiry Officer in his finding report stated that the defaulter Constable in his written statement in his defense failed to submit any cogent reason and due to in prison did not appeared before the enquiry officer. Furthermore, enquiry made locally at Bara relabeled that the constable is ill reputed and involve in heinous crimes including drugs peddling. After which the defaulter constable was issued a Final Show Cause Notice by the undersigned with an opportunity to be heard in person. In reply of the Final Show Cause Notice the defaulter constable again failed to submit any reply.

Keeping in view the recommendations of the Enquiry Officer & available record and taking an ex-parte action, the Constable Anwar Khan is hereby awarded a major punishment of Dismissal from service with immediate effect.

**DISTRICT POLICE OFFICER,**  
**KHYBER**

No. 1227 /PSO Khyber, dated Khyber

21 / 04 /2020.

Copies to all concerned for further necessary action.