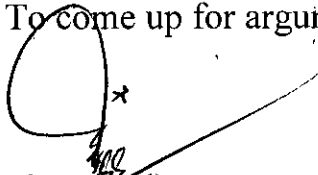


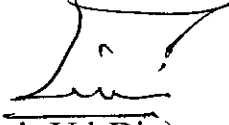
10:01.2023

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

Learned counsel for the appellant requested for adjournment on the ground that he has not made preparation for arguments. Adjourned. To come up for arguments on 15.03.2023 before the D.B.

SCANNED
KP ST
Peshawar


(Mian Muhammad)
Member (E)



(Salah-Ud-Din)
Member (J)


15th March, 2023

Junior of learned counsel for the appellant present. Mr. Assad Ali Khan, Assistant Advocate General for the respondents present.

Junior of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is busy in the Hon'ble Peshawar High Court, Peshawar. Adjourned. To come up for arguments on 15.05.2023 before the D.B. Parcha Peshi given to the parties.

SCANNED
KP ST
Peshawar


(Salah-ud-Din)
Member (J)


(Kalim Arshad Khan)
Chairman

6856/21

24th June, 2022

Counsel for the appellant present. Mr. Muhammad Riaz Khan Pindakhel, Asstt. AG for the respondents present.


Learned counsel for the appellant seeks adjournment as he could not prepare the brief. Adjourned. To come up for arguments on 09.08.2022 before the D.B.


(Fareeha Paul)
Member(E)


Chairman

9-8-2022

Due to the Public holiday the case is adjourned to 22-11-2022

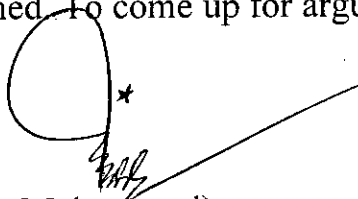

Reader


22.11.2022

Appellant alongwith his counsel present. Mr. Waqar Ahmad, ASI alongwith Mr. Muhammad Jan, District Attorney for the respondents present.

Arguments could not be heard due to paucity of time. Adjourned. To come up for arguments on 10.01.2023 before the D.B.

SCANNED
KEBT
Peshawar


(Mian Muhammad)
Member (E)


(Salah-Ud-Din)
Member (J)

30.12.2021

Due to winter vacation, The case is adjourned. To come up on 4/2/2022.


Reader

04.02.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 18.05.2022 for the same as before.


Reader

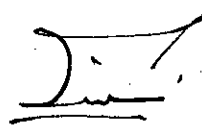
18.05.2022

Appellant alongwith his counsel present. Mr. Habib Ullah Head Constable alongwith Mr. Muhammad Rasheed, Deputy District Attorney for the respondents present.

Representative of respondents submitted reply/comments, copy of the same was handed over to the learned counsel for the appellant who requested for adjournment in order to go through the reply/comments. Adjourned. To come up for rejoinder, if any, as well as arguments on 24.06.2022 before the D.B.



(Rozina Rehman)
Member (J)




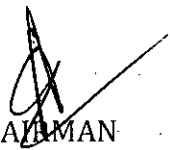

(Salah-Ud-Din)
Member (J)

Form- A

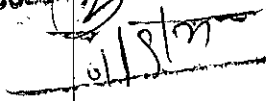
FORM OF ORDER SHEET

Court of _____

Case No.- 6856 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	08/07/2021	<p>The appeal of Mr. Asif Iqbal presented today by Mr. Javed Iqbal Gulbela 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</p>
2-		<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>26/8/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	26.08.2021	<p>Mr. Sagheer Iqbal Gulbela, Advocate, for the appellant present. Preliminary arguments heard.</p> <p>Points raised need consideration, therefore, the appeal is admitted to regular hearing subject to all legal and valid objections. The appellant is directed to deposit security and process fee within 10 days, whereafter 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, the office shall submit the file with a report of non-compliance. File to come up for arguments before the D.B on 30.12.2021.</p> <p style="text-align: right;"> (SALAH-UD-DIN) MEMBER (J)</p>

SCANNED
KPS
Peshawar

Appellant Deposited
Security Process Fee


**BEFORE THE HONBLE KHYBER PAKHTUNKHWA SERVICES
TRIBUNAL PESHAWAR**

In Re S.A. 6856 /2021

Asif Iqbal

VERSUS

Inspector General of Police and Others

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4.	Copy of Suspension Order	"A"	9
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Dated: 08/07/2021

Appellant

Through

Javed
JAVED IQBAL GULBELA
Advocate Supreme Court of
Pakistan.

Off Add: 9-10A Al-Nimrah Centre, Govt College Chowk Peshawar

①

**BEFORE THE HO'NBLE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL
PESHAWAR**

In Re S.A _____ /2021

Asif Iqbal, Ex-Constable, Belt No: 571, R/o Nusrat Abad PS. YKS,
Takhte Nasrati, District Karak.

----- *Appellant*

VERSUS

1. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
2. Regional Police Officer Kohat.
3. District Police Officer, Kohat.

----- *Respondents*

Appeal u/s 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974 against the impugned Office Order No. 1115/Eng Dated the Karak 14/04/2021 of the Office of the District Police Officer Karak, whereby the Appellant was dismissed from service and against the impugned Office Order No: 9781/EC dated Kohat the 25/06/2021 of the Office of Regional Police Officer Kohat Region, whereby the Departmental Appeal of the Appellant was turned down in a classical, cursory and whimsical manner.

Respectfully Sheweth,

1. That the Appellant is a naturally born bona-fide citizen of Islamic Republic of Pakistan and hails from a respectable family of District Karak.
2. That after going through mandatorily required criteria, and after being envisaged with the ordeals and inquisition of selection process, the Appellant got inducted onto the rolls of the prestigious police force of the province, years back.

(2)

3. That thereafter the Appellant took charge & with his most sincere and pragmatic way, performed his duties with full zest and devotion & never left any stone unturned in performance of his duties and have always won felicitations and appreciations of his High-up at certain junctures due to his Mantle whetted skills, punctuality and behavior.
4. That before parting with the facts of the instant case and to make and vesicate out a case for the Appellant, it would equally be important to mention here that the Appellant along-with his three other colleagues while posted at Traffic Branch, were placed under suspension without any rhyme or reason vide Office Order OB No: 511, dated _____2020 of the Office of D.P.O Karak. (Copy of Suspension Order is annexed herewith as Annexure "A").
5. That thereafter, an improper & nominal inquiry was conducted and the Appellant was straight away dismissed from the rolls of Police Department vide impugned Office Order No: 1115/Enq dated, the Karak 14.04.2021 of the office of D.P.O Karak in a classical, cursory and whimsical manner. It would also be appropriate to mention here that no proper inquiry took place in case of the Appellant, even no Show-Cause or Final Show-Cause was ever served upon the Appellant, which in the due course of law is not allowed. (Copy of inquiry and impugned Dismissal Order dated 14/04/2021 is annexed herewith as Annexure "B & C").
6. That feeling aggrieved from impugned Dismissal from Service Order, the Appellant preferred a Departmental Appeal dated 03.05.2021 to the Office of Deputy Inspector General of Police, Kohat Region, which was turned down vide impugned order No. 9781/EC Dated Kohat, the 25/06/2021 of the office of R.P.O Kohat Region. (Copy of Departmental Appeal dated 03/05/2021 and impugned

(3)

Office Order dated: 25/06/2021 are annexed herewith as Annexure "D & E", respectively).

7. That feeling aggrieved from the impugned Orders the Appellant approaches this Hon'ble Tribunal for his reinstatement into service with all back benefits upon the following grounds, inter-alia:

GROUND:

- A. That the impugned dismissal order is wrong, illegal, unlawful, void hence the same is liable to be set aside.
- B. That the act of the respondents in so called circumstances is purely baseless, unlawful, void ab-initio, coram non iudice and is not warranted by the law.
- C. That no fair Departmental inquiry against the Appellant was ever conducted, nor any inquiry dispensation order was ever passed & nor was given any opportunity to be heard, to defend, clear his position hence was deprived of his right to be heard, which is against the principles of natural justice.
- D. That neither the Appellant was ever served with any Show Cause Notice, nor was ever issued any Final Show Cause Notice & thus mandatory instruments are glaringly missing, which renders both the impugned orders as illegal & void.

- E. That the Appellant has thoroughly been condemned unheard which under the law is not allowed.
- F. That no opportunity of cross examining any witness was ever extended to the Appellant, hence main ingredients are missing in case of the Appellant.
- G. That both the impugned orders are unlawful, illegal and liable to be cancelled because the Respondent utterly violated the service laws, rules, regulations and policy of the Government for Civil servants while passing the impugned Orders.
- H. That the impugned Orders are violation of the fundamental rights of the Appellant which is guaranteed and protected by the Constitution Of Islamic Republic of Pakistan 1973.
- I. That even the other colleagues of the Appellant, sailing in the same boat with that of the Appellant, who were also placed under suspension, were penalized with minor penalties like stoppage of two annual increments, withholding promotion for 1 year etc, but when it comes to the Appellant, the case volta-facie changes and different yardstick is used to treat the Appellant. (Copies of Different Office Orders are annexed herewith as Annexure "F, F/1, F/2").

- J. That under the mandate of Article 4 of the Constitution, no one should be treated otherwise than in an accordance with law, wherein Article 25 postulates that alike are to be treated alike, but here a different discriminative approach has been used to treat the Appellant.
- K. That discrimination in any form is highly abominable and bete-noire and is always checked down in derisorous manner by the Superior Courts of the land. Reason behind checking it down and chucking it away is to ensure equality and equal treatment of its citizens and to remove any sense of discrimination.
- L. That the law and law courts of the land have always preferred and encouraged that rules and policies are to be followed and have always discouraged, deplored, and depreciated any variation from the rules or policies.
- M. That where other colleagues of the Appellant were penalized with minor penalties and that too in the one and the same departmental proceedings, then how and from where the Appellant has been penalized with the major penalty?

(b)


N. That from every angle both the impugned Orders are nullity in the eyes of law and not sustainable, hence are liable to be set aside.

O. That any other ground not raised here may graciously be allowed to be raised at the time of arguments.

It is, therefore, most humbly prayed that on acceptance of the instant Service Appeal, the impugned Office Order No: 1115/Enq dated the Karak 14/04/2021 of the Office of the District Police Officer Karak, whereby the Appellant was dismissed from service and the impugned Office Order No: 9781/EC Dated Kohat the 25/06/2021 of the office of Regional Police Office Kohat Region, whereby the Departmental Appeal of the Appellant was turned down, may very graciously be set aside and by doing so the Appellant may very graciously be re-instated into service with all back benefits.

Any other relief not specifically asked for may also graciously be extended in favor of the Appellant in the circumstances of the case.

Dated: 08/07/2021

Appellant 
Through
Javed Iqbal Gulbela
Advocate, Supreme Court of
Pakistan
Saghir Iqbal Gulbela
Ahsan Sardar
&
Tahir Khan
Advocates High Court
Peshawar.

NOTE:-

No such like appeal has earlier been filed by me before this Hon'ble Tribunal, prior to this one.

Advocate. 

(7)

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

In Service Appeal No- _____/2021

Asif Iqbal

Versus

IGP & Others

AFFIDAVIT

I, Asif Iqbal, Constable No. 571/ Karak, do hereby solemnly affirm & declare on oath that all contents of the instant Service Appeal are true & correct to the best of my knowledge and belief & nothing has been concealed from this Hon'ble Tribunal.

Asif
DEPONENT
CNIC: 14203-2063491-3

Identified By:



Javed Iqbal Gulbela
Advocate, Supreme Court of
Pakistan

(8)

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA SERVICES
TRIBUNAL PESHAWAR**

In Re S.A _____/2021.

Asif Iqbal

VERSUS

Inspector General of Police and Others

ADDRESSES OF PARTIES

APPELLANT.

Asif Iqbal, Ex-Constable, Belt No: 571, R/o Nusrat Abad PS. YKS,
Takhte Nasrati, District Karak.

RESPONDENTS:

1. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
2. Regional Police Officer Kohat
3. District Police Officer, Kohat.

Dated: 08/07/2021

Appellant

Through


JAVED IQBAL GULBELA
Advocate Supreme Court of
Pakistan

(9)

Ann A^v

~~XXXXXXXXXX~~

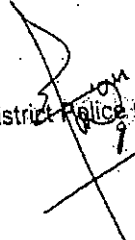
ORDER

As per authentic information, the following Police officials and ministerial staff presently posted at Traffic Branch DPO Office Karak are hereby placed under suspension due to taking illegal and extra charges from the general public in connection with preparation of driving license.

1. Senior Clerk Habib Ullah
2. LHC Wajid Iqbal No. 822
3. FC Asif Iqbal No. 571
4. N/Q Asmat Ullah

SDPO Karak is hereby appointed as Enquiry Officer to conduct proper enquiry associating all concerned however high in rank for fact finding and submit report in the stipulated time.

O.B.No 511
Dated _____/2020


District Police Officer, Karak.

(10)

Ann 'B'

NO. 07 B

DT: 18/2/2021

FINDINGS

Kindly this is in response to your good office charge sheet no. 07/EC(Enq) dated 19.01.2021, issued to Constable Asif Iqbal No. 571 with the following allegations:-

ALLEGATIONS

As per preliminary enquiry conducted by SP, Investigation Karak, the defaulter official while posted at Traffic Branch took illegal and extra charges from the general public in connection with preparation of driving license.

Thus the undersigned was appointed as enquiry officer to digout the real facts.

ENQUIRY PROCEEDINGS

During the course of enquiry, the defaulter official was summoned. He attended the office of undersigned. He was heard in person and crossly examined but he could not answer satisfactory. However, he recorded his statement in response to the charge sheet whereas he denied the allegation. His detail statement is placed on file

(Annex-A)

During course of enquiry, the undersigned obtained license issuing record from traffic clerk office for the period w.e. from 08.11.2020 to 9.12.2020. In this connection, many license holders those who belong to circle Banda were summoned/ contacted. Most of the license holders told their whereabouts out of district in connection with their services in various government and non-government departments. However, they were telephonically enquired regarding the matter which expressed that they paid more than 3000 Rs in connection with the said license. Furthermore, the following license holders attended the office of undersigned and recorded their statements who disclosed in their statements that they have paid more than 3000 rupees each one for obtaining their license. Their statements are placed on enquiry file.

(Annex-B)

1. Sabir Gul s/o Zahoor Gul r/o Kot Banda
2. Shahid Nawaz s/o Gul Rehman r/o Charpera
3. Zaboora Khan s/o Mashahood Khan r/o Shagi
4. Yasir Shehzad s/o Suleman Gul r/o Darishkhel
5. Rehman ullah s/o Faizullah Jan r/o Amaan Kot
6. Faizan Khan r/o Makorhi

Beside this the statements of following license holders were also recorded who stated in their statements that they have paid upto 1200 rupees each one for availing their license.

1. Tasbeeh Ullah s/o Muhammad Yasin r/o Shakar Khel
2. Muhammad r/o Makorhi

(11)


3. Najeeb Ullah s/o Pyawali Khan r/o Teri
4. Saleem Jamal s/o Shahid Jamal r/o Dagar Nari

From the enquiry so far conducted, the undersigned detected the following points:-

1. According to the available record total 2472 licenses have been issued during the said period but not a single candidate found failed in driving test.
2. According to prescribed rules, the fee schedule for obtaining M.Car/M.Cycle is as under:-
 - (i) Learning permit= Rs.250 (ii) Test Fee= Rs.250 (iii) Card Fee= Rs.600 Total Card Fee= Rs.1100. While as per the statements of above license holders most of them have paid more than 3000 rupees for availing their license.
3. The Posting period of the defaulter official at Traffic Branch is 9 years 5 months and 26 days, which is a lengthy period in any branch.

CONCLUSION

Keeping in view the above points, the undersigned has reached to the conclusion that the allegations of extra/ illegal charges in connection with obtaining of license, taken from the general public are hereby proved against the defaulter constable Asif Iqbal are hereby proved.


Sub: Divisional Police Officer,
B.D Shah, Karak.

Annex-C

ORDER

My this Order will dispose off the departmental enquiry against Constable Asif Iqbal No. 571 (suspended) of this district Police.

Facts are that as per report of the preliminary enquiry conducted by SP, Investigation Wing Karak that Constable Asif Iqbal No. 571 while posted as Computer Operator at Traffic Branch took illegal and extra charges from the general public in connection with preparation of driving license. This state of affair is quite adverse on his part and shows his negligence, carelessness and irresponsibility in the discharge of his official obligations. This act on his part is against service discipline and amounts to gross misconduct.

He was issued with Charge Sheet and Statement of allegations. Mr. Sanobar Shah, the then SDPO B.D.Shah was appointed as an Enquiry Officer to conduct proper departmental enquiry against him and to submit his findings within the stipulated time.

The Enquiry Officer reported that the allegations of extra/illegal charges from general public are hereby proved against Constable Asif Iqbal No. 571.

He was called and heard in person in the Orderly Room held in this office. Keeping in view of the available record and facts on file, perusal of enquiry papers and the recommendations of the Enquiry Officer, he is found guilty of the charges. He took extra and illegal charges from the general public, therefore, I, Tariq Habib, District Police Officer Karak as competent authority under the Police Rules 1975 (amended in 2014) hereby impose Major Punishment of dismissal from service upon the defaulter FC Asif Iqbal No. 571 with immediate effect.

OB No. 123
Dated 15/04/2021

District Police Officer, Karak

OFFICE OF THE DISTRICT POLICE OFFICER KARAK
No. 1115 /Enq dated the Karak 14/04/2021

Copy of above is submitted to the Dy. Inspector General of Police, Kohat Region Kohat w/r to his office letter No. 2939/EC dated 03.03.2021 for favour of information, please.

سید رضا ذریاب
5

District Police Officer, Karak

انفک رولہ + دیوانہ سید

(13)

Ann 'D'

BEFORE THE DEPUTY INSPECTOR GENERAL OF POLICE,
KOHAT REGION KOHAT

SUBJECT: APPEAL AGAINST THE ORDER OF DISTRICT POLICE OFFICER KARAK ISSUED VIDE OB NO.122 DATED 15.04.2021 WHERE BY THE APPELLANT EX-CONSTABLE ASIF IQBAL NO.571 WAS DISMISSED FROM SERVICE WITH IMMEDIATE EFFECT.

Respectfully Sheweth,

Feeling aggrieved with the order of District Police Officer Karak cited as per subject, the appellant submit the instant appeal before your honour for your kind and judicious consideration on the basis of the following facts and grounds.

FACTS: -

Briefly stated allegation against the appellant was that as per preliminary enquiry conducted by SP Investigation Karak, the appellant while posted as computer operator at traffic branch Karak took illegal and extra charges from the general public in connection with preparation of driving license. In light of the report referred to above, the appellant and three other officials of traffic branch were proceeded against departmentally on conclusion of the same, the appellant was awarded the major punishment of dismissed from service with immediate effect by District Police Officer Karak vide the impugned order. Hence this appeal.

GROUND: -

- A. That the appellant being computer operator at the traffic branch karak was supposed to feed the data received from the incharge traffic clerk duly verified. The appellant had nothing to do with the challan and fee collection.
- B. That the appellant had about fourteen (14) years of police service at his credit but never indulged himself in bribe taking or any other wrong doing. The appellant carried unblemished service record.
- C. That the appellant was never associated with the enquiry proceeding by the enquiry officer completely depriving him of his legal right of cross examination of witnesses if any. Thus the enquiry was conducted in share violation of the rules.

(14)

- D. That no opportunity of personal hearing was offered to the appellant by district Police officer Karak before imposing the major punishment upon the appellant. Thus the appellant was condemned unheard.
- E. That no final show cause notice was served upon the appellant and no copy of the finding of the enquiry officer was provided to the appellant by District Police Officer Karak prior to imposition of the major punishment of dismissed from service of the appellant, which is the violation of the principal of "Natural Justice" depriving him to defend himself in proper manner. The omission in this respect on the part of district police officer Karak had caused great miscarriage of justice to the appellant.
- F. That the appellant was performing his official duty at the traffic branch Karak for the last six years but no complaint whatsoever was made to the senior officer by anyone against the appellant.
- G. That the competent authority (District Police Officer Karak) had suspended and charge sheeted the appellant alongwith three other officials of the same traffic branch for the same allegations, but at the end imposed major penalty only upon the appellant and awarded minor punishments to the others. Imposition of different punishments upon the accused police officers with similar role would amount to discrimination and share violation of the constitution of 1973 to which required that all to be dealt with equally in accordance with law without any discrimination.

PRAYER: -

In view of the above submission, it is prayed that by accepting the instant appeal, the impugned order may kindly be set aside and the appellant re-instated in service with effect from the date of his dismissal with all back benefits, please.

Yours obediently,

 03/5/21
Ex-constable Asif Iqbal No.571

s/o Jeena Khan

r/o Nusrat Abad PS YKS Takht e

Nasrati District Karak

Cell# 0333-1212244

0346-9269710

Ann 'E'

(15)

POLICE DEPTT:

KOHAT REGION

ORDER.

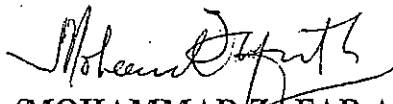
This order will dispose of a departmental appeal moved Ex-Constable Asif Iqbal No. 571 of Operation Staff Kohat against the punishment order, passed by DPO Karak vide OB No. 122, dated 15.04.2021, whereby he was awarded major punishment of dismissal from service on the following allegations:-

- i. Indulging himself in mal-practices in issuance of driving licenses
- ii. Taking extra charges from the general public in connection with preparation of driving licenses.
- iii. Violated the relevant rules laid down for issuance of driving licenses.

Comments as well as relevant record were requisitioned from DPO Karak and perused. The appellant was also heard in person in O.R held in this office on 16.06.2021. During hearing the appellant did not advance any plausible explanation in his defense to prove his innocence.


Above in view, the undersigned reached to the conclusion that the allegations leveled against the appellant are fully proved and established by the E.O in his findings. Record indicates that the appellant had about 06-years stay at Traffic License Branch Kohat. Therefore, in exercise of the powers conferred upon the undersigned under Rules 11-A, the punishment awarded by DPO / ~~Karak~~ upheld and appeal being devoid of merits is hereby rejected.

Order Announced
16.06.2021


(MOHAMMAD ZAFAR ALI) PSP
Region Police Officer,
Kohat Region.

No. 9781 /EC, dated Kohat the 25/06 /2021.

Copy to District Police Officer, Karak for information and necessary action w/r to his office Memo: No. 3534/EC, dated 17.05.2021. His Service Roll & Fauji Missal is returned herewith.


(MOHAMMAD ZAFAR ALI) PSP
Region Police Officer,
Kohat Region.

23/6

(16)

No. 68 B

Dt: 18/12/2021

FINDINGS

Kindly this is in response to your good office charge sheet no. 13-14/EC(Enq) dated 19.01.2021, issued to Naib Qasid Asmat Ullah with the following allegations:-

ALLEGATIONS

As per preliminary enquiry conducted by SP, Investigation Karak, the defaulter official while posted as Naib Qasid took illegal and extra charges from the general public in connection with preparation of driving license.

Thus the undersigned was appointed as enquiry officer to digout the real facts.

ENQUIRY PROCEEDINGS

During the course of enquiry, the defaulter official was summoned. He attended the office of undersigned. He was heard in person and crossly examined but he could not answer satisfactory. However, he recorded his statement in response to the charge sheet whereas he denied the allegation. His detail statement is placed on file.

(Annex-A)

During course of enquiry, the undersigned obtained license issuing record from traffic clerk office for the period w.e. from 08.11.2020 to 9.12.2020. In this connection, many license holders those who belong to circle Banda were summoned/ contacted. Most of the license holders told their whereabouts out of district in connection with their services in various government and non-government departments. However, they were telephonically enquired regarding the matter which expressed that they paid more than 3000 Rs in connection with the said license. Furthermore, the following license holders attended the office of undersigned and recorded their statements who disclosed in their statements that they have paid more than 3000 rupees each one for obtaining their license. Their statements are placed on enquiry file.

(Annex-B)

Sabir Gul s/o Zahoor Gul r/o Kot Banda

1. Shahid Nawaz s/o Gul Rehman r/o Charpera
2. Zaboar Khan s/o Mashahood Khan r/o Shagi
3. Yasir Shehzad s/o Suleman Gul r/o Darishkhel
4. Rehman ullah s/o Faizullah Jan r/o Amaan Kot
5. Faizan Khan r/o Makorhi

Beside this the statements of following license holders were also recorded who stated in their statements that they have paid upto 1200 rupees each one for availing their license.

1. Tasbeeh Ullah s/o Muhammad Yasin r/o Shakar Khel
2. Shah Fiaz s/o Ayaz Muhammad r/o Makorhi

(17)


Asif Ullah s/o Pyawali Khan r/o Teri
Waseem Jamal s/o Shahid Jamal r/o Dagar Nari

From the enquiry so far conducted, the undersigned detected the following points:-

1. According to the available record total 2472 licenses have been issued during the said period but not a single candidate found failed in driving test.
2. According to prescribed rules, the fee schedule for obtaining M.Car/M.Cycle is as under:-
 - (i) Learning permit= Rs.250 (ii) Test Fee= Rs.250 (iii) Card Fee= Rs.600 Total Card Fee= Rs.1100. While as per the statements of above license holders most of them have paid more than 3000 rupees for availing their license.
3. Posting period of the defaulter official at traffic branch is 12 year 8 months and 26 days which is too long period in any branch.

CONCLUSION

Keeping in view the above points, the undersigned has reached to the conclusion that the allegations of extra/ illegal charges in connection with obtaining of license, taken from the general public are hereby proved against the Naib Qasid Asmat Ullah.


Sub: Divisional Police Officer,
B.D Shah, Karak.

ORDER

My this Order will dispose off the departmental enquiry against Naib Qasid Asmat Ullah (suspended) of this district Police.

Facts are that as per report of the preliminary enquiry conducted by SP, Investigation Wing Karak that Naib Qasid Asmat Ullah while posted as Naib Qasid at Traffic Branch took illegal and extra charges from the general public in connection with preparation of driving license. This is quite adverse on his part and shows his weak command over his subordinate staff and irresponsibility in the discharge of his official obligations.

He was issued Charge Sheet and Statement of allegations. Mr. Sanobar Shah, the then SDPO Banda was appointed as an Enquiry Officer to conduct proper departmental enquiry and submitted his findings within the stipulated time.

The Enquiry Officer reported that the allegations of extra/illegal charges from general public are hereby proved against Naib Qasid Asmat Ullah.

He was also called and heard in person in the Orderly Room held in this office.

Keeping in view of the available record and facts on file, perusal of enquiry papers and recommendations of the Enquiry Officer, he is found guilty of the charges; he is found guilty of the charges. He took extra and illegal charges from the general public, therefore, I, Tariq Habib, District Police Officer as competent authority under the Rule 5(b) of Khyber Pakhtunkhwa, Efficiency & Discipline Rules, 2011 and powers delegated to me vide CPO Peshawar Notification No. 8511-8615/E-V, dated 28.12.2015, is hereby awarded minor punishment of stoppage of two (02) annual increments with cumulative effect from Naib Qasid Asmat Ullah with immediate effect. He is reinstated in service from the date of suspension.

OB No. 117
Dated 12/10/2021

District Police Officer, Karak

OFFICE OF THE DISTRICT POLICE OFFICER KARAK

No. 1113 /Enq dated the Karak 15/09/2021

Copy of above is submitted to the Dy. Inspector General of Police, Kohat Region Kohat w/r to his office letter No. 2939/EC dated 03.03.2021 for favour of information, please.

District Police Officer, Karak

(19)

Ann F/12

No. 65 B

Dt: 18/12/2021

FINDINGS

Kindly this is in response to your good office charge sheet no. 11-12/EC(Enq) dated 19.01.2021, issued to Senior Clerk Habib Ullah with the following allegations:-

ALLEGATIONS

As per preliminary enquiry conducted by SP, Investigation Karak, the defaulter official while posted as Traffic Clerk shows lack of supervision due to which his subordinate staff took illegal and extra charges from the general public in connection with preparation of driving license.

Thus the undersigned was appointed as enquiry officer to digout the real facts.

ENQUIRY PROCEEDINGS

During the course of enquiry, the defaulter official was summoned. He attended the office of undersigned. He was heard in person and crossly examined but he could not answer satisfactory. However, he recorded his statement in response to the charge sheet whereas he denied the allegation. His detail statement is placed on file.

(Annex-A)

During course of enquiry, the undersigned obtained license issuing record from traffic clerk office for the period w.e. from 08.11.2020 to 9.12.2020. In this connection, many license holders those who belong to circle Banda were summoned/ contacted. Most of the license holders told their whereabouts out of district in connection with their services in various government and non-government departments. However, they were telephonically enquired regarding the matter which expressed that they paid more than 3000 Rs in connection with the said license. Furthermore, the following license holders attended the office of undersigned and recorded their statements who disclosed in their statements that they have paid more than 3000 rupees each one for obtaining their license. Their statements are placed on enquiry file.

(Annex-B)

Sabir Gul s/o Zahoor Gul r/o Kot Banda

1. Shahid Nawaz s/o Gul Rehman r/o Charpera
2. Zaboora Khan s/o Mashahood Khan r/o Shagi
3. Yasir Shehzad s/o Suleman Gul r/o Darishkhel
4. Rehman ullah s/o Faizullah Jan r/o Amaan Kot
5. Faizan Khan r/o Makorhi

Beside this the statements of following license holders were also recorded who stated in their statements that they have paid upto 1200 rupees each one for availing their license.

1. Tasbeeh Ullah s/o Muhammad Yasin r/o Shakar Khel
2. Shah Fiaz s/o Ayaz Muhammad r/o Makorhi

(20)


Ullah s/o Pyawali Khan r/o Teri
Saleem Jamal s/o Shahid Jamal r/o Dagar Nari

From the enquiry so far conducted, the undersigned detected the following points:-

1. According to the available record total 2472 licenses have been issued during the said period but not a single candidate found failed in driving test.
2. According to prescribed rules, the fee schedule for obtaining M.Car/M.Cycle is as under:-
 - (i) Learning permit= Rs.250 (ii) Test Fee= Rs.250 (iii) Card Fee= Rs.600 Total Card Fee= Rs.1100. While as per the statements of above license holders most of them have paid more than 3000 rupees for availing their license.
3. Posting period of the defaulter official as traffic clerk is 1 year and 18 days which is almost a sufficient period in any branch.
4. It has also been learnt that although the defaulter clerk was availed one month earned leave but he used to put/sign DAK from MLA on weekly bases which is a question of doubt.

CONCLUSION

Keeping in view the above points, the undersigned has reached to the conclusion that the allegations of extra/ illegal charges in connection with obtaining of license, taken from the general public are hereby proved against the defaulter Clerk.


Sub: Divisional Police Officer,
B.D Shah, Karak.

(21)

ORDER

By this Order will dispose of the departmental enquiry against Senior Clerk Habib Ullah (as specified) of the District Police

Facts are that on perusal of the preliminary enquiry conducted by SP Investigation Wing Karak that your Senior Clerk Habib Ullah while posted as Traffic Clerk shows lack of supervision due to which your subordinate staff took illegal and extra charges from the general public in connection with preparation of driving licenses. This is quite adverse on your part and shows your weak command over your subordinate staff and irresponsibility in the discharge of your official obligations.

He was issued Charge Sheet and Statement of allegations. Mr Sangbar Shah, the then SDPO Banda was appointed as an Enquiry Officer to conduct proper departmental enquiry and submitted his findings within the stipulated time.

The Enquiry Officer reported that the allegations of extra/illegal charges from general public are hereby proved against Senior Clerk Habib Ullah.

He was also called and heard in person in the Orderly Room held in this office.

Keeping in view of the available record and facts on file, perusal of enquiry papers and recommendations of the Enquiry Officer, he is found guilty of the charges, therefore, I, Tariq Habib, District Police Officer, Karak as a competent authority, under the Rule 5(b) of Khyber Pakhtunkhwa, Efficiency & Discipline Rules, 2011 and powers delegated to me vide CPO Peshawar Notification No. 8511-8615/E-V, dated 28.12.2015, is hereby awarded minor punishment of holding of promotion for 01 year from Senior Clerk Habib Ullah with immediate effect and he is reinstated in service from the date of suspension.

OB No. 116
Dated: 12/04/2021

District Police Officer, Karak

OFFICE OF THE DISTRICT POLICE OFFICER KARAK

No. 114 /EC(Enq) dated the Karak 15/04 /2021

Copy of above is submitted to the Dy: Inspector General of Police, Kohat Region Kohat w/r to his office letter No. 2939/EC dated 03.03.2021 for favour of information, please.

District Police Officer, Karak

(22)

No. 66 BDt: 18/2/2021FINDINGS

Kindly this is in response to your good office charge sheet no. 09/EC(Enq) dated 19.01.2021, issued to LHC Wajid Iqbal No, 822 with the following allegations:-

ALLEGATIONS

As per preliminary enquiry conducted by SP, Investigation Karak, the defaulter official while posted at traffic branch took illegal and extra charges from the general public in connection with preparation of driving license.

Thus the undersigned was appointed as enquiry officer to digout the real facts.

ENQUIRY PROCEEDINGS

During the course of enquiry, the defaulter official was summoned. He attended the office of undersigned. He was heard in person and crossly examined but he could not answered satisfactory. However, he recorded his statement in response to the charge sheet whereas he denied the allegation. His detail statement is placed on file.

(Annex-A)

During course of enquiry, the undersigned obtained license issuing record from traffic clerk office for the period w.e.from 08.11.2020 to 9.12.2020. In this connection, many license holders those who belong to circle Banda were summoned/ contacted. Most of the license holders told their whereabouts out of district in connection with their services in various government and non-government departments. However, they were telephonically enquired regarding the matter which expressed that they paid more than 3000 Rs in connection with the said license. Furthermore, the following license holders attended the office of undersigned and recorded their statements who disclosed in their statements that they have paid more than 3000 rupees each one for obtaining their license. Their statements are placed on enquiry file.

(Annex-B)

Sabir Gul s/o Zahoor Gul r/o Kot Banda

1. Shahid Nawaz s/o Gul Rehman r/o Charpera
2. Zaboar Khan s/o Mashahood Khan r/o Shagi
3. Yasir Shehzad s/o Suleman Gul r/o Darishkhel
4. Rehman ullah s/o Faizullah Jan r/o Amaan Kot
5. Faizan Khan r/o Makorhi

Beside this the statements of following license holders were also recorded who stated in their statements that they have paid upto 1200 rupees each one for availing their license.

1. Tasbeeh Ullah s/o Muhammad Yasin r/o Shakar Khel

(23)

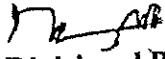
3. Najeeb Ullah s/o Pyawali Khan r/o Teri
4. Saleem Jamal s/o Shahid Jamal r/o Dagar Nari

From the enquiry so far conducted, the undersigned detected the following points:-

1. According to the available record total 2472 licenses have been issued during the said period but not a single candidate found failed in driving test.
2. According to prescribed rules, the fee schedule for obtaining M.Car/M.Cycle is as under:-
 - (i) Learning permit= Rs.250 (ii) Test Fee= Rs.250 (iii) Card Fee= Rs.600 Total Card Fee= Rs.1100. While as per the statements of above license holders most of them have paid more than 3000 rupees for availing their license.
3. Posting period of the defaulter official at traffic branch is more than 2 years which is almost a sufficient period in any branch.

CONCLUSION

Keeping in view the above points, the undersigned has reached to the conclusion that the allegations of extra/ illegal charges in connection with obtaining of license, taken from the general public are hereby proved against the LHC Wajid Iqbal.


Sub: Divisional Police Officer,
B.D Shah, Karak.

24

ORDER

My this Order will dispose off the departmental enquiry against LHC Wajid Iqbal No: 822 (suspended), of this district Police.

Facts are that as per report of the preliminary enquiry conducted by SP, Investigation Wing Karak that LHC Wajid Iqbal No: 822 while posted as Computer Operator at Traffic Branch took illegal and extra charges from the general public in connection with preparation of driving license. This state of affair is quite adverse on his part and shows his negligence, carelessness and irresponsibility in the discharge of his official obligations. This act on his part is against service discipline and amounts to gross misconduct.

He was issued with Charge Sheet and Statement of allegations. Mr. Sanobar Shah, the then SDPO B.D.Shah was appointed as an Enquiry Officer to conduct proper departmental enquiry against him and to submit his findings within the stipulated time.

The Enquiry Officer reported that the allegations of extra/illegal charges from general public are hereby proved against LHC Wajid Iqbal No. 822.

He was called and heard in person in the Orderly Room held in this office.

Keeping in view of the available record and facts on file, perusal of enquiry papers and the recommendations of the Enquiry Officer, he is found guilty of the charges. He took extra and illegal charges from the general public, therefore, I, Tariq Habib, District Police Officer as competent authority under the Police Rules 1975 (amended in 2014) hereby impose minor punishment of stoppage of two (02) annual increments with cumulative effect upon the defaulter LHC Wajid Iqbal No. 822 with immediate effect with the further directions that he will not be posted on any lucrative post in the office. He is reinstated in service from the date of suspension.

OB No. 110

Dated 12/04/2021

District Police Officer, Karak

OFFICE OF THE DISTRICT POLICE OFFICER KARAK

No. 1112 /Enq dated the Karak 15/04/2021

Copy of above is submitted to:-

1. The Dy: Inspector General of Police, Kohat Region Kohat w/r to his office letter No. 2939/EC dated 03.03.2021 for favour of information, please.
2. The DSP HQrs Karak for compliance.

District Police Officer, Karak

(25)

Ann '64

No. 07 /EC(Enq)
Dated 19/01/2024

CHARGE SHEET

I, QASIM ALI KHAN, District Police Officer, Karak as a competent authority, hereby charge you Constable Asif Iqbal No. 571 (suspended) Police Lines Karak as follows:-

"As per report of the preliminary enquiry conducted by SP, Investigation Wing Karak that you Constable Asif Iqbal No. 571 while posted as Computer Operator at Traffic Branch took illegal and extra charges from the general public in connection with preparation of driving license. This state of affair is quite adverse on your part and shows your malafide intention and irresponsibility in the discharge of your official obligations. This act on your part is against service discipline and amounts to gross misconduct."

1. By the reason of your commission/omission, constitute miss-conduct under Police disciplinary Rule-1975 (amendment Notification No. 3859/Legal, dated 27.08.2014) Govt: of Khyber Pakhtunkhwa, Police Department, you have rendered your-self liable to all or any of the penalties specified in Police Rule-1975 ibid.

2. You are, therefore, required to submit your written defense within 07-days of the receipt of this charge sheet to the enquiry Officer DSP B.D. Shah is hereby appointed for the purpose of conducting enquiry.

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

3. Intimate whether you desire to be heard in person.

4. A statement of allegation is enclosed.


District Police Officer, Karak

DISCIPLINARY ACTION

I, QASIM ALI KHAN, District Police Officer, Karak as a competent authority, is of the opinion Constable Asif Iqbal No. 571 (suspended) Police Lines Karak has rendered himself liable to be proceeded against on committing the following act/commission within the meaning of Police Disciplinary Rule-1975 (amendment Notification No. 3859/Legal, dated 27.08.2014) Govt: of Khyber Pakhtunkhwa, Police Department.

STATEMENT OF ALLEGATIONS

"As per report of the preliminary enquiry conducted by SP, Investigation Wing Karak that Constable Asif Iqbal No. 571 while posted as Computer Operator at Traffic Branch took illegal and extra charges from the general public in connection with preparation of driving license. This state of affair is quite adverse on his part and shows his negligence, carelessness and irresponsibility in the discharge of his official obligations. This act on his part is against service discipline and amounts to gross misconduct."

1. The enquiry Officers DSP B.D. Shah in accordance with provision of the Police Rule-1975 (amendment Notification No. 3859/Legal, dated 27.08.2014) Govt: of Khyber Pakhtunkhwa, Police Department may provide reasonable opportunity of hearing to the accused official, record his finding and make within 10-days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused.

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

District Police Officer, Karak

No. _____ / EC(Enq), dated _____ / _____ / 2024.

Copy to:-

1. The enquiry Officers for initiating proceeding against the accused under the Provision of the Police Disciplinary Rule-1975 (amendment Notification No. 3859/Legal, dated 27.08.2014) Govt: of Khyber Pakhtunkhwa, Police Department.
2. Constable-Asif Iqbal No. 571 (suspended) Police Lines Karak

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

**Service Appeal No. 6856 / 2021
Asif Iqbal Ex-Constable No. 571**

..... Appellant


VERSUS

**Inspector General of Police,
Khyber Pakhtunkhwa, & others**

..... Respondents

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Respondents
Through
Representative

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

Service Appeal No. 6856/2021
Asif Iqbal
Ex-Constable No. 571, District Karak

..... **Appellant**

VERSUS

Inspector General of Police,
Khyber Pakhtunkhwa, & others

..... **Respondents**

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS 1 TO 3.

Respectfully Sheweth:

PRELIMINARY OBJECTIONS:-

- i. That the appellant has got no cause of action to file the instant appeal.
- ii. That the appellant has got no locus standi to file the instant appeal.
- iii. That the appeal is not maintainable in the present form.
- iv. That the appellant is estopped to file the instant appeal by his own conduct.
- v. That the appellant has not come to this Honorable Tribunal with clean hands.
- vi. That the appeal is bad for misjoinder & non joinder of necessary parties.
- vii. That the appeal of the appellant is badly time barred.

FACTS:-

1. Pertains to personal information of the appellant.
2. Pertains to record.
3. The performance of appellant as constable was not upto the marks. List of bad entries as **annexure 'A'**.
4. The appellant alongwith others indulged themselves in taking illegal gratification and taking extra charges from public in curb of traffic challans. Therefore, the appellant and other were placed under suspension by respondent No. 3. Copy of suspension order is **annexure B**.
5. As replied in para No. 4, a regular inquiry was conducted against the appellant under the relevant Police Rules and DSP Banda Daud Shah was appointed as inquiry officer. The inquiry officer vide his report has held him guilty of the charges. Therefore, the appellant was called and heard in orderly room and provided ample opportunity of hearing / defense by respondent No. 3, but the appellant failed to submit any

plausible explanation to the charges. Copy of charge sheet and statement of allegation are **annexure C & C-1**.


6. The departmental appeal of the appellant was processed accordingly by respondent No. 2. The appellant was called and heard in person in orderly room held in the office of respondent No. 2 on 16.06.2021, but the appellant failed to advance any plausible explanation in respect of his misconduct established during the course of inquiry. Therefore, the departmental appeal of the appellant being devoid of merits was rejected by the departmental appellate authority.
7. The appellant has not approached in this Honorable Tribunal with clean hands and also estopped to file the appeal for his own act.


Grounds:-

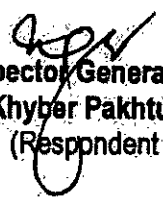
- A. Incorrect, the impugned order passed by respondent No. 3 is based on facts, evidence and speaking one.
- B. Incorrect, the allegations / charges leveled against the appellant have been established beyond any shadow of doubt and the appellant failed to defend himself during the departmental inquiry proceedings.
- C. Incorrect, the departmental inquiry was conducted against the appellant by respondent No. 3 in accordance with the relevant rules and all codal formalities were fulfilled.
- D. On conclusion of inquiry proceedings and submission of report by the inquiry officer to respondent No. 3, the appellant was heard in person and orderly room. He was afforded ample opportunity of defense during personal hearing but he failed to advance any plausible explanation.
- E. Incorrect, the appellant was associated with the inquiry proceedings personally heard by respondent No. 3 in inquiry proceedings and by respondent No. 2 during departmental appeal. Therefore, the appellant is not condemned unheard.
- F. Incorrect, reply is submitted in the above paras.
- G. Incorrect, the impugned orders are legal and speaking one.
- H. Incorrect, reply is submitted in the above paras.
- I. The defaulter officials including the appellant have been awarded punishments by respondent No. 3, in view of their conduct and role in the case.
- J. The appellant was proceeded with departmentally in accordance with the relevant law and rules, hence the appellant was treated under the relevant rules.

- K. Incorrect, no discrimination is made by the respondent.
- L. Reward and punishment run side by side in a disciplined department, the officer / official is being rewarded for his good work while the officer / official is being taken departmentally for his misconduct.
- M. Reply is submitted in para No. I.
- N. Incorrect, as replied above, the impugned orders are based on facts, evidence, material collected during the course of inquiry and speaking.
- O. 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.


Regional Police Officer,
Kohat
(Respondent No. 2)


District Police Officer,
Karak
(Respondent No. 3)


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

ORDER

My this Order will dispose off the departmental enquiry against Constable Asif Iqbal No. 571 (suspended) of this district Police.

Facts are that as per report of the preliminary enquiry conducted by SP, Investigation Wing Karak that Constable Asif Iqbal No. 571 while posted as Computer Operator at Traffic Branch took illegal and extra charges from the general public in connection with preparation of driving license. This state of affair is quite adverse on his part and shows his negligence, carelessness and irresponsibility in the discharge of his official obligations. This act on his part is against service discipline and amounts to gross misconduct.

He was issued with Charge Sheet and Statement of allegations. Mr. Sanobar Shah, the then SDPO B.D.Shah was appointed as an Enquiry Officer to conduct proper departmental enquiry against him and to submit his findings within the stipulated time.

The Enquiry Officer reported that the allegations of extra/illegal charges from general public are hereby proved against Constable Asif Iqbal No. 571.

He was called and heard in person in the Orderly Room held in this office.

Keeping in view of the available record and facts on file, perusal of enquiry papers and the recommendations of the Enquiry Officer, he is found guilty of the charges. He took extra and illegal charges from the general public, therefore, I, Tariq Habib, District Police Officer Karak as competent authority under the Police Rules 1975 (amended in 2014) hereby impose Major Punishment of dismissal from service upon the defaulter FC Asif Iqbal No. 571 with immediate effect.

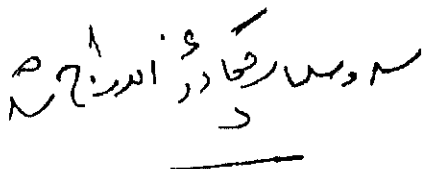
OB No. 122
Dated 15/04/2021


District Police Officer, Karak

OFFICE OF THE DISTRICT POLICE OFFICER KARAK

No. 1115 /Enq dated the Karak 14/04/2021

Copy of above is submitted to the Dy: Inspector General of Police, Kohat Region Kohat w/r to his office letter No. 2939/EC dated 03.03.2021 for favour of information, please.




District Police Officer, Karak

No. 07 /EC(Enq)

Dated 19/10/2020

CHARGE SHEET

I, QASIM ALI KHAN, District Police Officer, Karak as a competent authority, hereby charge you **Constable Asif Iqbal No. 571 (suspended) Police Lines Karak** as follows:-

"As per report of the preliminary enquiry conducted by SP, Investigation Wing Karak that you Constable Asif Iqbal No. 571 while posted as Computer Operator at Traffic Branch took illegal and extra charges from the general public in connection with preparation of driving license. This state of affair is quite adverse on your part and shows your malafide intention and irresponsibility in the discharge of your official obligations. This act on your part is against service discipline and amounts to gross misconduct."

1. By the reason of your commission/omission, constitute miss-conduct under Police disciplinary Rule-1975 (amendment Notification No. 3859/Legal, dated 27.08.2014) Govt. of Khyber Pakhtunkhwa, Police Department, you have rendered your-self liable to all or any of the penalties specified in Police Rule-1975 ibid.

2. You are, therefore, required to submit your written defense within 07-days of the receipt of this charge sheet to the enquiry Officer DSP B.D. Shah is hereby appointed for the purpose of conducting enquiry.

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

3. Intimate whether you desire to be heard in person.

4. A statement of allegation is enclosed.


District Police Officer, Karak

NO 63/B
21-01-021

FINDINGS

Kindly this is in response to your good office charge sheet no. 07/EC(Enq) dated 19.01.2021, issued to **Constable Asif Iqbal No. 571** with the following allegations:-

ALLEGATIONS

As per preliminary enquiry conducted by SP, Investigation Karak, the defaulter official while posted at Traffic Branch took illegal and extra charges from the general public in connection with preparation of driving license.

Thus the undersigned was appointed as enquiry officer to digout the real facts.

ENQUIRY PROCEEDINGS

During the course of enquiry, the defaulter official was summoned. He attended the office of undersigned. He was heard in person and crossly examined but he could not answer satisfactory. However, he recorded his statement in response to the charge sheet whereas he denied the allegation. His detail statement is placed on file

(Annex-A)

During course of enquiry, the undersigned obtained license issuing record from traffic clerk office for the period w.e.from 08.11.2020 to 9.12.2020. In this connection, many license holders those who belong to circle Banda were summoned/ contacted. Most of the license holders told their whereabouts out of district in connection with their services in various government and non-government departments. However, they were telephonically enquired regarding the matter which expressed that they paid more than 3000 Rs in connection with the said license. Furthermore, the following license holders attended the office of undersigned and recorded their statements who disclosed in their statements that they have paid more than 3000 rupees each one for obtaining their license. Their statements are placed on enquiry file.

(Annex-B)

1. Sabir Gul s/o Zahoor Gul r/o Kot Banda
2. Shahid Nawaz s/o Gul Rehman r/o Charpera
3. Zaboora Khan s/o Mashahood Khan r/o Shagi
4. Yasir Shehzad s/o Suleman Gul r/o Darishkhel
5. Rehman ullah s/o Faizullah Jan r/o Amaan Kot
6. Faizan Khan r/o Makorhi

Beside this the statements of following license holders were also recorded who stated in their statements that they have paid upto 1200 rupees each one for availing their license.

1. Tasbeeh Ullah s/o Muhammad Yasin r/o Shakar Khel
2. Shah Fiaz s/o Ayaz Muhammad r/o Makorhi

22

3. Najeeb Ullah s/o Pyawali Khan r/o Teri
4. Saleem Jamal s/o Shahid Jamal r/o Dagar Nari

From the enquiry so far conducted, the undersigned detected the following points:-

1. According to the available record total 2472 licenses have been issued during the said period but not a single candidate found failed in driving test.
2. According to prescribed rules, the fee schedule for obtaining M.Car/M.Cycle is as under:-
 - (i) Learning permit= Rs.250 (ii) Test Fee= Rs.250 (iii) Card Fee= Rs.600 Total Card Fee= Rs.1100. While as per the statements of above license holders most of them have paid more than 3000 rupees for availing their license.
3. The Posting period of the defaulter official at Traffic Branch is 9 years 5 months and 26 days, which is a lengthy period in any branch.

CONCLUSION

Keeping in view the above points, the undersigned has reached to the conclusion that the allegations of extra/ illegal charges in connection with obtaining of license, taken from the general public are hereby proved against the defaulter constable Asif Iqbal are hereby proved.


**Sub: Divisional Police Officer,
B.D Shah, Karak.**

BEFORE THE HON'BLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR

IN S.A. NO. 0000/21

Asif Iqbal


Versus

Inspector General of Police, Khyber Pakhtunkhwa & Others

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Dated: 22/06/2022


Appellant

Through


JAVED IQBAL GULBELA,

&


SAGHIR IQBAL GULBELA

Advocates High Court Peshawar

BEFORE THE HON'BLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR

In S.A No. 6856/21

Asif Iqbal

Versus

Inspector General of Police, Khyber Pakhtunkhwa & Others

REJOINDER ON BEHALF OF THE APPELLANT TO THE
COMMENTS FILED BY RESPONDENT NO. 1 TO 3

Respectfully Sheweth,

Reply to the preliminary objections:

- i. Para (i) of the preliminary objections is incorrect, misleading, misconceiving, illegal and unlawful; therefore sternly denied. Moreover, the appellant has been illegally and unlawfully dismissed from the service therefore the appellant has got a good cause of action to file the instant service appeal for his reinstatement into service with all back benefits.
- ii. Para (ii) the preliminary objections s wrong, false, concocted, and void ab initio; hence denied. Moreover, the appellant has locus standi to file the instant service appeal before this Hon'ble Tribunal for acknowledgement, recognition, and enforcement of his due rights in the shape of reinstatement into service with all back benefits.
- iii. Para (iii) of the preliminary objections is incorrect, baseless, misleading and misconceiving, hence not maintainable and sternly denied. Moreover, the appeal of the appellant is well maintainable in accordance with service, Rules and Regulation.
- iv. Para (iv) of the preliminary objections is incorrect, false, fabricated, illegal and unlawful; hence denied.

- v. Para (v) of the preliminary objections is incorrect, false, fabricated, illegal and unlawful hence denied.
- vi. Para (vi) of the preliminary objections is misleading and misconceiving; therefore sternly denied. Moreover, the appellant made all the necessary parties on the penal of the respondents.
- vii. Para (vii) of the preliminary objections is incorrect, illegal, and unlawful hence denied. Moreover, the appeal of the appellant is well in time.

On facts: -

1. Para "1" of the comments is hypocritic hence denied, while the corresponding para of the main appeal is true and correct.
2. Para "2" of the comments is misleading and hypocritic hence denied while the corresponding para of the main appeal is true and correct.
3. Para "3" of the comments is incorrect, wrong, concocted, and misleading therefore sternly denied. While the corresponding para of the main appeal is true and correct.
4. Para "4" of the comments is incorrect, fabricated, illegal and unlawful hence denied. While the, correct and detail picture is portrayed in the main appeal.
5. Para "5" of the comments is incorrect, false, hypocritic, void ab initio, illegal and unlawful therefore sternly denied. Moreover, true, correct, legal and lawful detail is given in the corresponding para of the main appeal.
6. Para "6" of the comments is incorrect, false, hypocritic, void ab initio, illegal and unlawful therefore sternly denied. Moreover, true, correct, legal and lawful detail is given in the corresponding para of the main appeal.
7. Para "7" of the comments is misleading, misconceiving and hypocritic hence denied while that of the main para of the main appeal is true and correct.

On Grounds:-

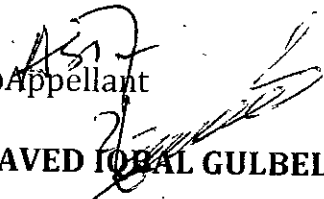
- A. Para "A", of the comments is wrong, incorrect, illegal and unlawful hence sternly in denied. Moreover the impugned dismissal order is liable to be set aside.
- B. Para "B", of the comments is wrong, incorrect, illegal and unlawful hence sternly denied.
- C. Para "C", of the comments is incorrect, false and against the facts and circumstances of the case, hence sternly denied. Moreover no proper inquiry or opportunity of personally hearing was ever extended to the appellant.
- D. Para "D", of the comments is incorrect, false and fabricated one hence denied. Moreover no show cause notice or final show cause notice was ever issued to the appellant hence sternly denied.
- E. Para "E", of the comments is incorrect, false and wrong hence denied.
- F. Para "F", of the comments is incorrect, misleading, and hypocritical hence denied.
- G. Para "G", of the comments is incorrect, illegal and unlawful hence denied. Moreover, true and detailed picture is given in the corresponding para of the main appeal.

- H. Para "H", of the comments is incorrect, false illegal and unlawful hence denied. Moreover everyone is to be treated in accordance with law and all the fundamental rights of the appellant should be guaranteed and protected by the constitution of Islamic Republic of Pakistan.
- I. Para "I", of the comments is incorrect, false and misleading hence sternly denied. Moreover, the Appellant was treated with high discrimination as the colleagues of the Appellant were penalized with minor penalties while the Appellant was penalized with major penalty in shape of dismissal from service.
- J. Para "J", of the comments is incorrect, illegal and unlawful hence denied, as Article 25 of the constitution postulates that no one should be treated otherwise than in accordance with law.
- K. Para "K", of the comments is incorrect, false and illegal hence denied.
- L. Para "L", of the comments is incorrect, misleading and hypocritical hence denied.
- M. Para "M", of the comments is incorrect, misleading and hypocritical hence denied. Moreover, true and detailed picture is given in the corresponding para of the main appeal.
- N. Para "N", of the comments is incorrect, illegal and unlawful hence sternly denied. That no proper proceedings were ever conducted in the case of Appellant hence denied.
- O. Para "O", of the comments needs no reply.
- P. That any other ground not raised here may graciously be allowed to be raised at the time of arguments.

It is, therefore, most humbly prayed that on acceptance of instant rejoinder, the appeal of the appellant may graciously be allowed, as prayed for therein.

Dated: 31/05/2022

Through


Appellant

JAVED IQBAL GULBELA,

Advocate of Supreme Court of
Pakistan

&


SAGHIR IQBAL GULBELA

Advocates High Court Peshawar

BEFORE THE HON'BLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR

In S.A No. 6856/21


Asif Iqbal

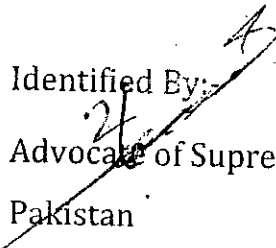
Versus


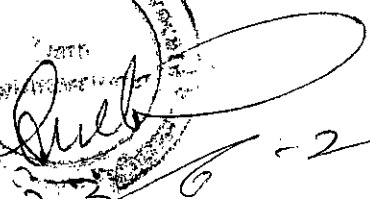
Inspector General of Police, Khyber Pakhtunkhwa & Others

AFFIDAVIT

I, Asif Iqbal, do hereby solemnly affirm and declare on oath that contents of the Rejoinder are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble court.


Deponent

Identified By: 
Advocate of Supreme Court of
Pakistan



23/6/22

IN THE HON'BLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR

Service Appeal No: 6856/2021

Asif Iqbal

Versus

I.G.P KPK & Other


INDEX

<i>S#</i>	<i>Description of Documents</i>	<i>Annex</i>	<i>Pages</i>
1.	Application for Correction in Appeal		1
2.	Affidavit		2

Dated : 3-2-2021


Appellant

Through


Javed Iqbal Gulbela
Advocate, Supreme Court
Of Pakistan

18/05

04/02 PBI

**IN THE HON'BLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR**

Service Appeal No: 6856/2021

Asif Iqbal

Versus

I.G.P KPK & Other



**APPLICATION FOR CORRECTION OF
ADDRESS OF RESPONDENT NO.3.**

Respectfully Sheweth:-

- A. That the above captioned appeal is pending adjudication before this Hon'ble Tribunal which is fixed for 18/05/2022.
- B. That because of a clerical mistake the address of the Respondent No.3 was given in the Service Appeal of the Appellant was wrongly mentioned, the correction of which is essential i.e, correct address is District Police Officer, Karak which is wrongly been entered as District Police Officer, Kohat.
- C. That there is no legal bar in correcting the address of Respondent No.3 in the Service Appeal.

It is, therefore, humbly prayed that on acceptance of this application, the correct address of Respondent No.3 may graciously be allowed to be entered.

Dated: 3.2.2022

Appellant

Through

Javed Iqbal Gulbela

Advocate, Supreme Court of
Pakistan

**IN THE HON'BLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR**

Service Appeal No: 6856/2021

Asif Iqbal

Versus

I.G.P KPK & Other

AFFIDAVIT

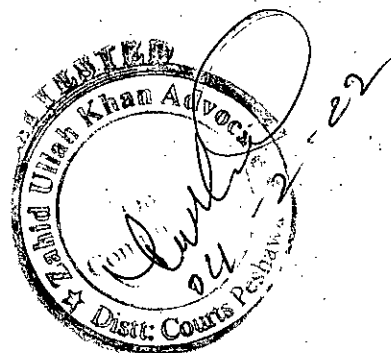
I, **Asif Iqbal, Ex Constable Belt No: 57, R/o Nusrat Abad, PS: YKS, Takhte Nasrati, District Karak**, do hereby solemnly affirm and declare that all the contents of the **application** are true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Hon'ble Tribunal.

Asif

Deponent

Identified By

Javed Iqbal Gulbela
Javed Iqbal Gulbela
Advocate, Supreme Court of
Pakistan



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

CM No. _____/2022.

In

In S.A # 6856/2021

Asif Iqbal

Versus

I.G.P and others


INDEX

<i>S#</i>	<i>Description of Documents</i>	<i>Annex</i>	<i>Pages</i>
1	Grounds of Petition.		1-2
2	Affidavit		3
3	Copy of documents		4

Dated: 04/10/2022


Applicant/Appellant

Through


Javed Iqbal Gulbela
Advocate Supreme Court
of Pakistan

N.F.A

3/21/2022

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

CM No. _____/2022.

In

In S.A # 6856/2021



Asif Iqbal

Versus

I.G.P and others

**APPLICATION FOR EARLY HEARING OF THE
ABOVE TITLE CASE**

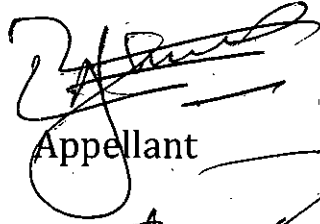
Respectfully Sheweth,

1. That the above title Service Appeal is pending adjudication before this Hon'ble Service Tribunal & is fixed for 22/11/2022.
2. That the date of hearing i.e 22/11/2022 is too far away, which needs to be fixed for an early date, as valuable rights of the appellant are involved in the instant case.
3. That if the captioned service appeal has not been fixed for an early date, the Appellant will suffer irreparable loss.

4. That in the given circumstances early fixation of the instant service appeal is indispensable.

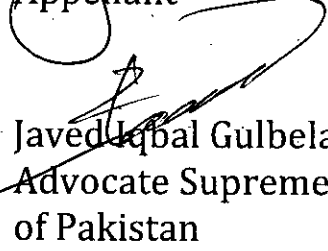
It is, therefore, most humbly prayed that on acceptance of this Application, the above title service appeal may kindly be fixed for an early date as convenient to this Hon'ble Tribunal.

Dated: 04-10-2022



Appellant

Through



Javed Iqbal Gulbela
Advocate Supreme Court
of Pakistan
&
Saghir Iqbal Gulbela
Advocate High Court
Peshawar.

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

CM No. _____/2022.

In

In S.A # 6856/2021

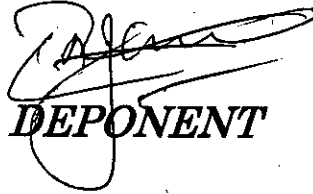
Asif Iqbal

Versus

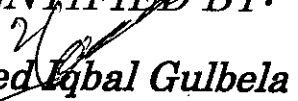
I.G.P and others

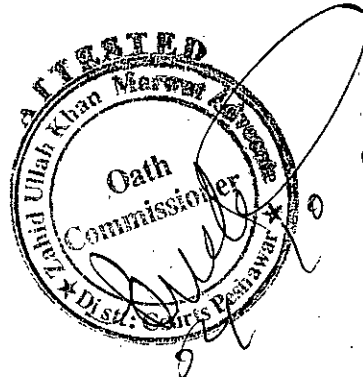
AFFIDAVIT

I, Asif Iqbal S/o Jeena Khan R/o Nusrat Abad, P/o Takht Nusrati, Tehsil Takht Nusrati District Karak, do hereby solemnly affirm and declare on oath that all the contents of the instant application are true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Hon'ble Court.


DEPONENT

IDENTIFIED BY:


Javed Iqbal Gulbela
Advocate
Supreme Court of Pakistan



KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

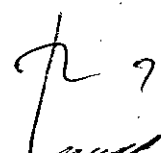
PROFORMA FOR EARLY HEARING

FORM 'A'

To be filled by the Counsel/Applicant

Case Number	6856-2021		
Case Title	Anf Japal v/s ICP & others		
Date of Institution			
Bench	SB	DB <input checked="" type="checkbox"/>	
Case Status	Fresh	Pending <input checked="" type="checkbox"/>	
Stage	Notice	Reply	Argument <input checked="" type="checkbox"/>
Urgency to clearly stated.	Impugned order is venating the Appellant.		
Nature of the relief sought.			
Next date of hearing.	22-11-2022		
Alleged Target Date	As much as nearest possible		
Counsel for	<input checked="" type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent	<input type="checkbox"/> In person

Registered
4/10/22


Signature of counsel/party

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

PROFORMA FOR EARLY HEARING

FORM 'B'

Inst#

Early Hearing _____ -p/20 _____

In case No. 6856 -p/20 21

Abif Iqbal vs Isp etc

Presented by _____ on behalf of _____ Entered
in the relevant register.

Put up alongwith main case for early hearing

Last date fixed	
Reason(S) for last adjournment, if any by the Branch Incharge.	
Date(s) fixed in the similar matter by the Branch Incharge	
Available dates Readers/Assistant Registrar branch	

Assistant Registrar

REGISTRAR

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

PROFORMA FOR EARLY HEARING

FORM 'A'

To be filled by the Counsel/Applicant

Case Number	6856/2021			
Case Title	Asif Iqbal			
Date of Institution	08/07/2021			
Bench	SB		DB ✓	
Case Status	Fresh		Pending ✓	
Stage	Notice		Reply	Argument ✓
Urgency to clearly stated.	—			
Nature of the relief sought.				
Next date of hearing	25-08-2021			
Alleged Target	✓			
Date				
Counsel for	Petitioner ✓		Respondent	In person

Signature of counsel/party

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

PROFORMA FOR EARLY HEARING

FORM 'B'

Inst#

Early Hearing 3186 -p/2023

In case No. 6256 -p/2021

Asif Iqbal vs Police U.P. etc

Presented by Javed Iqbal Pulido on behalf of Appellant Entered
in the relevant register. (Msc)

Put up alongwith main case 5855/2021

15/03/2023

Last date fixed	10/03/2023
Reason(S) for last adjournment, if any by the Branch Incharge.	Counsel requested for adjournment
Date(s) fixed in the similar matter by the Branch Incharge	-
Available dates Readers/Assistant Registrar branch	16/02/2023 28/02/2023

NFA

10/2/2023

Assistant Registrar

09/02/23

REGISTRAR

SCANNED
KPST
Peshawar

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 3186

26/01/2023

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

In Re C.M # _____/2023

In S.A # 6856/2021

Asif Iqbal
Versus
IGP KPK and Others

APPLICATION FOR EARLY HEARING

Respectfully Sheweth,

1. That the captioned Service Appeal # 6856/2021 is pending adjudication before this Hon'ble Tribunal and is fixed for 15/03/2023.
2. That in the above captioned case the comments already filed by the respondent department, and the case is mature final arguments.
3. That there is no legal bar on the earlier fixation of the instant case.
4. That in the given circumstances, the fixation of the captioned case for an early date is indispensable.

It is, therefore, most humbly prayed that on acceptance of the instant petition, the captioned case may very graciously be fixed for an early hearing in the best interest of justice as convenient to this Hon'ble Tribunal.

Applicant
Through
Javed Iqbal Gubbela
ASC
Alam Zeb Khan
Advocate, Peshawar.

Dated: 26/01/2023

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

In Re C.M # _____/2023

In S.A # 6856/2021

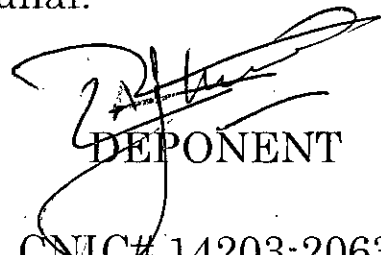
Asif Iqbal

Versus

I.G.P KPK & Others

AFFIDAVIT

I, applicant / Appellant Asif Iqbal S/o Jeena Khan R/o Nusrat Takht Nusrati, Tehsil Takht Nusrati District Karak, do hereby solemnly affirm & declare on oath that all contents of the instant Application are true & correct to the best of my knowledge and belief & nothing has been concealed from this Hon'ble Tribunal.


DEPONENT

CNIC# 14203-2063491-3
Cell# 0333-1212244

Identified By:

Javed Iqbal Gurbela
Advocate, Supreme Court,
of Pakistan.



26-7-23