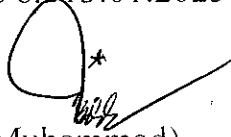


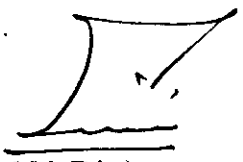
24.11.2022

Learned counsel for the appellant present. Mr. Kabir Ullah Khattak, Additional Advocate General for the respondents present.

Partial arguments were heard by a D.B comprising of Ms. Rozina Rehman learned Member (Judicial) and Ms. Fareeha Paul learned Member (Executive), therefore, the appeal in hand may be placed before the concerned D.B. Adjourned. To come up for arguments on 13.01.2023 before the concerned D.B.

SCANNED
KPST
Peshawar



(Mian Muhammad)
Member (E)



(Salah-Ud-Din)
Member (J)

13.01.2023

Lawyers are on strike today, therefore, case is adjourned to 10.03.2023 for arguments before the D.B. Office is directed to on the notice board as well as website of the Tribunal. ~~notify the next date~~

SCANNED
KPST
Peshawar


(FAREEHA PAUL)
Member (E)


(ROZINA REHMAN)
Member (J)

10-03-23

Proper Bench is Incomplete, Therefore Case is adjourned to 10-5-23 for the same

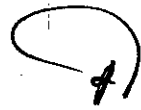

Reader.

26.07.2022

Appellant present through counsel.

Kabir Ullah Khattak, learned Additional Advocate General alongwith Abu Sufyan Si (Legal) for respondents present.

Complete record submitted, however, arguments could not be heard as Ms. Fareeha Paul, learned Member (Executive) is on leave. Therefore, case is adjourned to 06.09.2022 for remaining arguments before D.B.




(Rozina Rehman)
Member (J)

06.09.2022

Junior to counsel for appellant present.

Kabir Ullah Khattak, learned Additional Advocate General alongwith Bin Yamin S.I (Legal) for respondents present.

Complete record submitted. Copy of the same was handed over to junior counsel for appellant who requested for adjournment as senior counsel is busy before the Hon'ble Peshawar High Court, Bannu Bench. Adjourned. To come up for arguments on 24.11.2022 before D.B.



(Fareeha Paul)
Member(E)

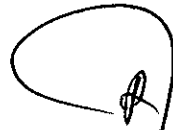


(Rozina Rehman)
Member(J)

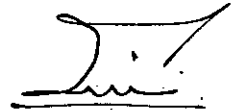
22.03.2022

Clerk of learned counsel for the appellant present. Mr. Muhammad Younis, S.I (Legal) alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is busy in the august Peshawar High Court, Peshawar. Adjourned. To come up for rejoinder, if any, as well as arguments on 18.05.2022 before the D.B.



(Rozina Rehman)
Member (J)



(Salah-ud-Din)
Member (J)

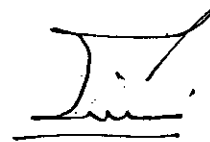
18.05.2022

Learned counsel for the appellant present. Mr. Younas Khan Si (Legal) alongwith Mr. Naseer ud Din Shah, Assistant Advocate General for respondents present.

Complete record of the inquiry has not been submitted by the respondents, therefore, the same may be produced and to come up for arguments on 20.07.2022 before the D.B.



(Rozina Rehman)
Member (J)



(Salah-Ud-Din)
Member (J)

20.07.2022

Learned counsel for appellant present.

Kabir Ullah Khattak, learned Additional Advocate General for respondents present.

Partial arguments heard. Learned AAG requested for adjournment in order to submit complete record; granted. To come up for production of record and remaining arguments on 26.07.2022 before D.B.



(Fareeha Paul)
Member(E)



(Rozina Rehman)
Member (J)

01.11.2021

Junior to counsel for appellant present.

Javid Ullah, learned Assistant Advocate General for respondents present.

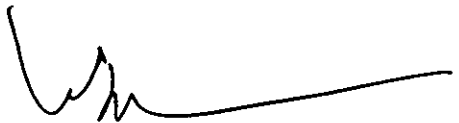
The learned Member (Judicial) is on leave, therefore, case is adjourned. To come up for arguments on 02.02.2022 before D.B. Respondents be put on notice to submit reply within 10 days in office.


Chairman

02.02.2022

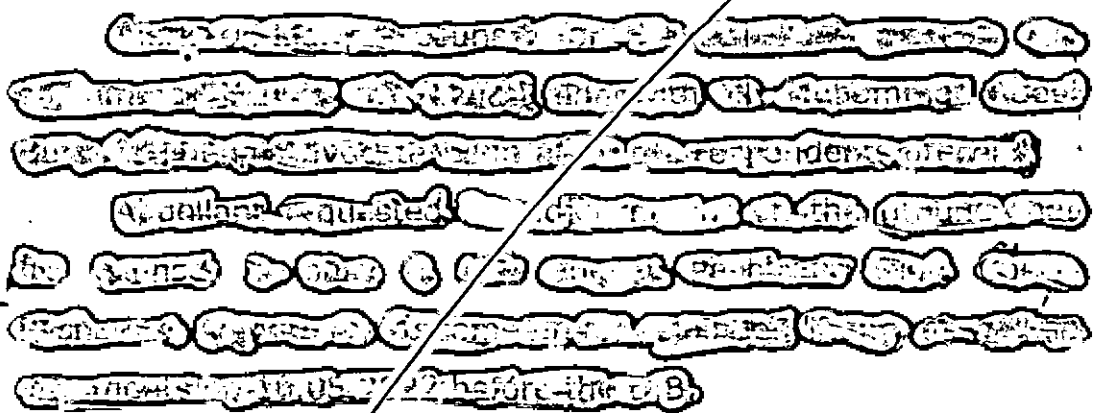
Junior of learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Add: AG alongwith Mr. M. Zaman, SI for respondents present.

Representative of the respondents submitted written reply which is placed on file. A copy of the same is also handed over to the learned counsel for the appellant. Adjourned. To come up for rejoinder/arguments on 22.03.2022 before D.B.

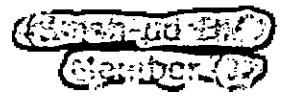

(Attiq Ur Rehman Wazir)
Member(E)





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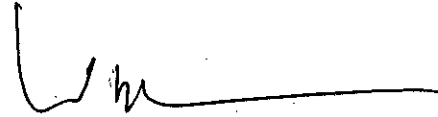




30.03.2021

Counsel for appellant and Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Neither written reply on behalf of respondents submitted nor representative of the department is present, therefore, notices be issued to the respondents for submission of written reply/comments for 09.06.2021 before S.B.



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

09.06.2021

Junior to counsel for the appellant and Mr. Kabirullah Khattak, Addl. AG for the respondents present.

Stipulated period has passed in this appeal along with 06 others and reply has not been submitted.

Written reply has not been submitted by the respondents. Learned AAG is required to contact the respondents for submission of reply/comments within 10 days in office, 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 on 01.11.2021



Chairman

P.S

22.06.2021

Learned Addl. A.G be reminded about the omission and for submission of Reply/comments within extended time of 10 days.



Chairman



07.12.2020

Junior to counsel for appellant present.

Kabir Ullah Khattak learned Additional Advocate General for respondents present.

Representative of respondents is not in attendance, therefore, case is adjourned on the request of learned A.A.G with direction to submit written reply/comments on 27.01.2021 before S.B.

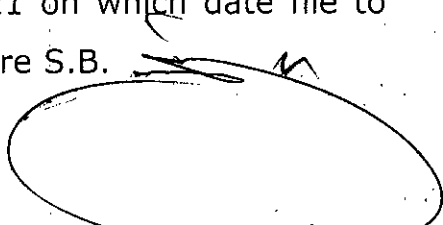


(Rozina Rehman)
Member (J)

27.01.2021

Junior counsel for appellant is present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents is also present.


Neither written reply on behalf of respondent submitted nor representative of the department is present, therefore, learned Additional Advocate General is directed to contact the respondents and furnish written reply/comments on the next date of hearing. Adjourned to 30.03.2021 on which date file to come up for written reply/comments before S.B.



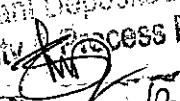
(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

09.10.2020

Counsel for the appellant present.

Contends that the appellant alongwith others was enlisted as Constable in District Police Lakki Marwat through order dated 30.12.2016. On 29.03.2017, the order of appointment in respect of the appellant and nine others was withdrawn. The appellant submitted Writ Petition No. 343-B/2017 before the Honourable Peshawar High Court Bannu Bench which was allowed on 28.03.2018. The Honourable Court was not only pleased to set aside the order dated 29.03.2017 but the petitioners were declared to be enlisted constables for District Lakki Marwat. Despite unconditional judgment, the respondents undertook denovo enquiry which was not called for. Resultant to denovo enquiry an order was passed on 14.06.2019, whereby, the appellant was imposed upon major penalty of removal from service w.e.f. 11.04.2019. The departmental appeal there-against also did not prevail and was rejected on 08.11.2019. It is also pressed into service by learned counsel that the impugned order dated 14.06.2019 was passed without associating the appellant in the departmental proceedings. Regular/proper enquiry was never held while the appellant was subjected to major penalty. Similarly, statement of allegations, charge sheet and show cause notice were also not given to the appellant. Learned counsel referred to the impugned order dated 14.04.2019 and stated that the order itself was invalid as the penalty against the appellant was given ~~with~~ retrospective effect. 

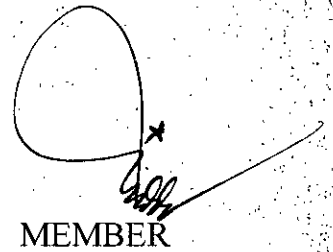
In view of the arguments of learned counsel and the available record, instant appeal is admitted to regular hearing, subject to all just exceptions. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 07.12.2020 before S.B.

Appellant Deposited
Security & Process Fee

19/10/20


Chairman

17.06.2020

Counsel for the appellant present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for preliminary hearing on 18.08.2020 before S.B.



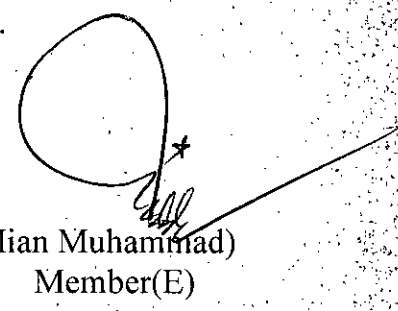
MEMBER

18.08.2020

Junior to counsel for the appellant present. Former requests for adjournment as learned senior counsel is not available today.

Adjourned to 09.10.2020 before S.B.

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(Mian Muhammad)
Member(E)

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Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 2091 / 2019


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	24.12.2019	<p>The present appeal resubmitted today by Mr. Noor Muhammad Khattak Advocate, may be entered in the institution register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2		<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>07/02/20</u></p> <p style="text-align: right;"> CHAIRMAN</p>
07.02.2020		<p>Counsel for the appellant present and requested for adjournment. Adjourned to 25.03.2020 for preliminary hearing before S.B.</p> <p style="text-align: right;"> (MUHAMMAD AMIN KHAN KUNDI) MEMBER</p>
25.03.2020		<p>Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 17.06.2020 before S.B.</p> <p style="text-align: right;"> Reader</p>

The appeal of Mr. Hafeez-ur-Rehman FC No. 71, Police Lines Lakki Marwat received today i.e. on 06.12.2019 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Appeal may be page marked according to the index.
- 2- Annexures of the appeal may be attested.
- 3- Annexures of the appeal may be flagged.
- 4- Annexures-A, D, E and G of the appeal are illegible which may be replaced by legible/better one.
- 5- Five more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 2140 /S.T,

Dt. 10-12 /2019.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Noor Muhammad Khattak Adv. Pesh.

Sir,
All objection has been
removed. Thus resubmitted.
M. S. 24/12/2019

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 2091 /2019

HAFIZ-UR-REHMAN

VS

POLICE DEPTT:

INDEX

S. NO.	DOCUMENTS	ANNEXURE	PAGE
1.	Memo of Appeal	1- 4.
2.	Appointment order	A	6- 7.
3.	Letter	B	8- 9.
4.	Letter dated 10.03.2017	C	10.
5.	Order dated 29.03.2017	D	11- 12.
6.	Judgment	E	13- 21.
7.	Letters	F & G	22- 23.
8.	Impugned order	H	24- 25.
9.	Departmental appeal	I	26.
10.	Rejection order	J	27- 28.
11.	Vakalat Nama	29.

APPELLANT

THROUGH:


NOOR MOHAMMAD KHATTAK
ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

APPEAL NO. _____/2019

Diary No. 1777

Mr. Hafiz-Ur-Rehman, FC No.71,
Police Lines, Lakki Marwat

Dated 06/12/19

APPELLANT

VERSUS

- 1- The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
- 2- The Regional Police Officer, Bannu Region, Bannu.
- 3- The District Police Officer, District Lakki Marwat.

.....**RESPONDENTS**

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 14.06.2019 WHEREBY MAJOR PENALTY OF REMOVAL FROM SERVICE HAS BEEN IMPOSED ON THE APPELLANT AND AGAINST THE IMPUGNED APPELLATE ORDER DATED 08.11.2019 WHEREBY DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REJECTED ON NO GOOD GROUNDS

PRAYERS:

That on acceptance of this appeal the impugned orders dated 14.06.2019 and 08.11.2019 may very kindly be set aside and the appellant may be re-instated into service with all back benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

1- That after fulfilling all the codal formalities the appellant was appointed as constable vide order dated 30.12.2016 through Departmental Selection Committee after vacancies have been advertised in the leading news paper. That after appointment the appellant was sent for condensed recruitment course by the respondent No.3. Copy of the appointment order is attached as annexure

2- That after completion of the said course the appellant submitted his arrival and started performing his duty as constable at the concerned station quite efficiently and up to the entire satisfaction of his superiors.

Filed to-day
6/12/19

- 3- That during service of the appellant an unknown complaint was received to the high ups regarding impersonation in the recruitment/appointment of the constable and on the aforementioned anonymous complaint the respondent No.3 requested for conducting a departmental inquiry vide letter dated 06.03.2017. Copy of the letter is attached as annexure **B.**
- 4- That on the above mentioned letter the respondent No.3 constituted a committee and the said committee declared 10 candidates/employees along with the appellant were declared suspicious and vide letter dated 10.03.2017 considered disqualified. That later on vide order dated 29.03.2017 the appointment orders of the appellant along with his other colleagues were withdrawn. Copies of the letter and order are attached as annexure **C & D.**
- 5- That feeling aggrieved the appellant along with his other colleagues filed writ petition No.343-B/2017 before the Peshawar High Court, Bannu Bench which was decided in favor of the appellant vide dated 28.03.2018 with the view that ***"For what has been discussed above, we admit and allow this petition and declare the impugned order, whereby the appointment order of petitioners was withdrawn is unlawfully, illegal, without lawful authority, discriminatory and against the natural justice. Therefore, the same order is set aside and petitioner shall be deemed to be enlisted constable for District Lakki Marwat"***. Copy of the Judgment is attached as annexure **E.**
- 6- That the respondent Department re-instated the appellant along with his other colleagues provisionally/conditionally subject to the outcome of CPLA vide letter dated 05.04.2019 and 11.04.2019. That it is pertinent to mention that the respondent Department conducted a fresh departmental inquiry in violation of the judgment passed by the Honorable High Court and without waiting till the outcome of CPLA issued the impugned order dated 14.06.2019 whereby the appellant has been removed from service. Copies of the letters and impugned order are attached as annexure **F, G & H.**
- 7- That appellant feeling aggrieved from the impugned order dated 14.06.2019 filed Departmental appeal but the same was rejected vide appellate order dated 08.11.2019. Copies of the Departmental appeal and appellate order are attached as annexure **I & J.**

8- That appellant feeling aggrieved and having no other remedy but to file the instant service appeal on the following grounds amongst the others.

GROUND:

- A- That the impugned orders dated 14.06.2019 and 08.11.2019 issued by the respondents are against the law, facts, norms of natural justice and material on the record hence not tenable and liable to be set aside.
- B- That appellant has not been treated by the respondent department in accordance with law and rules on the subject noted above and as such the respondent violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That the respondents acted in arbitrary and mala fide manner while issuing the impugned orders dated 14.06.2019 and 08.11.2019.
- D- That the respondent Department removed the appellant from service in a hasty manner without waiting for the outcome of the CPLA which is pending before the Supreme Court of Pakistan.
- E- That the appellant has been proceeded under the wrong provision of law and as such the impugned orders dated 14.6.2019 and 8.11.2019 are void ab initio in the eye of law.
- F- That no charge sheet and statement of allegation has been issued to the appellant before issuance of the impugned order dated 14.06.2019.
- G- That no show cause notice has been served on the appellant before issuing the impugned order dated 14.06.2019.
- H- That no chance of Personal Hearing / Defense been provided to the appellant before issuance of the impugned order dated 14.06.2019.
- I- That no regular inquiry has been conducted against the appellant which is as per Supreme Court judgments is necessary in punitive actions against the civil servant.
- J- That appellant has been discriminated on the subject noted above and as such the impugned order dated 14.06.2019 is not tenable in the eye of law.

K- That the impugned order dated 14.06.2019 is the clear violation of the judgment 28.03.2018 passed by the Honorable Peshawar High Court, Bannu Bench no direction/instruction has been issued to the respondent Department for conducting Departmental inquiry.

L- That the appellant has been proceeded under a wrong law by issuing the impugned order dated 14.06.2019, hence not tenable in the eye of law and liable be set aside.

M- That the appellant seeks permission to advance other grounds and proofs at the time of hearing.

Dated: 06.12.2019

APPELLANT


HAFIZ-UR-REHMAN

THROUGH:


NOOR MOHAMMAD KHATTAK

&

**MIR ZAMAN SAFI
ADVOCATES**

A-6

ORDER.

On qualifying NTS test and on recommendations of the board headed by Regional Police Office, Bannu Region, Bannu consisting of District Police Officer, Lakki Marwat and Major Mian Muhammad Salim Shah senior Psychologist Peshawar, constituted vide CPO, Peshawar order Endst: No. 10394-10404/E-IV dated 24.10.2016 and Regional Police Officer, Bannu Region Bannu Office Endst: No. 2988-89/EC dated 28.10.2016 and Physical fitness examination at District level headed by DSP/HQ: Lakki vide Endst: No.10433-34 dated 21.11.2016, and subsequent clearance of psychological assessment at Regional Police Office vide letter No. 3295-96/EC dated 29.11.2016.

The following NTS qualified candidates have been considered suitable for enlistment as Constable in District Police Lakki Marwat on the availability of vacancies of Constable in the light of instructions of the competent authority vide CPO, Peshawar order Memo: No. 10348-79/E-IV dated 21.10.2016 therefore the following candidates are hereby enlisted as Constables in District Police Lakki Marwat on the following vacant vacancies of Constables in BPS-05 @ (8590-420-21190) with effect from December 30.12.2016 and allotted constabulary Nos. as noted against each their names.

S#	Name & F/ name	Add:	Height	Chest	Constabulary No.	Remarks
✓ 1.	Naheed Ullah s/o Noor Zaman	Gir Azam Michan Khel	5-7	33x35	743	
2.	Muhammad Asif Nawaz s/o Gul Nawaz Khan	Cheru Khel	5-9	41x42	78	
3.	Atif Ullah Khan s/o Ihsan Ullah Khan	Wacca	5-10	40x42	53	
✓ 4.	Hafiz ur Rehman s/o Nazeeb ur Rehman	Marmundi Multan Mohalla Haqdad Abad	5-7 ½	34x36	71	
5.	Irshad Ullah s/o Asmat Ullah	Zaitoon Khel	5-7	33x35	228	
6.	Fida Muhammad s/o Amir Jan	Tajazai Dallo Khel	5-9 ½	35x37	304	Police Son
7.	Illa ud Din s/o Bismillah Jan	Bakunah Ahmadzai	5-11	33 ½ x35 ½	679	Police Son
8.	Muhammad Israr s/o Muhammad	Pahar Khel Thal	5-10	34 ½ x36 ½	251	
9.	Muhammad Raof s/o Raees Khan	Chandu Khel	5-10 ¾	33 ½ x35 ½	582	
✓ 10.	Shaukat Khan s/o Muhammad Ullah	Baz Kala	5-8	36x38	40	Police Son
11.	Zia ur Rehman s/o Nur ur Rehman	Haqdad Abad Lakki	5-7 ½	32 ½ x35 ½	239	
12.	Muhammad Kamran s/o Qamar Zaman	Dawalt Khel	5-7 ¾	35 ½ x37 ½	80	
13.	Sartaj Aziz s/o Muhammad Shaheed	Nar Sparlay Jadeed	5-7 ½	34x36	415	
14.	Muhammad Ishfaq s/o Ali Muhammad Khan	Surga Kheru Khel	5-7	37x38 ½	102	
15.	Muhammad Zishan s/o Muhammad Mumtaz Khan	Naurang	5-7 ¾	34x36	51	
16.	Rashid Anwar s/o Amir Nawaz Khan	Chur Khel	5-11	34 ½ x37	280	
17.	Khalid Zaman s/o Noor Zaman	Tajori	5-7	36x38	319	

7

18.	Rizwan Ullah s/o Ghulam Ullah	Mir Azam Machan Khel	5-11 ¼	33 ½ x 36	311	
19.	Muhammad Kamran Khan s/o Abdur Rashid	Mir Gul Hassan Shah	5-10 ½	32x33 ½	30	
20.	Jamshed Khan s/o Shabaz Khan	Bakhmal Ahmadzai	5-8	37x39	269	Police Son
21.	Asif Jamal s/o Noor Jamal Khan	Surmi Khel	5-8 ¼	34x36	301	
22.	Zohaib Khan s/o Abdur Rehman	Akhtar Abad (Bakhmal)	5-9	37x39	47	
23.	Abdullah s/o Mir Qazam	Turl Khel	5-9 ¼	34x36	06	
24.	Rehmat Ullah s/o Saleh Khan	Painda Khel	5-7 ½	33 ½ x 35 ½	332	
25.	Asif Nawaz s/o Nawaz Khan	Alam Khel Candi	5-8	33 ½ x 36	208	
26.	Khalid Khan s/o Sardaraz Khan	Kotka Madat	5-7 ¼	33 ½ x 37	29	
27.	Muhammad Shafiq s/o Nadar Khan	Butar Khel	5-8 ½	32 ½ x 34 ½	692	
28.	Kifayat Ullah Khan s/o Yousaf Khan	Band Ahmad Khel	5-7 ½	35x36 ½	533	
29.	Kareem Ullah Khan s/o Mir Ahmad Khan	Mohalla Raju Khel Tajazai	5-7	33 ½ x 35	437	
30.	Irfan Ullah s/o Moin Ullah Khan	Baz Kala	5-7	33 ½ x 35	270	Police Son

OB No. 464

Dated: 30.12.2016.

District Police Officer
Lakki Marwat.

No. _____ dated Lakki Marwat the: _____ /2016.

Copy of above is submitted for favour of information to:-

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar w/r quoted above.
2. The Regional Police Officer, Bannu Region, Bannu.

District Police Officer
Lakki Marwat.

OFFICE OF THE
DISTRICT POLICE OFFICER,
LAKKI MARWAT.



No.

Dated Lakki Marwat the 06-03-2017.

B-8

To:

The Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.

Subject:

NEWLY NTS RECRUITMENTS IN DISTRICT LAKKI MARWAT.

Memo:

It is submitted for your kind information that NTS qualified candidates were recruited in District Lakki Marwat in the existing vacancies of Constables vide this Office OB No. 464 dated 30-12-2016 and OB No. 465 dated 10-12-2016 (copy enclosed as Annex-A).

Meanwhile, Imraanullah s/o Aminullah r/o Gandhi Sahib Khan, Nasar Khel and Fahad Niaz Khan submitted complaints to worthy Provincial Police Officer, KPK Peshawar as well as NTS Islamabad about the cases of impersonation in the said NTS exam.

Due to the complaints of impersonation and unfair means in the said NTS examination, your good Office was requested to kindly direct to NTS Agency to conduct necessary verification through available resources i.e. their identification through NTS video cameras/ CCTV for their authentication vide this Office Memo: No. 145 dated 06.01.2017 (copy enclosed as Annex-B).

In response to the said letter, the NTS agency intimated this Office regarding the subject and provided copies of application forms and video clips in CD that can be searched through roll number as requested for verification. However, the following candidates video is not available for verification.

1. Illaud Din s/o Bismillah Jan Roll Number 1600721 (Belt No. 679)
2. Rashid Anwar s/o Amir Hawaz Khan Roll Number 1605667 (Belt No. 280)
3. Kifayat ullah s/o Yousaf Khan (Belt No. 533) copy enclosed as Annex-C.

The undersigned constituted a committee headed by DSP/ Hqr. for conducting thorough probe/ scrutiny into unfair means/ impersonation cases. The said committee after conducting thorough probe into the matter cleared 19 candidates and whereas the cases of 10 candidates were found as suspicious as per the detail given below:-

S#	Name & F/ name	Address	Remarks
1.	Nabeed Ullah s/o Noor Zaman	Mir Azam Michan Khel	Suspect
2.	Muhammad Asif Nawaz s/o Gul Nawaz Khan	Kheru Khel Pacca	Suspect
3.	Atif Ullah Khan s/o Ihsan Ullah	Marmandi Multan	Clear
4.	Haifz ur Rehman s/o Naqeeb ur Rehman	Mohalla Haqdad Abad	Suspect

	Irshad Ullah s/o Asmat Ullah	Zaitoon Khel Tajazni	Clear
	Fida Muhammad s/o Amir Jan	Dallo Khel	Clear
	Wla ud Din s/o Bismillah Jan	Bakhtal Ahmadzai	Video not available
8.	Muhammad Israr s/o Niaz Muhammad	Pahar Khel Thal	Clear
9.	Muhammad Raouf s/o Rases Khan	Chandu Khel	Clear
10.	Shaukat Ullah s/o Moeen Ullah	Baz Kala	Suspect
11.	Zia ur Rehman s/o Naqib ur Rehman	Haqdad Abad Lakki	Suspect
12.	Muhammad Kamran s/o Qamar Zaman	Dawalt Khel	Clear
13.	Sartaj Aziz s/o Muhammad Shaheed	Nar Sparlay Jadeed	Clear
14.	Muhammad Ishaq s/o Ali Muhammad Khan	Sarga Kheru Khel	Clear
15.	Muhammad Zishan s/o Muhammad Muntaz Khan	Naurang	Clear
16.	Rashid Anwar s/o Amir Nawaz Khan	Chur Khel	Video not available
17.	Khalid Zaman s/o Noor Zaman	Tajori	Clear
18.	Rizwan Ullah s/o Ghulam Ullah	Mir Azam Maclum Khel	Clear
19.	Kamran Khan s/o Abdur Rashid	Nar Gul Hassan Shah	Clear
20.	Jamshed Khan s/o Shabaz Khan	Bakhtal Ahmadzai	Suspect
21.	Asif Jamal s/o Noor Jamal Khan	Surmi Khel	Clear
22.	Zohaib Khan s/o Abdur Rehman	Akhtar Abad (Bakhtal)	Clear
23.	Abdullah s/o Mir Qazam	Tari Khel	Clear
24.	Rehmat Ullah s/o Saleh Khan	Painda Khel	Suspect
25.	Asif Nawaz s/o Nawaz Khan	Alam Khel Gandi	Clear
26.	Khalid Khan s/o Sardaraz Khan	Kotka Madat	Clear
27.	Muhammad Shafiq s/o Nadar Khan	Tittar Khel	Clear
28.	Kifayat Ullah Khan s/o Yousaf Khan	Land Ahmad Khel	Video not available
29.	Kareem Ullah Khan s/o Mir Ahmad Khan	Mohalla Raju Khel Tajazai	Clear
30.	Irfan Ullah s/o Moin Ullah Khan	Baz Kala	Suspect
31.	Lal Khan s/o Nasrullah Khan	Mama Khel	Suspect
32.	Arif Ullah Khan s/o Rashid Ahmad	Pahar Khel Thal	Suspect

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All the NTS exam Video Pictures and their fresh pictures of 10 suspicious candidates are also enclosed for perusal.

In view of the above facts and circumstances, it is requested that this Office may kindly guided as to what course of action be taken to proceed further into the matter, please.

District Police Officer
Lakki Marwat

No. 1779 / 1

Copy of above is submitted to the Regional Police Officer, Bannu Region Bannu for favour of information w/r to his Office Endst: No. 3185/ EC, dated 17.11.2016, please.

District Police Officer
Lakki Marwat

BETTER COPY OF PAGE-10

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
CENTRAL POLICE OFFICE
PESHAWAR

No. _____ / _____ dated 10.03.2017

To

The District Police Officer,
Lakki Marwat.

Subject:-

Newly NTS Recruitment in District Lakki Marwat

Please refer to your letter No. 1718 dated 6.3.2017 on the subject cited above.

As approved by the competent authority, the 10 candidates not found clear in the scrutiny process by your office shall be considered disqualified.

(NAJEEB-UR-REHMAN BUGVI) PSP

AIG/Establishment

For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar

No. 3128-29/E-IV

OFFICE OF THE
INSPECTOR GENERAL OF POLICE,
KHYBER PAKHTUNKHWA
CENTRAL POLICE OFFICE,
PESHAWAR.

C-10

No. /

dated 10/03/2017

2187
24/3/17

To The District Police Officers,
Lakki Marwat.

Subject: Newly NTS Recruitment in District Lakki Marwat.

Please refer to your letter No. 1718 dated 6.3.2017 on the subject cited above.

As approved by the competent authority, the 10 candidates not found clear in the
scrutiny process by your office shall be considered disqualified.

Majid

(NAJIB-UR-REHMAN BUGYI) PSP
AIG/Establishment
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

No. 3128-29 /15-IV

Copy to the :-

- ✓ RPO Bannu Region Bannu with reference quoted above.
- 2. PSO to IGP Khyber Pakhtunkhwa, Peshawar.

EC No 1071 / EC
dt 22/3/17 / EC
DPO Lakki Marwat
For Compliance

D/O
For Strict Compliance
20/3
RPO Bannu
20/3

ORDER.

Total 32 candidates were recruited in District Lakki Marwat in the existing vacancy of Constable vide this Office OB No. 464 & 465 dated 30.12.2016. Due to the complaints of impersonation ^{by} unfair means in the said NTS examination, the Provincial Police Officer, KPK Peshawar was requested to kindly direct NTS agency to carryout necessary verification through available resources i.e their identification through NTS Video Cameras/ CCTV for their authentication vide this Office Memo: No. 145 dated 06.01.2017. The undersigned constituted a committee headed by DSP/ Hqr: Lakki for conducting thorough probe/ scrutiny into unfair means/ impersonation cases. The said committee after conducting thorough probe into the matter cleared 19 candidates and whereas the cases of following 10 candidates were found as suspicious as per the detail given below:-

D - 11

1. Najeedullah s/o Noor Zaman r/o Mir Azam Michan Khel.
2. Muhammad Asif Nawaz s/o Gul Nawaz r/o Kheru Khel Pacca.
3. Hafiz ur Rehman s/o Naqeeb ur Rehman r/o Haqdadabad Lakki City.
4. Shaukatullah s/o Moeenullah r/o Haz Kala.
5. Zia ur Rehman s/o Naqib ur Rehman r/o Haqdadabad Lakki City.
6. Jamshed Khan s/o Shahbaz Khan r/o Bakhmal Ahmadzai.
7. Rehmatullah s/o Saleh Khan r/o Painsa Khel Gandi.
8. Irfanullah s/o Moeenullah r/o Baz Kala.
9. Lal Khan s/o Nasrullah r/o Mama Khel.
10. Arifullah Khan s/o Rashid Khan r/o Pahar Khel thal.

Moreover, all the NTS exam Video pictures and the fresh pictures of 10 suspicious candidates were also enclosed for perusal and guidance was sought from the Provincial Police Officer, KPK Peshawar vide this Office Memo: No. 1718 dated 06.03.2017. In response, the following guidance was received to this Office vide PPO.KPK Peshawar Memo: No. 3127 dated 10.03.2017 "As approved by the competent authority, the 10 candidates not found clear in the scrutiny process by your Office shall be considered disqualified".

In view of the above facts and circumstances, I, Syed Khalid Hamdani
PSP, QPM, District Police Officer, Lakki Marwat in exercise power vested in me, hereby
withdraw their appointment order issued vide OB No. quoted above.

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OB No. 1115/

Dated 22/03/2017

Syed Khalid Hamdani
District Police Officer,
Lakki Marwat

No. 2184-87 Dated Lakki Marwat the 24/03/2017.

Copy of above is submitted for favour of information to:-

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar w/r to his letter No. quoted above.
2. The Regional Police Officer, Hannu Region, Bannu w/r to his Endst: No. 1071/ EC dated 22.03.2017.
3. Incharge Clothing Godown, Kot, Lines Officer with the directions to collect all the Govt. articles from the above candidates.
4. Pay Officer, HC and OHC for necessary action.

Syed Khalid Hamdani
District Police Officer,
Lakki Marwat

JUDGMENT SHEET
IN THE PESHAWAR HIGH COURT, BANNU BENCH
(Judicial Department)



W.P No. 343-B/2017.
Muhammad Asif Nawaz & others
Vs
Govt. K.P.K & others.

JUDGMENT

E-13

Date of hearing _____ 28.3.2018.

Appellant-Petitioners By Anwarul Haq Adv. and

Armad Ehsan Khattak Adv.

Respondent(s) By Qudratullah Khan

Gradysud Asst. A.G. P.W. Ahmad Khan DCP B/D Lakki.

ABDUL SHAKOOR, J--- Through instant constitutional

petition, the petitioners Muhammad Asif Nawaz and 09

others have sought the following relief:-

It is therefore, most humbly prayed, that this Hon'ble Court may very graciously be pleased to:

a) Set aside the impugned office order No.145 dated 28.3.2017 being unlawful, illegal, without authority, discriminatory, based on the whims and surmises of the respondents, without any notice, against the principle of natural justice and is against the very rights of petitioners.

b) Set aside the impugned office letter No.3128-9970-IV dated 10.3.2017 of the respondent No.5, being unlawful, illegal, without authority, discriminatory, based on the whims

Witnessed by (D.E.) Justice Musarrat Hilali and Justice Abdul Shakoor.

ATTESTED

EXAMINED
Peshawar High Court
Bannu Bench

SCANNED

and submission of the respondents, without any notice, against the principle of natural justice and is against the very rights of petitioners."

(14)

2. The facts relevant for the disposal of this petition are that petitioners being residents of District Lakki Marwat and having requisite qualifications, applied for their appointments as constables against vacant posts lying in District Lakki Marwat. They after being qualified in physical and running tests were called for NTS test. In which they appeared and after passing the same along with others (total 32 candidates) were enlisted as constables vide OB No.464 dated 30.12.2016. After their enlisting as constables a correspondence took place between respondents No:4 and 7. As a result of that correspondence vide office letter No.178 dated 06.3.2017, it was alleged that due to the complaints regarding NTS test, scrutiny/verification of the NTS test of successful candidates was carried out. Since, it was said in the complaints that NTS result of successful candidates was outcome of impersonation in the said test.

(A) The committee for verification/scrutiny of impersonation of successful candidates, found the petitioners as suspects

ATTESTED

EXAMINER
Peshawar High Court
Bardu Bena

Ihsan (D.B) Justice Musarrat Hilali and Justice Abdul Shakoor.

being not appeared in their NTS test personally and in their places some other persons who were having resemblance with them appeared in the test. Petitioners being not found clear from suspicion of impersonation were declared disqualified for the post of constables against which they were enlisted as constable for District Lakki Marwat. Resultantly, the appointment order of petitioners have been withdrawn vide impugned order No.145 dated 28.3.2017. Hence this petition.

3. The respondents in response to the present writ petition, on the direction of this Court filed their para-wise comments, wherein they raised legal and factual objections, on the basis of which they sought dismissal of the petition in hand. They submitted their response in reply to the para-1 of the petition, which reads as:

"1) Incorrect. The candidates including the petitioners submitted their applications for the appointment as constables on vacant posts in District Lakki Marwat submitted directly to the NTS authority. After conducting all tests (physical, running, written) provisional merit list was issued by the NTS authority. The respondent

Shzan (D.B.) Justice Musarrat Hilali and Justice Abdul Shakoor.

ATTESTED
EXAMINER
Peshawar High Court
Rajam Bhatt

department only conducted psychological test, medical fitness test and scrutiny of the candidates. When recruitment process was completed, meanwhile one Imran Ullah son of Amir Ullah to Gandi Saheb Khan Nasar Khel and Farid Niaz Khan submitted complaints to the respondent No.4 as well as NTS authority about the impersonation in NTS exam conducted for the recruitment of constables. A committee was constituted to probe into the matter/scrutiny unfair means/ impersonation. The committee after scrutiny into the application forms and video clips of the petitioners, found as suspicious."

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4. Learned counsel appearing on behalf of the petitioners vehemently argued the impugned order No.145 dated 28.3.2017 issued by respondent No.7, whereby the appointment orders of petitioners have been withdrawn as a result of being declared disqualified on account of alleged impersonation made by them to go through in NTS test is unlawful, illegal, based on surmises and conjecture, which order under no canon of justice can be held valid and just. He further contended that it is a settled principle of law which has been laid down by the superior Courts in various judgments that right once accrued cannot be taken away in a

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ATTESTED
EXAMINER
Punjab High Court
Lahore

Ihsan (D.B) Justice Masarrat Hilali and Justice Abdul Shakoor.

prejudicial manner particularly without providing opportunity of hearing to the person who would effect by such order, impugned Order OB No.464 speaks for itself that petitioners at no stage of the alleged scrutiny of impersonation have been provided an opportunity to defend them against the said allegations by issuing any show cause notice or charge sheet or conducted any full-dress enquiry/trial into the said allegations, thus, the same order on the principle of locus poenitentia is liable to be recalled and petitioners deserve to be reinstated in their services. He further contended all others candidates whose video clips were not available have been recommended for training, thus petitioners have not been treated equally and met with sheer discrimination. He next contended that petitioners before the withdrawal of their appointment orders have not been issued any notice or show cause, so as to defend themselves against the allegation of impersonation, allegedly made for passing their NTS test. In this regard placed reliance on (PLD 2007 Peshawar 147). He next contended that the impugned order for the withdrawal of services of the

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ATTESTED

EXAMINER
Peshawar High Court,
Lahore Bench,

petitioners was against the principle of natural justice that no one should be condemned without being heard, the impugned order is self explanatory that no opportunity have been provided to the petitioners for defending themselves against the allegations on the basis of which their appointment orders have been withdrawn. He lastly prayed for recalling of impugned order being illegal, arbitrary and against the principle of natural justice.

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5. On the other hand, learned AAG appearing on behalf of respondents strongly opposed the arguments advanced by the learned counsel for the petitioners in support of the petition in hand. He submitted that respondents after thorough scrutinizing the video clips, which were made available to them through CCTV, installed in Hall, where NTS test was carried out have come to conclusion of impersonation on behalf of petitioners in their NTS test. The video of same clipping is available with the respondents in USB, which can be watched by this Court.

He lastly prayed the instant petition having no merit is liable to be dismissed.

ATTESTED
 EXAMINER
 Behaviour High Court
 Peshawar

Ihsan (D.B) Justice Musarrat Hilali and Justice Abdul Shakoor.

6. We have considered the submissions of learned counsel for the parties and carefully gone through the record available on case file.

7. Perusal of the impugned order would show that respondents before withdrawing the appointment orders of petitioners have not issued any show cause notice or charge sheet to them, so as they defend their selves against the allegations of impersonation. Further perusal of the record would show the respondents did not bring on file show cause notice or charge sheet, which as per the principle of fair play and natural justice was required to be issued to the petitioners before passing the impugned order for withdrawal of their appointments. We have noticed that this Court vide its order dated 14.02.2018 specifically directed the respondents to place on file the record in support of their stance, which they took in their comments, but in spite of that direction they did not bring any record on the file of the case of instant petition in support of their contention, which they raised in their comments. The mere saying of learned AAG that video clips of the alleged impersonation of the

Ihsan (D.B) Justice Musarrat Hilali and Justice Abdul Shakoor.

(19)

ATTESTED
EXAMINER
Peshawar High Court
Rasool Bhatti

petitioners are available with them in shape of USB, which can be watched by this Court is not a substitute to counter the claim of petitioners that their appointments orders have been withdrawn without providing them an opportunity of hearing to defend themselves. We have already hinted hereinabove, petitioners' appointment orders have been withdrawn on the alleged allegations of impersonation without issuing them show cause notice or charge-sheet and conducting a full fledged enquiry into the allegations leveled against them. In the facts and circumstances of the case, which have been discussed hereinabove, we have no hesitation to hold that petitioners were condemned without being heard before the withdrawal of their appointment orders. Which act of respondent is a sheer violation of principle of natural justice and cannot be sustained in the eye of law. We may point out here that nothing has been brought on the record to show that persons who allegedly impersonated the petitioners in their NTS test have been booked under FIR for the commission of such offence.

②
Absence of same, the mere saying of respondents that

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Ihsan (D.B) Justice Musarrat Hilali and Justice Abdul Shakoor.

ATTESTED
EXAMINER
Peshawar High Court
Rozana Bazar

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petitioners have been impersonated in their NTS test is fallacies and is not acceptable by any prudent mind. It is well settled principle of law that the right accrued/vested in some person cannot be withdrawn unilaterally. Any such act will be hit by the principle of locus poenitentia and order so made will be having no value in the eye of law. Reliance can be placed on case titled "Asim Khan and others Vs Zahir Shah and others" (2007 SCMR 1451) and "Jawad Ali and others Vs. Superintendent Jail and others" (2017 PL/C (C.S.)587).

8. For what has been discussed above, we admit and allow this petition and declare the impugned order, whereby the appointment order of petitioners was withdrawn is unlawful, illegal, without lawful authority, discriminatory and against the natural justice. Therefore, the same order is set aside and petitioner shall be deemed to be enlisted constables for District Lakki Marwat.

Announced.

28.3.2018. CAPTURED TO BE TRUE COPY

[Signature]
JUDGE.

[Signature]
 Examiner

Peshawar High Court Bannu Bench
 Authorised Under Article 82 of
 The Qanun-e-Shahadat Order 1988

[Signature]
JUDGE.

[Handwritten notes]
 08/11/18

SCANNED

Ihsan (D.B) Justice Musarrat Hilali and Justice Abdul Shakoor.



OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
Central Police Office, Peshawar

F-(22)

No. 1918 /Legal dated Peshawar, the 05/04 /2019.

To: District Police Officer,
Lakki.

Subject:- WRIT PETITION NO.343-B/2017.

Memo:-

Please refer to your office letter No. 1579/Legal dated 05.03.2019 on the subject cited above.

The Competent Authority has directed to allow enlist the petitioners Asif Nawaz and 09 others provisionally and conditionally subject to outcome of CPLA.

However, in the light of Para-7 of the judgment a fresh/proper departmental enquiry may be initiated on the allegation leveled against the petitioners.

A Criminal case of impersonation may also be registered.

AIG Legal

For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar

ORDER

G-23

Incompliance of the judgment of Honorable Peshawar High Court, Bannu Bench, Bannu dated 28.03.2018 and in the light of instructions of worthy Provincial Police Officer Khyber Pakhtunkhwa, Peshawar vide letter No. 1919/legal dated 05/04/2019, the following constables are hereby re-instated into service provisionally and conditionally subject to the outcome of CPLA with the directions to conduct a fresh / proper departmentally enquiry on the allegations leveled against the subject Constables with immediate effect.

1. Naheedullah No. 743
2. Muhammad Asif Nawaz No. 78
3. Hafiz ur Rehman No. 71
4. Shaukatullah No. 40
5. Zai ur Rehman No. 239
6. Jamshed Khan No. 269
7. Rehmatullah No. 332
8. Irfanullah No. 270
9. Lal Khan
10. Arifullah Khan

O.B No. 188

Dated 11-04-2019

(Abdul Hayee)
District Police Officer,
Lakki Marwat.

No. / Dated Lakki Marwat /2019

Copy of above is submitted for favour of information to:-

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar w/r to CPO Peshawar letter No. quoted above.
2. The Regional Police Officer, Bannu Region, Bannu.
3. HC, EC, PA, PO and OHC for necessary action.

(Abdul Hayee)
District Police Officer,
Lakki Marwat.

ORDER.

My this order will dispose off the departmental enquiry initiated against FC Hafiz ur Rehman No.71 while posted at Police Lines, Lakki Marwat was found to indulge in the following allegations:-

1. That he was recruited as Constable by NTS Authority alongwith 31 candidates against the existing vacancies of Constable vide this office OB No.464 & 465 dated 30.12.2016. Due to complaint of his involvement in impersonation and unfair means during the said NTS examination, the Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar was requested to direct NTS agency to carry out necessary verification through available recourses i.e their identification through NTS video cameras/CCTV for their authentication vide this office memo: No.145 dated 06.02.2017. A committee headed by DSP/Hqrs: Lakki Marwat was constituted by then DPO Lakki Marwat to conduct thorough probe /scrutiny into unfair means /impersonation cases. The said Committee after conducted thorough probe into the matter, 19 candidates were cleared and the 10 candidates including he was found as suspicious/guilty.
2. That after complete proceedings necessary guidance was also sought from CPO Peshawar vide this office memo: No.1718 dated 06.03.2017. The necessary guidance from CPO Peshawar was received vide CPO Peshawar memo: No.3127/E-IV dated 10.03.2017, that "As approved by the competent, the suspicious candidates not found clear in the scrutiny process by your office shall be considered disqualified".
3. That this all speaks gross misconduct on his part and make him liable to be punished under Police Rules-1975.

Earlier, the applications/complaints of Fahad Naz Khan and Imran Ullah Khan who were received to this office from RPO Bannu office vide Endst: No.3037-38/EC dated 31.10.2016, that impersonation were made during the NTS Test by the candidates held in 2016. Due to the complaints of impersonation and unfair means in the said NTS Examination, CPO Peshawar was requested to direct NTS Agency for provision of Video/CCTV recording so that their identification through NTS Video/CCTV recording could be carried out vide this office Memo: No.145 dated 06.01.2017. In response, the NTS Agency intimated this office and provided video clips in CD that can be searched through Roll Nos. as requested for verification. The then District Police Officer, Lakki Marwat constituted a committee headed by the then DSP/Hqrs: Lakki Marwat for conducted thorough probe /scrutiny into unfair means/impersonation cases. The said committee after conducted thorough probe into the matter cleared 19 candidates whereas the cases of the 10 candidates including the delinquent official were found as suspicious.

In view of above, guidance was asked from CPO Peshawar vide this office Memo: No.1718 dated 06.03.2017. In response the guidance was received to this office vide CPO Peshawar Memo; No.3127 dated 10.03.2017 that "As approved by the competent authority the 10 candidates not found cleared in the scrutiny process by your office shall be considered disqualified". Upon the guidance of CPO Peshawar their appointment order was withdrawn vide this office OB No.145 dated 28.03.2017. The said official preferred an appeal in Peshawar High Court Bannu Bench Bannu for setting aside the order of this office OB No. quoted above. The Honorable Apex Court Bannu set aside the subject order and re-instated them into service vide Judgment dated 28.03.2018. In the compliance of order of Honorable Apex Court Bannu Para No.7 and AIG Legal CPO Peshawar vide letter No.1919/Legal dated 05.04.2019, he was re-instated alongwith 09 petitioners into service provisionally./conditionally vide this office OB No. 188 dated 11.04.2019.

He was proper charge sheeted on based upon summary of allegations and SP/Invst: Lakki Marwat was appointed as Enquiry Officer. The enquiry office after conducting proper departmental enquiry submitted finding report wherein the allegations leveled against him were proved without any doubt of shadow stated that from the CCTV video/picture it is depicted that the said delinquent official was not appeared/present in the NTS written Exam 2016.


"The undersigned also thoroughly checked the enquiry papers and CCTV video /picture that the delinquent official was not appeared /present in the said written exam and the impersonation case was also found proved/correct on his part". He was also served with final show cause notice to this effect. His reply to the final show cause notice was perused and was also found unsatisfactory. After completion of all codal formalities further guidance was also asked from Worthy RPO Bannu vide this office letter No.4220/EC dated 31.05.2019. In response the Worthy RPO Bannu conveyed the requisite remarks to this office that "proceed /forward as per law accordingly" vide his Endst: No.2179/EC dated 03.06.2019. He was also provided full opportunity for person hearing in orderly room on dated 12.06.2019, where he offered no cogent reasons to prove his innocence and badly failed to rebut the allegations leveled against him.

(25)

Therefore, I Abdul Hayee, District Police Officer, Lakki Marwat exercise of the power vested in me under Police Rules-1975, hereby impose upon him major punishment of Removal from service with effect from 11.04.2019.

OB No. 330 /

Dated: 13/06/2019.


(Abdul Hayee)
District Police Officer,
Lakki Marwat.

No. 446571 / Dated Lakki Marwat the 14-06-2019.

Copy of above is submitted for favour of information to:-

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. The Assistant Inspector General of Police, Legal CPO Peshawar w/r to his letter No.1919/Legal dated 05.04.2019.
3. The Regional Police Officer, Bannu Region, Bannu.
4. EC, PO, Reader & OHC for necessary action.

To,

7-26

The Regional Police Officer,
Bannu Region, Bannu

**SUBJECT: AGAINST THE IMPUGNED ORDER DATED 14.06.2019
WHEREBY I WAS REMOVED FROM SERVICE**

Respect Sir,

With due respect it is most humbly stated that after fulfilling all the codal formalities I was appointed as constable vide order dated 30.12.2016 through Departmental Selection Committee. After successful completion of the course/training I submitted my arrival and started performing duty as constable at the concerned station quite efficiently and up to the entire satisfaction of my superiors. It is worth mentioning here that during my service an unknown complaint was received to the high ups regarding impersonation in the recruitment/appointment of the constables and on the basis aforementioned anonymous complaint the District Police Officer, Lakki Marwat requested for conducting a departmental inquiry vide letter dated 06.03.2017 and on the letter the District Police Officer, Lakki Marwat constituted a committee and the committee declared 10 employees were declared suspicious and vide letter dated 10.03.2017 considered disqualified. Later on vide order dated 29.03.2017 my appointment order along with my other colleagues were withdrawn. Feeling aggrieved I was filed writ petition No.343-B/2017 before the Peshawar High Court, Bannu Bench which was allowed and the concerned authority was directed to re-instate the petitioners. The concerned authority re-instated me alongwith my other colleagues conditionally subject to the outcome of CPLA vide letter dated 05.04.2019 and 11.04.2019 but also conducted de-novo inquiry and after completion of the inquiry I was once again removed from service vide order dated 14.06.2019. Respected Sir, I am belonging to a poor family and have no any other source of income and the above mentioned illegalities has not been committed by me.

It is therefore, most humbly prayed that on acceptance of this Departmental appeal I may very kindly be re-instated into service with all back benefits.

Dated: 09.07.2019

APPLICANT

Hafiz-ur-Rehman
HAFIZ-UR-REHMAN (F.C No.71)
Police Lines, Lakki Marwat

ORDER

My this order will dispose off the departmental appeals of the following Ex-Constables of district Lakki Marwat:-

1. Ex-Constable Jamshed Khan No.269
2. Ex-Constable Muhammad Asif Nawaz No.78
3. Ex-Constable Lal Khan, FRP
4. Ex-Constable Shaukat Ullah No.40
5. Ex-Constable Irfan Ullah No.270
6. Ex-Constable Rahmat Ullah No.332
7. Ex-Constable Naheed Ullah No.743/E
8. Ex-Constable Hafeez-ur-Rehman No.71

Brief of the case is that due to complaint of their involvement in impersonation and unfair means during the NTS examination, held in the year 2016, the Provincial Police Officer, Khyber Pakhtunkhwa was requested by DPO Lakki Marwat to direct NTS agency to carryout necessary verification through available resources i.e their identification through NTS/video cameras/CCTV for their authentication. In response, the NTS agency provided video clips in CD to DPO Lakki Marwat. DPO Lakki Marwat, accordingly, constituted a committee headed by the then DSP HQR: Lakki Marwat to conduct thorough probe/scrutiny into the said unfair means/impersonation cases. The committee found them as suspicious/guilty. Subsequently, DPO Lakki Marwat, vide Memo: No.1718 dated 06.03.2017, solicited guidance of CPO Peshawar in this regard. The guidance of CPO Peshawar was received to DPO Lakki Marwat, vide CPO Peshawar letter No.3127/E-IV dated 10.03.2017, with the remarks "as approved by the competent authority, the suspicious candidates not found clear in the scrutiny process by your office shall be considered disqualified". As a result of which, their appointments orders were withdrawn, vide DPO Office Lakki Marwat OB No.145 dated 28.03.2017. Aggrieved from the order, they preferred appeals to the then RPO Bannu (appellate authority) which were turned down, vide this office order Endst: No.1829/EC dated 13.06.2017.

Subsequently, they filed writ petition No.343-B/2017 in Peshawar High Court, Bannu Bench which was accepted by declaring the impugned order, whereby the appointment order of petitioners was withdrawn, as unlawful, illegal, without lawful authority, discriminatory and against the natural justice, vide order dated 28.03.2018. In the light of the judgment of Peshawar High Court Bannu Bench as well as instructions received from CPO Peshawar, vide letter No.1919/Legal dated 05.04.2019, DPO Lakki Marwat reinstated them into service provisionally and conditionally subject to the outcome of CPLA with further direction to conduct a fresh/proper departmental inquiry, vide his office OB No.188 dated 11.04.2019.

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Consequently, they were proceeded departmentally under Police Rules 1975 and the inquiry papers were entrusted to SP/Inv: Lakki Marwat. After conduct of inquiry, SP/Inv: Lakki Marwat submitted his findings, wherein, the allegations leveled against them were proved without any shadow of doubt, stated further that from the CCTV video/picture, it was depicted that they were not appeared/present in the NTS written examination, 2016. Resultantly, they were awarded major punishment of removal from service, vide DPO Office Lakki Marwat OB No:336 dated 13.06.2019. Aggrieved from the order, they again preferred appeals to then RPO Bannu (appellate authority). The appellate authority provided them opportunity of personal hearing in orderly room on 09.07.2019. During personal hearing, they contended that the pictures for comparison with NTS admit cards were uploaded from CD and resultantly it had caused issue of non comparison with the NTS admit cards, hence, DPO Lakki Marwat was directed, vide this office Memo: No.2637/EC dated 11.07.2019, to send the video/CD to FSL Lahore Punjab for:-

1. Whether the pictures of the candidates in the CD are dislocated while comparing with NTS admit card.
2. Whether the CD are edited or otherwise.
3. Comparison of candidates' pictures with that of NTS admit cards in the CD be carried out so that to establish genuine identity of the candidates as per NTS admit cards and NTS record.

DPO Lakki Marwat accordingly addressed Director, FSL Lahore Punjab, vide his office letter No.5472/EC dated 17.07.2019. Now, the audio visual analysis report of FSL Lahore Punjab has been received, vide DPO Office Lakki Marwat letter No.7043/EC dated 11.09.2019 which transpires that "(1) no editing feature, in the visual contents of ten (10) video files contained in Item # 1 has been observed etc and (2) after forensic facial comparison of the persons seen in videos with the pictures of eight (08) persons (mentioned above) contained in Item#1, it was concluded that the facial features of the eight persons seen in pictures contained in Item # 1 do not match with the persons seen in videos contained in Item # 1".

Therefore, I, Abdul Ghafoor Afridi, Regional Police Officer, Bannu Region Bannu, in exercise of the powers vested in me under Police Rules, 1975 (amended in 2014) hereby reject their appeals and endorse the punishment awarded to them by DPO Lakki Marwat.

ORDER ANNOUNCED

(ABDUL GHAFUOR AFRIDI) PSP
Regional Police Officer,
Bannu Region, Bannu

No. 4081-82/EC. dated Bannu the 08 /11/2019

Copies to DPOs Bannu & Lakki Marwat for further necessary action.

(ABDUL GHAFUOR AFRIDI) PSP
Regional Police Officer,
Bannu Region, Bannu

VAKALATNAMA

Before the KP Service Tribunal, Peshawar

OF 2019

Hafiz-ur-Rehman

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Police Department

(RESPONDENT)
(DEFENDANT)

I/We *Hafiz-ur-Rehman*

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. ____/____/2019

حفیظ الرفان

CLIENT

[Signature]
ACCEPTED

NOOR MOHAMMAD KHATTAK

SHAHZULLAH YOUSAFZAI

KAMRAN KHAN

&

[Signature]
MIR ZAMAN SAFI
ADVOCATES

OFFICE:

Flat No.3, Upper Floor,
Islamia Club Building, Khyber Bazar,
Peshawar City.

Mobile No.0345-9383141

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR
Appeal No. 2091 / 2020.

Hafeez Ur Rehman, FC No.71,
Police Lines, District Lakki Marwat.

(Appellant)

VERSUS

- 1) Provincial Police Officer KPK Peshawar.
- 2) Regional Police Officer Bannu Region, Bannu.
- 3) District Police Officer Lakki Marwat.

(Respondents)

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Deponent

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No. 2091 / 2020.

Hafeez Ur Rehman, FC No.71,
Police Lines, District Lakki Marwat:

(Appellant)

VERSUS

- 1) Provincial Police Officer KPK Peshawar.
- 2) Regional Police Officer Bannu Region, Bannu.
- 3) District Police Officer Lakki Marwat:

(Respondents)

Para wise REPLY BY RESPONDENT NO. 1, 2 & 3

Respectfully Sheweth:

PRELIMINARY OBJECTIONS

- 1) That the appellant has no cause of action and locus standi to the appeal.
- 2) That the appeal of appellant is not maintainable under the law and rules.
- 3) That the appeal is bad due to non-joinder and mis-joinder of un-necessary party.
- 4) That the appellant has approached the Honorable Tribunal with unclean hands.
- 5) That the appeal is badly barred by law & limitation.

OBJECTIONS ON FACTS

1. Pertains to record.
2. Also pertains to record.
3. Incorrect: when recruitment process of the appellants was completed, meanwhile one Imran Ullah s/o Amir Ullah r/o Gandi Saheb Khan Nasar Khel and Fahad Niaz Khan submitted complaints to the R.No.1 (IGP KPK Peshawar) as well as NTS authority about the impersonation in NTS exam conducted for the recruitment of constables, upon which a committee was constituted for conducting thorough probe into the matter / scrutiny about unfair means / impersonation. The committee after scrutiny of the application forms and video clips of the appellants, found as suspicious, hence Respondent No.3 sought guidance from Respondent No.1 (IGP KPK Peshawar) for further course of action to be taken in the matter vide letter No.1718-19 dated 06-03-2017. (Copy of letter Annex "A")
4. In-correct: After perusal / inspection of NTS recruitment Exam, videos and pictures by Respondent No.1, issued remarks that 10 Nos suspicious candidates (appellants) shall be considered disqualified vide Respondent No.1 letter No.3128-29/E-IV dated 10-03-2017. Therefore Respondent No.3 complied with the directions of Respondent No.1 and the appointment orders of the appellants was withdrawn vide OB No.145 dated 29-03-2017. (Photocopy of withdrawal order & letter already annexed by appellant as "C & D")

5. Pertains to record of Honorable High Court.
6. In-correct: The respondents fully complied with the directions of Peshawar High Court Bannu Bench scribed therein that ***petitioners, appointment orders have been withdrawn on the alleged allegations of impersonation without issuing them Show Cause Notice or Charge Sheet and conducting a full fledged enquiry into the allegations leveled against them***. Accordingly, in compliance the respondents re- instated the appellants in service and initiated proper departmental enquiry by issuing them charge sheet & Final Show cause notice. After proper departmental proceedings into the allegations found the appellants guilty of the charges and finally removed from Service.
7. Correct to the extent that the appellants submitted departmental appeal for re- instatement in service before Respondent No.2, which was perused and examined and directed Respondent No.3 to verify the authenticity of the video clips as well as comparison of appellants through ***Forensic Science Laboratory Lahore, Punjab***. Accordingly, a letter was addressed to FSL Lahore along with attachment of Video Clips and original picture of appellants vide Memo No.5472/EC dated 17-07-2019. (Copy of letter of R.No.3 is annexed as "A"). In response FSL Lahore issued report vide S.No.0000483991-2 dated 03-09-2019, in which allegations against the appellants stood proved. (Copy of FSL report is Annexed "B")
8. The appellant has wrongly assailed the legal & lawful orders of respondents through unsound grounds.

OBJECTION ON GROUNDS

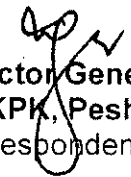
- A. In-correct: The orders of the respondents were passed in accordance with law, facts and based on justice.
- B. In-correct: The appellants were treated in accordance with law / rules by providing them full opportunity of self-defense.
- C. In-correct: The respondents only follow rules / regulations framed on this behalf.
- D. In-correct: This para has already explained in Para No."6" ibid.
- E. In-correct: The orders of respondents were passed in accordance with law / rules.

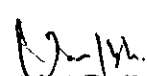
- F. In-correct: After fulfilling all legal / codal formalities, Charge sheet, Final Show cause notice and enquiry proceedings by the Respondent No.1, the appellants were removed from service. (Copy of Charge sheet & Final Show cause notice is annexed "C & D").
- G. In-correct: already explained in above para.
- H. In-correct: full opportunity of self-defense and personal hearing was afforded to the appellants, but they failed to substantiate their innocence, hence respondents have left with no other option except the one already taken.
- I. In-correct: full fledged enquiry into the matter were conducted.
- J. In-correct: already explained in above Para's, hence need no comments.
- K. In-correct: The respondents department received complaint against the appellants regarding the impersonation / unfair means in ETEA recruitment Test upon which proper probe into the matter was conducted, in which the allegations leveled in the complaint were stand proved by Enquiry Officer as well as FSL Lahore, Punjab. (Copy of FSL report already annexed as "B")
- L. In-correct: already explained in above Para's of the reply.
- M. The respondents also seek permission to raise additional grounds during the course of advancing arguments.

Prayer:

Keeping in view of the above facts and circumstances, it is humbly prayed that appeal of appellant, being not maintainable, may kindly be dismissed with costs please.


Regional Police Officer,
Bannu Region, Bannu
(Respondent No. 2)


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


District Police Officer,
Lakki Marwat
(Respondent No.3)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No. 2091/2020.

Hafeez Ur Rehman, FC No.71,
Police Lines, District Lakki Marwat.

(Appellant)

VERSUS

- 1) Provincial Police Officer KPK Peshawar.
- 2) Regional Police Officer Bannu Region, Bannu.
- 3) District Police Officer Lakki Marwat.

(Respondents)

AFFIDAVIT

I, Younas Khan SI/Legal representative of respondents do hereby solemnly affirm and declare that the contents of the accompanying comments submitted by me are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honorable court.



DEPONENT

11201-46888128

0315-9465570

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No. 2091/2020.

Hafeez Ur Rehman, FC No.71,
Police Lines, District Lakki Marwat.

(Appellant)

VERSUS

- 4) Provincial Police Officer KPK Peshawar.
- 5) Regional Police Officer Bannu Region, Bannu.
- 6) District Police Officer Lakki Marwat.

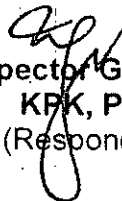
(Respondents)


AUTHORITY LETTER

Mr. Younas Khan SI/Legal is hereby authorized to appear before the Honorable Service Tribunal Peshawar on behalf of the undersigned in the above cited titled case.

He is also authorized to submit and sign all documents pertaining to the present subject Writ Petition.


Regional Police Officer,
Bannu Region, Bannu
(Respondent No. 2)


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


District Police Officer,
Lakki Marwat
(Respondent No.3)



80/ 15
A 6

**OFFICE OF THE
DISTRICT POLICE OFFICER
LAKKI MARWAT**

Ph# 0969-538240 Fax# 0969-538244
E-mail: dpolakki1@gmail.com

No. 5472 /EC Dated Lakki Marwat the 17. 7. 2019

To:
The Director,
Forensic Science Laboratory,
Lahore, Punjab.

Subject: AUTHENTICATION OF VIDEO CLIPS.

Memo:

Kindly refer to Worthy RPO Bannu letter No.2637/EC dated 11.07.2019.

It is submitted for kind information that the following Constables who were involved in impersonation cases of NTS Exam 2016, were removed from service on the basis of video clips provided by NTS Agency. They preferred an appeal to Worthy RPO Bannu for their reinstatement into service wherein during personal hearing, they took the plea that the video in CD provided by NTS Agency has dislocated their pictures. They further stated that such dislocation of pictures in videos cannot be compared with NTS Admit Cards Pictures.

S.No	Name of candidate	NTS Admit Card Roll No.
1.	FC Shoukat Ullah	1600008
2.	FC Nahid Ullah	1601551
3.	FC Rehmat Ullah	1602091
4.	FC Jamshed Khan	1603351
5.	FC Irfan Ullah	1603511
6.	FC Muhammad Asif Nawaz	1604594
7.	FC Hafiz ur Rehman	1605280
8.	FC Lal Khan	1605385


In view of above, the Worthy RPO Bannu has directed to verify the authenticity of the video clips as well as comparison of candidates through your Laboratory so that the appellant could not be suffered without no fault on their parts.

It is therefore, requested that the under mentioned points may kindly be clarified /verified to proceed further into the matter, please.

1. Whether the Pictures of candidates in the CD are dislocated while comparing with NTS Admit Card
2. Whether the CD are edited or otherwise
3. Comparison of candidates pictures with that of NTS Admit Cards in the CD may also be carried out so that to established the genuine identity of the candidates as per NTS Admit Card and NTS record

Your co-operation in this regard, will be highly appreciated.

Encl: Video CD consists of video clips and by name original pictures of candidates.


 (Abdul Hayee)
 District Police Officer
 Lakki Marwat

No. 5473 /

Copy of above is submitted to the Regional Police Officer, Bannu Region, Bannu for favour of information w/r to his No. quoted above.


 (Abdul Hayee)
 District Police Officer
 Lakki Marwat

"B" ⑦



S.No. 0000483991

Punjab Forensic Science Agency

Home Department, Government of the Punjab

Audio Visual Analysis Report

Agency Case#	PFSA2019-242125-AV-01424	Attention to	District Police Officer, Lakki Marwat
Submitting Agency	District Police Officer, Lakki Marwat	Letter#	5472/EC (dated 17-07-2019)

Description of Evidence Submitted:

The following evidence item was received by post in a sealed parcel on 30-07-2019 at Audio Visual Analysis Department, PFSA, Lahore.

Item No.	Description
1	One (01) CD containing ten(10) videos and eight (08) pictures of following persons

Sr #	Name	NTS Admit Card number
1	Shoukat Ullah	1600008
2	Nahid Ullah	1601551
3	Rehmat Ullah	1602091
4	Jamshed Khan	1603351
5	Irfan Ullah	1603511
6	Muhammad Asif Nawaz	1604594
7	Hafiz ur Rehman	1605280
8	Lal Khan	1605385

Scope of Analysis:

The scope of analysis as per letter of District Police Officer, Lakki Marwat was:

• Whether the pictures of candidates in the CD are dislocated while comparing with NTS admit card.

• Whether the videos contained in Item #1 are original or edited

• Comparison of candidates pictures in videos with that of NTS admit card pictures

Date of dispatch: 3-9-2019

Analyst's Initials *AKR*

Reviewer's Initials *[Signature]*



Punjab Forensic Science Agency

S.No. 0000483992

PFSA2019-242125-AV-01424

Home Department, Government of the Punjab

Details of Analysis:

As per approved SOPs, making use of non-destructive process a re-producible and peer reviewable working copy of the evidence was prepared for analysis. Forensic image analysis tools and other proprietary software were used on the working copy. **All the analysis was conducted only on the visual contents of the evidence.**


Conclusion(s):

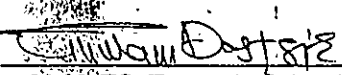
- No editing feature was observed in the visual contents of ten (10) video files contained in Item # 1
- After forensic facial comparison of the persons seen in videos with the pictures of eight(08) persons (mentioned above) contained in Item # 1, it was concluded that the facial features of the eight persons seen in pictures contained in Item # 1 do not match with the persons seen in videos contained in Item # 1

Disposition of Evidence:



The evidence items received with the case are stored in the laboratory and may be collected within seven (7) days of the receipt of this report.

Note: The results in this report relate only to the item(s) tested.

Analyzed by:  Date: 3-9-2019
AV-03-FS, Forensic Scientist

Reviewed by:  Date: 3-9-2019
AV-02-FS, Forensic Scientist

Date of dispatch: 3-9-2019

Analyst's Initials 
Reviewer's Initials 



SUPERINTENDENT OF POLICE
INVESTIGATION LAKKI MARWAT

Phone #: 0969-538245

Email: Spinvestigatloim@yahoo.com

Fax: No. 0969-538246

No. 1530

Dated 14/05/2019

DEPARTMENTAL ENQUIRY.

REFERENCE.

Charge sheet No. 2807/SRC dated 15.04.2019, issued by the District Police Officer, Lakki Marwat.

ACCUSED.

Recruit Constable Mohammad Asif Nawaz-78 Police Lines, Lakki.

ALLEGATIONS.

That you were recruited as constable by NTS Authority along with 31 candidates against the existing vacancies of constable vide this office OB No. 464 & 465 dated 30.12.2016. Due to complaint of your involvement in impersonation and unfair means during the said NTS examination, the Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar was requested to direct NTS Agency to carry out necessary verification through available recourses i.e. ~~their identification through NTS video cameras / CCTV for their authentication~~ vide this office Memo No. 145 dated 06.02.2017. A committee headed DSP/HQrs Lakki Marwat was constituted by ~~then DPO Lakki Marwat to conduct thorough probe / security into unfair means / impersonation cases.~~ The Committee after conducted thorough probe into the matter, 19 candidates were cleared and the 10 candidates including you were found as suspicious as suspicious / guilty. That after complete proceedings necessary guidance was also sought from CPO Peshawar vide this office Memo No. 1718 dated 06.03.2017. The necessary guidance from CPO Peshawar was

received vide CPO Peshawar Memo No. 3127/E-IV dated 10.03.2017, that 'as approved by the competent, the suspicious candidates not found clear in the security process by your office shall be considered disqualified'.

That all speaks gross misconduct on your part and makes you liable to be punished under police Rules-1975.

ORDER SHEET. Order sheet maintained.

STATEMENTS.

1. He replied to the charge sheet and stated that the allegations mentioned in the charge sheet are totally baseless regarding the impersonation and dismissal from the department. The Honourable court reinstated him without any enquiry while wrongly enquiry is initiated against him. In this regard his appearance is fixed for 24.04.2019 in the High Court Peshawar Bannu Bench, Bannu and detail reply will be produce after the order of the Court because his application is under trial in the court.

2. Statements of the then Committee Members Asmat Ullah Computer Operator, IHC Hilmat Ullah Reader to DPO Lakki and Head Clerk Ibrahim Shah. They supported their previous signatures and signed the committee report under the supervision of the then DSP/HQrs: Lakki Afsar Khan Khattack.

PREVIOUS RECORD.

a. Letter No. 145 dated 06.01.2017 addressed to W.PPO KPK Peshawar by the then DPO Lakki Marwat regarding the NTS qualified recruited candidates as constables in District Police Lakki Marwat after observing all codal formalities. Since the complaints of impersonation and unfair means have been received in the said NTS examination, therefore the verification is also

required to be carried out through NTS Agency on the score i.e their identification through NTS video Cameras/CCTV Cameras for authentication. The NTS Agency may kindly be approached to conduct their verification through their available resources and result, thereof may kindly be communicated to this office for further necessary action.

- b. After conducting Enquiry by the then DSP/HQrs: Lakki Marwat, 19 candidates were cleared and the 10 candidates were found as suspicious/guilty.
- c. After complete proceedings, necessary guidance was also sought from CPO Peshawar vide letter No. 1718 dated 06.03.2017, necessary guidance from CPO Peshawar was received vide CPO Peshawar memo No. 3127/E-IV dated 10.03.2017, that

"As approved by the competent, the suspicious candidates not found clear in the security process by your office shall be considered disqualified". Letters are enclosed.

COURT DECISION.

Para-7. Perusal of the impugned order would show that respondents before withdrawing the appointment orders of petitioners have not issue any show cause notice or charge sheet to them, so as they defend their selves against the allegations of impersonation. Further perusal of the record would show the respondents did not bring on file show cause notice or charge sheet, which as per the principle of fair play and natural justice was required to be issued to the petitioners before passing the impugned order for withdrawal of their appointments. We have noticed that this court vide its order dated 14.02.2018 specially directed the respondents to place on file the record in support of their stance, which they took in their comments, but in spite of that directions they did not bring any record on the file of the case of instant petition in support of their contention, which they raised in their comments. The mere saying of learned AAG that video clips of the alleged impersonation of the petitioners are available with them in shape of USB, which can be watched by this court, is not a substitute to counter the claim of petitioners that their appointments orders have been withdrawn without providing them an opportunity of hearing to defend themselves. We have already hinted hereinabove, petitioners, appointment orders have been

(21)

withdrawn on the alleged allegations of impersonation without issuing them show cause notice or charge sheet and conducting a full-fledge enquiry into the allegations levelled against them. In the facts and circumstances of the case, which have been discussed hereinabove, we have no hesitation to hold that petitioners were condemned without being heard before the withdrawal of their appointment orders. Which act of respondent is a sheer violation of principle of natural justice and cannot be sustained in the eye of law. We may point out here that noting has been brought on the record to show that persons who allegedly impersonation the petitioners in their NTS test have been booked under FIR for the commission of such offence. Absence of same, the mere saying of respondents that petitioners have been impersonated in their NTS test is fallacies and is not acceptable by any prudent mind. It is well settled principle of law that the right accrued/vested in some person cannot be withdrawn unilaterally. Any such act will be hit by the principle of locus poenitentia and order so made will be having no value in the eye of law. Reliance can be placed on case titled "Asim Khan and others Vs Zahir Shah and others" (2007 SCMR 1451) and Jawad Ali and others Vs. Superintendent Jail and others (2017 PL/C (C.S.) 587).

Para-8. For what has been discussed above, we admit and allow this Petition and declare the impugned order, whereby the appointment order of the petitioners was withdrawn is unlawful, illegal, without lawful authority, discriminatory and against the natural justice. Therefore, the same order is set aside and petitioner shall be deemed to be enlisted constables for District Lakki Marwat.

CONCLUSION :-

After conducting the enquiry and perusal the record, the undersigned reached to the conclusion that :-

All the Recruits including the said Mohammad Asif Nawaz-78 were summoned, recorded their statements and tally the video/pictures of examination centre with Recruits in the presence of the previous Committee Members Head Clerk Ibrahim Shah, IHC Asmat Ullah Computer Operator and IHC Hikmat Ullah Reader of DPO Office Lakki Marwat.

The said Mohammad Asif Nawaz-78 was not matched his video/picture of examination centre and the impersonation case was found correct.

Therefore, the allegations mentioned in the charge sheet are stand proved against Recruit Mohammad Asif Nawaz-78 please.


Superintendent of Police,
Investigation, Lakki Marwat.

DC
1/12/12

CHARGE SHEET UNDER NWFP POLICE RULES 1975.

I, Abdul Hayee, District Police Officer, Lakki Marwat as competent authority hereby charge you FC Muhammad Asif Nawaz No.78 while posted at Police Lines Lakki Marwat as follow:-

That you were recruited as Constable by NTS Authority alongwith 31 candidates against the existing vacancies of Constable vide this office OB No.464 & 465 dated 30.12.2016. Due to complaint of your involvement in impersonation and unfair means during the said NTS examination, the Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar was requested to direct NTS agency to carry out necessary verification through available recourses i.e their identification through NTS video cameras/CCTV for their authentication vide this office memo: No.145 dated 06.02.2017. A committee headed by DSP/Hqrs: Lakki Marwat was constituted by then DPO Lakki Marwat to conduct thorough probe /scrutiny into unfair means /impersonation cases. The said Committee after conducted thorough probe into the matter, 19 candidates were cleared and the 10 candidates including you were found as suspicious/guilty.

2. That after complete proceedings necessary guidance was also sought from CPO Peshawar vide this office memo: No.1718 dated 06.03.2017. The necessary guidance from CPO Peshawar was received vide CPO Peshawar memo: No.3127/E-IV dated 10.03.2017, that "As approved by the competent, the suspicious candidates not found clear in the scrutiny process by your office shall be considered disqualified".

3. That all speaks gross misconduct on your part and makes you liable to be punished under Police Rules-1975.


4. By reason of the above, you appear to be guilty or misconduct under section - 02 (iii) of the KPK Police Rules 1975 and has rendered yourself liable to all or any of the penalties as specified in section - 04 (i) and & b of the said rules.

5. You are therefore directed to submit your written defense within seven days (7) of the receipt of this Charge Sheet to the Enquiry Officer.

6. Your written defense if any, should reach to the enquiry officer within the specified period, failing which, it shall be presumed that you have no defense to put-in and in that case, an ex-parte action shall follow against you.

7. Intimate whether you desired to be heard in persons.

No. 2807 / Dated Lakki Marwat the 18/04 / 2019.


(Abdul Hayee)
District Police Officer,
Lakki Marwat.
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ORDER.

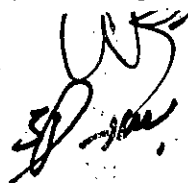
My this order will dispose off the departmental enquiry initiated against **FC Halizur Rehman No.71 while posted at Police Lines, Lakki Marwat** was found to indulge in the following allegations:-

1. That he was recruited as Constable by NTS Authority alongwith 31 candidates against the existing vacancies of Constable vide this office OB No.464 & 465 dated 30.12.2016. Due to complaint of his involvement in impersonation and unfair means during the said NTS examination, the Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar was requested to direct NTS agency to carry out necessary verification through available recourses i.e their identification through NTS video cameras/CCTV for their authentication vide this office memo: No.145 dated 06.02.2017. A committee headed by DSP/Hqrs: Lakki Marwat was constituted by then DPO Lakki Marwat to conduct thorough probe /scrutiny into unfair means /impersonation cases. The said Committee after conducted thorough probe into the matter, 19 candidates were cleared and the 10 candidates including he was found as suspicious/guilty.
2. That after complete proceedings necessary guidance was also sought from CPO Peshawar vide this office memo: No.1718 dated 06.03.2017. The necessary guidance from CPO Peshawar was received vide CPO Peshawar memo: No.3127/E-IV dated 10.03.2017. that "As approved by the competent, the suspicious candidates not found clear in the scrutiny process by your office shall be considered disqualified".
3. That this all speaks gross misconduct on his part and make him liable to be punished under Police Rules-1975.

Earlier, the applications/complaints of Fahad Naz Khan and Imran Ullah Khan who were received to this office from RPO Bannu office vide Endst: No.3037-38/EC dated 31.10.2016, that impersonation were made during the NTS Test by the candidates held in 2016. Due to the complaints of impersonation and unfair means in the said NTS Examination, CPO Peshawar was requested to direct NTS Agency for provision of Video/CCTV recording so that their identification through NTS Video/CCTV recording could be carried out vide this office Memo: No.145 dated 06.01.2017. In response, the NTS Agency intimated this office and provided video clips in CD that can be searched through Roll Nos: as requested for verification. The then District Police Officer, Lakki Marwat constituted a committee headed by the then DSP/Hqrs: Lakki Marwat for conducted thorough probe /scrutiny into unfair means/impersonation cases. The said committee after conducted through probe into the matter cleared 19 candidates whereas the cases of the 10 candidates including the delinquent official were found as suspicious.

In view of above, guidance was asked from CPO Peshawar vide this office Memo: No.1718 dated 06.03.2017. In response the guidance was received to this office vide CPO Peshawar Memo; No.3127 dated 10.03.2017 that "As approved by the competent authority the 10 candidates not found cleared in the scrutiny process by your office shall be considered disqualified". Upon the guidance of CPO Peshawar their appointment order was withdrawn vide this office OB No.145 dated 28.03.2017. The said official preferred an appeal in Peshawar High Court Bannu Bench Bannu for setting aside the order of this office OB No. quoted above. The Honorable Apex Court Bannu set aside the subject order and re-instated them into service vide Judgment dated 28.03.2018. In the compliance of order of Honorable Apex Court Bannu Para No.7 and AIG Legal CPO Peshawar vide letter No.1919/Legal dated 05.04.2019, he was re-instated alongwith 09 petitioners into service provisionally /conditionally vide this office OB No. 188 dated 11.04.2019.

He was proper charge sheeted on based upon summary of allegations and SP/Invst: Lakki Marwat was appointed as Enquiry Officer. The enquiry office after conducting proper departmental enquiry submitted finding report wherein the allegations leveled against him were proved without any doubt of shadow stated that from the CCTV video picture it is depicted that the said delinquent official was not appeared/present in the NTS written Exam 2016.

1


The undersigned also thoroughly checked the enquiry papers and CCTV video /picture that the delinquent official was not appeared /present in the said written exam and the impersonation case was also found proved/correct on his part". He was also served with final show cause notice to this effect. His reply to the final show cause notice was perused and was also found unsatisfactory. After completion of all codal formalities further guidance was also asked from Worthy RPO Bannu vide this office letter No.4220/EC dated 31.05.2019. In response the Worthy RPO Bannu conveyed the requisite remarks to this office that "proceed /forward as per law accordingly" vide his Endst: No.2179/EC dated 03.06.2019. He was also provided full opportunity for person hearing in orderly room on dated 12.06.2019, where he offered no cogent reasons to prove his innocence and badly failed to rebut the allegations leveled against him.

Therefore, I Abdul Hayee, District Police Officer, Lakki Marwat exercise of the power vested in me under Police Rules-1975, hereby impose upon him major punishment of Removal from service with effect from 11.04.2019.

OB No. 330 /

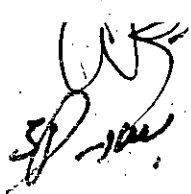
Dated: 13/06/2019.


 (Abdul Hayee)
 District Police Officer,
 Lakki Marwat.

No. 4465-71 / Dated Lakki Marwat the 14/06/2019.

Copy of above is submitted for favour of information to:-

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. The Assistant Inspector General of Police, Legal CPO Peshawar w/r to his letter No.1919/Legal dated 05.04.2019.
3. The Regional Police Officer, Bannu Region, Bannu.
4. EC, PO, Reader & OHC for necessary action.



REFERENCE ATTACHED

It is submitted for favour of information that FC Haffiz Ahmad No.71 while posted at Police Lines Lakki Marwat was indulged in the following manner:-

That he was recruited as Constable by NTS Authority of Islamabad vide its notification No. 10/2012. He was appointed as Constable vide this office O3 Memo No. 145 dated 06.02.2017. Due to complaint of his involvement in impersonation and unfair means during the said NTS examination, the Provincial Police Officer, Khyber Pakhtunkhwa Peshawar was requested to direct NTS agency to carry out necessary verification through available resources, their identification through NTS video cameras/CCTV for their authentication vide this office memo No. 145 dated 06.02.2017. A committee headed by DPO Inayat Lakki Marwat was constituted by the DPO Lakki Marwat to conduct thorough investigation into unfair means/impersonation cases. The said committee after conducting thorough probe into the matter, 19 candidates were cleared and the 10 candidates were found suspicious/guilty.

That after complete proceedings necessary guidance was received from CPO Peshawar vide this office memo No. 1718 dated 06.03.2017. The necessary guidance from CPO Peshawar was received vide CPO Peshawar memo No. 1127 dated 10.03.2017. As approved by the competent, the suspicious candidates not to appear in the scrutiny process by your office shall be considered disqualified.

Upon perusal, he was charge sheeted to this effect and the enquiry papers were interested to SP Inayat Lakki Marwat for proper departmental enquiry. Thereafter, SP Inayat Lakki Marwat completed enquiry and submitted finding report to this effect wherein the allegations leveled against him were proved. He was also served with final show cause notice in this effect. His reply to the final show cause notice was received within stipulated period. According to Police Rules 1975 with Amendments 2014 the following punishments could be awarded to the concerned officials which are reproduced below:-

a) Minor Punishments

1. Confinement of Constables and Head Constables for 15 days Quota Complete
2. Censure
3. Forfeiture of approved Service up to 2 years
4. With holding of promotion up to one year
5. Stoppage of increment for a period not exceeding 3 years with or without cumulative effect
6. Fine up to Rs.15000/- as per schedule-1

b) Major Punishments

1. Reduction in rank pay
2. Compulsory retirement
3. Removal from service
4. Dismissal from service

ORDER
Removed from Service. A
Criminal Case be registered

[Signature]
DPO Lakki
12.06.19
SRC

Submitted for favour of information and further order please.

DPO Lakki

[Signature]
DPO
11.06.

[Signature]
SP

OFFICE OF THE DISTRICT POLICE OFFICER, LAKKI MARWAT.No. 3793/SRC.Date 16/05/2019FINAL SHOW CAUSE NOTICE.

WHEREAS, you **FC Hafiz ur Rehman No.71** while posted at Police Lines Lakki Marwat was found to indulge in the following allegations:-

1. That you were recruited as Constable by NTS Authority alongwith 31 candidates against the existing vacancies of Constable vide this office OB No.464 & 465 dated 30.12.2016. Due to complaint of your involvement in impersonation and unfair means during the said NTS examination, the Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar was requested to direct NTS agency to carry out necessary verification through available recourses i.e their identification through NTS video cameras/CCTV for their authentication vide this office memo: No.145 dated 06.02.2017. A committee headed by DSP/Hqrs: Lakki Marwat was constituted by then DPO Lakki Marwat to conduct thorough probe /scrutiny into unfair means /impersonation cases. The said Committee after conducted thorough probe into the matter, 19 candidates were cleared and the 10 candidates including you were found as suspicious/guilty.
2. That after complete proceedings necessary guidance was also sought from CPO Peshawar vide this office memo: No.1718 dated 06.03 2017. The necessary guidance from CPO Peshawar was received vide CPO Peshawar memo: No.3127/E-IV dated 10.03.2017. that "As approved by the competent, the suspicious candidates not found clear in the scrutiny process by your office shall be considered disqualified".
3. That this all speaks of gross misconduct on your part and liable to be punished under Police Rule-1975.

Charge Sheet based upon summary of allegations were served upon you and SP/Invst: Lakki Marwat was appointed as Inquiry Officer. The Inquiry Officer after conducting proper departmental enquiry submitted his finding report wherein the allegations leveled against him were proved without any doubt of shadow.

NOW THEREFORE, I, **Abdul Hayee, District Police Officer** Lakki Marwat call upon you through this Final Show Cause Notice within seven (07) days of the receipt of this Final Show Notice that as to why you should not be awarded a major punishment including dismissal from Service as provided under Police Rules, 1975. Also state whether you want to be heard in person.

In case your reply is not received within stipulated period without sufficient reasons, it shall be presumed that you have no defense to offer and the undersigned would be at liberty to pass on ex-parte action against you.

(Abdul Hayee)

District Police Officer,
Lakki Marwat.

وہاں
حفظ
20/05/2019

SP

جناب عالی!

بحوالہ مشمولہ چارج شیٹ و سمری آف الیکشن نمبر 3793 تاریخ 16/05/2019 مجاریہ جناب
DPO صاحب لگی مروت معروض خدمت ہوں کہ چارج شیٹ میں من مسائل پر لگائے گئے الزامات غلط اور بے بنیاد ہیں۔ من مسائل کوئی
(Impersonation) نہیں کی ہے محکمہ نے مجھے بلا جواز برخاست کیا تھا جبکہ دور بارہ عدالت عالیہ ہائی کورٹ پشاور برانچ بنوں بحال
ہونے کا حکم کیا گیا ہے گوکہ مجھے نوکری پر بحال کیا ہے لیکن میرے خلاف غلط انکوائری شروع کی ہے کیونکہ عدالت عالیہ کے حکم میں کوئی ذکر
انکوائری کا نہیں ہے۔

لہذا اس بارے میں عدالت عالیہ ہائی کورٹ پشاور برانچ بنوں میں زیر سماعت ہے۔

مورثہ 27/05/2019

العارض

کنشیل سرعقید الرحمن بلٹ نمبر 71

مشکتہ حصر

بصورتہ

REFERENCE ATTACHED

67

It is submitted for favour of information that FC Hafiz ur Rehman No.71 while posted at Police Lines Lakki Marwat was indulged in the following acts/commission as under:-

- That he was recruited as Constable by NTS Authority alongwith 31 candidates against the existing vacancies of Constable vide this office OB No.464 & 465 dated 30.12.2016. Due to complaint of his involvement in impersonation and unfair means during the said NTS examination, the Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar was requested to direct NTS agency to carry out necessary verification through available recourses i.e their identification through NTS video cameras/CCTV for their authentication vide this office memo: No.145 dated 06.02.2017. A committee headed by DSP/Hqs: Lakki Marwat was constituted by then DPO Lakki Marwat to conduct thorough probe /scrutiny into unfair means /impersonation cases. The said Committee after conducted thorough probe into the matter, 19 candidates were cleared and the 10 candidates including the said constable were found as suspicious/guilty.
- That after complete proceedings necessary guidance was also sought from CPO Peshawar vide this office memo: No.1718 dated 06.03.2017. The necessary guidance from CPO Peshawar was received vide CPO Peshawar memo: No.3127/E-IV dated 10.03.2017, that "As approved by the competent, the suspicious candidates not found clear in the scrutiny process by your office shall be considered disqualified".

Upon perusal, he was charge sheeted to this effect and the enquiry papers were interested to SP/Invst: Lakki Marwat for proper departments' enquiry. Thereafter, SP/Invst: Lakki Marwat completed enquiry and submitted finding report to this effect wherein the allegations leveled against him were proved.

Submitted for favour of information and further order, please.

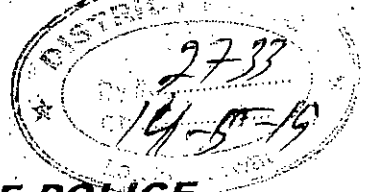
HCAW DPO Lakki

4

Issue Final Show-Cause notice
[Signature]
DPO

[Signature]
SRC

[Handwritten marks]



SUPERINTENDENT OF POLICE

INVESTIGATION LAKKI MARWAT

Phone. #: 0969-538245

Email: Spinvestigatiolm@yahoo.com

Fax: No. 0969-538246

No. 1534

Dated 14 / 05 / 2019

DEPARTMENTAL ENQUIRY.

REFERENCE.

Charge sheet No. 2804/SRC dated 15.04.2019, issued by the District Police Officer, Lakki Marwat.

ACCUSED.

Recruit Constable Hafiz ur Rehman-71 Police Lines, Lakki.

ALLEGATIONS.

That you were recruited as constable by NTS Authority along with 31 candidates against the existing vacancies of constable vide this office OB No. 464 & 465 dated 30.12.2016. Due to complaint of your involvement in impersonation and unfair means during the said NTS examination, the Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar was requested to direct NTS Agency to carry out necessary verification through available recourses i.e their identification through NTS video cameras / CCTV for their authentication vide this office Memo No. 145 dated 06.02.2017. A committee headed DSP/HQrs Lakki Marwat was constituted by then DPO Lakki Marwat to conduct thorough probe / security into unfair means / impersonation cases. The Committee after conducted thorough probe into the matter, 19 candidates were cleared and the 10 candidates including you were found as suspicious as suspicious / guilty.

That after complete proceedings necessary guidance was also sought from CPO Peshawar vide this office Memo No. 1718 dated 06.03.2017. The necessary guidance from CPO Peshawar was received vide CPO Peshawar Memo No. 3127/E-IV dated

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(69)

10.03.2017, that 'as approved by the competent, the suspicious candidates not found clear in the security process by your office shall be considered disqualified'.

That all speaks gross misconduct on your part and makes you liable to be punished under police Rules-1975.

ORDER SHEET. Order sheet maintained.

STATEMENTS.

1. He replied to the charge sheet and stated that the allegations mentioned in the charge sheet are totally baseless regarding the impersonation and dismissal from the department. The Honourable court reinstated him without any enquiry while wrongly enquiry is initiated against him. In this regard his appearance is fixed for 24.04.2019 in the High Court Peshawar Bannu Bench, Bannu and detail reply will be produce after the order of the Court because his application is under trial in the court.
2. Statements of the then Committee Members Asmat Ullah Computer Operator, IHC Hikmat Ullah Reader to DPO Lakki and Head Clerk Ibrahim Shah. They supported their previous signatures and signed the committee report under the supervision of the then DSP/HQrs: Lakki Afsar Khan Khattack.

PREVIOUS RECORD.

- a. Letter No. 145 dated.06.01.2017 addressed to W.PPO KPK Peshawar by the then DPO Lakki Marwat regarding the NTS qualified recruited candidates as constables in District Police Lakki Marwat after observing all codal formalities. Since the complaints of impersonation and unfair means have been received in the said NTS examination, therefore the verification is also required to be carried out through NTS Agency on the score i.e their

(2)

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[Handwritten signature]

- identification through NTS video Cameras/CCTV Cameras for authentication. The NTS Agency may kindly be approached to conduct their verification through their available resources and result, thereof may kindly be communicated to this office for further necessary action.
- b. After conducting Enquiry by the then DSP/HQrs: Lakki Marwat, 19 candidates were cleared and the 10 candidates were found as suspicious/guilty.
- c. After complete proceedings, necessary guidance was also sought from CPO Peshawar vide letter No. 1718 dated 06.03.2017, necessary guidance from CPO Peshawar was received vide CPO Peshawar memo No. 3127/E-IV dated 10.03.2017, that

'As approved by the competent, the suspicious candidates not found clear in the security process by your office shall be considered disqualified'. Letters are enclosed.

COURT DECISION.

Para-7. Perusal of the impugned order would show that respondents before withdrawing the appointment orders of petitioners have not issue any show cause notice or charge sheet to them, so as they defend their selves against the allegations of impersonation. Further perusal of the record would show the respondents did not bring on file show cause notice or charge sheet, which as per the principle of fair play and natural justice was required to be issued to the petitioners before passing the impugned order for withdrawal of their appointments. We have noticed that this court vide its order dated 14.02.2018 specially directed the respondents to place on file the record in support of their stance, which they took in their comments, but in spite of that directions they did not bring any record on the file of the case of instant petition in support of their contention, which they raised in their comments. The mere saying of learned AAG that video clips of the alleged impersonation of the petitioners are available with them in shape of USB, which can be watched by this court, is not a substitute to counter the claim of petitioners that their appointments orders have been withdrawn without providing them an opportunity of hearing to defend themselves. We have already hinted hereinabove, petitioners, appointment orders have been withdrawn on the alleged allegations of impersonation without issuing them show

cause notice or charge sheet and conducting a full-fledge enquiry into the allegations levelled against them. In the facts and circumstances of the case, which have been discussed hereinabove, we have no hesitation to hold that petitioners were condemned without being heard before the withdrawal of their appointment orders. Which act of respondent is a sheer violation of principle of natural justice and cannot be sustained in the eye of law. We may point out here that noting has been brought on the record to show that persons who allegedly impersonation the petitioners in their NTS test have been booked under FIR for the commission of such offence. Absence of same, the mere saying of respondents that petitioners have been impersonated in their NTS test is fallacies and is not acceptable by any prudent mind. It is well settled principle of law that the right accrued/vested in some person cannot be withdrawn unilaterally. Any such act will be hit by the principle of locus poenitentia and order so made will be having no value in the eye of law. Reliance can be placed on case titled "Asim Khan and others Vs Zahir Shah and others" (2007 SCMR 1451) and Jawad Ali and others Vs. Superintendent Jail and others (2017 PL/C (C.S.) 587).

Para-8. For what has been discussed above, we admit and allow this Petition and declare the impugned order, whereby the appointment order of the petitioners was withdrawn is unlawful, illegal, without lawful authority, discriminatory and against the natural justice. Therefore, the same order is set aside and petitioner shall be deemed to be enlisted constables for District Lakki Marwat.

CONCLUSION :-

After conducting the enquiry and perusal the record, the undersigned reached to the conclusion that :-

All the Recruits including the said Recruit Constable Hafiz ur Rehman-71 were summoned, recorded their statements and tally the video/pictures of examination centre with Recruits in the presence of the previous Committee Members Head Clerk Ibrahim Shah, IHC Asmat Ullah Computer Operator and IHC Hikmat Ullah Reader of DPO Office Lakki Marwat.

u

The said Recruit Constable Hafiz ur Rehman -71 was not matched his video/picture of examination centre and the impersonation case was found correct.

Therefore, the allegations mentioned in the charge sheet are stand proved against Recruit Constable Hafiz ur Rehman-71 please.

SRC
9/14/10

Signature
Superintendent of Police,
Investigation, Lakki Marwat.

(5)

Signature
SP

روز شمار
1400

محکمہ اینٹرنی بڈولف ریکورڈ صفحہ الرٹن 71 - خلیج ملک روڈ

0345-9814389

رضا درمیان

نمبر
تاریخ
04
18/2013

محکمہ اینٹرنی بڈولف ریکورڈ با نام 3200 پروج DPPO
تقسیم ہو چکا ہے۔ بعد وصول ہو گیا۔ الزام علیہ سرچارج شد
شروع کی جائے۔ بعد وصول ہو گیا۔ چارج شد اینٹرنی

04
23/2013

محکمہ اینٹرنی بڈولف ریکورڈ با نام 3200 پروج DPPO
تقسیم ہو چکا ہے۔ بعد وصول ہو گیا۔ الزام علیہ سرچارج شد
شروع کی جائے۔ بعد وصول ہو گیا۔ چارج شد اینٹرنی

04
23/2013

بعد وصول ہو گیا۔ الزام علیہ سرچارج شد
شروع کی جائے۔ بعد وصول ہو گیا۔ چارج شد اینٹرنی

05
07/2013

بعد وصول ہو گیا۔ الزام علیہ سرچارج شد
شروع کی جائے۔ بعد وصول ہو گیا۔ چارج شد اینٹرنی

04
18/2013

04
18/2013

نمائندہ ایگزیکٹو بڈولف ریکورڈ

OFFICE OF THE DISTRICT POLICE OFFICER, LAKKI MARWAT.No. 2804Dated: 17/04/2019DISCIPLINARY ACTION UNDER KPK POLICE RULES - 1975.

I, **Abdul Hayee**, District Police Officer, Lakki Marwat as competent authority am of the opinion that **FC Hafiz ur Rehman No.71** while posted at **Police Lines Lakki Marwat** has rendered himself liable to be proceeded against as he committed the following acts/commission within the meaning of Section-02 (iii) of KPK Police Rules 1975.

STATEMENT OF ALLEGATIONS.

1. That he was recruited as Constable by NTS Authority alongwith 31 candidates against the existing vacancies of Constable vide this office OB No.464 & 465 dated 30.12.2016. Due to complaint of his involvement in impersonation and unfair means during the said NTS examination, the Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar was requested to direct NTS agency to carry out necessary verification through available recourses i.e their identification through NTS video cameras/CCTV for their authentication vide this office memo: No.145 dated 06.02.2017. A committee headed by DSP/Hqrs: Lakki Marwat was constituted by then DPO Lakki Marwat to conduct thorough probe /scrutiny into unfair means /impersonation cases. The said Committee after conducted thorough probe into the matter, 19 candidates were cleared and the 10 candidates including the said constable were found as suspicious/guilty.
2. That after complete proceedings necessary guidance was also sought from CPO Peshawar vide this office memo: No.1718 dated 06.03.2017. The necessary guidance from CPO Peshawar was received vide CPO Peshawar memo: No.3127/E-IV dated 10.03.2017, that "As approved by the competent, the suspicious candidates not found clear in the scrutiny process by your office shall be considered disqualified".
3. That all speaks his gross misconduct on his part and makes him liable to be punished under Police Rules-1975.
4. For the purpose of securitizing the conduct of the said official with reference to the above allegations **SP/Invst: Lakki Marwat** is appointed as Enquiry Officer.

The Enquiry Officer shall conduct proceedings in accordance with provision of Police Rules 1975 and shall provide reasonable opportunity of defense and hearing to the accused official, record its finding and make within twenty five (25) days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused officer.

The accused officer shall join the proceedings on the date, time and place fixed by the Enquiry Officer.

(**Abdul Hayee**)
District Police Officer,
Lakki Marwat.

OFFICE OF THE DISTRICT POLICE OFFICER, LAKKI MARWAT.No. 2805-06 /SRC, dated Lakki Marwat the 17/04/2019.

Copy of above is forwarded to:-

1. **SP/Invst: Lakki Marwat** for initiating proceedings against the accused officer under Police Rules 1975.
2. **FC Hafiz ur Rehman No.71** with the directions to appear before the Enquiry Officer on the date time and place fixed by the enquiry officer for the purpose of enquiry proceedings.

SP Invst

CHARGE SHEET UNDER NWFP POLICE RULES 1975.

I, **Abdul Hayee**, District Police Officer, Lakki Marwat as competent authority, hereby charge you **FC Hafiz ur Rehman No.71** while posted at Police Lines Lakki Marwat as follow:-

1. That you were recruited as Constable by NTS Authority alongwith 31 candidates against the existing vacancies of Constable vide this office OB No.464 & 465 dated 30.12.2016. Due to complaint of your involvement in impersonation and unfair means during the said NTS examination, the Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar was requested to direct NTS agency to carry out necessary verification through available recourses i.e their identification through NTS video cameras/CCTV for their authentication vide this office memo: No.145 dated 06.02.2017. A committee headed by DSP/Hqrs: Lakki Marwat was constituted by then DPO Lakki Marwat to conduct thorough probe /scrutiny into unfair means /impersonation cases. The said Committee after conducted thorough probe into the matter, 19 candidates were cleared and the 10 candidates including you were found as suspicious/guilty.
2. That after complete proceedings necessary guidance was also sought from CPO Peshawar vide this office memo: No.1718 dated 06.03.2017. The necessary guidance from CPO Peshawar was received vide CPO Peshawar memo: No.3127/E-IV dated 10.03.2017, that "As approved by the competent, the suspicious candidates not found clear in the scrutiny process by your office shall be considered disqualified".
3. That all speaks gross misconduct on your part and makes you liable to be punished under Police Rules-1975.
4. By reason of the above; you appear to be guilty or misconduct under section - 02 (iii) of the KPK Police Rules 1975 and has rendered yourself liable to all or any of the penalties as specified in section - 04 (i) and & b of the said rules.
5. You are therefore directed to submit your written defense within seven days (7) of the receipt of this Charge Sheet to the Enquiry Officer.
6. Your written defense if any, should reach to the enquiry officer within the specified period, failing which, it shall be presumed that you have no defense to put-in and in that case, an ex-parte action shall follow against you.
7. Intimate whether you desired to be heard in persons.

No. 2804 / Dated, Lakki Marwat the 15/04/ / 2019.

(Abdul Hayee)
District Police Officer,
Lakki Marwat.

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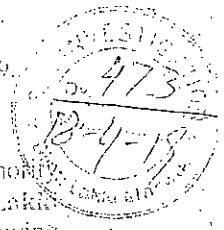
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OFFICE OF THE DISTRICT POLICE OFFICER, LAKKI MARWAT.

76

No. 2807

Dated: 17/04/2019



DISCIPLINARY ACTION UNDER KPK POLICE RULES - 1975.

I, Abdul Hayee, District Police Officer, Lakki Marwat as competent authority am of the opinion that FC Hafiz ur Rehman No.71 while posted at Police Lines Lakki Marwat has rendered himself liable to be proceeded against as he committed the following acts/commission within the meaning of Section-02 (iii) of KPK Police Rules 1975.

STATEMENT OF ALLEGATIONS.

1. That he was recruited as Constable by NTS Authority alongwith 31 candidates against the existing vacancies of Constable vide this office OB No.464 & 465 dated 30.12.2016. Due to complaint of his involvement in impersonation and unfair means during the said NTS examination, the Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar was requested to direct NTS agency to carry out necessary verification through available recourses i.e their identification through NTS video cameras/CCTV for their authentication vide this office memo: No.145 dated 06.02.2017. A committee headed by DSP/Hqrs: Lakki Marwat was constituted by then DPO Lakki Marwat to conduct thorough probe /scrutiny into unfair means /impersonation cases. The said Committee after conducted thorough probe into the matter, 19 candidates were cleared and the 10 candidates including the said constable were found as suspicious/guilty.
2. That after complete proceedings necessary guidance was also sought from CPO Peshawar vide this office memo: No.1718 dated 06.03.2017. The necessary guidance from CPO Peshawar was received vide CPO Peshawar memo: No.3127/E-IV dated 10.03.2017. that "As approved by the competent, the suspicious candidates not found clear in the scrutiny process by your office shall be considered disqualified".
3. That all speaks his gross misconduct on his part and makes him liable to be punished under Police Rules-1975.

Reader

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4. For the purpose of securitizing the conduct of the said official with reference to the above allegations SP/Invst: Lakki Marwat is appointed as Enquiry Officer.

The Enquiry Officer shall conduct proceedings in accordance with provision of Police Rules 1975 and shall provide reasonable opportunity of defense and hearing to the accused official, record its finding and make within twenty five (25) days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused officer.

AW

sd/ m... 17/4/19

The accused officer shall join the proceedings on the date, time and place fixed by the Enquiry Officer.

[Handwritten signature]

(Abdul Hayee)
District Police Officer,
Lakki Marwat.

OFFICE OF THE DISTRICT POLICE OFFICER, LAKKI MARWAT.

16/04/2019

No. 2805-06 /SRC, dated Lakki Marwat the 17/04/2019.

Copy of above is forwarded to the:-

1. SP/Invst: Lakki Marwat for initiating proceedings against the accused officer under Police Rules, 1975.
2. FC Hafiz ur Rehman No.71 with the directions to appear before the Enquiry Officer on the date time and place fixed by the enquiry officer for the purpose of enquiry proceedings.

[Handwritten signature]

CHARGE SHEET UNDER NWFP POLICE RULES 1975.

I, Abdul Hayee, District Police Officer, Lakki Marwat as competent authority hereby charge you FC Hafiz ur Rehman No.71 white posted at Police Lines Lakki Marwat as follow:-

1. That you were recruited as Constable by NTS Authority alongwith 31 candidates against the existing vacancies of Constable vide this office OB No.464 & 465 dated 30.12.2016. Due to complaint of your involvement in impersonation and unfair means during the said NTS examination, the Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar was requested to direct NTS agency to carry out necessary verification through available recourses i.e their identification through NTS video cameras/CCTV for their authentication vide this office memo: No.145 dated 06.02.2017. A committee headed by DSP/Hqrs: Lakki Marwat was constituted by then DPO Lakki Marwat to conduct thorough probe /scrutiny into unfair means /impersonation cases. The said Committee after conducted thorough probe into the matter, 19 candidates were cleared and the 10 candidates including you were found as suspicious/guilty.
2. That after complete proceedings necessary guidance was also sought from CPO Peshawar vide this office memo: No.1718 dated 06.03.2017. The necessary guidance from CPO Peshawar was received vide CPO Peshawar memo: No.3127/E-IV dated 10.03.2017, that "As approved by the competent, the suspicious candidates not found clear in the scrutiny process by your office shall be considered disqualified".
3. That all speaks gross misconduct on your part and makes you liable to be punished under Police Rules-1975.
4. By reason of the above, you appear to be guilty of misconduct under section - 02 (iii) of the KPK Police Rules 1975 and has rendered yourself liable to all or any of the penalties as specified in section - 04 (i) and & b of the said rules.
5. You are therefore directed to submit your written defense within seven days (7) of the receipt of this Charge Sheet to the Enquiry Officer.
6. Your written defense if any, should reach to the enquiry officer within the specified period, failing which, it shall be presumed that you have no defense to put-in and in that case, an ex-parte action shall follow against you.
7. Intimate whether you desired to be heard in persons.

No. 2804 / Dated Lakki Marwat the 18/04 / 2019.

(Abdul Hayee)
District Police Officer,
02 Lakki Marwat.

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[Handwritten signature]

جناب عالی۔

بحوالہ مشمولہ چارج شیٹ و سمری اف الیکیشن نمبر 2806-2805-2804 تاریخ 2019-4-15 مجاریہ
 جناب DPO صاحب کی مروت معروض خدمت ہوں کہ چارج شیٹ میں من مسائل پر لگائے گئے الزامات غلط اور
 بے بنیاد ہیں۔ من مسائل نے کوئی (Impersonation) نہیں کی ہے محکمہ نے مجھے بلا جواز برخاست کیا تھا۔ جبکہ
 دوبارہ عدالت عالیہ ہائی کورٹ پشاور برانچ بنوں بحال ہونے کا حکم کیا گیا ہے گوکہ مجھے نوکری پر بحال کیا ہے لیکن
 میرے خلاف غلط انکوائری شروع کی ہے کیونکہ عدالت عالیہ کے حکم میں کوئی ذکر انکوائری کا نہیں ہے۔
 لہذا اس بارے میں عدالت عالیہ ہائی کورٹ پشاور برانچ بنوں میں مورخہ 29-04-2019 تاریخ پیشی مقرر کی ہے۔
 اور عدالت جو بھی حکم کرے تعمیل کرونگا نذیر تفصیلاً جواب بھی اگر ضرورت ہوئی تاریخ مقرر کے بعد داخل کرونگا۔ کیونکہ
 اس وقت میرا درخواست عدالت عالیہ ہائی کورٹ پشاور برانچ بنوں میں زیر سماعت ہے جس میں مورخہ 29-04-2019
 کو تاریخ پیشی مقرر ہے۔

مورخہ 22/04/19

العارض
 کنشیل حصہ الراجح نمبر 71

جناب عالی۔
 بلال حسین انور مدنی یہی
 مہر بیان ہے۔

رضیقت - حفیظ
 22/04/2019

صدیق شہد

حفیظ الرحمن ج 1
 11201-5458467-3

SP-133
 23.04.2019

SP

PHC BANNU BENCH SLIP

Institution No.	13230
Case Title	Muhammad Asif Nawaz VS Muhammad Tahir

Note: The petitioner (s)/his counsel/nominee shall check the status from this office on 3rd of institution sharply.

[Signature]

Institution Clerk


Date 22-04-18

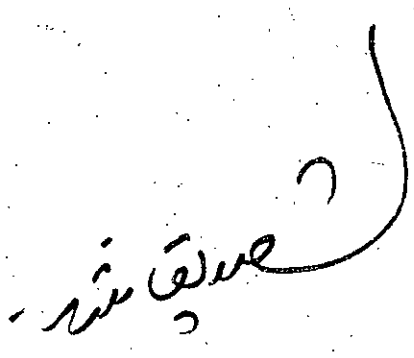
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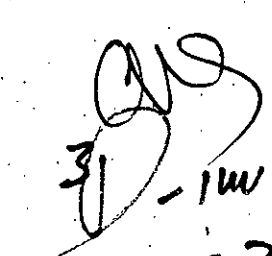
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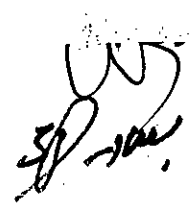
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بسم الله الرحمن الرحيم
الحمد لله رب العالمين
والصلاة والسلام على سيدنا محمد
الذي أتى به الهدى والرحمة
الكرامة
أما بعد
فإننا نحن undersigned
مؤيدون لهذا القرار
الذي اتخذه المجلس
المؤيدون
محمد بن عبد الله
محمد بن عبد الله
محمد بن عبد الله


CO.
07-05-2019


محمد بن عبد الله


- 133.
07-05-2019


محمد بن عبد الله

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بیان میزان سابقہ پندرہ روزہ ایجنڈہ نمبر ۱۰
 حال ڈی پی او آفیس دکن عدویہ جی پی صدر ایڈیٹ رپورٹ سابقہ
 ڈی پی او آفیس دکن عدویہ جی پی صدر ایڈیٹ رپورٹ سابقہ
 ڈی پی او آفیس دکن عدویہ جی پی صدر ایڈیٹ رپورٹ سابقہ
 ڈی پی او آفیس دکن عدویہ جی پی صدر ایڈیٹ رپورٹ سابقہ

اسد
 06/05/2019

ایجنڈہ نمبر ۱۰
 ڈی پی او آفیس دکن
 07-05-19

صدقہ مند

ASD
 DP-1111
 07-05-2019

اسد