


FORM OF ORDER SHEET

Court of \_\_\_\_\_

**Appeal No. 1161/2023**

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	23/05/2023	<p>The appeal of Mr. Tahir Aziz received today by registered post through Mr. Muhammad Arshad Khan Tanoli Advocate. It is fixed for preliminary hearing before touring Single Bench at A.Abad on _____</p> <p>By the order of Chairman  REGISTRAR</p>

**BEFORE THE CHAIRMAN KP SERVICE TRIBUNAL**  
**PESHAWAR.**

Tahir Aziz

*A. No. 1161/2023*

...APPELLANT

**V E R S U S**

Government of Khyber Pakhtunkhwa and others

...RESPONDENTS

**SERVICE APPEAL**

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5.	Vakalat Nama	--	

*Tahir Aziz*

...APPELLANT

**Through Counsel:**

Dated:- *20/5* /2023

*(Signature)*  
**(MUHAMMAD ARSHAD KHAN TANOLI)**  
Advocate Supreme Court of Pakistan,  
Abbottabad

*(Signature)*  
&

**WAQAR AYUB**  
Advocate High Court Abbottabad

**BEFORE THE CHAIRMAN KP SERVICE TRIBUNAL**  
**PESHAWAR.**

A - NO. 1161/2023

Tahir Aziz LHC No.895, Police Station Lora, Tehsil Lora District  
Abbottabad.

...APPELLANT

**V E R S U S**

1. Government of Khyber Pakhtunkhwa through Secretary Home and Tribunal Affairs, Peshawar.
2. Provincial Police Office (IGP) Khyber Pakhtunkhwa, Peshawar.
3. Regional Police Office Hazara Region Abbottabad.
4. District Police Officer (DPO) Abbottabad.

...RESPONDENTS

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**SERVICE APPEAL**

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SERVICE APPEAL U/S 4 OF KP SERVICE  
TRIBUNAL ACT 1974 FOR DECLARATION TO  
THE EFFECT THAT RESPONDENT NO.4  
IMPOSED PUNISHMENT OF REDUCTION IS  
RANK FOR TWO YEARS VIDE IMPUGNED  
ORDER DATED 13.01.2023 AND SIMILARLY,

DEPARTMENTAL APPEAL OF THE APPELLANT AGAINST THE IMPUGNED ORDER HAS BEEN REJECTED VIDE ORDER NO.7321/E DATED 07.04.2023, WHICH HAS BEEN RECEIVED BY THE APPELLANT ON 06.05.2023 WHICH IS PERVERSE, DISCRIMINATORY, AGAINST THE LAW AND HAS BEEN PASSED WITHOUT CONDUCTING INQUIRY. HENCE THE IMPUGNED ORDER 13.01.2023 AND REJECTION ORDER DATED 07.04.2023 ARE LIABLE TO BE SET-ASIDE.

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**PRAYER:-**

**ON ACCEPTANCE OF THE INSTANT SERVICE APPEAL, IMPUGNED ORDER DATED 13.01.2023 AND 07.04.2023 MAY BE SET-ASIDE AND RESPONDENTS MAY BE DIRECTED TO RESTORE REDUCTION IN RANK WITH ALL SERVICE BACK BENEFITS. ANY OTHER RELIEF WHICH THIS HON'BLE TRIBUNAL DEEM APPROPRIATE IN THE CIRCUMSTANCES OF THE CASE MAY ALSO BE ALLOWED TO THE APPELLANT.**

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***Respectfully Sheweth,***

***The facts forming the background of the instant service appeal are arrayed as under:***

1. That, the appellant was serving Head Constable and was posted as Moharrar in Police Station Havelian, District Abbottabad and during this period, the appellant served the department with due diligence, devotion and dedication and left no stone unturned in the smooth functioning of Police Station Havelian.
2. That as a Moharar in Police Station Havelian, the appellant registered FIR and thereafter complete case file of the case alongwith FIRs were handed over to the investigation officer / SHO for further investigation. Respondent No.4 without issuing any explanation, show cause notice, inquiry, awarded punishment of reduction in rank for two years to the appellant in simple so-called allegation of not taking interest in official duties in more than sixteen theft cases and other cases vide impugned order dated 13.01.2023. **(Copy of the impugned order dated 13.01.2023 is annexed as Annexure "A")**

3. That the appellant feeling aggrieved, filed departmental appeal dated 10.02.2023 against the impugned order dated 13.01.2023 regarding illegal reduction in rank of appellant. **(Copy of departmental appeal dated 10.02.2023 is annexed as Annexure "B")**
  
4. That respondent No.3 rejected the departmental appeal of the appellant vide impugned rejection order No.7321/E dated 07.04.2023 which was received by the appellant on 05.05.2023. **(Copy of rejection order dated 07.04.2023 is annexed as Annexure "C").**

Hence, the instant service appeal is filed *inter-alia*, on the following grounds:

**GROUND:-**

- a) That, during the period of service of the appellant Moharar in Police Station at Havelian. The appellant registered all the cases as in when reported and the allegation of taking no interest in official duties in baseless without lawful justification.
  
- b) That the appellant being a Moharar, after registration of FIR. The case FIRs were

handed over alongwith relevant record to the investigation officer / SHO for further proceedings in the case. Hence the allegation leveled by respondent No.4 against the appellant are baseless, illogical. The respondents' department did not conduct proper inquiry. Show cause notice, statement of allegation. Hence the impugned order dated 13.01.2023 are liable to be set-aside.

- c) That when law prescribe a thing which is to be done in a particular manner and that must be done in that manner and not otherwise. Before imposition of punishment weather minor or major proper inquiry is sine qua non. But as mentioned above, no inquiry show case notice and statement of allegation have been issued. Therefore the award of punishment of reduction in rank against the appellant is not maintainable at law and based on whim and wishes of the respondents No. 3 and 4. Therefore, the impugned orders are nullity in the eyes of law.
- d) That this fact may not be left to fade in oblivion that the appellant's punishment is without lawful justification. Hence, the impugned order is malafide / discriminatory

perverse, against the principle of natural justice. Therefore impugned orders dated 13.01.2023 and 07.04.2023 are liable to be set-aside.

- e) That respondents' department has not followed the prescribed procedure prior to the imposition of punishment of reduction in rank for two years in such circumstance. The respondents' department has led the appellant to the place which is utterly unknown to the principle of jurisprudence, natural justice and fair play.
- f) That the matter relates to the term and conditions of service. Thereafter, Hon'ble tribunal has jurisdiction to entertain the service appeal of the appellant under Article 212 of the Constitution of Islamic Republic of Pakistan 1973.
- g) That the service appeal is well within the time of limitation.

**PRAYER:**

It is prayed therefore humbly prayed that **on acceptance of the instant Service Appeal**, impugned orders dated 13.01.2023




and 07.04.2023 may be set-aside and respondents may be directed to restore reduction in rank with all service back benefits. Any other relief which this Hon'ble Tribunal deem appropriate in the circumstances of the case may also be allowed to the appellant.

  
...APPELLANT

**Through Counsel:**

Dated:- 20/5 /2023

  
(MUHAMMAD ARSHAD KHAN TANOLI)  
Advocate Supreme Court of Pakistan,  
Abbottabad

&  
  
WAQAR AYUB  
Advocate High Court Abbottabad

**VERIFICATION:-**

Verified that the contents of the instant **Service Appeal** are true and correct to the best of our knowledge and belief and that nothing has been concealed from this Hon'ble Tribunal.

Dated:- 20/5 /2023

  
...APPELLANT

**BEFORE THE CHAIRMAN KP SERVICE TRIBUNAL**  
**PESHAWAR.**

Tahir Aziz LHC No.895, Police Station Lora, Tehsil Lora District  
Abbottabad.

...APPELLANT

**V E R S U S**

Government of Khyber Pakhtunkhwa and others

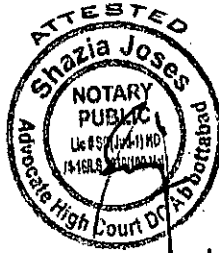
...RESPONDENTS

**SERVICE APPEAL**

**AFFIDAVIT**

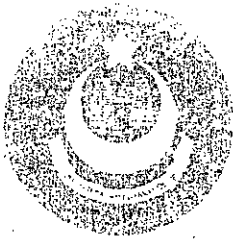
I, Tahir Aziz LHC No.895, Police Station Lora, Tehsil Lora District  
Abbottabad, Appellant, do hereby solemnly affirm and declare on Oath  
that the contents of instant **Service Appeal** are true and correct to the best  
of my knowledge and belief and that nothing has been concealed from this  
Hon'ble Tribunal.

Dated:- 20/5 /2023



A handwritten signature in black ink, appearing to read "Tahir Aziz".

...APPELLANT



# OFFICE OF THE DISTRICT POLICE

## OFFICER ABBOTTABAD

Ph: No: 0992-9310026, Fx: No: 0992-9310025

[dpd.police@gmail.com](mailto:dpd.police@gmail.com)

### ORDER

*Annex-A P-9*

This office order will dispose off summary proceedings against HC Tahir No. 895. He while posted as MHC at PS Havelian has constantly failed to prove his worth and not taking interest in his official duties as more than sixteen theft cases and other cases have been reported and he failed to take further necessary action as per law. He being responsible did not bother to bring the same into the notice of his senior officers. It was his prime responsibility to take further necessary action as per law but he failed to do so. Various instruction/ directions have been conveyed in this regard but all in vain. His performance was found un-satisfactory.

Therefore, in exercise of the powers vested in the undersigned under Police Disciplinary Rules-1975 (amended 2014) section 5 (2), I, Umar Tufail PSP, District Police Officer, Abbottabad, as a competent authority, am constrained to award him the punishment of Reduction in rank for 02 years with immediate effect.

Order announced.

*W. S. J.*  
**AQAR AYUB**  
Judge High Court

District Police Officer  
Abbottabad

No. 119

IPA

*OB. N/A*  
*13-9-23*

Copy to:-

1. Addl: SP Abbottabad.
2. Pay Officer, DPO Office Abbottabad.
3. CASI DPO Office.
4. OB Clerk for necessary action.

\*\*\*\*\*

The Regional Police Officer,  
Hazara Region, Abbottabad

Through: PROPER CHANNEL

Annex - B

Subject: APPEAL AGAINST PUNISHMENT OF REDUCTION IN RANK

P-10

Respected Sir,

It is requested that I have been awarded punishment of reduction in rank for 2 years on the charges that while I was posted as Moharrier Police Station Havelian failed to take further action as per law in 16 theft cases etc.

In this connection I solemnly affirm and declare that after the registration/ receipt of these cases/application s the investigation/enquiry was entrusted to concerned IOs/ Officers by the SHO and the case files/complaints were handed over to them under proper record. I have no intention whatsoever in this respect to keep any case or application pending with me and the SHO/SDPO are fully aware of my performance. The charges leveled against me are totally unfounded and there is no truth in the same. I being an intermediate course qualified IIC is fully aware that I have to further gain my position of the higher ranks in order to earn my livelihood not only for me and for my family members including my children.

It is also worth mentioning here that no charge sheet/enquiry in this respect has been conducted before award of major punishment nor any explanation/show cause was issued to me as required in revised Police Rules 1975.

It is therefore humbly stated that my case may kindly be considered sympathetically and the punishment awarded to me may kindly be set-aside. I assure you sir that I will perform my duties in a befitting manner and to the entire satisfaction of my superior officer as well.

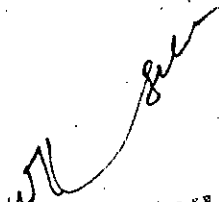
With best wishes and regards please.

Your's obediently,



HC TAHIR AZIZ NO. 895  
District Abbottabad

Dated 10/2 /2023

  
WAQAR AYUB  
Advocate High Court



P-11

OFFICE OF THE REGIONAL POLICE OFFICER  
HAZARA REGION, ABBOTTABAD

0992-9310021-22

0992-9310023

r.rpohazara@gmail.com

Annex - C

NO: 7321 / E DATED 07/04/2023

ORDER

This order will dispose of departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rules, 1975 submitted by LHC Tahir No. 895 of District Abbottabad against the punishment order of i.e. "reduction in the rank for two years" awarded by District Police Officer Abbottabad vide Order Book No. 08. dated 13-01-2023.

Brief facts leading to the punishment are that the appellant while posted as Moharrir at PS Havelian Abbottabad has constantly failed to prove his worth and not taking interest in his official duties as more than sixteen theft cases alongwith other cases were reported and he failed to take further necessary action as per law. He being responsible did not bother to bring the same into the notice of his senior officers. It was his prime responsibility to take further necessary action according to the law but he failed to do so. Various instruction/direction were conveyed to him in this regard but he paid no heed to this effect which proved his performance unsatisfactory.

Consequently, DPO <sup>Abbottabad</sup> ~~Manshera~~ awarded him minor punishment of reduction in the rank for two years. Hence, the appellant submitted this present appeal.

After receiving his appeal, comments of District Police Officer, Abbottabad were sought and examined/perused. The undersigned called the appellant in OR on 04-04-2023 and heard him in person, where he has been given reasonable opportunity to defend himself against the charges; however he failed to advance any justification in his defense. Thus, the disciplinary action taken by the competent authority seems genuine and the appeal is liable to be dismissed. Therefore, in exercise of the powers conferred upon the undersigned under Rule 11-4 (a) of Khyber Pakhtunkhwa Police Rules, 1975 (amended 2014) the instant appeal is hereby filed/rejected with immediate effect.

*PA/SP/AS/AS/AS  
for reflection*

2467  
Date 10/4/2023

*Tahir Ayub Khan*  
TAHIR AYUB KHAN (PSP)  
Regional Police Officer,  
Hazara Region, Abbottabad.

*DPO Abbottabad  
10/4/23*

Copy forwarded to DPO, <sup>Abbottabad</sup> ~~Manshera~~ for information and necessary action with his office Memo: No. 650/PA, dated 01-03-2023. Service record, Fauji Missal and enquiry file of the appellant is returned herewith for record.

\*\*\*\*\*

WAQAR AYUB  
Advocate High Court



Entered in 5.12.17 0/13

OFFICE OF THE DISTRICT POLICE  
OFFICER ABBOTTABAD

Ph: No: 0992-9310026, Fx: No: 0992-9310025  
[atdpolice@gmail.com](mailto:atdpolice@gmail.com)

P-12

LP

ORDER

HC Tahir No, 895 Muharir PS Havelian is hereby placed under suspension and closed to Police Lines with immediate effect.

District Police Officer  
Abbottabad

CC:

1. Addl: SP Abbottabad.
2. OASI DPO Office for necessary action.
3. OB Clerk.

\*\*\*\*\*

*WA*  
WAQAR AYUB  
Advocate High Court

OB No 8

13-1-23

کورٹ فیس

# وکالت نامہ

بعدالت Before the Service Tribunal

عنوان: Govt of KPht نام Tahis Azir

منجانب: Applicant

نوعیت مقدمہ: Service Appeal

## باعث تحریر آنکہ

مقدمہ مندرجہ میں اپنی طرف سے اسے پیروی و جواب دہی کل کاروائی متعلقہ آں مقام

Ashraf Tahir Adv & Co Waqar Ayub Adv

کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا نیز وکیل صاحب موصوف کو کرنے راضی نامہ و تقرر ثالث و فیصلہ برحلف و دینے اقبال دعویٰ اور بصورت دیگر ڈگری کرانے اجراء وصولی چیک روپیہ و عرضی دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور کی کل یا کسی جزوی کاروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ اپنی بجائے تقرر کا اختیار بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا ساختہ پرداختہ مجھ کو منظور و قبول ہوگا۔ دوران مقدمہ جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب ہوگا اس کے مستحق وکیل صاحب ہوں گے۔ نیز بقایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب موصوف پابند ہوں گے کہ پیروی مقدمہ مذکورہ کریں اور اگر مختار مقرر کردہ میں کوئی جزو بقایا ہو تو وکیل صاحب موصوف مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست بمراد استجارت ناش بھینٹہ مفلسی کے دائرہ کرنے اور اس کے پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کر دیا تاکہ سند رہے۔

WAQAR AYUB  
Advocate High Court

بمقام:

Accepted