



01.03.2023

Appellant in person present. Mr. Kheyal Roz, Inspector (Legal) alongwith Mr. Muhammad Jan, District Attorney for the respondents present.

Lawyers are on strike. To come up for arguments on 16.03.2023 before the D.B. Parcha Peshi given to the parties.

SCANNED
KUST
Peshawar


(Fareeha Paul)
Member (E)



(Salah-ud-Din)
Member (J)


16th Mar, 2023

Learned counsel for the appellant present. Mr. Asad Khan, Assistant Advocate General for respondents present.

Being not prepared the brief, learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 31.05.2023 before D.B. PP given to the parties.

SCANNED
KUST
Peshawar


(Salah-Ud-Din)
Member (J)


(Kalim Arshad Khan)
Chairman

22.11.2022

Appellant in person present. Mr. Muhammad Jan, District Attorney for the respondents present.

Appellant submitted rejoinder and also requested for adjournment on the ground that his counsel is busy in the august Peshawar High Court, Peshawar. Adjourned. To come up for arguments on 09.01.2023 before the D.B.



(Mian Muhammad)
Member (E)



(Salah-Ud-Din)
Member (J)

09.01.2023

Counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Learned Member Executive (Miss Fareeha Paul) left the court at 12.00 Noon in order to attend a meeting in the Law Department, Government of Khyber Pakhtunkhwa, therefore, this case is adjourned to 01.03.2023 for arguments before the D.B.



(ROZINA REHMAN)
Member (J)

SCANNED
KPST
Peshawar

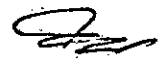
14.03.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 09.06.2022 for the same as before.

9.6.2022

Proprietor D.B. is an Advocate, therefore the case is adjourned to 29.8.22 for same as before.


Reader.



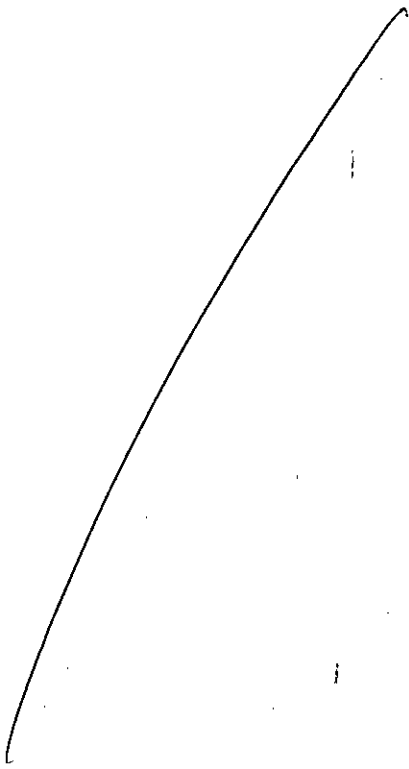
29.08.2022

Clerk of learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

The Lawyers are on strike and Learned Member (Judicial) Ms. Rozina Rehman is also on leave, therefore, arguments could not be heard. Adjourned. To come up arguments on 22.11.2022 before the D.B.



(Salah-Ud-Din)
Member (Judicial)



01.04.2021

Appellant present through counsel. Preliminary arguments heard. Record perused.

Points raised need consideration. Appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notice be issued to the respondents. To come up for written reply/comments on 8/07/2021 before S.B.


(Rozina Rehman)
Member (J)

08.07.2021

Counsel for the appellant and Mr. Kabirullah Khattak, Addl. AG alongwith Muhammad Asif, ASI for the respondents present.

Respondents have furnished reply/comments. The appeal is entrusted to D.B for arguments on 01.12.2021.



Chairman


01.12.2021

Appellant in person present.

Mr. Noor Zaman Khattak, District Attorney for respondents present.

Former made a request for adjournment as his counsel is not available today. Adjourned. To come up for arguments on 14.03.2022 before D.B.


(Atiq Ur Rehman Wazir)
Member (E)


(Rozina Rehman)
Member (J)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 1618 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	25/01/2021	<p>The appeal of Mr. Rehatullah presented today by Mr. Khid Rehman Advocate may be entered in the Institution Register and put up the Worthy Chairman for proper order please.</p> <p style="text-align: right;">REGISTRAR 25/1/21</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>01/01/21</u></p> <p style="text-align: right;">CHAIRMAN</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. **1618** /2021

Rahatullah..... Appellant

Versus

The PPO and others..... Respondents

INDEX

S.No.	Description of Documents	Date	Annexure	Pages
1.	Memo of Service Appeal			1-7
2.	FIR No.89	12.04.2017	A	8
3.	Order thereby appellant's compulsory retirement	05.07.2017	B	9
4.	Rejection order	27.09.2017	C	10
5.	Acquittal Order of appellant by Magistrate-II, Tangi, Charsadda	25.01.2020	D	11-15
6.	Judgment of this Hon'ble Tribunal	01.07.2020	E	16-19
7.	Charge Sheet and Statement of Allegations	06.08.2020	F	20-21
8.	Reply to Charge Sheet	12.08.2020	G	22-23
9.	Report of the Fact Finding Inquiry Committee		H	24-27
10.	Impugned order	22.10.2020	I	28-30
11.	Departmental Appeal	04.11.2020	J	31-32
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13.	Wakalat Nama			

Through

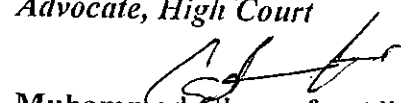
Appellant


Khaled Rahman
Advocate,
Supreme Court of Pakistan

&


Muhammad Amin Ayub
Advocate, High Court

&


Muhammad Ghazanfar Ali
Advocate, High Court

4-B, Haroon Mansion
Khyber Bazar, Peshawar
Off: Tel: 091-2592458
Cell # 0345-9337312

Dated: ___/01/2021

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. _____/2021

Mr. RahatullahConstable/Computer Operator,
Computer Cell, Investigation,
Unit CPO, Peshawar**Appellant**

VERSUS

1. **The Provincial Police Officer,**
Khyber Pakhtunkhwa, Peshawar.2. **The Capital City Police Officer Peshawar.**3. **The Senior Superintendent of Police**
Peshawar.....**Respondents**

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 22.10.2020 WHEREBY PENALTY OF STOPPAGE OF TWO ANNUAL INCREMENTS WITH ACCUMULATIVE EFFECT WAS AWARDED AGAINST WHICH HE PREFERRED DEPARTMENTAL APPEAL TO RESPONDENT NO.1 ON 04.11.2020 BUT THE SAME WAS UNLAWFULLY REJECTED VIDE IMPUGNED APPELLATE ORDER DATED 06.01.2021

PRAYER:

On acceptance of the instant appeal, the impugned order dated 22.10.2020 and impugned appellate order dated 06.01.2021 may graciously be set aside/modified and appellant may be re-instated into service w.e.f. 05.07.2017 with all back benefits.

Respectfully Sheweth,

Facts giving rise to the present appeal are as under:-

1. That the appellant was employed in the Police Force as Constable way back in the year 1995 and has rendered meritorious service for the Department. During service, the appellant has never been departmentally proceeded against and even a minor penalty has not been imposed upon him so far, thus the service of the appellant remained unblemished and spotless. Lateron, the services of the appellant were assigned to the Investigation Wing CPO where he is discharging his duties as Computer Operator.
2. That the appellant while performing duties was falsely implicated in Case FIR No. 89, dated 12.04.2017 U/S 419/420/468 PPC Police Station Mandani (*Annex:-A*), on the basis of which appellant was subjected to the departmental proceedings by issuing Chare Sheet and Statement of Allegations. As the charges leveled against the appellant were yet to be proved by the competent Court of law, therefore, appellant refuted the same by furnishing a detail reply but it was not taken into consideration and on the basis of the Recommendations of the Fact Finding Enquiry Committee, appellant was imposed upon major punishment of compulsory retirement vide order dated 05.07.2017 (*Annex:-B*). Appellant availed the remedy by preferring Departmental Appeal against the same which was rejected in a casual manner as is evident from the order dated 27.09.2017 (*Annex:-C*).
3. That appellant being aggrieved of the same, approached this Hon'ble Tribunal in Service Appeal No. 1243/2017 thereon replies were sought from the respondents which they advanced. It would be remarkable to mention here that during the pendency of the Service Appeal, the criminal trial against the appellant was culminated into acquittal by the Judicial Magistrate-II, Tangi, Charsadda vide order dated 25.01.2020 (*Annex:-D*). Service Appeal was also put up for final adjudication and after extensive arguments by means of Judgment dated 01.07.2020 (*Annex:-E*) was allowed on the following terms:-

"As a sequel to the above, the appeal is accepted, impugned order dated 05.07.2017 and 27.09.2017 are set aside and the Appellant is reinstated in service with the directions to the Respondents to conduct de-novo enquiry strictly in accordance with the parameters of prevalent law and rules including

fair and impartial treatment of opposing persons
leading to the appeal. It is a matter of course
that after the date of receipt of this judgment the
issues of fact and law shall be subject to the
outcome of the de-novo hearing. Parties are left to
bear their own costs. This is considered to be the correct
course.

The appeal was served with Charge Sheet and Statement of
Allegations (Annex-F). Since the charges were based on the evidence
and already been acquired from the criminal file on the basis of which
he was burdened with the major part of the compulsory return.
Therefore, applicant afforded a detailed reply (Annex-G) wherein he refuted
the allegations levelled against him but the same was not considered. (Copy
of the reply may be considered as integral part of this appeal.)

That a fact finding Enquiry into the matter was conducted by the Enquiry
Committee (Annex-H) at the back of the applicant in spite of the fact that
as per directions of the Hon'ble Tribunal Respondents had got be
indulged applicant into the enquiry proceedings however the committee
reached to the following findings which are reproduced herein below.

Conclusion:

iii) "Accused Khatun has been acquitted as per
Cr.P.C. along with other accused by the competent
court of law as the prosecution failed to prove
instant case against the accused due to the non-
appearance of the witnesses. Furthermore, no
record is available to show that departmental action
was taken against the witnesses for deliberate non-
appearance.

The prosecution has failed to establish the fact that
accused has been involved in such like cases
previously and is a habitual offender.

Furthermore, his links with the smugglers of NCP
vehicles have also not been established by the
investigation. Accused Khatun has categorically
denied any sort of links with the smugglers/dealers of
NCP vehicles.

Recommendations:-

The defaulter police official Rahatullah is a trained source of Police Department having 22+ years of service on his credit. He has been absorbed as Computer Operator BPS-16 in the year 2018. He has already been acquitted by the competent court. The co-accused PA Karimullah has also been reinstated in the same case who has allegedly provided them with a fake authority letter”.

Therefore, appellant was hopeful that he would be reinstated into service with all back benefits but to the utter bewilderment of appellant was visited the impugned order dated 22.10.2020 (*Annex:-I*) whereby he was inflicted the penalty of stoppage of two increments with accumulative effect.

6. That feeling aggrieved of the same, appellant exercised the appellate forum by moving Departmental Appeal on 04.11.2020 (*Annex:-J*) but the same was unlawfully rejected vide impugned appellate order dated 06.01.2021 (*Annex:-K*).
7. That appellant, being aggrieved of the impugned orders *ibid*, files this appeal, inter-alia, on the following grounds:-

Grounds:

- A. That Respondents have not treated appellant in accordance with law, rules and policy on subject and acted in violation of Article 4 of the Constitution of Islamic Republic of Pakistan, 1973 and unlawfully issued the impugned orders, which are unjust, unfair and hence not sustainable in the eye of law.
- B. That by virtue of impugned orders Respondents have not only afforded a chance of fair trial to appellant but also disregarded the directions of this Hon'ble Tribunal wherein they were strictly directed to adhere the appellant into the departmental proceedings thus amounts to contempt of Court. Moreover, the Enquiry Committee gave the enquiry in the favour of the appellant but astonishingly recommended appellant for the punishment. It would be relevant to aver that the basic aim of the Enquiry Officer or Enquiry Committee as the case may be is to ascertain the truth by adjudging Evidence/Cross-examination whereafter on the basis of evidence

a delinquent servant can be punished therefore, it is sacred functions/duty of the enquiry committee to establish charges against the appellant. As the charges were not proved by the competent forum, therefore, only on this score the impugned orders are liable to be brushed aside.

C. That it is momentous to aver that Rule- 14 of the Government of Khyber Pakhtunkhwa Government Servants (Efficient and Discipline) Rules, 2011 maintains:-

- (1) *“On receipt of report from the inquiry office or inquiry committee, as the case may be, the competent authority shall examine the report and the relevant case material and determine whether the inquiry has been conducted in accordance with the provisions of these rules.*
- (2) *If the competent authority is satisfied that the inquiry has been conducted in accordance with the provisions of these rules, it shall further determine whether the charge or charges have been proved against the accused or not.*
- (3) *Where the charge or charges have not been proved, the competent authority shall exonerate the accused by an order in writing, or it shall follow the procedure as given in sub-rule (6) of this rule.*

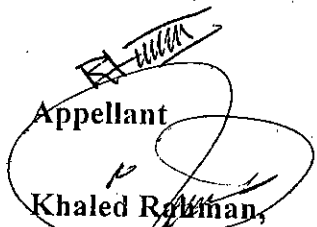
In the light of the aforementioned provisions, the question arises whether the Competent Authority was not supposed to examine the report of the Inquiry Committee by applying judicial mind as the Committee has failed to prove charges against the appellant. Appellant was faced with impugned orders for which he was tried by the competent court and acquitted from the offences. Pertinent to elaborate here that it might have considered the Enquiry Committee and Appellate Authority that appellant has been acquitted on the basis of 249-A Cr.PC. The question has already been settled down by the Apex Court in series of verdicts that every acquittal is honorable acquittal. It is further apprised that the acquittal of the appellant has never ever challenged by the Respondents in higher fora.


D. That the appellant was not issued Show Cause Notice which is a mandatory requirement of law and without issuing such Show Cause Notice the passing of the impugned penalty is highly arbitrary, unlawful and hence cannot be sustained under any canons of law, justice and fair-play. Thus the impugned orders are against the principle of natural justice and hence liable to be brushed aside.

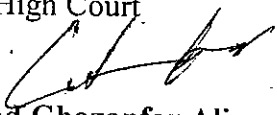
- E. That neither regular inquiry was conducted into the case in hand nor any documentary or oral evidence was recorded in presence of the appellant nor was he provided opportunity of cross-examination. The entire action was taken at the back of the appellant and thus he was condemned unheard. Therefore, the impugned orders are liable to quashed.
- F. That Article-10A of the Constitution of the Islamic Republic of Pakistan, 1973 read with Section-16 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 provides for the right of fair trial as per prescribed law and Rules. Even this Hon'ble Tribunal set aside the major penalty of compulsory retirement and strictly directed to indulge appellant into the process of regular enquiry as enshrined in the prescribed law but they have failed, thus the impugned orders are void, ab-initio as well as against the principle of natural justice.
- G. That no opportunity of personal hearing was afforded to the appellant neither by the competent authority, nor by the Inquiry Committee nor by the appellate authority which are the mandatory requirements of law. Thus appellant was condemned unheard as the action has been taken at the back of the appellant which is against the principle of natural justice.
- H. That the appellant served the Department for long 29 years and during this period, the appellant has never been departmentally proceeded against nor even a minor penalty has ever been imposed upon him, thus the service of the appellant remained unblemished, spotless throughout.
- I. That the stoppage of annual increments with accumulative effect has been declared by the Apex Court as illegal and against the principle of fair-play. Thus the impugned orders are not tenable under the law.
- J. That appellant would like to offer some other grounds during the course of arguments.

It is, therefore, humbly prayed that the instant appeal may graciously be accepted as prayed for above.

Any other relief as deemed appropriate in the circumstances of case not specifically asked for, may also be granted to appellant.

Through **Appellant**

Khaled Rahman,
Advocate,
Supreme Court of Pakistan

& 
Muhammad Amin Ayub
Advocate, High Court

& 
Muhammad Ghazanfar Ali
Advocate, High Court

Dated: ___/01/2021

کرنٹ پریس پاور ہاؤس نمبر 2286/13 قلم نمبر 2051/20 (قلم نمبر 2051) قلم نمبر 2051 (قلم نمبر 2051)

قلم نمبر 2051/20 (قلم نمبر 2051) قلم نمبر 2051 (قلم نمبر 2051)

ابتدائی اطلاع رپورٹ

Amr A

قلم نمبر 2051/20 (قلم نمبر 2051)

قلم نمبر 2051/20 (قلم نمبر 2051)

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زبردفعہ 152 مجموعہ ضابطہ فوجداری

نہ	حیدری	ضلع	جھنگ
تاریخ	12/4/17	وقت	20:25
1	درج وقت رپورٹ	12/4/17	وقت 20:55
2	نام و سکونت اطلاع دہندہ مستغیث	کوہ محمد جان	14/17
3	مختصر کیفیت جرم (معدومہ) حال اگر کچھ لیا گیا ہو۔	419/420/2/68	
4	جائے وقوعہ فاصلہ تھانہ سے اور سمت	جمال آباد چیک پوسٹ	
5	نام و سکونت ملزم	شاہد جان ولد شہزاد خان	
6	کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا ہو تو وجہ بیان کرو	لیڈر انٹرویو قدم درج جبر لیا جا رہا ہے	
7	تھانہ سے روانگی کی تاریخ و وقت	سید ڈال	

ابتدائی اطلاع نیچے درج کرو۔ مجالہ مدد 18 روزہ 12/4/17

ماڈل 2007 Vitz 2007 میں انسٹال کیا گیا ہے۔ اس سے ملنے والی معلومات کے مطابق وہ جھنگ اور فیصل آباد کے درمیان ایک گاڑی میں سفر کر رہا ہے۔ اس گاڑی میں ایک شخص بھی سوار ہے۔ اس شخص کے بارے میں کوئی معلومات نہیں ہیں۔ اس شخص کے بارے میں کوئی معلومات نہیں ہیں۔ اس شخص کے بارے میں کوئی معلومات نہیں ہیں۔

18 ویں اپریل کو کوہ محمد جان کے پاس 20:55 بجے 12/4/17 میں رشتہ دار مدد ملا۔ لوڈنگ سے والیا آیا۔ دروازے پر گت بنام جمال آباد چیک پوسٹ موجود تھی۔ وہ جانب مدنی سے ایک ڈیڑھ گھنٹہ قبل CB 1101 ماڈل 2007 فریک سیرج جس میں SCP 90-2021876-2051/20 کے نام سے ایک گاڑی کے ڈرائیور کو روکا گیا۔ اس گاڑی میں ایک شخص بھی سوار تھا۔ اس شخص کے بارے میں کوئی معلومات نہیں ہیں۔ اس شخص کے بارے میں کوئی معلومات نہیں ہیں۔ اس شخص کے بارے میں کوئی معلومات نہیں ہیں۔

ATTESTED

ORDER

This order will dispose off with the departmental enquiry against Constable/Computer Operator Rahat Ullah No. 42 of Investigation Unit CPO Peshawar who committed the following acts of omission/commission: -

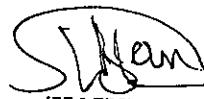
"That the District Police Officer, Charsadda vide his letter No. 1361/PA, dated 13.04.2017 has intimated that on 12.04.2017 Constable/Computer Operator Rahatullah No. 42 of Investigation Unit CPO alongwith his accomplice namely Shahid Khan (Driver) were nabbed by the local Police of PS Mandani at Jamal Abad Check Post while they both were boarded in a suspected vehicle Registration No. CB-401, Chassis No. SCP 90-5079475, Engine No. 2SZ-FE, Red Color and Model 2007. On demand they failed to produce any registration or any other documents of the said vehicle except one authority letter duly signed by Mr. Karimullah, PA to DIG/Investigation Hqrs: KP Peshawar and officially stamped. However the said authority letter was taken into possession and he alongwith his accomplice namely Shahid Khan (Driver) was arrested u/s 54-Cr.PC. Later on a proper case vide FIR No.89 dated 14.04.2017 u/s 419/420/468-PPC P.S Mandani District Charsadda was registered against the above named accused".

Constable/Computer Operator Rahat Ullah No. 42 was placed under suspension and Charge Sheet and Summery of Allegations was issued to him while an Enquiry Committee comprising of DSP Sardar Abdul Hameed and Inspector Turab Khan of Investigation Unit CPO Peshawar was constituted to conduct departmental enquiry against the above named official. Findings of the Enquiry Committee was received wherein Constable Rahat Ullah No. 42 was found guilty. Final Show Cause Notice was issued to defaulter Constable and reply of the same was received which is not satisfactory.

He was heard in person and was given full opportunity but he could not give any plausible justification regarding allegations leveled against him.

I have gone through the available material placed on file and reached to the conclusion that Constable/Computer Operator Rahat Ullah No. 42 is guilty. Keeping in view the above discussion and his long service of 22 years I, the undersigned, hereby award him major punishment of compulsory retirement from service under Police Rules 1975 (Amended 2014 K.P Police E&D Rules 2014), with immediate effect.

Order announced.



(NAUSHER KHAN)

Senior Superintendent of Police
Investigation Unit, CPO Peshawar.

No. 6305-9/EC/Inv: dated Peshawar, the 5/7/2017.

Copy of above is forwarded for information and n/action to :-

1. The Addl:IGP Investigation KP Peshawar.
2. The DIG of Police Investigation HQrs: KP Peshawar.
3. DSP Admn Investigation Unit Peshawar.
4. Accountant Investigation Unit, CPO, Peshawar.
5. Official concerned.



OFFICE OF THE DIG INVESTIGATION (ADMN)
KHYBER PAKHTUNKHWA CPO, PESHAWAR

No. _____/EC,
Dated ____/09/2017.



ORDER

This order is hereby passed to dispose off the departmental appeal under Rules 11-A of Khyber Pakhtunkhwa Police Rules 1975 (amended in 2014) filed by Ex-Constable/Computer Operator Rahatullah No. 42 of Investigation Branch CPO, Peshawar who requested for setting aside the impugned order of SSP/Investigation CPO, Peshawar issued over Endst: No.6305-9/EC/Inv: dated 05.07.2017.

The appellant was awarded major punishment of compulsory retirement from service by the SSP/Investigation CPO, Peshawar vide his above referred order on the charge of his alleged involvement in case vide FIR No. 89 dated 14.04.2017 u/s 419/420/158-PPC PS Mandani, District Charsadda. An enquiry Committee comprising of Sardar Abdul Hameed (the then DSP Admn Inv) and Inspector Turab Khan of Investigation Branch CPO conducted enquiry and held him guilty of the charges.

The relevant record has been perused. The appellant was also heard in person who supported the contents of his appeal and claimed innocence in the above mentioned case.

Perusal of record revealed that disciplinary action was initiated against the appellant on the receipt of complaint from District Police Officer, Charsadda vide his letter No. 1361/PA, dated 13.04.2017 regarding his involvement/arrest u/s 54 Cr.PC alongwith his accomplice namely Shahid Khan/Driver being in possession of an un-registered Motor Car No. CN-401 Vitz, Colour Red, Model 2007. The vehicle was seized by the local Police of PS Mandani District Charsadda at Jamal Abad Check Post. On demand he failed to produce any registration documents of the said vehicle except one authority letter duly signed and officially stamped by Mr. Karimullah, the then Stenographer Investigation Unit CPO. However in the said authority letter the chassis number of the vehicle in-question was also mentioned incorrect. Subsequently a case vide FIR No. 89/2017 u/s 419/420/468-PPC PS Mandani was registered against the appellant and his accomplice. The case is still under trial.

After conduct of proper departmental enquiry and fulfilment of all legal formalities, order of compulsory retirement of the appellant was pronounced by the competent authority i.e. former SSP/Investigation CPO. The appellant was also provided opportunity of hearing after completion of departmental enquiry and before the issuance of order of his compulsory retirement.

Keeping in view the above facts, it has been concluded that the plea taken by the appellant regarding his innocence in the above case carries no weight. No discrimination was exercised with the appellant during the conduct of departmental enquiry. The case mentioned above is under trial and fate of the appellant is yet to be decided by the learned Court. In these circumstances, the undersigned (competent authority) sees no ground to entertain the appeal of Ex-Constable/Computer Operator Rahatullah No. 42 hence the same is hereby rejected.

Order announced.

(M. SHAHZAD ASLAM SIDDIQUE)
Deputy Inspector General of Police,
Investigation Admn: Khyber Pakhtunkhwa
Peshawar

No. 8615-19/EC, dated Peshawar, the 27/09/2017.

Copies are forwarded to the:-

1. SSP/Investigation CPO, Peshawar.
2. RI Admn Investigation.
3. Accountant Investigation.
4. Official concerned.

ATTESTED

ORDER-07
25.01.2020

Handwritten notes and dates:
25/1/20 19/10 14/1/20
11 12 14/1/20

APP for the state present. Accused, on bail, are present. No one is present as PW.

Handwritten signature: Ahmad D

Handwritten notes:
89
14/4/17
4/19/20
468/11
C/o

2. Today the case was fixed for prosecution evidence but instead of summons and NBWAs no one appeared on behalf of prosecution as witness.

3. Brief facts of the case mentioned in case FIR No.89 dated 1404.2017 u/s 419/420/468 PPC of PS Mandani District Charsadda. The local police seized Motorcar registration No.CB-401 Toyota Vitz Model 2007 Chassis No.SCP-90-2021876 which was driving by accused namely Shahid Khan but he failed to produce any document qua the said vehicle to the local police. Co-accused Rahat Ullah and Karim Ullah who were also present in the said vehicle, showed an authority letter which was bearing seal of the office of the D.I.G Investigation Peshawar. The said authority letter, contained chassis number the vehicle as SCP-09-2021876, when the registration CB-401 was verified through internet the chassis number of vehicle registered against the about mentioned registration number out to be SCP-90-5079475, hence the present FIR.

ATTESTED

Signature
Examiner/ Muharrir
Coping Agency Branch
Court of CJ / ADJ Tangi
28/1/20

4. After the investigation was completed the case was put in court for trial on 27.05.2010 followed by compliance.

ATTESTED

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of Section 241-A Cr.PC on 03.07.2017 and framing of charge on 13.07.2017. All the three accused pleaded not guilty and opted for trial. Therefore the trial commenced and only two witnesses were examined, two witnesses were abandoned as unnecessary by the prosecution. During the course of proceedings the accused facing trial filed an application u/s 249-A Cr.PC. which was dismissed and the case was stopped u/s 249 Cr.PC.

5. Feeling aggrieved of the same, the accused facing trial filed revision petition and the same was accepted vide order dated 02.05.2019 in which the impugned order was set aside and the case was remanded to the trial court with the following directions.

"The instant revision petition is allowed and the case is remanded to the learned trial court with the direction to get the statements of one or two material witnesses to be recorded but within a time of two months from the date of this order and furthermore, if the prosecution failed to complete the evidence in 03 chances/dates of hearings, then to resort to the provision of section 249-A Cr.PC meant for such like situation."

6. After remand the case was registered in the relevant register. In compliance with the direction of honourable

Additional District and Sessions Judge and the same was allowed and the case was referred back to the trial court and the prosecution witnesses again did not appearing before the court for recording their statements.

That it is worth mentioning that initially the accused were arrested via 523/250 Cr.P.C and an application for inquiry via 156(3) Cr.P.C was presented before this court and the same was disallowed by the learned predecessor of this court vide order dated 13.04.2017 with the direction to

the accused has filed revision petition before Honourable Additional District and Sessions Judge and the same was order to decide the case on merit but instead of prosecution to provide their witnesses before the court in the prosecution and is therefore shifted burden to the the order No.22 dated 08.02.2019 and with directions to in such like situation this court has stopped the instant case the in interest of witnesses to proceed the case further and again did not bother to appear before the court. This shows NBWAs were issued against the said witnesses but they service they did not appeared before the court after that issue summons for the said witnesses but instead of persons the alleged facts which against the accused. Initially in court appeared before the court and recorded their statements regarding the facts which were given under oath and in Additional District and Sessions Judge.

(Signature)

- 14

police officials to handover the vehicle to the Custom Authorities at Peshawar after that the FIR was lodged on the opinion of learned DPP Charsadda which are placed on file, according to such opinion only one accused namely Shahid Khan was held liable to be prosecuted alone through pro and contra evidence while the rest of the accused be discharged u/s 4 C-II of the KP Prosecution Act, 2005.

(N)

8. Similarly there is also lack of evidence and no witness has been examined by the prosecution regarding the genuineness of the authority letter regarding the vehicle in question. No hand writing expert has been produced by the prosecution, who depose that the said authority letter is fake and self made although it has been verified by the office of DIG Investigation KP, Peshawar but he has not appeared before the court for recording his statement regarding the said authority letter that the said has not been issued to the accused by his office, therefore it cannot be said that the said verification is true and done by the DIG Investigation himself. The only witness Khalid Khan Inspection Custom office Mardan and Constable Zeeshan police line Charsadda, have been examined as PW-1 and PW-2 respectively.

28/1/23

ATTESTED

9. So far as the other witnesses are concerned, so many dates have been changed and process to process to

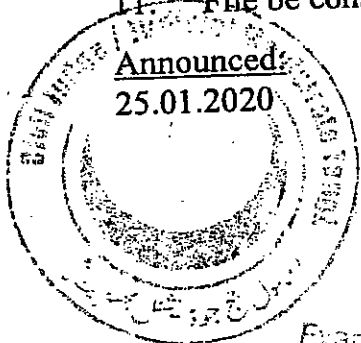
- 15

prosecution where issued but in vain. So the disinterested attitude of the local police to adduce the PWs while the case is lingered on unnecessarily. Since as earlier dilated upon that the prosecution is not interested to adduce its evidence, therefore I am of the considered view that the court is not presumed to wait and adjourned the case repeatedly without any fruitful result and for the reason recorded earlier I am of the view that even of the evidence is adduced there exist no probability of conviction of the accused facing trial.

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10. As aftermath what has stated above, since no case is made out against the present accused, therefore, they are hereby acquitted u/s 249-A Cr.PC. Sureties of the accused are absolved from the liability of bail bonds. Case property has already been entrusted to the Custom Authorities.

11. File be consigned to Record Room after compilation.



Shaukat Hussain
Judicial Magistrate-II,
Tangi (Charsadda).

ATTESTED
[Signature]
Examiner/ Muharrir
Copying Agency Branch
Tangi (Charsadda)
28/1/20

ATTESTED

49
28/1/20
[Signature]

2000

28/1/20
[Signature]

- 16

Flag

Amir E

BEFORE SERVICE TRIBUNAL PESHAWAR



Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1211

Dated 24-10-2017

Appeal No. 1243 /2017

Rahat Ullah S/O Hafiz Ullah (Constable/Computer Operator) No. 42, of
Computer Cell. Investigation Unit CPO Peshawar
(Appellant)


VERSUS

1. The Provincial Police Officer Khyber Pakhtunkhwa Peshawar
2. The Deputy Inspector General of Police Investigation (admin) Khyber Pakhtunkhwa Peshawar
3. The Senior Superintendent Police Investigation Khyber Pakhtunkhwa Peshawar
4. The Inquiry Officers (*Investigation unit, CPO, Peshawar*)

U/S 4 Service Tribunal Act 1974 (Respondents)

Appeal against the impugned order issued vide No.8615-19/EC, dated Peshawar the 27.09.2017 passed by respondent No.2 in a harsh manner and without affording opportunity of hearing under the settle principle of law.

ATTESTED


Officer
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

PRAYER

On acceptance of this appeal the impugned order dated 27.09.2017 passed by the Respondent No. 2 may kindly be set aside and reinstated the appellant with all back benefits.

Filed to-day

24/10/17
Registrar

Respectfully Sheweth:-

The appellant submits the following factual and legal grounds of appeal which are as under:-
Re-submitted and filed.

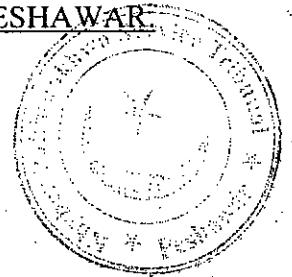
10/11/17
Registrar That on the day of occurrence the appellant along with his wife was going for 'damdarood' to village Shodog, the ASI Noor Muhammad stopped the motor car at the time of 18:00 hours and without any legal justification taken the motor car inspite of showing service card of the appellant.

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR.

Service Appeal No. 1243/2017

Date of Institution ... 24.10.2017

Date of Decision ... 01.07.2020



Rahat Ullah S/O Hafiz Ullah (Constable/Computer Operator) No.42, of Computer Cell, Investigation Unit CPO, Peshawar. ... (Appellant)

VERSUS

The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and three others. ... (Respondents)

MR. KHALIL ULLAH KHALIL,
Advocate

For appellant.

MR. MUHAMMAD JAN,
Deputy District Attorney

For respondents

MIAN MUHAMMAD
HAMID FAROOQ DURRANI

MEMBER(Executive)
CHAIRMAN

JUDGMENT:

MIAN MUHAMMAD, MEMBER:- Arguments of learned counsel for the parties heard and record perused.

ATTESTED

Khyber Pakhtunkhwa
Services Tribunal,
Peshawar

FACTS:

02. Facts of the case leading to the institution of instant service appeal are that the Appellant was nominated and involved in FIR No. 89 dated 12.04.2017 under Sections 419/420/468 registered in Police Station Mandani District Charsadda. He was therefore placed under suspension vide order dated 14.04.2017 by Respondent No.3 (SSP Investigation Peshawar). He was issued charge sheet and statement of allegations on 14.04.2017 which were responded and replied by the Appellant on 20.04.2017. The enquiry committee comprising DSP Investigation and Inspector

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Investigation, CPO Unit Peshawar constituted for the purpose of enquiry, submitted its report where-after final show cause notice was issued to the Appellant on 11.05.2017. The Appellant accordingly submitted his reply to the show cause notice on 22.05.2017 contesting therein that he was not personally called by the Enquiry Officers i.e enquiry committee and he would like to be heard in person by the Competent Authority. Respondent No.3 (SSP Investigation Unit) awarded him major penalty of "Compulsory Retirement from Service" vide impugned order dated 05.07.2017, against which the Appellant submitted his departmental appeal to the DIG Police (Headquarter/Investigation Peshawar) under the Khyber Pakhtunkhwa Police Rules 1975 on 20.07.2017. His departmental appeal was also rejected on 27.09.2017, hence, the instant service appeal.

ARGUMENTS:

03. Learned counsel for Appellant argued that the Appellant has not been treated fairly and no opportunity of personal hearing was offered to him by the Competent Authority. It was further contended that judicial proceedings against the Appellant in FIR NO. 89 dated 12.04.2017 have culminated because the prosecution was not interested to adduce its evidence. A copy of the judgment of Judicial Magistrate-II Tangi (Charsadda) dated 25.01.2020 was produced. It was also assailed that Co-accused i.e Kareem Ullah has already been allowed relief by converting his major penalty of "dismissal from service" into minor penalty of "withholding of two annual increments with cumulative effect" vide AIG (HQ) order dated 11.09.2018.

ATTESTED

04. The learned Deputy District Attorney on the other hand argued that the claim of appellant to the effect that he alongwith his wife was on the way for "dam darood" is nowhere proved. He has been given ample chances to prove himself

Deputy District Attorney
Peshawar

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innocent but in vain. He has been found guilty by the inquiry committee. He has therefore, been treated as per cannons of law and service rules.

CONCLUSION:

05. There are plethora's of judgments of the Apex court of Pakistan on fair trial/fair treatment to be afforded to the accused. However, in the instant case the Appellant has not been given fair treatment and deprived him of his fundamental right of personal hearing by the Competent Authority.

06. As a sequel to the above, the appeal is accepted, impugned order dated 05.07.2017 and 27.09.2017 are set aside and the Appellant is reinstated in service with the directions to the Respondents to conduct de-novo enquiry strictly in accordance with the parameters of prevalent law and rules including fair and impartial treatment of providing personal hearing to the appellant within a period of ninety days after the date of receipt of this judgment. The issue of back benefits shall be subject to the outcome of the de-novo enquiry. Parties are left to bear their own costs. File be consigned to the record room.

(MIAN MUHAMMAD)
Member

(HAMID FAROOQ DURRANI)
Chairman

ANNOUNCED
01.07.2020

Certified to be true copy

Secretary
Service Tribunal,
Peshawar

Date of Presentation of Appeal	09/07/2020
Number of Pages	1600
Copying Charges	1800
Urgent	4000
Total	22000
Name of Officer	[Signature]
Date of Completion of Copy	09/07/2020
Date of Delivery of Copy	09/07/2020

-20
F
No. 125 /PA/SSP/Inv:

dated 06/08/2020.

CHARGE SHEET

1. I, Khan Akbar Khan, SSP Investigation, CPO, Peshawar being competent authority hereby charge you Constabl/Computer Opt: Rahatullah No. 42 of Investigation Unit CPO, Peshawar as follows:-

"That the District Police Officer Charsadda vide his letter No. 1361/PA, dated 13.04.2017 has intimated that on 12.04.2017 you Constable/Computer Opert: Rahatullah No. 42 of Investigation unit CPO alongwith your accomplice namely Shahid Khan (driver) were nabbed by the local Police of P.S Mandani at Jamal Abad Check Post while you both were boarded in a suspected vehicle Registration No.CB-401, Chassis No. SCP 90-5079475, Engine No.2SZ-FE Red Colour and Model 2007. On demand you failed to produce any registration or you did not produce any registration documents of the said vehicle except one authority letter duly signed and officially stamped by Mr. Karimullah, Stenographer Investigation Unit CPO. However in the said authority letter the Chassis number of the vehicle in-question was mentioned incorrect. The vehicle was taken into possession and you alongwith accomplice namely Shahid Khan (driver) were arrested u/s 54-CrPC.

2. By reasons of the above, you appear to be guilty of misconduct under Rule 4 of Khyber Pakhtunkhwa Govt. Servants Efficiency and Discipline Rules, 2011 and thus you have rendered yourself liable to all or any of the penalties specified in the Rules ibid.

3. You are therefore required to appear before the Enquiry Officer/Committee and submit your written defense within Seven (7) days of the receipt of this charge sheet to the Enquiry Committee/Enquiry Officer as the case may be.

4. Your written defense, if any, should reach the Enquiry Officer/Enquiry committee within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall follow against you.

A Statement of Allegation is enclosed.

TESTED

(KHAN AKBAR)

Senior Superintendent of Police
Investigation, CPO, KP, Peshawar

- 21

No. 125 /PA, SSP, Inv:

dated 06/08/2020.

DISCIPLINARY ACTION

I, Khan Akbar Khan SSP/Investigation CPO, Peshawar being competent authority under Rules 5 (b) of KP E&D Rules 2011 hereby charge you Constable/Computer Opt: Rahatullah No. 42 of Investigation Unit CPO, Peshawar have rendered yourself liable to be proceeded against departmentally, as you have committed the following acts of omissions/commissions within the meaning of KPK Civil Servants (E&D) Rules 2011.

STATEMENT OF ALLEGATIONS

"That the District Police Officer Charsadda vide his letter No. 1361/PA, dated 13.04.2017 has intimated that on 12.04.2017 you Constable/Computer Opt: Rahatullah No. 42 of Investigation unit CPO alongwith your accomplice namely Shahid Khan (driver) were nabbed by the local Police of P.S Mandant at Jamal Abad Check Post while you both were boarded in a suspected vehicle Registration No. CB-401, Chassis No. SCP 90-5079475, Engine No. 2SZ-FE Red Colour and Model 2007. On demand you failed to produce any registration or you did not produce any registration documents of the said vehicle except one authority letter duly signed and officially stamped by Mr. Karimullah, Stenographer Investigation Unit CPO. However in the said authority letter the Chassis number of the vehicle in-question was mentioned incorrect. The vehicle was taken into possession and you alongwith accomplice namely Shahid Khan (driver) were arrested u/s 54-CrPC.

For the purpose of scrutinizing the conduct of the said officer with reference to above allegations, an enquiry committee consisting of the following officer is constituted in the matter under Rule 10-(1) (A) of the Rules ibid:

Mr. Imtiaz Khan SSP / A.D. / Inv

Mr. Noman Habib / Insp. / Inv

The Enquiry Committee shall in accordance with the provisions of said Rules provide reasonable opportunity of hearing to the accused official record and submit its finding within 15 days of the receipt of this order and its recommendations as to punishment or other appropriate action against the accused official.

ATTESTED

(KHAN AKBAR)
Senior Superintendent of Police
Investigation CPO KP Peshawar

Amna G

To : The Senior Superintendent of Police,
Investigation, CPO, Peshawar.

Subject: REPLY TO THE CHARGE SHEET.

Respected Sir,

With due respect and reverence it is submitted with reference to your good office letter No.125/PA/SSP/Inv: dated 06.08.2020.

1. That nobody asked me regarding the registration copy or other relevant documents of vehicle because the owner and driver of the vehicle Shahid Khan was present in the vehicle on driver seat. The police asked Shahid Khan to produce any documents. Shahid Khan stated to the local Police that he has purchased the vehicle through valid documents and it will be produced later. Shahid Khan further stated to the police that he had paid a handsome amount for the purchase of vehicle but the local Police turned down a deaf ear to his submissions. Consequently we were implicated in the instant case. I had no knowledge about the genuineness or otherwise of the documents. Hence there is no concern regarding vehicle's documentation on my part.
2. That the allegation or charge that authority letter presented by me is wrong. It was mentioned in the content of FIR that the said authority letter was presented to the local Police by the Driver/owner of Motor Car (Shahid Khan). Moreover, nor I have saw Shahid Khan regarding production of chit or authority letter to police.
3. That, I along with my wife was proceeded for "Dam Darood" at District Charsadda. My co-villager Shahid Khan had a motor car for the last some months and, being my co-villager I did not asked him about the documentation etc.
4. I solemnly affirm and declare on oath (by **ALLAH** and the Holy **Quran Pak**) that fateful day, I was not arrested nor signaled to stop by ASI Noor Muhammad (complainant of the FIR) but in fact the car was stopped by 03 constables. However, when we were shifted to Police Station I meet ASI Noor Muhammad there.
5. That I solemnly affirm and declare on oath (by **ALLAH** and the holy **Quran Pak**) that the mode and manner of my arrest is wrong and false because we were stopped and arrested far and long from the distance of Jamal Abad Check Post and wrongly shown in FIR the place of my arrest.

That no iota of evidence is available on prosecution file or department, through which establish my nexus with the alleged occurrence. Therefore, the entire allegations are false and concocted and I am innocent and falsely implicated in the said case.

ATTESTED

7. In the said case another accused namely Karimullah Stenographer Investigation, CPO was also awarded major punishment and dismissed him from service vide order No. 3555-62, dated 03.08.2018. Later on he submitted a departmental appeal. His appeal accepted and after 40 days, his major punishment was converted into minor punishment vide order No. 4149-57/E-V, dated 11.09.2018. He is on duty in BDU, K.P as PA/Stenographer.
8. That on 22.10.2018 I submitted an application (in Urdu) for conditionally restoration of my service as my cadre was re-designated as Computer Operator BPS-16 vide Home & Tribal Affairs Department Notification No.SO(Budget)/HD/5-20/2018, dated 11.10.2018. On 06.11.2018 vide No.S/4496-97/18 the authority has passed the remarks that case is being sub-judice and as per opinion of AIG/Legal CPO there is no rule of conditional reinstatement during pendency of service appeal.
9. That challan was put in the court and trial commenced. Trial pending in the trial court for a period of 2.5 years through which I faced agony and at last the court come to the conclusion that I am innocent and falsely been implicated in the said case. Therefore, I was acquitted on 25.01.2020 from all the charges and allegations leveled against me.
10. Subsequently, after heard the arguments, the Khyber Pakhtunkhwa Service Tribunal Court passed the order of **reinstatement** of my service.
11. For the reasons cited above, all the allegations and charges leveled against me are baseless and false.
12. That during the time of pending of trial I sold out my immovable properties because I am elder of a large family consisting of 07 members and except of my monthly pay there was no source of income therefore, I faced miserable life.

It is most humbly prayed that in the light of aforementioned facts, the enquiry may kindly be filed and I may graciously be allowed for all back benefits on humanitarian and compassionate grounds in order to meet the ends of justice and obliged.

Dated: 12.08.2020

ATTESTED

Your's Obediently,

Rahat Ullah
12/8/2020

(RAHAT ULLAH)

Computer Operator (BS-16)
Investigation, CPO,
Peshawar.

0315-5678117

-24

Amir H 99

DE NOVO ENQUIRY AGAINST CONSTABLE/COMPUTER OPERATOR
RAHATULLAH NO.42

In pursuance to the order vide letter No.3378-79/Legal, dated 16.07.2020 the subject de novo enquiry has been conducted by the undersigned assisted by the enquiry committee comprising of the following Police officers of the Investigation Unit, CPO Peshawar:-

1. Mr. Abdur Rashid, PSP, SSP Investigation CPO, Peshawar.
2. Mr. Imtiaz Ali, DSP/Admn: Inv:, Peshawar.
3. Mr. Janan Habib, DSP Inv:, Peshawar.

Brief Facts:

As per the available record, the constable Computer Operator namely Rahatullah No. 42 of Investigation Wing CPO was assigned the duty as Computer Operator with PA to DIG/Admn Investigation CPO in the year 2017:

On the eventful day, the above mentioned Police official was apprehended with a non-custom paid motor car at Jamal Abad Check Post in the area of Police Station Mandani District Charsadda, which was being driven by one Shahid Khan s/o Sher Muhammad r/o Malik Din Khel Khyber Agency.

As per daily diary report No. 18 dated: 12.04.2017, written by ASI Noor Muhammad Khan, (F/A) Rahatullah the Computer Operator along with one private driver Shahid Khan allegedly produced an authority letter (F/B) of the office of DIG/Investigation HQrs, as a pretext for driving a NCP vehicle as they were unable to produce any other valid document of the said motor car. Furthermore, the computer operator introduced himself as a Police Official named as Rahatullah of Investigation Wing CPO Peshawar.

As the above mentioned individuals were unable to produce any valid documents, the local Police of PS Mandani took the motor car in question and the authority letter in its custody vide recovery memo. However, both the alleged persons were released on personal surety bonds. Initial enquiry u/s 156 (2) Cr.P.C was conducted by ASI Muhammad Asif of PS Mandani, who prepared site plan in the enquiry proceedings. According to the site plan, there was no mention of the wife of Rahatullah, showing thereof that in the said motor car, there were only two persons i.e. Shahid KHan driver and Rahatullah as co-driver at the time of the occurrence of the checking.

During the enquiry proceedings statements of both the persons were recorded by the enquiry officer.


ATTESTED

As per the statement of the driver Shahid Khan, he along with Police official Rahatullah were going to Showdag, Mandani for spiritual treatment of the wife of Rahatullah to a local Maulana as advised. However, they were intercepted by the local police and being considered as suspects, engaged in the transportation of NCP vehicles were arrested & shifted to PS Mandani by the Police.

Constable Rahatullah s/o Hafeezullah who worked as Computer Operator at Investigation Unit, CPO stated in his statement that he was taking his wife for spiritual treatment from a Maulana at Showdog Mandani in the car belonging to his friend namely Shahid s/o Sher Muhammad who happened to be his co-villager. He further stated that they were stopped in the area of PS Mandani by local Police and were taken to Police Station for further investigation as no legal documents regarding the car were produced by its driver.

After conducting an initial enquiry by ASI Asif Khan of PS Mandani an FIR No. 89 dated: 14.04.2017 u/s 419/420/468 PPC PS Mandani was registered against the above mentioned involved persons along with PA Karimullah of Investigation wing CPO. Investigation was carried out by ASI Sartaj Khan of PS Mandani and the accused were sent to judicial lockup.

After completion of the investigation complete challan u/s 173 Cr .PC was submitted in the court of law. Subsequently, the motor car seized by the Police party was handed over to the Customs Mobile Squad Mardan, being non custom paid. Thereafter, during the course of trial in the court of JMIC Tangi all the witnesses were summoned on number of occasions for recording their statements. However, the prosecution witnesses did not appear in the court for recording their statements. The prosecution failed to establish the case against the nominated accused, so the learned court acquitted all the three nominated accused including Rahatullah computer operator U/S 249-A Cr. P.C.

Simultaneously, on the other hand during departmental enquiry the alleged Rahatullah was awarded major punishment of compulsory retirement from service. However, he did not claim or received any gratuity / funds from government treasury till date and contested the decision of compulsory retirement in the court of Service Tribunal Peshawar.

After arguments and pleadings in the honourable court of Service Tribunal Peshawar the honourable court re-instated the accused/defaulters police official Rahatullah and directed the department to conduct the instant de-novo enquiry into the matter.

ATTESTED

During the instant de-novo enquiry, the defaulter Police official Rahatullah was charge sheeted by the competent authority. Consequently the defaulter Police Official submitted his reply denying all the allegations leveled against him.

Statements of witnesses i.e. ASI Asif Khan of District Charsadda along-with the constables Iqbal Shah and Zeeshan who were the witnesses of recovery memo were recorded. They corroborated their earlier statements given during the course of initial enquiry and investigation of the case.

It is pertinent to mention here that the star witnesses i.e. Noor Muhammad Khan ASI (complainant) & Sartaj Khan ASI (Investigation Officer) of the case had died. The struck off orders of the above have been obtained from the DPO office Charsadda and are placed on file as F/C & F/D. The photocopies of their previous statements are also placed on file.

The second person driver Shahid Khan S/O Sher Muhammad has also been heard. His statement has been recorded who denied all the allegations and contended that he was innocent in the subject matter.

Furthermore, the defaulter police official Rahatullah was crossed examined also during the enquiry proceedings the Enquiry Committee.

Conclusion:

- i). The authority letter that was presented and subsequently seized by the local Police at Jamal Abad check post PS. Mandani mentioned that Rahatullah Computer Operator was a subordinate official in the office of DIG/HQ Investigation CPO. It was arranged with the connivance of PA to DIG Hqrs Inv. Accordingly PA Karimullah was also nominated in the said FIR. However, he was acquitted along with other accused subsequently. Furthermore, PA Karimullah who was dismissed initially after the departmental proceedings was subsequently re-instated into the service by the appellate authority.
- ii). Rahatullah and Shahid Khan driver took the plea that there were three passengers in the said motor car including wife of Rahatullah. However, during the course of initial inquiry and subsequent investigation there was no presence of the wife of the accused Rahatullah and only two persons were found present in the said motor car. It was alleged that accused had mentioned the presence of his wife as a pretext to avoid the charge being engaged in the business of NCP vehicles. However, this factor has not been thoroughly probed during the investigation of the case.

ATTESTED

accused Rahatullah has been acquitted u/s 249- A Cr .PC along with other accused by the competent Court of law as the Prosecution failed to prove instant

case against the accused due to the non-appearance of the witnesses. Furthermore, no record is available to show that departmental action was taken against the witnesses for deliberate non-appearance.

The prosecution has failed to establish the fact that accused has been involved in such like cases previously and is a habitual offender.

Furthermore, his links with the smugglers of NCP vehicles have also not been established by the investigation officer during the course of investigation. Accused Rahatullah has categorically denied any sort of links with the smugglers/dealers of NCP vehicles.

- iv). The NCP motor car which was confiscated and handed over to Customs Mobile Squad Mardan was driven by the private driver Shahid Khan who claimed its ownership. Furthermore, he declared Rahatullah as his friend and stated that he was carrying him along with his wife for spiritual treatment.
- v) Two main P.Ws namely ASI Noor Mohammad (Complainant) and ASI Sarraj Khan (I.O) have died. Accordingly their statements could not be recorded which gave benefit of doubt to the defaulter Police official.

Recommendations:-


The defaulter Police official Rahatullah is a trained source of Police Department having 22+ years of service on his credit. He has been absorbed as Computer Operator BPS-16 in the year 2018. He has already been acquitted by the competent court. The co-accused PA Karimullah has also been reinstated in the same case who has allegedly provided them with a fake authority letter.

Keeping in view of the circumstances delineated above, the undersigned and the enquiry committee is of the opinion, that the punishment of compulsory retirement already awarded to the alleged official may be converted into the punishment of stoppage of two annual increments with accumulative effect.

However, the defaulter Rahatullah may not be provided the back benefits of the previous years, as he remained absent from his official duty which may be counted as leave without pay.

Submitted for your kind perusal and order please.

ATTESTED


 (NISAR AHMED KHAN) PSP
 Deputy Inspector General of Police,
 Investigation CPO, Peshawar



DEPUTY INSPECTOR GENERAL OF POLICE (INVESTIGATION)

(INVESTIGATION UNIT), AT CPO PESHAWAR

Phone: (091) 9210450 | Fax: (091) 9210052

ORDER

- JB
Amir I

This order will dispose off the De-novo Enquiry against Constable/Computer Operator Rahatullah No.42.

The delinquent official was awarded major punishment of compulsory retirement from service by the SSP Investigation, CPO, Peshawar under Police Rules, 1975 on the allegations that he while posted as Computer Operator in Investigation Unit CPO, Peshawar was apprehended with a non-custom paid motor car at Jamal Abad Check Post in the jurisdiction of Police Station Mandani District Charsadda, which was being driven by one Shahid Khan s/o Sher Muhammad r/o Malik Din Khol Khyber Agency.

As per daily diary report No. 18 dated: 12.04.2017, written by ASI Noor Muhammad Khan, Rahatullah the Computer Operator along-with one private driver Shahid Khan allegedly produced an authority letter of the office of DIG/Investigation HQRs, as a pretext for driving a NCP vehicle as they were unable to produce any other valid document of the said motor car. Furthermore, the computer operator introduced himself as a Police Official named as Rahatullah of Investigation Unit CPO Peshawar.

As the above mentioned individuals were unable to produce any valid documents, the local Police of PS Mandani took the motor car in question and the authority letter in its custody vide recovery memo. However, both the alleged persons were released on personal surety bonds. Initial enquiry u/s 156 (2) Cr.PC was conducted by ASI Muhammad Asif of PS Mandani and a proper case vide FIR No. 89 dated 14.04.2017 u/s 419/420/468 PPC PS Mandani was registered against the above mentioned involved persons along-with Stenographer Karimullah PA DIG Investigation HQRs, CPO, Peshawar. Investigation was entrusted to ASI Sartaj Khan of PS Mandani and the accused were sent to judicial lockup.

After completion of the investigation complete challan u/s 173 Cr .PC was submitted in the court of law. Subsequently, the motor car seized by the Police party was handed over to the Customs Mobile Squad Mardan, being non custom paid. Thereafter, during the course of trial in the court of JMIC Tangi all the witnesses were summoned on number of occasions for recording their statements. However, the prosecution witnesses did not appear in the court for recording their statements. The prosecution failed to establish the case against the nominated accused, so the

ATTESTED

learned court acquitted the entire three nominated accused including Rahatullah computer operator U/S 249-A Cr. PC.

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The accused official Rahatullah had contested the decision of compulsory retirement in the Court of Service Tribunal Peshawar. After arguments and pleadings in the honourable Court of Service Tribunal Peshawar, the honourable court reinstated the accused/defaulted police official Rahatullah and directed the Respondents to conduct de-novo enquiry strictly in accordance with the parameters of prevalent law and rules including fair and impartial treatment of providing personal hearing to the appellant within a period of ninety days after the receipt of judgment dated 01.07.2020. The issue of back benefits shall be subject to the outcome of the de novo enquiry.

Upon receipt of the judgment dated 01.07.2020 from the Honourable Court of Service Tribunal Peshawar, accordingly a Committee duly headed by Mr. Nisar Ahmad Khan, the then DIG/Investigation CPO Peshawar (now transferred) comprising of Mr. Abdur Rashid SSP/Investigation (now transferred), Mr. Imtiaz Ali A/DSP Admn and Mr. Janan Habib A/DSP was constituted to conduct De-novo enquiry in the matter.

The defaulter Police official Rahatullah was charge sheeted by the competent authority. Consequently the defaulter Police Official submitted his reply denying all the allegations leveled against him.

The Committee conducted De-novo enquiry and submitted its recommendations as furnished below :

Recommendations:-

The Enquiry Committee recommended that defaulter Police official Rahatullah is a trained source of Police Department having 22 + years of service on his credit. He has been absorbed as Computer Operator BPS-16 in the year, 2018. He has already been acquitted by the competent court. The co-accused PA Karimullah has also been reinstated in the same case who has allegedly provided them with a fake authority letter. Therefore, the enquiry committee is of the opinion, that the punishment of compulsory retirement already awarded to the alleged official may be converted into the punishment of stoppage of two annual increments with accumulative effect. However, the defaulter official Rahatullah may not be provided the back benefits of the previous years, as he remained absent from his official duty which may be counted as leave without pay.

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Keeping in view of the above recommendations and as approved by the Competent Authority (Addl:IGP/Investigation KP Peshawar), the decision and recommendation of the committee for the punishment of compulsory retirement already awarded to the defaulter official Constable/Computer Operator Rahatullah is to be converted into the punishment of stoppage of two annual increments with accumulative effect and the period of absence is to be treated as leave without pay.

The decision of the committee as approved by the competent authority is announced and issued.


(AKHTAR HAYAT KHAN) PSP
Deputy Inspector General of Police,
Investigation CPO, Peshawar

9925-29
No. _____/EC, (Inv:),

dated Peshawar, the 22 / 10 /2020

Copies of above are forwarded for information and necessary action to the:-

1. Registrar, Khyber Pakhtunkhwa Service Tribunal Peshawar w/r to his letter No. 1664/ST, dated 15.07.2020.
2. Inspector General of Police, Khyber Pakhtunkhwa w/r to CPO letter No. 3373-79/Legal, dated 16.07.2020.
3. Addl: Inspector General of Police, Investigation KP Peshawar.
4. DIG/Investigation (Admn) CPO Peshawar.
5. SSP Investigation CPO, Peshawar.
6. Director I.T CPO, Peshawar.
7. DSP Admn: Investigation.
8. Accountant Inv.
9. Official concerned.

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Annex J²

5175
5/11/20

To : The Worthy Additional Inspector General of Police,
Investigation, Khyber Pakhtunkhwa,
Peshawar.

Subject: **REQUEST FOR THE GRANT OF BACK BENEFITS
(FROM 06.07.2017 TO 05.08.2020).**

Respected Sir,

With due respect it is submitted with reference to order No.9925-29/EC/Inv, dated 22/10/2020 issued from the office of DIG/Investigation, KP, Peshawar. (Copy enclosed F/A)

1. That the applicant was re-instated by the court of Khyber Pakhtunkhwa Service Tribunal on 01.07.2020. The content of court order is "As sequel to the above, the appeal is accepted, impugned order dated 05.07.2017 and 27.09.2017 are set aside and the Appellant is reinstated in service with the direction to the Respondents to conduct de-novo enquiry strictly in accordance with the parameters of prevalent law and rules including fair and impartial treatment of providing personal hearing to the appellant within a period of ninety days after the date of receipt of this judgment. The issue of back benefits shall be subject to the outcome of the de-novo enquiry". (copy enclosed as F/B)
2. De-novo enquiry conducted in the matter and the punishment of compulsory retirement had converted into the punishment of stoppage of two annual increments with accumulative effect and the period which was referred for de-novo enquiry i.e. from 6th July 2017 to June 2020 was also treated as leave without pay. Now the applicant had been awarded dual punishment i.e. annual increments along with salaries for the years 2017-18, 2018-2019 and 2019-2020 and 2020-2021 to 2021-2022.
3. That the applicant was present on duty when the first order of compulsory retirement was issued on 05.07.2017.


ATTESTED

4. That the applicant faced agony during the long trial of about 3 years. The allegations leveled against the applicant were not proved during the trial in the court. At the last the court came into the conclusion and announced the order of acquittal on 25.01.2020. (copy enclosed F/C)
5. However, the applicant cannot be held liable for any sort of penalty whereas, the applicant has already been acquitted in such allegations.
6. That during the time of case trial the applicant had sold out immovable properties time to time being elder of a large family consisting of 07 members because there was no source of income except the applicant monthly salary and faced miserable life.

It is most humbly prayed that the order of above punishment may kindly be set aside and the applicant may graciously be allowed for all back benefits on humanitarian and compassionate grounds and oblige.

Dated: 04.11.2020

Your's Faithfully,


(RAHAT ULLAH)
Computer Operator,
Investigation Unit,
CPO, Peshawar.

ATTESTED

OFFICE OF THE ADDL: INSPECTOR GENERAL OF POLICE,
INVESTIGATION CPO KHYBER PAKHTUNKHWA PESHAWAR



ORDER

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Raza K

This order will dispose off the Mercy Petition of Computer Operator Rahatullah of Investigation Unit CPO against the order of DIG/Investigation Unit CPO, Peshawar issued over Endst: No.9925-29/EC/Inv: dated 22.10.2020 vide which the punishment of compulsory retirement (already awarded) was recommended to be converted into the punishment of stoppage of two annual increments with accumulative effect and that he may not provided back benefits of the previous years as he remained absent from his official duty which may be counted as leave without pay.

Facts are that upon receipt of a judgement dated 01.07.2020 from Honourable KP Service Tribunal Peshawar wherein the defaulter official had filed an appeal for his reinstatement. The Honourable Tribunal while disposing off his appeal, reinstated him in service with the directions to the Respondents to conduct de-novo enquiry strictly in accordance with the parameters of prevalent law and rules including fair and impartial treatment of providing personal hearing to the appellant within a period of Ninety Days after the date of receipt of said judgement. The issue of back benefits shall be subject to the outcome of the de-novo enquiry.

Accordingly a Committee duly headed by the then DIG/Investigation CPO Peshawar, comprising of Mr. Abdur Rashid SSP/Investigation (now transferred), Mr. Imtiaz Ali A/DSP Admn and Mr. Jahan Habib A/DSP was constituted to conduct De-novo enquiry in the matter.

The Committee conducted De-novo enquiry and submitted its report within the stipulated period.

BACKDROP

Computer Operator Rahatullah of this unit was apprehended by the local Police of PS Mandani, Charsadda with a non-custom paid motor car at Jamal Abad Check Post PS Mandani Charsadda which was being driven by one Shahid Khan son of Sher Muhammad r/o Malik Din Khel Khyber Agency. The individuals were unable to produce any other valid document of the said motor car except an authority letter for carrying the vehicle, seemed to be signed by Mr. Karimullah the then Stenographer to DIG/Investigation CPO. However the said authority letter also proved suspected as chassis number of the vehicle mentioned thereon did not

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NSP.....2

ATTESTED

.....4..... - 34

match the actual chassis number of the vehicle in question. A case vide FIR No. 89/2017 u/s 419/420/468-PPC PS Mandani was registered against the accused officials. After departmental proceedings accused official Rahatullah was compulsory retired from service by Mr. Noshir Khan, the then SP/Investigation under Police Rules, 1975.

The defaulter official then filed an appeal in the Honourable KP Service Tribunal. The Honourable Tribunal reinstated in service and ordered de-novo enquiry as explained above.

The Enquiry Committee after conduct of Denovo enquiry submitted its report upon which the DIG/Investigation CPO, Peshawar issued order No. 9925-29/EC/Inv: dated 22.10.2020 wherein it was recommended that the punishment of compulsory retirement already awarded to the alleged official may be converted into the punishment of stoppage of two annual increments with accumulative effect. It was further recommended that the defaulter official Rahatullah may not be provided the back benefits of the previous years, as he remained absent from his official duty which may be counted as leave without pay. Hence the instant Mercy Petition.

I have gone through the relevant record, placed on file and reached to the conclusion that the De-novo enquiry has been conducted on correct lines. The defaulter official was given full opportunity of self defence. Relevant statements were recorded and sufficient material was gathered during the course of enquiry. Hence the undersigned sees no grounds to set-aside the order of DIG/Investigation, CPO, Peshawar as referred above.

Keeping in view of the above, the order of DIG/Investigation CPO, issued over Endst: No. 9925-29/EC/Inv: dated 22.10.2020 is upheld and the instant Mercy Petition is rejected.


(FEROZE SHAH) PSP

Addl: Inspector General of Police
Investigation CPO KP Peshawar

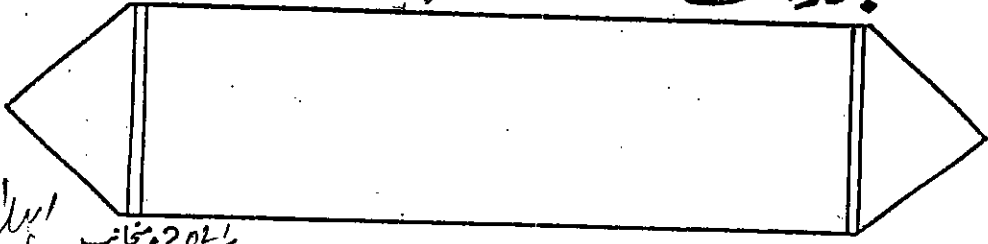
No. 175-79/EC/Inv: dated Peshawar, the 06/01/2021.

Copies are sent for information and n/action to the:-

1. DIG/Investigation CPO, KP Peshawar.
2. SSP/Investigation CPO Peshawar
3. DSP Admn: Inv
4. Accountant Inv:
5. Official concerned.

ATTESTED

بعدالت



ابھارندہ
2021ء پنجاب
راولپنڈی

موزخہ
مقدمہ
دعویٰ
جرم

باعث تحریر آئیکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
آئیکہ کے لئے

آن مقام کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور صولی چیک دروپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخ
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ لیا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ
پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانا التوائے مقدمہ کے سبب سے ہوگا۔
کوئی تاریخ پیشی مقام دورہ نہ ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ مندر ہے۔

المرقوم 26
ماہ جنوری 2021ء

وہ الب
بمقام
کے لئے منظور ہے۔

BEFORE THE HONORABLE PESHAWAR HIGH COURT
PESHAWAR

Service Appeal No. 1618/2021

Rahatullah Computer Operator, Investigation Unit CPO (Petitioner)

VERSUS

4. Inspector General OF Police, Khyber Pakhtunkhwa Peshawar. (Respondents)
5. Capital City Police Office Peshawar.
6. Senior Superintendent of Police, Peshawar.

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Respondents, through



DSP/Legal
Investigation, Unit CPO
Peshawar.

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR.

SERVICE APPEAL NO. 1618/2021.

Rahatullah Constable Computer Operator, Computer Cell, Investigation Unit CPO, Peshawar

_____ (Appellant)

Versus

1. The PPO Khyber Pakhtunkhwa, Peshawar and others..... (Respondents)

Parawise reply by respondents;

Respectfully Sheweth:-

In compliance of direction vide notice 16th of April 2021, the requisite Parawise comments to appeal on behalf of respondents are submitted as under;

Preliminary objections:-

1. That the appellant has got no cause of action and locus standi to file instant service appeal.
2. That the appellant has not come to this Honorable Tribunal with clean hands.
3. The appeal is badly barred by law and limitation.
4. That the appeal is bad for misjoinder and non-joinder of necessary parties.
5. That the service appeal is not maintainable because maximum relief has been provided to the appellant, through a de nova enquiry by enquiry committee on the direction of Honorable Service Tribunal vide service appeal No.1243/2017, filed by the appellant and as the compulsory retirement of the appellant has been converted into stoppage of two increment with accumulative effect keeping into consideration his longer service of 22/23 years in Police Department.
6. The appeal of the appellant is not maintainable in the present form

Facts:-

1. Pertains to record needs no comments.
2. Incorrect, the appellant along with co-accused namely shahid khan r/o Khyber Agency was apprehended by local police with a NCP motor car during nakabandi at Jamal Abad check post of police station Mandani District Charsadda. The driver of the car in question had failed to produce valid registration paper to the police except an authority letter of the office of DIG investigation HQrs, produced by driver shahid as a pretext for driving a NCP vehicle. The appellant who was set in the front seat of the motor car introduced himself a police officer named as Rahatullah of investigation wing CPO Peshawar and alleged that shahid driver is my friend and they were going for spiritual treatment of his wife.
3. Pertains to record of trail Court. The appellant was not honorably acquitted but acquitted on technical ground.

4. Correct to the extent that he was served with charge sheet and statement of allegation. The remaining portion of the para 4 incorrect. The appellant was proceeded against departmentally on the bases of professional misconduct by involving in criminal activities, so far as acquitted from criminal charges concerned, it was on technical ground or benefits of doubt was extended, whenever, charges of professional misconduct have been proved against him in departmental proceeding conducted in accordance with law and rules, in which he was afforded all lawful opportunities of defense.
5. As the appellant alleged in the appeal that the fact finding enquiry has been conducted at the back of the appellant is totally baseless. The enquiry committee fulfill all Para meter in accordance with law as order by the honorable service tribunal in his order passed on 22.10.2020, upon which a de-novo enquiry was conducted through an enquiry committee and the outcome of inquiry is as under;
“ In the above circumstances, the enquiry committee is of opinion, that the punishment of the compulsory retirement already awarded to the alleged, may kindly be converted by awarding him punishment of withholding 02 increments with accumulative effect” if agreed.
The alleged Rahatullah is not entitled of back benefit of the previous years, as he remained absent from his official duty, because of his own suspect activities being a police officer.
6. Correct, to the extent that the appellant on 04.11.2020 filed a Mercy petition/ departmental appeal against the recommendation of enquiry committee and order No.9925-29/EC/Inv dated 22.10.2020, but the Mercy petition was rejected on the cogent grounds by the competent authority vide order No. 175-79/EC/Inv dated 06.01.2021.
7. Incorrect, the appellant has wrongly assailed the legal and lawful order of the respondents through unsound grounds.

Grounds:-

- A. Incorrect, appellant has been treated in accordance with facts, law/rules and never infringed any provision of constitution of Pakistan.
- B. Incorrect, the appellant was provided all opportunity of defense as ordered by the honorable service tribunal in service appeal No.1243/2017 but he failed to rebut the charges lenient view was taken and major punishment was awarded which is not appealable under the circumstances.
- C. Incorrect, appellant is police employee and police law and rules being special law is applied.
- D. Incorrect, proper charge sheet with statement of allegation was issued to appellant under police rule 1975.
- E. Incorrect, proper enquiry was carried out wherein all the opportunities of defence and personal hearing were afforded to appellant.
- F. Incorrect, the orders of respondents are based on facts, justice and in accordance with police rule 1975. Respondents have not infringed any

provision of constitution, Facts & a circumstance of appellant case is differ from the judgment / order of Courts.

- G. Incorrect, as explain in proceeding paras.
- H. Correct, to the extent that appellant has long service therefore dismissal was converted into minor which commensura with proved charges. .
- I. Incorrect, the order of respondents commensura with the established charges against the appellant.
- J. Respondents may be allowed to raise other grounds at the time of hearing of appeal.

Prayer:.

In the light of above facts and circumstances, it is respectfully submitted that service appeal being not maintainable may kindly be dismissed with costs please.

**Senior Superintendent of Police,
Investigation Peshawar
(Respondent No.3)**

**Capital City Police, Officer
Peshawar
(Respondent No.2)**

**Provincial Police Officer,
Khyber Pakhtunkhwa Peshawar
(Respondent No.1)**

BEFORE THE HONORABLE PESHAWAR HIGH COURT
PESHAWAR

Service Appeal No. 1618/2021

Rahatullah Computer Operator Investigation Unit CPO (Petitioner)

VERSUS

1. Inspector General OF Police, Khyber Pakhtunkhwa Peshawar. (Respondents)
2. Capital City Police Office Peshawar.
3. Senior Superintendent of Police, Peshawar.

AFFIDAVIT

I, Kamal Hussain DSP/ Investigation, Unit CPO, Peshawar do hereby solemnly affirm on oath that the content of accompanying Para-wise comments, on behalf of respondents No.1, 2 and 3 are correct to the best my knowledge and belief. Nothing has been concealed from this Honorable Court.

DEPONENT

Kamal H.

(KAMAL HUSSAIN)
DSP/Investigation, Unit CPO
Peshawar.

CNIC: 17301-2659194-5
Cell #: 0300-5951243

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1618 /2021

Rahatullah Appellant

Versus

IGP and others.....Respondents

**REJOINDER ON BEHALF OF APPELLANT IN RESPONSE
TO REPLY FILED BY RESPONDENTS.**

Respectfully Sheweth,

Preliminary Objections:

Preliminary objections raised by answering respondents are erroneous and frivolous. Appellant has got a strong cause of action and for that matter locus standi to file the instant appeal. The instant appeal being filed within time.

Facts:

1-4. Not properly contended by the Respondents. Appellant was subjected to the departmental proceedings in light of a criminal case wherein he was acquitted on 25.01.2020, whereafter he approached to this Hon'ble Tribunal in Service Appeal No.1243/2017 against the compulsory retirement which was allowed on 01.07.2020 by directing the Respondents to conduct inquiry in accordance with law and Rules.

5-7. Not admitted. The directions of this Hon'ble Tribunal were not complied with as appellant was not afforded a chance of fair trial as has been provided Article-10A of the Constitution of Islamic Republic of Pakistan, 1973. Moreover, the Inquiry Officer did not find appellant guilty of misconduct but his recommendations were outright overlooked by the competent authorities.

Grounds:

A-J. Incorrect, the grounds as mentioned in comments are not upto the mark as contended by the answering Respondents while the grounds embodied in the writ petition are well reasoned based upon prevailing laws.

It is, therefore, humbly prayed that the reply of answering Respondents may graciously be rejected and the appeal as prayed for may graciously be accepted with costs.

Through

Appellant

Muhammad Amin Ayub

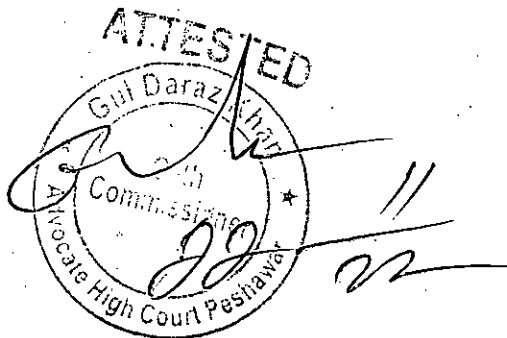
&

Muhammad Ghazanfar Ali
Advocates, Peshawar

Dated: ¹¹ 20/10/2022

Verification

Verified that the contents of this rejoinder are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.



Advocate