

02.11.2022

Junior of learned counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

Junior of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is busy before Hon'ble Peshawar High Court, Peshawar.

Adjourned. To come up for arguments on 26.12.2022 before D.B.



(Mian Muhammad)
Member (E)



(Salah-ud-Din)
Member (J)

26.12.2022

Due to winter vacation the case is adjourned to 27.03.2023 before the same.
Cf
Reader.

27th Mar, 2023

Learned counsel for the appellant present. Mr. Fazal Shah Mohmand, Addl: AG for respondents present.

Learned counsel for the appellant seeks adjournment on the ground that has not prepared the case. To come up for arguments on 08.06.2023 before D.B. P.P given to the parties.

SCANNED
PESHAWAR



(Salah Ud Din)
Member (Judicial)



(Kalim Arshad Khan)
Chairman

16-2-22


Due to Retirement of the Hon,ble Chairman
The case is adjourned to come up for the
Same as before on 7-6-22

M. J. Reader

07.06.2022

Clerk of learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is not available today due to strike of lawyers. Adjourned. To come up for arguments on 10.08.2022 before the D.B.


(Fareeha Paul)
Member (E)


(Salah-ud-Din)
Member (J)

10-8-2022

Proper DB not available the case
is adjourned to 2-11-2022

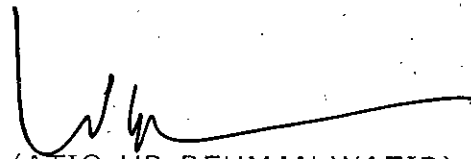
M. J. Reader


06.05.2021 Due to demise of the Worthy Chairman, the Tribunal is non-functional, therefore, case is adjourned to 07.09.2021 for the same as before.


Reader

07.09.2021 Learned counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.


Learned counsel for the appellant requested for adjournment on the ground that he has not met preparation for arguments. Adjourned. To come up for arguments before the D.B on 20.12.2021.



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


(SALAH-UD-DIN)
MEMBER (JUDICIAL)

20.12.2021 Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for respondents present.

Learned counsel for the appellant requested for adjournment as he has not prepared the brief. Adjourned. To come up for arguments before the D.B on 16.02.2022.


(Atiq Ur Rehman Wazir)
Member (E)


Chairman

995/2020

28.09.2020

Counsel for the appellant and Addl. AG for respondents present.

Learned AAG seeks further time to furnish reply/comments. Learned AAG is required to contact the respondents and facilitate the submission of reply/comments on 18.11.2020 before S.B.

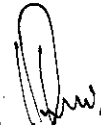


Chairman

18.11.2020

Junior counsel for appellant and Addl; AG alongwith Zafarullah, Inspector for respondents present.

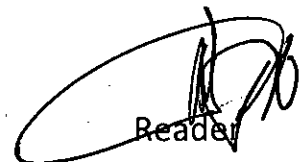
Representative of respondents has furnished the requisite reply/comments. Placed on record. The appeal is assigned to D.B for arguments on 10.02.2021. The appellant may submit rejoinder within 10 days, is so advised.



Chairman

10.02.2021

Due to Pandemic of Covid-19, the case is adjourned to 06.05.2021 for the same.



Reader

18.06.2020

Counsel for the appellant present. Preliminary arguments heard and case file perused. Learned counsel for the appellant argued that this is the second round of litigation. Previously the appellant was dismissed from service against which he filed service appeal No. 1377/2014 in this Tribunal which was decided on 30.08.2018 and directed the respondents for conducting de-novo enquiry. Thereafter the appellant was reinstated into service but his back benefits for the period from 01.10.2013 to 05.10.2018 were withheld with immediate effect vide order dated 07.12.2018. Against the said order, the appellant filed departmental appeal on 24.12.2018 which was rejected on 27.03.2019. The appellant then filed revision petition which was also rejected vide order dated 07.01.2020, hence the instant service appeal on 06.02.2020. The appellant further stated that the appellant has not been treated in accordance with law and rules.

Points urged need consideration. Service appeal is admitted subject to all legal objections. Appellant is directed to deposit security and process fee within 10 days, thereafter, notices be issued to the respondents for written reply/comments for 04.08.2020 before S.B.

Appellant Deposited
Security & Process Fee

(MAIN MUHAMMAD)
MEMBER

04.08.2020

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

Learned Additional AG seeks time to contact the respondents and furnish the requisite reply/comments. Adjourned to 28.09.2020 on which date reply/comments shall positively be furnished.

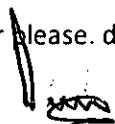

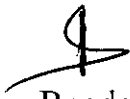
(MIAN MUHAMMAD)
MEMBER (E)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 995 /2020


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	17/02/2020	<p>The appeal of Mr. Najibullah resubmitted today by Mr. Saadullah Khan Marwat Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please. decrease</p> <p style="text-align: right;"> REGISTRAR = 17/2/2020</p> <p>2-</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>27/03/2020</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> <p>27.03.2020</p> <p>Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 18.06.2020 before S.B.</p> <p style="text-align: right;"> Reader</p>

The appeal of Mr. Najeebullah son of Mehrullah Cook Constable No. 256 Police Station Faizu Lakki Marwat received today i.e. on 06.02.2020 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Memorandum of appeal may be got signed by the appellant.
- 2- Annexures of the appeal may be attested.
- 3- Annexures of the appeal may be flagged.
- 4- Appeal may be page marked according to the Index.
- 5- Copy of revision petition mentioned in the memo of appeal is not attached with the appeal which may be placed on it.
- 6- Five more copies/sets of the memo of appeal along annexures i.e. complete in all respect may also be submitted with the appeal.

No. 357 /S.T,

Dt. 11-02 /2020.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Saadullah Khan Marwat Adv. Pesh.

Jiv

Re-submitted after completion.

As for as objection No 5 is concerned
the Revision Petition is not available and
will be placed on file when received.



BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

S.A No. 995 /2020

Najeeb Ullah

versus

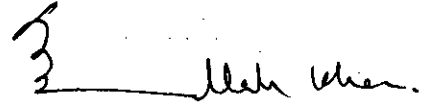
D.P.O & others

I N D E X

S.#	Description of Documents	Annex	Page
1.	Memo of Appeal		1-3
2.	1 st Appeal No. 1371/14	"A"	4-6
3.	Judgment dated 30-08-2018	"B"	7-10
4.	Order dated 07-12-2018	"C"	11
5.	Departmental appeal, 24-12-2018	"D"	12
6.	Rejection order dated 27-03-2019	"E"	13
7.	Rejection order dated 07-01-2020	"F"	14

Appellant

Through



(Saadullah Khan Marwat)
Advocate

21-A Nasir Mension,
Shoba Bazar, Peshawar.

Ph: 0300-5872676

0311-9266609

Dated 04-02-2020

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWARS.A No. 995 /2020

Najeeb Ullah S/O Mehrullah,
R/O Sharbi Khel, Lakki Marwat.
Cook Constable No. 256, Police
Station, Faizu Lakki Marwat Appellant

Khyber Pakhtunkhwa
Service TribunalCase No. 1021Dated 6-2-2020**VERSUS**

1. District Police Officer,
Lakki Marwat.
2. Deputy Inspector General
of Police, Bannu Range,
Bannu.
3. Provincial Police Officer,
KP, Peshawar. Respondents

Filed to-day

Registrar

6/2/2020

⇔<=>⇔<=>⇔<=>⇔<=>⇔

APPEAL U/S 4 OF THE SERVICE TRIBUNAL ACT, 1974 AGAINST OB NO. 691 DATED 07-12-2018 OF R. NO. 1 BACK BENEFITS FOR THE PERIOD FROM 01-10-2013 TO 05-10-2018 WERE WITHHELD WITH IMMEDIATE EFFECT OR OFFICE ORDER NO. 1400 / EC DATED 27-03-2019 OF R. NO. 02 WHEREBY APPEAL OF APPELLANT WAS FILED AND THE PERIOD OF OUT OF SERVICE WAS TREATED AS UNAUTHORIZED ABSENCE AS WITHOUT PAY OR OFFICE ORDER NO. S / 271 / 20 DATED 07-01-2020 OF R. NO. 03 WHEREBY REVISION PETITION WAS REJECTED:

⇔<=>⇔<=>⇔<=>⇔<=>⇔

Respectfully Sheweth:

1. That facts and grounds of the matter has been fully narrated in the Service A. No. 1377 / 2014 as well as in the judgment dated 30-08-2018. (Copies as Annex "A" & "B")
2. That in the judgment dated 30-08-2018, the department was directed to conduct De-Novo enquiry in accordance with Rules within a period of ninety (90) days from the date of receipt of the judgment. The issue of back benefits shall be subject to the outcome of De-Novo Inquiry.
3. That the said judgment was remitted to the respondents for compliance by appellant as well as by the Registrar of the hon'ble Tribunal, but no regular inquiry was conducted and the respondents relied upon the former documents and again passed an order on 07-12-2018 by R. No. 01 and the back benefits were withheld with immediate effect for no legal reason. (Copy as annex "C")
4. That on 24-12-2018, appellant submitted departmental appeal before R. No. 02 for grant of back benefits which was rejected on 27-03-2019. (Copies as Annex "D" & "E")
5. That thereafter, appellant filed Revision Petition before R. No. 03 for award of back benefits which was rejected vide order dated 07-01-2020. (Copy as Annex "F")

Hence this appeal, inter alia, on the following grounds:-

GROUND S:

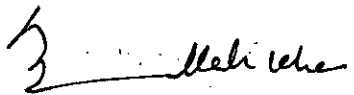
- a. That in the judgment dated 30-08-2018, the hon'ble Tribunal directed the respondents to conduct De-Novo enquiry in accordance with Rules within a period of ninety (90) days and to also decide issue of back benefits but no De-Novo enquiry was conducted.
- b. That appellant was even not served with any fresh Charge Sheet, Statement of Allegation and to conduct De-Novo enquiry, but relied upon the formers which were against the law and judgment of the hon'ble Tribunal.


- c. That R. No. 02 & 03 also relied upon the order passed by R. No. 01 and did not take into consideration the concluding para of the judgment of the hon'ble Tribunal.
- d. That the back benefits were subject of De-Novo enquiry and when De-Novo enquiry was not conducted by the respondents, then appellant is entitled for all back benefits from the date of termination from service and reinstatement / release of monthly salaries.
- e. That all the three impugned orders are not per the spirit and mandate of law / judgment, so has no legal value, rather based on ulterior motive.

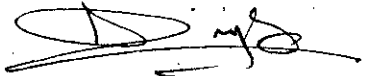
It is, therefore, most humbly prayed that on acceptance of the appeal, orders dated 07-12-2018, 27-03-2019 and 07-01-2020 of the respondents be set aside and appellant be awarded all back benefits since the date of termination from service i.e. 09-05-2014 till his reinstatement in service with such other relief as may be deemed proper and just in circumstances of the case.

Through

Appellant


Saadullah Khan Marwat


Arbab Saif-ul-Kamal


Amjad Nawaz
Advocates

Dated 04-02-2020

A 4

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR

S.A No. 1371 /2014

Najibullah S/o Mehrullah, R/o Sharbi Khel,
Ex - Cook Constable No. 142 PP, Shahbaz
Khel, P.S Pezu District Lakki Marwat Appellant

Versus

1. District Police Officer, Lakki Marwat.
2. Deputy Inspector General of Police,
Bannu Range, Bannu.
3. Provincial Police Officer, KP, Peshawar. Respondents

⇔<=>⇔<=>⇔<=>⇔<=>⇔
APPEAL U/S 4 OF THE SERVICE TRIBUNAL ACT,
1974 AGAINST OB NO. 289, DATED 09.05.2014,
OF R. NO. 1 WHEREBY APPELLANT WAS
DISMISSED FROM SERVICE WITH EFFECT FROM
01.010.2013 RETROSPECTIVELY OR OFFICE
ORDER NO. / EC, DATED 10.06.2014 OR R. NO.
2 WHEREBY DEPARTMENTAL APPEAL OF
APPELLANT DATED 21.05.2014 WAS REJECTED
FRO NO LEGAL REASON.

⇔<=>⇔<=>⇔<=>⇔<=>⇔

Respectfully Sheweth:

1. That on 01.06.2010, appellant was appointed as Cook Constable in the force and since then he was performing his official duties to the best of the ability and to the entire satisfaction of superiors.
2. That on 01.10.2013, the local police raided the house of Bahadar Khan to recover Punjabi Ladies brought for selling / buying / Zina. Mst Aasia Bibi & Mst Shenaz Bibi were recovered and accused Muhammad Ramzan, Nazir Ullah and Samiullah were arrested on the spot while others decamped from the spot as per the version of FIR. Report u/s 371-A/371-B PPC r/w 13AO was lodged against the accused. (Copy as annex "A")

Atiqo


3. That formal enquiry was conducted by the Police which was not admissible under the Law & as a result of the same, appellant was served with charge sheet and statement of allegations on 07.10.2014. Statement of allegation requires worth perusal wherein no specific allegation was leveled against appellant but others.

The said charge sheet was replied, denying the allegations, when allegations are denied then the matter requires full probe. (Copies as annex "B" & "C")

4. That as per the impugned order, enquiry into the matter was initiated by the department but appellant was never associated with the same. What was the result of 1st Inquiry Report, the same was not disclosed by the authority in the impugned order.

5. That de novo enquiry was ordered by the authority as per the impugned order but the same was also not conducted as per the mandate of Law.

6. That after conclusion of so called enquiry proceedings, report was submitted for onward action to the authority but here it would be not out of place to mention that the enquiry proceedings were not provided to appellant with the charge sheet.

7. That appellant was as per the impugned order served with final show cause notice which was replied and denied the allegations as above. (Copies as annex "D" & "E")

8. That on 09.05.2014, on the aforesaid allegations and subsequent allegations of absence from duty since 01.10.2013 to 16.01.2014, appellant was dismissed from service under Police Rules, 1975 with effect from 01.10.2013 retrospectively. (Copy as annex "F")

9. That on 21.05.2014, appellant submitted departmental appeal before R. No. 2 for reinstatement in service, but the same was filed on 10.06.2014 without support of any reason. (Copy as annex "G" & "H")

10. That on 26.08.2014, appellant submitted Revision/Mercy Petition before R. No. 3 which was filed on 07.10.2014. (Copies as annex "I" & "J")

AR/42
5

11. That appellant submitted application before R. No. 1 for supply of the documents mentioned therein but invain. (Copy as annex "K")

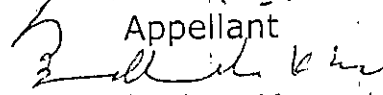
Hence this Appeal, inter alia, on the following grounds:-

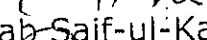
GROUNDS:

- a. That appellant was appointed basically as Cook Constable & used to Cook for the employees.
- b. That the local Police raided the house of Bahadar Khan who happens to be paternal uncle of appellant, so he is not responsible for his activities, if any.
- c. That as per the version of R. No. 1, formal enquiry was conducted which was not admissible under the law, and then regular one but result of this enquiry was not known. Denove Inquiry was made but this was also not per the mandate of law, so the impugned orders are of no legal effect.
- d. That the charge sheet and statement of allegations nowhere contain allegation of absence from duty, so subsequent thought cannot make basis for punishment.
- e. That the impugned orders of the respondents are made with retrospective effect, so no administrative could be operated retrospectively.
- f. That trial in the matter is under process, so its result be awaited. The impugned orders are based on malafide as per the record.

It is, therefore, most humbly prayed that on acceptance of the Appeal, order dated 09.05.2014, 10.06.2014 and 07.10.2014 of respondents be set aside and appellant be reinstated in service with all back benefits, with such other relief as may be deemed proper and just in circumstances of the case.

Through


Appellant
Saadullah Khan Marwat


Arbab Saif-ul-Kamal


Miss Rubina Naz
Advocates,

Dated: 6 .11.2014



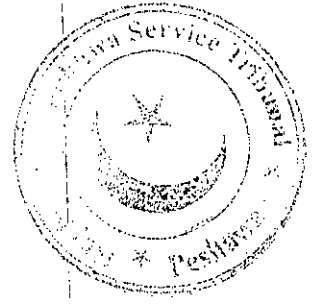
B 7

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

SERVICE APPEAL NO. 1377/2014

Date of institution ... 06.11.2014

Date of judgment ... 30.08.2018



Najibullah S/o Mehrullah, R/o Sharbi Khel,
Ex-Cook Constable No. 142 PP, Shahbaz Khel,
P.S Pezu District Lakki Marwat.

... (Appellant)


VERSUS

1. District Police Officer, Lakki Marwat and two others.

... (Respondents)

SERVICE APPEAL UNDER SECTION-4 OF THE SERVICE TRIBUNAL ACT, 1974 AGAINST OB NO. 289, DATED 09.05.2014, OF RESPONDENT NO. 1 WHEREBY APPELLANT WAS DISMISSED FROM SERVICE WITH EFFECT FROM 01.10.2013 RETROSPECTIVELY OR OFFICE ORDER NO./EC, DATED 10.06.2014 OF RESPONDENT NO. 2 WHEREBY DEPARTMENTAL APPEAL OF APPELLANT DATED 21.05.2014 WAS REJECTED FOR NO LEGAL REASON.

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Mr. Arbab Saif-ul-Kamal, Advocate.

Mr. Kabirullah Khattak, Additional Advocate General

.. For appellant.
.. For respondents.

Mr. MUHAMMAD AMIN KHAN KUNDI

MR. AHMAD HASSAN

.. MEMBER (JUDICIAL)
.. MEMBER (EXECUTIVE)

JUDGMENT

MUHAMMAD AMIN KHAN KUNDI, MEMBER: -

Learned

counsel for the appellants present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents also present. Arguments heard and record perused.

2. Brief facts of the case as per present service appeal are that the appellant was serving in Police Department as Cook-Constable. He was dismissed from service vide impugned order dated 09.05.2014 by the competent authority on the allegation that on 01.10.2013 local police P.S Pezu recovered Mst. Asia Bibi

M. Amin
30.08.2018



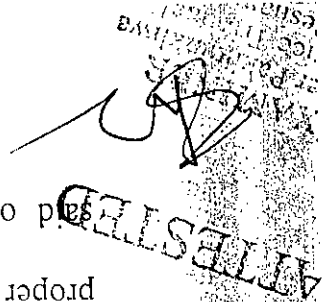
wife of Muhammad Nawaz resident of Lahore (Punjab) and Mst. Shehaz Bibi wife of Allah Dita resident of district Sheikhpura (Punjab) from his residential house and Muhammad Ramazan, Nazirullah and Samiullah were also arrested on the spot he (Nazirullah) and Mehruallah made their escape from the spot and a criminal case vide FIR No. 320 dated 01.10.2013 under sections 371-A/371-B PPC/13-AO/PS Pezu was registered and the appellant also remained absent from duty from 01.10.2013 to 14.01.2014. The appellant filed departmental appeal on 21.05.2014 which was rejected on 10.06.2014. The appellant also filed mercy/revision petition before the Inspector General of Police on 26.08.2014 which was rejected on 07.10.2014 hence, the present service appeal on 06.11.2014.

3. Respondents were summoned who contested the appeal by filing written reply/comments.

4. Learned counsel for the appellant contended that the appellant was

serving in Police Department as Cook-Constable. It was further contended that the appellant was dismissed from service on the aforesaid allegation vide impugned order dated 09.05.2014 retrospectively from the date of absence i.e. 01.10.2013 therefore, the impugned order is void. It was further contended that the appellant was acquitted by the competent court from the charge leveled against him vide judgment dated 02.10.2017 under sections 371-A/371-B - 13AO. It was further contended that neither charge sheet and statement of allegation was served upon the appellant nor proper inquiry was conducted. It was further contended that initially inquiry was conducted by the S.I Gul Jaman DPO office Larki Marwat and submitted his report on 04.12.2013 but the competent authority directed de-novo inquiry in the case on the ground that proper process was not followed in the case. It was further contended that the order of de-novo inquiry was passed by the competent authority on

M. Amin
30.8.2018

ATTESTED


M. Amin

13.02.2014 as revealed from the inquiry report dated 04.12.2013. It was further contended that when the competent authority directed to de-novo inquiry against the appellant than the competent authority was required to serve fresh charge sheet and statement of allegation or to give opportunity to the appellant for reply to the charge sheet earlier framed against the appellant but no opportunity of reply to the charge sheet was afforded to the appellant. It was further contended that when the competent authority was not satisfied from the first inquiry conducted against the appellant than the competent authority should have mentioned a reason for de-novo inquiry but the competent authority has not mentioned any plausible reason for conducting de-novo inquiry therefore, the impugned order is illegal and liable to be set-aside and prayed for acceptance of appeal.

5. On the other hand, learned Additional Advocate General for the respondents opposed the contention of learned counsel for the appellant and contended that the appellant was serving in Police Department as Cook-Constable, later on he was dismissed from service on the ground that he was involved in moral turpitude offence and a criminal case was also registered against the appellant. It was further contended that all codal formalities were fulfilled and the appellant was also provided opportunity of cross examination and defence therefore, the appellant was rightly dismissed from service and prayed for dismissal of appeal.

6. Perusal of the record reveals that the appellant was serving in Police Department as Cook-Constable. The record further reveals that after framing of charge and statement of allegation inquiry was conducted against the appellant but the competent authority was not satisfied from the aforesaid inquiry and directed to conduct de-novo inquiry but the competent authority has not mentioned any plausible reason under Section 4 Sub-Section 6 of Khyber

M. Jinnah
30.8.2018

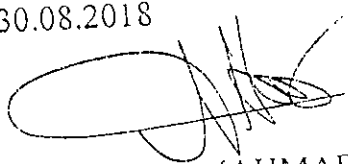
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Attest
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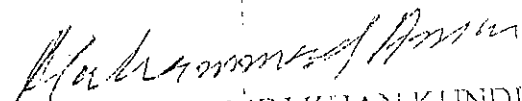
EXAMINER
Khyber Pakhtunkhwa

Pakhtunkhwa Government Servants (Efficiency & Disciplinary) Rules, 2011 for conducting de-novo inquiry. Moreover, there is nothing on the record to show that before a de-novo inquiry the appellant was provided opportunity to submit reply of charge sheet and statement of allegation. Furthermore, there is nothing on the record that after conducting de-novo inquiry copy of the de-novo inquiry was issued to the appellant nor the record indicate that after conducting a de-novo inquiry a final show-cause notice was issued to the appellant. Moreover, the appellant was also acquitted from the charge leveled against him by the competent court in criminal case and the impugned order was also passed retrospectively therefore, the impugned order is also void. As such we are constrained to partially accept the appeal, set-aside the impugned order and reinstate the appellant in service. However, respondent-department is directed to conduct de-novo inquiry in accordance with rules within a period of 90 days from the date of receipt of this judgment. The issue of back benefits shall be subject to the outcome of de-novo inquiry. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
30.08.2018



(AHMAD HASSAN)
MEMBER



(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

Certified to be true copy

Secretary
Khyber Pakhtunkhwa
Government
Peshawar

Handwritten signature/initials

Date of Presentation of Case 24-9-18
 Number of Pages 1600
 Copying Fee 10:00
 Urgent 2:00
 Total 12:00
 Name of Clerk [Signature]
 Date of Court Fee 24-9-18
 Date of Delivery of Copy 24-9-18

C 11

ORDER.

9

11

My this order will dispose off the departmental enquiry initiated against Constable Najib Ullah No.142 while posted at PP Shehbaz Khel was found to indulge in the following allegations:-

1. That on 01.10.2013 the local Police of PS Pezu on information recovered the following ladies.
 - i. Mst: Asia Bibi w/o Muhammad Nawaz r/o Rana Town Lahore (Punjab).
 - ii. Mst: Shehnaz bibi w/o Allah Dita r/o Thata Kargran District Sheikhpura (Punjab) from his residential house situated at village Shabbaz Khel.
2. That he remained absent from duty from 01.10.2013 to 16.01.2014 (total 108 days) without getting prior leave from competent authority.

Besides, Mohammad Ramzan s/o Akhter r/o Pai Khel Panyala District DI Khan alongwith 12-bore Repeater without accused without No. and 3 cartridges was also apprehended on the spot. Moreover, accused Nazirullah and Sami Ullah Ss/o Mehrullah r/o Sharbi Khel were also found with rifle 7-MM No.BN-260 and 7-MM rifle alongwith Repeater 12-bore respectively. the recovered ars/ammunition were without license/permit. Both the accused were apprehended on the spot, and a case vide FIR No:320 dated 01.10.2013 u/s 371-A/371-B PPC/13-AO PS Pezu was registered.
3. That this all show gross misconduct on his part and make him liable to be punished under Police Rules-1975.

He was served with Charge Sheet alongwith summery of allegations and SI Legal Gul Janan Khan was appointed as Enquiry Officer. The enquiry officer after conducted proper departmental enquiry submitted his finding report which revealed that the accused official was PO in the above mentioned criminal case, hence experi action might be initiated against the accused officer but he then DPO Lakki Marwat order for Denovo enquiry into the matter. Mr. Liayat Ali DSP/Naurang conducted Denovo enquiry and submitted his finding report and held him guilty of the moral turpitude and of absence from duty w.e from 01.10.2013 to 16.01.2014 (108) days during the period he spent as proclaimed offender in criminal case referred above. Final Show Cause Notice issued to the delinquent official and served the said notice through DFC PS Pezu and later the accused official submitted his reply to the final show cause notice and also appeared in the orderly room wherein he did not satisfied the undersigned and the said official was awarded Major punishment of dismissal from service vide this office OB No.289 dated 09.05.2014. He preferred an appeal to the Worthy Regional Police Officer, Bannu Region, for setting aside the dismissal order vide this office OB No. quoted above. The Worthy RPO Bannu rejected his appeal vide his Order Endst: No.1680/EC dated 10.06.2014. After that he preferred an appeal in Honorable Service Tribunal, Khyber Pakhtunkhwa, Peshawar for his reinstatement into service, The Honorable Service Tribunal setting aside the dismissal order and was reinstated into service subject with the Denovo enquiry proceedings and the issue of back benefits shall be subject to the outcome of denovo inquiry proceedings vide judgment No.1933 dated 25.09.2018. He was reinstated into service with the sake of Denovo enquiry. The enquiry papers were marked to SP/Invst: Lakki Marwat for Denovo inquiry. SP/Invst: Lakki Marwat after conducting De-novo Enquiry submitted his finding report which revealed that the subject official is reinstated by Honorable Service Tribunal Khyber Pakhtunkhwa, Peshawar as well as acquitted from the subject case, hence, the inquiry papers may be filed without any further action.

Therefore, I Asif Gohar, District Police Officer, Lakki Marwat exercise of the power vested in me under Police Rules-1975, I take a lenient view the inquiry papers are hereby filed without any further action while his back benefits for the period from 01.10.2013 to 05.10.2018, are withheld with immediate effect.

OB No. 591

Dated. 07/12/2018.

District Police Officer,
Lakki Marwat.

140/13637-41 / Dated Lakki Marwat the 07-12-2018.

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

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar w/r to his letter No.1380/E&I dated 22.10.2018.
2. The Regional Police Officer, Bannu Region, Bannu w/r to his Endst: No.3217-18/EC dated 26.10.2018.
3. HC, EC, PO and OHC for information and necessary action.

Asif Gohar

بخدمت جناب ڈپٹی انسپکٹر جنرل صاحب پولیس بنوں ریجن بنوں

عنوان: اپیل بابت بحالی Back Benefits

جناب عالی!

سائل ذیل گزارشات عرض کرنا چاہتا ہوں۔

1- سائل کو ناجائز طور پر مقدمہ 320 مورخہ 01-10-2013 جرم 371A, 371B-13AO تھانہ پیزو میں ملوث کیا گیا۔

2- آفسران بالانے بدیں وجہ نوکری سے ڈمس کرنے کے احکامات صادر فرمائے۔

3- سائل نے سروس ٹریبونل پشاور میں درخواست دائر کیا۔ جو سروس ٹریبونل پشاور نے 30-08-2018 کو حکم صادر فرمایا۔

As such we are constrained to partially accept the appeal. set-aside the impugned order and reinstate the appellant in service. However, respondent-department is directed to conduct de-novo inquiry in accordance with rules within a period of 90 days from the date of receipt of this judgment. The issue of back benefits shall be subject to the outcome of de-novo inquiry.

فوٹو کاپی آرڈر ہمراہ لف ہے۔

4- حکم عدالت موصول ہونے پر من سائل کو نوکری پر بحالی اور سائل کے خلاف De-Nove کیلئے جناب S.P صاحب انوسٹی گیشن ضلع لکی مروت کو انکوائری آفیسر مقرر کیا گیا۔

5- S.P صاحب انوسٹی گیشن ضلع لکی مروت نے من سائل کے خلاف De-Nove انکوائری کر کے ذیل انکوائری رپورٹ بخدمت جناب D.P.O صاحب ضلع لکی مروت ارسال فرمایا۔

That the subject official is reinstated by Honorable Service Tribunal Khyber Pakhtunkhwa Peshawar as well as acquitted from the subject case, hence, the inquiry papers may be filed without any further action.

6- انکوائری کاغذات دفتر جناب DPO صاحب لکی مروت موصول ہو کر جناب DPO صاحب نے ذیل حکم صادر فرمائے۔

I take a lenient view the inquiry papers are hereby filed without any further action while his back benefits for the period from 01-10-2013

to 05-10-2018 withheld with immediate effect.

فوٹو کاپی آرڈر ہمراہ لف ہے۔

7- جناب DPO صاحب ضلع لکی مروت کا حکم انکوائری آفیسر صاحب کے ریمارکس کے خلاف۔ غیر منصفانہ۔ غیر مشفقانہ ہے۔ سائل عیالدار ہے۔

لہذا استدعا ہے۔ کہ سائل پر رحم فرما کر جناب DPO صاحب کے حکم بابت Back Benefits کا عدم کرنے اور Back Benefits کے جاری کرنے کے احکامات صادر فرمائیں۔ سائل دعا گو زیست رہے گا۔

مورخہ: 24/12/2018

العارض

سائل کک کنشیل نایب اللہ بیلٹ نمبر 256 متعینہ تھانہ پیزو ضلع لکی مروت

0345-8086784

حوائل نمبر

Atyab

(Ngcab)

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POLICE DEPARTMENT

ORDER

1835
21-4-19

BANNU REGION

By this order will dispose off departmental appeal, preferred by Cook Constable Najeeb Ullah No.256 of district police Lakki, wherein, he has requested back benefits of the period from 01.10.2013 to 05.10.2018 which has been withheld by DPO Lakki Marwat vide OB No.491 dated 07.12.2018 after conducting de novo inquiry into the charges. The detail is as under:-

That on 01.10.2013, the local police of PS Pezu recovered two ladies namely Mst: Asia Bibi w/o Muhammad Nawaz r/o Rana Town Lahore and Mst: Shehnaz Bibi w/o Alla Dita r/o Sheikhpura from his residential house and also arrested three accused Muhammad Ramzan s/o Akhtar r/o Paniala district DIKhan, Nazir Ullah and Sami Ullah Ss/o Mehrullah r/o Sharbi Khel along with two repeaters 12 bore and one 7MM rifles and register a case vide FIR No.320 dated 01.10.2013 u/s 371-A/371-B PPC/13AO PS Pezu against them including the appellant. The appellant also absented himself from official duty from the date of occurrence i.e 01.10.2013 to 16.01.2014 (108 days).

That the appellant was proceeded departmentally by DPO Lakki Marwat through SI Gul Janar. (E.O). The Inquiry Officer concluded his findings that the case registered against the appellant (cook constable Najeeb Ullah) comes in the purview of moral turpitude and such like person may cause negative effect on the society as well as department. The E.O further opined that the appellant is still at large and recommended for severe punishment. DPO Lakki entrusted the inquiry papers to DSP Naurang for de novo inquiry as proper procedure was not followed in the case.

That DSP Naurang submitted his findings, who concluded that the appellant is a stigma on the face of police force. Being a member of police force, he has operated prostitution dens and retention of such like criminal in the force brings bad name for the force and in the last recommended him for award of major punishment. After services upon FSCN at his home address, he was dismissed from service by DPO Lakki Marwat on 09.05.2014 from the date of absence i.e 01.10.2013.

That subsequently, his appeal was filed by then RPO Bannu on 10.06.2014 and the appellant instituted a service appeal in KP Service Tribunal on 06.11.2014 vide appeal No.1377/2014, where, his appeal was partially accepted and set aside the order of DPO Lakki Marwat. However, the department was directed to conduct de novo inquiry in accordance with rules vide order dated 30.08.2018.

That in the light of judgment of KP Service Tribunal, de novo inquiry was conducted through SP/Inv: Lakki Marwat, wherein, it was opined that the appellant has been reinstated by KP Service Tribunal and the Addl: Sessions Judge-II has also acquitted him from the case under 265-K hence, it will be better to file the inquiry.

That DPO Lakki Marwat, vide order dated 07.12.2018, filed the inquiry and the back benefits for the period from 01.10.2013 to 05.10.2018 were withheld. Now, the appellant has requested to grant him the back benefits at this belated stage.

As a result of his appeal, the appellant was heard in person by the undersigned in orderly room today on 26.03.2019 but he failed to substantiate his request on plausible grounds. The perusal of the above depicts that lenient view has already been taken by inquiry officer and competent authority in his departmental proceedings.

Keeping in view the above, I, Abdullah Khan, Regional Police Officer, Bannu Region Bannu, in exercise of the powers vested in me under Khyber Pakhtunkhwa Police Rules, 1975 (amended in 2014) hereby file the appeal of the appellant and the out of service period is treated as unauthorized absence as without pay.

ORDER ANNOUNCED

(ABDULLAH KHAN) PSP
Regional Police Officer,
Bannu Region, Bannu

No. 1400 /EC, dated Bannu the 27 /03/2019

Copy to the District Police Officer, Lakki Marwat w/r to his office Memo: No.437/EC dated 16.01.2019 for information and n/action along with the service record containing the inquiry file of the appellant for record in office which may be acknowledged please.

[Handwritten signature]

SRC/DASI/PO
For further information

[Handwritten signature]
07/12/18

[Handwritten signature]
(ABDULLAH KHAN) PSP
Regional Police Officer,
Bannu Region, Bannu



F 14

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.

No. S/ 271 /20, dated Peshawar the 07th of 2020.

ORDER

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by Cook Constable Najeeb Ullah No. 256.

Brief facts of the case are that the above named official was dismissed from service vide OB No. 289, dated 09.05.2014 on the allegations that on 01.10.2013, the local Police of PS Pezu recovered two ladies namely Mst: Asia Bibi w/o Muhammad Nawaz r/o Rana Town Lahore and Mst: Shehnaz Bibi w/o Alla Dita r/o Sheikhpura from his residential house and also arrested three accused Muhammad Ramzan s/o Akhtar r/o Paniala District DIKhan, Nazir Ullah and Sami Ullah s/o Mehrullah r/o Sharbi Khel alongwith two repeaters 12 bore and one 7MM rifles and register a case vide FIR No. 320, dated 01.10.2013 u/s 371-A/371-B PPC/13AP PS Pezu against them including the appellant and absence from duty from the date of occurrence i.e. 01.10.2013 to 16.01.2014 for total period of 108 days. His appeal for reinstatement was filed by RPO, Bannu vide order Endst; No. 1680/EC, dated 10.06.2014. He instituted a service appeal No. 1377/2014 in KP Service Tribunal, Peshawar on 06.11.2014. Service Tribunal, Peshawar partially accepted his appeal, reinstated the appellant in service and the department was directed to conduct de-novo enquiry in accordance with rules. He was provisionally reinstated in service for the purpose of de-novo enquiry by DPO, Lakki Marwat vide OB No. 573, dated 05.10.2018. De-novo enquiry was conducted and his back benefits for the period from 01.10.2013 to 05.10.2018 was withheld by DPO, Lakki Marwat vide OB No. 691, dated 07.12.2018.

Meeting of Appellate Board was held on 25.07.2019. The petitioner was heard in person in the Appellate Board meeting. During hearing petitioner contended that he has been acquitted by the court of Addl: Session Judge-II, Lakki Marwat.

Serious allegations was leveled against the petitioner and guilt of moral turpitude was proved during enquiry. He also remained PO in the above mentioned criminal case. He has already got benefit from the Service Tribunal, court, and in de-novo enquiry. Therefore, the Board decided that his petition is hereby rejected.

This order is issued with the approval by the Competent Authority.

(ZAIB ULLAH KHAN)
AIG/Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

No. S/ 272-80 /20,

Copy of the above is forwarded to the:

1. Regional Police Officer, Bannu. One Service Roll and one Fauji Missal (containing 101 pages including enquiry file) of the above named FC received vide your office Memo: No. 2492/EC, dated 02.07.2019. returned herewith for your office record.
2. District Police Officer, Lakki Marwat.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
5. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-IV CPO Peshawar.

[Handwritten signature]

بالاتر جناب سر جسٹریٹ جرنل صوبہ سندھ پشاور

ایڈوائس

منجانب

محکمہ پولیس وغیرہ

بنام

جناب اللہ

دعویٰ اپیل

باعضرت شکر بیک اینک

مقررہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی و کل کارروائی متعلقہ ان مقام پشاور
 کیلئے سید آغا خان بروڈنگ ایڈوائس ہائی کورٹ کو وکیل مقرر کر کے اثر کیا جاتا ہے کہ صاحب
 معروف کو مقدمہ کی کل کارروائی کا مکمل اختیار ہو گا نیز وکیل صاحب کو کرنے باہمی نامہ و آڈٹ ٹالٹ و فیصلہ برٹاف
 دینے جواب دہی اور قبائل دعوئی اور بصورت دیگر کسی کرنے اجراء اور وصولی چیک و ڈیپوٹ اور رضی دعویٰ اور درخواست
 ہر قسم کی تعدد و اوز اس پر دستخط کرنے کا اختیار ہو گا نیز بصورت عدم پیروی یا دیگر کی طرف یا اپیل کی برآمدگی
 اور مستوی نیز دائر کرنے اپیل نگران و نظر ثانی و پیروی کرنے کا اختیار ہو گا اور بصورت ضرورت مقدمہ نہ کرنے
 کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مقرر قانونی کو اپنے ہمراہ یا اپنی بجائے نفر کا اختیار ہو گا
 اور صاحب مقرر شاہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ پروا خستہ منتظر
 قبول ہو گا و دوران مقدمہ میں جو فرجیہ و ہر جانہ التوا مقدمہ کے سبب سے ہو گا اس کے مستحق وکیل صاحب
 معروف ہوں گے نیز بقایا و فرجیہ کی وصولی کرنے کا بھی اختیار ہو گا اگر کوئی تاریخ پیشی مقام روزہ
 پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکور کریں۔
 لہذا وکالت نامہ رکھ دیا کہ سند ہے۔

۵۴-۵۲-۲۰۲۰ المرقوم

التعبیر

جناب اللہ

۲۰۲۰

التعبیر

سعید اللہ خان مرقدت

ایڈوائس

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اریا پٹی اکمال

ایڈوائس

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BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

WRIT PETITION NO.955/2020

Najeeb uLLAh s/o Mehrullah, R/o Sarbi Khel, Lakki Marwat Cook Constable No.256,
Lakki Marwat (Petitioners)

VERSUS

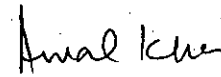
The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar & others
..... (Respondents)


AUTHORITY LETTER.

Mr. Zafar Ullah Khan, Inspector Legal is hereby authorized to appear before The Peshawar High Court Bench Bannu on behalf of the undersigned in the above cited Writ Petition.

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


District Police Officer
Lakki Marwat
Respondent No.1


Regional Police Officer
Bannu Region, Bannu
Respondent No.2


Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar
Respondent No.3

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

Appeal No. 955/2020.

Najeeb Ullah S/o Mehrullah, R/o Sarbi.Khel, Lakki Marwat
Cook Constable No.256, District Lakki Marwat

(Appellant)

VERSUS

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

(Respondents)

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

Respectfully Sheweth:

PRELIMINARY OBJECTIONS

- 1) That the appellant has no cause of action.
- 2) That the appeal of appellant is not maintainable under the law and rules.
- 3) That the appeal is bad due to Non-joinder and mis-joinder of un-necessary party.
- 4) That the appellant has approached the Honorable Tribunal with unclean hands.

OBJECTIONS

1. Pertains to record, hence need no comments.
2. In compliance with the directions of Honorable Tribunal De-novo enquiry into the matter was conducted by SP/Inv Lakki Marwat and submitted findings report before Respondent No.1, upon which R.No.1 issued order vide Order Book No.691 dated 07-12-2018, which is reproduced below"

" Enquiry papers are hereby filed without any further action, while his back benefits for the period from 01-10-2013 to 05-10-2018 are withheld with immediate effect. (Photocopy of order is Annexed "A")
3. In compliance with the directions of the Honorable Tribunal, the Worthy R.No.3 issued a letter vide No.1381-82 dated 22-10-2018 with the directions to conduct De-novo enquiry through Mr. Shafiq Khan SP/Investigation Lakki & the same was then marked to SP/inv Lakki for necessary action and compliance, upon which proper enquiry was conducted and findings report was submitted before R.No.1.
4. Proper enquiry was conducted by SP/Investigation Lakki Marwat & after fulfilling all legal/codal formalities submitted his findings before R.No.1, who after through perusal of the same, issued order as explained in above Para.
5. Pertains to record.

OBJECTION ON GROUNDS


- A. In-correct: In compliance with the directions of the Honorable Tribunal, the Worthy R.No.3 issued a letter vide No.1381-82 dated 22-10-2018 with the directions to conduct De-novo enquiry through Mr. Shafiq Khan SP/Investigation Lakki & the same was then marked to SP/inv Lakki for necessary action and compliance, upon which proper enquiry was conducted and findings report was submitted before R.No.1. (photocopy of letter is Annexed "B")
- B. In-fact proper charge sheet based upon summary of allegations was already issued as the allegations were the same as alleged in former enquiry and on the basis of same De-novo enquiry was conducted by SP/Inv Lakki Marwat.
- C. In-correct: That the instant service appeal of back benefits was properly perused / gone through the available record of the petitioner and also heard in person by R.No.2 & 3 in orderly room but appellant failed to substantiate his request on plausible grounds, hence R.No.2 filed the appeal of appellant and the out of service period was treated as unauthorized absence as without pay vide order No.1400/EC dated 27-03-2019. (photocopy of order as Annexed "C")
- D. In-correct: A detail inquiry into the matter was conducted by SP/Investigation Lakki Marwat in accordance with law / rules and put up findings to R.No.1 (competent authority), who issued order that unauthorized absence treated as withheld vide OB No.691 dated 07-12-2018.
- E. In-correct: All the respondents fully complied with the directions of the Honorable Tribunal and the orders of the respondents were passed in accordance with law, facts and based on justice.


Prayer:

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



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


**Inspector General of Police
KPK, Peshawar
(Respondent No.3)**


**District Police Officer,
Lakki Marwat
(Respondent No.1)**

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR
Appeal No. 955/2020.

Najeeb Ullah S/o Mehrullah, R/o Sarbi Khel, Lakki Marwat
Cook Constable No.256, District Lakki Marwat

(Appellant)

VERSUS

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

(Respondents)

AFFIDAVIT

I, Respondent No.1 do hereby solemnly affirm and declare that the contents of the accompanying comments submitted by me are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honourable court.


DEPONENT

ORDER.

My this order will dispose off the departmental enquiry initiated against Cook Constable Najib Ullah No.142 while posted at PP Shehbaz Khel was found to indulge in the following allegations:-

1. That on 01.10.2013 the local Police of PS Pezu on information recovered the following ladies.
 - i. Mst: Asia Bibi w/o Muhammad Nawaz r/o Rana Town Lahore (Punjab).
 - ii. Mst: Shehnaz bibi w/o Allah Dita r/o Thata Kargran District Sheikhpura (Punjab) from his residential house situated at village Shahbaz Khel.
2. That he remained absent from duty from 01.10.2013 to 16.01.2014 (total 108 days) without getting prior leave from competent authority.

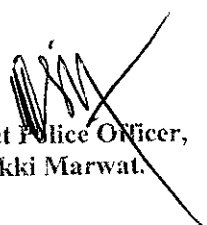
Besides, Mohammad Ramzan s/o Akhter r/o Pai Khel Panyala District DI Khan alongwith 12-bore Repeater without accused without No. and 3 cartridges was also apprehended on the spot. Moreover, accused Nazirullah and Sami Ullah Ss/o Mehrullah r/o Sharbi Khel were also found with rifle 7-MM No.BN-260 and 7-MM rifle alongwith Repeater 12-bore respectively, the recovered ars/ammunition were without license/pemit. Both the accused were apprhended on the spot, and a case vide FIR No.320 dated 01.10.2013 u/s 371-A/371-B PPC/13-AO PS Pezu was registered.
3. That this all show gross misconduct on his part and make him liable to be punished under Police Rules-1975.

He was served with Charge Sheet alongwith summery of allegations and SI Legal Gul Janan Khan was appointed as Enquiry Officer. The enquiry officer after conducted proper departmental enquiry submitted his finding report which revealed that the accused official was PO in the above mentioned criminal case, hence expert action might be initiated against the accused officer but he then DPO Lakki Marwat order for Denovo enquiry into the matter. Mr. Liayat Ali DSP/Naurang conducted Denovo enquiry and submitted his finding report and held him guilty of the moral turpitude and of absence from duty w.e from 01.10.2013 to 16.01.2014 (108) days during the period he spent as proclaimed offender in criminal case referred above. Final Show Cause Notice issued to the delinquent official and served the said notice through DFC PS Pezu and later the accused official submitted his reply to the final show cause notice and also appeared in the orderly room wherein he did not satisfied the undersigned and the said official was awarded Major punishment of dismissal from service vide this office OB No.289 dated 09.05.2014. He preferred an appeal to the Worthy Regional Police Officer, Bannu Region, for setting aside the dismissal order vide this office OB No. quoted above. The Worthy RPO Bannu rejected his appeal vide his Order Endst: No.1680/EC dated 10.06.2014. After that he preferred an appeal in Honorable Service Tribunal, Khyber Pakhtunkhwa, Peshawar for his reinstatement into service, The Honorable Service Tribunal setting aside the dismissal order and was reinstated into service subject with the Denovo enquiry proceedings and the issue of back benefits shell be subject to the outcome of denovo inquiry proceedings vide judgment No.1933 dated 25.09.2018. He was reinstated into service with the sake of Denovo enquiry. The enquiry papers were marked to SP/Invst: Lakki Marwat for Denovo inquiry, SP/Invst: Lakki Marwat after conducting De-novo Enquiry submitted his finding report which revealed that the subject official is reinstated by Honorable Service Tribunal Khyber Pakhtunkhwa, Peshawar as well as acquitted from the subject case, hence, the inquiry papers may be filed without any further action.

Therefore, I Asif Gohar, District Police Officer, Lakki Marwat exercise of the power vested in me under Police Rules-1975, I take a lenient view the inquiry papers are hereby filed without any further action while his back benefits for the period from 01.10.2013 to 05.10.2018 are withheld with immediate effect.

OB No. 691 /

Dated: 07/12/2018.


District Police Officer,
Lakki Marwat.

No. 13637-41 / Dated Lakki Marwat the 07-12-2018.

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

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar w/r to his letter No.1380/E&I dated 22.10.2018.
2. The Regional Police Officer, Bannu Region, Bannu w/r to his Endst: No.3217-18/EC dated 26.10.2018.
3. HC, EC, PO and OHC for information and necessary action.

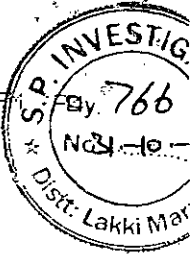
FROM :



FAX NO. :

B

04 Jun. 2012 12:40P



Office of the Inspector General of Police
Khyber Pakhtunkhwa, Peshawar.

No. _____ /E&I, dated Peshawar the 22 /10/2018
To: The District Police Officer,
Lakki Marwat
Subject: DENOVO DEPARTMENTAL ENQUIRY AGAINST
EX-FC NAJEEB ULLAH
Memo: _____



Please refer to your office letter No. 11874/EC dated 12.10.2018, on the subject cited above.

2. Denovo departmental enquiry against Ex-FC Najeeb Ullah may be conducted through Mr. Muhammad Shafiq Khan, SP/Investigation Lakki Marwat and final outcome be communicated to this office, on or before 15.11.2018, before issuance of formal order, for the perusal of Worthy IGP.

SRC/LO
for ma

(DR. MUHAMMAD ABID KHAN), PSP
Deputy Inspector General of Police
Internal Accountability
Khyber Pakhtunkhwa,
Peshawar

No: 1381-82

E&I,
Copy of above is forwarded for information to:-

- 1. The Regional Police Officer, Bannu
- 2. Mr. Muhammad Shafiq Khan, SP/Investigation Lakki Marwat

No 3217-18/EC, dt 26/10/18

DPO/Lakki

SP/INV. Lakki

(DR. MUHAMMAD ABID KHAN), PSP
Deputy Inspector General of Police
Internal Accountability
Khyber Pakhtunkhwa,
Peshawar

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RPO/Bannu
24/10

SP/INV. Lakki
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DPD

POLICE DEPARTMENT

ORDER

BANNU REGION

1835
01-4-19

My this order will dispose off departmental appeal, preferred by Cook Constable Najeeb Ullah No.256 of district police Lakki, wherein, he has requested back benefits of the period from 01.10.2013 to 05.10.2018 which has been withheld by DPO Lakki Marwat vide OB No.491 dated 07.12.2018 after conducting de novo inquiry into the charges. The detail is as under:-

- That on 01.10.2013, the local police of PS Pezu recovered two ladies namely Mst: Asia Bibi w/o Muhammad Nawaz r/o Rana Town Lahore and Mst: Shehnaz Bibi w/o Alla Dita r/o Sheikhpura from his residential house and also arrested three accused Muhammad Ramzan s/o Akhtar r/o Paniala district DIKhan, Nazir Ullah and Sami Ullah Ss/o Mehruallah r/o Sharbi Khel along with two repeaters 12 bore and one 7MM rifles and register a case vide FIR No.320 dated 01.10.2013 u/s 371-A/371-B PPC/13AO PS Pezu against them including the appellatant. The appellatant also absented himself from official duty from the date of occurrence i.e 01.10.2013 to 16.01.2014 (108 days).
- That the appellatant was proceeded departmentally by DPO Lakki Marwat through SI Gul Janan (E.O). The Inquiry Officer concluded in his findings that the case registered against the appellatant (cook constable Najeeb Ullah) comes in the purview of moral turpitude and such like person may cause negative effect on the society as well as department. The E.O further opined that the appellatant is still at large and recommended for severe punishment. DPO Lakki entrusted the inquiry papers to DSP Naurang for de novo inquiry as proper procedure was not followed in the case.
- That DSP Naurang submitted his findings, who concluded that the appellatant is a stigma on the face of police force. Being a member of police force, he has operated prostitution dens and retention of such like criminal in the force brings bad name for the force and in the last recommended him for award of major punishment. After services upon FSCN at his home address, he was dismissed from service by DPO Lakki Marwat on 09.05.2014 from the date of absence i.e 01.10.2013.
- That subsequently, his appeal was filed by then RPO Bannu on 10.06.2014 and the appellatant instituted a service appeal in KP Service Tribunal on 06.11.2014 vide appeal No.1377/2014, where, his appeal was partially accepted and set aside the order of DPO Lakki Marwat. However, the department was directed to conduct de novo inquiry in accordance with rules vide order dated 30.08.2018.
- That in the light of judgment of KP Service Tribunal, de novo inquiry was conducted through SP/Inv: Lakki Marwat, wherein, it was opined that the appellatant has been reinstated by KP Service Tribunal and the Addl: Sessions Judge-II has also acquitted him from the case under 265-K hence, it will be better to file the inquiry.
- That DPO Lakki Marwat, vide order dated 07.12.2018, filed the inquiry and the back benefits for the period from 01.10.2013 to 05.10.2018 were withheld. Now, the appellatant has requested to grant him the back benefits at this belated stage.

As a result of his appeal, the appellatant was heard in person by the undersigned in orderly room today on 26.03.2019 but he failed to substantiate his request on plausible grounds. The perusal of the above depicts that lenient view has already been taken by inquiry officer and competent authority in his departmental proceedings.

Keeping in view the aboe, I, Abdullah Khan, Regional Police Officer, Bannu Region Bannu, in exercise of the powers vested in me under Khyber Pakhtunkhwa Police Rules, 1975 (amended in 2014) hereby file the appeal of the appellatant and the out of service period is treated as unauthorized absence as without pay.

ORDER ANNOUNCED

(ABDULLAH KHAN) PSP
Regional Police Officer,
Bannu Region, Bannu

No. 1400 /EC, dated Bannu the 27 /03/2019

Copy to the District Police Officer, Lakki Marwat w/r to his office Memo: No.437/EC dated 16.01.2019 for information and n/action along with the service record containing the inquiry file of the appellatant for record in office which may be acknowledged please.

SRC/ASST/PO
For further information

(ABDULLAH KHAN) PSP
Regional Police Officer,
Bannu Region, Bannu

03/2/11