

Cash Rs. 1000/-
deposited
D.

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR.**

Service Appeal No. 1503 of 2022.

Zubair Shah s/o Haroon Khan R/o Wari Malagojar District Dir Upper.

(Appellant)

Versus:


1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. The Regional Police Officer, Malakand at Saidu Sharif Swat.
3. The District Police Officer, Upper Dir.

(Respondents)

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نقل رپورٹ اور نوٹس 6 کو 5/623 کو
جمع کر کے جیل اصل شاور میں
رکھ جانے کے لیے


Inspector Legal,
Dir Upper.

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR.**

Service Appeal No. 1503 of 2022.

Zubair Shah s/o Haroon Khan R/o Wari Malagojar District Dir Upper.

(Appellant) ~~Khyber Pakhtunkhwa~~
Service Tribunal

Versus

Diary No. 6038

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. The Regional Police Officer, Malakand at Saidu Sharif Swat.
3. The District Police Officer, Upper Dir.

Dated 15-16-23

(Respondents)

PARA WISE REPLY BY RESPONDENTS.

Preliminary objections:

1. That the instant service Appeal is not maintainable in the present form and liable to be dismissed.
2. That the Appellant has got no cause of action and locus standi to file the instant Appeal.
3. That the Appellant is estopped due to his own conduct to file the instant appeal.
4. That the Appellant has concealed the material facts from the honorable Service Tribunal.
5. That jurisdiction of this honorable service Tribunal has wrongly been invoked.
6. That the Appeal is bad for mis-joinder and non-joinder of necessary parties.
7. That the Appeal is barred by law & limitation.

Respectfully Sheweth .:

1. Pertain to record need no comment.
2. Correct.
3. Pertain to record need no comment.
4. Incorrect the appellant remained absent for four months from lawful duty without any prior permission from high ups and travel to Saudi Arabia.
5. Incorrect, the appellant without any prior permission of high ups went to Saudi Arabia.
6. Incorrect proper departmental enquiry was initiated, charge sheet was issued to the appellant, but the appellant could not produce nor presented himself before the enquiry officer. An affidavit was signed by his brother wherein he clearly said that his brother is not interested in service furthermore. (Copies of the enquiry and charge sheet annexed as "A" and "B").
7. Incorrect the appellant was been dismissed in the year 2010 but the appellant was not interested in the service anymore.

8. Incorrect the departmental appeal was time barred.
9. Incorrect that the appellant wrongly invoke the jurisdiction of the honorable tribunal through unsound grounds.
10. Incorrect reply to this para is given in the preliminary objections.
Furthermore those who deserted from police force may not be allowed department and police anymore.

2

GROUND:-

- i. Incorrect that a proper enquiry was been initiated against the appellant in accordance with Law/Rules and finally dismissed from service.
- ii. Incorrect, An affidavit was signed by his brother wherein he clearly says that his brother was been travelled to Saudi Arabia for earning and not interested in service.
- iii. Incorrect the dismissal order was legal and was signed by the lawful authority in accordance with Law/rules.
- iv. Incorrect both the officers were lawfully authorized to issue order in accordance with law.
- v. Incorrect every case has its different facts and the appeal in hands has also different facts as compare to others.
- vi. Incorrect, the absence of the appellant was intentionally and without any prior permission of high ups which shows gross misconduct on the part of the appellant.
- vii. Incorrect all the enquiry proceeding were conducted in accordance with law/rules and no violation of any law has been done.
- viii. Incorrect as mentioned above that no violation of any sort of rules has been commenced throughout the enquiry.
- ix. Incorrect all the proceedings were made in accordance with law.
- x. Incorrect the orders are legal and did not affect the appellant family.
- xi. Incorrect the appellant may not be reinstated into service while he has been committed gross miss conduct.
- xii. Incorrect no violation of the fundamental rights of the appellant have been commetted.
- xiii. That any other reply will be raised with the permission of the honorable tribunal.

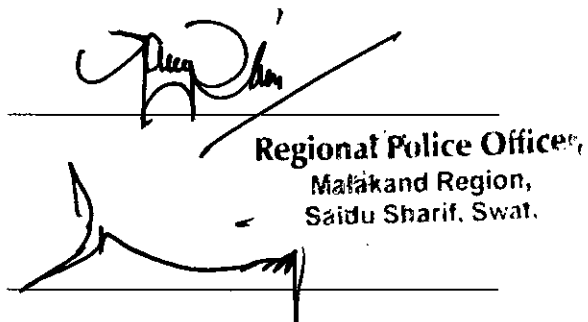
Prayer:.

It is therefore humbly prayed that on acceptance of this para-wise comments the appeal of the appellant may please be dismissed with coast please.

Provincial Police Officer,
Khyber Pakhtunkhwa
Peshawar.

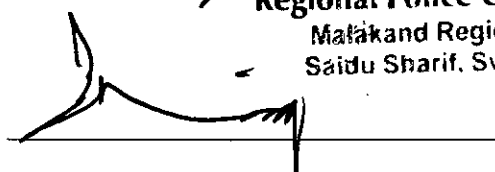


Regional Police Officer,
Malakand at Saidu Sharif, Swat.



Regional Police Officer,
Malakand Region,
Saidu Sharif, Swat.

District Police Officer,
Upper Dir.



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No. 1503 of 2022.

Zubair Shah s/o Haroon Khan R/o Wari Malagojar District Dir Upper.

(Appellant)

Versus

- 1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
- 2. The Regional Police Officer, Malakand at Saidu Sharif Swat.
- 3. The District Police Officer, Upper Dir.

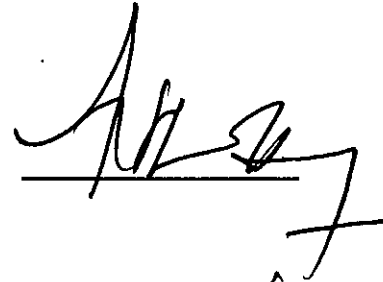
(Respondents)

Power of Attorney

We, the undersigned do hereby authorized Imran Khan Inspector Legal to appear on our behalf before the honorable Service Tribunal in the cited above case on each and every date.

He is also authorized to file para wise comments/ reply, prefer appeal and to submit the relevant documents before the Tribunal.

**Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.**



**Regional Police Officer,
Malakand at Saidu Sharif, Swat.**



**Regional Police Officer,
Malakand Region,
Saidu Sharif, Swat.**

**District Police Officer,
Dir Upper.**



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**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR.**

Service Appeal No. 1503 of 2022.

Zubair Shah s/o Haroon Khan R/o Wari Malagojar District Dir Upper.

(Appellant)

Versus

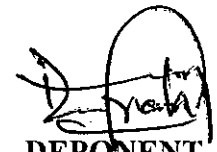
1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. The Regional Police Officer, Malakand at Saidu Sharif Swat.
3. The District Police Officer, Upper Dir.

(Respondents)

Affidavit

I, Imran Khan, Inspector Legal do hereby solemnly affirm and declared that the contents of parawise reply are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.




DEPONENT
Imran Khan,
Upper Dir.

It is further stated on oath that in this appeal the answering have neither been placed ex-parte nor their defense has been struck off

No 226 DSP
30-12-09

فائرنگ رپورٹ

ختم علی

حوالہ مشمولہ کاغذات انکوائری سرخلاف سے ڈال کر پتھر شاہ سن 567 معروضی طور پر
کہ مذکورہ مورخہ 8/12/09 کو تھانہ وادی سے پتھر جاری ہو کر حیلہ خلاف رپورٹ میں جاری
حوالہ دراج روزنامہ 8/12/09 سے پتھر آفسرانے والا پتھر جن پر انکوائری کا حکم صادر
ہو کر من DSP H O وادی کو انکوائری آفسرانے مقرر کر کے کلغرانے پورٹ۔

مسلکہ انکوائری جاری رکھتے ہوئے کیشل کے اطلاع نامی کے خاطر فوری پروانہ جاری کر کے
حاضر میں ہو سکتا۔ بلکہ مذکورہ کا معافی میں پتھر کے حاکم ولد حاروت کے حاکم ملا گبر طاہر
فوری بیان دیکر واقع کیا۔ کرا سکا بجائی 3.14 تا 5 بجے فوری حاکم سن دروی گھ
خود سے پتھر اجازت سے سعودی ٹریک جا چکا۔ اور اسے پتھر کے پتھر کے پتھر کے پتھر کے پتھر کے
پتھر کے پتھر کے پتھر کے پتھر کے پتھر کے پتھر کے پتھر کے پتھر کے پتھر کے پتھر کے پتھر کے پتھر کے
مذکورہ کا فوری بیان میرا جا کر کے انکوائری پورٹ۔

لہذا حالات واقعات سے معلوم ہوتا ہے کہ مذکورہ موجودہ حالات اور حکم کو لیا
میں لگاؤ نہ رکھنے اور فوری سے عدم دلچسپی کے بنا پر فوری کر کے حاکم سن دروی
کے خاطر سعودی ٹریک جا چکا۔ جملہ کاغذات انکوائری ہزار فنانس حکم نظام
ارسال خواہتے۔

SDFoluwani
30-12-09

SHoluwani
30-12-09


دفعہ 14
Duseous
by
TDP

CHARGE SHEET.

I, Ijaz Ahmad District Police Officer, Dir Upper. As competent authority, hereby charged You Constable Zubair Shah No.567 as follows:-

You Constable Zubair Shah No. 567 while posted at Police Station Wari absented yourself with effect from 22.8.2009 till to date, without any leave or prior permission of the high-ups. You are not taking interest in your legitimate duty. You're this act amounts to gross misconduct and against the discipline of the force.

2. By reason of the above, you appear to be guilty of misconduct under section 3 of the NWFP Removal From Service (Special Powers) Ordinance 2000 and have rendered yourself liable to all or any of the penalties specified in Section-3 of the Ordinance ibid.
3. You are therefore, directed to submit your written defence within 07 days of the receipt of this charge sheet to the enquiry officer/committee.
4. Your written defence, if any should reach to the Enquiry Officer/Committee within the specified period, failing which it should be presumed that you have no defence to offer and in that case the exparte action shall follow against you.
5. Intimate whether you wish to be heard in person.
6. Statement of allegations is enclosed.


(IJAZ AHMAD)
District Police Officer,
Dir Upper.

No. 4580 /EC, Dated Dir Upper the 11/12/2009.
Constable Zubair Shah No.567 to submit your reply to the enquiry committee within stipulated period.

Attested
Hans
SP.L. Dir U
01-08-23

DISCIPLINARY ACTION.

I. Ijaz Ahmad District Police Officer, Dir Upper. As competent authority, am of the opinion that Constable Zubair Shah No.567 has rendered himself liable to be proceeded under Section 3 of the NWFP Removal From Service (Special Powers) Ordinance 2000.

STATEMENT OF ALLEGATIONS.

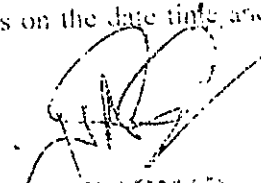
Constable Zubari Shah No.567 while posted at Police Station Wari absented from his law full duty with effect from 22.8.2009 till to date, without any leave or prior permission of the high-ups, His this act amounts to gross misconduct and against the discipline of the force.

2. For the purpose of scrutinizing the conduct of the said accused with reference to the above allegations, an enquiry committee consisting of the following is constituted under section 5 of the said ordinance.

1. Mr, Khan Zarin Khan DSP Wari.
2. Mr, Muamber Khan SHO PS: Wari.

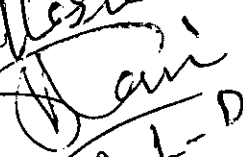
3. The enquiry committee shall in accordance with the provisions of the ordinance, provide reasonable opportunity of hearing to the accused official, record its findings and make within 20 days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.

4. The accused official shall join the proceedings on the date time and place fixed by the enquiry committee.


(IJAZ AHMAD)
District Police Officer,
Dir Upper

No. 4577-79 /EC, Dated Dir Upper the 11/12/2009.
Copy to:-

1. Mr, Khan Zarin Khan DSP Wari.
2. Mr, Muamber Khan SHO PS: Wari.
3. Constable Zubari Shah No.567 to submit your reply to the enquiry committee within stipulated period.

Attested

gmp. L-DW (4),
01-06-023

مقامہ واڈی

تقریباً 2 روزہ تاریخ 22/8/09

در 22 یوں غیر حاضری msp/SMH سے 22/8/09 صبح 10:55 بجے
 درج ذیل کنٹینر نمبر 567 ریلنگ کرائی جانے پر اس اٹلم
 افسران بالا سے روانہ کیا گیا تھا جسکی مکمل صفحہ 21/8 کو حاضر
 رکھوں تھی جو حاضر نہ آکر مذکورہ کے خلاف یوں غیر حاضری سے
 تھی۔ مذکورہ کو صفحہ 21/8 سے غیر حاضر تصور کیا جا کر آمد پر
 لیا جا کر تقریباً غلطی سے برائے مناسب صورت علم افسران بالا کے
 میں ارسال کی جائیگی

مقامہ واڈی
 نقل از اصل ہے

22.8.09

Sir
 Forwarded.

Sit/D/Siwan
 26/8/09

COHE
 For N. action

Am.
 27.8.09


pay stopped.
 DSP aware for enquiry.

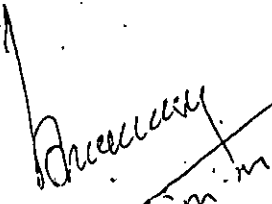
DB No-607
 dt: 7-11-09

Allosted
 DPO Dir upper.
 msp/SMH
 01-06-023

آزاد دفتر ریڈر P.D.S.P. سرکار اورہی
خانہ SHO سے تھما سرورہی -

تقریر ہی کے پیش از سر شاہ 567 فولہ چارو کے ساتھ کہہ ملا گئے
کو مطلع کریں کہ وہ سلسلہ انڈیا آئری منافع غیر عامی کو
ملندہ بیات = $24 \frac{12}{09}$ کو عام ہونے کے لئے
عدم موجودگی کے پیش مذکورہ عمل بندہ کو بھیج دیتے ہیں
کہ وہ فرمی رشتہ دار معافی والہ سے کو کسی کرنے یا نہ
کرنے کے منافع فی سر کرنے - فروری 09


R. DSD / nam
21-12-09


Anwar
m.m.

Attested
Jan
2010
01-6-023

بیان ایران پوسف خان و لہ پاروں خان ساکن

میں دریافت ہوئی ہے کہ میرا بھائی قسیمی زبیر ستا لاکھ
نے قسیمی پولیس میں 6/5 سال واپس آئے ہیں 6/5 قسیمی
- ماہ سے لے کر قسیمی مزدوری سعودی عرب جا چکا
اور تاحال گھر سے کسی قسم کا رابطہ نہیں کیا ہے
یہاں میرا بیان ہے۔ قول درست ہے، اگر کبھی
رابطہ کیا، تو انکو ان کے سلسلے میں مطلع کر
ئے۔

آلہ

لوسف خان و لہ پاروں خان
ساکن ملہ گٹو

15702-2498771-7

Attested

Man

2015 P. L. DIV (1)
01-06-023