

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR**

Service Appeal No. 1496/2022

Zahid Ur Rehman..... (Appellant)

VERSUS

Inspector General of Police KPK & other.....(Respondents)

Index

S. No	Description of Documents	Annexure	Page
1.	Para-Wise Reply		1-3
2.	Affidavit		4
3.	Authority Letter		5
4.	Copy of Naqal Mad dated 30-09-2021	A	6
5.	Copy Charge Sheet & Statement of Allegation	B	7-8
6.	Copy of Enquiry Report and public notice published in News Paper	C	9-10
7.	Copy of final Sow Cause	D	11
8.	Copy of Dismissal Order	E	12

Respondents



Javed Shah

(Focal Person DPO Kurram)

0

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL No. 1496/2022

Zahid Ur Rehman..... (Appellant)

VERSUS

Inspector General of Police KPK& others.....(Respondents)

PARAWISE REPLY BY RESPONDENTS NO 1,2& 3

RESPECTFULLY SHEWETH:

Khyber Pakhtunkhwa
Service Tribunal

Case No. 6178

Dated 23-01-23

Preliminary Objections:-

- That the instant service appeal is not maintainable under the law.
- That the appeal is not based on facts.
- That the appellant has got no cause of action and locus standi.
- That the appellant has concealed the real facts from the honorable Tribunal.
- That the appellant is estopped to file the service appeal by his own conduct.
- That the appeal is barred by law & limitation.

REPLY ON FACTS:-

1. Pertains to record of Ex-Political Agent Kurram, need no comments.
2. Pertains to record, need no comments.
3. Incorrect. The answer respondents did not issue any orders to the appellant regarding his duty as security guard with MNA Munir Khan Orkzai, nor did the appellant annex any order regarding his duty as security guard with MNA Munir Khan Orkzai.
4. Incorrect, the answer respondents did not issue any orders to the appellant regarding his duty as security guard with Dr. Abdul Qadeer Khan, nor did the appellant annex any order regarding his duty as security guard with Dr. Abdul Qadeer Khan.
5. Incorrect. The appellant remained absent from duty after completion of his training dated 07-09-2021 till his dismissal from service dated 08-04-2022, (Absence period i.e. 06 months & 2 days). The appellant was absent from duty since 07-09-2021. **(Copy of Naqal Mad dated 30-09-2021 Annexure "A")**. The chargesheet along with statement of allegation was issued to the appellant on dated 04-10-2021. **(Copy Charge Sheet & Statement of Allegation Annexure "B")**. Hence Proper departmental enquiry proceedings were initiated against him. **(Copy of Enquiry Report and public notice published in News Paper are annexed as Annexure "C")**. The Enquiry Officer after fulfilling codal formalities submitted his findings, wherein he reported that the appellant was contacted time and again to appear before the enquiry officer, but he failed and remained absent, which showed that he was no more interested in Police Service. Therefor final Show cause dated 23-02-2022 was issued to him with an opportunity to defend himself, but the appellant failed to do so. **(Copy of final Sow Cause Annexure "D")**. Upon the findings and recommendation of the inquiry officer, the appellant was

dismissed from service dated 08-04-2022 in accordance with rule/policy. (Copy of Dismissal Order Annexure "E").

6. Incorrect, already explained in preceding paras.
7. Correct to the extent that the appellant approached the office concern, but the appellant failed to provide any cogent justification regarding absence from official duty, hence his appeal was rejected on solid grounds.
8. Incorrect, both the orders were convincing, based on cogent reasons and in accordance with rules/Policy of Government and the Departmental Appeal being unsatisfactory, hence rejected. Appellant has got no cause of action, therefore, the instant appeal may kindly be dismissed on the following grounds.

GROUNDS

- A. Incorrect, both the orders were convincing, based on cogent reasons and in accordance with rules/Policy of Government and the Departmental Appeal being unsatisfactory, hence rejected.
- B. Incorrect, already explained in preceding paras.
- C. Incorrect, already explained in preceding paras.
- D. Incorrect, already explained in preceding paras.
- E. Incorrect, already explained in preceding paras and Answering Respondents never violated Art. 10-A of the constitution of Pakistan nor deprived the appellant from his fundamental rights.
- F. Incorrect, already explained in preceding paras.
- G. Incorrect, in final show cause notice the appellant was provided an opportunity of 07 days for his defense but no progress to the notice was received from the appellant, hence ex-parte action was taken against the appellant, in accordance to the rule/policy.
- H. Incorrect, on dated 04-10-2021 proper enquiry was initiated against the appellant, on dated 21-01-2022 the Enquiry Officer after fulfilling codal formalities submitted his findings, wherein he reported that the appellant was contacted time and again to appear before the enquiry officer, but he failed and remained absent, which showed that he was no more interested in Police Service, on dated 23-01-2022 notice regarding absence published in News Paper, on dated 23-02-2022 final show cause notice was issued and on dated 08-04-2022 dismissal orders was issued.
- I. Incorrect, already explained in preceding paras.
- J. Incorrect, already explained in preceding paras.
- K. Incorrect, appellant was dismissed from service in accordance to rule/law/policy of the government.
- L. Incorrect, already explained in preceding paras.
- M. Incorrect, already explained in preceding paras.
- N. Incorrect, already explained in preceding paras.
- O. Incorrect, already explained in preceding paras.
- P. Incorrect, already explained in preceding paras.
- Q. Personal views of appellant need no comments.

3


R. Respondents may kindly be allowed to add any other grounds/ documents at the time of hearing.

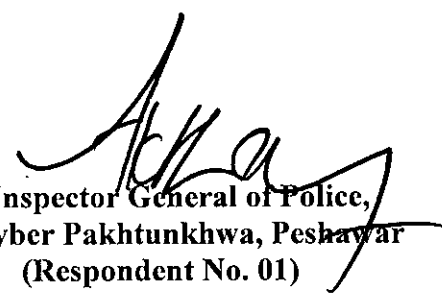
PRAYERS:

Keeping in view the above stated facts it is humbly prayed that the appeal being not maintainable, barred by law/ limitation may kindly be dismissed with costs, please.


District Police Officer
Kurram
(Respondent No. 03)

08/06/023


Regional Police Officer
Kohat Region, Kohat
(Respondent No. 02)


Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar
(Respondent No. 01)

(4)

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA,
SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No.1496/2022

Mr. Zahid Ur Rehman..... **Petitioner.**

VERSUS.

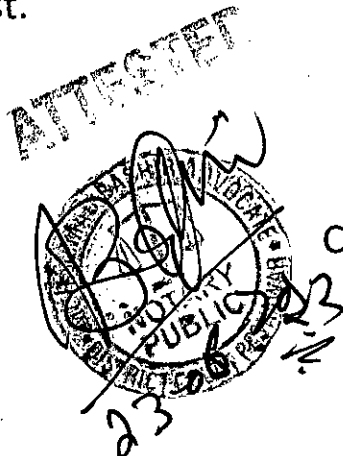
1. Inspector General of Police, Government of Khyber Pakhtunkhwa Peshawar.
2. Regional Police Officer, Kohat Region, District Kohat.
3. District Police Officer, Kurram.

.....**Respondents.**

AFFIDAVIT.

I, Mr. Javed Shah Focal Person Kurram Police Force (The Authorized representative of respondent No.3) do hereby solemnly affirm and declared on oath that the contents of this accompanying Para-Wise Comments/Reply on behalf of respondent No.3 are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

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



DEPONENT

CNIC No.21303-9273132-9

Cell No. 03018019342

Identified by

Advocate General KP

5

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR.

Service Appeal No. 1496/2022

Zahid ur Rehman

..... Appellant

VERSUS

1. Inspector General of Police KPK, Peshawar
2. Regional Police Officer , Kohat Region Kohat
3. District Police Officer, District Kurram

..... Respondents

AUTHORITY LETTER.

Mr. Javed Shah s/o Said Wazir Focal Person bearing CNIC No. 21303-92733132-9 is hereby authorized to institute para-wise comments duly signed by respondents in the Honorable Court on behalf of the respondents.

District Police Officer, Kurram.

Respondent No. 03

(6)

تقدیر 3 روز نامی 30-09-21

D

ہذا

پولس لائین صدمہ

صرف 3 آفیسر جوٹ عبید الرحمن ASI مورف 30-09-21 وقت 40
 ہے۔ کمر آج OHC سٹریٹ کمر آکر بیان کرتا ہے۔ کمر کچھ
 جو تقری 10 بجے سے فارغ ہوئی تھی۔ اس میں سے کنسٹبل محمد
 کنسٹبل شیباب الدین ولد لعل دین، کنسٹبل محمد رمضان ولد ضیاء گل
 محمد واجد ولد آدم سار، کنسٹبل زاہد الرحمن ولد میر حسن جان
 اپنے جائے تعیناتی پر حاضر نہیں ہوئے۔ مذکورہ کنسٹبلان کے بچے
 پروانہ بار بار اطلاع کی کہ اپنے اپنے جائے تعیناتی پر حاضر
 مگر مذکورہ بالا کنسٹبلان کی حاضرگی کوئی امید نہیں مذکورہ
 کنسٹبلان کے خلاف رپورٹ غیر حاضر درج روز نامی کر کے تقدیر
 کر کے وزیر کارروائی کیلئے امینان بالا کی خدمت میں ارسال ہوگی

صفا عالی

Charge-sheet

نقل مملکت اہل ہے

لاہور ایف ڈی کنسٹبل لوہر کمر

30-09-21

Period of absence

(7.9.2021)

- محمد عتیق
- شیباب الدین
- محمد لہان
- محمد واجد
- زاہد الرحمن

- 1 ضانو
- 2 ندوات
- 3 Tindi C.P.
- 4 Subu
- 5 Post

Attest

9

Ammeadur - B

**OFFICE OF THE
DISTRICT POLICE OFFICER
KURRAM, KHYBER PAKHTUNKHWA**

Tel/Fax: 0926-311354*Email:policekurramp@gmail.com

No. 3209...../PA Dated Parachinar 4-10-2021.

CHARGE SHEET

MR. TAHIR IQBAL DISTRICT POLICE OFFICER KURRAM

as competent authority under Khyber Pakhtunkhwa Police Rule 1975 (amended 2014), am the opinion that Con Zahid Rehman s/o Mir Hassan Jan had rendered yourself liable to be proceeded against as you have committed the following act within the meaning of the Police Rules 1975 amended 2014.

1. That you Con Zahid Rehman have been assigned duties after completion of training dated 7.9.2021 whereby, you was supposed to assumed your charge and you were time and again inform to assume the charge, but you failed to do so.
2. That you deliberately neither assume the charge at mentioned post nor obeyed the orders.
3. Your this act is gross misconduct on your part as police personnel.

By reason of the above, you appear to be guilty of misconduct under the Police Rule 1975 (amended 2014) and have rendered yourself liable to all or any of the penalties specified in the Police Rules.

You are, therefore, required to submit your written statement within (03) days of the receipt of this charge sheet to the inquiry officer.

Your written defense if any should reached the inquiry officer within the specified period, failing which it shall be presumed that you have no defense to put in and ex-parte action shall be taken against you.

A statement of allegation is enclosed.

District Police Officer
Kurram

Ahmad
Khan

MS

**OFFICE OF THE
DISTRICT POLICE OFFICER
KURRAM, KHYBER PAKHTUNKHWA**

Tel/Fax: 0926-311354*Email:policekurram@gmail.com

No. 3208...../PA Dated Parachinar. 4-10-2021

DISCIPLINARY ACTION.

MR. TAHIR IQBAL DISTRICT POLICE OFFICER KURRAM

as competent authority, am the opinion that you Con Zahid Rehman s/o Mir Hassan Jan have rendered yourself liable to be proceeded under Khyber Pakhtunkhwa Police Rule 1975 (amended 2014) as you have committed the following act.

STATEMENT OF ALLEGATIONS

1. That you Con Zahid Rehman have been assigned duties after completion of training dated 7.9.2021 whereby, you was supposed to assumed your charge and you were time and again inform to assume the charge, but you failed to do so.
2. That you deliberately neither assume the charge at mentioned post nor obeyed the orders.
3. Your this act is gross misconduct on your part as police personnel.

For the purpose of conduct inquiry with reference to the above allegations DSP Investigation is appointed as Inquiry officer. The inquiry officer shall in accordance with the provision of the Police Rule 1975 (amended 2014), provide reasonable opportunity of hearing to the above official within (07) days of the receipt of this order, recommendations as to punishment or other appropriate action against the official.

The official shall join the proceeding on the date, time and place fixed by the inquiry officer.

District Police Officer
Kurram

Copy to the:

1. Inquiry Officer for initiating proceedings against the official under the provision of Police Rule 1975.
2. The official with the direction to appear before the Inquiry Officer on the date, time and place fixed by him for the purpose of inquiry proceedings.

District Police Officer
Kurram

Ahsan



19 مارچ 2022ء 1443ھ 23 اپریل 2022ء نمبر 10 دہریے | 10 مارچ 2022ء

اشتہار نوٹس بابت غیر حاضری کرم پولیس فورس ضلع کرم

آپ کی طرف سے پیش کردہ غیر حاضری کرموں کی تصدیق کی جا رہی ہے۔ اگر آپ کو کسی بھی وجہ سے اس سے اختلاف ہے تو اسے جلد سے ہی تحریراً یا فون پر بتا دیں۔

نمبر	پتہ	ریک	نام	مذمت	قوم	طبع
1	672246	Con	نہال	مذمت	سوزی	کرم
2	669281	Con	سوزی	سوزی	سوزی	کرم
3	50416992	Con	سوزی	سوزی	سوزی	کرم
4	672283	Con	سوزی	سوزی	سوزی	کرم
5	672134	Con	سوزی	سوزی	سوزی	کرم
6	672036	Con	سوزی	سوزی	سوزی	کرم
7	669170	Con	سوزی	سوزی	سوزی	کرم
8	2370	Con	سوزی	سوزی	سوزی	کرم
9	672582	Con	سوزی	سوزی	سوزی	کرم
10		Con	سوزی	سوزی	سوزی	کرم
11	669423	Con	سوزی	سوزی	سوزی	کرم
12		Con	سوزی	سوزی	سوزی	کرم
13	50166441	Con	سوزی	سوزی	سوزی	کرم
14	668605	Con	سوزی	سوزی	سوزی	کرم
15	668603	Con	سوزی	سوزی	سوزی	کرم
16	50147461	Con	سوزی	سوزی	سوزی	کرم
17		Con	سوزی	سوزی	سوزی	کرم
18	50260354	Con	سوزی	سوزی	سوزی	کرم
19	50212777	Con	سوزی	سوزی	سوزی	کرم
20	668985	Con	سوزی	سوزی	سوزی	کرم
21	672483	Con	سوزی	سوزی	سوزی	کرم
22	669171	Con	سوزی	سوزی	سوزی	کرم
23	669168	Con	سوزی	سوزی	سوزی	کرم
24	60295549	Con	سوزی	سوزی	سوزی	کرم
25	667034	Con	سوزی	سوزی	سوزی	کرم

المشترک: ارباب شفیق اللہ جان ٹسٹرکٹ پولیس آفیسر ضلع کرم

Attested
[Signature]

DISTRICT KURRAM


NO: 12. Date: 21/02/2022

فائل رپورٹمحکمانہ انکوائری بر خلاف ذاہد رحمان ولد میر حسن جانجناب عالی!


بحوالہ چارج شیٹ نمبر: 3209/PA مورخہ 04-10-2021 بجاریہ جناب D.P.O صاحب ڈسٹرکٹ گرم معروض خدمت ہوں۔ کہ کانٹیبیل ذاہد رحمان ولد میر حسن جان کو بوجہ غیر حاضری کی بناء پر جناب D.P.O صاحب نے چارج شیٹ کیا ہے۔ مذکورہ کانٹیبیل بالا کو بغرض انکوائری طلب کر کے دفتر ہذا کو بار بار بذریعہ فون اطلاع دیا گیا ہے کہ باوجود اپنے صفائی کے بارے میں حاضر نہیں ہو رہا ہے۔ جسکے بارے OHC سنٹرل گرم سے تحریری بیان بھی قلمبند کیا۔ جو کہ لف فائل رپورٹ انکوائری ہذا ہے۔

عالیجاہ:-


مذکورہ کانٹیبیل بالا بغرض انکوائری بار بار اطلاع دیا گیا ہے کہ باوجود حاضر نہیں ہو رہا ہے۔ اور نہ ہی اپنے صفائی کے بارے میں بیان وغیرہ جمع کر رہا ہے۔ چونکہ مذکورہ بالا کانٹیبیل جائے تعیناتی ڈیوٹی کے لئے حاضر نہیں ہو رہا ہے۔ اور آفسران بالا کی حکم کی عدولی کر رہا ہے۔ جسکے یہ فعل محکمہ پولیس میں غیر ذمہ درانہ ہے۔ اس ضمن میں انکوائری مکمل کر کے پولیس رول 1975 (Amended 2014) کے تحت (Major punishment) کی سفارش کی جاتی ہے۔ رپورٹ عرض ہے۔


DSP (INV) Kurram

Dismissed


DSP (INV) Kurram

PA.
Issue Final show cause.


DSP (INV) Kurram
21.02.2022

Attended


668693

(11)

Annexure D

OFFICE OF THE
DISTRICT POLICE OFFICER
KURRAM, KHYBER PAKHTUNKHWA

Tel/Fax:0926-311354*Email:policekurram1@gmail.com

No. 401Dated Parachinar. 23/02/2022.

FINAL SHOW CAUSE NOTICE:

I Arbab Shafiullah Jan District Police Officer, Kurram as competent authority under Khyber Pakhtunkhwa Police Rules 1975 (amended 2014) is hereby serve you, constable Zahid Rehman s/o Mir Hassan Jan posted at Police Line Sadda Lower Kurram.

Charged as:

Reference Disciplinary Action No. 3208/PA dated Parachinar the 04.10.2021 and charge sheet No. 3209/PA dated 04.10.2021, that you have been nominated for the basic training vide this office letter No. 5223/Trg dated 25.05.2021 but you did not attend the said training and still absent from the legitimate duty without prior permission of the competent authority which is tantamount to misconduct, disinterest and inefficiency in your official duty.

That consequent upon the completion of inquiry conducted against you by the inquiry officer for which you were given opportunity vide this office Disciplinary Action and charge Sheet vide number cited above to appear before the inquiry officer but you did not appear. The inquiry officer recommended major punishment vide his inquiry No. 12 dated 21.01.2022.

On going through the findings of the inquiry officer, the material on record and other connected papers including your defense to the inquiry officer, I am satisfied that you have found guilty as charged against you. Further, notice regarding absence has already been published in daily Aaj Subah news paper dated 23rd January 2022.

As a result thereof I as competent authority have tentatively decided to impose upon you major penalty provided under rules ibid.

You are therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you also intimate whether you desire to heard in person if no progress to this notice is received within (07) days of its delivery in the normal course of circumstances, it shall be presumed that you have no defense to put in and in that case ex-parte action shall be taken against you.

The copy of the finding inquiry officer is enclosed.

In this regard, you are directed to submit your reply of this notice within (03) days, positively. If failed or the undersigned was not satisfied from your reply a stern action shall be initiated against you as per Police Rules.


District Police Officer
Kurram

*Attended
Zahid*



Annexure 2

OFFICE OF THE
DISTRICT POLICE OFFICER
KURRAM, KHYBER PAKHTUNKHWA

Tel/Fax: 0926-311354*Email:policekurram1@gmail.com

ORDER

This order is passed on the Charge Sheet against Constable Zahid Rehman P.No. 668693 under the Khyber Pakhtunkhwa, Police Rules, 1975 (Amendment 2014).

Brief of the fact is that constable Zahid Rehman has been charged willingly absent till the date without prior permission of the competent authority which is tantamount to misconduct and inefficiency.

That consequent upon the completion of inquiry conducted against constable Zahid Rehman by the inquiry officer for which constable Zahid Rehman was given opportunity vide charge Sheet No. 3209/PA dated Parachinar the 04.10.2021 and No. 3208/PA dated Parachinar the 04.10.2021, but did not appear before the inquiry officer.

Upon the findings and recommendations of the inquiry officer vide No. 12/DSP Inv./Kurram dated 21.01.2022, the material on record and other connected evidence including defense the inquiry officer concluded that constable Zahid Rehman has to defend himself. Hence, the inquiry officer recommended major punishment for the delinquent Police personnel.

Further, notice regarding absence has already been published in daily Aaj Subah news paper dated 23rd January 2022.

Final show cause issued to the office of the undersigned vide No. 401/PA dated Parachinar the 23.02.2022 but did not reply and also not appeared before the undersigned for defense.

In view of the above I, Arbab Shafiullah Jan District Police Officer Kurram in exercise of the powers conferred upon me, hereby award him a major punishment of "Dismissal from Service" under the Khyber Pakhtunkhwa, Police Rules, 1975 (Amendment 2014) with immediate effect.


District Police Officer
Kurram

OB. No. 119

Dated 08.04.2022

Copy forwarded to the:

1. Regional Police Officer Kohat Region Kohat.
2. District Account officer Kurram.
3. All DSPs/SHOs in Kurram
4. Pay Officer Kurram.
5. SRC Kurram Police
6. RI Kurram Police to collect equipments.
7. OASI Kurram Police..
8. Concerned.


District Police Officer
Kurram

