

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

Khyber Pakhtunkhwa
Service Tribunal

Service Appeal No. 278/2023

Diary No. 6138

Muhammad Usman IHC No. 911,
Incharge Chowki Chapri presently Police Lines, Nowshera.

Dated 22/6/2023
.....Appellant


V E R S U S

Regional Police Officer, Mardan and others

.....Respondents

I N D E X

S.No.	Description of documents	Annexure	Pages
1.	Parawise comments	-	1-2
2.	Affidavit	-	03
3.	Authority letter	-	04
4.	Copy of D.D report Dt: 01-09-2022	A	05
5.	Copy of rejection order	B	06
6.	Copy of punishment order	C	07


DSP Legal,
Nowshera.

**BEFORE THE HONOURABLE, KHYBER PAKHTUNKHWA, SERVICE
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.....Appellant

V E R S U S

1. District Police Officer, Nowshera.
2. Regional Police Officer, Mardan.

.....Respondents

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO. 1&2

Respectfully Sheweth: -

PRELIMINARY OBJECTIONS: -

1. That the appellant has got no cause of action and locus standi to file the instant appeal.
2. That the appeal is badly barred by law and limitation.
3. That the appellant is estopped by his own conduct to file the instant appeal.
4. That the appeal is not maintainable in its present form.
5. That the appellant has not come to the Honourable Tribunal with clean hands.
6. That the appeal is bad for mis-joinder and non-joinder of necessary and proper parties.

Reply on Facts: -

1. Para pertains to record.
2. Incorrect. The appellant while posted as incharge Police Post, Chapari, on 01-09-2022 complainant Mst: Naseem Begum wife of Khair-ur-Rehman r/o Saleh Khana reported to him that some unknown accused entered into her house, severely beat her and her husband and committed robbery. The appellant failed to treat them as per law and on 03-09-2022 husband of the complainant died. (Copy of daily diary report dated 01-09-2022 is annexure "A").
3. Correct to the extent that appellant was issued Show Cause Notice to which he submitted his reply but the same was found unsatisfactory.
4. Incorrect. Appellant had been issued Show Cause Notice to which he submitted his reply but the same was found unsatisfactory. Moreover, as there was sufficient material available on record therefore, enquiry into the matter was not required.

5. Correct to the extent that appellant moved departmental appeal to the appellate authority which was rejected and filed by the appellate authority being devoid of merit. (Copy of rejection order is "B").
6. That appeal of the appellant is liable to be dismissed inter-alia on the following grounds: -

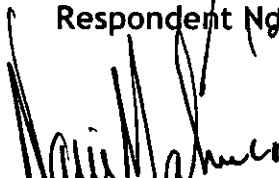
Reply on Grounds

- A. Incorrect. Appellant has been treated in accordance with law and rules.
- B. Incorrect. Punishment order has been passed after fulfillment of codal formalities.
- C. Incorrect. Though charge sheet and statement of allegation had not been issued to the appellant however, he had been served with show cause notice.
- D. Incorrect. On 21-09-2022 he was provided opportunity of personal hearing through Orderly Room, which is evident from the punishment order. (Copy of punishment order is annexure "C").
- E. Incorrect. Despite the fact that such a heinous crime had been committed, rather to lodge FIR promptly, the report was entered into daily diary.
- F. Para already explained above.
- G. The respondents may also be allowed to advance additional grounds at the time of arguments.

Prayers

It is, therefore, most humbly prayed that on acceptance of above submissions, the appeal of the appellant may very kindly be dismissed with costs, please.

Regional Police Officer,
Mardan.
Respondent No. 02


District Police Officer,
Nowshera.
Respondent No.01

BEFORE THE HONOURABLE, KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 278/2023

Muhammad Usman IHC No. 911,
Incharge Chowki Chapri presently Police Lines, Nowshera.

.....Appellant

V E R S U S

- 1. District Police Officer, Nowshera.
- 2. Regional Police Officer, Mardan.

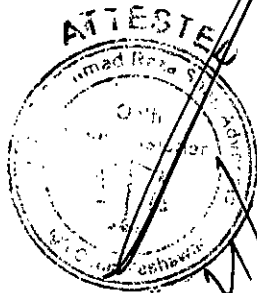
.....Respondents

AFFIDAVIT

We the respondents No. 1&2 do hereby solemnly affirm and declare on Oath that the contents of reply to the appeal are true and correct to the best of our knowledge and belief and nothing has been concealed from the Honourable tribunal. *It is further stated on oath that in this appeal the answering respondent have neither been placed ex-parte nor their defence has been struck off*

Regional Police Officer,
Mardan.
Respondent No.02

Muhammad Usman
District Police Officer,
Nowshera.
Respondent No.01





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

Service Appeal No. 278/2023

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Incharge Chowki Chapri presently Police Lines, Nowshera.

.....Appellant

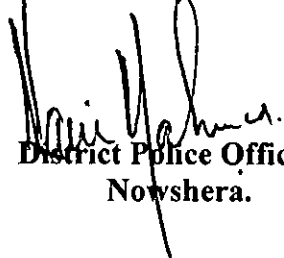
V E R S U S

1. District Police Officer, Nowshera.
2. Regional Police Officer, Mardan.

.....Respondents

AUTHORITY LETTER

Ijaz Hussain DSP Legal Nowshera is hereby authorized to appear and do the needful on behalf of respondents in the Khyber Pakhtunkhwa, Service Tribunal, in the above cited service appeal. He is also authorized to submit any document and record, statement etc required by the Honourable Tribunal


District Police Officer,
Nowshera.

Annex: B, 6

ORDER.

This order will dispose-off the departmental appeal preferred by **Head Constable Muhammad Usman No. 911** of Nowshera District Police against the order of the then District Police Officer, Nowshera, whereby he was awarded minor punishment of forfeiture of one year approved service vide OB: No. 910 dated 21. 09.2022. The appellant was proceeded against departmentally on the allegations that he while posted as Incharge Police Post Chappri, on 01.09.2022, Mst: Naseem Begum w/o Khair Ur Rehman r/o Saleh Khana reported him that some unknown accused entered her house, severely beaten her and her husband and committed robbery, but he failed to treat them as per law and on 03.09.2022, husband of the applicant died, video of the incident also went viral through social media.

On account of above, he was issued Show Cause Notice to which his reply was received/perused by the District Police Officer, Nowshera and found unsatisfactory. The delinquent Officer was heard in person on 21.09.2022 in Orderly Room by the District Police Officer, Nowshera during which, he failed to produce any plausible reasons in his defense. Therefore, he was awarded minor punishment of forfeiture of one year approved service by the District Police Officer, Nowshera vide OB: No. 910 dated 21.09.2022.

Feeling aggrieved from the order of the District Police Officer, Nowshera, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in this office on 21.12.2022.

From the perusal of proceedings initiated against him and service record of the appellant, it has been found that the allegations of misconduct against the appellant have been proved beyond any shadow of doubt. As the very conduct of appellant is unbecoming of a disciplined/uniformed Officer because the same clearly depicts his irresponsible and casual attitude towards his official duties. Hence, order passed by the competent authority does not warrant any interference.

Keeping in view the above, I, **Muhammad Ali Khan, PSP Regional Police Officer, Mardan**, being the appellate authority, find no substance in the appeal, therefore, the same is rejected and filed, being devoid of merit.

Order Announced.

[Handwritten signature]

**Regional Police Officer,
Mardan.**

No. 107 /ES, Dated Mardan the 06 / 01 /2023.

Copy forwarded to District Police Officer, Nowshera for information and necessary w/r to his office Memo: No. 3124/PA dated 31.10.2022. His service record is returned herewith.

(*****)

No. 76/PA
dt 06/01/2023

*EC/Smc
For m. admin*

*Attested
D. Khan
DPSM
06/01/2023
NSR*

911 ✓
POLICE DEPARTMENT

Annex C
7
NOWSHERA DISTRICT

ORDER

IHC Muhammad Usman No. 911, while posted as I/C PP Chappri, on 01.09.2022, Mst: Naseem Begum w/o Khair-ur-Rehman r/o Saleh Khana reported him that some unknown accused entered her house, severely beat her and her husband and committed robbery, but he failed to treat them as per law and on 03.09.2022, husband of the applicant died, video of the incident also went viral through social media.

On account of which, he was suspended, closed to Police Lines, Nowshera and served with Show Cause Notice, to which, he submitted his reply, perused by the undersigned and found unsatisfactory.

On 21.09.2022, he was heard in orderly room by the undersigned, wherein he failed to satisfy the undersigned, therefore, he is hereby awarded minor punishment of **forfeiter of 01 year approved service** and re-instated in service from the date of suspension, in exercise of the powers vested in me under Khyber Pakhtunkhwa Police Rules-1975.

OB No. 911

Dated 21/09/2022

[Signature]
District Police Officer,
Nowshera

No. 2507-12 /PA, dated Nowshera, the 21/09 /2022.
Copy for necessary action to the:

1. Pay Officer.
2. Establishment Clerk.
3. OHC.
4. FMC with its enclosures (07 sheets).
5. I/C Computer Lab.
6. Official concerned.

Attusheel
J Hum
DSP Tawal
USK