

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

Service Appeal No. 1497/2022

Muhammad Attique Khan

..... (Appellant)

**VERSUS**

Inspector General of Police KPK &

others.....(Respondents)

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**Respondents**



**Javed Shah**

**(Focal Person DPO Kurram )**

*Next date: 26-06-23*

*Place of Hearing  
Peshawar.*

①

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

SERVICE APPEAL No. 1497/2022

Muhammad Attique Khan ..... (Appellant)

**VERSUS**

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

**PARAWISE REPLY BY RESPONDENTS NO 1,2& 3**

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 6177

Dated 23.06.23

RESPECTFULLY SHEWETH:

**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 not issued 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 not issued 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 08-12-2021 was issued to him with an opportunity to defend himself, but the appellant failed to do so. (Copy of final Show 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 11-11-2021 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 08-12-2021 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.
- R. Respondents may kindly be allowed to add any other grounds/ documents at the time of hearing.

3


**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.

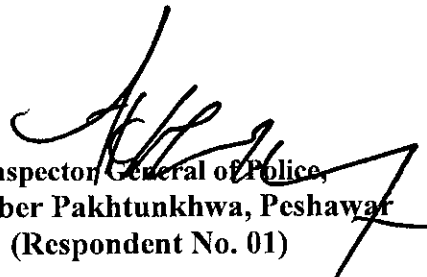
  
District Police Officer  
Kurram

(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.1497/2022**

Mr. Muhammad Attique Khan ..... **Petitioner.**

**VERSUS.**

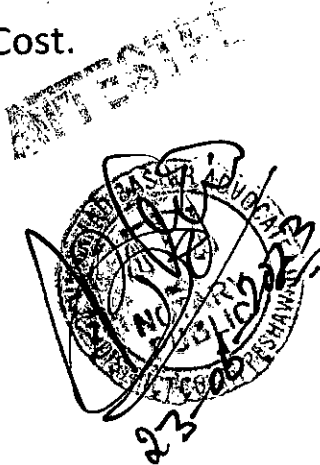
4. Inspector General of Police, Government of Khyber PakhtunKhawa Peshawar.
5. Regional Police Officer, Kohat Region, District Kohat.
6. District Police Officer, Kurram.

..... **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.



*Javed Shah*

**DEPONENT**

CNIC No.21303-9273132-9

Cell No. 03018019342

Identified by

Advocate General KP

(65)

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

**Service Appeal No. 1497/2022**

Muhammad Attique Khan

..... Appellant

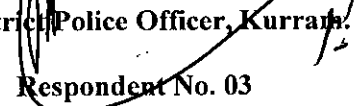
**VERSUS**

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

روزنامہ 30/09/21

تقدیم 3

Annexure (A) 3

منجے کرم

پولس لائین ص 5

صرف 3 آفیسر جوڑے عبید الرحمن ASI مورف 30/09/21 وقت 8:40 بجے درج ہے۔  
 آج OHC مندرجہ کرم آفیسر بیان کرتا ہے۔ کہ کچھ عرصہ پہلے  
 جو تقری 10 منٹ سے فارغ ہوئی تھی۔ اس میں سے کنسٹبل محمد عتیق و لا محمد رفیق  
 کنسٹبل شہاب الدین و لا لعل دین، کنسٹبل محمد رفیق و لا ضیاء گل کنسٹبل۔  
 محمد واجد و لا آدم سار، کنسٹبل زاہد الرحمن و لا میر حسن جان الہی تک  
 اپنے جائے تعیناتی پر حاضر نہیں ہوئے۔ مذکورہ کنسٹبلان کے بچے ہزار بھ  
 پروانہ بار بار اطلاع کی کہ اپنے اپنے جائے تعیناتی پر حاضر ہو جائے  
 لیکن مذکورہ بالا کنسٹبلان کی حاضرگی کوئی افسر نہیں مذکورہ بالا  
 کنسٹبلان کے خلاف رپورٹ عبید الرحمن درج روزنامہ 30/09/21 کے مقدمہ علیحدہ مرتب  
 کر کے وزیر کاروائی کنڈیشن افسران بالا کی خدمت میں ارسال ہوگی

صفا عالی

Change-sheet

Period of absence (7.9.2021)

نقل معلومات اہل ہے

لائن افسر مندرجہ کرم  
30-09-21

Attested  
[Signature]

- 1) منالو
- 2) [unclear]
- 3) Tando CP
- 4) [unclear]
- 5) [unclear]



OFFICE OF THE  
DISTRICT POLICE OFFICER  
KURRAM, KHYBER PAKHTUNKHWA

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

No. ...3201...../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 Muhammad Attiq s/o Muhammad Rafiq posted at Manato CP 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 Muhammad Attiq, have been posted at Manato CP 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 at Manato CP, 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.

*Attested  
Meh*

*[Signature]*  
District Police Officer  
Kurram



8

50



*[Handwritten signature]*

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

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

No. 3200...../PA Dated Parachinar 4-10-2021

**DISCIPLINARY ACTION.**

**MR. TAHIR IQBAL DISTRICT POLICE OFFICER KURRAM**

as competent authority, am the opinion that you Con Muhammad Attiq s/o Muhammad Rafiq posted at Manato CP 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 Muhammad Attiq, have been posted at Manato CP 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 at Manato CP, 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**

*[Handwritten signature]*

**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.

*[Handwritten signature]*

**District Police Officer  
Kurram**

*[Handwritten signature]*



10 دسمبر 2022ء | 1445-23 مئی 2022ء | 10 دسمبر 2022ء

### اشتہار نوٹس بابت غیر حاضری کرم پولیس فورس ضلع کرم

آپ کی حاضری کی اطلاع دینے کے لیے اس اشتہار کو پبلش کیا گیا ہے۔ اس اشتہار میں وہ لوگ شامل ہیں جن کی حاضری کی اطلاع دینے کے لیے اس اشتہار کو پبلش کیا گیا ہے۔ اس اشتہار میں وہ لوگ شامل ہیں جن کی حاضری کی اطلاع دینے کے لیے اس اشتہار کو پبلش کیا گیا ہے۔

نمبر	پتہ	رہنما	قسم	ضلع	نوم	طبع
1	672248	Con	پولیس	پولیس	پولیس	کرم
2	668281	Con	پولیس	پولیس	پولیس	کرم
3	50416882	Con	پولیس	پولیس	پولیس	کرم
4	672263	Con	پولیس	پولیس	پولیس	کرم
5	672134	Con	پولیس	پولیس	پولیس	کرم
6	672036	Con	پولیس	پولیس	پولیس	کرم
7	669170	Con	پولیس	پولیس	پولیس	کرم
8	2370	Con	پولیس	پولیس	پولیس	کرم
9	672582	Con	پولیس	پولیس	پولیس	کرم
10		Con	پولیس	پولیس	پولیس	کرم
11	668423	Con	پولیس	پولیس	پولیس	کرم
12	668108	Con	پولیس	پولیس	پولیس	کرم
13	50186441	Con	پولیس	پولیس	پولیس	کرم
14	668005	Con	پولیس	پولیس	پولیس	کرم
15	50147461	Con	پولیس	پولیس	پولیس	کرم
17		Con	پولیس	پولیس	پولیس	کرم
18	50280354	Con	پولیس	پولیس	پولیس	کرم
19	50312777	Con	پولیس	پولیس	پولیس	کرم
20	668005	Con	پولیس	پولیس	پولیس	کرم
21	673483	Con	پولیس	پولیس	پولیس	کرم
22	668171	Con	پولیس	پولیس	پولیس	کرم
23	668168	Con	پولیس	پولیس	پولیس	کرم
24	50296548	Con	پولیس	پولیس	پولیس	کرم
25	667054	Con	پولیس	پولیس	پولیس	کرم

المستقر: آرہب شفیع اللہ جان ٹسٹریکٹ پولیس آفس ضلع کرم

*Handwritten signature*

(10)

فائل رپورٹ

52

جناب عالی!

بجوالہ چارج شیٹ نمبر PA/3200 مورخہ 04-10-2021 جاریہ جناب D.P.O صاحب معروض خدمت ہوں۔  
کہ کا نشیمل محمد عتیق ولد محمد رفیق کو پولیس ٹریننگ مورخہ 07-09-2021 سے فارغ ہو کر مینٹو چیک پوسٹ کو تبادلہ کر کے چارج نہ لینے  
پر آنجناب نے چارج شیٹ کیا ہے۔ اور بار بار چارج لینے کو کہا گیا ہے۔ مگر جان بوجھ کر ذکر شدہ پوسٹ پر چارج کو قبول نہیں کیا ہے۔

عالیجاہ

مذکورہ کا نشیمل دیدہ دانستہ طور پر آنجناب کے چارج شیٹ کا جواب نہیں دیتا ہے۔ جو کہ جواب دینے کا وہ پابند ہے۔ اور نہ ہی انکواری  
آفیس کو اپنی صفائی کیلئے آتا ہے۔ لہذا انکواری مکمل کر کے جناب D.P.O صاحب کو پولیس رول (Amended 2014) 1975  
کے تحت (Major Punishment) کی سفارش کیجاتی ہے۔

رپورٹ عرض ہے۔

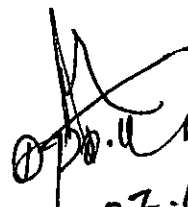
  
D.S.P (INV) kurram

Date, 11 / 1 / 2021

NO: 370 / DSP Inv. 11/21

*PO / ASI  
pay stop and  
issue full show cause*

*Dismissed*

  
07.04.2022.

*Attended*

(11)

Amesure - D.

51

66910



**DISTRICT POLICE**

**OFFICER KURRAM, KHYBER PAKHTUNKHWA**

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

No. 4421/DPK/PA Dated Parachinar. 8.12.21.

**FINAL SHOW CAUSE NOTICE**

I **Arbab Shafiullah Jan, District Police Officer, Kurram** as a competent authority under Khyber Pakhtunkhawa Police Rules 1975 (amended 2014) is hereby serve you **Constable Muhammad Attiq**, Posted at Manato CP. charged as:

As per report of Police Line Officer Sadda that you were transferred to Manato CP on 07.09.2021 after completion of training. Whereby you were supposed to assume your charge but you deliberately did not assume the charge at mentioned CP. Time and again you are informed to report to the place of your duty but you are still absent and not obeying the order of the superior which is a gross misconduct being a police personnel.

1. That consequent upon the completion of inquiry conducted against you by the inquiry officer for which you are given opportunity vide this Office No. 3201/PA dated. 04.10.2021 and charge No. 3200/PA dated. 04.10.2021.
2. Ongoing through the findings and recommendations of the inquiry officer, the material on record and other connected papers including your defense the inquiry officer, I am satisfied that you have committed the act as charged against you.

As a result thereof, I the 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 be heard in person if no progress to this notice is received within 07 days of its delivery in the normal course circumstances, it shall be presumed that you have no defense to put in and in what 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 to this office 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**

**No. & date even:**

Copy to the Inquiry Officer, for information with reference to final report dated 11.11.2021 for information and necessary action.

**District Police Officer  
Kurram**



12

Amman E. 05

**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 Muhammad Attiq under the Khyber Pakhtunkhwa, Police Rules, 1975 (Amendment 2014).

Brief of the fact is that constable Muhammad Attiq 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 Muhammad Attiq by the inquiry officer for which constable Muhammad Attiq was given opportunity vide charge Sheet No. 3201/PA dated Parachinar the 04.10.2021 and No. 3200/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. 370/DSP Inv:/Kurram dated 11.11.2021, the material on record and other connected evidence including defense the inquiry officer concluded that constable Muhammad Attiq 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 23<sup>rd</sup> January 2022.

Final show cause issued to the office of the undersigned vide No. 4421/DPO/PA dated Parachinar the 08.12.2021 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. 125**

**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**