


1st Nov., 2022

Counsel for the appellant present. Mr. Naseerud Din Shah, Assistant Advocate General for the respondents present.

02. Learned counsel for the appellant requests for adjournment in order to further prepare the brief. Last opportunity is granted. To come up for arguments on 13.12.2022 before the D.B.


(Fareeha Paul)
Member (E)


(Kalim Arshad Khan)
Chairman


13.12.2022

Junior to learned counsel for the appellant present.

Mr. Muhammad Jan, District Attorney alongwith Waqar Ahmad, S.I (Legal) for the respondents present.

Former requested for adjournment due to engagement of learned senior counsel for the appellant in the Hon'ble Peshawar High Court today. Last opportunity is granted. To come up for arguments on 25.01.2023 before the D.B.



(FAREEHA PAUL)
Member(E)


(ROZINA REHMAN)
Member (J)

25.1.23

Proper DB is not available the

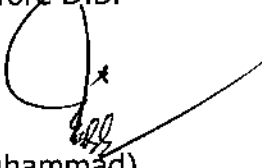
case is adjourned to 4-5-23



Reader

10.11.2021

Mr. Khalil Ullah, advocate, junior of learned counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Asst: AG for respondents present.

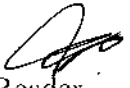
Junior of learned counsel for the appellant requested for adjournment on the ground that the learned senior counsel was busy before the Peshawar High Court, Peshawar. Adjourned. To come up for arguments on 03.03.2022 before D.B.


(Mian Muhammad)
Member(E)


(Rozina Rehman)
Member(J)

03.03.2022


Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 23.05.2022 for the same as before.


Reader.

23rd May, 2022

Jr. to counsel for the appellant present. Mr. Naseer ud Din Shah, Assistant Advocate General for the respondents present.

Former seeks adjournment due to engagement of learned senior counsel for the appellant before the Honourable Peshawar High Court. The appeal pertains to the year, 2018, therefore, last chance is given. To come up for arguments on 01.08.2022 before the DB.


(Fareeha Paul)
Member (E)


Chairman

1-8-2022 Proper DB not available the case is
adjourned to 1-11-2022


Reader

05.02.2021

On account of Public Holiday (Kashmir Day), the case is adjourned to 05.04.2021 for the same.



Reader

05.04.2021

Junior to counsel for appellant present.

Asif Masood Ali Shah learned Deputy District Attorney for respondents present.

Lawyers are on general strike, therefore, case is adjourned. To come up for arguments on 6/7/2021 before D.B.



(Atiq ur Rehman Wazir)
Member (E)



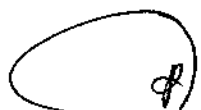
(Rozina Rehman)
Member (J)

06.07.2021

Appellant present through counsel.

Asif Masoof Ali Muhammad Adeel Butt learned Deputy District Attorney for respondents present.

Former made a request for adjournment. Request is accorded. To come up for arguments on 10.11.2021 before D.B.



(Rozina Rehman)
Member(J)



Chairman

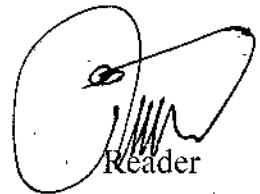
13.5 .2020

Due to COVID19, the case is adjourned to
5/8 /2020 for the same as before.


Reader

05.08.2020

Due to summer vacation case to come up for the same on
06.10.2020 before D.B.

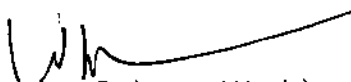

Reader

06.10.2020

Representative of appellant on behalf of appellant present.

Zara Tajwar learned Deputy District Attorney for
respondents present.

Lawyers are on general strike, therefore, the case is
adjourned to 24.11.2020 for arguments, before D.B.


(Atiq ur Rehman Wazir)
Member (E)


(Rozina Rehman)
Member (J)


²⁴
~~20~~.11.2020

Due to non-availability of D.B, the case is adjourned to
05.02.2021 for the same as before.


Reader

13.03.2020

Counsel for the appellant present. Mr. Muhammad Jan, DDA for respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 13.05.2020 before D.B.



Member



Member

24.09.2019. Appellant alongwith his counsel and Mr. Riaz Ahmad Paindakheil, Assistant AG alongwith Mr. Ghulam Murtaza, Inspector (Legal) for the respondents present. Representative of the department submitted para-wise comments on behalf of respondents No. 1 to 4. Copy of the same is also handed over to learned counsel for the appellant. Case to come up for rejoinder and arguments on 28.11.2019 before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

28.11.2019 Due to general strike of the Pakistan Bar Council, the case is adjourned. To come up on 23.01.2020 before D.B.


Member


Member

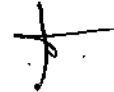
23.01.2020 Due to general strike of Khyber Pakhtunkhwa Bar Council, learned counsel for the appellant is not available today. Mr. Kabirullah Khattak, Additional AG for the respondents present. Adjourned to 13.03.2020 for rejoinder and arguments before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

24.04.2019

Counsel for the appellant present. Adll: AG alongwith Mr. M. Adil, ASI for respondents present. Written reply not submitted. Requested for adjournment. Adjourned but as a last chance. Case to come up for written reply on 13.06.2019 before S.B.



(Ahmad Hassan)
Member

13.06.2019

Counsel for the appellant and Addl. AG alongwith Tasawar Hussain, ASI for the respondents.

Representative of the respondents states that written reply ^{was} prepared and placed before the respondents for signatures, therefore, he needs some time. Last opportunity granted for submission of written reply/comments. Adjourned to 10.07.2019 before S.B.



Chairman

10.07.2019

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

On 13.06.2019 the respondents were granted last opportunity for submission of written reply/comments, however, the needful has not been done till date. The appeal is, therefore, posted for arguments before D.B on 24.09.2019 before D.B.



Chairman

21.12.2018

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Learned counsel for the petitioner present. Preliminary arguments heard.

The appellant (ASI) has filed the present service appeal u/s 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974 against the order dated 21.09.2011 whereby he was awarded minor punishment of stoppage of one (01) annual increment with accumulative effect and against the order dated 13.07.2018 through which the departmental appeal of the appellant was rejected.

Points urged need consideration. The appeal is admitted for regular hearing subject to all just/valid legal objections including the issue of limitation. The appellant is directed to deposit security and process fee within 10 days thereafter notices be issued to the respondents for written reply/comments. To come up for written reply/comments on 11.02.2019 before S.B.

Appellant Deposited
Security & Process Fee


Member

11.02.2019 Junior to counsel for the appellant present. Muhammad Idrees PSI representative of the respondent department present. Written reply not submitted. Representative of the respondent department seeks time to furnish written reply/comments. Granted. To come up for written reply/comments on 25.03.2019 before S.B.


Member

25.03.2019 No one present on behalf of appellant. Written reply not submitted. Daud SI representative of the respondent department present and seeks time to furnish written reply/comments. Granted. To come up for written reply/comments on 24.04.2019 before S.B.


Member

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. 985/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	10/08/2018	<p>The appeal of Mr. Inayat Zaman presented today by Mr. Shahid Qayyum Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR 10/8/18</p>
2-	11-8-2018	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>7-9-2018</u>.</p> <p style="text-align: right;"><i>[Signature]</i> CHAIRMAN</p>
	07.09.2018	<p>Learned counsel for the appellant present and seeks adjournment. Adjourned. To come up for preliminary hearing 08.10.2018 before S.B.</p> <p style="text-align: right;"><i>[Signature]</i> Member</p>
	08.10.2018	<p>Mr. Shahab Faheem, Clerk of counsel for the appellant present. Counsel for the appellant is not in attendance and request made on his behalf for adjournment. Granted. To come up for further proceedings on 05.11.2018 before S.B.</p> <p style="text-align: right;"><i>[Signature]</i> Chairman</p>
	5-11-2018	<p><i>Due to Retirement of Honorable Chairman the Tribunal is non functional therefore the case is adjourned to come up for the same on 21/12/18</i></p> <p style="text-align: right;"><i>[Signature]</i> Registrar</p>

SCANNED
KUST
Peshawar

BEFORE THE SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. 485 /2018

Inayat Zaman..... Appellant

Versus

Provincial Police Officer and others..... Respondents

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Appellant

A. No. 485/18
Inayat Zaman vs Govt

Appellant Deposited
Security & Process Fee

[Signature]
24/12/18

Shahid Qayum Khattak
Advocate, High Court
Peshawar
Mob No. 0333-9195776

BEFORE THE SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. /2018

Inayat Zaman S/o Subhan R/o Rehmant Abad
Tehsil & District Karak Appellant

Versus

1. Provincial Police Officer/ Inspector General of Police
Khyber Pakhtunkhwa, Peshawar
2. Deputy Inspector General of Police Kohat Region, Kohat.
3. District Police Officer, Karak
4. Government of Khyber Pakhtunkhwa through
Chief Secretary, Peshawar

..... Respondents

APPEAL UNDER SECTION 4 OF SERVICE TRIBUNAL ACT, 1974
AGAINST THE ORDER DATED 21/09/2011 PASSED BY
RESPONDENT NO. 3 BY WHICH MINOR PUNISHMENT OF
STOPPAGE OF ONE ANNUAL INCREMENT WITH ACCUMULATIVE
EFFECT HAS BEEN AWARDED TO THE APPELLANT AND
AGAINST THE ORDER DATED 11/07/2018 ISSUED ON
13/07/2018 OF RESPONDENT NO. 2 BY WHICH THE
DEPARTMENTAL APPEAL FILED BY APPELLANT HAS BEEN
REJECTED

PRAYER

On accepting this service appeal, the impugned orders bearing OB No. 743 dated 21/09/2011 and order dated 11/07/2018 bearing No. 7724/EC, dated Kohat the 13/07/2018 may graciously be set aside by declaring it illegal, unlawful, without authority, based on mala fide, void abinitio and thus not sustainable in the eyes of law and the punishment awarded to appellant may please be set aside with all back benefits.

Respectfully Sheweth;

1. That appellant joined police department as constable in the year, 1988 and has rendered satisfactory service in the Department for the last 28/29 long years and has earned promotion to the rank of Sub Inspector (SI) and performed his duties with full zeal and enthusiasm.

2. That respondent No. 3 issued a charged sheet to the appellant on 03/08/2011 which has not been properly served on appellant. (Copies of charge sheet and reply are attached)
3. That an enquiry was conducted wherein the appellant has been held responsible for the charges leveled against him. (Copy of the enquiry report is attached)
4. That after the receipt of the enquiry report respondent No. 3 issued final show cause notice to the appellant and thereafter the impugned order dated 21/09/2011 by which minor punishment of stoppage of one annual increment with accumulative effect contrary to the rules and regulation has been passed. (Copy Impugned order dated 21/09/2011 is attached)
5. That Appellant has not been properly associated in the whole proceeding nor the impugned order was served to him but when the appellant came to know regarding the impugned order on 01/05/2018 and he preferred representation against the said order to respondent No. 2 on /05/2018 who vide order dated 11/07/2018 rejected the same. The ground taken in the representation may please be considered as an integral part of this appeal (Copy of representation and impugned order dated 11/07/2018 is attached)
6. That petitioner being aggrieved from the above order and having no other adequate remedy hence, filing this appeal on the following amongst other grounds inter alia:

GROUND:

- a. That both the impugned orders are illegal, unlawful, without authority, based on mala fide, void abinitio thus untenable in the eyes of law and is liable to be set aside.
- b. That both the impugned orders passed by respondents are very much harsh and is against the principle of natural justice.
- c. That the respondent No. 3 has not properly served any show cause notice nor any proper opportunity of hearing has been provided to appellant but this aspect has not been taken by learned respondent No. 2 at all thus the impugned orders are nullity in the eyes of law and is liable to be set aside.
- d. That the case of appellant has been treated in very arbitrary manners and no evidence what so ever has been brought on record to substantiate the allegation leveled against appellant rather he has been proceeded under the rules and regulation which are not at all applicable to petitioner being a civil servant.

- e. That the impugned order has been passed in violation of law and rules of disciplinary proceedings and principles of natural justice. The authority wrongly and malafidly based the impugned order on assessments and speculations without providing opportunity of hearing to appellant nor serving the copies of documents, therefore the impugned order is bad in law.
- f. That the enquiry officer badly fails to prove allegation against appellant nor the same has been proved by respondent No. 3 through any cogent evidence, no evidence whatsoever has been procured against appellant to establish the charges leveled against him. Under the law punishment in departmental proceedings should always be commensurate to the guilt proved through substantive piece of evidence during enquiry.
- g. That the enquiry proceedings against appellant suffered from gross infirmities, illegalities and irregularities as no evidence what so ever has been produce or cited in the enquiry report nor any witness has been examined in presence of appellant.
- h. That the impugned order has been based on hallowed and unfounded assessments of enquiry officer who was otherwise not competent to conduct enquiry against appellant, therefore the orders based on such enquiry are worth set aside.
- i. That no final show cause notice under the relevant provision of law has been served on appellant which is mandatory under the law. Similarly appellant was not personally heard and no opportunity of defence has been provided to appellant nor proper proceeding under proper law has been carried against the appellant even the final order has not been communicated to him which make the whole proceeding nullity in the eyes of law.
- j. That impugned order dated 21/09/2011 and 11/07/2018 are suffered from gross infirmities, illegality , based on no evidence totally basis less, further appellant being a civil servant has not been proceeded under relevant provision of rules and regulation.
- k. That the learned respondent has not taken into consideration that the rules under which the appellant has been charged are not applicable on him.
- l. That respondent No. 2 has not decided the representation in accordance to law with mala fide intention which has no sanctity in the eyes of law thus the act of respondent No. 2 and

3 is totally based on mala fide intention which clearly shows discrimination and undue victimization.

It is, therefore, most humbly prayed that by accepting this service appeal, the impugned orders bearing OB No. 743 dated 21/09/2011 and order dated 11/07/2018 bearing No. 7724/EC, dated Kohat the 13/07/2018 may graciously be set aside by declaring it illegal, unlawful, without authority, based on mala fide, void ab initio and thus not sustainable in the eyes of law and the punishment awarded to appellant may please be set aside with all back benefits.

Any other relief not specifically prayed for but deemed appropriate in the circumstances of the case may also be granted.

Appellant

Through

Shahid Qayum Khattak
Advocate, High Court
Peshawar

Dated: /08/2018

Certified that as per instruction of my client no such appeal has been filed before this Hon'ble Forum.

Advocate

Affidavit

I, Inayat Zaman S/o Subhan R/o Rehmant Abad Tehsil & District Karak, do hereby solemnly affirm and declare on Oath that the contents of the above appeal are true and correct to the best of my knowledge and belief and nothing has been kept secret from this Hon'ble Tribunal.

Deponent

14202 - 3321355

BEFORE THE SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. /2018

Inayat Zaman Appellant

Versus

Provincial Police Officer and others..... Respondents

APPLICATION FOR CONDONATION OF DELAY

Respectfully Sheweth;

1. That the above noted case has been filed before this Hon'ble Forum in which no date of hearing is yet fixed.
2. That the applicant/appellant has filed this appeal against the order of respondent No. 2 which is well with in time but the order of respondent No. 3 was not communicated to him on time therefore, the departmental appeal was not filed on time.
3. That applicant / appellant has not been served with the impugned order dated 21/09/2011 by the respondent No. 3 and applicant/ appellant was unaware of the passing of any adverse order against him and finally when he came to know regarding the impugned order on 01/05/2018 he preferred departmental representation before respondent No. 2.
4. That the delay in filing of the departmental representation is not intentional but due to the reason stated above.
5. That valuable rights of applicant / petitioner is involved with the case hence the delay in filing of departmental representation is liable to be condoned.
6. That the grounds of main Petition may please also be considered as integral part of this application.

It is, therefore, respectfully prayed that by accepting this application the delay in filing of departmental representation may kindly be condoned in the best interest of justice.

~~Applicant/Appellant~~

Through

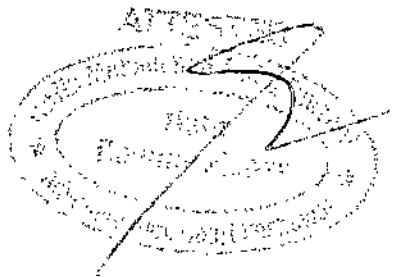
Shahid Qayum Khattak
Advocate, Peshawar

Affidavit

I Inayat Zaman S/o Subhan R/o Rehmant Abad Tehsil & District Karak, do hereby solemnly affirm and declare on Oath that the contents of the above application are true and correct to the best of my knowledge and belief and nothing has been kept secret from this Hon'ble Tribunal.

~~Deponent~~

10 AUG 2008



(420232215-0-1

BEFORE THE SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. /2018

Inayat Zaman..... Appellant

Versus

Provincial Police Officer and others..... Respondents

ADDRESSES OF THE PARTIES

APPELLANT


Inayat Zaman S/o Subhan R/o Rehmant Abad Tehsil
& District Karak

RESPONDENTS

1. Provincial Police Officer/ Inspector General of Police
Khyber Pakhtunkhwa, Peshawar
2. Deputy Inspector General of Police Kohat Region, Kohat.
3. District Police Officer, Karak
4. Government of Khyber Pakhtunkhwa through
Chief Secretary, Peshawar

Appellant

Through


Shahid Qayum Khattak
Advocate, High Court
Peshawar

Dated: /08/2018

No. 8197 /EC
Dated 3/8 /2011

CHARGE SHEET

1. I, Sajid Khan Mohmand, District Police Officer, Karak as competent authority hereby charge you ASI/SHO Inayat Zaman Police Station Shah Salim, the then SHO Police Station Gurguri as follow:-

"You ASI Inayat Zaman the then SHO Police Station Gurguri delayed submission of parcels of case property to FSL Peshawar in the following two cases. Such act on your part is against service discipline and good order."

1. Case FIR No.17, dated 21.03.2011 u/s 4PO Police Station Gurguri (delayed by 48 days)
2. Case FIR No.18, dated 24.03.2011 u/s 4PO Police Station Gurguri (delayed by 45 days)

2. By reason of your commission / omission, constitute miss-conduct under Section-3 of the KPK (Removal from Service) Special Power Ordinance-2000 and have rendered your-self liable to all or any of the penalties specified in Section-3 of the ordinance ibid:

3. You are, therefore, required to submit your written defense within 7-days of the receipt of this charge sheet to the enquiry Officer Mr. Subhan Khan, SDPO Takht -e- Nasrati, the purpose of conducting enquiry.

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

4. Intimate whether you desire to be heard in person.

5. A statement of allegation is enclosed.

(SAJID KHAN MOHMAND)
District Police Officer, Karak

DISCIPLINARY ACTION

1. Sajid Khan Mohmand, District Police Officer, Karak as competent authority, is of the opinion that ASI/SHO Inayat Zaman Police Station Shah Salim the then SHO Police Station Gurgurt has rendered himself liable to be proceeded against on committing the following act / commission within the meaning of Section-3 of KPK Removal from Service (Special Powers) Ordinance-2000.

STATEMENT OF ALLEGATION

"ASI Inayat Zaman the then SHO Police Station Gurgurt delayed submission of parcels of case property to FSL Peshawar in the following two cases. Such act on his part is against service discipline and good order."

- 1. Case FIR No. 17, dated 21.03.2011 u/s 4PQ Police Station Gurgurt (delayed by 48 days)
- 2. Case FIR No. 18, dated 24.03.2011 u/s 4PQ Police Station Gurgurt (delayed by 45 days)

2. The enquiry Officers, Officer Mr. Subhan Khan, SDPO Takht-e-Nasrati shall in accordance with provision of the ordinance may provide reasonable opportunity of hearing to the accused official, record his finding and make within 15-days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused.

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

Copy to:-

- 1. The enquiry Officer for initiating proceeding against the accused under the Provision of the KPK / Removal from Service (Special Power) Ordinance-2000.
- 2. ASI/SHO Inayat Zaman Police Station Shah Salim
- 3. Reader to District Police Officer, Karak along with relevant record to assist the enquiry officer.

No. 8148-50/EC (enquiry), dated 3/8 /2011
(SAJID KHAN MOHMAND)
District Police Officer, Karak

No. 8147 /EC
Dated 3/8 /2011

12/9/11

5987 JEC

Dated 25/09/2011

FINAL SHOW CAUSE NOTICE.

I, Sajid Khan Mohmand, District Police Officer, Karak as competent authority, under the NWFP removal from service (Special Powers) Ordinance-2000, do hereby serve you ASI / SHO Inayat Zaman as follow:-

That consequent upon the completion of enquiry conducted against you by Enquiry Office, **Mr. Muhammad Subhan Khan SDPO Takht -e- Nasrati**

On going through the finding and recommendation of the Enquiry Officer, and records on the record and other connected papers including your defence before the Enquiry Officer, I am satisfied that the charge against you is proved and you have committed the following acts / omission specified in Section-3 of the said Ordinance:-

"You ASI Inayat Zaman the then SHO Police Station Gurguri delayed submission of parcels of case property to FSL Peshawar in the following two cases. Such act on your part is against service discipline and good order."

1. Case FIR No.17, dated 21.03.2011 u/s 4PO Police Station Gurguri (delayed by 48 days)
2. Case FIR No.18, dated 24.03.2011 u/s 4PO Police Station Gurguri (delayed by 45 days)

As a result thereof I, as competent authority, have tentatively decided to impose upon you the penalty of major punishment under section-3 of the said ordinance

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 reply to this Notice is received within Seven days of its delivery in the course of circumstances, it will be considered/presumed that you have no defense. In that case an ex-parte action shall be taken against you.

Copy of finding of the Enquiry Officer is enclosed.

(SAJID KHAN MOHMAND)
District Police Officer, Karak

87/11

ORDER

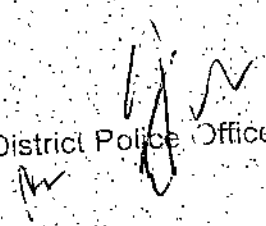
This order is passed on the departmental proceedings initiated against ASI Inayat Zaman the then SHO Police Station Gurguri, who failed to execute the submission of parcels to FSL Peshawar for examination in the following two cases:-

1. Case FIR No. 17 dated 21.03.2011 under section 4 PO Police Station Gurguri.
2. Case FIR No. 18 dated 24.03.2011 under section 4 PO Police Station Gurguri.

He served with charge sheet and statement of allegation under removal from service (special Powers) order 2000. Mr. Subhan Khan, SDPO Takht-e-Nasrati was appointed as Enquiry Officer. The enquiry officer submitted his finding report against the defaulter Officer with the remarks that the accused officer neither put in plausible reply nor he justified his position. The charges leveled against him are proved. Then Final Show Cause issued against the defaulter Official. In response to the Final Show Cause Notice, the accused Officer failed to advance any plausible reply placed on file.

In view of the above it is evident from the entire proceedings that ASI Inayat Zaman is found guilty. Hence in accordance with the finding report of the enquiry Officer and other legal procedure adopted, he is awarded punishment of stoppage one annual increment with accumulative effect.

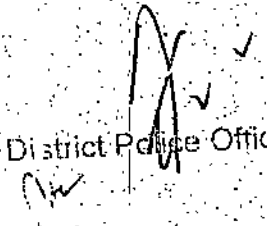
O. B No. 743
Dated 21-7-2011


District Police Officer, Karak

OFFICE OF THE DISTRICT POLICE OFFICER KARAK.

No 9677-18/EC, dated Karak the 22/7 /2011.

- Copy of above is submitted for favour of information to:-
1. The Addl. Inspector General of Police, Investigation Khyber Pakhtunkhwa Peshawar w/r to his Office Memo: No. 1083-1113/DSP legal/Inv: dated 24.05.2011.
 2. The Deputy Inspector General of Police, Kohat Region Kohat.


District Police Officer, Karak

(12)

To :- The Regional Police Officer,
Kohat Region Kohat

Through:- Proper Channel

Subject: - MERCY PETITION

Respected Sir,

It is humbly submitted that I have been awarded minor punishment of stopping one year annual increment with accumulative effect vide DPO, Karak office order No.2977-78/EC dated 22.09.2011, OB No.743 dated 21.09.2011(Copy enclosed)

The instant order is harsh and contrary to the Rules due to which the petitioner is facing financial loss since last 6 years.

In the instant order the competent authority has not specified period of punishment laying under the Fundamental Rule-29.

In this respect the Government of Pakistan Establishment Division u-o No.407/62-DL dated 03.05.1962 addressed to the Government of Pakistan Ministry of Finance circulated by the comptroller and Auditor General of Pakistan No.694-NGF-1/25-62 dated 28.05.1962 passed the following Notification:-

(i) Withholding of increment with cumulative effect.

"The increment could be stopped for a specified period having regard to the principle under laying fundamental rule 29. The intention of the rule is to protect the service benefits of the Government servant from indefinite punishments. Therefore, withholding authority is under legal obligation to state the period for which it is withheld".

The following two question were referred to the Ministry of Finance for decision under repealed rule 10(b) of the Government servant (E&D) rules 1960 which is identical worded to the Rule of 1973.

Government Decision

Whether in view specific phrase " for a specified" period used in rules 4(1) (b) of the Government servant (E&D) rules 1960, of the order for withholding an increment can be given cumulative effect or not. If an increment is stopped with cumulative effect the loss to an individual can extend to the entire period of his service and can afterwards affect the amount of pension as well. Thus the punishment awarded is not restricted to "specified period" as required under the rules.

(ii) Whether the stoppage of increment with accumulative effect, should still remain a minor penalty in terms of rules 4(1) (b) Ibid although it results in substantial financial loss to the accused which extends beyond the period specified in the order.

(2) The matter was considered by the Ministry of Finance in consultation with the Establishment Division and the law Division in the following decisions have been taken on the points referred to in para 1 above.

(i) under the provision of rules (4) (1) (b) of the Government servants (E&D) rules 1960, the punishment of withholding the increment can be given only for a specified period i.e. the punishing authority must indicate the quantum of punishment. As soon as the period of punishment expires, the person concerned would in future draw pay as if no punishment of withholding the increment was awarded to him.

(ii) The withholding of increment will continue to be classified as a minor penalty.

(iii) If at all it is intended by the punishing authority that the person concerned should be punished with a kind of punishment having cumulative effect on his emoluments. The authority should pass such order with reference to clause (b) of sub Rule (1) of the Rule 4 of the Government servant (E&D) Rule 1960. In other words the authority should reduce the person concerned to a lower post or time scale or to a lower stage in a time scale. Such reduction being major penalty

(12-A)

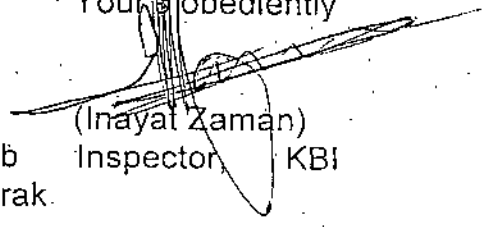
the punishing authority would of course be required to observe the procedure prescribed for awarding for the major penalties viz the issuance of show cause notice etc.

(Comptroller and Auditor General of Pakistan Circular Letter No. 134-NGE1/25.62 dated 31st January 1963 addressed to all Accountants Generals etc)

In a number of Judgments the various courts have dilated upon the question of withholding of increments with or with out cumulative effect. The courts are of the considered view that increment can only be stopped without cumulative effect. In this behalf reference can be made to the following judgments."

Keeping in view the above circumstances, it is humbly requested that the punishment order mentioned above may kindly be set-aside and I may kindly be restored the increment. I will pray for your long life and prosperity.

Yours obediently



(Inayat Zaman)

Sub Inspector KBI
Karak.

7 - 5 - 18

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16-7-18

KOHAT REGION

ORDER

This order will dispose of a departmental appeal, moved by SI [Name] of Investigation Wing Karak, the then SHO PS Gurguri Karak, against the punishment order, issued by DPO Karak vide OB No. 743, dated 21.09.2011 whereby he was awarded with punishment of stoppage of one annual increment with cumulative effect for the allegations of negligence in case FIR No. 17, dated 21.03.2011 u/s 4-PO PS Gurguri. [Name] vide OB No. 17, dated 24.03.2011 u/s 4-PO PS Gurguri.

[Name] preferred an appeal to the undersigned, upon which comments were made with reference to Kohat and his service record was perused. He was also heard in a meeting of the Inquiry Board, held in this office on 11.07.2018. He did not advance any plausible explanation in his defense.

Record gone through which indicates that the appellant, being SHO, did not send case property to FSL well-in-time. The punishment order is justified. His appeal being devoid of merits and badly time-barred about more than 06-years is hereby rejected.

Order Announced.
11.07.2018

(MUHAMMAD HAZ KHAN) PSP
Region Police Officer,
Kohat Region.

No. 772-4 /EC, dated Kohat the 13/7 /2018.

Copy for information and necessary action to the District Police Officer, Karak w/ to his office Memo: No. 8599/LB, dated 21.06.2018. His Service Record & connected papers is returned herewith.

OHC / SP-4
For [Name]

[Signature]

(MUHAMMAD HAZ KHAN) PSP
Region Police Officer,
Kohat Region.

[Signature]

[Signature]

[Signature]

ORDER

This order will dispose of a departmental appeal, moved by SI Inayat Zaman of Investigation wing Kohat, the then SHO PS Gurguri Kohat, against the punishment order, passed by DPO Kohat vide OB No. 743, dated 21-09-2011 whereby he was awarded minor punishment of stoppage of one annual increment with cumulative effect for the allegations of negligence in case FIR No. 17, dated 21-03-2011 u/s 4-PS Gurguri & FIR No. 18, dated 24-03-2011 u/s 4-PS Gurguri.

He performed an appeal to the authority signed, upon which comments were obtained from DPO Kohat and his service record was perused. He was also heard in person in orderly manner at this office on 11-07-2018. He did not advance a plausible explanation in his defence.

Record gone through which indicates that the appellant, being SHO, did not send case property to RSL well-in-time. The punishment order is justified. His appeal being devoid of merits and badly time-barred about more than 06-years is hereby rejected.

Order Announced
11-07-2018

(MUHAMMAD IJAZ KHAN) P.S.O.
Region Police Officer
Kohat Region.

No. 7724 / EC, dated Kohat the 13/7 / 2018

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مذہب

عبدالرشید صاحب، سولہ ستمبر ۱۹۶۲ء

میرٹھ میں، محلہ سہارا، پتہ ۱۷، پوسٹ ۲۱³/_{۱۱}

۱۸ ستمبر ۱۹۶۲ء

آپ (۱۷ ستمبر) کے خط کا جواب دینا چاہتا ہوں کہ آپ کے

لکھنے والے خط میں جو بات ہے وہ سچ ہے اور اس کے

آپ کو اس کے بارے میں اور (۱۱ ستمبر) کے خط میں

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FINDING:-

Kindly this is in response to your good self direction vide
No. 3148-50/EC (Enquiry), dated 03.08.2011, wherein enquiry to
scrutinise the conduct of accused officer ASI/SHO, Inayat Zaman
Police Station Shah Salim was entrusted to me. The upshot of the
charges is that the accused officer delayed submission of parcels
of case property to FSL, Peshawar vide in case FIR No. 17, dated
21.03.2011 U/S 4FC Police Station, Gurguri delayed by 48-days and
case FIR No. 18 dated 24.03.2011 U/S 4FC Police Station Gurguri
delayed 45-days.

Accused Officer was summoned. He submitted reply in respn-
-se to the charge sheet, which is placed on file. He stated in his
statement that the Moharrer staff was duty bound to sent the
parcel to FSL Peshawar but they did not to do so. The parcel of
case property delayed due to numerous duties regarding the mole
company etc.

During course of enquiry at ^{that} came to light the allegation
levelled against accused Officer ASI, Inayat Zaman has been proved.

Submitted please.

No. 186 /TN,
Dated 27.08 /2011.

(MUHAMMAD SUBBAN)
Sub Divisional Police Officer,
Takt-e-Nasrati.

Attested
[Signature]

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7

IMMEDIATE

From: The Addl. Inspector General of Police, Investigation, Khyber Pakhtunkhwa, Peshawar.

To: (i) All The Regional Police Officers in Khyber Pakhtunkhwa.

Attention: (ii) The Regional Police Officers, Kohat, Mardan, Malakand and D.I. Khan Regions.

(iii) All Superintendents of Police, Investigation in Khyber Pakhtunkhwa.

No. 983-1113/ISP Legal/Inv: dated Peshawar the 29/5/2011.

Subject: DELAY IN THE DISPATCH OF CASE PROPERTY TO FSL FOR EXPERT OPINION.

MEMO:

It is to inform you that Director, FSL Peshawar has carried out an extensive exercise to find out reasons behind late submission of challans to the Courts. It has transpired that the delay is mainly caused at the level of the I.O who sent case property after long/inordinate delay of weeks and in some cases months. Unfortunately, when the issue is discussed at any forum, particularly in the meetings of Criminal Justice Coordination Committee, the delay is attributed to the late receipt of expert opinion from FSL. The factual position is absolutely contrary to the stance taken by the SPs investigation in such meetings.

(ii) A cursory glance of the table given below will reflect the factual position. The matter being serious in nature is brought to your notice. Some of the case properties/parcels were received on 11.05.2011 from various districts are given below with date of registration of F.I.R, date of dispatch of case property to FSL and the delay caused in sending the case property to FSL.

S.No.	FIR No. & Dated	U/S, Police Station	Date of receipt of parcel in FSL	Date of Examination and report	Delay caused in sending parcel to FSL
1	228 dt: 24.4.2011	9CNSA, P.S Hangru	11.05.2011	12.05.2011	17 days
2	121 dt: 1.4.2011	4PO, P.S Thall	11.05.2011	12.05.2011	30 days
3	123 dt: 1.4.2011	4PO-13/AO P.S Thall	11.05.2011	12.05.2011	29 days
4	106 dt: 17.3.2011	4PO, P.S Thall	11.05.2011	12.05.2011	54 days
5	116 dt: 31.3.2011	4PO, P.S Thall	11.05.2011	12.05.2011	40 days
6	132 dt: 15.4.2011	4PO, P.S Thall	11.05.2011	12.05.2011	25 days
7	127 dt: 12.4.2011	4PO, P.S Thall	11.05.2011	12.05.2011	28 days
8	124 dt: 11.4.2011	4PO, P.S Thall	11.05.2011	12.05.2011	30 days

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9	113 dt: 24.3.2011	4PO, P.S. Thall	11.05.2011	12.05.2011	47 days
10	112 dt: 24.3.2011	4PO, P.S. Thall	11.05.2011	12.05.2011	46 days
11	135 dt: 15.4.2011	4PO, P.S. Thall	11.05.2011	12.05.2011	25 days
12	131 dt: 15.4.2011	4PO, P.S. Thall	11.05.2011	12.05.2011	25 days
13	125 dt: 12.4.2011	4PO, P.S. Thall	11.05.2011	12.05.2011	27 days
14	130 dt: 14.4.2011	4PO, P.S. Thall	11.05.2011	12.05.2011	26 days
15	80 dt: 01.3.2011	4PO, P.S. Thall	11.05.2011	12.05.2011	69 days
16	89 dt: 07.3.2011	4PO, P.S. Thall	11.05.2011	12.05.2011	62 days
17	13 dt: 22.4.2011	9CNSA P.S. Kalam	11.05.2011	12.05.2011	17 days
18	19 dt: 24.4.2011	9CNSA P.S. Toru	11.05.2011	12.05.2011	14 days
19	28 dt: 07.2.2011	4PO, P.S. Panyala	09.05.2011	12.05.2011	82 days
20	71 dt: 21.3.2011	4PO, P.S. Panyala	09.05.2011	12.05.2011	49 days
21	73 dt: 23.3.2011	4PO, P.S. Panyala	09.05.2011	12.05.2011	47 days
22	66 dt: 16.3.2011	4PO, P.S. Panyala	09.05.2011	12.05.2011	47 days
23	80 dt: 31.3.2011	4PO, P.S. Panyala	09.05.2011	12.05.2011	64 days
24	80 dt: 07.3.2011	4PO, P.S. Soddar	09.05.2011	12.05.2011	39 days
25	81 dt: 07.3.2011	4PO, P.S. Soddar	09.05.2011	12.05.2011	63 days
26	350 dt: 24.3.2011	3/4PO, P.S. Agha Akh Jani	09.05.2011	12.05.2011	63 days
27	281 dt: 21.3.2011	3PO, P.S. Tank	10.05.2011	12.05.2011	44 days
28	282 dt: 21.3.2011	324 FPC, P.S. Tank	10.05.2011	12.05.2011	46 days
29	13 dt: 21.3.2011	4PO, P.S. Gorgori ✓	09.05.2011	12.05.2011	47 days
30	17 dt: 21.3.2011	4PO, P.S. Gorgori ✓	09.05.2011	12.05.2011	48 days
31	225 dt: 21.3.2011	98 CNSA P.S. Holi	10.05.2011	12.05.2011	47 days
32	253 dt: 21.3.2011	95 CNSA P.S. Holi	10.05.2011	12.05.2011	42 days
33	189 dt: 12.3.2011	98 CNSA P.S. Holi	10.05.2011	12.05.2011	58 days
34	224 dt: 20.3.2011	98 CNSA P.S. Holi	10.05.2011	12.05.2011	47 days

Attended

Agreed




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(iii) It is, therefore, directed that the investigation may themselves be required to maintain a check list of submission of case property to the F.S.I. and ensure that case properties are dispatched to the F.S.I. within few days of collection of evidence. Please also note the above cases and take necessary disciplinary action against concerned I/O/ADCs under intimation to this office.

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(MUHAMMAD TANVIR UL HAQ)
Additional Inspector General of Police
Investigation, Khyber Pakhtunkhwa,
Peshawar.

50 ایڈویٹ: <u>Shahab Faheem</u> بار کونسل ایسوسی ایشن نمبر: <u>BC-15-5936</u> رابطہ نمبر: <u>0308-338767E</u>	  
پشاور بار ایسوسی ایشن، خیبر پختونخوا	

بعدالت جناب: Service Tribunal, Peshawar

متخائب: <u>Appellant</u> <u>Inayat Zaman</u> بنام <u>PPO and other</u> <u>Al</u>	دعوی: <u>appeal</u> علت نمبر: مورخہ: جرم: تھانہ:
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باعت تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دی کارروائی متعلقہ
 آن مقام۔ میرا صدر۔ کیلئے عدالت میں درخواست کی۔ (مقدمہ مندرجہ) کی کارروائی متعلقہ
 کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو
 راضی نامہ کرنے و تقررات و فیصلے بر حلف دینے جواب دعوی اقبال دعوی اور درخواست از ہر قسم کی تصدیق
 زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یا طر ف یا اپیل کی برآمدگی اور منسوخی، نیز
 دائر کرنے اپیل گرائی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی
 کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب
 مقرر شدہ کو وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داخستہ منظور و قبول ہوگا
 دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے
 باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

SHAHAB FARUKI
 KHYBER
 10/08/18

مقام میرا صدر کے لیے منظور ہے۔

Inayat Zaman S/o Subhan Yousafzai
 Peshawar Dist, Karak.

نوٹ: اس وکالت نامہ کی فونو کالی یا قابل قبول ہوگی۔

(Handwritten signatures and stamps)

BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

Service appeal No. 985/2018

Inayat Zaman SI

....Appellant

VERSUS

Provincial Police Officer,
Khyber Pakhtunkhwa and Others

... Respondents

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S.NO	DESCRIPTION	ANNEXURE	PAGE NO.
1.	Para wise comments/reply	-	1-3
2.	List of punishments	A	4
3.	Letter No. 1083-1113/DSP Legal/Inv: Peshawar dated 24.05.2011.	B	5-8
4.	Orders of Respondent No. 2 regarding departmental appeals of the appellant	C&D	9-10


Respondents
Through Representative

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 985/2018
Inayat Zaman (SI)

.....Appellant

VERSUS

Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar & Other

.....Respondents

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS

Respectively Sheweth

Parawise comments are submitted as under:-

Preliminary Objections:-

- a) That the appellant had got no cause of action.
- b) That the appellant has got no locus standi.
- c) That the appeal is not maintainable in the present form.
- d) That the appeal is not maintainable for msijoiner and non-joinder of the parties.
- e) That the appellant is estopped to file the instant appeal for own act.
- f) That the appellant has not come to this Hon: Tribunal with clean hands.
- g) That the appeal is time barred.

FACTS

1. Correct the extant of enrolment of appellant in Police department. While promotion is subject to the mandatory qualification of mandatory courses and period. The remaining para is incorrect; the appellant has in different service record. The appellant is inefficient, during his service he was awarded different kind of punishments for his misconduct, which are intact or modified by the departmental appellate authority. List of punishment awarded to him is **annexure A**.
2. The appellant while posted as ASI willfully delayed submission of samples of narcotics taken in cases detailed in the charge sheet to the FSL. The authorities concerned took serious view of the matter vide letter No. 1083-1113/DSP Legal dated 24.05.2011. Copy is **annexure B**. therefore, the appellant was served with charge sheet alongwith statement of allegations and SDPO Takht-e-Nasrati was appointed as inquiry officer.
3. The appellant failed to advance any plausible explanation to his misconduct/ inefficiency before the inquiry officer and competent authority. He was correctly held guilt of the charge by the inquiry officer.

checked &
found correct
Sd/- [Signature]
Inspector General, PPO
08/05/19

4. On the conclusion of inquiry proceedings and recommendation of inquiry officer, the appellant was served with final show cause notice under the law/ rules, but the appellant failed to submit any plausible explanation / reply to the final show cause notice. Hence the charge was established against the appellant beyond any shadow of doubt. However, the competent authority took a lenient view and awarded a minor punishment of stoppage of one annual increment with cumulative effect in accordance with law & rules.
5. Incorrect, as evident from record the appellant was properly associated in the inquiry proceedings, i.e. the appellant appeared before the inquiry officer, submitted replies to the charge sheet and statement of allegations etc. Furthermore, the appellant was fully aware of the punishment awarded to him, but he slept over his rights if any and now approached before this Honorable Tribunal without lame excuse, unjustified delay and without any reasonable grounds of delay.
6. Incorrect, the appellant is estopped to file the instant appeal for his own act and previous indifferent service record.

GROUND:-

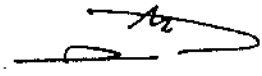
- a. Incorrect, the appellant was proceeded with departmentally for his own act in accordance with law & rules and the impugned order was passed on the charge established against the appellant. Furthermore, the appellant filed departmental appeal before respondent No.2 after a laps of about 06 years. The willful delay in departmental appeal could not be explained by the appellant. Therefore, the departmental appeal was correctly rejected on merits and limitation as well by the respondent No.2.
- b. Incorrect, the appellant had committed a gross professional misconduct and earned bad name in the eyes of highups, however, the competent authorities had taken a lenient view and awarded a minor punishment to the appellant.
- c. Incorrect, the charge sheet and show cause notice was properly served upon the appellant to which he submitted replies. The departmental appeal of the appellant was processed by the respondent No 2 in accordance with law/ rules, record gone through and the appellant was also heard in person in orderly room held on 11.07.2018
- d. Incorrect, the appellant was dealt with departmentally in accordance with law & rules, afforded ample opportunity of defense but failed to defend himself.
- e. Incorrect, the impugned orders were passed in accordance with law & rules to the count willful misconduct of the appellant. It is added that 02 other departmental appeals of the appellant were considered by the respondent No. 2 and the minor punishment awarded to him were modified. Hence question of malafide is not

- f. Incorrect, the charge leveled against the appellant was fully proved by the inquiry officer.
- g. Incorrect, proper inquiry was conducted against the appellant in accordance with law and rules.
- h. Incorrect, it was established from the record that the appellant failed to submit samples of narcotics, taken in the cases to FSL chemical analyses, due to which the prosecution of cases was effected.
- i. Incorrect, final show cause notice was served upon the appellant to which he submitted reply, which was found unsatisfactory. Furthermore, there was sufficient evidence against the appellant to establish the charge against the appellant including recommendation of inquiry officer. Therefore, the competent authority was satisfied that the charge leveled against the appellant was proved, hence no need of final show cause notice.
- j. Incorrect, legal and speaking orders were passed by the competent authorities in accordance with law & rules.
- k. Incorrect, the appellant was proceeded with departmentally under the law/rules.
- l. Incorrect, the departmental appeal of the appellant was processed in accordance with law & rules, the appellant was heard in person by respondent No. 2 but the appellant failed to advance any plausible explanation.

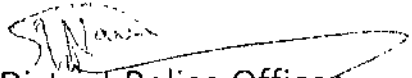
Keeping In view of the above, previous service record of the appellant, it is submitted that the appeal is against facts without merit and badly time barred. It is therefore, prayed that the appeal may kindly be dismissed with cost please.



Provincial Police Officer,
Inspector General of Police,
Khyber Pakhtunkhwa,
(Respondent No. 1)



Govt: of Khyber Pakhtunkhwa,
through Chief Secretary
(Respondent No. 4)



District Police Officer,
Karak
(Respondent No. 3)



Regional Police Officer,
Kohat
(Respondent No. 2)

Annexure "A"

④

ANNEXURE "A"

POLICE DEPARTMENT

KARAK DISTRICT

LIST OF PUNISHMENTS

S.NO	OB NO.	DETAIL OF PUNISHMENT	PUNISHMENT GIVEN BY OFFICER
1	746/05.07.2010	Censure	District Police Officer, Karak
2	68/03.08.2011	Forfeiture of one year approved service	-do-
3	743/21.09.2011	Stoppage of one Annual Increment with accumulative effect	-do-
4	650/19.08.2011	Major Punishment of Time Scale for 02 years	-do-
5	682/06.09.2011	Major Punishment of Reduction in Rank from BPS-09 to BPS-07	-do-
6	664/26.06.2012	Censure	-do-
7	1018/26.09.2012	Censure	-do-
8	07/01.01.2014	Compulsory Retirement	-do-
9	156/14.04.2015	Censure	-do-
10	286/03.05.2016	Stoppage of One Annual increment for the period of one year with accumulative effect	-do-
11	670/07.11.2017	Stoppage of One Annual increment for the period of one year without accumulative effect	SP Investigation Wing Karak
12	232/27.03.2018	Stoppage of One Annual increment for the period of one year without accumulative effect	-do-

SRC 
DPO OFFICE KARAK

do

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BETTER COPYIMMEDIATE

From: The Addl. Inspector General of Police,
Investigation, Khyber Pakhtunkhwa,
Peshawar.

To: (i) The Regional Police Officers in
Khyber Pakhtunkhwa.

Attention: (ii) Regional Police Officers,
Kohat, Mardan, Malakand and D.I Khan Regions

(iii) All Superintendents of Police,
Investigation in Khyber Pakhtunkhwa.

No. 1083-1113/DSP Legal/Inv: dated Peshawar 24.05.2011.

Subject: DELAY IN THE DISPATCH OF CASE PROPERTY TO FSL FOR
EXPERT OPINION

Memo:

It is to inform you that Director FSL Peshawar has carried out an extensive exercise to find out reasons behind late submission of challan to the Courts. It has transpired that the delay is mainly caused at the level of the IO who sent case property after long/inordinate delay of weeks and in some cases months. Unfortunately, when the issue is discussed at any forum, particularly in the meetings of Criminal Justice Coordination Committee. The delay is attributed to the late receipt of expert opinion from FSL. The factual position is absolutely contrary to the stance taken by the SPs investigating in such meetings.

(ii) A cursory glance of the table given below will collect the factual position. The matter being serious in nature is brought in your notice. Some of the case properties/parcels were received on 11.05.2011 from various district are given below with date of registration of FIR, date of dispatch of case property to FSL and the delay in sending the case property to FSL.

S.No	FIR No. & dated	U/S, Police station	Date of receipt of parcel in FSL.	Date of examination and report	Delay caused in sending the parcel to FSL
1.	228 dt: 24.04.2011	9CNSA, PS Hangu	11.05.2011	12.05.2011	17 days
2.	121 dt: 10.04.2011	4PO PS Thal	11.05.2011	12.05.2011	30 days
3.	123 dt: 10.04.2011	4PO-13AO PS Thal	11.05.2011	12.05.2011	27 days
4.	106 dt: 12.03.2011	4PO PS Thal	11.05.2011	12.05.2011	54 days
5.	116 dt: 31.03.2011	4PO PS Thal	11.05.2011	12.05.2011	40 days
6.	132 dt: 10.04.2011	4PO PS Thal	11.05.2011	12.05.2011	25 days
7.	127 dt: 12.04.2011	4PO PS Thal	11.05.2011	12.05.2011	28 days
8.	124 dt: 11.04.2011	4PO PS Thal	11.05.2011	12.05.2011	30 days

9	113 dt: 24.03.2011	4PO PS Thall	11.05.2011	12.05.2011	47 days
10	112 dt: 24.03.2011	4PO PS Thall	11.05.2011	12.05.2011	46 days
11	135 dt: 15.04.2011	4PO PS Thall	11.05.2011	12.05.2011	25 days
12	131 dt: 15.04.2011	4PO PS Thall	11.05.2011	12.05.2011	25 days
13	125 dt: 12.04.2011	4PO PS Thall	11.05.2011	12.05.2011	27 days
14	130 dt: 16.04.2011	4PO PS Thall	11.05.2011	12.05.2011	26 days
15	80 dt: 01.03.2011	4PO PS Thall	11.05.2011	12.05.2011	69 days
16	89 dt: 07.03.2011	4PO PS Thall	11.05.2011	12.05.2011	62 days
17	13 dt: 22.04.2011	9CNSA, PS Kalam	11.05.2011	12.05.2011	17 days
18	191 dt: 20.04.2011	9CNSA, PS Toru	11.05.2011	12.05.2011	14 days
19	28 dt: 07.02.2011	4PO PS Panyala	09.05.2011	12.05.2011	82 days
20	71 dt: 21.03.2011	4PO PS Panyala	09.05.2011	12.05.2011	49 days
21	73 dt: 23.03.2011	4PO PS Panyala	09.05.2011	12.05.2011	47 days
22	66 dt: 16.03.2011	4PO PS Panyala	09.05.2011	12.05.2011	54 days
23	80 dt: 31.03.2011	4PO PS Panyala	09.05.2011	12.05.2011	39 days
24	80 dt: 07.03.2011	4PO PS Saddar	09.05.2011	12.05.2011	63 days
25	81 dt: 07.03.2011	4PO PS Saddar	09.05.2011	12.05.2011	63 days
26	350 dt: 25.03.2011	4PO PS Agha Mir Jani	09.05.2011	12.05.2011	44 days
27	251 dt: 21.03.2011	4PO PS Tank	10.05.2011	12.05.2011	46 days
28	252 dt: 21.03.2011	324PPC PS Tank	10.05.2011	12.05.2011	47 days
29	18 dt: 24.03.2011	4PO PS Gorgori	09.05.2011	12.05.2011	45 days
30	17 dt: 24.03.2011	4PO PS Gorgori	09.05.2011	12.05.2011	43 days
31	225 dt: 23.03.2011	9B-CNSA PS Hoti	10.05.2011	12.05.2011	47 days
32	253 dt: 24.03.2011	9B-CNSA PS Hoti	10.05.2011	12.05.2011	42 days
33	189 dt: 12.03.2011	9B-CNSA PS Hoti	10.05.2011	12.05.2011	58 days
34	224 dt: 23.03.2011	9B-CNSA PS Hoti	10.05.2011	12.05.2011	47 days

(ii) It is therefore directed that SP Investigation may themselves be required to maintain a check list of submission of case property to the FSL and ensure that case properties are dispatched to the FSL within few days of collection of evidence. Please also note the above cases and take necessary disciplinary action against concerned I.Os/MHCs under intimation to this office.

-Sd-
(MUHAMMAD TANVIR-UL-HAQ)
Additional Inspector General of Police,
Investigation, Khyber Pakhtunkhwa,
Peshawar.

(3)

7

IMMEDIATE

From : The Addl Inspector General of Police,
Investigation, Khyber Pakhtunkhwa,
Peshawar.

To : (i) All The Regional Police Officers in
Khyber Pakhtunkhwa.

Attention : (ii) The Regional Police Officers,
Kohat, Mardan, Malakand and D.I. Khan Regions.

(iii) All Superintendents of Police,
Investigation in Khyber Pakhtunkhwa.

No. 1083-113/DSP Legal/Inv dated Peshawar the 24/5/2011.

Subject: DELAY IN THE DISPATCH OF CASE PROPERTY TO FSL FOR
EXPERT OPINION.

Memo:

It is to inform you that Director, FSL Peshawar has carried out an extensive exercise to find out reasons behind late submission of challans to the Court. It has transpired that the delay is mainly caused at the level of the I.O who sent case property after long/inordinate delay of weeks and in some cases months. Unfortunately, when the issue is discussed at any forum, particularly in the meetings of Criminal Justice Coordination Committee, the delay is attributed to the late receipt of expert opinion from FSL. The factual position is absolutely contrary to the stand taken by the SPs investigation in such meetings.

(ii) A cursory glance of the table given below will reflect the factual position. The matter being serious in nature is brought to your notice. Some of the case properties/parcels were received on 11-05-2011 from various districts are given below with date of registration of FIR, date of dispatch of case property to FSL and the delay caused in sending the case property to FSL.

S.No	FIR No. & Dated	U/S, Police Station	Date of receipt of parcel by FSL	Date of examination and report	Delay caused in sending the parcel to FSL
1	228 dt: 24.4.2011	9 CNSA, P.S Rango	11.05.2011	12.05.2011	17 days
2	121 dt: 11.4.2011	4PO, P.S Thall	11.05.2011	12.05.2011	30 days
3	123 dt: 11.4.2011	4PO-13/AO P.S Thall	11.05.2011	12.05.2011	29 days
4	106 dt: 11.3.2011	4PO, P.S Thall	11.05.2011	12.05.2011	54 days
5	116 dt: 31.3.2011	4PO, P.S Thall	11.05.2011	12.05.2011	40 days
6	132 dt: 12.4.2011	4PO, P.S Thall	11.05.2011	12.05.2011	25 days
7	127 dt: 12.4.2011	4PO, P.S Thall	11.05.2011	12.05.2011	28 days
8	124 dt: 11.4.2011	4PO, P.S Thall	11.05.2011	12.05.2011	30 days

9	113 dt: 24.3.2011	4PO, P.S Thall	11.05.2011	12.05.2011	47 days
10	112 dt: 24.3.2011	4PO, P.S Thall	11.05.2011	12.05.2011	46 days
11	135 dt: 15.4.2011	4PO, P.S Thall	11.05.2011	12.05.2011	25 days
12	131 dt: 15.4.2011	4PO, P.S Thall	11.05.2011	12.05.2011	25 days
13	125 dt: 12.4.2011	4PO, P.S Thall	11.05.2011	12.05.2011	27 days
14	130 dt: 14.4.2011	4PO, P.S Thall	11.05.2011	12.05.2011	26 days
15	80 dt: 01.3.2011	4PO, P.S Thall	11.05.2011	12.05.2011	69 days
16	89 dt: 07.3.2011	4PO, P.S Thall	11.05.2011	12.05.2011	62 days
17	13 dt: 22.4.2011	9CNSA P.S Kalam	11.05.2011	12.05.2011	17 days
18	191 dt: 26.4.2011	9CNSA P.S Toru	11.05.2011	12.05.2011	14 days
19	28 dt: 07.2.2011	4PO, P.S Panyala	09.05.2011	12.05.2011	82 days
20	71 dt: 21.3.2011	4PO, P.S Panyala	09.05.2011	12.05.2011	49 days
21	73 dt: 23.3.2011	4PO, P.S Panyala	09.05.2011	12.05.2011	47 days
22	66 dt: 16.3.2011	4PO, P.S Panyala	09.05.2011	12.05.2011	54 days
23	80 dt: 31.3.2011	4PO, P.S Panyala	09.05.2011	12.05.2011	39 days
24	60 dt: 07.3.2011	4PO, P.S Saddar	09.05.2011	12.05.2011	63 days
25	81 dt: 07.3.2011	4PO, P.S Saddar	09.05.2011	12.05.2011	63 days
26	350 dt: 25.3.2011	3/4PO, P.S Agha Mk Jani	09.05.2011	12.05.2011	44 days
27	281 dt: 25.3.2011	3PO P.S Tank	10.05.2011	12.05.2011	46 days
28	282 dt: 25.3.2011	324 FPC P.S Tank	10.05.2011	12.05.2011	47 days
29	18 dt: 24.3.2011	4PO, P.S Gorgon ✓	09.05.2011	12.05.2011	45 days
30	17 dt: 24.3.2011	4PO, P.S Gorgon ✓	09.05.2011	12.05.2011	46 days
31	225 dt: 23.3.2011	98 CNSA P.S Hori	10.05.2011	12.05.2011	47 days
32	253 dt: 20.3.2011	98 CNSA P.S Hori	10.05.2011	12.05.2011	42 days
33	189 dt: 11.3.2011	98 CNSA P.S Hori	10.05.2011	12.05.2011	58 days
34	224 dt: 23.3.2011	98 CNSA P.S Hori	10.05.2011	12.05.2011	47 days

(iii). It is, therefore, directed that SP's investigation may themselves be required to maintain a check list of submission of case property to the F.S.I and ensure that case properties are dispatched to the F.S.I within few days of collection of evidence. Please also note the above cases and take necessary disciplinary action against concerned I/Os/AMOs under intimation to this office.

فہرست
میں
درج ہے

Office of the
344
25-5-2011

فہرست میں
درج ہے
FBI
تعمیراتی
کے
میں
درج ہے

(M)HAMMAD TANVIR-UL-HAQ
Additional Inspector General of Police,
Investigation, Khyber Pakhtunkhwa,
Peshawar.

Annexure "C"

9

3982

POLICE DEPTT:

13-10-18 KOHAT REGION

ORDER

This order will dispose of a departmental appeal, moved by SI Inayat Zaman of Investigation Wing Karak against the punishment order, passed by DPO Karak vide OB No. ³³² ~~670~~ ²⁷⁻³⁻²⁰¹⁸ dated 07.11.2017, whereby he was awarded minor punishment of stoppage of one annual increment without cumulative effect for the allegations of providing VIP accommodation to accused.

He preferred an appeal to the undersigned, upon which comments were obtained from DPO Karak and his service record was perused. He was also heard in person in Orderly Room, held in this office on 17.10.2018. During hearing, he advanced plausible explanation in his defense. Moreover, the allegations leveled against him seem to be baseless.

Having gone through the available record, it transpires that the punishment order is harsh and does not commensurate with the gravity of offense. Therefore, by taking a lenient view, his appeal is accepted and his stopped increment is restored. He is awarded minor punishment of Censure and warned to be careful in future.

Order Announced
17.10.2018

(MUHAMMAD MAZ KHAN) PSP
Region Police Officer,
Kohat Region.

No. 11145 /EC. dated Kohat the 18/10 /2018.

✓ Copy for information and necessary action to the District Police Officer, Karak w/r to his office Memo. No. 12798/LB, dated 09.10.2018.

OHG / SRC / P.O
For n/a action.

(MUHAMMAD MAZ KHAN) PSP
Region Police Officer,
Kohat Region.

Hc / SRC / P.O
For n/a action

2173
22.10.18

Information
of 1.10.18

Annexure "D"

3283

19.10.18

10

POLICE DEPTT:

KOHAT REGION

ORDER.

This order will dispose of a departmental appeal, moved by SI Inayat Zaman of Investigation Wing Karak against the punishment order, passed by DPO Karak vide OB No. 670, dated 07.11.2017, whereby he was awarded minor punishment of stoppage of one annual increment without cumulative effect for the allegations of negligence in discharge of official duties.

He preferred an appeal to the undersigned, upon which comments were obtained from DPO Karak and his service record was perused. He was also heard in person in Orderly Room, held in this office on 17.10.2018. He advanced plausible explanation in his defense.

Having gone through the available record, it transpires that proper enquiry has not been conducted and the order was passed just relying on show cause notice. Therefore, by taking a lenient view, I set aside the punishment order and restore his stopped increment. He is awarded minor punishment of censure and warned to be careful in future.

Order Announced
17.10.2018

(MUHAMMAD IJAZ KHAN) PSP
Sd/- Region Police Officer,
Kohat Region.

No. 71146 /EC. dated Kohat the 16/10 /2018.

Copy for information and necessary action to the District Police Officer, Karak w/r to his office Memo: No. 12797/LB, dated 09.10.2018. His service record, containing 02 Service Books, 01 Service Roll & Pauri Missal / enquiry file is returned herewith.

(MUHAMMAD IJAZ KHAN) PSP
Sd/- Region Police Officer,
Kohat Region.

CHC/SRC/PC

for information