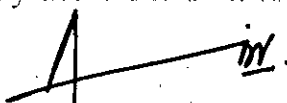


# FORM OF ORDER SHEET

Court of \_\_\_\_\_

**Appeal No.** \_\_\_\_\_

**1418/2023**

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1.	2.	3.
1-	27/06/2023	<p>The appeal of Mr. Ihsanullah received today by registered post through Sheikh Ifikhar-ul-Haq Advocate. It is fixed for preliminary hearing before touring Single Bench at D.I.Khan on</p> <p>By the order of Chairman  REGISTRAR</p>

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL CAMP COURT DERA ISMAIL KHAN**

Service Appeal No. 1418 /2023

Ihsan Ullah

**VERSUS**

Inspector General of Police and others

**SERVICE APPEAL**

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Date: 17/06/2023

Yours Humble Appellant

*Ihsan Ullah*  
**Ihsan Ullah**

Through Counsel

*Sheikh Iftikhar ul Haq*  
**Sheikh Iftikhar ul Haq**  
Advocate Supreme Court

0345 9785926

①

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL CAMP COURT DERA ISMAIL KHAN**

Service Appeal No. \_\_\_\_\_/2023

**Ihsan Ullah** son of Fazal Rehman caste Khattak r/o village  
Kotka Sard Ali Khan Tehsil Saray Naurang District Lakki  
Marwat. Ex-Cook/Constable Bell No. 53 District Police Bannu.

Cell#0344-9330113

**Appellant**

**Versus**

1. Provincial Police Officer (IGP), Khyber Pakhtunkhwa,  
Peshawar.
2. The Deputy Inspector General of Police/Regional Police  
Office Bannu.
3. The District Police Officer Bannu.
4. District Accounts Officer, Bannu.

.....**Respondents**

**SERVICE APPEAL UNDER SECTION 4 OF THE KPK SERVICES  
TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER  
OB#73 DATED 19/01/2023 VIDE WHICH THE APPELLANT IS  
DISMISSED FROM SERVICE WITHOUT ANY LAWFUL  
JUSTIFICATION AS WELL AS AGAINST THE ORDER OF  
APPELLATE AUTHORITY (RESPONDENT#2) OB-87 DATED  
20/04/2023 VIDE WHICH THE DEPARTMENT APPEAL OF  
APPELLANT WAS REJECTED.**

**PRAYER:**

**On acceptance of the instant Service Appeal the impugned  
order dated 19/01/2023 issued by the DPO Bannu and also  
against the order of the appellate authority (respondent#2)**

(2)

dated 20/04/2023 may please be set aside and the appellant may kindly be reinstated into service with all back benefits.

Respectfully Sheweth:-

The Appellant most respectfully submits as under:-

**BRIEF FACTS:**

1. That the appellant was appointed as Constable in the incumbency of respondents/authority on 15/05/2008 in the District Police Bannu after observing all the legal and code fulfillments and was allotted Belt No. 53. Later on the service of appellant was converted into designation of Cook/Constable in the month of August/September 2022. Copy of the service card is annexed as **Annexure-A**.
2. That during the performance of duties with full satisfaction of superiors the appellant received the show cause notice with the baseless allegation of hiring of "Iwazi" and with no footings allegations of running private business. The appellant became astonished and within stipulated period of seven days of show cause notice when appeared before the authority in their incumbency for submitting reply of the show cause notice. The appellant was informed that he (appellant) has already been dismissed from service vide OB#73 dated 19/01/2023 issued by the DPO Bannu. Copies of the show cause notice, reply, impugned order dated 19/01/2023 are enclosed as **Annexure-B to B/2**.
3. That after receiving the impugned order the appellant filed departmental appeal to the Regional Police office Bannu Region Bannu vide Dairy No. 42 dated 13/02/2023. Copy of the departmental appeal is annexed as **Annexure-C**.
4. That the learned respondent#2 (appellate authority) rejected the departmental appeal of appellant vide Ob#87 dated 20/04/2023, which was communicated to the appellant on 23/05/2023. It is also pertinent to mention here that on special oath that the appellant was heard in person but the RPO Bannu Region wrongly held that the appellant admitted

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this fact that one "Tabidar Uncle" has been performing the duties as cook in P.S Kakki. Although the appellant during the personal hearing categorically stated that he never hire any Iwazi (عوضی) and does not know any "Tabidar Uncle". In this respect affidavit on appeal is attached and the appellant is also ready to take special oath before any forum in respect of aforementioned facts, thus, meaning thereby the regional police officer was biased and his wrong contention as held in the impugned order of the appellant authority is on the basis of speculation, conjectures, surmises and self-made and self asses and not admitted by the appellant whatsoever. Copy of the impugned order of the appellate authority which was communicated to the appellant on 23/05/2023 is annexed as **Annexure-D.**

5. That the appellant, being aggrieved from the afore mentioned impugned orders, the instant service appeal is being filed, inter alia, on the following grounds.

**GROUND:**

- a. That the impugned order dated 19/01/2023 issued by the respondent#3 as well as the impugned order dated 20/04/2023 issued by the respondent#2 are against law, facts, natural justice, void ab initio, hence, liable to be set aside.
- b. That both the impugned orders are against law, principle of service laws, policy, rules, regulations and also against the Police Rules, 1934 as amended in 2014 and is also not in the commence of EASTA Code.
- c. That no charge sheet, statement of allegations are even issued to the appellant and on this sole ground the impugned orders are liable to be set aside.

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- d. That the alleged show cause notice does not come within ambit of show cause notice and show cause is not in accordance with civil service rules, FR, SR, CSR and also against the golden principle of *Audi Alterem Partem*, because the appellant was dismissed from service before the sufficient time not less than seven days for reply was given to the appellant as per EASTA Code.
- e. That on presumption and speculation and reportedly allegation of substitute cook and private business is totally denied thus, the actions and omissions of the respondents/authority is unlawful, illegal and biased.
- f. That no proper inquiry including charge sheet, statement of allegations, statement of any person whatsoever was conducted by the respondents while issuing the impugned orders and thus, the impugned order are liable to be set aside being issued in violation of law.
- g. That after alleged show-cause notice no opportunity of personal hearing had been given to the appellant, while issuing the impugned order dated 19/01/2023 and on this sole ground the impugned orders are not sustainable in the eye of law.
- h. That the whole proceedings (although not admitted) whatsoever has been done by the respondents/authority in slipshod manner expeditiously.
- i. That no charge sheet, initial show-cause notice, final show cause notice and statement of allegations were issued against the appellant, in short no inquiry whatsoever had



been conducted in the case of appellant, hence, the impugned dismissal order is against the norms of natural justice and liable to be set aside.

- j. That the appellant is a poor fellow having family with children and there is no earning hand except the service of appellant, hence, the service of appellant is liable to be reinstated along with all back benefits.
- k. That counsel for appellant may kindly be allowed to raise additional grounds at the time of arguments.

**It is therefore, humbly prayed that On acceptance of the instant Service Appeal the impugned order dated 19/01/2023 issued by the DPO Bannu and also against the order of the appellate authority (respondent#2) dated 20/04/2023 may please be set aside and the appellant may kindly be reinstated into service with all back benefits.**

Date: 17/06/2023

Yours Humble Appellant.

**Ihsan Ullah**

Through Counsel

**Sheikh Iftikhar ul Haq**

Advocate Supreme Court

Cell#0345-9785920

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**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL CAMP COURT DERA ISMAIL KHAN**

Service Appeal No. \_\_\_\_\_/2023

Ihsan Ullah

**VERSUS**

Inspector General of Police and others

**SERVICE APPEAL**

**AFFIDAVIT**

I, **Ihsan Ullah** son of Fazal Rehman caste Khattak r/o village Kotka Sard Ali Khan Tehsil Saray Naurang District Lakki Marwat, do hereby solemnly affirm and declare on oath that contents of above Service Appeal are true & correct to the best of my knowledge and the allegations of admission in the impugned order of appellate authority in respect of Hiring of Iwazi and involving in private business is false, factitious and thus nothing has been concealed from this Honourable Court.

Dated: 17/06/2023

*Ihsan Ullah*

**DEPONENT**





KHYBER PAKHTUNKHWA POLICE  
DISTRICT BANNU

7

S.No:  
287

B.G  
O+ve

Ihsan Ullah  
Constable # 53

attached  
to  
be  
copy  
10

District Police Officer

*[Handwritten signature]*

(8)

**KHYBER PAKHTUNKHWA POLICE**

**Address:**

Ko. ca. Sardar Ali Khan P/O Sersi Naurang

**C.I. I.C.:**

111-1-4855336-7

**Issue Date:**

04.12.2017



**Date of Appointment:**

15.5.2008

**Valid Upto:**

03.12.2020

**Date of Birth:**

18.09.1984



Issued by District Police Bannu

SHOW CAUSE NOTICE

(9) ANN "B"

No. Constable Hisanullah No. 53 was posted at a constable post and considered yourself liable to be punished under rule 5(3) of the Khyber Pakhtunkhwa Police Rules, 1975 (amended in 2014) for committing the following:-

- That as per credible information you have hired a private person to perform your duties in lieu of handsome money while you, yourself are running errands at the post which is against the Rules & Regulations.
- That this act amounts to gross misconduct and liable to be punished.

That by taking cognizance of the matter, the undersigned as competent authority under the said rules, propose stern action against you by awarding one of the major punishments provided in the rules.

You are, therefore called upon to show cause as to why you should not be imposed upon one of the major punishments for the said deviant misconduct under Khyber Pakhtunkhwa Police Rules 1975 (amended in 2014).

You should submit reply to this show cause notice within seven (07) days of the receipt of this notice, failing which an ex parte action shall be taken against you.

You are further directed to inform the undersigned that you wish to be heard or not.

*[Handwritten signature]*

Regional Police Officer,  
Bannu Region  
Bannu

Constable Hisanullah  
Bannu Region  
Bannu  
Date: 22/01/2025  
Bannu (for information, please)

Attached to be true  
copy  
his  
s.c.

Regional Police Officer,  
Bannu Region  
Bannu



Better copy

PUNISHMENT ORDER

Reportedly Cook constable Ihsanullah No. 53 PS Kakkio who has hired a private person for performing his duties i.e. cooking in his place while he himself is running private business.

Keeping in view of the above the undersigned meticulously perused all the relevant record. His further retention in service would be detrimental and burden over shoulders of the department. In the current situation of terrorism his this act have put other officials of the concerned Police station at risk. Therefore, I Dr. Muhammad Iqbal, District Police Officer, Bannu, in exercise of the power vested in me under Police Rule 1975 (As amended vide Govt of Khyber Pakhtunkhwa Gazette Notification of even no. dated 27<sup>th</sup> of August 2014) hereby awarded him Major punishment of Dismissal from service with immediate effect.

OB No. 73

dated 19/01/2023

DR. MUHAMMAD IQBAL PSP  
District Police Officer  
Bannu

PUNISHMENT ORDER

11

AMR  
C

Reportedly Cook, Constable Ihsan Ullah No. 53 PS Kakki who has hired a private person for performing his duties i.e. Cooking in his place while he himself is running private business.

Keeping in view of the above, the undersigned meticulously perused all the relevant record. His further retention in service would be detrimental and burden over shoulders of the Department. In the current situation of terrorism, his this act have put other officials of the concerned Police Station at risk, therefore, I, D. Muhammad Iqbal, District Police Officer, Bannu, in exercise of the power vested in me under Police Rule 1975 (As amended vide Govt. of Khyber Pakhtunkhwa Gazette Notification of even No. dated 27<sup>th</sup> of August 2014) hereby awarded him Major Punishment of "Dismissal from Service" with immediate effect.

OB No. 72

Dated: 19 / 10 / 2025

(Dr. MUHAMMAD IQBAL) PSP  
District Police Officer,  
Bannu.  
Tel: 0928-9270038  
Fax: 0928-9270045  
Email: [icobannu2@pwt.com](mailto:icobannu2@pwt.com)

Copies to all concerned

Attested to be true  
copy  
*[Signature]*

گذشتہ تھا۔ آرکائیو پولیس انسپر جنرل رحمن نے

(12)

ضابطہ عالی

Ann  
"D"

گذشتہ ایک میں ضلع میں پولیس میں بطور کانسٹیبل  
تعمین ہوا ہوگا۔ صریح بتدوین 15 سال فوری ہو چکی ہے  
تعمین عمل نامہ میں کوئی سزا درج نہیں ہے۔ اپنی ڈیوٹی  
ایمانداری سے ادا کرتا ہوں

تعمین DP صاحب نے بحالہ آرڈر نمبر 73 ص 19-23  
کو ملازمت سے اس وجہ سے برخاست کر دیا ہے کہ میں تمام  
تعمین میں بطور ٹیک خود کام میں کر رہا تھا بلکہ اپنی اصل  
پہنچائی اور شخص کو گھٹا کر رہا تھا اور وہ شخص صریحاً  
ڈیوٹی ادا کرتا تھا۔ اور وہیں اپنی تنخواہ سے اس کی  
تنخواہ دیتا تھا۔

No. 48/23  
dt. 13-2-23

DPO Barran  
For comparison  
and submit  
his service  
Record/  
Enquiry file

تعمین ایوان ملازمت آرڈر کے تحت برخاست کیا گیا ہے۔ ابتداء

میں نہ کوئی خارج ٹیٹ جاری کی گئی ہے اور نہ ہی ملازمت  
تعمین انٹرویو کی گئی ہے۔ نہ ہی حفاظی S40 اور سرکل  
DP سے دریافت ہوئی ہے نہ ہی تعمین ذاتی P-1-0

13/2/23  
Attached to  
the true copy  
احسان اللہ

طور پر شہدائی کیلئے طلب کیا گیا ہے


(13)

سہری بیوی تین بچے ہیں جن کا فرقہ سہری ہے اور

والدین بھی سہری ہیں۔

اسلئے استدعا ہے کہ سروس میں بحال کیا جائے اور میں

ذاتی طور پر بھی عرض و حوائج کیلئے بھی پیش کیا جا سکا ہو  
جس کی بھی اجازت عطا فرمائی جاوے۔

  
احمد علی اللہ ولد فضل رحمن

گورننگ ضلع ٹکی سہری

سابقہ وکس کانسٹیبل

7-336554-11201

30113 93344 0

Attested to be true  
copy

احمد علی اللہ



**ORDER:**

This order will dispose of departmental appeal, preferred by Ex-Cook Constable Ihsan Ullah No.53 of District Police Bannu, wherein he has prayed for setting aside the order of major punishment of "Dismissal from service", imposed upon him by DPO Bannu under Police Rule 1975 (As amended vide Govt. of Khyber Pakhtunkhwa Gazette Notification of even No. dated 27<sup>th</sup> of August 2014) vide OB No.73 dated 19.01.2023 for committing the following misconduct:-

- That the appellant hired a private person for cooking in his place, while the appellant himself running private business.

Comments, service record, punishment order were received from DPO Bannu vide his office letter No.973/SRC, dated 21.02.2023 and perused in detail. The DPO Bannu has reported that the appellant was issued Show Cause Notice but his reply was found unsatisfactory. The appellant being habitual absentee, his further retention in service would be detrimental and burden over the shoulder of the Department. In the current situation of terrorism, his absence has put other officials of the concerned Police Station at risk. Therefore the appellant was awarded major punishment of dismissal from service vide OB No.73 dated 19.01.2023.

He was also heard in person during orderly room held in RPO Office Bannu on 06.04.2023. Perusal of his service record reveals his tainted reputation, and problematic for police department. During argue, he admitted that one "Tabidat Uncle" has been performing his duties as Cook in P.S Kaki. He cheated his superiors by taking full pay from the government and hiring a private person for performing duties in his place @ of Rs:8000/- per month while he himself was running a private business. He had recruited an "Iwazi" to perform duties at his place while he himself was doing private business. The introduction of this dirty culture is extremely dangerous in police department and cannot be allowed to go unchecked.

Therefore, I, Syed Ashfaq Anwar, PSP Regional Police Officer, Bannu Region Bannu, in exercise of the powers vested in me under Khyber Pakhtunkhwa Police Rules, 1975 (amended in 2014) hereby reject his appeal and endorse the punishment awarded to him by DPO Bannu vide O.B No. 73 dated 19.01.2023.

**ORDER ANNOUNCED**

OB No. 87  
Dated: 20/04/2023.

Regional Police Officer,  
Bannu Region,  
Bannu

No. 1221 /EC, dated Bannu the 20/04/2023  
Cc:

DRQ-Bannu for necessary action w/r to his office letter No. cited above. Complete Service Roll and other relevant papers of Ex-Cook Constable Ihsan Ullah No.53 of District Bannu are sent herewith for record in your office which may be acknowledged, please.

Attested to true  
copy

*[Handwritten signature]*

Regional Police Officer,  
Bannu Region,  
Bannu

