


FORM OF ORDER SHEET

Court of _____

Appeal No. 1491/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	18/07/2023	The appeal of Mr. Bakht Zeb resubmitted today by Mr. Taimur Ali Khan Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on <u>21/7/2023</u>
		By the order of Chairman
		 REGISTRAR

The appeal of Mr. Bakht Zeb Khan Ex-LHC no. 238 District Police Bannu received today i.e on 14.07.2023 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Appeal has not been flagged/marked with annexures marks.
- 2- Check list is not attached with the appeal.
- 3- Memorandum of appeal is not signed by the appellant.
- 4- Affidavit be got attested by the Oath Commissioner.
- 5- Annexures of the appeal are unattested.
- 6- Six more copies/sets of the appeal along with annexures i.e complete in all respect may also be submitted with the appeal.

No. 1956 /S.T,

DL 17/7 /2023.



REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Taimur Ali Khan Adv.
High Court Peshawar.

Respected Sir,

- 1- Removed
- 2- Removed
- 3- Removed
- 4- Removed
- 5- Removed
- 6- Removed

Resubmitted after compliance



18/7/2023

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. 1491 /2023.

Bakht Zeb

V/S

Police Department

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THROUGH:

APPELLANT


TAIMUR ALI KHAN

(ADVOCATE HIGH COURT)

Cell# 0333-9390916

①

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

SERVICE APPEAL NO. 1491 /2023

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 62481

Dated 14/07/23

Mr. Bakht Zeb Khan, Ex-LHC No.238,
District Police Bannu.

(APPELLANT)

VERSUS

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. The Regional Police Officer, Bannu Region, Bannu.
3. The District Police Officer, Lakki Marwat.
4. The District Police Officer, Bannu.

(RESPONDENTS)

APPEAL UNDER SECTION 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974
AGAINST THE ORDER DATED 14.02.2023, WHEREBY
THE APPELLANT WAS DISMISSED FROM SERVICE
AND AGAINST NOT TAKING ACTION ON THE
DEPARTMENTAL APPEAL OF THE APPELLANT
WITHIN THE STATUTORY PERIOD OF NINETY DAYS.

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE
ORDER DATED 14.02.2023 MAY KINDLY BE SET ASIDE
AND APPELLANT MAY BE REINSTATED INTO HIS
SERVICE WITH ALL BACK AND CONSEQUENTIAL
BENEFITS. ANY OTHER REMEDY, WHICH THIS
HONORABLE TRIBUNAL DEEMS FIT AND
APPROPRIATE THAT, MAY ALSO, BE AWARDED IN
FAVOUR OF APPELLANT.

~~Filed today~~
14/7/23

RESPECTFULLY SHEWTH:

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FACTS:

1. That the appellant was appointed as Constable in the year 2007 in the respondent department in District Bannu and has passed Lower School Course from PTC Hangu in 2017 and was transferred to Lakki Marwat. The appellant since his appointed has performed his duty with devotion and honesty, whatsoever assigned to him and no complaint has been filed against him regarding his performing.
2. That the father of the appellant was suffering from paralytic attack and for proper medical treatment and care of his father, the appellant filed application for 04 months leave to respondent No.2 and on his application respondent No.2 allowed 10 days leave and communicated to respondent No.3 vide letter dated 23.08.2022 that "allowed (10) days leave please", however, the Mad Moharrir Jamshid Khan inadvertently mentioned 120 days in the daily diary and told to the appellant that the authority has sanctioned 120 days leave and also whatsapp the concerned page of the daily diary to the appellant in which 120 days leave was mentioned, however it was found that the letter dated 23.08.2022 was tempered and ten (10) days has been rewritten as (120) days. **(Copies of letter dated 23.08.2022 and photocopy of relevant page of daily dairy are attached as Annexure-A&B)**
3. That preliminary inquiry was conducted on the issue in which the inquiry officer mentioned that due to the mistake of Mohrrir staff the appellant went on 120 days leave as in daily diary 120 days leave were mentioned which was also whatsapp by the MM Jamshid Khan to the appellant and the appellant shows negligence as he did not confirm from the office of RPO or DPO that how many days were sanctioned to him and when the Moharrir Staff have knowledge about his carelessness they made the tempering in order to save their skin and recommended that the appellant 46 days leave may be considered as leave without pay. **(Copy of inquiry report is attached as Annexure-C)**
4. That charge sheet along with statement of allegations were issued to the appellant in which it mentioned,

that on 23.08.2022, you LHC Bakht Zeb No.238 of District Police Lakki appeared before the undersigned and requested for the grant of four (04) months earned leave for medical treatment of your ailing father. Ten (10) days leave were granted to you and communicated to DPO Lakki Marwat vide letter dated 3283/EC, dated 23.08.2022, however it was established during the course of verification that the aforesaid letter issued by this office

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has been tempered and ten (10) days has been written as (120) days as evident from the letter.

The appellant submitted his detail to the charge sheet and clearly mentioned in his reply that he applied for 04 months leave and he has no knowledge that how many days of leave were allowed to him, but the MM Jamshid has informed him that 120 leave has been sanctioned to him and also send the relevant page of daily diary to the appellant through whatsapp in which 120 days were mentioned and he has no concern about the tempering and the written statement was taken by Moharrir Staff under pressure. **(Copies of charge sheet and reply to charge sheet are attached as Annexure-D&E)**

5. That another inquiry was conducted on the tempering of the letter dated 2308.2022 in which no proper opportunity of defence was provided to the appellant as neither statement were recorded in the appellant nor gave him opportunity of cross, but despite that only the appellant was hold responsible by the inquiry officer and exonerated the Moharrir Staff without observing the preliminary inquiry report. **(Copy of inquiry report is attached as Annexure-F)**
6. That show cause notice was issued to the appellant which was replied by the appellant in which he again denied the allegations and gave the stance as given in the reply to charge sheet. **(Copies of show cause notice and reply to show cause are attached as Annexure-G&H)**
7. That on the basis of above baseless allegations and without conducting regular inquiry, the appellant was dismissed from service by respondent No.2 (RPO Bannu Range, Bannu) vide order dated 14.02.2023 despite the fact that the respondent No.2 (RPO Bannu Range, Bannu) is the not competent authority to dismiss the appellant. The appellant being aggrieved from the order dated 14.02.2023 filed departmental appeal on 06.03.2023, which was not respondent within the statutory period of ninety days. **(Copies of order dated 14.02.2023 and departmental appeal are attached as Annexure-I&J)**
8. That the appellant has no other remedy except to file the instant appeal in this Honorable Tribunal for redressal of his grievance on the following grounds amongst others.

GROUND:

- A) That the impugned orders dated 14.02.2023 and not taking action on the departmental appeal of the appellant within the statutory period of

90-days are against the law, rules, facts, norms of justice and material on record, therefore, not tenable and the impugned order dated 14.02.2023 is liable to be set aside.

- B) That in the preliminary inquiry conducted on the issue of tempering in which the inquiry officer clearly mentioned that due to the mistake of Moharrir staff the appellant went on 120 days leave as in DD 120 days leave were mentioned which was also whatsapp by the MM Jamshid Khan to the appellant and the appellant shows negligence as he did not confirm from the office of RPO or DPO that how many days were sanctioned to him and when the Moharrir Staff have knowledge about his carelessness they made the tempering in order to save their skin, but despite that in the another inquiry the appellant was made sole responsible by the inquiry officer and the Moharrir Staff were exonerated despite the fact that the appellant has no concern with the letter dated 23.08.2022 as letter dated 23.08.2022 was communicated to the office of respondent No.3 by respondent No.2 and on which whole action about the leave of the appellant was taken by Moharrir staff on the letter dated 23.08.2023 and the recommendation of the inquiry officer on the basis of 2nd inquiry is against the norms of justice and fair play.
- C) That the inquiry proceeding conducted against the appellant was not according to the prescribed procedure as neither statements were recorded in the presence of the appellant nor gave him opportunity of cross which is violation of law and rules and as such the impugned order is liable to be set aside.
- D) That the appellant clearly mentioned in his reply to charge sheet and show cause notice that he applied for 04 months leave and he has no knowledge that how many days of leave were allowed to him, but the MM Jamshid has informed him that 120 leave has been sanctioned to him and also send the relevant page of DD to the appellant through whatsapp in which 120 days were mentioned and he has no concern about the tempering and the written statement was taken by Mohair Staff under pressure, but without observing the reply of the appellant the inquiry officer without conducting regular inquiry to dig out the realty about the tempering recommended him for major punishment, which is not permissible under the law.
- E) That respondent No.2 (RPO Bannu Range Bannu) has dismissed the appellant from service which is not competent authority for the appellant to dismiss the appellant from service and as such the impugned order is coram-non-judice and void and on this ground alone the impugned order is liable to be set aside.
- F) That the appellant has not been treated in accordance with law and rules and has been condemned unheard throughout.

- ①
- G) That the appellant seeks permission of this Honorable Tribunal to advance others grounds and proofs at the time of hearing.

It is, therefore most humbly prayed that the appeal of the appellant may be accepted as prayed for.


APPELLANT
Bakht Zeb

THROUGH:


TAIMUR ALI KHAN
(ADVOCATE HIGH COURT)

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. _____/2023


Bakht Zeb

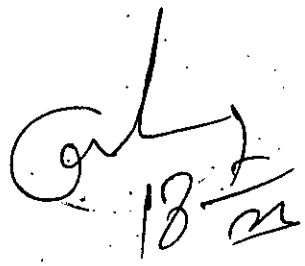
VS

Police Department

AFFIDAVIT

I, Bakht Zeb Khan, Ex-LHC No.238, District Police Bannu, (Appellant) do hereby affirm and declare that the contents of this service appeal are true and correct and nothing has been concealed from this Honorable Tribunal.


DEPONENT


18/11/23

(7)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. _____/2023

Bakht Zeb

VS

Police Department

APPLICATION FOR CONDONATION OF DELAY IN THE
INSTANT APPEAL

RESPECTFULLY SHEWETH:

1. That the appellant has filed the instant appeal in this Honorable Tribunal against the order dated 14.02.2023 whereby the appellant was dismissed from service in which no date fix so for.
2. That the appellant has filed departmental appeal on 06.03.2023, which was not responded within the statutory period of ninety days and then the appellant should file the instant service appeal in this Honorable Tribunal within next 30 days i.e on or before 04.07.2023, but the appellant was ill, therefore, he could not submit his service appeal in this Honorable Tribunal on or before 04.07.2023 and after recovery, he wants to submit his appeal today i.e 14.07.2023. **(Copy of medical report is attached as Annexure-R-D).**
3. That the Honorable Supreme Court of Pakistan has held that the decision on merit should be encouraged rather than knocking-out the litigants on than technicalities including limitation.
4. That the service appeal of the appellant is about 09 days' time barred, which is due to his illness and as per Apex Court judgment Tribunal has discretion to condone the delay for interest of justice

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5. That the appellant has good prime facie case and to be decided on merit to meet the ends of justice.

It is therefore most humbly prayed, that on acceptance of this application, the instant appeal may kindly be decided on merit by condoning 09 days' delay on the basis of above submission (medical ground) to meet the ends of justice.


APPELLANT
Bakht Zeb

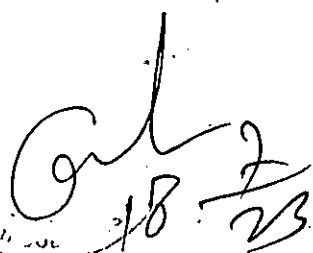
THROUGH:


TAIMUR ALI KHAN
(ADVOCATE HIGH COURT)

AFFIDAVIT

It is affirm and declared that the contents of this application are true and correct and nothing has been concealed from this Honorable Tribunal.


DEPONENT


18/7/23

R-I ①

Dr. Ghulam Muneer Khan

1965

Dr. Ghulam Muneer Khan
M.D. (Neurology) FRCGS
FRCR (Neurology)

Name: Bakht Zeb

Age/Sex: M Date: 26/06/2023

Fever

Neurological symptoms
Ev:

12

Cap. Acyclovir
250mg
1200

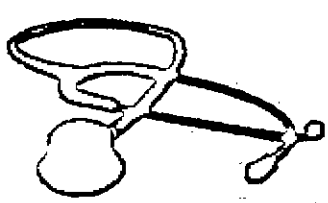
12 weeks

ed. Paracetamol
1200

ed. Paracetamol
1200

Advised:
Bed Rest for 03 weeks.

me.
Ghulam Muneer Khan
Consultant Neurologist
The Neurology & Stroke Centre



NCS/EMG, EEG SERVICES ARE AVAILABLE

NEURODIAGNOSTIC CENTER @ HOSPITAL, DOKHAN RD, BANNU. Tel: 0346-4458509, 03159092398

From:

The Regional Police Officer,
Bannu Region, Bannu.

To:

The District Police Officer, Lakki Marwat.

No. 3283

/EC, dated Bannu, the 23/08/2022.

Subject:

APPLICATION OF LHC BAKHT ZEB NO.238 FOR LEAVE.

Memo:

Reference to the subject cited above.

It is intimated that LHC Bakht Zeb No.238 of District Lakki Marwat has preferred application alongwith medical documents of his father ailment, requesting therein for grant of 04-months earned leave for medical treatment and care of his father as his father suffering from paralytic attack. The official appeared before the W/ Regional Police Officer, Bannu Region Bannu and was heard in person.

After perusal of the application and hearing, the Regional Police Chief recorded the following remarks on his application;

"Allowed (10) days leave please".

(OFFICER SUPDT.)
For Regional Police Officer,
Bannu Region, Bannu

*sent
over
to reporting*

[Signature]
District Police Officer,
Lakki Marwat

[Signature]

(D)

A (10)
4186
25-8-22

129

بحوالہ مشمولہ انگریزی لیٹر بجاریہ RPO صاحب نمبر 4226 مورخہ 25.10.2022،

DPO صاحب ڈائری نمبر 5341 مورخہ 27.10.2022 انکوائری برخلاف LHC بخت زیب نمبر 238

معروض ہوں کہ لیٹر متذکرہ بالا بغرض انکوائری من DSP/HQ مارک ہو کر انکوائری کے سلسلے میں LHC

بخت زیب نمبر 238، MHC علی خان، AMHC صیغہ اللہ، MM جمشید خان نمبر 441، MM رشید خان

نمبر 930 تھانہ غزنی خیل، نائب OHC حنیف اللہ کو دفتر لہذا طلب کئے گئے جن کے بیانات لئے جا کر ہمراہ لف قابل

ملاحظہ ہے لئے گئے بیانات کی گئی انکوائری اور میسر شدہ ریکارڈ سے اس نتیجہ پر پہنچا کہ LHC بخت زیب نمبر 238

نے جناب RPO صاحب بنوں کو بغرض منظوری رخصت کلاں 120 یوم معدرہ خواست پیش ہو کر جناب RPO

صاحب بحوالہ لیٹر نمبر 3283/EC، مورخہ 23.08.2022 کو دس یوم رخصت منظور کی ہے۔ اور بقول LHC

بخت زیب نمبر 238 RPO صاحب کے PA نے اس کو زبانی بھی بتلایا تھا کہ اس کی دس یوم رخصت منظور ہو چکی

ہے۔ لیٹر نمبر 3283/EC، مورخہ 23.08.2022 دفتر OHC موصول ہو کر مورخہ 30.08.2022 کو

باقاعدہ طور پر نائب OHC حنیف اللہ نے اسی دن افسران بالا کے حکم کی تعمیل کرتے ہوئے مذکورہ لیٹر کے بابت

مدد محرران MM جمشید خان نمبر 441، MM رشید خان نمبر 930 کو جناب DPO صاحب لگی مردت مارک شدہ

لیٹر ارسال کیا اور مطلع کئے گئے کہ حسب احکم RPO صاحب LHC بخت زیب نمبر 238 کی دس یوم رخصت منظور

ہو چکی ہے۔ جس کا دونوں مدد محرران نے بذریعہ Whatsapp جوابی مسج بھی کیا ہے۔ مدد محرران نے

بخت زیب نمبر 238 کی 120 یوم رخصت ہیڈ محرر HC علی خان کے نوٹس میں بھی لایا ہے۔ محرر شاف کی غلطی، لا پر

و اسی کی وجہ سے محرر شاف نے مذکورہ LHC بخت زیب نمبر 238 کی 120 یوم رخصت، کلاں پر روانگی کی ہے۔ کیونکہ

لیٹر میں اوپر 120 یوم کا ذکر تھا۔ MM جمشید خان نے جب نقل مدروانگی LHC بخت زیب نمبر 238 کو

Whatsapp کیا تو LHC بخت زیب نے 120 یوم رخصت روانگی پر خاموشی اختیار کی کہ ہو سکتا ہے کہ جناب

RPO صاحب بنوں نے بعد از میری پیشگی کے 120 یوم رخصت کلاں منظور کی ہو۔

چونکہ LHC بخت زیب نمبر 238 نے بھی غفلت و لاپرواہی کا مظاہرہ کیا ہے کہ نہ RPO صاحب کے دفتر میں
 DPO صاحب کی مروت کے دفتر میں معلومات کی کہ میری کتنی رخصت کلاں منظور ہوئی ہے۔ محرر شفاف کو جب اپنی
 لاپرواہی کا علم ہوا تو اپنی غفلت و لاپرواہی چھپانے کیلئے محرر شفاف نے LHC بخت زیب کو اعتماد میں لیکر لیسٹرز میں
Tampreing کی ہے۔ LHC بخت زیب کی تقریباً 46 یوم غیر حاضری بنتی ہے۔ کو بلا تنخواہ کیا جائے۔ تاکوا تری
 رپورٹ مرتب ہو کر گزارا۔

14

D
14

CHARGE SHEET

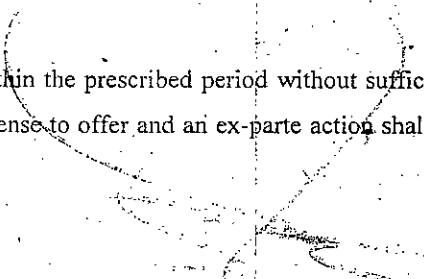
WHEREAS, I am satisfied that a formal inquiry as contemplated in the Khyber Pakhtunkhwa, Police Rules, 1975 (amended in 2014) for committing the following misconduct is necessary and expedient.

AND WHEREAS, I am of the view that the allegation, if established would call for a major penalty as confined in Rules 4-1(b) of the aforesaid Rules.

NOW THEREFORE, as required by Rule 6-1(a) of the aforesaid Rules, I, Syed Ashfaq Anwar PSP, Regional Police Officer, Bannu charge you **LHC-Bakht Zeb No.238, PS Ghazni Khel** for misconduct on the basis of summary of allegations appended herewith.

AND WHEREAS, I direct you further under the Rule 6-1(b) of the aforesaid rules to put in a written defense within 07 days of the receipt of this charge sheet as to why a major punishment as defined in Rule 4-1(b) should not be awarded to you. Also state at the same time, whether you desire to be heard in person or not.

In case your reply is not received within the prescribed period without sufficient reasons, it would be presumed that you have no defense to offer and an ex-parte action shall be taken against you.


**Regional Police Officer,
Bannu Region,
Bannu**

STATEMENT OF ALLEGATIONS

I, Syed Ashfaq Anwar PSP, Regional Police Officer, Bannu Region, Bannu as competent authority, am of the opinion that **LHC-Bakht Zeb No.238, PS Ghazni Khel** has rendered himself liable to be proceeded against within the meaning of Khyber Pakhtunkhwa, Police Rules, 1975 (amended in 2014) as he committed the following misconduct.

SUMMARY OF ALLEGATIONS

- That on 23.8.2022 LHC Bakht Zeb No.238 of District Police Lakki appeared before the undersigned and requested for the grant of four (04) months earned leave for medical treatment of his ailing father. Ten (10) days leave were granted to him and communicated to DPO Lakki Marwat vide this office letter No.3283/EC, dated 23.08.2022. However, it was established during course of verification that the aforesaid letter issued by this office has been tampered and ten (10) days has been rewritten as (120) days as evident from the letter.
- That Moharrar staff has made departure of LHC Bakht Zeb No.238 for four (04) months earned leave vide DD No.14 dated 30.8.2022.

For the purpose of scrutinizing the conduct of the said accused w/r to the above allegations, an inquiry committee/officer **Addl: SP Bannu** is appointed to conduct regular departmental enquiry.

The inquiry committee/officer shall provide reasonable opportunity of hearing to the accused, record statements etc and findings within 25 days after the receipt of this order.

The accused shall join the proceedings on the date, time and place fixed by the inquiry committee.

Regional Police Officer,
Bannu Region,
Bannu

No. **816-18** /PA, Dated: **07/11/2022**

Cc:

- The Inquiry Committee/officer for necessary action with the direction to complete the enquiry within stipulated period and submit findings report.
- The accused police officer.

Regional Police Officer,
Bannu Region,
Bannu

ڈسٹرکٹ لکسی مروت

جناب عالی!

بحوالہ شیٹ نمبر چارج شیٹ نمبر 816-18/PA, dated 07.11.2022 مجاریہ جناب عزت ماب RPO صاحب بنوں ریجن بنوں کی بابت جو بلا معروض خدمت ہوں کہ انکو ازری ہذا میں قبل ازیں جو جواب جناب DSP/HQ صاحب لکھی مروت کو دی ہے وہی میرا ایمان ہے جو کہ درست ہے علاوہ ازیں حقیقت کچھ یوں ہے کہ مسائل نے چار ماہ رخصت کلاں منظور کرنے کے لئے بالترتیب افسران بالا سے جناب RPO صاحب بنوں ریجن بنوں کو پیش ہونے کی استدعا کی تھی جو کہ جناب RPO صاحب کو پیش ہو کر بعد از پیشی واپس آیا۔ من مسائل روٹین کے مطابق شاباشی پر تھا کہ تھانہ ہذا سے مدد محرم جشید 441/LHC نے بذریعہ موبائل فون اطلاع دی کہ آپ کی چار ماہ رخصت کلاں بوجہ میڈیکل لیو منظور ہو چکی ہیں۔ جس کا ثبوت بذریعہ وائس ایپ آپ کو میرے نمبر سے ارسال خدمت ہو چکی ہے۔ چونکہ آپ ایک ادنیٰ ماتحت ہو بدیں وجہ تھانہ ہذا سے اپنی روانگی بحوالہ نمبر 14 روز نامہ 30.08.2022 سیف الرحمن ASI کی طرف سے ہوئی ہے۔ اطلاع یابی گزارش ہے۔ جس پر من مسائل نے ایک ادنیٰ ماتحت ہونے کے نا طے عمل کر کے اپنی رخصت کلاں گزارنا جاری رکھی کچھ رخصت کلاں گزارنے کے دوران تھانہ ہذا سے اطلاع ملی کہ آپ فوری طور پر تھانہ آجائے۔ جیسے ہی من مسائل تھانہ پہنچا وہاں پر معلومات و پتہ براری پر معلوم ہوا کہ محرر سٹاف جو سارے ایک ہی قومیت سے تعلق رکھتے ہیں۔ من مسائل کو نامعلوم وجوہات کی بنا پر پھنسانے کے لئے من مسائل کے رخصت کلاں کا افسران بالا سے آمدہ پروانہ اطلاع یابی میں رد و بدل کیا ہے حالانکہ من مسائل کو پروانہ اطلاع یابی بابت رخصت کلاں کے بارے میں نہ ہی کچھ علم ہے اور نہ ہی کچھ دیکھا ہے کیونکہ من مسائل تو مدد محرم جشید 441/LHC کے موبائل فون پر کہنے اور انہی کے وائس ایپ نمبر سے ارسال کی ہوئی مدد اور روز نامہ پر اپنی رخصت کلاں گزار رہا تھا۔ کہ اسی اثناء میں محرر سٹاف نے من مسائل کو کافی پریشان اور پریشاں کر کے روز نامہ کے بحوالہ نمبر 07 روز نامہ 25.10.2022 میں ایک بیان تحریر کر کے جس پر مسائل سے دستخط مثبت کیا لہذا محرر سٹاف کا یہ فعل ضابطہ فوجداری کی سیکشن (162) کی خلاف ورزی ہے۔ جس پر عزت ماب جناب RPO صاحب بنوں ریجن بنوں بذریعہ DSP/HQ صاحب لکھی مروت پر پٹیجری انکو ازری شروع کی۔ جو کہ بعد اختتام پر پٹیجری انکو ازری پر جناب RPO صاحب بنوں نے تھانہ غزنی خلیفہ کے محرر سٹاف کو گتہ گارنٹ مت قرار کر بطور سزا اور اپنے آبائی ضلع لکھی مروت سے اپریشن سٹاف ضلع بنوں کے مختلف تھانہ جات میں تعینات کئے ہیں۔

عالیجاہ مسائل کی عاجزانہ استدعا ہے کہ من مسائل کی کوئی طرف داری نہ کی جاوے بلکہ افسران بالا سے صرف اور صرف انصاف کی اپیل ہے۔

نیز تمام ضروری لوازمات ہمراہ لف جواب چارج شیٹ قابل ملاحظہ ہے



1

Phone No: 0928-9270027
Fax No: 0928-9270045

**OFFICE OF THE
ADDITIONAL SUPERINTENDENT OF POLICE,
BANNU**

No. 279 / Addl: SP

Dated. 28 / 11 /2022

To: **The Regional Police Officer,
Bannu Region, Bannu**

**Subject: DEPARTMENTAL PROCEEDINGS AGAINST LHC BAKHT ZEB
NO. 238**

Memo:

Kindly refer to RPO office endorsement No. 816-18/PA, dated 07.11.2022,
on the subject noted above.

Respected Sir,

As per your kind order, the enquiry against the above-named police official
was completed by the undersigned. Its step-wise detail is as under:

ALLEGATIONS AGAINST ACCUSED LHC BAKHT ZEB NO. 238:

- That on 23.08.2022 LHC Bakht Zeb No. 238 of District Police Lakki appeared before the undersigned and requested for the grant of four (04) months earned leave for medical treatment of his ailing father. Ten (10) days leave were granted to him and communicated to DPO Lakki Marwat vide this office letter No. 3283/EC, dated 23.08.2022. However, it was established during course of verification that the aforesaid letter issued by this office has been tampered and ten (10) days has been rewritten as (120) days as evident from the letter.
- That Moharrar staff has made departure of LHC Bakht Zeb No. 238 for four (04) months earned leave vide DD No. 14 dated 30.08.2022.

PROCEEDINGS:

The preliminary enquiry conducted by DSP-HQrs Lakki Marwat and statements of the accused were studied; charge sheet and summary of allegations were served upon the accused; he submitted his fresh written reply; he was heard in detail in the presence of co-accused; cross-questions were put on him and his reply was brought into writing. The PS record and relevant documents were also analyzed and placed on file. All the concerned individuals were heard, too. His previous posting chart is also available on enquiry file in hand.

STATEMENTS OF THE FOLLOWING POLICE OFFICIALS HAVE BEEN RECORDED:

1. MHC Ali Khan PS Ghazni Khel, Lakki Marwat;
2. Addl: Moharrir Sibghat Ullah Lakki Marwat;
3. MM Jamshid Khan No. 441 Lakki Marwat and
4. MM Rashid Khan No. 930 Lakki Marwat

FINDINGS:

1. The under-question tampering is not an accidental issue but shows the mala fide intention of the beneficiary, LHC Bakht Zeb:
2. In response to cross-question No. 3, asked by the preliminary enquiry officer, DSP HQrs Lakki Marwat, the accused LHC has confessed that he had been informed by the PA of Worthy RPO regarding his 10 days sanctioned leave at the time when it was sanctioned by the Worthy RPO, Bannu. Therefore, he ought not to remain silent on fake 120 days leave which shows his involvement in forgery and tampering.
3. MM Jamshid Khan No. 411 and MM Abdur Rashid No. 930 of PS Ghazni Khel have said in their statements that LHC Bakht Zeb No. 238 himself had brought the Parwana (now proved tampered) of his 120 days long leave whereupon MM Jamshid Khan entered his departure report vide DD report No. 14, dated 30.08.2022, PS Ghazni Khel.
4. When the tampering on the part of LHC Bakht Zeb surfaced, he was marked absent vide DD report No. 13, dated 24.10.2022. Later on, Bakht Zeb, while making his arrival report vide DD report No. 7, dated 25.10.2022 has confessed in writing his guilt of tampering and forgery due to his extreme helplessness and constraint.
5. According to the statements of IHC Moharrir Ali Khan, MM Jamshid Khan and MM Abdur Rashid Khan, IHC Bakht Zeb No. 238 is guilty of tampering, fraud and forgery.
6. Above all, the general reputation of accused IHC is also very bad. He is clever, cunning and very approachable. He pressurizes his officers for the posting of his choice. While posted as AOHC, DPO office, Bannu, several complaints were received against him and the Worthy RPO ultimately transferred him to PS Ghazni Khel operation staff, district Lakki Marwat, vide his office OB No. 243, dated 29.06.2022 (copy attached).
7. Excluding his 10 days sanctioned leave, his absence period is 46 days which he enjoyed by fraud and cheating.

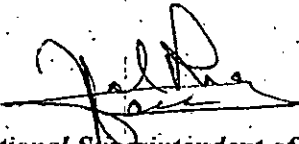
CONCLUSION:

Keeping the above facts and figures in view, IHC Bakht Zeb No. 238 has been proved guilty of tampering, fraud, cheating and forgery. He is wholly solely responsible for this tampering and misconduct as he and only he is its beneficiary and no one else. The remaining co-accused—Moharrir, Additional Moharrir and Maddad Moharirs— have been found innocent in respect of under-question tampering and forgery. However, they are facing separate enquiries and their fate will be decided therein.

RECOMMENDATIONS:

Being proved guilty of intentional tampering, fraud, cheating, forgery and misconduct, IHC Bakht Zeb No. 238 is recommended for "Major Departmental Punishment", if agreed.

Submitted please.


*Additional Superintendent of Police,
Bannu.*

No. 221
Dated: 07/12/2022

1/PA
/2022

FINAL SHOW CAUSE NOTICE

I, Syed Ashfaq Anwar, PSP Regional Police Officer, Bannu Region Bannu as competent authority, under the Khyber Pakhtunkhwa Police Rules, 1975, vide Rule 5(3) (b, c), do hereby serve you, LHC Bakht Zeb No.238, as follows;

- That on 23.8.2022, you, LHC Bakht Zeb No.238 of District Police Lakki appeared before the undersigned and requested for the grant of four (04) months earned leave for medical treatment of your ailing father. Ten (10) days leave were granted to you and communicated to DPO Lakki Marwat vide this office letter No.3283/EC, dated 23.08.2022. However, it was established during course of verification that the aforesaid letter issued by this office has been tampered and ten (10) days has been rewritten as (120) days as evident from the letter.
- That Moharrar staff has made departure of you, LHC Bakht Zeb No.238 for four (04) months earned leave vide DD No.14 dated 30.8.2022.

For the purpose of scrutinizing your conduct with reference to the above allegations, a proper departmental enquiry was initiated against you vide this office Endst: No.816-18/PA, dated 07.11.2022 and Mr. Saleem Riaz, Addl:SP-Bannu was nominated as Enquiry Officer. The Enquiry Officer recorded statements of all the relevant officials, perused the record and came to the conclusion that you LHC Bakht Zeb No.238 have made tampering, fraud, cheating and forgery. You have been found wholly solely responsible for the above mentioned tempering and misconduct being its beneficiary. He submitted his findings vide Memo: No.279/Addl:SP, dated 28.11.2022 found you guilty of the charge and recommended for "Major Departmental Punishment".

By virtue of the above, you appear to be guilty of inefficiency and misconduct and have made yourself liable to penalties specified in Rule-4 of Khyber Pakhtunkhwa Police Rules, 1975.

And whereas in exercise of powers Rules 5(3)(b,c) of the same Rules, I am satisfied that sufficient evidence is available in the aforementioned inquiry report warranting to dispense with further inquiry.

Now, therefore, I, Syed Ashfaq Anwar, PSP Regional Police Officer, Bannu Region Bannu competent authority, call upon you through this notice to explain why the major penalty of dismissal from service should not be imposed upon you.

Your reply must be received within seven (07) days of receipt of this notice, failing which it will be assumed that you have no defense and in that case ex-parte action shall be taken against you.

Regional Police Officer,
Bannu Region,
Bannu

جناب عالی!

بحوالہ مشمولہ چارج شیٹ نمبر 07.11.2022/PA, dated 18-816 مجاریہ جناب عزت ماب RPO صاحب بنوں ریجن بنوں کی بابت جو اب معروض خدمت ہوں کہ انکو آری ہذا میں قبل ازیں جو جواب جناب DSP/HQ صاحب لکسی مروت کو دی ہے وہی میرا بیان ہے جو کہ درست ہے علاوہ ازیں حقیقت کچھ یوں ہے کہ سائل نے چار ماہ رخصت کلاں منظور کرنے کے لئے بالترتیب افسران بالا سے جناب RPO صاحب بنوں ریجن بنوں کو پیش ہونے کی استدعا کی تھی جو کہ جناب RPO صاحب کو پیش ہو کر بعد از پیشی واپس آیا۔ من سائل روٹین کے مطابق شاباشی پر تھا کہ تھانہ ہذا سے مدو محرر جشید 441/LHC نے بذریعہ موبائل فون اطلاع دی کہ اپ کی چار ماہ رخصت کلاں بوجہ میڈیکل لیڈ منظور ہو چکی ہیں۔ جس کا ثبوت بذریعہ وائس ایپ اپ کو میرے نمبر سے ارسال خدمت ہو چکی ہے۔ چونکہ اپ ایک ادنیٰ ماتحت ہو بدیں وجہ تھانہ ہذا سے اپ کی روانگی بحوالہ نمبر 14 روز نامچہ 30.08.2022 سیف الرحمن ASI کی طرف سے ہوئی ہے۔ اطلاع عیابی گزارش ہے۔ جس پر من سائل نے ایک ادنیٰ ماتحت ہونے کے ناطے عمل کر کے اپنی رخصت کلاں گزارنا جاری رکھی کچھ رخصت کلاں گزارنے کے دوران تھانہ ہذا سے اطلاع ملی کہ اپ فوری طور پر تھانہ آجائے۔ جیسے ہی من سائل تھانہ پہنچا وہاں پر معلومات و پتہ براری پر معلوم ہوا کہ محرر سٹاف جو سارے ایک ہی قومیت سے تعلق رکھتے ہیں۔ من سائل کو نامعلوم وجوہات کی بنا پر پھنسانے کے لئے من سائل کے رخصت کلاں کا افسران بالا سے آمدہ پروانہ اطلاع عیابی میں رو بدیل کیا ہے حالانکہ من سائل کو پروانہ اطلاع عیابی بابت رخصت کلاں کے بارے میں نہ ہی کچھ علم ہے اور نہ ہی کچھ دیکھا ہے کیونکہ من سائل تو مدو محرر جشید 441/LHC کے موبائل فون پر کہنے اور انہی کے وائس ایپ نمبر سے ارسال کی ہوئی مدو اور روز نامچہ پر اپنی رخصت کلاں گزار رہا تھا۔ کہ اسی اثناء میں محرر سٹاف نے من سائل کو کافی پریشان اور پریشاں کر کے روز نامچہ کے بحوالہ نمبر 07 روز نامچہ 25.10.2022 میں ایک بیان تحریر کر کے جس پر سائل سے دستخط ثبت کیا لہذا محرر سٹاف کا یہ فعل ضابطہ فوجداری کی سیکشن (162) کی خلاف ورزی ہے۔ جس پر عزت ماب جناب RPO صاحب بنوں ریجن بنوں بذریعہ DSP/HQ صاحب لکسی مروت پر پٹیٹری انکو آری شروع کی۔ جو کہ بعد اختتام پر پٹیٹری انکو آری پر جناب RPO صاحب بنوں نے تھانہ فزنی خیل کے محرر سٹاف کو گنہگار ثابت قرار کر بطور سزا اور اپنے آبائی ضلع لکسی مروت سے اپریشن سٹاف ضلع بنوں کے مختلف تھانہ جات میں تعینات کئے ہیں۔

عالیجاہ سائل کی عاجزانہ استدعا ہے کہ من سائل کی کوئی طرف داری نہ کی جاوے بلکہ افسران بالا سے صرف اور صرف انصاف کی اپیل ہے۔

ORDER:

This order will dispose of departmental proceedings initiated against LHC Bakht Zeb No.238 under Police Rules 1975 (amended in 2014) by issuing charge sheet and statement of allegations to him for committing the following commissions/omissions:

➤ That on 23.8.2022, LHC Bakht Zeb No.238 of District Police Lakki appeared before the undersigned and requested for the grant of four (04) months earned leave for medical treatment of his ailing father. After personal hearing Ten (10) days leave was granted to him and communicated to DPO Lakki Marwat vide this office letter No.3283/EC, dated 23.08.2022. However, it was established during course of verification that the aforesaid letter issued by this office has been tampered and ten (10) days has been rewritten as (120) days as evident from the letter.

➤ That Moharrar staff made his departure on four (04) months earned leave vide DD No.14 dated 30.8.2022 and he spent more than month on leave when this cheating was reported.

Preliminary enquiry was conducted by DSP/HQ: Lakki vide his letter No.276, dated 31.10.2022. Charge sheet along with statement of allegations was issued and served upon accused official (LHC Bakht Zeb No.238) vide this office E.No.816-13/PA dated 07.11.2022. Addl: S.P Bannu was appointed as Enquiry Officer to scrutinize the conduct of the accused official. The Enquiry Officer submitted his findings report vide letter No.279/Addl:SP dated 28.11.2022.

Findings report and other relevant papers were perused which revealed his guilt and confession. The accused official was also heard in person in orderly room held on 09.02.2023. Explanation of the accused official was found unsatisfactory. He deliberately tampered the official order and cheated the system. His action not only emboldened others to follow suit but also brought a bad name for a disciplined department.

Therefore, I, Syed A. hfaq 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 award him a major punishment of "Dismissal from Service" with immediate effect.

ORDER ANNOUNCED

OB No. 21
Dated: 14/02/2023.

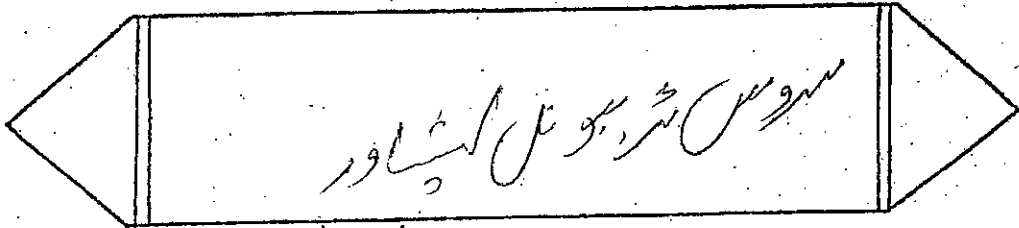
Regional Police Officer,
Bannu Region,
Bannu

No. 433-35 /EC, dated Bannu the 14/02/2023 /
Cc:

- DPOs Bannu & Lakki for necessary action and report compliance.
- DAOs Bannu & Lakki for necessary action.
- Office Supdt./E.C RPO Office, Bannu.

Regional Police Officer,
Bannu Region,
Bannu

بغذالت



محنت زیب 2، پنجاب
محنت زیب بنام حکنہ پولیس

موزخہ
مقدمہ
دعویٰ
جرم

باعث تحریر آئنگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن مقام کنسٹبل کے لیے۔

مقررہ کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو رضی نامہ کرنے و تقرر حالت فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور صولی چیک در و پیہ ار عرضی دعویٰ اور درخواست ہر قسم کی تصدیق زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ نیا اپنے بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو کسی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پرداختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جائے التوائے مقدمہ کے سبب سے وہ ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی مذکورہ کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

Accepted & Attended

20

ماہ

المرقوم

واہ العی

کے لئے منظور ہے۔

بمقام