

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 1126/2018

Date of Institution ... 30.08.2018

Date of Decision ... 10.01.2022

Zafar Iqbal S/o Noor Rehman Ex-Constable R/o Warsak Road Charpreza Tehsil & District Peshawar. ... (Appellant)

**VERSUS**

Inspector General of Police, Khyber Pakhtunkhwa Peshawar and three others. ... (Respondents)

Taimur Ali Khan,  
Advocate

... For Appellant

Muhammad Adeel Butt,  
Additional Advocate General

... For respondents

**AHMAD SULTAN TAREEN**  
**ATIQU-UR-REHMAN WAZIR**

...  
...

**CHAIRMAN**  
**MEMBER (EXECUTIVE)**

**JUDGMENT**

**ATIQU-UR-REHMAN WAZIR MEMBER (E):-**

Brief facts of the

case are that the appellant while serving as Constable in Police Department was proceeded against on the charges of misconduct and was ultimately dismissed from service vide order dated 08-03-2018. Feeling aggrieved, the appellant filed departmental appeal, which was also rejected vide order dated 06-07-2018, hence the instant service appeal with prayers that the impugned orders dated 08-03-2018 and 06-07-2018 may be set aside and the appellant may be re-instated in service with all back benefits.

02. Learned counsel for the appellant has contended that the impugned orders passed by the respondents are against law, facts and norms of natural justice, hence not tenable and liable to be set aside; that no charge sheet/statement of allegations and final show cause notice has been served upon

the appellant, which is mandatory under the law; that no regular inquiry was conducted nor the appellant was associated with proceedings of the inquiry, which turned the whole proceedings illegal; that the impugned order is arbitrary, capricious and not maintainable and is the result of misreading and non-reading of evidence, hence liable to be set aside; that impugned order is the result of malafide of respondents, which is evident from the fact that respondents did not provide record of inquiry, if any to the appellant, which is also contrary to the norms of natural justice.

03. Learned Additional Advocate General for the respondents has contended that the appellant while posted as Police Station Town rendered himself liable for departmental action on the charges of having links with smugglers and criminals and also leaked the secrecy of police; that on the mentioned charges, the appellant was issued proper charge sheet/statement of allegation and SDPO Town was appointed as inquiry officer; that upon findings of the inquiry officer, the appellant was served with a proper showcause notice, to which he responded but his reply was not found convincing, therefore, the punishment of dismissal from service was awarded to the appellant; that departmental appeal of the appellant was rejected on the ground that the charges leveled against him were proved beyond any shadow of doubt; that the appellant had a blemished service record as the appellant has earned 71 bad entries in his service record, which clearly shows that he was an un-willing worker and is not interested in official work.

04. We have heard learned counsel for the parties and have perused the record.

05. Record reveals that a person namely Farzand Ali was arrested by Police and without showing his arrest, he was placed in illegal confinement in Police Post Town, where the appellant was on duty. Mother of Farzand Ali reported the issue in the court of law that his son is missing for the last one month and reportedly in the custody of town police, upon which the court ordered for recovery of her son.

Consequently Mr. Farzand Ali was recovered from Police Post Town on the pointation of her mother. Lateron the court was informed that Mr. Farzand Ali was wanted in an FIR and his arrest was shown on the day of his recovery, hence no further action was taken by court, but the police officers suspected that the appellant had informed mother of Farzand Ali, upon which appellant was served with charge sheet containing allegations of his alleged links with smugglers and criminals as well as leakage of secrecy of police department. The allegations so leveled against the appellants are presumptive and general in nature, hence, the authorized officer failed to frame the proper charge and communicate it to the appellant's alongwith statement of allegations explaining the charge and other relevant circumstances proposed to be taken into consideration. Framing of charge and its communication alongwith statement of allegations was not merely a formality but it was a mandatory pre-requisite, which was to be followed. Reliance is placed on 2000 SCMR 1743.

06. Placed on record is an inquiry report, which would reveal that neither the allegations leveled against the appellant had been proved against him nor the appellant was associated with proceedings of the inquiry, rather the respondents were bent upon removing the appellant from service at any cost. The inquiry so conducted cannot be termed as a regular inquiry, rather the appellant was summarily proceeded against without adhering to the method prescribed in law and was dismissed from service. Nothing is available on record to show as to whether statement of any witness was recorded in presence of the appellant, which ultimately would amount to denial of right to the appellant to cross-examine such witnesses and for doing all this, a regular inquiry was must before imposition of major penalty and such lapses had resulted into miscarriage of justice and caused prejudice to the appellant. Reliance is placed on 2012 PLC (CS) 728 and 2002 SCMR 433. The august Supreme Court of Pakistan in its judgment reported as 2008 SCMR 1369 and 2004 SCMR 316 have held that in case of imposing major penalty, the principles of natural justice required that a regular


inquiry was to be conducted in the matter and opportunity of defense and personal hearing was to be provided to the civil servant proceeded against, otherwise civil servant would be condemned unheard and major penalty of dismissal from service would be imposed upon him without adopting the required mandatory procedure, resulting in manifest injustice. Record would suggest that the appellant was kept deprived of the opportunity to defend his cause, which smacks malafide on part of the respondents. It is a cardinal principle of natural justice of universal application that no one should be condemned unheard and where there was likelihood of any adverse action against anyone, the principle of Audi Alteram Partem would require to be followed by providing the person concerned an opportunity of being heard. The inquiry officer mainly relied on hearsay with no solid evidence against the appellant. Mere reliance on hearsay and that too without confronting the appellant with the same had no legal value and mere presumption does not form basis for imposition of major penalty, which is not allowable under the law.

07. We are of the considered opinion that the appellant has not been treated in accordance with law and was illegally kept away from performance of his duty for the fault, which was not proved against him, nor the respondents tried to prove it against him.

08. In view of the above discussion, the instant appeal is accepted. The impugned orders 08-03-2018 and 06-07-2018 are set aside and the appellant is re-instated in service with all back benefits. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED  
10.01.2022

  
(AHMAD SULTAN TAREEN)  
CHAIRMAN

  
(ATIQ-UR-REHMAN WAZIR)  
MEMBER (E)

ORDER


10.01.2022


Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, learned Additional Advocate General for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today, separately placed on file, the instant appeal is accepted. The impugned orders 08-03-2018 and 06-07-2018 are set aside and the appellant is re-instated in service with all back benefits. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED

10.01.2022

  
(AHMAD SULTAN TAREEN)  
CHAIRMAN

  
(ATIQ-UR-REHMAN WAZIR)  
MEMBER (E)

07.09.2021

Taimur Ali Khan Advocate counsel for appellant present.

Muhammad Adeel Butt learned Additional A.G for respondents present.

Former made a request for adjournment. Request is accorded.  
To come up for arguments on 10.01.2022 before D.B.



(Rozina Rehman)  
Member (J)

  
Chairman

04.12.2020

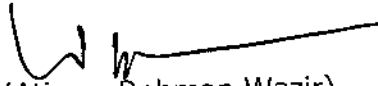
Appellant in person present.


Zara Tajwar, learned Deputy District Attorney alongwith Aziz Shah Reader for respondents present.

Taimour Ali Khan, Advocate submitted Vakalat Nama on behalf of appellant and requested for adjournment being engaged today. Certain documents were produced by the representative of respondents with a request for placing the same on file. Representative of respondents is directed to make sure the entire record of the inquiry proceedings before the date; as such, the documents are placed on file.

Perusal of record reveals that the same has not been properly compiled with no paging; as such counsel is directed to properly compile the record.

Adjourned to 02.03.2021 for arguments before D.B.

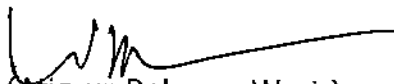
  
(Atiq ur Rehman Wazir)  
Member (E)

  
(Rozina Rehman)  
Member (J)

02.03.2021

Junior to counsel for the appellant and Syed Muhammad Asif, DDA for the respondents present.

Due to general strike on the call of Khyber Pakhtunkhwa Bar Council, the matter is adjourned to 07.05.2021 for hearing before the D.B.

  
(Atiq-ur-Rehman Wazir)  
Member(E)

  
Chairman

7.5.2021

*Due to COVID-19, the case is adjourned to 7-9-2021 for the same.*

  
Reader

18-5.2020

Due to COVID19, the case is adjourned to  
10/8/2020 for the same as before.

  
Reader

10.08.2020

Due to summer vacations case to come up for the same on  
12.10.2020 before D.B.

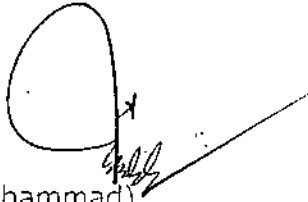
  
Reader


12.10.2020

Appellant present in person.

Mr. Kabir Ullah Khattak learned Additional Advocate General  
for respondents present.

Former requests for adjournment as his counsel is not  
available. Adjourned. To come up for arguments on 04.12.2020  
before D.B.

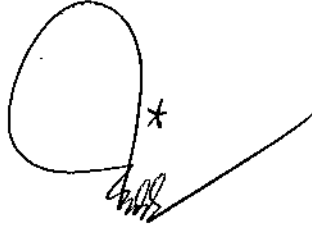
  
(Mian Muhammad)  
Member (E)

  
(Rozina Rehman)  
Member (J)



17.03.2020

Appellant in person present. Addl: AG alongwith Mr. M. Raziq, H.C for respondents present. Due to general strike on the call of Peshawar Bar Council, the instant case is adjourned. To come up for arguments on 18.05.2020 before D.B.

A handwritten signature consisting of a large, stylized 'M' with a checkmark-like stroke extending from the bottom right. There is a small asterisk-like mark above the signature.

(MAIN MUHAMMAD)  
MEMBER

A handwritten signature consisting of the letters 'MA' in a stylized, cursive font.

(M.AMIN KHAN KUNDI)  
MEMBER

31.10.2019 Appellant in person present. Asst: AG for respondents present. Appellant submitted an application for adjournment which is placed on file. Adjourned. Case to come up for arguments on 05.12.2019 before D.B.

  
(Ahmad Hassan)  
Member

  
(M. Amin Khan Kundi)  
Member

05.12.2019 Appellant in person present. Mr. Usman Ghani learned District Attorney for the respondents present. Appellant seeks adjournment on the ground that his counsel is not available today. Adjourned. To come up for arguments on 04.02.2020 before D.B.

  
(Hussain Shah)  
Member

  
(M. Amin Khan Kundi)  
Member

04.02.2020 Appellant in person and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Muhammad Raziq, Head Constable for the respondents present. Appellant requested for adjournment on the ground that his counsel is not available today due to general strike of Khyber Pakhtunkhwa Bar Council. Adjourned to 17.03.2020 for arguments before D.B.

  
(Ahmad Hassan)  
Member

  
(M. Amin Khan Kundi)  
Member

26.06.2019

Appellant in person and Mr. Muhammad Jan, DDA alongwith Mr. Aziz Shah, Reader for respondents present. Due to incomplete bench the case is adjourned to 28.08.2019 before D.B.



Reader

28.08.2019

Counsel for the appellant present. Asst: AG for respondents present. Learned counsel for appellant seeks adjournment. Adjourn. Case to come up for arguments on 19.09.2019 before D.B.



Member



Member

19.09.2019

Learned counsel for the appellant and Mr. Kabir Ullah Khattak learned Additional Advocate General present. Learned counsel for the appellant submitted rejoinder which is placed on file and seeks adjournment. Adjourn. To come up for arguments on 31.10.2019 before D.B.



Member



Member

1126/2018

07.1.2019

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

Learned AAG requests for further time to submit the requisite reply. Adjourned to 21.02.2019 for written reply/comments before S.B.

  
Chairman

21.02.2019

Counsel for the appellant and Addl. AG alongwith Muhammad Raziq, H.C for the respondents present.

Representative of respondents requests for more time as the requisite reply is in process of preparation. Adjourned to 03.04.2019 on which date the requisite reply shall positively be submitted.

  
Chairman

03.04.2019

Appellant with counsel and Addl: AG alongwith Mr. Muhammad Raziq, H.C for respondents present. Written reply submitted which is placed on file. Case to come up for rejoinder and arguments on 26.06.2019 before D.B.

  
(Ahmad Hassan)  
Member

12.10.2018

None for the appellant present. Adjoined. To come up for preliminary hearing on 19.11.2018 before S.B.

  
Chairman

19.11.2018

Counsel for the appellant Zafar Iqbal present. Preliminary arguments heard. It was contended by the learned counsel for the appellant that the appellant was serving in Police Department as Constable. It was further contended that the appellant was dismissed from service vide order dated 13.03.2018 on the allegation that the appellant was having linked with criminal and smugglers and also leak the secrecy of police which brings bad name to police in general public. It was further contended that the appellant filed departmental appeal but the same was rejected on 29.03.2018. It was further contended that the appellant filed revision petition under section 11-A of Police Rules, 1975 before the Inspector General of Police which was also rejected on 06.07.2018 hence, the present service appeal on 30.08.2018. It was further contended that neither charge sheet, statement of allegation was served upon the appellant nor proper inquiry was conducted nor the appellant was given opportunity of person hearing and defence therefore, the impugned order is illegal and liable to be set-aside.

The contentions raised by the learned counsel for the appellant need consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days, thereafter, notice be issued to the respondents for written reply/comments for 07.01.2019 before S.B.

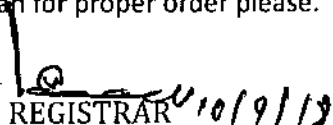
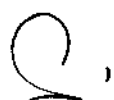

Appellant Deposited  
Security & Process Fee

  
Muhammad Amin Khan Kundi  
Member

Form- A  
FORM OF ORDER SHEET.

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

Case No. 1126/2018


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	10/09/2018	<p>The appeal of Mr. Zaffar Iqbal resubmitted today by Mr. Muhammad Sajid 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;"> REGISTRAR 10/9/18</p>
2-	11-9-2018	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>14-9-2018</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
14.09.2018		<p>Neither appellant nor his counsel present. Case to come up for preliminary hearing on 12.10.2018 before S.B.</p> <p style="text-align: right;"> (Ahmad Hassan) Member</p>

The appeal of Mr. Zafar Iqbal son of Noor Rehman Ex-Constable R/O Warsak Road Chaerpreza Peshawar received today i.e. on 30.08.2018 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copy of dismissal order dated 08.03.2018 mentioned in the memo of appeal is not attached with the appeal which may be placed on it.
- 2- Copy of departmental appeal is not attached with the appeal which may be placed on it.
- 3- Annexures of the appeal are not in sequence which may be annexed serial wise as mentioned in the memo of appeal.

No. 1758 /S.T,

Dt. 30/8 /2018.

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Muhammad Sajid Adv. Pesh.

*Mr. -  
objections have been  
removed.  
Except 7 Attaching Departmental  
Appeal, it was filed but copy  
of it is not available with the  
Applicant, requested was made  
to the Department but was  
denied.*



BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER

PAKHTUNKHWA PESHAWAR

IN RE OF SERVICE APPEAL NO. 1126 /2018.

Zafar Iqbal \_\_\_\_\_ Appellant.

VERSUS

Inspector General Of Police & others \_\_\_\_\_ Respondents

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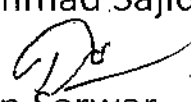
S.No	Description of Documents	Pages
1.	Grounds of Service Appeal with affidavit	1 - 7
2.	Application for condonation of delay with Affidavit	8 - 9
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Dated:- 30/08/2018 Through

&

Appellant 

  
Muhammad Sajid

  
Kamran Sarwar  
Advocate High Court  
Peshawar.



①

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER  
PAKHTUNKHWA PESHAWAR

IN RE OF SERVICE APPEAL NO. 1126 /2018.

Zafar Iqbal S/O Noor Rehman Ex-Constable R/O Warsak Road  
Charpreza Tehsil & District Peshawar \_\_\_\_\_ Appellant

Khyber Pakhtunkhwa  
Service Tribunal

VERSUS

Diary No. 1360  
Dated 30/8/2018

1. Inspector General Of Police Khyber Pakhtunkhwa Peshawar
  2. AIG Establishment For Inspector General Of Police Khyber Pakhtunkhwa Peshawar
  3. Capital City Police Officer Peshawar
  4. Superintendent of Police, PESHAWAR Cantt, Pehsawar
- \_\_\_\_\_ Respondents

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA  
SERVICES TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED  
ORDER NO OB957 DATED 08/03/2018 ALONGWITH THE  
ORDER DATED 06/07/2018 WHEREBY THE APPELLANT WAS  
AWARDED THE MAJOR PUNISHMENT OF DISMISSAL FROM  
SERVICE, THE IMPUGNED ORDER DATED 08/03/2018 &  
ORDER DATED 06/07/2018 MAY KINDLY BE SET ASIDE AND  
THE APPELLANT MAY VERY KINDLY BE REINSTATED FROM THE  
DATE OF DISMISSAL WITH ALL BENEFITS.

Filed to  
Prayer:-  
2018/1126  
Registrar

ON ACCEPTANCE OF THIS APPEAL, THE APPELLANT MAY  
KINDLY BE REISNTATED IN SERVICE WITH ALL BACK  
BENEFITS BY SETTING ASIDE THE IMPUGNED ORDERS.

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Respectfully Sheweth:-

1. That the appellant was appointed as Constable Belt No 2091 in Khyber Pakhtunkhwa police and has served in police department with zeal and zest (Copy of the service card is attached)
2. That the appellant served the department to the entire his abilities and to the complete satisfaction of his superior /respondents and has for 20 years of unblemished record of service on his part.
3. That the appellant while serving at the PP Town PS Town in routine where as the respondent no 4 dismissed the appellant vide order no 957 dated 8-3-2018 on the basis self made and concocted allegations.
4. That the allegations leveled against the appellant is baseless having no root but the respondent no 4 just to save the skin of SHO town has dragged the poor constable in a self concocted case by alleging that the appellant has connections with smugglers .
5. That on 16-1-18 the mother of one Farzand Ali filed application u/s 491 CR.P.C before the Hon'ble District and Session Judge Peshawar for the recovery of his son against the SHO PS town which was accepted by the

Hon'ble court, whereas the Hon'ble court has issued directions for the recovery of one Farzand Ali. (Copy of the ~~Session Judge~~ order is attached)

6. That on 16-1-2018 the bailiff of the court visited the police choke town and recovered the detenu from the police choke town by reporting that the detenu is found in police custody without any justification. (Copy of the report of the bailiff is attached).
7. That it is pertinent to mention here that the appellant was neither aware of the illegal detention of the detenu nor arrested the detenu as the constable has never been kept informed of the official secrets.
8. That there is not a single word in the application u/s 491 of the mother of the detune nor the statement of the recovered detenu has been taken that one or the other way the appellant was involved in the illegal detention of one Farzand or either the appellant mother's was informed by the appellant about the illegal detention of the detune.
9. That the appellant filed an application to the respondent no 3 which was tuned down by the respondent no 3

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without any legal justification which is against the principal of natural justice hence the order of respondent no 3 is void, ab-initio. (Copy of the application and order is attached)

10. That thereafter the respondent filed departmental appeal against the order of dismissal which was rejected vide order no 2873 dated 6-7-2018. (Copy of the order is attached)
11. That the order of dismissal of the appellant is against the law and facts and the appellant can not even think of any connections with smugglers, but the respondent just to save the skin of their beloved one dragged the appellant alleging that the appellant has connections with criminals

#### GROUNDS

- A) That the impugned orders passed by respondents are against the law, facts and principal of natural justice, hence untenable.
- B) That no charge sheet, statement of allegations and final show cause notice has been issued against the appellant,

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which is mandatory under the law, rules and according to the rule of natural justice.

C) That no regular/formal inquiry was conducted nor did the appellant was associated with any sort of inquiry, which turned the whole proceedings illegal.

D) That impugned order dated 06/07/2018 passed by respondents No. 2 in a slipshod manner and is based on assumptions & presumptions, arbitrary and is not sustainable in the eyes of law.

E) That impugned order is arbitrary, capricious and not maintainable and is the result of misreading and non-reading evidence, hence liable to be set aside

F) That impugned order is result of malafide of respondents, which is so evident that respondents are not providing record of inquiry if any to the appellant, which is also against the natural justice.

G) That the appellant seeks permission of this Honourable tribunal to adduce other grounds at the time of arguments.

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It is therefore, most humbly prayed that on acceptance of this appeal the impugned orders of respondents may very kindly be set aside and the appellant may very kindly be reinstated with all back benefits.

Dated:- \_\_\_/08/2018 Through

Appellant

Muhammad Sajid

&

Kamran Sarwar  
Advocate High Court  
Peshawar.

Note ;

No such like appeal has earlier been moved before this Honourable Tribunal prior to the instant one.

M. Sajid  
Advocate

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BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER

PAKHTUNKHWA PESHAWAR

IN RE OF SERVICE APPEAL NO. \_\_\_\_\_/2018.

Zafar Iqbal \_\_\_\_\_ Appellant.

VERSUS

Inspector General Of Police & others \_\_\_\_\_ Respondents

**AFFIDAVIT**

I, Zafar Iqbal S/O Noor Rehman Ex-Constable R/O Warsak Road Charpreza Tehsil & District Peshawar, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

DEPONENT

30/7/2018.

ATTESTED







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BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER  
PAKHTUNKHWA PESHAWAR

IN RE OF SERVICE APPEAL NO. \_\_\_\_\_/2018.

Zafar Iqbal \_\_\_\_\_ Appellant.

VERSUS

Inspector General Of Police & others \_\_\_\_\_ Respondents

AFFIDAVIT

I, Zafar Iqbal S/O Noor Rehman Ex-Constable R/O Warsak Road Charpreza Tehsil & District Peshawar , do hereby solemnly affirm and declare on oath that the contents of the accompanying Application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

DEPONENT

*Zafar Iqbal*

*[Signature]*

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BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER

PAKHTUNKHWA PESHAWAR

IN RE OF SERVICE APPEAL NO. \_\_\_\_\_/2018.

Zafar Iqbal \_\_\_\_\_ Appellant.

V E R S U S

Inspector General Of Police & others \_\_\_\_\_ Respondents

ADDRESSES OF PARTIES

APPELLANT

ZAFAR IQBA S/O NOOR REHMAN R/O WARSAK ROAD  
CHARPREZA THE AND DISST PESHAWAR

RESPONDENT:

1. Inspector General Of Police Khyber Pakhtunkhwa Peshawar
2. AIG Establishment For Inspector General Of Police Khyber Pakhtunkhwa Peshawar
3. Capital City Police Officer Peshawar
4. Superintendent of Police, PESHAWAR Cantt, Peshawar

Dated:- \_\_\_/08/2018 Through

Appellant

  
Muhammad Sajid

&

Kamran Sarwar  
Advocate High Court  
Peshawar.

Anex - A

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**ORDER**

This office order will dispose off the departmental proceedings against **Constable Zafar Iqbal No. 2091** who while posted to Police Station Town, have linked with criminal and smugglers and also leak the secrecy of Police which brings bad name to Police in general public.

Under Police 1975 proper charge sheet alongwith summary of allegation were issued against Constable Zafar Iqbal No. 2091 and SDPO Town was appointed as enquiry officer to scrutinize the conduct of Constable Zafar Iqbal No. 2091.

The enquiry officer submitted finding and recommended the Constable Zafar Iqbal No. 2091 for major punishment after issuing final show cause notice. Hence, he was issued final show cause notice, he received final show cause notice and submit reply to the show cause notice. The undersigned perused his reply but not satisfactory.

Keeping in view of the above and recommendation of Enquiry Officer, I, Waseem Riaz Khan (PSP), SP Cantt, Peshawar being a competent authority, agreed with the recommendation of the enquiry officer. Therefore, **under Police Disciplinary Rules 1975, Constable Zafar Iqbal No. 2091 is hereby awarded major punishment of dismissal from service, with immediate effect.**

C.P.O.	
O.B No	957
Date	8-3-18
Peshawar	

*Waseem*

**(WASEEM RIAZ KHAN) PSP**  
SUPERINTENDENT OF POLICE,  
CANTT: PESHAWAR

No. 495 /SP/Cantt: dated Peshawar, the 13/3 /2018.

Copy for information and necessary action to the:-

1. The Sr: Superintendent of Police, Operation, Peshawar.
2. The Superintendent of Police Headquarter: Peshawar.
3. Pay Officer.
4. CRC,
5. OASI branch.
6. Fauji Missal branch with enquiry file for record.
7. Official concerned.

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*Waseem*  
Attached to be  
true copy.

*Anna A/A* (A)

**Capital City Police Peshawar**



S.No: 2091

Name: **Zafar Iqbal**

Rank: **Constable**

Belt No: **2091**

Valid Upto: **31.12.2019**



Signature  
Issuing Authority

**Khyber Pakhtunkhwa Police**


C.N.I.C. No : **17301-7300150-9**

Height: **5-7** Blood Group: **A+ve**

Personal Contact # : **0315-9848903**

This card is non transferrable and is the property of Govt. of Khyber Pakhtunkhwa  
In the event of loss report immediately to nearest Police Station and the  
issuing authority giving original number of the card.  
Funder of the lost card is requested to deposit the card in the nearest Police Station.

Verification Contact No. **09 5284953**



*Zafar*

**ATTESTED**

Annex B

12

BEFORE THE HONORABLE SESSION JUDGE

PESHAWAR.

B

12

Criminal Misc No. \_\_\_\_\_/2018

Mst. Ziara Bibi wife of Ghulam Muhammad R/o Mohallah Ahmad Abad, Spin Jumat, Charsadda Road, Peshawar.

.....**COMPLAINANT/PETITIONER**

VERSUS

Original  
Superintendent  
Sessions Judge Peshawar  
16/1/18

1. SHO Police Station Town, Peshawar.
2. Police Post Old Bara Road / Naqa Bandi, of PS Town, Peshawar.
3. The State.

....**RESPONDENTS**

PETITION UNDER SECTION 491  
CR.P.C FOR RECOVERY OF DETENUE  
(1) FARZAND ALI S/O GHULAM  
MUHAMMAD (SON OF PETITIONER)  
WHO IS ILLEGALLY CONFINED BY  
RESPONDENT NO.2 AT PP OLD BARA  
ROAD, OF PS TOWN, PESHAWAR

**Respectfully Sheweth:**

Petitioner/ complainant submit as under:-

**ATTESTED**

08 AUG 2018

(Examiner)

Peshawar

- 1- That the detenue is the son of petitioner.

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- 2-That on dated 07/11/2017 at afternoon 01:00 PM the detenue named above was arrested by Police Station Khazana, Peshawar and was later on he was handed over to other police stations.
- 3-That now the petitioner has come to know that the detenue has been illegal kept in confinement by the respondent no.2 with the connivance of respondent no. 1.
- 4-That even previously two petition u/s 491 Cr.P.C were submitted before this Honorable Court, but in order to evade the raid, he was shifted from one place to another.
- 5-That the detenue is not involved in any criminal case, nor any FIR is against the detenue, hence his confinement by respondents is totally illegal.
- 6-That respondents have no legal right to detain / keep the nephew / detenue in their custody.
- 7-That petitioner has no other option but to approach to this honorable court.

**ATTESTED**

03 AUG 2018

(Examiner)  
Session Court Peshawar

Superintendent  
Sessions : Peshawar

16/11/18

(19) (5) (14)

It is therefore requested that on the acceptance of instant petition an appropriate order may kindly be passed for recovery of detenue (s) from the illegal confinement of respondents.

PETITIONER

THROUGH

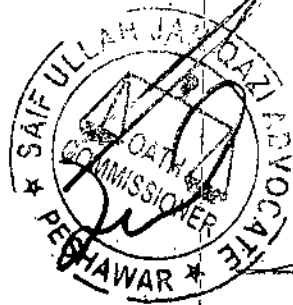
MALIK MUSHTAQ AHMAD,  
ADVOCATE, High Court  
PESHAWAR.

**AFFIDAVIT:**

I Mst. Ziara Bibi wife of Ghulam Muhammad R/o Mohallah Ahmad Abad, Spin Jumat, Charsadda Road, Peshawar, do here by solemnly affirm and declare on oath that all contents of the application are true and correct to the best of our knowledge and belief and nothing has been concealed from this Hon,ble Court.

DEPONENTS

ATTESTED  
16 JAN 2018



OP-1  
Supintendent  
Sessions Court Peshawar  
16/1/18

ATTESTED  
03 AUG 2018  
(Examiner)  
Sessions Court Peshawar

Order—  
16/01/2018

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Present petitioner along with learned counsel.

The instant petition u/s 491 Cr.P.C is entrusted to this Court by honorable Sessions Judge, Peshawar. Be entered in the relevant register.

The subject petition has been filed by petitioner Mst. Ziara alleging therein illegal confinement of her son by respondent No.2, therefore, bailiffs of this court are deputed to visit the premises of respondent No.2, recover the detunes and if recovered, to produce them before the court today. SHO concerned is directed to provide aid and assistance to the bailiffs of the Court.

JAVOID UR REHMAN  
AD&SJ-XII, Peshawar

Order—  
17/01/2018

Petitioner not present. Bailiffs appeared, submitted their report. Perusal of the report would reveal that the alleged detune was found involved in case FIR No. 669, dated 17/08/2017 U/S 392/34 PPC of POLICE STATION Town. Report of Muharrar concerned to this effect has also been obtained.

In the above circumstances, there is no need to proceed further with the instant petition, hence, the same stands disposed

of accordingly.

**CERTIFIED TO BE TRUE COPY**

03 AUG 2018

(Examiner)  
Copying Agency Session Court  
Peshawar

File be consigned to the record room after necessary completion.

Announced  
17/01/2018

JAVOID UR REHMAN  
AD&SJ-XII, Peshawar



No.	12264
Dated of Application	3-8-18
Name of Application	P. 8-10
Word	3200
Fee	Order Fee
Signature of Copyist & Date	(Signature) 3-8-18
Dated of Preparation	3-8-18
Date of Delivery	3-8-18

Amna D  
16

جناب عالی

مردود فرسٹ ہونے پر اس کے مزاج فرسٹ فرسٹ اولڈ فرسٹ

مذکورہ چاروں روز سینے کی حالت کو بحوالہ 32

دستاویز 16 1/18 ٹھکانے ٹھکانے میں بحوالہ فرسٹ

یہ 669 صفحہ 17 8/17 فرسٹ 392/34 ٹھکانے ٹھکانے

میں اس کے سبب سے اس میں جب سے اس کے سبب سے  
کیا ہے اس کے سبب سے

SHO P.S. Tanna  
16.1.2018

2908  
Magistrate  
Session Court Peshawar

جناب عالی

یہ وہ ہے کہ اس کے سبب سے اس کے سبب سے اس کے سبب سے  
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ATTESTED

یہ وہ ہے کہ اس کے سبب سے اس کے سبب سے اس کے سبب سے

NS 17/18  
Session Court Peshawar 16-1-2018 14120

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IN THE COURT OF JAVAID-UR-REHMAN  
ADDITIONAL SESSIONS JUDGE-XII, PESHAWAR

PETITION U/S 491 CR.PC

*[Handwritten signature]*

MST. ZIARA BIBI -VS. SHO POLICE STATION TOWN ETC

To:

INCHARGE POLICE POST OLD BARA  
ROAD/NAKABANDI

Whereas the subject petition has been filed by the petitioner alleging therein illegal confinement of her son namely Farzand Ali by respondent No.2, therefore, bailiffs of this court are deputed to visit the premises of respondent No.2, recover the detune named above and if recovered, to produce him before the court today. The concerned SHO is directed to extend aid, assistance and cooperation for the purpose of search and recovery of detune. In case of failure of SHO to extend assistance to the bailiffs of this court, he shall be liable to legal action under due course.

Given under my hand and seal of this court this 16<sup>th</sup> Day of January, 2018.

JAVOID-UR-REHMAN,  
Addl: Sessions Judge-XII,  
Peshawar

No. 13 ASJ-XII, Peshawar, dated the 16 /01/2018

*522*  
*16/1/18*  
*16/1/18*

**ATTESTED**

03 AUG 2018

(Examiner)  
Sessions Court Peshawar

Annex "E"

بخدمت جناب انسپکٹر جنرل آف پولیس، خیبر پختونخوا، پشاور

18

درخواست برادر دوبارہ بحالی نوکری ارحم اپیل

18

جناب عالی!

گزارش ہے کہ سائل کو جناب SP صاحب کینٹ نے بحوالہ آرڈر نمبر 957 مورخہ 08.03.2018 پر نوکری سے ڈس میس کیا تھا۔ اور سائل کی محکمانہ اپیل کو جناب سی سی پی او، صاحب نے بنا منظور کر لی ہے (کاپی ہمراہ لف ہے)۔ سائل پر جو الزام لگایا گیا ہے کہ میرا اسمگلروں کے ساتھ رابطہ ہے جو کہ سراسر غلط ہے۔ قصہ مختصر یوں ہے۔

"سائل نے روٹین کے مطابق PP ٹاون میں 12 سے 6 موبائل ڈیوٹی سرانجام دی اور بعد از فراغت ڈیوٹی چوکی ہذا میں سو گیا۔ جب من سائل 10 یا 10:30 بجے اٹھا تو میرے موبائل نمبر پر بہت کالیں آئی تھی۔ تسلی کیلئے میں نے اس نمبر پر کال کی ایک عورت مخاطب ہوئی اور من سائل کو کہا کہ آپ کے نمبر سے مجھے کال ہوا تھا۔ اور مزید بولی کہ میرا بیٹا سمس فرزند کہا ہے وہ ایک ماہ سے لاپتہ ہے۔ جو کہ من سائل نے لاعلمی ظاہر کی کیونکہ مجھے کچھ پتہ نہیں تھا۔ کیونکہ میرے موبائل سیٹ سے میرے کسی ساتھی نے جو چوکی میں موجود تھا نے اس عورت کو کال کی تھی۔ چونکہ میں نے آخری ڈیوٹی سرانجام دی تھی اور سو رہا تھا اس وجہ سے مجھے پتہ نہیں چلا کہ کس نے میرا موبائل استعمال کیا ہے۔ تقریباً 01:30 بجے عدالتی بیلف بمعہ وہ عورت آئی اور ایئر پورٹ ناکہ بندی کے ساتھ ایک کمرے سے سمس فرزند کو بازیاب کرایا۔ چونکہ میں پورے کہانی سے لاعلم ہوں۔ فرزند کو کس نے گرفتار کیا تھا اور کہاں رکھا تھا اس سے من سائل بے خبر تھا۔ SHO تھانہ ٹاون احمد اللہ خان بہتر جانتا ہے۔ چونکہ سیکری سے ایک معمولی کنشیل بے خبر ہوتا ہے۔ پھر SHO نے من سائل کو SP کینٹ کے سامنے پیش کیا اور سائل کو کوارٹر گارڈ میں ڈالا اور تقریباً 21 دن کوارٹر گارڈ بھی گزاری ہے۔

جناب والا! سائل کا قصور اتنا ہے کہ سائل کا موبائل سیٹ کسی دوسرے ساتھی نے غلط استعمال کیا ہے۔ اس وجہ سے سائل کو مورد الزام ٹھہرایا گیا ہے۔ چونکہ SP کینٹ صاحب کا فیصلہ انصاف کے منافی ہے۔ اور سائل نے انصاف کی تلاش کیلئے آپ صاحبان کا دروازہ کھٹکھٹایا ہے۔ سائل نا امید نہیں ہے۔ اور آپ صاحبان سے انصاف کی توقع کرتا ہے۔ بذریعہ درخواست استدعا ہے کہ سائل کو دوبارہ نوکری پر بحال کرنے سے مشکور فرمائیں۔

عین نوازش ہوگی۔

العارض

آپ کا مخلص سابقہ کنشیل ظفر اقبال نمبر 2091

المرقوم 29.03.2018

رابطہ نمبر 0315-9848903

ATTESTED

807/18

29-03-2018



OFFICE OF THE  
CAPITAL CITY POLICE OFFICER,  
PESHAWAR

Phone No. 091-9210989  
Fax No. 091-9212597

ORDER

This order will dispose off the departmental appeal preferred by ex-Constable Zafar Iqbal No. 2091 who was awarded the major punishment of dismissal from service by SP-Cantt: Peshawar vide OB No. 957 dated 8.3.2018.

2- The allegations levelled against him were that he while posted at Police Station University Town, Peshawar have linked with criminals and smugglers and also leaked the secrecy of Police which brought bad name for Police Force.

3- Proper departmental proceedings were initiated against him and Abdus Salam Khalid, SDPO-Town was appointed as the enquiry officer, who conducted a detailed enquiry. On receipt of findings of the enquiry officer, the competent authority issued him Final Show Cause Notice to which he replied. The same was perused and found unsatisfactory by SP-Cantt: Peshawar and as such awarded him the major punishment of dismissal from service.

4- He was heard in person in O.R. on 28/3/2018. The relevant record perused along with his explanation. He was given opportunity to defend himself but he could not produce any plausible explanation. All legal formalities have been fulfilled by enquiry officers and punishing authority. It is evident from the enquiry file and his previous record that he has earned 71-bad entries in his service, which clearly shows that he was an unwilling and none professional officer. There is no need to interfere in the order passed by SP-Cantt: Peshawar. Therefore, his appeal for re-instatement in service is hereby rejected/ filed.

(MUHAMMAD TAHIR) PSP  
CAPITAL CITY POLICE OFFICER,  
PESHAWAR

No 362 -- 67 MPA, dated Peshawar the 29.3.2018

Copies for inf: and n/a to the:-

- 1/ SP/Cantt: Peshawar.
- 2/ PO/OASI/CRC for making necessary entry in his S.Roll.
- 3/ FMC along with FM
- 4/ Official concerned.

ATTESTED



G 20

OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA  
PESHAWAR.

20

No. S/- 2873 /18, dated Peshawar the 16/07/2018.

ORDER

*Jameer*

This order is hereby passed to dispose of departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 submitted by Ex-FC Zafar Iqbal No. 2091. The petitioner was dismissed from service by SP/Cantt Peshawar vide OB No 957, dated 08.03.2018 on the charge that he while posted at Police Station Town has linked with criminals and smugglers and also leaked the secrecy of Police which brought bad name to Police in general public.

His appeal was rejected by Capital City Police Officer, Peshawar vide order Indst: No. 362-67/PA, dated 29.03.2018

Meeting of Appellate Board was held on 05.07.2018 wherein petitioner was heard in person. During hearing petitioner denied the allegation leveled against him

Petitioner failed to advance any plausible explanation in rebuttal of the charges. He has earned 70 bad entries in his service. Therefore, the Board decided that his petition is hereby rejected.

This order is issued with the approval by the Competent Authority.

(IRFAN ULLAH KHAN)  
AIC/Establishment,  
For Inspector General of Police,  
Khyber Pakhtunkhwa,  
Peshawar.

No. S/- 2874-80/18.

Copy of the above is forwarded to the:

1. Capital City Police Officer, Peshawar. Service Roll alongwith Fuji Missal and enquiry file of the above named Constable received vide your office Memo: No. 11130/CRC, dated 25.05.2018 is returned herewith for your office record.
2. Superintendent of Police, Cantt Peshawar.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. PA to Adtl: IGP/HQs: Khyber Pakhtunkhwa, Peshawar.
5. PA to DIG/HQs: Khyber Pakhtunkhwa, Peshawar.
6. PA to AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-IV CPO Peshawar.

*y*  
ATTESTED



# DEPARTMENT OF CARDIOLOGY

Medical Teaching Institution,  
Khyber Teaching Hospital, Peshawar.

(21)  
Amir  
(21)

Patient Name : Zafar Iqbal

Belt No. (2091)

Dated: 02-08-2018

-\*C/C

-Elevated BP

-Pulpitation

-Left Chest pain radiating towards Ltram

-Sob

-Tachycardic

-Tachypric

-\*O/e

-Temp 99 F

-Plus 96BPM

-SI + S2 + SI

-Abd is soft

-Lt Sided chest has fine Crepts

-CNS is intact

-Labs

-ECG Shows mild stelevation

-CXR shows N Cardiac show

-Trop is Neg

-CBC Normal

-Urine R/e Normal

-TG 240

\*Rx

1. Tab Acard Plus on Tables daily

2. Tab Rovista 10mg Daily 1 Tab 4 Weeks

3. Tab Lexotanil 3mg 10mg Daily 1 Tab 4 Weeks

4. Tab Capoten 50 mg 10mg Daily 1 Tab Continuously

5. Tab Voren 50mg 10mg Day and Night 10 Days

6. Cap Nexum 40 mg 10mg Daily 1 Tab Before Breakfast

-\* Induction

-Complete bed rest for at least one month.

-Avoid oily food

-Regular Exercise

-Eat more fruit and vegetables






I/C Cardiology Department

*[Signature]*  
**ATTESTED**

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ایڈوکیٹ: محمد ساجد ایڈووکیٹ	پشاور بار ایسوسی ایشن، خیبر پختونخواہ
بار کونسل ایسوسی ایشن نمبر: 2532-08-BC	
رابطہ نمبر: 0333-5858975	

بعدالت جناب: چیئر مین جی ایس ایف سروس ٹریڈیو سٹیٹس سٹاردر جیٹو کورٹ

مخانب: طفو رحمان (ادویہ)	دعوی:
بنام آئی۔ جی۔ پی۔ او۔ سٹور جی۔ ایس۔ ایف۔ سٹور	علت نمبر:
	مورخہ:
	جرم:
	تھانہ:
<b>باعت تحریر آگہ</b>	

طفو رحمان

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی دینی کاروائی متعلقہ  
 آن مقام۔ ساجد ایڈووکیٹ کو ذیل تقریر  
 کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کمال اختیار ہوگا، نیز وکیل صاحب کو  
 راضی نامہ کرنے و تقریر ثالث و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق  
 زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز  
 دائر کرنے اپیل نگرانی و نظریاتی پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی  
 کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقریر کا اختیار ہوگا اور صاحب  
 مقرر شدہ کو وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داخلہ منظور و قبول ہوگا  
 دوران مقدمہ میں جو خرچہ ہر جانب 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  
 المرقوم:-

WESHAWA ASSOCIATION KHYBER 30/08/2018




المقام ساجد ایڈووکیٹ کے لیے منظور ہے۔

نوٹ: اس وکالت نامہ کی فوٹو کاپی تاحال قبول ہوگی۔



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قیمت 50 روپے	  
ایڈوکیٹ: کامران سرور ایڈووکیٹ بار کونسل ایسوسی ایشن نمبر: BC-09-2588 رابطہ نمبر: 0336-9148236	پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب: حیدر علی صاحب سروس ٹرسٹری لٹری اور خیر خٹوگرا

منجانب: ایڈووکیٹ حیدر علی صاحب بنام آئی۔ جی۔ پی۔ ایف۔ ٹرسٹری حساب نمبر	دعویٰ: علت نمبر: مورخہ: جرم: تھانہ:
--	---

**باعث تحریر آنکہ**

طو احوال

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ  
 آن مقام کے ایڈووکیٹ کامران سرور ایڈووکیٹ کو وکیل مقرر  
 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 تقرر ثالث و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق  
 زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یک طرفہ یا اپیل کی برآمدگی اور منسوخی، نیز  
 دائر کرنے اپیل نگرانی و نظریاتی 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 داخہ منظور و قبول ہوگا  
 دوران مقدمہ میں جو خرچہ ہر جانبہ 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

المقوم: **SHAWAR B39/08/018**  
**KHYBER**

ایڈووکیٹ

مقام: **پشاور**  
 کے لیے منظور ہے۔

نوٹ: اس وکالت نامہ کی فوٹو کاپی ناقابل قبول ہوگی۔

Accepted  
 Approved by  
 30/08/18

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

**Service Appeal No.159/2015.**

Zafar Iqbal Ex-Constable District police Peshawar.....Appellant

**VERSUS.**

1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. A.I.G Police Establishment, Peshawar.
3. Capital City Police Officer, Peshawar.
4. Superintendent of Police Cantt: Peshawar.....Respondents.

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①

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

**Service Appeal No.159/2015.**

Zafar Iqbal Ex-Constable District police Peshawar.....Appellant

**VERSUS.**

1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. A.I.G Police Establishment, Peshawar.
3. Capital City Police Officer, Peshawar.
4. Superintendent of Police Cantt: Peshawar.....Respondents.

**Reply on behalf of Respondents No. 1, 2, 3 & 4.**

**Respectfully Sheweth:-**

**PRELIMINARY OBJECTIONS.**

1. That the appeal is badly time barred.
2. That the appeal is bad for mis-joinder and non-joinder of necessary parties.
3. That the appellant has not come to this Hon'able Tribunal with clean hands.
4. That the appellant has no cause of action.
5. That the appellant is estopped by his own conduct to file the instant appeal.
6. That the appellant has concealed the material facts from Honorable Tribunal.
7. That this Hon'ble tribunal has no jurisdiction to entertain the appeal.

**FACTS:-**

- 1- First part of para No.1 is pertains to record, while rest of the para is incorrect and denied on the ground that the appellant had a blemished service record.
- 2- Para No.2 is incorrect. The appellant had a blemished service record. The appellant has earned 71 bad entries in his service record, which clearly shows that he was an un-willing worker and not interested in official work.
- 3- Para No.3 is incorrect and denied. In fact the appellant while posted at Police Station Town rendered himself liable for departmental action on the charges of having links with criminals and smugglers and also leaked the secrecy of police. In this regard he was issued Charge Sheet and Statement of Allegations. SDPO/Town was appointed as Enquiry Officer. Upon the findings of enquiry office he was issued final show cause notice which he received and replied, but his reply was found unsatisfactory. Therefore the punishment order was passed.
- 4- Para No.4 is incorrect and denied. The allegations were found to have been proved beyond any shadow of doubt by the enquiry officer. The enquiry officer found the appellant guilty of the charges. As per CDR the appellant was in contact with the accused party for which he failed to show any justification.

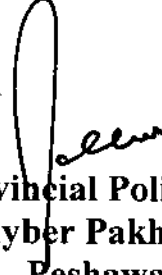
- 2
- 5- Para No.5 pertains to record, hence needs no comments.
  - 6- Para No.6 pertains to record, hence needs no comments.
  - 7- Para No.7 is incorrect and denied. The appellant leaked the internal secrecy of the police and was in contact with criminal elements. This act is a stigma for the police department.
  - 8- Incorrect and denied. In fact the appellant was in consistent contact with the accused party, and leaked the secrecy of the police which brought bad name for the police force.
  - 9- Incorrect. The appellant filed departmental appeal which after due consideration was filed/rejected because the charges leveled against him were proved.
  - 10-Para No.10 is correct to the extent that the appellant filed review petition before the appellate authority, but the appellant failed to advance any plausible explanation in rebuttal of the charges leveled against him. So his appeal was filed/rejected by the appellate authority.
  - 11-Incorrect and denied. The appellant failed to rebut the charges during the course of enquiry and the enquiry officer conducted through probe into the matter and found the appellant guilty of the charges.

**GROUND:-**

- A. Incorrect. The punishment orders passed by the competent authority is in accordance with law/rules.
- B. Incorrect. Proper charge sheet and statement of allegations were issued to the appellant and also issued final show cause notice which he received and also replied.
- C. Incorrect. The whole enquiry proceedings were initiated purely on merit and in accordance with law and rules. The appellant availed the opportunities of defense but he could not prove himself innocent.
- D. Incorrect. Proper departmental proceedings were initiated against the appellant in accordance with law/rules. Appellant was found guilty of the charges leveled against him. The appellant was provided with opportunity of defense but he failed to defend himself, hence the punishment order was passed.
- E. Incorrect. The allegations leveled against him were proved. The punishment order was passed in accordance with law/rules and liable to be upheld.
- F. Incorrect. After fulfilling all the codal formalities the charges leveled against him were proved, hence he was awarded the major punishment.
- G. That respondent may also be allowed to advance any additional grounds at the time of hearing the appeal.

**PRAYERS:-**

In view of the above, and keeping in view the gravity of slackness, willful negligence and misconduct of appellant, it is prayed that his appeal being devoid of any legal force may kindly be dismissed.



**Provincial Police Officer,  
Khyber Pakhtunkhwa,  
Peshawar.**



**Capital City Police Officer,  
Peshawar.**



**AIG Establishment,  
Khyber Pakhtunkhwa, Peshawar.**



**Superintendent of Police,  
HQrs, Peshawar.**

**BEFORE THE KYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.**

**Service Appeal No.159/2015.**


Zafar Iqbal Ex-Constable District police Peshawar.....Appellant

**VERSUS.**


1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. A.I.G Police Establishment, Peshawar.
3. Capital City Police Officer, Peshawar.
4. Superintendent of Police Cantt: Peshawar.....Respondents

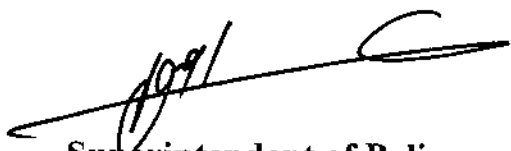
**AFFIDAVIT.**

We respondents 1, 2, 3 &4 do hereby solemnly affirm and declare that the contents of the written reply are true and correct to the best of our knowledge and belief and nothing has concealed/kept secret from this Honorable Tribunal.

  
Provincial Police Officer,  
Khyber Pakhtunkhwa,  
Peshawar.

  
Capital City Police Officer,  
Peshawar.

  
AIG Establishment,  
Khyber Pakhtunkhwa, Peshawar.

  
Superintendent of Police,  
HQrs, Peshawar.

5

**CHARGE SHEET**

I, Superintendent of Police, Cantt., Capital City Police Peshawar, as a competent authority, hereby, charge that Constable Zafar Iqbal No. 2091 of Capital City Police Peshawar with the following irregularities.

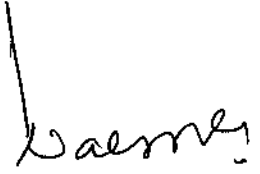
"It has been reported by SDPO Town that you Constable Zafar Iqbal No. 2091 has linked, with criminal and smugglers and you also leak the secrecy of police which brings bad name to police in general public. This amounts to gross misconduct on your part and against the discipline of the force."

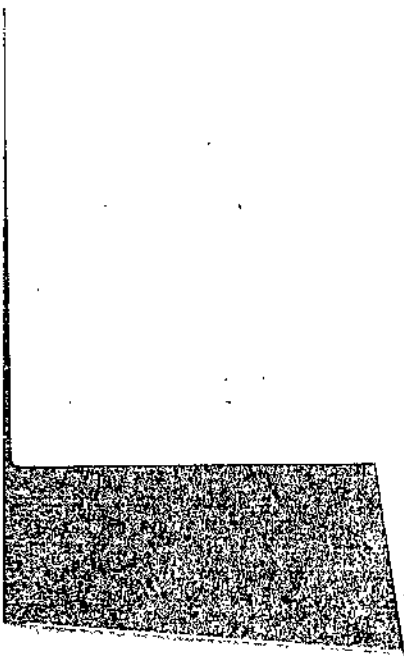
You are, therefore, required to submit your written defence within seven days of the receipt of this charge sheet to the Enquiry Officer committee, as the case may be.

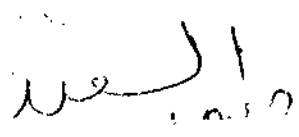
Your written defence, if any, should reach the Enquiry Officer/Committee within the specified period, failing which it shall be presumed that have no defence to put in and in that case ex-parte action shall follow against you.

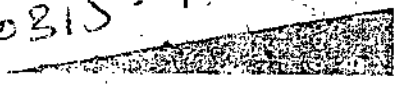
Intimate whether you desire to be heard in person.

A statement of allegation is enclosed.

  
**(WASEEM RIAZ KHAN) PSP**  
SUPERINTENDENT OF POLICE,  
CANTT, PESHAWAR





0315-98489  


**DISCIPLINARY ACTION**

6

I, Superintendent of Police, Cantt., Capital City Police Peshawar as a competent authority, am of the opinion that Constable Zafar Iqbal No. 2091 has rendered him-self liable to be proceeded against under the provision of Police Disciplinary Rules-1975.

OFFICE OF DSP  
Town Circle Peshawar  
Page No. 07-E  
Date: 24-1-2018

**STATEMENT OF ALLEGATION**

"That Constable Zafar Iqbal No. 2091 while posted to PS Town has linked with criminals & smugglers and he also leaks the secrecy of police which brings bad name to police in general public. This amounts to gross misconduct on his part and against the discipline of the force.

For the purpose of scrutinizing the conduct of said accused with reference to the above allegations an enquiry is ordered and DSP TOWN is appointed as Enquiry Officer.

2. The Enquiry Officer shall, in accordance with the provisions of the Ordinance, provide reasonable opportunity of hearing to the accused officer, record his finding within 30 days of the receipt of this order, make recommendations as to punishment or other appropriate action against the accused.
3. The accused shall join the proceeding on the date time and place fixed by the Enquiry Officer.

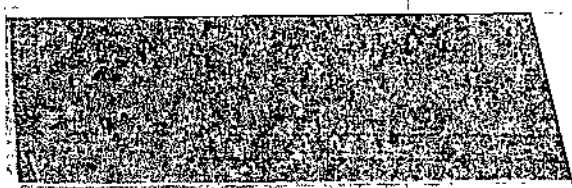
*Waseem Riaz Khan*

**(WASEEM RIAZ KHAN) PSP**  
SUPERINTENDENT OF POLICE,  
CANTT, PESHAWAR

No. 11 /E/PA, dated Peshawar the 23 - 1 /2018.

1. \_\_\_\_\_ is directed to finalize the aforementioned departmental proceeding within stipulated period under the provision of Police Rules-1975.
2. Official concerned

*DA*  
*for Mo. U.S.*  
*[Signature]*  
BY SUPD. OF POLICE  
Town Circle Peshawar



*W*  
*20/2/18*  
*0815-70*



Town Sub-Division

Cap

7

To: - Superintendent of Police,  
Peshawar Cantt.

From: - Deputy: Superintendent of Police,  
Town Peshawar.

No. 07-E /PA

Dated. 20 February: 2018

Subject: - Departmental Inquiry against Constable Zafar Iqbal No.2091

Memo: Please refer to your office No.11/E/PA- SPC dated 23/01/2018 on the subject

cited above,

This is a departmental enquiry against Constable Zafar Iqbal No.2091. The said constable while posted to PS Town was linked with criminals and smugglers. He was also leaking the secrecy of department which brought bad name to police in general public. W/SP-Cantt issued him charge sheet and summary of allegations. The undersigned was nominated enquiry officer to scrutinize the conduct of the said Constable.

Constable Zafar Iqbal No.2091 was summoned to the office. The said constable attended the office and his statement was recorded. He mentioned in his statement that he was sleeping after his routine mobile patrolling duty. When he got up around 1000 hrs, he saw 3 missed call on his mobile set. He dialed the number and a women attended the call. She was taking information about the arrest of a person namely Farzand from him. He replied that he was posted to PP Town and no lock up was situated there. He directed the women to contact the Police Station Town regarding the issue. He also mentioned that he did not know the accused Farzand Ali.

On the other hand accused Farzand Ali was wanted to PS Town Vide FIR No.669 dated 17.8.2018 u/s 352-34 PPC. As per report of SHO Town and CDR of the mobile of the under enquiry constable showed that, Constable Zafar Iqbal No.2091 was in contact with the accused

P.A  
Issue final show cause  
notice.  
SP Culi  
= 65 57

brother Atta and his friend Farooq. The said constable was helping the accused

brother and his friend to avoid the arrest of accused and was informing them about the strategy of police.

Findings.

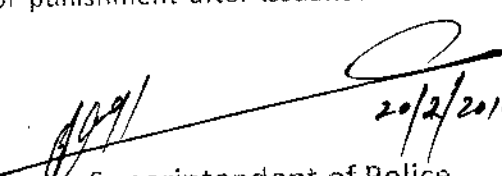
1: From the perusal of record and enquiry conducted it revealed that statement of the said constable is not based on true facts.

2: As per CDR he was in contact with accused party so many times about which he could not present any justification. During the whole episode both incoming and outgoing calls to the accused party can be observed.

3: The DD No 29, dated 07/01/2108 and DD No 08, dated 17/01/2018 also elaborate the non-professional attitude of the said constable.

The act of the constable is a stigma for the Police department. He is guilty because he leaked the internal secrecy of the Police and was in contact with criminal elements.

In the light of the above circumstances, I the undersigned as enquiry officer recommend Constable Zafar Iqbal No.2091 for major punishment after issuance of final show cause notice. (Relevant record is attached).

  
20/2/2018  
Deputy Superintendent of Police,  
Town Sub-Division Peshawar.

48903

9

FINAL SHOW CAUSE NOTICE

I Superintendent of Police, Cantt, Capital City Police, Peshawar as competent authority, under the provision of Police Disciplinary Rules 1975 do hereby serve you Zafar Iqbal No. 2091 of Capital City Police, Peshawar as follows.

1 (i) That consequent upon the completion of enquiry conducted against you by the enquiry officer for which you were given opportunity of hearing.

(ii) On going through the findings and recommendation of the enquiry Officer, the material on record and other connected papers produced before the E.O.

I am satisfied that you have committed the following acts/omissions specified in Police Disciplinary Rules 1975 of the said Ordinance.

"That you Constable Zafar Iqbal No. 2091 while posted at PS/Town, Peshawar have linked with criminal and smugglers and you also leak the secrecy of Police which brings bad name to Police in general Public"

2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you the penalty of major punishment under Police Disciplinary Rules 1975 for absence willfully performing duty away from place of posting.

3. You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.

4. If no reply to this notice is received within 7 days of its delivery, in normal course of circumstances, it shall, be presumed that you have no defence to put in and in that case as ex-parte action be taken against you.

5. The copy of the finding of the enquiry officer is enclosed.

*Same,*

**(WASEEEM RIAZ KHAN) PSP**  
SUPERINTENDENT OF POLICE,  
CANTT: PESHAWAR

No. 387 /PA, SP/Cantt: dated Peshawar the 22/2 /2018.

Copy to official concerned

*Handwritten signature and notes*

*Handwritten signature and date: 5-3-18*

*Handwritten number: 0315 9848903*



*Handwritten signature and date: 10/10*

*Handwritten number: 0315-9848903*

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

Service Appeal No. \_\_\_\_\_ 1126/2018

Zafar Iqbal

.....(Appellant)

Versus

I.G P KPK and others

.....(Respondent)

**REJOINDER ON BEHALF OF THE**  
**APPELLANT TO THE COMMENTS FILED**  
**BY THE RESPONDENTS.**

**Respectfully Sheweth,**

**Reply to Preliminary Objection:-**

I to VII: The Preliminary objections raised and taken by the Respondents are baseless unwarranted, void ab-initio and raised just to mislead this Hon'ble Tribunal. Not only the appellant has a good case, but having strong locus standi. Besides this the appeal of the appellant is well competent in its present form by imp leading all the necessary parties thereto.

On Facts:-

1. That para no 1 is denied as incorrect as laid down by the respondent as the petitioner has a crystal clear record to the entire satisfaction of his superior for a period of 20 years.
2. Para No. 2 and all its ingredients as laid down are misleading, therefore denied as such. The appellant ever remain dutiful and has performed duties with zeal and zest. A true picture is already detailed in the main Service Appeal.
3. That Para no 3 is admitted to the extent that the appellant was posted at police choke town while rest of the Para is denied as incorrect there is nothing on record beside the mere allegations to show that the appellant was having any link with the smugglers and criminals for the purpose to leak the secrecy of the Police in fact a constable is neither informed of the official secrecy nor the appellant was having any knowledge of the same what to say of leakage of the secrecy.
4. That Para no 4 is denied as incorrect, misleading baseless and escape from the real fact as the allegations due to which the appellant has been awarded the major punishment has never been proved. The

whole process has been based on malafide and just to save the skin of the blue eyed of the department the innocent constable has been dragged in the matter, hence the appellant being dutiful was made patsy on the basis of alleged allegations.

5. The real position of the whole scenario has earlier been given in the main service appeal, hence no comments.
6. No comments in respect of Para no 6.
7. That Para no 7 is denied as incorrect as drafted. The respondent in a haste manner without any inquiry soon after the detinue recovered on the orders of the Hon'ble session judge Peshawar, on the same day put the appellant in quarter guard without lessening the submission and prayers of the appellant, beside the fact the appellant rumbled for justice and informed the officials that he has no nexus with official secrecy and links with smugglers.
8. That Para no 8 is denied as incorrect. The detailed picture has been given in Para no 7.
9. That Para no 9 is denied as incorrect the application was decided in a hasty manner without observing and fulfillment of the ingredients of natural justice, in fact in the present case the respondent was bent upon

to award major punishment to the appellant at any cost. In the present case the respondent has crushed all the principals of natural justice and has deprived an innocent man of his bread and butter.

10. That Para no 10 is admitted to the extent that the appellant has filed departmental appeal while rest of the Para is denied as incorrect. The respondent was at any cost interested in the dismissal of the appellant, his appeal was altogether decided without observing the character and sacrifices which he has rendered to the department at a time when the police department was a soft target of terrorist activities.

11. Para No. 11 of the comments is misleading and is denied. Conducting a formal inquiry in case of imposition of major penalties is mandatory and particularly where factual controversies as in the instant case is involved. And non-conducting of the same tantamount to grave illegality which vitiates the whole process of imposition of any penalty.

On Grounds:-

A. Para No. A of the comments is baseless, unfounded and concocted, hence sternly denied. The punishment in the appellant's case is unwarranted and a classic example of arbitrary exercise of powers vested in the respondents.

B. Para No. B of the comments is misleading and is denied. The appellant was issued neither proper charge sheet nor was issued any final show cause notice, the whole proceedings is based on surmises and conjectures.

C. Para No. C of the comments is wrong, misleading and is therefore denied. Neither the procedure was adhered to, nor any proper inquiry was ever conducted. Conducting a formal inquiry in case of imposition of major penalties is mandatory and particularly where factual controversies as in the instant case is involved. And non-conducting of the same tantamount to grave illegality which vitiates the whole process of imposition of any penalty.

D. Para No. D of the comments is misleading and vague and is denied. The whole proceedings was conducted in a hasty manner and is based on assumptions and presumptions and is the result of misreading and non reading of the material available.


E. Para no E is denied as incorrect, the detailed reply and true picture of the whole proceedings has already been given.



F. Para no F is denied as incorrect, misleading and hypocritic and is an attempt to escape from the realities and is a sheer example of concealments of fact from this Hon'ble tribunal, however rest of the Para is correct to the extent that the appellant has been awarded major punishment.

G. Para no G is formal needs no comments.

It is, therefore, humbly prayed that appeal of the appellant may very graciously be allowed as prayed for therein in favour of the appellant.



Appellant


Through



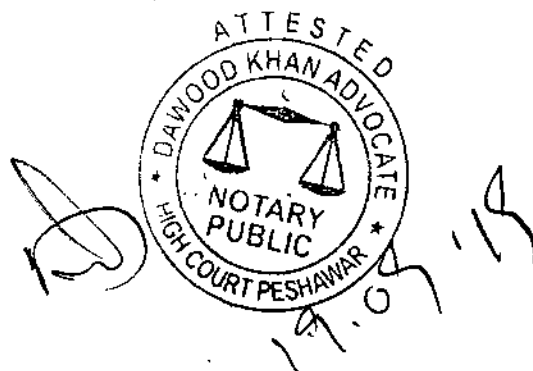
Muhammad sajid  
Advocate, High Court  
Peshawar.

**AFFIDAVIT:-**

I zafar Iqbal, do hereby solemnly affirm and declare on Oath that all the contents of this instant Rejoinder are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.



Deponent



گہاٹ مسہرہ سرگرمیوں میں فیس بھرتوں کو

ظفر زنگی ایم ایچ ڈی ایس ڈی

روزانہ مسہرہ میں تفریح

ذیلی سہولتیں کے لیے

یہ کہ قہرہ ہزاروں سالوں سے

جس کا آج روز 31/10/19

یہ کہ سہولتیں کے لیے

کے لیے سہولتیں کے لیے

حاضر ہے

یہ کہ سہولتیں کے لیے

یہ کہ سہولتیں کے لیے

31/10/19

یہ کہ سہولتیں کے لیے

یہ کہ سہولتیں کے لیے

قیمت  
50 روپے

67024



ایڈویکٹ: رگھو رمل خان

بار کونسل / ایسوسی ایشن نمبر:

رابطہ نمبر:

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب:

منجانب: <u>ظفر انجمال (ایمپلائمنٹ)</u>	دعوی:
	علت نمبر: <u>1126/2018</u>
	موردہ:
	جرم:
	تھانہ:

**باعث تحریر آنکہ**

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ  
آن مقام سید محمد سعید کو وکیل مقرر  
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 تقرر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق  
زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز  
دائر کرنے اپیل نگرانی 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 بقرر کا اختیار ہوگا اور صاحب  
مقرر شدہ کو وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پرداخت منظور و قبول ہوگا  
دوران مقدمہ میں جو خرچہ ہر جانباً اتوائے 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

المقام: پشاور بار ایسوسی ایشن

بد الع بد الع مقام کے لیے منظور ہے۔

Accepted  
&  
Attested

نوٹ: اس وکالت نامہ کی فونو کاپی ناقابل قبول ہوگی۔



**KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR**

No. 562 /ST

Dated: 24-2-2022

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281  
Fax:- 091-9213262


To

The Superintendent of Police Cantt,  
Government of Khyber Pakhtunkhwa  
Peshawar.

Subject: JUDGMENT IN APPEAL NO. 1126/2018 MR. ZAFAR IQBAL.

I am directed to forward herewith a certified copy of Judgement dated 10.01.2022 by this Tribunal on the above subject for strict compliance.

Encl: As above

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR